
TO ADDRESS THE COMMISSION
PLEASE STEP TO THE ROSTRUM &
STATE YOUR NAME & ADDRESS

Regular Meeting
December 13, 2006 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

YUBA CITY PLANNING COMMISSION
AGENDA

Chairman Michael Cartoscelli
Commissioner Melia Campbell
Commissioner Preet Didbal

Vice Chairman Satwant Takhar
Commissioner Maynard Dunn
Commissioner John Sanbrook

Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on October 25, 2006

Appearance of Interested Citizens*

Correspondence

Public Hearings:

1. Public Hearing – Development Plan #DP 06-02 for Sierra Central Credit Union for the four-phase construction of a 117,000 square foot corporate headquarters and banking facility located in the C-M, SP zone at the southeast corner of Harter Parkway and Butte House Road; APN: 59-010-103; Applicant, Rengel+Company Architects; Property Owner, Sierra Central Credit Union.
2. Public Hearing: Tentative Subdivision Map #SM 06-05 for Harter Estates North; located at the southwest corner of Butte House Road and Harter Parkway in the Harter Specific Plan Area; Subdivider/Property owner, Harter Packing Company, LLC.
3. Public Hearing: Use Permit #UP 06-05 Sutter Buttes Marketplace; request for an increase in the maximum sign height from 15 feet to 20 feet to allow the construction of two 20-foot tall monument signs; located on the north side of Highway 20 between Tharp Road and Stabler Lane; APN 59-010-075 and 59-010-076; Applicant/Owner, Hilbers, Inc.
4. Public Hearing: Subdivision Map # SM 05-02A, for Teal Hollow; proposal by staff to modify conditions 20 and 21 of the Conditions of Approval related to Western Parkway; located on the north side of State Route 20, west of Royo Ranchero Drive; APN 62-020-078; Applicant, City of Yuba City; Owner, Centex Homes.

Commission Consideration: - None

Commission Discussion: - None

Other Business - None

Report on Actions of the City Council

Adjournment

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$753 (\$363 if the project concerns a single-family residence), must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Commission action becomes final. The exception to this is rezonings--please check with the Planning Department, 1201 Civic Center Boulevard, Yuba City for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530/822-4601) at least 72 hours in advance so such aids or services can be arranged. City Hall TDD: 530/822-4732.

*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.

DATE: December 7, 2006
TO: Yuba City Planning Commission
FROM: Brian Trudgeon, Principle Planner
SUBJECT: Agenda Report – Meeting of December 13, 2006

- 1. PUBLIC HEARING – DEVELOPMENT PLAN DP 06-02 FOR SIERRA CENTRAL CREDIT UNION FOR THE FOUR-PHASE CONSTRUCTION OF A 117,000 SQUARE FOOT CORPORATE HEADQUARTERS AND BANKING FACILITY LOCATED IN THE C-M, SP ZONE AT THE SOUTHEAST CORNER OF HARTER PARKWAY AND BUTTE HOUSE ROAD; APN: 59-010-103; APPLICANT: RENGEL + COMPANY ARCHITECTS; PROPERTY OWNER: SIERRA CENTRAL CREDIT UNION**

As noted in the attached letter, the applicant has requested that this item be continued to the regular Planning Commission meeting on January 10, 2007.

Recommended Action:

Staff recommends that the Planning Commission continue this item to the regular meeting on January 10, 2007.

- 2. PUBLIC HEARING: TENTATIVE SUBDIVISION MAP SM 06-05 OF HARTER ESTATES NORTH; LOCATED AT THE SOUTHWEST CORNER OF BUTTE HOUSE ROAD AND HARTER PARKWAY IN THE HARTER SPECIFIC PLAN AREA; SUBDIVIDER/PROPERTY OWNER, HARTER PACKING COMPANY, LLC**

As noted in the attached letter, the applicant has requested that this item be continued to the regular Planning Commission meeting on January 10, 2007.

Recommended Action:

Staff recommends that the Planning Commission continue this item to the regular meeting on January 10, 2007.

3. PUBLIC HEARING: USE PERMIT #06-05 FOR TWO 20-FOOT-TALL, MULTI-TENANT, FREESTANDING PROJECT SIGNS AT SUTTER BUTTES MARKETPLACE, ON THE NORTH SIDE OF HIGHWAY 20, WEST OF STABLER LANE AND EAST OF THARP ROAD; PROPERTY OWNER/APPLICANT: HILBERS, INC.

Project Description:

The applicant proposes to construct two 20-foot-tall, multi-tenant, monument style project signs for Sutter Buttes Marketplace. The signs will be located on the north side of Highway 20 between Tharp Road and Stabler Lane. Total advertising sign area on each sign is approximately 90 square feet. The signs will display the name of the center (Sutter Buttes Marketplace) and the names of nine tenants.

Property Description:

Sutter Buttes Marketplace consists of seven parcels totaling 7.1 acres with over 60,000 square feet of approved commercial space. Three of the seven parcels have no street frontage. River Valley Bank is currently occupied and open to the public, and two of the remaining six commercial pads are under construction.

General Plan Designation:

Regional Commercial

Zoning Classification:

General Commercial (C-3) District

Surrounding Land Use:

To the south is Highway 20, to the west is Walgreens and Tharp Road, to the north are the abandoned railroad tracks and a mix of commercial, office, and light industrial uses, to the east is a tree-filled property owned by the City and Stabler Lane.

Previous Commission Actions and/or Policies:

On July 25, 2001, the Planning Commission approved Use Permit UP 00-02 for a 35-foot-tall monument sign at the Yuba Sutter Mall. On September 6, 2005, the City Council approved Development Plan DP 05-02 for Geweke Crossing; the Council approval included a 35-foot-tall monument sign.

Environmental:

Categorically Exempt per Section 15303 of CEQA, pertaining to new construction

Staff Comments:

The Zoning Regulations allow a commercial project with five or more businesses and 50,001 to 100,000 square feet of floor area to have a 15-foot-tall sign with 96 square feet of sign area on each parcel. The Zoning Regulations state that the maximums may be exceeded provided the Planning Commission can make the finding that “the sign is needed to advertise a business(es) that have limited visibility from the adjacent public roadway.”

Staff supports the use permit for the following reasons:

- 1) The signs will provide exposure for the six or more tenants that have no street frontage on which to advertise their businesses. The tenants on Parcel 2 face east and as such would have extremely limited visibility from Highway 20. The tenants on Parcels 3 and 4 will be located 200-300 feet from Highway 20. Without signage on Highway 20, it could be difficult for customers and clients of the businesses without frontage to find their destinations. Given these issues, staff advises the Planning Commission that the above finding can be made.
- 2) The applicant has agreed to limit the number and size of remaining monument signs in exchange for approval of the use permit, thereby reducing the possibility of Highway 20 becoming visually cluttered. The Zoning Regulations allow the applicant to construct one monument sign on each of the four parcels that have street frontage. In exchange for approval of the extra 5 feet of height for each sign, the applicant has agreed to install only one more monument sign on the easternmost parcel at Pad A. The applicant has also agreed to limit the height of the sign on Pad A to 5 feet and the area of the sign on Pad A to 40 square feet. The condition of approval reflects the applicant’s concessions.
- 3) The proposed signs will complement the architecture and design of the project as a whole. Also, the applicant is proposing signage with less area than that which is permitted by the Zoning Regulations.

Recommended Action:

A. Adopt the following findings:

1. The proposed project for an oversized identification sign is consistent with the Regional Commercial designation as shown on the Land Use Map of the General Plan.
2. The site is of adequate size (7.1 acres) to accommodate the proposed use. Access to the facility is readily available from Highway 20 (Colusa Avenue).
3. The existing public improvements (e.g., street, curb and gutter) adjacent to the site along Highway 20 are adequate to carry the amount of traffic and drainage expected to be generated from the project site.

4. The site design and the design of the structure will complement neighboring facilities.
 5. Approval of the use permit for oversized identification signs will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
 6. Because of the distance between the businesses and the highway frontage, the orientation of the businesses, and the lack of frontage on which to advertise, the oversized identification signs are needed to advertise those businesses that have limited visibility from Highway 20.
- B. Approve the use permit for the two 20-foot tall identification signs for Sutter Buttes Marketplace subject to the following condition of approval:
1. Sutter Buttes Marketplace shall be allowed to have one additional monument sign located on Parcel 7 for the purpose of advertising the future tenant of Pad A. The monument sign on Parcel 7 shall be limited to 5 feet in height and 40 square feet in area.

4. PUBLIC HEARING: MODIFICATION OF CONDITIONS FOR SUBDIVISION MAP 05-02 TEAL HOLLOW; NORTH OF STATE ROUTE 20, WEST OF ROYO RANCHERO DRIVE; PROPERTY OWNER AND APPLICANT, CENTEX HOMES

Project Description:

Request by staff to modify Conditions 20 and 21 of the Conditions of Approval for Teal Hollow (SM 05-02).

Property Description:

The subject property is located north of State Route 20 and west of Royo Ranchero Drive. The property is separated from the State Route 20 frontage by the North Colusa Frontage Road, two single family homes, and a 3.5 acre vacant parcel. The total project size is 29.99 acres, with Unit One being 10.78 acres and Unit Two being 19.21 acres. Unit One consists of 43 lots and is almost completely developed. Unit Two, identified by Assessor's Parcel Number 62-020-078, consists of 80 proposed lots.

General Plan & Zoning:

The proposed subdivision has a General Plan designation of Low Density Residential (LDR) with a zoning classification of One-Family Residence (R-1) District. The Low Density

Residential General Plan designation applies to residential developments of 2-8 dwelling units per acre. The One Family Residence (R-1) District permits single-family homes with a minimum lot size of 5,000 square feet for interior lots and 6,000 square feet for corner lots. The proposed subdivision has a total project density of 3.94 dwelling units per acre, with lots ranging in size from the smallest typical lot of 6,900 square feet to the largest of 7,500 square feet.

Surrounding Land Use:

Surrounding the project site to the north and northwest are existing single-family homes, which consist primarily of one-story construction; to the south is the parcel designated on the General Plan Land-Use Diagram as Office/Office Park, as well as North Colusa Frontage Road and State Route 20. West of the project site is Walnut Park Estates, a 277 lot single-family subdivision currently under construction by KB Homes and a 2 acre vacant parcel designated on the General Plan Land-Use Diagram as Community Commercial. East of the project site are existing single-family homes, a church, and several other vacant parcels.

Previous Commission Action and/or Policies:

Subdivision Map (SM 05-02) for the subject project was approved by the Planning Commission on April 27, 2005.

Environmental:

A mitigated negative declaration was prepared for the project and reviewed and considered by the Commission on April 27, 2005. Staff's request to modify Conditions 20 and 21 does not have an impact on the mitigated negative declaration as the modifications proposed to the Conditions of Approval were not mitigating measures identified in the mitigated negative declaration.

Staff Comments:

Existing Conditions:

Staff recommends the modification of Conditions 20 and 21 of the Conditions of Approval which currently read as follows:

20. Recordation of Phases 2 or 3 shall not occur until such time as the remaining ½ street section of the Western Parkway south of Libby Lane is constructed and the signalized intersection at Western Parkway and State Route 20 is completed and fully operational.
21. This project shall be responsible to pay a not to exceed 25 percent share of the new signalized intersection at the Western Parkway and State Route 20.

Background:

State Route 20 is a controlled access highway to which new connections are not permitted without the approval of the California Transportation Commission (CTC). The 2004 General Plan identifies Western Parkway as a north-south arterial between Township Road and George

Washington Boulevard that will eventually connect Pease Road to Bogue Road. As projects in the western portion of the Sphere of Influence develop, those projects have been required to construct the portion of Western Parkway fronting their projects.

Through the Walnut Park Estates project, located west of the subject project, the west half of Western Parkway between State Route 20 and Jefferson Avenue has been constructed. In addition, the developer of Walnut Park Estates was required to pay a small portion of the funds required to construct the State Route 20/Western Parkway intersection.

With the collection of funds through the Walnut Park Estates project, staff initiated proceedings with Caltrans to start the New Connection Approval process in April 2005. Also in April 2005, restrictions were placed on the Teal Hollow map as mentioned in Condition 20 above to prohibit the recordation of Units 2 or 3 until the Western Parkway/SR 20 intersection was constructed. Centex Homes, the developer of the Teal Hollow project, agreed to those conditions in April 2005 as they understood that the City had initiated proceedings to obtain the approval for the new Western Parkway access to State Route 20. Centex Homes also thought the construction of the intersection would occur within a reasonable timeframe of a few months.

In May/June 2005, there were multiple staff changes in the Public Works and Community Development Departments which put a halt to the new connection approval proceedings. Once contract staff was hired to fill the vacancies and the departments were reorganized, Requests for Proposals were obtained from several engineering firms for the preparation of the required New Connection Report. The proposals received for the cost of the preparation of the report were much higher than the funds collected through the Walnut Park Estates project, and the City could not use impact fees as Western Parkway is not included in the City's current impact fee program.

When Centex Homes became aware of the issue of lack of funding for the preparation of the New Connection Report and the construction of the Western Parkway/SR 20 intersection several months later, they approached the City about taking the lead on the process to ensure it was not delayed any longer as they are ready to record the Final Map for Unit 2. In September 2006, through the execution of a Subdivision Agreement for Unit 2 between the City and Centex Homes, they provided the City with a bond in the amount of \$1,742,000 to guarantee the preparation of the New Connection Report and the construction of the Western Parkway/SR 20 intersection, with the understanding that the City will execute a Memorandum of Understanding for reimbursement in the near future.

Proposal:

The construction of the Western Parkway/SR 20 intersection is imperative to improve traffic circulation at the George Washington Boulevard/North Colusa Frontage Road/State Route 20 intersection. Without the assistance of Centex Homes in moving this project forward, there would be no schedule for the construction of the improvements. Staff recommends that the Conditions of Approval be modified to allow Centex Homes to record the Final Map for the remaining portion of their project and limit the number of building permits that can be issued to 40, which is approximately half the lots remaining to be developed, prior to completion of the Western Parkway/State Route 20 intersection. Caltrans approves of this recommendation.

The schedule for the completion and approval of the New Connection Report is mid-summer 2007, with construction of the intersection projected for completion in spring 2008.

In addition, further traffic reports prepared by a traffic engineer hired by the City have identified that the developer of the Teal Hollow project should only be responsible for 10.1% of the cost associated with the Western Parkway/State Route 20 improvements.

Recommended Action:

Approve the modification of Conditions 20 and 21 of the Conditions of Approval of SM 05-02 Teal Hollow, to read as follows:

20. Prior to the issuance of the 41st building permit, the remaining ½ street section of Western Parkway south of Libby Lane shall be constructed and the signalized intersection at Western Parkway and State Route 20 shall be completed and fully operational.
21. This project shall be responsible to pay a not to exceed 10.1 percent share of the new signalized intersection at Western Parkway and State Route 20.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
December 13, 2006
City Hall Council Chambers

The meeting was called to order by Chairman Cartoscelli at 7:00 p.m. Members present were as follows:

PRESENT

Chairman Mike Cartoscelli
Commissioner Maynard Dunn
Commissioner Melia Campbell

Commissioner Satwant Takhar
Commissioner John Sanbrook
Commissioner Preet Didbal

ABSENT

None

Also present were Brian Trudgeon, Principal Planner, Katie Ertmer, Associate Planner, and Diana Langley, Senior Engineer.

The Pledge of Allegiance was led by Commissioner Sanbrook.

The meeting minutes of October 25, 2006 were approved unanimously as written.

Appearance of Interested Citizens: - None

Correspondence: - None

Chairman Cartoscelli recused himself due to conflict of interest of the two following public hearing items.

Vice Chairman Takhar took over the meeting.

Public Hearings:

- 1. PUBLIC HEARING: DEVELOPMENT PLAN #DP 06-02 FOR SIERRA CENTRAL CREDIT UNION FOR THE FOUR-PHASE CONSTRUCTION OF A 117,000 SQUARE FOOT CORPORATE HEADQUARTERS AND BANKING FACILITY LOCATED IN THE C-M, SP ZONE AT THE SOUTHEAST CORNER OF HARTER PARKWAY AND BUTTE HOUSE ROAD; APN: 59-010-103; APPLICANT: RENGEL+COMPANY ARCHITECTS; PROPERTY OWNER: SIERRA CENTRAL CREDIT UNION**

Katie Ertmer, Associate Planner, stated that the applicant was requesting a continuation to a date specific of January 10, 2007, and recommended continuation to the January 10, 2007 meeting.

Commissioner Campbell moved to continue #DP 06-02 to a date specific of January 10, 2007, was seconded by Commissioner Dunn, and the motion passed by a vote of 5-0-1 (Chairman Cartoscelli recused).

2. PUBLIC HEARING: TENTATIVE SUBDIVISION MAP #06-05 OF HARTER ESTATES NORTH; LOCATED AT THE SOUTHWEST CORNER OF BUTTE HOUSE ROAD AND HARTER PARKWAY IN THE HARTER SPECIFIC PLAN AREA; SUBDIVIDER/PROPERTY OWNER, HARTER PACKING COMPANY, LLC

Katie Ertmer, Associate Planner, stated that the applicant was requesting a continuation to a date specific of January 10, 2007, and recommended continuation to the January 10, 2007 meeting.

Commissioner Dunn moved to continue #SM 06-05 to a date specific of January 10, 2007, was seconded by Commissioner Didbal, and the motion passed by a vote of 5-0-1 (Chairman Cartoscelli recused).

Chairman Cartoscelli returned to the dais.

3. PUBLIC HEARING: USE PERMIT #06-05 FOR TWO 20-FOOT-TALL, MULTI-TENANT, FREESTANDING PROJECT SIGNS AT SUTTER BUTTES MARKETPLACE, ON THE NORTH SIDE OF HIGHWAY 20, WEST OF STABLER LANE AND EAST OF THARP ROAD; PROPERTY OWNER/APPLICANT: HILBERS, INC.

Ms. Ertmer, presented a staff report.

Chair Cartoscelli opened the public hearing.

There being no testimony, Chair Cartoscelli closed the public hearing.

Commissioner Sanbrook asked if the conditions should address the 90 square feet of sign area.

Ms. Ertmer stated that normal zoning requirements regulate signs to 96 square feet.

Brian Trudgeon, Principal Planner said there could be another condition as part of the motion to state that the sign would not exceed 90 square feet.

Commissioner Takhar moved to recommend approval of Use Permit #UP 06-05, adopting the 6 findings, and subject to one condition, with an additional condition (Condition 2.) that states "Sign limited to 90 square feet as shown on plans", was seconded by Commissioner Sanbrook, and the motion passed by a unanimous vote.

4. PUBLIC HEARING: MODIFICATION OF CONDITIONS FOR SUBDIVISION MAP 05-02 TEAL HOLLOW; NORTH OF STATE ROUTE 20, WEST OF ROYO RANCHERO DRIVE; PROPERTY OWNER AND APPLICANT, CENTEX HOMES

Diana Langley, Senior Engineer, presented a staff report, and explained why the modifications were being requested.

Commissioner Takhar asked who will pick up the additional 15%.

Ms. Langley stated that the Western Parkway and State Route 20 intersection is in the proposed impact fee study which has not been adopted by City Council. Ms. Langley also stated that the proposed subdivisions in that western area, Walnut Park West, and the Reynan & Bardis project on Township called Monticello/Talavera, have been identified to have a percentage share of that intersection as well as other vacant properties that have not yet been developed. Ms. Langley said through the City's Impact Fee Program as well as defined shares from other developments, a Memorandum of Understanding will be executed for reimbursement to Centex Homes so they can be reimbursed as funds are collected.

Commissioner Takhar asked if Centex Homes has provided the City with a bond for preparation of the report.

Ms. Langley stated a bond has been provided by Centex Homes for the preparation of the report as well as construction of the intersection.

Commissioner Sanbrook asked what the rationale was of the original conditions 20 and 21 that were imposed on the Tentative Map.

Ms. Langley stated that the level of service of the George Washington/North Colusa frontage road/State Highway 20 is very poor, and that the intersection at the North Colusa frontage Road is failing. Ms. Langley said that the City is trying to limit the amount of homes added in order to cut down on additional traffic that would make the intersection even worse. Ms. Langley also said that this is a means of giving the applicant additional building permits to construct half of the homes, as the City is moving forward with the construction of the intersection which will benefit the public in general within that area.

Commissioner Sanbrook asked what assurances there are from CalTrans that the CPC will recommend approval of the intersection.

Ms. Langley said that with CalTrans approval of the project study report, which is the new connection report, it would be unlikely that the CPC would not approve the intersection.

Commissioner Sanbrook asked what the cost of the connection report would be.

Ms. Langley said the report would cost around \$700,000.

Commissioner Sanbrook asked how much was collected from Walnut Park West for preparation of the report.

Ms. Langley stated that KB Home contributed \$250,000 towards the preparation of the report and the construction of the intersection.

Commissioner Sanbrook asked what the bond includes.

Ms. Langley said the bond includes requirements for the full subdivision, the half section of Western Parkway south of Libby Lane, and the preparation of the report, as well as the construction of the intersection.

Commissioner Campbell asked why there is such a shortfall on anticipated costs on so many projects, and why estimates are made too low. Commissioner Campbell also asked how the City can have a new traffic study that is 15% less impact than the traffic study done originally.

Ms. Langley explained that the traffic study was prepared by a consultant chosen on behalf of the City, and that the developer did not choose that consultant. Ms. Langley went on to explain that at the time the traffic study was prepared for Walnut Park project, there were not as many proposed projects, Master Plans or Specific Plans in that area. Since that time, we have the Walnut Park West Master Plan, and the Monticello/Talavera Master Plan, which have not come before the PC. Ms. Langley said that with those developments, they have done an all encompassing traffic study that takes into account all the vacant properties in that area and has determined the share of each one of those projects in that intersection. Ms. Langley stated she does not have an answer as to why it was estimated at less, and stated that the staff that was here at that time is no longer with the City, and that the City is trying to recover costs.

Commissioner Sanbrook asked if staff was satisfied with the amount of the bond and if it is adequate to guarantee everything.

Ms. Langley said that staff is satisfied with the amount.

Commissioner Sanbrook asked what the signalized intersection will cost.

Ms. Langley said the cost will be \$1,000,000 which is attributable to the intersection only, and that the balance of the bond is for the improvements to the subdivision.

Commissioner Sanbrook asked what the Engineer's estimate is on the total bond.

Ms. Langley said she believes the total bond amount is \$2.8 million.

Chair Cartoscelli opened the public hearing.

Carl Roth, 3377 Paris Way, spoke about the traffic in the area, and that barriers are being moved by subcontractors. Mr. Roth stated that the developer has done well on the upkeep of the site.

Ms. Langley introduced Brian Bergfalk of Centex Homes, who spoke about the proposed changes to the two conditions of approval, and stated they will make sure the traffic issues are addressed.

Commissioner Campbell stated that she appreciates what Centex is trying to do, and also spoke about the traffic problems.

There being no further testimony, Chair Cartoscelli closed the public hearing.

Commissioner Dunn moved to approve the modifications of Conditions #20 and #21 of #SM 05-02, Teal Hollow, was seconded by Commissioner Campbell, and the motion passed unanimously.

Other Business: - None

Report on Actions of the City Council:

Mr. Trudgeon reported that on November 21, 2006, the City Council approved the Harter Estates South Subdivision with modified conditions.

Mr. Trudgeon also reported that the Valley Development Rezone (#RZ 06-03) request will go to the City Council meeting of December 19, 2006.

Tom Tucker spoke about the Harter project and explained what the modified conditions were.

Adjournment: The meeting was adjourned at 7:33 p.m.

Respectfully submitted,

AARON BUSCH, Secretary
YUBA CITY PLANNING COMMISSION