

AGENDA
REGULAR CITY COUNCIL MEETING
SAN DIMAS HOUSING AUTHORITY AND
SAN DIMAS PUBLIC FACILITIES
FINANCING CORPORATION
TUESDAY, DECEMBER 8, 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 Ebner

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:

RESOLUTION NO. 2015-53, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2015.

- b. Approval of minutes from November 9, Special Council Retreat meetings.
- c. Engineering and Right of Way Services for Realignment of Golden Hills Road thru County Flood Control Facility. Approval of Change Orders for Land Design Consultants, Inc. in the amount not to exceed \$60,000 for additional services for engineering designs and right of way services required to meet County approval.
- d. Approval of a Resolution authorizing the filing of an application for a Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement (Pavement) Grant.

RESOLUTION NO. 2015-55, A RESOLUTION OF THE CITY OF SAN DIMAS, CALIFORNIA AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF SAN DIMAS IS ELIGIBLE

- e. Approval of Administrative Services Agreement between the City of San Dimas and San Dimas Housing Authority.

END OF CONSENT CALENDAR

4. PUBLIC HEARING

- a) **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-08** – A request to allow expanded retail and service business uses currently not allowed within Specific Plan No. 24 (SP-24) Area 1, located at Citrus Station (Costco) Shopping Center. (APNs: 8383-009-061 thru -064, -077 thru -080, -082, 085, -088 thru -090, and -093 thru -098) **The Planning Commission recommended approval at their regular meeting of November 19, 2015 by a 4-0-1 vote.**

ORDINANCE 1237, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES ADOPTING MUNICIPAL CODE TEXT AMENDMENT 15-08 TO AMEND SECTION 18.540, SPECIFIC PLAN NO. 24, UPDATING THE PERMITTED AND CONDITIONALLY PERMITTED USES IN AREA 1. (FIRST READING AND INTRODUCTION)

Recommendation: Receive staff report and read ordinance title.

- b) **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-06** – A request to amend the uses in Specific Plan No. 17, Area 1 (Code Sec. 18.528), to allow for the off-site sale of beer and wine in conjunction with a conditionally permitted service station with convenience store. (APN: 8396-017-025) **The Planning Commission recommended approval at their regular meeting of November 19, 2015 by a 4-0-1 vote.**

ORDINANCE 1238, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 15-06 TO AMEND THE USES IN SPECIFIC PLAN NO. 17 AREA 1 (CODE SEC. 18.528) TO ALLOW FOR THE OFF-SITE SALE OF BEER AND WINE IN CONJUNCTION WITH A CONDITIONALLY PERMITTED SERVICE STATION WITH A CONVENIENCE STORE (FIRST READING AND INTRODUCE)

Recommended Action: Receive staff report and read ordinance title.

CONSIDERATION OF CONDITIONAL USE PERMIT 15-10 – A request to allow for the off-site sale of beer and wine (Type 20) in conjunction with a conditionally permitted service station with convenience store located at 1790 S. San Dimas Avenue (Via Verde 76). (APN: 8396-017-025) **The Planning Commission recommended approval at their regular meeting of November 19, 2015 by a 4-0-1 vote.**

RESOLUTION NO. 2105-54, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 15-10, A REQUEST TO ALLOW OFF-SITE SALES OF BEER AND WINE (TYPE 20 LICENSE) IN ASSOCIATION WITH A SERVICE STATION CONVENIENCE STORE (VIA VERDE 76) LOCATED AT 1790 SOUTH SAN DIMAS AVENUE (APN: 8396-017-025)

Recommended Action: Approve Resolution 2015-54

- c) **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-09** – A request to amend Chapter 18.194 Medical Marijuana to prohibit cultivation of marijuana and to prohibit mobile marijuana dispensaries citywide, and other miscellaneous edits. **The Planning Commission recommended approval at their regular meeting of November 19, 2015 by a 4-0-1 vote.**

ORDINANCE 1239, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 15-09 TO AMEND CHAPTER 18.194 MEDICAL MARIJUANA TO PROHIBIT THE CULTIVATION OF MARIJUANA AND THE ESTABLISHMENT OR OPERATION OF MOBILE MARIJUANA DISPENSARIES CITYWIDE AND OTHER MISCELLANOUS EDITS (**FIRST READING AND INTRODUCTION**)

5. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

- a. Public Comments (*This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.*)
- b. Approval of Minutes for meeting of December 9, 2014.
- c. Election of Officers
- d. Members of the Corporation

6. MEETING OF SAN DIMAS HOUSING AUTHORITY CORPORATION

- a. Public Comments (*This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.*)
- b. Approval of Minutes for meeting of December 9, 2014.
- c. Submittal of the San Dimas Housing Authority Annual Audit and Annual Report for FY 14-15
- d. Approval of Administrative Services Agreement between the City of San Dimas and the San Dimas Housing Authority

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
- 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 January 12, 2016, 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 January 7, 2016, 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 2015-53

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND
DECEMBER 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 Prepaid Warrant Register 11/30/15 (25356-25393) in the amount of
\$639,688.72; and Warrant Register 12/15/15 (153540-153624) in the amount of \$379,016.92.

PASSED, APPROVED AND ADOPTED this 8th, day of December, 2015.

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

ATTEST:

Debra Black, Assistant City Clerk

I HEREBY CERTIFY that Resolution 2015-53 was approved by vote of the City
Council of the City of San Dimas at its regular meeting of December 8th, 2015 by the following
vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Debra Black, Assistant City Clerk

11/30/2015

PREPAID

WARRANT REGISTER

Ck#'s 25356-25393

Total: \$639,688.72

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F
BANK OF AMERICA								
253556	11/30/15	RODRIGUEZ/ERICA	10695 BUNCO&HALLOWEEN SUPPLI	70.51				
253556	11/30/15	RODRIGUEZ/ERICA	10695 BUS DRV TIPS 10/10&14	50.00				
253556	11/30/15	RODRIGUEZ/ERICA	10695 HALLOWEEN STAGE PRIZES	30.00				
				150.51				*CHECK TOTAL
253557	11/30/15	ARELLANO/CONNIE	11119 HALLOWEEN SUPPLIES	6.54				
253557	11/30/15	ARELLANO/CONNIE	11119 REIMB K DELBON LUNCH9/	30.00				
253557	11/30/15	ARELLANO/CONNIE	11119 FITNESS&HALLOWEEN SUPP	32.02				
253557	11/30/15	ARELLANO/CONNIE	11119 REIMB A BRVANT SUPPLIE	32.06				
253557	11/30/15	ARELLANO/CONNIE	11119 FUND GRANT APP.FEE	156.92				
								*CHECK TOTAL
25358	11/30/15	MACKENZIE/CHRIS	10102 VOLUNTEER PATROLS&X-M	800.00				
25359	11/30/15	SAN DIMAS PAYROLL/CI	16050 P/E 11/07/15	155,106.23				
25360	11/30/15	CA-STATE DISBURSEMEN	11611 BIWKLY CHILD SUP.P/E1	567.69				
25361	11/30/15	EMPLOYMENT DEVELOPME	12343 SIT P/E 11/07/15	8,227.03				
25362	11/30/15	LINCOLN NATIONAL LIF	14286 EMP DED P/E 11/07	565.00				
25362	11/30/15	LINCOLN NATIONAL LIF	14286 CITY PORTION P/E 11	1,007.82				
				1,572.82				*CHECK TOTAL
25363	11/30/15	NATIONWIDE RETIREMNT	14735 EMP DED P/E 11/07/1	8,284.78				
25363	11/30/15	NATIONWIDE RETIREMNT	14735 CITY PORTION P/E 11	7,891.98				
				16,176.76				*CHECK TOTAL
25364	11/30/15	PERS RETIREMENT CONT	15639 EMP PORTION P/E 11	12,457.88				
25364	11/30/15	PERS RETIREMENT CONT	15639 CITY PORTION P/E 11	14,247.87				
25364	11/30/15	PERS RETIREMENT CONT	15639 SURVIOR BENE.P/E 11/07	58.52				
25364	11/30/15	PERS RETIREMENT CONT	15639 PAYBACK P/E 11/07/15	48.87				
25364	11/30/15	PERS RETIREMENT CONT	15639 OPTIONAL BENE.P/E 11/07	0.03				
25364	11/30/15	PERS RETIREMENT CONT	15639 EMP CONTR P/E 11/07	1,215.53				
25364	11/30/15	PERS RETIREMENT CONT	15639 CITY PORTION P/E 11	1,215.53				
25364	11/30/15	PERS RETIREMENT CONT	15639 SURVIOR BENE.P/E 11/07	8.37				
25364	11/30/15	PERS RETIREMENT CONT	15639 OPTIONAL BENE.P/E 11/07	0.01CR				
				29,248.59				*CHECK TOTAL
25365	11/30/15	SAN DIMAS EMPLOYEES	15995 SDEA DUES NOVEMBER 20	413.00				
25366	11/30/15	U.S. BANK	10590 EMP DED P/E 11/07/15	862.76				
25366	11/30/15	U.S. BANK	10590 CITY PORTION P/E 11/0	180.91				
				1,043.67				*CHECK TOTAL
25367	11/30/15	VANTAGEPOINT TRANSFE	17090 EMP DED P/E 11/07/1	2,051.92				
25367	11/30/15	VANTAGEPOINT TRANSFE	17090 CITY PORTION P/E 11/0	300.00				
				2,351.92				*CHECK TOTAL
25368	11/30/15	WAGE WORKS INC	10677 UNREIMB.MEDICAL P/E11	693.75				

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F
BANK OF AMERICA								
25369	11/30/15	DIVISION OF STATE AR	10839 SB1186 FEE RPT JULY-S	164.70				
25370	11/30/15	SAN GABRIEL VALLEY C	12559 SGVOMA MTG FOR MGR11/1	30.00		NOV/18/2015		
25371	11/30/15	SAN DIMAS PAYROLL/CI	16050 P/E 11/21/15	183,964.39				
25372	11/30/15	AFLAC BENEFIT SERVIC	11077 CANCER INS. NOV 2015	676.66				
25372	11/30/15	AFLAC BENEFIT SERVIC	11077 SPCIAL EVENT INS. NOV	200.60				
25372	11/30/15	AFLAC BENEFIT SERVIC	11077 ACCIDENT INS. NOV 201	446.26				
25372	11/30/15	AFLAC BENEFIT SERVIC	11077 HOSPITAL INS. NOV 201	592.58				
25372	11/30/15	AFLAC BENEFIT SERVIC	11077 VISION INS. NOV 2015	112.40				
25372	11/30/15	AFLAC BENEFIT SERVIC	11077 OPTIONAL BENE. NOV 15	0.03CR				
				2,028.47		*CHECK TOTAL		
25373	11/30/15	CA-STATE DISBURSEMEN	11611 BI-WKLY CHILD P/E 11/	567.69				
25374	11/30/15	CALIF PERS RETIREMEN	15048 EMP DED NOV FOR DEC 3	685.36				
25374	11/30/15	CALIF PERS RETIREMEN	15048 CITY PORTION NOV F	49,678.78				
25374	11/30/15	CALIF PERS RETIREMEN	15048 RETIREE FEE NOV FOR	2,440.00				
25374	11/30/15	CALIF PERS RETIREMEN	15048 ADMIN. FEE NOV FOR	DEC 189.36				
				56,002.50		*CHECK TOTAL		
25375	11/30/15	EMPLOYMENT DEVELOPME	12343 SIT P/E 11/21/15	11,979.17				
25376	11/30/15	GUARDIAN - APPLETON	12986 EMP DED NOV FOR DEC 2	391.76				
25376	11/30/15	GUARDIAN - APPLETON	12986 CITY PORTION NOV FO	7,683.36				
				8,075.12		*CHECK TOTAL		
25377	11/30/15	INLAND EMPIRE UNITED	17060 EMP DED NOV 2015	268.00				
25378	11/30/15	LINCOLN NATIONAL LIF	14286 EMP DED P/E 11/21/15	565.00				
25378	11/30/15	LINCOLN NATIONAL LIF	14286 CITY PORTION P/E 11	1,007.82				
				1,572.82		*CHECK TOTAL		
25379	11/30/15	NATIONWIDE RETIREMNT	14735 EMP DED P/E 11/21/1	8,284.78				
25379	11/30/15	NATIONWIDE RETIREMNT	14735 CITY PORTION P/E 11	7,891.98				
				16,176.76		*CHECK TOTAL		
25380	11/30/15	PERS RETIREMENT CONT	15639 EMP PORTION P/E 11	12,473.63				
25380	11/30/15	PERS RETIREMENT CONT	15639 CITY PORTION P/E 1	14,260.89				
25380	11/30/15	PERS RETIREMENT CONT	15639 SURVIOR BENE. P/E 11/21	59.52				
25380	11/30/15	PERS RETIREMENT CONT	15639 PAYBACK P/E 11/21/15	48.87				
25380	11/30/15	PERS RETIREMENT CONT	15639 OPTIONAL BENE P/E 11/21	0.03				
25380	11/30/15	PERS RETIREMENT CONT	15639 EMP CONTRI P/E 11/2	1,241.06				
25380	11/30/15	PERS RETIREMENT CONT	15639 CITY PORTION P/E 11	1,241.06				
25380	11/30/15	PERS RETIREMENT CONT	15639 SURVIOR BENE P/E 11/21	8.37				
25380	11/30/15	PERS RETIREMENT CONT	15639 OPTIONAL BENE P/E 11/21	0.02CR				
				29,333.41		*CHECK TOTAL		
25381	11/30/15	U.S. BANK	10590 EMP DED P/E 11/21/15	845.52				
25381	11/30/15	U.S. BANK	10590 CITY PORTION P/E 11/2	177.31				
				1,022.83		*CHECK TOTAL		

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F
BANK OF AMERICA								
25382	11/30/15	VANTAGEPOINT TRANSFE	17090 EMP DED P/E 11/21/1	2,051.92				
25382	11/30/15	VANTAGEPOINT TRANSFE	17090 CITY PORTION P/E 11/2	300.00				
				2,351.92				
								*CHECK TOTAL
25383	11/30/15	VISION SERVICE PLAN	17182 EMP DED NOV FOR DEC 15	81.46				
25383	11/30/15	VISION SERVICE PLAN	17182 VISION CITY PORTION D	879.50				
25383	11/30/15	VISION SERVICE PLAN	17182 EMP PYMT NOV FOR DEC 1	16.24				
				977.20				
								*CHECK TOTAL
25384	11/30/15	WAGE WORKS INC	10677 UNREIMB.MEDICAL P/E11	693.75				
25385	11/30/15	WAGE WORKS INC	10677 ADMIN.FEES FOR NOV 201	60.00				
25385	11/30/15	WAGE WORKS INC	10677 ADMIN FEE/OPT.BENE NOV	59.00				
				119.00				
								*CHECK TOTAL
25386	11/30/15	DELTA DENTAL INSURAN	15140 CITY PORT NOV FOR DEC	849.67				
25387	11/30/15	DELTA DENTAL OF CALI	11973 EMP DED NOV FOR DEC/15	89.10				
25387	11/30/15	DELTA DENTAL OF CALI	11973 CITY POR NOV FOR DE	2,513.47				
25387	11/30/15	DELTA DENTAL OF CALI	11973 EMP PYMT NOV FOR DEC/1	85.51	CR			
				2,517.06				
								*CHECK TOTAL
25388	11/30/15	RODRIGUEZ/ERICA	10695 PTY CASH DOWNTOWN EXT	800.00				
25389	11/30/15	ALL AROUND MOBILE HO	11168 801 W. COVINA BLVD	2,400.00				
25390	11/30/15	VALDIVIA/STEVEN	12134 CJPIA CONF LUNCH 9/28/	11.09				
25390	11/30/15	VALDIVIA/STEVEN	12134 MILEAGE CSMFO 11/6/15	33.70				
25390	11/30/15	VALDIVIA/STEVEN	12134 FRAUD PREV SEMINAR 11/	34.72				
25390	11/30/15	VALDIVIA/STEVEN	12134 PKG REFUNDS 9/28-11/12	24.00				
25390	11/30/15	VALDIVIA/STEVEN	12134 SCAG MTG 9/25/15	15.00				
25390	11/30/15	VALDIVIA/STEVEN	12134 EPINOSA REGIST SEMINAR	30.00				
25390	11/30/15	VALDIVIA/STEVEN	12134 TAC MEETING 10/22/15	50.00				
25390	11/30/15	VALDIVIA/STEVEN	12134 CASH OVERAGE	0.01	CR			
				198.50				
								*CHECK TOTAL
25391	11/30/15	BASAL/ROY	10725 REPLCMENT FOR CK #150	100.00				
25392	11/30/15	LOPEZ/PETER	10881 COMPUTER LOAN PROGR	1,156.87				
25393	11/30/15	PERS RETIREMENT CONT	15639 LUMP SUM PAYMENT	100,000.00				
150099	11/30/15	LIN/ (PEI) CAROL	.00002 CK RTN/NO CONTRACT/VOI	40.00	CR			
150175	11/30/15	BASAL/ROY	10725 CK #150175 VOID- LOST	100.00	CR			
150337	11/30/15	MARR/BOBBIE	.00003 CK NOT CASHED/VOID	25.00	CR			
150853	11/30/15	FATOR/LARRY	.00001 CK RTN/NO CONTACT/VOID	5.00	CR			
BANK OF AMERICA								
			TOTAL	639,688.72				

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Disbursement Journal

WARRANT DATE VENDOR
REPORT TOTALS:

DESCRIPTION

AMOUNT

CLAIM INVOICE

PO#

F

639,688.72

RECORDS PRINTED - 000093

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Disbursement Journal

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL FUND	637,074.02
034	HOUSING AUTHORITY 2-1-12	2,400.00
072	PROP A LOCAL TRANSPORTATION	50.00
110	TRUST AND AGENCY	164.70
TOTAL ALL FUNDS		639,688.72

BANK RECAP:

BANK	NAME	DISBURSEMENTS
CHEK	BANK OF AMERICA	639,688.72
TOTAL ALL BANKS		639,688.72

12/15/2015

WARRANT REGISTER

Checks # 153540-153624

Total: \$ 379,016.92

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F
BANK OF AMERICA								
153540	12/15/15	ACT NOW! SIGNS	10136 CHANGE DATE ON BANNER	98.10		18548		
153541	12/15/15	AIRGAS USA	10165 GLV CHEM RES LG NPRN G	81.58		9045501864		
153542	12/15/15	ALABBASI CONSTRUCTIO	11071 CC2014-01 Foothill 89,	479.71		8		
153543	12/15/15	ALBERTSON'S	10488 CLEAN UP PROJECT SUPP	153.10		025568		
153544	12/15/15	ALESHIRE & WYNDER, L	10913 GENERAL	4,410.00		35047		
153544	12/15/15	ALESHIRE & WYNDER, L	10913 PLANNING	7,807.00		35048		
153544	12/15/15	ALESHIRE & WYNDER, L	10913 PUBLIC WORKS / ENGINE	888.00		35049		
				13,105.00		*CHECK TOTAL		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 TOWELS	4.80		14012146680		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 UNIFORMS	45.10		140122146680		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 TOWELS	4.80		14012220194		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 UNIFORMS	60.10		14012220194		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 TOWELS	4.80		14012330001		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 UNIFORMS	41.00		14012330001		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 UNIFORMS	20.55		14012340000		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 UNIFORMS	20.55		14012340000		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 TOWELS	4.80		14012440000		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 UNIFORMS	41.00		14012440000		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 UNIFORMS	20.55		14012440000		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 TOWELS	4.80		14012550000		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 UNIFORMS	41.00		14012550000		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 UNIFORMS	20.55		14012550000		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 TOWELS/CREDIT	19.19	CR	14100444950		
153544	12/15/15	AMERIPRIDE UNIFORM S	10505 TOWELS/CREDIT	4.19	CR	14100444951		
				311.20		*CHECK TOTAL		
153546	12/15/15	ARAMARK REFRESHMENT	10288 COFFEE SUPPLIES	295.19		1339584		
153547	12/15/15	ARCHITERRA DESIGN GR	11914 BONITA BOARDWALK PR 6,	011.25		20464		
153547	12/15/15	ARCHITERRA DESIGN GR	11914 BONITA BOARDWALK P	28,935.00		20574		
				34,706.25		*CHECK TOTAL		
153548	12/15/15	BATTERY WORX, INC.	11064 DEKA SEAMATE	203.36		1-59148		
153549	12/15/15	BONITA UNIFIED SCH D	11210 SAN DIMAS BUS COSTS	2,133.50		1085		
153550	12/15/15	BRYANT/ARIEL	10906 REIMB.HOLIDAY SUPPLIES	55.44				
153551	12/15/15	C.A.C.E.O.	10311 MEMBER DUES D.TORRE	85.00		300001468		
153551	12/15/15	C.A.C.E.O.	10311 MEMBERS DUES J.HARTUNG	85.00		300001519		
				170.00		*CHECK TOTAL		
153552	12/15/15	CASTILLO'S MOBILE TR	11049 SVS UNITS#25,28,27,40	150.00		1917		
153553	12/15/15	COAST FITNESS REPAIR	11649 SERVICE FITNESS EQUIP	175.00		61943		

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12/02/2015 11:15:32

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F
BANK OF AMERICA								
153554	12/15/15	COMMUNITY SENIOR SER	10620 GETABOUT TIX#81982-82	600.00		GATIX1124		
153554	12/15/15	COMMUNITY SENIOR SER	10620 GETABOUT TIX#81982-82	400.00		GATIX1124		
				1,000.00	*CHECK	TOTAL		
153555	12/15/15	D.H. MAINTENANCE SER	11950 STEAM CLEAN FURNITURE	580.00		18158		
153556	12/15/15	DAPEER,ROSENBLIT & L	11960 OCT M.C.PROSECUTIONS	437.50		10697		
153557	12/15/15	DAVISON/MARY	.00001 REFUND,CUSTOMER W/DREW	57.50				
153558	12/15/15	DIGITAL MAP PRODUCTS	10506 COMMUNITY VIEW11/1	23,630.00		13650		
153559	12/15/15	DTSC	10869 HAZARDOUS MATERIAL FE	150.00		VQ#201552323		
153560	12/15/15	DURAN/KEN	10169 REIMB.AIRFARE,CJPIA C	127.00		8/21/2015		
153561	12/15/15	ED'S AUTO PARTS	12188 BEAR WIPER, AIR FILTER	28.23		138135		
153561	12/15/15	ED'S AUTO PARTS	12188 INDICATOR RED,AMBER TO	20.64		138436		
				48.87	*CHECK	TOTAL		
153562	12/15/15	ENTERPRISE RENT A CA	11402 CAR RENT,URREA,C.11/1	125.35		2W8XPL		
153563	12/15/15	EWING IRRIGATION PRO	12340 RE DIAPH ASSY,RECTORSE	68.10		669404		
153564	12/15/15	EXCEPTIONAL CHOICE L	10838 INSPECTION PW PROJE	3,534.00		1028		
153564	12/15/15	EXCEPTIONAL CHOICE L	10838 INSPECTION PW PROJE	1,984.00		1029		
				5,518.00	*CHECK	TOTAL		
153565	12/15/15	FALCON SIGNS	10432 COMMERICAL SIGN GROUN	100.00		#YSG8UZ		
153566	12/15/15	FISHER ASSOCIATES/RI	11036 MARCHANT PK REHAB.P	4,023.15		3717		
153567	12/15/15	POSTER CITY/CITY OF	11170 STARTUP TRAIN,ANN.F	5,000.00		9610		
153568	12/15/15	GANAHL LUMBER COMPAN	10758 BROWNTONE .40 ACQ #2	239.32		A887848		
153569	12/15/15	GLENDORA CHEVROLET	11172 MIRROR REPLACEMENT	108.63		4786		
153570	12/15/15	GOLDEN STATE WATER	16324 706830000007	911.98				
153570	12/15/15	GOLDEN STATE WATER	16324 594930000000	74.82				
153570	12/15/15	GOLDEN STATE WATER	16324 874930000003	273.24				
153570	12/15/15	GOLDEN STATE WATER	16324 227572000005	167.55				
153570	12/15/15	GOLDEN STATE WATER	16324 162040000000	971.37	2,			
153570	12/15/15	GOLDEN STATE WATER	16324 371930000009	44.88				
153570	12/15/15	GOLDEN STATE WATER	16324 375930000005	267.26				
153570	12/15/15	GOLDEN STATE WATER	16324 471930000008	48.41				
153570	12/15/15	GOLDEN STATE WATER	16324 552930000000	57.20				
153570	12/15/15	GOLDEN STATE WATER	16324 709222000004	88.91				
153570	12/15/15	GOLDEN STATE WATER	16324 771930000005	81.86				
153570	12/15/15	GOLDEN STATE WATER	16324 884930000009	77.83				
153570	12/15/15	GOLDEN STATE WATER	16324 426762000001	60.21				
153570	12/15/15	GOLDEN STATE WATER	16324 997122000007	269.72				

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F #
BANK OF AMERICA								
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	57.20				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	114.31				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	170.44				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	56.88				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	257.00				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	57.77				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	182.06				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	313.06				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	57.20				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	344.75				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	71.29				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	67.77				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	78.33				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	5,798.88				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	4,339.99				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	1,222.74				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	1,144.70				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	2,263.74				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	478.64				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	3,270.22				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	118.22				
153570	12/15/15	GOLDEN STATE WATER	CCCCCCCCCCCCCCCC	1,915.11				
				15,915.11				
								*CHECK TOTAL
153571	12/15/15	GRAINGER	12944 ROPE 100 FT	266.17		9893760638		
153571	12/15/15	GRAINGER	12944 GLOBE VALVE	77.78		9895472265		
153571	12/15/15	GRAINGER	12944 PORTABLE DESKTOP	35.84		9901738410		
				379.79				*CHECK TOTAL
153572	12/15/15	GUESS/WENDY	10435 REIMB. MAKE-UP SUPPLI	966.01				
153572	12/15/15	GUESS/WENDY	10435 REIMB. SHOOT'N STAR	93.18				
153572	12/15/15	GUESS/WENDY	10435 REIMB. SHOOT'N STAR	302.03				
				1,361.22				*CHECK TOTAL
153573	12/15/15	HALE/DONNA	.00002 REFUND DEPOSIT 11/21/	500.00				
153574	12/15/15	HENRY/TRICIA	10874 PYMT.HOLIDAY DINNER	250.00		1516-006		
153575	12/15/15	INLAND EMPIRE	13575 DAY@CHAPMAN UNIV.11/2	755.50		46072		
153575	12/15/15	INLAND EMPIRE	13575 DAY@CHAPMAN UNIV.11/2	380.00		46072		
				1,135.50				*CHECK TOTAL
153576	12/15/15	INLAND OFFICE PRODUC	10441 OFFICE SUPPLIES	971.40		873350		
153577	12/15/15	JOHNNY ALLEN TENNIS	11772 INSTR.TENNIS 11/10-	1,315.80				
153578	12/15/15	KIRBY EXCAVATION, IN	10438 GRADALL, TRANSPORT	2,920.00		00016406		
153579	12/15/15	L.A. CO. DEPT OF PUB	14297 IND.WASTE,LABOR,EQI	6,643.06		PW-15102905112		

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F
BANK OF AMERICA								
153579	12/15/15	L.A. CO. DEPT OF PUB	14297 GOLDEN HILLS PROJEC	3,804.95		PW-151029	05196	
153579	12/15/15	L.A. CO. DEPT OF PUB	14297 LABOR & EQUIPMENT	111.06		PW-151029	05196	
153579	12/15/15	L.A. CO. DEPT OF PUB	14297 LABOR & EQUIPMENT	150.74		PW-151029	05196	
153579	12/15/15	L.A. CO. DEPT OF PUB	14297 LABOR & EQUIPMENT	683.74		PW-151029	05196	
153579	12/15/15	L.A. CO. DEPT OF PUB	14297 LABOR & EQUIPMENT	23.14		PW-151029	05196	
153579	12/15/15	L.A. CO. DEPT OF PUB	14297 #CSR28367 FOOHILL	7,235.34		151029051	05196	
153579	12/15/15	L.A. CO. DEPT OF PUB	14297 #CSR28367 FOOHILL	BL, 765.27		15110506051	05196	
				19,435.63	*CHECK	TOTAL		
153580	12/15/15	L.A. COUNTY ASSESSOR	14300 MAPS BY E'MAIL	4.00		16ASRE122		
153581	12/15/15	L.A. COUNTY FIRE DEF	10490 HAZARDOUS MATERIAL,WA	363.00		IN0219865		
153582	12/15/15	L.A. COUNTY SHERIFF'	14307 S.T.A.R DEPUTY SERVIC	255.42		161442JJ		
153582	12/15/15	L.A. COUNTY SHERIFF'	14307 OCT PRISONER MAINT.	181.02		161806WM		
				436.44	*CHECK	TOTAL		
153583	12/15/15	LA VERNE POWER EQUIP	11666 FILLER CAP	6.45		78696		
153583	12/15/15	LA VERNE POWER EQUIP	11666 SUPER 20 CHISEL CHAIN	71.23		78696		
				77.69	*CHECK	TOTAL		
153584	12/15/15	LIFT TEK	10249 FACILITY SUPPLIES	823.76		A12914		
153584	12/15/15	LIFT TEK	10249 FACILITY SUPPLIES	157.94		A12914		
153584	12/15/15	LIFT TEK	10249 HEAD LIGHT, MIRROR, SWI	168.29		21146		
				1,149.99	*CHECK	TOTAL		
153585	12/15/15	LOWE'S HOME IMPROVEM	10479 ATTIC COVER SCREENS	6.15		02004		
153585	12/15/15	LOWE'S HOME IMPROVEM	10479 GRADE STAKE RED VELVE	247.50		02450		
153585	12/15/15	LOWE'S HOME IMPROVEM	10479 TOOLS FOR UNITS#20,29	462.07		02777		
153585	12/15/15	LOWE'S HOME IMPROVEM	10479 BATTERIES	43.92		09571		
153585	12/15/15	LOWE'S HOME IMPROVEM	10479 TENSION BAR	20.44		19041		
153585	12/15/15	LOWE'S HOME IMPROVEM	10479 RESTROOM SUPPLIES6	38.19		60411		
153585	12/15/15	LOWE'S HOME IMPROVEM	10479 MISC HARDWARE	20.01		60511		
153585	12/15/15	LOWE'S HOME IMPROVEM	10479 RUBBER MALLET	10.33		60511		
				848.61	*CHECK	TOTAL		
153586	12/15/15	MARKOSSIAN/ANNETTE H	10816 INSTR.TINY TOTS OCT	1,425.60				
153587	12/15/15	MARSAN TURF & IRRIGA	14540 SMITHBLAIR PIPECPL	93.49		407612		
153587	12/15/15	MARSAN TURF & IRRIGA	14540 IRRIGATION SUPPLIES	183.55		407639		
				277.04	*CHECK	TOTAL		
153588	12/15/15	MC LAY SERVICES INC	14580 REPLACE PRESSURE SWIT	325.00		INV 48848		
153589	12/15/15	MOBILE HOME IMPROVEM	14600 1245 W. CIENEGA # 4	2,745.00		PO1516-199		
153590	12/15/15	MYFLEETCENTER.COM	12278 SERVICE & LABOR UNIT#7	73.50		1712978099BAY9		
153591	12/15/15	OFFICE SOLUTIONS	10885 OFFICE SUPPLIES	28.02		I-00864963		
153591	12/15/15	OFFICE SOLUTIONS	10885 OFFICE SUPPLIES	50.80		I-00864964		

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F
BANK OF AMERICA								
153591	12/15/15	OFFICE SOLUTIONS	10885 OFFICE SUPPLIES	50.80		I-00865738		
153591	12/15/15	OFFICE SOLUTIONS	10885 OFFICE SUPPLIES	185.14		I-00867182		
				314.76	*CHECK	TOTAL		
153592	12/15/15	PAPA	10315 2016 MEMBER DUES D.CHA	45.00		2016		
153593	12/15/15	PAPERDIRECT, INC.	10576 MERLOT PAPER	284.93		3517799001011		
153594	12/15/15	PARRO/ARMANDO	.00003 REFUND CLEAN/DAMAGE D	303.11				
153595	12/15/15	PLUMBING WHOLESALE O	15093 SINGLE HOLE METER FAU	138.48		S100057708.001		
153596	12/15/15	POMONA WHOLESALE ELE	15389 LEV OCCPNY SNSOR	53.82		S2251370.001		
153597	12/15/15	PRINT CONNECTION	12288 PARKS&REC.HOLIDAY FLY	543.37		12768		
153598	12/15/15	RECONCILED TERMITE	11188 OCT PEST CTRL MARTIN H	30.00		7012		
153598	12/15/15	RECONCILED TERMITE	11188 OCT PEST CTRL SR CNT C	440.00		7012		
153598	12/15/15	RECONCILED TERMITE	11188 OCT PEST CTRL MARCHANT	330.00		7012		
153598	12/15/15	RECONCILED TERMITE	11188 OCT PEST CTRL SYCAMORE	330.00		7012		
153598	12/15/15	RECONCILED TERMITE	11188 OCT PEST CTRL SWIM&RAC	100.00		7012		
153598	12/15/15	RECONCILED TERMITE	11188 OCT PEST CTRL CITY CO	100.00		7012		
153598	12/15/15	RECONCILED TERMITE	11188 OCT PEST CTRL LADERA	328.00		7012 LADERA		
153598	12/15/15	RECONCILED TERMITE	11188 OCT PEST CTRL LONE HIL	329.00		7012 LONE HILL		
					*CHECK	TOTAL		
153599	12/15/15	RICOH USA, INC	10812 NOV IMAGES #33352753	310.26		5039233456		
153599	12/15/15	RICOH USA, INC	10812 NOV IMAGES #33333031	16.54		5039233377		
153599	12/15/15	RICOH USA, INC	10812 NOV IMAGES #33333039	47.27		5039233381		
153599	12/15/15	RICOH USA, INC	10812 NOV IMAGES #333337617	174.56		5039233332		
153599	12/15/15	RICOH USA, INC	10812 NOV IMAGES #333330444	123.45		5039233361		
153599	12/15/15	RICOH USA, INC	10812 NOV IMAGES #333330163	124.29		5039233314		
153599	12/15/15	RICOH USA, INC	10812 NOV IMAGES #333331035	688.30		5039233316		
153599	12/15/15	RICOH USA, INC	10812 NOV IMAGES #333337607	56.61		50392333701		
				1,541.28	*CHECK	TOTAL		
153600	12/15/15	RIGHT OF WAY INC	12433 BUTYL PAD, CHANNNELIZE	54.72		19945		
153601	12/15/15	SAN GABRIEL VALLEY Y	17435 INTERVALE SR.SVS NOV	520.00				
153602	12/15/15	SANDERS LOCK & KEY	15816 FORT CAM LOCK	8.24		SC00022341		
153603	12/15/15	SCHWEITZER/DORA	11360 INSTR.TINY TOTS OCT	1,742.40				
153604	12/15/15	SEBADA ORTIZ/ANA LUI	.00004 REFUND DEPOSIT 11/21/	500.00				
153605	12/15/15	SMART & FINAL	16292 THANKSGIVING PARTY SUPP	6.53		105149		
153605	12/15/15	SMART & FINAL	16292 STUDENT UNION SNACK B	163.24		105759		
153605	12/15/15	SMART & FINAL	16292 SATURDAY STROLL SUPPLI	36.67		106619		
153605	12/15/15	SMART & FINAL	16292 HOLIDAY SWEET TREATS	37.06		111589		
				263.80	*CHECK	TOTAL		

ACS FINANCIAL SYSTEM
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Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F S
		BANK OF AMERICA						
153615	12/15/15	VALLEY TROPHY	17098 3ADULT SOFTBALL TROPHI	87.20		20943		
153616	12/15/15	VAN OOSTEN/LUCIEN F.	10713 INSTR.GRAPHITE OCT-DE	248.20				
153617	12/15/15	VERIZON CALIFORNIA	17164 909 305-4876	46.31				
153617	12/15/15	VERIZON CALIFORNIA	17164 909 592-8556	47.64				
				93.95				
								*CHECK TOTAL
153618	12/15/15	WARD/LATOYIA	12039 REIMB.TRAVEL EXP.BURB	172.10			NOV 18-19,2015	
153619	12/15/15	WATERLINE TECHNOLOGI	10242 HYPOCHLORITE SOLUTION	273.02		5323377		
153619	12/15/15	WATERLINE TECHNOLOGI	10242 HYPOCHLORITE SOLUTION	296.74		5323956		
				569.76				
								*CHECK TOTAL
153620	12/15/15	WEST COVINA NURSERY	10708 PLANTS FOR BONITA M 2,	468.85		390682		
153621	12/15/15	WHORTON/STAN	10856 UMPIRE FORFEIT FEE 11/	20.00				
153622	12/15/15	WKE INC	10574 CONSULT SVS,BRIDGE BI	525.03		29		
153623	12/15/15	XEROX CORPORATION	17425 6204CP COPIER W/OUT SR	38.00		701919407		
153623	12/15/15	XEROX CORPORATION	17425 WC7428P PRINTER	231.04		701919407		
				269.04				
								*CHECK TOTAL
153624	12/15/15	ZEP SALES & SERVICE	17452 ZEP SPREE,TKO,IND.CIT	638.75		9001986165		
		BANK OF AMERICA						
			TOTAL	379,016.92				

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12/02/2015 11:15:32

Disbursement Journal

WARRANT DATE VENDOR
REPORT TOTALS:

DESCRIPTION

AMOUNT

CLAIM

INVOICE

PO#

P 5

379,016.92

RECORDS PRINTED - 000221

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL FUND	99,329.44
006	SEWER EXPANSION	6,643.06
007	CITY WIDE LIGHTING DISTRICT	46,712.59
008	LANDSCAPE PARCEL TAX	17,248.93
012	INFRASTRUCTURE REPLACEMENT	189,972.96
020	COMMUNITY PARK DEVELOPMENT	2,083.55
022	OPEN SPACE #2 (EAST)	4,023.15
027	CIVIC CENTER PARKING DIST	3,003.00
034	HOUSING AUTHORITY 2-1-12	2,744.00
053	GOLF COURSE MAINT & OPERATIO	2,339.69
072	PROP & LOCAL TRANSPORTATION	4,734.62
075	LANDSCAPE MAINTENANCE DIST	1,208.08
110	TRUST AND AGENCY	1,524.76
TOTAL ALL FUNDS		379,016.92

BANK RECAP:

BANK	NAME	DISBURSEMENTS
CHEK	BANK OF AMERICA	379,016.92
TOTAL ALL BANKS		379,016.92



MINUTES
SPECIAL CITY COUNCIL / RETREAT MEETING
MONDAY, NOVEMBER 9, 2015 5:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
CONFERENCE ROOM
245 E. BONITA AVENUE

PRESENT:

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

City Manager Blaine Michaelis
Assistant City Manager Ken Duran
Assistant City Manager for Community Development Larry Stevens
Director of Parks and Recreation Theresa Bruns
Director of Public Works Krishna Patel
City Attorney Mark Steres
Assistant City Attorney Lindsey Tabaian
Lt. Andy Berg, Los Angeles County Sheriff's Department

1. CALL TO ORDER

Mayor Morris called the Special City Council Meeting to order at 5:00 p.m.

2. PROJECT UPDATES

City Manager Michaelis commented that the format of the retreat agenda is for staff to provide brief verbal updates on a number of projects scheduled for this year.

Parks and Recreation Director Bruns reported that construction documents for the Marchant Park renovation project are approximately 50% complete and that bids for the Mayer Tract and Via Verde median projects will be opened tomorrow. She added that the Via Verde Park playground renovation is in the early stages of construction drawings and that the playground replacement equipment project at Pioneer Park will begin design in the spring. She added that staff is reviewing proposals from a consultant to complete an assessment of the Swim and Racquet Club.

Public Works Director Patel showed slides of the Foothill Blvd. widening project and commented that the road should be open to traffic within 3 to 4 weeks and that a dedication may be planned for January. He reported that construction plans for the downtown sidewalk project are about 85% complete and should be 100% complete by January. He added that staff is working with the merchants and utilities on logistics and that the goal is to be out to bid in February and under construction in April.

Mr. Patel reported that staff will be submitting the second design submittal to the County for Golden Hills realignment within a few weeks and that the environmental process has identified

70 trees that will be impacted. In response to a question he stated that staff looked at alternate alignments but all of them impacted the trees. He added that if all goes well we could be under construction in April or late spring. He also reported that staff is working with the County on a cooperative street improvement project for Badillo and Covina Hills Rd. and if all goes well could be under construction in Fall 2016 or early 2017.

Mr. Patel provided a presentation on the progress to date on compliance with the MS4 storm water permit and a timeline and potential costs for future compliance. He also presented a concept for the potential opportunity to create detention basins on future city projects.

Mr. Michaelis commented that there is a coalition of 43 cities that are brainstorming on funding options to provide a source of funding for MS4 compliance but nothing has come forward yet. Councilmember Bertone commented that the Council should be provided with more education on the MS4 compliance process, possibly a workshop.

Assistant City Manager Duran reported that the Accela software upgrade project kicked off in May and is scheduled to launch in May 2016. Building Superintendent Beilstein shared a power point presentation on the project. In response to a question he stated that the new system will speed up the process for staff and customers. In response to another question he stated that the system will allow Planners to make notes on inquiries on properties.

Mr. Duran reported that staff is working on a 5-year capital project schedule with cost projections that will be brought to Council in February to be used as a budgeting tool.

Mr. Duran reported that staff is hoping that language included in recently adopted SB 107 will assist the City in having its outstanding loans to the former Redevelopment Agency approved by the Department of Finance. Mr. Michaelis added that staff worked closely with Assemblyman Holden's office on this legislation and is hoping that if we have future problems with the loan approval his office will assist us.

Mr. Duran reported on the Inland Valley Humane Society's (IVHS) Getting to Zero project to reduce the number of euthanized healthy, adoptable dogs. He added that the IVHS is asking its member cities to consider a more aggressive dog chipping initiative, possibly making it mandatory. He added that the IVHS is also asking cities to consider adopting a backyard breeder permit to better track and regulate individuals who breed and sell dogs from their home. He added that if there is a consensus interest from the Council on either of these topics staff will prepare more information and bring it back to the Council with options.

Councilmember Bertone commented that he agrees with both programs. Mayor Pro Tem Templeman commented that maybe we could start with a voluntary chip program and move into making it mandatory. The consensus of the Council was to bring back more information and options on both programs.

Mr. Michaelis referenced the staff report in the agenda packet on staff's review of the grants available from the Rivers and Mountains Conservancy for the State Water Bond. He added that staff's analysis is that the grant opportunities are directed more to habitat restoration, especially in disadvantaged areas, and staff does not see any financial opportunity that would benefit the City in applying for the grants.

Mr. Michaelis reported that in May the Council had discussed moving forward with the demolition of the Housing Authority owned Taylor House on Monte Vista and building a new house on the site. He added that staff still needs to work on a process and timeline.

Mr. Duran reported that a couple of years ago staff began the process to update the City's Americans with Disabilities Act Transition Plan and that recently the City has been able to utilize the assistance provided by the CJPIA to retain a consultant to assist with that work. The CJPIA will pay a portion of the consultant's assistance with the City paying for the balance out of funds already approved in the budget. He added that the consultants work will begin in December.

Mr. Duran reported that legislation that was adopted by the State last year will require certain businesses to recycle their organic waste beginning in April 2016. He added that the City is required to adopt a plan to enforce this requirement and staff will present a plan to the Council within the next few months.

Assistant City Manager for Community Development Stevens reported that staff has held several meetings with the County, WCA and representatives of surrounding residents on the Walnut Creek Park plan. He added that the hope is to try and address some of the concerns of the residents with a revised plan that the City and WCA can accept. He added that a community meeting will be held, probably sometime after the first of the year, before it is brought back to the Council. Ms. Bruns added that the City has received a one year extension on the project grant.

Mr. Stevens reported that the City received a \$150,000 grant from SCAG to conduct a review of the downtown specific plan and that a presentation on this project is scheduled for the study session tomorrow night.

3. GENERAL STATUS/UPDATE INFORMATION ON ITEMS OF INTEREST

Mr. Michaelis reported that staff has continued to meet with representatives of the Gold Line Authority to consider options for the Bonita/Cataract intersection. He added that they have looked at many options including a variation of a round-about but have not come up with a preferred option yet and that they are still looking at parking structure options. He further added that the Authority would like all design issues worked out by January.

Mr. Stevens reported that the grading is complete for the Care Meridian project and building permits are scheduled to be issued tomorrow.

Mr. Stevens reported that the single-family houses for the project on San Dimas Ave. and Commercial St. are under construction but the condo and live/work portions of the project are having plan check issues.

Mr. Stevens reported that the Walburn housing project on San Dimas Ave. has submitted an application but the application has been deemed incomplete primarily for not fully addressing impacts outside of the project boundary.

Mr. Stevens reported that the Saxon/Graham housing project on Foothill Blvd. has submitted their application and it also has been deemed incomplete.

Mr. Stevens reported that the Shell gas station on Bonita and Arrow Hwy. has submitted a CUP application to add a car wash and convenience store however, they are having conflicts with the adjacent shopping center because of shared properties. They have been told they need to resolve the issues before the City can process the application.

Mr. Stevens reported that on tomorrow night's regular Council agenda are items pertaining to south 40 property and the NJD housing project. He added that grading permits have been issued and all other plans have been approved and are ready to issue.

Mr. Stevens reported that staff has been meeting with property owners in the downtown on façade improvements and focusing on the businesses with sidewalk encroachments that will be impacted by the sidewalk improvements. He added that DPRB approved a work plan for the reroof at 138 W. Bonita and is awaiting plans for 120 W. Bonita. He added that he met with the owner of 233 W. Bonita and he does not know what improvements he wants to make and lacks resources. Mr. Stevens suggested that the City provide some design assistance and it was the consensus of the City to provide funds for design assistance.

Mr. Stevens reported that the Train Stop building is for sale but staff has only heard rumors about potential buyers nothing concrete.

Mr. Stevens reported that staff has had an inquiry from someone who expressed interest in acquiring the M & E property to develop the existing building into a marketplace type use and the balance of the property as residential. He added the developer has experience in this type of project.

Mr. Stevens reported that the new pad buildings at the Costco Center are under construction and should be complete in January or February.

Mr. Duran reported that LucaBella at the Walker House has seen some steady increase last month but is behind projections. He added that there has been positive feedback on the food quality and service.

Mr. Duran reported that the replacement sculpture for the Civic Center fountain is complete and staff will be working with the artist on the installation. He added that staff will coordinate some type of unveiling ceremony with the Festival.

Mr. Michaelis reported that staff had previously met with the owners of the Via Verde Shopping Center to offer the City's assistance. He added that the owners said they would submit information on a color palette for repainting and details of sign repairs but nothing has been submitted.

Mr. Michaelis reported that AB 109 was designed to reduce the prison population and Prop 47 was designed to reduce drug arrests. He commented that there has been growing debate on how these two are having an impact on crime especially petty thefts.

Mr. Michaelis reported that staff is reviewing a proposal from Kosmont consultants to assist with the RFQ process for a hotel developer for the Bonita/Cataract property. He added that staff will be presenting a recommendation to the Council soon.

Mr. Michaelis reported that the owners of Chaparral Lanes and Diamond Realty each have expressed interest in different uses for their properties, including a hotel use and residential. He suggested that any proposals for their properties should take their own process and not be a part of the Bonita/Cataract proposal process.

Councilmember Badar commented that he still is concerned with the development of both of these properties without looking at the appropriate use of surrounding properties. There was some discussion on the vision for the area and that should be a discussion as part of the specific plan review process.

Mr. Duran reported that he tried to make contact with Fresh and Easy corporate offices to find out about the future of the store site after the store closes but was unsuccessful.

Mr. Michaelis reported on the status of the sale of the affordable homes at Grove Station.

Mr. Michaelis reported that the City will again participate in the annual homeless count and we continue to be concerned with the increase in the homeless population.

Mr. Michaelis commented that lately it has become more difficult receiving applications for Commission vacancies and asked if there is consideration to reduce the size of some Commissions. The consensus of the Council was to leave the size of the Commissions as is.

Mr. Stevens provided updates on the impacts of recently enacted legislation effecting medical marijuana, solar installation permits, water efficient landscape requirements, EV charging station permitting, massage businesses, Native American consultation in the CEQA process and telecommunications facilities permitting. Mr. Duran reported that SB 415 will require the City move its municipal elections to a statewide election date and consolidate with the County between 2018 and 2022.

4. ORAL COMMUNICATIONS

None.

5. ADJOURNMENT

There being no further business the meeting was adjourned at 9:15 p.m.



Agenda Item Staff Report

Date: November 24, 2015

To: Honorable Mayor and Members of City Council
For the Meeting of December 8, 2015

From: Blaine Michaelis, City Manager

Initiated by: Public Works Department *me*

Subject: **Engineering and Right of Way Services for Realignment of Golden Hills Road thru County Flood Control Facility**

- **Approval of Change Orders for Land Design Consultants, Inc. in the amount not to exceed \$60,000 for additional services for engineering designs and right of way services required to meet County approval**

SUMMARY

Land Design Consultant, Inc., the engineering design and right of way services consulting engineer retained to design the realignment of Golden Hills Road thru County's Flood Control Facility otherwise known as San Dimas Debris Placement Site (SDDPS) is requesting payment for additional staff resources expended and/or to be expended above and beyond the initially anticipated proposal when hired in December 2014.

The additional expenditures incurred are a result of evolving onerous requirements to meet the LA County standards for a project of this nature to be constructed thru their facility and overcome any future problems for a new all-weather roadway that would also serve as the prime access to the County's SDDPS. Some of the subsequent design changes were attributed to the re-design and preparation and processing of new Storm Drain Improvement Plans, Hydrology Legal Descriptions for the new road, revision of Legal Description due to the increase in the r/w to accommodate a sidewalk and street lighting, additional Geotechnical studies and numerous other additions that impacted the engineering services scope. Additionally, with these changes the project management/coordination with Los Angeles County personnel also increased for LDC.

Staff requests Council to consider approving Change orders in the amount not to exceed \$60,000 for additional costs and services as requested by LDC for the design and right of way services. The approval of the change orders will bring the original contract amount of \$134,000 to \$204,000.

