

MINUTES
REGULAR MEETING
CALIFORNIA CITY PLANNING COMMISSION
TUESDAY, DECEMBER 13, 2005, 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

Absent: Vice Chairman Ed Fuller

Present: Bill Dennis, Hal Fairbank (arrived late), Bill Smith, Chairman Marv Sass

B. CONSENT ITEMS

1. ADOPT THE AGENDA:

Prior to adopting the Agenda, the Director made two recommendations that Item 10, review and approval of the 2006 Planning Commission Calendar be moved to the Consent Agenda and secondarily he offered as a suggestion due to a meeting that is being held at the school district regarding significant issues regarding the entire community that under parliamentary procedures if the Planning Commission chose to they could set a specific time limit for their meeting this evening to at say 6:30 or 6:45 p.m. for those that are attending this meeting to be able to attend that meeting and participate if that were to be the wishes of the Planning Commission. The Chairman asked if they had a consent calendar and Director said it would be Item B under the Consent Items that are on the agenda which includes the adoption of the agenda and the approval of the minutes. Commissioner Dennis said they should just wait to adopt the calendar until January 2006. The Chairman asked for a motion to adopt the agenda and the changes. ADOPT AGENDA by motion action of Dennis, second by Smith. MOTION CARRIED. Vote 3-0, 2 Absent. Commissioner Fairbank arrived after the vote to adopt the agenda.

2. APPROVAL OF MINUTES:

Motion action of Dennis, second by Smith to approve the minutes of the Regular Planning Commission Meeting of Tuesday, November 22, 2005, 6:00 p.m. MOTION CARRIED. Vote 3-0, 1 Absent, 1 Abstain.

C. ANNOUNCEMENTS/PRESENTATIONS:

3. Civic: None.

4. Public: None

5. Staff: None other than the notations on the agenda. The Chairman for the benefit of the public announced the Planning Commission Meeting for Tuesday, December 27, 2005 at 6:00 p.m. due to the Christmas season and the next regular meeting will be on Tuesday, January 10, 2006 at 6:00 p.m.

D. CONTINUED BUSINESS: None.

E. NEW BUSINESS:

6. Public Hearing to Consider Conditional Use Permit (CUP) 05-08 for Guidos Pizza and Pasta Restaurant.

The Chairman declared the public hearing open and called for a staff report. The Director gave the staff report recommending approval of CUP 05-08 by Resolution 12-05-1960 PC with the conditions of approval and identified the location as being in the Beverly Plaza at 21017 Nemophila Street, California City, California. The Director introduced the applicant, Mr. Richard Otte to answer any questions. Commissioner Dennis asked if they were going to be using the entire building? Mr. Otte explained that it is divided in half and the restaurant will be just over 2,000 square feet that they would be using at

this time. Commissioner Dennis asked if the front doors open into their place? Mr. Otte said yes. Commissioner Dennis asked how are they going to get into the other building? Mr. Otte said there are plans to get another door. Commissioner Dennis asked if the employees changing in the bathroom it is on the application? Mr. Otte said no that was not allowed by the Health Department and that should be scratched from the application. Commissioner Dennis asked it will be a unisex bathroom and Mr. Otte replied yes. Commissioner Dennis asked if they were going to change in the storage room. Mr. Otte said yes but it is not a storage room anymore it is a changing room. Commissioner Dennis asked if there were drains in the building or did they have to put them in? Mr. Otte replied they were already in there. There are two drains in the kitchen and one 8 x 8 floor sink or 12 x 12 and that was already in there.

Commissioner Fairbank asked for clarification of the location and asked about the application says 31 parking spaces with 2 handicapped and does that 31 include the 2 handicapped parking spaces? Mr. Otte said yes it does. He said they will have a problem with parking he said they may in the future but it was explained by the Planning Technician that they were going on total square footage building.

Commissioner Smith asked he thought they would have problem with parking and asked Mr. Otte what was the hours of operation? Mr. Otte explained all day 10 a.m. to 11 p.m.

Chairman Sass said it was going on the assumption of shared parking is that right? Mr. Otte replied yes. He had no further comments on it and asked for any correspondence on it?

The recording secretary said no. The Chairman then called for public testimony.

There being none he called for a motion to close public testimony.

Motion action of Dennis, second by Smith, to close the public testimony portion of the meeting. MOTION CARRIED. Vote 4-0, 1 Absent.

The Chairman called for additional Commission questions or comments.

Commissioner Smith said that this penalizes the other 2,500 square feet for parking. According to this the dentist office takes up some of that 31 parking spaces.

The Chairman said yes and this whole thing was approved before, it is existing.

Commissioner Dennis said this was originally approved for a store.

The Chairman said it is a shared parking similar to the Aspen Mall.

Commissioner Dennis asked where the employees going to park and how many employees?

Mr. Otte said they will have 3 to 4 employees to start with. There is parking on the street and he is going to have his employees park there and there is a loading zone beside the building and behind the building there is adequate parking on the street for his employees.

There being nor further discussion the Chairman called for a motion.

Motion action of Dennis, second by Fairbank, to approve CUP 05-08.

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| Commissioner Dennis | YES |
| Commissioner Fairbank | YES |
| Commissioner Smith | YES |
| Vice Chairman Fuller | ABSENT |
| Chairman Sass | YES |

Vote 4-0, 1 Absent. MOTION CARRIED.

7. Public Hearing to Consider Conditional Use Permit (CUP) 05-09 for a Cargo Container for City of California City Parks and Recreation Department.

The Director gave the staff report stating the location of the container was not visible due to the tennis courts and that the Parks and Recreation Manager is here to address the issue. He added this is a temporary use and he estimated 9 to 10 months.

Commissioner Fairbank said the Sports Center is condemned temporarily?

The Director replied indefinitely. The plan is to replace the Sports Arena with a new building and demolish the old building that is there.

Commissioner Fairbank said if that is the case is there some kind of funding or grant being requested for that or how is that going to be funded?

The Director said it would be more appropriate to try to isolate the questions and comments to the specific conditional use permit at this point.

There being no further comments the Chairman called for correspondence, there being none he called for public testimony, there being none the Chairman 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 4-0, 1 Absent.

Motion action of Dennis, second by Fairbank, to approve CUP 05-09 for one year and request the City come back for review and renewal for another year.

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| Commissioner Dennis | YES |
| Commissioner Fairbank | YES |
| Commissioner Smith | YES |
| Vice Chairman Fuller | ABSENT |
| Chairman Sass | YES |

Vote 4-0, 1 Absent. MOTION CARRIED.

Commissioner Dennis asked if they were going to work on the rest of them that is sitting down there in Central Park and the airport?

The Director said everywhere.

8. Request from Reginald Cyrus for a 12-month Extension to Conditional Use Permit (CUP) 04-02.

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The staff report was given by the Director explaining that they have reviewed this in the past and the Commission has concurred with his requests. Mr. Cyrus was present to answer questions.

Mr. Cyrus said they have copies of the list of his conditions and he is not changing anything he is simply asking for a 12-month extension due to the illness of his mother.

Commissioner Dennis asked Mr. Cyrus not to sit down he had some questions.

Mr. Cyrus said before he has a question, Mr. Cyrus said last time they got kind of carried away with this and before he gets carried away, hopefully this time either the City Manager or the City Attorney, and he noticed that he was not here, you know that you are in the public eye and he is a private citizen. False accusations and all the ridiculous things that he said and his incompetence, Bill is not going to pass this time.

Commissioner Dennis said he did not know what he was talking about.

Mr. Cyrus said do you want to start off with the containers and you did not make me remove them.

The Chairman asked Mr. Cyrus to keep this civil.

Mr. Cyrus said he was making sure he was civil this time because last time he was unable to be here.

Commissioner Dennis said he tried to get it continued.

The Chairman said that Commissioner Dennis has a question and let him finish.

Mr. Cyrus said go ahead.

Commissioner Dennis asked him whose motor home and whose tent is sitting besides you in that property.

Mr. Cyrus said he would assume that some of that is the City's property, the motor home is not on their property, that is his property, the motor home is his property. The property that sits off from that belongs to the City. There is about a 30-foot easement in there. The property on the other side belongs to Matt Jackson.

Commissioner Dennis said where he is talking about is where all the trees are at and the motor home and there is a tent sitting there and that is what he talked about last time. It looks like a mess out there and he was told that it was his property.

Mr. Cyrus said if he was not mistaken the last time they went ahead and past it, it belonged to a tenant that was next to him. Some of that land belongs to the City. He beautified the land by putting the trees in there and by the way that is a 30-foot easement in there.

Commissioner Dennis asked him if that was his property.

Mr. Cyrus said no. That belongs for the City and he did that for the City that is right. He asked Commissioner Dennis if he wanted to know what was there, do you want to know what trash dump was there. He said he will haul it back in there and he can take the road up that he put in there.

Commissioner Fairbank said he had no questions for Mr. Cyrus and said he was glad to see that his mother is in good health again. Mr. Cyrus said thank you very much sir he appreciates that. Commissioner Fairbank asked the Director about the avigation easements in that area. How far from the airport is the City trying to obtain the avigation easements what are the distances, is there a certain radius?

The Director said he would have to consult with the Airport Manager.

The Chairman said he thought it was one mile.

Commissioner Smith said they went over this about six months ago. He wanted to know if the motor home movable or is it just parked there?

Mr. Cyrus said that he had property on there that was moved by somebody else. This is being viewed in the public, the motor home is movable, the motor home has been in Las Vegas, the motor home has been in Bakersfield.

Commissioner Smith asked if someone was living in it on the property?

Mr. Cyrus said you might say that I will stay there on his way through or sometimes he stays there and sometime he does not.

Commissioner Smith said it is okay to live there while you are doing construction is that correct?

The Director said he would have to check into that.

Mr. Cyrus said it is not on his property. That is Matt Jackson's property on that side and he has his permission.

The Director said he was not fully familiar with the easement that exists there. His knowledge is the property is owned by Mr. Jackson that abuts Mr. Cyrus' property, the City may have a 30-foot easement across Mr. Jackson's property.

Mr. Cyrus said you do. There is a 17-foot easement in the back. Since the City has some interest in buying that property a little later on down the road he went ahead and put a little street on the back side so that the fire department so everybody else could get back there. None of that has been at any cost to the City. Sometimes he will stay there and sometimes he won't. If he knows someone is coming to visit or borrow his stuff, he would like to be able to stay there.

Commissioner Smith said he does not have a problem if you are doing construction. This conditional use permit is dragging on, construction has not started and if you are living in it he thought the motor home should have a conditional use permit too, to make sure it is legal.

The Chairman said if the construction has started he thought he could have his motor home there and designate as a place he can stay for guarding the construction site. But if construction has not really started yet, has it?

Mr. Cyrus said no it has not.

The Chairman asked when did he anticipate starting?

Mr. Cyrus said he has the plans being drawn now. There was a little bit of anomaly in reference to his time, his folks are a lot more important that building.

The Chairman said he can understand.

Mr. Cyrus said like his letter says here, it is just now coming back to you again, he would probably have submitted his plans if they would have given him the one year extension and he would not have to be standing here from the last time. That is all he can say, he is trying to do his best his folks comes first you may put material things in front of his family but he does not and that is all he can tell you. He would be happy to answer anybody's questions.

Commissioner Smith said so if we would have past it for a year before we would not be here right now so if we do six months, you will be satisfied, correct?

Mr. Cyrus said yes because he would have his plans in and hopefully the City would have turned them around in six months.

The Chairman called for any other questions, he called for correspondence, there being none he called for any public comments there being none, he called for a motion to close the public hearing.

Motion action of Smith, second by Fairchild, to close the public testimony portion of the meeting. MOTION CARRIED. Vote 4-0, 1 Absent.

The Chairman called for any further discussion, there being none he called for a motion.

Motion action of Smith, second by Dennis, to approve a six-month extension for CUP 04-02 per the applicants own voice that if we had done it for a year he would have been happy so lets go for six months to June 13, 2006.

Prior to taking the roll call, the Director ask to address the Commission and the permission was granted.

The Director said until this evening he was unaware of the easement that existed there, if the easement is in favor of the City then there is probably some permission in order to put those facilities on that easement that would be required from the City. He is not exactly sure how to proceed with that issue but he thought it was an important issue that he needs to consult with the attorney on. If it were just straight forward Mr. Jackson's property that he was on he would not have any concerns but he does have a little bit of concern on that issue if there is an easement. He is not recommending a delay or anything he just wants to make it public that he has a concern there and it will be a matter that he will be following up with and investigating with the attorney.

The Chairman asked if this was satisfactory with Mr. Cyrus?

Mr. Cyrus said most definitely. He said if he was not mistaken you will find you really do not have a 30-foot easement on the back side. Matt Jackson's fence is back there and he provided 30 feet for the City by cutting it on to his property line he said you have about 17 feet that is open and there is about a 20-foot paved road there now to get back to the electrical and his RV is not on the City's 30 foot easement or is the other maintenance building. He said follow up all you want to please.

The Chairman asked if this was agreeable to all the Commissioners?

Commissioner Dennis said it was up to him he did not care.

The Chairman said it was agreeable with him for a six-month extension.

Commissioner Fairbank said he wanted to add just one thing to Mr. Cyrus that he did not believe that anybody up here is trying to specifically pick anybody out in the City and go against them in any way he thinks they are all trying to do there job and be fair up here and throughout the City there are things that they want to accomplish as far as they do not want piles of junk laying around and everything and he does not think that anybody is trying to specifically point out anybody in the City and you might be a little off on that.

