



**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**TUESDAY, AUGUST 27, 2013, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVENUE**

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**CITY COUNCIL:**

Mayor Curtis W. Morris  
Mayor Pro Tem Emmett Badar  
Councilmember Denis Bertone  
Councilmember John Ebner  
Councilmember Jeff Templeman

**1. CALL TO ORDER AND FLAG SALUTE**

**2. RECOGNITIONS**

- Recognition of City Swim Team members who represented San Dimas at the Southern California Swimming Championships in La Mirada, California.

**3. ORAL COMMUNICATIONS** (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

**4. CONSENT CALENDAR**

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

(1) **RESOLUTION NO. 2012 - 48**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF AUGUST, 2013.

b. Approval of minutes for regular City Council meeting of August 13, 2013.

c. Bridge Widening, Bikeway Improvements at Foothill Blvd over San Dimas Wash (Federal Project No. BHLS 5367 (013):

- Approval and Authorization for Public Works Director to Negotiate the Appraised Valuation, prepared by Los Angeles County Department of Public Works and Subsequently Process Compensation Payments to the Respective Impacted Property Owners for up to a Total of \$45,000.

d. Summary of San Gabriel Valley Council of Government recent activities

END OF CONSENT CALENDAR

## 5. PUBLIC HEARINGS

*(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony.)*

- a. M.C.T.A. 10-06, A request to modify the reverse/turn around gas station design  
C.U.P. 12-06, Continued off-site sale of beer and wine  
C.U.P. 12-07, Redevelopment of a new gas station  
105 E. Arrow Highway

## 6. PLANNING/DEVELOPMENT MATTERS

- a. Chickens in Residential Zones – Council direction

## 7. OTHER MATTERS

- a. Waste Management verbal report Puente Hills Landfill and green waste – Carolyn Anderson-Corrao

## 8. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five (5) minutes or as may be determined by the Chair.*)
- b. City Manager
  - 1) Meeting dates and times for the Fall City Council/Staff Retreat
    - i. Mondays, October 21 or 28, 5:00 p.m. – 9:00 p.m.
    - ii. Wednesdays, October 23 or 30, 5:00 p.m. - 9:00 p.m.
    - iii. Saturday, October 19, 8:00 a.m. - 12:00 p.m.
- c. City Attorney
- d. Members of the City Council
  - 1) Councilmembers' report on meetings attended at the expense of the local agency.
  - 2) Individual Members' comments and updates.

## 9. ADJOURNMENT

The next meeting is on September 10, 2013 at 7:00 p.m.

**AGENDA STAFF REPORTS:** COPIES OF STAFF REPORTS AND/OR OTHER WRITTEN DOCUMENTATION PERTAINING TO THE ITEMS ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION DURING THE HOURS OF 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. INFORMATION MAY BE OBTAINED BY CALLING (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET:  
<http://www.cityofsandimas.com/minutes.cfm>.

**SUPPLEMENTAL REPORTS:** AGENDA RELATED WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE SUBJECT BODY AFTER DISTRIBUTION OF THE AGENDA PACKET SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AT 245 EAST BONITA AVENUE DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

**POSTING STATEMENT:** ON AUGUST 23, 2013, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 245 EAST BONITA AVENUE (SAN DIMAS CITY HALL); 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE); AND AS A CONVENIENCE, AT THE VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT [WWW.CITYOFSANDIMAS.COM/MINUTES.CFM](http://WWW.CITYOFSANDIMAS.COM/MINUTES.CFM).

**RESOLUTION NO 2013-48**

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN DIMAS, CALIFORNIA, APPROVING  
CERTAIN DEMANDS FOR THE MONTH OF AUGUST 2013

WHEREAS, the following listed demands have been audited by the Director of Finance;  
and

WHEREAS, the Director of Finance has certified as to the availability of funds for  
payment thereto; and

WHEREAS, the register of audited demands have been submitted to the City Council for  
approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas  
does hereby approve Warrant: 08/30/13; (144964 to 145070) in the amount of \$784,301.86.

PASSED, APPROVED AND ADOPTED THIS 27<sup>th</sup> DAY OF AUGUST 2013.

\_\_\_\_\_  
Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

\_\_\_\_\_  
Debra Black, Deputy City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City  
Council of the City of San Dimas at its regular meeting of August 27<sup>th</sup>, 2013 by the following  
vote:

AYES: Councilmembers Badar, Bertone, Ebner, Templeman, Morris  
NOES: None  
ABSTAIN: None  
ABSENT: Badar

\_\_\_\_\_  
Debra Black, Deputy City Clerk



WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
144975	08/30/13	CALIF CONTRACT	CITIE	11385	CCCA MTG 6/27/13	50.00		N D 001.210.001
144976	08/30/13	CBEYOND		12524	#113731/8/7-8/28/13	888.26		N D 001.4190.020.034
						1,488.75		N D 001.4190.020.034
						14008377		
						14009300		
						TOTAL		
144977	08/30/13	CHARLES ABBOTT ASSOC		11523	CONSULTING SERVICES 3,360.00	52619		N D 007.4341.020.002
144978	08/30/13	CHARTER OAK MOBILE H		11850	SEPT RENT-FRIEND #49	162.00		N D 034.341.034
				11850	SEPT RENT-RESCHKE #14	282.00		N D 034.341.034
						TOTAL		
144979	08/30/13	CLARK SECURITY PRODU		11651	WALL STOP, CONCAVE	20.28		N D 001.4411.023.000
144980	08/30/13	COELHO/BECKY		10613	PILATES AUG/13	269.28		M D 001.4420.020.000
144981	08/30/13	COMMUNITY SENIOR SER		10620	CONTRIBUTION	1,500.00		N D 001.4420.013.003
144982	08/30/13	COMMUNITY SENIOR SER		10620	GET ABOUT #63769-868	600.00		N D 072.214.172
					GET ABOUT #63768-868	400.00		N D 072.4125.442.000
						TOTAL		
144983	08/30/13	COMPUTER SERVICE COM		11690	JULY-SIGNAL INTERSE 2,133.00	3864-190		N D 007.4345.020.002
					JULY-STREETLIGHT MAIN 2,504.25	3864-190		N D 007.4341.020.003
						TOTAL		
144984	08/30/13	CORODATA		10678	JULY RECORD STORAGE	89.63		N D 001.4190.019.000
144985	08/30/13	COSTCO MEMBERSHIP		10410	MEMBERSHIP-CITY OF S.	165.00		N D 001.4190.016.000
144986	08/30/13	CPRS		10588	AGENCY MEMBERSHIP	475.00		N D 001.4420.021.000
144986	08/30/13	CPRS		10588	RENEWAL/T BRUNGS	150.00		N D 001.4420.016.000
144986	08/30/13	CPRS		10588	RENEWAL/K DELMON	150.00		N D 001.4410.016.000
144986	08/30/13	CPRS		10588	RENEWAL/S PAPER	150.00		N D 001.4410.016.000
144986	08/30/13	CPRS		10588	RENEWAL/T PAPA	150.00		N D 001.4420.016.000
144986	08/30/13	CPRS		10588	RENEWAL/H FORD SA	150.00		N D 001.4420.016.000
144986	08/30/13	CPRS		10588	RENEWAL/D WARD	150.00		N D 001.4430.016.000
						TOTAL		
144987	08/30/13	CROWNLINE GENERAL CO		10817	ALLEY K RECONSTRUCT 48,288.96	1		M D 012.210.003
					ALLEY K RECONSTRUCT 53,123.56	2		M D 012.210.003
						TOTAL		
144988	08/30/13	CWA & ASSOCIATES INC		11957	REVIEW LIGHTING PLANS	340.00		N D 110.211.834
144989	08/30/13	DAILY BULLETIN		11961	JULY-LEGAL ADVERTIS	1,335.92		N D 001.4120.010.000
144990	08/30/13	DAPEER,ROSENBLIT & L		11960	JULY-M.C.PROSECUTTO 2,292.92	7462		N D 001.4170.020.001





WARRANT DATE VENDOR BANK OF AMERICA

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
145007	08/30/13	GOLDEN STATE WATER	0048120000	10,530.78				N D 008.4414.020.014
145007	08/30/13	GOLDEN STATE WATER	8849370000	722.49				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	770922200000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	709222000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	525293000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	477193000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	426762000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	377593000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	327593000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	277593000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	227593000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	162040000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	159493000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	970040000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	443830000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	180040000000	222.00				N D 008.4414.022.004
145007	08/30/13	GOLDEN STATE WATER	092830000000	222.00				N D 008.4414.022.004
145008	08/30/13	GOLDEN STATE WATER	1825610000	25,075.85				N D 053.4410.022.004
145009	08/30/13	GRATINGER	BATTERY PACK, & CHARG	386.11		9206791841		N D 001.4341.033.000
145010	08/30/13	GUTZKE/NICOLE	REFUND FAMILY CAMPOUT	12.00				N D 001.367.003
145011	08/30/13	HALL'S SIGN COMPANY	ADD PHN TO SIGN	104.50		8073		M D 001.210.001
145012	08/30/13	HI-SHEEN	AUG-JANITORIAL SERVIC	476.50		217		M D 001.4342.020.003
145013	08/30/13	HI-WAY SAFETY INC	CUSTOM SIGN 36X9	122.71		7122		N D 001.4345.033.000
145014	08/30/13	IMC	MEMBERSHIP-D. BLACK	185.00		2515		N D 001.4150.016.000
145015	08/30/13	INFOTOX INC	ASBESTOS INSPECTION	525.00		133178		N D 012.4412.041.001
145016	08/30/13	INLAND EMPIRE	LOS ANGELES ZOO 1,668.75	40966				N D 072.4125.434.000
145017	08/30/13	INLAND OFFICE PRODUC	OFFICE SUPPLIES	236.41		4244		N D 001.4190.030.000
145017	08/30/13	INLAND OFFICE PRODUC	OFFICE SUPPLIES	833.45		840284		N D 001.4190.030.000
145017	08/30/13	INLAND OFFICE PRODUC	OFFICE SUPPLIES	82.62		840295		N D 001.4190.030.000
145017	08/30/13	INLAND OFFICE PRODUC	CLIPBOARD, PAPER	96.21				N D 001.4190.030.000
145018	08/30/13	INLAND VALLEY HUMANE	SEPT/13 HUMANE SOC 10,539.33					N D 001.4210.413.000
145019	08/30/13	IRWINDALE INDUSTRIAL	PHYSICAL EXAM	85.00		104393-483908		N D 001.4150.433.000
145020	08/30/13	L.A. COUNTY ASSESSOR	JUNE-MAPS	12.00		P13ASRE370		N D 001.210.001
145021	08/30/13	L.A. COUNTY SHERIFF	JULY-CONTRACT SER	20,027.42		140038NH		N D 001.4210.020.015
145021	08/30/13	L.A. COUNTY SHERIFF	JULY-CONTRACT SER	330,886.00		140038NH		N D 001.4210.020.006
145021	08/30/13	L.A. COUNTY SHERIFF	JULY-CONTRACT SER	18,987.33		140038NH		N D 001.4210.020.012

\*CHECK TOTAL

\*CHECK TOTAL

WARRANT BANK OF AMERICA  
 DATE 08/30/13  
 VENDOR L.A. COUNTY SHERIFF  
 DISBURSEMENT JOURNAL

1450021	08/30/13	L.A. COUNTY SHERIFF	14307	JULY-CONTRACT SERV 18	997.33		CLAIM	INVOICE	PO#	F 9 S	ACCOUNT	DIMAS
1450021	08/30/13	L.A. COUNTY SHERIFF	14307	JULY-CONTRACT SERV 16	872.03			140038NH			001.4210.020.014	021
1450021	08/30/13	L.A. COUNTY SHERIFF	14307	JULY-CONTRACT SERV 16	872.03			140038NH			001.4210.020.014	008
1450021	08/30/13	L.A. COUNTY SHERIFF	14307	JULY-CONTRACT SERV 16	872.03			140038NH			001.4210.020.014	016
1450021	08/30/13	L.A. COUNTY SHERIFF	14307	JULY-CONTRACT SERV 454	317.33			140038NH			001.4210.020.014	014
1450022	08/30/13	LA VERNE POWER EQUIP	11666	CHISEL CHAIN, SHARPEN S	55.79			31851			001.4414.015.000	000
1450023	08/30/13	LAPRD	10855	REGISTER-AQUATIC SCHD	150.00			10/23-23/13			001.4420.021.000	000
1450024	08/30/13	LEDESMA-LOZANO/GILBE	.00001	REFUND DEPOSIT	500.00						001.210.001	000
1450025	08/30/13	LOS ANGELES NEWSPAPE	11087	JULY-EMPLOYMENT ADV	651.50			0000128577			001.4150.010.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	GLUE DENATURED ALCOHO	18.57			020324			001.4341.023.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	4X8 PAN	24.02			020324			001.4341.023.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	25LV GFCI ROLLER PAINT	52.73			020324			001.4341.023.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	PORTER CABINET HEAT GUN	24.02			020324			001.4341.023.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	OUTDOOR DEPT SET	120.07			020324			001.4341.023.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	DECK PROMISE SEAL, GROUT	22.83			020324			001.4341.023.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	HIGH GLOSS WIPES	22.83			020324			001.4341.023.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	PRIMARY WIPES	22.83			020324			001.4341.023.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	TOILET	10.93			020324			001.4341.023.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	RETURN/CONCAVE COMML	10.93			020324			001.4341.023.000	000
1450026	08/30/13	LOWE'S HOME IMPROVEM	104779	BHK 20-CT LAG SHIELD	44.13			020324			001.4341.023.000	000
1450027	08/30/13	MARSAN TURE & TRRIGA	14540	TRRIG SUPPLIES	59.19			379409			001.4414.033.000	000
1450027	08/30/13	MARSAN TURE & TRRIGA	14540	TRRIG SUPPLIES	20.22			379409			001.4414.033.000	000
1450027	08/30/13	MARSAN TURE & TRRIGA	14540	TRRIG SUPPLIES	20.22			379409			001.4414.033.000	000
1450027	08/30/13	MARSAN TURE & TRRIGA	14540	TRRIG SUPPLIES	42.75			379409			001.4414.033.000	000
1450028	08/30/13	MATHISEN OIL COMPANY	14565	GASOLINE REG DIESEL FUEL	3,713.10			8113076			001.4342.011.001	001
1450029	08/30/13	MC LAY SERVICES INC	14580	JULY-PREVENT MAINT AG	105.00			5001			001.4410.023.000	000
1450029	08/30/13	MC LAY SERVICES INC	14580	JULY-AUG PREVENT MAINT	208.00			5002			001.4410.015.000	000
1450029	08/30/13	MC LAY SERVICES INC	14580	JULY-AUG PREVENT MAINT	120.00			5003			001.4410.023.922	000
1450029	08/30/13	MC LAY SERVICES INC	14580	JULY-AUG PREVENT MAINT	100.00			5003			001.4410.015.000	000
1450030	08/30/13	MCKENNA LONG & ALDRIT	12315	JULY-CITY SPEC PROJ 1	512.00			898248			001.2112.824.502	002
1450030	08/30/13	MCKENNA LONG & ALDRIT	12315	JULY-CITY SPEC PROJ 2	346.50			898248			001.2112.851.502	002
1450030	08/30/13	MCKENNA LONG & ALDRIT	12315	JULY-CITY SPEC PROJ 2	346.50			898248			001.2112.851.502	002

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
145030	08/30/13	MCKENNA LONG & ADDRI	JULY-VND LTD	1,165.50		898250		M D 001.4170.020.000
145030	08/30/13	MCKENNA LONG & ADDRI	JULY-VCH DEVELOPMENT	473.50		898251		M D 001.4170.020.000
145030	08/30/13	MCKENNA LONG & ADDRI	JULY-GROVE STATION	795.00		898252		M D 001.4170.020.000
145030	08/30/13	MCKENNA LONG & ADDRI	JULY-GENERAL RETAIN	500.00		898253		M D 001.4170.020.000
145031	08/30/13	MEDIAVAL TIMES	7/17 FAMILY EXCURSI	1,892.00		49153		M D 001.4420.034.002
145032	08/30/13	MENDOZA/RICK	PROFESSIONAL DJ	1,125.00		000298		M D 110.213.148
145033	08/30/13	NEXTEL COMMUNICATION	7/4-8/3/2013 #65608	1,360.74		656087319-140		N D 001.4190.022.003
145034	08/30/13	ONTARIO REFRIGERATIO	AUG-MAINTENANCE AGR	998.00		138428		N D 001.4412.015.000
145034	08/30/13	ONTARIO REFRIGERATIO	AUG-MAINTENANCE AGR	658.00		138429		N D 001.4411.015.000
145035	08/30/13	PACIFIC PARK	7/25 TEEN TRIP W/MEAL	551.00		0000013963		N D 001.4420.034.002
145036	08/30/13	PEERLESS MATERIALS C	CLEANING RAGS	57.50		32868		N D 001.4410.031.000
145036	08/30/13	PEERLESS MATERIALS C	TURKISH TOWELS	57.78		32868		N D 001.4411.031.000
145037	08/30/13	PEREZ/LUCY	REFUND DEPOSIT	115.28				N D 001.4411.031.000
145037	08/30/13	PEREZ/LUCY	REFUND DEPOSIT	500.00				N D 001.210.001
145038	08/30/13	PHOENIX GROUP INFORM	JULY CITATIONS	1,070.26		72013188		N D 001.4210.411.000
145039	08/30/13	PLUMBING WHOLESALE O	FAUCET, COVER KIT	285.49		866776		N D 001.4411.033.000
145040	08/30/13	RADIANT WATER INC	SEPT/13 SOFT WATER	25.00				N D 001.4430.019.000
145041	08/30/13	RAHI/M. YUNUS	RAHI 7/18 MTG	50.00				M D 001.4309.021.001
145041	08/30/13	RAHI/M. YUNUS	RAHI/MEETING 8/15	100.00				M D 001.4309.021.001
145042	08/30/13	REIMER/KATYA	INSTR SUNSHINE GEN	315.00				M D 001.4420.020.000
145043	08/30/13	RESERVE ACCOUNT	SEPT/13 POSTAGE BY	1,500.00				N D 001.4190.017.000
145044	08/30/13	RICOH USA, INC	JULY-IMAGES #3352753	17.20		5027047474		N D 001.4190.015.000
145045	08/30/13	RIGHT OF WAY INC	TRAFFIC PLAN-WESTERN	190.00		11226		N D 001.4345.020.001
145045	08/30/13	RIGHT OF WAY INC	ATM/DETOUR 24X24	274.63		11226		N D 001.4345.033.000
145046	08/30/13	SAN DIMAS CHAMBER OF	SEPT/13 PROMOTIONAL	3,750.00				N D 001.4190.010.003
145047	08/30/13	SAN DIMAS HARDWARE I	SIMPLE GREEN	16016		32521155817		N D 001.4414.033.000
145047	08/30/13	SAN DIMAS HARDWARE I	UTIL KNIFE SAND	16016		32521155817		N D 001.4414.033.000
145047	08/30/13	SAN DIMAS HARDWARE I	DIETITIAN	16016		32521155817		N D 001.4414.033.000
145047	08/30/13	SAN DIMAS HARDWARE I	EXTRACTOR, BOLLIS	16016		32521155817		N D 001.4414.033.000

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Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
145056	08/30/13	TAYLOR/TANYA	16558 REIMB SUPPLIES 7/16&	198.85				N D 001.4420.033.000
145057	08/30/13	TECS ENVIRONMENTAL C	16570 JULY-NPDES SERVICES	300.00		SNDMS-0813		N D 001.4341.024.020
145058	08/30/13	TUCKER & SON INC/ J	16700 HAT WITH RATCHET	47.84		80861		N D 001.4414.033.000
145058	08/30/13	TUCKER & SON INC/ J	16700 RESPIRATOR/VALVE	318.50		80871		N D 001.4414.033.000
145058	08/30/13	TUCKER & SON INC/ J	16700 GLOVES, VEST	47.52		80891		N D 001.4414.033.000
				413.86		TOTAL		N D 001.4414.033.000
						*CHECK TOTAL		
145059	08/30/13	UNITED ROTARY BRUSH	15805 M/B MAT'L KIT/RECONDI	409.45		276538		N D 001.4342.011.002
145060	08/30/13	VERIZON	10469 AUG-HI SPEED INTERNET	49.99				N D 001.4190.020.034
145061	08/30/13	VERIZON CALIFORNIA	17164 909 592-0732	102.94				N D 001.4411.022.003
145062	08/30/13	WALCZAK/BEVERLY	17178 INSTRUC T KARATE AUG/1	622.44				M D 001.4420.020.000
145063	08/30/13	WALCZAK/JEROME	17180 INSTRUC T KARATE AUG/1	622.44				M D 001.4420.020.000
145064	08/30/13	WALTERS WHOLESALE EL	10860 LIGHT BULBS	469.74		2370787-00		N D 001.4414.033.000
145065	08/30/13	WATER STUDIO INC	10851 PLACEMENT LENS	64.38		7076		N D 001.4410.015.000
145066	08/30/13	WATERLINE TECHNOLOGI	10242 HYPOCHLORITE SOLUTION	368.25		5246479		N D 001.4430.033.000
145066	08/30/13	WATERLINE TECHNOLOGI	10242 SODIUM HYPOCHLORITE	64.75		5246714		N D 001.4430.033.000
145066	08/30/13	WATERLINE TECHNOLOGI	10242 HYPOCHLORITE SOLUTION	303.89		5246715		N D 001.4430.033.000
145066	08/30/13	WATERLINE TECHNOLOGI	10242 HYPOCHLORITE SOLUTION	404.00		5247250		N D 001.4430.033.000
145066	08/30/13	WATERLINE TECHNOLOGI	10242 HYPOCHLORITE SOLUTION	257.41		5247482		N D 001.4430.033.000
145066	08/30/13	WATERLINE TECHNOLOGI	10242 HYPOCHLORITE SOLUTION	332.49		5247982		N D 001.4430.033.000
				1,736.79		TOTAL		N D 001.4430.033.000
						*CHECK TOTAL		
145067	08/30/13	WESTERN ENVIRONMENTA	10319 JULY-WASH RACK PIT	400.00		18906		N D 001.4341.028.000
145068	08/30/13	WHORTON/STAN	10856 FORFEIT FEE GAME 9/8/1	20.00				N D 001.367.003
145069	08/30/13	WKE INC	10574 BRIDGE WIDEN/BIKWA 5,	139.94		16		N D 012.210.001
145070	08/30/13	ZALLO/ROBERT W	12267 INSTRUC TAI CHI AUG/13	97.92				M D 001.4420.020.000
			TOTAL	784,301.86				

BANK OF AMERICA

TOTAL

784,301.86

ACS FINANCIAL SYSTEM  
08/21/2013 13:28:35  
WARRANT DATE VENDOR  
REPORT TOTALS:

Disbursement Journal  
DESCRIPTION AMOUNT  
784,301.86

CLAIM INVOICE

PO#

F 9 S ACCOUNT

CITY OF SAN DIMAS  
GIS40R-V07.23 PAGE 10

RECORDS PRINTED - 000307

FUND RECAP :

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL FUND	582,948.96
003	WALKER HOUSE LLC FUND	47,671.22
007	CITY WIDE LIGHTING DISTRICT	39,745.00
008	LANDSCAPE PARCEL TAX	62,688.05
012	INFRASTRUCTURE REDEVELOPMENT	3,444.17
020	COMMUNITY PARK DEVELOPMENT	7,886.00
027	CIVIC CENTER PARKY 2-1-12	2,771.77
034	HOUSING AUTHORITY 2-1-12	2,771.77
038	SUCCESSOR AGENCY CG 2-1-12	3,267.77
072	GOLF COURSE MAINT & OPERATION	3,811.13
075	PROP A LOCAL TRANSPORTATION	
110	LANDSCAPE MAINTENANCE DIST	
	TRUST AND AGENCY	
	TOTAL ALL FUNDS	784,301.86

BANK RECAP :

BANK	NAME	DISBURSEMENTS
CHEK	BANK OF AMERICA	784,301.86
	TOTAL ALL BANKS	784,301.86



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**TUESDAY, AUGUST 13, 2013, 7:00 P.M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVENUE**

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**CITY COUNCIL:**

Mayor Curtis W. Morris  
Mayor Pro Tem Denis Bertone  
Councilmember John Ebner  
Councilmember Jeff Templeman

City Manager Blaine Michaelis  
City Attorney Ken Brown  
Assistant City Manager Community Development Larry Stevens  
Assistant City Manager Administrative Services Ken Duran  
Director of Park and Recreation Theresa Bruns  
Director of Public Works Krishna Patel  
Deputy City Clerk Debra Black

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order at 7:08 p.m. and led the flag salute.

**2. PRESENTATIONS**

1. Kelly Middleton – San Gabriel Valley Mosquito Vector Control gave an update on the West Nile Virus and the Asian Tiger Mosquito
2. Ben Lewis – Golden State Water gave an update on communications and rate increases for the customers
- 3.

Councilmember Templeman asked why San Dimas pays so much more than a city with its own municipal water.

Mr. Lewis answered that it isn't the ownership as much as it is the availability. 60 % of San Dimas' water is imported, whereas Glendora is closer to basins and does not have to import.

- 3. ORAL COMMUNICATIONS** (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

- a. Members of the Audience

Amy Crow Acting Library Manager acknowledged all of the teen volunteers for the summer programs and announced the upcoming activities planned at the library.

Gary Enderle with the HEROES organization provided Council with an update on the next phase of the Veterans Memorial.

#### 4. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council or citizen requests removal for separate discussion.)

It was moved by Councilmember Bertone, seconded by Councilmember Templeman and carried to accept, approve and act upon the consent calendar, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
  - (1) **RESOLUTION NO. 2012-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JULY AND AUGUST, 2013.**
- b. Approval of minutes for the regular City Council meeting of July 23, 2013 and Study Session of July 23, 2013
- c. Deny claim for Virginia Carlson
- d. Approval of Annual Statement of Investment Policy
- e. Update Regarding the National Pollutant Discharge Elimination System (NPDES) Permit
  1. Approval of the Memorandum of Understanding outlining the administrative and cost sharing agreement for the development of the East San Gabriel Valley Watershed Management Program (“WMP”) Plan and Coordinated Integrated Monitoring Plan (“CIMP”) with the Cities of Claremont, La Verne, and Pomona.
  2. Appropriation of an additional \$95,000 from the Reserves to supplement the budgeted \$50,000 in General Funds for preparation and the development of a collaborative WMP and CIMP with the Cities of Claremont, La Verne, and Pomona.

At the request of Councilmember Bertone, Public Works Director Krishna Patel gave a brief review of the permit requirements and processes on the NPDES.

Councilmember Bertone asked about Bonelli Park and why Los Angeles County was not part of our agreement.

Director Patel answered that Bonelli Park is in part of our jurisdiction in terms of the watershed; also our jurisdiction has very little County area.

- f. Hardscape and Landscape Improvements between County Library and Community Building
  - (1) Appropriate \$10,000 from the General Funds as City’s share of contribution to fund and complete the necessary repairs and improvements
  - (2) Approval to supervise and coordinate City contractors work within County’s jurisdiction
- g. Approval to reallocate \$20,000 earmarked in Fiscal Year 2012-2013 budget for Inspection Services for Cash Contract 2013-02 Alley Reconstruction - Alley K to Fiscal Year 2013-2014
- h. Renewal of Cash Contract No. 2012-01, Pavement Preservation Slurry Project – to Doug Martin Contracting Co., Inc. in the amount of \$350,000.00
- i. Summary of San Gabriel Valley Council of Government recent activities

END OF CONSENT CALENDAR

## 5. OTHER MATTERS

- a. Request from Christ Church of the Valley for street closure of Covina Blvd. October 31, 2013 from 1:00 p.m. to 10:00 p.m. for a Halloween Event

Assistant City Manager Ken Duran presented staff's report on this item and recommended approval.

Councilmember Bertone asked who pays for the Reserve Deputies for the event.

Assistant City Manager Duran responded the Deputies are volunteers so there is no cost to City or Sheriff's Department.

Motion: A motion was made by Councilmember Bertone, seconded by Councilmember Templeman to approve the request for street closure of Covina Blvd. The motion passed unanimously.

## 6. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five (5) minutes or as may be determined by the Chair.*)

Dr. Marvin Ersher spoke on alternate possibilities for M.C.T.A. and A.P. Zone Uses

- b. City Manager

Announcement regarding community based programs and classes provided on how to produce programs.

- September 9, 16, 23 and 30, 2013, Mondays 7:00 p.m. at University of La Verne

Walker House update – no answer yet on the disposition of the property. Restaurant operators are interested and suggest convening the subcommittee and start the RFP process.

Mayor's call in show August 15, 2013, 7:00 p.m.

- c. City Attorney

Nothing to report

- d. Members of the City Council

- 1) Discussion regarding direction to initiate a Municipal Code Text Amendment for the A-P zone providing Congregate Living Health Facilities or something similar as a conditionally permitted use, and prohibiting residential rehabilitation facilities for drug, alcohol, (etc.) that are not controlled by state law.

Councilmember Ebner shared that he thought the Council should look at changes that would make it clearer as to what the types of uses would be. He went on to say that staff could come up with some categories that would be permissible.

Mayor Morris stated that efforts had been made to try to determine all of the permitted uses and it became difficult to make the distinctions between similarly typed businesses. He continued by saying since then the City has moved to a system where all of our zones have the same classification of use and every possibility doesn't have to be thought of.

Councilmember Templeman expressed that we should find a way to prohibit undesirable uses in the community.

Assistant City Manager Stevens responded that staff's intention is to constrain through the Conditional Use Permit various types of undesirable changes. Most of these changes could be addressed through this process. He added that the difficulty in generally prohibiting some of the types of uses is running into fairness and equity issues.

Councilmember Ebner expressed that he would like to have this type of discussion and report based on what other cities are doing.

Councilmember Templeman recommended letting staff have an opportunity to think it through and have a discussion on the methodology at the fall retreat.

2) Verbal Report on National Recreation Area – Mayor Pro Tem Denis Bertone

Councilmember Bertone reported on a bill that would make much of the San Gabriel Valley area a national recreation area. Congresswoman Judy Chu to introduce legislation to include the foothills of San Dimas.

3) Councilmembers' report on meetings attended at the expense of the local agency.

Nothing to report

4) Individual Members' comments and updates.

5) Appointments and reappointments to City Commissions.

a) Appointments to the Senior Commission

A motion was made by Councilmember Bertone and seconded by Councilmember Ebner to appointment Maurice Kane, Kathy Jo Nolan, James Rowe, Corazon Soriano and Wayne Tennille. Motion carried unanimously.

b) Appointment to the Public Safety Commission

A motion was made by Councilmember Bertone and seconded by Councilmember Templeman to appointment Vern Van Voorst. Motion carried unanimously.

c) Reappointments to the Planning Commission

A motion was made by Councilmember Templeman and seconded by Councilmember Ebner to reappoint David Bratt, Steven Ensberg and Yunus Rahi. Motion carried unanimously.

## 7. ADJOURNMENT

Councilmember Templeman adjourned the meeting in memory of San Dimas resident Ken Panozzo who served on both the Senior and Public Safety Commissions and was instrumental in the work on the Mobile Home Accord.

The meeting adjourned at 8:38 p.m. The next meeting is 7:00 p.m., August 27, 2013.

Respectfully submitted,

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Debra Black, Deputy City Clerk



# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the meeting of **August 27, 2013***

**From:** Krishna Patel, Public Works Director 

**Subject:** **Bridge Widening, Bikeway Improvements at Foothill Blvd over San Dimas Wash (Federal Project No. BHLS 5367 (013):**

- **Approval and Authorization for Public Works Director to Negotiate the Appraised Valuation, prepared by Los Angeles County Department of Public Works and Subsequently Process Compensation Payments to the Respective Impacted Property Owners for up to a Total of \$45,000.**

## Summary

*With the completion of the appraisal report provided by Los Angeles County Department of Public Works consultant, Staff requests approval of the appraised valuation and payments to the respective property owners when required. Staff also requests that Council delegate authority to the Public Works Director to increase the values for temporary construction easements, in the event the construction process causes a delay past the anticipated construction date of April 2014. As previously indicated, additional Right of Way and construction easements are required in conjunction with the proposed improvement to alleviate the bottleneck at San Dimas Wash on Foothill Blvd.*

## BACKGROUND

In April 2011, the City was awarded \$2.4 million by the Federal Highway Bridge Program (HBP) to widen Foothill Blvd over the San Dimas Wash. The widening will accommodate sidewalks and 5 foot bike lanes in both directions, as well as 4 lanes, for a total width of 96 feet plus barriers. Due to the high skew and wash alignment curvature, the project will include widening the approach roadway approximately 450 feet on the south approach and 300 feet on the north approach. The project will also include abandonment of the partially buried three-span 1928 bridge.

On April 24, 2013 the City received an authorization to proceed (E76) with Right of Way (ROW) acquisitions. ROW is necessary to obtain permanent and temporary construction easements. Following authorization and Council's approval to proceed, a service order request was submitted to the County. In accordance with the service order request, the County's Department of Public Works has prepared requisite documents for the City in order to acquire certain real property rights for the Foothill Boulevard Bridge Widening Project. This Project will affect portions of real property owned by the Los Angeles County Flood Control District (District) as well as two (2) private parties (Starberry Farms and San Dimas Equestrian Center). In order to construct this Project, the City will require permanent easements from the District for public street purposes and an estimated nine month temporary construction easements from the two (2) private parties.

As Council is aware, this is a Federal project and by law all affected parties have the right to receive an appraisal of the fair market value of the permanent and temporary easement rights over their real property that are necessary for the project. Accordingly, the County has arranged for the preparation of an Appraisal Report to determine the value of the affected parties' real property.

## ANALYSIS

Considering that the bulk of the major permanent improvements require substantial easements, coordination, and approvals from both Flood Control and County Board of Supervisors; Staff retained the services of the County Department of Public Works (DPW) to carry out the real property acquisition that is necessary for the

project. The County retained the consulting services of Mason and Mason to provide an appraisal report that provides a value based compensation for the required permanent and temporary construction easements as part of Foothill Boulevard at San Dimas Wash Bikeway improvement project that that's in compliance with all the Federal regulations and requirements for ROW acquisitions.

Staff has reviewed the appraisal report prepared by Mason and Mason for the Improvement Project. Considering all federal procedures and guidelines were followed we agree with the resulting recommendations in the report with the following reservations:

In principle (as indicated previously) because right-of-way is already burdened with an underlying channel structure that is of no functional use it is staff's opinion that right-of-way structure should result in a nominal evaluation. Therefore Mason and Mason have discounted land value for permanent easements by 50%.

However, understanding federal regulations and process requirements, with the evaluation provided by Mason and Mason we must move forward unless we are able to find some amicable solution to lessen the burden of the right-of-way to be more financially responsible while continuing progression in the process. The total appraisal for the impacted properties is \$35,900,

#### Next Steps

Following completion and approval of the appraisal report Staff will move forward and pursue ROW Certification from Caltrans. Upon Caltrans certification which is a two-month review and approval process (at minimum), we can file for authorization to proceed (E76) and obtain funding for the Construction Phase, which is an additional three-month process, at minimum. Considering this timeline, our goal is to complete ROW filing no later than October 1<sup>st</sup>. Subsequently file for Construction funding by December, with the intent to start construction in April 2014.

Based on the anticipated start date, the projected nine month temporary construction easements process has to begin in April 2014 and end in December 2014, as this is the period designated by the formal temporary construction easements documents and the just compensation due for this construction inconvenience is determined accordingly by the appraiser. In the event of unforeseen delays in obtaining timely approvals from Caltrans the anticipated construction date may be deferred resulting in an extension of the nine month temporary construction easements and additional compensation to the property owners for the extended usage of the easement.

Rather than possibly having to reappraise the properties, which may cost more than the actual savings, we are moving forward with the process and accepting the appraisal. At the same time staff request Council consideration to authorize up to \$45,000 (\$35,900 plus additional temporary easement extension costs) for any additional compensation for extension of temporary construction easements. While we do not anticipate the additional easement extensions but would like to be prepared should a delay in initial construction activities require such additional easement time and cost.

#### **RECOMMENDATION**

Staff recommends that for the *Bridge Widening, Bikeway Improvements at Foothill Blvd over San Dimas Wash (Federal Project No. BHLS 5367 (013))*, Council considers the following:

- Approval and Authorization for Public Works Director to Negotiate the Appraised Valuation, prepared by Los Angeles County Department of Public Works and Subsequently Process Compensation Payments to the Respective Impacted Property Owners for up to a total of \$45,000.

Respectfully Submitted,



Krishna Patel  
Director of Public Works



# San Gabriel Valley Council of Governments

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Date: August 7, 2013  
To: Governing Board Delegates and Alternates  
From: Andrea Miller, Executive Director  
**RE: JULY 2013 GOVERNING BOARD MEETING HIGHLIGHTS**

Below please find a summary of the major action items at the July 18, 2013, Special Meeting of the Governing Board. This should be used to provide an update to your colleagues regarding recent SGVCOG activities.

## **NATIONAL RECREATION AREA AD-HOC COMMITTEE**

In April 2013, the National Park Service (NPS) transmitted its final San Gabriel Watershed and Mountains Special Resource Study to the Secretary of the Interior. This study recommended the creation of a National Recreation Area (NRA) in the San Gabriel Valley as a unit of the existing Santa Monica Mountains NRA and that did not include the Angeles National Forest in the NRA.

Following the release of the NPS's Special Resource Study, the San Gabriel Mountains Forever (SGMF) Campaign developed an alternative proposal to the NPS's recommendation. The SGMF's proposal was presented at the June Governing Board Meeting. Their proposal recommends the creation of a San Gabriel Valley NRA that is separate from the Santa Monica Mountains NRA and that includes the Angeles National Forest. The SGVCOG had previously submitted a comment letter to the NPS in support of Alternative D, which was developed by Rivers and Mountains Conservancy (RMC) staff and included the Angeles National Forest. The SGMF is also recommending that a Wilderness and Wild & Scenic Designation be created for areas along the San Gabriel River. Maps showing the NPS recommendation, the SGMF proposal and Alternative D can be found here: <http://bit.ly/13vCrOO>.

An NRA is created by federal law, so legislation defining the boundaries, operations and management of the NRA must be passed by Congress and signed by the President. The legislation will define the boundaries, what is and is not allowed in the proposed NRA, and any specific protections.

Congresswoman Judy Chu has indicated her intent to sponsoring the legislation. Congresswoman Chu must consider all of the proposals that have been put forward – including the NPS recommendation, the SGMF proposal and any other proposals – and decide what to propose in legislation. Congresswoman Chu’s staff has indicated that the Congresswoman is still soliciting feedback from stakeholders and has not yet crafted the legislation that will define the boundaries of the NRA. Ultimately, Congressional legislation will dictate the boundaries of and other protections allowed to the NRA.

On July 30, 2013, the SGVCOG held a workshop at the San Dimas City Hill, which provided further detail on the NPS proposal and the SGMF proposal. The event also featured presentations from the San Gabriel Valley Water Association, which has developed a principle paper defining its requests for the proposed legislation, RMC Executive Director Mark Stanley, and staff from Congresswoman Judy Chu’s Office and Senator Barbara Boxer’s Office. Over 100 people attended this meeting, including representatives from at least 20 of the COG’s member agencies – including 14 Council Members – and representatives from businesses, chambers of commerce, and school districts across the region. There was also extensive discussion on the SGMF’s proposal to include a Wilderness and Wild & Scenic Designation in the legislation creating an NRA. Links to the presentations at the July 30 meeting can be found below:

Presentation: [http://www.sgvkog.org/documents/FinalWorkshopPres7\\_30.pdf](http://www.sgvkog.org/documents/FinalWorkshopPres7_30.pdf)

National Recreation Area Map: <http://tinyurl.com/lya8yt2> (requires download of Microsoft Silverlight) or <http://bit.ly/13vCrOO>

Wilderness and Wild & Scenic Designation Map: <http://tinyurl.com/pdzhsmd> (requires download of Microsoft Silverlight) or <http://bit.ly/13vF6rH>

The SGVCOG will be working to ensure the interests of the SGVCOG and its member agencies are represented in any legislation that is put forward regarding the NRA. The EENR Committee recommended that the Governing Board form an NRA Ad-Hoc Committee to develop a white paper outlining the SGVCOG’s position on several issues related to the proposed NRA. These include the proposal to form an NRA and specific protections – including water rights and land rights – requested in any legislation. The NRA Ad-Hoc Committee will also consider whether it supports including a Wilderness and/or Wild & Scenic designation for identified open space areas in the San Gabriel Valley.

The following Governing Board members, City Council Members, and member agency representatives were appointed to serve on this committee:

- ✓ Angel Carrillo, City of Azusa
- ✓ Sam Pedroza, City of Claremont
- ✓ John Fasana, City of Duarte
- ✓ Andre Quintero, City of El Monte
- ✓ Judy Nelson, City of Glendora

- ✓ Mary Ann Lutz, City of Monrovia
- ✓ Margaret Clark, City of Rosemead
- ✓ Denis Bertone, City of San Dimas
- ✓ Nancy Walsh, City of Sierra Madre
- ✓ Michael Cacciotti, City of South Pasadena
- ✓ Teresa Villegas, LA County Supervisorial District #1
- ✓ Dickie Simmons, LA County Supervisorial District #4
- ✓ Edel Vizcarra, LA County Supervisorial District #5
- ✓ Tony Zampiello, SGV Water Districts

**Motion: The Governing Board voted to ratify the formation of and approve appointments to the National Recreation Area (NRA) Ad Hoc Committee to develop related to the SGVCOG’s position on the following: 1) the proposal to form an NRA in the San Gabriel Valley and any related legislation, and 2) the proposal to seek a Wilderness and/or Wild & Scenic designation for identified open space areas in the San Gabriel Valley.**

If any other Governing Board or City Council Member is interested in serving on this ad-hoc committee, please contact the COG offices at [sgv@sgvcog.org](mailto:sgv@sgvcog.org).

The first meeting of the ad-hoc committee will be held as follows:

**Date:** Monday, August 12  
**Time:** 6:00 p.m.  
**Location:** El Monte Community Center  
 3130 Tyler Ave.  
 El Monte, CA

Anyone interested is welcome to attend.

**SGVCOG ONGOING CONTRACTS FOR PROFESSIONAL SERVICES**

At the July meeting, there was an overview of the SGVCOG’s various multi-year contracts for professional services. Currently, the SGVCOG has five agreements in place for the following services:

- Accountant/Treasurer
- Annual Executive Director Evaluation
- Financial Audit
- General Counsel (Legal)

- Strategic Planning

Two of these contracts, legal services and financial audit services, are scheduled to expire during FY 2013-14.

The contracts were reviewed at the July City Managers' Steering Committee, and there was a recommendation to establish a review and evaluation process for on-going professional services and that any contracts that are recommended to be re-bid be done following adoption of a procurement and purchasing policy, which is currently under development.

**The Governing Board directed staff to review all existing contracts and make recommendations regarding the procurement of these contracts, as needed. Staff will also present a draft procurement policy to the Governing Board at its August meeting.**

#### **MTA BOARD STAFF SUPPORT**

The Los Angeles County Metropolitan Transportation Authority (LACMTA) Board of Directors includes one member appointed by the City Selection Committee to represent the San Gabriel Valley as the San Gabriel Valley Council of Governments (SGVCOG) representative. John Fasana (Duarte) currently serves in this role.

The LACMTA recognizes the need for the SGVCOG representative to have staff support to perform the duties of a Board Member. Previously, the support services were provided by an LACMTA employee, and the salary and benefit costs related to the position were shared between the agencies.

From 2001 to December 30, 2012, when she retired from her position with the LACMTA, Mary Lou Echternach provided transportation support services to Mr. Fasana, in his role as an LACMTA Director. LACMTA has been transitioning away from utilizing LACMTA employees to provide these services. With Ms. Echternach's retirement, LACMTA proposes to provide funding on an annual basis to the SGVCOG, which would then be responsible for providing the support to Mr. Fasana.

The SGVCOG received a proposed Memorandum of Understanding (MOU) with the LACMTA. Under the terms of this MOU, the SGVCOG and Board Member would be responsible for selecting, employing, compensating and overseeing the work of the employee responsible for providing the support services. LACMTA would reimburse the SGVCOG in an amount not to exceed the contract costs – if using consultant services – or the salary and benefit costs – if using an employee – plus an administrative fee of 3 percent of the actual costs. Currently, the total reimbursement from LACMTA would not exceed \$83,337.50 in the first 12 months. The

SGVCOG would be paid in 12 monthly installments. The term of the MOU would be from July 1, 2013, and expire on June 30, 2017, unless earlier terminated by mutual written agreement.

Ms. Echternach is interested in continuing to provide support to Mr. Fasana with the LACMTA, and Mr. Fasana has expressed his interest in retaining her services. She provided an agreement, and, under the terms of this Agreement, Ms. Echternach would be an independent contractor and would not be an employee of the SGVCOG. She would be compensated monthly in the amount of \$8,333.30, or \$100,000 annually. The SGVCOG would be responsible for funding the remaining \$16,662.50 in costs, which reflects the difference between the \$83,337.50 in funding to be provided by the LACMTA and the costs of the Consultant. The term of the Agreement as proposed by Ms. Echternach would be through July 31, 2014.

The Governing Board clarified several questions related to complying with independent contractor status and the new requirements related to pension reform law.

Ms. Echternach would be responsible for attending LACMTA and other related meetings, reviewing and analyzing LACMTA reports, memoranda, and other written materials to assist the Director in making informed decisions on policies, coordinating with the SGVCOG to gather relevant feedback, recommend actions and strategies for successful passage of policy items, preparing correspondence and reports for and on behalf of the Director, providing liaison services to facilitate communication, preparing monthly newsletters, review and monitoring state legislation and assist with other projects, events and activities as required.

**Motion: There was a motion to approve the contract with Ms. Mary Lou Echternach.**

#### **GOVERNING BOARD MEETING LOCATION AND COMMUTE SURVEY**

-  
At its June 2013 meeting, the Governing Board directed staff to survey all member agency representatives regarding their commutes and time constraints that impact their participation in monthly Board meetings. The goal was to increase participation in the meetings. A total of 35 individuals responded to the survey. In addition to the commute survey, the Governing Board directed staff to query City Managers regarding facilities that would be available to host the monthly Governing Board meeting.

Based on the commute survey responses, the offers submitted by cities to host the monthly meeting, and the preference for a fixed meeting location, staff recommended that the Governing Board direct staff to coordinate with the City of Rosemead to secure a location at the Garvey Community Center for the regular meetings of the Governing Board. Several Board members expressed concern about noise from classes being held in nearby rooms at the Garvey Center and directed SGVCOG staff to work with the City of Rosemead to ensure class noise would not be an issue and an adequate number of microphones would be available.

**The Governing Board directed staff to coordinate with the City of Rosemead regarding use of the Garvey Center to ensure that the agency's concerns were addressed. The Governing Board also directed staff to survey members to identify the optimal start time.**

## **NINTH ANNUAL LEADERSHIP AWARDS RECEPTION**

Following the Governing Board Meeting, the SGVCOG held its Ninth Annual Leadership Awards Reception, recognizing those individuals in the On July 18, 2013, the San Gabriel Valley Council of Governments held its 9th Annual Leadership Awards Reception at the San Gabriel Hilton, acknowledging those individuals and groups that have worked to improve the quality of life for the 2 million residents of the San Gabriel Valley. The COG was proud to present the following nine awards to Governing Board members, members of Congress, City staff, and former executives at ACE and the COG:

### **2013 Judy Wright Award: *Francis M. Delach***

Mr. Delach served as the interim Executive Director of the COG during a period of tremendous change and public scrutiny, working tirelessly to maintain membership and to ensure that the COG continued to provide services to its member agencies. He also oversaw a major transition in the staffing model, coordinating the hire of 3 in-house staff and a new Executive Director.

### **2013 Jack Phillips Award: *Rick Richmond***

During his 14 year tenure at the Agency, Mr. Richmond, the recently retired CEO of the Alameda Corridor East (ACE) Construction Authority, oversaw the growth of ACE from a small agency with a start-up loan to a successful agency that has secured funding and implemented safety and mobility improvements with an estimated cost of \$1.7 billion.

### **2013 Spirit of Service Award: *Mayor Mary Ann Lutz***

Mayor Lutz, of Monrovia, has worked tirelessly on behalf of the COG and municipalities to protect, serving on countless COG committees and on the Los Angeles Regional Water Quality Control Board. Through her involvement and dedication to both the COG and her larger community, Mayor Lutz, Mayor of Monrovia, works diligently to build consensus, identifying common goals and objectives in order to ensure that each member's unique position is heard.

### **2013 Spirit of Service Award: *Congresswoman Grace Napolitano***

During her eight terms and 15 years in Congress, Congresswoman Napolitano has been a strong advocate for the San Gabriel Valley and, despite her commitments at the national level, spends a considerable amount of time in her District, understanding its unique issues, challenges, and priorities.

### **2013 Consensus-Building Award: *Heather Maloney***

Ms. Maloney, Senior Management Analyst for the City of Monrovia, brought together more than 60 cities in Los Angeles County, and under her leadership, this group — known as the LA Permit Group — was able to negotiate an NPDES MS4 Permit with the LA Regional Water Quality Control Board with standards that are more manageable for municipalities.

### **2013 Sustainability Award: *City of Pomona Perchlorate Treatment Facility (AEP-3)***

This facility was constructed this year to treat up to 16.4 million gallons of groundwater daily,

providing enough water to serve more than 21,000 residential customers annually.

At the event, three out-going chairs were also recognized for their service on the policy committees and technical advisory committees.

- ✓ **Councilmember Sam Pedroza, City of Claremont:** Energy, Environment and Natural Resources (EENR) Committee
- ✓ **Daryl Parrish, City Manager, City of Covina:** City Manager's Steering Committee
- ✓ **Carl Hassel, Assistant Public Works Director & City Engineer, City of Azusa:** Public Works Technical Advisory Committee

Congratulations to all of the awards winners, and the COG looks forward to recognizing more individuals next year for their service in the San Gabriel Valley.

Should you have any questions, please contact the SGVCOG offices at (626) 457-1800.

cc: City Managers TAC  
Public Works TAC  
Planning Directors TAC



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of August 27, 2013*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Marco A. Espinoza, Senior Planner

**SUBJECT:** MCTA 10-06 - A request to modify the reverse/turn around gas station design.  
CUP 12-06 is for the continued off-site sale of beer and wine.  
CUP 12-07 is for the redevelopment of a new gas station.  
Appeal of DPRB Case No. 12-19 is for the demolition of the existing 1,568 sq. ft. gas station attendant building / convenience store and construction of a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped.  
Property Address: 105 E. Arrow Highway (APN: 8390-018-023).

## **SUMMARY**

*The applicant submitted a request to amend Code Section 18.140.090.C.4.a.iv. to allow an exception to the reverse/turn around station design when a storm drain facility and/or easement interfere with the siting of the proposed building.*

*The Council at their June 14, 2011, meeting directed Staff to work with the applicant to evaluate reasonable and appropriate site designs that would accommodate the project and code requirements.*

*Staff worked with the applicant on several site design layout options, identifying existing undergrounding tank locations, confirming underground tanks meet current AQMD requirements and exploring possible code text amendments. The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost,*

*thereby prohibiting a reverse/turn around design. As an alternative, Staff presented the applicant with a tentative schematic design that would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.*

*At the January 24, 2012, City Council meeting, the Council directed Staff to initiate the municipal code text amendment to consider allowing modification to the reverse/turn around design required for gas stations in the CG Area 3, Mixed Use, Sub –Area A zone as long as the project met all the other development requirements.*

*Staff has worked with the applicant on various versions of the new gas station but in every case there is one item that creates a design issue that does not allow for proper design of the site. The applicant wishes to not relocate the gas pump island which currently encroaches into the 25-foot setback along Arrow Highway. This item is self-imposed as the applicant does not want to comply with any requirements that might be imposed by AQMD.*

*Staff presented the applicant's latest proposal to the Development Plan Review Board (DPRB) on October 11, 2012, and on May 9, 2013. At the last meeting the Board voted to deny DPRB Case No. 12-19, due to the fact that the project did not meet the finding for a well planned development, specifically the gas pump island design. The appeal of the case will be reviewed by the City Council after the Planning Commission makes their recommendation.*

*Staff recommended the Planning Commission recommend denial of MCTA 10-06, CUP 12-06 & 12-07 to the City Council. The Planning Commission thought otherwise and voted to approve the applications with a 3-1-1 vote. The Commission did not make a formal decision on the DPRB Application since it was on appeal to the City Council.*

*Staff recommends the City Council deny MCTA 10-06, CUP 12-06 & 12-07 and uphold the Board's decision to deny DPRB 12-19.*

### **BACKGROUND:**

The applicant submitted preliminary plans for a major remodel of the gas station at 105 E. Arrow Highway. Staff notified the applicant that the proposed layout of the buildings did not meet the reverse/turn around service station design required by the Municipal Code (Section 18.140.090.C.4.a.iv).

The applicant indicated that they did not propose a reverse/turn around station design because of a 20-foot wide storm drain easement that runs through a portion of the property that would impede the required design.

Subsequently, the applicant submitted a proposal to amend the code to allow an exception to the reverse/turn around station design when a storm drain facility and/or easements interfere with the sitting of the proposed building.

On May 10, 2011, Staff presented to the Council the background information on the proposed code text amendment, in addition to the applicant's site design layout for the gas station (see Exhibits A & B). The applicant testified that a reverse/turn around design was cost-prohibitive because it would require relocating the underground storage tanks. The Council directed Staff to further evaluate site design possibilities and the code text amendment with the applicant.

At the January 24, 2012, City Council meeting Staff discussed how we had worked with the applicant on additional site layout options, identifying existing underground tank location, confirming underground tanks met current AQMD requirements and exploring possible code text amendments (see Exhibits C & D). The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost, thereby prohibiting a reverse/turn around design. As an alternative, staff presented the applicant with a tentative schematic design that would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.

Staff understands the reasons for the applicant's rejection of Staff's design (cost) but the intent of the original modification to the Creative Growth Zone in 2005 was for the City to obtain a comprehensive redevelopment of these sites, not partial.

Staff recommend to the Council they uphold the intent of the Municipal Code text Amendment established in 2005, for a complete redesign of the gas station properties and reject the applicant's request. The Council decided to allow for the initiation of the code amendment as long as the proposed project meets all other development standards of the Code.

Since then, the applicant has modified the site layout to try to comply with the development standards of the Creative Growth Zone. Staff presented the applicant's proposal on October 11, 2012, to the Development Plan Review Board (See Exhibit E & F). Staff recommended that the applicant modify a number of design issues, including the redesign and relocation of the gas pump island. The Board concurred with Staff's recommendations and voted to continue the case to allow the applicant time to modify the plans.

On May 9, 2013, the revised plans were presented to the Board (see Exhibits G & H). The applicant had addressed most of Staff's and the Board's concerns. The issue of the gas pumps still remained. The gas pump canopy has been designed to only cover the interior drive-aisle due to the required 25-foot setback along Arrow Highway. The canopy looked odd, unbalanced and trivial especially adjacent to the proposed two-story structure. Staff recommended the applicant redesign the canopy to cover all four drive-aisles. The way to accomplish this would be to relocate the canopy 10 feet to the north; the applicant did not want to do this. This was the same concern Staff addressed at the previous DPRB meeting. The applicant did not address this issue of concern and proposed the same canopy design.

In addition to the gas canopy issue a secondary concern developed when the applicant discovered that they did not have legal access to the property to the north, therefore requiring the closure of the drive aisle; the closure created a dead end design. This is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available; the car would need to back up in reverse creating a traffic safety issue.

The Board voted to deny the project (DPRB Case No. 12-19).

On June 20, 2013, the Planning Commission reviewed and approved MCTA 10-06, CUP 12-06 and 12-07. The Commission reviewed and discussed the overall design and layout of the proposed site but did not make a formal ruling since the Development Plan Review Application was on appeal to the City Council. The Commission discussed Staff's concern with the project regarding the decreased vehicular access, the awkward design of the gas pump island and the lack of meeting the intent of the development standards of the Creative Growth Area 3 zone. The Commission's overall thought was that the project had architectural and site design layout issues but that the proposed development was better than what is there now. Commissioner Rahi had a concern with losing two of the gas island pumps and the issues of creating a dead end aisle by losing through access to the property to the north; Commissioner Davis had the same concerns as Rahi; Commissioner Ensberg had concerns with the loss of access to the north but felt that the project met a majority of the intent of the redesign requirement. Chairman Schoonover also agreed with the other Commissioners but thought that the project should not be approved just because it is better than what is there; he felt that the project should meet the intent of the Code which is a complete redesign that meets the development standards of the zone and the Findings -Standards of Review of Development Plan Review, Chapter 18.12.060.

## **ANALYSIS:**

### **MCTA 10-06**

In 2005, when the Grove Station project was being processed, several code text amendments were made to the Creative Growth Zone to allow for aesthetic improvements to the area. The City saw this as an opportunity to look at some of the surrounding properties near the Grove Station. The City felt that the two service stations were potential site that would benefit from aesthetic improvements. In order to encourage improving substandard sites, the City incorporated the possibility to conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the site. As part of the code text amendment the City included that the site would require a complete reconstruction as a reverse/turn around station, improving the aesthetics of the site. The Code amendment was seen as a method of addressing community design interest that would encourage reconstruction of the sites without restricting the ability for the existing use(s) to continue. The incentive to allow a convenience store with the off-site sale of beer and wine is only given to the two gas stations within this zone and nowhere else in the City except for in Specific Plan No. 2 (Arco at Lone Hill and Arrow). In the past few months the City Council has revised their policy on convenience stores associated with gas stations City-wide and are no longer limiting the size and/or the off-site sale of beer and wine; but that still requires CUP review and approval.

The subject site has a 20-foot wide storm drain easement that goes through a portion of the property. The storm drain enters the property along the north property line approximately 60 feet from the northwest corner and travels down the property in a boomerang shape. The storm drain exits the property on the west property line approximately 40 feet from the southwest corner of the property. Due to this easement the applicant feels that they cannot design the project as a reverse/turn around design as required by code. Staff has shown that the site is adequate to construct a reverse/turn around design service station with accessory uses.

The applicant is proposing the following proposed code text amendment that is in **BOLD**.

*iv. Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. **Should any storm drain facilities and/or easements interfere with this siting design, the applicant shall provide documents verifying the findings. If a reverse/turn around design is not possible due to the facilities/easement, an alternative design shall be reviewed for the***

*site. If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;*

The City Council has reviewed the applicant's initial request for the code text amendment and advised Staff to process the request.

Staff is recommending the Council deny the applicant's request because Staff cannot make the Finding necessary to approve the project as a whole due to the fact that the gas pump island is adjacent to the 25-foot setback and is creating an awkward design for the canopy and the site layout. The canopy looks odd, unbalanced and trivial especially adjacent to the proposed two-story structure. The canopy should be redesigned to cover all four drive-aisles. When the City Council reviewed the initial code text amendment they seemed to be in support of modifying the reverse/turn around design but they also felt that the applicant should still meet the other development standards. The applicant's unwillingness to relocate the gas pump island is self-imposed and should not warrant approving the code text amendment until all development standards are met. The applicant has discussed with Staff that they are not willing to relocate the gas pump island and wish to move forward with the project as proposed.

***Appeal of DPRB Case No. 12-19***

The applicant is proposing to demolish the existing 1,568 sq. ft. attendant/convenience store and build a new one. The new 2,561 sq. ft. building will house a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant. The building is design in an early California industrial architecture, similar to the Grove mixed-use project just to the north. The main portion of the building will have a two-story appearance but is only a one-story building with a high attic space. The other portion of the building will be one-story with a hipped roof design.

The applicant is proposing the following materials and architectural features on the building:

- Antique red brick façade
- Smooth stucco
- Semi-arched clear windows with pre-cast decorative trim
- Clay S-tile
- Parapet walls with dentil relief
- Goose neck lighting

The applicant is also proposing to redo the entire site with the following:

- Remove all the existing raised planters and reinstall with new six-inch high curb planters throughout the site
- Repave the entire site with asphalt pavement
- Decorative entry aisles
- New trash enclosures.

The project was reviewed by the Development Plan Review Board on October 11, 2012, and was continued to allow the applicant time to address Staff's and the Board's concerns. The plans were revised and brought back for review by the Board on May 9, 2013 (see Exhibits E & F). The applicant was not able to address the following issues:

*Decreased Vehicular Access* – Since the last DPRB meeting the applicant discovered that they do not have legal access rights to the property to the north which was partially being used to access San Dimas Avenue. The applicant has revised the plans to close off the north property line access route to the parking lot. This area of the parking lot now has a dead-end. This is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available; the car would need to back up in reverse creating a traffic safety issue.

*Gas Pump Drive-Aisle* – The existing southernmost drive-aisle for the gas pumps is nonconforming because it is within the required 25-foot setback. Due to the large scale of this project, the nonconforming drive-aisle needs to be abated at this time. The applicant's solution to this issue is to convert the drive-aisle into a planter. Staff feels that the applicant's proposal is unattractive and awkward and would prefer the canopy be relocated 10 feet to the north to allow for the use of the drive-aisle. This solution would also allow for proper design of the canopy. This issue was discussed in length by the Board, which recommended that the applicant consider moving the canopy. The applicant would prefer to leave the canopy in its current location due to the cost and possible mitigation measures AQMD would require.

Staff recommended to the Board to deny the project based on the fact that the applicant wishes to not modify the location of the gas pump canopy a minimum of 10 feet to the north, thereby not allowing proper coverage of all the drive aisles. These two issues create a significant negative visual effect on the property. As part of the City Council's consideration to reconsider requiring the reverse/turn around design, the applicant would still be required to meet all other development standards of the zone. The applicant is not meeting the intent of the code which is to provide for a comprehensive reconstruction and design of the site as stated in the Creative Growth, Area 3 section of the Code which states:

**“Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities”**  
Sec.18.140.090.C.4.a.iv

The applicant's wishes to not comply with the code are self-imposed, and compliance can be met with modifications to the site plan.

The Board agreed with Staff and denied DPRB 12-19 (4-0-1-2 (Dilley Absent; Badar and Schoonover Abstained)). The Board thought that the project's overall design and site layout did not meet the intent of the Code which was to have a complete redesign; in addition it was not properly laid out. Some of the members had concerns with the negative visibility aspect from the street of the trash enclosure and the propane tank in front of the building. Another concern is the design and layout of the gas pump island. The closing of the southernmost drive aisle just to meet the setbacks is not a practice in the gas station design community; this design creates an unacceptable awkward design. As mentioned by Board member Michaelis *“the aspect of the Board is to make sure the proposal is compliant and meets the Code requirements”* and this project does not do that as proven by the Board's vote. See attached DPRB minutes dated May 9, 2013 – Exhibit H.

As part of the Staff's and the Board's review the project is reviewed against the Findings-Standard of review Sec. 18.12.060. The following are some of the findings that shall be made that the project cannot meet:

1. *New development or alteration or enlargement of existing development should be compatible with the character and quality of surrounding development and shall enhance the appearance of the area in which development is located.*

The gas island's overall design and layout does not enhance the design of the proposed development, and in fact negatively affects the project's design. Closing the southernmost drive aisle and having landscape coming up to the pumps will give the site an appearance that the site was not properly designed and was more of an afterthought. It will also give the site an appearance that the developer was trying to fit too many uses on the site.

2. *The location, configuration, size and design of the buildings and structures should be visually harmonious with their sites and with the surrounding sites, buildings and structures.*

The proposed design of the canopy is based on setback requirements and not functionality creating an awkward unbalanced design. The canopy will only cover the interior drive aisles and leave the outer one open and

exposed to the elements. The canopy is not visually harmonious with the overall design of the site and should be relocated a minimum of 10 feet to the north and the roof design expanded to cover all the drive aisles.

- 3. The height and bulk of proposed buildings and structures on the site should be in scale with the height and bulk of buildings and structures on surrounding sites, and should not visually dominate their sites or call undue attention to themselves.*

The proposed small canopy cover over the gas pumps will be dominated by the proposed simulated two-story building that will house the convenience store and take-out restaurant, creating an unbalance in the proportions of the buildings on site.

- 4. All mechanical equipment on the site shall be appropriately screened from view. Large vent stacks and similar features should be avoided, and if essential shall be screened from view or painted so as to be nonreflective and compatible with building colors.*

Even though the propane tank and the trash enclosures are being screened their placement on the site appears to also be an afterthought. Both are in front of the building and highly visible from the street.

- 5. Deep eaves, overhangs, canopies and other architectural features that provide shelter and shade should be encouraged.*

The proposed canopy only covers two of the four drive aisles. The canopy should be redesigned to cover all four of the drive aisles to protect the customers from the elements.

- 6. Rooflines on a building or structure should be compatible throughout the building or structure and with existing buildings and structures and surrounding development.*

The gas island canopy has been designed based on development limitation and not functionality. The design of the building should be harmonious on all four sides. The support columns of the structure are only 2'-3" deep on the north and south side unlike the east and west side which are 18 feet deep.

- 7. The design of the buildings, driveways, loading facilities, parking areas, signs, landscaping, lighting, solar facilities and other sight features should show proper consideration for both the functional aspects of the site, such as the automobile, pedestrian and bicycle circulation, and the visual effect of the development upon other properties from the view of the public street.*

The applicant's inability to obtain legal access to the property to the north has created a less than desirable circulation layout for the site. The lack of through access has created a dead end within the parking area which can create safety issues requiring customers to drive in reverse to exit the parking lot.

8. *Off-street parking and loading facilities should function efficiently with minimum obstruction of traffic on surrounding streets.*

By not obtaining an access agreement with the property owner to the north, access from San Dimas Avenue has been reduced to one exit. The additional exit was approximately 130 feet from the intersection of San Dimas Avenue and Arrow Highway reducing conflicts with vehicles turning north onto San Dimas Ave and vehicles exiting out of the gas station.

The applicant appealed the Board's determination to the City Council.

Staff recommends the City Council uphold the Board's determination of denying DPRB Case No.12-19 based on the information presented in this Staff Report and the Board's comments.

***CUP 12-06 Off-Site Sale of Beer and Wine Type 20 License.***

The applicant has an existing beer and wine license in good standing. The license was issued prior to the City's incorporation; there are no current conditions of approval associated with the sale of beer and wine for the subject site. When an existing business has an alcohol license and wishes to modify a part of the business (i.e. hours of operation, layout, and/or expansion of sales floor area) a new Conditional Use Permit application is required for review and approval. The sales area is less than 50 percent of the total sales area of the convenience store. The beer and wine are displayed within coolers, stand-alone displays and on standard shelves.

The applicant is proposing a whole new building with an expanded cooler display area and shelf areas with occasional stand-alone displays. The actual area has not been designated at this time. The alcohol area will be established during the plan check process. The final approved floor plan will be part of the Conditional Use Permit application.

***CUP No. 12-07 Expansion of Gas Station***

A gas station use within the CG, Area 3, Mixed Use, Sub-Area "A" requires an approval of a Conditional Use Permit Application. Due to the major remodel of the site a new CUP application is required. Existing CUP No. 81-06 will be voided. The applicant is proposing to reconstruct the entire site with the exception of the gas pump islands. A new 2,370 sq. ft. convenience store is

proposed towards the northeast corner of the property. The convenience store will also house a 600 sq. ft. Indian fast food area.

**Hours of Operation –**

The existing gas station operates from 5:30 am to 8:30 pm Monday through Sunday. The existing gas pumps do not allow for service unless an attendant is on-site.

The applicant would like to expand their hours to allow for 24-hour a day service.

**Parking –**

The proposed project meets the parking requirements with 17 spaces.

	Parking Spaces Required	Parking Spaces Provided
Food Use 1:75 600/75=8	8	8
Convenience Store 1:225 1,961/225=9	9	9
Total	17	17

Since both CUPs are intertwined with the MCTA and DPRB application, Staff also recommends denial of these two applications.

**RECOMMENDATION:**

Staff recommends the City Council deny MCTA 10-06, CUP 12-06 & 12-07 and uphold the Board's denial of DPRB Case No. 12-19.

The Planning Commission recommends the City Council approve MCTA 10-06, CUP 12-06 & 12-07. The Planning Commission did not review DPRB Case No. 12-19 since it was appealed to the City Council.

Based on the Council's direction, Staff will bring the appropriate resolutions of approval or denial for the various applications to the next meeting.

Respectfully Submitted,



Marco A. Espinoza  
Senior Planner

Attachment:

- Exhibit A – CC Staff Report 5-10-11
- Exhibit B – CC Minutes 5-10-11
- Exhibit C – CC Staff Report 1-24-12
- Exhibit D – CC Minutes 1-24-12
- Exhibit E – DPRB Staff Report 10-11-12
- Exhibit F – DPRB Minutes 10-11-12
- Exhibit G – DPRB Staff Report 5-09-13
- Exhibit H – DPRB Minutes 5-09-13
- Exhibit I – PC Staff Report 6-20-13
- Exhibit J – PC Minutes 6-20-13
- Exhibit K – Letter of opposition from former owner.

### Aerial View of Site





## Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of May 10, 2011*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Marco A. Espinoza, Associate Planner

**SUBJECT:** Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the reverse/turn around design required by Code.

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### **SUMMARY**

*The applicant submitted preliminary plans for a major remodel of the service station at 105 E. Arrow Highway. Staff notified the applicant that the proposed layout of the buildings did not meet the reverse/turn around service station design required by the Municipal Code (Section 18.140.090(C)(4)(a)(iv)).*

*The applicant mentioned that they did not propose a reverse/turn around station design because of a 20' wide storm drain easement that runs through a portion of the property that would impede the required design.*

*Subsequently, the applicant has submitted a proposal to amend Code Section 18.140.090(C)(4)(a)(iv) to allow an exception to the reverse/turn around station design when a drain facility and/or easements interfere with the siting of the proposed building.*

*The subject site is adjacent to the Grove Station and across the street to the east of the vacant property at Commercial and San Dimas Avenue, which are all within the Creative Growth, Area 3 zone. Currently, Staff is working with developers of the Grove Station and at the vacant lot. Their proposed developments would require additional code text amendments to the CG-3 zone. Consideration should be given to processing all the code text amendments for this zone, at one time.*

## **BACKGROUND**

The applicant is proposing to completely remodel the existing gas station and associated convenience store but keep the existing pump stations and underground tanks in the same location; the existing site is in need of repairs and updating. The existing gas station was conditionally permitted in 1981, under Conditional Use Permit 81-06. The gas station also has an alcohol license that allows the off-site sale of beer and wine.

After reviewing the applicant's preliminary site plan submittal for a complete remodel of the site, they were informed that the Code required a reverse/turn around service station design. The applicant informed Staff that they were aware of the Code requirement but felt that they could not develop the site to meet their needs due to the existing 20-foot wide storm drain easement that runs through the property.

Staff has requested the applicant comply with the Code requirements but the applicant has stated that they cannot design site in a way that meets his client's desire. The applicant did submit a preliminary site plan showing a reverse/turn around service station but it is deficient on the parking design requirement (see Exhibit D).

## **ANALYSIS**

Within the Creative Growth, Area 3 – Mixed Use, Sub-Area “A” – Mixed Use/Commercial Office Zone there are only two gasoline service stations. The two stations are at the intersection of San Dimas Avenue and Arrow Highway. One is on the southeast corner and the other, which is the applicant's site, is on the northeast corner (see Exhibit E).

In 2005, when the Grove Station project was being processed, several code text amendments were made to the Creative Growth Zone to allow for aesthetic improvements to the area. The City saw this as an opportunity to look at some of the surrounding properties near the Grove Station. The City felt that the two service stations were potential sites that would benefit from aesthetic improvements. In order to encourage improving substandard sites, the City incorporated the possibility to conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the sites. As part of the code text amendment the City included that the sites would also need to be redesigned as a reverse/turn around station, improving the aesthetics of the sites. The code amendment was seen as a method of addressing community design interests that would encourage reconstruction of the sites without restricting the ability for the existing use(s) to continue.

The City has used the reverse/turn around service station design on other projects in the City and it has become the preferred design concept for such uses. The design is favored because it allows the attendant building to screen the unsightly pump islands and decreases the amount of ingress and egress approaches to the site, thus reducing traffic safety issues (see Exhibit F).

Even though there are two service stations within this sub-area, the applicant's code text amendment request would only affect the applicant's site, the station that is on the northeast corner of San Dimas Avenue and Arrow Highway at 105 E. Arrow Highway.

The subject site has a 20-foot wide storm drain easement that goes through a portion of the property. The storm drain enters the property along the north property line approximately 60 feet from the northwest corner and travels down the property in a boomerang shape. The storm drain exists the property on the west property line approximately 40 feet from the southwest corner of the property (see Exhibits D & G). Even with the restrictions of the easement, Staff feels that the site is adequate in size to construct a reverse/turnaround service station with accessory use(s).

Staff is not in favor of the proposed code text amendment which the applicant is proposing as follows (proposed text is in **Bold**)(see Exhibit A):

Code Section 18.140.090(C)(4)(a)(iv)

iv. Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. **Should any storm drain facilities and/or easements interfere with this siting the applicant shall provide documents with findings. At such time the Staff will review documents to provide the applicant with a decision. If the documents show the reverse siting of the new structure is not possible, the site will incorporate site designs to reflect the architectural statement for the Arrow Highway and San Dimas Avenue intersection.** If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

As part of the applicant's submittal, he has provided a proposed site layout and an alternative layout with a reverse/turn around design. The applicant feels that the alternative site layout does not meet the needs of his client (see Exhibit D).

The applicant's proposal for the subject site would be to construct a 2,925 sq. ft. convenience store with the continued off-site sale of beer and wine and an 825 sq. ft. restaurant. The building would be in the northeast corner of the site. The gas pumps would be in the same location as they are now. The trash enclosure would be at the southwest corner of the property. Parking would be provided throughout the site (see Exhibit D). This proposal has site design concerns and does not meet parking development standards, among other issues.

The alternative layout does not use the full potential of the site; for example, the drive aisles are 45 feet wide. There is potential for the drive aisles to be reduced to 26 feet. The gas pumps may be better sited parallel to the north property line rather than at an angle. In addition, Staff feels that the applicant is overbuilding for the small site. There are two other gas stations in the City that have a building pad that is about the same size as the proposed one but the major difference is the size of those lots; they are double the size of the applicant's lot of 22,350 sq. ft.

As mentioned, the applicant did submit an alternative site layout that would allow for a 2,475 sq. ft. building pad without a restaurant use that appears to meet the intent of the reverse/turn around station design, but feels it does not work for him. In addition, Staff has laid out a similar design that can potentially work, meeting the intent of the Code (see Exhibit G). Both proposed layouts would increase the building pad by approximately 900 to 1,200 sq. ft. The existing building pad is 1,568 sq. ft. which is not used effectively for display of merchandise at this time.

### **Additional Code Text Amendments**

The subject site is within the Creative Growth, Area 3 Zone as well as the Grove Station that is to the north and the vacant lot to the west across the street. Staff is currently working with other developers on potential developments for these sites. The developers' proposals would also require some modifications to the Creative Growth Zone Chapter. The Grove Station may be modifying the tandem parking requirement while the vacant lot may be requesting an additional single-family lot facing South Shirlmar Avenue. Instead of submitting the different code text amendments three separate times, Staff recommends to do one comprehensive code text amendment.

### **Conclusion**

The code text amendments made in 2005 were intended to improve the aesthetic appearance of the substandard sites. The reverse/turn around design for service stations is preferred because it allows for the main building to shield the gas pump islands and reduce the amount of entrance and exit approaches to the site. These factors were taken into consideration when approving the code text amendment to the Creative Zone in 2005. Staff feels that even with the storm drain easement the site can be properly designed to meet the reverse/turn

around design that is required and meet most of the applicant's client's desires without over building the site which, will limit development possibilities.

### RECOMMENDATION

Staff recommends the City Council deny the applicant's request for a municipal code text amendment request to modify Code Section 18.140.090(C)(4)(a)(iv) to allow an exception to the reverse/turn around station design for gasoline service stations when a drain facility and/or easements interfere with the siting of the proposed building.

Staff also recommends the Council direct Staff to bring back the two other code text amendments at the same time when the applicants are ready to proceed, instead of separately.

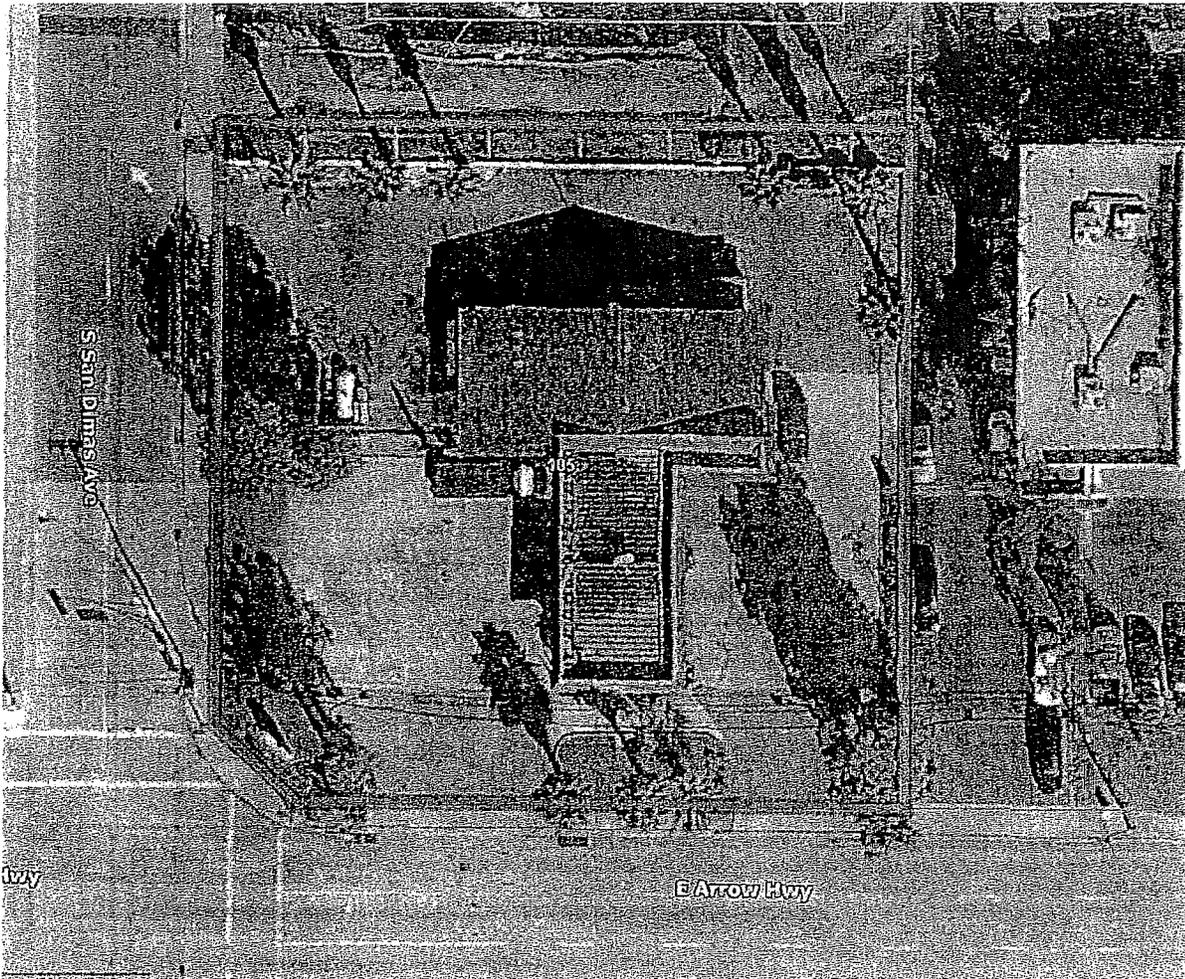
Respectfully Submitted,

Marco A. Espinoza  
Associate Planner

Attachments:

- Exhibit A – Applicant's request letter
- Exhibit B – Chapter 18.140 C-G Creative Growth Zone
- Exhibit C – Photos of subject site
- Exhibit D – Proposed and Alternative Site Layout
- Exhibit E – Aerial of both gas stations within CG-3
- Exhibit F – Example of reverse/turn around service station
- Exhibit G – Potential Development Layout – Staff

Aerial of Subject Site





## *Jerry Ronnebeck, Engineering*

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Website: Ronnebeck.com

December 8, 2010

City of San Dimas  
Planning Department  
245 East Bonita Avenue  
San Dimas, CA 91773

Re: Code Amendment Request

This request is being submitted by Hari Alipuria, the owner of the gas station at 105 East Arrow Highway located at the northeast corner of San Dimas Avenue and Arrow Highway. The request is to revise the existing code language as shown on the attached page.

The reason for this change in code for this particular property is due to the subsurface storm drain facilities crossing the property. The existing location of the storm drain makes the existing code requirement of placing a new building at the corner impossible to implement. The attached diagram shows the location of the existing easement on the northeast corner for your review.

The code was written to affect the northeast corner and the southwest corner of San Dimas Avenue and Arrow Highway of the Creative Growth Area equally, as shown on the attached map. Due to the existence and location of the storm drain facilities and the storm drain easement located on the northeast property, each property should be reviewed separately. This is the intent on the code revision as noted on the following page.

I will be representing Hari Alipuria in the city processing of the Code Amendment. Should you have any questions or comments please contact me.

Sincerely,

Jerry Ronnebeck

Existing Code Language for 18.140.090.C.4.a.iv

Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

Revised Code Language for 18.140.090.C.4.a.iv

Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. *Should any storm drain facilities and/or easements interfere with this siting the applicant shall provide documents with findings. At such time the staff will review documents to provide the applicant with a decision. If the documents show the reverse siting of the new structure is not possible the site will incorporate site designs to reflect the architectural statement for the Arrow Highway and San Dimas Avenue intersection.* If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

SAN DIMAS AVENUE

EXISTING  
72" STORM DRAIN

ARROW HIGHWAY

## Chapter 18.140

## C-G CREATIVE-GROWTH ZONE\*

## Sections:

- 18.140.010 Purpose.
- 18.140.020 Specific plan.
- 18.140.040 Plan review.
- 18.140.060 Additional findings.
- 18.140.090 Uses in specific plan areas.
- 18.140.100 Property development standards.

\* Prior Ordinance History: Ords. 316 and 361.

**18.140.010 Purpose.**

The purpose of the creative growth area plan is to promote amenities beyond those expected under conventional planning and development, represented by a commitment to a special architectural theme. This theme was expressed by the city council on August 24, 1970, as "early California village," which represents architectural styles circa 1890's. Developers are required to adopt this theme, in an architecturally creative approach to developing the most marketable and compatible uses possible in this central business district. To implement this plan, specific areas are further defined to integrate compatible uses while maintaining flexibility in commercial investment decisions. (Ord. 785 § 1 (part), 1983; Ord. 37 § 280.00, 1961)

**18.140.020 Specific plan.**

The creative growth area plan (hereinafter referred to in this chapter as the "plan") is an instrument for guiding, coordinating and regulating the development of property within the area designated on the area map (hereinafter referred to in this chapter as the "area map"), a copy of which map is on file in the office of the city clerk. The plan replaces the usual zoning regulations. It is a "specific plan" as authorized in Article 8 of Chapter 3 of the state Planning and Zoning Law. The plan is consistent with and carries out the projections of the general

plan of the city. (Ord. 673 § 1 (part), 1979; Ord. 37 § 280.01, 1961)

**18.140.040 Plan review.**

A. No person shall construct any building or structure or enlarge or modify any existing building or structure, make any exterior alterations, or use any property in the creative growth area until approval has been obtained pursuant to Chapter 18.12. (Ord. 1005 § 1 (Exh. A, § 9), 1993; Ord. 673 § 1 (part), 1979; Ord. 37 § 280.03, 1961)

**18.140.060 Additional findings.**

In reviewing a development plan in the creative growth area, the approving authority shall make the following additional findings:

A. The architectural character is in conformance with the early California village theme concept with respect to:

1. Size;
2. Color;
3. Materials;
4. Site design and building design.

B. The following elements shall be shown and so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and that there will be no adverse effect on surrounding property:

1. Buildings, structures and improvements;
2. Vehicular ingress, egress and internal circulation;
3. Setbacks;
4. Height of buildings;
5. Service areas;
6. Walls;
7. Landscaping;
8. Such other elements as are found to be relevant to the fulfillment of the purposes of this zone. (Ord. 1005 § 1 (Exh. A, § 10), 1993; Ord. 673 § 1 (part), 1979; Ord. 37 § 280.05, 1961)

**18.140.090 Uses in specific plan areas.**

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the permit-

ted and conditionally permitted uses described in each area, plus such other uses as the director of community development determines to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings set forth in Section 18.192.040. The determination of the director may be appealed to the development plan review board and, thereafter, the city council, pursuant to Chapter 18.212 of this title. Conditional uses shall be subject to Chapter 18.200 of this title. All uses shall be subject to the property development standards in Section 18.140.100, and shall be located only where designated on the specific plan map, which map is on file in the office of the city clerk. All uses and storage shall be conducted within a totally enclosed building with the exception of nursery stock or unless permitted as a conditional use in this zone by conditional use permit pursuant to Chapter 18.200. Uses made nonconforming by the adoption of the ordinance codified in this chapter, or any amendment thereto, may be continued in accordance with Section 18.204.170, provided that there shall be no expansion or change of an existing use that is nonconforming to another nonconforming use, and there shall be no expansion, change or alteration of any building or structure that is nonconforming on the subject property.

A. Area 1—Regional Commercial. The purpose of this area is to take full advantage of excellent freeway access and visibility and to encourage the development of major commercial enterprises, as well as those related to the needs of freeway travelers.

1. Permitted Uses.

a. Any retail, other than auto and truck sales, or service business, which is conducted entirely within a totally enclosed building, provided that no business involving the manufacture, fabrication or wholesaling of goods shall be permitted unless it is related, secondary and incidental to another permitted use and receives prior written approval from the director of community development upon finding that it is not more obnoxious or detrimental to the public health, safety and welfare than any other

permitted use. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212.

b. Major home improvement retail businesses which draw customers from a large region, and groups of small home improvement retail businesses where such businesses do not have regional drawing power.

c. Uses which are directly related to the needs of freeway travelers and which are dependent on large traffic volume, including, but not limited to, restaurants, department stores, minor commercial uses related, secondary and incidental to an otherwise permitted use, and similar freeway-oriented uses which may be approved by the director of community development upon finding that they are not more obnoxious or detrimental to the public health, safety and welfare than any other permitted uses. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212.

d. Accessory game arcades up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012.

e. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title.

f. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses.

2. Conditional Uses.

a. New automobiles and truck sales and lease and the sale and lease of used automobiles in conjunction with a new auto and truck sales and lease operation only;

b. Gasoline service stations in areas designated on the specific plan area map;

c. Theaters: walk-in, indoor only;

d. Hotel or motel;

e. On-sale or off-sale alcoholic beverages, provided that such use is incidental and ancillary to another permitted use;

f. Fast-food restaurant park, including drive-through service, provided that such fast-food restaurant park includes at least two fast-food restaurants;

g. Regional-scale office uses, such as corporate headquarters, where designated on the specific plan area map;

h. Office uses other than regional-scale office uses, provided that such uses are developed together with a permitted retail use or uses and provided that the total gross floor area devoted to office uses does not exceed fifty percent of the gross floor area of the entire development in which office uses are provided. Required parking spaces shall be calculated by adding the total number of parking spaces required for each type of use on the subject lot or parcel, in accordance with Chapter 18.156;

i. Mass transit facilities, such as bus and train stations;

j. Accessory game arcade consisting of seven or more machines within an indoor recreational facility.

### 3. Prohibited Uses.

a. Supermarkets;

b. Industrial uses;

c. Gambling facilities;

d. Residential uses;

e. Wholesaling or warehousing operations;

f. Convenience markets;

g. Billboards and other similar off-site outdoor advertising structures;

h. Game arcades, other than accessory game arcades specifically authorized in this chapter;

i. Other uses determined to be inconsistent with the intent and provisions of this Area 1, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title.

B. Area 2—Frontier Village. The purpose of this area is to provide for neighborhood commercial uses and other convenience goods and service businesses which service the day-to-day-living needs of nearby neighborhoods or a larger section of the city. In addition, it is recognized that certain parcels east of the Puddingstone Shopping Center may be suitable for medium-high density residential development, including apartments, townhouses or condominiums.

#### 1. Permitted Uses.

a. Convenience goods and service businesses, including food markets, pharmacies, liquor stores, barber or beauty shops, cleaners and laundries, small appliance repair businesses and similar uses;

b. Eating places, including take-out service businesses, but not including drive-in or drive-through facilities, provided that eating places shall not be permitted where the number of required parking spaces, pursuant to Ordinance 269, as amended, exceeds thirty-five percent of the number of common parking spaces provided in any shopping center or development in which such eating places are located;

c. Specialty commercial uses, such as antique shops, jewelry stores, music stores, auto and truck parts and supply businesses, and similar uses;

d. Professional, administrative and sales office uses, provided that such uses are not located on the ground floor of any structure unless approved by the development plan review board upon making the findings set forth in Section 18.192.040. The determination of the development plan review board may be appealed to the city council in accordance with Chapter 18.212;

e. Accessory game arcades up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012;

f. Wire transmission office;

g. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title;

h. Accessory massage permitted with the following primary businesses: athletic club, salon, barbershop and similar uses.

