

# Agenda

# City of Loma Linda

*From the Department of Community Development*

## PLANNING COMMISSION

REGULAR MEETING OF

DECEMBER 4, 2013

7:00 p.m.

CITY COUNCIL CHAMBERS

**A. CALL TO ORDER** - Persons wishing to speak on an agenda item are asked to complete an information card and present it to the secretary. The Planning Commission meeting is recorded to assist in the preparation of the minutes, and you are, therefore, asked to give your name and address prior to offering testimony. All testimony is to be given from the podium.

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. ITEMS TO BE DELETED OR ADDED**

**E. ORAL REPORTS/PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (LIMITED TO 30 MINUTES; 3 MINUTES ALLOTTED FOR EACH SPEAKER)** - This portion of the agenda provides opportunity to speak on an item, which is **NOT** on the agenda. Pursuant to the Brown Act, the Planning Commission can take no action at this time; however, the Planning Commission may refer your comments/concerns to staff, or request the item be placed on a future agenda.

**F. NEW BUSINESS**

None.

**G. AGENDA (THREE MINUTES IS ALLOTTED FOR EACH SPEAKER PER AGENDA ITEM)**

### **PUBLIC HEARINGS**

- 1. TIME EXTENSION FOR PRECISE PLAN OF DESIGN NO. PPD 11-58 – (PUBLIC HEARING – LIMITED TO 30 MINUTES) – The applicant is requesting a one year time extension for the previously approved Precise Plan of Design (PPD) No. 11-58 to construct a new 2,500 square-foot duplex with a 630 square-foot attached garage and an attached 360 square-foot carport area on a 0.32 acre lot. The lot contains an existing single-family residence that will remain as is. The project is located at 25004 Court Street within the Multiple-Family Residence (R-3) Zone.**

**STAFF RECOMMENDATION:** Approve the request

2. **DEVELOPMENT CODE AMENDMENT NO. 13-114 – (PUBLIC HEARING – LIMITED TO 30 MINUTES) A City initiated amendment to the Loma Linda Municipal Code (LLMC), Chapter 17.44 (C-1, Neighborhood Business Zone), Section 17.44.030 – Conditional Uses, and Chapter 17.46 (C-2, General Business Zone), Section 17.46.030 – Conditional Uses, Title 17 (Zoning), to amend the current regulations relating to the on-site sale and consumption of beer and wine in conjunction with a primary restaurant use, and for hotels with a minimum of 50 rooms, in the Neighborhood Business (C-1) and General Business (C-2) zones in the City of Loma Linda.**

**Staff Recommendation:** Recommend approval to City Council.

#### **H. APPROVAL OF MINUTES – (LIMITED TO 5 MINUTES)**

1. November 6, 2013

#### **I. REPORTS BY THE PLANNING COMMISSIONERS**

#### **J. COMMUNITY DEVELOPMENT DIRECTOR REPORT**

- K. ADJOURNMENT** - Reports and documents relating to each agenda item are on file in the Department of Community Development and are available for public inspection during normal business hours, Monday through Thursday, 7:00 a.m. to 5:30 p.m. The Loma Linda Branch Library can also provide an agenda packet for your convenience.

## **PLANNING COMMISSION MEETING OF DECEMBER 4, 2013**

**TO:** PLANNING COMMISSION

**FROM:** KONRAD BOLOWICH, ASSISTANT CITY MANAGER  
COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR

**SUBJECT:** One Year Time Extension of Precise Plan of Design PPD No. 11-58

### **SUMMARY**

The Applicant is requesting a one year time extension from September 7, 2013 to September 7, 2014 for the previously approved Precise Plan of Design (PPD) No. 11-58 to construct a new 2,500 square-foot duplex with a 630 square-foot attached garage and an attached 360 square-foot carport area on a 0.32 acre lot. The lot contains an existing single-family residence that will remain as is. The project is located at 25004 Court Street within the Multiple-Family Residence (R-3) Zone.

### **BACKGROUND**

On September 7, 2011, the Planning Commission approved PPD No. 11-58 for the above mentioned project.

On September 5, 2012, the Applicant submitted a one-year time extension request.

On October 3, 2012, the Planning Commission approved the time extension request

On September 30, 2013, the Applicant submitted a one-year time extension request.

### **ANALYSIS**

The Applicant is requesting a one-year extension in order to obtain building permits for the above mentioned project. As with the previous time extension request, the Applicant has indicated that due to the economic downturn, he has been unable to secure financing for the proposed project. The Applicant has indicated that the lender is hesitant "to loan out money to an existing house for the added duplex when it's underwater".

The Applicant is not proposing to change scope of the project. The approved conditions of approval allow the applicant to submit a request for a one-time extension not to exceed 12 months.

## **ENVIRONMENTAL**

On September 7, 2011, the Planning Commission determined that construction of the new duplex is exempt from CEQA pursuant to the CEQA Guidelines § 15303(b), which provides a Class 3 Categorical Exemption for new construction of up to six dwelling units in urbanized areas. The request for a Time Extension falls within the scope of the approved project and as such, no additional environmental review is required.

## **RECOMMENDATION**

Staff recommends that the Planning Commission approve a one year time extension (October 3, 2012 to October 3, 2013) for PPD No. 11-58 based on the analysis and original project Findings (Exhibit A) and subject to the Revised Conditions of Approval (Exhibit B).

Report prepared by:

Guillermo Arreola  
Associate Planner

## **EXHIBITS**

- A – September 7, 2011 Planning Commission Staff Report, Vicinity Map, Plans
- B – Revised Conditions of Approval
- C – Applicant's Time Extension Request

# Staff Report City of Loma Linda

From the Department of Community Development

## PLANNING COMMISSION MEETING OF SEPTEMBER 7, 2011

**TO:** PLANNING COMMISSION

**FROM:** KONRAD BOLOWICH,  
DIRECTOR

**SUBJECT:** PRECISE PLAN OF DESIGN (PPD) NO. 11-58

### SUMMARY

The applicant is requesting to construct a new 2,500 square-foot duplex with a 630 square-foot attached garage and an attached 360 square-foot carport area on a 0.32 acre lot located at 25004 Court Street. The lot contains an existing single-family residence that will remain as is. The project is located within a Multiple-Family Residence (R-3) Zone.

### RECOMMENDATION

The recommendation is that the Planning Commission approve Precise Plan Design (PPD) No. 11-58 based on the Findings and subject to the attached Conditions of Approval (Attachment 1C).

### BACKGROUND

On July 6, 2011, the Planning Commission reviewed the project and requested that the applicant address specific design concerns that were raised during the public hearing. The Planning Commission had some concerns about the site layout, the layout of the floor plan and the lack of individual laundry facilities. Based on the preceding, the project was continued to the July 20, 2011 meeting. The applicant was not able to complete the revised plan on time for the July 20, 2011 meeting so as a result the project was continued to the Planning Commission meeting that was scheduled for September 7, 2011.

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STATUS

The construction of the new duplex is exempt from CEQA pursuant to the CEQA Guidelines § 15303(b), which provides a Class 3 Categorical Exemption for new construction of up to six dwelling units in urbanized areas.

**EXHIBIT – A**

A detailed chronology of the project review process and landmark dates are available for review in Attachment 1, Planning Commission Staff Report (July 6, 2011).

## **ANALYSIS**

### **Site Layout**

As indicated, the Planning Commission was concerned that the layout of the site was not optimal for the proposed use. According to the applicant of the project, the layout of the lot was influenced by the owner's interest of preserving the existing mature trees onsite. The revised plan proposes to eliminate the trash enclosure which would accommodate additional landscaping in its place. (Attachment 2).

### **Floor Plan**

Planning Commission had some concerns over the layout of the floor plan and felt that there was a lot of wasted space. The architect for the project felt that the floor plan was adequate. However, the applicant did revise the floor plan which relocated the bathroom on the first floor of Unit B. Additionally, a laundry facility was added on the second floor deck adjacent to Unit B.

A detailed staff analysis of the project is available in the July 6, 2011 Planning Commission Staff Report (Attachment 1).

## **CONCLUSION**

Staff recommends approval of the project because the project is in compliance with the General Plan and the LLMC Code requirements. The applicant has worked diligently to address the concerns of the Planning Commission. The proposed duplex is compatible with the existing and future uses in the surrounding area. And as previously mentioned, the project is exempt from CEQA requirements

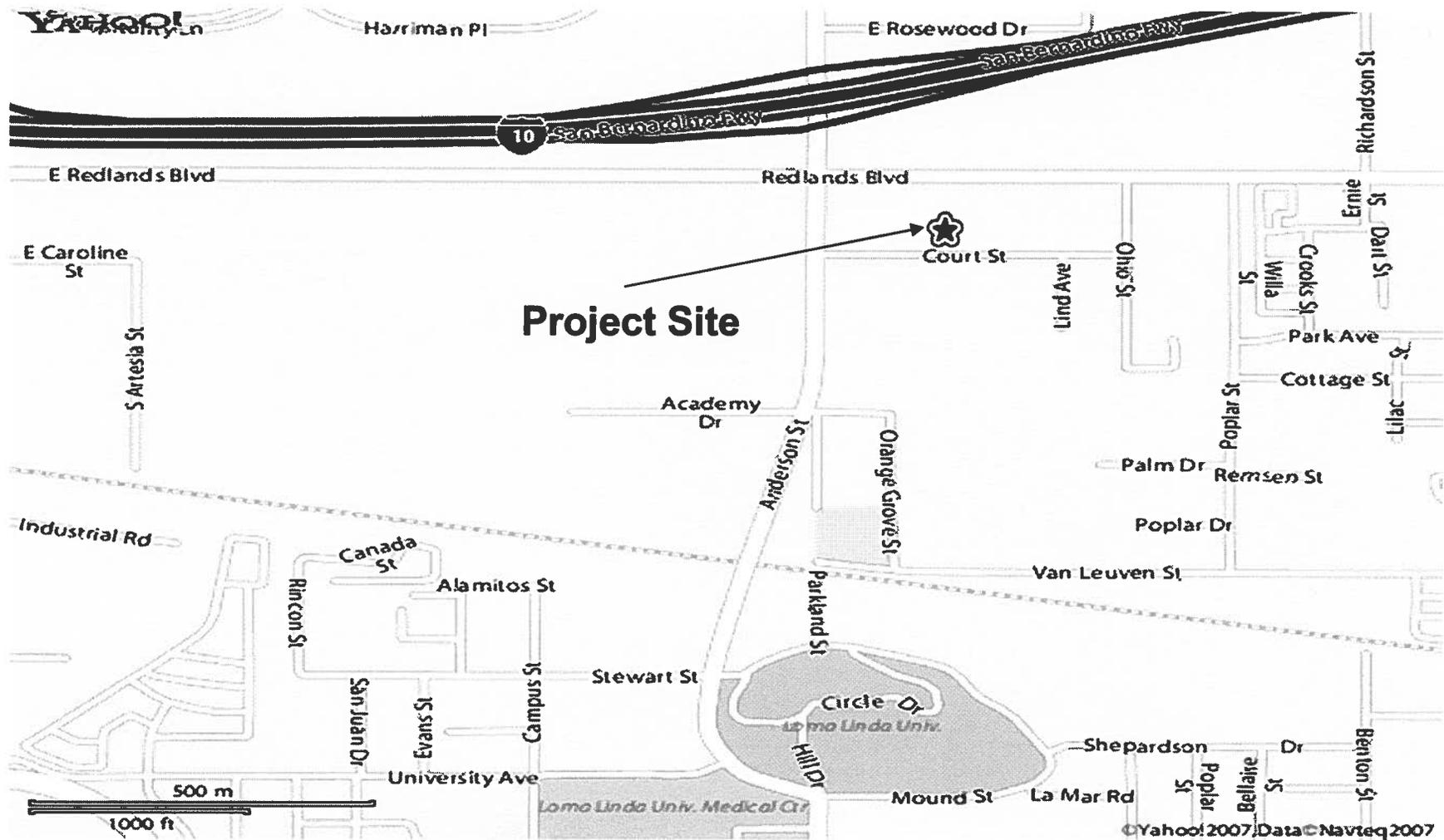
Staff Report prepared by:

Allan Penaflorida,  
Assistant Planner

## **ATTACHMENTS**

1. Planning Commission Staff Report (July 6, 2011)
  - A. Vicinity Map
  - B. Project Plans
  - C. Conditions of Approval
2. Revised Project Plans

# Vicinity Map



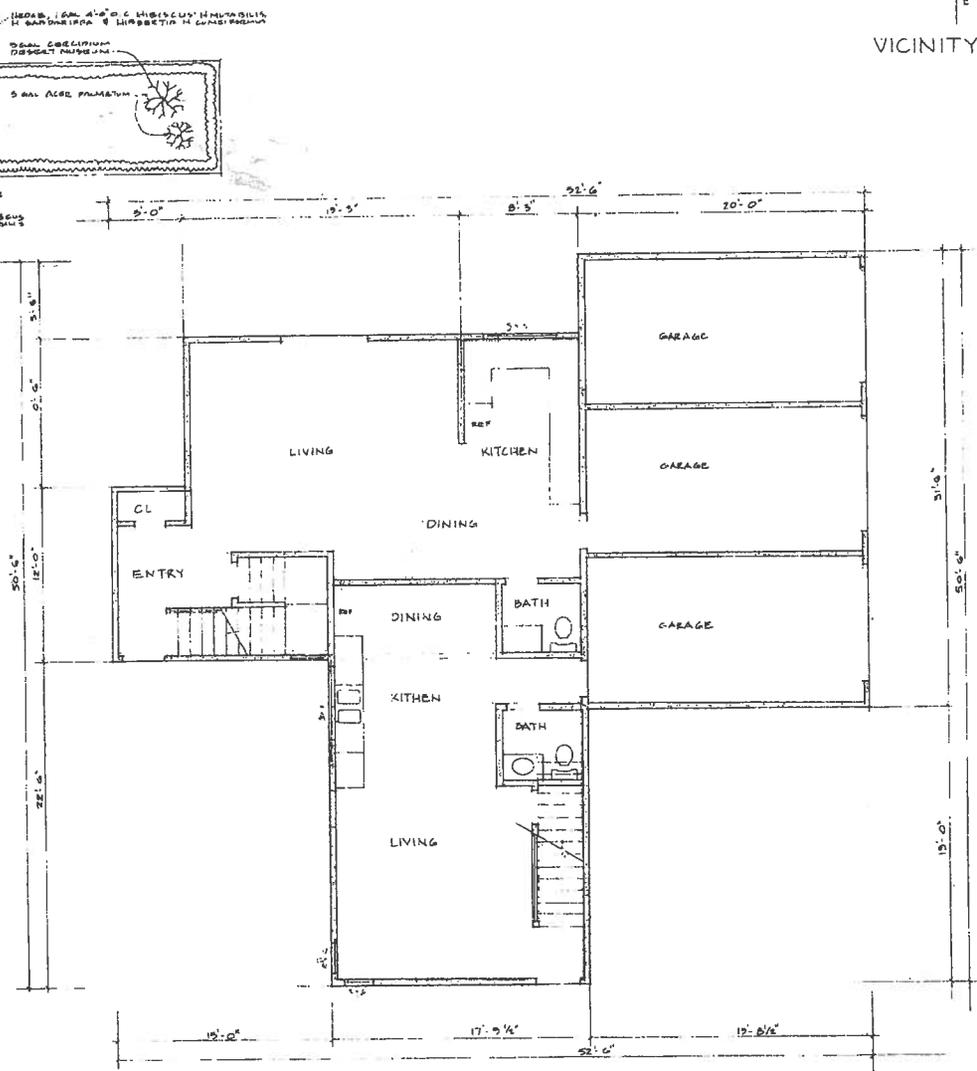
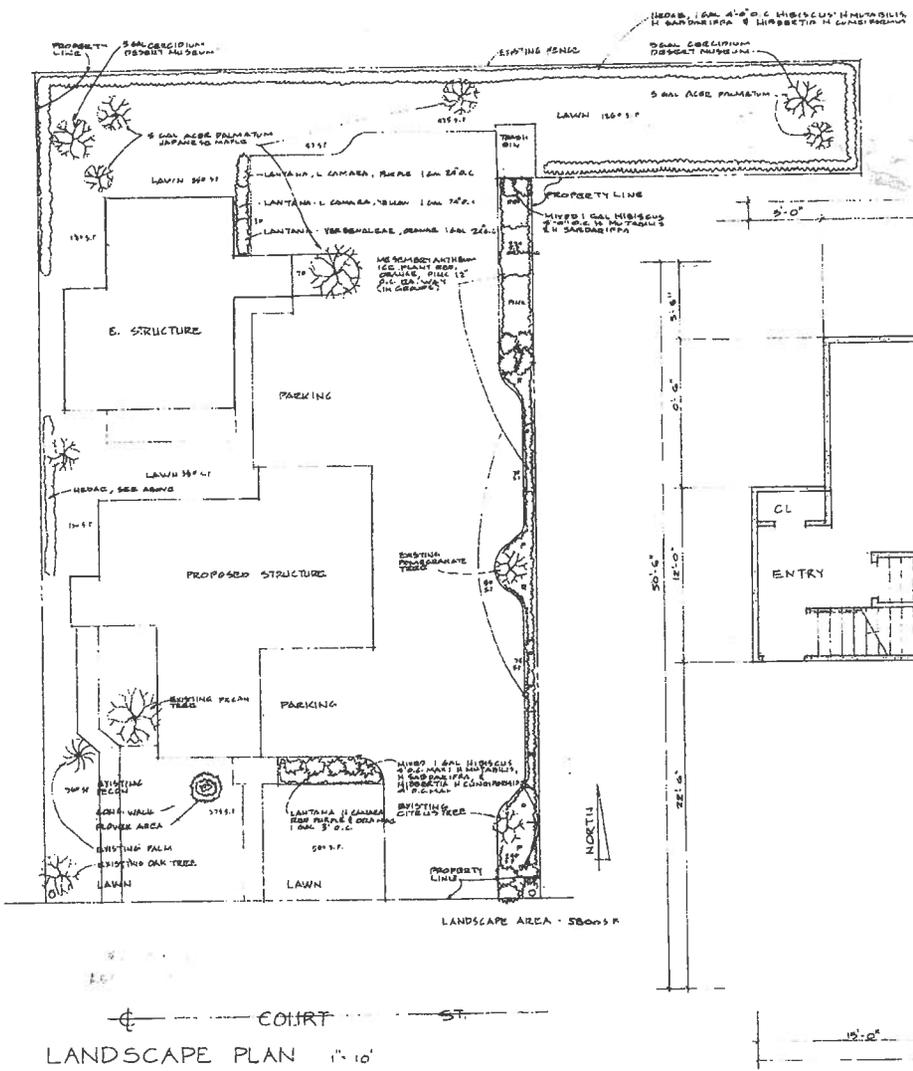
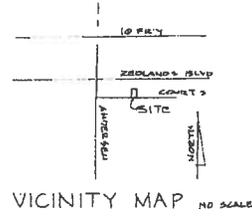
REVISION  
DATE:

