CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:01 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present: Chair Randall Hamerly
Vice Chair John Gamboa
Commissioner Michael Hall
Commissioner Tamara Zaman

Absent: Commissioner Rich Haller

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Tom Thornsley, Associate Planner
Ashiq Syed, Associate Planner
Ernie Wong, Public Works Director/City Engineer
Matt Bennett, Project Manager
Nancy Stewart, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly.

REORGANIZATION OF THE PLANNING COMMISSION

1. Election of Chairman and Vice Chairman

Community Development Director Mainez gave a brief review of the staff report and opened the floor for nominations.

Commissioner Gamboa nominated Commissioner Hamerly for Chair.

Community Development Director Mainez called for any other nominations. Hearing none, the floor for nominations was closed and the vote was called for.

Commissioner Hamerly was appointed as Chair, 4-0, with Commissioner Haller being absent.

Chair Hamerly opened the floor for nominations, and nominated Commissioner Gamboa for Vice Chair. Hearing no other nominations, the floor for nominations was closed and the vote was called for.

Commissioner Gamboa was appointed as Vice Chair, 4-0, with Commissioner Haller being absent.
COMMUNITY INPUT

None

CONSENT CALENDAR

2. Minutes from November 20, 2018, Regular Meeting

A MOTION was made by Vice Chair Gamboa, seconded by Commissioner Hall, to approve the minutes, as submitted. Motion carried, 4-0, with Commissioner Haller being absent.

LEGISLATIVE

3. Design Review Application (DRA 018-010): a request to modify the antenna placement on an existing wireless telecommunication facility within Highland Community Park.

A MOTION was made by Vice Chair Gamboa, seconded by Commissioner Zaman, to adopt Resolution No. 2018-019, denying Design Review Application (DRA 018-010) to modify the antenna placement on an existing wireless telecommunication facility and associated operating equipment subject to the Findings of Fact. Motion carried, 4-0, with Commissioner Haller being absent.

RESOLUTION NO. 2018-019

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, DENYING A DESIGN REVIEW APPLICATION (DRA-018-010) FOR THE MODIFICATION OF THE ANTENNA PLACEMENT ON AN EXISTING WIRELESS TELECOMMUNICATION FACILITY WITHIN HIGHLAND COMMUNITY PARK AT 7793 CENTRAL AVENUE, HIGHLAND, CA (APNs. 1192-571-47 & 48).

PUBLIC HEARING

4. Conditional Use Permit (CUP 018-005) application requesting to upgrade an existing Alcohol Beverage Control License, add live entertainment and modify the hours of operation at Candy’s Bar.

Associate Planner Syed gave a brief review of the staff report.

Chair Hamerly opened the public hearing. Receiving no comments from either the public or the Commission, the public hearing was closed.

A MOTION was made by Vice Chair Gamboa, seconded by Commissioner Zaman, to adopt Resolution No. 2018-020, approving an upgrade to an existing Alcohol Beverage Control Type 41 (Restaurant) with On-Sale Beer & Wine to a Type 48 On-Sale (Bar, Night Club), allowing live entertainment, and modifying the hours of operation. Motion carried, 4-0, with Commissioner Haller being absent.
RESOLUTION NO. 2018 — 020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 018-005 REQUESTING TO UPGRADE AN EXISTING ALCOHOL BEVERAGE CONTROL LICENSE, ADD LIVE ENTERTAINMENT AND MODIFY THE HOURS OF OPERATION AT 26998 3RD STREET, HIGHLAND, CA 92346. APN: 1192-631-21

5. Conditional Use Permit (CUP 18-006) application to consider the establishment of an Alcohol Beverage Control License (Type 41 On-Sale Beer and Wine) at an existing full service Wingstop Family Restaurant.

Associate Planner Syed gave a brief review of the staff report.

Chair Hamerly opened the public hearing.

Keri Dempster, representative of Wingstop, gave assurance that alcohol would not be allowed in the outside patio area.

Hearing no further comments, the public hearing was closed.

A MOTION was made by Vice Chair Gamboa, seconded by Commissioner Zaman, to adopt Resolution No. 2018-021, approving the establishment of an Alcohol Beverage Control License (Type 41 On-Sale Beer and Wine) at an existing full service Wingstop Family Restaurant, subject to the Conditions of Approval, and the Findings of Fact. Motion carried, 3-1, with Commissioner Hall dissenting, and with Commissioner Haller being absent.

RESOLUTION NO. 2018 — 021

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 18 — 006 TO PERMIT THE ESTABLISHMENT OF AN ALCOHOL BEVERAGE CONTROL LICENSE, TYPE 41, FOR ON-SALE BEER AND WINE LICENSE AT A BONA FIDE PUBLIC EATING ESTABLISHMENT KNOWN AS WING STOP, LOCATED AT 27993 GREENSPOT ROAD UNIT 4, HIGHLAND, CA 92346. (APN: 1201-34-127)

6. Tentative Tract Map application [TTM-018-001 (Tentative Tract Map No. 20142)] for the subdivision of approximately 21.6 acres into 54 lots with a minimum lot size of 10,000 square feet and a water quality basin. Development of the tract will include: grove removal, grading, development of internal roadways, and improvements to Santa Ana Canyon Road.

Associate Planner Thornsley gave a review of the staff report.

Chair Hamerly asked for clarification regarding the proposed street widening.

Associate Planner Thornsley answered dedications will be required from both the north and south sides of the road.
Public Works Director/City Engineer Wong stated while the project is required to acquire right-of-way for the full width of 60 feet both along the north and south sides of Santa Ana Canyon Road, it is only required to improve the north half and then to construct a 12 foot travel lane on the south half.

Dan Haskins, LAN Engineering Consultants, clarified there would be a 33 foot right-of-way dedication on the north side; the south side would be correct at 12 foot.

Chair Hamerly opened the public hearing.

Ed Marrah spoke regarding concerns with drainage, erosion and the build-out distance of the road adjacent to his property, and potential solar panel blockage. He wondered if the builder would work with them on issues in this regard? Will they be notified before construction begins?

Chair Hamerly answered when there is a builder they will need to apply and the Planning Commission will review the plans at that time, stating additionally that tonight’s meeting is just for subdivision of the lots.

Rob Otte, representative of Diversified Pacific, the owner of the property on the south side of Santa Ana Canyon Road, brought a letter concerning various technical terms which was distributed at the meeting. Mr. Otte spoke regarding concerns with the potential right-of-way acquisition along the south side of Santa Ana Canyon Road, off-site improvements and drainage. They are requesting the Planning Commission continue the hearing, so the technical matters can be resolved.

Dan Haskins gave details regarding the tract design and project drainage, stating that all the storm flows stay within the roadway. There will be a minor fill required at the south side of the road onto Mr. Marrah’s property. Mr. Haskins thinks there was an easement given for that some time ago of about 30 to 35 feet, and believes there is only about a 15 to 18 foot encroachment of the slope necessary. The tract will be conditioned to work with the adjacent owners when their properties are impacted and will protect the owners’ interests as well as the requirements to develop the project.

Chair Hamerly stated the adjacent property owners, specifically in the case of Lot 41 on the western adjacency, would be consulted regarding any landscape that has been damaged and provide replacement of any of those improvements that are in existence at this time.

Dan Haskins answered yes; that is private property and the developer and contractor would be required to notify the owners and work with them to mitigate any impact to their property including restoration of landscape and reconnection of irrigation.

Chair Hamerly stated Mr. Otte had concerns about documents that had been provided which do not seem to address the off-site right-of-way improvements specifically along Santa Ana Canyon.

Dan Haskins stated the applicants will be required to improve the roadway condition, which will be a huge benefit to anyone who develops that project to the south. They are trying to outlet the water where it has historically gone, and have tried to replicate the existing condition as much as possible. As the condition was written, it would require
working with that property owner to come up with an acceptable solution. There will be no increased run-off; that is not the design and that is not the intent of the design. If that is a concern, they could write a condition that states there will be no increased run-off.

Chair Hamerly stated the way Engineering Condition of Approval Number 51 is written, it says if the project would increase, divert or concentrate drainage flows that will affect properties downstream of Santa Ana Canyon Road, written drainage acceptance must be obtained from the affected property owners. That was one of the conditions that Mr. Otte was specifically concerned with. Does the hydrology report that is currently available address that, so that it would mitigate the language of Condition 51, in that your project area is handling the upstream flows and not concentrating or increasing the discharge that would affect southern properties?

Dan Haskins stated the basin has been enlarged as a safety factor, and will accept not only the historical and develop flow, but a percentage more. The size and slope of the pipe is what dictates the discharge amount out to the property to the south. The design has a small exit pipe and that flow is less than is what is going out there today across the street. Mr. Haskins stated the purpose of the basin was to eliminate adverse impact downstream, and explained the benefit of having a single discharge point. Santa Ana Canyon Road doesn’t have a right-of-way yet, even though it is in use as a public street, and they will diligently work with Mr. Otte’s firm and Diversified Pacific to get the right-of-way done.

Chair Hamerly stated providing Mr. Otte access to the technical report for the hydrology would go a long way toward answering his questions.

Dan Haskins asked Mr. Otte if there was specific wording that could be added to the condition to assuage his concerns.

Rob Otte replied yes, he thinks they could work on the conditions; they could be satisfied with a review of the final design documents and working with staff and others to fortify the conditions.

Chair Hamerly asked staff about the wording of Conditions 50 and 51.

Public Works Director/City Engineer Wong stated the condition is written in such a way that the City has the final control over the design and the configuration of the drainage facilities, because at the end it is the City who will be responsible for maintaining and making sure that everything works well; the final product is the City’s to maintain, so the City needs to have a final say.

Chair Hamerly asked if something could be added to allow more opportunity before they get to the final solution, whether it is codified in the condition of approval or not, where they can agree that they are going to work together with the other impacted property owners?

Public Works Director/City Engineer Wong stated in general this is the case anyway. Once you have a developer and an adjacent property owner, they will discuss and negotiate, after which what they agreed upon also needs to be agreed to by the City. So rather than describing how the parties will be working together, he believes the condition as written makes things happen naturally anyway. His intention is not to add language
to address every specific situation, but to let the condition be implemented as it normally would in the natural course of action. He would, however, entertain any language that will satisfy both parties to alleviate concerns.

Chair Hamerly asked Mr. Otte about his request for a continuance on this agenda item for the purposes of reviewing the language, hydrology, and some of the specific grading conditions.

Rob Otte stated they would have liked the opportunity to work together as this went through its design concept. That is the reason for the request for continuance; they don’t understand the impacts. They are not opposed to the project, but without knowing exactly what is happening, they are forced to ask for a continuance.

Dan Haskins stated without a tentative map and application, he’s not sure what they would be working with. He believes they can get approval while still understanding and being sensitive to the needs of the property owners to the south.

Chair Hamerly asked if there are final grading documents that would be included with the specific design review documents package that will be submitted at a future date?

Dan Haskins answered yes; there would be a plot plan, grading plans, street improvement plants, and drainage plans. At that time, the process would have taken place with the adjacent owner to the south. They are willing to work out minor adjustments to where the water flows as a part of the process. He feels the conditions that Public Works Director/City Engineer Wong and Project Manager Bennett have written support the sensitivities of the property owners to the south and require them to work together to reach an acceptable solution. He requests that the plan move forward to approval with sufficient supportive language that would take into account Mr. Otte’s and his property owner’s concerns.

Chair Hamerly asked staff regarding Condition of Approval Number 46 whether a preliminary hydrology study and/or a final hydrology study had been done that resulted in the tentative tract map that we currently have before us?

Public Works Director/City Engineer Wong stated it is standard that every tentative tract map proposal has a preliminary hydrology study as part of the submittal package. There is a general hydrology study already done, but the condition says that as a condition for this project to move into the final map stage, more study needs to be done. At that time, the developer would be spending no more engineering money or efforts in identifying whether or not their project had any impact to the downstream property.

Chair Hamerly stated this says there has been a preliminary study, but there would also have to be additional detailed studies that analyze discharge points, collector points and volume specific to how each lot is going to be discharging water down the street.

Public Works Director/City Engineer Wong stated correct, that will be done as part of the drainage plan review. The developer still has to prepare street and storm drain plans, and as part of that process they will supply all the necessary final engineering studies for them to use in their design and also for the city to review and approve.
Chair Hamerly stated so there is still a span of potentially months that are involved in preparing those detailed reports and final plans, so there is opportunity for Diversified to work with the applicant and have access to more accurate data.

Public Works Director/City Engineer Wong stated correct; this is the normal development process. The tentative map stage requires this amount of work, and once the tentative map is approved additional work in the engineering stage is required.

Project Manager Matt Bennett stated Mr. Otte made a good point on Condition 46; it was not intended to be noted as ‘prior to building occupancy’. That should be E46, ‘required prior to grading permit’. That still is the expected timing where the developer’s engineer and the parties to the south would have the opportunities to review that final hydrology report.

Chair Hamerly asked so you are changing the designation from a “C” which is prior to building and occupancy which would be saying it is already under construction. So that would say before you even get a grading permit you have to satisfy the technical requirements that would be necessary to prepare the documents that would give you a grading permit?

Project Manager Matt Bennett stated that is correct; E46.

Chair Hamerly stated that would make it consistent with Condition of Approval 51, and 50 would be ‘prior to final map’, which would save us from having to add any additional language.

Receiving no further questions or comments, Chair Hamerly closed the public hearing. He then stated to confirm regarding Engineering Condition of Approval Number 46 on staff report page 130, the designation is changing from C to E and that condition would have to be satisfied before the engineering permit is issued.

A MOTION was made by Vice Chair Gamboa, seconded by Commissioner Hall, to adopt Resolution No. 2018-022, approving Tentative Tract Map application [TTM-018-001 (Tentative Tract Map No. 20142)], subject to the Conditions of Approval as amended and Findings of Fact, and associated Mitigated Negative Declaration and Mitigation Monitoring Reporting Program (ENV 015-003). Motion carried, 3-1, with Commissioner Zaman dissenting, and Commissioner Haller being absent.

RESOLUTION NO. 2018-022

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP APPLICATION (TTM-018-001) AND ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR TENTATIVE TRACT MAP 20142 TO SUBDIVIDE THREE PARCELS INTO 55 LOTS FOR THE CONSTRUCTION OF 54 DETACHED SINGLE-FAMILY RESIDENCES AND A WATER QUALITY BASIN LOCATED ON APPROXIMATELY 21.6 ACRES NORTH OF SANTA ANA CANYON ROAD WEST OF ALTA VISTA (APN NOS. 1210-355-06, 1210-355-10 AND 1210-355-11)
ANNOUNCEMENTS

January 15 - Next Planning Commission Meeting

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:18 p.m.

Submitted by:

Nancy Stewart, Administrative Assistant III

Approved by:

Randall Hamerly, Chair
Planning Commission

December 4, 2018