

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, March 7, 2007 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Vice-Chairman James Schoonover
Commissioner David Bratt
Commissioner Stephen Ensberg
Commissioner Yunus Rahi
Director of Development Services Dan Coleman
Planning Manager Craig Hensley
Associate Planner Laura Lockett

Absent

Chairman Emmett Badar

CALL TO ORDER

Vice-Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:03 p.m. and Commissioner Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes for February 21, 2007.
2. Approval of D.P.R.B. Case No. 07-11 – A request to construct three new two-story single-family residences located at 121 Puddingstone Drive (APN 8382-013-047, 048, 057); 125 Puddingstone Drive (APN 8382-013-041, 042); and 129 Puddingstone Drive (APN 8382-013-056), submitted by POM-L, Inc., located in the Single-Family 10,000 Zone.

RESOLUTION PC-1353

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING DEVELOPMENT PLAN REVIEW BOARD CASE NUMBER 07-11, A REQUEST BY CAMERON PROPERTIES INC. TO CONSTRUCT THREE NEW TWO STORY HOUSES AT 121 PUDDINGSTONE DRIVE (APN 8382-013-047, 048, 057), 125 PUDDINGSTONE DRIVE (APN 8382-013-041, 042), AND 129 PUDDINGSTONE DRIVE (APN 8382-013-056), LOCATED IN THE SINGLE FAMILY RESIDENTIAL 10,000 ZONE.

MOTION: Moved by Bratt, seconded by Ensberg to approve the Consent Calendar. Motion carried unanimously, 4-0-1 (Badar absent).

PUBLIC HEARINGS

- 3. CONSIDERATION OF CONDITIONAL USE PERMIT 07-02** – A request to convert an existing house into an office use, located at 512 East Bonita Avenue. The property is zoned Administrative Professional (APN 8390-014-023).

Staff report presented by *Planning Manager Craig Hensley*, who stated the property is located in the AP zone which allows for the conversion of non-historic residential structures into an office use with a Conditional Use Permit. In the mid-1990's, the house was converted to an office without City approval; at that time the Use Permit process was not a part of the Municipal Code. The Code was amended in 1999 to create that process. The owner wishes to sell the property and would like to complete the conversion process.

Issues usually associated with converting an existing residential structure to an office use are the impact on surrounding properties, the hours of operation, on-site parking and meeting building code standards. On the west is an existing house still used as residential but which could also go through this process; on the east is a day-care center; on the north is the Faith Lutheran Church; and to the south is the Forest Service property containing a satellite parking lot which is rarely used.

Manager Hensley stated currently the building includes two rooms used as offices, a small kitchen and restroom. There are four parking spaces and a garage building which could be used for overflow parking. Because of the proximity to another residential property, the hours of operation to the public would be limited to 7:00 a.m. to 7:00 p.m., but the tenants could be in the office longer. While there are an adequate number of parking spaces, the applicant is proposing changes to the rear portion near the garage to improve circulation and provide greater turn-around space. The code requires the addition of a handicap parking space but the Building Department feels there is adequate space at the front of the building.

He stated staff also feels the existing 15-foot wide driveway is adequate and does not need to be increased to the current 20-foot wide requirement, thus saving the porte-cochere as an architectural element. There are various building code requirements for converting a house to an office, such as handicap and exiting requirements that will be addressed through a Tenant Improvement plan. Staff recommends approval of CUP 07-02 and the adoption of Resolution PC-1351.

Commissioner Ensberg asked if the applicant is the same owner that converted the structure without permits. He was troubled that an un-permitted conversion occurred, but appreciates the City wanting to bring the building into compliance and asked if there was any type of penalty involved.

Manager Hensley stated he was not aware of the original issues, though he believes it is the same owner. As to a penalty, it is possible to charge double building fees for unpermitted work, but that is at the City's discretion.

Vice-Chairman Schoonover stated the issue tonight was the Use Permit and not whether or not the work was originally done without a permit.

