

Agenda Item Staff Report

To: Honorable Chair and Members of Planning Commission
For the Meeting of November 21, 2024

From: Luis Torrico, Director of Community Development

Prepared by: Anne Moore, Senior Planner

Subject: 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).

SUMMARY

On April 2, 2024, the Applicant, Dean Hakkak on behalf of HMZ Holdings LLC, submitted an application to subdivide two (2) adjoining parcels; 720 N. Oakway Avenue (APN: 8392-020-034) and APN: 8392-015-041, into five (5) parcels within the SF-A16000 Zone. The parcels are currently vacant; however, the property located at 720 N. Oakway Avenue was previously developed with one single-family one-story residence, a barn, and a storage shed that were located on the northwest portion of the site.

No residences are being proposed as part of this request. However, the Development Plan Review Board previously approved a request to construct a new 4,050 square foot, two-story single-family residence with an attached 788 square foot, three car-garage under DPRB Case No. 21-16 and the removal of eight (8) mature trees under Tree Permit No. 21-45 on August 25, 2022, for proposed Parcel No. 1. A demolition permit and grading permit were issued for proposed Parcel No.1 in preparation for the construction of the new residence and attached three-car garage.

RECOMMENDATION

Staff recommends the Planning Commission adopt Resolution PC 1687, recommending approval to the City Council of Vesting Tentative Tract Map 24-01 (VTTM 84436).

FISCAL IMPACT

There is no fiscal impact for the recommended action. The new private driveway that will be developed to access the new lots will be required to be maintained by the individual property owners through the recordation of a maintenance agreement and not the City. The maintenance agreement is to guarantee maintenance of the private driveway and drainage improvements in perpetuity. Additionally, there is no residential development being proposed as part of this request; however, when the single-family residences are developed on the proposed parcels, additional property tax revenue would be created for the City.

BACKGROUND

On April 2, 2024, the Applicant, Dean Hakkak on behalf of HMZ Holdings LLC, submitted an application to subdivide two (2) adjoining parcels into five (5) parcels, ranging from 18,900 sq. ft. to 33,075 sq. ft. in lot size within the SF-A16000 Zone. The first parcel to be subdivided is located at 720 N. Oakway Avenue, and the second parcel is unaddressed (APN 8392-015-041). The subject site is currently 2.65 acres in size and is located east of Oakway Avenue and north of Gladstone Street (see Figure 1). The site is currently accessed by a paved road from Ghent Street.

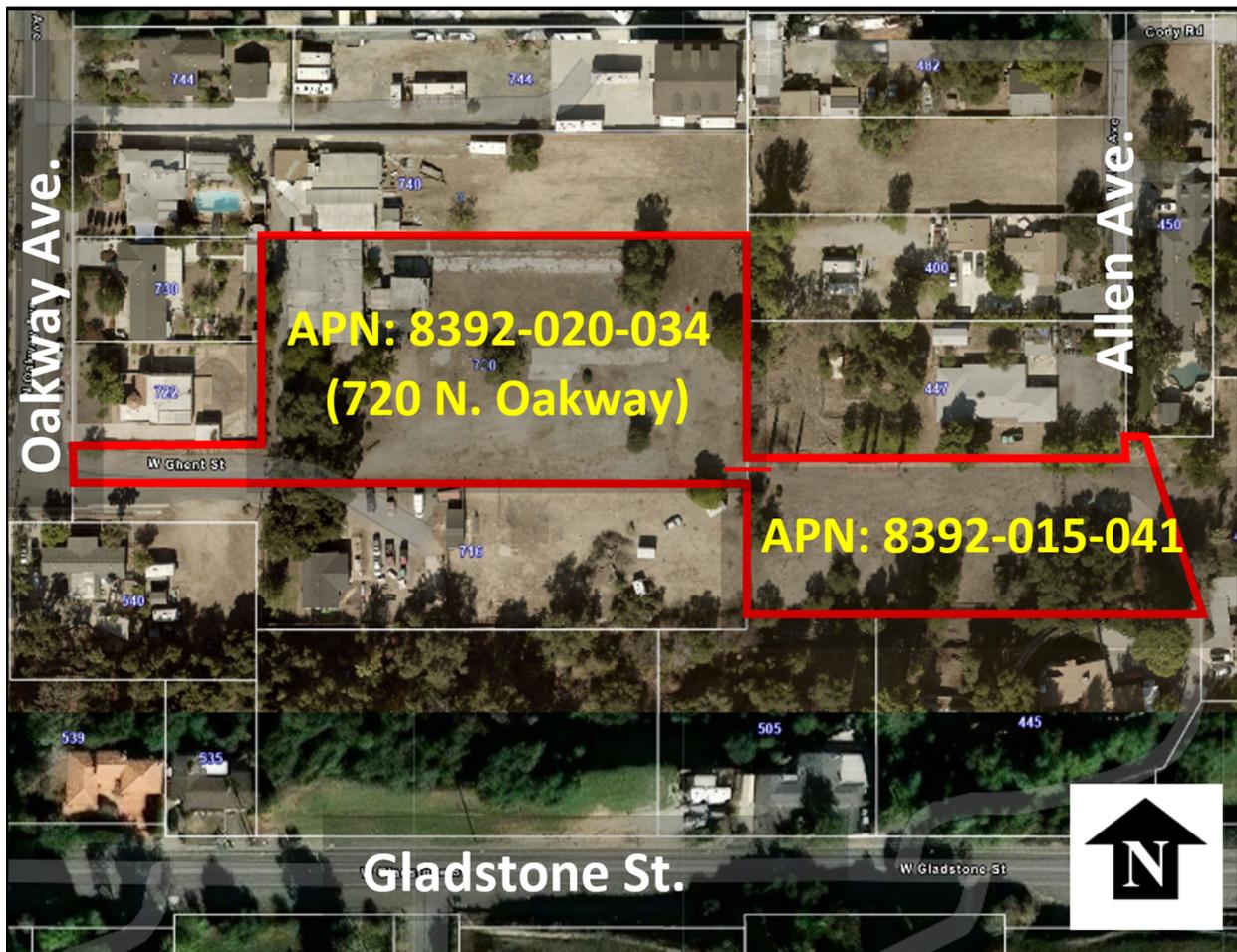


Figure 1 - Vicinity Map

The two parcels are currently vacant; however, the property located at 720 N. Oakway Avenue was previously developed with a single-family one-story residence, a barn, and a storage shed that were located on the northwest portion of the site. On August 25, 2022, the Development Plan Review Board (DPRB) approved the request to construct a new single-family residence under DPRB Case No. 21-16 and the removal of eight (8) mature trees under Tree Permit No. 21-45. A demolition and grading permit have been issued but construction has not commenced.

DISCUSSION/ANALYSIS

The proposed Vesting Tentative Tract Map (VTTM) would create five (5) parcels from two (2) existing adjoining parcels (see Figure 1). The parcels are currently zoned Single-Family Agriculture 16,000 (SF-A16000) and the site is surrounded by developed single-family residences that are also zoned SF-A16000. The Applicant has submitted VTTM, which locks in place the development standards and regulations that were in place when the application was deemed complete. As proposed, all of the of the lots meet the SF-A16000 development standards.

Vehicular access to the parcels is proposed via a new private driveway that is accessed from Ghent Street located to the west of the site. The new private driveway will have a minimum width of 20 feet and a new intermediate turnaround will be provided at the southeast corner of Lot 5 (see Attachment 2) as required by the Los Angeles County Fire Department (LACFD) for dead-end roads in excess of 150 feet. The Applicant will also be required to dedicate access rights to Gladstone Street from Lot 5 and install full pavement improvements to provide access to the City’s manhole(s). In addition, all new utilities and utility drops are required to be installed underground per Condition No. 16 (see Attachment 1). The location of the new utility drops will be determined by the utility company. All proposed lots will also be provided public sewer connection via a sewer lateral on each lot.

As previously stated, the proposed lots will meet the minimum lot size of 16,000 square feet as required within the SF-A16000 Zone (see Table 1). The minimum lot size is calculated based on the net usable area, which would exclude the square footage of the private driveway. Table 1 shows the proposed gross and net lot size, the required lot width based on the net lot size, and the provided lot width. The proposed net lot sizes range from 16,100 square feet to 28,225 square feet with an average net lot size of 19,297 square feet. Per the development standards for the SF-A16000 zone, lots of 15,000 to 20,000 square feet must have a minimum width of 100 feet and lots of 20,001 to 39,999 square feet must have a minimum width of 150 feet. Lots 1, 2, 4, and 5 meet the required 100-foot minimum width, while Lot 3 meets the required 150-foot minimum width (see Attachment 2).

Table 1				
<i>Lot Number</i>	<i>Gross Lot Size (sq. ft.)</i>	<i>Net Lot Size (sq. ft.)</i>	<i>Required Lot Width per Net Lot Size</i>	<i>Provided Lot Width</i>
Lot 1	23,250	16,500	100’-0”	100’-0”
Lot 2	18,900	16,500	100’-0”	100’-0”
Lot 3	33,075	28,225	150’-0”	175’-0”
Lot 4	19,481	16,100	100’-0”	161’-0”
Lot 5	20,800	19,162	100’-0”	131’-0” to 189’-2 ^{1/2} ”

Per the standards of the SF-A zone, the keeping of two (2) horses and other animals is an allowed use on lots that meet a minimum size of 16,000 square feet, and an additional horse for each additional 7,500 square feet, up to five (5) horses, allowed by right. The keeping of horses,

however, is subject to minimum distance requirements. These minimum distance requirements include a minimum 35-foot separation from horse enclosures/corrals and residential structures on the same parcel, and an 80-foot separation from any horse facilities and residential structures on adjacent parcels. In addition, the SF-A zone also requires that animals such as chickens, calves and goats be housed at a distance not less than 35 feet from any residence. Staff has worked with the applicant to locate the buildable pads for potential residences on the areas of each parcel in order to reduce any conflict with the minimum distance requirements for horse keeping on any of the adjacent lots that may already have equestrian use on their property. At this time, new single-family residences are not being proposed as part of this request; however, when the residences are proposed, they will require review and approval from the Development Plan Review Board at that time, and staff will work with the applicant to avoid any horse keeping conflicts with adjoining properties.

The two existing parcels have historically been uninhabited and unmaintained for an unknown time (see Attachment 3). There are a number of mature and non-mature trees located throughout the site that are not being proposed for removal at this time with the exception of the eight (8) mature trees that were approved for removal by the DPRB under Tree Permit 21-45. Any additional tree removals will be considered and reviewed when a development application is submitted for Parcel No's 2 to 5 along with the required tree removal permit application and associated fees.

Currently, a chain link fence borders the site on the east and south (see Attachment 3). A new six-foot high decorative block wall (tan split face with finished cap) will be required to be installed all along the property lines of each of the five lots with the exception of the west property line on Lot 1, and the north property line on lots 4 and 5, which will have a new six-foot high tan vinyl fencing due to existing utility obstructions. The perimeter walls for Lot 1 will be installed in conjunction with the development of the new single-family residence under DPRB Case No. 21-16. However, the perimeter walls for the remaining Lots 2 through 5 will be constructed in the future as each of the lots are developed.

ALTERNATIVES

There are currently no alternatives proposed for this request. The Planning Commission may recommend changes to or may recommend denial of VTTM 84436.

ENVIRONMENTAL REVIEW

The proposed project is Categorically Exempt under CEQA guidelines, Title 14, Article 19 Categorical Exemptions, Section 15332, In-Fill Development Projects Class 32.

Respectfully submitted,



Senior Planner

Attachments:

1. Resolution PC - 1687
2. Vesting Tentative Tract Map 84436
3. Photos of Subject Site

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.

WHEREAS, an application was duly filed for Vesting Tentative Tract Map 24-01 (VTTM 84436) by:

Dean Hakkak on behalf of HMZ Holdings LLC
P.O. Box 4636
Covina, CA 91723

WHEREAS, the VTTM 84436 is described as:

A request to subdivide two (2) adjoining parcels into five (5) parcels ranging from 18,900 square feet to 33,075 square feet in lot size at the properties located at 720 N. Oakway (APN: 8392-020-034) and APN: 8392-015-041 within the Single-Family Agriculture 16000 Zone; and

WHEREAS, the Vesting Tentative Tract Map 24-01 applies to the following described real property: 720 N. Oakway Avenue (APN: 8392-020-034) and APN: 8392-015-041; and

WHEREAS, the Vesting Tentative Tract Map 24-01 (VTTM 84436) was submitted to all appropriate agencies as required under Section 17.12.030 of the San Dimas Municipal Code with a request for their report and recommendations; and

WHEREAS, the Planning Commission has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, notice was duly given of the Planning Commission's public hearing on the matter and that a 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, all requirements of the California Environmental Quality Act and the City's Environmental Guidelines have been met for the consideration of whether the project will have a significant effect on the environment. The project is hereby determined to be Categorical Exempt per Section 15332 Class 32, In-Fill Development Projects, of the State CEQA Guidelines.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, and subject to the Conditions attached as "Exhibit A", the Planning Commission now finds as follows:

- A. That the proposed tract map is consistent with the General Plan and the applicable Land Use Zone.

The Vesting Tentative Tract Map creates five (5) new parcels from two adjoining parcels, which will be developed consistent with the General Plan and the Single-Family Agriculture 16000 zone. The five (5) new parcels will range in size from 18,900 gross square feet to 33,075 gross square feet. The newly created parcels meet all the development standards of the Single-Family Agriculture 16000 zone and the underlying General Plan designation of Single-Family Very Low.

- B. That the design or improvement of the proposed subdivision is consistent with the General Plan and the applicable Land Use Zone.

The proposed Vesting Tentative Tract Map is consistent with the General Plan Land Use Element Policies, Goal L-1, Policy 1.1.2, "enhance the rural/equestrian image north of Gladstone Street. Retain large lot development and improve circulation." The five (5) new lots, when developed, will meet the minimum lot size of 16,000 square feet, as required by the Single-Family Agriculture 16,000 zone. Maintaining the minimum lot size to be 16,000 square feet and creating a new private driveway access for the five (5) new lots is consistent with the underlying General Plan designation of Single-Family Very Low and the stated goal of "retain large lot development and improve circulation." Although there are no residences being proposed at this time, any future residence will be required to meet all of the development requirements of the Single-Family Agriculture 16000 zone.

- C. That the site is physically suitable for the type of development proposed.

The subdivision creates five (5) new lots that range from 18,900 gross square feet to 33,075 gross square feet in size. Although there is not a proposed development at this time, the five (5) lots are large enough to accommodate residential development which will fit the scale and type of the surrounding neighborhood. Proposed Lot 1 has already been approved to be developed with one two-story single-family residence with an attached three-car garage by the Development Plan Review Board on August 25, 2022, per DPRB Case No. 21-16 and the removal of eight (8) mature trees under Tree Permit No. 21-45 on August 25, 2022.

- D. That the site is physically suitable for the proposed density of the development.

The Vesting Tentative Tract map would create five (5) residential parcels within an existing residential neighborhood. All of the new parcels are large lots, which can easily accommodate a single-family residence, which will be consistent with the Single Family Very Low Land Use designation and Single-Family Agriculture 16000 zoning of the subject site.

- E. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat.

The proposed subdivision to create five (5) new parcels will comply with all applicable codes and regulations. There is no development proposed at this time; however, any future development will be required to comply with all applicable codes. While both the subdivision and future residential development are exempt from the Environmental Quality Act (CEQA), as Infill Development, they are not likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat.

- F. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The proposed tract map and required off-site improvements are not likely to cause serious public health problems. The project will create five (5) parcels for future residential development that will be required to comply with all applicable codes and regulations to prevent serious public health problems.

- G. That the design of the subdivision or the proposed improvements will not conflict with easements, acquired by the public at-large, for access through or use of the property within the proposed subdivision.

There exists a 30-foot access easement that runs east west through the subject property, which will be improved to meet the Los Angeles County Fire Department requirements for use as a private driveway and fire lane. Therefore, the new tract map will not conflict with any existing easements.

- H. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board. Conditions are imposed to protect the public health, safety and general welfare and to implement the intent and purpose of the General Plan.

The proposed subdivision will create five (5) residential parcels; however, no development is proposed at this time. At the time of any future development, the Applicant will be required to comply with all Regional Water Quality Control Board requirements. In addition, the Conditions of Approval for the project require compliance with BMP's to protect the public health, safety and general welfare and the intent and purpose of the General Plan.

PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the Planning Commission recommends to the City Council approval of Vesting Tentative Tract Map 24-01 (VTTM 84436) subject to the Applicant's compliance with Conditions in "Exhibit A", attached hereto and incorporated herein. A copy of this Resolution shall be mailed to the Applicant.

PASSED, APPROVED and ADOPTED, this 21st day of November, 2024, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN:



David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:



Kimberly Neustice, Senior Administrative Analyst

Exhibit A

Conditions of Approval for Vesting Tentative Tract Map 24-01 (VTTM 84436) ACCELA PROJ-24-13

A request to subdivide two (2) adjoining parcels into five (5) parcels (18,900 square feet to 33,075 square feet in size) located at 720 N. Okaway Avenue within the Single-Family Agriculture 16000 zone. No residences are proposed at this time (APN: 8392-020-034 and APN: 8392-015-041).

PLANNING DIVISION - (909) 394-6250

GENERAL

1. The Applicant/Developer shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The Applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
2. The Applicant/Developer shall be responsible for any City Attorney costs incurred by the City for the project, including, but not limited to, consultations, and the preparation and/or review of legal documents. The Applicant shall deposit funds with the City to cover these costs in an amount to be determined by the City.
3. The Applicant/Developer shall comply with all requirements of the Single-Family Agriculture 16000 (SF-A16000) Zone.
4. The Applicant/Developer shall sign an affidavit accepting all Conditions and all Standard Conditions prior to Final Map recordation.
5. The Vesting Tentative Tract Map shall expire twenty-four months following approval, unless an extension for a period or periods not to exceed a total of twenty-four months is granted by the City Council. A subdivider may request an extension by written application to the Director of Community Development. Such application shall be filed at least thirty days before the Vesting Tentative Tract Map is due to expire. Requests for all extensions shall be accompanied by a processing fee as prescribed by resolution of the City Council.
6. The Vesting Tentative Tract Map is subject to City Council approval. Should the City Council approve the Vesting Tentative Tract Map, the Applicant/Developer shall comply with all Conditions of Approval as approved by the City Council on a date to be determined.
7. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
8. The perimeter walls for Lot 1 shall be installed as required by DPRB 21-16 approved on August 25, 2022. The perimeter walls for Lots 2 through 5 shall be constructed in conjunction with the development of single family residences. The walls shall consist of a six-foot high decorative block wall consisting of tan split face block with a finished cap.

ENGINEERING DIVISION – (909) 394-6240

9. The Applicant/Developer shall provide a signed copy of the City's certification statement declaring that the contractor will comply with Minimum Best Management Practices (BMPs) required by the MS4 permit for Los Angeles County as mandated by the National Pollutant Discharge Elimination System (NPDES).
10. A Final Vesting Tract Map prepared by or under the direction of a Registered Civil Engineer or Licensed Land Surveyor must be processed through the City Engineer prior to being filed with the County Recorder.
11. All easements existing at the time of the Final Vesting Tract Map approval must be accounted for on the approved Vesting Tentative Parcel Map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location.
12. A preliminary title report and guarantee is required and such document shall show all fee interest holders; all interest holders whose interest could ripen into a fee; all trust deeds, together with the name of the trustee; and all easement holders. The account for this title report should remain open until the final map is filed with the County Recorder.
13. The Applicant/Developer engineer or surveyor shall set durable monuments to the satisfaction of the City Engineer in conformance with Section 66495 of the Subdivision Map Act. The Applicant/Developer shall also provide a Monumentation Bond in an amount sufficient to guarantee the setting of monumentation specified in writing by a Registered Engineer or Licensed Land Surveyor of Record.
14. A preliminary title report and guarantee is required and such document shall show all fee interest holders; all interest holders whose interest could ripen into a fee; all trust deeds, together with the name of the trustee; and all easement holders. The account for this title report should remain open until the final map is filed with the County Recorder.
15. The Applicant/Developer shall Contact the Los Angeles County Sanitation District for any required annexation, extension, or sewer trunk fee. Proof of payment/clearance is required before the City will issue any sewer permit.
16. The Applicant/Developer shall provide drainage improvements to carry runoff of storm waters in the area proposed to be developed, and for contributory drainage from adjoining properties to be reviewed and approved by the City Engineer. The Applicant/Developer shall make a good faith effort to negotiate with the downstream property owner for all required downstream storm drain improvements. The proposed drainage improvements shall be based on a detailed Hydrology Study conforming to the current Los Angeles County methodology. The developed flows outletting into the existing downstream system(s) from this project cannot exceed the pre-existing storm flows.
17. Due to construction, the Applicant/Developer shall be responsible for any repairs within the limits of the development, including but not limited to streets and paving, curbs and gutters, sidewalks, and street lights as determined by the City Engineer and Public Works Director.

18. The Applicant/Developer shall obtain a Public Works permit for all work within or adjacent to the public right-of-way and shall be subject to review and approval of the Public Works Director and the work shall be in accordance with applicable standards of the City of San Dimas; i.e. Standard Specifications for Public Works Construction (Green Book) and the California Manual of Uniform Traffic Control Devices (CA MUTCD), and further that the construction equipment ingress and egress be controlled by a plan approved by Public Works.
19. For all projects subject to Low Impact Development (LID) regulations, Applicant/Developer must submit a site-specific drainage concept and stormwater quality plan to implement LID design principles.
20. A fully executed "Maintenance Covenant for LID Requirements" shall be recorded with the L.A. County Registrar/Recorder and submitted to the Public Works Department prior to the Certificate of Occupancy. Covenant documents shall be required to include an exhibit that details the installed treatment control devices as well as any site design or source control Best Management Practices (BMPs) for post construction. The information to be provided on this exhibit shall include, but not be limited to:
 - i. 8 ½" x 11" exhibits with record property owner information.
 - ii. Types of BMPs (i.e., site design, source control and/or treatment control) to ensure modifications to the site are not conducted without the property owner being aware of the ramifications to BMP implementation.
 - iii. Clear depiction of location of BMPs, especially those located below ground.
 - iv. A matrix depicting the types of BMPs, frequency of inspection, type of maintenance required, and if proprietary BMPs, the company information to perform the necessary maintenance.
 - v. Calculations to support the sizing of the BMPs employed on the project shall be included in the report. These calculations shall correlate directly with the minimum treatment requirements of the current MS4 permit. In the case of implementing infiltration BMPs, a percolation test of the affected soil shall be performed and submitted for review by the City Engineer.
 - vi. This document shall be reviewed by and concurred with Public Works to ensure the covenant complies with the MS4 Permit.
21. Improvement plans and necessary letters of credit, cash, and/or bonds to secure the construction of all streets, storm drains, water, sewer, grading, and multi-use trails shall be submitted and approved by the City Engineer, and the subdivision agreement and other required agreements approved by the City Attorney, prior to the recordation of the Final Map.
22. The Applicant/Developer shall record a Maintenance Agreement to guarantee maintenance of the private driveway and drainage improvements in perpetuity and must be processed through the City Engineer prior to being filed with the County Recorder. Failure to maintain driveway will lead to code compliance action.
23. The subject development is located within an area of Special Flood Hazard as identified by the Federal Emergency Management Agency (FEMA). The Applicant/Developer shall meet all conditions and requirements as set forth in Title 15, Chapter 15.60 of the San Dimas Municipal Code.

24. The Applicant/Developer shall underground all new utilities and utility drops.
25. The Applicant/Developer shall provide mailboxes per City of San Dimas standards. Mailbox locations are subject to the approval of the local postmaster and the City Engineer.
26. The Applicant/Developer shall submit water plans to be reviewed and approved by the City Engineer and the Los Angeles County Fire Department.

PARKS & RECREATION – (909) 394-6230

27. The Applicant/Developer shall comply with City regulations regarding payment of Park, Recreation and Open Space Development Fee per SDMC Chapter 3.26. Fees shall be paid prior to issuance of building permits.
28. The Subdivision Applicant/Developer shall comply with Chapter 17.36 of the San Dimas Municipal Code regarding Park Land Dedication (Quimby Act). The City may require fees in lieu of land or a combination thereof based on the market value of the land to be dedicated. Fees shall be paid prior to recordation.

End of Conditions

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

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.

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Kimberly Neustice
Senior Management Analyst

Approved: December 19, 2024