

**DEVELOPMENT PLAN REVIEW BOARD  
MINUTES  
March 14, 2013 at 8:30 A.M.  
245 EAST BONITA AVENUE  
CITY COUNCIL CONFERENCE ROOM, CITY HALL**

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**PRESENT**

*Emmett Badar, City Council  
Scott Dilley, Chamber of Commerce  
Ken Duran, Assistant City Manager  
Krishna Patel, Director of Public Works (Arrived at 8:48 a.m.)  
Jim Schoonover, Planning Commission  
Larry Stevens, Assistant City Manager of Community Development*

**ABSENT**

*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.

**APPROVAL OF MINUTES**

**MOTION:** The minutes for February 28, 2013 could not be approved due to the lack of quorum to vote, the minutes will be included at the next regularly scheduled DPRB meeting of March 28, 2013.

**DPRB Case No. 11-05 – (Final Approval)**

**Heard at the Planning Commission meeting of February 6, 2013 and City Council meeting of February 26, 2013.** A request for final approval from DPRB to subdivide two lots, consisting of 1.81 acres of vacant land, into a total of six (6) lots located at 301 South San Dimas Avenue. Five (5) of the lots will be developed with single-family residences and the sixth lot will have six (6) town homes, and eight (8) mixed-use residences.

Associated Cases: CUP 12-04, Tree Permit 12-24 and TTM 11-01

APN's: 8390-019-037, 036

Zone: Creative Growth 3A and 3D

Brenda Broussard, resident of 315 Shirlmar Avenue, was present.  
Kimberly T. Broussard, resident of 315 Shirlmar Avenue, was present.  
David Lainlu, was present.  
Todd Seidner, was present.  
Kevin Wilks, of Drafting and Design, was present.

Senior Planner Espinoza stated that this item was originally heard by the DPRB Board on December 13, 2012, Planning Commission on February 6, 2013 and City Council on February 26, 2013. City Council recommended approval of project as originally presented.

At the December DPRB meeting, Mr. Sorcinelli had concerns with: the overall design along San Dimas Avenue, the Single-Family homes facing Commercial St. Staff has discussed modifying the design; however, the applicant feels the project as a whole is going in the right direction and had the majority of the Board's approval thus will leave as is. He noted that Mr. Stevens concern was to ensure that the project meets Waste Management standards for trash bin size. The applicant has received a verbal approval from Waste Management for the proposed location of the trash bins that will meet the standards; however, Staff will require the applicant to submit a plan prior to issuance of building permits. Mr. Patel stated that off street parking on San Dimas Avenue would need to be dedicated and asked if there was a condition for reimbursement for the work previously performed along San Dimas Avenue. It was determined that the improvements along San Dimas Avenue were performed but the 11-foot wide parkway dedication was not. The reimbursement of the work performed has been added as Condition No. 77 to be paid prior to the issuance of grading permits, totaling \$45,415. He stated that at the meeting, Associate Planner Rojas mentioned that restaurant/food uses would not be allowed based on parking calculations; however, it has been determined that small food uses such as ice cream shop, sandwich shops, etc. would be allowed but not full service restaurants.

Mr. Badar asked if parking would be the only problem deterring having a restaurant at this location.

Senior Planner Espinoza responded that the location is not conducive for a full restaurant.

Mr. Stevens added that the Health Department requirements would make it difficult in any space at the location and would be limited to smaller food type businesses with the food being prepared off-site and/or minor preparation on-site.

Mr. Badar stated that at the City Council meeting, it was discussed to allow one of the office/retail spaces to expand into an adjacent unit to create a larger space.

Senior Planner Espinoza replied that a header between the walls of each of the units would be needed to allow for that type of request.

Mr. Stevens stated that it was discussed at the City Council meeting that there cannot be openings across the property lines and is not appropriate to require a header. He noted that there are other steps to go through to have a combined unit and would require: a modification to the air space subdivision, change to CC&R's and an amendment to the Specific Plan. He noted that in the Specific Plan, live-work units have to be a certain percentage of a project and if combined it can go under the 50% cut off.

Mr. Duran asked if there will be a similar condition placed on this project for prohibition of parking on the street in their CC&R's as Grove Station has.

Senior Planner Espinoza replied that there is regular street parking.

Mr. Duran commented that they will not be able to apply for an overnight parking permit.

Mr. Stevens added that residents are not eligible to secure an overnight parking permit which will be stated in their CC&R's unless they can meet the requirements. He added that there is no prohibition for mixed-use parking restrictions.

Mr. Duran commented that the property manager could sign off on the restrictions.

Senior Planner Espinoza commented that it can be difficult to monitor and enforce.

Mr. Duran commented that the Parking Enforcement Officers can be made aware that there is a prohibition on that location and also regulate when permits are issued.

Mr. Schoonover asked if a food business goes into one of the tenant spaces, will additional parking spaces be needed if they were already short spaces previously.

Senior Planner Espinoza responded that the additional 3-4 parking spaces needed are located offsite and are within 500 ft.

Mr. Schoonover inquired about handicap parking spaces and ramps.

Eric Beilstein, Building Official, responded that there is one handicap parking space and added there is also connectivity from the sidewalk and commercial space that complies with ADA requirements.

Kevin Wilks, of Drafting and Design, stated that the handicap parking complies with ADA requirements.

**MOTION:** Larry Stevens moved, second by Emmett Badar to approve subject to conditions of approval.

Motion carried 5-0-2-0 (Patel and Sorcinelli Absent)

### **DPRB Case No. 13-05**

A request to construct a 700 sq. ft. second unit with attached one-car 250 sq. ft. garage and a 328 sq. ft. rear patio on a property that is 30,780 sq. ft. in size and is currently developed with a single-family residence located at 20740 Mesarica Road.

Associated Cases: Tree Permit No. 13-13

APN: 8426-028-016

Zone: Single-Family 15,000 (SF-15,000)

Kevin Wilks, of Drafting and Design, was present.

Senior Planner Espinoza stated that request is for a 700 sq. ft. second unit at the above mentioned subject property which is zoned Single-Family 15,000. Second units are permitted within residentially zoned properties as long as they meet the development requirements. The subject site is 30,780 sq. ft. in size which allows a 700 sq. ft. second unit. The applicant is proposing to architecturally match the second unit to the existing house's design and finishes: red barrel tile roof, stone veneer, hung windows, decorative wood window shutters, smooth stucco and decorative entry door and garage door. The second unit will have the required one-car garage 250 sq. ft. in size. There will also be a 91 sq. ft. entry porch. On the south elevation, there will be a 328 sq. ft. covered patio. The applicant has designed the patio to be under the proposed roof line of the second unit, which cannot be converted into habitable area. The proposed second unit is within the front yard. The applicant is proposing to remove one (1) Eucalyptus tree that is in the same location of the proposed unit. Staff is recommending a 2:1 replacement.

Mr. Patel arrived at 8:48 a.m.

Senior Planner Espinoza stated that Staff's concern is the unique shape of the property, topography and size. The 2<sup>nd</sup> unit has been evaluated and it was discovered that it will not be detrimental in the front yard of the property. The setup is different; however, the house has a large hedge that screens the home from the street.

Mr. Stevens asked if the property is connected to the sewer.

Senior Planner Espinoza responded yes.

Mr. Patel asked if the applicant is subject to any street improvements.

Senior Planner Espinoza responded no; however, the property to the east on Puente has had curb and gutter. He explained that they can confirm with the applicant if any street improvements and/or dedications would be required as part of the project.

Mr. Stevens discussed boundary lines of the County and San Dimas. He posed concern on how the driveway will be extended which runs parallel to the front yard within the 20-foot setback.

Senior Planner Espinoza responded that the applicant is keeping the existing landscape and the driveway will be extended. He noted that the driveway would be 12 feet of the width of the 20-foot setback, leaving only six feet of landscaping. He provided the option that the orientation of the house be flipped so that the driveway is out of the setback area.

Mr. Stevens commented that the applicant could also leave the guest house where it is. He commented he is not in favor of adding that much paving at the front of the property for the driveway.

Senior Planner Espinoza stated that the applicant may need to remove an additional tree if that occurs.

