

**PLANNING COMMISSION
MEETING AGENDA
THURSDAY APRIL 17, 2025 6:00 PM
SAN DIMAS COUNCIL CHAMBER
245 EAST BONITA AVENUE**

COMMISSION MEMBERS

Chair David Bratt, Vice Chair John Davis, Commissioner Doran Barnes, Commissioner Margie Green, Commissioner James Shirley

CALL TO ORDER AND FLAG SALUTE

CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the Planning Commission requests separate discussion.)

CC 1. February 20, 2025 Revised Minutes

RECOMMENDATION: Approve the February 20, 2025 Revised Planning Commission Minutes.

CC 2. March 20, 2025 Minutes

RECOMMENDATION: Approve the March 20, 2025 Planning Commission Minutes.

PUBLIC HEARING

PH 1. Municipal Code Text Amendment 25-01, Consideration and discussion of a City-initiated Municipal Code Text Amendment of Title 18, Chapter 18.40 Affordable Housing Overlay Zone, deleting Affordable Housing Overlay Zone No. 2 (AHO-2).

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution PC-1694 recommending approval to the City Council of Municipal Code Text Amendment 25-01.

PH 2. Municipal Code Text Amendment 23-05, Consideration and discussion of a Municipal Code Text Amendment to amend Title 18, Chapter 18.162 Tree Preservation to exempt single-family zoned properties and single-family properties within a specific plan from the Ordinance and associated clean-up items.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution PC-1696, recommending approval to the City Council of Municipal Code Text Amendment 23-05.

ORAL COMMUNICATION

- a. Community Development Department
- b. Members of the Audience

(Members of the audience are invited to address the Planning Commission on any item not on the agenda. Under the provisions of the Brown Act, the Commission is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date.)

- c. Planning Commission
 - Commissioners' Report on Meetings Attended at the Expense of the Local Agency (Pursuant to AB 1234 – G.C. §53232.3(d))

ADJOURNMENT



Notice Regarding Americans with Disabilities Act: In compliance with the ADA, if you need assistance to participate in a city meeting, please contact the City Clerk's Office at (909) 394-6216. Early notification before the meeting you wish to attend will make it possible for the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

Copies of documents distributed for the meeting are available in alternative formats upon request. Any writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public review Monday through Thursday 7:30 a.m. to 5:30 p.m. and on Fridays from 7:30 a.m. to 4:30 p.m. in the Planning Division. In addition, most documents are posted on the City's website at www.sandimasca.gov.

If you are unable to attend, you may submit comments via email to planning@sandimasca.gov or call (909) 394-6250 no later than April 17, 2025 at 3:00 p.m.

Posting Statement: I declare under penalty of perjury that on April 9, 2025, I posted a true and correct copy of this agenda on the bulletin board in the Civic Center Plaza of City Hall at 245 E. Bonita Ave., San Dimas Library 145 N. Walnut Ave., San Dimas Post Office 300 E. Bonita Ave., Von's Via Verde Shopping Center 1160 Via Verde Ave., and on the City's website

www.sandimasca.gov/agendas-minutes/ as required by law.

April 9, 2025

Kimberly Neustice

Kimberly Neustice, Senior Management Analyst

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CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting

February 20, 2025, at 6:00 p.m.
245 East Bonita Avenue, City Council Chamber

PRESENT

Chairman David Bratt
Vice-Chairman John Davis
Commissioner Margie Green
Commissioner James Shirley (Arrived at 7:00 p.m.)
Commissioner Doran Barnes
Planning Manager Marco Espinoza
Assistant Planner Yasmin Dabbous
Senior Management Analyst Kimberly Neustice

CALL TO ORDER AND FLAG SALUTE

Commissioner Bratt called the regular meeting of the Planning Commission to order at **6:11 p.m.** and **Vice-Chairman Davis** led the flag salute.

CONSENT CALENDAR

CC 1. Approve December 19, 2024 Minutes

CC 2. Approve January 16, 2025 Minutes

MOTION: Moved by **Vice-Chairman Davis**, seconded by **Commissioner Barnes** to approve the consent calendar. Motion carried 4-0-1 (Shirley absent).

PUBLIC HEARING

PH 1. Municipal Code Text Amendment 24-11; Discussion and Consideration of a Municipal Code Text Amendment to amend the City of San Dimas Municipal Code, Title 18 as necessary to Amend the process for zone changes and amendments to Title 18 and to eliminate the Development Plan Review Board.

Staff report presented by **Planning Manager Espinoza** recommending Planning Commission approve Resolution PC-1692 recommending City Council adopt Municipal Code Text Amendment 24-11.

Planning Manager Espinoza pointed out some of the items that would normally go to DPRB but have been reassigned. For example, item one on Table 18.12.050, single-family residential, would typically go to the Development Plan Review Board (DPRB) but staff feels that these types of projects can be reviewed by staff. If the project was more than one home, a tract map or parcel map, then it would come to Planning Commission (PC) for review. Another example, additions on historic structures would be moved to director review, however, if the project was a designated historic structure, it would be brought to PC for review and approval. New multi-family, industrial and commercial projects would go to PC for review and approval. Master sign programs and monument signs would be reviewed by staff. By modifying the approval level, it saves the applicants time by eliminating the extensive process of DPRB.

Vice-Chairman Davis stated that he thought DPRB was also involved in the architectural review, and asked who does the architectural review if DPRB is eliminated.

Planning Manager Espinoza stated that staff would review the architectural portion.

Vice-Chairman Davis asked if staff felt comfortable reviewing the architectural portion or will a professional assist staff with this review.

Planning Manager Espinoza stated that the Planners are able to do the architectural review. Part of the hiring process for planners is to see how much they know about architectural types and features. For example, what makes a Craftsman or Colonial home. Staff would be able to review the plans as long as it's compatible with the neighborhood.

Vice-Chairman Davis asked if the neighbors around the proposed project will still be notified.

Planning Manager Espinoza stated yes.

Vice-Chairman Davis asked who would review industrial projects.

Planning Manager Espinoza stated staff will review the project in lieu of DPRB and if approvable, they will move it forward to PC for review and approval.

Vice-Chairman Davis asked for clarification on the historic portion of the text. He stated the Historical Society has a book that references all the historic homes and asked if that is the list the text refers to.

Planning Manager Espinoza stated that the list was from the Historic Resource Survey that was done in 1991.

Vice-Chairman Davis clarified that a designated historic structure would be like the Walker House where it has a state designation.

Planning Manager Espinoza stated that was correct. The original intent of the Historic Resource Survey from 1991 was to designate all the homes on the list historic, but after the survey was complete the ordinance never moved forward for codification and Staff doesn't know why. Unless the city has a historic ordinance, these properties cannot be treated as designated historic structures.

Vice-Chairman Davis asked for clarification on page three of the chart, the last item states tennis courts.

Planning Manager Espinoza stated that in some of the specific plan areas it calls for tennis courts to be reviewed by DPRB, so staff added it to this table so that review and approval will apply to the entire city.

Vice-Chairman Davis recommended changing tennis courts to sports courts to cover basketball, pickle ball, etc. The intention of the code seems to be for any sport that creates noise or additional lighting for the neighbors. He feels that the neighbors should have a chance to weigh in on these items when one is being proposed.

Planning Manager Espinoza stated he is concerned that we are opening the door to accidentally allow certain items, such as batting cages, which are actually prohibited in the City. He asks if staff should leave it as tennis courts or change it to sports courts.

Vice-Chairman Davis stated that he would leave it up to Staff to write the code with the intent to cover things such as pickleball which is a very noisy sport.

Planning Manager Espinoza stated that by writing this into the code it will allow Staff to add conditions to the approval to help mitigate some of these concerns, such as no active use after 10:00 p.m. or lights need to be turned off by a certain time.

Vice-Chairman Davis asked how the Homeowners Association (HOA) approval makes its way into the permit issuance process.

Planning Manager Espinoza stated that Staff requires a letter of approval from the HOA at the time of submittal. However, if the applicant argues the need for HOA approval, Staff will still take it in and could possibly approve the project. HOA codes are a civil matter between the owner and the HOA, and the City is not involved in the enforcement of the HOA codes.

Vice-Chairman Davis stated that overall, he's ok with the MCTA but in some places of the code it references "Director" and in some areas it references "Director of Community Development". Staff should go through the MCTA to check for consistency on terms like this.

Commissioner Barnes stated he was able to speak with **Planning Manager Espinoza** earlier about some questions he had, and he was able to get some clarification. He didn't realize that the report only included the areas of the code that was being modified and not the entire code section.

Planning Manager Espinoza stated that was correct, and wherever you see the three little dots at the end of the section, that means there's more wordage. Staff felt that if they included more of the code, it would be too much.

Vice-Chairman Davis stated it would have been helpful to have a table of contents for the changes and he would recommend making one for City Council's review.

Commissioner Barnes stated that on page 45 of the agenda packet there are revisions to some sections related to trees and asked if the changes being suggested in this MCTA will cause any issues with the comments the Commissioners made on the tree ordinance that is currently being worked on.

Planning Manager Espinoza stated that each section listed are individual sections. The tree preservation ordinance is the only section that Staff is proposing to modify at this time and, if needed, will be edited later when the tree ordinance comes to PC for review and approval.

Commissioner Barnes thought he saw something about caretaker units and asked if a caretaker unit is different than an ADU.

Planning Manager Espinoza stated that this item is referenced in a code section related to the M-1 zone and applies to a person who lives on a commercial property to take care of the property.

Commissioner Barnes stated that he is in favor of trying to streamline the process but feels that a lot of the DPRB review authority is being shifted to Staff. He also is supportive of doing a joint study session with City Council because he feels that some of the proposed changes would be beneficial to discuss with City Council to see what their thoughts are. While some of the changes that are being shifted to staff are small, they can have larger implications than we realize.

Planning Manager Espinoza stated that he understands that there is a lot of changes in this MCTA and the thoughts on moving some of the DPRB items to different review levels might not have been vetted out enough to consider long range implications.

Commissioner Barnes stated that he believes there's at least one new Councilmember on the City Council since this item was initiated and feels that having a joint discussion would be beneficial.

Chairman Bratt stated that boards and commissions should not be made entirely of City Staff and that community input is very beneficial.

Planning Manager Espinoza stated that Staff hardly ever have applications submitted for the License and Permit Hearing Board, the last one was about two or three years ago and another one recently for sidewalk sales of political flags and banners. Staff was hoping that since it rarely happens, they can reassign it. Some items that require License and Permit Hearing Board approval, such as security guards or an ice cream store, should go through the regular business license process only. The section is outdated and the modifications presented were to streamline the process for typical business types.

Commissioner Barnes asked if the Planning Commission can be assigned to act as the License and Permit Hearing Board. He agrees that some of the business types are ministerial, but some are not, and need to be reviewed. He understands that this means some additional review of this section may be required but feels that the Planning Commission should be assigned this task.

Chairman Bratt stated that in the twenty years he's been on the DPRB he hasn't seen very many applications come through, so it isn't critical.

Vice-Chairman Davis stated he would be ok moving the review authority to the Planning Commission.

Commissioner Green stated she sees that a lot of work has been put into this MCTA and appreciates the questions from the other Commissioners. She's been a resident for over fifty years and a business owner, and she appreciates the effort to streamline the process. She's been to most of the DPRB meetings over the years and sees a lot of the community showing up for some items and feels that community input is important.

Chairman Bratt asked **Commissioner Barnes** if he would be interested in a study session with City Council to discuss these changes.

Commissioner Barnes stated that he would be interested in a study session because he would like to understand what the thoughts of the City Council are, and added they might have some suggestions on where the review authority should lie for the various items.

Chairman Bratt opened the public hearing.

No communications were made at this time.

Chairman Bratt closed the public hearing.

Vice-Chairman Davis stated that he doesn't really have a problem with where this MCTA is going. He agrees that there should be a joint study session with City Council to discuss what their thoughts are on the changes. Once Staff incorporates the suggestions from Planning Commission and City Council into the MCTA, it can be brought back to Planning Commission for review and recommendation.

Commissioner Barnes stated that he knows this MCTA needs to be done, and it will be beneficial to the City and community but some items should be looked at closer.

Chairman Bratt stated that he thinks that a starting point would be to list what the DPRB did and show that it's moving over to the Staff, Director or Planning Commission for review authority. After that is determined, then move on to the redlining of the code.

Vice-Chairman Davis used sign programs as an example and stated that the City has a very strict sign code and as long as the applicant is meeting the code then why would you need a review board to look at it. He doesn't have an issue moving the review authority to the Staff level, however, he doesn't understand what exactly is being changed when it comes to the section on grading.

Planning Manager Espinoza stated that the grading section is just clarifying that the cubic feet of grading doesn't include pools.

Commissioner Barnes stated that he sees a number of items from DPRB were shifted to the Director.

Planning Manager Espinoza stated that a lot of the hillside development items were shifted to the director because they are typically more involved.

Commissioner Shirley stated that initially when they were talking about eliminating the DPRB he understood everything was going to be transferred to Planning Commission but that doesn't seem to be the case. He feels that a discussion needs to be had as to the major things the DPRB reviews and divided into three areas: Staff review, Director review and Planning Commission review. He feels that the document given to him for review was too cumbersome.

Vice-Chairman Davis stated he would like to try to get a consensus from the Commissioners as to which items on the chart they seemed ok with and what items they feel still needs more review.

Chairman Bratt stated that if the Commission is in agreement with some of the reassigned items, they should approve those items and move it on to City Council and it doesn't need a study session.

Planning Manager Espinoza suggested that License and Permit Hearing Board be moved to Planning Commission for review. The Commission agrees.

Vice-Chairman Davis recommended that the Master Sign Program and Monument Signs stay at a Staff level review. The Commission agrees.

Vice-Chairman Davis recommended that modifications to historic structures should be moved from the Director to Planning Commission. The Commission agrees.

Vice-Chairman Davis felt that someone should take a look at the historic survey and make decisions on which properties are really historic, and which should not be considered historic.

Vice-Chairman Davis recommended that new single family homes can stay with the Director. The Commission did not agree. **Commissioner Shirley, Commissioner Barnes** and **Chairman Bratt** would like it to come to Planning Commission, **Commissioner Green** and **Vice-Chairman Davis** felt it is ok for Director review.

Planning Manager Espinoza suggested that by giving the Director the review authority to determine sports courts, it will save the applicant time and money by not going through the MCTA process. Additionally, he reminded Planning Commission that they can still make a determination on the elimination of the MCTA initiation. The Commission agreed.

RESOLUTION PC-1692

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 24-11, A REQUEST TO AMEND THE CITY OF SAN DIMAS MUNICIPAL CODE TITLE 18 AS NECESSARY TO REMOVE AND AMEND THE PROCESS FOR ZONE CHANGES AND AMENDMENTS TO TITLE 18 AND TO ELIMINATE THE DEVELOPMENT PLAN REVIEW BOARD.

MOTION: Moved by **Vice-Chairman Davis**, seconded by **Commissioner Barnes** to approve Resolution PC-1692 recommending City Council adopt MCTA 24-11 with the following modifications:

- Move the review authority of new Single-family homes from the Director level to Planning Commission.
- Move the review authority of the License and Permit Hearing Board from the Director level to Planning Commission.
- Change the proposed review authority of modifications to residential and nonresidential historic buildings from the Director of Community Development to the Planning Commission.

Motion carried 5-0

OTHER BUSINESS

OB 1. MCTA Initiation Request to Modify Section 18.500.050

Staff report presented by **Assistant Planner Dabbous** recommending that the Planning Commission approve the MCTA initiation request to modify Section 18.500.050 to conditionally allow the use of "Senior Independent Living Facility with Services" within the Commercial Area (Areas 1 & 2) of Specific Plan No. 2 (SP-2).

Commissioner Barnes asked about the massing of the project given the size of the parcel. The site looks small for the proposed use.

Planning Manager Espinoza stated that the applicant is proposing a two-story building with sub terrain parking which is similar to other buildings in the same zone.

Commissioner Barnes asked how high the building could be.

Assistant Planner Dabbous stated that the code allows the building to be two-story but could exceed two-stories with a Conditional Use Permit (CUP).

Vice-Chairman Davis asked if this building would be similar to an apartment complex where there would be a bedroom, bathroom and kitchen.

Assistant Planner Dabbous stated that they are proposing separate units with kitchens but there are also other options being proposed such as a commercial kitchen, activity rooms and a music room.

Vice-Chairman Davis asked to clarify what “elderly” is. Typically, people hear senior and think fifty-five, but this project seems to be for those older than fifty-five. He also asked if the Planning Commission could restrict the number of occupants in the CUP.

Planning Manager Espinoza stated that the code does not specify the age requirement. For this project, it is possible that two CUP’s would be required. One for the building height, if they propose to go beyond two-story, and one for the use, so yes PC can condition the use of the building.

Vice-Chairman Davis clarified that Areas one and two do not currently allow for any residential use nor do they currently have an active residential use.

Planning Manager Espinoza stated that was correct.

Commissioner Green asked if these units would count towards our RHNA numbers and if this is considered like a hotel, would we get the bedroom tax.

Planning Manager Espinoza stated that he’s not sure and would have to look into this and get back to the Commission.

MOTION: Moved by **Vice-Chairman Davis**, seconded by **Commissioner Shirley** to initiate the Municipal Code Text Amendment for Section 18.500.050 and directed Staff to move forward with the MCTA for Area 1 of SP-2 only.

ORAL COMMUNICATIONS

a. Community Development Department

Planning Manager Espinoza gave updates:

- There will be two items for the Planning Commission meeting in March. One will be a master bike plan that the Public Works Department put together and will present to you. The other item will be a Conditional Use Permit for AquaTots, an indoor pool for lessons and training.
- Joint City Council and Planning Commission Study Session next Tuesday for the Allen Cataract project.

b. Members of the Audience

No communications were made.

c. Planning Commission

No communications were made.

ADJOURNMENT

MOTION: Commissioner Green moved, seconded by **Commissioner Shirley**. Motion carried 5-0. The meeting adjourned at 8:37 p.m. to the regular Planning Commission Meeting scheduled for Thursday, March 20, 2025.

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Kimberly Neustice
Senior Management Analyst

Approved: March 20, 2025

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CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, March 20, 2025, at 6:00 p.m.
245 East Bonita Avenue, City Council Chamber

PRESENT

Chairman David Bratt
Vice-Chairman John Davis
Commissioner Margie Green
Commissioner James Shirley
Commissioner Doran Barnes
Planning Manager Marco Espinoza
Planning Intern Byron Luk
Administrative Assistant Caitlyn Cortez

CALL TO ORDER AND FLAG SALUTE

Commissioner Bratt called the regular meeting of the Planning Commission to order at **6:01 p.m.** and **Commissioner Barnes** led the flag salute.

CONSENT CALENDAR

CC1. Approval of February 20, 2025

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

PUBLIC HEARING

PH 1. Conditional Use Permit 25-01; PROJ-25-09. A request to allow the operation of an 8731 square-foot indoor swim school for children (Aqua-Tots) located at 610 W. Arrow Highway within the Downtown Specific Plan, Gateway Village West, through the adoption of Resolution PC-1693, subject to the attached Conditions of Approval.

Staff report presented by **Byron Luk**, recommending Planning Commission approve Conditional Use Permit 25-01, a request to allow the operation of an eight thousand seven hundred thirty-one square-foot indoor swim school for children (Aqua-Tots) located at 610 W. Arrow Highway within the Downtown Specific Plan, Gateway Village West.

Vice-Chairman Davis asked if the extra office space was currently existing or if it was added in with this project.

Planning Intern Luk confirmed that the extra office space is existing and stated that the extra space is at 612 W. Arrow Highway and there is exterior access to the rear facing the 57 freeway, but no exterior access to the central parking lot. The only other way to enter the extra office space is through the interior of 610 W. Arrow Highway.

Chairman Bratt stated his only concern with the parking is that the location of this business is at the same end of the center as Denny's and Applebee's. He asked if staff took that into consideration when they did the site visits.

Planning Intern Luk stated yes, they went to the site multiple times and verified that parking is not an issue.

Vice-Chairman Davis stated that parking required in this lot is four hundred twenty-one spaces as zoned, and the lot currently has six hundred parking spaces total, leaving plenty of parking spaces.

Planning Intern Luk stated that was correct.

Chairman Bratt stated that the Planning Commission has the ability to review parking if needed in the future.

Chairman Bratt opened the public hearing.

The Applicant stated she has been a franchise owner and had the opportunity to open locations in the Inland Empire and to make a difference in the community. They have been looking to move into San Dimas since 2022, and they overcame many hurdles. She stated they are looking forward to opening in the City.

Vice-Chairman Davis asked if the Applicant owns the Inland Empire territory and expressed he hopes the business will be successful.

The Applicant stated yes, and they are looking in to expanding to LA County.

Chairman Bratt asked where the Rancho Cucamonga business is located.

The Applicant stated Base Line and Carnelian, they have been a good anchor for the new tenants due to parents stopping for dinner and shopping before and after classes.

Chairman Bratt closed the public hearing.

RESOLUTION PC-1693

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, APPROVING CONDITIONAL USE PERMIT 25-01; PROJ 25-09, A REQUEST TO ALLOW THE OPERATION OF AN 8,731 SQUARE FOT INDOOR SWIM SCHOOL FOR CHILDREN (AQUA-TOTS) LOCATED AT 610 W. ARROW HIGHWAY, WITHIN THE DOWNTOWN SPECIFIC PLAN, GATEWAY VILLAGE WEST ZONE [DTSP (GV-W)]. (APN: 8386-007-075)

MOTION: Moved by **Commissioner Barnes**, seconded by **Commissioner Shirley** to approve Resolution PC-1693 approving Conditional Use Permit 25-01.

Motion carries 5-0.

ORAL COMMUNICATIONS

a. Community Development Department

Planning Manager Espinoza gives an update:

- Deletion of the Affordable Overlay Zone that was eliminated the last housing cycle. It has been re-zoned this current cycle.
- Implement a review process for bigger city-wide Municipal Code Text Amendments to allow for a minor Conditional Use Permits under Directors Review.

Commissioner Davis asked if the MCTA for DPRB will go forward.

Planning Manager Espinoza stated yes, the study session is on Tuesday, April 8, 2025 at 6:00 p.m.

b. Members of the Audience

No communications were made.

c. Planning Commission

Commissioner Barnes attended the Planning Commissioners Academy in March and stated he found the meetings interesting. He stated he appreciates the investment from the City and noted that compared to other Cities, San Dimas is calm with less changes.

Commissioner Shirley stated he also attended the Planning Commissioners Academy which allowed him to complete harassment training. He appreciates being able to go to the conference.

Planning Manager Espinoza suggested that the Planning Commissioners talk to Council about how beneficial the conference is because the funding may be cut from the budget.

Vice-Chairman Davis asked what the cost of the conference is.

Planning Manager Espinoza stated he does not know the cost, but said that the Department requested budgets for all five attendees to go next year.

Vice-Chairman Davis suggested that maybe the newer commissioners can go to the conference next year.

Planning Manager Espinoza stated that staff sees the conference as beneficial for the City and they are pushing to keep it.

ADJOURNMENT

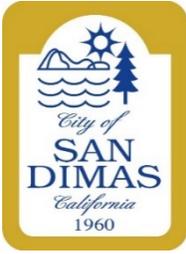
MOTION: Vice-Chairman Davis moved, seconded by **Commissioner Green**. Motion carried 5-0. The meeting adjourned at 6:27 p.m. to the regular Planning Commission Meeting scheduled for Thursday April 17, 2025.

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Caitlyn Cortez
Administrative Assistant

Approved: April 17, 2025



Agenda Item Staff Report

To: Honorable Chair and Members of Planning Commission
For the Meeting of April 17, 2025

From: Luis Torrico, Director of Community Development

Prepared by: Taylor Galindo, Assistant Planner

Subject: Municipal Code Text Amendment 25-01, Consideration and discussion of a City-initiated Municipal Code Text Amendment of Title 18, Chapter 18.40 Affordable Housing Overlay Zone, deleting Affordable Housing Overlay Zone No. 2 (AHO-2).

SUMMARY

Municipal Code Text Amendment 25-01, proposes to amend Chapter 18.40 Affordable Housing Overlay Zone of the San Dimas Municipal Code (SDMC) by deleting one of the two overlay zones, Affordable Housing Overlay Zone 2 (AHO-2). The purpose of the two Affordable Housing Overlay Zones (AHO No's 1 & 2) is to designate certain areas in the city as suitable for higher-density residential uses alongside existing permitted uses in the underlying zone. These overlays were created as part of the site selection for the 4th & 5th Housing Element Cycles. On September 27, 2022, the current cycle of the Housing Element (6th) was adopted and designated, the Affordable Housing Overlay Zone No. 2, as one of the new Housing Element Sites (No. 5). In addition, on September 24, 2024, the City adopted the Downtown Specific Plan (DTSP), amending the land use designation of AHO-2 to Transit Village, which also allows for housing. With the adoption of both the 6th Cycle Housing Element and the Downtown Specific Plan the Affordable Housing Overlay Zone No. 2 needs to be removed from Chapter 18.40. to maintain consistency.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution PC-1694 recommending approval to the City Council of Municipal Code Text Amendment 25-01.

FISCAL IMPACT

There is no fiscal impact for the recommended action.

BACKGROUND

The 2008 (4th Cycle) Housing Element set objectives to improve affordable housing for lower-income groups by rezoning 7.4 acres to accommodate 223 units at a density of 30 units per acre, aligning with state standards (Government Code Section 65583.2 (c) (3) (B) (iv)). On January 22, 2013, the City Council adopted Ordinance 1215, approving Municipal Code Text Amendment 12-06, which added Chapter 18.44 to the San Dimas Municipal Code. The amendment established the Multi-Family (MF)-30 Zone with the intent of satisfying the aforementioned housing objectives.

On February 12, 2013, Ordinance 1217 was adopted, approving Municipal Code Text Amendment 12-08, which established the Affordable Housing Overlay Zone in Chapter 18.40. This chapter was established with the intent to protect existing properties in the newly established MF-30 zones from non-conforming status and accommodate parcels that were not immediately ready to meet housing goals. Chapter 18.40 includes two overlay zones: AHO-1 ((Figure 1) (Zone Change 12-01)) and AHO-2 ((Figure 2) (Zone Change 12-02)).



Figure 1: AHO-1 is geographically bounded by Monte Vista Avenue, Allen Avenue, San Dimas Avenue, and the 210 Freeway.

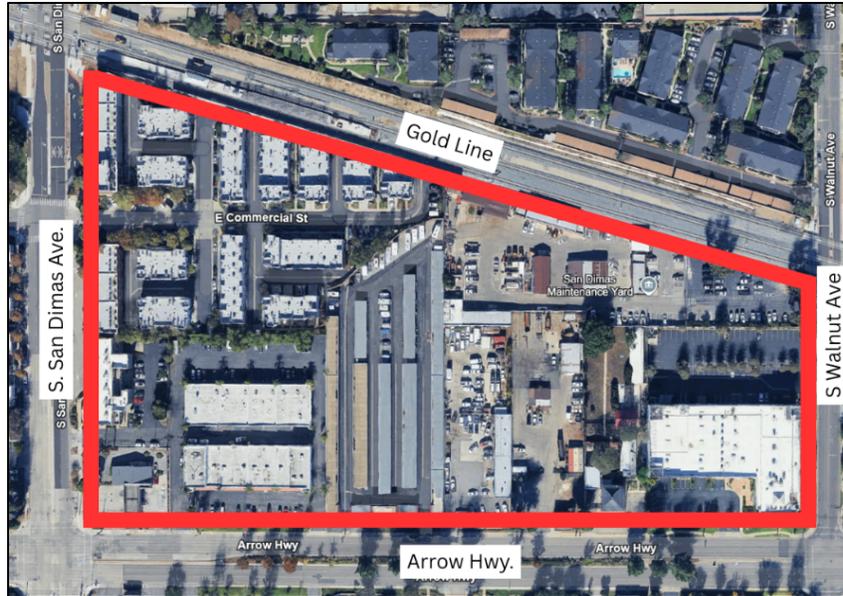


Figure 2: AHO- 2 is bounded by San Dimas Avenue, Arrow Highway, Walnut Avenue, and the Gold Line railroad right-of-way

On September 27, 2022, the City Council adopted Resolution 2022-50, approving General Plan Amendment 22-001, adopting the 6th Cycle Housing Element for 2021-2029. With this adoption, 11 of the 21 parcels of AHO-2 were designated as Site #5 in the Housing Element, raising the proposed density to 35-45 dwelling units per acre (for parcels 8390-018-023, 040, -045, -046, -027, -197, -066, -907, -908, and -909.) The remaining 10 parcels are located in the northwest corner of the Site and are part of The Grove Station and The Village Walk Home Owner Associations, as seen in Figure 3.

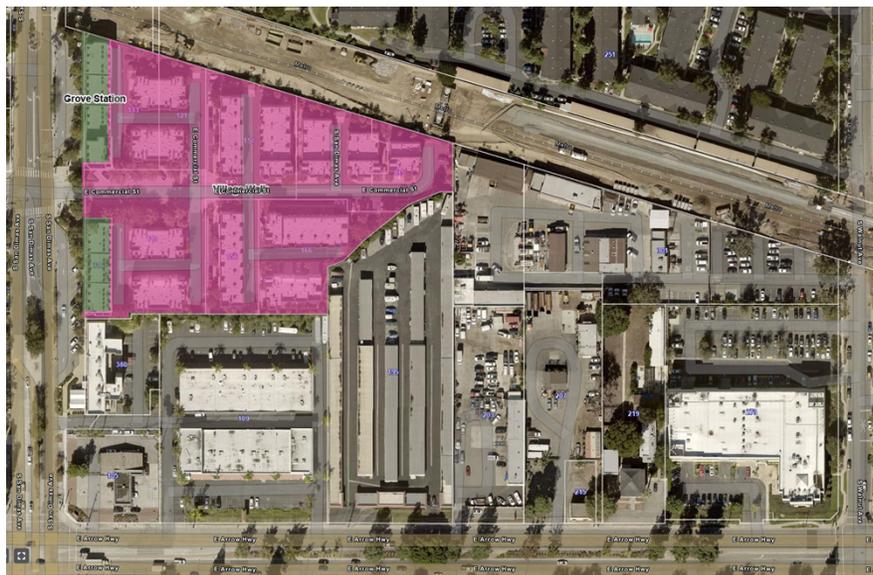


Figure 3: Grove Station HOA (in Green) and Village Walk HOA (in pink) - not included in Housing Element Site 5

The current cycle of the Housing Element prescribes a proposed density for Site No. 5 Walnut/Arrow as 35-45 dwelling units/acre (See Attachment 2).

| Site Specifics | | Property Specifics | |
|-----------------|---|--------------------------|---------------|
| General Plan: | Commercial | Building constructed: | varied |
| Current Zoning: | M-1 / Public/Semi Public | Building/Lot Ratio: | 19% |
| Assess. Parcel: | 8390-018-023, 040, -045-046, -027, -197, -066; and -907, -908, -909 | Assessed Imp/Land Ratio: | <0.84 |
| Parcel Acreage: | 11.5 acres | Developer Interest: | Some |
| Ownership: | 8 owners | Anticipated Use: | Mixed Uses |
| Current Uses: | Storage, City Yard, Office, gas station, auto repair, etc. | Proposed Density: | 35-45 du/acre |

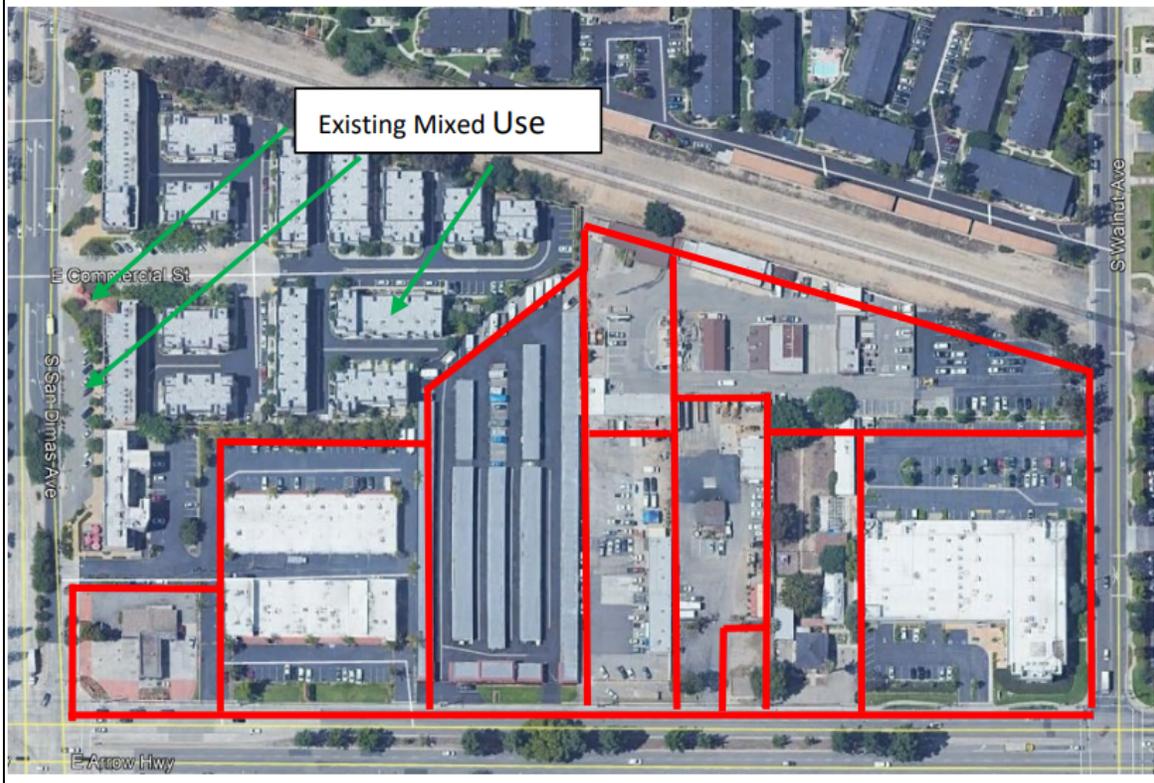


Figure 4: Details of Housing Element Site No. 5 (AHO- Zone 2) as prescribed in the current Housing Element Cycle.

On October 8, 2024, the City Council approved Ordinance 1312, General Plan Amendment 24-02, amending land use designations of various parcels as part of the Downtown Specific Plan approval. AHO-2 was rezoned as part of the DTSP’s Transit Village (Figures 4 & 5).

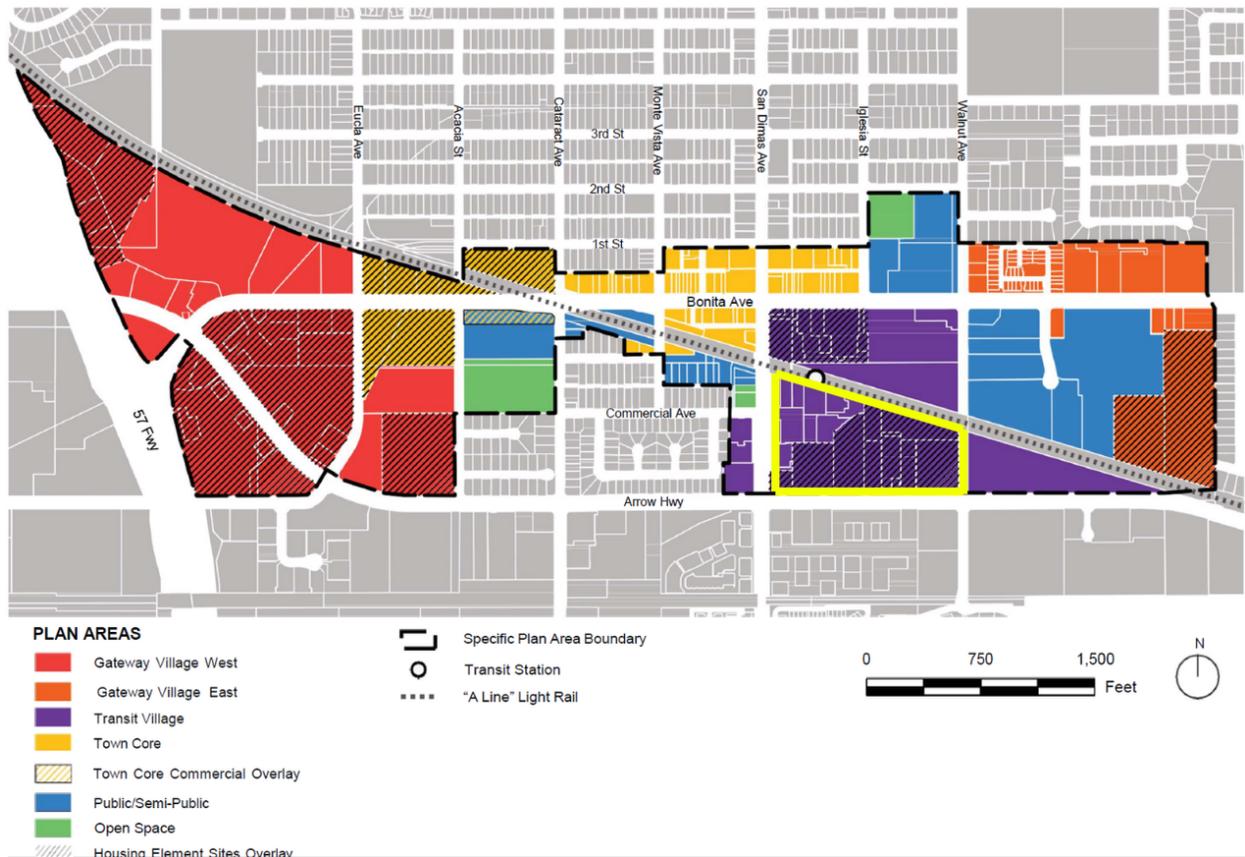


Figure 5: Downtown Specific Plan Zoning Map; AHO-2 is the area in purple with the Housing Element Sites Overlay outlined in neon yellow

DISCUSSION/ANALYSIS

Staff is requesting to amend Chapter 18.40 of the San Dimas Municipal Code to remove AHO-2. The 6th Cycle Housing Element indicates that portions of Chapter 18.40 will no longer be necessary after its adoption due to increased density incentives provided by state law and updated density requirements in the Housing Element. The proposed revision aims to ensure clarity and accuracy, as AHO-2 has been incorporated into Housing Element Site No. 5 and rezoned under the Downtown Specific Plan. This rezoning reflects a change in allowable density; AHO-2 previously permitted 30 dwelling units per acre, while the current 6th Cycle Housing Element stipulates a density range of 35-45 dwelling units per acre for Housing Element Site No. 5. The density numbers outlined in the Housing Element were established with the goal of meeting the planning target of 1,248 units for the 6th housing cycle, as set by the State Department of Housing and Community Development. The remainder of the site, not included within Housing Element Site No.5, includes the northwestern portion, which has been developed and includes the Grove Station and Village Walk Home Owners Associations. The prescribed density for the remainder of the site in the DTSP is 30 dwelling units per acre (Figure 6).

| Standard | Gateway Village West | Transit Village | Gateway Village East | Town Core |
|--|----------------------|-----------------|----------------------|-----------|
| Scale | | | | |
| Allowable Density | | | | |
| Maximum Dwelling Units per Acre | 45 | 30 | 35 | 30 |
| Note: With the exception of Sites 7 & 9 in Appendix B-1 of the Housing Element, which have a set density of 35 DUA, minimum and maximum densities for sites within the Housing Element Sites Overlay shall be consistent with the ranges specified in Appendix B-1. Density on these sites may exceed the maximum allowable density of the base underlying zone. | | | | |
| Allowable Intensity | | | | |
| Maximum Floor Area Ratio | 2.0 | 1.5 | 1.75 | 1.5 |
| Note: FAR includes residential and commercial building floor area but excludes structured parking areas | | | | |
| Maximum Number of Stories Above Grade | | | | |
| Mixed Use (Commercial Ground Floor) | 4 stories | 4 stories | 3 stories | 3 stories |
| Multi-Family Residential (Residential Ground Floor) | 4 stories | 4 stories | 3 stories | 3 stories |
| Commercial/Office | 3 stories | 3 stories | 2 stories | 2 stories |
| Hotels | 4 stories | 4 stories | N/A | N/A |

Figure 6: Summary of Development Standards - Downtown Specific Plan

ALTERNATIVES

There are no proposed alternatives for this request.

ENVIRONMENTAL REVIEW

Pursuant to CEQA guidelines Section 15061 (b)(3), CEQA does not apply to this item because there is no potential for causing a significant effect on the environment. Therefore, no additional environmental review is needed at this time.

Respectfully submitted,



Taylor Galindo
 Assistant Planner

Attachments:

1. Resolution PC 1694
2. Housing Element Sites Inventory List, Site No. 5

RESOLUTION PC-1694

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 25-01, WHICH AMENDS TITLE 18 - ZONING, CHAPTER 18.40 AFFORDABLE HOUSING OVERLAY ZONE, TO REMOVE AFFORDABLE HOUSING OVERLAY ZONE 2 FROM THE CHAPTER.

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

WHEREAS, the Amendment is described as an amendment to Title 18-Zoning, Chapter 18.40 Affordable Housing Overlay Zone, to remove Affordable Housing Overlay Zone 2 from the Chapter; and

WHEREAS, on September 27, 2022, the City Council adopted Resolution 2022-50 approving General Plan Amendment 22-001, adopting the 6th Cycle Housing Element for 2021-2029 ; and

WHEREAS, on October 8, 2024, the City Council adopted Ordinance 1312 - General Plan Amendment 24-02 amending land use designations of various parcels as part of the Downtown Specific Plan approval; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on April 17, 2025, 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 have been met for the consideration of whether the project will have a significant effect on the environment. It has been determined that this action is not a project under CEQA, as there will be no direct physical or reasonably foreseeable indirect physical change to the environment.

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

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

The proposed amendment will eliminate the Affordable Housing Overlay Zone No. 2 (AHO-2) from Chapter 18.40 of the San Dimas Municipal Zoning Code to clarify proposed density requirements. AHO-2 is bounded by San Dimas Avenue, Arrow Highway, Walnut Avenue, and the A Line railroad right-of-way, encompassing 21 parcels. Under AHO-2 these parcels have a proposed density of 30 dwelling units per acre.

On September 27, 2022, the City adopted the sixth cycle of the General Plan's Housing Element, which created a Housing Element Site Overlay. Of the 21 parcels in AHO-2, 11 are part of Site No. 5 in the Housing Element. Site No. 5 includes a prescribed density of 35-45 dwelling units per acre (for parcels 8390-018-023, 040, 045, 046, 027, 197, 066, 907, 908, and 909.) and allows multi-family developments designed to be compatible with the existing neighborhood, including the Grove Station and Village Walk HOAs. Furthermore, the Downtown Specific Plan (DTSP) was adopted on October 8, 2024, which rezoned the site as part of the DTSP's Transit Village and introduced new development standards, including a proposed density for the 10 parcels that were not identified as part of Housing Element Site No. 5. Upon removal of AHO-2, there is no change in proposed density requirements for the northwestern portion of the site (Grove Station and Village Walk), and the remainder of the site includes the proposed density as prescribed in the 6th Cycle Housing Element – therefore, there are no adverse impacts on the identified site.

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

The proposed amendment to align Title 18 with the City's Downtown Specific Plan and General Plan aims to address the density requirements for Housing Element Site No. 5 in San Dimas. Currently, the zoning allows for 30 dwelling units per acre under Chapter 18.40. However, the 6th Cycle Housing Element calls for a higher density of 35 – 45 units per acre on this site, excluding the northwestern portion occupied by the Grove Station and Village Walk.

The amendments to the Affordable Housing Overlay Zone ordinance are intended to provide clarity on this increased density requirement, ensuring that it supports the city's broader objectives, such as compatibility with surrounding areas and maintaining public health and safety. The proposed amendment will clarify density requirements and enhance public welfare by expanding housing opportunities in San Dimas.

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

The proposed amendments are consistent with applicable zoning by ensuring the amendments will be consistent with the following goals of the General Plan:

Housing Element

- a. Goal Statement HE-2: Opportunities for well-designed and appropriate housing that is diverse in type, location, affordability, and tenure and that meets the full spectrum of current and future housing needs in San Dimas.

- b. Goal Statement HE-3: Address and, where appropriate and legally possible, remove or minimize governmental and nongovernmental constraints to the maintenance, improvement, and development of housing.

Furthermore, the 2021-2029 (6th Cycle) Housing Element indicates that Chapter 18.40 will no longer be necessary after its adoption due to increased density incentives provided by state law and updated density requirements in the Housing Element. The proposed revision aims to ensure clarity and accuracy, as AHO-2 has been incorporated into Housing Element Site No. 5 and rezoned under the Downtown Specific Plan.

Land Use

- c. Goal Statement L-6: Revitalize and improve Downtown as a community focus.

NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS, that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 25-01 as set forth in the Attached Exhibit A.

PASSED, APPROVED and ADOPTED, the 17th day of April 2025 by the following vote:

AYES:

NOES:

ABSENT:

RECUSE:

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Kimberly Neustice, Senior Administrative Analyst

Attachment A

*New text changes are in Blue and Underlined

*Deleted text is in ~~Red and Strikethrough~~

CHAPTER 18.40

**AFFORDABLE HOUSING OVERLAY
ZONE**

§ 18.40.010. Purpose.

The purpose of the affordable housing overlay zone is to designate certain areas as suitable for higher density residential uses in addition to any uses permitted and existing in the underlying zone. It is intended to allow the additional higher density residential to be mixed with existing nonresidential uses while maintaining appropriate development standards for all uses to ensure that such development is compatible with contiguous uses, to encourage well-planned neighborhoods through creative and imaginative site planning, to provide opportunities at a density deemed appropriate to accommodate lower income households by Section 65583.2(c)(3)(B)(iv) of the Planning and Zoning Law and to ensure integrated design and unified control of design.

(Ord. 1217 § 1, 2013)

§ 18.40.020. Uses permitted.

All uses are permitted or conditionally permitted in the MF-30 zone. The affordable housing overlay zone does not prohibit any uses permitted or conditionally permitted in the underlying zone.

(Ord. 1217 § 1, 2013)

§ 18.40.030. Affordable housing overlay zones designated.

Affordable housing overlay~~s~~ shall be designated on the official zoning map, as follows:

A. Whenever an affordable housing overlay designation is placed on a property or properties, those properties shall be subject to the provisions of the specified affordable housing overlay zone and any additional standards set forth herein in addition to the provisions of the underlying zone.

B. Method of Designation. The abbreviation "AHO," designating affordable housing, shall be appended to the base zoning district on the official zoning map. In addition a number may be attached to the overlay zone referring to any special standards developed in this chapter which may be applicable to any created affordable housing overlay zone (Example: a commercial-highway zone would show on the official zoning map as C-H (AHO-1)).

(Ord. 1217 § 1, 2013)

§ 18.40.040. Development standards.

A. Existing Uses. All existing uses shall continue to be subject to the development standards in the underlying zone.

B. New Higher Density Residential Use. All new higher density residential uses shall be subject to the standards set forth in Chapter 18.44, Multiple-Family Thirty Units Per Acre (MF-30) Zone.

(Ord. 1217 § 1, 2013)

§ 18.40.050. Affordable housing overlay zone created.

The Each affordable housing overlay zone~~(s)~~ created herein may have differing goals and objectives to facilitate implementation of the goals of the housing element

depending upon the size, location, number of properties, ownership patterns, nature of existing uses and other relevant factors.

- A. Affordable housing overlay zone No. 1 (AHO-1) is created as follows:
1. Geographic Area. Bounded by Monte Vista Avenue on the west, Allen Avenue on the south, San Dimas Avenue on the east and the 210 Freeway on the north and as further depicted on the official zoning map.
 2. Housing Goal. To provide a minimum of 3.83 acres for development at a minimum density of thirty dwelling units per acre to accommodate a minimum of seventy-five dwelling units.
 3. Change in Existing Use. In the event that the existing seven and three-fourths acre site or any portion of the site exceeding one acre in size is no longer needed for public use, no change from the existing use to any other use shall be permitted until said property is evaluated for higher density residential use.
 4. Standards of Review. Prior to any change in use as described in subsection (A)(3), an evaluation of the suitability of the available property shall be performed to assess the following:
 - a. Location of available land and its compatibility with any property being held for continued public use.
 - b. Availability of access to public street.
 - c. Availability of utilities.
 - d. Compatibility with uses on nearby properties.
 - e. Ability to accommodate the minimum density of thirty dwelling units per acre.
 - f. Any environmental consideration related to soils, adjacency of freeway or other environmental considerations.
 5. Review Procedure. The evaluation shall be reviewed by the planning commission and city council to determine if the available property shall be limited to new development of higher density residential housing. The planning commission and city council may enter into agreements, impose conditions, change the underlying zoning or take other actions deemed necessary to facilitate the higher density housing development opportunity.

- ~~B. Affordable housing overlay zone No. 2 (AHO-2) is created as follows:~~
- ~~1. Geographic Area. Bounded by San Dimas Avenue on the west, Arrow Highway on the south, Walnut Avenue on the east and the Gold Line railroad right-of-way on the north and as further depicted on the official zoning map.~~
 - ~~2. Housing Goal. To provide a minimum of 3.3 acres for development at a minimum density of thirty dwelling units per acre to accommodate a minimum of one hundred dwelling units.~~
 - ~~3. Change in Existing Use. When any existing parcel or group of parcels which can be assembled into a minimum site area of one acre becomes available for development for a new use, no change from the existing use to any other use shall be permitted until said property is evaluated for higher density residential use. The change of use does not apply to changing tenants in existing buildings, minor alterations to existing building, or other non-substantive changes to existing buildings or improvements.~~
 - ~~4. Standards of Review. Prior to any change in use as described in subsection (B)(3), an evaluation of the suitability of the available property shall be performed to assess the following:

 - ~~a. Location of available land and its capability, including the timing thereof, to be assembled with adjacent properties to accommodate a minimum parcel size~~~~

~~of one acre. The ability of a parcel to accommodate an interim use pending assembly may also be considered.~~

~~b. Availability of access to public street.~~

~~c. Availability of utilities.~~

~~d. Compatibility with uses on nearby properties.~~

~~e. Ability to accommodate the minimum density of thirty dwelling units per acre.~~

~~f. Any environmental consideration related to soils, adjacency of railroad or other environmental considerations.~~

~~5. Review Procedure. The evaluation shall be reviewed by the planning commission and city council to determine if the available property shall be limited to new development of higher density residential housing. The planning commission and city council may enter into agreements, impose conditions, change the underlying zoning or take other actions deemed necessary to facilitate the higher density housing development opportunity.~~

(Ord. 1217 § 1, 2013; Ord. 1223 § 1, 2013)

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Site #5: Walnut/Arrow

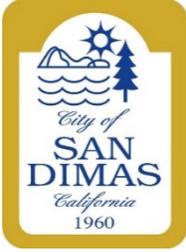
Site #5 is a 11.5-acre group of 10 parcels located directly adjacent to the Gold Line station, currently under construction. The site includes a pet service, offices, storage, auto repair, and 2.3-acre city yard. The site is underutilized given its modest improvement-land value ratio and Metro interest in the site. There are no known environmental or infrastructure constraints at the site. The site is primed for mixed use; two mixed use projects are within 300 feet of the subject site. To facilitate development, the City will redesignate the site for mixed uses, allow a density of 35-45 dus/ac, and accommodate 242 units. The prior housing element included this site under the Affordable Housing Overlay. The City owns 20% of the site and one property owner owns 10% of the site and has expressed interest in consolidation. Further consolidation would create the most cohesive project. Program #5 addresses the statutes required to be addressed for this site.

| Site Specifics | | Property Specifics | |
|-----------------|---|--------------------------|---------------|
| General Plan: | Commercial | Building constructed: | varied |
| Current Zoning: | M-1 / Public/Semi Public | Building/Lot Ratio: | 19% |
| Assess. Parcel: | 8390-018-023, 040, -045-046, -027, -197, -066; and -907, -908, -909 | Assessed Imp/Land Ratio: | <0.84 |
| Parcel Acreage: | 11.5 acres | Developer Interest: | Some |
| Ownership: | 8 owners | Anticipated Use: | Mixed Uses |
| Current Uses: | Storage, City Yard, Office, gas station, auto repair, etc. | Proposed Density: | 35-45 du/acre |



Figure A-5 Walnut/Arrow Site

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Agenda Item Staff Report

To: Honorable Chair and Members of Planning Commission
For the Meeting of April 17, 2025

From: Luis Torrico, Director of Community Development

Prepared by: Yasmin Dabbous, Assistant Planner

Subject: Municipal Code Text Amendment 23-05, Consideration and discussion of a Municipal Code Text Amendment to amend Title 18, Chapter 18.162 Tree Preservation to exempt single-family zoned properties and single-family properties within a specific plan from the Ordinance and associated clean-up items.

SUMMARY

At the November 12, 2024 City Council study session, Staff was directed to revise the municipal code text amendment to exempt single-family properties from the City's Tree Preservation Ordinance and incorporate associated clean-up items. This Staff Report summarizes the proposed changes to the Ordinance, as requested by City Council.

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution PC-1696, recommending approval to the City Council of Municipal Code Text Amendment 23-05.

GOVERNMENT CODE §84308 APPLIES:

<https://leginfo.legislature.ca.gov>

No

FISCAL IMPACT

Application Fee and Administrative Citation revenues will be reduced with the approval of exempting single-family properties from the City's Tree Preservation Ordinance.

BACKGROUND

Trees within the City of San Dimas are regulated under two separate chapters of the San Dimas Municipal Code (SDMC). (1) Chapter 13.36, Community Tree Management, regulates policy and enforcement related to City-owned trees located within any park, City right-of-way, median,

parkway, planting easement or any other City-owned property, and is administered by the Parks and Recreation Department. (2) Chapter 18.162, the Tree Preservation Ordinance, regulates policy and enforcement related to privately-owned trees, located on privately-owned property, regardless of the established land use, and is administered by the Community Development Department. This Municipal Code Text Amendment (MCTA) solely proposes modifications to Chapter 18.162, which deals with specific provisions, authorities, and enforcement procedures relating to preservation of trees located in private property.

The Tree Preservation Ordinance was originally adopted in 1990 with the intent of preserving and protecting private mature significant trees in the City. The Ordinance does not address any public trees that are found within a separate Ordinance and under the review of the Park and Recreation Department. The Tree Preservation Ordinance defines a mature significant tree as any private tree within the City of an Oak genus which measures eight (8) inches or more in trunk diameter and/or any other species of trees which measure ten (10) inches or more in trunk diameter and/or a multi-trunk tree(s) having a total circumference of thirty-eight (38) inches or more; the multi-trunk tree shall include at least one trunk with a diameter of a minimum of four (4) inches. The trunk diameter measurement must be measured at a point thirty-six (36) inches above the ground at the base of the tree. The Ordinance also exempts fruit trees and other similar species from protection; therefore, with the exception these trees, any tree that meets the aforementioned criteria would be protected under the Ordinance.

The Ordinance requires a permit to remove protected trees. Requests to remove up to three (3) trees may be approved by the Director of Community Development, while the removal of four (4) or more trees requires approval by the Development Plan Review Board (DPRB). The application fee for a Tree Removal Permit for up to three (3) trees is \$300, and the fee for the review of four (4) or more trees is \$500. Approved tree removal applications are subject to a two-for-one replacement ratio with a minimum of fifteen-gallon tree(s), or other replacement of equivalent value and size, within the subject property. A reduced replacement ratio may be approved if the reduced replacement ratio is consistent with the purpose of the Ordinance, removal of the protected tree will have a minimal impact on the community or if the subject site has an adequate number of existing trees.

Per San Dimas Municipal Code (SDMC) Section 18.208, changes to the Code must be initiated by the City Council, Planning Commission or an applicant. The initiation request must first be approved before an application for a Municipal Code Text Amendment (MCTA) can be submitted or processed.

On July 20, 2023, the Planning Commission considered an applicant-initiated request to amend the Tree Preservation Ordinance, Chapter 18.162 of the SDMC to exempt Specific Plan 11 (SP-11) from some requirements of the ordinance, and other amendments related to review procedures, and replacement requirements that would only be applicable to SP-11. Specific Plan 11, encompasses the Via Verde Ridge Homeowner's Association and consists of 262 single-family residences within a total of 262-acres of hillside land. The Commission denied the applicant request to exempt SP-11 from the requirements of the Tree Preservation Ordinance but directed Staff to come back to the Commission with City-wide amendments to the Ordinance as a whole.

On September 21, 2023, the Planning Commission considered a City-initiated request to amend the Tree Preservation Ordinance, Chapter 18.162 of the SDMC to remove the Development Plan Review Board's review authority, create a protected tree list, reduce the replacement ratio for tree removal violations, remove replacement requirements for removal of trees that pose an immediate danger or removal of trees required by the Fire Department, remove the arborist report submittal

requirement, revise findings, and move the Tree Preservation Ordinance from Title 18 Zoning to Title 13 Civic Facilities to change the implementation responsibilities of the Ordinance from the Community Development Department to the Parks and Recreation Department, and various associated code clean-up items. The Commission voted against moving the Ordinance from Title 18 to Title 13 and for creating a tree exemption list, and voted to initiate a Municipal Code Text Amendment to Chapter 18.162 as follows:

- Remove the Development Plan Review Board’s (DPRB) review authority and allow Staff to review and approve all tree removals, regardless of the number of trees proposed for removal.
- Change replacement requirement to 1:1 if 24-inch box tree(s) is planted or 2:1 if 15-gallon tree(s) is planted.
- Create two levels of protection:
 - Oak trees, and any other trees staff proposes, will need to make findings to support removal.
 - All other trees with a 10-inch diameter or greater can be removed without any findings as long as they replace them. In this situation, the Director of Community Development can reduce the replacement ratio if there is not enough space to replant trees.
- Do not require replacement trees for removal of trees that pose an immediate danger, and removal of trees required by the Fire Department.
- Explore relaxing the Ordinance for backyard trees.
- Do not require an arborist report for dead, diseased or dying trees, unless applicant disagrees with Director's determination.
- Revise tree removal findings to make them clear and objective.
- Change the point at which trunk diameter measurements are taken from 38-inches to 54-inches to be consistent with general arboricultural standards.
- Revise the penalty section of the Ordinance.

After receiving direction from the Commission, Staff started the process to amend the Tree Ordinance. This consisted of researching other cities and the American National Standards Institute (ANSI) to identify best practices, and consulting with the City’s arborist.

On April 23, 2024, the City Council heard a discussion about fines related to community trees. The Council also discussed processes, fees and fines related to private trees. After much discussion, the Council directed Staff to schedule a study session to discuss private trees and provided input for discussion. Some of the items that were mentioned during the discussion, included, but were not limited to:

- Explore reducing or removing the Tree Removal Permit Application fee for single-family property applications.
- Reconsider enforcement of Ordinance to include single-family front yards only.
- Create an exemption list for private trees (removal without permits/fees):
 - Exempt tree species to consider: Eucalyptus, Tree of Heaven, Queen Palm, White Ash, etc.
 - If exemption list is created, consider creating a protected list.
- In situations where a 4:1 replacement is required, it may not be an appropriate solution, as space and maintenance are a factor.
- The Tree Ordinance should be easy to follow and not burden residents.

- Creation of a tree fund, funded by residents who remove trees but do not have room for required replacement, that would allow other residents to plant trees at no expense to them.

At the November 12, 2024, City Council study session, Staff was directed to revise the Municipal Code Text Amendment to exempt all single-family properties from the City's Tree Preservation Ordinance and incorporate associated clean-up items (see Attachment 2). This Staff Report summarizes the proposed changes to the Ordinance, as specifically requested by City Council.

DISCUSSION/ANALYSIS

Following the City Council study session, staff focused on addressing the City Council's main objective of exempting single-family residential properties from the Tree Ordinance and incorporating associated clean-up related items such as exempting trees on single family properties but still protecting the following trees:

- a. Trees located within homeowner's association (1) common areas, (2) open space, (3) scenic easements, (4) slope easements, or (5) maintained areas; and
- b. Trees located on a single-family lot within (1) open space, (2) scenic easements or (3) slope easements;

There are a number of HOA and hillside residential properties that have large lots with sensitive open space or easement areas that are part of the property but are non-developable and intended to be kept as natural areas. These specified areas would remain as protected under the proposed MCTA. In addition, there are certain City properties/communities where a portion of the residents' lot is landscaped and maintained by the HOA, these areas would also remain as protected areas.

However, any other tree(s) located outside of these listed categories would be allowed to be removed without the submittal of a formal Tree Removal Permit and fee.

Another item the City Council requested Staff to address is if certain tree species had protection granted by other agencies. Staff concluded that there is no outside agency that enforces the protection of endangered or classified tree species (i.e. Oaks). The enforcement responsibility would be up to the individual local jurisdiction. Certain agencies will only protect trees in designated protected areas within their jurisdiction. Staff did not amend the Tree Ordinance to incorporate a protected tree species list at this time, however, if directed, Staff has provided a recommendation in the issues/concerns section of this report.

Associated Code Clean-up Item

The code currently reads "Director of Development Services" which no longer exists so staff corrected the title to read "Director of Community Development". Note that Staff is currently working on a comprehensive code text amendment update that would address this clean-up throughout the entire code for consistency.

Issues/Concerns

During the research phase of this MCTA, Staff found several inconsistencies in the Tree Ordinance that may cause confusion to residents as well as Staff. At this time, Staff has provided the following recommendations to alleviate the concerns that are not addressed in the MCTA. The

following information outlines these changes. Planning Staff is requesting the Planning Commission to provide additional direction for the Ordinance update.

- In the process of researching outside agencies' direction, Staff found that the Planning Commission could consider incorporating a comprehensive protected tree list that includes native and locally significant tree types. Creating a species list will assist in preserving and conserving other unidentified sensitive areas in the City. This includes the line of Oak trees found along the centerline of the City and called out in the General Plan Land Use Element Exhibit II-4.1 (see Attachment 3). After comprehensive review, Staff would recommend the following tree types:
 - Oaks,
 - Sycamores,
 - Black Walnuts,
 - Camphor,
 - California Redwood, and
 - Pine species (limited).
- Based on general arboricultural standards, the point at which trunk diameter measurements are taken is defined at 54-inches. Staff recommends revising the definition of "Mature Significant Tree" within the Tree Ordinance to accurately reflect arboricultural standards. The code can be amended to change the point at which trunk diameter measurements are taken from 38-inches to 54-inches for consistency.
- The current Ordinance does not address trees located in miscellaneous areas found throughout the City. Staff is requesting direction on keeping these areas protected:
 - Single-Family Hillside (SF-H): The single-family hillside zone is intended to provide for the development of safe, comfortable residential areas where residents can enjoy views and a natural setting. Development in this zone is meant to blend with the natural setting when viewed from neighboring areas and other parts of the City. Staff recommends that these areas remain subject to the Tree Ordinance to ensure that the intended topographic character of the zone is maintained and protected. This zone encompasses a total of 90 properties as depicted in Figures 1 – 3.

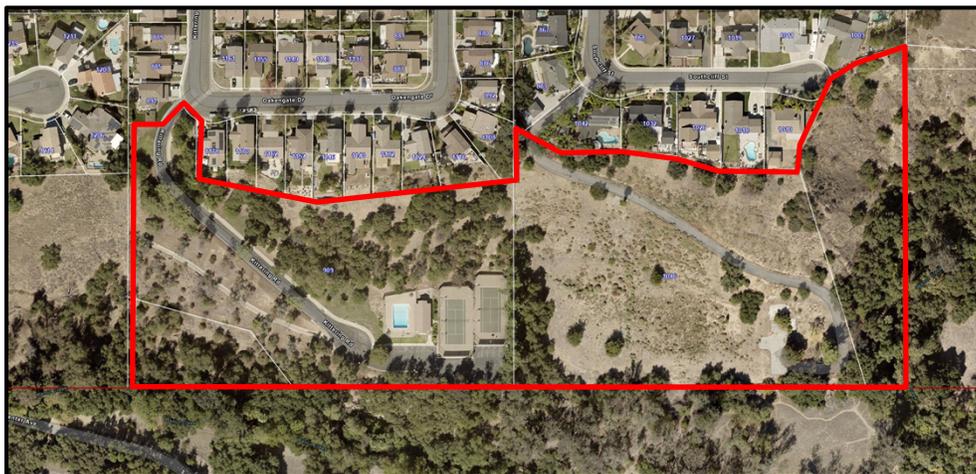


Figure 1 – SF-H Properties along Oakengate Drive

ALTERNATIVES

Planning Commission is able to provide Staff with additional direction or alternatives relevant to the provided report and discussion.

ENVIRONMENTAL REVIEW

Pursuant to CEQA guidelines Section 15061 (b)(3), CEQA does not apply to this item because there is no potential for causing a significant effect on the environment. Therefore, no additional environmental review is needed at this time.

During the environmental review process of the project, the City hired an outside consultant (PSOMAS) to review the proposed code text amendment and provide additional CEQA services. According to Section 15061(B)(3), a project may be exempt if the project's implementation would not result in a significant effect on the environment. The Project consists of text updates to the City's Municipal Code that would allow owners of single-family properties to remove trees within their property unencumbered by the City's Tree Removal Ordinance. Therefore, as the Project would result in text amendments to the Municipal Code and would not actually include any tree removal, it can be seen with certainty that there is no potential for a significant effect on the environment, as the Project is programmatic in nature. Furthermore, any subsequent tree removals initiated by private property owners would be done according to the updated requirements, thereby limiting any potential impacts. Lastly, these municipal code text updates would only apply to single-family properties, thereby limiting the number of trees that could be removed in the City. This founded substantial evidence to support a Notice of Exemption for the provided MCTA. Attachment 4 is the completed Notice of Exemption Memorandum as provided by the consultants.

Respectfully submitted,



Yasmin Dabbous
Assistant Planner

Attachments:

1. Resolution PC-1696
2. City Council Study Session Staff Report (Dated November 12, 2024)
3. General Plan Land Use Element Exhibit II-4.1
4. Notice of Exemption Memorandum - PSOMAS

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RESOLUTION PC-1696

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 23-05, A REQUEST TO AMEND TITLE 18, CHAPTER 18.162 TREE PRESERVATION TO EXEMPT SINGLE-FAMILY ZONED PROPERTIES AND SINGLE-FAMILY PROPERTIES WITHIN A SPECIFIC PLAN FROM THE ORDINANCE AND ASSOCIATED CLEAN-UP ITEMS.

WHEREAS, an Amendment to the San Dimas Municipal Code has been duly initiated by the Planning Commission on September 21, 2023; and

WHEREAS, the City Council held a study session on November 12, 2024, to discuss the possible amendments to the Tree Ordinance and at the end of the discussion, the Council directed staff to bring back an ordinance that would exempt single-family zoned properties and single-family properties within a specific plan from Tree Ordinances.

WHEREAS, the Amendment is described as Municipal Code Text Amendment 23-05, to amend the City of San Dimas Tree Preservation Ordinance, Title 18, Chapter 18.162 of the San Dimas Municipal Code to exempt single-family zoned properties and single-family properties within a specific plan from the ordinance and associated clean-up items; and

WHEREAS, the Amendment would affect the area City wide; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on April 17, 2025, 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.

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

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

The proposed Municipal Code Text Amendment is intended to exempt single-family properties from the provisions of the Tree Ordinance. The proposed amendments will not adversely or foreseeably affect property values, establish foreseeable negative precedents, or result in foreseeable detrimental impacts to the community. The proposed amendment, in contrast, aims to establish more flexible standards and procedure leniency for the residents of the City. This amendment reduces the overall time and cost expenditure of homeowners by eliminating the additional procedural steps and review process currently mandated by the Tree Ordinance. This Municipal Code Text Amendment focuses on single-

family zoned properties which are not as heavily landscaped as multifamily residential and non-residential developments, including all public developments such as parks and parkways. This protects a large number of existing mature trees in the City, minimizing the direct or indirect physical change in the environment.

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

The proposed Municipal Code Amendment advances the general welfare of San Dimas residents by refining the review process to exempt single-family properties from the application and permitting procedures currently set forth in the Tree Preservation Ordinance, while continuously protecting trees in sensitive areas on single-family lots. This amendment establishes a more streamlined process for homeowners seeking to remove trees within the confines of their single-family zoned properties (excluding certain provisions). This streamlined approach is considerate of the general public health, safety and welfare of the San Dimas community.

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

The proposed amendment is aligned with Policy Statement 1.4.3 of the Safety Element within the General Plan. The policy intends to restrict the use of flammable materials and provide additional setbacks in fire hazard zones. Many trees on residential lots are planted within ten (10) feet of a property structure, which has been determined by the Los Angeles County Fire Prevention Unit to be too close for a proper defensible space surrounding a residence. This amendment would potentially reduce the total number of trees found throughout the High Fire Severity Zone of the City, further protecting the general welfare and safety of residents.

The proposed MCTA would apply to trees situated within single-family properties. The City's Land Use Element contains no specific goals or policies related to trees or tree preservation. In addition, the Conservation Element contains no specific goals or policies related to trees or tree preservation. Nevertheless, the element does mention the City's Tree Preservation Ordinance. As such, there would be no conflict with City Land Use policies, nor would there be any conflict with City Conservation Element policies.

NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS, that the Planning Commission recommends to the City Council approval of Municipal Code Text Amendment 23-05 as set forth in attached Exhibit A:

PASSED, APPROVED and ADOPTED, the 17th day of April, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Kimberly Neustice, Senior Management Analyst

Exhibit A

*New text changes are in Blue and Underlined

*Deleted text is in ~~Red and Strikethrough~~

Title 18. Zoning
Chapter 18.162. TREE PRESERVATION

§ 18.162.010. Purpose.

The purpose of this chapter is to preserve and protect the mature significant trees, as well as other trees which are determined to be desirable, growing within the city.

Such trees are natural aesthetic resources which help define the character of the city and are worthy of protection in order to preserve the natural environment and to protect the city's native plant life heritage for the benefit of all citizens.

Mature significant trees, and other desirable trees, are unique because of their size and beauty, and their abundance adds distinction and character to the natural beauty of the community.

It is pertinent to the welfare and safety of all citizens of the city that such trees be protected from indiscriminate cutting or removal, for conservation purposes, as well as for the preservation of the natural beauty which such trees lend to the city.

It is the intent of this chapter that the design concerns of a development should address preservation of the most desirable and significant of the existing healthy trees and the developer is encouraged to utilize creative land planning techniques to achieve this goal. (Ord. 913 § 1 (Exh. A), 1990)

§ 18.162.020. Definitions.

For purposes of this chapter the following definitions shall apply:

Mature Significant Tree. A mature significant tree shall refer to any tree within the city of an oak genus which measures eight inches or more in trunk diameter and/or any other species of trees which measure ten inches or more in trunk diameter and/or a multi-trunk tree(s) having a total circumference of thirty-eight inches or more; the multi-trunk tree shall include at least one trunk with a diameter of a minimum of four inches.

The trunk diameter shall be measured at a point thirty-six inches above the ground at the base of the tree.

"Remove" includes any act which will cause a mature significant tree to die, including but not limited to acts which inflict damage upon the root system or other parts of the tree by fire, cutting, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

"Undeveloped property," for the purposes of this chapter, refers to any parcel or parcels of land which does not contain physical man-made improvements, and may be improved in conformance with the applicable development standards of the zoning classification where the property is located. Undeveloped property shall also refer to any parcel or

parcels of land which may or may not contain improvements and on which development applications including, but not limited to, development plan review board, variance, zone change and subdivision, have been submitted.

"Developed property," for the purposes of this chapter, refers to property which has been improved with structures, buildings, surface materials, landscaping and similar improvements in accordance with all city ordinances.

(Ord. 913 § 1 (Exh. A), 1990)

§ 18.162.030. Permits required—Undeveloped property.

A tree removal permit is required. No issuance of any grading or building permits or commencement of work shall be allowed on undeveloped property prior to the approval of a permit. No mature significant tree which conforms to the standards and definitions of this chapter shall be removed or relocated without obtaining the written approval of the ~~director of development services~~ Director of Community Development. An application to remove or relocate a mature significant tree shall include the following information as determined as necessary by the ~~director of development services~~ Director of Community Development:

- A. A written statement indicating the reason for the removal or relocation of tree(s);
- B. The location of all trees on the site, including those to be removed, shall be identified on a plan or map indicating species, trunk diameter, height, tree spread, drip line, and health;
- C. Photographs of the proposed trees to be removed or relocated shall be included;
- D. A written technical report from a certified arborist regarding proposed trees, when necessary;
- E. Any other information as deemed necessary by the ~~director of development services~~ Director of Community Development;
- F. The application shall be accompanied by a fee in an amount as established by resolution of the city council;
- G. The development plan review board, and the planning commission as applicable, may determine that trees on the project site not defined as mature significant trees by Section 18.162.020(A) are desirable to retain. In such case, the provisions of this chapter shall apply;
- H. Where possible, application shall be submitted with the development application and should be in conjunction with a tree preservation maintenance agreement. An application for a permit, variance, zone change or tentative map for a subdivision, including a minor land division and/or a proposed development plan shall be concurrently filed with an application for a tree removal permit as set forth in accordance with this chapter.

(Ord. 1165 § 1, 2006)

§ 18.162.040. Review required—Developed property.

Mature significant trees may be removed from developed property with the approval of the ~~director of development services~~ Director of Community Development or development plan review board, subject to the following procedures:

- A. Requests to remove or relocate up to, but not exceeding, three mature significant trees may be approved by the ~~director of development services~~ Director of Community Development pursuant to the following information:
 1. A written statement indicating the reason for the removal or relocation of tree(s);
 2. The location of all trees on the site, including those to be removed, shall be identified on a plan or map indicating species and trunk diameter;
 3. Photographs of the proposed trees to be removed or relocated shall be included;
 4. Action by the ~~director of development services~~ Director of Community Development is subject to findings provided for in Section 18.162.070 of this chapter;
 5. When, in the sole opinion of the ~~director of development services~~ Director of Community Development, circumstances are such that removal of three or fewer trees might have an adverse impact on other properties in the area of the proposed tree removal, the ~~director of development services~~ Director of Community Development may refer the matter to the development plan review board.
 - B. Requests to remove or relocate more than three mature significant trees may be approved by the development review board pursuant to the following information:
 1. A written statement indicating the reason for the removal or relocation of tree(s);
 2. The location of all trees on the site, including those to be removed, shall be identified on a plan or map indicating species and trunk diameter;
 3. Photographs of the proposed trees to be removed or relocated shall be included;
 4. Action by the ~~director of development services~~ Director of Community Development is subject to findings provided for in Section 18.162.070 of this chapter.
 - C. The development plan review board, and the planning commission as applicable, may determine that trees on the project site not defined as mature significant trees by Section 18.162.020(A) are desirable to retain. In such case, the provisions of this chapter shall apply.
- (Ord. 1165 § 2, 2006)

§ 18.162.060. Conditions imposed.

An approval to remove or relocate mature significant trees by the ~~director of development services~~ Director of Community Development or the development plan review board are subject to conditions of approval as deemed necessary to implement the provisions of this chapter including, but not limited to:

- A. Tree relocation and/or two for one replacement with minimum fifteen-gallon box tree(s), or other replacement of equivalent value and size, within the subject property. The two for one replacement ratio may be reduced as determined by the final decision making body, if a minimum of one of the following additional findings are made:
 1. The reduced replacement requirement is consistent with the purposes of this chapter.
 2. The tree(s) in question are located where the impact of the tree removal on the community is limited (such as trees in a generally flat portion of the rear yard of a single-family house that are deemed to have less public benefit).
 3. The property in question has an adequate number of existing trees therefore a reduced replacement ratio is appropriate.
- B. When on-site features, project constraints, and/or other considerations exist which prevent reasonable on-site relocation, relocation to an approved off-site location shall be permitted.
- C. If said conditions are imposed, the owner will be responsible for all replacement and relocated trees for a minimum period of two years. If during this time the tree(s) is (are) declared unhealthy by a certified arborist as set forth in Section 18.162.090, the diseased trees shall be removed and replaced at the cost of the applicant, as set forth in Section 18.162.100.
- D. A maintenance agreement shall be submitted by the applicant and established for each replaced and relocated tree. The maintenance agreement and maintenance responsibility shall be transferred with the sale of the property if title to the property is transferred within the specified maintenance period.

(Ord. 1165 § 4, 2006)

§ 18.162.070. Required findings.

The granting of a permit for the removal or relocation of mature significant trees shall be subject to a minimum of one of the following findings as they pertain to the specific property:

- A. The condition of the mature significant tree(s) with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services warrant removal of the tree;
- B. It is reasonable to remove the tree because of its continued existence at the location prevents the reasonable development of the subject property;

- C. Removal of the tree will not create a negative impact on the topography of the land, erosion, soil retention, and will not contribute to the diversion or increased flow of surface waters;
 - D. Based on the number of trees in the neighborhood on surrounding properties or on the site, and the effect of tree removal upon enjoyment of the residents and the general public, and on property values in the area;
 - E. The tree removal is consistent with good forestry practices, such as the number of healthy trees which a given parcel of land will support.
- (Ord. 1165 § 5, 2006)

§ 18.162.080. Exceptions.

All trees should be protected, but there are a few cases where this chapter does not apply and they are as follows:

- A. Trees located within the boundaries of single-family zoned properties or single-family properties designated within a specific plan with the exception of the following:
 - a. Trees located within homeowner's association (1) common areas, (2) open space, (3) scenic easement, (4) slope easements, or (5) maintained areas; and
 - b. Trees located on a single-family lot within (1) open space, (2) scenic easements or (3) slope easements;
- ~~A.~~ B. Trees planted, grown, and/or held for sale by licensed nurseries and/or tree farms or the removal or transplanting of such trees pursuant to the operation of licensed nursery and/or tree farm;
- ~~A.~~ C. Trees within existing or proposed public right-of-way where their removal or relocation is necessary to obtain adequate line-of-site distances as required by the city engineer;
- ~~B.~~ D. Trees which, in the opinion of the city engineer, will cause damage to existing public improvements;
- ~~C.~~ E. Trees which require maintenance or removal action for the protection of existing electrical power or communication lines or other property of a public utility;
- ~~D.~~ F. Trees damaged by thunderstorms, windstorms, flood, earthquakes, fire, widespread organic disease or insect infestation, or other natural disasters and determined to be dangerous by a peace officer, fireman, civil defense official or code enforcement officer in their official capacity;
- ~~E.~~ G. Minor trimming and/or pruning of trees on developed property within the scope of typical and reasonable tree maintenance;
- ~~F.~~ H. Trees declared to be dead, diseased or dying, subject to the requirements of Section 18.162.090;

- ~~G.~~ I. Fruit trees, including citrus, plum, nectarine, cherry, apricot, peach, pear, pomegranate, persimmon, loquat, fig, avocado and other species determined similar by the ~~director of development services~~ Director of Community Development.

(Ord. 913 § 1 (Exh. A), 1990; Ord. 1165 § 6, 2006)

§ 18.162.090. Verification of dead, diseased or dying trees.

The health of any mature significant tree declared to be dead, diseased or dying shall, prior to removal, be verified by a written report of a certified arborist, horticulturist or other qualified person.

(Ord. 913 § 1 (Exh. A), 1990)

§ 18.162.100. Tree maintenance.

The careful management of trees has become an ever increasing factor in the health and care of mature significant trees. When mature significant trees are located on designated scenic or open space areas, the owner of the property shall be exempt from this section. When mature significant trees are located on developed property, whether remaining trees, relocated trees, or new trees planted to replace those removed, the owner of the property shall maintain the trees to preserve and protect their health in accordance with the following measures:

- A. The maintenance of trees standing upon private property shall be the responsibility of the owner(s) of those properties.
- B. Trees shall be pruned, treated and maintained in such a fashion that the trees will be free of various damage, pests, disease and dead branches. The trees shall be in good biological and aesthetic condition.
- C. Where applicable, a bond or cash deposit as determined by the ~~director of development services~~ Director of Community Development shall be furnished by the developer for the management and protection of each existing, replanted or relocated tree(s). Said bond or cash deposit shall be refunded upon the successful completion of a tree maintenance program as required by the ~~director of development services~~ Director of Community Development.
- D. Any tree removal and/or replacement permit granted by the ~~director of development services~~ Director of Community Development pursuant to Section 18.162.030 and the development plan review board pursuant to Section 18.162.050 shall include a condition requiring an objectively observable maintenance and care program to be initiated to insure the continued health and care of mature significant tree(s) on the property. Such program shall specify length of maintenance program, maintenance plan and method of inspection. Said tree maintenance program and plan is not required of the applicant when trees are to be relocated to an approved off-site location pursuant to the provisions of this chapter.

(Ord. 913 § 1 (Exh. A), 1990; Ord. 1165 § 7, 2006)

§ 18.162.110. Protection of existing trees.

Care shall be exercised by all individuals, developers and contractors working near mature significant trees to be preserved so that no damage occurs to the trees. All construction shall preserve and protect the health of trees to remain in place, to be relocated, and new

trees planted to replace those removed and any trees adjacent to the subject property in accordance with the following measures:

- A. All trees to be saved shall be enclosed by an appropriate construction barrier, such as chain link fence or other means acceptable to the ~~director of development services~~ Director of Community Development, prior to the issuance of any grading or building or building permit and prior to commencement of work. Fences are to remain in place during all phases of construction and may not be removed without the written consent of the ~~director of development services~~ Director of Community Development, until construction is complete;
- B. Any tree which is adjacent to the subject property and may be potentially impacted by persons or activity on the subject property shall be protected pursuant to the provisions of Section 18.162.110. It shall be the responsibility of the agent of the subject property to obtain the written permission from adjacent property owners prior to action for the protection of trees on adjacent property as required by Section 18.162.110;
- C. No substantial disruption or removal of the structural or absorptive roots of any tree shall be performed;
- D. No fill material shall be placed within the drip line of any tree;
- E. No construction, including structures and walls, that disrupts the root system shall be permitted. As a guideline, no cutting of roots should occur within the drip line of the tree as measured at ground level. Actual setbacks may vary to meet the needs of individual tree species as determined by an arborist or landscape architect. Where some root removal is necessary, the tree crown may require thinning to prevent wind damage;
- F. Topping and/or severe pruning of trees that results in significant damage to the tree to the point that reasonable future growth may be limited, as determined by a Certified Arborist, shall constitute a tree removal and is subject to the penalties outlined in Section 18.162.130; and
- G. The ~~director of development services~~ Director of Community Development may impose such additional measures determined necessary to preserve and protect the health of trees to remain on site.

(Ord. 1165 § 8, 2006)

§ 18.162.120. Appeals.

Appeals shall be in accordance with Chapter 18.212 of this title.
(Ord. 913 § 1 (Exh. A), 1990)

§ 18.162.130. Penalties.

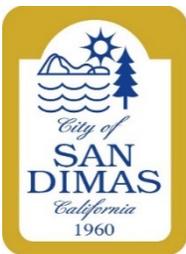
Violation of any provision of this chapter, or of any provision of any permit issued pursuant to this chapter shall be a misdemeanor punishable as follows:

- A. Fines shall be set forth in accordance with Section 1.12.010 of this code. Each tree removed in violation of this chapter shall constitute a separate offense.

- B. As set forth in Section 18.162.010, it is the intent of this chapter to preserve to the greatest extent possible those trees which have contributed to the beauty of the city and the welfare of its residents. It is therefore the expressed intent of the city council that, to the extent legally permissible, upon conviction of any person pursuant to subsection A of this section, in lieu of incarceration, conditions of probation be placed upon such violator requiring the replacement of each tree removed in violation of this chapter with up to four trees of a similar species of not less than a twenty-four inch box size, or other replacement of equivalent value and size, whichever is greater. The number, size and location of the equivalent replacement tree shall be determined by the ~~director of development services~~ Director of Community Development. For the purpose of this section, a suitable location may include an off-site location.
- C. Notwithstanding any other provision of law, no development permit of any kind, including but not limited to, any building permit or certificate of occupancy, shall be issued for any lot on which one or more trees have been removed in violation of the provisions of this chapter, or any permit issued pursuant to this chapter, unless and until the owner of such lot has replaced each such tree, to an on-site or off-site location pursuant to the provisions of this section, with up to four trees of a similar species of not less than twenty-four inch box size, or of equivalent value and size, whichever is greater, or provided security satisfactory to the ~~director of development services~~ Director of Community Development that such trees will be planted at such time as determined by the director.

(Ord. 1165 § 9, 2006)

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Study Session Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the Meeting of November 12, 2024

From: Brad McKinney, City Manager

Prepared by: Luis Torrico, Director of Community Development

Subject: Discussion and Consideration of Potential Revisions to the San Dimas Tree Preservation Ordinance, Chapter 18.162 of the San Dimas Municipal Code.

SUMMARY

On April 23, 2024, the City Council directed Staff to schedule a study session to discuss potential changes to the City’s Tree Preservation ordinance. This Staff Report summarizes proposed changes to the Ordinance, which were requested by the Planning Commission and Staff, and explores further changes including, but not limited to application fees, penalties and the creation of an exemption.

RECOMMENDATION

Staff recommends that the City Council provide direction for revisions to the Tree Preservation Ordinance, associated permit fees, and fines for violations.

FISCAL IMPACT

Application fee and Administrative Citation revenues could be reduced if the Council directs Staff to reduce application fees and/or fines for unpermitted tree removals.

BACKGROUND

On July 20, 2023, the Planning Commission considered an applicant-initiated request to amend the Tree Preservation Ordinance, Chapter 18.162 of the SDMC to exempt Specific Plan 11 (SP-11) from some requirements of the ordinance, and other amendments related to review procedures, and replacement requirements that would only be applicable to SP-11. The Commission denied the applicant request to exempt SP-11 from the requirements of the Tree Preservation Ordinance but directed Staff to come back to the Commission with city-wide amendments to the ordinance as a whole.

On September 21, 2023, the Planning Commission considered a City-initiated request to amend the Tree Preservation Ordinance, Chapter 18.162 of the SDMC to remove the Development Review Board's tree removal review authority, create an unprotected tree list, reduce the replacement ratio for tree removal violations, removal of the replacement trees requirement for removal of trees that pose an immediate danger or removal of trees required by the Fire Department, remove the arborist report submittal requirement, revise findings, and move the Tree Preservation Ordinance from Title 18 Zoning to Title 13 Civic Facilities to change the implementation responsibilities of the Ordinance from the Community Development Department to the Parks and Recreation Department, and various associated code clean-up items. The Commission voted against moving the Ordinance from Title 18 to Title 13 and for creating a tree exemption list, and voted to initiate a Municipal Code Text Amendment to Chapter 18.162 as follows:

- Remove the Development Plan Review Board's (DPRB) tree removal review authority and allow Staff to review and approve all tree removals, regardless of the number of trees proposed for removal.
- Change replacement requirement to 1:1 if 24-inch box tree is planted or 2:1 if 15-gallon tree is planted.
- Create two levels of protection
 - Oak tree, and any other tree staff proposes, will need to make findings to remove.
 - All other trees with a 10-inch diameter or greater can be removed without any findings as long as they replace them. In this situation, the Director can reduce replacement ratio if not enough space to plant trees.
- Don't require replacement trees for removal of trees that pose an immediate danger, and removal of trees required by the Fire Department.
- Explore relaxing the Ordinance for backyard trees.
- Don't require arborist report for dead, diseased or dying tree, unless applicant disagrees with Director's determination.
- Revise tree removal findings to make them clear and objective.
- Change the point at which trunk diameter measurements are taken from 38-inches to 54-inches to be consistent with arboricultural standards
- Revise the penalty section of the Ordinance.

After getting direction from the Commission, Staff started the process to amend the Tree Ordinance. This consisted of researching other cities and the American National Standards Institute (ANSI) to identify best practices, and consulting with the City's arborist. On April 23, 2024, the City Council heard a discussion about fines related to community trees. The Council also discussed processes, fees and fines related to private trees. After much discussion, the Council directed Staff to schedule a study session to discuss private trees and provided input for discussion. Some of the items that were mentioned during the discussion, included, but were not limited to:

- Explore reducing or removing fees for single family property owners
- Reconsider enforcement of Ordinance in single-family backyards
- Create an exemption list for private trees; can remove without permits/fees
 - Exempt trees to consider: Eucalyptus, Tree of Heaven, Queen Palm, White Ash, etc.
 - If exemption list is created, consider adding additional trees to protected status
- In situations where we require 4:1 replacement, it may not be appropriate as space and maintenance are a factor.

- Tree ordinance should be easy to follow and not burden residents.
- Creation of a tree fund, funded by residents who remove trees but don't have room for required replacement, that would allow other residents to plant trees at no expense to them.

DISCUSSION/ANALYSIS

The Planning Commission and City Council have engaged the Community Development, and Parks and Recreation Departments in several discussions and hearings related to the enforcement of policies related to trees within the City limits. Trees within the City of San Dimas are regulated under two separate Chapters of the SDMC. Chapter 13.36, the Community Tree Management, regulates policy and enforcement related to City-owned trees located within any park, City right-of-way, median, parkway, planting easement or any other City-owned property, and is administered by the Parks and Recreation Department. Chapter 18.162, the Tree Preservation Ordinance (**Attachment 1**), regulates policy and enforcement related to privately-owned trees, located on privately-owned property, regardless of the established land use, and is administered by the Community Development Department. The table below summarizes the specific provisions, authorities, and enforcement procedures of each ordinance.

| Standards and Enforcement | Public Trees (SDMC - Chapter 13.36) | Private Trees (SDMC - Chapter 18.162) |
|----------------------------------|--|--|
| Purpose of Chapter | This chapter establishes responsibility, policy, standards and regulations necessary to ensure that community trees are maintained in a safe and healthy condition through professionally accepted arboricultural standards. | Preserve and protect mature significant trees, as well as other trees which are determined to be desirable, growing within the city. |
| Care Standards | Community Forest Management Plan updated periodically. | Tree Maintenance (18.162.100). |
| Permit Required | Tree Removal Request to perform any maintenance on a community tree. | Tree Removal Permit required to remove Mature trees (Oaks: 8" diameter/Any other tree excluding fruit trees: 10" diameter). |
| Tree Removal Permit Fees | No fee | Tree Permit for Single-Family: <ul style="list-style-type: none"> • For ≤ 3 trees: \$300 • For ≥ 4 trees: \$500 Tree Permit for Other Existing: <ul style="list-style-type: none"> • For ≤ 3 trees: \$350 • For ≥ 4 trees: \$740 Tree Permit for Existing/Proposed Development Proj: \$740 |

| | | |
|--|--|---|
| Authority | The Director of Parks & Recreations has the responsibility to supervise planting and maintenance of community trees; review landscaping, construction and development plans when the actions proposed may impact community trees; grant or deny permits for the planting and maintenance of community trees; prepare and keep records for community trees. | The Director of Community Development has the authority to approve removal of up to three trees, and determine replacement ratio/value, and location. DPRB has the authority to approve the removal of four or more trees. |
| Criteria for Species Specific Protections | Community Forest Management Plan Appendix G – Approved Landscape Plants for Under Oaks. | Oaks: 8” diameter. Other species: 10” diameter |
| Prohibited Activities | Any action that can directly or indirectly affect the health or welfare of a community tree. | Unpermitted removals or topping of trees. |
| Criteria for Mature Tree Protection | Maintenance standards established in the Community Forest Management Plan, including standards for planting, pruning, root pruning, removals, hardscape and sewer lateral conflicts, permits, and construction management. | Oaks: 8” diameter/Any other tree excluding fruit trees: 10” diameter. |
| Enforcement | Violations of Chapter 13.36 are subject to fines, and misdemeanor citation. | Violations of Chapter 18.162 may be subject to misdemeanor citations. Administrative citations may also be issued in lieu of the misdemeanor citations |
| Penalties and Violations | Subject to SDMC fines of \$100, \$200, \$500; \$1,000 for egregious violations; Heritage trees replaced 4:1; Other trees replaced 2:1; Responsible persons liable for cost of tree removal, disposal, value of tree, and tree replacement. | Administrative citations: \$100 first offense, \$200 second offense, \$500 for each additional offense. Each tree is considered an offense. <u>Up to 4:1</u> or replacement of equal value and size, as determined by the Director. |
| Appeals | Appeals to City Manager (SDMC – Chapter 13.36.090). | Appeals made to City Council (SDMC – Chapter 18.212). |

The table above summarizes the difference between certain standards for the preservation of community and private trees. However, the purpose of this report is to seek direction on proposed changes to Chapter 18.162 which aims to preserve trees located solely on private property. Specifically, Staff is seeking direction from the Council on changes proposed by the Planning Commission and Staff, and further discuss City Council comments from the April 23, 2024, meeting.

Planning Commission Requested Changes

As previously mentioned, on September 21, 2023, the Planning Commission gave Staff direction on amending the tree preservation ordinance. Staff is seeking the Council's input on the following changes proposed by the Commission:

- Removal of DPRB review authority in favor of staff review.
 - The current ordinance requires requests to remove four (4) or more trees to go before the DPRB for approval. The submittal requirements are the same for both the removal of up to three (3) trees, or four (4) or more trees. The only difference is the approval body; the Director of Community Development approves the removal of three (3) or less trees, while the DPRB approves the removal of four (4) or more trees, which also requires Staff to write and present staff report and also requires neighbor notification. Removal of four (4) or more trees require approval from the Board as the removal can have more of an impact on the subject site and/or surrounding neighborhood. However, the Commission stated that Staff can perform the same level of review and make the appropriate determination, regardless of the number of trees proposed for removal. In addition, the Commission raised concerns with delays and allowing Staff to review the removal of four (4) or more trees would streamline the process. It also should be noted that Staff is working on an MCTA to eliminate the DPRB as directed by City Council.
- Change replacement requirement to 1:1 if 24-inch box tree is planted or 2:1 if 15-gallon tree is planted.
- Revise tree protection to create two levels of protection:
 - Oak tree, and any other tree staff proposes, will need to make findings to remove.
 - All other trees with 10-inch diameter or greater can be removed without any findings as long as they replace them. In this situation, the Director can reduce replacement ratio if not enough space to plant trees.
- Don't require replacement trees for removal of trees that pose an immediate danger, and removal of trees required by the Fire Department.
- Explore relaxing the ordinance for backyard trees.
- Don't require arborist report for dead, diseased or dying tree, unless applicant disagrees with Director's determination.
 - The current ordinance requires a written report of a certified arborist, horticulturist or other qualified person to verify if the tree is dead.

Staff Requested Changes

As part of the Commission's request, Staff also presented a list of changes to the Ordinance. Staff is seeking the Council's input on the following changes proposed by Staff:

- Revise tree removal findings to make them clear and objective.
 - The Ordinance requires that findings be made to approve a tree removal application. Per the Ordinance, a minimum of one of the following findings must be met to approve a tree removal application:
 - i. The condition of the mature significant tree(s) with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services warrant removal of the tree.
 - ii. It is reasonable to remove the tree because of its continued existence at the location prevents the reasonable development of the subject property.
 - iii. Removal of the tree will not create a negative impact on the topography of the land, erosion, soil retention, and will not contribute to the diversion or increased flow of surface waters.
 - iv. Based on the number of trees in the neighborhood on surrounding properties or on the site, and the effect of tree removal upon enjoyment of the residents and the general public, and on property values in the area.
 - v. The tree removal is consistent with good forestry practices, such as the number of healthy trees which a given parcel of land will support.

As written, the findings are somewhat subjective and likely applicable to any tree. This can make it difficult for Staff when considering a tree removal application and still comply with the intent of the Ordinance. For example, findings number 3 and 4 could be made for majority of existing trees, and finding number 1 can be very subjective as proximity to structures is not defined. The findings would be revised to meet the intent of the Ordinance but still allow for the removal of trees when necessary.

- Change the point at which trunk diameter measurements are taken from 38-inches to 54-inches to be consistent with arboricultural standards
- Revise the penalty section of the Ordinance to improve implementation of it.
- Create a tree exemption list
 - An exemption list could include trees considered to be invasive, non-native, or otherwise problematic for public safety. These trees could be removed without a permit, fees or replacement requirements. The following is a list of trees that could be included:
 - 1) Fruit and Nut trees
 - 2) Ficuses, except Moreton Bay Fig (*Ficus Macrophylla*)
 - 3) Eucalyptus
 - 4) Tree of Heaven (*Ailanthus Altissima*)
 - 5) Palm Tree
 - 6) Brazilian Pepper (*Schinus Terebinthifolius*)
 - 7) Carob (*Ceratonia siliqua*)
 - 8) European White Birch (*Betula Pedula*)
 - 9) Mulberry (*Morus*)
 - 10) Silver Maple (*Acer Saccharinum*)
 - 11) Italina Cypress (*Cupressus Sempervirens*)
 - 12) Western Cottonwood (*Populus Fremontii*)

- 13) White Alder (*Alnus Rhombifolia*)
- 14) Black Cottonwood (*Populus Trichocarpa*)
- 15) All other varieties and/or hybrids of Cottonwood (*Populus sp.*)
- 16) Arroyo Willow (*Salix Lasiolepis*)
- 17) Sweet Gum (*Liquidambar*)

It should be noted that the Commission recommend against an exemption list and recommended a tiered protection status described earlier in the report.

City Council Direction

On April 23, 2024, the City Council discussed processes, fees and fines related to private trees and directed Staff to schedule a study session to discuss private trees. The items that were specifically raised for discussion included:

- Explore reducing fees for single family property owners by \$150 and increase fines \$150 in order to create a balance between enforcement and compliance.
 - Under the current fee schedule, which was revised on September 26, 2023, and went into effect December 4, 2023, tree removal permits for single family cost \$300 for the removal of three (3) or less trees, and \$500 for the removal of four (4) or more trees. Prior to the change, historically, there was no cost for single family tree removal permits. The fee was imposed as often time Staff is required to conduct site visits and if four (4) or more trees are proposed for removal, a staff report must be written and presented to the DPRB. The fee does not recover 100% of Staff costs but it helps to offset some it.
 - Staff researched cities that have tree preservation ordinances and their fees for single family properties are as follows:
 - La Verne: \$500
 - Alhambra: \$600. Scheduled to be increased to \$1,100 for FY 25-26, and to \$1,510 for FY 26-27
 - Arcadia: \$979
 - Chino Hills: \$1,070 if no tree plan is required. \$2,073 if tree plan is required
 - Diamond Bar: \$1,539 plus a \$2,500 deposit to cover costs for all staff involved.
 - Covina: \$1,128 for removal of one (1) tree, \$2,504 for remove of two (2) or more trees
 - El Monte: \$209, \$963 for trees removed without permit
 - Staff reached out to cities that have tree preservation ordinances, and their fines were as follows:
 - The cities of Diamond Bar, Alhambra, Chino Hills, Covina, Monrovia and La Verne all issue administrative citations which typically start at \$100 and increase to \$200 and then \$500. The City of Covina also have the ability to recover staff costs associated with enforcement and correction, payment into tree fund in an amount equivalent to the value of the trees illegally damaged or removed, require planting of replacement trees in locations on or off the subject site.

- Arcadia: Any of the following: up to \$1,000, value of the removed tree, replacement trees
- El Monte: Appraised value of protected tree up to \$5,000 per tree.
- Reconsider enforcement of Ordinance in single-family backyards. Considering that the benefits of backyard trees are primarily conferred upon the residents of the property, it is unlikely that future removal of backyard trees without requiring replacement would have a significant impact on other residents of the City but could result in some reduction to the overall tree canopy within the City. The Planning Commission also made this recommendation. For reference, the following cities follow this practice or some version of it:
 - The Cities of Alhambra, Monrovia and Duarte exempt trees located in the rear and side yards of single-family residential zones.
 - The City of Arcadia exempts non-Oak and Sycamore trees that are located outside of required setbacks in single-family residential zones.
 - The City of Claremont exempts all trees located on single-family residential zones.
 - The City of Diamond Bar exempts trees located on properties that measure less than ½ acre.
 - The City of Walnut exempts trees on developed properties unless it involves another entitlement requiring Planning Commission review.

It should be noted that if the Council will recommend against enforcing the Ordinance in the backyard of single-family properties, the revisions to the Ordinance should include the requirement of a soil erosion report for backyard trees on sloping properties, or exempt backyard trees from the ordinance with the exception of trees located on sloping property of a specified grade.

- Create an exemption list for private trees which can be removed without permits/fees, and consider adding additional trees to protected status.
 - The Council mentioned the following trees to be considered for exemption:
 - Eucalyptus, Tree of Heaven, Queen Palm, and White Ash.
 - City Staff also recommended creating an exemption list, which was provided earlier in the report.
 - As an alternative, the Council could also decide to limit protection status to certain trees. For example, the following cities have limited protection status:
 - The City of La Verne only protects Oak, Deodar Cedar, Camphor, Black Walnut, and Sycamore trees.
 - The Cities of Covina and Monrovia only protect Oak trees.
 - The City of Diamond Bar only protects Oak, Walnut, Sycamore and Willow trees.
- 4:1 replacement is not appropriate; space and maintenance are a factor.
 - The Commission recommended changing the replacement requirement to 1:1 if 24-inch box tree is planted or 2:1 if 15-gallon tree is planted.
- Creation of a tree fund, funded by residents who remove trees but don't have room for required replacement, that would allow other residents to plant trees at no expense to them. The City's current ordinance doesn't have a tree fund, but it does allow replacement trees to be planted off site and allows the Director of Community Development to require

a security (or "payment") in an equivalent amount needed to plant replacement trees. Staff researched other cities and found that some cities do have a tree fund:

- The Cities of Diamond Bar, El Monte and Covina maintain a tree replacement fund that is funded by tree replacement in-lieu fees and citations issued for tree violations. Diamond Bar and El Monte use these funds solely for planting trees or other vegetation on publicly owned property. Covina uses these funds to plant replacement trees or preserving native trees on property or sites where the City has reasonable assurance of the long-term viability of the trees.

In conclusion, staff recognizes the joint intentions of the Commission and Council to amend the Tree Preservation Ordinance to make it more user-friendly, more flexible for single-family property owners, and easier to enforce while encouraging compliance, and requests clarification or guidance from the Council on the items discussed in this report. For non-single-family properties, the Tree Ordinance requirements would generally stay the same.

ALTERNATIVES

No alternatives are proposed for this discussion.

ENVIRONMENTAL REVIEW

Pursuant to CEQA guidelines Section 15061 (b)(3), CEQA does not apply to this item because there is no potential for causing a significant effect on the environment. Therefore, no additional environmental review is needed at this time.

Respectfully submitted,



Luis Torrico
Director of Community Development

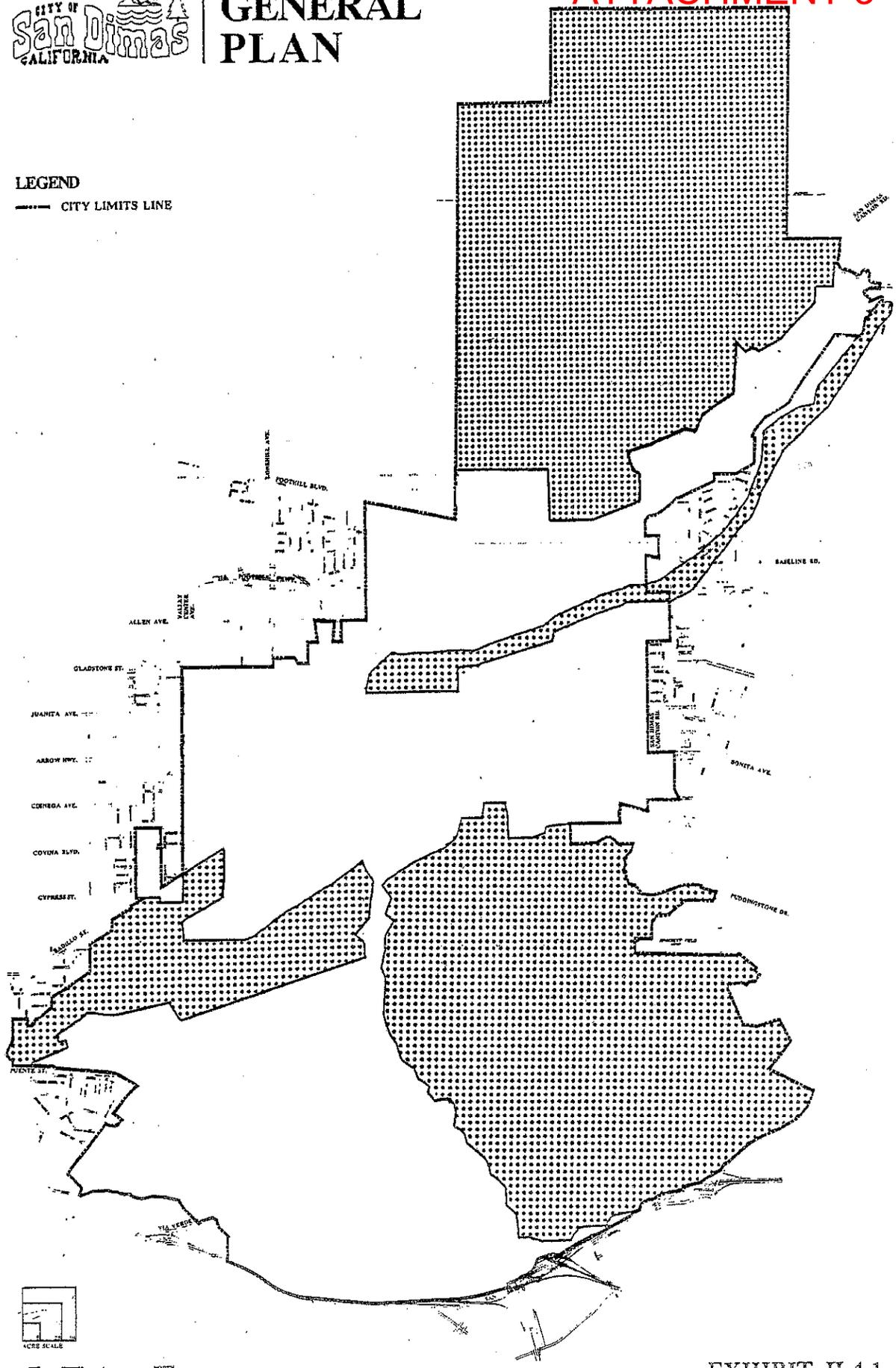
Attachments:

1. SDMC Chapter 18.162 Tree Preservation

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LEGEND

— CITY LIMITS LINE



100' 200' 400' 800' 1200' 1600' FEET
GRAPHIC SCALE



COMMUNITY DEVELOPMENT DEPARTMENT
CONSULTANTS: CASTANEDA/TAKATA ASSOCIATES

EXHIBIT II-4.1

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MEMORANDUM

April 8, 2025

To:
Luis Torrico
Director of Community Development
City of San Dimas

From:
Bryan Hamilton
Jennifer Marks
Psomas

Subject: Substantial Evidence for Notice of Exemption for the Proposed Amendment to the City of San Dimas Chapter 18.162 Tree Ordinance (MCTA 23-05)

The California Environmental Quality Act (CEQA) was signed into law in 1970. The California Environmental Quality Act is a statute that requires state and local agencies to identify potential significant effects a “project” may have on the environment and any feasible mitigation that may be implemented to avoid or mitigate those impacts. A “project” is defined in Section 21065, Chapter 2.5, Division 13 of the California Public Resources Code as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and consists of any of the following: an activity directly undertaken by any public agency; an activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; or, an activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. A “significant effect on the environment” is defined in Section 21068 Chapter 2.5, Division 13 of the California Public Resources Code as a substantial, or potentially substantial, adverse change in the environment. Furthermore, the government agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment is defined as the “lead agency” in Section 21067, Chapter 2.5, Division 13 of the California Public Resources Code.

CEQA applies in situations where a governmental agency can use its judgment in deciding whether and how to carry out or approve a project. A project subject to such judgmental controls is called a “discretionary project.” Where the law requires a governmental agency to act on a project in a set way without allowing the agency to use its own judgment, the project is called “ministerial,” and CEQA does not apply. Once an application for a project is deemed complete, a lead agency must first determine whether an activity is subject to CEQA before conducting an initial study. An activity is not subject to CEQA if: the activity does not involve the exercise of discretionary powers by a public agency; the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or the activity is not a project as defined in Section 15378.

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a Notice of Exemption (NOE) may be filed if the City of San Dimas, in its capacity as the Lead Agency, determines that a proposed action or project is exempt from CEQA. According to the CEQA Guidelines, a NOE must contain the following information:

- A description of the proposed action or project;

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- A finding that the proposed action or project is exempt, including a citation of the State CEQA Guidelines section or statute under which the project is found to be exempt; and,
- A brief statement in support of the finding.
- The Lead Agency authorized the preparation of this Notice of Exemption

This report was prepared in accordance with Section 21000 (et seq) - Division 13 of the California Public Resources Code and Section 15000 (et seq), Article 1, Chapter 3, Division 6, Title 14 of the California Code of Regulations. It is important to note that CEQA is not a process that determines whether or not a project should be approved and no recommendations can be made as to whether or not a lead agency should approve or deny a project application.

SECTION 15061 – REVIEW FOR EXEMPTION

Section 15061(b)(3) – Common Sense Exemption

Section 15061(b)(3), the Common Sense Exemption, of the 2025 CEQA Guidelines applies to the proposed revision to the City of San Dimas' Community Tree Ordinance Project (Project or proposed Project). Section 15061 outlines the process for determining whether or not a project would be exempt from CEQA. This process is detailed in Section 15061(B), provided below:

- (b) A project is exempt from CEQA if:
- (1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).
 - (2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
 - (3) The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
 - (4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).
 - (5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter.

According to Section 15061(b)(3), a project may be exempt if the project's implementation would not result in a significant effect on the environment. The Project consists of text updates to the City's Municipal Code that would allow owners of single-family properties to remove trees within their property unencumbered by the City's Tree Removal Ordinance, under most conditions, as described below in the Project Description. Therefore, as the Project would result

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in text amendments to the Municipal Code and would not actually include any tree removal, it can be seen with certainty that there is no potential for a significant effect on the environment, as the Project is programmatic in nature. Furthermore, any subsequent tree removals initiated by private property owners would be done according to the updated requirements described below, thereby limiting any potential impacts. Lastly, these Municipal Code text updates would only apply to single-family properties, thereby limiting the number of trees that could be removed in the City.

PROJECT DESCRIPTION

Background

Trees within the City of San Dimas are regulated under Chapters 13.36 and 18.162 of the San Dimas Municipal Code (SDMC), respectively. Chapter 13.36 - Community Tree Management, regulates policy and enforcement related to City-owned trees located within any park, City right-of-way, median, parkway, planting easement, or any other City-owned property, and is administered by the Parks and Recreation Department. Meanwhile, Chapter 18.162, the Tree Preservation Ordinance, regulates policy and enforcement related to privately-owned trees located on privately-owned property, regardless of the established land use, and is administered by the Community Development Department.

The City's Tree Preservation Ordinance was adopted in 1990 with the intent of preserving and protecting private mature significant trees in the City. The Tree Preservation Ordinance defines a mature significant tree as any private tree within the City of an Oak genus which measures eight inches or more in trunk diameter, and/or any other species of trees which measure 10 inches or more in trunk diameter, and/or a multi-trunk tree(s) having a total circumference of 38 inches or more (the multi-trunk tree shall include at least one trunk with a diameter of a minimum of four inches). The Ordinance exempts fruit trees and other similar species from protection; therefore, with the exception of these trees, any tree that meets the aforementioned criteria would be protected under the Ordinance.

The Ordinance requires a permit to remove protected trees. Requests to remove up to three trees may be approved by the Director of Community Development, while the removal of four or more trees requires approval by the Development Plan Review Board (DPRB). The application fee for a Tree Removal Permit for up to three trees is \$300, while the fee for the review of four or more trees is \$500. Approved tree removal applications are subject to a two-for-one replacement ratio with a minimum of fifteen-gallon tree(s), or other replacement of equivalent value and size, within the subject property. A reduced replacement ratio may be approved if the reduced replacement ratio is consistent with the purpose of the Ordinance, removal of the protected tree will have a minimal impact on the community or if the subject site has an adequate number of existing trees.

On September 21, 2023, the Planning Commission considered a City-initiated request to amend the Tree Preservation Ordinance to remove the Development Plan Review Board's review authority, create a protected tree list, reduce the replacement ratio for tree removal violations, remove replacement requirements for removal of trees that pose an immediate danger or removal of trees required by the Fire Department, remove the arborist report submittal requirement, revise

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findings, move the Tree Preservation Ordinance from Title 18 Zoning to Title 13 Civic Facilities to change the implementation responsibilities of the Ordinance to the Parks and Recreation Department, and various associated code clean-up items. The Commission voted against moving the Ordinance from Title 18 to Title 13 and for creating a tree exemption list, and voted to initiate a Municipal Code Text Amendment to Chapter 18.162 as follows:

- Remove the Development Plan Review Board's (DPRB) review authority and allow City Staff to review and approve all tree removals, regardless of the number of trees proposed for removal.
- Change replacement requirement to 1:1 if 24-inch box tree(s) is planted or 2:1 if 15-gallon tree(s) is planted.
- Create two levels of protection:
 - Oak tree, and any other tree staff proposes, will need to make findings to remove.
 - All other trees with a 10-inch diameter or greater can be removed without any findings as long as they replace them. In this situation, the Director of Community Development can reduce the replacement ratio if there is not enough space to replant trees.
- Do not require replacement trees for removal of trees that pose an immediate danger, and removal of trees required by the Fire Department.
- Explore relaxing the Ordinance for backyard trees.
- Do not require arborist report for dead, diseased or dying tree, unless applicant disagrees with Director's determination.
- Revise tree removal findings to make them clear and objective.
- Change the point at which trunk diameter measurements are taken from 38-inches to 54-inches to be consistent with general arboricultural standards.
- Revise the penalty section of the Ordinance.

On April 23, 2024, the City Council heard a discussion about fines related to community trees. The Council also discussed processes, fees and fines related to private trees. After much discussion, the Council directed City staff to schedule a study session to discuss private trees and provided input for discussion. Some of the items that were mentioned during the discussion, included, but were not limited to:

- Explore reducing or removing the Tree Removal Permit Application fee for single-family property applications.
- Reconsider enforcement of Ordinance for single-family front yards only.
- Create an exemption list for private trees (can be removed without permits/fees):
 - Exempt tree species to consider: Eucalyptus, Tree of Heaven, Queen Palm, White Ash, etc.

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- If exemption list is created, consider creating protected list.
- In situations where 4:1 replacement is required, it may not be an appropriate solution, as space and maintenance are a factor.
- The Tree Ordinance should be easy to follow and not burden residents.
- Creation of a tree fund, funded by residents who remove trees but do not have room for required replacement, that would allow other residents to plant trees at no expense to them.

During the November 12, 2024, City Council study session, City staff was directed to revise the Municipal Code Text Amendment to exempt single-family properties from the City's Tree Preservation Ordinance and incorporate associated clean-up items. The proposed changes to the Ordinance, as specifically requested by City Council, are described in the next section.

Proposed Municipal Code Text Amendment

Following the November 12, 2024, City Council study session, City staff focused on addressing the City Council's main objective of exempting single-family residential properties from the Tree Preservation Ordinance, while still protecting the following trees:

- Trees located within common areas, open space, scenic easements, slope easements, or areas maintained by a Homeowner's Association (HOA); and
- Trees located on a single-family property within designated open space area, scenic easement, or slope easement.

The City contains numerous hillside residential properties as well as properties governed by a homeowners association (HOA). These properties contain sensitive open space or easement areas that are part of the property in question but are restricted from development in order to be kept as natural open space. These specified areas would remain as protected under the proposed Municipal Code Text Amendment. In addition, there are certain properties/communities within the City where a portion of the owners' parcel is landscaped and maintained by an HOA, thus viewed as a common area tree. These areas would continue to remain protected areas. Nevertheless, any other tree(s) located outside of the categories mentioned above would be allowed to be removed without the submittal of a formal Tree Removal Permit and associated fee.

REVIEW OF CITY OF SAN DIMAS GENERAL PLAN LAND USE MAP AND GUIDELINES

The proposed Project would apply to trees situated within single-family properties. The City published its General Plan in 1991, one year after the passage of the Tree Preservation Ordinance. The City's Land Use Element contains no specific goals or policies related to trees or tree preservation. In addition, the Conservation Element contains no specific goals or policies related to trees or tree preservation. Nevertheless, the Element does mention the City's Tree Preservation Ordinance (City of San Dimas 1991). As such, there would be no conflict with City Land Use policies, nor would there be any conflict with City Conservation Element policies.

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REVIEW OF 15300.2–EXCEPTIONS CRITERIA

Location: Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The Project is not considered under Classes 3, 4, 5, 6 or 11. Therefore, this exception is not applicable to Common Sense Exemptions. Nevertheless, the Project consists of Municipal Code Text Amendments made to the City’s Tree Preservation Ordinance. As the Project is programmatic in nature, the Project would not result in any direct impacts. Subsequent tree removal conducted under the revised Tree Preservation Ordinance would be required to adhere to the requirements outlined in the updated Ordinance, ensuring that none of the trees identified above and in the proposed Text Amendment are removed. As a result, a significant impact would not be created based on the location of future actions under the revised Tree Preservation Ordinance; conversely, impacts would be avoided based on the locations identified as allowable areas for tree removal.

Cumulative Impacts: The Project consists of Municipal Code Text Amendments made to the City’s Tree Preservation Ordinance. As the Project is programmatic in nature and does not propose any development or alteration of existing streetscapes or topography, the Project would not result in any direct impacts. Subsequent tree removal conducted under the revised Tree Preservation Ordinance would not result in cumulative impacts, as City staff is recommending the protection of the following native and locally significant tree species:

- Oaks,
- Sycamores,
- Black Walnuts,
- Camphor,
- California Redwood, and
- Pine species (a limited number of species).

The protection of the aforementioned trees would preclude the loss of native and locally important species throughout single-family properties located within the City. In addition, the City has prepared a Community Forest Management Plan dated June 27, 2023 with the intention of protecting existing City trees, implementing public education programs, and expanding the City’s inventory of trees within viable, vacant sites along city streets, at city facilities and in city parks (City of San Dimas 2023). Additionally, because the trees allowed for removal under the revised Tree Preservation Ordinance would primarily consist of individual trees within private property. As a result, cumulative biological impacts are not considered to be significant. Meanwhile, cumulative air quality and greenhouse gas emissions would not be significant either. As stated above, the City’s Community Forest Management Plan calls for the planting of a diverse selection of trees within City owned property. The expansion of the City’s tree inventory would offset the small loss of carbon sequestration resulting from the removal of trees within private, single-family properties. As a result, no significant cumulative impacts would occur.

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Significant Effects (unusual circumstances): The Project would not have a significant effect on the environment due to unusual circumstances, as demonstrated by the discussion below.

Air Quality and Greenhouse Gas: The Project consists of Municipal Code Text Amendments made to the City’s Tree Preservation Ordinance. As the Project is programmatic in nature, dealing with the removal of certain trees located within single-family properties, the Project would not induce any development. As a result, no air quality or greenhouse gas emissions would occur. Nevertheless, depending on the type of equipment used, subsequent tree removal conducted under the revised Tree Preservation Ordinance would result in negligible emissions. It is important to note that these emissions would be too small to quantify and would be well below the regional and local thresholds established by the South Coast Air Quality Management District (SCAQMD). As stated above, while the ordinance may result in a small loss of carbon sequestration, the City’s Community Forest Management Plan calls for the planting of more trees within City-owned properties. Therefore, no impacts with respect to air quality and greenhouse gas emissions would occur.

Biological Resources: The current staff report recommends the following list of protected trees: oaks (*Quercus* spp.), sycamores (*Platanus* spp.), black walnut (*Juglans californica*), camphor (*Cinnamomum camphora*), California redwood (*Sequoia sempervirens*), and pine (*Pinus* spp.).

Of the species listed above, the following trees are native to the City of San Dimas: coast live oak (*Quercus agrifolia*), scrub oak (*Quercus berberidifolia*), canyon live oak (*Quercus chrysolepis*), San Gabriel oak (*Quercus durata* var. *gabrielensis*), Nuttall’s scrub oak (*Quercus dumosa*), Engelmann oak (*Quercus engelmannii*), interior live oak (*Quercus wislizeni*); western sycamore (*Platanus racemosa*), southern California black walnut (*Juglans californica*); knobcone pine (*Pinus attenuata*), Coulter pine (*Pinus coulteri*), and Bishop pine (*Pinus muricata*)¹. Of these species, the following species are considered special status: southern California black walnut (California Rare Plant Rank [CRPR] 4.2²), San Gabriel oak (CRPR 4.2²), Nuttall’s scrub oak (CRPR 1B.1³), and Engelmann oak (CRPR 4.2²) (CDFW 2025a). Additionally, the California Department of Fish and Wildlife (CDFW) considers the following woodland vegetation types to be sensitive natural communities: western sycamore woodlands (*Platanus racemosa* alliances), California walnut groves (*Juglans californica* alliances), and Coulter pine woodland and forests (*Pinus coulteri* alliances) (CDFW 2025b).

The Significant Ecological Area (SEA) Program was established to help conserve the genetic and physical diversity within Los Angeles County by designating biological resource areas capable of sustaining themselves into the future. SEAs are places where

¹ This list of pine trees includes those that are known to occur along the southern edge of the Angeles National Forest.

² CRPR 4.2: Species that are considered of limited distribution and are considered fairly threatened in California (20–80% of occurrences threatened; moderate degree and immediacy of threat).

³ CRPR 1B.1: Species that are considered Rare, Threatened, or Endangered throughout their range and are considered seriously threatened in California (over 80% of occurrences threatened; high degree and immediacy of threat).

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the County deems it important to balance between development and conservation of fragile resources such as streams, woodlands, and Threatened or Endangered species and their habitats. There are two SEAs within the City of San Dimas: the East San Gabriel Valley SEA (i.e., Walnut Creek, Bonelli Regional Park/Puddingstone Reservoir, and various open spaces referred to as the Walnut Islands) and San Dimas Canyon/San Antonio Wash SEA. Both of these SEAs include important oak and walnut woodland habitats. The protection of trees within these open space areas would not be changed by the current proposed municipal code text amendment.

There are a number of HOA-governed and designated hillside residential properties that have large lots with sensitive open space or easement areas that are part of the property but are non-developable and intended to be kept as natural areas. Many of these conservation overlays include oak and walnut woodlands. The protection of trees within these open space areas would not be changed by the current proposed municipal code text amendment.

The current staff report recommends that single family residences be exempted from applying for a tree permit for the removal of trees on their lot. While single individuals of the protected tree species (as defined by the ordinance) listed above could be present on an individual lot, individuals within developed areas are more likely to have been planted as landscaping during development than to be remnant native individual trees. These individual trees, whether planted or remnant native individuals, are within small fragments of habitat (i.e., single family lots), isolated from larger areas of naturally occurring woodlands and habitat areas, and would not be expected to be naturally reproducing. The change in the municipal code text amendment would not require a tree removal permit for individual trees within single family lots, and could result in the loss of tree individuals, including species on the protected species list. However, since these individual trees are not contributing to sustaining natural woodland areas, the loss of these isolated individual trees would not affect the viability of the larger areas of native woodlands (described above within SEAs and hillside areas/conservation overlays) that provide higher quality woodland habitat. Therefore, the loss of trees resulting from the municipal code text amendment, as currently proposed (applying to only single family lots), would be considered less than significant.

The remaining species recommended as protected trees in the current staff report, camphor and California redwood, are not native to the City of San Dimas. There are also several species of pine trees that have been planted as ornamentals in southern California. These species are not considered special status, as individuals or as woodlands. Therefore, the loss of individuals of these tree species would not be considered a significant impact.

All trees, including native and non-native trees, could provide habitat for nesting birds and raptors; however, compliance with standard protective measures to avoid impacts on nesting birds/raptors would be required.

Geology: The Project would not result in the development of housing or other habitable structures that would expose people to risks associated with seismic shaking, ground

Luis Torrico
April 8, 2025
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failure, landslides, or other geotechnical issues present in Southern California. The Project consists of text amendments made to the City's Tree Preservation Ordinance.

Water Quality: The Project consists of Municipal Code Text Amendments made to the City's Tree Preservation Ordinance. As the Project is programmatic in nature and does not propose any development or alteration of existing streetscapes or topography, the Project would not result in any impacts to water quality, as the Project specifically deals with the removal of certain trees within single-family properties. In addition, the Project's implementation would not alter drainage patterns within hillside areas, as the removal of trees from these areas would be precluded under the revised Tree Preservation Ordinance.

Noise: The Project consists of Municipal Code Text Amendments made to the City's Tree Preservation Ordinance. The Project would not induce any development as the Project is programmatic in nature. Nevertheless, depending on the type of equipment used, subsequent tree removal conducted under the revised Tree Preservation Ordinance would result in the generation of temporary noise associated with the use of chainsaws. It is important to note that this noise would be temporary and tree removal would be required to adhere to all applicable City noise regulations.

Utilities and Public Services: The Project consists of Municipal Code Text Amendments and is programmatic in nature. The Project does not propose any development or alteration of existing streetscapes or topography that would result in impacts on any public services or utilities. Nevertheless, green waste generated during the subsequent removal of trees must be removed and properly disposed of pursuant to all applicable local and State requirements.

Scenic Highways: The Project would not result in damage to scenic resources. The Project consists of Municipal Code Text Amendments made to the City's Tree Preservation Ordinance. As the Project is programmatic in nature and does not propose any development or alteration of existing streetscapes or topography, the Project would not result in any impacts on Scenic Highways or scenic resources, as the Project specifically deals with the removal of certain trees within single-family properties. In addition, according to the California Department of Transportation (Caltrans), there are no officially designated State Scenic Highway in the City (Caltrans 2025). As a result, no impacts would occur.

Hazardous Waste Site: The Project consists of Municipal Code Text Amendments made to the City's Tree Preservation Ordinance. As the Project is programmatic in nature, dealing with the removal of certain trees located within single-family properties (parcels that are typically not associated with hazardous waste sites), the Project would not induce any development, especially development on properties that are included on a list of hazardous materials sites. As a result, no impacts would occur.

Historical Resources: The Project consists of Municipal Code Text Amendments made to the City's Tree Preservation Ordinance. As the Project is programmatic in nature and does not propose any development or alteration of existing streetscapes or topography, the Project would not result in any impacts to historic resources, including neighborhoods, as the Project specifically

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deals with the removal of certain trees within single-family properties. As a result, no impacts would occur.

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