

## Planning Commission

The regular meeting of the Planning Commission was called to order by Chairman Nichols at 7:03 p.m., Wednesday, September 7, 2011, in the City Council Chambers, 25541 Barton Road, Loma Linda, California.

**Commissioners Present:** John Nichols, Chairman  
Lori Uber-Zak, Vice-Chairman  
Miguel Rojas  
John Lenart  
Carolyn Palmieri

**Staff Present:** Konrad Bolowich, Director  
Allan Penaflorida, Assistant Planner  
Richard Holdaway, City Attorney

Chairman Nichols led the Pledge of Allegiance. No items were added or deleted; no public participation comments were offered upon invitation of the Chairman.

### New Items

**PC-11-32 - VARIANCE (VAR) NO. 11-110:** A request for relief from Section 17.36.070 of the Loma Linda Municipal Code (LLMC), which requires a minimum of five feet of setback from the side property line. The current structure is legal non-conforming in that the south wall encroaches two feet onto the side yard setback. A proposed room conversion will align with the south wall of the existing structure. The project site is located at 11231 San Juan Street in a Two-Family Residence (R-2) Zone.

Planner Penaflorida presented the project and a PowerPoint presentation which included a review of the project summary as listed above, project plans and site photos. The Variance was triggered by a request to convert an existing storage area into a living area, totaling 308 square feet of living area; current structure encroaches two feet into the required 5 feet side yard setback. With the request there is no expansion, just a conversion of the existing space; existing structure will receive only cosmetic changes to the exterior.

Applicant was not present.

Commissioners expressed concern regarding carbon monoxide as the space shares a wall with the garage; food preparation area; the conversion to living quarters would require a change in the slab; fire access; were adjacent properties already built to the property line; and the windows facing the adjacent property.

Planner Penaflorida responded to concerns, first regarding the carbon monoxide, that building and fire codes would require owner to mitigate any possibility of carbon monoxide leakage into the new living area; the plans indicated inclusion of a kitchenette for food preparation, but not a full-blown kitchen, which is allowable in an R-2 Zone; any issues with the slab would be addressed through the plan check

process with Building and Safety; lots less than 150 feet in length do not require fire access onto the property, access is gained from the front; that the adjacent properties were not built to the property line; that there was a driveway separation between the wall with the windows and the adjacent property; Fire and Building and Safety plan checks would require any improvements necessary to conform to fire regulations.

Director Bolowich pointed out that the request is for a variance for the side yard setback; any issues regarding interior construction are addressed through Building and Safety and Fire plan check process.

Chairman Nichols summarized the Commission's concern that if through the plan check process it was determined that everything needs to be torn down and start over to meet code requirements, does it create a different scenario and would that generate other necessary approval.

Planner Penaflorida responded that anything that is demolished more than 50% requires applicant to meet the current code requirements, which includes the five foot side yard setback.

**Motion by Uber-Zak, seconded by Palmieri and carried to approve Variance No. 11-110 with conditions as set forth in the staff report.**

**PC-11-33 – Tentative Parcel Map (TPM) No. 10-205 and Conditional Use Permit (CUP) No. 10-**

**203** The project applicant is proposing to subdivide an existing 7.7 acre parcel into seven individual lots to construct a new neighborhood business center. The proposed project includes a total of 73,000 square feet of building area divided into four separate pads. The single-story commercial buildings will access from both Barton Road and Mountain View Avenue. On site improvements will include 369 parking spaces, and the associated landscaping and lighting facilities. The project is located at 25701 Barton Road in a Neighborhood Business (C-1) Zone.

Director Bolowich indicated that the applicant was present and requested a continuance to the October 5 Planning Commission meeting as they were still working with Staff and Commissioner Rojas on revision of their plans to make the center a more livable walkable type project and still meet market conditions.

**Motion by Uber-Zak and seconded by Palmieri and carried to continue Tentative Parcel Map (TPM) No. 10-205 and Conditional Use Permit (CUP) No. 10-203 to the October 5, 2011 meeting.**

**PC-11-34 – GENERAL PLAN AMENDMENT (GPA) NO. 11-07, ZONE CHANGE (ZC) NO. 11-08, TENTATIVE PARCEL MAP (TPM) NO. 11-92 AND PRECISE PLAN OF DESIGN (PPD) NO. 11-09 - (PUBLIC HEARING – LIMITED TO 30 MINUTES) - A**

proposal to expand an existing 83-bed skilled nursing facility that would include the construction of a 46 unit (53-bed) assisted living residence with a secured memory care unit for up to 28 residents. The proposed GPA would change the existing land use designation from High Density Residential to Healthcare, and the proposed zone change would change the existing zoning from Multiple-Family (R-3) to Institutional. The Parcel Map would merge the existing project site with the adjacent site to the west to create one parcel totaling three acres. The project site is located at 25383 Cole Street in a Multiple-Family Residence (R-3) Zone.

Planner Penaflorida presented the report, stating this was the second review of the Linda Valley Expansion Project and that applicant had worked with staff to address the Commission's concerns, with

improvements to the site layout and the exterior elevations. He reviewed the project location and project summary as outlined above. Changes/improvements made by the applicant include changing the drive aisle from a two-way to a one-way to better define the front entrance; the addition of two parking spaces at the front of the building within the setback area to facilitate parking closer to the entrance of the facility, which if agreeable to the Commission would require applicant to come back to the Planning Commission with a variance request.

Nichols asked about the Variance required for the addition of two parking spaces, would that request be added to what has been noticed on this agenda.

Planner Penaflorida responded that yes, if agreeable to the Commission, part of any motion should include the Variance.

Planner Penaflorida clarified for Commissioner Palmieri that there was no wall between the existing facility and the proposed facility, there was a 20 foot separation.

Planner Penaflorida continued, noting that with the exception of the change of the drive aisle and the addition of the parking spaces near the front entrance, the site plan remained basically the same. The only change in the landscape plan was to accommodate the additional parking spaces; the first floor revised floor plan showed the expansion of the garden area and the addition of sky lights to address the concern of natural light in the interior hallways; the second floor revised floor plan reflected the addition of the sky lights along the interior hallways; revisions to the elevations included the addition of columns and treatments around the windows to add architectural interest to the west side; to address concerns of sun control and shade the addition of awnings to the south (rear) elevation and the proposed landscaping on the west elevation.

Vice Chairman Uber-Zak indicated that it appeared that the applicant had addressed all of the concerns expressed by the three Commissioners present at the previous meeting.

Chairman Nichols opened the public hearing and indicated that the applicant was available to address concerns/comments/questions from the Commission.

Commissioner Rojas asked about the distance between the structures, one being one story and the other being two story, was the 20 feet adequate.

Fire Marshall Gray responded that he would need to look that up; it was part of the building code and he would need to research.

Applicant Greg Irwin of Costa Mesa responded that it was his belief that this was basic building code was 10 feet for each building, therefore the 20 foot separation.

Planner Penaflorida responded that upon checking with the City's building official he did indicate that it depends on the window openings, but 20 feet was more than adequate for this design.

Commissioner Rojas asked if it was a requirement that the fire lane flow the full length of the east side of the building.

Fire Marshall Gray responded the requirement was around the entire perimeter.

Commissioner Rojas expressed concern over the removal of the landscaping to accommodate the addition of the parking spaces.

Planner Penaflorida responded that for the addition of the parking spaces to occur and the Commission to entertain a variance, there would need to be findings made for that Variance. He corrected his previous response as to the variance and that a variance would have to come back to the Planning Commission as they would have to make those findings.

Commissioner Rojas commented that if the Commission didn't approve or require the additional parking, parking would remain an unacceptable distance from the entrance.

Applicant Greg Irwin responded that residents at this facility would not be driving, parking was for visitors and few people came to visit.

Applicant Michel Augsburger indicated that the Commissioners concerns expressed at the last meeting were addressed. He understood parking was requested near the front entrance for people who were coming for the first time. The two parking spaces added were for those coming for the first time to check out the facility, more of a sales/marketing/loading & unloading area. To redesign the project to include more parking along the east side rendered the project not viable.

Discussion ensued with the applicant and Commission which clarified the main entrance at the front of the building or northeast corner of the building. It also identified other accesses to the proposed building and the existing building and the ability for people to move from one building to the other.

Concern was raised from the Commission as to access to the proposed building from the west side and security as the access seemed close to the secured memory care unit.

Applicant indicated that these would be secured access; that ingress in and out was necessary because of fire issues. There would be delayed egress that would be built to code. He also responded to a previous comment about the lack of landscaping in the wandering areas for the secured memory unit, that additional landscaping and plantings were added.

Discussion ensued regarding the ability for residents to enjoy the wandering areas with dining and dishwashing areas adjacent. Applicant responded that the remote kitchen area was in response to licensing requirements with the health department.

Commissioner Rojas expressed concern that Linda Valley has a reputation and image as a premier facility providing premier services and hoped that any new structure associated with that would be state of the art.

Applicant responded that the purpose of these projects-in-care isn't the buildings, it is the staffing and care provided that matters more. The goal was to have family members walk in and feel they could live there; not feel guilty for leaving a loved one. He reviewed the unit sizes being generous, a number of common areas and amenities, and has tried to address the previous concerns regarding lighting; the parking however is difficult to deal with.

Concern was raised from the Commission regarding the landscaping on the west side and how long it would take to mature and provide shading for that side of the building.

Applicant indicated that awnings or popouts could be added to the west side to address the shading.

In response to comment/concerns about the interior hallways and no way for residents to orient with the outside, applicant indicated that to make the project viable, they were attempting to make the best use of

the lot available, getting enough units to cover the fixed costs, live within the lender's criteria, deal with licensing requirements, and deal with the realities of the financial market.

Discussion ensued regarding the entrance on the west side, a nursing station, medications, and staffing. Applicant indicated that it is not a skilled nursing facility; therefore no nursing station was required; there is a medication room to address those concerns; staffing ratio is 1 caregiver to every 7 residents for 16 hours during the day and 1 to 15 at night, in addition to the administrative staff and a licensed nurse on duty the 16 hours during the day.

Chairman Nichols asked for guidance from the City Attorney as to the Commission's previous issues such as licensing.

City Attorney Holdaway responded that the Commission does not have jurisdiction over licensing or operational issues regulated by the State; land use and planning issues are dealt with at the Planning Commission level.

Vice Chairman Uber-Zak indicated that skilled nursing is different from assisted living in that in assisted living, medication is distributed, staff helps residents get around, but do no nursing at all; therefore no nursing station is required.

Applicant indicated that after the Planning Commission level, there were still two levels of regulations to comply with, licensing and building and safety.

Chairman Nichols thanked the applicant for the information and wanted to make sure the Commission addressed issues within their previous.

Applicant indicated that if modifications were necessary during successive levels of approvals that affected those items within the Commission's previous, they would come back to the Planning Commission with those revisions.

Discussion ensued regarding other possible orientations of the building on the existing lot. Applicant indicated that financing for this proposed project required it be completely separate and distinct from the existing facility. The proposed orientation was considered by the applicant to be best considering the lot configuration, fire requirements, and building code requirements and remain financially feasible.

Commissioner Rojas asked if there had been thought to taking the gardens from the east side and making them interior courtyards in the center of the building.

Applicant responded that it would make the space too tight and spread staff further across the building. Applicant continued that they want to be responsive to the Commission's concerns, have met fire and setback requirements and it appeared that the main issue remaining was the addition of the 2 parking spaces near the front entrance.

Vice Chairman Uber-Zak indicated that this was not an ideal lot, this was a project going hand-in-hand with the neighboring facility, and that the applicant has worked to meet the aesthetics on the outside, the shading and the other items of concern from the Commission and her desire as one of five was to make this the best project it can be versus being a non-project.

Commissioner Palmieri confirmed with applicant the landscaping along the west side of building included trees, not just bushes. Applicant indicated that they were Purple Leaf Plum trees, Hong Kong Orchard trees, and Mexican Fan Palms.

Chairman Nichols closed the public hearing.

Motion by Uber-Zak, seconded by Lenart to approve General Plan Amendment (GPA) No. 11-07, Zone Change (ZV) No. 11-08, Tentative Parcel Map (TPM) No. 11-92 and Precise Plan Of Design (PPD) No. 11-09 with the stipulation that shading is added to the west elevation.

