

# **CITY OF SAN DIMAS PLANNING COMMISSION MINUTES**

Regularly Scheduled Meeting  
Wednesday, January 21, 2004 at 7:30 p.m.  
245 East Bonita Avenue, Council Chambers

---

## **Present**

Chairman Ash Dhingra  
Commissioner David Bratt  
Commissioner Howard Levreau  
Commissioner Jim Schoonover  
Planning Manager Craig Hensley  
Assistant Planner Laura Lockett

## **Absent**

Commissioner Emmett Badar

## **CALL TO ORDER**

Chairman Dhingra called the regular meeting of the Planning Commission to order at 7:34 p.m. and Commissioner Levreau led the flag salute.

## **CONSENT CALENDAR**

1. Approval of Minutes for January 7, 2004.
2. Conditional Use Permit 03-07 – A request to conduct on-site beer and wine sales at a Mexican seafood restaurant located at 662 W. Arrow Highway, San Dimas Station South, submitted by Las Palmas Mexican Restaurant.

### RESOLUTION PC-1293

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 03-07, A REQUEST BY NORMA MAGANA TO CONDUCT ON-SITE ALCOHOL SALES OF BEER AND WINE ON THE PROPERTY LOCATED AT 662 WEST ARROW HIGHWAY

3. Approval Of DPRB Case No. 03-81 - A request to construct a new 4,390 sq. ft. Single-Family Residence located on Puddingstone Drive on the corner of Cannon and Puddingstone Drive, submitted by Bob Miars.

Commissioner Bratt stated that in the minutes, on page 4, second paragraph, the number of stalls in the impound yard should be 47, not 470.

**MOTION:** Moved by Levreau, seconded by Schoonover to approve the Consent Calendar as corrected. Motion carried unanimously, 4-0-1.

## **PUBLIC HEARINGS**

4. **CONSIDERATION OF CONDITIONAL USE PERMIT 02-05 AND MUNICIPAL CODE TEXT AMENDMENT 03-03** – A request to establish a self-storage facility with a caretaker unit and initiate a Municipal Code Text Amendment to: 1) allow vehicle impound yard as a permitted use within the M-1 Zone; and 2) reduce the on-site parking requirements for self-storage facilities, located at 328 W. Arrow Highway. **(Continued from January 7, 2004)**

Staff report presented by ***Assistant Planner Laura Lockett***, who stated at the last meeting the Commission affirmed that auto repair and self-storage facilities were acceptable uses for this property provided an acceptable design was provided to the DPRB. They recommended approval of the Code Text Amendment for modified parking standards, approval of a mitigated negative declaration, and to refer this item back to the DPRB for design revisions. The Commission also requested staff to bring back options that would limit an impound use within the M-1 zone.

Option One would be to limit impound yards to locations that front major arterial streets only. This would eliminate Allen Avenue, but would include areas located on Arrow Avenue, San Dimas Avenue, Lone Hill Avenue and Covina Boulevard. In addition this could also have an impact on portions of SP-24, as well as CG-4, which allow the same uses as those in the M-1 zone.

Option Two would be to re-zone some portions of M-1 for a more intense industrial use. These could be areas that are not located near residential or the downtown area. They would have to allow other uses which are currently not in the M-1 zone because it wouldn't be appropriate to create a new zoning category where there is only one change. If the Commission wants to pursue this option, they need to consider that this would be citywide, not just in relation to this application. It becomes difficult to isolate the impound use without considering the citywide impacts. While it may be appropriate at this site, it may be completely inappropriate just a short distance down the street. San Dimas is primarily a residential community and the uses that are currently allowed in the M-1 zone are standard compared to codes in surrounding cities.

Thus, staff has provided four alternatives in regards to impound facilities in the M-1 zone:

1. Deny the requested code amendment for an interior impound facility in the M-1 zone;
2. Approve the requested amendment for an interior impound facility in the M-1 zone citywide;
3. Approve a Code Amendment that allows interior impound facilities in the M-1 Zone when the property fronts a major arterial street;
4. Approve a Zone Change that would re-zone portions of Arrow Highway to a more intense industrial zone.

**Assistant Planner Lockett** reiterated that the Commission should consider how a zone change will impact the City on the whole, that this is not just site specific. Staff can bring back a resolution reflecting the Commission's direction at the next meeting.

**Commissioner Schoonover** inquired about the conditions of approval for a security plan listed under the heading of Self-Storage because he thought they would be more appropriate for the entire area.

**Assistant Planner Lockett** stated they can be moved to the General heading for the project.

**Commissioner Levreau** asked if there were any other reasons besides those listed in the report that led staff to believe this was an inappropriate use in the M-1 zone.

**Planning Manager Hensley** stated the initial recommendation was based on issues impacting various pieces of property in the City. An example of zoning that allows impound yards is the M-2 zoning in Montclair, which also allows industrial uses such as salvage yards, hazardous waste facilities, auto wrecking, etc. He stated staff's concern wasn't so much site specific as that they couldn't zone just this piece of property by itself, it is a broader issue. There are also concerns about the turn-in and turn-out on a three-lane highway of tow vehicles. Staff also feels that the suggestion of having an overlay in the zone is basically the same as changing the zone, so if you were going to do that you might as well change the zone. He also stated that it wouldn't pass the legal test to create a zone for just one change in use. Creating an M-2 zone would have significant impacts, and the Commission needed to keep in mind that this was broader than just this location. From strictly a zoning point of view, more pieces of property than this one will be effected by this zone change and the Commission should take a long, hard look at what the impacts will be.

