

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, January 19, 2005 at 7:30 p.m.
245 East Bonita Avenue, Council Chambers

Present

Vice Chair Emmett Badar
Commissioner David Bratt
Commissioner Howard Levreau
Commissioner Jim Schoonover
City Attorney Mark Steres
Director of Community Development Larry Stevens
Planning Manager Craig Hensley
Associate Planner Joe Vacca
Planning Intern Austin Silva

Absent

Chairman Ash Dhingra

CALL TO ORDER

Vice Chair Badar called the regular meeting of the Planning Commission to order at 7:36 p.m. and Commissioner Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes for January 5, 2005.

MOTION: Moved by Levreau, seconded by Bratt to approve the Consent Calendar. Motion carried unanimously, 4-0.

PUBLIC HEARINGS

2. **CONSIDERATION OF CONDITIONAL USE PERMIT 04-04** – A request to conduct on-site beer and wine sales associated with a restaurant, located at 130 East Bonita Avenue in the San Dimas Town Center.

Staff report presented by *Planning Intern Austin Silva*, who stated this application was for on-site beer and wine sales in conjunction with a restaurant use. This site is in the CG-2 zone, and the General Plan land use is commercial. It is located

in the in-line suites at the San Dimas Town Center, closest to the CVS building. The proposal is for a 1,400 sq. ft. unit, with 500 sq. ft. dedicated to dining room with sixteen seats. There is no outdoor seating proposed; however, a condition has been included prohibiting alcohol outside of the restaurant in case outdoor seating is added in the future. He listed the several businesses in the area that have on- and off-sale alcohol licenses; and added that the Sheriff's Department had no comments in regards to the application other than the inclusion of Condition No. 9. The Environmental Review Committee reviewed this application and recommended the adoption of a Negative Declaration. Staff is recommending approval of the application.

Vice Chair Badar stated the application showed an existing facility further north and asked if the same people will be running this operation.

Planning Intern Silva stated the first location was in Carpentaria but this was a franchise operation and would be run by different owners.

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

Viken Aposhian, 1613 Old Oak Lane, Arcadia, stated Smokin' Jack was a new franchise and this would be the second location. They looked at several sites and felt this was the best location for their restaurant. He added that they had no objections to the proposed conditions.

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

MOTION: Moved by Leveau, seconded by Schoonover to approve CUP 04-04 and recommend adoption of a Negative Declaration. Motion carried unanimously, 4-0.

3. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 04-02** – Revision to definitions and/or side yard setback requirements in the Single Family Zones and/or consideration of possible encroachments into side yard setbacks.

Staff report presented by **Director of Community Development Larry Stevens**, who stated this is to consider possible revisions to the definitions for side yard setback requirements and/or encroachments in the Single Family zones. This amendment was originated by the City Council, partly in response to concerns that have arisen from a pending litigation matter and the appropriateness of current standards. Currently the general requirement in the Single Family zone calls for a five-foot setback on one side and twelve-foot setback on the driveway side. The code permits a limited number of encroachments into the side yard, such as eave overhangs and projections that are less than two feet in depth. On corner lots the side yard increases to ten feet on the street side due to a desire to create more openness.

He outlined Council concerns about where walls and fences may be placed as relates to side yard requirements. On interior lots fences are allowed on all side and rear property lines. On side yards abutting streets, permitting a fence or wall on the property line appears contradictory to the desire to maintain a sense of openness. Frequently these side yard walls enclose a part of a larger backyard, which creates a desire on the part of

the homeowner to utilize the setback as part of the backyard and place things like sheds, pools and play equipment in the setback area. In reviewing surrounding cities' requirements, almost all have a ten-foot setback on a corner lot. However, after that there is no consistency in requirements. Some cities permit no encroachments or only minor ones, some permit large play equipment, pools, pool equipment, etc. This is an issue that cannot be handled by a one-size-fits-all approach. You need to look at the this community and decide what is fair and reasonable for San Dimas.

A ten-foot setback on corner lots appears to be standard and he would not recommend changing that. The next item to be considered is how they might permit walls on corner lots and went over the seven standards listed in the staff report. He stated Standard No. 3 was currently used in the City and if they come up with a more restrictive standard, they can create some type of non-conforming standards for walls that were constructed prior to adoption of the ordinance. While there may be a small problem administering the standard since walls six feet and under do not require permits, they could utilize the aerial photos to overcome that challenge.

