

**DEVELOPMENT PLAN REVIEW BOARD
MINUTES
June 28, 2012 at 8:30 A.M.
245 EAST BONITA AVENUE
CITY COUNCIL CONFERENCE ROOM, CITY HALL**

PRESENT

*Emmett Badar, City Council
Dan Coleman, Director of Development Services
Scott Dilley, Chamber of Commerce
Blaine Michaelis, City Manager
Krishna Patel, Director of Public Works
Jim Schoonover, Planning Commission
John Sorcinelli, Public Member at Large*

CALL TO ORDER

Jim Schoonover called the regular meeting of the Development Plan Review Board to order at 8:32 a.m. so as to conduct regular business in the City Council Conference Room.

DPRB Case No. 12-12

Continued from the DPRB meeting of May 24, 2012. A request to demolish a single-family residence which has been identified as historic by the City's Historic Resources Inventory; the house is located at 300 N Walnut Avenue.

APN: 8390-009-013

Zone: Single-Family 16,000

Curt Dunlap, applicant of 300 N Walnut Ave, was present
Terry Glasbrenner, was present

Associate Planner Espinoza explained this item was continued from the DPRB meeting of May 24, 2012 in order for the Environmental / Subdivision Committee to review the Initial Study and the proposed Negative Declaration filing. California Environmental Quality Act (CEQA) requires an Initial Study be performed on historic structures proposed to be demolished. Staff prepared an Initial Study and found the demolition of the house will not have a significant effect on the environment. A Negative Declaration will be prepared and filed after the Board's motioned approval. He added that the 20-day public review period ended on June 24, 2012 and Staff has not received any public comments on the proposed Negative Declaration. He recommended Staff approve and adopt the Negative Declaration.

Mr. Sorcinelli asked if once the Historic Survey is done, if it will be stored in the City's archive.

Associate Planner Espinoza responded yes.

Mr. Sorcinelli asked what is the next step to occur.

Associate Planner Espinoza responded yes and added that prior to demolition; the applicant will prepare a site and floor plan, along with a photo survey.

Mr. Patel pointed out that Condition No. 12 reflects these requirements.

MOTION: Moved by Dan Coleman, seconded by Emmett Badar to approve DPRB Case No. 12-12 and adopt Negative Declaration.

Motion carried 7-0

Tree Permit No. 12-29 REVISED

Continued from the DPRB meeting of May 24, 2012. A request to receive approval for the unpermitted removal of four Eucalyptus trees within the front yard of the property at 606 S Walnut Avenue.

APN: 8382-011-048

Zone: Single-Family Hillside (SF-H(PH))

No discussion.

OUTCOME: Due to the tree's proximity to the power lines and Edison's concern, the removal of the trees are exempt under the City's Tree Ordinance Section 18.162.080.D "Trees which require maintenance or removal action for the protection of existing electrical power or communication lines or other property of a public utility." No action is needed and no replacement is required. The City has closed the Code Enforcement case.

Scott Dilley noted he will abstain from participating in the following item, DPRB Case No. 12-08.

DPRB Case No. 12-08

A request to construct a new 34,237 square foot warehouse/office building at 328 West Arrow Highway.

Environmental Classification: Categorical Exemption Section 15332b – Infill Development on a site less than five acres.

APN: 8382-001-036

Zone: Light Manufacturing (M-1)

Michael Chait, architect and applicant, was present
Rick Sheckter, was present
Craig Silvers, property owner, was present

Assistant Planner Concepcion stated that the location is currently on a 1.8 acre vacant parcel on Arrow Highway. The request is to construct a 2-story 34,237 square foot warehouse and office building. The office portion of the building will span 2-stories while the warehouse use portion will be double-height. Some of properties surrounding the property include: Sanders Towing, OakTree Business Park, Linco Framing and propane storage facility. The building meets the 25-foot front yard setback which the zoning code requires to be fully landscaped and maintained. There is no side yard or rear yard zoning requirements, however, the building code standards still apply. He noted that parking will be available on the north, west and south ends of the property. He noted that 70 parking spaces are required and the applicant is providing 77 parking spaces. The style is contemporary concrete tilt-up building with traditional decorative elements including: the corner entrance pavilions, extending out from the front and side façades with clad brick veneer and topped with a cast-stone cornice.

