

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, March 4, 2009 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Assistant City Manager of Community Development Larry Stevens
Director of Development Services Dan Coleman
Associate Planner Marco Espinoza

CALL TO ORDER

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: February 4, 2009

MOTION: Moved by Bratt, seconded by Ensberg to approve the Consent Calendar. Motion carried unanimously, 5-0.

COMMISSION BUSINESS

2. REVIEW OF MEMBRANE STRUCTURE POLICY

Staff report presented by *Director of Development Services Dan Coleman*, who stated the City Council directed staff to review the existing policy with the Commission and bring back any recommendations for changes to the policy. He stated the current policy is actually a collection of building and zoning code laws, along with policies. The proposed draft revision to the policy clarifies which items are code requirements and which are strictly policy decisions. He then went over the proposed policy in Exhibit D, and stated that under Policy 2, the statement that freestanding membrane structures can be allowed in conjunction with a TUP will be broken out into its own line item.

He stated at the last meeting it was mentioned by Ms. Daniels that the City of La Verne had membrane structures similar to the one at the San Dimas Wine Shop, as well as Café Mundial

in Monrovia. Staff visited La Verne and could only find permanently affixed awnings or wooden trellis structures. Café Mundial also employed an affixed structure that was covered with flexible panels. Staff could not find any examples of a detached temporary membrane structure being used in surrounding communities, and based on this research was recommending that only permanent structures be used in the commercial zones subject to DPRB review.

Commissioner Davis asked what was in the current policy and what the new sections are. He also asked what the side yard setback is in the CG zone.

Director Coleman stated the first four codes are almost verbatim to the existing policy sheet, and the three policies were written to replace the policy prohibiting temporary membrane structures in all commercial zones.

Assistant City Manager of Community Development Larry Stevens stated as to the side yard setback that is defined in the zoning code and for the CG-2 zone there is no side yard setback requirement.

Commissioner Davis asked for clarification on Code 6 regarding size and number of people allowed, and also if someone had a temporary membrane structure greater than 120 square feet, would it need a building permit each time it was installed. He also wanted to know if any other business has expressed interest in having a membrane structure, and if a business such as Roady's could install something similar.

Director Coleman stated Code 6 was an "and" statement and the requirement for both size and number of occupants would have to be met in order to require a building permit. He also clarified that if the membrane structure was greater than 120 square feet, it would require a building permit each time it was erected.

Assistant City Manager Stevens stated code items cannot be changed; staff is including them to help people understand the code requirements. The Commission can amend proposed policies. Staff can review the format of the final document to help differentiate between codes and policies.

Director Coleman stated no other business has inquired about the policy. As to Roady's utilizing a membrane structure, they could not because their seating area is in the public right-of-way and there are different regulations governing that area.

Assistant City Manager Stevens stated there is a specific policy for outside dining areas and displays in the public right-of-way in the Historic Downtown. There are some awnings which partially hang over the public right-of-way but they are permanently attached to the buildings and subject to building and encroachment permits. They would not permit a membrane structure unless it was in conjunction with a TUP.

Commissioner Ensberg stated he remembered comments made at the last hearing that the preferred option was for a permanent structure but they would like to have options for temporary membrane structures to be approved through the DPRB process on a case-by-case basis.

Director Coleman stated that is correct, but after reviewing what has been allowed in neighboring communities and not finding any examples of freestanding structures, Staff felt it was appropriate to recommend permanently affixed structures.

Commissioner Ensberg felt they didn't need to do the same as other communities and could be the first to allow it.

Director Coleman stated Staff did not feel it was appropriate based on aesthetics, but will forward all Commission recommendations to the City Council for consideration. Staff felt that if something was needed on a long-term basis, it should be something that is permanent.

Assistant City Manager Stevens stated the problem with reviewing applications on a case-by-case basis is criteria has to be developed to judge by and you run the risk of being somewhat arbitrary or just approving everything. What finding could the Commission make that permanent structures are not feasible? After reviewing the choices, Staff felt the proposed recommendation was appropriate.

Commissioner Ensberg felt they should focus on keeping nightlife in downtown and they should find a way to achieve that.

Commissioner Davis wanted to clarify that if an awning is installed, it would be year-round.

Assistant City Manager Stevens stated the awnings on the hardware store are retractable and can be adjusted based on the weather. You could probably do something similar over a trellis structure.

Commissioner Bratt commended Staff for their thorough analysis. He stated it appeared that Code 5 and Code 8 were similar.

Director Coleman stated they can reword them to focus more on DPRB review requirements and eliminate size and time limitations.

Chairman Schoonover stated the auto tinting business located behind Bonita Car Wash has utilized an EZ-Up in the summer and asked if that was in the setback area and would they be able to continue putting up the cover under the new policy.

Assistant City Manager Stevens stated that is not in the setback. He is aware that they have used a temporary membrane structure in the past, as have other businesses, which is not permitted. He stated that is something that Staff would need to give further consideration to.

Chairman Schoonover clarified that under Codes 1 and 2 a temporary membrane structure cannot be used instead of a garage. He also wanted to know what the timeframe is for getting DPRB approval and would that be required each time a temporary membrane structure was installed.

Assistant City Manager Stevens stated a membrane structure could be erected in the front or side yard only if a parcel had a wide enough setback that it did not encroach into it. He stated it is important to maintain the setback requirement in residential zones because it addresses the bulk of concerns about constant removal and re-establishment. Approval from DPRB can take three to four weeks once a complete set of plans is submitted. Technically you would require approval each time the membrane structure was put up unless conditions were written that determined when the structure could be re-established.

