



CITY OF RIDGECREST
100 West California Avenue
Ridgecrest, CA 93555

MEETING OF THE CITY OF RIDGECREST PLANNING COMMISSION
City Council Chambers
Tuesday, June 27, 2006 at 6:00 p.m.

Minutes

1. CALL TO ORDER

The meeting was called to order at 6:05 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Chairman Matt Feemster, Vice Chair Jim Smith, Commissioners, Mike Biddlingmeier, Lois Beres and Howard Laire.

4. APPROVAL OF MINUTES

Commissioner Laire made a motion to approve the minutes from the June 13, 2006 Planning Commission meeting. Commissioner Smith seconded. Ayes: Lois Beres, Mike Biddlingmeier, Matt Feemster, Howard Laire, Jim Smith.

5. PUBLIC COMMENTS OF ITEMS NOT ON THE AGENDA

None

6. PUBLIC HEARINGS

CONTINUED ITEMS

6.1 Applicant: Carole Vaughn ZC-06-02 and GPA-06-02: Zone Change from Urban Reserve (UR) to Single Family Residential (R-1) and a General Plan Amendment from Rural Residential (RD) to Low Density Residential (LDR); **TTM 6798:** A request to create a 243 lot subdivision (Mountains' Edge) with lots ranging from 6,000 sf to 10,000 sf for a Vesting Tentative Tract Map 6798; project is located on 79.6 ac at the NW corner of Mahan St. and Springer Ave. APN: 508-010-04 thru 08;

Planner Alexander presented the staff report.

Mr. John O'Garra presented NAWS review of the project:

NAWS Role in City Proceedings

- ~ Participate as an affected agency in City's land use decision process
- ~ Evaluate potential impacts of proposed action on Navy mission

- ~ Provide Navy analysis to City for inclusion in CEQA documents

Project Review Results

- ~ Higher residential densities would increase number of people exposed to flight safety risk and over-flight noise.
- ~ Proposal would increase residential densities under airfield departure corridor with the proposed (243 homes on 79 acres).
- ~ Increasing safety risk and potential noise complaints creating a potential constraint for China Lake's near/long-term mission.
- ~ Any action that increases safety risks under China Lake military operating areas * is considered to be incompatible with the NAWS mission.

Commissioner Comment:

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Commissioner Smith – Does the Navy really have a grasp of all the things that they're going to need in the future at this time? It seems like a hard question to answer because you're going thru a process of organizing all your operations and how many different things can we do here..... do we know what is coming for the base and do we know what the need will be?

NAWS - The answer is, clearly, no we do not; however, we do know that where we operate, and have for many, many years, is fairly well defined and the need for that capability will continue into the future as new aircraft and systems come on board.

Commissioner Beres – Do you see any compromise we could work out with the developer?

NAWS – The response to development at this location is that it is a potential constraint.

Commissioner Laire – What zoning would NAWS recommend?

NAWS – It's not our business to recommend a zoning. It's the City's responsibility. NAWS can tell the City what they need and what they think of a proposal, but it has to be within the framework of the City's decision process.

Public Hearing Opened at 6:22 p.m.

Bernard Unhassobiscay –The only concern I had before I heard presentation today was that Springer, Mahan and Franklin be paved because of the dust issue. But it seems like Springer is going to be paved and part of Mahan also.

Jerry Taylor – Was opposed to the Zone Change due to density and conflict with NAWS. When the property was bought, it was not zoned R-1, we have a general plan for a reason. I don't understand the need for this level of density and now we're talking about a conflict with the base. I do not support of this project.

Mark Ball – Was In support of the approval of the tract and looked forward to the basin helping to stop storm drainage issues on Mahan. He stated he Has questions regarding NAWS flight operations plan and requested a card from John O'Garra of NAWS to submit questions. He liked the block wall to deter any potential harassment of livestock on the neighboring parcels and felt it was a good use of the land.

Chester Cornelius – Was concerned that the sump design will mean that the park will be wet most of the time due to daily residential water (sprinklers, etc).

Andy Kilikauskas – Had 3 objections: 1) Infrastructure (traffic/roads/drainage) not adequate in this area to support this development 2) Land use issues 3) Need to be cognizant of NAWS objections

Debbie Vaughn – Was hoping for more clarification on NAWS issues. Asked the maps in the city's General Plan concerning Naws flight corridors was different than. What she's being told tonight. She also asked why is there a suddenly now difference? The General Plan we have in effect is dated 1991-2010 there are two maps that are within it that indicate 1) a noise decibel impact from the flight corridors and 2) the potential aircraft hazard and potential drop zone. And both of those maps are in different locations than the information we're receiving now. Why the change from the current zoning plan? The general plan map is different; it shows the aircraft hazard and drop zone is just east of Jack's Ranch Road, which doesn't encompass the subject property at all. I am hoping for clarification as to why that changed. Also I have a question as to the altitude of flights at that time. How many flights go over the project and under what circumstances?

Chairman Feemster asked Mr. O'Garra to explain what the lines on the maps represent.

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Mr. O'Garra – Data is from 1977 AICUZ which addressed both airfield and range operations. It does not I believe represent ~~think it's~~ the corridor departures, but rather ~~thinks it's the zones~~, the noise zones. What these noise contours are for is as a representative planning tool for land use planners. It does not capture the area, specifically, the area in which aircraft operate. On the map there are 3 lines that illustrate departure "center lines" from the airfield. That area represents, I'll call it "a zone" where we operate in the area, its a military operating area. That is within the cone of departures, if you will, for aircraft leaving the airfield. What we want to make sure you understand is that the lines on the ground are representative of the general bounds where we fly. Every flight is different. What is generally occurs ~~though~~ is that within those lines on that map is where we fly the most. The map in the General Plan was derived in 1977, using the modeling and analysis technology at that time. The AICUZ we're working on currently is being built in conformance with 2002. It's a work in progress.

Commissioner Biddlingmeier – To clarify, the lines on that map, from the General Plan, represent noise contours not departure routes.

Mr. O'Garra – The noise contours on that map from the EIS are the current projected noise contours for our air operations at the tempos that were approved under the EIS. I think those are the prospective ops tempo and not the baseline. In each document we have a baseline condition that is our start point and then some growth ratio, in our case, EIS adopted a 25% increase over our '98 baseline tempos.

Debbie Vaughn – Would like to address comments that have come up. First – the park holding water. This basin park is planned to be just like Pearson Park and that park is utilized all the time and am sure it's possible to Engineer this properly so that it works just as effectively. Andy made the comment that the PC has approved over 3,000 lots in the last year, and actually to date according to information provided by the City, we've approved 1,274, which is great, but it isn't 3,000. The other thing is, as was pointed out by one of the residents that live there, some of the properties to the north are not 2.5 acres. And I want to point out that the overall density overall lot size is just under 9,300 sf, and we have modified the request not to make it all of R-1 but to have it segregated so that the part that is closest to the west is an over 10,000 sf neighborhood, which actually averages close to 12,000 sf. And the part that's close to Ridgecrest Heights; the lower section being E-3 and the upper section being R-1. If a reasonable compromise with the base would be to eliminate that R-1 and combine it with E-3 so what we had out there would be E-3 and E-2 that would maybe something that we would be willing to do. We want to make it clear that we understand the importance of the Navy, very clearly. We also believe that this community very clearly supports the Navy. They like the plane noise, it represents something to be proud of here, its not a nuisance. One of the things, as a real estate agent, that we'd have to do and would choose to do is to provide a disclosure to the homeowners that, very clearly states that this is a military town. That if you purchase in this area, you will be subject to all the activities that take place as a result of living in a military environment.

Planner Alexander – Staff might suggest that the Commission give the applicant some direction to work with?

Commissioner Comments:

Commissioner Laire – Suggest developer look into zoning E-1.

Debbie Vaughn – E-1 zoning is not really an alternative financially, it has the same... it's a huge lot in the City. You can check the comps and look at our demographics, we have a pretty good median income here, but, a property that size in the City limits would be extremely expensive and very difficult for the vast majority of the population to purchase. Probably so much so, that it would not be purchased.

Commissioner Smith – Applicant is caught between a rock & a hard place, on the other hand, the Navy is our bread & butter in this community, so we're not going to do anything to disrupt the Navy's program and that leads me to say the way the project is set up right now, I'd turn it down.

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I know the applicant has done a lot of work and I'm sympathetic to that but unless we can find some other way that's acceptable; maybe the applicant needs to go back and take a look at what can be done with it, and come back. And then it will have to be re-submitted to the Navy again. That's the only process I can see working right now.

Commissioner Biddlingmeier – Concur with Commissioner Smith

Chairman Feemster – Just making sure the applicant is not requesting a continuance.

Debbie Vaughn – Based on the feedback we're hearing, we should continue the project, request a continuation. It would be extremely helpful if we could have a meeting with the Base or gather a little bit more direction on what might be acceptable to them. Just to have an up front conversation about it before we got to that point would be really helpful.

Commissioner Biddlingmeier – Would the Planning & Zoning Committee be the forum to have these kinds of discussions?

Chairman Feemster – That might be contingent on the Base... what she's really asking for is a talk with the Base.

Commissioner Biddlingmeier – Mr. O'Garra, is there currently a forum planned to address this particular project or anything like that?

Mr. O'Garra – I would like to propose that ~~that~~ is the City's decision on how you want to pursue, through your process, discussions on this matter. Make a proposal, send it to us, and we'll certainly address it. We are clearly not trying to stifle either the City's growth or the proponents attempt at developing something that's meaningful to them.

Chairman Feemster – I think in terms of this project, the Planning & Zoning Committee is a good public place to review it, but just wondered if, as an ex-officio member, would you be willing to discuss this matter...

Commissioner Smith – I have a comment; I don't think we ought to put the Navy in the position of negotiating with the City on zoning issues. That's not the Navy's job. We try to put the problem in their hands, when it's the City's problem.

Commissioner Biddlingmeier – You're exactly right. The City needs to take input from the Base and decide on their own what's reasonable, what compatibilities exist.

Mr. O'Garra – You have the Base Commander's commitment to engage and support you as best as we can.

Chairman Feemster – Would the applicant like the Commission to vote on the items before us or are they requesting a continuance or a withdrawal?

Debbie Vaughn – Would like to request a continuance and take the project to the Planning & Zoning Committee.

Public Hearing Closed at 7:07 p.m.

A motion was made by Commissioner Laire and seconded by Commissioner Smith to continue ZC-06-02, GPA-06-02 and TTM 6798, with the project to be reviewed by the Planning & Zoning Committee before it comes back to Planning Commission on 08/22/06.

AYES: Commissioners Beres, Biddlingmeier, Feemster, Laire and Smith
NOES: None
ABSTAIN: None

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ABSENT: None

6.2 Applicant: Benchmark Opinions: ZC-06-03 a request for a zone change from Urban Reserve (UR) to Estate Density Residential (E-3) on 50.45 ac; **TPM 11515** a request to create four parcels ranging from 8.20 ac to 11.75 ac on 40.37 ac; **TTM 6814** a request to create a 147 lot subdivision with Estate Density (E-3) ranging from 7,500 sf to 16,000 sf with a 2 ac sump/park lot on 50.45 ac; project is located on 50.45 ac at the NE corner of Springer Ave. and Norma St. APN: 501-020-14, 15, 16 and 19.

Planner Alexander presented the staff report.

Commissioner Comment

Commissioner Beres – How is it going to be broken up in development, If they start one portion, they're probably not going to do it all at once, can you report where they're going to start?

Planner Alexander – Phasing? It would be best if you would ask the applicant.

Public Hearing opened at 7:20 p.m.

Craig Byrne (Applicant) – In regards to the phasing question, there's 5 phases here, and it would be done in a systematic fashion, with all perimeter streets of each individual phase put in place. We will not start a phase with any dead end streets. We'll maintain the traffic flow in an orderly fashion with each phase. We would put in the perimeter street. Warner would go through at that time, Franklin would come across; a number of the street improvements would be done with phase 1. Our intent is to alleviate any type of traffic problems in this area, and I think now we have 3 points of ingress and egress on paved streets that we're proposing that we'll put in at our expense. We have 2 streets of non-paved ingress and egress. We're proposing to put Franklin through from College Heights West all the way to Norma St. The section of right-of-way between Warner and Norma does not exist today. We're proposing to dedicate that 30 feet, and put that street in. We'll put in Norma St. from Springer going North to Franklin. That's a 9 foot right-of-way so we'll put a 45 foot improvement there which is your street plus 10. Going back to the intersection of Franklin and Warner, well let's go to Springer from Franklin. We'll put in both sides of Springer all the way to Franklin. Then we'll take Franklin, no excuse me, Warner from Franklin North all the way up to Dolphin. And that right-of-way does exist, and we'll put that 30 foot two lanes plus a paved parkway in to Dolphin, then we'll go to the North side of Dolphin, we'll do that 30 feet all the way to the existing paving which stands about 600 feet to the East.

On the West side of Norma, the North side of Franklin and the West side of Warner we are proposing an 8" berm wall to contain flood waters from spilling over our paving, eliminate all erosion issues and overflow onto private property. As the flood waters come from the South moving in a Northerly direction, when they hit my property, which will be fully self contained with a 6 foot perimeter masonry wall, they'll go North on Norma to a flood retention wall which will turn the flood waters on to Franklin, which will then go into my flood basin, my two acres, and then they'll continue northerly on Warner ultimately up to Dolphin, ultimately over to the Boulevard, College Heights. And that'll be the flood control path.

I've proposed to the adjoining owner to the South, Chester Cornelius, that if he'll donate 30 feet on his side of Warner and Franklin, I'll pave an additional 10 feet. Until such time as he decides to develop his property. So that will give him a perimeter street on both sides of his property.

I'm also working with another neighbor, Neil Christman, to the East, and we agreed to bring a 10 inch sewer line from College Heights Blvd. over to Warner and we'll have a manhole cover at Warner. That'll be sufficient to handle my development, Neil's development, and I'm told about 900 other homes in the future, so we're willing to put that in at our expense. So that'll be good for the community and all the neighbors.

We have a public park available to all City residents. It's been fully doubled in size, to the recommended depth of 6 feet.

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This is a very low density project.

Andy Kilikauskas – The developer made some good changes & addresses most problems. At this point it's a good project. Concerned re: E-3 zoning change request. Everything around it is E-2. What happens if this project doesn't get built? Someone else can come in and build E-3 density housing there. Not really clear on how that works. How about a PUD?

Derrill Whitton – In approving this Tentative Tract Map, the Planning Commissioner has to state that this map that we're bringing before you is in substantial compliance with the group tentative map, and if it's not, he has the right to deny our final map. So what we bring to record is going to have to be in compliance with this. If the developer sells the project to somebody else, and he decides he wants to tear the map up and bring something else forward, it has to come through this commission. It has to go through full public hearing, he can't just record something else than this map, it has to go through public review. At that point in time, this body has the right to work with the developer to say we already approved the map on this site, it's in compliance with the zoning, we don't like this map, and you can deny it. Regarding a PUD, the PUD requirement has all kinds of other issues that just complicate this. This is a plain tract map, PUD's have set-aside requirements for open space; you have wide latitude in lot sizes, there's really no need to do a PUD for this tract. There are a lot of large lots in this tract. There are 57 lots that are over 10,000 sf. There are 24 lots that are over 12,000 sf. So, even though there's a wide variety of lot sizes, the average density is at an E-2 zoning.

Craig Byrne – Economically what's the real probability of someone else, Developer #2, coming in and tearing up this map, which he's already paid for, is it economically feasible for him to want to do that and go through an entirely new major subdivision. What may have happened in the past in Ridgecrest, I really don't think from an economic perspective it's practical to assume or worry that there's going to be a Developer #2 come in here, acquire this map at a price, tear it up and go through another 12 months of the entitlement process in hopes of winning the favor of the panel. In reality, Developer #2 would either develop this map or just pass on it, and go develop somewhere else. There's enough land that it's really not necessary to fight over this piece. It's premature to deny a project like this on the fear that a hypothetical Developer #2 may come in and re-do it.

Chester Cornelius – There's a lot of cumulative effect here on the impact to the area. Still has questions regarding the EIR. Still concerned about drainage.

Chairman Feemster – What are your concerns with the EIR?

Chester Cornelius – The same thing – it went to the Zoning Committee and the staff hasn't changed anything. I'm concerned that you have outdated information.

Clint Freeman – Went back to Planning & Zoning and did address every issue that was brought up last time. Sat with Steve Morgan, Chip Holloway, Jim McRea, Matt Feemster and every one of the issues that was brought up last time as issues was addressed at that meeting.

Joe Pollock – The issues we had with the first map, drainage issues, traffic circulation problems, those were my two big concerns. This proposal here provides adequate circulation, not only for the sub-division, but that whole quarter section of land. It's going to provide circulation to, even though it may be better, and it may be something we might want to talk about, is try to join Dolphin back into China Lake, because I understand there is some concern about sight distance problems at College Heights and Dolphin. And, as we all know, College Heights is already carrying more traffic than it was ever designed to do so. The impact of these other projects in the area are only going to increase that traffic, so we need to think about some way of perhaps decreasing the traffic we're dumping onto College Heights. From an Engineering standpoint, it does address the concerns that we had on the original map.

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Neil Christman – Has met with the developer who has tried to address density issues. Has a nice development and has come up with a good balance with the problems in the area.

Jim Fallgatter – In favor of the project. The City needs housing like this very badly.

Debbie Vaughn – There are 355 lots approved E-2 in the area already. This project seems to be compatible with the area.

William Howard – Far improved project from the first time the developer presented. If built as shown, it will be a very positive thing for Ridgecrest. There have been some discouraging remarks about the county residents, which State law requires you notify the people within 600 feet of a project, so the State does consider them appropriate to speak. We shouldn't brow-beat county residents and people who have caused the developer to have to do it a little bit better.

Planner Alexander – We did identify Engineering has requested that you amend 2 of the conditions and they're included in your staff report. We also recommend you add a new condition, 27A to read "Prior to issuance of building permits, the developer shall comply with all 11 proposals identified in the June 13th letter of intent from Cornerstone Engineering on record with the City of Ridgecrest." And that should take care of all the additional improvements that Mr. Byrne's committed himself to this evening.

Craig Byrne – Just want to be clear with Matthew's intent here. Those intended items were to be done over a phased development. Economically, I just can't come in and do all these perimeter streets, infrastructure, engineering, all on the back of the first couple of phases of houses. It has to be done in a phased fashion. In a reasonable fashion.

Gary Parsons – The conditions are associated with the tract map, the tract map includes all of the tract's conditions. The phasing has not been clearly defined. We do have some concerns that your flood control, basin and other issues associated that would affect other properties not just transportation, but particularly flooding, would be accomplished with phase one.

Craig Byrne – I would agree with that.

Gary Parsons – So we would basically look at that as we're looking at the approval process. The 11 items that you identify in your letter are directed towards the tract map on phase 1, phase 2... Now if you'd like to withdraw the conditions associated with your letter, we'd like to know that, that's the conditions identified by the staff.

Commissioner Biddlingmeier – Then it begs the question, phase 3 never happens,

Gary Parsons – That's why we'd recommend that the park flood channel, for example, park would have to be completed in phase 1. In other words, the drainage issue would have to be completed in phase 1. So if for some reason, you get to phase 3 and it's not completed, the drainage issues are handled already. So, you're correct, that's our concerns...

Commissioner Biddlingmeier – So what streets would be constructed in the event that 2 and 3 wouldn't come, or halfway through 2, or...

Gary Parsons – I certainly would rely on our Engineering department to identify that. But certainly, from a Planning standpoint, we want to see the flood control measures taken right up front. But from just a Community Development, it's an Engineering issue as to what streets need to be done to fit the traffic issues associated with the phases being built.

Public Hearing closed at 8:05 p.m.

Commissioner Questions

Commissioner Biddlingmeier – I want to talk about cumulative impacts. Currently College

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Heights, with everything we've already approved; Neil's development, Tom Martin, Chuck Cordell, Mike Ferguson's and with this one by Benchmark and the other one that we've reviewed once and it's going to be coming back to us shortly. We're putting roughly 8,622 more trips a day on College Heights Blvd. and it concerns me. As I read CEQA, they talk about cumulative impacts very much so that a cumulative impact, for example, if a project were to cause overcrowding of a public facility into overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant affect. I don't know what we're going to do about that. We're funneling everybody down to the bottom of College Heights. The development, the Warner development thing, exiting people out there, that's probably got to be the most dangerous intersection in all of Ridgecrest. I just hate to see us approve something that doesn't mitigate that somehow. So I'm looking for comments by the Commissioners as we look to this thing of cumulative affect or impact. Again, we haven't taken into consideration the 20-30 homes that have already been built in the county that access College Heights, those represent probably another 200-300 trips a day, so College Heights it's hard to get out from Nancy Street when College is in full session. I can say that that's difficult. Everything's going to be swishing down there into some pretty busy intersections. I haven't seen anything we're doing to mitigate that. Be it signalization, be it whatever.

Gary Parsons – Well certainly, the Council's taken an action in the Development Fee/Impact Fee which is to mitigate some of these issues in terms of transport and certainly College Heights would be one so there is one thing that the Council has done recently which is essentially mitigation for impacts just like this. The difficulty with College Heights, of course, is that the City only owns essentially half of College Heights, the County has not been willing to come forth and provide any resources currently, for College Heights I'm sure at some point they'll consider it But you do have that issue. The developer here in this case, of course, are making steps, in terms of trying to provide some access...

Commissioner Biddlingmeier – It still puts it all back on College Heights.

Gary Parsons – yes sir, it Does you're correct,

Commissioner Biddlingmeier – I'm certainly not sitting here proposing a solution, I'm simply saying that the cumulative of all of this is going to be citizens at risk in that area all up and down College Heights, even when we put the yields in, when Franklin was paved and now with Neil's right there, we need a turn lane, if nothing else. It's dangerous as it is. As a person who goes up and down it every day, if you look, there's skid marks everywhere, but, I can't... I love the project, I think you're doing a great job, you've answered a lot of the questions with drainage, and working with the other land owners, it's very admirable, but in the big scheme of things, I just have real grave concerns about traffic. I spoke with a member of the Ridgecrest Police department today too, and said what would you think about another 8600 trips on College Heights Blvd., and they had a lot of concern with that. I spoke with other Planners from other areas and again, CEQA, to comply with CEQA, we have to address these kinds of things, and I think that the cumulative impact here is significant. So, they tell us we need to do an EIR or something?

Gary Parsons – No, what you're referencing is a traffic issue you'd have to do a focus study traffic study to determine that. You wouldn't do a full EIR because it wouldn't require other aspects of the environmental you're specifically addressing traffic issues associated with College Heights here. You wouldn't do a full EIR you'd simply do a focus study on traffic if you're going to consider that.

Commissioner Biddlingmeier – We have heard from residents of the county though, which, if I read CEQA correctly, that as long as people are expressing a concern that this....

Gary Parsons – We do a focus study to address that.

Commissioner Biddlingmeier – Okay

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Gary Parsons – You still have a mitigated deck...

Commissioner Biddlingmeier – Where are we with that?

Gary Parsons – If the Planning Commission wanted to consider a focus study on the traffic side relative to that, and perhaps Joe could come over and address what the issues are associated with College Heights and traffic issues Engineering didn't make a request for a traffic study when they reviewed this.

Commissioner Biddlingmeier – You're asking us to adopt a mitigated negative declaration and you haven't mitigated anything traffic wise. We added to it.

Gary Parsons – Joe do you want to address that?

Chairman Feemster – Are the impact fees considered a mitigation?

Gary Parsons – Oh sure. They're one mitigation. They may not be the only mitigation.

Joe Pollock – As was noted, the City has control of the West half of College Heights Blvd., the County has on the East half. Conventionally what happens in situations like this it's hard for the 2 agencies to get funding for a project together at the same time. Perhaps with the County impact fee and the recently instituted fee in the City, something could be worked out. We are in the process of processing a regional surface transportation plan project that would improve College Heights Blvd. to full width from Dolphin to China Lake Blvd. This will help quite a bit around that big curve, and of course, turning movements, we have a need for left turn pockets at several locations there which we don't have now, so yeah, it is a major problem.

Chairman Feemster – Would a stop sign help out at this intersection?

Joe Pollock – I can see the need for a stop sign at probably Dolphin on College Heights, perhaps even at Nancy. You have a pretty bad sight distance problem throughout that whole area.

Chairman Feemster – Would that be something the Infrastructure Committee would consider?

Commissioner Biddlingmeier – Before I go any further, I'm going to really have in my mind what the plans will be and how is that protecting the community.

Chairman Feemster – Unfortunately, we've required developer fees, we just can't require the City ...

Commissioner Biddlingmeier – We can't require the City to spend money appropriately to fix that area with the impact fees I've done the math to understand all the impact fees if everything goes out at College Heights, but I don't believe there's going to be enough money to fix everything.

Joe Pollock – No there isn't.

Gary Parsons – To be honest with you, Mike, on this one this is a new issue, obviously, that's being brought up tonight perhaps the entire process should go through the Planning & Zoning Committee. Nobody at this point has brought this up to the developer obviously he may have taken a look at this in his traffic pattern issues and addressed it in different ways he gave you access for example through taking one street away and adding to say Dolphin to take out to College Heights, then trading but that's an economic decision evaluation, but that hasn't been an evaluation, , we can ask the developer, go back and do a traffic study, I guess my question would be what would we be trying to get the traffic study to provide us? The solution for College Heights, or a plan for College Heights, is that what you're thinking?

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Commissioner Biddlingmeier – Doing a traffic study with the current traffic flow there's probably not as much of an issue, but you have to look at the cumulative impact and understand all these other tracts approved in that area.

Gary Parsons – And look at the study with those traffic flows and ask the same question.

Commissioner Biddlingmeier – I'm not convinced that we're complying with CEQA 100% by saying all we have to do is a traffic study.

Gary Parsons – Okay, what other studies would you like to have done? Because CEQA basically provides....

Commissioner Biddlingmeier – I don't know, I'm relying on staff to tell me.

Gary Parsons –CEQA basically provides a public forum process to identify concerns and then develop mitigations. I think this project has certainly done that in several cases, both through planning and public comments. The issue though is do we have a as a part of this process the result that says we may have a concern about cumulative impacts with other developments will this project impact traffic flows within our community. So that's why I'm getting back to traffic. I don't hear other concerns. for example we don't have a cumulative effect necessarily on water the individual tract in this case is handling their particular flood process in a away that Engineering says they're handling so we don't have the cumulative effect necessarily there developments there, each one adding to the problem. Then if you take a look there's been no added allocations of any environmental issues on the ground or history of environmental impact associated with that, we do have our condition I believe in here relative to fish & game which they have to deal with relative to critters within the that are being assessed by fish & game, so we have that in effect so I'm looking at the total environment and getting back to the only issue is traffic.

Commissioner Smith – I think the City has an obligation for public safety. And that's what we're talking about.

Gary Parsons – That's right.

Joe Pollock – We just completed a City wide master traffic study that took into this the assumed build out and that's where these traffic signal projects came up, the street projects... so traffic has been addressed on a City wide basis, and we know where our problems are.

Commissioner Smith – I agree with you it's been addressed on a City wide basis, but we haven't got a plan that says we're going to do anything. College Heights is going to stay two lanes?

Joe Pollock – I don't where the money's going to come from...

Commissioner Smith – That's the problem, there's going to be 8,000 more cars on that street and that doesn't make a lot of sense. The City ought to get together and get a plan for what they're going to do with it. We've got to sit down with the County and get some money out of the County.... – it's a joint project. I'm concerned about the number of vehicle accidents we're going to have on the road.

Chairman Feemster – I think the ideal solution would be signalization, but the money's just not there. Another solution would be stop signs at these intersections. That would at least slow people down a bit so it's not a racetrack.

Commissioner Smith – They'll all be running into the back end of each other. I know it's a hell of a problem, I'm frustrated by the fact that I don't know how we solve the problem. I'm sure everybody else is too. There's no money, you've got this County and City together..... but I don't want to kill this project. This is a good project. This individual has gone well beyond anybody

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that I've seen come before us yet.

Commissioner Biddlingmeier – Back to CEQA. I'm not giving up on this because... it says the lead agency determines the substantial evidence in the record that a project may have significant impact on the environment lead agency shall.... an EIR. It clearly says for example if the project will cause overcrowding of a public facility and any overcrowding causes an adverse effect on people, the overcrowding will be regarded as a significant effect. More traffic is a significant effect.

Commissioner Smith – Why didn't we bring this up when we first started the other tracts in the whole place? I don't think it's fair to this applicant because we didn't bring it up before, and now it's brought up and now he's going to pay the penalty for all the rest of them.

Gary Parsons – Can I make a suggestion before we have a civil war within the commission....

Commissioner Smith – I never have a war with anybody. I just speak my mind.

Gary Parsons – Maybe this is an item that should go in front of the Planning & Zoning Committee for consideration of all development issues within that area so we can carry this forward when we have a tract issue that comes before us so we know what the answers are.

Chairman Feemster – I've already put that on the agenda.

Commissioner Biddlingmeier – How many tracts have been approved?

Joe Pollock – 38 in the mill, not approved, but in the mill.

Commissioner Biddlingmeier – Do we need to look at cumulative impact?

Joe Pollock – In my opinion yes.

Chairman Feemster – Why have we not looked at cumulative impact with anyone else?

Commissioner Biddlingmeier – I don't know.

Derrill Whitton – Isn't the City and the County getting together to do a re-vamp of the General Plan for the metro Ridgecrest area? Is that something that's upcoming?

Gary Parsons – There's discussions ongoing about looking at a general plan update and the County does its specific plan to look at some joint planning efforts within the County and the City and certainly there are some needs for that relative to infrastructure issues where we have overlapping issues that's correct.

Derrill Whitton – Well I think if you're talking about cumulative impact, cumulative impact happens all across the City. And the City/County general plan for the Ridgecrest metro area is a good time to have the traffic study. I think WZI just did one recently it can be updated if necessary, but those traffic counts should be good for two years. That should've been the basis for traffic impact program. Traffic impact fees are what you do to mitigate things like this. Because you can have a development this same size in another part of town that will appear to cause almost no problems because all of the infrastructure around it is already in place. But it needs to pay its fair share so that areas like this can be dealt with without putting all the burden on one or two property owners. If you do that, then what you're going to see is certain parts of town will develop and other parts won't because the cost of development in those particular areas are too high. The mitigation fees kill the project. So you have to spread these cumulative impact burdens wide. This general plan process would be a good time for you to address these kinds of issues.

Commissioner Smith – Realistically, the increased traffic on College Heights Blvd. isn't going to

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happen for 5 or 6 years if it happens.

Commissioner Biddlingmeier – It won't be 8,000 tomorrow, but if we approve this, we have to, as Planners, it's our responsibility to say that yeah okay, that's going to build out. We have to accept that.

Commissioner Smith – Then we have an obligation to put pressure on our City fathers to do something about it. Spend the money we need to on College Heights Blvd.

A motion was made by Commissioner Laire to approve Resolution PC-06-46, a request for a Mitigated Negative Declaration for Zone Change ZC-06-03. Motion was seconded by Commissioner Smith.

AYES: Commissioners Beres, Feemster, Laire and Smith
NOES: Commissioner Biddlingmeier
ABSTAIN: None
ABSENT: None

PC Resolution 06-46 was adopted

A motion was made by Commissioner Beres to adopt Resolution PC-06-47, a request for a Zone Change from Urban Reserve (UR) to Estate Density Residential (E-3). Motion was seconded by Commissioner Laire.

AYES: Commissioners Beres, Feemster, Laire and Smith
NOES: Commissioner Biddlingmeier
ABSTAIN: None
ABSENT: None

PC Resolution 06-47 was adopted

A motion was made by Commissioner Smith to adopt Resolution PC-06-48, a request to approve TPM-11525 to create four parcels ranging from 8.20 ac to 11.75 ac on 40.37 ac. Motion was seconded by Commissioner Laire.

AYES: Commissioners Beres, Feemster, Laire and Smith
NOES: Commissioner Biddlingmeier
ABSTAIN: None
ABSENT: None

PC Resolution 06-48 was adopted

A motion was made by Commissioner Smith to adopt Resolution PC-06-49, a request approve TTM-6814 to create a 147 lot subdivision with Estate Density Residential (E-3) ranging from 7,500 sf to 16,000 sf with a 2 ac sump/park lot on 50.45 ac., with revised comments from Public Works (conditions 19 & 23), and additional Public Works condition 27a. "Prior to issuance of building permits, developer shall comply with all 11 proposals identified within the June 13th 2006 letter of intent from Cornerstone Engineering, unless conditioned by the Engineering Department." Motion was seconded by Commissioner Laire.

AYES: Commissioners Beres, Feemster, Laire and Smith
NOES: Commissioner Biddlingmeier
ABSTAIN: None
ABSENT: None

PC Resolution 06-49 was adopted.

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6.3 Applicant: WD Partners for Rite Aid: SPR-06-04 a request to build a 17,272 sf Rite Aid Drug Store with a drive thru pharmacy at a location where existing building will be demolished at the NW corner of China Lake Blvd. and Ridgecrest Blvd. on 1.46 ac. APN: 067-192-10, 17, 19, 24, 26, 28-31.

Gary Parsons presented the staff report.

Commissioner Comment

Commissioner Smith – It's my understanding that's a bearing wall between those facilities. And that bothers me, somebody takes it down the other guy doesn't have a wall anymore.

Gary Parsons – The demolition team will be responsible for the replacement of the wall and loss of general income when the business is out while the wall is being replaced.

Commissioner Smith – That's what I wanted to know.

Chairman Feemster – I have a question about the requirements of the types of landscaping on Balsam will be compatible with the community area.

Gary Parsons – Yes, we have a condition we're identifying within the development within our conditions – two ways in which we're handling that. One is that we have a standard condition that requires the developer to work with Community Development we have to agree on his architectural and or landscaping plan. The second thing we put in specifically, was we asked the lighting for the project associated with Balsam be of a similar nature or essentially the same as Balsam, because we felt we didn't want this key feature of Balsam, street lighting and we wanted to make sure this project ties into that. So we put that as a condition specifically but it would be our intent to work with the developer to make sure that the exterior and the landscaping met with standards we feel are required. If the developer feels that we're being too harsh on him, he has the option of bringing back his elevations and to this group as an appeal to our process. So then you get the opportunity to look at it. Right now, the City doesn't really have any architectural standard within our code to require that, so this is a way we can do that without getting into a major architectural standard issue.