Commissioner Rahi asked what type of office use is allowed at this location and does the porte cochere have to remain.

Manager Hensley stated the proposal is for any type of administrative office but no medical users. He stated the porte cochere could be removed but felt it would have a negative aesthetic impact on the structure, as would expanding the driveway and losing five feet of landscaping on the east side of the property.

Commissioner Bratt asked for clarification on the handicap parking requirement.

Manager Hensley stated there needs to be one van accessible space with space on the passenger side. The Building Official feels there is enough space in the front parking lot to accommodate a handicap space and one regular space. He also pointed out a correction to Condition No. 11. The second line refers to Condition No. 5 when it should really refer to Condition No. 7.

Vice-Chairman Schoonover opened the meeting for public hearing. Addressing the Commission was:

Joe Russell, Applicant, 512 E. Bonita Avenue, who stated he has been trying to resolve this issue for thirteen years. He stated the ramp was installed without permits and was constructed when he was in the hospital. He has receipts for widening the driveway during that same time period because that was the only thing required by code. He filed for a Conditional Use Permit seven years ago and was glad to finally be getting a hearing. He presented correspondence from his attorney regarding a "speedy permit act." He felt he has not tried to go behind anyone's back, and has won beautification awards from the Chamber of Commerce and Supervisor Antonovich's office for the improvements made to his office. He was concerned about the conditions of approval and did not know what was going to be required of him.

Vice-Chairman Schoonover asked if there was a specific condition Mr. Russell had concerns with.

Joe Russell, Applicant, stated he has been using a wheelchair for the past 10-1/2 years and doesn't know what the Building Department is going to require of him. He is in escrow right now but can't tell his buyers exactly what he will need to do even though he's been requesting that information for sometime.

Commissioner Ensberg asked him which condition he was referring to.

Joe Russell, Applicant, stated he did not agree with Condition No. 2 requiring full-size plans because he submitted plans on 8-1/2 x 11 paper seven years ago, as well as a radius mailing.

Manager Hensley stated staff could work with him in regards to Condition No. 2 but there are building code requirements that differentiate between a house and an office use. After Mr. Russell receives approval of the CUP, then the Building Department will inspect the property and provide him with comments prior to plans being drawn up. There will be changes needed for the restroom, and there could be other things as well, but it is the intent of the City to help Mr. Russell through the process. He stated the reasoning behind Condition No. 2 is to provide historical reference to the conditions approved by the Commission so there won't be confusion in the future.

Joe Russell, Applicant, asked about the letter that he wrote about the "speedy permit" process. He stated he just wanted to know what he will be required to do.

Commissioner Ensberg stated the item before them tonight is the Use Permit and they are reviewing his proposal to see if it meets the requirements for conversion.

Manager Hensley stated the set of plans attached to the staff report are the first complete set of plans the City has ever received on this project, and they were received on February 20, 2007. The City's position is that there wasn't a complete application until February 20, 2007, though he was not saying that everything went perfectly on either side. Even with the letter from Mr. Russell's attorney implying there should be an automatic approval, there still needs to be a complete application and the property still needs to meet the building code. If approved this evening and no appeals are filed, then Mr. Russell will have an approved CUP to operate an office at that location.

Commissioner Rahi asked for clarification because the letter presented by Mr. Russell states since there was no response from the application submitted seven years ago, then the project was deemed approved.

Commissioner Ensberg stated they are not an adjudicative body and cannot determine the appropriate process. Staff has indicated there wasn't a complete set of plans until February 2007.

Manager Hensley stated even though they did not have a complete set of plans, he wanted to make it clear there were other issues involved in the delay of processing this request, and some of those are on the City, but February 20th is the date the application can be considered complete.

There being no further comments, the public hearing was closed.

Commissioner Ensberg stated he was glad to see the property was being brought into compliance with the building codes and that the City was taking steps to help facilitate the process. He was in support of the project.

Commissioners Rahi and Bratt concurred.

