

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, December 19, 2013 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner John Davis
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 Stephen Ensberg

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: November 21, 2013

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

PUBLIC HEARING

2. **CONSIDERATION OF DEVELOPMENT PLAN REVIEW BOARD CASE NO. 13-12, CONDITIONAL USE PERMIT 13-01, AND PRECISE PLAN 13-01**– A request to construct and operate an approximately 10,000 square foot single-story medical inpatient facility and approximately 2,400-square foot single-story outpatient facility for physical, speech, and occupational therapy on a vacant site of approximately 1.8 acres at 1136 and 1148 W. Puente Street, near the intersection of Puente Street and Via Verde in the Office/Professional Land Use Designation, Administrative Professional (A-P) Zone, and Scenic Highway Overlay (SHO) (APN's 8448-020-069 and 8448-020-070). The Development Plan Review Board (DPRB) and Precise Plan (PP) applications are required

for the architecture, design, and development of the site. A Conditional Use Permit (CUP) application is required for the use of the medical inpatient facility (congregate living health facility), elimination of walls and use of openwork fencing, and a reduction of the required parking by seven spaces.

Staff report presented by *Associate Planner Jennifer Williams*, who stated this is a proposal to operate two medical buildings on a 1.8 acre site near the intersection of Puente and Via Verde in the Administrative Professional (AP) zone, within a Scenic Highway Overlay (SHO). The larger building (Building A) will be used for the congregate care facility, and the smaller building (Building B) will be the rehabilitation center. There will be approximately 42 parking spaces provided, with more than adequate landscaping on-site, including the 20-foot setback required in the SHO. The buildings are a Spanish design incorporating smooth stucco, clay tile roof, and other architectural elements.

The DPRB reviewed this item on November 21, 2013. One item discussed was Staff's recommendation for a different site plan that could improve the presentation of the buildings to the public realm and street by orienting Building A towards Puente, placing Building B in the rear, with the courtyards facing the hillside and parking towards the Fire Station. However, the Applicant preferred their original site plan, and after lengthy discussion the Board concurred but made changes to the entry features and gave the Applicant a detailed list of recommendations that needed to be added to the plans. They allowed the general project to move forward through the approval process with Planning Commission and City Council, but with direction that it come back to DPRB for final design review.

Associate Planner Williams stated there are three elements of the proposal that require a Conditional Use Permit. While the outpatient use for physical and speech therapy is permitted by right, the inpatient use was classified to be conditionally permitted by the Planning Commission and upheld by the City Council on appeal. The proposal is for a maximum 15-bed facility of single-occupancy rooms, licensed by the County as a congregate living facility with Type A (ventilator patients) and C (critical disability patients) licenses. The facility will have 24-hour nursing care provided in two shifts, as well as having a pharmacy, social activity, etc. The maximum number of employees during the day is projected to be 15, and then 5-6 during the night.

The second item requiring a CUP is a request for waiver of seven parking spaces. The Code requires 42 spaces for both facilities. The site plan meets that number, but the Applicant has requested a reduction by seven spaces based on actual use at their other facilities. The Code allows up to a 50% waiver with a CUP, and the Applicant will be required to record a deed restriction that the area required for parking will be maintained in a manner that will allow the construction of parking if it is ever needed in the future. She showed information on their other facilities and their parking ratios. Staff is in favor of the reduction with the conditions in the CUP.

The third item requiring a CUP is the elimination of the requirement for solid walls at a zone boundary. During the DPRB meeting the Applicant expressed the desire to eliminate the solid wall along the southwest portion of the property where their zone abuts the residential zone because the hillside creates a natural separation between the two uses, with the nearest home over 200 feet away, which would comply with the Code requirements for the request. The CUP has a condition that would defer this item back to the DPRB for architectural review and to make a determination on the appropriate type of fencing to be used.

Associate Planner Williams stated the approval process for the project began with architectural review by the DPRB on November 21, 2013. The Planning Commission is reviewing the use itself, the request for parking waiver, and request for elimination of solid walls

along a zone boundary. If these items are approved by the Commission and then the City Council, the design would still be going back to the DPRB for final review of the architectural changes and fence style. The resolutions presented tonight are to recommend approval of the Precise Plan including recommendations made by the DPRB and the Conditional Use Permit. Staff is recommending approval of the CUP as presented, but is recommending the Commission approve the Precise Plan supporting Staff's preferred site plan.

She stated they received one letter in opposition to the project during this hearing process. She also stated Item No. 17 in Resolution PC-1496 should be stricken as it was not applicable to this project. The Applicant has also brought up to Staff that there are a number of conditions they would like changed, but they are standard conditions applied to CUP applications.

Commissioner Bratt stated he did not feel they needed to eliminate Item No. 17 in its entirety because he did not see anything wrong with requiring lighting at night, and thought they could just eliminate the incorrect code reference.

Commissioner Davis asked if they approve the item tonight will it go any further.

Associate Planner Williams clarified that the Commission is making a recommendation for approval to the City Council.

Commissioner Rahi clarified that Staff's recommendation is different than the one presented in the resolution for the Precise Plan. He asked if a traffic generation study was conducted. He stated the original site plan shows two driveways, and the alternate version only has one, and wanted to know if they were considering the two driveway plan.

Associate Planner Williams stated a traffic analysis was not required. The City Engineer and Public Works reviewed the traffic on Puente and determined it was designed to handle more capacity than is being utilized and would not be impacted by this project. She stated the Applicant's proposal is the site plan with two driveways.

Chairman Schoonover stated they spent three hours at DPRB discussing the three site plans and it was a strong consensus of the Board to go with the Applicant's site plan with two driveways for safety.

Commissioner Rahi stated since they do not have the traffic count for Puente, it is hard to determine the impact of traffic generated from the project.

Commissioner Bratt stated in regards to Condition No. 9, even though the State defines what type of service is provided at a congregate care facility, he would like to have additional language that states this will not ever be a drug or alcohol treatment facility. In regards to Condition No. 10, he feels there does need to be some type of fencing of the site and would not be in support of eliminating fencing in its entirety, that there needs to be something that sets a boundary.

Chairman Schoonover asked how high the berm in the front will be that is to screen the cars.

Associate Planner Williams stated approximately four feet high. She stated Sheet 6 of the plans shows what it will look like with landscaping, and that it will have a detailed review during the plan check process.

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

Keith Underwood, Applicant, 2819 E. Sunnyside Drive, Phoenix, AZ, stated he is here to ask the Commission to proceed with Staff's recommendation for the use of the inpatient facility and the removal of the solid wall along the southern portion of the project, as well as the waiver of seven parking spaces. He asked that the Commission support the Precise Plan as recommended by the DPRB, and to move the whole project forward to the City Council for approval.

He stated in the site plan was designed using the parking requirement for a hospital, but since their impact is much lower, they really don't need to have that many spaces on site. The reduction would allow for a larger landscaping area near the corner of Puente and Via Palomares. In regards to the fence, they would still like to provide a solid 5-6 foot fence along the portion adjoining the fire station, vacant lot and childcare center, but would like an openwork fence along the hillside to maintain the natural feel and allow for better water run-off. He asked if Commissioner Bratt's suggestion was to define the property line.

Commissioner Bratt stated a fence will help to define the property and feels for this type of facility it will define it for the people both inside and outside of it.

Commissioner Davis asked what happens to the fence when it reaches Via Palomares.

Keith Underwood, Applicant, stated there will be no fencing along the corner. The fence is to help delineate the property line, but they are not enclosing the property.

Commissioner Bratt clarified that his intent was that a fence will help to delineate where it will be safe to be and where it is not. He did not expect the property would be fenced in whole.

Keith Underwood, Applicant, stated there is a boundary point where their fence meets the daycare fence. One issue they foresee with a solid wall along the continuous length is the undulating topography and the construction problems that would cause. He requested the Commission approve the exception to a solid masonry wall but leave open the definition that would go back to DPRB for consideration to be either no fence or a view fence.

Associate Planner Williams stated the Board's recommendation was to allow them to request the elimination of the solid wall during the CUP process but the Board wanted it to come back to them for final review.

Commissioner Bratt stated he understands a solid wall would not work in that area but he likes things to be defined and was not in support of a statement that would allow for there being no fence at all.

Keith Underwood, Applicant, stated his preference would be to not limit the condition. In regards to Condition No. 9 of the CUP, they would like to remove the words "floor layout" because even with the best planning, there are technological advancements that may change things internally in the future which would not impact the exterior of the facility.

