



MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, SEPTEMBER 30, 2014, 6:00 P.M.
SAN DIMAS COUNCIL CHAMBERS
CONFERENCE ROOM
245 E. BONITA AVENUE

PRESENT:

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

ABSENT:

Councilmember Jeff Templeman

City Manager Blaine Michaelis
Assistant City Manager Ken Duran
City Attorney Mark Steres
Assistant City Manager for Community Development Larry Stevens
Director of Parks and Recreation Theresa Bruns
Senior Engineer Shari Garwick
Captain Don Slawson

1. CALL TO ORDER

Mayor Morris called the Special City Council Meeting to order at 6:00 p.m. Mayor Morris reported that Councilmember Templeman is absent due to illness.

2. ORAL COMMUNICATIONS

Mayor Morris commented that the Council will allow public comment on the item on the agenda during the discussions.

Stan Stringfellow, stated that he has comments on the staff report and would like to make comments when appropriate.

Gil Gonzalez, commented that while the Council is considering how to address projects that request changes to zoning he thinks it is a good idea to consider a moratorium on projects that do not conform to the underlying zoning.

**3.a PRESENTATION BY THE CITY ATTORNEY ON STUDY SESSIONS AND
CONSIDERATION OF A POLICY REGARDING STUDY SESSIONS ON GENERAL PLAN
AMENDMENTS, SPECIFIC PLAN AMENDMENTS, ZONE CHANGES AND RELATED
DEVELOPMENT PROJECTS**

City Attorney Steres provided some comments on the legal parameters of a study session policy. He added that if a site specific project requires a hearing the applicant has the right to a fair hearing where decision is based solely on information presented at a hearing. If a study

session is conducted prior to the hearing process he cautioned that they be careful not to make commitments to consideration of an application. He distributed a memorandum outlining legal parameters on study sessions.

Mr. Steres added that one area where a preliminary determination can be made is in the case of a General Plan Amendment, where the City has the discretion to say no prior to the start of the application process. He provided further discussion on this process and the level of discretion in making a determination that there have been changed conditions that warrant a consideration of the requested change.

In response to a question on whether or not information gathered at site visits could be used during the hearing process, Mr. Steres responded that you can use the information as part of the decision but it has to be disclosed prior to the opening of the public hearing.

Mr. Stevens reviewed his staff report that outlined some of the reasons why developers expressed that they desire study sessions.

Mr. Stevens reviewed the existing code provisions that require for early review of requests for zone changes, new specific plans and Municipal Code text Amendments and the review for changed circumstances.

Mr. Stevens presented and reviewed a draft City Council Policy on Study Sessions. He reviewed and explained each of the seven sections of the policy; Purpose, Eligible Applications, Timing, Participants, Public Notice, Submittal Requirements and Limitations on Considerations.

In response to a question on the Eligible Applications he commented that the minimum of two acres in size is fairly arbitrary but is intended to not allow for piecemeal projects. The consensus was that two acre minimum is okay for now.

On the Timing section it was the consensus that study sessions should only be at the pre-application stage.

On the Participants section it was the consensus that most study sessions should be joint with the Planning Commission but the decisions would be on a case by case basis.

On the Public Notice section Mr. Stevens stated that the draft policy suggests normal Brown Act requirements for posting of meetings but no mailed notice of the meetings to surrounding property owners. He added that the Council could direct the applicant to hold a community meeting in addition to the study session. The consensus was to agree with this approach but if there is to be a community meeting the City should host the meeting. In response to a question Mr. Steres commented that is okay for Councilmembers to attend community meetings but to be careful not to give an opinion at the meeting and also disclose their attendance at any future public hearings.

On the Submittal Requirements section Mr. Stevens reviewed the minimum submittal requirements for a pre-application requesting a hearing. There was discussion on the need for a site plan and conceptual building plans. It was the consensus that they are necessary to have some visual of the concept.

Mayor Morris asked for public comment.

Stan Stringfellow, asked about the format of a study session, would the applicant have an opportunity to make a presentation. Mr. Stevens responded that he envisions that the format would be similar to other project reviews. Mr. Stringfellow suggested, and it was agreed to incorporate the meeting protocol into the policy.

Gil Gonzales asked for clarification on the Section 18.028.020 pre-application processes. Mr. Stevens explained the Code requirement for City Council approval of the submittal of certain types of applications. There was some further discussion and clarification on this process.

Commissioner Bratt commented that he questions if the early study session process would circumvent the discretion of the other bodies during the hearing process. Mayor Morris responded that that is not the intent and applications would go through the full process and the Planning Commission should continue to use their best judgment. There was further discussion on the intent of the study session process. It was the consensus to try the study session process a few times and see how it works.

Mr. Stevens suggested a few further revisions to the draft policy and stated he would make revisions and bring the revised policy back to the City Council on October 14th for consideration.

3.b CONSIDERATION OF AN APPROACH TO EVALUATING LAND USE ISSUES ASSOCIATED WITH RESIDENTIAL DENSIFICATION

Mr. Stevens reported that at the last several Council Retreats there was discussion on process to review properties that may have a potential change in zoning, in many cases increase residential density. He added that he is presenting an approach that may begin to more expeditiously address this, short of a General Plan Update.

At the request of Mayor Morris, Mr. Stevens explained the City's Housing Element and how the element addresses and identifies zones to meet the City's fair share housing requirements. He emphasized that the City does not have to change any zoning or approve any housing projects to be compliant with state housing law.

Mr. Stevens outlined a six step, incremental approach to identifying potential properties or areas, and ways to evaluate potential development opportunities, as outlined in his staff report.

Mayor Morris asked how this process would work for properties that we already know there is some interest in, considering the step process could take time. Mr. Stevens commented that those would have to be dealt with outside his proposed process, probably through the study session process.

Mayor Morris commented that he hopes that the City can start to develop some criteria for what is appropriate change, what are the factors that would be considering in evaluating change. He added that we should anticipate the types of projects that may be presented and get a consensus on criteria for things that might be considered. Mr. Stevens responded that maybe we could establish interim policy criteria on land use changes to provide some guidance, such as what is compatibility with adjacent land uses, what different residential products look like. There was discussion on a process to develop interim guidelines and how it might work. Mr. Stevens listed

some potential standards that could possibly be considered as criteria. There was further discussion on areas such how to establish density, floor area ratio and design guidelines. Mayor Morris suggested that if this is a concept the Council would like to pursue, staff and the City Attorney ought to flush out if or how it could be done.

Mr. Stringfellow commented that if the Council goes in this direction they do enough research to establish density criteria.

Some of the audience members questioned specific properties that were identified on the illustrative exhibits. Mr. Stevens responded that those maps were used as illustration only and that no specific properties have been identified, the identification of potential properties is part of the process.

In response to a question from the audience, Mayor Morris stated that individual property owners always have the ultimate decision on whether or not their property changes zones.

Mr. Stringfellow commented that if a larger area is considered for a zone change it may create some non-conforming uses. There was discussion on creating non-conforming standards in those cases. There was more discussion and general comments from the audience on changes in density requests.

Mr. Stevens commented that it would take a month or two to figure out a process to establish interim guidelines. In response to a question, Mr. Stevens commented that this process would not affect applications that are currently in the hearing process or a request for a study session that may come up prior to the interim guidelines.

Mr. Stevens commented that he will provide an update on the development of the process at the November 3rd retreat. It was suggested that the Planning Commissioners be invited to the retreat.

4. Adjournment

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Ken Duran, City Clerk