

MINUTES of the Planning Commission Meeting of the City of Redlands held Tuesday, May 27, 2003, at 2:00 p.m. are as follows:

PRESENT: George Webber, Chair
James Macdonald, Vice-Chairman
Caroline Laymon, Commissioner
Gary Miller, Commissioner
Thomas Osborne, Commissioner

ABSENT: Ruth Cook, Commissioner
Paul Thompson, Commissioner

ADVISORY STAFF

PRESENT: Jeffrey L. Shaw, Director
John Jaquess, City Planner
Richard Malacoff, Associate Planner
Manuel Baeza, Associate Planner
Leslie E. Murad II, Assistant City Attorney

I. CALL TO ORDER AND PUBLIC COMMENT PERIOD

Chairman Webber called the meeting to order at 2:00 p.m. All commissioners were present except Commissioners Cook and Thompson.

II. CONSENT ITEMS - NONE

III. OLD BUSINESS

- A. **CONDITIONAL USE PERMIT NO. 797** - Public Hearing for the Planning Commission to consider a Mitigated Negative Declaration and a Conditional Use Permit to construct a religious institution consisting of a 20,300 square foot worship center and a 13,278 square foot sanctuary on 4.62 acres located on the southwest corner of Lugonia Avenue and Texas Street in the R-1, Single Family Residential District. Request Submitted by the Second Baptist Church of Redlands.

Mr. John Jaquess stated the applicant submitted a letter requesting a continuance to June 10th to allow sufficient time to address comments raised by the Planning Commission at the previous meeting.

Chairman Webber opened the public hearing. Seeing no comments forthcoming, Chairman Webber closed the public hearing.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Laymon, and carried on a 5-0 vote to continue Conditional Use Permit No. 797 to June 10th.

- B. **CONDITIONAL USE PERMIT NO. 789** - Public Hearing for the Planning Commission to consider a Mitigated Negative Declaration and a Conditional Use Permit to install a cellular tower (monopine) with an overall height of eighty (80) feet, for a wireless telecommunication facility with a lease area of 372 square feet to be co-located with an existing Sprint PCS facility located on Cornell Avenue northeast of the University of Redlands Ted Runner Stadium in the E, Educational District. Request submitted by CINGULAR WIRELESS.

Mr. Jaquess stated the applicant is working with Sprint relative to co-location of the cell tower and is therefore,

requesting continuing the proposed project.

Chairman Webber opened the public hearing. Seeing no comments forthcoming, Chairman Webber closed the public hearing.

MOTION

It was moved by Commissioner Laymon, seconded by Commissioner Miller, and carried on a 5-0 vote to continue Conditional Use Permit No. 789 to June 10th.

IV. NEW BUSINESS

- A. **VARIANCE NO. 655** - PUBLIC HEARING for Planning Commission consideration of a Variance from Section 18.168 of the Redlands Municipal Code to waive the requirement for the landscaping of the parking area for a previously approved three story building within an existing office complex on a 9.3 acre parcel located at 371 New York Street in the M-2, General Industrial District and M-P, Planned Industrial District. Request submitted by ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI).

Mr. Jaquess stated the City Attorney reviewed the proposed project after preparation of the staff report and had questions relative to one of the proposed conditions of approval. Mr. Jaquess stated staff is requesting continuing the project to June 10th with the applicant's concurrence.

MOTION

It was moved by Commissioner Osborne, seconded by Commissioner Macdonald, and carried on a 5-0 vote to continue Variance No. 655 to June 10th.

- B. **COMMISSION REVIEW AND APPROVAL NO. 760** - Hearing for the Planning Commission to consider a recommendation to the City Council on a Mitigated Negative Declaration and a Commission Review and Approval to construct a two-story 3,288 square foot commercial building for an auto repair facility on 0.69 acres located on the north side of Redlands Boulevard approximately 400 feet west of Texas Street in the C-4 (Highway Commercial) District. Request submitted by RON PETERSON.

Commissioners Macdonald and Miller recused themselves due to a possible conflict of interest. The item was tabled due to a lack of quorum.

- C. **TENTATIVE TRACT NO. 16460** -Public Hearing for Planning Commission consideration of a Mitigated Negative Declaration, a Socio-Economic Cost/Benefit Study, and a Tentative Tract Map to subdivide approximately 5.03 gross acres into six (6) residential lots located on the northwest side of Fountain Avenue between Knoll Road and Prospect Avenue, in the R-A, Residential Estate District. Request submitted by PATRICK J. MEYER.

Mr. Manuel Baeza gave a brief presentation on the proposed project. Mr. Baeza stated that staff has placed a condition of approval requiring the private street be widened to twenty-eight (28) feet from the proposed twenty-four (24) foot width. In addition, the Fire Department placed a condition of approval on the proposed project requiring removal of the island planter located at the entrance. Mr. Baeza stated earlier that day, the applicant notified staff of a modification to a condition of approval (Public Works Department) that will now allow the applicant to construct a sidewalk consisting of decomposed granite.

Commissioner Miller asked the reason for removal of the island planter. Mr. Baeza responded by saying it would allow for adequate access for fire engines.

