

**MINUTES
CITY COUNCIL REGULAR MEETING
MARCH 8, 2016**

CALL TO ORDER

The regular meeting of the City Council of the City of Highland was called to order at 6:00 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Paul Reed, Immanuel Baptist Church, and the Pledge of Allegiance was led by Mayor Pro Tem Lilburn.

ROLL CALL

Present: Lilburn, McCallon, Racadio, Scott, Timmer
Absent: None

REPORT FROM CLOSED SESSION

No reportable action to report

SPECIAL PRESENTATIONS

None

PUBLIC COMMENT

Mr. Jose Martinez introduced himself to the Highland City Council as the new Assistant General Manager for East Valley Water District.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to approve the consent calendar as submitted and with Item #2 being pulled for further discussion. Motion carried on a roll call vote, 4-1, with Councilwoman Scott abstaining from Item #3 as she is waiting for information regarding Check Number 71867.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.

3. Warrant Register
Approved Warrant Register No. 620 for March 8, 2016, in the amount of \$897,372.51 and Payroll of \$78,696.29.

4. Claim Consideration – Armando Serrato Sanchez, Alexandro Hernandez and Elidania Serrato
Rejected claims.
5. East Valley Water District (EVWD) and City Liaison
Received and filed Mayor Larry McCallon's Letter to Chairman Ron Coats.
6. OMNITRANS Proposed Amended and Restated Joint Powers Agreement (Omnitrans JPA)
Approved the Omnitrans proposed Amended and Restated JPA and authorized the Mayor to execute the agreement and directed staff to submit an original copy to Omnitrans no later than March 18, 2016.

ITEMS PULLED FROM THE CONSENT CALENDAR

2. Minutes – February 23, 2016 City Council Regular Meeting

Councilwoman Scott stated regarding Item #7 which was the second reading of the Ordinance, there was comment made stating medical marijuana in one hand and taking a donation in the other for the Citrus Harvest Festival. It was not mentioned nor was the fact that the item was to be put on the agenda for this meeting. She understands a check has been written today and that is fine, but it still should be in the minutes. There should be something in the minutes that there was a concern for future reference.

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem Lilburn, to approve the Minutes as amended. Motion carried, 4-0, with Councilman Timmer abstaining.

CITY COUNCIL LEGISLATIVE

Mayor McCallon stated without objection, he is going to move the Legislative Calendar first before Council goes into the Public Hearing.

8. A Request for a Special Event Permit (SEP-016-001) by the Redlands Bicycle Classic for its Annual Highland Circuit Bicycle Race on Wednesday, April 6, 2016 and Time Trial Race on Friday, April 8, 2016

Public Services Manager Morgan gave a brief review of the staff report.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to:

1. Authorize the one-day Highland Circuit bicycle race as part of the Redlands Bicycle Classic on various streets in Highland subject to the Conditions of Approval;
2. Authorize the one-day Time Trial race as part of the Redlands Bicycle Classic on Greenspot Road subject to the Conditions of Approval; and

3. Approve the Redlands Bicycle Classic request for Co-sponsorship (waiving of City fees in the amount of approximately \$7,938.83). Motion carried, 5-0.

9. Participation in the California Statewide Communities Development Authority (CSCDA) Open PACE Program, to Enable Property Owners to Finance Permanently Fixed Renewable Energy, Energy Efficiency, Water Efficiency, and Seismic Strengthening Improvements as well as Electric Vehicle Charging Infrastructure

Assistant Community Development Director Stater gave a brief review of the staff report.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott to:

1. Adopt Resolution No. 2016-008, authorizing the City's participation in CSCDA Open PACE Program; and

RESOLUTION NO. 2016-008
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES
WITHIN THE TERRITORY OF THE CITY IN THE CSCDA OPEN PACE
PROGRAMS; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM
PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT
PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE
TERRITORY OF THE CITY; AND AUTHORIZING RELATED ACTIONS

2. Adopt Resolution No. 2016-009, authorizing the City to execute the CSCDA Joint Powers Agreement. Motion carried, 5-0.

RESOLUTION NO. 2016-009
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, APPROVING, AUTHORIZING AND DIRECTING EXECUTION
OF AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS
AGREEMENT RELATING TO THE CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY

10. Appoint One Member of the Public to the Community Trails Committee

Mr. A.J. O'Connell spoke regarding his candidacy for a position on the Community Trails Committee.

City Clerk Hughes opened the floor for nominations.

Councilman Timmer nominated Connie Christian.

Councilman Racadio nominated Dennis Johnson.

Councilwoman Scott seconded the nomination of Dennis Johnson.

City Clerk Hughes closed the floor for nominations.

Mayor McCallon called for the vote for nominee Connie Christian.

Nominee Connie Christian received one vote.

Mayor McCallon called for the vote for nominee Dennis Johnson.

Nominee Dennis Johnson received three votes.

Mr. Dennis Johnson has been appointed to the Community Trails Committee.

CITY COUNCIL PUBLIC HEARING

7. A Public Hearing of the City Council to Consider the "Mediterra Planned Development" (PUD 13-001) – a Project to Establish a Planned Development Consisting of a Low Density Residential Development of 200 Residential Lots, a Medium Density Development of 110 Residential Units, Six (6) Estate Lots, Two (2) Parks, Landscaping, and a Water Quality Management Basin on Approximately 178 Gross Acres. Related Land Use Entitlements Processed Concurrently Include a Conditional Use Permit (CUP 14-005), General Plan Amendment (GPA 15-001), Zone Change (ZC 15-002), Tentative Tract Map No. 18893 (TTM 14-002), and Mitigated Negative Declaration (ENV 15-006).

Mayor McCallon opened the public hearing.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Thank you Mayor, members of the City Council I'd like to provide a brief power point presentation summarizing what you'll find in your staff materials. So here is the vicinity map of the project, located at the City's easterly end. It is located north of the East Valley Water District offices and west of the Seven Oaks Dam. There are three ownerships of the project being represented by Mr. Camille Bahri of Sunland Communities. The Calvary Chapel of San Bernardino owns the property on the east side of the project, Greenspot Corridor LLC the easterly portion, shown here on this exhibit #2 is San Bernardino Valley Municipal Water District parcel and you'll see to it referred as the Muni parcel within the staff report. Then there is the parcel shown with the asterisk here, this is the Raley property and it is not part of the land use entitlements, zone change or general plan amendment. So there are five entitlements that are part of this project. Firstly, the planned development documents which are adopted through a conditional use permit this is not a specific plan, it differs from a specific plan. Secondly, the general plan amendment from agri-questrian to planned development, tentative tract map 18893 and adoption of a mitigated negative

declaration. So a planned development is a land use designation that we use to establish procedures for large scale multi phased residential, commercial and industrial projects. Examples within Highland are East Highlands Ranch, Highland Crossings, Greenspot Village and Marketplace and the proposed Harmony project are all similarly established. Within the Mediterra PD document that you were provided in your staff report, you will see provisions for site work, grading circulation lighting, parking screening, setbacks and other items that will guide us as we move forward with a future development proposal that would come to us by a merchant builder for this project as it comes back later in the design review process. There are eight land use designations and kind of planning bubbles, if you will, for the project. The first three that you see within this exhibit, 1, 2 and 3, those are low density residential which have land use designation of 2.1 to 6.0 dwelling units to the acre. Planning area #4 is set aside for medium density, six to twelve units to the acre. Planning area #5 is agri-questrian and you'll see six kinds of agri-questrian single family lots shown within the PD document. Planning area #6 is Mediterra Park and you'll also see a mini park with a numerical designation here. Planning area #7 is designated natural open space to be set aside in perpetuity and planning area #8 which is the water quality feature for this project and that is located on the south side of Greenspot Road. So go through each of these quickly, Planning area #1 is 24 acres on the tentative tract map. You'll see a density of 3.2 dwelling units to the acre with minimum lot size of 6,500 square feet and an average of 8,400 square feet. The pines park which is, I'll go over in a little more detail later, is kind of a natural open space passive park that will be part of planning area #1. The Raley property is also a part or within the planning area #1, kind of surrounded by but then again not a part to, the general plan amendment or zone change. Planning area #2 11.3 acres with 51 lots, so that's a density of 4.5 dwelling units to the acre, average lot size there is 7,000 with a minimum lot size 5,500. Planning area #3, 20 acres, and 62 lots so a density of 3 dwelling units to the acre, minimum lot size 7,200 with an average of 9,500. Planning area #4 is not sub-divided, as planning areas #1, #2 and #3 were kind of a designation set aside for a future developer to come in and bring a specific product, but what is designated is the density for the project and overall lot count of 110 lots medium density between six and twelve dwelling units to the acre. Planning area #5 is 13 acres that is six lots, one is an existing single family home on the site with space for five additional single family homes. You won't see that defined on the tentative tract map again; that would come back in the future. Planning area #6 is two acres and it's active recreational. Again I'll go into a little more detail as we get into the discussion on the Mediterra Park a little further on. Planning area #7 is 94 acres and that is to be set aside in perpetuity as natural open space. Also, within planning area #7 should be mentioned that is located on U.S. Forest Service road 1N16 so this is currently today utilized by the U.S. Forest Service, San Bernardino County Flood Control District and the public for access into the mountains. As far as maintenance of this particular part of the project, it would be maintained by the homeowners' association and at such time in the future that the City and the developer could determine the appropriate conservancy would be the likely scenario for that land, it would be transferred. Other conditions of