Mr. Cyrus asked Commissioner Fairbank if he sat through the last?

Commissioner Fairbank said he was not here during that period of time and was not on the Commission.

Mr. Cyrus said before we go into it too far and before you want to step out too far he would like to suggest that if you are really that concerned about my dilemma here with Bill.

Commissioner Fairbank said no you are bringing up the whole whatever happened in the past may not be helping things right now.

Mr. Cyrus said you know what the City has a strong interest in that piece of property and the City can buy it anytime they want. If you want to buy it now it is just on the acquisition list okay as identified by the airport diagrams. You can buy it now a lot cheaper than you will be buying it later. So if the City wants to go into a posture now of buying it now just let him know. The few items that he has on there that he will not leave for the City can be moved in about one hour or less. He does appreciate all of their time and he does believe that most of them are doing a good job and most of you know what you are doing not everybody that is sitting up there. You need to go back and read all of the minutes and listen to all the stuff that went on before you come jumping out here at me.

The Chairman asked not to have a little verbal argument going on here and they do not want a war at this point and right now we are in a motion.

Commissioner Smith said can he change his motion.

Commissioner Dennis said we should vote on it.

The Chairman said we have a motion and we have a second with the conditions of reviewing on the City part for the easement is that correct?

The Director said actually his reviewing the conditions on the easement has nothing to do with the motion he just wanted to advise them of what his intention was.

The Chairman said we have a motion and we have a second, roll call vote.

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| Commissioner Dennis | NO |
| Commissioner Fairbank | YES |
| Commissioner Smith | NO |
| Vice Chairman Fuller | ABSENT |
| Chairman Sass | NO |

MOTION FAILS. Vote 1-3, 1 Absent.

The Director said you do not have to feel compelled to vote one way or the other, the issue before the Planning Commission if it is a tie vote, than the motion would fail. There has to be an affirmative vote for it to pass.

Commissioner Dennis said this way he can appeal it to Council and let the Council decide.

Chairman Sass said either way he can appeal it.

The Director asked to address the Commission one more time and his request was granted. The Director asked Commissioner Smith if he wanted to offer an alternative motion?

Commissioner Smith said yes he did and that is why he voted no and asked the Chairman if he could make another motion.

The Chairman said we voted on it.

The Director said you voted on that particular motion under Roberts Rules of Procedure you can go to another motion may be introduced since the first motion failed.

The Chairman said we can go to another motion.

Commissioner Smith said he would move to extend it for another six months with the stipulation that plans are submitted within that six-month period or it is no more continuations and that would be his second motion.

Commissioner Smith said he did not think they would get construction plans but if the plans are submitted that means he is putting money up.

The Chairman called for a second.

Commissioner Fairbank had a question on that and he does not understand those stipulations because with this conditional use permit once he is finished building he needs to continue to reapply for the conditional use permit?

The Chairman said no.

Commissioner Fairbank said once he has got construction going and everything it does not matter anyway.

The Chairman said there is a time limit on the conditional use permit where he has to start construction within a certain period of time. We are giving him the option to have plans submitted within that six-

month time frame.

Commissioner Dennis said that is why he came back because he did not get his construction going and he did not get the building permits and stuff.

Commissioner said he would second a motion to include plans and construction within the six-month extension.

Commissioner Smith said he would change it to read plans and construction if it gets it approved and construction would mean the grading of the lot.

Motion action of Smith, second by Fairbank, to approve a six-month extension for CUP 04-02 with the stipulation that plans are submitted and construction begins which could mean the grading of the lot, within the six-month period or there will be no further continuations granted by the Commission and the CUP will expire on June 13, 2006.

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| Commissioner Dennis | YES |
| Commissioner Fairbank | YES |
| Commissioner Smith | YES |
| Vice Chairman Fuller | ABSENT |
| Chairman Sass | YES |

MOTION CARRIED. Vote 4-0, 1 Absent.

9. Discussion of Re-designation of Commercial Property at Tentative Tract Map 5722. - Planning Director/City Manager.

The Director read the staff report and reviewed a map on the wall. The requestor Ms. Jerry January and the architect Mr. Tryon was also present.

The Director explained the parcel of property that is Tract 5722 in 1993 there were some major revisions to the zoning ordinances to the City and new zoning districts were designated with significant changes from what he understood to be the old county system. Various areas in the City received designations within the Code that was adopted, you have five categories that were approved C1 to C5 however there were some parcels of property at that point in time and for some unknown reason did not get the proper designations of one through five. Two of those properties specifically the Ellison project on the corner of CCB and CCB South as well as this particular parcel of property. Both of those parcels of properties were designated or retained the nomenclature C for commercial designation. In September 2004 it was brought back to the Planning Commission not as a rezone but as a clarification of designation. At that point in time the City Manager/Planning Director made some recommendations to the Planning Commission where that the parcel of property at the corner of CCB and CCB South was designated as C5. This particular piece of property in this general vicinity was designated as C2. At that point in time there was a different owner of this particular piece of property. It was brought to you that you could make the designation to C2 or some other commercial designation. In consultation with the attorney this week he has verified that was not the appropriate course of action a simple designation. That some other activities of rezoning should have gone through and in looking at the records for what transpired before the designation for this property was that the present land use, zoning and general plan use was vacant commercial community and regional commercial centers. The City Manager/Planning Director in 2003 came to them and said that the C designation could be any of those 1 through 5 categories. He believes that to be an inaccurate recommendation and suggestion to the Commission. If there was not a specific designation at that point in time then the designation should have been what the property use with the prior zoning for the property was i.e. a regional commercial center and in our existing zoning code as of today and at 2003 the closest designation for this particular parcel of property would in fact would have been C5 rather than a C2 which you as a Planning Commission designated. He believes that was an error along the pathway at that point in time in 2003. He believes the designation should have been C5 and he would recommend that we designate that or recognize it as its preconditioned use for a regional commercial center and classify this as C5

rather than C2. He believes that in the interim that would be the appropriate step to take but he believes further than that what really should transpire in the long run is that this parcel of property be brought back to the Planning Commission as a recommended zone change that we go through all the proper hearings which was not, that it goes to the state clearinghouse for consideration and follow that procedure so that we in fact do act in accordance with what is specifically appropriate following the law the way it was intended and what the attorney has conveyed to him as his intention. There were two recommendations from him, first that we recognize this for its initial intended use which includes a regional commercial center C5 and then we proceed forward to look at all zones in the City that do not currently meet the specific designation that ought to be under our code and consider them in a general plan amendment and rezoning to bring the City into compliance with the zoning district that we have established in the codes. He said he would try to answer any questions.

Commissioner Dennis said that he just started on the Commission and that was one of the first things that they did and it goes back to Bob Bissitt and as he remembers they zoned those lots 1, 2, 3, and 4 and he does not remember if C5 came in later. So there was designation on each one of those lots at sometime in the City but we had another City Manager that did not follow through and did not get it filed so that is probably why you do not have any records.

The Planning Director said that is the difficulty that he faces the records are simply not solid enough to rely on them.

Commissioner Dennis said he thought he asked the question when we did this with the last City Manager is this all we have to do and he said yes. Of course we do not have a City Attorney sitting here so we have to rely on the City Manager having discussed this as you have done to get this done right.

Commissioner Smith said he has had a problem with this piece of property for sometime. There is a \$200,000.00 RDA loan against that and you say there is a different owner what happened and who got the money when this sold and what happened to RDA money. Did it get repaid or do we kiss it good-bye like they did with the big m?

The Planning Director said we are a little off topic on this question and he would try to address it anyway because he thinks you are entitled to the answer. There has been a lot of research into that issue through sketchy documentation and so forth, the short answer is there never did exist a \$200,000.00 obligation on the property owner back to the RDA. Through the research that he and the attorney have been able to reconstruct from all the documents and there are quite a hefty ream of documents. We have entered into some negotiations with the current owner of the property their attorney have been involved in those discussions as well. We believe that the infrastructure requirements that were suppose to be met by the previous owner are in fact going to be met by the current owner. But the \$200,000.00 that you make reference to actually was a grant of funding to the owner, the previous owner. Subsequent to that the City in fact or the RDA in fact had an obligation to make considerable additional loans to the property owner but the property owner failed to do some of the infrastructure items that were required so those loans were never met but the original, the initial \$200,000.00 was in fact a contribution from the RDA rather than a loan from the RDA.

Commissioner Smith said when he saw the paperwork because he did a lot of research on that property, there was a \$200,000.00 loan against at 7% interest. If the paperwork came up missing he can understand that too. He said he heard the previous owner was making money from this property without paying back and this is not a reflection on you but this City in the past has had a lot of free money given out and that is the term that they use "free money" and do not worry about giving it back. As a business person in town he is kind of concerned about there are some projects sitting around that a lot of money went into that we are not getting back. When this property sold he is sure somebody got proceeds out of it and is sure Bissitt got something.

The Director said yes he did.

Commissioner Fairbank asked for clarification of the section.

The Director asked if Ms. January or Mr. Tryon could come up to the map and respond to that?

Ms. January showed them on the map where the 18-acre piece, the community club and the 4.5-acre piece that already had a map finalized on it. She pointed to the piece that had the \$200,000.00 deal on it, it was never this. There are two different APN numbers.

Commissioner Fairbank asked her to clarify the zoning?

This is already C2 it is the skinny lot that we are building on right now this is C2 it is a 3.5-acre piece.

Commissioner Dennis asked Ms. January if they did not zone it all C5 would they go along with some different zones if we designate them?

Ms. January said in order for it to be a retail and office mall it has to be C5 Zoning.

Commissioner Dennis said you are going to have an 18-acre office mall?

Ms. January said it is all going to be subdivided lots with buildings on it we are going to maintain all the parking and this is all going to be a private driveway so the City does not have to put in the paving we are doing it so it has to be a mall when it is that.

Commissioner Dennis said well Aspen Mall is C2 because originally that is what they did. We looked at it for a couple of nights when they originally did this and as he remembered down on the front at the very bottom the first couple ones was C4 because someone wanted to put a gas station there, in fact it is the same guy that has the Chevron down there now. Then Napa Auto Parts wanted to go behind him. We had C4 the first two or three lots and then they had C2 and then they had in the back area some C3 for medical buildings. So before you come up and say C5 you might really want to think about designating some of those lots other than C5. C5 you cannot put medical building in there he thought. So if you had a doctor that wanted to go in there he would not be able to go in there. You might really want to think about it. Really the only thing with C5 is like a Stater Bros., Albertson's and a hotel. You can put anything except C3 which medical and dental offices. Whatever the uses are in the C3 are not allowed in C5 and he thought that is how it reads. In C5 you can do C1, C2, C4 and C5 that is the way it was written as a stand alone zone. You can do conditional permits on C2 in fact that is when we had a discussion he thought that is why they said C2 when they designated it with conditional use permit you can almost do everything.

The Director said the dental office that is there now is a legal nonconforming use and would not be permitted without a conditional use permit.

The Chairman said to bring it back with the proper designations and tract map.

Roy Tryon, 21131 Kenniston St. He is the project architect. First of all he thanked the Director on the detailed and accurate history and the analysis that he gave and he appreciates the Commission's recommendation. He asked him to explain what he had in mind when he talked about going back through the routine process and the idea of what is the schedule for that kind of a process.

The Director replied that they are looking at about a 60-day process. There is a 45-day state clearinghouse review, publish public hearings and so forth. Actually looking at the code as it exists right now under the C5 zone a conditional use are uses permitted in a C2 district with a conditional use permit. So any conditioned use in the C2 is permitted in the C5. Under C2 it specifically says the conditional uses are medical offices so medical offices could in fact be in the C5. That would require a conditional use. C3 specifically says that it is for clinics, medical offices, dental offices, etc. and then the conditional uses included antique shops, art sales, banks, barber shops, eating establishments, etc.

Commissioner Dennis said that when they discussed and revised the zoning code a C3 was a stand alone zone for medical.

The Director said all he could rely on was the Code.

Commissioner Dennis said he knows, every time they submit something to the City Attorney it comes back a different way than what the Commission recommended. Whatever, do away with C1, C2, C3, C4 and make everything C5. It does not make sense we spent 6 months on that thing and comes back like that.

The Director said if you were to recognize the designation of C5 here then any of the conditions in C2 as conditionally uses so if they opted to open a medical office in the center they would have to get a conditional use.

Mr. Tryon asked the Commission to not lose sight of the principle theme of this property and its land use it is projected as regional commercial and they are looking forward to a major grocery store and kind of a destination shopping center that would be most consistent with the C5 some of those things are not appropriate elsewhere and I think that is IMC's current marketing opportunities.

The Chairman called for public testimony, there being none he called for comments from the Commissioners.

Commissioner Dennis asked the Director if he wanted them to designate it C5 tonight?

The Director said that he thought it was more of a matter of the Planning Commission recognizing from the outset the intent was to allow for those items that are now approved under C5 and recognize the designation there ought to be C5 rather than restricted to C2.

Commissioner Dennis said well isn't that what we did that night without them doing the public hearing?

The Director said yes.

Commissioner Dennis said then we will do it the proper way we were suppose to have done it in 1993 and 2003.

