

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
JUNE 16, 2009**

**1.0 CALL TO ORDER**

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

Present: Commissioners Randall Hamerly, Michael Willhite, Vice Chairman  
John Gamboa and Chairman Richard Haller

Absent: None

Vacancy: One

Staff Present: John Jaquess, Community Development Director  
Ernie Wong, City Engineer  
Lawrence Mainez, City Planner  
Sean Kelleher, Assistant Planner  
Linda McKeough, Administrative Assistant III

The Pledge of Allegiance was led by Chairman Haller.

**2.0 COMMUNITY INPUT**

There was none.

**3.0 CONSENT CALENDAR**

Commissioner Hamerly advised Staff of his abstention for the Minutes of July 17, 2007.

**3.1 Minutes of July 3, 2007, Regular Meeting.**

On Page 3, Second Paragraph, next to the Last Sentence was amended to read as follows: "A question was asked by a Commissioner regarding if the Commission has the authority for fees."

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On Page 3, Fourth Paragraph, First Sentence was amended to read as: "The following are comments made by the Commission..."

Approved, as amended.

3.2 Minutes of July 17, 2007, Regular Meeting.

Approved, as submitted.

3.3 Minutes of July 15, 2008, Regular Meeting.

Approved, as submitted.

3.4 Minutes of April 7, 2009, Regular Meeting.

Approved, as submitted.

3.5 Minutes of April 21, 2009, Regular Meeting.

On Page 13, Fifth Paragraph was amended to read as follows: "Seconded by Commissioner Moore."

Approved, as amended.

3.6 Minutes of May 5, 2009, Regular Meeting.

On Page 8, First Paragraph, Seventh Sentence was amended to read as follows: "A comment was made by a Commissioner maybe there will be one (1) or two (2) and would be more competitive and another Commissioner stated there are four (4) in Redlands on Orange Street."

Discussion ensued between the Commission and Staff regarding the Artist or Photographic Studio land use intensity relative to Staff's recommendation.

On Page 9, Sixth Paragraph was amended to read as follows: "2. Adopt Resolution 09-010, as amended, determining that a "Tattoo Studio" type use is similar and no more intense than an "medical, dental and related health services for humans, including laboratories, clinics and the sale of articles clearly incidental to the services provided" type of use permitted by a Staff Review (SRP) Application within the Mixed Use (MU) Zoning District."

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3.7 Minutes of May 21, 2009, Special Meeting.

Approved, as amended.

On Page 4, Third Paragraph, Fourth Sentence was amended to read as follows: "A Commissioner responded how the City Council is opposed to apartments and will not fly with City Council and reiterated the City Council is opposed to apartments."

On Page 4, Fourth Paragraph in the middle was revised to read as follows: "3) due to Elevations, the rooftop equipment of commercial buildings will need special attention for screening purposes."

On Page 4, Fourth Paragraph in the middle was revised to read as follows: "6) the westerly most access in PA 3 and PA 2 is a dominant access and the symmetry along the central area needs to be reinforced in the landscaping / massing and connect all three (3) areas."

**A Motion** was made by Vice Chairman Gamboa and seconded by Commissioner Hamerly to approve the Minutes of July 3, 2007, July 15, 2008, and April 7, 2009, as submitted and to approve the Minutes of April 21, 2009, May 5, 2009, and May 21, 2009, as amended.

Motion carried on a 4 – 0 vote with one vacancy.

**A Motion** was made by Vice Chairman Gamboa and seconded by Chairman Haller to approve the Minutes of July 17, 2007, as submitted.

Motion carried on a 3 – 0 – 1 vote with the abstention of Commissioner Hamerly.

**4.0 PUBLIC HEARINGS**

4.1 MCA-009-002 - The City of Highland Municipal Code is being amended to require Video Monitoring equipment in all commercial businesses. Municipal Code Amendments will need to be made to Title 16 Land Use and Development. Location is City-wide. [This Item was continued from the April 21, 2009, and June 2, 2009, Planning Commission Hearings]

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Chairman Haller explained this is a continued Public Hearing, then introduced the item and called for Staff's presentation.

