

MINUTES: of the Planning Commission Meeting of the City of Redlands held Tuesday, June 24, 2008, at 2:00 p.m. are as follows:

PRESENT: Jim Macdonald, Chairman
Paul Foster, Vice Chairman
Gary Miller, Commissioner
Ruth Cook, Commissioner
Carol Dyer, Commissioner
Eric Shamp, Commissioner
John James, Commissioner

ADVISORY STAFF PRESENT: Oscar Orci, Director
Robert Dalquest, Assistant Director
Michael Reiter, Assistant City Attorney
Manuel Baeza, Principal Planner
Tamara Alaniz, Associate Planner
Tabitha Kevari, Assistant Planner

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

Chairman Macdonald called the meeting to order. All Commissioners were present.

II. CONSENT ITEMS

A. **PROMOTIONAL SIGNS, APPLICANT**
(PROJECT PLANNER: TABITHA KEVARI)

Planning Commission to consider approval of **COMMISSION SIGN REVIEW NO. 347** to construct a pedestal sign that is 12' in height with a sign face of approximately 23 square feet for the approved Ayres Hotel located on the Southwest corner of Colton Avenue and New York Street in the C-M, Commercial Industrial District.

B. **RASPBERRY INVESTMENTS, APPLICANT**
(PROJECT PLANNER: TABITHA KEVARI)

Planning Commission to consider approval of **COMMISSION SIGN REVIEW NO. 344** to construct a pedestal sign that is 7' in height with a sign face of approximately 23.75 square feet for the Tennessee Gardens Event Center located at 615 & 619 Tennessee Street in the C-M, Commercial Industrial District.

It was moved by Commissioner James, seconded by Commissioner Foster, and carried on a 7-0 vote to approve the Consent Calendar.

III. OLD BUSINESS

A. **RASPBERRY INVESTMENTS, APPLICANT**
(PROJECT PLANNER: TABITHA KEVARI)

1. **PUBLIC HEARING** to consider a Socio-Economic Cost/Benefit Study.
2. **PUBLIC HEARING** to consider **CONDITIONAL USE PERMIT NO. 821 (REVISION No. 1)** to expand the existing bakery business by 586 square feet, existing lodge facility by 1,426 square feet and to construct a 672 square foot covered patio structure used for the ceremony area at the Tennessee Gardens

Center located at 615 & 619 Tennessee Street in the C-M, Commercial Industrial District.

Chairman Macdonald opened the public hearing.

Project Planner Tabitha Kevari gave a PowerPoint presentation and overview of the proposed project. Staff recommended approval of Conditional Use Permit No. 821 (Revision 1) subject to the conditions of approval.

Michelle Braswell, applicant, expressed her concerns relative to parking and indicated that she wanted to leave the number of spaces open until the engineer does the calculations and sets the number of parking spaces. Ms. Braswell asked the Commission for their consideration so that she does not have to return to the Commission for another revision to the Conditional Use Permit.

Ms. Kevari indicated that the on-site inspections showed sixty-six (66) parking spaces on site and that the drive widths did not meet code. She indicated that it may be possible for more parking if the spaces are re-stripped at sixty (60) degrees. Staff is recommending striping the parking lot per the approved parking under CUP 821 since it met code at the time it was approved.

Ms. Braswell indicated that she believes that there will be sixty-five (65) spaces available once the plans are completed and submitted to the City, and that the capacity of the facility can be assessed based on those spaces so that she does not have to return to the Commission.

Chairman Macdonald asked if the size of the facility was the determining factor relative to the number of the people. Assistant Director Bob Dalquest indicated that Chairman Macdonald was correct and indicated that staff used the parking regulation for assembly use and that staff feels confident that two more spaces could be added to meet the code requirements. Mr. Dalquest stated that they used the one (1) to three (3) ratio to establish the occupancy since there is outside and inside assembly on the site and that the parking is based off of parking area.

Director Orci commented that the number of people that the applicant can have is irrelevant to the number of people that you can have in the building and that would be dictated by the Fire Department. Director Orci stated that the number of people that Ms. Braswell can put into her lodge is not based on the number of parking spaces. He indicated that the size of the building is based on the number of spaces which is forty (40) square feet per parking space. Director Orci indicated that if the applicant can find more parking spaces, then the building can be enlarged.

Commissioner Miller indicated that the drawings were vague in some detail and suggested using a manufactured column and wood fence railing on the east elevation of the bakery building that would be acceptable to design staff.

Chairman Macdonald indicated that there would be two new conditions, one on the wood fence railing and one on the manufactured column.

Commissioner Dyer indicated that she did not feel that the new design is architecturally compatible with the existing building and did not like the proportions. Commissioner Dyer had a concern with the driveway in the front which is difficult to access and indicated that adding more to that driveway with the new sales area would add to the congestion and problems in front of the existing bakery. She indicated that the third driveway is a problem and would prefer to have it closed off since it is not safe in the way it currently exists.

Chairman Macdonald asked if Commissioner Dyer was recommending closing off the front driveway. Commissioner Dyer indicated that it was preferable since the driveways are substandard. Chairman Macdonald asked if staff found this to be a problem. Ms. Kevari indicated that the driveways meet the minimum code requirements for one way drive aisles. Assistant Director Dalquest stated that we may want to condition some internal directional signage that would help direct people in ingressing and

egressing the site. Commissioner Dyer indicated that it would be helpful on this site but would prefer to funnel all the traffic to the back of the site and avoid the congestion in the front with the appropriate directional signage.

Commissioner Miller stated that the concerns on the driveways were valid and a condition could be added relative to adding signage. He commented that the applicant would have already met the criteria if the signs were already in place but that the condition would ensure that the signs would stay there.

Commissioner Shamp indicated that it needs to be acknowledged that the use of the driveway as very short term parking and asked if that was acceptable to City staff. Ms. Braswell commented that the entrance was not a designated parking area. Commissioner Shamp stated that there needs to be signage that indicates no parking. Mr. Dalquest indicated that Commissioner Shamps recommendation would be advisable or could look into closing one of the three driveways.

Commissioner Miller asked if engineering had any concerns relative to traffic conflict.

Tom Fujiwara, Assistant City Engineer, that it would be preferred not to have three driveways on one parcel on such a busy street. Mr. Fujiwara indicated that narrowing the driveway may eliminate confusion of going out of the entrance or exit.

Commissioner Miller recognized that this was not an ideal situation and was not for eliminating the driveway. Commissioner James concurred with Commissioner Miller commenting that this was a difficult property.

Commissioner Foster commented that he had no objection to the project as proposed.

MOTION

It was moved by Commissioner James, seconded by Commissioner Miller, and carried on a 6-1 vote, (Commissioner Dyer opposed), that the Planning Commission approve the Socio-Economic Cost Benefit Study for Commission Review and Approval No. 821 R-1. It is recommended that this project will not create unmitigable physical blight or overburden public services in the community.

MOTION

It was moved by Commissioner James, seconded by Commissioner Miller, and carried on a 5-2 vote, (Commissioners Dyer and Shamp opposed), that the Planning Commission approve Conditional Use Permit No. 821 Revision No. 1, subject to the following findings and subject to the attached Conditions of Approval:

1. The proposed building additions for the Tennessee Garden Center applied for at this location will not adversely affect the applicable land use plans of the City because it is a permitted uses in the C-M, Commercial/Industrial District;
2. The proposed building additions for the Tennessee Garden Center will not be detrimental to the public health, safety and welfare because it is a conditionally permitted use within the zoning district and it will meet the applicable development standards of the zone;
3. The proposed building additions for the Tennessee Garden Center will comply with the regulations of the City=s General Plan, the applicable zoning district and the City=s development standards because the proposed project is adequate in size and shape to accommodate the use and setbacks for the proposed use. In addition, it is a permitted use with the approval of a conditional use permit and conditions of approval have been applied to the project to ensure that development standards are met;

4. The proposed building additions for the Tennessee Garden Center is appropriate at the proposed location in that the use is permitted with a conditional use permit within the C-M District.

This includes the addition of condition of approval numbers fourteen (14), fifteen (15) and sixteen (16) as follows:

14. Manufactured columns painted to match the facade that are acceptable to the Community Development Director shall be utilized on the east elevation of the bakery building.
15. Painted wood fence railing shall be utilized on the east elevation of the bakery building.
16. Directional signage shall be installed and maintained inside the site to the satisfaction of the Community Development Director.

