

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, November 17, 2010 at 7:00 p.m.
201 E. Bonita Avenue, Senior Citizen/Community Center Multi-Purpose
Room

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
City Attorney Mark Steres
Assistant City Manager of Community Development Larry Stevens
Director of Development Services Dan Coleman
Associate Planner Michael Concepcion
Associate Planner Marco Espinoza
Associate Planner Kristi Grabow
Planning Commission Secretary Jan Sutton

CALL TO ORDER

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Bratt led the flag salute.

PUBLIC HEARINGS

Chairman Schoonover stated that Items 1-4 on the agenda were all related to the Brasada Residential Project and the discussion for all four items would be held concurrently.

1. **CONSIDERATION OF FINAL ENVIRONMENTAL IMPACT REPORT** – a Request to approve the Response to Comments and Final EIR for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas.
2. **CONSIDERATION OF GENERAL PLAN AMENDMENT 08-02** – a Request to amend the General Plan to implement the NJD Settlement Agreement and accommodate the proposed Tentative Map design, including but not limited to: Increasing the Maximum Allowable Density; Revising Recommended Environmental Thresholds and Appropriate Levels of Development; Revising Objectives and Policies; and
CONSIDERATION OF SPECIFIC PLAN AMENDMENT 08-04 – a Request to amend Specific Plan No. 25 to implement the NJD Settlement Agreement and to accommodate the proposed Tentative Map design, including but not limited to: Increasing the Maximum Allowable Density; Revising Standards for Lot Size, Open Space and “No Building” areas, Grading, Building Height, Lot and Site Design, and Access and Circulation, for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas.

3. **CONSIDERATION OF TENTATIVE TRACT MAP 70583** – A request to develop 61 Single-Family Residential lots, Seven common area lots, One 83-acre parcel for potential open space, and Related Infrastructure for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas.
4. **CONSIDERATION OF DEVELOPMENT AGREEMENT** – A request to enter into a statutory development agreement vesting certain land use entitlements and approvals granted by the City if the proposed project is approved, for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas.

Staff report presented by *Assistant City Manager of Community Development Larry Stevens*, who stated he will be going over all four items on the agenda, with assistance from PBS&J on the EIR. They will then take questions from the Commissioners prior to opening the public hearing.

Diane Catalano, PBS&J, stated the final review of the EIR was composed of four components: public review comments, key issues raised during the public review period, revisions to the Draft EIR, and the Final EIR contents. During the 45-day public review period from September 20 to November 4, 2010 they received 13 comment letters from State and local agencies, as well as individuals and local residents. They also included the transcript from the Planning Commission hearing held on October 20, 2010.

She stated some of the key issues raised in the comment letters included impacts on the biological resources in the area and methods of analysis; concerns over only one access point for emergency access; consideration of all the feasible mitigation measures and modeling for air quality impacts; whether public services were adequate for water, waste water, police and fire services; the aesthetic impacts on surrounding properties; language changes needed in Specific Plan No. 25 to make the project possible; concerns over landslides in that area; and traffic impacts from the project to Glendora streets.

Diana Catalano, PBS&J, stated based on the comments received, they will be making some revisions to the Draft EIR to enhance the air quality mitigation measures as well as some minor text revisions for clarification purposes, but that none of these changes were significant enough to require recirculation of the EIR per CEQA guidelines. They are in the process of preparing the Final EIR document which will include the Draft EIR and Technical Appendices, the minor corrections to the Draft EIR, Response to Comments, the Mitigation, Monitoring and Reporting Program, CEQA findings and the Statement of Overriding Considerations.

Assistant City Manager Stevens stated it is Staff's intention that those documents as well as the associated resolutions will be complete and available for adoption at the December 1, 2010 Planning Commission meeting if that is the direction received from the Commission tonight. He stated extensive reports were provided for the General Plan and Specific Plan Amendments, the Tentative Tract Map and Development Agreement. He will be summarizing those reports in the presentation but will respond to any specific questions the Commissioners may have on any amendments.

The proposed General Plan Amendment includes 29 changes to objectives, policies and/or text, which can be broken down into four subcategories. A significant number relate to various grading changes which require amendments to policies and objectives. A lesser number relate to permissible density for the project. Several changes would be to development standards for the project and the Specific Plan. Finally there are five related changes to policies for habitat preservation.

He stated there are 10-12 amendments impacting grading. The existing General Plan Policies and Objectives state that grading should fit the terrain, minimize the use of retaining walls and fit natural contours, which is viewed as more consistent with hillside preservation techniques. The various proposed amendments would create exceptions to accommodate clustering, providing access roads, building higher retaining walls and basically utilizing techniques more commonly used for "flat-land" development. The options presented in the staff report are fairly clear but these are the major differences.

Assistant City Manager Stevens stated the project also changes the density. The current General Plan would allow 21 single-family lots on the 270 acres. The applicant is proposing 61 lots with the project; Staff is recommending a maximum of 54 lots. The density changes are written so they only apply to the 270 acre project area and will not impact any other portions of Specific Plan No. 25. A portion of the increase from the base of 21 lots is to accommodate the Settlement Agreement from the lawsuit between NJD and the City. The Agreement allows an additional 17 lots, for a total of 38 lots.

Another change to the General Plan is to allow a design that is more suburban rather than rural as emphasized in the Specific Plan. This change would again be limited to the project area and not to the entire Specific Plan. There are also changes that would allow higher retaining walls, in some areas up to 30 feet, to support the road. The applicant also has a desire to allow two-story houses; the current General Plan limits construction to one-story (or 20 feet) construction. Staff is recommending that 25% of the project be allowed to have two-story homes, which almost accommodates the proposed project. The proposed changes also allow for increased opportunity for ridgeline construction while the current General Plan discourages it.

There are also proposed changes to the policies regarding habitat preservation. A strict reading of the General Plan discourages or prohibits disturbance of specified habitat area, so the suggested changes would allow additional flexibility and mitigation for impacts. In general, some of the changes have City-wide impacts in regards to land use and open space, but these changes can be addressed in the Northern Foothills Specific Plan. Only Amendment No. 17 directly affects properties outside the 270 acre project area.

Option A in the report will accommodate the project as submitted by the applicant with a few minor revisions. Staff is recommending the options that are "shaded" in the staff report; adoption of these recommendations will require more substantial changes to the project. The report was presented this way because the Settlement Agreement suggests that alternate options to the project as submitted should be considered. Because of the history of this project, presenting one option accommodating the project was appropriate, but if Staff felt there should be a change, that option was also presented. There are also other ways they can go with this, but for now Staff is only presenting two options unless the Commission would like to direct further review in another direction.

