

**MINUTES  
REGULAR MEETING  
CALIFORNIA CITY PLANNING COMMISSION  
TUESDAY, JULY 11, 2006, 6:00 P.M.  
COUNCIL CHAMBERS, 21000 HACIENDA BOULEVARD**

**A. OPENING BUSINESS**

Call to order at 6:00 p.m. followed with the Pledge of Allegiance and Invocation.

**ROLL CALL**

Bill Dennis, Al Greer, Bill Smith, Vice Chairman Marv Sass, Chairman Ed Fuller

**B. CONSENT ITEMS**

1. **ADOPT AGENDA** by motion action of Sass, second by Dennis. **MOTION CARRIED.** Vote 5-0.

2. **APPROVAL OF MINUTES:** Motion by Sass, second by Dennis to approve the minutes for June 27, 2006 for the Regular Planning Commission Meetings as amended. **MOTION CARRIED.** Vote 5-0.

**C. ANNOUNCEMENTS/PRESENTATIONS**

3. Civic: None

4. Public: None

5. Staff : The Director requested and recommended to the Commission that the Tuesday, August 8, 2006 Planning Commission Meeting be changed to Wednesday, August 9, 2006 and have a joint meeting with the City Council to review the General Plan update and rezoning issues. The Chairman asked if the Commission had any comments? Commissioner Dennis said he would not be present that night but did not oppose it provided that all the documentation was provided so he could see it when he gets back. Otherwise the Commission agreed. The Director added as of today there are no items for the Commission to review on July 25<sup>th</sup> and that meeting has been cancelled.

**D. CONTINUED BUSINESS:**

6. 30-day continuance to 7/11/06 of Public Hearing pending completion of Conditions of Approval for Ellison Plaza Regional Shopping Center Site Plan Review for Building Elevations and Building Design.

The Chairman declared the public hearing open and called for the staff report. The Director explained they originally looked at this on May 23<sup>rd</sup>, and again on June 13<sup>th</sup>. At that time it was continued to this evening to discuss specifically two conditions of approval prepared by the Contract City Engineer. One of the conditions of approval being the traffic signal at the corner of California City Boulevard and California City Boulevard South. The second issue being the drainage for the site. Since that point in time the applicant's engineer is going to be retaining all drainage onsite for this project and the other issues of drainage into the streets would not be applicable. The Director called upon the applicant's engineer, John Wilson as to the accuracy of the statement. John Wilson, 1400 Easton Drive, Bakersfield. Mr. Wilson replied yes. The Director said the applicant has agreed to meet all the standard requirements that they would have for drainage on the site. The second issue is the traffic signal at the corner of CCB and CCB South. The last conversation with the applicant's engineer and was surprised to learn that the applicant had some concerns with bearing the full responsibility for the installation of the traffic light at the intersection. He met with the applicant. They discussed that and shared with him his perspective and where he has been for the last couple of years as this project has developed. Even though there has been some confusion along the way relative to whether or not the applicant had offered to put that traffic signal in. He clarified what his position has been from the out set and what has generated that confusion over time. The Director said all of those items were valid. He had issued an email which all of the Commissioners had responded to at some level. He made the recommendation that we not require a traffic signal at CCB and CCB South at this point in

time. Instead they enter into an agreement with Mr. Ellison that in some point in the future he will participate in the installation of a signal at the intersection. As he recalled the conversations with Mr. Ellison, he was agreeable to that and they have not worked out the specific details. He said further comments to the applicant that we have certain developments that have received approval so to go back and require their participation in the installation would be inappropriate. The City would have legal difficulties supporting that. However, future developments based on the traffic study will be conducted by Ellison Plaza Developers. Future developers should be required to participate in the installation of a signal which would be dictated by traffic flows and traffic conditions at that point in the future that cannot be fully predicted today. The Director summarized Commissioner Dennis' memorandum. Commissioner Dennis is generally in agreement with the recommendation that Mr. Ellison commit to provide a share of the installation of a traffic signal in the future. We contact others in the area that have property to be developed and one developer specifically on the Northeast corner of that intersection. He is in the process of setting up an appointment with the owner of that property and this would be one of the items of discussion. He felt they have reached a general consensus of how to proceed into the future based on conversation with Mr. Ellison and the feedback received from the Council, Commission, and staff. He felt they can reach an agreement of how a light will be funded in the future. The Chairman called for questions. Vice Chairman Sass asked if there had been any consideration given to mosquito control when water flows into the basin? He asked the applicant's engineer if there is enough time for the water to percolate or evaporate so there is no problem? Mr. Wilson said that they use the Kern County Standards for the sump and they require certain percolation to happen. The water is suppose to drain out in 5 days or less. Commissioner Greer said he felt it was time to move this project forward. Michael Ellison, 10386 California City Boulevard. Mr. Ellison said he had an opportunity to read Commissioner Dennis' recommendation and he liked it. He has no problem sharing 50% of the cost of the traffic light if the City agrees to that. There were two other items he discussed with regards to the conditions of approval. Item 26 regards the U turn at California City Boulevard and Harvard Avenue. He understood that the cost is going to be shared by four developers and asked if that was correct? The Director replied that is correct. Item 27 all site plan conditions of approval to be satisfied prior to the issuance of building permits and he asked for clarification. Does that mean he cannot build anything until everything is completed the traffic light and the U turn. The City Engineer responded that they were not sure at the time that the condition was written of the applicant's phasing of the project and he since understands that. The plan is to phase it and that condition should be modified that the condition of approval that would affect the phase should be completed. Commissioner Dennis commented that when they get to that phase is when he should participate and that should not hold up the rest of the phases. The City Engineer agreed and it was discussed with the City Manager and it should be modified to say per the phasing plan. Understand that this is sort of a moving target and things do change when you have a complex project like this. Even if we had a very concise phasing plan in front of us more than likely it would change. The Chairman said is it possible that the timing by the other three developers could adversely impact Mr. Ellison? The City Engineer said it could because of funding and that would have to be considered within the construction schedule of those improvements. Again a need to coordinate it with their phasing. The Chairman said we could have a traffic issue that needs traffic control and other developers are not in a position to put in their fair share. The City Engineer said that is possible. The options for us would be to wait until those funds become available but that would delay the project. We would prefer to go forward and should we run into those issues we would simply address them at that time. Mr. Ellison said he had no problem funding it if he gets his money back for the U turn and the signal light. The Chairman said that is very kind and the City Engineer said that would also work. Vice Chairman Sass said should they make that a condition for the other developers? Commissioner Dennis said they cannot since the other projects have been approved. Commissioner Dennis suggested that Mr. Ellison sit down with the other developers and explain that he wants to move forward and that he will put the money up and they sign an agreement that they pay their share. Mr. Ellison said he would try to do that. Commissioner Dennis said the U turn should not hold up the rest of his

project and when he gets built down to that point he would expect the U turn and all of that to be done. Mr. Ellison agreed. The Chairman said to mitigate the potential issue there, the City and Mr. Ellison would have to work on the phasing approach of this project and watch it very carefully. Mr. Ellison agreed. The Chairman called for further comments. Commissioner Smith said he had five people come into his store and ask why are we okaying further progress when the hotel seems to be at a stand still? Mr. Ellison said the hotel is not at a stand still. The hotel is being worked on and the funds are ready for the hotel. There is no reason for him to hurry up on the hotel if the site plan is not approved yet. The hotel is part of the plaza and his main target is the plaza it is not the hotel. His first phase is the grocery store, sports bar and the hotel at one time. He has been working on this site plan for the past one year to get it approved. So he is not in a hurry to do the hotel. He needs the site plan approved because there is no way for him to bring the utilities to the hotel without going through the plaza. He has to get the site plan done for the plaza so he can get the underground utilities to the hotel. He hopes to finish the hotel this year. The Chairman called for any further public testimony. The Director added that the sports bar has been submitted to the City for review and asked the Public Works Director if that had been completed. Mr. Allen said yes also approved is the market. The Director said this has and continues to be a good project for the City. The City appreciates working with Mr. Ellison and for him looking out for the best interest of the City for both the short term and in the long run.

Felix Gomez, 9685 Denhart Avenue. Mr. Gomez congratulated the Commission and especially Commissioner Dennis and Commissioner Greer for saying the words lets get this project forward. He thinks Mr. Ellison has been getting the run around. There are too many restrictions and people complain because the hotel is not done but the plans and the blocks put in his way are tremendous and if he were someone else he would have left this City along time ago. So again he thanked the Commission.

The Chairman called for additional comments there being none he called for a motion to close the public testimony portion of the meeting.

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

The Chairman called for any further Commission comments. There being none he called for a motion.

Motion action of Dennis, second by Sass to approve this with the conditions as discussed tonight and the amendments that they talked about with the traffic light and the U turn in that intersection at Harvard. MOTION CARRIED. Vote 5-0 by roll call.

7 Continued Public Hearing for Conditional Use Permit (CUP) 06-03 for Leo's Mexican Seafood Restaurant at 8209 California City Boulevard, Suites 103 and 104.

The Chairman called for a staff report. The Director said this item was continued from April 11, 2006 and he was not present for the meeting. The Commission requested that a site plan information on the IMC building be completed prior to approval of the CUP. The Director of Public Works has indicated that the building is in compliance and the CUP should move forward provided that windows are installed before this meeting and final window inspection is completed. The Director of Public Works will give an update on this final building inspection. The Director said that at this time the windows have not been installed. They believe that is a building inspection issue and that approval of this CUP should be moved forward this evening. As soon as the building is ready and approveable by the building inspector the CUP would be in place and they can get this business open. The Director of Public Works said they will not be able to open the actual business until they get the final on the building. He sees no reason to hold up the CUP. The Chairman called for correspondence there being none he called for public testimony, there being none he called

for Commission questions. Commissioner Dennis asked if they were doing a CUP tonight or are they doing a site plan or are they doing both? The Director said it is the CUP with the conditions set forth and they are not doing a site plan. He asked if they are going to come back as a public hearing and do a site plan on a complete project because they have never done the site plan. The Director said the site area for these two buildings where the CUP would be included has been done. The entire project is approximately 28 acres and that has not been completed. Commissioner Dennis asked if they had adequate parking and the Director of Public Works said they did have enough parking. Commissioner Dennis clarified that there would be no building appear in the parking area. Robert O'Connell, representing IMC and Leo's Restaurant, 8201 California City Boulevard. Mr. O'Connell thanked Mr. Allen for allowing the project to move forward and letting them put the plans into plan check so that when the building is ready they will be ready to go also. The Chairman called for public testimony there being none he called for a motion to close the public testimony portion of the meeting.

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

The Chairman called for any further Commission comments. There being none he called for a motion with the understanding that it is a phased approached.

Motion action of Dennis, second by Smith to approve CUP 06-03 with the conditions and provisions discussed tonight. MOTION CARRIED. Vote 5-0 by roll call.

**E. NEW BUSINESS: NONE.**

COMMISSIONER REPORTS/REQUESTS: Commissioner Greer said he brought up a problem about some bags of trash in front of a house at that time it was 9 bags and now there are 20. The neighbor has sent complaints to City Hall and has heard nothing. The Director said he would follow up on that tomorrow and report back to him directly. Commissioner Dennis said maybe they need to be informed that they can pay for more than one trash container so that does not happen. The Director said they would inform them of that. Commissioner Smith thanked the City workers for cleaning up the median and it looks much better. He asked about the recent fires and if the investigation had been done? The Director responded that the Fire Chief concluded an investigation and provided a report to City Council regarding the first fire. The most recent fire he is still waiting his report. Commissioner Smith asked if they had a code enforcement officer yet? The Director said no. One member of each shift at the fire department is being dispatched to conduct code enforcement activities until they find someone that wants to take the job of code enforcement officer and is qualified. Commissioner Dennis said the trash bins at different construction sites are overflowing and blowing trash all over the desert. Can something be done? The Director of Public Works said he would check into it. Vice Chairman Sass said is there anyway they could get Benz to pick up the trash cans? Commissioner Dennis said the contractor has to call to have it picked up and they are charged for it and that is the problem. They need the building inspector to stop construction on the site until they pick their trash up. The Director of Public Works said when they call for an inspection if the inspector goes onsite and sees that he will not give the inspection.

**G. ADJOURNMENT** by motion action of Dennis, second by Greer at 6:30 p.m. Vote 5-0. MOTION CARRIED.