

MINUTES of the Planning Commission Meeting of the City of Redlands held Tuesday, July 22, 2003, at 2:00 p.m. are as follows:

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

ABSENT: Ruth Cook, Commissioner  
Caroline Laymon, Commissioner  
Paul Thompson, Commissioner

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

#### I. CALL TO ORDER AND PUBLIC COMMENT PERIOD

Chairman Webber called the meeting to order at 2:01 p.m. All commissioners were present except Commissioners Cook, Laymon, and Thompson.

#### II. CONSENT ITEMS

- A. **COMMISSION SIGN REVIEW NO. 251** - Hearing for the Planning Commission to consider three (3) building signs with an areas of forty (40), sixteen (16) and four (4) square feet for the Krikorian Theater Building located at 336 Eureka Street in the Town Center Historic District of Specific Plan No. 45 (Downtown Specific Plan). Request submitted by OMNI REDLAND LLC.

#### MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Osborne, and carried on a 4-0 vote to approve Commission Sign Review No. 251.

#### III. OLD BUSINESS

- A. **VARIANCE NO. 648** - PUBLIC HEARING for the Planning Commission to consider Variance requests from Municipal Code Section 18.52.130.A, to allow a reduction in the required setback along Grove Street from twenty-five feet (25') to fourteen feet (14') and a request for a variance from Municipal Code Section 18.140.360 requiring not less than 3,000 square feet of open space recreation area or 400 square feet for each mobile home space within an existing mobile home park located at 1251 E. Lugonia Avenue within the R-2 Multi-Family Residential Zone. Request submitted by LUGONIA FOUNTAINS MOBILE HOME ESTATES.
- B. **CONDITIONAL USE PERMIT NO. 172 (Revision No. 1)** PUBLIC HEARING for the Planning Commission to consider a Conditional Use Permit to create 18 additional mobile home spaces on approximately 3.43 acres of vacant land on property to the east of an existing mobile home park, located at 1251 E. Lugonia Avenue within the R-2 Multi-Family Residential Zone. Request submitted by LUGONIA FOUNTAIN MOBILE HOME ESTATES.

Mr. Manuel Baeza stated that City departments have not completed their review of the latest redesign by the applicant. Mr. Baeza recommended the item be continued to August 12<sup>th</sup> in order for staff to complete its review of the proposed project.

## **MOTION**

It was moved by Commissioner Macdonald, seconded by Commissioner Miller, and carried on a 4-0 vote to continue Variance No. 648 and Conditional Use Permit No. 172 (Revision No. 1) to August 12, 2003.

## **IV. NEW BUSINESS**

- A. **TENTATIVE TRACT NO. 16551** -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 1.97 gross acres into five (5) residential lots located on the northwest side of Magnolia Avenue between San Mateo Street and Lakeside Avenue in the R-S, Suburban Residential District . Request submitted by MASSARO AND WELSH.

Commissioner Osborne recused himself due to a possible conflict of interest at 2:05 p.m.

Not action was taken due to a lack of a quorum.

Commissioner Osborne returned to the meeting at 2:06 p.m.

- B. **ORDINANCE TEXT AMENDMENT NO. 296** - PUBLIC HEARING for the Planning Commission to consider a recommendation to the City Council on an Ordinance Text Amendment adding Section 12.53 to the Redlands Municipal Code to provide for Institutional Directional Signs. Request submitted by the CITY OF REDLANDS.
- C. **COMMISSION SIGN REVIEW NO. 243** - Hearing for the Planning Commission to consider a sign program for directional signs for the University of Redlands generally located south of Cornell Avenue, North of Sylvan Boulevard, east of University Avenue, and west of Grove Street in the E, Educational District. Request submitted by the UNIVERSITY OF REDLANDS.

Mr. Baeza stated the application is for an ordinance text amendment that would allow on-site and off-site institutional directional signs in the public right-of-way that would be limited to a total of fifteen (15) square feet. Mr. Baeza gave a brief presentation on the proposed project.

Chairman Webber opened the public hearing.

Mr. Von Senk (Director of Construction Management, University of Redlands) thanked the City staff for its hard work. Mr. Senk stated the signs would help students and visitors to get around the campus.

Chairman Webber asked Mr. Senk why vinyl lettering was used, as it deteriorates in the sun. Mr. Senk stated they have had good success with vinyl lettering, which is reflective, and cleans up well with graffiti.

Chairman Webber closed the public hearing.

## **MOTION**

It was moved by Commissioner Miller, seconded by Commissioner Osborne, and carried on a 4-0 vote that the Planning Commission recommend to the City Council approval of Ordinance Text Amendment No. 296 and Commission Sign Review No. 243.

- D. **MINOR COMMISSION APPROVAL NO. 31** - PUBLIC HEARING for the Planning Commission to consider a Minor Commission Approval to allow for reductions of twenty percent or less for front yard setbacks for eight (8) proposed single family residences to be developed for Tentative Tract Map No. 16365 generally located at the northwest corner of University Street and Pennsylvania Avenue in R-1, Single Family Residential District. Request submitted by BEAZER HOMES.

Mr. Baeza stated that staff is awaiting a diagram of the site layout that was to be provided by the applicant. Mr. Baeza stated that he attempted to contact the applicant but has not received a response. For that reason, Mr. Baeza is requesting the project be continued to the August 12, 2003 meeting.

Mr. Shaw stated it appears that the applicant would comply with the criteria, by varying the front setbacks, which would be advantageous to the design of the overall subdivision.

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

### **MOTION**

It was moved by Commissioner Osborne, seconded by Commissioner Macdonald, and carried on a 4-0 vote to continue Minor Commission Approval No. 31 to August 12, 2003.

- E. **VARIANCE NO. 658** - PUBLIC HEARING for Planning Commission consideration of a Variance from Section 18.52 of the Redlands Municipal Code to waive the requirement for front-yard setback for a building and wall from twenty-five (25) feet to fifteen (15) on both Colton Avenue and Herald Street frontages, and a reduction of the dwelling unit separation from thirty-five (35) feet to thirty-one (31), and the reduction of the side-yard setback from ten (10) feet to eight (8) feet in the R-2, Multiple Family Residential District. Request Submitted by TOM OVERTURF.

Mr. Richard Malacoff gave a brief presentation on the proposed project.

Commissioner Miller asked why a variance was needed.

Mr. Malacoff stated the property is zoned R-2, and the applicant felt that filing for a variance was necessary due to the current setback requirements, and to enhance its marketability.

Mr. Jaquess stated the lot is a narrow, corner lot. Mr. Jaquess stated that the current setback requirements for a ten-foot side yard setback and a twenty-five-foot side yard setback on the opposite side, would leave seven (7) feet for a house to be built.

Chairman Webber opened the public hearing.

Mr. Overturf displayed a model of the proposed project to the Commission. Mr. Overturf stated he recently purchased the lot which had previously been an eyesore in the neighborhood for many years.

Commissioner Miller stated he supports the idea of taking a lot that is unique and difficult to develop. Commissioner Miller expressed his concern that the facade on Colton Avenue is relatively flat. Commissioner Miller stated he would support granting a 1-2 foot conditional encroachment if the relief on the facade can be broken up and he suggested pulling out one garage door. Chairman Webber concurred with Commissioner Miller.

Mr. Overturf concurred with Commissioner Miller's suggestion.

Ms. Carolann Bass (Keller Williams Realty, 4510 E. Pacific Coast Highway, Long Beach) expressed her support for the proposed project, stating that she has worked with Mr. Overturf on other projects, and he has made the neighborhood a better neighborhood.

Mr. Brad Robertson (Robertson Design Group, 1090 N. Wabash, Redlands) stated he has seen other in-fill projects Mr. Overturf has developed, and his projects make the surrounding neighborhood nicer.

Mr. William Von Carl, stated he is one of the landowners who have helped maintain the property for the last few years. Mr. Von Carl stated he is happy that Mr. Overturf is going to develop the property and that he supports the proposed project.

Chairman Webber closed the public hearing.

Discussion was held on the wording for Condition of Approval 7. Mr. Malacoff suggested the following text:

**Prior to the issuance of a building permit the applicant shall have surface relief features on Colton Avenue to be approved by the Community Development Director and one Planning Commissioner.**

Commissioner Miller suggested the wording be changed to include "roof gables or dormers as well as horizontal breaks in the vertical plain."

Mr. Shaw suggested the relief not exceed two (2) feet.

## **MOTION**

It was moved by Commissioner Miller, seconded by Commissioner Macdonald, and carried on a 4-0 vote that the Planning Commission approve Variance No. 658 subject to the following findings and attached Conditions of Approval:

1. There are exceptional circumstances to this proposal because the lot was subdivided prior to the current regulations which makes it impractical to construct a house that would be marketable.
2. There are many instances on Herald Street, Colton Avenue, and Sun Avenue that already have the setback request and a variance for the side yard setback has been recently granted under Variance No. 650.
3. The applicant's request for reduced setbacks will not have a negative impact on the City, neighborhood, or any specific property owner.
4. The granting of the requested variance will not have any conflict with the City's General Plan, and the addition of Condition of Approval 7 to read:

**Prior to the issuance of a building permit, the applicant shall have surface relief features on Colton Avenue such as roof gable dormers and horizontal relief in the horizontal plain not to exceed two (2) feet in depth, to be approved by the Community Development Director and one Planning Commissioner.**

- F. **CONDITIONAL USE PERMIT NO. 550 (REVISION NO. 2)** - PUBLIC HEARING for the Planning Commission to consider the construction of a bridge from the Grove High School to the Montessori School site located at the northeast corner of Orange Avenue and Nevada Street in the EV/IC, Commercial Industrial District and EV/RM-3000, Multiple Family District, 3000 square feet of land area per unit of the East Valley Corridor Specific Plan. Request submitted by JACK AND LAURA DANGERMOND.

Mr. Malacoff gave a brief presentation on the proposed project.

Chairman Webber opened the public hearing.

Mr. Jeff Bonnie (Montessori School) stated he was available to answer questions regarding the school.

Chairman Webber closed the public hearing.

## **MOTION**

It was moved by Commissioner Osborne, seconded by Commissioner Miller, and carried on a 4-0 vote that the Planning Commission approve Conditional Use Permit No. 550 (Revision 2) based on the following findings:

1. The installation of a bridge at 1890 Orange Street applied for in this application is proper for a Conditional Use Permit.
2. The installation of the bridge at 1890 Orange Street as proposed is a project that is necessary, essential, and desirable for the public welfare as well as the development of the community.
3. The installation of a bridge at 1890 Orange Street is not detrimental to existing or permitted uses in the EV/IC, Commercial Industrial and EV/RM-3000, Multiple Family Districts of the East Valley Corridor Specific Plan where it would be located.
4. The size and shape of the site are adequate for the proposal to accommodate the railroad bridge.
5. The site properly relates to both Orange and Nevada Streets which are designed and improved to carry the type and quantity of traffic to be generated by the existing Montessori School and Grove High School and will not be negatively affected by the installation of the bridge.
6. 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.
7. The proposed project will be consistent with the existing Medium Density Residential and Commercial/Industrial designation of the Redlands General Plan.

## **V. ADDENDA**

- A. COMMISSION REVIEW AND APPROVAL NO. 722 (L. A. Fitness) Tree Removal Letter from Commissioner Macdonald

Mr. Jaquess stated that Commission Review and Approval No. 722 was approved by the Planning Commission and City Council in 2000. Mr. Jaquess stated that the preservation of existing mature trees on the property was discussed at length during the Planning Commission meeting. Mr. Jaquess stated that originally the Commission wanted to preserve the trees in the interior of the site, however it was later determined that the trees could not be saved due to site grading and parking lot modifications. Mr. Jaquess stated the exterior trees located along Parkford and Marshall could be preserved as they were not affected by the site grading.

Mr. Jaquess distributed a copy of the landscape plan submitted by the applicant which showed the location of the thirty-four (34) trees that were to remain on the site. Mr. Jaquess stated that five (5) trees were authorized to be removed during the demolition of the existing building, however additional trees have been removed. Mr. Jaquess stated that the applicant's representative believed they were diseased trees that could not be saved. Mr. Jaquess stated that once the City was advised of the removal of the trees, staff acted to terminate the existing demolition permit on the property, prohibiting the second building on the property from being demolished without a separate permit.

Mr. Jaquess stated the applicant was contacted regarding the tree removal. Mr. Jaquess stated that staff had not done an actual count on the number of trees that were removed however, they wanted to ensure that the number

of trees to be preserved would be equal to the number of trees that were initially approved.

Commissioner Macdonald read a letter (dated July 13, 2003) he wrote to the Planning Commission after he had driven by the site and discovered that it was completely bare of all its trees.

Chairman Webber stated that the project came before the Commission in August or September 2000, but was continued due to concerns regarding the landscape plan. Chairman Webber stated that the Commission wanted to retain as many trees as possible. Chairman Webber stated that he met with the developer's representative, Mark Sandoval onsite in October 2000. At that time, Chairman Webber and Mr. Sandoval came to an agreement regarding which of the trees were to be retained.

