

MINUTES
REGULAR MEETING
CALIFORNIA CITY PLANNING COMMISSION
TUESDAY, JANUARY 24, 2006, 6:00 P.M.
COUNCIL CHAMBERS, 21000 HACIENDA BOULEVARD

A. OPENING BUSINESS

The Chairman called the meeting to order at 6:00 p.m. followed with the Pledge of Allegiance.

ROLL CALL:

Bill Dennis, Hal Fairbank, Bill Smith, Vice Chairman Ed Fuller, Chairman Marv Sass.

B. CONSENT ITEMS

1. ADOPT AGENDA by motion action of Dennis, second by Fuller. MOTION CARRIED. Vote 4-0, 1 Absent (Commissioner Fairbank arrived at 6:15 p.m).

2. The Chairman explained no minutes had been completed due to the amount of work done here in City Hall and the recording secretary has not been able to complete them.

C. ANNOUNCEMENTS/PRESENTATIONS

4. Civic: None

5. Public: Lyle Cryus thanked the City Manager for his help bringing back his son's project back to the table on December 13, 2005 due to a family illness. Their family member is not doing well and they will probably need a year. He did not understand what they meant about starting of the construction work when they have already spent \$8,000.00 plus and if they could explain that? Mr. Cryus said they have been doing the construction work but had to cut it short due to that fact. The family comes first and the medical expenses are exceeding \$200,000.00.

6 Staff: None

D. CONTINUED BUSINESS: None

7. Public Hearing to Consider Initial Study, Negative Declaration, Zone Change 173, General Plan Amendment 06-01 and Tentative Tract Map 6552.

The Director gave the staff report and explained that this was briefly discussed on the January 10, 2006 and was continued. Mr. Dennis Bickler is President of the Discovery Group, representing the property owners is requesting to subdivide and rezone 15.29 acres 63 homes with one lot designated as a park. The rezoning would rezone the property from O/RA to R1, single family residential. The recommendation of staff is to conduct the public hearing this evening, take public testimony and approve the initial study and negative declaration which has been prepared in the packet for you and consider Zone Change 173 and the General Plan Amendment and Tentative Tract Map 6552 by Resolution 01-06-1962PC and forward that to City Council. The Director said that in their packets they have been given another letter of concern regarding this project from people living in the neighborhood there. He said he would share relative to this project, there has been some discussion relative to the fencing or the block wall around this project, which is around the entire perimeter of the project for the residential zone one. He referred them to CCMC Section 9-2.305 Fences, Walls and Hedges

shall meet the following requirements and there are two that are applicable. No fence, wall or hedge located in the rear or side yard in the R1, R2, RM1 or RM2 district shall exceed the height of 6 feet and no fence, wall or hedge shall exceed the height of 4 feet provided the maximum shall be 3 feet for corner lots. He looked at fencing in all other zones, the requirements are generally the same other than where that residential district is adjacent to a commercial district a project is required to have a 6 foot wall between the commercial and the residential district. The distinction he would draw there is that a fence, wall or hedge is not required in residential districts abutting residential districts that speaks to the legal question. Further, there are some subdivisions in certain areas in the City where that block walls and fences have been required and some places where they have been allowed and other subdivisions where they have not been required nor allowed. The point being that there is no definitive precedent which the Planning Commission can rely on regarding this specific project. He offered to answer questions.

The Chairman called for Commission questions.

Commissioner Dennis questioned the size of the lots, there should be no wall surrounding the subdivision and who will maintain the park?

Dennis Bickler, applicant replied the lots are minimum of 60' by 100' a requirement that meets the City zoning requirements the wall and park will be cared for by the HOA. The park is for drainage and will drain according to state standards. The design has been a successful design used for many of his subdivisions.

Commissioner Dennis asked how hard would it be to take the wall down and turn the lots around?

Mr. Bickler replied it would require redoing the map.

Commissioner Dennis said he liked the redesign by Mr. Spellman where they remove the wall and face the houses along the perimeter out towards existing streets.

Mr. Bicker replied the park in the corner is a retention basin and if you flip the lots the design does not work. The wall is for security.

The Chairman called for public testimony and due to the large number of people he limited comments to 3 minutes and not to repeat comments already made.

