

# CITY OF SAN DIMAS PLANNING COMMISSION AGENDA

Regularly Scheduled Meeting  
THURSDAY, JANUARY 17, 2019 AT 7:00 P.M.  
245 East Bonita Avenue, Council Chambers

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## **CALL TO ORDER AND FLAG SALUTE**

## **PUBLIC HEARINGS**

1. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 18-0001** – A request to update and revise Chapter 18.204 Variances by deleting references to Nonconforming Uses and to add Chapter 18.198 Nonconforming Uses and Structures creating revised definitions, standards and procedures for nonconforming uses, lots and structures Citywide. **(Continued from December 20, 2018)**

**Applicant:** City of San Dimas

**Environmental:** CEQA Categorical Exemption per Section 15061(b)(3) – The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment

2. **CONSIDERATION OF Tentative Parcel Map No. 82472 (TPM-18-0001)** – A request to consolidate five parcels (six APN's) into one lot in the Creative Growth Zone, Area 2. No physical development is proposed at this time. The site is located is at 442 W. Bonita Avenue and Other Undeveloped Parcels. (APN's 8386-017-011, -900, -901, -902, -903, -904)

**Applicant:** F&A Federal Credit Union

**Environmental:** CEQA Categorical Exemption per Section 15315 – Minor Land Divisions as the activity consists of the consolidation of land into a single parcel.

## **RESOLUTION PC-1610**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
SAN DIMAS RECOMMENDING APPROVAL OF TENTATIVE PARCEL  
MAP NO. 82472 (TPM-18-0001) TO THE CITY COUNCIL

## **ORAL COMMUNICATION**

3. **Community Development Department**
4. **Members of the Audience**

(Members of the audience are invited to address the Planning Commission on any item not on the agenda. Under the provisions of the Brown Act, the Commission is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date.)

## 5. Planning Commission

- a. Report on Meetings

## **ADJOURNMENT**

Meeting to adjourn to the regular Planning Commission meeting on Thursday, February 7, 2019 at 7:00 p.m. in the City Council Chambers, located at 245 E. Bonita Avenue, San Dimas.

Copies of staff reports and/or other written documentation pertaining to the items on the agenda are on file in the Planning Division and are available for public inspection during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. Information may be obtained by calling (909) 394-6250. Planning Commission minutes and agendas are also available on the City's website at: [www.cityofsandimas.com](http://www.cityofsandimas.com)



**Notice Regarding Americans with Disabilities Act:** In compliance with the ADA, if you need assistance to participate in a city meeting, please contact the City Clerk's Office at (909) 394-6216. Early notification before the meeting you wish to attend will make it possible for the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

**POSTING STATEMENT:** On June 1, 2018, a true and correct copy of this agenda was posted on the bulletin boards at 245 East Bonita Avenue (San Dimas City Hall), 145 North Walnut Avenue (Los Angeles County Public Library, San Dimas branch), 300 East Bonita Avenue (United States Post Office), and a courtesy posting at 1160 Via Verde Avenue (Von's shopping center), and the City's website at [www.cityofsandimas.com](http://www.cityofsandimas.com)



## *CITY OF SAN DIMAS MEMORANDUM*

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**DATE:** January 17, 2019

**TO:** Planning Commission

**FROM:** Community Development Department

**SUBJECT:** Municipal Code Text Amendment 18-0001 – To revise Chapter 18.204 regarding Variances and to add Chapter 18.198 regarding Nonconforming Uses and Structures

This matter was introduced and discussed at the Planning Commission meeting of December 20, 2018. The public hearing was continued to January 17, 2019 to allow Staff additional time to work on the new chapter on nonconforming uses and structures. That work is still ongoing and Staff requests this hearing be continued to February 7, 2019.

Attached to this Memo are the drafts provided at the December hearing.

**NOTE: THIS DRAFT IS TO FACILITATE DISCUSSION OF A COMPLICATED ISSUE AND IS SUBJECT TO CHANGE**

## **Chapter 18.198 NONCONFORMING USES AND STRUCTURES**

### **18.198.010 Purpose**

The purpose of this Chapter is to regulate the continuation, maintenance, expansion and abatement of lots, uses and structures which, although lawful at the time of construction or establishment, do not conform to current standards or regulations set forth in this Title because of subsequent changes in applicable standards or regulations. It is further intended to distinguish between incompatible nonconforming uses that are detrimental to the public health, safety and welfare and nonconforming uses that may be productive and compatible with surrounding development despite being out of compliance with the currently applicable standards or regulations set forth in this Title. Nonconforming lots, uses and structures may be continued maintained and expanded subject only to the provisions of this Chapter.

### **18.198.020 Determination of Nonconformity**

A. Any property owner may submit a written request to determine whether a lot, use or structure is nonconforming and may be required, as part of said request, to submit materials or documents in support of said determination. It shall be the responsibility of the property owner to provide sufficient evidence that the lot, use or structure was lawfully established or constructed.

B. Upon receiving said request the Director is authorized to review submitted materials and any other available documentation to determine whether a lot, use or structure is nonconforming . Any determination made shall be in writing and shall be based upon a standard of reasonableness understanding that available documentation may not always be conclusive. Any determination by the Director may be appealed to the Planning Commission as set forth in Chapter 18.212.

C. Any lot, use or structure constructed or established not in compliance with standards or regulations in effect at the time of their construction or establishment is an illegal lot, use or structure and shall be terminated or abated as deemed appropriate. An illegal lot, use or structure is not eligible for any continuation, maintenance or expansion that may be allowed by this Chapter.

### **18.198.030 Nonconforming lots.**

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A nonconforming lot is a lawfully created lot of record that does not conform to the currently applicable street frontage, width, depth, or area requirement of the city. Development of a nonconforming lot shall not be approved unless:

A. It conforms to all applicable laws and regulations governing land use and zoning in the city; and

B. It is determined no feasible means of making said lot conforming to said laws and regulations by redesign of said lot and an adjacent lot in the same ownership, acquisition of an adjacent lot or portion of such lot, or other means. **LESS THAN 5000 in SF????**

**18.198.040 Nonconforming structures.**

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A nonconforming structure is a lawfully established structure that exists at the effective date of adoption or amendment of the this Title and does not conform to the development standards of the zone in which it is located, including but not limited to area, lot coverage, parking, height, setbacks, construction standards, or other requirements concerning the structure.

A. Nonconforming Structures. A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following:

1. A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity,

2. A nonconforming structure destroyed to the extent of fifty percent or more of its square footage at the time of its partial destruction shall conform to all city requirements for reconstruction, e

except as follows:

a. Single-family dwellings which have been partially or totally destroyed may be reconstructed to their pre-existing setbacks and size of unit, provided there is no increase in the degree of nonconformity,

b. Any reconstruction permitted under this section for a nonconforming structure may be reconstructed to a degree of nonconformity no greater than previously existed,

**c. SF-DR duplex nonconforming rebuild rules ??????????**

3. No provision of this section shall be construed to prevent:

a. Ordinary repair or replacement of interior walls, fixtures, wiring, or plumbing, or

b. Reconstruction of a structure to make it fully comply with city requirements;

B. Nonconformities Associated with Structures.

1. Nonconformities associated with structures are lawfully established improvements or features, or lack of improvements or features, that are not in conformance with current city requirements, including but not limited to:

a. Inadequate provision for such improvements as landscaping, parking, parking lot pavement, vehicle ingress and egress and connection to public sewer,

b. Inadequate screening of equipment, refuse collection areas, storage areas, and loading areas, and

c. Inadequate provision for such features as required building materials, colors and/or design;

2. In order to realize the purposes of this chapter, nonconformities associated with structures shall be eliminated in a reasonable period of time. Any nonconformity associated with structures shall be made reasonably conforming within one year of the date of notice of nonconformity to the owner of record. The director shall determine what constitutes reasonable conformity and shall be guided by an evaluation of city requirements in relation to the unique characteristics of a given property. When a nonconformity associated with a structure is made reasonably conforming as determined by the director, such improvement or feature shall thereby be considered in conformance with city requirements.

**18.198.050 Nonconforming uses.**

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A nonconforming use is a lawfully established use of land which is no longer in conformity with the uses permitted in the zone in which the use is located. Nonconforming uses shall be permitted to continue indefinitely subject to the following exceptions and limitations:

A. Conditions of Continued Use. All nonconforming uses shall conform to the following conditions of continued use:

1. A nonconforming use shall not be increased in scope or enlarged in area;

2. A nonconforming use shall not be relocated in whole or in part to any other lot or to a different location on a lot;

3. Notwithstanding the foregoing, for the purpose of maintaining the economic viability of the use, the director may permit minor improvements and alterations to the nonconforming use not involving a significant expansion of the use.

B. Termination. A nonconforming use shall be terminated upon the occurrence of any one of the following:

1. Discontinuance of a nonconforming use for a period of one year or the establishment of a conforming use in place of a nonconforming use;

2. A governmental agency with jurisdiction has made a determination that a structure associated with a use is unsafe or otherwise unsuitable for occupancy according to the building code, the health and safety code or any other applicable code or regulation and the owner fails to provide for adequate repair within 180 days of the notice from the government authority;

3. A structure associated with a use is destroyed to the extent of fifty percent or more of its square footage at the time of its destruction;

4. Failure to comply with the provisions of this chapter.

C. Immediate Termination of Nonconforming Uses Constituting Public Nuisance.

Notwithstanding the provisions of this section, any nonconforming use may be terminated where the use is carried on so as to be a public nuisance.

**18.198.060 Minor Nonconformities.**

A. The planning commission may grant a permit to authorize a nonconforming lot, use or structure to continue or expand beyond the limitations set forth in this chapter under certain circumstances, subject to the following:

1. Any continuation or expansion shall be limited to the following:

a. ???????????

b. ???????????

2. In granting such a permit the commission shall make the following findings:

a. The continuation or expansion shall be no more detrimental than...

b. ????????????

3. In granting such a permit the commission shall establish the following limitations and requirements on the expanded or continued nonconforming lot, use or structure:

a. ????????????

b. ????????????

B. Application Procedure. All applications shall be made as set forth in Section 18.204.040. The public hearing shall be noticed and heard as set forth in Section 18.204.070. Any time limits shall be governed as set forth in Section 18.204.080. Any appeals and revocations shall be governed by Sections 18.204.090 and 18.204.100, respectively.

VERY VERY ROUGH DRAFT

## Chapter 18.204 VARIANCES

### 18.204.010 Purpose.

When practical difficulties, unnecessary hardships, or results inconsistent with the general intent and purpose of this title occur by reason of the strict interpretation of any of its provisions, any property owner may initiate proceedings for consideration of a variance from the provisions of this title.

