

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, July 18, 2024 at 6:00 p.m.
245 East Bonita Avenue, City Council Chamber

PRESENT

Chairman David Bratt
Vice-Chairman John Davis
Commissioner Doran Barnes
Commissioner Margie Green
Commissioner James Shirley
Director of Community Development Luis Torrico
Planning Manager Marco Espinoza
Senior Management Analyst Kimberly Neustice
Administrative Assistant Tiani Anderson

CALL TO ORDER AND FLAG SALUTE

Chairman Bratt called the regular meeting of the Planning Commission to order at 6:04 p.m. and **Commissioner Barnes** led the flag salute.

CONSENT CALENDAR

CC 1. Approve the April 18, 2024 Planning Commission minutes.

CC 2. Approve the June 20, 2024 Planning Commission minutes.

MOTION: Moved by **Commissioner Green**, seconded by **Commissioner Shirley** to approve the consent calendar. Motion carried 5-0.

PUBLIC HEARING

PH 1. Municipal Code Text Amendment 23-03; A request to approve amendments to various Chapters of Title 18 Zoning to update housing definitions, allow a variety of housing types, update the Density Bonus ordinance in compliance with State law, and amend Title 17 Subdivisions to incentivize lot consolidation of housing sites as required to follow the 6th Cycle Housing Element.

Staff report presented by **Planning Manager Espinoza** recommending Planning Commission approve Resolution PC-1679 recommending City Council approve MCTA 23-03.

Chairman Bratt asked for a brief description of density bonus.

Director of Community Development Torrico stated that the density bonus law has been in effect for many years. It allows developers to build more units in exchange for providing affordable units as part of the development. For example, in the low income category, if a developer comes in with a project for a one hundred unit multifamily development and they make ten of the units low income, they will get a bonus to add twenty percent more units to the development for a total of one hundred twenty units. There are also concessions and waivers that developers could obtain such as providing less parking than the parking standards require. One of the major changes to the State law that started on January 1, 2024 was that they could now pick multiple income levels allowing the developer to stack bonuses where previous to the laws going into effect they could only pick one income level to receive one bonus. For example, if a developer came in with a one-hundred-unit development where they provided twenty-four percent low income units, they would get a fifty percent bonus making it a one-hundred-and-fifty-unit development. With the new law the developer could then stack another bonus by providing fifteen percent moderate income units which would give them another fifty percent bonus allowing them to build another fifty units for a total of two hundred units for the development. The Municipal Code Text Amendments (MCTA) proposed tonight would bring the ordinance into compliance with State law.

Vice-Chairman Davis asked if the developer did the additional bonus would it be based on the original number of units plus the density bonus for low income or is it based on the original number of units being proposed.

Community Development Director Torrico stated that it is based on the original number of units the developer is proposing.

Commissioner Barnes asked what happens if we have a parcel that can only support one hundred units and based on density bonuses the developer qualifies for one hundred more units, and the only way to accommodate the extra units it to build upwards. Has Staff taken into consideration situations such as the number of stories needed to accommodate the extra number of units on the parcel.

Community Development Director Torrico stated that a developer may request additional stories based on the number of affordable units provided in their development. With that in mind, the number of stories within the Downtown Specific Plan (DTSP) were reduced.

Commissioner Shirley asked if the developer is required to take the incentives or if they can opt out.

Community Development Director Torrico stated that it is up to the developer if they take the incentives but more than likely they will to make it more feasible for the project to move forward. For example, another bonus the developer could obtain is to lessen the minimum front yard setback which might be what the developer needs to make the project work.

Chairman Bratt stated that he understood that there was a fee if they wanted to consolidate lots.

Community Development Director Torrico stated that is correct but there are requirements that they have to meet before they can consolidate lots.

Vice-chairman Davis inquired about transitional or supportive housing requirements and asked if the requirements stated that any residential house used as transitional or supportive housing could have six persons and can allow persons experiencing homeless as long as it stays within the requirements, similar to a nursing home.

Community Development Director Torrico stated that's correct. The code allows any residential home to be used as supportive or transitional housing as long as it is six beds or less. Large group homes are seven beds or more and under state law it does not require cities to allow them like the small group homes. The Housing Element required the City to allow large group homes to meet certain requirements; therefore the proposed MCTA included various objective development standards including, a 10-person maximum, so large group homes for San Dimas will allow seven to ten persons.