approval for the project requires that to happen before the first residential building permit is pulled for the second phase of the project. Planning area #3, the water quality is on the south side of Greenspot road and is 3.5 acres. So here is the site plan for the project, you'll see it across from the East Valley Water District campus; I'll just show you some quick features here.

COUNCILWOMAN SCOTT:

Kim, would you go back to 8, planning 8.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Sure, that's 3.5 acres and that's the water quality basin for the entire site. It's just to the west of East Valley Water District and I'll show that to here as well. This here is the water quality basin; planning area #8, so here is what it will look like at build-out with the exception of the medium density which we're not sure is the exact design will be here. So along Greenspot Road there will be two access points to the project, Mediterra Parkway here and Terraneo Parkway located here. As the project begins construction within phase #1 here, this access point would be constructed and this portion of the project, not including this park at this time until phase #2, but it would include Pines Park located here again, the passive recreational feature. Because there would be just one access point here, there will be emergency access provided as an interim measure that would be located about here on the site. This would be the future more custom agri-questrian homes located here, the medium density which would be on each side of Terraneo Parkway. This is 1N16 which currently has access from Greenspot through the site and you access the mountains up here and that kind of comes back around. So let me go through a few more features then we can come back to this if it's helpful.

COUNCILWOMAN SCOTT:

On the north of the map, is there any ingress or egress for a road up there?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Here? This would be a future access.

COUNCILWOMAN SCOTT:

No, no, go north east, far east, clear to the corner.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

That's west.

COUNCILWOMAN SCOTT:

Now come down what looks like a road, now does it have any opening at all?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

No. This will be a maintenance road, here this brown delineation, this will be the North Fork trail and access road. So this will provide access along the northerly perimeter of these planning areas. This will terminate here at this cul-de-sac.

COUNCILWOMAN SCOTT:

When you say it's a maintenance road, will that be a lock and key road only for certain vehicles?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

It will also be a part of North Fork trails system, part of the City's trails. So there will be access to the public, equestrians, walkers, bike riders as well as it will serve as a maintenance road.

COUNCILWOMAN SCOTT:

Thank you.

MAYOR MCCALLON:

No vehicle access except for authorized vehicles.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Correct, right. So here's the proposed Mediterra Park, and this is a preliminary plan for the park but I'll describe it to you as it's provided to you in the plan. This park feature will have private and public portions. The public portion of the park will be the majority and it will be located on the westerly portion. It will have a passive turf area, tot lot, and a walking trail around with connectivity to the other portions of the site and then up here to the North Fork trail. Then there will be a private portion available only to the residents of the Mediterra development. That will include the pool features, barbecue, restrooms, so the private feature will be maintained by the residents themselves, by the homeowners' association, and then there will be a park maintenance district that will pay for portions of the public part of the park. So here's the passive park, it's called Pine Park in the plan, and this is looking to the north. It is anticipated to be kind of a stopping point along the trail system, kind of a quiet place to reflect. It will have the existing pine trees stay in place, there might be a DG area and some benches and these design features will come back in the future. This is kind of a conceptual plan at this point. Now this is the North Fork trail section that I talked about, that kind of runs along the northerly perimeter. So the Trails Committee had an opportunity to review this plan and kind of weigh in on the trails section, so portions will be decomposed granite and that's for the equestrians and then the majority of it will be paved and then there's a V ditch along the northerly perimeter of the trail. Again, it's in hopes that this one day will kind of connect that whole stretch that will connect even further to the east, eventually to the Santa Ana and connect all the way over to Aplin. So it's kind of a critical part of the city's trails system, something the Trails Committee was very excited about, and staff is very happy to get that connectivity and that link.

COUNCILMAN RACADIO:

Is this going to be connected to the Santa Ana Trail?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

The Santa Ana Trail will run to the south along the Santa Ana and kind of come up and most likely into the Harmony project for a trail head into Harmony and then it will access from the south of Harmony up to the Santa Ana and then into the hillsides up into Morton and Deep Creek.

COUNCILMAN RACADIO:

Will there be an access into that one?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Well, in a way. It won't directly, it'll come down and it ends just to the, according to the trails plan, just to the west of the Santa Ana, but hopefully all parts of the trails will be interconnected either by pedestrian DG asphalt or part of the roads. In some points you'll see the trails connections through a class one connection within the road system itself. So, yes, they theoretically all connect.

MAYOR MCCALLON:

In addition to an important part of our trails system, this will allow us emergency vehicle access all the way around the project which is important when our fire season comes along, and a fire break.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Ok, this is an exhibit to kind of show you the connectivity with 1N16 and how that travels currently from Greenspot up through the site and then into the mountains. San Bernardino County Flood Control District can use it to access the dam and then it'll travel all the way up into Big Bear. It's used actually quite frequently the last few times I've been in on it, and the last year I've seen at least two other people on it. So it's again a very nice connection and link to the trails system for the City.

COUNCILMAN RACADIO:

You can stay on this and get all the way up into Big Bear?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

You can. Now it won't be open 365, it's based on the weather conditions so there will be times that Forest Service will come down, there's an access gate that they close off during the rains.

COUNCILMAN TIMMER:

Usually sometimes you may require a four wheel drive to access it and they will close it also during critical fire weather sometimes when they want to keep people out. There used to be a gate and there will be again I assume right at the bottom that limits in and out.

COUNCILMAN RACADIO:

Just curious, how far would you say that is?

COUNCILMAN TIMMER:

From where?

COUNCILMAN RACADIO:

From where that gate is up to Big Bear.

COUNCILMAN TIMMER:

I don't know. I've never driven all the way.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Okay, this is also an important kind of recreation feature of the Mediterra planned development. This is called the Paseo Ramblas and it's a main east/west linear feature of the site and built within that will be a par course, it'll have fitness stations throughout it and again these are going to be available to people coming to the site and from off the site. It'll be maintained by the homeowners association but it'll be accessible from the public right of way so people could come and use the fitness courses, use the parks, and make access to the North Fork Trail and to 1N16.

COUNCILMAN RACADIO:

The public will have access there?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Yes. This will be streetscape from Greenspot Road; it'll be a continuance of what you see today. So the parkway would be constructed, bike lanes, sidewalk and landscaping. This is the streetscape on Mediterra and Terraneo Parkway, the entrance of the two roads that come off Greenspot. There's another view of the same, so along with the PD document as I mentioned earlier, the project would require a general plan amendment and zone change from agri-questrian to planned development. This is the tentative tract map for the site and we've gone over most of the features in the prior site plan exhibit. If there's any details you'd like me to go over, please let me know and I can do that. The environmental document that we are asking you to approve with this project is a mitigated negative declaration and some of the items of concern that were identified and addressed within the mitigation and monitoring program for this site included aesthetics, agriculture and forestry resources, air quality, biology, cultural resources, geology and soils, hazards and hazardous materials, noise and transportation and traffic. So that mitigation monitoring reporting program is part of the conditions of approval for the project. The City did receive some additional comments, some were included in your staff report, we call those the Raley comments and we've provided responses to those in writing. Additionally, today we received correspondence from Johnson and Sedlack and that's quite an extensive document; it has 34 pages. Tom Dodson will respond to some of those this evening directly and you received a second letter from Mr. David Raley voicing concerns having to do with access and parking at 1N16. If you look at the site plan . . .