JONATHAN L. ZANE  
ARCHITECTURE



NOTICE:  
This design and ideas indicated by these drawings were prepared for the use of the client, PATRICIA H. SELL, 2500 N. COLLETT ST. Jonathan L. Zane, Architect, Tallahassee, Florida.

DATE:  
SCALE:  
DRAWN:  
JOB:  
SHEET:



FIRST FLOOR PLAN 1/4" = 10' 1000 S.F.





**CONDITIONS OF APPROVAL  
PRECISE PLAN OF DESIGN (PPD) NO. 11-58**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**General**

1. Within one year of this approval, the Precise Plan of Design shall be exercised by substantial construction or the permit/approval shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the permit/approval shall become null and void.

**PROJECT:**  
**PPD NO. 11-58**

**EXPIRATION DATE:**  
**September 7, 2014**

2. The review authority may, upon application being filed 30 days prior to the expiration date and for good cause, grant a one-time extension not to exceed 12 months. The review authority shall ensure that the project complies with all current Development Code provisions.
3. In the event that this approval is legally challenged, the City will promptly notify the applicant of any claim or action and will cooperate fully in the defense of the matter. Once notified, the applicant agrees to defend, indemnify, and hold harmless the City, Redevelopment Agency (RDA), their affiliates officers, agents and employees from any claim, action or proceeding against the City of Loma Linda. The applicant further agrees to reimburse the City and RDA of any costs and attorneys fees, which the City or RDA may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition.
4. Construction shall be in substantial conformance with the plan(s) approved by the Planning Commission. Minor modification to the plan(s) shall be subject to approval by the Director through a minor administrative variation process. Any modification that exceeds 10% of the following allowable measurable design/site considerations shall require the refilling of the original application and a subsequent hearing by the appropriate hearing review authority if applicable:
  - a. On-site circulation and parking, loading and landscaping;
  - b. Placement and/or height of walls, fences and structures;
  - c. Reconfiguration of architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme; and,
  - d. A reduction in density or intensity of a development project.
5. No vacant, relocated, altered, repaired or hereafter erected structure shall be occupied or no change of use of land or structure(s) shall be inaugurated, or no new business commenced as authorized by this permit until a Certificate of Occupancy has been issued by the Building Division. A Temporary Certificate of Occupancy may be issued by the Building Division subject to the conditions

**EXHIBIT – B**

imposed on the use, provided that a deposit is filed with the Community Development Department prior to the issuance of the Certificate, if necessary. The deposit or security shall guarantee the faithful performance and completion of all terms, conditions and performance standards imposed on the intended use by this permit.

6. This permit or approval is subject to all the applicable provisions of the Loma Linda Municipal Code, Title 17 in effect at the time of approval, and includes development standards and requirements relating to: dust and dirt control during construction and grading activities; emission control of fumes, vapors, gases and other forms of air pollution; glare control; exterior lighting design and control; noise control; odor control; screening; signs, off-street parking and off-street loading; and, vibration control. Screening and sign regulations compliance are important considerations to the developer because they will delay the issuance of a Certificate of Occupancy until compliance is met. Any exterior structural equipment, or utility transformers, boxes, ducts or meter cabinets shall be architecturally screened by wall or structural element, blending with the building design and include landscaping when on the ground.
7. The applicant shall comply with all of the Public Works Department requirements for recycling prior to issuance of a Certificate of Occupancy.
8. During construction of the site, the project shall comply with Section 9.20 (Prohibited Noises) of the Loma Linda Municipal Code and due to sensitive receptors in the surrounding neighborhood, construction activities shall be further restricted to cease between the hours of 6:00 p.m. and 7:00 a.m.
9. All Development Impact fees shall be paid to the City of Loma Linda prior to the issuance of any Building and/or Construction Permits.
10. Prior to issuance of any Building and/or Construction Permits, the applicant shall submit to the Community Development Department proof of payment or waiver from both the City of San Bernardino for sewer capacity fees and Redlands Unified School District for school impact fees.
11. The applicant to pay all required development impact fees to cover 100 percent of the pro rata share of the estimated cost of public infrastructure, facilities, and services.
12. To meet the City's affordable housing requirement, the proposed project is subject to an approved Development Agreement between the applicant and the Loma Linda Redevelopment Agency. Please contact Pam O'Camb, City Clerk and Redevelopment Agency Secretary at (909) 799-2819 for further information.
13. The developer shall provide infrastructure for the Loma Linda Connected Community Program, which includes providing a technologically enabled development that includes coaxial, cable and fiber optic lines to all outlets in each unit of the development. Plans for the location of the infrastructure shall be provided with the precise plan of design, which includes providing a technologically enabled development that includes coaxial, cable, and fiber optic lines to all outlets in each unit of the development. Plans for the location of the infrastructure shall be provided

with the precise grading plans and reviewed and approved by the City of Loma Linda prior to issuing grading permits.

14. The project shall comply with the City Art in Public Places Ordinance (LLMC Chapter 17.26), which establishes grounds for compliance for new enterprises to facilitate public art. The establishment of artistic assets will be financed and/or constructed by the development community as part of the development requirements.
15. The project shall comply with all non-exempt provisions of Measure V and shall pay the full amount or any recalculated development impact fees, including traffic impact fees, prior to occupancy.

### **Landscaping**

16. Final landscape and irrigation plans shall be in substantial conformance with the approved conceptual landscape plan and these conditions of approval. Any and all fencing shall be illustrated on the final landscape plan.
17. Landscape plans shall depict the utility laterals, concrete improvements, and tree locations. Any modifications to the landscape plans shall be reviewed and approved by the Public Works and Community Development Departments prior to issuance of permits.
18. The applicant, property owner, and/or business operator shall maintain the property and landscaping in a clean and orderly manner and all dead and dying plants shall be replaced with similar or equivalent type and size of vegetation.

### **FIRE DEPARTMENT**

19. All construction shall meet the requirements of the editions of the 2010 California Building Code (CBC) and the 2010 California Fire Code (CFC)/International Fire Code (IFC) as adopted and amended by the City of Loma Linda and legally in effect at the time of issuance of building permit.
20. Pursuant to CFC Section 903, as amended in Loma Linda Municipal Code (LLMC) Sections 15.28.230-450, the building(s) shall be equipped with automatic fire sprinkler system(s). Pursuant to CFC Section 901.2, plans and specifications for the fire sprinkler system(s) shall be submitted to Fire Prevention for review and approval prior to installation. Fire flow test data for fire sprinkler calculations must be current within the last 6 months. Request flow test data from Loma Linda Fire Prevention at (909) 799-2859.
21. Fire Department Impact Fees shall be assessed according to the rate legally in effect at the time of building permit issuance. Pursuant to LLMC Chapter 3.28, plan check and inspection fees shall be collected at the rates established by the City manager's Executive Order.

### **PUBLIC WORKS DEPARTMENT**

22. The developer shall submit an engineered grading plan for proposed project.

23. All utilities shall be underground. The City of Loma Linda shall be the sewer purveyor.
24. All public improvement plans shall be submitted to the Public Works Department for review and approval.
25. Any damage to existing improvements as a result of this project shall be repaired by the applicant to the satisfaction of the City Engineer.
26. Prior to issuance of grading permits, the applicant shall submit to the City Engineer a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) shall be submitted to the City Engineer for coverage under the NPDES General Construction Permit.
27. All site drainage shall be handled on-site and shall not be permitted to drain onto adjacent properties. An erosion/sediment control plan and a Water Quality Management Plan are required to address on-site drainage construction and operation.
28. All necessary precautions and preventive measures shall be in place in order to prevent material from being washed away by surface waters or blown by wind. These controls shall include at a minimum: Regular wetting of surface or other similar wind control method, installation of straw or fiber mats to prevent rain related erosion. Detention basin(s) or other appropriately sized barrier to surface flow must be installed at the discharge point(s) of drainage from the site. Any water collected from these controls shall be appropriately disposed of at a disposal site. These measures shall be added as general notes on the site plan and a statement added that the operator is responsible for ensuring that these measures continue to be effective during the duration of the project construction.

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Applicant signature

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Date

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Owner signature

End of Conditions

# APPLICANT'S LETTER

RECEIVED

NOV 19 2013

City of Loma Linda  
Comm. Dev. Dept.

**Project:** 2500 sq ft of New duplex on a super size lot

**Address:** 25004 Court St., Loma Linda, CA 92354

**Applicant:** Patrick Hsu, 12660 Valley View lane, Redlands, CA 92373

The time extension is to reflect the climate of both the nation wide financial environment and the real estate market.

In the past, no lender is willing to consider lending for any real property, regardless residential or commercial. So glad to see the turn around of mortgage practice which has made the new project mortgage wide feasible even though the rate is still much higher than the prevailing interest rate in the mortgage for the purchase of a house.

A much higher demand in owning a property is turning the depressed market to a warm to hot real estate market. In the same proportion, the equity in most property has gain ground to be steadily increased recently. Without a higher equity in the property, the lender would hesitate to loan out money to an existing house for the added duplex when it's under water.

Both rental house and apartment units are low in supply. My project would add two more units of three bedroom condo to this tight market to benefit the medical and health professions in the Loma Linda. When the availability of buildable lots are limited, to add more units from the super size lot would be the logic to city and consumers.

Timing is everything in real estate. Hope city would grant me the opportunity to make the new duplex possible through the time extension.

EXHIBIT – C

# Staff Report

# City of Loma Linda

From the Community Development Department

## **PLANNING COMMISSION MEETING OF DECEMBER 4, 2013**

TO: Planning Commission

FROM: Konrad Bolowich, Assistant City Manager

SUBJECT: Development Code Amendment (DCA) 13-114 – Regulations Relating the on-site sale of beer and wine in conjunction with restaurants and hotels with a minimum of 50 rooms located in the Neighborhood Business (C-1) and General Business (C-2) zones in the City of Loma Linda

### **RECOMMENDATION**

It is recommended that the Planning Commission recommend approval of Development Code Amendment (DCA) 13-114 to the City Council.

### **BACKGROUND**

The Council has directed staff to amend the development code which currently limits the sale of on-site beer and wine to restaurants that serve food as a matter of complete table service only. The Council expressed concern that this regulation limited the City's ability to attract restaurants that provide high quality service, but do not comply with the complete table service requirement.

### **ANALYSIS**

Complete Table Service is a dining experience where a patron is seated at a table, and restaurant staff takes the order at the table, delivers the food to the table, and all exchanges and transactions occur at the table. Historically, people associate high quality restaurants with complete table service, and such service is typically associated with the ability to enjoy beer or wine as part of the meal. In the past decade, high quality establishments have evolved that do not offer complete table service, yet provide a dining environment suitable to consumption of beer and wine as part of the dining experience. Restaurants such as Panera, Chipotle, and Native Foods are examples of establishments which require conducting some portion of the dining transaction at a service counter, or away from the table, while at the same time providing high quality food and service. These establishments provide a diverse yet high quality dining experience, and allow for an environment where beer and wine can reasonably be part of the dining experience. Removing the complete table service requirement from the code will allow the City to attract more diverse restaurants that may offer a different type of restaurant experience.

Staff has also added a regulation that allows hotels with over 50 rooms to offer beer and wine for on-site consumption. Typical large hotels that cater to a longer term or upscale

occupant require some form of beer and wine service independent of food service as part of their business model. Holiday Inn, Marriott, Hilton, Doubletree, Westin, and Hyatt are all brands that require this type of amenity as part of their business model. Patrons of these amenities are typically guests of the facility and transient use of these facilities is rare. This would allow the City to attract a wider variety of hotels and attract a larger number of visitors, meeting an unfilled need for hospitality services to support our core industries.

The proposed development code amendment complies with Section 2.0 – Land Use Element of the Loma Linda General Plan, and more specifically:

Section 2.2.4.1 Commercial/Office Guiding Policy:

- Attract new, and maintain existing, commercial and office uses to better serve the retail and services needs of the community, to keep the sales tax revenues from purchases by the Loma Linda community from going elsewhere, to reduce the length of trips necessary to meet retail and service needs, and to expand employment opportunities within the community.

Commercial/Office Implementing Policies (c):

- Encourage a greater variety of visitor/service commercial uses to better serve the community.

## **ENVIRONMENTAL**

This ordinance is categorically exempt from environmental review pursuant to Sections 15060 and 15061(b) (3) of the California Environmental Quality Act (“CEQA”) because adding and amending sections of the existing Land Use Code to further and establish regulations related to the on-site sale of beer and wine and at hotels with 50 rooms or more cannot result in direct or reasonably foreseeable indirect adverse physical changes in the environment.

## **FINANCIAL IMPACT**

It is unknown how many additional establishments would locate in Loma Linda due to this ordinance. It is estimated that each new restaurant will provide approximately \$8,000.00 in sales tax revenue per location, and that an approximately 100 room hotel would provide approximately \$250,000.00 in Transit Occupancy Tax.

## **CONCLUSION**

Approval of this ordinance will provide a greater variety of hospitality services to the City, and will provide additional sales tax revenues relative to the types of services which relocate to the City.

## **EXHIBIT**

- Draft Ordinance

ORDINANCE \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA AMENDING CHAPTERS 17.44 AND 17.46 TO REVISE THE REGULATIONS RELATED TO RESTAURANTS AND THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH RESTAURANTS, AND FOR HOTELS WITH A MINIMUM OF 50 ROOMS LOCATED IN THE NEIGHBORHOOD BUSINESS (C-1) ZONE AND GENERAL BUSINESS (C-2) ZONE IN THE CITY OF LOMA LINDA

**WHEREAS**, the City of Loma Linda presently restricts the sale of beer and wine to restaurants that serve food as a matter of complete table service only;

**WHEREAS**, the City of Loma Linda presently prohibits bar service at any location;

**WHEREAS**, the City of Loma Linda recognizes that the continued success of businesses focused on food services and sales (i.e. restaurants) is an important component for success in the City's goal to attract new, and maintain existing, commercial and office uses to better serve the retail and service needs of the community;

**WHEREAS**, the City of Loma Linda recognizes that the sale of beer and wine in conjunction with a hotel restaurant advances the City's ability to attract a greater variety of visitor/service commercial uses to better serve the community (e.g. hotels and extended-stay suites...);

**WHEREAS**, the City of Loma Linda has received multiple requests from business owners wishing to serve beer and wine for consumption on premises in conjunction with bona fide eating establishments that do not have complete table service;

**WHEREAS**, the City of Loma Linda recognizes that businesses where the sale of beer and wine in conjunction with a bona fide eating establishment is incidental to the sale of food and may still provide a safe, family-friendly atmosphere with minimal impact to surrounding land uses; and

**WHEREAS**, the current restriction of on-sale of beer and wine in conjunction with restaurants that serve food as a matter of complete table service, may hamper the City's goal of a diverse restaurant base with distinct neighborhood food service personalities comprised of a mix of restaurant types for the enjoyment and health of residents, workers, students, and visitors; and

**WHEREAS**, the City Council finds that this ordinance is categorically exempt from environmental review pursuant to Sections 15060 and 15061(b) (3) of the California Environmental Quality Act ("CEQA") because adding and amending sections of the existing Land Use Code to amend existing regulations on the sale of beer and wine in conjunction with a bona fide eating establishment with food as a matter of complete table service cannot result in direct or reasonably foreseeable indirect adverse physical changes in the environment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 17.44.030(C)(9) (Other Such Uses, Conditional Uses), of Chapter 17.44 – C-1 Neighborhood Business Zone, of the Loma Linda Development Code is hereby amended to read as follows:

**17.44.030 – Conditional Uses**

**C. Other Such Uses:**

- 9. On-site sale and** consumption of beer and wine beverages ~~provided this use is in~~ conjunction with the primary use of a restaurant, **provided:**
  - a.** The restaurant shall have a minimum floor area of two thousand square feet or greater. ~~minimum of two thousand square feet or greater floor area:~~
  - ~~**b.** The restaurant serves food as a matter of complete table service only.~~
  - b.** Service of beer and wine is in conjunction with the service of food.
  - c.** No separate bar service for the sale of ~~alcoholic beverages~~ **beer, wine and spirits** is permitted.

**SECTION 2.** Chapter 17.46.30 (Conditional Uses) of Chapter 17.46 – C-2 General Business Zone, of the Loma Linda Development Code, are hereby amended to read as follows:

**17.46.030 – Conditional Uses**

- R. On-site sale and** consumption of beer and wine beverages ~~provided this use is in~~ conjunction with the primary use of a restaurant, **provided:**
  - a.** The restaurant shall have a minimum floor area of two thousand square feet or greater. ~~minimum of two thousand square feet or greater floor area:~~
  - ~~**b.** The restaurant serves food as a matter of complete table service only.~~
  - b.** Service of beer and wine is in conjunction with the service of food.
  - c.** No separate bar service for the sale of ~~alcoholic beverages~~ **beer, wine and spirits** is permitted, *except if it is in conjunction with a hotel with a minimum 50 rooms.*

**SECTION 3.** Effective Date. This ordinance shall take effect on the 31<sup>st</sup> day following its adoption.

\*\*\*\*\*

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Loma Linda on the \_\_\_th day of Month Year, and legally adopted on the \_\_\_th day of Month Year, by the following vote, to wit:

Council names, votes.

## Planning Commission

Regular Meeting of November 6, 2013

A regular meeting of the Planning Commission was called to order by Chairman Nichols at 6:00 p.m., Wednesday, November 6, 2013, in the City Council Chambers, 25541 Barton Road, Loma Linda, California.

**Commissioners Present:** John Nichols, Chairman  
Miguel Rojas, Vice Chairman  
Carolyn Palmieri  
Nikan Khatibi

**Staff Present:** Konrad Bolowich, Assistant City Manager  
Guillermo Arreola, Associate Planner  
Gilbert Garza, Code Compliance/Animal Control Officer  
Richard Holdaway, City Attorney

The Commission recessed at 6:01 to tour Blossom Grove Memory Care Facility.

The Commission reconvened at 7:00 p.m.

Chairman Nichols led the Pledge of Allegiance.

No items were added or deleted; however, Assistant City Manager Bolowich did indicate that the public hearing for the proposed Development Code Amendment No. 13-114 relating to the on-site sale and consumption of beer and wine in conjunction with a primary restaurant use, and for hotels with a minimum of 50 rooms, in the Neighborhood Business (C-1) and General Business (C-2) zones in the City of Loma Linda had been advertised but inadvertently left off the agenda. It would appear on the December 4 meeting agenda. Chairman Nichols made note and no member of the public was present to speak on the issue.

Upon invitation of the Chairman, Dick Wiley addressed the Commission extending an invitation to the History Fair scheduled for November 17, 2013 in the Senior Center.

**CE 13-21 – PUBLIC NUISANCE – A HEARING TO DETERMINE IF A PUBLIC NUISANCE EXISTS AT 26451 E. FIRST STREET (APN 0293-032-20), AND CONSIDERATION OF ADOPTION OF WRITTEN FINDINGS AND NOTICE TO ABATE**

Chairman Nichols introduced the item and opened the nuisance abatement hearing.

Code Compliance Officer Gilbert Garza presented the staff report into evidence. He confirmed for Commissioners that the property was vacant, with the exception of an occasional transient; there were no electrical, gas or water connections; and that contact with the owner's daughter had not resulted in compliance.

Assistant City Manager indicated that a finding from the Commission that a nuisance exists allows staff to obtain an abatement warrant from a judge, giving the City authority to abate the nuisance, with the cost of the abatement placed as a lien on the property. He also confirmed that the time frames for the abatement were outlined in Exhibit M of the staff report.

No comments were offered by the public and Chairman Nichols closed the public hearing.

**Motion by Khatibi, seconded by Rojas and unanimously carried to adopt the Findings of Nuisance and Notice to Abate as outlined in the staff report and exhibits.**

**CE-13-22 – PUBLIC NUISANCE – A HEARING TO DETERMINE IF A PUBLIC NUISANCE EXISTS AT A VACANT PARCEL (APN 0283-245-12) LOCATED BETWEEN 25370 MEAD STREET AND 10741 JASMINE STREET, AND CONSIDERATION OF ADOPTION OF WRITTEN FINDINGS AND NOTICE TO ABATE**

Chairman Nichols introduced the item and opened the nuisance abatement hearing.

Code Compliance Officer Gilbert Garza presented the staff report into evidence. He confirmed for the Commissioners that there is no evidence of a recorded easement, and access to the parcel would be through the neighboring yard; staff had no idea of the contents of the storage container; and that contact was made via email by the previous Code Enforcement Officer with the owner's son, and did not result in compliance.

No comments were offered by the public and Chairman Nichols closed the public hearing.

**Motion by Nichols, seconded by Khatibi and unanimously carried to adopt the Findings of Nuisance and Notice to Abate as outlined in the staff report and exhibits.**

**PC-13-23 – PRECISE PLAN OF DESIGN NO. 13-066 – A REQUEST TO CONSTRUCT A FOUR-STORY, 52,937 SQUARE FOOT HOLIDAY INN EXPRESS HOTEL ON A VACANT SITE (APN 0281-162-37), LOCATED ON THE NORTH SIDE OF REDLANDS BOULEVARD. THE PROPOSED HOTEL INCLUDES 85 ROOMS AND ASSOCIATED ON-SITE IMPROVMENTS. THE PROJECT SITE IS LOCATED WITHIN THE EAST VALLEY CORRIDOR SPECIFIC PLAN/GENERAL COMMERCIAL (EVC/CG) ZONE**

Chairman Nichols introduced the item and opened the public hearing.

Associate Planner Guillermo presented the staff report into evidence. He indicated that the applicant was available to address any questions or concerns the Commissioners may have.

Chairman Nichols asked about the undeveloped land to the north and east of the proposed project and possibilities for development. Staff responded that a consolidation of lots was possible. Two parcels to the east were owned by the City and there are discussions to do some land swaps and lot mergers to create contiguous lots that are more functional.

Other questions and concerns from Commissioners included:

- Possible landscaping of the rear portion of the vacant lot between proposed project and the freeway;
- Possible secondary/emergency access from Richardson Street;
- Left turns from Redlands Boulevard holding up traffic;
- The Commission would like to see more articulation on the elevations, particularly on the north elevation seen from the freeway;
- Plant additional trees to help with sun exposure along the west façade;
- Modify the driveway entrance to include a slight curve to the driveway and provide additional landscaping in order to create a grander entrance.

Staff and applicant responded:

- Costly to add irrigation, however, something that is not cost or water intensive might be an option such as hydroseeding with wildflower seed;
- Secondary emergency access was provided through an existing easement from the auto center to the west of the subject site, as indicated on the site plan;

- A left turn lane already existed on Redlands Boulevard;
- Focus was placed at the Redlands Boulevard entrance to the hotel; from the freeway, motorists will see mainly the landscaping, signage, cornices and roofline;
- With regards to shading, windows are Low-E glass; west elevation does include a number of jogs in the elevation not readily apparent in the rendering;
- Regarding driveway placement, one of the primary objectives was to present as much frontage to Redlands Boulevard as possible; from the City's perspective, the driveway was placed to line up with the Poplar Street intersection to avoid an off-set intersection; applicant stated he was willing to work with staff to see what could be done to make the entrance stand out, possibly a water feature and additional landscaping.

In response to the question regarding a master plan for this project and adjacent lots, Assistant City Manager Bolowich indicated that future use is at this point unknown; however it could include a possible fire station/training center and some City uses.

Discussion ensued regarding the driveway and possibly reorienting the parking on the west side of the project from the east to the west side of that driveway, with larger islands to accommodate bigger trees. It was pointed out that guest would then have to cross the path of traffic. Consensus was to have the applicant work with staff as to the best possible configuration.

Applicant thanked staff for making the process smooth and that they were agreeable to work with staff on the issues raised by the Commissioners.

Upon invitation of the Chairman, Dick Wiley spoke, suggesting the possibility of incorporating solar panels on the roof.

Chairman Nichols closed the public hearing.

Assistant Planner Guillermo confirmed that Commission was agreeable to having applicant continue to work with staff on exploring the recommendations of the Commissioners versus bringing the project back to the Planning Commission.

**Motion by Khatibi, seconded by Rojas and unanimously carried to approve staff recommendations to adopt the Mitigated Negative Declaration and approve PPD No. 13-066 based on the Findings and subject to the Conditions of Approval; and the applicant to continue working with staff to explore alternatives to the driveway entrance, parking and landscaping on the west side of the project.**

#### **PC-13-24 – Approval of Minutes of August 7, 2013**

**Motion by Rojas, seconded by Khatibi and carried to approve the minutes of August 7, 2013 as presented.**

#### **REPORTS BY PLANNING COMMISSIONERS**

Commissioner Rojas asked about the banner signs at McDonalds. Assistant City Manager Bolowich responded that the City Sign Codes allow for temporary signage such as this.

Commissioner Khatibi indicated that the new parking structure was open and appeared to be working well.

Chairman Nichols confirmed with Assistant City Manager that City Council should be making a decision regarding appointment to the vacant Commissioner position at its next meeting.

Chairman Nichols requested that Commissioners be notified of items that would normally fall under their purview, but due to conflicts of interest among the Commissioners, are moved directly to the City Council.

**REPORTS BY STAFF**

VA Healthcare Center project has been reviewed by the Historical Commission; staff anticipates that this project should be presented before the Commission either in February or March.

The environmental process has begun for the Campus Master Plan; the Environmental Initial Study (EIR) would normally be reviewed by the Planning Commission, however, due to conflicts of interest among the Commissioners, the Campus Master Plan and EIR will go directly before the City Council for review and approval.

In response to a question regarding a Commissioner's capacity when speaking at a City Council meeting on those projects that bypass the Planning Commission due to conflicts of interest, City Attorney Holdaway recommended that if a Commissioner has a conflict of interest, that they not attempt to influence the decision of the City Council in any way. Typically, speaking as a private citizen, it relates to a matter where one has a personal interest, i.e. your home or property; when it relates to your employer or source of income: it is usually better that you not participate, even at the Council level. When one takes a public position they become subject to the Political Reform Act and the Fair Political Practices Commission may look at that role and determine that one is acting in an official capacity and therefore subject to those rules. One does lose some of the leeway that a private citizen would have who does not hold a position of responsibility in the local agency's governance. Mr. Holdaway did indicate that he takes a fairly conservative approach to avoid any potential appearance of a conflict of interest; however, he could look into the matter further when the time comes. He continued that the Rule of Necessity applies at the City Council level as the final body that must act on the application, allowing some Councilmembers to vote despite a conflict of interest. Commissioners were welcome to consult with the FPPC.

Associate Planner Guillermo indicated that the next meeting would be December 4, and due to the New Year's Day holiday, recommended moving the January meeting to the third Wednesday, January 15, 2014. Commissioners were in agreement.

The meeting adjourned at 8:35 p.m.

Minutes approved at the meeting of \_\_\_\_\_.

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Barbara Nicholson  
Deputy City Clerk