February 15, 2012

CALL TO ORDER

The February 15, 2012 regularly scheduled meeting of the Yorba Linda Planning Commission was called to order at 7:00 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda, California with Chairman Pro Tem Wohlt, presiding.

No new items will be considered after 11:00 p.m. unless unanimously agreed upon by the Commission.

PLEDGE OF ALLEGIANCE: Commissioner Lyons

ROLL CALL

Present: Lyons, Nebel, Wohlt, Watson
Absent: Equitz

Also present were Director of Community Development Steven K. Harris, Principal Planner David Brantley, Assistant Planner Catherine Lin, Asst. City Attorney Bill Ihrke, Sr. Civil Engineer Matt Bennett and Planning Secretary Arlene Laviera.

APPROVAL OF THE MINUTES

1. APPROVAL OF JANUARY 11, 2012 PLANNING COMMISSION MEETING MINUTES

A motion was made by Lyons, second Nebel to approve the Planning Commission meeting minutes of January 11, 2012 as presented. The motion carried with the following roll call vote:

AYES: Lyons, Nebel, Wohlt
NOES: None
ABSTAIN: Watson
ABSENT: Equitz

2. APPROVAL OF JANUARY 25, 2012 PLANNING COMMISSION MEETING MINUTES

A motion was made by Nebel, second Watson to approve the Planning Commission meeting minutes of January 25, 2012 as presented. The motion carried with the following roll call vote:

AYES: Lyons, Nebel, Watson, Wohlt
NOES: None
ABSTAIN: None
ABSENT: Equitz

PUBLIC COMMENTS

Chairman Pro Tem Wohlt opened the public comments period. Seeing and hearing no speakers, Chairman Pro Tem Wohlt closed the public comments period.

WAIVE READING IN FULL OF ALL RESOLUTIONS ON THE AGENDA

A motion was made by Lyons, second Watson to approve of reading by title all resolutions on the agenda and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived. The motion carried by the following roll call vote:
AYES: Lyons, Nebel, Wohlt, Watson
NOES: None
ABSTAIN: None
ABSENT: Equitz

PUBLIC HEARINGS

3. PUBLIC HEARING RE: CONDITIONAL USE PERMIT 2011-30 – SNYDER: A request for conditional use permit approval to accommodate an existing wood and bamboo fence greater than 3-feet high within the required front yard setback, for the property addressed as 17121 Foley Drive, located north of Yorba Linda Boulevard and west of Santa Fe Street, within the RU (Residential Urban) zone. (APN: 334-273-26)

Community Development Director Steve Harris introduced the item, reported all public notices have been properly served and deferred to staff for a report.

Catherine Lin presented details of the proposed project addressing existing fence, height and landscaping planted to screen the fence.

Chairman Pro Tem Wohlt opened the public hearing for this item.

Art Leichtruss, spouse of the property owner, addressed the Commission and indicated he has read all conditions of approval. He commented on sections of the staff report relative to his installing a fence without knowledge of a CUP, he noted when they were considering installing the fence, the property owner called City to ask specifically about applicable requirements. He noted the City’s response was that there were no restrictions because the fence was wood and not block. They assumed they had been given correct information and embarked on the project.

He referenced another section where it describes the face of the fence and stated that the fence is more of a screen and can be seen through and distributed pictures for the benefit of the Commission. Mr. Leichtruss stated that the fence is important because of several incidents occurring in the neighborhood were items have been thrown into their yard, breaking a window. Additionally he pointed out a lack of animal control and reported that coyotes have been seen running around the neighborhood.

Mr. Leichtruss addressed that staff has not received any adverse comments in response to notice of this item. He noted that they have secured approximately fifty (50) signatures from surrounding neighbors in support of the fence and noting that the project has indeed improved the neighborhood. He reported that they also made contact with neighbors prior to installing the fence. And, finally, he expressed his appreciation to staff for their hard work on this project as well as to the Commission.

There being no one else wishing to address the Commission on this item, Chairman Pro Tem Wohlt closed the public hearing.

Discussion followed regarding differences between permits for wood fences and block wall fences. Ms. Lin noted that wooden fences do not need permits but still need to meet setback and height requirements.

A motion was made by Lyons, second Watson to approve CONDITIONAL USE PERMIT 2011-30 – SNYDER to accommodate an existing wood and bamboo fence greater than 3-feet high within the required front yard setback, for the property addressed as 17121 Foley Drive, located north of Yorba Linda Boulevard and west of Santa Fe Street, within the RU (Residential Urban) zone. (APN: 334-273-26) The motion carried by the following roll call vote:

AYES: Lyons, Nebel, Wohlt, Watson
NOES: None
ABSTAIN: None
ABSENT: Equitz

Mr. Harris advised there is a fifteen (15) day appeal period to Council.
PUBLIC HEARING RE: CONDITIONAL USE PERMIT 2012-06, DESIGN REVIEW 2012-03 AND VARIANCE 2012-01 – VALLEY VIEW SHOPPING CENTER: A request for architectural and site plan review for the proposed remodel and expansion of the building formerly occupied by the “Tall Mouse” retail tenant (and adjoining retail tenant spaces) in the Valley View Shopping Center to accommodate a new retail tenant with a garden center component. The proposed remodel/expansion would reduce the existing retail floor area of the building by 875 square feet, add 4,760 square feet of storage/warehouse floor area, and add a 10,468 square foot enclosed garden center on the west side of the building. The requested conditional use permit is for the garden center aspect of the proposed business operation. The application also includes a request to deviate from the required fifteen foot (15’) landscape planter depth requirement between a commercial use and a residential zone. Specifically, the applicant requests variance approval to reduce the landscape planter depth along the southern (rear) boundary of the center, behind the subject building, from fifteen feet (existing) to five feet (proposed). The subject property is addressed as 17501 Yorba Linda Boulevard, which is located at the southerly terminus of Valley View Avenue at Yorba Linda Boulevard, west of Richfield Road, in the CG (Commercial General) zone. (APNs: 341-231-53; 341-241-04 and 57).

Community Development Director Steve Harris introduced the item, reported all public notices have been properly served and deferred to staff for a report.

Dave Brantley presented details of the report and addressed remodel and expansion of the building formerly occupied by the “Tall Mouse” to accommodate a new retailer. He addressed additional floor area, request for approval of a variance to reduce the landscape planter depth along the southern (rear) boundary of the center, behind the subject building, from fifteen feet (existing) to five feet (proposed). He addressed the potential tenant business, number of employees and hours of operation. In addition he addressed architectural design, materials and colors, proposed outdoor garden center, elevations, architectural enhancements and compatibility with the existing center.

Mr. Brantley stated concerns regarding the potential for glare into the adjacent neighborhood from the proposed lights. He also addressed parking, review of on-site parking conditions and determination that there is ample parking as well as project-specific conditions of approval. Mr. Brantley pointed out utility easements and conditions of approval received from the Yorba Linda Water District. Staff is working with their staff to resolve potential conflicts.

Mr. Brantley noted the zoning code requires a landscape screen and presented details of the requested variance. He noted the applicant has expressed a desire to supplement the existing landscaping and staff encouraged the applicant to work with the adjacent neighbors about potential landscape opportunities to further mitigate views. He clarified that notices were sent to every property within a 300-foot area as well as all every property owner in the complex. He reported comments were received from three neighbors expressing concerns over the loss of existing trees and the fire access gate. Regarding the latter, staff addressed related grading as well as the requirement of a landscape plan. He presented recommendations and noted that other than the landscape screening issue, not other significant issues of concern were identified.

He noted that if the Commission approves the variance, staff has generated resolutions for adoption. Mr. Brantley provided images of the existing site, additional retail space, signage, proposed additions, parking lot, vacant additional tenant spaces, views from various sides of the property, proposed location of the garden space area, surrounding buildings and existing trees to be removed. He addressed the existing trash enclosure, location of proposed garden center and common areas.

Discussion followed regarding the southern boundary of the property, distance of the closest residence to the center, possible impacts to windows of nearby residences and hours of operation. Ensuing discussion pertained to location and number of handicap parking stalls, light intrusion and drive aisle configuration and vehicular circulation.

Ensuing discussion followed regarding trash compactors, loading docks and mitigation of related noise.

Interested parties were invited to address the Commission on this item.
Keith Ray, representing the applicant, thanked the Commission for hearing the project and offered to respond to questions. He affirmed reviewing all conditions of approval and noted there are easements that need to be dealt with of which they are aware and working with civil engineers and the Yorba Linda Water District to resolve them. Mr. Ray reported the attendance of a representative from Orchard who will be the tenant and desires fruition of the project in a small period of time. He addressed hours of operation, truck loading and trash removal. He reported the number of trucks will be less than those of Sprouts. He also addressed cart corrals, grading, landscaping, size of trees, working with the water quality board, lighting and exit doors.

Discussion followed regarding trash compacting unit and width of fire access gate.

Mr. Brantley reported that staff did not have time to study the emergency access gate requirement noting the gate has trees in front of it and staff will discuss the issue with the Fire authorities and follow up on it further.

Discussion followed regarding parking and the time for trash pick-up.

Chairman Pro Tem Wohlt opened the public hearing for this item.

Craig Siqueland, Regional Vice President for Orchard Supply Hardware, addressed the Commission noting they are a community hardware store focusing on customer service. Their intent is to make sure customers are happy and that the store meets the needs of the community.

Kathy Satchell lives in the adjacent residential complex and expressed concerns regarding trucks parked near the residential area as well as emergency access. She addressed the man gate and noted the elevation in that area is a drop-off and suggested the applicant install steps to go into the man gate and removal of existing trees. She recommended leaving the existing trees and addressed an existing chain-link fence and wondered if block wall will replace it. She wanted to ensure that loading and unloading would not occur at night and expressed concerns regarding lighting.

M. Sandrock, resident of Cerro Verde, expressed concerns with reduction of planting space from fifteen (15) to five (5) feet. She addressed removal of existing trees and would like to see the issue studied further by staff to address height variance and maintenance of the trees.

Jason Groff expressed concerns regarding truck routes, noted there are already two similar businesses in the City and use of their dumpster for lack of a dumpster on the applicant's site.

Discussion followed regarding use of the nearby ally by trucks and changing to one-way traffic because of reduction in the ally width.

Jim Satchell inquired regarding ownership of the alley to Richfield. He expressed concerns regarding the proposed narrowing of the alley.

Ric Collette, Yorba Linda Disposal, requested to be able to observe the compactor space before approval to ensure proper access. He suggested studying the whole center for trash enclosures and noted trash will be collected once a week during normal operating hours.

Staff reported on the ownership of the alley and parking of the U-Haul trucks which are extending onto the applicant's property.

Discussion followed regarding working out the issues through conditions, plan check and continued process and re-iterated the applicant's desire to go forward on the property. It was noted there is a chain link fence near the flood control channel.

Ensuing discussion pertained to locations for dumpster containment areas, grading issues, truck turning radiuses and truck circulation. It was noted by the applicant that Sprout's had reviewed the on-site circulation and did not express concerns about their delivery trucks gaining access.
Staff noted the vast majority of traffic in the area is related to parents dropping off and picking up children from the nearby school.

Kathy Satchell re-iterated her concerns regarding the fire access gate and the different elevations and grading near the adjacent neighborhood wall.

Staff addressed related project-specific conditions of approval addressing her concerns.

There being no one else wishing to address the Commission on this item and the public hearing was closed.

Discussion followed regarding the man gate. Members of the Commission thanked the public for their input and noted the concerns voiced will be worked out through conditions of approval.

**A motion was made by Lyons, second Watson** to adopt Resolution No. 4864 approving Conditional Use Permit 2012-06 with added conditions (including 44). The motion carried by the following roll call vote:

**AYES:** Lyons, Nebel, Wohlt, Watson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Equitz

Mr. Harris suggested that the Commission approve the items to allow the applicant to proceed with the plan check process but that before building permits are issued, staff could report back as to the status of the issues brought up as an old business item.

Chairman Pro Tem Wohlt reopened the public hearing.

The applicant stated acceptance of all conditions of approval including the new condition 45 as suggested by Mr. Harris.

There being no one else wishing to address the Commission on this item and the public hearing was closed.

**An amended motion by Lyons, second Watson** to adopt Resolution No. 4864 approving Conditional Use Permit 2012-06 with added conditions (including new condition 45).

The motion carried by the following roll call vote:

**AYES:** Lyons, Nebel, Wohlt, Watson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Equitz

**A motion was made by Lyons, second Watson** to adopt Resolution No. 4865 approving Variance 2012-01 with added conditions (including new condition 45). The motion carried by the following roll call vote:

**AYES:** Lyons, Nebel, Wohlt, Watson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Equitz

**A motion was made by Lyons, second Watson** to approving Design Review 2012-03 with added conditions (including new condition 45). The motion carried by the following roll call vote:

**AYES:** Lyons, Nebel, Wohlt, Watson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Equitz

Mr. Harris announced there is a fifteen (15) day appeal period through the City Clerk's office.
DIRECTOR’S REPORT

Mr. Harris deferred to Assistant City Attorney Ihrke for a report.

Mr. Ihrke presented a status update on the dissolution of Redevelopment Agencies by the State. He reported there has been established a successor agency (City Council) for the purpose of overseeing those things that the former Redevelopment Agency would have done. The successor agency will not receive or be able to use any tax increment funds except to pay off existing obligations. He addressed proposed legislation that would clarify many of the ambiguities in the State legislation, one of which is whether the former Redevelopment Agency can hold on to existing housing funds and use those funds for housing-related projects. It is anticipated that legislation will be considered that will address financing tools for Redevelopment Agencies and the City to enter into agreements were the City would provide seed money, loans and the payment of tax increments in the future.

Mr. Harris reported a request for a representative from the Planning Commission to sit on an interview panel for the Town Center development will be placed on the next agenda. He addressed the City Council's consideration and action on the interview selection process for the firms submitting proposals due March 1, 2012. He listed the appropriate steps in the process.

He added that at the next City Council meeting, staff will ask for a general plan advisory committee with one or two Members from the Planning Commission and other stakeholder Commissions as well.

In addition, he reported the City Council adopted the new Calfire map indicating the high risk zones and is available on the City’s website.

Mr. Harris reported a presentation will be given next week at the next City Council meeting regarding a draft Historical Resources element of the General Plan. This will also be presented to the Planning Commission at a later date.

A request was by Commissioner Lyons was made to limit the number of members for the general plan advisory committee.

COMMISSIONER COMMENTS

Commissioner Nebel volunteered to be on the interview panel but Mr. Harris noted since the item is not currently agendized, action will need to be postponed until that time when the item can be agendized.

CORRESPONDENCE RECEIVED

Southern California Association of Governments (SCAG) – 2012 Regional Housing Needs Assessment (RHNA)

Mr. Harris presented details of the item addressing the Regional Housing Needs Assessment (RHNA). He reported the numbers are generated by SCAG based on a formula from the State and based on past, future population growth as well as others. He noted the numbers are draft numbers that have not been adopted yet. He addressed timeline and methodology and noted staff has been following the issue. Mr. Harris added that the Housing element adopted by the City Council last fall is for the 2008-2014 housing cycle and noted the next cycle begins in 2014-2021. He noted the numbers are lower, are draft and that staff is engaged in the process and the methodology.

He reported the State has tied the next cycle to SB375, Sustainable Communities and Strategies, and noted the next deadline will be October 2013. He added that State has provided incentives to meet the deadline, doubling the length of time the Housing element will be due. He reported that it could mean a $400,000 savings in consultant costs to the City. He addressed the upcoming Measure B election (residential rezoning sites) and consequences of failing or passing Measure B as well as different alternative options. Staff will continue to work to make the October 2013 deadline.

Discussion followed regarding establishing low/moderate income and what kind of housing corresponds to each.
Mr. Harris reported that the RHNA numbers considers new construction.

**ADJOURNMENT**

There being no further business to come before the Planning Commission, Chairman Pro Tem Wohlt adjourned the meeting at 8:43 p.m. to the next regularly scheduled Planning Commission meeting on February 29, 2012.

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STEVEN K. HARRIS, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT