



Minutes – City Planning Commission

2,027th Meeting

9:00 A.M. May 5, 2011
COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

MINUTES APPROVED AS PRESENTED AT THE JUNE 9, 2011 MEETING

COMMISSIONERS PRESENT: L.E. Allen, Brown, Kain, Lock-Dawson, Maloney, Riggle, Stockton, Wade

COMMISSIONERS ABSENT: Tavaglione

STAFF PRESENT: Gutierrez, Planning Director
Hayes, Principal Planner
Brenes, Senior Planner
Sennewald, Senior Planner
Smith, Associate Planner
Lopez, Associate Planner
Smith, Supervising Deputy City Attorney
Van Zanten, Principal Engineer, Public Works Department
Andrade, Stenographer

THE FOLLOWING BUSINESS WAS CONDUCTED:

Chair Lock-Dawson called the meeting to order at 9:00 a.m.

The Pledge of Allegiance was given to the Flag.

TABLE OF CONTENTS

PLANNING/ZONING MATTERS FROM THE AUDIENCE	4
PUBLIC HEARINGS	4
1. PLANNING CASE P05-1493 (Continued from April 7, 2011): Proposal by Pacifica Companies to consider a Condominium Conversion Permit, to legalize the conversion of a 104 unit apartment project into condominiums on approximately 4.2 acres, located at 1108 Blaine Street, situated on the southwesterly corner of Blaine Street and Rustin Avenue in the R-3-1500 - Multiple Family Residential Zone, and in Ward 2.	4
2. PLANNING CASES P09-0808, P09-0809 & P09-0810 (Continued from April 7, 2011): Proposal by Germania Corporation to consider a Conditional Use Permit and the Design Review of a plot plan and building elevations to establish a four-story, 121 unit senior housing facility and a street vacation of approximately 4,000 square feet of Eucalyptus Avenue southerly of Vasquez Place, the project site is located at 2340 Fourteenth Street, situated on the northeasterly side of Fourteenth Street, southeasterly of Sedgwick Avenue and southerly of Georgia Street in the R-1-7000 – Single Family Residential Zone, in Ward 2.....	5
3. PLANNING CASES P11-0087 AND P11-0088: Proposal by Steve Berzansky of PB Development to consider a Conditional Use Permit and the Design Review of a Plot Plan and Building Elevations to facilitate the first phase of renovation of the existing Adams Plaza, specifically to establish a student recreation center for California Baptist University, located at 3536 Adams Street, situated on the westerly side of Adams Street and northerly of Diana Avenue, in the CR-SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones, in Ward 5.	13
4. PLANNING CASE P11-0018: Proposal by Raymond Yancey, on behalf of BPM Senior Living Company, to consider a modification of an existing Conditional Use Permit (C-20-834) to establish a senior assisted living facility on approximately 2.36 acres currently developed as a senior living facility, at 8537 Magnolia Avenue, situated on the northerly side of Magnolia Avenue between Melody Lane and Wayne Court R-1-7000-SP – Single-Family Residential and Specific Plan (Magnolia Avenue) Overlay Zone and in Ward 5.	15
5. PLANNING CASES P10-0788 & P11-0112: Proposal by Lisa Guan, AT Construction Services, to consider a Conditional Use Permit and the Design Review of a Plot Plan and Building Elevations to re-establish a 2,968 square foot fast food restaurant and to construct a cover over the drive-thru lane pick-up window on approximately 0.57 acres, located at 3531 Madison Avenue, situated on the southeast corner of Madison Street and Garden Street, in the CR- Commercial Retail Zone and in Ward 3.....	16
6. PLANNING CASE P10-0377: Proposal by Gerard Hill to consider an amendment to the Zoning Code (Title 19 of the Municipal Code) to rezone approximately 4.04 vacant acres at 6458 Van Buren Boulevard, situated on the west side of Van Buren Boulevard, north of Arlington Avenue, from the BMP - Business and Manufacturing Park Zone to the CR-AP-D – Commercial Retail and Airport Protection (Zone D) Overlay Zones, in Ward 7.	17
MISCELLANEOUS PLANNING AND ZONING ITEMS:	19
7. Brief report from the Planning Director on recent City Council actions.....	19
8. Items for future agendas.	19
9. Update on status of major development projects.....	19
APPROVAL OF MINUTES:.....	19
10. There were no minutes presented for approval.	19

ADJOURNMENT:..... 19

11. *The meeting was adjourned at 11:17 am to the meeting of May 19, 2011 at 9:00 a.m. in the Art Pick Council Chambers. 19*

PLANNING/ZONING MATTERS FROM THE AUDIENCE

There was no one present requesting to speak.

PUBLIC HEARINGS

1. **PLANNING CASE P05-1493 (Continued from April 7, 2011)**: Proposal by Pacifica Companies to consider a Condominium Conversion Permit, to legalize the conversion of a 104 unit apartment project into condominiums on approximately 4.2 acres, located at 1108 Blaine Street, situated on the southwesterly corner of Blaine Street and Rustin Avenue in the R-3-1500 - Multiple Family Residential Zone, and in Ward 2.

Patricia Brenes, Senior Planner, presented the staff report.

Craig Combs, Attorney representing Woodlands Riverside Condominium Maintenance Corp., 7955 Ratheon Rd., San Diego, CA 92111, addressed the Commission. He stated that they were in agreement with staff's conditions.

Chair Lock-Dawson asked if there was anyone in the audience requesting to speak on this item. No one came forward, the public hearing was officially closed.

MOTION MADE by Commissioner Allen, **SECONDED** by Commissioner Kain, **TO DETERMINE** that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Existing Facilities) of CEQA, **TO RECOMMEND APPROVAL** of Planning Case P05-1493 subject to staff's findings and recommended conditions.

MOTION CARRIED unanimously.

AYES:	Allen, Brown, Kain, Lock-Dawson, Maloney, Riggle, Stockton, Wade
NOES:	None
DISQUALIFIED:	None
ABSTAINED:	None
ABSENT:	Tavaglione

Commissioner Maloney recused himself from Items 2 and 3 due to a conflict of interest.

2. **PLANNING CASES P09-0808, P09-0809 & P09-0810 (Continued from April 7, 2011):**
Proposal by Germania Corporation to consider a Conditional Use Permit and the Design Review of a plot plan and building elevations to establish a four-story, 121 unit senior housing facility and a street vacation of approximately 4,000 square feet of Eucalyptus Avenue southerly of Vasquez Place, the project site is located at 2340 Fourteenth Street, situated on the northeasterly side of Fourteenth Street, southeasterly of Sedgwick Avenue and southerly of Georgia Street in the R-1-7000 – Single Family Residential Zone, in Ward 2.

Kyle Smith, Associate Planner, presented the staff report. He noted that the project has been presented to a number of community groups in the Eastside neighborhood over the last few months. The majority of the comments received from the community have been incorporated into the staff report and recommended conditions of approval.

Kevin Wolf, Managing Member of Riverside Senior Housing Partners, stated for the record that this project was not a Germania project. This project, in its entirety, is being handled by The Riverside Senior Housing Partners, LLC. He stated they were not in agreement with the conditions and provided the Commission with an itemized list of their request for modifications. He stated that they have been working with staff and the community on this project. Some of the community's concerns were regarding the block walls, which is also a concern for them.

Chair Lock-Dawson asked if there was anyone in the audience that wanted to speak to this item. There was no one that came forward to speak on this item.

Commissioner Wade commented regarding the list of modifications requested by the applicant. At this particular point, he did not have sufficient time to go over all of these and was ready now to either vote approval as recommended by staff or for a continuance. He asked staff if they had seen this list before today.

Mr. Smith replied that staff received the list this morning as well.

Commissioner Allen said that Commissioner Wade comments were pretty heart felt. Looking at the handout, he would have liked to have seen this last week. He was curious as to why they would not be in favor of the block walls. He referenced how nicely done Trader Joe's block walls were and noted that something similar could add a lot to this project. He noted that this wasn't a very simple project; this is a 4-story building in an R-1-7000 neighborhood.

Mr. Wolf explained that they received the staff report on Tuesday and tried to respond to it as soon as possible. He stated that they were prepared to go through the items. Most of the items are minor technicalities and details, nothing of great substance. Since this is a CUP, they are anxious to have as much clarity as possible now.

Commissioner Riggle referred to page 14 of the staff report regarding the community meetings. He asked staff to expand on the community's concerns regarding the massing and the size of this building.

Mr. Smith explained that the comment referred to the height of the building and the fact that there are two wings that taper down in a way that makes it look less massive from 14th Street. This condition is further reduced based on the fact that the site is sloped in a manner that will make the building look smaller from

the existing residential neighborhood to the north. He deferred to the applicant regarding their need for this density.

Commissioner Riggle asked to return to one of the graphics. He looked at the grades at the corner knuckle which is 9'. The graphic is showing the block wall, which is why staff is stating the 2 – 2 ½ story building visibility. If the block wall is changed to wrought iron, it will look like a 3 – 3 ½ story building, if we pretend that the block wall will magically make half of a story go away.

Steve Hayes, Principal Planner, stated he would agree with Commissioner Riggle's assessment.

Commissioner Riggle referred to page 6 of the staff report and noted that this project was at the top end of density for anything in Riverside. He asked how staff justified the variances for this project and what the need was for a 4-story building.

Mr. Smith clarified that there is no variance for density on this project; the General Plan has density guidelines only. One of the reasons there are a number of variances for this project is that there isn't a section in the Zoning Code detailing specific standards for senior housing. Senior housing is a permitted use in the R-1 Zones but there are no standards. Generally, the R-1 standards for setbacks will apply to these projects. The density for this project, as demonstrated by the chart on page 6 of the Staff Report, is generally in the range of what has been approved for other projects, however, it is on the higher end.

Commissioner Riggle addressed the applicant and stated he wanted to commend them and felt they had a good project. It is a good fit for this site and he would certainly like to see something happen there. To that end, he did question the need for a 4-story building in a predominately single family residential community. There probably aren't many 2-story buildings, much less 3-story, in the area. His concern was that this was a lot of units for a small area which can be overpowering. The variances requested for this project is indicative of the problem and felt it might be related to the density.

Mr. Wolf noted that, as staff has mentioned, in terms of density they are within the range of similar projects that have been done in the City. This project is bound by streets on all sides which require a great deal of property to be set aside for street improvements. To make the project financially feasible, they need this unit count. This project has many amenities that will draw a long term viable group of folks. As soon as we start cutting units, those amenities will start going away because they will not be economically feasible. He described their intent in taking advantage of the lower grade at 14th Street. He noted that whether it is a block wall or a heavily landscaped 6' tubular or wrought iron fence, there will appear something less than a 4-story building, no matter how you look at it. Those that have the greatest concerns have been the neighbors and through meetings with them, they are comfortable with the project.

Commissioner Riggle asked the applicant if they had considered a 3-story building on this site. He felt that a 3-story concept would help the issues with the massing, site density, parking and covered parking go away. There are 29 units on the top floor, eliminating these would bring the density to just over 30 which is a more palatable range. He noted that financial issues were not always the primary concern for the Commission. He would like to make sure it is a good fit and a good project but at the same time, he did not want to submarine it.

Mr. Wolf explained that they did look at a 2-story and 3-story concept but those did not pencil out. He stated that they purchased the property in 2008 and have been working with staff and the community on a design that fits the physical constraints of the site and also provides the unit mix that will make the project function. He noted that they were only 4-6 covered carports short and this is because of the site constraints. They could fit these carports in at the Georgia knuckle but they would not be aesthetically

pleasing. This was an upfront discussion with the Planning Division and they agreed they would not do the carports there.

Ken Gutierrez, Planning Director, stated that the density was also a concern for staff, not only in terms of density but as pointed out, the site is surrounded by single family homes. Why is staff supporting this? There are changes coming, and staff is finding that we need to come up with more compact and walkable designs. The Commission may start to see building footprints getting smaller and going higher as time goes on. This is a concept that is embedded in the General Plan. Staff agrees, this project is pushing it and that is one of reasons the applicant was requested to talk to the neighborhood. There were some concerns from the neighborhood and maybe if this was an active/conventional apartment, there may have been more concern. If this is going to be a large complex, it has to make up for it in stellar architecture, amenity package, and things like that. If staff is going to support the taller building, they want to make sure the architecture is good and the landscaping is exceptional. The perimeter of the site, with pitched roofs, carport and block walls will help set it apart and protect that residential neighborhood. Staff is ok with the height as long as these other components fit together. This is why staff has recommended these conditions which are also the ones Mr. Wolf objects to. He reiterated that this is a large building and there is no doubt it will change the landscaping of the area.

Commissioner Brown stated that the Commission has heard repeatedly that the applicant has done extensive work and has worked with staff on this project. He asked why weren't the issues brought up by the applicant today resolved prior to this meeting?

Mr. Gutierrez explained that sometimes things do not get resolved and it takes the Commission to make a decision. Staff has discussed these items with the applicant, there are no surprises here but sometimes there is a disagreement between staff and the applicant.

Commissioner Brown inquired if this situation was indicative of his statement. These are differences between the applicant and staff?

Mr. Gutierrez replied yes.

Mr. Wolf stated that he would also agree with that statement. The block wall is an issue of concern. They feel that shrubbery and fencing can achieve the same screening affect and not be an attractive nuisance.

Commissioner Stockton inquired whether staff's recommended conditions was that there be a block wall as a replacement in the alignment of what is shown as a fence between Georgia and the back of the carports in addition to asking for a solid decorative treatment to the back of the carports.

Mr. Hayes clarified that the intent of the conditions was to require a masonry wall only for the portion of the area on the westerly or upper left corner of the site plan closest to the cul-de-sac of Georgia, where it is adjacent to open parking spaces. The intent would be that the back walls of the carport structures facing Georgia be decorative solid features but that the open fencing along Georgia can remain where it is proposed with the addition of decorative pilasters.

Commissioner Stockton asked the applicant if he was opposed to constructing the wall or just opposed to constructing a wall at the end of where the open parking is at the cul-de-sac.

Mr. Wolf responded no, and that it made sense. One of the concerns that was brought up and what they are trying to address, is the headlight glare and noise from cars. He explained that the grade differential from the top of the curb on Georgia and headlight level onsite, along with fencing and landscaping, more

than sufficiently deal with this issue. The exception is the area where it is essentially a flat elevation across the corner which would be fine. He reiterated that they are trying to make this an affordable project, and it is at the tipping point. As soon as you start adding extra requirements that were not what was discussed, such as solid walls on the back of carports, it starts to become a challenge, hence their objection.

Commissioner Stockton suggested a compromise with regard to the carports, would be that in the areas where there is no grade differential, the applicants come up with a design that makes it look like the size and the mass articulate as it comes away from Georgia Street. He stated that he found it difficult to review the applicant's letter. He found there were inconsistencies and the written comments were not descriptive.

Mr. Wolf agreed with Commissioner Stockton's suggestion. He added that he would be happy to speak to the intent of the letter and go through the items.

Commissioner Stockton said that this would be his preference, to go through the intent of the letter and take a continuance to the next Planning Commission meeting at which time a new set of conditions and additional recommendations can be brought forward. A couple of other observations regarding the site circulation and the rationale for obtaining a parking variance is that, this is a senior project. It will be a very walkable project, in close proximity to other amenities, facilities and bus stops. Unfortunately, the only pedestrian connection he can see from the site to 14th Street is at the pork chop at the main entry. An occupant trying to get to 14th street would have to cross the main drive aisle interior to the site. Once they are at the pork chop, they would have to cross the main entry or main exit. He felt this was an unsafe condition. He would much rather see circulation out to 14th Street on the westerly end of the building complex and on the easterly end of the building complex. The second observation is related to the pork chop and probably directed to Public Works staff. Because of the deceleration lane coming off the curb on 14th Street, moving towards the west, once a vehicle is trapped in that lane, they have a decision to turn right into this site or slam right into the pork chop. He asked if the Commission could recommend deletion or a traffic study be done to analyze whether or not this is a safe condition.

Rob van Zanten, Public Works Department, agreed with Commissioner Stockton's observation. It is something that Public Works staff could do. One reason they pushed it out was to provide an additional buffer area and landscaping to soften it. He would lean towards modifying it and pulling it back as opposed to eliminating it altogether. Staff can look at this closer and do either/or, to address that scenario.

Commissioner Riggle said he would like to take the opportunity and go through the letter. He noted a number of things can be omitted because he felt they did not necessarily apply and some are discussion points the Commission has already had. He reviewed the applicant's letter going through the items listed. Item 3, regarding the issue of intellectual property, he asked staff if an operations plan can be established without compromising this? A suggestion was made that the document be marked confidential so that it is not subject to the public records act.

Kristi Smith, Supervising Deputy Attorney, agreed that there was a compromise. The condition is not asking for specific information, which is what the applicant may think is proprietary information. A management or operational plan can be drawn up without having to disclose any proprietary information, and can be very generic. She felt the condition was fine the way it was written.

Commissioner Riggle inquired if the applicant was ok with that?

Mr. Wolf replied that he was.

Commissioner Riggle continued with the review of the applicant's list. #7 requested the "addition of language for corrective action remedies performing under the CUP". He asked the applicant what was meant by this.

Mr. Wolf explained that they have financing partners that have looked these conditions over. As the condition reads, if someone shows up at the site and there isn't the appropriate management of the CUP plan readily available, the CUP could be revoked. It would be helpful to include language that there is time for corrective action so that his lenders can be reassured.

Ms. Smith noted that, as everyone is aware, the revocation of a CUP it is not easy. There is a "due process" that must be done, which includes notifying the applicant and allowing them to quickly fix the issue.

Mr. Wolf said he understood but he has to explain this to a third party.

Commissioner Riggle continued and asked Ms. Smith regarding item 8, the hold harmless agreement?