He described that there are complicated drainage issues for this property and presented a PowerPoint Presentation that reflected detailed diagrams. He described the existing drainage conditions from Arrow Hwy and properties to the East. There is an existing storm drain pipe from Arrow Hwy which runs South along the East property line into an existing open channel. He noted that there are connector pipes from OakTree Business Park that connects into the existing storm drain pipe.

He described the existing drainage conditions from properties to the West. There is above-surface water flow towards the southwest portion of the property where water will start to pull that is shared by the southwest and southeast portions of the property. Water flows into an inlet into another storm drain pipe which runs below the propane storage facility site and railroad tracks.

He described the existing drainage conditions from property to the South, the propane storage facility. Above ground surface water goes through the chain link fence and into the open channel and collects into the inlet then down into the existing storm drain pipe. Historically, this site has always drained into this property even before the City was incorporated, it was the natural way.

Assistant Planner Concepcion stated that the proposed drainage from Arrow Hwy and properties to the East is to be proposed to be rerouted along the West property line connecting from the existing storm drain pipe to address water flows; the storm drain pipe diameter is proposed to be increased from 36 inches to 48 inches. The existing connector pipes from OakTree Business Park will be connected to a proposed above ground concrete channel. Proposed drainage from properties to the South will have offsite catch basins, right at the property line because of the block walls, and the water will be drained to offsite catch basins and go into a proposed drain pipe. He emphasized that they will need to obtain written authorization from owner's authorization.

Mr. Badar commented that the three adjoining properties have their water flowing onto the subject property and asked how this could happen and added that it is not fair to the applicant.

Mr. Patel replied that historical maps from the 50's to 70's show the property as an open channel with water draining as collection points, which is why the subject property is the last property to be developed.

Mr. Sorcinelli stated that the Law for water flow is that it shall be allowed to flow into the neighbor's property if it is a natural flow. You have to accept the historic flow but you cannot add to it nor increase it.

Mr. Coleman stated that it may be easier and cheaper to not interfere with the propane tanks by shifting to the South block wall into their own property and catch basins on this property versus the neighbor's property. He noted there is space available.

Mr. Patel asked if they are proposing catch basins outside the property.

Assistant Planner Concepcion responded yes and noted they are on the south side of the property. The property to the west, the animal hospital, is proposing a block wall and putting a catch basin offsite which will connect to the main storm drain pipe. He reiterated that this will need written owner authorization from the owner of the Animal Hospital.

Mr. Coleman stated that the use of a catch basin will raise the grades higher for adjoining properties for free flow into the existing inlet which will be blocked and capped but is also another way to get water out to the catch basin.

Assistant Planner Concepcion stated that the land will be higher when the grading begins. Staff recommends it meets the conditions offsite; however, reiterated the applicant needs written authorization for proposed offsite drainage. Minor drainage issues can be resolved during plan check.

Mr. Michaelis asked how many street lights will be installed.

Assistant Planner Concepcion replied that there is one street light and two existing poles in the front of the property that are onsite. The new standards would require and apply that per the utility pole plan, the removal of one existing pole at the front shall be replaced by a separate pole that does not have an attached light.

Mr. Badar asked if Staff is proposing the applicant remove the two power poles.

Assistant Planner Concepcion replied no and added that Staff is requesting the utilities be undergrounded with the poles remaining. Per the City Code, the first pole offsite means since the two existing poles are onsite, the next two offsite poles need to be 190ft to 260ft away from existing poles on the property. Staff discussed the policy requirements for offsite and if this was applied, it would triple the undergrounding distance; however, the recommendation is to not go to the nearest offsite pole but instead do undergrounding for onsite only. Instead of undergrounding the full portion, Staff is recommending only 170ft which would not require high voltage lines to be undergrounded.

Mr. Sorcinelli asked what the logic behind having underground utilities are.

Mr. Coleman responded that there has to be undergrounding to nearby poles.

Mr. Patel commented he wants to get rid of the pole located at the front of the property.

Mr. Sorcinelli inquired about future developments within this vicinity, will the applicant/property owner have to install poles farther since all the intermediate poles are being used.

Mr. Coleman responded that each case is looked at individually by the Board.

Mr. Sorcinelli commented that Edison installs additional high voltage and replaces poles with bigger poles and the rule seems appropriate only if on a scenic corridor if there are plans to underground services.

Mr. Patel stated that it is a standard condition to underground utilities for projects. The high voltage lines 66kv or greater are not required to be undergrounded and can remain but the 12kv and telecommunication lines are to be undergrounded.

Mr. Sorcinelli stated that they should not have to get rid of the two poles if all other poles remain. We need to look at the impact of other property developments along the street.

Mr. Coleman stated that the requirement is not based on aesthetics but is for safety purposes.

Mr. Michaelis asked if this property will only receive underground service from Edison or does it include the telecommunication lines.

Mr. Coleman responded that there are dozens of wires on the property including 66kv that do not need to be undergrounded but there are several 12kv and telecommunication wires that need to be. He noted there are about six in total. He added that these are provisions that have been in place since 1971.

Mr. Michaelis asked if the City applied these requirements to City funded projects such as Grove Station.

Mr. Patel responded yes and added the utilities are undergrounded.

Mr. Badar asked about the street lighting standards.

Mr. Patel responded that the street lights will be spaced 160-175ft. apart which are typical lighting standards. He noted that possibly one light will be added as shown on the site plan and the light will need to be removed from the existing pole.

Mr. Badar asked why we would require a light pole be added when there is currently an existing light that we are requesting to remove.

Mr. Patel responded it will make for a better lighting pattern effect of street lights on Arrow Hwy.

Assistant Planner Concepcion reiterated that the requirement is for undergrounding of all overhead utilities with the exclusion of the 66kv voltage lines for onsite poles only.

Mr. Badar asked if this process will be costly.

Mr. Coleman responded that it will be a 1/3 of the cost that is usually required.

Assistant Planner Concepcion added that the requirement would have been for the undergrounding of utilities to be done offsite and added Staff has tried to make the requirements minimal by requiring only onsite utilities be undergrounded per SDMC.18.12.060.A.17.

Mr. Badar agreed with Mr. Sorcinelli and requested that Staff relooks the requirements imposed on the applicant for undergrounding the utilities especially if the surrounding properties do not have their utilities undergrounded.

Mr. Sorcinelli stated that there is an overhead service on one pole that leads to the animal hospital. He asked would the developer then have to be required to have underground service to the property.

Mr. Patel stated that as part of the development and approval, Edison will run a line to the adjacent property.

Mr. Badar stated that he does not foresee any properties to the East and West making any changes.

Mr. Coleman stated that it is a great policy discussion; however, the ordinance requires undergrounding and added that they are trying to be fair and are only requiring undergrounding of utilities onsite versus offsite.

Mr. Michaelis asked if it is expensive to underground the utilities and asked if there is a no cost but effective utility system. The 66kv voltage line is not required to be undergrounded but what about the smaller lines. He pointed that if the pole will always remain, what is the practicality in hiding the lines underground. He added that this issue may be what is making Staff's decision difficult. He added that Staff has pushed many times for undergrounding utilities and it has never been welcomed by the applicant.

Assistant Planner Concepcion continued his PowerPoint Presentation and explained the proposed landscaping and trees for the project. There is a 25ft. front yard setback on Arrow Highway that has existing Canary Island Pine Trees which the applicant would like to keep. Three Pink Lapacho trees are designated as street trees for this property by the City Arborist. Within the parking lot, Crepe Myrtles are proposed which Staff agrees with since they are decorative and slow growing. To accommodate proposed grading and a block wall, the applicant is proposing to remove an off-site Oak tree located on the Animal Hospital property approximately 1 ft. away from the subject property's property line. The tree removal is a part of the proposal. Written authorization is needed from the Animal Hospital whom the applicant has not heard a response from. In the parking lot, the applicant will need to provide a landscape planter depth a minimum of 5 feet, excluding curb alongside parking row just south of building and loading dock ramp per SDMC 18.156.808.C3. The applicant shall provide landscape fingers at both ends of parking row along south end of warehouse per SDMC 18.156.080.C2.

Mr. Coleman asked if landscape requirements for the landscape fingers and planter were included in the conditions of approval.

Assistant Planner Concepcion replied no and said would include it within the Conditions of Approval.

Assistant Planner Concepcion stated that Staff is in support of the conceptual site, building, parking lot and drainage provided that the applicant receive a written authorization for off-site drainage improvements and tree removal. He added that the architectural style, design and materials are compatible.

Mr. Schoonover asked if the Animal Hospital's block wall will be extended and how will water from the Animal Hospital property drain into the catch basin.

Assistant Planner Concepcion stated the existing block wall from the Animal Hospital will extend South.

Dave Gilbertson, City Engineer, stated that the proposal is for retaining walls and the inlet size will be determined and the applicant will need to provide some design calculations. Ponding from storms are common and they need to make sure to not flood the area anymore than already existing.

Eric Beilstein, Building Official, asked if the storm drain currently has a 36-inch pipe.

Mr. Coleman responded yes and added the size is being upsized to a 48-inch.

Mr. Gilbertson stated that they are required to treat their water in the parking lot and roof.

Mr. Patel added that all onsite drainage gets treated.

Mr. Sorcinelli asked if the water is treated by use of a clarifier.

Mr. Gilbertson responded yes.

Mr. Beilstein asked how far the cornice sticks out to the east side of the building.

Assistant Planner Concepcion responded about 3 ft.

Michael Chait, Architect and Applicant, agreed with the recommendation of the approval; however, there are a number of burdens on the site and is not sure of the historical context of the drainage. According to the title report, there is a small pile that is shown that comes in from the Eastern corner and there are no easements for the existing storm drain pipe. He stated that the tiny inlet is also shown on the title report.

Mr. Sorcinelli asked if an easement is required.

Mr. Patel responded no since it is an open channel.

Mr. Chait stated that since the OakTree Business Park site, drainage should have flown onto Cataract Ave instead of the subject property.

Mr. Patel stated that water has historically been shown to drain into the open channel of the subject property.

Mr. Chait asked who made it so that the southern end of the property is serviced by the drainage inlet pipe.

Mr. Patel responded that it was done by the railroad company and added that additional questions should be referred to the railroad company directly.

Mr. Chait stated that the water drains to this location from many sources. There is little historical information about this location. The undergrounding cost is excessive and asked to see relief from undergrounding requirements since the poles will remain. He commented that he could not locate a copy of the City Ordinance done in 1971 and added if the application would have the same requirement for industrial applications.

Mr. Coleman stated that in 1971, the Industrial Zone requirements for undergrounding were the same.

Mr. Chait asked if it was an offsite requirement.

Mr. Coleman responded that it is the same language used as today.

Mr. Chait stated that working with the utility companies to underground the 12 kv cable and telephone lines are a complex process.

Mr. Chait stated that he understands undergrounding from the nearest pole to the site; however, the site conditions are not typical.

Mr. Beilstein stated that over time, Staff has cleaned up the language to reflect undergrounding utilities more clearly.

Mr. Chait asked how the project to the East get built in the 1980's, when their utilities are not undergrounded.

Mr. Michaelis stated that the discussion about past approvals and disapprovals, etc. is a discussion that should take place at Staff level and not at today's meeting. He added that Staff will be more than willing to answer all these questions at the appropriate time and location. The purpose of DPRB is to not debate over previous approvals and the Board understands answers are needed but in the right environment.

Mr. Chait commented he understands and added his frustration with the site and the burden of the drainage requirements and additional costs. He requested a relief of the undergrounding requirements and accepts the drainage issues and will work that out with Staff. His concerns about the landscaping strip and fingers requirement is that it will cause complications for trucks maneuvering in and out of the property and added that it will asset the parking or the building on the plans. He agreed with the change of shade trees. Additionally, the street lights and undergrounding is still not ideal. He explained that Condition No. 2 regarding City Attorney fees reads like an open ended liability for the property developer.

Mr. Michaelis commented that he is not aware of future legal work that could be discussed and added that Staff will try and be as comprehensive as possible. The only documents that can be foreseen as legal review include maintenance agreements. He added if the applicant does not see any legal proceedings at their end, then they can state and assume that.

Mr. Chait commented he does not see any legal documents being reviewed or presented but added that the reviewing of the adjacent property owner's written authorization may incur a fee but is unsure.

Mr. Gilbertson stated that he does not foresee any fees from his office but added that there may be unforeseen legal items that come up which may require City Attorney and City Engineer review.

Mr. Chait asked if for Condition No. 15, in regards to the uniform hardscape of street furniture, is it an onsite or offsite requirement.

Assistant Planner Concepcion responded for onsite.

Mr. Chait asked what the intent of Condition No. 15 is for.

Mr. Coleman responded it is to help coordinate the outdoor benches and trash receptacles so that they coincide with the rest of the property's appearance.

Mr. Chait inquired about Condition No. 26 in regards to screening the electrical facilities. He indicated that the service transformer is located outside and is screened. He reemphasized his disagreement with Condition No. 27 and the undergrounding of utilities which drops from the offsite condition to an onsite condition. Condition No. 55 indicates the developer shall provide street improvements on all streets and requested it not be required.

Mr. Badar asked Mr. Patel about the street lights on the existing power pole. He asked if Staff is requesting one or two additional poles to be installed and if there is a way to post a bond if those poles are removed and street lights installed. He felt the need for new light poles are not necessary since they are existing. He also asked is there a way to guarantee if the poles come down that the requirements would then be put on the property owner.

Mr. Patel stated that a covenant or deed can be done and can request that the applicant add as one of their conditions.

Mr. Coleman pointed out that a bond would only last 5 years.

Mr. Badar asked if another pole will burden the street and appear to be in excess.

Mr. Chait asked if the City requires all developers to install street lights.

Mr. Patel responded yes.

Mr. Michaelis commented that the street curbs build the infrastructure of the City. He stated that if there are questions from the developer about previous approvals, Staff would be pleased to meet with them in another setting to provide answers. It would be ideal to have a list of questions forwarded so that Staff can have the items available prior to a meeting. He complimented the beauty of the project. He added that the requirements are City requirements which all projects are bound to follow unless they are changed and it may be difficult to change since no authority to change or alter existing conditions is requested at this time. He added that it may be a burden to

underground utilities but it could have been worse. He asked if the landscaping requirements can be amended.

Assistant Planner Concepcion replied that the landscaping requirements are part of the zoning standards within the vehicle parking chapter.

Mr. Badar asked why Staff is requesting a landscaping planter.

Assistant Planner Concepcion reemphasized that the landscape planter is not a Staff request, but a Zoning Code requirement.

Mr. Coleman added that the landscaping and addition of new trees assist in providing shade within the parking lot.

Mr. Sorcinelli asked if another landscaping plan could be mitigated for the requested landscaping in lieu of the 5ft. planter.

Mr. Coleman replied yes and added triangle planters could be added.

Mr. Sorcinelli stated that in order to meet the spirit of the ordinance, an increase in the planter to a double planter be placed. He added that it could be a better landscaping solution.

Mr. Coleman added that the applicant is over parked by 7 parking spaces.

Mr. Chait explained that they are also over landscaped on the property. The requirement is 3,500 sq. ft. and they have 5,800 sq. ft.

Assistant Planner Concepcion pointed out that most of the landscaping is in the setback area.

Mr. Sorcinelli stated that a condition can be added but can mitigate with an alternative proposal. He recommended that the existing trees at the front of the property should be retained.

