

# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Wednesday, July 15, 2009 at 7:00 p.m.  
245 East Bonita Avenue, Council Chambers

---

## **Present**

Chairman Jim Schoonover  
Commissioner John Davis  
Commissioner Stephen Ensberg  
Commissioner M. Yunus Rahi  
Director of Development Services Dan Coleman  
Associate Planner Kristi Grabow

## **Absent**

Commissioner David Bratt

## **CALL TO ORDER**

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

## **CONSENT CALENDAR**

1. Approval of Minutes: July 1, 2009

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

## **PUBLIC HEARINGS**

2. **CONSIDERATION OF CONDITIONAL USE PERMIT 09-03** – A request to construct an additional 58 parking spaces at an existing lot and modify the front yard setback of an existing Conditional Use Permit located at 762 Cypress Street. (APN: 8385-013-05, -016, -017, and -018)

Commissioner Rahi stated he lived within 300 feet of this project site and recused himself from the meeting.

Staff report presented by Associate Planner Kristi Grabow, who stated that the center was constructed in 1961, but when they implemented a Master Plan in 1988, they received a Conditional Use Permit from the City (CUP 88-3). The applicant is proposing to construct an

additional 58 parking spaces in their existing parking lot, and reduce the front yard setback to 8-1/2 feet from the front property line. The original CUP designates the setback as 50 feet, but staff is recommending approval of the reduction based on the proposed landscape and low masonry wall. She outlined the location of the parking lot in relation to surrounding uses. Staff is recommending approval of CUP 09-03 and Resolution PC-1396.

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

Gary Bean, Director of Facilities, McKinley Children's Center, thanked staff for their help in bringing this item forward to the Commission. He stated they had a problem with some of the conditions of approval and would need to meet with the City Engineer to see if it can be changed because of the cost associated with it. The main problem they had was with Condition No. 23 in regards to providing drainage facilities to carry runoff of storm waters. Currently the runoff goes towards the west slope towards Walnut Creek. The new parking lot would not change that drainage pattern so he didn't know why it was being required.

Commissioner Ensberg asked if they have raised that issue with staff, and should this item be continued until the issue was resolved.

Associate Planner Grabow stated Staff would recommend they continue this item to give the applicant time to discuss this item further.

Director of Development Services Dan Coleman stated all of the existing improvements were built prior to adoption of National Pollution Discharge Elimination Standard (NPDES) regulations for stormwater runoff. These are not City requirements, they are Federal regulations which have to be followed, but Staff would be happy to schedule a meeting with the City Engineer to go over the requirements with the applicant.

Commissioner Davis asked if it would be better if the Commission approves the item, and that way if something is worked out with the applicant, they can proceed with their submittal. If an amendment was needed, then they could come back to the Commission for review.

Associate Planner Grabow stated that was an option. She stated Staff was informed just before the start of the meeting of the applicant's concern, so would be supportive of continuing the item for further discussion to try and resolve their issues.

Gary Bean, Applicant, stated if they cannot proceed with the project without installing the drainage facilities, they would just re-landscape that area and add hardscape to reduce their water consumption. He stated they would prefer having the parking lot, and felt it would also help users of the Sportsplex since it would remove cars from Cypress Street and free up parking spaces there.

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

Commissioner Davis stated if these are Federal standards that they have no jurisdiction to change, he didn't know why they should continue the item when the Commission cannot change the requirement.

Commissioner Ensberg felt possibly something could be worked out that met the Federal standards that would be acceptable to the applicant and would not cost them very much, and did not want to take an action tonight that they may have to un-do in the future.

RESOLUTION PC-1396

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 09-03, A REQUEST TO CONSTRUCT AN ADDITIONAL 58 PARKING SPACES AND MODIFY THE FRONT YARD SETBACK OF AN EXISTING CONDITIONAL USE PERMIT AT 762 WEST CYPRESS STREET

**MOTION:** Moved by Ensberg, seconded by Davis to continue the public hearing for Conditional Use Permit 09-03 to the August 5, 2009 meeting. Motion carried 3-0-1-1 (Bratt absent, Rahi abstain).