**Commissioner Bratt** wanted to clarify if they were supposed to consider this as one package. He was confused because the recommendation was to deny amending the M-1 zone, but then they were given conditions of approval to consider for the project. It seemed to him that they needed to be separated.

**Manager Hensley** stated this report was meant to build upon the report presented at the last meeting. Staff was requested to analyze the question of would it be possible to have an impound yard at this location but limit it in other areas of town. He stated staff came up with two choices, along with the applicant's request to allow everywhere in the M-1 zone, or staff's recommendation to deny it everywhere in the M-1 zone. At the last meeting, because staff was looking for some type of direction, they did not bring forward any conditions on the project for the Commission's consideration. Along with the draft conditions for the self-storage and auto repair uses, staff also prepared draft conditions on the impound facility in case the Commission decided to approve the use. If the Commission denies the impound facility use, those conditions would be removed, but it was his understanding that the Commission was willing to recommend approval of the balance of the project.

**Commissioner Bratt** asked if they did not approve one of the two options in the staff report, does that automatically take it out of this project.

**Manager Hensley** stated they should make some type of recommendation to the City Council on the issue of the Code Amendment. The Commission could also choose not to make a recommendation, but they should recommend whatever they feel is appropriate.

**Commissioner Bratt** wanted to clarify that there wasn't an alternative for approving an impound yard just for this location.

**Manager Hensley** stated there is no legal way to do that, it would be considered spot zoning. They are not allowed to zone a property and have that be the only piece like that in the City. Sanders and this property are currently non-conforming. At one time this area was zoned M-1½ which allowed impound yards. Subsequently the zoning was changed so they became non-conforming. If they were to vacate operations or the sites were destroyed, they would not be allowed to start that type of operation again.

**Chairman Dhingra** opened the meeting for public hearing. Addressing the Commission was:

**Bruce Jordan, president of Jordan Architects, 187 Avenida La Pata, San Clemente, representing the applicant Lee Patterson, owner,** stated that in regards to the options for the impound yard, they are mostly in favor of Option No. 1, but felt there was another option that wasn't discussed. He didn't know how many applications the City has received over the years for an impound yard, but felt it was none so didn't understand why there was so much concern over allowing this use in the M-1 zone. He felt that another option to control where impound yards could be located was to condition that they cannot be within 100 feet of a residential property.

From an economic standpoint, having an impound yard in an enclosed facility did not make them profitable and would limit a proliferation of this type of business. He felt what they were doing was parking cars, just as was done every night in every single-family neighborhood. He did not see why this would have a negative impact on surrounding properties when there were other uses allowed in the M-1 zone that he felt would be more troublesome. He did not think that Option No. 2 was viable for the reasons that staff mentioned. He still felt that an overlay zone was an option and that it is done all the time for uses that pre-exist. If the Commission were to adopt Option No. 1 or his proposed overlay zone, it would allow Sanders to make improvements to their property as well.

Since the last meeting, he met with his client and went over the concerns expressed in detail. His client has made it clear that without the impound yard he will drop the self-storage application. He needs the impound yard in order to continue with his contract with the California Highway Patrol and the self-storage unit was just a vehicle to put it in a building and clean up the site and drainage issues. He also wanted to clarify some of the conditions. On Page 7, Condition #12 under Self-Storage, it states the maximum length of parking lot storage of vehicles will be 48 hours. He stated they will not be storing vehicles in the self-storage area, and thought this condition might be for the automotive use. If the intent is to limit the storage of cars in the parking lot area, any cars that need to be kept overnight would be locked up in the building, not left in the parking lot.

In regards to Condition #14, no parking in drive-aisle shall be permitted at any time, he felt this would render the self-storage inoperable. He has an approved circulation plan from the Fire Department which allows this so he felt this is a non-issue.

In regards to Condition #21, part of the requirement is that storage in the impound yard is limited to a maximum of 30 days. The length of time a vehicle is stored is controlled by the Highway Patrol, not his client, so he thought that portion should be stricken.

In regards to Condition #24, the storage of tow trucks and rental trucks are prohibited, he stated they may have a tow truck on-site but it will be locked up in the impound area, not left in the parking lot. Other than these items, he would encourage the Commission to focus on the two ways that would allow for this project to proceed.

**Commissioner Levreau** asked if he knew what percentage of projected income would be from the impound facility, and if it would be possible to modify the contract with the Highway Patrol for this location that would allow access only during certain hours so as to decrease the impact on the neighbors.

**Bruce Jordan** stated he has been told by his client that he has to maintain the impound use as his income comes from that contract. He also felt they needed to be open 24/7 to meet the needs of the contract, and with only 47 spaces available he anticipated only two to three cars entering or leaving the facility in any 24-hour period. He felt the number of cars that would be brought in after hours would be few and the building was so far back on the property it would limit the impact on the neighbors. He felt a restriction in operations would prohibit them from being a CHP provider.

