

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES**

JANUARY 6, 2009

Chair McKoy called the regular meeting of the Yucca Valley Planning Commission to order at 7:00 p.m.

Commissioners present: Chair Dennis McKoy, Commissioners Shannon Goodpaster, Robert Lombardo and Steve Willman

Chairman McKoy led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. Willman moved approval of the agenda, which motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

PUBLIC COMMENTS:

Margo Sturges of Yucca Valley stated she has a copy of the Official Zoning Map dated September 22, 2005 and she is looking for a notation in the legend for a "No Build" zone. She questioned the legal definition and how it is used by the Town of Yucca Valley. She doesn't see any parcels having that designation.

She is also an advocate for the handicapped and disabled. She asked that the words "or more" be added to conditions of approval for the required number of handicapped parking spaces. This would let builders and developers know it's ok to have more than are required.

Robert Sturges of Yucca Valley asked how the development fees are calculated for developments; specifically is there a minimum and maximum. He also asked if the Town waives impact fees. He would like to know how much has been collected for drainage and run-off problems and where the money will come from for this and other infrastructure needs. He asked where he could get information about this issue.

Mr. McKoy closed Public Comments.

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT CUP 01-08 – WARREN VISTA CENTER

A request for approval of a Conditional Use Permit to allow the construction of 75,846 square feet of retail space in multiple buildings which include a free standing Rite Aid and Fresh & Easy grocery store, as well as flood control improvements, parking and landscaping areas, on a 8.81 acre site. A Tentative Parcel Map is also proposed, to divide the 8.81 acres into five parcels. The project is located on the southwest corner of SR62 at Warren Vista Ave. and is identified as APN 595-271-26.

Deputy Town Manager Shane Stueckle commented 2 pages of "Proposed Revisions to Conditions of Approval" have been provided to the Commissioners, copies of which are preserved in the meeting and project files.

The first revision addresses the Sign Program as proposed in COA 25. Staff recommends that this condition be modified to read: *All signage shall comply with the Town Sign Code, Ordinance 156.* Staff requests that the Commission take no formal action on the Sign Program this evening. There are outstanding questions staff needs to discuss with the applicant's sign company representative before final action is taken.

COA 29 pertains to outdoor sales. There are no recommended changes but staff requests the Commission have a policy discussion about outdoor sales. Additional information may be required from the applicant during that discussion regarding the intent and how the applicant envisions the uses and length of time the parking area will be used. The appearance of SR62 has recently been a high priority for the Town Council.

COA 38 addresses the West Burnt Mountain Wash. The original recommendation was to construct the improvements. The Town Council has been holding policy discussions on how and at what level improvements will be imposed on private development projects that abut regional Master Plan facilities. That Council discussion will continue in February. Staff considered equity and fairness issues and recommends that this condition be modified as follows: *"The applicant shall pay its fair share for all improvements related to the West Burnt Mountain wash as approved by future Town Council Policy or by the Town Manager."*

Staff recommends that COA 39 be modified as follows: *"Extend the existing box culvert where West Burnt Mountain Wash crosses under SR 62 to the ultimate southerly side of sidewalk."* This is a minor clarification of the width of the reconstruction of the box culvert under SR62.

The most significant change to the staff report contained in the meeting packet regards the request for a policy discussion concerning COA 42 regarding a traffic signal on the corner of Warren Vista and Yucca Trail. A number of issues were discussed today with the Town Engineer and contract engineering staff relating to this project as well as typical operating issues including traffic flow on SR 62 and traffic volumes. The result of those conversations is that staff recommends this evening that the signal not be constructed by this development project and that COA 42 be modified to read: *The applicant shall pay its fair share for the installation of a traffic sign at Warren Vista and Yucca Trail. The amount shall be determined by a fair share analysis completed by the project's engineer and approved by the Town Engineer.*

One of the primary issues is traffic signals proposed as part of other cumulative projects at the intersections of Joshua Lane and Yucca Trail, Palomar and Yucca Trail and the upgraded signal at SR 62 and SR 247. A signal at Warren Vista and Yucca Trail today may create more traffic problems there than it would solve.

A discussion by the Commission is also requested regarding the level of material used for the block wall along the rear portion of the project.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Contract Planner Nicole Criste presented the

project discussion to the meeting. The project proposes multiple buildings, most of which are located along the SR62 frontage.

The applicant has requested approval of a Conditional Use Permit to allow the construction of 75,846 square feet of retail space in multiple buildings, as well as flood control improvements, parking and landscaping areas, on an 8.81 acre site. The buildings proposed include a 17,340 square foot drugstore on the northeastern portion of the site; a 13,983 square foot grocery store on the northwestern portion of the site; a 4,760 square foot restaurant building between these two buildings; and a 39,763 square foot multi-tenant retail space along the southern boundary of the site. The bulk of the parking areas are located in the center of the site and will accommodate 332 parking spaces. The project proposes 2 phases. The first will contain the drug store, the grocery store and the west ½ of building B (along the south boundary line). Phase 2 will include building A, a small building in the middle, and the east ½ of building B.

The project is conditioned to complete all of the ancillary improvements including perimeter landscaping, driveways and parking lots as part of phase 1. The remaining pads are conditioned to be chemically treated or seeded to prevent erosion and to be blocked from vehicle access.

Access will be provided from SR 62 and Warren Vista and both will be improved to the ultimate rights-of-way. Alta Vista Dr. on the south side will also be improved with curb, gutter and sidewalks. Landscaping is proposed to be drought tolerant and will include the vast majority of Joshua Trees (93) on the site.

Rite-Aid proposes a very modernistic architecture. A COA has been included to modify the architecture to more closely resemble a recent Rite-Aid constructed in Banning which more closely matches the Town standards. Pictures are included in the meeting packet. The Banning architecture includes some stone veneer, a stucco finish and cornices which staff believes are more appropriate for the location along the SR 62 corridor.

The Fresh & Easy grocery store architecture is very contemporary which includes a lot of glass and a trellis system on all sides. The building is finished on all sides which is an important feature given its prominence on the site and visibility. Building B is of similar contemporary architecture including a system of trellises and is consistent with the Fresh & Easy building and the Town design guidelines.

Rite Aid proposes an outdoor sales area in the parking lot. Staff assumes the Rite Aid will be open 24 hours a day and is concerned that materials will stay outside, possibly behind some sort of fencing, for the entire period. That will not be attractive on that corner. The current COA limits outdoor sales to daytime hours and to the entry area of the store.

As discussed by Mr. Stueckle, staff requests that no decision on the sign program be made this evening. The parcel map proposes to divide the parcel into 5 pieces. A COA is included requiring the Final Map to include access and parking cross lot agreements. The project was reviewed under CEQA and staff determined there is the potential for significant impact which can be mitigated. A Mitigated Negative Declaration is proposed. The findings for approval can be made and staff recommends approval.

Mr. Lombardo questioned the traffic signal at Warren Vista and Yucca Trail. Mr. Stueckle replied the applicant would pay its fair share dollars based upon an analysis by its traffic engineer and approved by the Town Engineer. Those funds are deposited with the Town and when the signal is built that fair share would be used. Signals at SR 62 and SR 247, Joshua Lane and Yucca Trail and Palomar and Yucca Trail would all be constructed simultaneously.

Mr. Willman noted septic systems are proposed and he questioned why a treatment plant is not required. Ms. Criste replied the project will install dry sewers and that the need for a treatment plant is determined by the Regional Water Quality Control Board based upon expected daily discharge.

Mr. Willman noted cart corrals are required for Rite Aid but are not shown on the plans. Ms. Criste replied there is a COA for that requirement.

Mr. Willman questioned the loading zones. Ms. Criste replied there is a loading zone on the west side of the Rite Aid. Mr. Willman asked where the loading zone would be for the future building on pad A. Ms. Criste replied the ultimate design for that would be tied to the building plans when they are submitted. Mr. Willman stated he is concerned about that because there is only a 28 foot driveway between Rite Aid and pad A. Ms. Criste replied staff concurs and staff would not support a loading zone on that side of pad A.

Mr. Willman stated the driveway coming in from Warren Vista begins as two lanes and appears to narrow to a single lane at the intersection of the drive from SR 62. There appears to be enough room to have a left turn lane there into the rest of the project. He is concerned about stacking in the driveway south of the Rite Aid building without a left turn only lane. Ms. Criste replied a COA can be added for a left turn lane there into the southerly parking lot.

Mr. Goodpaster asked if any use for the outdoor sales area has been identified. Ms. Criste replied none as yet and suggested querying applicant.

Mr. Goodpaster discussed COA 28 and commented colored block would not be acceptable as the commission is looking for a split face or slump stone.

Mr. McKoy commented going north on Warren Vista without a left turn lane is an accident waiting to happen. Ms. Criste replied the layout for the intersection is directly across from the Town Center drive and there is some distance to the curve so the site line from SR 62 is relatively clear.

Mr. Willman requested and received confirmation that Alta Vista will not continue all the way to Warren Vista.

Mr. McKoy opened the public hearing.

Applicant representative Bill Warner of Nolte Associates commented they are very appreciative of staff's efforts on the project. It is a very difficult site to develop because of the tremendous cost of the off-site improvements which include cost sharing for traffic signals on SR 62 at SR 247 and Warren Vista at Yucca Trail, the flood channel and paving on SR 62, Warren Vista and Alta Vista. It looks like it can work with the COA as proposed now.

There is a minor vacation of right-of-way at the southeast corner of the project where the curve on Warren Vista continues through. It is separate from an old right-of way that exists over part of the site. The applicant anticipates a vacation of a small sliver of right-of-way when the parcel map records. Sale of alcoholic beverages for off site consumption is also proposed for both Rite Aid and Fresh & Easy and also potentially in some of the retail stores in the strip mall. The applicant knows permits will be required from Alcoholic Beverage Control. Other tenants will seek permission from the Town when appropriate.

COA 18 regards incorporating by reference the Mitigation Measures contained in the environmental assessment .The proposed COA recommended by staff tonight may require a modification to the environmental conditions. One of the EA COA requires improvement of the channel; the applicant proposes that the mitigation be contribution to the channel. Another EA COA addresses the signal at Warren Vista and Yucca Trail which may be revised tonight. The issue is only one of consistency for the COA. The developer agrees with the revised COA.

The possible need for a sewage treatment plant has been discussed at length with the developer. Based on what the developer currently knows about the MOU between the Town and the Regional Board it appears septic systems will be allowed for the uses they know about now. The developer has also opted to install dry sewers with laterals now so as not to disturb the parking lot later because it is in the Phase I area of the sewer system.

The drive entrance was discussed at some length at the DRC. The traffic engineer weighed in on the counts and lengths of pockets on site. The applicant believes they are adequate based on what the traffic engineer said. If it is the Commission's desire to extend the one left turn pocket further west, they ask that a COA be imposed for the traffic engineer to take another look at it and determine if it is necessary. He doesn't recall that this particular issue was addressed but he did look at the macro issue of the whole driveway.

Regarding the left turn from Warren Vista, the curb face to curb face width on Warren Vista at the main entrance would be 60 feet, an 80 foot right-of-way with 10 foot parkways on both sides. There would be plenty of room for a left turn pocket if it is necessary, to act as a safeguard against rear-end collisions, if that is a concern. They can easily get a left turn pocket with the north and south bound lanes that are required.

Mr. Willman commented there appears to be a huge difference in parking lot elevations.

Mr. Warner replied this is a 12 foot difference between Alta Vista and the south drive behind the project and a 20+ foot total drop south to north on the site to SR62. Two walls are proposed behind the project, one stepped in to distribute the 12 foot drop.

Mr. Willman questioned the location of handicapped parking requesting that it be distributed to provide access to all the buildings.

Mr. Warner replied the project will comply with ADA which requires that handicapped parking be in the closest practicable location to the uses. They would not be permitted to place handicapped slots across the driveway. There will be spaces scattered throughout.

Developer Richard Gottlieb stated it is an exciting project for the center of Town. It is an ideal site to offer a good mix of tenants for a typical neighborhood center. The developer has a signed lease with Rite Aid but not from Fresh & Easy. Fresh & Easy wants the entitlements in place first. A representative from Fresh & Easy is in attendance which demonstrates its commitment to the project.

Regarding outside seasonal sales area, Rite Aid stated it proposes the same level of outside sales as it has at the current location across SR62. Additional outside uses would only be for specific holidays, possibly Christmas trees, pumpkins at Halloween and possibly tents for the 4th of July. The applicant is requesting the flexibility at the new store. Most of the time outdoor sales would be located immediately outside of the store in the walkway area. Because the site is elevated with a 3 foot wall to hide the cars it won't be as visible as you might think from the street.

This site offers great access. In and out on Warren Vista is a double lane and the entrance from SR62 is a double lane. The intersection as designed offers very good flow through the whole center. Regarding the loading zones, the ingress from SR 62 is important to the center. To avoid that ever getting clogged up, there is a truck loading area for Rite-Aid and the garbage and storage pallet loading for Rite Aid and Pad A. There would never be a reason for a truck to stop in that lane because of the elevation difference between that lane and Pad A. A truck would have to come around to the front of pad A.

The project is over parked by 28 spaces and a maximum of 14 spaces would be used for the seasonal sales area at any one time. Some of the spaces are identified for the specific use of Rite Aid.

Mr. Goodpaster stated the hours of operation of the outside sales area need clarification.

Mr. Gottlieb replied the request is for authorization to leave the material outside during operating hours, limiting it to an hour after opening to an hour before close. In the case of trees that wouldn't be possible, but trees have never been sold so it may not be an issue. Chain link fencing will never be utilized.

Mr. Goodpaster stated it would have to be clarified by staff because as the COA is written material cannot be kept outside all night.

Ms. Criste commented the COA says that they will have to comply with code with the following changes: outdoor sales can only be conducted between 8:00 am and 9:00 pm and that all sales material must be brought into the store between 9:00 pm and 8:00 am. It also states that outdoor sales can only be conducted on the sidewalks and not in the parking area. Rite Aid does not currently do any significant outdoor sales. Technically a Temporary Use Permit would be required for outdoor sales. Trees or pumpkins could not be moved.

Mr. Gottlieb stated that would be acceptable but it would be preferable that the COA state during business hours, perhaps only during specific holiday times.

Mr. Goodpaster noted that is a fundamental change from the Development Code.

Mr. Gottlieb replied Rite Aid has said the COA would be acceptable as written but they would like as much flexibility as possible.

Ms. Criste stated the issues of concern are that Rite Aid could be open 24 hours a day and the stalls they propose using are right on the highway. Staff would not like to see sales tables and merchandise in the parking lot all night. Rite Aid can always apply for a Special Use or Temporary Use permit for extended outdoor sales.

Architect Michael Caley commented the retaining wall material was discussed by the DRC. An exhibit is in the meeting packet defining which wall faces would have decorative block treatment. He understood that the walls facing the back delivery area, which are 12 feet lower than the street, could be a smooth colored block. Standard grey precision (cinder) block is not proposed to be used. Also, the block on the slope facing the channel could be smooth precision block. Staff's definition tonight which states that colored block would be considered to be "untreated" is moving away from the original definition. They request that the Commission consider and approve the use of smooth, but always colored, block for walls that face on dirt away from the public. All walls facing the public would always be split face or decorative.

Mr. Willman commented the wall of the channel will be seen from SR62 and requires some decorative treatment.

