

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

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:05p.m. by Chairman Haller in the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

Absent: None

Staff Present: John Jaquess, Community Development Director
Lawrence Mainez, City Planner
Ernie Wong, City Engineer
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

There was none.

3.0 CONSENT CALENDAR

- 3.1 Determination that the Sale of a 0.39 acre Redevelopment Agency-owned Real Property to a Private Developer is consistent with the City's General Plan, or part thereof, in accordance with Government Code Section 65402. The Property is located on the southwest corner of Base Line and Central Avenue (APN: 1192-341-06).

10-20-09.PC

Chairman Haller introduced the Item and requested Staff do a brief introduction for the Item. Staff responded and explained with Items on the Consent Calendar, the Items are for taking action unless the Commission wants to pull an Item for discussion. Chairman Haller asked if anyone would like to speak on the Item. Hearing none, he then called for the question.

A Motion was made by Commissioner Hamerly and seconded by Vice Chairman Gamboa that the Planning Commission: Adopt Resolution No. 09-022 determining the Sale of a 0.39 acre Redevelopment Agency-owned Real Property located at the southwest corner of Base Line and Central Avenue is consistent with the City's General Plan, or part thereof, in accordance with Government Code Section 65402.

Motion unanimously passed on a 7 – 0 vote.

4.0 PUBLIC HEARINGS

- 4.1 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. (Continued from the July 21, 2009, August 18, 2009, and October 6, 2009, Planning Commission Hearings.

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

Vice Chairman Gamboa explained he has a conflict of interest on this Item since he resides within five hundred feet (500') of the proposed Project.

(Note: Vice Chairman Gamboa left the Dais and was escorted from the Council Chambers at 6:08p.m.).

Staff distributed an e-mail from Mr. Mark Diamond to Staff on October 20, 2009, a drawing of an "L" Shape Intersection Design, a letter from Mr. Richard Endsley, and a submission of one copy each of six (6) separate letters dated October 20,

10-20-09.PC

2009, to the Commission for consideration. Assistant Planner Kelleher then gave the presentation from the Staff Report. He also explained the Applicant's proposed location of the Tot Lot and Staff's alternative locations for it. In addition, he further explained how the knuckles at the intersection of the two (2) streets do not comply with City's Knuckle Design Standards and explained the Planned Development proposal. Assistant Planner Kelleher then concluded his presentation and indicated both the Applicant and the Applicant's Engineer Representative are present.

Chairman Haller asked if the Commission had questions of Staff and the Commission responded no. He then asked Staff to explained the status on the Bureau of Land Management (BLM) letter and the deadline date of October 15, 2009, as well as the Appeal for the Lawsuit. Staff responded Mr. John Kalish from BLM was to be here tonight and direct the Commission's questions to him for the update and that the City Attorney will provide a brief update.

Mr. Geoff Ward, who is an Attorney from and on behalf of the City Attorney's Office, addressed the Commission. He stated an Appeal has been filed by Inland Fish and Game (IFG) and is pending. The Appeal is an active Appeal for the Commission to consider.

Chairman Haller asked if the Commission had any questions of Staff. Hearing none, he then explained he has a number of Speaker Slips for people who want to address the Commission and will have a turn to speak on the Item. Chairman Haller then opened the continued Public Hearing and asked if the Applicant would like to make a presentation.

Mr. Hal Woods, Principal, of CenterStone Communities, 3500-B West Lake Center Drive, Santa Ana, California, who is the Applicant, addressed the Commission. He explained how approximately five (5) years ago, he had purchased the twenty (20) acres, and constructed a home on Moonridge and saw how progressive the City of Highland and East Highlands Ranch (EHR) are progressing. He had met with the previous Community Development Director and discussed the change of Zoning with the General Plan. Mr. Woods was impressed with the quality of the area and with the School District and based on Staff's recommendation with the Medium Density Designation. Mr. Woods indicated how he has won forty (40) National awards and has built in twenty (20) communities located in California, Nevada and Arizona. Several months after escrow was closed, he became aware of issues with the Gun Club. He hired an Acoustical Consultant and proposed the residential elements be located ninety

10-20-09.PC

feet (90') further from the property line. Measurements were taken and had met with the Applicant / Sound Consultant and heard a "tap, tap, tap" all around. It was reported back that lead shot was falling around him. The Environmental Consultant was hired and was told this was serious. The Applicant then wrote letters to IFG to meet with them to figure out the root of the problem and resolution. Mr. Woods explained at some length the history and status of his legal actions with the Gun Range. He has a judgment against the Gun Club for lead clean up and penalties. The Gun Club has appealed that action. Mr. Woods further stated the Commission is looking at compatibility with the proposed Project and that it is highest and best use for the property and is a great need for empty nesters and first time home buyers. They had worked hard to design a single story Plan and that the largest Floor Plan has a three (3) car garage and the Project will include a Spa, Recreational Area and Tot Lot. As an architect and father, he makes it a policy of not to move the Tot Lot next to the Pool Area and that is the reason why the Tot Lot was located at the Trail Area and how various people could use the Tot Lot area from the Trail Area location. He stated that "CenterStone at Woodbridge Trails" is the name for the Project and explained to the Commission why that name was given and designed with bioswales. The Project's Planned Development will be responsibly built and there are twenty (20) environmentally sound features in reducing the energy bills. His goal is to build a maximum of twenty percent (20%) over the minimum Building and Safety Standards will be done and will also provide active solar amenities and the use is similar to one of his projects located in Fontana and will be along those same lines as Fontana and encouraged the Commission to visit. Mr. Woods provided an example of a solar model with the Utility Bills with air conditioning in May 2006 was from \$300.00 to \$400.00 and two of the three solar homes had similar Utility Bills. Now in 2009, with the solar uses, the Utility Bill is now \$30.00 and will be proposing that as an option in Highland. Another component of the Project is also water reduction for the Front Yard Landscaping and Rear Yard Landscaping and explained the landscaping will be either California Friendly, a Hybrid Model with Drought Tolerant Sod, or Regular Standard Sod and requested the Commission to approve the Project. Mr. Woods stated he agreed with the COAs, with the exception of the Knuckle Design (COA No. 27), Mr. Mayer will be explaining and hoped the Commission would go along with Mr. Mayer as there is very little difference with what is the proposed design and the Standard design. He then stated if the Commission has any questions, that his Attorney and Civil Engineer are present regarding with the Lawsuit / Appeal

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

10-20-09.PC

A question was asked by a Commissioner regarding public safety concerns and that the Gun Club may or may not continue to exist. There is a history of shot landing on the property and asked if it is safe to develop the Project and live there and the proposed Mitigations and actions proposed. Mr. Woods responded that is a good question and believes this will be a safe Project and how the Project has been Conditioned that the shot fall from the Trap / Skeet is from IFG is the closest shot field approximately 500 feet to 600 feet away and that 900 feet is required for shot fall by the National Rifle Association (NRA). He could have brought an aerial and the person who designed the Safety Zone at the Atlanta Olympics for the Olympians will be here. One of the major issues of the Lawsuit was if the Gun Club continues to exist, the NRA's approved Plan would be to move the shooters back 900 feet, but in his opinion, the Gun Club does not have enough property as they only have less than forty (40) acres. The 900 feet would go past Plunge Creek. The Applicant had hired an expert from Oregon, to assist him. One issue is that the rifle range has Blue Sky (Open Air) in which shooters could use up to a 50 caliber bullet which can travel up to five (5) miles. He took Mr. Mitchell over to Mr. Mayer's Office on Church on a Saturday and Mr. Mitchell, who is an Olympic gun shooter, could hear the bullets and how the bullets would be skipping off of rocks. Mr. Woods explained with the Lawsuit, how the Blue Sky Range is required.

A question was asked by a Commissioner about two (2) examples how two (2) projects had gone bankrupt and if the Applicant went bankrupt, why did he propose this type of development and the business model / product and the Applicant's confidence in this type of demand in the market, as well as what type of and how the Applicant indicated he has done twenty (20) projects and asked if he had photographs with him. Mr. Woods responded not with him this evening, but could do a power point presentation and the Commissioner responded that would be helpful because it is a little hard to comprehend, the proposed design standards and how it is going to work in a nice functioning community because the examples the Commission have been given are not positive examples. The Commissioner then indicated about the Lyon project and the project located north of Arroyo Verde Elementary School and the other project by the EHR office. Mr. Woods responded and described the Lyon Homes project which is different that his Project to the Commission and indicated around the late 1980's, he gave / design the Tract Maps to fit and design the Lot around the Housing Product and the larger the Lot, the larger the House and the smaller the Lot, the smaller the House and Mr. Woods further indicated he has been successful for the past fifteen (15) years with this type of project. A Commissioner stated with

10-20-09.PC

a normal size single family residence, is located on a 3,000 square foot Lot and explained the setbacks and said it (the design / layout) is hard to look at and doesn't know if it (the design / layout) would work and how the Commissioner would come back to that issue. Mr. Woods responded the average Lot size is 4,500 square feet, the House is smaller than the Lot and explained the single story elements setbacks are set closer to the street and then thanked the Commission.

Chairman Haller asked if the Commission had any further questions of the Applicant. Hearing none, Chairman Haller then asked the Applicant's Engineer to speak.

Mr. Bernie Mayer, Sitetech Engineering, 38248 Potato Canyon Drive, Oak Glen, California, who is the Applicant's Civil Engineer, addressed the Commission. He stated he is here to answer the Commission's questions. With the two (2) projects the Commission referred to was the Clubview Villas Project and the project located north of the School were both condominium style projects and have not been attractive to the buyers. Mr. Woods is proposing single family residences and not condominiums. With the Knuckle Design, there are a total of eight (8) proposed within the Project and configures with Mr. Woods' other developments and explained the "L" Shape Design Plan which was distributed earlier at the Meeting. The radius on the City Standards are larger and explained the setbacks on the proposed Knuckle Design to the Commission. In addition, Mr. Mayer indicated the radius on the Site Plan is serviceable and the City's Fire Marshal believes it is acceptable for providing emergency services.

Chairman Haller asked if the Commission had questions for Mr. Mayer.

A question was asked by a Commissioner if the Plans were submitted to Metropolitan Water District (MWD) for review regarding the concern of the proposed sediment basin be located in the setback. Mr. Mayer responded that he was unaware of that, but Regional Water Quality Control Board having issues with the location of the recreational uses, landscaping uses and utilities.

Discussion ensued between the Commission and Mr. Mayer regarding the sited sediment basin, and water quality issues, along with WQMP.

10-20-09.PC

A question was asked by a Commissioner regarding the Tot Lot located in the setback. Mr. Woods responded Mr. Kermin Callahan of MWD wants nothing on the easement, including the Trail. After the conclusion of this Meeting, he will be meeting with him. With regards with having a Right- of-Zoning of the easements in that there is no permanent structure within the easement, just temporary structure. If MWD wants to build another line, the structure can be removed and placed somewhere else.

Discussion ensued between the Commission and Mr. Woods regarding storm water in the basin and concerns were made regarding the bioswale and basin being contaminated. A question was asked by a Commissioner if the HOA would be required to replace those facilities if MWD would go in and dig them up. Mr. Woods responded it is a steel pipe and a Study might have to be conducted and indicated this is a new frontier for them. Discussion ensued regarding bioswales and their design.

A question was asked by a Commissioner if there had been any discussion with the Water District and the six foot (6') high barb wire fence to protect the property line. The perimeter fencing request is to install chain link with three (3) strands of barb wire on top of the chain link. Mr. Woods responded and said not the local Water District, but MWD has. Discussion ensued regarding Page 273 of the Staff Report and the feasibility of mitigating that request and if the Applicant needed help from the City for not needing the chain link / barb wire fencing. Mr. Woods indicated he would discuss this with them (MWD). A suggestion was made by a Commissioner about installing bioswales / wooden bridges in kind and wondered if the Applicant had pursued other aesthetic designs and Mr. Woods responded he can explore that.

Chairman Haller asked if the Commission had any further questions of the Applicant. Hearing none, he reiterated and explained this is a continued Public Hearing and then Chairman Haller called on the Speaker Slip of Mr. Kalish to come forward regarding the Lease Agreement.

Mr. John Kalish, 1201 Bird Center Drive, Palm Springs, California, who is the Field Manager representing the Bureau of Land Management (BLM) addressed the Commission. He said how the Gun Range is on BLM property and provided the following comments: 1) agreed with the Finding with the recirculated Study at the level of non-significance; 2) as an Agency, has no objections to the approval of the CUP Application; 3) the process implementing measures that are listed in the September 15, 2009, letter; 4) Staff provided a copy of the letter with IFG

10-20-09.PC

providing a detailed summary and will require the Applicant to comply with the recent Court judgment; 5) indemnification of liability / bonding of remediation and reclamation Plans if to close the Facility; 6) or will require the Plan to remove the structure and remediate the shot; 7) takes the Court judgment seriously and will take an expeditious process, and; 8) what IFG's course of action implementation and compliance of the Court Order and agreed with the implementation of a mitigated IFG Facility. Mr. Kalish then asked if the Commission had any questions.

Chairman Haller asked if the Commission had any questions for Mr. Kalish.

A question was asked by a Commissioner about the Appeal on the Court's judgment. Mr. Kalish responded he is unsure of what the Appeal's status is and the Range has to meet with public safety and the 900 foot radius for the Trap Range fit. The Rifle / Hand Gun Range and Blue Sky Range and increase the back berm's height and clean up the berm and not have the shooters shoot over the back berm. By installing devices and mitigating the Blue Sky shooting, it will contain the lead within the confines of the property and as a continued use, would be a Court Order. A question was asked by a Commissioner regarding the time frame for the remediation would have to occur in a timely fashion regardless of the Appeal and Mr. Kalish responded the implementation of the Mitigation for containing the lead shot / ensure public safety of the land and if a continued use, the implementation will have to be adhered to and with an expedited process, and with September 15, 2009, with a thirty (30) day response, through their Attorney identified and is consistent with requirements of the letter. There is more work to be done for compliance and full implementation of the Court Order. A comment was made by a Commissioner that he did not see a Remediation Measure having a date for example, December 25, 2009, or whatever date, unless agreed for completion by that specific date and the proposed construction schedule. Mr. Kalish responded it would be another thirty (30) days between IFG and Mr. Kalish regarding the September 15, 2009, letter and work out the differences. It is clear the bottom line is the Court Order adherence. Make the improvements on the Gun Range if it is forty-five to sixty (45 – 60) days, that is a reasonable length of time for implementation. A question was asked by a Commissioner how many Agencies are involved in reviewing the Plan and with compliance and can it be expedited and Mr. Kalish responded Fish and Wildlife services and beyond that, it is internalized with BLM and that the Court Order requirement is that any modification to the Gun Range is to be approved by a credible approving authority in which the NRA is a recognized authority and sign off by meeting all of the safety and industry requirements. A question was asked

10-20-09.PC

by a Commissioner if that Court can certify that and Mr. Kalish responded that is part of the process. A question was asked by a Commissioner how long is the Lease Agreement between BLM and IFG and Mr. Kalish responded twenty-five (25) more years and indicated it is a Standard thirty (30) year Lease with a twenty (20) year review and further explained the time frame to the Commission. A question was asked by a Commissioner if IFG makes determination the Plans prepared and unable to do the remediation cost, will BLM do the remediation costs and would void the Lease. Mr. Kalish responded he does not want to have the process drag on with the Gun Club, and trying to accommodate the Gun Club, and if not feasible to meet the intentions of the Court Order, then it is means a closure and termination of the Lease. A question was asked by a Commissioner regarding what Plans would then need to happen and Mr. Kalish indicated a Closure Plan would be submitted by the Gun Club and approved and implemented by the BLM. A question was asked by a Commissioner about the remediation and the Gun Club having to forfeit the Lease and Mr. Kalish responded the terms of the Lease cessation of activities and Lease Holder for remediation / reclamation and expects that to happen.

Chairman Haller asked if the Commission had any questions for Mr. Kalish. Hearing none, Mr. Kalish then thanked the Commission and Chairman Haller called for Ms. Tracy Owens to speak on the Item.

Ms. Tracy Owens, of Gresham, Savage, Nolan and Tilden, 550 East Hospitality Lane, Suite 300, San Bernardino, California, who is the Attorney on behalf of the Inland Fish and Game Conservation Association, addressed the Commission. She stated she has submitted several letters opposing the Project and the Environmental Document that is before the Commission tonight. The purpose is for clarification of the Appeal and the Court's Hearing Injunction scheduled for November 24, 2009, in Superior Court. She introduced Ms. Marlene Allen who was involved with the initial Lawsuit. She indicated that she would be happy to answer any questions the Commission may have.

Chairman Haller asked if the Commission had any questions of Attorney Owens.

A question was asked by a Commissioner about the Court's decision for IFG and the remediation for the CenterStone property. Attorney Owens responded with the November 24, 2009, date for the Injunction and that IFG is currently open for business, but no shooting activities.

10-20-09.PC

Ms. Marlene Allen-Hammarlund, of Gresham, Savage, Nolan and Tilden, 550 East Hospitality Lane, Suite 300, San Bernardino, California, who is the Attorney on behalf of the Inland Fish and Game Conservation Association, addressed the Commission. She stated the Lawsuit not require IFG to perform a remediation activity and there was a monetary judgment awarded against the Gun Club to help fund / pay for the Mediation Measures that the Applicant is required to do and the Gun Club have requirements to perform some safety measures to ensure no ricochet bullets or shot fall leave the property.

A question was asked by a Commissioner about not doing remediation on the subject property and Attorney Allen responded no. She clarified some of the Applicant's comments in that the Gun Club was unaware of the shot fall landing on the opposite property until they received a letter approximately two (2) years ago and then they immediately shut down that trap. The Gun Club is a safe club and is able to implement the Measures as soon as possible. The Gun Club has a lot of processes to go through between the BLM / Mr. Kalish and the NRA. Attorney Allen added the first date of the Court's consideration is November 24, 2009, for approvals and is moving quickly as possible and the Gun Club is optimistic that they can comply could resume shooting, as soon as they get permission to do so.

Chairman Haller asked the Commission if they had any questions for Attorney Allen. A question was asked by a Commissioner if approved, what is the time frame for implementation of the Measures and Attorney Allen responded as soon as possible and acquire the materials for construction and obtain the available funds. The Commissioner asked there is no time frame i.e. three month, six month, etc. and Attorney Allen responded the Court does not set the time frame and reiterated there are no time constraints on the Gun Club.

Chairman Haller asked if the Commission had any further questions of Attorney Allen. Hearing none, Chairman Haller called from the Speaker Slips for Mr. Bill Byrd.

Mr. Bill Byrd, 7743 Elm Street, Highland, California, who is a resident, addressed the Commission. He said how he had some real concerns and had sat down with City Staff and reviewed the Plans. He was concerned with the size of the Lots and how close together they are. He had also spoken with the Fire Chief with regards if a fire broke out would the homes be defendable and she did not have a real positive response with that. With regards with only one way in and

10-20-09.PC

one way out for the 133 Homes, if the area have to be evacuated a person is unable to see the flood / mud flows similar to the Old Fire back in 1983 and with the traffic congestion, it looks scary. With regards to the Tot Lot, how are the children going to cross the busy street. With the economy with the vacant homes and foreclosures, why build more homes which may sit vacant and may be vandalized. Mr. Byrd then thanked the Commission.

Chairman Haller called from the Speaker Slips for Mr. Mike Osburn.

Mr. Mike Osburn, 7417 Lankershim Avenue, Highland, California, who is a resident, addressed the Commission. He stated that he is graduated from Cal State and had reviewed the Environmental Document. With the San Andreas Earthquake Fault Line along with the liquefaction and how the insurance companies would have a hard time insuring the Homes and if there would be a major quake, would destroy the roads, gas lines, water lines and would impair emergency rescue vehicles to get around to put the fires out.

Chairman Haller called from the Speaker Slips for Ms. Robynne Fay.

Ms. Robynne Fay, 3677 Piedmont Drive, Highland, California, who is a resident and is speaking on behalf of her brother / sister-in-law, Mr. Lee & Ms. Kim Lombard, who reside at 28825 Harwick, Highland, California, addressed the Commission. She was concerned there would be no street parking allowed. Staff responded there would be street parking allowed. She was also concerned with the Lot sizes, the number of Houses and that the Tot Lot in that the children should play in their yard and not in the Tot Lot. With the 133 Houses, there are usually two (2) cars to a family and she travels that road quite a bit and explained her various reasons. She stated that the Commission and her are aware of the economy's state of the Country and in her opinion, cannot see adding 133 Homes because of acts of greed and the economy is why we are in this state and the Applicant is acting out of greed.

Chairman Haller called from the Speaker Slips for Mr. Bill Fay.

Mr. Bill Fay, 3677 Piedmont Drive, Highland, California, who is a resident, addressed the Commission. He stated that his issues have been addressed by the IFG Attorney. He requested the Commission to move with caution with the various Permits and Appeal. The City of Highland could end up in the middle like losing the habitat for the San Bernardino Kangaroo Rat (SBKR) with removing lead from the hills, but BLM said they couldn't remove it because of the SBKR.

10-20-09.PC

There is a blue line in the middle of the property and won't address that substandard Lots and streets and question if the Applicant could provide services adequately for those 133 families in that small area. Mr. Fay also provided an example of how the Arden / Guthrie Apartments have been removed and that a Home Depot is to go into that location. With the Gun Club, there are 25,000 people a year that goes through there. There is no charge involved with various organizations meeting in the Club's Meeting House and no money for sixty-five (65) years and is a way for the IFG to give back to the Community. We have never had any major problems and with the contamination of lead, we are working on that, but that has never been an issue before and have never had hurt anybody with it. We cannot take that right away for the Developer to build, we know there is a problem there, but we are willing to work with him on that. We have been a part of this Community for sixty-five (65) years and we do not want to see it to go away. There are all walks of life, professional people, just normal guys there like myself and is also a great place for meeting. There is a great restaurant there and people come on Wednesdays for dinner and breakfast and is a great place for the Community with 25,000 people coming there. Beside having IFG at heart, we also need to see what is good for the City of Highland – is this something that we really want for our Community. Is this something that we want for this little corner just crammed with people. I don't.

Chairman Haller called from the Speaker Slips for Mr. Dan Kenny.

Mr. Dan Kenny, 20933 Elder Creek Lane, Highland, California, who is a resident, addressed the Commission. He state the usage the integrity and decision-making body and for the good of Highland. At one time, there was a garbage dump and was never capped. The ecology wasn't a big thing a long time ago and asked when the little kids grow up, what will happen to then in fifteen to twenty (15 – 20) years. The Developer is to gain financial gains. The Developer will not be here in twenty (20) years. He requested the Commission to reconsider the entire concept that no residential use and suggested that a light commercial use would be appropriate and the Commission be concerned with the Lawsuit. Mr. Kenny then stated he appreciated the Commission and then thanked them. A question was asked by a Commissioner about the time frame as a land fill and if it was an official landfill or an empty lot where people just backed up their trucks and emptied them. Mr. Kenny responded he does not know that much about it, but citizens who grew up in the area. That was thirty (30) years ago and was such a precarious state that a person walking there might fall into a hole. IFG Lawsuit process ecological research and findings found lead shot found and other things found but does not know what the other

10-20-09.PC

things are and what impacts they might be. Staff responded in the Phase 2 Program, lead was found and other items and have to go with remediation has to work with Haz Mat based on necessity. The records / research was not noted in any documentation that it was a land fill on-site, but questioned if a land fill was on-site and questioned the impacts on Phase 2 of cleaning the toxic substances.

A question was asked by a Commissioner regarding the depth of the trenching done and Staff responded it was a coring as deep as eighteen feet (18') for various chemicals.

Chairman Haller called from the Speaker Slips for Mr. Richard Endsley.

Mr. Richard Endsley, 29112 Sandeewood Place, Highland, California representing himself and Boy Scout Troop 19, addressed the Commission. He stated that he is opposed to the Project. There is a mixed uses of property in the area and with the close proximity of the Gun Club and Metropolitan Water District Water Line, and property is better suited for commercial rather than residential use. His questioned if the SBKR habitat had ever been addressed in the EIR. He understood that rocks were brought in and were for the SBKR habitat There are three (3) main east / west routes in / out of EHR and when we had the fires and subsequently floods the roads were closed (Highland Avenue and Base Line) which left Greenspot Road / Fifth Street access as the remaining route and add all those people and the additional 133 Homes, and if there is another issue with Base Line and Highland Avenue, it will be a mess. It is also in the close proximity of the San Andreas Earthquake Fault, the MWD Water Line, I wouldn't buy a home that close to the Water Line, I do live close to the San Andreas Fault, but that is my gamble and taking my chances there. Someone said there is one (1) car per family for the 133 Homes, it's more like a potential for an additional 300 cars for the Tract. On Greenspot Road, there used to be no traffic signal lights and now from Stater Bros. to the Freeway, there are seven (7) traffic signal lights. City Standards are developed for a reason and should not be compromised, there is street parking on only one (1) side of the street only and now, are there parking on both sides of the street and that the Knuckles are a size issue. The Planned Development is not a private community does not mitigate the street standards are planned for the maintenance and safety of any future residents. He then questioned the accessibility for Fire Trucks / Police. The Lot sizes need to reflect home values of the surrounding areas. Has this Developer met the City Standards or does he continued to just agree to disagree. At the January 6, 2009, Commission Meeting, the Developer said his Project was a Low Density Project but then he turns around and mentions the Commission

10-20-09.PC

and the City would need to work with him since with a Higher Density, there is a need for flexibility of a Planned Development. Mr. Endsley then asked if the Project a High Density or Low Density Development. This Project just sets another precedent by the City to compromise their Standards. If the City continues to bow down with the pressure from the Developer, Highland will become known as a City that will throw away their Standards just to have more development come to the City. Does the Developer care about the Commission and the Commission's concerns. In the January 6, 2009, Commission Meeting Minutes, the Developer said the Project would have a softer slope with a retention basin and has that been addressed. Does the Developer care about the quality of life of Highland residents or more about making a buck and Mr. Endsley believes he already knows the answer. He then thanked the Commission.

Chairman Haller called from the Speaker Slips for Mr. Grayson Endicott.

Mr. Grayson Endicott, 7420 Flintlock Court, Highland, California, a Member of Boy Scout Troop 19, addressed the Commission. He read from one of the submitted letters to the Commission which included, but not limited to the following: 1) the narrow streets in the proposed Development are a disaster waiting to happen; 2) a year ago, a mobile home park along the 210 Freeway burned with the loss of 500 homes; 3) with the mobile homes burning, the Fire Trucks were unable to travel around safety within the development; 4) the proposed Project has similar features to this mobile home park; 5) there are streets that dead end and makes this a dangerous development for residents, visitors and emergency personnel; 6) requested the Commission not approve the Negative Declaration, deny the CUP and not approve the Tentative Map; 7) requested the Project should be heard before the full City Council; 8) the Developer has hurt Highlanders and the Developer should not be granted any special waivers or Standards; 9) the Developer should comply with the full extent of all Highland City Standards, including public streets, density and setback Standards; 10) personally, for the first time, he had driven down and had gone by where the fires were, and was amazed at all of the destruction that was caused; and; 11) couldn't understand how the Developer got special considerations. He then thanked the Commission.

Chairman Haller called from the Speaker Slips for Mr. Kirk Neuenschwander.

10-20-09.PC

Mr. Kirk Neuenschwander, of 6723 Grove Avenue, Highland, California, a Boy Scout Member of Troop 19 and Inland Fish and Game Conservation Association, addressed the Commission. He read from one of the submitted letters to the Commission which included, but not limited to the following: 1) the Environmental Documents state the lead shot has contaminated from the Range has contaminated the soils on the Project; 2) the Project plans to built the Public Trail on top of this supposedly contaminated area and this contradiction is not good for Highland; 3) requested the Commission not approve the Negative Declaration, deny the CUP and not approve the Tentative Map; 4) requested the Project be heard before the full City Council, and; 5) if the Project is approved, move the Tot Lot north along Greenspot Road. He then thanked the Commission.

Chairman Haller called from the Speaker Slips for Mr. Matt K. Someone in the audience responded and said that Matt K. was not present.

Chairman Haller called from the Speaker Slips for Mr. Jason Horn.

Mr. Jason Horn, 1735 Seine Avenue, Highland, California, a Boy Scout Member of Troop 19, addressed the Commission. His comments included, but not limited to the following: 1) IFG has a lot of stuff behind it; 2) the Veterans from the various Wars and Conflicts go there not only to socialize, but what they love and in the military and who had fought for our Country; 3) the Gun Club has many Programs and one is that the Disability Program has help them how to shoot a gun and if they knew how to shoot a gun, they could relive the experience; 4) the IFG provides more Programs with the Safety environment; 5) IFG has supplied a Meeting location, as well as a Camp Site for the Boy Scout Troop 19; 6) the little piece of land for camping is free; 7) for the Sea Scouts it was a place for them to meet; 8) Veterans provide jobs for the people; 9) he had gone to IFG for approximately fourteen (14) years or so and earned an Eagle Badge there, got his first job there, and was put through college, and; 10) if the Development is approved and IFG would be shut down, it will be destroying his childhood. He then thanked the Commission.

Chairman Haller called from the Speaker Slips for Mr. Kyle Neuenschwander.

Mr. Kyle Neuenschwander, of 6723 Grove Avenue, Highland, California, a Boy Scout Member of Troop 19 and Inland Fish and Game Conservation Association, addressed the Commission. He also read from one of the submitted letters to the Commission which included, but not limited to the following: 1) on August 25, 2009, the City filed a "Shortened Review Request Form" to reduce time available

10-20-09.PC

for the public to comment on the Environmental Documents due to the Developer might lose funding for the Project; 2) this Project has been before the Commission at least three (3) times; 3) with the Shortened Review Period, this denied residents / individuals sufficient time to study the Project and provide comments on the Environmental documents; 4) requested the Commission not approve the Negative Declaration, deny the CUP and deny the Tentative Map; 5) the Boy Scout Troop 19 would lose the Meeting place; 5) the Troop would miss out on some of the life experiences, first aid classes and emergency training, and Eagle Scout Badges and would be impaired, if not unable to participate in Community service projects; 6) Scouts are usually given officer status when going into the military; 7) requested the Commission not approve the Project not only for the myriad of reasons, but as the Boy Scout Troop 19 needs to be preserved in that they provide community care / services, for personal health and fitness and extra curricular activities, business activities, understanding government and enriching the area. He then thanked the Commission.

Chairman Haller called from the Speaker Slips for Mr. Roy Nierman.

Mr. Roy Nierman, 28798 Oak Ridge Road, Highland, California, who is a resident, addressed the Commission. He explained that he is a Lawyer, is a CEO of a company that buys / develops / manages property in commercial businesses and provided examples in Redlands as Marshalls, JoAnns, etc and has 137 commercial tenants. He said that he was shocked about the property being Zoned Residential. He was shocked with the Commission considering placing 133 Homes in that area. He stated he was also Chairman of the Planning Commission in San Bernardino for five (5) years and then moved to Highland and indicated the Project when built, will be an instant slum in four (4) years similar to the Madison / Indiana Streets in Riverside and over there, over forty percent (40%) of the homes are owned by absentee landlords. There are three (3) Group Homes there and indicated there is big money in Group Homes and was concerned this Project will also end up with Group Homes. The Project has substandard Lots and substandard streets with ten foot to eighteen foot (10' – 18') setbacks. There is no room for parking cars in the street with it being a single-sided street and there is no room for parking for cars in the garage. With the two-car garages, a person might have two (2) cars, but will be able to place one (1) car in the garage, and the rest of the area would be filled it junk / valuable items and the other car, along with visitors, will have to be parking on Greenspot Road. As a Commission, the Commission does not need to make Mr. Woods a successful business and the Commission's business is for the citizens and the

10-20-09.PC

City of Highland and reiterated that area will become an instant slum. He has been out of San Bernardino for fifteen (15) years and on some of the decisions that were made and reiterated the Commission is planning an instant slum. He then asked one of the Commissioners if he would allow that in Rancho Cucamonga and responded that he didn't believe the Commissioner would. He then thanked the Commission.

Chairman Haller said he has no more Speaker Slips and asked if there was anyone else in the audience who would like to speak on the Item.

Mr. Eric Fay, 3677 Piedmont Drive, Highland, California, who is a resident, addressed the Commission. He stated that he is a student at Crafton Hills College and travels Greenspot Road / Fifth Street and was concerned with the added traffic. That would mean approximately 266 additional cars added to the street. I have driven on Fifth Street, before Lowe's was constructed and then afterwards, it was insane to drive Fifth Street. With the economy, adding 133 more Homes is 133 more possible vacant homes and concerned with vandalism / crime. He has lived here for his entire life and is a Member of the IFG and his father showed him how to shoot there and wants to teach his kids. If IFG closes, he won't be able to do that and teach his children. He requested the Commission to reconsider because of traffic and possible crime in this Development before the Commission makes its decision He then thanked the Commission.

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

Attorney Allen wanted to address the comments made. With regards to the environmental concerns, they were aware of a land fill in the area around Mr. Woods' property is in a Lawsuit for validity / accuracy for Phase 1 and 2 and was done on the wrong property and a full EIR on the Project.

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

Mr. Hal Woods stated introduced Mr. Karl Ciochon, who is his Attorney, will make some clarifications.

Mr. Carl Ciochon, 1111 Broadway 24th Floor, Oakland, California, who is the Applicant's Attorney, addressed the Commission. He stated he wanted to touch on three (3) subjects and for the IFG.

10-20-09.PC

1. With the environmental issues that Staff mentioned, the other contaminants are arsenic and antimony and that they both components of lead shot and also are in naturally occurring elements in California soils.
2. Compliance with the Injunction and the safety risk. He questioned the point of time with the guns being discharged on the Gun Range and people put at risk on the Project and have some issues with the Development to feel comfortable with before moving forward with it. As a Lawyer, it's impossible with risk of the current Injunction in place, this inhibits the Gun Club from operating until compliance is made. There has been some talk that IFG has a Plan to operate, time lines, and mentioned that on November 24, 2009, with Judge Warner in Superior Court in San Bernardino. Last week, on Thursday, Attorney Ciochon was able to question IFG Treasurer under oath for the purpose in determining the Gun Club's ability to comply with the monetary aspects of the Judgment that was entered in Superior Court. He then gives the following testimony:

Question: Has there been any discussion how IFG is going to fund improvements to the Range that is publicly committed to make.

Answer: Going to discuss that at the next Board Meeting.

Question: Does IFG currently have in place any plans to fund the Range improvements that is publicly committed to make.

Answer: At this point, we do not have any plans.

Question: Does IFG currently have funds sufficient to pay for the Range improvements that is publicly committed to make.

Answer: No, we do not.

Attorney Ciochon then questioned IFG Treasurer on the plans that were attached on the IFG's response to the BLM letter from Gresham, Savage, Nolan and Tilden dated September 24, 2009, in response to the BLM letter dated September 15, 2009, and explained his next questions were regarding the Pistol Range.

Question: Have you seen the Plans that are attached to this letter.

Answer: No, I have not.

10-20-09.PC

Question: You have not seen these Plans?

Answer: No, sir.

Attorney Ciochon then further explained about representation in the BLM's letter that the Gun Club intended to make the improvements, as required by the Injunction, to move forward and resume shooting.

Question: As we sit here today, there is no Plan in place to pay for the improvements for the Pistol Range and the Mitigations in order to resume shooting.

Answer: That is correct.

Question: Does IFG currently have a Plan to implement these improvements.

Answer: We would like to yet.

Question: But it doesn't have the money to pay for them does it.

Answer: Correct.

Question: What source might IFG ever use to pay for the improvements, at this point and Attorney Allen had objected to Attorney Ciochon's question called for speculation and the Treasurer responded, "at this point, I don't know".

Attorney Ciochon stated with the vague representation and the Injunction be complied with and with hollow promises, and on that basis alone, it was made clear the Gun Club will never open. Attorney Ciochon indicated that Mr. Kalish said regardless with any appeal, BLM is not going to allow any shooting resume unless those improvements that Judge Warner ordered are implemented. He then explained the Appeal process to the Commission, with regards to Filing an Appeal, Noticing, Fees paid, and if there is a chance of the Judgment be reversed on. Attorney Ciochon said people from the Gun Club and the Attorneys operate a safe Range and should be overturned in the Court Appeal and that Judge Warner is unlikely of overturn the Appeal. The reason that IFG was ordered to shut down was not because of the Project, but because the Judge found it (IFG) was operating unsafely and posing a risk of harm to people in the Community. It was also found that lead shot was being deposited on the Applicant's property and that the Gun Club was responsible for.

10-20-09.PC

3. This is an active Appeal and not a viable Appeal. IFG has not posted an Appellant Bond. With the pending Appeal, the holder of that judgment can enforce the monetary provision and essentially make it impossible for any business to continue as an on-going concern with an unbonded judgment. Mitigation Measures arrived at between Mr. Woods / Consultants / Staff and the size of the Report with Mitigation Measures and indicated it's not a free pass. With the Mitigated Negative Declaration, if the Gun Club resumes operations, has to ensure members of the Community that use the Trail and Tot Lot will be safe. He then asked if the Commission had any questions for him.

Chairman Haller asked if the Commission had any questions for Attorney Ciochon.

A question was asked by a Commissioner if damages were awarded and Attorney Ciochon responded \$2.3 Million; \$1.454 Million for estimated remediation cost of the property and the rest is for the unusable rental value of the property that was wrongfully occupied by the lead shot on the Applicant's property and further indicated that interest is incurring on that award at a rate of something like less than \$20,000 / month.

Chairman Haller asked if the Commission had any questions for Attorney Ciochon.

A question was asked by a Commissioner regarding the land fill and Staff's conversation that the core went to an eighteen foot (18') depth if tests were consistent with the land fill being in existence on that Site. Attorney Ciochon responded no, and during the trial, it was called the Highland Dump, did not have any evidence that it was used as a "land fill" with various records and never found it. Attorney Ciochon clarified the Consultant trenched down to five feet (5') and associated with lead shot, arsenic and antimony and how MWD went down to a depth of thirty feet (30') for the Pipeline and was told MWD did not find any evidence of contamination and clarified they were trenches, not cored.

A question was asked by a Commissioner if the eighteen foot (18') depth for laying of the Pipeline on MWD property as opposed to any test trenches done on the subject property. Attorney Ciochon responded that is correct and had to be trenched rather than cored since the soil is so rocky. A comment was made by a Commissioner regarding to safety and indicated that nothing is absolute and how Attorney Ciochon suggested the Mitigation Measures will be an absolute solution.

10-20-09.PC

With regards to the Mitigation Measures, the Commissioner asked about a testing or field verification once the Mitigation Measures / improvements are in place, that it will be a safe Range and wanted assurance / verification and reviewed by the NRA with the difference between the Plans and what is being built prior to reactivation of the Range. Attorney Ciochon responded and provided some of the background facts on risks the Range presents. The risk is the lead shot contaminant issue. The safety issues are with the projectiles going east / northeast of the Applicant's property to the location of Church Street / Abbey Way which is down range from the Rifle / Pistol Range, as well as ricochets and the various Mitigation Measures to protect against it. If the Range reopens and not have a Blue Sky, the risk will be people at Church Street / Abbey Way, and at the Shopping Center located on Church Street and St. John Bosco's Church. If the Court retains the jurisdiction and enforce the Injunction and the Injunction stays, the defectiveness of the Mitigation Measures have to be approved by an appropriate third party (NRA or someone else). Attorney Ciochon further indicated the Applicant the Injunction will be complied with and people on his property are not close to harm. He indicated if the Range reopens and that the Mitigation Measures look like that will work, but they don't work and that they find out about it, they will be back in court.

A question was asked by a Commissioner about the lead deposited on the subject property by the Gun Club and if it leached into the soil. Attorney Ciochon responded and explained there are two (2) types of shooting activities that occurred on the Gun Club Range which would be shot gun which is oriented to the north and close to the Applicant's property and the lead shot cleared the berm and landed on the Applicant's property and is a lead shot contamination issue. The safety issue and the lead contamination issue is to the easterly / northeasterly direction. The Commissioner asked if the Range reorients the Mitigation Measure will not provide protection to the properties to the east and Attorney Ciochon responded north of the Gun Range and the Injunction has three (3) components; with the Shot Fall Safety Zone 900 foot range for Shotgun Range; and there is a safety issue with the bullets from the Rifle / Pistol Range going down range from the Gun Range to the east / northeast direction towards Church Street / Abbey Way. With raising the back berms, removal of rocks, implementation of Blue Sky shooting and the ricochet was at Church Street / Abbey Way.

A question was asked by a Commissioner that the Mitigation Measures in terms of the Injunction were that it was the shot that was the concern for the subject property and the projectiles going Blue Sky and not going on the subject property, but going in a easterly / northeasterly direction. Attorney Ciochon responded affirmatively and added that is where the projectiles / ricochets were.

10-20-09.PC

A question was asked by a Commissioner about the Tot Lot's location and Trail placement are not an issue due to the Mitigation Measures. Attorney Ciochon responded correct and when the soil and lead are cleaned up and the Mitigation Measures are implemented, yes. People would agree with that in that they would not tell you they are operating a unsafe Range.

Chairman Haller asked the Commission if they had any further questions for the Applicant's Attorney. Hearing none, he invited the Applicant to return for any further comment.

Mr. Woods responded and stated he would not address the responses on an individual basis, but in generality. With the General Plan Density it is 6 – 12 dwelling units / acre and his proposed Project is 6.8 dwelling units / acre and is a single family project. The Street Standards and street width and the City Engineering Staff agreed upon with the exception for the Knuckles. For the City, parking will be on both sides of the street and the street width is thirty-six feet (36') which will provide over 500 parking spaces with two to three (2 – 3) car garages with one parking space in front of the House. With regards to the Dump, the berm is on BLM property and was a County land rubble. There is no Dump on his property or a land fill on the Community Trail property to his knowledge. The Community Trail and MWD fencing, the (chain link) barb wire is on the MWD owned property by MWD and hopefully won't be an issue. With regards to the setbacks, EHR has several communities that have similar lot sizes and setbacks, and to his knowledge, that has not been a problem before. Mr. Woods indicated there are six (6) projects located in Westminster and never had a City Manager or Mayor call saying that is a substandard project(s), we don't like the quality of the houses. Mr. Woods stated this is a standard residential Project and will have C C & Rs. With regards to commercial property, there are eighty (80) acres located on Greenspot Road and that the City has deemed the Project as a good source as a Medium Density Housing for a broad spectrum of housing needs. With regards to the projectiles discussed earlier. Mr. Woods drove down to Church Street / Abbey Way and indicated with the Blue Sky Mandate and will be Mitigated and alleviated and the Gun Club would be able to stay in operation. There is a Little League Field and the Church (St. John's Bosco) is where they had heard the ricocheting occurred behind them. With Mr. Osburn's comments on liquefaction, the water table is approximately 100 feet deep and is rocky soil and not a problem. The Project has been taken out of the SBKR habitat area and had done trapping for five (5) consecutive nights and found other kinds of rats, but only one certain type of KR. With regards to dumping, that may have been done on the BLM berm under the Rifle Range property, at some point.

10-20-09.PC

With regards to fire, the Houses will be sprinklered and adequate fire protection with fire hydrant spacing, etc. and is Conditioned for adequate services and has been addressed. With regards to the Group Homes, C C & Rs will prohibit that and over twenty (20) years, he has never had a Group Home located in his projects. Mr. Woods commended the Boy Scouts and stated he was also a Boy Scout and had earned a few Merit Badges and never was close to being an Eagle Scout and also has been on the Board of Directors for the Orange County Girl Scouts and understands what it means about losing a facility and believed there are other facilities in the area. The proposed Project will have a Club House and if the Homeowners Association would allow it, the Boy Scouts may potentially be able to use it. Mr. Woods continued and assured the Project would never be turned into a slum because of the quality design and quality of materials and that the City of Highland and Planning Staff would allow that.

Chairman Haller asked the Commission if they had any questions for the Applicant.

A question was asked by a Commissioner regarding the design aspects and landscaping along the Trail system / Street system. One side of the street passable parkway statement and on the north side, there isn't one. At the Main Entry Gates, create a dramatic landscape statement around the Entry Gate(s) and especially at the core of the Development. Mr. Woods responded and said he was open minded for that and is indicated at the core of the Development that the Applicant is working with the Blossom Trails Project with their open space design and the proposed Project's Front and Rear Yards. Mr. Woods further stated he is willing to work with Staff with the School children crossing at the signalized location and the sidewalk will be open to both Projects in the landscape area.

A question was asked by a Commissioner about the eight foot (8') high block wall. Mr. Woods responded that it is a requirement either by Staff or the Acoustical Engineer and will back up with a higher quality window for STC and explained to the Commission STC and the sound attenuation. He then explained the proposed wall design to the Commission.

A question was asked by a Commissioner will there be balconies on with the two-story Homes on Greenspot Road and Mr. Woods responded no.

10-20-09.PC

A comment was made by a Commissioner that the Commissioner is having a struggle with the Density and requested the Applicant provide some background. There are three (3), two-story Plans, and a one-story Plan with an option for a second technical area and there are fourteen (14) of those proposed. What is the logic behind the mix of Plans and why not more of a mixture of Plan 2 with single story Homes. Mr. Woods responded that it is market driven and the single story Plan is not for a young family.

A comment was made by a Commissioner with the COAs change the setbacks at twenty feet (20') for a garage and the streetscape provides various setbacks and asked the Applicant how is he going to accommodate the minimum twenty foot (20') setbacks and still provide some setbacks per Standards. Mr. Woods responded there are a number of Homes that have a setback is in excess of twenty-five feet (25') some are between twenty feet to twenty-five feet (20' – 25'). The undulation will be achieved by garage setbacks varying from twenty feet to twenty-five feet (20' – 25') and how some of the living areas of some Plans will project out in front of the garage area, typically on the single story and how the single story roof element will provide a good articulation.

A comment was made by a Commissioner those are optional items and then asked how the Applicant is going to ensure and provide that variety on the streetscapes and asked about the porches being optional and Mr. Woods responded that he believed the porch elements are a standard element.

A comment was made by a Commissioner regarding the Entries into the Development and providing a single story element on both corners at the Entry and would like to see that continue. The Applicant needs to refine the Tentative Tract Map (TTM) and the Applicant is open to doing that and with the proposed COAs, as written, the Commissioner is unsure with approving the Project tonight. Mr. Woods responded regarding the Entry and softening at the corners (with single story elements) is not a problem.

A question was asked by a Commissioner to Staff if the Commission would approve the TTM tonight, it would have to be approved, as shown, and Staff responded that is correct.

10-20-09.PC

The following are comments made by the Commission: 1) single story elements are of the located on the corners at the entrance of the Project; 2) plotting refinements are more complex; 3) with Front Yard setbacks, especially on the main arterial running east / west through the Project have an added Parkway and still have a twenty foot (20') setback; 4) questioned the Density; 5) questioned about reconfiguration the TTM; 6) the General Plan Medium Density achieved between 6 – 12 dwelling units / acre get a single family residential detached product in that having more open space (either private or common) with a clustered Development; 7) questioned the mixture or diversity of Housing types, and the Commissioner explained having various designs / types located in corners / areas having an detached SFR with more yard space for the children in another area / section having an attached product, zero lot line, duplex-type things, courtyard clustered units, etc. to lower the apparent Density and make the lots look bigger on the streetscape. Mr. Woods responded that he is willing to work with the items, landscaping, and softening. One of his projects in Fontana, there is over four dwelling units / acre, from one to one and one-half years from now, will meet a market need and indicated he is talking with 90 to 100 people / week and with a condominium project, he said no and is market driven.

A comment was made by a Commissioner with the apparent Density goes down and will have more open space between the units and is a common concern between the Commission and provided testimony in that the Lots are small and is a common thread and asked about the Mitigation Measures by reducing the Project's Density and Mr. Woods responded he will sit down with Staff and look at some suggestions and does not want to bring before the Commission a project that he did not feel suited. The Commissioner responded and concurred with an environmentally conscience product having a lower use and sells quicker with \$500 versus \$50 utility bill and how people are looking for that in the market and the Applicant is doing right there. From a neighborhood standpoint, the Project is located at the east end of the City the Density is substantially greater and where the apparent Density is substantially lower and Lots are larger than the project the Applicant is producing and is a concern. Mr. Woods responded point taken and is willing to sit down with Staff.

The following are comments made by the Commission: 1) the TTM needs to be revised and resubmit to the Commission's review; 2) there are safety concerns and has faith in BLM and the Court in that there will be some safety improvements so that the Range can continue operating and the Commission does not know if the Range will continue or not and that issue to be addressed;

10-20-09.PC

3) concerned with TTM, that it needs to have changes made the Commissioner can accept it on the way it's presented; 3) Homes along Greenspot Road going east bound, there will be patios, umbrellas with an eight foot (8') high block wall and there needs to be a greenbelt between the street and the first row of Homes; 4) with regards to the Tot Lot being located where the Park is, a Commissioner lives near where there is a small park located at the end of a street and how no public members uses it, and suggested if the Applicant wants the public to use the proposed Park, have the Applicant redesign the TTM to be more functional; 5) concerned with Lot size / House size and the eight foot (8') wall; 6) the Front / Back Yards are so small; 7) concerned after a year or two, there will be absentee landlords, and; 8) with absentee landlords, the upkeep is not the same as it is with a land owner.

A question was asked by a Commissioner if the property was Zoned Commercial previously. Staff responded that is correct and explained what transpired with the 2006 General Plan Update for that area and surrounding area.

Discussion ensued between the Commission and Staff the previous General Plan Designations and why the Lot sizes were 4,500 square feet and not 5,000 square feet, mechanisms for the Specific Plan or Planned Development Plan with certain densities and how the Commission can evaluate and determine that.

A question was asked by a Commissioner regarding concerns on access for fire fighting and if the Fire Marshal had reviewed the Project. Mr. Woods responded and indicated the City's Fire Marshall had reviewed and submitted COAs and the Applicant wants to ensure the adequate spacing for the fire hydrants. In January 2009, there were two (2) cul-de-sac designs and were not connected. Staff thought to eliminate the cul-de-sac design and then Fire Department could maneuver around the Site.

The following are comments made by the Commission: 1) is there a sense of safety on the Site and approve any development on this Site; 2) not knowing what will happen with the Gun Range; 3) would like to see the Developer is willing to work with IFG for Mitigation for both of them; 4) there are High Density issues and Environmental Impact Report issues. Staff responded and explained the CEQA process to the Commission and stated if someone seen as an "expert", has indicated that if one of the studies is flawed and Staff will take that into consideration and Staff may change it's mind. There are some comments made tonight, and Staff indicated that Staff will review the letter again.

10-20-09.PC

The following are comments made by the Commission: 1) Findings less than significant and are set forth in the General Plan based on density through the intensity use; 2) based on collective information, the First Study was done on the wrong piece of property; 3) there is the possibility of the area or the berm was used as a dump; 3) wants to err on the side of caution; 4) by trapping the SBKR is the most expensive, but conclusive way. Staff responded regarding the EIR comment and addressing the issues, as part of the Project, California Department of Fish and Game reviewed the KR and Studies and came back with the Site be taken out of the habitat. There is a Mitigation Measure for trapping prior to grading activities on the Site regarding there are no biological issues on the KR, Burrowing Owl, Spiny Flower on the property and further indicated how State / Federal has taken out the habitat of this Site, as well.

A question was asked by a Commissioner regarding the EIR / Traffic. Staff responded and explained the General Plan, the proposed width of Greenspot Road and Mitigation Measures. The Traffic Study does not consider the Project as a large project and the Traffic ADT is approximately 1,300 and the afternoon peak hours traffic volume is 134. Staff further explained about the Freeway on-and off-ramps are already operating below the acceptable Level of Service (LOS) and the traffic condition will be worse with development of this Project. Since the Project is located ¼ mile away, the Developer will be required to pay his fair share for those two (2) ramp locations. The Project will be required to physically construct mitigation to widen Boulder Avenue / Greenspot Road to provide one (1) additional west bound lane and one (1) additional south bound left turn lane. The City of Highland has a project that City Council has allocated \$11 Million to widen the Greenspot Road to accommodate future development. The City's project is scheduled to start construction in one (1) year. Staff reiterated although this Development Project will add traffic to Greenspot Road, the Developer will be required to pay his fair share and construct necessary improvements so that the Project's impact is Mitigated. A question was asked by a Commissioner about the seven (7) traffic signals and a proposed eighth traffic signal and synchronization. Staff responded the Project is not Conditioned to construct any new traffic signal on Greenspot Road, but will be Conditioned to contribute to a future traffic signal to be located at the easterly common entrance between the Project and the "Blossom Trail" project, and when that develops, will construct the traffic signal as the signal warrant is met.

Chairman Haller asked if the Commission felt whether or not it was suitable / comfortable to have a Development on this property given that the Gun Range's status is uncertain. The Commission needs to feel comfortable considering an Application for this property. A Commissioner responded no, he does not feel

10-20-09.PC

comfortable because there are too many questions that need to be answered yet and before anything goes any further, this should all be settled. The Commissioner further indicated, in his opinion, as a child growing up in Highland, there was a dump that was operated by the County and that is where the berm is located and by former Duda's Golf Range and the berm in the back and was a land fill that was extended from Norton AFB to Church Street back in the 1950's. Mr. Woods responded the berm is on BLM property and no closer than thirty feet (30') so it is 120 feet away from the closest House and then the County would be responsible.

Discussion ensued between the Commission and Staff regarding the Commission's options. If the Commission does not feel comfortable with the Project, the Commission could deny the Project without prejudice and have the Applicant return after the Gun Club is resolved and there needs to be a safe Site. Staff indicated there is a threshold for the Applicant to reapply – what would be acceptable information that Staff would need to know in order for the Applicant to reapply.

The following are comments made by the Commission: 1) there are issues of the Mitigation Measures, to be environmentally clean, and safety standpoint issues would be the adjacent uses; 2) if the Commission denies the Project without prejudice, and the Applicant has to work things out with IFG, the Applicant could return with the same design; 3) there are design / setback issues and if it is to be a habitable site; 3) there are safety concerns and paraphrased the Mitigation Measures proposed would provide a safe Site from the Gun Range; 4) there are environmental issues i.e. dump location limits; 5) impacts on the Development; 6) regarding the TTM itself, the potential design of clustering the Homes of different concepts, setbacks, and streetscape, and; 7) if approved tonight, the recordation of the TTM, would be as how the TTM is shown tonight. Staff responded those are issues that would need to be followed up on. With the Staff Report, the question is whether the Commission believes the single family detached Homes Project next to an operating Gun Club is appropriate. If the Commission says yes, based on the Mitigation Measures, then can move forward and address the design and report back with the environmental to the Commission. With the safety not addressed and there is a margin of error, bullets could ricochet and someone not follow the rules and could be hurt and that is from a land use perspective. A Commissioner responded it is not appropriate for a single family residential detached Project and another Commissioner agreed and added that area should be a commercial strip and the Gun Club stay open.

Chairman Haller then explained the options and asked what is the consensus of the Commission.

10-20-09.PC

The following are comments made by the Commission: 1) denying the Project whether or not it being consistent with the General Plan and that the Project is a specified land use and is a Planned Development with the Applicant proposes to follow the Conditions, Standards, setbacks on density and height, etc.; 2) in keeping with the General Plan and the overall context, is any residential project immediately adjacent to a Gun Range which is pointing directly at it, is it an appropriate and adjacent use; 3) the General Plan is liberal with its interpretations when it comes to a Planned Development document, that it would be a tough Finding to make; 4) the neighborhood context comes into play about the adjacent uses i.e. density within the neighborhood to fit within the fabric of the context of the neighborhood; 4) the Lot size issues – are they compatible or comparable to the existing properties of the neighborhood.

Mr. Woods responded and gave the following comments: 1) he wants the Commission to approve the Project in concept, rather than continuing or denying the Project; 2) the project that was approved located easterly had a greater density and was approved in concept; 3) with the Project adjacent to the Gun Club, it is more vulnerable; 4) ricochet was an issue; 5) if Blossom Trail is brought in tomorrow, would be brought in as a Planned Development project, would the Planning Commission turn that area back to Commercial Zoning; 6) he would have never bought the property with it being a Commercial Zone Designation; 7) he questioned the feasibility of a Zone Change and is perplexed. A Commissioner responded if the Developer could work with the Gun Club and judged by the Court and the NRA, etc., and say this is now a safe operation in that no residential properties that would be affected by the Gun Club. A Commissioner added what the Commission's envision of the property is and not suggested a Zone Change, but still a PD product

Mr. Woods responded if the Mitigation Measures are mandated by the Superior Court and the NRA approved it, the changes to the Gun Club mandated and Mr. Ciochon said if this makes it through the Appellant process, it is unlikely the Judge (Warner) is wrong and may be go after the mounting value. Mr. Woods indicated he is not an attorney and the City wants the Gun Club to follow the guidelines. For it to be a safe operation, the 900 foot shot fall guidelines and sound is reduced, the Gun Club relocate the shot fall, it would be relocated and the shot would fall over the parking lot and Clubhouse. There is too much venue with too little area. Mr. Woods is willing to work with the Commission and Staff and in softening the Project. The Commission is perplexed and he understands that and then he questioned that how much money for improvements and how the Gun Club still owes the Attorneys and hopes BLM can help.

10-20-09.PC

Mr. Camille Bahri, 10575 Oakdale Drive, Rancho Cucamonga, California, 91730, representing Sunland Communities, addressed the Commission. He stated the Applicant has failed on a number of issues for the Commission and understands the Commission's concerns and further explained his Project is next door. With clustering / open space with Blossom Trails may be the direction for Mr. Woods to consider in order to resolve comments of the TTM. The safety issues have to be resolved. Mr. Bahri welcomes Mr. Woods' Project, have he has to play within the rules of the game and needs to be a shepard that Facility properly and need to be a good neighbor. He suggested the Commission continue the Project, rather than deny it and then would allow Mr. Woods to return with the design issues that were raised. The City has also failed as to keeping an eye on the approval process for the Gun Club and urged the Commission or the City Council to direct Staff to keep an eye on the Mitigation Measures and Project and the City of Highland needs to be involved.

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.

A question was asked by a Commissioner about the safety issue with people / children wandering off and Staff responded there is an eight foot (8') block wall is a Noise Mitigation Measure whether it is located on the property line or adjacent to the Homes and BLM requires it to be kept. A question was asked by a Commissioner about children going up and over the berm and Staff responded Staff has not fully explored with the design. Staff added there is City liability with the Trail easement and stated the COA says as long as the Gun Club is in operation, the City will not accept it as a public Trail / public Park and will also affect the Tot Lot. Staff speculated with the Homeowners Association who would maintain it, until the City would take it over would probably fence it off and not have access on the Trail. A question was asked by a Commissioner if the City has any direct oversight regarding the Gun Club's operation. Attorney Ward added how the Gun Club is on BLM property and is Federal land and the City is unable to regulate. A question was asked by a Commissioner about the City's Sphere of Influence and Attorney Ward responded it is up to BLM for regulations. Discussion ensued regarding City enforcement action, the feasibility of a public nuisance if shot would still be fired and could seek relief from the Developer. A question was asked by a Commissioner about an oversight in approving or reviewing the Gun Club's layout Plan and the City would not have any influence or decision in that and Attorney Ward responded no, the City would not be able oversee that and a lawsuit could be pursued to stop it, but not regulate it.

10-20-09.PC

The following are comments made by the Commission: 1) the Commission would not have access to the Gun Club's Plan until a good neighbor would provide one as a courtesy with the access to the Plan during the review period process; 2) it is important for the Commission to know based on what will happen about the Gun Club. Staff responded the Project is Conditioned for initial Plan review for the NRA or whoever and needs to present to the Community Development Director prior to TTM recordation. After that, how is it monitored. In addition, the property owner and future residents could complain. A comment was made by a Commissioner in that there is a safety issue occurring and with complaints, would be unable to shut down the Gun Club. Staff responded the how the City Attorney's Representative said with public nuisance issues and would get the City involved.

A question was asked by a Commissioner about the right of use for the Gun Club is similar to the mining operations. Staff responded the activities of the sand and gravel operations are a permitted use through a CUP Application. The ADT, rinsing off cement trucks, and Staff said the Lease has been in place and has never had the opportunity since 1940's to address the issues. Staff added they mining operations are not on BLM land and was a land swap. A comment was made by a Commissioner from the BLM Representative's testimony in their letter indicated and requested community involvement and what role would the City have in the involvement and with what process. Staff responded and indicated how the Applicant is willing to modify his Project i.e. clustering similar to Orange Blossom Trail and Staff would have to review the environmental review and may trigger recirculation and that may be delayed and bring it back and that the Mitigated Negative Declaration may have to be changed for the Project description.

The following are comments / questions made by the Commission: 1) should the Commission continue the Project with modifications; 2) deny the Project without prejudice; 3) the question of safety issues and if it is an appropriate use; 4) Superior Court has scheduled the Appeal to be heard on November 24, 2009; 5) the Court process will drag on a long time; 6) the feasibility of denying it based on design issues; 7) question on the environmental and safety issues; 8) the proposed design is not appropriate for the Site; 9) the feasibility of waiting until what will happen on November 24, 2009, (with Superior Court) and the Project moves on; 10) the feasibility of the Commission deny the Project and the Developer return with a different layout / design and then have the legal process established. Staff responded if the Commission continues the Project, the City's Streamline Permit Process and how that would affect the CEQA document and

10-20-09.PC

Staff would have to re-review. A comment was made by a Commission, what happens if the Commission denies the Project and Staff responded if the Commission denies the Project, the Applicant could return or can be appealed up to the City Council and ten (10) days to do so.

The following are comments made by the Commission: 1) there are safety issues for limits more than the Project's process itself; 2) there are too many Houses; 3) need a better layout design along Greenspot Road and not wanting to see the back side of the Homes; 4) do street improvements get a buffer on the first row of Homes on the south side and additional greenbelt along the major street; 5) the possibility of a wrought iron fence instead of the eight foot (8') block wall for an openness similar to the project on the north side of Greenspot Road; 6) setbacks on the Houses – needs to be similar like the homes across the Greenspot Road with the lake; 7) Greenspot is the main east / west street; 8) reiterated too many Houses; 9) the TTM itself – there is not a lot of car parking, the Front Yard Setback is not that big; 10) for a young family, the Front and Back Yards are too small and the children will go and play in the street, or to the Park on the other side – there are design problems; 10) design bigger Lots and liked the porch on a detached home and Highland is not like Rancho Cucamonga or some other big City; 11) Highland is urban land - need to have a bigger land, have a bigger Lot; 12) that's why one Commissioner wanted to be on the Commission in order to assist in design and have a better product; 13) on Page 22 of the Staff Report regarding the Findings of Fact on Section Three (3) was read into the record regarding the City's response.

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 Willhite and seconded by Commissioner Hamerly to deny the Application and directed Staff to draft a Denial Resolution and return with it for the Commission's consideration at the next Meeting.

Chairman Haller asked Staff if Staff was okay with the Motion and Staff responded affirmatively.

Motion carried on a 6 – 0 vote with the abstention of Vice Chairman Gamboa.

The Commission recessed at 9:28p.m. and reconvened at 9:39p.m. with all Commissioners present.

(Note: Assistant Planner Kelleher and City Engineer Wong left the Chambers at 9:28p.m.

10-20-09.PC

4.2 2006-2014 General Plan Housing Element Update (Planning Period of January 1, 2006 – June 30, 2014). The location is City-wide.

Chairman Haller introduced the Item and opened the Public Hearing and called for Staff's presentation.

Staff distributed a letter from Mr. Cory Briggs from Briggs Law Corporation dated October 20, 2009, and then City Planner Mainez gave the presentation from the Staff Report and then introduced Ms. Michelle McCready from The Planning Center, who is the City's Consultant for this Item.

Chairman Haller asked if the Commission had questions of Staff.

Ms. Michelle McCready, of The Planning Center, 1580 Metro Drive, Costa Mesa, California, who is the Associate Planner and the City's Consultant, addressed the Commission.

Discussion ensued between the Commission, Attorney Ward, Ms. McCready and Staff regarding CUP Application process for multi-family residential development the City believes that it should be a right / permitted, but may have an impact on some uses and the CUP is the mechanism to control that impact on surrounding uses. If you have good Standards that takes that into consideration, then it may be appropriate to eliminate the CUP. The State is going to look at that element in the next round of the Housing Element and if the City does not have the CUP requirement, that would give the City a checkmark in the good column for the Housing Element. The State of California is now making it tougher on Cities and applying more scrutiny to ensure the Cities are supplying sufficient affordable housing for all. In addition, the State would like for the City not having to a CUP Application for residential development, or have Zoned enough sites which could be development without a lot of hindrance. A question was asked by a Commissioner in what does Staff want the Commission to do. Staff responded that Staff would recommend the Commission recommend to the City Council to have Staff submit the 2006-2014 Housing Element to the State's Housing and Community Development for the State's approval and want to let both the City Council and State know what the Commission wants. Staff further indicated that Staff is not asking the Commission or the City Council to approve the Housing Element and Staff wants to let the State know this is the City's recommended process.

10-20-09.PC

Further discussion ensued regarding Page 49 of the State Report with the Table and Program 1.1.30 provision the State is focusing on. Staff indicated how in 2006, the Vision changed and then created Policy Areas, Base Line Corridor, Town Center, Golden Triangle, Orange County Property (Seven Oaks). Staff is trying to show the State how the City is meeting those numbers. Ms. McCready added the State likes the higher density. Staff explained on Pages 75 and 77 of the Staff Report regarding Programs and Policies of the Housing Element, there are typographical errors in it and how both the City Attorney and Staff has reviewed it and will be corrected then the State will review it. Staff further explained how the City will be working with SCAG. Staff explained on Page 77 of the Staff Report regarding the Second Units design and by Right-of-Zone and there had been a Joint Study Session with the Commission and City Council on that and the State is not concerned with the City fees. Ms. McCready added how Second Units are a potential for lower income households. Staff added with minimum lot of 7,200 square feet, the developer may want to construct eighty (80) units, but realistically, would be thirty (30) units, due to the economy and the fees. Staff explained on Pages 81 and 82 of the Staff Report housing for disabled persons and a requirement for a Zoning Code Amendment. On Page 82 of the Staff Report, the No. 19 should be No. 18.

Discussion ensued between the Commission, Attorney Ward, Ms. McCready and Staff regarding the number of homeless and the emergency shelters and transitional housing are different and separate. Ms. McCready and Staff suggested areas in the City for emergency shelters to be allowed in a Business Park Zone before June 2010, and establish operating standards with the number of bed, number of occupants, and length of stay. Staff indicated the City of Yucaipa is doing this in a Business Park Zone and further explained the Table on Page 85 of the Staff Report and a revised updated Table on Page 176 by increasing the numbers from 135 units to a little over 5,000 units, which includes Greenspot Market Place and the Orange County properties. A comment was made by a Commissioner that on Page 14 of the Staff Report it starts on Number 13 and how Numbers 1 through 6 are not listed there. Staff responded the numbering is messed up all the way through and that will be corrected.

A question was asked by a Commissioner on Page 8 of the Staff Report if condominiums would be included and Ms. McCready responded thinking rental units - the condominiums may look like a multi-family, but it isn't. A question was asked by a Commissioner if that was for non-occupant owners and Ms. McCready responded affirmatively.

10-20-09.PC

Discussion ensued regarding Page 85 of the Staff Report on objectives and goals with the Low and Very Low Programs. Staff indicated it is a number and Staff is able to explain away the number if the market is not there for some of the higher end (Moderate) and will run into issues with the Low and Very Low income housing. Ms. McCready then explained the RHNA and the number of units to the Commission. A comment was made by a Commissioner in that there is a seventy percent (70%) reduction in Permit activity and the demographics are more than ten (10) years old and the RHNA numbers are not worth the paper that it is written on and that validation is needed. Ms. McCready responded if the units are not built, but is Zoned, that is acceptable and that the RHNA relies upon new construction and rules have to be credited and have covenants and Attorney Ward added this is hard and is tough with impediments. The Commissioner stated the need to be sustainable and with no rehab units, the City should get some credit since using City resources and Attorney Ward said the rehab units are really strict, for as long as they are not dilapidated. Ms. McCready added following the regulations subsidized as Low Income, make the requirement maybe five years down the road. Staff added the Redevelopment Agency (RDA) look at existing apartments and set aside units for Lower Income families and have listed some of these apartments. Staff then explained the Council's direction to look at apartments, talk with property owners and see if they are willing to set aside units for Lower Income families and that is Staff's approach to the Housing Element to capitalize on that so the City can get credit and that the State is aware of that Program, and will get credit for those units. Staff explained Assembly Bill 430 regarding the housing stock, existing units and long term covenants to the Commission. A question was asked by a Commissioner if the City would be penalized with a rehab and tear down since there is no more vacant land available, the RHNA numbers may be reduced and yet the population be increased. Staff responded the City would have to rezone more land for reuse. Both Attorney Ward and Ms. McCready stated with it being difficult for an existing City being built out and looking for recycled land. Staff added there are no infill projects and City Council, the Commission and the public has its opinions on multi-family housing and cautioned about being anti-apartment units and the City has good apartment standards.

Discussion ensued regarding emergency shelters and the feasibility of using hotels / motels for them. With regards to the homeless, maybe use vouchers in the apartment / hotel, but it is hard to do with single family residences. Section 17 regarding emergency shelters and temporary housing was discussed. Staff added it would be worded in such a way where the City would study it, start a committee, etc. Ms. McCready indicated some of the service providers are for abused mothers / children and in Highland, if one (1) family would live in one (1) single family residence and additional families would be able to live in an abandoned hotel.

10-20-09.PC

Chairman Haller asked if anyone in the audience would like to speak on this Item. Hearing none, he kept the Public Hearing open and continued with the discussion.

Discussion continued regarding the shelter issue and just don't plop a shelter down anywhere, maybe with the provided services, the City could go with San Bernardino, Redlands similar like a regional facility. Ms. McCready added it is allowed, but not recommend to go with San Bernardino due to their homeless, but with Redlands and would have to revise the Study that is before the Commission. A Commissioner responded that this appears to be a complex type of operation and how we have no experience and a lot of energy that will be required for public services and a suggestion was made by a Commissioner the possibility of a Church or a group that specializes in that that have the different uses that has abused women, runaway teens, etc. and if the City could approach some of those groups and advise them of the housing stock that the City has taken back and offer it up to some of those groups and would be like a one-stop shop in meeting that need. A Commissioner asked could this be done by June 2010 and Staff responded how the State wanted a date. Ms. McCready said this was passed in 2008 and the City needs to have both the Zoning and Standards in place. Staff added on-site security could be regulated while operating, limit the occupancy, and the need to develop Standards and find a Zoning area.

The following are comments made by the Commission: 1) Staff needs to look at the time lines; 2) with regards for the CUP Application process for apartments is essential in that the intensity use is high and Staff is trying to streamline the process; 3) there is a need for allowing the public to comment on the CUP Application for the Commission's evaluation / consideration; 4) there is a lower risk with a hotel use which could be regulated internally, and encourage to keep it that way and with an apartment, once they are operating, they are going to do what they want to do and whoever comes in, they will rent to. A comment was made by a Commission to encourage to keep with the CUP approval, even though the State does not want the City to. A question was asked by a Commission if the State would reduce regulation on development and Staff responded the State is not taking rights away – the Commission would be still be the City's Design Review Board and still have to go through the process of CEQA, Public Hearing, land use consistency and Conditioning the project, just that you would not call it a CUP. A Commissioner responded it is not just picking out the colors for the development, but wants the Commission to evaluate the use, the number of units, design orientation, etc.

10-20-09.PC

Discussion ensued between the Commission, Ms. McCreedy and Staff regarding this would be City wide and multi-family by rights in Multi-family Zones of more than four (4) dwelling units. A comment was made by a Commissioner the City needs more scrutiny – and you know the public would show up at the Hearing and argue about the traffic, slums, violence, absentee landlords, etc. Staff responded with a specific example with the Mission Development had submitted a Specific Plan with multi-families 30 du/acre and by Right-of-Zone, Staff asked how are they are going meet the City Standards - parking standards, having garages, was more design oriented and had Workshops on the project have a high quality and would be upscale. A Commissioner responded the City's Standards are higher for apartments and is torn between to have a CUP process or not in that it is a defensive mechanism. A question was asked by a Commissioner if the process could be called a Conditional Use Review. A Commissioner responded how some things fall into design review – streets, parking layout and how much teeth is put into the checklist, review the Standards i.e. ensure neighborhood compatibility. The Commissioner indicated he could see the internal conflict and could say it could all be done through design review because it has to be in the touchy-feely aspect. Staff responded if you want to have a Certified Housing Element versus a CUP process with the State and there may be other things, too. The Commission makes a recommendation to the City Council and then it's the City Council's choice. A comment was made by a Commissioner how there was more flack with a gas station's canopy. Attorney Ward responded this is deliberately hard on the Commission with the State law and how their hands are tied. A Commissioner responded how the Commissioner has talked with people at the State level and that suburban area is an outdated model and the emphasis is now on clustering. Staff responded the State wants Highland to be more urban and not have a CUP process and Ms. McCreedy added the CUP process is perceived to be an impediment to housing.

Chairman Haller asked what is the consensus of the Commission with regards to keeping the CUP process and all of the Commissioners agreed.

Discussion ensued between the Commission and Staff regarding the maps showing the vacant land in the City and Section 10.

(Note: Attorney Ward left the Chambers at 10:34p.m.)

Further discussion ensued between the Commission and Staff regarding the inventory update and the added attachments in the Staff Report. A comment was made by a Commissioner not showing vacant land on the Project (CenterStone) reviewed tonight and Staff responded CenterStone is in the process. A question was asked by a Commissioner about the Lyon Homes

10-20-09.PC

project and Staff responded the Developer can still go through the process and is getting credit with it. A Comment was made by a Commissioner how there is no land available to achieve these goals and with Low and Moderate Incomes and some policy / goal does not address Very Low Income.

(Note: Attorney Ward returned at 10:36p.m.)

A question was asked by a Commissioner if some of the subsidized projects listed said Low and Moderate, but not Very Low and if policies were cut off and Ms. McCready responded there had been Low and Moderate talk about funding.

Discussion ensued regarding 8 – 39 regarding energy and meeting conservation goals and possibly exceed by ten percent (10%) above the minimum Standards or pick a number to reduce the energy consumption as one of the goals in this Section. An example was given about construction waste recycling and if a larger scale development on single- or multi-family be held at the same Standard for construction waste plan / measures i.e. alternate energy sources, certain percentage of the units are solar water heating and would make points on the energy conservation side. Staff responded there are various Elements and provisions and with City Council's Work Program Items with Green Buildings. A question was asked by a Commissioner with the addition of a Housing Element with a Conservation Element and Staff responded with Title 24 was going to be revised i.e. greenhouse gases is stringent and projects have exceeded on a case-by-case basis.

The following are comments made by the Commission: 1) there are typographical errors on 8-A; 2) the data set time frames are not consistent; there are some percentages that are more than 100% i.e. A-8 / A-9 Table in the Technical Report and requested Staff look at the percentage for adding up correctly. Ms. McCready responded both the Comprehensive Housing data and the Department of Finance have different data sets. Comments were made by a Commissioner there is an aging housing stock and requested Staff check all of the percentages. Ms. McCready responded with the HCD numbers, HCD does not look at household income numbers and that their numbers are based on population growth and then they are broken down in regions and does trickle down into other areas. Staff added HCD is household income and population growth and SCAG is conservative project numbers with household and RHNA numbers. Ms. McCready added how the State will probably focus on the CUP process, SB 32, densities, etc. and explain what may happen

10-20-09.PC

Chairman Haller asked if anyone in the audience would like to speak on the item. Seeing none, and there being no further questions of Staff, or discussion amongst the Commissioners, he closed the Public Hearing and hearing no further comments from the Commission, he then called for the question.

A Motion was made by Commissioner Willhite and seconded by Vice Chairman Gamboa to recommend the City Council direct Staff to submit the revised 2006-2014 Housing Element to the California Department of Housing and Community Development (HCD) for their approval.

Motion unanimously passed on a 7 – 0 vote.

5.0 LEGISLATIVE

There were no Items.

6.0 ANNOUNCEMENTS

Staff explained the Items tentatively scheduled for the November 3, 2009, Commission Regular Meeting.

Staff explained there are Municipal Code Updates and requested the Commission to submit their Municipal Code Books to Staff for placing the update in them.

7.0 ADJOURN

There being no further business, Chairman Haller declared the Meeting adjourned at 10:54 p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

Richard Haller, Chairman
Planning Commission

10-20-09.PC