Assistant Planner Kelleher noted the following amendments on Pages 1-8 and 1-9 of the Staff Report in the proposed PC Resolution under Section 5.a. to read as follows: The City of Highland Planning Commission finds it appropriate to include with each new Business License Application Packet information regarding the ability to become a part of the San Bernardino County Sheriff Department's "Crime Free Business Program" and the Highland Area Chamber of Commerce's "Highland Business Crime Watch" email list." And the last sentence of Section 6.to read as follows: " And include information for the San Bernardino County Sheriff Department's "Crime Free Business Program" and the Highland Area Chamber of Commerce's "Highland Business Crime Watch" email list with each Business License Application Packet." Assistant Planner Kelleher then proceeded and gave the presentation from the Staff Report, as follows: 1) what transpired regarding the Public Hearing being continued from April 21, 2009, May 5, 2009, and June 2, 2009, to allow Staff further time for gathering additional information; 2) Staff had met with Representatives from the Highland Area Chamber of Commerce and the Highland Police Department; 3) explained the Outreach Program including the Chamber of Commerce's e-mail blast and teaching business owners to be more vigilant to assist the Highland Police; 4) reviewed the business types listed in the current Video Monitoring Ordinance, with the addition of jewelry stores. He also noted the new location of the MCA Section as Section 16.40.480. Assistant Planner Kelleher then concluded his presentation. Staff added both the Highland Police Department and the Highland Area Chamber of Commerce are supportive of Staff's recommendation.

Chairman Haller asked if the Commission had questions of Staff.

A comment was made by a Commissioner if the Work Program Item's by Council Member Scott regarding the wording of the proposed Resolution was adequate and then asked if the City Council is supportive of this or the wording of the Work Program Item. Staff responded the Work Program Item was brought by one (1) Council Member and the other City Council Members concurred with Council Member Scott. There was no discussion and the City Council did not predisposed one way or another. What the City Council will do Staff is unknown since the City Council has not had the benefit of any input like the Planning Commission has had.

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A question was asked by a Commissioner regarding health and safety issues and if Staff is comfortable with the proposal because of the Highland Police Department and the Highland Area Chamber of Commerce's support. A Commissioner responded how the Work Program Item has been identified and is a technical performance, the recording time of the video tape and also how the parking lot be designed for video monitoring and the need for the equipment to be always in working order. Staff responded in the proposed "Administrative Draft" Ordinance in Section B and read entered into the record the following: "B. The video monitoring system shall cover all public entrances / exits, cashier areas, lobby areas and/or other public places such as walkways, vending machines and public telephone areas as determined by the Chief of Police."

A question was asked by a Commissioner about business license renewal and verifying if the monitoring system is functional and wording is for "new" and not "renewal". A Commissioner responded the Work Program Item also described other issues about non-functioning equipment. Staff responded the verification of the monitoring system would be done by Code Enforcement Division at the time of renewal. Staff added if the Commission had concerns with that, that Staff may forward the Commission's concerns to the City Council for consideration and recommended to add the words, "parking lots" to be added in the proposed Ordinance.

Discussion ensued between the Commission and Staff regarding the cost for the video monitoring systems, the upgrades, digital, vendor list, voluntary compliance from the businesses, the Outreach Programs. Staff added that in the meeting with the Highland Police Department in May, 2009, a video system from Costco, could be permitted, so long that the Police Department verified placement of the camera to ensure the best image possible. A comment was made by a Commissioner there is a maintenance issue and asked that it be part of the business license renewal process for the system to be up and working in order to comply with the Work Program Item request.

Discussion ensued between the Commission and Staff regarding check cashing stores, pawn shops, banks, credit unions, other financial institutions who loan funds, but not inclusive of escrow or title companies. A question was asked by a Commissioner about freestanding ATMs and Staff responded that Staff believed the video monitoring systems for ATMs is already listed in the Municipal Code. A comment was made by a Commissioner wants flexibility with the monitoring system. Staff explained Ms. Lindsay Mingee of the Highland Area Chamber of Commerce is in the audience and the Commission may want to hear from her.

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Chairman Haller explained this is a continued Public Hearing and invited Ms. Lindsay Mingee to speak on the Item.

Ms. Lindsay Mingee, who is the Executive Director of the Highland Area Chamber of Commerce, 7750 Palm Avenue, Suite N, Highland, California, addressed the Commission. She commended the Commission and Staff for all of their work and has done an incredible job. With being the City Council's Work Goals, she appreciates and respects the Work Program and the Commission has a valid concern. Ms. Mingee explained how this is not a perfect world, but due to the current economy, it is a struggle for businesses just finding financial locations. She indicated how the Highland Police Department purchased system from stores like Costco, Sam's Club, etc. could help with cost rather than systems costing \$2,000 to \$5,000. The Highland Police Department says the cost for a working one would be from \$200 to \$400. She recommended a list of preferred vendors to provide options to the businesses and would be mandatory for all businesses. With regards to Code Enforcement, it would be a nightmare if all new businesses were required to have Video Monitoring Systems and would create a hardship for Code Enforcement and wants to ensure the City enforces fairly. Ms. Mingee can see the validity of the proposal, but the business community is opposed to the mandatory provision for all businesses.

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

Discussion ensued between the Commission and Staff regarding the proposed Revisions in the proposed Commission's Resolution and the City Council's Draft Administrative Ordinance, procedures of processing Business License Applications, implementation, information packets, changes in camera technology, the minimum parameter of a camera system be included, enforcement, monitoring and verification the system is working is not addressed in the Ordinance. Staff responded that is part of the Outreach Program and recommended relocation in the Code along with jewelry stores and on Page 4 of the Staff Report to state: "The Highland Police Department give guidance on minimum standards of a video monitoring system."

A comment was made by a Commissioner to highlight the Outreach Program to the business community and asked about the language added to the proposed Resolution or Ordinance with various outreach programs with Staff, the Highland Police Department and Business Community is a volunteer program. Staff

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responded on Page 1-11 of the Staff Report on Section 2.A. of the proposed Ordinance and explained the mechanism for business licenses to the Commission.

A question was asked by a Commissioner regarding it is a mandatory compliance the proposed Ordinance is covering and is voluntary compliance the proposed Resolution is covering and Staff responded that is correct.

There being no further questions of Staff or discussion amongst the Commissioners, Chairman Haller then called for the question.

**A Motion** was made by Commissioner Hamerly and seconded by Vice Chairman Gamboa to approve Resolution No. 09-009 recommending the City Council approve the following:

1. Adopt a Notice of Exemption and Instruct the City Clerk to file a Notice of Exemption with the County Clerk of the Board, and;
2. Amend Title 16, Land Use and Development Code, repealing Sections 16.20.040.D., and Section 16.24.040.C., and adding Section 16/40.480 Video Monitoring System, as amended with the following:

#### Planning Commission Resolution

Section 5.a. Public Outreach. City of Highland Planning Commission finds it appropriate to include with each new Business License Application Packet information regarding the ability to become a part of the San Bernardino County Sheriff Department's "Crime Free Business Program" and the Highland Area Chamber of Commerce's "Highland Business Crime Watch" email list."

Section 6. the last sentence to read as follows: " And include information for the San Bernardino County Sheriff Department's "Crime Fee Business Program" and the Highland Area Chamber of Commerce's "Highland Business Crime Watch" email list with each Business License Application Packet." and;

Section B in the proposed "Administrative Draft "Ordinance:

B. The video monitoring system shall cover all public entrances / exits, cashier areas, lobby areas and/or other public places such as walkways, vending machines, parking lots and public telephone areas, as determined by the Chief of Police."

Motion carried on a 4 – 0 vote with one vacancy.

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- 4.2 CUP-007-008 - The subject Conditional Use Permit Application is for the Construction and operation of thirty thousand seven hundred and seven (30,707) square feet of Retail, Restaurant, Warehousing uses on the Site. The Proposed use of the Site includes two (2) Drive-thru Restaurant facilities. The Project Site is approximately 3.75 gross acres (163,533 square feet) in size.. The Project is located on the southwest corner of the intersection of Boulder Avenue and Greenspot Road (APN: 1201-361-17-0-000). Representative: Bud Thatcher, Thatcher Engineering and Associates, Inc.

Chairman Haller explained this is a continued Public Hearing, then introduced the item and called for Staff's presentation.

Assistant Planner Kelleher distributed Engineering Condition of Approval No. 33A to the Commission regarding granting a private easement for pedestrian / vehicular access in favor of the two (2) westerly adjacent parcels, which will become effective when the adjacent parcels also grant a similar easement in favor of this Project. He then gave the presentation from the Staff Report which included, but not limited to the following: 1) the location of the proposed Project; 2) Site Plan description and land uses; 3) parking lot design; 4) Note 2 of the Planned Development Document should say a minimum of twenty-five feet (25'), and; 5) accessibility design of the proposed Project. A question was asked by a Commissioner regarding access from the Project to travel to get to north bound on Boulder Avenue. Staff responded a person would exit the most northerly entrance to Greenspot Road and into the left turn pocket and indicated that it would be a difficult movement. Assistant Planner continued his presentation how the proposed Project would be constructed in two (2) Phases. In addition, Staff received comments from the Metropolitan Water District (MWD) regarding its Inland Feeder Pipeline and Staff is willing to work with the MWD. The Applicant will leave access for MWD and further explained utility easements to the Commission, as well as design of the landscape areas, pavers, and Water Quality Management Plan requirements. Assistant Planner Kelleher then concluded his presentation.

Chairman Haller asked if the Commission had questions of Staff. Hearing none, he then asked if the Applicant would like to make a presentation.

