

**DEVELOPMENT PLAN REVIEW BOARD  
MINUTES  
May 9, 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 (Departed at 9:49 a.m.)  
Shari Garwick, Senior Engineer  
Blaine Michaelis, City Manager  
Jim Schoonover, Planning Commission  
John Sorcinelli, Public Member at Large  
Larry Stevens, Assistant City Manager of Community Development*

**ABSENT**

*Scott Dilley, Chamber of Commerce*

**CALL TO ORDER**

Jim Schoonover called the regular meeting of the Development Plan Review Board to order at 8:31 a.m. so as to conduct regular business in the City Council Conference Room.

**APPROVAL OF MINUTES**

**MOTION:** Larry Stevens moved, seconded by Jim Schoonover to approve the April 25, 2013 minutes. Motion carried 5-0-1-1 (Dilley Absent and Badar Abstain).

**DPRB Case No. 12-27**

A request to construct a 5,783 sq. ft. multi-story, single-family residence with an attached 1,062 sq. ft. four-car garage at 1658 Gainsborough Road.

Associated Cases: DPRB Case No. 07-34 and 08-47

APN: 8426-034-020

Zone: Specific Plan No. 4

Paul and Karen Feintuch, residents of 1139 Edinburgh Rd, was present.

Dave Gilbertson, City Engineer, was present.

John Peggs, resident of 1133 Edinburgh Rd, was present.

Jim Polson, Aspen Financial Group, was present.

Senior Planner Espinoza stated that this project was approved for construction of a home; however, there were issues with grading done incorrectly and not per plan. The project was stopped by the City. During the review of the project, the Board recommended that the applicant redesign the house to fit the intent of the Specific Plan and recommended that the applicant restore the lot to its

original grade. The applicant then appealed the Board's decision to the City Council and was denied and upheld the Board's determination. City Council kept the timeframe of 90 days for the applicant to restore the lot and as of today, the applicant has not complied. Due to noncompliance, Staff has opened a case with Code Enforcement which has now been forwarded to the City Prosecutor. The applicant has recently submitted a plan that shows proposed grading without the removal of the excess grading.

The applicant submitted plans for a proposed 5,783 sq. ft. multi-story single-family residence. The house will appear one-story from the front but will be two-story, built into the hillside. The grading plan has been submitted with different contours than the original, the existing and proposed topography and the quantities of soil. Based on the new engineering calculations, 563 cubic yards of soil would need to be removed in order to restore the site. But the applicant's new proposal for the house would require the import of 563 cubic yards of soil. Staff feels the new submittal of plans is an acceptable design and meets the intent of Specific Plan No. 4 Area 1, Type "C" lots. As part of the grading calculations, the lots in the Specific Plan have requirements including that there should be no additional grading outside the house pad with the exception that the Board approves 200 cubic yards, minor grading. The applicant's proposed a total grading is 171 cubic yards which is under the allowable 200 cubic yards. The additional soil that was to be removed off-site will be used under a portion of the house foundation.

The design of the residence should be integrated into the natural sloping terrain of the lot and be consistent with a multi-level residential design. The house itself is non-descriptive style with no accented finished materials and architectural features. Staff is recommending adding a wainscot of stone veneer to the entire front wall planes of the house and extends the wainscot to full wall height on the north wall plane of the garage. The applicant is proposing different types of windows and Staff would like consistency with the opening and design. As for the site plan, Staff recommends continuing modifying the architectural site so that it is consistent with the engineering plans, which are correct. The applicant also needs to add the square footage of the four-car garage and the front porch to the plans and revise the lot coverage calculation on the plans. He stated that since the proposed house is a hillside lot and over 5,000 sq. ft., the Board made a determination that requires a model; however, the applicant will remove additional square footage in order to not submit a model. Staff feels that the mass and scale will still be the same and if additional square footage is removed and is less than 5,000 sq. ft., a model should still be required.

Due to the applicant's noncompliance with City Council's requirement to re-grade the lot, Staff feels it is essential to establish additional timelines for the proposed project. City will not cease prosecution for non-compliance unless the applicant meets new timelines as referred in Condition No. 6. Staff has received complaints from neighbors about the grading but no one is opposed to the applicant building a house on the property. Drainage to adjacent properties has occurred which is typical but since grading has started, spillage on to the other properties has increased. The project needs to be modified to retain most of the water. There is a condition that the applicant is required to install the underground the storm drain system and landscaping done prior to the construction of the home.