Buford Land, 9433 CCB. Mr. Land stated that he does not own property in that area but wanted to make a few comments about this and he thought some of them has been addressed by Commissioner Smith. He thinks the lots are too small. Anytime a developer tries to go in and develop something what do they do, the cost is passed onto the buyers of the homes. So lets turn around and take a redesign on this, get rid of the wall, go in there and take five lots and what you are going to make on them and divide them into four lots and come out on some more lots from that stand point. As far as the drainage problem they will have a real drainage problem on Bay Avenue up there because of where the water dips down between Georgetown Avenue and 107th Street and that will be a real drainage problem in there of trying to drain into a drain basin that is designed as a park. He agreed with Commissioner Dennis who is going to take care of it from that stand point and who is going to do that. Lets look also at the traffic that is going to be coming out of there. There are a hundred cars coming out of there and 50 of them are going to go South what are they going to do? They are going to have to go up to Proctor Boulevard, make a U turn and go back

because there is no South bound exits from that development going onto CCB, no legal exits. 107th Street does not cross the median strip at CCB. College Boulevard does not cross CCB median strip. Harvard does not cross there either. If you up just a little to the North you can get across there legally. But how many of those cars are going to be going there illegally from that stand point. The same thing coming back at night time the 50 cars that went North they are not going to be coming down Proctor Boulevard and down Georgetown. Twenty-five are going to come down there illegally across the median strip on CCB. So we need to look at a real traffic pattern from that stand point. If the developers really wants to do a project that they can take pride in when it is finished, lets start by deleting the wall, redo the map and maybe delete 10 lots out of that group maybe 15 whatever it takes and go on. Lets make our priorities to start with. They are going, to pass the cost on to the home owners whenever they sell this. So lets take a look at the entire cost to start with. Another thing too is that if they take and delete the block wall and turn those houses out this is going to generate more revenue for the City by increase sewer development, increase franchise fees from the utilities companies and they will also have a better access for all utilities as far a police, fire and ambulance service.

Frank Andrasevits, 20816 Georgetown Street. Mr. Andrasevits said the wall will destroy the beauty of their beautiful scenario that they have out there which is open space. It will grow potentially a dangerous area for graffiti and gang members to be around. Environmental impact gathering tumbleweeds and trash up against the wall.

William Spellman, 20750 Georgetown Street. Mr. Spellman said the block wall community has good purposes but not where it is going to be located. Up against large freeway areas, highway areas and out in open areas that have not been developed. We do have two communities in this area right now, we have the trailer park out by the airport and the prison. We do not need a prison in an existing housing tract. Right now the neighborhood is starting to grow there are more new houses coming in and he has talked with quite a few of the neighbors and we see a lot growth. He has been there since 1998 and he helped to push to get the streets paved out in front of Georgetown. One of the problems he can see besides the graffiti problem on the wall is the traffic problem around that wall. Right now he has almost been hit four times at the intersection of 107th and Georgetown, Bay and 107th Street. People do not slow down in wide open areas right now. You put a wall up you will have some serious accidents not counting the new existing streets that are being put in. The area that he wanted to go over was the environmental check list. He read the California Department of Fish and Game over the internet and it looks like it was kind of penciled through. They are recommending that a certified or person that does that sort of thing like they did for the new school sites go out and do a check for the burrowing owls, foxes, tortoises, everything that is out there need to have this done more scientifically not just a once through like it is a regular housing lot and say okay and say no impact. There is nothing that you can do out there that is going to be no impact because there will be. Noise, traffic pollution and everything else. He was the one that did the redesign and he has done two of them. The original one that he included with the letter he tried to keep the lots the same size as the original design. After talking to a few people the size of the lots are definitely a concern. He did another redesign and cut house lots down from 63 to 55 and that puts the lots up to over 9,900 sq. ft. to over 10,000 sq. ft. instead of the 6600 sq. ft. that they are proposing at 60' x 110' sq. ft. Some of the thin ones he is proposing are 90' x 110', some of the enter ones are 75' or 74' by 135' so pretty much the same size lots surrounding the area. He was glad to hear a lot of people say that they do not like the idea of the wall. If the wall does go in he heard there would be an association although that was not in the paperwork and it would have been nice to hear that. He hopes the association is ready if it does go in to pay for graffiti cleanup because he came from San Jose and graffiti cleanup is a major issue in San Jose. Because he will be on the phone everyday if he sees graffiti on that wall. He urges everyone

to please do not let the wall go in. He would like to see new houses and he knows he cannot stop the project from going in but lets do it the right way. He wants to see the neighbor across the street he does not want to see their back yard and back fence. He handed the redesign drawing to the recording secretary, see Exhibit A.

Mary Uptergrove, 20633 CCB. Mrs. Uptergrove said she really liked the view looking out the back. They love it here in the desert and the one thing that really does not fit is that wall. It just does not fit. Will the residences being constructed be one story?

Mr. Bickler replied it will be both.

Mrs. Uptergrove said the paper work said one story and that puzzled her and she is curious about what type one one story residence and what is the value they expect to construct?

Mr. Bickler replied from \$250,000.00 to \$400,000.00 and what did he consider that to be low, moderate income. She said they have \$230,000.00 new home just constructed in that neighborhood.

Commissioner Dennis said the one next to her is \$350,000.00.

Mrs. Uptergrove said she knew that and it is a 10,000 square foot lot. We are talking a 6,600 square foot lot. Lets say it is a \$200,000.00 home, what is the cost of the lot by the time you put the structure on there?

The Chairman asked Mrs. Uptergrove to direct the questions to the Commission and then they will answer the questions.

Mrs. Uptergrove said she is concerned that with that size lot and the cost of construction on it and when we talk of a one story residence we are not talking about something that is going to look real good over there or something that is even going to fit the neighborhood. She has a lot of concerns about that. Her other question about the "will serve" letters and when the City said that they can provide sewer it did not say you will, it said you can do it, what does that mean? Are we going to put septic tanks all over that place?

Commissioner Dennis said that when they did a site plan review two years ago it was required that the sewer be brought in by them and natural gas.

Mrs. Uptergrove said so a can serve letter is a will serve letter?

Commissioner Dennis said he thought it was speech interpretation and he thought it is was the intent that they will.

Mrs. Uptergrove said one of the real problems that they have with the environmental review done by the wildlife biologist is that he walked through there late in the year and went through there one time and could not find anything that would be of any concern. Everybody out there in the neighborhood knows that desert tortoise track through there. Also burrowing owls live in the neighborhood. Now it is difficult to go out and take a picture of a tortoise and prove that he is in that neighborhood because you have background that is not distinctive to that location. When she was out there this burrowing owl hopped up on the sign post and she wanted them to know that it is not their imagination that they have tortoise and burrowing owls in that neighborhood. She was sure there were some of the other neighbors have seen them. She appreciated there consideration and making sure that they do not have the walled community out there, it does not fit at all.

The Chairman asked if the developer wished to rebut this?

Mrs. Uptergrove talked about her concern for the wildlife such as the burrowing owls and tortoise. She distributed a picture of a burrowing owl atop the Harvard Avenue street sign, see Exhibit B.

Mr. Bickler replied the environmental review negative impact was done by an independent third party who is qualified and licensed to do that based on the state requirements, CEQA requirements and if there was anything out there we would address it. There were more than one visual that was done and we did everything that was necessary and the licensed individual said there was nothing found.

Commissioner Dennis said there was a statement in the requirements somewhere that if you come across something during construction that they have to take care of it.

Mr. Bickler said yes absolutely and conditions can change.

The Director said that the burrowing owl is not an endangered species.

Carol Land, 9433 CCB. Opposed saying she would like one thing cleared up. A project this large and this dense they could not do anything but sewer because of the percolation is she right? So if they left that designed the way it is right now that would keep the existing homes from having the sewer hookups. So it is really not an option on their part. They have got to go sewer. It sounded like to her that they had an option but do not have an option because of the percolation. It must be sewer.

The Chairman said that according to the tentative tract map the water and sewer lines are on the map itself.

Mrs. Land said so it is definitely that they have to do it. And that she just wanted to be clear.

Terry Spellman, 20750 Georgetown. Stated she her husband had covered most of it and she is going to concentrate of the fact that it is open space/residential agricultural. When the owner bought the property it was residential agricultural and it was designed to be open. If you look at Fish and Game it says those wildlife reports were not done at the right time and they need to done in season.

The recording machine broke at this point. The minutes from this point forward are done entirely from the recording secretary's notes.

Mrs. Spellman continued with a list of different species of wildlife that she has seen in the area where the development would occur. Why doesn't the developer buy up lots else as many developers are doing instead of developing a parcel that was designed to opened?