B. ON TEXAS STREET, APPLICANT
(PROJECT PLANNER: MANUEL BAEZA)

1. Consideration of a recommendation to the City Council on an Environmental Impact Report.
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** to consider a recommendation to the City Council on **GENERAL PLAN AMENDMENT NO. 117** - amending the General Plan Land Use Designation from Commercial to Medium Density Residential (0 to 15 units per gross acre) for approximately 23 acres located on the south side of Pioneer Avenue, the west side of Texas Street and east of Tennessee Street in EV/SD, Special Development District of the East Valley Corridor Specific Plan (proposed for change to Concept Plan No. 7).
4. **PUBLIC HEARING** to consider a recommendation to the City Council on **AMENDMENT NO. 36 TO SPECIFIC PLAN NO. 40 (EAST VALLEY CORRIDOR SPECIFIC PLAN)** - establishing the EV/RP9, Planned Residential 9 District to the East Valley Corridor Specific Plan.
5. **PUBLIC HEARING** to consider a recommendation to the City Council on **CONCEPT PLAN NO. 7** - establishing a concept plan within the East Valley Corridor Specific Plan for approximately 72 acres located on the north side of San Bernardino Avenue, the south side of Pioneer Avenue, the west side of Texas Street and immediately west of the 210 Freeway.
6. Consideration of a **COMMISSION REVIEW AND APPROVAL NO. 851** - to develop a ten (10) building commercial center with 105,500 square feet of floor area on approximately 13 acres located on the north side of San Bernardino Avenue, the west side of Texas Street, and east of Tennessee Street in the EV/SD, Special Development District of the East Valley Corridor Specific Plan (proposed for change to Concept Plan No. 7).
7. **PUBLIC HEARING** to consider a recommendation to the City Council for **MINOR SUBDIVISION NO. 314** (Tentative Parcel Map No. 18550) to subdivide approximately 36 acres into ten (10) lots and one (1) remainder lot for property on the north side of San Bernardino Avenue, the south side of Pioneer Avenue, the west side of Texas Street, and east of Tennessee Street in the EV/SD, Special Development District of the East Valley Corridor Specific Plan (proposed for change to Concept Plan No. 7).

8. **PUBLIC HEARING** to consider a recommendation to the City Council for **CONDITIONAL USE PERMIT NO. 907** - for a 204 unit planned residential development on approximately 23 acres located on the south side of Pioneer Avenue, the west side of Texas Street and east of Tennessee Street in the EV/SD, Special Development District of the East Valley Corridor Specific Plan (proposed for change to EV/RP9, Planned Residential 9 District within Concept Plan No. 7 of the East Valley Corridor Specific Plan).
9. **PUBLIC HEARING** to consider a recommendation to the City Council on **TENTATIVE TRACT MAP NO. 18444** - to subdivide approximately 36 acres into 204 single family residential lots, five (5) common area lots, and one (1) remainder lot for property located on the south side of Pioneer Avenue, the west side of Texas Street and east of Tennessee Street in EV/SD, Special Development District of the East Valley Corridor Specific Plan (proposed for change to EV/RP9, Planned Residential 9 District within Concept Plan No. 7 of the East Valley Corridor Specific Plan).

Chairman Macdonald opened the public hearing.

Assistant Director Bob Dalquest indicated that the Planning Commission reviewed the project on May 13, 2008 and continued the item to allow the applicant to make changes to the proposed project and for the Commission to review the environmental document. Staff received revised plans on June 17, 2008 which did not allow enough time for staff to review the plans and prepare a report for this meeting. Staff recommended continuance of the project to the July 8, 2008 meeting to allow time adequate time to prepare a report.

MOTION

It was moved by Commissioner Foster, seconded by Commissioner Cook, and carried on a 7-0 vote that the Planning Commission continue the Environmental Impact Report and Public Hearings for the Socio-Economic Cost/Benefit, General Plan Amendment No. 117, Amendment No. 36 to Specific Plan No. 40, Concept Plan No. 7, Commission Review and Approval No. 851, Minor Subdivision No. 314, Tentative Tract Map No. 18444 and Conditional Use Permit No. 907 to the Planning Commission meeting of July 8, 2008.

C. **EBBE VIDERIKSEN, APPLICANT** (PROJECT PLANNER: TAMARA ALANIZ)

1. Consideration of a recommendation to the City Council on a Mitigated Negative Declaration.
2. **PUBLIC HEARING** to consider a recommendation to the City Council on a Socio-Economic Cost Benefit Study
3. **PUBLIC HEARING** to consider a recommendation to the City Council on **AMENDMENT NO. 4** to **SPECIFIC PLAN NO. 43** to develop a subdivision of approximately forty-four (44) acres into twenty-seven (27) single family residential lots and five (5) lettered, open space lots located on the east side of Alessandro Road in Neighborhood 2 of Specific Plan No. 43.
4. **PUBLIC HEARING** to consider a recommendation to the City Council on **TENTATIVE TRACT MAP NO. 18560** to subdivide approximately forty-four (44) acres into twenty-seven (27) single family residential lots and five (5) lettered, open space lots located on the east side of Alessandro Road in Neighborhood 2 of Specific Plan No. 43.

Chairman Macdonald opened the public hearing.

Project Planner Tamara Alaniz stated that the project was continued from the Planning Commission meeting of May 27, 2008. Ms. Alaniz gave a PowerPoint presentation and overview of the proposed project. Staff recommended approval of the project subject to the conditions of approval.

Commissioner Miller asked for clarification of the center line on Alessandro Road and had questions regarding the property lines shown on the landscape plans.

Rosemary Hoerning, MUED Director, clarified the center line on Alessandro Road indicating that the center line of the street to curb is about twenty feet east assuming that Alessandro is north and south and that the right-a-way location is 32 feet east of the center line. She added that there is also an area that is a lettered lot identified and that was for future maintenance of the landscaping and equestrian trail.

Commissioner Miller commented that he did not see any lettered lot on the plans and asked what the curb was doing on the property owner's side of the right-a-way. Ms. Hoerning stated that she would need to look at the map in order to respond to Commissioner Miller's question.

Commissioner Dyer asked if the acceleration and de-acceleration lanes were not required. Ms. Alaniz responded that Director Hoerning indicated that the acceleration and de-acceleration lane were part of the left turn pocket discussion which was removed with the supplemental traffic. Director Hoerning indicated that Ms. Alaniz was correct and believes the condition of approval supersedes what is on the map.

Ebbe Videriksen, applicant, indicated that he was available to answer questions. Mr. Videriksen commented on Alessandro Road and indicated that there was a thirty-two (32) foot dedication required that is to be used for twenty feet of pavement and the curb. They would need to have a minimum of thirty feet for the required bicycle and walking path, the equestrian trail and wall. The excess 12 feet is part of the thirty feet, so that the property line can not be less than fifty feet of the center line of Alessandro Road.

Commissioner Miller indicated that the subdivision map does not show this area and he is guessing that the applicant is proposing a lettered lot that is going to be held in common by the Homeowner's Association that is going to maintain the water course and bicycle path.

Mr. Videriksen suggested dedicating fifty (50) feet of property so that the City would maintain the bicycle and walking path, the water course and equestrian trail along Alessandro Road. Commissioner Miller indicated that the current drawings are not clear and it would be hard to vote on something that is not spelled out in dimensions.

Director Hoerning indicated that the conditions of approval identify that there should be a 32 foot half street along Alessandro Road but dedication for street purposes. She stated that it is a typical street right-a-way dedication and behind that is a lettered lot. Director Hoerning indicated that there is a provision in the conditions of approval to provide a CFD for maintenance for lettered common lot areas and that is how the area would be maintained. Director Hoerning commented that it would have been preferable to have the map represent that more clearly but felt that they could get that incorporated into the project with the conditions of approval.

Commissioner Miller expressed his concern with that approach. He indicated that the applicant has come up with a nice solution to the acoustic wall by using it as a retaining wall and therefore, not visible to Alessandro Road. He stated that the map does not show the street center line, the additional dedication or the lettered lot. Commissioner Miller had concerns that there would not be enough room to create the embankment up to the parcels that run along Alessandro Road and without encroaching so far into the lot, that there would not be room to build a house. Commissioner Miller stated that he would like more information to ensure that everything can work.

Chairman Macdonald asked if this was something that staff can handle with the applicant if this project was approved today. Ms. Alaniz indicated that staff would ensure that the lettered lot was established, the appropriate right-a-way had been dedicated and that the proposed improvements were in conformance with what was required of the applicant when they come back for the final map.

Chairman Macdonald asked if the above comments satisfied Commissioner Miller. Commissioner Miller stated that one of the key components is how we are treating Alessandro Road, if the embankment can be done as proposed and that there is no reference to the dedication on the grading plan. He added that there are a lot of conflicts in the engineering of the project.

Commissioner James concurred with Commissioner Miller and commented that it was confusing relative to where the right-a-way and property lines are going to be located. Commissioner James indicated that he would prefer that this project return to the Commission with a definitive map on Alessandro Road showing the property lines and lettered lots. Commissioner Cook concurred with Commissioner James.

Commissioner Miller commented on the crib wall submitted by the applicant and indicated that since we are trying to keep grading to a minimum in the San Timoteo Canyon that he would be in favor of the terracing that staff is recommending in lieu of the crib wall. Commissioner Miller commented that this would be significant since it is the first thing that would be seen when someone drives to the subdivision and that the terracing would identify the neighborhood with some kind of monumentation.

Commissioner Miller commented on the waterway and did not know if it was a concrete swale or if it was necessary due to the volume of water. He indicated that the waterway should be made to be decorative across the front of all the properties and that it would be nice to condition that with an exposed aggregate, and suggested that round river rock would be an attractive way to handle it. Commissioner Miller referred to the MUED conditions of approval numbers 10 (c), (d), and 11 (c), indicating that there were a few housekeeping errors. Commissioner Miller commented that he would not be in favor of a metal grate over the waterway and would prefer it if the waterway was shallow but that a concrete grate would be acceptable.

Chairman Macdonald asked about the retaining of the Eucalyptus trees. Commissioner Miller stated that he supported retaining the trees if it were possible and that it did not conflict with the grading.

Commissioner Miller had concerns with lot number nineteen (19) and indicated that the view from lot twenty (20) would be significantly impacted. He stated that the contouring should be shaped on lot 19 rather than using straight engineered contours.

Commissioner Shamp commented on the street lighting and indicated that he would like a requirement for full cut-off lighting fixtures for all street lighting. He would like to see if there is an option that is ornamental enough to satisfy the MUED conditions while still minimizing night glow and light pollution.

Mr. Fujiwara stated that the City has standard street light requirements for safety purposes. He indicated that installing shoebox type of street lighting would greatly curtail the lighting that is necessary for safety purposes and strongly recommends against using such lighting on public streets.

Commissioner Shamp indicated that he would like to explore options since San Timoteo Canyon is one of the few dark places that is left in the City and calls for special measures to preserve that condition which is why he is not happy with going along with the regular street lighting for this part of town. Ms. Alaniz suggested that staff work with MUED on this issue.

Director Orci indicated that staff has found in projects where lighting is limited to intersections, critical turning movements or on a significant curve that is very effective in keeping things dark. Director Orci indicated that he could direct Commissioner Shamp to a neighborhood that has that type of standard which is very effective.

Mr. Fujiwara indicated that they could investigate other areas where they used this type of lighting and that other cities have used yellow tinted lights. Commissioner Shamp commented that the yellow tinted lights could result in a security issue in the way it distorts color. Director Orci stated that the color of the fixture of a standard could be investigated and that some cities have been blacking out the light standard which has been effective in eliminating the amount of spillage.

Commissioner Dyer supported the other Commissioner's concerns relative to the grading. She indicated that it was a great idea to have the slope with the hidden wall below along Alessandro Road but questioned if there would be adequate lot size and is not convinced that they have the dedication straightened out. Commissioner Dyer indicated that she would prefer to see the big slopes taken on as part of the homeowner's assessment district to maintain them since it does provide a public amenity.

Ms. Alaniz suggested that this area be made part of the CFD so that the homeowners would be paying into the fund for the maintenance of this area. Ms. Alaniz also advised that CC&R's will be required so that some sort of mechanism, such as a Homeowner's Association, would monitor the maintenance requirements.

Commissioner Miller commented that the embankment has to be about forty-two (42) feet long in order to reach the height needed. Commissioner Miller indicated that it would be good to condition that these slopes be maintained as part of the CC&R's. Ms. Alaniz stated that staff can add that language into the CC&R provision.

Chairman Macdonald indicated that this project would be continued. Ms. Alaniz recommended that the project be continued to the meeting of August 12, 2008.

Ms. Alaniz stated that staff would look into the street lighting issue, a slope treatment for the frontage on Deer Trail Drive for lot nineteen (19) facing lot twenty (20), identify the centerline location and lettered lot for the CFD area, the exposed aggregate for an exposed treatment to the watercourse and no metal grate. Ms. Alaniz added that staff would like a cross section of the terrace and the landscape proposed at the project entrance and add the slope area into the CC&R's conditions.