A question was asked by a Commissioner regarding if runoff from the walkway would flow through pervious material. Staff responded if so indicated on the Site Plan, the path of travels would be designed with stepping stones.

Chairman Haller asked if the Commission had questions of Staff. Hearing none, he then asked if the Applicant would like to make a presentation.

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Ms. Vicky Valenzala, of Thatcher Engineering, 345 Fifth Street, Suite B, Redlands, California, who is the Applicant's Representative, addressed the Commission. She stated that she has read the Staff Report and COAs and concurs with them, as well as Boulder Holdings, Inc. does. She added Site access is challenging. She then introduced Ms. Jennifer Kimee who is a Traffic Engineer of KOA Corporation, 3190 C Selby Street, Ontario, California.

A question was asked by a Commissioner regarding MWD's comment and Ms. Vicky responded how she, too, was surprised with MWD and indicated that she is willing to work with MWD.

Staff displayed a map of the Greenspot Road Master Plan and then explained MWD's Project design, Public Right-of-Way / street vacation / easement and location relative to the Applicant's proposed Project to the Commission. .

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

A question was asked by a Commissioner if the Applicant agrees with the Mitigation Measures and COAs and the Applicant's Representative responded affirmatively.

City Engineer Wong explained on Engineering COA No. 13, at the end of the first sentence, was amended to read as follows: "...intersection of Greenspot road and Boulder Avenue including an additional south bound through lane, an additional east bound left turn lane, and an additional west bound left lane."

The following are comments made by the Commissioners: 1) with regards to the vegetated swale / stepping stones can be kicked around or not set right and would like to see pervious concrete and would be drainable into the swale; 2) have a designated walkway rather than the stepping stones; 3) preferred to have aisles / walkways perpendicular to the Building; 4) with regards to paving / stepping stones, people will walk straight through plants / vegetation and will be a maintenance issue; 5) the pervious concrete could be the first time in Highland. Staff responded this would lessen an area to walk on and the landscaping design show it's a path and Staff then suggested the removal of two (2) parking spaces in order to create a brick path. A comment was made by a Commissioner that he could see the Applicant giving up two (2) parking spaces and use pervious material, but could still see the people walking through the swale.

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A comment was made by a Commissioner that there is a big problem for access and circulation and for the Applicant to look seriously at the hours between 7am or 6pm for traveling onto Boulder Avenue. Access is such a problem with drive-thru restaurants located on corners with oncoming traffic, as well as the siting of the second driveway between Buildings is a problem. Another comment was made by a Commissioner regarding design issues and asked the Applicant if the initial concept was put down and its effects on circulation, architecture and traffic. Ms. Vicky responded it is a busy intersection and met with City Staff regarding street improvements and not placed haphazardly as this is the best proposed driveway design and installments.

Mr. Jian Torkien, of ICO Real Estate Group, 9663 Santa Monica Boulevard, Suite 737, Beverly Hills, California, who is the Applicant, addressed the Commission. He stated there had been twenty-eight (28) Site Plans drawn and needs all of the parking he can get. Mr. Torkien said he had lost land to the Site itself and that a lot of planning went into this commercial project.

A comment was made by a Commissioner regarding the primary goal and objective is to give maximum exposure to the front Building, parking in the back and push the access point to the west on Greenspot Road.

Discussion ensued between the Commission, the Applicant regarding the feasibility of pulling the Building north and east, consolidate parking lots, drive aisle, landscape area, how the Southern California Edison's Substation blocks visibility of the Project to the west, the Applicant likes the Project to be more easterly because of the loading ramps for the Building would match different retailers and that there are parallel ramp(s) on the southeast corner. Layout of the street frontage where the vehicles and pedestrians would be in conflict with each other and the pedestrians may be visiting more than one business and having to navigate around the vehicles.

Further discussion ensued between the Commission and the Applicant regarding Buildings "A" and "B" and their points of access and the design of Chase Bank (former Washington Mutual). The Applicant indicated the Drive-thru would be the end cap of Building "C" on the west side and if open up, that would take the vehicular stacking in the area along the south side.

Further discussion ensued between the Commission and the Applicant regarding driveway access and parking area. The Applicant indicated there were a lot of different Site Plans drawn up.

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A question was asked by a Commissioner regarding if the location of the driveway being so close to the intersection and not further west and commented how Southern California Edison would work with the City and the Applicant for an easement. Staff had reviewed a number of Initial Site Plans that did not show the access point at the most westerly end of the Project frontage. Staff rejected such Site Plans. Staff also suggested the Applicant to contact Edison for permission to gain access in front of the Edison parcel. However, the Applicant indicated they could not get the Edison easement and could not find a Site Plan feasible for their businesses if the access point is located on the west parcel line and indicated the Applicant is willing to "live with it" and Staff did not push any further.

