

# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Wednesday, August 5, 2009 at 7:00 p.m.  
245 East Bonita Avenue, Council Chambers

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## **Present**

Chairman Jim Schoonover  
Commissioner David Bratt  
Commissioner John Davis  
Commissioner Stephen Ensberg  
Commission M. Yunus Rahi  
Director of Development Services Dan Coleman  
Associate Planner Marco Espinoza  
Associate Planner Kristi Grabow  
Associate Planner Laura Lockett  
Planning Intern Michael Concepcion

## **CALL TO ORDER**

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

## **CONSENT CALENDAR**

1. Approval of Minutes: July 15, 2009

**MOTION:** Moved by Ensberg, seconded by Davis to approve the Consent Calendar. Motion carried 4-0-0-1 (Bratt abstained).

## **PUBLIC HEARINGS**

2. **CONSIDERATION OF CONDITIONAL USE PERMIT 09-03** – A Request to construct an additional 58 parking spaces at an existing lot and modify the front yard setback of an existing Conditional Use Permit located at 762 Cypress Street. (APN: 8385-013-05, -016, -017, and -018) (**Continued from July 15, 2009**) (**STAFF REQUESTS CONTINUANCE TO AUGUST 19, 2009**)

**ACTION:** Chairman Schoonover stated this item is continued to the August 19, 2009 meeting, and the Commission would not be taking any testimony on this item this evening.

3. **CONSIDERATION OF CONDITIONAL USE PERMIT 09-05** – A Request to construct and operate a 10,178 sq. ft. Montessori School and 1,814 sq. ft. church and day care facility

within the Single Family 7,500 Zone, located at 818 West Gladstone (Related File: DPRB Case No. 09-26). APN: 8386-023-039, -043

Staff report presented by **Associate Planner Laura Lockett**, who stated the applicants have operated the Montessori school on Arrow and Maimone since 1983, but their lease is expiring and they need to relocate. Last year they requested the City Council to consider a Municipal Code Text Amendment to the Single-Family zone to allow commercial daycare centers but were unsuccessful. The Council gave direction to staff and the City Attorney to assist the applicant with alternative options. However, since that time the Montessori school has partnered with the New Outreach Church to build a school and church facility, combined with a daycare operation, on this site and a MCTA is not necessary to process their request.

She stated the Single-Family Zone allows schools and churches with a Conditional Use Permit, but daycare is only allowed as an accessory use to a church. This parcel has been vacant for many years, with one of the major reasons being that the noise level from the freeway exceeds standards for a single-family subdivision unless sound walls were installed along the 57 Freeway and Gladstone Street. The Montessori School contracted for an acoustical study which suggests that mitigation measures can be implemented to achieve indoor and outdoor noise levels that can meet requirements without construction of sound walls.

**Associate Planner Lockett** described the site plan, including the driveway and parking areas, and stated that two Atlas cedars will need removal to accommodate the development. The required replacement trees are addressed in the landscaping plan. She outlined the hours of operation for the regular school schedule, summer day camp, and daycare operations. She reiterated that daycare is only permitted as an accessory use to a church. If the church use ceases to exist, the Montessori school cannot provide daycare without processing a Municipal Code Text Amendment, which has been listed as a condition of approval.

She stated the New Outreach Church is based in Anaheim, and this would be a small start-up branch with 20 members in the congregation. The church will only be open when the school is closed, and staff has placed a condition to that effect to avoid parking conflicts. The day care is housed in a portion of the church building, but the operation of it will be contracted to the Montessori school. The building is designed to have two rooms which can be opened up to one large assembly room. The church can also use the school building if they outgrow their original building.

**Associate Planner Lockett** went over the provisions for parking and recommendations made by the Traffic Safety Committee for on-site circulation and to address ingress and egress. Because of the before and after school care option, they do not expect the same type of congestion that you see at a public elementary school that has a definitive start and end time. This project has been reviewed by DPRB, which has approved the concept with direction to see it again before final approval.

An initial study was prepared per CEQA and a Mitigated Negative Declaration has been prepared to provide mitigations for Air Quality, Hydrology, Biological and Noise issues. There are substantive issues with both Air Quality and Noise. The Air Quality Management District (AQMD) has identified child care and schools as sensitive receptors. The State requires outdoor play for childcare centers, so the School is proposing to limit outdoor play time for each class

into 20 minutes increments for a total of 80 minutes per day. They also have a closed air system and will keep the children indoors on high ozone and health advisory days.

She stated this site is impacted by noise from the 57 Freeway, which is twenty-five feet above the site with no sound wall, and by traffic on Gladstone Street, and outlined the mitigation measures proposed by the Applicant's acoustical engineer to address the noise issues. Surrounding neighbors were also concerned about traffic impacts, so an access gate originally proposed on Billow Avenue has been eliminated. Based on the information provided, Staff is recommending approval of Conditional Use Permit 09-05 and Resolution PC-1402 with the proposed conditions and adoption of the Mitigated Negative Declaration.

**Commissioner Davis** asked when outdoor playtime would start in the mornings and **Commissioner Rahi** asked for clarification on the number of faculty and staff.

**Associate Planner Lockett** stated the applicant would be able to answer the question in regards to starting outdoor playtime and confirmed that the number of faculty and staff was fifteen people.

**Commissioner Ensberg** asked if there was any agency that would oversee if the proposed mitigation measures for noise were adequate to protect the children.

**Associate Planner Lockett** stated the State has no standards for private schools, only for public schools. The City of San Dimas also does not have any regulations for outdoor play for children, but Los Angeles and Orange Counties do. Staff utilized their tables for how long children can be outdoors based on noise levels.

**Director of Development Services Dan Coleman** stated the applicant is using the same noise attenuation features that are used in public schools.

**Commissioner Ensberg** asked for clarification on the issue of the church and daycare; if there is no church on the property, then there can be no daycare operation.

**Associate Planner Lockett** stated the State classifies children the age of four and under as attending daycare; children age five and up are school age. By State licensing standards, the younger children are considered as attending daycare. If the church is not part of the campus, then the daycare would not be permitted.

**Director Coleman** added the code only allows daycare in this zone when in conjunction with a church.

**Commissioner Bratt** asked if the Bonita School District was contacted about this school because of the proximity to Shull Elementary.

**Associate Planner Lockett** stated the District was one of the agencies contacted and Staff received no comments back.

**Commissioner Rahi** asked about the two different noise studies and if there are any physical mitigations proposed to address the levels exceeding City standards.

**Associate Planner Lockett** stated the study conducted in 1993 was for a residential project which had different standards. The Montessori school completed a new noise study. Part of the physical mitigations includes orienting the play area on the east side of the property with the two-story building between that area and the freeway.

Chairman Schoonover opened the meeting for public hearing. Addressing the Commission were:

**Guy Williams, Land Use Planning Consultant, 425 W. Bonita Avenue, Suite 202**, stated he was representing the Montessori School of San Dimas. He stated the site encompasses 1.3 acres, and they will be installing a six-foot high split-face block wall around the entire property except where it drops down to three-feet tall at ingress and egress points. The site will have extensive landscaping, including oak trees in the parkway along the street dedication. The small triangular area in the rear will be screened by the block wall and will be a garden area for the children. He stated the noise level at the swimming pool area is down to 63 dBa because of the shielding from the two-story building. They worked diligently with staff on developing this site and feel they have met all the conditions, and appreciated the recommendation for approval.

**Commissioner Davis** asked if they can clarify when outdoor play time will begin since children can be dropped off starting at 6:00 a.m.

**Aeshea Jaysinghe, Applicant**, stated the children will not go outside until closer to 8:00 a.m.

**Commissioner Ensberg** asked if there was an outside eating area and Commissioner Rahi asked if there will be a difference in operations compared to their current site on Arrow Highway.

**Aeshea Jaysinghe, Applicant**, stated the children eat indoors because they teach them courtesy and manners; after they eat they will be scheduled for outdoor play time. The hours of operation are the same as at their current location, the only difference will be in when they can be outdoors.

**Commissioner Davis** asked about the pool and volley court that are located near residences on the east side because he was concerned about noise impacts when those facilities are in use for the school or during the summer for swim lessons.

**Aeshea Jaysinghe, Applicant**, stated outdoor activities are for 20 minutes at differing times. The swim lessons are usually a one-on-one situation, but if there is a group lesson, it is for no more than an hour.