COUNCILWOMAN SCOTT:

Were either Mr. Raley or Mr. Johnson at any of the Planning Commission meetings to express their concerns or anything?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Yes. Mr. Raley has been involved from the beginning of this process and we've kept in contact with him. We've had numerous meetings and he did attend our Planning Commission meeting and made comment on the environmental document itself and made comment during public hearing. Not Mr. Johnson.

COUNCILWOMAN SCOTT:

Thank you.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

So with respect to how parking is going to work for 1N16, currently it's provided just off Greenspot Road here, not that the U.S. Forest Service planned that or set that aside that's just where people stop today and park their cars. Sometimes I see one car, two cars, I know that people that live in the area will say sometimes people will come in a small group or there's parachuters that come off the mountainside and park here so on occasion there can be several vehicles parked there. And the design for this project, the hope is that right off of Mediterra Parkway here you can enter, come up as a member of the public and park within this cul-de-sac here and you'd be able to directly access the North Fork Trail and 1N16. So the parking would be established here for that use. That would conclude my report, if you have any questions for me.

MAYOR MCCALLON:

Any questions of staff before we hear the applicant?

COUNCILMAN RACADIO:

I have some questions but should we, there are specific questions about power lines, the CFD, and should I do that after?

MAYOR MCCALLON:

Yes, why don't we do that after.

MR. CAMILLE BAHRI:

Honorable Mayor and Council Members good evening. Camille Bahri with Sunland Communities, it's a great honor and privilege to be here. I've been in Highland for over 18 years but it's been awhile since we've approached you on a beautiful project like the Mediterra project. Just to start with I want to congratulate you and thank you and thank staff for the tremendous work. They've been very tolerant over three years through that process; they've been a tremendous support, very professional, you should be proud of them, every single one of them. I'm not going to name them all, including Megan who has left to a different City. I'm very thankful to Kim, Larry, Ernie, Jim and everybody that has worked with us.

MAYOR MCCALLON:

We're always proud of them, they do a good job.

MR. CAMILLE BAHRI:

Mediterra is about 180 acres, I'm unfortunately going to have to rush through the project maybe seven to eight minutes, it's deserving of much more because there is so much involved in the project. We're very proud of everything we've done here, but there is literally hundreds of pages of supposedly complaints. I want to go on the record in making sure that everything is addressed to the extent possible, and this is what will take maybe more time unfortunately than the project itself. At any point in time if you want to stop me regarding the project or any other questions please do so, otherwise I'm going to make it as quick as possible. Our goals for Mediterra, just to summarize, and only five of them adapt naturally to the land and respect the surroundings, provide diverse housing opportunities with pride of ownership as what identifies that most people that live in Highland would like to buy rather than rent. Great opportunities for bike and pedestrians mobility like the gentleman before me just stated it's a very desirable and attractive feature to be able to get to the outdoors and lead a healthy life. We wanted to provide desirable amenities that get used rather than the early stages of the project which would be used for the sales stage and then become possible a burden on the community and things of maintenance and what have you. So all of that falls under meeting the needs and desires of the community, and I know I'm in Highland we ask what the leaders, what the community of Highland need. I'm not interested necessarily in what Yucaipa or Redlands or San Bernardino, so very briefly the gentleman was right on the spot. Fifty percent of your population is under the age of 30. That puts you seven to eight years younger than the closest communities in your submarket like Yucaipa and Redlands. That means your own kids, nephews, grandkids will be marrying, only 30 percent of their generation. In a couple of years you will have north of 70 percent of them, the vast majority, the overwhelming majority will want to stay close to home, and that household formation is going to creep up on you and more of these folks would want to stay close to home some of them with babies as well. Also the vast majority of them would want to be in single family homes, a handful would want to be in townhouses, if you survey your own organic millennials of Highland, a vast majority in the 90's would want to be in single family or townhouse. It gives you a perspective of why we designed the project the way we designed it. This is from the State, the California Department of Housing and Community Development, they say to meet this level of demand across the whole state that we're supposed to produce 120,000 units per year. On average, for the past 25 to 26 years we've produced only 140,000. This is not the BIA, this is State of California. We are short on average of 80,000 units per year. What that's going to lead to is some of the nightmares we went through together in the past about affordable housing. Orange County is bullish on high density; they are urging for high density. And LA County is a little more liberal; they are looking for affordable housing. A couple of months ago they passed hundreds of millions of dollars in their budgets for affordable housing. What we are talking about is the Section 8 or the equivalent state mandated thumbs down

on the demographics, as this heading says it is a housing we cannot afford, and just most of us, if not all of us, have been through for the City of Highland. So as we look at these different parameters that we need to design to, we look into your general plan other than the guidance from day one from your staff on what approach we need to take, what it says in the general plan. In light of that anticipated growth, our focus on quality becomes even more crucial. That orientation accounts for the excellence your neighborhoods created as part of East Highlands Ranch, a now highly successful residential magnet for move-up families looking for outstanding value. This is straight from your general plan, quoting the East Highlands Ranch. Now you go onto, under goal 5.2, the very first policy, states that you should ensure that the farmlands converted to other uses are consistent with East Highlands Ranch planned development. Now this is straight forward. I've worked with so many agencies, but I have never seen that pointed of an example not only in the approach that the developer should take on a large property like that, but in specifically pointed to a particular project that should be modeled after. I'm very proud to have been a big part of that. This is from the Highland Area Chamber of Commerce, all of these pictures, speaking about housing, come home to Highland, they're all in East Highlands Ranch, will be involved in that, and I'm extremely proud of that. We set the theme with the architecture and the landscaping, it's Mediterranean, that's where Mediterra comes from, and I'm going to rush through that. Under the planned development just 5.4 acres only of the whole acreage is designated as medium density in planning area #4, and the vast majority of the residential area which is the conventional lot is planning area #1, #2 and #3. As Kim just told you, that encompasses 31.1% of the 180 acres combined; the conventional housing is 36.5% of the whole acreage. We have 15 acres that have been set aside maintained as ag-equestrian the maximum density allowed is two units per acre, instead of doing 26 which is two times 15, we thought this is the perfect location for the estate lot, besides the one existing lot will create five more. They average more than 2.1 acres per lot and of course you have the open spaces in terms of the park, the WQMP, and the very vast majority overwhelmingly is an open space. In fact we're not touching it; 53percent of the acreage, which is close 93, I'm sorry, 95 acres of the land. Healthy living, very important, it jives very well with what the millennials, and I'm very close to being millennial and I should be maybe getting out and jogging as well. Okay, you're not willing to accept that, but healthy living is a goal and I hope when it's developed and you visit at least if you're not living there that you'll be taking out the beautiful amenities that we plan for this wonderful community. So of course pedestrian mobility becomes very important, this is a cross section of Greenspot Road. We do not take credit for the design of Greenspot Road but the implementation obviously is important. Additional landscaping was promised, wider sidewalks and planter areas, and other than East Highlands Ranch you won't see the median other than what the City spent money on Greenspot Road. So this is the next mess of planned community that will have median just immediately west of us; it doesn't have that but this is very inviting and the bike lane and the sidewalks. It was very much welcome, more than anticipated from your trails subcommittee when we visited with them a couple of months ago. This is Mediterra Parkway and Terraneo

Parkway, we've made it 80 feet wide, there are not frontages to that street. As you come in from Greenspot Road you have two lanes, one in and one out, uninterrupted. We made sure they're wide enough to get you through the bike lane; this is not done before in Highland. Also you have the median that separates the two and a very generous parkway of 16 feet with landscaping and sidewalk on both sides. What's really nice about this is it's not interrupted by driveways, as you drive in you set the mood, the sense of arrival and it becomes an entry statement into the project and what to expect within the project. You get to Avenida Ramblas; this is kind of the spinal cord throughout the community because of the shape of the project and this is a collector's street. We wanted to make sure it doesn't become a speed way so we worked very closely with your staff, both planning and engineering, and we're thankful for all of their input. We have the roundabouts; finally we'll have a place where roundabouts make sense. We have check-ins and we have reduced road sections in limited areas to make sure that traffic slows down, but it doesn't take away from the community's ability to park next to a house or in front of a house and we wanted to emphasize instead of the emphasis of being on the car, we wanted to put more emphasis on the human element, on the pedestrian. So we have the linear park next that was a paseo, 17 feet wide, much more than your typical parkway, and we took the guidance from your Planning Commission to add these exercise stations and park stations along the whole thing. It's not only to step out and be in the outdoors or walk or jog, but also you have the opportunity to exercise as well. This is going to be a very welcome feature, and also staying true to some of Highland's past, this is the North Fork Trail after the North Fork ditch and it doubles for equestrian/pedestrian, all kinds of uses but also for maintenance as you can see, and we want to make sure that it's wide enough. If the Fire Department desires to go there in case of emergency it is available to them. So you'll see on this edge kind of the more of the urban, you have more of the suburban within the community and then more of the urban feature especially as it comes close to the natural open space that we'll leave in perpetuity as open space. All of that wouldn't be very functional unless it is very close from all corners of the community, the maximum being a few hundred feet away from any of these features; the vast majority is simply just steps away from either the paseo or the trail or any of that. With that we felt we needed to anchor the community with a place where people can gather, get together, get to know each other and take ownership of the community; a park is very important with that integration center. We worked very hard with your staff and your subcommittee to make sure it's not a burden in the long run on the community in terms of cost of maintenance but it does have the features that will get used, so all together it's a combination of the extension of the linear park; you have the check-ins and easy access for pedestrians and all of the connects to the North Fork Trail and the Hillside Trail, along that you have the play area where people can gather, families, picnic tables, shade, all of that and given the profile of our residents we thought that a tot lot, a play structure, would be important. If the community 20 years they'll all still live there, most likely it's going to be a good retainer in the community that's very easy to remove and put a shade structure or something like that. Of course, as Kim told you, this is anchored by a recreation center and

it's going to have the fencing for privacy and safety purposes. We'll have a beautiful design for the restroom building, his and hers, and it contains also the equipment, pool, deck, shade structures, tables, barbecue, etc. and that would be maintained by the homeowners association. All together it adds up to affordable luxury because we're trying our best to make these features not very maintenance intensive, the paseo, the trails, all of that, low maintenance, and the most maintenance intensive component is going to be the homeowners association's which is a good balance between the LMD that will be formed and the homeowners association fees. It's going to be a very attractive and very welcoming community. We met all of our goals that we started with, we have met the needs and desires of the community and we are very excited about the design. We are grateful and we're honored that Mediterra calls Highland its home. We couldn't put it any better, a great place to live and a great place to build. I promise you to rush, it may sound like it's been a long time but I do have to go through some of the things that were presented to you, if you had the chance to go through all of these items or not we need to go on record and reply to all of these issues that Mr. Raley has brought up. One of the issues that he insisted on is the scenic value of the property. If you look in your general plan, this is what you see in terms of scenic resources, the backdrop of the mountains, behind the community, in the view corridors that you see down there. Nowhere in the general plan does it say that the family hasn't done a great job on maintaining their grove, and they're not a burden on the community whether from a fire perspective or otherwise that somebody should come in and impose on them that they maintain that grove for the general public's benefit just as a visual asset. Also unlike what you see, a complaint from the gentleman that the hillside would not be developable, if anybody is an expert on hillside development; it's got to be truly yours. I've produced maybe a thousand lots in the East Highlands Ranch that are exactly the same grade. In your general plan, and code is full of guidelines and standards for development of the hillside, you'll see them across the whole thing. It's not true that this is a wasteland; we chose to set it aside as open space. Also under chapter 16.16, the very first category of residential is equestrian; it's not true, and it's a commercial agriculture. It's a category of your residential and it allows zero to two units maximum and as you see here per gross acre, which means if you have ten acres that are designated as equestrian, then maximum number of units you're allowed is 20. If you have 100 acres, it's 200, it's per gross acre. The general plan is very generous in terms of guidelines on how much park, especially in the Greenspot area. As we told you before, we are exceeding the requirements by far and number 21 here it says adopt a density bonus program for development that includes usable park and open space lands above the city's required standards. As you know, and you know from staff we are exceeding that, so what that does is translate into 180 acres for Mediterra. If you multiply by a maximum of two units per acre under the existing land use you get 360 units. We are doing a maximum of 316 including existing and one to be removed, and if we ever reach that density right off the bat is a reduction of 44 units which is about 15 percent of the maximum density allowed, which means you are not asking for a density bonus unlike what the gentleman is claiming. Now he provides information, lot sizes consistent with

rural lifestyle in a grove setting in Redlands, Wabash and Opal, I think it says Highland here, very interested in what Redlands has to say, but he's not telling you here, and this is the lot that he shows here there's hardly 20 trees in the front, it's hard agriculture; there is no equestrian there. Also these lots are one and a half acres, they're not 20,000 square foot lots but it doesn't tell you it comes from an area largely agricultural its hundreds if not thousands of acres of agriculture. These lots are one and a half acres are a high density in comparison to minimum five acres per lot that the area requires here. What his exhibit doesn't show either is the lot right next door has five trees in the front and this is the extent of the agriculture. The lot right next to it doesn't have a single tree; it's all lawn and pavement and what have you over one and a half acres. This is the frontage of that particular lot, you see here, if you can spot it, this UPS truck six and a half feet wide is occupying about half of the road; the North Fork Trail is better designed, has the drainage and the new pavement and the block wall and all of that then, this public street that could be there for, has been there for dozens of years and will be there for maybe the next hundred years. This is what we understood we need to do, speaking to Ernie Wong, studying your general plan. We believe this is the kind of improvements, this is by far more expensive obviously than you've seen in your prior exhibit. I'd be happy to do this but this is not in the goals and objectives of the City of Highland. Now we graded these six lots, and we thought this matches this ironically, and we're excited about this so we'll get the pat on the back. Well the gentleman isn't very excited about this, he says these are not visual reminders of citrus, and it says the PD identifies planning area #5 as ag-equestrian zoning, but that in no way guarantees that ongoing agricultural activities will be maintained or preserved. This specific plan places no development limitation on those properties to ensure future agricultural use and names them only as estate lots. Now I thought we were interested in providing opportunity for people to live in an ag-equestrian, not to force it on them. What's interesting as well is that his property is ag-equestrian and there are no guarantees, as a matter of fact if you look at the aerials there hasn't been any agriculture since 1953 on the 1.6 acres. It's kind of interesting that it's required of us but it's not required there. If these are not estate lots, I'm not exactly sure what the definition of an estate lot is. Now he further goes on, Redlands has done an interesting job in creating design standards and permitted uses to ensure that their remaining groves are not simply converted into estate lots. A full EIR should be used to identify how to ensure that PA5 can preserve its agricultural heritage. Number one that's not to be imposed on people, nor do we feel the need for an EIR would be for that kind of a purpose. Now if the gentleman had just walked within a mile and half this is on Weaver and Base Line, you'll see that there are three blocks of ag-equestrian on multiple properties surrounded by low density all across medium density. Townhouses contiguous to ag-equestrian, 3,000 square feet right next door equestrian so there is no conflict. These are compatible uses; they are not consistent, they are not the same but they are compatible with each other. He's all over the map claiming that there is not compatibility and no consistency. Actually you didn't have to go very far, because if this is his property right here he could have looked right across and this is an existing tract with low density right next to agriculture. Now

I chose this map in 2003 because it was used as agriculture, and as you all know agriculture has been phasing out, not coming in. So remember that exhibit where there used to be a grove here before this gentleman bought the property, and they are right next to each other by the way and there is no conflict that I'm aware of. What's really ironic is the gentleman lived there for about 13 to 14 years right there on that lot, and that for 13 to 14 years low density next to ag-equestrian was not much of a conflict in the past, but now that he owns this property all of a sudden there's a great inconsistency and conflict. We just don't understand that. Now it's possible that the gentleman has misread what the ag-equestrian allows. So he references the 25,000 square foot facility where 10,000 heads of lettuce are produced a day. It says this operation would be high efficient in water and pesticide use, however it will likely generate a significant number of incompatible vehicular trips. Of course when you have an industrial facility that's not allowed in ag-equestrian which is a residential use of maximum units per acre you can do something like that. What's interesting is he also goes on and calling for preservation of rural life, but this came from an urbanist. This is the urbanist website so we went to that website and this is what you see. This is the exact same article. I'm going to read you only what's read, it came from that same small article and if anybody wants to, interrupt me and tell me which ones of these do apply to Highland. This is the plan's biggest interior factory farm. A solution of this sort can be deployed anywhere in the world to address food shortages. Good candidates for local food production and crowded and high cost urban areas around the globe. Anybody? Ultimately the hope and the goal are to refine the system and apply it in other areas where resources and /or space are scarce and where weather is problematic. Does any of that apply? The same thing is already building a new intensity packed Hong Kong where real estate is extremely expensive and local food hard to come by as well. I'm not sure any of that applies to Highland.