Vice-chairman Davis asked if these homes would be regulated by the state.

Community Development Director Torrico stated that some are regulated by the County and some by the State but they don't have to register with the City so most of the time we aren't aware of group homes popping up in the City.

Commissioner Shirley stated that if the residents have an issue, the City wouldn't really know about the group home because they aren't registered with us. The City would only hear about the group home through complaints.

Community Development Director Torrico stated that was true, we have zero information regarding these facilities. Additionally, these uses are seen as a protected class under the law.

Commissioner Shirley asked if there are a certain number of these group homes that can be put in one neighborhood.

Community Development Director Torrico stated that there is not a limit. Staff considered putting in a distance requirement but were advised against it by our City Attorney. If there is a point where a lot of these homes are coming in, we can look at the requirements then and see what can be adjusted.

Vice-chairman Davis asked if employee housing is where a business owner can buy a home for their employees to live in.

Community Development Director Torrico stated that was correct.

Commissioner Barnes asked if there's any parking requirements for these types of homes.

Community Development Director Torrico stated that Staff can only look at it as if it's a single-family home and hold them to the same requirements.

Commissioner Green asked what the difference is and why employee housing can be up to six persons but the supportive housing can go up to ten.

Community Development Director Torrico stated that we are following what the State put in place. Large group homes can actually go higher than ten persons but the City is capping it at ten through the ordinance. There was one home that had twenty people in the supportive housing but after reviewing the use, they were told they could only have nine persons which was before this MCTA. Once the MCTA is approved they could have up to ten persons.

Vice-Chairman Davis asked if the state will push back on the minimum lot size of 25,000 square feet.

Community Development Director Torrico stated Staff doesn't believe so, however the city attorney has reviewed all the requirements being put in this amendment.

Vice-Chairman Davis stated that on a 25,000 square foot lot you could build about a 9,000 square foot home.

Community Development Director Torrico stated that was correct but the lot coverage of thirty-two percent also accounts for garages, patios and any other overhead structures so the livable area wouldn't be as high as nine thousand square feet.

Vice-Chairman Davis asked about single room occupancy and in multifamily zones units no longer have to have bedrooms but could just have a single room. Is there a law that stated these units have to have an on-site manger.

Community Development Director Torrico stated he is not sure but the City would want them to provide an on site manager and this would be found under the operational criteria of the MCTA.

Chairman Bratt stated that this item was continued from the June 20, 2024 meeting and the public hearing was opened at that time however, he will open the Public Hearing should anyone care to speak on the item.

No communications made

Vice-Chairman Davis stated that these things are so frustrating and the state is requiring us to approve these changes but if we didn't have the state requirements we would never approve this. Does the Planning Commission have to approve this MCTA for it to move forward to City Council? He stated that maybe the City Council should approve or deny the item so if there's any future legal action from the State that should be up to the City Council to defend the approval.

Community Development Director Torrico stated that the Planning Commission doesn't have to approve it and it can go to City Council for them to review but if the City Council denies the MCTA it puts the City out of compliance with the Housing Element which then puts the City into what's called "Builders Remedy" and developers would pretty much be allowed to build what they wanted according to State laws and the City wouldn't have a say in the matter.

Planning Manager Espinoza stated that in the Staff report to City Council could Staff put something in that the Planning Commission is approving this item under duress. That the

Planning Commission only approved it so the City wouldn't be out of compliance, not because they approve of the measures in the MCTA.

Commissioner Barnes agreed with **Vice-Chairman Davis**. He would not be ok with a lot of items in the MCTA. He believes the only thing we could remove is the lot consolidation fee.

Community Development Director Torrico states that we could remove the lot consolidation fee, however we do have to adopt an incentive for the lot consolidation. He stated that only nine sites would qualify for the lot consolidation program.

Commissioner Shirley asked how the citizens are feeling about these requirements and if we don't meet the requirements what is the punishment.

Community Development Director Torrico stated that if the City is not in compliance with the Housing Element the State could withhold funding to the City or have the Builders Remedy triggered which would not require developments to be reviewed by Planning Commission.

