

CITY OF SAN DIMAS PLANNING COMMISSION AGENDA

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

CALL TO ORDER AND FLAG SALUTE

APPROVAL OF MINUTES

1. December 20, 2018
2. January 17, 2019

PUBLIC HEARINGS

3. **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 January 17, 2019)

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

RESOLUTION PC-1609

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 18-0001, REVISING AND UPDATING CHAPTER 18.204 (VARIANCES) AND ADDING CHAPTER 18.198 REGARDING NONCONFORMING USES, LOTS AND STRUCTURES OF THE SAN DIMAS MUNICIPAL ZONING CODE

ORAL COMMUNICATION

4. Community Development Department

5. 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.)

6. **Planning Commission**
a. Report on Meetings

ADJOURNMENT

Meeting to adjourn to the regular Planning Commission meeting on Thursday, February 21, 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



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

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, December 20, 2018 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
Interim City Attorney Jeff Malawy
Assistant City Manager for Community Development Larry Stevens
Planning Manager Fabiola Wong
Senior Planner Marco Espinoza
Departmental Assistant Lesa Byars

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 Ross led the flag salute.

APPROVAL OF MINUTES

1. November 1, 2018

MOTION: Moved by Green, seconded by Ross to approve the minutes of November 1, 2018. Motion carried 5-0-0-0.

2. **CONSIDERATION OF MUNICIPAL 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.

Staff report presented by **Assistant City Manager for Community Development Larry Stevens**, stated it was necessary to go over a rough draft of the materials to get a feel for how the Commission felt toward the changes. Although he presented rough notes, there was enough content to share the approach and get the point across. He noted the rewriting of this code arose in a unique way. There is a gas station at Foothill Blvd. and San Dimas Canyon Rd. that would like to modify their building and add a convenience store. Gas stations need Use Permits for certain uses and this station does not have one due to the age of approval. The station needs to fulfill current zone requirements if they want to upgrade. Council raised the concern and it was discussed to change the scenic easement on Foothill Blvd. He proposed, Staff make adjustments to how they view nonconforming uses. He has given this approach a lot of thought and explains rewriting a code takes many hours. The side benefit would be that there are other properties that may benefit from this approach. Most of what is being changed is 50 years old and needs to be modernized to make it consistent. He proceeds to go page by page through the Variance Chapter. He went on to explain variances and the purpose of having one.

Commissioner Davis asked if the City had ever granted a variance.

Assistant City Manager for Community Development Larry Stevens, stated the City granted a variance to Jim's Market and the Taylor house because the lots were substandard in size; fewer than 5,000 square feet. He goes on to explain different circumstances in which you would utilize a variance. He then continues explaining the removal and replacement of content; again noting that sections were removed because they no longer applied to current times.

He moved on to explain Minor Deviations and how they were treated as a mini variance but Staff was allowed to approve them. He added Staff seemed uncomfortable approving Minor Deviations because most of the time the findings were identical to a variance. He goes on to explain the three types of Minor Deviations. He gave thought to removing the section for Minor Deviations but decided the City processes enough that the section should be kept.

The next three pages discuss nonconforming uses; he is removing all of it and starting from scratch. Amortization – after 20 years you don't have a variance anymore. These days assessed value has nothing to do with the actual value, cities are trying to get away from the amortization. He moves through the section explaining much of the code is dated and not considered useful today. Overall he is trying to get the entire code updated.

Commissioner Davis noted the section about advertising in the newspaper and stated newspapers are not the future of getting info out to the public.

Assistant City Manager for Community Development Larry Stevens, stated until the law changes, Staff has to legally notice by newspaper. Staff does notice on our website and tries to notice more than the standard 300 foot buffer. He then moves on to the nonconforming use and structures, he would like to focus on the philosophy rather than the detail. He adds this area will be completely new and he has detail he would like to add to the section. The Board needs to understand that there are a lot of nonconforming uses and a lot of them are minor. He then explained how nonconforming uses worked and the difference between nonconforming and illegal.

In the new code verbiage the first paragraph should make the distinction between nonconforming and illegal. Then there would be the intro what he is trying to do for the gas station; this is where he introduces a minor non-conformity. Then he is thinking of going into the determination of nonconformity. An example would be in the downtown area where we have a lot with 3 or 4 units and we have to look at what is nonconforming and what is legal. He would move into verbiage that formalizes the vehicle of deciding whether a structure or a lot is nonconforming. He notes there are not any permit records before the earthquake in 1927; permits started in 1928. Staff does have assessor records because people have always been taxed.

From there he would like to go into nonconforming structures. Then he may go into possibly defining a minor reasonable standard with landscaping but he is not sure yet. He would like to make the landscaping narrow and he will look back at circumstances that arose in the last 10 to 15 years that will make his decision reasonable.

