

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, October 5, 2011 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

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

Absent

Commissioner John Davis

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: September 21, 2011 (Ensberg absent)

MOTION: Moved by Bratt, seconded by Rahi to approve the Consent Calendar. Motion carried 3-0-1-1 (Davis absent, Ensberg abstain).

PUBLIC HEARINGS

2. **CONSIDERATION OF CONDITIONAL USE PERMIT 11-02** – A request to allow a Goodwill Store and Donation Center (thrift store) use at 702 West Arrow Highway in the Commercial Highway Zone. APN: 8386-007-049

Staff report presented by *Associate Planner Kristi Grabow*, who stated the proposal is to allow a Goodwill Store and Donation Center to operate in the larger of the two buildings on the site. She presented background information on the original proposal to amend the Creative Growth Zone to allow thrift stores in the zone, and the eventual direction and approval to amend the zone to Commercial Highway, as the owner had indicated it was difficult to find tenants that met the requirements of the CG zone and he would like to be able to have an expanded offering of uses. When the zone was changed, the owner dropped his request for the thrift store, but has now indicated that they would like to move forward with the application.

The Goodwill will be in the space currently occupied by the mattress store, and the rear of the store will be used for the donation center. While this is not visible to Arrow Highway, it is to the on-ramp of the 57 Freeway. Goodwill does not encourage after-hours donations and does not provide drop-off boxes, but Staff is concerned that people will still leave things outside the building. Staff has included a condition that if the City receives any complaints about outdoor storage, this item can come back to the Commission for review.

Associate Planner Grabow stated another issue is that the center originally had 85 parking spaces, but lost some over the years. During the zone change process, the owner was required to re-stripe the parking lot back to the original amount and they were able to provide 86 parking spaces. The current parking code requires 89 parking spaces for general retail in both buildings, but the applicant has submitted a request for a waiver of parking requirements based on their parking study. This waiver would pertain to the Goodwill Store only; if they vacate the center and a new use comes in, the parking will have to be reviewed at that time.

Commissioner Ensberg asked how many people will be staffing this location. He also asked if they charge sales tax, and if there was an estimate for any revenue the City might receive from this operation.

Associate Planner Grabow stated the applicant would be better suited to answer those questions.

Commissioner Rahi asked if there were calculations on the parking because when he ran his figures based on one space per 225 square feet, he came up with 93 parking spaces needed, not 89.

Associate Planner Grabow stated the calculations were contained in the staff report presented to the Commission on October 6, 2010 and the City Council on November 9, 2010. The applicant presented a study to Staff that showed that the existing parking would be adequate for the Goodwill and the other retail uses.

Commissioner Bratt stated it appeared that 25% of the spaces are for compact parking, which would be the original design. He was concerned that in practical application, not all of the parking spaces could be utilized because of the size of today's vehicles.

Associate Planner Grabow stated the current code would only allow up to 20% for compact parking, but in 1985 a higher ratio was allowed.

Chairman Schoonover asked what the parking ratio was for office space, medical office space, and warehouse. He stated it appears that the floor area for the thrift store itself would be 8,383 square feet, with 3,120 square feet of warehouse area. He asked if the warehouse area was not being counted as part of the thrift store, because if it was not, then this application did not comply with Condition No. 16 which states that only thrift stores of 10,000 square feet or more would be permitted in this location.

Associate Planner Grabow stated administrative offices would be one space for every 200-250 square feet depending on the overall size of the complex; medical office would be one space for each 200 square feet; and warehouse was one space for each 500 square feet up to 15,000 square feet. Building B was originally developed with 3,120 square feet of "warehouse" so that it could be parked at a lower ratio and the center could comply with the parking code. Goodwill is proposing to use the same figure as originally approved for the same purpose. If they were in another location, the whole facility would be calculated as retail. For the purpose of conducting the parking study, the entire 11,000 square feet was used.

Chairman Schoonover clarified that for the purpose of discussion, the entire Building B was considered the thrift store no matter how they separated the interior space.

Associate Planner Grabow stated that was correct.

Commissioner Ensberg stated the report referenced that other businesses had looked at this center but they didn't go in and asked if there was information on that.

Associate Planner Grabow stated she had worked with both a day spa and tobacco store for Building A that would have been allowed in the current zoning, but that there were issues with the property management company that neither tenant could work out to their satisfaction.

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

Jian Torkan, Applicant and Property Owner, 4221 Wilshire Boulevard, Los Angeles, 90010, stated he has owned this center for several years, and every time he visits the site he only sees 3-4 vehicles in the parking lot. He felt having Goodwill at this location will draw other tenants to the center which will generate tax dollars and employment. He stated in the five years he has owned the center there have only been 3-4 businesses that have shown interest. One was a pot store, which he rejected. There was a smoke shop that was interested but they went somewhere else because the City wanted the parking lot re-stripped, and there was interest from a day spa. He felt the center can absorb the parking but if a potential tenant feels there will be parking problems, they will go to another location.

He stated Goodwill is a prominent retailer and he has done business with them before. The stores are clean and above average in their presentation. They are willing to accept the space as it is, and based on the parking analysis, they do not feel that parking will be an issue. He stated his current tenants will not stay if more traffic is not generated for this center, and one is already leaving for a less expensive area.

Bud Thatcher, Thatcher Engineering & Associates, 1461 Ford Street, Suite 105, Redlands, CA 92373, Applicant, stated he has reviewed the conditions of approval and concurs with Staff's recommendations except for Condition No. 6 which would require a re-hearing on this item if complaints are received on visual impacts. He felt Condition No. 20 was adequate and would like to see Condition No. 6 removed. He felt that Condition No. 7 was a similar situation. The CUP is based on the criteria that there will be 86 parking spaces and didn't think it was right that if one complaint is received about the parking, that this would have to come back to the Commission for review.

He also felt that that since the applicant just recently re-stripped the lot to add back the missing spaces as required under the zone change, that Condition No. 19 should not require them to re-stripe the lot; that it should just state that the parking lot should remain in good order per the parking plan.

Associate Planner Grabow stated the re-stripping only occurred in the back portion near the donation center to replace the missing parking spaces; the entire parking lot was not re-stripped.

Bud Thatcher, Applicant, felt the condition should be to re-stripe the lot per the approved parking plan as they would not be able to comply with current City standards as they have too many compact parking spaces.

Associate Planner Grabow stated the concern is more with the size and condition of the stripes.

Commissioner Bratt asked the applicant if he would like Condition No. 7 phrased differently or was he asking to omit it completely.

Bud Thatcher, Applicant, stated that he would like it omitted.

Commissioner Bratt stated if they were to omit the condition, then Condition No. 20 would not apply, as that states that all conditions must be complied with. If they omitted Condition No. 7 and the City received complaints, there would be no recourse for the City to review parking standards.

Bud Thatcher, Applicant, felt they could address it through the code enforcement process.

Director of Development Services Dan Coleman stated this situation is different because the applicant is asking for a waiver from the normal parking standards. That is the reason for Condition No. 7.

Bud Thatcher, Applicant, stated if they went through code enforcement they would at least have an opportunity to address the situation, but Condition No. 7 would require them to come back to the Commission if there was a complaint.

Commissioner Bratt felt parking will be an issue and if Condition No. 7 is removed, the City will not have a process for reviewing the waiver of standards.

Director Coleman stated if any complaints are received, it is standard practice to try and resolve them at a staff level first. If a resolution cannot be reached, then that is when it would be brought back to the Commission for review.

Commissioner Ensberg stated this would be a graduated response to complaints. The goal is not to try and throw a business out on capricious complaints. However, this is the gateway to the City, and he drives by these places and sees people leaving things outside, and they want to ensure that if there are any problems, there is a mechanism in place to address this with the property owner. Their goal is to make this work for everyone.

Bud Thatcher, Applicant, stated if that is the intent, then it can be left as is.

Chairman Schoonover stated there are two sets of doors shown for the donation center and asked which doors would be utilized. He also asked why the chain link fence in the back was being removed.

Bud Thatcher, Applicant, stated the doors facing west to the parking lot would be used, not the roll-up doors. As to the fence, there is no reason to lock the area since there will be no outside storage and it is a portion of the parking lot now, not a loading area.

Chairman Schoonover felt if they were not using the roll-up doors, it would make it difficult for anyone coming to bring a donation to have to walk across the parking lot, especially with large items.

Donna Snell, Goodwill Industries, 342 N. San Fernando Road, Los Angeles, stated there will be employees that will go outside to help people bring things to the donation center if needed, or they will ask them to pull around to the other side.

Chairman Schoonover stated he supports Goodwill Industries but the Glendora location is only 2.1 miles away and thought this site was very close for opening another store.

Mark Einbund, Goodwill Industries, 342 N. San Fernando Road, Los Angeles, stated the area's population can support two stores and there is a natural barrier with the freeway.

Donna Snell, Goodwill Industries, stated they see the same customers going from one location to another since the product is different in every location, and they feel the area can support another store.

Commissioner Ensberg asked how many employees are needed to operate a store this size and what type of wages do they pay. He also asked what they anticipated as their annual revenue for this location, and do they collect sales tax.

Donna Snell, Goodwill Industries, stated they will probably hire 25-30 employees from the local community with wages ranging from minimum wage for regular employees, \$12-16/hour for assistant managers, and \$40-60,000 annually for managers. They feel the store could generate \$1 million in revenue, but that they do not charge or pay sales tax.

Commissioner Ensberg stated then the City would not realize any revenue from their business.

Associate Planner Grabow clarified for the Commission that according to the plans submitted to Staff, the donation drop-off area would be at the roll-up doors in the back.

Brad Umansky, Progressive Real Estate Partners, stated he is the leasing agent for the property and that it has been challenging to find tenants to locate to this center. That is partly based on the configuration of the buildings themselves with things like ceiling heights, difference in floor levels, etc. While thrift stores can have a negative connotation, he visited several Goodwill stores and felt they were equal to other retail based on the materials being used in the stores. He also represents STG at San Dimas Station and stated they need to bring more tenants to this area as several large businesses in town have or will be closing soon. When potential retailers come to look at San Dimas, it will help if they can see activity in this area so that they will want to locate here too.

Commissioner Ensberg asked what his marketing efforts for this space have been.

Brad Umansky stated they have gotten to the letter of intent stage, but once the tenants see the low ceilings and grade change in the building, they back out. He specializes in shopping centers and he has called a number of retailers offering the property but other centers are taking them away. This building was originally built for a furniture store, and that type of retail is closing. He felt it was critical that a retailer has a sense of certainty that they can stay in their tenant space, and while he understands having "bad boy" provisions, he also hopes the City will consider reviewing their conditions if the center is very successful.

Christine Bryant, 24318 Hardy Drive, Diamond Bar, stated she grew up in San Dimas, and being a single mother has only shopped at Goodwill for clothes for her and her daughter because the prices are reasonable. They also use Goodwill to create costumes for school events and Halloween, and was in support of the proposal.

Commissioner Ensberg asked if there was a Goodwill store in Diamond Bar.

Christine Bryant stated no, but there have been occasions when she has had to go to 4-6 stores to find all the items necessary for a school project. She felt it would be easier on shoppers if the stores were placed close together. Since each store is completely different, she felt it did not make a difference if they are located close to each other.

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

Commissioner Ensberg stated he is in favor of the project. Goodwill is a reputable vendor and believes they will be a good addition to this location. He felt the conditions are sufficient to address any future problems that may arise if they cannot be addressed through other avenues. He also liked that 25-30 people will be employed there.

Commissioner Rahi concurred. He stated there has been concern since the beginning that this is the entrance to the City, but he was sure Goodwill will do all they can to keep the site neat and clean. The other issue has been if there will be adequate parking, but since the applicant has supplied a study stating there is enough, he will support their point of view. In regards to Condition No. 7, he felt if the applicant was concerned about it, that would indicate they think there could be a problem with parking in the future, and he would not be comfortable with removing that condition. He felt they needed to commit that the warehouse portion will not be turned into retail space to avoid parking issues in the future. Overall he was in support of the project.

Associate Planner Grabow stated if there is any change in the layout of the tenant space, it will require a new review. If there is a change in tenant, a new parking study will be needed. These are both addressed in the conditions.

Commissioner Bratt stated he was in support of the proposal. This is a unique property with unique problems, but he feels the conditions will help to address those concerns.

Chairman Schoonover concurred this was a unique property. The parking was contingent upon the warehouse space being there, and calculated at 1 space for every 500 square feet. While he was not opposed to Goodwill, he still questioned the need to have a site that was only two miles away from another one. He was also concerned about adopting the waiver of parking requirements and setting a precedent. The City's parking standards have been reviewed a couple of times in the last 10-15 years and he felt they are appropriate. He stated he would support the project even though he had major concerns over granting the parking waiver.

Associate Planner Grabow stated they could amend the wording of Condition No. 19 to state they should be in compliance with the approved site plan instead of to the City's standard.

RESOLUTION PC-1453

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 11-02 AND PARKING WAIVER, FOR A REQUEST TO ALLOW A GOODWILL STORE AND DONATION CENTER TO BE PERMITTED AT 702-762 WEST ARROW HIGHWAY (APN: 8386-007-049)

MOTION: Moved by Ensberg, seconded by Bratt to approve Condition Use Permit 11-09 with the modification to Condition No. 19 that the striping should be per the approved site plan. Motion carried 4-0-1 (Davis absent).

3. **CONSIDERATION OF CONDITIONAL USE PERMIT 11-09** – A request to expand an existing business with a Type 41 License (sell beer and wine for on-site consumption) in conjunction with a restaurant use, Taco Factory, located in the Creative Growth Zone, Area 2. APN: 8387-009-042

Staff report presented by *Associate Planner Kristi Grabow*, who stated the item tonight was to approve the expansion of an existing restaurant. This business already has approval to serve beer and wine. However, they were cited by Code Enforcement for expanding into a neighboring tenant space without building permits. The original Conditional Use Permit for beer and wine stated that if the business was to expand, that it would require a new CUP. The tenant space is now 2,380 square feet after the expansion. The current owner has also changed the hours of operation. Staff is recommending approval of Conditional Use Permit 11-09.

