

**DEVELOPMENT PLAN REVIEW BOARD
MINUTES
April 25, 2013 at 8:30 A.M.
245 EAST BONITA AVENUE
CITY COUNCIL CONFERENCE ROOM, CITY HALL**

PRESENT

*Scott Dilley, Chamber of Commerce
Shari Garwick, Senior Engineer
Blaine Michaelis, City Manager
Jim Schoonover, Planning Commission
John Sorcinelli, Public Member at Large
Larry Stevens, Assistant City Manager of Community Development (Arrived at 8:39 a.m.)*

ABSENT

Emmett Badar, City Council

CALL TO ORDER

Jim Schoonover called the regular meeting of the Development Plan Review Board to order at 8:32 a.m. so as to conduct regular business in the City Council Conference Room.

APPROVAL OF MINUTES

MOTION: Jim Schoonover moved, seconded by John Sorcinelli to approve the April 11, 2013 minutes. Motion carried 4-0-2-1 (Badar and Stevens Absent and Garwick Abstain).

DPRB Case No. 12-19 – TO BE CONTINUED UNTIL THE DPRB MEETING OF MAY 9, 2013

Per the property owner's request, Hari Alipuria, the item will be continued until the DPRB meeting of May 9, 2013.

Continued from the meeting of October 11, 2012. A request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped located at 105 East Arrow Highway.

Associated Cases: Municipal Code Text Amendment 10-06 & Conditional Use Permit 12-06 & 12-07

APN: 8390-018-023

Zone: Creative Growth 3 (CG-3)

Senior Planner Espinoza stated that the property owner, Hari Alipuria, requested that the item be continued to the meeting of May 9, 2013 because not all parties could be in attendance for today's meeting.

MOTION: Jim Schoonover moved, second by John Sorcinelli to continue the item until the DPRB meeting of May 9, 2013.

Motion carried 5-0-2-0 (Badar and Stevens Absent)

DPRB Case No. 13-10

A request to convert and legalize an existing 566 square foot detached recreation room into a second unit located at 1493 Martingale Court.

Associated Cases: CE13-3073

APN: 8385-020-014

Zone: Single-Family Agricultural (SF-A16000)

Raymond H and Aida L Rosario, applicants, were present.
Jim Mornu, 620 W Arrow Hwy, was present.

Associate Planner Torrico stated that this item was derived based on a code complaint of a conversion of an accessory structure to habitable space. Code Enforcement inspected and observed that there was a recreation room that was previously permitted in 1978 but had been converted, by the previous property owners, into habitable space. The subject site is 15,779 sq. ft. in lot area in the Single-Family Agricultural (SF-A) Zone and has an attached three car garage, with one of the spaces dedicated to the 2nd unit. The applicant is requesting to convert and legalize the existing 566 square foot detached recreation room into a second unit. The Ordinance allows for a second unit, not to exceed 600 sq. ft. in floor area. The front of the 2nd unit faces the rear of the existing home and access is taken from Martingale Court. The 2nd unit was built to match the architectural standards of the existing home: gable roof, stucco finish exterior, sliding windows and shake-tile roof. In addition, Staff conducted an analysis to ensure that the approval of the second unit will not impede on adjacent SF-A zoned properties for the keeping of horses. The properties to the North are zoned SF-7500 which do not allow for horsekeeping. The property to the east is zoned SF-A, does meet the minimum parcel size requirements to keep horses, however, due to the configuration of the existing residences on the adjacent sites, the distance requirements for corrals cannot be met. He concluded that the legalization of recreation room into a 2nd unit will not impact the neighbors keeping horses, thus recommend approval with attached conditions of approval.

Raymond H and Aida L Rosario, applicants, stated that they were very concerned with the code violation because at the time the house was purchased, the real estate agent did not inform them about rules for a having 2nd unit. They stated they were unaware that the property had to be rented as low income or to a family member. They added that the complaint was derived from the tenant of the 2nd unit requesting for a permit to park their vehicle on the public street. They emphasized they themselves did not give them permission to park on the street.

Raymond Rosario stated that he has lived at this residence for 33 years and has never pulled a permit to park his personal vehicle on the street. He assumed that since the 2nd unit was rented, that the City would not issue a permit for him to park on the street; however, it was approved and issued.

Alma Rosario expressed her frustration with the tenant's truck parked on the street and added it is unsightly.

Senior Planner Espinoza commented that the legalities of the 2nd unit being rented out are between the real estate agent and the property owners.

Mrs. Rosario emphasized she was unaware of the 2nd unit requirements to rent out the 2nd unit.

Eric Beilstein, Building Official, stated that this all occurred before the Law of Disclosure Legislation was passed.

Mr. Rosario commented that he was unaware of a permit being issued for the recreation room.

Mr. Schoonover stated that the parking is not the issue of concern today but instead the legalization of the 2nd unit.

Mrs. Rosario commented she would like to keep the recreation room, convert into a 2nd unit and continue to rent out.

Larry Stevens arrived at 8:39 a.m.

Mr. Rosario added that the electric meter connects to the main house and not the 2nd unit.

Senior Planner Espinoza stated that this is not a multi-family complex but a 2nd unit.

Mr. Schoonover commented that the renting out of a unit is covered under the 2nd unit Ordinance.

Mr. Beilstein asked if the restroom was included in the permit issued for the recreation room. In response, Associate Planner Torrico responded no.

Mrs. Rosario stated that they moved in three years after the house was initially constructed and everything already existed.

Associate Planner Torrico stated he will research if there has been any other permits issued.

Mr. Stevens asked if the applicant is aware of the time frame written out in Condition No. 18. In response, Mr. Torrico replied yes and added they are also aware it is an active code enforcement case.

Mr. Stevens added the property owners need to understand there are deadlines that need to be met.

Associate Planner Torrico stated that the property owners are aware of the affordability and 2nd unit requirements.

Senior Planner Espinoza added that the property owners have been compliant.

MOTION: John Sorcinelli moved, second by Jim Schoonover to approve and are subject to conditions of approval.

Motion carried 6-0-1-0 (Badar Absent)

Mr. Michaelis commented that the idea is that one of the parking spaces is available in the garage for the tenant to park thus there would not be a need to park on the street.

Mrs. Rosario commented that she does not want the 2nd unit tenant's vehicle parked in their driveway because it leaks fluids and will damage the driveway.

Senior Planner Espinoza stated that the truck can be parked in either the driveway or garage and the property owners need to decide.

Mr. Rosario stated that the issue is that there is a current tenant living in the 2nd unit that is not qualified and does not meet the requirements for the 2nd unit covenant for low income or is not a family member. He stated that he will need to ask the tenant to move out.

Mr. Stevens commented that the requirements under the 2nd unit Ordinance have been in effect for 20 years, and added that either one of the two units needs to be occupied by a family member and the other by the property owner and if the non-owner occupant unit is not occupied by a family member, then it needs to meet the low income requirements. In December or January there is an annual letter sent out to the property owners to verify who is occupying the unit and if it is not the qualifying person, it needs to undertake a process to make a change.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:45 a.m. to the meeting of May 9, 2013 at 8:30 a.m.

Jim Schoonover, Chairman
San Dimas Development Plan Review Board

ATTEST:

Jessica Mejia
Development Plan Review Board
Departmental Assistant

Approved: May 9, 2013