

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES**

JULY 21, 2009

Chair Goodpaster called the regular meeting of the Yucca Valley Planning Commission to order at 7:00 p.m.

Commissioners present: Chair Shannon Goodpaster, Commissioners Robert Lombardo, Dennis McKoy, Dawn Rowe and Margo Sturges

Chairman Goodpaster led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. McKoy moved that the Agenda be approved, which motion was seconded by Mr. Lombardo and passed unanimously by voice vote.

PUBLIC COMMENTS:

Bob Doremus of Rancho Mirage, CA stated he is the applicant for the next item on the Agenda but wishes to discuss Condition of Approval #26 which is not on the Agenda. The COA requires the removal and replacement of asphalt paving to the centerline of Pima Tr. His engineer says this would be wasteful spending because the curb, gutter and driveway are already there. His engineer included the removal and replacement on the grading plan but was told by staff that it would require a separate plan. The plan check fee for the separate plan was \$2,900. The fee and his engineer costs \$6,000 and the bid for the work is \$23,000. The entire road is in the same repair. The Town would not remove the asphalt but would probably resurface it. He has not paid the plan check fee but wrote a letter to the Town Engineer requesting the COA be reconsidered. Art da Rosa replied that the COA was approved by the Planning Commission and he had no authority to eliminate it. He requests that COA be deleted. The estimate from Edison to underground the lines is \$120,000. 90% of that is to put his neighbors' utilities underground. It is not feasible to complete the project with all of these burdens. He has gotten nowhere with the Town. He is being asked to remove and replace asphalt just because staff wants it.

PUBLIC HEARINGS: None

DISCUSSION ITEMS:

**1. UTILITY UNDERGROUNDING INTERPRETATION FOR SPR 04-08
CARQUEST**

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting.

Site Plan Review SPR 04-08 for the Carquest project was approved on October 7, 2008. The approval was to allow the expansion of an existing building (Carquest) by 3,300 square feet and the construction of a 6,540 square foot new building on a 1.6 acre site. The existing Xpress Lube is proposed to remain on site. The property is located at 56315 29 Palms Hwy. and is identified as Assessor Parcel Number 587-081-01. Condition of Approval #16 and Ordinance 169 require that existing and proposed utilities which provide direct service for the project shall be placed underground. Several sections of the ordinance are cited in the staff report, specifically: Existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed that provide direct service shall be placed underground.

The applicant provided a detailed plan of the project showing existing and proposed conditions. A utility pole and SCE vault are located at the SW corner of the site on Pima Tr. Overhead utility lines travel north on the adjacent property to the west, within 10 feet of the project property line, approximately 250 feet ending at a power pole. The lines then go down the pole and underground to the Texaco Express Lube. From the SCE vault on Pima Trail utility lines also go north underground approximately 200 feet to about the center of the project to a transformer and then into the existing Carquest building. The applicant proposes to extend those underground lines to the new structures. The applicant also proposes to install underground lines from the transformer to the Texaco Express Lube.

Under this proposal the project will no longer have any direct service provided by overhead utilities. However, the existing lines, which currently provide direct service to the property, will remain overhead. The issue for discussion and interpretation is: does the Planning Commission agree that this request meets the intent of the Ordinance?

Ms. Rowe requested and received confirmation that undergrounding of the 250 feet of lines will not only benefit this project but also the businesses to the west. She questioned who would pay for the undergrounding of the utilities from the pole location west to the other businesses. Mr. Kirschmann replied, according to the ordinance today, the applicant would because he is developing his property.

Ms. Rowe requested confirmation that if the applicant undergrounds only the lines to the Texaco Express Lube then the overhead lines remain in place, and the cables still run overhead to the other businesses.

Deputy Town Manager Shane Stueckle replied that is correct. There are programs and agreements that Edison has for reimbursement. The applicant would want to check with the phone and cable companies. The Town's ordinance requires that all utilities be put underground, not only to his property but also to the properties to the west.

Ms. Sturges requested an explanation of the exception to the Ordinance under section 87.1150 (j). Mr. Kirschmann replied that is an available option. In his letter the applicant is requesting to pay for only the portion from the Express Lube to the transformer. He would not include any of the costs of undergrounding the existing distribution lines. Today the property is served by both underground and overhead lines. If the request is approved all utilities will be underground but the overhead transmission lines will remain above ground and continue to serve the customers to the west. The applicant proposed

to cut service to the Express Lube from the power pole located 200 feet north of Pima Tr. and install that service underground from the transformer.

