

MINUTES of the Planning Commission Meeting of the City of Redlands held Tuesday, March 22, 2005, at 2:00 p.m. are as follows:

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

ABSENT:

ADVISORY STAFF

PRESENT: Jeff Shaw, Director
John Jaquess, Assistant Director
Leslie E. Murad II, Assistant City Attorney
Manuel Baeza, Associate Planner
David Jump, Junior Planner

I. CALL TO ORDER AND PUBLIC COMMENT PERIOD - 3 MINUTES

Chairman Webber called the meeting to order at 2:02 p.m. All commissioners were present.

Chairman Webber advised the audience that parking passes can be obtained from the Planning Commission secretary for those who parked in the Civic Center parking lot.

II. CONSENT ITEM - NONE

III. OLD BUSINESS

- A. **DEVELOPMENT AGREEMENT NO. 19** - Planning Commission to consider a recommendation to the City Council on a Mitigated Negative Declaration and a **PUBLIC HEARING** for a Development Agreement to lock-in the existing use of the site and future expansion under the land use policies and regulations of General Plan Amendment No. 98, Zone Change No. 401, and Street Vacation No. 127 on 27.94 acres located on both sides of New York Street, north of State Street, and east of Tennessee Street. Request submitted by ESRI.

Assistant Director John Jaquess stated that staff is working with the applicant; a revised development agreement was submitted and it has been circulated to various City departments for review and comments. Mr. Jaquess requested the proposed project be continued to April 12, 2005.

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 Thompson, and carried on a 7-0 vote that the Planning Commission continue Development Agreement No. 19 to April 12, 2005.

IV. NEW BUSINESS

A. **VARIANCE No. 696 - PUBLIC HEARING** for the Planning Commission to consider a Variance from Section 18.164.090 of the Municipal Code to eliminate two required parking spaces for construction of a new 1,454 square foot activity room and leasing office for The Colony Apartment complex located at 241 New York Street in the R-2, Multiple-Family Residential District. Request submitted by ROBERT LAIRD.

B. **CONDITIONAL USE PERMIT NO. 426 REVISION 1 - PUBLIC HEARING** for Planning Commission to consider a Socio-Economic Cost Benefit Study and hold a **PUBLIC HEARING** for a revision to a Conditional Use Permit to allow the construction of a 1,454 square foot activity room and leasing office for The Colony Apartment complex located at 241 New York Street in the R-2, Multiple-Family Residential District. Request submitted by ROBERT LAIRD.

Project Planner David Jump gave a brief presentation on the proposed project.

Chairman Webber opened the public hearing.

Mr. Robert Laird, representing the applicant, stated he was told by staff that he cannot request a continuance of the hearing because of legal restrictions and must move forward. Mr. Laird requested the deletion of Planning Division Condition of Approval 15 which deals with a small, un-permitted on-site structure that is located in an area that should be utilized for permitted parking spaces.

Director Jeff Shaw stated there is a conflict between the site plan and the request for a reduction in spaces. Mr. Shaw stated the illegal structure was discovered by staff upon a site inspection. Mr. Shaw stated that staff determined a Condition of Approval requiring the removal of the structure was needed to correct this matter. Mr. Shaw stated under the Permit Streamlining Act, final approval must be taken within a 60 day time frame. Mr. Shaw stated an extension of time is allowed, provided there is a mutual agreement approved by the City Council.

Commissioner Osborne asked if the Commission should approve the project as proposed (with the inclusion of Condition of Approval 15) could the applicant come back at a later time to resolve this matter?

Mr. Shaw stated the applicant could propose a new storage facility that would not affect the required parking or the applicant could request a variance for four parking spaces.

Mr. Laird stated he felt the \$7k fee is exorbitant for a 450 square foot shop building, when there is an abundance of parking spaces. Mr. Laird requested deleting the requirement for four (4) of the parking spaces. Chairman Webber advised Mr. Laird that the item under consideration is a variance for the reduction of two (2) spaces and the Commission is unable to consider his request because it was not part of the public hearing notification.

Chairman Webber stated the applicant can come back to the Commission with a revision to the original Conditional Use Permit relative to the maintenance shed. Mr. Laird stated the standard City process does not allow any "wiggle room" and he felt it takes a right away from anyone who gets processed through the City. Mr. Laird stated he suggested to David Jump that the Design Review Meeting and Environmental Review Committee be combined into one meeting.

Commissioner Thompson stated that he took exception to Mr. Laird's comment because "they (Commission) did not put the illegal building on the site." Mr. Laird stated the land was purchased by So Cal with the building

on it.

Chairman Webber stated the Commission does not have any flexibility in dealing with an illegal structure. Chairman Webber closed the public hearing.

Commissioner Miller asked Mr. Laird if he takes issue with the \$7k fee or with the time that would be involved to start the process over. Mr. Laird replied that it was the fee. Commissioner Miller asked Mr. Shaw if the fee could be discounted due to the fact that the applicant is coming back with an adjustment to the original numbers that were calculated. Mr. Shaw stated the previous Socio-Economic Cost/Benefit Study could be used and the fees could be reduced by \$2500, which is the fee for conducting the Study.

Commissioner Miller stated this is an existing complex without the benefit of modern amenities and he felt that it could be justification for a variance.

Commissioner Laymon stated she feels that Finding 2 is a basis for self-perpetuating noncompliance. Commissioner Thompson stated he feels the substantial property right occurs due to zone changes and not from a variance that might have been previously approved.

Mr. Shaw made a suggestion that the motion identify that " the activity center will provide positive amenities as well as a positive influence."

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald, and carried on a 7-0 vote that the Planning Commission approve the Socio-Economic Cost Benefit Study for Revision No. 1 to Conditional Use Permit No. 426 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 Macdonald, and carried on a 7-0 vote that the Planning Commission approve Variance No. 696 subject to the following findings and attached conditions of approval:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use that do not apply generally to other properties or uses in the same vicinity and zone because the elimination of two parking spaces would not jeopardize available parking on-site and the proposed activity center **will is an amenity that** provides a positive influence for the on-site residents.
2. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zoning district, but which is denied to the property in question as identified in the staff report.
3. The granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity as the proposed building would conform to all City Code requirements regarding current setback distances, would be screened from view, and would not affect surrounding property owners.

4. The granting of the variance will not adversely affect the General Plan of the City of Redlands.

MOTION

It was moved by Commission Miller, seconded by Commissioner Macdonald, and carried on a 7-0 vote that the Planning Commission approve Revision No. 1 to Conditional Use Permit No. 426 subject to the following findings, submitted plans, and attached conditions of approval.

MOTION

1. The use applied for at this location is conditionally permitted in the R-2, Multiple-Family Residential District which allows recreational buildings within the common outdoor living space subject to approval of a revision to a Conditional Use Permit.
2. The proposed activity center at this location is necessary and desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the zone.
3. The project site is sufficient in size and shape to accommodate the proposed use, meets all development standards and other features required in order to adjust the use to those existing or permitted future uses on land in the neighborhood.
4. That the site for the activity center relates to streets and highways properly designed and improved to carry the type of traffic generated or to be generated by the proposed use. The building to be constructed for the activity center will be designed to handle all traffic generated by multiple-family residential uses allowed within the district.
5. The conditions for the proposed use are reasonably related to the use to address potential effects of the proposed use, and are necessary to protect the public health, safety, and general welfare and the best interests of the neighborhood.

V. ADDENDA

A. REPORT ON STATUS OF SPECIFIC PLAN NO. 43

Assistant Director John Jaquess stated the original Specific Plan that was adopted in 1990 included 481 acres with 198 approved units. Mr. Jaquess stated that Neighborhood 2 was left blank, without specific lot patterns, therefore Neighborhood 2 will require a Specific Plan amendment prior to its development.

Mr. Jaquess stated the Specific Plan was assigned dwelling units based on the density formula that was allowed for the site, however there was no commitment as to the location of the units.

Mr. Shaw stated there was a minor lot line adjustment on a corner of the property that was to accommodate a lot within Neighborhood No. 3.

Mr. Shaw stated the Planning Commission has more flexibility with the project in Neighborhood 2 because the design, layout, and criteria have not been identified. Commissioner Laymon asked Mr. Shaw if the density will have to be maintained. Mr. Shaw stated under the Slope Density analysis, the number of allowed units is

identified.

B. REPORT ON STATUS OF COMMISSION REVIEW AND APPROVAL
NO. 753

Assistant Director Jaquess stated a concern about drainage from Redlands Junior Academy was identified at the last Planning Commission meeting. Mr. Jaquess stated that staff is working with the property owner however, the matter has not been resolved. Mr. Jaquess stated the following day, Chairman Webber raised a question about the status of the Kindergarten building that is located along State Street.

Mr. Jaquess stated the classroom conversion was approved in February 2003 as part of a larger project that involved the expansion of the parking lot along Tennessee Street and classrooms in the main part of the campus. Mr. Jaquess stated that some of the conditions of approval have not been met, yet the building has been occupied. Mr. Jaquess stated he spoke with the Fire Department, who coordinated with the property owner on fire safety issues and required a common alarm system be hardwired into the main alarm panel. Mr. Jaquess stated the Fire Department did not feel the need for fire sprinklers to be installed, however new construction on campus was required to have fire sprinklers.

Mr. Jaquess stated that modifications were made to the interior/exterior of the building without building permits, therefore building permits will have to be obtained for the modifications.

Mr. Jaquess stated that Principal Dustin Saxton will investigate the drainage problem and get back to staff. Mr. Jaquess stated the approved landscaping for the parking lot on the east side of the building has not been installed because the school closed off the parking lot and currently uses it as a play area.

Mr. Jaquess stated that the school intends to direct that all drop-offs from the facility be done from the parking lot that was constructed along Tennessee Street.

Mr. Jaquess stated a revised site plan will be submitted relative to the parking lot and pedestrian access and a revised Commission Review and Approval will be brought back to the Planning Commission.

Mr. Jaquess stated that staff met with Mr. Saxton to discuss the issues and it is Mr. Saxton's intention to submit plans, although there is no definite time limit as to when this will be done. Mr. Jaquess stated the Planning Commission may want to establish a deadline for when the issues will be resolved.

Mr. Dustin Saxton, Principal, stated he has an architect working on revisions and he plans to submit the plans on Monday.

Assistant City Attorney Les Murad stated no action will be taken by the Planning Commission; this item is strictly informational.

Commissioner Thompson asked Mr. Saxton if he had an opportunity to look at the drainage problem to determine its cause.

Mr. Saxton stated that he has a landscaping company looking into the matter.

Mr. Jaquess stated the project would come back to the Commission.

C. DISCUSSION ON POSSIBLE ORDINANCE FOR TREE PRESERVATION

Assistant Director Jaquess stated at the end of the Planning Commission meeting of March 8th, three (3) Planning Commissioners approached staff and asked about a City Tree Preservation Ordinance. Mr. Jaquess stated currently there is no ordinance in effect, however there are regulations for street trees.

Mr. Jaquess stated that the Historic and Scenic Preservation Commission indicated a strong interest in developing an ordinance that would protect trees of historic or scenic value. Mr. Jaquess stated it was suggested the City should determine if it should initiate the preparation of a City-wide tree preservation ordinance.

Chairman Webber asked if there was support from the Commission to move forward. Chairman Webber suggested that other cities be polled to determine if they have a tree ordinance in place.

Mr. Jaquess stated if the Commission should decide to pursue this matter, they may want to refer the issue to the Ad Hoc Zoning Committee for prioritizing the work effort of staff.

Commissioner Laymon suggested the Ad Hoc Committee may want to include the Street Tree Committee because of the extensive research they have done in this area. Commissioner Laymon noted that the City of Riverside has a well-placed, time-tested tree ordinance in place.

Commissioner Thompson stated that he could provide a copy of the City of Riverside tree ordinance to the Commission.

Commissioner Miller asked if the Commission wants to have the preservation of mature trees as a goal. Commissioner Miller stated he admired that Redlands was a city full of trees when he was trying to earn enough money so that he could afford to buy home in Redlands. Commissioner Miller stated many cities require a specific percentage of the property be shaded and he suggested consideration of a development standard that would require the front yard area of residential neighborhoods have a specified number of trees per square yard or linear foot. Commissioner Miller stated there would have to be a development standard to determine what would constitute a significant tree. Commissioner

Miller stated he felt attention should be given to front yards that are visible to the public.

Commissioner Laymon asked if they are talking about preserving trees that are deemed of significant value or planting trees in publicly visible private spaces. Commissioner Laymon stated that senior citizens don't particularly care for anything that would constitute high maintenance. Chairman Webber stated everything is on the table until the Ad Hoc Committee gives direction to the Commission.

Chairman Webber stated he wants to focus on trees that are significant in the City of Redlands, such as the giant Ficus trees in downtown Redlands. Chairman Webber stated there are places in the City with very large old trees that make the street scape, and for them to be gone for one reason or another, changes the street scape.

