

MINUTES: of the Planning Commission Meeting of the City of Redlands held Tuesday, November 14, 2006, at 2:00 p.m. are as follows:

PRESENT: James Macdonald, Chairman
Thomas Osborne, Vice Chairman
Paul Foster, Commissioner
Gary Miller, Commissioner
Ruth Cook, Commissioner
John James, Commissioner

ADVISORY STAFF
PRESENT: Jeff Shaw, Director
Robert Dalquest, Principal Planner
Michael Reiter, Assistant City Attorney
Manuel Baeza, Senior Planner
David Jump, Associate Planner
Tamara Alaniz, Assistant Planner

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

Chairman Macdonald called the meeting to order. All Commissioners were present except Commissioners Shamp and Miller.

II. CONSENT CALENDAR

A. **GRANITE HOMES**
(PROJECT PLANNER: DAVID JUMP)

Planning Commission consideration of an extension of time for **TENTATIVE TRACT NO. 16287** and **CONDITIONAL USE PERMIT NO. 815** a planned residential development consisting of 76 single-family residential lots and 5 open space lots on a 66.20 acre site within the R-E, Residential Estate District located north of Reservoir Road and east and west of Wabash Avenue.

B. **HEEMSTRA SIGNS**
(PROJECT PLANNER: TAMARA ALANIZ)

Planning Commission to consider **Commission Sign Review No. 316** for one (1), five square foot multiple family identification sign on the northeast side of Cajon Street at 331 Cajon Street (APN: 0171-371-03).

MOTION

It was moved by Commissioner James, seconded by Commissioner Foster, and carried on a 5-0 vote to approve the Consent Calendar.

Commissioner Miller arrived at 2:01 p.m.

Item III A. Citrus Packing LLC was tabled at 2:02 p.m.

III. OLD BUSINESS

B. **TOM CUTLER, APPLICANT**
(PROJECT PLANNER: MANUEL BEAZA)

1. Planning Commission to consider a Mitigated Negative Declaration.

2. **PUBLIC HEARING** for the Planning Commission to consider a Socio-Economic Cost/Benefit Study.
3. Consideration of **Commission Review and Approval No. 842** - a Commission Review and Approval for an approximately 1,890 square foot two-story building addition to the retained portion of the Y Alliance building and a new parking area to be located at 16 E. Olive Avenue (southeast corner of Olive Avenue and Cajon Street) in the A-P, Administrative Professional Office District.
4. **PUBLIC HEARING** for the Planning Commission to consider **Parking Modification Permit No. 24** - a Parking Modification Permit for the Y Alliance building located at 16 E. Olive Avenue (southeast corner of Olive Avenue and Cajon Street) in the A-P, Administrative Professional Office District.

Chairman Macdonald opened the public hearing.

Principal Planner Bob Dalquest stated that the Joint Use Parking Agreement had not been finalized and recommended continuance to the meeting of November 28, 2006.

Chairman Macdonald asked if anyone in the audience wished to address the Commission. No comments were forthcoming and Chairman Macdonald closed the public hearing.

MOTION

It was moved by Commissioner James, seconded by Commissioner Osborne, and carried on a 6-0 vote that the Planning Commission continue the Mitigated Negative Declaration, Socio-Economic cost/Benefit Study, Parking Modification Permit No. 24 and Commission Review and Approval No. 842 to November 28, 2006.

A. **CITRUS PACKING LLC, APPLICANT** (PROJECT PLANNER: MANUEL BAEZA)

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 a Socio-Economic Cost/Benefit Study.
3. **PUBLIC HEARING** for the Planning Commission to consider a recommendation to the City Council on **Agricultural Preserve Removal No. 115** - an Agricultural Preserve Removal on approximately 3.5 acres located on the northeast corner of San Bernardino Avenue Texas Street in the A-1, Agricultural District (Proposed C-3, General Commercial District).
4. **PUBLIC HEARING** for the Planning Commission to consider a recommendation to the City Council on **General Plan Amendment No. 112** amending the General Plan Land Use Designation from Agriculture City Grove to Commercial for 5.39 acres located at the northeast corner of Texas Street and San Bernardino Avenue.
5. **PUBLIC HEARING** for the Planning Commission to consider a recommendation to the City Council on **Zone Change No. 425** from A-1, Agricultural District to proposed zoning of C-3, General Commercial District for 5.39 acres located at the northeast corner of Texas Street and San Bernardino Avenue.

6. Planning Commission to consider a recommendation to the City Council on **Commission Review and Approval No. 829** to develop a four (4) building commercial center with 110,512 square feet of floor area on approximately 5.39 acres located at the northeast corner of Texas Street and San Bernardino Avenue in the A-1, Agricultural District (proposed C-3 General Commercial District).
7. **PUBLIC HEARING** for the Planning Commission to consider a recommendation to the City Council for **Minor Subdivision No. 301** (Tentative Parcel Map No. 17873) to subdivide approximately 5.39 acres into 4 lots for property located at the northeast corner of Texas Street and San Bernardino Avenue in the A-1, Agricultural District (proposed C-3 General Commercial District).

Chairman Macdonald opened the public hearing.

Project Planner Manuel Baeza stated that the project was continued from the meeting of September 26, 2006 due to concerns on the proposed architecture. Mr. Baeza gave a brief overview of the project stating that staff preferred the original design of the building as opposed to the current proposal. Staff recommended approval of the project with the original architecture subject to the conditions of approval. Mr. Baeza stated that the applicant prepared a presentation for the Commission that addresses the new architecture proposed for the project.