RESOLUTION PC-1351

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT 07-02, A REQUEST BY JOE RUSSELL TO CONVERT AN EXISTING HOUSE TO AN OFFICE USE ON THE PROPERTY LOCATED AT 512 EAST BONITA AVENUE

MOTION: Moved by Bratt, seconded by Ensberg to approve Conditional Use Permit 07-02 and adopt Resolution PC-1351. Motion carried unanimously, 4-0-1 (Badar absent).

4. **CONSIDERATION OF REVISION TO THE CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP 06-01 (66251)** – A request to amend the Conditions of Approval for Tentative Tract Map 06-01 (66251) to clarify:

- The City of San Dimas rather than William Fox Homes will be responsible for undergrounding of utilities and street improvements on San Dimas Avenue;
- The Redevelopment Agency will cooperate in the construction cost of an on-site storm drain facility;
- Remove a condition requiring Los Angeles County Public Works Department approval of the on-site storm drain facilities.

All proposed changes are in accordance with the Owner Participation Disposition and Development Agreement between the San Dimas Redevelopment Agency and William Fox Homes approved by the Agency on January 31, 2006 and revised in the First Implementation Agreement approved on December 12, 2006. (APN 8390-018-006 thru 012, -015 thru -018, -021, -027 (partial), -038, -039, -041)

Staff report presented by **Planning Manager Craig Hensley**, who stated in May 2006 the City Council approved a mixed-use project on East Commercial Street, proposed by William Fox Homes. In January of 2006 a Disposition and Development Agreement (DDA) was approved by the Redevelopment Agency and the developer covering items such as property acquisition, affordable housing, terms of development, etc. In December 2006 the Agency adopted an amendment to the DDA which now requires four of the Conditions of Approval to be amended.

Manager Hensley outlined the changes to various aspects of public improvements adjacent and connected to the project that increased the scope to the point that it went beyond what was needed just to construct the private project. Thus, instead of requiring William Fox Homes to pay for all improvements, the City was going to be the lead on certain improvements and William Fox would pay a fair-share allotment. The Resolution presented tonight re-states all conditions previously approved with the four modified conditions as outlined in the staff report.

Commissioner Rahi asked if the City is required to complete the San Dimas Avenue improvements before the Fox project is completed.

Manager Hensley stated the intent is for the City to go to bid this summer and have it completed in the fall. Based on the current schedule, Fox should be starting construction of the commercial building the first part of May.

Vice-Chairman Schoonover opened the meeting for public hearing. There being no response, the public hearing was closed.

Manager Hensley stated there is a corrected copy of the resolution on the dais with 53 conditions.

RESOLUTION PC-1352

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING REVISION TO THE CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP 06-01 (066251), A REQUEST TO SUBDIVIDE A 5.259 ACRE PROPERTY INTO 10 LOTS, ONE COMMERCIAL LOT AND NINE LOTS FOR CONDOMINIUM PURPOSES ON THE PROPERTY LOCATED ON THE EAST SIDE OF SAN DIMAS AVENUE, SOUTH OF THE RAILROAD TRACKS AND NORTH OF ARROW HIGHWAY AT COMMERCIAL STREET

MOTION: Moved by Ensberg, seconded by Bratt to approve Resolution PC-1352. Motion carried unanimously, 4-0-1 (Badar absent).

5. **CONSIDERATION OF CONDITIONAL USE PERMIT 07-01** – A request, submitted by Arax and Sid Maksoudian, to allow off-sale alcoholic beverage sales (Type-21 General beer, wine and distilled spirits) in conjunction with a gourmet market/deli in a 1,215 square foot lease space in Historic Downtown, Area 2 C-G Creative Growth Zone, located at 120 West Bonita

Avenue, Suite E. Staff has determined that this request is Categorically Exempt from environmental review under the California Environmental Quality Act Guidelines, Section 15303, because the proposed use would convert an antique store into a different use and involves no modifications to the exterior of the structure. (APN 8390-023-019)

