



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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May 6, 2025

Jeff Malawy
City Attorney, City of San Dimas
1 Park Plaza, Suite 1000
Irvine, CA 92614

Re: Your Request for Formal Advice
Our File No. A-25-044

Dear Mr. Malawy:

This letter responds to your request for advice regarding the conflict of interest provisions of the Political Reform Act (the “Act”).¹

Please note that we are only providing advice under the conflict of interest provisions of the Act and not under other general conflict of interest prohibitions such as common law conflict of interest or Section 1090.

Also note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

Under the Act, may San Dimas City Council Members Ryan Vienna and Rachel Bratakos take part in City Council decisions regarding a proposed Parking Management Plan that would potentially impose on-street parking restrictions affecting a “1,500-Foot Radius Area” around a new light rail station, given that both officials own real property within that 1,500-Foot Radius Area?

CONCLUSION

Yes, the City Council Members may take part in the decisions. Although the Act would ordinarily prohibit them from taking part in decisions impacting real property located less than 500 feet from their respective real property interests, the “public generally exception” permits their participation where the decisions: (1) impact a certain number of residential real properties within a specific location; (2) establish, amend, or eliminate on-street parking restrictions; and (3) sufficient evidence has been gathered by the City Council to support the need for such restrictions. Because

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

that criteria is satisfied in this case, the public generally exception allows the City Council Members to take part in the Parking Management Plan decisions.

FACTS AS PRESENTED BY REQUESTER

The City of San Dimas has a light rail line known as the “A Line,” and formerly referred to as the “Gold Line” (hereafter referred to as the “Gold Line/A Line”), that is operated by the Los Angeles County Metropolitan Transportation Authority (“LA Metro”). Upon opening, the Gold Line/A Line Station in San Dimas will provide direct light rail service to Pasadena, Downtown Los Angeles, and Long Beach. The Gold Line/A Line Station is expected to commence operation in July or August of 2025.

The present request generally pertains to the City Council’s consideration of new parking restrictions in the vicinity of the Gold Line/A Line Station in the downtown San Dimas area in anticipation of the station commencing operations. As currently contemplated, the parking restrictions would potentially apply to on-street and off-street public parking within a 1,500-foot radius of the location of the Gold Line/A Line Station and its parking facility. Council Member Vienna and Council Member Bratakos owns real property within that 1,500-foot radius.

Phase 2A of the light rail extension was completed and has been in operation since 2015. Phase 2B is scheduled to begin passenger service to San Dimas in July or August 2025. The Gold Line/ A Line Station is located in downtown San Dimas. The Gold Line/A-Line Station Parking Facility (hereafter the “LA Metro Parking Facility”) is located to the immediate south of the Gold Line/A-Line right of way. The LA Metro Parking Facility will be owned and operated by LA Metro, and the daily parking rate will initially be \$3.00 per day. Any parking restrictions in the Facility and the parking rates will be determined solely by LA Metro.

Currently, there is no charge to park anywhere else in downtown San Dimas, either on-street or off-street, in both privately owned lots and City-owned lots providing for off-street parking (hereafter the “Municipal Lots”) and no time limit on parking during the day. In the downtown San Dimas area, there are 6 Municipal Lots that, in total, provide approximately 400 off-street parking spaces. (The City currently has overnight parking restrictions; City-wide, parking is prohibited on all City streets between the hours of 2 a.m. and 5 a.m. under San Dimas Municipal Code.)

City staff has researched the potential impacts the opening of the Gold Line/A-Line Station will have on the availability of daytime parking in the downtown San Dimas area. Based on the information provided by other cities and the Authority, City staff anticipates that some commuters using the Gold Line/A-Line Station will prefer to park for free in Municipal Lots or on streets near the Gold Line/A-Line Station rather than pay the daily charge for parking in the LA Metro Parking Facility. This would potentially negatively impact businesses near the Gold Line/A-Line Station because the number of free parking spaces currently available for customers and employees would be reduced. The character of nearby residential neighborhoods could also potentially be negatively impacted. There would potentially be more traffic on residential streets during morning and evening commute hours, more cars parked on residential streets during daytime hours, and on-street parking for visitors to residential neighborhoods during weekdays could become more difficult to locate.

To address potential impacts on businesses and neighborhoods in the vicinity of the Gold Line/A Line Station, City staff has been studying commuter parking management strategies in nearby cities. It has been developing a proposed “Parking Management Plan” for City Council consideration, intended to keep parking spots available for San Dimas businesses and residents on public streets and Municipal Lots near the Gold Line/A-Line Station.

The Parking Management Plan is anticipated to involve parking restrictions within a 1,500-foot radius from the Gold Line/A-Line Station and LA Metro Parking Facility (hereafter the “1,500-Foot Radius Area”). The restrictions would apply to Municipal Lots and public streets bordering businesses and residential areas within the 1,500-Foot Radius Area. Parking in privately owned lots within the 1,500-Foot Radius Area is not anticipated to be regulated by the City but would be addressed through informational outreach to the lot owners.

Specifically, future adoption and/or implementation of the proposed Parking Management Plan could entail the following within the 1,500-Foot Radius Area:

- a. Concerning public streets in residential areas/bordering residential areas, time-restricted parking (e.g., maximum 4-hour parking), and/or creation of residential permit parking districts.
- b. With respect to the Municipal Lots and public streets bordering businesses, time-restricted parking (e.g., maximum 4-hour parking between 6:00 a.m. and 12:00 p.m., Monday through Friday). Additionally, there could be a permit system that would allow employees of businesses with a permit to park within the time-restricted areas without being subject to the time limits that would otherwise apply.

These parking restrictions could be enacted through the City Council’s adoption of ordinances and/or resolutions.

Council Member Vienna’s Real Property

San Dimas City Council Member Ryan Vienna was elected to the San Dimas City Council in March 2017. Council Member Vienna owns a residential condominium on E. Commercial Street in San Dimas. Council Member Vienna does not live in this residence but rents it as a source of income. The condominium is part of a 67-unit condominium complex known as the “San Dimas Village Walk”. The San Dimas Village Walk complex is south of and abutting the location of the Gold Line/A-Line Station platform. The location of the LA Metro Parking Facility is immediately to the west of the San Dimas Village Walk complex. The San Dimas Village Walk complex and Council Member Vienna’s condominium unit are within 500 feet of the Gold Line/A Line Station platform and LA Metro Parking Facility.

Council Member Bratakos’s Real Property

San Dimas City Council Member Rachel Bratakos was elected to the San Dimas City Council in March 2024. Council Member Bratakos owns and resides in a single-family residence located at 312 South Drifton Avenue in San Dimas. The home is within the 1,500-Foot Radius Area. The home is on a residential street in a residential neighborhood. The home is located 464 feet from the LA Metro Parking Facility and more than 1,000 feet and less than 1,500 feet from the

Gold Line/A-Line Station platform. South Drifton Avenue consists entirely of single-family residences and is a public street with no daytime parking restrictions. (The City-wide 2 a.m. to 5 a.m. restriction applies to this street.) The nearest Municipal Lot is located more than 500 feet and less than 1,000 feet from her home.

It is anticipated that any parking restrictions or requirements enacted by the City Council as part of the Parking Management Plan that apply to public streets in residential areas would apply in the same way to South Drifton Avenue.

The City of San Dimas population is approximately 35,000. It is approximately 15 square miles. There are approximately 10,413 residential parcels in the City. Within the 1,500 Foot Radius Area under consideration for the Parking Management Plan, there are approximately 607 residential parcels.

ANALYSIS

Under Section 87100 of the Act, “[a] public official at any level of state or local government shall not make, participate in making or in any way attempt to use the official’s position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest.” “A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of the official’s immediate family,” or on certain specified economic interests. (Section 87103.) Among those specified economic interests are:

- Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.
- Any source of income . . . aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.
- Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more, or in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(Section 87103(a)-(d).)

Council Members Vienna and Bratakos both have real property interests. Council Member Vienna also has interests in his rental business as both a business entity and source of income and potential interests in any tenants as sources of income.

Regulation 18701(a) provides the applicable standard for determining the foreseeability of a financial effect on an economic interest explicitly involved in the governmental decision. It states, “[a] financial effect on a financial interest is presumed to be reasonably foreseeable if the financial interest is a named party in, or the subject of, a governmental decision before the official or the official’s agency. A financial interest is the subject of a proceeding if the decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or

contract with, the financial interest, and includes any governmental decision affecting a real property financial interest as described in Regulation 18702.2(a)(1)-(6).”

Where an official’s economic interest is not explicitly involved in the governmental decision, the applicable standard for determining the foreseeability of a financial effect on the economic interest is found in Regulation 18701(b). That regulation provides, “[a] financial effect need not be likely to be considered reasonably foreseeable. In general, if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable. If the financial result cannot be expected absent extraordinary circumstances not subject to the public official’s control, it is not reasonably foreseeable.”

The reasonably foreseeable financial effect of a governmental decision on a parcel of real property in which an official has a financial interest, other than a leasehold interest, is material whenever the governmental decision involves property located 500 feet or less from the property line of the parcel unless there is clear and convincing evidence that the decision will not have any measurable impact on the official’s property. (Regulation 18702.2(a)(7).)

The Parking Management Plan is anticipated to involve parking restrictions within the 1,500-Foot Radius Area. Council Member Vienna’s condominium unit, which he rents out, as well as Council Member Bratakos’s residence, are located within the 1,500-Foot Radius Area. In other words, governmental decisions pertaining to parking restrictions within the 1,500-Foot Radius Area involve property located 500 feet or less from the officials’ respective real property interests. Based on the facts provided, there is no clear and convincing evidence the decisions will not have any measurable impact on the officials’ respective real property interests. Therefore, the Act generally prohibits Council Members Vienna and Bratakos from taking part in the Parking Management Plan decisions unless an exception applies.

As noted above, Council Member Vienna also has economic interests in his rental business and potential interest in any tenants of the rental property. However, it is unnecessary to analyze the materiality of any reasonably foreseeable financial effect on these interests because, as discussed below, the public generally will permit the officials to take part in the governmental decisions as long as the official’s interests are not uniquely affected.

Public Generally Exception

When an official has a disqualifying financial interest under the Act, an official may still participate under the “public generally” exception. Regulation 18703(a) permits a public official to take part in a governmental decision under the Act that affects one or more of the official’s interests if the decision’s financial effect on the interest is indistinguishable from its effect on the public generally. This standard is met if the official establishes that a significant segment of the public is affected, and the effect on the official’s financial interest is not unique compared to the effect on the significant segment. (Regulation 18703(a).)

Regulation 18703(e) includes provisions for applying the public generally exception under special circumstances. Relevant here, the financial effect on a public official’s financial interest is deemed indistinguishable from that of the public generally if the official establishes the decision affects residential real property limited to a specific location, encompassing more than fifty residential real properties, or five percent of the residential real properties in the official’s

jurisdiction, and the decision establishes, amends, or eliminates ordinances that restrict on-street parking, impose traffic controls, deter vagrancy, reduce nuisance or improve public safety, provided the body making the decision gathers sufficient evidence to support the need for the action at the specific location. (Regulation 18703(e)(3).)

Here, the Parking Management Plan is anticipated to involve parking restrictions within the 1,500-Foot Radius Area, a specific location encompassing more than fifty residential real properties or five percent of the City's residential real properties. The ordinances would place restrictions on on-street parking. Additionally, the facts indicate that City staff conducted extensive research and outreach. As a result, City staff anticipates the opening of the Gold Line/A-Line Station may result in increased on-street parking from commuters using the Gold Line/A-Line, potentially resulting in a negative impact on nearby businesses and residential neighborhoods. Consequently, City staff has gathered sufficient evidence to support the need for the on-street parking ordinances and the public generally exception applies. Therefore, the Act does not prohibit Council Members Vienna and Bratakos from taking part in the Parking Management Plan decisions, despite owning real property within the affected area.

If you have other questions on this matter, please contact me at kcornwall@fppc.ca.gov.

Sincerely,

Dave Bainbridge
General Counsel



by: Kevin Cornwall
Senior Counsel, Legal Division

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