

# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Wednesday, July 1, 2009 at 7:00 p.m.  
245 East Bonita Avenue, Council Chambers

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## **Present**

Chairman Jim Schoonover  
Commissioner David Bratt  
Commissioner John Davis  
Commissioner Stephen Ensberg  
Commissioner M. Yunus Rahi  
Assistant City Manager for Community Development Larry Stevens  
Director of Development Services Dan Coleman  
Associate Planner Marco Espinoza  
Associate Planner Laura Lockett  
Planning Intern Michael Concepcion

## **CALL TO ORDER**

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:02 p.m. and Commissioner Bratt led the flag salute.

## **CONSENT CALENDAR**

1. Approval of Minutes: June 3, 2009

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

## **PUBLIC HEARINGS**

2. **CONSIDERATION OF CONDITIONAL USE PERMIT 09-04** – A Request to Operate a Performing Arts Center / Dance Studio in the Commercial Highway Zone, located at 432 East Foothill Boulevard. (APN: 8661-018-026)

Staff report presented by *Planning Intern Michael Concepcion*, who stated the applicants have been operating this business in Glendora since 1984, but now need a larger facility because of their success. The building is 3,600 square feet and the parking exceeds the required number of spaces. The zoning code does not define performing arts studio, but it has been determined it is similar to a dance studio, which requires a Conditional Use Permit in the CH zone. The use requires 18 parking spaces and there are 29 spaces available. He went over Exhibits E and F which outline the types of classes and floor plan, and stated a non-permitted patio structure in the parking will be removed. Staff received a letter from Ellen Goldman, a resident on Deer Creek, who was concerned with possible noise impacts. Staff is recommending approval of Conditional Use Permit 09-04 and Resolution PC-1394.

**Commissioner Bratt** asked if they knew how far away 1216 Deer Creek is from the facility.

**Planning Intern Concepcion** stated it was roughly 300 feet away.

**Commissioner Davis** asked if there were any restrictions on the hours of operation.

**Planning Intern Concepcion** stated this zone did not have any requirements, but the typical hours will be Monday – Friday until 9:00 p.m. and Saturdays until 5:00 p.m.

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

**Allen Smith, 7201 Haven Avenue, Southwest Design Group, Architect**, stated the Copelands are excited about locating to San Dimas and are available to answer any questions.

**Commissioner Ensberg** asked how long would it take for them to open for business and **Commissioner Davis** inquired about noise coming from the building.

**Allen Smith** stated they only have minor interior changes to make and should have them completed 2-3 weeks after they receive approved building permits. There will be no windows or doors open during operation, and the building is eight-inch block walls with a four-inch framed wall. He felt the noise from Foothill Boulevard will be much louder than any noise from the studio.

**Chairman Schoonover** asked if the applicants will be selling any accessories.

**Bill Copeland, applicant**, stated no, they just hold classes for dance and yoga.

**Commissioner Davis** asked what their hours of operation are.

**Bonnie Copeland, applicant**, stated the yoga class is the earliest and starts at 8:30 a.m., and on Saturdays they begin at 10:00 a.m. On Tuesday nights they are open until 9:00 p.m. but the other nights of the week they are out by 7:00 p.m.

**Commissioner Bratt** asked based on their previous experience, how many people are in the building at any given time.

**Bonnie Copeland** stated the typical class size is eight students, sometimes up to twelve. Most parents drop their children off and leave so they might have only five cars in the parking lot, with maybe five people waiting in the lobby. Their operation is based on providing professional quality training as opposed to quantity. She stated they do not hold any recitals or performances on the premises; they use a local theater for that so there should never be a problem with overflow parking or excessive noise.

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

**Commissioner Ensberg** felt this was a good opportunity for children in the community.

**Commissioner Bratt** thought Condition No. 5 was in conflict with the information that performances are held at a theater and not on-site.

**Planning Intern Concepcion** stated while that is the current situation, Staff added the condition as a precaution for any future changes.

**Commissioner Davis** felt it might be prudent of the Commission to place a restriction on the hours of operation.

**Commissioner Ensberg** felt based on their history for the past 25 years, it wasn't necessary since they are usually out by 8:00 p.m. on weeknights and 5:00 p.m. on weekends.

**Commissioner Davis** asked if the CUP was with the Copelands or the building. If the business was sold, would the CUP transfer to the new owner.

**Director of Development Services Dan Coleman** stated if another studio bought the business and did not make any changes to the operation, the existing CUP would be in effect. They would only need a new one if something changed.

**Commissioner Rahi** felt it was an excellent project but wanted to be sure that construction noise did not disturb surrounding residents.

**Director Coleman** stated the City has ordinances limiting construction hours, and the work is mostly interior. He stated this business is on a very busy arterial street and the traffic noise would more than likely drown out any noise from the business.

#### RESOLUTION PC-1394

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
SAN DIMAS APPROVING CONDITIONAL USE PERMIT 09-04, A  
REQUEST TO OPERATE A PERFORMING ARTS / DANCE STUDIO AT  
432 EAST FOOTHILL BOULEVARD (APN: 8661-018-026)

**MOTION:** Moved by Ensberg, seconded by Bratt to approve Conditional Use Permit 09-04 and adopt Resolution PC-1394. Motion carried unanimously, 5-0.

3. **CONSIDERATION OF CONDITIONAL USE PERMIT 09-06** – A Request to Allow On-Site Sales of Beer and Wine in conjunction with a Restaurant, located at 130 East Bonita Avenue. (APN: 8390-017-045)

Staff report presented by **Associate Planner Laura Lockett**, who stated while the previous restaurant had a CUP for alcohol sales, the business has been closed more than six months, which requires the incoming business to re-apply for a CUP. Significant changes are being made to the interior floor plan which better utilizes the small space. There is also outdoor seating in the breezeway between the tenant space and CVS but this CUP prohibits consumption of alcohol outside of the tenant space. The restaurant will be open from 11:00 a.m. to 11:00 p.m. Monday – Sunday. Staff has contacted the Sheriff's Department and the only conditions placed were Condition No. 12 requiring LEAD Training and prohibition of advertising the sale of alcohol visible from the exterior. Staff is recommending approval of CUP 09-06 subject to the conditions listed in Resolution PC-1395.

**Commissioner Bratt** asked what time the other restaurants in the center were open to because he did not think it was as late as 11:00 p.m.

**Associate Planner Lockett** stated she did not know for certain, it might be 9:00 or 10:00 p.m.

**Chairman Schoonover** asked if these conditions were the same as for the previous restaurant.

**Associate Planner Lockett** stated they were except for the hours of operation.

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

**Jessica Christie, Applicant**, who stated she is one of four partners in this business. They have done a lot of research and feel they will be offering a unique product. The main focus will be the food, but one of the partners likes beer with his burger, thus they are applying to serve alcohol. While this is their first endeavor in the food industry, a major stockholder has been in the food business previously, and they all run other successful businesses.

**Commissioner Ensberg** asked if this is their first experience running a business that serves alcohol.

**Jessica Christie** stated it is but they have hired a general manager that has 20 years working in the food industry where alcohol was served. They intend to have all the partners and employees attend the LEAD classes to increase their awareness of the requirements.

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

**Commissioners Ensberg and Davis** felt this was similar to the previous use and were glad to see the tenant space filled.

#### RESOLUTION PC-1395

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 09-04, A REQUEST BY JESSICA L. CHRISTIE TO CONDUCT ON-SITE ALCOHOL SALES OF BEER AND WINE ON THE PROPERTY LOCATED AT 130 E. BONITA AVENUE

**MOTION:** Moved by Ensberg, seconded by Davis to approve Conditional Use Permit 09-04 and adopt Resolution PC-1395. Motion carried unanimously, 5-0.

4. **CONSIDERATION OF CLASSIFICATION OF USE 09-01** – Consideration to allow apartments as a permitted or conditional use in CG-3 Sub-Area B Zone.

Staff report presented by **Assistant City Manager for Community Development Larry Stevens** who stated the Creative Growth Zone Area 3, Sub-Area B, generally encourages mixed uses, high density, medium density and single family residential. Subarea B does not have any permitted uses; only high density residential as a conditionally permitted use. While the code calls out condominiums and townhouses, loft residential units, and senior citizen housing located on the second and third floors of buildings, the City now has a proposal for family apartments and it was Staff's conclusion to go through the Classification of Use process.

This zone is only found on the rear portion of the Grove Station project, which currently has an approval for 24 condo units in the middle portion of the property, and the 72 units of condos and loft units in the far eastern portion. That rear portion is the site which the apartment proposal is intended for. While the developer for the Grove Station has now gone bankrupt, they will complete the front 14 units but are attempting to sell the remaining two phases.

USA Properties has come forward with a proposal to construct 95 apartment units intended for family occupancy, and if the Use Determination is approved, the associated applications will be coming to the Planning Commission in the near future. The exterior building configuration is essentially the same as the approved 72 units; their intention is to reconfigure the interiors and eliminate part of the underground parking to achieve the higher mix of units.

However, the project is not what the Commission is considering today. What is under consideration is if apartments are of form of high density residential that should be conditionally permitted in Sub-Area B of the CG-3 zone. Staff believes they are similar and recommends approval of the Classification of Use.

**Commissioner Ensberg** asked if this would advance the goals of the recently adopted Housing Element to provide more low-income housing. He also asked if the current economic conditions make building condos more difficult from a financial point of view and does this project involve RDA funds.

**Assistant City Manager Stevens** stated this would provide more affordable units than anticipated in the 2008 Housing Element and would move the City closer to meeting RHNA requirements and explained the change in numbers. He stated he has been told it is very difficult to get a residential loan from the banks right now so developers are shying away from condos and moving to rental projects. This project also has the possibility for State bond money and Federal tax credits, and that the applicant is looking for assistance from the Agency.

**Commissioner Ensberg** wanted to know how they can ensure this will be a well-run apartment complex.

**Assistant City Manager Stevens** stated one way is to try to get as much quality as possible in construction, and then you would also want to look at the manner in which the project will be managed by looking at the history of the owner. The City is still evaluating this particular owner and management team, but they do have experience in operating senior and affordable projects, and they have indicated they hold onto projects.

**Commissioner Davis** wanted to confirm that the process tonight did not involve approving affordable units or not, they are just stating that apartments are high density residential similar to condos because it was not specifically addressed in the code.

**Assistant City Manager Stevens** stated that is correct. The DPRB will consider the project later this month, then it will come to the Planning Commission for review before going to City Council. He stated in order for the applicant to get all of the currently available tax credits, they need to have their entitlements in place by August 17<sup>th</sup>, so it is possible the Commission may hold a special meeting to discuss this item, along with a joint study session with the City Council.

**Commissioner Bratt** wanted to confirm that the only place this zoning is found is in the Grove Station project.

**Assistant City Manager Stevens** stated that is correct, it is behind the 14 live-work/townhouse units facing San Dimas Avenue.

**Commissioner Rahi** asked if there would be issues with traffic because of the increase in units and deletion of parking area. He was not sure how 95 units can be made out of 72, and wondered if there would be a problem having rental mixed with ownership units.

**Assistant City Manager Stevens** stated the applicant has requested 95 units and feels that will make the project economically viable for them. There will be issues with traffic but they are coming in with an updated traffic study to be reviewed during the CUP process. There is also a revised parking study that is being evaluated. There is some concern that having a rental project on the rear two acres may make the 24 units in the middle less desirable as ownership units but that needs further study to see if there will be any conflicts.

**Commissioner Davis** thought the Housing Element rezoned the property behind this one and asked if the City was committed to putting apartments on that parcel.

**Assistant City Manager Stevens** stated the Housing Element designated several properties that could be rezoned to accommodate the RHNA goals and one of those properties was seven acres, at 30 du/a, that is the block that is bounded by the railroad track, San Dimas Avenue, Arrow Highway and Walnut Avenue. At that density it is likely to be rental units because of the smaller size; with ownership they might only get 30 du/a if they go four stories or above. Staff could also make the argument that if they accommodate this project, they might be able to reduce the density on the next project just a bit and still be able to meet the Housing Element goals. This area is also designated for the future Gold Line Station and the intention is to do high density projects adjacent to transit opportunities.