Chairman Schoonover stated the difficulty he has is that he just sees a large building on the floor plan because a lot of areas are not labeled and are just left blank already.

Keith Underwood, Applicant, pointed out where the kitchen and dining area is, a large corridor, and a family area. He understands their concern about changes, but if the corridor were to change location, does that affect how the building looks or how they are servicing patients, and felt internal operational changes should not concern the City.

Associate Planner Williams stated they can make sure the plans reviewed in plan check reflect what the Applicant has described tonight. The condition deals with substantial changes. Staff feels it is appropriate because if they only make minor changes it will not trigger a review, but the City should have the opportunity to review how a substantial change may impact the use of the facility.

Chairman Schoonover thought the word “substantial” is key and felt the condition should stay the way that it is.

Commissioner Davis asked if the Applicant were to combine two rooms into one, would that be considered a substantial change.

Chairman Schoonover stated he would consider that substantial and would want the ability to review the change.

Keith Underwood, Applicant, stated the maximum for the site is 15 beds, and if two rooms were combined, it would create a lesser impact and didn't see why that would need Commission review. He felt if they needed to increase the size of a room to accommodate a patient which then lowers their bed count by one, he felt they should be able to do that without having to come to the Commission. He felt it was appropriate for the CUP to set a maximum use but that they should not have to come back for review if the use was made less.

Chairman Schoonover asked if Staff had the authority to allow minor modifications without requiring a new public hearing.

Senior Planner Marco Espinoza stated Staff can do that. Any modification would require review by both Planning and Building and Safety, and Staff could determine if the change was substantial enough to require review by the Commission.

Chairman Schoonover stated he would be satisfied with that.

Keith Underwood, Applicant, stated in regards to Condition No. 15, he would like a definition of what quantifies sufficient complaints that would require a review of the CUP.

Senior Planner Espinoza stated the intent is that Staff will try to correct whatever the concern is regarding with the Applicant before any type of hearing is scheduled with the Commission. It will not be brought back for review with the first complaint.

Keith Underwood, Applicant, stated in regards to Condition No. 17 of the CUP, he understands lighting is important but felt it was addressed in other conditions in the CUP and Precise Plan and it would just be easier to strike the condition in whole. He stated in regards to the Precise Plan, the Applicant's site plan was recommended by the DPRB. They looked at numerous alternatives, and even held a community meeting that reviewed the site and building design. Puente is a Scenic Highway and to the north there is a large greenbelt transitioning from the single-family homes to their site. They felt their plan which moves the building about 85 feet back from Puente and will be landscaped helps to continue that greenbelt and will be the prominent feature instead of the building. Staff was looking to mirror the setback of the office building and fire station by moving the building closer to the street.

He stated there are other locations along Via Verde and Puente that have the parking in the front with the buildings in the rear. He would like to have their building set further back from the street for the patients, and that it would be more aesthetically pleasing. He then showed the landscaping plan for where they are proposing to remove the parking spaces. He stated a lot of

effort has gone into designing the building and the site plan, and that the two entrance idea would help people navigate the site better and allow for a well-designed patient drop-off area, staff parking and delivery function. They considered Staff's recommended site plan but felt it did not flow properly for their functionality. He is requesting the Commission approve the Precise Plan with the site plan submitted by the Applicant.

Commissioner Rahi asked where the handicap parking spaces that are in the area proposed for elimination will be relocated to in the parking lot. He stated they would need to take over more than two regular parking spaces because of the ramp.

Keith Underwood, Applicant, stated the four handicap parking spaces are more than the two that are necessary, but they will review the code requirement during plan check. If they decide they need more, they would probably increase the number to three and locate them near the building so people would not have to cross the parking lot.

Commissioner Davis asked if they had any other locations that included an outpatient facility, and if he had an estimate of how many patients would be using it. He clarified the outpatient use would be permitted by right, and added it would probably have more impact than the inpatient facility.

Keith Underwood, Applicant, stated this would be the first location they have included an outpatient physical therapy facility. They are seeing an increased need for such a facility from the hospitals and they are able to provide such a facility due to the size of the property. He stated it would probably accommodate a maximum of 20 patients per business day; this would be 3-4 patients at a time for an hour to 90 minute therapy sessions during operation from 7:00 a.m. to 6:00 p.m.

Associate Planner Williams stated the physical therapy facility is a permitted use by right within the zone but it would still have come to the Planning Commission for review of the Precise Plan.

Stan Stringfellow, 2011 E. Financial Way #203, Glendora, representing the Bassett-Kolling Trust and as a resident of Via Verde, stated once this project is developed, there will still be the vacant parcel fronting Via Verde. He asked that they grant a waiver to have a solid masonry wall between these two parcels as there is a tubular steel fence at the rear of the KinderCare and he would like to see that continued instead. He also felt open fencing would be more appropriate as there is a drop in elevation between Via Palomares and Via Verde. He stated he is in support of the Applicant's site plan as recommended by the DPRB which will allow for a continuation of the existing parkway and will minimize the visual impact of the facility. The elimination of parking at the corner will also enhance the appearance of the property so he was supportive of that. In regards to the discussion about Condition No. 17 of the CUP, as a resident he would prefer they only have the minimum amount of lighting necessary for security to help maintain a "dark sky" appearance, and would even encourage they use dark sky lighting fixtures. Since there are other conditions governing lighting, he felt that Condition No. 17 can be deleted.

He stated in regards to the parking, he feels the Applicant has demonstrated that the parking area will be obscured from the public view when you go up Via Palomares and down Puente, and provides better circulation as you enter and exit the facility. The office buildings that were approved for this site in 2006 were a more intense use of the site and had a greater impact than this facility will, which is one of the reasons he supports this proposal as opposed to an office development. Regarding the comments about a traffic study, there are certain thresholds that have to be exceeded in order to require a study, and this project doesn't even come close to

meeting those thresholds. The office project in 2006 didn't meet the requirements for a traffic study and it was a more intense use. He encouraged the Commission to support the Applicant's site plan.

Gary Enderle, 2044 Via Esperanza, stated he supports the DPRB's recommendation on the site plan. He felt having the parking lot in front of the buildings would be better for safety reasons and have less of an impact on the residents above the project, by deterring vandalism and keeping the noise level down. He felt there should be two driveways for better circulation. The parking for the building at the southwest corner of Via Verde and Puente is in the rear and it is very difficult to access and exit, and many people park across the street at the shopping center and walk over. He felt they should have fencing even if it did not follow the property line, and that it should be open fencing to blend better with the surrounding neighborhood. He felt the berm and landscaping will help to screen the buildings from the street, and would encourage them to plant some mature trees to aid in that. He was in support of reducing the parking and adding more landscaping.

Ken McCrimmon, 1254 Calle Cecilia, stated he liked the appearance of the building. He concurred with Mr. Enderle that there should be an openwork fence to harmonize with the community instead of a solid masonry wall, and that there should be a fence. He liked the site plan with the two entrances but was concerned the berm would block line of sight and increase accidents in that area. He concurred that low-impact lighting should be used outside and would not want to see any light shining up the hill. He also liked that the dumpsters were located close to the fire station. He stated the outpatient facility was what this property was made for, and if the entire project was that, they wouldn't be here. It has been discussed that this is not a hospital, it is more like a residence, but if it is, that makes it multi-family which is not permitted in the zone. He felt some patients would live out their lives in the facility. Via Verde was not developed to be a multi-family area, and he didn't want something in his neighborhood that will drive people away. He was concerned it will have a negative impact on property values. He just hoped that it gets developed properly and that we will be happy with a multi-family hospital.

Diane Bonner, 1309 Paseo Nogales, stated she has lived here for 42 years and has worked in construction, real estate, and taught special education as well. She felt the developer was vague in his description of the layout. When she bought in Via Verde there were signs that described it as country living in the city. She stated they fought a proposal for high-rise apartments, and there were enough hospitals and physical therapy facilities nearby and this was not needed, and that the use would change once the building was constructed. She also felt people would have a hard time finding this location. She thought the Applicant should provide a personnel plan because when you have special needs people, you have unique people to take care of them. She felt this would be turned into a convalescent home in the future and didn't understand with all the available land in the community why they chose this site for their facility.

Jan Bartolo, 1275 Calle Cecilia, stated she has lived here 30 years and is strongly opposed to the project. She felt the meeting date did not allow all of the interested parties to participate and that this should be continued to January. She felt the Applicant did not give a professional presentation and was contradictory and asked this item be continued for clarification. She felt the location of the public hearing board was inadequate, and since this is located in a Scenic Highway Overlay there should have been further review under CEQA. If she were looking for a house today, she would not buy in Via Verde knowing this project was going to be built. She stated there are 50 types of medical facilities within a five mile radius, so didn't understand why this had to be located here. There will be a variety of people coming into the area because of this that wouldn't have otherwise which will increase crime in the area. She felt the increased traffic will impact their roads and passive environment, and there will be noise from the mechanical equipment and vehicles. She had concerns about the worker's shifts and visiting

hours, and the compatibility with the KinderCare. She concluded there are a lot of Via Verde residents opposed to this project.

Dan Hargis, 1785 Calle Alto, stated he lives approximately 1,000 feet from this facility. He stated he loves Via Verde and thinks it is a beautiful area. He felt the description of the project was not consistent with the previous hearings. He also felt the hearing should not have been held on this date due to the upcoming holiday. He stated he visited the Garden Grove facility and read reviews on Yelp and the greatest concerns were regarding parking and being poorly rated in the nursing home site, with reports of nurses sleeping on shift. Out of 34 residents he spoke to surrounding the Garden Grove site, 12 of them said they heard screams coming from the facility during the night. He expressed concerns that the facility is too close to where the children from KinderCare play and that they will be impacted by the patients. He asked the Commission to delay their decision until January. He indicated the manager of KinderCare just found out about this project and is very concerned. He felt HealthCap should indicate if they do background checks on their employees, and that they should not be allowed to reduce the number of parking spaces.

Raymond Mansour, 1248 Calle Cecilia, stated he lives right above the project area only 200 feet away, and that he moved to Via Verde two years ago because he loved the area. He felt this was out of place with the neighborhood and if he had known a 24-hour operation was going to be built there, he would not have purchased his home. He is concerned there will be an increase in crime and that he will not be able to enjoy the view from his backyard once this is constructed. He also felt the hearing should have been held on a different date, and was opposed to the project.

John Santoro, 1260 Calle Cecilia, stated he is opposed to the project and it should be located elsewhere. He felt there will be impacts from noise, traffic and cooking smells. He hears noise from the Von's center and this will be closer to his home. He felt the public hearing sign should be in a different location as parking is prohibited on Puente. He is opposed to the project.

Julie Santoro, 1260 Calle Cecilia, stated she felt this facility was too near residential and wanted to keep the country living ambiance of Via Verde and asked the Commission to stop the project. She also felt the date of the hearing was too close to Christmas and prevented a lot of people from attending. She was surprised that they were discussing landscaping as she thought they were still discussing if they even wanted this facility at all. She did not understand why the Commission would agree to have this in Via Verde.

Betty Jean Lamb, 1288 Paseo Alicia, stated she lives right behind the proposed development. She bought her house in 1986 and liked the area. She is opposed to this facility in this location where people would be staying overnight and for long-term and asked the Commission to deny it.

Katie Bartolo, 1275 Calle Cecilia, stated she was concerned with traffic and since Puente was a four-lane road, wanted to know if a turn lane would be added for the driveways. She stated the plan did not appear to match Alternative 1 that was agreed on. She was concerned about the spot adjacent to the KinderCare since that was the area where the children go to play and did not want to see a conflict in fencing style. She stated they submitted petitions at the last meeting with names of hundreds of people in opposition to this project.

Associate Planner Williams stated that Alternative 1 was a plan Staff had asked the Applicant to explore, but the recommended site plan was the Applicant's proposal.

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Chairman Schoonover called a recess at 9:35 p.m. The meeting was called back to order at 9:40 p.m.

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Keith Underwood, Applicant, stated the site is zoned Administrative Professional (AP) and that zoning designation has been in place long before their proposal. This zone allows for businesses and uses from offices to a hospital. They went through the public hearing process to classify their use as a conditionally permitted use based on it being similar to a hospital but with less impact. This hearing is for the CUP to allow the facility with conditions that restrict it from changing. The purpose of this hearing is so that the project doesn't change. It will be a congregate living facility licensed by the State of California to care for a certain type of person, such as a ventilator person, or someone who has experienced a traumatic brain or spinal injury, an injured veteran, someone who has been in a car or work place accident, etc. Under their license they are not allowed to take any other type of patient. They have opened 26 of these facilities statewide since 1989 and they all provide the same care on an inpatient basis. He clarified that they have not deviated in the proposed use from what was initially discussed during the summer. The only component of this project that is new for this company is the outpatient physical therapy. He stated their use will have less of an impact than other uses that are allowed in the zone and would not require a CUP. They do not generate a lot of noise and traffic. At full capacity they have 12-15 employees who work their shift and then go home. The people who come to the facility are nurses, professional people, family members and friends, clergy, and visiting veterans.