Chairman Osborne commented on the art work and asked if it would go to the Cultural Arts Commission for review. Director Shaw stated that the ordinance was not in effect.

Chairman Macdonald asked why there was a motion for reduced level of service on Redlands Boulevard and Alabama Street. Mr. Baeza stated that the traffic study for this project showed a few trips going through the Redlands Boulevard and Alabama Street intersection which necessitates a motion.

David Agnew, representing David Evans and Associates, outlined the prior architectural components and gave an overview of how the new architecture evolved. Mr. Agnew indicated that Commissioners Miller and Shamp provided feedback throughout the process. Mr. Agnew stated that they completely redesigned the building with mixed use retail on the bottom and office use on the two upper levels. Mr. Agnew passed around a material board to the Commissioners for their review. Mr. Agnew presented several exhibits that displayed the elevations, courtyards, color scheme, parking areas, landscaping, and cultural enhancements to the site that represented North Redlands history and culture.

Commissioner Osborne stated that he preferred the revised plan but commented that the cornice looked thin and asked for feedback from the other Commissioners.

Commissioner Miller commented that he liked the direction that this project has gone with its classical proportions but concurred with Commissioner Osborne relative to the cornice being too light and needing more mass added. Commissioner Miller also recommended raising the cornice slightly at the southeast corner of the center building. Mr. Agnew stated that they could accommodate that and it could be added as a condition of approval.

Commissioner Miller commented that the architect demonstrated a great degree of sensitivity and design.

Mario Saucedo, Chairman of the North Redlands Visioning Committee, supported the approval of the project and appreciated being part of the planning process. Mr. Saucedo stated that the unique contemporary look is good for the area and recommended that the Commission approve the project.

Commissioner Miller asked if there were CC&R's (Conditions, Covenants and Restrictions) in place obligating that unified maintenance and aesthetics be maintained on the property. Mr. Baeza referred to conditions of approval number thirty-one (31) which requires CC&R's.

Chairman Macdonald closed the public hearing.

Commissioner Cook commented that she liked the proportion of the building, the courtyard and colors, and was very supportive of the project. Commissioner Foster concurred with Commissioner Cook and commented that working with some of the Commissioners and with the community has produced a product that he can support.

MOTION

It was moved by Commissioner Foster, seconded by Commissioner James, and carried on a 6-0 vote that the Planning Commission recommend to the City Council approval of the Mitigated Negative Declaration for Agricultural Preserve Removal No. 115, General Plan Amendment No. 112 Zone Change No. 425, Commission Review and Approval No. 829, and Minor Subdivision No. 301. 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 Foster, seconded by Commissioner James, and carried on a 6-0 vote that the Planning Commission recommend to the City Council approval of the Socio-Economic Cost Benefit Study for Agricultural Preserve Removal No. 115, General Plan Amendment No. 112 Zone Change No. 425, Commission Review and Approval No. 829, and Minor Subdivision No. 301. 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 Foster, seconded by Commissioner James, and carried on a 6-0 vote that the Planning Commission approve Planning Commission Resolution No. 1112, recommending to the City Council approval of Agricultural Preserve Removal No.115.

MOTION

It was moved by Commissioner Foster, seconded by Commissioner James, and carried on a 6-0 vote that the Planning Commission approve Planning Commission Resolution No. 1113, recommending to the City Council approval of General Plan Amendment No.112.

MOTION

It was moved by Commissioner Foster, seconded by Commissioner James, and carried on a 6-0 vote that the Planning Commission approve Planning Commission Resolution No. 1114, recommending to the City Council approval of Zone Change No. 425.

MOTION

It was moved by Commissioner Foster, seconded by Commissioner James, and carried on a 6-0 vote that the Planning Commission recommend to the City Council a reduced LOS at the intersection of Alabama Street/Redlands Boulevard during the peak hours as permitted in General Plan Policy 5.20b and 5.20c.

MOTION

It was moved by Commissioner Foster, seconded by Commissioner James, and carried on a 6-0 vote that the Planning Commission recommend to the City Council approval of Minor Subdivision No. 301 subject to conditions of approval, and based upon the following findings:

1. The proposed map is consistent with the City's General Plan, Municipal Code; the project has a General Plan land use designation of Commercial and is consistent with the General Plan, Municipal Code, and;
2. The site is physically suitable for the type of development; the site is large enough to subdivide into a four (4) parcel commercial center;
3. The site is physically suitable for the density of development of a four (4) parcel commercial center; the proposed General Plan Land Use Designation of Commercial and proposed zoning of C-3, General Commercial District both allow for commercial subdivisions;
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; the initial study prepared for the project includes mitigation measures addressing the projects potential to create health problems;
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; buildings will not be located over existing easements;
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 under Williamson Act Contract.

MOTION

It was moved by Commissioner Foster, seconded by Commissioner James, and carried on a 6-0 vote that the Planning Commission recommend approval to the City Council of Commission Review and Approval No. 829, 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; the project meets all development standards of the C-3, General Commercial District;
2. That the site properly relates to Texas Street and San Bernardino which are 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. 829 are necessary to protect the public health, safety and general welfare;
4. That the use is desirable for the overall development of the community; the project will provide new shopping and employment opportunities to City residents;

5. The proposed commercial center will be consistent with the proposed Commercial Designation of the General Plan.

The motion includes the addition of conditions of approval number forty one (41) and forty two (42) as follows:

41. The cornice found at the southeast corner of building three (3) shall be raised subject to review and approval by the Community Development Director.
42. The mass of all building cornices shall be increased subject to review and approval by the Community Development Director.