Ms. Smith replied that this was not negotiable. There is a standard Indemnification Agreement the applicant has to provide to the City of Riverside, this will not be changed whatsoever.

Commissioner Brown commented that having to go through this whole list now was ridiculous.

Commissioner Riggle continued and summarized that based on the list provided, the Commission could consider accepting the applicant's request for items: 4, 9, 16, 18, 19 and 22. The rest of the request for modifications on the list will be removed from consideration as they are mostly standard conditions and should remain.

Chair Lock-Dawson asked if there was anyone wishing to speak to this item. No one in the audience came forward to speak, the public hearing was officially closed.

Commissioner Allen asked what Commissioner Riggle's intent was with that review. Will the Commission provide the applicant with direction? Most of the issues as indicated by the applicant are clarifications for his lender.

Commissioner Riggle explained that as part of a motion, the Commission can accept some of the applicant's request for modifications. He felt these were not detrimental to the project and would eliminate a number of the issues that were boiler plate and/or issues related to the masonry wall. He felt the walls could be made a part of the motion but for him the issue was the density. He thought that a 4-story building was on the high density side. He felt there should be block walls because it will hide the carports and some of the first floor. If it were a 3-story building, they could use wrought iron, and open it up for a different look. The block walls would prevent some of the noise and parking issues related to the residential area. His personal preference would be to keep the block walls on the back side, the front, and wrought iron along 14th.

Commissioner Allen indicated that he would accept wrought iron only where it is appropriate. He is a big fan of block walls especially the decorative block walls with plantings on it. A project of this scale needs to be invested in order to protect that project.

Commissioner Stockton asked the applicant or his architect to explain the look of the carports along Georgia Street which appear to have a mixture.

Doug Pancake, President of Douglas Pancake Architects, 1470 Jamboree, Newport Beach, 92660, addressed the question. He explained that they are anticipating having a standing seam metal roof over the carports. Mr. Wolf's concern is creating purpose built carports as opposed to something that can be shop fabricated and readily installed onsite.

Commissioner Stockton indicated he was not sure what that would look like. There were no material samples that reflect what the roofing for that would be, in terms of the treatment to the back of the carport. He asked whether they necessarily had to be block wall as opposed to a framed wall with stucco. This would be significantly less expensive. If there was that kind of architectural treatment along the back of the carport then the applicant could have a wrought iron fence with landscaping and get the same effect. This would be much less expensive but still provide that articulation staff is looking for. He reiterated that instead of a masonry block wall, a frame in the back of the carports can give it an architectural treatment and it would not be a block wall, it would provide the relief staff is looking for. Staff is referring to the carports around the vicinity where you come into the site and down to the cul-de-sac where there is open parking. They would like to have something that gives it some relief, boxes in the back of the carports so that you are not looking into a carport. If this can be done and have a wrought iron fence, he felt staff is getting what they are asking for and saving the applicant considerably over having to do a masonry wall.

Mr. Hayes stated that this was the intent of recommended condition 7i on page 23.

Chair Lock-Dawson asked for the applicant if this was acceptable to them.

Mr. Wolf responded that this was a reasonable request. Again, they want it to look aesthetically pleasing. If they can articulate it with different building materials, subject to everyone's approval, metal stud frame or wood frame stucco, vines, etc., it can be easily done.

Chair Lock-Dawson pointed out that the condition in the staff report does not state the back of the carport has to be block. It just says that the back wall of the carport will be decorative in nature. She did not think the condition needed to be clarified.

Commissioner Riggle asked staff which projects were the most recent on the density chart.

Mr. Hayes explained that the projects are in chronological order. The recently completed, on the ground today, are the Raincross Senior project, Las Fuentes and El Paseo projects. All the projects are on the ground except Snowberry Creek which is currently under construction. The Las Fuentes and El Paseo projects are the two Telecu projects, and are some of the higher density projects.

Commissioner Allen inquired about the street vacation.

Mr. Van Zanten noted that the vacation case is not being incorporated with this project. Public Works is agreeable to the vacation because it essentially serves only one property, lot 80. It is only a matter of that property accepting the vacated area and incorporating it into their lot. By virtue of how this segment was dedicated, it would revert back to the adjacent property and not this project site.

Commissioner Allen noted that as far as staff knows, the owner of lot 80 has not accepted this area to be vacated.

Mr. Van Zanten replied affirmatively. He did not know first-hand whether the property owner has had conversation with the City and is agreeable to the vacation and that they intend to accept the vacated area.

Mr. Wolf stated that as of a month ago, the property was in receivership with a lender.

MOTION MADE by Commissioner Stockton, **SECONDED** by Commissioner Allen, **TO DETERMINE** that the proposed project would not have a significant adverse impact on the environment, **TO RECOMMEND** adoption of a Negative Declaration and **TO RECOMMEND APPROVAL** of Planning Cases P09-0808, P09-0809 and P09-0810 subject to staff's findings and recommended conditions with the following modifications:

Page 24, Add Condition **10i: Pedestrian connection shall be added to 14th Street at the easterly and westerly portions of the complex.**

Page 27, condition 26: Main driveway to be located on Fourteenth Street as reflected on the approved site plan, to be curb return-type, radius and width to meet Fire Code with a raised center diverter, all to Public Works specifications. **This condition shall be revised in accordance with the requirements of the City Traffic Engineer.**

The Commission accepted the applicant's request for revision (items 4, 9, 16, 18, 19 & 22 from their letter submitted to Planning Commission May 5, 2011) to the following conditions:

Page 16, Condition 10: As part of the management plan, managers ~~and Assistant Managers~~ shall be required to live onsite. Up-to-date names and contact information shall be placed on file with the Police Department.

Page 19, Condition 33: There shall be a ~~two~~ **four**-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.

Page 25, Condition 14a: ~~Stamped~~ **Decorative** concrete shall be provided at the primary driveway, to the satisfaction of Planning Staff;

Page 26, Condition 18: There is a ~~24~~ **48** month time limit on this approval, which begins following City Council approval of this case.

Page 30, Condition 8: There shall be a ~~two~~ **four** year time limit in which to commence the vacation beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.

SUBSTITUTE MOTION MADE by Commissioner Riggle, **TO DETERMINE** that the proposed project would not have a significant adverse impact on the environment, **TO RECOMMEND** adoption of a Negative Declaration and **TO RECOMMEND APPROVAL** of Planning Cases P09-0808, P09-0809, and P09-0810 subject to staff's findings and recommended conditions and also including modifications made by Commissioner Stockton with the addition of the limitation of the number of units not to exceed 35 units an acre. This would be approximately 106 units. He leaves it up to the applicant to determine how they accomplish this. He would be ok with having a higher portion of the building in the middle.

Commissioner Riggle stated that based on this the applicant would lose approximately 20 units but he felt that the density for this small site was too high.

MOTION FAILED due to lack of second.

Chair Lock-Dawson called for the vote on Commissioner Stockton's motion.

MOTION CARRIED by a vote of 5 ayes to 2 noes and 1 disqualified and 0 abstentions.

AYES:	Allen, Kain, Lock-Dawson, Stockton, Wade
NOES:	Brown, Riggle
DISQUALIFIED:	Maloney
ABSTAINED:	None
ABSENT:	Tavaglione

Chair Lock-Dawson advised the applicant of the appeal procedure.

Commissioners Riggle and Stockton recused themselves from the following case due to conflicts of interest.

The Commission took a 5 minute break.

3. **PLANNING CASES P11-0087 AND P11-0088:** Proposal by Steve Berzansky of PB Development to consider a Conditional Use Permit and the Design Review of a Plot Plan and Building Elevations to facilitate the first phase of renovation of the existing Adams Plaza, specifically to establish a student recreation center for California Baptist University, located at 3536 Adams Street, situated on the westerly side of Adams Street and northerly of Diana Avenue, in the CR-SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones, in Ward 5.

Patricia Brenes, Senior Planner, presented the staff report.

Steve Berzansky, representing the applicant, 7111 Indiana Avenue, addressed the Commission. He said that Steve Smith, representing Cal Baptist University, was also present. He thanked staff for their assistance on this project. He stated that they were in agreement with the conditions as recommended. This is just a first phase of a project that will transform the 40-year old Adams Plaza into a wonderful window both from the campus and from the freeway. He reviewed the project with the neighbors, the Chamber of Commerce and the Auto Center Group and has received their support as well. He noted that they do not require variances and they are in conformance with the General Plan and current zoning.

Chair Lock-Dawson asked if there was anyone in the audience that wished to speak to this item. There was no one present requesting to speak.

Commissioner Brown stated he wanted to commend this project. He asked to receive confirmation that the applicant has gone through this portion of the renovation of the shopping center in detail to make sure there is no problem with what may follow. He was concerned because the frontage on the Magnolia side of Cal Baptist University now is quite pleasant. He stated that the back door has got to look the same. He also asked if they will have water or monument features.

Mr. Berzansky stated that they do not want this to appear as a stand-alone renovation. They do have elevations that were not a part of the staff report for the north end of the building. A project that will be coming through shortly is the campus bookstore where the old JoAnn Fabrics store space was. He assured everyone that the Commission will see a very dramatic change at the center. He pointed out that conditioned in this project, at the front of the concave glass wall will be some type of artistic feature at the entry way. Whether that will be a water feature or some type of sculpture, it has not been determined yet. They will be bringing those details back to staff for review at a later date.

Commissioner Allen stated he looked forward to seeing this project.

The public hearing was officially closed.

MOTION MADE by Commissioner Wade, **SECONDED** by Commissioner Brown, **TO DETERMINE** that the proposed project would not have a significant adverse impact on the environment, **TO RECOMMEND** adoption of a Negative Declaration and **TO RECOMMEND APPROVAL** of Planning Cases P11-0087 and P11-0088 subject to staff's findings and recommended conditions.

MOTION CARRIED by a vote of 5 ayes to 0 noes and 3 disqualified and 0 abstentions.

AYES:	Allen, Brown, Kain, Lock-Dawson, Wade
NOES:	None
DISQUALIFIED:	Maloney, Riggle, Stockton
ABSTAINED:	None
ABSENT:	Tavaglione

Commissioners Maloney, Riggle and Stockton returned to the dais.

4. **PLANNING CASE P11-0018:** Proposal by Raymond Yancey, on behalf of BPM Senior Living Company, to consider a modification of an existing Conditional Use Permit (C-20-834) to establish a senior assisted living facility on approximately 2.36 acres currently developed as a senior living facility, at 8537 Magnolia Avenue, situated on the northerly side of Magnolia Avenue between Melody Lane and Wayne Court R-1-7000-SP – Single-Family Residential and Specific Plan (Magnolia Avenue) Overlay Zone and in Ward 5.

Moises Lopez, Associate Planner, presented the staff report.

Raymond Yancey, 808 SW 3rd Street, Portland, OR 97204, stated they were in agreement with the conditions.

Chair Lock-Dawson asked if there was anyone in the audience that would like to speak to this item. No one came forward, the public hearing was officially closed.

MOTION MADE by Commissioner Allen, **SECONDED** by Commissioner Wade, **TO DETERMINE** that the proposed project is exempt from California Environmental Quality Act (CEQA), review pursuant to Section 15301 (Existing Facilities) and **TO RECOMMEND APPROVAL** of Planning Case P11-0018 subject to staff's findings and recommended conditions.

MOTION CARRIED unanimously.

AYES:	Allen, Brown, Kain, Lock-Dawson, Maloney, Riggle, Stockton, Wade
NOES:	None
DISQUALIFIED:	None
ABSTAINED:	None
ABSENT:	Tavaglione

5. **PLANNING CASES P10-0788 & P11-0112**: Proposal by Lisa Guan, AT Construction Services, to consider a Conditional Use Permit and the Design Review of a Plot Plan and Building Elevations to re-establish a 2,968 square foot fast food restaurant and to construct a cover over the drive-thru lane pick-up window on approximately 0.57 acres, located at 3531 Madison Avenue, situated on the southeast corner of Madison Street and Garden Street, in the CR- Commercial Retail Zone and in Ward 3.

Yvette Sennewald, Senior Planner, presented the staff report.

Tim Lan, 3531 Madison Street, stated they were in agreement with the conditions.

Chair Lock-Dawson asked if there was anyone in the audience that would like to speak to this item. No one came forward; the public hearing was officially closed.

MOTION MADE by Commissioner Riggle, **SECONDED** by Commissioner Kain, **TO DETERMINE** that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15301 (Existing Facilities) of CEQA and **TO RECOMMEND APPROVAL** of Planning Cases P10-0788 and P11-0112 subject to staff's findings and recommended conditions.

MOTION CARRIED unanimously.

AYES:	L.E. Allen, Brown, Kain, Lock-Dawson, Maloney, Riggle, Stockton, Wade
NOES:	None
DISQUALIFIED:	None
ABSTAINED:	None
ABSENT:	Tavaglione

6. **PLANNING CASE P10-0377:** Proposal by Gerard Hill to consider an amendment to the Zoning Code (Title 19 of the Municipal Code) to rezone approximately 4.04 vacant acres at 6458 Van Buren Boulevard, situated on the west side of Van Buren Boulevard, north of Arlington Avenue, from the BMP - Business and Manufacturing Park Zone to the CR-AP-D – Commercial Retail and Airport Protection (Zone D) Overlay Zones, in Ward 7.