2. Conditional Uses.

a. On-sale alcoholic beverages, provided that such use is incidental and secondary to another permitted use in this Area 2;

b. Off-sale alcoholic beverages;

c. Gasoline service stations, but only where such use is designated on the specific plan area map;

d. Automobile tire sales and service;

e. Automotive repair;

f. Outdoor sale, storage and display of merchandise and/or provision of services, provided that such uses are in conjunction with and are related to a permitted use within a structure on the same lot or parcel, unless otherwise permitted in accordance with Chapter 18.196, Temporary Uses;

g. Medium-high density residential uses, including apartments, townhouses and condominiums, provided that these are located only in areas so designated on the specific plan area map;

h. Motorcycle sales and services;

i. Athletic clubs and performing arts studios;

j. Mass transit facilities, such as bus and train stations;

k. Senior citizen housing projects, subject to the standards of Chapter 18.151 of this title, as amended, except where a conflict exists, then the most restrictive standard applies;

l. Accessory game arcades consisting of seven or more machines within an indoor recreation facility;

m. Theaters and bowling alleys;

n. Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151;

3. Prohibited Uses. Drive-through style eating places and those uses prohibited in Area 1, other than supermarkets, residential uses and convenience markets.

C. Area 3—Mixed Use. The purpose of this area is to provide an attractively developed entry into the central portion of downtown San Dimas along the San Dimas Avenue corridor and to provide an extension of Frontier Village. Zoning standards for this area are designed to provide the flexibility to allow commercial, office, service and live/work uses as well as residential uses that are designed to blend with the traditional design standards in the area.

To ensure compatibility with the adjacent historic neighborhoods, traditional architectural design is encouraged. Generally, buildings, whether commercial or office, should be designed in a way to accommodate commercial activities, with storefronts encouraged along streets and major driveways. Multifamily residential uses should be designed in a way to blend well with the commercial block architectural styles and should have architectural features that are reminiscent of historical designs. Loft residential buildings should be designed to be compatible with traditional architecture, but may have more of an industrial or packing house feel because of higher building heights. Underground congregate parking areas are encouraged.

1. Area 3—Definitions.

a. "Live/work units" mean individual units that are used jointly for residential and business uses. For the purposes of this chapter, the first floor spaces of live/work units shall be reserved for commercial, office and service businesses that are open to the public. Garage and areas above the first floor shall be reserved for residential use.

b. "Loft residential units" mean multi-story residential units with greater than average ceiling heights, where not more than sixty percent of the unit has second floor area and where all parking is located remote from the unit.

2. Area 3—Sub-Areas. The Creative Growth Zone Area 3 is made up of four sub-areas as defined in Exhibit A. The sub-areas are intended to provide a well-organized land use framework to encourage high quality design while allowing a mix of uses within a small planning area.

a. Mixed use/commercial office;

- b. High density residential;
  - c. Medium density;
  - d. Single family.
3. Permitted Uses.
- a. Sub-Area A-Downtown Mixed Use.
    - i. Retail commercial, office and service businesses;
    - ii. Eating places, including take-out service, but not including drive-through or drive-in facilities;
    - iii. Accessory game arcade up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012 of this title.
    - iv. Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses.
  - b. Sub-Area C-Low-Medium Density. Detached condominiums with the total number of units not to exceed forty.
  - c. Sub-Area D-Single Family. Up to four detached single-family residential units:
    - i. The minimum lot size is five thousand square feet;
    - ii. Maximum one story and eighteen feet in height;
    - iii. Maximum lot coverage is forty percent;
    - iv. Maximum house size (not including garage) is two thousand one hundred square feet;
    - v. Front yard setback, as provided in Exhibit B;
    - vi. The minimum side yard setback is five feet on one side and ten feet on the other.
4. Conditional Uses.
- a. Sub-Area A—Mixed Use/Commercial office.
    - i. Condominium, apartment and other similar multifamily projects, located on the second floor and third floor of buildings when commercial/office uses are located on the first floor;
    - ii. Residential projects where fifty percent or more of the units are designed as live/work units;
    - iii. Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide

senior citizen housing requirements as set forth in Chapter 18.151 of this title;

iv. Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

v. On-sale alcoholic beverages, provided that this use is secondary and incidental to another permitted use in this Area 3;

vi. Off-sale alcoholic beverages, provided that this use is secondary and incidental to another permitted use in this Area 3.

b. Sub-Area B—High Density Residential.

i. Condominiums and townhouses;

ii. Loft residential units;

iii. Senior citizen housing located on the second and third floors of buildings. Such senior citizen housing projects shall be exempted from city-wide senior citizen housing requirements as set forth in Chapter 18.151 of this title.

5. Other Uses. Other similar permitted and conditional uses determined by the director of community development to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings as set forth in Section 18.192.040 of this title. The determination of the director may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title.

6. Area 3—Property Development Standards.

a. Building Height. No provisions. Allowable building height shall be determined by the development plan review board.

b. **Setbacks.** No provisions. All allowable setbacks shall be determined by the development plan review board.

c. **Street Standards.** The minimum standards for street and right-of-way widths within developments shall be determined for each project by the city council. The intent of this requirement is to work together with setback requirements to encourage a downtown environment with a preference toward the pedestrian rather than automobile.

d. **Parking.** The following parking requirements and standards are specific to the Creative Growth Zone Area 3.

i. **Required Parking.**

(A) **Single-Family Residential Use.** Two garage spaces. A minimum size of twenty feet by twenty feet is required.

(B) **Multiple-Family with Garage Space Attached.** Two garage spaces. A minimum size of twenty feet by twenty feet is required. Plus one noncovered space for each additional bedroom beyond two bedrooms per unit, plus one guest space for each three units.

(C) **Multiple-Family with Congregate Garage Spaces.** Two parking spaces with a minimum size of nine and one-half feet wide and eighteen feet deep. Plus one noncovered space for each additional bedroom beyond two bedrooms per unit, plus one guest space for each three units.

(D) **Live/Work Units.** Two garage spaces. A minimum size of twenty feet by twenty feet is required. Plus one noncovered space for each additional bedroom beyond two bedrooms per unit, plus one guest space for each three units. Plus one space for every two hundred fifty square feet of commercial/office/service space that may be waived, if adequate public parking is provided within five-hundred feet of the public access.

(E) **Seniors Apartments.** For units under eight hundred square feet. One covered or noncovered parking space shall be provided for each 1.25 units, (four spaces for each five units). For units of eight hundred square feet and larger. One covered or noncovered parking space shall be provided for every unit.

ii. **Parking Design.**

(A) All multiple-family units shall provide for a storage area of not less than two hundred fifty cubic feet within the garage area or other approved location.

(B) Tandem parking spaces may be used for a maximum of twenty percent of all required spaces within a project and shall only be permitted for units with not more than one bedroom and shall be a minimum of ten feet, six inches wide and nineteen feet deep per space.

iii. **Other Parking Requirements.** Unless listed specifically in this section, parking requirements are as provided for in Chapter 18.156 of this title.

7. **Sign Regulations.** Subject to the requirements in Section 18.152.150 of this title.

8. **Nonconforming Uses.** There shall be no extension, expansion or enlargement of an existing nonconforming use, nor shall there be the addition of structures or other facilities in conjunction with such existing use.

D. **Area 4—Commercial/Light Industrial.** The purpose of this area is to provide for light-industrial and commercial uses.

1. **Permitted Uses.**

a. All uses permitted in the M-1 zone;

b. Retail and service businesses;

c. Other similar uses determined by the director of community development to be similar and not more obnoxious or detrimental to the public health, safety and welfare, in accordance with the findings as set forth in Section 18.192.040. The determination of the director may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title;

d. Accessory game arcade up to a maximum of six machines, provided that such machines are secondary and incidental to a permitted use in this zone which is also defined by Section 18.08.012;

e. Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title;

f. Accessory massage permitted with the following primary businesses: athletic club, day spa, beauty salon, barbershop and similar uses.

2. Conditional Uses.

a. All uses listed as conditional uses in the M-1 zone;

b. Theaters provided that they are walk-in, indoor;

c. All uses listed as conditional uses in Area 3;

d. Accessory game arcade consisting of seven or more machines within an indoor recreation facility.

3. Prohibited Uses.

a. Gambling facilities;

b. Residential uses;

c. Convenience markets;

d. Food markets;

e. Office uses which are not incidental to a permitted or conditionally permitted use;

f. Billboards and other similar off-site outdoor advertising structures;

g. Game arcades other than accessory game arcades specifically authorized in this chapter;

h. Other uses inconsistent with the intent and provisions of this zone, as determined by the director of community development, in accordance with Section 18.192.040. The determination of the director of community development may be appealed to the development plan review board and, thereafter, the city council in accordance with Chapter 18.212 of this title. (Ord. 1185 §§ 11—15, 2008; Ord. 1170 § 15, 2007; Ord. 1155 §§ 1, 2 (Exh. A) (part), 2005; Ord. 1085 § 12, 1998; Ord. 1083 § 7, 1997; Ord. 1072 § 4, 1997; Ord. 1029 § 1, 1995; Ord. 963 § 4, 1992; Ord. 911 § 9, 1990; Ord. 891 § 2, 1989; Ord. 829 § 1, 1985; Ord. 808 §§ 1, 2, 1984; Ord. 785 § 1 (part), 1983; Ord. 37 § 280.08, 1961)

18.140.100 Property development standards.

The following property development standards shall apply to all land and buildings in the creative growth area, except that any lot held under separate ownership or of record on the effective date of the ordinance codified in this chapter, which is sub-

standard in dimensions may be used subject to all other standards:

A. Lot Area. No provisions.

B. Lot Dimensions. No provisions.

C. Building Height.

1. No building or structure erected in this zone shall exceed two stories in height except by conditional use permit;

2. Exceptions.

a. Penthouses or roof structures for the housing or elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys and other similar structures may be erected above the height limits prescribed in this subsection, provided such structures are compatible with the architectural design of the building and the surroundings.

b. Air conditioning units, electrical switch gear and panels, compressors and similar mechanical equipment shall be enclosed within an enclosure compatible with the architectural design of the building.

D. Yards. Yards shall be measured perpendicular to the property line. When the creative growth overlay zone abuts a residential zone, there shall be a yard of not less than ten feet. Required yards shall be landscaped and maintained; a complete automatic sprinkler system shall be provided. Yards shall be provided as designated in Exhibit B to the ordinance codified in this chapter, a copy of which is on file in the office of the city clerk.

E. Walls. Masonry walls six feet in height shall be erected on the zone boundary line between the creative growth zone and any residential zone.

F. Off-Street Parking. The provisions of Chapter 18.156 shall apply.

G. Utilities. All utilities provided to serve new buildings or to serve existing buildings undergoing alterations requiring change-out of service shall be installed underground.

H. Trash Storage. A city standard plan trash storage area shall be provided in an appropriate location, convenient to users.

I. Signs.

1. The provisions of Chapter 18.152 shall apply.

2. The approving authority shall find prior to the issuance of an approval of a sign or sign program that the proposed design is in conformance with the Early California village theme and good design principles with respect to:

- a. Height;
- b. Location;
- c. Size;
- d. Color;
- e. Materials;
- f. Lighting;
- g. Compatibility to structure it is identifying.

J. Lighting.

1. All exposed lighting fixtures shall be decorative and in keeping with the Early California village theme.

2. Lighting shall be so designed to reflect away from adjoining properties, streets and roads.

K. Landscaping. The review board may require landscaping in addition to required yards as follows:

- 1. Buffering adjoining properties;
- 2. Complementing building designs in and adjoining parking lots. (Ord. 1005 § 1 (Exh. A, § 11), 1993; Ord. 908 § 6, 1989; Ord. 673 § 1 (part), 1979; Ord. 37 § 280.10, 1961)

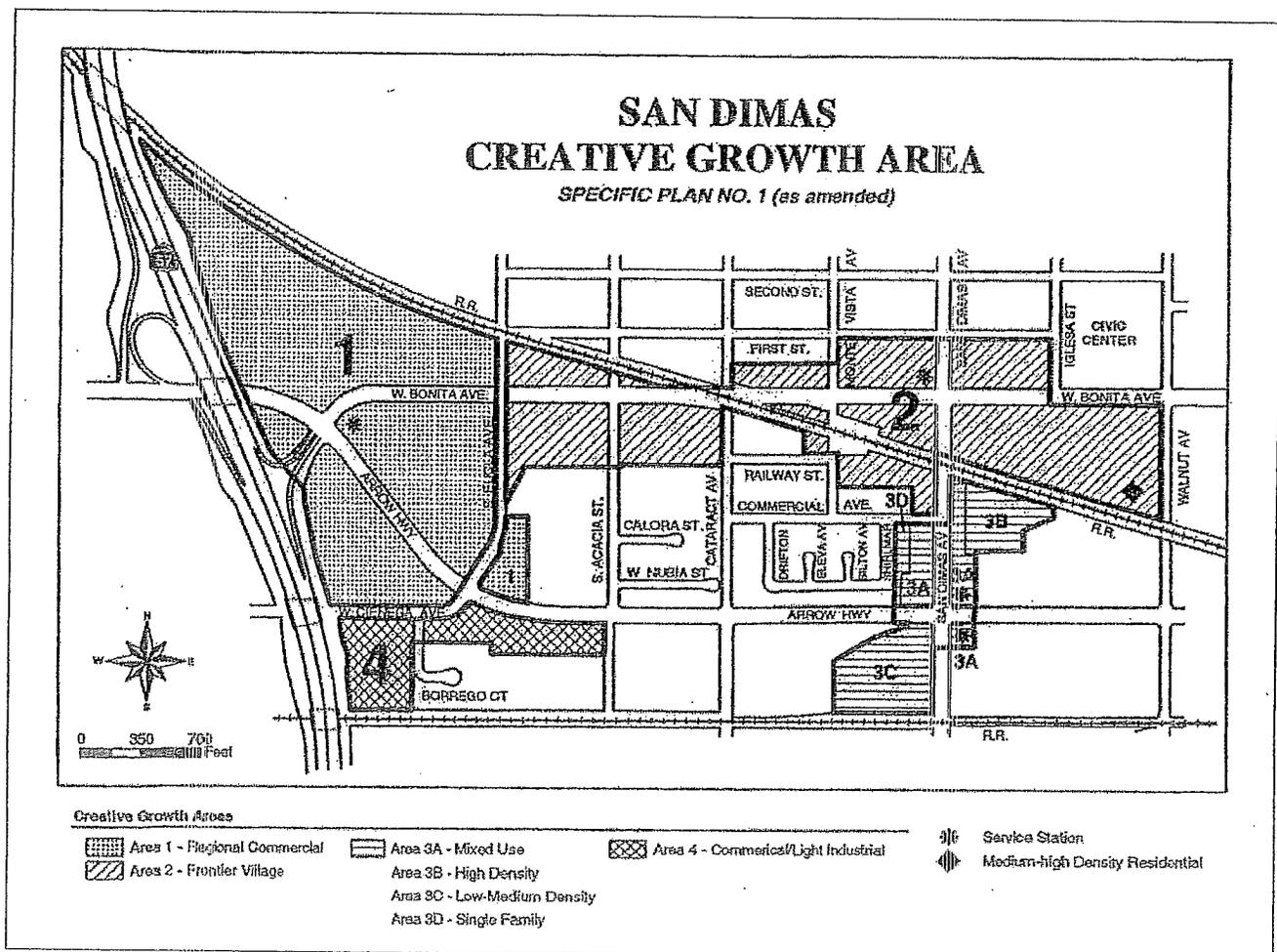
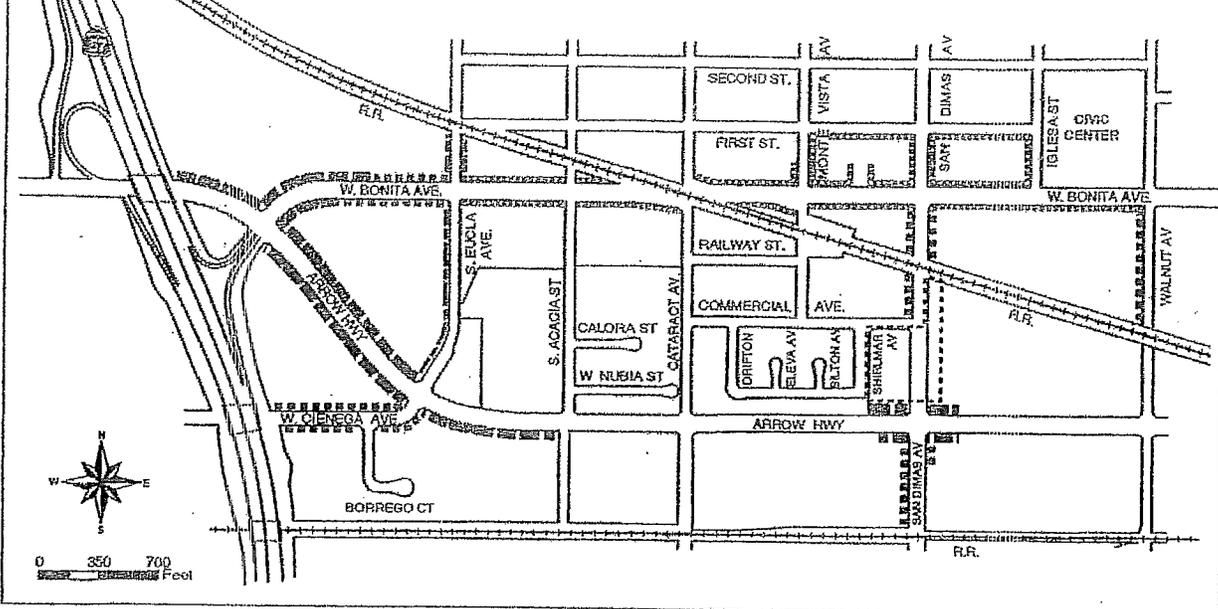


EXHIBIT A - GROWTH AREAS

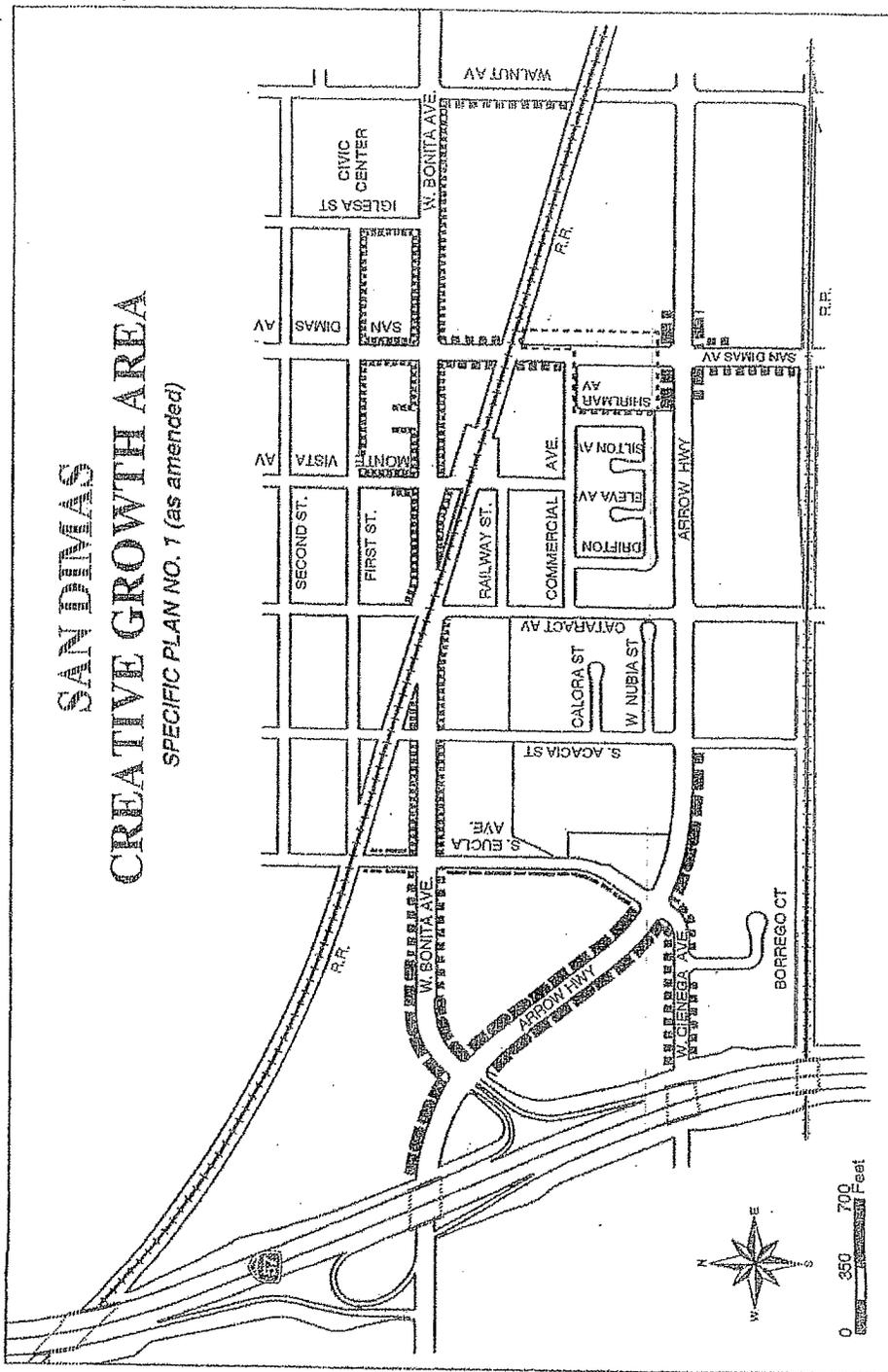
**SAN DIMAS  
CREATIVE GROWTH AREA  
SPECIFIC PLAN NO. 1 (as amended)**



- Legend**
- ▬▬▬▬ 25-foot Setback    - - - - 10-foot Setback
  - ▬▬▬▬ 15-foot Setback    ▬▬▬▬ Zero Setback
  - - - - - To be determined by City Council

**EXHIBIT B - SETBACKS**

# SAN DIMAS CREATIVE GROWTH AREA SPECIFIC PLAN NO. 1 (as amended)



- Legend**
- 25-foot Setback
  - - - 15-foot Setback
  - ..... Zero Setback
  - ..... To be determined by City Council

EXHIBIT B - SETBACKS



EXHIBIT A -  
CC STAFF REPORT 5-10-11

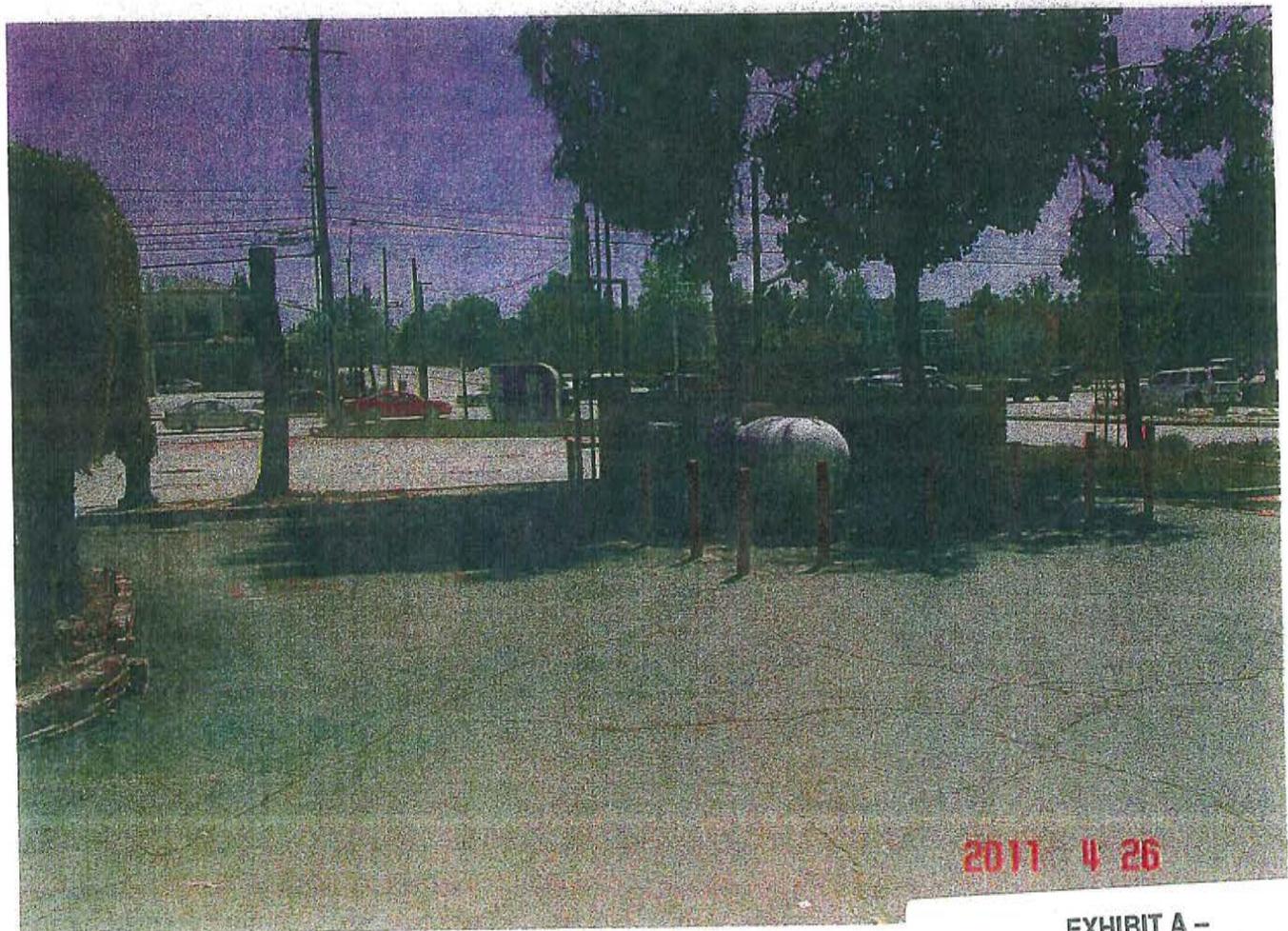
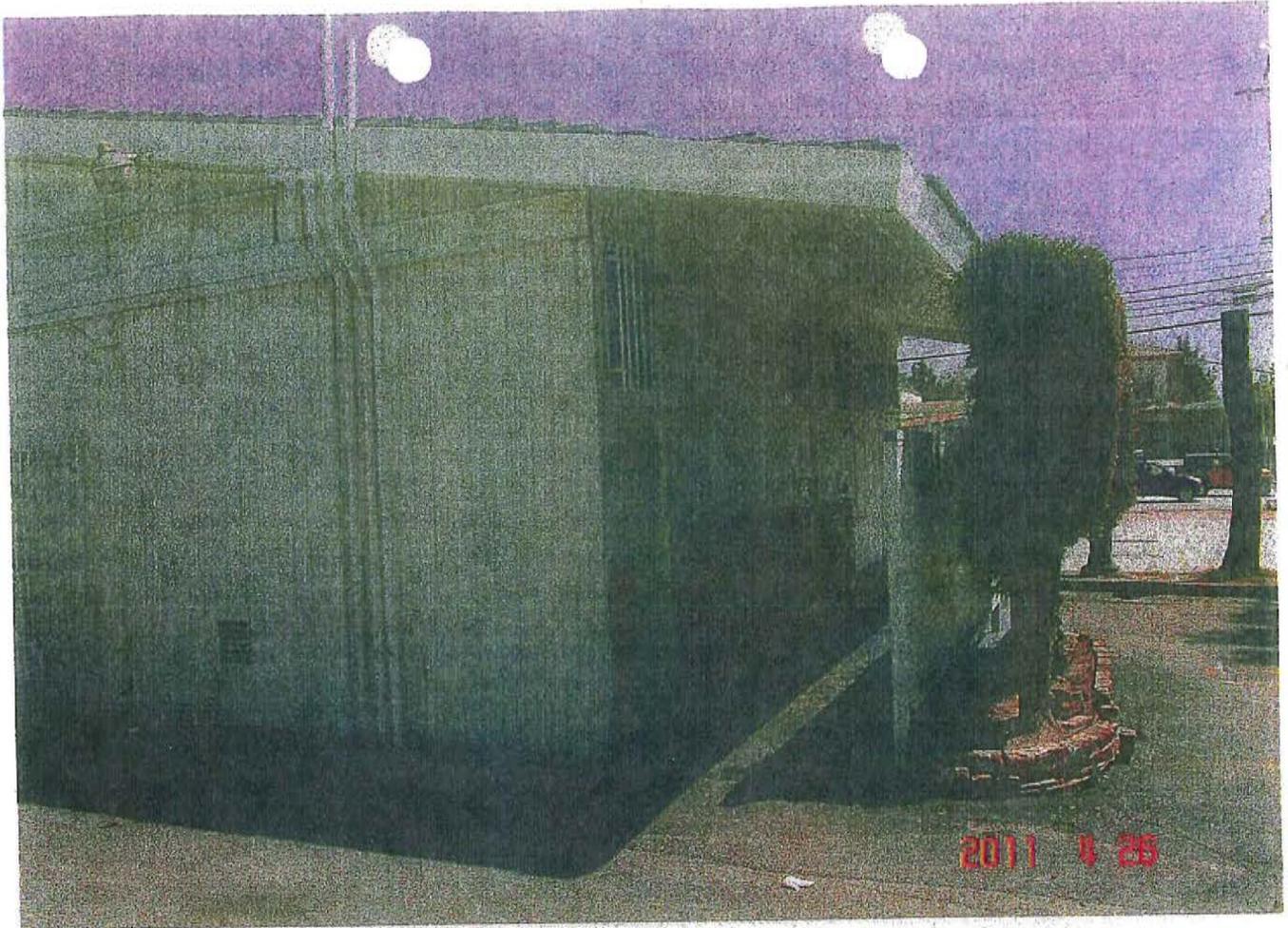
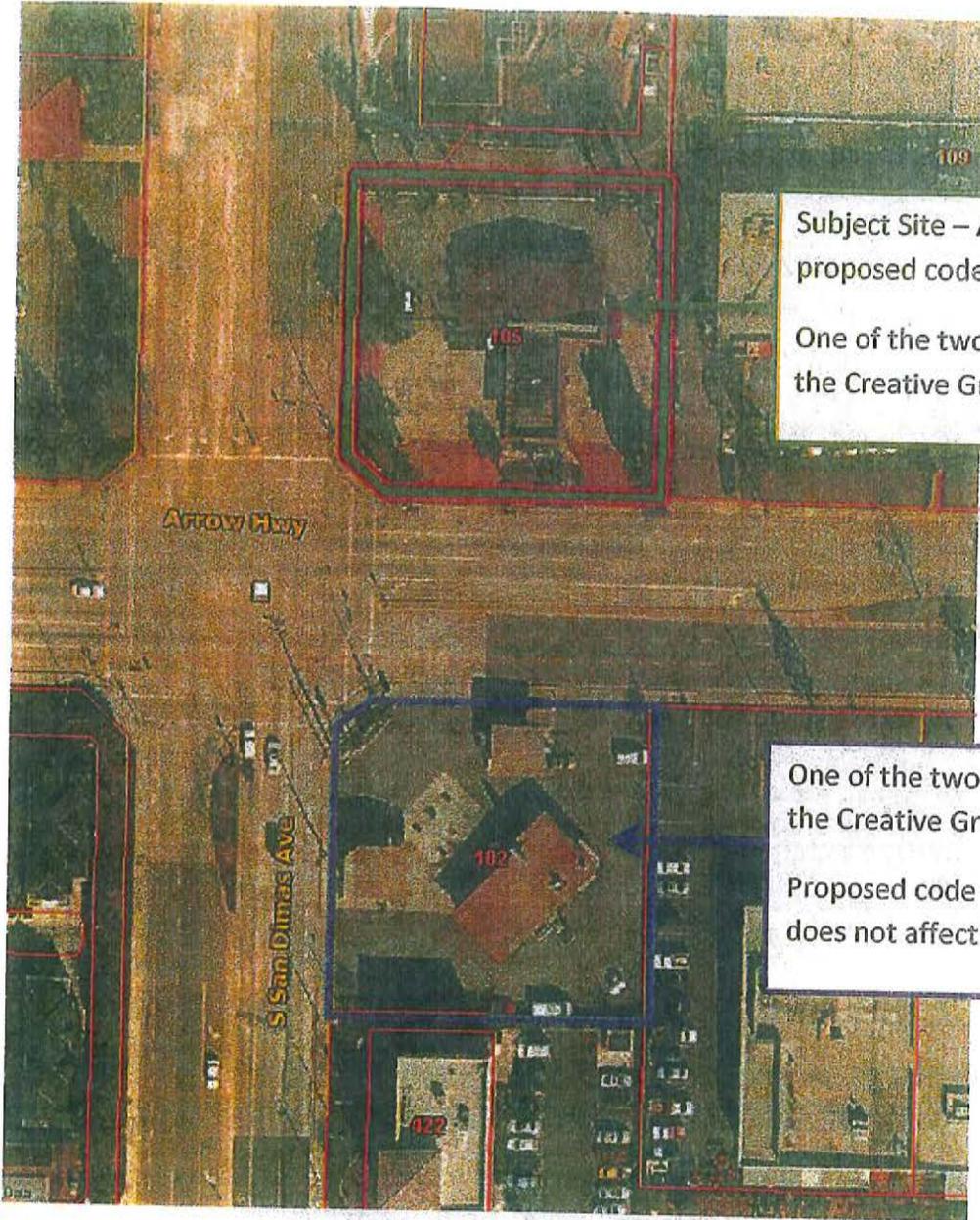


EXHIBIT A -  
CC STAFF REPORT 5-10-11

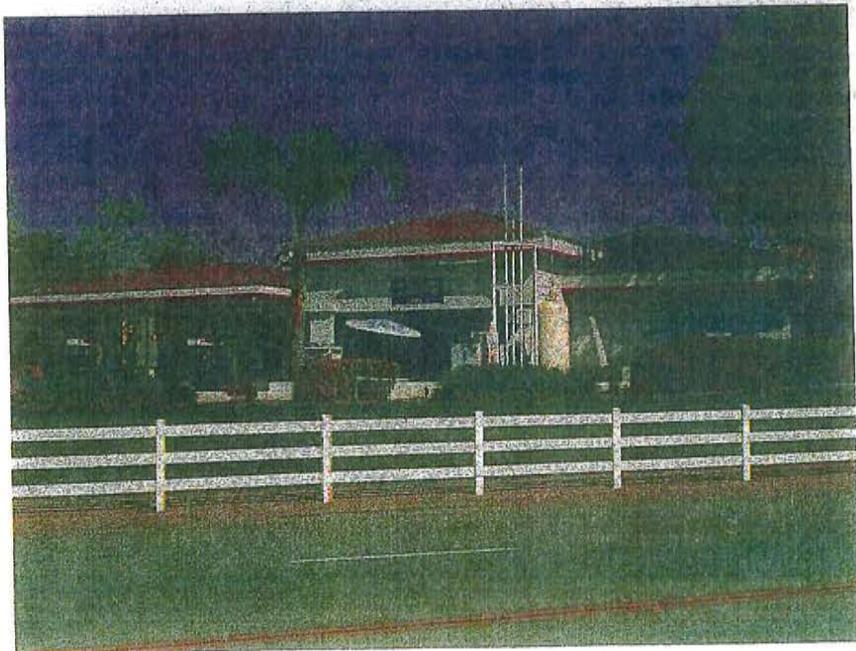


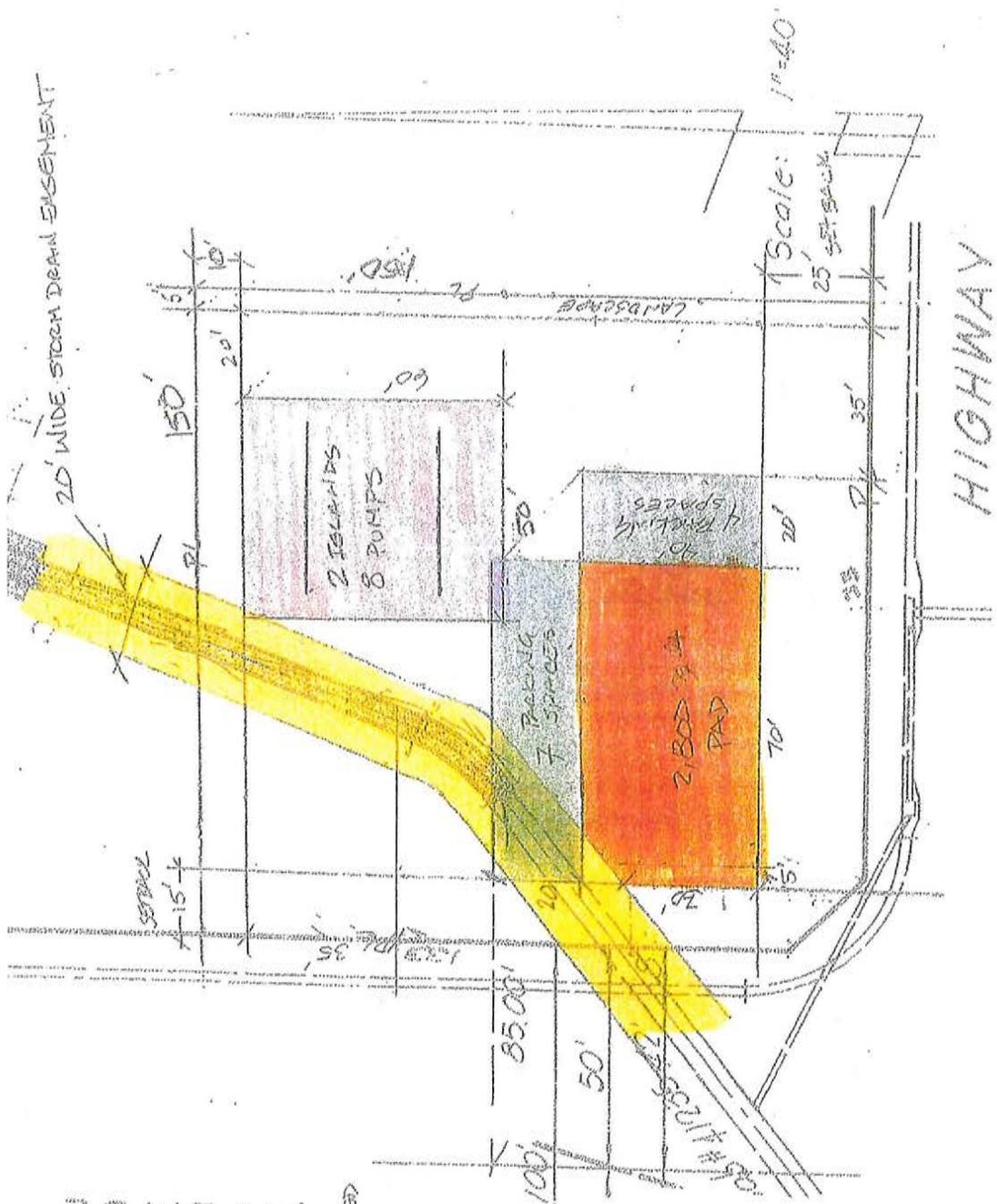
Subject Site – Affected by the proposed code text amendment.  
One of the two gas stations within the Creative Growth, Area 3 zone.

One of the two gas stations within the Creative Growth, Area 3 zone.  
Proposed code text amendment does not affect this site.



Example of reverse/turn around service station – 1790 San Dimas Avenue





AVENUE

2,800 sq ft / 225 sq ft

11 parking spaces required

2,800 sq ft / 225 sq ft = 12 spaces

Reduction of one space allowed

11 parking spaces required

\* POTENTIAL DEVELOPMENT LAYOUT  
ACTUAL LAYOUT & SETBACKS WILL VARY

NO.	DATE	REVISION
1	2-10-11	PRELIMINARY DEVELOPMENT



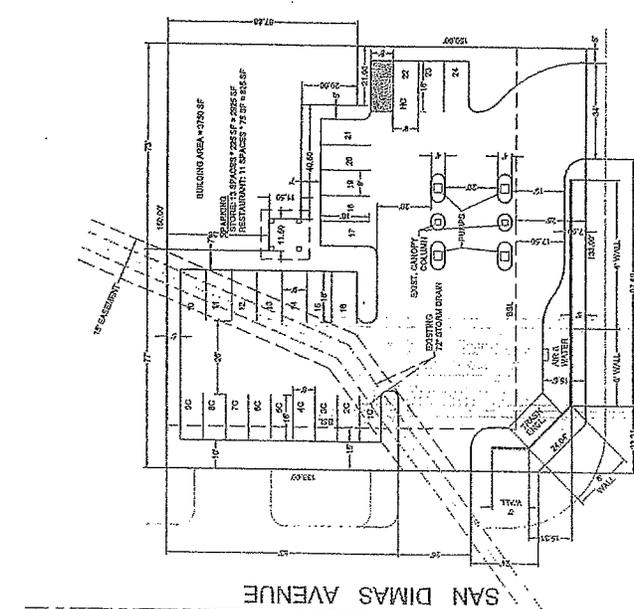
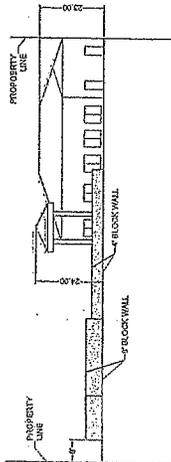
TERRY ROMBERG, ENGINEERING  
 1435 COLLETON AVENUE, SUITE 200  
 OAKLAND, CALIFORNIA 94612  
 (925) 763-1100  
 FAX (925) 763-1101  
 WWW.TERRYROMBERG.COM



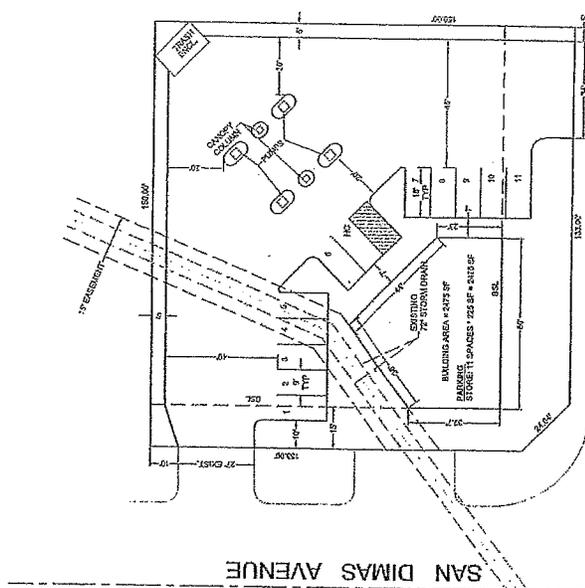
PRELIMINARY SITE PLAN  
 105 East Arrow Highway  
 Menlo Park, CA

DATE	NO.	REVISION
	1	PRELIMINARY DEVELOPMENT

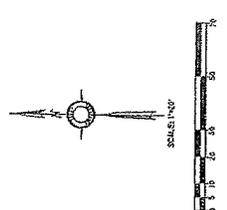
PROJECT: 105 East Arrow Highway  
 SHEET: 1  
 TOTAL SHEETS: 1



**PROPOSED SITE LAYOUT**  
 BUILDING TO BE IN THE NORTHEAST CORNER. BY USING THIS LOCATION THE EXISTING PUMPS AND FUEL TANKS CAN REMAIN AS IS ON THE SITE. THIS LOCATION WOULD ALSO ACCOMMODATE THE LOCATION OF THE EXISTING STORM DRAIN EASEMENT IN A MORE PRACTICAL MANNER. THIS WAS THE REASON FOR THE CODE AMENDMENT.



**ALTERNATE SITE LAYOUT**  
 BUILDING TO BE IN THE SOUTHWEST CORNER. THIS LOCATION WOULD REQUIRE THE EXISTING PUMPS AND FUEL TANKS TO BE RELOCATED TO ACCOMMODATE THE NEW LOCATION OF THE BUILDING. THE LOCATION OF THE STORM DRAIN EASEMENT THE SIZE OF THE BUILDING WOULD BE DIFFERENT SUBSTANTIALLY. THIS WOULD ELIMINATE THE REQUEST OF USING THE BUILDING FOR A SMALL RESTAURANT ALONG WITH THE GAS STATION AND MARKET.



Mayor Pro Tem Templeman stated he is not happy with the service from the Humane Society in handling a serious problem with a neighbor's numerous cats. However, he will vote in favor of staff's recommendation.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to approve the new three year agreement with the Inland Valley Humane Society for continued animal shelter and animal control services. The motion carried unanimously.

## 8. PLANNING/DEVELOPMENT MATTERS

- a. Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the City's reverse/turn around design required by Code.

