

August 17, 2026

Department of Planning & Community Preservation

City of Sierra Madre

232 W. Sierra Madre Blvd.

Sierra Madre, CA 91024

**RE: Objection to Proposed Development Impact Fees /
Pooled Offsite Public Improvement Fees on Existing Dwelling
Units Under SB 9 Urban Lot Split**

To the Department of Planning:

This letter is formally submitted to object to any determination or requirement by the City of Sierra Madre to assess Development Impact Fees (DIFs), parkland in-lieu fees (Quimby Fees), or pooled offsite public improvement fees against an **existing, legally established dwelling unit** undergoing an Urban Lot Split pursuant to Senate Bill 9 (Government Code § 65852.21 and § 66411.7). Imposing development impact fees on an existing home that generates **no new infrastructure impacts** violates the California Mitigation Fee Act, the explicit text of SB 9, and established constitutional property doctrines reinforced by the U.S. Supreme Court.

1. The Mitigation Fee Act Applies Solely to "New" Impacts, Not Existing Uses

Under the California Mitigation Fee Act (Gov. Code § 66000 et seq.), a local agency may only impose a fee as a condition of approval for a "development project" to mitigate the burdens **created by that new development**. An existing legally established dwelling unit has already been subjected to all applicable fees at the time of its original construction and under the Vested Rights Doctrine, **possesses a vested right** to its current infrastructure utilization. Because an existing house creates **zero additional demand** on Sierra Madre's water, sewer,

parks, roads, or emergency services, assessing new impact fees on it constitutes an unauthorized tax in direct violation of the Act.

2. The Statutory Text of SB 9 Limits Local Exactions

Government Code § 66411.7 strictly governs SB 9 urban lot splits. The statute provides that local agencies may only impose objective zoning, subdivision, and design standards that do not physically preclude the construction of two units. More importantly, the **California Department of Housing and Community Development (HCD)** has repeatedly affirmed that a lot split itself is a ministerial, map-drawing action. The statutory framework of SB 9 limits the city's fee authority to standard administrative processing, map-checking, and recording costs—**not capital infrastructure fees.**

3. Prohibition of Pooled Fees for Offsite Improvements

SB 9 explicitly restricts local agencies from requiring a project to dedicate land or construct offsite improvements unless they are directly necessary to provide utility connections or safety access to the specific parcels. Cities are legally prohibited from collecting "pooled" capital improvement fees or requiring standard right-of-way dedications as a condition of an SB 9 lot split.

4. The HCD Precedent: The Menlo Park Warning on Quimby Fees/ Pooled Fees

The City's proposed position is further invalidated by recent, direct enforcement actions by state regulators. When the City of Menlo Park attempted to levy a \$127,400 parkland in-lieu fee (Quimby Act) on a homeowner executing an SB 9 lot split, **HCD issued a formal warning and scrutiny action against the city.** HCD made it clear that because SB 9 prohibits discretionary review and offsite capital exactions, charging massive infrastructure or park fees for the mere act of splitting a parcel

violates state housing law. Menlo Park's subsequent legal challenges under *Voskerician v. City of Menlo Park* demonstrate that California courts will not tolerate local evasion of SB 9 through predatory fee structures.

5. Constitutional Violations: *Nollan/Dolan* and *Sheetz v. El Dorado County*

Even if local ordinances purported to allow these fees, doing so violates the Fifth Amendment of the U.S. Constitution under the unconstitutional conditions doctrine:

- **The Essential Nexus & Rough Proportionality Doctrines:** Established under *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*, the government cannot condition a land-use permit on a fee unless there is an "**essential nexus**" between the project's real-world impact and the fee, and the fee is "**roughly proportional**" to that impact. An existing house has a net impact of zero; therefore, any fee lacks both nexus and proportionality.
- **The *Sheetz v. El Dorado County* Precedent:** In *Sheetz v. County of El Dorado* (601 U.S. 267), the U.S. Supreme Court explicitly eliminated the "legislative exception" for impact fees. The Supreme Court ruled that legislatively mandated, schedule-based impact fees are subject to the strict, individualized *Nollan/Dolan* constitutional scrutiny. Sierra Madre cannot hide behind a pre-existing municipal fee schedule to automatically penalize an existing structure; the City must prove an individualized, increased impact, which is legally impossible for a house that already exists.

Conclusion

By imposing Development Impact Fees or Pooled Offsite Fees on an existing dwelling unit, *ex post facto*, the City is clearly acting *ultra vires* (beyond its legal authority) under both state statutory law and federal constitutional law.

Thank you for your consideration of my concerns and I will await a response.

Glenn E. Lambdin

PLANNING COMMISSION MEETING – AUGUST 20, 2026, 5:30 PM
PUBLIC COMMENT FOR ITEM NOT ON THE AGENDA

My name is Leesa Puleo and I live at 672 W. Highland.

On August 13th the film location coordinator for Alverno offered me \$500 for my signature approving the overnight filming scheduled for August 17th thru 19th from 12pm to 6am; they would be filming in the middle of the night. He told me he would get fired and lose his home if the shoot didn't happen. I told him my peace and quiet couldn't be bought and I refused to sign. He and his partner then proceeded to drive up and down W. Highland, Wilson, and W. Grand View for several hours attempting to get signatures from neighbors walking their dogs. I heard one of the men offer cash for signatures while he was parked in front of my home. I took photos of the transactions (see picture). I knew then that this filming was probably going to be trouble for me. I sent an email to the City Planner on August 13th regarding this situation, and several other challenges I've been having with Alverno, and I haven't received a response.

On August 17th I arrived at my home at 9:00pm and observed filming on the Alverno campus with several people talking loudly, generators humming, brightly colored lights lighting up the exterior of the Villa, and a 120 ft. boom lighting up the area outside of my home like it was daytime (see picture). Several white trucks with "GSC Catering" labeled on the side (see picture), drove up and down W. Highland throughout the night and early morning. At midnight on August 18th a white SUV parked vertically in front of my home, blocking traffic for several minutes, while talking to someone on a walkie talkie. The filming, noise, and lighting were still going on at 3:30am (see picture).

The filming schedule is not on any calendar either on the city website or on the school's website. I found the film permit application on line last night at 9:00pm but it was not signed. There were also no signature pages available, so I couldn't verify if the appropriate number of signatures were secured. So, at 9:15pm I called the police. I called them again at 9:46pm to find out what happened and the dispatch officer said they had just arrived and were determining if there was a permit. I called again at 10:00pm and the dispatch officer said the film crew said they had a permit. I asked how I might find a copy of said permit and the officer told me to check with the city in the morning.

This filming is ONLY visible from my home and none of my neighbors are able to see the boom or lighting (see pictures). Keep in mind that the home at 678 W. Highland was purchased in June but is vacant until construction is completed. My neighbor at 684 W. Highland is out of town, 690 W. Highland is vacant, and 700 W. Highland is currently for sale. The location manager could not have gotten signatures from anyone directly affected by the filming because they aren't home.

I DID NOT APPROVE OF THIS FILMING AND NEITHER DID ANY OF THE NEIGHBORS DIRECTLY AFFECTED BY IT BECAUSE THEY AREN'T HOME OR HAVE MOVED.

Additionally, I continue to have significant challenges with Alverno's rental event noise and unattended minors and other adults playing on the soccer field and sports courts after school hours, outside of scheduled events, during weddings, and when the campus is closed. I witnessed unattended minors playing basketball on the sports court after 7:00pm during a wedding rental; the police monitor told them it was allowed. Concurrent sporting events occur on a regular basis; Sierra Madre and La Salle High School softball teams use the field while the sports courts are being used for intermural sports. Parents are parking on W. Highland during game days, leaving no parking available to residents. Parents have moved my trash cans from the curb onto my parkway on my trash day so they can park. On 2 occasions my recycling bin was not picked up because it was moved onto my property. On one occasion a parent pushed my trash cans out of the way with their car bumper and left them in my driveway. Another parent backed up over my Rubbermaid trashcan while I was mowing the lawn (see picture). A mother

changed her baby in the back of her SUV and left the child's diaper on the curb (see picture). People often double park (see pictures) and one parent got a ticket (see picture).

Over the last 12 months I have made 21 calls to SMPD, 3 calls to Alverno security (Securitas), and sent 14 emails to Alverno staff (see below). Police calls made during weddings do not appear under "SMPD CALLS FOR SERVICE" on the City's website. There is no parking available on W. Highland for residents during games occurring on the sports courts because visitors park on the street so they can leave the area quicker (see pictures). Parking is unavailable to residents on W. Highland, including my mother who has a handicapped placard, from 3:30pm to 5:30pm on ALL game days, which averages 1 to 2 days per week. Alverno staff says parents are encouraged to park on campus, but they park on W. Highland instead, and the school has no control over their behavior. The sport courts were completed in October of 2025, and there have been NO SEMI ANNUAL NEIGHBOR MEETINGS since September of 2025, so I have been unable to voice these concerns.

Thank you,
Leesa Puleo

Film location coordinator gathering signatures in front of my home on August 13th at 7:35pm.



Boom visible from the front of my home at 9:01pm on August 17th.



View from my front yard at 10:58pm on August 17th.



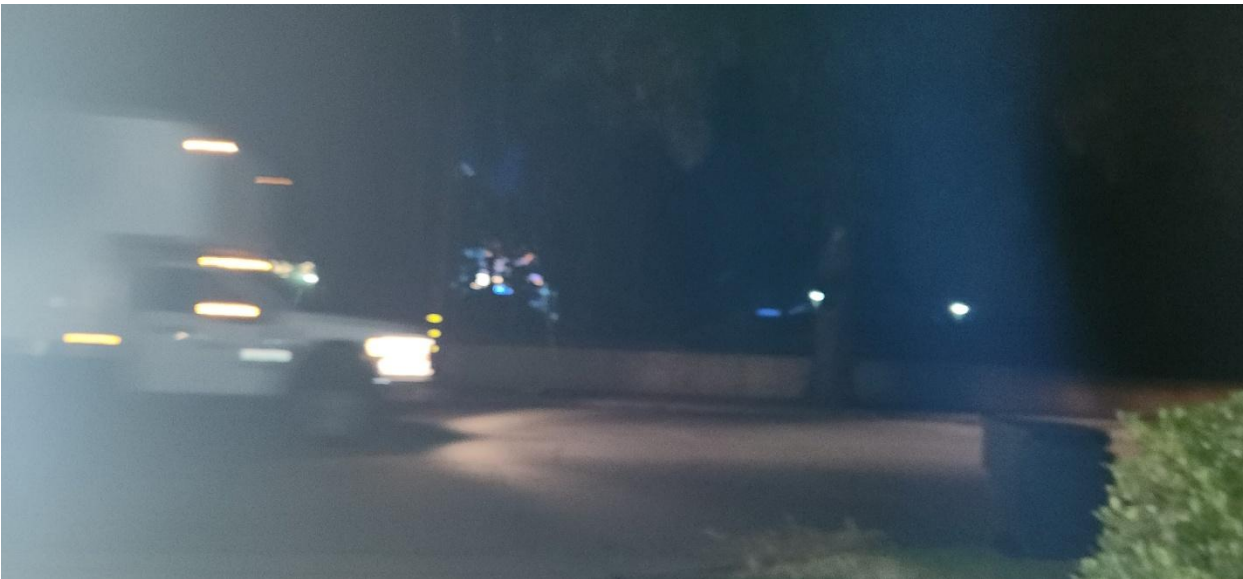
View from my porch at 11:00pm on August 17th.



View from my front driveway at 3:30am on August 18th.



Catering truck in front of my home at 12:15am on August 18th.



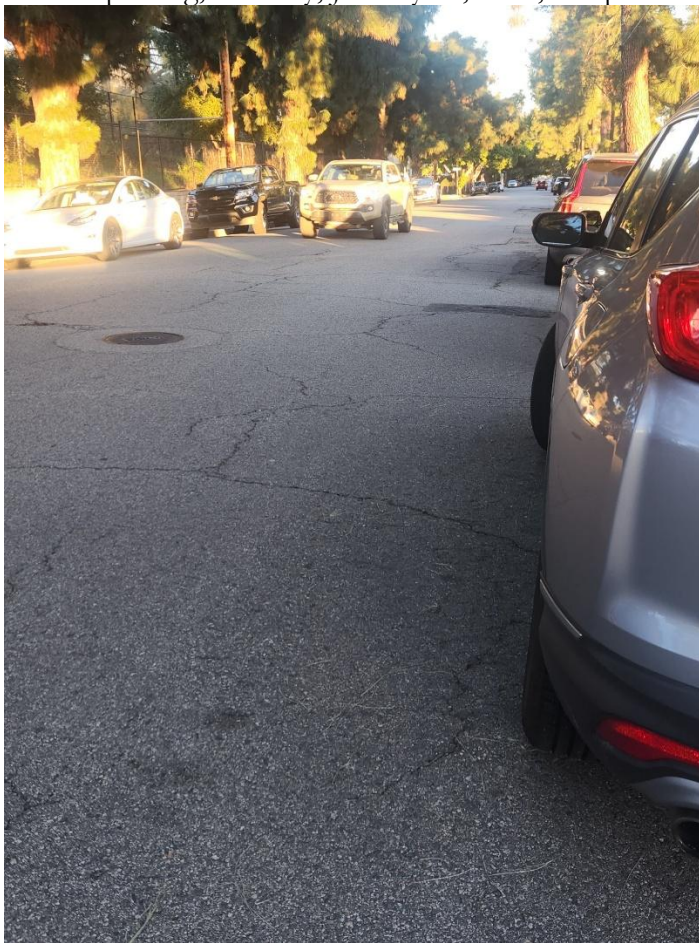
Daily parking situation from 3:30pm to 5:30pm on ALL Alverno sport court game days, averaging 1-2 days per week. Andrea Bertolini, Alverno staff, says she asks people to park on campus but they don't comply.



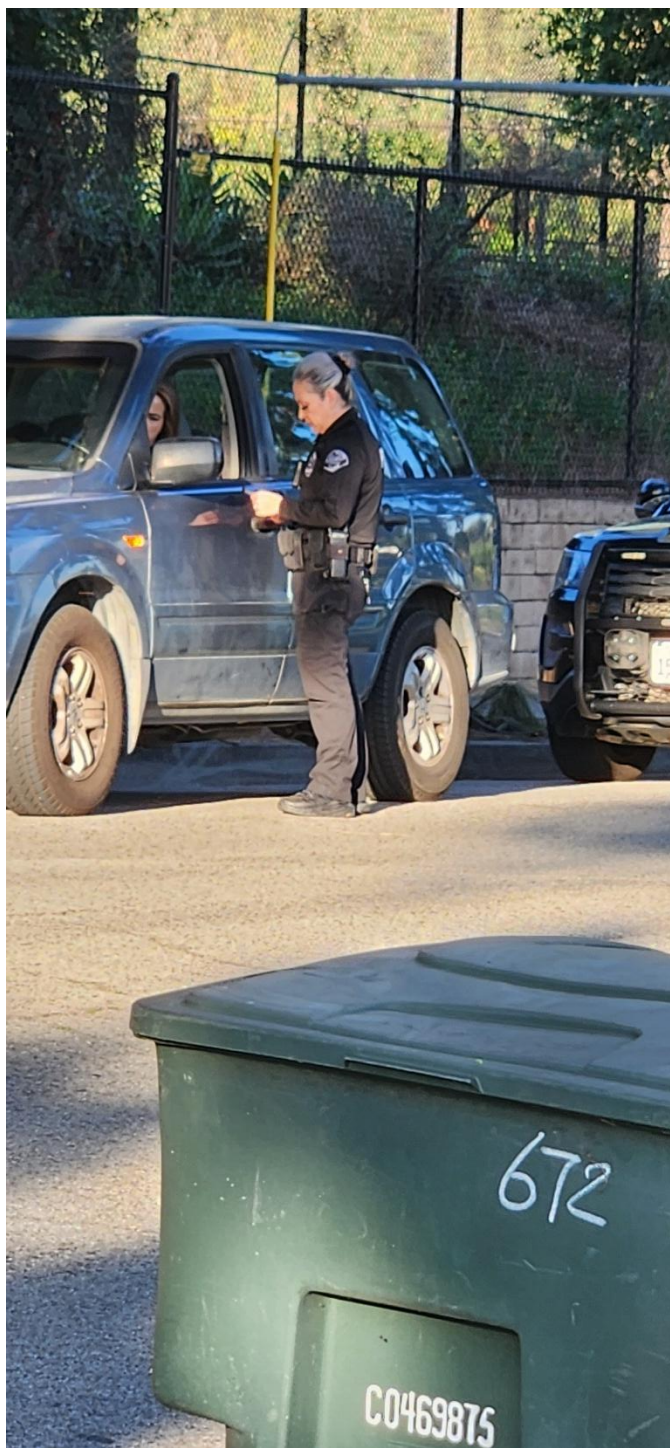
Two people double parking, Wednesday, November 12, 2025, 4:21pm



