

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, November 5, 2008 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner Dave Bratt
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Planning Manager Craig Hensley
Associate Planner Marco Espinoza
Associate Planner Kristi Grabow
Administrative Aide Kevin Frey

CALL TO ORDER

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: October 1, 2008

MOTION: Moved by Ensberg, seconded by Bratt to approve the Consent Calendar. Motion carried unanimously, 5-0.

PUBLIC HEARINGS

2. **CONSIDERATION OF GENERAL PLAN AMENDMENT 08-02 AND MUNICIPAL CODE TEXT AMENDMENT 08-04** – A Request to Amend San Dimas General Plan adjusting density and other standards, and A Request to Amend San Dimas Municipal Code Chapter 18.542 (Specific Plan No. 25) revising density standards, building height standards, density transfer opportunities and primary ridgeline standards/exhibits. Both items are pursuant to Settlement Agreement with NJD. **(Continued from 10-01-08)**

Planning Manager Craig Hensley stated this item is going to be re-noticed for a future meeting and the Commission did not need to take any action tonight.

- 3. CONSIDERATION OF GENERAL PLAN AMENDMENT 08-01 2008-2014 HOUSING ELEMENT** – A Request to Completely Revise the City's Housing Element of the General Plan to address State mandated housing policy issues.

Planning Manager Craig Hensley stated that Karen Warner and Beth Stochl, Project Managers from Karen Warner Associates, were present tonight, and assisted the City with preparation of the Housing Element and the submittal with HCD. He stated there were several areas of the Housing Element which the State requested additional information.

He stated the State wanted clarification in regards to the sites proposed for re-zoning. Originally it was proposed to re-zone a portion of the school district property at San Dimas and Allen Avenues, adjacent parcels to the Grove Station project, and the parcel on Gladstone east of the freeway. The Council was not supportive of the Gladstone parcel and instructed staff to locate another parcel. At that time the Bonita Canyon Gateway project was in process, and as a part of the project approval, 1.6 acres was zoned at 30 units per acres, replacing the Gladstone parcel.

Planning Manager Hensley stated other areas the State wanted to see addressed was clarification of the City's re-zoning philosophy, stronger language on the issue of development processing for multi-family development and the area of shelters, transitional supportive housing, and single-room residences. Implementation of the Housing Element would require code amendments in regards to affordable housing projects, single-room occupancy projects, and emergency shelters and transitional housing.

He stated in the next thirteen months, staff will evaluate a plan for inclusionary housing, taking into the consideration the prior discussion the Commission had about increasing the amount to 20% in a redevelopment project area; developing a Homebuyers Assistance Program for the Grove Station project; and developing a Green Building program. They will also need to enact a zoning ordinance for emergency shelters and transitional housing. In the next 24 months, the City will need to re-zone the parcels that have been identified in the Housing Element and revise the multi-family standards to make them more developer friendly. The City will also need to commit funding for substantial rehabilitation of the San Dimas Villas on Acacia to create new long-term affordable units on the property. They will also be revising senior housing standards, renewing the mobile home accord prior to expiration in 2010, and updating the General Plan to make all the Elements internally consistent. The City is required to provide annual progress reports to HCD each April 1st.

Commissioner Ensberg asked for clarification on re-zoning the identified parcels. He also asked what happened when the Commission recommended the percentage of affordable housing be increased for the Bonita Canyon Gateway project.

Planning Manager Hensley stated the only parcel left to be re-zoned was the school district property. This is an overall planning document saying the identified properties will be re-zoned. The City does not require that the parcel be developed immediately; they just need to make sure that standards are in place that will allow it to be developed in the future. He stated in regards to the Bonita Canyon Gateway project, it had already been negotiated and designed at 15% affordability, and it would have had a negative impact on the developer's ability to finance the project if the number was increased to 20% that far along in the process.

Commissioner Bratt stated he was concerned by the State's direction to eliminate the CUP process as it was the only way the City had to control certain projects.

