

**DEVELOPMENT PLAN REVIEW BOARD  
MINUTES  
December 11, 2014 at 8:30 A.M.  
245 EAST BONITA AVENUE  
CITY COUNCIL CONFERENCE ROOM, CITY HALL**

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**PRESENT**

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 (arrived at 8:47 a.m.)  
Larry Stevens, Assistant City Manager of Community Development

**ABSENT**

Emmett Badar, City Council

**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. 14-40**

A request to construct a 237 square foot single-family addition and remove an unpermitted patio cover at 215 W. 5<sup>th</sup> Street.

APN: 8387-001-024

Zone: Specific Plan No. 3 (SP-3)

Richard Tomlin, Owner, was present

Staff report presented by **Associate Planner Luis Torrico** who stated the request was to construct an addition to the house for a master bedroom and bathroom in Specific Plan No. 3 (SP-3). Per the code the setbacks in the area where the addition is proposed would be determined by the Board. This is not a typical residential lot as it is bounded by two alleys and Dallas Road and described the existing setbacks and the concern about the north setback. Typically side setbacks would be five and ten feet, or five and 12 feet to allow for RV parking. However, given this location is bounded by roadways on three sides and has an upward slope that would need grading to accommodate parking, it would be very difficult to have RV parking so Staff feels reducing the setback will not negatively impact this site or the adjacent property and is recommending approval.

**Mr. Stevens** asked where the front of the house is, the dimension of the south setback and if there was any fencing on the property. He also asked how Staff determined that the ten-foot side yard setback could be eliminated for the addition.

**Associate Planner Torrico** stated the front of the house faces the west alley and that the setback on the south measures five feet eight inches. There is an existing six-foot tall wood fence along the property on Dallas Road. He stated the standard setback to allow for RV parking in other single-family zones is ten or 12 feet. In this case, however, given the location of the lot and the property being approximately four feet below the grade of Dallas Road it would be difficult to accommodate RV parking.

**Mr. Stevens** stated from a setback perspective it would have been more compliant to build adjacent to Dallas Road than to the north property line. The other thing is the increased side yard for RV parking is in other single-family zones and not in the Downtown Residential because most lots can take access from an alley. He was not certain the RV discussion was an adequate basis for adjusting the setback, though he understands there are many issues with this undersized lot and how it is located.

**Richard Tomlin, Owner**, stated he agrees to all the terms and conditions. The addition is to provide space for his daughter and her husband to live there and help him, and the property will eventually be theirs. He and his family members have no intention of ever owning an RV.

**Mr. Patel** stated the bedroom seemed rather small.

**Mr. Stevens** asked how the bedroom was accessed and if the plan correctly represented the location of the closet space between the office and bedroom number three. He also asked if Dallas Road was a private street.

**Senior Planner Marco Espinoza** stated the bedroom would be accessed through the office retreat next to it, and that the closet location was correct and was accessible from both rooms.

**Mr. Patel** stated Dallas Road was a public road.

**Mr. Stevens** stated he was not sure there was a basis or the ability to reduce the side yard to less than ten feet under the existing code. He understands the practicality of desiring to add on to the house, and the site limitations with having streets on three sides of the lot, but was not sure the code gives enough flexibility for the reduction.

**Associate Planner Torrico** clarified that the property was located in SP-3 and not the SF-DR zone so the Board could determine certain setbacks.

**Mr. Schoonover** asked what is the distance from the existing house to the house located north of it.

**Associate Planner Torrico** stated it was approximately 20-25 feet currently between the two structures.

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Boardmember John Sorcinelli arrived at 8:47 a.m.

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**MOTION:** Larry Steven moved, seconded by Blaine Michaelis to approve DPRB Case No. 14-04 with the attached conditions. Motion carried 5-0-1-1 (Badar absent, Sorcinelli abstained).

**Tree Removal Case No. 14-54**

A request to remove 24 trees (18 White Alder and 1 Eucalyptus at present, 5 Eucalyptus retroactively) within the Via Verde Ridge HOA Common Area.

APN: Various within the HOA

Zone: Specific Plan No. 11

Gary Enderle, Via Verde Ridge HOA Board President  
Gloria Vizzini, Keystone Management Company  
Jim Galen, 18662 Buena Vista Ave., Yorba Linda, Arborist  
Cody Harkins, O'Connell, 1461 Red Gum Ave., Anaheim, Landscape Maintenance  
Jim Murphy, 2066 Calle Francesca  
Jack Himebauch, 1554 Paseo Delores  
Susan Crawford, 1233 Paseo Teresa  
Elaine Mouawad, 1312 Paseo Encinas

Staff report presented by **Associate Planner Jennifer Williams** who stated the HOA was proposing to remove 24 trees in the common area. Via Verde Ridge is comprised of about 262 homes with 94 acres of open space. Five trees have already been removed due to safety concerns, and the others show signs of disease or are dying. While Staff does not have any objections to the removal of the trees, the issue is that the HOA does not want to have a set replacement amount and would prefer to decide on whether or not they want to replace any of the trees. Staff feels the planted area was part of the original tract design and adds to the Scenic Highway. When the Tree Preservation Ordinance was updated in 2006 to streamline the process, dead and diseased trees were exempted from the permit process and replacement requirement. However, Staff feels the intent was to exempt trees single-family in residential rear yards that did not provide community benefit and was not to apply to industrial, commercial and large areas like this with planned landscaped areas. While they do not have the original landscape plans from 30-40 years ago, these trees are in irrigated areas that were intended to be landscaped.

She stated they concur with the Applicant that they do not want an oversaturation of trees but would want to follow best forestry practices. Staff has consulted with the City Arborist to identify areas where replanting would be viable, especially on the hillsides to protect the slope and prevent gapping. Normally it would be a 2:1 replacement ratio, but that number can be reduced by the Board. Staff may be comfortable with a reduced ratio with the number determined through review of a proposed replacement plan. On another recent case at an apartment complex they had the applicant stake the site to be sure the number and location of trees was appropriate. Staff is recommending approval to remove the trees with a recommended replacement ratio between 1:1 and 2:1, and has presented two options for the Board to consider for approving a replacement plan as shown in the report.

**Mr. Schoonover** asked how many of the trees are located in the Scenic Highway area at Puente and Via Verde, and how many are in backyard areas.

**Associate Planner Williams** stated all the trees are in common areas and not in any backyards. Five have already been removed along Via Verde with one more proposed, six are along Puente, and the rest are located west of Via Palomares. Several are visible from cul-de-sacs within the development, and all are visible from a public street.

**Gary Enderle, HOA President**, stated that property manager Gloria Vizzini, arborist Jim Galen, and Cody Harkins from their landscape maintenance company were also present to answer any questions. He stated he has been on the HOA Board for 30 years and one of the reasons was he wanted to ensure the association areas were maintained to preserve their property values. He outlined the funds spent on maintenance of the common areas and stated they are in support of preserving the trees even if there wasn't an ordinance. The HOA maintains over 1,400 trees and there are more than 2,000 trees in the development if you count the black walnuts, oaks, and palms on the hillside areas, and these 24 trees represent only 1% of the total inventory. He stated the reason they are asking the Board to approve a zero replacement ratio was because the area has an adequate number of trees. They also feel that since the trees to be removed are exempted under the code because they are diseased and dead that no replacement is required. He stated they removed the five trees along Via Verde prior to the Board hearing because they felt they were so hazardous as to be a liability to the Association. He concurred with Staff that maintaining the Scenic Highway was important but felt the City was not applying that standard to other properties in the Scenic Highway Overlay.

**Mr. Enderle** stated they have met with Staff and agreed to re-planting three trees along Via Verde because the area is too open now. He stated they also have issues with trees that were planted too close to each other so that now some are not maturing properly and dying, which is another reason they are looking at removal. He stated in the 57 acres of open space show slopes maintained by the HOA they average 25 trees per acre, which is oversaturation. They will continue to do what is best for the HOA but he feels the report was misleading and if they followed Staff's recommendation for replacement it would have a major financial impact on the homeowners. He was also concerned with the amount of water that would be required to nurture small trees for the next few years and that the Governor has stated that no one can make an HOA use more water during the drought. They cut back on watering to conserve but feels that may have contributed to the poor health and death of the trees and that there may be more in the future because of the cost of water for the landscape areas.

**Gloria Vizzini, Keystone Management**, stated she manages over 320 HOAs and stated the Via Verde Ridge HOA is fully responsible and works hard to maintain the beauty of the area, and if there is a gap in the treescape, they will plant a tree to improve the appearance. They continually work on ways to improve the landscape because they care so deeply and are fiscally responsible. She stated they take a lot of pride in the show slopes and are only proposing to remove these trees because they are dead.

**Susan Crawford, 1233 Paseo Teresa**, stated besides being a resident in the community she is a Branch Hand and loves trees. She also understands the fiscal responsibility of the HOA and the costs involved and wants to keep them low as well, but hopes we can find a solution that will satisfy both sides. She was also concerned with the care of saplings because when the crews come through with the weedwhackers they damage them and would like to see if there was a way to educate the workers to protect the trees.

**Mr. Stevens** stated he felt the Board should focus on if there should be any required replacements, and if so, to determine what would be appropriate to replace 24 trees that were probably planted 30 years ago. He felt a number that was closer to a 1:1 ratio was more appropriate and would be willing to give them a period of time to accomplish the re-planting, but felt there should be a set number because there would have been an approved landscape plan when the project was built 30 years ago.

**Mr. Dilley** felt the eucalyptus should be replaced at a 1:1 ratio but would be satisfied with a lesser number for the other species, whatever was necessary to fill the gaps.

**Mr. Patel** stated he would like to see them replant 24 trees to fill the gaps as needed.

**Mr. Michaelis** stated Staff mentioned they concurred that they did not want oversaturation but thinks there is a number that can be arrived at to fill in the gaps and still provide flexibility to the HOA. He felt if a tree was being removed from a heavily forested area, a replacement could be located in a not so dense area.

**Eric Beilstein, Building Official**, stated he thought historically the reason they had more than a 1:1 replacement ratio was when it was a punitive action for non-compliance with the ordinance, but the Board should also keep in mind that a 15-gallon replacement tree was quite different than a mature 30-year old tree with a 20-inch diameter and it would be many, many years before it contributes to the look of the landscape.

**MOTION:** Larry Stevens moved, seconded by Blaine Michaelis to approve Tree Removal 14-54 subject to the conditions contained in the report with the following revisions to Conditions No. 6 and 7: the replacement ratio should be reduced from 1:1 to 1:1/2 for a total of 12 replacement trees in Condition 6a; remove Condition 6b; and amend the timeframe in Condition 7 from sixty days to one year, and at the end of one year to present a report on the location of the new trees which can be at the Association's discretion. The replacement trees should be 15-gallon in size, and since three trees have already been planted they only need to add nine more.

**Mr. Schoonover** asked if there was to be a specific type of tree planted.

**Mr. Stevens** stated the HOA could choose the species. They have a mix of trees and thinks they should consider where it is being planted, where the irrigation is located, and where it might help to protect the stability of the slope. They should not be fruit or palm trees, and would hopefully be drought tolerant.

Motion carried 6-0-1 (Badar absent).

### **DPRB Case No. 14-47**

A request to allow an office use on the ground floor at 120 West Bonita Avenue, Unit I.

APN: 8390-023-019

Zone: Creative Growth Area 2 – Frontier Village

Shari Nign, Rader Realty, was present

John Morrison, X Agents Referral, 120 W. Bonita Ave., #203, was present

Jean and Dave Odom, Enchanted Rose Tea Parlour, 120 W. Bonita Ave., #G, were present

Cyndia Williams, 125 W. Bonita Avenue, was present

Trisha Leon, 138 W. Bonita Ave., #101, was present

Florence Quinn, 120 W. Bonita Ave., #H, was present

Selina Flores, 138 W. Bonita Ave., #104 was present

Staff report presented by **Associate Planner Jennifer Williams** who stated this request is for a ground floor office use in a tenant space west of San Dimas Avenue in the rear of a multi-tenant building facing the public parking lot. The CG-2 zone permits commercial and service businesses on the ground floor to encourage foot traffic and preserve the retail feel of the downtown, with offices allowed on the second floor unless approved by the DPRB. This is a 1,000 square foot tenant space in the rear facing the trash enclosure in the parking lot, and listed the prior uses and the proposed tenant, who is also proposing to occupy another unit on the second floor. Since 1990 the Board has approved 15 out of 19 requests for ground-floor office uses for a variety of reasons, the most recent being on October 23, 2014 for the Walterscheid building. That proposal included a retail use along Bonita Avenue with the office use in the back. During that discussion it was mentioned that we may need to take another look at this unit in regards to allowing ground floor office. Since the last denial in 2009 Staff has not encouraged any applications for office use as they were similar to what was denied. However, this might not be a prime retail location with its unique location to the parking lot and view of the trash enclosure so Staff is bringing this request to the Board for consideration.

**John Morrison, X Agents Referral**, stated his company has varied hours and what has been brought to his attention is in the evening when it is dark his clients have mentioned there are homeless people loitering in that area and he has seen graffiti occurring which could be associated with that unit being vacant. He feels that is a bad spot for a retail use since it is next to a dumpster and has no visibility from the parking lot, and he would not be opposed to an office use going in there.

**Shari Nign, Radar Realty**, stated as the property manager she would like the Board to give a blanket approval to having any type of office use in that space, not just Claims Reserve Management, to make it easier for her to rent out in the future if necessary. She has shown the space to at least four different retail clients but none of them were interested in it because of the location and the amount of rent being charged.

**Associate Planner Williams** stated if Condition No. 10 is approved, it would allow a professional office use so if the tenant changes it does not need to come back to the Board for approval.

**Mr. Stevens** clarified that if a similar type of office use wanted to occupy the space that would be allowed unless the unit was vacant for more than a year.

**Shari Nign, Radar Realty**, stated this space has been vacant a very long time and it would improve the presentation from the parking lot to have it occupied.

**John Morrison, X Agents Referral**, stated he has had discussions with the potential tenant about switching tenant spaces with him, but he has no agreement at this time. Regardless of who occupies the unit, he would like to see it leased.

**Jean Odom, Enchanted Rose Tea Parlour**, stated she is concerned about the parking if this unit and the other one are rented out; how many employees and customers would need to be accommodated. She asked if this is allowed to be an office use, will they be required to install a ramp. She added she would like to see the unit occupied rather than left vacant.

**Shari Nign, Radar Realty**, stated there isn't enough space there to install a ramp. The new tenant will be bringing in six to seven employees maximum, but the parking lot was developed to

handle all of the units in the buildings and she notices there is space available spread throughout the lot.

**Cyndia Williams, 125 W. Bonita Avenue**, stated she has heard the new tenant coming to Unit C was going to be manufacturing there.

**Shari Nign, Radar Realty**, stated the tenant will be selling custom shoes and handbags and will probably have an area in the back to make the items, but it is a mostly a retail use.

**Dave Odom** asked if the parking for the bus and train is public parking and anyone can park there.

**Mr. Stevens** stated the parking behind Bonita Avenue is all public parking, none is owned by any of the businesses, and that anyone can park there. The Park and Ride Lot is also public parking.

**Flo Quinn, Backstreet Antiques**, stated there are currently three handicap parking spaces. At 120 W. Bonita she thinks the number of employees in the businesses exceeds the available parking and there is no space for the customers to park in. She feels it is constantly congested and to allow an office tenant with multiple employees will constrain the retail businesses even more. She is not opposed to an office use going into Unit I because it is not conducive to retail and there is no ADA access, but felt the parking issue was affecting the majority. She asked the Board to look at that problem.

**Selina Flores** stated she operates a new business in the courtyard of 138 W. Bonita and that on the weekends the Grain and Feed store operates a vet clinic which takes up all the parking. She is not opposed to an office use going into the downstairs unit but also felt there was a parking issue.

**Shari Nign, Radar Realty**, stated when she is there the parking is congested behind 120 and 138 W. Bonita, but there are open spaces when you move further away from those buildings. She stated maybe she could ask the businesses to have their employees park away from the building.

**Mr. Patel** felt they should not be so quick to replace retail space when there is a downturn in the economy because things will always bounce back and then those spaces are gone. He felt the space should stay retail as there have been retail businesses in there before.

**Mr. Dilley** felt since this would be a weekday business the employees and customers would not impact the retail businesses on the weekend. This space has been vacant a long time and felt this would be a good use.

**Mr. Stevens** stated if you calculated parking the same as in other zones, it would only require one additional space so there shouldn't be much impact. He thinks it would be wise for the business owners to suggest to their employees to park further away and leave the closest spaces for their customers, but that cannot be enforced. He has been adamant in the past in maintaining retail on the ground floor, but concurs this is not a good retail space with the trash enclosure and the rear entrance creating an impediment. The other retail businesses that have been there in the past weren't really viable businesses; they were mostly home businesses that were trying to grow and were unsuccessful.

**Mr. Schoonover** felt it was important to preserve retail space but would not be opposed to converting this unit since it did not front onto Bonita Avenue.

**MOTION:** Larry Stevens moved, seconded by Jim Schoonover to approve DPRB Case No. 14-47.

**Associate Planner Williams** asked if the Board wanted to add a condition that if the unit was vacant more than a year, this approval would become null and void.

**Mr. Stevens** felt that was not necessary. He stated early next year the City will be resuming the discussion about creating a Downtown Specific Plan that was begun several years ago and encouraged everyone to participate in the discussions to help make the downtown more successful.

**Mr. Sorcinelli** felt most businesses wanted to be near the parking lot, that is how most retail is set up, so he did not see the location as a detriment to a retail use. The issue seems to be the trash enclosure and maybe the City should consider relocating that instead.

Motion carried 4-2-1 (Patel, Sorcinelli voted no; Badar absent)

### **ORAL COMMUNICATIONS**

No communications were made from the public.

### **ADJOURNMENT**

There being no further business the meeting was adjourned at 10:12 a.m. to the meeting of Tuesday, January 8, 2015 at 8:30 a.m.

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San Dimas Development Plan Review Board

ATTEST:

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Jan Sutton  
Development Plan Review Board  
Administrative Secretary

Approved: 4/9/2015