Mr. Caley replied it will be a colored block consistent with the building but the applicant would be willing to use intermittent split face block. They will work with staff to come up with a design. Wrought iron will also be installed on top of the channel wall for public safety.

Mr. Gottlieb stated the block walls at the back of the project will only be 2 to 3 feet high with wrought iron on the top.

Mr. McKoy stated consistency is important in the desert colors.

Margo Sturges of Yucca Valley noted a lot of work has gone into the project and there are 332 parking spaces but none of them are shaded. She would like to know what Rite Aid will do with the current building. Do they have a new tenant for it? She thinks a light signal on SR62 is necessary. She agrees that the lane merging in the driveway is a problem. She asked where RV's would park. Everyone is looking forward to a Fresh & Easy.

Robert Sturges questioned where the water would drain. He doesn't understand where the drainage ditch is going. The site plan references the San Bernardino Flood District and he didn't know that the Flood Control District was in Town. He has a letter from the District stating they are not responsible for flood control in Town. He has a letter from the Town saying they are not responsible for flood control. Where is all the water run-off going to go?

Mr. Goodpaster asked if staff's recommendation to use the Banning design was acceptable to Rite Aid.

Mr. Warner stated Mr. Gottlieb spoke with Rite Aid today and they agree with it.

Mr. Lombardo asked if the split stone on the Rite Aid store would tie in with the rest of the development.

Ms. Criste replied the design will be reviewed by staff but the stone and the color of the stone will be consistent with the rest of the center. Staff believes the stone will be more consistent than the originally proposed metal panels.

Mr. Warner commented they would like to be sure that the future issuance of a Temporary Use Permit isn't constrained by the COA. Space has been provided on the site plan for a package treatment plant if it is required. Regarding shaded parking, quite a few islands are provided in the parking lot where trees will be planted. The canopy can develop quickly enough so that there is a fair amount of shading within the first 5 years. The project is not designed for covered parking. Regarding RV parking, none is specifically designated. RV drivers ordinarily use two connected spaces and pull through them. The Development code does not require RV Parking. Regarding the flood control channel, it is a County maintained flood control channel. There are flood control issues between the Town and the Country, but certain of the facilities, like this one, are presently maintained by the County. Only 3 acres of this site will drain into that channel and it will be reduced by at least 10% by the detention pond. The remaining 6 acres will drain into a detention basin at the NE corner of the site and then drain into a storm drain that goes under SR62 and then north into another County flood control channel.

Sanford Berlove of Yucca Valley asked why the original design for the Rite Aid is not acceptable. The Banning store looks like a bomb shelter. The Fresh & Easy design is more modern than the original Rite Aid design.

Mr. McKoy closed public hearing.

Ms. Criste stated staff needs direction on a couple of issues including the outdoor sales. Regarding the reference to the Environmental Assessment and COA 18; that COA should remain. However, the Commission will need to make findings to approve the Environmental Assessment. The motion will need to include a statement that the Commission finds that the payment of the fair share for the signal at Warren Vista is an adequate substitute Mitigation to lower the impacts to an acceptable level. There is no need for a statement regarding hydrology because there is no mitigation measure. The project is adjacent to a County Master Plan Facility. The project proposes to discharge into that facility and will be required to make certain improvements to keep the site safe and to pay its fair share for the ultimate improvement. The facility is currently, and will ultimately be, maintained by the District. Staff's recommendation for Rite Aid is that the alternate design be considered by the Commission.

Mr. McKoy questioned outdoor sales by the Big 5 store. Mr. Kirschmann replied no special permit is required for sidewalk sales. If parking spaces will be used it is necessary to obtain a Special License. Parking lot sales fall under the Special Use section of the code, as well as fairs, concerts, carnivals, etc., and are limited to a maximum of 10 days per year. The Temporary Use Permit section of the Development Code allows a maximum of 30 days for events like Christmas tree lots and pumpkin patches.

