

MINUTES OF THE CITY OF DIAMOND BAR  
MEETING OF THE PLANNING COMMISSION  
OCTOBER 11, 2016

 DRAFT

**CALL TO ORDER:**

Chair/Mahlke called the meeting to order at 7:00 p.m. in the City Hall Windmill Room, 21810 Copley Drive, Diamond Bar, CA 91765.

**PLEDGE OF ALLEGIANCE:** Vice Chair/Wolfe led the Pledge of Allegiance.

**1. ROLL CALL:**

Present: Commissioners Naila Barlas, Frank Farago, Ken Mok, Vice Chair Raymond Wolfe and Chair Jennifer "Fred" Mahlke

Also present: James Eggart, Assistant City Attorney; Greg Gubman, Community Development Director; Grace Lee, Senior Planner; David Liu, Public Works Director; Fabian Aoun, Assistant Engineer; and Stella Marquez, Administrative Coordinator.

Others present: Steve Sasaki, Traffic Consultant

**2. MATTERS FROM THE AUDIENCE/PUBLIC COMMENTS:**

Dr. Donna Earnhart asked about the property for sale between the on and off ramp of the SR/60 near Der Wienerschnitzel. About 20 years ago she was considering moving her veterinary hospital to that property which she learned, according to the geological survey, was unfit to build on because of potential landslides and wanted that information on the record.

CDD/Gubman responded to the speaker that the site has geological issues.

**3. APPROVAL OF AGENDA:** As presented

**4. CONSENT CALENDAR:**

4.1 Minutes of the Regular Meeting of September 27, 2016:

C/Farago moved, C/Barlas seconded to approve the Minutes of the Regular Meeting of September 27, 2016.

AYES:	COMMISSIONERS:	Barlas, Farago, Mok, Chair/Mahlke
NOES:	COMMISSIONERS:	None
ABSTAINED:	COMMISSIONERS:	VC/Wolfe

5. OLD BUSINESS: None

6. NEW BUSINESS: None

7. PUBLIC HEARING(S):

7.1 Development Review, Conditional Use Permit, Minor Conditional Use Permit and Comprehensive Sign Program No. PL2016-105 – Under the authority of Diamond Bar Municipal Code Sections 22.48, 22.58 and 22.36.060, the applicant requested Planning Commission approval of the following land use applications:

**1. Development Review:**

- Kmart building renovation
  - Demolish the existing 9,210 square foot outdoor garden center.
  - Partition the existing 84,245 square foot building into three inline retail tenant spaces to accommodate a grocery store (approximately 29,365 square feet), an apparel and home fashion retailer (approximately 27,262 square feet) and approximately 27,618 of available retail space.
  - Construct an addition of approximately 12,155 square feet to the north end of the former Kmart building to accommodate a pet store.
  - Construction of a 4,200 square foot freestanding building (“outparcel”) to accommodate two fast casual food service tenants. The new building is proposed to be located at the front of the property (i.e., toward Diamond Bar Boulevard), between the signalized driveway and the existing McDonald’s restaurant.
  - Renovation of the parking lot, including resurfacing and striping, new lighting, landscaping and accessibility upgrades in compliance with the Americans with Disabilities Act (ADA). In addition to the subject property, the applicant proposes to renovate the parking lot of the neighboring Ace Hardware/Auto Zone/Dilliwalla restaurant-anchored shopping center.

**2. Conditional Use Permit:**

- Drive-thru service for one of the two proposed outparcel tenants
- Establishment of a veterinary clinic within the proposed pet store.

**3. Minor Conditional Use Permit:**

- To authorize the sale of beer and wine for onsite consumption in conjunction with onsite food service for one of the two proposed outparcel tenants (the tenant not proposing drive-thru service)
- To establish outdoor dining areas for both outparcel tenants.

**4. Comprehensive Sign Program:**

All Diamond Bar shopping centers are required to establish design criteria for all building-mounted and free-standing signs. The applicant has thus submitted a proposed Comprehensive Sign Program as part of the overall project.