C. **TANDY HILL, APPLICANT**
(PROJECT PLANNER: TAMARA ALANIZ)

1. Planning Commission to consider a recommendation to the City Council on a Negative Declaration.
2. Public hearing for the Planning Commission to consider a recommendation to the City Council on **AGRICULTURAL PRESERVE REMOVAL NO. 116** on approximately 12.43 acres (APN: 0294-091-39) located north of San Timoteo Canyon Road and west of Alessandro Road in the A-1, Agricultural District.
3. Public hearing for the Planning Commission to consider a recommendation to the City Council on **ZONE CHANGE NO. 428** from A-1, Agricultural District to R-R, Rural Residential District and FP-1, Floodplain District on approximately 12.46 acres (APN: 0294-091-39, and 32) located north of San Timoteo Canyon Road and west of Alessandro Road.

Chairman Macdonald opened the public hearing.

Project Planner Tamara Alaniz stated that the project was continued from the October 24th, 2006 meeting to bring forward an agricultural preserve removal application for consideration and to provide a map indicating the parcels and their adjacencies relative to the applicant's property. Ms. Alaniz gave an overview of the project and recommended that only a portion of the property be rezoned to R-R. Ms. Alaniz read a letter that was received from Redlands resident, Lisa Pierce, who requested that appropriate right-of-way and easement for connectivity be required as part of any zone change agreement. Ms. Alaniz stated that staff reviewed Ms. Pierce's request and since there is no development proposed with the zone change, staff can not condition the zone change to reflect Ms. Pierce's request. Staff recommended the approval of the zone change and agricultural preserve removal and to adopt Resolution No. 1115 and 1116.

Chairman Macdonald asked if the questions raised by Ms. Pierce would be valid if a development was proposed. Ms. Alaniz responded that it would be valid and that those types of impacts would be accessed on the basis of what impacts any development would have on those biological issues.

Chairman Macdonald asked how this project relates to the new San Timoteo Canyon State Park and how close the property was to the park. Ms. Alaniz was not able to determine an exact distance but that it was located a few miles southeast of the project.

Director Shaw stated that the City is trying to acquire some land within the canyon area in close proximity of the applicant's property to provide natural open space within the canyon.

Commissioner Osborne commented on the trails and stated that he assumed that there were no existing trails on this site.

Commissioner Miller commented on the zone change and asked why staff does not condition anything relative to future development. Ms. Alaniz stated that staff is not allowed to condition a zone change by law.

Chairman Macdonald stated that he had a lengthy conversation with Ms. Pierce and that most of the issues discussed were outlined in her letter.

Chairman Macdonald asked if the applicant wished to address the Commission.

Tandy Hill, applicant, stated that he owned his property for twenty-five years when it was part of the County. He commented that this zone change was promised to him by the City when he annexed back in 1979. Mr. Tandy stated that he does not have any development plans at this time.

Bill Cunningham, representing the Redlands Association, commented that he strongly feels that this zone change is premature and inappropriate. Mr. Cunningham had concerns that this is a lynch pin with regard to development of the rest of the canyon as precedent setting. He stated that prior to any zone change of this sort, a full environmental review should be completed.

Helen Waitz, resident, questioned why the zone change was being requested now. She commented on the rural area and agriculture. She concurred with Mr. Cunningham's concerns relative to the environment.

Amanda Frye, resident, agreed that the zone change and agricultural removal is highly suspicious. She stated that the agricultural removal and zone change are short sighted and precedence setting. Ms. Frye felt that a full EIR (Environmental Impact Report) is essential before any zone change and agriculture removal can be taken.

Theresa Kwappenberg commented that she believed that the property is resource preservation rather than resource conservation and asked if she was correct. Ms. Alaniz stated that she was correct that it was resource preservation. Ms. Kwappenberg commented on the resource preservation issues and stated that she had concerns doing a zone change without seeing the project. Ms. Kwappenberg concurred with Mr. Cunningham and Ms. Frye in requesting an Environmental Impact Report.

Carolyn Laymon, resident, stated that the project raised a few red flags relative to the zone change being evaluated without a tentative tract map and possibly losing out on the development of a trail. Ms. Laymon would like to see the zone change come forward with a tentative tract map.

Chairman Macdonald asked if anyone else wished to speak on this subject. No comments were forthcoming and Chairman Macdonald closed the public hearing.

Chairman Macdonald asked if Mr. Hill wanted to respond to any of the comments.

Chairman Macdonald opened the public hearing.

Mr. Hill commented that he did not object to the trail and that his request is not eroding anything in the canyon, and that almost fifty (50) percent of it is the creek which is protected by the Flood Control easement. Mr. Hill stated that all the rules and regulations with the habitat, ERA and environmental, are already in place.

Commissioner Foster asked Mr. Hill if he had any plans to bring forward a project on the site and why he was requesting the zone change at this time. Mr. Hill stated that he has no plans for a project at this time but that it was his intent to eventually put more homes on the property. He thought it was the right time to look at preserving his rights as a property owner, especially based on the 200 houses across the street and at some point in time, may entertain building there.

Chairman Macdonald closed the public hearing.

