CITY OF SAN DIMAS
PLANNING COMMISSION
MINUTES

Regularly Scheduled Meeting
Thursday, June 20, 2013 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
Assistant City Manager for Comm. Dev. Larry Stevens
Senior Planner Marco Espinoza
Associate Planner Jennifer Williams
Planning Secretary Jan Sutton

Absent
Commissioner David Bratt

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 Davis led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: May 16, 2013

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

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 10-02; AND CONDITIONAL USE PERMITS 12-06 AND 12-07** - A request to demolish the existing 1,568 square foot gas station attendant building/convenience store and construct a new 2,561 square foot attendant building and convenience store with a take-out restaurant, located at 105 E. Arrow Highway. (APN: 8390-018-023) ***Associated Case: DPRB Case No. 12-19***

Staff report presented by ***Senior Planner Marco Espinoza***, who explained the applications associated with this request. The current site of the Gas 'n Go consists of four pumps with eight

stations for pumping gasoline and the main building with the cashier and convenience store. The Applicant is proposing a new building which would be located on the northeast corner of the property consisting of a 2,112 square foot convenience store and a 600 square foot food service. The building would be one-story with an attic. Proposed parking for the site is 17 spaces, consisting of eight spaces for the food service and nine spaces for the store. The building details will include antique brick, stucco, s-clay tile, dentils and parapets. The pavement and landscaping will also be improved throughout the site.

Initially the Applicant submitted a standard design but were advised that the Code required a reverse/turn around design if the site was redeveloped. At the Applicant's request, Council twice reviewed the request to grant an exemption because of the storm drain crossing the property, and they were directed to work with Staff. There were several proposed designs, with Council directing Staff to consider a traditional design if the Applicant could meet the other development standards. DPRB reviewed the design twice; when presented at the May 2013 meeting, most of the issues had been resolved except for the location of the pumps and canopy. In order for the Applicant to meet the design requirements and bring the site into compliance with the Code the pumps and canopy would need to be moved out of the setback area long Arrow Highway.

Senior Planner Espinoza stated the Applicant does not want to move the pumps or canopy because they are afraid AQMD will place new restrictions on them if they do. Staff understands their concern, but also needs the project to comply with the Code which requires a complete redesign of the site, which this design is not in compliance with. If the Applicant were to move the pumps ten feet to the north, they would be outside of the setback area.

The other issue is that the Applicant does not have legal access to the property to the north so the redesigned access created a dead-end at the end of the parking aisle. Since the Code states that any expansion of use would require a complete redesign and they do not comply, Staff is recommending denial of all related applications to the City Council.

Commissioner Davis stated the Applicant's design appears to be outside of the 25 foot setback area.

Senior Planner Espinoza stated that is correct; however, Staff and the Board felt that having only three drive aisles to the pumps and not four created an awkward, unbalanced look and was inappropriate design.

Commissioner Davis stated the curb cut looks like it is going into the landscaping, and asked what the distance was between the wall and the property line.

Senior Planner Espinoza stated approximately 10 feet.

Commissioner Ensberg asked if Staff had contacted AQMD to see if they would actually require any changes.

Senior Planner Espinoza stated AQMD requires schematics before they would do a review so until the Applicant submits that, there is nothing for them to analyze.

Commissioner Ensberg asked if they deny this application, then will the corner remain as it is.

Senior Planner Espinoza stated the Applicant can resubmit for a proper design as one alternative. When the Code was updated in 2005 it recognized that both service stations needed

aesthetic improvements, and were given the incentive to redesign by offering alcohol sales, convenience stores and food services if they were to improve the sites. Staff is well aware these sites need improvement but it should be a quality improvement.

Commissioner Rahi stated he is very concerned about the parking issue and asked if the design requires the cars parked in the last two parking spaces to have to reverse down the drive aisle. He asked if the other spaces would be able to turn around and drive forward. He also asked for clarification on the issue to the north.

Senior Planner Espinoza stated if all the spaces are full, the last two spaces would have to reverse out of the aisle but the other spaces have enough room to back up and turn around. Staff is working with the City Engineer to see how this area was created and if there might be any legal access, but from what they can tell the owner of the industrial park owns that access and does not want to grant permission to use it.

Commissioner Rahi asked if they were to do away with the last two spaces, would the applicant need a parking variance.