Assistant City Manager Stevens stated the revisions to the Specific Plan were done in a similar manner with two options presented. If the Commission was supportive of the project as presented, then Option A would make the changes to accommodate the project. Staff is in support of the shaded options, which are generally Option B. One critical component of the Specific Plan amendment is that two separate planning areas were created to address some of the changes in development standards and density because they did not want these standards applied to the entire 1000 acre area of SP-25. This is not an uncommon practice and has been used in other Specific Plans elsewhere in the City. This will allow the proposed changes to be limited to the project area only.

He stated the Purpose and Intent section has been revised due to big picture concerns. While both options will accommodate the project, they provide a different focus, with Option A allowing more flexibility on design, and Option B retaining more natural resources as a design emphasis. The Density chapter will leave the existing standards the same in Planning Area Two. There are two options for the Commission to consider for Planning Area One: Option A at 0.225 units/acre (or 61 lots) and Option B at 0.2 units/acre (or 54 lots). Staff is recommending Option B.

For the section on Grading, Option A makes substantial changes to allow more retaining walls and less contoured grading, and approximately a dozen standards were modified to accommodate these changes. Option B still allows some flexibility but limits the maximum pad size and encourages landform grading. Staff feels that some of the pads are too large for a hillside situation; thus the recommendation to cap the pad size in the cluster area to 15,000 square feet. Option B is a fairly different grading proposal and in Staff's view is friendlier to hillside design. In both options they have retained the existing grading standards for Planning Area Two except for one minor language change which will allow higher cut and fill throughout the Specific Plan.

The Building Height section is presented in two ways. Option A states that if you have a land division, you can do a visual analysis and provide up to 25% of the proposed lots as two-story construction. Those lots would be identified on the map, and only those lots could have two-story homes. The applicant's proposal will exceed the 25% limitation by one lot. Staff feels 25% is a reasonable number, and if approved, this would be a minor change the applicant would have to make to the project. Option B includes Option A but extends the option for two-story construction beyond the boundaries of the project. The intent of Option B is that anyone else in the Specific Plan, even if they don't go through a land division, under the right circumstances might qualify to have a two-story home. They would need to have at least four residential lots permitted on their property; and while there are probably only three to four lots in the Specific Plan that meet that standard, it would allow a few other property owners the option.

Horsekeeping is another area where the applicant would like to deviate greatly from the current standards. The applicant has requested to have more restrictive horsekeeping standards to reduce the maximum number of horses on a parcel and maximum number per acre, and has proposed various architectural standards and some maintenance standards relative to NPDES, which is outlined in Option A. Option B says they will maintain the same horsekeeping standards that apply to the rest of the City. The applicant can still address architectural standards through their CC&R's, and NPDES requirements apply to everyone anyway. This was brought to the Equestrian Commission for review, and Staff is not convinced there should be different standards for this area. Further options would be to write standards for the two different Planning Areas.

Assistant City Manager Stevens stated TTM 70583 must be consistent with the General Plan and Specific Plan, so whatever changes are made, it must be determined that the map is consistent. If the Commission thinks the project as submitted is fine, then they need to make a consistency finding. If the Commission feels some changes are warranted in the project, then they need to approve the map based on those changes rather than the proposal. For discussion purposes he has identified seven areas of concern. He has discussed briefly the issues associated with density and the number of equestrian lots, but there are substantive issues with the drainage detention basins, access/emergency access, grading, the number of two-story lots, and the equestrian trails.

In regards to density, if you look at the original 1999 Specific Plan standards, the density calculations were based on a combination of factors, such as slope grade and development feasibility areas. If you look at the original 200 acre NJD holdings, the 1999 General Plan amendment, which created the Northern Foothills Specific Plan, allowed 21 lots. As a result of litigation and the Settlement Agreement, the amount of lots allowed on the 200 acres increased by 17 lots to a total of 38 lots. Because of the nature of settlement agreements that require action by Planning Commission and City Council, Staff cannot make a 100% commitment to approve something that has to go through the public hearing process. You can provide something that seems reasonable and consider it in good faith. The Commission's obligation is to reasonably and fairly consider provisions and come to a fair and reasonable conclusion; they are not committed to approving all the units presented and can approve more or less. Subsequent to the Settlement Agreement, the applicant has acquired two additional parcels. Staff's approach was to add whatever density was allowed if the parcels were contiguous. By adding in the Lark Ellen parcel and the upper McHenry parcel, that now brings the number of lots allowed under the current General Plan and Specific Plan requirements to 46 lots. The applicant is proposing 61 lots.

Over the years there have been many discussions between Staff, the applicant and the Council Subcommittee and there have been many changes to the proposed development. At one time there was a proposal that included the lower McHenry parcel, which has now been removed, and that plan had 54-56 lots. However, there were several lots proposed on the ridgeline and the lower McHenry parcel. The Subcommittee felt those lots were inappropriate and eliminating them might improve the project. The applicant felt those lots were of high value and they wanted more than a 1-to-1 exchange for eliminating them, which is how the applicant arrived at the 61 lot number.

Staff is not sure if the southerly McHenry parcel was still included in the prior proposal at the time of those discussions with the Subcommittee, so there is still some question on if the current number of lots was ever considered by the Subcommittee. Staff's recommendation is based on a cap of 0.2 units/acre, and when multiplied by 270 acres, it provides the 54 lots. Staff has not done an analysis yet to identify which lots would be eliminated if the number of lots is reduced.

The applicant is proposing nine equestrian lots, clustering four lots and five lots together on opposite sides of the project and indicated on the exhibit the locations. While the Equestrian Committee did not think this was very many lots, they were not opposed to the limitation if there was an adequate trail system in place. Virtually all of the lots could support horses based on City-wide standards, but Staff has not done a full analysis. All the lots meet the minimum square footage required for horsekeeping, but some may not based on setbacks and they would have to be reviewed on a case-by-case basis. Thus far the applicant has not been asked to do an equestrian analysis on this project because Staff does not see a problem with the nine lots that have been proposed, but if the Commission would like an increase in the number of lots that would allow horsekeeping, then the applicant would need to provide further analysis.

Assistant City Manager Stevens stated drainage from the project presents a substantive concern as the storm drains in this area are inadequate to accommodate this project. The proposal intends to create a series of drainage basins, with six smaller basins located in the upper regions to collect some debris, then retain and release on a slower basis so as not to overflow the storm drain system. This is a fairly common design practice when storm drain facilities are insufficient and cannot be enlarged. They are also dealing with a significant natural drainage area. There is a problem in the foothills with debris flow, especially after fires, so the basins need to be designed to accommodate those kinds of events, which happen every five to ten years.

The difficulty when you have a major event is it is very costly to clean up the debris. In Staff's view the only entity that can handle the cost of maintenance is the Los Angeles County Flood Control District (LACFCD) because they have thousands of basins to maintain and can spread the costs around. The project does not currently meet County standards and has not been formally reviewed by the County, and Staff is concerned that there could be major changes in order to meet their standards. Lacking the certainty that the maintenance for the basin will be handled by the County, that leaves the cost of maintenance up to the City or the HOA. In discussion with Public Works, they feel a basin of this size for a large event could cost approximately \$1 million to clean out. The City Engineer and Public Works Director do not think the City should absorb that cost, and a 61 lot subdivision cannot afford that kind of maintenance, so Staff feels there should be time taken to ensure the County will approve the design and accept the basin into their system before moving forward. The County has advised it will take approximately six months to complete a review after submittal. At the time this information came forward, the applicant indicated they did not want to wait on the County's review to move forward with project approval. He stated it is possible to move forward with the project approval, but if substantial changes are needed to the drainage, it could require further review and possible changes to the EIR. The bigger issue for the City is the long-term maintenance issue and who will be financially responsible for it.

Access to the project has always been a difficult and controversial topic. This proposal calls for an extension of Cataract Avenue, which is identified as an option in the original Northern Foothills EIR, but that document also envisioned improvements to the existing motorways. The City of Glendora has amended their General Plan to restrict any new roads crossing their city boundary lines. The applicant owns 200 acres within the City of Glendora, but based on Glendora's limitations, they cannot take regular access across their property, thus forcing them to utilize the Cataract option or building a long road towards the east. The applicant is proposing to utilize one of the four existing motorways for emergency access, but there needs to be in place some form of guarantees for access or emergency access across the properties not under the applicant's control. The applicant has done some improvements on their Glendora property to provide emergency access, but Staff is still waiting for comments from L.A. County Fire Department and the City of Glendora on if those improvements will be acceptable. Staff feels there needs to be at least one 20-foot wide all-season emergency access road for this project.

The applicant's proposal would require 1.3 million cubic yards of grading. A major part of the grading is due to the large retaining walls to support the roadways, but there are also some fairly large pads proposed for a hillside development. Staff feels the amount of grading can be reduced to 900,000 cubic yards by reducing the pad sizes. They would also recommend reducing some of the retaining walls within the project, which would increase the street grades in a few locations, but the applicant has not been interested in pursuing any of these options.

In regards to the number of two-story lots, Staff is suggesting a 25% standard, which would decrease the number of lots requested by the applicant by one. The Settlement Agreement only stated a limited number could be two-story, and at that time it came out to eight of the 38 lots, so about 20%. Staff feels 25% of the project is a reasonable amount.

In regards to equestrian trails, the applicant is proposing two limited trails, one on Sycamore Canyon Road and one to the south which comes up from the southern McHenry parcel and connects to Wildwood Motorway. Staff and the Equestrian Commission feel this is insufficient and are recommending there should be a different connection, which he showed on the map. They also felt the trail should be adjacent to the public streets within the project and wrote conditions to require that. There has been some discussion about better utilizing the southern McHenry parcel for a better trail option than running through the project, but Staff prefers not to

make off-site improvements if they don't have to, and have suggested some on-site improvements. This can be reviewed further in the future.

Staff is recommending the Commission certify the Final EIR, even though there are still some pieces that need to be brought forward. Because of the requirements of the Settlement Agreement, if the Commission agrees with Staff's recommendations, they should advise the City Council that there should be changes made to the project and let them consider them, rather than holding up the map at this level. Staff is recommending changes to the Tract Map which include a reduction in the number of lots, revisions to the grading plans, and securing County review and acceptance of the drainage system; thus they are recommending the Commission recommend the City Council not approve Tentative Tract Map 70583 as submitted until further consideration of these issues. The Commission could also recommend approval as presented and Staff will prepare a resolution of approval for the next meeting.

Assistant City Manager Stevens stated the Development Agreement is a contract giving the developer certain guarantees. Staff and the applicant are not in agreement on all items, so if they are going to recommend the agreement, he felt they should recommend Staff's language, which would limit the term of the agreement to 10 years, not 18 years as requested; require recordation of one-third of the lots in three years and install the backbone infrastructure and equestrian trails in five years; dedicate and construct the equestrian trails; dedicated the 84 acre open space lot; be subject to all fees in effect at the time of development and/or construction; and release the City from the Settlement Agreement. The applicant is basically asking for no restrictions during the 18 year term of the agreement, freezing all fees in effect at the time of the Development Agreement, and not releasing the City from the Settlement Agreement.

Commissioner Ensberg stated he previously served on the Equestrian Committee and felt it was Council's direction that when a development occurred in an area that allowed for horsekeeping, they incorporate that to the fullest extent into the project design. He felt this proposal was going backwards in preserving the equestrian nature of San Dimas contrary to the City Council's direction. He felt unless the City Council was changing their policy, they should be encouraging more equestrian lots to be consistent with past direction.

Assistant City Manager Stevens stated this was discussed at length twice by the Equestrian Commission, and they seemed more concerned about getting more trails in the system instead of more equestrian lots.

Commissioner Davis asked if there were no Settlement Agreement, would the City only allow 29 lots on the property, and would it require all these changes to the General Plan and Specific Plan if the applicant were to come in with a smaller proposal.

Assistant City Manager Stevens stated it would depend on the design of the proposal. Any use of Cataract Avenue would probably require some adjustments to the grading, but probably not as much as what is currently proposed.

Commissioner Davis asked if by using the Settlement Agreement, is that how they could get the 54 lots, utilizing the McHenry property.

Assistant City Manager Stevens stated if both 40-acre parcels of the McHenry property were included in the project, then they would probably be at 50-51 lots. The northern parcel allows five lots and the southern parcel allows four.

Commissioner Ensberg wanted to clarify that Staff is recommending changing the number of lots from 61 to 54 based on the 0.2 units/acre instead of using the 0.225 units/acre.

Assistant City Manager Stevens stated in the General Plan is a table that establishes various density ranges. This table was amended in 1999 when they adopted Specific Plan No. 25 when a new density calculation was added for that area based on slope grades, etc. Prior to that amendment, the lowest density allowed by the General Plan was Single-Family Very Low Estate which allows 0-.2 units/acre. Since that is the lowest density allowed anywhere else in the City, he did not feel they needed to increase the density any higher than that. That is how Staff arrived at the 54 lots. The 0.225 number used by the applicant was arrived at by dividing 270 acres by the 61 lots they want to build.

Commissioner Davis apologized to everyone in attendance but stated that he had to leave the meeting early in order to catch a flight to New York for a meeting with a client in the morning. He left the meeting at 8:20 p.m.

Commissioner Ensberg asked in regards to the drainage basins, would the City normally ask for input from the County elsewhere in the community in a similar situation, and why are we not requiring it now.

Assistant City Manager Stevens stated yes, the City normally would require County input first, but the applicant felt that all the standards required by the County were desirable, and they design the debris basin to normal engineering practices, but it is unknown if that will meet all the County standards. When this item was discussed by the Subdivision Committee in detail, it was felt the County needed to review this, so a meeting was held with County personnel in September. The County made it clear that they wouldn't accept a system they haven't reviewed and the applicant was encouraged to start the review process with the County. However, the applicant was concerned about the timeframes quoted to them for review and that it would delay the processing of their project, so they chose to go forward with the City application process instead.

Commissioner Ensberg stated then Staff is not in agreement with moving forward without County approval. He asked if there is any reason why we should not follow standard practice and wait for the County to review this project.

Assistant City Manager stated Staff would encourage the applicant to start the process with the County and was not in favor of moving forward with the Tract Map until that issue was addressed.

Commissioner Rahi stated that there are still changes to be made to the Final EIR document so how are they to consider that tonight.

Assistant City Manager Stevens stated there are some minor language corrections and maybe additional mitigation measures to be implement based on the letters received during the comment period, and there will be copies of those when approving the resolution, but they did not think there was anything major to be changed that would trigger recirculation of the document.

Commissioner Rahi asked what the basis was for recommending ten years for the Development Agreement as opposed to the 18 years the applicant is requesting. He also asked for further explanation on the phased maps.

Assistant City Manager Stevens stated there is no set time period for an agreement of this type if you look at what other cities have done. It depends on the project and the complexity of it. The City Attorney felt that ten years was reasonable based on their experience.

City Attorney Mark Steres stated an agreement like this involves finding a balance. The Development Agreement freezes the rules and regulations applicable at the time of execution and gives vesting rights for a complex project to go through the time needed to approve the project to when it can actually be built. But you also don't want to approve such a long period of time that if the project does not move forward and conditions change, that you take away the City's ability to amend the conditions. It was felt that ten years would provide enough time for the developer to complete the project, or be significantly completed.

Assistant City Manager Stevens stated the applicant has requested to phase the map. Staff does not object to the concept but that more information is needed as to how many phases they would like and over what time period.

Commissioner Bratt asked for more information in how the grading could be reduced from 1.3 cubic yards to 900,000 cubic yards. It appears the majority of savings would be in how the roads were graded.

Assistant City Manager Stevens stated Staff did an analysis based on the plan submitted by the applicant's grading consultant, so Staff's number is more of an estimate than an actual calculation done by the City Engineer, but it should be good enough for comparison purposes. There will be some adjustments to the roads, but they are also proposing to make a number of the pads smaller. Some of the change would come if the fire access was redesigned which would make significant changes further up the road. The double turnarounds are not mandatory by the Fire Department, so if they could make adjustments, there would be substantial change in the grading amounts.

Commissioner Bratt stated the current proposal calls for an average pad size of 25,000 square feet. If they go with Staff's recommendation, what would the average lot size be.

Assistant City Manager Stevens stated they did not have a precise calculation but estimate the pad sizes would be reduced approximately 10%. Staff's recommendation does include a maximum pad size based on the acreage of the parcel.

Commissioner Bratt asked about the emergency access and that it appeared there were two; the one off of Cataract and one from Horsethief Canyon Park.

Assistant City Manager Stevens stated Cataract Avenue will count as one because it is a public street. The other option the applicant is proposing is through the applicant's property in Glendora. The City of Glendora will allow emergency access across the city limits, and there have been some improvements made to the road back to the Glendora Country Club, but he does not know what the Fire Department's response will be to the improvements. His feeling is if the applicant can provide one 20-foot wide all-weather access road, it would meet the need of the EIR. He discussed the options for providing emergency access to the east, but it would require approval from the County and several private land owners.

Commissioner Bratt stated that in reviewing the 13 letters received during the comment period on the EIR, he would not classify the issues brought up in the letter from Denis Bertone as minor. He also asked about the letter submitted by the City of Glendora regarding grading and retaining walls, and the AQMD issues.

Assistant City Manager Stevens stated he has reviewed the letter and the preliminary draft of the response to comments and that there is a minor addendum to the Biological Study relative to the Bald Eagle comment. He believes the response will answer questions raised in the letter without raising substantive changes to the project.

Assistant City Manager Stevens stated the project will not have any impact on the City of Glendora since grading will only occur in San Dimas. There will also be some minor changes in the Mitigation Measures to address air quality issues related to construction and construction equipment, and for the most part they will have to do overriding considerations for that. Even if they reduce the amount of grading, the impact will still be significant and unavoidable.

Commissioner Bratt asked if the applicant is proposing to have all the grading done in the first phase of the project.

Assistant City Manager Stevens stated the applicant could provide a better response, but he thought that the majority of the grading would be completed in the first phase, possibly 80% of it.

Chairman Schoonover stated they have the 2004 Settlement Agreement, the Northern Foothills Implementation Program, the San Dimas General and Specific Plans. What is the history of these documents and how do they relate to the Settlement Agreement.

Assistant City Manager Stevens stated LSA prepared a study which became the Northern Foothills Infrastructure Study, and from that the General Plan and Specific Plan Amendments were prepared. An EIR was prepared and the codes supporting the study were adopted. The lotting plan is intended to illustrate the Settlement Agreement in relation to the Northern Foothills Implementation Plan, and the Settlement Agreement contemplates what changes are required to the General Plan and Specific Plan.

Chairman Schoonover stated there are several places in the General Plan and Specific Plan where the Policies and Objectives are rather specific, but then there are many options that say "where feasible," "where necessary." He asked if they are using that language to try and justify the project.

Assistant City Manager Stevens stated when they use language such as "where feasible," "where appropriate," in the General Plan it is to leave open the potential to use judgment. He felt they needed to retain some of that potential because some of the standards apply to 1000 acres, not just the 270 of the project area, so having judgment in a policy is normal. Then you take it to the next level, which is the Specific Plan, which clarifies some but not all of those opportunities for judgment. You want to be able to retain discretion over how designs are done, and where you apply that discretion is at the Tentative Tract Map when you can review a proposal more specifically. There is consistency in California law but that doesn't eliminate the need for judgment.

City Attorney Steres concurred with Staff and that there is hierarchy to be followed and it is not unusual for a General Plan to have broad language and the Specific Plan to have tighter language because development standards are more specific. Where you might see discretion is in the grading section because you can't always be exact in that area.

Chairman Schoonover expressed concern over two sections within the Development Agreement, Sections 4.6 Equestrian Trails and 4.7 Dedication or Transfer of Open Space Parcel that the Developer will have the final approval of who performs maintenance in these areas even though the property will be owned by the City. He asked if it was normal to give the

Developer that kind of authority and wouldn't the City want the right of consent because of the deep pockets law.

City Attorney Steres stated the intent of that section relates to the fact that the trails will be within the limits of the property, so the developer would want to ensure that anyone working within their neighborhoods has proper insurance, experience, etc. to protect the residents of the community. He felt they were trying to be sensitive to the nature of the issue.

Chairman Schoonover asked if an equestrian evacuation plan was in place in case of emergency.

Assistant City Manager Stevens stated this was discussed by the Equestrian Commission and while there is no formal plan in place just yet, with having the motorways and trails in place there should be plenty of opportunities for evacuation during an emergency.

Chairman Schoonover asked about the various widths of streets within the project and that the widest proposed was Brasada Lane at 26 feet wide, with most of them at 20 feet wide. This is less than the City standard of 32 feet from curb to curb which essentially makes all streets within the project fire lanes with street parking prohibited. He stated many of the 20 foot wide streets were basically long, dead-end cul-de-sacs and recalled a project they reviewed a few years ago with long, dead-end streets and thought there was a limit as to how long those streets could be. He also asked about access for trash trucks and what provisions are being made for guest parking

Assistant City Manager Stevens stated a few of the 20 foot wide streets are viewed as long, shared driveways instead of streets, and the Specific Plan accommodates shared driveways that are 20 feet wide as long as they serve four lots or less. The Fire Department is not objecting to any of the streets as long as there is a turnaround at the end, and that has been accommodated for in the design. He stated trash trucks need a smaller turning width than a fire engine so they should not have any problems. There will be no off-site guest parking except in the bump-outs. The Public Works Director asked for the bump-outs, but when they saw the design they were very concerned because they were only eight feet wide with retaining walls on each side; so either the design needs to be changed or the bump-outs will be eliminated and all guest parking will have to be accommodated on-site for each lot.

Commissioner Ensberg stated it was brought up at the prior meeting if there can be a condition that requires the developer have financing in place that will ensure the project will be constructed and not stop halfway through construction.

Assistant City Manager Stevens stated it is not typical to require financial statements as a condition of approval, but what they do require is security, such as cash deposits or bonds, for various public improvements to ensure that if the developer goes under, there will be funds available to complete the public improvements. Typically building permits are not issued until the bonds are in place.

City Attorney Steres stated that is the current protection that cities can use when considering a project. The Planning Commission has authority over land use issues but he didn't think they could make any financial requirements a part of their approval.

Commissioner Bratt was still concerned because of the situations they have had with the Fox project and Bonita Canyon where the developer has had financial problems. He wanted to know what would happen if the developer stopped the project and only 80% of the grading was

completed; would they be left with scarred hillsides. Can they enact a requirement that grading can't begin until a certain number of lots are sold.

Assistant City Manager Stevens felt both projects referenced by Commissioner Bratt had different circumstances. Bonita Canyon has bonds in place for grading and street improvements so the City can ensure those improvements will be completed. The developer's issue has been an inability to get construction financing for the residential portion of the project so they are going to sell it. The Grove Station developer was foreclosed upon, but the City still has bonds to complete the public improvements. The subsequent phases are not going to be built because of the foreclosure since the developer is gone and there is no new developer to take over. Their charge under the law is to ensure that public improvements are bonded for and can be completed, that is all.

Chairman Schoonover asked how Section 7.3 Developers Rights, when it is determined that the project is no longer feasible economically, ties into bonding requirements.

City Attorney Steres stated it should have no impact on bonding, it only sets out the developer's right to terminate the development.

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Chairman Schoonover called a recess at 9:09 p.m. The meeting reconvened at 9:23 p.m. with all Commissioners, except Commissioner Davis, present.

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Chairman Schoonover asked the applicant to give their presentation.

Stan Stringfellow, Consultant for NJD, stated it has taken almost 12 years and \$1 million to get to this point. This is a complicated project and they will try to address the differences between their proposal and Staff's recommendations. He introduced Kim Scott, Vice President of NJD, Rick Jemison, Pat Fuscoe, Michael Houston, John McKuen, Leslie Irish, Scott Franklin, Jim Hunt, Mike Ijams, and Dave Majestic.

He stated this proposal was about creating a great place to live, a community San Dimas can be proud of; of creating jobs and the benefits a project like this will bring to the businesses in San Dimas. He felt they have made an effort to recognize the unique features of this site and reduce the impacts to the overall area. Efforts have been made to preserve the scenic vistas and provide linkage to the existing trail systems. They have enhanced public safety features in excess of the existing requirements while making the project economically viable.

In 1998 NJD purchased 400 acres in the foothills; 200 acres in Glendora and 200 acres in San Dimas. The subsequent lawsuit and Settlement Agreement allowed for the acquisition of contiguous property to be included in the development. Parcel 2 was acquired in 2010 and Parcel 3, for 80 acres, is under contract. He didn't think there was another parcel like this available in the foothills and that it was convenient to surrounding communities while providing an escape from the urban rush. They felt it was well suited for development and was located in a bench where the old riding stables were located. They felt there are no major geological or biological features there to prevent development.

While NJD understands the feelings of some in the community to preserve this area, they feel it is private property and the owner is entitled to enjoy the benefits of the property. This area has been used for ranching, equestrian and other uses, and is covered with non-native plants and construction. The Brasada project will protect, preserve, improve and replace any impacts it makes to the habitat. As part of the Settlement Agreement, in 2004-2005 they offered their 400

acres to a conservancy. Glendora took the lead on the submittal and was able to obtain some grant money, but chose to use it on purchasing other property, so NJD started the entitlement process. In 2007 and 2008, NJD cooperated in another effort to obtain the property for a conservancy where the City of San Dimas took the lead, but the economy started to change and there were no funds available to purchase the property for preservation. It is his conclusion that this is a tough property for a conservancy to purchase because it lacks unique geological features and after decades of use there is little to preserve. It is surrounded by residential development and should be viewed as an in-fill project.

In 2004 there was a schematic attached to the Settlement Agreement which included the original 200 acres and showed lots on the high ridges and some in the valleys, and no open space or conservation areas. This also allowed for additional lots to be on-site for transferring development rights from other properties in the foothills. After the 2008 effort to purchase the property failed, NJD started the process and submitted a new map which included the adjacent properties that have since been purchased or placed under contract. This map was used as part of a joint City Council and Planning Commission site visit and incorporated lots that were on the upper ridges and located low on Parcel 3, with access from Cataract Avenue.

In 2009 NJD submitted another map which significantly reduced the area for development and removed the lots on the high ridges and the lower portion of Parcel 3, while creating a significant amount of open space. By reconfiguring the map they were able to reduce the amount of roadways needed by almost a mile. They feel this Tentative Tract Map is the best of all the proposals submitted to meet the interests of the community, the developer and the Settlement Agreement. He presented a 3-D imaging program of the site and showed how the project will look in relation to Terrebonne, Gordon Highlands and Morgan Ranch, and how it would be viewed from outside of the project site from various locations within San Dimas, and the view outward from several spots within the site.

In regards to the debris basins, he stated there were several reasons why they wanted to move forward. He felt the Settlement Agreement implies that the City would be required to process the Tract Map within seven months. He stated they received a letter from the City in January 2010 stating their application was complete, but the City did not start processing the application until early July 2010. At the meeting with LACFCD it was indicated it would take six months or more to review their application. He stated LACFCD is going to adopt new stormwater permit requirements in early 2011, so they could have spent an excessive amount of money to design the basins, and then have to redesign them again. One of the reasons LACFCD wants to see plans early on is that generally the lots are packed so close together that if something needs to be redesigned, the maps cannot accommodate them. He feels they have not overburdened this project and have plenty of leeway in the amount of land available to make any adjustments required by LACFCD, and would prefer to wait for their review after the new stormwater requirements are adopted. He stated they may have to come back to amend small areas of the map to facilitate a storm drainage system, but felt those should be minor corrections.

Stan Stringfellow, Consultant, stated they also didn't know for several months what standards the City wanted the map designed to. He felt they made a reasonable decision to move forward without having the County's approval, and concurred that the LACFCD needs to take the basin into their system. He thought the City Attorney advised a condition of approval could be written to require that so they could move forward with the map.

In regards to the retaining walls he stated they would be using Mechanically Stabilized Earth (MSE) walls which can be planted and landscaped to blend in with the natural habitat. The road is circuitous so the walls will not be straight and all of them will be planted and landscaped. He stated if they reduce the size of the pads, it will raise the height of the lots and make them more

visible below the project. He showed how many of the views will be internal to the project and how the water tank, which is at the highest location, will be hidden by berms and landscaping. He stated their project will be located lower than DeFalco's property, Gordon Ranch, Morgan Ranch, and the upper portion of Terrebonne. He stated most of the lots are in the bowl of the valley and they are preserving the surrounding hills and view impacts from the development.

He stated in regards to the grading, they are limiting grading to 80 of the 270 acres of the site. Once it is fully graded, the pads and roads will represent 50 acres of the project. The rest will be open space and "no build" areas. All lots will be served by sewer, and screening will reduce visibility. The proposed street grades will allow for bioswales and other water quality and storm drain measures. If the roads are too steep, the bioswales will be washed out, so there are environmental trade-offs in respect to how grading is approached. Their grading plans allow for double turnarounds for fire safety; this will allow for better evacuation of people and livestock. Their proposed grading allows for leeway in the design of the water basins yet to be approved by the County and will permit street parking throughout the site. He stated the 1.3 million cubic yard figure was based on a report provided in June of 2009 and it has been revised twice since then, so the grading quantity has been reduced. They do not want to eliminate the double turnarounds and think they provide a benefit for public safety. The City is saying grading can be reduced by 300-400,000 cubic yards, but they are not sure those reductions can be made even using the City's recommendations.

The EIR findings that visual impacts are significant and unavoidable would not be changed by the City's recommendations on grading. The disturbed area is essentially the same and the grading footprint would not change. It will only reduce useable pad width and depth, create steeper roads and driveways and increase the building coverage on the pads. Since most lots will be single-story homes, it will reduce the amount of useable pad space for the owners and limit them on the design of the houses. He felt reducing the amount of grading would reduce the value of the lots and revenue from property taxes, loss of revenue to the developer, eliminate the turnarounds, and reduce the use of water quality and storm drain features.

He showed on the map where the MSE walls will be located, with the major one used on the access road from Cataract, with a small section on the west side and along the road to the water tank, and then along the equestrian access to County property. He thinks they will make a great addition to the project.

He stated in regards to a secondary emergency access, it has to be determined if one of the routes is sufficiently improved to satisfy the mitigation measure Tra-3A, which requires the applicant to provide "...at least one additional offsite emergency access route to City standards to provide secondary access to the proposed project site in the event of wildfire or other emergency situations..." The second issue to consider is that if they cannot find that any of the options are adequate, then they must consider if the project meets the standards for a single-access development. They had a consultant prepare an analysis to determine the preferred emergency access route, and they determined that Wildwood Ranch Road would be the best. It would move residents and livestock away from a Santa Ana wind fire-driven event. It also takes people out to a paved road. In the Program EIR the secondary access requirements are a 20 foot wide road as long as it doesn't exceed 10% slope, so they feel they can meet the minimum requirements.

He also spoke about whether they can satisfy the requirements for a single-access project. The EIR has asserted a maximum number of units allowed to qualify is 75 for a single-access project. Terrebonne has more than 91 developed lots with a single access, as does Gordon Ranch. They have both addressed their secondary access by using Wildwood Ranch Road. The applicant is proposing a restrictive covenant through their Glendora property that would

protect and preserve the connection with Brasada in case of future development. They have also prepared a fuel modification plan up to 200 feet away from the houses as part of their fire protection plan. He felt when the 75 lot restriction was enacted, materials such as shake roof shingles were still being used. They are now using ignition resistant materials in their construction, and proposing to install fire sprinklers in all the houses, along with fire hydrants, so they think they have met the requirements for a single-access development.

Stan Stringfellow, Consultant, stated in regards to density and how they arrived at 61 lots, the original Settlement Agreement provided for 38 units on 200 acres. They also had the ability to add seven additional lots if they obtained the transfer of development rights. With the acquisition of Parcel 2 they added three more units; and Parcel 3 added five more units. That brings the total up to 46 lots. They are asking for 15 additional lots to make up for removing seven lots on the upper ridges. They feel this is a negotiated number of units to compensate for removing the ridge lots. As a result of the redesign of the map, this leaves an excess of 40 acres which has been offered to the City, along with the 84 acres of open space the City will get.

He stated they limited the number of equestrian lots on the east to four because of access to the trail system. The five lots on the west were identified when they thought the Ferguson Motorway was going to continue up and be part of a trail system with the development of the Gordon Highlands project, which did not materialize. He felt the nature of equestrian use was changing and that there would not be much demand for equestrian lots in this area. Staff is now recommending an east/west connection, which was in the original plan but was removed at Staff's request. They feel it would be cumbersome and costly for the City to maintain. If their application is approved, they will not prohibit residents to ride on the private streets to get to the trail on the east and will provide a condition in the CC&R's.

He stated the reason they would like to limit the number of horses kept on site is because it doesn't really reflect the character of the major portion of the community. They have concerns about the number of horses that could be allowed under the current standards and that they might have a situation where in an emergency they would be evacuating more livestock than people. He felt it was more a public safety issue rather than an objection to horsekeeping. The Equestrian Commission approved the standards they are proposing and said their preference was for the City to take over the lower 40 acres to provide an east/west connection.

He concluded that the Tentative Tract Map proposed by NJD balances the interests of the community, the rights of the developer and the responsibility of the City. They feel it is a superior project and ask that the Commission recommend approval.

Michael Houston, Attorney with Rutan and Tucker, stated he felt Mr. Stringfellow has communicated the reasons why they believe they deserve all 61 lots and how it is the right approach for a number of reasons. They are opposed to reducing the number of lots to 54 as recommended by Staff.

Commissioner Ensberg asked Mr. Houston if he felt anything Mr. Stevens said was arbitrary, capricious or irrational.

Michael Houston, Attorney, stated he thinks their proposal is the best, and that they only received the staff report on the Tentative Tract Map on Tuesday morning at 2:00 a.m., and they only received the reports on the General Plan and Specific Plan on the previous Friday. They will prepare more complete responses before next week so they can be in the Planning Commission package for the next meeting.

Michael Houston, Attorney, stated there were some questions raised earlier he would like to address. He stated first is that he understands the City of Glendora has submitted a letter questioning easement rights. They acknowledge the 20 foot easement. He also wanted to clarify that the applicant will dedicate the 83 acres of open space if the project is approved as proposed. They also feel that 18 years is a reasonable timeframe for the development agreement as the City is receiving a lot of benefit from this transaction.

Commissioner Ensberg asked if they are willing to agree to whatever requirements LACFCD places on the debris basins.

Michael Houston, Attorney, stated they cannot agree without knowing what the County wants. Regarding the third-party approval, they need to be able to review the quality of the person coming in to perform work on their property. He stated he can provide answers to Commissioner Ensberg's comments to the City Attorney.

Commissioner Rahi asked for clarification on where they are coming up with the additional 15 lots.

Stan Stringfellow, Consultant, stated the seven lots on the ridgeline are very, very valuable, so for compensation for not building there, the developer is asking for two lots for every lot on the hill. The lots that have been removed from the lower portion of Parcel 3 are not calculated into that.

Commissioner Bratt asked what are the plans for the 40 acres that are under discussion by the City Council next week.

Kim Scott, NJD, stated the 40 acres became excess inventory after they removed the proposed lots from them, so they sent a letter to the City to see if they would be interested in having the property donated to them.

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

David Bills, 1354 Shirlmar, stated while he is not in total opposition to the project, he has concerns that the potential negative impacts have not been fully addressed. He lives downslope from the drainage facility and historically they have already been subjected to drainage issues. He is also concerned about the general destabilization of the hillsides and feels the more grading that occurs in that area can only increase the problems they have had, and the residents are looking to the City to protect them. He is also concerned about limiting the number of equestrian lots because past experience has shown that when developers have asked for the number of lots to be limited, once they are all occupied conflicts arise between the two types of properties. He lives in a horsekeeping zone and when people move into the neighborhood, they understand that this is a horsekeeping area. Having CC&R's will help, but he feels they should allow more equestrian lots. He also has a problem with the trail designations. That area has already had a lot of people limiting access now, and as things develop further access to non-designated official trails tend to go away. He would like to suggest that the trail system be fully funded.

Charles Brown, 2778 Terrebonne, was impressed with both presentations and felt a lot of his questions had been answered but he is still concerned with the proposed length of time for the development to occur and thinks ten years for the development agreement is a reasonable length of time. He also wanted bonds put in place to ensure completion of the infrastructure. He wasn't sure if the location of the two-story homes would be visible from below, and was also

concerned over what NJD planned to do with the 200 acres they own in Glendora. He felt they should have a better evacuation plan in place. He lives at the end of Terrebonne and they do have a secondary paved access for emergencies and felt that needed to be addressed for Brasada.

Pat Fuscoe, Engineering Consultant, stated the problems the residents are experiencing now with drainage is a result of having raw land that is not maintained. There will be measures in place to limit issues with grading and erosion during construction, and once grading is finished, the landscaping will prevent many of the current issues.

Kim Scott, NJD, stated they will agree to have approval from LACFCD for the debris basin, and that currently they have no plans for their property in Glendora.

Pat Fuscoe, Engineering Consultant, stated there are several basins planned for the property for both debris catch and floodwater control. They may want to keep some of the smaller basins private for flexibility to allow for water infiltration, but the larger basin towards the bottom is more likely a candidate to give to the County.

Stan Stringfellow, Consultant, stated another reason they arrived at the number nine for the equestrian lots is that they did an internal market study and found there is not a strong market for equestrian lots in today's economy. The two-story homes will be located in the valley portion of the project and none on the ridges.

Rick Jemison, Vice President of NJD, stated they are agreeing to the condition to get approval from LACFCD for the debris basin, and if they can't get their current design approved, they will come back to amend the map with the required design.

There were also two e-mails received from Paula J. on Maverick Drive and Randie Kreutzer opposing the development of 61 homes in the hillsides, which will be made part of the public hearing record, along with a letter submitted by the City of Glendora in regards to the secondary access road, and a letter from Michael Houston, Rutan and Tucker, regarding phasing of the Final Map.

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

Commissioner Ensberg asked if there was a problem with continuing this item to the next Commission meeting in order to receive further comments from the applicant.

Assistant City Manager Stevens stated the applicant's ultimate goal was to try and bring this forward at the December 14th City Council meeting. They can still make the noticing requirements for that meeting if the Commission makes a decision on December 1st, but if not, the schedule will slip as there is only one City Council meeting in December. He felt they can work with the applicant to have their comments in the resolutions Staff will bring forward on December 1st. He asked if the Commissioners had a consensus on the points where Staff differs from the applicant.

Commissioner Bratt stated he is reluctant to proceed without a Final EIR document. He felt there were concerns expressed in some of the letters that need a response before they proceed. He felt both Staff and the applicant made complete presentations regarding the issues. He stated if they allow the amount of grading requested by the applicant, then they could keep the turnarounds, and he was in favor of that. He concurred that not as many people want equestrian lots as in the past so he has no objections to limiting the number of lots and horses. He also felt the applicant has compromised by giving up the best lots so he is also all

right with the 61 lots proposed. He wanted to be certain that if they leave the issue of the debris basins open, there should be conditions that require NJD to do what the County wants in regards to design. He attended the tour held for the Commission and Council and concurred that this is not open, pristine area; it has been modified and altered over the years, and he felt the proposed project would improve that area.

