

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
August 12, 2014**

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00p.m.

Commissioners present were Bridenstine, Drozd, Whitten and Chair Humphreville.

The Pledge of Allegiance was led by Chair Humphreville.

Commissioner Whitten moved to approve the agenda. Commissioner Bridenstine seconded, and the motion passed unanimously.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- Margo Sturges, Yucca Valley, said that she like that staff put up the agenda items separately on the website. She object to the fact that the section for the minutes was missing and objected comments made by Chair Humphreville calling her a liar. She said she would like the meetings to be recorded on video.
- Fritz Koenig, Yucca Valley, objected to comments made online by Chair Humphreville about Margo Sturges.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

PUBLIC HEARINGS

**1. ENVIRONMENTAL ASSESSMENT, EA 03-14
CONDITIONAL USE PERMIT, CUP 02-14 ALKARADSHEH**

Deputy Town Manager Stueckle presented the staff report. He provided an overview of the project, which was a proposal for a restaurant and hookah lounge, with the hookah lounge limited strictly to the outdoor patio area. Staff noted that in 2008 the Planning Commission issued a development code interpretation that hookah lounges were allowed in the general commercial zone, and noted that the addition of the hookah element was the only thing that required this item to have Commission approval.

PUBLIC COMMENTS

- Makram Alkaradsheh, applicant, said that the hookah bar section would be outside, and that hookah bars were common in the middle east, and that hookah is safer the cigarette

smoke. He said that the restaurant will be serving Middle Eastern food as well as coffee shop items. They will also be checking to ensure that only those over the age of 18 are allowed in the hookah area.

- Susan Simmons, Yucca Valley, spoke in support of the restaurant. She suggested that the restaurant and hookah area should have separate entrances.
- Art Miller, Yucca Valley, spoke in support of the project. He is a neighbor of the proposed location.
- Margo Sturges, Yucca Valley, spoke in support of the project. She expressed concern over how they would determine the age of those going into the hookah area.
- David Neil said that he represented the property owners next door. He said that there was a concern about the smoke entering the other nearby businesses. He requested that the Commission review the business in six months or a year.
- Coline Lamb, relator for Mr. Alkaradsheh, spoke in support of the project. She said that the patio is located in the back of the property and is surrounded by the parking lot and one wall of the next building.
- Jim Kieffer, Yucca Valley, spoke in support of the business. He said that people smoking in front of other businesses is a much bigger problem.
- Makram Alkaradsheh, applicant, said that the entrance to the patio would be under control, and that they would be making.
- Dr. Howard Levy, Yucca Valley, spoke against the application. He said that the Town should not be adding a smoke oriented business, and that they are bad for the community from a health standpoint.

CLOSE PUBLIC COMMENTS

Staff provided clarification that the door to the patio area is 20 feet from the patio smoking area, so there would be no smoke carry over. Staff also said that this was a land use matter brought before the Planning Commission, and that the Town did not have any smoking regulations beyond the minimum state laws.

Commissioner Drozd said that he was concerned about the potential effect on businesses next door, but felt that was addressed. He suggested some kind of review in six months or a year to address any issues.

Commissioner Bridenstine asked if the applicant would be covering the patio. The applicant said that it would be covered, but open to the air. Commissioner Bridenstine also asked if tobacco products would be sold there. The applicant said that they would not. Commissioner Bridenstine also said that she approved of the 20ft distance between the patio door and the seating area.

Commissioner Lavender said that he wasn't particularly in support of the hookah lounge, and that he had lost people to lung cancer. He said that there was information about the dangers of smoking. He also was concerned about underage individuals trying to get in.

Commissioner Whitten said that he was in support of any type of new business coming into the area. He asked staff if the dual use would require any additional fire department approvals. Staff said it would not. Commissioner Whitten asked if food would be served in the hookah area. The applicant said that it would. Commissioner Whitten asked that staff make sure that the business would be in compliance with state smoking laws. Commissioner Whitten asked about the gate to the patio area. Staff said that there was a gate to the patio area, but it was conditioned to open only from the inside. Commissioner Whitten also asked the staff to look into any applicable Clean Air elements. He also asked staff to see if there were any air intake vents near the smoking area. He suggested a follow up to see if there were any complaints.

Chair Humphreville said that he didn't have any issues with the entrance. He also said that he hopes the business would be neighborly about addressing any complaints. He spoke in support of the application.

MOTION

Chair Humphreville moved that the Planning Commission find the project exempt from CEQA pursuant to Section 15303, Class 3, conversion of small structures, and that the Planning Commission approve Conditional Use Permit CUP 02-14 based upon the required findings and Conditions of Approval, provided that staff review the item to confirm that it is in compliance with state law. Commissioner Bridenstine seconded the motion, and it passed unanimously.

2. DEVELOPMENT CODE AMENDMENT, DCA 02-14 HOME OCCUPATION REGULATIONS CEQA EXEMPTION, SECTION 15061(b)(3)

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the history of previous commission discussion on this item as well as the changes included in the draft presented to the Commission. Staff also stated that they had researched state and county rules about cottage food industries, and staff had determined that the Town was required to allow them in multifamily zones. Staff recommended separating cottage food businesses from catering businesses.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- Mike Shaw, Yucca Valley, spoke against allowing the sale of firearms in residential areas.

- Bonnie Brady, Yucca Valley, spoke against allowing the sale of firearms in residential areas. She suggested only allow it on large lots of an acer or more.
- Fritz Koenig, Yucca Valley, spoke against the proposed changes to the development code. He said that the Commission was allowing industrial uses. He felt that special considerations were being put in. He also objected to including an allowance for outdoor storage of materials. He also said that the Planning Commission's actions had cost the town a lawsuit.
- Debra Thompson, Yucca Valley, spoke against allowing the sale of firearms in residential areas. She said that there is less oversight for small businesses in residential neighborhoods, and that firearm sales in residential neighborhoods can cause problems with crime.
- Susan Simmons, Yucca Valley, spoke against allowing the sale of firearms in residential areas. She said that she doesn't think they should be allowed on parcels less than 5 acres in size. She also asked about the limit of one type of home occupation to a residence, and asked that the Commission consider situations where a two earner family might have one type of occupation that is exempt.
- Margo Sturges, Yucca Valley, spoke against allowing the sale of firearms in residential areas. She said that there had been a previous consensus on limiting gun sales to lot one acre or large. She accused the Commissioners of flip flopping.
- Ester Shaw, Yucca Valley, spoke against allowing the sale of firearms in residential areas. She thinks they should be limited to parcels 5 acres or more.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

Chair Humphreville spoke in response to Mr. Koenig's comments and stated that staff didn't make the decision to make changes to the proposed regulations, and that those decisions had been the Commissions.

Commissioner Drozd agreed that gun violence is something that should concern everyone, but this was a land use issue. There are people on both sides of the issue, and what some people would call flip flopping, other would call compromise.

Commissioner Bridenstine said that home businesses are an important issue. Legal home businesses are good thing for the community. She asked staff what licenses are required for firearm sales. Staff said that there are federal and state licenses required. Commissioner Bridenstine asked how often those licenses have to be renewed. Staff said that it was their understanding that federal firearms licenses had to be renewed each year. Commissioner Bridenstine said that the Commission hadn't flip flopped, and had instead come to a compromise

by allowing firearm sales in lots of a half-acre or large. One of reason for the Commissions choice was that there was a currently operating legal business on a lot of that size, and these kinds of issues can be difficult to grandfather. She said that having a gun seller have to go through the CUP process with conditions of approval was a good compromise. She also said that the Commission what there to decided land use issues, not moral issues, or the legality of gun sales. She approved of the draft ordinance.

Commissioner Lavender said that there was some confusion in the changes made to the ordinance. He saw that the draft regulations allowed gun sales in all residential zones besides multi-family, which seemed backward to him. He said he is against allowing gun sales at all in residential property, but he thinks this may be the wrong forum, and suggested getting together a referendum for the ballot.

Commissioner Whitten spoke about cottage food operations. He recommended it be something that requires a CUP given that there are state and county requirements which have to be met, and he didn't know if the Town had enough code enforcement staff to make sure those conditions were being met. He also asked about why there was a limit for hours of operation for businesses without customers visiting the residence. He also suggested modifying the language about renewal authority to add a caveat that the renewal authority remain with the director unless there is a change in conditions. He also said that he would prefer that firearm sales be limited to RL zones or greater. He believes that the Commission set the precedent for the community prohibiting gun sales in RS, because he doesn't thing that the Commission would have approved the previous presented and withdrawn application for the sale of firearms in a RS zone brought by Mr. Mintz, but the Commission approved the renewal of a firearm business in the RL zone. He suggested grandfathering the currently active business, and setting the limit to RL or greater.

Chair Humphreville asked staff to look into health standards for cottage food businesses. He also said the Ms. Simmons brought up a good point about the operation of two home businesses. He said that if two businesses were being operated in a residence and one of them was exempt, that would still only count as one home occupation permit and would cause no problems. He replied to Ms. Thompson's comments, saying that there were the same guideline and regulations for a home based firearm business as out of a commercial business. He said that it was a legal business and all sales should be treated the same. He said that he had received many calls in support of allowing firearm sales.

Commissioner Bridenstine asked staff what the process would be if the Commission decided to grandfather the current business. Staff said that there is typically a paragraph in the ordinance addressing previously approved uses. Commissioner Bridenstine also addressed Commissioner Whitten question about the limit on hours of operation for businesses without customers visiting the residence, and said that the limit was to address any business operations which might create noise or disturbance. She also said that if the currently permitted businesses could be grandfathered, she would support limiting gun sales to the RL or greater zones.

Staff said that it was their understanding that the Commission had addressed two primary areas. There was Commission consensus to limit firearms sales to RL and greater zones, provided there

was language allowing the continuation of the existing approved firearm businesses. The Commission also had questions about cottage food operations, and would suggest that in this process the Town Council evaluate the cottage food issue for a higher level of permit review.

MOTION

Commissioner Bridenstine moved that the Commission finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act, and that the Commission recommends that the Town Council adopt the Ordinances, repealing Development Code Section 84.0615, Chapter 6, Division 4 of Title 8, with the following two addendums: (1) that ordinances shall be changed to restrict the sale of firearms to the RL or greater zones, and that language be included to allow the continuation of currently permitted firearm businesses, and (2) that the Commission recommended the evaluation of the issues surrounding the cottage food industry for a higher level of permit review. Commissioner Whitten seconded the motion. Commissioners, Bridenstine, Drozd, Lavender, and Whitten voted for the motion and Chair Humphreville voted against. The motion carried 4 to 1.

Chair Humphreville called a five minute recess at 7:17.

**3. DEVELOPMENT CODE AMENDMENT, DCA 03-14
ARTICLE 5, ADMINISTRATION
CEQA EXEMPTION, SECTION 15061**

Staff stated that they were recommending that the Planning Commission continue the public hearing on this issue to the meeting of August 26th, 2014.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

MOTION

Chair Humphreville moved that the Planning Commission continue the public hearing on this issue to the meeting of August 26th, 2014. The motion was seconded by Commissioner Whitten and passed unanimously.

**4. DEVELOPMENT CODE AMENDMENT, DCA 01-14
ARTICLE 2, ZONING DISTRICTS AND DEVELOPMENT STANDARDS
CEQA EXEMPTION, SECTION 15061(b)(3)**

Staff stated that they were recommending that the Planning Commission continue the public hearing on this issue to the meeting of August 26th, 2014.

PUBLIC COMMENTS

None

END PUBLIC COMMENTS**MOTION**

Commissioner Whitten moved that the Planning Commission continue the public hearing on this issue to the meeting of August 26th, 2014. The motion was seconded by Commissioner Bridenstine and passed unanimously.

DEPARTMENT REPORTS**5. CONDITIONAL USE PERMIT, CUP 09-07 LUPINE PLAZA**

Deputy Town Manager Stueckle provide the staff report. The application was for the extension of time on a prior approval for the construction of two office buildings on Lupine Drive. Staff stated that the project continues to be consistent with the Town's General Plan and the Development Code, and the conditions of approval were modified to be consistent with the current format. Staff recommended that the permit be granted a three year extension

PUBLIC COMMENTS

- Margo Sturges, Yucca Valley, said she was happy to see extensions given to certain properties. She asked if this property had a will server letter from the water district.

END PUBLIC COMMENTS

Staff said that they did not know whether or not the project had a will serve letter, but said that given the length of time since the start of the project, they doubted that the will serve letter was still in effect.

Commissioners Bridenstine, Drozd, Lavender and Chair Humphreville had no comments on this issue.

Commissioner Whitten asked if it was normal for this type of Conditional Use Permit to be pushed down the road. Staff said that it wasn't unusual. Commissioner Whitten also asked how the impact fees would be calculated. Staff said that impact fees were based upon the time when the building permit was issued.

MOTION

Chair Humphreville moved to grant the request for an extension of CUP 09-07 for a period of three years, with an expiration date of May 6, 2017. Commissioner Bridenstine seconded the motion and it passed unanimously.

**6. ENVIRONMENTAL ASSESSMENT, EA 01-13
SITE PLAN REVIEW, SPR 01-13 BILLINGS TRANSFER**

Chair Humphreville recused himself from this item, due to his business dealings with the applicant.

Deputy Town Manager Stueckle provided the staff report, and provided an overview of the project and the recommended conditions of approval. Staff noted that the land use tables did not specifically identify rock and sand type businesses, but that the tables addressed and number of similar uses and permitted in the Old Town Specific Plan. The business owners started operation without town approval. The owners had been working with staff to bring the application forward. Staff also noted that there had been some soil contamination from when the site had previously been a recycling center. The applicant had been working with a soil engineering firm to prepare a soil report with recommended remediation within 90 days.

PUBLIC COMMENTS

- Jay Corbin, representative for the applicant, said that the applicant was requesting some modifications to the conditions. The applicant asked that condition P4 be modified to remove the requirement for irrigation for the landscaping. The applicant intends to use drought tolerant plants which will not require watering once they are established, and intends to hand water the plants until they are established. The applicant also noted that, while they were not objecting to condition P6, it required them to pay \$15,039 to the Gateway Reimbursement District. The applicant also asked that condition P8 be changed to allow the existing chain link fence to remain as is. The fence has been in place for a number of years, and other businesses in that location have operated with that fence. The also said that having people able to see the materials for sale is helpful to their business.
- Margo Sturges, Yucca Valley, said that Jay Corbin is a council member for Twentynine Palms and that she felt he has done an excellent job. She said that when Chair Humphreville recused himself he did not state the reason why he recused himself. She also expressed concern over the fact that there is a mobile home park nearby and that business operations might affect residents. She approved of condition P6.
- Fritz Koenig, Yucca Valley, said that the proposed project was not an existing use and did not qualify under CEQUA. He said that staff had not presented the history of the site. He alleged that a former staff member had tried to impose conditions on this project and had been fired. He said that he had asked for copies of the CUP files for both businesses and had not received them yet. He said he had also asked for copies of all of the code enforcement

for the entire town and had not received that. He said that the Town was hiding that information.

END PUBLIC COMMENTS

Commissioner Drozd asked the applicant if it was correct that nothing would be higher than normal building height of about eight or ten feet. The applicant said that was correct. He asked how long the business had been operating there. The applicant said that it had been operating close to two years.

Commissioner Lavender had no comments.

Commissioner Whitten said that he was concerned about the soil issues. Soil contamination can migrate. He said that if the soil report came in before 90 days it should come to the Planning Commission immediately. He said that he would be in favor of dropping the irrigation requirement. He asked staff to explain the Gateway Reimbursement District was. Staff said that was an area where the Town had performed improvements and the Town's costs for those improvements was being reimbursed, which was why there were no requirement for offsite improvements for this project. Commissioner Whitten said that he appreciated the use of product and advertising, so he would be in favor of removing the requirement for slats along to road frontage. He also asked about dust prevention procedures. Applicant said that they wet down loads to mitigate dust issues. Commissioner Whitten asked about loading zones. Staff said that given the open area located on the site, which provided sufficient loading area. Commissioner Whitten also asked if the road was rated for the truck that would be delivering material. Staff said it was.

Commissioner Bridenstine and Commissioner Whitten asked for greater clarification of the layout of the site. Applicant described the site more completely for the Commission.

Commissioner Bridenstine asked staff if they could remove the requirement for irrigation. Staff said that they could, but they would have to replace the red yucca with a different plant, as those would not survive without irrigation.

There was Commission consensus to remove the requirement for landscape irrigation, provided that they replaced the red yuccas from condition P4.

There was Commission consensus to remove the requirement for slatting from condition P8 given that three sides of property are essential blocked from view, and the remaining side provided view of the product.

MOTION

Commissioner Whitten moved that the Commission find the project exempt from CEQA under Section 15301, existing facilities, and approved Site Plan Review, SPR 01-13, based upon the

required findings and Conditions of Approval, with the following modifications: that condition P4 be modified to remove the requirement for irrigation, provided that red yuccas be replaced, and that P8 be modified to remove the requirement to slat the chain link fence. Commissioner Drozd seconded the motion and it passes unanimously.

**7. STREET VACATION, SV-01-14
CEQA EXEMPTION, SECTION 15301, Class 1**

Project Engineer Alex Qishta presented the staff report. He provided an overview of the item which was a proposal to vacate a 10ft by 132ft easement along Sage Ave, at the southwest corner of Sage Ave and Hidden Gold Dr. Staff had found that the vacation was consistent with the new General Plan.

PUBLIC COMMENTS

None

END PUBLIC COMMENTS

Commissioner Lavender recused himself because he had drawn the plans.

Commissioner Whitten said that the vacation could only be granted with substantial evidence that the easement was no longer needed for vehicular traffic or perspective public use. He felt that the development of Sage Estates was perspective public use, given the number of perspective residents. He said that if they were going to vacate one lot, they should vacate the whole street.

Commissioner Drozd asked about vacating one lot, and asked if each property owner would have to apply separately. Staff said that they would work on contacting the property owners along the rest of the street to make it consistent with the new General Plan. He asked if there was currently a house on that property, and was told that there is a house under construction.

Commissioner Whitten asked about improvements to Sage Avenue. Staff said that the project will improve the road on the east side in that section.

Commissioner Bridenstine asked what the existing edge of pavement to centerline was currently. Staff did not have that information on hand. Commissioner Bridenstine said that she doubts that the edge of pavement is at the 20 ft mark. She also pointed out that there was a traffic study in the new general plan, and that road was shown as a local road. She doesn't think there is a reason to deny the request.

Chair Humphreville asked if the road was currently paved in the easement. Staff said that it was not. He didn't see a reason to deny the request.

Staff said that the Commission had questions about the issue, but aid that unfortunately the representatives of the applicant were not able to be present at the meeting. The applicant had

requested that the Planning Commission continue the item if they had any questions. Staff recommended that the Commission continue the item.

MOTION

Commissioner Whitten moved that the Planning Commission continue this issue to the meeting of August 26th, 2014. The motion was seconded by Commissioner Drozd and passed unanimously.

CONSENT AGENDA

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meetings held on June 24, 2014 and July 8, 2014.

PUBLIC COMMENTS

None

END PUBLIC COMMENTS

MOTION

Commissioner Whitten moved that the Commission approve as submitted the minutes of the meetings held on June 24, 2014 and July 8, 2014. Chair Humphreville seconded the motion and it passed unanimously.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Whitten said that he had met with the senior housing committee and CORE and toured the senior housing site. He said that there are some negatives about the project but the positives outweigh them, and he thinks this will be a good thing for the community. He requested staff look into a posted fictitious business name for a Second Amendment Sales posted in the paper. He requested staff look into a different naming convention for the senior housing buildings. He also said that recording the Planning Commission was an issue to speak with the Town Council about, as the Planning Commission has no control over that.

Commissioner Bridenstine asked if the signal was going to be in place before the senior housing development was going to open for occupancy. Staff said that the signal would be going in shortly after occupancy. Commissioner Bridenstine expressed concern over the increase in traffic in that intersection without a signal.

Chair Humphreville asked staff to confirm details regarding the street behind the building not being vacated so that it would allow access to the signal at Sage. Staff said that was correct, and provided details.

Commissioner Whitten asked about the feasibility of installing a crosswalk on Dumosa between the senior housing development and the grocery store parking lot.

Chair Humphreville said that he was disappointed that members of the community were accusing the staff of corruption. He said that these kinds of accusations are detrimental to the community.

ANNOUNCEMENTS:

The next regular meeting of the Planning Commission is scheduled for August 23, 2014 at 6:00pm.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:28.

Respectfully submitted,



Allison Brucker
Secretary

Approved by the Planning Commission on August 26, 2014.