Senior Planner Espinoza stated they have not discussed that option. Since the food use requires a higher parking ratio, maybe the Applicant can reduce the size to help meet parking requirements.

Chairman Schoonover had Staff indicate where the storm drain easement was on the property and clarified that they can have parking over it but no structures. He stated if the canopy and pumps were moved ten feet to the north, then they would have eight positions for gas gas. The Applicant has stated they are opposed to redesigning because of AQMD but didn't think the tanks would have to move.

Senior Planner Espinoza stated that is correct in that there can be no structures over the easement, and if the canopy is moved it will cover all lanes.

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

Steve Eide, Applicant, 158 Orange Street, Covina, stated they are not moving the canopy any closer to Arrow Highway, it will be exactly where it has been all along, and if the landscaping buffer were reduced, there would be space for the drive aisle. He felt if the pumps were moved ten feet then they didn't think the pumper truck could get in any longer to refill the tanks. He stated cost is an issue and didn't think moving the pumps by ten feet to gain a drive aisle justified that added cost since you do not make that much money on gas.

Commissioner Davis asked if they considered keep the north driveway and eliminating the driveway on the south, and clarified that the canopy does not cover the drive aisle because the City wants the landscape buffer.

Steve Eide, Applicant, stated they considered that driveway configuration but they need the south driveway for the pumper trucks. He added the canopy doesn't cover the current drive aisle.

Cris Klingerman, Counsel for Applicant, stated the original design did include an exit to the north because they thought the property was owned by the Applicant. They are continuing to investigate this issue through several title companies, but haven't received any resolution. It appears to be owned by the industrial complex but has been developed by Grove Station and

believes there should be an easement in favor of Grove Station. They have been working with Staff on that, and if Grove Station has an easement, they will work with them to obtain access. They are also not happy with the parking design and hope to eliminate that issue with obtaining access to the north. In regards to the setback issue, they have asked that the gas aisle remain and be grandfathered in.

It has always been their requirement that the pumps remain where they are as the cost to move them would be approximately $200,000 which would make the cost of the development too great. Once you start affecting the fuel system, such as moving the pumps, you have to install new gas lines and a new system and then all the regulatory agencies come to inspect the work and it will delay the project. Any one of the agencies involved could deny approval, so moving the pumps ten feet could cause the project to fail. Also, moving the pumps ten feet to the north can affect the access way, parking and size of the building, and if the size of the convenience store or restaurant is reduced, it does not make the project feasible for the Applicant. They have worked with Staff to come to agreement on the size of the building, landscaping, the propane tank area, and parking.

He stated their new design will have a driveway and small curve, and you can use the inner aisles under the canopy or the outside aisle. While it is not the usual design, he did not think it was awkward looking and the landscaping makes it a nice development. The building was designed to be consistent with the Early California design used at Grove Station, and incorporated a higher façade to blend with their higher elevations.

Hari Alipuria, Owner, thanked the Commission for the opportunity to present his project. He stated Mr. Klingerman will do his best to get access to the north but if he is unsuccessful, he thinks they can still make the project work. He feels they will complement the Grove Station and improve the appearance of the corner. He added they plan to be open 24 hours, and that he doesn't make any money on gas sales, most of his money is made in the store.

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

Chairman Schoonover clarified that the reverse/turn around design was put in place in 2005, and asked if this was a city-wide requirement.

Senior Planner Espinoza stated it was added to the CG zone in 2005, and that there have been three gas stations in other zones designed as reverse/turn around: the 76 in Via Verde, the Chevron at Lone Hill and Gladstone, and the Costco gas station.

Commissioner Ensberg asked if Staff felt the Applicant would be able to obtain an easement to the north. He also asked about the Code requirement that a reverse/turn around design was required with expansion of the uses, and isn't what is being proposed is considered an expansion.

Senior Planner Espinoza stated they might be able to obtain an easement, and it might require some type of maintenance cost sharing agreement. He stated the Applicant is proposing a partial redesign as they are proposing the gas island, pumps and canopy to remain in the same location, and using the same I-beams for the roof structure.

Commissioner Rahi stated he believes people will not be able to turn around in the parking lot with the current design and would like to see the northern access obtained. In regards to the canopy, he asked if it is currently encroaching into the 25 foot setback area.

Senior Planner Espinoza stated the lane encroaches into the setback area.

Commissioner Rahi stated he thinks the project is good in the that it will serve the community with the convenience store and the restaurant, but they will be losing two gas pump positions when they landscape up to the canopy structure to comply with the setback requirement. He feels the design is complementary with Grove Station but would like to see the Applicant work with Staff to resolve the two outstanding issues.

Commissioner Davis stated he doesn't have a problem with the way the canopy is designed, but concurred with Commissioner Rahi about the parking and wasn't sure if that should be made a condition to obtain the access as part of the approval.

Commissioner Ensberg felt the proposed project was a definite improvement over what is currently there and while it might not be the best design, he felt it met a number of goals set by the City. He was also concerned about not having access to the north and thought maybe they could condition the Applicant to obtain access.

Chairman Schoonover agreed that what is there is not the best and he would like to see the corner upgraded, but he did not feel this is the proper plan. He also has a problem with the access. He felt the City wanted to see those corners improved, and three other stations in town have complied with the reverse/turn around design. He also felt the setback issue was a problem as well.

MOTION: Moved by Davis, seconded by Ensberg to recommend approval of Municipal Code Text Amendment 10-02, Conditional Use Permit 12-06 and Conditional Use Permit 12-07 to the City Council as submitted. Motion carried 3-1-1 (Schoonover no, Bratt absent).

Senior Planner Espinoza stated he will bring back Resolutions recommending approval at the July 18, 2013 meeting.

COMMISSION BUSINESS

3. **CONSIDERATION OF CLASSIFICATION OF USE 13-01** – A request to classify a medical inpatient rehabilitation facility (congregate living health facility) as similar to a hospital, which is a conditionally permitted use in the A-P Administrative Professional zone. The applicant is requesting the Classification of Use to facilitate a proposed project for two vacant lots at 1136 and 1148 W. Puente Avenue. The request would affect all A-P zoned properties.

Staff report presented by ***Associate Planner Jennifer Williams,*** who stated this is a request to classify this use as similar to a use already allowed in the Administrative Professional (AP) zone. While this is to facilitate a proposed project on Puente Avenue, if approved, this use would be allowed in all areas zoned AP and showed where they are on the zoning map. The proposed use would be a medical inpatient facility that provides a home-like environment with professional staff on-site. Visiting hours would be similar to a hospital, and would be limited through a Conditional Use Permit (CUP). The license issued by the Los Angeles County Health Department for a congregate care facility would allow up to 25 beds, but the Applicant is proposing only a15-bed facility, which would also be addressed through the CUP process, and be limited to a certain type of patient.

This Classification of Use is to conditionally allow for a rehabilitative medical facility and is not intended to allow for a hospice facility. Permitted uses in the AP zone include medical and health services, and conditionally allowed uses include child care and hospitals. Standard residential uses are prohibited. In 1998 a 90-bed skilled nursing and assisted living facility with

an Alzheimer unit was proposed for this site but the City Council determined it was not compatible with the area. Staff feels there are significant differences between the previous proposal and the current one, including only having 15 patients, and central kitchen and restroom facilities as most of the patients will be immobile. If the Classification is approved, there will be additional hearings about the specifics of the project at DPRB, Planning Commission and City Council. Tonight's action is to determine if this use is appropriate for the AP zone. The proposed use is unique in that it provides both medical and residential components, but the operation of the facility is similar to a hospital which is conditionally permitted in the zone. Staff has received a few phone calls about the project, and a letter of opposition which has been provided to the Commission. Staff also visited a similar facility operated by the Applicant in Garden Grove, and the Applicant presented information about the project to the Via Verde Ridge Homeowners Association Board at a recent meeting. Staff is recommending the Planning Commission approve Classification of Use 13-01.

Commissioner Ensberg stated looking at Page 3 of the staff report it appears that they cannot have a drug or alcohol rehab center there, but asked if they would be allowed to provide mental health services. Looking at the types of conditions they will be treating, it appears that most of patients will be people who have had disasters happen to them and that they won't be very transient.

Associate Planner Williams stated Staff can restrict the facility from providing alcohol and drug rehab treatment or mental health services through the CUP process, but also believed that the type of license the Applicant will be getting from the Department of Health prohibits those uses as well. She stated the care provided is very specialized and costly for the patients and this is not the average care facility.

Commissioner Davis clarified that they are not discussing the CUP, they are just trying to determine if this use is more closely related to a hospital use than to a residential use, and if it is approved, then if someone wanted to have a similar facility in any of the AP zone locations, they would come through the CUP approval process.

Commissioner Rahi stated a hospital is already allowed as a conditional use in the AP zone, so the question is if the inpatient care is still considered similar to a hospital. He asked if she knew what zone the Garden Grove facility was located in, and asked where the Via Verde Ridge HOA was in relation to the site, as well as the nearby school. He stated this would also be near the existing fire station which has sirens.

Associate Planner Williams stated she did not know what the zoning is for the Garden Grove facility, but that there was a school nearby and single-family residential surrounding it, with industrial fairly close. She did not know the exact boundaries of the Via Verde Ridge HOA but the homes located to the north and west were part of that. She pointed out on the map where the Kindercare was located on Via Verde Avenue, but reminded the Commission that this Classification would be for all properties zoned AP, not just this site.

Chairman Schoonover stated there appears to be eight locations in San Dimas that are zoned AP, and asked if this was the only vacant site within that zone.

Senior Planner Marco Espinoza stated the only other vacant site in the AP zone consists of two neighboring lots near the Walker House on San Dimas Avenue.

Chairman Schoonover confirmed that this would not be a drug or alcohol rehab facility, and that it would not be a mental crisis house because it is an inpatient facility. It appears this would be to cater to patients that have physical impairments and not mental health conditions.

Associate Planner Williams stated the types of patients would be what is allowed under a Type A or C license which would prohibit mental health care.

Commissioner Rahi stated the closest facility that might be similar to this would be in Pomona, so this would be unique within San Dimas.

Chairman Schoonover stated he thinks one floor of Foothill Hospital might be for rehabilitation services.

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

Keith Underwood, HealthCap Partners, 16042 N. 32nd Street #89, Phoenix, AZ, Applicant, stated they are requesting the Commission to follow other cities in establishing this use for an inpatient rehab facility under California License Code 1215, which is a congregate living facility. These are specifically defined by the State of California for very specific types of care and they are inspected yearly by the County. Because of the restrictions of the license, they cannot turn into a drug, alcohol, or mental health treatment facility in the future. This facility is for the catastrophically injured. It is not for the elderly, it is for people who have had a severe accident, such as car accidents, wounded veterans, burn victims, industrial accident victims, etc.

He stated this type of facility is an option for providing medical services not readily available in all parts of California, so normally if you have a serious accident or injury you would either have to stay full-time in a hospital or in a nursing home that is set-up to care for the elderly and not an injured patient. Their facility is hospital-like since most of their patients are transferred from hospital ICUs, with the goal that once their rehabilitation is complete they can return to their home. This facility will act as a bridge from acute care to home. The patients are under the care of doctors, and there is 24-hour nursing care. The kitchen facilities are to prepare the specialized meals for the patients only, and is not open to staff and visitors. While he feels their services are similar to a hospital, it is less intensive, with approximately 12-15 staff members present during the daytime and reduced by a third on nights and weekends. There might be 3-4 visitors a day consisting of family and friends. Transport of patients to other facilities occurs during the day by vans and does not involve ambulances with sirens.

Keith Underwood, Applicant, stated the State of California established this type of license to create facilities with a homelike environment. This allows the patients to heal outside of an institutional setting while still providing them with necessary medical care and creating a healing environment where family and friends can visit. This type of facility has been in the state since 1989 and more are still being added. Not one of them has closed or been converted into another type of facility. The use is very low-impact on the surrounding neighborhood and community and he requested the Commission to approve the use.

Commissioner Ensberg asked if this was a lock-down facility.

Keith Underwood, Applicant, stated it is not. While some patients might be in electronic wheelchairs, most of the patients are immobile. There are alarms on the exterior doors but it is more to alert staff to someone coming into the facility as opposed to someone leaving.

Commissioner Davis asked if he would consider the use to be more intensive or less intensive than a doctor's office.

Keith Underwood, Applicant, stated patient load at doctor offices can vary, but he knows of some doctor offices that see 70-80 patients in a day, which would be more intensive than ten staff members and 3-4 visitors per day for their facility.

Commissioner Rahi asked if they considered other locations for their facility.

