



CITY OF RIDGECREST

100 West California Avenue
Ridgecrest, CA 93555

MINUTES

MEETING OF THE CITY OF RIDGECREST PLANNING COMMISSION

City Council Chambers

Tuesday, December 9, 2008 at 7:00 p.m.

Commissioners: Commissioners; Lois Beres, Nellavan Jeglum, Eric Kauffman
Incoming Commissioners: Jason Patin, Craig Porter

1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

3a. The swearing-in of two new Planning Commissioners

Rita Gable, City Clerk, officiated the swearing in of Jason Patin and Craig Porter followed by a round of applause.

3b. Election of Officers:

Commissioner Patin nominated and Commissioner Kauffman seconded Commissioner Jeglum for Chairman of the Planning Commission. Commissioner Beres then moved for closure of Chairman nominations.

Commissioner Jeglum was unanimously voted in as Chairman.

Commissioner Patin nominated and Commissioner Kauffman seconded Commissioner Beres for Vice-Chairman of the Planning Commission. Chairman Jeglum moved for closure of Vice-Chairman nominations.

Commissioner Beres was unanimously voted in as Vice-Chairman.

4. APPROVAL OF AGENDA

This item was addressed after Item 7.a. due to Planner Alexander being out of the room temporarily attempting to resolve public address system problems.

A motion was moved by Commissioner Kauffman and seconded by Vice-Chairman Beres to approve the Agenda. The Agenda was unanimously approved as written.

5. APPROVAL OF MINUTES

A motion was moved by Vice-Chairman Beres and seconded by Commissioner Patin to approve the Minutes of November 18, 2008. The Minutes of November 18, 2008 were unanimously approved as written.

6. PUBLIC COMMENTS OF ITEMS NOT ON THE AGENDA

None.

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7. PUBLIC HEARINGS

7a. Site Plan Review SPR-08-09

Chairman Jeglum noted that a request had been received by the applicant to pull this item from the Agenda and asked if there were any persons in the audience who would like to make comment. City Planner Alexander upon returning to the podium explained that staff had only recently heard of the item being pulled from the agenda and advised that notices would be sent out if the Item were to return to the Planning Commission.

7b. Tentative Tract Map TTM 7188

A request for Tentative Tract Map 7188 to create 40 10,000 sq. ft. minimum residential lot subdivision in an E-2 zone on 14 acres located at the NE corner of Drummond Ave and N. Mahan St, APN 453-040-12 (Emerald Point)

Planner Alexander briefed the Commission advising that James Bell on behalf of Emerald Point was the applicant. He provided slides showing the proposed site noting the site was rectangular and adjacent to unincorporated Kern County territory. He said staff had some issues to bring to the Commissioner's attention as follows:

An email message from Mr. and Mrs. Smith who live on Judy Way citing concern that homes facing Arroyo Street would look out onto a block wall and the amount of traffic that would potentially be generated, with a suggestion that an outlet be included on one of the interior streets.

Mr. Alexander made further comment on the proposed block wall saying it "took away" from the appearance of the City. He referred to block walls adjacent to sidewalks with no or minimal landscaping as being "harsh". Mr. Alexander suggested two-rail white fences, wood walls, living walls or landscaping treatment in front of the block wall as possible alternatives. He said that a planner's preference would be for a living wall and staff had included a proposed condition for a plan for treatment of the block wall.

Mr. Alexander then noted a memorandum from the Public Works Director addressed to Mr. Alexander noting that drainage improvements for the proposed site would comply with certain requirements of the code but that typically a subdivision would be required to retain the additional runoff generated by the development.

Planner Alexander next spoke to circulation indicating that due to the median, traffic would need to go westbound on Drummond and do a u-turn and suggested a break in the median to facilitate going eastbound or westbound.

Mr. Alexander said staff recommended that the Planning Commission approve the subdivision based upon certain conditions of approval.

James Bell, representing Emerald Point and Mr. Ferguson (builder/developer) addressed the commission by firstly saying that the subject property had been purchased from the City. He noted that at a meeting prior to escrow items raised at this evening's meeting had been discussed. He said this round table discussion had included the topics of a break in the median and block wall issues. Mr. Bell said he understood that personal preference had an impact and he did not agree with his proposed wall being called "harsh" by Mr. Alexander.

Mr. Bell went on to say there were a lot of reasons to not deviate from a block wall noting there were many less expensive ways to build a wall. He said block walls had been spoke about at the round table discussion and a plan generated to put in two block walls. Mr. Bell said he understood the concern on Arroyo looking onto a block wall – he said this street would only be sections of a block wall not a solid structure, approximately 50 feet of block wall in each area. Mr. Bell said that only back yards would get "blocked". He said from a

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builder's he would prefer to put a block wall there and from a homeowners perspective he would prefer a block wall for security purposes.

Commissioner Kauffman asked Mr. Bell if he could go back to his client and ask that some sort of landscaping be included with the block wall. Mr. Bell advised he could and this would not make the project hugely expensive. He noted that landscaping had been discussed at the round table meeting and said that an item included in the conditions of a lighting and landscaping district had not been previously discussed.

Chairman Jeglum asked who would maintain the landscaping and Mr. Bell noted that discussions had been that the developer would pay to put landscaping in and the City would maintain it.

Mr. Bell emphasized that all items raised by Mr. Alexander this evening had been discussed in the round table meeting. Chairman Jeglum asked if a sump had been discussed. Mr. Bell said it had and that the indication was that the City was not prepared to maintain any more parks areas at this time and that if a sump became an issue it would "kill" the project. He then spoke about flood water versus nuisance water and said that there was a clear distinction. He again highlighted this had been discussed at a round table meeting and that it was suggested that run-off be on to the street.

Commissioner Porter asked about setback. Mr. Bell said usually there would be a 10 foot utility easement and typically the block wall would be 10 feet back. Mr. Porter then queried setback on Arroyo and Mr. Bell said that the City had regulations in regards setback and he knew it was a minimum of 10 feet and might even be 15 feet.

Mr. Bell said that the challenge for the City was that the area between the block wall and the curb could become "ratty" and that Heritage Village (cited as an examples of landscaping in front of a block wall) was a different case given it had its own body to take care of such landscaping. He then referred to water shortage noting that any landscaping would result in a demand for water. He noted that the developer had agreed to put landscaping in along Drummond and said he had concern with submitting a landscape plan saying that this was a personal preference thing added to the fact that it was possible that a last minute change of mind could occur and they did not want to have to return to the Commission in that instance. He spoke to Mr. Ferguson's reputation – 25 years of building well-liked projects within the City.

Commissioner Patin noted that the surrounding area contained block walls and referred to Arroyo Street saying his main concern was for landscaping on Arroyo. Mr. Bell said that again he contended that this was a personal preference and that Mike Ferguson's reputation and past projects proved that this project would be completed tastefully.

Mr. Alexander said that the Planning Commission had made it a condition of each new subdivision that a landscaping and lighting district maintenance agreement is entered into for the past two years. He also referred to the recent draft General Plan. He then asked how long ago the round table discussion meeting had occurred. Mr. McRea advised a couple of years.

Commissioner Patin then asked for staff's recommendation on a sump. Mr. Alexander advised that staff would prefer nothing at all versus a non-park sump and Mr. Kauffman asked for confirmation that nothing at all as being proposed – this was confirmed by Mr. Bell.

Chairman Jeglum highlighted that agreeing to lighting and landscaping district maintenance agreement might not be such a burden. Mr. Bell noted that he had not indicated it was a show-stopper but an item he would have to go back and talk to his client about.

Mr. Bell then went on to say that the developer did not want to go back to the Community Development Director for architectural review and emphasized that he felt that a requirement for a landscaping review was not necessary given that this would become a personal preference. He again spoke to water conservation. Commissioner Beres said that landscaping did not have to be water-intensive.

Commissioner Kauffman said that he did not feel that anyone was demanding greenery, rather there was a general feeling that something should be in place so that the setback was not left bare. Mr. Bell responded that there was a requirement to put landscaping in but no guidelines and therefore bringing a landscaping plan back would become a matter of personal preference.

Mr. Bell summarized saying that the developer wished to have Conditions 6. and 7. removed and said he would go back and speak to Mr. Ferguson in regards to the lighting and landscaping district saying that he did not believe that the block wall proposed was "harsh" and noted that the median would be broken to facilitate circulation.

Chairman Jeglum asked for clarification on circulation on Arroyo Street. Mr. Bell said that plans were to split the median east and westbound on Drummond to facilitate access into Arroyo and facilitate traffic entering Drummond from Arroyo to go east and westbound.

Chairman Jeglum asked if the tract to the north side of this property had a block wall and this was confirmed by Mr. Bell. Mr. Bell went on to address grade on the site noting that the site was lower than Mahan and at the round table discussion it was decided that the best way to address this would be to cut Drummond.

Chairman Jeglum asked if the developer had considered turning the development north and south so that the front of the homes faced Arroyo. Mr. Bell said this had not been discussed and noted that the site had originally been set up as three cul-de-sacs and said that the horse-shoe approach with a street in the middle lent itself better to flow of traffic and access to utilities albeit increasing development costs. Chairman Jeglum noted that in this instance there would still have been side yards onto Arroyo. Mr. Bell agreed and said that most people were "dressing up" side yards very well. He noted that the first left street of Cielo was a good example of such.

Chairman Jeglum asked for any other comments from Commissioners and hearing none opened the item for Public Hearing at 7:57 p.m.

David Blue, 1019 North Arroyo said his concern was that neighborhoods were being "mixed up", noting smaller lot sizes. He said further he had concerns regarding drainage – i.e. getting water out of Arroyo. He then went on to speak about the block wall and said he had concerns with aesthetics and hoped that although it was a possibility that homeowners would install their own landscaping he did not think that would happen. He said he was concerned about the aesthetics of driving down Arroyo Street. He asked if there would be a sidewalk on Arroyo and this was confirmed, he asked if the setback included a sidewalk – it was confirmed the sidewalk took up a further 5 feet.

Commissioner Kauffman spoke to water saying he believed that the water would be offset from Arroyo. Mr. Blue said that his concern was that water would be running onto Arroyo and Commissioner Kauffman said he believed that Arroyo would be protected by the block wall.

Mr. Blue asked about parking. Chairman Jeglum said as the area was residential she would expect normal house parking like any tract and that recent ordinance meant any big-rig parking was being monitored according to the 72 hour limit.

Commissioner Patin asked Mr. Alexander what the zoning was for the tract across the road and Mr. Alexander said it was also R-2.

Chairman Jeglum closed the Public Hearing at 8:06 p.m. and asked for Commissioner comments.

Commissioner Patin asked what was involved for the developers when a lighting and landscaping district maintenance agreement was a requirement. Mr. Alexander said that he would recommend a consultant to work with the developer however the developer was free to choose their own.

Commissioner Porter said he had five conditions he felt were important (i) a drainage plan including Public Works review of the plan (ii) submittal of a landscaping plan for the perimeter landscaping per Condition 5. (iii) requirement of a landscaping and lighting district maintenance agreement (iv) breaking the center divider on Drummond and submittal of plans to the City for such (v) architectural review so that neighbors were aware of the nature of the tract. He said he had no objections to the proposed project.

Commission Patin said he agreed with Commission Porter's comments and said he understood neighbors concerns and that he believed it was important to know what was planned for landscaping and congratulated developers saying they had done a good job.

Commission Kauffman asked Planner Alexander how specific landscaping plans had to be. Chairman Jeglum said the problem was that there was no ordinance.

James McRea said that Arroyo was designed by Mr. Pollock to convey water to Drummond and that the hydrology of the tract had been set by the design of Arroyo where the City had required a full street just to serve the 10 houses on the street. He said that Mr. Bell had paid for the west side of the street under a reimbursement plan and he was not aware if Mr. Speer was aware of that fact. He said that originally the tract had been proposed for a 10 lot subdivision and the tract had been modified for larger lots at the south end that had been pre-sold to the street being put in. He then spoke to the lighting and landscaping district maintenance agreement concept explaining that the process facilitated spreading the cost amongst property owners with a 51% majority vote. However given that at the time the agreement would be reached the developer would be the only owner a 51% majority vote would be by the developer. Mr. McRea said that typically the cost would be approximately \$50-\$100 per year per owner and explained that districts could be annexed as developments occurred. He said the state map act prohibited architectural review of a tentative tract map but that condition had been included to facilitate review only. He said that if Mr. Blue would like to join the lighting and landscaping district he could have a say in the guidelines for the district.

Commissioner Beres asked if it would be asking too much of a developer in regards a landscaping and lighting district. Mr. McRea said you can't ask too much, you can only say it's too expensive! He went on to say that review should not ideally be directive rather a joint agreement. Chairman Jeglum noted that the developer also had the opportunity to use the appeal process if they felt that requirements were unreasonable.

Mr. Alexander referred back to a slide showing a block wall with no landscaping saying he hoped that Mahan would not become a solid block wall from one end to the other. He said the wording noted that the Planning Commission would review the landscaping plan according to the condition included – he said staff felt it was that important. Mr. McRea said that although that may have been what Mr. Alexander thought it was not what he said in his staff report.

There was further discussion in regards to landscaping requirements and how specific this could be including how long developers might have to wait for finalization of a project. Commissioner Kauffman said he felt it was important that the Commission be mindful of this fact.

There was discussion again in regards to wording of conditions noting the importance of consensual agreement.

Mr. Bell then said that the way he read Condition No. 6 was that the Planning Commission had ruling over landscaping in front yard and the elevations of the home were also ruled over. Further, he said that if staff changed there were no guidelines for this type of review therefore there may be different ideas as to what is and is not acceptable. Chairman Jeglum said that she and Commissioner Kauffman agreed with Mr. Bell that Condition No. 6 should be removed and that she was personally in favor of the Landscaping and Lighting District Maintenance Agreement.

There was then discussion amongst Commissioners in regards to drainage and other conditions.

Commissioner Beres moved and Commissioner Kauffman seconded approval of Resolution 08-23 negative declaration for TTM7188.

AYES: Jeglum, Beres, Kauffman, Patin, Porter
NAYES: None
ABSENT: None

Commissioner Kauffman moved and Commission Beres seconded a motion to approve Resolution 08-23 inclusive of conditions as listed with the exception that Condition 6. be removed and A NEW REQUIREMENT BE ADDED FOR A MEDIAN CUT AT Arroyo Street and Drummond Avenue.

AYES: Jeglum, Beres, Kauffman, Patin, Porter
AYES: None
ABSENT: None

8. DISCUSSION ITEMS

Parking Agreement-Civic Center Motel- VIMCO 131 S. China Lake Blvd

Planner Alexander addressed the Commission saying that SPR08-05 had previously been approved and noted that a parking agreement was now coming before the Commission in regards to that development. Mr. Alexander said that when the Commission had approved the project Mr. Erickson had an agreement in place for reciprocal parking with Bank of America. He said that Bank of America as the lessee of their lot was not authorized to enter a reciprocal parking agreement and therefore a new agreement was before the Commission. He said that he felt the dollar amount was less important than any potential impact of public parking being facilitated by the City. He said the Planning Commission was being asked to make a recommendation to the City Council in regards to this parking agreement.

Commissioner Patin asked which party had the option mentioned in the staff report after the expiration of the 3 years. Commissioner Patin said his concern was that this type of agreement could perhaps "open up a can of worms".

Commissioner Kauffman said that he believed specific wording could offset that possibility and that this might open up an opportunity for the City to generate a new revenue stream.

Chairman Jeglum said other parking agreements were already in place.

Commissioner Porter asked about placement of the 16 parking spaces and there was discussion in regards to where these might be. Mr. McRea said that there was a recommendation from the

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Planning Department and a letter from the Agency in regards to three options –one was the lease of City property, another the acquisition of land and the third an off-site parking agreement within 500 feet of the proposed project. He said that staff was option was best but parking was conditional for approval and that it would not really be possible to dictate where exactly the spaces would be within the proposed area. Mr. McRea then said that staff was trying to say that Resolution 08-16 was based on spaces being available in Bank of America and that formal approval of the required parking was needed to move forward but there wasn't particular concern in regards to where this parking was. He said the potential T.O.T. from this project was certainly needed by the City. Mr. McRea confirmed that the Commission was not approving or recommending in regards to what the developer was paying for the reciprocal parking – that this was for consideration by the City Council. He highlighted that the Resolution previously approved by the Commission merely said that parking was required to be within 500 feet.

Commissioner Beres asked if the City had entered into any other formal parking agreements. Mr. McRea confirmed there were and listed some of them. He noted that this was a project that would be in place for some time.

Commissioner Kauffman suggested that a recommendation for a permanent agreement with monetary consideration would be his preference.

A minute motion was made to recommend that the City Council approve an agreement with VIMCO for consideration for the parking spaces– this motion was moved by Commissioner Kauffman and seconded by Commissioner Patin.

AYES: Jeglum, Beres, Kauffman, Patin, Porter
NAYES: None
ABSENT: None

9. COMMISSIONER ITEMS

Commissioner Beres welcomed the new Commissioners and commented on the Christmas Tree lighting ceremony saying it was “very nice”. She commended persons who had planned the ceremony.

Commissioner Patin said he looked forward to doing good things for the City and generating some funds!

Commissioner Porter said he looked forward and hoped he could do a good job and commented it looked like a lot of work!

Commissioner Kauffman said he would like to have the Planning Commission seriously consider adopting a mission statement so that applicants had an idea what the Commission was about before they came before them.

Chairman Jeglum said she welcomed new Commissioners saying she was excited about this Planning Commission and their part in the developments that would come forward in the next few years. She said she felt privileged to be sitting in the Chairman's position.

10. STAFF ITEMS

Planner Alexander said he would have Resolutions of Appreciation and perhaps also plaques available for the next meeting for Jerry Taylor and Howard Laire.

11. FUTURE AGENDA ITEMS

December 16, 2008

- a. **Site Plan Review SPR-08-11** 405 W. Ridgecrest Blvd Jansen Animal Hospital
- b. **Pre-Abatement Hearing for Jansen Animal Hospital** – 405 E. Ridgecrest Blvd.
Continued from 11-18-08 PC meeting

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- c. **Site Plan Review SPR-08-10** 241 Balsam St China Express New Bldg approval of elevations
- d. **Variance VAR-08-1 for a parking variance for Site Plan Review SPR-08-10** 241 Balsam St New China Express.
- e. **General Plan – EIR-** Scoping meeting

January 13, 2009:

Continued from November 18, 2008:

- a. **General Plan Amendment and Zone Change GPA/ZC-08-04 & Tentative Tract Map TTM 6691 and Code Amendment** for E-1.5 (20,000 sq. ft. min.) Wild Point Project 161 Ac at the NW corner of Mahan St and W. Ridgecrest Blvd (PAM Corp)

12. ADJOURN

The meeting was adjourned at 8:57 p.m.