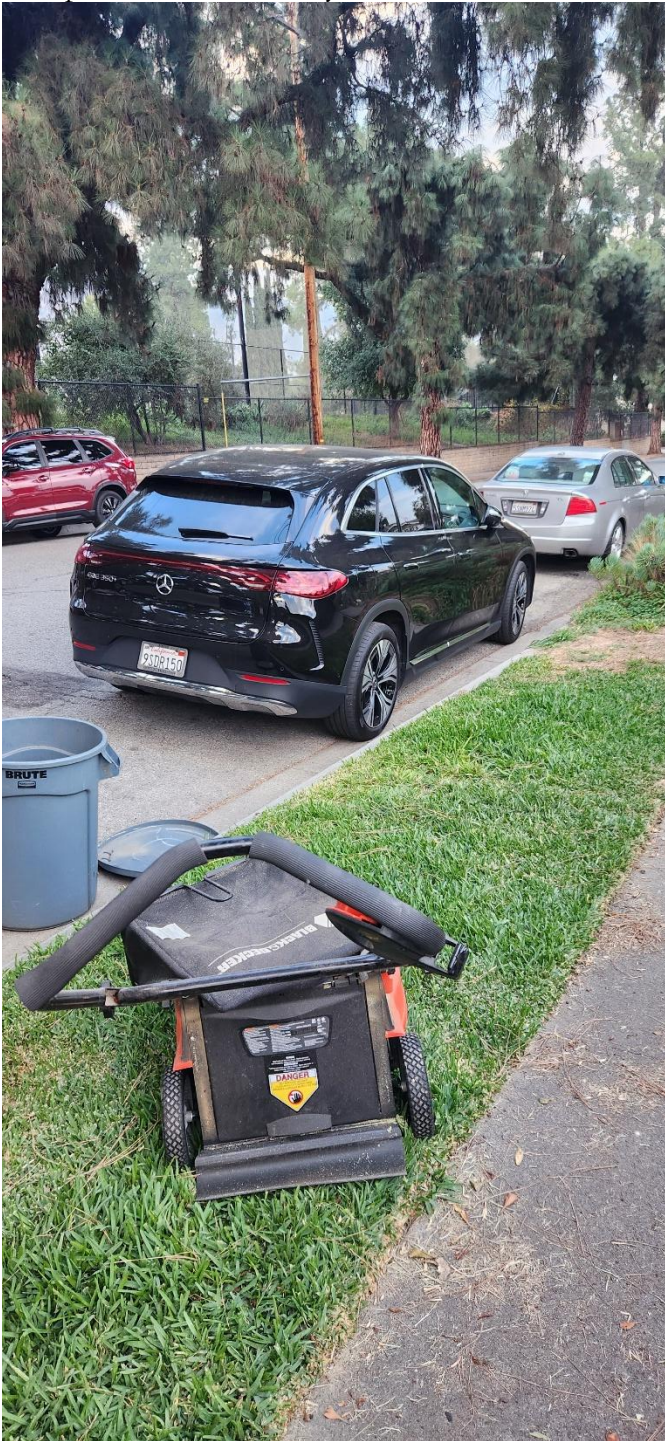
Double parking, Tuesday, January 13, 2026, 4:39pm



Parent receiving ticket, Tuesday, March 3, 2026, 4:42pm.



This person drove over my trashcan while I was mowing the lawn, Wednesday, November 12, 2025, 4:20pm.



Woman changing baby diaper and left it on the curb, Wednesday, November 12, 2025, 4:41pm.



ALVERNO COMPLAINTS MADE OVER THE LAST 12 MONTHS

Calls to SMPD

Aug 17, Tues., 9:15pm, 9:46pm, 10pm, filming, no signed permit on line or signature pages

Aug 13, Thurs., 7:26pm, 7:56pm, unattended minor playing soccer on field, boy told police the school said he could be there but school was closed. I have photo of the closed gate on Wilson and the police said the Wilson gate was open

July 17, Fri., 7:42pm wedding, excessive noise

July 9, Thurs., 7:48pm trespassers on soccer field, school closed

June 16, Tues., 7:59pm trespassers on soccer field, school closed

May 30, Sat., 7:17pm wedding, excessive noise, unattended teens screaming on sport court and playing basketball. According to event notes on line, Securitas told them they were allowed to be there.

May 17, Sun., 5:59pm family of four screaming on sport court, campus closed.

April 25, Sat., 5:25pm wedding, excessive noise, EVENT NOT ON CALENDAR OR MONITOR REPORT.

April 14, Tues., 6:24pm, trespassers on sport court, school closed

March 7, Sat., 9:09pm excessive noise on campus, EVENT NOT ON CALENDAR OR MONITOR REPORT.

February 28, Sat., 6:35pm, 7:59pm, wedding, excessive noise, called police before leaving my home, according to monitor report the police came to my door at 8:00pm after I had left

Nov 22, Sat. 7:00pm wedding, excessive noise

Oct 25, Sat., 7:17pm, wedding, excessive noise

Oct 18, Sat., 9:14pm, 7:13pm, excessive noise, event not listed on neighbor calendar

Aug 27, Wed., 9:35pm, excessive noise, event not listed on neighbor calendar.

Calls to Securitas, Alverno security:

May 30, Sat., 7:16, 6:43, wedding and people playing basketball on sport court, NO ANSWER, went straight to voicemail, then called police.

Oct 18, Sat., 9:52pm, excessive noise, event not listed on neighbor calendar.

Emails to Andrea:

Aug 13, 7:08pm, unattended minor on field, school closed

July 9, 7:18pm, people on soccer field unattended, school closed

June 26, 7:08pm, people on soccer field unattended, school closed

June 11, 7:23pm, people on soccer field unattended, school closed

May 5, Tues., 3:49pm and 5:45pm family of 4 on sport court, school closed

April 14, Tues., 6:10pm, minor on sport court, school closed

March 18, Wed., 10:48pm, Highland gate open, man shouting on campus, heard from my house
Jan 25, Sun., 5:27pm 2 unattended youth on soccer field, school closed
Dec 23, Tues., 3:10pm 3 unattended male youth on soccer field, school closed
Dec 21, Sun., 4:22pm 3 individuals on soccer field, school closed
Nov 27, Thurs., THANKSGIVING, 11:35am, individuals playing softball on field, event not listed on neighbor calendar
Oct 4, Sat., 4:30pm, unattended individuals on sport court, no event on neighbor calendar
Oct 6, Mon., NO PARKING AVAILABLE DURING SPORT COURT EVENT, Andrea says there is parking on campus and the visiting teams' parents are instructed to park on campus but they don't comply

EXHIBIT 1 – L. Puleo

Jason Wisch is the location manager of the film project at Alverno and the gentleman that offered to pay me \$500 for my signature (easily identifiable by his white beard). This is the Facebook post he made Wednesday morning at 9:30am. He indicated the hours that the Alverno filming took place and that “the location was beautiful, but one of the toughest I’ve ever had. Neighbors don’t like us”. Not that this is absolute proof that he attempted to pay people off, but definitely shows that it could have been a struggle for him to get the neighbors’ support on the filming at Alverno.