Commissioner Ensberg wanted clarification on if the owner had followed the proper process.

Associate Planner Grabow stated the applicant did not pull building permits before doing the work or go through the CUP process.

Commissioner Rahi asked if they needed to approve the sale of alcohol again with the expansion.

Associate Planner Grabow stated they only needed to approve the expansion; they do not need to approve the sale of alcohol again.

Commissioner Bratt wanted to clarify that based on the plans the Taco Factory is not expanding into the space previously occupied by the Dessert Shoppe, and if they were to expand there in the future, they would need to come back and modify their CUP.

Associate Planner Grabow stated that is correct.

Commissioner Rahi asked what was in this space before the restaurant expanded.

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

Carlos Lopez, 1419 Hazeltine, Ontario, CA, Applicant, stated there had been a real estate office in the expansion area that left about a year and a half ago. He stated they tried to expand because the way the seating is in the restaurant, it is kind of backwards and they needed to bring in a little more business. They host local baseball and football teams, and now they have a reading group.

Commissioner Ensberg stated he was concerned that the applicant did this work without coming to the City for approval.

Carlos Lopez, Applicant, stated he told his landlord about wanting to lease the space and he said well there is no problem, and he cut the door out and all that. Then the next thing he knew the City was there, and he didn't know it was a violation of his conditions.

Commissioner Ensberg stated then he was saying that he made a good faith mistake because the landlord told him it was alright.

Carolos Lopez, Applicant, stated yes, he is not educated in these matters and didn't research it ahead of time.

Christine Bryant, 24318 Hardy Drive, Diamond Bar, CA stated she started a writer's group in January 2010 in San Dimas. She has been to several different venues for their meetings, including Home Brew Coffee until they closed. Then they tried Coco's in Glendora, Corner Bakery, and then back to Clayton Brewing Co. which is now a sports bar. She has 246 members total in her group and they meet in small groups twice a week, and this location has been ideal for them. Carlos has been very supportive of her group and they really need this room for their meetings so she encouraged the Commission to support this application.

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

Commissioner Ensberg asked if a condition could be added that if the applicant does work without permits again, this item would come back to the Commission for review.

Associate Planner Grabow stated both Condition No. 9 and No. 18 require that if any changes are made, this item would have to be reviewed by the Commission again.

Commissioner Ensberg stated he would like language added that stated any unpermitted action or expansion would result in the matter coming back to the Commission for review. He stated with that amendment, he could support the project.

Commissioner Rahi asked if this would be subject to DPRB approval.

Associate Planner Grabow stated it does not because all of the work was interior. If approved, the applicant will proceed with the plan check and permit process through the Building and Safety Division.

Director Coleman stated Condition No. 18 could be modified to state that "Failure to comply with any of the conditions contained herein, including unpermitted construction, shall result in the matter being set for Revocation of Use hearing in accordance with Chapter 18.200 of the San Dimas Municipal Code."

RESOLUTION PC-1454

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 11-09, A REQUEST TO PERMIT AN EXPANSION TO AN EXISTING RESTAURANT BUSINESS, TACO FACTORY, THAT HAS APPROVAL TO SELL BEER AND WINE FOR ON-SITE CONSUMPTION (TYPE 41 LICENSE) LOCATED AT 133 EAST BONITA AVENUE, SUITE 102 (APN: 8387-009-042)

MOTION: Moved by Ensberg, seconded by Bratt to approve Conditional Use Permit 11-09 with the above modification to Condition No. 18. Motion carried 4-0-1 (Davis absent).

ORAL COMMUNICATION

4. **Director of Development Services**
No communications were made.

5. Members of the Audience

No communications were made.

6. Planning Commission

In response to Commissioner Bratt, *Director Coleman* stated the community meeting regarding the Walnut Creek area was very successful with about 85 participants, and it lasted about four hours. He stated there was a lot of audience participation, with a nature preserve being the number one request of what people would like to see in that area. There will be another meeting in the near future, possibly towards the end of November.

In response to Commissioner Rahi, *Director Coleman* stated grading has started on the Lone Hill tract but they had to stop the work to ensure that all the rain prevention measure were in place.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Bratt to adjourn. Motion carried 4-0-1 (Davis absent). The meeting adjourned at 8:27 p.m. to the special joint meeting with the City Council and Planning Commission scheduled for October 19, 2011, at 6:00 p.m. in the Plummer Community Building.

Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: November 16, 2011