

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, October 15, 2015 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Vice-Chair John Davis
Commissioner Margie Green
Commissioner Tomas Molina
Commissioner Ted Ross
Assistant City Manager Comm. Dev. Larry Stevens
Senior Planner Marco Espinoza
Assistant City Attorney Lindsay Tabaian
Planning Secretary Jan Sutton

Absent

Chairman David Bratt

CALL TO ORDER AND FLAG SALUTE

Vice-Chair Davis called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Ross led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: September 17, 2015

Vice-Chair Davis stated the minutes being approved tonight are the September 17, 2015 minutes, not the September 3, 2015 minutes as shown on the agenda as that was a typo.

MOTION: Moved by Green, seconded by Molina to approve the Consent Calendar. Motion carried 4-0-1 (Bratt absent).

PUBLIC HEARINGS

2. **CONSIDERATION OF CONDITIONAL USE PERMIT 15-06** – A request to allow on-site sales and consumption of beer and wine (Type 41 license) in association with Dickey's Barbeque Pit, a full-service restaurant located at 1046 W. Gladstone Street within specific Plan No. 24 (SP-24) Area 1. (APN: 8383-009-078)

Staff report presented by *Senior Planner Marco Espinoza* who stated this is a request to allow the on-site sale of beer and wine at a new restaurant located at 1046 W. Gladstone at the Citrus Station in Specific Plan No. 24. The restaurant is located in Area 1 which conditionally allows alcohol sales as an accessory use to a restaurant. The building is currently under

construction and the tenant space is approximately 1,700 square feet. The restaurant will be open seven days a week from 11:00 a.m. to 10:00 p.m. and will employ about 10-15 people.

Staff is recommending the approval also allow for service in a patio area in the front which is consistent with the other three restaurants in the building even though the Applicant is not proposing to construct the patio at this time. By being included in this approval, if he does decide in the future to add one, he will only need to go to ABC for approval and work with the Planning Department for design approval of the railing and furniture.

Senior Planner Espinoza went over the Census Tract information and how the licenses within it are split between businesses in both San Dimas and Glendora, and added that the Sheriff's Department did not have any issues with this application. Staff has included conditions requiring attendance at the LEAD classes for all managers and employees, and if any problems are encountered in the future, the CUP would be reviewed for making changes in operations. Staff is recommending approval of Conditional Use Permit 15-06.

Commissioner Molina stated if the Census Tract allows for four licenses, and of the nine issued only three are within San Dimas, does that make a difference.

Senior Planner Espinoza stated the Census Tract boundary does not follow city boundaries so it doesn't matter whether the licenses are in San Dimas or Glendora; the Tract on the whole is considered to be over-concentrated but that is not unusual when you have commercial areas close together.

Assistant City Manager Larry Stevens stated when this occurs ABC just requires a finding of Public Convenience or Necessity (PCN) be made. For this type of on-sale license, ABC will make those findings. The City has a policy to not make those findings for any application. ABC could chose to not grant the license, or to add conditions to it, but that will be up to them.

Commissioner Molina stated then if another establishment wanted a similar license, it would be up to ABC also.

Assistant City Manager Stevens stated if this application is approved, it does not preclude another operator to apply for one; the cap just triggers the requirement for a PCN finding by ABC.

Senior Planner Espinoza stated you have to look at the zoning underlying the Census Tract; if it is almost all commercial you will see a smaller population in the area and more requests for alcohol licenses for the businesses so this situation is not all that uncommon.

Vice-Chair Davis asked what is the definition of a full-service restaurant.

Assistant City Manager Stevens stated essentially a significant part of the business is food service versus alcohol service which can be determined by looking at their floor plan and business model. In the past we have had issues with businesses changing their operations and being more bar based and not food based, but if we see those problems, we can bring it back to the Commission for review if it becomes a nuisance.

Vice-Chair Davis stated his definition would be there are waitresses that are serving people and bringing the drinks to them. He was concerned over who is monitoring the sale of alcohol in this business when someone could come to the counter and order multiple beers and then walk away to their table. Who would be monitoring who was consuming those drinks.