3. **ENVIRONMENTAL ASSESSMENT AND CONSIDERATION OF THE FOLLOWING RELATED APPLICATIONS FOR 8.53 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF EAST BONITA AVENUE AND SAN DIMAS CANYON ROAD: MUNICIPAL CODE TEXT AMENDMENT 09-01; REVISION TO TENTATIVE TRACT MAP 69609; DEVELOPMENT PLAN REVIEW NOS. 09-20 AND 09-21; PRECISE PLAN NO. 09-01 (APN: 8390-013-010, -011, -012)**

Staff report presented by Director of Development Services Dan Coleman, who stated all of the applications being discussed tonight require final action by the City Council, so the Commission's role is to discuss, take public input and provide a recommendation to the Council for their hearing on July 28, 2009.

He stated this project was approved last year based on the new Housing Element, and a new Specific Plan was adopted for the project. With the withdrawal of Walgreens from the commercial portion, the proposal now is to reduce the retail to approximately 20,000 sq. ft. and replace the lost retail space with another apartment building. This would add 36 units, raising the total number of apartments to 156 units. Because of the reconfiguration of the site plan, the apartment access from Bonita Avenue would be deleted except for an emergency vehicle gate. The applicant is proposing more carports in response to the City's parking standards, and to make this a gated community. Since there wasn't enough visitor parking available in the complex, the applicant is proposing to add 18 spaces for visitor parking on the retail site.

Director Coleman stated the Specific Plan needs to be amended to change the boundary between the retail and residential projects, and the Tract Map amendment is needed to accommodate the changes in building locations. He stated the project exhibits smart growth principles and provides a range of housing opportunities, and that the developer is incorporating green building features into the project. He described the apartment layout and compared the density to surrounding apartment developments. He indicated that the proposed density is 25 dwelling units per acre. He stated the applicant is requesting financial assistance from the Redevelopment Agency for the affordable units, which would be guaranteed for 55 years. He presented information on the number of housing units in San Dimas, and how this project can help them meet RHNA requirements.

Director Coleman stated the retail portion will include 6,000 square feet of in-line shops along with the Fresh and Easy market. He stated 17-18 visitor parking spaces for the apartments will be in the retail area and showed their location. The driveway for the retail will remain in the same location on San Dimas Canyon Road at Dickens Lane, and the driveway on Bonita was shifted easterly and is no longer shared with the residential use. This is a superior design from the previous one from a traffic standpoint in that it moves the driveway further away from the Mountain View and El Dorado apartments.

He stated the applicant is requesting the property be divided into six lots. All the environmental studies were updated from last year based on the current proposal. Six intersections were reviewed in regards to traffic and the Level Of Service (LOS) will stay the same or will improve one grade level as there will be less traffic with the reduction in retail space. He stated the traffic numbers at Dickens Lane and San Dimas Canyon Road did not justify a traffic signal so one is not proposed. This project will have "no parking" signs posted on both street frontages, there is a condition to prohibit renting to anyone with more than two vehicles per unit, and they cannot rent the visitor parking spaces. This project qualifies for a density bonus under State law, which means for a one-bedroom unit the City can only require one parking space and they cannot require that it be covered. Thus, six of the carport structures will be deleted while the number of parking spaces remains the same.

Director Coleman stated staff received an e-mail from the Shepards, who live in the El Dorado apartment complex, expressing their concerns that there will be too many apartments in this area and many of them are vacant, and that there will not be enough water available to support this project. Staff is recommending adoption of a Mitigated Negative Declaration for this project.

Commissioner Ensberg asked what the difference is in need for apartments at this site as compared to the Grove Station location. He also remembered that the Commission had requested 20% affordable housing units at this site previously, but it wasn't adopted by City Council, and asked what was different now.

Director Coleman stated the community as a whole needs apartments, but this is a site that the 2008 Housing Element identified as having potential for 30 dwelling units per acres as mandated by the State. The northwest building meets that density standard. The Grove Station project was already under construction so it did not count towards that requirement. When this project was before Commission previously, Staff and the Commission recommended 20% affordability, but the applicant already had their financing in place based on 15%. Things have changed since then which allows the Council to achieve more affordability at this project. The existing agreement with the Redevelopment Agency will provide affordable housing set-aside funds to cover the affordability gap for 15% affordable units. The Council will have to consider if they want to increase that amount to cover the difference for 20% affordable.