Chairman Schoonover opened the meeting for public comment. Addressing the Commission were:

Heidi Daniels, San Dimas Wine Shop 225 W. Bonita Avenue, who stated if this policy was adopted as presented tonight she would not be able to keep the temporary membrane structure she has. She felt the policy should be amended to allow structures such as hers, and in rainy

weather like tonight umbrellas do not make sense. She wanted to know if the height was determined at the peak or at the support rods. She also felt it wasn't reasonable to only look in a ten-mile radius for similar structures, especially since she was in a creative growth zone and felt she was creatively growing her business. She had also mentioned at the last meeting The Athenaeum which uses a large tent around the whole patio and The Derby Restaurant which uses a large temporary structure during the holidays. She was also concerned about the occupancy limitations in Code 6 because she has room to seat twelve on the patio or more if it is a standing-room only event. She would like the opportunity for DPRB to review her canopy and allow her to install it annually. She thought the sole purpose of the charrette was to come up with ways to grow the downtown, and she has one of the few businesses that are open past 5:00 p.m. and they should encourage that.

Director Coleman responded to Ms. Daniels that staff will research the 2007 California Building Code as to where the height is measured to.

Commissioner Ensberg asked if she would concede that if the decision was to allow permanent structures only, while understanding that is not what she wants, could she achieve the same result of providing comfort for her customers.

Heidi Daniels responded "I'd have to go through the City and we'd have a problem there." She stated she could concede with difficulty and felt her choice was a better solution. There are some obstructions in the patio that create design problems, and with a temporary structure she can achieve more floor space when it is not in use.

Commissioner Ensberg stated that with a permanent structure it would still be possible to operate her business, even though that may not be her optimal choice.

Heidi Daniels felt it would be a problem to have four posts permanently installed on her patio and would be unattractive without a cover on them. She felt this would be too costly since she doesn't own the building.

Commissioner Davis wanted to clarify the requirements of Code 6 in regards to occupancy and that you could exceed ten persons as long as the canopy did not exceed 120 square feet.

Assistant City Manager Stevens stated that is correct, but in the case of the physical set-up for the San Dimas Wine Shop, they have to measure the whole patio area per the Building Code because of egress requirements, which makes it more than 120 square feet.

Rick Donofrio, 7697 Everest Place, Rancho Cucamonga, stated he is a customer of the San Dimas Wine Shop and in the civil engineering business. He felt the interpretation of the Building Code for egress was inaccurate and would only be counted if the egress area was covered with an awning connecting the building to the membrane structure. He felt they should send an inquiry to the CBC for clarification. He felt because we are in unusual economic times we should not do anything to restrict a thriving business.

Assistant City Manager Stevens stated the City's Building Official has reviewed the language thoroughly on how to determine egress requirements and consulted with a number of other Building Officials on how they would interpret that code section, and while it may not have been well written, that is the determination made by the City's Building Official.

There being no further comments, Chairman Schoonover closed the public comments.

Commissioner Davis asked if Staff's solution would be to install a retractable canopy with side panels, and if the proposed policy would prohibit what she has installed.

Director Coleman stated that is correct.

Commissioner Ensberg felt they should increase options to allow applicants an opportunity to apply for a temporary structure based on the site.

Commissioner Bratt felt they should not be considering this as the San Dimas Wine Shop policy, they need to consider this for the overall zone. He also felt it was inappropriate to base a decision on the current economic troubles. He stated staff has conducted an in-depth review, and he also drove around the surrounding area and only found permanent structures. He felt a permanent structure will be safer because it has to comply with building codes and have proper inspections. He felt requiring a permanent structure as opposed to a temporary structure would not restrict businesses wanting to incorporate outdoor space.

Commissioner Davis stated the proposed Policy 2 would not allow the structure Ms. Daniels has to be reviewed by DPRB or the Building Department, and that Commissioner Ensberg has expressed a desire to have a policy that would allow the option to have an approval process. He wanted to clarify that even if they were to amend the Policy, a building permit would still be required.

Commissioner Rahi agreed that Policy 2 is the key question.

Assistant City Manager Stevens stated the current proposal prohibits the structure purchased by Ms. Daniels, but if the Commission wanted to change the policy, they could do so with a motion. He concurred if the policy were changed to allow it, it would still require a building permit.

Chairman Schoonover stated a lot of discussion has revolved around what was discussed at the downtown charrettes, and the city that was referenced the most was Monrovia. He revisited Monrovia and only saw permanent structures. He also went to La Verne and only saw permanent structures. He concurred with Staff's proposed policy and felt it would be better to have permanent structures with a nice appearance.

MOTION: Moved by Ensberg, seconded by Davis, to direct staff to revise Policy 2 and come back with a policy that will allow the option for a temporary membrane structure to be reviewed by DPRB.

Commissioner Bratt asked for clarification on Code 2 and what is allowed in the side yard setback.

Assistant City Manager Stevens stated as defined by the zoning code, no structures are allowed in the side yard setback. This is primarily in residential zones; in the CG zone there is no side yard so this code does not apply. It is Policy 2 which is proposed for revision.

Motion carried 3-2 (Bratt, Schoonover voted no).

Commissioner Bratt felt a permanent structure was the way to go and that you could accomplish coverage of the San Dimas Wine Shop patio without posts on the ground. If you were to look at all of downtown, there aren't many large areas to be covered.

ORAL COMMUNICATION

3. Planning Staff

Assistant City Manager Stevens stated he is scheduling a make-up tour of the Northern Foothills for Commissioner Davis and could take one other Commissioner if someone wanted to go again. He also went over the schedule for the upcoming public open houses for the Walker House.

4. Members of the Audience

No communications were made.

5. Planning Commission

No communications were made.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Davis to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 8:18 p.m. to the regular Planning Commission meeting scheduled for March 18, 2009, at 7:00 p.m.

James Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Dan Coleman, Director of Development of Services

Approved: May 6, 2009