

# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Wednesday, June 16, 2010 at 7:00 p.m.  
270 South Walnut Avenue, Sheriff's Community Meeting Room

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## **Present**

Chairman Jim Schoonover  
Commissioner David Bratt  
Commissioner John Davis  
Commissioner Stephen Ensberg  
Commissioner M. Yunus Rahi  
Assistant City Manager Community Development Larry Stevens  
Associate Planner Marco Espinoza  
Associate Planner Kristi Grabow  
Planner Michael Concepcion  
Planning Secretary Jan Sutton

## **CALL TO ORDER AND FLAG SALUTE**

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: June 2, 2010 (Davis absent)
2. Approval of DPRB Case No. 10-12 – A request to construct a 5,960 sq. ft., three-story single-family residence with a 700 sq. ft., 3-car attached garage at 1562 Calle Cristina (APN: 8448-038-040). Project was previously approved as DPRB Case No. 06-45.

### RESOLUTION PC-1418

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING DEVELOPMENT PLAN REVIEW BOARD CASE NUMBER 10-12, A REQUEST TO CONSTRUCT A 5,960 SQ. FT., THREE-STORY SINGLE-FAMILY RESIDENCE WITH A 700 SQ. FT., 3-CAR ATTACHED GARAGE AT 1562 CALLE CRISTINA, LOCATED WITHIN SPECIFIC PLAN NUMBER 11, AREA 1 (APN: 8448-038-040)

**MOTION:** Moved by Ensberg, seconded by Bratt to approve the Consent Calendar. Motion carried 4-0-0-1 (Davis abstained).

## **COMMISSION BUSINESS**

### **3. CONSIDERATION OF A REQUEST TO INITIATE A MUNICIPAL CODE TEXT AMENDMENT TO ALLOW OR CONDITIONALLY ALLOW A THRIFT STORE WITHIN CREATIVE GROWTH ZONE AREA 1 (CG-1)**

Staff report presented by Associate Planner Kristi Grabow, who stated this item is a request for the Commission to consider initiating a Municipal Code Text Amendment (MCTA) to allow “thrift store” as a use in the Creative Growth Zone, Area 1 (CG-1), and if so, to direct staff to hold a public hearing and analyze the proposal. The applicant would like to have a Goodwill Store and Donation Center in the building located closest to the freeway on-ramp/off-ramp of the 57 freeway, and they included for review a business proposal, findings, and architectural plans. In the letter passed out to the Commission tonight, they have indicated they do not object to the use being conditionally permitted. She stated a few issues to be considered is that a code amendment would affect all properties located in CG-1, and that all properties are located at the entrance to the City from the 57 freeway. The Commission should consider if this is an appropriate use at the gateway to the City. There are also concerns associated with the donation area, and the Commission might want to establish policies and/or procedures to addresses these concerns. Per the Zoning Code, the Planning Commission may initiate a MCTA, which would be subject to public hearings held by the Commission and City Council.

Commissioner Ensberg thought there was a thrift store on Foothill Boulevard and asked if there was a need to have another one so close.

Assistant City Manager Larry Stevens stated there is a Goodwill store on Lone Hill and Foothill, but it is not the City’s job to analyze the market to say if another store is needed this close to the existing one. While this request is initiated by Goodwill, they are discussing all thrift stores in general. Some are well maintained, some are not, and it is the Commission’s task to decide if they want the use in this zone or not.

Commissioner Davis asked for clarification on tonight’s procedure.

Assistant City Manager Stevens stated if the Commission feels there is enough merit in the request and that circumstances have changed from when the code was first adopted, they can consider amending the code.

Chairman Schoonover asked if there was a definition for thrift store and if a consignment store would be considered the same thing.

Assistant City Manager Stevens stated there currently is not a definition; Staff would make a determination if it was like other uses in the zone or not. It could be argued that it is retail because they sell product, but because the product they sell is second-hand, it is viewed differently. Staff feels this needs a code amendment instead of a classification of use because it is not a standard retail use.

Commissioner Rahi asked about the approval process for the store if the Commission was to go forward with the MCTA. He thought maybe the definition of thrift store was that they included donation facilities, and inquired if the sale of used items would be allowed if there were no donation facilities associated with the store.

Assistant City Manager Stevens stated if the Commission wanted to go forward with the MCTA, the applicant could process the Conditional Use Permit concurrently at their own risk of losing

fees if the amendment was denied. As to a definition, they could see if the business license department has a definition for thrift or second-hand stores. Most thrift stores have a donation aspect, though for some you take them directly into the store.

Commissioner Bratt stated his only objection was that originally they wanted to be a permitted use, but now that they will accept being conditionally permitted, he did not have a problem with considering the item.

Commissioner Ensberg thought the intent of the zone is to have a higher quality of retail there and asked what type of business the City is trying to encourage in this area.

Assistant City Manager Stevens stated that is an issue for the Commission to consider. He related that at one point Staff was opposed to letting in dollar stores, but it was allowed in, and once you have one, it is difficult to restrict others from coming in. An argument could be made that thrift stores are not perceived as being a quality business, plus there are other zones in the City that permit them, so you might not want them at the entrance of the City. That could be a reason for not initiating a code amendment.

Commissioner Davis asked why the CG-1 zone has a problem with vacancies.

Assistant City Manager Stevens stated there has been a history of changes of ownership in the centers located in CG-1 which has led to them not being well managed or maintained. San Dimas Station has changed hands four to five times, been in foreclosures, etc., so that now there are multiple major owners with poor communication between them. The center where the Goodwill wants to locate was a freeway remnant that was developed after San Dimas Station by the same person that built the Levitz building.

Chairman Schoonover asked if they were to approve a code amendment, what would be the requirements for a CUP.

Assistant City Manager Stevens stated they would have to demonstrate the use is compatible to other uses in the area and apply conditions to ensure that compatibility. They can also make a discretionary decision that this might not be compatible in all areas of the CG-1 zone and limit it to a certain area.

Chairman Schoonover asked the applicant to address the Commission.

Jian Torkan, owner, stated this center has had a history of being difficult to lease because of access and visibility. Because of the small size of the center, they cannot have a freeway sign. His current tenants are struggling financially and pay less than their full rent. He is looking for ways to rejuvenate this center and felt the limited uses allowed in CG-1 make it difficult for him to find tenants, and that having vacancies creates maintenance issues with the center. He wanted to bring in a business that will maintain the store, and felt that Goodwill was a responsible tenant. He felt the donation area was going to be addressed in the design, and that they were not any different from other retailers. He felt having vacant tenant spaces would impact the character and image of the City more than having a Goodwill store would. He also felt that this type of store was important because it recycles unwanted items to others and keeps them from going into the landfill.

Commissioner Rahi stated Mr. Torkan mentioned that other businesses have failed in this center and asked why he thought a thrift store would be successful.

Jian Torkan, owner, stated it is difficult to attract national retail users that have a solid business model like Goodwill. They study the location and demographics, and they have the financial strength to stay here and survive during difficult economic times.

Commissioner Rahi asked if there was any information available on why Goodwill thinks they will be successful here when there is another store located very close by.

Terry Takeda, Goodwill Industries, stated the Glendora store was far enough away for them to consider another store to serve the area. San Dimas has its own character and they felt this would be a successful location for them. He felt it would be more convenient for San Dimas residents so they would come to this location instead of continuing to drive to Glendora.

Commissioner Ensberg stated he has high regard for Goodwill Industries and what they accomplish, but was concerned that this area is the entryway to the City and that people will form their impression of the City from what they see when they come off the freeway. He did not want to make a slippery slope argument that just because other businesses have not been successful in that center, then they need to allow a thrift store to come in. He felt they should not initiate a code amendment and that the applicant can look for a location in a zone that already allows them.

Commissioner Bratt stated if you look at all of CG-1, approximately 50% of the stores are empty. This is a successful business that could revive the area. They would be replacing a mattress store and didn't see how that was a more enticing business.

Commissioner Davis felt that maybe they should be examining the entire CG-1 code because he wasn't sure that the current zone reflects what is needed there for freeway users. He was also concerned about what people will see when they exit the freeway and wasn't sure a thrift store created the proper image. He was not sure if he would support holding a public hearing, and that even if they did hold one, that he could agree that this was a good location for a thrift store.

Commissioner Rahi agreed with Commissioners Davis and Ensberg that this is an important area for San Dimas, and since thrift stores are allowed in other zones, maybe they should be exploring those areas. While the owner would like to lease to a business that will survive, he was not sure if there was a demand to have a thrift store in San Dimas and if there was enough merit to move forward with the process.

Commissioner Davis felt the owner made a good point that the property was included in the CG-1 zone because of proximity but was at a disadvantage to the other centers in the zone because he could not have a freeway sign. He felt if he were going to rezone the area, he wouldn't make this parcel CG-1.

Assistant City Manager Stevens stated this area was probably included in the CG-1 zone because it fell within the boundaries of the Creative Growth Redevelopment Project Area and was given the same zoning as the surrounding properties. He stated an alternative to amending the CG-1 zone might be to consider rezoning this property to either Commercial Highway or Commercial Neighborhood. Because of the unique nature of this parcel compared to others within CG-1, it might be possible and would not be considered spot zoning. Staff could review that option and present their findings to the Commission on what would be the better option.

Chairman Schoonover stated he still felt there was the question on whether they wanted this type of store at the entrance to the City. He felt they should also develop a definition on what constitutes a thrift store. He thought if they were to allow it under a conditional use permit, there

would still be the issue of compatibility with other uses in the area, and that might be difficult to do within the current zone. Because of that it might be better to look at a zone change.

Commissioner Ensberg stated after hearing the discussion he would consider looking at this property separately to see if there is something they could do differently here without allowing it in all of CG-1.

**MOTION:** Moved by Bratt, seconded by Davis to continue this item to the next regular Planning Commission meeting and direct Staff to prepare an analysis of rezoning the property to be discussed along with consideration of amending the current zoning. Motion carried unanimously, 5-0.

4. **CONSIDERATION OF FENCES & WALLS GUIDELINES FOR INCLUSION INTO THE TOWN CORE DESIGN GUIDELINES**

Staff report presented by Planner Michael Concepcion, who stated these guidelines were first presented to the DPRB for review and comment, and the next step is for the Planning Commission to provide comments for final review and decision by the City Council. Having these guidelines will promote and strengthen policies contained in the Housing Element. The current Town Core Design Guidelines have limited information regarding fences and walls, and adopting these guidelines will provide internal consistency. The guidelines address retaining walls, and landscaping in conjunction with fences and walls, as well as property line fencing and walls. He stated the DPRB supported the use of materials that were natural in nature, and discourage other materials such as chain link, wrought iron except in special circumstances, rough stucco, bare concrete, and vinyl if it is white, smooth, and shiny. The guidelines will also address existing nonconforming fences and walls, along with entry gates. Staff is recommending the Commission recommend approval of the Fences and Walls Guidelines to the City Council.

Commissioner Davis asked if there was a way to enforce these guidelines.

Assistant City Manager Larry Stevens stated these amended guidelines would encourage people to get Planning approval but they are not legally binding unless you modify the DPRB code to make it mandatory. If Staff received a call that someone is putting up a precision block wall, then they would try to encourage them to comply with the guidelines. If a fence was being installed in conjunction with a room addition, then complying with the Guidelines might be required.

Commissioner Davis asked why they were not recommending enforcement authority.

Assistant City Manager Stevens stated currently there is not a problem but if it became a problem with a number of inappropriate fences and walls being installed, they could look at amending the code.

Commissioner Ensberg felt if they were going to the effort of establishing guidelines, there should be the ability to enforce them.

Chairman Schoonover asked why they should treat someone living in the downtown differently than elsewhere in the City.

Assistant City Manager Stevens stated the guidelines are focused on the downtown due to the historic properties there. He believed this was initiated to be more flexible about the permissible

materials because originally only wood fences were allowed. They are trying to make it clearer for homeowners in regards to acceptable materials, but if the Commission would like to create some type of approval process, they could make that recommendation.

Commissioner Rahi felt if approval was required from Planning, then Staff could enforce the guidelines better.

Commissioner Bratt was reluctant to give the force of law to this. He felt most people who buy a property in the Town Core understand that the rules may be different and didn't think they should be heavy-handed. He stated there is a general feeling that San Dimas makes it difficult to do anything and he would be reluctant to add another layer of approval on homeowners.

Commissioner Rahi concurred that he did not want to add another layer of approval for the homeowners.

**MOTION:** Moved by Davis, seconded by Bratt to recommend the Fences and Walls Guidelines to the City Council for approval as presented by Staff with no further comments or additions. Motion carried unanimously, 5-0.

**MOTION:** Moved by Davis, seconded by Ensberg to recommend the City Council consider creating some sort of enforcement mechanism for the Fences and Walls Guidelines. Motion failed 2-3 (Bratt, Rahi, Schoonover voted no).

Chairman Schoonover thanked Planner Concepcion for an excellent report.

#### 5. **CONSIDERATION OF AMENDING PLANNING COMMISSION MEETING SCHEDULE**

Commissioner Davis stated the reason this item was back on the agenda is that most of his clients are located on the East coast, and he would usually return to town on Thursday, which would make it easier for him to attend Commission meetings if the schedule was changed to Thursday nights. Changing to Tuesday night would not help him at all, only moving to Thursday. He was unable to participate in the discussion the last time this item was on the agenda because he was out of town on business. He thought he would ask the Commission for consideration, but did not want to cause a conflict for anyone else.

Commissioner Bratt stated the first time this was brought up he was not able to change to Thursday nights, but he would be available now.

Commissioner Ensberg stated he is taking a course on Thursday nights that goes on for another two years, so he would not be able to change his schedule.

Commissioner Rahi stated he had no conflicts.

Assistant City Manager Larry Stevens stated since there was no clear consensus at this time, the Commission could think about this and bring the topic back up whenever they wanted to discuss it further.

## **ORAL COMMUNICATION**

### **6. Director of Development Services**

Assistant City Manager Stevens stated there is a tentatively scheduled joint meeting with the City Council on July 13, 2010 at 6:00 p.m. at the Community/Senior Center to hear in informational update on the NJD tract map project in the Northern Foothills.

He also stated Fresh and Easy has permits for their store, and that the shops building was close to having permits, but that the apartments are still waiting on financing. He added that the City is bringing in the goats again this year for weed abatement on the Walnut Creek property.

### **7. Members of the Audience**

No communications were made.

### **8. Planning Commission**

Commissioner Davis asked what the status was on the Montessori school/church project.

Associate Planner Espinosa stated the grading permit has been pulled and walls should start going up tomorrow.

## **ADJOURNMENT**

**MOTION:** Moved by Ensberg, seconded by Bratt to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 7:22 p.m. to the regular Planning Commission meeting scheduled for June 16, 2010, at 7:00 p.m.

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James Schoonover, Chairman  
San Dimas Planning Commission

ATTEST:

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Jan Sutton, Planning Secretary

Approved: July 7, 2010