

CITY OF SAN DIMAS PLANNING COMMISSION AGENDA

Regularly Scheduled Meeting
THURSDAY, MAY 2, 2019 AT 7:00 P.M.
245 East Bonita Avenue, Council Chambers

CALL TO ORDER AND FLAG SALUTE

APPROVAL OF MINUTES

1. April 4, 2019

PUBLIC HEARINGS

2. **Municipal Code Text Amendment 19-0002** – Consideration of a Municipal Code Text Amendment to create a new Chapter within Title 18 – Zoning of the City of San Dimas Municipal Code to establish a zoning review process and developmental, operational, and maintenance standards for Electric Vehicle Charging Stations (EVCS)

Applicant: City of San Dimas

Environmental: CEQA Categorical Exemption per Section 15061 (b)(3) – The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment

RESOLUTION PC-1616

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 19-0002, A REQUEST TO ADD CHAPTER 18.170 ELECTRIC VEHICLE CHARGING STATIONS TO TITLE 18 – ZONING OF THE SAN DIMAS MUNICIPAL CODE

3. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 18-0001** – A request to update and revise Chapter 18.204 Variances by deleting references to Nonconforming Uses and to add Chapter 18.198 Nonconforming Uses and Structures creating revised definitions, standards and procedures for nonconforming uses, lots and structures Citywide.
(Continued from April 4, 2019)

Applicant: City of San Dimas

Environmental: CEQA Categorical Exemption per Section 15061(b)(3) – The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment

RESOLUTION PC-1609

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 18-0001, REVISING AND UPDATING CHAPTER 18.204 (VARIANCES) AND ADDING CHAPTER 18.198 REGARDING NONCONFORMING USES, LOTS AND STRUCTURES OF THE SAN DIMAS MUNICIPAL ZONING CODE

ORAL COMMUNICATION

4. Community Development Department

5. Members of the Audience

(Members of the audience are invited to address the Planning Commission on any item not on the agenda. Under the provisions of the Brown Act, the Commission 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.)

6. Planning Commission

- a. Report on Meetings

ADJOURNMENT

Meeting to adjourn to the regular Planning Commission meeting on Thursday, April 16, 2019 at 7:00 p.m. in the City Council Chambers, located at 245 E. Bonita Avenue, San Dimas.

Copies of staff reports and/or other written documentation pertaining to the items on the agenda are on file in the Planning Division 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) 394-6250. Planning Commission minutes and agendas are also available on the City's website at: www.cityofsandimas.com



Notice Regarding Americans with Disabilities Act: In compliance with the ADA, if you need assistance to participate in a city meeting, please contact the City Clerk's Office at (909) 394-6216. Early notification before the meeting you wish to attend will make it possible for the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

POSTING STATEMENT: On April 24, 2019 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), 300 East Bonita Avenue (United States Post Office), and a courtesy posting at 1160 Via Verde Avenue (Von's shopping center), and the City's website at www.cityofsandimas.com

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, April 4, 2019 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman David Bratt
Commissioner John Davis
Commissioner Margie Green
Commissioner Tom Molina
Commissioner Ted Ross
Assistant City Manager for Community Development Larry Stevens
Assistant Planner Mena Abdul-Ahad
Departmental Assistant Lesa Byars
Senior Planner Marco Espinoza
Assistant Planner Ariana Ruiz
Associate Planner Jennifer Williams
Planning Manager Fabiola Wong

CALL TO ORDER AND FLAG SALUTE

Commissioner Green called the regular meeting of the Planning Commission to order at 7:01 p.m. and Commissioner Ross led the flag salute.

APPROVAL OF MINUTES

1. February 7, 2019 (Davis absent)

MOTION: Moved by Green, seconded by Ross to approve the minutes of February 7, 2019. Motion carried 5-0

PUBLIC HEARINGS

2. **CONDITIONAL USE PERMIT 19-0001** – A request to allow on-site and consumption of beer and wine (Type 41 license) and outdoor seating in conjunction with The Poke Co. & Wings, a bona fide public eating place, located at 1046 W. Gladstone St., within specific Plan No. 24, Area 1 Zone (APN: 8383-009-110)

Staff report presented by **Assistant Planner Mena Abdul-Ahad** with the recommendation that Planning Commission approve Conditional Use Permit 19-0001 through the adoption of Resolution PC-1611, subject to conditions of approval.

Commissioner Ross asked if Poke Co. & Wings had other locations.

Assistant Planner Abdul-Ahad stated they do have other locations, Claremont, Norwalk, Rowland Heights and San Diego.

Commissioner Ross asked if any of the other locations serve alcohol.

Anthony Sou, Applicant stated this will be the first location of theirs that offers alcohol.

Commissioner Molina asked about the hours of operation.

Assistant Planner Abdul-Ahad stated the hours of operation are Monday to Sunday from 10:00 a.m. to 11:00 p.m.

Commissioner Molina asked if other restaurants in the center stay open until 11p.m.

Commissioner Bratt opened the public hearing.

Anthony Sou, Applicant stated Café Rio stays open until 1:00 a.m. on weekends and Five Guys stays open until midnight.