Associate Planner Espinoza presented a request for a major remodel of the service station at 105 E. Arrow Highway and advised that staff notified the applicant that the proposed layout did not meet the reverse/turn around service station design as required by the Municipal Code. The applicant subsequently submitted a proposal to initiate a code amendment to allow an exception to the reverse/turn around station design when a drain facility and/or easements interfere with the siting of the proposed building. Planner Espinoza said the subject site is adjacent to the Grove Station and across the street to the east of the vacant property at Commercial and San Dimas Avenue, all of which are located within the Creative Growth, Area 3 zone. Staff is working with developers of the Grove Station and the vacant lot, and said consideration should be given to processing all code text amendments for this zone at one time. Staff recommends the city Council deny the applicant's request for a municipal code text amendment and to direct staff to bring back the other two code text amendments as one when all applicants are ready to proceed.

Planner Espinoza responded to specific questions and compared the traffic safety issues with a street facing gas station design versus the reverse/turn around design required by Code.

In response to Mayor Morris, Planner Espinoza stated that once an analysis of the overall project is completed, it may be determined that a variance is not warranted because the applicant has the opportunity to build an appropriate station for the site.

In response to Councilmember Badar, Planner Espinoza replied that the applicant is proposing to increase the size of the existing gas station and associated convenience store from 1500 square feet to a total of 3750 square feet.

Mayor Morris stated that zoning applies equally to all properties with similar uses within a specific area and he expressed concern that the proposal requests a change to the code to accommodate one specific project with a storm drain easement that runs through the property.

Councilmember Ebner stated that no other property meets that particular requirement and a Variance concept would work for this property.

In response to Councilmember Ebner, Assistant City Manager Stevens explained that a Variance is a special consideration that determines that the standards in the Code discriminate against reasonable and fair use of the property, and that it is a unique circumstance that warrants that type of consideration. He said typically a Variance is not based upon economic hardship unless all value is taken away from the property by virtue of how the Ordinance is written. He stated that the gas station is the current use, and the applicant would like to redesign the existing use, however, the zoning code allows other uses of the property, which may or may not have a different economic benefit or value to the property owner. He said the question before the City Council is whether or not there are enough changed circumstances to merit a public hearing to consider amending the Code.

Mayor Pro Tem Templeman expressed concern with the aesthetics of the project and whether or not it would benefit the overall neighborhood. It did not matter to him that the gas station was a street facing design or reverse/turn around design.

Councilmember Bertone inquired if it was appropriate for the City Council to revoke the permit to sell alcohol.

Assistant City Manager Stevens replied that the Conditional Use Permit applies to the land, not necessarily the use. He stated that depending on how the land changes, the applicant may require a new use permit for alcohol.

Chris Klingerman, representing the owner operator of the subject gas station, pointed out the numerous levels the reverse/turnaround design is problematic, including the small size of the property and the prohibitive cost to relocate underground tanks and above ground pumps to meet environmental regulations. He said the owner is proposing to build a traditional front-facing, architecturally historic design that will complement the Grove Station, including a new canopy over the pumps, architecturally complimentary screening wall, and a take-out Indian vegetarian food restaurant. He said the project can only move forward with a code amendment due to the underground storm drain that prevents development over 25% of the property. He asked the City Council to weigh the benefits and approve a code amendment for this project.

Hari Alipuria, owner, Gas Station, 105 East Arrow Highway, said the project would not only aesthetically complement the Grove Station, but would create new jobs for residents, and the 24-hour operation would provide security to the area. He would appreciate anything the City Council can do to move this project forward.

In response to Council, Mr. Klingerman replied that the design, which will look like part of the Grove Station strip, is flexible, and has adequate parking of 21 spaces, however, there are minimum size requirements for a Circle K franchise.

Assistant City Manager Stevens pointed out that while the gas station and an accessory snack shop, which is limited to a maximum of 300 square feet, were permitted under the Conditional Use Permit, the convenience store was not permitted. If the City Council is going to consider making a code amendment, consideration should be given as to whether a convenience store component should be re-evaluated.

Planner Espinoza added that under the Conditional Use Permit, convenience stores allow the sale of beer and wine, which is not permitted in other gas stations.

In response to Councilmember Bertone, Mr. Stevens replied that the increase in size and bringing in a Circle K would trigger a complete review of the Conditional Use Permit.

Assistant City Manager Stevens said 1) the City Council can go forward with the public hearing and if the proposal has merit, a code amendment may be approved; 2) the threshold for approving a Variance is significantly more difficult than for a code amendment.

In response to Council, Mr. Stevens replied that the conversion to a Circle K with gas pumps is not permitted in the zone until a code amendment is approved. A convenience store opportunity is subject to renovation of the entire site with a reverse/turn around design. It is within the purview of the City Council to change the zone to accommodate any use.

Mayor Pro Tem Templeman said he can get past the issue of a reverse/turn around gas station with the understanding that the architecture, landscaping, and screening are critical for that corner.

Councilmember Ebner said a reverse/turn around gas station design is not necessarily more attractive and he is generally supportive of the proposal, with the caveat that the process go through staff's evaluation.

Councilmember Badar said an opportunity was presented to remodel a blighted corner and he is willing to go through the process to move the project forward.

Mayor Morris said there is consensus of the majority to direct staff to work with the applicant to identify an appropriate methodology for a traditional front-facing gas station.

It was moved by Councilmember Badar, seconded by Councilmember Ebner, to direct staff to work with the applicant to evaluate reasonable and appropriate site designs for a code amendment process simultaneously with a development application. The motion carried 4.1; Councilmember Bertone opposed.

Mr. Stevens added that because there are potentially several modifications to Area 3a of the Creative Growth zone, staff will do their best to process all code text amendments for this zone at one time, with the understanding that it is not constrained to only a reverse/turn around design.

## **9. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular meeting at 9:19 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:28 p.m..

## **10. ORAL COMMUNICATIONS**

- a. Members of the Audience (Speakers are limited to five-minutes or as may be determined by the Chair.)

No one came forward to comment.

- b. City Manager

- 1) Update on HEROES Veterans Memorial. Review the elements of an agreement related to the construction of the project and maintenance responsibilities.

City Manager Michaelis provided a summary of the June 6th meeting with the HEROES to review the results of the City's plan check of Phase I of the Veterans Memorial project, follow-up of key point items, and a time table necessary to accommodate a July 1<sup>st</sup> start of construction date. Mr. Michaelis also reviewed elements of a draft Agreement regarding the project and maintenance responsibilities of the HEROES and said staff does not want final approval of the Agreement to delay the issuance of building permits. Staff recommended that the City Council authorize staff to proceed with the concepts of the Agreement.

Mayor Morris expressed concern with maintaining the compliance of ADA with the use of decomposed granite versus concrete for the handicap accessible path.

Assistant City Manager Stevens stated that decomposed granite (DG) can be an accessible path provided it is constructed in an appropriate manner. He added that DG is subject to weatherization and more difficult to maintain and because the path will be kept accessible all the time, the HEROES was asked to consider going to concrete.



## Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of January 24, 2012*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Marco A. Espinoza, Associate Planner

**SUBJECT:** Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the reverse/turn around design required by Code.

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### **SUMMARY**

*The applicant submitted preliminary plans for a major remodel of the service station at 105 E. Arrow Highway. Staff notified the applicant that the proposed layout of the buildings did not meet the reverse/turn around service station design required by the Municipal Code (Section 18.140.090(C)(4)(a)(iv)).*

*The applicant indicated that they did not propose a reverse/turn around station design because of a 20' wide storm drain easement that runs through a portion of the property that would impede the required design.*

*Subsequently, the applicant has submitted a proposal to amend Code Section 18.140.090(C)(4)(a)(iv) to allow an exception to the reverse/turn around station design when a storm drain facility and/or easements interfere with the siting of the proposed building.*

*The Council discussed the proposed Municipal Code Text Amendment at their June 14, 2011 meeting and voted 4.1 (Bertone opposed) to direct Staff to work with the applicant to evaluate reasonable and appropriate site designs, in addition to possible code text amendments.*

*Staff has worked with the applicant on site design layout options, identifying existing underground tank locations, confirming*

*underground tanks meet current AQMD requirements and exploring possible code text amendments. The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost, thereby prohibiting a reverse/turn around design. As an alternative, Staff presented the applicant with a tentative schematic design that would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.*

*Staff understands the reason for the applicant's rejections of Staff's design (cost) but the intent of the original modification to the Creative Growth Zone in 2005 was for the City to obtain a comprehensive redevelopment of these sites, not partial. As part of Staff's design the 25-foot setback requirement along Arrow Highway within the CG-3 Zone would be reduced to 10 feet in order to allow better site development.*

*Staff recommends the City Council uphold the intent of the Municipal Code Text Amendment established in 2005 for a complete redesign of the gas station properties and reject the applicant's request. Staff also recommends the Council initiate a Code Text Amendment to reduce the 25-foot setback along Arrow Highway to 10 feet within the CG-3 Zone only if the applicant decides to proceed with a reverse/turn around design.*

## **BACKGROUND**

The applicant is proposing to remodel the existing gas station and associated convenience store but keep the existing pump stations and underground tanks in the same location; the existing site is in need of repairs and updating. The existing gas station was conditionally permitted in 1981, under Conditional Use Permit 81-06. The gas station also has an alcohol license that allows the off-site sale of beer and wine.

After reviewing the applicant's preliminary site plan submittal for a complete remodel of the site, they were informed that the Code required a reverse/turn around service station design. The applicant informed Staff that they were aware of the Code requirement but felt that they could not develop the site to meet their needs due to the existing 20-foot wide storm drain easement that runs through the property.

At the June 14, 2011 City Council meeting Staff presented to the Council the background information on the proposed code text amendment, in addition to the applicant's site design layout for the gas station. The applicant testified that a reverse/turn around design was cost-prohibitive because it would require

relocating the underground storage tanks. The Council directed Staff to further evaluate site design possibilities and the code text amendment with the applicant. The following is the outcome of those meetings.

## **ANALYSIS**

### ***Current Code Requirements***

In 2005, when the Grove Station project was being processed, several code text amendments were made to the Creative Growth Zone to allow for aesthetic improvements to the area. The City saw this as an opportunity to look at some of the surrounding properties near the Grove Station. The City felt that the two service stations were potential sites that would benefit from aesthetic improvements. In order to encourage improving substandard sites, the City incorporated the possibility to conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the sites. As part of the code text amendment the City included that the sites would require a complete reconstruction as a reverse/turn around station, improving the aesthetics of the sites. The code amendment was seen as a method of addressing community design interests that would encourage reconstruction of the sites without restricting the ability for the existing use(s) to continue. The incentive to allow a convenience store with the sale of beer and wine is only given to the two gas stations within this zone and nowhere else in the City except for in Specific Plan No. 2 (Arco at Lone Hill and Arrow). In all other cases alcohol is not allowed and food sales are limited to "accessory snack shops".

The City has used the reverse/turn around service station design on other projects in the City and it has become the preferred design concept for such uses. The design is favored because it allows the attendant building to screen the unsightly pump islands and decreases the amount of ingress and egress approaches to the site, thus reducing traffic safety issues (see Exhibit F).

Within the Creative Growth, Area 3 – Mixed Use, Sub-Area "A" – Mixed Use/Commercial Office Zone there are only two gasoline service stations. The two stations are at the intersection of San Dimas Avenue and Arrow Highway. One is on the southeast corner and the other, which is the applicant's site, is on the northeast corner (see Exhibit D).

### ***Applicant's Proposed Code Text Amendment***

The subject site has a 20-foot wide storm drain easement that goes through a portion of the property. The storm drain enters the property along the north property line approximately 60 feet from the northwest corner and travels down the property in a boomerang shape. The storm drain exits the property on the west property line approximately 40 feet from the southwest corner of the property (see Exhibit A). Even with the restrictions of the easement, Staff feels

that the site is adequate in size to construct a reverse/turn around service station with accessory use(s).

Staff is not in favor of the proposed code text amendment which the applicant is proposing as follows (proposed text is in **Bold**)(see Exhibit A):

Code Section 18.140.090(C)(4)(a)(iv)

iv. Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. **Should any storm drain facilities and/or easements interfere with this siting the applicant shall provide documents with findings. At such time the Staff will review documents to provide the applicant with a decision. If the documents show the reverse siting of the new structure is not possible, the site will incorporate site designs to reflect the architectural statement for the Arrow Highway and San Dimas Avenue intersection.** If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

Even though there are two service stations within this sub-area, the applicant's code text amendment request would only affect the applicant's site, the station that is on the northeast corner of San Dimas Avenue and Arrow Highway at 105 E. Arrow Highway.

#### ***Applicant's Revised Site Design Layout***

Based on direction from the Council at the June 14, 2011 meeting the applicant revised their original site plan to address Staff's concerns regarding parking, circulation and building design (see Exhibit H). The applicant did not address the requirement of a reverse/turn around design.

At this point they are not willing to consider any design modifications to the site that would require them to relocate the pumping station/canopy and/or the underground tanks.

Staff has reviewed the revised site layout and has the following concerns:

1. The site layout is not a reverse/turn around design as required by the Code.

2. The gas pump canopy would remain in the same location. The canopy is currently nonconforming as it is within the 25-foot setback along Arrow Highway.
3. The southwest most drive approach along Arrow Highway should be removed and replaced with a landscape planter; it is unnecessary, oversized and too close to the intersection.
4. There are five parking spaces in front of the proposed convenience store (south elevation) that should be deleted to allow for additional required landscaping and a sidewalk in front of the parking stalls for pedestrian safety. The increased landscape and sidewalk requirement would reduce the 26-foot maneuvering space required for vehicles to back-out.
5. Planter fingers do not meet the required width dimensions per Code.
6. The site does not meet the landscape requirements of 10% minimum of the total parking area shall be landscaped, excluding the setback area.
7. Based on the above concerns it appears that the applicant is still overbuilding for this size lot and is having difficulty meeting the minimum Development Standards of the Code.

### ***Comparison to Other Gas Stations***

One of the concerns Staff previously discussed, and which still remains an issue, is the prospect of overbuilding of the site. The applicant is proposing a 3,000 sq. ft. building of which 600 sq. ft. of it is for a take-out restaurant use. Restaurant uses have a higher parking ratio (1:75 sq. ft.) compared to commercial uses (1:225 sq. ft.), increasing the number of parking stalls required on-site. The subject site is a corner lot which has required setbacks on two sides (25-feet on Arrow Hwy. and setback to be determined by the approving body on San Dimas Ave.), thus reducing the area for development. The proposed restaurant use and the parking required for the use, in addition to the owner's self-imposed restrictions, have made proper development of the site challenging.

In comparing the two other two gas station developments in the City that are similar to the applicant's proposal, you will notice that they are on larger lots. The applicant's lot is 22,216 sq. ft. The Arco gas station at 1115 W. Arrow Highway is on a 43,442 sq. ft. lot with a 2,880 sq. ft. convenience store. The second gas station is the 76 Unocal at 1790 S. San Dimas Avenue which is on a 34,999 sq. ft. lot with a 2,768 sq. ft. building with convenience store. Both of these sites are 12,783 sq. ft. to 21,226 sq. ft. larger than the applicant's site. Both of these were developed with buildings less than 3,000 sq. ft., which is the size the applicant is looking to build.

The applicant needs to consider reducing the building size and possibly the restaurant use in order to comprehensively develop the site to meet the Development Standards of the Code and to allow for effective circulation of the site.

<b>Site Location</b>	<b>Lot Size</b>	<b>Building Size</b>	<b>Convenience Store – Beer and Wine Sales</b>	<b>Aerial of Site</b>
<b>Arco</b>  <b>1115 W. Arrow Hwy.</b>	<b>43,442 sq. ft.</b>	<b>2,880 sq. ft.</b>	<b>Yes - Yes</b>	
<b>76 Unocal</b>  <b>1790 S. San Dimas Avenue</b>	<b>34,996 sq. ft.</b>	<b>2,768 sq. ft.</b>	<b>Yes - No</b>	
<b>Gas And Go</b>  <b>105 E. Arrow Hwy.</b>	<b>22,216 sq. ft.</b>	<b>1,568 sq. ft.</b>	<b>Yes - Yes</b>	

### ***Staff's Schematic Site Design Layout***

After obtaining and confirming that the existing underground tanks meet current AQMD requirements, Staff discussed possible options for development of the site with leaving the tanks in their current location. After coming up with several different design options, Staff felt that, in order to best accommodate the applicant's request and meet the reverse/turn around design, the 25-foot setback along Arrow Highway should be reduced to 10 feet.

By reducing the setback requirement along Arrow Highway Staff prepared a schematic site design layout that was a reverse/turn around design and had a pad building of 3,092 sq. ft. with the required parking (see Exhibit I). As part of this design the pump station and canopy were relocated to the north east portion of the property. The proposed building would be outside of the existing 20-foot wide storm drain easement eliminating previous development constraints.

Staff reviewed this design with the applicant and property owner as a possible option to comply with the current code requirements. The property owner discussed with Staff that relocation of the pump station, canopy, and/or the underground tanks was not an option and that any design that incorporated this design would not be feasible for them.

### **Conclusion**

The code text amendments made in 2005 were intended to improve the aesthetic appearance of the substandard sites. In order to accomplish this it was clear that a complete demolition of the site would be required. As compensation for the total redevelopment of the site, an incentive to have a convenience store that allows the sale of beer and wine was conditionally permitted; such uses are prohibited in most other zones. The reverse/turn around design for service stations is preferred because it allows for the main building to shield the unsightly gas pump islands and reduce the amount of entrance and exit approaches to the site. These factors were taken into consideration when approving the code text amendment to the Creative Zone in 2005. Staff feels that even with the storm drain easement, the site can be properly designed to meet the reverse/turn around design with a code text amendment to reduce the required 25-foot setback along Arrow Highway to 10 feet, upholding the intent of the Council's action of improving the aesthetic appearance of the entrance to the downtown.

### **RECOMMENDATION**

Staff recommends the City Council deny the applicant's request for a Municipal Code Text Amendment request to modify Code Section 18.140.090(C)(4)(a)(iv) to allow an exception to the reverse/turn around station design for gasoline service stations when a drain facility and/or easements interfere with the siting of the proposed building.

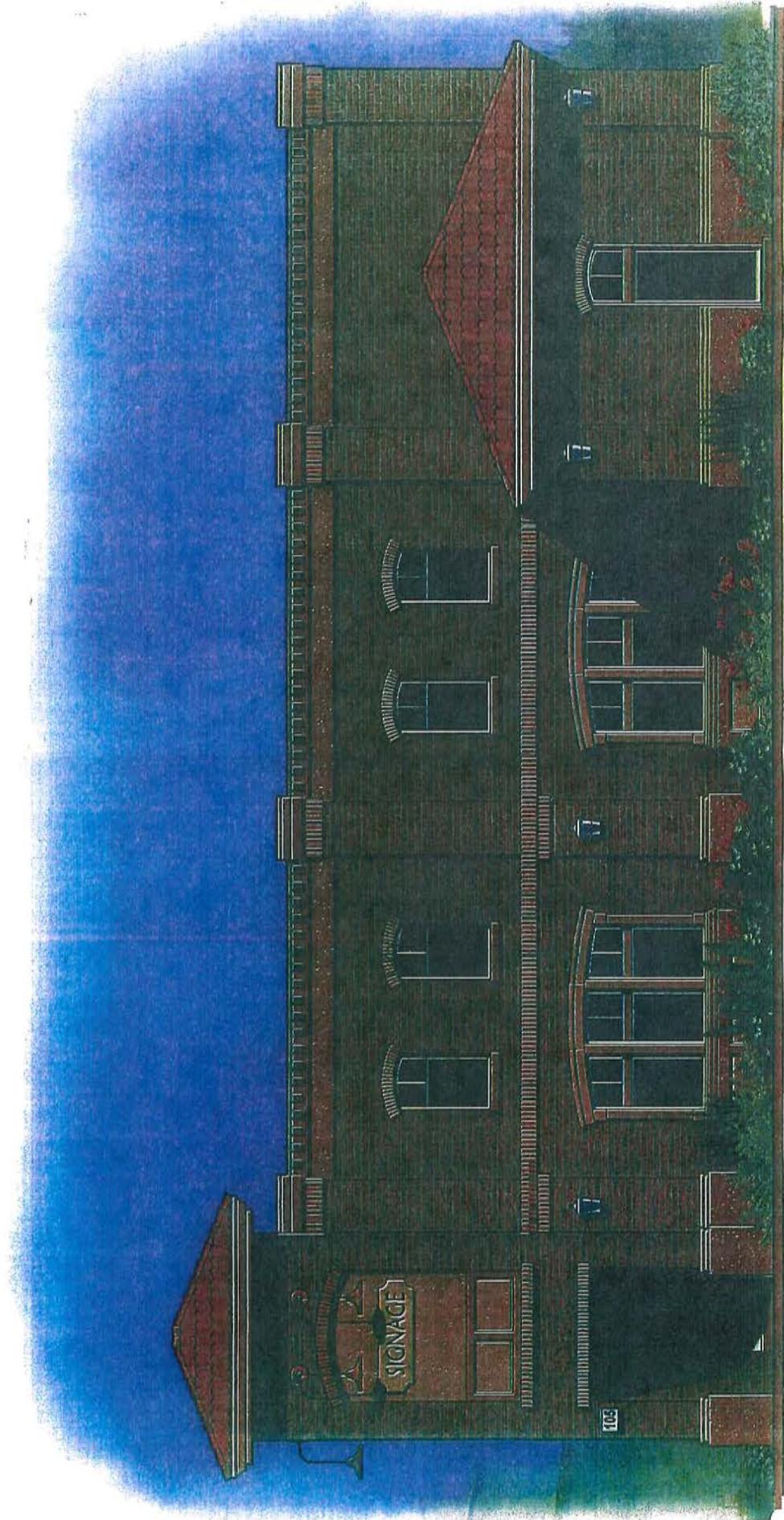
Staff also recommends that if the applicant would like to submit the reverse/turn around design as proposed in Staff's design, that the Council initiate a reduction in the 25-foot setback along Arrow Highway to 10 feet within the CG-3 zone.

Respectfully Submitted,

Marco A. Espinoza  
Associate Planner

Attachments:

- Exhibit A – Applicant's request letter
- Exhibit B – Chapter 18.140 C-G Creative Growth Zone
- Exhibit C – Photos of subject site
- Exhibit D – Aerial of both gas stations within CG-3
- Exhibit E – Example of reverse/turn around service station
- Exhibit F – June 14, 2011 City Council minutes
- Exhibit G – Color elevation of proposed gas station
- Exhibit H – Applicant's revised site plan
- Exhibit I – Staff's site plan design
- Exhibit J – Applicants Alternative Proposed Municipal Code text Amendment



105 E. ARROW HWY.,  
SAN DIMAS, CA 91773

ELEVATION ALONG ARROW HIGHWAY

## 6. PLANNING/DEVELOPMENT SERVICES

- a. Appeal of DPRB Case No. 08-47 Revised house layout and grading plan from the previously approved plans.  
DPRB CASE NO. 08-47, A request to construct a 5,117 sq. ft. two-story, single-family residence and several attached garages totaling 1,908 sq. ft. within Specific Plan No. 4 at 1658 Gainsborough Road (APN: 8426-034-020).  
ASSOCIATED CASE: TREE PERMIT 10-48, A request to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages.

- 1) **RESOLUTION NO. 2012-05**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL REQUEST AND UPHOLDING THE DENIAL WITHOUT PREJUDICE OF DPRB CASE NO. 08-47, A REQUEST TO CONSTRUCT A 5,117 SQ. FT. TWO-STORY, SINGLE-FAMILY RESIDENCE AND SEVERAL ATTACHED GARAGES TOTALING 1,908 SQ. FT. WITHIN SPECIFIC PLAN NO. 4 AT 1658 GAINSBOROUGH ROAD. (APN: 8426-034-020).

Mayor Morris announced that Aspen Financial Group, Inc. requested postponement of the appeal of Development Plan Review Board Case No. 08-47 to the next City Council meeting on February 14, 2012.

- b. Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the reverse/turn around design required by Code.

Associate Planner Espinoza summarized a previous proposal requesting a code amendment to allow an exception to the reverse/turn around service station design required by the Municipal Code because a storm drain facility and/or easement interferes with the siting of the proposed building. At the June 14, 2011 City Council meeting, staff was directed to work with the applicant to evaluate reasonable and appropriate site designs, in addition to possible code text amendments. The applicant rejected staff's tentative schematic design that would accommodate the required reverse/turn around design because the applicant felt it was cost prohibitive to relocate the gas pumps and canopy. Staff stated that the intent of the original modification to the Creative Growth Zone in 2005 was for the City to obtain a comprehensive redevelopment of these sites. Staff proposed reducing the 25-foot setback requirement along Arrow Highway within the CG-3 Zone to 10 feet in order to allow better site development, and recommended the City Council reject the applicant's request and uphold the intent of the Municipal Code Text Amendment established in 2005 for a complete redesign of the gas station properties. Staff also recommended the City Council initiate a Code Text Amendment to reduce the 25-foot setback along Arrow Highway to 10 feet within the CG-3 Zone only if the applicant decides to proceed with a reverse/turn around design.

In response to Councilmember Ebiner, Planner Espinoza replied that the building is nonconforming as it relates to setbacks and design, and if the building is demolished, the applicant would have to rebuild to current code requirements, which is a reverse/turn around service station design. He added that 600 square feet is for take-out restaurant use, which requires one parking space for every 75 square feet. In addition to take-out, there will be some seating allowed inside the restaurant.

- 1) Chris Klingerman, representative for Hari Alipuria, property owner, said Mr. Alipuria will not go forward with the development if the reverse/turn-around design is required. He said based upon the prohibitive costs to remove and relocate the tanks, and replace the canopy, the proposal of a reverse/turn-around gas station is not user friendly. He said Mr. Alipuria is proposing an historic design, front facing gas station with a convenience store and a small ethnic take-out restaurant that would require a modest number of parking spaces. He added that if in the future, the building is no longer needed as a gas station, what remains is an historic building that complements the adjoining development. He stated that the gas

station is located on a corner and a reverse/turn-around design does not make sense since the pumps would be visible from the adjacent street. He said the Planning Commission's proposed 10-foot walls off the sidewalk would create a blind section for motorists heading west on Arrow Highway. He stated that Exhibit J proposes an alternative code amendment that provides flexibility to the City indicating that a reverse or turn around station design is still a preferred design, however, if an applicant proposes an historic design to meet early California standards consistent with Grove Station and other developments within the City, that the Planning Commission and City Council may consider an historic development as an alternative.

2) Hari Alipuria, property owner, concurred with Mr. Klingerman and said the proposed design adheres to the theme and character of the city and conforms to its surroundings. He is presenting a safer, economically feasible green project that will utilize solar energy and reduced irrigation landscaping. He would like the City Council to consider approval of the project in a way that meets code requirements as it relates to the size of the building, as well as parking and landscaping requirements.

3) Mr. Klingerman commented that should the City Council wish to go forward with the project, he will work with the Planning Commission on the necessary parking and landscaping requirements.

Mayor Morris stated that although this is not a public hearing, the City Council is considering a code text amendment and audience members were invited to comment. No one stepped forward to speak.

Planner Espinoza noted that the specific language proposed by the applicant as an alternative is already a code requirement within the Creative Growth Area.

In response to Councilmember Bertone, Planner Espinoza replied that overbuilding is an issue and as proposed, the project does not meet all the development standards. For example, he said if parking is reduced, the building would have to be reduced as well.

Mayor Morris stated that at this time, the City Council is only considering whether or not to amend the code, and is not approving the design.

Assistant City Manager Stevens indicated that the City Council is making the determination whether or not there is sufficient merit to go forward with the hearing process to consider a possible amendment to the code and the detail of that change of design would be evaluated in the process. He said what staff suggested is that they probably could make it work primarily with the existing standards and come up with a suitable design, and maybe setbacks might need to be adjusted on Arrow Highway.

In response to Councilmember Ebner, Assistant City Manager Stevens replied that staff's primary purpose is to protect the structural integrity of our storm drain pipe and no structures can be built over the easements. He mentioned that typical site improvements, such as a pavement, can occur over the easement, although they would be subject to review. He added that there is no structure over the easement at the current time and the existing structure at the site is much smaller than the proposed structure.

In response to Mayor Pro Tem Templeman, Assistant City Manager Stevens replied that the City of San Dimas owns, operates and maintains the storm drain that runs through the rear of Albertson's parcel and cuts through the middle of the Grove Station site. He said it was previously an open channel, but is a closed channel at the gas station site.

Mayor Pro Tem Templeman said a reverse/turn-around gas station design is not necessarily the best way to do business. He said the cashier is blocked from vision and from a safety point of view, people using the station pumps should be visible to other patrons.

Councilmember Ebner agreed with Mayor Pro Tem Templeman's comments and said even an aesthetically pleasing design is subject to review and approval.

Councilmember Badar said he does not support the building being set back 10-feet because it creates the image of a blind intersection at San Dimas Avenue/Arrow Highway. He is in favor of considering a code amendment.

Councilmember Bertone said this is an important corner and staff came up with an appropriate design for the new redesigned gas station. He will support staff's recommendation.

Mayor Morris said he was concerned from the beginning about how the code would apply to a small lot where the reverse/turn-around does not seem to work very well. He expressed concern that the code amendment would apply to only one piece of property, which he felt should be approved through a variance. However, he will vote with the majority to go forward with the hearing process to consider a code amendment.

Councilmember Ebner said it is his desire to eliminate the reverse/turn-around gas station design, not for the property, but he thought it would be a better project without the reverse/turn-around gas station design.

In response to Mayor Pro Tem Templeman, Assistant City Manager Stevens replied that the reverse/turn-around gas station design was approved in conjunction with the amendment for the Grove Station project. He said one other gas station on the southeast corner of San Dimas Avenue/Arrow Highway is affected in that they have the same opportunity provided to comply with design parameters.

In response to Mayor Morris, Assistant City Manager Stevens replied that the gas station currently complies with the design parameters and the suggestion is that staff look at both gas stations and the appropriateness of the design standards and how those standards are crafted as part of this process.

In response to Councilmember Ebner, Assistant City Manager Stevens replied that the design was a way to facilitate a different aesthetic, which should now be addressed in a different way than an automatic requirement for a turn-around design. Staff will take a broader look and work on a satisfactory design, and adjust the standards as necessary. He added that the applicant's project will go through a simultaneous process while staff is reviewing standards. He said even if the applicant decides to not go forward with the project, staff will proceed with the code amendment or add it to their project list.

It was moved by Mayor Pro Tem Templeman, and seconded by Councilmember Badar, to direct staff to initiate a code amendment to consider modifications to reverse/turn-around gas station design parameters in the Creative Growth Area 3. The motion carried 4.1; Councilmember Bertone opposed.

## **7. OTHER MATTERS**

- a. Lease Agreement with the Pacific Railroad Society for use of the Santa Fe Depot, 210 W. Bonita Avenue.

Assistant City Manager Duran reported that in 1995 the City Council approved a Lease Agreement with the Pacific Railroad Society for use of the Santa Fe Depot at Rhoads Park. The Agreement was renewed in 2002 and expires in September 2012. Mr. Duran said that in 2009 the Historical Society relocated from the west end of the Depot and the City received two requests for use of the space -- one from Pacific Railroad Society and one from San Dimas Rodeo Committee. The City granted the request from the San Dimas Rodeo Committee to utilize the space for their office use. Mr. Duran highlighted the significant elements of the proposed Lease Agreement and recommended that the City Council authorize the execution of the proposed new Lease Agreement with the Pacific Railroad Society.

# DEVELOPMENT PLAN REVIEW BOARD FACT SHEET



**DATE:** October 11, 2012  
**TO:** Development Plan Review Board  
**FROM:** Marco A. Espinoza, Associate Planner  
**SUBJECT:** DPRB Case No. 12-19

**Associated Cases:** Municipal Code Text Amendment 10-06  
Conditional Use Permit 12-06 & 12-07

A request to demolish the existing 1,568 sq. ft. gas station attendant building / convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and relandscaped. Property Address: 105 E. Arrow Highway (APN:8390-018-023).

## **FACTS:**

### *Background*

During the initial discussion with the applicant about the proposed remodel of the existing site, Staff informed the applicant about the Code Development Standards requiring a reverse / turn around station design, as shown on the aerial photo below.



Example of a reverse / turn around station design

- The applicant informed Staff that they did not conform to the regulation because of a no build 15-foot wide storm drain easement that runs through the property. An additional development constraint that is self-imposed is the request to leave the gas pump canopy and the underground tanks in the same location thereby not allowing for the attendant building to be located at the southwest corner of the lot.
- Due to the existing and self-imposed constraints the applicant has filed for a Municipal Code Text Amendment Application (MCTA) to allow for a standard gas station design. The City Council has preliminarily reviewed the MCTA and has agreed to hear the request.
- The City has used the reverse/turn around service station design on other projects in the City and it has become the preferred design concept for such uses. The design is favored because it allows the attendant building to screen the unsightly pump islands and decreases the amount of ingress and egress approaches to the site, thus reducing traffic safety issues
- In 2005, when the Grove Station project was being processed, several code text amendments were made to the Creative Growth Zone to allow for aesthetic improvements to the area. The City saw this as an opportunity to look at some of the surrounding properties near the Grove Station and felt that the two service stations were potential sites that would benefit from aesthetic improvements. In order to encourage improving substandard sites, the City incorporated the possibility to conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the sites. As part of the code text amendment the City included that the sites would require a complete reconstruction as a reverse/turn around station, improving the aesthetics of the sites. The code amendment was seen as a method of addressing community design interests that would encourage reconstruction of the sites without restricting the ability for the existing use(s) to continue. The incentive to allow a convenience store with the sale of beer and wine is only given to the two gas stations within this zone and nowhere else in the City except in Specific Plan No. 2 (Arco at Lone Hill and Arrow). In all other cases alcohol is not allowed and food sales are limited to “accessory snack shops”.
- Staff feels that the City has provided the two gas stations in this zone three economically beneficial uses on site (convenience store, restaurant and off-site sale of beer and wine) as an incentive for the owners to fully develop their properties. These types of incentives have not been granted to any other zones in the City.
- The applicant is proposing all of the three economically beneficial incentive uses but is not wishing to comply with current code nor to make the site conforming to current development standards.

#### *Proposal – Buildings*

- The applicant is proposing to demolish the existing 1,568 sq. ft. attendant / convenience store and build a new one. The new 2,561 sq. ft. building will house the attendant counter, a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant.

- The building is designed in an early California industrial architecture, very similar to the Grove mix-use project just to the north of the project.
- The main portion of the building will have a two-story appearance but is only a one story building with a high attic space. The other portion of the building will be one story in height with a hipped roof design.
- The building will be located at the northeast corner of the property.
- The applicant is proposing the following materials and architectural features on the main building:
  - Antique red brick façade on the west and south elevations of the building.
  - Semi-arch clear windows on the first floor with pre-cast stone decorative trim.
  - A corner tower entrance feature with a sign band area with decorative goose-neck down lighting fixtures.
  - The building will have additional decorative wall lighting fixtures that are compatible with the architecture of the building.
  - The upper story will have spandrel windows with a grid pattern.
  - The main building will be designed with a parapet roof to screen any mechanical equipment and vents.
  - The parapet wall will have a dentil relief detail that will be covered in stucco.
  - Clay S-tile on the tower and the one-story portion of the building.
  - The building will have 3-foot wide, full height brick columns spaced out approximately every 16 feet.
  - A stucco 4-foot high wainscot along the majority of the south and west wall planes.
  - The north and west elevations face the interior of the adjacent lots. Both elevations are stucco with brick columns and the dentil relief cornice at the top of the parapet wall.
- As mentioned the applicant is also proposing to remodel the existing gas pump canopy but is not relocating it. The canopy will have the same decorative finish materials as the main building.
  - The roof of the canopy will be designed in a hipped roof design with the same S-tile material.
  - The existing pylons will be covered in the same antique red brick as the main building.

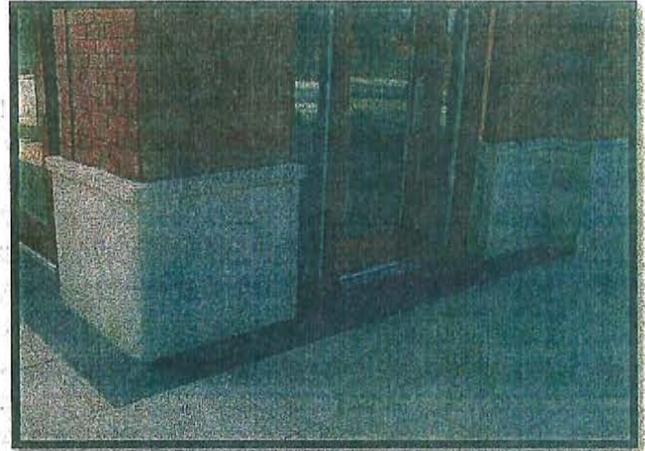
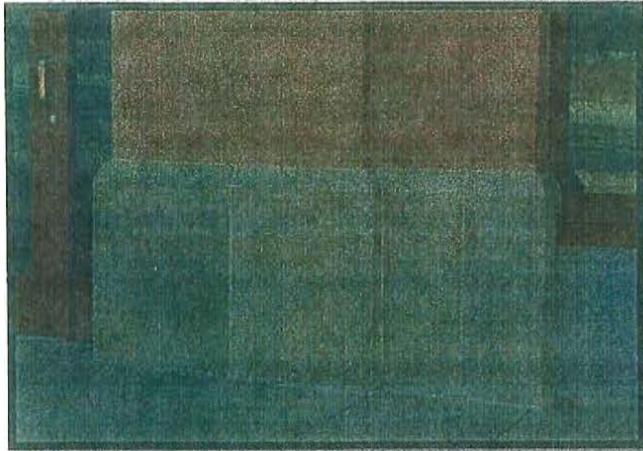
#### *Site Improvements*

- The applicant is proposing to redo the entire site with the following:
  - Remove all the existing raised planters and reinstall with new six-inch high curb planters throughout the site.
  - Repave the entire site with asphalt pavement.
  - Provide the required parking spaces for the proposed uses.
  - New trash enclosure

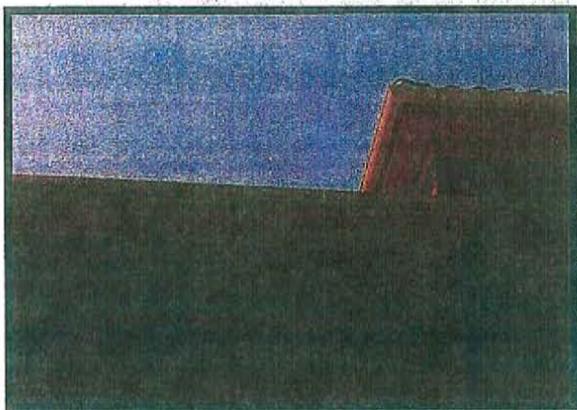
## ISSUES:

### *Buildings*

- The proposed stucco wainscot along the south and west wall planes should be replaced with a precast stone or concrete wainscot as shown below.



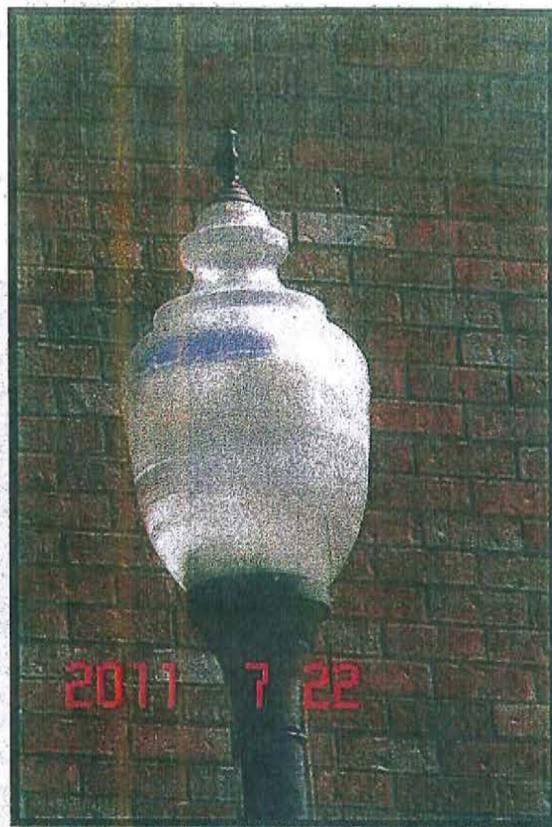
- Remove the single door on the south elevation of the one-story portion of the building. The door looks awkward and out of place. The door should be replaced with brick and the wainscot. By removing the door it would also allow for more display area along the interior wall instead of in front of the clear windows.
- The applicant still needs to clarify the color of all the window and door mullions. Staff would prefer a dark brown or bronze color that would go with the period look of the building.
- The proposed dentil relief cornice feature protrudes only two inches. Staff recommends the cornice feature be increased to at least four to five inches to allow for proper definition as shown below.



- Staff would like clarification if the proposed rear door on the north wall plane is still proposed as it is not shown on the elevation but is seen on the site and floor plan.

*Site*

- Provide decorative pavers or colored concrete at all the drive aisle entrances, at a minimum depth of 20 feet.
- Provide a site lighting fixture to be used; the design should be appropriate to the architectural style of the building as shown below.

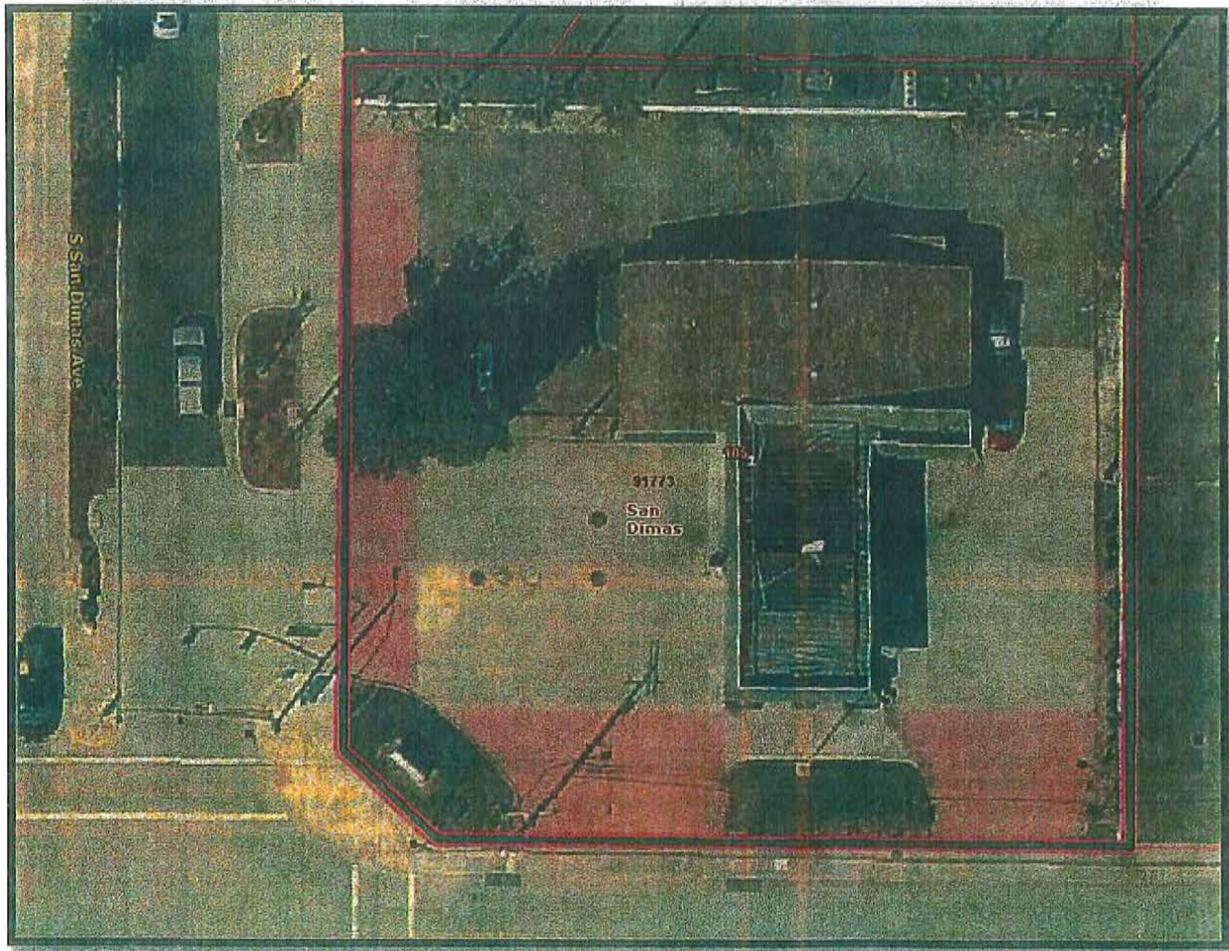


- The existing southernmost drive-aisle for the gas pumps is nonconforming because it is within the required 25-foot setback. Due to the large scale of this project the nonconforming drive-aisle needs to be abated at this time. The applicant's solution to this issue is to convert the drive-aisle into a planter. Staff feels that the applicant's proposal is unattractive and awkward and would prefer the canopy be relocated 10 feet to the north to allow for the use of the drive-aisle. This solution would also allow for proper design of the canopy.
- The gas pump canopy has been designed to only cover the interior drive-aisle due to the required 25-foot setback along Arrow Highway and the applicant's wish to not relocate it. The canopy looks odd, unbalanced and trivial especially adjacent to the proposed two-story structure. Staff recommends the applicant redesign the canopy to cover all four drive-aisles.

**RECOMMENDATION:**

Continue to a date uncertain to allow the applicant time to redesign the new building and site to accommodate the southern-most gas pump drive-aisle that is currently within the required 25-foot landscape setback.

Aerial of Subject Site



# MATERIAL BOARD

Project Address : 105 E. Arrow Hwy,  
San Dimas, Ca 91773

Owner : Hari Alipuria  
3939 Muscatel Ave.,  
Rosemead, Ca 91770

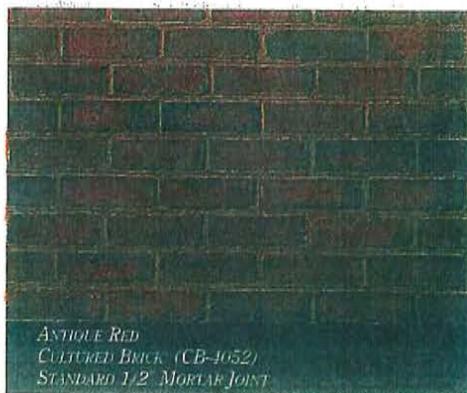
1

ROOFING : Eagle Roofing Product  
Camino Real Series :  
SMC 8403 – Santa Barbara



2

BRICK STONE VENEER : Cultured Stone  
'Antique Red' : CB-4052



3

COLUMN BASE : La Habra Stucco  
# 580 ' Sierra Tan '



4

EXTERIOR WALL : La Habra Stucco  
# 82 ' Hacienda '



5

FASCIA BOARD / TRIMS : Dunn Edwards DE6111  
' S'Mores '



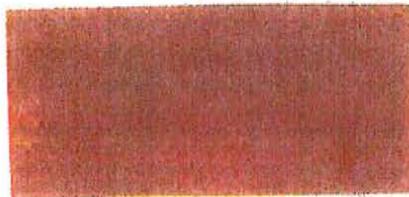
6

CROWN FASCIA MOULDING : Dunn Edwards DE6112  
' Cedar Chest '



7

WINDOW TRIMS : Dunn Edwards DE6115  
' Practical Tan '



**DPRB Case No. 12-19**

A request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped located at 105 East Arrow Highway.

Associated Cases: Municipal Code Text Amendment 10-06 & Conditional Use Permit 12-06 & 12-07

APN: 8390-018-023

Zone: Creative Growth 3 (CG-3)

Steve Eide, architect and applicant of Drafting & Design, was present.  
Hari Alipuria, property owner and application of 105 East Arrow Highway, was present.  
Cris Klingerman, applicant's attorney, was present.

Associate Planner Espinoza provided background information on this project. During the initial discussion with the applicant about the remodel of the existing site, Staff informed the applicant about the Code Development Standards requiring a reverse/turn around station design. The applicant informed Staff they did not conform to the regulation because of a no build 15-foot wide storm drain easement that runs through the property in addition to a self-imposed request is to leave the gas pump canopy and the underground tanks in the same location, which will not allow for the attendant building to be located at the southwest corner of the lot. Due to the existing constraints, the applicant has filed for a Municipal Code Text Amendment application to allow for a standard gas station design. The City has used the reverse/turn around service station design on other projects in the City which has become the preferred design concept. The design is favored because it allows the attendant building to screen the unsightly pump islands and decreases the amount of ingress and egress approaches to the site, thus reduces traffic safety issues.

The applicant is proposing to demo the existing 1,568 sq. ft. attendant/convenience store and build a new one. The new 2,561 sq. ft. building will house the attendant counter, a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant. The building design will be very similar to the Grove mix-use project. The main portion of the building will have a two-story appearance but is only a one story building with a 8 ft. tall attic space, which will be used to store mechanical equipment and if used for storage, will be accounted into the parking space requirements. This building will be located at the northeast corner of the property.

Associate Planner Espinoza indicated that there is an issue with the canopy. In the Creative Growth Zone, along Arrow Highway there is a 25 ft. front yard setback. Staff has met with the applicant to redesign based on the code requirements. The applicant informed Staff that they have self-imposed conditions and do not wish to relocate the island pumps and underground tanks due to lack of funding. The applicant does wish to move forward with the submitted design and Municipal Code Text Amendment (MCTA) to change the code to allow for a standard gas station design and not a reverse turn/around. Again, this is a design that the City prefers which allows the attendant building to screen the unsightly pumps.

In 2005, the Grove Station project was being processed with several code text amendments that were made to the Creative Growth Zone to allow for aesthetic improvements. The City saw this as an opportunity to look at surrounding properties such as the two service stations which were potential sites that would benefit from improvements. To improve the sites, the City incorporated the possibility to

conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the sites. The incentive would allow a convenience store with the sale of beer and wine which has only been given to two gas stations within this zone and nowhere else in the City. Staff feels the City has provided the two gas stations in this zone three economically beneficial uses on site (convenience store, restaurant and off-site sale of beer and wine) as an incentive for the owners to fully develop their properties. The applicant is proposing all three incentive uses; however, is not wishing to comply with current code nor to make the site conforming to current development standards.

Mr. Stevens stated there have been discussions with City Council in regards to design issues and added that they are willing to go forward with the Code Amendment; however, did not indicate the deviation from other Development Standards.

Mr. Sorcinelli asked about parking space requirements.

Associate Planner Espinoza replied that it would require additional parking spaces if they use the attic for storage and added that they are already tight with parking. The architectural features include using S tile for the single-story portion and the tower of the building. Stucco with brick columns will be used 3 ft. wide on the east and north elevations. There is a 4 ft. high wainscot that may need to be reduced to 3 ½ ft. The windows on the 1<sup>st</sup> story will have a precast stone trim around with additional architectural features. There will be new exterior lighting for the walkways.

He stated there are issues and concerns. Staff would like to see the stucco wainscot removed with the preference to use concrete material since it is more durable. Staff is looking to remove the door at the south elevation on the 1<sup>st</sup> story portion, which will help alleviate display spaces on the inside wall plane. Staff is looking for clarification for window and door mullions and added he is looking for a dark brown or bronzed color. He stated that Staff is looking for relief on the cornice of the building and is requesting for 4-5 inches like Grove Station. He requested that the applicant have additional pavers or colored concrete on entry ways which will be dictated to setbacks. He also asked for a site design with lighting fixtures, similar to Grove Station. He emphasized that the larger issue is the pump island. Currently the last drive aisle is within the 25 ft. setback and is considered a nonconforming function which Staff wants in compliance. The applicant is concerned with the cost to move the pump and close off the pump aisles. Staff believes the appearance looks awkward and unbalanced and recommends moving the pump 10 ft. and adjusts the walkway to gain the 10 ft. and make the site in full conformance. This will help alleviate the gas pump island and make it functional. Staff recommends that the item be continued to a date uncertain to allow the applicant time to redesign the building and site to accommodate the southern-most gas pump drive-aisle that is within the required 25-foot landscape setback.

Mr. Stevens stated that there are three driveway entrances: one on San Dimas Avenue and two on Arrow Highway. He asked if the driveways are intended to be asphalt painting or decorative.

Associate Planner Espinoza replied that the driveways are not decorative; however, Staff is looking to address the issue.

Mr. Stevens asked if the canopy is attached to the main building structure.

Associate Planner Espinoza replied currently, yes and stated that there are two pump islands which are an extension from the main building to the main canopy. The applicant will remove the roof of the canopy and rebuild the roof and leave the existing columns and rebuild with hipped roofing with S-tile.

Mr. Patel asked if the applicant confirmed reciprocal access to the north alley.

Associate Planner Espinoza replied that they have not provided that information but are working on it.

Mr. Stevens asked if the applicant correctly uses that access.

Associate Planner Espinoza responded no; however, the approval from the adjacent property owner will be required first for the new access. He added that a section belongs to the City.

Mr. Stevens asked how much of the property belongs to the City.

Associate Planner Espinoza responded 45 ft.

Mr. Stevens stated that Staff needs to know exactly where the public right of way extends out to and whether or not they have easement rights and if they do not, we cannot approve access that is currently shown on the site plan.

Mr. Patel asked how is the gas delivered by vehicle.

Associate Planner Espinoza responded that deliveries will come from Arrow Highway and make a left on San Dimas Avenue to go into the drive aisle and come out of last driveway on Arrow Highway.

Mr. Patel asked if they are using the width of the driveway and requested that the applicant provide a turning template to show the delivery of tanks.

Mr. Sorcinelli asked for a recap on the outcome from City Council in regards to this project and its reverse/turn around design policy.

Mr. Stevens replied that the applicant went through a design process and Staff insisted on the turnaround station design. The applicant then filed a code amendment to eliminate the standards which was heard by City Council. As part of the normal process, to consider the initiation of the Municipal Code Text Amendment (MCTA), the reasoning is due to the impact of the easement and the impact of cost to relocate the underground tanks to accommodate the turnaround station. City Council listened to the applicant and was willing to consider amending the turnaround station portion of the standard; however, they did not amend the Code yet.

Mr. Morris commented on the design of the turnaround and how it would encroach 25 ft. into the setback and force a design that could be a problem. It was not a unanimous vote.

Mr. Stevens stated Staff has not backed away from the turnaround component. The standard only applies to two properties: Valero and this gas station. The incentive with a turnaround is, you can have a convenience store that sells beer and wine, which they already do, which most other gas stations do not have this benefit. He emphasized it is a strong economic advantage.

Associate Planner Espinoza stated the applicant does not want to move the underground tanks.

Mr. Morris pointed out that the easement is still an issue.

Mr. Sorcinelli agreed that the easement is an issue. He commented that if parking forces a design that the applicant does not favor, why Staff can't give less requirements on the amount of parking spaces required.

Mr. Stevens stated that the problem with the building is that the exterior is relatively bland. The applicant's approach is to achieve a better design and move forward versus hanging on to the standard station design.

Associate Planner Espinoza stated that Staff is looking for full conformance of the development standards.

Mr. Schoonover asked if there will be seating for the take out restaurant and if so, will require additional parking spaces.

Associate Planner responded that it is considered a restaurant and those parking standards have been already been applied and meet.

Mr. Patel stated that there are still Standard Urban Stormwater Mitigation (SUSMP) and National Pollutant Discharge Elimination System (NPDES) requirements. He noted the standards are different.

Chris Klingerman, attorney for the applicant, stated that the applicant wants to construct a decent looking gas station that flows with the surrounding area. Since the gas station is located on a slope of the street, the applicant wants to bring the building elevation higher, which is the purpose of the 2<sup>nd</sup> story appearance. The issue with the 25 ft. setback is that all adjoining properties are within the 25 ft. setback and Staff essentially wants to prevent the drive aisle in the setback, thus is recommending landscaping next to the pumps. The applicant wants a design that is functional. He added that they will look into researching the easement to the north of the property.

Mr. Stevens asked what can be done about the trash area location.

Steve Eide, designer, replied they wanted to have it at the back of the property; however, they need permission to obtain that access for that easement.

Mr. Stevens recommended they look for a design to put the pump islands at a different location while respecting the intended setbacks. He recommended looking at a different site design to have eight operating pump locations versus only six. He emphasized that it is important to have setbacks and added the only way to comply with setbacks is to reconfigure the site and pump island.

Mr. Klingerman stated that the applicant has looked at design alternatives; however, relocating the pumps is also an environmental concern which is costly.

Mr. Stevens stated that the applicant could save some cost by not building a 2<sup>nd</sup> story appearance. He asked if other alternate site layouts have been presented.

Mr. Stevens indicated that they have not seen any alternative design layouts.

Mr. Klingerman stated that it is a self-imposed restriction and the issue is cost. He noted that if required to move the pumps, the project would fail. He added that due to all the requirements, the applicant would rather leave the gas station the way it is.

Mr. Stevens asked what the purpose of the attic space is.

Mr. Eide responded that it serves as massing technique and added that since Grove Station is much taller, if the building is dropped down to a single story, it would appear smaller in comparison.

Mr. Stevens stated that no matter how many times it is stated that the attic space will not be used, it will be used illegally at some point in time.

Mr. Sorcinelli recommended the applicant resubmit plans showing the Grove Station background so that the Board can have an actual visual presentation. He inquired about the signage.

Mr. Klingerman stated that the design is very similar to the structures of Grove Station with the elevated area and roof.

Mr. Patel stated that the building is nicely designed; however, the hip roof appears awkward.

Mr. Klingerman stated that by having a flat roof, it becomes inconsistent with the building.

Mr. Michaelis asked how much it would cost to relocate the pump islands.

Mr. Klingerman replied about \$150,000 to just relocate the pumps and the overall project would cost around \$600,000-\$700,000.

Mr. Stevens asked if the applicant would oblige to install landscaping to the pump island if approved.

Mr. Klingerman replied yes; however, does not believe it is the best alternative.

Mr. Michaelis asked if the trash and propane can fit into another spot on the property. He said if trash is moved to the rear of the building, how it would affect the layout of the building.

Mr. Klingerman replied it would impact the easement to get to the trash area.

Mr. Sorcinelli stated that there is a lot of space in the walk area and asked if the parking can be lessened.

Associate Planner Espinoza stated that the applicant can reduce the building size, which was discussed with the property owner which can then enable a lessened parking requirement.

Mr. Sorcinelli asked if the applicant is allowed to put a propane tank on the easement.

Mr. Patel responded that a "tank" is considered a structure.

Mr. Stevens added that it has the same issues which will take a dedicated parking space.

Mr. Sorcinelli recommended looking at the propane facilities and not having them located in front of the building because it is unsightly.

Associate Planner Espinoza stated that screening the tanks can be an added requirement.

Mr. Sorcinelli recommended taking out the exit to the east and put a screen in front of the propane facility.

Mr. Stevens stated that it will become difficult to do with South Coast Air Quality Management approval (AQMD).

Mr. Sorcinelli stated that he would rather see a parking space removed in order to create a screen.

Mr. Stevens stated that the applicant may not have the ability to reduce parking unless the square footage of the building is reduced.

Mr. Sorcinelli stated that since City Council considered code amendments for the reverse/turn around requirements, why one can't be done to obtain a lessened parking requirement. Having 17 spaces at this location seems like a lot.

Mr. Stevens stated that eight parking spaces alone are required for a restaurant.

Mr. Sorcinelli stated that there has to be room to give on another issue to lessen the parking requirements.

Mr. Stevens inquired again on the intention of the attic space.

Mr. Eide responded that it was done for massing purposes and it can be lowered from 8 ft. to 6 ft.

Mr. Stevens stated that the ceiling can be dropped in the attic area.

Associate Planner Espinoza stated that a 5 ft. reduction is acceptable.

Mr. Stevens commented that whatever the dimensions are, under the Building code the attic space is still unusable space.

Mr. Schoonover asked where Staff stands with the recommendation of this project.

Mr. Stevens replied Staff recommends continuing until the pump island and landscape setbacks are addressed.

Mr. Michaelis asked the applicant if it is difficult to go against the setback requirements. He noted that if it is a design that does not meet the requirements, the applicant should pursue a different design to meet the setback requirements.

Mr. Klingerman stated that the applicant will agree and do the landscaping up to the pumps and the other issues will be worked out with Staff.

Mr. Michaelis asked if the applicant will give up a drive aisle.

Mr. Klingerman responded that it would require all the pumps to be relocated.

Mr. Michaelis asked if one drive aisle cost less than relocating the pumps.

Mr. Stevens responded that the revenue needs to be reevaluated and the options need to be compared.

Mr. Klingerman stated that not much money would have been made on that unused gas lane.

Mr. Morris stated that he wants the applicant to maximize the use of the location. He posed the thought to reduce to two gas lanes and maybe build a larger convenience store.

Mr. Klingerman considered and will move forward with the current design.

Mr. Michaelis asked if the columns remain in the same place and will have an overhang canopy.

Mr. Klingerman responded that the two columns are freestanding and added that the canopy covers the northerly tanks and not the drive aisle.

Mr. Patel asked what will happen to the existing pump on the south side.

Mr. Klingerman responded that it will remain at the location but will not be used. He added that the pumps will be changed out in the future, and emphasized the handles will be changed out.

Mr. Stevens asked how long it has been since the pumps have been changed out.

Mr. Klingerman responded they are changed out periodically.

Associate Planner Espinoza commented that the full 25 ft. should be landscaped if not used as a driveway approach.

Mr. Michaelis inquired about the decorative pavement for the entrances and asked if it still needs to be worked out.

Associate Planner Espinoza commented that if the project moves forward, verification of access rights needs to be made, prior to Planning Commission which is where the redesign can be dictated.

**MOTION:** Moved by Larry Stevens, second by Krishna Patel to continue to a date uncertain and return to DPRB with a redesign to include: the relocation of the trash enclosure, verification of easement access to the North, additional minor modifications relative to building, evaluate better locations for the propane facility, submit a turning radius template for truck deliveries and address lowering the attic height.

Mr. Sorcinelli interjected and requested that the comments be included in the motion in regards to compromising the parking spaces and making the requirement less.

Mr. Stevens commented that there is no authority that can be given to reduce the parking requirement it is in the Code.

Mr. Schoonover asked if the applicant can limit the size of the building in order to obtain more parking spaces.

Mr. Stevens replied that it is up to the applicant to play with the design.

Mr. Michaelis asked how the applicant feels about the motion presented.

Mr. Eide responded that the biggest issue is the pump station and emphasized it is costly to relocate the pumps but it all can be worked and adjusted.

Mr. Patel added that the dedication on the sidewalks for access on Arrow Hwy and ADA pathways need to be addressed as well.

Mr. Sorcinelli motioned to amend the motion to include that the applicant submits a detailed sign plan with elevations that are drawn to scale to include the adjacent Grove Station.

# DEVELOPMENT PLAN REVIEW BOARD FACT SHEET



**DATE:** May 9, 2013  
**TO:** Development Plan Review Board  
**FROM:** Marco A. Espinoza, Associate Planner  
**SUBJECT:** **DPRB Case No. 12-19**

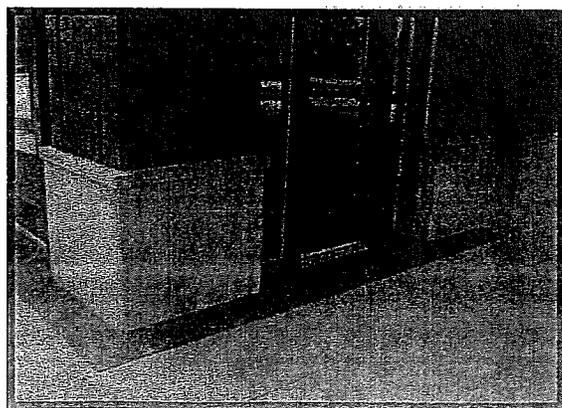
**Continued from the October 11, 2012 Meeting**

Associated Cases: Municipal Code Text Amendment 10-06  
Conditional Use Permit 12-06 & 12-07

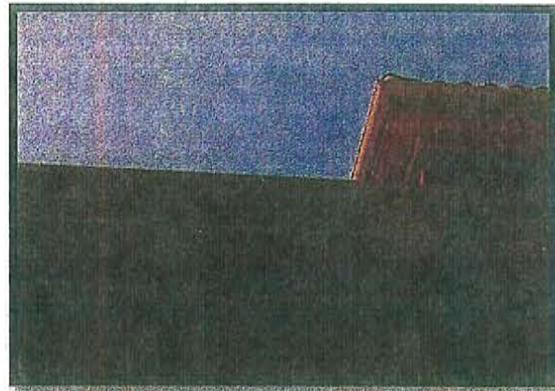
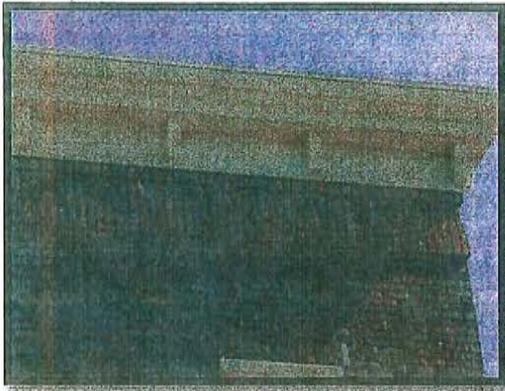
A request to demolish the existing 1,568 sq. ft. gas station attendant building / convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped. Property Address: 105 E. Arrow Highway (APN:8390-018-023).

## FACTS:

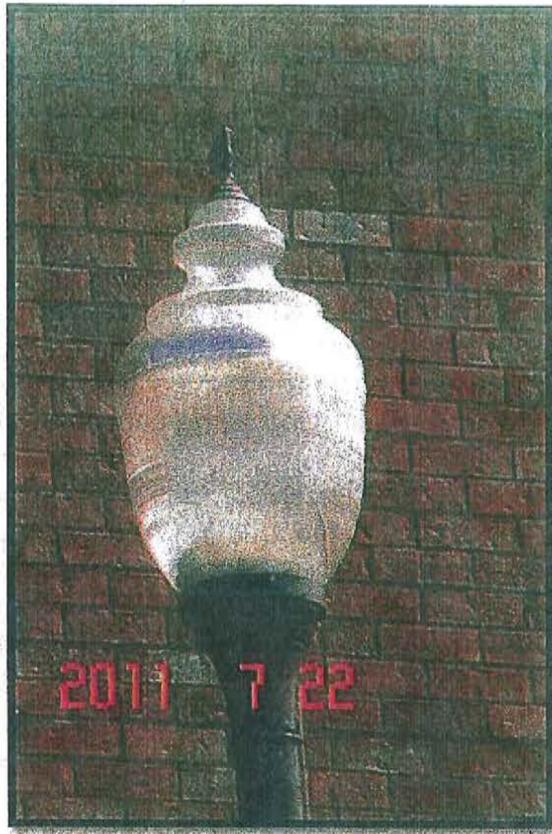
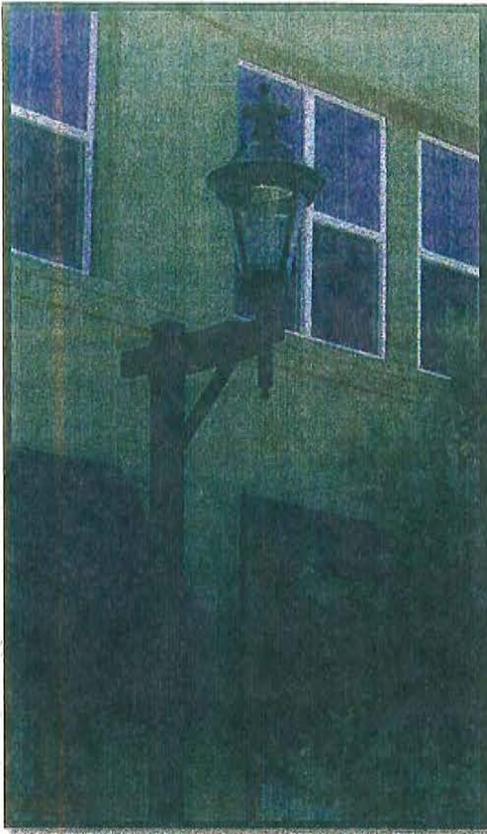
- This case was last reviewed and continued by the Board on October 11, 2012. At the meeting the Staff presented the proposal and the issues of concern as outlined in the Staff Report. Staff has included that staff report as part as Exhibit "A" for reference.
- Since then the applicant since has revised the plans to address the issues of concerns raised at the DPRB meeting.
- In general the overall design of the building and site layout is predominately the same as previously reviewed. The new 2,561 sq. ft. building will house the attendant counter, a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant.
- The issues addressed by the applicant are as follows;
  1. The proposed stucco wainscot along the south and west wall planes has been revised to a precast stone wainscot as shown below.



2. The single door on the south elevation of the one-story portion of the building was removed. The door looked awkward and out of place.
3. The applicant has clarified the color of all the window and door mullions; he is proposing an anodized dark bronze color.
4. The proposed dentil relief cornice has been increased in size from two inches to four inches to allow for proper definition as shown below at the Grove Station project.



5. The site plan has been revised to show decorative colored concrete at all the drive aisle entrances, at a minimum depth of 20 feet.
6. ADA access from the public-right-of-way has been added from San Dimas Avenue to the building. The proposed access was reviewed by the Building Department with no modifications.
7. The Board recommended the applicant relocate and screen the propane tank. The applicant is proposing a low profile propane tank that will lay horizontal and will be screened by a brick wall.
8. It was recommended that the trash enclosure also be relocated away from the front of the property. The applicant was going to move the enclosure to the rear of the building but since they were not able to get legal access through the property to the north, the applicant moved it to the north closer to the building and the propane tank.
9. Another issue that was discussed was reducing the attic height, thereby reducing the overall height of the building. The applicant did not reduce the height of the attic space nor the building because they felt the current design is compatible with the scale and mass of the Grove Station and if they were required to reduce the height of the project, the Grove Station building would overshadow the project.
10. The applicant is still pricing the lighting fixtures that will be used but it will be one of the two shown on the next page, which are consistent with the area and the project.



## Issues of Concern

*Decreased Vehicular Access* – Since the last meeting the applicant has discovered that they do not have legal access rights to the property to the north which was partially being used to access San Dimas Avenue. The applicant has revised the plans to close off the north property line access route to the parking lot. This area of the parking lot now has a dead-end. This is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available; the car would need to back up in reverse creating a traffic safety issue.

*Gas Pump Drive-Aisle* – The existing southernmost drive-aisle for the gas pumps is nonconforming because it is within the required 25-foot setback. Due to the large scale of this project, the nonconforming drive-aisle needs to be abated at this time. The applicant's solution to this issue is to convert the drive-aisle into a planter. Staff feels that the applicant's proposal is unattractive and awkward and would prefer the canopy be relocated 10 feet to the north to allow for the use of the drive-aisle. This solution would also allow for proper design of the canopy. This issue was discussed in length by the Board, which recommended that the applicant consider moving the canopy. The applicant would prefer to leave the

canopy in its current location due to the cost and possible mitigation measure AQMD would require.

*Gas Pump Canopy* – The gas pump canopy has been designed to only cover the interior drive-aisle due to the required 25-foot setback along Arrow Highway and the applicant's wish to not relocate it. The canopy looks odd, unbalanced and trivial especially adjacent to the proposed two-story structure. Staff recommends the applicant redesign the canopy to cover all four drive-aisles. The way to accomplish this would be to relocate the canopy 10 feet to the north, the applicant wishes not to do this. This was the same concern Staff addressed at the previous DPRB meeting. The applicant did not address this issue of concern and is proposing the same canopy design.

Staff recommends the Board deny the project based on the fact that the applicant wishes to not modify the location of the gas pump canopy a minimum of 10 feet to the north, thereby not allowing proper coverage of all the drive aisles. These two issues create a significant negative visual effect on the property. As part of the City Council's consideration to reconsider requiring the reverse/turn around design, the applicant would still be required to meet all other development standards of the zone. The applicant is not meeting the intent of the code which is to provide for a comprehensive reconstruction and design of the site as stated in the Creative Growth, Area 4 section of the Code which states;

***"Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities"***

*Sec. 18.140.090.C.4.a.iv*

The applicant's wishes to not comply with the code are self-imposed, and compliance can be met with modifications to the site plan.

**RECOMMENDATION:** Staff recommends the Board recommends denial of DPRB Case No. 12-19 to the Planning Commission and the City Council.

Attachments            Exhibits A – October 11, 2012 DPRB Fact Sheet  
                                 Exhibit B – October 11, 2012 DPRB Minutes

look right as it crosses over the top of the arch and noted that the whole area would need to be redesigned. He recommended the windows match and represent their true colors.

Mrs. Garwick stated that the sewer should be shown on the engineering plans.

**DPRB Case No. 12-19**

**Continued from the October 11, 2012 Meeting.** A request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped located at 105 E Arrow Highway.

Associated Cases: Municipal Code Text Amendment 10-06 and Conditional Use Permit 12-06 & 12-07.

APN: 8390-018-023

Zone: Creative Growth 3 (CG-3)

Hari Alipuria, property owner, was present.

Steve Eide, applicant, was present.

Cris Klingerman, attorney for the property owner, was present.

Josee Normand, resident of 316 S San Dimas Avenue, was present.

Senior Planner Espinoza stated that this case was last reviewed and continued by the Board on October 11, 2012. The overall design of the building and site layout is predominately the same as reviewed previously. The new 2,561 sq. ft. building will house the attendant counter, a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant. The issues addressed by the applicant are as follows: the proposed stucco wainscot along the south and west wall planes has been revised to precast stone wainscot. The single door on the south elevation of the one-story portion of the building was removed. The applicant has clarified the color of all the window and door mullions, proposing an anodized dark bronze color. The dentil relief cornice has been increased in size from two inches to four inches to allow for proper definition. The site plan has been revised to show decorative colored concrete at all the drive aisle entrances, minimum depth of 20 ft. A concern was also the ADA access from the public-right-of-way has been added from San Dimas Ave to the building. The Board recommended relocating and screening the propane tank. The applicant is proposing a low profile propane tank that will lay horizontal and will be screened by a brick wall. Staff also recommended that the trash enclosure be relocated away from the front of the property; the applicant moved it to the north closer to the building and the propane tank. The applicant is still pricing the light fixtures that will be consistent with the area and project similar to that used in the downtown.

Senior Planner Espinoza pointed out issues with the decreased vehicular access. The applicant stated that they do not have legal access rights to the property to the north which was partially being used to access San Dimas Avenue. The applicant has revised the plans to close off the north property line access route to the parking lot. The lot now has a dead-end which is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available. The gas pump drive-aisle is still an issue because the existing is nonconforming because it's within the 25 ft. setback which needs to be abated. The applicant's solution is to convert the drive-aisle into a planter. Staff feels the proposal is unattractive and would prefer the canopy be relocated 10ft. to the north to allow for the use of the drive-aisle. The applicant would prefer the

canopy at the current location due to the cost and possible mitigation measure AQMD would require. He noted that the applicant is not meeting code requirements and Staff recommends denial of the project to Planning Commission and City Council.

Mrs. Garwick stated that it is reasonable to ask to submit a plan showing for access for the gas tanker for deliveries. At the last meeting, the Board requested that the applicant submit a stencil of the truck route which has yet to be submitted.

Mr. Stevens stated that it is a reasonable request to ask the applicant to submit a plan showing access for the gas tanker. He questioned on the site plan, a door at the rear that exits to an easement, which has not yet been acquired. He noted also that the planter strip is not a permissible access.

Mr. Sorcinelli added how the planter strip would be maintained if they do not have access to the property to the North. He requested the applicant answer this question when presents.

Mr. Stevens stated that there has been no analysis of the canopy pump islands to determine if they could support the architectural elements shown on the plans.

Mrs. Garwick stated that since they will be modifying the existing driveway to the south, the applicant needs to look at the radius curb to expedite traffic. She noted that the MS4 permit reads that this is a priority planning project and any improvement of 5,000 sq. ft. makes the permit apply. It would also require additional percolated water treatment.

Mr. Stevens stated that the total additional square footage is 7,500 sq. ft. and added it would require the MS4 permit.

Mr. Badar inquired about Air Quality Management District (AQMD).

Senior Planner Espinoza stated that based on the applicant's knowledge, if the pumps are moved it would require additional requirements by AQMD which would require additional costs.

Steve Eide, of Drafting and Design, responded to the Board's questions in regards to the existing doors. He noted that they will be resolved once the interior has been figured out but added that the door at the rear can be removed. As for the landscaping, the landscapers can walk through the planter area for maintenance. He stated that the driveway will be minimized from 36 ft. to 30 ft. He added a delivery truck study can be done as well.

Mr. Beilstein asked if gasoline deliveries occur during regular business hours.

Hari Alipuria, property owner, replied that the deliveries occur when he schedules them. He added that the customers are able to work around the deliveries and is not an inconvenience; however, he can have the deliveries occur any hour that Staff prefers.

Mr. Eide added that they can have the gas deliveries arrive later to not impede with incoming traffic.

Mr. Stevens asked what the regular business hours are for the gas station.

Mr. Alipuria replied 7:00 a.m. to 7:00 p.m. He added that he would eventually want the gas station to be open 24 hours.

Mr. Badar left the meeting at 9:49 a.m.

Cris Klingerman, attorney for the property owner, stated that they were unsuccessful in acquiring the easement at the rear of the property. He stated that the projected cost for the project is \$750,000. He stated that the property owner is trying to update the look of his gas station into an updated design that is consistent with the surrounding buildings.

Mr. Alipuria commented that he looks forward to the renovation. As a small business man, he would like to expand, update and mimic Grove Station. He added he would like to eventually propose a vegetarian Indian food restaurant. He stated that the trash and propane tank currently at the location is the best location. The trash area is located where Waste Management can readily pick up the trash cans and if moved, it will become too difficult. He commented that gasoline businesses are starting to expand and include markets and added he wants his business to not only be known for gasoline services but as a food business too.

Mr. Michaelis inquired about the availability of the easement to the North.

Mr. Klingerman replied that he has researched to acquire the easement but it has been difficult. He added that they are not going forward with obtaining the easement; however, may revisit in the future.

Mr. Alipuria stated that if they could obtain permission for the easement then they can open up the driveway.

Mr. Michaelis stated that the new proposed gas station will now have 3 drive aisles instead of 4. He asked if it would be expensive to relocate the pumps.

Mr. Alipuria responded that it would cost between \$100,000-\$200,000. Currently, the gas station is in compliance with AQMD and added that once the pumps are relocated, they will get involved.

Mr. Michaelis asked if the pumps are moved, will they need to be installed compliantly and inspected.

Mr. Alipuria replied that first they will need permission from AQMD and additionally they will request more upgrade modifications that will cost more money.

Josee Normand, resident of 316 S San Dimas Avenue, commented that she acknowledges and appreciates that the property owner is trying to make an improvement to his property that will make an immense difference in the neighborhood.

Mr. Stevens commented that his view has not changed on the project and is trying to understand the intent of the reconstruction. The project would be better but noted he has never seen a pump island the way it is being presented and added it is unacceptable. He added that he is unhappy with the pumps and the plans are not as good as they could be. He stated he is not in support of this project.

**MOTION:** Larry Stevens moved, second by John Sorcinelli to deny.

Motion carried 4-0-1-2 (Dilley Absent and Badar and Schoonover Abstained)

Mr. Michaelis stated that the proposed project is an updated appearance of what is currently at the location; however, the aspect of the DPRB is to make sure the proposal is complaint and meets code requirements. He noted that projects need to follow certain codes and some are decided based on policy. If the DPRB denies this item, the applicant needs to be aware of the option to appeal to the City Council.

Mr. Stevens stated that a turnaround station design is better. He explained that the review and comments on this plan is with understanding that the City Council will give favorable consideration to eliminate the turnaround. Based on the plans in front of us, it is not just a turnaround station that will be an issue.

Mr. Sorcinelli commented that it is not only about the turnaround station design but there are issues presented in the plans that are not readily resolvable such as: parking, the dead end area, the trash enclosure and the propane tanks.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 10:10 a.m. to the meeting of May 23, 2013 at 8:30 a.m.

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Jim Schoonover, Chairman  
San Dimas Development Plan Review Board

ATTEST:

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Jessica Mejia  
Development Plan Review Board  
Departmental Assistant

Approved: June 27, 2013



## Planning Commission Staff Report

**DATE:** June 20, 2013

**TO:** Planning Commission

**FROM:** Marco A. Espinoza, Senior Planner

**SUBJECT:** Municipal Code Text Amendment 10-06  
Conditional Use Permit 12-06 & 12-07 and DPRB Case No. 12-19  
A request to amend Code Section 18.140.090.C.4.a.iv to allow an exception to the reverse/turn around station design when a storm drain and/or easement interferes with the siting of the proposed building. There is also a request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped. Property Address: 105 E. Arrow Highway (APN: 8390-018-023).

### **SUMMARY**

*The applicant submitted a request to amend Code Section 18.140.090.C.4.a.iv. to allow an exception to the reverse/turn around station design when a storm drain facility and/or easement interfere with the siting of the proposed building.*

*The Council at their June 14, 2011, meeting directed Staff to work with the applicant to evaluate reasonable and appropriate site designs that would accommodate the project and code requirements.*

*Staff worked with the applicant on several site design layout options, identifying existing undergrounding tank locations, confirming underground tanks meet current AQMD requirements and exploring possible code text amendments. The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost, thereby prohibiting a reverse/turn around design. As an alternative, Staff presented the applicant with a tentative schematic design that would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.*

*At the January 24, 2012, City Council meeting, the Council directed Staff to initiate the municipal code text amendment to consider allowing modification to the reverse/turn around design required for gas stations in the CG Area 3, Mixed Use, Sub –Area A zone as long as the project met all the other development requirements.*

*Staff has worked with the applicant on various versions of the new gas station but in every case there is one item that creates a design issue that does not allow for proper design of the site. The applicant wishes to not relocate the gas pump island which currently encroaches into the 25-foot setback along Arrow Highway. This item is self-imposed as the applicant does not want to comply with any requirements that might be imposed by AQMD.*

*Staff presented the applicant's latest proposal to the Development Plan Review Board (DPRB) on October 11, 2012, and on May 9, 2013. At the last meeting the Board voted to deny DPRB Case No. 12-19, due to the fact that the project did not meet the finding for a well planned development, specifically the gas pump island design. The appeal of the case will be reviewed by the City Council after the Planning Commission makes their recommendation.*

*Staff recommends the Planning Commission recommend denial of MCTA 10-06, CUP 12-06 & 12-07 and DPRB 12-19 to the City Council.*

### **BACKGROUND:**

The applicant submitted preliminary plans for a major remodel of the gas station at 105 E. Arrow Highway. Staff notified the applicant that the proposed layout of the buildings did not meet the reverse/turn around service station design required by the Municipal Code (Section 18.140.090.C.4.a.iv).

The applicant indicated that they did not propose a reverse/turn around station design because of a 20-foot wide storm drain easement that runs through a portion of the property that would impede the required design.

Subsequently, the applicant submitted a proposal to amend the code to allow an exception to the reverse/turn around station design when a storm drain facility and/or easements interfere with the sitting of the proposed building.

On May 10, 2011, Staff presented to the Council the background information on the proposed code text amendment, in addition to the applicant's site design layout for the gas station (see Exhibits A & B). The applicant testified that a reverse/turn around design was cost-prohibitive because it would require relocating the underground storage

tanks. The Council directed Staff to further evaluate site design possibilities and the code text amendment with the applicant.

At the January 24, 2012, City Council meeting Staff discussed how we had worked with the applicant on additional site layout options, identifying existing underground tank location, confirming underground tanks met current AQMD requirements and exploring possible code text amendments (see Exhibits C & D). The applicant focused on a site design that would not require the relocation of the gas pumps and canopy and/or underground tanks due to cost, thereby prohibiting a reverse/turn around design. As an alternative, staff presented the applicant with a tentative schematic design that would accommodate the required reverse/turn around design. The applicant rejected the design because he would need to relocate the gas pumps and canopy.

Staff understands the reasons for the applicant's rejection of Staff's design (cost) but the intent of the original modification to the Creative Growth Zone in 2005 was for the City to obtain a comprehensive redevelopment of these sites, not partial.

Staff recommend to the Council they uphold the intent of the Municipal Code text Amendment established in 2005, for a complete redesign of the gas station properties and reject the applicant's request. The Council decided to allow for the initiation of the code amendment as long as the proposed project meets all other development standards of the Code.

Since then, the applicant has modified the site layout to try to comply with the development standards of the Creative Growth Zone. Staff presented the applicant's proposal on October 11, 2012, to the Development Plan Review Board (See Exhibit E & F). Staff recommended that the applicant modify a number of design issues, including the redesign and relocation of the gas pump island. The Board concurred with Staff's recommendations and voted to continue the case to allow the applicant time to modify the plans.

On May 9, 2013, the revised plans were presented to the Board (see Exhibits G & H). The applicant had addressed most of Staff's and the Board's concerns. The issue of the gas pumps still remained. The gas pump canopy has been designed to only cover the interior drive-aisle due to the required 25-foot setback along Arrow Highway. The canopy looked odd, unbalanced and trivial especially adjacent to the proposed two-story structure. Staff recommended the applicant redesign the canopy to cover all four drive-aisles. The way to accomplish this would be to relocate the canopy 10 feet to the north; the applicant did not want to do this. This was the same concern Staff addressed at the previous DPRB meeting. The applicant did not address this issue of concern and proposed the same canopy design.

In addition to the gas canopy issue a secondary concern developed when the applicant discovered that they did not have legal access to the property to the north, therefore requiring the closure of the drive aisle; the closure created a dead end design. This is not the best design for parking lots because it does not allow for a car to turn around if

there is not any parking available; the car would need to back up in reverse creating a traffic safety issue.

The Board voted to deny the project (DPRB Case No. 12-19).

The appeal of DPRB Case No. 12-19, will be reviewed by the City Council after the Planning Commission makes their recommendations on these applications.

### **ANALYSIS:**

#### **MCTA 10-06**

In 2005, when the Grove Station project was being processed, several code text amendments were made to the Creative Growth Zone to allow for aesthetic improvements to the area. The City saw this as an opportunity to look at some of the surrounding properties near the Grove Station. The City felt that the two service stations were potential site that would benefit from aesthetic improvements. In order to encourage improving substandard sites, the City incorporated the possibility to conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the site. As part of the code text amendment the City included that the site would require a complete reconstruction as a reverse/turn around station, improving the aesthetics of the site. The Code amendment was seen as a method of addressing community design interest that would encourage reconstruction of the sites without restricting the ability for the existing use(s) to continue. The incentive to allow a convenience store with the off-site sale of beer and wine is only given to the two gas stations within this zone and nowhere else in the City except for in Specific Plan No. 2 (Arco at Lone Hill and Arrow). In the past few months the City Council has revised their policy on convenience stores associated with gas stations City-wide and are no longer limiting the size and/or the off-site sale of beer and wine; but that still requires CUP review and approval.

The subject site has a 20-foot wide storm drain easement that goes through a portion of the property. The storm drain enters the property along the north property line approximately 60 feet from the northwest corner and travels down the property in a boomerang shape. The storm drain exits the property on the west property line approximately 40 feet from the southwest corner of the property. Due to this easement the applicant feels that they cannot design the project as a reverse/turn around design as required by code. Staff has shown that the site is adequate to construct a reverse/turn around design service station with accessory uses.

The applicant is proposing the following proposed code text amendment that is in **BOLD**.

*iv. Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall utilize a reverse or turn around station*

*design, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. **Should any storm drain facilities and/or easements interfere with this siting design, the applicant shall provide documents verifying the findings. If a reverse/turn around design is not possible due to the facilities/easement, an alternative design shall be reviewed for the site.** If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;*

The City Council has reviewed the applicant's initial request for the code text amendment and advised Staff to process the request.

Staff is recommending the Planning Commission deny the applicant's request because Staff cannot make the Finding necessary to approve the project as a whole due to the fact that the gas pump island is adjacent to the 25-foot setback and is creating an awkward design for the canopy and the site layout. The canopy looks odd, unbalanced and trivial especially adjacent to the proposed two-story structure. The canopy should be redesigned to cover all four drive-aisles. When the City Council reviewed the initial code text amendment they seemed to be in support of modifying the reverse/turn around design but they also felt that the applicant should still meet the other development standards. The applicant's unwillingness to relocate the gas pump island is self-imposed and should not warrant approving the code text amendment until all development standards are met. The applicant has discussed with Staff that they are not willing to relocate the gas pump island and wish to move forward with the project as proposed.

**DPRB Case No. 12-19**

The applicant is proposing to demolish the existing 1,568 sq. ft. attendant/convenience store and build a new one. The new 2,561 sq. ft. building will house a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant. The building is design in an early California industrial architecture, similar to the Grove mixed-use project just to the north. The main portion of the building will have a two-story appearance but is only a one-story building with a high attic space. The other portion of the building will be one-story with a hipped roof design.

The applicant is proposing the following materials and architectural features on the building:

- Antique red brick façade
- Smooth stucco
- Semi-arched clear windows with pre-cast decorative trim
- Clay S-tile
- Parapet walls with dentil relief
- Goose neck lighting

The applicant is also proposing to redo the entire site with the following:

- Remove all the existing raised planters and reinstall with new six-inch high curb planters throughout the site
- Repave the entire site with asphalt pavement
- Decorative entry aisles
- New trash enclosures.

The project was reviewed by the Development Plan Review Board on October 11, 2012, and was continued to allow the applicant time to address Staff's and the Board's concerns. The plans were revised and brought back for review by the Board on May 9, 2013 (see Exhibits E & F). The applicant was not able to address the following issues:

*Decreased Vehicular Access* – Since the last DPRB meeting the applicant discovered that they do not have legal access rights to the property to the north which was partially being used to access San Dimas Avenue. The applicant has revised the plans to close off the north property line access route to the parking lot. This area of the parking lot now has a dead-end. This is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available; the car would need to back up in reverse creating a traffic safety issue.

*Gas Pump Drive-Aisle* – The existing southernmost drive-aisle for the gas pumps is nonconforming because it is within the required 25-foot setback. Due to the large scale of this project, the nonconforming drive-aisle needs to be abated at this time. The applicant's solution to this issue is to convert the drive-aisle into a planter. Staff feels that the applicant's proposal is unattractive and awkward and would prefer the canopy be relocated 10 feet to the north to allow for the use of the drive-aisle. This solution would also allow for proper design of the canopy. This issue was discussed in length by the Board, which recommended that the applicant consider moving the canopy. The applicant would prefer to leave the canopy in its current location due to the cost and possible mitigation measures AQMD would require.

Staff recommended to the Board to deny the project based on the fact that the applicant wishes to not modify the location of the gas pump canopy a minimum of 10 feet to the north, thereby not allowing proper coverage of all the drive aisles. These two issues create a significant negative visual effect on the property. As part of the City Council's consideration to reconsider requiring the reverse/turn around design, the applicant would still be required to meet all other development standards of the zone. The applicant is not meeting the intent of the code which is to provide for a comprehensive reconstruction and design of the site as stated in the Creative Growth, Area 3 section of the Code which states:

**“Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities”**  
*Sec.18.140.090.C.4.a.iv*

The applicant's wishes to not comply with the code are self-imposed, and compliance can be met with modifications to the site plan.

***CUP 12-06 Off-Site Sale of Beer and Wine Type 20 License.***

The applicant has an existing beer and wine license in good standing. The license was issued prior to the City's incorporation; there are no current conditions of approval associated with the sale of beer and wine for the subject site. When an existing business has an alcohol license and wishes to modify a part of the business (i.e. hours of operation, layout, and/or expansion of sales floor area) a new Conditional Use Permit application is required for review and approval. The sales area is less than 50 percent of the total sales area of the convenience store. The beer and wine are displayed within coolers, stand-alone displays and on standard shelves.

The applicant is proposing a whole new building with an expanded cooler display area and shelf areas with occasional stand-alone displays. The actual area has not been designated at this time. The alcohol area will be established during the plan check process. The final approved floor plan will be part of the Conditional Use Permit application.

***CUP No. 12-07 Expansion of Gas Station***

A gas station use within the CG, Area 3, Mixed Use, Sub-Area "A" requires an approval of a Conditional Use Permit Application. Due to the major remodel of the site a new CUP application is required. Existing CUP No. 81-06 will be voided. The applicant is proposing to reconstruct the entire site with the exception of the gas pump islands. A new 2,370 sq. ft. convenience store is proposed towards the northeast corner of the property. The convenience store will also house a 600 sq. ft. Indian fast food area.

**Hours of Operation –**

The existing gas station operates from 5:30 am to 8:30 pm Monday through Sunday. The existing gas pumps do not allow for service unless an attendant is on-site.

The applicant would like to expand their hours to allow for 24-hour a day service.

**Parking –**

The proposed project meets the parking requirements with 17 spaces.

	Parking Spaces Required	Parking Spaces Provided
Food Use 1:75 $600/75=8$	8	8
Convenience Store 1:225 $1,961/225=9$	9	9
Total	17	17

**RECOMMENDATION:**

Staff recommends the Planning Commission recommend denial of MCTA 10-06, CUP 12-06 & 12-07 and DPRB 12-19 to the City Council. Based on the Commission's direction, Staff will bring the appropriate resolutions of approval or denial for the various applications to the next Commission meeting.

Respectfully Submitted,

Marco A. Espinoza  
Senior Planner

**Attachment:**

- Exhibit A – CC Staff Report 5-10-11
- Exhibit B – CC Minutes 5-10-11
- Exhibit C – CC Staff Report 1-24-12
- Exhibit D – CC Minutes 1-24-12
- Exhibit E – DPRB Staff Report 10-11-12
- Exhibit F – DPRB Minutes 10-11-12
- Exhibit G – DPRB Staff Report 5-09-13
- Exhibit H – DPRB Minutes 5-09-13

## EXHIBIT A

### Aerial View of Site



# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Thursday, June 20, 2013 at 7:00 p.m.  
245 East Bonita Avenue, Council Chambers

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## **Present**

Chairman Jim Schoonover  
Commissioner John Davis  
Commissioner Stephen Ensberg  
Commissioner M. Yunus Rahi  
Assistant City Manager for Comm. Dev. Larry Stevens  
Senior Planner Marco Espinoza  
Associate Planner Jennifer Williams  
Planning 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 Davis led the flag salute.

## **CONSENT CALENDAR**

1. Approval of Minutes: May 16, 2013

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

## **PUBLIC HEARINGS**

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 10-02; AND CONDITIONAL USE PERMITS 12-06 AND 12-07** - A request to demolish the existing 1,568 square foot gas station attendant building/convenience store and construct a new 2,561 square foot attendant building and convenience store with a take-out restaurant, located at 105 E. Arrow Highway. (APN: 8390-018-023) **Associated Case: DPRB Case No. 12-19**

Staff report presented by **Senior Planner Marco Espinoza**, who explained the applications associated with this request. The current site of the Gas 'n Go consists of four pumps with eight

EXHIBIT J

stations for pumping gasoline and the main building with the cashier and convenience store. The Applicant is proposing a new building which would be located on the northeast corner of the property consisting of a 2,112 square foot convenience store and a 600 square foot food service. The building would be one-story with an attic. Proposed parking for the site is 17 spaces, consisting of eight spaces for the food service and nine spaces for the store. The building details will include antique brick, stucco, s-clay tile, dentils and parapets. The pavement and landscaping will also be improved throughout the site.

Initially the Applicant submitted a standard design but were advised that the Code required a reverse/turn around design if the site was redeveloped. At the Applicant's request, Council twice reviewed the request to grant an exemption because of the storm drain crossing the property, and they were directed to work with Staff. There were several proposed designs, with Council directing Staff to consider a traditional design if the Applicant could meet the other development standards. DPRB reviewed the design twice; when presented at the May 2013 meeting, most of the issues had been resolved except for the location of the pumps and canopy. In order for the Applicant to meet the design requirements and bring the site into compliance with the Code the pumps and canopy would need to be moved out of the setback area long Arrow Highway.

**Senior Planner Espinoza** stated the Applicant does not want to move the pumps or canopy because they are afraid AQMD will place new restrictions on them if they do. Staff understands their concern, but also needs the project to comply with the Code which requires a complete redesign of the site, which this design is not in compliance with. If the Applicant were to move the pumps ten feet to the north, they would be outside of the setback area.

The other issue is that the Applicant does not have legal access to the property to the north so the redesigned access created a dead-end at the end of the parking aisle. Since the Code states that any expansion of use would require a complete redesign and they do not comply, Staff is recommending denial of all related applications to the City Council.

**Commissioner Davis** stated the Applicant's design appears to be outside of the 25 foot setback area.

**Senior Planner Espinoza** stated that is correct; however, Staff and the Board felt that having only three drive aisles to the pumps and not four created an awkward, unbalanced look and was inappropriate design.

**Commissioner Davis** stated the curb cut looks like it is going into the landscaping, and asked what the distance was between the wall and the property line.

**Senior Planner Espinoza** stated approximately 10 feet.

**Commissioner Ensberg** asked if Staff had contacted AQMD to see if they would actually require any changes.

**Senior Planner Espinoza** stated AQMD requires schematics before they would do a review so until the Applicant submits that, there is nothing for them to analyze.

**Commissioner Ensberg** asked if they deny this application, then will the corner remain as it is.

**Senior Planner Espinoza** stated the Applicant can resubmit for a proper design as one alternative. When the Code was updated in 2005 it recognized that both service stations needed

aesthetic improvements, and were given the incentive to redesign by offering alcohol sales, convenience stores and food services if they were to improve the sites. Staff is well aware these sites need improvement but it should be a quality improvement.

**Commissioner Rahi** stated he is very concerned about the parking issue and asked if the design requires the cars parked in the last two parking spaces to have to reverse down the drive aisle. He asked if the other spaces would be able to turn around and drive forward. He also asked for clarification on the issue to the north.

**Senior Planner Espinoza** stated if all the spaces are full, the last two spaces would have to reverse out of the aisle but the other spaces have enough room to back up and turn around. Staff is working with the City Engineer to see how this area was created and if there might be any legal access, but from what they can tell the owner of the industrial park owns that access and does not want to grant permission to use it.

**Commissioner Rahi** asked if they were to do away with the last two spaces, would the applicant need a parking variance.

**Senior Planner Espinoza** stated they have not discussed that option. Since the food use requires a higher parking ratio, maybe the Applicant can reduce the size to help meet parking requirements.

**Chairman Schoonover** had Staff indicate where the storm drain easement was on the property and clarified that they can have parking over it but no structures. He stated if the canopy and pumps were moved ten feet to the north, then they would have eight positions for gas gas. The Applicant has stated they are opposed to redesigning because of AQMD but didn't think the tanks would have to move.

**Senior Planner Espinoza** stated that is correct in that there can be no structures over the easement, and if the canopy is moved it will cover all lanes.

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

**Steve Eide, Applicant, 158 Orange Street, Covina**, stated they are not moving the canopy any closer to Arrow Highway, it will be exactly where it has been all along, and if the landscaping buffer were reduced, there would be space for the drive aisle. He felt if the pumps were moved ten feet then they didn't think the pumper truck could get in any longer to refill the tanks. He stated cost is an issue and didn't think moving the pumps by ten feet to gain a drive aisle justified that added cost since you do not make that much money on gas.

**Commissioner Davis** asked if they considered keep the north driveway and eliminating the driveway on the south, and clarified that the canopy does not cover the drive aisle because the City wants the landscape buffer.

**Steve Eide, Applicant**, stated they considered that driveway configuration but they need the south driveway for the pumper trucks. He added the canopy doesn't cover the current drive aisle.

**Cris Klingerman, Counsel for Applicant**, stated the original design did include an exit to the north because they thought the property was owned by the Applicant. They are continuing to investigate this issue through several title companies, but haven't received any resolution. It appears to be owned by the industrial complex but has been developed by Grove Station and

believes there should be an easement in favor of Grove Station. They have been working with Staff on that, and if Grove Station has an easement, they will work with them to obtain access. They are also not happy with the parking design and hope to eliminate that issue with obtaining access to the north. In regards to the setback issue, they have asked that the gas aisle remain and be grandfathered in.

It has always been their requirement that the pumps remain where they are as the cost to move them would be approximately \$200,000 which would make the cost of the development too great. Once you start affecting the fuel system, such as moving the pumps, you have to install new gas lines and a new system and then all the regulatory agencies come to inspect the work and it will delay the project. Any one of the agencies involved could deny approval, so moving the pumps ten feet could cause the project to fail. Also, moving the pumps ten feet to the north can affect the access way, parking and size of the building, and if the size of the convenience store or restaurant is reduced, it does not make the project feasible for the Applicant. They have worked with Staff to come to agreement on the size of the building, landscaping, the propane tank area, and parking.

He stated their new design will have a driveway and small curve, and you can use the inner aisles under the canopy or the outside aisle. While it is not the usual design, he did not think it was awkward looking and the landscaping makes it a nice development. The building was designed to be consistent with the Early California design used at Grove Station, and incorporated a higher façade to blend with their higher elevations.

**Hari Alipuria, Owner**, thanked the Commission for the opportunity to present his project. He stated Mr. Klingerman will do his best to get access to the north but if he is unsuccessful, he thinks they can still make the project work. He feels they will complement the Grove Station and improve the appearance of the corner. He added they plan to be open 24 hours, and that he doesn't make any money on gas sales, most of his money is made in the store.

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

**Chairman Schoonover** clarified that the reverse/turn around design was put in place in 2005, and asked if this was a city-wide requirement.

**Senior Planner Espinoza** stated it was added to the CG zone in 2005, and that there have been three gas stations in other zones designed as reverse/turn around: the 76 in Via Verde, the Chevron at Lone Hill and Gladstone, and the Costco gas station.

**Commissioner Ensberg** asked if Staff felt the Applicant would be able to obtain an easement to the north. He also asked about the Code requirement that a reverse/turn around design was required with expansion of the uses, and isn't what is being proposed is considered an expansion.

**Senior Planner Espinoza** stated they might be able to obtain an easement, and it might require some type of maintenance cost sharing agreement. He stated the Applicant is proposing a partial redesign as they are proposing the gas island, pumps and canopy to remain in the same location, and using the same I-beams for the roof structure.

**Commissioner Rahi** stated he believes people will not be able to turn around in the parking lot with the current design and would like to see the northern access obtained. In regards to the canopy, he asked if it is currently encroaching into the 25 foot setback area.

**Senior Planner Espinoza** stated the lane encroaches into the setback area.

**Commissioner Rahi** stated he thinks the project is good in that it will serve the community with the convenience store and the restaurant, but they will be losing two gas pump positions when they landscape up to the canopy structure to comply with the setback requirement. He feels the design is complementary with Grove Station but would like to see the Applicant work with Staff to resolve the two outstanding issues.

**Commissioner Davis** stated he doesn't have a problem with the way the canopy is designed, but concurred with Commissioner Rahi about the parking and wasn't sure if that should be made a condition to obtain the access as part of the approval.

**Commissioner Ensberg** felt the proposed project was a definite improvement over what is currently there and while it might not be the best design, he felt it met a number of goals set by the City. He was also concerned about not having access to the north and thought maybe they could condition the Applicant to obtain access.

**Chairman Schoonover** agreed that what is there is not the best and he would like to see the corner upgraded, but he did not feel this is the proper plan. He also has a problem with the access. He felt the City wanted to see those corners improved, and three other stations in town have complied with the reverse/turn around design. He also felt the setback issue was a problem as well.

**MOTION:** Moved by Davis, seconded by Ensberg to recommend approval of Municipal Code Text Amendment 10-02, Conditional Use Permit 12-06 and Conditional Use Permit 12-07 to the City Council as submitted. Motion carried 3-1-1 (Schoonover no, Bratt absent).

**Senior Planner Espinoza** stated he will bring back Resolutions recommending approval at the July 18, 2013 meeting.

## **COMMISSION BUSINESS**

3. **CONSIDERATION OF CLASSIFICATION OF USE 13-01** – A request to classify a medical inpatient rehabilitation facility (congregate living health facility) as similar to a hospital, which is a conditionally permitted use in the A-P Administrative Professional zone. The applicant is requesting the Classification of Use to facilitate a proposed project for two vacant lots at 1136 and 1148 W. Puente Avenue. The request would affect all A-P zoned properties.

Staff report presented by **Associate Planner Jennifer Williams**, who stated this is a request to classify this use as similar to a use already allowed in the Administrative Professional (AP) zone. While this is to facilitate a proposed project on Puente Avenue, if approved, this use would be allowed in all areas zoned AP and showed where they are on the zoning map. The proposed use would be a medical inpatient facility that provides a home-like environment with professional staff on-site. Visiting hours would be similar to a hospital, and would be limited through a Conditional Use Permit (CUP). The license issued by the Los Angeles County Health Department for a congregate care facility would allow up to 25 beds, but the Applicant is proposing only a 15-bed facility, which would also be addressed through the CUP process, and be limited to a certain type of patient.

This Classification of Use is to conditionally allow for a rehabilitative medical facility and is not intended to allow for a hospice facility. Permitted uses in the AP zone include medical and health services, and conditionally allowed uses include child care and hospitals. Standard residential uses are prohibited. In 1998 a 90-bed skilled nursing and assisted living facility with

## RESOLUTION PC-1487

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 10-06, A REQUEST TO AMEND CODE SECTION 18.140.090.C.4.a.iv TO ALLOW AN EXCEPTION TO THE REVERSE/TURN AROUND STATION DESIGN WHEN A STORM DRAIN AND/OR EASEMENT INTERFERES WITH THE SITING OF THE PROPOSED BUILDING.

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by the applicant;

Steve Eide Design Group  
158 West Orange Street  
Covina, CA 91732  
on behalf of  
Hari Alipuria

WHEREAS, the Amendment is described as a request to modify Chapter 18.140.090.C.4.a.iv to allow an exception to the reverse/turn around station design when a storm drain and/or storm drain easement interferes with the siting of the proposed building; and

WHEREAS, the Amendment would affect the two gas stations that are within the Creative Growth, Area 3 – Mixed Use, Sub Area A; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on June 20, 2013 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, the Planning Commission now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area and maintains necessary standards.
- B. The proposed Municipal Code Text Amendment will provide reasonable design alternatives to the required reverse turn or around station design. The alternative

**EXHIBIT K**

design will help allow for future development of the sites that are in need of development.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan and will help facilitate the development of the site.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 10-06 as set forth in attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 18<sup>th</sup> day of July, 2013 by the following vote:

AYES: Bratt, Davis, Ensberg, Rahi

NOES: Schoonover

ABSENT: None

ABSTAIN: None



\_\_\_\_\_  
Jim Schoonover, Chairman  
San Dimas Planning Commission

ATTEST:



\_\_\_\_\_  
Jan Sutton, Planning Secretary

**EXHIBIT A**

Text in Blue Underline is new

Text in ~~Red Strike-Out~~ is being deleted

**Chapter 18.140.090.C.4.a.iv**

Gasoline Service Stations. Existing gasoline service stations shall not be permitted to extend, expand or enlarge the existing building or use, unless there is complete reconstruction and revised siting of the existing facilities. Reconstructed gasoline stations shall be highly encouraged to design ~~shall utilize~~ a reverse or turn around station ~~design~~ layout when feasible, in an effort to create an architectural statement at the Arrow Highway and San Dimas Avenue intersection. Should any physical obstacles interfere with the reverse or turn around station design conflicting with the site layout, an alternative design may be proposed. If an existing gasoline service station is reconstructed to the above standard, the use may expand and include, convenience store and restaurant use with a new or revised conditional use permit and subject to the provisions of Chapter 18.12 of this title;

## RESOLUTION PC-1488

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT 12-07, A REQUEST TO CONSTRUCT A 2,561 SQ. FT. GAS STATION ATTENDANT BUILDING AND CONVENIENCE STORE WITH A TAKE-OUT RESTAURANT ON THE PARCEL LOCATED AT 105 EAST ARROW HIGHWAY (APN: 8390-018-023)

WHEREAS, an application was filed for a Conditional Use Permit by:

Steve Eide Design Group  
158 West Orange Street  
Covina, CA 91732  
on behalf of  
Hari Alipuria

WHEREAS, the Conditional Use Permit is described as:

A request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped.

WHEREAS, the Conditional Use Permit applies to the following described real property:

105 E. Arrow Highway (APN: 8390-018-023)

WHEREAS, the Planning Commission has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on June 20, 2013 and brought back for approval of the resolution on July 18, 2013 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, and subject to the Conditions attached as "Exhibit A", the Planning Commission now finds as follows:

A. That the site or proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking and loading, landscaping and other features required by this ordinance to adapt the use with land and uses in the neighborhood.

The existing site will be remodeled to an extent that the new development proposed for the site will meet the development standards of the Code.

B. That the site for the proposed use relates to street and highways adequate in width and pavement type to carry the quantity and kind of traffic by the proposed use.

The subject site is located on the northeast corner of San Dimas Avenue and East Arrow Highway. The Site can be accessed from either improved arterial streets. The expected increase in traffic flow will not be significant since both streets will be able to handle any additional vehicles and not create a negative effect on traffic flow.

C. That the proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the general plan and the applicable zoning ordinances.

The proposed remodel of the gas station is arranged, designed and constructed to blend with the surrounding buildings. The type of material and overall design is in compliance with the Town Core Design Guidelines and the adjacent development; Grove Station. The operation of the gas station with convenience store and take-out restaurant will be compatible with the surrounding uses and will be maintained to be harmonious with the surrounding neighborhood.

D. That the proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the general plan.

The project is consistent with Goals Statement L-6 within the General Plan: "Revitalize and improve downtown as a community node." The site currently is in need of major improvements; the buildings are older and worn. The new gas station will improve the

appearance of the site and enhance the entrance to the downtown and the surrounding community.

The project complies with all the requirements and development standards related to Creative Growth Area 3 Zone and all other policies and practices of the City. The proposed project is consistent with the City of San Dimas General Plan.

E. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.

The Planning Division Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the CEQA Categorical Exemption per Section 15332, Class 32 – In-Fill Development Project. In addition, there is no substantial evidence that the project may have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption.

WHEREAS, pursuant to San Dimas Zoning Code Section 18.140.060 in approving new development within the Creative Growth Zone, the following additional Findings need to be made in addition to the standard development plan Findings;

D. The architectural character is in conformance with the Early California village theme concept with respect to size, color, materials, site design and building design.

The proposed architectural character of the project is in conformance with the Early California village theme by incorporating features found in historic downtown areas, such as: antique red brick façade, smooth stucco, semi-arched clear windows with pre-cast decorative trim, parapet walls with dentil relief, goose neck lighting and large store front windows. The exterior cladding materials of smooth stucco and brick that are integrated into the design are key to emulating the early California theme. The overall size of the project was designed in a way to blend in with the adjacent Grove Station development to the north and the recently approved mixed-use project to the west.

E. The following elements shall be shown and so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are

protected, and that there will be no adverse effect on surrounding property.

- a. Buildings, structures and improvements;
- b. Vehicular ingress, egress and internal circulation;
- c. Setbacks;
- d. Height of buildings;
- e. Service areas;
- f. Walls;
- g. Landscaping;
- h. Such other elements as are found to be relevant to the fulfillment of the purposes of this zone.

The remodeled gas station is arranged to avoid traffic congestion and to ensure pedestrian and vehicular safety and welfare are protected. The vehicular circulation was reviewed and approved by the City Engineer. The gas station with convenience store and take-out restaurant will meet the parking requirements for the uses. The project meets minimum setbacks set forth within the Creative Growth Zone. The project is below the maximum building height but is being developed to look like a two-story structure to blend in with the Grove Station to the North. Many of the landscape planters will be reconstructed and replanted with drought tolerant landscaping similar to the plant species planted in the medians along San Dimas Avenue. Design elements incorporated with the proposed project will to help integrate the new construction with the surrounding area and services.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Conditional Use Permit 12-07 subject to the applicant's compliance with conditions in "Exhibit A" attached hereto and incorporated herein. A copy of this Resolution shall be mailed to the applicant.

PASSED, APPROVED and ADOPTED, the 18<sup>th</sup> day of July, 2013, by the following vote:

AYES: Bratt, Davis, Ensberg, Rahi

NOES: Schoonover

ABSENT: None

ABSTAIN: None

A large, stylized handwritten signature in black ink, appearing to read "Jim Schoonover", written over a horizontal line.

Jim Schoonover, Chairman  
San Dimas Planning Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Jan Sutton", written over a horizontal line.  
Jan Sutton, Planning Secretary

**EXHIBIT A**  
**Conditions of Approval**  
**for**  
**CUP Case No. 12-07**

A request to construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant; remodeled gas canopy, site layout and landscaping at 105 E. Arrow Highway (APN: 8390-018-023).

**PLANNING DIVISION - (909) 394-6250**

**GENERAL**

1. The Developer/Applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. The Developer/Applicant shall be responsible for any City Attorney costs incurred by the City for the project, including, but not limited to, consultations, and the preparation and/or review of legal documents. The applicant shall deposit with the City to cover these costs in an amount to be determined by the City.
3. Copies of the signed City Council Resolution of Approval No. \*\*\*\*\* and Conditions shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
4. The Developer/Applicant shall comply with all requirements of the Creative Growth, Area 3A – Mixed Use zone.

5. The building permits for this project must be issued within one year from the date of approval or the approval will become invalid. A time extension may be granted under the provisions set forth in Chapter 18.12.070 F.
6. The Developer/Applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.
7. All parking provided shall meet the requirements of Section 18.156 (et. seq.) of the San Dimas Municipal Code.
8. The Developer/Applicant shall comply with all City of San Dimas Business License requirements and shall provide a list of all contractors and subcontractors that are subject to business license requirements.
9. The Developer/Applicant shall comply with all Conditions of Approval as approved by the City Council on \*\*\* , 2013.
10. Graffiti shall be removed within 72 hours.
11. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
12. The Developer/Applicant shall submit a construction access plan and schedule for the development of the lot for Directors of Development Services' and Public Works' approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.
13. During grading and construction phases, the construction manager shall serve as the contact person in the event that dust or noise levels become disruptive to local residents. A sign shall be posted at the project site with the contact phone number.
14. Businesses and public entities that dispose of 4 cubic yards/week of solid waste, and residential projects of five or more units shall comply with the state Model Ordinance adopted pursuant to the California Solid Waste Reuse and Recycling Access Act of 1991. This shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials. Recycling programs shall be implemented in coordination with the trash company. Program shall include weekly collection of recyclable material using any combination of bins or 96-gallon waste containers (residential) in sufficient numbers to contain recyclables generated each week.

**DESIGN**

15. Building architecture and site plan shall be consistent with plans presented to the Development Plan Review Board on \*\*\*\* provided that the Director of Development Services is authorized to make revisions consistent with the San Dimas Municipal Code and to facilitate improved parking lot circulation.
16. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, bike racks, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits.
17. Plans for all exterior design features, including, but not limited to, doors, windows, mailboxes and architectural treatments, shall be submitted to the Planning Division for review and approval before issuance of building permits.
18. The lighting fixture design shall compliment the architectural program. Location and type of exterior lighting fixtures shall be submitted by the developer to the Planning Division for review and approval prior to installation.
19. The Developer/Applicant shall install the parking lot lighting in accordance with a lighting plan showing illumination levels and lighting distribution, as approved by the Planning Division. Shielding shall be implemented where appropriate to reduce light emissions onto adjoining properties.
20. The Developer/Applicant shall install the parking lot lighting in accordance with a lighting plan showing illumination levels and lighting distribution, as approved by the Planning Division. Shielding shall be implemented where appropriate to reduce light emissions onto adjoining properties. A lighting plan shall be submitted for review and approval, in addition to a \$1,500 deposit for review of the plans.
21. All roof-mounted equipment and appurtenances shall be totally screened from public view and shall be located below the building parapet. The applicant shall supply a section drawing indicating the parapet height and all proposed roof equipment. In the event additional screening is necessary, it shall be approved by the Planning Division and installed prior to final inspection and occupancy.

22. Trash/Recycling enclosure(s) shall be constructed by the Developer/Applicant per City of San Dimas standard plan and shown on the construction plans. The exact location of the trash/recycling enclosure(s) shall be approved by the Planning Division and the Trash Company.
23. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the Developer/Applicant shall be inconspicuously located and screened, as approved by the Director of Development Services. Location of this equipment shall be clearly noted on landscape construction documents.
24. Downspout pipes shall be placed on the inside of the buildings or concealed within architectural features of the building. When downspout pipes exit the building within the landscaped area, a splash pad shall be provided subject to review and approval by the Planning Division.
25. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.
26. Electrical and other service facilities shall be located within an interior electrical room or approved comparable location. All electrical service facilities shall be totally screened from public view, as approved by the Planning Division.
27. The Developer/Applicant shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole off-site.

## **LANDSCAPE**

28. The Developer/Applicant shall show all proposed transformers on the landscape plan. All transformers shall be screened with landscape treatment such as trellis work or block walls with climbing vines or City approved substitute.
29. Water efficient landscapes shall be implemented in all new and rehabilitated landscaping in single-family and multi-family projects, and in private development projects that require a grading permit, building permit or use permit, as required by Chapter 18.14 of the San Dimas Municipal Code.
30. The Developer/Applicant shall submit to the Planning Division, prior to the issuance of building permits, detailed landscaping and automatic irrigation plan prepared by a State registered Landscape Architect, in addition to a

\$2,500 deposit for review of the plans. All landscaping and automatic irrigation shall be installed and functional prior to occupancy of the building(s), in accordance with the plans approved by the Planning Division.

**BUILDING DIVISION – (909) 394-6260**

31. The Developer/Applicant shall comply with the 2010 edition of the codes as adopted by reference by the City of San Dimas: California Green Building Standards Code, California Residential Code, California Mechanical Code, California Plumbing Code, and California Electrical Code.
32. The Developer/Applicant shall comply with the latest California Title 24 Energy requirements for all new lighting, insulation, and mechanical equipment and submit calculations at time of initial plan review.
33. The Developer/Applicant shall submit to the Building Division of the City of San Dimas plans to be forwarded for review by the Los Angeles County Fire Department. Plans may include access, fire sprinklers, mechanical ventilation, and any other applicable items regulated under the Fire Code.
34. The Developer/Applicant shall comply with the latest disabled access regulations as found in Title 24 of the California Code of Regulations and the Americans with Disabilities Act. Accessible items shall include, but not be limited to: parking, accessible pedestrian routes, accessible/adaptable units, public/common use areas, swimming pool, etc.
35. The Developer/Applicant shall submit a Precise Paving and Drainage Plan for the proposed development to be reviewed and approved by the City Engineer and the Director of Development Services.
36. The Developer/Applicant shall submit a Precise Grading Plan for the proposed development to be reviewed and approved by the City Engineer and the Director of Development Services.
37. Prior to the issuance of any grading or building permits, the Developer/Applicant shall submit an updated Engineering Geology/Soils Report that includes an accurate description of the geology of the site and conclusions and recommendations regarding the effect of the geologic conditions on the proposed development and include a discussion of the expansiveness of the soils and recommended measures for foundations and slabs on grade to resist volumetric changes of the soil. This report shall also include recommendations for surcharge setback requirements in the area of ungraded slopes steeper than five horizontal to one vertical.

38. Building foundation inspections shall not be performed until a rough grading certification, survey stakes in place, and a final soils report have been filed with the City and approved. All drainage facilities must be operable.
39. Construction calculations, including lateral analysis, shall be required at the time plans are submitted for plan check. Electrical schematic and load list and plumbing (drainage, water, gas) schematics will be required before issuance of electrical or plumbing permits.
40. Fees shall be paid to Bonita School District in compliance with Government Code Section 65995.
41. The Developer/Applicant shall Contact the Los Angeles County Public Works Department, Environmental Program Division for any required permit on clearance of industrial and hazardous waste disposal.
42. Construction hours shall be limited to between 7:00 a.m. and 8:00 p.m., and shall be prohibited at any time on Sundays or public holiday, per San Dimas Municipal Code Section 8.36.100.
43. Prior to removing the existing structure on the property, the Developer/Applicant shall obtain a Demolition Permit from the Building and Safety Division.

#### **ENGINEERING DIVISION – (909) 394-6250**

44. The Developer/Applicant shall provide a signed copy of the City's certification statement declaring that the contractor will comply with Minimum Best Management Practices (BMPs) required by the MS4 permit for Los Angeles County as mandated by the National Pollutant Discharge Elimination System (NPDES).
45. The Developer/Applicant shall provide drainage improvements to carry runoff of storm waters in the area proposed to be developed, and for contributory drainage from adjoining properties to be reviewed and approved by the City Engineer. The Developer/Applicant shall make a good faith effort to negotiate with the downstream property owner for all required downstream storm drain improvements. The proposed drainage improvements shall be based on a detailed Hydrology Study conforming to the current Los Angeles County methodology. The developed flows outletting into the existing downstream system(s) from this project cannot exceed the pre-existing storm flows.

46. For all projects which disturb less than one (1) acre of soil, Developer/Applicant shall submit a temporary erosion control plan to be approved by the City Engineer and filed with the City and shall be installed and operable at all times.
47. For all non-exempt projects which disturb less than one (1) acre of soil and are not part of a larger common plan of development which in total disturbs one acre or more, Developer/Applicant must submit a signed certification statement declaring that the contractor will comply with Minimum Best Management Practices (BMPs) required by the MS4 permit for Los Angeles County as mandated by the National Pollutant Discharge Elimination System (NPDES). Additionally, all projects within this category will require the preparation and submittal by the Developer/Applicant a local Stormwater Pollution Prevention Plan/Wet Weather Erosion Control Plan. The project proponent is ultimately responsible to comply with all requirements of the MS4 permit, which the City of San Dimas enforces. The City of San Dimas has the authority to enter the project site, review the local SWPPP/WWECP and require modifications and subsequent implementation to the local SWPPP/WWECP in order to prevent polluted runoff from leaving the project site onto private or public property. In order to manage storm water drainage during construction, one or more of the following measures shall be implemented to prevent flooding of adjacent property, prevent erosion and retain soil runoff on the site:
  - a. Retention basins of sufficient size shall be utilized to retain storm water on the site. (BMP SE-2, Sedimentation Basin)
  - b. Where storm water is conveyed to a public drainage system, collection point, gutter, or similar disposal method, water shall be filtered by use of a barrier system, wattle, or other method approved by the enforcing agency. (BMPs SE-1, Silt Fence; SE-5, Fiber Rolls; SE-6, Gravel Bag Berm)
48. The Developer/Applicant shall provide full street improvements on all streets within the limits of the development. Improvements to include curbs and gutters, sidewalks, medians, and paving according to City standards, as shown in the following table:

Street Name	Curb & Gutter	Pavement A.C.	Side-walk	Approach Drive	Street Lights	Street Trees	Street n Trail	Equestrian Trail	Median Island	Bike Trail	Other
San Dimas Ave	x		x	x		x					
Arrow Highway	x		x	x							
<b>Notes:</b>											

49. The Developer/Applicant shall submit water plans to be reviewed and approved by the City Engineer and the Los Angeles County Fire Department.
50. The Developer/Applicant shall be responsible for any repairs within the limits of the development, including streets and paving, curbs and gutters, sidewalks, and street lights as determined by the City Engineer and Public Works Director.
51. All work adjacent to or within the public right-of-way shall be subject to review and approval of the Public Works Director and the work shall be in accordance with applicable standards of the City of San Dimas; i.e. Standard Specifications for Public Works Construction (Green Book) and the Manual of Uniform Traffic Control Devices (MUTCD), and further that the construction equipment ingress and egress be controlled by a plan approved by Public Works.
52. For all projects subject to Standard Urban Stormwater Mitigation Plan (SUSMP) regulations, Developer/Applicant must submit a site-specific drainage concept and stormwater quality plan to mitigate post-development stormwater.
53. A fully executed "Maintenance Covenant for SUSMP Requirements" shall be recorded with the L.A. County Registrar/Recorder and submitted to the Public Works Department prior to the Certificate of Occupancy. Covenant documents shall be required to include an exhibit that details the installed treatment control devices as well as any site design or source control Best Management Practices (BMPs) for post construction. The information to be provided on this exhibit shall include, but not be limited to:

- i. 8 ½" x 11" exhibits with record property owner information.
  - ii. Types of BMPs (i.e., site design, source control and/or treatment control) to ensure modifications to the site are not conducted without the property owner being aware of the ramifications to BMP implementation.
  - iii. Clear depiction of location of BMPs, especially those located below ground.
  - iv. A matrix depicting the types of BMPs, frequency of inspection, type of maintenance required, and if proprietary BMPs, the company information to perform the necessary maintenance.
  - v. Calculations to support the sizing of the BMPs employed on the project shall be included in the report. These calculations shall correlate directly with the minimum treatment requirements of the current MS4 permit. In the case of implementing infiltration BMPs, a percolation test of the affected soil shall be performed and submitted for review by the City Engineer.
  - vi. This document shall be reviewed by and concurred with Public Works to ensure the covenant complies with the MS4 Permit.
54. Improvement plans and necessary letters of credit, cash, and/or bonds to secure the construction of all streets, storm drains, water, sewer, grading, and equestrian trails shall be submitted and approved by the City Engineer, and the subdivision agreement and other required agreements approved by City Attorney, prior to the recordation of the Final Map.
55. All site, grading, landscape & irrigation, and street improvement plans shall be coordinated for consistency prior to the issuance of any permits.
56. A preliminary title report and guarantee is required and such document shall show all fee interest holders; all interest holders whose interest could ripen into a fee; all trust deeds, together with the name of the trustee; and all easement holders. The account for this title report should remain open until the final map is filed with the County Recorder.

#### **PARKS & RECREATION – (909) 394-6230**

57. The Developer/Applicant shall provide street trees, with permanent irrigation system, throughout the development. The species, container size and location shall be designated by the City, as approved by the City Arborist.

58. The Developer/Applicant shall comply with City regulations regarding payment of Property Development Tax, and Park, Recreation and Open Space Development Fee per SDMC Chapters 3.24 and 3.26. Fees shall be paid prior to issuance of building permits.

**End of Conditions**

**RESOLUTION PC-1489**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT 12-06, A REQUEST TO ALLOW FOR OFF-SALE GENERAL OF BEER AND WINE (TYPE 20 LICENSE) AT GAS & GO LOCATED AT 105 EAST ARROW HIGHWAY (APN: 8390-018-023)

WHEREAS, an application was filed for a Conditional Use Permit by:

Steve Eide Design Group  
158 West Orange Street  
Covina, CA 91732  
on behalf of  
Hari Alipuria

WHEREAS, the Conditional Use Permit is described as:

A request to allow for Off-Sale General of Beer and Wine (Type 20 License) at Gas & Go.

WHEREAS, the Conditional Use Permit applies to the following described real property:

105 East Highway (APN: 8390-018-023)

WHEREAS, the Gas & Go was previously approved for a Type 20 Off-Sale of beer and wine prior to the City's incorporation; and

WHEREAS, the Planning Commission has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on June 20, 2013 and brought back for approval of the resolution on July 18, 2013 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, and subject to the Conditions attached as "Exhibit A", the Planning Commission now finds as follows:

- A. The site and proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking and loading, landscaping and other features required by this ordinance to adapt the use with land and uses in the neighborhood.

The proposed tenant space is adequate in size to provide for the off-site sale of beer and wine as an accessory use which is compatible with other retail uses and gas stations in the same vicinity and zone.

- B. The site for the proposed use relates to street and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

The site is located on the northeast corner of San Dimas Avenue and East Arrow Highway. The site is accessible from Arrow Highway which is an improved major arterial street and from San Dimas Avenue which is considered a secondary arterial street. The existing street access and parking will accommodate the proposed use.

- C. The proposed use will not have an adverse effect on abutting property and uses.

The existing off-site sale of beer and wine has not had an adverse effect on the abutting properties and uses nor should the continued off-site sale of beer and wine.

- D. The Conditions stated in the decision are deemed necessary to protect the public, health, safety and general welfare.

It is determined that the conditions imposed will continue protecting the public health, safety, and general welfare.

- E. The proposed use, including any Conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.

The Planning Division Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 2 exemption under State CEQA Guidelines Section 15302 Replacement or Reconstruction. In addition, there is no substantial evidence that the project may have a significant effect on the environment. The

Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that Planning Commission recommends to the City Council approval of Conditional Use Permit 12-06 subject to the applicant's compliance with conditions in "Exhibit A" attached hereto and incorporated herein, and that the decision shall be final unless a timely appeal is filed with the City Council. A copy of this Resolution shall be mailed to the applicant.

PASSED, APPROVED and ADOPTED, the 18<sup>th</sup> day of July, 2013, by the following vote:

AYES: Bratt, Davis, Ensberg, Rahi

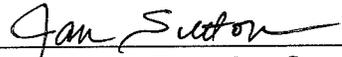
NOES: Schoonover

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
Jim Schoonover, Chairman  
San Dimas Planning Commission

ATTEST:

  
\_\_\_\_\_  
Jan Sutton, Planning Secretary

## EXHIBIT A

### CONDITIONS OF APPROVAL

#### Conditional Use Permit No. 12-06

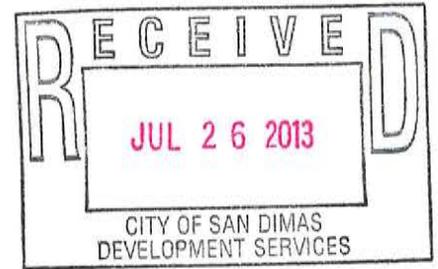
1. The applicant shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
2. The applicant shall comply with all requirements of the Creative Growth Area 3A – Mixed Use.
3. The applicant shall sign an affidavit accepting all conditions prior to commencing alcohol sales.
4. Conditional Use Permit approval shall expire if approved use has not commenced within one (1) year from the date of approval.
5. Approval is granted for the off-site sale of beer and wine (Type-20 License).
6. Change of the ABC license to a different license type shall first require review and approval of a new Conditional Use Permit Application and associated material and fees.
7. This approval is granted for Gas & Go located at 105 East Arrow Highway, APN 8390-018-023. Any increase of display floor area, or other substantial change in operation relating to alcoholic beverage sales, shall require review and approval of a new Conditional Use Permit Application and associated material and fees.
8. The sale of beer and wine shall commence only within business hours, and shall be prohibited between the hours of 2:00 A.M. and 6:00 A.M.
9. Alcoholic beverages shall not be sold to any persons under the age of 21.

10. The sale of beer, wine and distilled spirits for consumption on-premises is prohibited.
11. The applicant shall comply with all regulations of the Alcoholic Beverage Control Act and shall comply with all licensing conditions imposed by the State of California.
12. This Conditional Use Permit shall also be reviewed by the Planning Commission when, in the opinion of the Director of Development Services, sufficient complaints are received regarding the proposed use to warrant Planning Commission review. Failure to comply with any of the conditions contained herein shall result in the matter being set for Revocation of Use hearing in accordance with Chapter 18.200 of the San Dimas Municipal Code.

End of Conditions

July 20<sup>th</sup>, 2013

Fouad Nassar  
11090 Seven Pines Dr.  
Alta Loma, CA 91737



City Of San Dimas  
Marco A. Espinoza  
Senior Planner  
245 E. Bonita Ave  
San Dimas, CA 91773

To whom it may concern:

I Fouad Nassar am disputing the constructions on 105 E. Arrow Hwy, San Dimas CA 91773. I Sold Hari Alipuria the property and business at 105 E. Arrow Hwy. The Business never closed escrow up till now. Hari Alipuria still owes me money and legally does not own the business. I can and will provide any and all necessary proof to show that money is still owed, and I will not allow Hari Alipuria to make changes to the property until all is resolved. If you have any future questions please contact me at 909-229-1583.

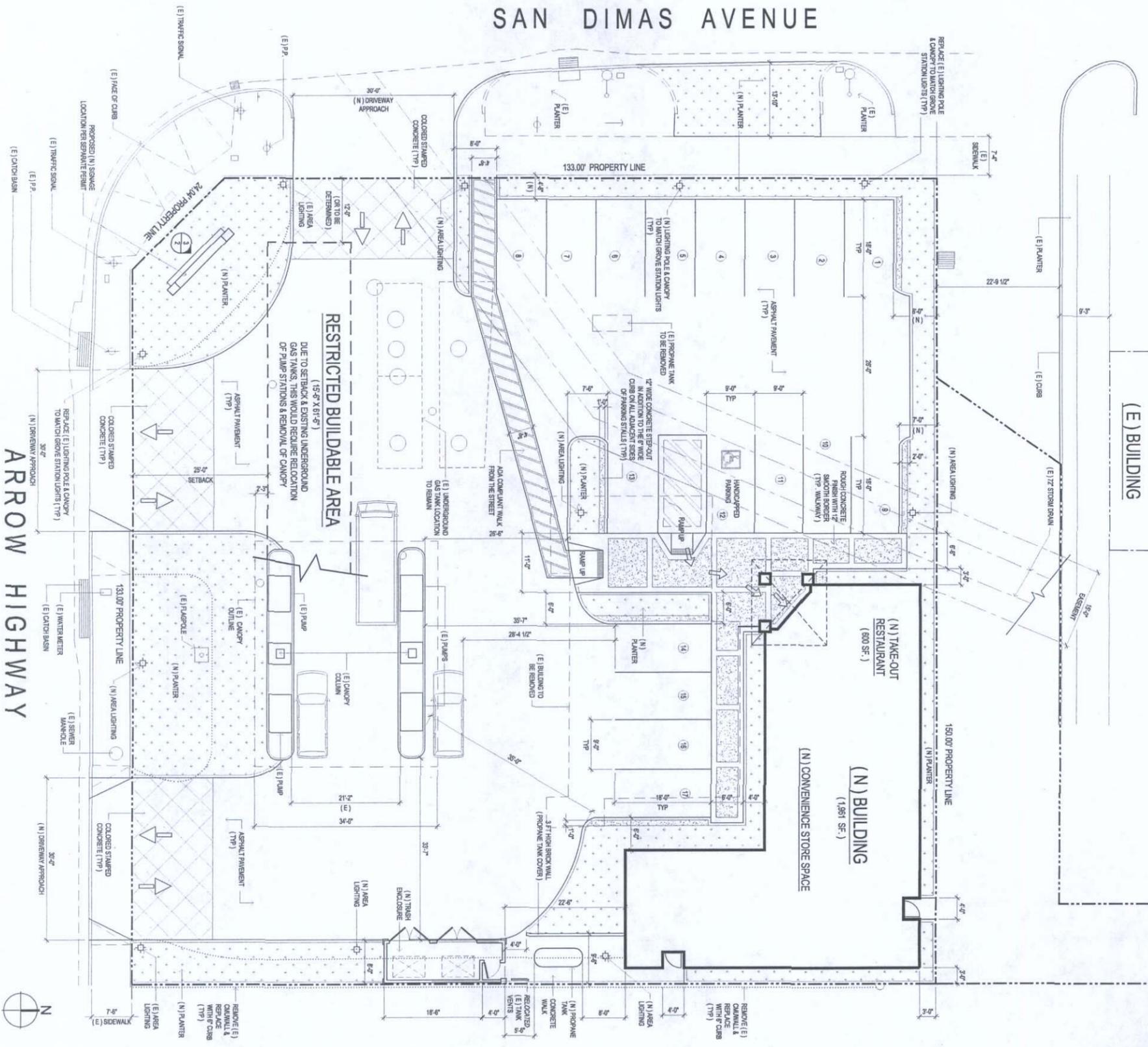
Thank You,

A handwritten signature in black ink that reads "Fouad P. Nassar". The signature is written in a cursive style and is underlined with a single horizontal line.

Fouad Nassar

**EXHIBIT L**

# SAN DIMAS AVENUE



# ARROW HIGHWAY

**SITE PLAN**  
SCALE: 1"=10'-0"

**Vicinity Map**  
NOT TO SCALE



**The Site**

### NOTES

PROJECT DESCRIPTION	PROPOSED (N) 1 STORY GAS STATION BUILDING WITH TAKE-OUT RESTAURANT & CONVENIENCE STORE AND (N) ROOF CANOPY OVER 4 (E) GAS PUMPS
PROJECT ADDRESS	105 E. ARROW HWY, SAN DIMAS, CA 91773
LOT SIZE	22,350 SF
ZONE	M
CONSTRUCTION TYPE	M
LEGAL DESCRIPTION	PART OF TOWN OF SAN DIMAS W 160 FT OF S 170 FT (EX OF STS) OF LOT 63
ASSESSORS PARCEL NO.	8390-018-023
EXISTING (TO BE REMOVED) BUILDING	1,588 SF
PROPOSED (N) BUILDING	
TAKE-OUT RESTAURANT	800 SF
CONVENIENCE STORE	1,961 SF
COVERED ENTRY	121 SF
TRASH ENCLOSURE	70 SF
TOTAL FLOOR AREA	2,952 SF
PARKING	
TAKE-OUT RESTAURANT	1 per 75 SF (8 Spaces)
CONVENIENCE STORE	1 per 225 SF (872 Spaces)
	(17 Spaces)

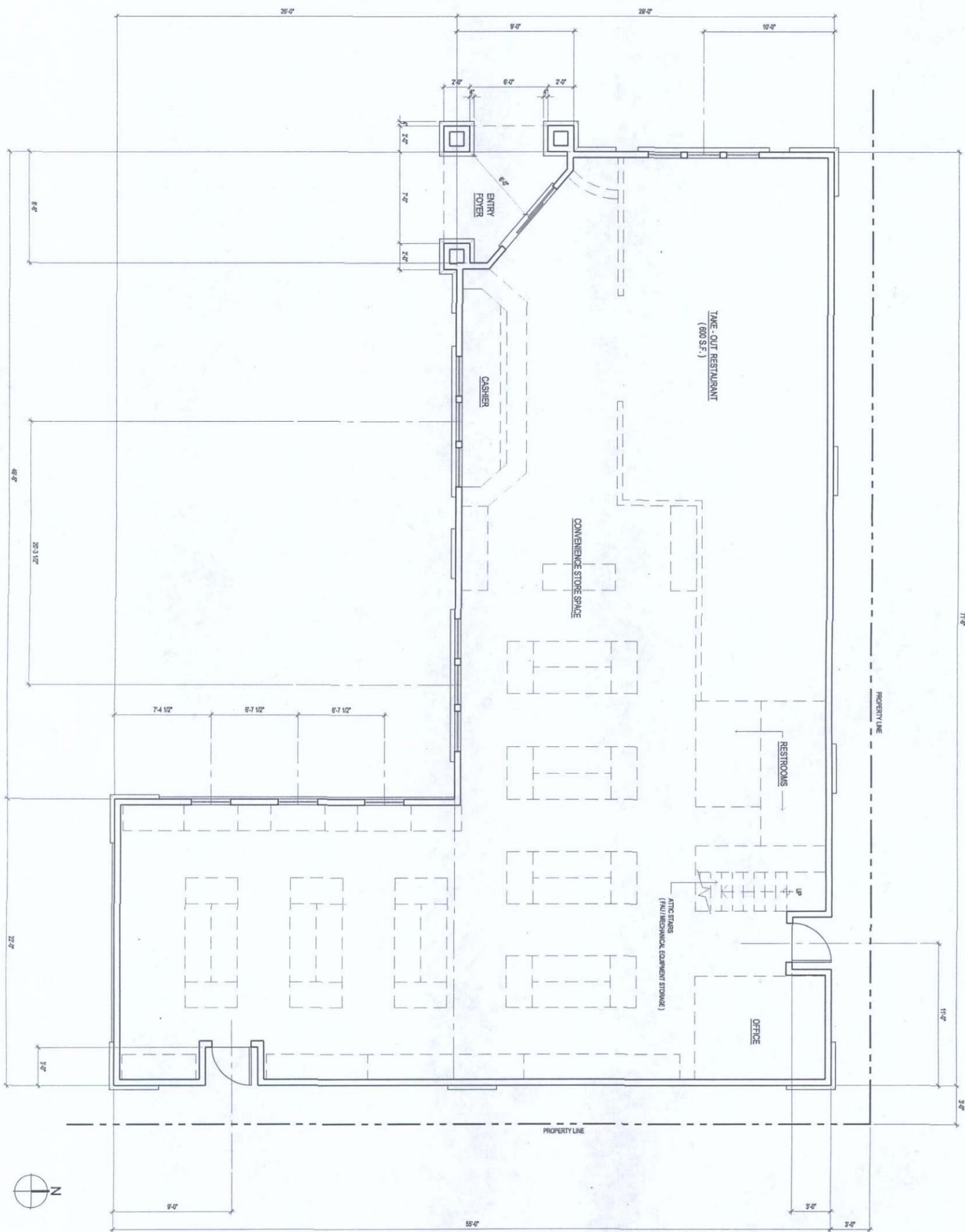
PROPOSED FOR:  
**GAS STATION BUILDING**  
105 E. ARROW HWY  
SAN DIMAS, CA 91773

CONTRACTOR / DEVELOPER:  
**HARI ALIPURIA**  
3939 MUSCATEL AVE.,  
ROSEMead, CA 91770

**seid design GROUP**  
158 WEST ORANGE STREET, COVINA, CA 91723-2011  
E-MAIL: DRAFT\_DESIGN@EARTHINK.NET  
WEBSITE: WWW.DRAFTINGANDDESIGN.LTD.COM  
**(626) 915-2303**

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SHEET NO. **1**  
PN 2858 - C  
5-1-13  
02-27-13  
07-20-12  
02-10-12  
09-23-11



BUILDING FLOOR PLAN

SCALE: 1/4"=1'-0"

1

2

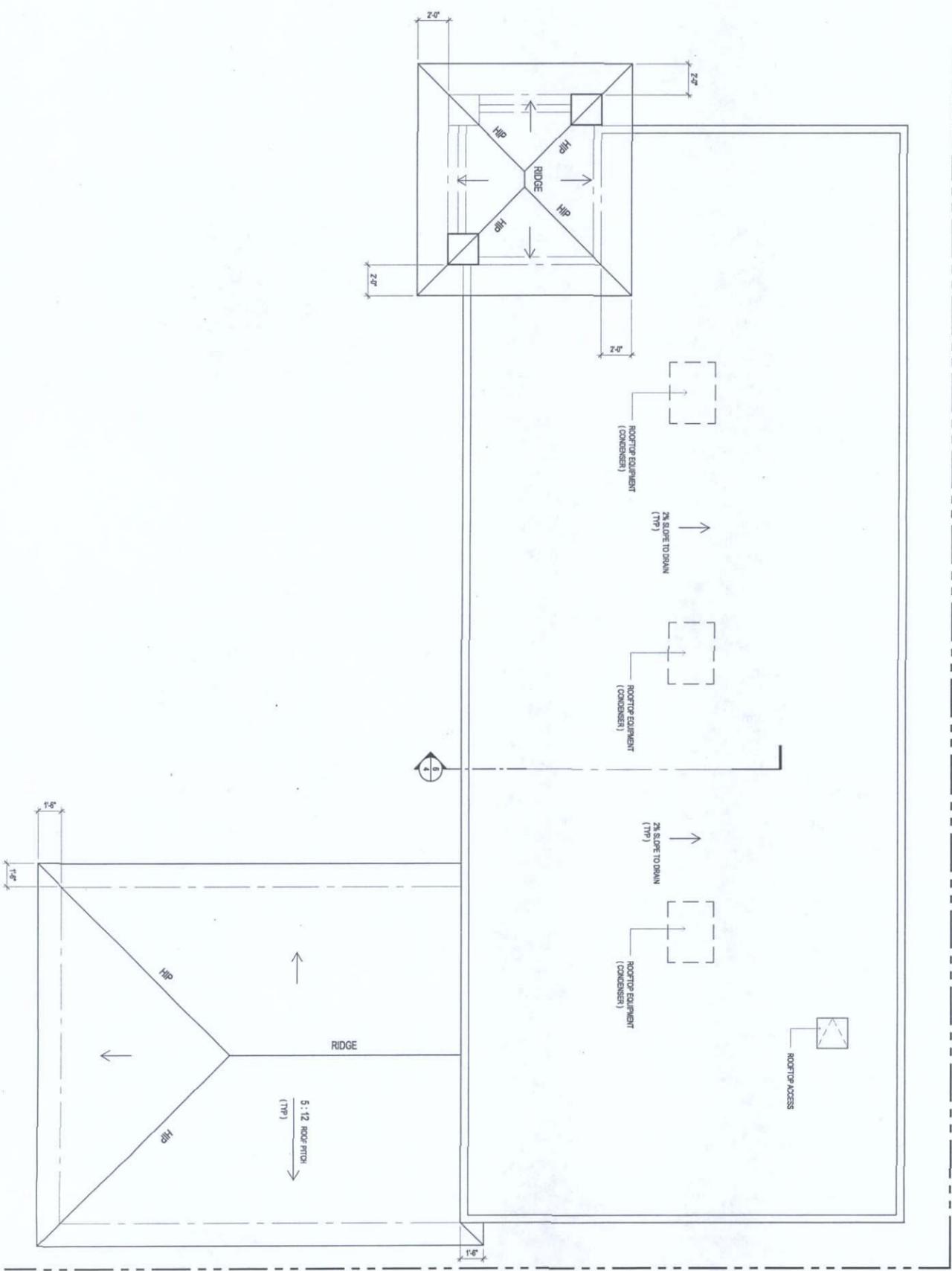
PROPOSED FOR:  
**GAS STATION BUILDING**  
 105 E. ARROW HWY  
 SAN DIMAS, CA 91773

CONTRACTOR / DEVELOPER:  
**HARI ALIPURIA**  
 3939 MUSCATEL AVE.,  
 ROSEMEAD, CA 91770

**STEVE EIDE DESIGN GROUP**

158 WEST ORANGE STREET, COVINA, CA  
 91723 - 2011  
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ROOF PLAN

SCALE  
1/4"=1'-0"  
1

SHEET NO.  
3

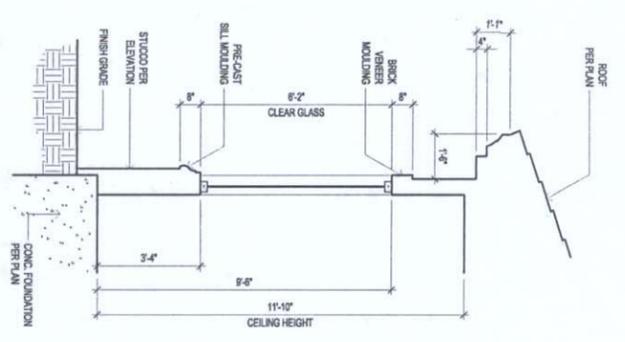
PROPOSED FOR:  
**GAS STATION BUILDING**  
105 E. ARROW HWY  
SAN DIMAS, CA 91773

CONTRACTOR / DEVELOPER:  
**HARI ALIPURIA**  
3939 MUSCATEL AVE.,  
ROSEMEAD, CA 91770

SD  
**STEVE  
EIDE  
DESIGN  
GROUP**

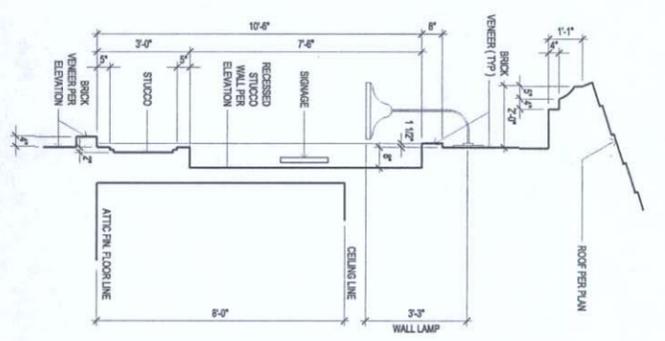
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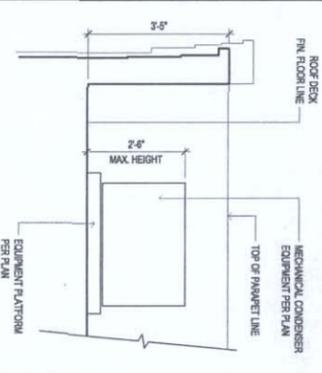
WALL SECTION

SCALE: 3/8" = 1'-0"



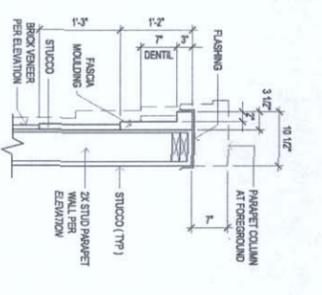
TOWER SECTION

SCALE: 3/8" = 1'-0"



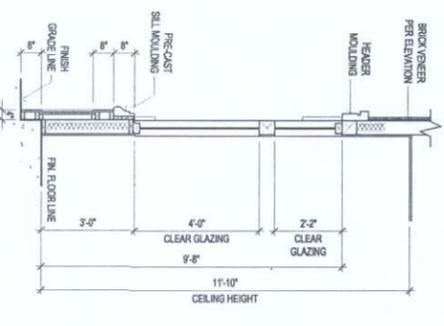
PARAPET

SCALE: 1/2" = 1'-0"



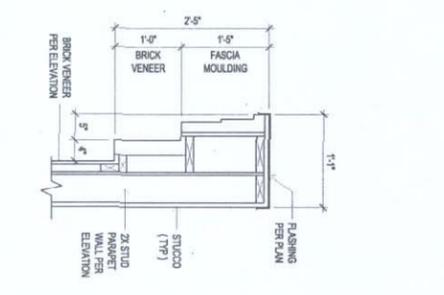
SECTION

SCALE: 3/4" = 1'-0"



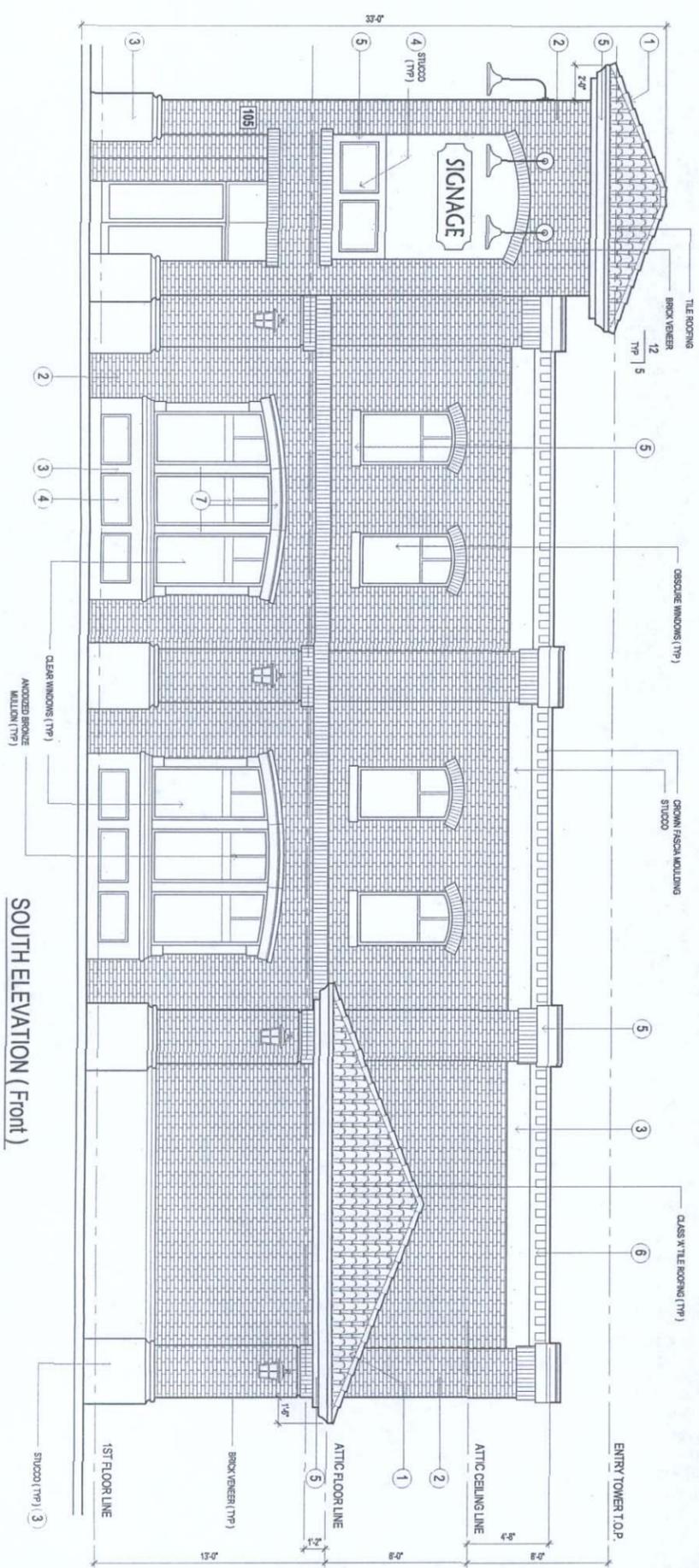
SECTION

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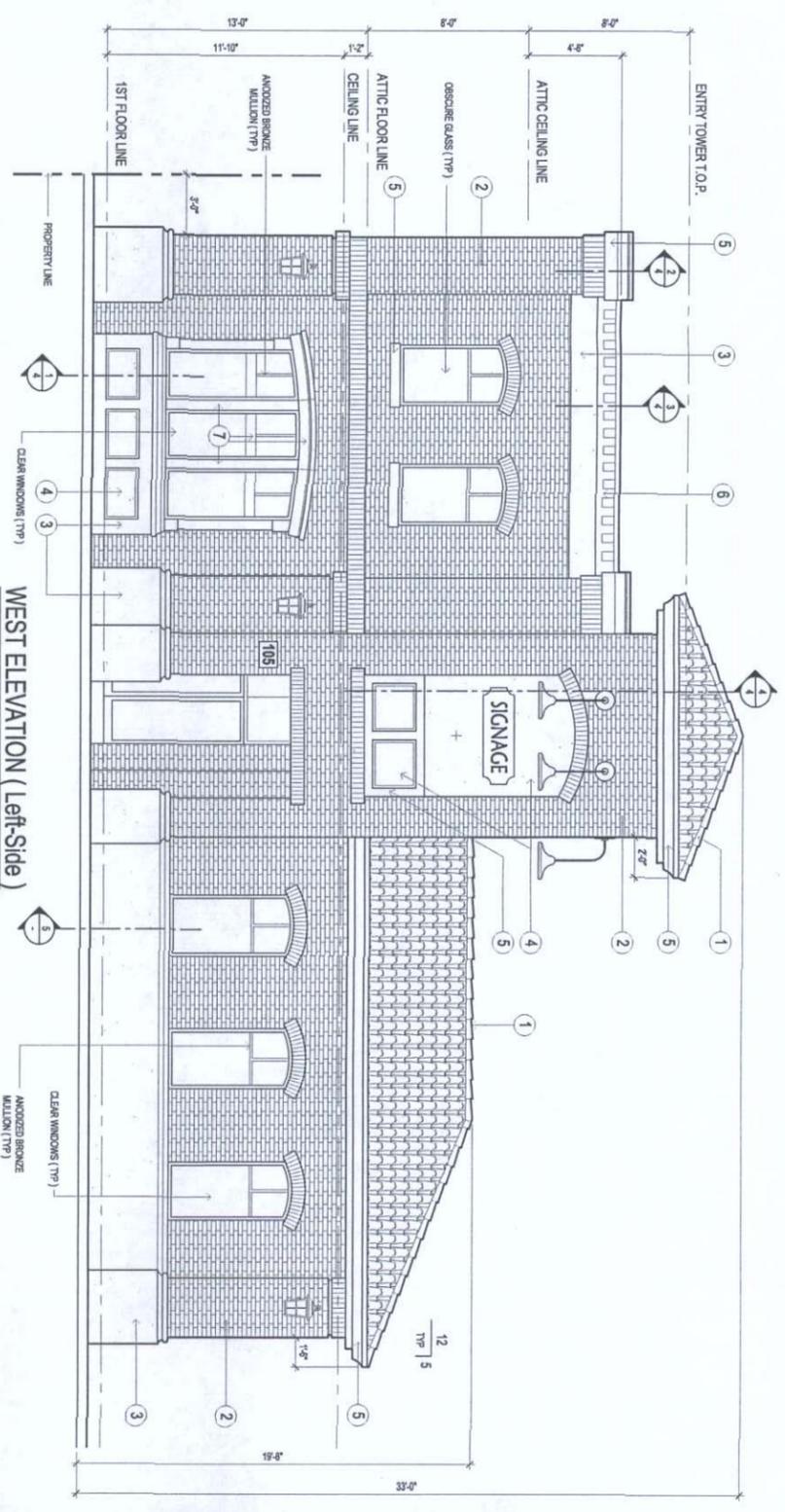
SECTION

SCALE: 3/4" = 1'-0"



SOUTH ELEVATION (Front)

SCALE: 1/4" = 1'-0"



WEST ELEVATION (Left Side)

SHEET NO. 4

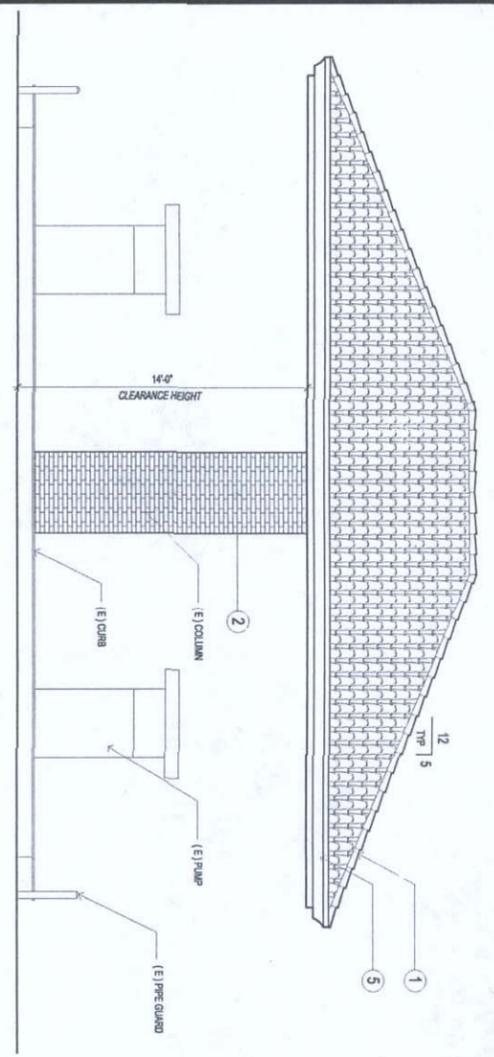
PROPOSED FOR:  
**GAS STATION BUILDING**  
105 E. ARROW HWY  
SAN DIMAS, CA 91773

CONTRACTOR / DEVELOPER:  
**HARI ALIPURIA**  
3939 MUSCATEL AVE.,  
ROSEMEAD, CA 91770

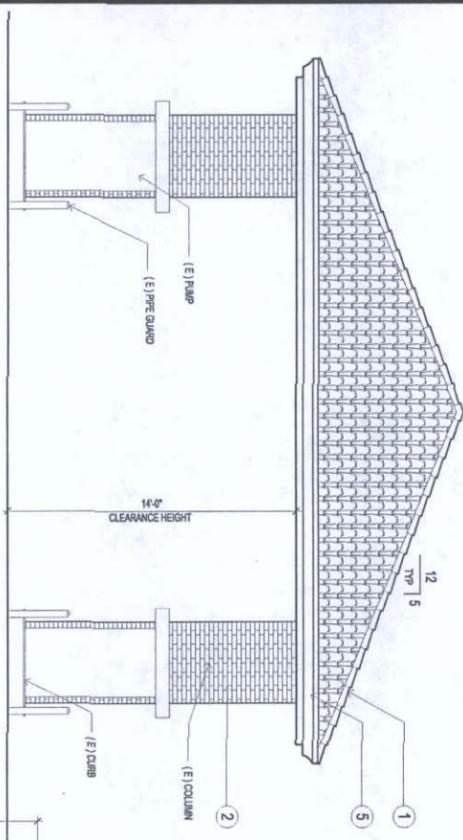
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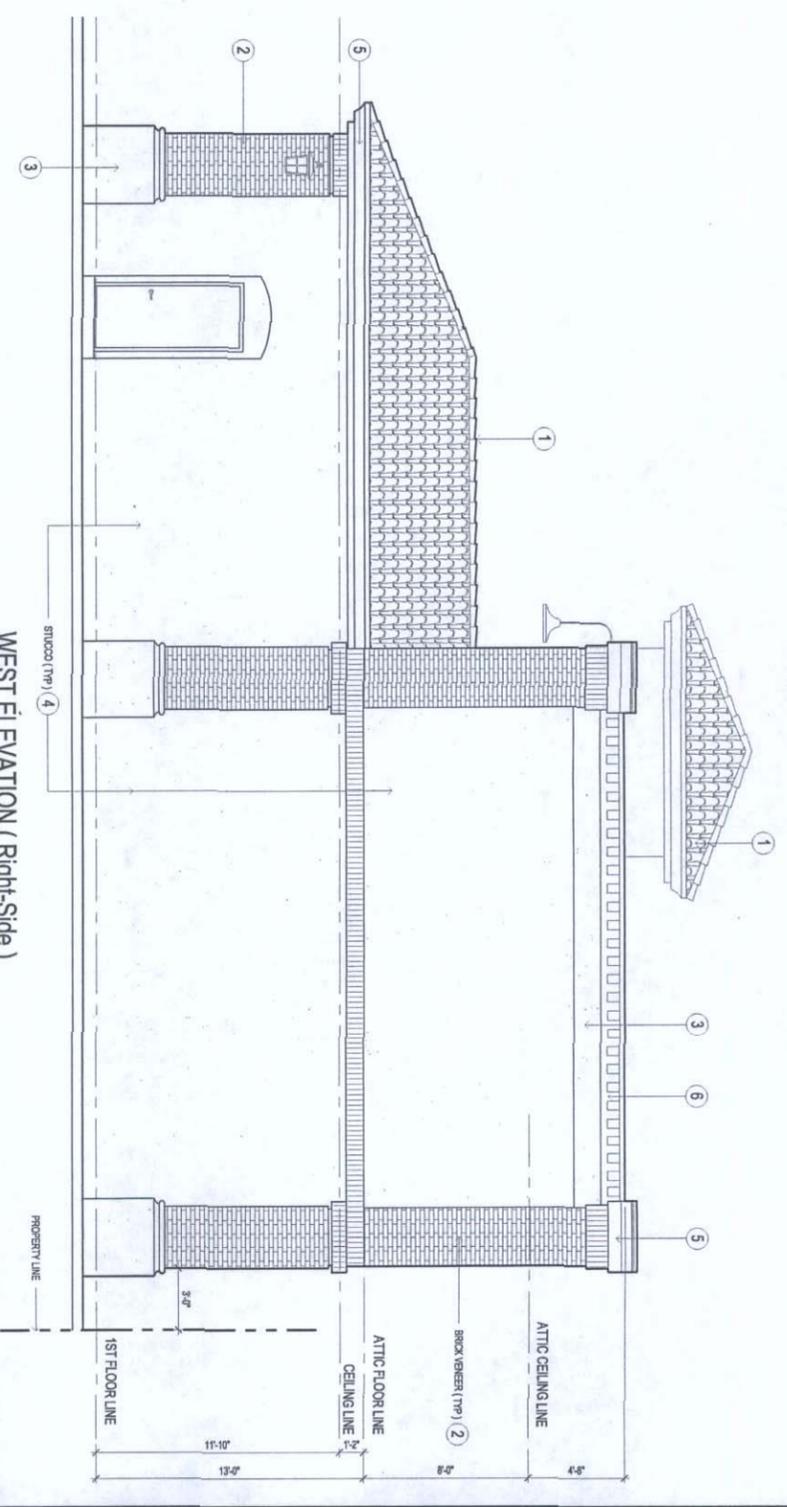
NORTH AND SOUTH ELEVATION ( Front and Rear-Side )



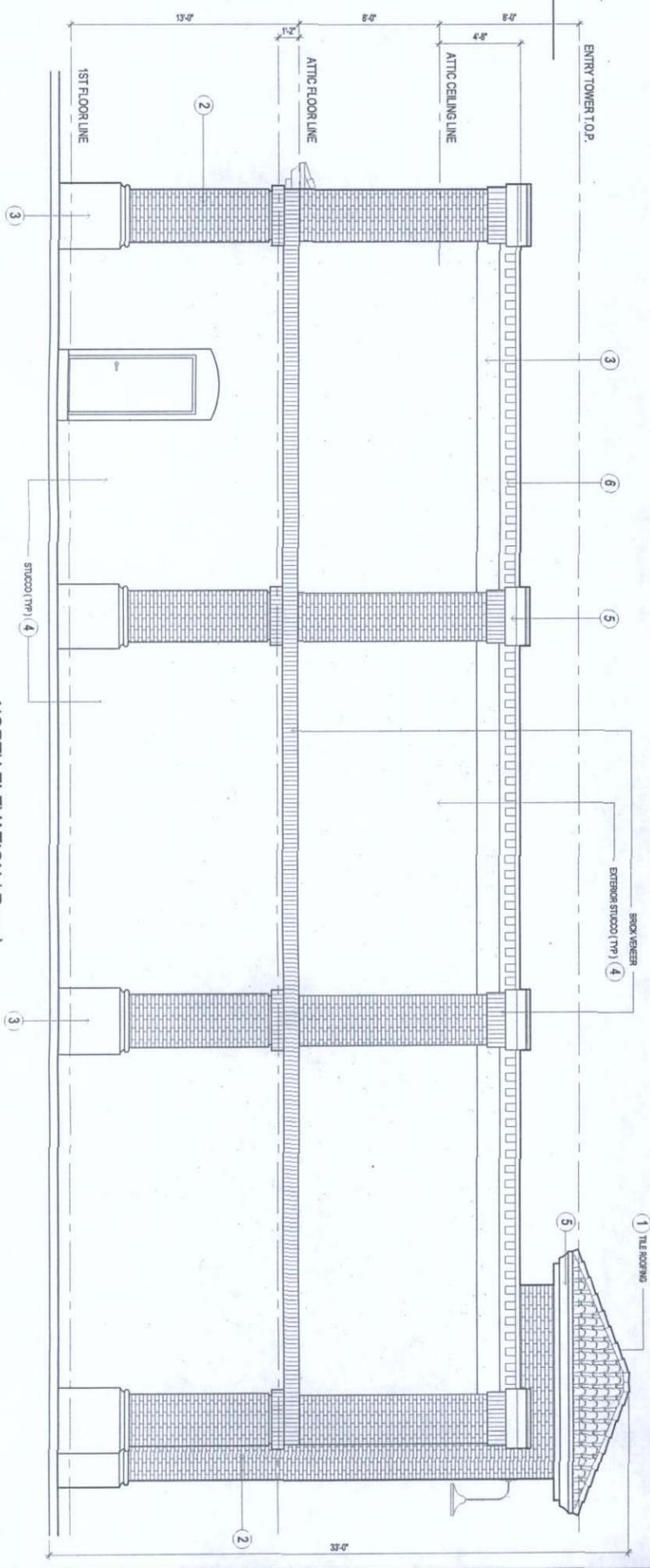
EAST AND WEST ELEVATION ( Right and Left-Side )

**ELEVATION MATERIAL CALL - OUTS:**

1 ROOFING	EAGLE ROOFING PRODUCT CAMINO REAL SERIES: S/MC 8409 SANTA BARBARA
2 BRICK STONE VENEER	CULTURED STONE ANTIQUE RED - C9-482
3 COLUMN BASE / TRIM	PRE-CAST LIMESTONE
4 EXTERIOR WALL PLASTER	LA HABRA STUCCO HACIENDA # 82
5 FASCIA BOARD / TRIMS	DUNN EDWARDS SWORES # DE8111
6 CROWN FASCIA MOLDING	FIPON MOLDING MILLWORK DUNN EDWARDS CEDAR CHEST # DE8112
7 WINDOW TRIMS	DUNN EDWARDS PRACTICAL TAN # DE8115



WEST ELEVATION ( Right-Side )



NORTH ELEVATION ( Rear )

SOUTH & WEST ELEVATIONS

SCALE: 1/4" = 1'-0"  
1

PROPOSED FOR:  
**GAS STATION BUILDING**  
105 E. ARROW HWY  
SAN DIMAS, CA 91773

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# MEMORANDUM

**DATE:** August 27, 2013  
**TO:** City Council  
**FROM:** Planning Staff  
**SUBJECT:** Chickens in Residential Zones

## **Background**

At the May 14, 2012 City Council retreat Councilman Ebner asked if staff could evaluate what it would take to allow a small number of chickens in single family residential use zones. He also asked staff to conduct a survey of other cities' regulations on the topic. Mayor Morris asked staff to also research if there are any Los Angeles County health regulations on the topic.

On July 10, 2012, Planning staff presented a staff report (Exhibit A) to the City Council which included:

- Current Municipal Code standards in San Dimas
- A report on the County Health Department's lack of regulations addressing chickens
- Survey results of other cities' policies regarding chickens in SFR zones
- A number of issues and concerns that should be considered in the formation and adoption of any ordinance relating to allowing chickens in the SFR zone

In response to the comments and requests made by the council during this meeting (Exhibit B) staff conducted additional research and provides the information below.

## **Research Findings**

Staff discovered a number of regulations which local cities use to address some of the concerns that accompany the allowance of chickens in Single Family zones. Any number of these could be included in a Code Amendment should the Council decide to proceed with one. The following topics need to be addressed and consideration should be given on whether to include language regarding each:

1. Number of Chickens Allowed
  - a. Many cities limit the number of chickens per lot (commonly, 2-5 per lot).
  - b. Others limit the number of chickens by lot size (i.e., one chicken per 5,000 square feet of lot size, not to exceed 5 except by Conditional Use Permit).
  - c. Research indicates that chickens are social animals and should be kept in multiples. An American Planning Association publication on the topic of urban livestock (Exhibit C) recommends a minimum of four hens be allowed.

*Staff Recommendation: Allow a maximum of 3 chickens by right on any legal single-family lot in the SF, SF-DR, and Specific Plan zones as an accessory use to the residence. For*

*simplicity's sake, and similar to other local city limitations, staff is not recommending this number be increased for larger lots. No change to SF-A or Private Horse Overlay standards.*

## 2. Use of Chickens

- a. Many cities limit the keeping of chickens as pets and for egg laying purposes only (i.e., no slaughtering) for the sole use of the residents who live at the property (commercial use not allowed- no selling of eggs).
- b. Federal government regulates the sale, processing, labeling, and transportation of chickens, eggs, and other meats for sale or distribution

Staff recommendation: *Only allow the keeping of chickens as pets and for egg laying purposes only (i.e., no slaughtering) for the sole use of the residents who live at the property (commercial use not allowed- no selling of eggs).*

## 3. Prohibition of Roosters

- a. Most cities allow chickens for eggs but prohibit the keeping of a rooster or "crowing fowl" in their SF, R1, or equivalent zone or throughout their entire city.

Staff recommendation: *Expressly prohibit roosters and other crowing fowl.*

## 4. Keeping of Other Fowl (i.e., ducks, geese, turkeys, peacocks, etc.)

- a. Some cities address ducks, geese, turkeys, and peacocks in the same regulations addressing chickens.
- b. The Council may want to consider allowing chickens and ducks and expressly prohibiting turkeys, geese, peacocks, and other fowl due to size and noise concerns.

Staff recommendation: *Expressly apply regulations to smaller fowl (chickens and ducks) and expressly prohibit geese, turkeys, and peacocks in the SF and SF-DR zones and Specific Plans which allow for single-family non-agricultural uses.*

## 5. Coop Standards

- a. Some cities require a coop, some a chicken run, some both, some neither.
- b. Many cities require shelters be provided to animals to protect the animals from the elements and from predators.
- c. Many cities have setback requirements for coops:
  - i. From property lines.
  - ii. From structures.
  - iii. From schools, churches, hospitals, and similar institutions.
- d. A number of cities do not have any specific setbacks for chickens or coops, and only require coops to meet the same setback requirements as other accessory structures. In these cases, chickens are allowed to roam throughout backyard.

Staff recommendation: *Require a coop to be provided for housing the chickens in the side or rear yard which complies with the same setback requirements for accessory structures (5' minimum in majority of areas- some require larger setbacks). When allowed outside their houses, chickens should be kept within adequate fences no greater than 6' in height so that they do not have access to neighboring property. Coops should not exceed 6' in height and 120 square feet in area.*

## 6. Food Storage

- a. Some cities have provisions that food must be stored in rat proof containers.

Staff recommendation: *Require feeders and containers to be rat proof.*

## 7. Permit Requirements

- a. Many do not have permit requirements.
- b. Some cities require a license, some a zoning clearance, some a minor CUP or full CUP if over a certain threshold.

Staff recommendation: *Allow up to 3 chickens by right. No building permit is required for the coop.*

**8. Code Enforcement Issues**

- a. Many cities address violations through their in-house code enforcement at least initially. Code Enforcement is used to enforce standards such as setbacks, total number of chickens allowed, etc, but cases that involve animal health, safety, or welfare get turned over to animal control.
- b. Staff is not able to ascertain expected code enforcement costs. However, in speaking with a number of planners in other cities which do permit hens and outlaw roosters, all responders reported that hens had not been a common issue. A number mentioned complaints of roosters, which were illegal to possess anyways.

*Staff recommendation: Use in-house code enforcement to address zoning related issues (i.e., number of chickens, locational criteria for coops, etc.). Involve animal control on issues related to animal health, safety, and welfare.*

**9. Health Concerns**

- a. Some cities address the provision of the health and safety of the animals. Those researched did not address human health.
- b. Research on health risks to people is varied. Some scholars have issued warnings on potential for bird flu and the risk of exposure to salmonella. However, the type of avian flu that can cross over to humans has not yet been found in North America, and the risk of exposure to salmonella can be minimized through proper sanitary measures. The San Dimas Municipal Code already allows up to 45 chickens total on lots zoned Single Family Agricultural or in a Private Horse Overlay. Furthermore, neither the Center for Disease Control (CDC) nor the Department of Agriculture have asserted that the possibility of bird flu is a reason to ban backyard hen keeping (Exhibit C).

*Staff recommendation: No code language recommended. The SDMC already allows up to 25 fowl for meat purposes and 20 chickens for egg purposes on lots zoned SF-A or in the Private Horse Overlay.*

**10. Which Zones to Consider**

- a. Staff is seeking direction from the City Council on whether staff should focus solely on the SF zone, or also revise Code to include other zones which permit single-family dwellings, such as Specific Plans.

*Staff recommendation: Address SF and SF-DR zones as well as Specific Plan areas that allow for single-family residences.*

**Survey Results**

Below is a summary of the number of chickens allowed in SF, R1, and compatible zoning designations in surrounding cities and information on the types of regulations they employ:

City	Max # Allowed	Setback Requirements?*	Min Lot Size?
Azusa	5	Yes	No
Chino	3	Yes	No
Chino Hills	2-4 depending on lot size on lots up to 10,000 sf		No
Claremont	3	No	No
Covina	3	No	No
Diamond Bar	Prohibited	N/A	N/A
Duarte	10	Yes	No
Glendora	Up to 2 with CUP	Yes	No
La Verne	2	Yes for coops Chickens can roam free	No
Monrovia	10	Yes- Prohibits most lots under ½	No

		acre from qualifying	
Montclair	4	No	No
Ontario	Prohibited in R1 zone	N/A	N/A
Pomona	14	Yes	No
Rancho Cucamonga	0-6 depending on lot size	Yes- Prohibits most lots under ½ acre from qualifying	Yes
Upland	Prohibited in RS zone	N/A	N/A
Walnut (Laura)	25 Not allowed in RPD (approx 50% of SF homes in City are RPD)	Yes	Yes
West Covina	24	No	No

\*Setback requirements relate to setbacks required for chickens/fowl specifically. A "Yes" response means that there is a specific setback for chickens and/or coops. A "No" Response could still mean that there is a standard setback for all accessory structures that would apply to a coop, but that those standards are not for chickens/fowl specifically.

### **Next Steps**

Upon receipt of the City Council's feedback on the abovementioned issues staff will prepare a draft ordinance for the Council's review.

### **Attachments**

Exhibit A July 10, 2012 City Council Staff Report  
 Exhibit B Excerpt of Minutes from July 10, 2012 City Council Meeting  
 Exhibit C APA's "Zoning Practice" April 2013 - Urban Livestock



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of July 10, 2012*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Dan Coleman, Director of Development Services 

**SUBJECT:** **SURVEY RESULTS OF CHICKEN REGULATIONS IN SURROUNDING CITIES**

## SUMMARY

*Staff has surveyed surrounding cities' chicken regulations. Our current regulations permit keeping of chickens in the Single-Family Agriculture and Private Horse Overlay Zones. Staff is seeking Council direction on whether they want to consider potential amendments to the Zoning Code regarding the keeping of chickens in other residential zones.*

## BACKGROUND

At the May 14, 2012 Spring Retreat Study Session, Councilmember Ebner asked if staff could evaluate what it would take to allow a small number of chickens in the Single Family Residential zone, including a survey of other cities. The Mayor asked staff to also research if there are any Los Angeles County health regulations. These comments were prompted by the attached article in the San Gabriel Valley Tribune.

## ANALYSIS

- A. Survey of Other Cities** – In April 2012, the City of Chino conducted the attached statewide survey of cities and counties through the League of California Cities' Listserve. A total of 23 agencies responded. Following is a summary of responses by nearby cities for keeping of chickens on single family residential lot:

Claremont – 3 or less chickens. No minimum lot size.

Chino Hills – 2-4 per lot depending upon lot sizes up to 10,000 square feet. 1 per 2,000SF on 20,000SF lot or larger (maximum 9 chickens)

Glendora – 2 chickens (3+ chickens may be permitted through CUP). No minimum lot size.

La Verne – 2 chickens. No minimum lot size.

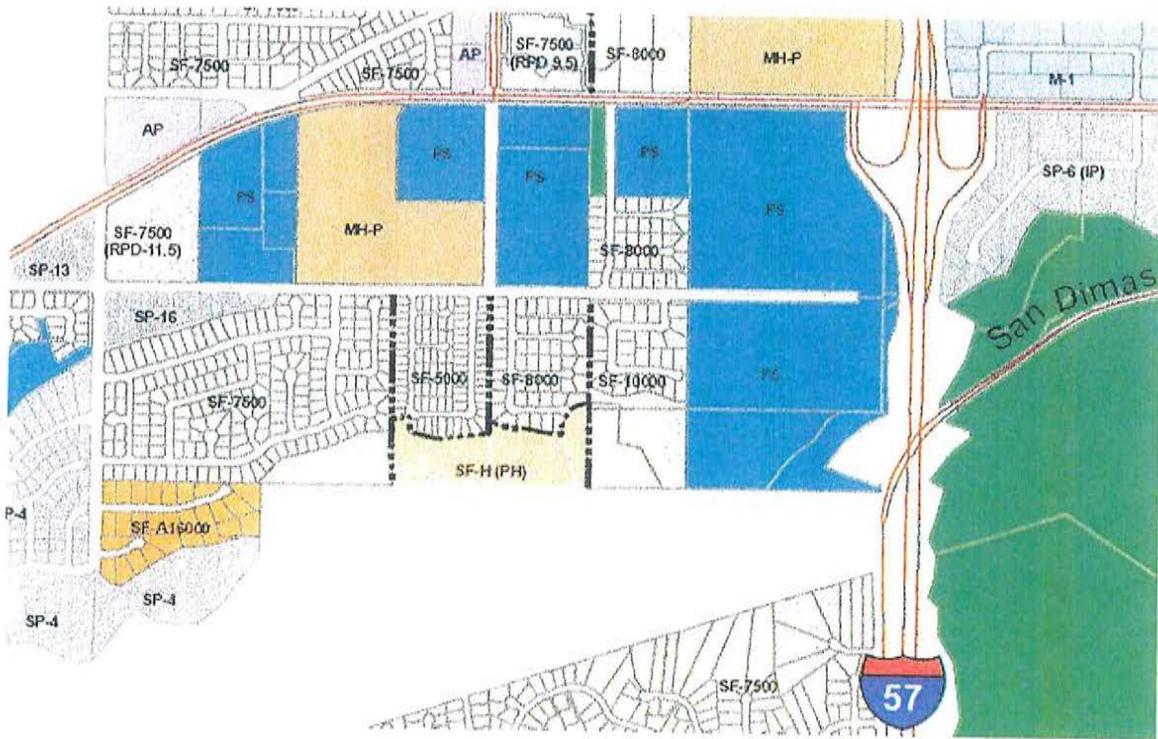
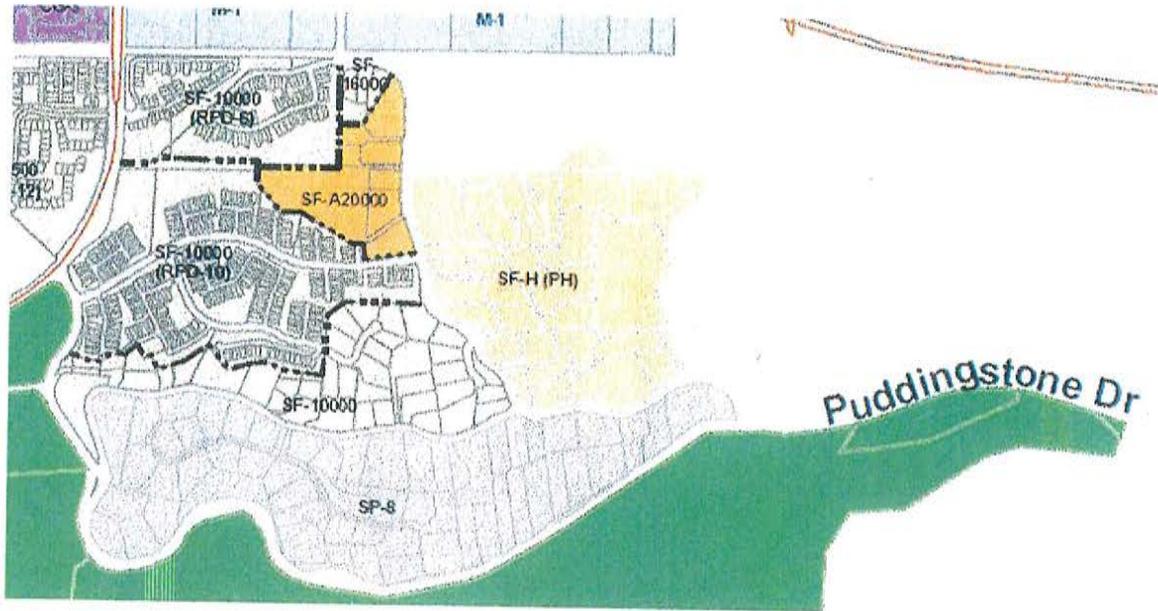
Ontario – 10 chickens only in Residential Estate zone (minimum 10,000 SF lot size).

Upland – Prohibited









Chicken Research		Permitted	Setbacks	Enclosure
City	Zone	Lot Size	Setbacks	Enclosure
Portland	Any single family-residence	No minimum lot size	15' from any building used for human habitation, not including the applicant's own dwelling.	A fully enclosed fenced pen, kennel or structure that shall remain locked with a padlock or a combination lock. Such pen, kennel or structure must have secure sides, minimum of 5' high and the director may require a secure top attached to the sides, and secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code.
		Specified Animal Facility Permit 3+ Chickens		
Upland	Not permitted in any zone.	No lot size standards	No setback standards	No enclosure standards.
San Dimas	Single-Family Agricultural (R-A)	11,000SF+ lot size, min lot width 80', not containing more than 1 dwelling unit	35' from any residence	Yes they can roam free, but must have an adequate fence so the chickens do not have access to the neighboring properties.
Claremont	Any single-family residence	No minimum lot size	Confined to the interior or rear yard.	No enclosure standards.
Chino Hills	Any single dwelling unit	Less than 7,200SF	70', measured in a straight line, from any structure used for human habitation; 5' interior side & rear property lines; 15' street side, except an alley or bridle path.	Maintained by a fence at least 5' high and made of either chainlink, wood with horizontal members no less than 6" apart, solid masonry, or other appropriate solid screening and confining materials.
		7,200 SF		
		10,000 SF		
		20,000 SF+		
		2/lot or unit		
		3/lot		
		4/lot		
		1/2,000SF; max of 9		

Chicken Research					
City	Zone	Lot Size	Permitted	Setbacks	Enclosure
			Fowl in excess of the number permitted per lot will require a special use permit.		
Ontario	RE (Residential Estate)	Lot size not specified	10 chickens	Cages/pens shall not be located within the frontyard or street side yard, and must be kept a minimum of 20' from a property line.	No enclosure standards.
Corona	A (Agricultural)	Lot size not specified	15 chickens	50' from any dwelling, 100' from any school, hospital or similar institution	No enclosure standards.

Chicken Research					
City	Zone	Lot Size	Permitted	Setbacks	Enclosure
Glendora	Any single-family residence	No minimum lot size	Permitted: 2 chickens (Household Pet)	No setback standards	No enclosure standards.
	R-1, E-3, E-4, E-5, E-6, E-7, RHR, R-A	Lot size not specified	CUP: 3+ chickens	No setback standards	No enclosure standards.
La Verne	Any single-family residence	No minimum lot size	2 chickens (Household Pet) CUP: 3+ chickens	No setback standards No setback standards	No enclosure standards. No enclosure standards.
	Any single family residence	No minimum lot size	Livestock permit from the Director of Public Safety for 4 chickens	30' from any dwelling unit other than that of the owner of the poultry.	Coop is required.
Tustin	Any single-family residence	No minimum lot size	10 chickens	50' from the neighboring residence.	Coop is required.
	All single-family residence	Less than 7,200SF 7,200-9,999 SF 10,000-19,999SF 20,000SF+ A max of 9 per parcel.	2/parcel or unit 3/parcel 4/parcel 1/2,000SF	70', measured in a straight line, from any structure used for human habitation; 5' interior side & rear property lines; 15' street side, except an alley or bridle path.	5' high fence made of either chain link, wood with horizontal members no less than 6" apart, solid masonry or other appropriate solid screening and confining materials.
Sierra Madre	Multi-family residence	Less than 7,200SF	2 chickens		
	Any dwelling unit	No minimum lot size	No more than a combination of 24	50' from any dwelling house, except the applicant's house; 100' from any street.	No enclosure standards.
Modesto	R-1, R-2, R-3	No minimum lot size	12 chickens/dwelling unit 13+ chickens requires CUP	40' from any structure used for human habitation; Must maintain the required interior side yard setback.	Coop is required. Must maintain the required interior side yard setback per zone.
	All single-family zones	No minimum lot size	5 mature hens	No setback standards	No enclosure standards.

Chicken Research					
City	Zone	Lot Size	Permitted	Setbacks	Enclosure
McFarland	Any dwelling unit	No minimum lot size	No more than a combination of 4	30' from any window or door of any residence, dwelling or other building used for human habitation; 100' from front lot line; 25' from the street side or corner lot; 100' from any public park, school, hospital or similar institution.	Coop is required.
Hayward	Any single family dwelling unit	Minimum lot size 5,000 SF	Maximum number of poultry is subject to a determination by the Planning Director that the site is suitable. An Administrative Use Permit /Time & Materials application with an initial deposit of \$2500 is required.	20' from any property line and not less than 40' from any dwelling on the same or adjoining lot.	Minimum 200SF coop required.
Sacramento	Any dwelling unit	No minimum lot size	3 chickens, must obtain a permit from the animal care services manager. Permit renewed annually.	20' from any dwelling unit on an adjacent parcel.	Enclosures shall be situated in the rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.
San Rafael	Any dwelling unit	No minimum lot size	Administrative Use Permit required for 4 or fewer chickens.	No setback standards	No enclosure standards.

Chicken Research		Zone	Lot Size	Permitted	Setbacks	Enclosure
Beaumont	All residential zones, except those in Specific Plan Areas	No minimum lot size	A max of 10 per household	The pen or enclosure shall be located at least 50' from any street and not less than 50' from any lot line unless a standard modification is approved.	Adequate fencing is required.	
Redding	RL, RE, RS	Less than 19,999 SF	6 hens	15' from side and rear property line, except adjacent to an alley; 50' from the front property line, and 2 enclosures shall not be located closer than 40' to any residence on an adjoining property. Exception: the side and rear property line setbacks may be reduced to 5' and the setbacks from a residences on an adjoining property may be reduced to 30' if residents/property owners on abutting properties provide written permission to the City.	Coop required.	
		20,000-39,999 SF	10 hens			
		40,000 SF +	20 hens			
Lakewood	R-A (Single-Family Residential, Limited Agriculture)	Minimum lot size of 6,000 SF with a minimum width of 60' and depth of 100'.	5 hens  6+ hens CUP	35' from any restaurant, food establishment, resident or dwelling, or other building used for human habitation or within 100 feet of any school building, hospital or similar institutional building.	No enclosure standards.	





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## Backyard chickens gaining popularity, but not all cities welcome residential fowl

By J.D. Velasco, Staff Writer  
Posted: 03/04/2012 06:04:18 AM PST



Yolanda Mendoza feeds the baby chickens in her store at San Dimas Grain Co. in San Dimas on Friday, March 2, 2012. (SGVTRIBUNE photo by Veronica Pineda)

Photo gallery: [Backyard chickens gaining popularity](#)

What came first? Was it the chicken, the egg, or the municipal code requiring residents to maintain a 20-foot setback if they want to keep five or fewer poultry on a property zoned R-A1?

City zoning regulations, often labyrinthine in nature, are something many people have never had to think about, but for a growing group of backyard chicken enthusiasts, staying on the right side of the rules can mean the difference between having egg-laying cluckers or not.

Two weeks ago, Grego Carrasco, 46, of San Dimas learned that lesson the hard way. The Inland Valley Humane Society told her she had run afoul of the San Dimas Municipal Code. The eight chickens she had in the backyard of her 1909 home had to go, they said.

Luckily for the flock of hens, Carrasco found a friend willing to take them for her. Still, she said it was disappointing to give up chickens she raised for nearly a year.

"It makes me sad when I think they're not with me," Carrasco said. "They were part of my family"

Carrasco said when she bought the chickens as tiny chicks from the San Dimas Grain Company on Bonita Avenue, she had no idea she would run into any problems. She figured if they were being sold in San Dimas, which has long embraced its Old-West past, it must be OK to keep them

there.

Advertisement

And in some parts of the city, it is. But not where Carrasco lives. Ken Duran, assistant San Dimas city manager, said chickens are allowed in areas zoned as residential-agricultural when the property is 11,000 or more square feet in size and the lot is at least 80 feet wide.



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Rules like these are surprisingly inconsistent from city to city. Glendora allows residents anywhere in the city to keep two barnyard fowl, whether they're chickens, ducks, turkeys or peacocks. Azusa allows up to five chickens to be kept outdoors, so long as they are kept 20 feet from any property line, 50 feet from any residence, and 100 feet from any school, park or hospital, said Assistant Community Development Director Conal McNamara.

"You would probably rule out most of the properties in the city unless you had a larger lot," McNamara said.

Strangely enough, McNamara said the city code would allow someone to keep up to five chickens inside their home, if they so chose, without all the setback requirements.

URL: <http://www>

In Whittier, a completely different type of regulation exists, said Sonya Lui, principal planner for the city. Lui said a resident who wants to keep chickens would have to apply for a minor conditional



Baby chickens for sale at San Dimas Grain Co. in San Dimas on Friday, March 2, 2012. (SGVW/Staff photo by Watchara Promicinda)

use permit. City staff would review the request, examine the property, and then decide whether to grant the request.

Because of the wildly varying rules, it's best to check with city hall before buying chickens to raise, said Wes Alcott, general manager of Kruse Feed & Supply in La Habra.

"When they ask, we tell them every city is different," Alcott said.

Even with those hurdles, Alcott said backyard chickens are now more popular than he's ever seen. He said Kruse Feed used to sell about 1,000 chicks per year. This past year, it sold nearly 4,000.

Alcott said most people who buy chickens are doing it for the eggs - even though it's not cheaper than buying eggs at the supermarket.

KT LaBadie, who runs [urbanchickens.org](http://urbanchickens.org) from her home in Iowa, said the attraction to producing eggs at home is knowing exactly what went into them. She said people are taking notice of food contamination and meat recalls and are looking for a safer alternative.

"People are more aware of 'Where is this food coming from and how is it being raised?'" LaBadie said.

Plus LaBadie said homegrown eggs taste fresher, have a better texture, and are brighter in color.

"The eggs are definitely different," she said.

Yolanda Mendoza, a cashier at San Dimas Grain Company, who's something of a chicken expert, agreed, saying eggs from home taste better and that backyard chickens are free of hormones and chemicals.

But she added that many people also keep chickens for sentimental reasons. She personally keeps four chickens at her home in Chino.

"I think for everyone, it makes you feel like a kid," Mendoza said. "Some people say it's addicting to have the chickens."

But LaBadie of [urbanchickens.com](http://urbanchickens.com) said before someone rushes out to buy chickens, they need to carefully consider a few things, such as why they want the chickens, how many eggs they want or need, and how having chickens might affect their neighbors.

"It's a nice courtesy to let your neighbors know what you're doing," LaBadie said. "Then they might actually want to do the same thing. I think it's a really good way to meet your neighbors too."

Following that approach might have saved Carrasco, the San Dimas resident who had to give up her chickens, some heartbreak. She said most of her neighbors were fine with her chickens and happy to accept the free eggs. One neighbor complained though, she said, drawing the attention of city officials.

Carrasco's not giving up though. She said her chickens helped teach responsibility to her children, and they were just fun to have around.

She said she and a couple of friends hope to convince San Dimas to change the municipal code to allow chickens in residential areas.

LaBadie said many other cities have chosen to go down that path. Even New York City now allows people to keep chickens at home," she said.

"If they can do it, a lot of the smaller cities can as well," she said.

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## 6. PLANNING/DEVELOPMENT SERVICES

### a. Summarize and conclude survey results of chicken regulations in surrounding cities.

Director of Development Services Coleman reviewed survey results of surrounding cities' chicken regulations. He said the San Dimas Code permits keeping of chickens in the Single-Family Agriculture and Private Horse Overlay Zones. Director Coleman requested City Council direction on whether or not they want to consider potential amendments to the Zoning Code regarding the keeping of chickens in other residential zones.

Councilmember Ebner stated that a few people have expressed interest in keeping chickens on smaller lots. He outlined a list of issues and requested staff to provide verbiage and a number of chickens that can be permitted, and said he would like to proceed with the request of keeping chickens on small lots.

Mayor Morris expressed his concerns and said if chickens are allowed, he suggested implementing strict regulations.

Councilmember Templeman inquired who would enforce the restrictions – the Humane Society or in-house code enforcement, and what would be the cost to enforce the regulations.

It was the consensus of the City Council to direct staff to further investigate and bring back some considerations in approximately six months.

## 7. OTHER MATTERS

### a. Consider increase to Overnight Parking Bail Amount.

#### 1) **RESOLUTION NO. 2012-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE BAIL SCHEDULE FOR PARKING VIOLATIONS.**

Assistant City Manager Duran reviewed survey results of 16 San Gabriel Valley agencies' overnight parking bail amounts. He compared the average bail amount of \$47.50 to San Dimas' fee of \$33.00. Staff recommended increasing the parking violation bail amount from \$33.00 to \$45.00. In addition, to be consistent with the other City parking bail amounts, Mr. Duran asked that fees also be increased for violations for parking on streets where parking is strictly prohibited; blocking the sidewalk; and parking in an alley.

Mayor Pro Tem Badar expressed concern about citing residents in housing developments that provide miniscule driveways.

Mayor Morris invited audience members to comment on this subject.

1) Gil Gonzalez would like to see defined language in the Code pertaining to the Public Right-of-Way, because there are some streets that have do not have a sidewalk. He explained that he is concerned with the general appearance of trailers and RVs encroaching beyond the curb. He said some residents park their cars directly behind their trailer or RV.

In response to Mayor Pro Tem Badar, Mr. Coleman replied that trailers and RVs are permitted on the driveway for a limited period of time to load and unload the vehicle.

Councilmember Templeman asked what is the path of travel for pedestrians if there is no sidewalk on one side of the street and the path of travel is landscaped.

EXHIBIT C

# ZONING PRACTICE

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➔ ISSUE NUMBER 4

## PRACTICE URBAN LIVESTOCK



# 4

# Urban Micro-Livestock Ordinances: Regulating Backyard Animal Husbandry

By Jaime Bouvier

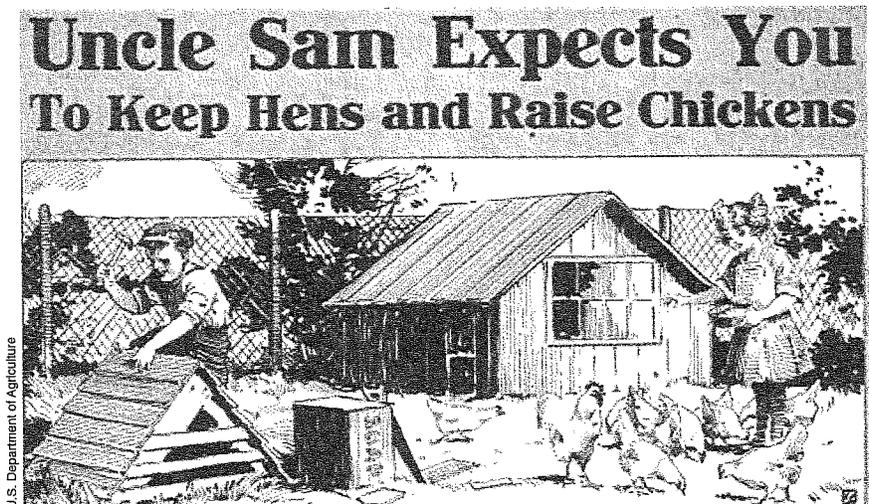
While small farm animals never completely disappeared from most cities, a growing number of communities are revisiting their animal control and zoning regulations in response to a renewed interest in chickens, bees, and goats among urban agriculture practitioners and backyard hobbyists.

This article explores how small farm animals (i.e., micro-livestock) can and already do coexist in urban environments, and it examines the regulatory tools cities use to sanction and control backyard animal husbandry. The following sections are intended to serve as a guide for local governments considering legalizing and regulating this budding hobby.

## WHAT IS MICRO-LIVESTOCK?

There is no universal definition of micro-livestock. It often just means small animals—like chickens, ducks, quail, and rabbits. It can also mean breeds that are smaller than average—such as bantam chickens, Nigerian Dwarf goats, or Red Panda cows. Finally, it can mean an animal of what is normally a large breed that just happens to be small. Many international organizations have long championed raising micro-livestock in cities to provide a secure and safe local food source. Because they require less food and water, are often especially hardy breeds, and their small size makes them ideal for small lots, micro-livestock are especially well suited to urban living.

Right now, most attempts to legalize micro-livestock focus on chickens, goats, and bees. Although rabbits are micro-livestock, they have caused less controversy. Perhaps because they are more accepted as pets, they were never made illegal in many cities. Very small pigs, like the pot-bellied pig, have also been accepted in many cities



U.S. Department of Agriculture

➔ During World War II, the U.S. government framed backyard chicken keeping as a patriotic duty.

as a pet; because they are not being raised for bacon, people don't think of them as livestock. There has been some move to legalize miniature horses as guide animals for the blind and disabled. Other animals, like miniature hogs, cows, or sheep, may also be suitable for city life under the right circumstances, but fewer people are advocating for them.

## A SHORT HISTORY OF URBAN HENS AND OTHER MICRO-LIVESTOCK.

Although micro-livestock never disappeared from cities altogether, they used

to be an accepted and even encouraged part of urban life. For example, during the Victory Garden campaign, when the U.S. government urged American citizens to grow more of their own food to support the war, the government encouraged people to keep and raise chickens.

As it became cheaper and more convenient to buy food from a grocery store, it became less common to see livestock in the city. While many people believe that livestock became illegal because they were a nuisance, there is little evidence that this was the case—especially when just

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### About the Author

Jaime Bouvier is a senior instructor of law and codirector of the Writing and Academic Support Program at Case Western Reserve University School of Law in Cleveland, Ohio. She has also represented state and local governments as well as landowners in zoning and land-use litigation.

a few animals were kept. Instead, exiling livestock was partially a class-based phenomenon. Excluding animals that were seen as productive, that is animals kept for food purposes, was a way to exclude the poor. Animals that came to be viewed as nonproductive, such as dogs and cats, required money to keep and did not have the same associations. By illegalizing behavior associated with the recently rural and poor, a city could present itself as prosperous and progressive.

The desire to exclude the poor is a reason why ordinances making livestock illegal are often found in suburbs and even exurbs where the lot sizes are especially conducive to raising animals. It is also a reason why changing the regulations, even in such suburbs, is often especially contentious.

Now, however, raising livestock is becoming an activity that many young, educated, middle-class people seek out. The association between micro-livestock and poverty is no longer relevant. And distinguishing cities and suburbs from rural occupations is no longer universally seen as a sign of progress. In fact, many view a well-regulated return of micro-livestock to the cities and suburbs as embracing progressive values. And legalizing micro-livestock can actually attract people who seek to live in a place that supports the close-knit communities that this hobby creates.

### MICRO-LIVESTOCK COMMUNITIES

Communities are essential to the micro-livestock movement. They provide much-needed support for people to discuss common problems and share interests.

Many communities began as a few people who already raised chickens, or goats, or bees—in violation of city law. They organized to legalize their animals. One of the leading examples of this is a group called Mad City Chickens in Madison, Wisconsin. Members of the group who kept chickens illegally, the self-described "Chicken Underground," were

Many communities began as a few people who already raised chickens, or goats, or bees—in violation of city law.

generally law-abiding citizens uncomfortable with their outlaw status. They did not understand why raising chickens in a way that did not bother their neighbors should be illegal. In 2004, in response to the group's lobbying efforts, Madison amended its zoning ordinance to allow chickens (and, subsequently, bees in 2012). Their lobbying efforts became the focus of a film, also titled *Mad City Chickens*, and have been a model for other groups seeking to legalize micro-livestock, such as the New York City Beekeepers Association and Seattle's Goat Justice League.

These groups' stories show that many people already keep micro-livestock in cities whether or not they are legal. It also shows that once citizens and city leaders are educated about these animals and shown how

they can, and already do, peacefully coexist in cities, they often will legalize these animals. Finally, it shows that cities are better off reasonably regulating micro-livestock, rather than forcing hobbyists out of their cities or underground.

### CHICKENS, GOATS, AND BEES: BENEFITS

The main benefits to keeping chickens, goats, and bees is not so much to eat the animal itself, though people do eat chickens and goats. The main benefit is to eat the food they produce: eggs, milk, and honey. There is good research to show that backyard eggs are tastier and have more nutrients than store-bought ones. Milk from backyard goats, moreover, tastes better because goat milk does not store or ship well. It is also, arguably, easier to digest for those who cannot drink cow's milk. Goat hair is a prized material for making cashmere and mohair fabric. Manure from these animals is an excellent, and surprisingly pricey, fertilizer. Many people also value these animals for their companionship and become as close to them as they do any other pet. Finally, backyard and hobbyist livestock keepers ensure a diverse and more robust population of animals, ensuring the propagation of breeds that are not valued commercially but may become important if commercial breeds, because of genetic uniformity, become threatened by disease.

Apart from honey, keeping bees in urban areas has two main benefits: pollination services and ensuring an extant bee population. Honeybees pollinate two-thirds of our food crops and in recent years have suffered devastating losses. Some experts assert that these losses are caused or exac-

erbated by the use of pesticides, the stress of constant travel to different farms to pollinate crops, and the lack of plant diversity in rural environments. Thus, hobbyist beekeepers who do not subject their hives to such stressors may prove to be a haven for the continued existence of honeybees.

#### **CHICKENS, GOATS, AND BEES: CONCERNS**

Concerns about chickens and goats generally boil down to three things: odor, noise, and disease. None of these provide a reason to ban hens and does, but roosters can be too noisy and a ratty buck may be too smelly for dense urban environments.

Contrary to popular myth, roosters do not just crow in the morning to greet the rising sun—roosters crow all day. Hens do not need roosters to lay eggs; roosters are only necessary to fertilize the eggs. Hens are generally quiet, but when they do cluck, the resulting noise is about the same decibel level as a quiet human conversation. And, as long as a chicken coop is regularly cleaned and adequately ventilated, a small flock of hens will not be smelly.

Goats, too, are not generally noisy animals. While a goat may bleat, the sound is generally far less than the noise of a barking dog. Some goats, just like dogs or cats, are noisier than others. And, as for odor, female goats (does) and neutered male goats (wethers) do not smell. Male goats (bucks), during the mating season, do smell. The gamy odor of a ratty buck is the smell many associate with goats. While it is necessary for a doe to mate with a buck and deliver a kid to lactate and provide milk, this can be arranged with a stud-buck kept in more rural environs.

Finally, there is the issue of disease. As with any animal, including dogs and cats, disease can be spread through feces. Regular cleaning and straightforward sanitation practices, such as hand washing, can take care of this issue. While concerns about backyard chickens spreading avian flu have surfaced in some communities, the kind of avian flu that can cross over to humans has not yet been found in North America. And neither the Centers for Disease Control nor the Department of Agriculture have asserted that the possibility of bird flu is a reason to ban backyard hen keeping. Public health scholars have concluded that backyard chickens present no greater threat to public health than other more common pets like dogs and cats.

The major objection to honeybees is the fear of being stung. Here, it is important to understand the distinction between bees and wasps. Honeybees are defensive; they will not bother others unless they are threatened. A honeybee's stinger is attached to the entrails, so it will die if it stings. Bees want pollen; they are not interested in human food. Wasps, by contrast, are predatory, can sting repeatedly with little consequence, and are attracted to human food. Many people confuse fuzzy honeybees with smooth-skinned yellow jackets, a kind of wasp that forms papery hives. People do not keep wasps because they are not effective pollinators and do not produce honey.

A connected objection is a fear of a swarm. A swarm is a group of bees traveling to establish a new hive. While a swarm can be intimidating, before bees swarm they gorge on honey to prepare for the trip, which makes them particularly lazy and docile. Unless attacked or bothered, they will follow a scout bee to a new location within a few hours to a day.

§451 et seq.; 21 U.S.C., §1031 et seq.; and 21 U.S.C. §601 et seq.). The FDA requires that all milk be pasteurized, including goat milk (21 C.F.R. §1240.61) and regulates nutrition and information labeling of honey (21 U.S.C. §§342–343). Many of these laws have exceptions for animals and animal products raised for home consumption, but someone who wants to raise eggs, milk, or meat for sale or distribution would need to comply.

Most states have laws regulating the movement of livestock, including chickens, goats, and bees, into and out of the state. To track and attempt to control some diseases associated with livestock and bees, some states either require or encourage keepers of livestock and beekeepers, even backyard hobbyists, to register their premises with the state. Other states only ask to be alerted if a particular disease is found. Many states also have laws regulating the slaughter and sale of any animal used for meat, as well as laws regulating the sale of eggs, milk, and milk products. While these, also, generally have exceptions for home consumption, they will apply to sales. Often state agricultural

## Before drafting an ordinance, local governments should be aware that federal and state laws already regulate livestock.

#### **AGRICULTURAL BASICS FOR CITIES CONSIDERING LEGALIZING MICRO-LIVESTOCK**

Chickens and goats require companionship. As a consequence, cities should allow a minimum of four hens and two does. This ensures that the city is not interfering with good animal husbandry practices.

And, while bees never lack for companionship, it is a good idea to allow beekeepers to have more than one hive. This allows the beekeeper to better inspect for and maintain hive health. Cities should not be overly concerned that hives kept too close together will compete for food—honeybees fly up to a three-mile radius from the hive to find pollen.

#### **FEDERAL AND STATE LAW CONSIDERATIONS**

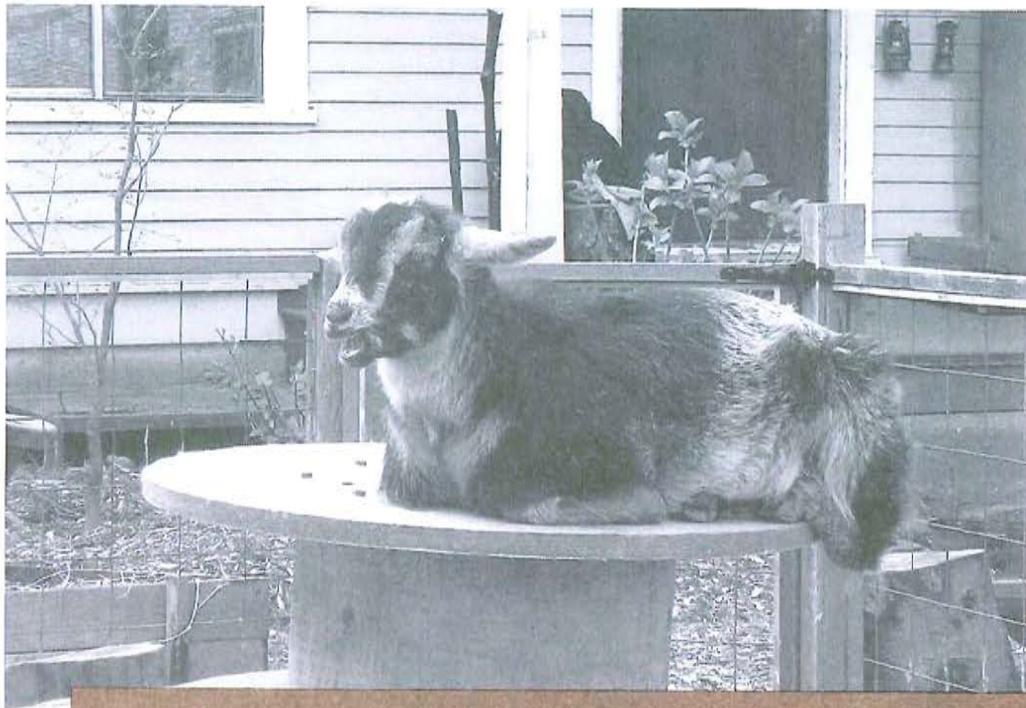
Before drafting an ordinance, local governments should be aware that federal and state laws already regulate livestock. The federal government regulates the sale, processing, labeling, and transportation of chickens, eggs, and other meats (21 U.S.C.

extension services will have online information pages describing the regulations and exemptions for hobbyists.

For beekeeping, however, a few states have passed laws that interfere with a local government's ability to regulate. Wyoming, for instance, controls how close together apiaries (an area with one or more beehives) may be located (Wyo. Stat. Ann. §11-7-201). In June 2011, Tennessee preempted all local government ordinances regulating honeybee hives (Tenn. Code. Ann. §44-15-124). And in July 2012, Florida also preempted all local government ordinances regulating managed honeybee colonies or determining where they can be located (Fla. Stat. §§586.055 & 586.10).

#### **COMMON ASPECTS OF URBAN MICRO-LIVESTOCK REGULATION**

In the cities that have recently passed ordinances regulating micro-livestock, the ordinances are all quite different. No standard ordinance has yet been established.



Portland, Oregon, allows up to three pygmy goats in a residential backyard without a permit (§13.05.015.E).

There are, however, many common aspects to these regulations. Most of them limit the number and type of livestock that can be kept in the city, establish setbacks for where the animals can be kept on the property, and require a certain amount of space per animal. Some also require a license.

#### Micro-Livestock Standards

Most cities have not taken a comprehensive regulatory approach to micro-livestock, but appear to allow particular livestock in response to citizen lobbying. Hundreds of cities have legalized chickens in the past few years. And the growing popularity of beekeeping means many cities have also adopted separate ordinances to allow for it. For example, South Portland, Maine (§§3-51 & 3-710; Cary, North Carolina (§5.3.4(I) & (O)); Ypsilanti, Michigan (§§14-13 & 14-171); and Littleton, Colorado (§§10-4-4 & 10-4-14) have recently passed ordinances separately allowing for both chickens and bees.

Some cities make idiosyncratic choices. For example, Ponca City, Oklahoma, allows miniature horses and donkeys, but still bans all other fowl and livestock (§7-3-10). Sebring, Florida, allows two hens and

two pot-bellied pigs (§4-1). And Carson City, Nevada, allows chickens, pigs, rabbits, and bees, but no goats (§§7.02 & 7.13.190).

And some only allow goats. In 2011, Loveland, Ohio, allowed two pygmy goats on residential properties of any size (§505.16). It defines pygmy as a goat no heavier than 60 pounds. The choice of such a light weight is curious, given that many micro-goat breeds weigh more than 60 pounds. Also, many breeds of dogs weigh up to three times as much, but most cities do not restrict the size of dogs. In 2010, Carl Junction, Missouri, allowed just one pygmy goat on a property of any size (§205.200(C)). Because goats are herd animals, this limit encourages poor animal husbandry practices.

Meanwhile, many cities are legalizing a wider variety of livestock. For example, Denver allows up to eight ducks or chickens and up to two dwarf goats and two beehives (§8-91; §11.8.5.1). But it requires 16 square feet of permeable land available to each chicken and 130 square feet for each goat. The city also requires adequate shelter to protect the animals from the elements and from predators. This means that to keep the full complement of eight chickens and two

goats, the yard would have to have approximately 400 square feet of space. For chickens, ducks, and goats, Denver has a 15-foot setback from neighboring structures used for dwelling and requires that the animals be kept in the rear half of the lot. For bees, Denver has a five-foot setback from any property line and requires that hives be kept in the back third of the lot.

Seattle allows up to eight domestic fowl, four beehives, one potbelly pig, and two pygmy goats, or no pig and three pygmy goats, on any lot (§23.42.052). It then employs a step system for additional animals. For lots larger than 20,000 square feet, an additional small animal—which means a dog, cat, or goat, may be kept on the lot. Seattle also allows other farm animals, including cows, horses, or sheep, to be kept on lots that are greater than 20,000 square feet. Seattle allows one of these animals per 10,000 square feet. Also, it has a 50-foot setback from the neighboring property for all farm animals, not including potbelly pigs, fowl, or miniature goats. Finally, Seattle has a separate ordinance that restricts goats to their premises, “except for purposes of transport or when on property other than

that of the miniature goat's owner with the permission of a lawful occupant of that property" (§ 9.25.084(H)).

Cleveland has a slightly more complex ordinance in that it has different regulations for residential and nonresidential districts (§347.02). It also employs a step system, allowing one animal per a certain number of square feet. In residential districts, it allows one hen, duck, rabbit, or similar animal per 800 square feet, and one beehive per 2,400 square feet. The ordinance spells out that a standard residential lot in Cleveland is 4,800 square feet, so most households could keep up to six hens and two beehives. Setbacks for hens are five feet from the side-yard line and 18 inches from the rear-yard line. Setbacks for bees are five feet from the lot line and 10 feet from any dwelling on another parcel. Neither animal is allowed in the front or side yard. Cleveland only allows goats, pigs, sheep, or similar farm animals on lots that have at least 24,000 square feet (i.e., a little more than a half-acre). If a lot is that size or larger, two of these animals will be allowed, with an additional one for each additional 2,400 square feet. Enclosures for these animals must be set back 40 feet from the property line and at least 100 feet from the dwelling of another.

In Cleveland, the nonresidential districts are less restrictive, with one chicken, duck, or rabbit per 400 square feet, one beehive per 1,000 square feet, and one goat, pig, or sheep per 14,400 square feet. This can allow for more intensive operations in less populated areas—and also opens the area to urban farms.

Hillsboro, Oregon, and El Cerrito, California, employ similar step systems. El Cerrito allows three hens as long as the property is at least 4,000 square feet (§7.08.020). Hillsboro allows three hens as long as the property is 7,000 square feet (§6.20.070). Both cities require at least 10,000 square feet to keep goats, but Hillsboro limits goats to two, and El Cerrito does not appear to limit them. El Cerrito, however, does require an administrative use permit to keep goats and allows for a conditional use permit to keep goats on a smaller parcel of land. El Cerrito requires a property of at least 5,000 square feet to keep one beehive. That beehive must be 20 feet from an adjacent dwelling and 10 feet from the property line. Hillsboro allows up to three beehives on any size residential property with a setback of 10 feet from the property line.

Vancouver, Washington, is an example of a less restrictive ordinance (§20.895.050). It allows up to three goats, if they weigh less than 100 pounds, on any size property. It also allows chickens, ducks, geese, or rabbits on any size lot with no numerical restriction. It does provide in the ordinance that the keeping of animals is subject to already existing nuisance requirements.

#### **Roosters and Bucks**

Most of these cities prohibit roosters and male goats (or bucks). Hillsboro prohibits roosters and uncastrated male goats with no exceptions. Seattle also prohibits roosters and uncastrated males but has an exception for nursing offspring that are less than 12 weeks old. Denver does the same but only until they are six weeks old. El Cerrito prohibits roosters but does not say anything about the gender of the goats it allows. And Cleveland has a more complicated system, in that it will allow roosters,

the license on those grounds (§205.04). The department also notifies neighbors about the license application and waits at least 21 days to hear back from them. The director can consider any evidence that the neighbors submit concerning nuisance, unsanitary, or unsafe conditions. To determine whether to grant the license, and any time after the license is granted, the department can inspect the property and enforce any penalties for violating sanitation or nuisance regulations.

Ellensburg, Washington, has an interesting ordinance in that it requires a license for dogs and cats, but does not require a license to keep up to two beehives and four hens (§§5.30.260 & 5.30.310). Seattle, likewise, requires a license for dogs, cats, pigs, and goats, but does not require one for chickens or bees (§9.25.050).

After restricting livestock to property with three acres or more, Pittsburgh amended its ordinance to allow chickens

## Some cities require a permit or license . . . [which] are relatively straightforward and do not allow for much discretion on the part of the official who issues it.

but only on property that is at least one acre in size with a 100-foot setback from the property line for the coop. Cleveland, like El Cerrito, does not say anything about goat gender.

#### **Licensing**

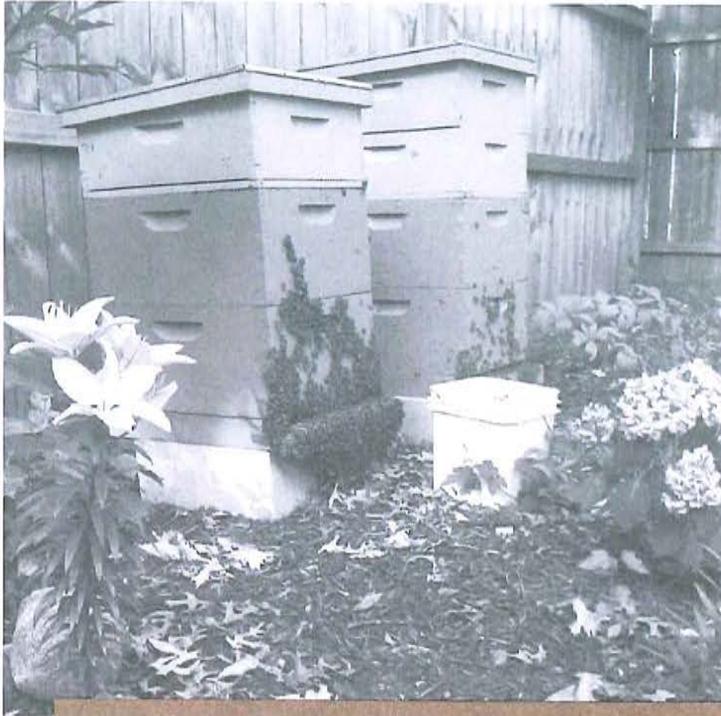
Some cities require a permit or license. Most of these permits are relatively straightforward and do not allow for much discretion on the part of the official who issues it. For instance, Denver requires a livestock or fowl permit to keep chickens or goats but requires no more than the provisions of the ordinance be met and a fee be paid to acquire the license. The city charges \$100 annually for a livestock permit and \$50 annually for a fowl permit.

Cleveland also requires a license. Its health department issues a two-year license to keep any type of livestock, including chickens and bees. In issuing the license the director of public health must consider evidence of "nuisance or conditions that are unsafe or unsanitary" and any "recorded violations" and may deny

and bees in 2011 (§912.07). It allows three hens and two beehives per 2,000 square feet on occupied, residentially zoned lots. It allows one more bird and hive for each additional 1,000 square feet. However, it requires the home owner to seek a special exception to keep livestock as an accessory use (§922.07). The special exception requires the zoning board of adjustment to hold a public hearing, to make findings of fact, and issue a written decision within 45 days of the hearing. This allows it to reevaluate and reweigh all of the concerns with raising chickens and bees in the city, even though the city council had already made the legislative determination and established criteria for when and where it was legal to do so. This puts a substantial burden on each home owner to fully argue the case before each iteration of the board. It also uses up considerable city resources.

#### **COMMON AND LESS COMMON BEE PROVISIONS**

Some cities never made keeping bees illegal, and do not regulate the practice.



Michael Acas

Chicago allows up to five bee colonies in a residential backyard without a permit (§17-17-0270.7).

Among cities that do regulate beekeeping, flyway barriers and a source of fresh water are common requirements. Flyway barriers force bees to fly up over the heads of people so that they do not establish flight paths through a neighbor's property or populated sidewalks, streets, or parks. Bees require water; if a beekeeper does not provide it, bees will frequently use a close source, like a neighbor's pool.

Concerning flyway barriers, Cleveland requires a fence or a dense hedge of at least six feet in height within five feet of the hive and extending at least two feet on either side. However, it does not require a flyway barrier if the hive is at least 25 feet from the property line or on a porch or balcony at least 10 feet from the ground. South Portland, Maine, has a similar flyway barrier standard, but requires it to extend at least 10 feet in each direction. And Carson City, Nevada, requires the flyway barrier to "surround" the hive on any side that is within 25 feet of a property line. Neither South Portland nor Carson City has exceptions for balcony or rooftop hives.

Concerning a water source, Ellensburg, Washington, requires "a consistent source of water . . . at the apiary when bees are

flying unless it occurs naturally. The water may be 'sweetened' with mineral salt or chlorine to enhance its attractiveness." Cleveland requires a freshwater source to be maintained "throughout the day." And Carson City requires water only from April 1 to September 30.

As for less common provisions, Ellensburg, Washington, requires that all hives "consist of moveable frames and

combs." Cleveland prohibits Africanized bees. Africanized bees have only been found in a few southern states; beekeepers, moreover, do not seek to keep Africanized bees. Boise, Idaho, prohibits Africanized bees, as well as wasps and hornets (§11-09-11.03). This is peculiar; people do not keep wasps or hornets because they do not provide honey or pollination services. Boise and Carson City require a queen to be removed if the hive shows "unusually aggressive characteristics." And Carson City requires the new queen to be chosen from "stock bred for gentleness and non-swarming characteristics." Carson City only allows honey to be extracted "where there is no access by bees before, during, or after the extraction process." Carson City also requires any hive found to be diseased to be either "treated so as to completely eradicate the disease" or destroyed at the owner's expense. Finally, both Carson City and Ellensburg provide that abandoned hives are to be considered nuisances.

#### RECOMMENDATIONS

Of the ordinances discussed above, two stand out as potential models: Denver's and Seattle's. These ordinances show that the trend, over time, is to simplify regulations. Local governments seeking to regulate these practices should consider how much they are prepared to spend, in terms of resources, on licensing or monitoring these practices given the relatively small degree of actual nuisance they cause. Governments should also keep in mind that straightforward ordinances following developing norms will be easier to follow and easier to enforce.

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