Commissioner Beres – I have seen Rite Aids that look like a log cabin – it didn't look like a big concrete box. I'd like to see something a little bit more in the line of the "Old Towne" that we just talked about setting up on Balsam as opposed to a big box on the corner.

Gary Parsons – We've had some significant discussions with the developer about elevations and we're continuing to do that and one of the problems the developer has is working with Rite Aid so we may end up having to talk to Rite Aid too. But I think we have come up with some alternatives and certainly some of my staff have very strong opinions of what should be, and I'm sure this Planning Commission if I ask all five of you I would get five different answers as to what the architectural features should be.

Commissioner Smith – Is there going to be a right hand turn lane going from China Lake onto Ridgecrest Blvd.?

Gary Parsons – Yes. That's one of the issues CalTrans wants.

Public Hearing opened at 8:41 p.m.

Jimmy Taylor – Ridgecrest Blvd. looking at the SW entrance/exit, have no problems with the entrance, have a little problem with the exit which allows East bound traffic out of there which is right across from the Bank of America and you're also within how many feet of Balsam St. I'm traffic flow on the North side of the property is not sending traffic out to Balsam and letting them come back around and hang a left at Balsam rather than out of that property right there. Being in close proximity with the left turn lane at the intersection of China Lake Blvd. and Ridgecrest Blvd.

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Maybe plastic barriers like we have at the other one would be a proper installation on Ridgecrest Blvd. to prohibit people from trying to turn left, in essence, East from that property.

Gary Parsons – I think we lost our City Engineer who real quickly he left the room for a some reason. My understanding is that the long term plan for Ridgecrest Blvd. is actually have a left turn median, left turn pocket extension developed into with a median in there.

Adam Summers – China Express does not fit in architecturally. Just because it's a Rite Aid doesn't mean it has to be a two-story white building that doesn't fit in with what we're trying to do in Old Towne. Back end of building will have tractor trailers coming in – back side of Wal-Mart is covered with soot from the diesel emissions all the way to the top.

Frank Borman, Halferty Development – Would like to address issues brought up. First: The environmental component that deals with the gas station on the corner. Super Fund is covering the costs, as far as the logistics of that item is being addressed through our development. An underground vaporization is occurring; there is a machine that will be installed into one of the parking spaces over a six month to one year period of time the emissions occurring in the ground will be addressed. At that point, the equipment installed under the parking space will be removed and the entire remediation will be considered complete. Second: The relationship with restaurant owner on corner: Monday spoke with owner one final time additionally, had initially gotten into negotiations with the owner. Mr. Chung ultimately desires to own this property. He has a tenant, it's an income property for him, he began to look at the possibility of selling the property. Ultimately, he was willing to explore the possibility we could reach an agreement, at the end of the day he was willing to consider it. But the tenant was very happy staying in that particular location. Ultimately, the Chungs are happy with this solution, they understand the circumstances, they are content with us moving forward with this particular site plan. I know the issues had come up in the press, we tried our best to make sure the Chungs are comfortable with the circumstances and ultimately this site plan meets their needs. Third: Have been working with Gary Parsons on the design of the building, and understand the City's concern that we don't want an ugly building built. Gone through a series of integrations and understand that ultimately we need to present a design that the City's comfortable with. Regarding the loading docks, Rite Aid receives one full tractor trailer per week. That side of the building has ... articulation the building itself has Articulation, in addition to that there's a nice sign, a Rite Aid sign so it's not as if the building is turning its back....., we recognize we want to activate that street, we recognize it's important to the community and that particular area in addition to the trash enclosure has a trellis as well as cover to blend into the building itself. Looking into additional landscaping.

Public Hearing closed at 8:45 p.m.

Commissioner Questions

Chairman Feemster – Is the left turn out of the parking lot something we need to address?

Commissioner Smith – I think we should let the Police Department look at it.

Gary Parsons – Site plan went to the Police Department and they had no pacific comment.

A motion was made by Commissioner Smith to adopt Resolution PC-06-50, a request to approve a Mitigated Negative Declaration for SPR-06-04. Motion was seconded by Commissioner Biddlingmeier.

AYES: Commissioners Beres, Biddlingmeier, Feemster, Laire and Smith
NOES: None
ABSTAIN: None
ABSENT: None

PC Resolution 06-50 was adopted

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A motion was made by Commissioner Biddlingmeier to adopt Resolution PC-06-51, to approve SPR-06-04, a request to build a 17,272 sf Rite Aid Drug Store with a drive thru pharmacy at a location where existing building will be demolished at the NW corner of China Lake Blvd. and Ridgcrest Blvd. on 1.46 ac. Motion was seconded by Commissioner Laire.

AYES: Commissioners Beres, Biddlingmeier, Feemster, Laire and Smith
NOES: None
ABSTAIN: None
ABSENT: None

PC Resolution 06-51 was adopted

7. DISCUSSION ITEMS

Planning Commissioners would like for NAWS to be on the distribution list for all items coming before the Planning Commission.

8. FUTURE AGENDA ITEMS & COMMENTS

None

9. ADJOURN

The meeting was adjourned at 9:01 p.m.