The Director said the logic that he would use is that when the Code was adopted in 1993 there ought to have been a specific designation 1-5, in the absence of doing that now to accommodate property owners in their interest we recognize as the zone that is there the one that is closest to what was existing at the time that it was adopted in 1993. His assessment is that it should have been and when he spoke about it he inadvertently said 2003 and they acted on it in 2004 you received a recommendation of C2 and he believed that recommendation inappropriate and inaccurate and it should have been recognized as C5 and then immediately pursued to bring it to a C5 at that point in time or some other specific designation. They certainly have the right to require that this go through a full rezoning process. Without benefit of being an attorney he would believe that was done in 1993 but there was a failure to communicate it to the zoning map and zoning documents.

Commissioner Dennis said that as he recalled it was never filed and that is the problem it was done, they had the meeting and at that time we had some designation but it never got filed in the proper manner.

The Director said there was a Notice of Determination that was filed with the state for this particular parcel of property he did not know if it were filed for the entire City. For this particular parcel of property 21.98 acres parceling into 44 lots for eventual construction of commercial industrial subdivision which will accommodate commercial and warehouse type buildings. It clearly elevates us to the level of C5 with possibly some of our M districts or industrial.

Commissioner Dennis asked if he wanted to put an M district in that area?

The Director said no. The Notice of Determination raises us to that potential level but where is the designation on the map at that point in time was C but did we take it to the highest level that we have available.

The Chairman's recommendation was to bring it back as a public hearing with all the documentation.

Commissioner Dennis asked if that was the map that they were going to be using, the original one from 1993?

Ms. January replied yes.

The recording secretary explained that the original document that the Director has is the Notice of Determination, this was given a SCH number which is a State Clearinghouse number that means that it went through and was recorded with the recording date on it. The Commissioners do not have that document in front of them but that is what was found when looking through the archives. It clearly states that it is community commercial they paid for their environmental fees and everything so these are the documents that you would be able to see at a public hearing.

The Chairman said also the map?

The recording secretary said yes and the map.

Commissioner Fairbank asked the Director that the recommendation is to go ahead today and approve this as a conditional use permit to temporarily goes through the entire process at any rate?

The Director said he would try to summarize that his recommendation is based on conversation with legal counsel as well, he believes the action taken on September of 2004 was an inappropriate action and that the property still holds the "C" designation and under the "C" designation the intended use was the highest "C" classification which is the C5 and rather than continuing the restriction to C2 which was done in 2004, we should abandon that position and say we recognize this as C5.

Commissioner Fairbank asked but in addition to that you are recommending it goes through the whole rezoning and what would that accomplish if we did that and it went through and was found to be something other than C5 and you believe it will go through and found to be C5?

The Director responded that the property owner has a vested interest in the recognition of C as C5 and that to make any other determination at this point and time with a legitimate request before us would be premature but he is not an attorney he cannot say that categorically but he believes that is what the attorney would say if he were here this evening.

Mr. Tryon asked what the approximate cost not in time but in money to route this issue through state clearinghouse and all the way around again?

The Director said approximately \$2,500.00 to go through that process.

Commissioner Fairbank stated to Mr. Tryon since he is the representative for IMC, he was suggesting that this 45 to 60 days was still doable, how soon are they ready to move forward on this, it has not been subdivided at this point yet, is that right?

Mr. Tryon said he would have to defer this to Ms. January on that he is dealing with the architectural, construction and engineering issues and she knows more about the business element.

Ms. January said they are ready to go forward now and they are ready to file that map and go forward.

Commissioner Dennis said he thought they were referring to how soon they wanted to build?

Ms. January said they are ready to start putting in the infrastructure as they go.

Commissioner Fairbank said the reason he is asking the question is because to say C5 for such a large area and to really not have any idea of what is going in there he would have a slight reservation to that and he has been really happy with everything that they have been doing over there. His concern is to say for that entire 18-acre area is dC5 he has a slight reservation about that because there are some residential and things over there and it might work out fine based on what you plan to put over there.

If we say C5, pretty much anything could go over there and something that would be adverse to that area might end up going there. Down the line you sell that property and so forth like this, so personally he would like to see some kind of a plan and also some other maps showing the other surrounding areas and how they are zoned.

The Director replied that he thinks he hears the discomfort in the Planning Commission pretty well here. What he would like to do is suggest that we will move forward a specific project for approval concurrent with a request for a zone change in here so you can see the two together and the potential benefit to the City and to the developer and that will allow the developer to make certain commitments necessary for them to move forward with their plans without the zoning being specifically in place. This will allow you as a Planning Commission to take the steps that really are necessary to do this completely appropriately. Not that he has suggested anything inappropriately that way it will give the level of comfort that is necessary.

Commissioner Smith asked if this one was not done right was the rest of the boulevard done right?

Commissioner Dennis asked if he really wanted to get into that one?

Commissioner Smith said yes he wants to know what do they plan to do with the rest of the boulevard?

The recording secretary added that the rest of CCB has not been done yet and they have not been able to get everyone together on that one. She wanted to add for the record that it is \$2,655.00 to file.

Commissioner Smith said he thought it should go back and be done right.

The Chairman asked for anymore questions or public testimony, hearing none he called for anymore discussion?

Commissioner Dennis asked if he wanted them to continue this until you bring it back?

The Director said yes.

Motion action of Dennis, second by Fairbank to continue to what date?

The Director said they would move forward with a zone change and also the project.

Commissioner Dennis asked if there are any other zone changes that they could do at the same time?

The Director said there maybe some, yes.

The Chairman said combine them into one.

Commissioner Smith said he did not think that Ms. January wanted to wait a year.

Commissioner Dennis said then she wants 2006 not 2007.

The Chairman repeated the motion.

Motion action of Dennis, second by Fairbank to continue and move forward with this. MOTION CARRIED. Vote 4-0, 1 Absent.

The Chairman said they had approved the calendar for next year so they are looking for Commission reports, requests.

F. COMMISSIONER REPORTS/REQUESTS

Commissioner Fairbank said yes he had a couple of things on the corner of 82nd Street and California City Boulevard where the bus stop is located, there is also a trash can and a recycling bin there and he had the opportunity of standing there the other day. The bus stop has six broken window panes in it, it has graffiti tags all over it, the trash can is overflowing and full. This was a couple weeks ago and it is still overflowing and full and the recycling bin is broken on the back it is not latching properly. He did not know if these things have fallen through the cracks or they do not receive attention anymore and he is assuming the street departments are responsible for emptying the trash and so forth and emptying the recycle bin but it is just something that he really hates to see things like that continues to get worse and worse and start looking like downtown LA or something. We have a nice little City and we have some nice little features like that and they can be maintained for fairly reasonable and maybe to prevent the windows from being broken out is to use Plexiglas in there or something like that and wanted to bring that to his attention. Another item a resident brought him four pictures of his general area on the Rea Avenue where they are building a small City of new homes over there and he directed him to the proper place of where the complaint form is. There were four homes under construction some are about 80% done. They have no trash cans, no rent-a-johns and he and some other people got together and did a community clean up and picked up truck loads of trash because of these construction sites. He knows the construction sites are continuing to move on and he knows that it is our new policy that they have to a rent-a-john and a trash can. The pictures had been turned into the Building Official. Finally, they had discussed a new General Plan where does that stand at this point?

The Director replied that Northcutt and Associates that are working on some preliminary documents. He would anticipate their second meeting in January or the first meeting in February she will be here for some initial discussions on that whole process with the Planning Commission.

Commissioner Fairbank asked if it is being addressed the lake filtration system or waterfall in that General Plan or are we always going to leave this thing broken or is there something in the works to fix it?

The Director replied an item that specific would not arise to the level of being included in the General Plan for this City. We have in fact been addressing that issue in another realm and have a number of ideas in conjunction with a new sports arena in the park which will include the refurbishing and use of the waterfall there and hopefully again in early January we will be able to come forward with some good announcements for the City overall.

Commissioner Fairbank asked if this is on the City Council where these ideas have come up?

The Director said no that is entirely within staff.

Commissioner Smith asked when is A to Z Automotive going to be moving the trailer?

The Director said they have notified them by mail that they are expected to vacate and restore the property to its prior condition. We do not have any reason to believe that they are going to be resistant at this point but we will have to wait and see.

Commissioner Smith said we are experiencing a building boom in this town and last year during the budget, they budgeted for if they had twelve houses a month they would be doing well and he thinks they have done about three times that. The problem with that is it is starting to take three to six weeks to get plans out of the Building Department and he is just wondering is there enough money there to with these extra homes being built that we could hire a plan checker or something to expedite the situation.

The Director replied as you may or may not be aware of the Building Inspection Department has now been put under the direction of the Public Works Director. They have been in discussion about that very idea of additional plan check assistance for the City but we also have a commitment of no more

than three weeks on any plan check. There was a time when some comments were being made that it was taking six weeks and that is not the case any longer.

Commissioner Smith said it is taking over three now he would have whatever contractor to come in and talk to him personally on that and they will correct it.

The Chairman wished everyone a Merry Christmas and have a safe New Year.

Commissioner Fairbank asked the Director if he could put on his notes in January that he is interested in the avigation easement and if he could give him a small briefing.

G . ADJOURNMENT by motion action of Dennis, second by Fairbank at 7:24 p.m. MOTION CARRIED.
Vote 4-0, 1 Absent.