

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, February 6, 2008 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner John Davis
Commissioner M. Yunus Rahi
Planning Manager Craig Hensley
Associate Planner Marco Espinoza
Associate Planner Kristi Grabow

Absent

Commissioner Stephen Ensberg

CALL TO ORDER AND FLAG SALUTE

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

CONSENT CALENDAR

1. Approval of Minutes: December 19, 2007

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

PUBLIC HEARINGS

2. **CONSIDERATION OF GENERAL PLAN AMENDMENT 08-01** – A request to consider the Draft 2008 Housing Element.

Commissioner Bratt stated he lives near one of the sites proposed for re-zoning and asked if he should recuse himself.

Planning Manager Craig Hensley stated that would not be necessary tonight, only when the hearing for re-zoning was considered by the Commission.

Staff report presented by Planning Manager Hensley, who stated the State requires the Housing Element of the General Plan be updated every five years. Staff is compiling comments from the Planning Commission tonight, and then will go to the City Council on February 26th. Subsequent to those meetings, the document will be updated and sent to the State Housing and Community Development Department (HCD) for review. Staff will then make any changes required by HCD to the document, and it will be brought back for Council adoption. The process needs to be completed by June 2008. He stated the City has hired Karen Warner and Associates, and tonight both Karen Warner and Beth Stochl, Project Manager, will give a presentation on the Draft Housing Element.

Beth Stochl, Project Manager, stated at the September meeting they covered what is a Housing Element and the housing needs of the City. She explained that an important reason for the City to comply is that once the Housing Element is certified by HCD, then the City is deemed in compliance by the courts and can issue building permits and maintain discretionary review of projects. Compliance also allows the City to receive certain State housing funds.

In regards to demographic trends, there has been a shift to an older population and a decrease in young adults and families with children; two-thirds of the housing stock will be 30 years old by 2010; and feels there is a need to look at special needs population. Another thing they take into consideration is housing costs and spoke about the costs of rents and median home prices, and the gap in affordability for homes and condos.

She discussed the Regional Housing Needs Assessment (RHNA) for the current Housing Element for 1998-2006. She stated while the City has provided incentives for mixed-use projects and maintained affordability at Charter Oak Mobile Home Park, as well as providing rehabilitation assistance for 471 homes, etc., these programs did not count towards the City's RHNA goals. She then presented information on the needs for the upcoming draft and the 625 units required by RHNA, how the number was broken down by very-low, low, moderate and above moderate income levels and possible sites to re-zone to meet those needs. This is the first time the State has set a default density for low-income housing at 30 dwelling units per acre (dua) minimum and explained how unless this density level was met, the project would not count towards the RHNA requirements. She felt there were sites available that could address the 263 units required for lower income, 86 units for moderate and 224 units for above moderate.

Beth Stochl, Project Manager, then discussed possible sites to meet these numbers. She stated that with vacant land in the hillside areas, you could accommodate 224 units of above moderate housing. She stated there are two sites currently zoned at 16 dua that could accommodate the moderate income level, which are the downtown mixed-use and the San Dimas/Allen site; downtown residential above commercial would require new zoning. For lower income units, the City can utilize the Villa San Dimas by preserving the existing units there that are at-risk to lose their low-income status. The School District site, the Gladstone site and the other various sites mentioned in her report would require a zone change in order to accommodate the 30 dua requirement. She also explained how the Redevelopment Agency can assist with subsidizing low and moderate income housing. Sites located in a Redevelopment Area have an inclusionary housing requirement, and they are working with Staff to consider increasing the inclusionary housing number for projects.

Planning Manager Hensley presented background information on negotiations with SCAG to lower the RHNA requirement and how 625 became the final number. When they hired the consultant, the stated goal was to provide a Housing Element that meets State requirements,

and develop solutions to accomplish that. One thing the City will need to do as part of this implementation is to update the code that allows homeless and transitional housing in the public/semi-public zone. Currently it is allowed with a Conditional Use Permit, but last year SB 2 was signed into law which prohibits cities from requiring a CUP for this use, though they will still have design review ability.

He then spoke about possible sites that could have portions rezoned to 30 duu, such as the Bonita School District site, or the parcel east of the Grove Station near the area designated as a possible site for the Gold Line station. Another possible site is the 1.3 acre property on Gladstone just east of the 57 freeway. They can also consider re-zoning the downtown area to accommodate and encourage residential units above commercial and office uses. Staff is also considering the idea of outlining properties that may require rezoning but not mandate rezoning through this document, such as two large properties located on North Eucla near the railroad tracks. This would show HCD that the City is trying to comply with their requirements. He stated they are also looking at increasing the inclusionary requirement for projects built in a Redevelopment area from 15% to 20%.

