

MINUTES: of the Planning Commission Meeting of the City of Redlands held Tuesday, July 14, 2009, at 2:00 p.m. are as follows:

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

ADVISORY STAFF Oscar Orci, Director
PRESENT: Dan McHugh, City Attorney
Robert Dalquest, Assistant Director
Manuel Baeza, Principal Planner
Tabitha Kevari, Associate Planner
Sergio Madera, Associate Planner
Chris Boatman, Assistant Planner

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

Chairman Foster called the meeting to order. All Commissioners were present with the exception of Commissioner James.

II. CONSENT ITEMS

A. **GARFIELD BEACH CVS, LLC, APPLICANT**
(PROJECT PLANNER: ROBERT D. DALQUEST, AICP)

Review of application for the person to person transfer of an Off-Sale General Alcohol Beverage license for CVS Pharmacy located at 101 Redlands Mall.

B. **RAHIM ZAITUN AMIN, APPLICANT**
(PROJECT PLANNER: ROBERT D. DALQUEST, AICP)

Review of application for the person to person transfer of an On-Sale Beer and Wine license for Antonious Pizza located at 30 W. Colton Avenue.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Shamp, and carried on a 6-0 vote (Commissioner James absent) to approve the Consent Calendar.

III. OLD BUSINESS

A. **HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO, APPLICANT**
(PROJECT PLANNER: MANUEL BAEZA)

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 **GENERAL PLAN AMENDMENT NO. 123** to amend the General Plan Land Use Map by changing the Land Use Designation of approximately 19 acres located at the northeast corner of Orange Street and Lugonia Avenue from Low-Density Residential (0 to 6 units per gross acre) to Medium-Density Residential (0 to 15 units per gross acre).

4. **PUBLIC HEARING** to consider a recommendation to the City Council on **SPECIFIC PLAN NO. 61** for the development of approximately 19 acres into a single family and multiple family residential development containing 228 dwelling units and common area lots located on the northeast corner of Orange Street and Lugonia Avenue.
5. **PUBLIC HEARING** to consider a recommendation to the City Council on **STREET VACATION NO. 149** to vacate Sharon Road located generally north of Lugonia Avenue, east of Sixth Street and south of Delaware Avenue in the R-1, Single Family Residential District.
6. **PUBLIC HEARING** to consider a recommendation to the City Council on **STREET VACATION NO. 150** to vacate Holly Lane located generally north of Lugonia Avenue, east of Sixth Street and south of Delaware Avenue in the R-1, Single Family Residential District.
7. **PUBLIC HEARING** to consider a recommendation to the City Council on **STREET VACATION NO. 151** to vacate a segment of Sixth Street from Lugonia Avenue on the south to Delaware Avenue on the north in the R-1, Single Family Residential District.
8. **PUBLIC HEARING** to consider a recommendation to the City Council on **STREET VACATION NO. 152** to vacate a segment of Delaware Street from Orange Street on the west to its eastern terminus east of Sixth Street in the R-1, Single Family Residential District.
9. **PUBLIC HEARING** to consider a recommendation to the City Council on **CONDITIONAL USE PERMIT NO. 955** to develop a 228-unit planned residential development on approximately 19 acres located at the northeast corner of Orange Street and Lugonia Avenue in the R-1, Single Family Residential District (Proposed change to Specific Plan No. 61).
10. **PUBLIC HEARING** to consider a recommendation to the City Council on **TENTATIVE TRACT MAP NO. 18762** to subdivide approximately 19 acres into forty-one (41) lots for a planned residential development having both single family and multiple family dwelling units on approximately 19 acres located at the northeast corner of Orange Street and Lugonia Avenue in the R-1, Single Family Residential District (Proposed change to Specific Plan No. 61).

Principal Planner Manuel Baeza gave a PowerPoint presentation and overview of the proposed project. Staff recommended approval of the project subject to the conditions of approval.

Commissioner Shamp stated the arborist report recommended the trees not be boxed due to their poor condition. Principal Planner Baeza concurred. Commissioner Shamp inquired if Omni Trans would permit the Redlands Unified School District to utilize their bus turn out. Principal Planner Baeza could not confirm.

Commissioner Miller requested clarification if the Home Owner Association (H.O.A.) or the residents will maintain all of the landscaping for the multi family units and single family units of the development. Principal Planner Baeza stated the single family dwelling residents will maintain their own private yard, and the H.O.A. will maintain the patio areas, private driveway areas, common lots, and the streets that serve the development. Commissioner Miller stated the Covenants, Conditions and Regulations (CC & R's) approved by staff required the single family dwelling residents maintain their front yard to a standard established by the H.O.A. Commissioner Miller recommended an added Condition of Approval. Principal Planner Baeza stated he will add an added condition of approval.

There was discussion on certificate of occupancy.

Chairman Foster opened the Public Hearing.