Chairman Webber opened the public hearing.

Mr. Pat Meyer stated he concurred with the conditions of approval. Mr. Meyer stated he will be widening Fountain, and installing curb and gutter and a catch basin inlet on Fountain to take the water off the street.

Mr. Meyer stated he would prefer to keep the island, and suggested revising Condition of Approval 5 (Fire Department) to read:

The developer shall remove the island at the entrance **or provide adequate clearance for emergency vehicles.**

Mr. Shaw suggested the wording:

The developer shall remove the island at the entrance **or provide adequate access as determined by the Fire Chief.**

Commissioner Miller stated the twenty (20) foot width required by the Fire Department seemed extraordinarily wide; especially since freeway lanes usually have a fourteen (14) foot width. Commissioner Miller encouraged the Fire Department to be more flexible.

Chairman Webber closed the public hearing.

MOTION

It was moved by Commissioner Laymon, seconded by Commissioner Osborne, and carried on a 5-0 vote move that the Planning Commission approve the Mitigated Negative Declaration for Tentative Tract No. 16460, and direct staff to file and post a "Notice of Determination" in accordance with City guidelines. It has been determined this project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code.

MOTION

It was moved by Commissioner Laymon, seconded by Commissioner Osborne, and carried on a 5-0 vote that the Planning Commission approve the Socio-Economic Cost Benefit Study for Tentative Tract No. 16460 as it has been determined that this project will not create unmitigable physical blight or overburden public services in the community, and no additional information or evaluation is needed.

MOTION

It was moved by Commissioner Laymon, seconded by Commissioner Osborne, and carried on a 5-0 vote that the Planning Commission approve Tentative Tract No. 16460 subject to conditions of approval, and based upon the following findings:

- A. The proposed map is consistent with the City's General Plan and Municipal Code. The project has a General Plan land use designation of Very-Low Density Residential and a zoning of R-A, Residential Estate and is consistent with both the General Plan and Municipal Code;
- B. The site is physically suitable for the type of development. The site is large enough to subdivide into six (6) lots;
- C. The site is physically suitable for the density of development of a six (6) unit subdivision. The General Plan Land Use Designation of Very-Low Density Residential and Zoning allow for up to eight (8) dwelling units;

- D. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject site is not identified as being within an area containing biological resources or within a wildlife corridor;
- E. The design of the subdivision or type of improvements is not likely to cause serious public health problems. This is a residential project and is not likely to cause any serious public health problems, aside from temporary air quality and noise impacts during construction addressed in Mitigation Measures one (1) and four (4);
- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision;
- G. That pursuant to California Government Code Section 66474.4, of the Subdivision Map Act the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965. The property is not in an agricultural preserve, and revisions to Condition of Approval 4 (Fire Department) to read:

The developer is require to have Fire Department driveway access of a minimum of 28' unobstructed **or adequate access as determined by the Fire Chief** and,

Condition of Approval 5 (Fire Department) to read:

The developer shall remove the island at the entrance **or provide adequate access as determined by the Fire Chief.**

and revision of Condition of Approval 4C (Public Works) to read:

Construct sidewalk along one side of the street frontage and ramps at all curb returns. **Sidewalk may be constructed with decomposed granite.**

- D. **RDA 2003-II-1** - A recommendation to the City Council for the approval of Planning Commission points on a Residential Development Allocation request for thirty-six (36) lots within Tentative Tract No. 16360 an approved seventy-six (76) lot subdivision on approximately 8.86 acres in Specific Plan No. 57 located at the southeast corner of Orange Avenue and Iowa Street. Request submitted by ALEXANDER COMMUNITIES.

Commissioner Osborne stated he felt the process favored the high end project which resulted in more points being awarded to them.

Mr. Shaw stated there are many ways in which a project can gain points, such as infrastructure, parks, infill, etc. Mr. Shaw cautioned the Commission in making an "across the board" statement relative to Commissioner Osborne's comment until staff has had an opportunity evaluate it. Mr. Shaw stated he was unsure if he was in

agreement with Commissioner Osborne's statement.

Mr. Baeza reviewed Residential Allocation 2003-II-01. The Planning Commission recommended 31 points to City Council.

Mr. Shaw stated the Planning Commission reviews points for the RDA applications, however the ultimate decision maker is the City Council. At its last meeting, the City Council asked for staff to return to the Planning Commission after all the points have been assigned. If the Commission wants to make changes to the points it assigned to a project, it would have the opportunity to do so at that time. Mr. Shaw stated the Commission will have one more opportunity to review the points assigned, in addition to an overall assessment of the projects, where they fall with regard to minimum point scores, and scores between one another. Mr. Shaw stated any project that did not obtain the minimum point score allowed, would not be awarded points for that particular round.

- E. **RDA 2003-II-02** - A recommendation to the City Council for the approval of Planning Commission points on a Residential Development Allocation request for ninety-nine (99) lots within Tentative Tract No. 16390 an approved planned residential subdivision consisting of 139 residential lots on 46.45 acres located along the south bank of the Santa Ana River west of Orange Street and north of Pioneer Avenue in the R-E (Residential Estate) District and R-1 (Single Family Residential) District. Request submitted by BEAZER HOMES.

Mr. Baeza reviewed Residential Allocation 2003-II-02. The Planning Commission recommended 28 points to City Council.

- F. **RDA 2003-II-03** - A recommendation to the City Council for the approval of Planning Commission points on a Residential Development Allocation request for Tentative Tract No. 16408 an approved residential subdivision consisting of sixty-four (64) lots on 40.06 acres located at the southwest corner of Fifth Avenue and Wabash Avenue in the R-E (Residential Estate) District. Request submitted by CENTEX HOMES.

Mr. Baeza reviewed Residential Allocation 2003-II-03. The Planning Commission recommended 41 points to City Council.

- G. **RDA 2003-II-04** - A recommendation to the City Council for the approval of Planning Commission points on a Residential Development Allocation request for sixty-eight (68) lots within Tentative Tract No. 16174 an approved planned residential subdivision consisting of sixty-nine (69) lots on 29.2 acres located on the north side of Pioneer Avenue approximately 440 feet east of the terminus of Occidental Drive. Request submitted by CENTEX HOMES.

Mr. Baeza reviewed Residential Allocation 2003-II-04. The Planning Commission recommended 29 points to City Council.

- H. **RDA 2003-II-05** - A recommendation to the City Council for the approval of Planning Commission points on a Residential Development Allocation request for Tentative Tract No. 16139 an approved residential subdivision consisting of nineteen (19) lots on 7.20 acres located north of Cypress Avenue, east of Heather Lane and west of Linda Vista Avenue in the R-S (Suburban Residential) District. Request submitted by JOSEPH F. O'BRIEN.

Chairman Webber opened the public hearing.

Mr. Joe O'Brien (1228 Countryside), President of Meadow Wood Homes/O'Brien Construction, stated the delivery service responsible for submitting his package to the City mistakenly omitted the last page, which was the Landscape Plan. Mr. O'Brien stated the Landscape Plan was returned to him along with a letter from Mr. Shaw stating it would not be accepted as it would show prejudice to the other applicants. Mr. O'Brien stated his project received a total of 18 points due to the fact that the Landscape Plan was not included in the package.

Chairman Webber asked Mr. Shaw if he recommended a continuance of the RDA to address this issue. Mr. Shaw stated because the RDA process is competitive in nature, once the deadline has passed, additional

materials are not accepted. Mr. Shaw stated that has been staff's position since the process started, and he felt it was fair to other applicants who are in the competitive process.

Mr. O'Brien asked the Planning Commission to reconsider, as he received zero points for landscaping.

Chairman Webber stated it was a procedural problem, and the Commission can only accept and evaluate what is submitted on time. Chairman Webber asked for legal counsel.

Assistant City Attorney Les Murad stated the issue was previously brought to the attention of City Attorney Dan McHugh and his recommendation was it not be allowed. Mr. Murad stated the applicant could reapply in July.

Mr. O'Brien stated he felt it would be unfair not to allow the Landscape Plan. Mr. O'Brien stated the court application states a default judgment can be set aside if there was a mistake or inadvertence.

Chairman Webber asked for a consensus from the Commission.

Mr. Osborne stated the Landscape portion of the process does not involve many points. Commissioner Osborne stated that legal counsel has identified what can be considered by the Commission and they have to accept it.

Mr. O'Brien suggested the Planning Division review the Landscape Plan and reconsider the numbers.

Chairman Webber advised Mr. O'Brien that he could accept the decision made by the Commission which will be forwarded to the City Council or wait until July to reapply.

Commissioner Laymon stated she is concerned about what may happen if the Commission allows the project to go forward.

Mr. O'Brien stated if he waits until July to reapply, he will be delayed until September for awarding of points.

Chairman Webber stated he was not inclined to set a new precedent.

Mr. Shaw stated the applicant can continue the process with the material that was submitted on time, or file before the July 15th deadline.

Mr. O'Brien stated he could submit a brief with declarations regarding others in terms of the mistake that occurred.

Mr. Murad stated that Mr. O'Brien submitted an incomplete application.

Mr. O'Brien stated the application was complete; there was one page inadvertently left out of the package.

Chairman Webber advised Mr. O'Brien he could proceed with the application as submitted, or he could withdraw his application and proceed during the next round.

Mr. O'Brien asked Chairman Webber what the appeal procedure would be.

Mr. Shaw stated the Planning Commission was making a recommendation to the City Council, so there was no need to appeal. Mr. Shaw stated Mr. O'Brien could make his statement to the City Council.

Mr. O'Brien indicated that he would proceed with the process.

Mr. Mike Novak stated he was the original developer of the subdivision of which Mr. O'Brien is attempting to receive approval. Mr. Novak stated he worked diligently with staff and the surrounding neighbors to try to solve numerous problems. Mr. Novak stated during processing of the original project, he addressed drainage, water system, and sewer line issues.

Mr. Baeza reviewed Residential Allocation 2003-II-05. The Planning Commission recommended 21 points to City Council.

Commissioner Macdonald stated the Planning Commission does not want to see the total points; they would rather evaluate a project based on its merits. Mr. Shaw stated the City Council direction for the Commission is to have an understanding of the total points, as submitted to City Council. Mr. Shaw stated the Planning Commission has the option of leaving the points the same or making changes.

V. APPROVAL OF MINUTES

A. May 13, 2003

MOTION

It was moved by Commissioner Osborne, seconded by Commissioner Miller, and carried on a 4-0 vote (Commissioner Laymon abstaining) to approve the Planning Commission minutes of May 13, 2003.

VI. ADDENDA

A. Alcoholic Beverage Control License Transfer for Caprice Restaurant at 103 E. State Street, Suite O

Mr. Jaquess stated the application is a person-person and premises-to-premises transfer for the Caprice Restaurant at the corner of Fifth and State Street. Mr. Jaquess stated staff is recommending approval.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Osborne, and carried on a 5-0 vote to approve the person-to-person and premises-to-premises transfer related to the on-sale general alcohol beverage license for Caprice Restaurant. No conditions are recommended to be added as there are no problems associated with this facility.

VII. CORRESPONDENCE/COMMUNICATIONS

A. City Council Report

Mr. Shaw gave a brief presentation on the actions of the May 20th City Council meeting.

VIII. ADJOURN TO EVENING SESSION

Chairman Webber adjourned the meeting at 4:20 p.m.

7:00 P.M.

IX. RECONVENE OLD BUSINESS

Chairman Webber reconvened the meeting at 7:00 p.m. All commissioners were present except Commissioner Thompson.

A. **GENERAL PLAN AMENDMENT NO. 93 - PUBLIC HEARING** for the Planning Commission consideration of a recommendation to the City Council on a Mitigated Negative Declaration and a General Plan Amendment to change Highview Drive from a "Local Street" to a "Collector Street" and to modify Figure 5.2 of the Circulation Element to establish design standards for

Rural Streets and other rural public facilities. Request Submitted by COVINGTON CONSTRUCTION AND DEVELOPMENT.

- B. **AGRICULTURAL PRESERVE REMOVAL NO. 100** - PUBLIC HEARING for the Planning Commission to consider a recommendation to the City Council on a Mitigated Negative Declaration and Agricultural Preserve Removal on approximately nine (9) acres located along the south border of the project located south of Highview Drive and east of Freya Drive on Assessor's Parcel No. 300-241-20. Request submitted by COVINGTON CONSTRUCTION AND DEVELOPMENT.
- C. **ZONE CHANGE NO. 390 - PUBLIC HEARING** for the Planning Commission to consider a recommendation to the City Council on a Mitigated Negative Declaration and Zone Change from A-1, Agricultural District (5 acre lots) to R-R, Rural Residential District (1 acre lots) on four contiguous lots totaling 180.9 acres located south of Highview Drive and east of Freya Drive on Assessor's Parcel Numbers: 300-241-17, 18, 19, and 20). Request submitted by COVINGTON CONSTRUCTION AND DEVELOPMENT.
- D. **CONDITIONAL USE PERMIT NO. 780** - PUBLIC HEARING for the Planning Commission to consider a recommendation to the City Council on a Mitigated Negative Declaration and Socio-Economic Cost/Benefit Study for a Conditional Use Permit for a Planned Residential Development (PRD) to subdivide four (4) contiguous lots totaling approximately 180.9 acres into eighty-eight (88) residential lots and four (4) common lots located south of Highview Drive and east of Freya Drive in the existing A-1, Agricultural District (5 acre lots) which is proposed for a Zone Change to R-R, Rural Residential District (1 acre lots) on Assessor's Parcel Numbers: 300-241-17, 18, 19, and 20. Request submitted by COVINGTON CONSTRUCTION AND DEVELOPMENT.
- E. **TENTATIVE TRACT NO. 16361** - PUBLIC HEARING for the Planning Commission to consider a recommendation to the City Council on a Mitigated Negative Declaration and Socio-Economic Cost/Benefit Study for a Tentative Tract Map to subdivide four (4) contiguous lots totaling approximately 180.9 acres into eighty-eight (88) residential lots and four (4) common lots located south of Highview Drive and east of Freya Drive in the existing A-1, Agricultural District (5 acre lots) which is proposed for a Zone Change to R-R, Rural Residential District (1 acre lots) on Assessor's Parcel Numbers: 300-241-17, 18, 19, and 20. Request submitted by COVINGTON CONSTRUCTION AND DEVELOPMENT.

Mr. Richard Malacoff gave a brief PowerPoint presentation. Mr. Malacoff stated there was a question of whether a geoglyph existed on the property. Mr. Malacoff stated an archaeologist was available in the audience to answer questions.

