

**MINUTES
PLANNING COMMISSION REGULAR MEETING
JANUARY 20, 2009**

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:07p.m. by Chairman Haller at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present: Commissioners Randall Hamerly, Bob Moore, Michael Willhite, and Vice Chairman John Gamboa

Absent: Chairman Richard Haller (Note: arrived at 6:16pm)

Staff Present: John Jaquess, Community Development Director
Ernie Wong, City Engineer
Dennis Barton, Assistant Public Works Director
Lawrence Mainez, City Planner
Linda McKeough, Administrative Assistant III

2.0 COMMUNITY INPUT

There was none.

3.0 CONSENT CALENDAR

Interim Chairman Hamerly explained the Commission could take the Items out of order and consider taking action on Items 3.6 through 3.9. The remaining Items would be considered when Chairman Haller would arrive and the Commission concurred.

3.6 Minutes of June 3, 2008, Regular Meeting.

Approved, as submitted.

3.7 Minutes of September 2, 2008, Regular Meeting.

Approved, as submitted.

3.8 Minutes of November 4, 2008, Regular Meeting.

Approved, as amended.

On Page 3, Fifth Paragraph was amended to read as follows: AThe following are comments made by the Commissioners: 1) concerns were raised regarding the amount of saturation and the number of calls for service within said Census Tract, and; 2) a question was asked by a Commissioner if it was if the Applicant is proposing to sell beer and wine outright, or only with food service. The Commissioner responded the sale of food is not the issue, it is the saturation of alcohol licenses.@

On Page 8, Fifth Paragraph, First Sentence was amended to read as follows:@ Motion carried on a 4 - 1 vote with Vice Chairman Gamboa dissenting.@

3.9 Minutes of December 2, 2008, Regular Meeting.

Approved, as amended.

On Page 1, the time for the Meeting to be called to order listed in 1.0 was 6:00pm.

A Motion was made by Vice Chairman Gamboa and seconded by Commissioner Moore to approve the Minutes of June 3, 2008, September 2, 2008, as submitted and the Minutes of November 4, 2008, December 2, 2008. as amended.

Motion carried on a 4 - 0 vote with Chairman Haller absent.

The Commission recessed at 6:12p.m. and reconvened at 6:16p.m. with all five (5) Commissioners present.

Chairman Haller explained how the Commission would now consider Items 3.1 through 3.5 and called for any comments from the Commission.

3.1 Minutes of November 6, 2007, Regular Meeting.

Approved, as submitted.

3.2 Minutes of January 29, 2008, Special Meeting.

Approved, as submitted.

3.3 Minutes of April 1, 2008, Regular Meeting.

Approved, as amended.

On Page 10, Second Paragraph and Last Sentence was amended to read as follows: AThe Commission responded it would like to discuss the GPA without encompassing any specific project.@

On Page 11, Fifth Paragraph and First Sentence was amended to read as follows: AMr. Shin stated there was change made to a Baker-s drive-thru which is located just across the street (from his proposed Site) and was concerned why couldn-t he be permitted to build a Drive-thru on his parcel.@

3.4 Minutes of April 15, 2008, Regular Meeting.

Approved, as amended.

On Page 4, Sixth Paragraph and Third Sentence was amended to read as follows: AMr. Miller then said he would like to add a few things and said the Site has been vacant since 1992 and the proposed Project will provide a much needed facelift.@

On Page 6, First Paragraph and Second Sentence was amended to read as follows: @Staff responded that they would review the placement of trees and can look at the Landscape Plan and reiterated that would be for the southwest corner of the proposed Site.@

On Page 13, Fifth Paragraph and First Sentence was amended to read as follows:@Discussion ensued between the Commission and Staff regarding the Habitat Conservation Plan (HCP) has been going for fifteen (15) years now and Fish and Wildlife is supposed to be writing an HCP Environmental Impact Report (EIR) out for public review for about sixty (60) days.@

3.5 Minutes of May 6, 2008, Regular Meeting.

Approved, as submitted.

A Motion was made by Commissioner Hamerly and seconded by Chairman Haller Moore to approve the Minutes of November 6, 2007, January 29, 2008, May 6, 2008, as submitted and Minutes of April 1, 2008, and April 15, 2008, as amended.

Motion unanimously passed on a 5 - 0 vote, with the exception of the Minutes of April 1, 2008, in which the Motion carried on a 4 - 0 vote with the abstention of Vice Chairman Gamboa.

4.0 PUBLIC HEARINGS

4.1 CEQA Clearance for the Boulder Avenue Bridge Replacement Project (Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Plan) (ENV 005-002). The Project is located in the central portion of the City of Highland, on Boulder Avenue east of SR210, south of Base Line, north of Greenspot Road, west of Webster Street, and crosses over City Creek. Representative: Dennis Barton, Assistant Public Works Director

Chairman Haller introduced the item and called for Staff-s presentation.

City Planner Mainez gave the presentation from the Staff Report. He gave the historical background of the Project and described the proposed design to the Commission. He explained the Initial Study, Mitigation Measures and which CEQA Categories would have potential impacts which included the San Bernardino Kangaroo Rat, Coastal California Gnatcatcher, Santa Ana Woolly Star, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality and Noise and indicated the Best Management Practices. City Planner Mainez added the San Manual Band of Mission Indians has requested to review the assessment due to migration of the Native Americans along rivers for potential discoveries. He stated the City received a total of five (5) comments and the City-s Consultant for the proposed Project LSA Associates, had responded to the comments and there have been no follow-up calls to the comments. He further stated comments generated minor revisions to the Initial Study and they are not significant and indicated the Initial Study would not be recirculated. City Planner Mainez then concluded his presentation and indicated Ms. Lynn Calvert from LSA Associates,

who is the City's Consultant, as well as Assistant Public Works Director Barton and are here to answer any questions the Commission may have. Assistant Public Works Director Barton added construction on the proposed Project currently scheduled to start in 2010.

Chairman Haller asked if the Commission had any questions of Staff.

A question was asked by a Commissioner if the proposed block wall would be built immediately or with the proposed Project. Staff responded the block wall would be built during the time of the construction of the Project and would not exceed eight feet (8') in height and added the wall may be six feet (6') in height. The wall would be behind the curb and gutter and be located on the top of the slope.

A question was asked by a Commissioner regarding the methodology to the traffic and cause. Will the traffic increase with the noise or is the proposed Project the cause for the noise when the community is built out. Concerns were raised by a Commissioner regarding potential graffiti and image for the neighborhood and does not want a sound wall and is taken a little out of context and how the City is trying to encourage pedestrians with the Golden Triangle Policy Area. The Commissioner wants further exploration and keep options open such as a berm. The Commissioner suggested more tree coverage and by 2030, with the increased traffic, the trees will have matured. Staff responded the traffic is more driven by the General Plan. The Project is accommodating future traffic needs.

A question was asked by a Commissioner regarding noise reduction. Staff responded a Noise Study was prepared for Caltrans and its requirements are very restrictive and there is no room for negotiations. Staff informed the Commission how Staff met with the residents regarding the sound wall and had received two (2) letters from them in favor of the wall. Staff expects possibly one (1) more letter and indicated there are four (4) residents adjacent to the wall.

A question was asked by a Commissioner regarding the cost for a 782 foot sound wall. Staff introduced Mr. Mohen Char of LAN Engineering, 20 Empire Drive, Lake Forest, California, who is the Project Manager's Civil Engineer, addressed the Commission. Mr. Char anticipates the cost for construction of a six foot (6') high wall be approximately between \$80,000 to \$100,000 compared to the Project costing approximately \$17 million. A comment was made by a Commissioner indicating the cost would then be approximately \$70.00 per lineal foot and Mr. Char responded affirmatively. Staff added the cost includes a fully grouted wall.

Ms. Lynn Calvert-Hayes of LSA Associates, 1500 Iowa Avenue, Suite 200, Riverside, California, who is the City's Consultant, addressed the Commission. She stated in addition to the California Environmental Quality Act (CEQA) document, the Project also needs clearance to comply with the National Environmental Policy Act (NEPA). The noise regulations from Federal Highway Administration (FHWA) are

more restrictive. Engineering will determine whether or not the wall is cost effective and explained the residents have to vote whether or not if they want the wall. The Noise Study is to be in the Technical Appendices and indicated there are also concerns with graffiti. Staff added the residents are concerned with the area located between the wall and property line. Staff added there will be a need to fence off gaps. Staff indicated there will be a separation of approximately four feet to six feet (4' - 6') between the top of the slope and property line. A chain link fence exists at approximately the Public Right-of-Way. Staff added there would be approximately a twelve foot (12') grade differential from the top of the wall to adjacent properties.

A comment was made by a Commissioner the wall may be a maintenance and graffiti magnet and asked if the installation of berms could be used as sound attenuation and enhance aesthetics. He further stated the wall may be a detractor and asked if there are other options. Staff responded not really. There is not adequate area to fill in and the landscaping is not a recognized option for sound attenuation. Staff added the use of rubberized asphalt is quieter, but is not a recognized Mitigation Measure. Discussion is taking place between the City's Landscape Consultant and Staff regarding the type of block wall to be installed, it could be slump stone, split-face, etc. and Staff is still unsure. A Commissioner responded about casting in place concrete similar to what is being used in Arizona. Another Commissioner stated along the 91 / 215 Freeway Interchange, a block wall with different features with side walls was installed at that location. Staff responded how Staff can look at those and with the landscaping at Boulder Avenue with the type of planting material used, landscaping material to cling onto the walls on the down slope, and possibly vacate that area and give to the residents for maintenance on the back side of the wall and said how Staff could explore that concept also. A comment was made by a Commissioner how Staff may receive a favorable response from the residents and is a win / win situation for both the City and the residents.

Discussion ensued between the Commission, Ms. Calvert-Hayes and Staff regarding the Mitigation Measures, as written, gives the flexibility and evaluates all of the alternatives. A question by a Commissioner if the document is already prepared or will it still need to be prepared. Ms. Calvert-Hayes responded the document has been prepared and the Mitigation Measure is flexible enough for Caltrans.

A comment was made by a Commissioner had read a Receptor's site, the cost per resident would be \$25,000, and if a resident would upgrade, it would cost the resident approximately \$10,000 per property. Staff responded it's not just upgrading inside, it's also upgrading the outside area. Ms. Calvert-Hayes indicated the noise levels in the back yard are the outside area and gave an example how the FHWA affects commercial sites that have outdoor dining areas and this is more for recreational use for the residents' back yard. Staff added how the General Plan is based on CEQA and the decibel level is 45 Dbl. inside and 65 Dbl. outside. A

question was asked by a Commissioner if music is considered noise and Staff responded music is noise subjective. A question was asked by a Commissioner about the use of anti-graffiti paint. Staff responded there is a compound anti-graffiti paint and it can be used which would also help with the clean up / maintenance.

A question was made by a Commissioner regarding the implementation of AB 32 greenhouse gas requirements. Ms. Calvert-Hayes responded how Anything is cast in concrete. The Office Planning and Research (OPR) has changed CEQA, but not implemented yet. Currently, the local Agencies use their levels of significance and is unsure when the implementation will take place. A question was asked about if anyone has challenged CEQA and Staff responded anyone can challenge anything.

A comment was made by a Commissioner how Fish and Game has had ample time to update their Field Studies and then asked Staff to explain. Ms. Calvert-Hayes responded the answer is the proposed Project is going through the Section 7 and FHWA. Caltrans and the Biologists will work with Fish and Game regarding species and habitats and how Fish and Game defers to Fish and Wildlife which usually signs off. Staff indicated we are close to the process. Staff added how Fish and Wildlife review the Biological Assessment and provide comments. Then there are responses to those comments and they (Fish and Wildlife) may ask for additional surveys. Staff commented how Fish and Wildlife had asked for an additional survey with another City project.

A question was asked by a Commissioner about the Santa Ana Woolly Star, and if there may be a flood, if this applies to City Creek. Ms. Calvert-Hayes responded that is outside of the proposed Project and is no longer flooded due to the levies and may not be viable in the long term due to the lack of periodic flooding necessary for their survival. She further explained the new Base Line Bridge (not built yet) opens up the area and may be open to flooding and reiterated there is no flooding there (at the proposed Project area) due to the berms. A comment was made by a Commissioner how the Mitigation Measures were swaps and taking things off-site and why stated in the Report not viable, and the Report also says avoidance and is frustrating for the Commission. Ms. Calvert-Hayes responded stating it is a critical habit and the Commissioner responded it is a potential critical habitat.

A question was asked by a Commissioner if the proposed Bridge is a single span or a multi-span. Mr. Char responded the proposed Bridge is multi-span with three (3) piers. The original / current (City Creek) Bridge has ten (10) spans and reiterated the proposed Bridge construct three (3) spans. A comment was made by a Commissioner how the Mitigation Measure documents a temporary structure in order to avoid sediment / erosion and pollutants similar to Cofferdam. Mr. Char

responded the Contractor would construct / prepare a Storm Water Pollution Plan (SWPPP). Staff added with certain Best Management Practices, i.e. wash out area, oil drops and will provide guidelines and Mitigation Measures will be in the Contractor-s document and for the Contractor to provide a SWPPP. A comment was made by a Commissioner regarding maintenance and reduce the number of pieces and have a hardened (river) bottom in order to control erosion. Staff responded there are some issues to address and also conflict with other Agencies= desires - need to protect the people, yet address the concerns.

Discussion ensued between the Commission, Ms. Calvert-Hayes and Staff regarding the requirements for the Water Quality Board Mitigation Measures and on-site repair and revegetation issues. Ms. Calvert-Hayes added the requirements of Fish and Wildlife service not having the repair / revegetation and how she had dealt with the Fifth Street Bridge debris located at City Creek. There is a struggle between Fish and Wildlife, the Regional Board and San Bernardino County Flood Control District (SBCFCD). With regards to the hard (river) bottom, Fish and Wildlife will not go for that due to the San Bernardino Kangaroo Rat. Staff added the document on 401 - 404 and the Biologist-s opinion, will provide additional feedback and will be addressed specifically.

A question was asked by a Commissioner regarding the blow off valve for the Water District in that who pays for it (close to the resident-s house). Staff responded in that it remains to be seen and has not been determined yet with the Metropolitan Water District. A question was asked by a Commissioner about how far would it be removed and Mr. Char responded twenty feet (20') LAN will be preparing a redesign and needs a Memorandum of Understanding (MOU) between the City and the Metropolitan Water District for relocation and funding.

Discussion ensued between the Commission, Ms. Calvert-Hayes and Staff regarding the feasibility of widening the road and relative to the Fish and Game issue of 3:1 replacement ratio and in the document, it states 2:1 replacement ratio. Ms. Calvert-Hayes responded both Fish and Game and Fish and Wildlife are asking for the maximum and it-s up to Caltrans to negotiate. Staff added that 3:1 replacement ratio is typical and Ms. Calvert-Hayes added how she has seen up to 5:1 replacement ratio and reiterated it is Anot cast in concrete@ regarding the replacement ratio with Fish and Game and Fish and Wildlife.

Discussion ensued between the Commission, Ms. Calvert-Hayes and Staff regarding Letter AC@ from the Department of Fish and Game and the last sentence in C-13, AAlso, because mitigation to offset the impacts were not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainage and/or riparian habitat are <less than significant= without knowing what the specific mitigation measures are that will reduce those impacts.@ A Commissioner stated the comments have been responded to and are insignificant and we don=t think it-s less than significant. How

is a determination made, by Staff-s account being one (1) of three (3) Agencies. Ms. Calvert-Hayes responded we have to obtain a Stream Altering Permit before Fish and Game and they are negotiating with us right now. The response provided to you with a Table and a 0.26 impact total to both Bledsoe / City Creek under Fish and Game. A question was asked by a Commissioner with their assessment, isn't it just a negotiating tool and Ms. Calvert-Hayes responded she doesn't believe Fish and Game has read the Appendices and Bio-Report and, in her and Staff-s opinion, it is not a significant effect. Staff added for the record, Staff assumes Fish and Game reads everything and put forward in a counter response and move forward with negotiating with Fish and Game. A comment was made by a Commissioner how the letter hinted on avoidance and on-site Mitigation Measures, Highland is a sensitive area and in a couple of years, you will be able to find the same stuff there when the road is completed.

Chairman Haller asked if the Commission had any further questions of Staff. Hearing none, he then opened the Public Hearing and asked if anyone in the audience would like to speak on the item. Hearing none, Chairman Haller left the Public Hearing open.

A comment was made by a Commissioner there is a keen interest by the Commission that the Design Review Board (DRB) review the proposed wall. A question was asked by Staff is that a directive. A Commissioner responded that is a strong recommendation and also have Public Works review it and meet the purposes, reduce maintenance for the City in the future.

The following are comments made by the Commissioners: 1) there are no other major issues, and; 2) the wall is a critical design issue and have DRB review it in the design concept process.

Discussion ensued between the Commission and Staff regarding on Page 28 (?) with Boulder Avenue with interfering with traffic and if the road is to remain open to traffic or close it down during construction. Staff responded the road will remain open to traffic, with one (1) lane traffic open each way. Construction will be staged. Staff added they would not have cranes moving during peak hours, there would be defined hours of operation, flag men, etc. and traffic control measures would be written in the Contract.

Chairman Haller asked again if anyone would like to speak on the Item. Hearing none, he then closed the Public Hearing and opened the floor for further discussion amongst the Commissioners.

A Commissioner requested Staff to explain Staff-s Recommendation to the Commission. Another question was asked by a Commissioner about clarifying the disagreement with the Assessment of one (1) of the Agencies. A Commissioner responded have them (the Agencies) read the Map - the Mitigation Measures

address their comments and discuss in order to address the impacts and Appendix AJ@ was further discussed (about Letter AC@ from Fish and Game).

The following are comments made by the Commissioners: 1) there is an on- off-site Mitigation Measure for the disturbed area; 2) the existing Finding addresses adequately what the Agency found fault with; 3) there is still the need to negotiate for the Stream Altering Permit.

Chairman Haller stated this has been extensive discussion and appreciates the review. He then asked if the Commission had any further questions of Staff or discussion amongst the Commissioners. Hearing none, he then called for the question.

A Motion was made by Commissioner Hamerly and seconded by Vice Chairman Gamboa to:

1. Approve Resolution 09-001 adopting a Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Plan for the Boulder Avenue Bridge Replacement Project (ENV 05-002), and;
2. Direct Staff to file an Environmental Notice of Determination with the San Bernardino County Clerk of the Board.

Motion unanimously passed on a 5 - 0 vote.

A comment was made by a Commissioner in that the document was good reading. Staff responded and indicated how Staff appreciates the Commission-s time in reviewing the document and for the Commission-s comments.

5.0 LEGISLATIVE

There were no Items.

6.0 ANNOUNCEMENTS

Chairman Haller thanked and exclaimed his appreciation to the Commissioners of their support with his deployment to Iraq, as well as Commissioner Hamerly serving as Interim Chairman and Sam Racadio serving as Interim Commissioner for all of their work and efforts with his deployment to Iraq. He further thanked and appreciated the support, items, and information provided from Staff. Chairman

Haller further requested to make a short presentation to the City Council at its next Regular Meeting on Tuesday evening.

Staff explained there are some refreshments after the Meeting for everyone to enjoy in honor of Chairman Haller-s return.

Commissioner Willhite explained how the (Highland Area) Chamber of Commerce selected City Engineer Wong as the ACity Staffer of the Year® and congratulated him, followed by both the Commission and Staff joining in the congratulations. City Engineer Wong responded how it has been a pleasure working with the Planning Commission, City Council and the community and appreciates all of the hours and comments the Commission provides to Staff.

Staff explained on January 13, 2009, the City Council had appointed Mr. Trang Huynh as the newest Design Review Board Member and is currently the Building Official for the City of Rancho Cucamonga.

7.0 ADJOURN

There being no further business Chairman Haller declared the meeting adjourned at 7:30 p.m.

Submitted by:

Approved by:

Linda McKeough,
Administrative Assistant III

Richard Haller, Chairman
Planning Commission