Commissioner Ensberg asked if the developer could just leave the western portion of retail vacant until the economy improves, or would that stop the whole project if they did not approve the increased residential.

Commissioner Davis thought Staff was recommending the change because the environmental impacts have been reduced, plus they can have 30 dwelling units per acre based on the current housing element.

Director Coleman stated Building B in the northwest corner of site is designed at 30 dwelling units per acre density. He stated Commissioner Ensberg is correct in that the City can say they

do not want to reduce the amount of retail and wait for the economy to bounce back. It was his understanding that the developer will move forward with the Fresh and Easy and are almost ready to pull permits.

Commissioner Davis asked if it was better to trade out the commercial for residential in order to have a built project.

Director Coleman stated that would be a decision the City Council will have to make. From a planning perspective, the redesigned project still meets the City's Goals and Objectives for the area.

Commissioner Rahi was concerned because the previous project looked more like mixed-use, but now feels the commercial is a very small portion of the project. He was also concerned about the proposal to add a gate to the community and possible queuing in the street. He also wanted to know where pedestrian access will be to the project.

Director Coleman stated the applicant has worked with a traffic engineer to address queuing issues and the medians on San Dimas Canyon Road will be reconstructed to accommodate this project. Also, since there will be visitor parking in the commercial section, that will also relieve stacking at the gated entrance. The pedestrian access will be through the plaza space and is larger than what was previously proposed.

Chairman Schoonover stated there are 36 two-bedroom units which have a den, and asked how large each of those rooms are because he was concerned the den would be converted into another bedroom and could have an impact on parking.

Director Coleman indicated Plan 6 had a den which might be changed from its original use and went over the parking tables.

Chairman Schoonover remembers a study session with the City Council in 2001-02 where direction was given for mixed-use on that property, and the consensus was that Bonita Avenue should have retail facing it and residential should be located behind. He stated when you look at the wording in Specific Plan No. 26 Section 18.544.010 Purpose and Intent, he did not feel apartments on Bonita Avenue would provide an aesthetically attractive visual entrance to the City or maximize commercial development of larger properties. He felt they shouldn't change the Council's direction just because of a temporary downturn in the economy and concurred with Commissioner Ensberg that they should keep the retail section available until the economy improves.

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

Tom De Regt, VCH Managing Partner, stated they appreciated the City's support when they brought this project forward last year and Specific Plan No. 26 was adopted. He stated they moved forward with demolishing the nuisance buildings to benefit the community while working on their plans. Since that time, Walgreens changed their business model and pulled out of the project. He stated their decision was based on what is happening nationally; the country is over-retailed and many existing storefronts could remain vacant for a long time. If the City elects to keep the original site plan, he felt Fresh and Easy would pull out of the project. VCH has owned the property for the last three and a half years and has always felt the amount of retail for the site was problematic. This is the fifth configuration they have discussed with Staff

and they have always felt this area would not support a large amount of retail. He outlined the various proposals they have considered throughout the years and stated they have financing for the Fresh and Easy and shops space, but that they cannot move forward with grading without this amendment because things will change with the site plan layout. He stated when they were approached last year about increasing the affordable units to 20%, they already had financing in place and could not change it, but since that has gone away they are now able to offer 20% now.

Commissioner Ensberg asked if they were willing to bear the cost of the difference from 15% to 20% affordable. He also asked why they are proposing a gated community now.

Tom De Regt, VCH, stated they are asking for some subsidy, but not the original amount and discussed the funding request. He stated they decided to make this a gated community to enhance the interaction between the commercial and residential. He felt it added to the quality of the project.

Commissioner Ensberg asked if they will manage this project, and do they have any concerns about some of the units converting their dens into bedrooms.

Tom De Regt, VCH, stated this is his fifth project, and they own and are asset managers of their developments. They hire an apartment management company for the day-to-day operations, but meet on-site frequently during the leasing period and stay involved in the projects. As to changes to the units being made by tenants, they deal with that through involved property management and the tenant screening process. VCH has a significant equity investment in their projects and good property management is what protects their investment.

Commissioner Davis asked how comfortable are they with the demand for apartments.

Tom De Regt, VCH, stated not as much as they were three years ago, but there hasn't been a high-end apartment project built in San Dimas in the last three years, and while foreclosures are low in San Dimas, regional foreclosure will have an impact.