Assistant City Manager Stevens stated that is a consideration but there are a few different restaurants that operate with counter service and self-seating, and when the primary focus is food sales and not alcohol sales, it probably won't become a problem.

Vice-Chair Davis opened the meeting for public hearing. Addressing the Commission was:

Harish Sharma, Owner, stated he currently has a restaurant in Chino Hills and was excited to be opening a second location in San Dimas. They decided to apply for alcohol sales based on requests from their customers in Chino Hills to have beer available. They are basically a fast food restaurant and he only expects alcohol sales to make up 4-5% of their sales. He stated they will follow all the rules of the City and ABC and thanked the Commission for the opportunity.

Commissioner Ross asked if he only had the one other restaurant.

Harish Sharma, Owner, stated yes.

Commissioner Green stated Chipotle operates the same way, the beer is kept behind the counter and is served at the counter.

Harish Sharma, Owner, stated that is how they will do it; they check everyone's identification that orders to ensure they are adults. Dickey's is fast food; they usually have the orders out within two minutes.

Vice-Chair Davis asked if it was typical of other franchises to serve alcohol.

Harish Sharma, Owner, stated it is an option but Dickey's does not require it.

Alex Gonzalez, Evergreen, stated he is with the landlord developing the new buildings and the only other restaurant within the entire center that serves alcohol is Olive Garden. He stated they would like to have this option at this restaurant and beer does seem to go with BBQ.

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

Vice-Chair Davis stated he is not against the idea but thinks they need to pay more attention when you don't have wait staff that are overseeing what goes on at the tables. He added he would support the recommendation.

RESOLUTION PC-1546

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 15-06, A REQUEST TO ALLOW ON-SITE SALES AND CONSUMPTION OF BEER AND WINE (TYPE 41 LICENSE) IN ASSOCIATION WITH DICKEY'S BARBEQUE PIT, A FULL-SERVICE RESTAURANT LOCATED AT 1046 WEST GLADSTONE STREET IN SPECIFIC PLAN NO. 24 (SP-24) AREA 1; APN: 8383-009-078

MOTION: Moved by Ross, seconded by Green to adopt Resolution PC-1546 approved Conditional Use Permit 15-06. Motion carried 4-0-1 (Bratt absent).

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Commissioner Green stated she lives adjacent to the property to be discussed in Items 3 and 4 and recused herself from the meeting.

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3. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 12-04** – A request to amend the boundary of Planning Area One of Specific Plan No. 25 to include 40 additional acres and to increase the number of lots within the revised Planning Area One from 61 lots to 65 lots.

Staff report presented by *Assistant City Manager Larry Stevens* who presented information on the history of the Northern Foothills and how in 1999 after a moratorium on development in the area the City adopted Specific Plan No. 25 to govern the development of the privately held property in the area, which encompasses approximately 1,000 acres. A lawsuit was filed and litigated in regards to the code but ended with a settlement agreement between the City and the litigator, who is the Applicant. The City adopted a Final EIR in 2010 for the 270 acres under the control of the Applicant, along with a General Plan Amendment and Specific Plan Amendment that took the standards from 1999 and created two Planning Areas. In Planning Area 2 the standards were largely left intact; in Planning Area 1 some of the standards were amended to facilitate the Settlement Agreement. A Tentative Tract Map (TTM) was approved which created the individual lots to be sold and a Development Agreement which gave the Applicant approximately 12 years to implement the project and froze some of the fees and standards in time.

When the TTM was adopted there was a 40 acre portion adjacent to the map area that was left in Planning Area 2 with the existing development standards. The property is referred to as the South 40. There have been numerous discussions with the Applicant over the past few years regarding development of the project and how the South 40 will be addressed. Before the Commission tonight is one of three components of an agreement between the City and the Applicant based on direction by the City Council. The density for the South 40 was determined in 1999 based on a formula for slope analysis as four lots. Part of the current agreement is transferring the density of four lots from the South 40 into the project area outlined in the TTM.