In response to a question e-mailed to him by Commissioner Davis, Planning Manager Hensley stated that if the City did not comply and adopt a new Housing Element using the State required RHNA numbers, the penalties were quite onerous. The most damaging potential is that you open the City up to legal action from developers and housing proponents. The City could also lose the right to zone certain property and control of zoning in some areas. Secondly, the City currently receives approximately \$500,000 in State housing funds for things like the Housing Rehabilitation program which we would lose.

Commissioner Bratt wanted to clarify if all the properties under discussion were owned by the Redevelopment Agency.

Planning Manager Hensley stated no, that they were located in designated redevelopment areas and explained how funding is granted.

Commissioner Bratt stated the School District has indicated that they want to sell their site for commercial development. If the City rezones it and requires 2.5 acres to be high density housing, does that open the City to a lawsuit for devaluation of the property.

Planning Manager Hensley stated anyone can file a lawsuit, but as far as considering a rezoning as a taking of property, the property owner would have to prove that it has lost all value. Even with high density residential zoning, there will still be a value to the property, and it may not have a reduction in value at all.

Commissioner Bratt stated the City is currently seeking funds from conservation groups to purchase property in the northern foothills for open space, but this report is including that property as a means of meeting the housing numbers. He felt this would send a mixed message to the conservation groups

Planning Manager Hensley stated they have not received any funding yet, and until that property changes the zoning for the units that are currently allowed, it can be considered a potential site for compliance. If it is purchased for open space, then the City would look at substituting another site.

Commissioner Bratt stated he was very concerned that environmental and infrastructure have been addressed on one page and did not feel that was realistic. This document talks about bringing in 625 housing units with approximately 3,000 people, and no where in the document does it address impacts on the schools, water supply, infrastructure, etc. He wanted to know why that hasn't been considered.

Planning Manager Hensley stated initially staff wanted to make it clear to the State that they would be happy to rezone property when they could prove that there would be water available to support it. The consultant advised that those items can't be analyzed at this point in time. It's not an issue of whether there is impact, it's are you going to provide the housing units.

Commissioner Bratt felt they are putting together a report the State will accept but there is no realistic way to implement it. If they are required to do this, he felt it should be a well-thought out plan that covers all aspects, including the infrastructure.

Karen Warner, Consultant, stated that as specific projects are developed they will go through a detailed environmental review. The level of analysis required for the Housing Element is very perfunctory.

Commissioner Bratt reiterated that he felt they were taking the wrong approach, did not agree with the recommendations for the School District site or hillside property and felt they would never develop in this manner and should not be included in the report because if this is adopted, the City will have to live by it.

Planning Manager Hensley stated when a project is applied for, it may need to go through the process of an EIR and mitigations to address impacts to storm drains and circulation; that is the process even if you aren't looking at 30 du. The Housing Element is a physical growth document, not a project specific document, and whether it is possible or reasonable, that is not something the City has the purview of determining, it is a mandate by the State.

Commissioner Rahi stated he concurred with Commissioner Bratt and asked how the Housing Element can be approved without reviewing the other elements to see how they will be impacted by these changes.

Karen Warner, Consultant, stated it would be better if the Land Use Element was updated prior to the Housing Element, but the State has mandated that the Housing Element be adopted by June 2008 with zoning and general plan amendments adopted within one year. There will be environmental analysis conducted as part of the rezoning and general plan process, but circulation is not required to be done as part of the Housing Element approval process.

Planning Manager Hensley stated all the Elements were reviewed twenty years ago when the City did the last General Plan update. Since that time there has been a progression of the reduction of home rule for cities and their ability to make land use decisions. One of those progressions is that Housing Elements are on a different time schedule than Land Use or Circulation Elements. From a planning perspective it doesn't make sense, but that has been usurped by State law, and the process tonight is to meet that State mandate.

Commissioner Rahi asked if they will have the ability to amend the Housing Element if they discover future problems with not being in alignment with the other Elements. He asked if the City was in agreement with the 625 required units.

Planning Manager stated there is the ability to amend the Housing Element as long as they don't reduce the density of a property without providing for it somewhere else. As to the RHNA number, the City had very limited input and the SCAG Board made the determination. The City asked to have the number reduced to 250-300 units, but was unsuccessful.

Commissioner Rahi stated there appeared to be some inconsistencies between tables for number of households; and asked if in Table 2-17 on page 2-28, when analyzing the gap between affordable purchase price and market price in San Dimas, is the assumption that the buyer is putting five percent down. He wanted to know how a program is developed to address that gap. He also inquired if they were using the County Median Income level or San Dimas' level in their analysis.