City Attorney Holdaway asked if the motion was to include the addition of the parking spaces. He cautioned that approval of the project without the variance resulted in the project being built without those parking spaces. Specific procedures and findings need to be made with respect to the variance and could not take place tonight. A variance is not intended simply to allow something that is not otherwise permitted, unless there is something unusual about the property that justifies that, such as the size, shape and/or topography of the lot rather than just what we may want to do with the use of that lot. If the approval was conditioned on the applicant coming back for a variance for two parking spots in the setback and that variance is not approved, the project is not approved. Procedurally it is a bit problematic to interject a variance at this stage that has not been analyzed or noticed under the code. You could not act on a variance request because it was not before you tonight. If you would not approve the project without that parking in the setback, you almost have to make that decision tonight so that the applicant going forward knows whether or not they have to get that variance or not. It is an unusual procedural situation we find ourselves in and whether or not that parking is necessary to the applicant is not clear.

Uber-Zak withdrew her previous motion.

**Motion by Rojas that parking should be sufficiently close to the main entrance for guests, seconded by Palmieri.**

Commissioner Lenart expressed concern that the motion was ambiguous.

**Chairman Nichols called for a vote on the motion and it carried; Uber-Zak and Lenart voted in opposition.**

Chairman Nichols asked the City Attorney regarding procedure regarding the balance of the project.

Applicant indicated they were meeting regarding financing later this month and were hopeful to take them a commitment.

**Motion by Nichols, seconded by Rojas and carried to continue the project to the October 5, 2011 Planning Commission meeting; Uber-Zak and Lenart voted in opposition.**

**PC-11-35 – CONDITIONAL USE PERMIT (CUP) NO. 11-84 - (PUBLIC HEARING – continued from August 3, 2011)** – A request to construct a 65 –foot high, wireless cell tower and to install related ground equipment on a 900 square foot lease area on the south side of an existing storage facility, which is located at 26419 Barton Road.

Director Bolowich indicated that the applicant was still working to resolve some issues and had requested a continuance to October 5, 2011.

**Motion by Uber-Zak, seconded by Lenart and carried to continue Conditional Use Permit No. 11-84 to the October 5, 2011 meeting.**

**PC-11-36 – Precise Plan of Design (PPD) No. 11-58** - A request to construct a new two-story duplex (approximately 1,200 square feet per unit) on a site with an existing 2,000 square-foot single-family residence. The project is located at 25004 Court Street in a Multiple-Family Residence (R-3) Zone.

Planner Penafiora presented the project, indicating that it was first presented at the July 6, 2011 Planning Commission meeting with the request that the applicant address concerns expressed by the Commission at that time. Applicant made revisions that included elimination of the trash enclosure to accommodate additional landscaping; individual laundry facilities were added; and the floor plan for Unit B was revised.

Commissioner Rojas expressed continued concern regarding the entrance to each unit, the layout and path of travel/circulation within the units. He also indicated it was nice to see the inclusion of the laundry facility.

Commissioner Palmieri said she drove by the proposed site and all the buildings in the area seemed close to the street.

Chairman Nichols cautioned that the Commission needed to address those items within the purview of the Commission.

Commissioner Rojas commented that with no Design Review Committee, it was difficult. He felt that the layout and tight entrance and hallways would prove difficult for the applicant.

Applicant indicated that he would look at making the hallways wider.

**Motion by Nichols, seconded by Uber-Zak and carried to approve Precise Plan of Design (PPD) No. 11-58 subject to the Conditions of Approval contained in the staff report; Rojas voted in opposition.**

**PC-11-37 - APPROVAL OF MINUTES** – August 3, 2011

Commissioner Palmieri pointed out a necessary correction to the motion for item PC-11-30 as she was not present at that meeting.

**Motion by Uber-Zak, seconded by Rojas and carried to approved the minutes of July 20, 2011 as corrected. Nichols and Palmieri abstained.**

**REPORTS BY PLANNING COMMISSIONERS**

Vice Chairman Uber-Zak said it was nice to have the Assistant Planner present to answer questions that arose. She was not quite sure who he was assisting as there was no other planner in the department.

**COMMUNITY DEVELOPMENT DIRECTOR REPORT**

Director Bolowich informed the Commission that the dirt being removed from the lot at Barton Road and Mt. View Avenue was dirt that was dumped during cleanup after the past winter storms and was not grading for the project proposed on that site.

**ADJOURNMENT**

The meeting adjourned at 9:22 p.m.

Minutes approved at the meeting of .

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Barbara Nicholson  
Deputy City Clerk

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