

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
THURSDAY, MAY 21, 2015 AT 7:00 P.M.
245 East Bonita Avenue, Council Chambers

Present

Chairman David Bratt
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Senior Planner Marco Espinoza
Associate Planner Luis Torrico
Assistant City Attorney Lindsay Tabaian
Planning Secretary Jan Sutton

CALL TO ORDER AND FLAG SALUTE

Chairman Bratt called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Davis led the flag salute.

PUBLIC HEARING

1. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-02** – A Request to amend San Dimas Municipal Code Section 18.530, Specific Plan No. 18, Areas I and III, to allow for expanded retail and service business uses currently not allowed and other minor text changes, within the San Dimas Plaza located at 845-1073 W. Arrow Highway and Fitness Plaza located at 1006-1086 W. Arrow Highway. (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 Brixmor Management Group representing San Dimas Plaza originally contacted the City about amending the code to address two proposed uses but Staff suggested they should do a comprehensive review of all desired uses, similar to the recent modifications for San Dimas Station and the Target center. He stated with the rise in eCommerce it has been harder for retail centers to fill vacancies and more service businesses want to locate in retail centers. Originally Specific Plan No. 18 (SP-18) was developed with two areas north of Arrow Highway, Area 1 as a retail center and Area 2 as a corporate headquarters and business area. In 1990 the center located south of Arrow Highway changed zoning from Commercial Highway to SP-18, Area 3; however, it did not have specific permitted uses and instead designated the same uses allowed in Area 1. In 1998 an amendment allowed fitness centers to be conditionally permitted in Area 3 only.

With this amendment Staff is writing uses specific to each retail center as one is classified as a major shopping center based on square footage while the other is not. Most of the uses will be the same but a few are prohibited in Area 3 due to the proximity to residential properties just south of the center. He stated another difference between this and the recent amendments in the other centers is they are now proposing to allow health/exercise clubs, instructional physical

activity businesses and recreational entertainment businesses by right if they are less than 5,000 square feet in size; over that would still require a conditional use permit. Staff felt the smaller size in general would not have a negative impact on the center and would assist a business in opening sooner, but if Staff feels a particular business that is allowed by right might cause an issue in the center, there are two new sections being added that will allow the City the authority to require a conditional use permit. He then discussed recent changes made in the parking code for major shopping centers and how the parking would be calculated differently between Areas 1 and 3.

Senior Planner Espinoza stated subsequent to submitting their request, the Applicant asked Staff if they could also consider allowing two additional uses: retail off-site alcohol sales as a primary use and vocational tutoring centers. They have no specific tenants for either use at this time. Currently primary retail off-site alcohol sales is not permitted in any of the other major shopping centers, and Staff felt it would be best to review this use when there is an actual proposed tenant. In regards to vocational tutoring centers this use was discussed in the updates to the other major shopping centers and was determined to be inappropriate so this also was not included in the proposed amendment.

Commissioner Ensberg asked if the Applicant's request would allow something like a BevMo.

Senior Planner Espinoza stated that is an option, but it could also be a small liquor store. These centers are still viable but with the change in retail needs they are looking to service businesses to fill their vacancies. Staff is recommending the Commission recommend approval to the City Council.

Commissioner Ensberg expressed concern over the potential loss of sales tax revenue by permitting service businesses and thought they should try to come up with some other type of funding mechanism to make up the difference of the lost revenue. He understands we want to help the centers but San Dimas also needs revenue to operate.

Senior Planner Espinoza stated the City Council considered that issue when they reviewed changes in the other major shopping centers and while they understand there is a small direct loss from sales tax revenue, there is also a benefit in that the customers coming to the service businesses could also patronize the retail businesses. That is also why they have a limit to how much square footage can be occupied by service businesses and that businesses like the tutoring centers are prohibited as incompatible. The primary focus will still be retail but this is to allow an opportunity for flexibility in leasing spaces.

Commissioner Ensberg felt if BevMo wanted to apply to come to the center, they should be allowed, but he would not want to see smaller liquor stores everywhere.

Commissioner Rahi asked if the electric vehicle charging station was considered to be different than the gas station.

Senior Planner Espinoza stated it is different and currently there is nothing similar in the code to compare it to which is why they did not process a classification of use.

Commissioner Davis stated this is limiting office uses in the center to 10% and asked if there was a definition in the proposed code for what constitutes office use.

Senior Planner Espinoza stated in the permitted section it references medical and professional business offices, and in the prohibited section it clarifies that professional offices that are noncustomer based on a daily occurrence cannot be in the center.

Commissioner Davis felt it should be better defined to make it clear that allowed offices are those that have customers visiting on a daily basis. He also wanted clarification on the language in Sections 18.530.070.O and 18.530.126.M regarding Conditional Uses. It states that a decision made by the Director of Development Services could be appealed to DPRB and then City Council, but he felt since the authority to classify uses had been changed to be under the Planning Commission that these sections should reflect that and remove the DPRB from the process. His understanding was that DPRB deals with design issues and the Planning Commission reviews uses.

Senior Planner Espinoza stated previously DPRB processed classification of use requests so this could be leftover language that was not amended when the change was made.

Commissioner Davis stated he would like them to go back and look at the code to be sure the review process reflects the current standard.

Assistant City Attorney Lindsay Tabaian asked Commissioner Davis if he wanted the definition for office to include both medical and professional offices.

Commissioner Davis clarified that he would like offices defined as those that have daily clientele coming to the premises as opposed to a company's administrative office that only had staff and no customers coming to the site.

Senior Planner Espinoza clarified that office uses are still limited to 30% of square footage to keep the majority of the center retail.

Chairman Bratt asked how the prohibited uses were determined. He also thought they had previously done away with limiting restaurant uses to 20% of the center.

Senior Planner Espinoza stated the prohibited uses were those that Staff felt were not compatible with a shopping center and they were the same as those prohibited at the Target Center. The restriction on the amount of restaurant space was removed in major shopping centers but Area 3 is not a major center which is why it is still limited.

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

Commissioner Davis asked if they have ruled out liquor stores entirely and what would we do if BevMo wanted to locate here.

Senior Planner Espinoza stated in this amendment liquor stores are neither permitted nor prohibited. Staff feels in the near future there should be a comprehensive review of making all the major shopping centers fall under one zone and consideration can be given to businesses like BevMo at that time.

Commissioner Davis asked what if an application is received prior to that review.

Senior Planner Espinoza stated then they would do a code amendment similar to the current process.

Commissioner Rahi stated the list of prohibited uses has been expanded for this zone and asked about thrift stores since he thought there had been discussion in the past about not allowing them in this area.

Senior Planner Espinoza stated the code was amended to allow thrift stores as conditionally permitted in both the CG-1 zone and SP-20, so this was consistent. The uses proposed tonight are 99% the same as those approved for the Target Center.

Commissioner Ensberg asked if they could get ahead of this for the good of the community and research how to achieve a stabilized revenue stream from this facility with the possible loss of retail space such as a recommendation on increasing the business license fee, and felt this should be done now and not wait for a new code for all the shopping centers.

Commissioner Davis concurred with his concern about the loss of sales tax revenue but didn't feel we should hold up the Applicant over that issue since they have already allowed these changes in the other major shopping centers.

MOTION: Moved by Ensberg to continue this item to allow further study on how to approve additional revenue sources to replace the loss of sales tax revenue. Motion died for lack of a second.

Senior Planner Espinoza stated the City Council has already considered this issue before with the other shopping centers and did not feel it was significant enough to not amend the code for.

Commissioner Davis stated he did not think it was fair to the Applicant who has tenants waiting on this amendment to delay action as they are only a recommending body to the City Council. He felt they could make a statement for the Council to consider this issue when they move this item forward.

Assistant City Attorney Tabaian stated that if they wanted actual language incorporated into the code then this item would have to be continued to have that brought back for consideration.

Commissioner Ensberg stated he did not want to hold up the Applicant in making better use of the center, but felt decisions were being based on the financial need of the Applicant when the City also has financial needs to consider and they should be looking at the bigger picture.

RESOLUTION PC-1539

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 15-02, AMENDING SECTION 18.530, SPECIFIC PLAN NO. 18, UPDATING THE PERMITTED AND CONDITIONALLY PERMITTED USES IN AREAS I AND III, AND OTHER MINOR TEXT CHANGES

MOTION: Moved by Ensberg, seconded by Davis to adopt Resolution PC-1539 recommending approval of Municipal Code Text Amendment 15-02. Motion carried unanimously, 4-0.

MOTION: Moved by Ensberg, seconded by Davis directing Staff to bring back for their review a recommendation on ways to address maintaining a consistent revenue stream from the major shopping centers when retail space is replaced by service businesses to avoid a negative financial impact on the community. Motion carried unanimously, 4-0.

COMMISSION BUSINESS

2. CONSIDERATION OF REVISIONS TO THE WATER EFFICIENT LANDSCAPE ORDINANCE GUIDELINES PER MUNICIPAL CODE SECTION 18.14.090 IMPLEMENTATION GUIDELINES

Staff report presented by *Associate Planner Luis Torrico* who stated in 2006 the Water Conservation Act was amended by AB1881, and a requirement of that bill was the adoption of water efficient guidelines by cities by January 2010. In response the City Council approved Municipal Code Text Amendment 10-01 completely revising the City's Water Efficient Landscape Ordinance to bring it into compliance.

In 2014 Governor Brown proclaimed a State of Emergency due to severe drought conditions, and on April 1, 2015 issued an Executive Order to impose restrictions to achieve a 25% statewide reduction in potable urban water usage through February 28, 2016. The Order also increased enforcement for water waste, investing in new water management technologies and streamlining government responses for water infrastructure projects and programs. He stated this code amendment will assist in reducing water usage and provide guidelines for creating landscapes that still maintain an appealing community environment. The new Standards will address such things as having a minimum amount of landscape and maximum hardscape coverage for residential front yards and street side yards; increase the amount of artificial turf allowed in front yards; include standards for drought-tolerant landscapes; standards for parkway landscapes and revise submittal and review requirements for new and rehabilitated landscapes. He added there has been an increase in the number of requests for drought tolerant landscaping and these standards will assist in serving the residents.

Commissioner Ensberg asked where Golden State Water got their water from and asked if the refuse water can be recycled as potable drinking water, and can we provide that to the citizens if that meets safety standards.

Senior Planner Espinoza stated Golden State Water purchases their water.

Associate Planner Torrico asked if Commissioner Ensberg was asking about graywater systems.

Commissioner Ensberg stated yes and is that something we can recommend to be allowed.

Senior Planner Espinoza stated the Building Department is looking at the permit process for installing graywater systems for landscaping at residential properties.

Chairman Bratt stated Golden State Water has a system for providing graywater to some of their customers.

Commissioner Rahi asked about the deadlines set in the Executive Order. He asked what the response from the citizens has been to artificial turf.

Associate Planner Torrico stated the City is already responding to the requirements of the Order, and adopting these Standards will assist the citizens in their efforts.

Senior Planner Espinoza stated residents seem to want to install artificial turf which is why Staff is recommending increasing the percentage allowed in the front yard landscape area, plus the quality of the product is also improving.

Commissioner Davis stated the handout indicates that when artificial turf reaches the end of its lifespan it must be replaced and asked if the ordinance deals with that as well.

Associate Planner Torrico stated it is covered in the maintenance standards.

Chairman Bratt asked about the landscape requirements on Page 15 and for clarification on the bark requirement and if that was different than mulch. Also, isn't grass considered landscape but you would not want that covered in bark.

Commissioner Davis asked if the requirement for bark was so that no bare dirt was showing.

Senior Planner Espinoza stated the intent is to have a layer of material to conserve water, so it could say bark or mulch.

Associate Planner Torrico stated they can clarify the language to differentiate between turf and other forms of landscape plants and include mulch in the description along with bark.

Chairman Bratt asked about the Additional Site Requirements on Page 15 and the landscape buffer along the RV access.

Associate Planner Torrico stated the tendency when accessing RV parking on the side of the house is to pave the entire front drive area to the side yard, so the code requires a three-foot wide planter area along the side to lessen the amount of hardscape in the front yard. The intent of this section is to set limits on the amount of hardscape in the front yard and discourage turning the whole area into a parking lot.

Chairman Bratt asked if it was possible to require new residential development to install drought tolerant landscaping.

Senior Planner Espinoza stated a requirement of the new mandate is that new landscaping can only be watered using drip irrigation and microspray sprinklers and in speaking with our landscape architects it would be almost impossible to water turf with that type of irrigation. All new landscapes they see coming in now are using less turf and more appropriate plant materials.

RESOLUTION PC-1540

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING REVISIONS TO THE WATER EFFICIENT LANDSCAPE ORDINANCE GUIDELINES

MOTION: Moved by Davis, seconded by Ensberg to adopt Resolution PC-1540 with clarification to the Standards in regards to the use of bark and mulch for covering bare ground, and that it would not apply to turf areas. Motion carried unanimously, 4-0.

ORAL COMMUNICATION

3. Community Development Department

Senior Planner Espinoza stated at their last meeting the City Council considered the concerns expressed by the Commission about representatives on the DPRB. Both the City Attorney and the Council felt there wasn't a conflict and that it was beneficial to have a

representative from both bodies on the Board so they were going to leave it as is. At the next Commission meeting will be a proposed code amendment to allow brewpub restaurants, and that microbreweries would be considered separately at a later date. The environmental review comment period for the Walnut Creek Habitat and Open Space Project opened on May 12th and runs through June 10th. A hearing was held at the Parks and Recreation Commission meeting and only a few people made comments. He stated the Mobil gas station pulled permits and will be starting construction soon, the pad buildings at Costco are about to pull the grading permits, and the rehab facility is still in plan check. He reminded the Commission of the Joint Study Session with the City Council on Tuesday at 5:30 p.m. for the proposed housing project at 299 E. Foothill.

4. **Members of the Audience**

Phil Kouros stated he is part of the trust that owns the center in SP-18, Area 3 and was happy they are recommending approval of the amendment. He has enjoyed working with the City and was looking forward to having these new uses available in the center as they need to change the environment of the commercial center.

5. **Planning Commission**

Commissioner Davis asked if it would be possible to have the agenda packages sent to them electronically. This would help him review items sooner when he is travelling on business.

After discussion, the Commission concurred to receive their packages electronically on a trial basis.

Commissioner Davis stated he would be out of town on June 18, 2015 and unable to attend the meeting that evening.

Chairman Bratt stated he would be out of town on May 26, 2015 and would not be able to attend the Joint Study Session with the City Council.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Rahi to adjourn. Motion carried unanimously, 4-0. The meeting adjourned at 8:19 p.m. to the regular Planning Commission meeting scheduled for Thursday, June 4, 2015, at 7:00 p.m.

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: July 16, 2015