A variance will not be granted to permit a land use expressly prohibited in the zone in which the property is located and will not be granted to increase residential density above the maximum permissible density in any residential zone. (Ord. 277 § 2, 1970; Ord. 37 § 502.0, 1961)

### 18.204.020 Commission findings.

The commission, in granting a variance, shall find as follows:

A. That there are exceptional circumstances or conditions applicable to the subject property which do not apply generally to other property in the same zone;

B. That such variance is necessary for the preservation and enjoyment of a substantial property right of the owner, which right is possessed by other property owners under like conditions in the same vicinity and zone, and the adjustment thereby authorized shall not constitute a granting of special privileges inconsistent with the limitations upon other properties in the same vicinity and zone;

C. That the granting of a variance will not be materially detrimental to the public health, safety or welfare nor injurious to property in the vicinity thereof; and

D. That the granting of such variance will not be contrary to the objectives of the general plan. (Ord. 277 § 2, 1970; Ord. 37 § 502.2, 1961)

### ~~18.204.030 Permitted development improved.~~

~~— A. — Irrespective of the foregoing requirements for the granting of a variance, a variance may also be granted to permit the modification of development standards in any zone where it is established by substantial evidence that:~~

~~— 1. — Alternate provisions fulfilling the intent and purpose of such zone have been made;~~

~~— 2. — Certain requirements are not applicable because of the nature or arrangement of the proposed use;~~

~~— 3. — The level of quality generally exceeds that which the development standards for such zone attempt to obtain.~~

~~B. The commission shall affirmatively find that each of the above criteria is satisfied prior to granting a variance pursuant to this section. (Ord. 348 § 1, 1971; Ord. 37 § 502.3, 1961)~~

#### 18.204.040 Application procedure.

A. Application for a variance shall be filed by the owner of the property for which the variance is sought, or by the authorized representative of the owner. Application shall be made to the commission on forms furnished by the planning department and shall be full and complete. With each application form to be completed by the applicant, the following data shall be filed:

1. Plans. Submission of the requisite site plan, floor plan, building elevations, preliminary grading plan and/or other related information needed to set forth the proposal and the reasons for the variance application. Said plans shall include the required number of plans which shall also be adequately dimensioned and drawn to an appropriate scale. ~~Maps. Four dark line print maps drawn to a scale not less than one inch equals one hundred feet shall be submitted with the application, indicating location and dimensions of property concerned, and all highways, alleys, streets and all lots and parcels, including lot, block and tract numbers within three hundred feet of the exterior boundaries of the subject property.~~

~~a. One print shall show present zoning within a three hundred foot radius.~~

~~b. One print shall show land use within a three hundred foot radius such as: residence, apartment, auto repair garage, orchard, shopping center, market, vacant, etc. It shall also show street numbers and numbers on each lot to correspond with a property owners' list.~~

~~c. Two prints for use of the planning department.~~

~~d. One ten and one half inches by ten and one half inches clear film positive for use with an overhead projector, showing present zoning, land use and street addresses within a three hundred foot radius.~~

2. Property Owners' List. ~~Four typewritten copies of a~~ A property owners' list showing name and home address of each property owner of each lot or parcel within a three-hundred-foot radius in a format specified in the submission materials, except that said owners' list may be prepared by the City.

~~a. One copy on a plain sheet of paper shall have names numbered to correspond with property on the land use map.~~

~~b. Three copies shall have names and addresses on gummed labels, suitable for mailing purposes.~~

~~c. Names and addresses shall be obtained from the latest available assessment rolls at the county tax assessor's office.~~

~~d. The list shall be certified and notarized.~~

3. When the application for a variance is filed, a fee as adopted by city council resolution shall be paid for the purpose of defraying the costs incidental to the proceedings.

~~4. Waiver by Director. The planning director may waive the filing of one or more of the above items except filing fees unless authorized by the adopted fee resolution..~~

B. In cases where the **planning** director considers the application as not being within the scope of a variance or that the application is incomplete, the applicant shall be so informed. If the application is filed nevertheless and the fees are accepted, the application shall be signed by the applicant to the effect that he was so informed. Acceptance of the application does not constitute an indication of approval. (Ord. 277 § 2, 1970; Ord. 37 § 502.4, 1961)

~~**18.204.050 Filing fee.**~~

~~When the application for a variance is filed, a fee as adopted by city council resolution shall be paid for the purpose of defraying the costs incidental to the proceedings. (Ord. 1170 § 10, 2007; Ord. 277 § 2, 1970; Ord. 37 § 502.6, 1961)~~

**18.204.060 Investigation by planning department.**

The planning department shall investigate the facts bearing on any case involving a variance to provide the commission with data essential for action consistent with the intent of this title and the general plan. (Ord. 277 § 2, 1970; Ord. 37 § 502.8, 1961)

**18.204.070 Public hearing.**

A. Date. The hearing date shall be set by the planning director for not ~~less than fifteen nor more than sixty~~ **ninety** days after the filing of the completed application with the planning department except where such application is connected to other applications for concurrent processing.

B. Notice. Notice of public hearing shall be given in the following manner and shall contain the time and place of the hearing along with other data contained in the application deemed pertinent to such notice:

1. Newspaper. Notice shall be published at least once in a newspaper of general circulation in the city not less than ten days before the date set for the hearing.

2. First Class Mail. Notices shall be mailed to all persons whose name and address appears on the latest equalized assessment roll of the county as owning property within a distance of three hundred feet of the external boundaries of the property described in the application. ~~The applicant shall furnish to the city a certified list of such names and addresses.~~ The notices shall be mailed not less than ten days before the date set for a hearing.

3. Posting in Public Places. Notices shall be posted not less than ten days before the date set for a hearing in a conspicuous place at (i) City Hall, (ii) Los Angeles County public library, (iii) the post office, and (iv) ~~near the property involved~~ posting of a notice on the property may also be required.

C. Hearing.

1. The commission shall hold a public hearing not less than ten days ~~nor more than thirty days~~ after the publication of the legal notice of such hearing.

2. The commission shall ~~announce~~ set forth its decision by resolution adopted at a regular meeting within forty days after the conclusion of the hearing. The decision shall set forth the findings of the commission and all conditions imposed, including any time limits, deemed necessary to protect the public health, safety and welfare of persons in the vicinity and in the city as a whole.

3. A copy of the decision shall be mailed to the petitioner at the address shown on the petition. The decision shall be final unless an appeal is taken therefrom pursuant to Section 18.204.090. (Ord. 277 § 2, 1970; Ord. 37 § 502.10, 1961)

**18.204.075 Resubmittal of denied application.**

Following denial of an application for a ~~zone~~ variance, no similar or substantially similar application for a ~~zone~~-variance on the same property, or portion thereof, shall be filed for one year from the date that the denial became final, unless the denial was made without prejudice. (Ord. 1153 § 1, 2005)

**18.204.080 Time limit for development.**

~~A. The commission may establish a time limit within which the subject property and use shall be developed. The time limits set by the commission shall be reasonable in relation to the size and nature of the property development. An application for extension of the time limit shall be treated as a new application for a variance. Development shall commence within one year after the grant unless the commission specifies otherwise.~~

~~B. The date of commencement of a development shall be that date on which a building permit or, if required, a grading permit is issued. If either lapses, the grant by the commission shall lapse. (Ord. 452 § 1, 1974; Ord. 277 § 2, 1970; Ord. 37 § 502.12, 1961)~~

A. The commission may establish a time limit within which the subject variance shall be utilized. The time limits set by the commission shall be reasonable in relation to the size and nature of the variance request. In the event no such time limit is established, activity utilizing the variance shall commence within one year.

B. The date of commencement of a development shall be that date on which activity utilizing the variance is established on the site or when, after first obtaining required construction

permits if required, substantial site work or related activity has been performed. Where construction is involved, substantial site work means progression beyond grading and completion of foundations with above grade construction occurring and continuation of such work within time limits prescribed in the Uniform Building Code. If either lapses, the grant by the commission shall lapse.

C. Time Extensions.

1. Initial Extension. The director may grant a one year extension to the time limit prescribed for a variance approval when he finds as follows:

a. A written request explaining the reason for the request has been filed on or before the date of expiration for the variance approval;

b. There have been no changes in the applicable general plan or zoning regulations applicable to the variance since the approval was granted;

c. There have been no changes in the character of the site or its surroundings which affect how the general plan or zoning regulations apply to the variance;

2. Additional Extension. The planning commission may grant an additional one year time extension provided the planning commission makes the following findings:

a. The findings set forth in subsection (C)(1) of this section;

b. That substantial site work could not be completed because of circumstances beyond the control of the applicant.

**18.204.090 Appeals.**

The decision by the commission may be appealed to the city council in accordance with the provisions of Chapter 18.212. (Ord. 662 § 5, 1979; Ord. 277 § 2, 1970; Ord. 37 § 502.14, 1961)

**18.204.100 Revocation.**

The commission may by resolution, after a thirty-day written notice to the variance holder, revoke any variance for failure to comply with the conditions set forth in granting the variance, failure to comply with this code, and/or failure to comply with other local, state or federal regulations applicable to the subject project. The notice shall state the date, time and place when the commission will hear the matter. The applicant shall have an opportunity to appear and be heard by the commission before any such action is taken. If an established time limit for development expires, the variance shall be void. (Ord. 1025 § 3, 1995; Ord. 277 § 2, 1970; Ord. 37 § 502.22, 1961)

**18.204.110 Prior grant.**

Any variance granted pursuant to any zoning ordinance enacted prior to the effective date of the ordinance codified in this chapter shall be construed to be a variance granted under this chapter, subject to all conditions imposed in such variance unless otherwise provided in this title. Such variance may, however, be revoked as provided in this chapter. (Ord. 277 § 2, 1970; Ord. 37 § 502.24, 1961)

**18.204.120 ~~Grant of variances for~~ Minor deviations.**

A. The **planning** director without public hearing, may grant ~~variances allowing~~ minor deviations from ~~ordinance~~ the requirements of this Title limited to the following:

1. Reduction of lot area or minimum floor area requirements by not more than ten percent of that required in the zone;

2. Reduction of ~~open areas~~ front, side and rear yard setbacks by permitting portions of a building to extend into and occupy ~~not more than ten percent of~~ the area of a required yard as follows:

a. Front yard – not more than 10 percent of the required area provided that no building shall be closer than fifteen feet from the front property line.

b. Side and rear yard – not more than 10 percent of the required setback dimension.

3. Minor changes to dimensional or related parking design standards, except parking stall sizes, and/or the number of required parking spaces for non-residential uses by not more than ten per cent.

B. In granting a minor deviation variance, the **planning** director shall make findings in accordance with ~~Section 18.204.020.~~ the following:

1. The limited adjustment does not exceed the stated parameters herein and is not detrimental to the purpose and intent of the standard from which the deviation is being requested.

2. The minor deviation is necessary as a result of existing property improvements and/or property dimensional constraints.

3. The minor deviation is necessary to accommodate reasonable development of the affected property and does not adversely affect surrounding properties.

