

# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Wednesday, January 9, 2013 at 7:00 p.m.  
245 East Bonita Avenue, Council Chambers

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## **Present**

Chairman Jim Schoonover  
Commissioner David Bratt  
Commissioner Stephen Ensberg  
Commissioner M. Yunus Rahi  
Assistant City Manager for Comm. Dev. Larry Stevens  
Senior Planner Marco Espinoza  
Planning Commission Secretary Jan Sutton

## **Absent**

Commissioner John Davis

## **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, 2012

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

## **PUBLIC HEARINGS**

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 12-07** – A request to delete Chapter 18.151 of the San Dimas Municipal Code, Senior Citizen Housing Developments.

Staff report presented by *Assistant City Manager Larry Stevens* who stated in the late 1980's an ad hoc citizen committee developed this Chapter to provide standards and to facilitate a higher quality senior housing unit than was evident in some earlier projects. Since that time no projects have been developed using these standards. The only two projects built since

adoption were the apartments on Foothill Boulevard which were entitled prior to this Chapter, and the units above the hardware store which were under separate regulations.

In 2008 during the review of the Housing Element, HCD reviewed this ordinance and felt the standards were restrictive and a disincentive to developing senior housing, so they directed the City to revise the standards to eliminate the areas they felt were creating the disincentive. Staff felt that rather than amending a code section that had not been utilized since adoption, it would be better to delete it as the Building Code and ADA requirements are sufficient to provide adequate quality for senior housing developments. Therefore, Staff is recommending deletion of Chapter 18.151 and adoption of Resolution PC-1470.

**Commissioner Ensberg** asked if this Chapter is deleted, will there still be standards for senior housing needs.

**Assistant City Manager Stevens** stated senior housing projects are permitted in all the MF zones; this only eliminates an additional overlay of unnecessary standards.

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

**Josie Norman, 316 S. San Dimas Avenue**, was concerned that by deleting this Chapter senior citizens will be losing out on some type of benefit. She wanted to know if they would be eliminating affordability for senior citizens.

**Assistant City Manager Stevens** stated the items that they may be losing by deleting this Chapter were the items the State wanted removed because they were considered a disincentive to providing affordable housing. Seniors will still have the benefit of the MF-30 affordable standards, and the Building Code and ADA requirements will provide all the necessary building standards for seniors.

**Eric Whipp, 144 W. Allen Avenue**, asked if this item had anything to do with MCTA 12-08. He felt that senior housing should be near amenities and that 400 square feet was not adequate for an apartment.

**Assistant City Manager Stevens** stated this item is not related to MCTA 12-08. The State felt having a minimum unit size stifles development. Market demand and Building Code will provide adequate, reasonably sized units.

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

#### RESOLUTION PC-1470

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE  
TEXT AMENDMENT 12-07, A REQUEST TO DELETE CHAPTER 18.151  
(SENIOR CITIZEN HOUSING DEVELOPMENTS)

**MOTION:** Moved by Ensberg, seconded by Bratt to adopt Resolution PC-1470 recommending the City Council approve Municipal Code Text Amendment 12-07. Motion carried 4-0-1 (Davis absent).

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Commissioner Bratt recused himself for Items 3 and 4 as he resides within 500 feet of the proposed property in Affordable Housing Overlay – Area 1.

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3. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 12-08** – A request to add Chapter 18.40 to the San Dimas Municipal Code establishing the Affordable Housing Overlay Zone.

Staff report presented by *Assistant City Manager Larry Stevens* who stated when the City adopted the 2008 Housing Element they committed to meeting the RHNA growth projection number created by SCAG, which was approximately 625 units. The total is broken up by four income categories. The 223 units for very-low income are required to be accommodated by re-zoning property to a minimum density of 30 dwelling units per acre (dua), which is defined in State law as the appropriate density for affordable housing in metropolitan areas statewide. The units do not need to be constructed, but the identified parcels are to be re-zoned. For San Dimas that comes to 7.4, acres and three locations were identified in the Housing Element to accommodate that acreage.

The first location is at the Loma Bonita project where 1.5 acres was zoned at 30 dua. The second location is a portion of the current Bonita Unified School District property at the northwest corner of San Dimas Avenue and Gladstone. At that time they were considering a change in operations and possibly relocating, and it was agreed that a minimum of 2.5 acres would be re-zoned. The only thing left is to complete the re-zoning process. The third site is a 3.3 acre portion of the 17-acre block bounded by Walnut Avenue, Arrow Highway, San Dimas Avenue and the AT & SF right-of-way.

Originally Staff envisioned accomplishing these re-zonings using a specific plan; however, now it is felt that it would be more appropriate to use an overlay zone rather than re-zoning the properties to MF-30 and having to address how to deal with the existing uses and making them non-conforming. Using an overlay zone allows the existing zone to stay in place and the uses operate until such time as the property owner wants to sell the property, remove what is on it, and develop something different. If that happens, then the City would review it to see if they have the necessary acreage to allow for development of affordable housing.

Since the overlay zone tries to accommodate the existing uses while still trying to achieve the long-term zoning goals of the Housing Element, he thinks the State will find it acceptable. It ensures there is a review process for high density residential but only when the property owners desire to do so. The overlay zone gives owners an additional use which might have a higher land value than if the zoning was left as is.

*Commissioner Ensberg* asked if an owner can sell his property to a similar type business that does not involve high density housing.

*Assistant City Manager Stevens* stated that is correct. This requirement does not apply to changing ownership or doing a renovation.

*Commissioner Ensberg* stated then this just adds another option for the owners, and they should be able to get re-financing because they won't be limited by now being a non-conforming use.

**Assistant City Manager Stevens** stated in effect the overlay zone operates as an addendum to the existing zoning, so it adds value to what is there.

**Commissioner Ensberg** stated the letter sent by the Silverstein law firm seems to feel that it is creating a restriction.

**Assistant City Manager Stevens** stated if they had processed a specific plan or made the underlying uses non-conforming and did not allow alterations or changes of occupants, than that could have been a valid argument. However, any property owner in these overlay zones can keep what they have, operate it, refinance it, sell it, or leave it as it is, and these rules have no effect at all. The only time it comes into play is when the property owner says he wants to do something else. Then there is an evaluation process to see if the site which is now available is an appropriate way to achieve the 3.3 acres in that whole block. They are creating standards for this process and it is very clear that the existing uses are not restricted by the additional housing opportunity the overlay offers.

He felt it added a level of flexibility of uses and it adds the evaluation process by the Commission and Council to determine if the site is appropriate for high density development or not. It is not mandated that it has to be developed that way. If he had re-zoned this entire area and made the existing uses non-conforming, that could be seen as an onerous burden.

**Chairman Schoonover** stated so at this time they are not identifying where the 2.5 and 3.3 acres would be in Areas 1 and 2; that would be up to the owners.

**Assistant City Manager Stevens** stated Area 1 is 7.5 acres which are fully developed. The new zoning will be AP (AHO-1). Technically while the School District operates the facility, the City doesn't have jurisdiction over this site as long as it remains a public use. If they sell the property for a private use, then the zoning does apply. If there is a proposal to change the current use, then it has to be evaluated to see if it can accommodate high density housing. There are also standards which refer back to the MF-30 zone which would apply. The Area 2 overlay zone contains many developed parcels, including the City yard. It didn't make sense to randomly pick one or two parcels to achieve the needed acreage, so the overlay zone made sense. The goal of this area is slightly different because you have multiple properties with multiple owners which would need to be combined in order to get 3.3 acres.

**Commissioner Rahi** asked about the location for the Gold Line station.

**Assistant City Manager Stevens** stated for the purpose of the current Gold Line EIR review, a specific parcel had to be designated, so the Authority picked the site currently occupied by the mini-storage lot. After discussions with the property owners, it was moved to the City maintenance facility. The evaluation process is essentially the same in this zone to determine if they can achieve 3.3 acres of affordable housing.

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

**Josie Norman, 316 S. San Dimas Avenue**, who stated she felt this was restricting owners from being able to sell their property because they would have to meet these requirements. She wanted to know what rights the property owners would have if someone wanted to develop in that area.

**Assistant City Manager Stevens** stated in terms of the individual units in Grove Station, this overlay would have little effect. That is a new development which will not be changing to anything else in the future. In fact, because of the construction of housing in that project, it made sense to consider additional housing in this area. He stated the only way a developer could come in and reconstruct that area using this section would be to purchase the units from the individual owners, and they would need 100% of the owners to sell. He felt this overlay changed nothing in regards to Grove Station.

**Commissioner Ensberg** stated the benefit of this action is that it helps the City meet the State's requirement that a certain amount of acreage is identified as developable for affordable housing.

**Assistant City Manager Stevens** stated it may encourage other housing developments in that block that currently don't exist. This code would create an opportunity if and when the property owners decide to sell. This area was selected six years ago, and at that time Grove Station had not been constructed, but since it has been, there will be no impact on that development. With the coming of the Gold Line Station, the thought is that it is more desirable to have higher density housing near transit lines. The zoning does not force anything to happen; it just creates other opportunities for development.

**Eric Whipp, 144 W. Allen Avenue**, stated he lives across from Chaparral School and asked if the City can take a property for a specific zone that they want to use it for when it is not zoned for that, and can they take it by eminent domain. He was concerned that by changing the zoning, it opens up an opportunity for eminent domain.

**Assistant City Manager Stevens** stated in response to his first question, the City can re-zone properties for different uses. Under current law, the City can only take property by eminent domain if they are acquiring the property for public purposes. They cannot take property for private purpose such as a commercial development.

**Eric Whipp** wanted to ensure that a low-income housing project would not be considered a public purpose. He stated he did not think he was going to change anyone's mind on this but the notice indicated that to preserve his right in the legal process he needed to speak at the hearing. He also expressed concerns about the traffic generated on Allen Avenue due to the signal Caltrans installed at the 57/210 interchange. He felt if a housing project was developed, it would only add to the traffic issues.

**Assistant City Manager Stevens** stated low-income housing would not qualify as a public purpose. He added as long as this property is operated by the School District, this overlay zoning has no impact.

**Mary Helen Ramirez, 200 W. Allen Avenue**, asked if they were saying the entire school district site would be developed as low-income housing.

**Assistant City Manager Stevens** stated this proposal says if at any point in time the District decides it doesn't want to have offices or operations on this property and a portion becomes available for private use, then that portion needs to be evaluated to see if it qualifies for a multi-family development at 30 du. If they decide to sell the entire property, then the evaluation would be to determine which 2.5 acres would be best for the housing portion.

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

**Assistant City Manager Stevens** stated the letter from the attorney is technically referring to the zone change, but the standards are in this text amendment. He felt relative to the comments made, in the evaluation section quoted, they could remove the word “exclusively” and would address the concerns stated.

RESOLUTION PC-1471

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 12-08, A REQUEST TO ADD CHAPTER 18.40 TO THE SAN DIMAS MUNICIPAL CODE ESTABLISHING THE AFFORDABLE HOUSING OVERLAY ZONE

**MOTION:** Moved by Ensberg, seconded by Rahi to adopt Resolution PC-1471, amending sections 18.040.050.A.5 and 18.040.050.B.5 by removing the word “exclusively,” and recommending approval to the City Council. Motion carried 3-0-1-1 (Davis absent, Bratt abstain).

4. **CONSIDERATION OF ZONE CHANGE 12-01** – A request to add Affordable Housing Overlay Zone, Area 1 at the northwest corner of San Dimas Avenue and Allen Avenue (APN: 8392-012-900).

Staff report presented by **Assistant City Manager Larry Stevens** who stated the Overlay Zone which they just reviewed needs to be applied to the specific areas. Zone Change 12-01 would be changing the zoning on the School District property on the map to AP (AHO-1). This is a separate action to put in place the standards adopted in the Code Amendment.

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

RESOLUTION PC-1472

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF ZONE CHANGE 12-01, A REQUEST TO CHANGE THE ZONING TO ADD AFFORDABLE HOUSING OVERLAY ZONE 1 (AHO-1) TO THE EXISTING UNDERLYING ZONING ON THE PROPERTY LOCATED SOUTH OF THE 210 FREEWAY, WEST OF SAN DIMAS AVENUE, NORTH OF ALLEN AVENUE AND EAST OF CATARACT AVENUE

**MOTION:** Moved by Ensberg, seconded by Rahi to adopt Resolution PC-1472 recommending the City Council approve Zone Change 12-01. Motion carried 3-0-1-1 (Davis absent, Bratt abstain).

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Commissioner Bratt returned to the meeting.

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5. **CONSIDERATION OF ZONE CHANGE 12-02** – A request to add Affordable Housing Overlay Zone, Area 2 to the properties located south of the AT & SF Railroad, east of San Dimas Avenue, north of Arrow Highway, and west of Walnut Avenue.

Staff report presented by *Assistant City Manager Larry Stevens* who stated this is to apply the standards created in the text of Municipal Code Text Amendment 12-08 to the second overlay area. This change applies the standards in that amendment as an overlay which leaves the underlying zoning in place so all the existing uses are still permitted and can continue to operate as long as they choose to without becoming non-conforming. The zones for this area will now be CG-3 (AHO-2), M-1 (AHO-2) and PS (AHO-2).

*Commissioner Bratt* asked if the overlay would preclude a property owner in the M-1 zone to sell their property to someone with a different M-1 use.

*Assistant City Manager Stevens* stated it would not, and referred to the section on new uses. The overlay would only come into play if all the buildings on a parcel were demolished, then they would go through the evaluation process for higher density residential.

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

**Josie Norman, 316 S. San Dimas Avenue**, who asked for clarification about the current zoning designations.

*Assistant City Manager Stevens* explained the current zoning and how the overlay would work.

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

#### RESOLUTION PC-1473

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF ZONE CHANGE 12-02, A REQUEST TO CHANGE THE ZONING TO ADD AFFORDABLE HOUSING OVERLAY ZONE 2 (AHO-2) TO THE EXISTING UNDERLYING ZONING ON THE PROPERTY LOCATED SOUTH OF THE AT & SF (GOLD LINE) RAILROAD, EAST OF SAN DIMAS AVENUE, NORTH OF ARROW HIGHWAY AND WEST OF WALNUT AVENUE

**MOTION:** Moved by Ensberg, seconded by Rahi to adopt Resolution PC-1473 recommending the City Council approve Zone Change 12-02. Motion carried 4-0-1 (Davis absent).

#### **COMMISSION BUSINESS**

6. **REVIEW AND REPORT BACK TO CITY COUNCIL ON MUNICIPAL CODE TEXT AMENDMENT 12-06** – Review of Single-Room Occupancy (SRO) Use as a Conditional Use to be added to the MF-30 Zone, San Dimas Municipal Code Section 18.44

Staff report presented by *Assistant City Manager Larry Stevens* who stated when they reviewed the MF-30 zone at the previous meeting, the standards for Single-Room Occupancy (SRO) were inadvertently left out of the Conditional Use section. He presented the information to the City Council at their meeting last night, and advised them that if the Commission had any changes to be made, Staff would include those changes to the proposed ordinance and they would have first reading again.

He stated an SRO is an extremely small efficiency unit, and in some cases contain a half bath or there could be multiple units sharing a bath or kitchen. They are similar to a hotel or boarding house unit but are operated a little differently. These are a category of special interest to the State, so his intent is to add the definition from the State Code as a conditional use. This was committed to previously and it was just overlooked while preparing the code amendment.

**ACTION:** The Commission had no comments or changes to report back to the City Council.

## **ORAL COMMUNICATION**

### **7. Assistant City Manager for Community Development**

*Assistant City Manager Stevens* stated they are looking for volunteers for the annual homeless count on January 29, 2013. He reported on the upcoming DPRB meeting and actions taken by Council at their meeting on January 8<sup>th</sup>. He stated if the NJD items are completed by DPRB, then they will be on the next Commission agenda.

### **8. Members of the Audience**

No communications were made.

### **9. Planning Commission**

*Commissioner Rahi* asked about the 18 home subdivision on Lone Hill.

*Assistant City Manager Stevens* stated the model home is under construction. The remaining units have been plan checked but the developer has not pulled building permits. Village Walk has sold 24 units and they are done with plan check on all of the buildings.

*Commissioner Bratt* asked what the status was on removal of the commercial real estate signs. He also asked if Code Enforcement was going to start working weekends as discussed during the hearings on the sign ordinance.

*Assistant City Manager Stevens* stated the brokers have been notified that the signs need to be removed by February 8<sup>th</sup>. If they have not complied by that date, then Code Enforcement will move forward with additional warning letters and citations if needed. He stated they will be looking at starting weekend enforcement in the near future.

**ADJOURNMENT**

**MOTION:** Moved by Ensberg, seconded by Bratt to adjourn. Motion carried 4-0-1 (Davis absent). The meeting adjourned at 8:52 p.m. to the regular Planning Commission meeting scheduled for January 23, 2013, at 7:00 p.m.

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Jim Schoonover, Chairman  
San Dimas Planning Commission

ATTEST:

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Jan Sutton  
Planning Commission Secretary

Approved: January 23, 2013