Mr. Pat Meyer, representative, gave a PowerPoint presentation and overview of the proposed project. Mr. Meyer stated they concur with the mitigation and was available for any questions. Commissioner Dyer inquired if the arborist was present. Mr. Meyer confirmed the arborist was not present. Commissioner Shamp inquired if there was discussion with Omni Trans and Redlands Unified School District to address a school bus line to serve the neighborhood. Mr. Meyer stated they had not addressed a school bus line.

Chairman Foster called Mr. Steve Rogers forward to speak to the Planning Commission.

Mr. Rogers, resident, expressed concerns regarding the diamond raised median on Lugonia Avenue and Sixth Street that will restrict northbound and southbound left turns and through movements.

Chairman Foster closed the Public Hearing.

Commissioner Dyer confirmed her disappointment that the arborist was not present for questions in order to understand why the arborist listed only five (5) trees as viable candidates to leave in place, out of three hundred and thirty eight (338).

Chairman Foster stated the proposed project had a few minor changes and is pleased to be a part of the positive addition to the City of Redlands.

MOTION

It was moved by Commissioner Shamp, seconded by Commissioner Miller and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission recommend to the City Council approval of the Mitigated Negative Declaration for General Plan Amendment No. 123, Specific Plan No. 61, Street Vacations Nos. 149-152, Tentative Tract Map No. 18762 and Conditional Use Permit No. 955 and direct staff to file and post a "Notice of Determination" in accordance with City guidelines.

MOTION

It was moved by Commissioner Shamp, seconded by Commissioner Miller and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission recommend to the City Council approval of the Socio-Economic Cost Benefit Study for General Plan Amendment No. 123, Specific Plan No. 61, Street Vacations Nos. 149-152, Tentative Tract Map No. 18762 and Conditional Use Permit No. 955. 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 Shamp, seconded by Commissioner Miller and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission approve Planning Commission Resolution No. 1191 determining that the vacation of City Right-of-Way consisting of Sharon Road is in conformity with the City's General Plan and recommending approval to Street Vacation No. 149.

MOTION

It was moved by Commissioner Shamp, seconded by Commissioner Miller and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission approve Planning Commission Resolution No. 1192 determining that the vacation of City Right-of-Way consisting of Holly Lane is in conformity with the City's General Plan and recommending approval to Street Vacation No. 150.

MOTION

It was moved by Commissioner Shamp, seconded by Commissioner Miller and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission approve Planning Commission Resolution No. 1193 determining that the vacation of City Right-of-Way consisting of a portion of Sixth Street north of Lugonia Avenue is in conformity with the City=s General Plan and recommending approval to Street Vacation No. 151.

MOTION

It was moved by Commissioner Shamp, seconded by Commissioner Miller and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission approve Planning Commission Resolution No. 1194 determining that the vacation of City Right-of-Way consisting of the portion of Delaware Avenue east of Orange Street is in conformity with the City=s General Plan and recommending approval to Street Vacation No. 152.

MOTION

It was moved by Commissioner Shamp, seconded by Commissioner Miller and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission approve Planning Commission Resolution No. 1189, recommending to the City Council approval of General Plan Amendment No. 123.

MOTION

It was moved by Commissioner Shamp, seconded by Commissioner Miller and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission approve Planning Commission Resolution No. 1190, recommending to the City Council approval of Specific Plan No. 61.

MOTION

It was moved by Commissioner Shamp, seconded by Commissioner Miller and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission recommend approval to the City Council on Conditional Use Permit No. 955, subject to the following findings and subject to the attached Conditions of Approval;

1. The proposed development will not adversely affect the applicable land use plans of the City. The project will develop a planned residential development on a site that already contains a residential neighborhood;
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 be redeveloped to meet all current building and fire safety requirements;
3. The proposed development will comply to the maximum extent feasible with the regulations of the City=s General Plan, and applicable zoning district and the City=s development standards, the project will be consistent with the proposed General Plan Land Use Designation of Medium Density Residential and will be developed in accordance with the development standards of the proposed specific plan.
4. The proposed development is appropriate at the proposed location. The project site contains an antiquated residential development and will be redeveloped to provide a more appropriately designed Planned Residential Development that is more consistent with current land use patterns and City development standards.

MOTION

It was moved by Commissioner Shamp, seconded by Commissioner Miller and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission recommend that the City Council approve Tentative Tract No. 18762 subject to conditions of approval, and based upon the following findings:

1. The proposed map is consistent with the City's General Plan and Municipal Code. The project has a General Plan land use designation of Low Density Residential that is proposed for change to Medium Density Residential and a proposed zoning of Specific Plan No. 61 and is consistent with both the proposed General Plan and Specific Plan;
2. The site, which is located at the northeast corner Orange Street and Lugonia Avenue, is physically suitable for the type of development. The site has a relatively flat grade and is large enough to accommodate the Planned Residential Development;
3. The site is physically suitable for the density of development of a 228 unit multiple family and single family residential project. The proposed General Plan Land Use Designation of Medium Density Residential allows for up to 285 dwelling units;
4. The design of the subdivision or the proposed improvements is 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; Improvements to Orange Street and Lugonia Avenue will provide full access to the public and private streets within the development will provide necessary access to residents of the development as well as to utility service providers;
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.