**Chairman Schoonover** asked how many students do they currently have enrolled. He also wanted to know if their current building is smaller or larger than the new building.

**Aeshea Jaysinghe, Applicant**, stated they have 160 children during the school year and 132 in the summer, but that also includes the daycare children.

**Guy Williams, Consultant**, stated this will be an expansion from their current operation.

**Commissioner Bratt** asked how they will handle construction of the block wall if there is an existing fence on neighboring property. He was concerned there may be a double-fence situation.

**Guy Williams, Consultant**, stated they intend to meet with surrounding property owners to discuss removing any existing fencing and trees on the property line and building the block wall for them. They will also be adding trees to the property to help with screening.

**Associate Planner Lockett** stated this is also covered in the conditions to avoid the situation Commissioner Bratt is concerned about.

**Commissioner Rahi** asked if there will be any improvements made to Gladstone Street to accommodate traffic for the school.

**Guy Williams, Consultant**, explained the driveway circulation and ingress/egress requirements as set by the Traffic Safety Committee.

**Director Coleman** stated Condition No. 70 calls for Gladstone to be re-stripped for the easterly driveway and Guy Williams explained the turning movements as set by the Traffic Safety Committee.

**Don Ramirez, 703 N. Groveton**, felt the numbers for the noise level were inaccurate and that the noise has increased since the signals were installed at the 57/210 interchange ramps. He stated he cannot be outside in his yard unless he wears his iPod to cover the noise. He also questioned the air quality numbers because he read in the paper a few years ago that the area around the 57/210 interchange had the worst air pollution in the San Gabriel Valley. He stated traffic has increased tremendously since Costco opened and felt this will have a negative impact on the area since people are already making u-turns at Groveton all the time. He thought there should be a freeway sound wall to protect the residents in that area, and felt the applicants will not take care of the building based on how the current facility looks. He asked the Commission to deny the project.

**Patricia Dresher, 560 Billow Drive**, stated most of her neighbors did not attend the open house hosted by the school because they didn't think it was that property. She didn't think the building would protect the children from the freeway noise, and that it would actually funnel the noise through the openings. Ever since the 210 freeway extension opened, the noise has increased. In the area where they are proposing a garden, there have been 3-4 vehicles that have come off the freeway. Now that traffic is stopped by the on-ramp signal, she feels the pollution is worse. She didn't think this was a safe location for children to be, especially if they are swimming because they will be breathing deeper than normal and taking in more pollution. She was also concerned with graffiti being painted on the block wall and people jumping the wall to hang out in the school yard after hours where they can't be seen. She wanted a guarantee that there would be no access from the school onto Billow Drive.

**Martha Tovar, 556 N. Billow**, stated she has lived there 13 years and felt it was a safe neighborhood for children to live and play in. She felt this project would not protect the public's health, safety and welfare, and also wanted a guarantee that there would be no access to Billow Drive.

**Josie Diaz, 748 Groveton**, stated she objects to the project. She felt the noise is much higher than shown on the survey because she has lived there for 15 years and seen the level increase. She felt if someone was traveling westbound to the school, it will create back-up to her neighborhood and they won't be able to exit. Costco has created more traffic than was anticipated and there is often gridlock at Lone Hill and Gladstone with no enforcement, and felt the school will create more traffic. She felt the residents should have some protection against the noise.

**Thomas Reynaud, 573 Billow Drive**, did not want an exit onto Billow Drive because they needed to protect the children that live there. He stated a backhoe came off the freeway two years ago and walls were needed to protect the children. He was not concerned about noise from the school because he felt the freeway would be louder. He felt traffic would be an issue because they already have problems accessing Shull Elementary. He requested a sound wall be installed, and stated there is a lot of black dust from tires and brakes that children should not be breathing.

**Jeff Hawkins, 643 Billow**, rides his bicycle in that area and stated the noise increases as you get closer to the freeway. It is also very dark in that area and was concerned about kids hanging out in the back portion of the property because they would be able to access it from under the freeway and near the railroad tracks. He spoke about accidents that had occurred on the freeway and did not feel it was a safe location for a school. When the signal was added to the transition ramp to the 210 Freeway, it increased the noise in the area. He also felt it was important to prohibit access to Billow Drive.

**Dan Moller, 541 N. Billow**, stated he lives just south of the project and has questions, and thought there was a plan to talk to people about this project. In regards to a wall, he has only received a letter in the mail.

**Charlene Garcia, 635 Pearlanna**, was concerned with increased traffic on Gladstone because it is already getting harder to get out of their street. She felt with the driveway configuration parents would be making u-turns at Pearlanna and only adding to the problem, especially since there are already major impacts from the parents trying to get to Shull School.

**Ray Flores, 545 Billow**, stated he lived next door to the triangular piece and concurs with what has been said about traffic and pollution. He was concerned with having a six-foot high block wall coming down the side of his property and that the only thing he will be able to see from the front of his house will be that wall.

**Guy Williams, Consultant**, reiterated that there will be no access onto Billow Drive from the project and asked for Ted Lindberg from URS Corporation to address the noise study, and Barbara Hall, who is the civil engineer, to present an update from Caltrans on the sound wall.

**Commissioner Ensberg** asked if you have to have a professional license in order to conduct a noise study.

**Ted Lindberg, URS**, stated you do not but that he is certified from the Institute of Noise Control Engineering, which is similar to the PE exam. He conducted the noise study in October 2008, which included a long-term measure for 24 hours mounted to a telephone pole on the south side of the project, and then short term data collected at four to five locations throughout the project.

He stated they were between 66-68-1/2 from 10:00 a.m. to 1:00 p.m., and the long-term reading was 73 CNL for the 24-hour period. The long-term reading includes the noise from the evening traffic. They are using the buildings on the site to help with shielding as the roof level is 25 feet, along with limiting time spent outdoors. Right now there is a 15 year waiting list for Caltrans for a sound wall, and they prohibit anyone else from building a wall on their property.

**Commissioner Ensberg** asked why it was agreed to by staff to use the noise level for commercial areas when studying this property for a school.

**Ted Lindberg, URS**, stated that was for the interior noise levels as it was felt a school would be more similar to a commercial project than a residential project, and there was no category in the City's noise ordinance for school buildings.

**Chairman Schoonover** asked Mr. Lindberg what he thought the noise level was in the Council Chambers right now since the music playing outside was rather loud in the room.

**Ted Lindberg, URS**, stated in his opinion the noise was at 55-65 decibels, which is slightly lower than what the children would be hearing when they are playing outside.

**Commissioner Ensberg** asked if his company has ever been challenged on its findings in a regulatory environment.

**Ted Lindberg, URS**, stated he has not been challenged or had anyone come to a site with a meter to contradict his findings.

**Barbara Hall, Civil Engineer, 318 W. Evergreen Avenue, Monrovia**, stated they have contacted Caltrans about the sound wall, and unfortunately they are not on their list. They did ask them about the existing fence between the freeway and the project site and were advised they could get an encroachment permit to build the block wall along the property line.

**Commissioner Davis** stated several residents mentioned vehicles that have come off the freeway and asked what would happen if that were to occur after the school is built. He also asked how much protection the block wall along the property line would provide in that case.

**Barbara Hall, Civil Engineer**, stated the scenarios described indicated the accidents were on the upper level near the freeway, and it would be hard to determine what could happen. You may not be able to prevent someone flying off the freeway without a guard rail; however, if a vehicle is sliding down the hill, it will stay on the slope as opposed to flying off, and in that instance the block wall would provide a barrier.

**Director Coleman** stated walls provide the most amount of protection on a freeway but to determine how well they will do so in an accident situation depends on a number of variables, such as mass, weight and speed of the vehicle.

**Commissioner Rahi** asked what Caltrans said about the sound wall when they were contacted.

**Barbara Hall, Civil Engineer**, stated staff at Caltrans would not commit as to when, where or how a sound wall would be constructed in that area, but did say there is nothing planned within the next few years, and that they had no knowledge of any long-term plans. The usual timeframe once a problem area is identified is 10-15 years before a wall is built.

**Director Coleman** stated the City has also contacted Caltrans about the signal control conditions, but they are not responding. The new ramp signals have created a problem on local streets because people are getting off the freeway to bypass the transition ramp.

**Commissioner Bratt** stated there were concerns expressed about people accessing the property after hours, and asked if there are going to be security measures in place.

