

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, May 6, 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 for Community Development Larry Stevens
Director of Development Services Dan Coleman

CALL TO ORDER

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:06 p.m. and Commissioner Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: March 4, 2009

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

COMMISSION BUSINESS

2. PROPOSED REVISION OF MEMBRANE STRUCTURE POLICY

Staff report presented by *Director of Development Services Dan Coleman*, who stated at the last meeting the Commission requested staff to amend the language in Policy 2 that would allow a review process for temporary membrane structures, which is shown in Exhibit D. Staff's recommendation has not changed, in that temporary membrane structures were not appropriate on a long-term basis, and that permanent structures should be used.

Commissioner Davis asked if No. 7 in Exhibit D required DPRB review for temporary structures in residential zones, which he felt was different than the current policy.

Director Coleman stated under the zoning code if it is up longer than allowed by a Temporary Use Permit, it is treated as a permanent structure and requires review.

Commissioner Davis stated Exhibit E did not have a requirement for DPRB review and asked what the difference was between the two handouts.

Director Coleman stated the requirements for temporary membrane structures were handled in the three policies listed at the bottom of Exhibit E.

Commissioner Davis clarified if the new recommendation is stating that in residential zones you can no longer have a membrane structure in your backyard.

Director Coleman stated that is correct, but felt the issue of structures in residential zones was separate from tonight's discussion.

Commissioner Ensberg was concerned with the wording in Exhibit D, Policies, under Number 1 and felt an applicant would never meet the requirement to show a permanent structure was not feasible.

Director Coleman stated the Commission's direction was that a permanent structure was the preference, but to have flexibility to allow consideration of a temporary structure on a long-term basis. They are not asking for applicants to submit fully drawn plans by an architect, it can be an estimate with some sketches.

Commissioner Ensberg stated he would prefer a permanent structure, but wanted an applicant to have the ability to come in and show how a temporary structure would be useful to their business, and felt the current language makes it infeasible for them to do so in all circumstances and placed an undue burden on the applicant.

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

Heidi Daniels, 225 W. Bonita Avenue, stated she preferred Exhibit D over Exhibit E in her current situation with her current canopy. She asked how they arrived at the number 10 or more people as the standard under Exhibit D Codes, Number 5. She felt this was too low and they should use L.A. County Fire Code and would like to see it changed.

Director Coleman stated that number came from the Building Code.

Heidi Daniels stated she has an issue with how the California Building Code is being interpreted by the City and felt they should only be considering the 112 sq. ft. size of her canopy and not the entire patio. She has spoken with people who interpret the code differently and felt it was flawed to use the California Building Code. She felt it should be looked at on an individual basis by DPRB. She stated she has spoken with Larry Stevens and that he disagrees with the interpretation.

Assistant City Manager Larry Stevens stated what he recalled saying is that the language is subject to interpretation; whether it is building, zoning or legal, someone makes an interpretation. While 100% of the Building Officials may not agree on the interpretation of this section, there is consensus with the group of officials that the City has spoken with that feel our interpretation is applicable and reasonable. The Commission is not here to amend the Code or overrule the interpretation of the Building Official as it relates to her circumstances.

Director Coleman stated the Building Official is the sole interpretative authority in the City of San Dimas of the Building Code; he has reviewed this section numerous times and arrives at

the same conclusion each time. The square footage includes the entire patio in which the membrane structure is located.

Chairman Schoonover asked if Exhibit B is the Building Code section in question.

Director Coleman stated that is correct. In Exhibit D, Items 1-9 are Building Codes and are not subject to amendment; the only thing subject to change is the Policy Section.

Heidi Daniels felt there is another interpretation of the Code and disagreed with the Building Official's ruling. She did not feel it was necessary to use the Building Code in a Membrane Structure Policy.

Director Coleman stated this is a handout to educate the public of what the rules are in regards to Membrane Structures and felt the City would be remiss if they did not inform the public of all the requirements, whether they are codes or policies.

Heidi Daniels stated in Exhibit D, Policies, Item No. 3 referred to materials and asked who would be making the determination on that as she did not feel her building was architecturally significant, even though it is in the downtown.

Assistant City Manager Larry Stevens stated in the downtown there are several categories of historic value assigned to the buildings. The DPRB would review materials for appropriateness.

Heidi Daniels felt one of the main points to come from the charrette was to attract nightlife. She felt she has done that and runs a quality business, and would like the opportunity to have the temporary membrane structure to continue running a quality business. She hoped the Commission would support Exhibit D.

There being no further response, the public comments section was closed.

Commissioners Davis and Ensberg expressed concerns in regards to the wording in Exhibit D, Item 1, first bullet point, and felt the way it was worded would make it infeasible for an applicant to have a temporary structure.

Assistant City Manager Stevens stated the purpose of the language was to create some type of analytical framework as opposed to something arbitrary. He stated staff could amend the wording that would indicate cost and construction parameters could be considered. This can be accomplished by an applicant submitting a preliminary sketch and cost estimates. He did not want the DPRB to be in a position of making a subjective decision, there needs to be some framework by which to judge the merits of a proposal.

Commissioner Davis stated cost could be an issue to a lessee because they would have to leave a permanent structure behind when they relocated.

Assistant City Manager Stevens stated that could be a consideration, but it is the same thing for any interior tenant improvements; the property owner benefits from any changes made by the tenant when they move on.

Commissioner Bratt felt any structure that was going to be up for 8-10 months should be attached to the building for safety and should go through the building permit process. He felt Exhibit D did not provide the business community with a definitive policy for membrane structures, that it was leaving it up to the DPRB to determine. He felt Exhibit E was clearer. He

also was not convinced that requiring a permanent structure would defeat the efforts to build nightlife in the downtown. He felt Staff's recommendation was a better approach to allowing outside structures.

Commissioner Davis stated Exhibit E did not allow temporary membrane structures and asked how he felt about one in a patio that was not near a building.

Commissioner Bratt felt that would be a worse situation for a temporary structure; that it could be blown over and be a safety issue. He felt a permanently attached structure was the way to go and a good example was Café Alegre in La Verne. That is a permanently attached awning that has side panels in the winter and nothing in the summer.

Commissioner Rahi stated that he also supported Exhibit E.

Chairman Schoonover agreed with Commissioner Bratt, and stated this was a city-wide policy they were deciding, not a vote for or against one business.

MOTION: Moved by Ensberg, seconded by Davis to recommend Exhibit D to the City Council and instruct Staff to amend the first bullet point to include factors to be considered when considering the feasibility of a temporary structure. Motion failed 2-3 (Bratt, Rahi and Schoonover voted no).

MOTION: Moved by Bratt, seconded by Rahi to recommend Exhibit E to the City Council.

Commissioner Davis asked for clarification of Exhibit E, and would it preclude temporary membrane structures in any zone for more than three days.

Assistant City Manager Stevens stated the current policy allows them in residential zones up to six months as long as they meet setback requirements, and doesn't think they intended to be more restrictive than that in residential zones. Staff can adjust the language to make it consistent with the current policy for residential zones.

Motion carried 3-2 (Davis, Ensberg voted no).

Assistant City Manager Stevens stated while Staff will take the Commission recommended option to Council, they will also provide the alternate version in the package and could amend the language under the first bullet point in Exhibit D to read, "The applicant has provided information that a permanent structure is not appropriate or desirable in their circumstances. This generally includes submitting preliminary plans and cost estimates for same as part of their application to facilitate comparison of both permanent and temporary structures."

Commissioners Davis and Ensberg felt the new language reflected their desire to allow flexibility.

ORAL COMMUNICATION

3. Planning Staff

Director Coleman stated staff is expecting to receive a complete application for the revisions to the Bonita Canyon Gateway Project shortly, and expect it to go to DPRB for review in the next month. He stated the Fresh & Easy is still moving forward through plan check and they should begin grading this summer.

Assistant City Manager Stevens stated the office building at Grove Station was close to receiving their certificate of occupancy, and that two tenants have moved in under a temporary permit. There are still four vacant tenant spaces in the office building. The Fox Group is selling it to another party. The 14 residential units along San Dimas Avenue are under construction with completion of the first phase expected in September, and the second building approximately 45 days after that. The remaining two phases of 28 townhouse units will not be built until the economy improves, and property for the 72 units has a sale and purchase agreement pending. This will require them to go through the entitlement process again, and they may change to rentals.

Assistant City Manager Stevens stated the City Council Spring Retreat is scheduled for May 18th from 5:00 to 10:00 p.m. and that the Commission was welcome to attend. Some of the items to be discussed are the City Hall expansion, the City's 50th Anniversary, Walker House updates, many long-term planning projects, and the downtown planning process.

4. Members of the Audience

No communications was made.

5. Planning Commission

Commissioner Davis asked where the Wells Fargo Bank was going to be located.

Director Coleman stated it was going to be in a pad building in the Ralph's Shopping Center, and the current tenants were relocating to other tenant spaces in the center.

Commissioner Bratt stated the parking lot on the northeast corner of Bonita and San Dimas Avenues was recently re-striped and he was concerned the parallel parking was too close for other cars to back out safely.

Commissioner Bratt stated he attended the recent Planning Commissioner conference in Anaheim and attended a presentation by the City of Orange on how they have maintained their historic downtown, both the residential and business areas, and found it pertinent to what they are trying to accomplish in San Dimas. He also enjoyed the opening speaker who spoke about the economy. Overall he felt the conference was very good.

Commissioner Rahi stated he also attended the conference and the session on Downtown Orange. He felt it was very useful and they could learn something from it. He stated the closing session was about culture change and found it interesting that people want more destination points with multiple activities offered.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Davis to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 8:20 p.m. to the regular Planning Commission meeting scheduled for May 20, 2009, at 7:00 p.m.

James Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Dan Coleman, Director of Development of Services

Approved: June 3, 2009