The Planning Commission made the following modification to Tentative Tract condition of approval number eighteen (18) and forty-six (46) as follows:

Tentative Tract Condition of Approval No. 18 shall require individual home owners to be responsible for maintenance of their own private yards, and to be in conformance to the requirements of the CC & R's.

Tentative Tract Condition of Approval No. 46 utility easements shall be provided to service the project as determined necessary by the Municipal Utilities and Engineering Department and/or the respective utilities.

B. WAYNE L. JOHNSON, APPLICANT
(PROJECT PLANNER: CHRIS BOATMAN)

1. Consideration of a Mitigated Negative Declaration.
2. **PUBLIC HEARING** to consider a Socio-Economic Cost/Benefit Study.

3. **PUBLIC HEARING for MINOR SUBDIVISION NO. 328 (Parcel Map No. 19102)** for the subdivision of 2.08 acres into two lots located on Dwight Street, approximately 500 feet west of Mariposa Drive in the R-A, Residential Estate District.

Assistant Planner Chris Boatman gave a PowerPoint presentation and overview of the proposed project. Staff recommended approval of the project subject to the conditions of approval.

Chairman Foster opened up the Public Hearing.

Mr. Bernie Mayer, representative, concurred with the mitigation and stated he was available for any questions.

Commissioner Miller stated the proposed project was brought into conformance and complimented the engineer on the improved design for the neighborhood.

Commissioner Shamp stated the revised plans are vastly improved with the reduction of cut and fill, and retaining walls. Commissioner Shamp expressed his appreciation how the design touched the earth in a much lighter manner.

Commissioner Dyer stated the location was a difficult site and was pleased with the proposed project.

Chairman Foster closed the Public Hearing.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission recommend to the City Council approval of the Mitigated Negative Declaration for Minor Subdivision No. 328 and direct staff to file and post a "Notice of Determination" in accordance with City Guidelines.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission recommend to the City Council approval of the Socio-Economic Cost Benefit Study for Minor Subdivision No. 328 as it has been determined that this project will not create unmitigable physical blight or overburden public services in the community, and no additional information or evaluation is needed.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission recommend to the City Council approval of the Minor Subdivision No. 328, subject to the conditions of approval, and based upon the following findings:

1. The proposed map is consistent with the City's General Plan and Municipal Code. The project site meets the density requirements in the General Plan and will be designed to minimize grading and meets all applicable standards of the R-A, Residential Estate District and the HD, Hillside Development District;
2. The site is physically suitable for the type of development. The project site meets the requirements of the Municipal Code for site area, dimensions and the provisions of the HD, Hillside Development Districts;
3. The site is physically suitable for the density of development. The General Plan Land Use Designation is Very Low Density Residential and the proposed density complies with the requirements of the hillside provision of this designation;

4. The design of the subdivision or the proposed improvements will not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject site is not identified in section 7.1 of the MA/EIR as being within an area containing biological resources or within a wildlife corridor;
5. The design of the subdivision or type of improvements will not cause risk to the public health as Dwight Street will be improved to its ultimate half width and comply with the provisions of the General Plan and Redlands Municipal Code;
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; existing public easements will not be modified by 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.

IV. NEW BUSINESS

A. **ESRI, APPLICANT**

(PROJECT PLANNER: CHRIS BOATMAN)

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 **GENERAL PLAN AMENDMENT NO. 119** to amend the General Plan Land Use Designation from Office to Commercial for approximately 0.60 acre located on the northwest corner of State Street and Texas Street in the A-P, Administrative and Professional Office District (Proposed for change to C-4, Highway Commercial District).
4. **PUBLIC HEARING** to consider a recommendation to the City Council on **ZONE CHANGE NO. 436** to change the zoning designation from A-P, Administrative and Professional Office District to C-4, Highway Commercial District on 0.60 acre located on the northwest corner of State Street and Texas Street.
5. **PUBLIC HEARING** to consider **VARIANCE NO. 756**, from Section 18.168.210 to eliminate a required landscape planter within the parking area for a proposed parking lot located on the northwest corner of State Street and Texas Street in the C-4, Highway Commercial District and the A-P, Administrative and Professional Office District (Proposed change to entirely the C-4, Highway Commercial District).
6. Consideration of **COMMISSION REVIEW AND APPROVAL NO. 825 (REVISION NO. 4)** to construct a 1,800 square foot parking lot containing twenty (20) parking spaces on 0.79 acre located near the ESRI campus on the northwest corner of State Street and Texas Street in the C-4, Highway Commercial District and the A-P, Administrative and Professional Office District (Proposed change to entirely the C-4, Highway Commercial District).

7. **PUBLIC HEARING** for the Planning Commission to consider a recommendation to the City Council for **MINOR SUBDIVISION NO. 327** (Tentative Parcel Map 19134) to reconfigure three (3) contiguous parcels totaling 0.79 acre into two (2) parcels located on the northwest corner of State Street and Texas Street in the C-4, Highway Commercial District and the A-P, Administrative and Professional Office District (Proposed change to entirely the C-4, Highway Commercial District).