He stated they locate their facilities in residential neighborhoods for a reason. The buildings are single-story and are low use, and they fit better with a residential setting than in a commercial environment. One thing he wanted to clarify is the incorrect comment that KinderCare was not notified. He personally contacted Christine Navarette at KinderCare and sent her information regarding the project on November 25th and provided her with the dates of the public hearings. She said she would pass it along to Corporate. They have spoken with the Fire Captain at the station next door and they do not have any issues. They held a community meeting to try and explain exactly what will occur at the facility. By definition of the California Health and Safety Code they are not a multi-family facility.

Commissioner Davis asked if there was a childcare facility near the Garden Grove site. He asked if Mr. Underwood could address the comment about screaming coming from that facility.

Keith Underwood, Applicant, stated there is an elementary school across the street and two other schools located nearby, and they are surrounded by single-family homes. He stated personally he has not been made aware of any issues with screaming, and stated Jim Ashby of CareMeridian would be best able to answer that question but he was unable to be here tonight as planned as his flight was cancelled due to weather conditions. He stated he has been involved with CareMeridian for five years and has had numerous communications with nursing staff and heads of these facilities but has never been made aware of that type of behavior. He stated he did not think the patients he has seen at the other facilities would be able to make the kind of noise that would travel through a building and then 200 feet into a neighborhood.

Commissioner Davis asked about the plans for the air conditioning units, and if there would be issues with cooking smells.

Keith Underwood, Applicant, stated the plan is to have small pack units similar to those used in residential settings, but there would be more of them. In regards to cooking smells there will be one kitchen to prepare food for the patients that can eat solids, and will not be used by staff

or visitors. Only about 30% of the patients eat solid food, the rest are fed by tube, and felt the use of the kitchen would not be any more intense than that used in a normal residence. They are not a commercial facility and they usually do not cook fried foods.

Richard Denzer, Architect, added that the air conditioning units would be in a well on the roof top and would be shielded to block the view of them.

Commissioner Davis felt they probably would not need a sign for the inpatient facility and asked if there will be a sign for the outpatient facility.

Keith Underwood, Applicant, stated they will have a small sign with the name and address near the entrance. The people coming to the outpatient facility will be associated with CareMeridian or referred by a hospital or physician so they only really need a name on the building.

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

Commissioner Davis stated if the Commission continues the hearing, they will have to go through the whole presentation again. The final decision on the project will be made by the City Council, so even if more residents came to express their opinion, it will still have to go to the City Council.

Assistant City Manager Larry Stevens confirmed that the Commission was only making a recommendation and that the final decision would be after a hearing was held by the City Council. However, if the Commission felt they did not have enough input to make a recommendation, they can continue the item to a specific date which would not require further noticing.

Commissioner Davis stated if they continue this to January 16, 2014 he will be out of the country and unable to attend.

Commissioner Bratt asked if the same notification process is used when the item goes to the City Council.

Assistant City Manager Stevens stated the public hearing board will be updated, a new mailing will be sent out and it will be advertised in the newspaper and posted in three public places.

Commissioner Rahi felt they have already considered that this use is compatible with the AP zone and that the major objections were already heard. He did not see any new information coming forward and felt they did not need to postpone making a decision.

Chairman Schoonover concurred that of the nine residents that spoke in opposition, they all had a consistent theme, and felt that even if they postponed the hearing to allow more people to come to speak, they would all express the same theme heard tonight.

Commissioner Davis stated he is aware there are a number of people opposed to the project than were unable to attend tonight, and did not think they needed to postpone the hearing. The City Council will be holding another hearing on this item which will allow people the opportunity to express their opinions.

Commissioner Rahi felt some of the comments were better directed towards the DPRB. As far as the use, it was already approved. Even if the City Council approves the project, the final design issues will have to go back to DPRB for approval. He did not see any reason to extend the hearing.

Commissioner Davis asked Staff if they could explain the difference between permitted and conditionally permitted.

Associate Planner Williams stated each zoning codes lists uses that are permitted by right, permitted with conditions, or prohibited. Permitted by right uses do not need discretionary approval for the use. Conditionally permitted uses are subject to findings that consider the compatibility of the use to the proposed location.

Assistant City Manager Stevens stated if a use is conditionally permitted, then the principal criteria they are evaluating is if the specific use is compatible with adjacent properties, and then Staff writes conditions that ensure that compatibility will continue if the project is approved. Or if it is determined that the use is incompatible and can't acceptably be conditioned, you can deny the project.

Commissioner Bratt asked why, in reviewing Exhibit B, the first paragraph in Item 1, they are being asked to approve a 15 bed facility.

Keith Underwood, Applicant, stated there are two different types of licenses for this facility; there will be 12 patients under a Type C license and 3 patients under a Type A license for a total of 15 beds. There is nothing that prohibits the combining of the two license types and they have done this at four other facilities at the 15 bed level. There is a precedent with the Health Department and it has been determined this is a viable situation.

Commissioner Bratt felt there should be a stipulation in the conditions as to what they are not going to do at this facility.

Associate Planner Williams stated that Condition No. 9 in Resolution PC-1496 sets a definition.

Commissioner Davis asked if the definition for a congregate care facility changed at the State level, would the operator be able to change their business model. He wanted to know if the law changed to allow another type of patient, could they just bring them into this facility.

Associate Planner Williams stated the conditions limit them to a medical in-patient facility so if it deviates, then they need to apply for a new CUP.

Assistant City Manager Stevens stated they could add language to the condition that would reference the Health and Safety Code to make it clearer. If the definition is changed, the operator would have to be in substantial compliance with the definition at the time of approval.

Commissioner Davis concurred with the residents for the removal of Condition No. 17 because since this is a 24-hour facility, the outside lights would have to be on continuously.

Assistant City Manager Stevens stated Condition No. 20 in the Precise Plan addresses lighting if they wanted to remove Condition No. 17 in the CUP. Staff can also add language that makes it very clear that a drug or alcohol treatment center is not part of this approval.

Commissioner Bratt stated he concurs with the removal of Condition No. 17 in Resolution PC-1496 since Condition No. 20 covers lighting in Resolution No. 1497. He stated he is opposed to the Applicant's request to have the option for "no fence" because he felt if they were given that option, that is what they would want because it would save them time and money.

Assistant City Manager Stevens stated he did not think that would occur because the DPRB has to approve the fencing plan and felt they would not support total elimination of fencing. The Board wants some type of definite boundary so it is clear who maintains what part of the landscaped areas, even if it is some type of raised curb. They could include language that states no fencing only where appropriate on a limited basis.

Chairman Schoonover stated that is an item the DPRB has on their list for further review and would be sensitive to that.

Commissioner Davis stated he originally voted against the classification because he did not think this was similar to a hospital. He stated after visiting the Garden Grove facility, he was impressed by how low impact it was, especially when compared to an office building during the day. He did not like the outpatient facility because he felt as a more intense use it will cause more problems down the road, but it is a permitted use. He stated he is still struggling with this being a 24-hour operation next to a residential neighborhood and whether or not it will be a nuisance to the residents.

Chairman Schoonover stated he understands his conflict over it being a 24-hour facility, but when you consider the traffic load, visiting hours will stop at 8:00 p.m. There will be people in the facility but they won't be making noise at that time. He felt it was a better fit as a one-story project than if a permitted multi-story office building was constructed there.

Commissioner Davis stated he concurred but still wondered what the impact during the night would be. He asked if they were creating a traffic hazard for residents exiting Via Palomares and if the landscaping and berm should be set back further.

Commissioner Rahi stated that will be addressed with the final site plan review.

Assistant City Manager Stevens stated the berm will be behind the equestrian fence so it will be more than ten feet from the curb at its earliest starting point. It will be evaluated at both driveways for line-of-sight as well. They can also ask the Traffic Safety Committee to look at it in regards to impacts on traffic exiting Via Palomares.

Chairman Schoonover stated he does not have a problem with granting the parking waiver, and it was discussed at DPRB that if they were allowed to reduce the parking, more landscaping would be added, and they would have to comply with handicap requirements.

Associate Planner Williams added that Condition No. 12 requires them to execute a deed restriction for future development of parking if it becomes necessary.

Commissioner Davis asked if there was a condition that limits the hours for outside maintenance such as parking lot sweeping in the middle of the night.

Assistant City Manager Stevens stated they can add language to Condition No. 13 to limit the hours for maintenance between 8:00 a.m. and 8:00 p.m.

Commissioner Bratt stated he would rather have it from 8:00 p.m to 10:00 p.m. to avoid visiting hours.

After discussion, the Commission concurred to set outside maintenance between the hours of 8:00 a.m. to 10:00 p.m.

Chairman Schoonover stated he felt this project was a better fit for the area because they have some control over the operations, and was in support of recommending approval to the City Council.

RESOLUTION PC-1496

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL TO THE CITY COUNCIL OF CONDITIONAL USE PERMIT 13-01, A REQUEST TO OPERATE A MEDICAL INPATIENT FACILITY (CONGREGATE LIVING HEALTH FACILITY) WITH A MAXIMUM OF 15 PATIENTS, TO ELIMINATE SOLID MASONRY WALLS AT A ZONE BOUNDARY, AND TO WAIVE SEVEN PARKING SPACES AT 1136 AND 1148 W. PUENTE STREET (APN'S 8448-020-069 AND 8448-020-070)

RESOLUTION PC-1497

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL TO THE CITY COUNCIL OF PRECISE PLAN 13-01, A REQUEST FOR DEVELOPMENT WITHIN THE SCENIC HIGHWAY OVERLAY AT 1136 AND 1148 W. PUENTE STREET (APN'S 8448-020-069 AND 8448-020-070)

MOTION: After reading of the title, it was moved by Schoonover, seconded by Rahi to adopt Resolution PC-1496 recommending approval of Conditional Use Permit 13-01, with Staff to revise Condition No. 10 to add a short explanation regarding "no fencing" as discussed; revise Condition No. 13 to set parking lot maintenance hours; replace Condition No. 17 with language prohibiting drug and alcohol rehabilitation facilities; and expand the definition of congregate care facility to refer to the Health and Safety Code Section as it stands today. Motion carried 4-0-1 (Ensberg absent).

MOTION: After reading of the title, it was moved by Schoonover, seconded by Rahi to adopt Resolution PC-1497 recommending approval of Precise Plan 13-01. Motion carried 4-0-1 (Ensberg absent).

COMMISSION BUSINESS

3. Assistant City Manager for Community Development

Assistant City Manager Larry Stevens stated the City Council adopted the 2014 Housing Element Update. The shops building at the Costco center was nearing completion, as is the Williams Homes project on Lone Hill. He stated the Bel Vintage project was also close to receiving final approval. Construction is moving forward at Bonita Canyon Gateway, and he has not had any indication that the Fresh and Easy will be changing at this time. The Smart and Final Express is in its third plan check, but there has been no word on the second tenant. A medical marijuana dispensary opened illegally in the City and they are in the process of getting an injunction from the court to force their closure. The Olsen Company is close to submitting a complete application for the housing project on Foothill Boulevard at the equestrian center, and there is a pending proposal for 48 housing units on the L.A. Signal property. Village Walk is

receiving their final approvals, and the City will be looking to sell their ten units early next year to moderate-income families. The mixed use project at 301 S. San Dimas Avenue is continuing through plan check, but they have heard it might be sold to another developer.

4. Members of the Audience

Gary Enderle, 2044 Via Esperanza, commended the Commission on their decision tonight and for taking all things into consideration, and felt they did the right thing.

5. Planning Commission

Chairman Schoonover stated he understood they will be reconsidering the ordinance regarding household chickens.

Assistant City Manager Stevens stated they are going to review the item again focusing on ducks and geese with some minor changes to the conditions regarding chickens, and it will come back to the Commission in the next few months.

Commissioner Davis stated he would be out of the country and unable to attend the January 16, 2014 meeting.

ADJOURNMENT

MOTION: Moved by Davis, seconded by Bratt to adjourn. Motion carried unanimously 4-0-1 (Ensberg absent). The meeting adjourned at 10:55 p.m. to the regular Planning Commission meeting scheduled for Thursday, January 2, 2014, at 7:00 p.m.

Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: January 16, 2014