CITY OF SAN DIMAS
PLANNING COMMISSION
MINUTES

Regularly Scheduled Meeting
Wednesday, April 5, 2006 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present
Chairman Emmett Badar
Commissioner David Bratt
Commissioner Stephen Ensberg
Commissioner Yunus Rahi
Commissioner Jim Schoonover
Planning Manager Craig Hensley
Associate Planner Marco Espinoza
Associate Planner Laura Lockett
Assistant Planner Michael Concepcion

CALL TO ORDER

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

CONSENT CALENDAR

1. Approval of Minutes for March 15, 2006.

2. Approval of D.P.R.B. Case No. 05-94 – A request to construct a 5,892 square foot single-family residence and a 1,056 square foot garage located at 1532 Calle Cristina in Specific Plan No. 11, submitted by Pete Volbeda.

MOTION: Moved by Schoonover, seconded by Bratt to approve the Consent Calendar. Motion carried unanimously, 5-0.

PUBLIC HEARINGS

3. **CONSIDERATION OF CONDITIONAL USE PERMIT 05-10** – A request to add a 714 square foot single-bay, self-serve carwash to an existing gasoline station. **(TO BE CONTINUED TO A DATE UNCERTAIN)**

Planning Manager Craig Hensley stated that when this item is ready, staff will re-notice the public hearing.

ITEMS 4 AND 5 WERE CONSIDERED AT THE SAME TIME.

4. **CONSIDERATION OF TENTATIVE TRACT MAP 05-04, ZONE CHANGE 05-01, AND D.P.R.B. CASE NO. 05-86** – A request to change existing zoning from AL to SFA-20,000 to subdivide an existing 4.62 acre parcel into seven (7) residential equestrian lots at 220 W. Baseline Road.

5. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 06-01** – A request to amend Code Section 8.36 Noise Ordinance to add exceptions to the allowable residential exterior noise levels.

Staff report presented by Associate Planner Laura Lockett, who stated that the applicant, Citivest, is proposing to subdivide the property at 220 W. Baseline into seven residential lots. It is currently zoned AL, which does allow for residential uses, but unless a density is attached to the zoning, no more than one dwelling unit can be built. It was determined that Single-Family Agricultural (SF-A) zone would be the appropriate zoning to change it to. The City Council adopted a policy that any newly created lots in the SF-A zone would need to be a minimum of 20,001 square feet with a 150-foot frontage. The General Plan designation for this area is Single-Family, Very Low, and this proposal was consistent with the proposed zoning and General Plan designation.

The lots have been designed to accommodate two horses and would have designated no-build areas on the Final Tract Map so they would not lose the possibility of horsekeeping in the future. The project was reviewed by the Development Plan Review Board and there were no major issues associated with the project. It will go back to DPRB for final design and Conditions of Approval. There are currently two houses on the property, one of which will be demolished and the remaining one remodeled to blend with the new houses. The architectural style will be either a cottage style or hacienda style.

She stated there is an equestrian trail proposed on all street frontages along Baseline and the cul-de-sac extension of Cataract. The comment by the Equestrian Committee regarding the trail fencing was that if it is located along the curb, it makes it difficult for people who park on the street to open their car doors, and they felt the trail fencing should be relocated to the inside edge of the trail. Staff was asking direction from the Commission on their preference for placement of the equestrian fencing.

Associate Planner Lockett stated another issue that needs to be addressed is noise. Even though there is an existing soundwall constructed by Caltrans in that area, the exterior noise levels exceed the standards set in the Noise Ordinance for single-family residential zones. It is possible to mitigate interior noise levels with construction practices, but because there is an existing soundwall, they are proposing an amendment to the Noise Ordinance. Without this exception, this property could never

be developed. Staff felt this was acceptable and she explained the proposed wording for Section 8.36.

Commissioner Ensberg asked if the amendment was to protect the potential buyers and would they be notified of this when they purchase.

Planning Manager Hensley stated it was to protect potential buyers and there would be disclosure at the time of sale. In order to allow development on this site, they would need the exception added to the Ordinance. There are other properties in town near the freeway that in order to develop would have to construct a soundwall, but since there is already an existing wall in this location, there aren't any other mitigation measures available to mitigate exterior noise. This exception would apply to any location where there is already a soundwall in place.

Commissioner Rahi asked if there was a top end to the decibel level allowed.

Planning Manager Hensley stated that would be determined by the Commission and City Council. The exception allows flexibility so that this property can be developed.

Chairman Badar asked how long has this property been owned by the current owners.

Planning Manager Hensley stated the people who currently occupy this property have lived there for quite awhile, probably before the soundwall was built 7-8 years ago. A developer is making the application and does not live there.

Commissioner Schoonover asked about the option to plant trees instead of having a marked trail area all the way around Cataract because that would leave a wide area for grass or weeds to grow in. He was also concerned about maintenance on the trail along Baseline because it would be on the other side of a block wall and most homeowners would not consider that part of their responsibility to keep clean.