Mr. Lombardo questioned if by cutting his service from the overhead lines he is now in exemption because the lines won't serve his property even though they are within 10 feet of his property. Mr. Kirschmann confirmed that is the interpretation discussion staff is requesting.

Mr. Lombardo stated it is unfair to expect the applicant to pay for the undergrounding of the services that are on poles on the other persons' property without benefit. He questioned the possibility of sharing the expense between all the property owners.

Mr. Stueckle replied it can be done only if the Town goes forward with implementation of "Rule 20A". In the Southern CA Edison jurisdiction area a small portion of electric bills go to an undergrounding fund. There is approximately \$1.8 million in Yucca Valley's fund. If the Town wanted to go forward the area has to be defined and there are technical issues that have to be addressed and then the Town can require utilities to be underground. Other than that approach it cannot be done. In this case the Ordinance places the burden on the developer of any piece of property to comply.

Mr. Lombardo requested and received confirmation that the only other chance to get these lines underground is if the owner of the other properties decides to develop them further. At that point that property owner would be required to pay for the undergrounding.

Mr. Goodpaster questioned the number of electric meters currently on the property and if one of them would be abandoned. Mr. Kirschmann replied the Express Lube would still be metered separately with the installation of a new 3 phase meter.

Mr. Goodpaster opened the public hearing.

Applicant Bob Doremus stated when Carquest was built Edison installed a large enough transformer to also handle the Express Lube and new construction. The plan always was to put the Express Lube on that transformer and if he had done that when Carquest was built we wouldn't be here tonight. His intention is to go from the transformer to Texaco underground. He doesn't understand why he should spend the money to underground all the other utilities when he only has one feed from the pole that he doesn't need. He is willing to be responsible for his.

MS. Rowe asked if this financial strain on the project is a determining factor on whether it will proceed. Mr. Doremus replied this is just one of them but it is absolutely a factor.

Mr. Lombardo requested and received confirmation from Mr. Doremus that once the proposed lines are installed the project will receive all utility services from underground distribution lines and will no longer be using the overhead lines which are not on his property.

Mr. Goodpaster closed the public hearing.

Mr. McKoy stated we are putting a burden on the applicant but we have to start applying these rules at some point.

Ms. Rowe stated she isn't sure we can ask this of in-fill development and expect anyone to bear the cost. The fee would be hard to bear even if it were only for undergrounding the utilities along the property boundary. How do we help the Town grow and create sustainable jobs if we asking him to underground westerly to the neighboring businesses. The issue is open to interpretation. This is not fair or just and she interprets it as falling under the exemption.

Ms. Sturges agreed. We are talking about aesthetics and there are no overhead lines on SR62. The lines are to the west and on another persons' property. They spent the money to put lines underground and install a large transformer. To add an extra burden of undergrounding service to other buildings, especially on an in-fill project, is unfair and falls under the exemption.

Mr. Stueckle clarified that Exemption J relieves someone of paying a contractor to underground utilities but an equivalent fee has to be deposited with the Town. Also, issues of fairness and equity should not be a part of the equation. The issue this evening is interpreting the ordinance as applied to this property. The Commission may want to consider forwarding a memo or recommendation to the Town Council that the ordinance be reviewed and possibly changed.

Ms. Rowe requested and received confirmation that a recommendation to the Town Council would be separate from the issue on this property.

Mr. McKoy asked if that would put this issue in abeyance until the Council acted.

Mr. Stueckle replied no, the discussion should continue and there may be only one possible way of interpreting the ordinance which is finding that a majority of the utilities have already been undergrounded for this project and with only a slight modification the project adheres to the ordinance because, in this case, the prior construction was almost fully compliant. This is a border-line issue, not simple or clear cut.

Mr. Goodpaster commented the Commission wants to be very careful to not set policy.

Mr. Lombardo stated he reads the ordinance as saying if the project is not served by the overhead lines, even though they are within 10 feet of the property line, the applicant is not required to underground them because they are not on his property. He will not be receiving service from the overhead lines once he makes this minor modification. It is an onerous amount of money to spend when it's not on his property. He would like to see the project go forward and is in favor of finding a way to modify this.

Mr. Stueckle commented staff is not 100% sure if there are overhead utilities such as cable or phone that serve the property. The Commission may want to ask the applicant.

Mr. Goodpaster re-opened the public comments.

Mr. Doremus stated he doesn't have cable so the only service would be phone and he is not sure. He believes the phone to his property is underground. There is only one conduit running down the pole and he does not believe you can put phone and electric service in the same conduit.

Mr. Goodpaster stated he did not see anything overhead serving the property. Phone and electric are not run in the same conduit. He closed the public comments and asked what staff is looking for.

Mr. Stueckle replied the code says for projects for projects that receive service from overhead lines must place the lines underground. The applicant states his situation is not clear cut because only a portion of the service is overhead. One small modification can be made and all service will be underground. He requests that the Commission find that the one small change will make the project compliant. That is the question for the Commission. The second issue for the Commission is a future request to the Town Council.

Ms. Rowe asked if the Commission can find that the project will comply with the ordinance with the modification of the service lines.

Mr. Stueckle replied the Commission would move to find that the service to the project site, with a slight modification, conforms to the intent of the Utility Underground ORD based upon the facts that a portion of prior electrical service to the site from Pima Tr. north provides underground service to the Carquest auto parts building and only a small portion of overhead service exists that provides electrical power to the lube business and with a minor modification all utilities would be underground and that the remaining poles are not located on this project site.

Mr. Goodpaster stated the intent of this ordinance is to get rid of unsightly poles. He believes a memo should be sent to the Council in the future to review this ordinance requesting direction on how to move forward with undergrounding of utilities. He agrees that property owners should be required to underground and remove poles on their own property but it is a stretch to make them underground service on someone else's property.

Mr. Lombardo moved that the applicant's proposal is consistent with the requirements in Ordinance 169, Utility Undergrounding, based on the findings as stated above by Mr. Stueckle. The motion was seconded by Ms. Sturges and passed unanimously by voice vote.

2. DISCUSSION OF THRESHOLDS FOR DEVELOPMENT STANDARDS FOR PROJECTS IN COMMERCIAL AND INDUSTRIAL LAND USE DISTRICTS

With reference to the complete printed staff report provided in the meeting packet and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the discussion to the meeting.

At the Planning Commission meeting of May 19, 2009, a discussion was initiated regarding a wide range of topics relating to thresholds and development standards for Commercial and Industrial land use districts. Staff has brought back a smaller portion of this issue for further clarification. At that last meeting change in use of properties was addressed. Specifically discussed were which standard conditions should be required: utility, out-door lighting, assessment districts, street improvements, etc. The chart from the minutes of that meeting (TABLE 1) was included in the staff report for reference.

Based on that discussion staff believes a change in use would not require conformance with any of the above listed requirements. A change of use applicant would discuss the project with staff. Staff would verify compliance with ordinances already in place. For example, non-conforming signs would have to be replaced and appropriate parking would have to be provided according to the ordinances. If there is no public purpose or public benefit achieved through processing of a permit, such as a Conditional Use Permit (CUP), Site Plan Review (SPR) or Land Use Compliance Review (LUCR) for any property proposing a change in use should there be no planning process? If so, then changes in use could be handled at the front counter and possibly through the Building Department if required.

The next item is what should be required for a physical expansion of buildings. The goal is to clearly establish which Town requirements should be imposed at what level of expansion. That could be by square footage or percentage. At the last meeting the Commission requested that staff discuss the issue with other cities. Staffed sent surveys to 20 cities and received 9 responses as indicated in the chart below.

ADELANTO	NO SQUARE FOOTAGE THRESHOLD
BARSTOW	NO SQUARE FOOTAGE THRESHOLD, REVIEWED ON CASE BY CASE BASIS
BEAUMONT	NO SQUARE FOOTAGE THRESHOLD
INDIAN WELLS	NO SQUARE FOOTAGE THRESHOLD
PALM SPRINGS	STAFF LEVEL REVIEW FOR PROJECTS UNDER 25% EXPANSION (Required improvements determined on a case by case basis)
RANCHO CUCAMONGA	NO SQUARE FOOTAGE THRESHOLD
RIALTO	NO SQUARE FOOTAGE THRESHOLD
TWENTYNINE PALMS	STAFF LEVEL REVIEW FOR PROJECTS UNDER 2500 SQUARE FEET(Required improvements are typically required, but determined on a case by case basis)
YUCAIPA	STAFF LEVEL REVIEW FOR PROJECTS UNDER 500 SQUARE FEET (Required improvements are typically required, but determined on a case by case basis)

No clear direction was indicated by these responses.