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

**Jonathan Lonner, USA Properties**, who stated Mr. Stevens gave a good overview of their project and he is available for questions. He stated they are the owner and developer of multi-family properties and they plan to be a long-term partner in the community.

**Commissioner Ensberg** stated is has no problem with the action needed tonight but is concerned about the issue of parking when this item comes back.

**Jonathan Lonner** stated they are looking at adding some at-grade parking and more tandem parking to make up for the elimination of the section of underground parking.

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

**Commissioner Bratt** felt based on the location he did not feel affordable apartments were appropriate. He felt the purpose of the Grove Station project was to bring people into the downtown that were committed to the downtown. If someone owns a unit, they will be more committed than someone who is renting. He felt rentals would not advance the revitalization of the downtown and would recommend denial. He also felt that while he can appreciate the current economic downturn, it will not last forever and thought they should think long-range, and that a more appropriate use for that area is owner occupied units.

**Commissioner Davis** thought the question was could apartments be considered high density housing, and the City has said that high density housing can be on that site.

**Assistant City Manager Stevens** stated the exact phraseology that applies to the Use Determination is if the proposed use of apartments is similar and not more obnoxious or detrimental to the public health, safety and welfare as the currently permitted high density residential uses.

**Commissioner Davis** did not think they were more obnoxious but could be considered detrimental to Commissioner Bratt's goal of downtown revitalization.

**Commissioner Bratt** reiterated that based on what he has heard from staff he felt that apartments do not fit and would be detrimental to the overall development of that site.

**Commissioner Ensberg** stated while he respects Commissioner Bratt's comments, he felt they have the obligation of trying to satisfy the housing element needs and felt this will advance those goals and objectives. He felt cities with active nightlife have many renters and renters are not detrimental. He also felt San Dimas has a number of obligations in providing affordable housing and being accountable to the State.

In response to comments from the Commissioners, **Assistant City Manager Stevens** stated the current RHNA target number is 624 new housing units by 2014. In the next RHNA cycle, per SB 375, the project numbers are quadruple that by 2020.

**Chairman Schoonover** stated he appreciated the comments made by Commissioner Bratt but wondered which was worse, apartments or undeveloped land. He asked if they were to build apartments, could they be converted to condos in the future.

**Assistant City Manager Stevens** stated in theory you could build an apartment and convert it later, but this project will have a 55 year affordability covenant so it is unlikely that will occur.

**Commissioner Rahi** stated he shares Commissioner's Bratt's concerns, but if there are no legal prohibitions, he would support the item.

**MOTION:** Moved by Ensberg, seconded by Rahi to approve Classification of Use 09-01 stating that apartments are similar to other conditionally permitted high-density housing types. Motion carried 3-2 (Bratt, Davis voted no).

**Assistant City Manager Stevens** stated he has been advised by a Councilmember that he intends to file an appeal if this item was approved by the Commission.

## **ORAL COMMUNICATION**

### **5. Planning Manager**

**Assistant City Manager Stevens** stated the revised applications for Bonita Canyon Gateway will be presented at the next meeting. He is also looking at July 29<sup>th</sup> as an option for a special meeting for the Grove Station project applications.

**Director Coleman** stated at the last meeting the City Council upheld the existing RV regulations prohibiting parking in the front yard. Staff is preparing some minor changes to the ordinance which will come before the Commission shortly. The Council has indicated that active enforcement will begin January 2<sup>nd</sup> after a public education period.

**Director Coleman** stated there will be a study session on the City Hall Expansion on July 14<sup>th</sup>. This item is expected to go to the Council in October for a final decision on the scope of the project.

### **6. Members of the Audience**

No communications were made.

**7. Planning Commission**

In response to *Commissioner Rahi*, Assistant City Manager Stevens stated the Council recently extended the agreement with Costco an additional 18 months for development of the pad buildings.

**ADJOURNMENT**

**MOTION:** Moved by Ensberg, seconded by Bratt to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 8:31 p.m. to the regular Planning Commission meeting scheduled for July 15, 2009, at 7:00 p.m.

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James Schoonover, Chairman  
San Dimas Planning Commission

ATTEST:

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Dan Coleman, Director of Development of Services

Approved: July 15, 2009