Commissioner Dennis explained the site was set aside for that some 36 years ago and the land never developed as either a park, the City has parks and could not maintain additional parks. The school did not want to develop it as a future school site so it was eventually sold and this one and many others are now owned by private individuals.

Mrs. Spellman said it is open space there should be no wall but a park without grass and make it a 15.92-acre nature preserve.

Carrel Uptergrove, 20633 CCB. Mr. Uptergrove agreed with the existing zoning as it is and did not think all the other people should be harmed.

Kevin Schafer, 21561 Garibaldi Place. Speaking as a private citizen. Mr. Schafer said he has walked the property and agrees with the Biota Study. He agrees with the wall, saying it is not wrong or right but that it is what the developer chooses to do with a HOA to maintain the wall and drainage park. The trunk line at Harvard Street allows the parcels to have sewer more economically. He asked about the size of the 30' easement and he stated it should be sufficient room for traffic to see?

The Director said it is a 20' easement.

Mr. Schafer said even with 20-foot easement, there is sufficient room to see traffic. He explained that during his walk of the property, he counted the number of fences that included wood, chain link and masonry. He said his point is that the people living around the area do have walls that surround their property.

Mr. and Mrs. Spellman, Mr. and Mrs. Uptergrove repeated comments and concerns made earlier. Mr. Spellman asked why the developer could not just buy up lots as other developers had done.

Duane Ellison, 20840 107th Street. Mr. Ellison explained he had written a letter and he understood the Commission had received a copy. He expressed similar concerns and opposed the project for basically the same reasons as the others, see Exhibit C.

Michael Sellard, 9748 Evelyn Avenue. Mr. Sellard said buying up individual lots are hard to buy.

Vice Chairman Fuller asked Mr. Bickler if he had given any consideration to change?

Mr. Bickler said flipping the lots out to face existing streets does not work for this design.

The Chairman called for further public testimony, there being none, the Chairman called for a motion to close the public hearing.

Motion action of Smith, second by Fuller to close the public testimony portion of the meeting. MOTION CARRIED. Vote 5-0.

The Chairman called for Commission comments.

Commissioner Fairbank said his concerns were traffic issues and noted that inside a walled community people tend to slow down more due to signs and speed bumps. However, issues of traffic congestion needs to be addressed with regards to people entering and leaving the area. He said that coming from Oxnard where graffiti is a big issue, it has been his experience that it tends to push gang members out but does have a concern about the lot size and redesigning the tract to accommodate larger lots.

Commissioner Smith said the design squeezes in too many lots.

Commissioner Dennis mentioned the drainage issue as a concern.

Vice Chairman Fuller said he could see both sides. This person has a legal right to develop

his property and he sees the emotional reasons and the personal reasons. Setting those aside and looking at the project overall the traffic is bad all over. Stop signs are being run everywhere. There is no legal reason for not developing the property, he has done what has been asked of him.

There being no further Commission comments the Chairman called for a motion.

Motion action of Fuller, second by Fairbank to approve Initial Study, Negative Declaration, Zone Change 173, General Plan Amendment 06-01 and Tentative Tract Map 6552 by Resolution 01-06-1962 PC to include the development of a Homeowners Association (HOA) with CC&R's.

Commissioner Dennis	NO
Commissioner Fairchild	YES
Commissioner Smith	NO
Vice Chairman Fuller	YES
Chairman Sass	NO

MOTION FAILED. Vote 2-3.

E. NEW BUSINESS:

8. Public Hearing to Consider Initial Study, Negative Declaration, Zone Change 174, General Plan Amendment 06-02 and Tentative Tract Map 6632.

The Chairman stepped down during this matter since he was notified that he is within 300 feet of the project.

The Vice Chairman declared the public hearing open and heard the staff report.

The Director provided the background information on the project that it is 34.94 acres and the applicant is requesting a C1 and C2 zoning for development of a commercial center. The applicant Mr. Warren Ta was present with his engineer. The Director further informed the Commission that he was not in favor of the project.

The Vice Chairman called for Commission comments.

Commissioner Dennis said it had too many commercial lots and opposed the project because there is no traffic study that addresses acceleration and deceleration lanes.

The City Engineer addressed the traffic study and that a DRC meeting was conducted on the project and a traffic study would be required as a condition before final map approval.

The rest of the Commission withheld their comments at this time.

Mr. Ta addressed the Commission and reviewed the concept of the project with Neighborhood Commercial C1 surrounding the perimeter and Community Commercial C2 on the interior stating such a project was needed in our City and would be a benefit and convenience to the residents of this City.

There being no further Commission discussion the Chairman opened the public hearing and called for public testimony.

Bill Dempsey, 21470 Applewood Dr. Mr. Dempsey said he opposed the project and was concern about the extension of Applewood Drive into the project and there should be a buffer between commercial and residential.

Walter Mullin, 21392 Baldwin Lane. Mr. Mullin said he opposed the project and felt it should be residential.

Kevin Schafer, 21561 Garibaldi Place. Speaking as a private citizen. Agreed it should be residential since residential property surrounded it.

Marv Sass, 21411 Baldwin Lane. Speaking as a private citizen. Mr. Sass opposed the project and felt it should be residential and was concerned with the traffic.

Aaron Powell, WRA Engineering reiterated that the reason the traffic study was not provided as the City Engineer said it would be required prior to final map approval.

There being no further public testimony the Vice Chairman called for communications.

The recording secretary reported a list of 22 names had been received in opposition to the project, see Exhibit D.

The Vice Chairman called for Commission discussion, there being none he called for a motion.

Motion action of Dennis, second by Fairbank to disapprove Initial Study, Negative Declaration, Zone Change 174, General Plan Amendment 06-02 and Tentative Tract Map 6632 as presented and bring it back with partial commercial with residential with buffer.

Commissioner Dennis	YES
Commissioner Fairchild	YES
Commissioner Smith	YES
Vice Chairman Fuller	YES
Chairman Sass	ABSTAIN

MOTION CARRIED. Vote 4-0, 1 Abstain.

F. COMMISSIONER REPORTS/REQUESTS

Dennis: Signs on Mojave/Randsburg U Store spaces.

Fairbank: He made a correction regarding the bus stop location, it is at 82nd and CCB, 4 out of 10 windows are out and is it on City property?

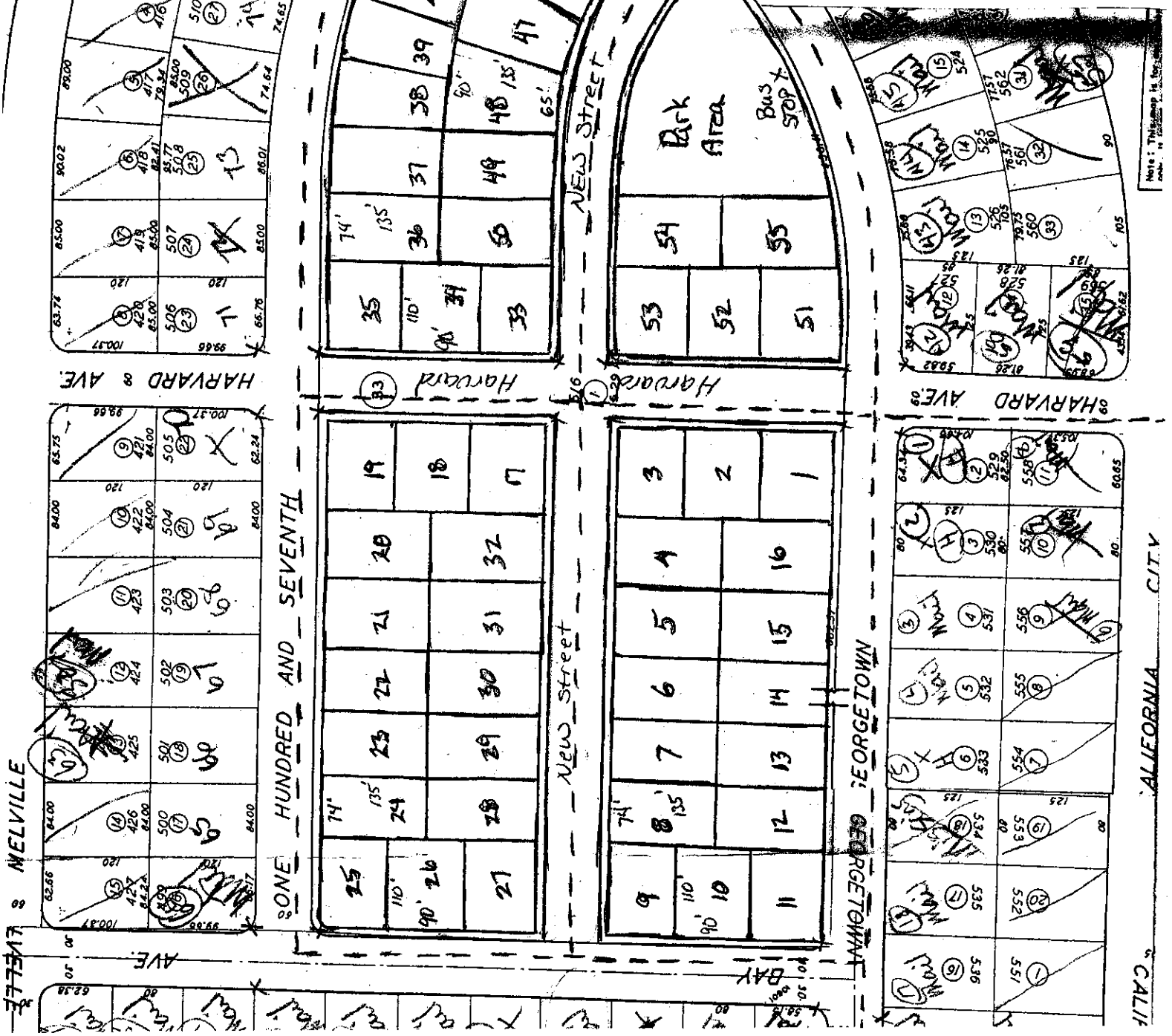
Fuller: There is a code enforcement issue on 21413 77th Street that he would like code enforcement to look into it.

Sass: He would like to get a status on A to Z Automotive.

Smith: Do you have to have your meter set to get a final inspection and is there a policy change? What is the grade above the street for A and B?

G. ADJOURNMENT by motion action of Smith, second by Dennis at 8:13 p.m. MOTION CARRIED. Vote 5-0.

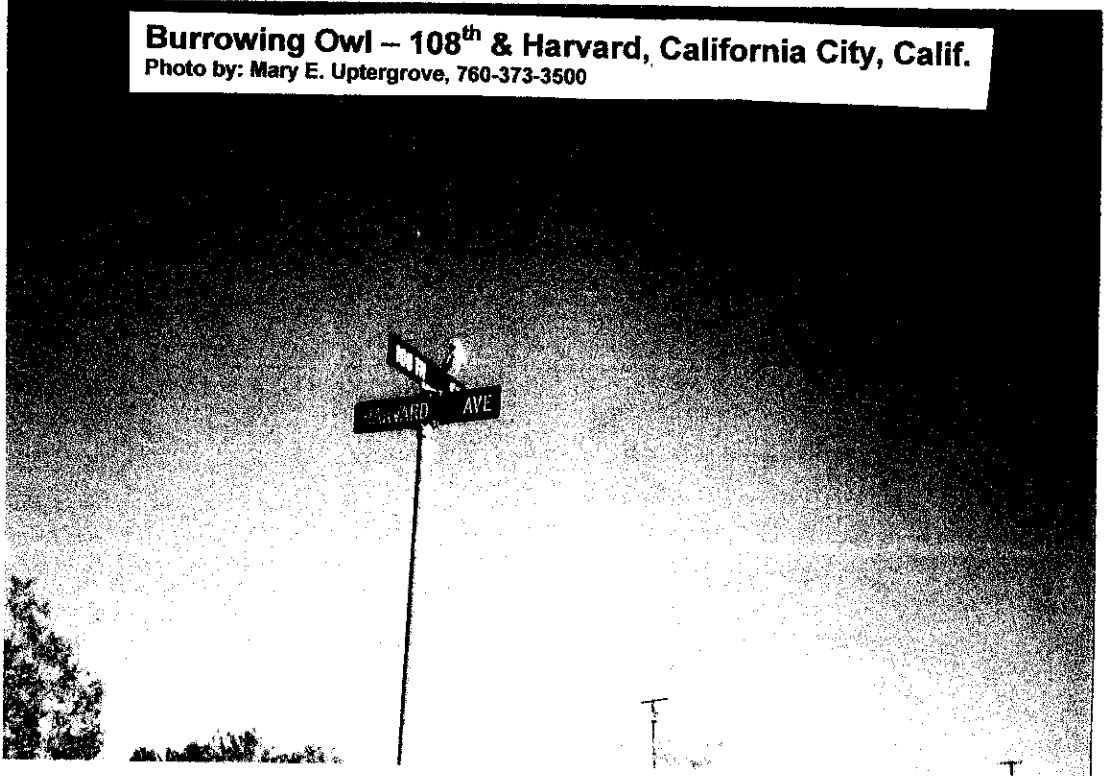
EXHIBIT A
PC-MFG
1/24/06



Georgetown Project Re-design

1. Reduce the number of lots from 63 to 55. Each new lot is between 9900s.f. to 10100s.f.
2. Sidewalks and curbs around all the new lots.
3. The dotted line down the streets (Georgetown St, Bay Ave and 107th St. along with the Harvard extension and the new street from Bay to Georgetown) show the utilities (sewer, gas, elect and water).
4. The Park area is now over twice the size of the original developers design and in a better location.
5. Located in the Park on Georgetown St. is a much needed covered School Bus Stop.
6. The original 5 intersections and the 3 new intersections will need to have stop signs installed for safety reasons.

Burrowing Owl – 108th & Harvard, California City, Calif.
Photo by: Mary E. Uptergrove, 760-373-3500



Duane & Denise Ellison
20840 107th St
California City, CA 93505

22 Jan 2006

To: City of California City

Subject: Zone Change 173, General Plan Amendment 06-01 and Tentative Tract Map
6552

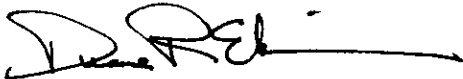
My wife and I are opposed to the zone change permitting the establishment of a closed community of the approximate 15 acres directly across from our residence.

We understand that California City is a growing community, however when we purchased our home in 1999 one of the main reasons we selected this particular property was because of the 15 acres of Lot 516 that was zoned as O/RA Open Space. If this property is re-zone for new residential construction then it should be consistent with the current layout and lot sizes of the existing properties and not in the manner proposed.

We are especially concerned with the building of a six-foot block wall fence around the perimeter of the proposed rezoned area. This specifically is a concern because of the potential safety hazard of this structure. First the lack of visibility as a result of the wall, second the speeding hazard, and finally we are concerned with the vandalism and graffiti potential of the wall, as this seems to be a growing trend in California City.

Denise and I both look forward to planned growth within California City but it is wrong to alter an existing planned area with something completely inconsistent with the current properties. There are other areas within California City were this type of property configuration could be built that would not interfere with the layout of current homes.

Thank you for your consideration and Denise and I both hope Zone Change 173 will be disapproved as submitted!



Duane Ellison



Denise Ellison

To whom it may concern:

The names of the persons signing this document, are protesting the rezoning of the property located between the mobile home park and applewood from residential to commercial.

- Sindy Krause 21404 Baldwin Lane
New Hills 21404 Baldwin Ln.
- Jiffani M. Brown 21353 Baldwin Lane
- Frank Lewis 21381 Baldwin Ln.
- John W. Hoffert 21372 BALDWIN LANE
- Florence Jean Kleinpeter 21371 Baldwin Lane
- Nicholas A. Brown M.B. 21353 BALDWIN LANE
- Ronda Foschick 21340 Baldwin Ln.
- Dorothy Lawson 363 Morning Glory St.
- Shirley Ann Mullin 21392 Baldwin Ln
- Alphonso Fulk 21398 Baldwin Ln.
- Walter Fulk 21410 Baldwin Ln
- Walter Fulk 21410 Baldwin Lane
- Walter Fulk 21392 Baldwin Ln.

To whom it may concern:

The names of the persons signing this document, are protesting the rezoning of the property located between the mobile home park and applewood from residential to commercial.

William N Dempsey
21470 applewood Dr.

Rodolfo Gomez Sr.
21479 Applewood Dr.

Rigi Gomez
21479 Applewood Dr.

John J. Wynn
21460 Applewood

Patricia A. Wynn
21460 Applewood Dr.

Kathleen M. Wynn
21460 Applewood Dr.

To whom it may concern:

The names of the persons signing this document, are protesting the rezoning of the property located between the mobile home park and applewood from residential to commercial.

Mary Jo Dempsey
21470 Applewood Rd -

Rev. *[Signature]*
21450 Applewood Dr
Col City, Calif.