Mr. Coleman stated that everyone has their personal opinions in regards to trees. The existing trees are big and mature and since there is no evidence of disease, there is no need to remove.

Mr. Sorcinelli recommended that the applicant look for scenic highway trees as the replacement trees.

Assistant Planner Concepcion commented that the designated City tree is a Pink Lapacho. The 2007 designated street tree for Arrow Hwy was a Canary Island Pine, which is currently there.

Mr. Sorcinelli asked if the City Arborist inspected the existing trees at the front.

Assistant Planner Concepcion replied that the City Arborist looked at the trees and her recommendation is for one of the existing Pine Trees to be removed because the vines are choking the trunk.

Mr. Sorcinelli stated that the trees on Arrow Hwy should be pruned, shaped and cleaned to have more of a healthy appearance. He expressed how he is torn between considering that the underground may not be needed right now; however, it is hard to ignore the ordinance.

Mr. Beilstein asked if there is any interaction at the easterly wall involving the height level.

Mr. Coleman replied that given the existing development to the East, the 3ft. gap will never be seen.

Mr. Chait indicated that the V-ditch can be screened with a gate, if asked, so that no one can trespass and go down to the property.

Mr. Sorcinelli recommended that a gate on the east side of the building can be added to prohibit trespassing. He recommended that the gate can be 5 to 6 ft. in height.

Mr. Patel commented that overall the project is well designed. He showed a topography map showing the drainage pattern and noted that it drains toward this property and has historically served as an open channel.

Mr. Patel motioned to move forward with the approval and was seconded by Mr. Coleman.

Mr. Michaelis questioned where Staff is with their interpretation of the undergrounding requirements.

Craig Silvers, property owner, commented that he has spent time with his attorney and could not find the code section that refers to requirement for undergrounding of utilities. He added that this is causing a financial burden on him which, in the end, will determine if he will move forward or not. He stated that wires will still be coming down from Arrow Hwy. He asked if this item can be heard at City Council level.

Mr. Michaelis stated that the undergrounding of utilities is an issue that includes the drainage. He asked if the applicant is still willing to proceed.

Mr. Silvers replied yes; however, will need to reevaluate if no written authorization is granted from the neighbors.

Mr. Michaelis stated that the storm water and landscaping fingers can be worked out. He added they would like the street lights to remain but that they are evaluated during the plan check process. The DPRB can approve the project subject to the undergrounding of utilities ordinance and added there would be an avenue for the applicant to figure out or the item can be continued until the undergrounding is explored and the issue is resolved.

Mr. Schoonover stated that if the item is approved, it can be appealed and be heard at City Council.

Mr. Michaelis stated that if the item is appealed and heard at City Council, it may be the exact same outcome since it is the same Code that needs to be adhered to.

Mr. Silvers stated he would have the Board continue the item. He added that the Code is not etched in stone and with respect to the landscaping fingers; there are no other locations where examples of this is evident. He emphasized that all these opinions are subject to interpretation of the Code. There is discretion to make different decisions and added that it is better to see another way around the undergrounding of utilities.

Mr. Badar made a motion to continue this item until two weeks.

Mr. Coleman commented that two weeks is not enough time to have this item heard in front of City Council or to have the ordinance amended.

Motion died due to lack of second.

Mr. Michaelis stated that whether it can be accomplished in two weeks, Staff can work on what can be done.

Mr. Coleman pointed out to the applicant and property owner that at the top of page 10 in the Staff Report is a good document reference for their attorney to review.

MOTION: Moved by Emmett Badar, seconded by Dan Coleman to continue to a date uncertain for the purpose of City Council discussion concerning utility undergrounding ordinance requirements.

Motion carried 6-0-0-1 (Dilley Abstain)

ADJOURNMENT

There being no further business the meeting was adjourned at 10:30 a.m. to the meeting of July 26, 2012 at 8:30 a.m.

Jim Schoonover, Chairman
San Dimas Development Plan Review Board

ATTEST:

Jessica Mejia
Development Plan Review Board
Departmental Assistant

Approved: July 26, 2012