Karen Warner, Consultant, stated the number of households in San Dimas comes from two different agencies and how they disseminated census information; so while they are different in this report, the numbers are consistent with the referenced sources.

Beth Stochl, Project Manager, stated in regards to addressing the price gap, currently the Redevelopment Agency does not have a first-time homebuyers program that can address that gap in a single-family purchase. The next step is to evaluate how to make the best use of the Agency's resources, and is that through an ownership or rental program. Another way is to work directly with a developer to make the product more affordable. She stated their analysis uses the County Median Income levels.

Commissioner Davis stated the number of units built under the last Housing Element was less than 400 units as shown in the slides. He asked how the RHNA number was derived and if second units would be credited to that number and should the City look at ways to increase the number of second units built instead of focusing on multi-family projects. He also inquired further into the requirement for transitional housing and emergency shelters.

Karen Warner, Consultant, stated the State estimated there is going to be a certain amount of growth, and then SCAG sets the figures for the region and divides it to the cities within that region without really analyzing any prior growth patterns.

Beth Stochl, Project Manager, stated emergency shelters were the only facilities to fall under the new requirement to allow by right without a conditional use permit, though you would still retain design review.

Planning Manager Hensley stated transitional housing and emergency shelters are allowed in the public/semi-public zone, which encompasses the City Hall, the McKinley Children's Center and school sites. While the chance of those properties becoming available for this use is limited, it was felt this is an appropriate zone because institutional uses are already allowed. The City will be updating the code sometime this coming year to eliminate the CUP requirement for emergency shelters.

Beth Stochl, Project Manager, stated second units can contribute towards the RHNA requirements but only under the moderate income rental category, and you could only get a few units as opposed to the number available with multi-family projects.

Planning Manager Hensley stated the City doesn't have a problem with providing units in the moderate and above moderate income categories; the need is to increase units in the low and very-low income categories.

Commissioner Davis wanted to clarify that on the School District property only 2.5 acres would be designated for high density residential and then the rest would be something else.

Planning Manager Hensley stated with the School District property the underlying General Plan for that area is commercial but the zoning is not, so there are a lot of possibilities for the remaining acreage not zoned for high density residential. The School District is aware the City is looking at this site based on discussions with the City Manager after the City become aware the District wanted to sell the site for development.

Commissioner Davis asked if the School District were to move out and someone just wanted to build a condo project at our current zoning, what density would that be.

Planning Manager Hensley stated our highest density currently is 16 dua.

Commissioner Davis stated then the number of units built on the 2.5 acres at 30 dua would be slightly less than if the whole site were converted to residential. He also asked in regards to the parcel on Gladstone, would the other single-family parcels surrounding it be rezoned for multi-family development. And, using that parcel as an example, if you are zoning for 30 dua, how high will the buildings be.

Planning Manager Hensley stated in regards to the Gladstone location, just the vacant parcels identified would be rezoned for multi-family; the surrounding area would remain single-family residential. As far as the height of the buildings in a high-density project, it would be determined by a number of factors such as the size of the units and what type of parking is provided. If underground parking is used, it could appear as a two-story development.

Chairman Schoonover asked if there is a definition of a "unit."

Planning Manager Hensley stated it is a residential unit which could include apartments or condos; as they re-zone they might have discretion on whether they are rental or ownership. Some types of assisted living might qualify.

Karen Warner, Consultant, stated as long as it meets a definition for unit from the census, so things like group housing do not qualify as a unit.

Chairman Schoonover stated they have an aging population and economists say one of the biggest industries of the future is providing health care for that population and yet that is not addressed in this document. Projects like the one over the hardware store or the second units, they are all around 500 sq. ft. but include a bedroom, bathroom and kitchen area; do those qualify as a definition of unit.

Karen Warner, Consultant, stated yes.

Chairman Schoonover stated they could look at building a care facility like Brighton Gardens with 300 sq. ft. units that would provide those amenities and help to meet the required number of units.

Chairman Schoonover opened the meeting for public hearing. There being no response, the public hearing was closed.

Planning Manager Hensley asked for the Commission to provide any comments they would like passed along to the City Council, i.e., regarding the sites or the inclusionary requirements or other alternatives that should be reviewed.

Commissioner Davis felt they should explore utilizing second units and assisted living as a way to meet the requirements for very-low and low income.

Planning Manager Hensley wanted to clarify that there are limitations on how Redevelopment funds can be used to subsidize senior housing, and it has to be proportional to the number of seniors that live in the community.

Commissioner Bratt stated he understands that the City has to meet the State requirement whether they agree with the number or not, but felt he could not recommend this report to the Council because it did not cover all the pertinent information. He felt it was a document to meet the State requirement with no thought as to how to implement it. He is very concerned about the infrastructure issues, environmental issues, lack of water and how none of that is addressed.