Chairman Webber stated that it was hard to believe that the persons involved in the removal of the trees were not told that the removal of the trees was a serious issue.

Chairman Webber opened the public hearing.

Mr. Alan Steward (General Partner, Citicom Development) stated that he submitted a letter for the record explaining the rationale for what occurred during the demolition. Mr. Steward submitted a letter he received from California Arborcare, the company that took the samples and reviewed the site in his absence. Mr. Steward stated the site was in a gross state of decomposition due to lack of attention and watering.

Commissioner Osborne asked Mr. Stewart why the Building and Safety Department was not notified of the condition of the trees. Mr. Stewart stated that he was out of town during the July 4<sup>th</sup> weekend, when the demolition took place. Mr. Stewart stated that he directed Mr. Morris to continue with the demolition.

Commissioner Macdonald asked Mr. Stewart if all the trees were cut down in one day.

Mr. Jim Morris ( AON Demolition) stated that he conducted a pre-job walk through the site, and at no time was he advised that preservation of the trees was a condition of approval. Mr. Morris stated the demolition of the interior trees, which were the first trees to be removed, was done in one day. Mr. Morris stated during the tree removal on Marshall, the large excavator he was operating accidentally bumped one of the pine trees, which then fell down and disintegrated. Mr. Morris stated that there were vehicles parked on Marshall at the time and he was concerned with the liability of a tree falling on a vehicle or person. Mr. Morris stated he believes the root system of the oleanders may have choked out the pine trees and he believes the same condition may exist on Parkford if the oleanders are removed.

Chairman Webber stated he recalled that the trees along Marshall were in the same condition as the twelve (12) remaining trees on Parkford. Chairman Webber questioned why the trees on Marshall are dead or dying, yet the trees on Parkford which are not getting water, seem fine.

Mr. Morris stated there is an extreme change in the grade; the trees along Parkford are at grade, while the trees on Marshall are on a 1:1 incline, with their root system growing down hill.

Commissioner Macdonald stated that it looked as if the trees had been cut down. Mr. Morris responded by saying the trees had been logged to speed up the project.

Mr. Morris stated that he received notification that his demolition permit has been revoked, however he asked if there was any way for him to be allowed to finish demolition of the Griswold's site. Chairman Webber stated that his request could be discussed.

Mr. Morris stated that he paid a mobilization fee for the asphalt grinder, and if the work cannot be started, he will pay another mobilization fee. Mr. Morris stated that he made a bad business decision, while trying to limit the liability of his company, the City and the developer.

Mr. Ted Robinson, Director of Design and Development, L. A. Fitness, stated that his company has waited for two-and-one-half years to build the new facility. Mr. Robinson pled with the Commission to be allowed to continue with the development. Mr. Robinson stated the pad is almost ready to be certified, however the grading permit

has been put on hold.

Chairman Webber asked Assistant City Attorney Les Murad for legal clarification on what recourse the City has to insist upon mature tree replacement. Mr. Murad stated there are two options available:

1. The applicant may request a modification to the initial Commission Review and Approval, with new conditions of approval, relative to the landscaping, or
2. The City may revoke the Commission Review and Approval, which cannot go forward at this point, as the Conditions of Approval have been violated.

Assistant City Attorney Murad stated that the most practical solution would be for the applicant to file for a modification of the Commission Review and Approval to resolve the landscaping issue.

Chairman Webber asked if staff had any recommendations on how the Planning Commission can compile information regarding the type of replacement trees to be planted at the site. Chairman Webber stated he thinks the applicant's proposal to plant palm trees is not an acceptable alternative.

Mr. Steward responded by saying that 48-inch box sycamore trees or pepper trees can be used. Mr. Steward stated he wants to resolve the issue as quickly as he can.

Chairman Webber asked the Commission for direction on resolving the issues.

Commissioner Macdonald stated that he would like to see the project go forward as soon as possible, if the landscaping issues can be worked out. Commissioner Macdonald stated that 50-60 foot high trees are unrealistic, however a combination of cedars, canary pines and sycamore trees would look great.

Chairman Webber concurred with Commissioner Macdonald and stated that he would like to appoint a working subcommittee which would include himself, to work with Mr. Steward on a landscape plan that can be approved.

Chairman Webber stated that Jack Dangermond might be helpful in suggesting the types of replacement trees that could be planted.

Mr. Steward stated he wants to resolve the problem quickly and he is willing to speak with whoever can help him resolve this issue.

Mr. Shaw stated there is currently a Condition of Approval that identifies a specific landscape plan with the type of trees to be maintained. Mr. Shaw stated that it would be difficult for staff to continue with the project, because they are bound by the Conditions of Approval, as part of the plan check review process.

Mr. Shaw stated that staff would like the applicant to provide funding to the City in order to evaluate the landscape plan. Mr. Shaw stated that it is appropriate to obtain the most mature landscaping possible, with a mixture of landscaping that will grow rapidly.

Mr. Shaw continued by saying the applicant should provide some expertise to the City, and possibly hire a landscape architect and/or arborist to help in designing a landscape plan that will meet the Commission's approval.

Mr. Steward stated that he did not necessarily agree with the first suggestion, however, he agrees with the suggestion to hire an arborist and he asked if the City might hire an arborist who would be paid by Mr. Steward. Mr. Steward asked if he could proceed with the rough grading permit and he agreed to put up a performance bond for the amount of the trees.

Commissioner Osborne asked Mr. Shaw if the applicant could proceed.

Mr. Shaw stated that the Conditions of Approval require the mature trees, which were part of the approved landscape plans to remain. Staff cannot clear the project for issuance of a Building Permit without a revised landscape plan. Assistant City Attorney Les Murad suggested the applicant submit an application to revise the

Conditions of Approval.

Mr. Shaw stated that the Condition of Approval requires that prior to the issuance of a Building Permit, a final landscape plan be submitted to the Planning Commission for approval.

Mr. Shaw stated the first step of the process is the Grading Permit, which is followed by a Building Permit.

Mr. Robinson asked if a rough grading permit and the building permit for the project can be pulled at this time. Mr. Robinson stated that he has a binding document with the developer (Steward Development), and he wanted to assure the Commission that he would do whatever possible to make things right. Mr. Robinson offered the services of his company's three (3) landscape architects.

Commissioner Osborne recommended that the applicant be asked to submit an application for an amendment to the Commission Review and Approval.

Chairman Webber stated that once the application has been submitted, the applicant can meet with Chairman Webber and Commissioner Macdonald to discuss the landscaping issue. Chairman Webber stated that the project will return to the Planning Commission on August 12<sup>th</sup> to determine how much progress has been made.

Commissioner Miller stated that the applicant should be willing to fund to have research done on the largest size trees (in a container) available that could be moved on the site. Commissioner Miller stated there should be money available to bring in an independent landscape architect to supplement the ad hoc committee. Commissioner Miller expressed his concern that the building, which previously had heavy screening on Marshall, will no longer have it because the trees have been removed. Commissioner Miller stated that appraising the value of the replacement trees would be useful. Commissioner Miller stated that he supports moving forward on the demolition immediately and he stated it is important to recognize that the trees were at least 36 years old.

Commissioner Macdonald stated that he wants the project to move forward as soon as possible as he would like to restore some of what has been lost by the complete denuding of the property.

Mr. Shaw recommended allowing the demolition to proceed, and allow the rough grading permit to be issued to the applicant. Mr. Shaw stated he would like to hold the precise grading permit until such time as a formal application has been submitted and reviewed by the Department.

#### VI. APPROVAL OF MINUTES

A. July 8, 2003

#### **MOTION**

It was moved by Commissioner Macdonald, seconded by Commissioner Osborne, and carried on a 4-0 vote to approve the Planning Commission minutes of July 8<sup>th</sup>, with two corrections noted.

#### VII. CORRESPONDENCE/COMMUNICATIONS

Chairman Webber stated he received a letter from Frank and Meta Melka expressing their support for the Ralph's Supermarket project.

Mr. Shaw introduced Mr. Asher Hartel, who was recently hired as a Senior Planner. Mr. Shaw stated that prior to working for the City of Redlands, Mr. Hartel worked for the City of Yucaipa and the County of San Bernardino.

A. City Council Report

Mr. Shaw gave a brief presentation on the City Council actions of July 15<sup>th</sup>.

#### VIII. ADJOURNMENT TO AUGUST 12, 2003



Chairman Webber adjourned the meeting to August 12, 2003, at 3:57 p.m.

Respectfully submitted,

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Patricia Ortiz, Senior Admin. Assistant  
Community Development Department

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Jeffrey L. Shaw, Director  
Community Development Department