Commissioner Shirley asked how many group homes we have in San Dimas. He believes the number of supportive housing that we have is a small number.

Community Development Director Torrico stated he believes there are around thirteen of these home facilities. By approving this MCTA we don't know how many would come to town. This MCTA is only allowing for these uses to come into the city, we aren't requiring them or asking for this type of use. The City only has to put the zoning in place for the opportunity.

RESOLUTION PC-1679

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 23-03, A REQUEST TO AMEND VARIOUS CHAPTERS OF TITLE 18 ZONING, TO UPDATE HOUSING DEFINITIONS, ALLOW A VARIETY OF HOUSING TYPES, UPDATE THE DENSITY BONUS ORDINANCE, AND AMEND TITLE 17 SUBDIVISIONS TO INCENTIVIZE LOT CONSOLIDATION OF HOUSING SITES AS REQUIRED TO BRING THE CODE INTO COMPLIANCE WITH THE CITY'S HOUSING ELEMENT AND STATE LAW.

MOTION: The Planning Commission unanimously agreed that they are approving Resolution PC-1679 strictly to keep the City in compliance with the Housing Element and State laws, however, they do not agree with many of the provisions in the MCTA. Moved by **Vice-Chairman Davis**, seconded by **Commissioner Green** recommending Planning Commission approve Resolution PC-1679 recommending City Council approve MCTA 23-03. Motion carried 5-0.

OTHER BUSINESS

OB 1. A request to initiate a Municipal Code Text Amendment to modify the scenic easement line “as built” on the property located at 905 Wellington Road (APN: 8426-031-021) within Specific Plan 4, Area I.

Planning Manager Espinoza presented the staff report recommending the Planning Commission approve the initiation to allow the applicant to submit a formal Municipal Code Text Amendment (MCTA) application to revise the placement of the Scenic Easement line on the Concept Plan of Specific Plan 4 to be in accordance with the actual on-site conditions of the property located at 905 Wellington Road.

Chairman Bratt called for a recess of the Planning Commission at 7:04 p.m. for a ten-minute break and called the session back to order at 7:10 p.m.

Vice-Chairman Davis asked what does it mean for the applicant to submit a formal MCTA application.

Planning Manager Espinoza stated the applicant hasn't submitted a formal application to the Planning Division and fees have not been taken in. If Planning Commission initiates this MCTA, the owner will submit a formal application and pay the fees.

Vice-Chairman Davis asked so if we deny the initiation can a formal application still be submitted.

Planning Manager Espinoza stated technically they could still submit a formal application but Planning Commission's denial of the initiation tonight gives some indication that the Planning Commission may deny their application when submitted.

Vice-Chairman Davis asked is it possible to approve this initiation and deny the application when it comes to Planning Commission.

Planning Manager Espinoza stated yes. The reason the initiation request is brought forward first is to try to save the owner money and the time of going through the process if it looks like Planning Commission isn't going to approve the initiation of the MCTA.

Commissioner Green stated she would like to know more before about the proposed changes before denying the initiation.

Commissioner Green asked if the scenic easement follow the drainage line.

Planning Manager Espinoza stated that it does, the stream is south of the property line.

Speaker 1 - Marvin stated he is the homeowner's general contractor, friend and translator. He stated that the homeowner has talked to Planning Division about developing the property using SB9 and the Planning Department informed him that it might potentially be an option.

Chairman Bratt asked if the owner of the property would like to speak to the Commission.

Speaker 1 – Marvin for the owner stated he will translate for the owner. Thank you everyone for taking the time to discuss the relocation of the scenic easement. Mr. Gao purchased the home with his wife after talking to the Planning Division about being able to do an SB9 project. Since they bought the house they started planning an SB9 project and have completed the soils report and plans for the development.

Chairman Bratt asked when they purchased the property was it the owners intent to build additional units.

Speaker 1 – Marvin for the owner stated yes, the owners were planning on doing an SB9 project.

Chairman Bratt stated that they knew about the situation before they bought the property in talking with Planning and were told they could potentially an SB9 but there are steps they have to go through to see if it can work out. He asked if they have discussed their plans with any of the neighbors.

Speaker 1 – Marvin for the owner stated they have not discussed the project with the neighbors. Davis asked if there's enough property can they do the SB9 project.

Chairman Bratt asked if the neighbors will be notified for the MCTA.

Planning Manager Espinoza stated yes, neighbors will be notified for the item when it goes before both Planning Commission and City Council.

Vice-Chairman Davis asked what is the purpose of the scenic zone.

Planning Manager Espinoza stated that the scenic easement is to preserve space and habitat for the animals. Additionally, San Dimas is a rural town and one way to keep it looking like this during development is to create a scenic easement which keeps the look of the vegetation and rural hills. Owners can go down into the scenic easement and there have been previous projects where walkways have been allowed in this area. To clarify, the applicant did come to the City to discuss the property and at the time based on former Community Development Director Larry Stevens' interpretation, Staff was led to believe that the scenic easement started where the fence is currently located. However, when they submitted the SB9 application one department reviewing the plans asked if it was legal for them to develop the area and after further research it was determined that the previous approval from former Community Development Director Larry Stevens was not legal and to change the scenic easement line would require an amendment to the Code.

Vice-Chairman Davis asked if the owner has to live on the property for an SB9 development

Planning Manager Espinoza stated yes, the owner has to live in one of the units for a term of three years and that the owner intends to live in the existing house.

Vice-Chairman Davis feels that the area in question is flat doesn't look scenic. It would be interesting to see what the other homeowners feel about the project. He feels he doesn't see why Planning Commission would not allow the initiation and the applicant apply for the MCTA.

Commissioner Green remembered former Community Development Director Larry Stevens requiring a different property to tear out their improvements in the scenic easement because they didn't go through the property channels to get approval.

Commissioner Barnes stated that this goes back to the earlier discussion about the Housing Element. He would like to hear what the neighbors have to say about the proposal. If he was a neighbor he would want to know where these additional people would be parking. He thinks the applicant can move forward in initiating the MCTA but he doesn't know what would happen with the MCTA once it comes before the Planning Commission.

Chairman Bratt stated that he doesn't see a reason why they would not initiate the MCTA but when it comes back to the Planning Commission for review that does not mean Planning Commission will approve the project. This wouldn't be the first time they have allowed the MCTA initiation but denied the project.

Commissioner Barnes stated that if they vote to approve the initiation it shows that Planning Commission still has questions that need to be answered before they would approve the MCTA.

Vice-Chairman Davis stated that the City doesn't want additional units to be built under SB9 so to prevent it they should deny the application.

Community Development Director Torrico stated that Planning Commission has to look at the request for the MCTA before them and not consider what the future may hold for development.

MOTION: Moved by **Vice-Chairman Davis**, seconded by **Commissioner Shirley** to approve the initiation of MCTA and to allow the homeowner to formally submit the application. **Motion carried 5-0.**

Director of Community Development Torrico stated that all the information that the City has on the property has been presented today but when they bring the MCTA back to the Planning Commission the neighbors will be notified of the meeting and proposed changes so they can come and speak on the matter.

ORAL COMMUNICATIONS

a. Community Development Department

Director of Community Development Torrico gave City updates.

SB9 was scheduled for a study session before the City Council, however, we are going to bring the ordinance forward without the affordability requirement to get the MCTA approved. Then they will have further discussion on the affordability requirement with the City Attorney

and amend the MCTA once it's been finished which will need to come back to Planning Commission and City Council for recommendations.

b. Members of the Audience

No communications were made.

c. Planning Commission

Commissioner Barnes asked about the timeline on the DTSP

Director of Community Development Torrico stated the Environmental Impact Report (EIR) comment period ends towards the end of the month. Staff will update Planning Commission once the EIR comment period has been concluded. Additionally, the SP-11 EIR comment period ends next week and once comments have been addressed it will come back to the Planning Commission for recommendation which will probably be sometime in September.

ADJOURNMENT

MOTION: Chairman Davis moved, seconded by **Commissioner Shirley**. Motion carried 5-0. The meeting adjourned at 7:46 p.m. to the regular Planning Commission Meeting scheduled for Thursday, August 15, 2024.

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Kimberly Neustice
Senior Management Analyst

Approved: August 29, 2024