Commissioner Osborne stated that it sounded as if Chairman Webber was talking about trees in the parkway.

Chairman Webber stated trees on Redlands Boulevard were cut down approximately four (4) years ago by the City without a public hearing to discuss why they were being cut down.

Commissioner Osborne stated the City has removed trees because of their interference with sewer lines, but he did not think the City would radically remove trees.

Chairman Webber stated that anyone can cut down a tree without justification and currently there is nothing in place to control the cutting of trees.

Commissioner Macdonald he is of the understanding that there is a need for the Commission to recommend to the Ad Hoc Committee that the matter be looked into, although it may not result in an ordinance being adopted.

Commissioner Osborne concurred with Commissioner Macdonald.

Chairman Webber asked if there were any members of the audience who wished to speak on this matter.

Mr. Hien Hyunh, asked if an ordinance is adopted, how is a determination made on the type of tree and who would make the determination. Chairman Webber stated that it is exactly the type of question that needs to be analyzed.

Mr. Bill Cunningham, stated the City cut down a mature pepper tree that had been on his Center Street property for seventy (70) years and has no intention to replace it. Mr. Cunningham stated on Smiley Heights Drive there is a triple trunk ninety (90) foot tall tree that must be removed because it is breaking a weir box and destroying a pipeline. Mr.

Cunningham stated there are ten (10) dead trees on City property on the west side of Smiley Heights Drive that have had no maintenance and are a fire hazard. Mr. Cunningham stated Redlands is unique in Southern California and he strongly supports whatever the Commission can do to strengthen the beauty of the City.

Commissioner Thompson asked Mr. Cunningham if he would agree to an evaluation of the relocation of a the weir box rather than cutting down the tree, which would be quite expensive. Mr. Cunningham responded by saying relocation of the line would be a \$100k project.

Commissioner Miller stated he does not want to only focus on existing trees that are mature now, but he felt part of the analysis should be on developing ordinances that will preserve the good design effort that has been made at an early stage in the development of the tree.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Osborne, and carried on a 7-0 vote that the Planning Commission recommend that the Ad Hoc Committee consider the preparation of a tree preservation ordinance and determine the priority in the context of the existing work program.

D. PERSON TO PERSON TRANSFER OF ON-SALE BEER AND WINE ALCOHOLIC BEVERAGE LICENSE FOR YU RESTAURANT, 1458 INDUSTRIAL PARK AVENUE

Assistant Director Jaquess gave a brief presentation on the request for the transfer of the alcoholic beverage license.

MOTION

It was moved by Commissioner Laymon seconded by Commissioner Thompson, and carried on a 7-0 vote that the Planning Commission approve the On-Sale Beer and Wine Alcoholic Beverage license for Yu Restaurant. No conditions are recommended to be added as there are no problems associated with this facility.

E. FINAL LANDSCAPE PLAN FOR TENTATIVE TRACT NO. 16556 - KB HOMES

Project Planner Manuel Baeza stated the project, a 107 lot subdivision, was approved by the City Council in December 2003. Mr. Baeza stated the final landscape plan was conditioned to return to the Planning Commission for review and approval. Mr. Baeza stated the applicant submitted a phasing plan for the project and all improvements will be installed by July 2005.

Discussion was held on the fencing for the project. Mr. Shaw stated the proposed vinyl fencing was considered an upgrade over wood fencing. Commissioner Cook asked what other fence colors were available.

Ms. Lori McMaster, KB Homes, stated the fences will be light brown or dark brown in color.

Commissioner Miller asked if fencing facing common or public areas would be slump block. Mr. Baeza stated that slump stone would be located where private property meets a common area, however vinyl fencing would be located between lots. Mr. Baeza stated he believes it is the applicant's intent to apply for a Minor Exception Permit on corner lots. Ms. McMaster stated the perimeter would have a stone wall and the interior would have a vinyl fence.

Chairman Webber stated the proposed project is an upgrade from previous submittals and he noted the significant number of shade trees in the front yard area. Chairman Webber stated they would like to encourage developers to meet the level of effort that has been provided by this project.

Chairman Webber applauded the developer for reaching forward to come up with an acceptable project.

MOTION

It was moved by Commissioner Osborne, seconded by Commissioner Cook, and carried on a 7-0 vote that the Planning Commission approve the Final Landscape Plan for Tentative Tract Map No. 16556.

F. FINAL REVIEW OF ARCHITECTURE FOR COMMISSION REVIEW AND APPROVAL NO. 799 - WESTERN REALCO

Project Planner Manuel Baeza stated the five (5) building industrial park was approved by the Planning Commission in May 2004, with a Condition of Approval requiring that additional building architecture for buildings A, B, D, and E return to the Planning Commission for final approval. Mr. Baeza stated the applicant proposes to add a narrow band of reflective glass on the north elevations of Building B and E which face Building C. Mr. Baeza indicated no change is proposed for Buildings A and D, therefore staff recommends the proposed project be continued to allow the applicant an opportunity to revise the building elevations.

Assistant Director John Jaquess stated the applicant did not believe that he was required to make modifications to Buildings A and D, therefore the plans were submitted as proposed. Mr. Jaquess stated that staff advised the applicant to take the proposed project before the Commission for feedback.

Mr. Gary Edwards, Western Realco, stated he understood the buildings were acceptable, although Commissioner Miller requested that additional work be done. Mr. Edwards

stated he met with Mr. Pat Meyer and Commissioner Miller and he felt that Commissioner Miller wanted additional treatment on Research Drive.

Mr. Edwards asked for direction from the Commission.

Commissioner Miller stated his biggest concern was Building A as he felt it needed more treatment. Commissioner Miller stated he would support a motion of approval with the understanding that a similar treatment be done on the southeast corner of Building A and the northeast corner of Building D. Mr. Edwards concurred with Commissioner Miller's suggestion.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Thompson, and carried on a 7-0 vote that the Planning Commission approve the review of Final Architecture for Commission Review and Approval No. 779 with the addition of a Condition of Approval to read:

The applicant shall provide additional architectural treatment consistent with changes made to Buildings B and E, for the southeast corner of Building A and for the northeast corner of Building D.

Commissioner Macdonald commented that it was nice to see the project go through without delay or a lot of additional work for the applicant.

VI. APPROVAL OF MINUTES

A. March 8, 2005

MOTION

It was moved by Commissioner Osborne, seconded by Commissioner Thompson, and carried on a 6-0 vote (Commissioner Laymon abstaining) that the Planning Commission approve the Planning Commission minutes of March 8, 2005.

VII. CORRESPONDENCE/COMMUNICATIONS

A. City Council Report

Director Jeff Shaw gave a brief summary of City Council actions of March 15th.

Assistant City Attorney Les Murad advised the Commission that he would be leaving City employment to become a Commissioner in the San Bernardino Courts.

I. PUBLIC COMMENT PERIOD (CONTINUED)

Mr. Hien Huynh, 347 E. Cypress Avenue, stated his property is surrounded by the Cypress Villas apartment project (Conditional Use Permit No. 739). Mr. Huynh stated the project was required to have a masonry wall constructed along the west property line. Mr. Huynh stated that he and the developer have agreed to change the building materials that would be used to construct the wall. Mr. Huynh stated the contractor has agreed to continue the

wall up to 15 feet from the side yard setback and Mr. Huynh was given a building permit to construct a three (3) foot tall wall from that point up to the sidewalk. Mr. Huynh stated he wants to exchange the building materials that were to be used for the west wall with the building materials for the east wall. Mr. Huynh stated he did not understand why a six (6) wall was conditioned for the west property line, when the garages for the project are located along the east property line which is adjacent to his property. Mr. Huynh stated he was advised by Assistant Director Jaquess that the Conditions of Approval may not be modified without filing a revision to the original Conditional Use Permit (CUP). Mr. Huynh stated he does not have the money to pay for the building materials to construct the wall or to file the revision to the CUP, and he asked if the process could be waived. Chairman Webber responded by saying the Commission is powerless to waive the requirements. Mr. Huynh stated the contractor cannot wait for the approval process and will continue with the construction of the wall.

Commissioner Osborne stated the wall was built at the request of Mrs. Wilson, the previous property owner.

Assistant City Attorney Murad suggested that Mr. Jaquess report back to the Commission on this matter.

VIII. ADJOURN TO APRIL 12, 2005

Chairman Webber adjourned the meeting to April 12th at 3:48 p.m.

Patti Ortiz, Senior Administrative Assistant
Community Development Department

Jeffrey L. Shaw, Director
Community Development Department