MAYOR MCCALLON:

You know Camille, we have all of this in our reading material and Mr. Raley is not here to make his case but you're presenting it for him if you'd like to continue.

MR. CAMILLE BAHRI:

Thank you. The height of that building is about twice of the height of this ceiling, so you can imagine the magnitude of that 25,000 square feet, and as you see the 25,000 square foot facility, I mean I'm wondering what exactly that looks like. When I went on google earth and searched for what may look somewhat like that facility, City Hall comes to mind as it is 18,580 square foot and given the height of that building you practically can fit two of those in one area. This has to do with the views; the gentleman would like to preserve his views yet impose an easement recorded against the parcels next door depending on the future development of multi-part parcels. So that applies to our side of the property, but not necessarily on his side especially with a humongous facility like that, it's kind of ironic. Now he provided a lot of information about the well and the protection of the well and he quotes that as being recommended by the EPA. He leaves the whole page open, empty, this is a true copy of the document as a matter of fact

he goes to a different subject all together. We're wondering what that belongs to, but he does have some more specific information about the 100 feet and where it applies. It says the development is encroaching on 100 feet of the well, EPA recommends 100 feet, 100 feet, 100 feet, and 100 feet. So we look at exhibit and sure enough it comes from this document. Real briefly the low impact which is between zero and 50 feet, it can be between zero and 50 feet of the well. It says it's a recreation area, a house, outdoor furniture, play areas and what have you. What that comes to mind is kids playing in the backyard; family doing a barbecue, that house can be between zero and 50 feet. The highest impact on a well is the chemical storage, animal enclosures, manure, compost piles, machines and septic tanks. This is what is supposed to be 150 feet away from the well. What's interesting is he didn't have room to list it here, so we plotted it on the tentative map. All we have is one single lot, one house that falls outside the 50 foot limit. It could be even within in that and all of the other lots are well away or outside the 100 foot limit, but yet he calls for that structure for horses. If you plot to scale the exact dimension on his own exhibit, it would fall very close to the 50 feet which is not allowed as recommended by the EPA to be within the well. So when you talk about distance from a well, you're talking about an area, not a single one dimension, and it shouldn't point only towards our property, it should point all the way around. Given that all of this area is not used for large animals and he has the houses here, there's hardly 15 percent left of the property that accommodates horses or other things. The heritage trees are all over the place in his argument, palm trees, and pine trees are not heritage trees, yet you know Pine Park, we called it Pine Park because we are preserving the pine trees. The palms, it's interesting we researched it; they are not heritage trees. Nevertheless if you go back to 2007, a little bit before when the house still existed there and the owner had removed that grove. If you recall back, that used to be a grove right next to his old house; there were no pine trees here, they must have mushroomed in the last couple of years. So after Calvary graded that property, and apparently they bought them just to landscape the property when they were intending to build the church. So these are not heritage trees. What we have tried to do here is give the gentleman access on Santa Ana Canyon Road; this is another issue he claims that his address is Greenspot Road, it's Santa Ana Canyon Road. It's in the County's official records, the title company and all of that, so the existing Santa Ana Canyon Road is this dashed line. We are trying to vacate that portion of his property and give it back and there's about 3,000 square feet in lot E that we're happy to give to the gentleman instead of imposing on him, and we're doing all of the improvements around him. He's not very happy with that; he claims to have three points of access and he quotes this 42714, but it's interesting you don't see what's going around it and he's pointing to this little portion here as being the access. So we researched it and this 2009 when the Calvary graded the property. There's a brand new access that goes from here because the gentleman that owns this property had to deal with the Calvary and this is where the access came, where Santa Ana Canyon Road is, no access from here or from here. You move on and it's the same for all of these until you get to the same exhibit that he used and you realize this was an access for the Calvary property, not to his property.

Especially that this fence has existed since 2006 right there. I just want to tell you that had happened at the time when East Valley Water District was putting the water and sewer lines at Greenspot Road. They called me and said do you mind if our contractor stages on that property? I said no problem, you talk to the Calvary. So they said Camille if you don't mind keeping an eye on it and it's a few hundred dollars a month for the Calvary, why not and keeps the contractor off the road and what have you. So I kept an eye and I showed up one day and this is what's happening at that point of access. A piece of equipment, somebody was asked, I don't know how, somebody asked the contractor to smooth that access. You can see the blade and you can see the large piece of equipment, and you see the tire marks on that access. Now since then, you can see that the grass has been growing because nobody can take access from here, only here and the reason for that is that fence has existed since 2006; there is no access from there. What's most telling is this is the Calvary Chapel's approved site plan and when the gentleman opposed the Calvary he lived right here, he was aware of that. This tackles a bunch of the issues that he brought up. Number one the frontage, it was meant to be vacated by the City and given to the Calvary to build the parking lot; you can see the only point of access is from here there is no access at all from here. This is a parking lot that goes all the way around. This used to be the property line that cut through the house, and the Calvary worked with the prior gentleman to do a lot line adjustment and wrap it around the house rather than through the house and here's that structure again that shows perfectly on the property line. The civil engineer, the architect, the County Assessor's office, the legal description and our civil engineer all believe that this is right on the property line. This is another evidence of that, I'm getting close, here's the fence, this is galvanized, it's almost rusted because it's been there forever and you can see that it's right there on the property line. Looking into the history of this, you don't have to look very hard that this is not being maintained by this, it's a different climate all together, but this rock wall was put together by the previous property owner. Remember his frontage was Santa Ana Canyon Road, this is where the citrus operation and the crews and the workers gathered and staged and parked their trucks and sorted things out before they took off on Santa Ana Canyon Road. Had he come to us and worked with us instead as good neighbors as we've suggested, it would be the existing property line we can move that property line, and build a structure there instead. Here's how it exists, here's how we could have existed together yet he chose to take a different route with hundreds of pages of challenging us and I'm still looking for that agriculture on the property. The rest of the property in the front, this is all there is to it, there is no agriculture. The reason I point this out is because throughout the document he says ongoing agriculture activities. There hasn't been ongoing agriculture activities since 1953. This is the wall that he is very sensitive to that is fragile, we should take great care of, and this is how it plots. Its only seven or eight feet away from the property line, another issue he brought up is how dare we do a minimum setback of 15 feet in the back and his setback is 7 or 8 feet, this is a non-compliant property according to the current standards. Had he come to us as we suggested working together we could easily do this, give him more room around the property, put the new fence, protect that wall, stabilize that slope, and

we could be good neighbors. Finally this is the area of where that picture was taken, he mentioned the tree as well, it's very possibly on our side; no skin off our back if we were working together to preserve that tree. That wouldn't have been much of a problem for us; we were still looking for that agriculture on that property. Let me go back and see if anybody can spot a weed or green oregano or a single head of lettuce on that whole one and a half acres. Not a single one, and he's owned the property for three years now and nothing has been planted there. So what the gentleman came here and talked about at the East Valley Water District, their Chief Engineer was here at the public hearing for the Planning Commission and he heard about the flooding of the property. This was taken in April 2014 I don't know what's been flooded here, I've no idea what's been flooded and if anything is being flooded, if it's not illegal it's immoral to be wasting water. So that water that's there is actually from rain; and if it's not from rain, if it's coming from here what is it exactly that we're flooding. We're hurting for water and that's why we disagree with the condition of approval. Your staff was blindsided the morning of the Planning Commission hearing of February 16; they handed us a condition of approval that we disagree with because we are supposed to protect ourselves from flooding that property. If we do anything, it'll be a drip system. We've converted a lot of acres in East Highlands Ranch to a drip system; there should be no spoilage and no wasting of water. So we beg of you, of condition number 97 to be removed. I want to turn it over to Tom Dodson to address some of the other issues that need to be addressed that came at least in the letter today. Mr. Mayor we are very, very proud of this, we've worked very hard, we've had tremendous support from the community, from the business community, from all of the residents, and it's been tremendous. We're very proud of this and we, especially after the 50 from your Planning Commission recommending approval, we look forward to that. I want to turn it over to Tom Dodson and if you have questions of me, I doubt you'll dare ask me any questions.

MR. TOM DODSON:

Good evening my name is Tom Dodson, Mr. Mayor and members of the Council. It's a good evening to be here in front of you. I've tried to think of the quickest way to get through what I need to for this evening to help lay a foundation, and if you bear with me I shouldn't take more than about five minutes. Ray Johnson's firm, Ray's a good friend of mine actually, but he has a habit of throwing a whole bunch of flack to see how much sticks against a wall at the last moment and that's essentially what's happened here. We did a straight forward processing of this mitigated neg. dec., we had one serious set of comments from Mr. Raley, which we've addressed and we've actually addressed them twice and I know you have that in your record. Ray dropped this on us and I'd like to just go through and give you a couple of highlights and then I think indicate why I believe our environmental document is sufficient. In one segment, and I think this is probably the first time you folks have encountered it, we've identified mitigation for loss of agricultural land and we've done that by suggesting that because this is an isolated parcel and is adjacent to a lot of areas that can cause damage to the trees, that the mitigation ratio should be 0.5 acre. That land would actually

be purchased within a land conservancy and be maintained in agricultural and perpetuity, so what we're doing is saying we're going to lose 30 acres here but were going to purchase 17 acres. Mr. Johnson says that is not adequate and Ray tends to create his own threshold criteria. We felt that it's most appropriate for this location and that's the recommendation. We did circulate this through the Department of Conservation; they did not supply any comments contradicting our particular approach. Let me go second to something that Ray does. In the beginning of his comments he says well the project could do this or the project could do that and you didn't evaluate these alternatives. We were required to evaluate alternatives because we didn't find any significant impacts associated with the implementation of the project. We created and I'm going to walk through, we created and evaluated the aesthetics and concluded that by preserving the upper acreage that's the backdrop that sets the stage for the community, that's what they will be seeing. If you look along the existing highway you're looking at the backdrop of the foothills; they will be retained in perpetuity, that was the most important visual component of the project. The other portion is the ag and the disturbed land which you just saw the pictures of from the previous disturbance associated with the Chapel. We concluded based upon our analysis that because of the conservation of the land in perpetuity that the site, even though it's going to change in visual character, it's consistent with what the existing environmental setting is. Residential on the left, the East Valley site on the right, I mean on the south, and then in terms of the development it'll be an extension of the existing development and you're not even going to be able to notice it ten years from now. We took and prepared a detailed air quality study, Ray submitted comments on those, we found very clearly that a project of this size and scope, because it's not going to have huge earth moving activities, again because of conservation of the land, that it will not cause a significant adverse air quality impact. Site did not have any substantial biological resources. They've said well you didn't go look for these particular species, we have a technical biology report that addresses all those issues and that is in my judgement, not important on this particular site. We've done the appropriate surveys and it has been sufficient to be able to draw a conclusion of no significant impact. I could take you through each of the issues, I won't do that, but there were technical studies just like for the EIR for the following: hydrology, cultural resources, geology, the phase I for the site that evaluated the potential for contamination, and we have those going all the way through the series of issues that are standard for an initial study. We have sufficient data to support the conclusions in this document. We've got one individual who is saying you don't, and that's Ray. I don't agree with him for logical reasons, and nobody else who reviewed the process in the document concurred that there was significant adverse impacts on this project. If you have a specific topic that you'd like me to address I will do so, but primarily what I'd like to do is just say I've given you a quick overview. You've got the issues, you've seen the initial study, you've seen Ray's comments or at least you've had access to them, and I think you can make your decision this evening relying upon the mitigated neg. dec.

MAYOR MCCALLON:

Council, would you want to ask questions of the applicant at this point or would you like to hear from the public first? Public first, okay. I have several speaker slips. We'll go through them in the order that I've got them piled up here. Darell Arnott.

MR. DARYL ARNOTT:

Yes, Mr. Mayor, members of the Council, I've lived on property that's in this development area since about 1989 and it's an excellent, well thought out project and it seems to fit well into natural surroundings. I welcome the project and I look forward to using the parks and the trails and the other improvements that will be there and I'm just in favor of it, that's all.

MAYOR MCCALLON:

Thank you very much, Mr. Arnott. Wayne Brown.

MR. WAYNE BROWN:

Mr. Mayor, Council, City Manager and staff, I'm just going to make this real fast. I think Camille did a great job of presenting the project to you. He knows it like the back of his hand. I think that this would be quite an asset to the City. When people are against it, you probably, I know you weren't here then, but when the ranch started you probably had the same, the same subjects brought up at that time. Anyway, I'm for the project, I think it would help the City and I think it would be quite an asset to the City of Highland, a feather in their cap. Thank you.

MAYOR MCCALLON:

Andre May.

MR. ANDRE MAY:

Hello, good evening, my name is Andre May. I'm the owner of Dickey's BBQ Pit on Greenspot Road. Hello Penny. I just wanted to voice my support of the project. Myself and a lot of business owners have been looking forward to this type of residential development on Greenspot Road for quite a long time, so we all just want to voice our support. We think it's a great project. I think Camille did a great job. That's it, thank you.

MAYOR MCCALLON:

Tom Robinson.

MR. TOM ROBINSON:

Tom Robinson, Highland Shopping Center. He did bring food but it got cold after Camille's story. I'd like to speak in support of the project, I'll be brief and I know what that means. This is a great asset to the Golden Triangle, and one thing all the housing development helps me in bringing tenants to Greenspot Road and the other land owners. We need to have more quality development and if I can stress one thing to you is quality. We don't need development thrown together and Camille didn't do that here, and in the future when builders come in I know you'll scrutinize them also because a good project will go a long way for our retail and vice versa. Good retail will help the residential. Thank you.

MAYOR MCCALLON:

Miguel Cantos.

MR. MIGUEL CANTOS:

Good Evening Mayor and City Council members. Okay, I think the big reason for this project is it's very good for the community of Highland. I am a resident of this community for 18 years and we didn't have this kind of discrepancy a long time ago when they were going to add the next step in the East Highland Ranch. At that point, there were a lot of people against that, but now we can see that it's a beautiful thing that happens. Besides that it's beautiful because it's going to bolster a lot of benefit for the businesses that we have in Highland and for the rest of the community with parks, with trails, with a lot of things so I'm very proud to live in this City and I hope you can accept this project. Thank you.

MAYOR MCCALLON:

Thank you Miguel. Nanette, Executive Director of the Chamber.

MS. NANETTE PEYKANI:

Good Evening Mayor, Council Members, Staff, it's a pleasure to be here. I just want to remind everyone that the Chamber of Commerce logo includes the phrase you're partnered for growth. That does mean we are in full support of Sunland Communities and the development of this project. Back in September 2015 Sunland made a presentation to our chamber members at our quarterly breakfast and at that time chamber members did sign petitions in support of the project. As has been already mentioned, rooftops are good for business and we know this and we're looking for quality rooftops, not just any rooftops and I think that's what Camille is presenting to us today. We also recognize that a tremendous amount of work has already gone into the planning and the development of this project, and we thank staff and Camille for all of the experts and the research and the years that it has taken. That is not lost on us as business people, and we also recognize that Camille's history is unimpeachable. He has worked with East Highlands Ranch and he's been a tremendous partner in this community so I urge your support. Thank you.

MAYOR MCCALLON:

Thank you Nanette. That's all the speaker slips I have in favor of the project, is there anyone else who wishes to speak in favor of the project? I have no speaker slip in opposition, is there anyone in the audience that wishes to speak in opposition of the project? Okay, now's the time for any rebuttal by the applicant and at this time I would like, Tom, a question for you. Address the contention in the Johnson letter that the traffic study evaluated the wrong number and the wrong type of homes.

MR. TOM DODSON:

Remember when I mentioned to you that Mr. Johnson identified other alternatives that he felt could be interpreted? They are not what the project defined to be. The project was specifically defined to be, to include the multi-family units, not to include additional single family residential units, and therefore his assumption about additional traffic is not accurate. And what we're looking at just to be a little more clear, is trip generation is higher from single family detached units than it is in multi-family type of units. We're talking about the PUDMD areas that you can see on the map. Those are clearly identified in this project to be that type of multi-family unit. For Camille to come back in and change that would require him to go back through the environmental process on those units if he so chose. That's where I conclude that his numbers don't reflect reality or reflect the project itself.

MAYOR MCCALLON:

Does anyone have questions of the applicant before we close the public hearing?

COUNCILMAN RACADIO:

I have some questions.

MAYOR MCCALLON:

Of the applicant?

COUNCILMAN RACADIO:

Yes.

COUNCILMAN TIMMER:

I have a question, maybe procedurally it'll help. If we close the public hearing, can we still ask questions of the applicant or no?

MAYOR MCCALLON:

No, that's why I'm asking now.

COUNCILMAN RACADIO:

This was, I was disappointed when we got this letter so late by Mr. Johnson, but I also noticed that issue about the traffic. He's supposing that, he comments that condos generate less traffic and it's going to be single family so I didn't understand where he's coming from.

MR. TOM DODSON:

He was creating a hypothetical.

COUNCILMAN RACADIO:

Oh, okay.

MR. TOM DODSON:

To make an argument.

COUNCILMAN RACADIO:

One of the other things he stated here when I was glancing over it was the, he talks about the wooly star and the spine flower and he says it was surveyed at the wrong time because they only bloom at a certain period of time, but I suppose you can probably tell even if it wasn't in bloom, couldn't you?

MR. TOM DODSON:

There's a couple of things that lead to that, and by the way my biologist, Shay Lowery, is here in the audience so if we need to get in detail. Let me give it a shot. You can find a wooly star anytime; it's a perennial plant so he's incorrect about that statement. I can go out and find them right now or I could go find them next month or I mean in the middle of July when they bloom, you just have to know what they look like. With regards to the spine flower, the survey that was done did not find them for a couple of reasons. One, there was no habitat to support them on the site, keep in mind that one part of this site is in a grove, which is not going to support any spine flower. The other portion of the site was graded and destroyed as a result of the work that was done, the ground work that was done by the Calvary Chapel. So bottom line, there was no habitat on that site to support it and I'm going to turn around and look at Shay to verify. I apologize, yes sir, I'm good.

MAYOR MCCALLON:

John, do you have questions of the applicant?

COUNCILMAN TIMMER:

I have a bunch of questions but...

COUNCILMAN RACADIO:

No, go ahead. I have questions so we should do it before we close it.

MAYOR MCCALLON:

Of the applicant, if you're going to ask the applicant questions, yes. Otherwise if you have questions of staff we can do that after we close the public hearing. Go ahead John.

COUNCILMAN TIMMER:

Back to the condition 97, I guess it's an engineering...

MR. TOM DODSON:

Councilman Timmer, do you need me up here or do you need Camille?

COUNCILMAN TIMMER:

Whoever wants to answer it, maybe our City Engineer? It's talking about the water that comes from the north fork....

COUNCILMAN RACADIO:

Which page, John?

COUNCILMAN TIMMER:

It's on page 430, condition 97. Camille brought it up specifically. Could you go into why that condition was added? And I'm assuming that a part parcel receives north fork waters as part of their service. Why would they allow run-off to occur, which now were saying we have to build a system to capture that run off?

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

Conditions 97 and 98 were added to the set of conditions after staff had a meeting with the property owner of the northern part parcel. This was added before the Planning Commission meeting because the property owner of the northern part parcel provided information that staff was not aware of. So it wasn't in the original set of conditions of approval, but the Planning Commission did add these two conditions in it. The property owner of the northern part parcel shows staff that, showed pictures of how he utilizes north fork water. What he was saying was north fork delivered water once a month and he really doesn't have a large storage capacity for the water and like many people will receive north fork water they fully utilize that one day of delivery. The way he does that is he spreads the water on, you know, he just spreads it on his grounds. The pictures that he showed us shows water kind of ponding on the northern portion of the northern part parcel and that parcel will be at a higher elevation than the proposed new lots. North of that parcel and west of the parcel therefore, if he continues his current practice of how he spread the water within his parcel it would create a potential that this water would sit into the lots, the new lots, east, west and north of his parcel, and because of that and because of this is his current practice, staff wrote this condition to say that either this project, the developer, will find a way to collect this water and take it away and convey it into a drainage system that he is going to build or he will have to do something on the new lots, on the north side and on the west side of this northern part parcel. Like maybe he'll need to build a kind of wall or something or a gravel trench, some other method so that any water ponding above these new lots would not impact the new homes, so this is what condition 97 says.

COUNCILMAN TIMMER:

Okay, just to clarify then, we had some other pictures showing a domestic well and I assume that's for his use for the structure, internally for his domestic supply, then the north fork water I was under the impression was used for agriculture. So he has no agriculture on the property so he's just spreading water around because he has an allocation of water coming in that doesn't serve a purpose of servicing agriculture. His domestic water well supplies his personal needs so why, I guess I'm confused.

COUNCILWOMAN SCOTT:

Water waste.

COUNCILMAN TIMMER:

Yeah, essentially we're conditioning adjacent property owner to protect his property because a person is spreading water for non-agriculture uses just to grow weeds I guess.

COUNCILMAN RACADIO:

Or is there a use it or lose it provision?

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

I would not, from a staff standpoint and not knowing everything I cannot judge how he should be using his water. All we're trying to do is, and we think we need to respect an existing right and the way he uses water in the current time. Rather than having him to change his way because of this project, basically that becomes an impact.

COUNCILMAN TIMMER:

I understand what you're saying and why we're doing what you're asking to do, but it doesn't make a lot of sense what he's doing and now we have to condition a project to address some misuse or mismanagement of his water system.

COUNCILWOMAN SCOTT:

It seems he should be responsible for not spreading and not wasting the water.

COUNCILMAN TIMMER:

Isn't there a provision also that if you use a resource and its impacting property owners outside of your property that you're responsible to fix the issue?

CITY ATTORNEY STEELE:

That's an issue that's between the two property owners. In this case, staff has to sort of look at the issue before them and realize there is a circumstance that's happening and there is impact on the property in which the development is proposed, and that's just the reality of the environment at that moment. Whether it's logical or even legal is not what staff has to consider. Staff has to consider how do we make the development safe and protect the existing development and that's why the condition has been imposed.

COUNCILMAN TIMMER:

So based on the information you have, you believe these two conditions are really necessary to protect the City's future issues.

CITY ATTORNEY STEELE:

We do.

COUNCILMAN TIMMER:

Okay.

COUNCILMAN RACADIO:

Can I mention those conditions where you tell the property owner you have to get approval from another, an adjoining property owner for the right to drain onto his property and it just leaves it up to him to take care of it.

CITY ATTORNEY STEELE:

Exactly. Otherwise you end up with a situation where if you say look make the other property owner take care of this problem before you can do anything and then control of the development is on the property owner who probably doesn't want the development to occur in the first place.

COUNCILWOMAN SCOTT:

He needs to just quite getting north fork water if he's not using the property for agriculture.

MAYOR MCCALLON:

Well he probably has rights to the water and doesn't want to give them up.

CITY ATTORNEY STEELE:

And that's an issue that's not before the Council.