Commissioner Osborne asked to see the map with the flood plain.

Commissioner James appreciated the rights of the property owner and wanting to do those things that protect those rights. He stated that the reasons for a zone change should be unique and compelling and he does not see that at this time.

Commissioner Foster stated that his concerns were similar to Commissioner James. He also did not see a strong and compelling reason to approve the zone change at this time without seeing what it means long term to the canyon and site as a whole.

Commissioner Osborne referred to the map showing the flood plain stating that there is a flood control easement there and nothing can be built.

Commissioner Miller shared the concerns relative to preserving the canyon and agricultural heritage. He asked if the Commission can require environmental reviews based on a zone change alone and if there needs to be a project with a specific development proposed prior to assessing it. Director Shaw answered Mr. Miller's questions.

Commissioner Osborne stated that it appears that the Commission is reluctant to approve a zone change without a specific project and suggested giving the applicant the opportunity to withdraw this proposal and come back with a specific development.

Chairman Macdonald opened the public hearing.

Mr. Hill commented on the concerns of the Commission and asked if it was possible to continue the project to work out some of the issues addressed today with his consultant. Chairman Macdonald stated that the project could be continued to address the concerns of the Commission.

Commissioner Osborne questioned the length of the continuance with Chairman Macdonald stating that it would be continued long enough for the applicant to resolve the issues. Director Shaw stated that there were no constraints from a staff standpoint and that it would be up to the applicant.

Mr. Hill asked for a continuance of thirty (30) days. Director Shaw stated that a thirty day continuance would bring the project back to the Commission at their December 12, 2006 meeting.

Chairman Macdonald closed the public hearing.

MOTION

It was moved by Commissioner James, seconded by Commissioner Foster, and carried on a 6-0 vote that the Planning Commission continue Agricultural Preserve Removal No. 116 and Zone Change No. 428 to the meeting of December 12, 2006.

D. **JOHN HIEBERT, APPLICANT**
(PROJECT PLANNER: JOSHUA ALTOPP)

1. **PUBLIC HEARING** for a Socio-Economic Cost/Benefit Study.
2. **PUBLIC HEARING** for **MINOR SUBDIVISION NO. 299** to subdivide Assessor Parcel Number 0172-321-43 totaling 68,591 square feet into two parcels one totaling 19,288 square feet with an existing house and the other parcel totaling 49,303 undeveloped vacant land within the R-S, Suburban Residential District located at 1107 Cypress Avenue.

Chairman Macdonald opened the public hearing.

Project Planner Bob Dalquest stated that staff is recommending continuance to the November 28, 2006 meeting to resolve issues relative to the conditions of approval for undergrounding utilities. Mr. Dalquest stated that staff has asked Public Works Director Ron Mutter to make a presentation to the Commission on Rule 20 to address the City's direction on undergrounding utilities throughout the City.

Chairman Macdonald asked when Mr. Mutter was planning on making his presentation. Director Shaw stated that Mr. Mutter was in the audience and could answer questions relative to Rule 20.

Public Works Director Ron Mutter gave a brief synopsis of the Rule 20 program and referred to the handout that was provided to each of the Commissioners.

Commissioner Osborne had questions relative to the improvements at Alabama and Redlands Boulevard and Colton Avenue. Mr. Mutter answered Mr. Osborne's questions.

Commissioner Miller had questions relative to undergrounding the utilities on the Hiebert project and asked if it was preferred by Public Works to have the money to use at their discretion or to have the developer make the improvements. Director Mutter did not have an answer relative to Commissioner Miller's first question and stated that he would get back to him. To answer the second question, Director Mutter stated that it is a local policy decision that could be implemented by the City Council.

Chairman Macdonald asked if anyone in the audience wished to speak on this item.

Bill Cunningham, resident, had concerns relative to Mr. Heibert paying in lieu fees instead of undergrounding utilities.

Chairman Macdonald closed the public hearing.

Commissioner Miller asked Director Mutter if there was a pay back plan that could be implemented with respect to undergrounding the utilities.

Chairman Macdonald opened the public hearing.

Director Mutter stated that there was not a pay back plan.

Commissioner Osborne asked Director Mutter if Public Works was investigating and evaluating the Hiebert undergrounding issue. Director Mutter stated that this requirement comes from the Planning Department but that both he and Director Shaw work together and review the actual site conditions before any final recommendation is made.

Chairman Macdonald closed the public hearing.

MOTION

It was moved by Commissioner James, seconded by Commissioner Miller, and carried on a 6-0 vote that the Planning Commission continue Minor Subdivision No. 299 to the November 28, 2006 meeting.

IV. ADDENDA

FINDING OF GENERAL PLAN CONSISTENCY FOR SALE OF CITY OWNED
PROPERTY LOCATED ON THE WEST SIDE OF WABASH AVENUE NORTH OF
RESERVOIR ROAD IN TRACT 16586

Project Planner Bob Dalquest gave an overview of the proposed sale of two parcels of land. Staff recommended that the sale of the parcels is consistent with the General Plan and would also implement the intent of the Planning Commission and City Council when the tract was originally approved.

MOTION

It was moved by Commissioner Foster, seconded by Commissioner James, and carried on a 6-0 vote that the Planning Commission determine that the proposed sale of the subject parcels as shown in Exhibit "A" to Granite Homes to be included as part of Tract 16586 is consistent with the General Plan.

V. NEW BUSINESS

A. CITY OF REDLANDS, APPLICANT (PROJECT PLANNER: TAMARA ALANIZ)

1. Planning Commission to consider a recommendation to the City Council on a Negative Declaration.
2. **PUBLIC HEARING** for the Planning Commission to consider a recommendation to the City Council on **ORDINANCE TEXT AMENDMENT NO. 313** adding Chapter 18.170 to the Redlands Municipal Code establishing development standards for publicly displayed artwork, a public art program, and an inventory of existing public art located on public or private property.

Chairman Macdonald opened the public hearing.

Project Planner Tamara Alaniz gave an overview of the proposed Ordinance Text Amendment. She advised that a revised ordinance was received from the City Attorney with a few minor changes in the wording and reviewed each change with the Commission.

Chairman Macdonald referred to section 18.170.030 stating that it seemed vague and asked for clarification relative to the percentage. Ms. Alaniz clarified that the percentage is on the total valuation of buildings associated with the project. Chairman Macdonald asked if that needed to be clarified in the ordinance. Director Shaw stated that changing the wording would make it clearer and will get together with City Attorney McHugh.

Commissioner Cook asked if this ordinance was similar to those used in other cities. Director Shaw gave a brief overview of how the ordinance developed stating that a number of different ordinances from other cities were reviewed and evaluated.

Commissioner Osborne referred to section 18.170.030 and asked if something should be included for the low end projects, such as paying an in lieu fee. Ms. Alaniz clarified the section of the ordinance.

Commissioner Osborne asked if a clause could be written into the ordinance that would allow the Community Development Director or staff make the determination that the applicant either put in artwork or pay an in lieu fee. Director Shaw stated that it is important that the applicant make the choice of either paying the fee, putting in artwork, or a combination of the two.

Commissioner James followed up on Commissioner Osborne's question asking if this is a development fee. Assistant City Attorney Michael Reiter stated that it is not a development fee but rather a zoning requirement.

Commissioner James asked if it was legal to say that we just want in lieu fees and that the City or Cultural Arts Commission can determine where the money goes. Director Shaw stated that he did not believe so and commented that the basis for the ordinance is to say that this is a zoning requirement to require public art and that the in lieu fee provides some flexibility in the ordinance.

Ms. Alaniz continued reviewing the changes in the ordinance. Ms. Alaniz stated that she worked with Director Shaw to give the Commission an idea of what size of development would have what type of valuation and the type of artwork that would be required and gave examples of several projects. Staff recommended that the Planning Commission adopt Resolution No. 1117, recommending the approval of the Ordinance Text Amendment to the City Council.

Commissioner Foster asked at what point the fees would be due and payable in the project process. Ms. Alaniz responded that the art work should be installed at the point when occupancy was issued. In lieu fees would be paid at time of permit issuance.

Commissioner Foster asked if staff looked at all the projects that met that standard or received an occupancy notice during the course of a year and if there was a calculation relative to how much money would be generated for this effort in a year's time. Director Shaw stated that there was some analysis done initially to see what kind of revenue would be generated but that nothing had been done recently with the .050 percent.

Commissioner Osborne asked how fees would be established for developments built in phases. Director Shaw stated that the actual artwork is reviewed up front, would go through the Cultural Arts Commission with a proposed piece of art work to get that approved, and would have to have the art work constructed prior to the first occupancy. If they paid in lieu fees, staff would require the fees to be paid at the issuance of the building permits and based on the valuation of the homes being built.

Chairman Macdonald asked if the development community provided input on the proposed ordinance. Director Shaw stated that there was some discussion between the Cultural Arts Commission and certain members of the development community but he did not know to what extent.

Commissioner James had questions relative to funds for maintenance and inventorying the artwork and asked if some of the GIS systems in the City could be used as a database. Both Director Shaw and Ms. Alaniz addressed Commissioner James questions.

Commissioner Miller had a question relative to someone subdividing and grading lots and then selling them and asked if they would be assessed a fee on the grading permit since there would not be a building permit. Director Shaw addressed Commissioner Miller's question.

Chairman Macdonald referred to page four (4) of the ordinance and asked why there was a minimum of five lots when one home could be constructed for one million dollars. Director Shaw addressed Chairman Macdonald's question.

Chairman Macdonald opened the public hearing and stated that he had a speaker slip from Dora Waters along with a two page letter addressed to the Commission.

Dora Waters, 1333 E. Colton Avenue, read a two page letter to the Commission addressing that the usage of the fees is unclear, that the fees were excessive, and had suggestions for an alternative Public Art Ordinance. Ms. Waters opposed the current version of the ordinance stating that it would not bring positive results to future home buyers and apartment renters and would create higher real estate prices to the consumer.

Fred Edwards, member of the Cultural Arts Commission, was available for questions. He made it clear that the Arts Commission was not proposing a tax. Mr. Edwards spoke about the current buildings in the City that have art incorporated in the structure such as Washington Mutual, the Police Annex and the University of Redlands Science building. Mr. Edwards spoke about the caps and fees and the process involved in writing the proposed ordinance.

Chairman Macdonald asked how the development community was involved in their discussions. Mr. Edwards stated that they spoke informally with some developers and asked Shirley Leonard, who was in the audience, if any formal meetings were held with the developers.

Shirley Leonard stated that she was the Chair for the Cultural Arts Commission when the ordinance was initiated and gave a brief overview relative to why the ordinance was proposed. Ms. Leonard stated that it was her understanding that Mayor Harrison and Chairman Clark Morrow met with at least one or more of the development community.

Mr. Edwards commented that Mayor Harrison's discussion with the developers resulted in lowering the percentage rate from .095 to .050.

Dora Waters stated that the business community was not given proper notice and was not involved in the proposed ordinance. She requested that the ordinance be continued to obtain involvement with others in the community.

Chairman Macdonald closed the public hearing.

Commissioner James supports the concept of the ordinance and would like to see art in public places. He stated that there appears to be a lot of comments on the proposed ordinance as written and did not know if it was appropriate to continue this to discuss the issues addressed.

Commissioner Miller stated that he was not keen on having a threshold of \$300,000. and did not favor a cap. He mentioned that schools get a substantial amount of money for development and that should be considered.

Commissioner Cook stated that she supported the ordinance.

Commissioner Osborne stated that the ordinance was a good way to get art into the City but that it needed some refinement.

Commissioner Foster stated that he has no problem with developers paying fees to the City and is not in opposition with having art in public places but had concerns with the City not operating on a positive margin. He stated that when the community is flush with money, then an ordinance like this one could be proposed. He liked the idea but stated that the timing was not right.

Chairman Macdonald stated that he was a past member of the Redlands Art Association and enjoys art but concurs with Commissioner Foster relative to the needs in the City to maintain our quality of life. He feels that the ordinance is poorly written and that there are too many issues that need addressing.

Commissioner Osborne agreed that the rate was too high. He supports the ordinance in theory but cannot vote to recommend it to the City Council.

Chairman Macdonald commented that it was discussed earlier to continue this to refine the ordinance and asked Director Shaw for direction.

Director Shaw stated that if the Commission is asking staff to refine the ordinance, more direction would be needed from the majority of the Commission and commented on some of the suggestions from the Commission.

Commissioner Miller asked if it was possible to modify the ordinance to state that anything that falls under the discretionary category follows as Director Shaw proposed and anything not in the discretionary category automatically pays an in lieu of fee with no involvement. Director Shaw stated that staff could explore that suggestion.

Director Shaw stated that he has heard a number of issues but not anything in terms of amending the code. Staff had identified a number of changes that were more of a reflection of the new ordinance and mentioned that cap was another discussion point.

Commissioner James stated that he had the comments on the percentages or minimum and maximums on how the funds should be spent.

Director Shaw stated that there were percentages in earlier drafts of the ordinance and it was felt that those limitations might pose problems in implementing their programs. Those percentages were taken out to give flexibility to the Cultural Arts Commission in particular and Council overall in administering the program.

Director Shaw stated they could go through earlier drafts and put back in some of those percentages that had been taken out.

Ms. Alaniz suggested that Community Development could work with the Finance Department to set up the fund structure based on public and Commission input.

Commissioner Miller asked about the selection or approval of the art and asked how it would be controlled. Director Shaw stated that the Cultural Arts Commission has the ability to review, approve, deny or recommend changes.

Chairman Macdonald asked if there was any discussion when developing the ordinance so that it affected all City residents, and not a select group.

Chairman Macdonald opened the public hearing.

Mr. Edwards addressed Chairman Macdonald's question and issues relative to the ordinance.

Bill Cunningham, resident, had concerns relative to equity of fees. He stated that if this is to be art in public places, he would like to see physical art rather than money dissipated into schools. Mr. Cunningham stated that he did not have a clear understanding of how the art would be maintained.

Chairman Macdonald closed the public hearing.

Chairman Macdonald commented that he is a big supporter of the arts but that the Symphony and Redlands Bowl support themselves. He stated that there has to be another way to do this rather than indirectly taxing new development. Chairman Macdonald asked Director Shaw what was the next step.

Director Shaw stated that staff would be willing to work on components of the ordinance and would like to propose some modifications to take back to the Cultural Arts Commission. He stated that he is seeing recurring themes such as having a fee put in place from an equity standpoint, putting a cap on the upper end, and addressing concerns about programs as opposed to physical art.

Chairman Macdonald stated that all the questions raised indicate that the ordinance is not tight enough and does not have enough specific answers. He added that when we are dealing with this kind of money, its use, and application, it needs to be specifically outlined from the inception.

Commissioner Foster suggested that the ordinance go back to the Cultural Arts Commission with a strong recommendation that they prepare a ballot measure for the next general election for the public to weigh in on this issue. Commissioner Foster stated that he will vote against continuing and approving the ordinance.

Commissioner Osborne referred to page eleven (11), section 18.170.070 B and had concerns relative to the educational funds. Chairman Macdonald stated that it did not give any limitation on the amount.

Commissioner James stated that he liked the concept but that the execution of the concept does not seem viable. He stated that the concept does go toward creating Redlands as a better destination, with a better viability of people coming here to spend money and create more revenues. Commissioner James stated that he is not comfortable with the document and cannot support it as written.

Chairman Macdonald concurred with Commissioner James stating that the document was just too loose.

Commissioner Osborne commented that there should be a better presentation in the ordinance relative to having enough funds retained to do the maintenance on the artwork and to run all the programs.

Director Shaw recommended that this item be continued for at least thirty (30) days to give staff the opportunity to meet with the City Attorney and representatives from the Cultural Arts Commission to address the issues that were raised by the Commission.

Commissioner Osborne asked that staff look at some cities that have had this program in effect for at least ten (10) years and see how it has worked for them and if it has been self sustaining. Chairman Macdonald asked to see a report on all the development for the 2006 year and the dollars that would have been generated based upon the formula.