Staff recommends the Board continue the item to June 13, 2013 meeting in order for the applicant to revise the plans accordingly and submit a model of the site/home for review. Staff also included the proposed conditions of approval for the project.

Mr. Stevens asked if an evaluation of the proposed grading and footprint of the home has been done and if so, would it comply with Type C lots for grading limitations if you assume the lot had not been previously graded. He asked if the calculations are based on the original topography or the existing.

Senior Planner Espinoza responded they are the grading numbers based on the original topography.

Dave Gilbertson, City Engineer, stated that based on Staff's assumption, the original topography was incorrect.

Mr. Stevens stated that if the applicant cannot submit in consistent architectural and engineering plans, then the project is not ready to be reviewed by the Board.

Mr. Michaelis asked Mr. Gilbertson to explain in detail the assumption that has been made by Staff.

Mr. Gilbertson explained that Staff is making the best guess with the original grading plan which showed the topography incorrectly. The ground was lower than thought and required more fill material. The slope behind the rear of the property showed 4 ft. in height then when constructed it was 10-12 ft. high. Staff analyzed the original contours and tried to adjust as best as possible. Staff had them do calculations and are confident that the numbers are now correct.

Mr. Stevens pointed out that the plans show a lot of material leaving the site in the presented site plan.

Senior Planner Espinoza commented that the applicant will need to remove 563 cubic yards but will need 563 cubic yards for the new plans.

Mr. Stevens stated that it is difficult and too coincidental that the cubic yards being removed and needed match. He added that this is the same problem dealt with before.

Senior Planner Espinoza added that the previous engineering numbers submitted changed every time.

Mr. Stevens understands that grading cannot be absolutely precise; however, it is difficult to believe that if 563 plus cubic yards are required to build up the pad, somehow excessive cubic yards are still not disappearing as part of project.

Senior Planner Espinoza added that the applicant can grade the driveway and house with no limitations but would still need to comply with the Specific Plan requirements.

Mr. Stevens asked if code enforcement has issued any citations.

Senior Planner Espinoza responded yes.

Mr. Stevens stated that before the project moves any further; Staff needs to verify all citations/fines have been paid. In regards to the house plans, what is the applicant's response to changes made by Staff and asked if they agreed with those changes.

Senior Planner Espinoza responded that the conditions have been discussed with the applicant and there are no issues.

Mr. Stevens asked how the property drains.

Mr. Gilbertson responded that the it flows over the property line at the south east corner.

Mr. Stevens stated that the amount of drainage that leaves should be controlled by the historic natural flow since there is no easement across to the adjacent property. He asked if the Oak tree is still going to be removed.

Senior Planner Espinoza responded that no trees were removed prior to grading and not trees will be removed after construction; only pruning has been done.

Mr. Sorcinelli asked what drainage improvements will be done.

Mr. Gilbertson responded that it is an above ground retention basin. He noted that the new Engineer is proposing underground infiltration chambers instead of above ground, it will be below ground. The design will be made appropriately to contain water.

Mr. Sorcinelli asked how it will keep water from slipping over.

Mr. Gilbertson responded big gravel ports on top and noted there are ways to flush it out. He stated that eventually they will need to replace the system because it will clog up over the years.

Mr. Sorcinelli asked how vehicles would go down there to clean the system.

Mr. Gilbertson responded that a Bobcat would need to drive down there for maintenance.

Mr. Stevens asked if this system would be easier to maintain versus a drainage system.

Mr. Gilbertson responded there are new NPDES requirements including recording covenants with properties which could potentially be a code enforcement issue if the retention basin is not properly maintained.

Mr. Stevens asked if there will also be monitoring and reporting requirements for the maintenance or will it be something the City will have to inspect or periodically address.

Mr. Gilbertson responded that with the new regulations, it will need to be monitored by the City.

Mr. Stevens stated Staff is not yet clear on the conditions for monitoring nor the fee but will be addressed when the City adopts a program.

Mr. Sorcinelli inquired what type of inspections would need to occur.

Mr. Gilbertson responded that annual inspections will need to be performed but explained that he is still learning requirements.

Mr. Sorcinelli asked if an easement is provided, can it go into another storm drain.

Mr. Gilbertson explained that this underground infiltration system is the only way to outlet to the curb.

Mr. Sorcinelli asked if the drain is on the street.

Mrs. Garwick replied that if drained to the street, then it will drain to Walnut Creek which can handle the flow.

Mr. Sorcinelli stated that it seems like a better long term solution.

Mr. Gilbertson added that it is not viable to obtain the easement.

Mrs. Garwick commented that it may be cheaper in the long run.

Mr. Stevens stated that if the applicant sees this as a long term cost efficient method, then it can be presented to the Board if decided to acquire an offsite easement within the adjacent property owners.

Mr. Sorcinelli commented that he believes the neighbors at the bottom of the hill would think it's in their best interest not to have a retention facility above them.

Jim Polson, applicant, noted that the new plans were drawn up by a new Engineer and new calculations were provided. He noted that the error in the topographic map is where all the problems originated from.

John Peggs, resident of 1133 Edinburgh Rd, stated that the water goes down the street to the storm drain and not the creek.

Mrs. Garwick advised Mr. Peggs that the storm drain outlets to Walnut Creek.

Paul Feintuch, resident of 1139 Edinburgh Rd, stated that his house is directly below and all the water flows into a corner of his property. He asked if the large retention pond will remain on the property or the underground system be installed below.

Mr. Gilbertson responded that it is not a large basin; however, the pond will be gone. He added that there are conditions to do drainage and landscaping first prior to the house.

Mr. Feintuch questioned the amount of water to deal with and asked if the new proposal for the underground infiltration system is sufficient to handle that amount of water. He asked what will happen if the water does not flow where it is supposed to. He added that right now there may be an easement for a sewer to a pipe.

Mrs. Garwick noted that you cannot drain storm water to the sewer and noted there is an easement just for sewer drainage.

Mr. Gilbertson added you would have to acquire a separate easement.

Mr. Sorcinelli asked who the applicant would need to contact, the City or County.

Mrs. Garwick responded by the City and the property owner.

Mr. Sorcinelli asked if the property owner can ask to modify the easement by the City.

Eric Beilstein, Building Official, responded currently only the sewer can be modified.

Mr. Feintuch stated he received a lot of mud flow when the retention pond filled and overflowed. He commented that anything to get rid of retention pond would be preferred.

Mr. Stevens responded that the infiltration system depends how the soils percolate through the water to be stored in the chambers. He asked if we have seen any soil information that gives comfort that it will work.

Mr. Gilbertson added that the soil will percolate; however, he does not know how quickly.

Mr. Stevens commented that the size of the chamber is important.

Mr. Gilbertson added that the volume will infiltrate based on rate determined by the square footage of the size to be opened.

Senior Planner Espinoza stated that the previous plan submitted had an infiltration system that was approved.

Mrs. Garwick stated that as the homeowner who resides below the property, to have an overflow outlet go through the property so water can be channeled is an option and noted it does not have to go through a sewer easement. The neighbors and applicant can work together to put the pipe in.

Karen Feintuch, resident of 1139 Edinburgh Rd, stated that the water is channeled by the property line fence. She noted that this is where the water has drained and flowed over his landscaping and into the storm drains.

Mrs. Garwick commented that the property owners can work it out amongst themselves without having the City involved if they feel there this is their alternative solution.

Mr. Stevens stated that the property owners can work together and return to the City with a proposal. He stated that they are better off allowing a storm drain and sharing an easement. He noted that the City cannot require the applicant to acquire an easement.

Mrs. Garwick stated that as part of the NPDES permit, you cannot drain mud and debris into the sewer system.

Mr. Stevens stated that if a pipe is put in, there will be some infiltration. He noted it may be a better system but all parties need to agree if not, an infiltration system will be installed and subject to monitoring.

Mr. Polson commented that it rained once last year which is when the catch basin filled but since then, there has not been an issue with the basin filling up.

Mr. Stevens stated that if occurred once or even twice, the property owner is ultimately responsible for the damaged caused by the downstream. He added it should have been acknowledged and worked out with the neighbors.

Mr. Polson commented that he is willing to consider the alternative option and work with the neighbors.

Mr. Stevens recommended that the applicant work with the neighbors and provide the results to the Board at the next DPRB meeting and continuing the item to a date uncertain until the correct materials and model are submitted. He added that Mr. Gilbertson will be willing to sit with the property owner, adjacent owner and Engineer to work up a solution.

**MOTION:** Larry Stevens moved, second by Emmett Badar to continue to a date uncertain to allow the applicant to submit a model and revised architectural plans that are consistent.

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

Mr. Sorcinelli added some additional comments including that the applicant proceed with the wainscot on the front of the house but noted he is not in support of including the full height ledgestone at the front because it is not appropriate to have that much stone. He noted that the arches shown on the drawing have ledgestone including crown of the arch which is an inappropriate way to use. He added it will not

look right as it crosses over the top of the arch and noted that the whole area would need to be redesigned. He recommended the windows match and represent their true colors.

Mrs. Garwick stated that the sewer should be shown on the engineering plans.

### **DPRB Case No. 12-19**

**Continued from the October 11, 2012 Meeting.** A request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped located at 105 E Arrow Highway.

Associated Cases: Municipal Code Text Amendment 10-06 and Conditional Use Permit 12-06 & 12-07.

APN: 8390-018-023

Zone: Creative Growth 3 (CG-3)

Hari Alipuria, property owner, was present.

Steve Eide, applicant, was present.

Cris Klingerman, attorney for the property owner, was present.

Josee Normand, resident of 316 S San Dimas Avenue, was present.

Senior Planner Espinoza stated that this case was last reviewed and continued by the Board on October 11, 2012. The overall design of the building and site layout is predominately the same as reviewed previously. The new 2,561 sq. ft. building will house the attendant counter, a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant. The issues addressed by the applicant are as follows: the proposed stucco wainscot along the south and west wall planes has been revised to precast stone wainscot. The single door on the south elevation of the one-story portion of the building was removed. The applicant has clarified the color of all the window and door mullions, proposing an anodized dark bronze color. The dentil relief cornice has been increased in size from two inches to four inches to allow for proper definition. The site plan has been revised to show decorative colored concrete at all the drive aisle entrances, minimum depth of 20 ft. A concern was also the ADA access from the public-right-of-way has been added from San Dimas Ave to the building. The Board recommended relocating and screening the propane tank. The applicant is proposing a low profile propane tank that will lay horizontal and will be screened by a brick wall. Staff also recommended that the trash enclosure be relocated away from the front of the property; the applicant moved it to the north closer to the building and the propane tank. The applicant is still pricing the light fixtures that will be consistent with the area and project similar to that used in the downtown.

Senior Planner Espinoza pointed out issues with the decreased vehicular access. The applicant stated that they do not have legal access rights to the property to the north which was partially being used to access San Dimas Avenue. The applicant has revised the plans to close off the north property line access route to the parking lot. The lot now has a dead-end which is not the best design for parking lots because it does not allow for a car to turn around if there is not any parking available. The gas pump drive-aisle is still an issue because the existing is nonconforming because it's within the 25 ft. setback which needs to be abated. The applicant's solution is to convert the drive-aisle into a planter. Staff feels the proposal is unattractive and would prefer the canopy be relocated 10ft. to the north to allow for the use of the drive-aisle. The applicant would prefer the

canopy at the current location due to the cost and possible mitigation measure AQMD would require. He noted that the applicant is not meeting code requirements and Staff recommends denial of the project to Planning Commission and City Council.

Mrs. Garwick stated that it is reasonable to ask to submit a plan showing for access for the gas tanker for deliveries. At the last meeting, the Board requested that the applicant submit a stencil of the truck route which has yet to be submitted.

Mr. Stevens stated that it is a reasonable request to ask the applicant to submit a plan showing access for the gas tanker. He questioned on the site plan, a door at the rear that exits to an easement, which has not yet been acquired. He noted also that the planter strip is not a permissible access.

Mr. Sorcinelli added how the planter strip would be maintained if they do not have access to the property to the North. He requested the applicant answer this question when presents.

Mr. Stevens stated that there has been no analysis of the canopy pump islands to determine if they could support the architectural elements shown on the plans.

Mrs. Garwick stated that since they will be modifying the existing driveway to the south, the applicant needs to look at the radius curb to expedite traffic. She noted that the MS4 permit reads that this is a priority planning project and any improvement of 5,000 sq. ft. makes the permit apply. It would also require additional percolated water treatment.

Mr. Stevens stated that the total additional square footage is 7,500 sq. ft. and added it would require the MS4 permit.

Mr. Badar inquired about Air Quality Management District (AQMD).

Senior Planner Espinoza stated that based on the applicant's knowledge, if the pumps are moved it would require additional requirements by AQMD which would require additional costs.

Steve Eide, of Drafting and Design, responded to the Board's questions in regards to the existing doors. He noted that they will be resolved once the interior has been figured out but added that the door at the rear can be removed. As for the landscaping, the landscapers can walk through the planter area for maintenance. He stated that the driveway will be minimized from 36 ft. to 30 ft. He added a delivery truck study can be done as well.

Mr. Beilstein asked if gasoline deliveries occur during regular business hours.

Hari Alipuria, property owner, replied that the deliveries occur when he schedules them. He added that the customers are able to work around the deliveries and is not an inconvenience; however, he can have the deliveries occur any hour that Staff prefers.

Mr. Eide added that they can have the gas deliveries arrive later to not impede with incoming traffic.

Mr. Stevens asked what the regular business hours are for the gas station.

Mr. Alipuria replied 7:00 a.m. to 7:00 p.m. He added that he would eventually want the gas station to be open 24 hours.

Mr. Badar left the meeting at 9:49 a.m.

Cris Klingerman, attorney for the property owner, stated that they were unsuccessful in acquiring the easement at the rear of the property. He stated that the projected cost for the project is \$750,000. He stated that the property owner is trying to update the look of his gas station into an updated design that is consistent with the surrounding buildings.

Mr. Alipuria commented that he looks forward to the renovation. As a small business man, he would like to expand, update and mimic Grove Station. He added he would like to eventually propose a vegetarian Indian food restaurant. He stated that the trash and propane tank currently at the location is the best location. The trash area is located where Waste Management can readily pick up the trash cans and if moved, it will become too difficult. He commented that gasoline businesses are starting to expand and include markets and added he wants his business to not only be known for gasoline services but as a food business too.

Mr. Michaelis inquired about the availability of the easement to the North.

Mr. Klingerman replied that he has researched to acquire the easement but it has been difficult. He added that they are not going forward with obtaining the easement; however, may revisit in the future.

Mr. Alipuria stated that if they could obtain permission for the easement then they can open up the driveway.

Mr. Michaelis stated that the new proposed gas station will now have 3 drive aisles instead of 4. He asked if it would be expensive to relocate the pumps.

Mr. Alipuria responded that it would cost between \$100,000-\$200,000. Currently, the gas station is in compliance with AQMD and added that once the pumps are relocated, they will get involved.

Mr. Michaelis asked if the pumps are moved, will they need to be installed compliantly and inspected.

Mr. Alipuria replied that first they will need permission from AQMD and additionally they will request more upgrade modifications that will cost more money.

Josee Normand, resident of 316 S San Dimas Avenue, commented that she acknowledges and appreciates that the property owner is trying to make an improvement to his property that will make an immense difference in the neighborhood.

Mr. Stevens commented that his view has not changed on the project and is trying to understand the intent of the reconstruction. The project would be better but noted he has never seen a pump island the way it is being presented and added it is unacceptable. He added that he is unhappy with the pumps and the plans are not as good as they could be. He stated he is not in support of this project.

**MOTION:** Larry Stevens moved, second by John Sorcinelli to deny.

Motion carried 4-0-1-2 (Dilley Absent and Badar and Schoonover Abstained)

Mr. Michaelis stated that the proposed project is an updated appearance of what is currently at the location; however, the aspect of the DPRB is to make sure the proposal is complaint and meets code requirements. He noted that projects need to follow certain codes and some are decided based on policy. If the DPRB denies this item, the applicant needs to be aware of the option to appeal to the City Council.

Mr. Stevens stated that a turnaround station design is better. He explained that the review and comments on this plan is with understanding that the City Council will give favorable consideration to eliminate the turnaround. Based on the plans in front of us, it is not just a turnaround station that will be an issue.

Mr. Sorcinelli commented that it is not only about the turnaround station design but there are issues presented in the plans that are not readily resolvable such as: parking, the dead end area, the trash enclosure and the propane tanks.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 10:10 a.m. to the meeting of May 23, 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: June 27, 2013