The density for the 230 acres in NJD's control based on the original standards calculated out in the high 20s to the low 30s and the Settlement Agreement allowed them to have a density in the high 50s. They subsequently acquired 80 acres from the McHenry's which added five more lots for the North 40 and the South 40 remained in Planning Area 2. Not only will this amendment increase the number of lots in the project by four, but the development rights for the South 40 will be revoked and the boundary of Area 1 will be moved to include that area to maintain the status quo. Another item to consider as part of this arrangement is the next item on the agenda in regards to the equestrian trail, and then there will be an agreement to be executed by the City Council.

Assistant City Manager Stevens stated the project was conditioned to provide equestrian trails as represented in Condition No. 56 of the TTM. During that time the Applicant would only agree to an on-site trail which is referred to as the East-West trail. However, since it was felt there may be a future opportunity for the South 40, they included an option to allow amending the equestrian trail to an off-site location if certain criteria were met. By removing the possibility of development on the South 40 with the density transfer, it presents an opportunity to move the equestrian trail to the eastern edge and provide better connection to existing trails that are not in the project. The City will also be receiving some land from the South 40 that is contiguous to Horsethief Canyon Park, but that is just background information and not a part of the Specific Plan Amendment.

Staff also had to determine if this amendment would have any effect on the FEIR and felt the appropriate environmental document would be an addendum, which is essentially the creation of sufficient analysis to demonstrate the change is minor and creates no greater environmental impacts than those studied at the time of the adoption of the original EIR. Staff believes the finding can be made since no additional density is being created and the four lots being added into Planning Area 1 will need to be in the area already approved for grading, so no new grading will occur, or impacts on any other systems and all the original mitigation measures will remain in place. While moving the trail may make it more useable by the general public it will be in a location with existing trails already so there will only be a modest increase in the use and located where there is already limited grading for private trails that have fallen into neglect. The report includes the mitigation measures and the project design features that must be maintained; any changes would trigger additional environmental analysis.

Vice-Chair Davis confirmed that these were the mitigations that were previously approved.

Assistant City Manager Stevens stated yes. From Staff's perspective the change is appropriate when incorporated with the other components, all three of which will be reviewed by the City Council.

Commissioner Ross asked if there was a timeline in regards to the federal land, and where they were in that, and if they had a timeframe for when grading would begin.

Assistant City Manager Stevens stated the timeline is related to the Development Agreement which is commonly used on large-scale projects like this that set requirements for each party and freezes standards for a period of time, but that is not what is before the Commission tonight. The project was approved in late 2010 so they are five years into it. There is an approved grading plan so the Applicant can pull permits whenever they wish. The last he heard they have indicated they were thinking sometime in the spring, but it is really up to them as long as the codes don't change; otherwise they may have to bring their plans up to current code standards and go through plan check again.

Commissioner Molina stated that moving the South 40 from Area 2 to Area 1 is what allows the additional four lots, so then what will be in Area 2.

Assistant City Manager Stevens stated this transfer moves four lots into Area 1, but it also removes them from Area 2 so it is the equivalent of a density transfer. On the 15 or so acres on the east the plan is for the City to have a public trail and open space. The other 25 acres will be part of the Applicant's environmental mitigation requirements for the project and will be preserved as open space.

Vice-Chair Davis asked if the 25 acres he is referring to is at the top of the hill.

Assistant City Manager Stevens stated it is more of a canyon that comes down and creates drainage in the Shirlmar area.

Vice-Chair Davis stated then if this transfer is not approved, then in theory the South 40 could be subdivided to accommodate the construction of four single-family homes. If someone came and said that is what they wanted to do, would they need to submit an EIR.

Assistant City Manager Stevens stated if this application was denied, then yes, there would be an East-West equestrian trail through the NJD project, there would be no City ownership on a portion of the South 40, and there is the potential development of four lots there. If someone wanted to develop there, they might be able to do so under the Master EIR from 1999 with a

supplement. Many standards have changed since then though in some of the technical areas, and the existing project would have to facilitate access to that area, so this is probably the best solution all the way around.

Vice-Chair Davis asked if they will need to process a new TTM.