Associate Planner Lockett stated the trail would be maintained by City staff.

Commissioner Schoonover asked who would be financially responsible for the maintenance.

Planning Manager Hensley stated the City will pay for the cost of maintaining any trails, and if trees are planted, they will be considered City trees and pruned by City staff. Anything else that is planted would be the homeowner's responsibility and referred to an area at Walnut and Allen that had a similar situation.

Commissioner Ensberg stated at the DPRB meeting there was an issue with drainage.

Associate Planner Lockett stated the applicant is working with Public Works on options to deal with drainage as it crosses the lots.

Commissioner Ensberg stated he was in favor of having the trail along Baseline and Cataract because not only does it encourage the equestrian usage San Dimas is trying to protect, it eliminates having to enforce maintenance with the homeowners.

Commissioner Bratt concurred that he would like to see the trail on both sides of Cataract. He didn't think it necessarily needed to be on the south side of Baseline, but was concerned about maintaining the parkway if it wasn't a trail. He felt the trail fencing could be on the interior part of the trail along Baseline.

Commissioner Rahi stated he concurred with the Equestrian Commission's recommendation to locate the fences to the inside of the trail so as not to interfere with cars parking at the curb.

Commissioner Bratt expressed concerns regarding notification to future buyers about the exception to the Noise Ordinance and that the exterior decibel levels exceed 65, and wanted to know if there was some way to require the developer to disclose that information.

Commissioner Ensberg stated properties are sold many times over after the developer has sold the property, and expressed concern about creating a trap for the unwary. He felt the existing disclosure laws would deal with the situation.

Planning Manager Hensley stated another factor in making this exception, if granted, is that over time the sound of the freeway is going to change for a variety of reasons. The sound level may reduce or become louder, and they can't really control that. It will be part of the record that the developer needs to disclose this issue.

Commissioner Bratt stated he would like to see something in writing to guarantee that disclosure is made.

Commissioner Rahi thought maybe Caltrans didn't realize that residential would be in that area when they constructed the soundwall.

Planning Manager Hensley stated there was existing residential there at the time the wall was constructed. He felt most of the sound was coming from Alford because there is an angle for the freeway exit that brings the sound down the street. Caltrans is not required to meet each City's requirements, and 65 decibels just happens to be the figure chosen by the City Council in the 1970's.

Chairman Badar asked if there was some type of caveat on the Noise Ordinance, would it have to go back to the City Attorney to review the wording.

Planning Manager stated yes.

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

Guy Williams, Land Use Planning Consultant, 425 W. Bonita Avenue, #202, representing Citivest, stated that Jeff Pomeroy, the Vice President of Construction was also present. They have reviewed the report and agree with all of the conditions with the exception of Condition No. 28 which contains a typo. It reads that Lots 1 and 2 will waive all access rights on Baseline, and it should read Cataract. They have worked with staff for the better part of a year and have incorporated their suggestions. The subdivision exceeds all Ordinance and Council Resolution requirements for changing the zone to SFA. This is a semi-custom lot development in that all of the homes have been designed for each particular lot. The existing home on Lot 3 will be remodeled to make the footprint similar to the new homes. He stated this property is not the only one affected by the noise issue, and that Caltrans does not take each individual city's requirements for noise and drainage into consideration when they build their improvements. In order to fully develop this property they will need the modification to the Noise Ordinance.

Commissioner Schoonover asked how many readings were taken, and the location and time when assessing how to address the noise issue.

Guy Williams stated they took readings over a two day period, and located the meters at the worst places on the western side of the property and the southeast corner. While he was out there he didn't think the noise was that loud and was surprised when the results came in at 70 decibels. However, the architect was confident that they could reduce the interior level to 45 decibels through proper construction methods.

Commissioner Rahi asked if the applicant would have a problem with a condition that requires a statement of disclosure.

Guy Williams stated they would not have a problem if that were made a condition of approval. He felt the appropriate place for that would be on the deed so that it carried forward with each sale. He added that in regards to the trail fencing, they would abide by whatever decision the Commission makes.

Commissioner Ensberg stated he would be satisfied with having some type of notification regarding the noise placed on the deed.

Chairman Badar concurred that if the notice were placed on the deed, it would follow for everyone that buys the property.

Planning Manager Hensley stated if the Commission feels having notification is important, the section that allows the exception could have a condition placed on the map that requires notification of some type. However, that option would only apply to the initial buyer. He stated his only concern is that they know what the noise level is today, but in the future it may be reduced and no longer be an exception, so if it is on the deed, it would always show and does not allow for future changes. It is appropriate to notify the initial buyers that an exception was allowed so the development could occurred.

Carol Ford, 233 W. Baseline Road, stated she is pleased with the design of the homes and had no problem with the development. She rides the trail along Baseline every day and felt they needed a fence near the street side to protect the horses. In the old days there would be a fence on both sides of the trail but now it has gone to a single fence. She felt if there could only be one fence, it should be on the street side to protect the horse and rider from traffic as opposed to protecting the landscaping from the horses. She was glad to see the no-build zone on the map because the houses that were built on Amelia as horse properties have now installed swimming pools and possibly cannot support horsekeeping any longer.

Chairman Badar asked if there is a fence along Baseline now, and what type of fence was proposed for the new development.

Carol Ford stated on the north side there is only a single fence and it is on the inside to protect the landscaping. On the south side it is the old double fence style that protects the horses.

Guy Williams stated for the new development there is only a single fence proposed on the interior side because curb and gutter is being installed, and it is difficult to open car doors with a street side fence.

Planning Manager Hensley stated if the Commission feels strongly about the positioning of the fence, they should make a statement to be passed along to Public Works and the Parks Department.

Commissioner Ensberg felt the trails and fences should be placed in such a manner as to maximize the safety of the horse.

Debra LaFontaine, 233 W. Baseline, stated she rides her horse along Baseline all the time and if the fence is not on the outside then the horse can spook and fall off the curb. She felt it was important to have fencing on both sides of the trail.

Tom Ford, 233 W. Baseline, asked if they will be making a decision whether to retain the trail on the north side of Baseline.

Planning Manager Hensley stated whatever is there now will not be affected by this project.

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

Commissioner Schoonover stated he did not have an issue with the exception for the Noise Ordinance because there is an existing soundwall in place. He felt the development was nicely designed and supported the zone change. The biggest issue seemed to be the horse trail. He personally didn’t feel they needed the trail on the south side of Cataract, but because he felt they should do what they can to protect the horses, he felt they should have a double fence along Baseline.

Commissioner Bratt felt this was a good use of the land and well designed project. He stated he would be more comfortable with some type of disclosure requirement but did not think that was a deal stopper. He wondered if it would be possible to change the width of the trail to eight feet instead of ten feet to allow for access to cars and still maintain an outside fence to protect the horses.

Associate Planner Lockett stated she would talk to the Parks Department to see if the width of the trail could be modified since the standard width is ten feet.

Commissioner Ensberg stated he has not heard any strong opposition to maintaining the trail along both sides of Cataract and he would be in favor of approving it that way and increasing horse safety wherever possible.

Commissioner Rahi stated he supported the project and did not think the noise level was an issue as long as there was disclosure. He felt that when people park along Cataract they should feel like they have room to get in and out of their cars, and would support looking at reducing the width of the trail to accommodate that.

Chairman Badar stated this is a good project but originally had a problem with maintaining the trail on both sides of Cataract. After tonight's discussion he feels it would be better to have on all sides to promote horse and rider safety. He stated he did not have a problem with the exception to the Noise Ordinance. He added that if there were a way to add street trees to the project, it would be appreciated.

MOTION: Moved by Ensberg, seconded by Bratt to recommend the City Council approve Tentative Tract Map 05-04, Zone Change 05-01 and D.P.R.B. Case No. 05-86, and recommend approval of M.C.T.A. 06-01 subject to the inclusion of a condition that the decibel level be disclosed to the purchasers of property in this project. He would further move that the horse trails be designed to maximize the safety of horses and riders, and would recommend adoption of the Negative Declaration. Motion carried unanimously, 5-0.

ORAL COMMUNICATIONS

6. **Director of Community Development**

No communications were made.

7. **Members of the Audience**

No communications were made.

8. **Planning Commission**
   a) **Report on Meetings: Planner's Institute 2006**

Commissioner Schoonover presented information on the sessions he attended regarding Eminent Domain, General Plan, and Housing Law 101. He was also impressed by the Opening Session and the presentation on walkable communities and downtown areas.

Commissioner Rahi stated he found the session on Housing Law 101, conducted by the Director of Land Use and Housing Program, very interesting and learned quite a bit about density bonuses and inclusionary housing for low-income citizens. He also enjoyed the Opening Session about walkable communities.

Commissioner Bratt stated this was his first chance to attend the Institute and found it very helpful. He also attended the session on Creating a General Plan, and one regarding Big Box uses. He suggested since there were several new staff members in the Planning Department that it might be useful for them to attend along with the Commissioners.

Chairman Badar stated that during the session on Big Box Uses it was discussed how new car dealerships provided a much greater tax base than most people realize. He also found the Opening Session regarding walkable communities informative as the City is looking at its first mixed-use project.

Commissioner Ensberg stated he participated in the DPRB meeting and was surprised at how much happens in those meetings. He found it to be a thoughtful and challenging process and felt there were many competent people participating in the process.

ADJOURNMENT

MOTION: Moved by Bratt, seconded by Schoonover to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 8:46 p.m. to the regular Planning Commission meeting scheduled for April 19, 2006 at 7:00 p.m.

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Emmett Badar, Chairman
San Dimas Planning Commission

ATTEST:

_____
Craig Hensley
Planning Manager

Approved: