



AGENDA
SPECIAL CITY COUNCIL MEETING
TUESDAY, MAY 28th 2013, 5:30 P. M.
SAN DIMAS COUNCIL CONFERENCE ROOM
245 E. BONITA AVE.

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett Badar
Councilmember John Ebner
Councilmember Jeff Templeman

1. CALL TO ORDER

2. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item on this agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda.)

- a. Members of the Audience

3. STUDY SESSION

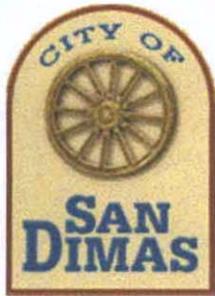
- a. Continued discussion regarding recent planning and land use projects and proposals

4. ADJOURNMENT

The next meeting is on Tuesday, May 28th, 2013, 7:00 p.m.

AGENDA STAFF REPORTS: COPIES OF STAFF REPORTS AND/OR OTHER WRITTEN DOCUMENTATION PERTAINING TO THE ITEMS ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION DURING THE HOURS OF 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. INFORMATION MAY BE OBTAINED BY CALLING (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET:
<http://cityofsandimas.com/minutes.cfm>.

POSTING STATEMENT: On May 24, 2013, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 245 EAST BONITA AVENUE (SAN DIMAS CITY HALL); 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE).



MEMORANDUM

DATE: May 28, 2013
TO: Mayor and City Council
FROM: Larry Stevens, Assistant City Manager for Community Development
SUBJECT: Update on Matters Discussed at April 29, 2013 Retreat

Discussions of case studies and related matters did not result in adequate directions regarding next steps. Staff has summarized the points of discussion and is requesting additional direction before proceeding.

Fees:

The attached chart outlines the most common commercial/industrial applications and includes fees for those applications.

Staff understands there is a consensus to adjust the fee related to the initiation of a Municipal Code Text Amendment so that it is collected on a “staggered” basis.

It is recommended that the fee be adjusted to that used for a General Plan Amendment - \$382 for initial review with the deposit required if the MCTA is initiated.

Staff desires to know if any other fees should be adjusted.

In considering any fee adjustments it should be noted that the City's application processing fees are generally on the low side when compared to surrounding cities and do not come close to offsetting the costs associated with any particular application or Staffing costs generally.

Processing Time:

There was not specific direction on this matter. The chart outlines general processing times but you should refer to Footnote #2 for additional clarification. From Staff's perspective desired times are usually more difficult to achieve when applicants do not use the opportunity for preliminary review to identify/address issues, when applicants have difficulty submitting complete information and when applicants are not willing to accept existing City standards and incorporate them into their plans. In addition, available Staffing time is impacted by public counter time on a wide variety of non-application based matters and by last year cutbacks.

Staff is not currently planning on making any material adjustments related to processing time unless there is additional direction.

Uncertainty:

There will always be some uncertainty in the processing of discretionary applications. Staff endeavors to identify potential issues as early in the application process as possible so applicants can better understand what they are facing. Staff is generally hesitant to pre-commit

its recommendations until it has a full understanding of the applicant's project. Staff is always willing to work with applicants to make changes to address issues as they arise.

Part of the retreat discussion included a suggestion to have more study sessions on pending applications but Staff has some reservation about this approach because it increases risks for the actual application processing by misleading applicants who don't understand that a study session is not a decision (even when clearly stated) and creating a perception that decisions are already made to the general public.

One must also note that many of our discretionary review procedures seek and encourage public participation and input. While Staff is sometimes able to anticipate likely issues from the public, there will always be some uncertainty.

Staff is not currently planning on making any material adjustments related to uncertainty unless there is additional direction.

Archaic Regulations:

There was much discussion focused primarily on the uses in the M-1 Zone although there have been past discussions about uses in shopping centers.

Staff intends to move forward with an MCTA rewriting Chapter 18.128 (INDUSTRIAL ZONES – I-P & M-1 ZONES).

In this MCTA Staff will merge them into a single Light Industrial Zone (Note: there is no I-P Zoning in the City). Our goals are to:

- Combine the list of permitted uses into fewer broader categories based on real impacts
- Control the scale of the activity which really does have the impact
- Establish performance standards that control the external impacts of any permitted land use activities (i.e., how they are operated rather than how they are built)

Staff is reviewing several approaches that incorporate these goals and which are focused more on the activity and form more than the actual list of uses (i.e., the Land-Based Classification System developed by APA a few years ago or some variation of a hybrid Form Based Code).

Staff has scheduled a public hearing before the Planning Commission on June 6 to consider the applicant requested use changes for SP 20 (Target Center).

City Council may recall that it was determined several months ago to use this application as a touchstone for the previously discussed concerns about use restriction in the various shopping center zones with the understanding that it would likely provide a framework for additional changes in other zones and specific plans. The second phase of shopping center use reviews would then include Ralph's (SP-18), San Dimas Station (CG-1), Stater's (SP-2) and Von's (C-N). Albertson's is intended to be addressed with the Downtown Specific Plan project.

Staff is intending to use this approach unless directed otherwise.

Inadequate Flexibility:

This discussion primarily focused on use reviews and interpreting permitted and conditional use lists. If the approach suggested for the M-1 Zone is viable then it can ultimately be adapted to other zones as deemed appropriate.

The other opportunity is to take another look at the standards of review for classifications of use (Chapter 18.192). While the procedure is fairly straightforward, it is conceivable that revisions to the required findings (see below) may yield some additional flexibility. It should however be noted that the procedure is really not a substitute for a MCTA.

Any unclassified use may be permitted where it is determined similar to the other permitted uses in the zone and not more obnoxious or detrimental to the public health, safety and welfare than such other permitted uses. Such a determination may be made where the approving body finds that all of the following conditions exist:

- A. That the subject use and its operation is consistent with the goals and objectives of the general plan;*
- B. That the subject use and its operation is consistent with the purposes and intent of the zone in which the use is proposed to be located;*
- C. That the subject use and its operation is a compatible use in all areas of the city where the zoning is applied;*
- D. That the subject use is similar to one or more uses permitted in the zone within which it is proposed to be located. A use shall be deemed to be similar only where the size, scale, design and impact of the uses are comparable. A use shall not be deemed to be similar when the operation of the use involves greater impacts in terms of traffic, parking, noise, glare, odor, refuse or other environmental considerations; generates greater demand for public services; does not have comparable hours of operation; is significantly more intensive in the number of employees, patrons and other users of the facility; and is not complementary to other uses in the zone;*
- E. That the subject use and its operation will not adversely affect other permitted uses in the zone within which the use is proposed to be located;*
- F. That the subject use will be so designed, located and operated that the public health, safety and general welfare will be protected.*

Staff does not intend to proceed with a MCTA revising these Findings unless directed.

Other Standards:

There was limited discussion of parking as a standard of potential concern with some focus on increasing property owners/managers responsibilities for managing their own parking particularly in built-out, multitenant properties.

Staff intends to explore this option further and report back on possible approaches prior to initiating a MCTA.

Council should provide further direction if there are other standards which should be evaluated for possible changes.

Conclusion:

From Staff's perspective it is important to clearly understand the problem before developing feasible solutions. Resources are limited and it is not particularly effective to do something for the sake of doing something. Many of the "problems" discussed are more perception and less reality or are based on a single perspective rather than an evaluation of systemic concerns.

Most Common Application Types	Description/ Applicability	Application Fee ¹	Level of Review	Public Hearing	Notice Requirements	Typical Processing Time ²
<i>Development Plan Review (Exempt)</i>	Signs complying with approved sign program, wall signs, temporary signs & sign face changes; minor additions with no increase in intensity or parking (generally tenant improvements which are interior). ³	\$0	Over the Counter (Plan check review)	No	None	None – other than any required building plan check time
<i>Development Plan Review (Director)</i>	Certain monument & wall signs requiring Director discretion; additions which increase intensity of use or require additional parking, including exterior alterations ³	\$83	Staff (Letter with Conditions)	No	Adjacent property owners	3-4 weeks
<i>Development Plan Review (DPRB)</i>	Sign programs; new buildings. ³	<10,000 sq. ft. - \$437; >10,000 sq. ft. - \$1092	DPRB Meeting	No	Adjacent property owners (when DPRB agenda distributed)	4-6 weeks
<i>Precise Plan</i>	When required in Scenic Highway Overlay Zones & SP-24 & SP-26	\$546	DPRB & Planning Commission & City Council	No	Adjacent property owners (when agendas distributed)	2-4 months
<i>Conditional Use Permit (CUP)</i>	When specified for a particular use in the applicable zone or specific plan & for other special considerations including shared or off-site parking	\$1092	Planning Commission	Yes	Newspaper publication + 300' radius property owner mailing + 3 public places + public notice board (or window sign) ⁴	6-8 weeks
<i>Classification of Use</i>	Per Chapter 18.192, when a requested use is omitted from the permitted use list in a zone. Can only be approved if compatible with other uses in same zone and similar to uses already permitted. If not a MCTA is required.	\$109	Planning Commission	No	Posted in 3 places as part of agenda posting.	2-4 weeks
<i>Variance</i>	Per Chapter 18.204, when a unique circumstance associated with a property conditions indicates a	\$983	Planning Commission	Yes	Same as CUP	6-8 weeks

	development standard should be waived or modified						
Municipal Code Text Amendment - MCTA (or Specific Plan Amendment)	When a change in the zoning text is required to address a new use not meeting the classification of use criteria or some development standard or related criteria (i.e., parking, setbacks, etc.) requires a change.	Cost with \$3000 initial deposit	Planning Commission & City Council	Yes		Same as CUP	3-6 months
Zone Change - ZC (or Specific Plan)	When a change in the zoning district is required to accommodate a use or project.	Cost with \$3000 initial deposit	Planning Commission & City Council	Yes		Same as CUP	3-6 months
General Plan Amendment - GPA	When a change in General Plan land use designation or applicable General Plan policy(ies) or proposals may be required for a particular land use or project.	\$382 for Initial review + Cost with \$3000 initial deposit	Planning Commission & City Council	Yes		Same as CUP	3-6 months
License & Permit Hearing Board	When required by Chapters 5.28 – 5.32 for certain types of businesses (i.e., massage, fortunetellers, etc.) or certain business activities (i.e., entertainment permits)	\$382	DPRB	No		Adjacent property owners (when DPRB agenda distributed)	3-4 weeks
First Floor Office in C-G Zone	For first floor offices not previously approved (Downtown only)	\$109	DPRB	No		Adjacent property owners (when DPRB agenda distributed)	3-4 weeks
Appeals	May be filed on any discretionary decision by Applicant or other aggrieved party	\$109	Depends on decision being appealed	Depends on decision being appealed		Depends on decision being appealed	Depends on decision being appealed

1. Additional Environmental Fees may also apply [Environmental Assessment - \$219; Categorical exemption (if filing requested) - \$37 + \$75 County Filing Fee; Negative Declaration - \$83 City + \$75 County Filing Fee + \$2156.25 State Fish & Game Fee; EIR – Actual Cost + 15% City Overhead + \$75 County Filing Fee + \$2995.25 State Fish & Game Fee]
2. Time is approximate and can vary based upon the complexity of the application. Time estimate does not include preliminary reviews which are encouraged in many applications. Time does not start until application is deemed complete. Time may also be affected by Environmental Determination and need for any environmental studies to support a Mitigated Negative Declaration (i.e. traffic, noise, etc.). When multiple applications are combined (i.e. MCTA & CUP), then the longer processing time applies.
3. See Table 18.12.050 for specific review authority based on project type and intensity.
4. City usually arranges for this sign and charges \$240 for the board and \$25 for the window.