Assistant City Manager Stevens stated there will be a point where the Applicant will need to submit a revised map so the Commission will have the opportunity to review the placement of the lots. The City is not specifying where they are to be located but since they have to be in the areas already approved for grading some of the larger lots will need to be reduced to accommodate them.

Vice-Chair Davis opened the public hearing. Addressing the Commission was:

Stan Stringfellow, 2011 E. Financial Way #203, Glendora, representing NJD and Phelps-Tointon, Applicant, stated this amendment will allow the developer to have the density that goes with the South 40 but preserve the land. In regards to the environmental, the original certified EIR studied this area as part of the original biological studies. He wanted to offer their support and felt this was a good thing for the developer and the City. It has been a long time getting to this point but the adoption of this amendment and preservation of the South 40 was one of the goals set forth in the Development Agreement. This will complete the Sycamore Canyon Trail Loop and make it more useable to the equestrian community. The East-West trail would have been hard to access and have limited use by the community so this is much better for the City on the whole, and encouraged their support of the amendment.

Vice-Chair Davis asked what is the time frame for the Development Agreement and did the East-West trail come out on Shirlmar.

Stan Stringfellow, Applicant, stated the original agreement required the tract map to be recorded within ten years. The East-West trail traveled through the project only and did not connect to Shirlmar.

Assistant City Manager Stevens stated the northerly connection may have been to a trail in Glendora and on the east to Wildwood Motorway.

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

Vice-Chair Davis stated it seemed like a good step forward based on all the discussion in the past and he would be in support.

Commissioner Molina asked if this approval was needed to move the whole project forward, and would 65 be the total number of homes in the tract.

Assistant City Manager Stevens stated the project can move forward as approved but at some point someone could submit an application for the South 40 for four lots and there wouldn't be a loop trail, just the East-West trail, and the City would not have the additional 15 acres adjacent to the park. He stated if approved, the maximum number of homes constructed in the 310 acre project area would be 65. He spoke about the possible housing stock to be built and said there was not any requirement as to whether they all be custom or tract in nature, but that there are design standards to be followed no matter how they are built.

RESOLUTION PC-1547

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 12-04, AMENDING THE BOUNDARY OF PLANNING AREA ONE OF SPECIFIC PLAN NO. 25 TO INCLUDE 40 ADDITIONAL ACRES AND TO INCREASE THE NUMBER OF LOTS WITHIN THE REVISED PLANNING AREA FROM 61 LOTS TO 65 LOTS

MOTION: Moved by Molina, seconded by Ross to adopt Resolution PC-1547 recommending approval of Municipal Code Text Amendment 12-04. Motion carried 3-0-1-1 (Bratt absent, Green abstain)

COMMISSION BUSINESS

4. CONSIDERATION OF RECOMMENDATION OF ALTERNATE TRAIL LOCATION IN CONJUNCTION WITH TENTATIVE TRACT NO. 70583 AS AUTHORIZED BY CONDITION #56 (NJD NORTHERN FOOTHILLS)

Staff report presented by *Assistant City Manager Larry Stevens* who stated this is related to the amendment of Specific Plan No. 25 and other terms of the agreement with the Applicant that will be going to the City Council for approval. Condition No. 56 of the original Tentative Tract Map (TTM) requires an equestrian trail within the project and went over the language that would allow an alternative off-site trail if it is approved by the Equestrian and Planning Commissions. Staff and the Applicant have come to an agreement on what they believe is a better trail option for the benefit of the community. The Equestrian Commission unanimously concurred that the new proposed trail would provide more benefit than the original one approved with the TTM. He went over the history of the trail study prepared by RKA, and after analysis the conclusion was to provide the proposed alternate trail that would connect to Horsethief Canyon Park and up onto the South 40 to a small plateau. He explained how the new trail will create a loop, and went over the financing and contribution by the developer. It has been negotiated for the developer to build a portion and the City to build a portion. This request is for the Commission to determine whether or not they believe the alternate trail provides better connectivity to other trails in the northern foothills. The alternate can be constructed with no additional cost to the City and achieves more open space preservation. Staff is requesting they concur with the Equestrian Commission's determination that as authorized by Condition No. 56 the alternate trail has more community benefit than the original East-West trail.

Commissioner Ross asked if the approved trail would be constructed with the development of the houses, and asked about the run-off standards for horse trails.

Assistant City Manager Stevens stated the East-West trail would essentially follow the new roadway in the project which follows a portion of the Wildwood trail. So far NPDES has not set any standards for equestrian trails but feels that will be something they will add in the future and there will be more constraints on how waste ends up in the storm drains. The fact that the current trail would be adjacent to a private street in the project doesn't change the requirements for an MS-4 permit.

Commissioner Ross stated no one appears to monitor the Via Verde area for what comes down from the Covina Hills area and felt they would face a similar situation here if the East-West trail is built. He also asked if the trail would be located higher than the wash-out areas.

Assistant City Manager Stevens stated that would be an advantage to the rural trail in that waste would not end up in the storm drain. He stated they may have to install small gravity walls in a couple of areas to protect the trail and over the course of time they may have to do some maintenance on those areas from time to time but they have anticipated the costs for the improvements and future maintenance.

Commissioner Molina asked would the City would construct this trail on their own if this change was not adopted.

Assistant City Manager Stevens stated no because they would not own the property. What they have agreed to is the developer will pay the estimated construction cost of a trail. The portion on the North 40 is contemplated in the grading plan, and until they take away the development rights on the South 40, the grading plan requires the tail portion of the tract to be the access to the South 40. If this amendment goes through, then that area will not be needed for access and utilities, and it will essentially be used for the equestrian trail. There will be a little change when the trail gets to the road and swing to the east, and there will be some environmental requirements from Fish and Game, but then the trail will connect to a recently improved trail in the County Park. A lot of the trails in the northern foothills are located on private land and access can be locked by the various property owners, so one of the real benefits is that we are getting public trails people can use without trespassing, with loops that make them better trails.

Vice-Chair Davis asked in regards to the nine equestrian lots within the project, how the top five lots will access the new trail.

Assistant City Manager Stevens stated they would need to ride down the private street to access the trail. An amended map will need to be submitted to accommodate the four additional lots so things may be impacted as well depending on where those are located, and that discussion may be more appropriate with that application. He stated the reason the East-West trail was placed in its current location was to provide connectivity through the project to other trails; connectivity to the equestrian lots was secondary. When they determined the location of the on-site trail, it was not the best.

Vice-Chair Davis stated he felt the new trail is better than the original one but was concerned about the five lots being isolated from it and having to ride through the tract to get to it.

Assistant City Manager Stevens stated even though they are giving those lots the opportunity to keep horses there is no obligation of the homeowner to do so. He thinks not that many people want to keep horses these days.

MOTION: Moved by Ross, seconded by Molina to approve the findings and support Staff's and the Equestrian Commission's recommendation for an alternative trail location in conjunction with Tentative Tract Map 70583 as authorized by Condition No. 56. Motion carried 3-0-1-1 (Bratt absent, Green abstain).

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Commissioner Green returned to the meeting.

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5. CONSIDERATION OF A REQUEST FROM EVERGREEN DEVELOPMENT TO INITIATE A MUNICIPAL CODE TEXT AMENDMENT TO AMEND THE USES IN AREA 1 OF SPECIFIC PLAN NO. 24, IN THE CITRUS STATION (COSTCO) COMMERCIAL CENTER. (APN: 8383-009-061 THRU -064, -077 THRU -080, -082, -085, -088, -089, -090, -093 THRU -098)

Staff report presented by *Senior Planner Marco Espinoza* who stated Specific Plan No. 24 was originally created in the 1990s and was updated in 2004 to accommodate the Costco commercial center. He outlined the three different areas within the Specific Plan, and how the commercial center in Area 1 was divided between several property owners. While Costco is the majority owner, Evergreen is the owner of the area that is currently under construction. They would like to amend the Specific Plan to allow some additional uses to be competitive with the other commercial centers in the vicinity. He stated the proposed uses are similar to those that have been recently approved for the other commercial centers within San Dimas. He stated the one use they have not had for the other centers was the proposal for an ATM not connected to a bank. If the request is granted to move forward with the amendment, Staff would review that item in more detail and possibly recommend that it be conditionally permitted. Staff is recommending approval of the initiation.