Chairman Schoonover stated Commissioner Bratt's points are well taken but they are talking about an Element that has to be intertwined with the other Elements, but since they are not looking at those other Elements at the same time, not all of those items can be addressed right now.

Commissioner Davis didn't think they were voting to recommend this, that they were just providing comments. He understands that they would need to review infrastructure with each project, so whether they could actually build or not is to be seen. He felt the sight on Arrow near a possible station was a good location for higher density. He understands the concerns about the School District site, but if the whole site was developed as residential, the number of units would be about the same.

Commissioner Bratt stated in regards to the two proposed sites north of Gladstone, they are sending a mixed message to other government bodies when the City is looking for money to buy the land in the hillsides for open space, but include it in the report for a housing opportunity. He also felt that for any of these plans, if you don't address the infrastructure, then it is an inadequate report.

Commissioner Rahi stated they discussed the ability to revise the Housing Element if they found inconsistencies with the other Elements, but as Staff mentioned, they have a requirement from the State to adopt this Element in a certain timeframe or jeopardize State funding to the City.

Planning Manager Hensley stated staff will pass along all of the Commissioners' comments and the minutes from this hearing to the City Council, and the Council will have to make a policy decision.

Chairman Schoonover felt what was before them tonight was an attempt to identify locations for the 625 required RHNA units. Whether they can actually be constructed or not is not essential, the City just needs to identify locations and felt this document does this. He agreed with Commissioner Bratt that there are things missing from this Element, but those may belong in other Elements.

Commissioner Rahi stated he understands Commissioner Bratt's concerns but felt they had what was necessary for the State to approve the Housing Element. He is very concerned with the deadline and wanted to put this forward to the City Council.

Planning Manager Hensley stated Staff will present the Commission's comments to the City Council at the February 26, 2008 meeting. This will then come back to the Commission after the State has reviewed the document, and possibly some of the concerns expressed tonight can be addressed outside of the Housing Element process.

Chairman Schoonover felt the property on Gladstone at 1.3 acres was not large enough for a project zoned at 30 dua, and that they would need a larger parcel.

Commissioner Davis asked if there is a reason they are not looking at re-zoning the properties around that location.

Planning Manager Hensley stated it is not always a good idea from a planning perspective to re-zone single-family to high density.

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Chairman Schoonover called a recess at 8:56 p.m. The meeting reconvened at 9:06 p.m. with all Commissioners present (Ensberg absent).

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COMMISSION BUSINESS

3. **CONSIDERATION OF VACATION 08-01** – A request for determining conformity with the General Plan relative to the vacation of a property located at Assessor's Parcel Number 8382-010-901 on Puddingstone Drive.

Commissioner Davis stated that he owns property near this parcel and recused himself from the meeting.

Staff report presented by Associate Planner Kristi Grabow, who stated this is a request to review the proposed vacation and sale of the subject property and to determine that the vacation is in compliance with the General Plan. The small triangular-shaped parcel is a remnant of the original right-of-way on Puddingstone Drive and is currently landlocked. The General Plan Land Use Element designates this area as low/medium residential, and the vacation of this parcel would allow it to be joined with an approved project that meets this standard. Therefore, Staff recommends approval of Vacation 08-01 and Resolution PC-1368.

RESOLUTION PC-1368

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS DETERMINING THE PROPOSED VACATION OF A PROPERTY LOCATED AT ASSESSOR'S PARCEL NUMBER 8382-010-901 ON PUDDINGSTONE DRIVE CONFORMS TO THE GENERAL PLAN

MOTION: Moved by Bratt, seconded by Rahi to approve Resolution PC-1368 determining the vacation of Assessor's Parcel Number 8382-010-901 conforms to the General Plan. Motion carried 3-0-1-1 (Ensberg absent, Davis abstained).

Commissioner Davis returned to the meeting.

ORAL COMMUNICATION

4. Planning Manager

No communications were made.

5. Members of the Audience

No communications were made

6. Planning Commission

Commissioner Davis indicated that he was planning to attend the 2008 Planners Institute in March. Commissioners Bratt, Rahi and Schoonover indicated that they were also planning to attend.

Commissioner Bratt stated he thought the 2007 Annual Summary for Development Services was well done and appreciated receiving a copy.

ADJOURNMENT

MOTION: Moved by Bratt, seconded by Rahi to adjourn. Motion carried 4-0-1 (Ensberg absent). The meeting adjourned at 9:11 p.m. to a Joint City Council/Planning Commission Study Session scheduled for February 12, 2008 at 5:00 p.m.

James Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Craig Hensley
Planning Manager

Approved: March 19, 2008