Assistant Planner Chris Boatman gave a PowerPoint presentation and overview of the proposed project. Staff recommended approval of the project subject to the conditions of approval.

Commissioner Shamp requested clarification on variance finding number one (1), and what the precedence has been in the past. Assistant Planner Boatman stated there was another variance that had unique topography, and the applicant wanted to do an addition to the front yard. The Planning Commission found that finding one (1) could be met for the project. Community Development Director Oscar Orci stated that state law defines an exceptional circumstance as to include lot shape, and size. Director Orci confirmed if an unusual circumstance prevents one from carrying out the development standards it would qualify as a hardship for a variance. City Attorney Dan McHugh confirmed traditionally the reason a variance is granted is due to physical characteristics that are unique from one site to another in the zone.

Commissioner Shamp inquired if the proposed project was reviewed and integrated with the future development of the Orange Blossom Trail. Assistant Planner Boatman confirmed it had been reviewed and there are conditions of approval requiring the Orange Blossom Trail. There was some discussion on the Orange Blossom Trail. Commissioner Shamp expressed concern on the bridge being proposed for the drainage channel and would like to see the bridge left open for the Orange Blossom Trail.

Commissioner Miller stated the concrete asphalt and paver area calculated out to approximately 7,800 square feet and requested Assistant Planner Boatman revisit his calculation of 1,800 square feet. Commissioner Miller inquired if the applicant proposed pavers to comply with the Water Quality Management Plan (W.Q.M.P.). Assistant Planner Boatman confirmed it is a W.Q.M.P. requirement. Commissioner Miller recommended substituting some of the paving material with planter material or alterations to a portion of the planter with two (2) peninsula planters distributed between the stalls at third points along the twenty (20) parking stalls.

Chairman Foster opened up the Public Hearing.

Mr. Dave Atchley, representative, stated he was available for any questions. Mr. Atchley stated ESRI has discussed cantilevering a trail on the southern edge of Redlands Boulevard and Texas Street. Commissioner Shamp requested clarification if the Orange Blossom Trail will cross a drainage channel somewhere to the west of the site. Assistant Planner Boatman stated the Orange Blossom Trail will cross the drainage channel near the Jenny Davis Park area. There was discussion on cantilevering the Orange Blossom Trail.

Commissioner Miller inquired if Mr. Atchley was in agreement with the segmented peninsula planters. Mr. Atchley confirmed. Commissioner Miller recommended an added condition. Mr. Atchley concurred.

Commissioner Shamp requested clarification on the paver materials proposed. Mr. Atchley stated the pavers will have a quarter ($\frac{1}{4}$) inch gap filled with Birdseye gravel. The sub-layers will be prepared with rocks for percolation. Commissioner Shamp inquired if the proposed project was for overflow parking for the training area. Mr. Atchley confirmed. Commissioner Shamp inquired if the applicant had considered a vegetative paver, lattice block or grass paver to address the W.Q.M.P. Mr. Atchley stated that they had not. Commissioner Shamp expressed concern for pedestrian safety in regards to the curb cut at Texas Street and State Street.

Mr. Atchley stated they are going to install signs along Texas Street to inform the public of the hazards.

Chairman Foster closed the Public Hearing.

Commissioner Dyer stated the trees along the southerly portion of the site are in the street right of way, and the plans indicate the trees screen the parking spaces. Quality of Life Director Gary van Dorst stated the normal spacing of trees is forty (40) to fifty (50) feet apart. Commissioner Dyer stated with that criteria it would decrease the amount of trees to three (3) or four (4) in the planter, versus the eleven (11) as indicated on the plans. Commissioner Dyer said the landscaping ordinance is to shade the parking spaces. **Commissioner Dyer stated there are adjacent properties with existing five (5) foot planters, and the proposed project is in a highly visible location and would be an exception.** Commissioner Dyer confirmed unless the plans are revised to include planters as Commissioner Miller recommended they will not comply with the landscaping ordinance. Commissioner Dyer stated she will not support finding number two (2), and three (3) on the variance because they are not in conformance with current zoning.

Commissioner Miller requested clarification on the street tree ordinance.

Director van Dorst stated the City Council recently adopted the new Street Tree Planting Guidelines. Director van Dorst stated Jacaranda tree spacing are typically thirty-five (35) feet, and for other trees the spacing guidelines are forty (40) feet. Director van Dorst stated the trees identified for this area are Crate Myrtle, Holly Oak, Eastern Red Bud, Queen Palms or Mexican Blue Palms. Director van Dorst confirmed the Quality of Life Department will work with the applicant on the variety of street trees. Commissioner Miller inquired if there was some flexibility on the trees spacing. Commissioner Miller stated the plans indicate the proposed trees are eighteen (18) feet apart. Director van Dorst stated they have exercised some flexibility depending on the species of trees, and parkway width.