Commissioner Molina asked if this will help the gas station with their landscaping along Foothill Blvd.

Assistant City Manager for Community Development Larry Stevens, stated the code will be written as a judgment, it will not be written to accommodate the gas station. Staff will need a clear list of findings to make an item approvable. He then moves on to explain

how complicated rewriting this code has been. He appreciates the Commissions time and felt this was the best way for him to approach this matter.

Commissioner Bratt opened and closed public hearing.

Assistant City Manager for Community Development Larry Stevens, stated he would like to continue this item to the Planning Commission scheduled for January 17, 2019.

MOTION: Moved by Davis, seconded by Molina to continue to the meeting of January 17, 2019.

ORAL COMMUNICATION

3. Community Development Department

Assistant City Manager Larry Stevens stated this is an update on either projects that will be coming to the Commission for review in the future or larger projects that have been approved and where they are in the process, as well as items impacting the City as a whole. These included:

- Introduction of interim City Attorney Jeff Malawy
- City Manager, Blain Michaelis, announcing his upcoming retirement
- Max's will be returning to DPRB with an official land survey
- City received a Metro grant to take part in CICLAVIA on Earth Day 2020
- City is moving forward with a bike share initiative funded by a Caltrans grant
- F&A Federal Credit Union closed escrow on lots bought from the City
- Taylor house has been demolished and is moving forward with housing plans
- Brasada will be bringing a gate house and casitas to DPRB after the New Year

4. Members of the Audience

No communications were made.

5. Planning Commission

No communications were made.

ADJOURNMENT

MOTION: Moved by Davis, seconded by Molina to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 9:19 p.m. to the regular Planning Commission meeting scheduled for Thursday, January 3, 2019, at 7:00 p.m.

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Lesa Byars
Planning Commission Secretary
Approved: 02-07-19

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, January 17, 2019 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 for Community Development Larry Stevens
Planning Manager Fabiola Wong
Senior Planner Marco Espinoza
Departmental Assistant Lesa Byars

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 Ross led the 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)**

Staff report presented by **Assistant City Manager for Community Development Larry Stevens**, stated he would like to continue this item to the next Planning Commission meeting on Thursday, February 7, 2019. He will have some additional materials for the commission by then.

MOTION: Moved by Green, seconded by Davis to continue to the meeting of February 7, 2019.

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)

Staff report presented by **Associate Planner Jennifer Williams** who stated this request is to consolidate five parcels into one lot. She adds it is important to note that this Parcel Map is for land consolidation only. Some of these parcels were bought from the City and one of the conditions was to combine the lots. Specific conditions on development will be taken to the Development Plan Review Board when the time is necessary.

Commissioner Davis asked if the zoning will remain the same.

Associate Planner Williams confirmed that the zoning would remain the same. She added a classification of use was taken to the Commission to determine if the credit union could be located in that zone.

Commissioner Davis asked if the credit union will vacate the easement that runs through the middle of the lots.

Associate Planner Williams stated the City Attorney was able to handle that issue during the sale of the property. Now that all the properties are owned jointly, it is not an issue.

MOTION: Moved by Ross, seconded by Davis to adopt Resolution PC1610 and recommend approval of Tentative Parcel Map 82472. Motion carried unanimously, 5-0.

ORAL COMMUNICATION

3. Community Development Department

Assistant City Manager Larry Stevens stated this is an update on either projects that will be coming to the Commission for review in the future or larger projects that have been approved and where they are in the process, as well as items impacting the City as a whole. These included:

- Planning Commission meeting for March 7, 2019 will be cancelled due to lack of quorum.
- The homeless count will take place on Tuesday, January 22, 2019. The count will be run by the housing staff in conjunction with LA County Sheriff and volunteers.
- Renovation of the Rody's sign is now complete. The sign was remounted on Monday, January 14, 2019.
- The rehab facility on Puente will be opening soon. Staff just signed off on their business license. The Chamber will be performing a ribbon cutting on January 30th.

4. Members of the Audience

No communications were made.

5. Planning Commission

No communications were made.

ADJOURNMENT

MOTION: Moved by Davis, seconded by Molina to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 7:16 p.m. to the regular Planning Commission meeting scheduled for Thursday, February 7, 2019, at 7:00 p.m.

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Lesa Byars
Planning Commission Secretary

Approved: 02/07/19



CITY OF SAN DIMAS MEMORANDUM

DATE: January 31, 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 February 7, 2019 to allow Staff additional time to work on the new chapter on nonconforming uses and structures. Finished documents will be ready for review prior to the Planning Commission meeting on Thursday, February 7, 2019.