**Aeshea Jaysinghe, Applicant**, stated in response to concerns expressed about traffic, they have three hours for staggered arrival and pick-up of children. They have never had a problem with a line-up of cars because of that. They are going to have sixteen security cameras installed at the school, along with motion detector lights. They are very concerned about security of the property when school is not in session. She felt the project would be an asset to the area because they will provide a beautiful environment with plenty of trees and shade, and they have programs that could benefit neighborhood children.

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

**Commissioner Ensberg** stated he has heard concerns expressed about existing conditions with pollution, noise and lack of a sound wall from Caltrans and he does not think the school will add to those problems. The applicant has stated there will be no gate onto Billow. He does not think the noise in the area is ideal, but he has heard testimony that there are numerous kids that live in that area and are subjected to that noise, and the school has put mitigation measures into place to address it. He is sympathetic to concerns about traffic, but believes with the staggered hours there will be little impact. He felt a school and church would be a benefit to the community and the project merits approval.

**Commissioner Rahi** concurred that this seems to be a good project. He felt the problems were existing problems that the City and residents could work together on with Caltrans to try and get a sound wall to alleviate the problems. He was concerned about the noise level there for the children but felt the mitigation measures addressed that, and that the school building might help block some of the freeway noise to the surrounding properties. He added he was in favor of the project.

**Commissioner Davis** asked if the speed limit on Gladstone would be reduced to 25 M.P.H. for a private school. He also wanted to know if the City was requiring the six-foot tall block wall around the triangle because it seemed to create a potential problem if someone were to jump inside and could not be seen. He would prefer view fencing and didn't think the school needed to use that back portion anyway. He thought they could check with the Sheriff's Department to see what material they felt was appropriate. He was also concerned about a vehicle coming off the freeway onto the school property and would like to see if the block wall on that side could be reinforced.

**Commissioner Bratt** stated he also felt for the residents but didn't think the activities of the school were going to add to the problems they are already dealing with. This is an odd-shaped parcel and felt this project was one of the better proposals for it.

**Chairman Schoonover** thanked the residents for voicing their concerns in a civil manner. He also has a number of concerns about putting a school next to the freeway, and State studies show test scores are lower than for schools that are located further away. The Montessori school provides a valuable education and felt this was a well-designed project that has done what can be to address noise and pollution issues. He had some misgivings but would still vote in favor of the project.

#### RESOLUTION PC-1402

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 09-05, A REQUEST TO CONSTRUCT A 10,178 SQ. FT. MONTESSORI SCHOOL AND 1,814 SQ. FT. CHURCH/DAY CARE FACILITY AT 818 WEST GLADSTONE STREET (APN: 8386-023-039, -043)

**MOTION:** Moved by Ensberg, seconded by Davis to adopt Resolution PC-1402 approving Conditional Use Permit 09-05 with the recommendation that Staff investigate with the Sheriff's Department whether view fencing is more appropriate in the rear portion of the property and if it is possible to construct the block wall adjacent to the freeway in such a way as to make it more of a barrier. Motion carried unanimously, 5-0.

4. **CONSIDERATION OF CLASSIFICATION OF USE 09-02** – A Request to Classify a hookah lounge as similar to other conditionally permitted uses allowed in Specific Plan 2, Area 1 (Commercial) (APN: 8383-016-016)

#### RESOLUTION PC-1405

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS DENYING CLASSIFICATION OF USE 09-02, A REQUEST TO CLASSIFY A HOOKAH LOUNGE AS SIMILAR TO A COCKTAIL LOUNGE IN SPECIFIC PLAN 2, AREA 1 (COMMERCIAL).

**ACTION:** Chairman Schoonover stated this item is continued to the August 19, 2009 meeting, and the Commission would not be taking any testimony on this item this evening.

5. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 09-02** – A Request to Consider Minor Amendments to clarify Recreational Vehicle Parking Regulations.

Staff report presented by **Director of Development Services Dan Coleman**, who stated this issue began in August 2008 when a number of residents came before the City Council with complaints about enforcement of RV parking regulations. After several discussions, the Council confirmed that RV parking is to be in the side yard behind the main building line or in the rear

yard. These are the same regulations set by Los Angeles County prior to incorporation and were part of the City's first zoning code. However, in the past, due to staffing levels, violations were handled on a complaint basis only. The Council agreed that it is not fair to only enforce by complaint; thus, starting January 2, 2010 the City will begin proactive enforcement after a community education period.