Commissioner Cook expressed concern on approving the proposed project when the design has not been refined. Director van Dorst stated the Commission should approve the ability of the Quality of Life Department to determine the appropriate species and spacing of the trees for the parking lot.

Chairman Foster closed the Public Hearing.

Commissioner Dyer stated there are residents across the street from the site.

Commissioner Shamp stated he concurred with Commissioner Dyer regarding finding number two (2) and recommended a redesign with vegetative pavers, and landscape buffers. Commissioner Shamp confirmed if the revisions were made, he would recommend approval. Assistant Director Dalquest stated there are specific code requirements for improvements of the parking area. Assistant Director Dalquest stated the code requires a specific type of material for the base and paving of the parking lot, and to use a turf block type of material may be in conflict with the code requirements. Commissioner Shamp stated he would like to review the parking lot code requirements.

Commissioner Cook recommended a landscaping buffer to block the view of the vehicles from the residents in the area.

Commissioner Macdonald recommended a redesign to include a low wrought iron fence with vines. Commissioner Macdonald concurred that finding number two (2) can not be met.

Commissioner Miller stated the dance studio has some parking in front with no planter. The parking lot is servicing a restored building and it is appropriate to make accommodations when a business is trying to enhance the downtown area. The ordinance permits overhanging parking stalls by one (1) foot outside the overhang of the vehicles. If revised one can install a wrought iron fence with vines to accomplish the screening requirement of the parking lot. Commissioner Miller confirmed it will still need a variance with these recommendations.

Chairman Foster stated ESRI consistently makes landscaping a priority. Chairman Foster reopened the Public Hearing.

Mr. Atchley stated they concurred with the recommendations to install wrought iron fencing with vines, and are in agreement with the lack of landscaping and will do everything possible to accomplish the barrier for the residents with vegetation, shading, and fencing. Mr. Atchley confirmed they are open to revisit the design.

Chairman Foster inquired if a continuance is recommended.

Director Orci recommended the applicant work with staff on a design that addresses screening, shading, and planters for the parking lot.

Chairman Foster stated he would support the variance if the applicant installed a wrought iron fence with vines.

Commissioner Macdonald concurred with Chairman Foster.

Commissioner Shamp expressed concern the Planning Commission is setting a precedence. Commissioner Shamp stated the requirement for other applicants was not screening, it was vegetation.

Commissioner Dyer stated she was more concerned about the planters. Chairman Foster inquired if the applicant installed a wrought iron fence with vines would she be in support of the variance. Commissioner Dyer stated it would depend on the design.

Chairman Foster stated the majority of the Planning Commission would support a variance if there was some screening for the parking lot.

Director Orci stated staff will work with the applicant on a design to install the wrought iron fencing and proper landscaping.

Commissioner Dyer recommended the applicant work with Director van Dorst regarding the recommended street trees.

Chairman Foster recommended the proposed project move forward and to include added conditions. Chairman Foster closed the Public Hearing.

Assistant Planner Boatman stated he will modify the Commission Review and Approval condition number two (2) as follows; The applicant shall revise the landscape plans to meet the City's requirements for recommended street trees to be approved by the Quality of Life Department prior to issuance of grading permits.

Chairman Foster inquired if that would be acceptable.

Commissioner Dyer recommended the redesign of the parking lot brought back to the Planning Commission.

Commissioner Cook inquired if the proposed project can be continued for two (2) weeks.

Chairman Foster stated his desire would be to move forward and for the applicant to work with staff on the design.

Commissioner Miller concurred with Chairman Foster. Commissioner Miller stated the site is difficult and a parking lot is a logical solution for the area. Commissioner Miller agreed there are some improvements that need to be met and believes the applicant can work with staff and come up with an acceptable redesign.

Commissioner Macdonald concurred with Commissioner Miller's recommendations.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission recommend approval to the City Council of the Mitigated Negative Declaration for General Plan Amendment No. 119, Zone Change No. 436, Variance No. 756, Commission Review and Approval No. 825 (R4) and Minor Subdivision No. 327.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission recommend that the City Council approve the Socio-Economic Cost Benefit Study for General Plan Amendment No. 119, Zone Change No. 436, Variance No. 756, Commission Review and Approval No. 825 (R4) and Minor Subdivision No. 327 as it has been determined that this project will not create unmitigable physical blight or overburden public services in the community, and no additional information or evaluation is needed.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission approve Resolution No. 1195 recommending approval to the City Council of General Plan Amendment No. 119 to amend the General Plan Land Use Designation from Office to Commercial.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission approve Resolution No. 1196 recommending approval to the City Council of Zone Change No. 436 to change the zoning designation from A-P, Administrative and Professional Office District to C-4, Highway Commercial District.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 4-2 vote (Commissioner James absent, Commissioner Shamp and Commissioner Dyer opposed) that the Planning Commission recommend approval to the City Council for Variance No. 756 subject to the following findings and attached conditions of approval:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use that do not apply generally to other properties or uses in the same vicinity and zone; the project site contains sloped topography as well as constraints that include a flood control channel and abandoned railroad bridge which limit development onsite;
2. That the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in question; there are commercial properties located to the north and east that do not conform to Section 18.168.210(A) of the Redlands Municipal Code;
3. That the granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity; it will accommodate the use, allow the site design to accommodate requirements for parking lots and will accommodate the safe circulation and parking of vehicles within the site;
4. That the granting of the variance will not adversely affect the General Plan of the City of Redlands; the General Plan identifies the General Commercial designation as areas designed to provide for the future growth of new businesses and expanding local firms and the proposed project will accommodate the expansion of a local firm.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission continue Commission Review and Approval No. 825 (Revision 4) to the meeting of September 8, 2009.

MOTION

It was moved by Commissioner Miller, seconded by Commissioner Macdonald and carried on a 5-1 vote (Commissioner James absent and Commissioner Shamp opposed) that the Planning Commission recommend to the City Council approval of Minor Subdivision No. 327, subject to the conditions of approval, and based upon the following findings:

1. The proposed map is consistent with the City's General Plan and Municipal Code. The project site meets the density requirements of the General Plan and all applicable standards of the C-4, Highway Commercial District;
2. The site is physically suitable for the type of development. The project site meets the requirements of the Municipal Code for site area and dimensions;
3. The site is physically suitable for the density of development. The project is a parking lot containing twenty (20) stalls which is designed to comply with the standards of the C-4, Highway Commercial District;
4. The design of the subdivision and 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 will not cause risk to the public health. The project will accommodate additional onsite parking for an existing institution and the required offsite improvements will be designed to comply with the requirements of the General Plan;
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."

B. MCDONALD'S CORPORATION, APPLICANT
(PROJECT PLANNER: SERGIO MADERA)

1. Consideration of a Negative Declaration.
2. **PUBLIC HEARING** to consider **CONDITIONAL USE PERMIT NO. 627 (REVISION NO. 2)** for a 1,388 square foot expansion of an existing drive through restaurant which entails enclosing an outdoor dining area and play equipment area located at 1796 E. Lugonia Avenue in the C-4, Highway Commercial District.

Associate Planner Sergio Madera gave a PowerPoint presentation and overview of the proposed project. Staff recommended approval of the project subject to conditions of approval. Associate Planner Madera stated there is an error on the finding numbers; the paragraph under finding number three (3) should be finding number four (4).

Commissioner Shamp requested clarification on the Planning Commissions scope on finding number two (2).

City Attorney McHugh stated it is open to a broader interpretation. City Attorney McHugh stated the Planning Commission considers the public health, safety and welfare of the community at large and includes all land use considerations. C.E.Q.A. considers what the significant effect of the environment and has a lesser standard when looking at the public health, safety and welfare from a land use perspective.

Chairman Foster opened the Public Hearing. There were no comments forthcoming and the Public Hearing was closed.

Commissioner Dyer stated the proposed project is a benefit for the applicant's clients. Commissioner Dyer recommended all existing canvas awnings replaced, and to repaint the trash enclosure doors.

Associate Planner Madera stated he will add an additional condition.

Commissioner Shamp expressed concern on the reason for a play area in McDonalds. Commissioner Shamp stated the play area makes it convenient and easy to bring their families to McDonalds and is a marketing devise geared towards children. Commissioner Shamp declared McDonalds' unhealthy menus contribute to childhood obesity and diabetes. Commissioner Shamp acknowledged on that basis he will not support the proposed project.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Miller and carried on a 5-1 vote (Commissioner James absent and Commissioner Shamp opposed) that the Planning Commission approve the Negative Declaration for Revision 2 to Conditional Use Permit No. 627 and direct staff to file and post a "Notice of Determination" in accordance with City guidelines.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Miller and carried on a 5-1 vote (Commissioner James absent and Commissioner Shamp opposed) that the Planning Commission approve Revision 2 to Conditional Use Permit No. 627 based on the following findings, and subject to the attached Conditions of Approval:

1. The expanded drive-thru restaurant will not adversely affect the applicable land use plans of the City because it is a permitted use in the C-4, Highway Commercial District, subject to approval of a Conditional Use Permit and the operational characteristics of the facility are not expected to change as a result of the project;
2. The expanded drive-thru restaurant will not be detrimental to the public health, safety and welfare because it is a conditionally permitted use within the zoning district, will be completely contained within the existing developed portion of the project site and the complies with all applicable development standards of the zone;
3. The expanded drive-thru restaurant will comply to the maximum extent feasible with the regulations of the City=s General Plan, the applicable zoning district and the City=s development standards as the project site is adequate in size to accommodate the use, setbacks, and parking requirements for the expanded drive-thru restaurant. 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 expanded drive-thru restaurant is appropriate at the proposed location in that the use is permitted with a conditional use permit within the C-4, Highway Commercial District; and will be compatible with the uses located within the commercial center.

This motion included the addition of condition of approval number fourteen (14) as follows:

14. The applicant shall replace all existing fabric awnings and paint the existing trash enclosure prior to the issuance of a Certificate of Occupancy for the project.

C. **CALVIN MCLEAN, APPLICANT**
(PROJECT PLANNER: TABITHA KEVARI)

1. Consideration of a Notice of Exemption under Section 15301 of the California Environmental Quality Act Guidelines.
2. **PUBLIC HEARING** to consider **CONDITIONAL USE PERMIT NO. 953** to serve alcoholic beverages within a social hall facility located at 123 Cajon Street in the C-3, General Commercial District.

Associate Planner Tabitha Kevari gave a PowerPoint presentation and overview of the proposed project. Staff recommended approval of the project subject to the conditions of approval. Associate Planner Kevari stated there is a modification to condition number eight (8) and should read; hours of operation shall be between the hours of 7:00 a.m. to 10:00 p.m. Sunday thru Thursday and 7:00a.m. to 12:00 a.m. Friday and Saturday. Associate Planner Kevari stated there is an error on the finding number four (4) and should read; not detrimental.

Commissioner Dyer inquired if there is an existing stage, and if there is a potential for entertainment.

Associate Planner Kevari stated the floor is all one level and does have a raised stage.

Chairman Foster stated recently the Planning Commission was involved with the revocation of a Conditional Use Permit for another facility, and inquired how the Commission can mitigate a similar problem with the proposed project.

City Attorney McHugh stated the proposed project is a permitted use as a Social Hall. Social Hall is not defined in the municipal code. The proposed project is before the Planning Commission for consideration to allow the sale of alcoholic beverages.

Director Orci stated staff has attempted to address the possible issues that may arise with this use but conceded that there may be unforeseen issues that may not have been identified; therefore, a condition of approval was added that would allow the City the opportunity to revisit the application in one year. Director Orci confirmed the Community Development Department can regulate the attendance, parking, and hours of operation with conditions of approval. Director Orci said there is condition number nine (9) which requires a parking plan. Director Orci stated there is an error under Condition of Approval number nine (9) and requested the wording changed from "surrounding parking facilities owned by private entities." to "surrounding parking facilities."

Chairman Foster inquired if the applicant decided to hold a concert and did not violate the occupancy or parking, would the use be permitted and allowed. Director Orci confirmed.

Commissioner Dyer requested clarification if the applicant is permitted to have performance events at the site and are requesting the capability to serve alcohol. Director Orci stated that because the applicant had requested alcohol sales, the City is able to impose conditions to address the possible issues and impacts for the permitted use. Commissioner Dyer requested clarification on the quantity of the parking required. Director Orci stated our code provides a blanket exemption on parking in this area.

Commissioner Miller stated Social Hall is a permitted use partly because of the vagueness of the municipal code. Commissioner Miller recommended the parking plan come back to the Commission for review.

Chairman Foster concurred.

Commissioner Cook requested staff address the Social Hall definition in the municipal code.

Director Orci stated staff did research on the antiquated Social Hall terminology with no success, but can look into it further.

Chairman Foster requested staff research the Social Hall definition.

Commissioner Dyer recommended staff review the approvals for the Mitten Building, and Heritage Hall for a comparison.

Commissioner Cook stated the proposed project is an interesting use for the downtown area if managed correctly.

Commissioner Macdonald stated the proposed project is something the downtown area has needed and is in support of the project. Commissioner Macdonald recommended staff work with the applicant on a parking plan. Commissioner Macdonald stated the proposed project is not Pharaoh's, and staff can mitigate conditions to cover all aspects of concern with a yearly review.

Commissioner Shamp concurred with Commissioner MacDonald's comments. Commissioner Shamp stated as long as the applicant meets the code and law we should move forward with a great use for the downtown area.

Chairman Foster opened up the Public Hearing.

Mr. Calvin McLean, applicant, stated the Mitten Building, Heritage Hall, and the Masonic Lodge all have large events and they find parking. Mr. McLean stated it would be difficult to give the City a parking plan. Mr. McLean confirmed the walls of the building are made of eight (8) inch thick concrete, which will mitigate any noise from events. Mr. McLean requested the hours of operation extended Monday through Thursday 7:00 a.m. to 12:00 a.m. Mr. McLean stated he proposed events with jazz and blues, weddings, and a commercial kitchen for said events. Commissioner Shamp inquired if he had inquired with General Growth in regards to leasing parking at the mall, or private parking. Commissioner Macdonald recommended leasing Centennial Plaza parking.

City Attorney McHugh stated the mall parking facilities are City owned.

Commissioner Cook recommended a review in six months on the parking issues.

Chairman Foster called Mr. Lowell Linden forward to speak with the Planning Commission.

Mr. Linden, minister of the First Congregational Church, stated when the theatre was open in the past they had to send a custodian out to clean up the trash in their parking lot. They had to be mindful of the times they wanted to utilize their own parking lot.

Chairman Foster called Mr. Ed Houston forward to speak with the Planning Commission.