Staff report presented by **Director of Development Services Dan Coleman**, who stated the applicant has leased space at 120 W. Bonita Avenue in the Creative Growth Zone, which allows off-site alcohol sales with a Conditional Use Permit. The applicant is proposing a gourmet market and deli operation with prepackaged foods. There are currently six businesses in the downtown area with alcohol sales licenses, three for on-sale and three for off-sale. In general, there are only four liquor stores within the City of San Dimas, which ABC has reviewed and determined that they are all operating within their guidelines. He stated he visited the site with representatives from the Sheriff's Department. The Sheriff's Department prepared a list of recommendations to ABC, but they have made slight revisions to Item A and Item J, as shown in the memo passed out tonight.

He stated the Sheriff's Department has had no significant law enforcement issues with any of the liquor stores in the City, or with any off-sale licensee. The applicant raised an issue at the last City Council meeting stating that ABC considers the downtown to be a high-crime area. The memo in the packet from the Sheriff's Department explains why, and there is an additional finding of public convenience or necessity in the resolution addressing the issue. This item is exempt from CEQA review because it is the conversion of an existing structure from one use to another. Staff has prepared a resolution of approval with most conditions similar to the wine shop in the same area. The exceptions are Conditions No. 13-22, Condition No. 10 regarding storefront windows, and Condition No. 6 should have the third sentence deleted as it references alcohol service which is not allowed at this site. He added that Conditions 13-22 were recommended by the Sheriff's Department.

Commissioner Bratt asked if the Commission had any say on whether or not this was a proper business to have in the downtown. The findings refer to the General Plan goal of improving nighttime activity, and he wasn't sure in light of the charrette process the City recently conducted that this was an appropriate business for the area.

Director Coleman stated that was within the Commission's purview to decide, and the CUP process allows them to make that determination on whether it is compatible or not. He pointed out that Clete's Liquor and the San Dimas Wine Shop and Tasting Room are in the same zone.

Commissioner Bratt stated Clete's is located in a shopping mall. He felt the tasting room's purpose was to bring people in and keep them in the area as a means of entertainment. To him the item before them tonight was basically a shop and go. In light of everything the City has done in the last six to ten months, it seemed contrary to the direction they wanted to take to allow this type of business. They are not allowed to have tables for eating and drinking and their license does not allow for on-site consumption, so he was concerned that they were encouraging a business that wasn't conducive to the General Plan's direction for Downtown.

Vice-Chairman Schoonover asked about the recommendation that this CUP have two six-month reviews.

Director Coleman stated staff is recommending two periodic reviews, and that the Commission could direct that either as a formal staff report or an informal memo with an update on the operations. He did not think it needed to be a formal condition of approval, but Condition No. 23 could be modified to include the two periodic reviews if the Commission so desired.

Vice-Chairman Schoonover opened the meeting for public hearing. Addressing the Commission was:

Sid Maksoudian, Applicant, 1156 Camino del Sur, stated his original intent was to open a business that would enhance the nightlife of the downtown, but conditions set by the landlord at this time prohibits outdoor seating and the sale of anything except pre-packaged food items. He envisions his business as similar to a mini-Trader Joe's, selling items such as high-end spirits, wines and gourmet beers, along with prepackaged Mediterranean and Middle-Eastern dry goods and fresh baked prepackaged European pastries.

Commissioner Ensberg asked if he had operated a store like this before.

Sid Maksoudian, Applicant, stated this is a new venture, but he has experience managing restaurants in Montreal and various Albertson's supermarkets. He chose the name Chalet Gourmet in honor of the now defunct landmark operations in Beverly Hills and Studio City which were converted into Bristol Farms stores. He added he is also purchasing another store in the downtown and hopes to convert that into a bistro-style restaurant. He added that his only concern with the Conditions was in regards to the limitation on single bottles of beer. Most microbrews come in half-liter size and are sold individually because they cost \$4 to \$5 each. He asked if that condition would prevent him from selling that type of brew.

Director Coleman stated that it would.

Sid Maksoudian, Applicant, stated the Wine Shop does not have a restriction from selling individual bottles of beer and did not think it was fair that he should be restricted.

Commissioner Ensberg stated that recommendation was made by the Sheriff's Department.

Sid Maksoudian, Applicant, stated he understood that they were concerned about someone purchasing a 20 oz. can, placing it in a paper bag and drinking it as they leave the store. He would like to be able to sell the expensive microbrews like the Wine Shop does, and felt there should be some type of clarification with the Sheriff's Captain between selling the inexpensive beers as singles and the expensive microbrews as singles.

Director Coleman stated when he first received the Sheriff's recommendations, they also limited the sale of wine by the individual bottle. That was amended because wine is traditionally sold by the bottle, not by the pack; however, even after discussion regarding the difference between gourmet beer and domestic beer, the Sheriff still recommended restricting individual sale of beer.

There being no further comments, the public hearing was closed.

Commissioner Rahi asked in regards to Conditions No. 15 and the comments raised by the applicant, what is the process if that condition were to be modified.

Director Coleman stated any change to the conditions would require a new public hearing.

Commissioner Bratt stated he understood the applicant's position, but staff has spoken twice to the Sheriff's Department about the topic and they did not change their position. Because of that, he was not in favor of amending the condition tonight; but if the applicant was able to come to an agreement with Captain Curtis, they could conduct another public hearing on the matter.

Vice-Chairman Schoonover felt there could be a problem with trying to legislate specific types or brands of beer.

RESOLUTION PC-1354

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 07-01 FOR OFF-SALE ALCOHOL SALES IN THE CREATIVE GROWTH COMMERCIAL ZONE LOCATED AT 120 WEST BONITA AVENUE, SUITE E; AND MAKING FINDINGS IN SUPPORT THEREOF
– APN: 8390-023-019

MOTION: Moved by Ensberg, seconded by Rahi to approve Conditional Use Permit 07-01 and adopt Resolution PC-1354. Motion carried unanimously, 4-0-1 (Badar absent).

ORAL COMMUNICATION

6. Planning Manager

Manager Hensley stated because of the Planner's Conference later this month, they will not have a meeting on March 21st because of a lack of quorum.

Director Coleman stated that Chairman Badar was elected to the City Council last night and that staff will be approaching the Council about filling his vacancy on the Commission as quickly as possible.

7. Members of the Audience

No communications were made.

8. Planning Commission

Commissioner Ensberg asked for clarification on the proper way to handle information that is handed out to the Commission by an applicant during a public hearing. He felt it should be submitted when the agenda packages were prepared in order to allow them proper time to review the information. He asked if there were any procedures that required the applicant to submit information ahead of time to staff.

Manager Hensley did not think there was a formal requirement. The public hearing process is to allow people to express themselves either verbally or in writing. If additional information is handed out by an applicant at the hearing, the Commission should receive the information.

Director Coleman added that if it is a large amount of information or complicated in nature, it was fair for the Commission to tell the person that if they want it to be considered as part of the decision-making process, then they will need to continue the item for further review and analysis. It is not fair for the public to expect the Commission to make a snap-judgment based on information they have just received and that has not been analyzed by staff. He said it may be possible for the Commission to read small amounts of information, possibly by taking a short recess, without continuing the item.

Commissioner Bratt stated he liked the new directional signs placed throughout the City showing the location of Historic Downtown and the City Hall. He thought they were attractive and well placed.

Vice-Chairman Schoonover reminded the Commissioners that their Form 700's were due to the City Clerk's office by March 23, 2007.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Bratt to adjourn. Motion carried unanimously, 4-0-1 (Badar absent). The meeting adjourned at 8:52 p.m. to the regular Planning Commission meeting scheduled for March 21, 2007 at 7:00 p.m.

James Schoonover, Vice-Chairman
San Dimas Planning Commission

ATTEST:

Craig Hensley
Planning Manager

Approved: April 4, 2007