

**CITY OF SAN DIMAS  
DEVELOPMENT PLAN REVIEW BOARD  
MINUTES  
February 24, 2011 at 8:30 A.M.  
186 VILLAGE COURT  
PUBLIC CONFERENCE ROOM, TEMPORARY CITY HALL**

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**PRESENT**

*Emmett Badar, City Council  
Dan Coleman, Director of Development Services  
Scott Dilley, Chamber of Commerce  
Blaine Michaelis, City Manager  
Krishna Patel, Director of Public Works  
Jim Schoonover, Planning Commission  
John Sorcinelli, Public Member at Large*

**CALL TO ORDER**

Jim Schoonover called the regular meeting of the Development Plan Review Board to order at 8:35 a.m. so as to conduct regular business in the Public Conference room.

**APPROVAL OF MINUTES**

**MOTION:** Dan Coleman moved, second by John Sorcinelli, to approve minutes of February 10, 2011. Motion carried 6.0.0.1 (Michaelis Abstained)

**HEARING ITEMS**

**DPRB Case No. 10-05**

Continued/Approved for conceptual design at May 13, 2010 meeting. Consideration of final plans for San Dimas Heroes Veterans Memorial to be located at 213 South San Dimas Avenue.

APN: 8390-021-902,903      Zone: Creative Growth, Area 2

Eddie Martinez, applicant and general contractor, was present  
Theresa Bruns, Director of Parks and Recreation, was present  
Gary Enderle, H.E.R.O.E.S Program applicant, was present.

Assistant City Manager Larry Stevens noted that DPRB granted conceptual approval for the memorial design on May 13, 2010. He pointed out that the design has remained the same with a few minor details. He informed the Board that the project site is an existing City park currently being improved with landscaping. He explained that he did not include the plans because it was done so at the prior meeting. He pointed out the

changes which include: the shapes of the paths, the design of the memorial circle leading into the street and the interior of the decomposed granite at the memorial. He noted that the tree removals were not identified previously and added that the trees are easily replaceable. He noted the issues with the decomposed granite pads and recommended revising the paths along the west and north property lines to allow retention of existing landscaping. He also recommended swapping the locations of the decomposed granite and brick pavers in the fountain area. He expressed Staff's concern with maintaining the park element and recommends introducing fewer paths with suggested illuminated paths. He noted that curvy paths with decomposed granite may introduce an irrigation problem which is another concern of Staff but noted that all paths that are identified are necessary. He stated that seven (7) flag poles will be lit and that there will be an accent light on the fountain. He noted that since it is a volunteer project, it might be changed based on how much voluntary services are provided.

Mr. Sorcinelli asked what generates organic paths.

In response to Mr. Sorcinelli, Mr. Larry Stevens stated that decomposed granite is intended to be used for the paths. He added that there might be a change with grading and noted that the plans do not reflect topography.

Mr. Badar stated that the paths at rear of the property are insignificant since people will use paths at the front of the property. He commented that the paths make the Memorial look very busy.

In response, Mr. Stevens indicated that the paths can be relooked at later when more donations are raised.

Mr. Badar asked if there are designs on the benches.

In response, Mr. Stevens replied that there are no designs; however, the 7 proposed benches will have the standard bench design.

Mr. Patel agreed with Mr. Badar's comments in regards to the paths appearing too busy. He noted that the path to the East may have Americans with Disability Act (ADA) issues and should be removed.

Mr. Stevens expressed he did not want an ADA issue to arise.

Mr. Michaelis asked if Theresa Bruns, Director from Parks and Recreation, has been included in discussions.

Ms. Bruns replied that their issues have been addressed by Mr. Stevens.

Mr. Stevens stated he met Building Official Eric Beilstein, Theresa Bruns and applicants on Tuesday February 22, 2011 and they are all aware of the issues. He expressed that the concern is the proposed material for the walls and pergolas.

Mr. Badar stated that he does not have an issue if wood is used for the pergolas.

Mr. Stevens commented that his preference is wood and added that Theresa Bruns prefers steel beams, which is shown on the current plans. He added that if the steel

beams are switched to wood, then the item would not need to be presented to the Board again.

Ms. Bruns explained that if the pergola is too costly then it is not necessary and can be eliminated from the Memorial.

Mr. Patel recommended using precast concrete.

Mr. Stevens talked about the precast elements used for the trellis shopping center at Puddingstone and explained that it would not be an issue if the applicant returns to request to use precast. He noted that the fountain wall and monument are all precast.

Mr. Coleman asked what the maintenance of the property would entail.

In response to Mr. Coleman, Mr. Stevens stated that an agreement needs to be developed between the City and H.E.R.O.E.S to distinguish who is responsible for maintaining what areas of the property. He added that a condition may need to be required to include a maintenance agreement. He explained that some of the property will be maintained by the City such as irrigation and minor paint fix-ups, and some will be maintained by H.E.R.O.E.S such as replacing flags and bulbs. He noted that construction is anticipated to start around Memorial Day in May.

Applicant and general contract designer Eddie Martinez stated that he met with Mr. Stevens on Tuesday, February 22, 2011 and expressed his approval of the path used.

H.E.R.O.E.S Program applicant Gary Enderle stated he would like to have all the work completed soon; however it is all based on the revenue received from fundraising.

Mr. Beilstein asked to describe the lighting.

In response to Mr. Beilstein, Mr. Enderle stated that the lighting and landscape work will include lighting for the flag poles. He noted that the flag poles will be moved to the back of the Memorial wall to be closer to the walking paths. He added that the fountains will have LED fixtures inside the water area and provision for lighting at the pergolas.

In response to Ms. Bruns, Mr. Martinez responded that they would like to have the fixture on the pergola and would like a J-Box receptacle for the seasonal lights.

In response to Mr. Schoonover, Mr. Martinez stated the lights will be on timers.

Mr. Stevens stated that the flags will be lit but added that he will check if an available circuit needs to be identified or an existing solar power can be an option.

Mr. Patel requested for Condition No. 28 to be removed.

Ms. Bruns asked if there were any NPDES issues for the fountain.

Mr. Stevens replied that there may be a way to lower the volume of water in the fountain. He explained that the decomposed granite paths are laid out so to not wash onto the sidewalk and into the storm drain. He added that he will speak with Mr. Beilstein about an appropriate drainage method.

Mr. Badar asked Theresa Bruns, what the long range oversight includes.

Ms. Bruns responded that she reviewed the preliminary plans and projected that the details make certain that decomposed granite will assist with controlling erosion and washout.

**MOTION:** Moved by Emmett Badar, seconded by Jim Schoonover to approve with the deletion of Condition No. 28 and the inclusion of minor word changes for the paths and pergolas be added.

Motion carried unanimously, 7-0

**DPRB Case No. 08-47 REVISED and Tree Permit Application 10-48**

Revised house layout and grading plan from the previously approved plans requesting to construct a 5,117 sq. ft. two-story single-family residence and several attached garages totaling 2,136 sq. ft. within Specific Plan No. 4 located at 1658 Gainsborough Road and associated tree permit application to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages.

APN: 8426-034-020                      Zone: Specific Plan No. 4

Pete Volbeda, Architect, was present  
James Polson, Owner's Agent, was present  
Dr. Raymond Bouchereau, Neighbor 1666 Gainsborough Road, was present  
John Peggs, Neighbor 1133 Edinburgh Road, was present  
Paul Feintuch, Neighbor 1139 Edinburg Road, was present  
Dave Gilbertson, RKA & Associates, was present

Chairman Schoonover noted that the Board went on a site visit to 1658 Gainsborough Road at 7:30 a.m. prior to the Development Plan Review Board meeting.

Associate Planner Marco Espinoza explained that this project was originally approved as DPRB 07-34 on June 28, 2007 but the application expired without the applicant applying for an extension. It was resubmitted as DPRB Case Number 08-47 and approved on November 11, 2008 and grading permits were issued on March 13, 2009. He stated that Staff received complaints about excess importing of soil. He noted that Staff reviewed the submitted topographic map again and compared it to the actual site and discovered that the map identified the rear portion of the lot to be five or six feet higher than the original grade. He expressed that if the correct topographic map had been submitted, then the proposed project would have exceeded the allowable 200 cubic yards of cut and fill combined outside the driveway and house pad and the project would not have been approved for Specific Plan No. 4. He noted that Staff has met with the applicant and soils engineer to rectify the issues; however, Staff feels the applicant has not made a significant effort to address the issue of concern mentioned in the fact sheet.

Associate Planner Espinoza continued by stating that there are issues with the cut and fill quantity, height and mass of the slope and added it is difficult to make findings for approval. He added the new location for the house affects two Oak trees, which one (1) is proposed to be removed; however removal was not part of the original proposal. He explained that there are some grading issues and two options were submitted: A and B.

Option "A" will include an increase soil within the 201 to 500 cubic yard limit; this option is allowed if the additional yardage will reduce the overall mass and bulk of the proposed structure. The applicant is proposing 391 cubic yards; the City's Engineer feels it is closer to 450 cubic yards. He pointed out that Staff does not believe this option meets the intent of Specific Plan No. 4. He noted that the house is set closer to the rear neighbors by about 30 feet, which makes the house appear larger to the adjacent neighbors. The house would also now be perched on a 12-foot high mound, created by the additional imported soil. He stated that Option B would require removing four feet of soil around the rear portion of the house reducing the yardage to 167 cubic yards. He noted that this might sound like the best option but the house pad is still the same elevation as Option A which will create concern in regards to mass and bulk of the structure and the proximity of the neighbors.

He stated Specific Plan No. 4 labels various lots as A, B, C, and D with C lots requiring contour grading for the house pad to fit into the limited amount of grading allowed. He stated that the amount of soil brought onto the property was 840 cubic yards which is 640 cubic yards more than allowed in the rear portion. He pointed out that instead of reducing and removing the soil, the applicant wanted to retain it and move the house further back, thus reducing the soil amount. He explained that all of these situations are making it difficult to approve the project and added that the structure is not visually harmonious and recommended that the location be minimized so that the height and bulk of the building does not dominate the property. He stated that there are currently 7 homes in the C Lot that are designed into the hillside with some cross sections that are tri-level. He recommended that the home be designed at a tri-level and be brought down with the front appearing one story and the back as a two-story to meet the Specific Plan No. 4 grading requirements. He reiterated the issue with the tree being removed and added that the City Arborist, Deborah Day, indicated the tree appears to have been trimmed improperly but is viable.

Pete Volbeda applicant stated that the dirt removed from Option B will have the elevation at 4 ft. lower to the 167 cubic yards of dirt. He pointed out that because the house is moved back it gives the appearance that it is 12 ft. higher than the adjacent property. He expressed that the owner prefers the level flat. He added that the Oak tree should not prohibit the design and can be replaced by 2 trees. He stated that they do need to remove excess dirt; however they feel the proposal meets City standard requirements.

Mr. Coleman recommended denial of the project and a submittal of a redesigned home to follow the land form. He asked the applicant if he was willing to redesign project.

In response to Mr. Coleman, Mr. Volbeda responded he is not willing to redesign the project.

Mr. Beilstein stated that the garage is half the size of the home and questioned the creative use of the terrain, grading and the need for that size home.

In response to Mr. Beilstein, Mr. Volbeda responded that the garage is designated for an RV but does not solve the grading problem.

Associate Planner Espinoza stated that the one of the garages can be moved and the house moved back to its original location.

James Polson, owner's agent expressed his concern with the Oak tree and pruning. He stated that the tree grew branches straight down to the ground which were not attractive and noted that is why they were trimmed. He stated that the street view of the RV garage has a 130 ft. setback.

Dr. Raymond Bouchereau at 1666 Gainsborough Road expressed his support and approval for a new home in the vacant lot because it will help eliminate people using the lot for driving their dirt bikes and other unpermitted uses.

Mr. Polson provided a letter to the Board that was sent to the Planning Department in November.

John Peggs at 1133 Edinburgh Road, stated that the new home is a good idea; however there are concerns with the south east corner when it rains. He noted that excess water goes onto his property and added that corrections were attempted; however the dirt and fill has caused erosion. He indicated that there was an area on the proposed project designated to capture water with plastic and noted that it is currently being pumped. He stated that dirt was being place on their fence without permission. He recommended resubmittal of the project to the Board to make necessary corrections that will also include how the water will be controlled and maintained and recommended that the terrain be built more practical and more intoned with the land.

Paul Feintuch at 1139 Edinburgh Road, indicated that his property is directly below and added that he has various concerns. He questioned the visual impact from below with moving the home further back on the lot, and how it will loom over the houses below. He added that there will be a flood control issue since the pond was built to hold water versus letting the water flow to the storm drain on Edinburgh Road. He explained that the pond sits above the house below, and when the pond fills it creates a hazard and added that it is not engineered to hold that amount of water.

James Polson responded to Mr. Feintuch stating that the drainage has always been a problem. He noted that on June 28, 2007, the Development Plan Review Board minutes quoted Mr. Feintuch stating that the drainage on the property has the water flowing onto his property.

Mr. Coleman stated that he is not in favor of the excess imported soil on the lot and felt it should be restored to its original condition.

In response to Mr. Schoonover, Associate Planner Espinoza replied that 840 cubic yards of dirt was brought in, which is in excess by 640 cubic yards.

Mr. Coleman added that 640 cubic yards will then need to be removed.

Mr. Sorcinelli recommended that the applicant proceed with the original plan and original grading that was submitted.

Mr. Coleman stated that the applicant can still use the original house design.

Mr. Michaelis emphasized that the plans should resemble Lot C to conform to the natural lay of land.

In response to Mr. Patel, Associate Planner Espinoza replied that the original house was not a Lot C design and emphasized that the topographic map that was used was incorrect and therefore, the apparent house design would have not been possible and a redesign would have been required

James Polson Owner's Agent, indicated that when the lot was purchased, the previous building plans were not used but the soils report and topographic map were used in the current submittal. He added that the applicant did not know the Specific Plan limitations of dirt to be imported onto the site..

Mr. Sorcinelli asked if the limitation of dirt was discovered after the grading took place.

In response to Mr. Sorcinelli, Mr. Polson responded that the soils/civil engineer was out of town when the grading occurred and it was all accidental.

Mr. Michaelis added that the Lot C design is very attractive and is an exceptional design that works in the neighborhood.

In response to Mr. Sorcinelli, Associate Planner Espinoza responded the average home size in that area is 7,300 sq. ft.

Mr. Sorcinelli expressed his concern with the project being approved twice.

Associate Planner Espinoza reiterated that the topographic map was inaccurate, thus those approvals could be considered granted under false pretenses. He noted that the project would of never been reviewed by the Board if Staff was aware of the inconsistency of the topographic map and would have required redesign of the house layout.

Mr. Sorcinelli asked how much higher the soil is in Option A then the original approval.

In response to Mr. Sorcinelli, Associate Planner Espinoza replied that it is the same; however, the soil is incorrect by 5 to 6 feet from the original grade.

The Board discussed if the proposed house plan could be used with the correct topographical map but concerns were expressed by Mr. Gilbertson that it would change the steepness of the driveway to an unacceptable grade and the best solution would be to remove the house forward to its original position and step the house down along the original contour grade.

Mr. Beilstein interjected and stated that there is no limit for grading of the house but and driving access.

Mr. Badar asked if the pond water issue will be addressed.

Associate Planner Espinoza stated that RKA has seen the proposal and emphasized that the drainage system will be the first thing installed. He noted that the timeframe for resubmission for hillside restoration should be 3 months.

Mr. Schoonover reconfirmed the 90 day timeframe.

Associate Planner Espinoza added that the pond needs to be drained out during that timeframe discussed with the applicant.

Dave Gilbertson, RKA, stated that NPDES regulates that mud needs to be onsite; but added that the existing water retention basin is not the best solution but is working. He added that the ultimate design would contain a larger basin were the water would filter into the ground.

**MOTION:** Moved by Dan Coleman, seconded by Blaine Michaelis to direct the applicant to redesign the home with a step pad integrated into the slope, with a Type C grading design and being back within the next 3 months, and to continue the Tree permit application 10-48.

Motion carried unanimously, 7-0.

Break occurred from 9:55 a.m. until 10:10 a.m.

Mr. Schoonover stated that Item 4 be heard at this time in the agenda to accommodate Mr. Stevens filling in as voting member for Mr. Coleman, who will be presenting DPRB Case No 07-27.

**DPRB Case No. 07-27**

Request to construct a 4,690 sq. ft. single story house, 484 sq. ft. detached garage and a 1,892 sq. ft. barn, on 40 acres of land (Falcon Ridge Ranch) located on Sycamore Canyon Road.

Related Case: Precise Plan No. 11-01

APN: 8678-030-005

Zone: Specific Plan No. 25

John DeFalco, Applicant

Mr. Coleman indicated that Staff has been working on this project since May 2007 and noted there have been a number of changes to the proposed one-story home with detached barn and garage. He pointed out that extensive improvements have been done such as clearing out trash and debris near the duck pond area and horse stable. He pointed out that solar panels will be used on the garage and added that currently there is no electricity serving the property. He noted the architectural features are consistent for Specific Plan No. 25 which includes traditional barn wood and stucco being used. He noted that the issue previously was a proposed two-story home which at the time the Specific Plan did not allow to be on a major ridge line, but in January City Council adopted Ordinance 1201 which reclassified this location as a minor ridgeline which allows for development. He noted that over the years the area has created a nature preserve and bird aviaries which have been registered with the Department of Fish and Game. He explained that Ordinance 1201 allows nature preserve as a land use. He noted that fire retardant standards have been met. He pointed out that once the project is approved by the Board it will need Planning Commission and City Council approval.

Mr. Stevens stated it appears the conditions focus on the house versus the entire site.

Mr. Coleman noted only the applicant is working on getting permits for sheds on the property.

Mr. Stevens asked if there are caretaker facilities, and if so they would need to add that caretaker provisions are to be reviewed by the Development Plan Review Board.

Mr. Coleman stated that this item was heard at the Environmental Commission Committee yesterday and noted that the Environmental Impact Report (EIR) has been conducted and the mitigation measures have been addressed.

Mr. Stevens recommended that the utility conditions be revised since there is no water or sewer system. He recommended a disposal sanitary sewer condition be included as well. He pointed out that the underground utility conditions are fine. He noted that the off-grid facilities require recordation of information and notice to future owners. There may need to be a similar document recorded for the roadway as well. He added that L.A. County has prescriptive rights to the easements and noted that easements may need a separate condition stating their physical location of the road on the DeFalco property.

Mr. Patel inquired about water rights. (JAN)

In response to Mr. Patel, Mr. Coleman stated that the property does have water rights to two sources which include a pipe from the canyon that feeds two water tanks on property well on the property.

Mr. Stevens added that the well required permits and approvals.

In response to Mr. Sorcinelli, Mr. Stevens replied that in the Precise Plan, submittal requirements may need a visual analysis of which could be a model. A model is not a requirement but on a case by case study. He encouraged homes of 4,500 sq. ft. to use a model but stated that it is a policy versus a regulation.

John DeFalco, applicant stated that the house was designed in 2008 which follows the landform from the old Specific Plan No. 25, but that he was going to change it to a flat lot based on the new standards. He also stated in regards to the private roadway, he did not support realigning the existing private roadway with Sycamore Canyon Road as it only services his property and it is impossible to take it higher due to the terrain. His intention is to keep the 40 acre nature preserve intact for his family and it would never be subdivided.

In response to Mr. Stevens, Mr. DeFalco stated the property to the east cannot be accessed from his road because it is too steep.

Mr. Stevens pointed out that the proposed single-family residence is on an existing lot and added that Staff cannot require any equestrian or hiking trails as part of the project, though Mr. DeFalco has indicated he would allow access when NJD's project is further along.

In response to Mr. Beilstein, Mr. DeFalco responded that he might redesign the step pad and remove steps from the house.

Mr. Stevens stated that under the revised Specific Plan, retaining wall standards changed, but if the applicant proposed any significant changes, it would have to come back to the Board.

**MOTION:** Moved by Larry Stevens, seconded by Krishna Patel to approve the project to proceed to the Planning Commission with conditions including revisions to modify Condition No. 35 and 38 relative to water and sewer plans reflecting private well requirements and to add a condition requiring a Notice of Off-Grid Facilities be recorded. He noted that a condition should be added asking applicant to work with the City in regards to title and alignment issues to Sycamore Canyon Road to protect the public interest and be consistent with the applicant's plans.

Motion carried, 6.0.0.1 (Emmett Badar, Abstain)

**DPRB Case No. 10-04 Preliminary Review**

Request to add a 5,200 sq. ft. auto repair shop to the existing main storage/office building and enclose portions of the north and south elevation of the building and enclose portions of the north and south elevation of the building, in addition to adding 1,500 sq. ft. of open storage to another existing building. The additions and enclosures have already been constructed without City approval and permits located at 155 N Eucla Avenue.

Related Case: Conditional Use Permit 10-03

APN: 8386-006-010

Zone: Specific Plan No. 23

Ray Morales Sr., Applicant, was present

Ray Morales Jr., Applicant, was present

Charles Cummings was present

Associate Planner, Marco Espinoza stated that the property is located within the Town Core Area and added that it is affected by the 2008 Housing Element and the creation of a Downtown Specific Plan under review. He noted that the site use to be owned by Henkels and McCoy which used the area as an office and outdoor storage facility. He pointed out that it is zoned Specific Plan No. 23, Business Park District and noted that currently it is being used an equipment storage yard and pointed out that the use is conforming. He stated that the Housing Element would require the City to provide Zoning for 625 housing units and pointed out that this property meets the rezoning to fulfill apportion of those requirement.

Mr. Stevens stated that the Downtown Specific Plan is in draft form the uses are not final yet. He indicated that the Housing Element identifies Medium Density Residential for this area, which is more important than the Downtown Specific Plan. He added that it can be rezoned independently.

Mr. Michaelis asked if the current use would become a nonconforming use.

In response to Mr. Michaelis, Associate Planner Espinoza replied yes.

Mr. Michaelis asked if the property is rezoned, would it be nonconforming to the limitations on expansion for rebuilding.

In response to Mr. Michaelis, Mr. Stevens responded that the rules would apply for today and cannot be determined for the future.

Associate Planner Espinoza stated that this case was initiated by a code enforcement complaint received about the applicant constructing a building in an enclosed area. He noted that this would require a new submittal of a Conditional Use Permit application for modifications to the site for the use. He noted that it is in the Specific Plan No. 23, Area 1 Light Business Park.

Mr. Stevens excused himself from the meeting at 10:53 a.m.

Mr. Sorcinelli asked how the Conditional Use Permit is nonconforming to the existing use.

In response to Mr. Sorcinelli, Associate Planner Espinoza replied that it is conforming and approved.

Associate Planner Espinoza stated that the CUP would be reviewed by the Planning Commission. He noted that there is no design issue for Building A; however, Building E, which is where the auto repair occurs, does not meet the development standards. The building has a flat roof and is open on three sides, which does not match the existing building. Another issue is the code states there can be no storage visible from the front of the property and Staff is recommending the applicant relocate the storage building and construct a block wall. The code also requires a 15-foot wide landscape buffer area along the residential properties on the north, which the applicant opposes. He noted that there is currently a chain link fence around the property but the code requires a six-foot block wall. He added that most of the property is paved but the rest needs to be paved also. He stated several light poles were installed without permits which still need to comply with current lighting and height requirements. He explained that the site is no longer under consideration for a Gold Line station; the Council has designated the area between San Dimas Avenue and Walnut Avenue south of the tracks for the station.

Mr. Patel asked about offsite street lights and sidewalks.

In response to Mr. Patel, Planner Espinoza replied that the walkway is 5 ft. wide. He stated the sidewalk should continue along the entire length of the frontage.

Mr. Patel stated there needs to be a street light requirement, and added that the City would like to coordinate with the applicant on the sidewalk construction for when the City extends the sidewalk in conjunction with the widening of the railroad crossing to help reduce costs.

Mr. Coleman expressed concerns that the applicant had submitted letters requesting the waiver of certain code standards, because the Board does not have the authority to waive development standards and should not take action in that regard.

Building Official, Eric Beilstein inquired about parking requirements.

Associate Planner Espinoza stated that per the parking calculations, the applicant is meeting onsite parking requirements and noted there are 68 parking spaces.

Mr. Beilstein asked what Staff's position is on the perimeter fence and materials being used.

Associate Planner Espinoza replied that it would be a minimum of a 6 ft. wall which was required of Henkels and McCoy previously and who stated in a letter to the City that the new owner would be responsible for. He noted that for the rear of the property, a block wall is preferred. He added that the applicant is willing to do the front portion requirements.

Mr. Coleman asked if the additions being built for the car maintenance area require floor drains and industrial waste.

In response to Mr. Coleman, Mr. Beilstein replied that the servicing of vehicles needs to meet industrial waste needs to be looked at separately. He added that the Fire Department has not been responsive for review of site.

Ray Morales Jr., applicant, stated that L.A. Signal bought this space because the use was similar to Henkels and McCoy. He explained that the proposed property improvements cannot be made due to their current budget. He noted that a variance request can be considered and filed. He explained that the car maintenance area was built to create open ventilation and more shade for their employees. He stated that he will put fencing up to hide storage buildings at the front of the property on Eucla Avenue and will raise it up to 10 ft. rather than relocating them. He explained that all these requirements are creating a financial hardship. He stated that they plan on filing a variance and they do have an issue with the City's intent for the site having to relocate in the future.

Mr. Beilstein asked if the storage facilities X, Y & Z power to units and windows are being used to occupy employees/individuals because it appears power is being run to them and they have window a/c units.

Mr. Morales Jr. responded that they do not use the storage facilities for offices.

Mr. Coleman asked what are inside the containers.

Ray Morales Sr., applicant responded electrical parts.

Mr. Patel asked if there is an objection for the 10 ft. wall on Eucla Ave to be a tiered wall.

Mr. Morales Sr. replied that it can be considered but emphasized that the containers are used for storage purposes. He stated that all the required improvements will cost a lot of money. He stated that he will develop the property by adding a sidewalk and street lighting and landscaping at front of the property but noted that a 10 ft. block wall is extreme. He asked why the property issues were not brought to Henkels and McCoy previously but instead is now an issue for L.A. Signal.

Mr. Beilstein stated that the development started when L.A. Signal started to expand buildings, which is different from what Henkels and McCoy had.

Mr. Morales Sr. commented that there was no expansion, just a roof was added to provide shade and noted that they will tear it down if it is a problem.

Mr. Patel pointed out a sewer line on the property on the north side of the property.

Mr. Morales Sr. denied the sewer line belongs to their property.

Charles Cummings, Attorney, felt there was no need for a block wall and landscaping along the railroad tracks as no one can view that area. He stated that under Supreme Court law, the City cannot require a property owner to pay for part of a public improvement for only minor improvements on their parcel. He noted that the paving and block walls is too much to request

and stated that the applicant should remove the additions they made instead of spending \$500,000 on improvements.

Mr. Beilstein stated he thought Mr. Morales had indicated he was willing to construct the sidewalk along Eucla Avenue.

Charles Cummings stated that is correct.

Mr. Sorcinelli asked if L.A. Signal reverts back to the original conditions, will they be required to process a new Conditional Use Permit.

Associate Planner Espinoza stated they would still need to make the improvements that were required of Henkels and McCoy, and that Staff has a letter from Henkels and McCoy stating the new owners would take care of those items.

Mr. Cummings stated that there is nothing that places the Morales' family on notice of any previous requirements. He stated that they got a title report and were unaware of code enforcement actions.

Mr. Coleman stated that it is part of the buyers due diligence to contact the City of San Dimas to investigate a property's violations prior to purchasing.

Mr. Morales Jr. stated that if the City decides to proceed with the Downtown Precise Plan, what would happen in regards to eminent domain.

Associate Planner Espinoza responded that nothing will happen until a development was proposed.

Associate Planner Espinoza stated that no developer have proposed anything at the subject site. L.A. Signal cannot expand their use but they can remain and operate at this time.

Mr. Morales Sr. explained that the improvements are not designed to house people but strictly for shaded areas due to weather. He added that they are not trying to expand.

Mr. Coleman stated he does not support tabling this item as it is an active Code Enforcement case, and that an excessive amount of time has passed already since this case was initiated without resolution, especially since this involves illegal construction.

Mr. Michaelis asked if the buffer wall and landscaping is a building code requirement.

Associate Planner Espinoza responded that the Zoning Code requires because it is against residential properties.

Mr. Michaelis asked if NPDES requires a certain amount of pavement is because of the land use itself and inquired if it could be gravel or dirt.

Mr. Patel replied that dirt can be used, but an impervious surface is required where the auto repair is done.

Mr. Coleman stated in regards to comments that this property was not visible to the public, the aerial on page 7 shows that two hotels have a clear view of this property, as well as future Gold Line trains that will be passing by.

Mr. Badar asked that if L.A. Signal tears down the illegal work constructed, where they would stand with the City.

Associate Planner Espinoza stated that if L.A. Signal removes the illegal structures they still need to comply with the previous improvements required by Henkels and McCoy. He added that they would not be required to go forward with the Conditional Use Permit or Development Application.

Mr. Badar asked what the requirements are for Henkels and McCoy.

Mr. Morales Sr. stated that he does not know what the requirements are.

Mr. Schoonover asked if L.A. Signal has been made aware of Henkels and McCoy's requirements.

Associate Planner Espinoza replied that the City received a letter from Henkels and McCoy indicating that the new owners have been made aware of the violations and they would comply and correct them.

**MOTION:** Moved by Emmett Badar, seconded by Dan Coleman to continue the item for 2 weeks so that Staff can provide the applicants (Morales') the outstanding requirements.

Motion carried unanimously, 7-0.

### **ADJOURNMENT**

There being no further business the meeting was adjourned at 11:50 a.m. to the meeting of March 10, 2011, at 8:30 a.m.