

Planning Commission Staff Report

To: Honorable Chair and Members of Planning Commission
For the Meeting of January 19, 2023

From: Henry Noh, Director of Community Development

Prepared by: Ken Fichtelman, Associate Planner

Subject: **Municipal Code Text Amendment 20-0005**
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.

SUMMARY

Municipal Code Text Amendment 20-0005 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.

Staff recommends that the Planning Commission adopt Resolution PC-1657 recommending approval of MCTA 20-0005 to the City Council.

Staff recommends that the Planning Commission adopt Resolution PC-1658 recommending approval of the associated Mitigated Negative Declaration to the City Council.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt Resolution *PC-1657* recommending approval of MCTA 20-0005 to the City Council.
2. Adopt Resolution *PC-1658* recommending approval of the associated Mitigated Negative Declaration to the City Council.

FISCAL IMPACT

No fiscal impacts are anticipated for the City.

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 (See 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 (See Attachment 4).

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 (Attachment 6). 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 Home Owners 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, and to mitigate potential exposure to lawsuits over the document.

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 (See Exhibit A to Attachment 2) for the MCTA.

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 draft code text language allows 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. Per the previous DPRB policy, a swimming pool and five (5) feet of decking surrounding the pool were exempted from the additional grading. This allowance has also been added to the proposed code text language to codify the previous practice.

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 the 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 1st 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 will be 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 which 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 1 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.

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 (See Attachment 5 – DPRB Policy Regarding Accessory Structures within the Specific Plans). 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,

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. 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, an MND was prepared pursuant to CEQA Guidelines. Furthermore, to ensure that the mitigation measures are implemented, a Mitigation Monitoring and Reporting Program (See Attachment 3) has been 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 October 26, 2021 regular meeting. Prior to that meeting, potential issues with the City prepared MND were raised in a letter prepared by the Via Verde Ridge Home Owners 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, and to mitigate potential exposure to lawsuits over the City prepared MND. 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. Although the MND was required to be circulated for only 20 days, the City extended the period to allow for additional time for comments to be submitted due to City Hall being closed for the holidays. At the time this report was published, the City had not received any comments on the MND.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ken Fichtelman', is written over a faint, light blue rectangular stamp or watermark.

Ken Fichtelman, Associate Planner

Attachments:

1. Resolution PC-1657 (SP-11 MCTA)
2. Resolution PC-1658 (MND)
3. Mitigation Monitoring and Reporting Program
4. City Council Staff Report from March 3, 2021
5. DPRB Policy Regarding Accessory Structures within the Specific Plan
6. City Prepared Mitigated Negative Declaration

RESOLUTION PC-1658

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 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 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 Mitigated Negative Declaration 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 Mitigated Negative Declaration in order to protect the City from potential exposure to lawsuits; and

WHEREAS, a draft Mitigated Negative Declaration was prepared in accordance with CEQA Guidelines by UltraSystems Environmental to evaluate the physical environmental impacts of the Proposed Project. The Mitigated Negative Declaration was circulated for public/responsible agency review on December 22, 2022 through January 18, 2023. While CEQA requires a 20-day circulation period, the City extended the period to allow for additional time for comments to be submitted due to City Hall being closed for the holidays. In addition, the Mitigated Negative Declaration was also made available for review on the City's website at www.cityofsandimas.com. A complete copy of the Mitigated Negative Declaration 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, the Community Development Director caused a notice of date, hour and place for a public hearing on the Proposed Project before the Planning Commission to be published in the Inland Valley Daily Bulletin on December 26, 2022 and mailed to all property owners within 500 feet; and

WHEREAS, the public hearing on this matter took place at the regular meeting of the Planning Commission on January 19, 2023; and

WHEREAS, the Planning Commission has carefully and independently reviewed and considered all of the evidence presented with respect to the draft Mitigated Negative Declaration 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 January 19, 2023, 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 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 on December 22, 2022. 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 20 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 Initial Study/Mitigated Negative Declaration and 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 Director of Community Development, 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 19th day of January, 2023 by the following vote:

AYES: 3

NOES: 0

ABSENT: 0

RECUSE: 2 (Davis, Ross)



David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:


Kimberly Neustice, Senior Administrative Analyst

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, January 19, 2023 at 7:00 p.m.
245 East Bonita Avenue, City Council Chamber

PRESENT

Chairman David Bratt
Commissioner Margie Green
Commissioner Tomas Molina
Director of Community Development Henry Noh
Planning Manager Luis Torrico
Associate Planner Ken Fichtelman
Senior Administrative Analyst Kimberly Neustice

ABSENT

Vice-Chairman John Davis - Recused
Commissioner Ted Ross - Recused

CALL TO ORDER AND FLAG SALUTE

Chairman Bratt called the regular meeting of the Planning Commission to order at 7:00 p.m. and led the flag salute.

PUBLIC HEARING

1. 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 the Planning Area I and Make Various Clean-Up Text Amendments.

Staff report presented by **Associate Planner Fichtelman** recommending Planning Commission approve Resolutions PC-1657 and PC-1658 recommending City Council approve MCTA 20-0005 and the Mitigated Negative Declaration (MND).

Commissioner Molina asked if there are any differences on the grading limits from what was previously proposed.

Associate Planner Fichtelman stated that the grading limits are the same from the October 7, 2021 Planning Commission Meeting.

Commissioner Molina asked if the public comments were going to be postponed until the next meeting.

Associate Planner Fichtelman stated that only the responses to the comments will be postponed until the next meeting. Staff has a certain number of days to respond to comments and some of the comments were too voluminous to respond quicker.

Director of Community Development Noh clarified that the consultant needs time to respond to the comments and that the responses will be done before we take it to the February 14, 2023 City Council Meeting.

Associate Planner Fichtelman stated that it is too early to tell. The consultant needs to review the comments and respond appropriately.

Commissioner Molina felt the concerns that California Department of Fish and Wildlife brought up in their letter were similar to the concerns that were brought up by others.

Associate Planner Fichtelman stated that he doesn't know at this time. The consultant still needs to review the comments that were received and prepare responses.

Commissioner Green asked who will be doing the monitoring and reporting in accordance to the programs.

Associate Planner Fichtelman stated that the applicant is responsible for providing the documents and appropriate consultants for monitoring.

Director of Community Development Noh stated that the City is responsible to verify the mitigation reports and measures are provided by the applicant.

Commissioner Green asked who is ultimately responsible for making sure the requirements are met.

Director of Community Development Noh stated that the City is responsible but will ultimately hold the owner responsible for the requirements of the reports.

Commissioner Molina asked if only the 7 lots will be affected by this or are we applying these requirements to SP-11 as a whole and if the existing residents want to build a pool would that be subject to the requirements of this MND.

Director of Community Development Noh confirmed that it applies to the entire SP-11 Area I zone and all residents will be subject to the proposed requirements.

Associate Planner Fichtelman stated that this will apply to all thirty-six lots in this area that would do any type of grading outside of the house and driveway.

Commissioner Molina asked if the two hundred cubic yards that was previously being allowed, is that out of the discussion now.

Associate Planner Fichtelman stated that yes, the two hundred cubic yards was never codified by code and just something that was a policy put in place by the Development Plan Review Board without having any authority to make changes to the code; so it is no longer part of this discussion, but will be included as part of the MCTA.

Commissioner Green asked if these grading requirements will affect the ability to build Accessory Dwelling Units.

Associate Planner Fichtelman stated no, ADU's will be exempt because of the ADU laws.

Chairman Bratt opened the Public Hearing.

Speaker 1 – Reiner Nelson – President of HOA Board – Sent in a letter of support and appreciation for the work that the City has done. He would like to amend his letter because at the time he didn't have access to the reports and mitigation measures from the consultant. He feels that the requirements are too onerous for the homeowners and feels that they shouldn't be required. Mitigation measures should only be looked at when someone is taking advantage of the 1,000 or the 800 cubic yards suggested. He believes that with all these proposed mitigation measures that Staff needs to bring in some common sense and the requirements should be revised to be more reasonable. He also doesn't feel that black walnut trees should be planted at the base because they cause a lot of problems as they grow and create a lot of debris that is a concern for fire season.

Speaker 2 – John Begin stated that the majority of the data used for the report came from the scenic areas of the lots where owners can't build anyways so it's not considering the buildable area. If Area I residents have to put up with these requirements than other areas in the City should as well because they are similar to Area I. These reports could cost upwards of \$200,000 which is too expensive.

Speaker 3 – Kathy Begin wanted to make sure the Commission received the petition signed by a number of residents that are against the recommendations from the report. The land is not pristine land in the buildable area, it's in the scenic areas where these animals live. And since people have built on the lots, these protected species don't live in these areas anymore. The report also stated lighting should be turned off but residents want to keep them on to detour crime.

Speaker 4 – Pauline Bereuter stated she has never seen a bat or a mountain lion in the area. The community has been developed for decades and these species no longer inhabit the area. The Black Walnut trees are hideous, surely there's a tree that's nicer looking than the black walnut trees. Some of these items are ridiculous and need to be eliminated.

Speaker 5 – Betty-Jean Lamb stated she thought the objective was to eliminate grading beyond the house and driveway. The area has walls and structures that violate the suggestions, will those be allowed to stay. Retaining walls and terraces will alter the natural slopes in the areas.

Speaker 6 – Kirk Tamizian stated is not knowledgeable on these technical reports, he just wants to have a nice place to live. A neighbor was going to build on one of the lots but he has decided not to because the requirements are too expensive. They shouldn't have certain rules for certain areas. He is not up to date on this topic but feels that being specific on the types of trees is ridiculous.

There being no more speakers **Chairman Bratt** closed the public hearing.

Chairman Bratt asked if retaining walls needed to go through the same process.

Director of Community Development Noh stated yes.

Chairman Bratt asked if anyone knows if there is more land in the scenic area or the buildable area.

Associate Planner Fichtelman stated that the scenic area is larger than the buildable area.

Chairman Bratt asked if a soil report is required prior to construction.

Director of Community Development Noh stated that for any new house a soils and geology report is required during plan check. He also answered Betty Jean Lamb's question about existing structures and walls, these would be grandfathered in.

Chairman Bratt asked about the two types of trees that are required at the bottom. Why these types?

Associate Planner Fichtelman stated that these two types of trees are endemic and are already present and natural in the area which will help ease the visual transition of the walls.

Commissioner Molina stated that he saw that all areas will be landscaped and even down the slopes. Would they need to put in irrigation for these areas.

Associate Planner Fichtelman stated that they have to provide irrigation for the first few years to help the vegetation get established and to help them gain tolerance to drought.

Commissioner Molina asked if the lots that contain the scenic areas, do the owners have to maintain these areas.

Associate Planner Fichtelman stated that they are designed to grow naturally so there shouldn't be much to maintain the area other than what is required for fire mitigation but yes, the owners are responsible for the areas.

Director of Community Development Noh stated that it would be an appropriate time for the consultant to address any of the comments made or questions that the Commission might have.

Ultrasonics Consultant introduced themselves to the Commission. They were the ones that worked on the biology portion of the MND.

Director of Community Development Noh asked if they would provide some background on the development of the survey.

Ultrasonics explained that the biology portion included the entire SP-11 Area I. They analyze the species of current potential within the area. The wildlife will use primary and secondary areas for foraging so there are no hard lines as to their exact location/habitat. CEQA requires disclosure of possible impacts and potential impacts for protected biological areas and resources. CEQA also requires that if you can't avoid the areas, they have to use mitigation to protect the areas. It should also be noted that in 1983 CEQA came into effect so it's nearly impossible to determine what species were on site prior because reports and surveys had not been done at that time. They have to follow the policies from the State of California as to the survey they perform to show what exists or what may exist in these areas. In biological terms the report was designed in a way that you're supposed to look at the areas and we are giving our unbiased opinion on what may exist. The survey was topical and not species specific.

Associate Planner Fichtelman clarified that the recommendations are not just required by the consultant, that they are in accordance with CEQA requirements.

Ultrasonics stated that was correct and several agencies are part of the committee that helped determine part of the CEQA requirements and regulations. When a project is proposed, the property is evaluated for the different species and if they are not found on the property, it won't be required to do the mitigation measures for that item. Fuel modification areas still provide areas for wildlife to utilize. A lot of the reptiles and birds would forage in these areas and these areas also provide byways for wildlife to travel from area to area.

Planning Manager Torrico asked if the owners only do work within twenty feet of the house walls, are the surveys required by the mitigation measures only completed within the twenty-foot area or do they have to survey the entire property.

Ultrasonics stated that the report would have to be based on a five-hundred-foot buffer of the area effected. However, each lot is unique so it's hard to give a solid answer based on contours and topography of the site.

Speaker 7 - Art Bereuter stated he has been living in the area for about fifty years. He stated that everyone is forgetting that a lot of the areas are handled by the fire department and they come out and clear areas sometimes past the easements. The Fire Department also informs residents that vegetation can't be planted within fifty feet of the house. The area that the consultant is talking about is all flat ground or hillside and you're not going to be doing anything on it. The walls are the same color as the ground so when you see it from the street it doesn't stand out.

Ultrasonics created a legally defensible document that's based on the CEQA requirements and the recommendations are industry standard.

Speaker 4 – Pauline Bereuter stated that it's not one size fits all. The south side of Calle Cristina doesn't really have neighbors, it gets plowed by fire, there's no vegetation or wildlife. She would like to know how the consultant reviewed the south side of Calle Cristina and came up with the requirements.

Ultrasonics stated that they believe that the south side of Calle Cristina has fewer requirements than other areas in SP-11. The requirements are based on cubic yards of earthwork not type of structure.

Director of Community Development Noh clarified that the boundary is for SP-11 Planning Area I so we need to look at the impacts of this area. It's not discriminatory to any particular property or person. This MCTA is specifically for this area of SP-11.

Speaker 2 – John Begin asked if financial cost was considered at all in this study and states that it's too expensive for owners to do these reports. Is there anything in CEQA that limits the amount of money an owner spends,

Ultrasonics stated that CEQA requirements doesn't matter size of project, size of area or cost of the project.

Speaker 5 – Betty-Jean Lamb asked what a mitigation banks was.

Ultrasonics stated that mitigation banks started because most projects require onsite mitigation to protect resources. For example, if you disturbed one acre, you are required to replant three acres over a certain amount of time as determined by the agency, and to preform annual monitoring of the site. It can be very costly and often times fails because the people responsible for them don't have experience in maintaining natural habitats. The purpose is to trade fragmented habitats into contiguous habitats which allows for plants and animals to better sustain themselves.

Commissioner Green agreed with the soil and geology requirements but feels there are too many items that might possibly be required but it's unclear what will be required until someone wants to propose a project.

Chairman Bratt stated that often Commissioners are forced to decide between the owner that wants to develop the property and the rules and regulations of the area. Commissioners have a hard time making the determinations on these issues. He believes that the proposed reporting requirements aren't necessary or fair to the owners. He suggested recommending approval of PC-1657 but is not recommending approval for resolution PC-1658 as he feels it needs to be reworked to have some of the reporting requirements taken out.

Director of Community Development Noh stated that when this item is taken to City Council Staff will ask for direction from City Council and City Attorney as to what options Staff has for acceptance of the MND.

RESOLUTION PC-1657

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 20-0005, AN AMENDMENT TO CHAPTER 18.518 – SPECIFIC PLAN 11, OF THE SAN DIMAS MUNICIPAL CODE

RESOLUTION PC-1658

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

MOTION: Moved by **Commissioner Molina**, seconded by **Commissioner Green** to approve Resolution PC-1657 recommending approval of MCTA 20-0005 to the City Council and deny Resolution PC-1658 with a recommendation that Staff work to revise the mitigation measures within the MND to reduce the onerous requirements on residents. Motion carried 3-0-2 (Davis and Ross recused).

OTHER BUSINESS

2. Planning Commission Budget Priorities

Director of Community Development Noh stated that budget season is here and would like to ask Commissioners if they have any projects that they would like Staff to consider in the next budget cycle. Currently with our work load the only item we might request for the upcoming budget would be the Safety Element and Hazard Mitigation program. The cost for Planning Commissioners to attend the Planning Commission Academy is in the budget.

Chairman Bratt asked if Staff can email the Commissioners asking what their thoughts were since two of the Commissioners were not in attendance.

ORAL COMMUNICATIONS

3. Community Development Department

Director of Community Development Noh gave updates on projects.

- Dixie Rose is moving along slowly.
- Downtown Specific Plan Workshop #4 will be on February 23rd.

4. Members of the Audience

No communications were made.

5. Planning Commission

No communications were made.

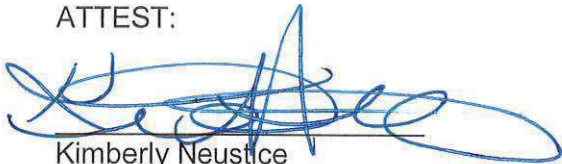
ADJOURNMENT

MOTION: Moved by Commissioner Molina, seconded by Commissioner Green. Motion carried 3-2 (Davis and Ross absent). The meeting adjourned at 8:31 p.m. to the regular Planning Commission Meeting scheduled for Thursday, February 2, 2023.



David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:



Kimberly Neustice
Senior Administrative Analyst

Approved: May 4, 2023