C. The **planning** director's determination may be appealed to the planning commission in writing. The commission shall decide the matter de novo. A public hearing shall not be required in granting a minor deviation variance. (Ord. 347 § 1, 1971; Ord. 307 § 5, 1970; Ord. 277 § 2, 1970; Ord. 37 § 502.26, 1961)

**~~18.204.130 Existing use improved.~~**

~~———— A variance may also be granted so as to permit a use of property which is both less detrimental to the public welfare and less detrimental to the property of persons located in the vicinity, than is the existing lawful use of such property, which existing use is permitted by a variance either automatic or otherwise. If the use for which the variance requested would be unlawful in any zone in which the existing use would be permitted, this section does not apply. (Ord. 277 § 2, 1970; Ord. 37 § 502.28, 1961)~~

#### ~~18.204.140 Parking.~~

~~———— A variance may also be granted to permit motor vehicle parking, if such variance will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity thereof. (Ord. 277 § 2, 1970; Ord. 37 § 502.30, 1961)~~

#### ~~18.204.150 Repairs.~~

~~———— When repairs within any twelve-month period exceed fifty percent of the value of an existing nonconforming building or structure, such building or structure shall be made to conform to the requirements of this title for new buildings or structures. (Ord. 277 § 2, 1970; Ord. 37 § 502.32, 1961)~~

#### **18.204.160 Abandonment.**

A variance, ~~whether an automatic variance or a variance granted by action of the city,~~ **automatically** shall cease to be of any force and effect if the use or activity for which such variance was granted has ceased or has been suspended for a consecutive period of one year or more. (Ord. 277 § 2, 1970; Ord. 37 § 502.34, 1961)

#### ~~18.204.170 Nonconforming uses.~~

~~———— A. ——— A variance is granted automatically by the ordinance codified in this chapter so as to permit the continuance of the particular existing uses of any building, structure, improvement or premises existing in the respective zones immediately prior to the time the ordinance codified in this chapter or any amendment thereof becomes effective if such existing use was not in violation of this or any other ordinance or law.~~

~~———— 1. ——— As used in this section, the word “property” refers only to that portion of the property actually utilized for the existing use. The word “improvement” does not include any improvement not a part of the existing use, and such improvement which is not a part of the existing use shall be disregarded in the construction of this section.~~

~~———— 2. ——— This section does not authorize the extension, expansion or enlargement of the existing use, or permit the addition of structures or other facilities in conjunction with such existing use, except:~~

~~———— a. ——— To the extent required by a subsequently enacted or subsequently adopted law, ordinance or regulation, and the director so finds:~~

~~\_\_\_\_\_ b. \_\_\_\_\_ Additions may be made to a legally existing dwelling unit without requiring additional garage, carport, automobile storage space or driveway paving, provided that such additions do not either increase the number of families that can be housed in such structure or occupy the only portion of an area which can be used for required garages, carports, automobile storage space, or access thereto.~~

~~\_\_\_\_\_ c. \_\_\_\_\_ Nothing in this title pertaining to nonconforming structures and uses shall be construed or applied so as to require the termination, discontinuance or removal or so as to prevent expansion, modernization, replacement, repair, maintenance, alteration, reconstruction or rebuilding and continued use of public utility buildings, structures, equipment and facilities, provided that there be no change of use nor enlargement of those areas so used.~~

~~\_\_\_\_\_ B. \_\_\_\_\_ The variance shall remain in full force and effect for the following lengths of time, except that it may be extended or revoked as provided in this chapter:~~

~~\_\_\_\_\_ 1. \_\_\_\_\_ Where the property is unimproved, one year.~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ Where the property is unimproved except for structures to replace which the building code does not require a building permit, three years.~~

~~\_\_\_\_\_ 3. \_\_\_\_\_ Outdoor advertising, three and one half years from November 27, 1967, of whatever type of construction.~~

~~\_\_\_\_\_ 4. \_\_\_\_\_ Any parcel which is used for commercial raising of livestock at the time that said parcel is zoned in such a manner that the use becomes nonconforming, may continue to be so used for a period of twenty years from the date at which the zoning shall make or has made such use nonconforming.~~

~~\_\_\_\_\_ a. \_\_\_\_\_ During this twenty year period, the capacity of the operation shall not be increased by the erection of new buildings or equipment, excepting, however, that existing buildings or equipment may be repaired, renovated or replaced, provided the capacity of the operation is not increased and provided further that the repair, renovation or replacement of buildings or equipment shall not be deemed to extend the twenty year period.~~

~~\_\_\_\_\_ b. \_\_\_\_\_ The property may be sold or leased without affecting the status of the nonconforming use, but if the use is discontinued as a commercial operation for a period of twenty four months, the right to such nonconforming use shall expire and may not be reactivated.~~

~~\_\_\_\_\_ 5. \_\_\_\_\_ In other cases, twenty years, and for such longer time so that the total life of the improvement from the date of construction will be:~~

~~\_\_\_\_\_ a. \_\_\_\_\_ Type 4 or type 5 buildings (light incombustible frame and wood frame):~~

~~\_\_\_\_\_ i. \_\_\_\_\_ Flats, apartments and double bungalows, thirty years;~~

~~ii. Other dwellings, thirty five years;~~

~~iii. Stores and factories, twenty five years.~~

~~b. Type 2 or type 3 buildings (heavy timber construction and ordinary masonry):  
forty years.~~

~~c. Type 1 buildings (fire resistive): forty five years.~~

~~6. In the event that on the effective date of the ordinance codified in this chapter any property was being used pursuant to the provisions and terms of a variance, such use may be continued in accordance with the terms of such variance subject to any limitations as to time imposed thereon.~~

~~7. Horses may be maintained for a period of five years from the date that the use became nonconforming. Provided, however:~~

~~a. No additional horses may be kept beyond the number of horses on the premises at the time that the keeping of horses became a nonconforming use; and~~

~~b. During the time that horses are maintained, the property shall be maintained in the manner to eliminate unnecessary dust, fly breeding, and other obnoxious and/or harmful conditions of the property and the premises shall be maintained so as not to be a nuisance.~~

~~Provided further, that the period of time during which the horses may be maintained on the property may be extended by the planning commission, after public hearing, and upon application of the property owner if:~~

~~i. The planning commission determines that the use of the property for the maintenance of horses, when considered in light of the development of the surrounding and adjacent properties, is not an incompatible use of the property;~~

~~ii. The planning commission may attach such reasonable conditions as it deems necessary and/or appropriate to insure that the maintenance of the horses on the property would provide for and insure the compatibility of this use with the use and development of the surrounding properties;~~

~~iii. Such application for an extension of time is accompanied by such fee as the city council may from time to time determine is necessary and appropriate;~~

~~iv. Any extension of time granted by the planning commission, or the denial of the same, may be appealed to the city council, whose determination shall be final;~~

~~v. Any extension of time granted by the planning commission may be additionally extended upon compliance by the property owner with the provisions of this section.~~

~~8. The raising of worms for commercial purposes, eighteen months from the date the use became nonconforming or from the effective date of the ordinance codified in this subdivision, whichever is later. (Ord. 599 § 1, 1977; Ord. 557 § 1, 1976; Ord. 312 § 1, 1971; Ord. 277 § 2, 1970; Ord. 37 § 502.36, 1961)~~

~~**18.204.180 Nonconforming gasoline service stations:**~~

~~Notwithstanding the provisions of Section 18.204.170, property located in zones C-1 and C-2, which on October 9, 1968, was lawfully being used for gasoline service station purposes, or which had approved therefor a precise plan for development as a gasoline service station and, in fact, is developed for gasoline service station purposes on or before October 9, 1971, may be constructed, used, maintained, remodeled, expanded and reconstructed for use as gasoline service station purposes and operated in accordance with the provisions of Chapter 18.148 and all other applicable provisions of this title. Irrespective of the foregoing provisions of this section, such property which had approved therefor precise plans for development as a gasoline service station but which remains undeveloped for gasoline service station purposes on and after December 13, 1968, shall not be developed for gasoline service station purposes until a site plan is resubmitted to and approved by the planning director. (Ord. 277 § 2, 1970; Ord. 37 § 502.38, 1961)~~



# Planning Commission Staff Report

**DATE:** Thursday, January 17, 2019  
**TO:** Planning Commission  
**FROM:** Jennifer Williams, Associate Planner  
**SUBJECT:** Tentative Parcel Map No. 82472 (TPM-18-0001)

## **SUMMARY**

*The Applicant is requesting the approval of a tentative parcel map to facilitate the consolidation of five parcels (6 APN's) into one lot. No physical development is proposed at this time. The project is Categorically Exempt from CEQA pursuant to Section 15315- Minor Land Divisions.*

## **BACKGROUND**

An application has recently been filed to consolidate five parcels (six APN's) into one lot. The tentative parcel map is for land consolidation only; no physical development is proposed at this time. The lot consolidation will result in a larger parcel than can better accommodate future development of the site. The Applicant recently purchased land from a private seller and from the Successor Agency (City of San Dimas). A credit union is anticipated to be constructed at a future date and plans will be required to be reviewed by the Development Plan Review Board at that time.

## **ANALYSIS**

The site is approximately 2.09 acres in total, is triangular in shape, and is located at the southeast corner of Eucla and Bonita Avenues. The tentative parcel map has been prepared for the purpose of consolidating five lots (six APN's) into one parcel consistent with Section 66411 of the Subdivision Map Act:

- |                         |                  |
|-------------------------|------------------|
| 1. 442 W. Bonita Avenue | APN 8386-017-011 |
| 2. Undeveloped          | APN 8386-017-900 |
| 3. Undeveloped          | APN 8386-017-901 |
| 4. Undeveloped          | APN 8386-017-902 |
| 5. Undeveloped          | APN 8386-017-903 |
| 6. Undeveloped          | APN 8386-017-904 |

The General Plan designation is Commercial and the Zoning designation is Creative Growth Zone, Area 2.

The Subdivision Review Committee reviewed the proposal at its meeting on December 18, 2018 and recommended approval of the tentative parcel map subject to the conditions of approval provided in Exhibit A- Resolution PC-1610.

**RECOMMENDATION**

Staff and the Subdivision Review Committee are recommending that the Planning Commission recommend approval of Tentative Parcel Map No. 82472 (TPM-18-0001) to the City Council.

Respectfully Submitted,



Jennifer Williams  
Associate Planner

Attachments:

Appendix A General Information, Aerial View, and Site Photographs

Exhibit A - Resolution PC-1610

Exhibit B - Tentative Parcel Map

## APPENDIX A

### General Information

Applicant:	F & A Federal Credit Union
Owner:	F & A Federal Credit Union
Location:	442 W. Bonita Avenue and Other Undeveloped Land APN's 8386-017-011, -900, -901, -902, -903, -904
General Plan:	Commercial
Zoning:	Creative Growth Zone, Area 2
Surrounding Land Use and Zoning	North: CG-2; Office buildings South: MF-15; Apartments East: CG-2; Bowling alley West: CG-1; Office buildings
Legal Notice:	A legal notice was published in the Inland Valley Daily Bulletin; posted at City Hall, the Library, Post Office and Via Verde Shopping Center; and was mailed to property owners within 300 feet of the project on or before January 4 <sup>th</sup> , 2019.
Environmental:	Categorically Exempt from CEQA per Section 15315

**Aerial View**



**RESOLUTION PC-1610**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF TENTATIVE PARCEL MAP NO. 82472 (TPM-18-0001) TO THE CITY COUNCIL

WHEREAS, an application for Tentative Parcel Map No. 82472 (TPM-18-0001) has been duly filed by:

Gina Salvucci for F & A Federal Credit Union  
PO Box 30831  
Los Angeles, CA 90030

WHEREAS, the applicant is requesting the tentative parcel map to consolidate five parcels (six APN's) into one lot with no physical development proposed at this time; and

WHEREAS, the subject property is described as follows:

442 W. Bonita Avenue and other undeveloped parcels, including APN's 8386-017-011, -900, -901, -902, -903, and -904. The site is approximately 2.09 acres in total, is triangular in shape, and is located at the southeast corner of Eucla and Bonita Avenues; and

WHEREAS, the Parcel Map was submitted to appropriate agencies as required under Section 17.12.030 of the San Dimas Municipal Code with a request for their report and recommendations; and the map was also reviewed by the Subdivision Review Committee; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on January 17, 2019 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment. The project is hereby determined to be Categorically Exempt per Section 15315, Minor Land Divisions, of the CEQA Guidelines.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, including written and oral staff reports, together with public testimony and subject to the conditions attached as "Exhibit A," the Planning Commission now finds as follows:

- A. That the proposed parcel map is consistent with the General Plan and the applicable Land Use Zone.