BACKGROUND

In December 2014, Land Design Consultant, Inc., (LDC) was retained as the Engineering Design and Right of Way services consulting engineer to design the realignment of Golden Hills Road thru the County's Flood Control Facility otherwise known as San Dimas Debris Placement Site (SDDPS). The final fees in the amount of \$134,000 were higher than we had estimated,

never the less staff felt the fees negotiated and were fair and reasonable when considering the complexity of the outside agency coordination (primarily County). Therefore, Staff recommended entering into a contract with LDC

The original proposed City contract with LDC includes the following tasks necessary to complete the designs:

- Task 1 - Research and Data collection – mapping and design information from the City; Right of Way and Utility Plans
- Task 2 – Surveying – research; control; clearances, utility lines, pavement; trees; aerial topography/orthophotography
- Task 3 – Right of Way Services – computing and plotting existing right of way; compute new right of way; preparing easements and exhibits; obtaining right of ways from County Agencies; prepare detailed Right of Way Map; exhibits and descriptions; coordination
- Task 4 – Geotechnical Evaluation – field work; lab testing; geotechnical analyses and report preparation and recommendations
- Task 5 – Geometric Approval of Plan Specifications - three alternative alignment plans; specifications; quantities and cost estimate; final road plans and review processing; signing and striping plans; hydrology study/drainage system design; construction staging and erosion control plans
- Task 6 – Traffic Control Plan
- Task 7 – Presentations, Meetings, and Project Coordination
- Task 8 – Bid Phase/Construction Administration

DISCUSSION

As LDC proceeded to prepare preliminary engineering designs plans for submittals at 40% and 75% in accordance with County requirements, it became more apparent that LDC was incurring additional expenditures as a result of evolving onerous requirements to meet the LA County standards for a project of this nature to be constructed thru their facility and overcome any future problems for a new all-weather roadway that would also serve as the prime access to the County's SDDPS. The increase in additional requirements and unforeseen conditions has affected LDC's initial engineering services scope. Additionally, with these changes the project management/coordination with Los Angeles County personnel also increased for LDC. The enlarged scope of changes is as follows (or will be):

Under Task 3: Right of Way Services

The engineer was required to produce the necessary Right of Way documentation for the roadway and prepare all the exhibits and legal descriptions for the following SDDPS:

1. Exhibit and legal description for the portion of San Dimas Debris Placement Site between the realigned road and existing Golden Hills Road. As the portion will be maintained by the City under an agreement with County.
2. Exhibit and legal description for the existing Golden Hills Road or portion thereof which is prepared to be vacated upon construction of the realigned Golden Hills Road.
 - *Additional Right of Way Services*

All work under items 1) and 2) above were done in accordance with County and FCD requirements and standards as part of the first submittals. However, it was decided that for safety of the pedestrian traffic to add in a 5 foot wide walkway on the north side of the roadway

which required revisions of all the legal descriptions Exhibits and Maps submitted. **The cost for these changes comes to \$6,000.**

Additionally, upon receiving comments back from the County, it was discovered (and unknown to all) that there was additional right of way deeded to La Verne in addition to the known Golden Hills Road Right Of Way granted to San Dimas. La Verne's Right of Way was 10' wide and it was parallel and lying north of the City R.O.W. starting approximately from Linda Lane (in La Verne) to about 700 feet along the northerly and parallel to City, Golden Hills Road Right of Way. The engineer was directed to prepare a separate Legal and Exhibit Map for this portion of roadway that would be vacated by La Verne in the near future. **The cost to prepare the legal and exhibit was \$3,500.**

Under Task 4: Supplemental Geotechnical

In addition to what was already provided per the County for the Geotechnical, LDC has been required to provide a supplemental geotechnical report in response to the County's Division and Oils Engineering review comments. This requires additional laboratory testing of the previously collected samples, additional laboratory testing to conduct soils corrosion testing and preparation of the report of said tests. **Estimated cost is \$3,650.**

Under Task 5: Additional filing of Notice of Intent (NOI) with the State

A comprehensive NOI has to be filed with the State Water Resources Board for Construction Activity Storm Water General Permit since our project will disturb up to 2 acres. We are required to prepare and provide the SWPPP plans as required for grading projects greater than 1 acre. Construction activity includes digging, grading, excavation, stockpiling and reconstruction of existing facilities. Work to be done includes determine projects Risk Level Analysis; provide project information, BMP's for inspection, maintenance. **The cost estimated to complete this task is \$7,000.**

Under Task 5: Drainage System

The drainage system was anticipated to be simple and straightforward where the expectations were:

- Remove existing inlet/headwall and extend the existing 36" diameter RCP (which was approximately 20 to 25 feet below (in the area of Oak groves) at the easterly end or near the emergency access gate at Golden Hills Road) approximately 200 feet east to Linda Lane and connect to new catch basin.

To accommodate this it was anticipated that it would require nominal hydrology and hydraulic calculations to meet the City and County standards. Extending the 36" RCP about 200' east and re-grading (the area where the Oak groves are) and filling this area to construct the new roadway embankment. The re-grade of this area leaves approximately 1/2 to 3/4 acre of new and existing sloped areas and its bench drains to be connected to the 36" County system at about 150 feet downstream of existing inlet.

LDC's engineering had proceeded to design this system to 40% completion until it became quite evident that the point of connection for the new drain to drain both new and existing sloped areas of the new roadway was almost 50 feet deep. The depth of the storm drain while possible would have resulted in a vast and expensive grading operation as we would have affected the prime County access to SDDPS and would have to undertake an extremely expensive and carefully coordinated structural excavation; then refill to complete the connection.

Alternative Storm Drain Design

Due to the high costs and high risk of construction safety the engineer was directed to prepare an alternative storm drain analysis to determine the best options for the storm drain improvements to avoid connection to the extremely deep existing storm drain main line. This also required evaluating additional grading within the SDDPS to relocate the existing inlet structure to be consistent with the required grading for the roadway improvements. The new set of storm drain improvement plans were developed which design wise a little expensive, but would be cost effective and safer to build with the goals of the drainage system to be maintained by the County as a Miscellaneous Transfer Drain (MTD), rather than being maintained by San Dimas or La Verne. **The cost to do the revised hydrology, hydraulic calculations and plans etc. came to \$29,500.00**

Under Task 7: Additional Project Management/Coordination & Meetings –

Additional costs incurred in providing processing with City, consultants, coordination and meetings with team consultants and governmental agencies; coordinate efforts between San Dimas and County of Los Angeles; plan submittals. **The cost estimated to complete this task is \$3,500.**

In summary and tabulating all the above mentioned, the total additional costs incurred or will be incurred by LDC to complete the design per the County or State requirements comes to:

TASK	COSTS		
Task 3 (Right of Way Services)	\$9,500.00		\$9,500.00
Task 4 (Supplemental Geotechnical)	\$3,650.00		\$3,650.00
Task 5 (Filing NOI)	\$7,000.00		\$7,000.00
Task 5 (Drainage)	\$29,500.00		\$29,500.00
Task 7 (Project Management/Coordination)	\$3,500.00		\$3,500.00
As needed other additional services (estimated contingencies/unforeseen)	\$7,000.00		\$7,000.00
	TOTAL		\$60,150.00

RECOMMENDATIONS

Staff requests Council consider and approve issuing Change orders in the amount not to exceed \$60,000 for additional engineering and right-of-way services outside the original proposed scope of work. The approval of the anticipated Change orders up to \$60,000 would increase Land Design Consultants original negotiated contract from \$134,000.00 to \$204,000.

Respectfully submitted,



Krishna Patel
 Director of Public Works



Agenda Item Staff Report

DATE: December 1, 2015

To: Honorable Mayor and Members of City Council
For the Meeting of December 8, 2015

From: Blaine Michaelis, City Manager

Initiated by: Public Works Department *EMP*

Subject: Resolution Authorizing the Filing of an Application for a Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement (Pavement) Grant.

SUMMARY

In October 2015 the Department of Resources Recycling and Recovery (CalRecycle) opened the Rubberized Pavement Grant Program. This funding will provide a reimbursement at \$10 per ton of rubberized hot-mix which would subsidize and supplement the budgeted funds towards the pavement reconstruction and rehabilitation of key portions of major arterial streets.

Staff is proposing to apply for the CalRecycle Rubberized Pavement Grant Program as the Lead Agency, jointly with the County of Los Angeles. With Council's approval of Resolution 2015-55 Staff will proceed with submittal of the application to apply for the CalRecycle Rubberized Pavement Grant Program.

BACKGROUND

In October 2015 the Department of Resources Recycling and Recovery (CalRecycle) opened the Rubberized Pavement (Pavement) Grant Program (formerly called the Rubberized Asphalt Concrete [RAC] Grant Program) pursuant to Sections 42872 and 42873 of the Public Resources Code.

The grant makes reimbursable \$10 per ton of rubberized hot-mix. The purpose of the grant is to promote markets for rubberized pavement products derived from one-hundred percent (100%) recycled California-generated waste tires and decrease the adverse environmental impacts created by unlawful disposal and stockpiling of waste tires. The program is designed to encourage first-time or limited users of rubberized pavement in two project types – RAC and Chip Seal. RAC is a proven road paving material that has been used in California since the

1970s. It is made by blending ground tire rubber with asphalt binder which is then mixed with conventional aggregate materials.

Our last successful grant application funded under the CalRecycle Rubberized Pavement Grant Program was in 2013 where we were awarded \$64,000 towards Chip Sealing the following streets: Puente Street from City Limits to Palomares, San Dimas Avenue from 57 Freeway and San Dimas Canyon Road from Foothill Fernridge. The addition of the Chip Seal has extended pavement life by an additional 5 to 7 years.

DISCUSSION

Staff proposes to apply for the Rubberized Pavement Grant Program as the Lead Agency, jointly with the County of Los Angeles (County) to cap the streets listed below with a 2 inch rubberized hot-mix pavement. Staff proposes this comprehensive list of streets because the grant has increased in reimbursement amount from \$5 per ton to \$10 per ton of rubberized hot-mix for this funding cycle. Additionally, the grant timeline runs from grants awarded in February 2016 to grant term end in April 2018 allowing the city three fiscal years to undergo these projects.

Proposed Major Arterial Streets within the City of San Dimas Jurisdiction:

- Badillo Street from Covina Boulevard to Valley Center Avenue
- Badillo Street from Valley Center Avenue to Cypress Street
- Via Verde from San Dimas Avenue to 57 Freeway
- Via Verde from Covina Hills Road to Puente Street
- Cienega Avenue from Lone Hill Avenue to Arrow Highway
- San Dimas Avenue from Via Verde to Puddingstone Drive
- Puente Street from Via Palomares to Via Verde
- Bonita Avenue from San Dimas Avenue to Cataract Avenue

The above mentioned streets, as part of our "super projects" street rehabilitation and reconstruction depending on funding availability, are programmed to be completed in next three fiscal cycles. The funding from this grant will be used to subsidize and supplement the budgeted funds and funds from Fund 2, Fund 12, Fund 73, and Fund 74.

Proposed Streets shared with the County of Los Angeles Jurisdiction:

- Badillo Street from Valley Center Avenue to Castle View
- Covina Hills Road from Via Verde Road to western City limits

Under a cooperative agreement, the County has agreed to contribute approximately \$700,000 of STPL (Federal Dollars) towards the reconstruction of the streets that we share jurisdictionally with the County and in addition the City has agreed to manage design and reconstruction. The City will contribute its share of STPL funds and other funds to complete these street improvements. The County is currently drafting an agreement. The County is also drafting a Letter of Authorization which will be received no later than January 28, 2016. Plans are to be in construction by late 2016 or spring of 2017 depending on utility upgrade or relocation work.

This resolution authorizes the Director of Public Works to submit a funding request to CalRecycle for the 2015/2016 Rubberized Pavement Grant Program. The City of San Dimas is proposing to apply for approximately \$200,000 for this funding cycle.

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution 2015-55 which authorizes the City to submit a grant application for CalRecycle's 2015/2016 Rubberized Pavement Grant Program.

Respectfully submitted,



Sasha Geschwind
Environmental Services Coordinator

Attachments: Resolution 2015-55: Submitted by a grant application to the Department of Resources Recycling and Recovery.

sng 12-15-01

RESOLUTION 2015-55

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA
AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS
FOR WHICH THE CITY OF SAN DIMAS IS ELIGIBLE**

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs (grants) in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, CalRecycle Rubberized Pavement Grant allows regional grant projects; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas authorizes the City of San Dimas to submit a CalRecycle Rubberized Pavement Grant regional application on behalf of itself as Lead Agency and the participating jurisdictions as shown by the attached documentation.

BE IT FURTHER RESOLVED that the Director of Public Works, or a designee, is hereby authorized and empowered to execute on behalf of the City of San Dimas all Grant-related documents, including, but not limited to, applications, payment requests, agreements, and amendments necessary to secure grant funds and to implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for five (5) years from the date of adoption of this resolution

PASSED AND ADOPTED this 8th day of December, 2015 by the following vote:

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

Debra Black, Assistant City Clerk

I HEREBY CERTIFY, that Resolution 2015-55 was adopted by the vote of the City Council of San Dimas at its regular meeting of December 8, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Black, Assistant City Clerk

PARTICIPATING JURISDICTIONS

- 1) The County of Los Angeles, pending Letter of Authorization by January 28, 2016



Agenda Item Staff Report

TO: Honorable Mayor and Members of the City Council
For the meeting of July 8, 2014

FROM: Blaine Michaelis, City Manager

INITIATED BY: Ken Duran, Assistant City Manager

SUBJECT: Approval of Administrative Services Agreement between the City of San Dimas and the San Dimas Housing Authority

BACKGROUND

With the dissolution of redevelopment agencies, HSC Section 34176 provided that a City Council could elect to retain the housing assets and functions of a dissolved redevelopment agency. On January 24, 2012 the City Council of the City of San Dimas adopted Resolution No. 2012-06 electing to have the San Dimas Housing Authority retain the housing assets and functions of the dissolved San Dimas Redevelopment Agency.

Shortly after the assets and functions were transferred many of the programs and functions were curtailed due to the elimination of new funding from tax increment set-aside funds. However, there were programs and functions that needed to be maintained for the continued operations of the housing assets. Since that time there have also been new programs and functions that have been added.

The personnel, equipment and facilities to maintain the Authority's functions have been absorbed by existing City staff and operations. When the Council approved the FY 14-15 Annual Capital and Operating Budget they approved the concept of the Housing Authority reimbursing the City for the personnel and expenses for managing the Housing Authority functions. To effectuate the reimbursement the City and Authority need to enter into an annual Administrative Services Agreement.

The current programs and functions of the Authority include:

- Oversight of management and maintenance of the Monte Vista Apartments.
- Oversight of the 10 Grove Station units. Planning and implementation of the sale of the Grove Station Units.
- Coordination with the property owners of the Bonita Gateway project on the advertising and qualifying for the low/mod units.
- Mobile Home Rehab Grant program.

- Accounting, treasurer, public meeting coordination and clerical support for the general Authority functions.

In the future there may other programs and functions taken on by the Authority that will need additional support.

The attached Agreement includes an exhibit which provides an estimate of the personnel hours and costs of this year's reimbursement. The estimated number of personnel hours is very conservative. The total cost based upon the estimate is \$65,500. The City will be reimbursed based upon the actual costs at the end of the year.

RECOMMENDATION

Staff recommends that the City Council approve the attached Administrative Services Agreement with an estimate of \$65,500.

ADMINISTRATIVE SERVICES AGREEMENT

This Agreement entered into this 8th day of December, 2015 by and between the City of San Dimas, hereinafter referred to as "City" and the San Dimas Housing Authority, hereinafter referred to as "Authority".

WITNESSETH

WHEREAS, the City has the personnel, supplies and equipment required for the operation of the Authority's housing properties and programs.

WHEREAS, the Authority is desirous of utilizing said personnel, supplies and equipment.

NOW, THEREFORE, in consideration of the foregoing recital, the parties hereby do agree as follows:

1. Authority contracts with the City to provide personnel, supplies and equipment to maintain the effective operation of the Authority's housing properties and programs.
2. City agrees to provide Authority with adequate personnel, supplies and equipment. (see Attachment A)
3. This agreement may be terminated upon 30 days written notice by either party with the incurred charges to date due upon termination.
4. This agreement shall provide for services rendered from July 1, 2015 through June 30, 2016.
5. Authority agrees to pay the City annually based upon the actual hours of work performed by the personnel as estimated in Attachment A.

CITY OF SAN DIMAS

SAN DIMAS HOUSING AUTHORITY

BY: _____

BY: _____

Mayor

Chairman

ATTEST:

Deputy City Clerk

**ADMINISTRATIVE SERVICES AGREEMENT
BETWEEN
CITY OF SAN DIMAS AND SAN DIMAS HOUSING AUTHORITY
ESTIMATED BUDGET FY 15 - 16**

	<u>HOURS</u>	<u>RATE</u>	<u>COST</u>
ADMINISTRATIVE SERVICES			
CITY MANAGER	115	\$146.87	\$16,890.05
ASSISTANT CITY MANAGER	60	\$111.79	\$6,707.40
ADMINISTRATIVE SERVICES MANAGER	30	\$69.09	\$2,072.70
ASSISTANT CITY CLERK	6	\$43.29	\$259.74
ACCOUNTING SUPERVISOR	30	\$55.53	\$1,665.90
COMMUNITY DEVELOPMENT			
ASSISTANT CITY MANAGER OF COMMUNITY DEV	60	\$119.48	\$7,168.80
ADMINISTRATIVE AIDE	150	\$45.82	\$6,873.00
HOUSING INTERN	936	\$15.35	\$14,367.60
PARKS AND RECREATION			
FACILITIES MANAGER	20	\$79.23	\$1,584.60
FACILITIES SUPERVISOR	12	\$57.51	\$690.12
FACILITIES MAINTENANCE WORKER	24	\$52.75	\$1,266.00
TOTAL PERSONNEL			\$59,545.91
OVERHEAD 10%			\$5,954.59
TOTAL EXPENDITURES			\$65,500.50

*RATES ARE PRODUCTIVE HOURLY RATES
NUMBER OF HOURS ARE ESTIMATES*



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
December 8, 2015

From: Blaine Michaelis, City Manager

Initiated by: Luis Torrico, Associate Planner

Subject: **Municipal Code Text Amendment 15-08** – A request from Evergreen – Gladstone & Lone Hill, LLC to amend the uses in Specific Plan No. 24, Area I, by allowing expanded retail and service business uses currently not allowed within the Citrus Station (Costco) Shopping Center. (APNs: 8383-009-061 thru -064, -077 thru -080, -082, -085, -088, -089, -090, -093 thru -098)

The applicant, Evergreen – Gladstone & Lone Hill, LLC is the owner and developer of the last vacant parcels in the Citrus Station (Costco) center which are currently under construction to provide two multi-tenant commercial buildings. The proposed Municipal Code Text Amendment is intended to provide additional opportunities for expanded retail and service business uses in the center.

The subject site is located within Specific Plan No. 24, which consists of three Areas. The proposed modifications will be limited to Area I, which includes the entire commercial center.

At their November 19, 2015 meeting, the Planning Commission voted 4-0-1 to recommend to the City Council approval of the proposed Municipal Code Text Amendment.

Staff and the Planning Commission recommend that the City Council approve MCTA 15-08 by adopting Ordinance No. 1237

BACKGROUND

The Planning Commission approved the request to initiate the proposed Municipal Code Text Amendment (MCTA) at their October 15, 2015 and subsequently recommended approval to the City Council at their November 19, 2015 meeting. The Planning Commission Staff Report from the November 19, 2015 meeting, which contains additional background and analysis on the

proposed amendment, is attached as Exhibit A. In addition, the minutes and PC resolution from the November 19, 2015 meeting are attached as Exhibits B and C.

SUMMARY OF PLANNING COMMISSION COMMENTS

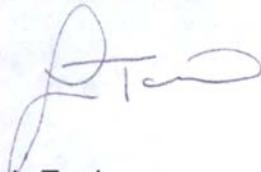
The Planning Commission did not have any concerns with the proposed amendments and only had a few questions. The Commission wanted to confirm that under the proposed amendments, a bank would only need a Conditional Use Permit (CUP) if it included drive-through service. Currently financial institutions, including banks are conditionally permitted. The proposed amendments would make a bank or similar financial institution uses permitted by right and would no longer require a CUP, unless it included drive-through service. They also inquired about surveillance requirements for the proposed ATM use. Should the amendments be approved, an ATM use would require a CUP, which would include conditions of approval, one of which may be surveillance if deemed appropriate. Lastly, the Commission also questioned whether Costco had any control over the types of businesses that go in the center. Per the center's CC&R's, Costco has control over the types of uses that are allowed in the center. The applicant worked with Costco to get their approval on the proposed retail and service businesses that would be allowed under the proposed amendments.

There were no further questions or concerns from the Planning Commission and MCTA 15-08 was recommended for approval to the City Council.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council adopt Ordinance 1237 approving Municipal Code Text Amendment 15-08.

Respectfully submitted,



Luis Torrico
Associate Planner

ATTACHMENTS

- Exhibit A - November 19, 2015 Planning Commission Staff Report
- Exhibit B - Excerpt of Draft Minutes of November 19, 2015 Planning Commission Meeting
- Exhibit C - Resolution PC 1549

Ordinance 1237



Planning Commission Staff Report

DATE: November 19, 2015

TO: Planning Commission

FROM: Luis Torrico, Associate Planner

SUBJECT: **Municipal Code Text Amendment 15-08** - A request from Evergreen – Gladstone & Lone Hill, LLC to amend the uses in Specific Plan No. 24, Area I, by allowing expanded retail and service business uses currently not allowed within the Citrus Station (Costco) Shopping Center. (APNs: 8383-009-061 thru -064, -077 thru -080, -082, -085, -088, -089, -090, -093 thru -098)

SUMMARY

The applicant, Evergreen – Gladstone & Lone Hill, LLC is the owner and developer of the last vacant parcels in the Citrus Station (Costco) center which are currently under construction to provide two multi-tenant commercial buildings. The proposed Municipal Code Text Amendment is intended to provide additional opportunities for expanded retail and service business uses in the center.

The subject site is located within Specific Plan No. 24, which consists of three Areas. The proposed modifications will be limited to Area I, which includes the entire commercial center.

Staff recommends the Planning Commission recommend approval of the modifications to Specific Plan No. 24 to the City Council.

BACKGROUND

The Citrus Station (Costco) commercial center is located at the southwest corner of Gladstone Street and Lone Hill Avenue, and is within Specific Plan 24 (SP-24), Area I. SP-24 was originally created in 1990 to allow planned industrial developments and was significantly revised in 2004 to allow the existing Costco commercial development. SP-24 consists of three planning Areas; Area I –

Staff supports the request to conditionally permit stand-alone ATMs; however, only ATMs attached to a building façade should be permitted (see Figure 1). Staff further recommends that ATM kiosks not be permitted (see Figure 2). The purpose for recommending ATM's be conditionally permitted is to provide Staff with additional flexibility in the location and design of the ATM. Of primary concern with ATMs are the State's lighting requirements which can be excessive and create lighting impacts to the center. Conditionally permitting the stand-alone ATMs would allow Staff to require conditions of approval that will assist in minimizing the impact by the lighting requirements. Such conditions may include, but not limited to, requiring fixtures and lighting hues to be compatible with the center's architectural design, incorporating design elements that will minimize the impact of the lighting's coverage and requiring a photo-metric plan.

In addition, requiring the ATMs to be incorporated into the building and not allowing kiosks will prevent from introducing structures that will not be compatible with the center's architectural theme. All the buildings in the center, including the ones under construction, have gone through extensive design review to produce high quality architecture and the inclusion of a kiosk will substantially diminish the appearance of the buildings. Even if the kiosk was to include elements consistent with the building, its size alone would make it clear that it was an after-thought to the original design and result in a negative impact.



Figure 1 – Examples of ATM attached to building facade



Figure 2 – Examples of ATM kiosks

The request also proposes that financial institutions, including banks, savings and loan associations, and credit unions be approved as permitted uses, which currently require a conditional use permit to operate. Staff agrees with this request as financial institutions are permitted by right in other commercial centers; however, Staff would recommend an additional amendment to include financial institutions with drive-through service as a conditionally permitted use. Therefore, the applicant would get their request to permit financial institutions by right and Staff would require financial institutions with drive-through to be conditionally permitted.

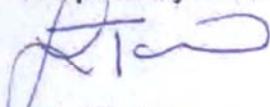
Parking

The center was developed with a parking ratio for major shopping centers which is 1:222 and includes 167 surplus parking spaces for use by all the tenants in the center. The majority of the proposed amendments include retail and service uses which have a parking ratio of 1:225, which is a lower ratio than what the center was developed with. The amendments also include office uses such as accounting, billing services, insurance and tax offices, and medical and dental offices which require a parking ratio of 1:200, a higher ratio than what the center was developed at. The higher parking ratio should not be a problem as the Code allows a maximum of 10% of total floor area of office uses in major shopping centers, unless a greater amount is authorized with a conditional use permit. The 10% floor area limit helps keep the majority of the uses in centers to retail or service based and assists in controlling parking counts as office uses may intensify the required number of parking spaces. Therefore, parking will not be impacted due to the surplus parking spaces and the established parking ratios and additional office use criteria in the parking code.

RECOMMENDATION

Staff recommends the Planning Commission recommend approval to the City Council of Municipal Code Text Amendment 15-08, a request to amend the uses in Specific Plan No. 24, Area I, by allowing expanded retail and service business uses currently not allowed within the Citrus Station (Costco) Shopping Center.

Respectfully Submitted,



Luis Torrico
Associate Planner

Attachments: Appendix A - General Information
 Exhibit A - Aerial
 PC Resolution 1549

APPENDIX A

GENERAL INFORMATION

Subject: Municipal Code Text Amendment 15-08

Applicant: Alex Gonzalez on behalf of Evergreen – Gladstone & Lone Hill, LLC

Owner: Various owners

Location: Citrus Station (Costco) commercial center is located at the southwest corner of Gladstone Street and Lone Hill Avenue.
(APNs: 8383-009-061 thru -064, -077 thru -080, -082, -085, -088, -089, -090, -093 thru -098)

General Plan: Commercial

Zoning: Specific Plan No. 24 – Area 1

Surrounding Zoning and Land Uses: North: Specific Plan No. 24 – Area II – Industrial
East: Specific Plan No. 24 – Area III – Industrial
South: Specific Plan No. 18 – Area II – Corporate Office Park
West: Single Family Residential – Single Family

Legal Notice: A legal notice was published in the Inland Valley Daily Bulletin; posted at City Hall, the library, post office, and Via Verde Shopping Center; and was mailed to property owners within 300 feet of the project on November 6, 2015.

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

EXHIBIT A
Aerial Photo of Site



- | | |
|--|---|
|  SP-24 Boundary |  SP-24, Area II |
|  SP-24, Area I |  SP-24, Area III |

RESOLUTION PC-1549

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL TO THE CITY COUNCIL OF MUNICIPAL CODE TEXT AMENDMENT 15-08, AMENDING SECTION 18.540, SPECIFIC PLAN NO. 24, UPDATING THE PERMITTED AND CONDITIONALLY PERMITTED USES IN AREA I (APNs: 8383-009-061 thru -064, -077 thru -080, -082, -085, -088, -089, -090, -093 thru -098)

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by the Planning Commission upon application by Alex Gonzalez on behalf of Evergreen – Gladstone & Lone Hill, LLC; and

WHEREAS, the Amendment is to modify Specific Plan No. 24, Area I, to allow for expanded uses not currently allowed (i.e. stand-alone ATMs, professional office, medical office, etc.); and

WHEREAS, the Amendment would affect Area I within Specific Plan No. 24; and

WHEREAS, notice was duly given of the public hearing on the matter and the public hearing held on Thursday, November 19, 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 have an adverse effect on the adjoining properties as the proposed permitted and conditionally permitted uses will provide additional retail and services uses within an existing commercial center. The proposed amendments are similar in nature to existing ones in other commercial centers within close proximity of the area, which have not created any impacts to their respective adjoining properties. The proposed amendments will increase the center's marketability and will be compatible with the existing uses at the center and with the existing permitted and conditionally permitted uses in Specific Plan No. 24, Area I.

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

The proposed amendments have been evaluated and have been classified into two groups: "permitted" and "conditionally permitted" uses. The conditionally permitted uses will require approval of a Conditional Use Permit Application and public hearing(s) which will allow Staff to impose conditions and restrictions on items such as hours of operation and other operational characteristics in order ensure and further the public health, safety and general welfare.

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

The proposed amendment is consistent with the General Plan designation of commercial and will be consistent with Goal L-5, "Provide well planned commercial centers and nodes," by providing a wide variety of additional retail, service based and office businesses not currently permitted within Specific Plan No. 24, Area I to the residents of San Dimas and the adjacent cities as well as commuters that use the 57 Freeway. In addition, the proposed amendments will further the purpose of Specific Plan No. 24, Area I, by providing additional uses that will complement the less regionally oriented businesses in the vicinity to more fully serve the community.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 15-08 as set forth in attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 19th day of November, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton, Planning Secretary

EXHIBIT "A"

New text changes are in Blue and underlined

Deleted text is in ~~Red and Strikethrough~~

Sections:

Article I. General

18.540.010 Purpose and intent.

18.540.020 Authority.

18.540.030 Location.

18.540.040 General notes.

18.540.050 Definitions.

18.540.060 Setting.

18.540.070 Site conditions.

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Article II. Land Use Development Plan—Area I—Regional Commercial

18.540.090 Location.

18.540.100 Purpose.

18.540.110 Planning units/phasing. (Reserved).

18.540.120 Permitted uses.

18.540.130 Conditional uses.

18.540.140 Prohibited uses.

18.540.150 Special limitations on development and uses.

Article III. Property Development Standards – Area I

18.544.190 Development standards.

18.544.200 Minimum lot dimensions.

18.544.210 Building and parking setbacks.

18.544.220 Maximum building height.

18.544.230 Landscaping.

18.544.240 Signage.

18.544.250 Architecture.

18.544.260 Internal circulation.

Article IV. Land Use Development Plan— Area II—Light Industrial

18.544.290 Location.

18.544.300 Purpose.

18.544.310 Permitted uses.

18.544.320 Conditional uses. (Reserved)

18.544.330 Prohibited uses. (Reserved)

18.540.340 Provisions for existing uses and improvements.

Article V. Property Development Standards—Area II

18.540.345 Development standards.

18.540.350 Circulation.

- 18.540.360 Lot area.
- 18.540.370 Lot dimensions.
- 18.540.380 Building setbacks.
- 18.540.400 Building types.
- 18.540.410 Maximum building height.

Article VI. Land Use Development Plan—Area III—Light Industrial

- 18.540.490 Location.
- 18.540.500 Purpose.
- 18.540.510 Permitted uses.
- 18.540.520 Conditional uses.
- 18.540.530 Prohibited uses. (Reserved)
- 18.540.540 Provisions for existing uses and improvements.

Article VII. Property Development Standards—Area III

- 18.540.545 Development standards.
- 18.540.550 Circulation.
- 18.540.560 Lot area.
- 18.540.570 Lot dimensions.
- 18.540.580 Building setbacks.
- 18.540.600 Building types.
- 18.540.610 Maximum building height.

Article VIII. General Development Standards

- 18.540.650 Maximum building coverage.
- 18.540.660 Lighting.
- 18.540.670 Signs.
- 18.540.680 Utilities.
- 18.540.690 Entry treatments.
- 18.540.700 Downspouts.
- 18.540.710 Outdoor display/storage areas.
- 18.540.720 Landscaping.
- 18.540.730 Mechanical equipment.
- 18.540.740 Off-street parking and loading.
- 18.540.750 Outdoor storage.
- 18.540.760 Walls.
- 18.540.770 Trash/recycling storage.

Article IX. Plan Review and Disposition

- 18.540.800 Review requirements—Development plans.
- 18.540.810 Precise plan review.
- 18.540.820 Plan disposition.
- 18.540.830 Minor modifications.

Article I. General

18.540.010 Purpose and intent.

A. The size and location of Specific Plan No. 24 presents a unique development opportunity within the city. The total project area encompasses approximately 26.5 acres. The project area is located at the intersection of Lone Hill Avenue and Gladstone Street. This location is an entrance into San Dimas from the west and north.

B. Existing land uses include light industrial and manufacturing, single-family, and unimproved land. The quality of the existing improvements is generally unsightly and many public improvements are deficient.

C. The project area has been experiencing development pressure with increased commercial development in adjacent portions of Glendora. The result of uncoordinated recycling of property within the project area would create a negative impact upon those properties which do not participate. Specific Plan No. 24 provides the best mechanism for coordinated, comprehensive, high quality, and sensitive development for the project area. The purpose of Specific Plan No. 24 includes the following:

1. To provide a coordinated, logical method for the property within the project area to recycle into commercial and light industrial use;
2. To ensure that the development within the project area is compatible and sensitive to adjacent uses;
3. To create a high quality and aesthetically attractive visual entrance to the city;
4. To maximize major commercial development of larger properties due to limited opportunities elsewhere within the San Dimas; and
5. To incorporate creative and sensitive planning, architecture, landscape architecture, and engineering to develop a project that will enhance the existing adjacent uses and promote the existing and future appearance of San Dimas. (Ord. 1150 § 1, 2005)

18.540.020 Authority.

The adoption of Specific Plan No. 24 by the city is authorized by and pursuant to Sections 65450 through 65457 of the California Government Code. (Ord. 1150 § 1, 2005)

18.540.030 Location.

Specific Plan No. 24 encompasses land area which totals approximately 26.5 acres. The project area is bordered by the 210 Freeway on the east; the city boundary to the north; Lone Hill Avenue to the west; and, Specific Plan No. 18, Area 2 (Corporate Business Park) to the south. The project boundaries are indicated on the attached Exhibit A. (Ord. 1150 § 1, 2005)

18.540.040 General notes.

The project area of Specific Plan No. 24 is designated as commercial and industrial by the city general plan. All development, uses and activity shall be subject to, but not limited to, the following general provisions:

A. Unless otherwise specified, all development, uses and activity within Specific Plan No. 24 shall comply with this code. Terms used in this chapter shall have the same meaning as defined elsewhere in this code unless otherwise provided;

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

C. The review and approval of development within the specific plan area shall be subject to Section 65450 et seq. of the State Government Code;

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

E. Minor modifications to Specific Plan No. 24 which do not alter the intent of this chapter shall be considered pursuant to the provisions of Section 18.540.830 of this chapter;

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

G. Any permitted use or conditionally permitted use not specifically provided by the San Dimas Specific Plan No. 24 shall not be permitted without a determination of use by the development plan review board pursuant to provisions of Chapter 18.12 of this title; and

H. Each development proposal pursuant to the provisions of this chapter shall receive environmental evaluation pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and the CEQA Guidelines prepared by the Secretary of Resources. (Ord. 1150 § 1, 2005)

18.540.050 Definitions.

Unless the context otherwise requires, or unless different definitions are set forth in individual titles, chapters, or sections of this title, the words or phrases defined in this chapter shall have the meaning and construction ascribed to them in this section. When not inconsistent with the context, words in the singular shall include the plural and words in the plural shall include the singular. The word "shall" is mandatory and the word "may" is permissive. Words and phrases not defined in this chapter shall be defined in the following sources by the following order: (1) other chapters of this code; (2) definitions contained in the city adopted chapters of the Uniform Building Code; (3) definitions contained in legislation of the state of California; and (4) Webster's Dictionary.

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

"Accessory use" means a use which is incidental or secondary to the primary use of the lot or parcel. Such use is devoted exclusively to the primary land use.

"Adjacent" means the same as abutting.

"Architectural feature" means a part, portion, projection, or treatment that contributes to the visual beauty, elegance, historic consistency, or design integrity of a building or structure, and is not necessary for the structural integrity of the building or structure or to make the structure or building habitable. Such architectural feature does not include signs or other forms of use identification.

"ATM Stand-alone" means ATMs not installed in association with a financial institution and which are attached and integrated with the main building façade;

"Automobile parking" means parking of operational and street legal motor vehicles on a temporary basis within an improved off-street parking area.

"Building coverage" means the gross area of a lot or parcel of land occupied by all of the ground floor, or building footprint, of a building or structure which is under roof.

"Building height" means the maximum vertical distance as measured from the interior floor level to the top of the uppermost part of the structure through any vertical section.

Building, Main. "Main building" means a building within which the principal primary use of the lot or parcel is conducted, as provided by this chapter.

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

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

"Commercial use" means a business, normally involving office, retail, sales, or service uses.

"Design review" means the process of city review and approval of development proposals as required by Chapter 18.12 of this title.

"Driveway" means an unobstructed paved area which provides access to vehicle parking, loading, or maneuvering area.

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

"Enclosed building" or "enclosed structure" means a building or structure with a permanent roof and enclosed on all sides by solid exterior walls. Such solid exterior walls may feature windows, loading doors, and customary entrance and exit doors.

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

"Existing improvements" means any improvements which exist at the time of the adoption of this specific plan. Such existing improvements must have been legally constructed in compliance with all building and zoning codes in effect at the time the improvements were constructed.

"Exterior boundary" means the perimeter of any lot or parcel of land or assembly of lots or parcels to be developed in an integrated, comprehensive manner.

"Fence" means any device forming a physical barrier between two areas. Such barrier may be constructed of chain-link, louver, wood stake, masonry, lumber, or other similar material in accordance with adopted city standards.

Floor Area, Gross. "Gross floor area" means the total floor area of a building under roof measured in square feet. Such measurement would include each horizontal plane which constitutes a floor as measured to the outside of the exterior walls of all floors excluding stairway openings.

"Frontage" means, with regards to a lot, that side of a lot abutting on an either public or private street, typically the front lot line. With regards to a building, see "business frontage."

"Industry" means the manufacture, fabrication, processing or reduction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. In addition, it shall include trucking facilities, warehousing, storage facilities, business facilities serving primarily industry, and similar enterprises.

"Landscaping" means the planting and maintenance of a combination of trees, shrubs, vines, ground cover, flowers and lawn. In addition, such landscaping may include design features such as rock and stone, garden-type fencing and decorative structures. Such

design features may also include water elements, art works, decorative walks, benches, and decorative paving.

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

"Loading space" means an off-street space or berth on the same lot and contiguous with the building it is intended to serve for temporary parking of commercial transport vehicles while loading and unloading merchandise, materials, supplies, manufactured products and similar items.

"Main building" or "main structure." Also referred to as principal and primary building or structure. Such building and structure would contain and enclose the activity which is the main use of the lot or parcel of land upon which the building is situated.

"Main use" means any use of a building, structure, or land which is the primary feature of the activity conducted on the lot or parcel of land.

"Medical offices" means establishments that provide medical, surgical, and/or psychiatric services to sick or injured persons on an out-patient basis. Such medical offices include, but are not limited to:

- a. Dental;
- b. Medical clinic without ambulance service;
- c. Acupuncture;
- d. Optometry.

"Mixed use" means any multiple use of a building, structure, or land which promotes varying forms of activity at various times of the day. Such combinations of uses would include, but not be limited to, retail commercial, light industrial, office, and cultural and gathering uses.

"Multi-phase development" means a development project which is constructed in increments. Each increment would be capable of existing independent of the others, but the completed project would be a comprehensive design.

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

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

"Professional business offices" means businesses that service clientele on a daily basis that provide work performed in an expert manner and typically produce an intangible product for the benefit of the customer. Such professional business offices include, but are not limited to:

- a. Accounting and billing services;
- b. Communications;
- c. Consulting services;
- d. Graphic design;
- e. Insurance office;
- f. Legal service;
- g. Real estate office.

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

"Service" means an act, or any result of useful labor, which does not in itself produce a tangible commodity.

"Service business" means infrequent, technical, and/or unique functions performed by independent consultants whose occupation is the rendering of such services. Such service businesses include, but are not limited to:

- a. Barber and beauty shop;
- b. Nail salons;
- c. Dry cleaners;
- d. Small appliance repair;
- e. Computer repair;
- f. Shoe repair;
- g. Watch repair;
- h. Pharmacy;
- i. Tanning salon;
- j. Tailors and seamstresses.

"Setback" means the area between the building line and the nearest property line.

"Storage area" means an area used or intended for the storage of materials, refuse, or vehicles and equipment not in service.

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

Yard, Required. "Required yard" means a yard, as defined in this section, that occupies the area of a required setback. (Ord. 1150 § 1, 2005)

18.540.060 Setting.

A. Specific Plan No. 24 is uniquely located. The project area is strategically located at a major entrance into the city. This entrance is the intersection of Lone Hill Avenue and Gladstone Street. Lone Hill Avenue is a major north/south street with direct access to the 210 Freeway, approximately one-quarter mile north of the project area. Gladstone Street is a significant east/west street in the city. On the west side of the 210 Freeway, Gladstone Street represents the northerly city boundary. East of the 210 Freeway, Gladstone Street provides access into the center of the city.

B. The city of Glendora abuts the project area to the north. Due north of the project area at the approximate location of Lone Hill Avenue and Allen Avenue intersection, the city of Glendora is developed with an automobile retail center and major regional commercial center.

C. The project area abuts Specific Plan No. 18, Area II to the south. This area is developed as a corporate business park with single user, research and development, corporate headquarters type facilities. Further to the south is Area I of Specific Plan No. 18 which is developed as a sub-regional shopping center.

D. On the west side of Lone Hill Avenue the land use pattern is single-family residential. Residences front onto Lone Hill Avenue opposite of the project area. However, Lone Hill Avenue does not provide access into the existing residential neighborhood. A raised center median provides additional separation between the east and west sides of Lone Hill Avenue. (Ord. 1150 § 1, 2005)

18.540.070 Site conditions.

A. The site contains several inherent development challenges. The most significant of these challenges are the number of individual parcels and property owners within the project area boundaries. It will be necessary to coordinate all the property owners within

the project boundaries to create a logical method of development. The San Dimas redevelopment agency has acquired some of these properties.

B. The project is currently serviced by all utilities and the project area naturally drains from northeast to southwest. Presently, internal access into the project area is available from Lone Hill Avenue along 5th Street, a partially improved public right-of-way.

C. The parcel sizes and ownership arrangement within the project boundaries vary from large lots with common ownership interests to individually owned smaller residential parcels. (Ord. 1150 § 1, 2005)

18.540.080 Existing improvements.

Most of the property within the project boundaries has been improved. However, the quality of the improvements varies. Some properties are well-maintained and owner occupied. Other properties are in decline and are uninhabited. The easterly and northerly portions of the project area are improved with light manufacturing types of uses. These improvements reflect a similar range in quality as the residential improvements. Fifth Street is currently the public access into the project area. This street is partially improved. (Ord. 1150 § 1, 2005)

Article II. Land Use Development Plan—Area I—Regional Commercial

18.540.090 Location.

Area I is located on the southeast corner of Lone Hill Avenue and Gladstone Street, and is approximately 21.5 acres in size. The size of the area, after parcel assembly, makes it suitable for regional commercial development. The specific boundaries of Area I are indicated on Exhibit A. (Ord. 1150 § 1, 2005)

18.540.100 Purpose.

The purpose of Area I is to provide an attractive and convenient setting for development which normally requires freeway-close locations and can fully realize the benefits provided by the site and will complement the less regionally oriented businesses in the vicinity to more fully serve the community. Commercial development shall encourage creative and imaginative site and architectural designs while demonstrating concern for existing uses in the area. (Ord. 1150 § 1, 2005)

18.540.110 Planning units/phasing. (Reserved)

(Ord. 1150 § 1, 2005)

18.540.120 Permitted uses.

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

A. Any retail, other than auto and truck sales, or service business, which is conducted entirely within a totally enclosed building;

B. Uses which are directly related to the needs of freeway travelers and which are dependent on large traffic volume including, but not limited to, department stores, minor commercial uses related, secondary and incidental to an otherwise permitted use, and similar freeway oriented uses which may be approved by the director of community development upon finding that they are not more obnoxious or detrimental to the public health, safety and welfare than any other permitted uses. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.492212 of this title;

C. Restaurants, including take-out service businesses, but not including drive-in or drive-through service facilities;

D. Gasoline service stations, when accessory to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

E. Tire sales and installation, when accessory to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

F. Limited auto and truck sales, where incidental to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

G. Wholesale business activity, where incidental to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

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

I. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses. (~~Ord. 1185 § 26, 2008; Ord. 1150 § 1, 2005~~)

J. Service business to include, but not limited to, nail shop, barber and beauty shop, shoe repair, watch repair and dry cleaners, etc.; these uses are intended to have daily customer foot traffic;

K. Hardware stores;

L. New home furnishings and appliance outlets;

M. Specialty commercial uses, such as antique shops, jewelry stores, music stores, wholesale, and catalog stores, electronic and telecommunication stores, and auto and truck parts and supply businesses and similar uses;

N. Financial institutions, including banks, savings and loan associations, and credit unions;

O. Professional business office to include, but not limited to, accounting and billing services, insurance, tax assistance, legal services and graphic design office;

P. Medical office to include, but not limited to, such uses as medical clinics, dental, and optometry;

Q. Veterinary and pet grooming services. (Ord. 1185 § 26, 2008; Ord. 1150 § 1, 2005)

18.540.130 Conditional uses.

Conditional uses in Area I of Specific Plan No. 24 are as follows:

A. All uses listed in Section 18.540.120 of this chapter, which because of operational characteristics specific to that particular business is found by the director of community development to have the potential to negatively impact adjoining properties, businesses or residents and therefore, requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location;

B. Eating establishments, with drive-in or drive-through service. If located within three hundred feet of residentially zoned property, the drive-through or drive-in portion of the business can only operate during the hours of six a.m. to ten p.m. and the restaurant portion from six a.m. to midnight. Audible speakers shall be placed in such a manner as to be directed away from residentially zoned property, have an adjustable volume based on the outdoor ambient noise level and not to exceed twenty dBA when measured from the residentially zoned property;

C. On- or off-site alcoholic beverages, provided that such use is incidental and ancillary to a permitted use;

D. 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 five thousand 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;

E. Cinemas and movie theater facilities;

F. ATM – Stand-alone ATMs not installed in association with a financial institution and which are attached and integrated with the main building façade;

~~F. G.~~ Financial institutions, including banks, savings and loan associations, finance companies and credit unions, that provide drive-through service. (Ord. 1233 § 1, 2015; Ord. 1209 § 1, 2011; Ord. 1150 § 1, 2005)

18.540.140 Prohibited uses.

Prohibited uses in Area I of Specific Plan No. 24 are as follows:

A. Sales agencies for new automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith, except where incidental to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

B. Sales agencies for used automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith, operated as an accessory use with a permitted new vehicle sales agency;

~~C. Medical, professional, administrative and related office uses;~~

~~D. C.~~ Industrial uses;

~~E. D.~~ Gambling facilities;

~~F. E.~~ Residential uses;

~~G. F.~~ Billboards and other similar off-site advertising structures;

~~H. G.~~ Game arcades, other than accessory game arcades specifically authorized by this chapter;

I. Convenience markets.

(Ord. 1150 § 1, 2005)

18.540.150 Special limitations on development and uses.

A. Development Limitations, Area I of Specific Plan No. 24 is designed to be a comprehensive development program encompassing all of the properties in the plan area. However, many of the properties are currently under separate and different ownership. Because of the type of uses intended for the area, no development shall be permitted in Area I until all properties are under the same ownership, unless otherwise approved by the city of San Dimas. This limitation does not prohibit subsequent subdivision of the property where it can be demonstrated that the subdivision is consistent with the intent of the overall development program.

B. Special Use Limitations. Area I-A, as shown on Exhibit B, shall be limited in use to a major retail business with a minimum floor area of one hundred twenty-five thousand square feet. Area I-B, as shown on Exhibit B, may be developed in phases with other uses permitted in this article. Exhibit C illustrates a site design which would comply with this limitation although other similar site designs are also possible. (Ord. 1150 § 1, 2005)

Article III. Property Development Standards—Area I

18.540.190 Development standards.

All development shall comply with the following Area I property development standards, as well as with the general property development standards set forth in Article VIII. (Ord. 1150 § 1, 2005)

18.540.200 Minimum lot dimensions.

Minimum lot area width and depth, none required. However, a subdivision request within this area shall be accompanied by an illustrative site plan showing the lots are of sufficient size and shape to adequately support the type of uses permitted in the area in accordance with the development standards of this article. (Ord. 1150 § 1, 2005)

18.540.210 Building and parking setbacks.

The minimum building setbacks are as follows:

A. Along Lone Hill Avenue and Gladstone Street, minimum of twenty-five feet for structures up to twenty feet and forty feet for structures higher than twenty feet. Height limitations set forth in this section do not include minor architectural projections;

B. Interior lot lines, none required.
(Ord. 1150 § 1, 2005)

18.540.220 Maximum building height.

Maximum building height is thirty-five feet with greater heights subject to review and approval of a conditional use permit. (Ord. 1150 § 1, 2005)

18.540.230 Landscaping.

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

A. Streets. All setback areas along Gladstone Street and Lone Hill Avenue shall be landscaped and maintained adjacent to public rights-of-way. Parking areas should be screened as much as possible utilizing berms, shrubs, and other decorative treatments of sufficient size and height to meet this requirement.

B. Overall Site. All building sites shall have a minimum landscaped coverage equivalent to ten percent of the total lot area. Such landscaping shall be evenly distributed over the site and consist of an effective combination of trees, ground cover and shrubbery. All areas not utilized for structures, parking or other permitted uses shall be landscaped.

C. All interior side and rear yards and setbacks shall be fully landscaped. (Ord. 1150 § 1, 2005)

18.540.240 Signage.

The provisions of Chapter 18.152 of this title shall apply. No signs shall be installed until a master sign program for the project has been approved by the development plan review board. (Ord. 1150 § 1, 2005)

18.540.250 Architecture.

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

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

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

D. Detailed architectural guidelines shall be prepared for final review and approval by the development plan review board prior to the granting of precise plan approvals for any development within Area I-B. (Ord. 1150 § 1, 2005)

18.540.260 Internal circulation.

A. Internal circulation shall be designed so as to provide safe and efficient access to all properties within Area I of the specific plan.

B. An intent of Specific Plan No. 24 is to provide a comprehensive development program which encompasses all of the properties that comprise the project area. To fulfill this objective, prior to the approval of any project within Area I-B, a finding shall be made that the project takes into consideration and makes all necessary provisions to accommodate safe and efficient access to all other properties within the area as required to fulfill the intent of the specific plan.

C. Internal circulation shall include adequate provision for pedestrian circulation by including walkways, landscaping, benches or seating, trellises or similar amenities. (Ord. 1150 § 1, 2005)

Article IV. Land Use Development Plan—Area II—Light Industrial**18.540.290 Location.**

Area II is located on the northeast corner of Lone Hill Avenue and Gladstone Street, and is approximately 2.2 acres in size. The limited size and depth of Area II properties makes them more suitable for small scale single tenant development. The specific boundaries of Area II are indicated on Exhibit A. (Ord. 1150 § 1, 2005)

18.540.300 Purpose.

Area II is intended to allow light manufacturing to provide for the development of industrial uses which include fabrication, manufacturing, assembly or processing of materials that are already in processed form, wholesaling and warehousing. (Ord. 1150 § 1, 2005)

18.540.310 Permitted uses.

Those uses permitted in Section 18.128.080 of this title. (Ord. 1150 § 1, 2005)

18.540.320 Conditional uses.

Those uses permitted in Section 18.128.090 of this title, may be permitted subject to a conditional use permit pursuant to Chapter 18.200 of this title. (Ord. 1150 § 1, 2005)

18.540.330 Prohibited uses. (Reserved)

(Ord. 1150 § 1, 2005)

18.540.340 Provisions for existing uses and improvements.

Existing improvements built in conformance to all building and zoning codes in effect at the time of construction may be maintained as currently existing, pursuant to the following provisions:

A. Such existing improvements and site conditions may be maintained, repainted, repaired, and landscaping upgraded, without the requirement to conform with Articles IV and V of this chapter;

B. Review and approval of such repairs, repainting and similar actions is required pursuant to Article IX of this chapter;

C. All proposed additions, enlargements and improvements shall conform to the development standards, as applicable, in Articles IV and V of this chapter;

D. All residential uses made nonconforming pursuant to this chapter shall not be subject to the provisions of Section 18.204.170(B) of this code. All residential uses may remain and function as a residential use pursuant to the provisions of this section and Section 18.540.830 of this chapter. (Ord. 1150 § 1, 2005)

Article V. Property Development Standards—Area II**18.540.345 Development standards.**

All development shall comply with the following Area II property development standards, as well as with the general property development standards set forth in Article VIII. (Ord. 1150 § 1, 2005)

18.540.350 Circulation.

Effort shall be made to minimize the number of driveway openings onto Gladstone Street by evaluating opportunities for shared driveways accesses and by combining properties to create larger, more useable parcels. Additional secondary driveways may be permitted onto Gladstone Street pursuant to demonstrated consistency with the purpose and intent of the provisions of Specific Plan No. 24. (Ord. 1150 § 1, 2005)

18.540.360 Lot area.

There shall be a minimum of ten thousand square feet in each lot. (Ord. 1150 § 1, 2005)

18.540.370 Lot dimensions.

All lots shall comply with the following minimum standards:

A. Lot Width. Each lot shall have a minimum width of seventy-five feet.

B. Lot Depth. Each lot shall have a minimum depth of one hundred feet. (Ord. 1150 § 1, 2005)

18.540.380 Building setbacks.

A. Adjacent to Gladstone Street. The minimum required setback shall be fifteen feet and shall be fully landscaped and maintained.

B. Adjacent to Lone Hill Avenue. The minimum required setback shall be fifteen feet and shall be fully landscaped and maintained.

C. Interior Property Lines. No provisions.
(Ord. 1150 § 1, 2005)

18.540.400 Building types.

All building types constructed within Specific Plan No. 24 shall be of Type I, Type II, Type III or Type IV construction as defined by the building code. (Ord. 1150 § 1, 2005)

18.540.410 Maximum building height.

Maximum building height shall be thirty-five feet. Heights greater than thirty-five feet for structures other than buildings, including masts, towers, antennas and similar appurtenances may be allowed up to forty-five feet. (Ord. 1150 § 1, 2005)

Article VI. Land Use Development Plan—Area III—Light Industrial**18.540.490 Location.**

Area III is located on the east side of the railroad right-of-way. This area is separated from Specific Plan No. 24 by the railroad. Area III has access from Gladstone Street and is approximately 2.6 acres in size. The specific boundaries of Area III are indicated on Exhibit A. (Ord. 1150 § 1, 2005)

18.540.500 Purpose.

Area III is intended to allow for light industrial uses within moderate sized buildings suited for single users or multiple tenants. (Ord. 1150 § 1, 2005)

18.540.510 Permitted uses.

Those uses permitted in Section 18.128.080 of this title. (Ord. 1150 § 1, 2005)

18.540.520 Conditional uses.

Those uses permitted in Section 18.128.090 of this title, may be permitted subject to a conditional use permit pursuant to Chapter 18.200 of this title. (Ord. 1150 § 1, 2005)

18.540.530 Prohibited uses. (Reserved)

(Ord. 1150 § 1, 2005)

18.540.540 Provisions for existing uses and improvements.

Existing improvements built in conformance to all building and zoning codes in effect at the time of construction may be maintained as currently existing, pursuant to the following provisions:

A. Such existing improvements and site conditions may be maintained, repainted, repaired, and landscaping upgraded, without the requirement to conform with Articles VI and VII of this chapter;

B. Review and approval of such repairs, repainting and similar actions is required pursuant to Article IX of this chapter;

C. All proposed additions, enlargements and improvements shall conform to the development standards, as applicable, in Articles VI and VII of this chapter;

D. All residential uses made nonconforming pursuant to this chapter shall not be subject to the provisions of Section 18.204.170(B) of this code. All residential uses may

remain and function as a residential use pursuant to the provisions of this section and Section 18.540.830 of this chapter. (Ord. 1150 § 1, 2005)

Article VII. Property Development Standards—Area III

18.540.545 Development standards.

All development shall comply with the following Area III property development standards, as well as with the general property development standards set forth in Article VIII. (Ord. 1150 § 1, 2005)

18.540.550 Circulation.

Additional secondary driveways may be permitted onto Gladstone Street pursuant to demonstrated consistency with the purpose and intent of the provisions of Specific Plan No. 24. (Ord. 1150 § 1, 2005)

18.540.560 Lot area.

There shall be a minimum of ten thousand square feet in each lot. (Ord. 1150 § 1, 2005)

18.540.570 Lot dimensions.

All lots shall comply with the following minimum standards:

A. Lot Width. No provisions.

B. Lot Depth. Each lot shall have a minimum depth of one hundred feet. (Ord. 1150 § 1, 2005)

18.540.580 Building setbacks.

A. Adjacent to Gladstone Street. The minimum required setback shall be fifteen feet and shall be fully landscaped and maintained.

B. Interior Property Lines. No provisions.
(Ord. 1150 § 1, 2005)

18.540.600 Building types.

All building types constructed within Specific Plan No. 24 shall be of Type I, Type II, Type III or Type IV construction as defined by the building code. (Ord. 1150 § 1, 2005)

18.540.610 Maximum building height.

Maximum building height shall be thirty-five feet. Heights greater than thirty-five feet for structures other than buildings, including masts, towers, antennas and similar appurtenances may be allowed up to forty-five feet. (Ord. 1150 § 1, 2005)

Article VIII. General Development Standards

18.540.650 Maximum building coverage.

Maximum Building Coverage: None Required. Permitted maximum coverage shall be a secondary consideration subordinate to compliance with all other design regulations contained within this chapter. (Ord. 1150 § 1, 2005)

18.540.660 Lighting.

Parking lot lighting standards shall comply with city standards including the following:

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

B. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or property. (Ord. 1150 § 1, 2005)

18.540.670 Signs.

The provisions of Chapter 18.152 of this title shall apply. (Ord. 1150 § 1, 2005)

18.540.680 Utilities.

All utilities within the project boundaries to serve the uses and buildings therein shall be installed underground. All existing aboveground utilities shall be relocated underground at the time of project construction. (Ord. 1150 § 1, 2005)

18.540.690 Entry treatments.

All driveway entrances shall incorporate decorative pavement treatment. Additional entry treatment may be required by the development plan review board. (Ord. 1150 § 1, 2005)

18.540.700 Downspouts.

All downspouts shall be located in the interior of buildings. (Ord. 1150 § 1, 2005)

18.540.710 Outdoor display/storage areas.

Outdoor display and/or storage areas may be permitted when incidental and secondary to a permitted use subject to review and approval by the development plan review board. The uses shall not be located or operated in such a manner as to be detrimental to the visual quality of the primary use nor to negatively impact adjacent properties by means of noise, odor, appearance or other characteristics. In approving the display or storage area, the development plan review board may impose buffers consisting of decorative block walls, berming, landscaping, or combinations thereof to mitigate any perceived impacts. (Ord. 1150 § 1, 2005)

18.540.720 Landscaping.

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

A. Within Required Setbacks. All required setbacks shall be fully landscaped exclusive of structures, parking area, drive aisles, and similar improvements.

B. Within Parking Areas. A minimum of five percent of the parking area required within this chapter shall be landscaped. The landscaping shall be in the form of landscaped planter fingers and similar landscaped planter techniques.

C. All landscaping required within this section shall be contained within planters of raised concrete curbing six inches in height. (Ord. 1150 § 1, 2005)

18.540.730 Mechanical equipment.

Roof-mounted mechanical equipment including, but not limited to, air conditioning, heating, and ventilating and exhaust ducts, shall be screened from view from any surrounding property, street or highway. The screening shall be designed in such manner as to appear to be an integral component of the overall building architecture. This can be accomplished by full roof treatments, equipment wells, and architectural design features. Line-of-sight drawings shall be required as a component of all design review submittals to verify equipment screening. Wall or ground-mounted equipment shall be enclosed in a manner which incorporates the same materials used in the building. (Ord. 1150 § 1, 2005)

18.540.740 Off-street parking and loading.

The provisions of Chapter 18.156 of this title shall apply. (Ord. 1150 § 1, 2005)

18.540.750 Outdoor storage.

Any outdoor storage permitted by this section shall be screened from view of any public right-of-way. Such methods of screening shall include, but not be limited to, masonry walls and dense landscaping. (Ord. 1150 § 1, 2005)

18.540.760 Walls.

Walls shall be permitted and/or required pursuant to the following provisions. All walls shall be constructed of decorative concrete tilt-up, masonry or other approved durable material.

A. Required Walls. Walls shall be required to screen truck and storage areas where allowed by this chapter. Interior walls may be required by the development plan review board as a component of the design review process. All screening walls shall be architecturally compatible with the buildings within the project and planning units, and shall incorporate vertical landscaping such as vines, trees and shrubbery. The vertical landscaping elements shall be located on the public right-of-way side to provide visual relief from the horizontal expanse. The height of the screening walls shall be governed by the view shed from the surrounding areas which shall take into consideration the height of equipment and/or trucks to be stored behind the walls.

B. Permitted Walls. Walls shall be permitted on or within all property lines not abutting streets and on, or to the rear of all required yard setback lines abutting streets. The height of such walls shall be set by the director of community development after giving reasonable due consideration to alternative screening techniques and devices. Walls not over forty-two inches in height may be permitted within the required setback areas. (Ord. 1150 § 1, 2005)

18.540.770 Trash/recycling storage.

Enclosed trash and/or recycling storage area(s) built to the city's standard specifications shall be provided in appropriate locations pursuant to city standards. (Ord. 1150 § 1, 2005)

Article IX. Plan Review and Disposition**18.540.800 Review requirements—Development plans.**

A. Before any grading is undertaken on any lot or parcel within the Specific Plan No. 24 area, a precise plan shall be submitted for review and approval by the development plan review board, planning commission and city council.

B. Unless otherwise provided in accordance with Section 18.12.050 of this title, precise plans shall be subject to final review and approval by the development plan review board, the planning commission and the city council.

C. In addition to the standard development plan findings, the development plan review board, the planning commission and the city council, in approving a precise plan for any lot or lots in Specific Plan No. 24, shall make the following findings:

1. The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan No. 24, as set forth in Section 18.542.010 of this title;

2. The architectural character, style and use of materials harmonize with the natural setting, if applicable.

D. Prior to submitting development plans, the applicant shall meet with planning staff members to discuss and review the general purpose and objectives of the specific plan in relation to any development concepts proposed by the applicant. (Ord. 1150 § 1, 2005)

18.540.810 Precise plan review.

A. The applicant shall submit a minimum of four sets of scaled plans to the planning department which shall include the following, where applicable:

1. Precise grading plan and site plan;
2. Architectural floor plans and elevations;
3. Grading plan;
4. Lighting plan;
5. Conceptual landscaping plan;
6. Fencing plan;
7. Access and circulation plan;
8. Utility plan;
9. Master sign program.

B. Precise plans shall be reviewed and approved as set forth in Section 18.542.800 of this title.

C. The approving authority shall make the findings in accordance with Section 18.12.060 of this title. (Ord. 1150 § 1, 2005)

18.540.820 Plan disposition.

A. The development plan review board shall consider the plans and shall recommend to the planning commission approval, conditional approval or disapproval of the plans with any conditions deemed necessary to protect the public health, safety and general welfare.

B. The planning commission shall consider the plans and recommend to the city council approval, conditional approval or disapproval of the plans with any conditions deemed necessary to protect the public health, safety and general welfare.

C. Upon receipt of the recommendation from the planning commission, the city council shall approve, conditionally approve or disapprove the precise plan.

D. Amendments to Approved Plans. Development plans and precise plans may be amended by the same process provided for approval. Minor modifications, which do not substantially change the concept of an approved development plan or precise plan may be approved by the director of community development and reported to the development plan review board. (Ord. 1150 § 1, 2005)

18.540.830 Minor modifications.

The director of community development without public hearing may grant minor modifications to the provisions of this specific plan limited to the following:

A. Reduction of open areas by permitting portions of a building to extend into and occupy not more than ten percent of the area of a required yard;

B. Waive the development plan review requirement for minor alterations to existing structures which conform to the following:

1. Repainting of an existing structure the same or similar color hue which currently exists on the site,
2. Minor alterations in location of landscape features or plant materials from an approved landscape plan,
3. Minor alterations to an approved plan which do not create a noticeable difference in the building design. Such minor alterations would not include the elimination of approved building materials. (Ord. 1150 § 1, 2005)

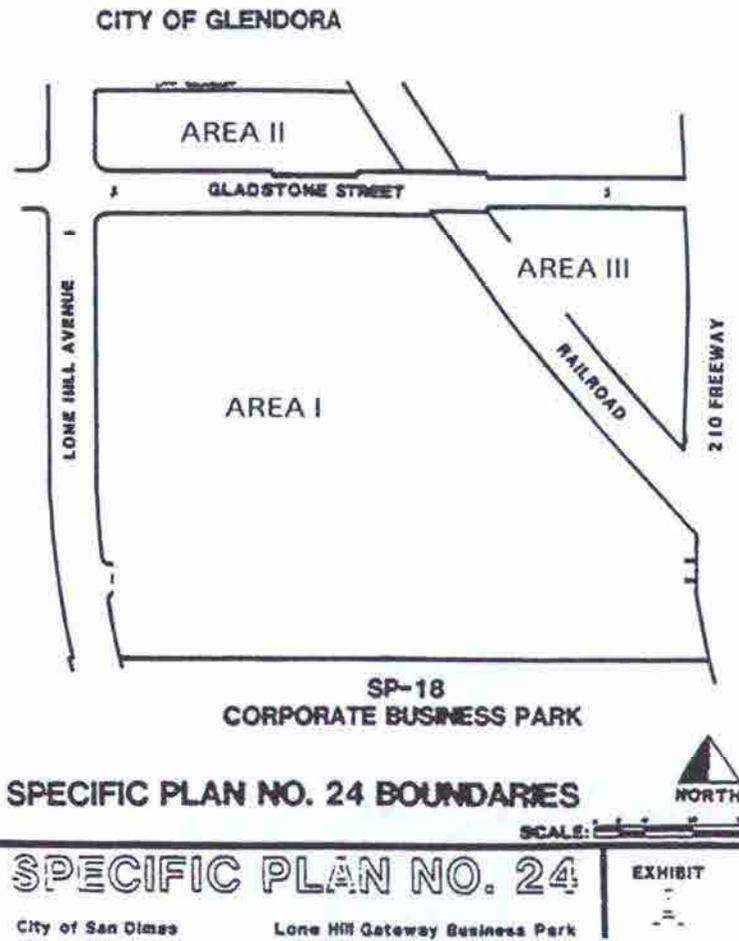


Exhibit A
LOCATION/AREA MAP

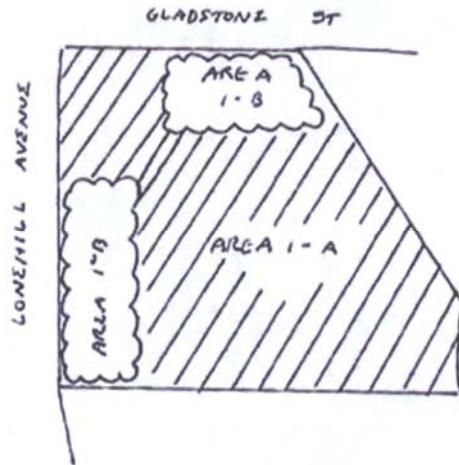
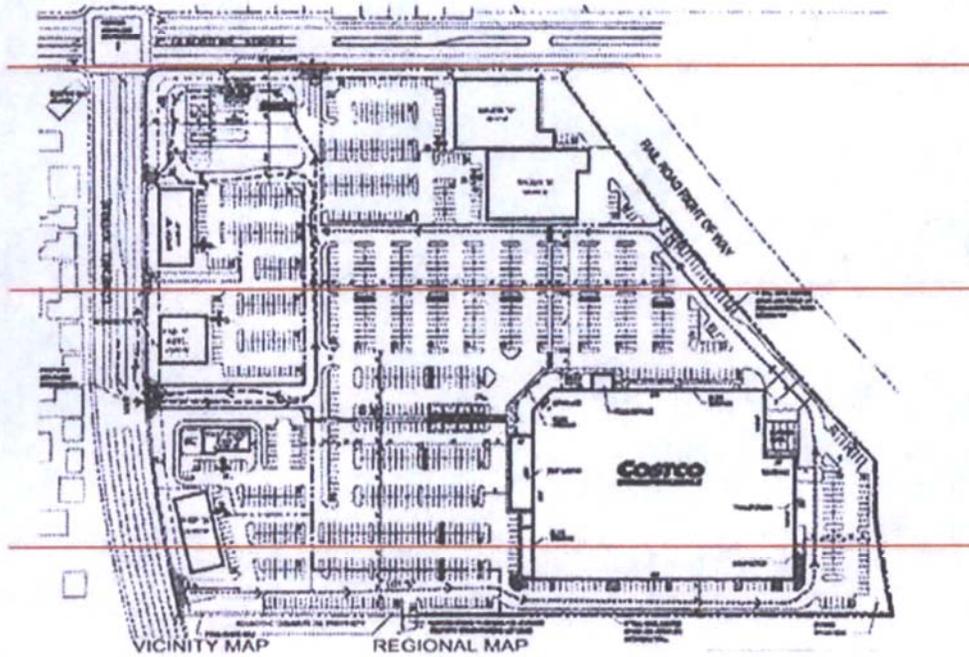


Exhibit B
Map Illustrating Sub-Areas for Area I



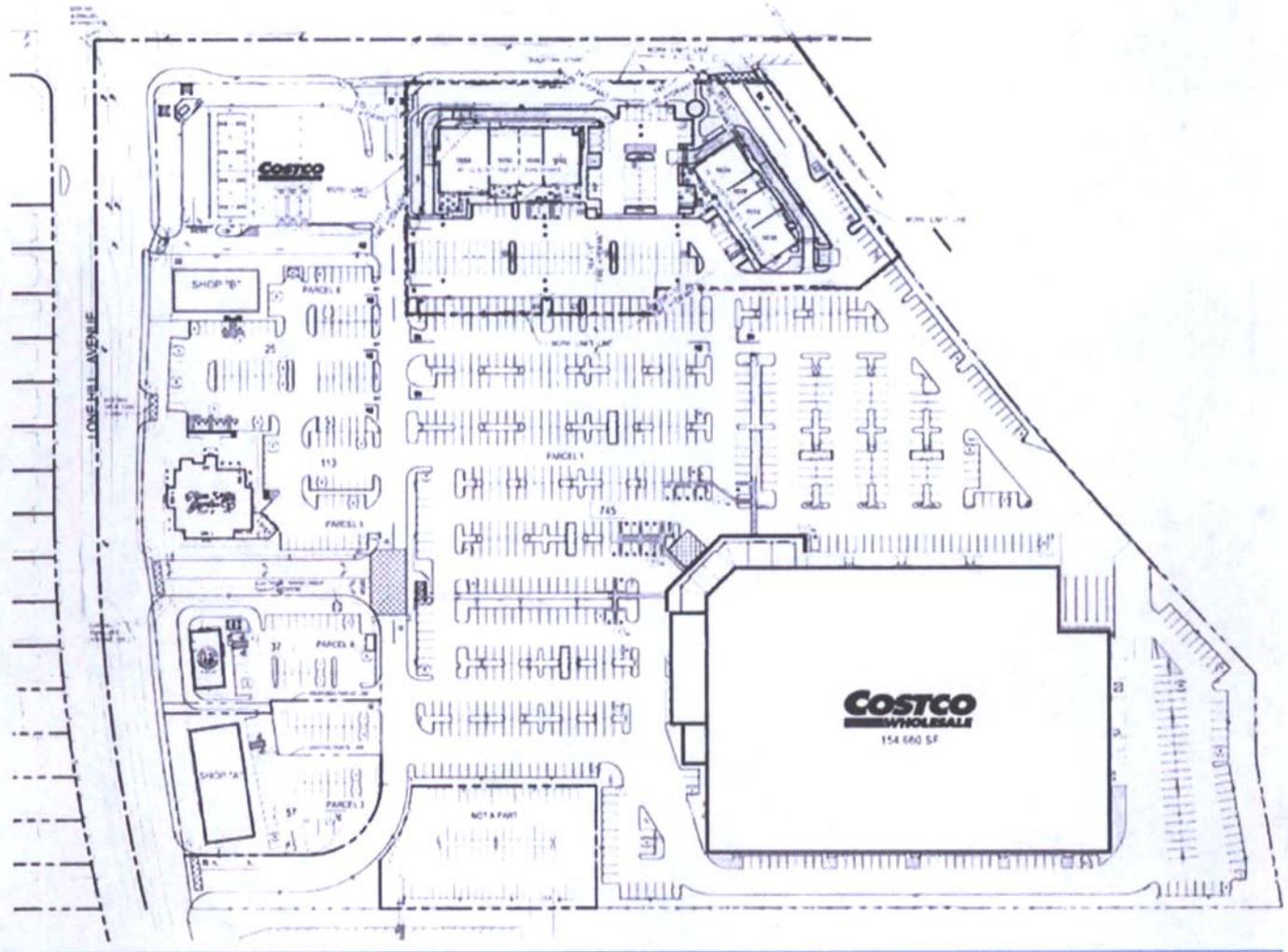


Exhibit C
Illustrative Site Plan

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, November 19, 2015 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman David Bratt
Commissioner Margie Green
Commissioner Tomas Molina
Commissioner Ted Ross
Senior Planner Marco Espinoza
Associate Planner Luis Torrico
Assistant City Attorney Lindsay Tabaian
Planning Secretary Jan Sutton

Absent

Commissioner John Davis

CALL TO ORDER AND FLAG SALUTE

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

CONSENT CALENDAR

1. Approval of Minutes: October 15, 2015 (Bratt absent)

MOTION: Moved by Green, seconded by Ross to approve the Consent Calendar. Motion carried 3-0-1-1 (Bratt abstain, Davis absent).

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-08** – A request to allow expanded retail and service business uses currently not allowed within Specific Plan No. 24 (SP-24) Area 1, located at Citrus Station (Costco) Shopping Center. (APNs: 8383-009-061 thru -064, -077 thru -080, -082, 085, -088 thru -090, and -093 thru -098)

Staff report presented by **Associate Planner Luis Torrico** who stated this request is to amend Specific Plan No. 24, Area 1, to allow additional retail and service business uses at the Citrus Station shopping center. The applicant is the owner of the two new pad buildings on Gladstone currently under construction. He outlined the different areas of the Specific Plan and the list of new uses. The majority would be permitted by right and one would be conditionally permitted. The proposed uses are similar to those recently approved by the Commission and City Council for the other major shopping centers in San Dimas. Two differences in this request is that a bank could now be permitted by right, and only banks that wished to incorporate a drive-through ATM would be conditionally permitted; the second item is to allow a stand-alone ATM that is not associated with a bank in the center. There is nothing in the code that currently

allows or prohibits such a use so this would be the first time this is codified. Staff is recommending that it be conditionally permitted to allow Staff the flexibility to ensure that the design would be integrated with the architecture of the center and to ensure that the lighting required under State code was not installed in such a way as to create a negative impact on surrounding properties.

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

Alex Gonzalez, Evergreen, Applicant, stated they made this request in order to be competitive with surrounding centers and improve the mix of businesses when leasing out vacant space, and hoped the Commission would support their application.

Chairman Bratt asked if they had any vacancies in their two pad buildings, and does Costco have any control over the types of businesses they can lease space to, or do any of the other tenants.

Alex Gonzalez, Applicant, stated they have two vacant tenant spaces in the eastern building but are looking at potential tenants and hope to have them leased in the next few months. He stated Costco can limit who comes into the center through the CC&Rs. They worked with them on the list of expanded uses and Costco has approved the uses in this amendment. The other tenants are bound by the same regulations as they are.

Commissioner Molina felt there was starting to be a problem with traffic stacking up near the entrance for the gas station and thought there should be a way to encourage people to use the eastern entrance to the site.

Associate Planner Torrico stated Staff has noticed the same thing with the queuing and that is something that would need to be handled by Costco. However, under the conditions of their Use Permit, if it continues to be a problem, Staff can work with them on ways to resolve the circulation issues.

Alex Gonzalez, Applicant, stated there will be more parking spaces available once the construction on the new buildings is completed.

Commissioner Molina stated he thinks it is more of a problem associated with the gas station, not with the shopping center as a whole.

Laura Nash, 1310 W. Gladstone, San Dimas, stated she was opposed to this amendment. She and her husband had owned property where the Costco is now located, as well as her sister, and they were told that this project would be for the common good of the community by providing increased sales tax revenue, and at that time service businesses were specifically left out of the allowed uses because they did not generate sales tax. She felt this was still viable as a retail center and the argument of needing service businesses in order to fill tenant spaces did not hold up. The landlord knew what was in the code when they chose to develop, and just because other shopping centers allow service businesses didn't mean that they needed to allow it here. She also concurred that there are issues with parking and circulation because most of the empty spaces were on the eastern side of the center and there didn't seem to be enough parking on the western side where all the businesses were located.

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

Commissioner Molina clarified a bank would only need a Conditional Use Permit if it had a drive-through.

Associate Planner Torrico stated that is correct; if it did not have a drive-through, a bank could be permitted by right with this amendment.

Commissioner Ross asked if there were any requirements for surveillance equipment on banks other than what is on the ATM.

Associate Planner Torrico stated there are no requirements on the City's level, but if an application is received, Staff can send it to the Sheriff's Department for review and add any conditions that may be necessary.

RESOLUTION PC-1549

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL TO THE CITY COUNCIL OF MUNICIPAL CODE TEXT AMENDMENT 15-08, AMENDING SECTION 18.540, SPECIFIC PLAN NO. 24, UPDATING THE PERMITTED AND CONDITIONALLY PERMITTED USES IN AREA 1 (APNs: 8383-009-061 THRU -064, -077 THRU -080, -082, -085, -088 THRU -090, -093 THRU -098)

MOTION: Moved by Green, seconded by Ross to adopt Resolution PC-1549 recommending the City Council approve Municipal Code Text Amendment 15-08. Motion carried 4-0-1 (Davis absent).

- 3. CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-06** – A request to amend the uses in Specific Plan No. 17, Area 1 (Code Sec. 18.528), to allow for the off-site sale of beer and wine in conjunction with a conditionally permitted service station with convenience store. (APN: 8396-017-025); and

CONSIDERATION OF CONDITIONAL USE PERMIT 15-10 – A request to allow for the off-site sale of beer and wine (Type 20) in conjunction with a conditionally permitted service station with convenience store located at 1790 S. San Dimas Avenue (Via Verde 76). (APN: 8396-017-025)

Staff report presented by **Senior Planner Marco Espinoza** who stated that even though the usual process would be to adopt the code amendment prior to accepting an application for the Conditional Use Permit, because this amendment deals with just one code section and one particular property only, it was felt it would streamline the process to move both applications through the process together. He stated that Staff added a condition to the Conditional Use Permit stating it does not take effect until 30 days after adoption of the Municipal Code Text Amendment. And if the Code Amendment is denied, then the Use Permit application becomes moot.

He went over the prior approval to expand the snack shop area back in 2008 into a 1,000 sq. ft. convenience store, and how when the Applicant applied to amend the code in 2012-13 to allow the sale of beer and wine, it was discovered that ABC had placed a moratorium until 2016 for new licenses in the City of San Dimas unless certain criteria could be met, and subsequently the request was withdrawn. At this time the Applicant has been able to purchase an existing license from a business that recently closed within the City.

He stated Specific Plan No. 17, Area 1, currently prohibits the sale of alcohol, so the proposal is to amend the code to remove that prohibition and to conditionally allow the sale of alcohol as an accessory use to a convenience store. As an accessory use no more than 49% of the floor area can be used for it, and as stated earlier this amendment would only impact the Via Verde 76

RESOLUTION PC-1549

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL TO THE CITY COUNCIL OF MUNICIPAL CODE TEXT AMENDMENT 15-08, AMENDING SECTION 18.540, SPECIFIC PLAN NO. 24, UPDATING THE PERMITTED AND CONDITIONALLY PERMITTED USES IN AREA I (APNs: 8383-009-061 thru -064, -077 thru -080, -082, -085, -088, -089, -090, -093 thru -098)

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by the Planning Commission upon application by Alex Gonzalez on behalf of Evergreen – Gladstone & Lone Hill, LLC; and

WHEREAS, the Amendment is to modify Specific Plan No. 24, Area I, to allow for expanded uses not currently allowed (i.e. stand-alone ATMs, professional office, medical office, etc.); and

WHEREAS, the Amendment would affect Area I within Specific Plan No. 24; and

WHEREAS, notice was duly given of the public hearing on the matter and the public hearing held on Thursday, November 19, 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 have an adverse effect on the adjoining properties as the proposed permitted and conditionally permitted uses will provide additional retail and services uses within an existing commercial center. The proposed amendments are similar in nature to existing ones in other commercial centers within close proximity of the area, which have not created any impacts to their respective adjoining properties. The proposed amendments will increase the center's marketability and will be compatible with the existing uses at the center and with the existing permitted and conditionally permitted uses in Specific Plan No. 24, Area I.

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

The proposed amendments have been evaluated and have been classified into two groups: "permitted" and "conditionally permitted" uses. The conditionally permitted uses will require approval of a Conditional Use Permit Application and public hearing(s) which will allow Staff to impose conditions and restrictions on items such as hours of operation and other operational characteristics in order ensure and further the public health, safety and general welfare.

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

The proposed amendment is consistent with the General Plan designation of commercial and will be consistent with Goal L-5, "Provide well planned commercial centers and nodes," by providing a wide variety of additional retail, service based and office businesses not currently permitted within Specific Plan No. 24, Area I to the residents of San Dimas and the adjacent cities as well as commuters that use the 57 Freeway. In addition, the proposed amendments will further the purpose of Specific Plan No. 24, Area I, by providing additional uses that will complement the less regionally oriented businesses in the vicinity to more fully serve the community.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 15-08 as set forth in attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 19th day of November, 2015 by the following vote:

AYES: Bratt, Green, Molina, Ross

NOES: None

ABSENT: Davis

ABSTAIN: None



David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

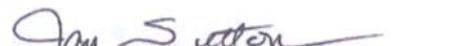

Jan Sutton, Planning Secretary

EXHIBIT "A"

New text changes are in Blue and underlined

Deleted text is in ~~Red and Strikethrough~~

Sections:

Article I. General

- 18.540.010 Purpose and intent.
- 18.540.020 Authority.
- 18.540.030 Location.
- 18.540.040 General notes.
- 18.540.050 Definitions.
- 18.540.060 Setting.
- 18.540.070 Site conditions.
- 18.540.080 Existing improvements.

Article II. Land Use Development Plan—Area I—Regional Commercial

- 18.540.090 Location.
- 18.540.100 Purpose.
- 18.540.110 Planning units/phasing. (Reserved).
- 18.540.120 Permitted uses.
- 18.540.130 Conditional uses.
- 18.540.140 Prohibited uses.
- 18.540.150 Special limitations on development and uses.

Article III. Property Development Standards – Area I

- 18.544.190 Development standards.
- 18.544.200 Minimum lot dimensions.
- 18.544.210 Building and parking setbacks.
- 18.544.220 Maximum building height.
- 18.544.230 Landscaping.
- 18.544.240 Signage.
- 18.544.250 Architecture.
- 18.544.260 Internal circulation.

Article IV. Land Use Development Plan— Area II—Light Industrial

- 18.544.290 Location.
- 18.544.300 Purpose.
- 18.544.310 Permitted uses.
- 18.544.320 Conditional uses. (Reserved)
- 18.544.330 Prohibited uses. (Reserved)
- 18.540.340 Provisions for existing uses and improvements.

Article V. Property Development Standards—Area II

- 18.540.345 Development standards.
- 18.540.350 Circulation.

- 18.540.360 Lot area.
- 18.540.370 Lot dimensions.
- 18.540.380 Building setbacks.
- 18.540.400 Building types.
- 18.540.410 Maximum building height.

Article VI. Land Use Development Plan—Area III—Light Industrial

- 18.540.490 Location.
- 18.540.500 Purpose.
- 18.540.510 Permitted uses.
- 18.540.520 Conditional uses.
- 18.540.530 Prohibited uses. (Reserved)
- 18.540.540 Provisions for existing uses and improvements.

Article VII. Property Development Standards—Area III

- 18.540.545 Development standards.
- 18.540.550 Circulation.
- 18.540.560 Lot area.
- 18.540.570 Lot dimensions.
- 18.540.580 Building setbacks.
- 18.540.600 Building types.
- 18.540.610 Maximum building height.

Article VIII. General Development Standards

- 18.540.650 Maximum building coverage.
- 18.540.660 Lighting.
- 18.540.670 Signs.
- 18.540.680 Utilities.
- 18.540.690 Entry treatments.
- 18.540.700 Downspouts.
- 18.540.710 Outdoor display/storage areas.
- 18.540.720 Landscaping.
- 18.540.730 Mechanical equipment.
- 18.540.740 Off-street parking and loading.
- 18.540.750 Outdoor storage.
- 18.540.760 Walls.
- 18.540.770 Trash/recycling storage.

Article IX. Plan Review and Disposition

- 18.540.800 Review requirements—Development plans.
- 18.540.810 Precise plan review.
- 18.540.820 Plan disposition.
- 18.540.830 Minor modifications.

Article I. General

18.540.010 Purpose and intent.

A. The size and location of Specific Plan No. 24 presents a unique development opportunity within the city. The total project area encompasses approximately 26.5 acres. The project area is located at the intersection of Lone Hill Avenue and Gladstone Street. This location is an entrance into San Dimas from the west and north.

B. Existing land uses include light industrial and manufacturing, single-family, and unimproved land. The quality of the existing improvements is generally unsightly and many public improvements are deficient.

C. The project area has been experiencing development pressure with increased commercial development in adjacent portions of Glendora. The result of uncoordinated recycling of property within the project area would create a negative impact upon those properties which do not participate. Specific Plan No. 24 provides the best mechanism for coordinated, comprehensive, high quality, and sensitive development for the project area. The purpose of Specific Plan No. 24 includes the following:

1. To provide a coordinated, logical method for the property within the project area to recycle into commercial and light industrial use;
2. To ensure that the development within the project area is compatible and sensitive to adjacent uses;
3. To create a high quality and aesthetically attractive visual entrance to the city;
4. To maximize major commercial development of larger properties due to limited opportunities elsewhere within the San Dimas; and
5. To incorporate creative and sensitive planning, architecture, landscape architecture, and engineering to develop a project that will enhance the existing adjacent uses and promote the existing and future appearance of San Dimas. (Ord. 1150 § 1, 2005)

18.540.020 Authority.

The adoption of Specific Plan No. 24 by the city is authorized by and pursuant to Sections 65450 through 65457 of the California Government Code. (Ord. 1150 § 1, 2005)

18.540.030 Location.

Specific Plan No. 24 encompasses land area which totals approximately 26.5 acres. The project area is bordered by the 210 Freeway on the east; the city boundary to the north; Lone Hill Avenue to the west; and, Specific Plan No. 18, Area 2 (Corporate Business Park) to the south. The project boundaries are indicated on the attached Exhibit A. (Ord. 1150 § 1, 2005)

18.540.040 General notes.

The project area of Specific Plan No. 24 is designated as commercial and industrial by the city general plan. All development, uses and activity shall be subject to, but not limited to, the following general provisions:

A. Unless otherwise specified, all development, uses and activity within Specific Plan No. 24 shall comply with this code. Terms used in this chapter shall have the same meaning as defined elsewhere in this code unless otherwise provided;

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

C. The review and approval of development within the specific plan area shall be subject to Section 65450 et seq. of the State Government Code;

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

E. Minor modifications to Specific Plan No. 24 which do not alter the intent of this chapter shall be considered pursuant to the provisions of Section 18.540.830 of this chapter;

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

G. Any permitted use or conditionally permitted use not specifically provided by the San Dimas Specific Plan No. 24 shall not be permitted without a determination of use by the development plan review board pursuant to provisions of Chapter 18.12 of this title; and

H. Each development proposal pursuant to the provisions of this chapter shall receive environmental evaluation pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and the CEQA Guidelines prepared by the Secretary of Resources. (Ord. 1150 § 1, 2005)

18.540.050 Definitions.

Unless the context otherwise requires, or unless different definitions are set forth in individual titles, chapters, or sections of this title, the words or phrases defined in this chapter shall have the meaning and construction ascribed to them in this section. When not inconsistent with the context, words in the singular shall include the plural and words in the plural shall include the singular. The word "shall" is mandatory and the word "may" is permissive. Words and phrases not defined in this chapter shall be defined in the following sources by the following order: (1) other chapters of this code; (2) definitions contained in the city adopted chapters of the Uniform Building Code; (3) definitions contained in legislation of the state of California; and (4) Webster's Dictionary.

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

"Accessory use" means a use which is incidental or secondary to the primary use of the lot or parcel. Such use is devoted exclusively to the primary land use.

"Adjacent" means the same as abutting.

"Architectural feature" means a part, portion, projection, or treatment that contributes to the visual beauty, elegance, historic consistency, or design integrity of a building or structure, and is not necessary for the structural integrity of the building or structure or to make the structure or building habitable. Such architectural feature does not include signs or other forms of use identification.

"ATM Stand-alone" means ATMs not installed in association with a financial institution and which are attached and integrated with the main building façade;

"Automobile parking" means parking of operational and street legal motor vehicles on a temporary basis within an improved off-street parking area.

"Building coverage" means the gross area of a lot or parcel of land occupied by all of the ground floor, or building footprint, of a building or structure which is under roof.

"Building height" means the maximum vertical distance as measured from the interior floor level to the top of the uppermost part of the structure through any vertical section.

Building, Main. "Main building" means a building within which the principal primary use of the lot or parcel is conducted, as provided by this chapter.

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

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

"Commercial use" means a business, normally involving office, retail, sales, or service uses.

"Design review" means the process of city review and approval of development proposals as required by Chapter 18.12 of this title.

"Driveway" means an unobstructed paved area which provides access to vehicle parking, loading, or maneuvering area.

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

"Enclosed building" or "enclosed structure" means a building or structure with a permanent roof and enclosed on all sides by solid exterior walls. Such solid exterior walls may feature windows, loading doors, and customary entrance and exit doors.

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

"Existing improvements" means any improvements which exist at the time of the adoption of this specific plan. Such existing improvements must have been legally constructed in compliance with all building and zoning codes in effect at the time the improvements were constructed.

"Exterior boundary" means the perimeter of any lot or parcel of land or assembly of lots or parcels to be developed in an integrated, comprehensive manner.

"Fence" means any device forming a physical barrier between two areas. Such barrier may be constructed of chain-link, louver, wood stake, masonry, lumber, or other similar material in accordance with adopted city standards.

Floor Area, Gross. "Gross floor area" means the total floor area of a building under roof measured in square feet. Such measurement would include each horizontal plane which constitutes a floor as measured to the outside of the exterior walls of all floors excluding stairway openings.

"Frontage" means, with regards to a lot, that side of a lot abutting on an either public or private street, typically the front lot line. With regards to a building, see "business frontage."

"Industry" means the manufacture, fabrication, processing or reduction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. In addition, it shall include trucking facilities, warehousing, storage facilities, business facilities serving primarily industry, and similar enterprises.

"Landscaping" means the planting and maintenance of a combination of trees, shrubs, vines, ground cover, flowers and lawn. In addition, such landscaping may include design features such as rock and stone, garden-type fencing and decorative structures. Such

design features may also include water elements, art works, decorative walks, benches, and decorative paving.

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

"Loading space" means an off-street space or berth on the same lot and contiguous with the building it is intended to serve for temporary parking of commercial transport vehicles while loading and unloading merchandise, materials, supplies, manufactured products and similar items.

"Main building" or "main structure." Also referred to as principal and primary building or structure. Such building and structure would contain and enclose the activity which is the main use of the lot or parcel of land upon which the building is situated.

"Main use" means any use of a building, structure, or land which is the primary feature of the activity conducted on the lot or parcel of land.

"Medical offices" means establishments that provide medical, surgical, and/or psychiatric services to sick or injured persons on an out-patient basis. Such medical offices include, but are not limited to:

- a. Dental;
- b. Medical clinic without ambulance service;
- c. Acupuncture;
- d. Optometry.

"Mixed use" means any multiple use of a building, structure, or land which promotes varying forms of activity at various times of the day. Such combinations of uses would include, but not be limited to, retail commercial, light industrial, office, and cultural and gathering uses.

"Multi-phase development" means a development project which is constructed in increments. Each increment would be capable of existing independent of the others, but the completed project would be a comprehensive design.

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

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

"Professional business offices" means businesses that service clientele on a daily basis that provide work performed in an expert manner and typically produce an intangible product for the benefit of the customer. Such professional business offices include, but are not limited to:

- a. Accounting and billing services;
- b. Communications;
- c. Consulting services;
- d. Graphic design;
- e. Insurance office;
- f. Legal service;
- g. Real estate office.

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

"Service" means an act, or any result of useful labor, which does not in itself produce a tangible commodity.

"Service business" means infrequent, technical, and/or unique functions performed by independent consultants whose occupation is the rendering of such services. Such service businesses include, but are not limited to:

- a. Barber and beauty shop;
- b. Nail salons;
- c. Dry cleaners;
- d. Small appliance repair;
- e. Computer repair;
- f. Shoe repair;
- g. Watch repair;
- h. Pharmacy;
- i. Tanning salon;
- j. Tailors and seamstresses.

"Setback" means the area between the building line and the nearest property line.

"Storage area" means an area used or intended for the storage of materials, refuse, or vehicles and equipment not in service.

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

Yard, Required. "Required yard" means a yard, as defined in this section, that occupies the area of a required setback. (Ord. 1150 § 1, 2005)

18.540.060 Setting.

A. Specific Plan No. 24 is uniquely located. The project area is strategically located at a major entrance into the city. This entrance is the intersection of Lone Hill Avenue and Gladstone Street. Lone Hill Avenue is a major north/south street with direct access to the 210 Freeway, approximately one-quarter mile north of the project area. Gladstone Street is a significant east/west street in the city. On the west side of the 210 Freeway, Gladstone Street represents the northerly city boundary. East of the 210 Freeway, Gladstone Street provides access into the center of the city.

B. The city of Glendora abuts the project area to the north. Due north of the project area at the approximate location of Lone Hill Avenue and Allen Avenue intersection, the city of Glendora is developed with an automobile retail center and major regional commercial center.

C. The project area abuts Specific Plan No. 18, Area II to the south. This area is developed as a corporate business park with single user, research and development, corporate headquarters type facilities. Further to the south is Area I of Specific Plan No. 18 which is developed as a sub-regional shopping center.

D. On the west side of Lone Hill Avenue the land use pattern is single-family residential. Residences front onto Lone Hill Avenue opposite of the project area. However, Lone Hill Avenue does not provide access into the existing residential neighborhood. A raised center median provides additional separation between the east and west sides of Lone Hill Avenue. (Ord. 1150 § 1, 2005)

18.540.070 Site conditions.

A. The site contains several inherent development challenges. The most significant of these challenges are the number of individual parcels and property owners within the project area boundaries. It will be necessary to coordinate all the property owners within

the project boundaries to create a logical method of development. The San Dimas redevelopment agency has acquired some of these properties.

B. The project is currently serviced by all utilities and the project area naturally drains from northeast to southwest. Presently, internal access into the project area is available from Lone Hill Avenue along 5th Street, a partially improved public right-of-way.

C. The parcel sizes and ownership arrangement within the project boundaries vary from large lots with common ownership interests to individually owned smaller residential parcels. (Ord. 1150 § 1, 2005)

18.540.080 Existing improvements.

Most of the property within the project boundaries has been improved. However, the quality of the improvements varies. Some properties are well-maintained and owner occupied. Other properties are in decline and are uninhabited. The easterly and northerly portions of the project area are improved with light manufacturing types of uses. These improvements reflect a similar range in quality as the residential improvements. Fifth Street is currently the public access into the project area. This street is partially improved. (Ord. 1150 § 1, 2005)

Article II. Land Use Development Plan—Area I—Regional Commercial

18.540.090 Location.

Area I is located on the southeast corner of Lone Hill Avenue and Gladstone Street, and is approximately 21.5 acres in size. The size of the area, after parcel assembly, makes it suitable for regional commercial development. The specific boundaries of Area I are indicated on Exhibit A. (Ord. 1150 § 1, 2005)

18.540.100 Purpose.

The purpose of Area I is to provide an attractive and convenient setting for development which normally requires freeway-close locations and can fully realize the benefits provided by the site and will complement the less regionally oriented businesses in the vicinity to more fully serve the community. Commercial development shall encourage creative and imaginative site and architectural designs while demonstrating concern for existing uses in the area. (Ord. 1150 § 1, 2005)

18.540.110 Planning units/phasing. (Reserved)

(Ord. 1150 § 1, 2005)

18.540.120 Permitted uses.

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

A. Any retail, other than auto and truck sales, or service business, which is conducted entirely within a totally enclosed building;

B. Uses which are directly related to the needs of freeway travelers and which are dependent on large traffic volume including, but not limited to, department stores, minor commercial uses related, secondary and incidental to an otherwise permitted use, and similar freeway oriented uses which may be approved by the director of community development upon finding that they are not more obnoxious or detrimental to the public health, safety and welfare than any other permitted uses. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.192212 of this title;

C. Restaurants, including take-out service businesses, but not including drive-in or drive-through service facilities;

D. Gasoline service stations, when accessory to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

E. Tire sales and installation, when accessory to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

F. Limited auto and truck sales, where incidental to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

G. Wholesale business activity, where incidental to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

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

I. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses. (~~Ord. 1185 § 26, 2008; Ord. 1150 § 1, 2005~~)

J. Service business to include, but not limited to, nail shop, barber and beauty shop, shoe repair, watch repair and dry cleaners, etc.; these uses are intended to have daily customer foot traffic;

K. Hardware stores;

L. New home furnishings and appliance outlets;

M. Specialty commercial uses, such as antique shops, jewelry stores, music stores, wholesale, and catalog stores, electronic and telecommunication stores, and auto and truck parts and supply businesses and similar uses;

N. Financial institutions, including banks, savings and loan associations, and credit unions;

O. Professional business office to include, but not limited to, accounting and billing services, insurance, tax assistance, legal services and graphic design office;

P. Medical office to include, but not limited to, such uses as medical clinics, dental, and optometry;

Q. Veterinary and pet grooming services. (Ord. 1185 § 26, 2008; Ord. 1150 § 1, 2005)

18.540.130 Conditional uses.

Conditional uses in Area I of Specific Plan No. 24 are as follows:

A. All uses listed in Section 18.540.120 of this chapter, which because of operational characteristics specific to that particular business is found by the director of community development to have the potential to negatively impact adjoining properties, businesses or residents and therefore, requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location;

B. Eating establishments, with drive-in or drive-through service. If located within three hundred feet of residentially zoned property, the drive-through or drive-in portion of the business can only operate during the hours of six a.m. to ten p.m. and the restaurant portion from six a.m. to midnight. Audible speakers shall be placed in such a manner as to be directed away from residentially zoned property, have an adjustable volume based on the outdoor ambient noise level and not to exceed twenty dBA when measured from the residentially zoned property;

C. On- or off-site alcoholic beverages, provided that such use is incidental and ancillary to a permitted use;

D. 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 five thousand 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;

E. Cinemas and movie theater facilities;

F. ATM – Stand-alone ATMs not installed in association with a financial institution and which are attached and integrated with the main building façade.

~~F. G.~~ Financial institutions, including banks, savings and loan associations, finance companies and credit unions, that provide drive-through service. (Ord. 1233 § 1, 2015; Ord. 1209 § 1, 2011; Ord. 1150 § 1, 2005)

18.540.140 Prohibited uses.

Prohibited uses in Area I of Specific Plan No. 24 are as follows:

A. Sales agencies for new automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith, except where incidental to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

B. Sales agencies for used automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith, operated as an accessory use with a permitted new vehicle sales agency;

~~C. Medical, professional, administrative and related office uses;~~

~~D. C.~~ Industrial uses;

~~E. D.~~ Gambling facilities;

~~F. E.~~ Residential uses;

~~G. F.~~ Billboards and other similar off-site advertising structures;

~~H. G.~~ Game arcades, other than accessory game arcades specifically authorized by this chapter;

I. Convenience markets.

(Ord. 1150 § 1, 2005)

18.540.150 Special limitations on development and uses.

A. Development Limitations. Area I of Specific Plan No. 24 is designed to be a comprehensive development program encompassing all of the properties in the plan area. However, many of the properties are currently under separate and different ownership. Because of the type of uses intended for the area, no development shall be permitted in Area I until all properties are under the same ownership, unless otherwise approved by the city of San Dimas. This limitation does not prohibit subsequent subdivision of the property where it can be demonstrated that the subdivision is consistent with the intent of the overall development program.

B. Special Use Limitations. Area I-A, as shown on Exhibit B, shall be limited in use to a major retail business with a minimum floor area of one hundred twenty-five thousand square feet. Area I-B, as shown on Exhibit B, may be developed in phases with other uses permitted in this article. Exhibit C illustrates a site design which would comply with this limitation although other similar site designs are also possible. (Ord. 1150 § 1, 2005)

Article III. Property Development Standards—Area I

18.540.190 Development standards.

All development shall comply with the following Area I property development standards, as well as with the general property development standards set forth in Article VIII. (Ord. 1150 § 1, 2005)

18.540.200 Minimum lot dimensions.

Minimum lot area width and depth, none required. However, a subdivision request within this area shall be accompanied by an illustrative site plan showing the lots are of sufficient size and shape to adequately support the type of uses permitted in the area in accordance with the development standards of this article. (Ord. 1150 § 1, 2005)

18.540.210 Building and parking setbacks.

The minimum building setbacks are as follows:

A. Along Lone Hill Avenue and Gladstone Street, minimum of twenty-five feet for structures up to twenty feet and forty feet for structures higher than twenty feet. Height limitations set forth in this section do not include minor architectural projections;

B. Interior lot lines, none required.
(Ord. 1150 § 1, 2005)

18.540.220 Maximum building height.

Maximum building height is thirty-five feet with greater heights subject to review and approval of a conditional use permit. (Ord. 1150 § 1, 2005)

18.540.230 Landscaping.

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

A. Streets. All setback areas along Gladstone Street and Lone Hill Avenue shall be landscaped and maintained adjacent to public rights-of-way. Parking areas should be screened as much as possible utilizing berms, shrubs, and other decorative treatments of sufficient size and height to meet this requirement.

B. Overall Site. All building sites shall have a minimum landscaped coverage equivalent to ten percent of the total lot area. Such landscaping shall be evenly distributed over the site and consist of an effective combination of trees, ground cover and shrubbery. All areas not utilized for structures, parking or other permitted uses shall be landscaped.

C. All interior side and rear yards and setbacks shall be fully landscaped. (Ord. 1150 § 1, 2005)

18.540.240 Signage.

The provisions of Chapter 18.152 of this title shall apply. No signs shall be installed until a master sign program for the project has been approved by the development plan review board. (Ord. 1150 § 1, 2005)

18.540.250 Architecture.

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

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

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

D. Detailed architectural guidelines shall be prepared for final review and approval by the development plan review board prior to the granting of precise plan approvals for any development within Area I-B. (Ord. 1150 § 1, 2005)

18.540.260 Internal circulation.

A. Internal circulation shall be designed so as to provide safe and efficient access to all properties within Area I of the specific plan.

B. An intent of Specific Plan No. 24 is to provide a comprehensive development program which encompasses all of the properties that comprise the project area. To fulfill this objective, prior to the approval of any project within Area I-B, a finding shall be made that the project takes into consideration and makes all necessary provisions to accommodate safe and efficient access to all other properties within the area as required to fulfill the intent of the specific plan.

C. Internal circulation shall include adequate provision for pedestrian circulation by including walkways, landscaping, benches or seating, trellises or similar amenities. (Ord. 1150 § 1, 2005)

Article IV. Land Use Development Plan—Area II—Light Industrial**18.540.290 Location.**

Area II is located on the northeast corner of Lone Hill Avenue and Gladstone Street, and is approximately 2.2 acres in size. The limited size and depth of Area II properties makes them more suitable for small scale single tenant development. The specific boundaries of Area II are indicated on Exhibit A. (Ord. 1150 § 1, 2005)

18.540.300 Purpose.

Area II is intended to allow light manufacturing to provide for the development of industrial uses which include fabrication, manufacturing, assembly or processing of materials that are already in processed form, wholesaling and warehousing. (Ord. 1150 § 1, 2005)

18.540.310 Permitted uses.

Those uses permitted in Section 18.128.080 of this title. (Ord. 1150 § 1, 2005)

18.540.320 Conditional uses.

Those uses permitted in Section 18.128.090 of this title, may be permitted subject to a conditional use permit pursuant to Chapter 18.200 of this title. (Ord. 1150 § 1, 2005)

18.540.330 Prohibited uses. (Reserved)

(Ord. 1150 § 1, 2005)

18.540.340 Provisions for existing uses and improvements.

Existing improvements built in conformance to all building and zoning codes in effect at the time of construction may be maintained as currently existing, pursuant to the following provisions:

A. Such existing improvements and site conditions may be maintained, repainted, repaired, and landscaping upgraded, without the requirement to conform with Articles IV and V of this chapter;

B. Review and approval of such repairs, repainting and similar actions is required pursuant to Article IX of this chapter;

C. All proposed additions, enlargements and improvements shall conform to the development standards, as applicable, in Articles IV and V of this chapter;

D. All residential uses made nonconforming pursuant to this chapter shall not be subject to the provisions of Section 18.204.170(B) of this code. All residential uses may remain and function as a residential use pursuant to the provisions of this section and Section 18.540.830 of this chapter. (Ord. 1150 § 1, 2005)

Article V. Property Development Standards—Area II**18.540.345 Development standards.**

All development shall comply with the following Area II property development standards, as well as with the general property development standards set forth in Article VIII. (Ord. 1150 § 1, 2005)

18.540.350 Circulation.

Effort shall be made to minimize the number of driveway openings onto Gladstone Street by evaluating opportunities for shared driveways accesses and by combining properties to create larger, more useable parcels. Additional secondary driveways may be permitted onto Gladstone Street pursuant to demonstrated consistency with the purpose and intent of the provisions of Specific Plan No. 24. (Ord. 1150 § 1, 2005)

18.540.360 Lot area.

There shall be a minimum of ten thousand square feet in each lot. (Ord. 1150 § 1, 2005)

18.540.370 Lot dimensions.

All lots shall comply with the following minimum standards:

A. Lot Width. Each lot shall have a minimum width of seventy-five feet.

B. Lot Depth. Each lot shall have a minimum depth of one hundred feet. (Ord. 1150 § 1, 2005)

18.540.380 Building setbacks.

A. Adjacent to Gladstone Street. The minimum required setback shall be fifteen feet and shall be fully landscaped and maintained.

B. Adjacent to Lone Hill Avenue. The minimum required setback shall be fifteen feet and shall be fully landscaped and maintained.

C. Interior Property Lines. No provisions.

(Ord. 1150 § 1, 2005)

18.540.400 Building types.

All building types constructed within Specific Plan No. 24 shall be of Type I, Type II, Type III or Type IV construction as defined by the building code. (Ord. 1150 § 1, 2005)

18.540.410 Maximum building height.

Maximum building height shall be thirty-five feet. Heights greater than thirty-five feet for structures other than buildings, including masts, towers, antennas and similar appurtenances may be allowed up to forty-five feet. (Ord. 1150 § 1, 2005)

Article VI. Land Use Development Plan—Area III—Light Industrial**18.540.490 Location.**

Area III is located on the east side of the railroad right-of-way. This area is separated from Specific Plan No. 24 by the railroad. Area III has access from Gladstone Street and is approximately 2.6 acres in size. The specific boundaries of Area III are indicated on Exhibit A. (Ord. 1150 § 1, 2005)

18.540.500 Purpose.

Area III is intended to allow for light industrial uses within moderate sized buildings suited for single users or multiple tenants. (Ord. 1150 § 1, 2005)

18.540.510 Permitted uses.

Those uses permitted in Section 18.128.080 of this title. (Ord. 1150 § 1, 2005)

18.540.520 Conditional uses.

Those uses permitted in Section 18.128.090 of this title, may be permitted subject to a conditional use permit pursuant to Chapter 18.200 of this title. (Ord. 1150 § 1, 2005)

18.540.530 Prohibited uses. (Reserved)

(Ord. 1150 § 1, 2005)

18.540.540 Provisions for existing uses and improvements.

Existing improvements built in conformance to all building and zoning codes in effect at the time of construction may be maintained as currently existing, pursuant to the following provisions:

A. Such existing improvements and site conditions may be maintained, repainted, repaired, and landscaping upgraded, without the requirement to conform with Articles VI and VII of this chapter;

B. Review and approval of such repairs, repainting and similar actions is required pursuant to Article IX of this chapter;

C. All proposed additions, enlargements and improvements shall conform to the development standards, as applicable, in Articles VI and VII of this chapter;

D. All residential uses made nonconforming pursuant to this chapter shall not be subject to the provisions of Section 18.204.170(B) of this code. All residential uses may

remain and function as a residential use pursuant to the provisions of this section and Section 18.540.830 of this chapter. (Ord. 1150 § 1, 2005)

Article VII. Property Development Standards—Area III

18.540.545 Development standards.

All development shall comply with the following Area III property development standards, as well as with the general property development standards set forth in Article VIII. (Ord. 1150 § 1, 2005)

18.540.550 Circulation.

Additional secondary driveways may be permitted onto Gladstone Street pursuant to demonstrated consistency with the purpose and intent of the provisions of Specific Plan No. 24. (Ord. 1150 § 1, 2005)

18.540.560 Lot area.

There shall be a minimum of ten thousand square feet in each lot. (Ord. 1150 § 1, 2005)

18.540.570 Lot dimensions.

All lots shall comply with the following minimum standards:

- A. Lot Width. No provisions.
- B. Lot Depth. Each lot shall have a minimum depth of one hundred feet. (Ord. 1150 § 1, 2005)

18.540.580 Building setbacks.

A. Adjacent to Gladstone Street. The minimum required setback shall be fifteen feet and shall be fully landscaped and maintained.

B. Interior Property Lines. No provisions.
(Ord. 1150 § 1, 2005)

18.540.600 Building types.

All building types constructed within Specific Plan No. 24 shall be of Type I, Type II, Type III or Type IV construction as defined by the building code. (Ord. 1150 § 1, 2005)

18.540.610 Maximum building height.

Maximum building height shall be thirty-five feet. Heights greater than thirty-five feet for structures other than buildings, including masts, towers, antennas and similar appurtenances may be allowed up to forty-five feet. (Ord. 1150 § 1, 2005)

Article VIII. General Development Standards

18.540.650 Maximum building coverage.

Maximum Building Coverage: None Required. Permitted maximum coverage shall be a secondary consideration subordinate to compliance with all other design regulations contained within this chapter. (Ord. 1150 § 1, 2005)

18.540.660 Lighting.

Parking lot lighting standards shall comply with city standards including the following:

- A. All display and security lighting in the project area shall be decorative and designed for uniformity of lighting poles, fixtures and intensity;
- B. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or property. (Ord. 1150 § 1, 2005)

18.540.670 Signs.

The provisions of Chapter 18.152 of this title shall apply. (Ord. 1150 § 1, 2005)

18.540.680 Utilities.

All utilities within the project boundaries to serve the uses and buildings therein shall be installed underground. All existing aboveground utilities shall be relocated underground at the time of project construction. (Ord. 1150 § 1, 2005)

18.540.690 Entry treatments.

All driveway entrances shall incorporate decorative pavement treatment. Additional entry treatment may be required by the development plan review board. (Ord. 1150 § 1, 2005)

18.540.700 Downspouts.

All downspouts shall be located in the interior of buildings. (Ord. 1150 § 1, 2005)

18.540.710 Outdoor display/storage areas.

Outdoor display and/or storage areas may be permitted when incidental and secondary to a permitted use subject to review and approval by the development plan review board. The uses shall not be located or operated in such a manner as to be detrimental to the visual quality of the primary use nor to negatively impact adjacent properties by means of noise, odor, appearance or other characteristics. In approving the display or storage area, the development plan review board may impose buffers consisting of decorative block walls, berming, landscaping, or combinations thereof to mitigate any perceived impacts. (Ord. 1150 § 1, 2005)

18.540.720 Landscaping.

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

A. Within Required Setbacks. All required setbacks shall be fully landscaped exclusive of structures, parking area, drive aisles, and similar improvements.

B. Within Parking Areas. A minimum of five percent of the parking area required within this chapter shall be landscaped. The landscaping shall be in the form of landscaped planter fingers and similar landscaped planter techniques.

C. All landscaping required within this section shall be contained within planters of raised concrete curbing six inches in height. (Ord. 1150 § 1, 2005)

18.540.730 Mechanical equipment.

Roof-mounted mechanical equipment including, but not limited to, air conditioning, heating, and ventilating and exhaust ducts, shall be screened from view from any surrounding property, street or highway. The screening shall be designed in such manner as to appear to be an integral component of the overall building architecture. This can be accomplished by full roof treatments, equipment wells, and architectural design features. Line-of-sight drawings shall be required as a component of all design review submittals to verify equipment screening. Wall or ground-mounted equipment shall be enclosed in a manner which incorporates the same materials used in the building. (Ord. 1150 § 1, 2005)

18.540.740 Off-street parking and loading.

The provisions of Chapter 18.156 of this title shall apply. (Ord. 1150 § 1, 2005)

18.540.750 Outdoor storage.

Any outdoor storage permitted by this section shall be screened from view of any public right-of-way. Such methods of screening shall include, but not be limited to, masonry walls and dense landscaping. (Ord. 1150 § 1, 2005)

18.540.760 Walls.

Walls shall be permitted and/or required pursuant to the following provisions. All walls shall be constructed of decorative concrete tilt-up, masonry or other approved durable material.

A. Required Walls. Walls shall be required to screen truck and storage areas where allowed by this chapter. Interior walls may be required by the development plan review board as a component of the design review process. All screening walls shall be architecturally compatible with the buildings within the project and planning units, and shall incorporate vertical landscaping such as vines, trees and shrubbery. The vertical landscaping elements shall be located on the public right-of-way side to provide visual relief from the horizontal expanse. The height of the screening walls shall be governed by the view shed from the surrounding areas which shall take into consideration the height of equipment and/or trucks to be stored behind the walls.

B. Permitted Walls. Walls shall be permitted on or within all property lines not abutting streets and on, or to the rear of all required yard setback lines abutting streets. The height of such walls shall be set by the director of community development after giving reasonable due consideration to alternative screening techniques and devices. Walls not over forty-two inches in height may be permitted within the required setback areas. (Ord. 1150 § 1, 2005)

18.540.770 Trash/recycling storage.

Enclosed trash and/or recycling storage area(s) built to the city's standard specifications shall be provided in appropriate locations pursuant to city standards. (Ord. 1150 § 1, 2005)

Article IX. Plan Review and Disposition**18.540.800 Review requirements—Development plans.**

A. Before any grading is undertaken on any lot or parcel within the Specific Plan No. 24 area, a precise plan shall be submitted for review and approval by the development plan review board, planning commission and city council.

B. Unless otherwise provided in accordance with Section 18.12.050 of this title, precise plans shall be subject to final review and approval by the development plan review board, the planning commission and the city council.

C. In addition to the standard development plan findings, the development plan review board, the planning commission and the city council, in approving a precise plan for any lot or lots in Specific Plan No. 24, shall make the following findings:

1. The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan No. 24, as set forth in Section 18.542.010 of this title;
2. The architectural character, style and use of materials harmonize with the natural setting, if applicable.

D. Prior to submitting development plans, the applicant shall meet with planning staff members to discuss and review the general purpose and objectives of the specific plan in relation to any development concepts proposed by the applicant. (Ord. 1150 § 1, 2005)

18.540.810 Precise plan review.

A. The applicant shall submit a minimum of four sets of scaled plans to the planning department which shall include the following, where applicable:

1. Precise grading plan and site plan;
2. Architectural floor plans and elevations;
3. Grading plan;
4. Lighting plan;
5. Conceptual landscaping plan;
6. Fencing plan;
7. Access and circulation plan;
8. Utility plan;
9. Master sign program.

B. Precise plans shall be reviewed and approved as set forth in Section 18.542.800 of this title.

C. The approving authority shall make the findings in accordance with Section 18.12.060 of this title. (Ord. 1150 § 1, 2005)

18.540.820 Plan disposition.

A. The development plan review board shall consider the plans and shall recommend to the planning commission approval, conditional approval or disapproval of the plans with any conditions deemed necessary to protect the public health, safety and general welfare.

B. The planning commission shall consider the plans and recommend to the city council approval, conditional approval or disapproval of the plans with any conditions deemed necessary to protect the public health, safety and general welfare.

C. Upon receipt of the recommendation from the planning commission, the city council shall approve, conditionally approve or disapprove the precise plan.

D. Amendments to Approved Plans. Development plans and precise plans may be amended by the same process provided for approval. Minor modifications, which do not substantially change the concept of an approved development plan or precise plan may be approved by the director of community development and reported to the development plan review board. (Ord. 1150 § 1, 2005)

18.540.830 Minor modifications.

The director of community development without public hearing may grant minor modifications to the provisions of this specific plan limited to the following:

A. Reduction of open areas by permitting portions of a building to extend into and occupy not more than ten percent of the area of a required yard;

B. Waive the development plan review requirement for minor alterations to existing structures which conform to the following:

1. Repainting of an existing structure the same or similar color hue which currently exists on the site,
2. Minor alterations in location of landscape features or plant materials from an approved landscape plan,
3. Minor alterations to an approved plan which do not create a noticeable difference in the building design. Such minor alterations would not include the elimination of approved building materials. (Ord. 1150 § 1, 2005)

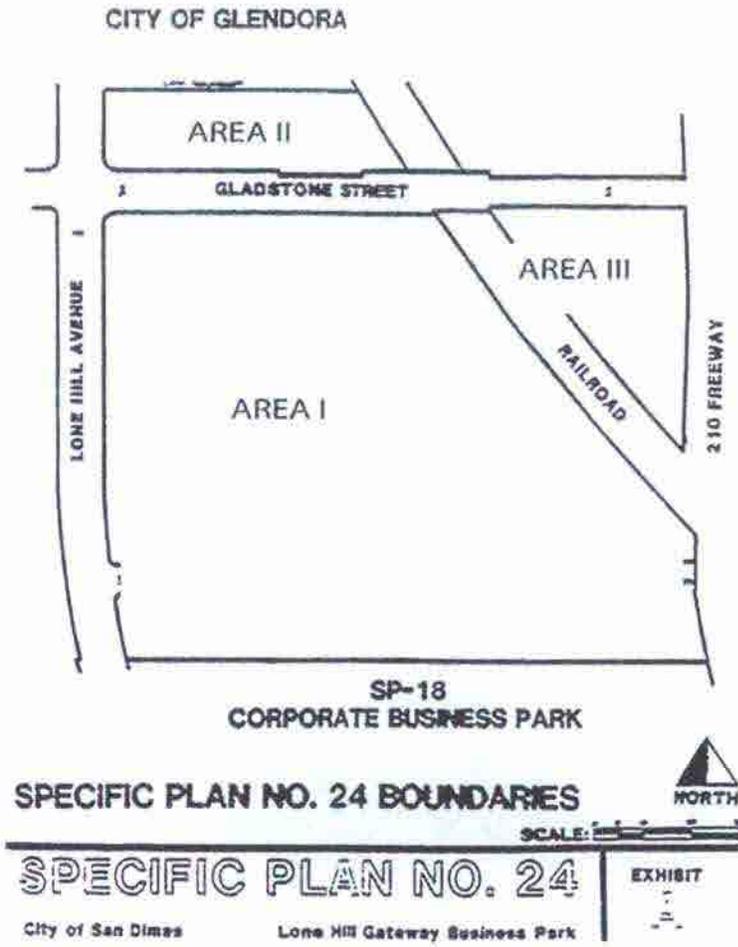
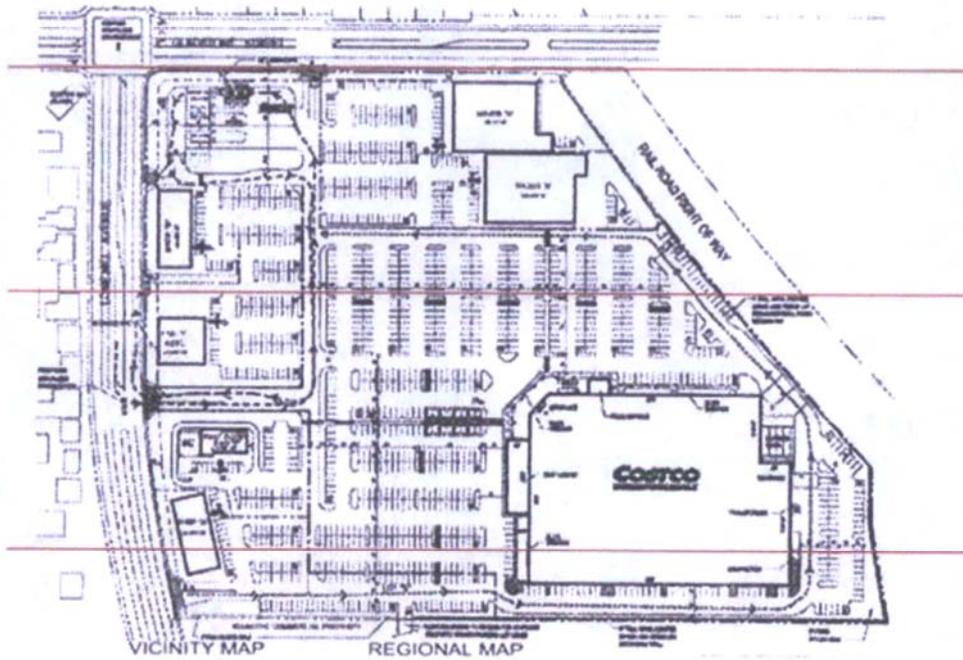


Exhibit A
LOCATION/AREA MAP



Exhibit B
Map Illustrating Sub-Areas for Area I



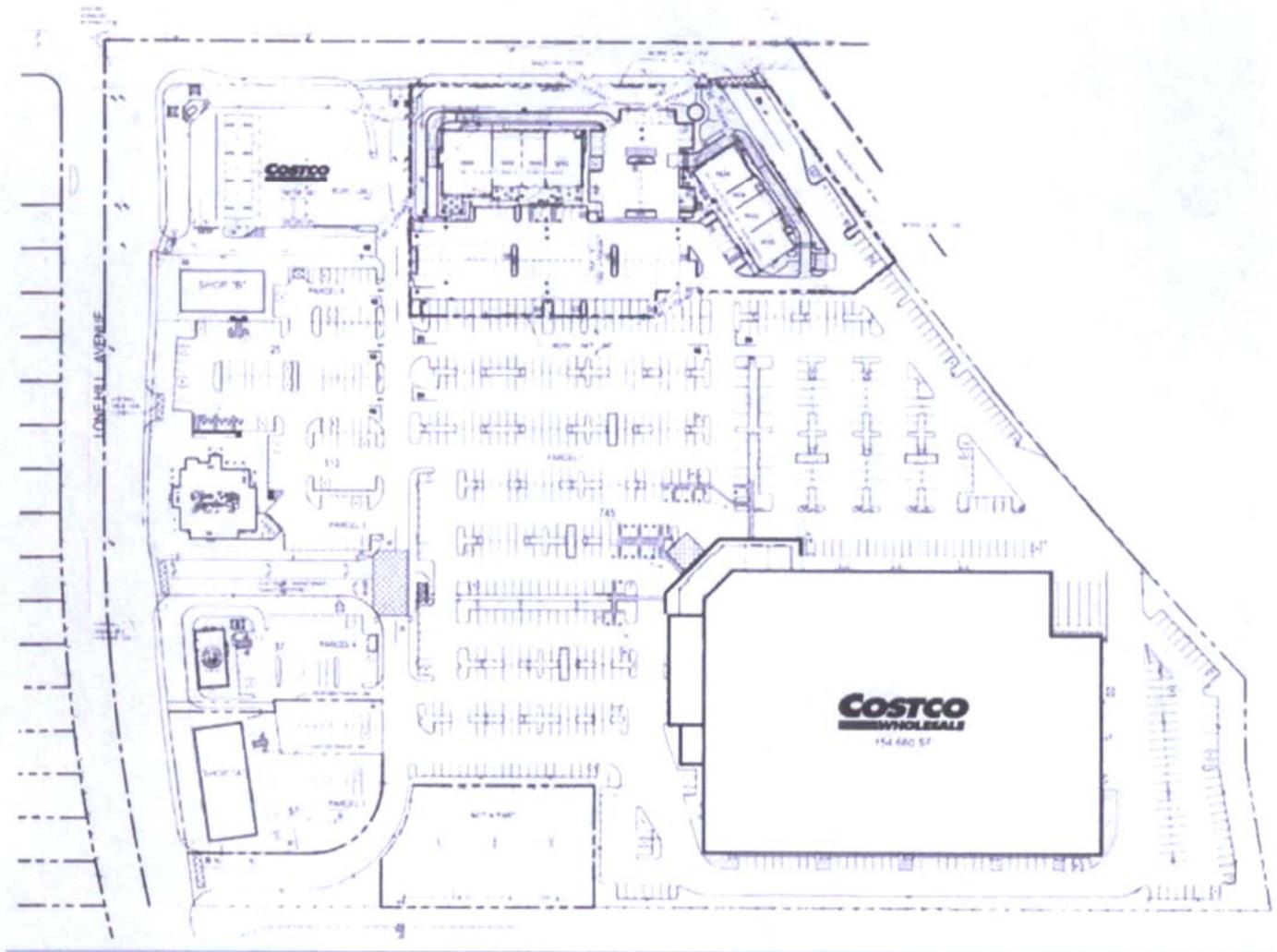


Exhibit C
Illustrative Site Plan

ORDINANCE 1237

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES ADOPTING MUNICIPAL CODE TEXT AMENDMENT 15-08 TO AMEND SECTION 18.540, SPECIFIC PLAN NO. 24, UPDATING THE PERMITTED AND CONDITIONALLY PERMITTED USES IN AREA I.

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

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 AND ADOPTED by the city Council of the City of San Dimas this ____ day of ____, 20__, 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 1237 was introduced at a regular meeting of the City Council of the City of San Dimas on the 8th day of December, 2015, and thereafter passed and adopted at a regular meeting of said City Council held on the XX day of XXXX, 20XX.

Debra Black, Assistant City Clerk

EXHIBIT "A"

New text changes are in Blue and underlined

Deleted text is in Red and ~~Strikethrough~~

Sections:

Article I. General

- 18.540.010 Purpose and intent.**
- 18.540.020 Authority.**
- 18.540.030 Location.**
- 18.540.040 General notes.**
- 18.540.050 Definitions.**
- 18.540.060 Setting.**
- 18.540.070 Site conditions.**
- 18.540.080 Existing improvements.**

Article II. Land Use Development Plan—Area I—Regional Commercial

- 18.540.090 Location.**
- 18.540.100 Purpose.**
- 18.540.110 Planning units/phasing. (Reserved).**
- 18.540.120 Permitted uses.**
- 18.540.130 Conditional uses.**
- 18.540.140 Prohibited uses.**
- 18.540.150 Special limitations on development and uses.**

Article III. Property Development Standards – Area I

- 18.544.190 Development standards.**
- 18.544.200 Minimum lot dimensions.**
- 18.544.210 Building and parking setbacks.**
- 18.544.220 Maximum building height.**
- 18.544.230 Landscaping.**
- 18.544.240 Signage.**
- 18.544.250 Architecture.**
- 18.544.260 Internal circulation.**

Article IV. Land Use Development Plan— Area II—Light Industrial

- 18.544.290 Location.**
- 18.544.300 Purpose.**
- 18.544.310 Permitted uses.**
- 18.544.320 Conditional uses. (Reserved)**
- 18.544.330 Prohibited uses. (Reserved)**
- 18.540.340 Provisions for existing uses and improvements.**

Article V. Property Development Standards—Area II

- 18.540.345 Development standards.**
- 18.540.350 Circulation.**

- 18.540.360 Lot area.
- 18.540.370 Lot dimensions.
- 18.540.380 Building setbacks.
- 18.540.400 Building types.
- 18.540.410 Maximum building height.

Article VI. Land Use Development Plan—Area III—Light Industrial

- 18.540.490 Location.
- 18.540.500 Purpose.
- 18.540.510 Permitted uses.
- 18.540.520 Conditional uses.
- 18.540.530 Prohibited uses. (Reserved)
- 18.540.540 Provisions for existing uses and improvements.

Article VII. Property Development Standards—Area III

- 18.540.545 Development standards.
- 18.540.550 Circulation.
- 18.540.560 Lot area.
- 18.540.570 Lot dimensions.
- 18.540.580 Building setbacks.
- 18.540.600 Building types.
- 18.540.610 Maximum building height.

Article VIII. General Development Standards

- 18.540.650 Maximum building coverage.
- 18.540.660 Lighting.
- 18.540.670 Signs.
- 18.540.680 Utilities.
- 18.540.690 Entry treatments.
- 18.540.700 Downspouts.
- 18.540.710 Outdoor display/storage areas.
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- 18.540.740 Off-street parking and loading.
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- 18.540.760 Walls.
- 18.540.770 Trash/recycling storage.

Article IX. Plan Review and Disposition

- 18.540.800 Review requirements—Development plans.
- 18.540.810 Precise plan review.
- 18.540.820 Plan disposition.
- 18.540.830 Minor modifications.

Article I. General

18.540.010 Purpose and intent.

A. The size and location of Specific Plan No. 24 presents a unique development opportunity within the city. The total project area encompasses approximately 26.5 acres. The project area is located at the intersection of Lone Hill Avenue and Gladstone Street. This location is an entrance into San Dimas from the west and north.

B. Existing land uses include light industrial and manufacturing, single-family, and unimproved land. The quality of the existing improvements is generally unsightly and many public improvements are deficient.

C. The project area has been experiencing development pressure with increased commercial development in adjacent portions of Glendora. The result of uncoordinated recycling of property within the project area would create a negative impact upon those properties which do not participate. Specific Plan No. 24 provides the best mechanism for coordinated, comprehensive, high quality, and sensitive development for the project area. The purpose of Specific Plan No. 24 includes the following:

1. To provide a coordinated, logical method for the property within the project area to recycle into commercial and light industrial use;

2. To ensure that the development within the project area is compatible and sensitive to adjacent uses;

3. To create a high quality and aesthetically attractive visual entrance to the city;

4. To maximize major commercial development of larger properties due to limited opportunities elsewhere within the San Dimas; and

5. To incorporate creative and sensitive planning, architecture, landscape architecture, and engineering to develop a project that will enhance the existing adjacent uses and promote the existing and future appearance of San Dimas. (Ord. 1150 § 1, 2005)

18.540.020 Authority.

The adoption of Specific Plan No. 24 by the city is authorized by and pursuant to Sections 65450 through 65457 of the California Government Code. (Ord. 1150 § 1, 2005)

18.540.030 Location.

Specific Plan No. 24 encompasses land area which totals approximately 26.5 acres. The project area is bordered by the 210 Freeway on the east; the city boundary to the north; Lone Hill Avenue to the west; and, Specific Plan No. 18, Area 2 (Corporate Business Park) to the south. The project boundaries are indicated on the attached Exhibit A. (Ord. 1150 § 1, 2005)

18.540.040 General notes.

The project area of Specific Plan No. 24 is designated as commercial and industrial by the city general plan. All development, uses and activity shall be subject to, but not limited to, the following general provisions:

A. Unless otherwise specified, all development, uses and activity within Specific Plan No. 24 shall comply with this code. Terms used in this chapter shall have the same meaning as defined elsewhere in this code unless otherwise provided;

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

C. The review and approval of development within the specific plan area shall be subject to Section 65450 et seq. of the State Government Code;

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

E. Minor modifications to Specific Plan No. 24 which do not alter the intent of this chapter shall be considered pursuant to the provisions of Section 18.540.830 of this chapter;

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

G. Any permitted use or conditionally permitted use not specifically provided by the San Dimas Specific Plan No. 24 shall not be permitted without a determination of use by the development plan review board pursuant to provisions of Chapter 18.12 of this title; and

H. Each development proposal pursuant to the provisions of this chapter shall receive environmental evaluation pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and the CEQA Guidelines prepared by the Secretary of Resources. (Ord. 1150 § 1, 2005)

18.540.050 Definitions.

Unless the context otherwise requires, or unless different definitions are set forth in individual titles, chapters, or sections of this title, the words or phrases defined in this chapter shall have the meaning and construction ascribed to them in this section. When not inconsistent with the context, words in the singular shall include the plural and words in the plural shall include the singular. The word "shall" is mandatory and the word "may" is permissive. Words and phrases not defined in this chapter shall be defined in the following sources by the following order: (1) other chapters of this code; (2) definitions contained in the city adopted chapters of the Uniform Building Code; (3) definitions contained in legislation of the state of California; and (4) Webster's Dictionary.

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

"Accessory use" means a use which is incidental or secondary to the primary use of the lot or parcel. Such use is devoted exclusively to the primary land use.

"Adjacent" means the same as abutting.

"Architectural feature" means a part, portion, projection, or treatment that contributes to the visual beauty, elegance, historic consistency, or design integrity of a building or structure, and is not necessary for the structural integrity of the building or structure or to make the structure or building habitable. Such architectural feature does not include signs or other forms of use identification.

"ATM Stand-alone" means ATMs not installed in association with a financial institution and which are attached and integrated with the main building façade;

"Automobile parking" means parking of operational and street legal motor vehicles on a temporary basis within an improved off-street parking area.

"Building coverage" means the gross area of a lot or parcel of land occupied by all of the ground floor, or building footprint, of a building or structure which is under roof.

"Building height" means the maximum vertical distance as measured from the interior floor level to the top of the uppermost part of the structure through any vertical section.

Building, Main. "Main building" means a building within which the principal primary use of the lot or parcel is conducted, as provided by this chapter.

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

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

"Commercial use" means a business, normally involving office, retail, sales, or service uses.

"Design review" means the process of city review and approval of development proposals as required by Chapter 18.12 of this title.

"Driveway" means an unobstructed paved area which provides access to vehicle parking, loading, or maneuvering area.

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

"Enclosed building" or "enclosed structure" means a building or structure with a permanent roof and enclosed on all sides by solid exterior walls. Such solid exterior walls may feature windows, loading doors, and customary entrance and exit doors.

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

"Existing improvements" means any improvements which exist at the time of the adoption of this specific plan. Such existing improvements must have been legally constructed in compliance with all building and zoning codes in effect at the time the improvements were constructed.

"Exterior boundary" means the perimeter of any lot or parcel of land or assembly of lots or parcels to be developed in an integrated, comprehensive manner.

"Fence" means any device forming a physical barrier between two areas. Such barrier may be constructed of chain-link, louver, wood stake, masonry, lumber, or other similar material in accordance with adopted city standards.

Floor Area, Gross. "Gross floor area" means the total floor area of a building under roof measured in square feet. Such measurement would include each horizontal plane which constitutes a floor as measured to the outside of the exterior walls of all floors excluding stairway openings.

"Frontage" means, with regards to a lot, that side of a lot abutting on an either public or private street, typically the front lot line. With regards to a building, see "business frontage."

"Industry" means the manufacture, fabrication, processing or reduction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. In addition, it shall include trucking facilities, warehousing, storage facilities, business facilities serving primarily industry, and similar enterprises.

"Landscaping" means the planting and maintenance of a combination of trees, shrubs, vines, ground cover, flowers and lawn. In addition, such landscaping may include design features such as rock and stone, garden-type fencing and decorative structures. Such

design features may also include water elements, art works, decorative walks, benches, and decorative paving.

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

"Loading space" means an off-street space or berth on the same lot and contiguous with the building it is intended to serve for temporary parking of commercial transport vehicles while loading and unloading merchandise, materials, supplies, manufactured products and similar items.

"Main building" or "main structure." Also referred to as principal and primary building or structure. Such building and structure would contain and enclose the activity which is the main use of the lot or parcel of land upon which the building is situated.

"Main use" means any use of a building, structure, or land which is the primary feature of the activity conducted on the lot or parcel of land.

"Medical offices" means establishments that provide medical, surgical, and/or psychiatric services to sick or injured persons on an out-patient basis. Such medical offices include, but are not limited to:

- a. Dental;
- b. Medical clinic without ambulance service;
- c. Acupuncture;
- d. Optometry.

"Mixed use" means any multiple use of a building, structure, or land which promotes varying forms of activity at various times of the day. Such combinations of uses would include, but not be limited to, retail commercial, light industrial, office, and cultural and gathering uses.

"Multi-phase development" means a development project which is constructed in increments. Each increment would be capable of existing independent of the others, but the completed project would be a comprehensive design.

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

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

"Professional business offices" means businesses that service clientele on a daily basis that provide work performed in an expert manner and typically produce an intangible product for the benefit of the customer. Such professional business offices include, but are not limited to:

- a. Accounting and billing services;
- b. Communications;
- c. Consulting services;
- d. Graphic design;
- e. Insurance office;
- f. Legal service;
- g. Real estate office.

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

"Service" means an act, or any result of useful labor, which does not in itself produce a tangible commodity.

"Service business" means infrequent, technical, and/or unique functions performed by independent consultants whose occupation is the rendering of such services. Such service businesses include, but are not limited to:

- a. Barber and beauty shop;
- b. Nail salons;
- c. Dry cleaners;
- d. Small appliance repair;
- e. Computer repair;
- f. Shoe repair;
- g. Watch repair;
- h. Pharmacy;
- i. Tanning salon;
- j. Tailors and seamstresses.

"Setback" means the area between the building line and the nearest property line.

"Storage area" means an area used or intended for the storage of materials, refuse, or vehicles and equipment not in service.

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

Yard, Required. "Required yard" means a yard, as defined in this section, that occupies the area of a required setback. (Ord. 1150 § 1, 2005)

18.540.060 Setting.

A. Specific Plan No. 24 is uniquely located. The project area is strategically located at a major entrance into the city. This entrance is the intersection of Lone Hill Avenue and Gladstone Street. Lone Hill Avenue is a major north/south street with direct access to the 210 Freeway, approximately one-quarter mile north of the project area. Gladstone Street is a significant east/west street in the city. On the west side of the 210 Freeway, Gladstone Street represents the northerly city boundary. East of the 210 Freeway, Gladstone Street provides access into the center of the city.

B. The city of Glendora abuts the project area to the north. Due north of the project area at the approximate location of Lone Hill Avenue and Allen Avenue intersection, the city of Glendora is developed with an automobile retail center and major regional commercial center.

C. The project area abuts Specific Plan No. 18, Area II to the south. This area is developed as a corporate business park with single user, research and development, corporate headquarters type facilities. Further to the south is Area I of Specific Plan No. 18 which is developed as a sub-regional shopping center.

D. On the west side of Lone Hill Avenue the land use pattern is single-family residential. Residences front onto Lone Hill Avenue opposite of the project area. However, Lone Hill Avenue does not provide access into the existing residential neighborhood. A raised center median provides additional separation between the east and west sides of Lone Hill Avenue. (Ord. 1150 § 1, 2005)

18.540.070 Site conditions.

A. The site contains several inherent development challenges. The most significant of these challenges are the number of individual parcels and property owners within the project area boundaries. It will be necessary to coordinate all the property owners within

the project boundaries to create a logical method of development. The San Dimas redevelopment agency has acquired some of these properties.

B. The project is currently serviced by all utilities and the project area naturally drains from northeast to southwest. Presently, internal access into the project area is available from Lone Hill Avenue along 5th Street, a partially improved public right-of-way.

C. The parcel sizes and ownership arrangement within the project boundaries vary from large lots with common ownership interests to individually owned smaller residential parcels. (Ord. 1150 § 1, 2005)

18.540.080 Existing improvements.

Most of the property within the project boundaries has been improved. However, the quality of the improvements varies. Some properties are well-maintained and owner occupied. Other properties are in decline and are uninhabited. The easterly and northerly portions of the project area are improved with light manufacturing types of uses. These improvements reflect a similar range in quality as the residential improvements. Fifth Street is currently the public access into the project area. This street is partially improved. (Ord. 1150 § 1, 2005)

Article II. Land Use Development Plan—Area I—Regional Commercial

18.540.090 Location.

Area I is located on the southeast corner of Lone Hill Avenue and Gladstone Street, and is approximately 21.5 acres in size. The size of the area, after parcel assembly, makes it suitable for regional commercial development. The specific boundaries of Area I are indicated on Exhibit A. (Ord. 1150 § 1, 2005)

18.540.100 Purpose.

The purpose of Area I is to provide an attractive and convenient setting for development which normally requires freeway-close locations and can fully realize the benefits provided by the site and will complement the less regionally oriented businesses in the vicinity to more fully serve the community. Commercial development shall encourage creative and imaginative site and architectural designs while demonstrating concern for existing uses in the area. (Ord. 1150 § 1, 2005)

18.540.110 Planning units/phasing. (Reserved)

(Ord. 1150 § 1, 2005)

18.540.120 Permitted uses.

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

A. Any retail, other than auto and truck sales, or service business, which is conducted entirely within a totally enclosed building;

B. Uses which are directly related to the needs of freeway travelers and which are dependent on large traffic volume including, but not limited to, department stores, minor commercial uses related, secondary and incidental to an otherwise permitted use, and similar freeway oriented uses which may be approved by the director of community development upon finding that they are not more obnoxious or detrimental to the public health, safety and welfare than any other permitted uses. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.492212 of this title;

C. Restaurants, including take-out service businesses, but not including drive-in or drive-through service facilities;

D. Gasoline service stations, when accessory to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

E. Tire sales and installation, when accessory to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

F. Limited auto and truck sales, where incidental to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

G. Wholesale business activity, where incidental to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

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

I. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses. (Ord. 1185 § 26, 2008; Ord. 1150 § 1, 2005)

J. Service business to include, but not limited to, nail shop, barber and beauty shop, shoe repair, watch repair and dry cleaners, etc.; these uses are intended to have daily customer foot traffic;

K. Hardware stores;

L. New home furnishings and appliance outlets;

M. Specialty commercial uses, such as antique shops, jewelry stores, music stores, wholesale, and catalog stores, electronic and telecommunication stores, and auto and truck parts and supply businesses and similar uses;

N. Financial institutions, including banks, savings and loan associations, and credit unions;

O. Professional business office to include, but not limited to, accounting and billing services, insurance, tax assistance, legal services and graphic design office;

P. Medical office to include, but not limited to, such uses as medical clinics, dental, and optometry;

Q. Veterinary and pet grooming services. (Ord. 1185 § 26, 2008; Ord. 1150 § 1, 2005)

18.540.130 Conditional uses.

Conditional uses in Area I of Specific Plan No. 24 are as follows:

A. All uses listed in Section 18.540.120 of this chapter, which because of operational characteristics specific to that particular business is found by the director of community development to have the potential to negatively impact adjoining properties, businesses or residents and therefore, requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location;

B. Eating establishments, with drive-in or drive-through service. If located within three hundred feet of residentially zoned property, the drive-through or drive-in portion of the business can only operate during the hours of six a.m. to ten p.m. and the restaurant portion from six a.m. to midnight. Audible speakers shall be placed in such a manner as to be directed away from residentially zoned property, have an adjustable volume based on the outdoor ambient noise level and not to exceed twenty dBA when measured from the residentially zoned property;

C. On- or off-site alcoholic beverages, provided that such use is incidental and ancillary to a permitted use;

D. 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 five thousand 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;

E. Cinemas and movie theater facilities;

F. ATM – Stand-alone ATMs not installed in association with a financial institution and which are attached and integrated with the main building façade;

F. G. Financial institutions, including banks, savings and loan associations, finance companies and credit unions, that provide drive-through service. (Ord. 1233 § 1, 2015; Ord. 1209 § 1, 2011; Ord. 1150 § 1, 2005)

18.540.140 Prohibited uses.

Prohibited uses in Area I of Specific Plan No. 24 are as follows:

A. Sales agencies for new automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith, except where incidental to and operated by an approved retail business with a minimum of one hundred twenty-five thousand square feet of building area;

B. Sales agencies for used automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith, operated as an accessory use with a permitted new vehicle sales agency;

~~C. Medical, professional, administrative and related office uses;~~

~~D. C. Industrial uses;~~

~~E. D. Gambling facilities;~~

~~F. E. Residential uses;~~

~~G. F. Billboards and other similar off-site advertising structures;~~

H. G. Game arcades, other than accessory game arcades specifically authorized by this chapter;

I. Convenience markets.

(Ord. 1150 § 1, 2005)

18.540.150 Special limitations on development and uses.

A. Development Limitations. Area I of Specific Plan No. 24 is designed to be a comprehensive development program encompassing all of the properties in the plan area. However, many of the properties are currently under separate and different ownership. Because of the type of uses intended for the area, no development shall be permitted in Area I until all properties are under the same ownership, unless otherwise approved by the city of San Dimas. This limitation does not prohibit subsequent subdivision of the property where it can be demonstrated that the subdivision is consistent with the intent of the overall development program.

B. Special Use Limitations. Area I-A, as shown on Exhibit B, shall be limited in use to a major retail business with a minimum floor area of one hundred twenty-five thousand square feet. Area I-B, as shown on Exhibit B, may be developed in phases with other uses permitted in this article. Exhibit C illustrates a site design which would comply with this limitation although other similar site designs are also possible. (Ord. 1150 § 1, 2005)

Article III. Property Development Standards—Area I

18.540.190 Development standards.

All development shall comply with the following Area I property development standards, as well as with the general property development standards set forth in Article VIII. (Ord. 1150 § 1, 2005)

18.540.200 Minimum lot dimensions.

Minimum lot area width and depth, none required. However, a subdivision request within this area shall be accompanied by an illustrative site plan showing the lots are of sufficient size and shape to adequately support the type of uses permitted in the area in accordance with the development standards of this article. (Ord. 1150 § 1, 2005)

18.540.210 Building and parking setbacks.

The minimum building setbacks are as follows:

A. Along Lone Hill Avenue and Gladstone Street, minimum of twenty-five feet for structures up to twenty feet and forty feet for structures higher than twenty feet. Height limitations set forth in this section do not include minor architectural projections;

B. Interior lot lines, none required.

(Ord. 1150 § 1, 2005)

18.540.220 Maximum building height.

Maximum building height is thirty-five feet with greater heights subject to review and approval of a conditional use permit. (Ord. 1150 § 1, 2005)

18.540.230 Landscaping.

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

A. Streets. All setback areas along Gladstone Street and Lone Hill Avenue shall be landscaped and maintained adjacent to public rights-of-way. Parking areas should be screened as much as possible utilizing berms, shrubs, and other decorative treatments of sufficient size and height to meet this requirement.

B. Overall Site. All building sites shall have a minimum landscaped coverage equivalent to ten percent of the total lot area. Such landscaping shall be evenly distributed over the site and consist of an effective combination of trees, ground cover and shrubbery. All areas not utilized for structures, parking or other permitted uses shall be landscaped.

C. All interior side and rear yards and setbacks shall be fully landscaped. (Ord. 1150 § 1, 2005)

18.540.240 Signage.

The provisions of Chapter 18.152 of this title shall apply. No signs shall be installed until a master sign program for the project has been approved by the development plan review board. (Ord. 1150 § 1, 2005)

18.540.250 Architecture.

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

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

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

D. Detailed architectural guidelines shall be prepared for final review and approval by the development plan review board prior to the granting of precise plan approvals for any development within Area I-B. (Ord. 1150 § 1, 2005)

18.540.260 Internal circulation.

A. Internal circulation shall be designed so as to provide safe and efficient access to all properties within Area I of the specific plan.

B. An intent of Specific Plan No. 24 is to provide a comprehensive development program which encompasses all of the properties that comprise the project area. To fulfill this objective, prior to the approval of any project within Area I-B, a finding shall be made that the project takes into consideration and makes all necessary provisions to accommodate safe and efficient access to all other properties within the area as required to fulfill the intent of the specific plan.

C. Internal circulation shall include adequate provision for pedestrian circulation by including walkways, landscaping, benches or seating, trellises or similar amenities. (Ord. 1150 § 1, 2005)

Article IV. Land Use Development Plan—Area II—Light Industrial**18.540.290 Location.**

Area II is located on the northeast corner of Lone Hill Avenue and Gladstone Street, and is approximately 2.2 acres in size. The limited size and depth of Area II properties makes them more suitable for small scale single tenant development. The specific boundaries of Area II are indicated on Exhibit A. (Ord. 1150 § 1, 2005)

18.540.300 Purpose.

Area II is intended to allow light manufacturing to provide for the development of industrial uses which include fabrication, manufacturing, assembly or processing of materials that are already in processed form, wholesaling and warehousing. (Ord. 1150 § 1, 2005)

18.540.310 Permitted uses.

Those uses permitted in Section 18.128.080 of this title. (Ord. 1150 § 1, 2005)

18.540.320 Conditional uses.

Those uses permitted in Section 18.128.090 of this title, may be permitted subject to a conditional use permit pursuant to Chapter 18.200 of this title. (Ord. 1150 § 1, 2005)

18.540.330 Prohibited uses. (Reserved)

(Ord. 1150 § 1, 2005)

18.540.340 Provisions for existing uses and improvements.

Existing improvements built in conformance to all building and zoning codes in effect at the time of construction may be maintained as currently existing, pursuant to the following provisions:

A. Such existing improvements and site conditions may be maintained, repainted, repaired, and landscaping upgraded, without the requirement to conform with Articles IV and V of this chapter;

B. Review and approval of such repairs, repainting and similar actions is required pursuant to Article IX of this chapter;

C. All proposed additions, enlargements and improvements shall conform to the development standards, as applicable, in Articles IV and V of this chapter;

D. All residential uses made nonconforming pursuant to this chapter shall not be subject to the provisions of Section 18.204.170(B) of this code. All residential uses may remain and function as a residential use pursuant to the provisions of this section and Section 18.540.830 of this chapter. (Ord. 1150 § 1, 2005)

Article V. Property Development Standards—Area II**18.540.345 Development standards.**

All development shall comply with the following Area II property development standards, as well as with the general property development standards set forth in Article VIII. (Ord. 1150 § 1, 2005)

18.540.350 Circulation.

Effort shall be made to minimize the number of driveway openings onto Gladstone Street by evaluating opportunities for shared driveways accesses and by combining properties to create larger, more useable parcels. Additional secondary driveways may be permitted onto Gladstone Street pursuant to demonstrated consistency with the purpose and intent of the provisions of Specific Plan No. 24. (Ord. 1150 § 1, 2005)

18.540.360 Lot area.

There shall be a minimum of ten thousand square feet in each lot. (Ord. 1150 § 1, 2005)

18.540.370 Lot dimensions.

All lots shall comply with the following minimum standards:

A. Lot Width. Each lot shall have a minimum width of seventy-five feet.

B. Lot Depth. Each lot shall have a minimum depth of one hundred feet. (Ord. 1150 § 1, 2005)

18.540.380 Building setbacks.

A. Adjacent to Gladstone Street. The minimum required setback shall be fifteen feet and shall be fully landscaped and maintained.

B. Adjacent to Lone Hill Avenue. The minimum required setback shall be fifteen feet and shall be fully landscaped and maintained.

C. Interior Property Lines. No provisions.

(Ord. 1150 § 1, 2005)

18.540.400 Building types.

All building types constructed within Specific Plan No. 24 shall be of Type I, Type II, Type III or Type IV construction as defined by the building code. (Ord. 1150 § 1, 2005)

18.540.410 Maximum building height.

Maximum building height shall be thirty-five feet. Heights greater than thirty-five feet for structures other than buildings, including masts, towers, antennas and similar appurtenances may be allowed up to forty-five feet. (Ord. 1150 § 1, 2005)

Article VI. Land Use Development Plan—Area III—Light Industrial**18.540.490 Location.**

Area III is located on the east side of the railroad right-of-way. This area is separated from Specific Plan No. 24 by the railroad. Area III has access from Gladstone Street and is approximately 2.6 acres in size. The specific boundaries of Area III are indicated on Exhibit A. (Ord. 1150 § 1, 2005)

18.540.500 Purpose.

Area III is intended to allow for light industrial uses within moderate sized buildings suited for single users or multiple tenants. (Ord. 1150 § 1, 2005)

18.540.510 Permitted uses.

Those uses permitted in Section 18.128.080 of this title. (Ord. 1150 § 1, 2005)

18.540.520 Conditional uses.

Those uses permitted in Section 18.128.090 of this title, may be permitted subject to a conditional use permit pursuant to Chapter 18.200 of this title. (Ord. 1150 § 1, 2005)

18.540.530 Prohibited uses. (Reserved)

(Ord. 1150 § 1, 2005)

18.540.540 Provisions for existing uses and improvements.

Existing improvements built in conformance to all building and zoning codes in effect at the time of construction may be maintained as currently existing, pursuant to the following provisions:

A. Such existing improvements and site conditions may be maintained, repainted, repaired, and landscaping upgraded, without the requirement to conform with Articles VI and VII of this chapter;

B. Review and approval of such repairs, repainting and similar actions is required pursuant to Article IX of this chapter;

C. All proposed additions, enlargements and improvements shall conform to the development standards, as applicable, in Articles VI and VII of this chapter;

D. All residential uses made nonconforming pursuant to this chapter shall not be subject to the provisions of Section 18.204.170(B) of this code. All residential uses may

remain and function as a residential use pursuant to the provisions of this section and Section 18.540.830 of this chapter. (Ord. 1150 § 1, 2005)

Article VII. Property Development Standards—Area III

18.540.545 Development standards.

All development shall comply with the following Area III property development standards, as well as with the general property development standards set forth in Article VIII. (Ord. 1150 § 1, 2005)

18.540.550 Circulation.

Additional secondary driveways may be permitted onto Gladstone Street pursuant to demonstrated consistency with the purpose and intent of the provisions of Specific Plan No. 24. (Ord. 1150 § 1, 2005)

18.540.560 Lot area.

There shall be a minimum of ten thousand square feet in each lot. (Ord. 1150 § 1, 2005)

18.540.570 Lot dimensions.

All lots shall comply with the following minimum standards:

- A. Lot Width. No provisions.
- B. Lot Depth. Each lot shall have a minimum depth of one hundred feet. (Ord. 1150 § 1, 2005)

18.540.580 Building setbacks.

A. Adjacent to Gladstone Street. The minimum required setback shall be fifteen feet and shall be fully landscaped and maintained.

B. Interior Property Lines. No provisions.
(Ord. 1150 § 1, 2005)

18.540.600 Building types.

All building types constructed within Specific Plan No. 24 shall be of Type I, Type II, Type III or Type IV construction as defined by the building code. (Ord. 1150 § 1, 2005)

18.540.610 Maximum building height.

Maximum building height shall be thirty-five feet. Heights greater than thirty-five feet for structures other than buildings, including masts, towers, antennas and similar appurtenances may be allowed up to forty-five feet. (Ord. 1150 § 1, 2005)

Article VIII. General Development Standards

18.540.650 Maximum building coverage.

Maximum Building Coverage: None Required. Permitted maximum coverage shall be a secondary consideration subordinate to compliance with all other design regulations contained within this chapter. (Ord. 1150 § 1, 2005)

18.540.660 Lighting.

Parking lot lighting standards shall comply with city standards including the following:

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

B. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining rights-of-way or property. (Ord. 1150 § 1, 2005)

18.540.670 Signs.

The provisions of Chapter 18.152 of this title shall apply. (Ord. 1150 § 1, 2005)

18.540.680 Utilities.

All utilities within the project boundaries to serve the uses and buildings therein shall be installed underground. All existing aboveground utilities shall be relocated underground at the time of project construction. (Ord. 1150 § 1, 2005)

18.540.690 Entry treatments.

All driveway entrances shall incorporate decorative pavement treatment. Additional entry treatment may be required by the development plan review board. (Ord. 1150 § 1, 2005)

18.540.700 Downspouts.

All downspouts shall be located in the interior of buildings. (Ord. 1150 § 1, 2005)

18.540.710 Outdoor display/storage areas.

Outdoor display and/or storage areas may be permitted when incidental and secondary to a permitted use subject to review and approval by the development plan review board. The uses shall not be located or operated in such a manner as to be detrimental to the visual quality of the primary use nor to negatively impact adjacent properties by means of noise, odor, appearance or other characteristics. In approving the display or storage area, the development plan review board may impose buffers consisting of decorative block walls, berming, landscaping, or combinations thereof to mitigate any perceived impacts. (Ord. 1150 § 1, 2005)

18.540.720 Landscaping.

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

A. Within Required Setbacks. All required setbacks shall be fully landscaped exclusive of structures, parking area, drive aisles, and similar improvements.

B. Within Parking Areas. A minimum of five percent of the parking area required within this chapter shall be landscaped. The landscaping shall be in the form of landscaped planter fingers and similar landscaped planter techniques.

C. All landscaping required within this section shall be contained within planters of raised concrete curbing six inches in height. (Ord. 1150 § 1, 2005)

18.540.730 Mechanical equipment.

Roof-mounted mechanical equipment including, but not limited to, air conditioning, heating, and ventilating and exhaust ducts, shall be screened from view from any surrounding property, street or highway. The screening shall be designed in such manner as to appear to be an integral component of the overall building architecture. This can be accomplished by full roof treatments, equipment wells, and architectural design features. Line-of-sight drawings shall be required as a component of all design review submittals to verify equipment screening. Wall or ground-mounted equipment shall be enclosed in a manner which incorporates the same materials used in the building. (Ord. 1150 § 1, 2005)

18.540.740 Off-street parking and loading.

The provisions of Chapter 18.156 of this title shall apply. (Ord. 1150 § 1, 2005)

18.540.750 Outdoor storage.

Any outdoor storage permitted by this section shall be screened from view of any public right-of-way. Such methods of screening shall include, but not be limited to, masonry walls and dense landscaping. (Ord. 1150 § 1, 2005)

18.540.760 Walls.

Walls shall be permitted and/or required pursuant to the following provisions. All walls shall be constructed of decorative concrete tilt-up, masonry or other approved durable material.

A. **Required Walls.** Walls shall be required to screen truck and storage areas where allowed by this chapter. Interior walls may be required by the development plan review board as a component of the design review process. All screening walls shall be architecturally compatible with the buildings within the project and planning units, and shall incorporate vertical landscaping such as vines, trees and shrubbery. The vertical landscaping elements shall be located on the public right-of-way side to provide visual relief from the horizontal expanse. The height of the screening walls shall be governed by the view shed from the surrounding areas which shall take into consideration the height of equipment and/or trucks to be stored behind the walls.

B. **Permitted Walls.** Walls shall be permitted on or within all property lines not abutting streets and on, or to the rear of all required yard setback lines abutting streets. The height of such walls shall be set by the director of community development after giving reasonable due consideration to alternative screening techniques and devices. Walls not over forty-two inches in height may be permitted within the required setback areas. (Ord. 1150 § 1, 2005)

18.540.770 Trash/recycling storage.

Enclosed trash and/or recycling storage area(s) built to the city's standard specifications shall be provided in appropriate locations pursuant to city standards. (Ord. 1150 § 1, 2005)

Article IX. Plan Review and Disposition**18.540.800 Review requirements—Development plans.**

A. Before any grading is undertaken on any lot or parcel within the Specific Plan No. 24 area, a precise plan shall be submitted for review and approval by the development plan review board, planning commission and city council.

B. Unless otherwise provided in accordance with Section 18.12.050 of this title, precise plans shall be subject to final review and approval by the development plan review board, the planning commission and the city council.

C. In addition to the standard development plan findings, the development plan review board, the planning commission and the city council, in approving a precise plan for any lot or lots in Specific Plan No. 24, shall make the following findings:

1. The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan No. 24, as set forth in Section 18.542.010 of this title;

2. The architectural character, style and use of materials harmonize with the natural setting, if applicable.

D. Prior to submitting development plans, the applicant shall meet with planning staff members to discuss and review the general purpose and objectives of the specific plan in relation to any development concepts proposed by the applicant. (Ord. 1150 § 1, 2005)

18.540.810 Precise plan review.

A. The applicant shall submit a minimum of four sets of scaled plans to the planning department which shall include the following, where applicable:

1. Precise grading plan and site plan;
2. Architectural floor plans and elevations;
3. Grading plan;
4. Lighting plan;
5. Conceptual landscaping plan;
6. Fencing plan;
7. Access and circulation plan;
8. Utility plan;
9. Master sign program.

B. Precise plans shall be reviewed and approved as set forth in Section 18.542.800 of this title.

C. The approving authority shall make the findings in accordance with Section 18.12.060 of this title. (Ord. 1150 § 1, 2005)

18.540.820 Plan disposition.

A. The development plan review board shall consider the plans and shall recommend to the planning commission approval, conditional approval or disapproval of the plans with any conditions deemed necessary to protect the public health, safety and general welfare.

B. The planning commission shall consider the plans and recommend to the city council approval, conditional approval or disapproval of the plans with any conditions deemed necessary to protect the public health, safety and general welfare.

C. Upon receipt of the recommendation from the planning commission, the city council shall approve, conditionally approve or disapprove the precise plan.

D. Amendments to Approved Plans. Development plans and precise plans may be amended by the same process provided for approval. Minor modifications, which do not substantially change the concept of an approved development plan or precise plan may be approved by the director of community development and reported to the development plan review board. (Ord. 1150 § 1, 2005)

18.540.830 Minor modifications.

The director of community development without public hearing may grant minor modifications to the provisions of this specific plan limited to the following:

A. Reduction of open areas by permitting portions of a building to extend into and occupy not more than ten percent of the area of a required yard;

B. Waive the development plan review requirement for minor alterations to existing structures which conform to the following:

1. Repainting of an existing structure the same or similar color hue which currently exists on the site,
2. Minor alterations in location of landscape features or plant materials from an approved landscape plan,
3. Minor alterations to an approved plan which do not create a noticeable difference in the building design. Such minor alterations would not include the elimination of approved building materials. (Ord. 1150 § 1, 2005)



SPECIFIC PLAN NO. 24 BOUNDARIES



SCALE:

SPECIFIC PLAN NO. 24

EXHIBIT

City of San Dimas

Lone Hill Gateway Business Park

Exhibit A
LOCATION/AREA MAP

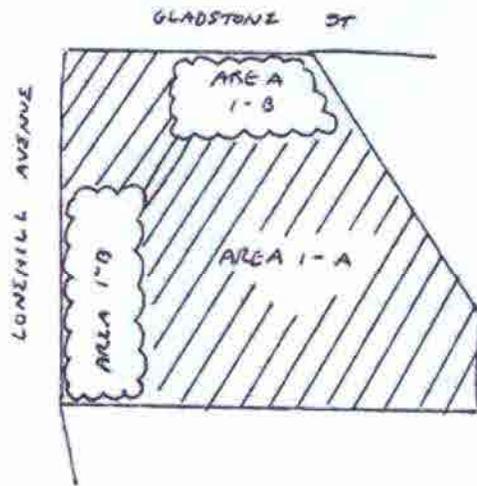
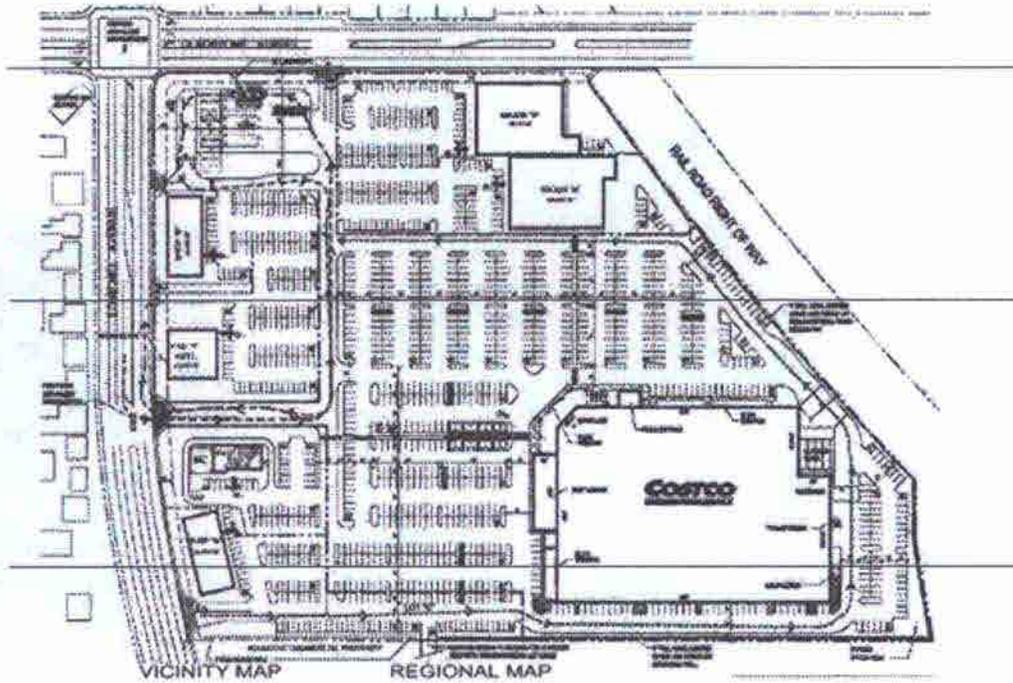


Exhibit B
Map Illustrating Sub-Areas for Area I



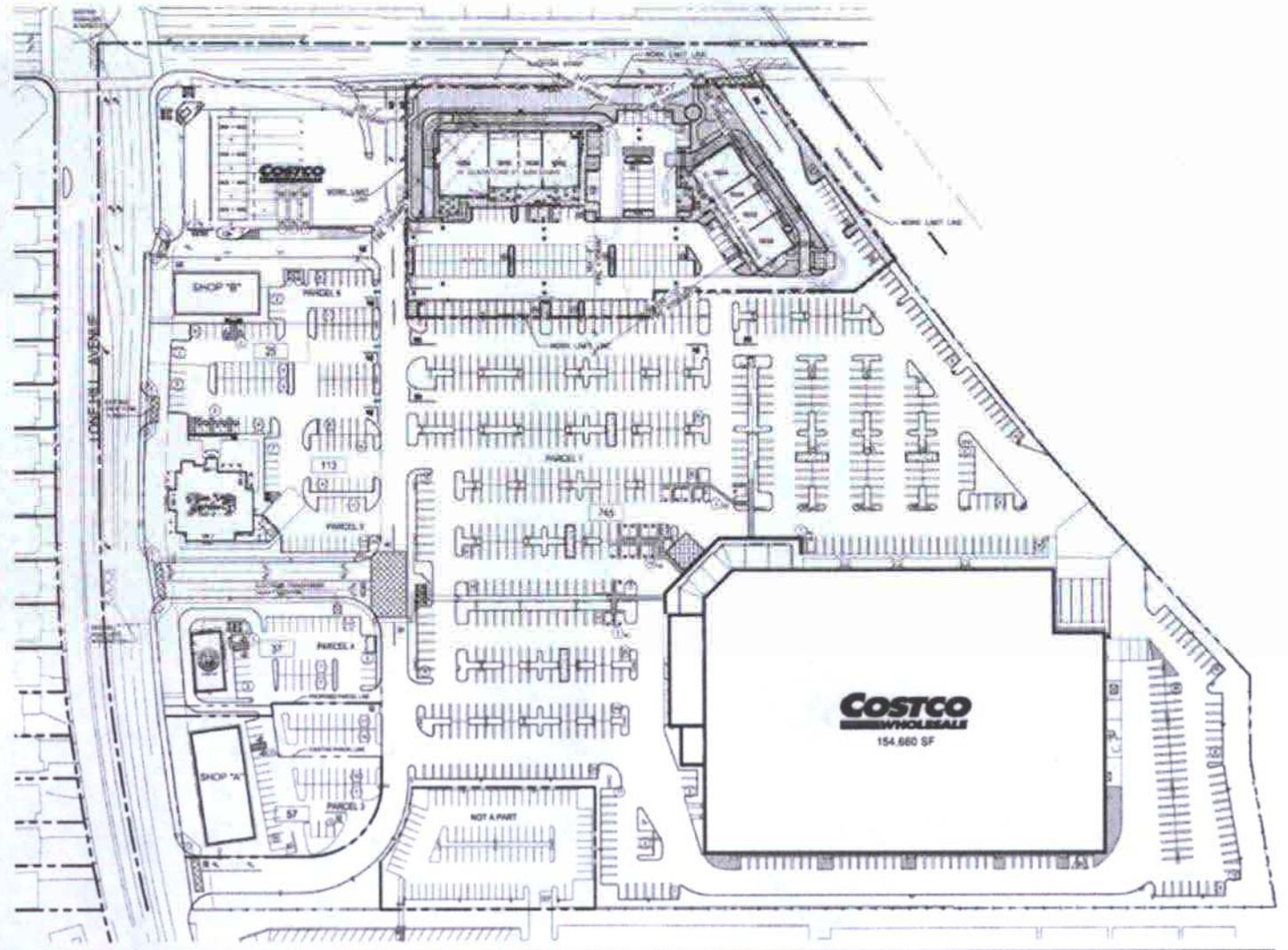


Exhibit C
Illustrative Site Plan



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
December 8, 2015

From: Blaine Michaelis, City Manager

Initiated by: Marco A. Espinoza, Senior Planner

Subject: **Municipal Code Text Amendment 15-06**
A request to amend the uses in Specific Plan No. 17, Area I (Code Sec. 18.528), to allow for the off-site sale of beer and wine in conjunction with a conditionally permitted service station with convenience store.

Conditional Use Permit 15-10

A request to allow for off-site sale of beer and wine (Type 20) in conjunction with a conditionally permitted service station with convenience store at 1790 S. San Dimas Avenue (Via Verde 76). (APN: 8396-017-025)

SUMMARY

Staff has received an application for a Municipal Code Text Amendment (MCTA) for Specific Plan No. 17 relating to conditional and prohibited uses in Area 1, which is designated "Service Station Use." There is one proposed expansion of use to allow the sale of beer and wine for off-site consumption within an existing gas station convenience store that is accessory to an existing service station. No expansion of the square footage of the building or construction plans are proposed in conjunction with this request.

The owners of the 76 Via Verde service station in Specific Plan No. 17, Area I are requesting to sell beer and wine for off-site consumption (Type 20 License) in conjunction with their existing business. The business currently consists of a gas station with 12 pump stations, two accessory automotive repair service bays, and a 1,000 square foot accessory convenience store.

Currently, the Municipal Code prohibits the sale of alcohol and conditionally permits convenience stores up to 1,000 square feet as an accessory use to a service station in the subject area and zone. The text amendment proposed for this project is to remove the prohibition on alcohol sales and make accessory beer and wine sales for off-site consumption a conditionally permitted use.

The MCTA will only affect the service station (Via Verde 76) since it is the only business in Area I. Staff will also present Conditional Use Permit 15-10 for the off-site sale of beer and wine at the same time as the MCTA with the understanding that the CUP cannot be approved unless the MCTA is first approved and will not become effective until 30 days after the second reading and adoption of the ordinance.

The Planning Commission reviewed Municipal Code Text Amendment 15-06 and Conditional Use Permit 15-10 at their November 19, 2015

Staff and the Planning Commission recommend the City Council approve Municipal Code Text Amendment 15-06 and Conditional Use Permit 15-10 by adopting Ordinance 1238 and Resolution 2015-54.

BACKGROUND

The Planning Commission reviewed the proposed municipal code text amendment and the associated conditional use permit application at their November 19, 2015, meeting in addition to Staff's report. The Commission asked for clarification on some of the proposed text and some of the proposed conditions of approval but in general did not have any significant concerns with the proposed request. The Commission voted 4-0-1 to recommend to the City Council approval of MCTA 15-06 and CUP 15-10.

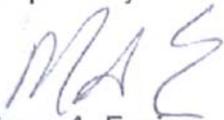
DISCUSSION/ANALYSIS

See attached Planning Commission Staff Report Dated November 19, 2015, Exhibit A.

RECOMMENDATION

Staff and the Planning Commission recommend the City Council approve Municipal Code Text Amendment 15-06 and Conditional Use Permit 15-10 by adopting Ordinance 1238 and Resolution 2015-54.

Respectfully submitted,



Marco A. Espinoza
Senior Planner

Attachments:

- Exhibit A- Planning Commission Staff Report Dated November 19, 2015
- Exhibit B- Planning Commission Draft Minutes Dated November 19, 2015
- Exhibit C- Resolution PC – 1550; MCTA 15-06
- Exhibit D- Resolution PC – 1551; CUP 15-10

Ordinance 1238
Resolution 2015-54



Planning Commission Staff Report

DATE: November 19, 2015
TO: Planning Commission
FROM: Marco A. Espinoza, Senior Planner

SUBJECT: Municipal Code Text Amendment 15-06

A request to amend the uses in Specific Plan No. 17, Area I (Code Sec. 18.528), to allow for the off-site sale of beer and wine in conjunction with a conditionally permitted service station with convenience store.

Conditional Use Permit 15-10

A request to allow for off-site sale of beer and wine (Type 20) in conjunction with a conditionally permitted service station with convenience store at 1790 S. San Dimas Avenue (Via Verde 76). (APN: 8396-017-025)

SUMMARY

Staff has received an application for a Municipal Code Text Amendment (MCTA) for Specific Plan No. 17 relating to conditional and prohibited uses in Area 1, which is designated "Service Station Use." There is one proposed expansion of use to allow the sale of beer and wine for off-site consumption within an existing gas station convenience store that is accessory to an existing service station. No expansion of the square footage of the building or construction plans are proposed in conjunction with this request.

The owners of the 76 service station in Specific Plan No. 17, Area I are requesting to sell beer and wine for off-site consumption (Type 20 License) in conjunction with their existing business. The business currently consists of a gas station with 12 pump stations, two accessory automotive repair service bays, and a 1,000 square foot accessory convenience store.

Currently, the Municipal Code prohibits the sale of alcohol and conditionally permits convenience stores up to 1,000 square feet as an accessory use to a service station in the subject area and zone. The text amendment proposed for this project is to remove the prohibition on

alcohol sales and make accessory beer and wine sales for off-site consumption a conditionally permitted use.

The MCTA will only affect the service station (Via Verde 76) since it is the only business in Area I. Staff will also present Conditional Use Permit 15-10 for the off-site sale of beer and wine at the same time as the MCTA with the understanding that the CUP cannot be approved unless the MCTA is first approved and will not become effective until 30 days after the second reading and adoption of the ordinance.

Staff recommends the Planning Commission recommend approval of Municipal Code Text Amendment 15-06 and Conditional Use Permit 15-10 to the City Council.

BACKGROUND:

The subject area is located at 1790 S. San Dimas Avenue, on the northeast corner of San Dimas Avenue and Via Verde. This area is designated as Specific Plan No. 17, Area 1- Service Station, which allows for the service station to serve the needs of the community and residents. Additionally, the zone conditionally allows accessory convenience stores up to 1,000 square feet when accessory to a gasoline or service station use.

The service station was originally established in 1989. In 2008, the property and business owners, Bill and Sam Ghosn, submitted a request for municipal code text amendment to conditionally permit a 1,000 square foot convenience store as an accessory use to a service station. At the time, two service bays were proposed to be converted to expand the existing sales floor area.

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. When the use was finally approved in 2008, the Council thought that 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 grocery stores.

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 license). 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.

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 E 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.

At that time the applicants were proposing to obtain a new license and since the Council made a determination that they would not make the PCN findings the applicants withdrew their application. This new application submittal is different as the applicants

are in negotiations to purchase an existing beer and wine license within the City, 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.

In order to streamline the process, Staff is presenting the applicant's requests for Municipal Code Text Amendment 15-06 and Conditional Use Permit 15-10 concurrently.

ANALYSIS:

Municipal Code Text Amendment 15-06

In order to accommodate the requests, Sections 18.528.050B and 18.528.050C would have to be amended. Currently, those sections read as follows:

- Section 18.528.050.B.1:

B. Conditional Uses.

1. Convenience stores, with up to one thousand 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.

- Section 18.528.050.C.1:

C. Prohibited Uses.

1. Sales of alcohol, food markets, pharmacies, barber or beauty shops, cleaners and laundries, small appliance repair, repair businesses and similar uses.

The applicant is requesting that accessory sales of beer and wine for off-site consumption be conditionally permitted in Specific Plan No. 17, Area 1. As the code currently prohibits the sale of alcohol, the following revisions are proposed.

Blue Underlined denotes the proposed verbiage, and ~~red strikethrough~~ denotes existing verbiage that would be removed.

Section 18.528.050.B.2- Conditional Uses

B. Conditional Uses.

1. Convenience stores, with up to one thousand 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.

2. Sale of beer and wine for off-site consumption, as an accessory use to a conditionally permitted convenience store as defined above.

Section 18.528.050.C.1- Prohibited Uses

C. Prohibited Uses.

1. ~~Sales of alcohol,~~ Food markets, pharmacies, barber or beauty shops, cleaners and laundries, small appliance repair, repair businesses and similar uses.

The modification would only affect Specific Plan No. 17, Area 1 and would not affect what uses are permitted, conditionally permitted, or prohibited in other zones in the City.

Approving the proposed text change would be consistent with the Council's direction in 2013 that all gas stations be treated equally in terms of allowing accessory convenience stores with the ability to apply for the sale of beer and wine for off-site consumption. Previously some zones only permitted snack shops associated with a gas station and prohibited the sale of alcohol for the off-site consumption. 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. The Council also 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-site consumption of beer and wine.

MCTA Procedure

The procedure for a Municipal Code Text Amendment is set forth in Chapter 18.208. The amendment process was initiated by the City Council on September 22, 2015. The proposals are currently subject to a public hearing review by the Planning Commission and City Council. The Commission would send their recommendation to approve or disapprove to the City Council. Upon receipt of the recommendation of the Planning Commission, the City Council would conduct a public hearing and Council may approve, modify or deny the requested amendment.

Notice

Surrounding residents and property owners were noticed by first-class mail of the MCTA and CUP. Also, Staff submitted a notice to be published in the Inland Valley Daily Bulletin and posted a notice board on the subject site located at 1790 S. San Dimas Avenue. All notices were sent out by November 6, 2015

Environmental Review

Staff finds that the proposed ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment).

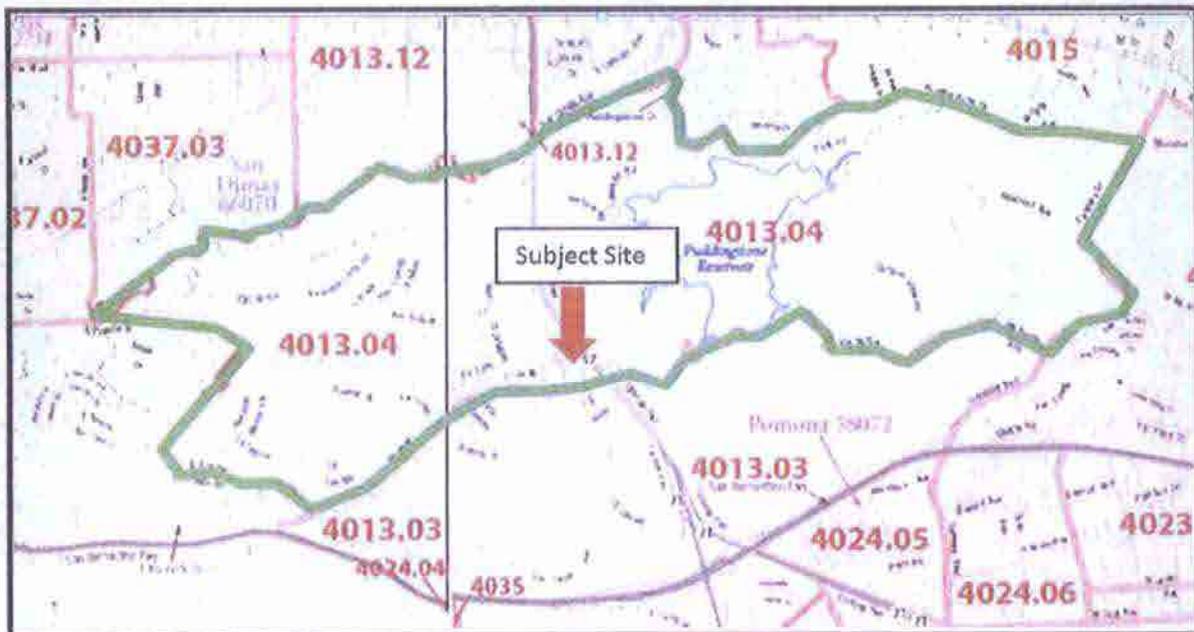
Conditional Use Permit 15-10

Staff has received a request by the property and business owners, Sam and Bill Ghosn, to conditionally permit the sale of beer and wine for off-site consumption as an accessory use to the service station convenience store.

The service station was constructed in 1989 with a small convenience store and 12 pump stations. In 2008, the convenience store was approved to be expanded into two of the existing service bays for a total of 1,000 sq. ft. of sales area. The total building square footage is 3,306 sq. ft.; there currently are two service bays that are still in use. The applicant is not proposing to expand the convenience store or propose any exterior modification to the building. There are 12 existing parking stalls on-site and two shared parking spaces off-site at the senior housing facility adjacent to the site; no changes are proposed to the parking lot or site.

Alcohol License Concentration

The Department of Alcoholic Beverage Control uses census tracts for purposes of reporting and concentration analysis. 76 Via Verde is located within Census Tract 4013.04. The boundaries of the Tract are outlined in green below.



There is currently one (1) active off-sale retail license (Type 20) within this Census Tract; East Shore Recreational Vehicle Park Store, which is located in the RV campsite in Bonelli Park (see Exhibit F). Due to ratios established in the Business and Professions Code that compare licenses per Census Tract with total population, the Tract can have up to 3 licenses without being considered over-concentrated by the Department of Alcoholic Beverage Control. As the Census Tract contains one (1) license it is not considered over-concentrated. Due to the under-concentration of this Census Tract the City and the Department of Alcoholic Beverage Control do not have to make a finding of public convenience or necessity.

Floor Plan & Parking

The applicant at this time is not proposing to expand the existing 1,000 sq. ft. convenience store and will use some of the existing cooler and floor area used for soft drinks for the display of the beer and wine. The existing service station meets the parking requirements and the new use (the off-site sale of beer and wine) will not require additional parking spaces (see Exhibit G).

Hours of Operation

The applicant currently operates under the following hours and is not proposing to modify their hours as shown below:

Monday - Sunday: open 24 hours

The existing hours of operation are typical for service stations and their convenience stores. Staff has written Condition No. 14 which prohibits the sale of beer and/or wine between the hours of 2:00 A.M. and 6:00 A.M, Monday - Sunday. The applicant mentioned that they will also be locking the coolers that will hold the beer and wine during the hours of 2:00 A.M. and 6:00 A.M when the sales of these items are prohibited to avoid any conflicts.

Surrounding Zoning and Land Uses

The zoning and land uses surrounding the site are:

- North: Brookdale Senior Nursing Home, Specific Plan 17, Area II
- East: 57 Freeway and the Park and Ride parking lot
- South: Office Complex, Administrative Professional Zone
- West: Single-Family Residential, Specific Plan No. 15

The use will be compatible with the existing service station and the greater area and will provide additional beverage purchasing options for the community. Many service station convenience stores offer beer and wine for sale for off-site consumption.

Security

The San Dimas Sheriff's Department was contacted to see if there were any concerns with the sale of alcohol at the subject location. The Planning Department was informed that there are no concerns regarding alcohol sales or the City issuing a Conditional Use Permit for the off-sale license. Should concerns arise in the future from the alcohol sales, Staff has included a condition (No. 20) that requires changes to the operational characteristics of the business should alcohol-related crime become a security issue or nuisance.

The subject site is located within Specific Plan No. 17, Area 1. The use will be compatible with other uses in the subject zone and will also be compatible with other convenience stores in the City that sell beer and wine for off-site consumption. In addition, the Sheriff's Department does not have any concerns with the request and the approval includes conditions that will assist in minimizing and/or preventing impacts to the adjacent uses and area in general (see Conditions No. 10, 18, 19 & 20).

ABC also reviews crime statistics based on the San Dimas County Sheriffs' Crime Reporting Districts which are similar to the Census Tract. The service station is within District No. 18, which reported 72 offences. This number is lower than the allowable average of 95.7 for each district within the City of San Dimas. ABC will require a PCN if the crime statistics are over the average; if they are not, as in this case, ABC has less of a concern issuing the alcohol license (see Exhibit H).

RECOMMENDATION:

Staff recommends the Planning Commission recommend approval of Municipal Code Text Amendment 15-06, a request to amend the uses in Specific Plan No. 17, Area I (Code Sec. 18.528), to allow for the off-site sale of beer and wine in conjunction with a conditionally permitted service station with convenience store to the City Council by the adoption of Resolution PC - 1550.

Staff also recommends the Planning Commission recommend approval of Conditional Use Permit 15-10, a request to allow for off-site sale of beer and wine (Type 20) in conjunction with a conditionally permitted service station with convenience store to the City Council by the adoption of Resolution PC - 1551.

Respectfully Submitted,



Marco A. Espinoza
Senior Planner

- Attachments:
- Exhibit A – Vicinity Map
 - Exhibit B – Street view photos of the subject site
 - Exhibit C – Photos of site
 - Exhibit D – Applicant's request letter
 - Exhibit E – Department of Alcoholic Beverage
Control Notice and Map on Moratorium 2011
 - Exhibit F – Number of Licenses Authorized in Census Tract
4013.04
 - Exhibit G – Site and Floor Plan
 - Exhibit H – Department of Alcoholic Beverage
Control Crime Statistic Information Sheet
 - Resolution PC- 1550 (MCTA 15-06)
 - Resolution PC- 1551 (CUP 15-10)

EXHIBIT A

VICINITY MAP OF SPECIFIC PLAN NO. 17, AREAS I, II, & III



EXHIBIT A
EXHIBIT A

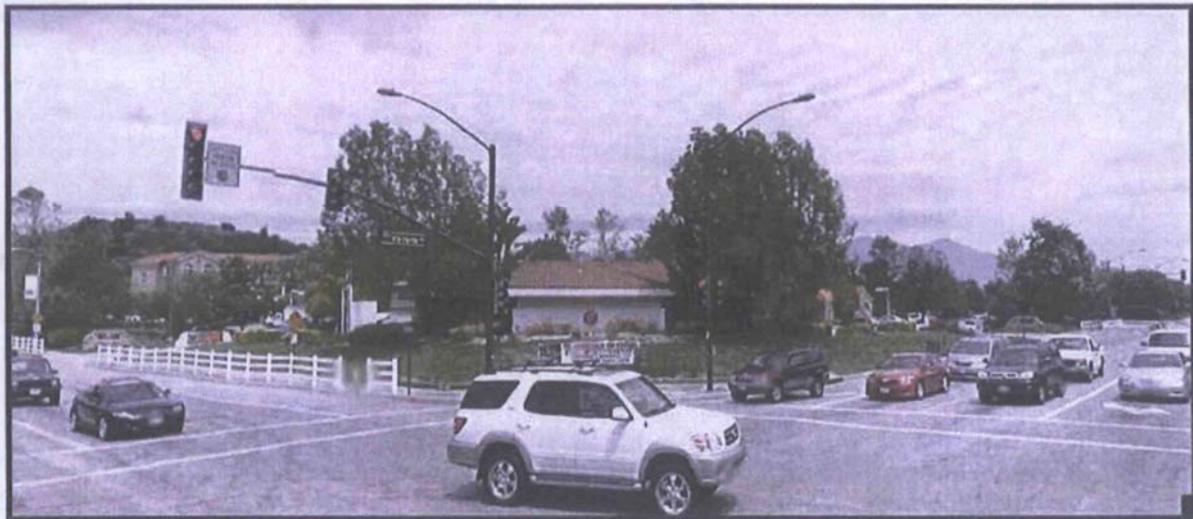
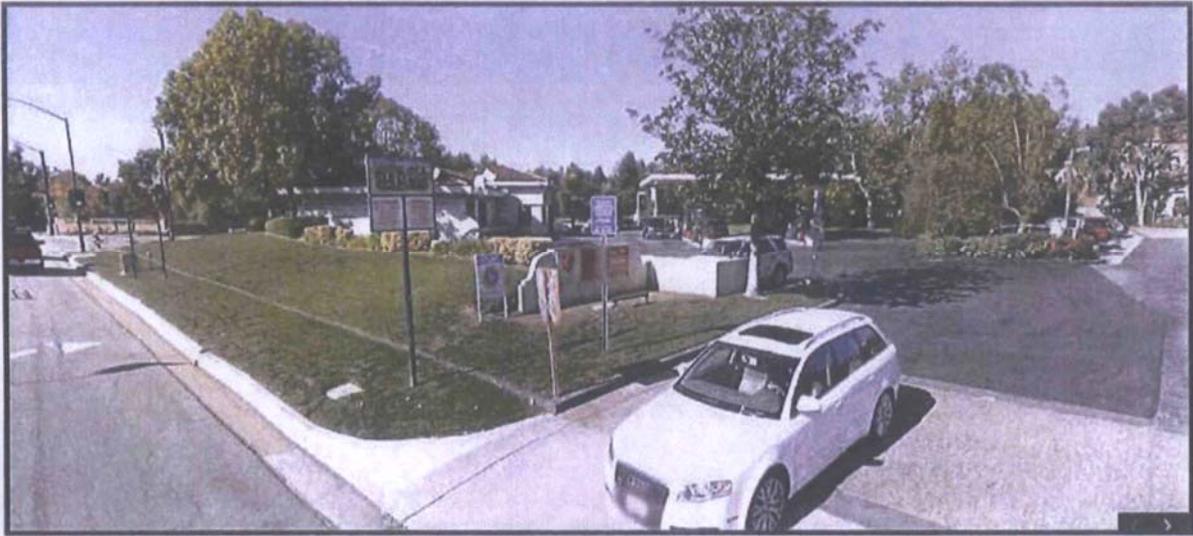
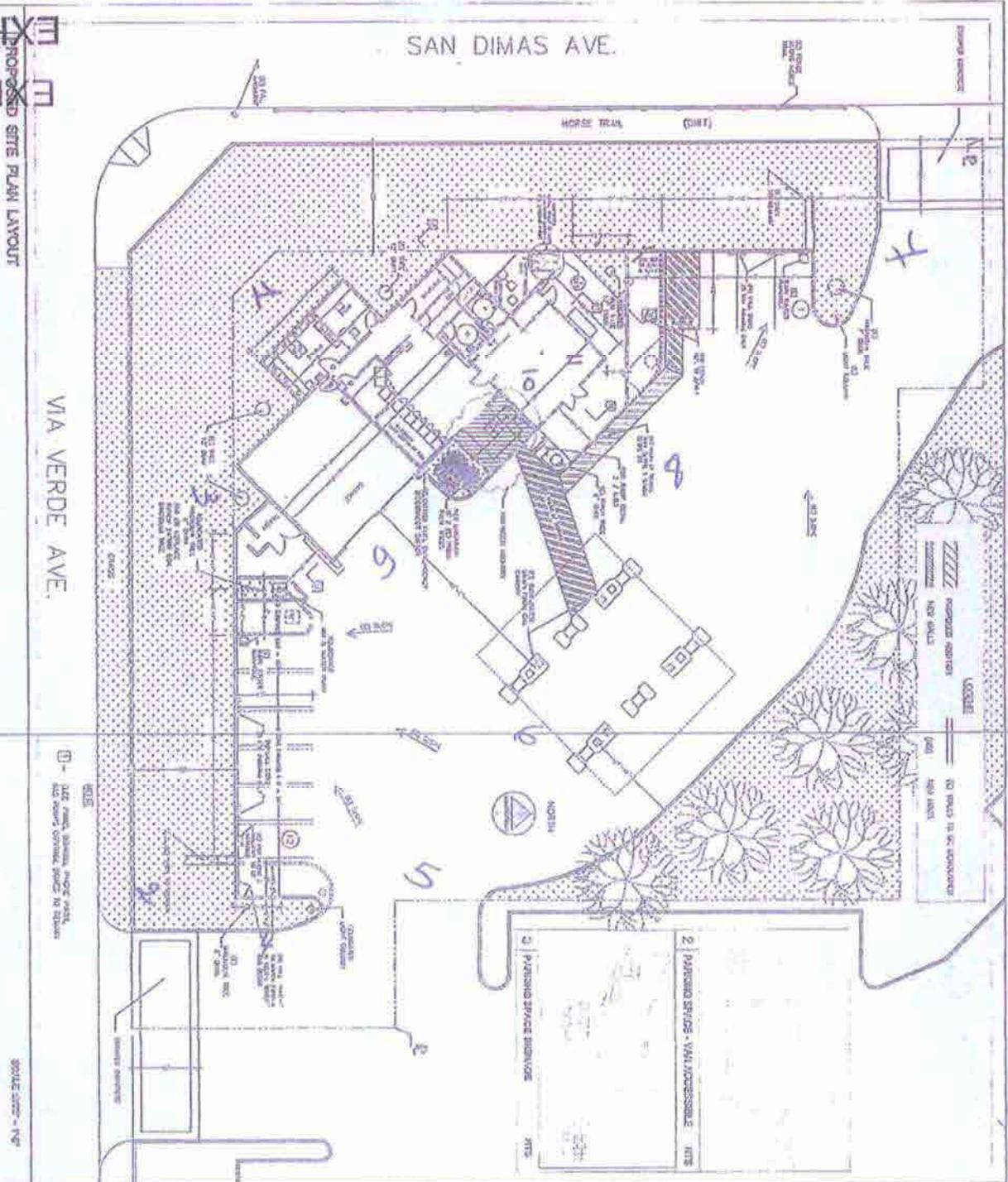


EXHIBIT A
EXHIBIT B

EXHIBIT A
EXHIBIT C



<p>PROJECT DATA</p> <p>PROJECT: VIA VERDE 76 1700 S. SAN DIMAS AVE. SAN DIMAS, CA 91763 TEL: (909) 597-2800</p> <p>ARCHITECT: JAMES W. GARDNER ARCHITECTS 1000 N. RANDOLPH STREET, SUITE 100 CHANON, CALIF. 91709 TEL: (909) 597-2800</p> <p>GENERAL CONTRACTOR: JAMES W. GARDNER ARCHITECTS 1000 N. RANDOLPH STREET, SUITE 100 CHANON, CALIF. 91709 TEL: (909) 597-2800</p> <p>DATE: 10/15/00</p>	<p>PRODUCT DATA</p> <p>1700 S. SAN DIMAS AVE. SAN DIMAS, CA 91763 TEL: (909) 597-2800</p>	<p>PROPOSED SITE PLAN LAYOUT</p> <p>TITLE SHEET</p>	<p>PROPOSED BY</p> <p>JAMES W. GARDNER ARCHITECTS 1000 N. RANDOLPH STREET, SUITE 100 CHANON, CALIF. 91709 TEL: (909) 597-2800</p>	<p>VIA VERDE 76</p>	<p>CONSTRUCTION</p> <p>FOR INFORMATION ONLY THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY OF SAN DIMAS</p>
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Attachment # 2
Photo's Map



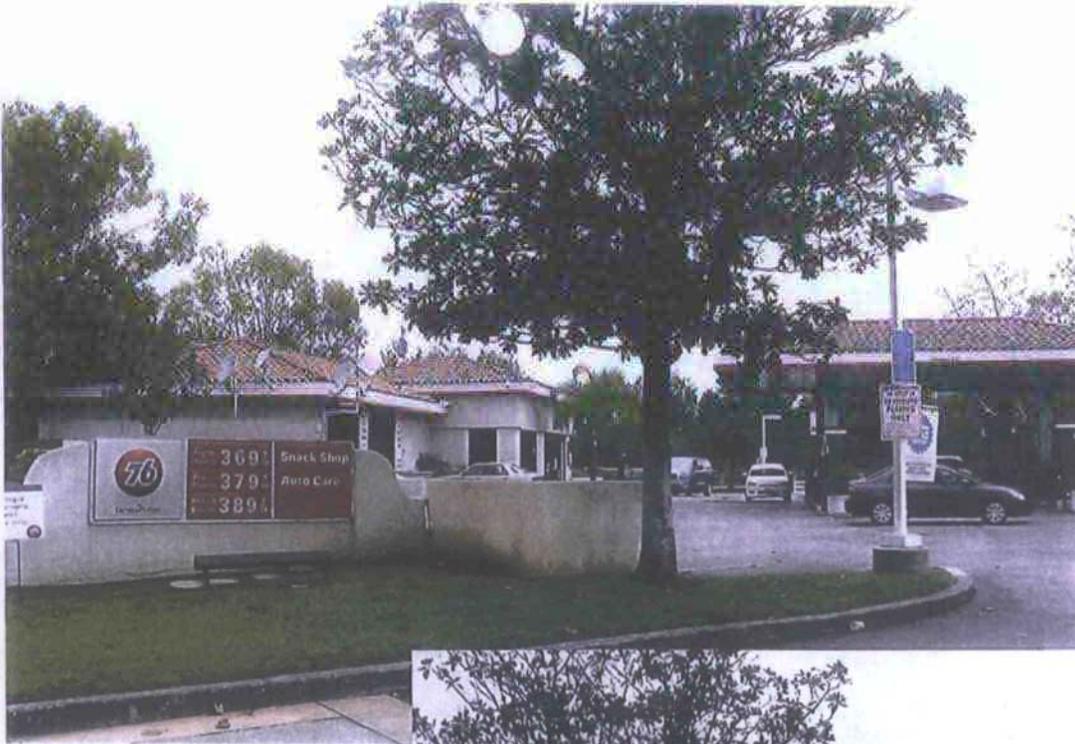
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EXHIBIT A
EXHIBIT C



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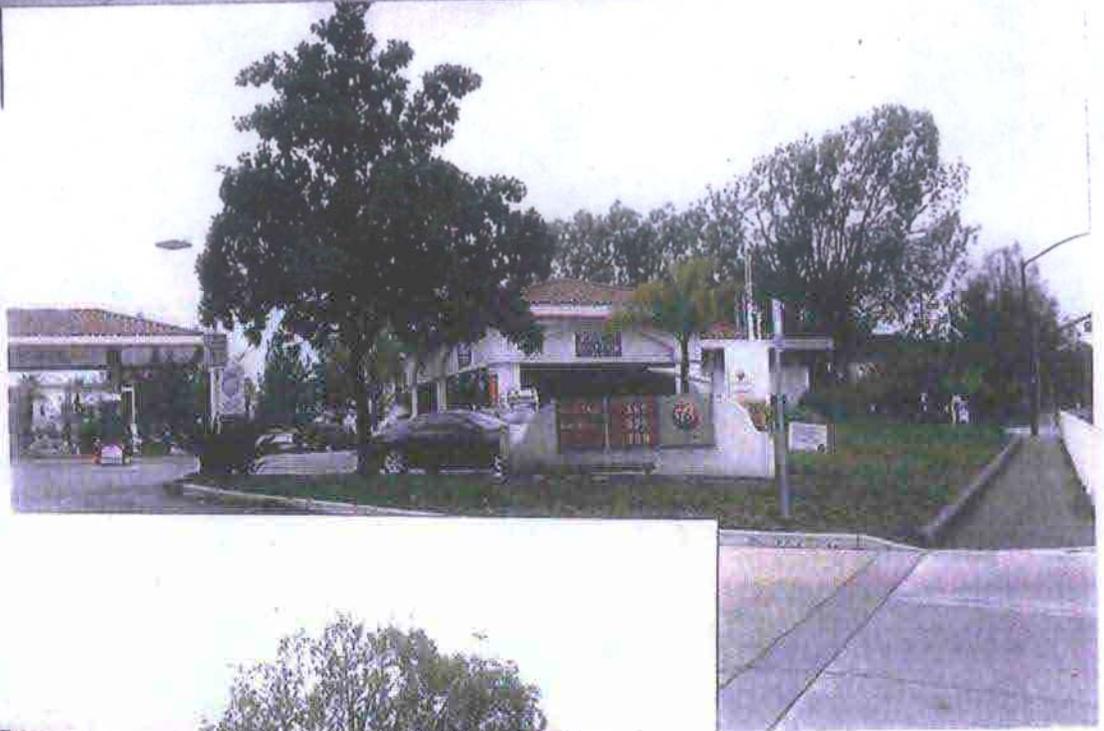


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EXHIBIT A
EXHIBIT C



8



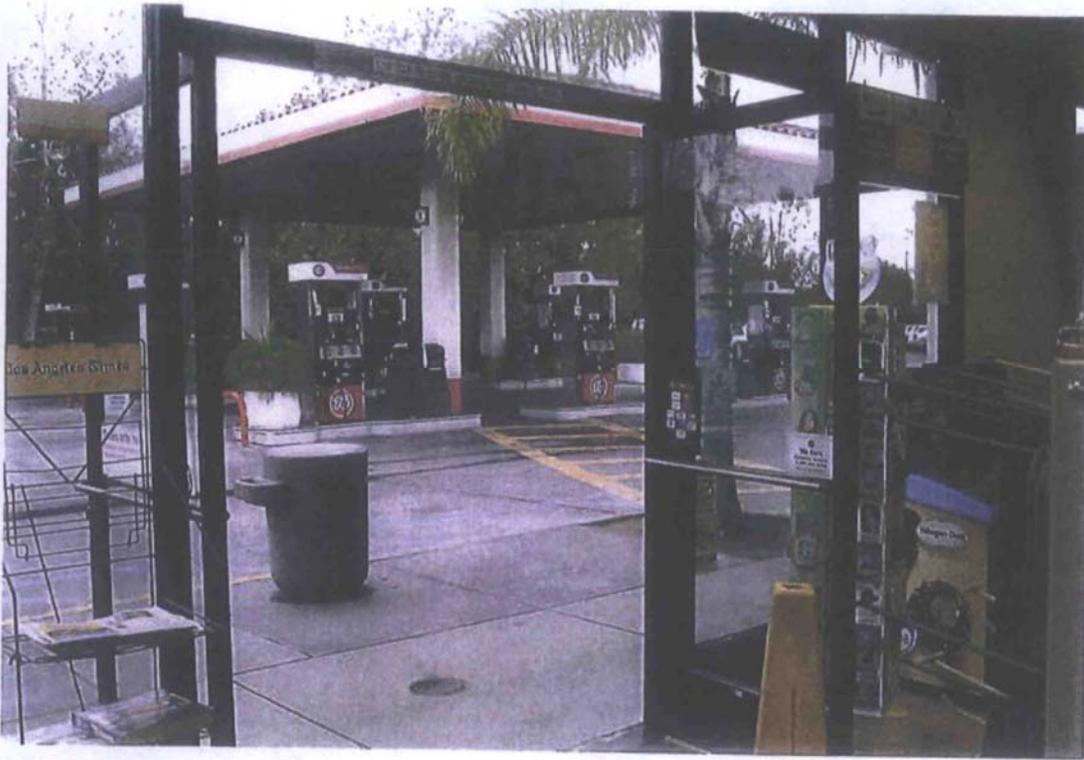
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9

EXHIBIT A

EXHIBIT C



10



11

EXHIBIT A
EXHIBIT C

Via Verde 76

1790 S. San Dimas Ave.
San Dimas, CA 91773
Phone: (909) 592-2010



August 06, 2015

Mr. Marco A. Espinoza, Senior Planner
City of San Dimas
245 East Bonita Avenue
San Dimas, CA 91773

Re: Request to amend the Specific Plan No. 17, Article II, C1

Dear Mr. Espinoza,

The intent of this request is to amend the "Specific Plan No. 17, Article II, C1" to allow the sale of beer and wine in our location.

As all of us are aware, gas stations, in the present, look completely different from the way they used to be thirty years ago. They are cleaner and more attractive and their minimarts serve as a convenient store for the neighborhood where drivers can have a pleasant break. Our project is an existing gas station with a convenient store, where the purpose of the sale of Beer and wine is to provide complementary items to a wide variety of refreshment beverages and snack, for an existing owner operated convenient store, with suitable area 998 SF of sales area. ~~The proposed use will better serve the neighborhood, since there are no convenient stores in the area and~~ consistent with the various elements and objective of the general plan since there are more than one gas station that sells beer and wine in the city.

All public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation are adequate for the proposed use.

As stated previously, the existing project is an owner operated business, where the owners are present on site on a daily basis (10 to 12 hours per day), therefore the sale of the beer and wine will be tightly controlled by the owners, and all the precautions and measures will be taken into consideration.

Please do not hesitate to contact me for any further information you might need,

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Ghosn".

Sam Ghosn
Via Verde 76

EXHIBIT A
EXHIBIT D

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

3927 Lennane Drive, Suite 100
Sacramento, CA 95834
(916) 419-2500



2011 Moratorium Counties/Cities

2011 Moratorium Figures – Section 23817.5 B & P Code

On January 1, 1998, Section 23817.5 was amended to permanently establish a moratorium on the issuance of off-sale and wine licenses (Type 20) in cities and counties where the ratio of Type 20 licenses exceeds one for each 2,500 inhabitants.

In the city and county of San Francisco, the ratio has been established as one for each 1,250 inhabitants. The San Francisco computation combines off-sale beer and wine license with off-sale general licenses for the purpose of establishing the ratio.

Enclosed are the following lists and a map showing the new Type 20 license limitation data:

- o List of Counties with their moratorium status.
- o List of Cities in Counties with partial moratorium status.
- o Summary of Changes to Moratorium Counties/Cities.

Please note the changes in moratorium counties compared to the 2005 list. There have been changes in some of the cities within the current 11 non-moratorium counties.

The new moratorium lists are effective as of May 9, 2011 and will be in effect until recalculated in approximately five years, in accordance with Section 23817.9.

The enclosed lists and map may be distributed to all interested parties.

If you have any questions or need additional information, please contact Debbie Holden:

Email: Debra.Holden@abc.ca.gov

Phone: (916) 419-2535

EXHIBIT A
EXHIBIT E

SUMMARY OF CHANGES TO MORATORIUM COUNTIES/CITIES
EFFECTIVE May 9, 2011

<u>NO LONGER MORATORIUM CITIES</u>	<u>CITIES</u>	<u>MORATORIUM</u>
CONTRA COSTA COUNTY	Pittsburg	NO
LOS ANGELES COUNTY	Paramount	NO
	Pico Rivera	NO
RIVERSIDE COUNTY	Beaumont	NO
	San Jacinto	NO
SACRAMENTO COUNTY	Galt	NO
SAN BERNARDINO COUNTY	Grand Terrace	NO
	Montclair	NO
	Pomona	NO
	Victorville	NO
SANTA CLARA COUNTY	Hollister	NO
VENTURA COUNTY	Westlake Village	NO
<hr/>		
<u>NEWLY ADDED MORATORIUM CITIES</u>		
ALAMEDA COUNTY	San Leandro	YES
CONTRA COSTA COUNTY	Danville	YES
	Martinez	YES
	Walnut Creek	YES
LOS ANGELES COUNTY	Artesia	YES
	Beverly Hills	YES
	Calabasas	YES
	Covina	YES
	Culver City	YES
	El Monte	YES
	Gardena	YES
	La Puente	YES
	Manhattan Beach	YES
	San Dimas	YES
	Torrance	YES
	Whittier	YES

MORATORIUM CITIES - SECTION 23817.5 B, P. CODE

Effective May 9, 2011

ALAMEDA COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Alameda	NO	Livermore	YES
Albany	YES	Newark	NO
Berkeley	YES	Oakland	NO
Dublin	NO	Piedmont	NO
Emeryville	YES	Pleasanton	NO
Fremont	NO	San Leandro	YES
Hayward	NO	Union City	NO

CONTRA COSTA COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Antioch	NO	Oakley	NO
Brentwood	YES	Orinda	NO
Clayton	NO	Pinole	NO
Concord	NO	Pittsburg	NO
Danville	YES	Pleasant Hill	YES
El Cerrito	NO	Richmond	NO
Hereules	NO	San Pablo	YES
Lafayette	NO	San Ramon	NO
Martinez	YES	Walnut Creek	YES
Moraga	NO		

LOS ANGELES COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Agoura Hills	NO	La Verne	NO
Alhambra	NO	Lawndale	YES
Arcadia	NO	Lomita	NO
Artesia	YES	Long Beach	NO
Avalon	YES	Los Angeles	NO
Azusa	YES	Lynwood	NO
Baldwin Park	NO	Malibu	YES
Bell	YES	Manhattan Beach	YES
Bell Flower	NO	Maywood	YES
Bell Gardens	YES	Monrovia	NO
Beverly Hills	YES	Montebello	NO
Bradbury	NO	Monterey Park	NO
Burbank	NO	Norwalk	NO

MORATORIUM CITIES - SECTION 23817.5 B. P. CODE

Effective May 9, 2011

LOS ANGELES COUNTY (Continued)

CITY	MORATORIUM	CITY	MORATORIUM
Calabasas	YES	Palmdale	NO
Carson	NO	Palos Verdes Estate	NO
Cerritos	NO	Paramount	NO
Claremont	NO	Pasadena	NO
Commerce	YES	Pico Rivera	NO
Compton	NO	Pomona	NO
Covina	YES	Rancho Palos Verde	NO
Cudahy	YES	Redondo Beach	NO
Culver City	YES	Rolling Hills	NO
Diamond Bar	NO	Rolling Hills Estates	NO
Downey	NO	Rosemead	NO
Duarte	YES	San Dimas	YES
El Monte	YES	San Fernando	YES
El Segundo	YES	San Gabriel	NO
Gardena	YES	San Marino	NO
Glendale	NO	Santa Clarita	NO
Glendora	NO	Santa Fe Springs	YES
Hawaiian Garder	YES	Santa Monica	NO
Hawthorne	NO	Sierra Madre	NO
Hermosa Beach	YES	Signal Hill	YES
Hidden Hills	NO	South El Monte	YES
Huntington Park	YES	South Gate	YES
Industry	YES	South Pasadena	NO
Inglewood	YES	Temple City	NO
Irwindale	YES	Torrance	YES
La Canada Flintr	NO	Vernon	YES
La Habra Height	NO	Walnut	NO
Lakewood	NO	West Covina	NO
La Mirada	NO	West Hollywood	NO
Lancaster	NO	Westlake Village	NO
La Puente	YES	Whittier	YES

ORANGE COUNTY

CITY	MORATORIUM	CITY	MORATORIUM
Aliso Viejo	NO		
Anaheim	NO	La Palma	YES
Brea	NO	Los Alamitos	NO
Buena Park	NO	Mission Viejo	NO



COUNTIES WITH MORATORIUM = UNSHADED

COUNTIES WITH PARTIAL MORATORIUM = **SHADED**

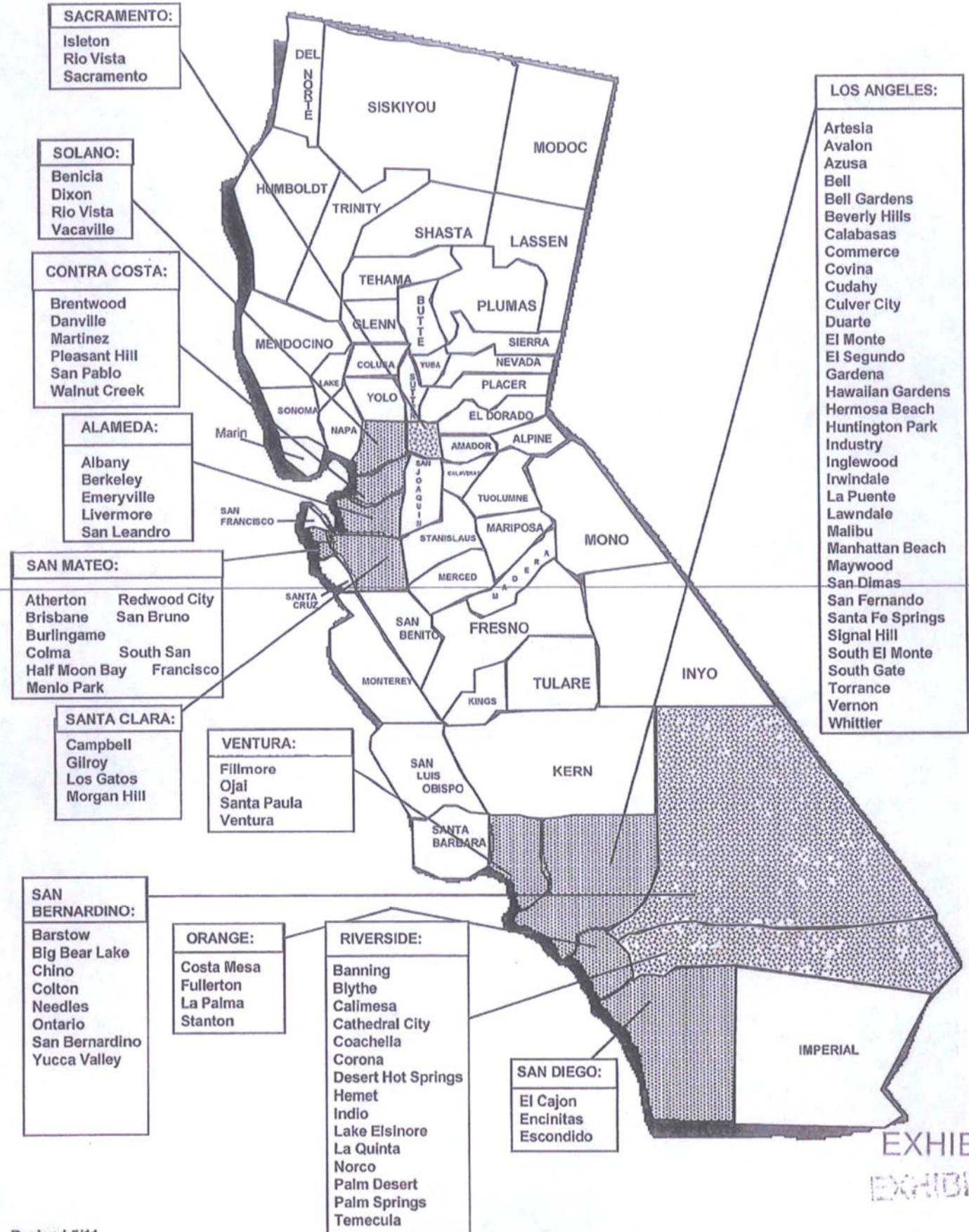


EXHIBIT A
EXHIBIT I



**California Department of Alcoholic Beverage Control
For the County of LOS ANGELES - (Off-Sale Licenses)
and Census Tract = 4013.04**

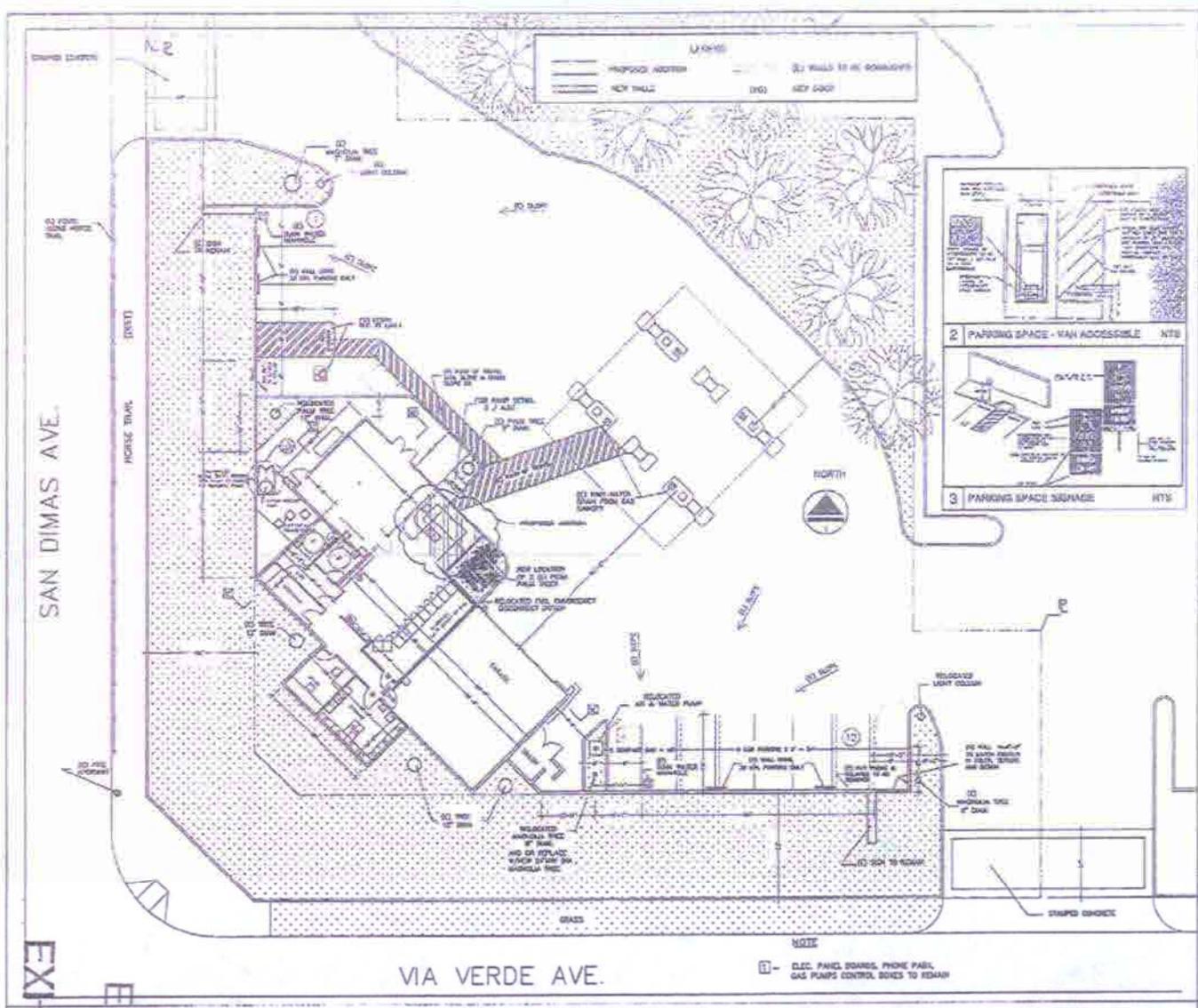
Report as of 11/4/2015

License Number	Status	License Type	Orig. Iss. Date	Explr Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 488974	ACTIVE	20	11/17/2010 8:46:33 AM	10/31/2015	EAST SHORE RECREATIONAL VEHICLE PARK LTD LP 1440 CAMPER VIEW RD SAN DIMAS, CA 91773-3924 Census Tract: 4013.04	EAST SHORE R V PARK		1970

--- End of Report ---

For a definition of codes, view our [glossary](#).

EXHIBIT A
EXHIBIT F



PROJECT DATA

OWNER:
 DE SPEED REAL ESTATE, INC.
 1705 S. SAN DIMAS AVE.
 SAN DIMAS - CA 91763
 TEL: (909) 289-2018

ARCHITECTURAL DESIGN:
 HORNBY CONSULTANTS
 15001 BURBANK CIRCLE, NORTH
 HUNTER HILLS - CA 91707
 TEL: (909) 522-2979

STRUCTURAL ENGINEER:
 A. S. Z. ENGINEERS
 JAMES C. WALLEY BLDG. - 347E 3110
 WALNUT - CA 91703
 TEL: (909) 540-5245

ELECTRO-MECHANICAL ENG:
 CHENED ENGINEERING, INC.
 1725 W. GARNEY AVE. - SUITE C
 ALHAMBRA - CA 91803
 TEL: (626) 516-2846

PROJECT DIRECTORY

ADDRESSING PHOTOS: 626-071-023
 TRAC: 626-071-071
 3RD: 1705 S. SAN DIMAS AVE - SAN DIMAS
 LEGAL DESCRIPTION: P 11 21-22-24 LOT 2

EXHIBIT A
 EXHIBIT G
 PROPOSED SITE PLAN LAYOUT

NOTE
 1- ELEC. PANEL BOARDS, PHONE PANEL,
 GAS PUMP CONTROL BOXES TO REMAIN

SCALE 2/32" = 1'-0"

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

(Signature)

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

2. PREMISES ADDRESS (Street number and name, city, zip code)

1790 S San Dimas Ave, San Dimas, CA 91753-3964

3. LICENSE TYPE

20-Moratorium

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All | | | |
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-In Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

6. TOTAL NUMBER OF LICENSES IN COUNTY

7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale Off-Sale

1:1,553 On-Sale Off-Sale

8. CENSUS TRACT NUMBER

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

On-Sale Off-Sale

1 On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13) No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

0.817

18

1436

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

79.8

95.7

72

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

ABC 245 (rev. 01-11)

EXHIBIT A

EXHIBIT H

Associate Planner Torrico stated that is correct; if it did not have a drive-through, a bank could be permitted by right with this amendment.

Commissioner Ross asked if there were any requirements for surveillance equipment on banks other than what is on the ATM.

Associate Planner Torrico stated there are no requirements on the City's level, but if an application is received, Staff can send it to the Sheriff's Department for review and add any conditions that may be necessary.

RESOLUTION PC-1549

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL TO THE CITY COUNCIL OF MUNICIPAL CODE TEXT AMENDMENT 15-08, AMENDING SECTION 18.540, SPECIFIC PLAN NO. 24, UPDATING THE PERMITTED AND CONDITIONALLY PERMITTED USES IN AREA 1 (APNs: 8383-009-061 THRU -064, -077 THRU -080, -082, -085, -088 THRU -090, -093 THRU -098)

MOTION: Moved by Green, seconded by Ross to adopt Resolution PC-1549 recommending the City Council approve Municipal Code Text Amendment 15-08. Motion carried 4-0-1 (Davis absent).

3. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-06** – A request to amend the uses in Specific Plan No. 17, Area 1 (Code Sec. 18.528), to allow for the off-site sale of beer and wine in conjunction with a conditionally permitted service station with convenience store. (APN: 8396-017-025); and

CONSIDERATION OF CONDITIONAL USE PERMIT 15-10 – A request to allow for the off-site sale of beer and wine (Type 20) in conjunction with a conditionally permitted service station with convenience store located at 1790 S. San Dimas Avenue (Via Verde 76). (APN: 8396-017-025)

Staff report presented by **Senior Planner Marco Espinoza** who stated that even though the usual process would be to adopt the code amendment prior to accepting an application for the Conditional Use Permit, because this amendment deals with just one code section and one particular property only, it was felt it would streamline the process to move both applications through the process together. He stated that Staff added a condition to the Conditional Use Permit stating it does not take effect until 30 days after adoption of the Municipal Code Text Amendment. And if the Code Amendment is denied, then the Use Permit application becomes moot.

He went over the prior approval to expand the snack shop area back in 2008 into a 1,000 sq. ft. convenience store, and how when the Applicant applied to amend the code in 2012-13 to allow the sale of beer and wine, it was discovered that ABC had placed a moratorium until 2016 for new licenses in the City of San Dimas unless certain criteria could be met, and subsequently the request was withdrawn. At this time the Applicant has been able to purchase an existing license from a business that recently closed within the City.

He stated Specific Plan No. 17, Area 1, currently prohibits the sale of alcohol, so the proposal is to amend the code to remove that prohibition and to conditionally allow the sale of alcohol as an accessory use to a convenience store. As an accessory use no more than 49% of the floor area can be used for it, and as stated earlier this amendment would only impact the Via Verde 76

station. This amendment would also reflect the policy adopted by the City Council in 2013 that allows the off-site sale of alcohol at service stations.

Senior Planner Espinoza stated in regards to the Conditional Use Permit, this would be accessory to the conditionally permitted convenience store at this location. It operates 24/7 but the sale of alcohol would be prohibited between the hours of 2:00 a.m. and 6:00 a.m. per State law. The Applicant will be using space in existing coolers for the alcohol, and they will be locked during the non-sale hours. ABC uses census tracts for the purpose of analyzing the concentration of licenses, and in this particular tract there is only one other license, so it is not considered over-concentrated. Staff asked the Sheriff's Department to review the request, and they did not have any issues with the proposed change at this location. If there are any issues, Condition No. 20 allows the Planning Commission to review this permit again.

Commissioner Ross asked how late the Vons market and the store in Bonelli Park stay open.

Senior Planner Espinoza stated he did not know the hours of the store in Bonelli Park, but the entrance is from Fairplex Drive and there is no access directly from San Dimas. The Vons market is located over the hill in the opposite direction, and he did not know exactly but thought they closed at 11:00 p.m.

Commissioner Molina asked if this site was in a different Census Tract than the Shell and Valero gas stations.

Senior Planner Espinoza stated yes, the Shell and Valero stations are in a different Tract. In tracts that have more commercial development than residential you tend to see a higher concentration of licenses. This area is mostly residential and the station is probably used more by the local residents.

Commissioner Bratt stated there was a statement in the report that the Council wanted all gas stations to be treated equally in allowing convenience stores and the sales of beer and wine, and asked if this amendment would make it consistent with the other stations in the City.

Senior Planner Espinoza stated it would in regards to the sale of alcohol since the code was already amended to allow it to have the larger convenience store.

Commissioner Bratt stated that if they were not able to purchase the license from the closed facility, then this application becomes moot.

Senior Planner Espinoza stated that was correct because if they had to bring a new license into the City, it would require approval of Public Convenience or Necessity by the City Council, which they do not process. This application is different than the one they submitted in 2012 because they are purchasing an existing license.

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

Bill Ghosn, 1790 S. San Dimas Avenue, Applicant, stated he and his brother have owned this station for 11 years. The expansion of the convenience store in 2008 was very successful and they have not had any problems. He stated they run a tight shop and will abide by all the rules and regulations associated with selling beer and wine.

Commissioner Ross stated even though ABC allows the sale of alcohol until 2:00 a.m., he asked if they would consider ending sales earlier.

Bill Ghosn, Applicant, stated they cater to the existing neighborhood and would not have a problem if they were requested to stop sales earlier than 2:00 a.m.

Alan Nash, Resident, stated he is opposed to this application, and while it is a very nice service station that he frequents on all days at all different times, he did not think this was as simple as moving a license from one business to another. The previous location was a small market tucked into a residential neighborhood in the downtown. This location borders three major freeways so is a very different sales location. He has been on the Public Safety Commission for many years and has managed markets during his career. He owns multiple cars and always pays inside, and what he sees is this store is not just for residents. He sees people pulling up in their trucks at the end of the workday, and feels this would be the type of customer that would pull in just to pick up their six-pack and then drive off down the freeway. He feels we will make it more convenient for people to drink and drive by allowing alcohol sales here. He felt the owners have a very successful convenience store as it is, the service bays are always busy, and they charge more for gas than other stations so did not think they needed to sell alcohol to be successful. He stated alcohol is also one of the most stolen items and the way the store is set up the view to the cold cases is blocked by other merchandise. This place is not supervised and on several occasions when he has gone inside the store was unattended. He also hoped they would restrict the sale of single bottles of beer and small bottles of wine.

Bill Ghosn, Applicant, stated you can speculate all you want, and felt those statements were blowing things out of proportion. He stated you can go to Vons and buy alcohol and it is very close to the freeway too. He stated if the station is being run properly, there shouldn't be any problems.

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

Commissioner Molina stated when they considered the permit for the Shell gas station they had doors that would lock at 2:00 a.m. and the cash register cannot ring up sales.

Chairman Bratt stated the owner has indicated he will be locking the coolers during non-sale hours.

Senior Planner Espinoza stated Conditions 14-16 address the hours of sale, locking of the cash registers, and employee training to address these types of concerns.

Commissioner Ross asked if something happens, can the City go back to add more restrictions.

Senior Planner Espinoza stated initially Staff would try to address any concerns that arise, but if there are continuing problems then the Use Permit can be brought back to the Commission to modify or revoke.

Commissioner Ross asked the Applicant how long they retain their surveillance footage for.

Bill Ghosn, Applicant, stated approximately two weeks. They have 16 cameras running and that is a lot of data, but if necessary, he can see if it can be increased.

RESOLUTION PC-1550

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE
TEXT AMENDMENT 15-06, A REQUEST TO AMEND THE USES IN

EXHIBIT B

SPECIFIC PLAN NO. 17, AREA 1 (CODE SEC. 18.528), TO ALLOW FOR THE OFF-SITE SALE OF BEER AND WINE IN CONJUNCTION WITH A CONDITIONALLY PERMITTED SERVICE STATION WITH A CONVENIENCE STORE

RESOLUTION PC-1551

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT 15-10 TO THE CITY COUNCIL, A REQUEST TO ALLOW OFF-SITE SALES OF BEER AND WINE (TYPE 20 LICENSE) IN ASSOCIATION WITH A SERVICE STATION CONVENIENCE STORE (VIA VERDE 76) LOCATED AT 1790 SOUTH SAN DIMAS AVENUE (APN: 8396-017-025)

MOTION: Moved by Molina, seconded by Green to approve Resolution PC-1550 recommending the City Council approve Municipal Code Text Amendment 15-06. Motion carried 4-0-1 (Davis absent).

MOTION: Moved by Green, seconded by Molina to approve Resolution PC-1551 recommending the City Council approve Conditional Use Permit 15-10. Motion carried 4-0-1 (Davis absent).

4. **CONSIDERATION OF CONDITIONAL USE PERMIT 15-08** – A request to allow the operation of a health/exercise club use (The Camp Transformation Center) at 173 Village Court within Creative Growth Area 1 Zone – Regional Commercial (CG-1)

Staff report presented by **Senior Planner Marco Espinoza** who stated this is a request for a gym that will occupy several spaces of a multi-tenant building at 173 Village Court, where Vista Paint is currently located. There are 24 other locations in Southern California, and they operate differently than a traditional gym in that their focus is on group training. The center of the floor is a large mat for the classes surrounded by artificial turf used as a running track, and then they also have free weights available. The group classes, which run approximately one hour, are usually 4-10 students, but during peak hours could be 15-20 students. The proposed hours of operation are 5:00 a.m. to 9:00 p.m. Monday through Sunday. Staff is recommending that they be allowed to operate until 11:00 p.m. to allow them flexibility in modifying their class schedule without having to come back through the hearing process again. These hours are consistent with other gym facilities in San Dimas. This building was developed as commercial space and parked at one space for every 225 square feet. Gyms require a higher parking ratio, but because of the small size of the tenant space they do not require any additional parking. Also, Vista Paint has very limited customer traffic during the day and they close in the late afternoon so there should not be any parking conflicts.

Chairman Bratt thought there was another gym in the same vicinity.

Senior Planner Espinoza stated that one was 26,000 square feet in size so was much larger than this one and served a different clientele.

Chairman Bratt opened the meeting for public hearing. There being no comments, the public hearing was closed.

RESOLUTION PC-1550

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 15-06, A REQUEST TO AMEND THE USES IN SPECIFIC PLAN NO. 17, AREA I (CODE SEC. 18.528), TO ALLOW FOR THE OFF-SITE SALE OF BEER AND WINE IN CONJUNCTION WITH A CONDITIONALLY PERMITTED SERVICE STATION WITH A CONVENIENCE STORE.

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

Bill and Sam Ghosn

WHEREAS, the Amendment is described as:

A request to amend the uses in Specific Plan No. 17, Area I (Code Sec. 18.528), to allow for the off-site sale of beer and wine in conjunction with a conditionally permitted service station convenience store and other miscellaneous edits; and

WHEREAS, the Amendment would affect Specific Plan No. 17, Area I; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on November 19, 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 and an Addendum to the prior Final Environmental Impact Report has been prepared.

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 use that is proposed for Area I is similar to those already permitted in other zones that allow for service

stations with a convenience store that sell beer and wine for off-site consumption as an accessory use.

In order to ensure that the proposed use will have no adverse effect on abutting property and uses, an applicant applying for the off-site sale of beer and wine would be required to attend Alcohol and Beverage Control's LEAD program. The LEAD Program provides the licensee and applicant with practical information on selling alcohol safely, responsibly, and legally, and preventing illicit drug activity at the licensed establishment.

- 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 the service station and its patrons that shop at this location permitting a wider variety of products to purchase. The amendment may help the local business to become more competitive within the area 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 land use of the zone as it is classified as Commercial. The off-site sale of beer and wine is commonly conditionally allowed in commercial land use properties. The use is also consistent with other commercial/retail zoned properties in the City.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 15-06 as follows:

SECTION 1. Blue Underlined denotes the proposed verbiage, and ~~red strikethrough~~ denotes existing verbiage that would be removed.

Section 18.528.050.B.2- Conditional Uses

B. Conditional Uses.

1. Convenience stores, with up to one thousand 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.

2. Sale of beer and wine for off-site consumption, as an accessory use to a conditionally permitted convenience store as defined above.

SECTION 2. Blue Underlined denotes the proposed verbiage, and ~~red strikethrough~~ denotes existing verbiage that would be removed.

Section 18.528.050.C.1- Prohibited Uses

C. Prohibited Uses.

1. ~~Sales of alcohol;~~ Food markets, pharmacies, barber or beauty shops, cleaners and laundries, small appliance repair, repair businesses and similar uses.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 15-06 as set forth in attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 19th day of November, 2015 by the following vote:

AYES: Bratt, Green, Molina, Ross

NOES: None

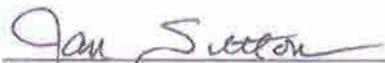
ABSENT: Davis

ABSTAIN: None



David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:



Jan Sutton, Planning Secretary

RESOLUTION PC- 1551

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT 15-10 TO THE CITY COUNCIL, A REQUEST TO ALLOW OFF-SITE SALES OF BEER AND WINE (TYPE 20 LICENSE) IN ASSOCIATION WITH A SERVICE STATION CONVENIENCE STORE (VIA VERDE 76) LOCATED AT 1790 SOUTH SAN DIMAS AVENUE (APN: 8396-017-025)

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

Sam and Bill Ghosn

WHEREAS, the Conditional Use Permit is described as:

A request to allow for off-site sale of beer and wine (Type 20) in conjunction with a conditionally permitted service station convenience store.

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

1790 South San Dimas Avenue (APN: 8396-017-025)

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

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

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

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

The subject site is located within Specific Plan No. 17, Area 1, and is developed with an existing service station and 1,000 sq. ft. convenience store. There are no improvements proposed as part of the request for off-

sale beer and wine. The existing convenience store is equipped with existing coolers which will provide sufficient space for the proposed request. In addition, the sale of beer and wine for off-site consumption will be compatible with other uses in the subject zone and with other convenience stores that sell beer and wine for off-site consumption.

- B. The site for the proposed use relates to street and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

The site is located at the northeast corner of South San Dimas Avenue and Via Verde, which are both improved secondary arterial streets. The arterials are adequate in width and pavement type to carry the quantity of traffic generated by the proposed use, as there is no anticipated significant increase to be generated by the off-sale of beer and wine.

- C. The proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the General Plan and the applicable zoning ordinances.

The proposed use is conditionally permitted as an accessory use to a conditionally permitted use in the subject zone. In this case, the existing service station with convenience store is the conditionally permitted use. The sale of beer and wine for off-site consumption will be compatible with other service stations with convenience stores in other zones that sell beer and wine for off-site consumption; therefore, it will not change the essential character of the area in general from the intended commercial uses by the General Plan and Specific Plan No. 17, Area 1.

In addition, to ensure that the proposed use will have no an adverse effect on abutting property and uses, the applicant and/or his employees are required to attend Alcohol and Beverage Control's LEAD program. The LEAD Program provides the licensee and applicant with practical information on serving alcoholic beverages safely, responsibly, and legally, and preventing illicit drug activity at the licensed establishment. Also, if significant complaints are received by the City of San Dimas regarding violation of the conditions of approval for this use, it shall result in the matter being set for a Revocation of Use hearing in accordance with Chapter 18.200 of the San Dimas Municipal Code.

- D. The proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan.

The proposed request will provide for the continued growth and development of the community by providing additional beverage options to the general

EXHIBIT D

public. The use is conditionally permitted in the subject zone which includes conditions of approval that will assist in preventing impacts to the community in general. In addition the proposed retail sales of beer and wine for off-site consumption will be compatible with the objectives of the commercial land use designation under the General Plan.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends approval of Conditional Use Permit 15-10 subject to the applicant's compliance with Conditions in "Exhibit A", attached hereto and incorporated herein. A copy of this Resolution shall be mailed to the applicant.

PASSED, APPROVED and ADOPTED, the 19th day of November, 2015, by the following vote:

AYES: Bratt, Green, Molina, Ross

NOES: None

ABSENT: Davis

ABSTAIN: None



David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

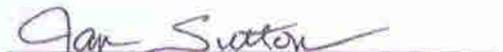

Jan Sutton, Planning Secretary

EXHIBIT D

Exhibit A
Conditions of Approval
for
Conditional Use Permit 15-10

A request to allow off-site sales of beer and wine (Type 20 license) in association with a service station with 1,000 sq. ft. convenience store (Via Verde 76) located at 1790 S. San Dimas Avenue within Area 1 of the Specific Plan No. 17.

PLANNING DIVISION - (909) 394-6250

GENERAL

1. The Applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. The Applicant shall be responsible for any City Attorney costs incurred by the City for the project, including, but not limited to, consultations, and the preparation and/or review of legal documents. The applicant shall deposit funds with the City to cover these costs in an amount to be determined by the City.
3. The approval of this Conditional Use Permit 15-10 shall not become effective until 30 days after the second reading and adoption of Municipal Code Text Amendment 15-06, conditionally allowing for the off-site sale of beer and wine (Type 20 license) within Specific Plan 17, Area I.
4. The Applicant shall comply with all requirements of Specific Plan No. 17, Area 1.
5. The Applicant shall sign an affidavit accepting all Conditions and all Standard Conditions prior to commencing alcohol sales.
6. This Conditional Use Permit approval shall expire if approved use has not commenced within one (1) year from the date of approval, unless a time extension is granted pursuant to San Dimas Municipal Code § 18.200.100.C.
7. The Applicant shall comply with all Conditions of Approval as adopted by the City Council on XX.

EXHIBIT D

8. Approval is granted for a Type 20 Alcoholic Beverage Control license for the sale of beer and wine for off-site consumption as an accessory use to a service station with a 1,000 sq. ft. convenience store.
9. Change of the ABC license to a different license type shall first require review and approval of a new Conditional Use Permit Application, associated materials, and fees.
10. Any increase of floor area or other substantial changes in operation relating to alcoholic beverage sales shall require review and approval of a new Conditional Use Permit and associated material and fees.
11. Alcoholic beverage sales shall be maintained as an accessory and incidental use to the primary use of the service station with a convenience store.
12. The sale of beer and wine for consumption on the premises is prohibited.
13. The convenience store is permitted to operate 24 hours a day, seven days a week.
14. The sale of alcohol shall be prohibited between the hours of 2:00 A.M. and 6:00 A.M., Monday – Sunday.
15. The cash register shall be programed to prohibit the sale of alcohol stating at 2:00 A.M. and commence at 6:00 A.M., Monday – Sunday.
16. The cash register shall have an electronic identification scanner to verify the purchaser's age (21 years and older) when purchasing alcohol.
17. Alcoholic beverages shall not be sold to any persons under the age of 21.
18. The business owner and their employees shall attend the Department of Alcohol Beverage Control's LEAD Program class- License Applicant Training, within 60 days of approval. Documents on proof of attendance shall be provided to the City upon completion of LEAD training class. Any new owners or employees of the business shall attend the LEAD training class within three months of obtaining a business license or within three months of hire.
19. The applicant shall comply with all regulations of the Alcoholic Beverage Control Act and shall comply with all licensing conditions imposed by the state.

20. If, at the discretion of the Community Development Director and/or the Sheriff's Department, alcohol-related crime becomes a security issue or nuisance as a result of the use, then changes to the business operational characteristics shall be required. These modifications may require a conditional use permit modification at the discretion of the Community Development Director.

End of Conditions

ORDINANCE 1238

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 15-06 TO AMEND THE USES IN SPECIFIC PLAN NO. 17, AREA I (CODE SEC. 18.528), TO ALLOW FOR THE OFF-SITE SALE OF BEER AND WINE IN CONJUNCTION WITH A CONDITIONALLY PERMITTED SERVICE STATION WITH A CONVENIENCE STORE.

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

SECTION 1. Title 18, Chapter 18.528 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 ____ day of _____, 20__, 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 1238 was introduced at a regular meeting of the City Council of the City of San Dimas on the 8th day of December, 2015, and thereafter passed and adopted at a regular meeting of said City Council held on the XX day of XXXX, 20XX.

EXHIBIT A

Municipal Code Text Amendment 15-06

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

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

SECTION 1.

Section 18.528.050.B.2- Conditional Uses

B. Conditional Uses.

1. Convenience stores, with up to one thousand 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.

2. Sale of beer and wine for off-site consumption, as an accessory use to a conditionally permitted convenience store as defined above. The accessory sale of beer and wine shall not exceed 10% of the total floor area of the accessory convenience store.

SECTION 2.

Section 18.528.050.C.1- Prohibited Uses

C. Prohibited Uses.

1. ~~Sales of alcohol, f~~ Food markets, pharmacies, barber or beauty shops, cleaners and laundries, small appliance repair, repair businesses and similar uses.

RESOLUTION 2015-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 15-10, A REQUEST TO ALLOW OFF-SITE SALES OF BEER AND WINE (TYPE 20 LICENSE) IN ASSOCIATION WITH A SERVICE STATION CONVENIENCE STORE (VIA VERDE 76) LOCATED AT 1790 SOUTH SAN DIMAS AVENUE (APN: 8396-017-025)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,
COUNTY OF LOS ANGELES,**

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

Sam and Bill Ghosn

WHEREAS, the Conditional Use Permit is described as:

A request to allow for off-site sale of beer and wine (Type 20) in conjunction with a conditionally permitted service station convenience store.

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

1790 South San Dimas Avenue (APN: 8396-017-025)

WHEREAS, approval of Conditional Use Permit 15-10 shall not become effective until 30 days after the second reading and adoption of Municipal Code Text Amendment 15-06, conditionally allowing for the off-site sale of beer and wine (Type 20 license) within Specific Plan 17, Area I.

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

WHEREAS, 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 Council at the hearing, and subject to the Conditions attached as "Exhibit A", the City Council now finds as follows:

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

The subject site is located within Specific Plan No. 17, Area 1, and is developed with an existing service station and 1,000 sq. ft. convenience store. There are no improvements proposed as part of the request for off-sale beer and wine. The existing convenience store is equipped with existing coolers which will provide sufficient space for the proposed request. In addition, the sale of beer and wine for off-site consumption will be compatible with other uses in the subject zone and with other convenience stores that sell beer and wine for off-site consumption.

- B. The site for the proposed use relates to street and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

The site is located at the northeast corner of South San Dimas Avenue and Via Verde, which are both improved secondary arterial streets. The arterials are adequate in width and pavement type to carry the quantity of traffic generated by the proposed use, as there is no anticipated significant increase to be generated by the off-sale of beer and wine.

- C. The proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the General Plan and the applicable zoning ordinances.

The proposed use is conditionally permitted as an accessory use to a conditionally permitted use in the subject zone. In this case, the existing service station with convenience store is the conditionally permitted use. The sale of beer and wine for off-site consumption will be compatible with other service stations with convenience stores in other zones that sell beer and wine for off-site consumption; therefore, it will not change the essential character of the area in general from the intended commercial uses by the General Plan and Specific Plan No. 17, Area 1.

In addition, to ensure that the proposed use will have no an adverse effect on abutting property and uses, the applicant and/or his employees are required to attend Alcohol and Beverage Control's LEAD program. The LEAD Program provides the licensee and applicant with practical information on serving alcoholic beverages safely, responsibly, and legally, and preventing illicit drug activity at the licensed establishment. Also, if significant complaints are received by the City of San Dimas regarding violation of the conditions of approval for this use, it shall result in the matter being set for a Revocation of Use hearing in accordance with Chapter 18.200 of the San Dimas Municipal Code.

- D. The proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan.

The proposed request will provide for the continued growth and development of the community by providing additional beverage options to the general public. The use is conditionally permitted in the subject zone which includes conditions of approval that will assist in preventing impacts to the community in general. In addition the proposed retail sales of beer and wine for off-site consumption will be compatible with the objectives of the commercial land use designation under the General Plan.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the City Council approves Conditional Use Permit 15-10 subject to the applicant's compliance with Conditions in "Exhibit A", attached hereto and incorporated herein. A copy of this Resolution shall be mailed to the applicant.

PASSED, APPROVED AND ADOPTED, this 8th day of December, 2015, by the following vote:

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

Debra Black, Assistant City Clerk

I HEREBY CERTIFY, that Resolution 2015-54 was adopted by the vote of the City Council of San Dimas at its regular meeting of December, 8th, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Debra Black, Assistant City Clerk

Exhibit A

**Conditions of Approval
for
Conditional Use Permit 15-10**

A request to allow off-site sales of beer and wine (Type 20 license) in association with a service station with 1,000 sq. ft. convenience store (Via Verde 76) located at 1790 S. San Dimas Avenue within Area 1 of the Specific Plan No. 17.

PLANNING DIVISION - (909) 394-6250

GENERAL

1. The Applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. The Applicant shall be responsible for any City Attorney costs incurred by the City for the project, including, but not limited to, consultations, and the preparation and/or review of legal documents. The applicant shall deposit funds with the City to cover these costs in an amount to be determined by the City.
3. The approval of this Conditional Use Permit 15-10 shall not become effective until 30 days after the second reading and adoption of Municipal Code Text Amendment 15-06, conditionally allowing for the off-site sale of beer and wine (Type 20 license) within Specific Plan 17, Area I.
4. The Applicant shall comply with all requirements of Specific Plan No. 17, Area 1.
5. The Applicant shall sign an affidavit accepting all Conditions and all Standard Conditions prior to commencing alcohol sales.
6. This Conditional Use Permit approval shall expire if approved use has not commenced within one (1) year from the date of approval, unless a time extension is granted pursuant to San Dimas Municipal Code § 18.200.100.C.
7. The Applicant shall comply with all Conditions of Approval as adopted by the City Council on December 8, 2015.
8. Approval is granted for a Type 20 Alcoholic Beverage Control license for the sale of beer and wine for off-site consumption as an accessory use to a service station with a 1,000 sq. ft. convenience store.

9. Change of the ABC license to a different license type shall first require review and approval of a new Conditional Use Permit Application, associated materials, and fees.
10. Any increase of floor area or other substantial changes in operation relating to alcoholic beverage sales shall require review and approval of a new Conditional Use Permit and associated material and fees.
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15. The cash register shall be programed to prohibit the sale of alcohol starting at 2:00 A.M. and commence at 6:00 A.M., Monday – Sunday.
16. The cash register shall have an electronic identification scanner to verify the purchaser's age (21 years and older) when purchasing alcohol.
17. Alcoholic beverages shall not be sold to any persons under the age of 21.
18. The business owner and their employees shall attend the Department of Alcohol Beverage Control's LEAD Program class- License Applicant Training, within 60 days of approval. Documents on proof of attendance shall be provided to the City upon completion of LEAD training class. Any new owners or employees of the business shall attend the LEAD training class within three months of obtaining a business license or within three months of hire.
19. The applicant shall comply with all regulations of the Alcoholic Beverage Control Act and shall comply with all licensing conditions imposed by the state.
20. If, at the discretion of the Community Development Director and/or the Sheriff's Department, alcohol-related crime becomes a security issue or nuisance as a result of the use, then changes to the business operational characteristics shall be required. These modifications may require a conditional use permit modification at the discretion of the Community Development Director.

End of Conditions



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
December 8, 2015

From: Blaine Michaelis, City Manager

Initiated by: Marco A. Espinoza, Senior Planner

Subject: **Municipal Code Text Amendment 15-09** – A request to amend Chapter 18.194 Medical Marijuana to prohibit cultivation of marijuana and to prohibit mobile marijuana dispensaries citywide, and other miscellaneous edits.

In 2007, the City approved Ordinance No. 1167 establishing the prohibition of medical marijuana dispensaries within the city limits.

Recently three (3) State bills have been enacted by the State Legislature and signed by the Governor that relate to the establishment, operation and distribution of medical marijuana (AB 266, AB 243 & SB 643). These bills allow for the State to govern aspects of the operation such as cultivation and mobile delivery unless the City adopts zoning regulations prohibiting or allowing these activities or uses.

In keeping with the existing regulation of prohibiting medical marijuana dispensaries, the proposed MCTA will also prohibit cultivation of marijuana and/or medical marijuana and prohibit the establishment of mobile delivery service by the dispensaries.

At their November 19, 2015, meeting, the Planning Commission voted 4-0-1 to recommend to the City Council approval of the proposed municipal code text amendments.

Staff recommends that the City Council approve MCTA 15-09 by adopting Ordinance No.1239.

BACKGROUND

The Planning Commission reviewed the proposed municipal code text amendment at their November 19, 2015, meeting in addition to Staff's report. The Commission asked for clarification on some of the proposed text but in general did not have any concerns with the language. They concurred that the amendments are consistent with the City's position on prohibiting medical marijuana dispensaries citywide. The Commission voted 4-0-1 to recommend to the City Council approval of MCTA 15-09.

DISCUSSION/ANALYSIS

See attached Planning Commission Staff Report Dated November 19, 2015, Exhibit A.

RECOMMENDATION

Staff recommends that the City Council approve of MCTA 15-09, a request to amend Chapter 18.194 Medical Marijuana to prohibit the establishment of cultivation and mobile dispensaries citywide, and other miscellaneous edits and approve Ordinance No.1239.

Respectfully submitted,

Marco A. Espinoza
Senior Planner

Attachments:

Exhibit A- November 15, 2015, Planning Commission Staff Report
Exhibit B- November 15, 2015, Draft Planning Commission Minutes
Exhibit C- Resolution PC-1553

CC Ordinance No.1239



Planning Commission Staff Report

DATE: November 19, 2015

TO: Planning Commission

FROM: Marco A. Espinoza, Senior Planner

SUBJECT: **Municipal Code Text Amendment 15-09** – A request to amend Chapter 18.194 Medical Marijuana to prohibit cultivation of marijuana and to prohibit mobile marijuana dispensaries citywide, and other miscellaneous edits.

SUMMARY

In 2007, the City approved Ordinance No. 1167 establishing the prohibition of medical marijuana dispensaries within the city limits.

Recently three (3) State bills have been enacted by the State Legislature and signed by the Governor that relate to the establishment, operation and distribution of medical marijuana (AB 266, AB 243 & SB 643). These bills allow for the State to govern aspects of the operation such as cultivation and mobile delivery unless the City adopts zoning regulations prohibiting or allowing these activities or uses.

In keeping with the existing regulation of prohibiting medical marijuana dispensaries, the proposed MCTA will also prohibit cultivation of marijuana and/or medical marijuana and prohibit the establishment of mobile delivery service by the dispensaries.

Staff recommends that the Planning Commission recommend approval of MCTA 15-09 to the City Council by adopting PC Resolution 1553.

BACKGROUND

In 2004, California Senate Bill (SB) 420 went into effect. SB 420 was enacted by the Legislature to clarify the scope of the California Use Act of 1996 (CAU) and to allow California cities and counties to adopt and enforce rules and regulations consistent with SB 420 and the CUA. These new regulations and rules became known as the Medical Marijuana Program (MMP), which among other things, enhanced the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects.

In 2007, the City Council voted 5-0 to prohibit medical marijuana dispensaries city-wide.

In September 2015, three (3) separate bills were enacted (AB 243, AB 266 and SB 643) known as the Medical Marijuana Regulation and Safety Act (the "Act"). The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. All licenses, however, must also be approved by local governments to receive State licensing.

Some of the laws will take effect on Jan 1, 2016. After that, the State will need several months (probably at least a year) to set up the necessary agencies, information systems, and regulations to actually begin issuing licenses. In the interim, local governments may choose to adopt new ordinances to permit or license local businesses in preparation for State licensing. The Act does allow for local governments to continue to prohibit medical marijuana dispensaries if they so choose.

ANALYSIS

The Act establishes a statewide regulatory scheme that is headed by the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs. The Department of Food and Agriculture will be responsible for regulating cultivation; the Department of Public Health for developing standards for manufacture, testing, and production and labeling of edibles; the Department of Pesticide Regulation for developing pesticide standards; and the Departments of Fish and Wildlife and State Water Board for protecting water quality.

Although the Bureau of Medical Marijuana Regulation will issue the State licenses, the Act provides for a system of dual licensing with the city or counties in which the business is located. As stated above the City of San Dimas currently prohibits the establishment of Medical Marijuana Dispensaries and will not be affected by many of the changes created by the Act.

The primary issues of concern for the City with the Act relate to two areas not currently regulated by the City -- the cultivation of marijuana and the mobile delivery of marijuana.

The Act contains new regulations for the cultivation of medical marijuana which will go into effect March 1, 2016. The City, however, has the authority under the Act to expressly prohibit cultivation if they do so prior to March 1, 2016. As such, Staff has prepared an amendment to Chapter 18.194, Medical Marijuana, prohibiting the "cultivation of marijuana and medical marijuana" citywide.

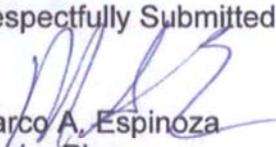
Staff has also prepared an amendment to Chapter 18.194 to prohibit the mobile delivery of marijuana and/or medical marijuana within the City, in addition to the prohibition of medical marijuana dispensaries within the City. Note that transportation of marijuana through the City is still allowed by State regulation and cannot be banned through local ordinance.

The proposed amendments prohibiting the mobile delivery of marijuana and/or medical marijuana dispensaries, and prohibiting cultivation of same within the City limits are consistent with the existing language of Chapter 18.194 prohibiting medical marijuana dispensaries within the City. Further, it is recognized that the use or possession of marijuana is a federal violation under the Controlled Substances Act and is classified as a "Schedule I Drug" which is defined as a drug or other substance that has a high potential for abuse. Furthermore, the Federal Controlled Substance Act makes it unlawful for any person to cultivate or dispense marijuana. The Controlled Substance Act contains no statutory exemption for the possession of marijuana for medical purposes.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of MCTA 15-09, a request to amend Chapter 18.194 Medical Marijuana to prohibit the establishment of cultivation and mobile dispensaries citywide, and other miscellaneous edits and approve PC Resolution 1553.

Respectfully Submitted,


Marco A. Espinoza
Senior Planner

Attachments: Appendix A - General Information
 Exhibit A- Assembly Bill 243 Medical Marijuana
 Exhibit B- Assembly Bill 266 Medical Marijuana
 Exhibit C- Assembly Bill 643 Medical Marijuana
 PC Resolution 1553

EXHIBIT A

APPENDIX A

GENERAL INFORMATION

Applicant:	City of San Dimas
Location:	Amendment will affect all properties within the City.
General Plan:	Amendment will affect all properties within the City.
Surrounding Land Use and Zoning	North: Citywide South: Citywide East: Citywide West: Citywide
Legal Notice:	A legal notice was published in the Inland Valley Daily Bulletin; posted at City Hall, the Library, Post Office and Via Verde Shopping Center; on November 6, 2015.
Environmental:	CEQA Categorical Exemption per Section 15061(b)(3) – The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.



AB-243 Medical marijuana. (2015-2016)

SECTION 1. Article 6 (commencing with Section 19331) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 6. Licensed Cultivation Sites

19331. The Legislature finds and declares all of the following:

(a) The United States Environmental Protection Agency has not established appropriate pesticide tolerances for, or permitted the registration and lawful use of, pesticides on cannabis crops intended for human consumption pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(b) The use of pesticides is not adequately regulated due to the omissions in federal law, and cannabis cultivated in California for California patients can and often does contain pesticide residues.

(c) Lawful California medical cannabis growers and caregivers urge the Department of Pesticide Regulation to provide guidance, in absence of federal guidance, on whether the pesticides currently used at most cannabis cultivation sites are actually safe for use on cannabis intended for human consumption.

19332. (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(e) The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this chapter. The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of medical cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. Nothing in this chapter, and no regulation adopted by the department, shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality control boards, or the Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Article 8 (commencing with Section 19337). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers, pursuant to Article 8 (commencing with Section 19337).

(f) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of medical cannabis meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

EXHIBIT A

(g) State cultivator license types issued by the Department of Food and Agriculture include:

(1) Type 1, or "specialty outdoor," for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or "specialty indoor," for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or "specialty mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 2, or "small outdoor," for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(5) Type 2A, or "small indoor," for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2B, or "small mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(7) Type 3, or "outdoor," for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(8) Type 3A, or "indoor," for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3B, or "mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 4, or "nursery," for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

19333. An employee engaged in commercial cannabis cultivation activity shall be subject to Wage Order 4-2001 of the Industrial Welfare Commission.

SEC. 2. Article 13 (commencing with Section 19350) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 13. Funding

19350. Each licensing authority shall establish a scale of application, licensing, and renewal fees, based upon the cost of enforcing this chapter, as follows:

(a) Each licensing authority shall charge each licensee a licensure and renewal fee, as applicable. The licensure and renewal fee shall be calculated to cover the costs of administering this chapter. The licensure fee may vary depending upon the varying costs associated with administering the various regulatory requirements of this chapter as they relate to the nature and scope of the different licensure activities, including, but not limited to, the track and trace program required pursuant to Section 19335, but shall not exceed the reasonable regulatory costs to the licensing authority.

(b) The total fees assessed pursuant to this chapter shall be set at an amount that will fairly and proportionately generate sufficient total revenue to fully cover the total costs of administering this chapter.

(c) All license fees shall be set on a scaled basis by the licensing authority, dependent on the size of the business.

(d) The licensing authority shall deposit all fees collected in a fee account specific to that licensing authority, to be established in the Medical Marijuana Regulation and Safety Act Fund. Moneys in the licensing authority fee accounts shall be used, upon appropriation of the Legislature, by the designated licensing authority for the administration of this chapter.

19351. (a) The Medical Marijuana Regulation and Safety Act Fund is hereby established within the State Treasury. Moneys in the fund shall be available upon appropriation by the Legislature. Notwithstanding Section 16305.7 of the Government Code, the fund shall include any interest and dividends earned on the moneys in the fund.

EXHIBIT A

(b) (1) Funds for the establishment and support of the regulatory activities pursuant to this chapter shall be advanced as a General Fund or special fund loan, and shall be repaid by the initial proceeds from fees collected pursuant to this chapter or any rule or regulation adopted pursuant to this chapter, by January 1, 2022. Should the initial proceeds from fees not be sufficient to repay the loan, moneys from the Medical Cannabis Fines and Penalties Account shall be made available to the bureau, by appropriation of the Legislature, to repay the loan.

(2) Funds advanced pursuant to this subdivision shall be appropriated to the bureau, which shall distribute the moneys to the appropriate licensing authorities, as necessary to implement the provisions of this chapter.

(3) The Director of Finance may provide an initial operating loan from the General Fund to the Medical Marijuana Regulation and Safety Act Fund that does not exceed ten million dollars (\$10,000,000).

(c) Except as otherwise provided, all moneys collected pursuant to this chapter as a result of fines or penalties imposed under this chapter shall be deposited directly into the Medical Marijuana Fines and Penalties Account, which is hereby established within the fund, and shall be available, upon appropriation by the Legislature to the bureau, for the purposes of funding the enforcement grant program pursuant to subdivision (d).

(d) (1) The bureau shall establish a grant program to allocate moneys from the Medical Cannabis Fines and Penalties Account to state and local entities for the following purposes:

(A) To assist with medical cannabis regulation and the enforcement of this chapter and other state and local laws applicable to cannabis activities.

(B) For allocation to state and local agencies and law enforcement to remedy the environmental impacts of cannabis cultivation.

(2) The costs of the grant program under this subdivision shall, upon appropriation by the Legislature, be paid for with moneys in the Medical Cannabis Fines and Penalties Account.

(3) The grant program established by this subdivision shall only be implemented after the loan specified in this section is repaid.

^{19352.} The sum of ten million dollars (\$10,000,000) is hereby appropriated from the Medical Marijuana Regulation and Safety Act Fund to the Department of Consumer Affairs to begin the activities of the Bureau of Medical Marijuana Regulation. Funds appropriated pursuant to this section shall not include moneys received from fines or penalties.

SEC. 3. Article 17 (commencing with Section 19360) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 17. Penalties and Violations

^{19360.} (a) A person engaging in cannabis activity without a license and associated unique identifiers required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the department, state or local authority, or court may order the destruction of medical cannabis associated with that violation. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section shall be deposited into the Marijuana Production and Environment Mitigation Fund established pursuant to Section 31013 of the Revenue and Taxation Code.

(b) If an action for civil penalties is brought against a licensee pursuant to this chapter by the Attorney General, the penalty collected shall be deposited into the General Fund. If the action is brought by a district attorney or county counsel, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney or city prosecutor, the penalty collected shall be paid to the treasurer of the city or city and county in which the judgment was entered. If the action is brought by a city attorney and is adjudicated in a superior court located in the unincorporated area or another city in the same county, the penalty shall be paid one-half to the treasurer of the city in which the complaining attorney has jurisdiction and one-half to the treasurer of the county in which the judgment is entered.

(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person or entity engaging in cannabis activity in violation of this chapter, including, but not limited to, those individuals covered under Section 11362.7 of the Health and Safety Code.

SEC. 4. Section 12029 is added to the Fish and Game Code, to read:

^{12029.} (a) The Legislature finds and declares all of the following:

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(1) The environmental impacts associated with marijuana cultivation have increased, and unlawful water diversions for marijuana irrigation have a detrimental effect on fish and wildlife and their habitat, which are held in trust by the state for the benefit of the people of the state.

(2) The remediation of existing marijuana cultivation sites is often complex and the permitting of these sites requires greater department staff time and personnel expenditures. The potential for marijuana cultivation sites to significantly impact the state's fish and wildlife resources requires immediate action on the part of the department's lake and streambed alteration permitting staff.

(b) In order to address unlawful water diversions and other violations of the Fish and Game Code associated with marijuana cultivation, the department shall establish the watershed enforcement program to facilitate the investigation, enforcement, and prosecution of these offenses.

(c) The department, in coordination with the State Water Resources Control Board, shall establish a permanent multiagency task force to address the environmental impacts of marijuana cultivation. The multiagency task force, to the extent feasible and subject to available Resources, shall expand its enforcement efforts on a statewide level to ensure the reduction of adverse impacts of marijuana cultivation on fish and wildlife and their habitats throughout the state.

(d) In order to facilitate the remediation and permitting of marijuana cultivation sites, the department shall adopt regulations to enhance the fees on any entity subject to Section 1602 for marijuana cultivation sites that require remediation. The fee schedule established pursuant to this subdivision shall not exceed the fee limits in Section 1609.

SEC. 5. Section 11362.769 is added to the Health and Safety Code, to read:

11362.769. Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of Fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.

SEC. 6. Section 11362.777 is added to the Health and Safety Code, to read:

11362.777. (a) The Department of Food and Agriculture shall establish a Medical Cannabis Cultivation Program to be administered by the secretary, except as specified in subdivision (c), shall administer this section as it pertains to the cultivation of medical marijuana. For purposes of this section and Chapter 3.5 (commencing with Section 19300) of the Business and Professions Code, medical cannabis is an agricultural product.

(b) (1) A person or entity shall not cultivate medical marijuana without first obtaining both of the following:

(A) A license, permit, or other entitlement, specifically permitting cultivation pursuant to these provisions, from the city, county, or city and county in which the cultivation will occur.

(B) A state license issued by the department pursuant to this section.

(2) A person or entity shall not submit an application for a state license issued by the department pursuant to this section unless that person or entity has received a license, permit, or other entitlement, specifically permitting cultivation pursuant to these provisions, from the city, county, or city and county in which the cultivation will occur.

(3) A person or entity shall not submit an application for a state license issued by the department pursuant to this section if the proposed cultivation of marijuana will violate the provisions of any local ordinance or regulation, or if medical marijuana is prohibited by the city, county, or city and county in which the cultivation is proposed to occur, either expressly or otherwise under principles of permissive zoning.

(c) (1) Except as otherwise specified in this subdivision, and without limiting any other local regulation, a city, county, or city and county, through its current or future land use regulations or ordinance, may issue or deny a permit to cultivate medical marijuana pursuant to this section. A city, county, or city and county may inspect the intended cultivation site for suitability prior to issuing a permit. After the city, county, or city and county has approved a permit, the applicant shall apply for a state medical marijuana cultivation license from the department. A locally issued cultivation permit shall only become active upon licensing by the department and receiving final local approval. A person shall not cultivate medical marijuana prior to obtaining both a permit from the city, county, or city and county and a state medical marijuana cultivation license from the department.

(2) A city, county, or city and county that issues or denies conditional licenses to cultivate medical marijuana pursuant to this section shall notify the department in a manner prescribed by the secretary.

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(3) A city, county, or city and county's locally issued conditional permit requirements must be at least as stringent as the department's state licensing requirements.

(4) If a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the division shall be the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.

(d) (1) The secretary may prescribe, adopt, and enforce regulations relating to the implementation, administration, and enforcement of this part, including, but not limited to, applicant requirements, collections, reporting, refunds, and appeals.

(2) The secretary may prescribe, adopt, and enforce any emergency regulations as necessary to implement this part. Any emergency regulation prescribed, adopted, or enforced pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

(3) The secretary may enter into a cooperative agreement with a county agricultural commissioner to carry out the provisions of this chapter, including, but not limited to, administration, investigations, inspections, licensing and assistance pertaining to the cultivation of medical marijuana. Compensation under the cooperative agreement shall be paid from assessments and fees collected and deposited pursuant to this chapter and shall provide reimbursement to the county agricultural commissioner for associated costs.

(e) (1) The department, in consultation with, but not limited to, the Bureau of Medical Marijuana Regulation, the State Water Resources Control Board, and the Department of Fish and Wildlife, shall implement a unique identification program for medical marijuana. In implementing the program, the department shall consider issues, including, but not limited to, water use and environmental impacts. In implementing the program, the department shall ensure that:

(A) Individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(B) Cultivation will not negatively impact springs, riparian wetlands, and aquatic habitats.

(2) The department shall establish a program for the identification of permitted medical marijuana plants at a cultivation site during the cultivation period. The unique identifier shall be attached at the base of each plant. A unique identifier, such as, but not limited to, a zip tie, shall be issued for each medical marijuana plant.

(A) Unique identifiers will only be issued to those persons appropriately licensed by this section.

(B) Information associated with the assigned unique identifier and licensee shall be included in the trace and track program specified in Section 19335 of the Business and Professions Code.

(C) The department may charge a fee to cover the reasonable costs of issuing the unique identifier and monitoring, tracking, and inspecting each medical marijuana plant.

(D) The department may promulgate regulations to implement this section.

(3) The department shall take adequate steps to establish protections against fraudulent unique identifiers and limit illegal diversion of unique identifiers to unlicensed persons.

(f) (1) A city, county, or city and county that issues or denies licenses to cultivate medical marijuana pursuant to this section shall notify the department in a manner prescribed by the secretary.

(2) Unique identifiers and associated identifying information administered by a city or county shall adhere to the requirements set by the department and be the equivalent to those administered by the department.

(g) This section does not apply to a qualified patient cultivating marijuana pursuant to Section 11362.5 if the area he or she uses to cultivate marijuana does not exceed 100 square feet and he or she cultivates marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity. This section does not apply to a primary caregiver cultivating marijuana pursuant to Section 11362.5 if the area he or she uses to cultivate marijuana does not exceed 500 square feet and he or she cultivates marijuana exclusively for the personal medical use of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 and does not receive remuneration for these activities, except for compensation provided in full compliance with subdivision (c) of Section 11362.765. For purposes of this section, the area used to cultivate marijuana shall be measured by the aggregate area of

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vegetative growth of five marijuana plants on the premises. Exemption from the requirements of this section does not limit or prevent a city, county, or city and county from regulating or banning the cultivation, storage, manufacture, transport, provision, or other activity by the exempt person, or impair the enforcement of that regulation or ban.

SEC. 7. Section 13276 is added to the Water Code, to read:

13276 (a) The multiagency task force, the Department of Fish and Wildlife and State Water Resources Control Board pilot project to address the Environmental Impacts of Cannabis Cultivation, assigned to respond to the damages caused by marijuana cultivation on public and private lands in California, shall continue its enforcement efforts on a permanent basis and expand them to a statewide level to ensure the reduction of adverse impacts of marijuana cultivation on water quality and on fish and wildlife throughout the state.

(b) Each regional board shall, and the State Water Resources Control Board may, address discharges of waste resulting from medical marijuana cultivation and associated activities, including by adopting a general permit, establishing waste discharge requirements, or taking action pursuant to Section 13269. In addressing these discharges, each regional board shall include conditions to address items that include, but are not limited to, all of the following:

(1) Site development and maintenance, erosion control, and drainage features.

(2) Stream crossing installation and maintenance.

(3) Riparian and wetland protection and management.

(4) Soil disposal.

(5) Water storage and use.

(6) Irrigation runoff.

(7) Fertilizers and soil.

(8) Pesticides and herbicides.

(9) Petroleum products and other chemicals.

(10) Cultivation-related waste.

(11) Refuse and human waste.

(12) Cleanup, restoration, and mitigation.

sec. 8. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

sec. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

sec. 10. This measure shall become operative only if both Assembly Bill 266 and Senate Bill 643 of the 2015-16 Regular Session are enacted and become operative.

**AB-266 Medical marijuana. (2015-2016)**

SECTION 1. Section 27 of the Business and Professions Code is amended to read:

27. (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

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(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees, including licensed marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of its licensees.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Medical Marijuana Regulation shall disclose information on its licensees.

~~(f)~~ (g) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

SEC. 2. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of the following:

- (a) The Dental Board of California.
- (b) The Medical Board of California.
- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The California Board of Accountancy.
- (g) The California Architects Board.
- (h) The Bureau of Barbering and Cosmetology.
- (i) The Board for Professional Engineers and Land Surveyors.
- (j) The Contractors' State License Board.
- (k) The Bureau for Private Postsecondary Education.
- (l) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation.
- (m) The Board of Registered Nursing.
- (n) The Board of Behavioral Sciences.
- (o) The State Athletic Commission.
- (p) The Cemetery and Funeral Bureau.

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- (q) The State Board of Guide Dogs for the Blind.
- (r) The Bureau of Security and Investigative Services.
- (s) The Court Reporters Board of California.
- (t) The Board of Vocational Nursing and Psychiatric Technicians.
- (u) The Landscape Architects Technical Committee.
- (v) The Division of Investigation.
- (w) The Bureau of Automotive Repair.
- (x) The Respiratory Care Board of California.
- (y) The Acupuncture Board.
- (z) The Board of Psychology.
- (aa) The California Board of Podiatric Medicine.
- (ab) The Physical Therapy Board of California.
- (ac) The Arbitration Review Program.
- (ad) The Physician Assistant Committee.
- (ae) The Speech-Language Pathology and Audiology Board.
- (af) The California Board of Occupational Therapy.
- (ag) The Osteopathic Medical Board of California.
- (ah) The Naturopathic Medicine Committee.
- (ai) The Dental Hygiene Committee of California.
- (aj) The Professional Fiduciaries Bureau.
- (ak) The State Board of Chiropractic Examiners.
- (al) The Bureau of Real Estate.
- (am) The Bureau of Real Estate Appraisers.
- (an) The Structural Pest Control Board.
- (ao) *The Bureau of Medical Marijuana Regulation.*
- ~~(ae)~~ (ap) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 3. *Section 205.1 is added to the Business and Professions Code, to read:*

205.1. *Notwithstanding subdivision (a) of Section 205, the Medical Marijuana Regulation and Safety Act Fund is a special fund within the Professions and Vocations Fund, and is subject to subdivision (b) of Section 205.*

SEC. 4. *Chapter 3.5 (commencing with Section 19300) is added to Division 8 of the Business and Professions Code, to read:*

CHAPTER 3.5. Medical Marijuana Regulation and Safety Act
Article 1. Definitions

19300. *This act shall be known and may be cited as the Medical Marijuana Regulation and Safety Act.*

19300.5. *For purposes of this chapter, the following definitions shall apply:*

(a) "Accrediting body" means a nonprofit organization that requires conformance to ISO/IEC 17025 requirements and is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement for Testing.

(b) "Applicant," for purposes of Article 4 (commencing with Section 19319), means the following:

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(1) Owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility.

(2) If the owner is an entity, "owner" includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility.

(3) If the applicant is a publicly traded company, "owner" means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.

(c) "Batch" means a specific quantity of medical cannabis or medical cannabis products that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(d) "Bureau" means the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs.

(e) "Cannabinoid" or "phytocannabinoid" means a chemical compound that is unique to and derived from cannabis.

(f) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

(g) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible medical cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

(h) "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

(i) "Certificate of accreditation" means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

(j) "Chief" means Chief of the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs.

(k) "Commercial cannabis activity" includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in Section 19319, related to qualifying patients and primary caregivers.

(l) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(m) "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. "Delivery" also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

(n) "Dispensary" means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale.

(o) "Dispensing" means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

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(p) "Distribution" means the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to this chapter.

(q) "Distributor" means a person licensed under this chapter to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a licensed manufacturer, for sale to a licensed dispensary.

(r) "Dried flower" means all dead medical cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(s) "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

(t) "Fund" means the Medical Marijuana Regulation and Safety Act Fund established pursuant to Section 19351.

(u) "Identification program" means the universal identification certificate program for commercial medical cannabis activity authorized by this chapter.

(v) "Labor peace agreement" means an agreement between a licensee and a bona fide labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant's business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

(w) "Licensing authority" means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the license.

(x) "Cultivation site" means a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.

(y) "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, as described in subdivision (ae), or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.

(z) "Testing laboratory" means a facility, entity, or site in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.

(2) Registered with the State Department of Public Health.

(aa) "Transporter" means a person issued a state license by the bureau to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the bureau between facilities that have been issued a state license pursuant to this chapter.

(ab) "Licensee" means a person issued a state license under this chapter to engage in commercial cannabis activity.

(ac) "Live plants" means living medical cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(ad) "Lot" means a batch, or a specifically identified portion of a batch, having uniform character and quality within specified limits. In the case of medical cannabis or a medical cannabis product produced by a continuous process, "lot" means a specifically identified amount produced in a unit of time or a quantity in a manner that ensures its having uniform character and quality within specified limits.

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(ae) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

(af) "Manufacturing site" means a location that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

(ag) "Medical cannabis," "medical cannabis product," or "cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this chapter, "medical cannabis" does not include "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

(ah) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.

(ai) "Permit," "local license," or "local permit" means an official document granted by a local jurisdiction that specifically authorizes a person to conduct commercial cannabis activity in the local jurisdiction.

(aj) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(ak) "State license," "license," or "registration" means a state license issued pursuant to this chapter.

(al) "Topical cannabis" means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the Health and Safety Code.

(am) "Transport" means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this chapter.

19300.7. License classifications pursuant to this chapter are as follows:

- (a) Type 1 = Cultivation; Specialty outdoor; Small.
- (b) Type 1A = Cultivation; Specialty indoor; Small.
- (c) Type 1B = Cultivation; Specialty mixed-light; Small.
- (d) Type 2 = Cultivation; Outdoor; Small.
- (e) Type 2A = Cultivation; Indoor; Small.
- (f) Type 2B = Cultivation; Mixed-light; Small.
- (g) Type 3 = Cultivation; Outdoor; Medium.
- (h) Type 3A = Cultivation; Indoor; Medium.
- (i) Type 3B = Cultivation; Mixed-light; Medium.
- (j) Type 4 = Cultivation; Nursery.
- (k) Type 6 = Manufacturer 1.
- (l) Type 7 = Manufacturer 2.
- (m) Type 8 = Testing.
- (n) Type 10 = Dispensary; General.
- (o) Type 10A = Dispensary; No more than three retail sites.
- (p) Type 11 = Distribution.
- (q) Type 12 = Transporter.

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Article 2. Administration

19302. There is in the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

19303. Protection of the public shall be the highest priority for the bureau in exercising its licensing, regulatory, and disciplinary functions under this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

19304. The bureau shall make and prescribe reasonable rules as may be necessary or proper to carry out the purposes and intent of this chapter and to enable it to exercise the powers and duties conferred upon it by this chapter, not inconsistent with any statute of this state, including particularly this chapter and Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the performance of its duties, the bureau has the power conferred by Sections 11180 to 11191, inclusive, of the Government Code.

19305. Notice of any action of the licensing authority required by this chapter to be given may be signed and given by the director or an authorized employee of the department and may be made personally or in the manner prescribed by Section 1013 of the Code of Civil Procedure.

19306. (a) The bureau may convene an advisory committee to advise the bureau and licensing authorities on the development of standards and regulations pursuant to this chapter, including best practices and guidelines to ensure qualified patients have adequate access to medical cannabis and medical cannabis products. The advisory committee members shall be determined by the chief.

(b) The advisory committee members may include, but not be limited to, representatives of the medical marijuana industry, representatives of medical marijuana cultivators, appropriate local and state agencies, appropriate local and state law enforcement, physicians, environmental and public health experts, and medical marijuana patient advocates.

19307. A licensing authority may make or cause to be made such investigation as it deems necessary to carry out its duties under this chapter.

19308. For any hearing held pursuant to this chapter, the director, or a licensing authority, may delegate the power to hear and decide to an administrative law judge. Any hearing before an administrative law judge shall be pursuant to the procedures, rules, and limitations prescribed in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

19309. In any hearing before a licensing authority pursuant to this chapter, the licensing authority may pay any person appearing as a witness at the hearing at the request of the licensing authority pursuant to a subpoena, his or her actual, necessary, and reasonable travel, food, and lodging expenses, not to exceed the amount authorized for state employees.

19310. The department may on its own motion at any time before a penalty assessment is placed into effect and without any further proceedings, review the penalty, but such review shall be limited to its reduction.

Article 3. Enforcement

19311. Grounds for disciplinary action include:

(a) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter.

(b) Conduct that constitutes grounds for denial of licensure pursuant to Chapter 3 (commencing with Section 490) of Division 1.5.

(c) Any other grounds contained in regulations adopted by a licensing authority pursuant to this chapter.

(d) Failure to comply with any state law, except as provided for in this chapter or other California law.

19312. Each licensing authority may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action. The disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director of each licensing authority shall have all the powers granted therein.

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19313. Each licensing authority may take disciplinary action against a licensee for any violation of this chapter when the violation was committed by the licensee's agent or employee while acting on behalf of the licensee or engaged in commercial cannabis activity.

19313.5. Upon suspension or revocation of a license, the licensing authority shall inform the bureau. The bureau shall then inform all other licensing authorities and the Department of Food and Agriculture.

19314. All accusations against licensees shall be filed by the licensing authority within five years after the performance of the act or omission alleged as the ground for disciplinary action; provided, however, that the foregoing provision shall not constitute a defense to an accusation alleging fraud or misrepresentation as a ground for disciplinary action. The cause for disciplinary action in such case shall not be deemed to have accrued until discovery, by the licensing authority, of the facts constituting the fraud or misrepresentation, and, in such case, the accusation shall be filed within five years after such discovery.

19315. (a) Nothing in this chapter shall be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing requirements.

(b) Nothing in this chapter shall be interpreted to require the Department of Consumer Affairs to undertake local law enforcement responsibilities, enforce local zoning requirements, or enforce local licensing requirements.

(c) Nothing in this chapter shall be interpreted to supersede or limit state agencies from exercising their existing enforcement authority under the Fish and Game Code, the Water Code, the Food and Agricultural Code, or the Health and Safety Code.

19316. (a) Pursuant to Section 7 of Article XI of the California Constitution, a city, county, or city and county may adopt ordinances that establish additional standards, requirements, and regulations for local licenses and permits for commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, testing, security, and worker protections established by the state shall be the minimum standards for all licensees statewide.

(b) For facilities issued a state license that are located within the incorporated area of a city, the city shall have full power and authority to enforce this chapter and the regulations promulgated by the bureau or any licensing authority, if delegated by the state. Notwithstanding Sections 101375, 101400, and 101405 of the Health and Safety Code or any contract entered into pursuant thereto, or any other law, the city shall further assume complete responsibility for any regulatory function relating to those licensees within the city limits that would otherwise be performed by the county or any county officer or employee, including a county health officer, without liability, cost, or expense to the county.

(c) Nothing in this chapter, or any regulations promulgated thereunder, shall be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.

19317. (a) The actions of a licensee, its employees, and its agents that are (1) permitted pursuant to both a state license and a license or permit issued by the local jurisdiction following the requirements of the applicable local ordinances, and (2) conducted in accordance with the requirements of this chapter and regulations adopted pursuant to this chapter, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

(b) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, and its agents, as permitted pursuant to both a state license and a local license or permit following the requirements of the applicable local ordinances, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

19318. (a) A person engaging in commercial cannabis activity without a license required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the court may order the destruction of medical cannabis associated with that violation in accordance with Section 11479 of the Health and Safety Code. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section by a licensing authority shall be deposited into the Medical Cannabis Fines and Penalties Account established pursuant to Section 19351.

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(b) If an action for civil penalties is brought against a licensee pursuant to this chapter by the Attorney General on behalf of the people, the penalty collected shall be deposited into the Medical Cannabis Fines and Penalties Account established pursuant to Section 19351. If the action is brought by a district attorney or county counsel, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney or city prosecutor, the penalty collected shall be paid to the treasurer of the city or city and county in which the judgment was entered. If the action is brought by a city attorney and is adjudicated in a superior court located in the unincorporated area or another city in the same county, the penalty shall be paid one-half to the treasurer of the city in which the complaining attorney has jurisdiction and one-half to the treasurer of the county in which the judgment is entered.

(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person engaging in commercial cannabis activity in violation of this chapter, including, but not limited to, those individuals covered under Section 11362.7 of the Health and Safety Code.

Article 4. Licensing

19320. (a) Licensing authorities administering this chapter may issue state licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the licensing authority, no person shall engage in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization. A licensee shall not commence activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following the requirements of the applicable local ordinance.

(b) Revocation of a local license, permit, or other authorization shall terminate the ability of a medical cannabis business to operate within that local jurisdiction until the local jurisdiction reinstates or reissues the local license, permit, or other required authorization. Local authorities shall notify the bureau upon revocation of a local license. The bureau shall inform relevant licensing authorities.

(c) Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within California until the licensing authority reinstates or reissues the state license. Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(d) In addition to the provisions of this chapter, local jurisdictions retain the power to assess fees and taxes, as applicable, on facilities that are licensed pursuant to this chapter and the business activities of those licensees.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

19321. (a) The Department of Consumer Affairs, the Department of Food and Agriculture, and the State Department of Public Health shall promulgate regulations for implementation of their respective responsibilities in the administration of this chapter.

(b) A license issued pursuant to this section shall be valid for 12 months from the date of issuance. The license shall be renewed annually. Each licensing authority shall establish procedures for the renewal of a license.

(c) Notwithstanding subdivision (a) of Section 19320, a facility or entity that is operating in compliance with local zoning ordinances and other state and local requirements on or before January 1, 2018, may continue its operations until its application for licensure is approved or denied pursuant to this chapter. In issuing licenses, the licensing authority shall prioritize any facility or entity that can demonstrate to the authority's satisfaction that it was in operation and in good standing with the local jurisdiction by January 1, 2016.

(d) Issuance of a state license or a determination of compliance with local law by the licensing authority shall in no way limit the ability of the City of Los Angeles to prosecute any person or entity for a violation of, or otherwise enforce, Proposition D, approved by the voters of the City of Los Angeles on the May 21, 2013, ballot for the city, or the city's zoning laws. Nor may issuance of a license or determination of compliance with local law by the licensing authority be deemed to establish, or be relied upon, in determining satisfaction with the immunity requirements of Proposition D or local zoning law, in court or in any other context or forum.

Article 5. Medical Marijuana Regulation

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19326. (a) A person other than a licensed transporter shall not transport medical cannabis or medical cannabis products from one licensee to another licensee, unless otherwise specified in this chapter.

(b) All licensees holding cultivation or manufacturing licenses shall send all medical cannabis and medical cannabis products cultivated or manufactured to a distributor, as defined in Section 19300.5, for quality assurance and inspection by the Type 11 licensee and for a batch testing by a Type 8 licensee prior to distribution to a dispensary. Those licensees holding a Type 10A license in addition to a cultivation license or a manufacturing license shall send all medical cannabis and medical cannabis products to a Type 11 licensee for presale inspection and for a batch testing by a Type 8 licensee prior to dispensing any product. The licensing authority shall fine a licensee who violates this subdivision in an amount determined by the licensing authority to be reasonable.

(c) (1) Upon receipt of medical cannabis or medical cannabis products by a holder of a cultivation or manufacturing license, the Type 11 licensee shall first inspect the product to ensure the identity and quantity of the product and then ensure a random sample of the medical cannabis or medical cannabis product is tested by a Type 8 licensee prior to distributing the batch of medical cannabis or medical cannabis products.

(2) Upon issuance of a certificate of analysis by the Type 8 licensee that the product is fit for manufacturing or retail, all medical cannabis and medical cannabis products shall undergo a quality assurance review by the Type 11 licensee prior to distribution to ensure the quantity and content of the medical cannabis or medical cannabis product, and for tracking and taxation purposes by the state. Licensed cultivators and manufacturers shall package or seal all medical cannabis and medical cannabis products in tamper-evident packaging and use a unique identifier, as prescribed by the Department of Food and Agriculture, for the purpose of identifying and tracking medical cannabis or medical cannabis products. Medical cannabis and medical cannabis products shall be labeled as required by Section 19347. All packaging and sealing shall be completed prior to medical cannabis or medical cannabis products being transported or delivered to a licensee, qualified patient, or caregiver.

(3) This section does not limit the ability of licensed cultivators, manufacturers, and dispensaries to directly enter into contracts with one another indicating the price and quantity of medical cannabis or medical cannabis products to be distributed. However, a Type 11 licensee responsible for executing the contract is authorized to collect a fee for the services rendered, including, but not limited to, costs incurred by a Type 8 licensee, as well as applicable state or local taxes and fees.

(d) Medical cannabis and medical cannabis products shall be tested by a registered testing laboratory, prior to retail sale or dispensing, as follows:

(1) Medical cannabis from dried flower shall, at a minimum, be tested for concentration, pesticides, mold, and other contaminants.

(2) Medical cannabis extracts shall, at a minimum, be tested for concentration and purity of the product.

(3) This chapter shall not prohibit a licensee from performing on-site testing for the purposes of quality assurance of the product in conjunction with reasonable business operations. On-site testing by the licensee shall not be certified by the State Department of Public Health.

(e) All commercial cannabis activity shall be conducted between licensees, when these are available.

19327. (a) A licensee shall keep accurate records of commercial cannabis activity.

(b) All records related to commercial cannabis activity as defined by the licensing authorities shall be maintained for a minimum of seven years.

(c) The bureau may examine the books and records of a licensee and inspect the premises of a licensee as the licensing authority or a state or local agency deems necessary to perform its duties under this chapter. All inspections shall be conducted during standard business hours of the licensed facility or at any other reasonable time.

(d) Licensees shall keep records identified by the licensing authorities on the premises of the location licensed. The licensing authorities may make any examination of the records of any licensee. Licensees shall also provide and deliver copies of documents to the licensing agency upon request.

(e) A licensee or its agent, or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the licensee pursuant to this section has engaged in a violation of this chapter.

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(f) If a licensee or an employee of a licensee fails to maintain or provide the records required pursuant to this section, the licensee shall be subject to a citation and fine of thirty thousand dollars (\$30,000) per individual violation.

19328. (a) A licensee may only hold a state license in up to two separate license categories, as follows:

- (1) Type 1, 1A, 1B, 2, 2A, or 2B licensees may also hold either a Type 6 or 7 state license.
- (2) Type 6 or 7 licensees, or a combination thereof, may also hold either a Type 1, 1A, 1B, 2, 2A, or 2B state license.
- (3) Type 6 or 7 licensees, or a combination thereof, may also hold a Type 10A state license.
- (4) Type 10A licensees may also hold either a Type 6 or 7 state license, or a combination thereof.
- (5) Type 1, 1A, 1B, 2, 2A, or 2B licensees, or a combination thereof, may also hold a Type 10A state license.
- (6) Type 10A licensees may apply for Type 1, 1A, 1B, 2, 2A, or 2B state license, or a combination thereof.
- (7) Type 11 licensees shall apply for a Type 12 state license, but shall not apply for any other type of state license.
- (8) Type 12 licensees may apply for a Type 11 state license.
- (9) A Type 10A licensee may apply for a Type 6 or 7 state license and hold a 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination thereof if, under the 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination of licenses thereof, no more than four acres of total canopy size of cultivation by the licensee is occurring throughout the state during the period that the respective licenses are valid. All cultivation pursuant to this section shall comply with local ordinances. This paragraph shall become inoperative on January 1, 2026.

(b) Except as provided in subdivision (a), a person or entity that holds a state license is prohibited from licensure for any other activity authorized under this chapter, and is prohibited from holding an ownership interest in real property, personal property, or other assets associated with or used in any other license category.

(c) (1) In a jurisdiction that adopted a local ordinance, prior to July 1, 2015, allowing or requiring qualified businesses to cultivate, manufacture, and dispense medical cannabis or medical cannabis products, with all commercial cannabis activity being conducted by a single qualified business, upon licensure that business shall not be subject to subdivision (a) if it meets all of the following conditions:

(A) The business was cultivating, manufacturing, and dispensing medical cannabis or medical cannabis products on July 1, 2015, and has continuously done so since that date.

(B) The business has been in full compliance with all applicable local ordinances at all times prior to licensure.

(C) The business is registered with the State Board of Equalization.

(2) A business licensed pursuant to paragraph (1) is not required to conduct all cultivation or manufacturing within the bounds of a local jurisdiction, but all cultivation and manufacturing shall have commenced prior to July 1, 2015, and have been in full compliance with applicable local ordinances.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

19329. A licensee shall not also be licensed as a retailer of alcoholic beverages pursuant to Division 9 (commencing with Section 23000).

19330. This chapter and Article 2 (commencing with Section 11357) and Article 2.5 (commencing with Section 11362.7) of Chapter 6 of Division 10 of the Health and Safety Code shall not interfere with an employer's rights and obligations to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace or affect the ability of employers to have policies prohibiting the use of cannabis by employees and prospective employees, or prevent employers from complying with state or federal law.

Article 7. Licensed Distributors, Dispensaries, and Transporters

19334. (a) State licenses to be issued by the Department of Consumer Affairs are as follows:

- (1) "Dispensary," as defined in this chapter. This license shall allow for delivery pursuant to Section 19340.

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(2) "Distributor," for the distribution of medical cannabis and medical cannabis products from manufacturer to dispensary. A Type 11 licensee shall hold a Type 12, or transporter, license and register each location where product is stored for the purposes of distribution. A Type 11 licensee shall not hold a license in a cultivation, manufacturing, dispensing, or testing license category and shall not own, or have an ownership interest in, a facility licensed in those categories other than a security interest, lien, or encumbrance on property that is used by a licensee. A Type 11 licensee shall be bonded and insured at a minimum level established by the licensing authority.

(3) "Transport," for transporters of medical cannabis or medical cannabis products between licensees. A Type 12 licensee shall be bonded and insured at a minimum level established by the licensing authority.

(4) "Special dispensary status" for dispensers who have no more than three licensed dispensary facilities. This license shall allow for delivery where expressly authorized by local ordinance.

(b) The bureau shall establish minimum security requirements for the commercial transportation and delivery of medical cannabis and products.

(c) A licensed dispensary shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical cannabis products at the dispensary. These security measures shall include, but not be limited to, all of the following:

(1) Preventing individuals from remaining on the premises of the dispensary if they are not engaging in activity expressly related to the operations of the dispensary.

(2) Establishing limited access areas accessible only to authorized dispensary personnel.

(3) Storing all finished medical cannabis and medical cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, or immediate sale.

(d) A dispensary shall notify the licensing authority and the appropriate law enforcement authorities within 24 hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the bureau.

(2) Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary.

(3) The loss or unauthorized alteration of records related to cannabis, registered qualifying patients, primary caregivers, or dispensary employees or agents.

(4) Any other breach of security.

Article 9. Delivery

19340. (a) Deliveries, as defined in this chapter, can only be made by a dispensary and in a city, county, or city and county that does not explicitly prohibit it by local ordinance.

(b) Upon approval of the licensing authority, a licensed dispensary that delivers medical cannabis or medical cannabis products shall comply with both of the following:

(1) The city, county, or city and county in which the licensed dispensary is located, and in which each delivery is made, do not explicitly by ordinance prohibit delivery, as defined in Section 19300.5.

(2) All employees of a dispensary delivering medical cannabis or medical cannabis products shall carry a copy of the dispensary's current license authorizing those services with them during deliveries and the employee's government-issued identification, and shall present that license and identification upon request to state and local law enforcement, employees of regulatory authorities, and other state and local agencies enforcing this chapter.

(c) A county shall have the authority to impose a tax, pursuant to Article 11 (commencing with Section 19348), on each delivery transaction completed by a licensee.

(d) During delivery, the licensee shall maintain a physical copy of the delivery request and shall make it available upon request of the licensing authority and law enforcement officers. The delivery request

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documentation shall comply with state and federal law regarding the protection of confidential medical information.

(e) The qualified patient or primary caregiver requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the licensing authority and law enforcement officers.

(f) A local jurisdiction shall not prevent carriage of medical cannabis or medical cannabis products on public roads by a licensee acting in compliance with this chapter.

Article 10. Licensed Manufacturers and Licensed Laboratories

19341. The State Department of Public Health shall promulgate regulations governing the licensing of cannabis manufacturers and testing laboratories. Licenses to be issued are as follows:

(a) "Manufacturing level 1," for manufacturing sites that produce medical cannabis products using nonvolatile solvents.

(b) "Manufacturing level 2," for manufacturing sites that produce medical cannabis products using volatile solvents. The State Department of Public Health shall limit the number of licenses of this type.

(c) "Testing," for testing of medical cannabis and medical cannabis products. Testing licensees shall have their facilities licensed according to regulations set forth by the division. A testing licensee shall not hold a license in another license category of this chapter and shall not own or have ownership interest in a facility licensed pursuant to this chapter.

19342. (a) For the purposes of testing medical cannabis or medical cannabis products, licensees shall use a licensed testing laboratory that has adopted a standard operating procedure using methods consistent with general requirements for the competence of testing and calibration activities, including sampling, using standard methods established by the International Organization for Standardization, specifically ISO/IEC 17020 and ISO/IEC 17025 to test medical cannabis and medical cannabis products that are approved by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.

(b) An agent of a licensed testing laboratory shall obtain samples according to a statistically valid sampling method for each lot.

(c) A licensed testing laboratory shall analyze samples according to either of the following:

(1) The most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.

(2) Scientifically valid methodology that is demonstrably equal or superior to paragraph (1), in the opinion of the accrediting body.

(d) If a test result falls outside the specifications authorized by law or regulation, the licensed testing laboratory shall follow a standard operating procedure to confirm or refute the original result.

(e) A licensed testing laboratory shall destroy the remains of the sample of medical cannabis or medical cannabis product upon completion of the analysis.

19343. A licensed testing laboratory shall not handle, test, or analyze medical cannabis or medical cannabis products unless the licensed testing laboratory meets all of the following:

(a) Is registered by the State Department of Public Health.

(b) Is independent from all other persons and entities involved in the medical cannabis industry.

(c) Follows the methodologies, ranges, and parameters that are contained in the scope of the accreditation for testing medical cannabis or medical cannabis products. The testing lab shall also comply with any other requirements specified by the State Department of Public Health.

(d) Notifies the State Department of Public Health within one business day after the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.

(e) Has established standard operating procedures that provide for adequate chain of custody controls for samples transferred to the licensed testing laboratory for testing.

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19344. (a) A licensed testing laboratory shall issue a certificate of analysis for each lot, with supporting data, to report both of the following:

(1) Whether the chemical profile of the lot conforms to the specifications of the lot for compounds, including, but not limited to, all of the following:

(A) Tetrahydrocannabinol (THC).

(B) Tetrahydrocannabinolic Acid (THCA).

(C) Cannabidiol (CBD).

(D) Cannabidiolic Acid (CBDA).

(E) The terpenes described in the most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.

(F) Cannabigerol (CBG).

(G) Cannabinol (CBN).

(H) Any other compounds required by the State Department of Public Health.

(2) That the presence of contaminants does not exceed the levels that are the lesser of either the most current version of the American Herbal Pharmacopoeia monograph or the State Department of Public Health. For purposes of this paragraph, contaminants includes, but is not limited to, all of the following:

(A) Residual solvent or processing chemicals.

(B) Foreign material, including, but not limited to, hair, insects, or similar or related adulterant.

(C) Microbiological impurity, including total aerobic microbial count, total yeast mold count, *P. aeruginosa*, *aspergillus spp.*, *s. aureus*, aflatoxin B1, B2, G1, or G2, or ochratoxin A.

(D) Whether the batch is within specification for odor and appearance.

(b) Residual levels of volatile organic compounds shall be below the lesser of either the specifications set by the United States Pharmacopoeia (U.S.P. Chapter 467) or those set by the State Department of Public Health.

19345. (a) Except as provided in this chapter, a licensed testing laboratory shall not acquire or receive medical cannabis or medical cannabis products except from a licensed facility in accordance with this chapter, and shall not distribute, sell, deliver, transfer, transport, or dispense medical cannabis or medical cannabis products, from which the medical cannabis or medical cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(b) A licensed testing laboratory may receive and test samples of medical cannabis or medical cannabis products from a qualified patient or primary caregiver only if he or she presents his or her valid recommendation for cannabis for medical purposes from a physician. A licensed testing laboratory shall not certify samples from a qualified patient or caregiver for resale or transfer to another party or licensee. All tests performed by a licensed testing laboratory for a qualified patient or caregiver shall be recorded with the name of the qualified patient or caregiver and the amount of medical cannabis or medical cannabis product received.

(c) The State Department of Public Health shall develop procedures to ensure that testing of cannabis occurs prior to delivery to dispensaries or any other business, specify how often licensees shall test cannabis and that the cost of testing shall be borne by the licensed cultivators, and require destruction of harvested batches whose testing samples indicate noncompliance with health and safety standards promulgated by the State Department of Public Health, unless remedial measures can bring the cannabis into compliance with quality assurance standards as promulgated by the State Department of Public Health.

(d) The State Department of Public Health shall establish a licensing fee, and laboratories shall pay a fee to be licensed. Licensing fees shall not exceed the reasonable regulatory cost of the licensing activities.

19347. (a) Prior to delivery or sale at a dispensary, medical cannabis products shall be labeled and in a tamper-evident package. Labels and packages of medical cannabis products shall meet the following requirements:

(1) Medical cannabis packages and labels shall not be made to be attractive to children.

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(2) All medical cannabis product labels shall include the following information, prominently displayed and in a clear and legible font:

(A) Manufacture date and source.

(B) The statement "SCHEDULE I CONTROLLED SUBSTANCE."

(C) The statement "KEEP OUT OF REACH OF CHILDREN AND ANIMALS" in bold print.

(D) The statement "FOR MEDICAL USE ONLY."

(E) The statement "THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED BY UP TO TWO HOURS."

(F) The statement "THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."

(G) For packages containing only dried flower, the net weight of medical cannabis in the package.

(H) A warning if nuts or other known allergens are used.

(I) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.

(J) Clear indication, in bold type, that the product contains medical cannabis.

(K) Identification of the source and date of cultivation and manufacture.

(L) Any other requirement set by the bureau.

(M) Information associated with the unique identifier issued by the Department of Food and Agriculture pursuant to Section 11362.777 of the Health and Safety Code.

(b) Only generic food names may be used to describe edible medical cannabis products.

Article 14. Reporting

19353. Beginning on March 1, 2023, and on or before March 1 of each following year, each licensing authority shall prepare and submit to the Legislature an annual report on the authority's activities and post the report on the authority's Internet Web site. The report shall include, but not be limited to, the following information for the previous fiscal year:

(a) The amount of funds allocated and spent by the licensing authority for medical cannabis licensing, enforcement, and administration.

(b) The number of state licenses issued, renewed, denied, suspended, and revoked, by state license category.

(c) The average time for processing state license applications, by state license category.

(d) The number and type of enforcement activities conducted by the licensing authorities and by local law enforcement agencies in conjunction with the licensing authorities or the bureau.

(e) The number, type, and amount of penalties, fines, and other disciplinary actions taken by the licensing authorities.

19354. The bureau shall contract with the California Marijuana Research Program, known as the Center for Medicinal Cannabis Research, authorized pursuant to Section 11362.9 of the Health and Safety Code, to develop a study that identifies the impact that cannabis has on motor skills.

Article 15. Privacy

19355. (a) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the office or licensing authorities for the purposes of administering this chapter are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter, or a local ordinance.

(b) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the bureau for the purposes of administering this chapter

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shall be maintained in accordance with Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code, Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code, and other state and federal laws relating to confidential patient information.

(c) Nothing in this section precludes the following:

(1) Employees of the bureau or any licensing authorities notifying state or local agencies about information submitted to the agency that the employee suspects is falsified or fraudulent.

(2) Notifications from the bureau or any licensing authorities to state or local agencies about apparent violations of this chapter or applicable local ordinance.

(3) Verification of requests by state or local agencies to confirm licenses and certificates issued by the regulatory authorities or other state agency.

(4) Provision of information requested pursuant to a court order or subpoena issued by a court or an administrative agency or local governing body authorized by law to issue subpoenas.

(d) Information shall not be disclosed by any state or local agency beyond what is necessary to achieve the goals of a specific investigation, notification, or the parameters of a specific court order or subpoena.

SEC. 5. Section 9147.7 of the Government Code is amended to read:

9147.7. (a) For the purpose of this section, "eligible agency" means any agency, authority, board, bureau, commission, conservancy, council, department, division, or office of state government, however denominated, excluding an agency that is constitutionally created or an agency related to postsecondary education, for which a date for repeal has been established by statute on or after January 1, 2011.

(b) The Joint Sunset Review Committee is hereby created to identify and eliminate waste, duplication, and inefficiency in government agencies. The purpose of the committee is to conduct a comprehensive analysis over 15 years, and on a periodic basis thereafter, of every eligible agency to determine if the agency is still necessary and cost effective.

(c) Each eligible agency scheduled for repeal shall submit to the committee, on or before December 1 prior to the year it is set to be repealed, a complete agency report covering the entire period since last reviewed, including, but not limited to, the following:

(1) The purpose and necessity of the agency.

(2) A description of the agency budget, priorities, and job descriptions of employees of the agency.

(3) Any programs and projects under the direction of the agency.

(4) Measures of the success or failures of the agency and justifications for the metrics used to evaluate successes and failures.

(5) Any recommendations of the agency for changes or reorganization in order to better fulfill its purpose.

(d) The committee shall take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency shall be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency. No eligible agency shall be extended in perpetuity unless specifically exempted from the provisions of this section. The committee may recommend that the Legislature extend the statutory sunset date for no more than one year to allow the committee more time to evaluate the eligible agency.

(e) The committee shall be comprised of 10 members of the Legislature. The Senate Committee on Rules shall appoint five members of the Senate to the committee, not more than three of whom shall be members of the same political party. The Speaker of the Assembly shall appoint five members of the Assembly to the committee, not more than three of whom shall be members of the same political party. Members shall be appointed within 15 days after the commencement of the regular session. Each member of the committee who is appointed by the Senate Committee on Rules or the Speaker of the Assembly shall serve during that committee member's term of office or until that committee member no longer is a Member of the Senate or the Assembly, whichever is applicable. A vacancy on the committee shall be filled in the same manner as the original appointment. Three Assembly Members and three Senators who are members of the committee shall constitute a quorum for the conduct of committee business. Members of the committee shall receive no compensation for their work with the committee.

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(f) The committee shall meet not later than 30 days after the first day of the regular session to choose a chairperson and to establish the schedule for eligible agency review provided for in the statutes governing the eligible agencies. The chairperson of the committee shall alternate every two years between a Member of the Senate and a Member of the Assembly, and the vice chairperson of the committee shall be a member of the opposite house as the chairperson.

(g) This section shall not be construed to change the existing jurisdiction of the budget or policy committees of the Legislature.

(h) *This section shall not apply to the Bureau of Medical Marijuana Regulation.*

SEC. 6. Section 11362.775 of the Health and Safety Code is amended to read:

11362.775. Qualified (a) *Subject to subdivision (b), qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients and persons with identification cards, who associate within the State of California in order collectively or cooperatively to cultivate marijuana cannabis for medical purposes, shall not solely on the basis of that fact be subject to state criminal sanctions under Section 11357, 11358, 11359, 11360, 11366, 11366.5, or 11570.*

(b) *This section shall remain in effect only until one year after the Bureau of Medical Marijuana Regulation posts a notice on its Internet Web site that the licensing authorities have commenced issuing licenses pursuant to the Medical Marijuana Regulation and Safety Act (Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code), and is repealed upon issuance of licenses.*

SEC. 7. Section 147.5 is added to the Labor Code, to read:

147.5. (a) *By January 1, 2017, the Division of Occupational Safety and Health shall convene an advisory committee to evaluate whether there is a need to develop industry-specific regulations related to the activities of facilities issued a license pursuant to Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code.*

(b) *By July 1, 2017, the advisory committee shall present to the board its findings and recommendations for consideration by the board. By July 1, 2017, the board shall render a decision regarding the adoption of industry-specific regulations pursuant to this section.*

SEC. 8. Section 31020 is added to the Revenue and Taxation Code, to read:

31020. *The board, in consultation with the Department of Food and Agriculture, shall adopt a system for reporting the movement of commercial cannabis and cannabis products throughout the distribution chain. The system shall not be duplicative of the electronic database administered by the Department of Food and Agriculture specified in Section 19335 of the Business and Professions Code. The system shall also employ secure packaging and be capable of providing information to the board. This system shall capture, at a minimum, all of the following:*

(a) *The amount of tax due by the designated entity.*

(b) *The name, address, and license number of the designated entity that remitted the tax.*

(c) *The name, address, and license number of the succeeding entity receiving the product.*

(d) *The transaction date.*

(e) *Any other information deemed necessary by the board for the taxation and regulation of marijuana and marijuana products.*

SEC. 9. *The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*

SEC. 10. *The Legislature finds and declares that Section 4 of this act, which adds Section 19355 to the Business and Professions Code, thereby imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:*

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The limitation imposed under this act is necessary for purposes of compliance with the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code), and the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code).

SEC. 11. *If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

SEC. 12. *This act shall become operative only if Senate Bill 643 and Assembly Bill 243 of the 2015-16 Regular Session are also enacted and become operative.*

**SB-643 Medical marijuana. (2015-2016)**

SECTION 1. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) State Board of Guide Dogs for the Blind.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Board of Vocational Nursing and Psychiatric Technicians.
- (10) Respiratory Care Board of California.
- (11) Physical Therapy Board of California.
- (12) Physician Assistant Committee of the Medical Board of California.
- (13) Speech-Language Pathology and Audiology and Hearing Aid Dispenser Board.
- (14) Medical Board of California.
- (15) State Board of Optometry.
- (16) Acupuncture Board.
- (17) Cemetery and Funeral Bureau.
- (18) Bureau of Security and Investigative Services.
- (19) Division of Investigation.
- (20) Board of Psychology.
- (21) California Board of Occupational Therapy.
- (22) Structural Pest Control Board.
- (23) Contractors' State License Board.
- (24) Naturopathic Medicine Committee.
- (25) Professional Fiduciaries Bureau.
- (26) Board for Professional Engineers, Land Surveyors, and Geologists.

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(27) Bureau of Medical Marijuana Regulation.

(c) For purposes of paragraph (26) of subdivision (b), the term "applicant" shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

SEC. 2. Section 2220.05 of the Business and Professions Code is amended to read:

2220.05. (a) In order to ensure that its resources are maximized for the protection of the public, the Medical Board of California shall prioritize its investigative and prosecutorial resources to ensure that physicians and surgeons representing the greatest threat of harm are identified and disciplined expeditiously. Cases involving any of the following allegations shall be handled on a priority basis, as follows, with the highest priority being given to cases in the first paragraph:

(1) Gross negligence, incompetence, or repeated negligent acts that involve death or serious bodily injury to one or more patients, such that the physician and surgeon represents a danger to the public.

(2) Drug or alcohol abuse by a physician and surgeon involving death or serious bodily injury to a patient.

(3) Repeated acts of clearly excessive prescribing, furnishing, or administering of controlled substances, or repeated acts of prescribing, dispensing, or furnishing of controlled substances without a good faith prior examination of the patient and medical reason therefor. However, in no event shall a physician and surgeon prescribing, furnishing, or administering controlled substances for intractable pain consistent with lawful prescribing, including, but not limited to, Sections 725, 2241.5, and 2241.6 of this code and Sections 11159.2 and 124961 of the Health and Safety Code, be prosecuted for excessive prescribing and prompt review of the applicability of these provisions shall be made in any complaint that may implicate these provisions.

(4) Repeated acts of clearly excessive recommending of cannabis to patients for medical purposes, or repeated acts of recommending cannabis to patients for medical purposes without a good faith prior examination of the patient and a medical reason for the recommendation.

~~(4)~~ (5) Sexual misconduct with one or more patients during a course of treatment or an examination.

~~(5)~~ (6) Practicing medicine while under the influence of drugs or alcohol.

(b) The board may by regulation prioritize cases involving an allegation of conduct that is not described in subdivision (a). Those cases prioritized by regulation shall not be assigned a priority equal to or higher than the priorities established in subdivision (a).

(c) The Medical Board of California shall indicate in its annual report mandated by Section 2312 the number of temporary restraining orders, interim suspension orders, and disciplinary actions that are taken in each priority category specified in subdivisions (a) and (b).

SEC. 3. Section 2241.5 of the Business and Professions Code is amended to read:

2241.5. (a) A physician and surgeon may prescribe for, or dispense or administer to, a person under his or her treatment for a medical condition dangerous drugs or prescription controlled substances for the treatment of pain or a condition causing pain, including, but not limited to, intractable pain.

(b) No physician and surgeon shall be subject to disciplinary action for prescribing, dispensing, or administering dangerous drugs or prescription controlled substances in accordance with this section.

(c) This section shall not affect the power of the board to take any action described in Section 2227 against a physician and surgeon who does any of the following:

(1) Violates subdivision (b), (c), or (d) of Section 2234 regarding gross negligence, repeated negligent acts, or incompetence.

(2) Violates Section 2241 regarding treatment of an addict.

(3) Violates Section 2242 *or 2525.3* regarding performing an appropriate prior examination and the existence of a medical indication for prescribing, dispensing, or furnishing dangerous ~~drugs~~ *drugs or recommending medical cannabis*.

(4) Violates Section 2242.1 regarding prescribing on the Internet.

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(5) Fails to keep complete and accurate records of purchases and disposals of substances listed in the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code) or controlled substances scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Sec. 801 et seq.), or pursuant to the federal Comprehensive Drug Abuse Prevention and Control Act of 1970. A physician and surgeon shall keep records of his or her purchases and disposals of these controlled substances or dangerous drugs, including the date of purchase, the date and records of the sale or disposal of the drugs by the physician and surgeon, the name and address of the person receiving the drugs, and the reason for the disposal or the dispensing of the drugs to the person, and shall otherwise comply with all state recordkeeping requirements for controlled substances.

(6) Writes false or fictitious prescriptions for controlled substances listed in the California Uniform Controlled Substances Act or scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

(7) Prescribes, administers, or dispenses in violation of this chapter, or in violation of Chapter 4 (commencing with Section 11150) or Chapter 5 (commencing with Section 11210) of Division 10 of the Health and Safety Code.

(d) A physician and surgeon shall exercise reasonable care in determining whether a particular patient or condition, or the complexity of a patient's treatment, including, but not limited to, a current or recent pattern of drug abuse, requires consultation with, or referral to, a more qualified specialist.

(e) Nothing in this section shall prohibit the governing body of a hospital from taking disciplinary actions against a physician and surgeon pursuant to Sections 809.05, 809.4, and 809.5.

SEC. 4. Section 2242.1 of the Business and Professions Code is amended to read:

2242.1. (a) No person or entity may prescribe, dispense, or furnish, or cause to be prescribed, dispensed, or furnished, dangerous drugs or dangerous devices, as defined in Section 4022, on the Internet for delivery to any person in this state, without an appropriate prior examination and medical indication, except as authorized by Section 2242.

(b) Notwithstanding any other provision of law, a violation of this section may subject the person or entity that has committed the violation to either a fine of up to twenty-five thousand dollars (\$25,000) per occurrence pursuant to a citation issued by the board or a civil penalty of twenty-five thousand dollars (\$25,000) per occurrence.

(c) The Attorney General may bring an action to enforce this section and to collect the fines or civil penalties authorized by subdivision (b).

(d) For notifications made on and after January 1, 2002, the Franchise Tax Board, upon notification by the Attorney General or the board of a final judgment in an action brought under this section, shall subtract the amount of the fine or awarded civil penalties from any tax refunds or lottery winnings due to the person who is a defendant in the action using the offset authority under Section 12419.5 of the Government Code, as delegated by the Controller, and the processes as established by the Franchise Tax Board for this purpose. That amount shall be forwarded to the board for deposit in the Contingent Fund of the Medical Board of California.

(e) If the person or entity that is the subject of an action brought pursuant to this section is not a resident of this state, a violation of this section shall, if applicable, be reported to the person's or entity's appropriate professional licensing authority.

(f) Nothing in this section shall prohibit the board from commencing a disciplinary action against a physician and surgeon pursuant to Section ~~2242~~ 2242 or 2525.3.

SEC. 5. Article 25 (commencing with Section 2525) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

Article 25. Recommending Medical Cannabis

2525. (a) It is unlawful for a physician and surgeon who recommends cannabis to a patient for a medical purpose to accept, solicit, or offer any form of remuneration from or to a facility issued a state license pursuant to Chapter 3.5 (commencing with Section 19300) of Division 8, if the physician and surgeon or his or her immediate family have a financial interest in that facility.

(b) For the purposes of this section, "financial interest" shall have the same meaning as in Section 650.01.

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(c) A violation of this section shall be a misdemeanor punishable by up to one year in county jail and a fine of up to five thousand dollars (\$5,000) or by civil penalties of up to five thousand dollars (\$5,000) and shall constitute unprofessional conduct.

2525.1. The Medical Board of California shall consult with the California Marijuana Research Program, known as the Center for Medicinal Cannabis Research, authorized pursuant to Section 11362.9 of the Health and Safety Code, on developing and adopting medical guidelines for the appropriate administration and use of medical cannabis.

2525.2. An individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California shall not recommend medical cannabis to a patient, unless that person is the patient's attending physician, as defined by subdivision (a) of Section 11362.7 of the Health and Safety Code.

2525.3. Recommending medical cannabis to a patient for a medical purpose without an appropriate prior examination and a medical indication constitutes unprofessional conduct.

2525.4. It is unprofessional conduct for any attending physician recommending medical cannabis to be employed by, or enter into any other agreement with, any person or entity dispensing medical cannabis.

2525.5. (a) A person shall not distribute any form of advertising for physician recommendations for medical cannabis in California unless the advertisement bears the following notice to consumers:

NOTICE TO CONSUMERS: The Compassionate Use Act of 1996 ensures that seriously ill Californians have the right to obtain and use cannabis for medical purposes where medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of medical cannabis. Recommendations must come from an attending physician as defined in Section 11362.7 of the Health and Safety Code. Cannabis is a Schedule I drug according to the federal Controlled Substances Act. Activity related to cannabis use is subject to federal prosecution, regardless of the protections provided by state law.

(b) Advertising for attending physician recommendations for medical cannabis shall meet all of the requirements in Section 651. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discounts, premiums, gifts, or statements of a similar nature.

SEC. 6. *Section 19302.1 is added to the Business and Professions Code, to read:*

19302.1. (a) The Governor shall appoint a chief of the bureau, subject to confirmation by the Senate, at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

(b) Every power granted to or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to conditions and limitations that the director may prescribe. In addition to every power granted or duty imposed with this chapter, the director shall have all other powers and duties generally applicable in relation to bureaus that are part of the Department of Consumer Affairs.

(c) The director may employ and appoint all employees necessary to properly administer the work of the bureau, in accordance with civil service laws and regulations.

(d) The Department of Consumer Affairs shall have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of medical marijuana within the state and to collect fees in connection with activities the bureau regulates. The bureau may create licenses in addition to those identified in this chapter that the bureau deems necessary to effectuate its duties under this chapter.

(e) The Department of Food and Agriculture shall administer the provisions of this chapter related to and associated with the cultivation of medical cannabis. The Department of Food and Agriculture shall have the authority to create, issue, and suspend or revoke cultivation licenses for violations of this chapter. The State Department of Public Health shall administer the provisions of this chapter related to and associated with the manufacturing and testing of medical cannabis.

SEC. 7. *Section 19319 is added to the Business and Professions Code, to read:*

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19319. (a) A qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person is not thereby engaged in commercial cannabis activity and is therefore exempt from the licensure requirements of this chapter.

(b) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this chapter.

SEC. 8. *Section 19320 is added to the Business and Professions Code, to read:*

19320. (a) Licensing authorities administering this chapter may issue state licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the licensing authority, no person shall engage in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization. A licensee shall not commence activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following the requirements of the applicable local ordinance.

(b) Revocation of a local license, permit, or other authorization shall terminate the ability of a medical cannabis business to operate within that local jurisdiction until the local jurisdiction reinstates or reissues the local license, permit, or other required authorization. Local authorities shall notify the bureau upon revocation of a local license. The bureau shall inform relevant licensing authorities.

(c) Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within California until the licensing authority reinstates or reissues the state license. Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(d) In addition to the provisions of this chapter, local jurisdictions retain the power to assess fees and taxes, as applicable, on facilities that are licensed pursuant to this chapter and the business activities of those licensees.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

SEC. 9. *Section 19322 is added to the Business and Professions Code, to read:*

19322. (a) A person or entity shall not submit an application for a state license issued by the department pursuant to this chapter unless that person or entity has received a license, permit, or authorization by a local jurisdiction. An applicant for any type of state license issued pursuant to this chapter shall do all of the following:

(1) Electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.

(A) The Department of Justice shall provide a response to the licensing authority pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(B) The licensing authority shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(C) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this paragraph.

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(2) Provide documentation issued by the local jurisdiction in which the proposed business is operating certifying that the applicant is or will be in compliance with all local ordinances and regulations.

(3) Provide evidence of the legal right to occupy and use the proposed location. For an applicant seeking a cultivator, distributor, manufacturing, or dispensary license, provide a statement from the owner of real property or their agent where the cultivation, distribution, manufacturing, or dispensing commercial medical cannabis activities will occur, as proof to demonstrate the landowner has acknowledged and consented to permit cultivation, distribution, manufacturing, or dispensary activities to be conducted on the property by the tenant applicant.

(4) If the application is for a cultivator or a dispensary, provide evidence that the proposed location is located beyond at least a 600-foot radius from a school, as required by Section 11362.768 of the Health and Safety Code.

(5) Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.

(6) (A) For an applicant with 20 or more employees, provide a statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement.

(B) For the purposes of this paragraph, "employee" does not include a supervisor.

(C) For purposes of this paragraph, "supervisor" means an individual having authority, in the interest of the licensee, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(7) Provide the applicant's seller's permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code or indicate that the applicant is currently applying for a seller's permit.

(8) Provide any other information required by the licensing authority.

(9) For an applicant seeking a cultivation license, provide a statement declaring the applicant is an "agricultural employer," as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.

(10) For an applicant seeking licensure as a testing laboratory, register with the State Department of Public Health and provide any information required by the State Department of Public Health.

(11) Pay all applicable fees required for licensure by the licensing authority.

(b) For applicants seeking licensure to cultivate, distribute, or manufacture medical cannabis, the application shall also include a detailed description of the applicant's operating procedures for all of the following, as required by the licensing authority:

(1) Cultivation.

(2) Extraction and infusion methods.

(3) The transportation process.

(4) Inventory procedures.

(5) Quality control procedures.

SEC. 10. Section 19323 is added to the Business and Professions Code, to read:

19323. (a) The licensing authority shall deny an application if either the applicant or the premises for which a state license is applied do not qualify for licensure under this chapter.

(b) The licensing authority may deny the application for licensure or renewal of a state license if any of the following conditions apply:

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(1) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter, including but not limited to, any requirement imposed to protect natural resources, instream flow, and water quality pursuant to subdivision (a) of Section 19332.

(2) Conduct that constitutes grounds for denial of licensure pursuant to Chapter 2 (commencing with Section 480) of Division 1.5.

(3) A local agency has notified the licensing authority that a licensee or applicant within its jurisdiction is in violation of state rules and regulation relating to commercial cannabis activities, and the licensing authority, through an investigation, has determined that the violation is grounds for termination or revocation of the license. The licensing authority shall have the authority to collect reasonable costs, as determined by the licensing authority, for investigation from the licensee or applicant.

(4) The applicant has failed to provide information required by the licensing authority.

(5) The applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant or licensee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:

(A) A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.

(B) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.

(C) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.

(D) A felony conviction involving fraud, deceit, or embezzlement.

(6) The applicant, or any of its officers, directors, or owners, is a licensed physician making patient recommendations for medical cannabis pursuant to Section 11362.7 of the Health and Safety Code.

(7) The applicant or any of its officers, directors, or owners has been subject to fines or penalties for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code.

(8) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unlicensed commercial medical cannabis activities or has had a license revoked under this chapter in the three years immediately preceding the date the application is filed with the licensing authority.

(9) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

SEC. 11. Section 19324 is added to the Business and Professions Code, to read:

19324. Upon the denial of any application for a license, the licensing authority shall notify the applicant in writing. Within 30 days of service of the notice, the applicant may file a written petition for a license with the licensing authority. Upon receipt of a timely filed petition, the licensing authority shall set the petition for hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director of each licensing authority shall have all the powers granted therein.

SEC. 12. Section 19325 is added to the Business and Professions Code, to read:

19325. An applicant shall not be denied a state license if the denial is based solely on any of the following:

(a) A conviction or act that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made for which the applicant or licensee has obtained a certificate of

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rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(b) A conviction that was subsequently dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

SEC. 13. Article 6 (commencing with Section 19331) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 6. Licensed Cultivation Sites

19331. The Legislature finds and declares all of the following:

(a) The United States Environmental Protection Agency has not established appropriate pesticide tolerances for, or permitted the registration and lawful use of, pesticides on cannabis crops intended for human consumption pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(b) The use of pesticides is not adequately regulated due to the omissions in federal law, and cannabis cultivated in California for California patients can and often does contain pesticide residues.

(c) Lawful California medical cannabis growers and caregivers urge the Department of Pesticide Regulation to provide guidance, in absence of federal guidance, on whether the pesticides currently used at most cannabis cultivation sites are actually safe for use on cannabis intended for human consumption.

19332. (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(e) The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this chapter. The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of medical cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. Nothing in this chapter, and no regulation adopted by the department, shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality control boards, or the Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Article 8 (commencing with Section 19337). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers, pursuant to Article 8 (commencing with Section 19337).

(f) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of medical cannabis meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

(g) State cultivator license types issued by the Department of Food and Agriculture include:

EXHIBIT A

(1) Type 1, or "specialty outdoor," for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or "specialty indoor," for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or "specialty mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 2, or "small outdoor," for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(5) Type 2A, or "small indoor," for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2B, or "small mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(7) Type 3, or "outdoor," for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(8) Type 3A, or "indoor," for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3B, or "mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 4, or "nursery," for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

19332.5. (a) Not later than January 1, 2020, the Department of Food and Agriculture in conjunction with the bureau, shall make available a certified organic designation and organic certification program for medical marijuana, if permitted under federal law and the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

(b) The bureau may establish appellations of origin for marijuana grown in California.

(c) It is unlawful for medical marijuana to be marketed, labeled, or sold as grown in a California county when the medical marijuana was not grown in that county.

(d) It is unlawful to use the name of a California county in the labeling, marketing, or packaging of medical marijuana products unless the product was grown in that county.

19333. An employee engaged in commercial cannabis cultivation activity shall be subject to Wage Order 4-2001 of the Industrial Welfare Commission.

SEC. 14. Article 7.5 (commencing with Section 19335) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 7.5. Unique Identifier and Track and Trace Program

19335. (a) The Department of Food and Agriculture, in consultation with the bureau, shall establish a track and trace program for reporting the movement of medical marijuana items throughout the distribution chain that utilizes a unique identifier pursuant to Section 11362.777 of the Health and Safety Code and secure packaging and is capable of providing information that captures, at a minimum, all of the following:

(1) The licensee receiving the product.

(2) The transaction date.

EXHIBIT A

(3) The cultivator from which the product originates, including the associated unique identifier, pursuant to Section 11362.777 of the Health and Safety Code.

(b) (1) The Department of Food and Agriculture shall create an electronic database containing the electronic shipping manifests which shall include, but not be limited to, the following information:

(A) The quantity, or weight, and variety of products shipped.

(B) The estimated times of departure and arrival.

(C) The quantity, or weight, and variety of products received.

(D) The actual time of departure and arrival.

(E) A categorization of the product.

(F) The license number and the unique identifier pursuant to Section 11362.777 of the Health and Safety Code issued by the licensing authority for all licensees involved in the shipping process, including cultivators, transporters, distributors, and dispensaries.

(2) (A) The database shall be designed to flag irregularities for all licensing authorities in this chapter to investigate. All licensing authorities pursuant to this chapter may access the database and share information related to licensees under this chapter, including social security and individual taxpayer identifications notwithstanding Section 30.

(B) The Department of Food and Agriculture shall immediately inform the bureau upon the finding of an irregularity or suspicious finding related to a licensee, applicant, or commercial cannabis activity for investigatory purposes.

(3) Licensing authorities and state and local agencies may, at any time, inspect shipments and request documentation for current inventory.

(4) The bureau shall have 24-hour access to the electronic database administered by the Department of Food and Agriculture.

(5) The Department of Food and Agriculture shall be authorized to enter into memoranda of understandings with licensing authorities for data sharing purposes, as deemed necessary by the Department of Food and Agriculture.

(6) Information received and contained in records kept by the Department of Food and Agriculture or licensing authorities for the purposes of administering this section are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter or a local ordinance.

(7) Upon the request of a state or local law enforcement agency, licensing authorities shall allow access to or provide information contained within the database to assist law enforcement in their duties and responsibilities pursuant to this chapter.

19336. (a) Chapter 4 (commencing with Section 55121) of Part 30 of Division 2 of the Revenue and Taxation Code shall apply with respect to the bureau's collection of the fees, civil fines, and penalties imposed pursuant to this chapter.

(b) Chapter 8 (commencing with Section 55381) of Part 30 of Division 2 of the Revenue and Taxation Code shall apply with respect to the disclosure of information under this chapter.

SEC. 15. Article 8 (commencing with Section 19337) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 8. Licensed Transporters

19337. (a) A licensee authorized to transport medical cannabis and medical cannabis products between licenses shall do so only as set forth in this chapter.

(b) Prior to transporting medical cannabis or medical cannabis products, a licensed transporter of medical cannabis or medical cannabis products shall do both of the following:

EXHIBIT A

(1) Complete an electronic shipping manifest as prescribed by the licensing authority. The shipping manifest must include the unique identifier, pursuant to Section 11362.777 of the Health and Safety Code, issued by the Department of Food and Agriculture for the original cannabis product.

(2) Securely transmit the manifest to the bureau and the licensee that will receive the medical cannabis product. The bureau shall inform the Department of Food and Agriculture of information pertaining to commercial cannabis activity for the purpose of the track and trace program identified in Section 19335.

(c) During transportation, the licensed transporter shall maintain a physical copy of the shipping manifest and make it available upon request to agents of the Department of Consumer Affairs and law enforcement officers.

(d) The licensee receiving the shipment shall maintain each electronic shipping manifest and shall make it available upon request to the Department of Consumer Affairs and any law enforcement officers.

(e) Upon receipt of the transported shipment, the licensee receiving the shipment shall submit to the licensing agency a record verifying receipt of the shipment and the details of the shipment.

(f) Transporting, or arranging for or facilitating the transport of, medical cannabis or medical cannabis products in violation of this chapter is grounds for disciplinary action against the license.

19338. (a) This chapter shall not be construed to authorize or permit a licensee to transport or cause to be transported cannabis or cannabis products outside the state, unless authorized by federal law.

(b) A local jurisdiction shall not prevent transportation of medical cannabis or medical cannabis products on public roads by a licensee transporting medical cannabis or medical cannabis products in compliance with this chapter.

SEC. 16. Article 11 (commencing with Section 19348) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 11. Taxation

19348. (a) (1) A county may impose a tax on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, or distributing medical cannabis or medical cannabis products by a licensee operating pursuant to this chapter.

(2) The board of supervisors shall specify in the ordinance proposing the tax the activities subject to the tax, the applicable rate or rates, the method of apportionment, if necessary, and the manner of collection of the tax. The tax may be imposed for general governmental purposes or for purposes specified in the ordinance by the board of supervisors.

(3) In addition to any other method of collection authorized by law, the board of supervisors may provide for the collection of the tax imposed pursuant to this section in the same manner, and subject to the same penalties and priority of lien, as other charges and taxes fixed and collected by the county. A tax imposed pursuant to this section is a tax and not a fee or special assessment. The board of supervisors shall specify whether the tax applies throughout the entire county or within the unincorporated area of the county.

(4) The tax authorized by this section may be imposed upon any or all of the activities set forth in paragraph (1), as specified in the ordinance, regardless of whether the activity is undertaken individually, collectively, or cooperatively, and regardless of whether the activity is for compensation or gratuitous, as determined by the board of supervisors.

(b) A tax imposed pursuant to this section shall be subject to applicable voter approval requirements imposed by law.

(c) This section is declaratory of existing law and does not limit or prohibit the levy or collection of any other fee, charge, or tax, or a license or service fee or charge upon, or related to, the activities set forth in subdivision (a) as otherwise provided by law. This section shall not be construed as a limitation upon the taxing authority of a county as provided by law.

(d) This section shall not be construed to authorize a county to impose a sales or use tax in addition to the sales and use tax imposed under an ordinance conforming to the provisions of Sections 7202 and 7203 of the Revenue and Taxation Code.

EXHIBIT A

SEC. 17. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 18. The Legislature finds and declares that Section 14 of this act, which adds Section 19335 to the Business and Professions Code, thereby imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The limitation imposed under this act is necessary for purposes of compliance with the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code), and the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code).

SEC. 19. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 20. This act shall become operative only if Assembly Bill 266 and Assembly Bill 243 of the 2015-16 Session are enacted and take effect on or before January 1, 2016.

EXHIBIT A

RESOLUTION PC-1552

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 15-08, A REQUEST TO ALLOW THE OPERATION OF A HEALTH/EXERCISE CLUB USE (THE CAMP TRANSFORMATION CENTER) LOCATED AT 173 VILLAGE COURT WITHIN CREATIVE GROWTH AREA 1 ZONE – REGIONAL COMMERCIAL (CG-1) (APN: 8386-008-023)

MOTION: Moved by Molina, seconded by Ross to approve Resolution PC-1552 approving Conditional Use Permit 15-08. Motion carried 4-0-1 (Davis absent).

5. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-09** – A request to amend Chapter 18.194 Medical Marijuana to prohibit cultivation of marijuana and to prohibit mobile marijuana dispensaries citywide, and other miscellaneous edits.

Staff report presented by *Senior Planner Marco Espinoza* who stated in 2004 California Senate Bill 420 was enacted to clarify the scope of the California Use Act of 1996. These new rules and regulations became known as the Medical Marijuana Program. In 2007 the City of San Dimas amended the code to prohibit medical marijuana dispensaries from operating within city limits. Recently three bills were adopted by the State Legislature that would allow the State to regulate aspects of cultivation and mobile delivery unless a city was to adopt regulations restricting these uses. He went through the timeframes set by the bills in which the City would need to take action if they so wished. The amendment will prohibit cultivation and delivery within the City. Mobile deliveries can drive through the City, they just cannot make deliveries within the City. The new language is consistent with the prohibition of dispensaries adopted by the City Council. He stated Staff received some additional language from the Sheriff's Department after the agenda was prepared and presented that to the Commission to review.

Commissioner Molina asked if there was a distinction between marijuana and medical marijuana. He asked if this would also cover mixing medical marijuana with another type of herb.

Senior Planner Espinoza stated Staff wanted it to be clear that no matter what type or how someone wants to identify it that it is not allowed in the City of San Dimas. Since the laws keep changing the intent was to have a blanket prohibition in case someone was to try and find a loophole. He stated this amendment covers any product that contains marijuana.

Commissioner Green clarified that someone with a medical card could possess product, it just cannot be sold or delivered within the City.

Senior Planner Espinoza stated that was correct and added that the State is trying to create a new licensing process for now in anticipation of possible legalization of recreational marijuana in the future.

Chairman Bratt stated the intention was to replace the wording in the resolution in the package with the wording that was passed out tonight containing the recommendation from the Sheriff's Department.

Senior Planner Espinoza stated that was correct.

Chairman Bratt opened the meeting for public hearing. There being no comments, the public hearing was closed.

EXHIBIT B

RESOLUTION PC-1553

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 15-09 TO THE CITY COUNCIL TO AMEND CHAPTER 18.194 MEDICAL MARIJUANA TO PROHIBIT THE CULTIVATION OF MARIJUANA AND THE ESTABLISHMENT OR OPERATION OF MOBILE MARIJUANA DISPENSARIES CITYWIDE, AND OTHER MISCELLANEOUS EDITS

MOTION: Moved by Ross, seconded by Molina to approve Resolution PC-1553 as amended recommending the City Council approve Municipal Code Text Amendment 15-09. Motion carried 4-0-1 (Davis absent).

ORAL COMMUNICATION

6. Community Development Department

Senior Planner Marco Espinoza stated the continued public hearing for the update to the City's Model Water Efficient Landscape Ordinance will be at the next regular Commission meeting on December 3, 2015.

7. Members of the Audience

No communications were made by the public.

8. Planning Commission

No communications were made by the Commission.

ADJOURNMENT

MOTION: Moved by Green, seconded by Molina to adjourn. Motion carried, 4-0-1 (Davis absent). The meeting adjourned at 8:19 p.m. to the regular Planning Commission meeting scheduled for Thursday, December 3, 2015, at 7:00 p.m.

David A. Bratt Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved:

EXHIBIT B

RESOLUTION PC-1553

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 15-09 TO THE CITY COUNCIL TO AMEND CHAPTER 18.194 MEDICAL MARIJUANA TO PROHIBIT THE CULTIVATION OF MARIJUANA AND THE ESTABLISHMENT OR OPERATION OF MOBILE MARIJUANA DISPENSARIES CITYWIDE, AND OTHER MISCELLANEOUS EDITS

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

WHEREAS, the Amendment is to modify Chapter 18.194 Medical Marijuana to comply with State law requirements for cultivation and mobile dispensaries (AB 266 and AB 243), and other miscellaneous edits; and

WHEREAS, the Amendment would affect all properties citywide; and

WHEREAS, notice was duly given of the public hearing on the matter and the public hearing held on Thursday, November 19, 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 further solidify the City's stance on prohibiting medical marijuana dispensaries, cultivation, and the mobile delivery of same. The prohibition of these uses will help protect property values in the city and not increase a wide range of illicit activities associated with the sale, cultivation and dispensing of marijuana and/or medical marijuana.

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

The code amendment will prohibit marijuana and medical marijuana dispensaries, cultivation and the mobile delivery of same within the City limits and will help protect the public health, safety and general welfare of the City and its residents. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with medical marijuana dispensaries, cultivation and the mobile delivery of same which is contrary to policies that are intended to promote and maintain the public's health, safety and

EXHIBIT C

welfare. These prohibited services will help preserve the City's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the City's law enforcement resources.

- 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 amendments prohibiting marijuana and medical marijuana dispensaries, cultivation, and the mobile delivery of same within the city limits are consistent with the existing language of Chapter 18.194 Medical Marijuana within the municipal code. It is recognized that it is a federal violation under the Controlled Substances Act and is classified as a "Schedule I Drug" which is defined as a drug or other substance that has a high potential for abuse. Furthermore, the Federal Controlled Substance Act makes it unlawful for any person to cultivate or dispense marijuana. The Controlled Substance Act contains no statutory exemption for the possession of marijuana for medical purposes.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 15-09 as set forth in attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 19th day of November, 2015 by the following vote:

AYES: Bratt, Green, Molina, Ross
NOES: None
ABSENT: Davis
ABSTAIN: None



David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

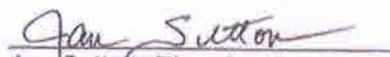

Jan Sutton, Planning Secretary

EXHIBIT C

EXHIBIT A
Municipal Code Text Amendment 15-09

*New text changes are in Blue and Underlined

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

Chapter 18.194

MEDICAL MARIJUANA ~~DISPENSARIES~~

Sections:

- 18.194.010 Purpose.
- 18.194.020 Definitions.
- 18.194.030 Prohibition.
- 18.194.040 Exemptions

18.194.010 Purpose.

The purpose and intent of this chapter is to prohibit marijuana and medical marijuana dispensaries, cultivation of marijuana, and the mobile delivery of same within the city limits. It is recognized that it is a federal violation under the Controlled Substances Act ~~to possess or distribute marijuana even if for medical purposes, and is~~ classified as a "Schedule I Drug" which is defined as a drug or other substance that has a high potential for abuse. Furthermore, the Federal Controlled Substance Act makes it unlawful for any person to cultivate, or dispense marijuana. The Controlled Substance Act contains no statutory exemption for the possession of marijuana for medical purposes.

In addition the prohibition of marijuana and medical marijuana dispensaries, cultivation of marijuana and the mobile delivery of same within the city limits will help protect the public health, safety and general welfare of the city and its residents. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with medical marijuana dispensaries, cultivation of marijuana and the mobile delivery of same which is contrary to policies that are intended to promote and maintain the public's health, safety and welfare. This chapter will help preserve the city's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the city's law enforcement resources.

18.194.020 Definitions.

As used in this chapter:

"Marijuana" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes marijuana infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks

EXHIBIT C

(except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant incapable of germination.

"Marijuana and/or Medical Marijuana Cultivation" means the planting, growing, harvesting, drying and/or processing of marijuana plants or any part thereof.

"Medical Marijuana" means marijuana used for medical purposes in accordance with California Health and Safety Code Section 11362.5.

"Medical marijuana dispensary" means any facility, location, association, cooperative, club, co-op, delivery service, collective, or entity of any nature that sells, grows, transmits, gives or otherwise distributes marijuana for medical purposes as defined in California Health and Safety Code Sections 11362.5 through 11362.83.

"Mobile Marijuana and/or Medical Marijuana Dispensary" means any facility, location, association, cooperative, club, co-op, collective, or entity of any nature that transports or delivers, or arranges the transportation or delivery of marijuana and/or medical marijuana for any purpose.

"Operation" means any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet or assist in the operation of a mobile marijuana dispensary.

"Person" means any person, firm, corporation, association, club, society, or other organization. The term person shall include any owner, manager, proprietor, employee, volunteer or salesperson.

18.194.030 Prohibition.

A. The establishment or operation of a medical marijuana dispensary as defined in this chapter shall be prohibited within the city limits. The delivery of marijuana or medical marijuana within city limits by any means is prohibited.

B. Marijuana and/or medical marijuana cultivation by any person, including primary caregivers and qualified patients, collectives, cooperatives and/or dispensaries are prohibited within the city limits.

C. The establishment or operation of a mobile marijuana and/or medical marijuana dispensary as defined in this chapter shall be prohibited within the city limits. No person shall locate, operate, own, suffer, allow to be operated or aid, abet, or assist in the operation of any mobile marijuana and/or medical marijuana dispensary within the City.

1. No person shall deliver and/or dispense marijuana and/or medical marijuana to any location within the City from a mobile marijuana dispensary or any other vehicle or method, regardless of where the mobile marijuana dispensary or vehicle is located or based, or engage in any operation for this purpose.

2. No person shall deliver and/or dispense any marijuana-infused product such as tinctures, baked goods or other consumable products, to any location within the City from a mobile marijuana dispensary or any other vehicle or method, regardless of where the mobile marijuana dispensary or vehicle is located or based or engage in any operation for this purpose.

ORDINANCE 1239

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 15-09 TO AMEND CHAPTER 18.194 MEDICAL MARIJUANA TO PROHIBIT THE CULTIVATION OF MARIJUANA AND THE ESTABLISHMENT OR OPERATION OF MOBILE MARIJUANA DISPENSARIES CITYWIDE, AND OTHER MISCELLANEOUS EDITS

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

SECTION 1. Title 18, Chapter 18.194 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 ____ day of _____, 20__, 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 1239 was introduced at a regular meeting of the City Council of the City of San Dimas on the 8th day of December, 2015, and thereafter passed and adopted at a regular meeting of said City Council held on the XX day of XXXX, 20XX.

EXHIBIT A
Municipal Code Text Amendment 15-09

*New text changes are in Blue and Underlined

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

Chapter 18.194

MEDICAL MARIJUANA ~~DISPENSARIES~~

Sections:

- 18.194.010 Purpose.**
- 18.194.020 Definitions.**
- 18.194.030 Prohibition.**
- 18.194.040 Exemptions**

18.194.010 Purpose.

The purpose and intent of this chapter is to prohibit marijuana and medical marijuana dispensaries, cultivation of marijuana, and the mobile delivery of same within the city limits. It is recognized that it is a federal violation under the Controlled Substances Act ~~to possess or distribute marijuana even if for medical purposes,~~ and is classified as a "Schedule I Drug" which is defined as a drug or other substance that has a high potential for abuse. Furthermore, the Federal Controlled Substance Act makes it unlawful for any person to cultivate, or dispense marijuana. The Controlled Substance Act contains no statutory exemption for the possession of marijuana for medical purposes.

In addition the prohibition of marijuana and medical marijuana dispensaries, cultivation of marijuana and the mobile delivery of same within the city limits will help protect the public health, safety and general welfare of the city and its residents. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with medical marijuana dispensaries, cultivation of marijuana and the mobile delivery of same which is contrary to policies that are intended to promote and maintain the public's health, safety and welfare. This chapter will help preserve the city's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the city's law enforcement resources.

18.194.020 Definitions.

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mixture, or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant incapable of germination.

"Marijuana and/or Medical Marijuana Cultivation" means the planting, growing, harvesting, drying and/or processing of marijuana plants or any part thereof.

"Medical Marijuana" means marijuana used for medical purposes in accordance with California Health and Safety Code Section 11362.5.

"Medical marijuana dispensary" means any facility, location, association, cooperative, club, co-op, delivery service, collective, or entity of any nature that sells, grows, transmits, gives or otherwise distributes marijuana for medical purposes as defined in California Health and Safety Code Sections 11362.5 through 11362.83.

"Mobile Marijuana and/or Medical Marijuana Dispensary" means any facility, location, association, cooperative, club, co-op, collective, or entity of any nature that transports or delivers, or arranges the transportation or delivery of marijuana and/or medical marijuana for any purpose.

"Operation" means any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet or assist in the operation of a mobile marijuana dispensary.

"Person" means any person, firm, corporation, association, club, society, or other organization. The term person shall include any owner, manager, proprietor, employee, volunteer or salesperson.

18.194.030 Prohibition.

A. The establishment or operation of a medical marijuana dispensary as defined in this chapter shall be prohibited within the city limits. The delivery of marijuana or medical marijuana within city limits by any means is prohibited.

B. Marijuana and/or medical marijuana cultivation by any person, including primary caregivers and qualified patients, collectives, cooperatives and/or dispensaries are prohibited within the city limits.

C. The establishment or operation of a mobile marijuana and/or medical marijuana dispensary as defined in this chapter shall be prohibited within the city limits. No person shall locate, operate, own, suffer, allow to be operated or aid, abet, or assist in the operation of any mobile marijuana and/or medical marijuana dispensary within the City.

1. No person shall deliver and/or dispense marijuana and/or medical marijuana to any location within the City from a mobile marijuana dispensary or any other vehicle or method, regardless of where the mobile marijuana dispensary or vehicle is located or based, or engage in any operation for this purpose.

2. No person shall deliver and/or dispense any marijuana-infused product such as tinctures, baked goods or other consumable products, to any location within the City from a mobile marijuana dispensary or any other vehicle or method, regardless of where the mobile marijuana dispensary or vehicle is located or based or engage in any operation for this purpose.



CITY OF SAN DIMAS PUBLIC FACILITIES
FINANCING CORPORATION
TUESDAY, DECEMBER 09, 2014
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

President Curtis W. Morris
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner
Councilmember Jeff Templeman

Secretary/Treasurer Blaine Michaelis
Assistant City Manager Ken Duran
City Attorney Mark Steres
Deputy City Clerk Debra Black

1. CALL TO ORDER

Chairman Morris called the meeting of the San Dimas Public Facilities Financing Corporation to order at 10:00 p.m.

2. PUBLIC COMMENTS *(This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)*

No one came forward.

3. APPROVAL OF MINUTES FOR MEETING OF DECEMBER 10, 2013.

A Motion was made by Councilmember Badar seconded by Councilmember Templeman to approve the minutes of December 10, 2013.

4. ELECTION OF OFFICERS

MOTION: It was moved by Councilmember Bertone and seconded by Councilmember Templeman to appoint Mayor Curtis Morris as President, Mayor Pro Tem John Ebner as Vice President and City Manager Blaine Michaelis as Secretary Treasurer. Motion carried by vote of five to zero (5-0)

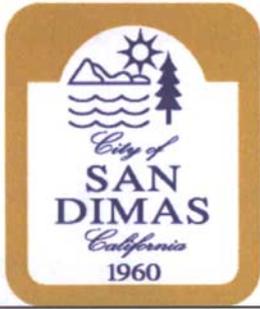
5. MEMBERS OF THE CORPORATION

There were no comments.

6. ADJOURNMENT

Chairman Morris adjourned the meeting at 10:02 p.m.

Debra Black, Deputy City Clerk



MINUTES
SAN DIMAS HOUSING AUTHORITY MEETING
TUESDAY, DECEMBER 9, 2014
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

Chairman Curtis W. Morris
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner
Councilmember Templeman

Executive Director Blaine Michaelis
Assistant City Manager Ken Duran
City Attorney Mark Steres
Deputy City Clerk Debra Black

CALL TO ORDER

Chairman Morris called the meeting to order at 10:02 p.m.

PUBLIC COMMENTS *(This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)*

No one came forward.

APPROVAL OF MINUTES

- a. Approval of Minutes from December 10, 2013

A motion was made by Councilmember Templeman seconded by Councilmember Badar to approve the minutes of December 10, 2013. The motion carried by vote of five to zero. **(5-0)**

City Manager Blaine Michaelis gave an update on the housing activities, 10 homes purchased last year are being actively marketed. The city has placed a summary along with contact information for the sales on the city's website.

MEMBERS OF THE AUTHORITY

Councilmember Templeman reminded the community that our council does not receive compensation for sitting on the board of these two corporations.

Chairman Morris adjourned the meeting of the San Dimas Housing Authority at 10:09 p.m. and reconvened the meeting of the San Dimas City Council.

Executive Director



Agenda Item Staff Report

TO: Chairman and Board of the San Dimas Housing Authority
For the meeting of December 8, 2015

FROM: Blaine Michaelis, Executive Director

INITIATED BY: Ken Duran, Assistant Executive Director

SUBJECT: Submittal of San Dimas Housing Authority Annual Audit and Annual Report

BACKGROUND

In 2014 State legislation was adopted requiring housing successor agencies to former redevelopment agencies, in our case the San Dimas Housing Authority, receive an annual report. The purpose of the report is to provide the Authority and public with a report on the housing assets and activities for a given fiscal year. Information for the report is generated from an independent financial audit and staff. There is specific information which is required to be included in the audit and report. Attached is a copy of the independent audit and report.

The report is for activities for FY 2014-15 ending June 30, 2015. The report only covers the assets and activities from the former redevelopment agency so it does not include assets or activities for the Charter Oak Mobile Home Park which was not a former agency asset but was always a separate asset of the Housing Authority. In summary the audit opinion finds that the Housing Successor is in compliance, in all material respects, with all internal controls over compliance.

One requirement of the report is to determine if the Authority has an excess amount of surplus revenue. Excess surplus is defined as any unencumbered surplus over \$1,000,000 or the total of four years' worth of deposits, whichever is greater. The audit concluded that the Authority does not have an excess surplus. If we did we would be required to encumber those funds for a housing project within three years.

The audit and report will also be posted on the City's website, per the requirement of the legislation.

RECOMMENDATION

Staff recommends that the Housing Authority Board receive and file the audit and report.

INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH APPLICABLE
REQUIREMENT AND ON INTERNAL CONTROL OVER COMPLIANCE

To the Honorable Mayor and Members of the City Council
City of San Dimas, California

Report on Compliance for the Housing Successor

We have audited the City of San Dimas Housing Successor Agency's (Housing Successor) compliance with the California Health and Safety Code sections applicable to California Housing Successor Agencies for the year ending June 30, 2015.

Management's Responsibility

Management is responsible for compliance with the California Health and Safety Code sections applicable to California Housing Successor Agencies.

Auditor's Responsibility

Our responsibility is to express an opinion on the Housing Successor's compliance with the California Health and Safety Code sections applicable to California Housing Successor Agencies. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in the *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred above that could have a direct and material effect on Housing Successor occurred. An audit includes examining, on a test basis, evidence about the Housing Successor's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for the Housing Successor. However, our audit does not provide a legal determination of the Housing Successor's compliance with those requirements.

Opinion

In our opinion, the Housing Successor complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on its Housing Successor for the year ending June 30, 2015.

Report on Internal Control over Compliance

Management of the Housing Successor is responsible for establishing and maintaining effective internal control over compliance with the type of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Housing Successor's internal control over compliance with the types of requirements that could have a direct and material effect on the Housing Successor to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance and to test and report on internal controls over compliance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance.



To the Honorable Mayor and Members of the City Council
City of San Dimas, California

Accordingly, we do not express an opinion on the effectiveness of the Housing Successor's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance of California Health and Safety Code sections applicable to California Housing Successor Agencies on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that a material noncompliance with a type of compliance requirement of California Health and Safety Code sections applicable to California Housing Successor Agencies will not be prevented, or detected and corrected on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Report on Excess/Surplus Calculation

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the City of San Dimas as of and for the year ended June 30, 2015, and have issued our report thereon dated October 9, 2015 which contained an unmodified opinion on those financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying report on excess/surplus calculation is presented for purposes of additional analysis only and is not a required part of the financial statements. Such information is the responsibility of management and was derived from the financial statements. The report on excess/surplus calculation has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of California Health and Safety Code sections applicable to California Housing Successor Agencies. Accordingly, this communication is not suitable for any other purpose.

Brea, California
October 9, 2015

CITY OF SAN DIMAS HOUSING SUCCESSOR

COMPUTATION OF HOUSING SUCCESSOR
EXCESS/SURPLUS (HSC 34176.1)

	Low and Moderate Housing Funds All Project Area July 1, 2014	Low and Moderate Housing Funds All Project Area July 1, 2015
Opening Fund Balance	\$ 5,201,289	\$ 5,137,605
Less Unavailable Amounts:		
Land held for resale	\$ (3,588,368)	\$ (3,588,368)
SERAF loans	(1,251,330)	(968,176)
	<u>(4,839,698)</u>	<u>(4,556,544)</u>
Available Housing Successor Funds	361,591	581,061
Limitation (greater of \$1,000,000 or four years deposits)		
Aggregate amount deposited for last four years:		
2014 - 2015	\$ -	\$ 129,033
2013 - 2014	101,478	101,478
2012 - 2013	108,021	108,021
2011 - 2012	124,571	124,571
2010 - 2011	<u>- A</u>	<u>- A</u>
Total	<u>\$ 334,070</u>	<u>\$ 463,103</u>
Base Limitation	<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>
Greater amount	<u>1,000,000</u>	<u>1,000,000</u>
Computed Excess/Surplus	<u>None</u>	<u>None</u>

A: There were no amounts deposited for these years since the Housing Successor was created in FY 2011-2012.

**HOUSING SUCCESSOR ANNUAL REPORT
REGARDING THE
LOW AND MODERATE INCOME HOUSING ASSET FUND
FOR FISCAL YEAR 2014-2015 PURSUANT TO
CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176.1(f)
FOR THE
CITY OF SAN DIMAS – HOUSING
AUTHORITY**

This Housing Successor Annual Report (Report) regarding the Low and Moderate Income Housing Asset Fund (LMIHAF) has been prepared pursuant to California Health and Safety Code Section 34176.1(f) and is dated as of December 8, 2015. This Report sets forth certain details of the City of San Dimas Housing Authority activities during Fiscal Year 2014-2015. The purpose of this Report is to provide the governing body of the Housing Successor an annual report on the housing assets and activities of the Housing Successor under Part 1.85, Division 24 of the California Health and Safety Code, in particular sections 34176 and 34176.1 (Dissolution Law).

The following Report is based upon information prepared by Housing Successor staff and information contained within the independent financial audit of the Low and Moderate Income Housing Asset Fund in the City of San Dimas, Financial Statements for Fiscal Year 2014-2015 as prepared by Lance, Soll & Lunghard, LLP, of which Audit is separate from this annual summary Report; further, this Report conforms with and is organized into sections I. through XI., inclusive, pursuant to Section 34176.1(f) of the Dissolution Law:

- I. **Amount Deposited into LMIHAF:** This section provides the total amount of funds deposited into the LMIHAF during the Fiscal Year. Any amounts deposited for items listed on the Recognized Obligation Payment Schedule (ROPS) must be distinguished from the other amounts deposited.
- II. **Ending Balance of LMIHAF:** This section provides a statement of the balance in the LMIHAF as of the close of the Fiscal Year. Any amounts deposited for items listed on the ROPS must be distinguished from the other amounts deposited.
- III. **Description of Expenditures from LMIHAF:** This section provides a description of the expenditures made from the LMIHAF during the Fiscal Year. The expenditures are to be categorized.
- IV. **Statutory Value of Assets Owned by Housing Successor:** This section provides the statutory value of real property owned by the Housing Successor, the value of loans and grants receivables, and the sum of these two amounts.

- V. **Description of Transfers:** This section describes transfers, if any, to another housing successor agency made in previous Fiscal Year(s), including whether the funds are unencumbered and the status of projects, if any, for which the transferred LMIHAF will be used. The sole purpose of the transfers must be for the development of transit priority projects, permanent supportive housing, housing for agricultural employees or special needs housing.
- VI. **Project Descriptions:** This section describes any project for which the Housing Successor receives or holds property tax revenue pursuant to the ROPS and the status of that project.
- VII. **Status of Compliance with Section 33334.16:** This section provides a status update on compliance with Section 33334.16 for interests in real property acquired by the former redevelopment agency prior to February 1, 2012. For interests in real property acquired on or after February 1, 2012, provide a status update on the project.
- VIII. **Description of Outstanding Obligations under Section 33413:** This section describes the outstanding inclusionary and replacement housing obligations, if any, under Section 33413 that remained outstanding prior to dissolution of the former redevelopment agency as of February 1, 2012 along with the Housing Successor's progress in meeting those prior obligations, if any, of the former redevelopment agency and how the Housing Successor's plans to meet unmet obligations, if any.
- IX. **Income Test:** This section provides the information required by Section 34176.1(a)(3)(B), or a description of expenditures by income restriction for five year period, with the time period beginning January 1, 2014 and whether the statutory thresholds have been met. However, reporting of the Income Test is not required until 2019.
- X. **Senior Housing Test:** This section provides the percentage of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the Housing Successor, its former redevelopment Agency, and its host jurisdiction within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing Assisted individually or jointly by the Housing Successor, its former Redevelopment Agency and its host jurisdiction within the same time period. For this Report the ten-year period reviewed is January 1, 2005 to January 1, 2015
- XI. **Excess Surplus Test:** This section provides the amount of excess surplus in the LMIHAF, if any, and the length of time that the Housing Successor has had excess surplus, and the Housing Successor's plan for eliminating the excess surplus.

This Report is to be provided to the Housing Successor's governing body by December 31, 2015. In addition, this Report and the former redevelopment agency's pre-dissolution Implementation Plan are to be made available to the public on the City's website at cityofsandimas.com.

I. AMOUNT DEPOSITED INTO LMIHAF

A total of \$129,033 was deposited into the LMIHAF during the Fiscal Year. Of the total funds deposited into the LMIHAF, a total of \$0 was designated for items listed on the ROPS.

II. ENDING BALANCE OF LMIHAF

At the close of the Fiscal Year, the ending balance in the LMIHAF was \$581,061 of which \$649,083 is designated for items listed on the ROPS.

III. DESCRIPTION OF EXPENDITURES FROM LMIHAF

The following is a description of expenditures from the LMIHAF by category:

		Fiscal Year
Monitoring & Administration Expenditures		
Homeless Prevention and Rapid Rehousing Services Expenditures		
Housing Development Expenditures		\$192,715
➤ Expenditures on Low Income Units		
➤ Expenditures on Very-Extremely Low Income Units		
➤ Total Housing Development Expenditures		
Total LMIHAF Expenditures in Fiscal Year TOTAL EXPENDITURES		\$192,715

IV. STATUTORY VALUE OF ASSETS OWNED BY HOUSING SUCCESSOR IN LMIHAF

Under the Dissolution Law and for purposes of this Report, the "statutory value of real property" means the value of properties formerly held by the former redevelopment agency as listed on the housing asset transfer schedule approved by the Department of Finance as listed in such schedule under Section 34176(a)(2), the value of the properties transferred to the Housing Successor pursuant to Section 34181(f), and the purchase price of property(ies) purchased by the Housing Successor. Further, the value of loans and grants receivable is included in these reported assets held in the LMIHAF.

The following provides the statutory value of assets owned by the Housing Successor.

	As of End of Fiscal Year
Statutory Value of Real Property Owned by Housing Authority	\$4,357,624
Value of Loans and Grants Receivable	\$968,176
Total Value of Housing Successor Assets	\$5,325,800

V. DESCRIPTION OF TRANSFERS

The Housing Successor did not make any LMIHAF transfers to other Housing Successor(s) under Section 34176.1(c)(2) during the Fiscal Year.

VI. PROJECT DESCRIPTIONS

The Housing Successor does not receive or hold property tax revenue pursuant to the ROPS.

The following is a description of project(s) for which the Housing Successor receives or holds property tax revenue pursuant to the ROPS as well as the status of the project(s):

Project Name	Status of Project
Grove Station Project :	In 2014-15 the 10 units were marketed and agreements to sell a few of the units have been reached and the first units will close escrow at the beginning of the 15-16 fiscal year. The remaining units are continuing to be marketed and we look to sell them in FY 15-16.

VII. STATUS OF COMPLIANCE WITH SECTION 33334.16

Section 34176.1 provides that Section 33334.16 does not apply to interests in real property acquired by the Housing Successor on or after February 1, 2012; however, this Report presents a status update on the project related to such real property.

With respect to interests in real property acquired by the former redevelopment agency *prior* to February 1, 2012, the time periods described in Section 33334.16 shall be deemed to have commenced on the date that the Department of Finance approved the property as a housing asset in the LMIHAF; thus, as to real property acquired by the former redevelopment agency now held by the Housing Successor in the LMIHAF, the Housing Successor must initiate activities consistent with the development of the real property for the purpose for which it was acquired within five years of the date the DOF approved such property as a housing asset.

The following provides a status update on the real property or properties housing asset(s) that were acquired prior to February 1, 2012 and compliance with five-year period:

Address of Property	Date of Acquisition	Deadline to Initiate Development Activity	Status of Housing Successor Activity
Monte Vista Apartments	7/4/96		City continues to operate L&M apartments.
Taylor Property	9/17/01		No new activity.

The following provides a status update on the project(s) for property or properties that have been acquired by the Housing Successor using LMIHAF on or after February 1, 2012:

Address of Property	Date of Acquisition	Deadline to Initiate Development Activity	Status of Housing Successor Activity
Various E Commercial	4 units 2012-13, 6 units 2013-14		FY 2015-16 finalize sale on first units and continue to market remaining units to sell.

VIII. DESCRIPTION OF OUTSTANDING OBLIGATIONS PURSUANT TO SECTION 33413

Replacement Housing: According to the 2010-2015 Implementation plan for the former redevelopment agency, no Section 33413(a) replacement housing obligations were transferred to the Housing Successor. The former redevelopment agency's Implementation Plans are posted on the City's website at cityofsandimas.com.

Inclusionary/Production Housing. According to the 2010-2015 Implementation Plan for the former redevelopment agency, no Section 33413(b) inclusionary/production housing obligations were transferred to the Housing Successor. The former redevelopment agency's Implementation Plans are posted on the City's website at cityofsandimas.com

IX. EXTREMELY-LOW INCOME TEST

Section 34176.1(a)(3)(B) requires that the Housing Successor must require at least 30% of the LMIHAF to be expended for development of rental housing affordable to and occupied by households earning 30% or less of the AMI. If the Housing Successor fails to comply with the Extremely-Low Income requirement in any five-year report, then the Housing Successor must ensure that at least 50% of the funds remaining in the LMIHAF be expended in each fiscal year following the latest fiscal year following the report on households earning 30% or less of the AMI until the Housing Successor demonstrates compliance with the Extremely-Low Income requirement. This information is not required to be reported until 2019 for the 2014 – 2019 period.

X. SENIOR HOUSING TEST

The Housing Successor is to calculate the percentage of units of deed-restricted rental housing restricted to seniors and assisted by the Housing Successor, the former redevelopment agency and/or the City within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted by the Housing Successor, the former redevelopment agency and/or City within the same time period. If this percentage exceeds 50%, then the Housing Successor cannot expend future funds in the LMIHAF to assist additional senior housing units until the Housing Successor or City assists and construction has commenced on a number of restricted rental units that is equal to 50% of the total amount of deed-restricted rental units.

The following provides the Housing Successor's Senior Housing Test for the 10 year period of January 1, 2005 to January 1, 2015:

Senior Housing Test January 1, 2005 to January 1, 2015	
# of Assisted Senior Rental Units	10
# of Total Assisted Rental Units	10
Senior Housing Percentage	100%

XI. EXCESS SURPLUS TEST

Excess Surplus is defined in Section 34176.1(d) as an unencumbered amount in the account that exceeds the greater of one million dollars (\$1,000,000) or the aggregate amount deposited into the account during the Housing Successor's preceding four Fiscal Years, whichever is greater.

The following page provides the Excess Surplus test for the preceding four Fiscal Years. The LMIHAF does not have an Excess Surplus as of Fiscal Year 2014-2015.



Agenda Item Staff Report

TO: Chairman and Board of the San Dimas Housing Authority
For the meeting of July 8, 2014

FROM: Blaine Michaelis, Executive Director

INITIATED BY: Ken Duran, Assistant Executive Director

SUBJECT: Approval of Administrative Services Agreement between the City of San Dimas and the San Dimas Housing Authority

BACKGROUND

With the dissolution of redevelopment agencies, HSC Section 34176 provided that a City Council could elect to retain the housing assets and functions of a dissolved redevelopment agency. On January 24, 2012 the City Council of the City of San Dimas adopted Resolution No. 2012-06 electing to have the San Dimas Housing Authority retain the housing assets and functions of the dissolved San Dimas Redevelopment Agency.

Shortly after the assets and functions were transferred many of the programs and functions were curtailed due to the elimination of new funding from tax increment set-aside funds. However, there were programs and functions that needed to be maintained for the continued operations of the housing assets. Since that time there have also been new programs and functions that have been added.

The personnel, equipment and facilities to maintain the Authority's functions have been absorbed by existing City staff and operations. When the Council approved the FY 14-15 Annual Capital and Operating Budget they approved the concept of the Housing Authority reimbursing the City for the personnel and expenses for managing the Housing Authority functions. To effectuate the reimbursement the City and Authority need to enter into an annual Administrative Services Agreement.

The current programs and functions of the Authority include:

- Oversight of management and maintenance of the Monte Vista Apartments.
- Oversight of the 10 Grove Station units. Planning and implementation of the sale of the Grove Station Units.
- Coordination with the property owners of the Bonita Gateway project on the advertising and qualifying for the low/mod units.
- Mobile Home Rehab Grant program.

- Accounting, treasurer, public meeting coordination and clerical support for the general Authority functions.

In the future there may other programs and functions taken on by the Authority that will need additional support.

The attached Agreement includes an exhibit which provides an estimate of the personnel hours and costs of this year's reimbursement. The estimated number of personnel hours is very conservative. The total cost based upon the estimate is \$65,500. The City will be reimbursed based upon the actual costs at the end of the year.

RECOMMENDATION

Staff recommends that the Housing Authority Board approve the attached Administrative Services Agreement with an estimate of \$65,500.

ADMINISTRATIVE SERVICES AGREEMENT

This Agreement entered into this 8th day of December, 2015 by and between the City of San Dimas, hereinafter referred to as "City" and the San Dimas Housing Authority, hereinafter referred to as "Authority".

WITNESSETH

WHEREAS, the City has the personnel, supplies and equipment required for the operation of the Authority's housing properties and programs.

WHEREAS, the Authority is desirous of utilizing said personnel, supplies and equipment.

NOW, THEREFORE, in consideration of the foregoing recital, the parties hereby do agree as follows:

1. Authority contracts with the City to provide personnel, supplies and equipment to maintain the effective operation of the Authority's housing properties and programs.
2. City agrees to provide Authority with adequate personnel, supplies and equipment. (see Attachment A)
3. This agreement may be terminated upon 30 days written notice by either party with the incurred charges to date due upon termination.
4. This agreement shall provide for services rendered from July 1, 2015 through June 30, 2016.
5. Authority agrees to pay the City annually based upon the actual hours of work performed by the personnel as estimated in Attachment A.

CITY OF SAN DIMAS

SAN DIMAS HOUSING AUTHORITY

BY: _____

Mayor

BY: _____

Chairman

ATTEST:

Deputy City Clerk

**ADMINISTRATIVE SERVICES AGREEMENT
BETWEEN
CITY OF SAN DIMAS AND SAN DIMAS HOUSING AUTHORITY
ESTIMATED BUDGET FY 15 - 16**

	<u>HOURS</u>	<u>RATE</u>	<u>COST</u>
ADMINISTRATIVE SERVICES			
CITY MANAGER	115	\$146.87	\$16,890.05
ASSISTANT CITY MANAGER	60	\$111.79	\$6,707.40
ADMINISTRATIVE SERVICES MANAGER	30	\$69.09	\$2,072.70
ASSISTANT CITY CLERK	6	\$43.29	\$259.74
ACCOUNTING SUPERVISOR	30	\$55.53	\$1,665.90
COMMUNITY DEVELOPMENT			
ASSISTANT CITY MANAGER OF COMMUNITY DEV	60	\$119.48	\$7,168.80
ADMINISTRATIVE AIDE	150	\$45.82	\$6,873.00
HOUSING INTERN	936	\$15.35	\$14,367.60
PARKS AND RECREATION			
FACILITIES MANAGER	20	\$79.23	\$1,584.60
FACILITIES SUPERVISOR	12	\$57.51	\$690.12
FACILITIES MAINTENANCE WORKER	24	\$52.75	\$1,266.00
TOTAL PERSONNEL			\$59,545.91
OVERHEAD 10%			\$5,954.59
TOTAL EXPENDITURES			\$65,500.50

*RATES ARE PRODUCTIVE HOURLY RATES
NUMBER OF HOURS ARE ESTIMATES*