

## Agenda Item Staff Report

**To:** Chairman and Members of the Planning Commission  
*For the Meeting of November 21, 2024*

**From:** Luis Torrico, Director of Community Development

**Prepared by:** Luis Torrico, Director of Community Development

**Subject:** Municipal Code Text Amendment 20-05; Discussion and consideration of a Municipal Code Text Amendment of Title 18-Zoning, Chapter 18.518 Specific Plan 11 of the San Dimas Municipal Code, to amend grading limits within Planning Area I and make various clean-up text amendments, and adoption of the associated Mitigated Negative Declaration.

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### SUMMARY

Municipal Code Text Amendment 20-05 is a City Council initiated request to amend Chapter 18.518 Specific Plan 11 of the San Dimas Municipal Code with respect to grading limits within Planning Area I and various clean-up items.

On January 19, 2023, the Planning Commission voted 3-0-2, with Commissioners Davis and Ross recusing themselves, to adopt Resolution PC-1657 recommending approval of Municipal Code Text Amendment to the City Council, and recommended denial of Resolution PC-1658, which recommended adoption of the Mitigated Negative Declaration (MND), with a recommendation that the City Council direct Staff to seek a peer review of the biological analysis to validate the report and the proposed mitigation measures that appear to be onerous requirements on the residents.

At the March 14, 2023, meeting the City Council considered the proposed amendment and raised concerns with the mitigation measures, and directed Staff to seek a peer review of the UltraSystems prepared biological analysis and proposed mitigation measures.

### RECOMMENDATION

Staff recommends that the Planning Commission:

- Adopt Resolution PC-1689 recommending adoption to the City Council of the Final Revised Mitigated Negative Declaration (MND); and

- Adopt Resolution PC-1670, recommending approval to the City Council of Municipal Code Text Amendment 20-05

### **FISCAL IMPACT**

There is no fiscal impact for the recommended action; however, the City's expenses associated with consultant's fees associated with preparation and review of the environmental documents is \$140,513.

### **BACKGROUND**

In 1983, the City Council adopted Ordinance 786, creating Specific Plan 11 (SP-11), Areas I - IV. Since the time of adoption, the area has been developed with 250 single-family residences. As originally adopted in the San Dimas Municipal Code, no grading is to be performed within SP-11, Planning Area I, except as required for retaining-type building foundations and the driveway, with no visible signs of grading allowed beyond the structure's main walls (SDMC 18.518.170(B)(1)). In 1987, the Development Plan Review Board (DPRB) adopted a policy of allowing a maximum of two hundred cubic yards of grading, cut and fill, in excess of the grading necessary for the residence and driveway (Attachment 5). Approval of the two hundred cubic yards was determined by the DPRB on a case-by-case basis. To allow for greater flexibility for owners, the grading associated with the construction of a pool and a five-foot perimeter deck was not counted towards the two hundred cubic yard grading limit. The DPRB, therefore, began approving grading for pools, decks and other features in SP-11 Planning Area I which was directly prohibited by the San Dimas Municipal Code.

On May 12, 2020, during a regular City Council meeting, the Council requested that Staff prepare a presentation on the history and applicability of the grading limits set forth in San Dimas Municipal Code Section 18.518.170 (SP-11, Planning Area I grading limits) for City Council to discuss and consider a Municipal Code Text Amendment (MCTA) to amend these limits.

On July 14, 2020, the City Council heard a presentation from Staff regarding the history of the grading requirements within Chapter 18.518 Specific Plan 11: Planning Area 1 (SP-11, Area I). At that meeting, the City Council initiated the MCTA for SP-11, Area I and directed Staff to provide the City Council with options relating to grading standards within this zone.

On September 22, 2020, the City Council held a Study Session to hear a presentation from Staff regarding the various options regarding the grading standards within SP-11: Planning Area 1 and to provide direction to Staff regarding the MCTA. Due to the length of the meeting the City Council continued the item to October 13, 2020. At that meeting, the City Council continued the MCTA indefinitely due to COVID-19 gathering restrictions and to allow for in-person comments to be heard at a Public Meeting.

On March 9, 2021, the City Council provided Staff with direction regarding the MCTA, directing Staff to work towards codifying the previous DPRB policy, but with the grading allowance increased from 200 cubic yards to 1,000 cubic yards.

On June 3, 2021, the item was heard during a public hearing at a regular Planning Commission meeting. Due to concerns about the use of a CEQA categorical exemption, the item was continued to a later date to allow for a thorough review of the environmental determination.

On October 7, 2021, the item was brought back to the Planning Commission after a draft Mitigated Negative Declaration (MND) was prepared by City Staff. The Planning Commission heard from Staff and the public during a regular meeting and voted 3-0-0-2, with Commissioners Davis and Ross recusing themselves, to recommend approval of the MCTA and the MND to the City Council.

Following the October 7, 2021, Planning Commission meeting, the item was scheduled for the October 26, 2021, City Council meeting. Prior to the meeting, potential issues with the City prepared MND were raised in a letter prepared by the Via Verde Ridge Homeowners Association's (HOA) legal counsel. After consultation between Staff and the City's legal counsel, the decision was made to pull the item from the City Council calendar and have an environmental consultant prepare a new MND to study the environmental issues raised by the HOA's legal counsel.

On January 11, 2022, the City Council was presented a resolution, as a part of the Consent Calendar, to allow for an agreement with UltraSystems, an environmental consultant, to prepare a new MND for the project that would address the issues that were raised by the HOA's legal counsel. The item was pulled from the Consent Calendar for additional discussion. After discussion, the City Council voted 3-2 to authorize the City Manager to execute an agreement with UltraSystems to prepare an Initial Study/ MND for the MCTA.

On January 19, 2023, the Planning Commission heard the item and considered the draft MND prepared by UltraSystems (Attachment 4). The Planning Commission heard from Staff, representatives from UltraSystems and the public during the regular meeting. During the meeting, the public raised concerns with the various biological mitigation measures required by the MND, as it would require several surveys which could add delays and increased costs to projects requiring any grading beyond what is currently allowed per the Code. After further discussion, and having raised the same concerns with the mitigation measures, the Commission voted 3-0-2, with Commissioners Davis and Ross recusing themselves, to adopt Resolution PC-1657 recommending approval of Municipal Code Text Amendment to the City Council, and denied Resolution PC-1658 recommending denial of the MND to the City Council, with a recommendation that City Council direct Staff to seek a peer review of the biological analysis to validate the report and the proposed mitigation measures and if possible, to reduce the onerous mitigation measure requirements on the residents.

On February 28, 2023, the City Council held a public hearing and voted 5-0 to table the meeting to March 14, 2023. At the March 14, 2023, meeting the council made a motion to direct Staff to seek a peer review of the UltraSystems prepared biological analysis and proposed mitigation measures and to approve a budget amendment not to exceed \$50,000 to hire a consultant to complete the peer review (Attachment 3).

### **DISCUSSION/ANALYSIS**

Per the direction provided by the City Council at the March 9, 2021, meeting, Staff has developed code text to codify the previous grading policy, while increasing the grading limit to one thousand (1,000) cubic yards and providing standards for the grading, landscaping and any retaining walls that the additional grading would require. Along with these changes, Staff has completed a comprehensive clean-up of Chapter 18.518 Specific Plan 11, removing sections which dealt with the initial development of the area and codifying previous policies regarding Conditional Uses within the specific plan.

The proposed MCTA would allow for up to one thousand (1,000) cubic yards of grading, cut and fill, beyond that grading necessary for the primary residence, driveway and garage for properties located within SP-11 Planning Area 1 (36 residential lots, up to 36,000 CY grading). Per the previous DPRB policy, a swimming pool and five (5) feet of decking surrounding the pool were exempted from the additional grading calculations. The proposed MCTA would also include development standards for grading, landscaping and any retaining walls that the additional grading would require. Additional clean-up items are proposed by removing sections which dealt with the initial development of the area and codifying previous policies regarding Conditional Uses within the specific plan.

Due to the potential large quantity of available grading (774,000 CY) allowed for the existing residential homes to expand their 1<sup>st</sup> floor building area, the proposed MCTA to allow for up to 36,000 CY of grading beyond the grading necessary for the primary residence, driveway and garage would be small by comparison.

To preserve the original intent of SP-11, minimize the visual impacts of potential grading and retaining walls, codify existing policies/practices and eliminate defunct sections of the code, the following code text amendment includes:

1. Requirements that any proposed grading and retaining walls follow the existing topographic contours present onsite. The proposed grading cuts and/or retaining walls should not cut directly across contour lines.
2. A limitation of retaining walls to a maximum exposed height of twelve (12) feet per wall and a maximum combined exposed height of twenty-four (24) feet. This language is consistent with existing retaining wall height limit standards used in other hillside areas within the City.
3. A requirement that if more than one retaining wall is constructed directly adjacent to one another, the two walls must be separated by half (1/2) the height of the taller of the two adjacent walls.
4. Requirements to use gravity type retaining walls, unless onsite conditions prohibit their use.
5. Wall materials must be either slump stone or split-face stone with a tan or earth tone color.
6. Landscape and irrigation standards which require the planting of trees at the base of the lowest retaining wall and drought tolerant shrubs at the base of every wall. Installation of permanent irrigation shall be required to ensure that the required landscaping survives and is healthy enough to provide screening.

At the request of Council, Staff also analyzed an exemption to allow unlimited grading for any grading, cut and fill, used to create a natural appearing slope that would be used in place of retaining walls. Per the City Engineer, the maximum slope that can be created without the use of retaining walls is a 2:1 slope, or a slope that falls one (1) vertical foot for every two (2) feet of horizontal distance. Due to this slope requirement, most properties in Planning Area I would be unable to create a 2:1 slope without significant amounts of grading, grading which would be far in excess of the proposed one thousand (1,000) cubic yard allowance. Due to the potential amount of grading which could be required, Staff has found it infeasible to achieve a natural appearing slope that could be used in place of retaining walls on most parcels. Staff has therefore not included language in the proposed code text amendment which would allow for an exemption to the grading limits in order to create a natural-looking slope.

Staff believes that the above proposed amendments will assist in minimizing the potential impact of grading and retaining walls on the hillside vistas while allowing for up to one thousand (1,000) cubic yards of additional grading within SP-11, Planning Area 1.

For clarification, the proposed grading limits and associated mitigation measures found within the MND do not affect the construction of a new residence or addition, the garage and required driveways. These actions, which are allowed under the current Code were analyzed through an Environmental Impact Report that was prepared and certified when SP 11 was originally developed; thus they would not trigger any of the requirements or studies proposed by the new MND. In addition, per State law, accessory dwelling units must be allowed and are also exempt from the requirements or studies proposed by the new MND. The proposed mitigation measures would only be required for any additional grading beyond that required for the residence, accessory dwelling unit, garage and driveway, such as, but not limited to, a pool, a flat pad for a backyard or a cabana/pool house type structure.

On July 23, 1987, the DPRB adopted a policy allowing accessory structures (i.e. cabanas, decks, spas and pools, etc.) within SP-11, Planning Area 1 to be reviewed by Staff rather than requiring DPRB review and approval (Attachment 5). These are being reclassified as accessory uses and would be reviewed at Staff level rather than requiring a Conditional Use Permit that is reviewed and approved by the DPRB.

SP-11 has been fully subdivided and a majority of parcels have been developed, therefore the sections of the code pertaining to the creation of the various tracts, the infrastructure needed to support them and the various aspects that accompany new development are no longer relevant. Furthermore, Public Works has existing development standards for all proposed infrastructure which would be required to be complied with in the event of any proposed future development. Therefore, Staff is proposing to delete these sections of the Specific Plan.

## **ALTERNATIVES**

There are no alternatives proposed for this request.

## **ENVIRONMENTAL REVIEW**

The MCTA is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an Initial Study was prepared to determine possible environmental impacts. Based on the Initial study, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, an MND was prepared pursuant to CEQA Guidelines. Furthermore, to ensure that the mitigation measures are implemented, a Mitigation Monitoring and Reporting Program was prepared for the project pursuant to CEQA Guidelines Section 15097, which specifies responsible departments/parties, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures.

As noted above, the City originally prepared an MND that was circulated for the required 20-day period and was recommended for City Council approval by the Planning Commission at the regularly scheduled Planning Commission meeting of October 7, 2021. The item was then scheduled for a public hearing before the City Council at their regular meeting on October 26, 2021. Prior to that meeting, potential issues with the City prepared MND were raised in a letter prepared by the Via Verde Ridge Homeowners Association's legal counsel. After consultation between Staff and the City's legal counsel, the decision was made to pull the item from the City



Council calendar and have a private environmental consultant prepare a new Initial Study and MND to study the environmental issues raised by the HOA's legal counsel. The new Initial Study and MND was prepared by UltraSystems Environmental and was circulated for public review/comment from December 22, 2022, through 5:00 PM on January 18, 2023.

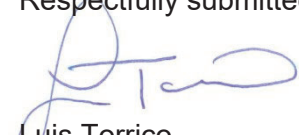
At the Planning Commission meeting of January 19, 2023, the Planning Commission denied Resolution PC-1658, which would have recommended approval of the UltraSystems prepared MND to the City Council, recommending that the City Council direct Staff to seek a peer review of the biologic analysis section of the MND with the goal of reducing the required mitigation measures, specifically the number of required surveys. The City Council, at their March 14, 2023, meeting, agreed with this and directed Staff to hire a consultant to prepare a peer review of the MND.

The City hired Psomas to perform a peer review of the MND. After reviewing the prepared biologic analysis section of the MND and performing field studies, Psomas rewrote the biologic analysis section of the MND and the mitigation monitoring and reporting program and were able to reduce the number of required surveys for any additional grading. Under the previous MND, a total of 17 biological mitigation measures were required, 11 of which were surveys. Per Psomas updated MND, a total of 13 mitigation measures are required, seven (7) of which are surveys. Of the 36 parcels located within SP-11, only four (4) parcels would be subject to all seven (7) surveys. In addition to reducing the number of surveys, the updated MND does not require that a qualified project biologist be present to monitor construction activities for the duration of the project, which the previous MND required. The reduction of the number of required surveys and the fact that a biologist will not have to be hired to be present to monitor construction activities for the duration of the project will avoid delays and will keep costs low for homeowners seeking to do grading improvements in their backyards. It's important to note that the revised MND was completed in compliance with CEQA and does still include mitigation measures which will reduce environmental impacts of the MCTA to a less than significant level.

The revised MND was recirculated for public review to allow the public and outside agencies to review and comment on the document. It was recirculated from June 21, 2024, through July 21, 2024. During the recirculation period, Staff received four (4) comments. Three (3) comments came from residents and one (1) comment came from the California Department of Fish and Wildlife. Responses to the comments are provided in the Final MND, which are attached as Exhibit A to Resolution PC-1689 (Attachment 1).

In order for the City Council to approve MCTA 20-05, the City Council must also adopt the revised MND. Therefore, Staff is recommending that the Planning Commission recommend approval of MCTA 20-05 and adoption of the revised MND to the City Council.

Respectfully submitted,



Luis Torrico  
Director of Community Development

Attachments:

1. Resolution PC-1689 (MND)

2. Resolution PC-1670 (MCTA 20-0005)
3. March 14, 2023, City Council Staff Report & Minutes
4. January 19, 2023, Planning Commission Staff Report, Resolution PC-1658 & Minutes
5. DPRB Policy Regarding Accessory Structures within the Specific Plan

## RESOLUTION PC-1689

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM FOR MUNICIPAL CODE TEXT AMENDMENT NO. 20-0005, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED**

**WHEREAS**, the City of San Dimas initiated a Municipal Code Text Amendment (MCTA) for the modification of a grading standards affecting Specific Plan 11, Planning Area I ("Proposed Project"); and

**WHEREAS**, pursuant to and in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, herein referred to as "CEQA") the State of California Guidelines for the Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the "CEQA Guidelines"), the City is the "lead agency" for the preparation and consideration of environmental documents for the Proposed Project; and

**WHEREAS**, a draft Mitigated Negative Declaration (MND) was prepared by the City, circulated for the required 20-day public/responsible agency review and presented to the Planning Commission for recommendation to the City Council at its regularly scheduled meeting on October 7, 2021; and

**WHEREAS**, potential issues with the City prepared MND were raised by legal council for the Via Verde Ridge Homeowners Association, with the decision being made by the City to hire an outside environmental consultant to prepare a new Initial Study and MND in order to protect the City from potential exposure to lawsuits from the HOA; and

**WHEREAS**, a draft MND was prepared in accordance with CEQA Guidelines by UltraSystems Environmental to evaluate the physical environmental impacts of the Proposed Project. The MND was circulated for a 20-day public/responsible agency review on December 22, 2022, through January 18, 2023, and was also made available for review on the City's website at [www.cityofsandimas.com](http://www.cityofsandimas.com). A complete copy of the MND is on file and can be viewed in the Community Development Department at 245 E. Bonita Avenue, San Dimas, California; and

**WHEREAS**, on January 19, 2023, the Planning Commission considered the Amendment and new MND, and voted 3-0-2, with Commissioners Davis and Ross recusing themselves, to adopt Resolution PC-1657 recommending approval of MCTA to the City Council, and denied Resolution PC-1658 recommending denial of the MND to the City Council, with a recommendation that City Council direct Staff to seek a peer review of the biological analysis to validate the report and the proposed mitigation measures and if possible, to reduce the onerous mitigation measure requirements on the residents; and

**WHEREAS**, on February 28, 2023, the City Council considered the MCTA and new MND, and voted 5-0 to continue the item to the March 14, 2023, meeting, at which the Council voted 5-0 to continue the item to a date uncertain and directed Staff to seek a



peer review of the UltraSystems prepared biological analysis and proposed mitigation measures; and

**WHEREAS**, the City hired Psomas, an environmental consultant, to prepare a peer review of the UltraSystems' MND, and prepared a revised biological analysis and updated the mitigation measures; which required a recirculation of the MND from June 21, 2004 to July 21, 2024 and was also made available for review on the City's website at [www.cityofsandimas.com](http://www.cityofsandimas.com). A complete copy of the revised MND is on file and can be viewed in the Community Development Department at 245 E. Bonita Avenue, San Dimas, California; and

**WHEREAS**, the City gave notice of its intent to adopt the Mitigated Negative Declaration to (a) the public pursuant to Section 15072(b) of the CEQA Guidelines, (b) individuals and organizations, if any, that previously submitted written requests for notice pursuant to Section 15072(b) of the CEQA Guidelines, and (c) the Clerk of the County of Los Angeles pursuant to Section 15072(a) of the CEQA Guidelines; and

**WHEREAS**, notice was duly given of the public hearing on the matter and that public hearing was held on November 21, 2024 at the hour of 6:00 p.m., with all testimony received being made a part of the public record; and

**WHEREAS**, the Planning Commission has carefully and independently reviewed and considered all of the evidence presented with respect to the draft MND and Mitigation Monitoring and Reporting Program, including, but not limited to, the staff reports, studies, and all written and oral testimony presented.

**NOW, THEREFORE**, in consideration of the evidence received at its hearings on November 21, 2024, the Planning Commission now finds as follows:

- A. The above recitals are true and correct and are incorporated herein by this reference.
- B. All actions required to be taken by applicable law related to the preparation circulation, and review of the MND have been taken.
- C. A revised Mitigated Negative Declaration has been prepared consisting of the Initial Study, all comments and recommendations received during the public review period, and a Mitigation and Reporting Program. The MND was posted on the City's Website at [www.cityofsandimas.com](http://www.cityofsandimas.com) on June 21, 2024. On the basis of the Initial Study prepared for the Proposed Project it has been determined that the Proposed Project may have a potential significant effect on the environment which, however, will be mitigated to a level that is less than significant and therefore, a Mitigated Negative Declaration was circulated for a period of not less than 30 days pursuant to State CEQA Guidelines Section 15105(b). Therefore the Planning Commission finds the Mitigated Negative Declaration as adequate to assess the environmental impacts of the Proposed Project, based on the findings contained herein and in the Mitigated Negative Declaration, and finds, on the basis of the whole record that there is no substantial evidence that the Proposed Project will have a significant effect on the environment and that the recommended adoption

of the Mitigated Negative Declaration reflects the City of San Dimas Planning Commission's independent judgment and analysis.

- D. The Planning Commission recommends to the City Council adoption of the Mitigation Monitoring and Reporting Program (attached hereto as Exhibit A), as this Proposed Project would not result in any significant, adverse environmental impacts with the mitigation imposed. The full record is available for review in the Development Services Department.

**NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS**, that the Planning Commission recommends to the City Council adoption and approval of the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program as set forth on Exhibit "A" attached hereto and incorporated herein. The Planning Commission recommends that the City Council direct the Community Development Director, located at the Community Development Department, 245 E. Bonita Ave., San Dimas, CA 91773, to serve as the custodian of all documents or other material which constitutes the record of proceedings upon which the Council's adoption of the Mitigated Negative Declaration would be based. The Planning Commission further recommends that the City Council authorize and direct the Community Development Director, or designee, to execute and file with the Los Angeles County Clerk, within five business days of the adoption of a resolution approving the Mitigated Negative Declaration, a Notice of Determination that complies with CEQA Guidelines, section 15075.

**PASSED, APPROVED and ADOPTED, the 21<sup>st</sup> day of November, by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**David A. Bratt, Chairman**  
**San Dimas Planning Commission**

**ATTEST:**

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**Kimberly Neustice, Administrative Analyst**

## **RESOLUTION PC-1670**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 20-05, AN AMENDMENT TO CHAPTER 18.518 – SPECIFIC PLAN 11, OF THE SAN DIMAS MUNICIPAL CODE**

**WHEREAS**, an Amendment to the San Dimas Municipal Code has been duly initiated by the City of San Dimas; and

**WHEREAS**, the Amendment is described as an amendment to Chapter 18.518 – Specific Plan 11, in response to an initiation by City Council; and

**WHEREAS**, the Amendment would affect residential areas of the City within Specific Plan 11 - Planning Area: 1; and

**WHEREAS**, on June 3, 2021, the Planning Commission considered the item and due to concerns about the CEQA categorical exemption, the item was continued to a date uncertain to allow for a thorough review of the environmental determination; and

**WHEREAS**, on October 7, 2021, the item was brought back to the Planning Commission after a draft Mitigated Negative Declaration (MND) was prepared by City Staff, and the Commission voted 3-0-2, with Commissioners Davis and Ross recusing themselves, to recommend approval of the Amendment and the MND to the City Council; and

**WHEREAS**, on October 26, 2021, the item was scheduled to be considered by the City Council; however, the item was pulled after potential issues with the City prepared MND were raised in a letter prepared by the Via Verde Ridge Homeowners Association's (HOA) legal counsel; and

**WHEREAS**, on January 11, 2022, the City Council voted 3-2 (Council Members Ebner and Bertone Davis opposed) to enter into an agreement with UltraSystems, an environmental consultant, to prepare a new MND for the project that would address the issues that were raised by the HOA's legal counsel; and

**WHEREAS**, on January 19, 2023, the Planning Commission considered the Amendment and new MND, and voted 3-0-2, with Commissioners Davis and Ross recusing themselves, to adopt Resolution PC-1657 recommending approval of Municipal Code Text Amendment to the City Council, and denied Resolution PC-1658 recommending denial of the MND to the City Council, with a recommendation that City Council direct Staff to seek a peer review of the biological analysis to validate the report and the proposed mitigation measures and if possible, to reduce the onerous mitigation measure requirements on the residents; and

**WHEREAS**, on February 28, 2023, the City Council considered the Amendment and new MND, and voted 5-0 to continue the item to the March 14, 2024, meeting, at which the Council voted 5-0 to continue the item to a date uncertain and directed Staff to seek a peer review of the UltraSystems prepared biological analysis and proposed mitigation measures; and

**WHEREAS**, the City hired Psomas, an environmental consultant, to prepare a peer review of the UltraSystems' MND, and prepared a revised biological analysis and updated the mitigation measures; which required a recirculation of the MND from June 21, 2004, to July 21, 2024; and

**WHEREAS**, notice was duly given of the public hearing on the matter and that public hearing was held on November 21, 2024, at the hour of 6:00 p.m., with all testimony received being made a part of the public record; and

**WHEREAS**, the application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, a Mitigated Negative Declaration was prepared pursuant to CEQA Guidelines. Furthermore, to ensure that the mitigation measures are implemented, a Mitigation Monitoring and Reporting Program has been prepared for the Project pursuant to CEQA Guidelines Section 15097, which specifies responsible departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures.

**NOW, THEREFORE**, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, the Planning Commission now finds as follows:

- A. The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area.

The proposed Municipal Code Text Amendment will not adversely affect adjoining property as to value, precedent or be detrimental to the area. The proposed amendment allows residents the ability to further develop their property and will allow for the addition of onsite amenities to all properties affected. In addition, a Mitigated Negative Declaration was prepared which includes mitigation measures to address reduce impacts to less than significant.

- B. The proposed Municipal Code Text Amendment will further the public health, safety and general welfare.

The proposed amendments will provide current and future property owners within the affected area the opportunity to improve their backyards with additional onsite recreational uses for all residents. An environmental analysis was prepared to ensure impacts were mitigated, and future grading or improvement projects will be reviewed by the City's Building and Engineering divisions to ensure all work is completed per Code.

- C. The proposed Municipal Code Text Amendment is consistent with the General Plan and applicable zoning.

The General Plan designation for the affected properties is Single Family Very Low. The code text amendment does not increase the density of the affected properties or allow for uses which are inconsistent with single family zoning. The proposed amendments will allow property owners within the affected area to improve their backyards which is a right that other owners of single of SP-11 enjoy.

**NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS,** that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 20-0005 as set forth in Attached Exhibit A.

**PASSED, APPROVED and ADOPTED,** the 21<sup>st</sup> day of November, 2024 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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David A. Bratt, Chairman  
San Dimas Planning Commission

**ATTEST:**

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Kimberly Neustice, Administrative Analyst

**Exhibit A****New Text in Blue Underlined****Deleted Text in Red****Chapter 18.518****SPECIFIC PLAN NO. 11\*****Sections:****Article I. General**

- 18.518.010 Purpose and intent.**
- 18.518.020 Authority and scope.**
- 18.518.030 Location.**
- 18.518.040 General notes and conditions.**

**Article II. Land Use Development Plan**

- 18.518.050 Location.**
- 18.518.060 Maximum allowable units.**
- 18.518.070 Open space.**
- 18.518.080 Primary uses.**

**~~18.518.090 Incidental uses.~~**

**18.518.100 Accessory uses.**

**~~18.518.110 Temporary uses.~~**

**~~18.518.120 Conditional uses.~~**

**Article III. Development Standards**

- 18.518.130 Intent.**
- 18.518.140 Density and land use.**
- 18.518.150 Residential hillside development.**
- 18.518.160 Lot sizes, dimensions and unit size.**
- 18.518.170 Grading design.**
- 18.518.180 Open space.**
- 18.518.190 Erosion control.**
- 18.518.200 Slope maintenance.**
- 18.518.210 Building height.**
- 18.518.220 Setbacks.**
- 18.518.230 Parking and driveways.**
- 18.518.240 Street standards and geometrics.**
- 18.518.250 Storm drainage.**
- 18.518.260 Landscaping.**
- ~~18.518.270 Signs.~~**



- 18.518.280 Lighting.
- 18.518.290 Fencing.
- 18.518.300 Patio or deck areas.

#### **Article IV. Architectural Guidelines**

- 18.518.310 Purpose.
- 18.518.320 Building design.
- 18.518.330 Relation to site.
- 18.518.340 Landscape design.
- 18.518.350 Selection of materials.

#### **~~Article V. Plan Review and Disposition~~**

- ~~18.518.360 Review requirements—Development plans.~~
- ~~18.518.370 Precise plan review requirements.~~
- ~~18.518.380 Plan disposition.~~

- \* **Editor's Note:** Exhibits ~~and appendices~~ relating to Specific Plan No. 11 are located at the end of this chapter.

#### **Article I. General**

##### **18.518.010 Purpose and intent.**

A. Responsible development of the Via Verde area of the city can be ensured through the adoption of a development control mechanism which reflects thorough and comprehensive land use planning. The most suitable development control mechanism is the specific plan, which when adopted, serves both a planning function and a regulatory function.

B. The purpose of Specific Plan No. 11 is to provide for the classification and development of parcels of land as a coordinated, comprehensive project so as to take advantage of the superior environment which will result from site specific community planning. Specific Plan No. 11 establishes the type, location, intensity and character of development to take place. It functions as a general blueprint of future development, focusing on the physical characteristics of the site and the integration of the same with surrounding urban uses.

C. Development standards are proposed to achieve the following objectives:

1. To minimize the alteration of significant natural landforms, vegetation and landmarks;
2. To provide an enriched residential environment with aesthetic cohesiveness, harmonious massing of structures, and interfacing of open space through the utilization of superior land planning and architectural design;

3. To minimize the impact of new development into the surrounding viewshed, especially as seen from adjacent existing development;
4. To utilize current practices of good design, architecture, landscape architecture, civil engineering, and hillside land planning to preserve, enhance and promote the existing and future appearance and resources of hillside areas;
5. To provide alternate approaches in hillside areas to conventional flat land development practices;
6. To provide for the planning, design, and development of single-family home sites that provide ample safety with respect to fire hazards, exposure to geological and geotechnic hazards, drainage, erosion, siltation, and materials of construction;
7. To provide a safe means of ingress/egress for vehicular, equestrian and pedestrian traffic to and within hillside areas, with minimum disturbance to the natural terrain. (Ord. 786 § 1, 1983)

**18.518.020 Authority and scope.**

- A. The adoption of Specific Plan No. 11 by the city is authorized by the California Government Code Title 7, Divisional Chapter 3, Articles 8 and 9, Sections 65450 through 65507.
- B. Specific Plan No. 11 applies only to ~~that property~~ those properties within the city indicated on Exhibit A attached to and located at the end of this chapter. (Ord. 786 § 1, 1983)

**18.518.030 Location.**

Specific Plan No. 11 applies to the 262± acre area located west of Via Verde, south of Puente Street and north of Covina Hills Road indicated on Exhibit A attached to and located at the end of this chapter. ~~The legal description for the property is contained in Attachment A, codified as Exhibit A and located at the end of this chapter.~~ (Ord. 786 § 1, 1983)

**18.518.040 General notes and conditions.**

- A. Unless otherwise specified, all development within Specific Plan No. 11 shall comply with the provisions of this code. Terms used in this chapter shall have the same meaning as defined elsewhere in this code unless otherwise defined in this chapter.
- B. Any details or issues not specifically covered by this specific plan shall be subject to the regulations of this code.
- C. The approval of development within the specific plan area shall be governed by Section 65450 et seq., of the Government Code.

D. All construction within the boundaries of this specific plan area shall comply with all provisions of the Uniform Building Code and the various mechanical, electrical and plumbing codes adopted by the city.

E. Minor modifications to the specific plan which do not give rise to a conflict with the intent of the specific plan as approved, may be approved by the director of community development at his discretion.

F. A focused environmental impact report which analyzes the “worst case” situation for the accumulative impacts for the physical and economic development, proposed by the specific plan, has been certified by the city council and is referenced by this section.

G. The area of each planning area is calculated in gross acres exclusive of major perimeter roadways.

H. Any land use designation not specifically covered by Specific Plan No. 11 shall not be permitted.

I. If any regulation, condition, program or portion thereof of the specific plan is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and the invalidity of such provision shall not affect the validity of the remaining provisions thereof.

J. The maximum number of allowable dwelling units and their approximate location is established for each residential planning area as specified in the land use development plan, Exhibit A. Such development shall be subject to the development standards stated in this chapter, or in the event of a conflict with any other ordinance of the city, the most restrictive shall apply.

K. The maximum number of buildable lots and residential units are established on the tentative tract map at the time of approval by the planning commission and city council based on the topographic conditions, minimization of grading, street and lot layout, orientation of structures and the need for open space. The approval shall also establish the general grading conditions and approximate lot dimensions. (Ord. 786 § 1, 1983)

## **Article II. Land Use Development Plan**

### **18.518.050 Location.**

The general location of all [planning areas](#) ~~land-uses~~ is shown on Exhibit A. All development within the specific plan area shall conform to Exhibit A and the development standards established in Article III of this chapter. The site is divisible into distinct planning areas as delineated on Exhibit A. (Ord. 786 § 1, 1983)

### **18.518.060 Maximum allowable units.**

The total number of allowable dwelling units is two hundred sixty-two as established for the specific plan area and for each planning unit in the land use development plan, Exhibit A. The density and number of dwelling units for each planning area is as follows:

- A. Planning area I permits thirty-six dwellings at 0.33 dwelling units per acre;
- B. Planning area II permits thirty-four dwelling units at 1.26 dwellings per acre;
- C. Planning area III permits forty dwellings at 1.04 dwellings per acre;
- D. Planning area IV permits eighty-eight dwellings at 1.84 dwellings per acre; and
- E. Planning area V permits sixty-four dwellings at 1.57 dwellings per acre.

~~Conceptual locations for units within the specific plan area are presented in the illustrative site plan, Exhibit B.~~ (Ord. 786 § 1, 1983)

#### **18.518.070 Open space.**

Open space areas are contained in all planning areas and are included in the gross acreage figures for each planning area. The total open space area on site, including public, owned in common and large contiguous private open space, is one hundred forty-eight plus/minus acres. (Ord. 786 § 1, 1983)

#### **18.518.080 Primary uses.**

Primary uses in Specific Plan No. 11 are as follows:

- A. Detached single-family residential;
- ~~B. Maid's quarters (when residence exceeds four thousand five hundred square feet minimum);~~
- ~~C. B.~~ Open space;
- ~~D. C.~~ Public and private trails. (Ord. 1226 § 1, 2014; Ord. 786 § 1, 1983)

#### **18.518.090 Incidental uses.**

~~Incidental uses in Specific Plan No. 11 are as follows:~~

- ~~A. Household pets as described and regulated in Chapter 18.20 Residential Zones Generally;~~
- ~~B. Public utility facilities as approved by the directors of community development and public works;~~
- ~~C. Other uses similar to those stated in subsections A and B of this section which the development plan review board finds consistent with the spirit and intent of this specific plan. (Ord. 1226 § 1, 2014; Ord. 786 § 1, 1983)~~

#### **18.518.100 Accessory uses.**

The following uses are permitted when they are accessory to the primary permitted uses: ~~and when their location and design has first been recommended and approved by the development plan review board as consistent with the spirit and intent of the specific plan.~~

- A. Detached garages ~~and carports~~;
- B. Accessory Dwelling Unit, subject to the provision of Section 18.38 of this code;
- ~~B. C.~~ Fences and walls subject to the provisions of Section 18.518.2960;
- ~~C. D.~~ Community recreation buildings and recreation facilities;
- ~~D. E.~~ Guard or security gating structures at community entrance locations;
- F. Patios, either attached or detached, and gazebos;
- G. Patios and decks including cantilever design;
- H. Swimming pool and spa;
- I. Pool house with no kitchen facility;
- J. Tennis Courts
- K. Household pets as described and regulated in Chapter 18.20 Residential Zones Generally;
- L. Public utility facilities as approved by the directors of community development and public works;
- ~~E. M.~~ Other accessory uses of a similar nature which the [Director of Community Development](#) finds consistent with the spirit and intent of this specific plan. (Ord. 1226 § 1, 2014; Ord. 786 § 1, 1983)

#### ~~18.518.110 Temporary uses.~~

- ~~—Temporary uses in Specific Plan No. 11 are as follows:~~
- ~~—A. Model homes, real estate offices and parking compounds associated with the sale of residential homes, subject to approval by the development plan review board only;~~
- ~~—B. Temporary storage compounds for contractor's trailers and construction equipment during actual construction only;~~
- ~~—C. Real estate and model complex signs relating to the sale, lease, or other disposition of the real property on which the sign is located and which are temporary in nature subject to the regulations of Chapter 18.152;~~
- ~~—D. Such other uses as are permitted pursuant to Section 18.196.050. (Ord. 786 § 1, 1983)~~

**18.518.120 Conditional uses.**

~~—A. Unless otherwise provided in accordance with Section 18.12.050, conditional uses shall include, but not be limited to, landscape components such as cabanas and cantilevered or retaining wall-supported patios, decks, swimming pools, tennis courts and other such structures, as may be determined by the director of community development, which are determined to be similar and not more obnoxious or detrimental than the other uses in this subsection. The determination of the director of community development may be appealed to the development plan review board in accordance with Section 18.12.050.~~

~~—B. Unless otherwise provided in accordance with Section 18.12.050, conditional structures must be approved by the development plan review board. When the installation of the conditional structures does not require grading which changes the characteristics of the landform or scenic quality of the surrounding area, the action of the development plan review board shall be final unless appealed in accordance with Section 18.12.070. In all other cases, the development plan review board shall provide a recommendation to the planning commission and approval by the planning commission shall be required. (Ord. 897 § 9, 1989; Ord. 786 § 1, 1983)~~

**Article III. Development Standards****18.518.130 Intent.**

This article is intended to provide standards for development of all residential and open space land uses within the specific plan area. (Ord. 786 § 1, 1983)

**18.518.140 Density and land use.****A. Detached Single-Family Residential Estates—Planning Area I.**

1. The maximum number of detached single-family residential lots permitted is thirty-six, yielding an average gross density of 0.33 units per acre. No detached single-family residential lots established by this specific plan may be further subdivided.

2. Individual Building Site. Each single-family residential structure (dwelling) together with any accessory structures, shall be located on an individual residential building site (lot). There shall be no more than one single-family dwelling per residential lot. No detached guest quarters are permitted.

B. Detached Single-Family Residential (Planning Areas II, III, IV and V). The maximum total number of single-family detached units permitted in these planning areas shall be two hundred twenty-six, yielding an average gross density of 1.46 units per acre. ~~The number of permitted dwellings on planning area by planning area basis are shown on Exhibit A.~~ The maximum number of residential buildable lots shall be indicated on the tentative tract map. (Ord. 786 § 1, 1983)



**18.518.150 Residential hillside development.**

A. It is the objective of Specific Plan No. 11 to meet the intent and objectives of the city relative to residential hillside development; therefore, all development within the 108.1 acre area of planning area I shall conform to the provisions of Chapter 18.32 except that uses, alternate development standards and densities established in this chapter shall prevail.

B. Additionally, the standards contained in Chapter 18.32 regarding grading, unit size, building height, required parking, open space, and slope maintenance, Sections 18.32.080, ~~18.32.110, 18.32.120, 18.32.130,~~ 18.32.160 and 18.32.170, shall be met to the extent practical in all other planning areas. (Ord. 786 § 1, 1983)

**18.518.160 Lot sizes, dimensions and unit size.**

Lot dimensions for all residential planning areas shall be generally as established and approved on the site plan and tentative tract map. Lot size information shall be provided with the tentative tract map submittal.

A. Planning area I lot sizes and dimensions shall meet or exceed the standards of Chapter 18.32 as follows:

~~1. Setbacks. Distances of structures to the property line in planning area I may be varied, in accordance with Article V as long as the distance between structures on adjoining parcels is not reduced below twenty-four feet~~

~~1.-2. Minimum Lot Size. Lot size may be reduced to no less than fifteen thousand square feet. The exact square footage shall be shown on the final recorded map. and shall be determined in accordance with the following procedure:~~

~~—a. The developer shall submit a precise plan for development of each lot. The precise plan shall show the most logical location of the custom homes based on the standards as set forth in this section;~~

~~—b. The precise plan shall be reviewed by the development plan review board and its recommendation shall be made to the planning commission for review and approval;~~

~~—c. After the precise plan is approved by the planning commission, the property line shall be determined, based on the location of the precise fence line and shall be shown and recorded on the final map;~~

~~—d. The developer, as a condition of approval, shall construct a decorative open or solid masonry fence as approved by the development plan review board along the property line;~~

~~—e. All property outside the property line shall be shown as open space and maintained by the property owner in accordance with the provisions of Section 18.518.200.~~

3. Lot Width. Lot width may be reduced to no less than one hundred feet at the building location. Average lot width shall be greater than one hundred feet in all cases and general greater than one hundred forty feet.

4. Residential Unit Size. Each residential unit shall have a minimum of two thousand square feet of living area. It is encouraged to build houses which are greater than three thousand square feet.

B. Planning areas II through V lot sizes and dimensions shall meet or exceed the standards of Chapter 18.24 as follows:

1. Setbacks. Minimum setbacks shall be as established in Section 18.518.220;
2. Lot Sizes. Minimum lot sizes shall be no less than eight thousand square feet. Additionally, the average lot size shall be greater than eleven thousand square feet;
3. Lot Width. Minimum lot width may be reduced to no less than seventy feet at the building location. Average lot width shall be greater than seventy feet in all cases.
4. Residential Unit Size. Each residential unit shall have a minimum of one thousand six hundred square feet of living area. (Ord. 786 § 1, 1983)

#### **18.518.170 Grading design.**

A. The intent and purpose of this section is to ensure that any onsite grading appears natural and blends into and follows the existing contours present on-site to the greatest extent possible.

B. Grading of the site shall conform to the standards set forth in this section. Construction grading permits shall not be issued unless the grading plans have first been reviewed and approved by the director of community development and city engineer.

A-C. General. The site is divisible into five (5) distinct areas and appropriate grading standards have been outlined in this section for each area on an individual basis. These areas are delineated on Exhibit A.

B D. Planning Area I—Single-family Detached—Estate Lots.

1. Grading Limits

- a. Lots in this area are predominantly located along the major change in topography and are highly visible to the surrounding community. The lots are located in an area of great landform sensitivity. Except as provided in subsections (D)(1)(b) and (D)(3)(h) below, ~~g~~Grading on these lots is restricted to only that earth movement necessary for; ~~roadway~~
  - i. vehicular access to the garage/parking area;
  - ii. ~~and~~ excavation for retaining-type building foundations for the primary residential structure and garage, where there will be no visible signs of grading beyond the structure's main walls; ~~and~~
  - iii. One pool/spa and a five (5) foot wide deck around the perimeter of the pool/spa. ~~The drainage of runoff will follow its natural course.~~
  - iv. A detached or attached ADU

- b. Up to one thousand (1,000) cubic yards of grading, cut and fill combines, is allowed in addition to the grading permitted by subsection (D)(1)(a).
  - c. Submitted grading plans shall provide the following calculations and delineate the amount of grading as shown.
    - i. House Pad cut/fill
    - ii. Vehicular access, garage and parking cut/fill
    - iii. Pool/Spa cut/fill
    - iv. Additional Grading cut/fill
  - d. Grading plans for any new residence and the vehicular access to the garage/parking area will be reviewed and approved by the Development Plan Review Board concurrent with the review of the residence. Grading plans for a pool/spa or any additional grading will be reviewed at the staff level, unless submitted concurrently with the grading for a new residence.
  - e. Grading is prohibited on any slope of more than a 65 percent grade.
2. Grading Design
- a. Housing shall be sited to take maximum advantage of any natural flat areas of the site for the location of the dwelling unit and any accessory structures in order to minimize the impact of grading on the natural landforms.
  - b. Lots in Planning Area I consist of a mixture of graded pad lots and custom sloping lots. Custom sloping lots may not be later regraded to flat pad configurations unless reviewed and approved by the Development Plan Review Board.
  - c. Transitions to adjacent planning areas (Planning Areas II and IV) shall be gradual and blended to the greatest extent possible.
  - d. Prior to the issuance of a grading permit, the developer shall submit a tree removal plan for review and approval if any trees are proposed for removal. The removal of any trees must follow the standards set forth in Chapter 18.162 of this code.

- e. All grading on site shall work with the contours present on site. Grading which cuts directly across contour lines shall be avoided. See Figure 1 below.

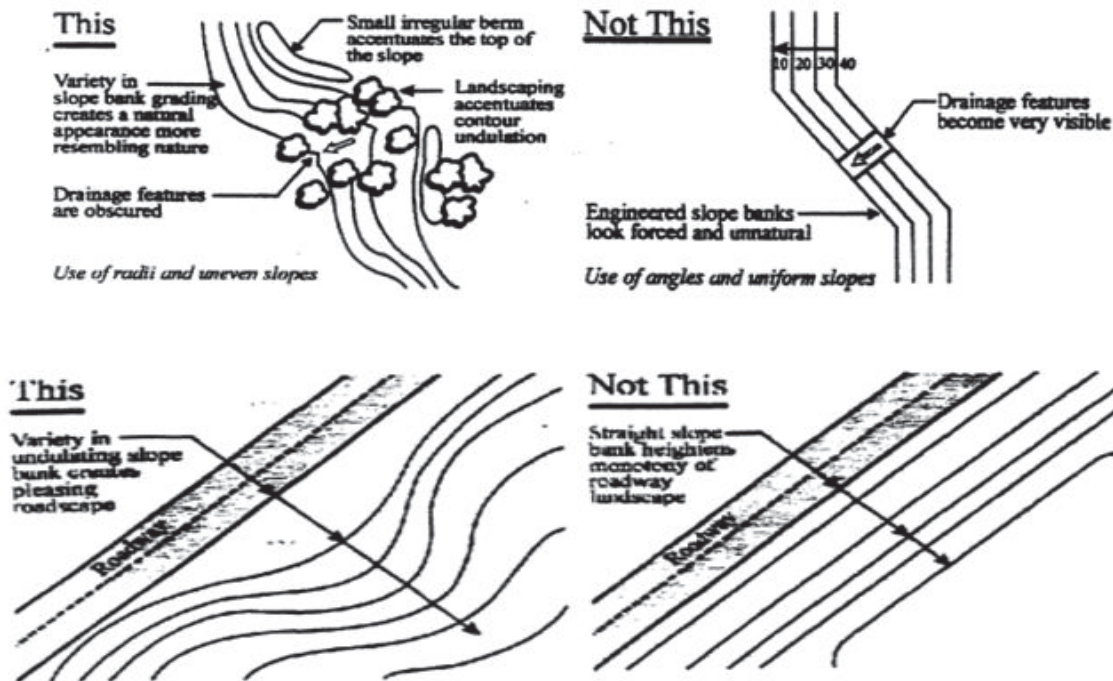


Figure 1 – Preferred Grading Techniques

### 3. Retaining wall design

- a) The maximum height for any single retaining wall is 12'. The total exposed height of all walls shall not exceed 24'.
- b) If more than one retaining wall will be used, the walls must be separated by one half the height of the taller of the adjacent walls.
- c) Gravity type retaining walls shall be used unless on-site conditions prohibit their use.
- d) Wall material shall be either split or slump stone in an earth tone color; tans/browns.
- e) Retaining walls shall flow with the natural contours found on site and shall not cut directly across contours.
- f) If an infinity pool is placed in the yard, the pool wall shall count towards the height of retaining walls.
- g) Any required drainage features shall be of concrete in an earth tone color; tans/browns.
- h) In lieu of a retaining wall(s), a slope of no more than a 2:1 ratio may be utilized. The use of a slope shall provide a 20% bonus to the additional grading limits, not to exceed two hundred (200) cubic yards or the total cubic yardage necessary to create the slope, whichever is less.

### 4. Landscape design for retaining walls

- a) The base of the retaining wall(s) shall be planted with drought tolerant shrubbery and trees with staggered planting at 15-foot intervals. Tree type shall be either Coast Live Oak, Scrub Oak, or Southern California Black Walnut.

- b) If more than one wall is used, landscaping must be placed on the terrace between the walls and the base of the lower wall. Landscaping shall be drought tolerant, native and grow tall enough to cover the upper wall.
- c) Irrigation shall be required to be installed for all required landscaping at the time of planting. Irrigation shall be permanent in nature and all landscaping shall be maintained by the property owner.

~~—2. Housing shall be sited to take maximum advantage of any natural flat areas of the site for the location of the dwelling unit and any accessory structures in order to insure adherence to the grading standards applied in subdivision 1 of this subsection.~~

~~—3. Lots in planning area I consist of a mixture of graded pad lots and custom sloping lots. Custom sloping lots may not be later regraded to flat pad configurations unless reviewed and approved by the development plan review board.~~

~~—4. Transitions to adjacent (planning areas II and IV) shall be gradual and blended as much as possible.~~

~~5. Prior to the issuance of a grading permit, the developer shall submit a tree removal plan for review and approval by the development plan review board. Trees six inches in diameter or larger to be removed shall be identified on the tree removal plan.~~

#### C E. Planning Areas II, III, IV and V—Single-family Detached Residential.

##### 1. Grading is permitted under the following guidelines:

- a. All graded slopes are to be contoured and blended to harmonize with natural slopes except where the use of contour grading techniques result in significantly greater exposed graded slopes.
- b. The extent of visible exposed cut or fill banks shall be limited to twelve feet except where the use of a specific grading technique minimizes the visual impact or aids in visual screening.
- c. Significant landmark features as determined by the planning division, such as prominent trees and areas of special natural beauty, shall be preserved.
- d. Maximum vertical height of cuts and fills, exposed or retained by walls, shall not exceed the requirements as listed in subparagraph (b) of this subdivision, except when necessary to provide circulation access, or when an alternate is approved by the development plan review board.
- e. The maximum steepness of exposed cuts and fills shall not exceed 2:1.
- f. No grading of finished building pads shall be permitted ~~prior to precise plan approval.~~
- g. No curb cuts shall be permitted ~~prior to precise plan approval~~ unless specifically approved by the director of community development or the director of public works.
- h. Prior to the issuance of a grading permit, the developer shall submit a tree removal plan complying with code section 18.162. if any trees are proposed for removal.

~~for review and approval by the development plan review board indicating trees with trunks six inches in diameter or larger to be removed.~~ (Ord. 786 § 1, 1983)

**18.518.180 Open space.**

Contained within all planning areas are areas of significant open space totaling approximately 148.0± acres. These areas of the site in which development does not occur will be controlled and protected by the overlay of an open space scenic easement. The intent of this easement is to preserve the open space character of the areas from the introduction of visible man-made structures, preserving and enhancing the natural aesthetics of the area, while also maintaining the health, safety and welfare of the residents and protection of property. Restrictions in the open space easement area, as identified on the tentative tract map are as follows:

A. Grading is not permitted in these areas except for the following uses:

1. Fuel modification and access for fire control and emergency vehicles;
2. Recreational access for riding, hiking or other open space uses;
3. Protection of property from the effects of storm runoff, erosion, unstable soils or geologic conditions;
4. Road access for surrounding circulation;
5. Construction of underground utilities;
6. Service access for utilities and flood control facilities;
7. Landscaping.

B. Where grading is warranted as in subparagraph (a) of this subsection, the following techniques shall be employed:

1. A contour grading technique shall be used where the graded areas are visible from off-site areas of development unless the use of this technique results in significantly greater exposed slopes;
2. Grading shall be kept to a minimum and improvements shall be designed to conform to the terrain wherever possible. Graded slopes shall be concealed where possible and transitions between the graded slopes and natural terrain shall be gradually adjusted and blended.

C. No structures, appurtenances, or walls may be constructed in this area except for those conditions listed in subparagraphs (a) and (b) of this subsection.

D. Introduced plant material is encouraged to be restricted to native species and/or those plant types presently existing on-site. (Ord. 786 § 1, 1983)

**18.518.190 Erosion control.**



All manufactured slopes shall be planted or otherwise protected from the effects of storm runoff erosion and shall be benched or terraced as required to provide for adequate stability. Planting shall be designed to blend the slopes with the surrounding terrain and development. Irrigation facilities shall be required where necessary to provide for proper maintenance of the planted areas. (Ord. 786 § 1, 1983)

**18.518.200 Slope maintenance.**

All slopes shall be maintained in accordance with the following provisions:

A. A declaration of covenants, conditions and restrictions shall be prepared by the developer and submitted to the planning director and city attorney for review prior to the issuance of building permits. The covenants, conditions and restrictions shall be signed and acknowledged by all parties having record title interest in the property to be developed, shall make the city a party thereto and shall be enforceable by the city. The covenants, conditions and restrictions shall be approved by the city and recorded by the development prior to occupancy of units or buildings proposed for this project. The covenants, conditions and restrictions shall be subject to the following conditions:

1. The covenants, conditions and restrictions shall be prepared and reviewed at the developer's sole cost and expense;
2. The covenants, conditions and restrictions shall be in the form and content approved by the director of community development and city attorney, and shall include such provisions as are required by this approval and as the officials deem necessary to protect the interest of the city and its residents;
3. The covenants, conditions and restrictions shall provide for the effective establishment, operation, management, use, repair, and maintenance of all common areas and facilities, including all open space and easement areas as set forth in the tentative tract map;
4. The covenants, conditions and restrictions shall provide that the property shall be developed, operated and maintained so as not to create a public nuisance;
5. The covenants, conditions and restrictions shall provide that if the property is not maintained in the conditions required by the covenants, conditions and restrictions then the city, after making due demand and giving reasonable notice, may enter the property and perform, at the owner's sole expense, any maintenance required thereon by the covenants, conditions and restrictions or the city's ordinances. The property shall be subject to a lien in favor of the city to secure any such expense not promptly reimbursed;
6. In addition, the covenants, conditions and restrictions shall contain the following special conditions:
  - a. All improvements located within the slope areas, such as landscaping and sprinklers, shall be maintained in a safe condition and a state of good repair,

b. Failure to maintain such improvements located on slope areas shall be unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community. (Ord. 786 § 1, 1983)

**18.518.210 Building height.**

A. In planning area I, the maximum building height shall be as follows:

1. Two stories or thirty-five feet; whichever is less;
2. Building high shall be measured from the average of the lowest point and highest point of contact with the ground to the highest portion of the structure;
3. On sloping terrain, three stories or forty-two feet are permitted on downhill lots as measured in subdivisions (1) and (2) of this subsection; provided they do not exceed two stories above street grade.

B. No building or structure in planning areas II through V shall exceed two stories, as defined by the Uniform Building Code, or thirty-five feet in height, whichever is less. (Ord. 786 § 1, 1983)

**18.518.220 Setbacks.**

A. Front Yard Setbacks.

1. Planning Area I. Front yard setbacks for all residential land uses shall vary according to topographic conditions and shall be as approved pursuant to the development plan review board disposition procedure described in Article V.
2. Planning Areas II through V. Minimum front yard setback shall be eighteen feet from front property line. The average front yard setback shall be twenty feet. In those areas where physical hardship exists, a lesser minimum setback may be reviewed and approved by the development plan review board.

B. Side Yard Setbacks.

1. Planning Area I. Side yard setbacks for all residential development shall be twelve feet minimum;
2. Planning Areas II and V. The minimum required side yards for detached single-family residential development shall be five and twelve feet, with the twelve foot side yard being provided on the driveway side of the lot. On corner lots, the side yard adjacent to the street shall be a minimum of ten feet.

C. [Setbacks for Accessory Structures](#)

1. [Planning Area I. There shall be a ten-foot minimum setback from the side and rear property lines.](#)
2. [Planning Areas II through V. There shall be a five-foot minimum setback to the side or rear yard property line if the structure is located entirely behind the main residence. For any accessory structure built in the side yard adjacent to the main](#)

residence, the side yard setbacks found in subsection B will apply., (Ord. 786 § 1, 1983)

#### **18.518.230 Parking and driveways.**

In addition to the standards established by Chapter 18.156, the following standards will apply:

A. General. Driveways and drives shall be designed to a grade and alignment that will provide the maximum of safety and convenience for vehicular, emergency and pedestrian use and in a manner which will not interfere with drainage or public use of the sidewalks and/or street areas. Driveways shall be located and designed to minimize disturbance to natural terrain.

B. A minimum of two off-street parking spaces within a fully enclosed garage shall be provided for each dwelling unit. In addition, two off-street parking spaces for guests shall be provided for each dwelling unit.

C. Driveways shall have a minimum width of sixteen feet, except turn-in driveways which shall have a minimum width of twelve feet unless modified to preserve natural terrain pursuant to the plan disposition procedure.

D. The occasional use of common driveways serving two or more residences can drastically reduce the potential monotonous repetition of driveways as well as reduce grading and the on-site costs of development. This arrangement shall be encouraged. (Ord. 786 § 1, 1983)

#### **18.518.240 Street standards and geometrics.**

~~—Street designs shall be in accordance with the hillside street development standards contained in Sections 18.32.230(B)(8) through 18.32.250. In addition, the minimum horizontal radius for local residential streets shall be one hundred feet. The minimum right-of-way width for local residential streets shall be thirty-five feet, with twenty-eight feet of paving and parking permitted on one side. All street sections shall be shown on the tentative tract map. Modifications to the standards in this section shall be as approved by the city engineer. (Ord. 786 § 1, 1983)~~

#### **18.518.250 Storm drainage.**

~~—The design of storm drainage facilities shall ensure the acceptance and disposal of storm runoff without damage to streets or to adjacent properties. The use of special structures to accept design storm runoff shall be incorporated into the street design where appropriate. All storm drainage facilities shall be subject to the approval of the city engineer. In addition, the net increase of storm runoff into the Covina Hills Road drainage way which drains westward shall be prohibited. (Ord. 786 § 1, 1983)~~

**18.518.260 Landscaping.**

~~—A. Design Concept. The general design concept is to maintain the scenic amenity represented by existing natural landforms and vegetation, with introduced plant materials designed to harmonize with the natural character of the site. The major open space areas will be retained in their natural state, and additional landscaping will be incorporated in specific perimeter areas to eliminate negative visual impacts both on and off the site through selective screening. Locations of key entries, visual screening and conceptual design shall be required as part of the conceptual landscape plan.~~

~~—B. Landscape Plan and Plant Materials List.~~

~~—1. Prior to the issuance of lot building permits, a conceptual landscape plan for all developer-installed areas shall be submitted to the director of community development for review and approval. The landscape plan shall include design features sensitive to maintaining solar access for each dwelling unit where possible, subject to the approval of the development plan review board.~~

~~—2. For each phase, a corresponding final landscape plan shall be approved by the director of community development. The landscape plan shall clearly indicate general location, size and species of plant materials.~~

~~—3. In addition, a suggested plant material list for use by individual homeowners in their selection of plant materials shall be submitted.~~

~~—C. Fire Prevention. In order to reduce potential fire hazards, existing fire prone plant materials shall be eliminated along main roads. Landscape material used shall be selected for its fire retardant characteristics. All plant material shall meet with the requirements of the Los Angeles County fire department.~~

~~—D. Installation and Maintenance Responsibility.~~

~~—1. Installation. All cut and fill slopes in excess of three feet in vertical height shall be planted and irrigated with a temporary or permanent sprinkler system as appropriate to promote growth of plants and ground cover to prevent erosion. In developing a site, the developer shall plant and maintain all slopes until the property is occupied by reason of purchase. The developer shall provide suitable guarantees, satisfactory to the city council for planting and maintenance as required by this chapter.~~

~~—2. All manufactured slopes shall be planted or otherwise protected from the effects of storm runoff erosion and shall be benched or terraced as required to provide for adequate stability. Planting shall be designed to blend the slope with the surrounding terrain and development. Irrigation facilities shall be required where necessary and possible to provide for proper maintenance of the planted areas.~~

~~—3. Maintenance. To ensure continued maintenance of plant materials, an automatic irrigation system shall be provided by the developer. Sprinkler systems shall be designed to provide uniform water coverage. In no event shall the rate of precipitation or duration of sprinkling be permitted to create an oversaturated condition or cause an erosion problem. A functional test of the sprinkler to drip irrigation system shall be performed by the installer in the presence of a building inspector. (Ord. 786 § 1, 1983)~~

**18.518.270 Signs.**

~~—Prior to the installation of any sign, a sign program shall be submitted to the development plan review board for review and approval. The sign program shall show signs drawn to scale, dimensioned and easily readable, containing but not limited to, the following:~~

- ~~—A. General location and bulk of major community identification or directional signs;~~
- ~~—B. Location of major community components, such as streets, permanent open space, entry statements and development areas;~~
- ~~—C. Model complex signs. (Ord. 786 § 1, 1983)~~

**18.518.280 Lighting.**

~~—All public streets shall be provided with a level of street lighting designed to protect the health, safety and welfare of those living within the development. Street lights shall be mounted on ornamental electroliers. Prior to the installation of any lighting or other developer-installed community lighting other than street lighting, a general lighting plan shall be submitted to the development plan review board for review and approval. Further, street lighting engineering data shall be approved by the city engineer. (Ord. 786 § 1, 1983)~~

**18.518.290 Fencing.**

The purpose of this plan is to prohibit the arbitrary placement of fences on the visible slopes of the hillside areas.

Planning Area I

All fencing to be installed shall meet the standards set forth in section 18.24.040(G) of this code, except for front yard fences which may be up to six feet in height. No fencing shall be permitted within the open space easement areas within this specific plan, as set forth in Exhibit B.

Planning Areas II, III, IV, V

All fencing to be installed shall meet the standards set forth in section 18.24.040(G) of this code. Fencing is typically located at the top of slope or the toe of slope of downslope properties. No fencing shall be permitted within the open space easement areas within this specific plan, as set forth in Exhibit C.

~~—A conceptual fencing plan is included as Exhibit C which indicates the general areas where fences are permitted. The purpose of this plan is to prohibit the arbitrary placement of fences on the visible slopes of the hillside areas. Prior to the issuance of grading permits, a community fencing plan for each development described in this chapter shall be submitted to the development plan review board for review and~~

~~approval. The community fencing plan shall clearly indicate the location, height, type of materials and color selections to be utilized for fencing. Areas prohibited from fencing shall be indicated on the community fencing plan. Homeowner installed fencing shall be reviewed and approved by the director of community development.~~ (Ord. 786 § 1, 1983)

**18.518.300 Patio or deck areas.**

~~—All development plans shall show a patio or deck area on each hillside lot where appropriate. Unless required as a condition of approval, a developer shall not be required, pursuant to this section to install a patio or deck area. However, any persons wishing to install a patio or deck area shall do so in accordance with a development plan approved by the director of community development and the development plan review board. The development plan shall provide for the installation of the patio or deck area by one or more of the following methods:~~

- ~~—A. Cut/fill;~~
- ~~—B. Retaining walls;~~
- ~~—C. Cantilevered decks;~~
- ~~—D. At-grade construction.~~

~~—The planning commission shall by resolution adopt standards and findings governing the designation and installation of patio or deck areas. (Ord. 786 § 1, 1983)~~

**Article IV. Architectural Guidelines**

**18.518.310 Purpose.**

The purpose of the architectural guidelines is threefold:

- A. To provide the city with the necessary assurances at the time of adoption of Specific Plan No. 11 that the community will develop in accordance with the quality and character proposed in this chapter;
- B. To provide policy guidance to builders, home residents, engineers, architects, landscape architects, and other design professionals in order to maintain design continuity throughout the development and within the home area;
- C. To provide guidance to the development plan review board, planning commission and the city council in the subsequent review of building plans as noted in plan review and disposition procedures. (Ord. 786 § 1 (D), 1983)

**18.518.320 Building design.**

Architectural statements should convey a feeling or impression rather than standing out as any particular style. Each residential area should convey its own blend of building



forms, textures and site relationships. There is not one particular style but rather an atmosphere which should be the result of building designs, sensitively integrated with the site, the topography and character of the property. Desirable building design goals include, but are not limited to, the following:

A. The creation of a human scale of buildings such that the structures do not appear to be monumental in size or visual scale;

B. The promotion of controlled variety by the use of such techniques as breaking up long wall surfaces and roof lines into staggered masses, employing natural or highly textured materials on buildings or walls and employing balconies to provide useable outdoor space as well as visual relief;

C. Variation in roof forms by the mixing of single with two-story elements, occasional turning on end, the addition of architectural details, or the use of differing heights of roof peaks;

D. Avoidance of conflicting or “hodge-podge” effects in style or materials ~~within planting areas~~. (Ord. 786 § 1 (D), 1983)

#### **18.518.330 Relation to site.**

Buildings and other improvements should be appropriate in mass and scale to the site on which they are placed. The site and its relationship to other structures, scenic values, climatic orientation, solar access circulation and topography should be dominant factors in the design or orientation of structures on each site. (Ord. 786 § 1 (D), 1983)

#### **18.518.340 Landscape design.**

Landscape design and proper use of plant materials can dominate the total visual image presented by the buildings and building clusters. Landscape materials should include native materials. Landscape design should respect solar access rights and should be utilized for microclimatic control around structures and outdoor use areas. The design of fencing and exterior lighting is an integral part of the landscape design process. (Ord. 786 § 1 (D), 1983)

#### **18.518.350 Selection of materials.**

The building and its elements should be unified in [architectural style](#), textures, colors and materials to provide an order and coherence, not only with themselves, but with the surrounding environment or natural setting. Nature provides a strong coherent order without monotony which includes symmetrical, asymmetrical, linear and curvilinear forms, and rough and smooth textures. The design of improvements should complement this natural site order in form, texture and color. (Ord. 786 § 1 (D), 1983)

**Article V. Plan Review and Disposition****18.518.360 Review requirements—Development plans.**

A. Before any grading for residential development is undertaken on any lot or parcel within the Specific Plan No. 11 area, unless otherwise provided in accordance with Section 18.12.050, development plans for any planning area shall be submitted for review and approval by the development plan review board ~~and planning commission~~, pursuant to the provisions of Chapter 18.12. ~~Development plans shall consist of the following:~~

~~—1. A scaled plot plan or site plan;~~

~~—2. Conceptual architectural floor plans and elevations where applicable;~~

~~—3. Rough grading plan;~~

~~—4. Conceptual landscaping plan.~~

~~—B. Unless otherwise provided in accordance with Section 18.12.050, development plans shall be subject to final review and approval by the development plan review board and thereafter, the planning commission, unless appealed to the city council in accordance with Chapter 18.12.~~

~~—C. In addition to the standard development plan findings, the development plan review board, the planning commission and the city council, in approving a development plan for any lot or lots in Specific Plan No. 11, shall make the following findings:~~

~~—1. The proposed improvements will maintain or enhance the existing character and purpose of Specific Plan No. 11;~~

~~—2. Structures and appurtenances are sited in a manner that minimizes visual impact and disturbance, to the natural terrain and are in conformance to the intent of Specific Plan No. 11;~~

~~—3. The architectural character, style and use of materials harmonize with the natural setting, if applicable.~~

~~—D. Prior to submitting development plans, the applicant shall meet with city planning and engineering staff members to discuss and review the general purpose and objectives of the specific plan in relation to any development concepts proposed by the applicant. (Ord. 897 § 9 (B), (C), 1989; Ord. 786 § 1 (E), 1983)~~

**18.518.370 Precise plan review requirements.**

~~—A. The applicant shall submit four sets of scaled plans to the planning department which shall include the following, where applicable:~~

~~—1. Precise grading plan;~~

~~—2. Signing plan;~~

~~—3. Fencing plan;~~

~~—4. Lighting plan;~~

~~—5. Landscaping plan;~~

~~—6. Architectural floor plans and elevations.~~

~~—Precise plans shall be reviewed and approved by the development plan review board only. Appeals are subject to the provisions of Section 18.12.070 (C).~~

~~—B. The development plan review board shall make the findings in accordance with Section 18.12.060. (Ord. 786 § 1 (E), 1983)~~

~~-~~

**18.518.380 Plan disposition.**

~~—A. Required tentative tract map submittals shall be considered by the subdivision committee review board on an advisory basis to the planning commission. The planning commission shall consider the plans and recommend to the city council approval, conditional approval or disapproval based upon the public health, safety and general welfare within thirty days of submission and formal acceptance by the city. Upon receipt of the recommendation from the planning commission, the city council shall approve, conditionally approve or disapprove the tentative tract map.~~

~~—B. Within thirty days after submission of development plans, the development plan review board shall consider the plans and shall recommend to the planning commission approval, conditional approval or disapproval of the plans with any conditions deemed necessary to protect the public health, safety and general welfare. Appeals shall be subject to the provisions outlined in Section 18.518.360.~~

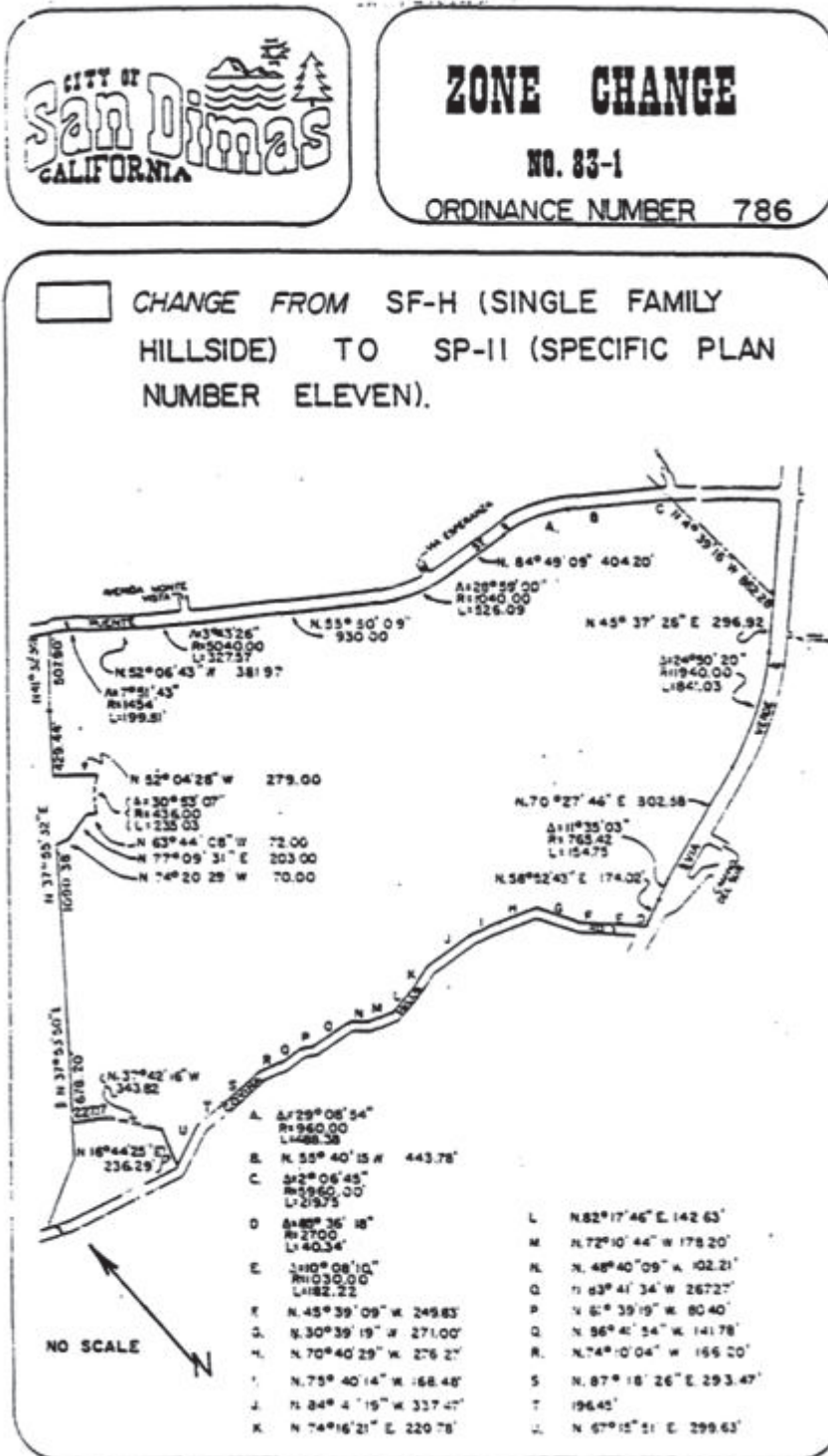
~~—C. Within thirty days after submission of precise plans, the development plan review board shall consider the plans and shall approve or disapprove the plans. Appeals shall be in accordance with the provisions of Section 18.12.070 (C).~~

~~—D. Amendments to Approved Plans. Development plans and precise plans may be amended by the same process provided for approval. Minor modifications, which do not substantially change the concept of an approved development plan or precise plan may be approved by the director of community development and reported to the development plan review board.~~

~~-~~

**Exhibit A**

Delete this Exhibit A



## Exhibit A

**Exhibit A**  
**Specific Plan No. 11**  
**Area I — V**

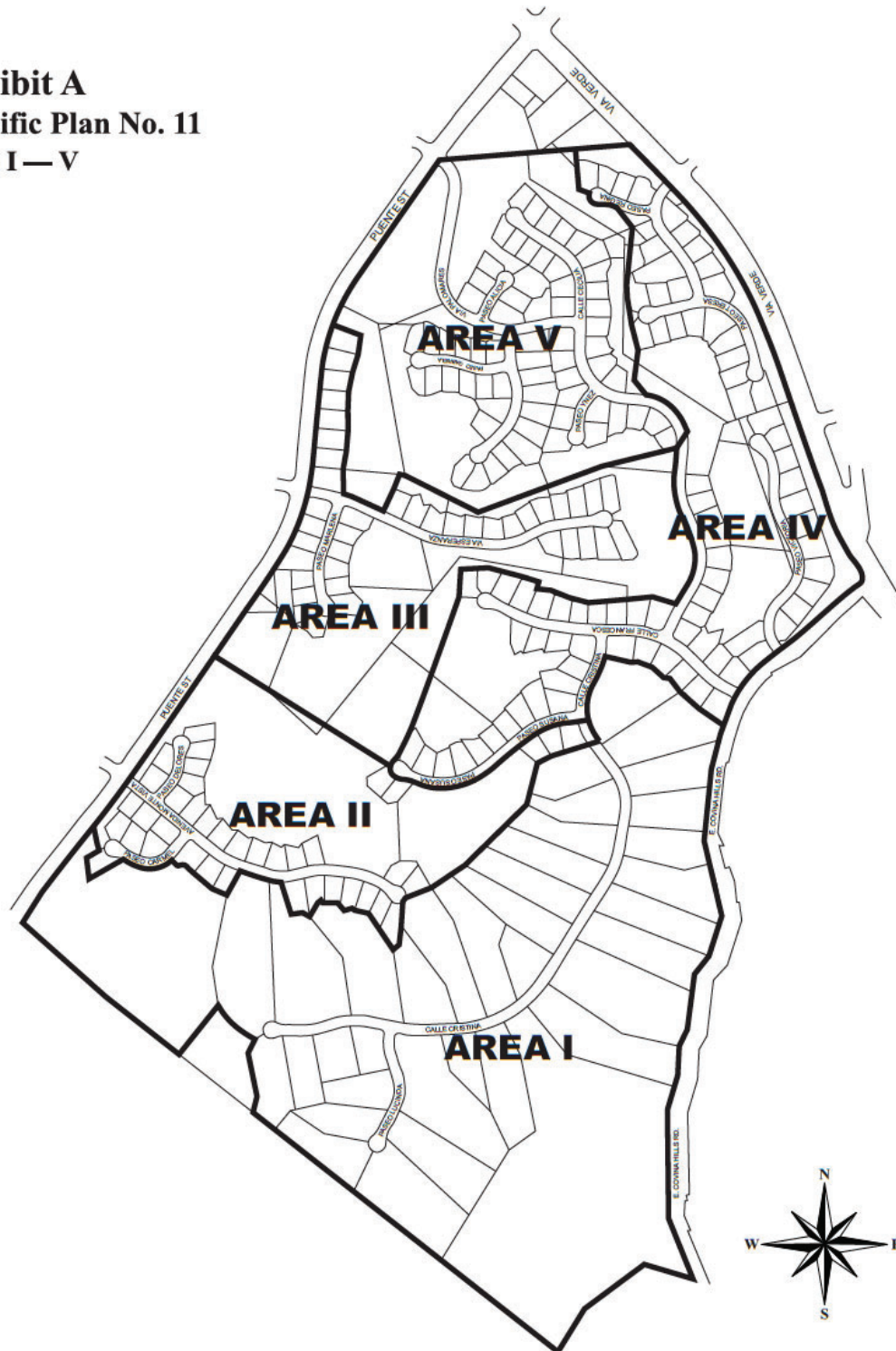
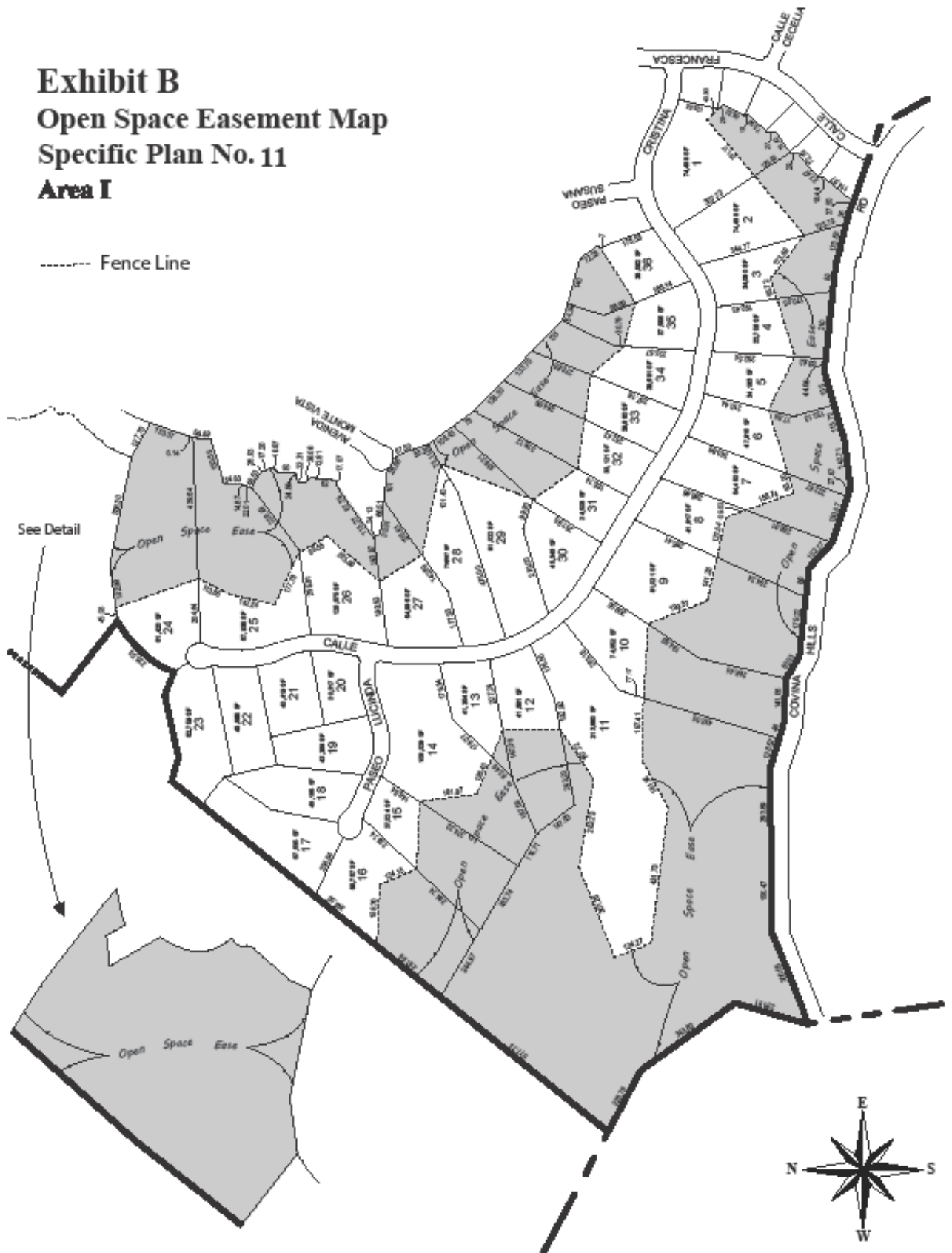


Exhibit B      ~~(Reserved).~~



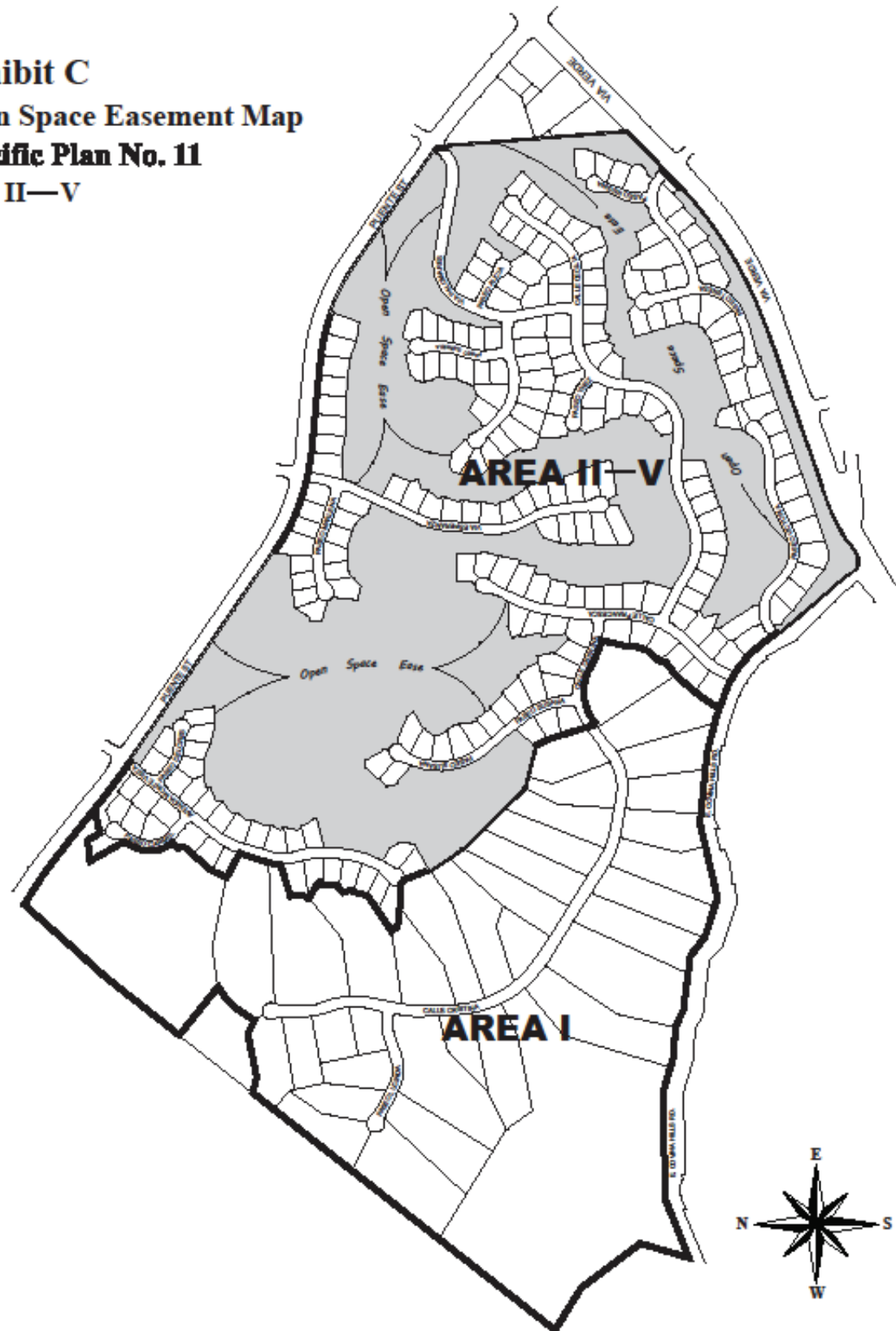
# **Exhibit B** **Open Space Easement Map** **Specific Plan No. 11** **Area I**



(Ord. 786 § 1 (E), 1983)

[Exhibit C](#)

**Exhibit C**  
**Open Space Easement Map**  
**Specific Plan No. 11**  
**Area II—V**



# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Thursday, November 21, 2024, at 6:00 p.m.  
245 East Bonita Avenue, City Council Chamber

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## **PRESENT**

Chairman David Bratt  
Vice-Chairman John Davis  
Commissioner Margie Green  
Commissioner Doran Barnes  
Commissioner James Shirley  
Director of Community Development Luis Torrico  
Planning Manager Marco Espinoza  
Senior Planner Anne Moore  
Assistant Planner Taylor Galindo  
Assistant Planner Yasmin Dabbous  
Senior Management Analyst Kimberly Neustice  
Administrative Analyst Caitlyn Cortez  
Planning Intern Byron Luk

## **CALL TO ORDER AND FLAG SALUTE**

**Commissioner Bratt** called the regular meeting of the Planning Commission to order at **6:02 p.m.** and **Commissioner Green** led the flag salute.

## **CONSENT CALENDAR**

**CC 1.** Approve the October 17, 2024 Planning Commission minutes.

**MOTION:** Moved by **Commissioner Green** moved, seconded by **Commissioner Shirley** to approve the consent calendar. Motion carried 5-0.

## **PUBLIC HEARING**

**PH 1.** Municipal Code Text Amendment 20-05; Discussion and consideration of a Municipal Code Text Amendment of Title 18-Zoning, Chapter 18.518 Specific Plan 11 of the San Dimas Municipal Code, to amend grading limits within Planning Area I and make various clean-up text amendments, and adoption of the associated Mitigated Negative Declaration.

**Vice-Chairman Davis** recused himself from this item.

Staff report presented by **Director of Community Development Torrico** recommending Planning Commission approve Resolutions PC-1689 and PC-1670 recommending City Council approve the final revised Mitigated Negative Declaration (MND) and Municipal Code Text Amendment 20-05 (MCTA).

**Commissioner Barnes** clarified that the current exemption of two-hundred cubic yards doesn't apply to pool construction.

**Director of Community Development Torrico** stated that was correct under the existing Environmental Impact Report (EIR). However, staff stopped this practice four years ago when this item was initiated.

**Commissioner Barnes** asked if the current exemption of two-hundred cubic yards would qualify under the new Environmental Impact Report (EIR).

**Director of Community Development Torrico** stated that was correct. Anything that was graded beyond the house and garage before this new EIR is approved they will be able to stay. This only applies to any new grading which would have to comply with the measures in the new Mitigated Negative Declaration. He also stated that there is a correction on page twenty-nine, it states that pools are exempt but they are not. Page thirty section B1A staff would like to add text that includes the mitigation measures from the MND so that future readers know that these are a requirement of the additional grading in the area.

**Commissioner Barnes** asked if an owner wanted to build an Accessory Dwelling Unit (ADU) and needed to do grading, would it be exempt of the requirements of the new MND.

**Director of Community Development Torrico** stated yes.

**Chairman Bratt** opened the public hearing.

**Speaker 1** – John Begin – stated that he felt that the owners of the seven vacant lots left can afford to absorb the cost of these measures in their development process. He stated that the existing developed lots, the studies alone will cost more than the proposed project they want to build. He felt pools should still be exempt from the grading requirements because that's mostly what people are building on these lots. However, he does feel that the new review of the MND is much better than the original report. He's in support of the item and hopes that the change goes through.

**Speaker 2** – Kathy Begin – stated that she approves of the one-thousand cubic yards of extra grading however, many of the residents oppose the biological resources requirement. Many residents have spoke against the grading limits and mitigation measures of the MND over the years and she also has signed petitions showing that most of the residents are against this. The fact that people have

to spend sixty thousand on biological surveys isn't right. They already have to do various mitigation measures for fire protections. A lot has happened in the four years that this was being reviewed and now the owners are being saddled with the added cost of these studies if they want to build on their lot.

**Speaker 3** – Psomas Consultant – She prepared the biological sections of the new MND. The mitigation measures of the table that was shown in the presentation, just because the survey is listed in the table for the parcel doesn't mean that all of these surveys apply. The required surveys are based on the location of the proposed project. This report is based on all possible projects so they have to prepare the worst-case scenario in the report to cover all possibilities. She doesn't like to require a lot of surveys but unfortunately, they are meant to protect the natural habitat.

**Speaker 4** – Pauline – She has lived in Via Verde Ridge for over twenty years and their properties face Covina Hills Road. In all her time there she has never seen a frog, turtle or rare plants. The county comes and digs everything up every year for fire protection and no care is given to the natural habitat. She feels that some of this information is absurd but it's time that a decision is made.

**Chairman Bratt** closed the public hearing.

#### **RESOLUTION PC-1689**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM FOR MUNICIPAL CODE TEXT AMENDMENT NO. 20-0005, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED**

#### **RESOLUTION PC-1670**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 20-05, AN AMENDMENT TO CHAPTER 18.518 – SPECIFIC PLAN 11, OF THE SAN DIMAS MUNICIPAL CODE**

**Director of Community Development Torrico** stated that he would like to add a revision to Section 18.518.170 - Grading design - removing the existing language of item D.1.a.iii. which states "One pool/spa and a five (5) foot wide deck around the perimeter of the pool/spa" and to add language to the section that the Grading Limits are subject to Resolution PC-1670 and the measures of the Final Initial Study/Mitigated Negative Declaration.

**MOTION:** Moved by **Commissioner Barnes** to approve Resolution PC-1689 and PC-1670 with the revision to Section 18.518.170.D.1.a, seconded by **Commissioner Shirley** recommending City Council adopt Municipal Code Text Amendment 20-05. Motion carried 4-0-0-1 (Davis recused).

**Commissioner Barnes** stated in the short time he's been on the Commission, he's been surprised by the challenges the City faces as to what we can or cannot control because of State legislation and he understands that such mandates can be frustrating to the residents.

**PH 2.** Vesting Tentative Tract Map 24-01 (VTTM 84436); Discussion and Consideration of a request to subdivide two adjoining parcels into five parcels within the Single-Family Agriculture Zone, which are addressed as 720 N. Oakway Avenue (APN: 8392-020-034) and an unaddressed parcel (APN: 8392-015-041).

Staff report presented by **Senior Planner Moore** recommending Planning Commission adopt Resolution PC-1687 recommending approval to the City Council of Vesting Tentative Tract Map 24-01 (VTTM 84436).

**Chairman Bratt** asked if there will be an entry to the site off Cody Road.

**Senior Planner Moore** stated that there will not be an entrance off Cody or Gladstone, only off of Oakway.

**Chairman Bratt** asked for clarification on the improvements for the proposed access easement up to Gladstone.

**Senior Planner Moore** stated that the access road is only for the sewer line but the condition requires the paved area to be all the way through to the end of the private driveway for sewer maintenance access only.

**Chairman Bratt** asked how the private road for the development will be maintained.

**Senior Planner Moore** stated the private road will require an access easement and maintenance agreement between all neighbors to maintain the private driveway.

**Chairman Bratt** asked if they don't maintain the private drive, what recourse does the City have. Maintenance of private drives and streets has been an issue in the City before and he wants to make sure that this is going to be maintained and if it's not that the City has some kind of recourse.

**Community Development Director Torrico** stated that Staff can add a condition to the approval that all residents must enter a maintenance and that failure to maintain the private drive would be subject to Code Compliance action. Staff will discuss the condition with the City Attorney and add the appropriate language to the conditions of approval to the tract map.

**Commissioner Green** stated that at the far east end there's no turn around and she's concerned for fire vehicles getting to and from the residences.



**Chairman Bratt** stated that the fire code requires a turnaround within one hundred and fifty feet and there is in fact a turnaround on the third parcel.

**Chairman Bratt** opened the public hearing.

**Speaker 1** – Applicant Dean Hakkak – stated he wants to be respectful of his neighbors as he wants to remain on a friendly and cordial basis with them. He feels that the area is underutilized and wants to make sure that this development is in accordance with the City requirements.

**Speaker 2** – Laura Smith – Currently there is a fire hydrant by her house. Where is the new development going to connect to if there's a fire. She doesn't believe that a hose would reach back to the last lot.

**Senior Planner Moore** stated that the presentation doesn't include the requirements set by Los Angeles County Fire, but they are requiring one new private fire hydrant to be installed. The new hydrant location will be located at the east corner of the turnaround on lot three and is required to be installed prior to beginning construction on the houses.

**Speaker 2** – Laura Smith – stated that lots one, two and three have been constantly under construction with water trucks that come in the wrong direction. She wants to make sure that the hydrant is installed before they start construction in case there is a fire during construction. Also, she didn't see a traffic study and Amelia Avenue is already a very busy street. Right where the entrance to the private road is, the construction people were going in and out carelessly from Ghent to Oakway, and she has asked repeatedly to have this entry yield to slow down traffic. Before any construction begins there should be a sign installed that yields construction traffic before they head out of the construction site.

**Chairman Bratt** asked what is the requirement for a traffic study to be done for a development.

**Community Development Director Torrico** stated that this project is exempt under the thresholds of traffic study requirements. Under the new Vehicle Miles Traveled (VMT) guidelines there are certain projects that are exempt so that's why there wasn't a traffic study done.

**Speaker 2** – Laura Smith – She feels like there will be too much traffic coming and going from these new homes with the construction of the house, ADU's, pools and other construction.

**Community Development Director Torrico** stated that Staff can check with Public Works to see if there is anything that can be added to the Conditions to help the traffic issue.

**Speaker 1** – Applicant Dean Hakkak – Stated that there is currently a gate at the entrance. The plumbing trucks that are coming and going are from 716 Oakway and there's nothing he can do to control this traffic since it isn't from his property. He stated that he got a permit to add a water meter to the existing fire hydrant to use the water. Anyone driving in this area on the streets or private drive

need to follow the rules of the road in general which includes yielding to oncoming traffic and following speed limits. Law enforcement needs to enforce the rules as far as vehicle issues.

**Vice-Chairman Davis** asked the applicant if he plans on developing the houses.

**Speaker 1** – Applicant Dean Hakkak – Stated that he does intend to develop all five lots.

**Chairman Bratt** closed the public hearing.

**Commissioner Barnes** asked about the traffic issue where Ghent Street travels east and dead ends at Oakway where this private driveway comes out. What is the traffic control at this intersection if any.

**Chairman Bratt** stated that there is no traffic control.

**Commissioner Barnes** asked if it will remain an uncontrolled intersection when these lots are developed.

**Planning Manager Espinoza** stated that at this time there is not a condition to add a stop sign. Public Works has a Traffic Safety Committee that reviews different areas and issues to see if additional traffic control is needed due to hazardous situations. He encourages the resident to submit an application to the Traffic Safety Committee for this issue so they can review the situation.

**Commissioner Barnes** stated he feels that the added homes, while might not bring a lot of traffic, will change the dynamics of this intersection. The addition of the private road may or may not warrant some additional thought from the Traffic Safety Committee.

#### **RESOLUTION PC- 1687**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF VESTING TENTATIVE TRACT MAP 24-01 (VTTM 84436), A REQUEST TO SUBDIVIDE TWO (2) ADJOINING PARCELS INTO FIVE (5) PARCELS LOCATED AT 720 N. OAKWAY AVENUE (APN: 8392-020-034 AND AN UNADDRESSED PARCEL (APN: 8392-015-041) WITHIN THE SINGLE-FAMILY AGRICULTURE 16000 ZONE.**

**MOTION:** Moved by **Vice-Chairman Davis**, seconded by **Commissioner Shirley** to approve Resolution PC-1687 with a revision to Condition No. 22 adding that failure to maintain the private drive may lead to Code Compliance action. Motion carried 5-0

**PH 3.** Municipal Code Text Amendment 24-09; Discussion and Consideration of a Municipal Code Text Amendment to amend Title 18-Zoning, Chapter 18.20 Residential Zones Generally,

Chapter 18.24 S-F Single-Family Residential Zone, Chapter 18.28 SF-A Single-Family Agriculture Zone, and Chapter 18.35 SF-DR Single-Family Downtown Residential Zone of the San Dimas Municipal Code to clarify the intent of certain sections, add language to sections where policies have been in place, but never codified, and various clean up items as required.

Staff report presented by **Senior Planner Moore** recommending Planning Commission adopt Resolution PC-1688, recommending approval to the City Council of MCTA 24-09.

**Vice-Chairman Davis** stated that it sounds like a lot of this code has been rewritten.

**Senior Planner Moore** stated that over the years Staff has made policies that need to be codified in the code.

**Vice-Chairman Davis** asked if a policy is easier to change than a Municipal Code.

**Planning Manager Espinoza** stated that it's easier to change a policy but in the past few years staff had been directed not to create policies but to codify items into the code because that makes it more enforceable. For example, if a Use Determination is made it would have been written into a policy but not in the code which then requires Staff to look in more than one place for the information. Codifying these items in the code makes it easier for everyone to understand the requirements.

**Community Development Director Torrico** reminded the Commission that these changes are just to codify existing policies, Use Determinations, and other clean up items and does not change the overall use or intent of the zone. There are no uses being added or deleted. The only new item being added to the code is the prohibition of short-term rentals and a rear yard setback.

**Chairman Bratt** asked Davis if he would like to continue the item so he has more time to go through the changes.

**Vice-Chairman Davis** stated he's ok to move forward, it just sounded like a lot of items being changed. He is ok as long as we aren't adding additional rules.

**Senior Planner Moore** stated that the short-term rental prohibition, the five-foot rear yard setback and the required distance from horse corrals are new items.

**Planning Manager Espinoza** stated that one item that has come up with the City Attorney is that the code is more permissive and now we are changing this to clarify items that are prohibited. The City Attorney stated that items like these should be codified in the code so that Code Compliance has more enforcement power.

**Commissioner Barnes** asked for clarification on the twelve-foot setback on one of the side yards. For example, if he buys a house on Fourth Street and knocks the house down, would he have to have to rebuild the new house with the current setbacks.

**Planning Manager Espinoza** stated that was correct.

**Commissioner Barnes** stated that might be something that Staff would like to consider because requiring these setbacks may change the look of the area. He believes properties in the downtown typically don't comply with the twelve-foot and five-foot setbacks and maybe staff wants to reconsider the change in the downtown area.

**Chairman Bratt** asked what would happen if there's a property with an eight-foot setback, is it grandfathered in.

**Community Development Director Torrico** stated that the existing lot and building become legal non-conforming however, new construction would have to meet the new setbacks.

**Planning Manager Espinoza** did clarify that the Code allows additions to continue existing nonconforming setbacks with not less than a five-foot setback.

**Chairman Bratt** opened the public hearing.

No communications were made at this time.

**Chairman Bratt** closed the public hearing

#### **RESOLUTION PC-1688**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 24-09, AN AMENDMENT TO TITLE 18-ZONING, CHAPTER 18.20 RESIDENTIAL ZONES GENERALLY, CHAPTER 18.24 S-F SINGLE-FAMILY RESIDENTIAL ZONE, CHAPTER 18.28 SF-A SINGLE-FAMILY AGRICULTURE ZONE, AND CHAPTER 18.35 SF-DR SINGLE-FAMILY DOWNTOWN RESIDENTIAL ZONE OF THE SAN DIMAS MUNICIPAL CODE TO CLARIFY THE INTENT OF CERTAIN SECTIONS, ADD LANGUAGE TO SECTIONS WHERE POLICIES HAVE BEEN IN PLACE, BUT NEVER CODIFIED, AND VARIOUS CLEAN UP ITEMS AS REQUIRED.**

**MOTION:** Moved by **Vice-Chairman Davis**, seconded by **Commissioner Green** to approve Resolution PC-1688 recommending City Council approve MCTA 24-09. Motion carried 5-0.

#### **OTHER BUSINESS**

**OB 1.** Consideration and discussion of a city-initiated request to initiate a Municipal Code Text Amendment to amend Chapter 18.38 Accessory Dwelling Units and 18.170 Electric Vehicle

Charging Stations of the San Dimas Municipal Code in an effort to be in compliance with changes to the State laws effecting these uses, along with associated clean up items.

Staff Report presented by **Assistant Planner Galindo** recommending Planning Commission initiate the Municipal Code Text Amendment.

**Commissioner Barnes** stated that he understands that the City needs to comply with State mandated requirements but the one thing that he feels Staff should look at, and because the City doesn't have much control over Accessory Dwelling Unit (ADU) development, is the parking situation. For example, someone can build an ADU but if they try to put in a garage for the ADU it could put the project over the lot coverage threshold, However, someone can build an ADU and no garage or parking on site which then pushes the parking issue out to the street. He would like to Staff to consider options that encourage on site parking to help alleviate on street parking.

**Community Development Director Torrico** stated that this issue will be looked at during the MCTA process and the Planning Commission can also recommend additional changes once the MCTA comes back to the Commission for reading.

**Vice-Chair Davis** stated that his HOA limits ADU's at one thousand square feet. Will the HOA have a say in this going forward.

**Community Development Director Torrico** stated that multi-bedroom ADU's are capped at twelve hundred square feet per State code, but cities are allowed to further limit floor area. Our Code limits studio and one bedroom ADUs to 800 square feet and multi-bedroom ADUs to 1,000 square feet. Unfortunately the State takes the control away from the HOA's and therefore the City does not require HOA approvals and will not enforce the HOA rules. Currently the first 800 square feet of an ADU does not count towards lot coverage. Staff will be adding language that items such as patios and garages that are attached to the ADU will count towards lot coverage. He understands that Commissioner Barnes is asking Staff to look at possibly exempting an ADU garage from the lot coverage calculation to help encourage on-site parking.

**Commissioner Shirly** asked if he's building an ADU, would a garage be allowed to be attached to an ADU.

**Planning Manager Espinoza** stated that the garage is only allowed if there's enough room in the lot coverage calculation.

**Commissioner Shirly** asked what happens if they have to park on a street that doesn't allow parking without the owner paying for it.

**Planning Manager Espinoza** stated that is the owner's responsibility, so if someone needs to park on the street they would have to buy a parking permit.

**Community Development Director Torrico** stated that the overnight parking restrictions is City wide and you cannot park overnight on city streets if you don't have an overnight parking permit.

The owner needs to consider this when they are deciding to build an ADU. Tonight, we are just initiating the MCTA, staff is not suggesting any changes at this time.

**Vice-Chairman Davis** stated he believes the City cannot regulate parking onsite for ADU's.

**Community Development Director Torrico** stated that is correct, the City cannot require on-site parking to build an ADU per State law.

**Commissioner Shirley** stated that the on-street parking has increased and that's a concern for residents. He feels that this needs to be considered.

**Chairman Bratt** asked for clarification on the EV Charger streamline act. He understands that the application has to be deemed complete within 5 or 10 business days, does that mean if we don't approve the application that they can move forward and build it without City approval.

**Community Development Director Torrico** stated that the streamlining act will allow the item to go straight into building plan check and is a ministerial approval for Planning and there won't be any kind of Planning approval process. The Building Department does have a checklist for submittals and approval can be done quickly and possibly even over the counter.

**Chairman Bratt** stated that it talks about height requirements that the ADU can go up to twenty-six feet. Can the City have a say in the height of the ADU.

**Assistant Planner Galindo** stated that under AB 976 it does have language about the height limitation and the requirements.

**MOTION:** Moved by **Vice-Chairman Davis**, seconded by **Commissioner Barnes** to approve the city-initiated request for a Municipal Code Text Amendment to amend Chapter 18.38 Accessory Dwelling Units and 18.170 Electric Vehicle. Motion carried 5-0

## **ORAL COMMUNICATIONS**

### **a. Community Development Department**

**Community Development Director Torrico** updated the Planning Commission:

- Discussion of the Tree removal ordinance and SB9 went to the City Council Study Session on November 12, 2024. The SB 9 discussion was about the affordability requirement however staff was made aware of a new state mandate that restricts any limitations such as affordability requirements so for now this will have to be reconsidered in the proposed SB 9 code.
- The Tree removal ordinance was discussed at the City Council study session as well. The changes that Planning Commission and Staff recommended were presented and City

Council gave direction to staff to work on exempting single family zones from the ordinance. The City Council did direct staff to research whether other agencies protect certain trees and if so, provide a list of said trees. This was informational purposes only and will not be written into the Code. An MCTA will be brought to Planning Commission in the near future.

**b. Members of the Audience**

No communications were made.

**c. Planning Commission**

No communications were made.

**ADJOURNMENT**

**MOTION: Chairman Green** moved, seconded by **Commissioner Davis**. Motion carried 5-0. The meeting adjourned at 8:20 p.m. to the regular Planning Commission Meeting scheduled for Thursday, December 19, 2024.

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David A. Bratt, Chairman  
San Dimas Planning Commission

ATTEST:

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Kimberly Neustice  
Senior Management Analyst

Approved: December 19, 2024