A question was asked by a Commissioner when did the Applicant contact Edison and the Applicant responded two (2) years ago and did not get / receive anything from Edison. A comment was made by a Commissioner that maybe Staff may have influence with Edison and Staff responded the suggestion to the Applicant to contact Staff was Staff's extent of involvement. Another comment was made by a Commissioner regarding Conditioning the Project to obtain an Edison easement and its impediment to the Applicant or Edison. Staff responded the Applicant will have to provide enough incentive to Edison in order to obtain the easement. Staff added if the Applicant is unsuccessful in obtaining the easement, otherwise the City would have to buy it at the Applicant's expense.

The following are comments made by the Commissioners: 1) offer more options and entertain with the City help to get dedication earlier from Edison; 2) wants the best Project possible; 3) the Commission has not seen the twenty-eight (28) Site Plans; 4) the Project access off of Greenspot Road would be difficult for eight to ten (8 – 10) hours daily; 5) access into the Project would be easier than getting out; 6) vegetation on the Edison Substation will screen the Project's signage and landscaping; 7) access points for a commercial businesses located on Yucaipa Boulevard is right in / right out. Staff responded the City can facilitate meetings with Edison and the Applicant, but the Applicant has to be willing to satisfy Edison's requirement also. The Applicant stated how he had constructed that commercial business on Yucaipa Boulevard, which has a reciprocal easement, and with regards to the left in access on Boulder Avenue, and right in/ right out access on Greenspot Road could work out.

Additional comments made by the Commissioners were the feasibility of requiring a traffic signal and minimizes two left lane cues on Boulder Avenue. Staff responded how Staff agrees with the Applicant with the left turn in access to the Project, but there are safety concerns with full movements. A Commissioner indicated the posted speed limit is 50MPH.

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A question was asked by a Commissioner if the Applicant has been through twenty-eight (28) versions and suggested the feasibility of the Applicant, along with the City Staff, to approach Edison. The Applicant responded and suggested to include in the COAs a requirement to obtain access from Edison, and will make its best efforts to obtain access from Edison, and if not, keep with the proposed Plan. A Commissioner responded and maybe redesign the entire Project and suggested to have the driveway of the Drive-thru Restaurant located between twenty feet to thirty feet (20' – 30') off the property line and the main access off of Greenspot Road be pushed west as far as it can. The Applicant responded if we push the access to the west, would be losing Building "A". The Commissioner responded if push to the west, would be losing in the current configuration. A question was asked by a Commissioner the feasibility of a right turn only entrance onto Greenspot Road. Discussion ensued between the Commission and Staff regarding the right in / right out access design similar to the Shell Gas Station located on Base Line and the Freeway. Staff added for Greenspot Road / Boulder Avenue intersection, there would be three (3) through lanes and two (2) lanes for left turns and one (1) lane for right turns. The City is planning to widen the Greenspot Road and will construct the Project entrance/ exit point and the timing for construction for this City project is early next year. The right in / right out access would require the drivers wanting to go to the Freeway would have to cut through five or six lanes to make a U-turn. The Applicant responded during peak hours, the would prohibit people to do that. Staff responded how you cannot restrict movement. A question was asked by Staff about a person doing a "U" turn at Orange Street / Greenspot Road and a Commission responded a person would have to make a left turn and go around the block.

Discussion ensued between the Commission, the Applicant and Staff regarding street frontage, proposed Building locations / reconfigurations, easements, etc. The Applicant responded why the Buildings up front are not feasible and unable to do commercially. The Applicant reiterated that he would lose square footage and unable to develop the Project if a box retailer not being located up front and is not seen anywhere. A Commissioner responded regarding the visibility issue and suggested an island configuration and the Applicant responded one of the floor plans did not work and the Applicant indicated how Staff has looked at different floor plans and need to rely on Staff and how the Applicant has brought the best Plan possible. A Commissioner responded how the Commission has not had the benefit of the history of the previous Plans, just the benefit of this one Plan package and the Applicant responded how they have already explored.

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A suggestion was made by a Commissioner about looking into the Edison easement in 2010. The Applicant responded with the Edison land, it will take away more land with the Applicant's street dedication.

A question was asked by a Commissioner regarding if the deceleration lane and the driveway was conceptual and the Applicant responded affirmatively regarding the deceleration lane. Staff added how Engineering COA 33A that was distributed earlier is to provide for traffic to go farther west within future developments located west of the Project south on Greenspot Road and explained the old Walmart site on Greenspot Road to the Commission. Staff further added when the Developer / City negotiates with Edison, the Applicant may be able to eliminate the driveway on Greenspot Road and use the back of the Edison property to access the Walmart parcel. A Commissioner stated how we want the best of all worlds. Staff responded the rendition of the proposed Site Plan and the Applicant understands the process and what is created is a basic commercial proponent and with a better tax base, convenience, and sense of place. Tonight is a solution to all and commended the Applicant for his efforts.

A question was asked by a Commissioner regarding if the proposed Site Plan is a medium commercial project – between a minimum square footage and maximum square footage. Staff responded affirmatively, with the exception of outside dining and might make sense when the Golden Triangle Policy Area is built out. A comment was made by a Commissioner regarding that area is the eastern gateway to the City. It should have more landscaping, greater signage, lower stonewalls, etc. Staff responded this is a procedure and acknowledges this is an entry into the City, the Golden Triangle Policy Area, and need to look at landscaping, architecture, etc. A Commissioner stated the view is the only option to the eastern gateway to the City. Staff responded for the Commission to consider the intensity and uses tonight. The Site Plan is for retail design and there is no Conditional Use Permit (CUP) proposed, at this time. A Commissioner stated he is inclined to forgive parking in order to allow corner nitch for an entry corner statement. Staff responded that unique landscaping is the next stage. A comment was made by a Commissioner if knock out the architecture or landscaping, make the Project gateway statement and put something unique there.

Chairman Haller stated this is a Public Hearing and asked if anyone would like to speak on the item. Hearing none, the discussion amongst the Commissioners continued.

Chairman Haller then asked if the Commission had any further questions or comments for the Applicant.

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The following are comments made by the Commissioners: 1) does not like the Project design; 2) have the Applicant talk with Edison and understands the Applicant had already talked with them twenty-four (24) months ago; 3) if the Applicant returns with a favorite solution, but here are the issues and at least, the Commission can review it and provide examples; 4) as a Commission's consideration, this is a critical corner, but here are the issues that are impossible. The Applicant responded it is physically impossible even if he gets an Edison easement for the setbacks and if he prepared four to five (4 – 5) different Plans, if they do not meet the Commission's requirements. Staff responded the Site is over parked and requests flexibility and access is an issue and the Applicant with the drive-thru component on Building "A" and asked the Applicant if the drive-thru component is "set in stone". The Applicant responded if it is moved south, he loses the path of travel and asked the Commission to look at the Site in that there is no where he can put it. A Commissioner responded there is no stand alone and is a land pad so it will be visible. The Applicant responded the proposed Drive-thru Restaurant is a Jack in the Box with another Drive-thru Restaurant and that ninety percent (90%) shopping is placed on the front pad and why it is located there and indicated a Starbucks lost interest on the Site.

The following are further comments from the Commissioners: 1) from a Commissioner's perspective, is at a loss and the Applicant wants the Commission to proceed; 2) is a compromise and substandard and the Commission proceed with a vote; 3) the Commission make a motion then willing to work with the Applicant; 4) is a terrific marquee site, but a miserable for function site; 5) not an optimum and that there are other solutions out there; 6) the Commissioner is flexible, but the Project is mediocrity; 7) another Commissioner agrees and hold to the higher standards and is not happy at all with the Project; 8) building out to the street and the Project is too "cut up"; 9) if the Project is a good project, then maximize the Project; 10) have the flexibility and cooperate with the Applicant and have the Applicant improve on it; 11) concerned with Project issues. Staff responded there are other alternative Site Plans on the Applicant's computer and it would be advantageous for the Applicant to walk the Commission through with most feasible options for discussion for the July 7, 2009, Meeting and Staff could add other items for the Commission's consideration and further explained what is tentatively scheduled for the July 7, 2009, Meeting.

Discussion ensued between the Commission and Staff regarding how the Applicant prepared alternative Plans and Staff reviewed them previously and said no to them. Staff added that Staff has not been given all the Alternate Plans for review. Staff further added the Applicant was concerned with all of these

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alternatives and the Commission has not seen the alternative Plans and wants to understand why they are alternative Plans. A Commissioner responded because the constraints were for the Site layout. Staff then asked the Commission if the Applicant return in two (2) weeks with alternative Site Plans. A Commissioner responded the footprint is too small and other configurations and asked about the constraints' ratio for the retail pad or larger anchor tenant pad, drive-thru restaurant, etc. The Applicant responded that it is hard to say – it is too big to have an anchor and need an anchor for the Site. He further indicated that he could bring in alternative Plans and happy to show them to the Commission.

A comment was made by a Commissioner regarding the loading / delivery area and trash pick up area would free up the Site area and with an anchor tenant, a person needs to do a balancing act with the square footage, sense of place, plaza / paseo concept, etc. The Applicant needs creative solutions in allow maximum visibility. The Applicant responded and came up with ideas of placing the Building up front or in back, or on the corner, take out parking spaces, put up umbrellas, outdoor dining, etc. The Commissioner responded the Applicant is heading in the right direction and reiterated looking for a statement and that the marquee to be introduced into the District. Another suggestion was made by a Commissioner if the driveway was located to the west and rotate the Jack in the Box along Greenspot Road / Boulder Avenue and parking would then be on the north side where the driveway is. The Applicant responded that is not an alternative for Jack in the Box.

A comment was made by a Commissioner regarding the Signage Program and integrate the marquee at the corner location for Greenspot Road frontage and where the Commission would be able to discuss that. The Applicant then asked the Commission about a good alternative and if the Commission would be looking for and consider the Applicant doing something like a tall signage and to post monument sign indicating the gateway to the City's Golden Triangle Policy Area which would benefit both the Commission and Applicant. A Commissioner responded as an option, but also need specific trees on the north edge of the property and location / design. The Applicant said something architecturally and the Commissioner responded like some sort of a plaza, landscape buffered and a tower element or a stand alone Plaza and reiterated which would identify the District. The Applicant responded something with a tall size and this corner, delete parking and use for outdoor dining section. A Commissioner added for the Applicant to contact Edison and Staff responded that Staff will work with the Applicant and Edison. The Jack in the Box location design was also discussed.

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(Note: Vice Chairman Gamboa left the Chambers at 8:08p.m.)

Chairman Haller asked if anyone else in the audience would like to speak on the Item.

Discussion ensued between the Applicant and Staff regarding the date specific if the Public Hearing is to be continued.

(Note: Vice Chairman Gamboa returned at 8:10p.m.)

Further discussion ensued between the Commission and Staff regarding the date specific if the Public Hearing is to be continued. The date and time was decided upon as July 21, 2009, at 5:00p.m.

Chairman Haller asked if the Commission had comments on the COAs.

The following are comments made by the Commissioners: 1) like the Mitigation Measures as part of the COAs; 2) for Planning COA 70's Second Bullet – BMP's is the best language and that they are more generous for wind / wet erosion; 3) have BMPs for both Phase 1 and Phase 2.

A question was asked by a Commissioner regarding Planning COA 74 and temporary power poles and why generators are included. Staff responded that is because of air quality concerns with fuels being used due to green house gases.

A question was asked by a Commissioner regarding Planning COA 76 (MM 3.7) regarding reducing energy consumption and reducing GHG emissions. Staff responded this is so the equipment will not be idling and with the air quality to ensure that the Applicant has a schedule to do such a thing for the equipment to be running and not idling.

A question was asked by a Commissioner regarding COAs 90 and 91 and Staff responded that might have been COAs on a previous Application. A Commissioner responded that it was on the Lowe's Application and was taken out. Staff added with regards to COA 90, is with the interconnection and is supposed to change the signal timing. With regards to COA 91, the Traffic Study used included Boulder Avenue, Base Line, Eucalyptus Avenue, Webster Street and the Freeway ramps and is correct.

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Additional comments on Planning COAs:

Any vegetation approved as part of this Application, within the landscaping and when landscaping is removed, that it be replaced / reinstalled with the similar type and size at the time of removal. The Commissioner requested Staff use the standard language for streetscapes.

COA 51. A dominant tree hierarchy shall be employed. Accent trees shall be used near parking lot ingress / egress. Medium shade trees should be used throughout parking area at a ratio of one tree for four (4) parking spaces. Street trees shall be uniformly spaced and appropriate for each designated street as approved by the City's Landscape Architect.

COA 62. (NS) The project's landscape plans shall be in substantial conformance with the City's Conceptual Landscape Master Plan for Greenspot Road / Golden Triangle Policy Area.

a. Landscaping within Greenspot Road right-of-way and Landscape Maintenance District shall not count towards parking lot landscaping requirements (see Condition No. 61 for possible adjustments).

COA 64. All proposed retaining walls and screening walls shall be constructed of decorative concrete block (i.e., split face block or similar material as the buildings) including the retaining wall along the perimeter of the site and shall have climbing vegetation planted at 24" oc.

COA 70. Second Bullet

The Project Proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon. Ensure that BMP's are kept in place throughout construction for erosion control.

COA 77 (MM 3.8)

The Operator shall maintain and effectively utilize and schedule on-site equipment and delivery trucks in order to minimize exhaust emission for truck idling. The trucks shall not be permitted to idle for longer than \_\_\_\_\_ minutes.

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COA 80 (MM 11.1)

During all Site excavation and grading, the Project Contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturer's standards.

There being no further questions of Staff or discussion amongst the Commissioners, Chairman Haller then called for the question.

**A Motion** was made by Vice Chairman Gamboa to continue this Item to July 21, at 5pm.

Directives included from the Commission to the Applicant and Staff regarding the Applicant modifying and submitting Revised Plans and Staff revising the COAs and Resolution.

Seconded by Commissioner Hamerly.

Motion carried on a 4 – 0 vote with one vacancy.

## 5.0 LEGISLATIVE

- 5.1 1) Annual Review of the City's current Housing Element of the General Plan (July 1, 1998 – June 30, 2005 Planning Period), Status of the 2008 Housing Element Update in accordance with Government Code Section 65588, and;
- 2) General Plan Implementation Report in accordance with Government Code Section 65400.

Chairman Haller explained this is a continued Public Hearing, then introduced the item and called for Staff's presentation.

City Planner Mainez gave the presentation from the Staff Report and indicated the intent of State law and how Staff created the new General Plan Implementation Table and is a work in progress. The Table will be updated as the General Plan Policies and actions are implemented.

(Note: City Engineer Wong and Assistant Planner Kelleher left the Chambers at 8:29p.m.)

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City Planner Mainez continued his Staff Presentation indicating this General Plan Annual / Review document is a twenty (20) year document. He informed the Commission there are residents in the audience to hear about the Housing Element which has been submitted to the State with comments and is disappointed he is unable to address all of the State's concerns and present to the Commission in a timely manner. He further explained Staff should be able to present to the Commission within sixty to ninety (60 – 90) days and then City Planner Mainez concluded his brief presentation.

Chairman Haller asked if the Commission had any questions of Staff. Hearing none, he then asked if anyone in the audience would like to speak on the item. Hearing none, he then opened the floor for discussion amongst the Commissioners.

A suggestion was made by a Commissioner about having a Table of Contents for the Table i.e. Circulation Element, etc. The Commissioner further stated this document is a great concept and applauded Staff for the efforts made.

A question was asked by a Commissioner regarding the June 16, 2009, date on the Implementation Table and the Commission's recommendation. Staff responded after the Commission's recommendation, Staff will correct the date noted and the document would then proceed forward for City Council consideration and then proceed to the State. Staff further explained the "Received and File" recommendation to the Commission and the process.

A question was asked by a Commissioner about the City responding and adding objectives / goals and Staff responded only the "Implementation and Progress" column will change each year. No changes to Objectives / Goals because that would require a General Plan Amendment.

Another question was asked by a Commissioner if the Commission should make a Motion for the "Receive and File" recommendation and Staff responded affirmatively.

**A Motion** was made by Commissioner Hamerly and seconded by Vice Chairman Gamboa to recommend the City Council "Receive and File" the Subject General Plan Housing Element and General Plan Implementation Annual Report.

Motion carried on a 4 – 0 vote with one vacancy.

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## 6.0 ANNOUNCEMENTS

The combined DRB / PC Membership to become one governing body will become in effect on June 25, 2009.

Staff explained the Greenspot Village and Marketplace Specific Plan is scheduled for June 30, 2009, at 6:00 p.m. for a Public Hearing. Staff further explained how there is a potential exists of the Commission making a decision if the Commission chooses. There is a potential exists and Staff to separate out the basic Entitlement issues versus the Architectural issues which will be discussed on June 30. Staff further explained the Applicant needs to pay some fees first to the City and if the fees are not paid, the Public Hearing will be continued

Staff further explained what is tentatively scheduled for the July 21, 2009, Meeting. Vice Chairman Gamboa stated he would have a conflict of interest with one of the Projects to be considered.

Discussion ensued between the Commission and Staff regarding having a quorum.

Staff explained to the Commission about having the Commissioners return the Final EIR for the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan that Staff would store them for the Commissioners for future actions related to the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan. Chairman Haller, Vice Chairman Gamboa and Commissioner Hamerly stated they have already turned them in to Staff. Staff responded that City Planner Mainez already has theirs in his office.

## 7.0 ADJOURN

There being no further business, Chairman Haller declared the Meeting adjourned at 8:46 p.m.

Submitted by:

Approved by:

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Linda McKeough, Community  
Development Administrative Assistant III

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Richard Haller, Chairman  
Planning Commission

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