Assistant City Manager Larry Stevens added that we are not asking them to analyze the uses tonight, just to consider that if they seem reasonable to allow the initiation. The determination on what gets changed will be through the public hearing process. These are the uses the Applicant is interested in that have been vetted by Costco. Most of the current uses in the Specific Plan are what were negotiated with Costco, and they are probably stricter with what other uses they want around their projects.

Vice-Chair Davis asked are the uses in Area 2 and 3 the same as in Area 1.

Senior Planner Espinoza stated Areas 2 and 3 are light industrial uses and are not the same.

Vice-Chair Davis asked if Staff felt we should be looking at those areas as well.

Assistant City Manager Stevens stated most of those properties are currently developed with older residences that are not well maintained and because of the location and size of the parcels it will be a more complicated analysis to determine what the best approach would be because none are useable individually. Staff knows that at some time in the future it will need review, but for the sake of efficiency and to benefit the commercial development, they felt it was best to deal with that at a later date.

Commissioner Ross asked where is the City at in regards to the tax situation for that center.

Assistant City Manager Stevens explained how the sales tax rebate was structured for Costco, and that all of that goes to Costco; Evergreen gets next to no benefit from that agreement.

Commissioner Ross asked then wouldn't we want businesses that generate a greater return to the City in sales tax.

Assistant City Manager Stevens stated the City is not really concerned about that as Costco does not get the maximum amount under the agreement since the center was not developed right away, so it is neutral to the City at this point.

Vice-Chair Davis opened the meeting for public comment. Addressing the Commission was:

Alex Gonzalez, Evergreen, stated the current zoning doesn't reflect that this is a regional commercial area and these changes will make them more competitive with the surrounding centers and keep all their spaces leased. They have worked with Costco on this and these changes will benefit all the landlords in the center.

There were no further comments from the public.

MOTION: Moved by Green, seconded by Molina to approve initiating a Municipal Code Text Amendment for Specific Plan No. 24, Area 1 for expanded uses. Motion carried 4-0-1 (Bratt absent).

ORAL COMMUNICATION

6. Community Development Department

Assistant City Manager Larry Stevens stated the Commission is invited to participate in a Joint Study Session on November 10, 2015 regarding two items. The first item is a proposed residential development behind and including 300 N. Walnut Avenue which is requesting to change the zoning from SF-16,000 to SF-7500. The second item is in regards to the Downtown Specific Plan and completing the process that was begun several years ago and will amend portions of the Creative Growth zone.

He stated the City Council will also be holding their Fall Retreat on November 9th from 5:00 to 9:00 p.m. The City Council has also authorized staff to move forward with an RFQ for the Bonita-Cataract property as a result of a hotel feasibility study conducted for that property. That RFQ may be ready to be distributed to qualified developers in approximately 3-4 weeks but it will probably be spring before one is identified as the ideal candidate for the project.

Commissioner Ross asked about recent discussions regarding how the Gold Line will move through that area.

Assistant City Manager Stevens stated they met with the Gold Line Authority earlier today; they have funds for the construction plans but not for the actual construction and are hoping a sales tax measure passes in 2016 to fund the project. They are also dependent on where they end up on the long-range construction plan at Metro, so the earliest possible start of construction would be 2018-2019. Part of what they are working on is the tentative location for the parking structure and its design, as well as the impact and possible design changes for the Bonita-Cataract crossing, which is probably the most difficult alignment of any crossing.

7. Members of the Audience

No communications were made.

8. Planning Commission

No communications were made.

ADJOURNMENT

MOTION: Moved by Molina, seconded by Green to adjourn. Motion carried, 4-0-1 (Bratt absent). The meeting adjourned at 9:11 p.m. to the regular Planning Commission meeting scheduled for Thursday, November 5, 2015, at 7:00 p.m.

John Davis, Vice-Chair
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: November 19, 2015