Commissioner Miller indicated to report back if the watercourse is necessary due to the volume of water exceeding what a typical gutter could carry.

Commissioner Dyer wanted to ensure that we get a grading plan that is very clearly defined that includes the retaining wall so that the lot pads are shown as they will be constructed and that it works with the existing right-a-way. Ms. Alaniz stated that she could include that language in the provision of the cross section for that terrace and landscape area at the front and can also get the cross section for the areas along Alessandro Road.

Chairman Macdonald indicated that there was also the issue of retaining the Eucalyptus trees. Commissioner's Dyer and James supported adding the condition. Commissioner Foster commented that he was not sure if that was consistent with what the agreement was with the other property that was developed and indicated that they were not required to maintain the Eucalyptus trees on that side. Ms. Alaniz stated that the grading plans for both of the tracts did not have a tree retention plan.

Commissioner Foster suggested that the Commission be consistent with their decisions, and if that is not the case, it should not be on this particular development. Chairman Macdonald commented that the Commission might be in a position to elect to change the view point relative to tree retention.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Foster, and carried on a 7-0 vote that the Planning Commission continue the recommendation to the City Council on the Mitigated Negative Declaration, the recommendation to the City Council on the Socio-Economic Cost Benefit Study for Amendment No. 4 to Specific Plan No. 43 and the Tentative Tract Map No. 18560, the adoption of

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Resolution No. 1161 recommending that the City Council approve Amendment No. 4 to Specific Plan No. 43 and the adoption of Resolution No. 1162 recommending that the City Council approve Tentative Tract Map No. 18560 to the meeting of August 12, 2008.

Chairman Macdonald recessed the meeting at 3:55 p.m.

Chairman Macdonald reconvened the meeting at 4:00 p.m.

IV. NEW BUSINESS

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

PUBLIC HEARING to consider **CONDITIONAL USE PERMIT NO. 933** to construct an approximately 9,600 square foot, three-story addition to the entrance of the existing Armacost Library located north of the Hunsaker Center within the existing University of Redlands campus on the north side of Colton Avenue in the E, Educational District.

Commissioner Shamp recused himself at 4:03 p.m. due to a conflict of interest.

Chairman Macdonald opened the public hearing.

Project Planner Tamara Alaniz gave a PowerPoint presentation and overview of the proposed project. Ms. Alaniz passed out a building materials board for the Commission's review. Staff recommended approval of Conditional Use Permit N. 933 subject to the conditions of approval.

Commissioner Dyer asked if there was a balcony being created on the top story. Ms. Alaniz indicated that she believed it was an architectural element and stated that the architect was present to address any questions.

Brett Stone, Project Architect, indicated that he was available to answer questions. Mr. Stone indicated that they were proposing a balcony which would have very limited access and would not be a gathering place for the students.

Wendy Ditchfield, 1029 College Avenue and student at the University of Redlands, had concerns relative to ADA issues on the campus and wanted to ensure that there are adequate accommodations for the disabled and handicapped.

Desmond Ditchfield, 1029 College Avenue, expressed his concerns relative to the ADA issues and asked that the needs of the disabled be taken into consideration with the remodel of the library. Mr. Ditchfield commented that the Department of Rehabilitation is available to help and provide information to ensure that the ADA requirements are met.

Mr. Stone indicated that the State law requires architects to meet ADA requirements. Mr. Stone stated that they are putting in a new elevator, adding restroom facilities with easier access and have taken into consideration all the ADA requirements in the work being done in the facility.

Von Senk, Director of Construction Management at the University of Redlands, indicated that all major capitol projects have met ADA requirements.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner James, and carried on a 6-0 vote, (Commissioner Shamp recused), that the Planning Commission find that Conditional Use Permit No. 933 is exempt from the California Environmental Quality Act pursuant to §15301 of the CEQA Guidelines.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner James, and carried on a 6-0 vote, (Commissioner Shamp recused), that the Planning Commission adopt the attached Planning Commission Resolution No. 1168, approving Conditional Use Permit No. 933.

Commissioner Shamp returned to the meeting at 4:27 p.m.

B. **LALITA BAKSHI, APPLICANT** (PROJECT PLANNER: TAMARA ALANIZ)

Hearing for the Planning Commission to review the operation after one year approved **CONDITIONAL USE PERMIT NO. 909** for a family day care facility located at 767 Devonshire Drive.

Project Planner Tamara Alaniz gave a PowerPoint presentation and overview of the family day care facility. Ms. Alaniz commented that Code Enforcement and the Police Department have had no complaints or cases made against Ms. Bakshi within the last year. Staff recommends that no further action is necessary on the day care facility.

MOTION

It was moved by Commissioner James, seconded by Commissioner Shamp, and carried on a 7-0 vote that the Planning Commission receive and file this report and that no further action is necessary.

V. ADDENDA

A. **GARDNER CONSTRUCTION AND DEVELOPMENT, APPLICANT** (PROJECT PLANNER: CHRIS BOATMAN)

Consideration of changes to the approved landscape plan for Tract No.17622, an approved residential development of twelve (12) single family dwellings on 5.69 acres located on the northwest corner of Wabash and Los Altos Drive in the Specific Plan No. 60.

Project Planner Manuel Baeza gave a PowerPoint presentation and overview of the changes that applicant made to the project site without consulting staff or obtaining the proper approval. Staff is recommending that the applicant do all improvements as approved by the Planning Commission and the City Council. Staff also recommended that the mature Fan Palms be replaced with seven Fan Palm trees at a height of eight (8) feet bare trunk.

Commissioner Cook asked if the walls on the slope would be planted. Mr. Baeza stated that it has been verified that the plantings on the wall have been completed.

Mr. Baeza commented that there were basins located in front of the development with some standing water. Mr. Beaza stated that this was discussed with the Engineering Department who indicated that there is a Water Quality Management Plan agreement that specifies that the applicant is to maintain the basins.

Commissioner James commented that he visited the site and that the three concerns he had appear to have been mitigated. Commissioner James indicated that it would be nice to have palm trees on the front end of the property.

Commissioner Shamp stated that some of the changes requested were major and some minor and wondered what standard staff uses to make that determination. Director Orci indicated that staff discussed these issues with the applicant and based upon learning more about the project and issues

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and getting input from the Commission on previous projects it was concluded that the applicant comply with the approved plans and that the requested changes should go back to the Commission.

Commissioner Shamp asked if there are any penalties in place or fines when an applicant makes changes without prior approval. Assistant Director Dalquest indicated that there is no penalty but that the applicant would not get a Certificate of Occupancy until the improvements were completed.

Commissioner Foster commented that if Mr. Gardner has been doing business in the City of Redlands for many years and that he should understand the process as a developer as what he has to do if he makes changes to a project. Commissioner Foster stated that Mr. Gardner built a beautiful project but feels that there is a process to be followed and Mr. Gardner chose not to follow it.

Commissioner Miller commented on the stamped concrete sidewalks which was a significant improvement and stated that the water feature expends energy and planting that area in lieu of the water fountain would be just as good. He stated that he is not opposed to the two stamped concrete walkways not being installed. Commissioner Miller commented that the palm trees were not a condition of approval but were on the plans and should be replaced with a bare bark trunk of ten (10) feet. Commissioner Miller stated that the bench and trellis were on a fairly invisible part of the property and did not believe it was a land use issue. Commissioner Shamp concurred with Commissioner Miller comments relative to the changes.

Commissioner Dyer commented that this was a sensitive site and that the developer should hold to the standards set forth originally. Commissioner Dyer stated that she believes that there are some compromises possible and agreed with Commissioner Miller's comment relative to the water feature. She commented that the clubhouse blends in and that the mature trees and trellis and some construction would have given that more distinction other than the paving and would like to see improvements in this area. Commissioner Dyer stated that she supports staff on holding the line on conditions or whatever has been approved on the plans on what the Commission and the Community has been sold, especially on such a significant project.

Mark Gardner, Gardner Construction and Development, commented on why the original palms did not survive and that the trees were not a condition of approval. Mr. Gardner commented on the seat wall and trellis on the back of the clubhouse and indicated that it was on the landscape plan but was not a condition of approval. He indicated that when the City Council reduced the density of the project from fourteen to twelve homes, he informed them that some of the amenities would go away and that the trellis was one of them. Mr. Gardener commented that the declining market and the cost of the Homeowner's Association dues were two of the major objections in selling the homes and that eliminating the water feature was a way to reduce the Homeowner's Association costs. Mr. Gardner indicated that he added the stamped concrete and masonry fireplaces and barbecues which incurred a higher cost and did everything to make a better quality product for the benefit of the future homeowner. They have sold all twelve (12) homes and are in need in obtaining Certificate of Occupancies.

Mark Kumler, 12754 Puesta Del Sol Street, encouraged the Commission to have the developer install the fountains, the dry creek, the stamped concrete walkways, the seating area with the overhead trellis and the seven palm trees. Mr. Kumler would personally prefer the majestic thirty (30) foot California Fan Palm trees that were originally on-site. He is not in favor of withholding Certificate of Occupancies from the home buyers and hopes that there is some way to grant the certificates while still requiring these changes.

Chuck Peters, future Casalingo homeowner, attended this meeting to entice the Commission to let him move in. Mr. Peters indicated that he did not want a water feature due to the costs that it involves and that he could take or leave the palm trees.

Bob Toister, 30689 Los Altos Drive, commented that he did not want to prevent anyone from into the homes. Mr. Toister indicated that changes were made without prior approval and believes that there should be some repercussions. He stated that the original palm trees were at least thirty feet high and

would like to see something done with the palm trees since it would add something to the area. Mr. Toister had concerns regarding the standing water and indicated that there is a significant amount of water that runs down the street whenever the landscaping is irrigated.

Don Von Hyning, 30570 Los Altos Drive, had concerns with the ditch that Gardner Construction put in to take care of the runoff and was afraid of potential mosquito problems.

Commissioner Miller indicated that engineering is responsible for enforcing the installation of drainage structures and Community Development would pass that concern on to engineering to ensure that the ditch is draining properly. Director Orci indicated that staff will reinforce that with engineering.

Chairman Macdonald indicated that he has heard from all the Commissioners and that they support not to install the water treatment, the stamped concrete walkway and the trellis but that everyone agrees that they would like to see the palm trees planted with a ten foot minimum bare trunk to replace what was lost.

Commissioner James commented that the three things that need addressing is the water retention basin, the irrigation runoff that could cause hazards on the sidewalks and the replacing of the palm trees. He stated that the project was excellent.

Commissioner Miller concurred with Commissioner James remarks and stated that the palms need to be replaced and that the height should start at 10 to 12 feet. Commissioner Miller did not feel that the water feature was an asset due to energy constraints.

Commissioner Dyer commented that she still had some issues with the changes that were made but agreed with the compromises.

Commissioner Shamp asked what types of Fan Palms were approved on the original plans.

Mr. Gardner indicated that the original landscape plan showed six (6) 16 foot Canary Island Date Palms. Commissioner Shamp indicated that unless there was a compelling reason to deviate from what was originally approved then Mr. Gardner should install the Canary Island Date Palms.

Commissioner Shamp indicated that he was comfortable with the ten (10) foot replacement.

Chairman Macdonald read a tentative motion providing the Commission approves as follows: "I move that the Planning Commission approve the changes in the approved landscape plans for Tentative Tract No. 17622 to replace the mature California Fan Palms with seven (7) ten (10) foot clear trunk Mexican Fan Palms. Chairman Macdonald indicated that the Commission is approving the elimination of the water treatment, the elimination of the trellis, and the elimination of the concrete walkway with the exception of the palm trees.

Commissioner Miller indicated the Commissioner Dyer commented that the Canary Island Palm tree is a more desirable and suggested using the Canary Island instead of the Mexican Fan palm.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Miller, and carried on a 5-2 vote, (Commissioners Dyer and Foster opposed), that the Planning Commission approve the changes in the approved Landscape Plans for Tentative Tract 17622 to replace the mature California Fan Palms with seven, ten foot Canary Island Palms.

VI. MINUTES

A. JUNE 10, 2008

It was moved by Commissioner James, seconded by Commissioner Cook, and carried on a 6-0 vote, (Commissioner Miller abstained), to approve the minutes of June 10, 2008.

VII. LAND USE AND CITY COUNCIL ACTIONS OF MAY 20, 2008

Director Oscar Orci gave a brief presentation on the City Council Actions of June 17, 2008.

VIII. ADJOURN TO JULY 8, 2008

Chairman Macdonald adjourned the meeting at 5:40 p.m. to July 8, 2008.

Christine Szilva
Senior Administrative Assistant

Oscar W. Orci, Director
Community Development Department