The parcel map consolidates the site into one parcel that is compliant with the General Plan designation of Commercial and the Zoning designation of Creative Growth Zone, Area 2.

- B. That the design or improvement of the proposed subdivision is consistent with the General Plan and the applicable Land Use Zone.

No physical improvements are proposed at this time. The parcel map would not result in inconsistencies with the General Plan or Zoning.

- C. That the site is physically suitable for the type of development proposed.

While no physical development is proposed at this time, the single parcel that would result from the parcel map will be suitable for commercial development as intended.

- D. That the site is physically suitable for the proposed density of the development.

While no physical development is proposed at this time, the single parcel that would result from the parcel map will be over two acres in size and suitable for a variety of commercial development opportunities.

- E. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat.

The parcel map will not cause substantial impact on the environment. The project is exempt from Environmental Review per Section 15315, Class 15 of the California Environmental Quality Act.

- F. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The parcel map is not detrimental to the general health, safety, and welfare of the public. The project results in minor land consolidation resulting in one single parcel being created for future commercial development.

- G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at-large, for access through or use of property within the proposed subdivision.

The consolidation of land through the parcel map will not conflict with existing easements. Condition No. 13 requires the Subdivider to address Easement B on the map.

- H. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board. Conditions are imposed to protect the public health, safety and general welfare and to implement the intent and purpose of the General Plan.

No physical development is proposed at this time, and the parcel map will result in fewer lots than are existing. At the time of development, the Developer will be required to comply with all Regional Water Quality Control Board requirements. In the meantime, Condition No. 11 addresses compliance with BMP's to protect the public health, safety, and general welfare and the intent and purpose of the General Plan.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission hereby recommends to the City Council approval of Tentative Parcel Map 82472 (TPM-18-0001) subject to compliance with all of the Conditions in Exhibit "A" attached hereto and incorporated herein. A copy of this Resolution shall be mailed to the applicant.

PASSED, APPROVED and ADOPTED, the 17<sup>th</sup> day of January 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

David A. Bratt, Chairman  
San Dimas Planning Commission

ATTEST:

---

Lesa Byars  
Departmental Assistant

## **Exhibit A**

### **Conditions of Approval for Tentative Parcel Map No. 82472 (TPM-18-0001)**

#### **GENERAL**

1. The Applicant/Developer shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. The Applicant/Developer shall be responsible for any City Attorney costs incurred by the City for the project, including, but not limited to, consultations, and the preparation and/or review of legal documents. The applicant shall deposit funds with the City to cover these costs in an amount to be determined by the City.
3. Copies of the signed City Council Resolution of Approval No. \_\_\_\_\_ and Conditions of Approval shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
4. The Applicant/Developer shall comply with all requirements of the Creative Growth Zone, Area 2.
5. The approval of a tentative map and/or tentative site plan does not constitute approval of proposed improvements as to size, design, materials, or location, unless specifically addressed in these conditions of approval.
6. The Tentative Map shall expire twenty-four months following approval, unless an extension for a period or periods not to exceed a total of twenty-four months is granted by the City Council. A subdivider may request an extension by written application to the Director of the Department of Community Development. Such application shall be filed at least thirty days before the Tentative Map is due to expire. Requests for all extensions shall be accompanied by a processing fee as prescribed by resolution of the City Council.
7. The Applicant/Developer shall sign an affidavit accepting all Conditions and all Standard Conditions prior to Final Map recordation.

8. The Applicant/Developer shall comply with all Conditions of Approval as approved by the City Council on \_\_\_\_\_.
9. Graffiti shall be removed within 72 hours.
10. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

#### **ENGINEERING DIVISION**

11. The Property Owner shall maintain compliance with Minimum Best Management Practices (BMPs) required by the MS4 permit for Los Angeles County as mandated by the National Pollutant Discharge Elimination System (NPDES).
12. A 15' by 15' corner cutoff at the northwest corner of the property shall be dedicated to the City of San Dimas prior to recordation of the final map.
13. Easement B shall be resolved through abandonment, title work around, or other method to the satisfaction of the City Engineer.
14. A Final Map prepared by or under the direction of a Registered Civil Engineer or Licensed Land Surveyor must be processed through the City Engineer prior to being filed with the County Recorder.

