

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, August 15, 2013 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Assistant City Manager for Comm. Dev. Larry Stevens
Associate Planner Luis Torrico
Planning Secretary Jan Sutton

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: June 20, 2013 (Bratt absent)
July 18, 2013

MOTION: Moved by Davis, seconded by Ensberg to approve the minutes of June 20, 2013. Motion carried 4-0-0-1 (Bratt abstain).

MOTION: Moved by Davis, seconded by Ensberg to approve the minutes of July 18, 2013. Motion carried unanimously, 5-0.

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 13-04** - A request to make alterations to San Dimas Municipal Code Section 18.184 Home Occupations to comply with State requirements for Cottage Food Operations and other minor edits.

Staff report presented by *Associate Planner Luis Torrico*, who stated this item is to bring the City into compliance with the newly adopted law regarding Cottage Food Operations (CFOs) and to make minor alterations to update the existing Home Occupation code. He presented information on the requirements of AB 1616 and explained the two different types of

classifications under the law and the approved list of food products that can be sold. The code section will be renamed Home Based Businesses and will include two Articles for Home Occupations and Cottage Food Operations.

Commissioner Davis asked if the hours of operation were set by the State or were they selected by the City.

Associate Planner Torrico stated the City set the hours of operation. The intent of the law is to create and encourage Mom-and-Pop businesses and it was felt that operators and customers might be most available during the weekend.

Commissioner Ensberg asked if someone could make tacos or burritos.

Associate Planner Torrico stated that would not be permitted because they cannot offer products using meat and cheese.

Chairman Schoonover asked if telephone sales would be prohibited under Section 18.184.020. B. He also asked if the section regarding refrigerated items would include things like mayonnaise.

Associate Planner Torrico stated originally Section 18.184.020.B prohibited sale of items not produced on the premises and it was being updated to allow for internet sales, but sales could also be made by telephone. They can adjust the language to reflect that. In regards to the food products, using any ingredient that requires refrigeration would be prohibited per State regulations.

Chairman Schoonover asked what the purpose was for requiring a 300 foot distance between CFOs. Since there are limitations on parking, wouldn't that help to prevent problems? He also asked if the County will conduct an annual inspection of the kitchen facilities.

Associate Planner Torrico stated setting a distance requirement would allow a CFO to exist but would prevent a whole block from turning into a retail area. In regards to inspections, a Class A operation does not require any kind of inspection, and a Class B requires an inspection from the County prior to receiving a permit.

Commissioner Rahi asked if there are any conditions that will require off-site parking, and if customers will be allowed to park in the driveway.

Associate Planner Torrico stated Staff considered parking impacts but CFOs are different than a traditional commercial business. Parking will not be allowed on the property so it will require street parking. The condition was to not block required parking for the residents themselves, but didn't think they can require parking to be further away from the residence. The intent of the State is that this will be more of a community-based operation and neighbors will walk to the business.

Commissioner Bratt asked why the language in Section 18.184.020.C was changed to omit the phrase that the use shall not generate traffic above that which "is normal in the district where the use is located." He thought the original language was more suitable than the proposed language.

Associate Planner Torrico stated the term "district" is not defined, so the language was amended to better reflect the neighborhood where the home occupation is located.

Commissioner Davis asked if it would be allowed for someone to serve coffee and food in their home. He also asked if anyone has approached the City to establish a CFO.

Associate Planner Torrico stated the regulations allow for on-site sales but no on-site dining, so a customer would have to buy their product and then leave. Since January when this law took effect there have been two applications. Staff advised the applicants to register with the County first, and neither of them has come back to the City for a permit. It is a self-registration process done on-line with the County and they do not need local approval prior to the County processing the request. One was going to sell home baked goods and the other was going to offer cookies.

Commissioner Rahi asked what if someone wanted to sell a different kind of food than what was on the list.

Associate Planner Torrico stated then they would be denied because you can only sell what is allowed by the State. That is why they have them get approval from the County first.

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

Chairman Schoonover stated he would not want to restrict CFOs to more than 300 feet from each other until a problem occurs. He asked if that requirement were removed, would we have to go through another code amendment to add it back in the future.

Chairman Davis concurred with removing the distance restriction but stated he also would not want every house on a street to be operating a CFO and felt there might be a different way to regulate them.

Associate Planner Torrico stated if the Commission decides to strike the requirement, it would require another code amendment to add it, and then it would only apply to new operations after adoption and not to any existing operations that already have permits and are congregated together.

Commissioner Ensberg stated he would prefer to keep the 300 foot restriction and go with Option 2 which requires getting a permit from the City. Or as an alternate to address the concerns expressed possibly they could have a non-discretionary approval if more than 300 feet apart and only require a City permit if within 300 feet of another operation.

Commissioner Davis felt it would not be detrimental to have businesses next to each other that people could walk to and purchase their different goods and preferred to remove the restriction entirely.

RESOLUTION PC-1490

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE
TEXT AMENDMENT 13-04, AMENDING CHAPTER 18.184, HOME
OCCUPATIONS

MOTION: Moved by Davis, seconded by Bratt to adopt Resolution PC-1490 with amending Section 18.184.020.B to allow telephone sales and to strike Section 18.184.070.I restricting Cottage Food Operations from being within 300 feet from each other. Motion carried unanimously, 5-0.

ORAL COMMUNICATION

3. Assistant City Manager for Community Development

Assistant City Manager Stevens stated the City Council reappointed Commissioners Bratt, Ensberg and Rahi for another two-year term. He stated the Draft Housing Element should be completed in the next 1-2 weeks, and during the 60-day review period Staff will bring it to the Commission for comments. The public hearings on it will probably be held in November and December.

He stated the City Council upheld the Commission's determination on classifying the rehabilitation facility in the AP zone, and the item on the gas station at 105 E. Arrow will be going to the City Council at their second meeting in August.

4. Members of the Audience

No communications were made.

5. Planning Commission

Commissioner Davis asked Staff if they could prepare a report regarding the Development Plan Review Board and how it relates to the processing of applications and the Planning Commission because it seems like they may be duplicating a lot of effort. He wanted to know why we have the Board and why the Director isn't delegated to make the decisions made by the Board.

Assistant City Manager Stevens stated the City Council has chosen to have a Board instead of having design review conducted by Staff; however, there are many types of items that are approved at Staff level with the Board typically reviewing items involving new construction. The focus of the Board is on the design and site plan while the Commission's focus is on the use. When it can seem that effort is being duplicated is when the zone requires a Precise Plan review and that is where the process of reviewing the design and the use can get a little mixed together. Staff is looking at moving away from the Precise Plan process so it doesn't have to go through all three levels of review. He stated he will do a summary and a brief history regarding the Board and the recent changes that have been made in the review levels.

Commissioner Davis stated he was thinking about the gas station project, and that it seems like the City has been approving and disapproving this project for a long period of time.

Assistant City Manager Stevens stated a major reason for the long processing period of that project has involved the need to get authorization from the City Council to amend the Code to fit the applicant's design. The Council eventually voted to allow a code amendment to not require the reverse/turn around design when the site is impacted by utility easements but any proposal would have to meet all the other requirements of the Code, and most of the plans the applicant submitted did not do that. There have also been delays because the applicant requested them. The DPRB did not approve the most recent design which is on appeal to the City Council.

Commissioner Davis stated if there was no longer a DPRB and Staff had the authority to review projects, then applicants wouldn't have to wait so long to get a decision. If they didn't like Staff's decision, then they could appeal it. When he reads the minutes, it seems like cases go back and forth to the DPRB before getting a decision.

Assistant City Manager Stevens that may not necessarily be the case, and that the example they discussed was not really a good one to use and it might be better to look at more typical cases to see if the process was a good one or not.

Commissioner Bratt thought that most members were City Staff.

Assistant City Manager Stevens stated when there was a representative from Parks and Recreation the majority were staff members, but that has not been the case since they dropped off and a member from the public was added. If all the members are community members, then you have problems getting a quorum for the meetings.

Chairman Schoonover commented that developers like the option when they don't agree with Staff's recommendation that they have another Board to go to.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Bratt to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 7:49 p.m. to the regular Planning Commission meeting scheduled for Thursday, September 5, 2013, at 7:00 p.m.

Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: September 19, 2013