Planning Manager Hensley stated it was frustrating for planning staff to see home rule eroded by the State. The purpose of a use permit on a multi-family project is to ensure compatibility with surrounding projects. Since the locations were carefully chosen, he felt they should not have any problems, and they will still have control over design through the design review process.

Karen Warner, Consultant, stated the limitation on the CUP process was relative to affordable projects only; market-rate projects could still use that process.

Commissioner Bratt asked if re-zoning the school district property at this time would require them to vacate the property.

Planning Manager Hensley stated that was not the case at all. He felt a specific plan would be developed that will allow development of the property with a floating 2-1/2 acres at 30 units per acre, with a minimum of 75 units. The balance of the property can be whatever else is appropriate, i.e., commercial, office, etc. They will not be required to develop the property, but if they do, they must provide 2-1/2 acres for residential development.

Chairman Schoonover asked if adopting the specific plan would require a separate hearing.

Planning Manager Hensley stated it would require a hearing of both the Planning Commission and the City Council.

Commissioner Rahi asked if this will go back to HCD for review again. He also wanted to clarify that in the Housing Element and Initial Study both refer to the north/south stretch of freeway as the 210 freeway when it is actually the 57 freeway, and felt that should be corrected.

Planning Manager Hensley stated once the Housing Element is approved by the Commission and City Council, it will be sent back to HCD. If they do not have any further changes, it should receive approval at that time. Staff will see that the freeway identification is corrected.

Commissioner Davis asked if the area near Grove Station would be zoned through its own specific plan or as part of the downtown planning process.

Planning Manager Hensley indicated the plan was to include that area as part of the downtown planning process, though it may be set apart as its own subsection. However, if the downtown planning process was delayed, Staff may need to move forward on rezoning that area separately.

Commissioner Davis asked what would happen if during the re-zoning hearing for the school district property, the Council changed direction and did not want that area re-zoned.

Planning Manager Hensley stated the process would require an amendment to the Housing Element.

Karen Warner, Consultant, stated they may not need to amend the Housing Element, but they would have to replace that 2.5 acres somewhere else and identify it in the annual report.

Planning Manager Hensley stated that may satisfy HCD's requirements, but it would also depend on where they are in the General Plan update process. Since this is a land use issue, it may have to be changed at this time.

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

RESOLUTION PC-1387

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 08-01, ADOPTING THE 2008-2014 SAN DIMAS HOUSING ELEMENT OF THE GENERAL PLAN

MOTION: Moved by Bratt, seconded by Ensberg to approve Resolution PC-1387 recommending approval of General Plan Amendment 08-01. Motion carried unanimously, 5-0.

4. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 08-05** – A request to consider various amendments to Title 18, Chapters 08, 92, 96, 128, 132, 136, 140, 500, 508, 528, 530, 532, 538 and 540 of the San Dimas Municipal Code in regards to accessory massage establishments.

Commissioner Bratt stated his daughter is a massage therapist, though not in San Dimas, and wanted to clarify if that would be considered a conflict of interest.

Planning Manager Hensley stated it would not be a conflict.

Staff report presented by **Administrative Aide Kevin Frey**, who stated that massage therapy is a growing part of health care. Under the current zoning code many businesses are prohibited from including massage in their services. Staff would like to add a new definition for accessory massage to allow a broader range of businesses that can offer it. The businesses will still have to comply with the licensing process for massage. The zoning changes will require Planning Commission and City Council approval, but changes to the Business License code will go to the City Council only. He described the requirements for permitting massage as outlined in the staff report.

Commissioner Ensberg stated the City of Arcadia has issued a moratorium on massage licenses and asked what the difference between our city and theirs is.

Administrative Aide Frey stated Arcadia issued the moratorium because in a short time span over 700 people have applied for a permit to practice massage. Arcadia is a small city and there was concern that the permits were being used for illicit activity. Staff has consulted with the Sheriff's Department, and while there is always concern, the Sheriff's indicated that they did not see a problem currently with accessory massage being part of any illicit activity in San Dimas. Staff is recommending that massage can only be offered as a secondary use to an established business, and all technicians will still have to submit to a background check through the licensing process.

Commissioner Bratt thought physical therapy should be included instead of assumed.

Administrative Aide Frey stated that could be added to the definition.

Chairman Schoonover asked how they arrived at the percentage of floor space for this use.

Planning Manager Hensley stated they reviewed locations where accessory massage has been allowed through a use determination by the Development Plan Review Board, and that is the figure which was used in those cases.

Commissioner Davis asked if the calculation was less than 50% of gross floor area, how many businesses are operating that way and are they all medical or sports related.

Planning Manager Hensley stated that is how it has been done in the past. Several businesses have been approved using that percentage and method, and felt they should continue with that policy. He stated there are at least four day spas and a holistic wellness center that have been given approval using the above method of calculation.

Administrative Aide Frey stated there are seven businesses that have received massage permits through the Business License Department and they are trying to update the Zoning Code to be consistent.

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

Michelle Williams, Prism Medical Group, who stated they have been in operation since 2000 and believed they are the first medical day spa in San Dimas. She said massage constitutes less than 10% of their business and all of their therapists have gone through the City for a license and background check. She appreciated the City's efforts to keep this type of service legitimate. She felt there is a place for massage and encouraged the Commission to support this amendment.

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

Planning Manager Hensley clarified that there was a period of time when business licenses were issued in locations where the zoning did not allow massage. No one meant to be violate the rules and staff did not feel they should be punished. This action will help to legitimize those businesses that tried to follow the rules.

Commissioner Davis asked if this license was from the City or State.

Administrative Aide Frey stated this will be a license from the City. The proposed amendments being recommended to the City Council will help to streamline the process.

Commissioner Ensberg asked for clarification on the Sheriff Department's input in the process.

Administrative Aide Frey stated he worked with a representative from the Department, who reviewed the proposed ordinance, compared it to other cities, and concluded there should not be a problem in San Dimas if the changes were made.

RESOLUTION PC-1386

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 08-05, A REQUEST TO AMEND TITLE 18 CHAPTERS 08, 92, 96, 128, 132, 136, 140, 508, 528, 530, 532, 538 AND 540 OF THE SAN DIMAS MUNICIPAL ZONING CODE

MOTION: Moved by Davis, seconded by Bratt to approve Resolution PC-1386 recommending approval of Municipal Code Text Amendment 08-05.

Commissioner Ensberg stated he did not support having 50% of the floor area available for an accessory use and thought it should be limited to a smaller number, like the 10% of floor area being used by speaker.

Planning Manager Hensley stated while the speaker's business has a rather large floor area so 10% of floor space is an adequate amount, there are others that are rather small, such as the Wellness Center in the downtown. They only have approximately 800 square feet of floor space, so limiting massage to only 10% of the floor area would be very difficult, if not impossible, for them.

Chairman Schoonover and Commissioner Davis stated they did not have an issue with allowing up to 50% of floor space for massage.

Commissioner Ensberg felt the risk for illicit activity was greater in a smaller facility and allowing up to 50% of floor space for massage would encourage that.

Motion carried 4-1 (Ensberg voted no).

ORAL COMMUNICATION

5. Planning Manager

Planning Manager Hensley stated the Walker House was progressing with the exterior painting, concrete work and San Dimas Avenue improvements almost complete. Landscaping will start in the next few weeks. He stated the Bonita Canyon Gateway project was moving forward and demolition of the existing buildings was almost complete.

Planning Manager Hensley stated he has accepted a position as Community Development Director for the City of Duarte starting on December 1, 2008. He will continue to work as a consultant on the Walker House project, which should be done by the end of this calendar year.

6. Members of the Audience

No communications were made.

7. Planning Commission

Chairman Schoonover thanked Planning Manager Hensley for all his years of service to the community and the Commission.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Bratt to adjourn. Motion carried 5-0. The meeting adjourned at 8:21 p.m. to the regular Planning Commission meeting scheduled for November 19, 2008 at 7:00 p.m.

James Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Craig Hensley
Planning Manager

Approved: November 19, 2008