Yvette Sennewald, Senior Planner, presented the staff report. She indicated that staff is requesting to add a condition of approval that would require the Planning Commission to review any future development plans, given the site's location along a scenic boulevard and in close proximity to one of the busiest intersections in the City.

Chair Lock-Dawson clarified for the Commission that they will be voting on the rezoning only, not the site plan shown today.

Gerard P. Hill, 1304 W. Adams, Kirkwood, MO, stated they were in agreement with the conditions.

Commissioner Stockton asked if staff was supportive of direct access to Van Buren for this site.

Mr. Van Zanten replied that Public Works is fully supportive of direct access at this point, right turn ingress and egress only. Staff is continuing discussions with the applicant regarding the possibility of alternate access serving this site off of Doolittle.

Commissioner Wade said he wanted to ask the same question. He was concerned about access from Van Buren. It does not look like it has been an issue with the Walgreen's. Although it is very difficult for anyone coming in from Riverside to get into the parking lot, this would probably be worse. He asked if there was any thought of a potential entrance at Doolittle.

Mr. Hill explained that when they initially embarked on this project, there was no center median and Doolittle was open to traffic. They are currently doing a traffic study as well as a civil engineering study. He believes there is currently a safety issue regarding the Walgreen's and did not want to create the same issue with their development. They are currently working with Public Works and have suggested the concept of a U-turn lane which would benefit the community, using the vacant strip which is owned by the City. He has drawings they would like to submit to the Public Works Department today for their review.

Commissioner Riggle asked if there will be a private access road or easement across the property allowing for access to this site off of Doolittle.

Mr. Van Zanten replied that staff has not looked at this in detail yet. The applicant is in the process of a civil and traffic engineering study. Staff does have concerns regarding this but it is something that warrants investigation into the viability so staff is not discounting it entirely.

Commissioner Allen announced a possible conflict of interest and recused himself from the discussion and left the dais.

Chair Lock-Dawson asked if there was anyone in the audience that would like to speak to this item. No one came forward and the public hearing was officially closed.

MOTION MADE by Commissioner Riggle, **SECONDED** by Commissioner Wade, **TO DETERMINE** that the proposed project would not have a significant adverse impact on the environment, **TO RECOMMEND** adoption of a Negative Declaration and **TO RECOMMEND APPROVAL** of Planning Case P10-0377 subject to staff's findings and recommended conditions.

MOTION CARRIED by a vote of 7 ayes to 0 noes and 1 disqualified and 0 abstentions.

AYES:	Brown, Kain, Lock-Dawson, Maloney, Riggle, Stockton, Wade
NOES:	None
DISQUALIFIED:	Allen
ABSTAINED:	None
ABSENT:	Tavaglione

Commissioner Allen returned to the dais.

MISCELLANEOUS PLANNING AND ZONING ITEMS:

7. Brief report from the Planning Director on recent City Council actions.

Mr. Gutierrez updated the Commission on the recent City Council actions.

8. Items for future agendas.

Mr. Hayes stated that it looked like there would be 2- 3 public hearings at the next meeting.

Chair Lock-Dawson announced she would not be present for the May 19th meeting.

9. Update on status of major development projects.

Mr. Gutierrez announced that the Baker's at Indiana and Jane is now open. The UEI vocational school on University Avenue is now open as well. The Commission spent a lot of time trying to find ways to get the students to the front and activate the sidewalk in front of the building and it has worked. When you drive by the students are sitting at the tables and entering those front doors. Staff is starting to see a lot of positive activity along University Avenue. He updated the Commission on other projects under construction.

Commissioner Riggle inquired if the church at Canyon Crest and Martin Luther King was constructed.

Mr. Gutierrez replied that the St. Andrews Orthodox Church received their certificate of occupancy in time for the Easter Sunday service. Staff members who have been to the site have indicated that as nice as it looks on the outside, it is highly decorative and looks wonderful from the inside as well.

Commissioner Kain asked about the parking structure next to the Fox Theater.

Scott Barber, Community Development Director, stated that the grading permit is about to be issued.

Commissioner Brown asked if the problem with Arts Bar and Grill had been solved.

Mr. Gutierrez stated that the parking lot kitty corner to the fire station will now be open to public parking and will be available for use by Arts. They also have an agreement with the mortuary next door.

Ms. Smith reminded the Commission that when they are going to step down due to a conflict of interest, they should not state they are abstaining but rather that they recusing themselves.

APPROVAL OF MINUTES:

10. There were no minutes presented for approval.

ADJOURNMENT:

11. The meeting was adjourned at 11:17 am to the meeting of May 19, 2011 at 9:00 a.m. in the Art Pick Council Chambers.