Mr. Malacoff stated staff received a letter from the Chambers Group which addresses the concerns expressed by the Department of Fish and Game. Relative to the parks issue, Mr. Malacoff stated the applicant is proposing the northern part of the project be maintained by a homeowners association and the southernmost part of the project be deeded to the City. Mr. Malacoff stated that staff is recommending the following:

- 1. The dedication be limited to the area in the center of the project, which is labeled Oak View Ridge Park and the flat area west of the detention basin that will connect to the Van Wieren tract.
- 2. The area should be reviewed by the Park Commission for a final recommendation to the City Council.
- 3. The Oak View Ridge Park area should have limited picnic tables and grass for public use.
- 4. Lot DD should be kept by the applicant and maintained by the homeowners' association.

Mr. Malacoff distributed an information sheet with the following recommendation:

The applicant shall develop a Fire Protection Plan that shall be approved by the Fire Chief. It shall be enforceable on the future homeowners. Enforceability may include use of CC&R's to be approved by the City Council prior to the Final Map being approved.

Mr. Malacoff concluded his staff report and stated he was available to answer questions.

Chairman Webber opened the public hearing.

Mr. Pat Meyer, representing the applicant, stated that revisions were made to the Tentative Tract Map relative to the cul-de-sacs, grading, relocation of two lots, and elimination of the street that ran through the oak grove. Mr. Pat Meyer gave a PowerPoint presentation.

Commissioner Osborne stated that staff received a Fire Department Condition of Approval that requires the developer have streets with a minimum width of 28' with no island. Commissioner Osborne noted that one of the signature streets is tiered with an island. Mr. Shaw stated Fire Marshal Leonard Temby was present to address the Fire Department Conditions of Approval.

Ms. Stephanie Wilson (31243 Highview Drive) stated properties could be developed that would link the proposed project all the way to the Sunset Hills Project.

Mr. Don Layton (31553 Highview Drive) stated he supports the proposed project. Mr. Layton stated it is an outstanding project that provides horse and walking trails, and protects live oak trees. Mr. Layton stated he felt it was a "win-win" project that would be a credit to the City of Redlands.

Commissioner Miller stated there have been concerns expressed that, if approved, the project would open the "floodgates" for more improvement. Commissioner Miller asked Mr. Layton if he owned any large tracts of land that would be affected by the proposed project. Mr. Layton stated he owned property in other counties.

Mr. Howard Hurlbut (12727 Valley View Lane) asked if the benefits of the project outweigh its detriments. Mr. Hurlbut stated he felt there are ample high-priced homes for sale in Redlands. Mr. Hurlbut questioned why there is no Environmental Impact Report to assess objectively the impact on traffic, wildlife, erosion and archaeology. Mr. Hurlbut stated that more developers will seek to build housing tracts along the canyon.

Ms. Theresa Kwappenberg (31265 Freya Drive) referred to a letter from Professor Jerry D. Horne, a hydro geologist, expressing his concern with the hydrology report. Due to concerns that an EIR would not be required for the proposed project, Ms. Kwappenberg stated she retained attorney John McClendon to represent Rural Residents for Rural Living. Ms. Kwappenberg requested that all exhibits presented to the Planning Commission by Rural Residents for Rural Living be entered into the record of proceedings.

Ms. Jo Lessard (31543 Highview Drive) gave a brief PowerPoint presentation on Open Space.

Mr. Alvino Silva (2034 W. Westward Ave, Banning) stated he is a Cahuilla Indian; and the proposed property was their property many years ago. Mr. Silva stated similar objects were found near the Colorado River. Mr. Silva requested a complete study of the area. Mr. Silva stated they contacted the State Historical Commission and they will be meeting in June at the Morongo Reservation.

Ms. Teddy Banta (30443 E. Sunset Drive South) asked if the same developer is lobbying to build a hotel in downtown Redlands. Ms. Banta stated we preserve the old homes in Redlands but we do not preserve the natural things, such as the natural oak grove that exists. Ms. Banta stated in 1985 the concept of an "emerald necklace" was approved by the City Council. Ms. Banta stated the "emerald necklace" concept which Peter Dangermond was hired to formulate consisted of a series of green things, such as parks, orange groves, etc. surrounding the City.

Mr. Fred Waitz (31550 Highview Drive) expressed his concerns relative to soil erosion, drainage, and detention basin problems of which he is not willing to pay for through City taxes. Mr. Waitz cited the safety of school

children walking on Alta Vista Street twice a day, the additional traffic from Yucaipa School District, and traffic hazards caused by a probable "bottleneck" of commuters trying to get onto Alta Vista.

Mr. Brian Roche (31576 Highview Drive) stated he agreed with Ms. Lessard. Mr. Roche stated the zoning should remain as it is and an EIR should be done. Mr. Roche stated a real park is needed. Mr. Roche stated the six or seven residents on Highview who were most affected by the traffic and were opposed to the project had changed their minds. Mr. Roche continued by saying he believed the residents met with Mr. Covington and Mr. Sabaz and were offered a sum of money (\$25k each) to be used toward property improvements for inducing them to see things differently. Mr. Roche stated he wondered if Mr. Sabaz, was the same Mr. Sabaz who is linked with the downtown hotel proposal and questioned if the two projects were related.

Mr. Bill Cunningham (Redlands Association) read a letter requesting an EIR prior to approval of the project. Mr. Cunningham stated the staff recommended Mitigated Negative Declaration does not meet CEQA guidelines for project approval. Mr. Cunningham stated traffic impacts are not addressed on all streets leading to the tract.

Chairman Webber asked for rebuttal from Mr. Meyer who stated this project is consistent with the General Plan designation of Resource Preservation. Mr. Meyer stated the Agricultural Preserve on this property is 100% contained in the open space area.

Chairman Webber asked Mr. Meyer if he was in favor of the oak tree preservation plan recommended by staff. Mr. Meyer stated he was.

Commissioner Osborne stated one of the conditions of approval requires for each oak tree that is removed, five will be planted in its place. Commissioner Osborne asked for the size of the replacement tree. Mr. Meyer stated it would be a minimum 15-gallon tree. Commissioner Osborne asked that the size be specified in the condition of approval.

Commissioner Miller stated there was concern expressed relative to preservation of the oak grove.

Mr. Meyer stated that there are a few trees located within the residential area, which will be boxed and moved into the oak grove itself. Mr. Meyer stated new, boxed trees will be planted.

Commissioner Macdonald asked how they (the Commission) would be assured that the water connections will be made to Freya Drive. Mr. Meyer stated it was included in the feasibility plan prepared by the water company. Mr. Meyer stated he would be happy to include it as a condition of approval.

Commissioner Cook asked Mr. Meyer to discuss the archaeology issue. Mr. Meyer responded by saying the archaeologist was available to answer questions. Mr. Meyer stated he has been responding to cultural studies for twenty-five (25) years, and something as significant as the so called geoglyph would have been noted by the County Museum.

Commissioner Miller stated that disappointment with the grading of Sunset Hills has been expressed and given as an example of what the residents do not want to happen. Commissioner Miller asked Mr. Meyer what is different from Sunset Hill.

Mr. Meyer stated they are staying off the steeper areas and they are leaving approximately 100 acres in a natural state.

Chairman Webber closed the public hearing.

Commissioner Macdonald asked to hear from Fire Marshal Leonard Temby.

Chairman Webber opened the public hearing.

Fire Marshal Temby stated the proposed project is in the City's identified hazardous fire area. Fire Marshal Temby stated with past practices Fuel Modification Zones are required to be established around subdivisions adjacent to structures at risk. The Fuel Modification Zones are thinned or modified natural vegetation or vegetation that has been removed, that can be incorporated in with the grading and the landscaping of slopes.

Fire Marshal Temby stated the Fire Department would review a Fire Protection Plan, once it has been created, to confirm the maximum distances of the defensible space around the individual home sites. Fire Marshal Temby stated past practice has identified 100-200 feet of fuel modification around the subdivision lots does work.

Fire Marshal Temby stated the water connection will be looped to obtain the 1,500 gallons per minute for a two-hour duration for fire flow requirements. Fire Marshal stated there will be a connection to Freya Drive and up to Highview Drive.

Commissioner Miller asked what would be done to the natural vegetation in the area such as this.

Fire Marshal Temby stated the chaparral within one-hundred (100) feet of the houses will be thinned out and the annual grasses will be trimmed. Fire Marshal Temby stated the Fuel Modification Plan which will be site specific, will be based upon the fire modeling of the fuel types that are in the chaparral and natural vegetation.

Chairman Webber asked Fire Marshal about the split road proposed for the project. Fire Marshal Temby asked Mr. Meyer if the road width was twenty-eight (28) feet, as twenty foot unobstructed is the minimum Fire Code width allowed. Mr. Shaw stated in the area where there is a split street, there will be two (2) twenty (20) foot wide streets with no parking allowed.

Commissioner Laymon stated she is concerned with vegetation removal and she asked Mr. Shaw how much would be removed.

Mr. Shaw stated Fire Marshal Temby has given as much feedback as possible without preparation of the Fuel Modification Plan itself.

Commissioner Osborne asked for the size of the oak tree replacements.

Mr. Meyer stated eighty-seven (87) 24-inch box trees will be planted.

Mr. Shaw stated the canopy of the oak trees will be protected as part of the Oak Preservation Plan.

Commissioner Laymon asked if there was any way to determine whether a tractor was removing a geoglyph or cutting something that appeared to be a geoglyph.

Mr. Robert White, Director, Archaeological Services, stated two aerial photographs taken in the Spring 1938, show where the line thought to be a geoglyph, was actually being lengthened rather than shortened. Mr. White stated since the last meeting they have identified two additional photographs that were misfiled. Mr. White stated there are no rocks along the periphery of the field and it is common practice among farmers not to run their equipment through rocks because it will damage the equipment. Mr. White stated it is important to preserve any form of rock art, and had this been a legitimate geoglyph, it would have been noted from early on. Mr. White stated it is his opinion that a geoglyph was never on the property, rather it is brush being cleared in preparation of dry farming.

Mr. White stated Dr. Gerald Smith (deceased) former Director of the San Bernardino County Museum for many decades started his career in San Bernardino. Mr. White stated for an item such as a geoglyph to go unnoticed until recently, is unimaginable. Mr. White stated the proof is in the analysis of the series of four aerial photographs, which show the figure being created while the photographs were being taken.

Chairman Webber closed the public hearing.

Chairman Webber stated that staff has requested the open space as a park.

Mr. Shaw stated there is a trail shown along the roadway, which staff feels should be the connecting link to an area west of the detention basin.

Chairman Webber asked Mr. Shaw what the difficulty in the City maintaining chaparral ridges would be. Mr. Shaw stated the General Plan document suggests 12 acres is appropriate for a neighborhood park. Mr. Shaw stated

the natural areas that connect will remain natural, and could easily be maintained by the homeowners association in a Conservation Easement.

Chairman Webber asked for a consensus from the Commission.

Commissioner Miller stated he does not want to see the City taking on the responsibility for ridge lines. Commissioner Miller stated if the City accepts a park, he would defer to the Parks Commission. Commissioner Miller stated he could not see a community park on the rural fringes of the City.

Mr. Shaw stated he would anticipate a very low use park, emphasizing the natural area itself, with limited play areas and picnic facilities.

Commissioners Laymon, Cook, Osborne and Macdonald stated they would like to keep the ridge lines out of the park.

Chairman Webber stated he would prefer to have the area as a City park.

Commissioner Osborne asked for clarification from Mr. Temby on the one-hundred fifty foot fuel modification area surrounding the home site. Commissioner Osborne asked if the fuel modification plan would take into consideration the up slopes. Fire Marshal Temby stated fire travels faster uphill than downhill, so the uphill slopes would be looked at.

Commissioner Laymon stated she has concerns after reading the letter from the owner of the adjoining southerly property who feels he is entitled to access through the project.

Assistant City Attorney stated he was not familiar with the property and he could not say if there is currently an easement on the property.

Commissioner Laymon stated she lives in Live Oak Canyon and she is bothered that there is no EIR on the project. Commissioner Laymon stated she has problems with the project density and cannot support the project.

Commissioner Cook stated the property was annexed with the understanding that the zoning could be changed. Commissioner Cook stated it is a nice project with preserved oak trees, interesting streets, and the grading is greatly reduced. Commissioner Cook stated she supports the project.

Commissioner Osborne concurred with Commissioner Cook. Commissioner Osborne stated the proposed water system will help the residents currently being served by the Western Heights Water Co. Commissioner Osborne stated he liked the open space area. Commissioner Osborne stated he would support the project.

Commissioner Miller stated he felt it is important for the City keep its word and he asked staff for its recollection of what was presented.

Mr. Shaw stated the Southeast Area Plan was presented to the property owners in the Canyon. Mr. Shaw stated there were 3 or 4 written development agreements with property owners.

Chairman Webber opened the public hearing.

Mr. Bill Cunningham stated he was the City Council spokesperson through the annexation process, up until the final vote. Mr. Cunningham stated pre-annexation offers were made to anyone who would support the annexation. Mr. Cunningham stated Ms. Un, Mr. Beza and the Berks, all of whom live in San Timoteo Canyon, sought a development agreement. Mr. Cunningham stated there was not one property owner in Live Oak Canyon who sought any opportunity for a development agreement with regard to density. Mr. Cunningham stated there was a lawsuit opposing the annexation in which the residents in Live Oak Canyon were deeply involved. Mr. Cunningham stated in 1995, when the new General Plan was adopted, the area was re-zoned to a significantly lower density.

Commissioner Miller stated the one-acre density is consistent with adjacent development that has occurred and a

good effort has been made by the developer to preserve a large amount of open space, preserve the oak trees, and minimize the grading. Commissioner Miller stated the best traffic pattern that was available, was presented and he would be more comfortable if the density was closer to 77 than 88, and that is the one proviso he has to his full support of the project.

Commissioner Macdonald stated he had strong feeling in opposition to the project initially, and many of his reasons for not supporting the project were corrected. Commissioner Macdonald stated he thought it was a great project, but it is the wrong time and the wrong place. Commissioner stated he felt the project is one of the "dominoes" which will trigger development of the Canyon. Commissioner Macdonald stated there are many unanswered issues, some being the acreage to east, water service, the zone change, and the water table. Commissioner Macdonald stated the Ad Hoc Zoning Committee is looking at new zoning, the rural living zone of one unit per 2.5 acres. Commissioner Macdonald stated enough people have expressed their opinion in opposition and he cannot support the project.

Commissioner Laymon stated she wanted to comment on Commissioner Miller's statement that the homes to the northeast are the same density as the homes being proposed in the Canyon. Commissioner Laymon stated when those homes were built there was more open space.

Chairman Webber stated he had some research done on how many houses were located in development to the west of the project. Chairman Webber stated there are 111 homes. Chairman Webber stated it is not unlike what has been approved to the west and the northeast. Chairman Webber stated he had a lot of reservations when they began with the project in February. Chairman Webber stated he felt the project was balanced, and they are getting a lot of open space for the project. Chairman Webber stated his grading fears were relieved and he feels the houses will be a significant addition to the City, and in that region in particular. Chairman Webber stated he would support the project.

Commissioner Cook suggested mentioning a City park to the Parks Commission to prevent access through the development. Commissioner Osborne stated he would support a City Park. Commissioner Laymon stated she would support it if it would strengthen the City's position in denying access from other properties.

Commissioner Miller stated he was opposed to the City becoming responsible for maintaining the Fuel Modification for a subdivision.

Commissioner Macdonald stated he did not have a feeling on the park because he does not believe the project should come in.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Osborne, and carried on a 4-2 vote (Commissioners Laymon and Macdonald voting no) that the Planning Commission recommend that the City Council approve the Mitigated Negative Declaration for General Plan Amendment No. 93, Agricultural Preserve Removal No. 100, Zone Change No. 390, Conditional Use Permit No. 780, and Tentative Tract No. 16361 and direct staff to file and post a "Notice of Determination" in accordance with City guidelines. It has been determined this project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Osborne, and carried on a 4-2 vote (Commissioners Laymon and Macdonald voting no) that the Planning Commission approve RPC No. 991 and recommend that the City Council approve General Plan Amendment No 93.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Osborne, and carried on a 4-2 vote (Commissioners Laymon and Macdonald voting no) that the Planning Commission approve RPC No. 992 and

recommend that the City Council approve Agriculture Preserve Removal No. 100 based on the following findings:

1. The applicant is the legal owner of record.
2. The land requested to be removed from the Agriculture Preserve is adjacent to a developed zone other than agriculture.
3. The application is in conformity with the Redlands General Plan.
4. The land requested to be removed from the Agriculture Preserve does not circumvent land under contract in accordance with the California Land Conservation Act of 1965.
5. The land to be removed from the Agriculture Preserve is not in nor adjacent to property in the Agriculture Preserve and, therefore, this proposed urban development will not impact the properties in the immediate vicinity.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Osborne, and carried on a 4-2 vote (Commissioners Laymon and Macdonald voting no) that the Planning Commission approve RPC No. 993 and recommend that the City Council approve Zone Change No. 390.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Osborne, and carried on a 4-2 vote (Commissioners Laymon and Macdonald voting no) that the Planning Commission recommend that the City Council approve the Socio-Economic Cost Benefit Study for Conditional Use Permit No. 780 and Tentative Tract No. 16361 as it has been determined that this project will not create unmitigable physical blight or overburden public services in the community, and no additional information or evaluation is needed.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Osborne, and carried on a 4-2 vote (Commissioners Laymon and Macdonald voting no) that the Planning Commission recommend to the City Council the approval of Conditional Use Permit No. 780 based on the following findings:

- A. The subdivision applied for at the south of Highview Drive and east of Freya Drive noted is proper for a Conditional Use Permit;
- B. The subdivision as proposed is a project that is necessary, essential, and desirable for the public welfare as well as the development of the community;
- C. The subdivision is not detrimental to existing or permitted uses in the zone where it would be located;
- D. The size and shape of the site are adequate for the proposed subdivision;
- E. The site properly relates to Highview Drive and Avenue N which are designed and improved to carry the type and quantity of traffic to be generated by the proposed subdivision;

- F. The conditions set forth on this Conditional Use Permit are deemed necessary and reasonable to protect the public health, safety and general welfare; the best interests of the neighborhood;
- G. The proposed project will be consistent with the existing Resource Preservation District; and the addition of Condition of Approval 32 to read:

The applicant shall develop a Fire Protection Plan which shall be approved by the Fire Chief which shall be enforceable on the future homeowners. Enforceability may include use of CC&R's to be approved by the City Council prior to the Final Map being approved.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Osborne, and carried on a 4-2 vote (Commissioners Laymon and Macdonald voting no) that the Planning Commission recommend that the City Council approve Tentative Tract No. 16361 subject to conditions of approval, and based upon the following findings:

- A. The proposed map is consistent with the City's General Plan and Municipal Code.
- B. The design or improvement of the Tentative Tract No. 16361 is consistent with applicable general plan.
- C. The site, which is located south of Highview Drive and east of Freya Drive is physically suitable for the type of development.
- D. The site is physically suitable for the development of a 88 lot subdivision with four common lots.
- E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- F. The design of the subdivision or type of improvements is not likely to cause serious public health problems.
- G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision; and
- H. That pursuant to California Government Code Section 66474.6, the discharge of waste from this subdivision will not result in violation of existing requirements prescribed by the Santa Ana Regional Water Quality Control Board pursuant to Division 7 of the California Water Code; and addition of Condition of Approval 33 to read:

The applicant shall develop a Fire Protection Plan which shall be approved by the Fire Chief which shall be enforceable on the future homeowners. Enforceability may include use of CC&R's to be approved by the City Council prior to the Final Map being approved.

- X. ADJOURNMENT TO JUNE 10, 2003

Chairman Webber adjourned the meeting to June 10th at 9:51 p.m.

Respectfully submitted,

Patricia Ortiz, Senior Admin. Assistant
Community Development Department

Jeffrey L. Shaw, Director
Community Development Department