Commissioner Rahi wanted clarification on why Fresh and Easy will pull out of the project if this amendment was not approved. He also wanted to know if they did not build a new apartment building and waited for a commercial project, would that make a difference to Fresh and Easy because there will still be other buildings behind them.

Tom De Regt, VCH, stated they have done six amendments already to their contract with Fresh & Easy since they started, and when they relocated Fresh and Easy back to the corner location, the driveways all moved too. So while they could in theory pull a grading permit for the Fresh and Easy, they couldn't for any of the other shops or off-site improvements because of proposed changes. If this request is unsuccessful, they will regroup but it decreases the viability of the proposed project and there is a risk that Fresh and Easy will pull out. He felt it was a strong project and meets the requirements of the City. He stated he didn't know when another commercial user will want to move to this property, because it was empty for 15 years during the height of the building boom, and they still could not attract a commercial project to that location.

Rob O'Connell, 553 E. Bellgrove Street, San Dimas, was concerned about possible theft at Fresh and Easy because they were all self check-out. He has two young daughters and was concerned for their safety if the store was robbed and the thieves were looking for someplace to

hide. He also was concerned that a number of these stores have been built but not opened. He distributed an article from the *Los Angeles Times*, and a study by the *Los Angeles Alliance for a New Economy*, to the Commission assessing self check-out stores.

There being no further comments the public hearing was closed.

Chairman Schoonover stated he reviewed this project at the previous DPRB meeting and felt it was a good looking project. However, he felt it did not conform to Specific Plan No. 26 by adding residential along Bonita Avenue. He stated if they built the corner commercial and the apartments in the back, they will not be an island as there are many apartment buildings around the site. He also has a concern about the parking. While he feels the amenities are outstanding and you can tell a lot of time and effort have gone into the proposal, he does not see how it conforms to the intent of SP-26.

Commissioner Ensberg felt they had two options: 1) they could wait on developing the commercial space and go forward with the rest of the project, or 2) they can recognize that they will not get what they want unless they wait a number of years. If they were to go forward with the applicant's revised proposal, will they achieve another goal of the City instead of the original percentage of commercial in that area. What comes to mind is achieving 20% affordable housing, shifting some of the cost back to the developer. He wanted to be sure they were not moving backwards and not achieving the goals of the City.

Chairman Schoonover stated if he was looking for something in trade, they will be getting an additional 36 apartment units towards their RHNA number and more apartments would be affordable.

Commissioner Davis stated the developer is willing to do 20% if the City is willing to finance the affordability gap for the increase.

Director Coleman stated the project accomplishes more than one goal in that it helps achieve more housing units towards the 625 units per Regional Housing Needs Assessment target, and it helps to achieve the breakdown of units affordable to very-low and moderate income.

Commissioner Davis felt they would still gain something from the revision. He did not think this was a good commercial location anyway and the developer was lucky to find a tenant with a business model that will fit into this environment. He did not have a problem with the design or with having commercial on the corner only. He felt the design of the apartments was outstanding and that this was a good project.

Commissioner Rahi was concerned about having less commercial on that site. He felt the whole area was nothing but residential and the new proposal will not change the existing characteristics of this corner like the previous design did. He felt they should leave the building space vacant and try to get a commercial use in the future. He was concerned that they were giving too much due to the current economic conditions and if they allow residential to be built, they can never go back to commercial.

Commissioner Davis felt they risked letting this lot sit vacant for a very long time and felt the new proposal made sense and helps the City meet their residential goals. Even if the economy were to turn around now, the question remains will there be more stores to fill that space or has there been a shift in how retail occurs. More people are buying off the internet. He is familiar

with the challenges facing the shopping center industry and didn't think they can risk letting this site sit vacant.

Commissioner Ensberg stated that even if there has been a shift in how retail works nationally, that doesn't mean there aren't still places where retail can be built. The applicant has pointed out that San Dimas is a stable community. He felt if they were going to allow the majority of this site to go residential, then why did the City wait 15 years for a commercial project. There were always large residential projects available if that is what they wanted.