The subject property consists of approximately 8.14 acres located on the westerly side of Diamond Bar Boulevard, directly south of Gentle Springs Drive as shown on the illustration of the property boundaries provided in staff's report. The subject property is zoned C-3 with an underlying General Plan Designation of General Commercial.

PROJECT ADDRESS:           249 S. Diamond Bar Boulevard  
Diamond Bar, CA 91765

PROPERTY OWNER/  
APPLICANT:                 Diamond Springs, LLC  
9304 W. Sunset Boulevard  
West Hollywood, CA 90069

CDD/Gubman presented staff's report stating that the proposed project is comprised of various components. The later portion of the presentation included analysis and recommendations, as well as corrections for which errata slides and sheets have been provided to the Commission. In addition, errata sheets have been provided for audience members, as well as a copy of the revised Traffic Study that includes recommendations for the signalized left turn pocket at the project entrance which will be discussed during staff's presentation.

CDD/Gubman stated that the drive-thru lane width needs to meet the Code's 12 foot minimum requirement and was not included in the draft resolution, therefore, he is recommending that if the Planning Commission decides to approve this project that it include in the motion the addition of Condition F 9 as written in the errata sheet. To address the left turn pocket improvements, the Condition in the resolution is proposed to be replaced with the language contained in the errata sheets, which in summary replaces the requirement for the dual left turn lane and associated signal upgrades and modifications by changing it to allow it remain as a single left-turn pocket with a length of 250 feet with signal phasing. And, this would need to be evaluated and modified, with the provision that the developer would have to work with the Public Works Department to ensure that the phasing of the signal was still optimal for the length of the left-turn pocket.

CDD/Gubman concluded that staff is recommending Planning Commission approval of Development Review, Conditional Use Permit, Minor Conditional Use Permit, and Comprehensive Sign Program No. PL2016-105, based on the Findings of Fact, and subject to the conditions of approval as listed within the Resolution.

C/Farago asked if the signal phasing study would include the signal at Golden Springs and Gentle Springs Lane and CDD/Gubman said that yes, the study would need to look at the series of signals from Golden Springs and Gentle Springs. What the study cannot do is work to improve the signalization at the freeway onramps because that signal is under the control of Caltrans. PWD/Liu has been working diligently to address some of those signalization issues which is a separate standalone task the City has been working on to deal with some of the congestion that the Caltrans signals are causing along Diamond Bar Boulevard. PWD/Liu said that the short answer is "yes" that staff will make sure that the main driveway signalization is in sync with the rest of the signals along Diamond Bar Boulevard, specifically the signals at Golden Springs (main driveway) and Palomino/Gentle Springs. As stated, the tricky part of this effort is the Caltrans on and off ramps. A fact well known to the Commission is that Diamond Bar Boulevard is a major cut-through boulevard for residents as well as commuters on a daily basis. The worst time is the afternoon peak traffic hours and at the eastbound on-ramp, Caltrans has an active "ramp meter" in place to assure freeway mainline efficiency which allows only a certain number of cars to access the "mainline"/freeway. Unfortunately, when Caltrans adjusts the meter they do not communicate the adjustment to the City which is typical throughout California. In any case, the City makes an effort to initiate a discussion with Caltrans on at least a

quarterly basis to see if they will make any adjustments. Bottom line is that Diamond Bar wants all four signals to be synchronized beginning from the ramps to Golden Springs Drive.

Chair/Mahlke thanked CDD/Gubman for his very complete and thorough presentation.

C/Farago asked for verification that if the Council approved the project it would have to include in its motion the change to F9 as well as the revision to K1 and CDD/Gubman responded affirmatively.

C/Mok said that he too appreciated the thorough and complete presentation from CDD/Gubman. He asked if the 250 foot left turn pocket would provide 18-wheelers appropriate access to the main driveway or would the trucks enter via Gentle Springs. He was concerned about cars stacking up behind trucks. When Kmart was in operation did trucks use the main driveway or come into the center via Gentle Springs. CDD/Gubman referred C/Mok to the applicant. The plans show that there are provisions for the entrance to have adequate width for vehicles to maneuver turning to the right and the way the loading docks are oriented, it is difficult for him to speculate on whether trucks would try to make the left turn. C/Mok said that in an ideal world the trucks would come down Gentle Springs and approach the loading docks from that direction. Can the Commission suggest that option? CDD/Gubman said that Gentle Springs is a private street and he would say that if the property owners objected to that (method of entry) they could restrict it so that the project would take access off of the Diamond Bar Boulevard driveways.

C/Mok asked if traffic lanes in the parking lot would be blocked off during construction which would impact the current operating businesses and CDD/Gubman said that the project will be phased and the property owner, architect and project manager would be able to provide additional information about how the phasing would occur. There would be short-term impacts to the existing tenants because the neighboring property is requesting that the developer improve his portion of that shared parking lot at the same time. While there would be short term impacts, normally there are provisions so that businesses can remain open.

C/Mok asked who was responsible for temporary signage to let the public know that businesses are open and are invited to shop during construction. CDD/Gubman said that it is the property owner's responsibility to provide that notification.

C/Mok said it would make sense to him that the design and theme should be carried throughout the entire area including the current businesses so that the project did not appear to be an "after-thought." He asked if the developer attempted to coordinate with the other property owner to see if the theme could be carried throughout the center and CDD/Gubman responded that the parking lot improvements will be consistent and uniform for the shared reciprocal parking (landscaping, lighting, trees, upgrading paving surface) and the applicant is taking that step to complete those improvements. With respect to a separate property, it would be an arrangement between the two property owners.

C/Farago said he remembered that when Kmart was open the trucks came in from Diamond Bar Boulevard and circled around to the east side of the property to enter at the rear. The new plan appears to show parking spaces which would be the same route. He asked if there would be enough room for trucks to be able to service the building. CDD/Gubman said he saw some truck turning templates that show trucks would be able to clear that row of parking.

Chair/Mahlke opened the public hearing.

Dr. Douglas Barcon, a Diamond Bar resident (North Rock River Drive) said he saw the notification sign posted a few days ago. One thing he noticed was the garden center. Looking at the drawings something that jumped out at him was the pet store and the veterinary services inside the store because there is another veterinarian not too far away from this location and he feared it would impact that business as well. The shell for the future tenant was not specified at this point. There is a fitness center to the left of Kmart and he wanted to know if there was the possibility for another fitness center going into the spot. If so, the parking lot will be filled up. He said he would like to see a market that is conducive to the entire community and not just an ethically targeted market. McDonald's has coffee and a coffee house will impact McDonald's too. He was also concerned that the 390 parking spots would each be too narrow. Is a projection of 290 vehicles per hour for peak times or for the entire day and does it include the future tenant? Gentle Springs is a private street and if this project is going to impact that street with truck travel will the company pay its fair-share to maintain the street? If trucks enter on Gentle Springs they will block traffic at the intersection.

Tanya Jacobsen, 23855 Bower Cascade Place said that in looking at the site plan the U-turn at the entry portal seems odd to her and the signage program did not show the location of the order point for the drive-thru so she was not sure how the calculation was made from the pickup window to the order point

and then to the end of the drive-thru. It appears the main ingress to the shopping center is one lane in and one lane out and with the traffic coming in from the left turn lane northbound and right turn coming southbound and a perpendicular drive aisle for main parking lot traffic flow which seems to her that the U-turn will cause a backup at that point. If the building was reoriented so that the drive-thru entry point was along the other side of the parking area or if the building is located closer to McDonald's it might help alleviate some of the left-turn lane backup. Regarding the continuity of the center, Smart & Final has already done a major remodel and Kmart is now going to be doing that as well and can the Planning Commission encourage the other owners to apply for future permits to build in a phased approach to update the entire center.

Dr. Donna Earnheart said she is the owner and veterinarian at Village Animal Hospital on Golden Springs Drive, a stone's throw from where this project plans to open a Petco. On behalf of herself and her colleagues, Dr. Michael Tracy, Dr. Thomas Bigley and Dr. Charles Mintzer, all of whom have been serving the Diamond Bar community, because they will be impacted by this corporate veterinary clinic. She has been in practice in Diamond Bar since March 1983 and has been involved in Diamond Bar and surrounding communities and she is concerned.

Mary Power said her main concern is the traffic because on a good day, one is lucky to make a left turn from Gentle Springs and now there will be more Lorbeer kids picked up at that shopping center. Good luck with traffic flow exiting the shopping center. She knows it is a Caltrans light because she talked with the City numerous times about that light. The kids walk between cars because the cars do not stop behind the lines. Traffic has become more of a problem in Diamond Bar over the past few years and this new shopping center will make it even more difficult.

Mary Wehmeier, North Rock River Drive, asked if Diamond Bar signage requires English only. She does not want this project to change the demographic of the City which she believes would be detrimental. There is a six foot barrier wall proposed between the condos and the back of the project and she believes a six foot wall may not be tall enough. She is not a condo owner but has been to the back sides of the buildings on business over the years and the issue is that now there will be three or four loading areas at the back of the building where there was only one when Kmart was open. When Kmart was open semi tractor-trailers came in off of Diamond Bar Boulevard through the main entrance and went around to the left to the back side or around to the right at the front of the building and then around to the back side of the building. Nightly deliveries are made to Ace Hardware and two or three

other major businesses. Between the condominium complex and the loading bays for the new project she does not believe the side of the wall will be sufficient to mitigate the noise that will affect the condos bedroom areas. Delivery truck drivers can be told to tamp down the noise but they are only concerned with offloading the merchandise and leaving the area as quickly as possible. She is also concerned about Dr. Earnhart, Dr. Mintzer and the other local veterinarians. The veterinary business has seen a large influx of "corporate veterinary franchised veterinary clinics" and those clinics do not service the population in the local area in the same manner because they are "daytime" clinics. While Petco may want to have a veterinary clinic, the state board may say "no."

Barbara Kesel, 1632 Acacia Hill Road, said that Diamond Bar has lost a significant amount of mature tree coverage and wanted to know if there was a minimum diameter and height for each of the new trees that will be planted and how they would be maintained. She wants to see something dynamic for this center and she likes a lot of what is there and what is proposed. She wanted to know where there was an area set aside in the parking lot to walk pets.

Gene Detchemendy, property owner, said his firm (The Charles Company) bought the Kmart property about seven or eight years ago hoping that Kmart would eventually shut down. As the neighboring property owner, they were very excited when Kmart came to them about two years ago with an option to purchase them out which was concluded in order to develop the shopping center. He has been working with the City for the past 10 years trying to figure out how both properties could be put together and have probably made 10 different offers to the other property owner (Ace and Auto Zone) to purchase that property in order to bring the two properties together. The other property owner is 85 years old. He has done everything possible to try and bring these two properties together and although they have not been successful, they have met with him, his architects and consultants multiple times over the past six months to try to arrange and phase the parking lot in because his customers do not have any parking spaces and do the best possible to reline the parking lot, bring in the LED lights and new landscaping. The owner suffered through the Kmart tenure which controlled the parking area that unfortunately was operated at a level not up to the City's standards and having come in behind that it has become his company's job to fix it. His firm has had multiple meetings with the City Manager trying to figure out what the best use of the property would be. They have been fortunate to execute a lease with a major organic grocer, not a discount or ethnic grocer. He plans to make that announcement with that grocer when they have decided they have cleared a couple of hurdles including tonight's hearing. This is very exciting

for him because retailing today is stressed with many businesses closing down. This is a great community and retailers understand there is income here. In addition to the major organic box, there is a clothing box and a coffee shop which he believes is one of the best in the community. He does not believe there is another "Coffee Bean" in the City and he is very excited to bring that into Diamond Bar. His firm has been able to pre-lease a lot of the shopping center and now he is in a rush to move forward and get it open as quickly as possible. The City has been fantastic to work with – from the City Manager to CDD/Gubman with three to four conversations a week to try and get this project to where it is, to make the donation to the streetscape with the City's vision to looking at the traffic study. In response to concerns, the traffic count took into account a full retail user in the empty space. In addition, his firm is also excited because there is a lack of food on Diamond Bar Boulevard and Chipotle and others will be a nice addition. Also, there is a complete truck turnaround on his property. There was concern that in the past the trucks had done turnarounds on the neighboring property so there was a complete truck turnaround drawn in at the rear of the building so that it remains within his property and does not conflict with the neighboring property. There is an agreement for cross (shared) parking but because they do not own that property his firm wanted to be able to control its own destiny by having a complete truck turnaround on their property. His firm is very excited to be in Diamond Bar and before the Planning Commission. They are happy they bought the property about 10 years ago and are happy that they can eliminate the façade of Kmart so the community can move on to something that will bring people in.

Chair/Mahlke closed the public hearing.

CDD/Gubman responded to speaker comments. Regarding the comments about the vet clinic and the potential impact to other vet businesses, the City cannot make a land use decision based on a type of business. If it is a use that has potential compatibility issues - proposing a bar or tavern next to a daycare center for instance - that is something that would be taken into consideration. But if it is a use that is not going to create a compatibility impact the City cannot look at whether it is going to affect the competition in that marketplace.

There was a question about the possibility of a fitness center going into the 27,500 square foot shell that does not currently have a tenant commitment, a fitness center like Crunch Fitness or LA Fitness or Cross Fit, they are required to have a Conditional Use Permit under which one of the potential compatibility issues that is addressed is parking. He does not know if the applicant is contemplating a fitness center or something that will generate

more sales tax revenue for the City, but it would be subject to a Conditional Use Permit and they would not be able to occupy the premises without a Public Hearing before the Planning Commission.

Regarding the question about what clientele the market would be catering to, the City has no discretion to exclude what kind of market wants to come in; if it is in the right zoning district, it has to be allowed. Having said that, based on what the applicant has said, it appears that it is a major retailer that has other locations in the region and other states.

Concern was raised about the coffee house and he believes he heard confirmation that it is a Coffee Bean. Yes, McDonald's sells coffee, as well as, the 7-Eleven across the street, Carl's Junior, Starbucks, etc., and their reliance on the coffee revenue is outside of the scope of the City's discretionary review.

There was a question about whether the 239 vehicles are contemplated for the afternoon peak hours or for the entire day: It is the hourly estimate for afternoon peak periods.

Regarding whether the applicant would upgrade the street, the City has facilitated at least two meetings with all of the property owners along Gentle Springs including the applicant, and staff will continue to facilitate those discussions. There is no Property Owner's Association or maintenance agreement in place. What happened years ago without any forethought about maintenance and upkeep is a problem and to have the Kmart fix its own piece does not really solve the overall problem, thus there needs to be ongoing meetings with all of the property owners. The City has come up with a cost estimate for repairing that roadway. There is a condition in the resolution which does not obligate all of the property owners to come to an agreement to do the repairs, but it further emphasizes that the applicant needs to continue working in good faith with their neighbors to make those much-needed repairs to that private street.

Tanya Jacobson made suggestions about the site plan and perceived issues with the turn that would have to be made from the main driveway to enter the drive-thru which is obviously not a turning movement that can be made. He cannot say it is appropriate to require some reconfiguration of the building or site so that a vehicle can immediately turn in from the Diamond Bar entry when they could easily access the drive-thru lane by entering Diamond Bar Boulevard and proceeding up the drive aisle to make a loop maneuver

through the drive aisles to enter if they did not otherwise enter from Gentle Springs or any of the other driveways that provide access to the shopping center.

There was a good question about what could be done about surrounding properties that have not made a commitment to upgrade to the standards of this project. The City does not have a lot of leverage. If a tenant or property owner wanted to add on to their property or build a new building on the under developed area between Smart & Final and CVS, for example, this would give the City some leverage to require some upgrades. Prior to his time with the City, CDD/Gubman said that Vons renovated their store which went from their store to Taco Bell; the Shell Station upgraded; and more recently, the Sizzler was upgraded for the East 180 Restaurant and now with Encore Teppan which topped what East 180 did. There are opportunities and when the City can seize on those opportunities it does so. Otherwise, it is more a matter of Code Enforcement such as when building exteriors are not maintained. Recently, Torito Plaza at the corner of Torito Lane and Golden Springs was found to have suffered significant deferred maintenance in its parking lot which became a Code Enforcement issue where the Code Enforcement staff required the property owner to resurface, restripe and re-landscape their parking lot. The City does not have a Redevelopment Agency and does not have an incentive program or monies for façade upgrades that some communities have had in the past, particularly in their downtown areas where they might be able to offer matching funds. While there are no such programs currently, it is a possibility for the future and in the meantime, as far as mandating certain things there are only certain circumstances under which that can be done.

Regarding signage and whether the City has an English-only requirement, it is unconstitutional for the City to mandate that. The City can and does require that English be included on a sign, but the City is forbidden to limit the content of a sign based on language.

A speaker raised the question about whether or not a six-foot wall would be tall enough. Currently, there is no wall and a six-foot masonry wall is the Code requirement. The Noise Analysis took into account all of the physical characteristics including the design components of the project that includes that the loading docks be ramped down so that the trucks descend the ramp to provide some shielding. If there are noise issues that arise that are unforeseen in the Traffic Study, it is not something that the City would discuss with the property owner. However, there are several properties in the City

that back up to residential that have similar layouts and the City is confident that the existing conditions and design parameters including the required block wall will improve the noise impacts this project would potentially impose.

Whether the state board would veto the vet clinic that is proposed, the operator is subject to other agencies and their requirements. As an example, even if the Planning Commission grants the Conditional Use Permit for the beer and wine sales at Chipotle, they must still go before the Department of Alcoholic Beverage Control to get their Beer and Wine License. Accordingly, there will be other autonomous agencies that will impose requirements such as the Health Department.

With respect to parking space dimensions and configurations, as the site plan shows, the current angled parking would be reoriented to 90 degree parking which are more efficient (allow for more parking spaces) and the Code requires a minimum parking stall dimension of nine (9) feet wide by 19 feet deep and this project is required to meet this requirement for their parking. The site is able to yield the parking spaces with the drive-aisle minimum width of 26 feet. In addition, although the City's parking requirement for a shopping center of this size is one (1) parking space for every 300 square feet of floor area, staff has found that the national retailers often demand more parking than what the City requires. One example is Target whose corporate philosophy is five (5) spaces per thousand square feet. In this case, the code requirement is one (1) space per 300 square feet of floor area.

Regarding trees, the Code requirements calls for a minimum of 20 percent of the trees must be 24-inch box and 80 percent have to be 15-gallon which is the ratio this project's landscape plan proposes. As the site plan shows, the parking lot has some sparse tree coverage around the edges of the retail spaces but it is essentially a sea of asphalt. The Diamond Bar Code requires incorporating within a parking bay one tree for every 10 spaces and this project meets that requirement. Obviously, a 15-gallon tree will be somewhat spindly when planted but the smaller trees are more resilient and more quickly adapt to a larger specimen tree. One can see that if a 15-gallon tree is planted next to a 36-inch box tree that in a couple of years the 15-gallon tree will be the same size because a younger tree is more adaptable than an older tree that has been cultivated in a container.

CDD/Gubman concluded his responses responding to the final question about water usage that the state has mandated very strict water use standards in 2009 for new or rehabilitated development which was fairly draconian. Governor Brown then passed an Executive Order in 2015 which was followed by even more restrictive landscape standards. Water usage is subject to very

detailed formulas. Projects are allocated a "water budget" and they have to design their irrigation systems and select plant materials that stay within that water budget. This project will be plan checked by a licensed landscape architect that is under contract to the City to ensure it meets those Water Budget and other water efficiency requirements. The City is also potentially subject to audit if it does not enforce these Water Efficiency Standards. Water conservation is a big priority when dealing with new development. Moreover, this project is subject to low impact development standards and in addition to minimal water usage, the project will have within its design, water storage capacity and as such, this project will be severely restricted on how much water can exit the site and enter the storm drain system which means this site has to retain a significant amount of any storm water runoff within the site itself. This project will actually incorporate an underground basin to which water runoff is directed from which it would have to percolate into the ground and eventually reach the aquifers. Merely by being proposed, this project is subject to very demanding sustainable development practices that did not exist when this site was originally developed.

Chair/Mahlke thanked CDD/Gubman for his responses and pointed out that it is helpful that his responses were clear on how the scope of the Commission's decisions are delineated with the Code about what the City is allowed to approve based upon what is allowed and what is not allowed for projects.

VC/Wolfe said in follow up to Ms. Jacobsen's comment, while it is not a traditional move that somebody might make, undoubtedly somebody will make it and what that will do is impact the main entry off of Diamond Bar Boulevard when they get stuck trying to make that maneuver. He believes it is just the outbuilding that is supposed to be the coffee house which is closest to Diamond Bar Boulevard which is the only business that will be operating as a drive-thru. He believes there is something that could be done to further discourage people from making a U-turn out the throat to access the area.

C/Farago asked if the City had an Ordinance that restricted tractor-trailers from loading and unloading in commercial areas during certain times, especially when adjacent to residential areas. CDD/Gubman said there are no restrictions on vehicle delivery hours per se. However, there are noise limitations. The Noise Ordinance has some technical provisions that are rather detailed in that regard, but essentially, the maximum exterior noise level (exterior wall of a residence) is 65 decibels and there are technical definitions about how those noise levels are determined i.e., what metrics are used to measure those noise levels. The Noise Analysis for this project concluded that the worst case would be 59 decibels at the exterior wall of the nearest residential building.

VC/Wolfe moved, C/Farago seconded, to approve Development Review, Conditional Use Permit, Minor Conditional Use Permit and Comprehensive Sign Program No. PL2016-105 with the inclusion of errata F9 and revision of Condition K 1 as stated in the errata sheet as well as, direct staff to continue working with the developer to do more to prevent or dissuade drivers from making the U-turn movement into the queueing area for the drive-thru. Motion carried by the following Roll Call vote:

AYES:	COMMISSIONERS:	Barlas, Farago, Mok, VC/Wolfe Chair/Mahlke
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

Chair/Mahlke congratulated Mr. Detchemendy and said he would be bringing this building substantially away from 1975 when it was built and although this City struggles with its balance of country roots, its history and the traffic that flows through the City, she believes that this project beautifully embraces the recent City branding and incorporating the "Diamond Bar feel" while providing opportunity and options for appropriate growth to build on the traffic that is beyond the City's control.

**8. PLANNING COMMISSIONER COMMENTS/INFORMATIONAL ITEMS:**

C/Barlas asked if the City was looking at further development in the area of McDonald's. CDD/Gubman responded that just last week, McDonald's at the corner of Diamond Bar Boulevard and Gentle Springs submitted an application to tear down the existing building and reconstruct on the same site with a building that meets the corporate prototype requirements. C/Barlas said she took that as a good sign.

**9. STAFF COMMENTS/INFORMATIONAL ITEMS:**

**9.1 Public Hearing dates for future projects.**

CDD/Gubman stated that tomorrow night in this same room the inaugural meeting of the General Plan Advisory Committee will take place. The GPAC will convene at 6:30 p.m. Everyone is invited and welcome to attend. There is no new business for October 25 so the meeting will go dark. However, there are items tentatively slated for November 8.

**10. SCHEDULE OF FUTURE EVENTS:**

Chair/Mahlke highlighted the Barktober event happening this Saturday at the Pantera Dog Park and the Fall Fun Festival on Halloween Day. This is the mid-point for Restaurant Week and there is still time to participate.

**ADJOURNMENT:** With no further business before the Planning Commission, Chair/Mahlke adjourned the regular meeting at 9:10 p.m.

The foregoing minutes are hereby approved this 8th day of November, 2016.

Attest:  
Respectfully Submitted,

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Greg Gubman  
Community Development Director

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Jennifer Mahlke, Chairperson