Mr. Houston, resident and member of First Congregational Church, stated the parking is an issue and need to be addressed for the downtown area. Mr. Houston declared liquor should not be close to a church and should be addressed as well.

Commissioner Shamp recommended the applicant investigate parking at the mall, the public surface parking lot across from the mall, the two-story parking structure, and a number of venues in the area. Commissioner Shamp stated the parking problems are usually during daytime hours.

Commissioner Miller stated there is a condition of approval that required the applicant design a parking plan, and the applicant stated he could not. Commissioner Miller recommended a parking alternative; valet parking plan and to police the adjacent properties to assure attendees are not parking in private parking lots. Commissioner Miller recommended an aerial survey

for the Mitten Building, Heritage Hall and Mr. McLean's neighborhood to compare the parking availability.

Commissioner Macdonald declared there has been a parking problem in the downtown area for a long time. Commissioner Macdonald stated a Social Hall will further enhance the viability of downtown area. Commissioner Macdonald recommended eliminating condition number ten (10) and to rely on a six (6) month review.

Commissioner Cook inquired in the Planning Commission could add additional conditions to address any issues that have occurred in the sixth month review. Director Orci confirmed. Director Orci stated a parking plan can include valet, an agreement with adjacent property owners to use their parking (with maintenance and cleaning provisions) facilities, city hall parking, etc. Commissioner Cook stated she is in support of the proposed project with a six (6) month review.

Commissioner Dyer stated she is in favor of the proposed project and agrees with the conditions of approval.

Commissioner Macdonald requested the Public Hearing reopened.

Chairman Foster reopened the Public Hearing.

Mr. McLean stated he is in agreement to provide a parking plan.

City Attorney McHugh stated the Conditional Use Permit is to serve alcoholic beverages. City Attorney McHugh inquired if the conditions that are being proposed specific for events that are serving alcohol or would they be applied to all events at the site. City Attorney McHugh recommended the Conditional Use Permit be in effect year round for all events. Mr. McLean agreed the Conditional Use Permit be in effect year round whether serving alcohol or not and confirmed he will abide by all the conditions.

Chairman Foster closed the Public Hearing. Chairman Foster stated the City of Redlands has failed to address the downtown parking issues. The downtown area should have a unique presence to attract people to the downtown area with entertainment, theatre, restaurants, bistros, Redlands Bowl, and shopping. Chairman Foster acknowledged there is a dramatic need in the community for a parking structure in the downtown area and the City of Redlands will have difficulty developing the downtown area without solving the parking issues. Chairman Foster recommended approval of Conditional Use Permit No. 953.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Dyer and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission determine that Conditional Use Permit No. 953 is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines.

MOTION

It was moved by Commissioner Macdonald, seconded by Commissioner Dyer and carried on a 6-0 vote (Commissioner James absent) that the Planning Commission approve Conditional Use Permit No. 953 subject to the following findings;

1. The proposed use is allowed within the C-3; General Commercial District. As mentioned in this report, the proposed on-site serving of alcohol is permitted subject to the approval of a Conditional Use Permit.

2. That the proposed development will not be detrimental to the public health, safety, and welfare; the proposed project will provide a social hall facility within the downtown area and be completely contained within the building. Staff is recommending conditions of approval that requires the proposed use to be review after one year of approval of the conditional use permit. The proposed use is an exceptional use that could potential cause impacts to the public. To ensure that the recommended conditions are satisfactory to this use recommendation of a one year review is required. With implementation of the conditions of approval the project will not over burden public services and therefore will not be detrimental to the public health, safety and welfare.
3. That the proposed development complies to the maximum extent feasible with the regulations of the City's General Plan, is permitted within the Commercial District subject to the approval of a Conditional Use Permit.
4. The proposed development is appropriate at the proposed location because as conditioned the hours of operation have been restricted to be consistent with surrounding uses and the project is subject to a one year review to insure impacts to surrounding uses is not detrimental.

The motion includes modifications to condition of approval number eight (8) and the addition of condition of approval number twenty (20) as follows:

8. Hours of operation shall be between the hours of 7:00 a.m. to 12:00 a.m. daily.
20. The Conditional Use Permit shall comply to all events (including alcohol and non alcoholic beverages) held at the Social Hall establishment located at 123 Cajon Street as acknowledged by the applicant, at the July 14, 2009 Planning Commission meeting.

V. ADDENDA

- A. NONE

VI. MINUTES

- A. JUNE 23, 2009

It was moved by Commissioner Macdonald, seconded by Commissioner Shamp and carried on a 6-0 vote (Commissioner James absent) to approve the minutes of June 23, 2009 with corrections.

VII. LAND USE AND CITY COUNCIL ACTIONS OF JULY 7, 2009.

Director Oscar Orci reported that there were no land use actions at the City Council meeting on July 7, 2009.

VIII. ADJOURN TO JULY 28, 2009

Chairman Foster adjourned the meeting at 4:55 p.m. to July 28, 2009.

Linda McCasland
Administrative Secretary

Oscar Orci
Director Community Development Department