The proposed amendments to the zoning code are adding definitions for what is an RV, adding provisions for loading and unloading, and creating a central location in the Municipal Code for the regulations. He went over the new descriptions and graphs and the permit process for loading and unloading. He stated there are two optional amendments for the Commission to consider in regards to screen fencing and temporary tarps or coverings. Staff's recommendation is for the Commission to conduct the public hearing and take testimony and then forward a recommendation to the City Council.

**Commissioner Ensberg** clarified that they are not deciding whether to be proactive in enforcing the code or not because that decision has already been made.

**Director Coleman** confirmed that the decision has already been made to prohibit parking in the front yard. The Council also chose not to add an administrative review process to the ordinance and has directed that enforcement will begin January 2, 2010.

**Commissioner Bratt** stated the survey indicated that the Cities of Glendora and Covina both have an administrative review and asked why one is not part of the recommendation. He also wanted to know how they arrived at the number of times someone can have temporary parking during the year.

**Director Coleman** stated the Council felt so strongly that parking should not be allowed in the front yard that they did not want to allow exceptions. He added the limitation to the number of times a year temporary parking was allowed was removed from the draft ordinance, so the only restriction was the two days maximum for loading and unloading.

Chairman Schoonover opened the meeting for public hearing. Addressing the Commission was:

**George Yeager, 451 E. Gladstone Street**, stated all of the surrounding communities have an administrative review process and felt the Commission could recommend back to the City Council to add a process to their ordinance. He presented information on his particular lot and how it would comply with every other city's requirements to be allowed to stay in the front yard. He also needed more than two days to load and unload his RV.

**Ernest Banks, 763 Oceanbluff Avenue**, stated he purchased his home in 1963 and has never received a citation. He did not believe the City was doing any enforcement prior to last year and felt the problem has been created by house "flippers." He felt MCTA 09-03 was a way to speed up punishing residents. The City approved the houses where he lives and hundreds more where there is no access to the side or rear yards. He has not intention of giving up his motorhome and cannot afford to store it, and wanted proof that parking an RV in the front yard deteriorates property values. He also felt two days was not enough time to load and unload an RV because it takes two days just to cool down his refrigeration unit. He is facing a real possibility that he will have to move after 43 years because he will not give up his motorhome or pay the fines.

**James Haberman, 624 E. Payson**, stated he has lived in his house for 31 years and doesn't understand why the City is doing this or going to hire more people to punish RV owners. He agreed with the previous two speakers and objects to what they are doing.

**Jean Banks, 763 Oceanbluff**, felt their rights were being taken away from them based on what someone else thinks is aesthetically pleasing. Her son has a neighbor with a stakebed truck who won't be cited because it is under the weight limit. La Verne has a good way of managing this issue and felt their city is just as nice, if not more so, as San Dimas. She didn't know why the City can't adopt a similar regulation as La Verne's.

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

**Commissioner Ensberg** stated he was not in favor of imposing more cost to residents and was not in favor of screening walls or fences. He was in favor of the option for temporary coverings because he did not think that would be a burdensome expense. He felt the amendments were clear and liked the pictures and graphics. He was sympathetic to the concerns expressed but felt the issue about front yard parking was already decided. He was in favor of the proposed text absent Section G regarding screening.

**Commissioner Bratt** appreciates the fact they are trying to take care of problem vehicles parked in the front yard, but if one is well maintained and there is adequate space, felt there should be an option available. He was not in favor of sending this back to the Council without a recommendation to add an administrative review process.

**Commissioner Davis** concurred that there should be some type of appeal process or administrative review available. He agreed with most things in the ordinance though he thought three days for loading and unloading would be more reasonable.

**Commissioner Rahi** asked why the Council didn't want to include an administrative review process.

**Director Coleman** stated the Council received numerous calls and e-mails from residents to keep the prohibition in place. There are concerns over appearance, even if it is new or well maintained. Secondly, there is a concern about devaluation of property values, and while he has not seen a study one way or another, real estate agents always complain about RV's being parked in the front when they are trying to sell a property. A third concern is for public safety if the RV hangs over the sidewalk or blocks view up and down the street. The Council was presented this information, but their response was this was an ordinance prior to the City's incorporation, and just because someone owns a single-family lot, it doesn't mean they can do everything they would like to, whether it is a room addition, building a swimming pool or parking an RV on the lot.