Assistant City Manager Stevens wanted to clarify that Mr. Jemison has stated that there will be a condition to require that the debris basins be designed to meet LACFCD standards and accepted into their system. If they can't design to the County standards, or substantive changes in the design are made, then this item may need to come back to the Commission for review. The City will not take on the maintenance of the lower basin. The question before the Commission is if they prefer to have this issue resolved in advance of approving the Tentative Map by having the applicant go through the County's approval process now. If the Commission chooses to recommend moving forward with approving the Tentative Tract Map and the County is unwilling to accept the current design, will a redesign of the basin create other problems with the project design.

Commissioner Bratt stated in regards to the Development Agreement, he preferred to see a timeframe that was 13-15 years in length.

Commissioner Rahi asked if all of these items needed to be approved at the same time.

Assistant City Manager Stevens stated technically they do not; however, the General Plan and Specific Plan Amendments are linked together and should be decided as close together as possible. The EIR can be done later, but again, the closer the approval is to the others, the better. The TTM can be done separately, but the applicant does not want to wait. The Development Agreement can also be decided later but it is desirable to keep that near the same approval time.

Commissioner Rahi stated the applicant has stated they have not had much time to review Staff's alternate options for the General Plan and Specific Plan.

Assistant City Manager Stevens stated if the Commission were to go with Staff's recommendations, or Option B, the applicant would have to make some changes to the project and they don't want to do that, so it is fair to say the applicant prefers Option A overall, though the Commission may want to make some language changes to the A options. There has been discussion whether Option A fully accommodates the project, so that is the applicant's main concern. The applicant would like to be able to work on some of the language a little more, and it is the intention of Staff to work with them on that through the next couple of weeks. If he concurs with Commissioner Bratt's comments and thinks the project is appropriate, there will still be some language adjustments to make. But if he feels strongly on an issue like grading and thinks it should be the lesser amount, then that will be more difficult to work out.

Commissioner Rahi felt the debris basin needs to be the County's responsibility and wanted to know what was the advantage for NJD to wait on submitting for approval. He would prefer to not approve the map tonight if it is only going to come back to them in a few months. He did indicate he was in support of NJD's grading proposal.

Commissioner Ensberg stated he had no objections to having 61 lots in the project, and was also all right with NJD's grading plan and their assurances that they agree to comply with the County's standards for the debris basin and that the County will have to accept it into their system for maintenance. He is not comfortable with changing the equestrian requirements from the City's standards so disagreed with that. In terms of choosing whether he supported the A or

B options for the General Plan and Specific Plan Amendments, he would like to give the applicant more time to review and submit their comments. He would prefer to wait and make a final decision on December 1st.

Chairman Schoonover concurred that both presentations were excellent and clarified a lot of questions. He also liked the 3-D presentation. In regards to the General Plan Amendments, there are 31 changes listed and Staff is recommending Option B in all but four of them. He is more comfortable with Option B and would support that, as well as reducing the number of lots to 54. Though NJD's presentation alleviated some of his concerns regarding the amount of grading, he was in agreement with Commissioner Ensberg and did not think they should create separate standards for equestrian lots. He felt the debris basins needed to be addressed, and if the applicant feels they have not had sufficient time to review all the material, they should be given more time to submit their comments. He concurred with Commissioner Bratt that he was not comfortable certifying the EIR when they have not seen the final document.

MOTION: Moved by Ensberg, seconded by Bratt to continue the public hearing to the December 1, 2010 Planning Commission meeting to address the following issues:

- As it relates to the EIR, we direct Staff to prepare the appropriate Resolutions, Findings, Response to Comments, and Statement of Overriding Considerations so that those documents are technically correct and available, with the intention to certify those unless we find in the detail of the response to comments a concern that warrants further review.
- As it relates to the General Plan Amendment, we direct Staff to prepare a Resolution and language which is generally Option A and supports the project as submitted, and the same as it relates to the Specific Plan Amendment, understanding that in the interim two weeks the applicant and Staff will work together to address any language concerns because of the timing to review that, noting that there is not a consensus on the changing of equestrian standards, so that may be addressed as an either/or in regards to the total number of lots and on the changing of the standards.
- As it relates to the Tract Map, we direct Staff that there is consensus to generally support the project, to adjust and revise the conditions based upon discussion with the applicant in the intervening two weeks, specifically to ensure that we address the County Flood Control issue and create internal consistency between the documents, again with the understanding that those conditions related to horsekeeping do not have a consensus yet.
- As it relates to the Development Agreement, we direct Staff to continue to work on the language noting the comments made.

Motion carried 3-1-1 (Schoonover no, Davis absent).

COMMISSION BUSINESS

5. **CONSIDERATION OF CLASSIFICATION OF USE 10-01** – A request to classify Jumping Jacks, a children's entertainment business that hosts birthday parties, as a gym, which is conditionally permitted within the Creative Growth Area 1 – Regional Commercial (CG-1).

Chairman Schoonover stated the applicant has requested that this item be continued to the next regularly scheduled Planning Commission meeting due to the length of the earlier public hearing items.

RESOLUTION PC-1426

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS DENYING CLASSIFICATION OF USE 10-01, A REQUEST TO CLASSIFY JUMPING JACKS, A CHILDRENS ENTERTAINMENT BUSINESS THAT HOSTS BIRTHDAY PARTIES, AS A GYM WITHIN THE CREATIVE GROWTH AREA 1 – REGIONAL COMMERCIAL ZONE

MOTION: Moved by Bratt, seconded by Ensberg to continue consideration of Classification of Use 10-01 to the December 1, 2010 Planning Commission meeting. Motion carried 4-0-1 (Davis absent).

ORAL COMMUNICATION

6. Director of Development Services

Director Coleman stated that no state laws were passed this legislative session that would affect planning processes. He stated that Gina Staropoli, Departmental Assistant in the Planning Department, has resigned and her last day with the City will be November 30.

7. Members of the Audience

No communications were made.

8. Planning Commission

Commissioner Bratt stated the Traffic Committee discussed the expansion of Starberry Farms and the number of questions raised by the surrounding residents at Planning Commission. He thanked staff for presenting a thorough report and for Director Coleman for going to bat on his behalf in regards to preservation of the tree on Foothill Boulevard.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Rahi to adjourn. Motion carried 4-0-1 (Davis absent). The meeting adjourned at 11:30 p.m. to the regular Planning Commission meeting scheduled for December 1, 2010.

Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton, Planning Commission Secretary

Approved: December 1, 2010