

# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Wednesday, October 6, 2010 at 7:00 p.m.  
270 South Walnut Avenue, Sheriff's Community Meeting Room

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## **Present**

Chairman Jim Schoonover  
Commissioner John Davis  
Commissioner Stephen Ensberg  
Commissioner M. Yunus Rahi  
Director of Development Services Dan Coleman  
Associate Planner Kristi Grabow  
Planning Commission Secretary Jan Sutton

## **Absent**

Commissioner David Bratt

## **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 Rahi led the flag salute.

## **CONSENT CALENDAR**

1. Approval of Minutes: August 18, 2010

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

## **PUBLIC HEARINGS**

2. **CONSIDERATION OF ZONE CHANGE 10-02** – A request to change the existing zoning designation of 702-762 West Arrow Highway from Creative Growth, Area 1 (CG-1) to Commercial Highway (CH) (APN: 8386-007-049)

Staff report presented by *Associate Planner Kristi Grabow* who stated originally the Commission considered the applicant's request for a Municipal Code Text Amendment, but after receiving testimony at the June 6 and July 7 Commission meetings, it was determined by a vote of the Commission to initiate a Zone Change instead. She outlined the uses that would be permitted by right and conditionally under the Commercial Highway zoning, adding that to

actually consider some of the uses allowed would require demolishing the existing buildings and constructing from the ground up since the site is limited in size.

**Associate Planner Grabow** stated when the site was constructed there were 85 parking spaces but over the years parking has been reduced to 78 spaces without permits. She referred to the chart in the staff report that identified various scenarios that could occur on-site utilizing retail general and retail furniture and the impact on available parking. She stated that even though it appears there will be a broader range of uses allowed if the zone change is approved, the size of the site and permitted parking will limit the uses based on the square footage ratios. To address concerns regarding parking there are two proposed mitigation measures in the Initial Study: 1) The applicant should re-stripe the site to replace the seven parking spaces previously removed without City approval; and 2) The applicant should enter into a deed restriction limiting certain uses.

She stated another concern brought up at the July meeting was whether this could be considered spot zoning. Staff does not consider this spot zoning based the definition contained in the California Planning Guide and the surrounding land uses being similar in nature. Staff is recommending the Planning Commission adopt Resolution PC-1422 and recommend the City Council approve Zone Change 10-02.

**Commissioner Ensberg** asked if it was known when the reduction in parking occurred and if the current owner was responsible.

**Associate Planner Grabow** stated the owner was present and could address that issue during the public hearing.

**Commissioner Davis** asked for further explanation regarding the deed restriction.

**Director of Development Services Dan Coleman** stated using scenario three in the chart, if the owner were to re-stripe to the original 85 parking spaces, the center would still be deficient by four spaces. A deed restriction would limit the floor area of the buildings to certain uses in order to meet the parking requirements. Also, by having this restriction on title, it would provide a method to notify future owners or tenants of the complex that there is a limitation to the types of businesses allowed due to the amount of parking.

**Chairman Schoonover** asked what the intent of the Creative Growth Zone Areas 1 and 2 was.

**Associate Planner Grabow** stated the intent of Area 1 was to take full advantage of the freeway access and encourage the development of major commercial enterprises, while Area 2 was to provide for neighborhood commercial uses which service the day-to-day-living needs of nearby neighborhoods or a larger section of the City.

**Chairman Schoonover** stated then since the intent for Commercial Highway is to accommodate general commercial, office and other highway-oriented businesses and transportation-related service facilities, Staff is saying it is similar to the intent of CG-1.

**Associate Planner Grabow** stated that is correct, and that the Creative Growth Zone was created when San Dimas Station was developed with the idea that they could bring in some larger tenants into this area.

**Director Coleman** added while both zones are similar in intent, there are some uses allowed in the CH zone that are not allowed in CG-1 so it brings a greater choice to the property owner.

**Commissioner Ensberg** asked if the applicant still wanted the thrift store to go into this site though it appears it is temporarily removed from consideration.

**Associate Planner Grabow** stated the item before the Commission tonight is consideration of a zone change, not a specific project. However, Staff would have concerns about there being adequate parking if the applicant were to proceed with an application to allow the thrift store in Building 1.

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

**Jian Torkan, Owner**, stated the parking was already modified when he purchased the property, and he believed the lack of spaces was caused by the paint washing away behind the mattress store and never being re-stripped. He stated that when T-Mobile came to the center a re-stripping plan was submitted that provided adequate parking for the entire center to be retail.

**Commissioner Ensberg** asked if he thought a deed restriction would be feasible.

**Jian Torkan, Owner**, stated it was an interesting concept but felt he would be prevented from executing such a document because the way the financing on the property is structured it would require the approval of the lender before the title could be changed in any manner, and he wasn't sure that they would approve such a restriction.

There being no further comments the public hearing was closed.

**Commissioner Davis** asked if Staff was recommending approving the zone change with the deed restriction.

**Associate Planner Grabow** stated it was not a condition of the zone change, it was a proposed mitigation measure for the parking deficiency shown on page 16 of the Initial Study.

**Commissioner Ensberg** asked if the owner is unable to get permission from the lender for the deed restriction, would staff be willing to move forward anyway with the zone change.

**Director Coleman** stated if the applicant can provide a striping plan that provides 89 spaces and meets code requirements, then Staff would be able to support his application without a deed restriction.

**Commissioner Ensberg** asked wouldn't it be important to ensure the applicant can provide 89 spaces before moving forward.

**Commissioner Davis** stated there are other uses that could be accommodated on site that are different than those allowed in the CG-1 zone which would not require 89 spaces.

**Chairman Schoonover** stated if you look at the list of uses, many of them would require a much larger parcel than was available here, so parking as well as the use of the parcel does become an issue, and felt there were very few new uses that could be accommodated on that parcel.

**Commissioner Davis** felt the CG-1 zone didn't really work for this parcel because it does not provide an area for a large major tenant and is an isolated property. He felt CH was a more

appropriate designation for this parcel. He did not support having a deed restriction and felt they needed a better solution, such as providing 89 parking spaces.

**Commissioner Rahi** asked what the parking ratio was for office space.

**Associate Planner Grabow** stated it is more restrictive at one space per 200 square feet. If one building was to be designated retail and one office, required parking may be as high as 94 spaces. When this center was built, Building 1 was specifically intended to be used as a furniture store because the parking requirement was less intensive.

**Commissioner Rahi** stated whether they recommend the zone change or not, the site is limited in possible uses because of the size and parking restrictions. He felt a deed restriction was needed.

**Commissioner Ensberg** expressed concern that even if they approved the zone change the lender wouldn't approve a deed restriction, so how will they have accomplished anything.

**Director Coleman** stated it is not known at this time whether the lender would approve or deny a deed restriction; the applicant stated it has not been discussed with them yet. He stated the restriction would be to define a certain floor area amount that is restricted from use in order to comply with the number of parking spaces available.

In response to Commissioner Davis, **Jian Torkan** stated he felt restriction of floor space was done naturally based on the types of tenants in the center. If there is one tenant that requires more intensive parking, then that automatically prohibits them from leasing space to a similar use, or even leaving some space vacant in order to accommodate that use. He felt they could at least get the 85 spaces since that was in the original plan, and maybe by removing some hardscape or allowing tandem parking for employees, they could increase the lot to 89 spaces.

#### RESOLUTION PC-1422

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF ZONE CHANGE 10-02, A REQUEST TO CHANGE THE EXISTING ZONING DESIGNATION OF 702-762 W. ARROW HIGHWAY, APN 8386-007-049, FROM CREATIVE GROWTH, AREA 1 (CG-1) TO COMMERCIAL HIGHWAY (CH)

**MOTION:** Moved by Davis, seconded by Rahi to approve Resolution PC-1422 recommending the City Council approve Zone Change 10-02, but recommending that the mitigation measure to require a deed restriction be removed and another option found to address parking. Motion carried 3-1-1 (Schoonover no, Bratt absent).

#### ORAL COMMUNICATION

##### 3. **Director of Development Services**

**Director Coleman** stated construction was continuing on the Fresh & Easy, but the developer was more than likely going to have to sell the apartment portion of the project. He stated the City Hall was moving along on schedule and roof decking was completed. It was expected the building should be finished in early March 2011 with a move-in date of April 1, 2011. He added the City Council will be holding their fall retreat on October 11<sup>th</sup> at 5:00 p.m. at the Sheriff's Station Community Meeting Room.

**Director Coleman** stated Buildings 2 and 3 at Grove Station were almost complete, and that Staff and the City Attorney are working with the receiver on the terms as there will be no warranty on the work once it is completed. The City owns four units that will be offered as affordable house.

**4. Members of the Audience**

No communications were made.

**5. Planning Commission**

Commissioner Rahi stated he would be out of the country October 7 -18, but would be in attendance at the meeting on the 20<sup>th</sup>.

**ADJOURNMENT**

**MOTION:** Moved by Ensberg, seconded by Davis to adjourn. Motion carried unanimously 4-0-1 (Bratt absent). The meeting adjourned at 7:40 p.m. to the regular Planning Commission meeting scheduled for September 20, 2010, at 7:00 p.m., to be held at the Senior Citizen/Community Center Multi-Purpose Room.

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Jim Schoonover, Chairman  
San Dimas Planning Commission

ATTEST:

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Jan Sutton, Planning Commission Secretary

Approved: October 20, 2010