Staff asks if different levels of improvements be required for different thresholds of development. If yes, should the threshold be determined by a percentage or square footage? Should the threshold be at 500 sf you have to comply with everything, at 1,000

sf, or only comply with certain items? Or perhaps it should be at 25% expansion, 50% expansion, etc.

Another alternative approach could be the establishment of a sliding scale. The Commission could establish standards for expansions between 0 and 5,000 square feet of existing building space and limit them to a certain square footage. Perhaps a 500 sf building would only be allowed to add 500 sf. Associated with these ranges could be the level of improvements.

As an example, there is a vacant 6,700 square foot building ("PFF" Bank) located on the south west corner of SR 62 and Joshua Lane. Based on past Commission discussions, if an applicant came in today, as long as they complied with ordinances like parking, lighting and signs they would be allowed to open without any additional requirements. If they wanted to expand by 50%, should they be required to construct additional street improvements or install sidewalks? Or would that happen with a 25% or 100% addition? Where is the threshold for the requirements?

Mr. McKoy stated a change in business could affect parking, traffic flow, street lighting, etc. There are so many variables it is hard to be specific.

Ms. Rowe commented during the last discussion it was decided to separate restaurants from retail so that restaurants would have a different mechanism.

Mr. Kirschmann replied yes, the recommendation was that a Site Plan Review ("SPR") be required for restaurants. After looking at the overall discussion, staff wasn't sure that was what the Commission really wanted. If a restaurant wanted to go into the PFF building, they have appropriate parking, they will have to comply with the sign code, would it be appropriate to require the project to go through a review process? They are not adding square footage and meet the minimum of the Code. Do we want to require improvements based on the change of use? If not then there would be no public benefit to them going through the process.

Ms. Rowe stated she is not in favor of creating more red tape, however, for a change in use, if it's a clothing store and it turns into a restaurant would that not trigger a SPR?

Mr. Kirschmann replied right now staff would make that call at the counter.

Ms. Rowe asked if turning PFF into an Applebee's would be up to staff.

Mr. Kirschmann replied correct but staff may bring it to the Commission for an interpretation.

Mr. Goodpaster stated that would be a significant change in use.

Ms. Rowe replied technically it isn't because a restaurant is under retail.

Mr. Kirschmann commented the question is what is that significant change? If they have adequate parking and the improvements are in place and they are not adding any square footage, would the Commission require them to put in sidewalks or other on sight improvement? If the answer is no then what is the purpose of going through the process?

Ms. Rowe asked if going from a clothing store to a restaurant is not considered a change in use.

Mr. Stueckle stated the code does not specify exactly what each potential change is whether it is a change in use or not. Staff has to decide if the change is significant enough to take it through a public process. While development is somewhat about the actual project site, the development process is approximately 49% about the public process and the potential impact to adjoining properties, commercial or residential. Many times the impact to the public and surrounding property owners dictates going through a hearing process. He would say PFF to a restaurant would require a hearing. That is a substantial change primarily because peak traffic trips are going to be much different at a key intersection of Town.

Ms. Rowe discussed the benefits of separating restaurants from retail. Mr. Stueckle agreed the code would benefit from having more clear definitions.

Ms. Sturges commented consensus of the Commission at the previous meeting was to reclassify restaurants as not retail and require a SPR. Mr. Kirschmann referred to Yucca Plaza and Dollar Tree as examples of recent SPR projects stating those types of projects and restaurants currently require a SPR.

Ms. Sturges reviewed the discussion of changing the PFF to a restaurant and other hypothetical changes. She would like to see PFF become a restaurant.

Mr. Lombardo favors making the process as simple and lenient as possible and separating restaurants from retail, but there should be some review process. He would not like to see medical marijuana go into PFF. Mr. Kirschmann agreed, under current code, because medical is classified as retail medical marijuana could go into the PFF building, except that there is a moratorium in place.

Mr. Goodpaster likes the idea of a sliding scale to trigger requirements. Perhaps smaller projects could be based on square footage and larger projects on a percentage. He opened the discussion to public comments. There being no one wishing to speak the discussion was closed to public comments.

Mr. Kirschmann commented the Commission has been clear that for a change in use a restaurant requires some type of review and is to be changed from the retail classification. He reviewed the chart below with the Commission.

Requirements	Require Conformance
Commercial Design Guidelines ("CDG")	Consensus was No (Building does not require conformance to CDG)
Parking Ordinance	Existing regulations are adequate (Use the existing regulations to ensure the proposed business complies with those regulations) A Variance could be requested to deviate from the Standard

	The Old Town Specific Plan has provisions for shared parking
Landscaping (parking lot and site landscaping)	Consensus was for No Change (Conformance is not required for change in use)
Signage	Existing regulations are adequate (Applicant shall comply with existing regulations)
Off-site Improvements (streets/drainage)	Consensus was it is not applicable and No Change is required (no improvements required for change in use)
Assessment Districts	Consensus was they are not applicable (Not required for change in use)
On-site Retention	Not required unless the structure is altered. (Not required for change in use) Adding a basin may be physically impossible on smaller sites constrained by parking or built lot line to lot line.
Native Plants	N/A
Outdoor Lighting	Existing regulations are adequate (Applicant shall comply with existing regulation)
Utility Undergrounding	Not required if no new construction is involved (Not required for change in use)

Mr. Kirschmann asked how the above process would be changed when an existing building is being changed to a restaurant with no expansion.

Mr. Lombardo stated changes in traffic patterns and waste disposal have to be evaluated.

Mr. Goodpaster requested and received confirmation that staff is requesting direction regarding the specific commercial guidelines that would be required for that type of change.

Ms. Sturges asked what changes to the building would be required for a conversion from a bank to a restaurant.

Mr. Kirschmann replied there are town wide standards for trash bins. Are we going to require trash enclosures and double bins?

Mr. McKoy commented it depends on what the business is. It is very difficult to be specific without knowing what it is going from and to.

Mr. Lombardo stated we have to look at the size of the project.

Ms. Sturges questioned the use of the bank drive thru for food service. Mr. Kirschmann replied a drive thru restaurant would require a CUP.

Ms. Rowe questioned to cost of a SPR. Mr. Kirschmann replied \$4,000 just for the application fees which does not include engineering expenses to prepare the plans, etc. Staff would also look at CEQA requirements, street improvements and others. For a change in use would we require Joshua Lane and the Outer Hwy. to be widened?

Mr. Goodpaster stated a change to a restaurant is completely different from a change to a clothing store.

Ms. Rowe questioned a Planning Use Permit and was informed that designation is a County remnant which the Town does not use. A Land Use Compliance Review is used for up to a 500 sf or 25% expansion. After that a SPR or CUP is used.

Mr. Goodpaster requested and received confirmation that changes in color and other Commercial Design Guidelines would be reviewed as part of the SPR process.

Ms. Sturges requested and received confirmation that this discussion is just a change in use, not an expansion of the building, for all instances not just PFF.

Mr. McKoy requested and received confirmation that this focus is external not internal changes.

Ms. Rowe commented the requirements for small Mom & Pop operations should be different from those for large retail chain stores and restaurants.

Mr. Kirschmann referenced the recent change from a retail operation to a small coffee shop in an existing retail center which change in use was approved by staff. He asked if that should change when restaurants are separated from retail.

Ms. Rowe commented Mom & Pops can't afford SPRs.

Mr. Goodpaster commented with the coffee shop there were a lot of variables like parking that were already present on the site.

Mr. Lombardo commented it will improve the Town but crush growth if we require street widening, sidewalks, sewers and flood control channels. Those would cost more than the project itself.

Mr. Goodpaster commented this is the hardest issue because it is just change in use with no expansion.

Ms. Rowe suggested there should be a square footage size that would trigger a SPR but staff could have discretion on smaller projects. Mr. Kirschmann replied the Commission would have to set the square footage limit.

Ms. Stueckle commented in many cities that discretion is left with planning staff. It appears the Commission would like staff to come back with a table or matrix that is specific to existing buildings on both individual lots and in commercial centers that would show the differences in requirements. A threshold of square footage could be included.

No agency in CA has all the answers. Some of these individual questions will come out of the matrix process. For example, a change in use of 750 square feet in an existing center would not trigger street improvements. It will probably take two more meetings for the discussion.

Ms. Sturges commented, as indicated in the staff report, this approach may also be useful in establishing equity between small and large scale expansions. Mr. Kirschmann replied that statement was geared to expansions.

Moving on to a discussion of expansions of use, Mr. Stueckle used the example of the Carquest project. That is an existing business of approximately 3,500 sf and they want to add 9,000 sf. The new AM/PM being developed at the corner of Balsa and SR62 will be 1/3 the size of the Carquest expansion. AM/PM is building SR62 improvements, Balsa Ave. improvements and Sunnyslope improvements. All utilities have to be underground to the site. They are reconstructing the traffic signal at Balsa and SR62. This raises the equity and fairness issues which are not easy to reconcile. A 3,500 sf new development has to do all of those things while a 9,000 sf expansion of an existing facility doesn't. How do we find that balance between what the new guy has to do vs. the expansions, Mom & Pop vs. corporations and franchisees?

Mr. McKoy commented we should come up with a list of variables that would have an impact on that change like traffic for example.

Mr. Lombardo asked if we should have an idea of which are more valuable to the Town if we can't do it all. Would we rather have an improvement on the highway, sidewalks, landscaping or underground utilities? We should have a priority to get the biggest impact for the dollar.

Mr. Kirschmann asked if the different levels of improvements should be determined by percentage or square footage. It appears that the sliding scale will be more appropriate. If that is the preferred mechanism then thresholds should be discussed.

Mr. Goodpaster suggested the addition of 1,000 sf to an existing 5,000 sf or under as a threshold. Anything less than a 1,000 sf addition is cost prohibitive. The percentage could be 20 to 25% for existing buildings over 5,000 sf. Existing buildings the size of Walmart are completely different. A further slide could be adding 500 sf to existing buildings of up to 2,500 sf and then the 1,000 sf for buildings up to 5,000 sf.

Mr. Lombardo suggested buildings up to 5,000 could be increase up to 100%.

Mr. Goodpaster commented the discussion is about the amount of space that can be added to businesses with only limited improvements being required. This is minor expansions with minor improvements. We would not want a 1,000 sf building to be able to add 5,000 sf without making any improvements.

Mr. Lombardo commented we should do what we can to encourage expansion of existing buildings by keeping requirements to a lower cost. He would like to see flexibility in the percentage and 20% is too low. The 2,500 sf threshold is a good mark.

Ms. Sturges questioned the cost of the permits to add 1,000 sf to a 5,000 sf building.

Mr. Kirschmann replied that may be a discussion for a later date because that will tie into the review process. A Land Use Compliance Review only allows up to a 500 sf or 25% addition. That ordinance would have to be changed to allow up to 1,000 sf.

Mr. Goodpaster stated he likes the sliding scale up to 5,000 sf. We are going to have to look at design issues with existing buildings to reflect the nature of the Town. If we allow any expansion without any review or bringing the property into compliance we'll never get anything done.

Mr. McKoy commented it really depends on size and the impact the change would have on the area. That's a major variable.

Mr. Goodpaster commented adding 500 sf of storage in an industrial area would not be an issue. It would be cost prohibitive for us to add street improvements and paving. But something could be gained through compliance with other requirements. He reopened the discussion to public comments.

Bob Doremus of Rancho Mirage stated he is the mom & pop. He has already spent so much money on the Carquest project all he can do is fight. He has approached the Town Council about the in-lieu fees. All these requirements do is stop development in Town unless all we want is big corporations. It's the small business doing the most in town. He's adding 3,300 sf to a 6,000 sf building and it would have already been underway if he didn't have to widen the highway and all the other things. When he negotiated the lease with Carquest he didn't plan on all these fees. He has already spent \$120,000 and hasn't accomplished anything and will have to spend a lot more. It will take him 10 years to recover what he spent.

Mr. Goodpaster closed the discussion to public comments.

Mr. Kirschmann recapped the sliding scale as 0 to 2,500 sf will be allowed to add up to 500 sf, 2,501 to 5,000 will be allowed to add up to 1,000 sf and over 5,000 sf will be allowed to add up to 25%.

Mr. Lombardo and Ms. Rowe agreed that the larger projects should have a higher percentage.

Mr. McKoy agreed and suggested it be raised to 10,000 sf. Buildings from 5,000 to 10,000 should be allowed 25%.

Mr. Lombardo stated 25% is not enough. That would only be adding 1,000 sf to a 5,000 sf building and that's when we start asking for street improvements and other things. 1,000 sf doesn't buy you enough income from a retail business to afford that. It would make more sense if you could double the size of the business or allow a 50% expansion. But some type of review for aesthetics and design characteristics should be required. But there has to be a return on the investment for sidewalks and undergrounding, etc.

Mr. Goodpaster asked what should be done with a 100,000 sf foot building that wants to add 40%. Mr. Lombardo replied we're talking two different things. The lower categories have almost no requirements up to 2,500 sf.

Mr. Kirschmann stated his understanding of Commission direction is that 0 to 2,500 sf buildings can expand by 500 sf and not make any improvements. 2,501 to 5,000 sf buildings can expand by 1,000 sf with some improvements. This could potentially be a 2,500 sf building could expand by 500 sf with no requirements. A 5,000 sf building could expand by 1,000 sf with no requirements.

Mr. Goodpaster commented he does not mean no requirements.

Mr. Kirschmann stated there are certain ordinances that are still going to apply. We may need another table for 0 to 2,500 adding 500+ square footage where they have to do x, y and z. Staff will look at including that information on the matrix.

Mr. McKoy asked if the requirements would vary by the type of business. Mr. Kirschmann replied some won't change.

Ms. Rowe recommended the Palm Springs process of staff level review for projects under 25% and then on a case by case basis. Mr. Kirschmann replied if someone came into today to do an expansion the applicant will have to spend the money to have plans drawn before staff will look at it to determine which ordinances apply and if Planning Commission review is required.

Mr. Goodpaster stated it cleans up the process by doing this. It clarifies the situation for customers who would then know if they want expand a building this is what will be required.

Ms. Sturges commented the smaller end of the scale is going to get hashed out. Looking forward, if it reaches 5,000 sf then that puts them in a different category. The sliding scale works on the lower part but 5,001 sf should be the trigger for improvements being required. That is what is being applied to Carquest now.

Ms. Rowe stated that may be why we don't have much commercial corridor development because of the current requirements. It costs hundreds of thousands of dollars before the shovel hits the ground.

Mr. Goodpaster stated we're not going to solve this tonight and we all have a lot to think about.

Mr. Stueckle commented staff has heard the different thoughts and concepts and will return with a table so the Commissioners can discuss specific numbers by size. Mr. Kirschmann stated staff will return with a sliding scale and will try to include street and other improvements on the table.

Ms. Rowe requested examples of existing businesses which fall on the high and low ends of the spectrum be included on the table for reference.

3. MINUTES -

Mr. Lombardo moved that the minutes of the Town of Yucca Valley Planning Commission meeting held on June 16, 2009 be approved as submitted. The motion was seconded by Mr. McKoy and passed unanimously by voice vote.

STAFF REPORTS AND COMMENTS:

Mr. Kirschmann announced that building, rough grading, street improvement plans and the final map have been submitted for the Warren Vista Center.

Mr. Stueckle reported that the Town Council appropriated \$120,000 for an up-date of the Town Development Code. He anticipates the process can take 2 years. Many community issues will be debated and many late night hearings will be held.

FUTURE AGENDA ITEMS:

Mr. Stueckle stated a working draft of the revised Native Plant ordinance will be on the agenda for the first meeting in August and possibly a public hearing on Medical Marijuana.

COMMISSIONER REPORTS AND REQUESTS:

Ms. Rowe requested that a memo be sent to the Town Council regarding a revision of the Utility Underground ordinance.

Ms. Sturges complimented the detail included in the minutes of the last meeting.

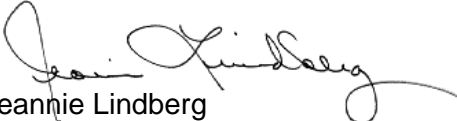
ANNOUNCEMENTS:

Mr. Goodpaster announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, August 11, 2009.

ADJOURNMENT

The meeting adjourned at 8:50 pm.

Respectfully submitted by,


Jeannie Lindberg
Administrative Assistant III