Tom De Regt, VCH, stated this site was heavily marketed for commercial in a good retail environment, and yet this site stayed vacant. Retail users have pushed towards the freeway, so even in a good market, the market was telling them this was not a viable retail site. They felt fortunate when Fresh and Easy came in with their neighborhood market business model and he encouraged them not to wait, because even in a good market, this site sat vacant.

#### RESOLUTION PC-1397

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF DEVELOPMENT PLAN REVIEW NO. 09-20, A REQUEST TO DEVELOP A 2.24 ACRE PROPERTY INTO A NEIGHBORHOOD RETAIL CENTER ON THE PROPERTY LOCATED ON THE NORTHWEST CORNER OF BONITA AVENUE AND SAN DIMAS CANYON ROAD (APN: 8390-013-010, -011, -012)

#### RESOLUTION PC-1398

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF DEVELOPMENT PLAN REVIEW NO. 09-21 A REQUEST TO DEVELOP A 6.28 ACRE PROPERTY INTO 156 APARTMENTS ON THE PROPERTY LOCATED ON THE NORTHWEST CORNER OF BONITA AVENUE AND SAN DIMAS CANYON ROAD (APN: 8390-013-010, -011, -012)

#### RESOLUTION PC-1399

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF PRECISE PLAN REVIEW 09-01 (DPRB 09-20 AND 09-21), A REQUEST TO CONSTRUCT A 19,969 SQUARE FOOT RETAIL CENTER AND 156 APARTMENTS AT THE NORTHWEST CORNER OF BONITA AVENUE AND SAN DIMAS CANYON ROAD (APN: 8390-013-010, -011, -012)

#### RESOLUTION PC-1400

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 09-01, A REQUEST TO AMEND SPECIFIC PLAN NO. 26 FOR THE PROPERTY LOCATED ON THE NORTHWEST CORNER OF BONITA AVENUE AND SAN DIMAS CANYON ROAD (APN: 8390-013-010, -011, -012)

## RESOLUTION PC-1401

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF REVISION TO TENTATIVE TRACT MAP 69609, A REQUEST TO SUBDIVIDE AN 8.53 ACRE PROPERTY INTO SIX (6) LOTS ON THE PROPERTY LOCATED ON THE NORTHWEST CORNER OF BONITA AVENUE AND SAN DIMAS CANYON ROAD (APN: 8390-013-010, -011, -012)

**MOTION:** Moved by Davis to recommend the City Council approve staff's recommendation and adopt the appropriate resolutions. The motion died for lack of a second.

**MOTION:** Moved by Schoonover, seconded by Rahi, to recommend to the City Council denial of Municipal Code Text Amendment 09-01; Revision to Tentative Tract Map 69609; Development Plan Review Board Case Nos. 09-20 and 09-21; and Precise Plan 09-01. Motion carried 3-1-1 (Davis voted no, Bratt absent).

An unidentified gentleman from the audience asked about the environmental review and if the Indian tribes in the area had been consulted about this. He also wanted to know what was being done to help homeless people.

Director Coleman stated an environmental review process had been done for the project and that several Indian tribes were contacted and did not respond.

Chairman Schoonover stated issues regarding the homeless were not part of the agenda tonight.

### **ORAL COMMUNICATION**

#### **4. Planning Manager**

Director Coleman stated at City Council last night there was a study session to discuss the City Hall expansion and then the joint session with the Planning Commission on the Grove Station project.

#### **5. Members of the Audience**

No communications were made.

#### **6. Planning Commission**

Chairman Schoonover stated he will be out of town next week and unable to attend the DPRB meeting.

Commissioner Davis stated he would be the representative for that meeting.

Commissioner Rahi asked about the Special Meeting on July 29th.

Director Coleman stated the appeal of the Classification of Use for the Grove Station project was going to the City Council on July 28<sup>th</sup>. The Council's action would determine if the Planning Commission still needed to meet on July 29th, because if they deny the use, there will be no need to hear the applications.

**ADJOURNMENT**

**MOTION:** Moved by Ensberg, seconded by Davis to adjourn. Motion carried 4-0-1 (Bratt absent). The meeting adjourned at 8:37 p.m. to a Special Meeting of the Planning Commission scheduled for July 29, 2009, at 7:00 p.m.

---

James Schoonover, Chairman  
San Dimas Planning Commission

ATTEST:

---

Dan Coleman, Director of Development of Services

Approved: August 5, 2009