

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

JANUARY 12, 2010

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

Commissioners present: Vice Chair Robert Lombardo, Commissioners Dennis McKoy, Dawn Rowe and Margo Sturges

Vice Chair Lombardo led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Ms. Sturges moved that the Agenda be approved, which motion was seconded by Ms. Rowe and passed unanimously by voice vote.

PUBLIC COMMENTS: None

PUBLIC HEARINGS: None

DISCUSSION ITEMS:

1. DEVELOPMENT STANDARDS TO BE APPLIED TO DEVELOPMENT PROJECTS PROPOSING PHYSICAL EXPANSION OF EXISTING DEVELOPED COMMERCIAL AND INDUSTRIAL PROPERTIES - DRAFT ORDINANCE

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting stating a draft ordinance has been included with the staff report. On May 19, 2009, July 21, 2009 and September 22, 2009 the Commission discussed various degrees of development standards, thresholds for development and requirements. Taking the discussions from those meetings and a chart approved at the last meeting for various thresholds, staff has drafted an ordinance presented this evening on stamped page 4.

As part of the revisions, Chapter 3 addresses land use design procedures and includes Conditional Use Permits (CUP), Site Plan Reviews (SPR), Specific Plans (S), etc. Most of the Articles in Chapter 3 are County remnants which have not been amended or updated since adoption. Some permits have been amended by ordinance. Some articles are no longer used by the Town and staff recommends deletion of those Articles. Article 2, Planned Developments, will be unchanged and will be typed into this new ordinance in its entirety.

Article 3 is the Land Use Compliance Review (LUCR) which has the most significant changes. At the last meeting the chart established that an existing building of up to 5,000 square feet would be allowed to expand up to 1,250 sf using a LUCR; 5,001 to 10,000 sf up to 2,000; and 10,001+ a maximum of 2,500 sf. That table is included in the ordinance. The ordinance discusses that if a project exceeds the thresholds in the table, then depending on what the table says, the project would be referred to the CUP or SPR code section. The LUCR is a staff level review and, for the most part, would not require a public hearing by the Planning Commission or CEQA review. Projects which fall within the thresholds of the table will be required to comply with the commercial design guidelines, outdoor lighting regulations, parking and screening requirements, sign regulations, and other applicable ordinances.

The draft ordinance also lists the items that will specifically not be required: half-width street improvements, curb, gutter & sidewalk, on-site water retention of the incremental increase, dedication or improvements to drainage facilities, assessment districts, utility undergrounding and additional landscaping.

In the CUP, SPR and LUCR sections the amount of approval time was changed to consistently be 3 years. Any granted extension of time would also be for 3 years. The SPR code was amended by the Town in 2003. As a relatively new code it is fairly easy to understand and included good regulations and requirements. Staff used that existing ordinance and modified it for the CUP section. The ordinance should now be consistent between those 3 sections. Staff would be happy to answer any questions.

Ms. Rowe stated it is much easier to understand than the County remnants. She stated the Commission had discussed "change in use", specifically restaurants falling under the retail section. She asked if that is addressed in a different part of the Development Code.

Mr. Kirschmann replied there will probably need to be some language included in the code. The problem is that we are not going to be able to include every potential change in use.

Deputy Town Manager Shane Stueckle commented the situation staff anticipates is that with the update to the Development Code, and Town Council will consider releasing the RFQ/RFP on January 19th, one of the things the chosen consultant will be doing is working through the Commission to formulate a recommendation to the Council. One of the issues will be land uses which are allowed by Permit in each of the land use districts. In those codes each of those land use districts contains a table that references if it is permitted at all or is it not permitted, or permitted by a CUP, SPR or other. That's the appropriate section of the Development Code to include whatever policy is ultimately drafted that talks about change in use.

Ms. Rowe commented the Commission had also discussed cargo containers, specifically with regard to industrial zoning. On P6 under Authority, Level of Review – Applicability, it says "New structures, including accessory structures and uses." Do cargo containers fall under accessory structures?

Mr. Kirschmann replied as currently written if it falls within the square footage thresholds within the LUCR and they can be reviewed at staff level.

Mr. Stueckle commented specific reference to cargo containers is not addressed in our codes today except in residential land use districts. There is going to have to be special language written in the code that would be appropriate in the individual land use districts. That is where the issue of cargo containers should be addressed. That would not appear in the ordinance being presented this evening.

Ms. Rowe questioned sequential additions over several years to avoid a CUP that would cumulatively exceed the threshold at some point. Mr. Kirschmann replied that is a possibility under the current ordinance. Language could be included to limit cumulative additions to a maximum square footage or time limit.

Ms. Rowe commented some people have done that in the past to avoid the 500 sf limit and asked if that is a concern to staff. Mr. Kirschmann replied it could be done. It is not common with commercial but is with single family additions. As long as the original permit has been finalized, another permit can be issued.

Mr. Stueckle commented residential is different from commercial. He believes the intent of prior Commission discussions has been a one time addition. If they come back for additional permits that kicks them up into the next review level. Staff would concur that if that is the Commission's intent staff can add a paragraph stating additions to these thresholds are allowed cumulatively, but if at any point in time the threshold is exceeded the project goes to the next level of review.

Ms. Rowe commented she thinks the maximum square footage allowance is liberal.

Ms. Sturges asked if a time limit would be appropriate. Mr. Lombardo agreed a time limit might be better. With commercial, the structure may need to change when the use changes. But we don't want them to creep in with multiple 1,500 sf changes.

Mr. Stueckle commented some of the issues the Commission needs to consider are, as businesses expand they create impacts. Traffic generation creates the need to widen roadways, increase in hard surface area increases incremental runoff of rain water requiring on site retention, and those types of things. The Commission has been focused on how much expansion is allowed before these other issues need to be addressed. The Commission has been very logical by considering a percentage or square footage basis regardless of the amount of time those expansion projects took.

Ms. Sturges asked if 3 years is too restrictive, should it be 5 years.

Mr. McKoy commented a business would not be enlarging every year.

Ms. Rowe stated if the intent is to circumvent a CUP to save the fees, 3 years would be more than adequate.

Consensus of the Commission was it should be 3 years from the final inspection.

Mr. Kirschmann stated the recommendation is to set a date for the Public Hearing.

Ms. Rowe requested and received confirmation that final changes could be made at the Public Hearing.

Ms. Sturges moved that the public hearing be set for February 9, 2010. The motion was seconded by Mr. McKoy and passed unanimously by voice vote.

2. REVISION OF COMMERCIAL DESIGN GUIDELINES

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. The Planning Commission originally reviewed and recommended approval of the Commercial Design Guidelines to the Town Council on December 05, 2000. Town Council adopted the Commercial Design Guidelines on May 03, 2001.

The Commercial Design Guidelines were adopted to reflect the Town Council and the General Plan Policies regarding enhancement, preservation and promotion of the unique design characteristics found within the Town's various commercial districts. At the Town Council meeting of October 20, 2009 direction was given to staff to review the Commercial Design Guidelines and revise language regarding color selection for exteriors for buildings. It was discussed at the Town Council meeting that the current color palette should be expanded to allow for more color choices.

Staff has researched the Design Guidelines of fifteen jurisdictions in California, Arizona and New Mexico, in order to provide the Commission with broad based information on how other communities attempt to guide similar issues through the development regulations and processes.

Although each jurisdiction has its own verbiage, the results of this research indicated that language encouraging "muted or lighter tones" are preferred for large wall surfaces. Colors should be chosen that accent the building materials, architectural style of the building and be compatible with surrounding development. Bold, primary, bright or florescent colors are more appropriate for trim, doors, windows, or architectural elements. When using more than one color on a structure, colors should be complimentary and should blend well with the environment.