**Commissioner Levreau** stated he was concerned that while they were transporting vehicles into the yard it will have a negative impact on surrounding residential units, but agreed that once on-site the building was far enough away to mitigate the impact.

**Bruce Jordan** stated he has reviewed the original CUP and there were no limitations on hours of operation in it, and Sanders does not have a restriction either. They are downsizing the use from several hundred to only 47 so didn't think it would have a negative impact.

**Commissioner Bratt** stated in the conditions the general hours of operation for the self-storage facility were 7:00 a.m. to 10:00 p.m. His research indicated that most self-storage facilities operate from 7:00 a.m. to 7:00 p.m. and asked if the hours could be changed.

**Manager Hensley** stated they had suggested the longer hours for flexibility in case at a future date it was felt the patrons needed a later closing time, but it could be changed back to 7:00 p.m. if the Commission desired.

**Commissioner Bratt** asked for clarification on the suggestion of an overlay.

**Manager Hensley** stated there are overlay zones in the City, such as the Scenic Highway Overlay where larger setbacks are desired and the Private Horse Overlay which allows horsekeeping on smaller than normal, established lots, which might be a holdover from the County days. Staff's concern with creating an overlay is can it pass a legal test. They considered the idea of an impound yard overlay, but after consideration felt it wasn't an overlay they wanted to add to the City. If this is a use the Commission really wants, then the Code should be amended.

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

**Commissioner Schoonover** commended staff on their presentation. He stated he has heard the applicant make a financial argument but as a Planning Commissioner he needs to consider how

a decision will impact the City, not the applicant's finances. Changing the zoning will impact other areas of the City and at this time he cannot support a Code Text Amendment.

**Commissioner Levreau** stated he would be in favor of approval as long as the Conditions of Approval were amended as discussed previously. Since this project would be controlled by a CUP, if anything objectionable occurred, they could bring it back for review and revocation.

**Chairman Dhingra** felt the main question still was should impound yards be allowed in the M-1 zone.

**Commissioner Levreau** felt it could be approved with conditions limiting the proximity to residential uses to 100 feet or more.

**Manager Hensley** stated except for the property across from the gables, all the other M-1 zones are already located 100 feet from residential.

**Commissioner Bratt** felt Option #1 was workable and would also be in favor of adding a 100-foot minimum distance requirement for impound yards.

**Manager Hensley** wanted to clarify some points brought up by the applicant in regards to the impound yard. The first item has to do with the condition to limit storage to 30 days, which they asked to be removed. The other item is Condition #24 regarding the storage of tow trucks, which the applicant also asked to be removed. That condition was added based upon testimony by the applicant at the previous hearing that no tow trucks were going to be stored at this location. If the Commission desires, this condition can be changed.

**Commissioner Bratt** felt Condition #24 should stay because the applicant did state previously that no tow trucks would be stored at this location and they should hold to that. He would be willing to strike the time limit on the storage of vehicles since that was controlled by the CHP.

**Bruce Jordan** requested that they allow a tow truck to be stored on-site but to condition it to be parked in the enclosed building.

**Manager Hensley** stated they could re-write Condition #24 to state "auto and/or truck rental on-site is prohibited" and Condition #26 could say "tow truck parking shall be permitted only within the interior parking area."

**Chairman Dhingra** clarified that these conditions would only apply if impound facilities are allowed in the M-1 zone.

**MOTION:** Moved by Schoonover, seconded by Dhingra to deny impound facilities in the M-1 zone. Motion failed 2-2 (Bratt, Levreau no).

**ACTION:** Chairman Dhingra continued the public hearing to February 18<sup>th</sup>.

## **ORAL COMMUNICATIONS**

5. **Director of Community Development**
  - Update on Cyber Café Ordinance

A memo was passed out regarding the current status of the Cyber Café Ordinance. The Commission received the update and did not feel this needed to be agendized at this time.

**Manager Hensley** stated several applications have been received for projects, including a subdivision on Lone Hill, the San Dimas hole, and redeveloping the Canyon Center that will be coming before the Commission in the near future.

The Building Department has advised the old Levitz sign is scheduled to be removed in the next week, but there's a small hitch because a bee infestation has been found in it. The new Lowe's sign is still under construction.

#### 6. **Members of the Audience**

No communications were made.

#### 7. **Planning Commission**

**Commissioner Levreau** stated that the addition to Holy Name of Mary was progressing, as well as the four houses on San Dimas Avenue north of Gladstone.

**Chairman Dhingra** stated he was planning to attend the 2004 Planners Institute.

### **ADJOURNMENT**

There being no further business, Chairman Dhingra adjourned the meeting at 8:54 p.m. to a City Council Study Session to discuss Tract 47449, Reactivated Vesting Tentative Tract Map (Dentec/Bible College) on January 27, 2004, 5:00 p.m.

---

Ash Dhingra, Chairman  
San Dimas Planning Commission

ATTEST:

---

Craig Hensley  
Planning Manager

Approved: