

**MINUTES
PLANNING COMMISSION MEETING
JULY 21, 2009**

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 5:00 p.m. by Vice Chairman Gamboa in the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present: Commissioners Randall Hamerly, Trang Huynh, Milton Sparks, Michael Stoffel, and Vice Chairman John Gamboa

Absent: Commissioner Michael Willhite and Chairman Richard Haller

Staff Present: John Jaquess, Community Development Director
Lawrence Mainez, City Planner (arrived at 5:05 p.m.)
Bruce Meikle, Senior Planner
Sean Kelleher, Assistant Planner
Linda McKeough, Administrative Assistant III

Boy Scout Troop 19 presented and posted the colors and then led the Pledge of Allegiance.

2.0 COMMUNITY INPUT

Mr. Grayson Endicott, 7420 Flintlock Court, Highland, California, who is a resident and a Member of Troop 91, addressed the Commission. He started to speak about how Inland Fish and Game was sued by the Developer and both Vice Chairman Gamboa and Staff stopped Mr. Endicott and explained that is on the Agenda as Item 4.2 and requested he speak at that time. Mr. Grayson responded affirmatively.

Vice Chairman Gamboa asked if there was anyone else who would like to speak. There was no other community input.

3.0 CONSENT CALENDAR

There were no Items.

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4.0 PUBLIC HEARINGS

- 4.1 CUP 007-008 - The subject Conditional Use Permit Application is for the Construction and operation of a thirty thousand seven hundred and seven (30,707) square feet Commercial Project consisting of Retail, Restaurant and 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 to be 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. [Continued from June 16, 2009, Planning Commission Hearing.]

Vice Chairman Gamboa then introduced the Item and its continued Public Hearing and called for Staff's presentation.

Assistant Planner Kelleher explained in the Staff Report Staff's recommendation to pull the Item because Plans still need to be submitted. He further explained the Applicant has advised Staff that Plans will be submitted this week and the Applicant requested to continue the Item to August 4, 2009.

Vice Chairman Gamboa asked if the Commission had any questions of Staff. Hearing none, he then called for the question.

A Motion was made by Commissioner Hamerly and seconded by Commissioner Sparks to continue this Item to the Commission's August 4, 2009, Regular Meeting.

Motion carried on a 5 – 0 vote with Commissioner Willhite and Chairman Haller absent.

- 4.2 A Tentative Tract Map Application (TTM-008-002) and a Conditional Use Permit Application (CUP-008-002) to adopt a Planned Development Document and subdivide a 22.92 gross acres parcel of land into 133 detached single-family residential lots with various community amenities. The Project is to be located on the southeast corner Greenspot Road and Orange Street. (APN: 1201-401-01). Representative: Hal Woods, Centerstone Communities, Inc.

Vice Chairman Gamboa then introduced the Item and called for Staff's presentation.

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Community Development Director Jaquess explained Planning Commissioners Hamerly and Stoffel who reside in the EHR and Vice Chairman Gamboa resides in the Village Lakes area have conflicts of interest due to residing or have property and paying HOA fees, or the Median property located and maintained by the EHR within the 500 foot radius of the proposed Project. He further explained there will need to have a seated quorum in order for the Commission to move forward with the review and consideration of the Application.

A question was asked by a Commissioner if that is the proposed Project on the north side of the Gun Club and City Planner Mainez responded affirmatively.

Community Development Director Jaquess then explained the process the Commission needs to take in order to participate and then proceeded with the process of participating by a blind card draw with the highest two (2) cards being held by the Commissioners would be participating. The results were Commissioner Hamerly drew the Ace of Hearts and Vice Chairwoman Gamboa drew the Queen of Spades and would participate in order to have a quorum and Commissioner Stoffel drew a Three of Diamonds would be unable to participate and was excused from the Dais at 5:15 p.m.

Assistant Planner Kelleher proceeded with the Staff presentation. He explained Staff had received a letter from the Applicant requesting the Item be continued and Staff was unsure why. The Applicant is not able to attend tonight's Meeting because of a family emergency. Assistant Planner Kelleher then requested the Commission to continue the Item to August 18, 2009.

Vice Chairman Gamboa asked if the Commission had any questions for Staff. Hearing none, he explained the Commission would take testimony from the public tonight, but if the public could return on August 18. If the public was unable to return on August 18, 2009, he encouraged the audience to write their comments down and submit them to the City so they could be included in the Staff Report for August 18. Vice Chairman Gamboa reiterated the Commission would receive the comments tonight, and then he opened the Public Hearing.

Mr. Grayson Endicott, of Troop 19, addressed the Commission. He stated there was a lawsuit between the Developer for the Project and Inland Fish and Game. With Troop 19, has no charter organization or home to meet. The Troop had to move items out of a shed located on the Fish and Game's property, which held their equipment. Inland Fish and Game had also donated land for the Scout campouts and has donated funds for the Eagle Scouts of approximately \$30,000 to \$40,000 for the Troop and without that, would take the Troop out of business and would be unable to provide services for the community and wants to provide

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that input for the Commission's consideration. Vice Chairman Gamboa encouraged Mr. Endicott to place his comments in writing and Mr. Endicott responded that he would do that, and will also return on August 18, and then thanked the Commission.

Mr. Roy Nierman, 28798 Oakridge Road, Highland, California, who is a resident, addressed the Commission. He explained he is a former San Bernardino Planning Commission Chairman for five (5) years, and prior to that, he is a retired attorney, he is also a developer of commercial property and owns property in the "Donut Hole" located in Redlands at the Orange Street Property of Marshall's and Joann's. He knows the tentative judgment \$2.5 million for clean up. There was testimony taken at the trial indicated it would take approximately \$1.2 to \$3.4 million dollars to abate the lead, arsenic and nickel from the property. Mr. Nierman said he is an ex-Planning Commissioner and looks back and sees when decisions are made there two (2) things. One is the development of the Verdernont area the Developer said unless it was a 4,000 square foot lot, the land would never sell, but the Commission told the Developer that he needs to build standard size lots. The Commission held and now the Verdernont area is beautiful. The second thing is if the Developer built substandard lots, and streets are now ghettos. He stated the proposed Project had substandard lots and streets that will be ghettos that is before the Commission right now in the making. The 3,000 square foot lots, roads not wide enough, which creates problems for traffic, the Fire Department, etc., and how a person can shake hands with the next door neighbor with the houses being so close together and reiterated this is an instant slum in the making. Mr. Nierman also said the Mayor of San Bernardino is looking at this (Project) right now and where some of the undesirables will relocate to Highland. He further stated don't let the Developer buffalo the Commission with substandard lots, houses and streets and suggested the area be retail, light manufacturing, warehousing, cabinet making, etc. and is not an ideal area for residential. Mr. Nierman then stated for the Commission to make the right decision and then thanked the Commission.

Vice Chairman Gamboa asked if anyone else would like to speak on the Item. Hearing none, he then closed the public comment portion and called for the question.

A Motion was made by Commissioner Hamerly and seconded by Commissioner Huynh to continue this Item to the Commission's August 18, 2009, Regular Meeting.

Motion carried on a 4 – 0 vote with Commissioners Stoffel, Willhite and Chairman Haller absent.

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Commissioner Stoffel returned to the Dais at 5:25 p.m.

- 4.3 General Plan Amendment 009-001 (GPA 009-001), a City initiated General Plan Amendment to update and amend the existing "Fire Hazards and Safety Overlay Areas" Map, Figure 6-6 in the Public Health and Safety Element of the City's General Plan. The Fire Hazards and Safety Overlay Areas Map generally encompasses the northeast section of the City extending from State Route 330 on the west to Mill Creek on the east. Representative: Mary Stock, Fire Chief for the City of Highland.

Vice Chairman Gamboa then introduced the item and called for Staff's presentation.

Senior Planner Meikle gave the presentation from the Staff Report which included, but not limited to the following: 1) the proposed Map Updates for Fire Severity Zone I and Fire Severity Zone II Designation locations; 2) how the Cal Fire, the State Fire Agency has identified the revised Fire Zone Areas; 3) the City has to apply different Building Codes to the higher Fire Zone Areas and are more stringent; 4) pointed out the State is in the process of updating the Fire Severity Zone II Map. Senior Planner Meikle concluded his presentation and then opened the floor for discussion..

Vice Chairman Gamboa asked if the Commission had questions of Staff.

A question was asked by a Commissioner about the Commission approving the Maps prior to the State completing their update to the Fire Zone II Map. Staff responded it is the timing of the State Fire Severity Zone II Map and does not know when the State will be finished updating that Map. Staff added how the Building and Safety Division is already applying more stringent Building and Safety Codes / Conditions to the people who are pulling Building Permits in that Fire Severity Zone I area and provided an example of installing patio covers.

Discussion ensued between the Commission and Staff regarding it is Staff's understanding that aluminum material is being used for patio covers, but unsure of the gauge size of the aluminum material that is being required as part of the Building and Safety Code, vinyl material and wood material are the main problems. It was then discussed the 4" X 4" wooden beams have to be stuccoed and while timber is more substantial, it is combustible and catches fire when exposed to the flames. The difference between Zone I and Zone II is the architectural enhancements and provided an example of no soffet vents to be

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used. At State level, there is no Zone II now and recommended the Commission adopt what the State currently has for Zone I and revise the Maps for Zone II when the State completes them.

Discussion ensued between the Commission and Staff regarding the plant palettes between Fire Zones I and II. Fire Zone I is a higher / tougher Standard to meet because of the Fuel Modification Zone and building upgrades above Fire Zone I and there is a "7A Provision" for Fire Zone I.

Vice Chairman Gamboa asked if the Commission had any further questions of Staff. Hearing none, he then opened the Public Hearing and asked if anyone would like to speak on the item. Hearing none, Vice Chairman Gamboa then closed the Public Hearing and opened the floor for discussion amongst the Commissioners. There being no further questions of Staff or discussion amongst the Commissioners, Vice Chairman Gamboa then called for the question.

A Motion was made by Commissioner Hamerly and seconded by Commissioner Sparks to recommend the City Council:

1. Adopt a Negative Declaration for General Plan Amendment 009-001 and direct Staff to file a Notice of Determination; and
2. Approve Resolution No. 09-016 recommending the City Council approve General Plan Amendment 009-001 to update the Fire Hazards and Safety Overlay Areas Map in the General Plan.

Motion carried on a 5 – 0 vote with Commissioner Willhite and Chairman Haller absent.

5.0 LEGISLATIVE

There were no Items.

6.0 ANNOUNCEMENTS

Staff explained the Items scheduled for the August 4, and August 18, 2009, Commission Regular Meetings both starting at 6:00 p.m.

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7.0 ADJOURN

There being no further business, Vice Chairman Gamboa declared the Meeting adjourned at 5:39 p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

John Gamboa, Vice Chairman
Planning Commission

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