Mr. Stueckle stated he believes he heard the Commission wants to apply the same standards to this business operation as are applied to other businesses. So the outdoor

sales activity would be limited to those uses permitted under the Special Events and Temporary Use Permit codes. That allows for the holiday events as well as special events in the parking lot.

Ms. Criste commented if Mr. Stueckle correctly stated the Commission's intent, then COA 29 can be eliminated.

Consensus of the Commission was to remove COA 29.

Mr. Willman stated there is adequate area in the project for RV parking in the pull through stalls provided. The whole west side of the project has multiple open parking areas. The other commissioners agreed.

Consensus of the Commission was that the project is well designed on a difficult site and to support approval.

Mr. Stueckle read into the record the Findings for the Mitigation Measures for the record if the PC so moves as follows:

The traffic signal at Warren Vista and Yucca Trail is not warranted at the current time. The project is projected to generate approximately 15.67% of total vehicular trips at the intersection based upon cumulative project analysis and the development and operation of all projects included in the cumulative analysis. The construction of the traffic signal at the current time would assist peak hour turning movements at the intersection but may cause unnecessary delays in east and west bound traffic flows outside of peak hours. Traffic accident historical data indicates the following accidents: 2008 = 1; 2007 = 1; 2006 = 1; 2005 = 1; 2004 = 0. Therefore the current intersection operates in an efficient methodology of traffic safety and turning movements. Traffic signal warrants, based upon cumulative project analysis, will be constructed at the intersections of Joshua Lane and Yucca Trail, Yucca Trail and Palomar and SR 62 and SR 247. Staff identifies that construction of the above referenced signals simultaneously with the signal at Warren Vista and Yucca Trail will provide a more efficient and safe coordinated traffic control system. Therefore payment of fair share mitigation fees is adequate to mitigate project impacts at the intersection of Warren Vista and Yucca Trail.

Mr. Goodpaster moved that the Planning Commission approve Environmental Assessment 06-08 with the inclusion of the Findings regarding the Mitigation Measures as stated above by Mr. Stueckle and direct staff to file a Mitigated Negative Declaration. Mr. Willman seconded the motion which passed unanimously by voice vote.

Mr. Goodpaster moved that the Planning Commission approve Conditional Use Permit 01-08 and Tentative Parcel Map 19103, based on the findings in the staff report, and the amended conditions of approval as follows:

COA 25 is modified to read: All signage shall comply with the Towns Sign Code, Ordinance 156.

COA 28 is modified to delete the 2nd sentence which is replaced with; "The lower south wall may be colored block. The wall along the wash may be a combination of block and wrought iron."

COA 29 is deleted.

COA 38 is amended to read: The applicant shall pay its fair share for all improvements related to the West Burnt Mountain wash as approved by future Town Council Policy or by the Town Manager.

COA 39 is amended to read: Extend the existing box culvert where West Burnt Mountain Wash crosses under SR 62 to the ultimate southerly side of sidewalk.

COA 42 is amended to read: The applicant shall pay its fair share for the installation of a traffic sign at Warren Vista and Yucca Trail. The amount shall be determined by a fair share analysis completed by the projects engineer and approved by the Town Engineer.

Two new COA are added:

1. The left lane at Rite Aid is to be considered for a left turn lane into the southern parking lot based on traffic analysis.
2. A left turn pocket shall be provided for north bound traffic to east bound traffic on Warren Vista.

Mr. Willman seconded the motion which passed unanimously by voice vote.

CONSENT AGENDA: MINUTES - None

STAFF REPORTS AND COMMENTS: None

COMMISSIONER REPORTS AND REQUESTS: None

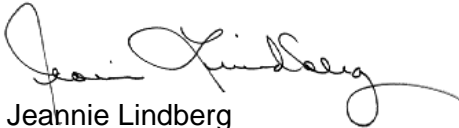
ANNOUNCEMENTS:

Mr. McKoy announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, January 20, 2009 at 7:00 p.m.

ADJOURN

The meeting adjourned at 8:45 p.m.

Respectfully submitted by,



Jeannie Lindberg
Administrative Assistant III