

MINUTES

PLANNING COMMISSION
CITY OF CHINO HILLS

July 7, 2015

REGULAR MEETING

Chairman Stover called the Regular Meeting of the Planning Commission of the City of Chino Hills to order at 7:00 p.m.

ROLL CALL

PRESENT: COMMISSIONERS: KAREN BRISTOW
ADAM ELIASON
STEPHEN ROMERO
MICHAEL STOVER

ABSENT COMMISSIONERS: GARY LARSON

ALSO PRESENT: JOANN LOMBARDO, COMMUNITY DEVELOPMENT DIRECTOR
RYAN GACKSTETTER, SENIOR PLANNER
ELIZABETH CALCIANO, ASSISTANT CITY ATTORNEY

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Bristow led the Assembly in the Pledge of Allegiance.

ITEM # 4 - PUBLIC COMMENTS

Monique Horwood, whose daughter attends Loving Savior School said she received an email earlier in the afternoon requesting her attendance at tonight's meeting with regard to the cell tower project being built next to the school but that she didn't see the principal or anyone else in the audience. Chairman Stover explained to her that the cell tower project was approved after discussion three weeks earlier at the June 16 Planning Commission meeting. He asked staff if anything new had transpired that would require reconsideration. Community Development Director Joann Lombardo responded that nothing had transpired, no appeals had been received prior to the June 30 appeal deadline and that the matter is complete. She welcomed Ms. Horwood to call her or the project manager after the meeting.

ITEM # 5 - CONSENT CALENDAR ITEMS

a. APPROVAL OF THE MINUTES OF THE PLANNING COMMISSION MEETING OF JUNE 16, 2015

PLANNING COMMISSION ACTION: The Planning Commission approved the minutes of June 16, 2015.

MOTION: Eliason
SECOND: Romero
AYES: Eliason, Romero, Stover
NOES: None
ABSENT: Larson
ABSTAIN: Bristow

ITEM # 6 – DISCUSSION ITEMS

a. Recommendation that the Planning Commission

1) Receive and File Report on the General Plan Land Use and Zoning Designation of Southeastern Area of City; and

2) Discuss whether General Plan Land Use Designation for Southeastern Area should remain at a 1:40 designation or consider possible initiation of change in Land Use Policy and provide direction to staff.

Cliff Strand, representing the Lamb family, said he has reviewed the staff report and that legal counsel Gregory Weiler has commented several times to staff and legal counsel and that the Planning Commission should see those comments. He said that all the facts are not on the table yet, particularly what the designation was within the County before the City incorporated, thus making it premature for the Commission to act. He said in addition to representing the Lambs, he owned property contiguous to the Lambs' and therefore he can recall what it was at that time and that it wasn't what staff has indicated.

Bal Ramlochan, Global Equity Exchange, reiterated what Mr. Strand said regarding the Lamb family's opportunity to take a look at the findings regarding the zoning. As far as Ms. Ramlochan understood it, they just received the package today with backup information regarding the zoning and have not had an opportunity to take a look at everything yet. She asked that the Lamb family have an opportunity to look at the files and act accordingly before consensus is made.

Commissioner Bristow asked if the Lamb family should want to come forward with additional information could they do so when the matter comes before the City Council. Assistant City Attorney Elizabeth Calciano responded that they could. She added that the City has been in fairly consistent communication during the past few months with the Lamb family's attorneys and that City Attorney Mark Hensley has been working with

them on various matters for years. She said that the agenda and all background information was emailed to Mr. Weiler immediately after it was provided to the commissioners. In response to Mr. Strand's suggestion to defer the action, in the City's view this action is simply to receive and file a report and does not involve any action to be taken. At this point, Ms. Calciano said, the record seems very clear as to what the Council intended and what the action was on the 1994 General Plan so the City sees no reason not to receive and file the report. Ms. Lombardo added that staff is not asking the Planning Commission to take any additional action at this time and there will be no changes to either the zoning document or the General Plan in response to this receive-and-file action.

PLANNING COMMISSION ACTION: The Planning Commission approved Item 6a.1 of the recommendation.

MOTION: Eliason
SECOND: Romero
AYES: Bristow, Eliason, Romero, Stover
NOES: None
ABSENT: Larson

Commissioner Eliason asked if staff is asking the Commission to comment on changing or keeping the 1:40 designation which could sound like the Commission is expressing their views and opinions of direction on this particular item. He said he has concerns about talking about it at this time if they are now hearing that there is possibly other information that hasn't been brought to their attention. Ms. Calciano said that this type of discussion is legislative, and not adjudicative, and therefore permissible. In addition, there would be a properly noticed public hearing before any action would take place. For purposes of the Brown Act, this is a properly noticed meeting for a preliminary discussion of whether there is any interest in revisiting the designation. The most likely recommendation if the Commission did want to make a change would be that the Commission is interested in recommending it to Council for consideration but it doesn't commit the Commission to anything and it would only be opening the door to a discussion.

Commissioner Bristow said that this matter began with the General Plan Update and her viewpoint at the time was that she wanted to see the 1:40 maintained because several years were spent trying to make an ordinance to protect the ridgelines, and in order to do that the area south of us is extremely steep and cried out for 1:40 to protect the ridgelines. Ms. Bristow said her stand was against adding density and that she hasn't heard anything to change her mind.

Commissioner Eliason said this is one opportunity, unless other information comes forward, where we've heard many times from the public how the community has made it a priority that we keep our open spaces, our rural feel. Many times the Commission's response to the public is that property rights are protected and zoning rights are in place to allow a certain number of units. He said he is committed to keeping the 1:40.

Commissioner Romero said that as it stands and as he understands it, it is 1:40, but as he said before if the property owners have any other supportive evidence, the Commission would be more than happy to see that information. The other option for the property owners is their right to apply for a zone change or a General Plan Amendment.

Commissioner Stover concurred with the Commission's various comments to reinforce the view that there is a reason why the change was made to the General Plan Update to reinforce the previous vision statement to maintain a community with a strong emphasis on the rural values and the aesthetics of the hillsides and the lifestyle of Chino Hills as it was years ago and is still present in large portions of the community. He said he sees no compelling reason and considerable downside to the Commission making a recommendation that density increases be examined in this area. If and when an application comes before the Commission it will be considered based upon all the evidence that is presented. He sees no reason to change the status quo as it has been very well documented in the staff report.

Commissioner Bristow said that when the community participated and brought it forth to the Planning Commission in 1994, there was discussion about opening up the south end. The main problem is that there is no access to Highway 71 and the area is virtually in Riverside County. When you have a General Plan change, you also have to have all the infrastructure in place and nothing has changed since 1994 that makes it viable because the only way out of there is through Butterfield, which is already greatly impacted.

Bal Ramlochan, who addressed the Commission earlier, asked if the General Plan currently states 1:40. Commissioner Stover responded that that was the factual report that the Commission received and filed this evening. Ms. Ramlochan asked what Ordinance 282 stipulates for the agricultural area in the south portion of Chino Hills. She said that the ordinance was passed in March and it stated that the agricultural area was zoned 1:5. She said that she would be looking into it. She also asked what the General Plan stated because her understanding was that it was still 1:5 and the legislative action that would be taken to downzone the property to 1:40 as far as she understood it was not actually taken because it was eradicated from the last General Plan.

Ms. Lombardo said that perhaps Ordinance 282 is the ordinance that adopted the zoning map and the southeast portion of the zoning map did not change.

PLANNING COMMISSION ACTION: The Planning Commission took no action on 6a.2.

- b. Recommendation that the Planning Commission adopt a resolution entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHINO HILLS FINDING THAT THE SALE OF THE FOUNDERS' SITE (FORMER CITY HALL SITE) LOCATED AT THE SOUTHEAST CORNER OF GRAND AVENUE AND EUCALYPTUS AVENUE CONFORMS TO THE CHINO HILLS GENERAL PLAN

Ms. Lombardo stated that this item had come to the Commission two or three years ago moving the residential density from the previous Park Residential site (now the Community Center) and changing the Founders land use designation to high density. There was considerable concern from the community, and staff continued to look for alternative sites which to transfer the Park Residential units. With the General Plan Amendment, the Founders density was reduced to medium density. It is now the City's desire to determine that this is surplus property and to move it forward for its potential sale.

Commissioner Stover said that as we sell our land and interact with the development community in terms of future residential development he would personally encourage staff to point out the potential values of housing that would be suitable for all generations of residents, including seniors, and concepts of universal design that increasingly has been pointed out at development conferences as an important way to keep people in their homes as well as to allow those homes to be very efficiently utilized by having seniors with accessible accommodations on bottom floors.

Commissioner Eliason said he remembers that at one time when the City was considering developing the property next to McCoy, staff and the Commission talked about coming up with plans before the sale that would be part of the package and the City would initiate that process. He asked if staff had considered that for this site. Ms. Lombardo said that when the Shoppes development was first proposed the City did develop plans and subsequently found that was not an effective way to market the site. It will be sold at fair market value and at that point the purchaser will have to come forward before the Commission with a proposal through the site plan review process.

Commissioner Romero asked if staff could explain the transferring of the units process. Ms. Lombardo said that when the present community center site was formally designated for residential, that was part of a financial package that the City had put together to help fund the Civic Center. The sale of that was always intended to help pay off indebtedness related to the Civic Center. With that becoming the Community Center site, the City did not want to lose that value to offset the cost of the Civic Center. Now with the Founders being an additional asset, there is intent that that money will go back to the General Fund.

Commissioner Bristow said that because there was such an issue over apartments being in one end of the community, she wanted to point out that if you look on Chino Hills Parkway before you get to this site, there is Gordon Ranch Center, then an apartment complex, then high-density housing, then another shopping center and across from the site, high-density condominiums. There are condominiums right by the school. So within that end of the community, there is a share of high-density housing already. It is not going to happen in the middle of homes as everyone who lives in the area thinks.

Ms. Calciano, when asked by the Commission, said that the next step would be going to the City Council for a declaration that it is surplus. Then we have an obligation to notice various entities to have an opportunity to buy it. That is a 60-day notice period. If someone responds, there is a 90-day negotiation period. After that the property can be marketed.

PLANNING COMMISSION ACTION: The Planning Commission approved Item 6b as stated.

MOTION: Eliason
SECOND: Romero
AYES: Bristow, Eliason, Romero, Stover
NOES: None
ABSENT: Larson

ITEM # 7 – PUBLIC HEARING

None.

ITEM # 8 – STAFF INFORMATION AND COMMENTS

None.

ITEM # 9 – AGENDA FORECAST

Ms. Lombardo told the Commission the next meeting will take place on July 21. At that meeting, staff will be bringing back the hedges and fences item, the second-story item and two design reviews. Additionally, there may be another ordinance change.

ITEM # 10 – PLANNING COMMISSION INFORMATION AND COMMENTS

Commissioner Bristow said she does not anticipate being at the July 21 meeting.

Commissioner Bristow asked what would happen to the property where the developers dug into the Greening's property by the lake and reached the fault. Ms. Lombardo said that staff has not received any proposed development plans for the property but had asked that a fault study be done. She said that the City's geologist reviewed the

fault study and determined that the fault turns at their property; however, she will look further into the matter and report back to the Commission.

Commissioner Romero asked if the grading plans have been pulled for the Overton Moore project in Butterfield Ranch. Staff responded that they are reviewing the grading plans and working with the applicant. She said there should be ongoing monitoring on the site related to biological and cultural resources.

Commissioner Romero also asked if Hobby Lobby has pulled their grading permit. Staff said they have a foundation permit and are waiting on building permits. Commissioner Stover asked if there would be any additional parking or if the large area of space was needed for the building only. Staff responded that the center is parked to accommodate buildout so there would be no added parking. A portion of it, depending on Commons' plans to fill the space, may be occupied by another user but staff has not heard yet for sure.

Commissioner Bristow asked about the progress of the Egyptian restaurant to which staff responded that it will be moving forward. Staff said they have been working with center owners to come up with a parking plan to locate employee parking to one corner of the center freeing up space around the restaurant. The center management is in the process of making sure that enough room is left onsite to accommodate the flurry of restaurants that we have. Commissioner Bristow said she felt that city parking might need to be revised in the future. Staff said the good news is that our centers are at 96% occupancy and that there is a fine balance to having enough parking to accommodate the users and keeping the retail spaces filled.

Commissioner Eliason asked if there is landscaped area on the site that could be converted to parking. Staff said they are close to their landscape requirement and that there could be; however, the problem is that much of the parking is located over by the Ayres Hotel and Lowe's and not enough around the restaurants. Therefore if all the employees could park at the other side of the center, there would be more parking for the patrons of the restaurants.

Commissioner Stover asked if staff had received any inquiries from potential buyers of the Tres Hermanos property. Staff said they have received a number of general inquiries from a variety of different entities wanting to know the process and what the General Plan could permit, but nothing specific at this time.

Commissioner Stover reported that he and Commissioner Romero attended the BIA seminar on housing demand. He said he thought that one of the stronger representations made was the robust demand that is projected in San Bernardino County in the next five years. The building industry is anxious to find locations. He thought it was a very interesting seminar and appreciated the invitation to attend. Commissioner Romero concurred and added that he would like to further explore the possibility of bringing an active senior project housing project to the City.

Commissioner Bristow said that you can now see that the Kaiser site is not only being changed inside but also outside. She asked if staff had anything to show the Commission as to what was going to happen to the building. Staff responded that they forwarded to the Commission some time ago renderings of the new building and will do so again. She said it will still be the same white masonry box but there will be added ornamentation to give it a fresher, more contemporary look.

ADJOURNMENT

Chairman Stover adjourned the meeting at 7:58.

Respectfully submitted,



Karen Pulvers
Planning Commission Secretary