

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, August 20, 2015 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman David Bratt
Commissioner John Davis
Commissioner Margie Green
Commissioner Tom Molina
Commissioner Ted Ross
Assistant City Manager Comm. Dev. Larry Stevens
Senior Planner Marco Espinoza
Associate Planner Luis Torrico
Associate Planner Jennifer Williams
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.

ADMINISTRATION OF OATH OF OFFICE

The Oath of Office was administered to incoming Commissioners Bratt, Green, Molina and Ross.

REORGANIZATION OF OFFICERS

Senior Planner Marco Espinoza stated now is the time to receive from the floor nominations for the position of Chairperson.

Commissioner Davis nominated Commissioner Bratt. No further nominations were submitted so the nominations were closed.

MOTION: Moved by Davis, seconded by Green to appoint Commissioner Bratt to the position of Chairperson. Motion carried unanimously, 5-0.

Senior Planner Espinoza stated now is the time to receive from the floor nominations for the position of Vice-Chair.

Chairman Bratt nominated Commissioner Davis. No further nominations were submitted so the nominations were closed.

MOTION: Moved by Bratt, seconded by Green to appoint Commissioner Davis to the position of Vice-Chair. Motion carried unanimously, 5-0.

SELECTION OF REPRESENTATIVE TO THE DEVELOPMENT PLAN REVIEW BOARD

Senior Planner Espinoza stated a member of the Planning Commission serves as a member of the Development Plan Review Board and that any member of the Commission was free to serve. In response to the Commission, if at any time another person would like to serve as the representative, Staff can place this item on the agenda again for consideration.

ACTION: The Commission concurred to appoint Chairman Bratt as the representative to the Board and Vice-Chair Davis as the back-up representative.

APPROVAL OF MINUTES

1. July 16, 2015

MOTION: Moved by Davis, seconded by Bratt to approve the minutes of July 16, 2015. Motion carried 2-0-0-3 (Green, Molina, Ross abstained).

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-04** – A request to amend the permitted uses in Specific Plan No. 9, Areas 4 and 5 (Canyon Trail Plaza and DWP Right-of-Way) and other miscellaneous Specific Plan updates, in the triangular area located north of Foothill Boulevard, west of San Dimas Canyon Road, and south of the San Dimas Wash.

Staff report presented by *Associate Planner Jennifer Williams* who stated the initiation of this amendment was authorized by the Planning Commission on May 7, 2015 at the request of Eric Simison, owner and property manager of Canyon Trail Plaza. She outlined the five areas of Specific Plan No. 9 and the permitted uses for each area. The Applicant is requesting to amend the uses in Areas 4 and 5, and with this amendment Staff is also correcting outdated language in the other Areas. Unlike other zones in San Dimas, SP-9, Area 4 is written without any permitted uses by right; all uses would need to be approved through the Planning Commission and City Council pursuant to four findings. The Applicant is proposing to add a number of uses as permitted or conditionally permitted in Area 4, and to add “parking lot” as an allowed use in Area 5 (Open Space). The DPRB reviewed and approved the parking lot design in June, but they do not have the authority to allow any uses or amend the code language.

She stated that after many years of negotiation with the Los Angeles Department of Water and Power (DWP) the Applicant has received a “Confirmation of Oral Bid for License” to lease the space under the power lines for development of a 43 space parking lot for a 30-year term. Staff has some concerns about this area regarding the fact that the property is not owned by Mr. Simison, and there is no guarantee that DWP won’t cancel the lease agreement for use of the property for the parking lot. Also, DWP has a lease condition that does not allow parking that is required by code to be built on their property.

Associate Planner Williams stated Staff carefully considered how to allow new uses under these unique circumstances without having a negative impact on the center. Canyon Trail Plaza was developed as an office complex that requires less parking than service and retail uses. She presented background on how the City has recently amended parking requirements

in the specific plans of the major shopping centers to allow more flexibility for the property manager to lease out spaces and exercise internal control over parking distribution, with the City maintaining the option of stepping in if major conflicts arise that are not being handled by the management. While this is not a major shopping center, Staff considered that it is segregated from other sites so there wouldn't be overflow onto another property, most properties do not have the ability to develop overflow parking on adjacent property, the Applicant is willing to invest in the improvements and formalize a long-term lease, and it is in a Specific Plan so the City can test this flexibility here on a small scale and see how it is managed.

She stated Staff reviewed the requested changes and used language similar to that in the other Specific Plan updates, which the applicant agrees with. Language was also drafted placing restrictions on the more intense uses based on the availability of the overflow parking lot and the consequences if the lease were terminated by DWP. She outlined the language that was being updated in the other areas, and the new language to allow parking lots in Area 5. Staff is recommending the Commission recommend approval to the City Council of Municipal Code Text Amendment 15-04.

Commissioner Ross asked who determines what the criteria would be to indicate there is a problem with parking distribution per Section 18.156.040.

Associate Planner Williams stated if Staff received evidence such as constant overflow on the street or on other business sites, then the Planning Director or the Commission could request further review to determine if there is a large enough problem requiring the City to step in.

Assistant City Manager Larry Stevens stated typically when a problem is occurring, the most common response is individual businesses asking to have reserved parking in front of their units, or time limits set on parking spaces even though no one enforces that. Those types of requests would tell us there is a distribution problem. The code language gives the City flexibility in addressing that if a problem occurs.

Commissioner Davis asked for clarification on allowing a business to continue if the overflow parking was no longer available.

Associate Planner Williams stated if the overflow parking is terminated, then any permitted uses in the center can remain but they cannot expand and certain uses would no longer be allowed for new tenants.

Assistant City Manager Stevens stated part of the reason why they modified parking standards in the major shopping centers was to avoid doing a parking recalculation every time a new tenant came in, so some of the burden was shifted to the leasing agent but the City still maintained control if a problem occurred. In this case the problem is that the overflow parking is on leased property, and while there will probably not be a problem with availability, Staff still wanted some protection in the event the lease was terminated. Staff could not make it part of the required parking since that is not allowed by DWP, and this is a way to try and solve that problem.

Commissioner Davis stated then the only time there would be an issue is if they lose the DWP lease.

Assistant City Manager Stevens stated if this was only going to be a five-year lease, Staff would not be so flexible, or if they were trying to change the general parking code, but since this

is in a Specific Plan and they will have a long-term lease, Staff felt it made sense to allow this modification for this location.

Associate Planner Williams clarified that the initial lease term would be for five years because it could be entered into without having to go before the Los Angeles City Council to get started, but then they would follow through with the process to execute a 30-year lease. The Senior Real Estate Officer for DWP did not foresee any issues with moving into the long-term lease on the property.

Commissioner Green asked if anything was in here that would address people wanting to use that lot for a park and ride or overnight parking.

Associate Planner Williams stated DWP restricts overnight parking and the lot will be gated in the evening. There are also conditions from the DPRB over the allowed use of the lot. The Applicant has expressed concerns about people currently parking in their lot and then going biking. They will need to manage the parking lot if it is established to avoid conflicts.

Chairman Bratt asked if DWP wanted to terminate the lease, what is the required notice period, and can they terminate at the five-year period or earlier?

Associate Planner Williams stated there are termination options for both parties which is why Staff drafted the language they did since they can't guarantee this parking will always be available. DWP could terminate the lease at any time.

Assistant City Manager Stevens stated that is common for any public agency to be able to terminate a lease with a certain amount of notice. He felt the Applicant would not invest in the capital improvements unless he felt there would be a long-term lease, and would ensure that if it were terminated, there would be plenty of notice and some form of compensation.

Chairman Bratt opened the meeting for public comments. Addressing the Commission was:

Eric Simison, 373 E. Foothill Blvd., Applicant, clarified that the basic policy from DWP was the maximum lease period is five years without having to go to the City Council. He stated once they have a lease in place, then they can go to the Council and substitute the longer lease. The Real Estate Division stated this is not a problem and it helps to streamline the process.

Commissioner Davis stated it appears he is fully occupied so all these proposed uses would be for future vacancies.

Eric Simison, Applicant, stated they are currently 100% occupied so this is future forecasting. He has one tenant that would like to build their own building, so eventually that space will become available. He has had inquiries in the past from medical uses and other types of businesses but parking has always been an issue in allowing them.

There being no further comments, the public comments were closed.

Commissioner Davis stated this additional parking will support the center in its current state and allow for more flexibility in the future and he is in support of the proposal.

Assistant City Manager Stevens stated the Applicant submitted what he thought were appropriate uses and then worked with Staff to arrive at the final list. If the Commission felt there was a use that should or should not be on the list, it could be stricken off or made to be conditionally permitted. The amendment allows more retail opportunities and Staff has worked

extensively with the Applicant and feels they are in agreement with the final list. The Applicant has offices in the center and at some point may decide to move out and rent that space as well.

Chairman Bratt states he frequents this center often and the parking is continually full and felt that uses such as medical, retail and day spas would exacerbate that problem, and was concerned that many of these uses were based on the overflow parking area that could be terminated.

Assistant City Manager Stevens stated none of those uses can be permitted unless the overflow parking is constructed.

Chairman Bratt stated he is concerned that it can't be required parking and DWP can terminate the lease at any point. If we allow medical to go in there based on overflow parking and then it is taken away, he feels it will create problems.

Assistant City Manager Stevens stated there are designated uses that can only be allowed as long as the lease is in effect. If a use is in place and the lease is terminated, the City will not make that current tenant relocate their business, but they will not be allowed to expand. For a period of time that may make parking more difficult but when that higher intensity use goes away, then any new use would be at the lower parking standard. This site already has a shared parking agreement limiting hours of two of the businesses in order to allow the restaurant so the overflow parking works similarly to that. The other thing to remember is that parking numbers at best are an average. You could have a very successful 3,000 sq. ft. restaurant that needs more spaces than what is required, and you could have the same size restaurant that is not as successful that doesn't use half the required spaces.

He stated there is a possibility there could be a problem in the future, which is why they included the provision that the City could step in to resolve if that occurs. The new language gives the Planning Commission the right to review the leases and impose conditions and limit additional uses, the same as they do in the shopping centers. He felt they do have control and hopes they won't have to exercise it. If the overflow parking goes away, these uses aren't going to stay there that long so there is a way to phase it out should that problem arise. He felt the Applicant was an astute businessman and would probably be very careful about allowing the higher intensity uses that could create a future problem if the parking were eliminated.

Chairman Bratt stated he is still concerned, and that it is easier to control problems moving forward than to try to fix a problem that we allowed to exist.

Commissioner Davis stated his understanding is that they can address any problems by requiring a review at the Commission level and asking the Applicant to phase out certain tenants.

Assistant City Manager Stevens stated the review does allow them to exercise control if it can be justified.

RESOLUTION PC-1543

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 15-04 TO THE CITY COUNCIL TO AMEND THE USES AND PARKING REQUIREMENTS IN SPECIFIC PLAN NO. 9 AND OTHER MISCELLANEOUS EDITS

MOTION: Moved by Davis, seconded by Green to waive further reading and adopt Resolution PC-1543 recommending to the City Council approval of Municipal Code Text Amendment 15-04. Motion carried 4-1 (Bratt voted no).

COMMISSION BUSINESS

- 3. CONSIDERATION OF PRECISE PLAN 15-01 AND DPRB CASE NO. 15-12** – A request to construct a 5,400 square foot two-story office building behind an existing 3,552 square foot one-story building located at 432 E. Foothill Boulevard. The existing one-story building will also be remodeled to match the new building and the parking lot will be improved to meet parking requirements. (APN: 8661-018-026)

Staff report presented by *Associate Planner Luis Torrico* who stated this is a request to construct a new building and remodel the existing building at 432 E. Foothill Boulevard, located within the Commercial Highway (CH) zone, which allows for the proposed office use, and the Scenic Highway Overlay (SHO) zone, which requires approval from the Commission and City Council. He explained the intent of the SHO zone, and stated the design was reviewed and approved with minor modification by the DPRB. The current tenant, Encore Dance Studio, will remain in the front building. As part of the improvements, the parking lot will be updated, new light standards will be installed and the landscaping will be redesigned. The code requires there to be 45 parking spaces for both buildings and the Applicant has provided those. Originally they had requested two new spaces in front of the existing building, but the DPRB reduced it to one space with the addition of a bike rack area. The DPRB also required that any walls adjacent to residential property could be no less than five feet high or more than six feet high. He showed the elevations for the new office building and discussed the design elements, and how those were being incorporated onto the existing building. Staff is recommending the Commission recommend approval to the City Council of Precise Plan 15-01 and DPRB Case No. 15-12.

Commissioner Molina asked what the construction timeline for the project was.

Associate Planner Torrico stated if the project receives approval by the City Council there will be a 20-day appeal period before they can submit for plan check. That usually takes another couple of months so it will probably be started near the end of the year.

Commissioner Davis asked if it was only a five-foot setback on the east side of the new building, and about the comments from the neighbor at the DPRB meeting.

Associate Planner Torrico stated the setback is five feet on the east side but in the CH zone there is no setback requirement. He stated the neighbor to the south of the project was concerned that her block wall would be removed, so a condition was added to require a block wall if a new wall is going to be built.

Commissioner Bratt opened the meeting for public comments. Addressing the Commission was:

Alan Smith, 12223 Highland Avenue, #106-201, Rancho Cucamonga, Applicant, thanked Staff for their efforts and felt they have not only met but exceeded the code requirements and they are proposing twice the required landscaping. They are aware of being located next to residential properties and will be sensitive that. Since this is going to be an office building that

operates from 8:00 a.m. to 5:00 p.m. on weekdays there shouldn't be much impact on the surround neighbors.

Commissioner Davis stated it looks like they are proposing eight suites in the building and asked if he felt because of the hours of operation they did not feel there would be a conflict with the dance studio.

Alan Smith, Applicant, stated they are proposing eight suites but some could be combined for larger units. He stated there shouldn't be any conflicts for parking because of the opposite hours of use with the studio.

Commissioner Davis stated he visited the site and the proposed use seems appropriate and the location is well placed and will be separate from the residential neighbors.

Commissioner Green felt the new building and upgrades to the older building will improve this location.

RESOLUTION PC-1544

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL TO THE CITY COUNCIL OF PRECISE PLAN 15-01 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 15-12, A REQUEST TO CONSTRUCT A 5,400 SQUARE FOOT TWO-STORY OFFICE BUILDING BEHIND AN EXISTING 3,552 SQUARE FOOT ONE-STORY BUILDING, REMODEL THE EXISTING ONE-STORY BUILDING TO MATCH THE NEW BUILDING AND COMPLETE PARKING LOT AND LANDSCAPING IMPROVEMENTS AT 432 E FOOTHILL BOULEVARD. (APN: 8661-018-026)

MOTION: Moved by Molina, seconded by Davis to waive further reading and adopt Resolution PC-1544 recommending to the City Council approval of Precise Plan 15-01 and DPRB Case No. 15-12. Motion carried 5-0.

4. DISCUSSION ON SHORT-TERM RESIDENTIAL RENTALS

Assistant City Manager Larry Stevens stated this item was brought up by Commissioner Davis and in the new issue of Western Cities magazine was an article regarding this issue. Essentially, due to the Carmel-by-the-Sea lawsuit the City has the ability to prohibit this type of rental or set regulations, such as collecting the TOD tax. Staff did a quick review of the sites mentioned in the article and currently there are only 2-3 listings for San Dimas showing, but that number can always change depending on when you search. So far the City has not received any complaints from the community.

Commissioner Davis stated there are several websites for business travelers for renting out a room or a house for a short period of time. If someone wanted to, they could rent out an extra room every day. He didn't think there was a problem in the community right now, but he was considering if this was his neighbor and people were showing up at all hours, would this be something he would want in the City. He had asked Staff if there was something in our existing code that would address this type of rental or not. If the City does decide to address it, the next question would be should they gather information from the public on how they feel about it.

Assistant City Manager Stevens stated how much this might grow in San Dimas will be based on the popularity of the sharing community. The communities that seem to have the biggest problems are beach and resort communities, and since we don't see it as a problem in San Dimas, we have not moved forward in setting regulations. The existing code is silent so it would be up to Staff to interpret the allowed uses in the single-family and Specific Plan zones to see whether it would be allowed or not. He did not see it as imperative right now but it could be added to the list of items to review in the future if the Commission desired. The Carmel case was based on detailed General Plan policies, so if they consider banning this type of rental, the City may need to strengthen their own General Plan policies. He felt the likely areas where it could be a problem would be in the large lot estate home area or neighborhoods around Bonelli Park, particularly as some of these larger homes become occupied by empty nesters.

Commissioner Davis felt Staff should put it on the list of items for future consideration, but whenever they do, they should find out how the community feels before deciding whether to regulate or ban the practice. He personally would be in favor of just banning them.

Commissioner Molina asked if an HOA would be dependent on the City's regulations.

Assistant City Manager Stevens stated an HOA could be more restrictive in their CC&Rs than the City codes, but since most of them are more than 15 years old, this type of rental is probably not addressed and the Boards would be doing the same as the City in trying to interpret their CC&Rs regarding something that didn't exist when they were written.

Chairman Bratt felt the TOD would also figure into this if it ever became an issue.

ORAL COMMUNICATION

5. Community Development Department

Assistant City Manager Stevens stated Commissioner Davis had asked if the City had any regulations regarding donation bins, that you may see in numerous parking lots, in light of an article regarding a Court of Appeals decision that cities cannot ban them. He stated the decision was made in the 6th Circuit and has no impact on California which is in the 9th Circuit. The article mentioned that the same entity has also filed suits in California but none have been adjudicated yet. The City has a policy for donation and recycling bins, so when they started appearing in parking lots Code Enforcement was able to pursue having people come in to get appropriate permits. None of the operators wanted to process permits so the bins were removed. He stated there are a number of fly-by-night operators that place these bins without property owner authorization. The City has the ability to approve them subject to conditions in the policy and we have approved a couple of the recycling centers, but no clothing bins.

Senior Planner Espinoza stated that some relocated to school sites where the City does not have authority over them.

Assistant City Manager Stevens advised the new Commissioners about the annual Planning Commissioners Institute presented by the League of California Cities and that the next one would be held in San Ramon in March 2016.

6. Members of the Audience

No communications were made.

7. Planning Commission

Commissioner Davis asked if there was any progress on the Rehab Facility.

Associate Planner Williams stated permits have been issued for encroachment and grading, and that erosion control and construction fencing should be in place shortly. They have until January of 2016 before their approval expires so hopefully they will finish the plan check process on the buildings and start construction in time.

Chairman Bratt stated he sees they have started construction on the mixed-use project on San Dimas Avenue, and asked if there was any update on the RV storage facility on Base Line Road.

Senior Planner Espinoza stated Phase 1 of the mixed-use project consisting of the single-family homes is currently under construction and Phase 2 is in plan check. He thinks the developer wanted to construct these first to help buffer the existing neighborhood from the new townhomes and live/work units. He stated in regards to the RV Storage facility, they requested an extension so their approvals are good until early next year.

Chairman Bratt stated he would be out of town for the September 17, 2015 meeting.

ADJOURNMENT

MOTION: Moved by Green, seconded by Davis to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 8:39 p.m. to the regular Planning Commission meeting scheduled for Thursday, September 3, 2015, at 7:00 p.m.

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: September 3, 2015