Mr. Wilks stated that the 2<sup>nd</sup> unit is allowed by the Code and limits the square footage allowed. The 2<sup>nd</sup> unit needs to match the existing structure and will be used by a family member. He noted that he can go back to the applicant for the reorientation of the unit.

Mr. Stevens asked that for the record, has the applicant been made aware of the 2<sup>nd</sup> unit occupancy covenant, including that the unit needs to be for a family or as a low income rental and there is also an annual report requirement.

Mr. Wilks responded yes that they are aware of the 2<sup>nd</sup> unit agreement.

Mr. Stevens stated that per Staff's discussion, there are two questions to address: whether or not there is reasonable or appropriate right-of-way circumstances and the concern of the driveway arrangement of the garage and 2<sup>nd</sup> unit which appears to take up a substantial portion of the setback area, that would involve paving ½ of the front setback to accommodate access to garage.

Mr. Badar asked how much time will be needed for the applicant to provide these remedies.

Mr. Stevens responded it could be continued for two weeks to examine options on the site plan and to obtain more information about the right-of-way and to redesign the driveway outside of the 20-foot setback.

Mr. Beilstein asked that research be conducted for a minor item that belonged to the previous applicant in regards to an addition that was never finalized. The applicant had worked with Associate Planner Rojas in regards to a deck area.

**MOTION:** Emmett Badar moved, second by Ken Duran to work with applicant and return in two weeks to address the following issues: whether or not there is reasonable right-of-way circumstances to justify extensive improvements; however, some improvements warranted either paved out or dedication to future improvements and also explore a way to address the driveway arrangement for the garage of the 2<sup>nd</sup> unit that utilizes a substantial portion of the setback.

Motion carried 6-0-1-0 (Sorcinelli Absent)

Kimberly T. Broussard, resident of 315 Shirlmar Avenue, interjected and stated they were tardy but in attendance for an item that was already heard by the Board, 301 S San Dimas Ave. She asked what time would the construction begin and the trunk route that they will be effective during construction. She posed concern with the traffic safety issues for her children.

Mr. Patel responded that they can speak with the Public Works Department in regards to the haul/truck route.

**DPRB Case No. 13-07 and Tree Removal Permit No. 13-11**

A request to add 903-square feet of living space and 137-square feet of deck space to an existing 2,448-square foot residence with a 537-square foot attached deck and a 550-square foot attached garage. The applicant is also requesting to remove one (1) mature Ash tree. The subject site is located at 633 W 5<sup>th</sup> Street within the Specific Plan 3 Zone.

APN: 8386-005-063

Zone: Specific Plan No. 3

Donald Foster, resident of 621 W 5<sup>th</sup> St, was present.  
Victor Lockett, applicant and project designer, was present.  
Pablo Pomes, resident of 630 W Gladstone St, was present.  
Jim Moran, WF Construction, was present.  
Joe Wilkins, property owner, was present.

Associate Planner Williams stated that the subject site is zoned in the Specific Plan No. 3 which allows for detached single-family residences and is also located in the Town Core. Access for parking is currently provided by a private driveway that runs through the lots to the south and continues north of the subject lot. Parking is provided by an existing 550 sq. ft. garage. Setbacks within Specific Plan 3 are determined by the Development Plan Review Board (DPRB). The proposed addition will be 12.5 ft. from the eastern property line and 45 ft. from the southern property line. Staff suggests that the DPRB determine the minimum setbacks as well as define the front of the lot. The building height is limited to two stories or 35 ft., whichever is less. The existing house is multi-level and built into the hillside. From the south it appears to be a two-story home and from the north it appears to be single-story.

She noted that the current state of the house includes a mixture of wood siding and stucco. The architectural design includes a proposal for re-orientation of the building from the north to the south, the removal of deteriorating siding on the side of the residence and the incorporation of architectural features. The proposal also includes the removal of one (1) mature Ash tree. As the tree is currently

breaking the hardscape around the existing stairs, the removal is warranted. Two Pepper trees of a minimum of 15-gallon size will be planted as replacements.