Of the jurisdictions researched, four jurisdictions prefer earth tone colors, three jurisdictions prefer colors that are subdued or muted and lighter in value, one jurisdiction specifies off-white to medium brown, one jurisdiction (City of 29 Palms) prefers muted tones of blues, yellows, tans and grays, rather than beiges or browns. Six of the jurisdictions researched do not identify color palettes for exterior wall surfaces, although four of these jurisdictions state that bright or fluorescent colors should be avoided or are more appropriate as trim colors. The City of Twentynine Palms Design Guidelines state that "primary colors of such structures are most often some shade of sand color: otherwise white or light earth tones usually prevail. Contrasting trims however, may run the full gamut of colors from darker earth tones to the brightest of colors."

Staff has made one suggestion in the staff report which allows for brighter or fluorescent colors for trim, keeping the building in more earth tones. The Design Guidelines are guidelines, not rules or regulations and are not part of the Development Code and flexibility has been built in. The guidelines also allow staff to bring the project to the Commission for review.

A random sample color palette is provided on the display boards this evening and was provided to the Commissioners, a copy of which is preserved in the project and meeting files.

There are several alternatives the Commission may wish to consider this evening:

- 1 The Commission may find that the current language of the Guidelines is sufficient to address building colors, especially with the addition of color palettes. The addition of color palettes would also create more clearly defined color alternatives, and assist in establishing accepted colors and color ranges.
- 2 The Commission may find that revisions to the current language of the Guidelines are necessary, as well as the desire to add color palettes as an important component to the Guidelines.
- 3 As the Town is preparing to rewrite the Development Code, the Commission may find that incorporating the Guidelines into the Code, while remaining as "guidelines" would be desirable, more efficient, and would eliminate the current stand alone Guidelines document.
- 4 The Commission may find that as the Guidelines are approaching ten years since their adoption, that amendments or modifications are necessary throughout the document, and that a complete rewrite is necessary and desirable at this time. If the Commission finds that a rewrite is desirable, then coordination and inclusion in the Development Code rewrite is an potential approach to addressing both policy and regulatory standards simultaneously.
- 5 Remove language regarding color selection from the Design Guidelines and allow for any color option.

Staff will be happy to answer questions.

Mr. McKoy stated he likes the color palette this evening and would want to stay away from bright reds and yellows, etc. Some of the colors labeled bright on this palette could still go together with the earth tones.

Ms. Rowe asked if there is a cost to the applicant if their color scheme is outside the guidelines. Mr. Kirschmann replied only if they appeal the staff determination. If staff has a question there is no charge for staff to bring it to the Commission.

Ms. Rowe stated she likes it as a guideline and would not like to see it in the Development Code. She noted that the current guidelines state: "However, the emergence of post-modern and other hybrid architectural styles, with their juxtaposition of architectural motifs and the use of contrasting, unusual colors and building materials, are examples of how contrast can be made compatible within broader standards." She is not a fan of regulating and likes the idea of an artists' community being expressive. We do not want a monochrome Town either. She asked if the earth tones and bright colors on this palette are in the current guidelines.

Mr. Kirschmann replied there are no colors or palettes in the current guidelines.

Mr. Lombardo requested and received confirmation that these color palettes could be included as a guideline and if a project went outside of the guideline the project would come before the Commission. With any of these colors a project would be safely within the guidelines. He likes this idea.

Ms. Sturges stated she likes color and there is a change in the mood in the community. We should consider input from either an architectural review committee or the Arts and Cultural Commission.

Mr. McKoy replied we dealt with that at the last meeting. We had contrasting colors next to each other on an existing building. The colors didn't flow.

Ms. Sturges asked if we are saying use one color for the body and another for the trim. Ms. Rowe stated she has a problem telling a business how to paint their building. Mr. McKoy commented it is hard to know until you see the colors together.

Mr. Lombardo commented if they want to make it something exotic then the Commission should look at it first. Ms. Rowe agreed and she is comfortable with that discretion being at staff level as long as there is no cost to the applicant.

Mr. Lombardo stated they should be able to choose colors from a palette with the least amount of hassle possible and know they are going to be ok. If they want to paint the building bright and trim it with neon then we ought to know about it.

Consensus of the Commission was to have this color palette included in the Design Guidelines and that the Guidelines should not be included in the Development Code.

Mr. Lombardo opened the discussion to public comments.