Keith Underwood, Applicant, stated they looked at a number of sites in a number of cities. They picked this location because of the easy freeway access, flat topography, lack of similar services in the area, and talking to area hospitals about where they would like to see a facility like this located.

Stan Stringfellow, 2011 E. Financial Way #203, Glendora, stated when he owned this property they received approval in 2006 for three office buildings totally approximately 35,000 square feet, and felt that was a much more intensive use than the current proposal. He stated this type of facility helps to give people their lives back through the care they provide. Since 2006, the only interest they received for this property was for medical uses, specifically an urgent care facility. They were told they could not have an urgent care because of the volume of traffic involved. He stated he lives in Via Verde and feels this is a low-impact use for the site and will not detract from the community and urged the Commission to approve the classification.

Janice Bartolo, 1275 Calle Cecilia, stated she is an original owner in the tract above the site and has lived there for 30 years. She felt the notices should have gone to a larger area because some of her neighbors did not receive one. Her research indicated there are 50 various assisted living facilities within a five mile radius of the site and felt these patients could be accommodated at existing facilities in surrounding communities. She stated she chose where she lives because it is a quiet neighborhood, and that they are already impacted by traffic to Bonnelli Park and the existing medical facilities adjacent to this property. She was concerned about increased traffic from employees and noise from emergency situations, and that bringing people in from outside of the area would create a safety issue for her neighborhood. She requested the Commission to deny the use.

Chairman Schoonover asked about the noticing.

Associate Planner Williams stated this actually did not require any noticing, but Staff did a 500 foot-plus radius and filled in to the ends of streets and cul-de-sacs with a courtesy notice.

John Santoro, 1260 Calle Cecilia, stated he also bought his home when it was first built and that this was a nice, quiet community. He did not want to look at a hospital behind his home and smell the food. He concurred with Ms. Bartolo and is against the project.

Jesus Lua, 1251 Calle Cecilia, stated he has lived in his home since 2000 and is a doctor in Upland and Pomona. He felt there will be impacts on traffic from doctors, patients, trash, deliveries, and biohazard. There will be additional noise and lighting in the area, and the possibility of low-income transient people which will change the dynamic of the community and make it unsafe for children to walk in that area. He felt it should be built somewhere else.

Katie Bartolo, 1275 Calle Cecilia, stated she has lived at her home for 20 years and has a phobia of hospitals and doesn't want to live near one. She felt the land should be used for a community use such as a volleyball or basketball court, and added the fire station rarely uses the sirens except during the daytime, not at night. She stated they will be removing the natural habitat there if the land is developed and was opposed to this.

Cerise Santoro, 1260 Calle Cecilia, stated she just came back from a hike and thought she might not want to hike to Bonnelli Park if this is built. She loves that the land is undeveloped and seeing the animals there and felt there should be something built that benefits the residents.

Raymond Mansour, 1248 Calle Cecilia, stated he moved to his home two years ago and his property looks down on the site. He chose Via Verde for its uniqueness and he did not want to live next to a hospital. He wanted to know what license was going to restrict them to 15 beds and what was to prevent them from getting a license to build a huge hospital in the area. He was opposed to the project.

Chairman Schoonover reminded the audience that what is under discussion tonight was the compatibility of the use to the current zoning, not the particulars of the project itself.

Rania Fakhreddine, 1097 Calle Carrillo, stated she lives to the east and did not want to see a hospital in front of her house and felt it was going to be unsafe for her children. She was concerned it might be turned into a center for drug or alcohol rehabilitation, and was opposed.

Julie Santoro, 1260 Calle Cecilia, stated she did not understand why they would change the zone and why the property can't be sold to build the businesses it is designated for. She felt the homeowners had to defend themselves against these types of facilities, and this will lower their property values. This is not just a hospital, it was residential where people could be there for months or years, which would make it against the Code.

Jennifer Bartolo, 1275 Calle Cecilia, has lived there for 25 years and currently felt comfortable walking in the community now but would not want her daughter going down the hill if cars are whizzing in and out of the parking lot. She concurred with previous statements about the type of traffic that will occur and the decrease in property values.