Director Stevens stated the second issue relates to what type of structures should be allowed to encroach into the setback on a corner side yard, and went over the various items listed in the staff report. Staff feels it is important to maintain a sense of openness and separation set by the setbacks, and reviewed the conclusion and recommendation. He stated the intent was to have discussion and receive direction from the Commission, continue the item and bring it back at the next meeting with proposed language changes. He presented further information to the Commission regarding reverse corner lots and how side setbacks and wall location can impact surrounding lots and street traffic.

City Attorney Mark Steres stated another option for fencing on a corner lot would be to allow a solid fence up to the 42-inch limit and then the balance up to six feet could be some type of open fencing.

Commissioner Levreau asked if there were different standards for retaining walls versus property line walls.

Director Stevens stated retaining walls are not subject to the 42 inch and six foot limits, those limits apply on top of the retaining wall where the topography or grading warrant one.

Vice Chair Badar asked if they were to use a mixed wall of solid and open materials, would that achieve a sense of openness.

Director Stevens stated that would be a reasonable variation of the options presented and it would be better as far as visibility, but that does not address the issue of encroachment of structures.

Commissioner Levreau asked if they allowed a taller fence using an open fence at the top, were there any restrictions to keep the owner from putting up something that blocked the view.

City Attorney Steres stated they could use landscaping to help screen the view to other parts of the yard but could not use any solid material on the open fence portion.

Director Stevens stated staff is aware that the code has been this way for 40 years but the Council felt the problems should be corrected now instead of continuing as they are. He felt they can accommodate existing fencing in town without calling it non-conforming. He asked if the Commission wanted to consider allowing a six foot wall with the upper portion being open fencing on a reverse corner lot, or not allow anything over 42-inches.

Commissioner Levreau would like to allow the property owner some privacy but didn't want to see a solid six foot wall.

Vice Chair Badar stated he could support a taller wall if the upper portion above 42-inches was open fencing.

Commissioner Bratt felt that standard would be acceptable on all corner lots.

Director Stevens stated creating that standard for all corner lots increases the possibility of a greater number of non-conforming lots, whereas there are only a few properties in town that are reverse corner lots.

Director Stevens stated the second part of this discussion was in regard to what should be allowed to encroach into street-side side yard setbacks. Currently the code allows eave overhangs and 24-inch projections. In some cases they have allowed mechanical equipment when it was screened. Staff is looking for direction on whether things like patios and pools should be allowed. He stated they could go down the list and consider each item. The first was pools and spas.

City Attorney Steres stated what needs to be considered is whether you want a pool ten feet from the street or five feet from the street.

Vice Chair Badar felt there was a big difference between a pool and spa, that a lap pool was very different from a spa.

City Attorney Steres stated part of the suggestion in the staff report is that there be could be a one-foot limit above grade so that would prohibit above-ground pools and spas.

Commissioner Schoonover asked how that would be controlled because even though pools need permits, spas do not.

Director Stevens stated spas would require an electrical or mechanical permit. It also depends on the volume and depth of water on when a building permit is required. He stated part of the argument in the litigation was that if it was at grade, how could it detract from being open, especially when there is a fence around it. Once the decision is made about fences, is something that's at grade a concern or not. He didn't think they would want to permit anything that included diving boards or slides or above-ground

spas. The question is if something small and in-ground was a reasonable encroachment or not into the setback area.

Commissioner Levreau was concerned about the visual impact on people walking down the street and seeing someone diving into their pool if there was only a 42-inch fence.

Director Stevens stated the code requires a five foot fence around a pool. It can utilize an open element but the space between the bars has to be quite small.

Commissioner Levreau stated he would prefer not to have pools in the side yard.

Commissioner Schoonover concurred but was concerned it was just an expression of personal preference.

Director Stevens stated one thing to consider is that once you permit one thing, what is the rational basis for not permitting other things. If you limit pool height, you might be able to argue that it is different than other types of ancillary structures. He would strongly suggest that the others not be considered and they only consider an at-grade pool.

City Attorney Steres asked if the current code allows pools within five feet of the property line as long as they are not in the side yard setback or front yard areas.

Director Stevens stated technically the setback from the property line is determined by the depth of the pool unless it is engineered because you can't put a soil surcharge on surrounding property. Zoning allows for a zero setback in the rear and the appropriate side yard setback.

Vice Chair Badar stated he would be in favor of allowing an at-grade pool in the side yard setback.

Commissioner Bratt felt the key point was keeping it at grade plus one foot because that would eliminate diving boards and slides.

Commissioner Schoonover concurred with Commissioners Badar and Bratt.

Director Stevens confirmed that their direction was that no slides or diving boards would be allowed and there is an absolute minimum of a five foot setback from the property line for in-ground pools and spas.

Commissioner Levreau stated that in regards to the other types of structures, he could support substantially open structures but not enclosed structures.

Vice Chair Badar felt that play equipment is also not appropriate.

Commissioner Bratt stated he could support open structures. Director Stevens confirmed that they were looking at a one-story maximum height with a minimum five-foot setback.

Commissioner Bratt felt they needed to keep in mind that the intent is to not build right up to the sidewalk. He felt pools were okay because they were at ground level, and he could see a lattice top patio, but did not want to see an enclosed structure.

Director Stevens asked if the patios should be attached to the main structure.

The Commissioners concurred the structure should be attached.

MOTION: Moved by Schoonover, seconded by Levreau to continue this item to the February 2, 2005 meeting and to direct staff to bring back a draft Resolution. Motion carried unanimously, 4-0.

ORAL COMMUNICATIONS

4. Director of Community Development

Director Stevens stated there is a community meeting on January 27, 2005 to allow the public to comment on the Dentec proposal for 92 homes. The comment period on the Draft EIR is February 2, 2005 and the Los Angeles County Planning Commission is scheduled to hear this item on February 9, 2005. The Council wanted to host a forum for those that can't go to Los Angeles to comment. A transcript of the comments will be prepared and transmitted to the County along with the City's comments. They have invited County staff, Supervisor Antonovich's office and the applicant to attend.

He stated County Planning Staff is not supporting the project and the Planning Commission won't be able to make a final decision on the 9th because the Final EIR won't be prepared yet. This project is going to the Commission for direction because County Staff and the applicant do not agree on several items. The City is extremely opposed to this project and staff will be giving an update to the City Council on January 25, 2005.

Director Stevens stated the Traffic Section of the Costco EIR is being recirculated for the third time due to a technical error in the traffic model. The close of comments will be January 31, 2005, and then the entire matter with the Specific Plan, General Plan and Final EIR will come before the Planning Commission on February 16, 2005. The City of Glendora may or may not submit comments since they just put out their Notice of Preparation for a 350,000 sq. ft. project on the old Kaiser property at Gladstone and Valley Center which will generate 20,000 trips per day as opposed to the 12,000 trips per day for Costco. The Costco plans are submitted and they are hoping to bring the Precise Plan Review to the DPRB prior to the hearing on the 16th. If everything goes smoothly, the project could be heard by the Council at their March 22, 2005 meeting.

The mixed use project on San Dimas Avenue is moving forward and should come to the Commission in the next couple of months.

He stated the Council will be holding a study session on the Gold Line Station location on Tuesday, January 25th at 4:30 p.m. The preferred site is the Henckels and McCoy location. There will also be a study session at 5:30 p.m. to discuss downtown issues raised by the Bonita Corridor Committee if anyone is interested in attending either one.

The League Conference will be in April of this year in Pasadena and staff will be sure to forward information to the Commissioners in case they would like to attend.

5. Members of the Audience

No communications were made.

6. Planning Commission

Commissioner Schoonover asked about the status of the storage facility and impound yard on Arrow Highway.

Planning Manager Craig Hensley stated the design plans are incomplete still. The use was approved by the Commission and Council, but the design has not been approved yet by the DPRB.

Vice Chair Badar asked about the cell tower in Via Verde that the Pomona Police Department has been interested in and if that would ever come before the Commission for consideration.

Director Stevens stated they have been in contact with the Pomona Police Department on that issue but that it probably would not be coming to the Commission as there are already specific requirements for that tower in place.

ADJOURNMENT

There being no further business, Vice Chair Badar adjourned the meeting at 9:05 p.m. to the regular Planning Commission meeting scheduled for February 2, 2005 at 7:30 p.m.

Ash Dhingra, Chairman
San Dimas Planning Commission

ATTEST:

Craig Hensley
Planning Manager

Approved: February 2, 2005