# PARCEL MAP NO. 82472

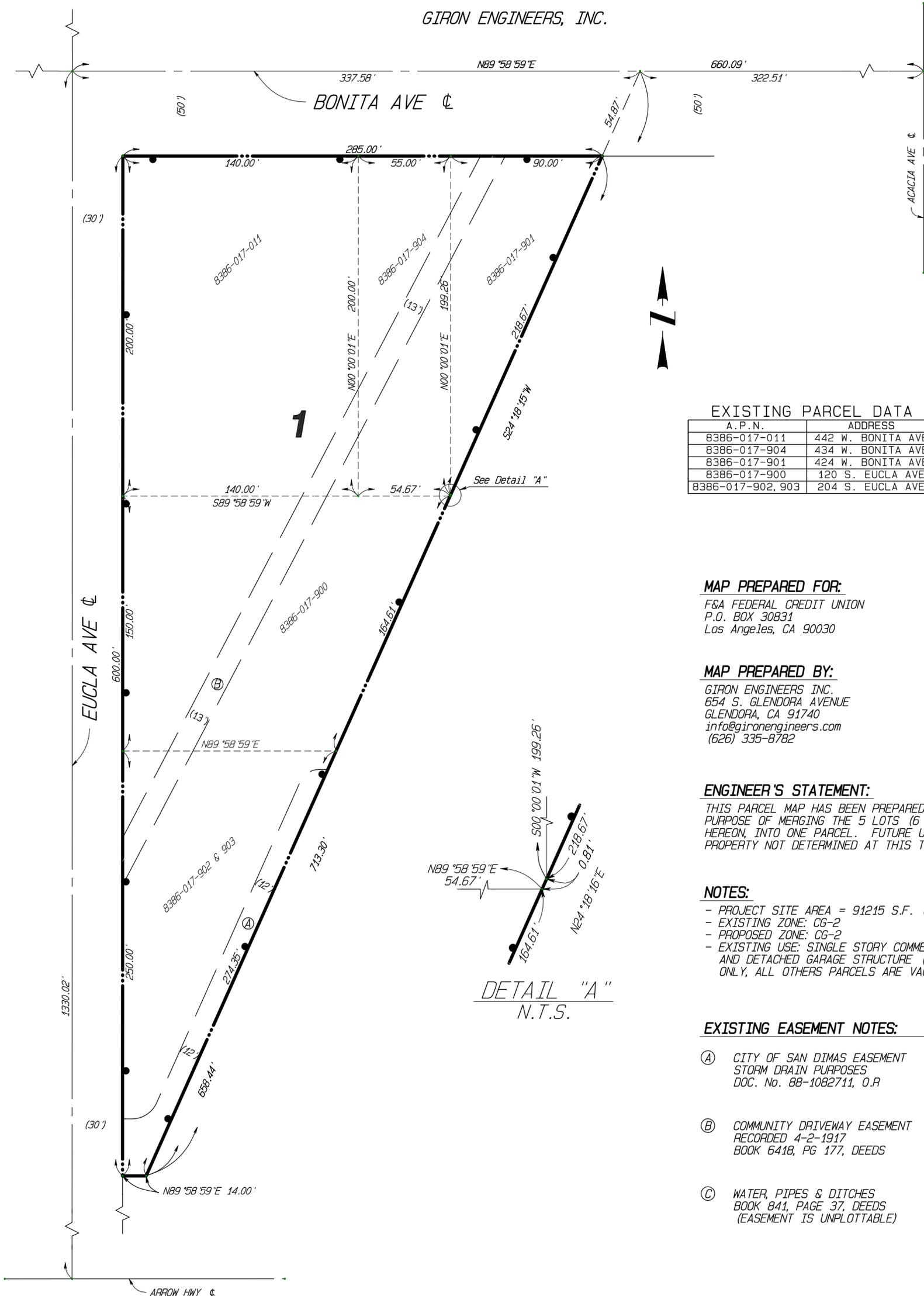
BEING THE SUBDIVISION OF A PORTION OF BLOCK 10 OF THE REPLAT OF A PORTION OF THE TOWN OF SAN DIMAS, IN THE RANCHO SAN JOSE, AS PER MAP RECORDED IN BOOK 37, PAGE 31 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY.

**IN THE CITY OF SAN DIMAS  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA**

OCTOBER 30, 2018

GIRON ENGINEERS, INC.

INDICATES LAND BEING  
MERGED BY THIS MAP



**EXISTING PARCEL DATA**

A.P.N.	ADDRESS
8386-017-011	442 W. BONITA AVE
8386-017-904	434 W. BONITA AVE
8386-017-901	424 W. BONITA AVE
8386-017-900	120 S. EUCLA AVE
8386-017-902, 903	204 S. EUCLA AVE

**MAP PREPARED FOR:**

F&A FEDERAL CREDIT UNION  
P.O. BOX 30831  
Los Angeles, CA 90030

**MAP PREPARED BY:**

GIRON ENGINEERS INC.  
654 S. GLENDORA AVENUE  
GLENDORA, CA 91740  
info@gironengineers.com  
(626) 335-8782

**ENGINEER'S STATEMENT:**

THIS PARCEL MAP HAS BEEN PREPARED FOR THE PURPOSE OF MERGING THE 5 LOTS (6 APN'S) SHOWN HEREON, INTO ONE PARCEL. FUTURE USE OF PROPERTY NOT DETERMINED AT THIS TIME.

**NOTES:**

- PROJECT SITE AREA = 91215 S.F. (2.09 ACRES)
- EXISTING ZONE: CG-2
- PROPOSED ZONE: CG-2
- EXISTING USE: SINGLE STORY COMMERCIAL BUILDING AND DETACHED GARAGE STRUCTURE (ON PARCEL NO. 1 ONLY, ALL OTHERS PARCELS ARE VACANT)

**EXISTING EASEMENT NOTES:**

- (A) CITY OF SAN DIMAS EASEMENT STORM DRAIN PURPOSES DOC. No. 88-1082711, O.R
- (B) COMMUNITY DRIVEWAY EASEMENT RECORDED 4-2-1917 BOOK 6418, PG 177, DEEDS
- (C) WATER, PIPES & DITCHES BOOK 841, PAGE 37, DEEDS (EASEMENT IS UNPLOTTABLE)