Dr. Marvin Ersher, 1312 Paseo Alamos, thanked Staff for taking the time to explain the proposal to him. He has been a resident of Via Verde for 44 years, and stated originally this area was an arroyo that was filled in at some point in time. The original General Plan called for service stations in that area, on any or all of the corners, and in 1974 a liquor store owner wanted to open a store and Laundromat, which was defeated. He felt the process should include a review of the project as well and not just the compatibility of the use, because all of the other AP areas are already built on, so this would be the only parcel left in that zone for this type of use. He felt it would be fairer to the community to decide the use and the project at the same hearing. He also felt the City will be losing any leverage they may have if the use is approved prior to the project.

Jim Ashby, President of Operations of the proposed facility, stated he has 22 of these in California from San Diego to Marin County. He understands the objections because of the fear of what might be coming to the community, but they offer a valuable service to people who need a place to rehabilitate after a catastrophic occurrence. They provide a hospital-like service but in a home-like facility. They picked this area because there is a need for their services for the surrounding area. They are proposing to build a single-story building that will not look like a hospital and will blend with the community. The other 50 facilities that were mentioned earlier are under different licensing and do not provide the same care. This is a low-impact use; most are in or adjacent to residential sites and there has never been a drop in property values because of one of their facilities. This hearing is to determine if the use is similar to something already allowed in the zone, and there will be other hearings and steps to go through to achieve a quality project. He asked the Commission to approve the classification.

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

Commissioner Davis stated his understanding is that a hospital is currently conditionally permitted in this zone, and that all the uses shown in green on Staff's presentation can be built without having to hold a hearing. If this item is considered similar to a hospital, then it would come back to the Commission for a hearing on the actual Conditional Use Permit.

Associate Planner Williams stated the allowed uses would not need this type of hearing, but they would all go to City Council because they are located in a Scenic Highway Overlay area. She stated if the classification is approved, then the specifics of the project would be brought back for the Commission to set conditions. When the application was filed for the project, it didn't seem to fit any of the permitted uses exactly but seemed similar enough to bring it forward to be considered for classification.

Commissioner Rahi asked if the Commission could consider the Classification of Use and CUP applications at the same time as suggested by Dr. Ersher.

Assistant City Manager Larry Stevens stated typically if there is a question on whether a use is permitted or not, Staff has to interpret the Code and over time you may have many variations. The Use Determination process is a simplified process to help make that determination. Usually that is done first because if the use is not approved, then you cannot process the application for the project.

Commissioner Davis stated medical or health service uses are permitted by right, so if the Commission determines this is more like a hospital than a medical facility, we will be putting a higher level of review on the process.

Assistant City Manager Stevens stated all of the categories are subject to interpretation, and you could take the position that this is a specialized hospital use and have them do a Code amendment instead of a use determination. You could also take the position to let them submit the CUP simultaneously but we usually don't do it that way because if the use is denied, why have someone go through all the effort and expense of processing the CUP.

Commissioner Davis felt that part of the problem is that they don't really understand what it is so how can they determine if it is similar to a permitted use.

Assistant City Manager Stevens concurred that sometimes it can be difficult to make a determination between the Code and a new proposal.

Commissioner Ensberg stated he did not think that anyone argued that this is similar to a residential use because the opposition was that they did not want a hospital in that location, which is actually already allowed there. He asked if this proposal was similar to the one that was previously approved.

Assistant City Manager Stevens agreed that a hospital is already conditionally permitted in the zone, but there are many types of hospitals which are not listed because they are always evolving. That is why it needs to be determined if this is the same or not. In regards to the prior approval, Staff felt this was a different type of facility, along with the fact that it has been 14 years since the previous application and project were denied, so they took the conservative view that the use should be reviewed to its appropriateness.

Commissioner Davis felt that it would still be good to have more information about the project.

Assistant City Manager Stevens stated they need to try to separate the general characteristics of the use from the actual plan. He stated there are three different ways to look at this. First they could say this should be handled differently which would require submittal of a Municipal Code Text Amendment application. Or they could indicate they need further information on how this type of facility generally operates before being able to make a similarity comparison to a hospital. Or they could say they think it is probably similar to a hospital but want to reserve final judgment until they have all the details of the project in front of them.

Commissioner Rahi felt the third option would allow them to see if there will be impacts from the use in regards to things like noise and traffic.

Assistant City Manager Stevens stated but then you are mixing the project with the Code, and the standards in the Code. Philosophically you have to understand the use differently from the project. The purpose of the CUP is to consider a specific project in a specific location, such as whether a 50-bed hospital could have a different impact than a 150-bed hospital that is six-stories tall. The CUP allows you to determine compatibility of the project characteristics.

Commissioner Davis felt this use was somewhere between a hospital and a medical facility.

Chairman Schoonover stated he is a resident of Via Verde and passes this location regularly. He felt the use was something like a hospital and provides medical services so was leaning towards going forward with approval of the use as conditionally permitted. If it is approved, there will be hearings before the DPRB, Planning Commission and City Council which will give them three opportunities to have a more definitive idea of what is being proposed.

Commissioner Ensberg felt the office project approved six years ago was more intensive, and the proposed use is less intensive than some of the already conditionally permitted uses. He stated they did not have the right to say leave the land undeveloped; someone owns the land and has the right to develop it, so he would support the classification and invited the Applicant to bring forward information that will address the concerns expressed in the hearing.

Commissioner Davis stated the proposed use was not listed in the current permitted or conditionally permitted uses in the AP zone, and right now they don't know what this is or how it fits in with the various types of hospitals. If the Applicant is right that most people don't object once they see details about the project, he felt they should move it along so that information can be brought forward.

Commissioner Rahi concurred they needed more information, and the only way to get that was to move it forward in the process.

RESOLUTION PC-1486

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CLASSIFICATION OF USE CASE NO 13-01, A REQUEST TO ALLOW A CONGREGATE LIVING HEALTH FACILITY FOR INPATIENT MEDICAL REHABILITATION CARE IN THE A-P ADMINISTRATIVE PROFESSIONAL ZONE

MOTION: Moved by Ensberg, seconded by Schoonover to adopt Resolution PC-1486 approving Classification of Use Case No. 13-01 as presented. Motion carried 3-1-1 (Davis no, Bratt absent).

Assistant City Manager Stevens explained the process for the submittal of the project application to DPRB, Planning Commission and City Council.

Chairman Schoonover requested that the City expand the mailing radius and include the HOA contacts.

Commissioner Rahi concurred and stated the HOA Board can notify the residents as well.

Assistant City Manager Stevens stated the Applicant can also hold their own independent community meeting to answer questions on a one-to-one basis to address resident concerns.

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Chairman Schoonover called a recess at 9:50 p.m. The meeting was called back to order at 9:56 p.m.

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4. **REVIEW AND REPORT TO CITY COUNCIL REGARDING MUNICIPAL CODE TEXT AMENDMENT 12-03** – A proposal to Amend Section 18.542.250 and other Sections as deemed appropriate of the San Dimas Municipal Code, to allow an up to 950 Square Foot Second-Story Architectural Element on lots with a One-Story Height Limit and other associated revisions, as deemed appropriate.

Staff report presented by ***Assistant City Manager Larry Stevens,*** who stated after three public hearings at Planning Commission, this item was scheduled for public hearing by the City Council. However, the Applicant requested a continuance of the item and met with Staff the following day to express several concerns which were not part of the original review by the Planning Commission, which if brought up at the hearings may have changed their determination. The City Council sent this item back to the Planning Commission for consideration of this new information and their input so that all decisions regarding this item were based on the same data.

As stated in the memo in the package, the Applicant now objects to any inclusion of a pad coverage, lot coverage, or FAR standard. They feel that consideration of such standards are not reasonably related to their request and cannot be considered based on the Development Agreement between NJD and the City. They are further requesting that the City Council only consider their original request for the height increase and size limitation for the architectural element. The City Attorney stated he would take their position under advisement regarding the Development Agreement, but at this time Staff is not aware that he has reached a determination on that point.

He stated that included in the report is an excerpt from the Agreement relative to changes. It is not uncommon for developers to try to freeze in place standards so they are not subject to changes years down the line. It does not say, however, what happens if the Applicant requests a change. He felt if the Applicant requests a change, it does not preclude the City from asking for amendments as well.

Assistant City Manager Stevens asked the Commission if they were not able to consider including a pad coverage standard, would that make a difference in their recommendation in allowing habitable space above the first floor on a one-story house.

Commissioner Ensberg stated he knew that Commissioner Bratt was opposed to mansionization occurring in this area, and one of the ways to address his concerns was by creating the pad coverage standard, so if that option was not available, he would be opposed to allowing the habitable architectural element.

Commissioner Davis stated he had stated at the last meeting that he would have approved the Applicant's proposal, and he would still be in favor of that because he did not feel their request justified the City trying to come back and place additional standards and not allow them to build to the maximum that had already been approved.

Commissioner Rahi stated he concurred with Staff's previous recommendation to include a pad coverage standard and was in favor of the previous vote.

Chairman Schoonover stated his vote would still be the same and he was not in support of the height increase, preferring no change to the Specific Plan at all.

Assistant City Manager Stevens stated the second question would be if the City Attorney reaches the conclusion that only the change in building height can be considered because of the Development Agreement, and the pad coverage cannot be considered, would they still have recommended approval of increasing the building height on the one-story houses. He stated he thought Commissioner Davis would support it still, but wanted to confirm with the other Commissioners.

Commissioner Davis stated he felt it was unfair to tie the two issues together because he felt they had nothing to do with each other.

Assistant City Manager Stevens felt they are related and that it does affect the mass of the building, and while it may not be a one-to-one relationship, Staff believes there is enough of a relationship to consider both.

Commissioner Rahi asked what their options are on this.

Assistant City Manager Stevens stated they could rescind the Resolutions, he could report their thoughts to the City Council, or they could adopt new Resolutions.

Commissioner Ensberg stated he wouldn't want to take action without Commissioner Bratt since he had such strong feelings on this. He felt that Staff's recommendation was well thought out and without the change proposed by Staff he would have voted no.

Assistant City Manager Stevens stated one of the reasons he was bringing this back to them for comment was because of Commissioner Bratt and the strong concerns he expressed at the beginning of this process, and felt he only moved forward on this because there was a coverage standard.

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

Stan Stringfellow, 2011 E. Financial Way #203, Glendora, representing NJD, stated that as a result of the decision made by the Planning Commission he reviewed the Code and Development Agreement. He was contacted by the City Manager to see if they were going to move forward with the hearing by City Council and he stated they felt the pad coverage ratio was too restrictive so they were going to pull the whole request, that there wasn't a nexus to justify it. He felt their request does not increase the massing that is currently allowed under

existing Code; all they were asking for was to allow those areas to be habitable. He stated they still have concerns about the Code that addresses architectural projections, and since they are not defined in any way, he felt approval will be very subjective and they wanted more definition in the Code.

In terms of the habitable part, if you have 30 feet of volume and the exterior massing of the house is already allowed under existing Code, what does it matter if a loft or room is put in there, and felt it doesn't make sense to deny a homeowner something they may want to do. He asked the Commission to reaffirm the Resolution that allows for a habitable architectural element with a 30-foot limit and does not exceed 10% or 950 square feet, whichever is less.

There being no further comments, the public comment portion was closed.

Commissioner Ensberg stated there was no question in his mind that there was a reasonable basis for the action they took, and that in his judgment the two issues were connected. If they are not able to set a coverage limit, they he would have voted no to the requested change.

Commissioner Rahi concurred with Commissioner Ensberg.

Assistant City Manager Stevens stated he would take the Commissioners' comments back to the City Council for consideration.

ORAL COMMUNICATION

5. **Assistant City Manager for Community Development**
Assistant City Manager Stevens stated the meeting scheduled for July 4, 2013 is cancelled due to the holiday. The City Council will be considering the Code changes for NJD, the Affordable Housing Overlay and Specific Plan No. 20. The Village Walk and the Williams home projects are moving along and they should both be completed by the end of the year. Olson has submitted an application to construct 48 homes on the Meredith equestrian property on Foothill Boulevard, and a community meeting was held to discuss a proposal to construct medium-density residential on the L.A. Signal property on Eucla. Watt Communities has pulled grading and building permits for the homes in Bel Vintage, Avalon Bay has completed purchase of the Bonita Canyon Gateway property, and the shops building in Citrus Station should be pulling permits in the next week or so. The City is still working on the environmental process with the County for the Tzu Chi proposal. They are also expecting $830,000 in grant funds for the Walnut Creek project but will need to do the environmental determination and identify the process for that.

6. **Members of the Audience**
No communications were made.

7. **Planning Commission**
No communications were made.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Davis to adjourn. Motion carried 4-0-1 (Bratt absent). The meeting adjourned at 10:32 p.m. to the regular Planning Commission meeting scheduled for Thursday, July 18, 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: August 15, 2013