Commissioner Miller clarified his position relative to charging everybody a fee. He stated that ultimately, the City will build out with a lot of art to maintain and should consider things such as building permits for remodels, since that is largely what the City will have once it builds out.

Mr. Shaw stated that he would explore with the City Attorney if we can apply a fee for those discretionary issues which could be applied uniformly on all permits.

Mr. Osborne asked how much time was needed for a continuance. Mr. Shaw requested thirty (30) days to the December 12, 2006 meeting.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner James, and carried on a 4-2 vote, (Commissioners Macdonald and Foster opposed), that the Planning Commission continue Ordinance Text Amendment No. 313 to the meeting of December 12, 2006.

Chairman Macdonald recessed the meeting at 5.25 p.m.

Chairman Macdonald reconvened the meeting at 5:32 p.m.

B. **BRENTWOOD COMMUNITIES, APPLICANT** (PROJECT PLANNER: JOSHUA ALTOPP)

1. Planning Commission to consider a Mitigated Negative Declaration.
2. **PUBLIC HEARING** for the Planning Commission to consider a Socio-Economic Cost/Benefit Study.
3. **PUBLIC HEARING** for the Planning Commission to consider **Conditional Use Permit No. 886** - a Conditional Use Permit for a 38 unit townhome development on approximately 4.10 acres located on the northwest corner of Orange Avenue and Nevada Street in the EV 3000RM, Multi-Family Residential District.
4. **PUBLIC HEARING** for the Planning Commission to consider **Tentative Tract Map No. 17962** - a Tentative Tract Map to subdivide approximately 4.10 gross acres into thirty-eight (38) number lots and one (1) lettered lot for the purpose of

town homes for the property located at the northwest corner of Orange Avenue and Nevada Street in the EV 3000RM, Multi-Family Residential District.

Chairman Macdonald opened the public hearing.

Project Planner Manual Baeza gave an overview of the proposed project. Staff recommended approval of the project subject to the conditions of approval.

Chairman Macdonald commented on the setback between the two buildings and asked if it included the patio area. Mr. Baeza responded that it included the patio area. Chairman Macdonald asked what the distance was patio to patio. Mr. Baeza stated that the distance with the changes as recommended by staff was fourteen (14) feet.

Pat Meyer, representing the applicant, concurred with the staff report and agreed with the mitigation measures and conditions of approval.

Commissioner Miller commented on the nice detail on the garage door and wanted confirmation that they would be used in the final plan. Mr. Meyer confirmed that the garage doors shown in the plans would be used. Commissioner Miller asked what type of material would be used for the shutters. Mr. Meyer asked the applicant in the audience who stated that a composite material would be used.

Commissioner James stated that he liked the project and architecture. He asked if the setback issues would be eliminated if they removed lots one, two and three. Mr. Meyer stated that two lots were already dropped and that this project has significant offsite improvements to complete. He added that the applicant would need to reconsider the whole concept and get into a condo type project if more units are lost.

Chairman Macdonald concurred with Commissioner James stating that all the other buildings are nicely laid out but had concerns that the two buildings with rear private yards have only fourteen (14) feet between them would not provide a quality of life for the property owners. He added that eliminating the three units would allow separating those buildings properly and would take care of the additional requirement for parking. Mr. Meyer stated that the additional parking was not a problem.

Director Shaw suggested that the three properties be moved four (4) feet to the north but stated that it would be short by about six feet. Director Shaw stated that if you lost one more unit and shifted the two units further to the north, you could pick up 6 feet without losing all three units.

Chairman Macdonald asked if there would be a block wall. Mr. Baeza stated that the private patios would have block walls.

Chairman Macdonald closed the public hearing.

Chairman Macdonald commented that the property owners are entitled to more space between their units and that the Commission has made that a policy on many other proposals brought before them. He added that it could be achieved quite easily with the change of the three units up above.

Commissioner James commented that he is intrigued with Director Shaw's suggestion of losing only one of the three lots and allowing everything to move farther to the north.

Commissioner Miller concurred with Commissioner James stating that every project needs to comply with Measure U.

Chairman Macdonald opened the public hearing.

Mr. Meyer commented that the objective is to get forty (40) feet between the rear of the structures and asked if that was what the Commission was requesting. Commissioner James responded yes. Director Shaw stated that it would be thirty-four (34) feet with the changes that staff recommended.

Mr. Meyer stated that he would agree to provide the forty (40) feet between the two structures and that lot three may not have to be eliminated. He stated that one unit may have a side entry garage which he can swing around and will be attached differently than the others and then, move it north. Mr. Meyer agreed to an additional condition that would provide the forty feet along with doing something with lots one, two and three in order to get the extra six (6) feet.

Commissioner James clarified that the motion for waiver would not be required. Commissioner Osborne stated that was correct.

Chairman Macdonald asked if this should come back or if the Commission was satisfied in allowing staff to accomplish the distance between the buildings. Commissioner Osborne stated that it states in writing that you need forty feet. Mr. Meyer stated that it would be a minor change and that they will either drop lot three or swing it around.

Chairman Macdonald stated that the motion for waiver of development standards has been eliminated.

Chairman Macdonald closed the public hearing.

Commissioner Miller stated for the record that the project will be in substantial compliance.

Director Shaw commented that it is his understanding that the only change to the map and overall development would pertain to the three northerly lots that might be reconfigured in some way, either modifying one unit or a possible reduction by a unit. He added that if it is something broader, it may need to be brought back to the Commission.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Foster, and carried on a 6-0 vote that the Planning Commission approve the Mitigated Negative Declaration for Tentative Tract Map No. 17962 and Conditional Use Permit No. 886 and direct staff to file and post a "Notice of Determination" in accordance with City guidelines. It has been determined this project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Foster, and carried on a 6-0 vote that the Planning Commission approve the Socio-Economic Cost Benefit Study for Tentative Tract Map No. 17962 and Conditional Use Permit No. 886 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 Foster, and carried on a 6-0 vote that the Planning Commission approve a reduced LOS at the intersection of Alabama Street/Redlands Boulevard and the intersection of California Street/Redlands Boulevard during the peak hours as permitted in General Plan Policy 5.20b and 5.20c.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Foster, and carried on a 6-0 vote that the Planning Commission approve Tentative Tract Map No. 17962 subject to conditions of approval, and based upon the following findings:

1. The proposed map is consistent with the City's General Plan and the East Valley Corridor Specific Plan. The project has a General Plan land use designation of Medium Density Residential and a zoning of EV/3000RM, Multiple Family Residential District and is consistent with both the General Plan and the East Valley Corridor Specific Plan;
2. The site is physically suitable for the type of development. The site is large enough to subdivide into thirty-eight (38) lots for condominium purposes and one common area lot;
3. The site is physically suitable for the density of development of a thirty-eight (38) unit subdivision. The General Plan Land Use Designation of Medium Density Residential and EV/3000RM, Multiple Family Residential District Zoning both allow for the proposed thirty-eight (38) dwelling units;
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, aside from temporary air quality and noise impacts during construction addressed in the project's Mitigation Measures;
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.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Foster, and carried on a 6-0 vote that the Planning Commission approve Conditional Use Permit No. 886 subject to the following findings:

1. The proposed development will not adversely affect the applicable land use plans of the City. The project is a multiple family development in an area designated for medium density residential development;
2. The proposed development will not be detrimental to the public health, safety and welfare. The project is designed with adequate street access and will meet all building codes;

3. The proposed development will comply to the maximum extent feasible with the regulations of the City's General Plan, applicable zoning district, and the City's development standards. The project is consistent with the General Plan and meets development standards of the EV/3000RM, Multiple Family Residential District of the East Valley Corridor Specific Plan;
4. The proposed development is appropriate at the proposed location. The project site is within an area of the City that is being developed with medium density residential units. Along Orange Street there are a number of multiple family residential projects running from Tennessee Street to the City's western boundary."
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.

This includes the addition of the following condition of approval:

The project shall provide the minimum rear yard setback as established in EV3000 RM for all residential buildings within the project and the site plan shall be adjusted in accordance with the staff and Commission's recommendations.

C. **GRIFFIN INDUSTRIES, APPLICANT**
(PROJECT PLANNER: DAVID JUMP)

1. **PUBLIC HEARING** for the Planning Commission to consider an **AMENDMENT TO TRACT MAP NO. 12382** to allow a re-alignment of Panorama Point Drive due to slope constraints at the eastern boundary of the original tract map which would result in a reduction of .26 acres, or 11,325 square feet, of lot area to the existing 1.49 acre lot 23 located at 820 Panorama Point Drive in the R-A-A, Residential Estate Animals District.

Chairman Macdonald opened the public hearing.

Project Planner David Jump gave a brief overview of the proposed amendment and gave a PowerPoint presentation. Staff recommended approval of the amendment subject to the conditions of approval.

Chairman Macdonald asked if the applicant was available to address the Commission.

Richard Davalos, representing Griffin Industries, concurred with the staff report and requested the Commission's approval.

Chairman Macdonald closed the public hearing.

MOTION

It was moved by Commissioner James, seconded by Commissioner Osborne, and carried on a 6-0 vote that the amendment for final Tract Map No. 12382 does not require further environmental processing, pursuant to Section 15162 of the California Environmental Quality Act Guidelines, based on the following findings:

- A. 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 amendment to the map includes the same amount of residential lots, contains the same design as previously proposed, and no significant change to the overall project site will occur.

- B. 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,
- C. 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 James, seconded by Commissioner Osborne, and carried on a 6-0 vote that the Planning Commission approve the amendment to Final Tract Map No. 12382.

D. **ALAN RONSKA, APPLICANT**
(PROJECT PLANNER: MANUEL BAEZA)

- 1. Planning Commission to consider a recommendation to the City Council on **ORDINANCE TEXT AMENDMENT NO. 312** amending Section 15.36.340 of the Redlands Municipal Code pertaining to allowable signs in the M-2, General Industrial District.

Ordinance Text Amendment No. 312 was withdrawn.

VI. MINUTES

A. October 24, 2006

It was moved by Commissioner Foster, seconded by Commissioner James, and carried on a 6-0 vote to approve the minutes of October 24, 2006.

VII. LAND USE AND CITY COUNCIL ACTIONS OF NOVEMBER 7, 2006

Mr. Shaw gave a brief presentation on the City Council Actions of November 7, 2006.

VIII. ADJOURN TO NOVEMBER 28, 2006

Chairman Macdonald adjourned the meeting at 6:05 p.m. to November 28, 2006.

Christine Szilva
Senior Administrative Assistant

Jeffrey L. Shaw, Director
Community Development Department

