

MOTION: Moved by Ensberg, seconded by Davis to approve the Consent Calendar. Motion carried unanimously, 4-0.

PUBLIC HEARING

3. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-01** – A Request to Update San Dimas Municipal Code Chapter 18.150 – Wireless Communication Facilities to comply with federal requirements for wireless facilities and other minor miscellaneous edits Citywide.

Senior Planner Marco Espinoza stated this item had been scheduled to take testimony regarding an amendment to the current Wireless Communication Facilities chapter to include recent updates by the FCC regarding co-location. After the public hearing was advertised Staff received information from the City Attorney that due to several lawsuits filed against the FCC there could be potential changes to the requirements and that it would be best to continue this item to a date uncertain until the issues can be worked out.

Commissioner Ensberg asked why they couldn't adopt the regulations to be in compliance with federal law, and what measures other municipalities are taking in regards to this.

Assistant City Manager Larry Stevens stated the proposed amendment was to bring the City into compliance with revised FCC regulations; however, since an appeal was filed with the FCC Hearing Board that considers challenges, there could be changes made which would require amending our code again if adopted now. The City Attorney represents over 20 different cities within the region and it was felt there was no harm in waiting to see what the outcome of the appeal is before moving forward.

MOTION: Moved by Davis, seconded by Ensberg to continue the public hearing for Municipal Code Text Amendment 15-01 to a date uncertain. Motion carried unanimously, 4-0.

4. **CONSIDERATION OF CONDITIONAL USE PERMIT 15-03** – A Request to allow on-site sales of beer and wine (Type 41 license) in association with a full-service café restaurant (Butter Café & Bakery) located within Area 1 of Specific Plan No. 26 (SP-26) at 671 E. Bonita Avenue, Suite F. (APN: 8390-013-031)

Staff report presented by *Associate Planner Luis Torrico* who stated this is a request to allow on-site sales of beer and wine in conjunction with a new restaurant locating in the Bonita Canyon Gateway center. The space is currently undergoing tenant improvements and they hope to be open by June. The unit is 2,200 square feet and will have a retail area for the bakery as well as a dining area. This approval allows them to operate seven days a week from 7:00 a.m. to 10:00 p.m. though initially their plan is to only serve breakfast and lunch, with a full-service menu consisting of hot and cold items. Additionally, the Applicant is planning to expand to an outdoor eating area in the future and would also like to serve alcohol there. The conditions address this possible expansion so the Applicant will only need to get the appropriate approval from ABC and will not need to file for an amended use permit, but they will have to get approval from the Planning Department for the layout and fencing material they will be using. The Census Tract for this area allows up to six alcohol licenses and there are currently only five so there are no concerns about overconcentration. The Sheriff's Department has also reviewed this application and they do not have any concerns either; therefore, Staff is recommending approval.

Commissioner Ensberg stated he was in support as they want to encourage restaurants and night life in San Dimas.

Commissioner Davis asked if the pizza restaurant going into the nearby tenant space will be serving alcohol also.

Associate Planner Torrico stated they will not be as they are mainly a take-out restaurant.

Commissioners Davis and Rahi concurred with Commissioner Ensberg and were in support of this proposal.

Chairman Bratt asked if the patio area could only be accessed from the restaurant and would the design of the patio be approved at a Staff level or by the Commission.

Associate Planner Torrico stated access would only be from the restaurant, and that ABC requires a physical barrier around the area they are serving alcohol. Staff will be working with them on the design and it will not need to come back to the Commission.

Chairman Bratt opened the meeting for public hearing. There being no comments, the public hearing was closed.

RESOLUTION PC-1538

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 15-03, A REQUEST TO ALLOW ON-SITE SALES AND CONSUMPTION OF BEER AND WINE (TYPE 41 LICENSE) IN ASSOCIATION WITH BUTTER CAFÉ AND BAKERY, A FULL-SERVICE RESTAURANT LOCATED AT 671 W. BONITA AVENUE, SUITE F IN SPECIFIC PLAN NO. 26 (SP-26) AREA 1; APN: 8390-013-031

MOTION: Moved by Ensberg, seconded by Davis to adopt Resolution PC-1538 approving Conditional Use Permit 15-03. Motion carried unanimously, 4-0.

COMMISSION BUSINESS

- 5. CONSIDERATION OF INITIATING A MUNICIPAL CODE TEXT AMENDMENT TO AMEND THE USES IN PORTIONS OF SPECIFIC PLAN NO. 18, IN THE SAN DIMAS PLAZA AND FITNESS PLAZA SHOPPING CENTERS (APNs: 8383-010-024 thru -034, -037, -040, -045, -064, -069, -078 and 8383-020-067 thru -069, -056)**

Staff report presented by **Senior Planner Marco Espinoza** who stated that Brixmoor has submitted an application to initiate an amendment to Specific Plan No. 18 to allow additional permitted and conditionally permitted uses in Areas 1 and 3 which would be similar to uses allowed at the Target Center and San Dimas Station. The action tonight is to determine if the request is reasonable enough to move forward with the code amendment process. He outlined the proposed changes and stated the Applicant contacted him today that they were unable to attend tonight. If the Commission had any concerns about this item, they requested it be continued so they could attend the next meeting to discuss this further. Otherwise, they hope the Commission will be in support and approve the initiation.

Commissioner Ensberg clarified that these changes would not be allowing massage parlors in the zone.

Senior Planner Espinoza stated the City's massage ordinance only allows massage as an accessory use to another business, such as a salon or day spa, and cannot be more than 49% of the business or floor area.

Commissioner Davis clarified that they would have an actual public hearing later and the intent was to have uses that were similar to the other two major centers.

Senior Planner Espinoza stated that is correct.

Assistant City Manager Stevens stated this is being driven by a couple of possible tenants for the center, such as the Electric Car Charging Station which people would pay to use.

Senior Planner Espinoza stated that Gymboree wanted to relocate to Area 1 and currently the zone does not allow any gym uses.

Chairman Bratt asked if Area 3 was added to the zone at a later date because some of the uses were different than in Area 1.

Assistant City Manager Stevens stated originally that property was zoned Commercial Highway and developed with uses allowed in the CH zone. When it was incorporated into SP-18, they had to accommodate those existing uses that weren't allowed in Area 1, so a new area was created. He felt it made sense to have consistent uses among all the major centers. Staff is considering making a freeway commercial zone and apply it to all the adjacent centers, but that is in the future.

MOTION: Moved by Davis, seconded by Rahi to direct Staff to initiate a Municipal Code Text Amendment to amend the uses in Specific Plan No. 18, Areas 1 and 3. Motion carried unanimously, 4-0.

6. DESIGNATION OF REPRESENTATIVE TO THE DEVELOPMENT PLAN REVIEW BOARD

Senior Planner Marco Espinoza stated per the Municipal Code, the membership of the Development Plan Review Board (DPRB) includes a representative from the Planning Commission. This did not need to be an officer, any member of the Commission could be the representative, and that the meetings are held on the second and fourth Thursdays of the month at 8:30 a.m. and run anywhere from 30 minutes to three hours or so.

Commissioner Davis asked what the purpose of having a member of the Commission on the DPRB was.

Senior Planner Espinoza stated when it was created the intent was to have a broad spectrum of community representatives as well as Staff members to review proposed new development in the City.

Assistant City Manager Stevens stated over the 25 years that the Board has existed the composition of the membership has changed a few times. The At-Large Public Member was added in the early 1990's, and some of the Staff positions have changed. The three consistent positions have been a representative from the Commission, the City Council, and the Director of

Planning. We have always tried to maintain a minimum of four members that were not Staff positions to avoid the perception that Staff was dictating the operations and decisions of the Board. At some point the City may want to revisit the membership again.

Commissioner Davis asked who would do that, and stated he has noticed that when they are hearing testimony from an applicant that has already been to the Board before coming to the Commission, the Commission representative has heard debate that the Commissioners have not been part of and that it seemed to have an impact on the way the project was viewed at the Commission meeting. He felt that they should not have a representative on the Board because it has a different scope of responsibility.

Assistant City Manager Stevens stated the City Council would have to amend the ordinance if there were to be any changes in the membership. There have been times when the City Council or Planning Commission member has abstained from voting on certain items knowing the project would be coming forward for review. However, the numbers of items that the Board hears that then move on to be heard by the Commission are probably less than a third of the applications. Usually they are larger projects involving zone changes and tract maps. If the Commission felt this process was cumbersome, they could consider a potential code amendment. He spoke about how the provision was included to allow the Director of Planning to appoint a substitute member if there are problems achieving a quorum, and the time of the meeting can make it challenging to attend for people that are working. If the Commission feels there is a concern, Staff can evaluate options.

Commissioner Davis reiterated that he had concerns about having a rep from the Commission and Council and felt there should be other community members on the Board.

Chairman Bratt stated he concurred with Commissioner Davis' concerns, though he felt that Mr. Schoonover did not use the information he learned at DPRB to an unfair advantage.

Senior Planner Espinoza stated the Board's direction is to review the architecture and layout of a project more than whether or not the use is appropriate.

Commissioner Davis stated he still felt there were occasions when an item came before the Commission that had been to DPRB first that Mr. Schoonover had already made up his mind based on the testimony given to the Board.

MOTION: Moved by Ensberg, seconded by Davis to recommend Commissioner Rahi to attend the DPRB meetings until such time as the Commission can make a recommendation to the City Council to amend the code regarding membership.

Commissioner Rahi stated he has attended in the past when Mr. Schoonover wasn't available, and while it would be difficult with his work schedule, he would consent to be the rep.

Commissioner Davis stated he would like to start the process to ask the City Council to review the current ordinance.

Assistant City Manager Stevens stated they could make a separate motion asking the City Council to review the membership requirement for the DPRB and direct Staff to evaluate options. If the City Council shares the same concern, they could start on the amendment process.

Commissioner Ensberg stated he was not in favor of this because he felt the two bodies reviewed projects from two different perspectives. He felt the fact they have a member on the

DPRB instills confidence in the process in that they don't have to re-educate everyone again. He stated he never felt concern over the decision making by the representative. If there wasn't anyone available to attend the meetings, he might be in support of the proposal, but not for the reason presented.

Commissioner Rahi felt it would be good to discuss the idea.

Motion carried unanimously, 4-0.

Assistant City Manager Stevens stated if Commissioner Rahi has a conflict with attending a meeting, he should let Staff know as soon as he can so they can arrange for a substitute.

Chairman Bratt and Commissioner Davis stated they would serve as back-up if needed.

MOTION: Moved by Davis, seconded by Rahi to ask the City Council to review the membership of the DPRB based on the issue that when a major project comes before the Commission it seems more appropriate that all the Commissioners base their decision on the testimony given only at the Commission meeting.

Commissioner Ensberg stated they all receive the minutes from DPRB so those not in attendance should be familiar with what happened at that meeting.

Commissioner Davis stated the minutes don't always reflect everything that happens at the meeting and thinks it potentially taints the opinion of the person who participated and felt that was inappropriate.

Commissioner Ensberg felt this recommendation goes against the current trend in trying to become more cohesive in evaluating projects so that when a project makes its way up to the Council they do not go in a direction completely opposite of that taken by the Board and Commission.

Commissioner Davis felt they are working towards that goal by holding the joint study sessions on major projects. He did not think it added to any cohesiveness when only one member attends the Board meeting and hears different testimony.

Motion carried 3-1 (Ensberg voted no).

ORAL COMMUNICATION

7. Community Development Department

Senior Planner Marco Espinoza stated the City Council heard a request to initiate a Study Session by Saxon & Company for a 21-lot subdivision at 299 E. Foothill Blvd. He stated based on the Council's direction they wanted the extension of Walnut Avenue to be a public street but leave the determination on if it will connect to the park to a later date. The Study Session is scheduled for May 26, 2015 and the time will be determined.

Commissioner Davis stated if the street is going to be public there is the potential for a future park entrance. He will try to be in town for this meeting.

Chairman Bratt stated he will be out of town that week.

Commissioner Ensberg stated he will be unable to attend as well.

Senior Planner Espinoza stated they will receive the packet with the information so if they are unable to attend, they could still submit comments to be considered.

Assistant City Manager Stevens stated the current developer was involved with the Olson project so they are aware of what happened with that submittal. He stated the grading for the new pads at Costco should be starting soon. The rehab facility is still in plan check. The City Council will be holding a study session on the Gold Line and changes to the intersection at Bonita/Cataract, but Metro is still not showing any funding available until 2035. They are hoping a sales tax measure is approved by the voters in 2016, and if that passes they may have funding as early as 2018. He stated the City has received a grant from the County Supervisor's office of \$850,000 to do the Phase 1 improvements for the Walnut Creek Park. The City hired a consultant that has done an environmental review of the plan and they are recommending a Mitigated Negative Declaration, which should be released to the public for comments in early May and went over the proposed hearing schedule. On Tuesday the Council held a study session regarding improvements to the Downtown and settled on approximately 75% of the key components and described the proposed changes. He stated it could be 4-6 weeks before the plans are completed.

8. Members of the Audience

No communications were made.

9. Planning Commission

Commissioner Rahi stated he attended the Planning Commissioners Academy in March. When he attended his first conference in 2006 there were 1,000 attendees, but this time it seemed like there were only 250. He stated the opening session included audience participation this time, and he attended sessions on streamlining operations, shared streets, massage regulations, and sign ordinances and freedom of expression. He thought they had different sessions than in the past and was glad he attended.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Davis to adjourn. Motion carried unanimously, 4-0. The meeting adjourned at 8:12 p.m. to the regular Planning Commission meeting scheduled for Thursday, May 7, 2015, at 7:00 p.m.

David Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: May 7, 2015