MOTION: Moved by Davis, seconded by Green to adopt Resolution PC-1611 approving Conditional Use Permit 19-0001. Motion carried unanimously, 5-0

3. **CONSIDERATION OF PRECISE PLAN 17-01, CONDITIONAL USE PERMIT 17-08, DEVELOPMENT PLAN REVIEW BOARD CASE NO. 17-27, AND TREE REMOVAL PERMIT 18-0014** – A request to construct a 4,200 square foot one-story restaurant, a detached 423 square foot fruit stand, and the removal of six (6) mature trees. In addition, the Applicant is requesting a conditional use permit to allow on-site sales of beer, wine, and distilled spirits (Type 47 license) in conjunction with the proposed bona fide restaurant located at 264 E. Foothill Boulevard within the Commercial highway (CH) and Scenic highway Overlay Zones. (APN: 8661-014-030)

Staff report presented by **Assistant Planner Mena Abdul-Ahad** with the recommendation that the Planning Commission recommend approval of Precise Plant 17-01, Conditional Use Permit 17-08, Development Plan Review Board Case No. 17-27, and Tree Removal Permit 18-0014 to the City Council through the adoption of Resolutions PC-1612 and PC-1613.

Commissioner Molina asked about the arborist report from West Coast Arborist (WCA). If the mature Oak stays, what is the closest any paving can be to the tree.

Assistant Planner Abdul-Ahad stated if the Oak stays, there needs to be a 10 ft. buffer. Nothing should be built within the drip line of the tree.

Commissioner Molina stated looking at plans, there is a parking finger where the Oak tree should be located.

Planning Manager Fabiola Wong stated the preliminary plans have a three foot parking finger. There are no guarantees the tree will be able to survive the construction and paving. She added the removal is in front of you right now; plans you have now do not include the tree. There is a condition that will require a replacement of the Oak with a 48" box tree.

Commissioner Molina asked if the 48" box tree will be any tree or it will need to be an Oak.

Planning Manager Wong stated the replacement tree will need to be an Oak.

Commissioner Green asked if the liquor license will include liquor at the fruit stand.

Assistant Planner Abdul-Ahad stated the liquor license is only for the proposed Max's restaurant.

Commissioner Green asked about the schedule of closing at 11:00 p.m. on Friday and 10:00 p.m. on Saturday. She adds the Applicant may want to think about closing at 11:00 p.m. on Saturday's too so they don't need to come back and ask at a later date.

Commissioner Davis asked if the closing at 10:00 p.m. on Saturday was for the purpose of noise mitigation for the neighbors.

Assistant Planner Abdul-Ahad stated that was correct. Max's wants to do everything within reasonably possible to work with the neighbors.

Commissioner Davis asked why 11:00 p.m. on Friday.

Assistant Planner Abdul-Ahad stated the applicant could answer that question for the Commission.

Commissioner Ross asked if the other Max's locations serve alcohol.

Assistant Planner Abdul-Ahad stated yes, both Azusa and Monrovia serve alcohol.

Commissioner Ross asked if the Applicant has an idea of the number of deliveries that will happen in a week.

Assistant Planner Abdul-Ahad stated the applicant could answer that question for the Commission.

Angelica Arteaga, Owner, shared her family's background with the Commission and all the residents. She gave an overview of hardworking people that wanted to make a name for their family. After 24 years of working for a restaurant, her dad parted ways and opened his own restaurant. In a matter of four months they had lines out the door and had to move to a bigger location, that was when they relocated to Monrovia, 2011. She then goes on to share what Max's has done for the community, they participate in 6 Chambers of Commerce, they attend all meeting and mixers. Max's holds an annual golf tournament where all proceeds go to local youth programs. They sponsor numerous scholarship funds and the list goes on. They have received business of the year for numerous years. They now have about 70 employees between both locations; two have been with the company 18 years and a third person, 11 years. They have a customer following from people all over southern California. She adds that Max's hopes to continue their good deeds here, in San Dimas. This is a family friendly restaurant. Families come in for graduations and birthdays to enjoy a meal. Her family envisions a mountain view when they think of San Dimas and that is why they fell in love with the location on Foothill Blvd.

Commissioner Ross asked the number of average deliveries in a week along with the size of the delivery trucks.

Angelica Arteaga, Owner, stated she is creating a delivery schedule so deliveries will not affect traffic. As of now, Monday there will be 2-3 deliveries and Wednesday and Friday there would only be one. All delivery trucks are small, the size of a U-Haul truck. She adds, as for the closing times; they notice a trend of families staying out later on Friday nights.

Commissioner Bratt asked the Applicant if they would be opposed to closing at 10:00 p.m. on Fridays.

Angelica Arteaga, Owner, stated she would not be opposed to closing at 10:00 p.m. on Fridays.

Commissioner Bratt asked if anyone would like to speak in favor of Max's Restaurant.

Julio Castro, resident of 409 S. Rennell Ave. stated he is in support of Max's, they are so personable and a great environment. He used to live in Azusa and watched the growth of Max's. When you meet Max he is great and genuine, the food is great and what makes it better is that everyone is family.

Jon Maurter, Pastor of Foothill Vineyard Church stated he moved here from Baton Rouge, LA. He was hired as pastor and heard commotion regarding Max's and ignored it. In January he started walking to surrounding neighborhoods and asking the neighbors about Max's. He went door to door to ask nearby neighbors about Max's; out of the 20 homes he visited, they didn't know of the project or were in favor of the project. He also took his board to Max's and they had a great time; he felt it was a family friendly restaurant. Max himself was serving, he was genuine. One of his staff members went to Starbucks and interviewed 100 people, asking them how they felt about a new restaurant named Max's coming to town. He stated 69 said they were "for it", 29 were neutral and only 2 said "against it". The two people that were against Max's were asked "why". The two replies were they are against new development and the other did not like Mexican food. He thinks Max's will be a benefit to the community. Foothill Vineyard Church and the Board are for project.

Joe Aiello, resident 1317 Longhorn Dr. stated his family has eaten at both Max's locations and loves the food. His only concern is for traffic issues. He adds is the restaurant is happy with the hours they applied for then let's not ask them why they are not extending their hours.

Monique Jackson, business owner at Jackson & Jackson stated her and her husband have 100% support for Max's. They have been in San Dimas for nearly five years, they take part in all the Chamber events and do everything they can to support local business. They have eaten at Max's and enjoy the family atmosphere. They would be more than happy to come up with a proper shared parking agreement with Max's.

Commissioner Bratt asked if anyone would like to speak in opposition of Max's Restaurant.

Carl Albers, resident at 1150 N. Walnut Ave. stated his concerns revolve around traffic flow and how he believes Max's will make for even more traffic in the area. He feels the lot is still too small for the business Max's anticipates as they barely meet the parking minimums. He would

like the Commission to remember that employees will utilize about 25 parking spaces, leaving not nearly enough spaces for patrons. He would like Staff to revisit the traffic study performed in 2013 for insight regarding traffic flow on Foothill Blvd. With the new homes being proposed at 299 Foothill Blvd., traffic will only continue to get worse. He would like Staff to push Max's to get a longer parking agreement than the currently proposed 5 year lease with Jackson and Jackson. He wants to keep all Max's parking off of Walnut Ave. He feels the restaurant will be great, he just feels they need a larger parking lot.

Blake Rodriguez, resident at 1154 N. Walnut Ave. states he likes Mexican food. He likes to sleep and go to school, he doesn't want Max's to stay open too late.

Dennis Campbell, resident at 1145 N. Walnut Ave. stated he understands the lot is zoned Commercial but he believes a fruit stand to a cantina is a huge leap for the residents to comprehend. He adds the shape of the lot doesn't seem right for a restaurant as customers will have a long walk to get into the restaurant. Overall he would just like the Commission to take all the neighbor concerns into consideration before making a decision.

Susie Price, resident 1129 N. Walnut Ave. stated she is concerned about the additional traffic that will impact Walnut Ave. She lives across Walnut Ave. from her grandchildren and she often crosses the street with the children. She feels added traffic from Max's will make crossing the street nearly impossible. She added that she wrote a letter to the Commissioners. She is not opposed to the restaurant; she is opposed to the location of the restaurant.

Commissioner Bratt noted that each Commissioner received her letter.

Al Rodriguez, resident at 1154 N. Walnut Ave. stated he is opposed to the project. Not only is it the wrong location but also for the added traffic. The restaurant will draw business and the traffic flow will increase. People will access Walnut Ave. no matter how many signs are erected. He asks that the Commission take careful consideration of the neighborhood before making a final decision.

Holly Rodriguez, resident at 1154 N. Walnut Ave. stated she is not opposed to Max's the restaurant; she is opposed to the location of Max's. She is impressed by the family and believes they are great people. She knows that kids have basic needs and kids need sleep and a quiet home. They moved here for the peace and quiet. She is afraid Max's will take that away from her family. She adds parking at Jackson and Jackson will be further away than parking on Walnut Ave. She would like to keep her quiet neighborhood as is.

Todd Picconi, resident at 1154 N. Iglesia St. stated he is not opposed to the restaurant but he is concerned about the horses still in the area. He is concerned with the noise and music from the restaurant affecting the horses. He feels that the Cask N' Cleaver site may be better suited for this restaurant.

Commissioner Bratt asked if the Applicant would like to address any of the neighbors' concerns.

Angelica Arteaga, Owner stated the neighbor issues still seem to be with parking. She would like to remind the Commission that the proposed Max's project is compliant. Max's also has a shared parking agreement with Jackson and Jackson. She added the restaurant only plays background music. Max's will never have a live band that comes in the play.

****Commissioner Bratt** called for a 10 minute recess**

Commissioner Davis asked what the uses are for the Commercial Highway Zone.

Planning Manager Wong stated permitted by right is office uses, retail, restaurants and fortune telling.

Senior Planner Marco Espinoza stated all permitted uses are also in Administrative Professional (AP) Zone and Commercial use; permitted by right. The alcohol license is what will require a Conditional use Permit.

Commissioner Davis asked if the proposed building meets the setback.

Assistant Planner Abdul-Ahad stated yes, the building does meet the setback requirements.

Commissioner Davis asked how wide Walnut Ave. is and if there is parking allowed on both sides.

Assistant City Manager for Community Development Larry Stevens stated Walnut Ave. is a 36 foot wide street with a 50 foot right-of-way. Parking is allowed on both sides of the street. The first 500 feet have a two hour parking restriction. The site meets the minimum parking requirements and that is why Staff feels the project is approvable. Parking is an average and the minimums are not always the best. If there are parking issues on Walnut Ave., Staff can go to traffic safety and move Walnut Ave. to a one hour parking restriction.

Commissioner Green asked if the parking lot will have speakers with music.

Angelica Arteaga, Owner, stated no, all speakers will be in the building.

Commissioner Molina asked if someone comes in off of Foothill Blvd. and they get to the end of the parking lot and there is not any parking. Will there be signs that direct that person to park at Jackson and Jackson across the street.

Planning Manager Wong stated Max's will post about parking on their website with the fact that patrons can also park at Jackson and Jackson. It will be up to Max's to promote the on-site parking. A shared parking agreement with the church will help patrons exit onto San Dimas Ave.

Commissioner Molina asked what will prevent patrons from using the Walnut Ave. entrance.

Planning Manager Wong state the driveway will have a sign labeled "deliveries only" and a "do not enter" signs.

Commissioner Bratt asked if there is any way to connect the two parking lots; the church and Max's parking lots.

Planning Manager Wong stated the two parking lots are currently connected.

Senior Planner Espinoza stated the church and Max's are looking to develop the parking lot and make a complete pass through.

Assistant City Manager for Community Development Larry Stevens stated as submitted, Max's in not proposing to use the church parking lot. If they do get an agreement with the church, it will help the circulation because you can then exit towards San Dimas Ave. or to the church driveway on Foothill Blvd. Getting a shared parking agreement with the church will be an immense improvement to the project. He strongly encourages Max's to pursue a parking agreement with the church and move forward with that option.

Commissioner Bratt notes this item will move to City Council where they will have the final word in regards to this project.

MOTION: Moved by Davis, seconded by Green to approve Precise Plant 17-01, Conditional Use Permit 17-08, Development Plan Review Board Case No. 17-27, and Tree Removal Permit 18-0014 to the City Council through the adoption of Resolutions PC-1612 and PC-1613. Motion carried unanimously, 5-0

4. **VARIANCE 19-0001** – A request for variances from the following Single-Family downtown Residential and Parking development standards: (1) allow the development of a nonconforming 3,500 square foot parcel which does not comply with the minimum lot size of the minimum width of 50 feet, nor the minimum depth of 125 feet; (2) increase the 35% lot coverage maximum to 40%, (3) reduce the front yard setback from 20 feet to 8 feet, the interior side yard setback from 5 feet to 3 feet and the street-side setback from 10 to 2 feet, and (4) reduce the required garage parking spaces form 2 to 1 to allow the construction of a one-story single-family home and a detached one-car garage located at 123 N. Monte Vista Avenue. (APN: 8387-014-902)

Staff report presented by **Associate Planner Jennifer Williams** with the recommendation that the Planning Commission approve Variance 19-0001 through the adoption of Resolution PC-1614.

Commissioner Molina asked if the front door is the only entrance

Associate Planner Jennifer Williams stated there is a back door. Only a pedestrian gate would provide access to First Street.

Commissioner Molina asked if the proposed home is at 40% lot coverage.

Associate Planner Williams stated the proposed design is at 38%.

Commissioner Green asked what the square footage of the previous house was.

Associate Planner Williams stated the original structure was 798 sq. ft. The proposed home will be about 55 sq. ft. larger. Part of the enlargement will be that the new structure should be ADA accessible. The foundation will be slab and will provide room if a ramp is needed for a resident.

MOTION: Moved by Davis, seconded by Ross to adopt Resolution PC-1614 approving Variance 19-0001. Motion carried unanimously, 5-0

5. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 18-0001** – A request to update and revise Chapter 18.204 Variances by deleting references to Nonconforming Uses and to add Chapter 18.198 Nonconforming Uses and Structures creating revised definitions, standards and procedures for nonconforming uses, lots and structures Citywide.

Staff report presented by **Assistant City Manager for Community Development Larry Stevens**, stated he would like to continue this item to the next Planning Commission meeting on Thursday, May 2, 2019. He will have some additional materials for the commission by then.

ACTION: Moved by Green, seconded by Molina to continue MCTA 18-0001 to the Planning Commission meeting of May 2, 2019. Motion carried unanimously, 5-0.

COMMISSION BUSINESS

6. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 18-0001** – to establish development standards for Electric Vehicle Charging Stations (EVCS).

Staff report presented by **Associate Planner Jennifer Williams** who proceeded to ask that the Planning Commission initiate a Municipal Code Text Amendment to address Electric Vehicle Charging Stations (EVCS) in the Zoning Code.

Assistant City Manager Stevens added additional comments, stating these are Electric Vehicle Charging Stations that charge a fee for their use. There are some sites and facilities around the City that do not have a fee. Those are not considered a separate independent use.

Commissioner Davis asked if the equipment for the Charging Stations is obnoxiously large.

Assistant City Manager Stevens stated most stations around town are “level 2”. The newly proposed Charging Stations will be “quick charge” and require larger equipment.

Associate Planner Williams stated the equipment will consume an enclosed space of 20’ x 50’. She added the equipment at the Smart & Final center is smaller because it is self-contained.

Commissioner Davis asked if this is being initialized because the process will need to be streamlined in the future.

Assistant City Manager Stevens stated yes, Staff would like to provide non-discretionary approvals by creating standards.

ACTION: The Planning Commission unanimously directed Staff to prepare code text and to hold a public hearing on the matter.

7. **DEVELOPMENT PLAN REVIEW BOARD CASE NO. 19-0007** – Design Guidelines for Small Wireless Telecommunications Facilities in the Public Right-of-Way.

Staff report presented by **Associate Planner Jennifer Williams** with the recommendation that Planning Commission adopt the attached resolution adopting Design Guidelines for Small Wireless Telecommunications Facilities in the public right-of-way.

Commissioner Ross asked if Staff could add verbiage to not allow sites near schools.

Associate Planner Williams states currently the preferences are commercial and industrial areas. Residential neighborhoods are less preferred. She adds it is possible Staff may be challenged with the addition of school verbiage.

Assistant City Manager Stevens stated the Commission could consider adding schools to the last item on the criteria. They could go through optional locations first then adding equipment near schools could be near last suggested areas. Or Staff could add verbiage to keep equipment at least 300 feet from homes and 300 feet from schools. Staff understands that the City's authority is preempted. As this evolves Staff may need to come back to amend or revisit the Guidelines.

Commissioner Davis asked if the guidelines are all specifically for 5G technology.

Associate Planner Williams stated yes, the proposed Guidelines for Small Wireless sites are for 5G technology. This technology would need to be placed as close as every 300 feet.

Assistant City Manager Stevens notes there could be as many as 500 of these sites in San Dimas alone.

Commissioner Davis stated he would like Staff to try and add verbiage for 300 feet from residential and 300 feet from any school.

Commissioner Molina stated FCC guidelines are already established and could be difficult to challenge. He adds that it may be more effective to stick with 4G technology in residential areas.

Associate Planner Williams stated the majority of applicants have requested placement on marbelite poles with street lights. She adds there are issues with poles that need to be resolved with Edison.

Assistant City Manager Stevens stated there has already been a lot of discussion with Edison. This will be a work in progress.

Commissioner Molina stated he would like to make sure the equipment is painted or powder coated before installation.

Assistant City Manager Stevens stated the most important thing is that the City has standards adopted; Staff can make small tweaks as the process moves forward. The Guidelines will be non-discretionary. He adds that with the shot clock regulations the Board may need to hold special meetings to keep up with deadlines. Staff will need to stay on top of scheduling special meetings.

ACTION: The Planning Commission unanimously voted to adopt the design guidelines.

ORAL COMMUNICATION

8. Community Development Department

No communications were made.

9. Members of the Audience

No communications were made.

10. Planning Commission

No communications were made.

ADJOURNMENT

MOTION: Moved by Green, seconded by Molina to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 10:09 p.m. to the regular Planning Commission meeting scheduled for Thursday, April 18, 2019, at 7:00 p.m.

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Lesa Byars
Planning Commission Secretary

Approved: 05/2/19



Planning Commission Staff Report

DATE: Thursday, May 2, 2019

TO: Planning Commission

FROM: Jennifer Williams, Associate Planner

SUBJECT: **Municipal Code Text Amendment 19-0002;** Consideration of a Municipal Code Text Amendment to create a new Chapter within Title 18 - Zoning of the City of San Dimas Municipal Code to establish a zoning review process and developmental, operational, and maintenance standards for Electric Vehicle Charging Stations (EVCS)

SUMMARY

Draft code text is provided for the establishment of zoning standards for Electric Vehicle Charging Stations (EVCS) for the Planning Commission's review and recommendation to the City Council.

BACKGROUND

On April 4, 2019, the Planning Commission directed Staff to initiate a municipal code text amendment to create a new chapter within the Zoning Code to develop criteria electric vehicle charging stations (EVCS). Staff has prepared draft text for the public's input and the Planning Commission's review and recommendation to the City Council.

ANALYSIS

The draft text provided as Exhibit A to Resolution PC-1616 lays out the purpose and applicability of the ordinance, defines electric vehicle charging stations, and establishes development standards and a review process. The ordinance would allow EVCS to be a permitted use at industrial and commercial sites subject to staff review for compliance with established criteria. It further allows deviations from the development standards to be considered subject to review and approval by the Development Plan Review Board when the Board finds that the deviations will result in an equal or better site design or operational layout and when the deviations do not negatively impact the public health, safety, or welfare.

Additionally, revisions are included to SDMC 18.530 to delete electric car charging stations from the list of conditionally permitted uses in Areas 1 and 3 of Specific Plan No. 18.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution PC-1616 recommending approval of the Municipal Code Text Amendment 19-0002 to the City Council.

Respectfully Submitted,



Jennifer Williams
Associate Planner

Attachments:

- Exhibit A- Resolution PC-1616
- Exhibit B- April 4, 2019 Planning Commission Staff Report
- Exhibit C- April 4, 2019 Planning Commission Draft Minutes

RESOLUTION PC-1616

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SAN DIMAS, COUNTY OF LOS ANGELES,
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
MUNICIPAL CODE TEXT AMENDMENT 19-0002, A REQUEST
TO ADD CHAPTER 18.170 ELECTRIC VEHICLE CHARGING
STATIONS TO TITLE 18 – ZONING OF THE SAN DIMAS
MUNICIPAL CODE**

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

WHEREAS, the Amendment is described as an amendment to create Municipal Code Chapter 18.170 Electric Vehicle Charging Stations in response to Assembly Bill 1236 and to make revisions to Chapter 18.530 of the Municipal Code as clean-up items for the implementation of Chapter 18.170; and

WHEREAS, the Amendment would affect areas of the City with commercial and industrial developments; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on May 2nd, 2019 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 have been met for the consideration of whether the project will have a significant effect on the environment. This action is found to be categorically exempt from CEQA per Section 15061(b)3.

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. MCTA 19-0002 establishes development standards and a zoning review process which will encourage the streamlined installation of electric vehicle charging stations in accordance with State Law in a manner that also promotes functional site design and circulation and upholds the City's aesthetic standards.
- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare by encouraging the installation of alternative energy infrastructure.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan. Goal Statement L-3 states a goal of ensuring all portions of the City are adequately served with essential services and utilities. Goal Statement L-4 states a goal of planning and creating an urban form that efficiently utilizes urban infrastructure and resources. The ordinance will further both of these goals by streamlining the provision of alternative energy infrastructure within existing and proposed developments.

NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS, that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 19-0002 as set forth in Attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 2nd day of May, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Lesa Byars, Departmental Assistant

Chapter 18.170

ELECTRIC VEHICLE CHARGING STATIONS

Sections:

18.170.010	Purpose and Intent
18.170.020	Definitions
18.170.030	Applicability
18.170.040	Development Standards
18.170.050	Procedure

18.170.010 Purpose.

The intent of this chapter is to encourage the streamlined installation of electric vehicle charging stations in accordance with State Law and in a manner that also promotes functional site design and circulation and upholds the City's aesthetic standards.

18.170.020 Definitions.

For the purposes of this chapter, "*Electric Vehicle Charging Station*" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this ordinance, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

18.170.030 Applicability.

The standards set forth in this chapter shall apply to the use of electric vehicle charging stations as a for-profit commercial business in industrial, commercial, and professional office developments. The standards and provisions of this ordinance shall not apply to:

- A. Private residential installations;
- B. Private installations on commercial or industrial property that are not-for-profit; such as but not limited to a business owner installing the charging station at a private site exclusively for use by employees; and
- C. Not-for-profit installations available at no fee for general public use, such as but not limited to installations available for public use at civic sites.

18.170.040 Development Standards.

- A. General. The siting and design of an electric vehicle charging station should show proper consideration for both the functional aspects of the site, such as automobile, pedestrian, and bicycle circulation, and for its visual effect upon other properties from the view of the public street.
- B. Siting/Circulation. Electric vehicle charging stations shall be sited in a manner which minimizes interference with existing operations and circulation patterns.

- C. Utilities. All new utility lines associated with the electric vehicle charging station shall be underground.
- D. Lighting. Any new lighting provided shall match the lighting in the existing development in terms of fixture type, light output, height, color, and design. New lighting shall comply with the provisions of SDMC Chapter 18.156. Any light fixtures proposed to be removed to accommodate the installation of an electric vehicle charging station shall not result in unacceptable light levels and may require replacement at the discretion of the Planning Division.
- E. Aesthetics.
 - 1. Bollards. When the use of bollards is necessary to ensure the safety of the facility, bollards shall be decorative and shall be reviewed by the Planning Division prior to installation.
 - 2. Painting/Screening.
 - a. When the charging stations are entirely self-contained, the equipment cabinets shall be painted to match the adjacent development.
 - b. When excess equipment is required, the equipment shall be screened within an equipment enclosure constructed of decorative masonry with a decorative cap and trellis cover in a style to match the adjacent development.
 - 3. Stalls shall be striped white and marked with white or green only.
- F. Parking.
 - 1. Parking Loss Tolerances. The installation of charging stations shall only be permitted when the installation does not cause the removal of required parking beyond the following accepted loss tolerances:
 - a. When the required parking for the development is 100 spaces or less, 100% of the required parking must be provided or not more than one station shall be installed.
 - b. When the required parking for the development is 101-300 spaces, 95% of the total required parking spaces must be provided or not more than one station shall be installed.
 - c. When the required parking for the development is 301 spaces or greater, 90% of the total required parking spaces must be provided or not more than one station shall be installed.
 - d. Electrical vehicle charging parking spaces may be counted as required parking spaces.
- G. Landscape.
 - 1. Landscape Removal. Landscaping shall be protected in place to the greatest extent possible. If required landscaping is removed, replacement landscaping shall be installed elsewhere on-site to the extent physically possible.
 - 2. Landscaping plans may be required to be incorporated into submittals in order to address disturbed landscape areas and additional landscaping may be required to properly screen and soften installations at the discretion of the Planning Division. Landscaping shall be installed in accordance with the provisions of SDMC 18.14. Any trees proposed for removal to accommodate the installation of an electric vehicle charging station shall be identified on the plans and subject to the provisions of SDMC 18.162.

- H. Signage. Signage shall be limited to the charging station unit and parking stalls, and only for the purpose of identifying the charger. Signage shall not be permitted on equipment cabinets or equipment enclosures. Directional or pricing signage shall not be permitted. Signage not associated with the charging station shall not be permitted. Signage, include parking stall stenciling, shall be reviewed by the Planning Division prior to installation.
- I. Operational and Maintenance.
 - 1. Any landscaping or other site damage caused by the installation or maintenance of the charging station and equipment shall be refurbished to the satisfaction of the Development Services Director.
 - 2. The electric vehicle charging station shall be maintained in a clean, orderly manner free from litter, weeds, graffiti, and debris.
 - 3. Should the operation of the charging station cease, the charging station shall be removed and the parking lot shall be restored to its previous condition.

18.170.050 Procedure.

- A. Proposals which comply with the standards set forth in SDMC 18.170.040 may be reviewed and approved by the Director of Development Services.
- B. Proposals which deviate from the standards set forth in SDMC 18.170.040 are subject to review by the Development Plan Review Board. The Development Plan Review Board is granted the authority to permit deviations when it finds that the deviations result in an equal or better site design or operational layout and when the deviations do not negatively impact the public health, safety, or welfare.

Revisions to SDMC 18.530- Specific Plan No. 18

New text is in Blue and underlined

Deleted text is in ~~Red and Strikethrough~~

SDMC 18.530.070- Conditional Uses in Area 1 of Specific Plan No. 18

18.530.070 Conditional uses.

The following uses shall be permitted in area I of Specific Plan No. 18 subject to a conditional use permit pursuant to Chapter 18.200:

A. All uses listed in Section 18.530.060, which because of operational characteristics specific to that particular business is found by the director of development services to have the potential to negatively impact adjoining properties, businesses or residents, and therefore requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location;

B. Automobile and truck sales and lease of new vehicles only;

C. Gasoline service stations;

D. Theaters, walk-in and indoor only;

E. Hotel or motel, including retail establishments as part of a hotel or motel complex;

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

G. On-site brewing and service of beer produced on the premises, provided that such use is secondary and incidental to a restaurant. The brewing component shall be limited to a maximum production of five thousand barrels per year unless an increased production volume is granted by the planning commission to support the commercial business after finding that the production volume and operations are compatible with the subject site and its surroundings during review of the conditional use permit;

H. Fast-food restaurant uses, including drive-through service;

I. Health/exercise club (larger than five thousand gross square feet) to include, but not limited to, uses such as: personal trainers, pilates, and yoga; no outdoor activities permitted;

J. Recreational entertainment (larger than five thousand gross square feet) to include, but not limited to, uses such as: inflatable jumper facilities and laser tag;

K. Instructional physical activities (larger than five thousand gross square feet) to include, but not limited to, uses such as dance studio, martial arts studio, and trampoline;

L. Thrift stores;

M. Car wash/self-service car wash;

~~N. Electric car charging station for a maximum of five vehicles;~~

~~N. Q.~~ Financial institutions, including banks, savings and loan associations, and credit unions with drive-through service;

~~O. P.~~ Pet hotel;

~~P. Q.~~ Outdoor storage as an accessory to home improvement centers and plant nursery operations;

~~Q. R.~~ Accessory game arcade consisting of seven or more machines within an indoor recreation facility. (Ord. 1232 § 1, 2015; Ord. 911 § 11B, 1989; Ord. 834 § 1B, 1985)

SDMC 18.530.126- Conditional Uses in Area 3 of Specific Plan No. 18

18.530.126 Conditional uses.

The following uses shall be permitted in area III of Specific Plan No. 18 subject to a conditional use permit pursuant to Chapter 18.200:

A. All uses listed in Section 18.530.124, which because of operational characteristics specific to that particular business is found by the director of development services to have the potential to negatively impact adjoining properties, businesses or residents, and therefore requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location;

B. Automobile and truck sales and lease of new vehicles only;

C. Gasoline service stations;

D. Hotel or motel, including retail establishments as part of a hotel or motel complex;

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

F. On-site brewing and service of beer produced on the premises, provided that such use is secondary and incidental to a restaurant. The brewing component shall be limited to a maximum production of five thousand barrels per year unless an increased production volume is granted by the planning commission to support the commercial business after finding that the production volume and operations are compatible with the subject site and its surroundings during review of the conditional use permit;

G. Fast-food restaurant uses, including drive-through service;

H. Health/exercise club (larger than five thousand gross square feet) to include, but not limited to, uses such as: personal trainers, pilates, and yoga; no outdoor activities permitted;

I. Recreational entertainment (larger than five thousand gross square feet) to include, but not limited to, uses such as: inflatable jumper facilities and laser tag;

J. Instructional physical activities (larger than five thousand gross square feet) to include, but not limited to, uses such as dance studio, martial arts studio, and trampoline;

~~K. Electric car charging station for a maximum of five vehicles;~~

~~K. L.~~ Financial institutions, including banks, savings and loan associations, and credit unions with drive-through service;

~~L. M.~~ Accessory game arcade consisting of seven or more machines within an indoor recreation facility. (Ord. 1232 § 1, 2015; Ord. 1185 § 22, 2008; Ord. 1091 § 1, 1998; Ord, 1085 § 15, 1998; Ord. 949 § 3, 1990)



Planning Commission Staff Report

DATE: April 4, 2019

TO: Planning Commission

FROM: Jennifer Williams, Associate Planner

SUBJECT: Consideration of a Municipal Code Text Amendment to establish development standards for Electric Vehicle Charging Stations (EVCS)

SUMMARY

Staff recommends that the Planning Commission initiate a Municipal Code Text Amendment to address Electric Vehicle Charging Stations (EVCS) in the Zoning Code.

BACKGROUND

Through the adoption of Assembly Bill 1236 and the codification of Government Code Section 65850.7, the California state legislature found and declared that the implementation of statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is not a municipal affair but a matter of statewide concern. The Government Code lays out the intent and policy of the state to expedite electric vehicle charging stations, and also requires that cities administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit unless it is found that the station could have a specific, adverse impact upon the public health or safety.

Government Code Section 65850.7 became effective on January 1, 2016 and required cities with less than 200,000 residents to adopt an ordinance creating an expedited, streamlined permitting process for electric vehicle charging stations by September 30, 2017. On August 22, 2017, the City Council adopted Ordinance 1257 which added Chapter 15.08 to Title 15, Buildings and Construction, of the San Dimas Municipal Code (SDMC) to provide an expedited, streamlined permitting process for electric vehicle charging stations in compliance with the Government Code (Assembly Bill 1236).

While Ordinance 1257 addressed an expedited permitting process in Title 15 of the SDMC, it did not address the use of for-profit electric vehicle charging stations as a commercial use from a zoning standpoint. The only sections of Title 18, Zoning, of the SDMC that currently reference electric vehicle charging are SDMC 18.530.070 and 18.530.126- Conditional Uses for Areas 1 (San Dimas Plaza - Smart & Final shopping center) and 3 (Fitness Plaza - Walgreens & El Pollo Loco) of Specific Plan No. 18, which lists “electric car charging station for a maximum of five vehicles”. These were added to the list of conditional uses at the time that a larger Municipal Code Text Amendment was being conducted that analyzed all of the uses in Specific Plan No. 18.

Applicant's Request

The Applicant has submitted a request for the City to amend the code text in Section 18.532.240 of the SDMC to allow electric vehicle charging stations as a permitted use. This code section governs Area 2 of Specific Plan No. 20, also known as the San Dimas Marketplace (Target Shopping Center).

ANALYSIS

Staff has reviewed the Applicant's request and the zoning code in light of Government Code Section 65850.7 and sees merit in amending the zoning code to address electric vehicle charging stations. Staff additionally recommends that the use be considered a permitted rather than a conditional use. However, rather than list “Electric Vehicle Charging Station” as a permitted use solely in Area 2 of Specific Plan No. 20, or to go further and amend the use list in multiple zones to include EVCS as a permitted use in each desired zone, Staff would recommend that a stand-alone ordinance be developed to:

1. Address all zones to be affected, such as any zone which permits commercial, industrial, or administrative office uses;
2. Establish performance criteria, such as:
 - a. Locational standards;
 - b. Circulation standards;
 - c. Signage standards;
 - d. Lighting standards;
 - e. Operational standards;
 - f. Maintenance standards;
 - g. Parking loss tolerances;
 - h. Landscape loss tolerances; and
3. Establish a formal zoning review process, such as:
 - a. Permit the use by right and the site design through the review and approval of a staff-level Director's Review application if the proposal fully complies with the codified performance criteria; or

- b. Permit the use by right and the site design through the review and approval of a Development Plan Review Board application if deviations are requested from the codified performance criteria.

Other Amendments

As a clean-up item as part of the MCTA, Staff would remove “electric car charging station for a maximum of five vehicles” as a conditionally permitted use from SDMC Sections 18.530.070 and 18.530.126 for Specific Plan No. 18 so that all electric vehicle charging stations are addressed uniformly in the SDMC under the new ordinance.

RECOMMENDATION

Staff recommends that the Planning Commission initiate a Municipal Code Text Amendment to allow for the creation of a Zoning Code Chapter addressing Electric Vehicle Charging Stations.

Respectfully Submitted,



Jennifer Williams
Associate Planner

ADA accessible. The foundation will be slab on grade and will provide room if a ramp is needed for a resident.

MOTION: Moved by Davis, seconded by Ross to adopt Resolution PC-1614 approving Variance 19-0001. Motion carried unanimously, 5-0

5. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 18-0001** – A request to update and revise Chapter 18.204 Variances by deleting references to Nonconforming Uses and to add Chapter 18.198 Nonconforming Uses and Structures creating revised definitions, standards and procedures for nonconforming uses, lots and structures Citywide.

Staff report presented by **Assistant City Manager for Community Development Larry Stevens**, stated he would like to continue this item to the next Planning Commission meeting on Thursday, May 2, 2019. He will have some additional materials for the commission by then.

ACTION: Moved by Green, seconded by Molina to continue MCTA 18-0001 to the Planning Commission meeting of May 2, 2019. Motion carried unanimously, 5-0.

COMMISSION BUSINESS

6. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 18-0001** – to establish development standards for Electric Vehicle Charging Stations (EVCS).

Staff report presented by **Associate Planner Jennifer Williams** who proceeded to ask that the Planning Commission initiate a Municipal Code Text Amendment to address Electric Vehicle Charging Stations (EVCS) in the Zoning Code.

Assistant City Manager Stevens added additional comments, stating these are Electric Vehicle Charging Stations that charge a fee for their use. There are some sites and facilities around the City that do not have a fee. Those are not considered a separate independent use.

Commissioner Davis asked if the equipment for the Charging Stations is obnoxiously large.

Assistant City Manager Stevens stated most stations around town are “level 2”. The newly proposed Charging Stations will be “quick charge” and require larger equipment.

Associate Planner Williams stated the equipment will consume an enclosed space of 20' x 50'. She added the equipment at the Smart & Final center is smaller because it is self-contained.

Commissioner Davis asked if this is being initialized because the process will need to be streamlined in the future.

Assistant City Manager Stevens stated yes, Staff would like to provide non-discretionary approvals by creating standards.

ACTION: The Planning Commission unanimously directed Staff to prepare code text and to hold a public hearing on the matter.



CITY OF SAN DIMAS

Memorandum

Date: April 25, 2019

To: Planning Commission

From: Community Development Department

Subject: Municipal Code Text Amendment 18-0001- To revise Chapter 18.204 regarding Variances and to add Chapter 18.198 regarding Nonconforming Uses and Structures.

This matter was introduced and discussed at the Planning Commission meeting of December 20, 2018. The public hearing was continued to May 2, 2019 to allow Staff additional time to work on the new chapter on nonconforming uses and structures. Staff would like to ask the Board for a continuance to May 16, 2019 to allow for additional time to work on the new chapter on nonconforming uses and structures.