



MINUTES
SPECIAL JOINT MEETING OF
CITY COUNCIL/PLANNING COMMISSION
SATURDAY, SEPTEMBER 15, 2007, 8:00 A.M.-11:30 A.M.
SENIOR CITIZENS/COMMUNITY CENTER
201 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner (arrived 8:26 a.m.)

PLANNING COMMISSION:

Chair David Bratt
Vice Chair Jim Schoonover
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Parks and Recreation Theresa Bruns
Planning Manager Craig Hensley
Consultants Karen Werner & Beth Stochl

1. CALL TO ORDER

Mayor Morris called the meeting to order at 8:00 a.m.

2. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item 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. Speakers are limited to three minutes or as determined by the Mayor.)

- a. Members of the Audience

There were no comments.

3. OTHER MATTERS

- a. Update and discussion regarding Brown Act including ex parte communications (Ken Brown & Larry Stevens [estimated 15-30 minutes]).

City Attorney Ken Brown said it is very personal to Councilmembers and Commissioners how they deal with an issue of site inspections and conversations with the developer, applicant, or citizen. However, Mr. Brown said when the matter is before them in a public hearing, it is important for the public record to disclose those meetings and conversations.

Assistant City Manager Stevens stated that decisions are based on what is discussed at the public hearing and it is important to disclose outside contact for a full complete record.

Mr. Brown responded to inquiries as follows:

- If a meeting, site inspection, or phone call is a factor that influences the member's decision, it is appropriate to disclose.
- If a decision maker tries to influence the staff report, a city manager level or city attorney may have discussions with the Mayor about a colleague having conversations with the City Council.
- It is not a legal requirement to disqualify a decision maker if a member of the family testifies at a public hearing; however, it is an opportunity for the decision maker to be perceived as fair.

Mr. Brown said the Brown Act requires only matters that have been properly agendaized can be discussed and acted upon. He said the purpose of a public hearing is to result in a fair decision after hearing the presentation and testimony.

Director Coleman pointed out that decision makers need to be cautioned against stating an intended vote prior to the conclusion of the public testimony.

Mayor Morris felt it was appropriate to contact the City Attorney if a member of the City Council or Planning Commission had an issue about the ethics of a situation.

City Manager Michaelis stated that everyone should be comfortable contacting the City Attorney on an ethics matter. He requested that he be contacted on any other legal service.

- b. Update regarding planning and zoning legislative changes for 2007 (Larry Stevens) [estimated 15-30 minutes].

Assistant City Manager Stevens summarized legislative bills that became effective in 2006 and impact local jurisdictions.

2005 bills:

AB138 - Legislators requested revised procedures reducing mandated reimbursements.

AB1233 - Within one year of adopting the Housing Element, Cities are obligated to rezone all properties to accommodate regional housing needs or lose authority over land use decisions.

AB1746 - LAFCO bill governs procedures for the formation and change of organization of cities and special districts.

SB326 - establishes requirements regarding multi-housing developments, not subject to a conditional use permit. He said the City's project is not affected.

SB575 - prohibits denial of low and very low income housing projects.

SB648- changes internal process requirements on CEQA documents.

SB950 - Redevelopment Agency bill addresses financing for affordable projects' time periods to maintain.

SB1087 - an effort to link general plan review, including housing element, to issue adequate water and sewer service, not subject to RHNA.

2006 bills:

AB782 - changes definition for blight of irregularly shaped parcels.

AB1387 - amendment to give exemption to impact in-fill resident projects that have higher density near a transit stop, in an infill site, in urbanized areas.

In response to Councilmember Ebner, Mr. Stevens stated this allows the City to not make a finding and it weakens CEQA.

AB1881- sunset provision on law adopted 10 years ago, water efficiency landscaping code section needs to be updated by January, 2009 and local agencies must readopt.

AB2511- effort to prohibit cities from discriminating against or prohibiting emergency shelters for low income. Makes it easier to fight city government through the courts.

AB 2364 - creates new category of affordable housing, including extremely low income. He said RHNA does not include extremely low, but will probably come up in the 2014 cycle, next level.

AB2751- fee based requirement when establishing impact fees, only based upon increase in deficiency associated with project.

AB 2867- clarifies for public hearing notices to use updated rolls than annualized rolls.

Commissioner Ensberg left at 9:01 a.m. and returned at 9:03 a.m.

SB 53 - additional restriction on acquisition of properties by eminent domain, adding additional findings regarding adoption of plans.

SB1206 another amendment that limits property the Redevelopment Agency could address.

SB1210 - changes procedures regarding payment of costs for an independent appraisal of property.

SB1535 – filing fee of \$1,800 required for negative declaration.

In response to Councilmember Bertone, Mr. Stevens said the applicant would pay the costs. He stated that with this law in effect the city no longer has authority to do diminutive findings; Fish and Game would make that decision. He said staff has done more categorical exemptions.

SB1627 – new bill on wireless facilities that reduces city's ability to approve discretionary permits for collocated wireless facilities.

SB1650 - another adjustment to eminent domain law that affects Redevelopment Agency.

SB1689 - bonding program for transitory development that makes available bonds to be administered by HCD.

AB32 – Governor's green house gas policy that basically instructs the State Board to develop model regulations/provisions to address green house gases.

In response to Mayor Pro Tem Templeman, Mr. Stevens stated the some processes would affect land use approval and how they are considered in CEQA as a means to reduce green house gas emissions. He did not know how it would come out.

Mayor Morris directed staff to look at bills that impose penalties on local government.

- c. Update and discussion regarding approaches to 2008 Housing Element (Karen Werner & Beth Stochl - consultants, Craig Hensley, Larry Stevens) [estimated 2 hours].
 - o General overview of Housing Element
 - o Key Housing Element needs
 - o Regional Housing Needs Assessment (RHNA) for San Dimas
 - o Density parameters required in the Housing Element
 - o Site Options to address Housing needs

Planning Manager Hensley said Consultants Karen Werner and Beth Stochl are preparing the housing element and would provide an overview.

Consultant Karen Werner illustrated a Powerpoint presentation on the overall content of the housing element to meet the state statute and set forth the City's regional housing needs. She stated that the housing element is required to undergo State HCD review for statutory compliance and if the courts rule the element is not in compliance, they have the authority to shut down any discretionary authority. She added if HCD approves the housing element, local government has access to State funds. She mentioned that in 2000, the City of San Dimas adopted the housing element which was deemed not in compliance. It was revised and adopted in 2002 including specific sites to address regional housing needs and received the State's approval, which expires June 30, 2008. She stressed the importance of updating the housing element to maintain HCD approval. She outlined the approval process for the 2008-2014 housing element.

Consultant Beth Stochl stated that in 2000 when the previous element was completed, not all information from the 2000 census was updated. She provided a growth comparison of San Dimas from 1980-2007; vital statistics of owners/renters including income and age characteristics. She covered age and condition of housing and stated that mobile homes comprise 7% of homes in San Dimas. She added that seniors are a growing segment of the population with special needs. Ms. Stochl reported that Villa San Dimas and Voorhis Village are units at risk of conversion.

Manager Hensley stated that he is working with another consultant for substantial rehabilitation of Villa San Dimas. He added that the substantial rehabilitation of Voorhis will allow the city to get credit for previously constructed units.

Ms. Werner reported that the Regional Housing Needs Allocation Plan was adopted by SCAG and approved by the State. She mentioned that San Dimas was successful in having the larger number reduced; however, San Dimas needs to demonstrate it has site zones at the appropriate density to accommodate the total requirement of 625 units. She said the City could also get credit by preserving existing units as long term affordable housing. She indicated the State is looking at adequate site zones, generally multi-family zoning for low or very low income.

In response to Council and staff, Ms. Werner stated that San Dimas would have to prove that the site zoned at lower densities could provide affordability.

Councilmember Bertone left the room at 10:14 a.m. and returned at 10:16 a.m.

Assistant City Manager Stevens stated that the City is not obligated to build units; the requirement is to provide the opportunity for someone to build the units.

Councilmember Badar left the room at 10:25 a.m. and returned at 10:25 a.m.

Mr. Hensley reviewed in detail possible housing sites, possible land use designation, and unit yield for 24-30 units per acre candidates and 12-16 units per acre candidates. He noted that the City has zoning for 357 available housing units in vacant lots and currently approved projects.

Councilmember Ebner left the room at 10:39 a.m. and returned at 10:41 a.m.

Mr. Stevens emphasized that these listings are not proposals.

Mr. Hensley continued discussion of possible housing sites and suggested an inclusionary requirement for affordability at each property.

Mayor Pro Tem Templeman directed that impacted neighborhoods be noticed of projects.

4. ADJOURNMENT

Mayor Morris adjourned the meeting at 11:44 a.m. The next City Council meeting is September 25, 2007, 7:00 p.m.

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

ATTEST:

Ina Rios, CMC, City Clerk