**Commissioner Rahi** felt the lesson from Glendora was helpful in that in twelve months, only one property qualified for an exception under their administrative review process. He stated he would be willing to support the proposal as presented.

**Chairman Schoonover** stated while someone may not receive approval, he felt there should at least be a process in place that allows them to make their case as to why they should be

exempted. He would be in favor of recommending the City Council allow an administrative review process but with very strict rules.

**Commissioner Davis** stated he would not be in favor of the screen fencing requirement but could support the tarps.

#### RESOLUTION PC-1403

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 09-02 REGARDING RECREATION VEHICLE PARKING

**MOTION:** Moved by Bratt, seconded by Schoonover to adopt Resolution PC-1403 and recommend to the City Council approval of Municipal Code Text Amendment 09-02 as presented with the addition that an administrative review process be added and incorporating the optional language for temporary covers. Motion carried 4-1 (Ensberg voted no).

6. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 09-03** – A Request to Establish Administrative Citation Provisions.

Staff report presented by **Director of Development Services Dan Coleman**, who stated this item has been under review by Staff since 2007, and doesn't only relate to the RV issue. Administrative citations are allowed under state law as an alternative to criminal prosecution, and are similar to a parking citation. He outlined the benefits of having an administrative citation program as part of the code enforcement process.

Chairman Schoonover opened the meeting for public hearing. There being no response, the public hearing was closed.

**Commissioner Ensberg** asked about the requirement to pay within ten days of receiving a citation.

**Director Coleman** stated there is a section that requires payment in ten days, but in discussions with the City Attorney, they are looking at making it 21 days to coincide with the appeal period.

**Commissioner Davis** asked about the warning period. He also wanted to know if the fine still needs to be paid if the violation is corrected, and who has the authority to issue a citation.

**Director Coleman** stated in most code enforcement situations, a warning is issued, either verbally or in writing, and the property owner has time to correct the violation. That process can still be done prior to the need to write a citation. Unless there is life safety involved, we always try to give the property owner time to remediate the problem. If a citation is issued, the fine will still have to be paid even if the violation is then corrected. State law requires training for someone to be able to issue a citation, and all officers in San Dimas have that training and certification.

**Commissioner Davis** was concerned that the City will start issuing citations without giving someone a chance to correct a violation, and while Staff says they won't do that, in theory that could occur with the way the draft ordinance is written.

**Director Coleman** stated when to issue a citation will be a policy decision, and that is not what is before the Commission tonight, it is only a review of the code amendment language.

#### RESOLUTION PC-1404

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 09-03 REGARDING ADMINISTRATIVE PENALTIES AND AMENDING TITLE 1 OF THE SAN DIMAS MUNICIPAL CODE

**MOTION:** Moved by Ensberg, seconded by Davis to adopt Resolution PC-1404 and recommend the City Council approve Municipal Code Text Amendment 09-03 with a revision to allow payment in 21 days. Motion carried unanimously, 5-0.

#### ORAL COMMUNICATION

##### 7. **Planning Manager**

**Director Coleman** stated the City Council approved the revisions to the Bonita Canyon Gateway Project and the developer has indicated they would pull the grading permit within three weeks of Council action.

**Director Coleman** stated USA Properties has withdrawn their request for the apartments at Grove Station indefinitely, so that item may come back to the Commission at some point.

##### 8. **Members of the Audience**

No communications were made.

##### 9. **Planning Commission**

**Commissioner Davis** stated he may be out of town on business for the August 19, 2009 meeting.

#### ADJOURNMENT

**MOTION:** Moved by Ensberg, seconded by Bratt to adjourn. Motion carried 5-0. The meeting adjourned at 10:28 p.m. to the regular Planning Commission meeting scheduled for August 19, 2009, at 7:00 p.m.

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James Schoonover, Chairman  
San Dimas Planning Commission

ATTEST:

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Dan Coleman, Director of Development of Services

Approved: September 2, 2009