

MINUTES of the Planning Commission Meeting of the City of Redlands held Tuesday, November 8, 2005, at 2:00 p.m. are as follows:

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

ABSENT:

ADVISORY STAFF

PRESENT: Jeff Shaw, Director
John Jaquess, Assistant Director
Dan Mc Hugh, City Attorney
Manuel Baeza, Associate Planner
Joshua Altopp, Assistant Planner
David Jump, Junior Planner

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

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

Mr. Mario Saucedo, Chairperson, North Redlands Visioning Committee, stated his committee appreciates all that the Commission has done to bring quality development to north Redlands. Mr. Saucedo stated the committee's role has evolved and they have taken a position to relay information on issues that are important to the community of north Redlands. Mr. Saucedo stated they hope to work with the Planning Commission and City Council in the future to bring quality development to north Redlands.

II. CONSENT ITEM(S)

A. **AL OLEA, APPLICANT**
(PROJECT PLANNER: JOSHUA ALTOPP)

1. Planning Commission to consider **Commission Sign Review No. 292** for a freestanding pedestal sign for the Unocal 76 Gas and Service Station located at 201 E. Redlands Blvd. within the TC, Town Center District of Specific Plan No. 45, Downtown Redlands Specific Plan.

B. **SILVER CREEK PROPERTIES, APPLICANT**
(PROJECT PLANNER: MANUEL BAEZA)

1. Approval of Final Parcel Map No. 16742 (Minor Subdivision No. 275) to subdivide approximately 7.4 acres into seven (7) commercial parcels located on the west side of Alabama Street, the south side of Lugonia Avenue, and north side of Orange Tree Lane in the Commercial District of Specific Plan No. 33.

C. BEAZER HOMES, APPLICANT
(PROJECT PLANNER: MANUEL BAEZA)

1. Planning Commission to consider the appropriateness of an approved Mitigated Negative Declaration.
2. Consideration of a **Time Extension for Conditional Use Permit No. 783** for a Planned Residential Development (PRD) on 46.45 acres consisting of 139 residential lots and six (6) common lots located west of Orange Street and north of Pioneer Avenue in the R-E, Residential Estate and R-1, Single Family Residential District.
3. Consideration of a **Time Extension for Tentative Tract No. 16390** to subdivide approximately 46.45 acres into 139 residential lots and six (6) common lots located west of Orange Street and north of Pioneer Avenue in the R-E, Residential Estate and R-1, Single Family Residential District.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Osborne, and carried on a 6-0 vote that the Planning Commission approve the Consent items.

Chairman Webber stated that Minor Subdivision No. 290 (item IV-B) would be heard out of sequence per the request of the applicant.

B. FOCUS REDLANDS, LLC, APPLICANT
(PROJECT PLANNER: DAVID JUMP)

1. **PUBLIC HEARING** for the Planning Commission to consider a Socio-Economic Cost/Benefit Study
2. **PUBLIC HEARING** for the Planning Commission to consider **Minor Subdivision No. 290** to allow the subdivision of two (2) 20,851 square foot industrial buildings into fourteen (14) separate condominium units (seven per building) within the East Valley Corridor Specific Plan Industrial/Commercial District at 410 and 490 Alabama Street.

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

Commissioner Cook arrived at 2:06 p.m.

Chairman Webber opened the public hearing.

Mr. Richard Ortwein, managing partner of Focus Redlands, LLC, stated he concurs with the Conditions of Approval.

Chairman Webber closed the public hearing.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Miller, and carried on a 7-0 vote that the Planning Commission deem Minor Subdivision No. 290 to be exempt from the California Environmental Quality Act under section 15301, Class 1, Existing Facilities as the project involves no expansion of an existing use and is a listed exemption under section (K) allowing the subdivision of existing commercial or industrial buildings where no physical changes will occur.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Miller, and carried on a 7-0 vote that the Planning Commission approve the Socio-Economic Cost Benefit Study for Tentative Parcel Map No. 17561 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 Macdonald, seconded by Commissioner Miller, and carried on a 7-0 vote that the Planning Commission approve Tentative Parcel Map No. 17561 subject to conditions of approval, and based upon the following findings:

3. The proposed map is consistent with the City's General Plan and Municipal Code. The project has a General Plan land use designation of commercial/industrial and a zoning of EV/IC, East Valley Corridor Specific Plan Commercial-Industrial District consistent with both the General Plan and Municipal Code;
4. The site is physically suitable for the type of development. The site meets all development standards relating to height, size, and area and can accommodate the subdivision of interior airspace.
5. The site will be physically suitable for commercial/industrial development. The site allows for two-way travel at all locations, has sufficient emergency access, includes multiple ingress and egress points, all off-site improvements have been completed to avoid future traffic impacts, and all Specific Plan development standards have been met.
6. 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;

7. The design of the subdivision or type of improvements is not likely to cause serious public health problems. This is a commercial/industrial project and is not likely to cause any serious public health problems, as pedestrian access ways will be installed, no offensive emissions or odors will be associated with the development, nor will noise affect surrounding receptors as all uses will be conducted within an enclosed building.
6. 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;
7. 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.

C. OLD BUSINESS

A. **MICHAEL LI AND STEVE TENG/MLST INVESTMENT, LLC, APPLICANT**
(PROJECT PLANNER: JOSHUA ALTOPP)

1. Planning Commission to consider a Mitigated Negative Declaration.
2. **PUBLIC HEARING** for a Socio-Economic Cost/Benefit Study.
3. Consideration of **Commission Review and Approval No. 812** to develop a 6,750 square foot commercial center on a 25,616 square foot lot located on the southeast corner of Lugonia Avenue and Orange Street in the C-4, Highway Commercial District.

Project Planner Joshua Altopp gave a brief presentation on the proposed project, which was continued from a previous meeting. Mr. Altopp stated the applicant is requesting a decision on the undergrounding of onsite utilities. Mr. Altopp stated that staff has attempted to provide some viable alternatives:

1. Require that the Conditions of Approval remain which would require the applicant to underground all on-site utilities and any associated off-site work.

2. Underground the utilities that run along Lugonia Avenue, removing one pole along the northern property while leaving the remaining pole on the southwest corner of the intersection and completing any off-site work associated with this process.

Mr. Altopp stated the applicant wanted it noted that there may be noise and traffic impacts, and construction costs will exceed what was originally anticipated by the applicant, resulting in delay or possible abandonment of the proposed project. Mr. Altopp stated staff recommends approval of the proposed project subject to a revision to Condition of Approval 6, if it is deemed appropriate.

Mr. Altopp distributed a copy of an email received from an electrical contractor relative to the cost associated with underground utilities.

Chairman Webber requested clarification on the location of the power pole that will remain. Mr. Altopp stated the pole will be located on the southeast corner of the intersection.

Mr. Li stated he was available to answer questions.

Chairman Webber asked Mr. Li to explain his position that the poles remain on the southeast corner of the intersection.

Mr. Li stated the project is a small (6,750 square foot) building; and the cost of undergrounding the utilities is a barrier to completion of the project. Mr. Li stated the amount is double what they anticipated due to the need for overtime pay for the workers. Mr. Li stated initially they were not aware of the requirement for underground utilities. Mr. Li stated he felt this requirement was unfair to the developer. Mr. Li stated they closed the Lugonia Avenue entrance, leaving one entrance on Orange Street and an alternative entrance from the alley.

Mr. Li stated they have yet to deal with Adelphia, Cal Trans, and the Edison Co. relative to the costs that will be required by them. Mr. Li stated they are willing to remove the pole on Lugonia Avenue but would like to keep the pole on the southeast corner of the intersection of Lugonia Avenue and Orange. Mr. Li stated with a compromise it could be a win-win situation; the community will get a nice, quality building with a quality tenant. Mr. Li stated they are making many contributions to the community and deserve feedback or support from the City. Mr. Li stated they cannot provide underground utilities because it is beyond their ability and over their budget.

Chairman Webber asked Mr. Li if this is the first commercial project he has developed. Mr. Li responded in the affirmative. Chairman Webber stated in fairness to other developers who have come before the Commission and did not receive a break in underground utility poles, he finds it difficult to change his position. Although it is a good project that is needed on the north side, Chairman Webber stated he finds it difficult to set a new precedent.

Mr. Li asked Mr. Webber why the land has been vacant for the past ten years. Chairman Webber

stated the north side is just beginning to be the beneficiary of new development. Chairman Webber stated it is a good corner, but he does not believe they should break the rules and set a new precedent because of the fact that the land has been vacant.

Mr. Li stated he was told that there may some funds available to help him proceed with the project. Chairman Webber stated alternative funds are difficult to come by.

Chairman Webber stated, in the past they have had the ability to compromise on historical buildings, however Mr. Li's project is a new building site.

Mr. Mario Saucedo, North Redlands Visioning Committee, stated although they appreciate the interest in developing north Redlands, they support the Commission's position on underground utilities. Mr. Saucedo stated if underground utilities are required in one part of town, it is important to extend the same requirements to this development. Mr. Saucedo stated they have evolved into a group of concerned citizens who want to be able to share their input with the Commission.

Commissioner Miller stated he sees both sides of the argument and appreciates Mr. Saucedo's comments. Commissioner Miller stated previously a proposed pharmacy came before the Commission that required upgrades to the building. He continued by stating a compromise was reached relative to the upgrades and the project was approved by the Commission, because the benefits outweighed the compromises. Commissioner Miller asked if this project will bring in enough benefits to justify making some exceptions.

Mr. Saucedo stated that a drug store would provide vital services to north Redlands. Mr. Saucedo stated the community felt the Walgreen's Drug Store provided more of a benefit to the residents of north Redlands than a retail use. Mr. Saucedo stated they are in support of having all new development provide underground utilities to ensure a uniform look in north Redlands.

Commissioner Miller stated he is struggling with the fact that the parcel is relatively small and the cost of underground utilities exceeds the entire cost of the land. Commissioner Miller stated he did not want to establish a trend that would forgive the requirement for underground utilities.

Mr. Saucedo stated they felt it was important to have this project as a starting point for underground utilities.

Commissioner Osborne stated he feels Mr. Saucedo believes that undergrounding the utilities is a higher priority than seeing new development on that corner. Mr. Saucedo stated they have not had the opportunity to look at the project but they feel it is important to take this position and wait for another project that will incorporate this requirement without a compromise.

Chairman Webber closed the public hearing.

Commissioner Macdonald stated he empathizes with the developer but he finds it difficult to believe there wasn't some knowledge of the requirement for underground utilities before it came to this level. Commissioner Miller stated it is a state highway with a heavily traveled intersection that will provide a good flow of business and he feels it is important that the Commission uniformly apply the City codes and requirements; it would set a dangerous precedent if they make an exception

because the situation will come up again.

Commissioner Osborne stated he feels that underground utilities are a good idea however, this project has special circumstances - the applicant has to cross a state highway twice in order to underground the utilities.

Chairman Webber stated it is an important corner because it is the intersection of two (2) state highways.

Commissioner Miller asked if the applicant can appeal to the City Council if the project is denied by the Commission. Commissioner Miller asked if a utility district can be set up by the City if there is a disproportionate impact by the underground utilities.

Mr. Shaw stated they have not evaluated that option. Mr. Shaw stated an alternative might be to have the Commission approve the undergrounding of the frontage on Lugonia Avenue and the other lines could be subject to an undergrounding district in the future, however timing may be an issue. Mr. Shaw stated that projects are prioritized and he believes they have been designated within the next ten-year time frame. Mr. Shaw stated currently some of the major projects are the sports park, the widening of Church Street, and the downtown area.

Commissioner Miller stated this issue will come up again in the future, and he is convinced if they insist on \$300k for underground utilities, it will probably stop the project. Commissioner Miller stated if he is put in a position where he has to listen to the needs of the developer versus the needs of the North Redlands Visioning Committee, he will listen to the Committee. However, he encouraged the developer to meet with the northside community and make it clear to them that the parcel will probably remain vacant.

Commissioner Osborne stated he will support the position of the northside and vote no on the project because it cannot survive due to the cost of the underground utilities.

Commissioner Cook stated the huge pole on the corner will detract from the project and will never be removed if the Commission doesn't set something in motion. Commissioner Cook stated she will support the project if the utilities are underground. Commissioner Cook concurred with Commissioner Miller's suggestion for some type of assessment district.

Commissioner Thompson stated unfortunately, an assessment would have to include other properties and those property owners would not be in favor of additional taxes in order to provide underground utilities.

Chairman Webber stated he did not want to set a precedent and have this be the first of a series of projects that will leave poles throughout the town.

MOTION

It was moved by Commissioner Cook, seconded by Commissioner Macdonald, and carried on a 7-0 vote that the Planning Commission approve the Mitigated Negative Declaration for Commission

Review and Approval No. 812, and direct staff to file and post a "Notice of Determination" in accordance with City guidelines. It is recommended that 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 Cook, seconded by Commissioner Macdonald and carried on a 7-0 vote that the Planning Commission approve the Socio-Economic Cost Benefit Study for Commission Review and Approval No. 812. It is recommended 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 Cook, seconded by Commissioner Macdonald and carried on a 6-1 vote (Commissioner Osborne voting no) that the Planning Commission approve Commission Review and Approval No. 812, subject to the following findings and subject to the attached Conditions of Approval:

1. That the site for the proposed use is adequate in size and shape to accommodate the use.
 2. That the site properly relates to Orange Street and Lugonia Avenue which is designed and improved to carry the type and quantity of traffic to be generated by the proposed development.
 3. That the conditions of approval proposed for Commission Review and Approval No. 812 are necessary to protect the public health, safety and general welfare.
 4. That the use is desirable for the overall development of the community.
 5. The proposed project will be consistent with the existing Commercial Designation of the General Plan.
- B. **PANDA EXPRESS, APPLICANT**
(PROJECT PLANNER: DAVID JUMP)
1. Planning Commission to consider a recommendation to the City Council on a Mitigated Negative Declaration
 2. **PUBLIC HEARING** for the Planning Commission to consider a recommendation to the City Council on **Amendment 32 to Specific Plan No. 40** (East Valley Corridor Specific Plan) modifying section EV 3.0613 (2) to eliminate text restricting the location of drive-through restaurants from any closer than three-hundred (300) feet from each other.
 3. **PUBLIC HEARING** for the Planning Commission to consider a

recommendation to the City Council on **Variance No. 716** a request to allow the projection of a drive through screening portico to encroach 15 feet into the required 25-foot street side setback within the East Valley Corridor Specific Plan General Commercial District (EV/CG).

4. **PUBLIC HEARING** for the Planning Commission to consider a recommendation to the City Council on **Conditional Use Permit No. 869** to allow the construction of a 2,448 square foot fast food restaurant on a 40,471 square foot parcel located at the southwest corner of New Jersey Street and Redlands Boulevard in the EV/CG, East Valley Corridor Specific Plan General Commercial District.

Project Planner David Jump stated the proposed project was continued from October 25th to allow the applicant to add a portico for the drive through, which requires a variance. Mr. Jump stated the required four (4) findings for the variance could not be met, therefore the variance cannot be granted.

Chairman Webber opened the public hearing.

Chairman Webber commented that this project should be held up for future reference, as a good example of a landscape design with its use of various types of trees taken from the Planning Commission's List of Recommended Shade Trees.

Chairman Webber opened the public hearing.

Ms. Deborah Kerr, 4655 Cass Street, San Diego, representing Panda Express, stated that Mr. George Mendoza, Construction Project Manager, was seated in the audience. Ms. Kerr stated they worked with staff to add the portico that was requested at the last Planning Commission meeting. Ms. Kerr stated staff was not able to support the four (4) required findings for a variance, therefore, she requested that the original site plan she submitted be considered.

Commissioner Miller suggested that the Specific Plan could be amended at a later date to allow the use of porticos or unoccupied space that enhances the architecture to encroach into the setback.

Mr. Shaw stated it could be a future amendment that would accommodate this issue.

Commissioner Miller commented that it is a very nice project and he asked if a canopy would be considered if an amendment could be passed in a timely manner, that would not delay the project.

Ms. Kerr stated they have included a portico feature, however they will be ready to go pretty quickly.

Commissioner Miller stated he is concerned with the proposed neon.

Ms. Kerr stated the neon provides a little additional sparkle and she feels it adds to the architecture in the evening.

Chairman Webber asked if the neon is included in the architectural layout. Mr. Jump stated that it was.

Commissioner Miller stated the City has a historical quality and he felt the neon would add a Las Vegas-like illumination.

Commissioner Cook asked if neon is permitted in the Specific Plan. Mr. Shaw stated it is permitted but requires review by the Planning Commission.

Commissioner Osborne noted that Bravo Burger and Nick's Burgers have neon on their buildings. Commissioner Osborne stated if it is an architectural feature, it may be acceptable.

Commissioner Miller stated that the Panda Express image has a crisp, red logo and he is in favor of the neon for this building, although he doesn't usually feel that it fits our community.

Mr. Shaw suggested the project be continued to November 22nd to allow staff to come up with an amendment to the Specific Plan, however there would not be sufficient time to keep the project on the same schedule; it would have to go before the City Council on December 20th.

Discussion was held on scheduling of the proposed specific plan amendment. Mr. Shaw stated staff would work with the applicant relative to getting started with plan check. Mr. Shaw suggested the variance application fee be refunded to the applicant.

Ms. Kerr stated timing is the key; she would like to move forward with the plan check process.

Mr. Shaw suggested the project be continued for two weeks and come back to the Commission for a final recommendation on the specific plan amendment. Mr. Shaw stated the entire package would be heard by the City Council on December 20th, however the plan check process could start in early December.

Commissioner Miller asked if the neon would be exposed. Ms. Kerr stated the neon is an exposed tube on the surface.

Chairman Webber closed the public hearing.

Commissioner Macdonald stated that this is a tremendous project and he wants to ensure that they are not penalized because they have complied with all requirements.

Commissioner Miller requested that the neon be integrated into the architecture as required by a Condition of Approval.

Chairman Webber opened the public hearing.

Mr. George Mendoza stated that the neon would be incorporated into the building in a channel. Mr. Mendoza stated he would provide a detail at the next meeting.

Chairman Webber closed the public hearing.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 7-0 vote that the Planning Commission continue Specific Plan No. 40 (Amendment 32) and Conditional Use Permit No. 869 to November 22nd.

Assistant Director John Jaquess stated the variance was advertised and he asked if it was necessary to have the project withdrawn. Mr. Shaw stated the applicant should provide a letter requesting withdrawal.

C. **AT&T WIRELESS, APPLICANT** (PROJECT PLANNER: DAVID JUMP)

1. Planning Commission to consider a Mitigated Negative Declaration
2. **PUBLIC HEARING for Conditional Use Permit No. 850** to allow the placement of a new 60-foot cellular tower disguised as a utility pole and the establishment of a 368 square foot lease area for an equipment shelter, on private residential property approximately 710 feet from Live Oak Canyon Road in the A-1, Agricultural District specifically located at 32036 Live Oak Canyon Road.

Project Planner David Jump stated the proposed project was continued from October 25th. Mr. Jump stated a windmill design has been proposed. Mr. Shaw noted that this particular design is a grinding mill. Mr. Jump stated the box can be removed and replaced by a thicker, center pole if desired.

Chairman Webber opened the public hearing.

Commissioner Macdonald stated he felt the windmill looks great.

Mr. Adrian Colicci, American Tower Corporation, representing AT&T Wireless, distributed additional photo simulations of the windmill without the box.

Commissioner Osborne stated he felt the windmill was not a stealth treatment.

Mr. Colicci, stated when referring to wireless equipment "stealth treatment" means the antenna is not visible.

Chairman Webber stated he felt the windmill fits in rural or farming areas.

Commissioner Osborne asked what will happen if future utilities are underground and the windmill is sticking up out of the ground.

Commissioner Miller stated the Conditions of Approval require that the tower be changed to another form of stealth treatment if the utilities are placed underground.

Mr. Colicci stated the advantage of the wood box over the pole is the pole would have to be widened to accommodate the width of the antennas. Mr. Colicci stated with the current design, they will have a full array with better coverage.

The Commission reached a full consensus to go with the windmill design.

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 approve the Mitigated Negative Declaration for Conditional Use Permit No. 850 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 Macdonald, seconded by Commissioner Thompson, and carried on a 7-0 vote that the Planning Commission approve Conditional Use Permit No. 850 subject to the following findings, submitted plans, and attached conditions of approval:

1. The use applied for at this location will not adversely affect the applicable land use plans of the City because the use is conditionally permitted in any zone and will extend wireless services to a previously under served area of the City.
2. The proposed development will not be detrimental to the public health, safety and welfare because the location of the wireless facility will not interfere with vehicular or pedestrian movement, will be situated away from residential uses, and will provide wireless communication services to an area lacking sufficient, available wireless infrastructure.
3. The proposed development will comply to the maximum extent feasible with the regulations of the City's General Plan, the applicable zoning district and the City's development standards because the proposed project minimizes visual impacts by the use of stealth treatment, the tower is located in a rural area minimizing the adverse impact on the community, exceeds the minimum setback requirements for the A-1 District, and is a minimum of 100 feet from the nearest residential use.
4. The proposed development is appropriate at the proposed location as the use is an approved conditional use within the A-1 District, the 368 square foot lease area will meet all development standards at the 43.5 acre site, and is served by Live Oak Canyon Road designated in the General Plan as a Minor Arterial which can serve

the traffic generated by the proposed project with a revision to Condition of Approval 2 to read:

This approval is for the installation of a new sixty foot tall wireless communication tower to be camouflaged as an ~~Edison power pole~~ a **windmill** with a total of four antenna panels to be mounted inside the proposed tower and the installation of a new equipment shelter with six equipment cabinets on a 368 square foot lease area at 32036 Live Oak Canyon Road.

and a revision to Condition of Approval 3 to read:

The applicant shall design the new wireless tower to replicate a ~~Edison power poles~~ **windmill** as depicted in the photographs presented during the public hearing: (Mitigation Measure #1).

IV. NEW BUSINESS

E. **FRANCIS HYONG, APPLICANT** (PROJECT PLANNER: DAVID JUMP)

1. **PUBLIC HEARING** for the Planning Commission to consider **Revised Tentative Tract No. 16287** to subdivide 3.16 acres into 12 residential lots and one lettered lot located south of Lugonia Avenue, approximately 110 feet north of Purdue Avenue on the east side of Occidental Drive in the R-1, Single Family Residential District (7,200 square foot lots).

Project Planner David Jump stated the original project was approved in September 2004. Mr. Jump stated the approved Water Quality Management Plan required the applicant to create a common area lot, which was not shown on the original plans. Mr. Jump stated a detention basin was created onsite to allow urban pollutants to be filtered. Mr. Jump stated the conditions were revised to require a Homeowners Association (HOA) or Community Facilities District (CFD) to be responsible for the care and maintenance of the common area.

Mr. Shaw stated that Condition of Approval 12 was revised to "require a Homeowners Association or CFD" as deemed appropriate by the City of Redlands. Mr. Shaw noted the wording "a CFD" would be added to the second sentence in Condition of Approval 12 to indicate that the "CFD" should be done prior to the final map.

Chairman Webber opened the public hearing.

Commissioner Miller asked for clarification on the revision to Condition of Approval 12.

Commissioner Miller asked if a landscaping Condition of Approval should be added during the map phase or during the housing phase. Mr. Shaw responded typically it is required prior to approval of the final map.

Commissioner Thompson asked what would happen if a riparian habitat is found around the detention basin. Chairman Webber stated this is an issue that will have to be dealt with in the future.

Mr. Jaquess stated from staff's perspective, it should be a landscaped area because it is located at the front of the tract.

Ms. Vicky Valenzuela, Thatcher Engineering, stated she concurs with staff's recommendations and the revised Conditions of Approval. Ms. Valenzuela stated several months prior they submitted their CC&Rs for review and it was suggested by staff that they have a CFD instead of an HOA. Ms. Valenzuela stated the Public Works Department felt the CFD would be an imposition on a small group of property owners and they could not support it. Ms. Valenzuela stated she wants to make sure they are not agreeing to a Condition of Approval that cannot be supported by the Public Works Department.

City Attorney Dan Mc Hugh stated this issue will be resolved at the City Council level.

Ms. Valenzuela stated the applicant and project engineer were available to answer questions.

Chairman Webber closed the public hearing.

MOTION

It was moved by Commissioner Osborne, seconded by Commissioner Miller, and carried on a 7-0 vote that the revisions proposed for Tentative Tract Map No. 16287 do not require further environmental processing, pursuant to Section 15162 of the California Environmental Quality Act Guidelines, based on the following findings:

1. The proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified effects because the proposed map includes the same amount of residential lots, is located on the same property, and no change to the overall project site will occur.
2. No substantial changes have occurred with respect to the circumstances under which the project will be undertaken; the proposed tract will be constructed in the same manner as the previously approved project and,
3. There is no new information of substantial importance with respect to this project's environmental consequences that was not known at the time the previous Mitigated Negative Declaration was adopted; no new information is available that would have an impact on the proposed project's environmental consequences.

MOTION

It was moved by Commissioner Osborne, seconded by Commissioner Miller, and carried on a 7-0 vote that the Planning Commission approve Revised Tentative Tract Map No. 16287 subject to the attached Conditions of Approval, and based upon the following findings:

1. That the proposed map is consistent with the City's General Plan and Municipal Code. The project has a General Plan land use designation of

Low Density Residential and a zoning of R-1, Single Family Residential and the 12 proposed lots are below the General Plan's maximum density for the site and all lot sizes exceed the 7,200 square foot requirement within the Municipal Code.

2. The site, which is located on the east side of Occidental Drive, north of Purdue Avenue, and south of Lugonia Avenue, is physically suitable for the type of development. The site has a relatively flat grade, is large enough to subdivide into twelve (12) lots, will install all required streets to ultimate right-of-way width, and will meet or exceed all development standards for the R-1 zoning district.
3. The site is physically suitable for the density of development of a twelve (12) lot subdivision. The General Plan land use designation of Low Density Residential allows for up to six (6) dwelling units per acre. The proposed density of this project is 3.79 dwelling units per acre.
4. 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.
5. 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 as the project will not be associated with the general of significant noise, odors, or emissions or be located near significant sources of these emissions.
6. 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; all required easements will be shown and recorded with the final map for the subdivision.
7. 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 vacant and is not being used for agricultural purposes or part of an agricultural preserve with a revision to Condition of Approval 12 to read as follows:

The applicant shall establish a Homeowners Association or Community Facilities District (CFD) as deemed appropriate by the City of Redlands for the care and maintenance of common area, and all other property improvements held in common ownership of the

subdivision. **A CFD and Conditions, Covenants, and Restrictions (CC&Rs)** shall be prepared and submitted for review and approval by the City Attorney, prior to approval of the final map and shall be recorded. The CC&Rs shall cover the care and maintenance of open space, private streets, trails and all other property and improvements held in common ownership of the subdivision.

Commissioner Laymon recused herself at 4:01 p.m. due to a conflict of interest and advised that she was leaving the meeting due to a prior commitment.

C. **CINGULAR WIRELESS, APPLICANT**
(PROJECT PLANNER: MANUEL BAEZA)

1. **PUBLIC HEARING for Conditional Use Permit No. 856** to install a one hundred (100) foot high cellular tower for a wireless telecommunication facility at 31280 B Helen Court (the Sunset Reservoir Water Facility), located south of the southern terminus of Helen Court in the O, Open Land District.

Project Planner Manuel Baeza gave a brief presentation on the proposed project. Mr. Baeza stated staff recommends a tan stucco exterior be added to the equipment shelter rather than the aggregate finish, as proposed. Mr. Baeza distributed a copy of the Public Works Department Conditions of Approval which noted there are no requirements at this time.

Mr. Baeza noted a correction to the wording in Condition of Approval 7 (Planning Division). Mr. Baeza stated a Condition of Approval could be added to require the tan stucco exterior.

Chairman Webber opened the public hearing.

Mr. Kevin Raymond, Synergy Development Services, introduced Mr. Ryan Shields stating they were here to represent Cingular Wireless. Mr. Raymond thanked Mr. Baeza for his work on the project, stating his advice was very helpful. Mr. Raymond stated he concurs with the Conditions of Approval included in the staff report.

Mr. Shields stated that Cingular Wireless purchased the AT&T Network in February 2005. Mr. Shields stated that Cingular's new equipment requires a fairly large shelter which has been ordered and is in transit therefore it would be difficult to change the exterior materials of the shelter. Mr. Shields stated the shelter has an aggregate finish and it is not feasible to stucco the outside of the shelter as requested.

The Commission reached a consensus to allow the aggregate finish.

Chairman Webber closed the public hearing.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Cook, and carried on a 6-0 vote that the Planning Commission approve Conditional Use Permit No. 856 subject to the following findings, submitted plans, and attached Conditions of Approval:

1. The proposed development will not adversely affect the applicable land use plans of the City; wireless facilities are allowed in the O, Open Land District with approval of a Conditional Use Permit;

2. The proposed development will not be detrimental to the public health, safety and welfare; the proposed tower is to have a monopine stealth treatment design which shall mitigate visual impacts upon the adjacent land uses;
3. The proposed development will comply to the maximum extent feasible with the regulations of the City's General Plan, and applicable zoning district and the City's development standards; the project meets development standards of the O, Open Land District and the City's ordinance on Wireless Service Facilities.
4. The proposed development is appropriate at the proposed location. The wireless facility would be located at a City owned reservoir which contains existing antenna towers like the one proposed, and with a revision to Condition of Approval 7 to read:
5. The applicant shall provide a "full foliage" monopine with a tapered trunk. Simulated foliage for the monopine shall begin at a height of ~~twelve~~ **twenty** (20'), the span of the foliage (north end to south end and east end to west end) at its widest point shall be twenty-five (25) feet. The monopine will contain a minimum of one hundred (100) branches. All visible portions of the trunk/monopine shall have a simulated bark exterior. Portions of the monopole not having simulated bark shall be painted to match simulated bark. The antenna panels/sectors and supports shall be painted to match the simulated foliage and shall not project beyond the branches of the monopine. All connections from the monopine to the equipment shelter and/or other support equipment shall be placed underground. The monopine shall camouflage the cellular tower to the satisfaction of the Community Development Director.

D. **TRINITY EVANGELICAL FREE CHURCH, APPLICANT**
(PROJECT PLANNER: MANUEL BAEZA)

1. Planning Commission to consider a Mitigated Negative Declaration
2. **PUBLIC HEARING** for the Planning Commission to consider **Revision No. 7 to Conditional Use Permit No. 541** for the addition of two (2) buildings with a combined area of 51,725 feet, the expansion of parking areas and the relocation of an existing building for an existing religious institution on an 18.9 acre site located at 1551 Reservoir Road in the R-E, Residential Estate District.

Project Planner Manuel Baeza requested the proposed project be continued to December 13th to allow the applicant to reevaluate the project due to concerns on cost and to complete a Water Quality Management Plan.

MOTION

It was moved by Commissioner Thompson, seconded by Commissioner Macdonald, and carried on a 6-0 vote to continue Revision 7 to Conditional Use Permit No. 541 to December 13, 2005.

V. ADDENDA

A. **ANNUAL REPORT FOR GENERAL PLAN THROUGH JUNE 30, 2005**

Mr. Shaw gave his annual report on the status of the General Plan which summarizes development accomplishments for the past year.

Commissioner Macdonald asked Mr. Shaw what happens if the City continually falls short of the very low income/low income housing. Mr. Shaw stated when the housing element is updated, staff will look at programs that may help us improve the numbers.

Assistant Director Jaquess stated the City was fortunate in having the Housing Element certified by the state, due to the effort and hard work of the Planning Commission and staff. Mr. Jaquess stated the growth initiative makes it difficult for the City during the certification process.

VI. APPROVAL OF MINUTES

A. October 25, 2005

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Osborne, and carried on a 5-0 vote (Commissioner Thompson abstaining) that the Planning Commission approve the Planning Commission minutes of October 25th with corrections noted.

VII. LAND USE AND CITY COUNCIL ACTIONS OF NOVEMBER 1, 2005

Mr. Shaw gave a brief summary on the City Council actions of November 1st.

VIII. ADJOURN TO NOVEMBER 22, 2005

Chairman Webber adjourned the meeting to November 22nd at 4:31 p.m.

Patti Ortiz
Senior Administrative Assistant

Jeffrey L. Shaw, Director
Community Development Department