She stated that Staff has concerns with the deteriorating condition of the shared driveway that runs along the western portion of the property. Staff has included Condition 9, requiring the applicant to discuss the maintenance issue and the need for coordination on repairing the driveway with his neighbors.

Mr. Stevens asked if this property has shared access.

Associate Planner Williams responded that some properties do.

Mr. Stevens stated that Staff needs to determine if easements exists and added there are no provisions for maintenance of shared access.

Associate Planner Williams stated that there are no records of a Homeowners Association.

Mr. Stevens asked what Staff is recommending as the setback.

Associate Planner Williams responded that the proposed addition would be approximately 12.5 ft. from the eastern property line and approximately 45 ft. from the southern property line which is sufficient.

Mr. Stevens stated that the existing front wall, in theory, can be considered as a non-conforming wall. He noted it is not measured in the setback to include shared access.

Senior Planner Espinoza stated that the Board can determine the setback.

Mr. Stevens stated that there are specific standards that permit higher fencing in the front yard, subject to the Board's review.

Associate Planner Williams stated that the applicant is proposing a new gate.

Mr. Stevens stated that if the applicant is reconstructing their gate, it may be beneficial that Staff requires the gate to be electronically controlled to minimize the blockage of the easement.

Mr. Patel stated that at the west property line there is a private easement and the front yard setbacks can be 10-20 ft.

Mr. Stevens stated that it is consistent with the intent of setbacks and do not want to make a formal determination. He noted that a determination needs to be made that it is consistent with setback requirements and there shouldn't be much concern to where the front, rear, or side setbacks are located.

Mr. Patel stated that the northwest corner where the walls are located, the line of sight needs to be addressed.

Associate Planner Williams stated that the applicant will be taking out the 6 ft. vinyl fence to replace with a new fence.

Mr. Stevens stated that Staff does not have a problem with the change out. The fencing plan needs to be looked at and added it is nice to facilitate a maintenance agreement for shared access. He stated that it is not fair to impose the burden of asking neighbors to assist in the fence improvement.

Victor Lockett, applicant and project designer, stated that they are addressing all the concerns within the Conditions of Approval and added he is trying to maintain the character of the building and design works.

Donald Foster, resident of 621 W 5<sup>th</sup> St, stated that his home resides on top of the hill. He noted that the prior owner of this residence tore out the Oleanders that encroached onto the easement and constructed a masonry block fence that is incomplete and coated with stucco and was not finished. He noted that at the front of the property, the City put in an 8-inch water main off of 5<sup>th</sup> St. and a 6-inch lateral fire hydrant. He commented that he liked that the Oleanders screened off visibility; however, the issue is fencing. He also noted that there was also concern with vehicles blocking the driveway and not letting vehicles pass.

Associate Planner Williams stated that Staff suggests the Board consider requiring the installation of new vinyl fencing on the northern side of the property to be the same style if CMU 13 used. She noted that the CMU is not covered but recommended stucco for the CMU.

Joe Wilkins, property owner, stated that a sample can be submitted for review.

Mr. Duran stated that there is question if the fence encroaches into the driveway easement.

Mr. Beilstein stated that there is a condition requiring that a survey be conducted.

Mr. Stevens recommended making sure the fence does not encroach into the end of the easement. He commented that he will not be surprised if the easement and boundary lines do not match. He added that as part of the fencing improvements, the applicant should bring the fence to an appropriate finished condition.

Associate Planner Williams commented that it should be vinyl material so that it matches.

Mr. Wilkins addressed Mr. Foster's concern with vehicles blocking the driveway and promised that vehicles will not block access to the driveway.

Mr. Foster asked how the shared cost can be maintained.

Mr. Stevens responded that all the parties will need to sign a maintenance agreement.

**MOTION:** Larry Stevens moved, second by Scott Dilley to approve with Exhibit A – Conditions of Approval.

Motion carried 6-0-1-0 (Sorcinelli Absent)

Mr. Dilley stated for the record that he will abstain from DPRB Case No. 12-08.

Mr. Stevens stated for the record that he will abstain from DPRB Case No. 12-08.

### **DPRB Case No. 12-08**

**Continued from the meeting of June 28, 2012.** A request to construct a new 34,237 square foot warehouse/office building at 328 West Arrow Highway.

APN: 8382-001-036

Zone: Light Manufacturing (M-1)

Craig Silvers, was present.

Mr. Stevens stated that this item was heard by the DPRB on June 28, 2012. He apologized for the delay with the staff report. He noted that the issues focused and unresolved at the previous meetings included: undergrounding utilities on Arrow Hwy and insulation of drainage improvements.

Mr. Stevens stated that on Arrow Highway, the overhead utilities include two overhead lines that are 66kv, which are not required to be undergrounded and will remain in place with poles. Below those overhead lines at the frontage, are 6-8 lines with lower voltage: electric, cable and telephone lines. Today's focus is to discuss if those lines are appropriate and should be undergrounded. The Board is willing to approve with conditions but the applicant asked at the last meeting that the matter be continued. There have been multiple discussions with Staff, City Attorney and applicant for undergrounding utility options to be presented to City Council in December of 2012. Council expressed a number of concerns that include asking if it makes sense to take down the lines and have only some remain, the cost or types of projects that would be exempt.

Mr. Stevens presented alternatives based on research of nearby Cities; however, it is difficult to recognize infield circumstances. The two examples include Claremont and Rancho Cucamonga which have underground utilities ordinances and offer in lieu fees. Council directed Staff to look at developing a new Ordinance that addresses undergrounding utilities that will include: developing an exemption procedure for small projects and areas where overhead utilities dominate, developing an exception procedure to consider certain limited unique circumstances and develop an in-lieu fee where projects meet certain criteria. Staff is working on preparing an Ordinance and doing some additional research to present to Planning Commission and City Council. The question posed is what to do in the interim. There is no clear answer on how to move the project forward, Staff can come up with a revision to apply on a case by case basis until a new Ordinance is in place, see Conditions of Approval No. 27 and 51. In lieu of undergrounding existing utilities across the Arrow Highway frontage of the property, the developer shall pay a fee of \$7,500 at time of permit issuance. Said in lieu fee is in recognition of existing site conditions wherein some higher voltage utility lines would remain overhead under any circumstance, adjacent and nearby properties will continue with overhead services, and installing undergrounding utilities on short frontages incrementally is not cost effective. He concluded that he is not sure if this is the best solution and is not 100% comfortable with the option and that it may eventually become a case by case review basis. He noted that Mr. Silvers is well aware of all the drainage improvements discussed.

Mr. Patel asked how the total of \$7,500 was tabulated and how will the fee be used.

Mr. Stevens responded it was the highest number the applicant would agree to pay and it may be lower than it should be. The total was a negotiating number and has nothing to do with cost improvements.

Mr. Badar commented that the Board should not be discussing any total figures but, instead should be decided by the applicant and Staff. He asked if in the future, a formula will be created and used. He agreed with Mr. Stevens and is not comfortable with the fee of \$7,500.

Craig Silvers asked if Conditions No. 27 and 51 will be crossed out as depicted in the Staff Report.

Mr. Stevens responded yes.

Mr. Patel stated that Condition No. 59 needs to be amended and updated in regards to NPDES and the MS4 permit.

Mr. Duran noted that the in lieu fee for the undergrounding of utility lines should not be viewed as the precedent for future projects.

Mr. Stevens stated that this is a negotiated agreement to address issues and is willing to move forward with the project.

**MOTION:** Emmett Badar moved, second by Jim Schoonover to approve with amended conditions of approval, update to Condition No. 59 in regards to NPDES and the MS4 permit and note that the in lieu fee for the undergrounding of utility lines should not be viewed as the precedent for future projects.

Motion carried 3-0-1-2 (Sorcinelli Absent and Dilley and Stevens Abstained)

**ADJOURNMENT**

There being no further business the meeting was adjourned at 10:08 a.m. to the meeting of March 28, 2013 at 8:30 a.m.

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Jim Schoonover, Chairman  
San Dimas Development Plan Review Board

ATTEST:

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Jessica Mejia  
Development Plan Review Board  
Departmental Assistant

Approved: