

**DEVELOPMENT PLAN REVIEW BOARD  
MINUTES  
October 11, 2012 at 8:30 A.M.  
245 EAST BONITA AVENUE  
CITY COUNCIL CONFERENCE ROOM, CITY HALL**

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**PRESENT**

*Blaine Michaelis, City Manager*

*Curtis Morris, Mayor*

*Krishna Patel, Director of Public Works*

*Jim Schoonover, Planning Commission*

*John Sorcinelli, Public Member at Large*

*Larry Stevens, Assistant City Manager of Community Development*

**ABSENT**

*Scott Dilley, Chamber of Commerce*

**CALL TO ORDER**

Jim Schoonover called the regular meeting of the Development Plan Review Board to order at 8:31 a.m. so as to conduct regular business in the City Council Conference Room.

**APPROVAL OF MINUTES**

**MOTION:** Krishna Patel moved, seconded by Blaine Michaelis to approve the September 27, 2012 minutes. Motion carried 5-0-1-1 (Dilley absent, Morris abstain).

**DPRB Case No. 11-37**

A request to modify an existing rooftop mounted wireless communication facility by expanding screen walls and to construct additional rooftop mounted wireless communication features at 279 East Arrow Highway.

APN: 8390-018-023

Zone: Creative Growth (CG-3)

Lynda Hernandez, applicant, was present.

Associate Planner Rojas indicated that this is a proposal to alter and add an existing rooftop-mounted wireless communication facility. The proposal includes adding additional height to the parapet walls at the north and west elevations. The proposed alterations and addition to the facility will include raising the existing parapet wall and to construct an enclosure that will not be seen from the nearby streets.

The proposal includes raising the parapet wall to screen the antennas. The parapet heights vary from 32'-7" to 39'-7" and emulate a "step" design. The current proposal matches the current design and does not increase the height of the parapet wall.

On September 14, 2000, the subject site was approved by the DPRB Board to have rooftop mounted wireless communication facilities for Nextel on three corners of the building. The approval included raising the parapet wall to screen the antennas, which altered the original elevations of the building. On May 10, 2001, the site received approval to co-locate other vendors to include Verizon and Cingular. On July 2, 2002, DPRB approved another alteration to the parapet walls to allow AT&T to be located on the roof.

Associate Planner Rojas stated that there are two issues; the parapet wall is supported with brackets anchored on the roof of the building. Staff wants to insure that the parapet walls are constructed in the same fashion as what is currently on-site and added a condition that would address this item. The applicant is proposing that the enclosure be built to screen the new antennas on the southwest corner of the building. The height of the enclosure is not listed on the plans. Staff recommends the enclosure be the same height of the other enclosures and not exceeds 7' and is not visible to the public right-of-way.

Mr. Schoonover inquired about the parapet height.

Associate Planner Rojas responded 39'-7".

Mr. Schoonover asked if the height is limited on Arrow Highway.

Associate Planner Rojas replied that the height is not limited if in the Light Manufacturing Zone. She added the applicant is just matching the previous approval.

Mr. Michaelis asked if the applicant has any concerns with Staff's recommendation.

Lynda Hernandez, applicant, responded no and added she will look into why brackets are being used now and were not used before.

**MOTION:** Moved by Larry Stevens, second by Blaine Michaelis, to approve with standard conditions.

Motion carried 6-0-1-0 (Dilley Absent)

**DPRB Case No. 12-19**

A request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled but remain in the same location. The rest of the site will be completely remodeled and re-landscaped located at 105 East Arrow Highway.

Associated Cases: Municipal Code Text Amendment 10-06 & Conditional Use Permit 12-06 & 12-07

APN: 8390-018-023

Zone: Creative Growth 3 (CG-3)

Steve Eide, architect and applicant of Drafting & Design, was present.  
Hari Alipuria, property owner and application of 105 East Arrow Highway, was present.  
Cris Klingerman, applicant's attorney, was present.

Associate Planner Espinoza provided background information on this project. During the initial discussion with the applicant about the remodel of the existing site, Staff informed the applicant about the Code Development Standards requiring a reverse/turn around station design. The applicant informed Staff they did not conform to the regulation because of a no build 15-foot wide storm drain easement that runs through the property in addition to a self-imposed request is to leave the gas pump canopy and the underground tanks in the same location, which will not allow for the attendant building to be located at the southwest corner of the lot. Due to the existing constraints, the applicant has filed for a Municipal Code Text Amendment application to allow for a standard gas station design. The City has used the reverse/turn around service station design on other projects in the City which has become the preferred design concept. The design is favored because it allows the attendant building to screen the unsightly pump islands and decreases the amount of ingress and egress approaches to the site, thus reduces traffic safety issues.

The applicant is proposing to demo the existing 1,568 sq. ft. attendant/convenience store and build a new one. The new 2,561 sq. ft. building will house the attendant counter, a 1,961 sq. ft. convenience store and a 600 sq. ft. take-out restaurant. The building design will be very similar to the Grove mix-use project. The main portion of the building will have a two-story appearance but is only a one story building with a 8 ft. tall attic space, which will be used to store mechanical equipment and if used for storage, will be accounted into the parking space requirements. This building will be located at the northeast corner of the property.

Associate Planner Espinoza indicated that there is an issue with the canopy. In the Creative Growth Zone, along Arrow Highway there is a 25 ft. front yard setback. Staff has met with the applicant to redesign based on the code requirements. The applicant informed Staff that they have self-imposed conditions and do not wish to relocate the island pumps and underground tanks due to lack of funding. The applicant does wish to move forward with the submitted design and Municipal Code Text Amendment (MCTA) to change the code to allow for a standard gas station design and not a reverse turn/around. Again, this is a design that the City prefers which allows the attendant building to screen the unsightly pumps.

In 2005, the Grove Station project was being processed with several code text amendments that were made to the Creative Growth Zone to allow for aesthetic improvements. The City saw this as an opportunity to look at surrounding properties such as the two service stations which were potential sites that would benefit from improvements. To improve the sites, the City incorporated the possibility to

conditionally allow for a convenience store and/or a restaurant if a major improvement was proposed to the sites. The incentive would allow a convenience store with the sale of beer and wine which has only been given to two gas stations within this zone and nowhere else in the City. Staff feels the City has provided the two gas stations in this zone three economically beneficial uses on site (convenience store, restaurant and off-site sale of beer and wine) as an incentive for the owners to fully develop their properties. The applicant is proposing all three incentive uses; however, is not wishing to comply with current code nor to make the site conforming to current development standards.

Mr. Stevens stated there have been discussions with City Council in regards to design issues and added that they are willing to go forward with the Code Amendment; however, did not indicate the deviation from other Development Standards.

Mr. Sorcinelli asked about parking space requirements.

Associate Planner Espinoza replied that it would require additional parking spaces if they use the attic for storage and added that they are already tight with parking. The architectural features include using S tile for the single-story portion and the tower of the building. Stucco with brick columns will be used 3 ft. wide on the east and north elevations. There is a 4 ft. high wainscot that may need to be reduced to 3 ½ ft. The windows on the 1<sup>st</sup> story will have a precast stone trim around with additional architectural features. There will be new exterior lighting for the walkways.

He stated there are issues and concerns. Staff would like to see the stucco wainscot removed with the preference to use concrete material since it is more durable. Staff is looking to remove the door at the south elevation on the 1<sup>st</sup> story portion, which will help alleviate display spaces on the inside wall plane. Staff is looking for clarification for window and door mullions and added he is looking for a dark brown or bronzed color. He stated that Staff is looking for relief on the cornice of the building and is requesting for 4-5 inches like Grove Station. He requested that the applicant have additional pavers or colored concrete on entry ways which will be dictated to setbacks. He also asked for a site design with lighting fixtures, similar to Grove Station. He emphasized that the larger issue is the pump island. Currently the last drive aisle is within the 25 ft. setback and is considered a nonconforming function which Staff wants in compliance. The applicant is concerned with the cost to move the pump and close off the pump aisles. Staff believes the appearance looks awkward and unbalanced and recommends moving the pump 10 ft. and adjusts the walkway to gain the 10 ft. and make the site in full conformance. This will help alleviate the gas pump island and make it functional. Staff recommends that the item be continued to a date uncertain to allow the applicant time to redesign the building and site to accommodate the southern-most gas pump drive-aisle that is within the required 25-foot landscape setback.

Mr. Stevens stated that there are three driveway entrances: one on San Dimas Avenue and two on Arrow Highway. He asked if the driveways are intended to be asphalt painting or decorative.

Associate Planner Espinoza replied that the driveways are not decorative; however, Staff is looking to address the issue.

Mr. Stevens asked if the canopy is attached to the main building structure.

Associate Planner Espinoza replied currently, yes and stated that there are two pump islands which are an extension from the main building to the main canopy. The applicant will remove the roof of the canopy and rebuild the roof and leave the existing columns and rebuild with hipped roofing with S-tile.

Mr. Patel asked if the applicant confirmed reciprocal access to the north alley.

Associate Planner Espinoza replied that they have not provided that information but are working on it.

Mr. Stevens asked if the applicant correctly uses that access.

Associate Planner Espinoza responded no; however, the approval from the adjacent property owner will be required first for the new access. He added that a section belongs to the City.

Mr. Stevens asked how much of the property belongs to the City.

Associate Planner Espinoza responded 45 ft.

Mr. Stevens stated that Staff needs to know exactly where the public right of way extends out to and whether or not they have easement rights and if they do not, we cannot approve access that is currently shown on the site plan.

Mr. Patel asked how is the gas delivered by vehicle.

Associate Planner Espinoza responded that deliveries will come from Arrow Highway and make a left on San Dimas Avenue to go into the drive aisle and come out of last driveway on Arrow Highway.

Mr. Patel asked if they are using the width of the driveway and requested that the applicant provide a turning template to show the delivery of tanks.

Mr. Sorcinelli asked for a recap on the outcome from City Council in regards to this project and its reverse/turn around design policy.

Mr. Stevens replied that the applicant went through a design process and Staff insisted on the turnaround station design. The applicant then filed a code amendment to eliminate the standards which was heard by City Council. As part of the normal process, to consider the initiation of the Municipal Code Text Amendment (MCTA), the reasoning is due to the impact of the easement and the impact of cost to relocate the underground tanks to accommodate the turnaround station. City Council listened to the applicant and was willing to consider amending the turnaround station portion of the standard; however, they did not amend the Code yet.

Mr. Morris commented on the design of the turnaround and how it would encroach 25 ft. into the setback and force a design that could be a problem. It was not a unanimous vote.

Mr. Stevens stated Staff has not backed away from the turnaround component. The standard only applies to two properties: Valero and this gas station. The incentive with a turnaround is, you can have a convenience store that sells beer and wine, which they already do, which most other gas stations do not have this benefit. He emphasized it is a strong economic advantage.

Associate Planner Espinoza stated the applicant does not want to move the underground tanks.

Mr. Morris pointed out that the easement is still an issue.

Mr. Sorcinelli agreed that the easement is an issue. He commented that if parking forces a design that the applicant does not favor, why Staff can't give less requirements on the amount of parking spaces required.

Mr. Stevens stated that the problem with the building is that the exterior is relatively bland. The applicant's approach is to achieve a better design and move forward versus hanging on to the standard station design.

Associate Planner Espinoza stated that Staff is looking for full conformance of the development standards.

Mr. Schoonover asked if there will be seating for the take out restaurant and if so, will require additional parking spaces.

Associate Planner responded that it is considered a restaurant and those parking standards have been already been applied and meet.

Mr. Patel stated that there are still Standard Urban Stormwater Mitigation (SUSMP) and National Pollutant Discharge Elimination System (NPDES) requirements. He noted the standards are different.

Chris Klingerman, attorney for the applicant, stated that the applicant wants to construct a decent looking gas station that flows with the surrounding area. Since the gas station is located on a slope of the street, the applicant wants to bring the building elevation higher, which is the purpose of the 2<sup>nd</sup> story appearance. The issue with the 25 ft. setback is that all adjoining properties are within the 25 ft. setback and Staff essentially wants to prevent the drive aisle in the setback, thus is recommending landscaping next to the pumps. The applicant wants a design that is functional. He added that they will look into researching the easement to the north of the property.

Mr. Stevens asked what can be done about the trash area location.

Steve Eide, designer, replied they wanted to have it at the back of the property; however, they need permission to obtain that access for that easement.

Mr. Stevens recommended they look for a design to put the pump islands at a different location while respecting the intended setbacks. He recommended looking at a different site design to have eight operating pump locations versus only six. He emphasized that it is important to have setbacks and added the only way to comply with setbacks is to reconfigure the site and pump island.

Mr. Klingerman stated that the applicant has looked at design alternatives; however, relocating the pumps is also an environmental concern which is costly.

Mr. Stevens stated that the applicant could save some cost by not building a 2<sup>nd</sup> story appearance. He asked if other alternate site layouts have been presented.

Mr. Stevens indicated that they have not seen any alternative design layouts.

Mr. Klingerman stated that it is a self-imposed restriction and the issue is cost. He noted that if required to move the pumps, the project would fail. He added that due to all the requirements, the applicant would rather leave the gas station the way it is.

Mr. Stevens asked what the purpose of the attic space is.

Mr. Eide responded that it serves as massing technique and added that since Grove Station is much taller, if the building is dropped down to a single story, it would appear smaller in comparison.

Mr. Stevens stated that no matter how many times it is stated that the attic space will not be used, it will be used illegally at some point in time.

Mr. Sorcinelli recommended the applicant resubmit plans showing the Grove Station background so that the Board can have an actual visual presentation. He inquired about the signage.

Mr. Klingerman stated that the design is very similar to the structures of Grove Station with the elevated area and roof.

Mr. Patel stated that the building is nicely designed; however, the hip roof appears awkward.

Mr. Klingerman stated that by having a flat roof, it becomes inconsistent with the building.

Mr. Michaelis asked how much it would cost to relocate the pump islands.

Mr. Klingerman replied about \$150,000 to just relocate the pumps and the overall project would cost around \$600,000-\$700,000.

Mr. Stevens asked if the applicant would oblige to install landscaping to the pump island if approved.

Mr. Klingerman replied yes; however, does not believe it is the best alternative.

Mr. Michaelis asked if the trash and propane can fit into another spot on the property. He said if trash is moved to the rear of the building, how it would affect the layout of the building.

Mr. Klingerman replied it would impact the easement to get to the trash area.

Mr. Sorcinelli stated that there is a lot of space in the walk area and asked if the parking can be lessened.

Associate Planner Espinoza stated that the applicant can reduce the building size, which was discussed with the property owner which can then enable a lessened parking requirement.

Mr. Sorcinelli asked if the applicant is allowed to put a propane tank on the easement.

Mr. Patel responded that a "tank" is considered a structure.

Mr. Stevens added that it has the same issues which will take a dedicated parking space.

Mr. Sorcinelli recommended looking at the propane facilities and not having them located in front of the building because it is unsightly.

Associate Planner Espinoza stated that screening the tanks can be an added requirement.

Mr. Sorcinelli recommended taking out the exit to the east and put a screen in front of the propane facility.

Mr. Stevens stated that it will become difficult to do with South Coast Air Quality Management approval (AQMD).

Mr. Sorcinelli stated that he would rather see a parking space removed in order to create a screen.

Mr. Stevens stated that the applicant may not have the ability to reduce parking unless the square footage of the building is reduced.

Mr. Sorcinelli stated that since City Council considered code amendments for the reverse/turn around requirements, why one can't be done to obtain a lessened parking requirement. Having 17 spaces at this location seems like a lot.

Mr. Stevens stated that eight parking spaces alone are required for a restaurant.

Mr. Sorcinelli stated that there has to be room to give on another issue to lessen the parking requirements.

Mr. Stevens inquired again on the intention of the attic space.

Mr. Eide responded that it was done for massing purposes and it can be lowered from 8 ft. to 6 ft.

Mr. Stevens stated that the ceiling can be dropped in the attic area.

Associate Planner Espinoza stated that a 5 ft. reduction is acceptable.

Mr. Stevens commented that whatever the dimensions are, under the Building code the attic space is still unusable space.

Mr. Schoonover asked where Staff stands with the recommendation of this project.

Mr. Stevens replied Staff recommends continuing until the pump island and landscape setbacks are addressed.

Mr. Michaelis asked the applicant if it is difficult to go against the setback requirements. He noted that if it is a design that does not meet the requirements, the applicant should pursue a different design to meet the setback requirements.

Mr. Klingerman stated that the applicant will agree and do the landscaping up to the pumps and the other issues will be worked out with Staff.

Mr. Michaelis asked if the applicant will give up a drive aisle.

Mr. Klingerman responded that it would require all the pumps to be relocated.

Mr. Michaelis asked if one drive aisle cost less than relocating the pumps.

Mr. Stevens responded that the revenue needs to be reevaluated and the options need to be compared.

Mr. Klingerman stated that not much money would have been made on that unused gas lane.

Mr. Morris stated that he wants the applicant to maximize the use of the location. He posed the thought to reduce to two gas lanes and maybe build a larger convenience store.

Mr. Klingerman considered and will move forward with the current design.

Mr. Michaelis asked if the columns remain in the same place and will have an overhang canopy.

Mr. Klingerman responded that the two columns are freestanding and added that the canopy covers the northerly tanks and not the drive aisle.

Mr. Patel asked what will happen to the existing pump on the south side.

Mr. Klingerman responded that it will remain at the location but will not be used. He added that the pumps will be changed out in the future, and emphasized the handles will be changed out.

Mr. Stevens asked how long it has been since the pumps have been changed out.

Mr. Klingerman responded they are changed out periodically.

Associate Planner Espinoza commented that the full 25 ft. should be landscaped if not used as a driveway approach.

Mr. Michaelis inquired about the decorative pavement for the entrances and asked if it still needs to be worked out.

Associate Planner Espinoza commented that if the project moves forward, verification of access rights needs to be made, prior to Planning Commission which is where the redesign can be dictated.

**MOTION:** Moved by Larry Stevens, second by Krishna Patel to continue to a date uncertain and return to DPRB with a redesign to include: the relocation of the trash enclosure, verification of easement access to the North, additional minor modifications relative to building, evaluate better locations for the propane facility, submit a turning radius template for truck deliveries and address lowering the attic height.

Mr. Sorcinelli interjected and requested that the comments be included in the motion in regards to compromising the parking spaces and making the requirement less.

Mr. Stevens commented that there is no authority that can be given to reduce the parking requirement it is in the Code.

Mr. Schoonover asked if the applicant can limit the size of the building in order to obtain more parking spaces.

Mr. Stevens replied that it is up to the applicant to play with the design.

Mr. Michaelis asked how the applicant feels about the motion presented.

Mr. Eide responded that the biggest issue is the pump station and emphasized it is costly to relocate the pumps but it all can be worked and adjusted.

Mr. Patel added that the dedication on the sidewalks for access on Arrow Hwy and ADA pathways need to be addressed as well.

Mr. Sorcinelli motioned to amend the motion to include that the applicant submits a detailed sign plan with elevations that are drawn to scale to include the adjacent Grove Station.

**MOTION:** Moved by Larry Stevens, second by Krishna Patel to accept the amendment to the original motion to include that the applicant submit a detailed sign plan with elevations that are drawn to scale to include the adjacent Grove Station.

Motion carried 6-0-1-0 (Dilley absent)

**DPRB Case No. 12-23D**

To consider a request for a “boxcar” playhouse/storage building located at 525 N Amelia Ave in Single-Family (AF-7500) Zone.

APN: 8386-004-045

Zone: Single-Family (SF-7500)

Dennis and Ginny Phillips, applicants, were present.

Assistant City Manager Larry Stevens stated that this application has been filed to address a code enforcement action. On August 10, 2012 the applicant was found guilty of six counts, two counts each of the following misdemeanor:

1. Maintaining an unpermitted structure [in violation of Section 105.1 of the San Dimas Building Code];
2. Moving a building or structure [or maintaining a building or structure that was moved] onto real property without prior planning review and approval [in violation of Section 18.12.030(A) of the San Dimas Municipal Code];
3. Failing to maintain a required twenty (20) ft. front yard setback [in violation of Section 18.24.040(E)(1) of the San Dimas Municipal Code].

The sentence was suspended and the applicant was allowed to either remove or legalize the subject boxcar as a lawful accessory building (with all required approvals, permits and inspections) by November 13, 2012. The court did not find the boxcar constituted an unpermitted use. Judge Dominguez made it clear that the boxcar is subject to all applicable zoning and building laws.

Mr. Stevens indicated that the “boxcar” structure is an accessory structure visible from the public right of way which subjects the application to a Director’s Review. Staff has determined that the “boxcar” structure located in front of the house and visible to the street, is incompatible with the neighboring properties, since the structure is not, in terms of materials, appearance and design, compatible with other structures commonly constructed in single family residential zones. Staff has referred this application to the DPRB. The applicant proposes moving the “boxcar” structure 12 feet in a westerly direction from its current location so it is no longer in the required front yard setback. No other changes are proposed. In reviewing the boxcar’s intent, it serves as a playhouse/storage building and has a long narrow design (8’ x 40’), flat roof and haphazard foundation.

The City policy prohibits cargo containers on residential properties except for temporary storage during construction. Other than having a wood exterior, this “boxcar” is similar to a cargo container. Section 18.12.060 sets forth standards of review which the “boxcar” structure cannot satisfy:

1. Not compatible with the character and quality of the surrounding area
2. Not visually harmonious with surrounding sites, buildings and structures
3. Roofline not compatible with buildings on site or on surrounding property

4. As an accessory structure, not using building materials harmonious with structures on the subject property

Staff recommends denial and be continued until October 25, 2012 for conditions if approved or findings if denied. He added that two emails have been distributed from nearby residents that object to having the boxcar on the property.

Mr. Schoonover asked if the installation of windows makes it a boxcar or a cargo container, does it change the focus of the structure.

Mr. Stevens responded that it does not change what it is, a boxcar.

Ginny Phillips, applicant, stated that the boxcar does not have a flat roof but instead a domed roof and is not made out of metal like a cargo container. She indicated that the boxcar is an authentic WWII boxcar and has been on the property for 10 years prior to the City getting involved. She added that the boxcar does not have haphazard foundation and is currently sitting on the curb.

Dennis Phillips, applicant, stated that the boxcar is a self-contained unit that sits on massive steel rails. The bottom of the structure is completely steel framed and designed to be lifted and does not need any additional foundation.

Mrs. Phillips stated that they can add more shrubs to conceal the boxcar if Staff would like. She pointed out that the neighbors who have complained, have unsightly properties themselves and are not examples to follow. She noted that the only way to see the boxcar on the property is if you physically stop and peek through the fence and added it cannot be seen if just driving by. Code Section 18.12.060 was mailed to the house several times and was read and reviewed repeatedly; however, the Code can be interpreted that it is unlawful to use street cars and boxcars as a place of residency or business in the City but it does not indicate it cannot be on a property. She emphasized that there is no one living in the boxcar, no electrical or plumbing; however, now it is identified as a cargo container. She stated that the boxcar serves as a playhouse for their kids. She pointed out that the boxcar does not match their home but neither does other storage sheds and pool houses in the surrounding neighborhood.

Mrs. Phillips indicated that in her opinion, the boxcar is located at the side yard of their property and understood they have a 12 ft. setback. She stated they can move the boxcar 20 ft. from the front yard setback, which is a generous move. She expressed her concern for the discussion of compatibility of the boxcar, when there is a pool house across the street, which could have been approved by the DPRB as a Director's Review and is unsightly and does not match the main structure on the property. Mr. Phillips stated that many residences nearby have accessory structures that are not "compatible" with their home. He questioned how Staff could deny a playhouse/boxcar because it does not match existing structures.

Mrs. Phillips stated there is two acres with about 150 trees and commented what better location to have a boxcar that can be screened. The house was built between 1929 and 1931 and the boxcar is only being used for a playhouse, it works well on the property. She stated that they could plant additional trees to hide the boxcar. She reiterated that the boxcar is not being used for habitation. She pointed out that the City permits 35% lot coverage and added they are only using 9% of their usable lot coverage.

Mr. Phillips stated that code enforcement cited the boxcar as an unpermitted use and no permit can be obtained and needs to be removed. There is no reason to not have the boxcar on the property when it

can be setback. He stated that when summoned to court, they were convicted of things that they could not comply with but no options were provided from Staff. He stated that the boxcar is similar to storage sheds bought from Home Depot.

Mr. Schoonover asked if the boxcar has a domed roof.

Mr. Phillips replied that the roof is plywood with wood bows that support the dome and composition is being used to make it more decorative.

Mr. Michaelis stated that the boxcar is an accessory structure and there are provisions that need Board and City approval. The design standards of the Board require that they be reviewed to make sure it is consistent with residential structures. He reemphasized that the boxcar is an accessory structure to the main structure of the home. He noted that if it is an accessory structure, it needs to look similar or be complimentary to the Single-Family residence and added this is something typically found in residential areas.

Mrs. Phillips explained that the pool house discussed earlier is not complimentary to the home on that lot.

Mr. Michaelis stated that the Board is bound to review to see if proposals meet certain criteria. If there are no proposal changes submitted today, then it still looks like a boxcar and is not complimentary to the main building, thus it is an accessory structure. DPRB is bound to use these standards to meet consistency.

Mr. Phillips asked how the boxcar Code is applied in San Dimas.

Mr. Stevens responded that the Code section referenced is under the Building Code and not the Zoning Code and only lists it among other structures that may not be inhabited. It does not, by its mere listing, mean it must be permitted.

Mr. Michaelis reemphasized that by definition, the boxcar is an accessory structure.

Mr. Phillips stated that there is no way a 300 sq. ft. playhouse for kids could ever be built as anything but a playhouse because it needs to match its surrounding structures. He asked if someone wants to build a playhouse on the property, would then it require a building permit.

Mr. Michaelis responded that it depends on the requirements of the Code section to make that decision.

Mr. Stevens responded that standards are applied when relating to a design. It is not possible to respond to speculation but instead examples need to be submitted for review. It is uncertain if it will be approved for sure, it needs to go through a process and plans need to be submitted. He pointed out that in court, the judge made it clear that the applicants are subject to building laws and zoning requirements, including design requirements. The City still has the ability to apply reason and judgment to the proposal.

Mr. Patel reminded the Board of an accessory structure that was approved in the past, a portable classroom. He noted it went through DPRB and the accessory structure matched the home. The applicant followed the guidelines and in the end, it turned out aesthetically appealing.

Mr. Michaelis stated that this item could eventually be approved by the City if it meets the requirements and if the applicant is willing to work with Staff, which is the path to get to compliance.

Mr. Morris expressed concern that, if the appearance of the boxcar is made compatible, can it still sit on the ground.

Eric Beilstein, Building Official, responded no. He stated that a design needs to be reviewed to see if the foundation can resist movement because it cannot just sit on the ground and added it may require jacks and seismic restraints.

Mr. Stevens stated that if there were utilities in the boxcar, then a permit to comply would be required.

Mr. Michaelis stated that today the Board can deny the item or continue so that the applicant can work and meet with Staff to go through the required criteria.

Mr. Stevens stated that there are three options: 1) Deny because the Board believes it is not compatible as proposed and state the findings, 2) The Board can consider the modifications, such as reviewing the location and treatment of the exterior; or, 3) The Board can say it is compatible and approve as is. He stated for the record, he will abstain from the vote since he is the case planner.

Mr. Morris asked if the Board denies the item, how soon could the applicant reapply.

Mr. Stevens replied that under the DPRB ordinance, the applicant cannot reapply within a year, unless in the motion, the filing period is waived. He added that there is also an \$83 fee for Director's Review. He added that if there is a willingness to continue the item versus deny, the applicants need to be willing to work with Staff.

Mrs. Phillips stated that they are willing to work with Staff; however, would like options to be given such as what color to use, etc. She added that the shape of the boxcar cannot be changed, it is what it is. She restated that they are willing to modify the boxcar but need to understand what is needed.

Mr. Michaelis stated that the applicant needs to submit a plan to Staff so that they can provide feedback and then it can be heard before DPRB for review.

Mr. Morris stated that the DPRB is a review body and not an advisory body that dictates how to design things. The Board comments on what can be changed and provides recommendations for projects.

Mr. Stevens stated that Staff recommends an evaluation of the appropriate location on the property, which is the primary concern, and that the applicants provide a location that is less visible but still serves the intended purpose. Second, look at the existing exterior and determine if it should be left as is or have an enhancement improvement. Third, understand what type of foundation system to consider appropriate which may require perimeter skirting relative to screening. There may be an issue of ingress/egress if steps are required to enter the boxcar. The intent is to not make the boxcar something it is not. Storage structures are acceptable; however, those have separate requirements.

**MOTION:** Moved by Blaine Michaelis, second by Krishna Patel to continue the item so that the applicant can work with Staff to reach a proposal to submit for DPRB review and consideration.

Motion carried 5-0-1-1 (Dilley absent, Stevens abstain)

**ADJOURNMENT**

There being no further business the meeting was adjourned at 11:02 a.m. to the meeting of October 25, 2012 at 8:30 a.m.

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Jim Schoonover, Chairman  
San Dimas Development Plan Review Board

ATTEST:

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Jessica Mejia  
Development Plan Review Board  
Departmental Assistant

Approved:     December 13, 2012