

# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Wednesday, October 5, 2005 at 7:30 p.m.  
245 East Bonita Avenue, Council Chambers

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## **Present**

Chairman Emmett Badar  
Commissioner Dave Bratt  
Commissioner Stephen Ensberg  
Commissioner Yunus Rahi  
Commissioner Jim Schoonover  
Community Development Director Larry Stevens  
Planning Manager Craig Hensley  
Associate Planner Laura Lockett  
Assistant Planner Michael Concepcion

## **CALL TO ORDER**

Chairman Badar called the regular meeting of the Planning Commission to order at 7:32 p.m. and Commissioner Bratt led the flag salute.

## **CONSENT CALENDAR**

1. Approval of Minutes for September 21, 2005.

**MOTION:** Moved by Schoonover, seconded by Rahi to approve the Consent Calendar. Motion carried unanimously, 5-0.

## **PUBLIC HEARINGS**

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 05-02** – A request to amend Section 18.204 of the San Dimas Municipal Code to add Subsection 18.204.075 regarding re-submittal of denied Zone Variance applications.

Staff report presented by Director of Community Development Larry Stevens, who stated this item is being brought forward at the request of the City Council. The section relating directly to variances does not contain language dealing with the re-submittal of

applications. This issue was raised in the course of the Secreto lawsuit and the City Attorney felt it was appropriate to amend the Code at this time. It is a common practice to limit the re-submittal of denied applications to avoid having essentially the same application submitted numerous times. Other remedies for a denied application would be to go to court or to modify the project so it is not the same application. He stated the specific language is shown in Exhibit A, and that staff recommends approval.

Commissioner Ensberg stated he felt the phrase "substantially similar" was restrictive and felt the wording could be changed to "Within one year following the denial of an application for a zone variance which has become final, no new application for a zone variance arising out of or related to the same property or portion thereof or transaction, occurrence, facts or events underlying the denied application shall be made; unless the prior denial was expressly made without prejudice." He felt this could limit arguments as to what was substantial or not.

Director Stevens concurred with his comments that someone would have to apply judgment as to what was substantially similar or not, but there could still be a situation where the facts and findings that led to the denial could be an arguable point.

Commissioner Schoonover asked if there would be a problem if they amended the language in this section and it was dissimilar to the other code sections.

Director Stevens stated it was more important to have the one-year time period for re-submittal than the phrase "substantially similar." He was hoping to update all of the Code sections that related to this, but that would be sometime next year and the City Attorney felt they should update this section now because of the current litigation.

Commissioner Ensberg felt they could adopt the current language as an interim measure but suggest to the City Council that this topic needed more discussion and that all the Code sections needed to be reviewed in an integrated approach that would be beneficial to the City.

Director Stevens stated it would take time to do the broader amendment because there are four chapters to re-write, and suggested they either adopt the current language or the alternate language for now.

Chairman Badar stated he concurred with Commissioner Ensberg's suggested change, but thought they should submit that back to the City Attorney for approval before adopting. He also felt they should not be amending the Code piecemeal, but thought they could use the current language on an interim basis and then amend it in the future.

Commissioner Rahi stated when he reviewed the other Code sections the language was similar except for one word "...unless denial was made without prejudice."

Director Stevens stated he could make the wording consistent in the resolution.

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

**MOTION:** Moved by Ensberg, seconded by Schoonover to adopt Municipal Code Text Amendment 05-02 as proposed, but recommend to the City Council that the appropriate Code sections be amended in the future for an integrated approach for re-submitting denied applications with language that is more generous to the City and more restrictive to applicants. Motion carried unanimously, 5-0.

Director Stevens stated he will bring back a resolution of approval at the next meeting and forward it to the City Council with the Commission's recommendation.

### **ORAL COMMUNICATIONS**

#### **3. Director of Community Development**

Director Stevens introduced Michael Concepcion, the new Assistant Planner for the City.

Director Stevens stated the City Council approved an amended DDA with Costco in early September. Costco has hired a consultant to evaluate relocation assistance requirements for property owners and tenants. They should be completing the appraisals and making offers within the next three weeks. The City is also in the process of demolishing City-owned buildings along 5<sup>th</sup> Street because of continuing vandalism. They are estimating six months for the acquisition process from the date of the DDA, so there is a possibility of starting the project in February if the plans are processed at the same time. The Commission will see the Parcel Map to subdivide the property and if there are changes to the Precise Plan.

In response to Chairman Badar, Director Stevens stated they have received some inquiries on the Bonita/Cataract property from hotels but no serious offers have been submitted. They are working on a proposal for the Bonita/Eucla property from the bowling alley owner to expand his operation. He added that the hotel on Eucla and Arrow is under construction and moving forward.

In response to Chairman Badar, Planning Manager Craig Hensley stated an application has been filed for an office complex for the property at Via Verde and Puente. There might be a subdivision of the property which would then come before the Commission; otherwise the project would go to the DPRB for review.

Commissioner Ensberg commented on the meeting on the Gold Line and the Council's decision to reconsider the project. He was concerned because he understood that everyone wants to have a chance to comment, but also felt that when a decision is made they should go forward and have closure.

Director Stevens stated the Gold Line is being handled by the Public Works Department and it appears that there may not have been a clear notice sent to the surrounding

property owners when the public hearings were occurring. There were approximately 150 residents at the recent meeting that raised concerns about the noticing. In light of that the City Council felt they should hold further discussion on the project and make sure they are comfortable with the current position. He felt the Council will be discussing this item at the second meeting in October.

Commissioner Ensberg concurred that if there was a dispute over the noticing, then people should have a chance to go back and discuss the impacts.

Commissioner Bratt stated that on the Costco site there are existing tenants that store trucks and asked if that has been perceived to be an environmental issue.

Director Stevens stated there was a preliminary environmental review done a couple of years ago that did not indicate significant soil contamination, but there will be an update done as property is acquired.

**4. Members of the Audience**

No communications were made.

**5. Planning Commission**

No communications were made.

**ADJOURNMENT**

**MOTION:** Moved by Bratt, seconded by Schoonover to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 8:05 p.m. to the regular Planning Commission meeting scheduled for October 19, 2005 at 7:30 p.m.

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Emmett Badar, Chairman  
San Dimas Planning Commission

ATTEST:

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Craig Hensley

Planning Manager

Approved: