

**MINUTES
PLANNING COMMISSION REGULAR MEETING
JUNE 21, 2011**

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:00p.m. by Chairman Hamerly in the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

Absent: None

Staff Present: John Jaquess, Community Development Director
Lawrence Mainez, City Planner
Linda McKeough, Administrative Assistant III

2.0 REORGANIZATION OF THE PLANNING COMMISSION

2.1 Election of Chairman and Vice Chairman.

Chairman Hamerly identified the Item and then he turned the Meeting over to Community Development Director Jaquess who explained the Election process and opened the nominations for Chairman.

Commissioner Haller nominated Commissioner Hamerly for Chairman and Commissioner Gamboa seconded the nomination of Commissioner Hamerly.

Community Development Director Jaquess asked if there were any other nominations for Chairman. There being no further nominations, it was affirmed to close the nominations for Chairman.

A Motion to elect Commissioner Hamerly as Chairman was unanimously passed on a 7 – 0 vote.

Commissioner Hamerly was elected as Chairman of the Commission.

Community Development Director Jaquess turned the Meeting over to Chairman Hamerly.

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Chairman Hamerly then opened the nominations for Vice Chairman.

Commissioner Haller nominated Commissioner Huynh for Vice Chairman and Chairman Hamerly seconded the nomination of Commissioner Huynh.

Chairman Hamerly asked if there were any further nominations for Vice Chairman. There being no further nominations, it was affirmed to close the nominations for Vice Chairman.

A Motion to elect Commissioner Huynh as Vice Chairman was unanimously passed on a 7 – 0 vote.

Commissioner Huynh was elected as Vice Chairman of the Commission.

3.0 COMMUNITY INPUT

There was none.

4.0 CONSENT CALENDAR

4.1 Minutes of April 19, 2011, Regular Meeting.

4.2 Minutes of May 3, 2011, Regular Meeting.

4.3 Minutes of May 17, 2011, Regular Meeting.

A Motion was made by Vice Chairman Huynh and seconded by Commissioner Gamboa to approve the Minutes of April 19, May 3, and May 17, 2011, as submitted.

Motion unanimously passed on a 7 – 0 vote.

5.0 PUBLIC HEARINGS

Note: Prior to the Meeting, Staff had distributed a Memo dated June 21, 2011, to the Commission related to the City Attorney Comments for Section 16.16.020(G) and (J); Section 16.16.040 (E)(3)(c)(i), and Section 16.16.040 (M)(i).

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- 5.1 Amendments to portions of the City's General Plan Land Use Element (Chapter 2) to include a new "Residential High Density District" (GPA 011-001); and Amendments to the City's Land Use and Development Code amending the City's Official Zoning Map to incorporate a new Multi-family Residential District (R4) and High Density Special Overlay (HDS) within the Golden Triangle Policy Area (ZCO-011-01), and amending the City Land Use and Development Code (Title 16) adopting new R4 and HDS Development Standards (MCA 011-003) all in accordance with the City's 2006-2014 Housing Element, approved on January 25, 2011. The location is City-wide. Continued from the April 19, 2011, and May 21, 2011, Regular Meetings.

Chairman Hamerly identified the Item and then asked for Staff's presentation.

City Planner Mainez gave recognition to Mr. Pat Loy and Mr. John Young from Lewis Group Company who were in the audience that were instrumental and had assisted Staff in preparing the R-4 and HDS Development Standards. He then gave the presentation from the Staff Report and indicated, for the record, that the Sites "are set in stone" and for the Commission to focus on the adoption for the R-4 Standards and the Commission's comments from the April 19, 2011, Regular Meeting. City Planner Mainez then explained Staff's responses to each one of the Commission's comments which are listed in the Staff Report as follows: 1) Maximum Lot Coverage; 2) Setbacks Contiguous to R-1 Districts; 3) Net Acreage Definition; 4) Noise Reduction (Interior and Exterior Sources); 5) Architectural Form and Massing, and; 6) Apartment Management Programs / Regulations. He indicated with No. 6 to coordinate with the Apartment Management Programs / Regulations in that it is not a Land Use Development issue and if the Commission desired, the Commission could direct Staff to forward the Commission's comments to City Council for further consideration. He stated how at the last minute, he had received comments from the City Attorney and how the Memo was distributed prior to the Meeting and explained Staff's comments on the City Attorney's Memo and then concluded his presentation.

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

Discussion ensued between the Commission and Staff regarding the City Attorney's Memo and rationale on his proposed Revisions. With regards to the percentage limitation on the outdoor open space listed in Section 16.16.E.3.c.i., if a Developer has a hardship issue, the Developer could apply for a Variance and Staff added in addition, an alternative to address this would be how the Developer's project would go through the Plan Check process and that Staff could delete that and apply as a good Standard practice and a Commissioner responded is trying to reduce the verbiage and wanting to keep it as simple as possible and not wanting to duplicate the process. Staff responded about setting the Standard and if there are any changes, have the Developer go through the Variance process.

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Further discussion ensued between the Commission and Staff regarding the definition on the “net acreage” and if storm water drainage and on-site retention basin was included in the definition with useable open space. Staff responded how Staff did not consider that and how some facilities can be installed on top if using for a soccer field, lawn bowling, etc. and that Staff would need to research further. A comment was made by a Commissioner to encourage the installation of underground facilities or other onsite treatment systems and not count them as open space. Staff responded sounds appropriate and how the City has a WQMP expert and indicated that there will be a Joint Study Session(s) with City Council / Planning Commission Study Session scheduled in the future with regards to the new Permit process.

Discussion ensued between the Commission and Staff regarding adopting specific Sites and/or Standards and the feasibility of the Commission being able to revisit the Standards and Staff responded how the Standards become an Ordinance and indicated the Commission can revisit the Standards Ordinance.

A comment was made by a Commissioner have as an alternative what qualifies for useable open space and another Commissioner said to change the definition with “net acreage”. Staff responded how the Section refers to open space what a person can use and Staff can discuss with the City Attorney some verbiage to exclude WQMP facilities of the open space requirement if they are not useable. Staff added how the Commission conducts reviews as part of the process and also have the Commission direct Staff to discuss with the City Attorney that it has to be useable open space and part of the WQMP and for the City Attorney to come up with something.

A request was made by a Commissioner if Staff could go over the number of units / objective for the benefit of the audience who were not here at the last Meeting. Staff complied and indicated the future growth, the various types of income households and the shortfall of 1,485 units and how the RHNA numbers come from and are mandated by the State of California. The seven (7) Sites are proposed for R-4 Districts and to create Development Standards for said R-4 Districts and are identified on the Zoning Map.

Discussion ensued between the Commission and Staff regarding the 2.1 Table on the High Density Overlay and the Golden Triangle Policy Area having additional 650 units. Staff indicated the issue tonight is to satisfy obligation with Zoning in the community. A comment was made by a Commissioner the Commission’s task is not second guess the City Council on the Sites’ selection, but to review / clarify the Development Standards for potential projects and build enough safeguards to protect the existing residents and to improve the Development Standards within the City by implementing these Guidelines that

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comply with the General Plan and State requirements and Staff responded that is correct.

Chairman Hamerly asked if the Commission had any further questions of Staff. Hearing none, he then opened the Continued Public Hearing and asked if anyone would like to speak on the Item.

Mr. William Wick, 27211 Cypress Street, Highland, California, who is a resident, addressed the Commission. He stated that he resides behind the Shopping Center and has horses. He then asked about if the Property Owners are all for this and if they were notified and stated how a gentleman was here before attempting in selling his property. Staff responded how there is a Public Hearing process and how Notices were mailed out to the Property Owners and unless if the Property Owners had written a letter, or had come to the Meeting to voice their concerns, Staff would be unable to know how many Property Owners had participated.

Mr. Wick continued and distributed a three (3) page Petition for the Commission to consider. The signers are in opposition and that no one wants to have Low Income Housing next to them indicated that he has nothing against Low Income People, and that some of them are good people, but unfortunately, some of the people are not very good people. He explained how there was a hostage situation that took place last week in Highland and indicated how a gentleman had spoken about living in the apartments and there were ruckuses and now some of the apartments have been eliminated. He indicated how he has resided here for fifteen (15) years and his wife for thirty-four (34) years. Mr. Wick reiterated that he has horses and feels that they will be harmed and that he would be happier if a senior citizen project would go in rather than apartments. Staff responded how the law requires to identify the Sites and the State makes the connection for Low Income and Moderate Income Housing units.

Discussion ensued between the Commission and Staff regarding there are no restrictions with 55+ years of age residential projects. Staff indicated the percentage of Moderate Income Housing is 80% to 120% and the Median Income base for a family of four (4) for Moderate Income Housing is \$50,000 to \$60,000; The percentage for Low Income Housing is 50% to 80%, and Very Low Income Housing is less than 50%.

The following comments were made by the Commissioners: 1) then the typical housing for a family of four (4) in Highland is \$40,000 or less; 2) initially, the City Council had between fourteen to sixteen (14 – 16) Sites to choose from and the City Council had selected the seven (7) Sites.

A request was made by a Commissioner if Staff would explain the mechanism for the process for review of these Projects changes and meets the threshold of 650

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units and Staff complied with the provision of the Overlay of the Golden Triangle Policy Area and the Specific Plan for the Golden Triangle Policy Area and is not approved and the State wants a Density Overlay and how in that area, the Developer could construct up to 650 units by Right-of-Zone and still go through the Design Review Process. After the 650 units are built, then those additional units are reviewed under the Specific Plan that is in the Code section that is referred for segregation and part of the Specific Plan by Right-of-Zone and not with a Conditional Use Permit (CUP) and the State is okay with that. A Commissioner asked with constructing the 650 units within the Golden Triangle Policy Area by Right-of-Zone or unless with a Specific Plan and is a reference to the process and Staff responded that is correct.

Ms. Margaret Cisneros, 7512 Sterling Avenue, Highland, California, who is a resident, addressed the Commission. She stated how she has resided here since 1987 when Highland became a City and when she was purchasing her home, it was San Bernardino County and when she had passed escrow, it was then the City of Highland. She is disappointed with what the Commission is doing. She explained how she was tagged with graffiti last night and asked where is the protection, where is the Golden Triangle Policy Area located and how is the Overlay affected. She further asked what has the Commission done since its April's Meeting and that nothing is positive areas and that the Site areas are ideal for negative effects and how there are existing apartments now and now you want to put in more apartments and we need protection as taxpayers and why penalize us. She is scared to death what is going to go in there and how the runaways from Los Angeles / Orange County will come out here because of cheap rent. We do not regulate what is already existing on the books now and how Highland used to be a nice, new City and now it is getting worse every week and for the Commission to tell her some positive things. She never sees the Firemen at the Fire Station and how funds are spent on Police to take care of the negative and there is a need to do something good. She suggested to construct condominiums on Third Street / Fifth Street. Ms. Cisneros reiterated what improvements have been made since the April Meeting to now for hope and indicated there would possibly be an uprising and this is not a threat, it is something for the Commission to think about. With regards to the gentleman who has horses (Mr. Wick) he wants the space and that is why they chose where that are at and should be able to chose what goes next to them and not have apartments next to them and stated for the Commission to listen to the neighborhood and don't push this down their throats and for the Commission to think about this. When Highland started, it was farmers and did not have apartments then and the County allowed that. People are corralled in apartment locations and suggested to spread them out and give East Highland a share of this. She indicated how the same areas are used over and over again when giving negative effects and suggested don't have the State tell you where to put Low Income Housing and if you have something good to offer, tell us and we'll get them to do it, but don't sit there and look at us and say we are going to do

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this because it will cost you dearly. When the City decided to construct nice centers, senior housing, and a Library and Post Office, the Post Office was relocated closer to East Highland, and didn't even leave a counter for us (at the old location) and indicated how the City thought how the people in East Highland would be better served and reiterated for the Commission to think about it because we are the original Highland.

Mr. Bret Martin, 7460 Olive Tree Lane, Highland, California, who is a resident, addressed the Commission. He stated how as he understood this, that it is all about money and to build these (apartments) somewhere in order for the City to obtain Grants and asked if not, what is it about. Staff responded how the City adopt new Standards for new Zoning District Designations and to allow multi-family housing between 20 – 30 dwelling units / acre and to balance the housing allocation to the State's RHNA and are mandated by the State.

Mr. Martin stated what if the City did not meet the State requirements and Staff responded then the City would not have a Certified Housing Element and how there is potential for the City to lose State funding and a Commissioner added if the City did not need it, there is no penalty, but there is a need to make accommodations. It doesn't say that those units would be built.

Mr. Martin stated how some other Cities do not do this and that they just say no and not build these homes, and if they do, they receive Grants from the State and he understands why the City wants to build the units and then suggested the City to show the State where to build for every unit that is built over here, build the same in East Highland. If you plan on building in my area, why not to build over there to and that they should have affordable housing over there too. There are no plans in the making and how behind his home, there are four (4) acres for a senior citizen project and how the City has that land and Mr. Martin offered to purchase the land and there would be no developing going on, but he would be developing it. Staff responded there is a whole separate process with RDA doing housing with a different set of public hearings and would be a discussion with RDA.

Discussion ensued between Mr. Martin and Staff regarding locating a senior citizen project on the thirty (30) acres on Greenspot Road and could potentially help the City out with the State on getting the quota the City needs. Mr. Martin stated from his perspective, this would be lowering his property value and how the Commission makes the decision on whether you are "taking money out of his pocket" because lowering his property value does take money out of his pocket, as well as with the audience behind him and how they do not want their property value to be lowered either, as well as the everyone in East Highlands doesn't want their property value to be lowered with Low Income Housing. So if this is something that we do not need to do and this is something that should be really seriously consider not doing it.

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Mr. Martin further explained since it is really all about money, he downloaded some figures on whom makes what is supposed to be making on the Commission's salary from \$76,102 to \$92,502 with a benefits package of \$26,554 to \$29,713. A question was asked by a Commissioner to Mr. Martin if he had the right Board and Mr. Martin responded affirmatively. The Commissioner responded how the Commission is a volunteer entity and are not paid and Mr. Martin responded the City Planner, Community Development Director...and a Commissioner interjected that is Staff and reiterated that the Commissioners are volunteers.

Discussion ensued between the Commission and Mr. Martin regarding how the Commission is a volunteer entity and Mr. Martin stated how this is a thankless job for the Commission and wanted to know more about the City Planner. A comment was made by a Commissioner for Mr. Martin how this is irrelevant and for him to please move forward with his relevant comments.

Mr. Martin reiterated how he would like to not have anything built behind his home and when he first bought the property home, he was told that there was not going to be any building on it, and that it was residential behind him which is the reason why he purchased the property. He understands that houses can be built behind him and he has no problem with that, but when it comes to high density apartments, even if it is for the elderly, because one day, there will not be enough elderly people there and then the City is going to change that and then it's going to be Low Income anyway you look at it. The condominiums that he moved out of, at one time were for the elderly and was a retirement community located in San Bernardino and as it grew, then less seniors would live there so it no longer was a senior community, it was Low Income.

Mr. Ken Cattrel, 7220 Central Avenue, Highland, California, who is a resident, addressed the Commission. He stated how he has resided there for fifty (50) years and does not know any of the Commissioners. As he understands it, how San Bernardino had taken control of our area and had put something down in Highland and slipped it through and now it seems like there are things that are slipping more through. He explained about the Hillview Apartments located behind him and stated how they were chicken coops previously and when they were converted into apartments, the rent for them was \$7.00 / month and how and when the Highland District regulated chicken coops for apartments and how they could have been better taken care of and how the apartments are not going to change and improve them. He indicated how the Lucky Store closed due to stealing from there and how the Library and Post Office were removed and asked where was the input from the public for the Library and Post Office and indicated how the United States is screwed up, just like we are out here. Mr. Cattrel reiterated how there is a need for more input from the public and how he was notified about tonight's Meeting by telephone. He then read the Notice located in

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front of City Hall and how there are 1,000 acres in East Highland and nothing there for apartments and requested the Commission hold off and do a better job and he then thanked the Commission.

A Commissioner requested Staff to explain on the east end of Greenspot Road was not included in any of this assessment to the audience. Staff responded and explained how other sites on Greenspot Road were removed by the City Council for various reasons. On the easterly end of Greenspot Road, there are Planned Development projects which may have High Density Apartments and east of Boulder Avenue, there is a Density of 10 – 12 DU/AC and on East Highlands Ranch west of Church Street there is a Density of 15 – 18 DU/AC and a lot on the south side of Greenspot Road is Open Space.

A Commissioner stated with the Orange County properties, with the 1,000 acres, there is no High Density Residential or identifying the acreage and will have to use a Specific Plan that is being proposed at the end of Greenspot Road and how the City cannot claim any credit for that because there is no approved Application and Staff stated that is correct and added that the area will get more attention at the next round for the General Plan Housing Element. Staff further added this would be similar to the Golden Triangle Policy Area Overlay plus the Commission / City Council seven (7) Sites selected.

A question was asked by a Commissioner if nothing is built in 2015, will the RHNA numbers be able to transfer some of those densities out to a Specific Plan out on that land and will the City get credit for some of those units and Staff responded it's not a transfer of densities and that is a different issue and there will be a whole new RHNA number and expectation for the next round. Staff added if the units are not constructed at that time the identified potential Sites the City would get credit. After that, the City would be able to take advantage of some of the larger areas that are completely undeveloped right now, by having Specific Plans that are submitted and when land and the (Specific) Plans become available, that the Commission could make accommodations to the RHNA number when the Plans materialize and other than that, it's speculation and can take credit on the seven (7) Sites that are identified and Staff said right, and to emphasize that the Commission tonight is looking at those seven (7) Sites will achieve a Certified Housing Element. For the record, we are not talking about Specific Plans they are off the table, at this time.

A comment was made by a Commissioner about in the Design Guidelines and how the Commission is to review said projects and to maintain the level of quality. Staff responded Standards were developed only for those seven (7) Sites, unless City Council directs Staff otherwise. The Specific District Overlay is one of the seven (7) Sites and if another Site is designated outside, the Council may want a CUP and if a High Density project, have a CUP.

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A question was asked by a Commissioner regarding noticing and asked Staff to explain the Project noticing to the audience and Staff complied how the Property Owners were notified of the seven (7) Sites, as well as the Tenants, and how there was a Notice placed in the Highland Community Newspaper, on the City's Website, and other interested Property Owners.

Discussion ensued between the Commission and Staff regarding defining the Apartment Management Programs / Regulations as a crime-free Housing Program and controlling crime and if it is the Commission's desire, the need for the Commission to recommend this Apartment Management Programs / Regulations. Staff responded as Apartment Management is concerned, there are ways to look at this as a City-wide basis and with Apartment Management Programs / Regulations procedures, the Commission may want to recommend to the City Council as a separate Commission action to explore / establish this Program / Regulations as City-wide.

A comment was made by a Commissioner how there is a common theme with the public's concern with people moving into our community that would be a crime risk or something like that and if these Programs are effective / ineffective in a way to screen out those individuals and should go hand-in-hand with the adoption of this and should be some kind of safeguard (Randy said "check") put in place so that we don't end up getting a throng of people coming in or an on-flow from another District that may be fifty (50) miles away from their familiarity and moved into our community and in a way that it could be implemented in tandem with the High Density Apartment Designations and may ease people's fears. Staff responded how the Commission to recommend this to the City Council as a separate Motion and Staff would then forward onto City Council and not be tied with the seven (7) Sites and proposed Ordinance and would become a City-wide Standard.

Discussion ensued between the Commission and Staff regarding Staff to explore whether or not and the feasibility if there are crime-free multi-housing, Management Criteria / Management Standards are in existence in other Cities.

Mr. Martin readdressed the Commission and asked how to volunteer as a Planning Commissioner and that he wants to and a Commissioner responded that is irrelevant to this Public Hearing and wants to stay focused on what the Commission's discussion is on and wants to move on and Mr. Martin responded how the Commissioners have an elected job with the City and the Commission responded no and that Mr. Martin contact the City Clerk tomorrow, or see City Staff after the Meeting. Mr. Martin responded how he can get elected onto the Commission and how he wants to make decisions like the Commission so that he can make sure that the High Density Apartment Buildings can be put into East Highlands instead of where he lives and how the Commission makes the decisions that is going to affect his property value and to him, it's the money and

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then asked if the Commission wanted this in their back yard and said how they live in East Highland and how he does not want it taken out of his wallet either and does not want it in his back yard. A Commissioner said how the Commissioner had heard him the first three (3) times and understands Mr. Martin's comments and takes exception with Mr. Martin's suggestion on how the Commission somehow profits from this decision and thought it was an out of line comment. Mr. Martin interjected and responded that he understands that and then apologized and thought the Commission was City Council and did not know that the Commission was a volunteer Board and then thanked the Commission for serving and then asked how the Commission will make a decision that will affect everyone's lives that are in this room and that the public is in this room because they care and he guaranteed if the Commission puts the Low Income development properties in East Highlands, the room would be filled with people from East Highland and stated those people would say what he is saying is not to put these in their back yards.

Discussion ensued between the Commission, Mr. Martin, Ms. Cisneros and Staff regarding how the Commission did not select the Sites, how the City Council recommended these Sites and for the Commission to make recommendations on these Sites to City Council as best the Commission can that would have a less impact on the citizens and on the community and the Commission has and if someone has read the Staff Report, the Commission had made adjustments. There is a big picture issue here and the issues are coming from the State and if the public does not like the issues on what kind of sinks they can install in their homes, how many homes can they place on their property, etc. have the public contact the State and how the City has to comply with the State. If there is no compliance, the State will start fining the City and that would take money out of everyone's pockets and how we don't have Fire Fighters, Sheriffs, and would affect the quality of life and reiterated how the issues are coming down from the State. Mr. Martin responded and stated how he understands that, but this is something that does not need to happen and that the State will not fine the City for not doing it and the State will not provide the City with more Grants / Funds and we will pay for higher taxes. Staff responded how the Commission will be making a recommendation to the City Council and there will be another Public Hearing process and will be renotified when scheduled for City Council.

Ms. Cisneros readdressed the Commission and indicated that she is not just concerned with crime, she is concerned with the Density will be beyond their limits and her livelihood and how the City Council will be getting a full room attendance. She is not threatening the Commissioner, and how no one raised their hands wanting apartments to be built. There is nothing up on display for the identified Site Areas / Maps and with the Commission making a recommendation to the City Council, it is upsetting for her and the public and how all of the decisions are made behind the scenes and how the Commission has Plans in order, then come to the Meeting and talk amongst the Commissioners. Both the

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Commission and the public want to be educated to what the public's concerns are and how it is affecting the public and not wanting any more apartments in their area and that the Commission is not listening to the public and how the Density is saturated. She reiterated the City to tell the State to place the apartments somewhere else and not to tell us what to do. If the State does not like it, there will be a lot of citizens and how there are a lot of Cities will back the Commission up and if the pressure is on the Commission, the Commission will be backed up if the Commission tries to undo it and not identify the Sites. Ms. Cisneros has been paying taxes all these years at a commercial rate and now they would be reduced if multiple-family housing and has an investment just like the Commission has and wants to help better ourselves and not be defensive.

Discussion ensued between the Commission and Ms. Cisneros regarding the Site Area Maps and she reads what is mailed to her and does not read what is On-Line and the size of the Agenda Coversheets and Maps.

A Commissioner responded to Ms. Cisneros' comment about the Commission not listening. The Commission is asking for participation in order to make the Commission's decisions better. There are Design Guidelines are based on previous comments made by the Public and Commission and then provided examples of water treatment, the percentage of paving, etc.

Ms. Cisneros stated not wanting anymore apartments and the Low Income Housing and does not improve what there is in existence and would like to know how to get onto the Commission.

(Note: Commissioner Gamboa left the Chambers at 7:36pm)

Discussion ensued between the Commission and Ms. Cisneros regarding the Apartment Management Programs / Regulations and its effectiveness and Ms. Cisneros indicated she understands the Apartment Management concept, but do not put more apartments where there is an already abundance of them and place the apartments they aren't. If you take money out of her pocket to give to that one over there, they are not going to do anything and suggested to make improvements for everyone. She added how today is also the anniversary of City Hall in 1997.

(Note: Commissioner Gamboa returned to the Chambers at 7:38pm)

Chairman Hamerly asked if anyone would like to speak on the item. Hearing none, he asked if the Lewis Corporation Representatives could discuss in general on the Guidelines / Standards and if they are prepared to, and if not, that is okay. Staff responded if the Commission invited the Lewis Corporation Representatives to speak on the Standards, it would be on their projects. A comment was made by a Commissioner that is counterproductive.

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Mr. Martin readdressed the Commission and indicated that he is sure the apartments would be gorgeous and how Lewis has his home above Chaffey College on Haven Avenue and is one of the great Developers / Builders. It's not how great the apartments will look, what matters is where the apartments are to be located and does not want them in his back yard and to place them in East Highlands or the City say no to the State of California. .

(Note: Commissioner Stoffel left the Chambers at 7:41pm)

Mr. John Young, a Representative of the Lewis Corporation, addressed the Commission. He stated he reviewed the proposed Standards with Staff and that they will provide a very high end community and can discuss further with Water Quality and address underground facilities and would be happy to answer any questions the Commission may have.

(Note: Commissioner Stoffel returned to the Chambers at 7:42pm)

Discussion ensued between the Commission, Mr. Young and Staff regarding setbacks that apply to R-1 adjacent property, ratios with two-story and four-story buildings and if the 1:1 ratio is acceptable with a single-story family detached unit adjacent to a multi-story building and if any portion of the multi-story building is over thirty feet (30') in height, it would not be a 1:1 ratio of rear yard setbacks to the edge of the structure. Mr. Young responded that he would have it looked at if it is an R-1 that is adjacent to an R-4 and how to transition the stories adjacent to that and on the Site Plan to see the adjacency where the other structures are located and the specifics area and that it can be difficult and gave an example if an R-1 that is located on a two acre parcel and what the adjacent use looks like and how the Commission could review on a case-by-case basis. Mr. Young would work with the adjacent property owner for consistency with a two-story single family residence and not encroaching on and not looking in someone's back yard. The orientation of windows and seeing fifty-five feet (55') for a thirty (30) unit density the building is not going to be that tall and the feasibility of stepping the building back more were also discussed.

Further discussion ensued between the Commission, Mr. Young and Staff regarding the provisions in the Development Standard Matrix relative to the side yard and rear yard setbacks be on a 1:1 ratio based on the structure's height that is at that setback if they are not going to use massing and dependent if there were existing structures. There was a concern on the massing Standards for a maximum height of fifty-five feet (55') and not wanting a fifteen foot (15') side yard setback or a twenty-five foot (25') rear yard setback and the Commission would like to see them massed and terraced so building up to that high point of the project. There was a main concern of what is the height of the structure and what is being done to maintain the privacy on the existing houses that are

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surrounding the project site because the Development Standard Matrix caps the rear yard setback to twenty-five feet (25') which doesn't allow for a substantial setback. Staff responded in the proposed Ordinance on Page 39 of the Staff Report those could be applied and also apply the added Standards with architectural form / massing and mitigation between the apartments and the R-1 District. Setbacks on Page 47 of the Staff Report were also discussed.

Discussion ensued between the Commission, Mr. Young and Staff regarding how there are more Guidelines that are supplemental than the hard Standards that are in the Matrix and the feasibility with having the side yards setbacks up to thirty-five feet (35') (R-4 Districts) and how there is a cap for side yard setbacks of fifteen feet (15') (with R-1 / R-2 / R-3 Districts) and whether or not if the Matrix would have "more teeth" with the added Standards and the feasibility of having additional review for the Standards or if by design review by the Commission. Staff responded it would be on a case-by-case basis and is design oriented which would allow more flexibility for the Commission's review.

Further discussion ensued between the Commission, Mr. Young and Staff regarding how to determine where the rear and side yards are and the orientation of the streets, front door / windows and the overall building orientation, additional privacy concerns (i.e. with a front window looking out into someone's back yard with a pool) and using landscape plans as a supplemental screening mechanisms to be used (i.e. 48 inch box trees, etc.), and Mr. Young indicated if the Commission feels that if it is not in there now, it's needs to be written in now and is the Commission's discretion, but rarely with that type of mitigation, but can be used and he added that currently, Lewis Corporation is not developing in Highland, just assisting with the Development Standards, based on experience in developing apartment communities.

Discussion ensued between the Commission, Mr. Young and Staff regarding setbacks contiguous to R-1 Districts on Page 8 of the Staff Report and also Section E of the Matrix and the supplemental Standards would give "some teeth" in the projects affecting building orientation and contiguous lot coverage and how the Commission may apply and increase the design techniques / Standards beyond the twenty-five foot (25') setback listed in Section E and Staff responded affirmatively and added the additional Standards basically used the word, "may" and is looked as a design perspective on a case-by-case basis. Applying the Matrix Standards may work, and would have additional Standards based on what is located next to the apartment structures, what the architecture looks like and the Commission may be able to apply some of the design techniques that are included in Section E that supplement the Standards.

Discussion ensued between the Commission and Staff was reiterated in the feasibility of enabling to have greater Standards / setbacks more landscape density to protect the surrounding neighbors if not mandated by the Table in the

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realm in asking the Developer to adopt certain Design Guidelines through the design review process and would not be enough to reject the project because the Developer is entitled by Right-of-Zone. Staff responded with the current CUP and design review process, and the Commission's discretion which currently, the law does not apply to the CUP, the Commission cannot use the CUP to deny a project. A Commissioner responded and said the Commission could place a Condition of Approval (COA) on the project similar to a housing tract project and Staff responded that is correct.

Discussion ensued between the Commission and Staff on the Matrix on Page 39 of the Staff Report regarding maximum densities and provided various scenarios with lot size configurations and various setbacks and the rationale for Development Standards and will be reviewed on an individual basis. A comment was made by a Commissioner regarding No. 10 and the Maximum Height and have any basement space would not count towards the overall height, if underground parking, storage, utilities, etc. that portion of the structure would not increase the overall height and may reduce the footprint and might increase the common open space. Staff was asked about not having the basement count towards the maximum structure height and the Commissioner then gave scenarios and then Staff added how Staff starts based on ground grade for structure height.

Discussion ensued between the Commission and Staff regarding Page 48 of the Staff Report on c.ii. and what constitutes outdoor open space and how open space is open to all residents and private open space (i.e. private patios, balconies, etc.) provides no credit towards common open space (i.e. swimming pools, gardens, etc. looking for the ground floor level and may be on a case-by-case basis, it was suggested by Staff and the Commission concurred to delete c.ii. that private patios or balconies attached to individual dwelling units may be computed as required outdoor open space.

Discussion ensued between the Commission and Staff regarding Page 49 of the Staff Report regarding Section E.3.f. on Block Wall Fencing and whether or not if adjacency would allow eight feet (8') as increased maximum height, rather than the adjacency being a maximum height of six feet (6') for a privacy wall. Staff responded that the two feet (2') is allowed in the Code as a General Standard and would be under a discretionary review with the Commission and would not constitute as a Variance Application.

Chairman Hamerly 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.

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The following are comments made by the Commission: 1) these are seven (7) Sites the City Council selected; 2) there are proposed Development Standards for the number of units for the R-4 Districts for the seven (7) Sites; 3) there is no layout and have issues with setbacks and open space; 4) there were experts involved with computing the number of units located on the seven (7) Sites and could accommodate the units, if developed one day; 5) what would happen if the City would submit to the State only five (5) Sites, rather than the seven (7) Sites; 6) what about Design Standards for two- and three-story apartments; 7) how did Staff arrive with the setbacks requirements - is there a certain percentage used for the lot / number of units, and; 8) list a net buildable area. Staff responded that it is a mathematical exercise and how the State wanted it simpler. Staff further explained with the Housing Element Table with the Map and the numbers on the Table are related to the parcel and to vacant and underutilized Sites and the Sites are contiguous with at least 16 dwelling units and the Table to show 20-30 / dwelling units / acre which would account for the setbacks and used lower number of twenty (20) dwelling units per acre and how the State came back to Staff with the 25 number of dwelling units per acre and how Staff used a more conservative approach plus more units identified than we needed to meet the State's requirements and indicated the numbers may be padded a bit and added that this is a mathematical exercise and how the State wanted it simpler by having a basic lot size, 25 dwelling units / acre to get the appropriate numbers which is critical for City Council. A Commissioner indicated that there had been a Joint Meeting with the Commission and City Council regarding this.

Chairman Hamerly recapped the following modifications made: 1) clean up the impact on the BMPs on common open space; 2) clarification on common space versus private open space requirements; 3) deleting E.3.c.ii. in its entirety; 4) adding the City Attorney's comments on Section 16.16.020 (G) and (J); Section 16.16.040 E.3.c.i and Section 16.16.040 M.i. and; 5) there needs to be made under a separate Motion for the Apartment Management Programs / Regulations for new and existing apartments.

Discussion ensued between the Commission and Staff the inclusion of existing apartments as a management legal issue for consistency. A question was asked by a Commissioner if Staff received an opinion from the City Attorney on this and Staff responded that Staff has not pursued this with the City Attorney, but will encourage the Commission to recommend to the City Council to include existing apartments, as well as new apartments.

Discussion ensued between the Commission and Staff regarding clarification on BMP impacts with open space and Staff responded that Staff will work with the City Attorney on the Draft Ordinance and a Commission responded keep the net open space with thirty percent (30%) as useable open space and not deduct the for the BMPs.

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Further discussion ensued between the Commission and Staff regarding Staff's recommendations as incorporated and Staff's Recommendation Item No. 4 is recommended, as modified, and reiterated about the Commission including the City Attorney's added comments and the Commission's recommendation to City Council would then be modified and then if the Commission desired, to take a separate action on the Apartment Management Programs / Regulations.

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

A Motion was made by Commissioner Haller, as suggested by Chairman Hamerly, and seconded by Vice Chairman Huynh to:

Approve Resolution No. 11-005 recommending the City Council approve the following:

1. Determine the Negative Declaration adopted by the City Council on January 25, 2011 (SCH No. 2010111081) is the appropriate environmental document for the proposed General Plan Amendments, Zoning Amendments, and Land Use and Development Code Amendments;
2. Approve a Resolution adopting the General Plan Amendments to portions of the Land Use Element (Chapter 2) which include amending the General Plan Land Use Map Figure 2-2, updating the General Plan text defining the proposed Residential High Density – Special District, and updating the Land Use Statistics Table (GPA-011-001);
3. Introduce an Ordinance to amend the City's Official Zoning Map to incorporate a new R4 Multi-family District, and Residential High Density Special Overlay within the Golden Triangle Policy Area (ZCO-011-003); and
4. Introduce an Ordinance Amending the City's Land Use and Development Code (Title 16) to include new R4 Multi-family Residential District Development Standards (MCA-011-003), as modified at the Planning Commission's Meeting.

Motion unanimously passed on a 7 – 0 vote.

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A Motion was made by Commissioner Haller and seconded by Vice Chairman Huynh to direct Staff to forward for City Council's consideration the adoption of a Apartment Management Programs / Regulations for existing and new apartments located City Wide.

Motion unanimously passed on a 7 – 0 vote.

5.2 Appeal (APP-011-001) of City's Staff decision for property located at 8047 Marilyn Avenue. APN: 0279-162-09. Appellant: Xam Thach.

Chairman Hamerly identified the Item and then asked for Staff's presentation.

Community Development Director Jaquess indicated how the Appellant contacted Staff today and verbally requested that the Item be continued to August 2, 2011, Regular Meeting.

A Motion was made by Chairman Hamerly and seconded by Commissioner Haller to continue this Item to August 2, 2011.

Motion carried on a 6 – 1 vote with Commissioner Gamboa dissenting.

6.0 LEGISLATIVE

6.1 Annual Review of the City's General Plan Implementation in accordance with Government Code Section 65400 and 65588.

Chairman Hamerly identified the Item and then asked for Staff's presentation.

City Planner Mainez gave the presentation from the Staff Report. He explained this is an Annual Report and is forwarded on to City Council and then concluded his presentation.

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

Discussion ensued between the Commission and Staff regarding the status on the Mission Development Project and Staff responded affirmatively and Staff is working with the Applicant..

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

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A Motion was made by Commissioner Haller, as stated by Chairman Hamerly, and seconded by Commissioner Gamboa that the Planning Commission recommend the City Council to “Receive and File” the Subject General Plan Implementation Annual Report.

Motion unanimously passed on a 7 – 0 vote.

7.0 ANNOUNCEMENTS

Community Development Director Jaquess explained the Items tentatively scheduled for the July 5, 2011, Regular Meeting.

Commissioner Haller indicated that he will be out of town and unable to attend the July 5, 2011, Meeting.

There were no further Announcements.

8.0 ADJOURN

There being no further business, Chairman Hamerly declared the Meeting adjourned at 8:29p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

Randall Hamerly, Chairman
Planning Commission

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