Shelia Vreeken of Yucca Valley asked if all of the colors on this palette could be used anywhere on the building or would some of them be only for the body of the building and others only used for trim.

Mr. Lombardo closed the discussion to public comments.

Mr. McKoy stated we should say these are the colors you have to work with and let them make the selection. Ms. Rowe agreed that the owner should be allowed to choose any color for any use from the palette.

Mr. Kirschmann questioned the brightly painted building with multiple colors from the prior Commission discussion. Mr. McKoy replied we requested changes and they made the changes and muted the building.

Mr. Lombardo stated he has trouble with that because they could paint the building bright blue with orange trim and that would meet the guidelines without any review process because it would be from our color palette. Mr. Kirschmann replied the guidelines limit staff to approving 3 colors.

Ms. Rowe suggested the Commission review the sign ordinance so we don't have bright colors there. If the sign ordinance was a little more liberal there could be creative expression in signage so we are not struggling with paint colors to differentiate store fronts.

Mr. Lombardo stated signage is the most important way a business advertises. We limit the size of the lettering, the colors and the square footage. He understands the need for

that but it puts businesses at a disadvantage because it blends them into the background.

Mr. McKoy commented corporate logos have been a problem. Ms. Rowe agreed, using the Harley Davidson franchise signs as an example of additional cost to a small business. When you limit sign size in small shopping centers we encourage really bright signs.

Mr. Lombardo stated he would like to see the body color come from the earth tones palette and the trim could come from the bright colors palette. As businesses change they have to conform to the new colors, even at the lowest level of review.

Ms. Sturges asked if this would apply to the Old Town Specific Plan (OTSP) area. Mr. Kirschmann replied the OTSP has a section on colors. Deputy Town Manager Shane Stueckle commented the OTSP contains architectural, sign, color and other standards and is a stand alone document specific unto itself. It contains its own regulations and would be considered separate from this discussion.

Ms. Rowe suggested that review of colors be at staff level, even if bright colors are chosen, and staff could send it to the Commission at no cost to the applicant if the main color was coming from the bright colors palette.

Ms. Sturges requested and received confirmation that the buildings on either side of the project would be considered.

Mr. McKoy stated the exception would have to be for mega corporations. Mr. Stueckle replied there was controversy with Starbucks and Burger King.

Ms. Sturges moved that formal action on the Commercial Design Guidelines be set for the meeting on February 9, 2010 directing staff to include color palettes as a part of the Guidelines, and including language stating staff has the authority to approve color combinations as included as an attachment in the color palettes; but if staff finds the selected colors to be questionable staff can forward those to the Planning Commission for consideration. The motion was seconded by Mr. Rowe and passed unanimously by voice vote.

3. STATE MANDATED CHANGES TO LANDSCAPE ORDINANCES REPORT

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting stating this is an informational item only.

Assembly Bill 1881 was enacted in September of 2008. This bill modifies and strengthens the Water Conservation in Landscaping Act, which was passed in 1990. As part of AB 1881 the California Department of Water Resources was assigned the responsibility of updating the outdated model water efficient landscape ordinance. Every city and County in the State is mandated to adopt the model ordinance or adopt their own. If a city or county chooses to adopt their own ordinance, that ordinance must be at least as effective as the state ordinance.

The State model ordinance is quite complex and includes confusing calculations which makes it nearly impossible for the person on the street to understand the requirements of the ordinance. The Hi Desert Water District (HDWD) with the cooperation of the Town, is developing a more user friendly Ordinance. Through these efforts we can ensure that efforts are not duplicated. This is not the first time the Town and HDWD have worked together on a Landscape Ordinance. In 1990 the State passed Assembly Bill 325 which also required water conservation techniques. After incorporation the Town and HDWD worked together and adopted Ordinance 45 in January of 1994.

Mr. Lombardo asked how the Town would verify that the ordinance would meet state standards. Mr. Kirschmann replied the water district reported to the Town that the State has indicated no one will actually be checking these ordinances to verify compliance. Also, because of the HDWD tiered rate system we may already be at least as effective as the State mandate.

Ms. Sturges commented HDWD has been working on this for the past year and she is confident the ordinance will be easier to understand.

Ms. Sturges moved that the Commission receive and file the report. The motion was seconded by Mr. McKoy and passed unanimously by voice vote.

4. PRIVATE LAND DEVELOPMENT ACTIVITY REPORT UPDATE

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting stating this is an informational item only.

This report is provided to update the Planning Commission on the private land development activity occurring in Town. Staff has included a list of all of the projects for the Planning Commissions information.

Projects to be scheduled for future Planning Commission hearings:

Lucas Tract, Tract Map No. 18773, EA 02-09 - Submitted on December 23, 2009, a proposal to subdivide 87 acres into 60 single family lots in six phases. The project is located on the southwest corner of Cholla Ave and Carlyle Dr. This project was formerly known as Yucca 87 as previously approved by the Town, but that project was allowed to expire by the applicant.

Pueblo Mesa, General Plan Amendment, GPA 02-07, Rezone, RZ 02-07, Planned Development, PD 02-07, EA 25-07- A proposal to rezone 77 acres of RL-1 to RS-2 and to subdivide into 142 residential lots as an age restricted development. The project is located on the northeast corner of Golden Bee Dr and Aster Ave. A Development Review Committee meeting was held on this project on November 04, 2009. The project is pending re-submittal of materials from the applicant.

The following projects have been submitted to the Town for Building & Safety and/or Engineering review:

Warren Vista Center , CUP 01-08, EA 06-08 - This project is for the construction of a Rite-Aid, a Fresh & Easy, a building pad for a future restaurant or bank and

35,000 sq ft of retail space. The project is located on the southwest corner of 29 Palms Hwy and Warren Vista Ave. Grading Plans were submitted on May 20, 2009. Street Improvement Plans were submitted on July 20, 2009. Building Plans were submitted on July 14, 2009, for only the Rite-Aid building. These plans are currently in the plan check and correction process

Sonic Burger, CUP 04-06 Amendment #1 - This project is for the construction of a 1,728 sq ft fast food restaurant. The project is located on the southeast corner of 29 Palms Hwy and Balsa Ave, and is on the same site as the ARCO AM PM project. Building plans were submitted on December 03, 2009. These plans are currently in the plan check and correction process

Yucca Plaza, SPR 02-08, EA 02-08 - This project is for the construction of a 20,707 sq ft commercial center. The project is located on the northwest corner of 29 Palms Hwy and Hanford Ave. Grading Plans, Street Improvement Plans and Building Plans were submitted to the Town on December 10, 2009, and are currently in the plan check and correction process.

Carquest Expansion, SPR 04-08 -This project is for the construction of a 3,300 sq ft expansion and a 6,540 sq ft new building. The project is located at 56315 29 Palms Hwy. Building plans for the expansion were submitted on May 15, 2009 and plans for the new building were submitted on August 13, 2009. The plans have been approved by the Building & Safety Dept. and are pending compliance with Conditions of Approval for the Planning Dept. A Grading Permit was issued by Engineering on October 14, 2009.

The following projects have had construction plans approved by the Town, but all permits have not yet been obtained by the owner/developer.

Arco AM/PM, CUP 04-06, EA 09-06 - This project is for the construction of a gas station, 2,880 sq ft convenience store, and carwash. The project is located on the southeast corner of 29 Palms Hwy and Balsa Ave. The Grading Permit was issued for this project on September 25, 2009. Building permits for this project were approved on September 17, 2009, but have not been obtained by the owner/developer.

The following projects are under construction:

Yucca Inn, LUCR 04-09 - this project is for the construction of an 862 sq ft lobby and a 748 sq ft covered entry. The Grading Permit for this project was issued on November 10, 2009 and the Building Permit was issued on November 30, 2009. This project is currently under construction.

Ms. Rowe moved that the Commission receive and file the report. The motion was seconded by Ms. Sturges and passed unanimously by voice vote.

5. SAN BERNARDINO ASSOCIATED GOVERNMENTS REGIONAL GREENHOUSE GAS INVENTORY – EIR – AB 32 & SB 375 REPORT

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Deputy Town Manager Shane Stueckle presented the project discussion to the meeting.

The California State Legislature adopted Assembly Bill 32 (AB32), the Global Warming Solution Act of 2006. AB 32 directs the State Air Resource Board (ARB) to adopt regulations to require the reporting and verification of statewide Greenhouse Gas emissions and to monitor and enforce compliance with the program. The bill requires reduction of Statewide GHG emissions to 1990 levels by 2020.

In order to achieve the GHG reduction goals set out in AB 32, SB 375 focuses on reducing vehicle miles traveled and urban sprawl. SB 375 was enacted to more specifically address the transportation and land use components of greenhouse gas emissions.

Tied into all of those things the Transportation and Land Use Planning world is becoming more complex because now State mandated Housing Elements are linked to the regional transportation plan which is adopted through the Southern CA Association of Governments (SCAG). To have projects in there is very important because that makes the Town eligible for Federal and State funding and grant resources. Those issues are then tied back into land use planning and trip generation.

As we sit here today, we don't know what all of these things mean and probably won't know for 2 or more years. The CA Resources Board is hopefully on schedule to announce their preliminary standards in September. That will give land use planners some idea of the standards that private land development projects will have to meet. We are operating in a vacuum today because the State has not established any.

The Town is participating with a number of agencies coordinated by SCAG preparing the regional greenhouse gas analysis and the environmental impact report (EIR). That project will be on-going and there are going to be specific segments or policy discussions that will be brought before the Commission over the next couple of years. We've been working with SCAG and the San Bernardino Association of Governments (SanBAG) on growth projections and it is likely those will come before the Commission for discussion. As the EIR and greenhouse reduction analysis moves forward there may be pertinent information that those other agencies are looking for which may come to the Commission.

SanBAG is getting ready to send out the agreements to all the participating agencies such as Yucca Valley. Once those are signed, everything goes back to the Board and they will issue authorization to the consultants to begin and we will be underway.

Ms. Sturges stated she sees it as a problem when Yucca Valley has reasonable housing, there is another part to it, to the type of people who come to a lower cost of home being less educated according to the report on P265 of the meeting packet. She asked if there is another page to the letter that was omitted. Mr. Stueckle replied he believes it was a one page report.

Ms. Rowe moved that the Commission receive and file the report. The motion was seconded by Mr. McKoy and passed unanimously by voice vote.

CONSENT AGENDA: MINUTES –

Ms. Sturges requested that the Minutes of the regular meeting of the Planning Commission held on October 13, 2009 be pulled from the Consent Agenda so that staff may add more detail and return the minutes for approval at the next meeting. The other Commissioners agreed.

Ms. Rowe moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission Meeting held on November 10, 2009. The motion was seconded by Ms. Sturges and passed unanimously by voice vote.

STAFF REPORTS AND COMMENTS: None

FUTURE AGENDA ITEMS:

Mr. Kirschmann reported that an update on projects in the planning process will be provided to the Commission at the second meeting every month. The final policy discussion of the Native Plant ordinance will be on the agenda for January 26th. And as scheduled this evening, the public hearing for revisions of Development Standards and the final discussion of Design Guidelines will be on the agenda for February 9th.

COMMISSIONER REPORTS AND REQUESTS:

Ms. Rowe questioned the sign ordinance. Mr. Stueckle replied that it will be looked at during the update of the entire Development Code if approved by the Town Council. Comments about the sign code can be included in the next discussion about the Design Guidelines. Ms. Sturges requested and received confirmation that public comments will be taken during that discussion.

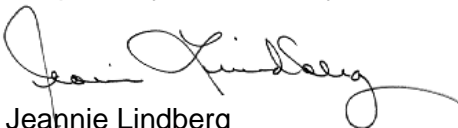
ANNOUNCEMENTS:

Mr. Lombardo announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, January 26, 2010 at 7:00 p.m.

ADJOURNMENT

The meeting adjourned at 8:20 pm

Respectfully submitted by,



Jeannie Lindberg
Administrative Assistant III