COUNCILWOMAN SCOTT:

It seems like the project is being penalized for something that is somebody else's problem.

CITY ATTORNEY STEELE:

We don't have evidence before the Council that that's exactly the case, and I would just caution you to not consider things that are outside the property in relation to the project.

MAYOR MCCALLON:

Right, it's outside the scope of what we're talking about.

COUNCILWOMAN SCOTT:

This project has been going through the Council, through the Planning Commission for two years or more and then at the final Planning Commission these two things are added by someone who has been attending all the meetings and having some say.

MAYOR MCCALLON:

Well I think it was added by staff as a result of concerns of the City, potential liabilities and so on. Whether it's right or wrong, our staff and our attorney feels that it's something that is necessary. Of course, the Council could...

COUNCILWOMAN SCOTT:

But this is something that should have been brought up in the very beginning.

MAYOR MCCALLON:

That may be true and the Council has the prerogative of taking it out. However, our staff and our city attorney believe it's appropriate to have it in. So it's up to the Council whether you take it in or remove it.

COUNCILMAN TIMMER:

I've got some other questions. I met with Staff, with Kim, the last couple of days talking about some general things just so, because there's a lot of information here.

MAYOR MCCALLON:

Are we still asking questions of the applicant?

COUNCILMAN TIMMER:

I think they're all related because they're kind of, one of the questions, in Kim's presentation she made a comment about the open space that there's a condition in there that will become part of the homeowners association. If the procedure to get a conservancy district put together does not happen and that should start at the initial, before phase I is developed. My question would be then, and I know with, I just wanted the full Council to hear it, that if that trigger goes into place and the homeowners association is responsible for that and in some future point the developer is successful in getting a conservancy district put together that the obligation would go away basically, right?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Correct.

COUNCILMAN TIMMER:

And so, the reason I bring that up, and Camille is very aware that we've been working with the open space on East Highlands Ranch for a long time trying to get someone to acquire that and I didn't want the City to be put in such a place that, for this project that we had a piece of property that has no ownership really in a sense of someone that will take care of the liability and ongoing maintenance and so forth. You feel from what the conditions say now we are protected as a City, that either it will be in the homeowners association to be taken care of or a conservation district needs to be formed or whatever you want to call it.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

I think what I would recommend, if I could refer the Council to page 392 of your staff report. These are the Planning Department's conditions of approval for the project and it references at what time the project would be required to establish that conservancy or other group that were to take responsibility. What we could do is add a sentence to that condition at the end and it says until such transfer the homeowners association shall maintain the natural open space area.

COUNCILMAN RACADIO:

Which number on 392?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Number 20. That would remove that question of is it addressed somewhere else, is it implied, is it in the PD document? It just comes out and says the HOA shall maintain until such time.

COUNCILMAN TIMMER:

And the legal liability?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Yes, we'll work it out.

COUNCILMAN TIMMER:

I think that would be clear then to everyone up front that this needs to happen and put some urgency, I guess, on the circumstances.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Okay.

COUNCILMAN TIMMER:

Hopefully the conservancy district will combine several of them together and we have one thing to do that. I just want to make sure the City is protected I guess.

COUNCILMAN RACADIO:

So what are you going to add then?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

Okay, so it would read as it does currently and then at the end of 20 it would say until such transfer, the homeowners association shall maintain and be legally responsible for, does that work Craig, the natural open space areas.

MAYOR MCCALLON:

Those of us who are using electronics that's different numbering system. Do you know what number that is on the electronics?

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

I don't, sorry.

CITY ATTORNEY STEELE:

Under the existing language, at the time the dedication of development rights is recorded, ownership of the property is not going to transfer. So whatever mechanism is chosen to accomplish this goal of keeping it open space in perpetuity, the City's not going to take ownership of the property. So in terms of liability and only talking about liability for a moment, the City is not going to have any liability for something that happens on this property because the City never intends to take ownership of the property. What the City is going to take or the conservancy is going to take is the right to prevent development on that property. The right to keep it as open space we're not going to actually own itself. So the property owner, the HOA presumably will always retain the liability because they won't be transferring out ownership of the property.

COUNCILMAN RACADIO:

But it's good to have it specifically stated because they will, in the future, say you take it over. We don't want that responsibility.

CITY ATTORNEY STEELE:

Yes, the language that Kim has suggested is great but I just wanted the Council to understand that we're never anticipating or recommending that the City would actually take ownership of the property and then thereby somehow have to worry about liability.

COUNCILMAN TIMMER:

Yes, I just want to protect the City in a sense. I don't want to create this other limbo out there like we have with the Ranch open space now. We can lock something in and maybe something will work out.

CITY ATTORNEY STEELE:

Yeah, no, it's a great question Councilman and a great thought. We just want to make sure everybody is clear that this is not property that the City is ever going to take any kind of ownership interest that would create some kind of liability on the part of the City.

COUNCILMAN TIMMER:

Well we will have some liability because we are advocating certain trails that go through the spot. It's part of our trail system.

CITY ATTORNEY STEELE:

Well again, property can be part of our trail system but not actually owned by the City and that happens all over Southern California where trails are designated but they're owned by somebody other than the public agency.

COUNCILMAN RACADIO:

I think it's so critically important though because future City Council, ten, fifteen years from now, it makes it clear that this is the HOA's responsibility.

MAYOR MCCALLON:

Camille, do you agree with the additional language? Okay, he's nodding his head yes, for the record.

CITY MANAGER HUGHES:

Maybe we could have Kim read that language one more time just to make sure.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:

So, planning condition number 20 on the conditions of approval will read as it currently does, additionally it will say until such transfer the homeowners association shall maintain and be legally responsible for the natural open space areas.

CITY ATTORNEY STEELE:

Actually, if we could just change the word transfer to dedication to match the language in the second line that would be great.

MAYOR MCCALLON:

Are you good with that Camille? He's shaking his head yes for the record. Okay, do you have other questions of the applicant?

COUNCILMAN TIMMER:

Yes. Page 8.5 of your booklet here it shows the trails, and park and recreation and the access point to the trails...

MAYOR MCCALLON:

Camille would you come up to the microphone.

MR. CAMILLE BAHRI:

Is it page 8-5?

COUNCILMAN TIMMER:

8-5, yes.

MR. CAMILLE BAHRI:

Can you repeat the question please?

COUNCILMAN TIMMER:

I haven't finished it yet. It shows lots of access points from the cul-de-sacs and some from the park and those places to that trail and to the maintenance road. The question I have is it's not real clear on the large plot map, it shows best I can tell it, it shows on some of the cul-de-sacs that the trail and the maintenance road actually incur into the cul-de-sac rather than go completely around the cul-de-sac. Is that correct or are we, did the Trails Committee have any concern of basically putting a trail onto a hard street and the back off again to continue the trail. Was there discussion on that or?

MR. CAMILLE BAHRI:

Absolutely. The cul-de-sacs that extend too far into the trail will be shortened so that the trail will be uninterrupted with an eye on access for the Fire Department. So we'll have to consult with them for that and the short cul-de-sacs will be extended further so they come close to the trail to provide access over the trail.

COUNCILMAN TIMMER:

And the conditions reflect that?

MAYOR MCCALLON:

There's a condition of approval that reflects that.

COUNCILMAN TIMMER:

Back to the trail, the very west end of the trail, and the narrative talks about the trail tying in with the existing trail and going further to the west. It also talks about the V ditch, the drainage ditch going down that slope and tying in with the one to the west. It's not really clear that the maintenance road based on the slopes of that, it's pretty steep, I'm assuming that the road is going to terminate there at the property line, somewhere close to that? And Kim pointed out to me earlier today there is a condition that say a turnaround or some kind of access point so people can turn their vehicles like when we have maintenance vehicles in there or fire engines in there. There's a place where they can logically turn around rather than trying to back out the whole way, so I had a question on that and Kim clarified that is currently in the conditions. I wanted to make sure that is in fact true. Jody brought up a point earlier about the access points of the trails and I did talk to Kim on this as well. How are we going to control vehicle traffic just getting off the cul-de-sac and jump going down that? It wouldn't be practical to put gates on every one of these cul-de-sacs, so I would want to reflect somewhere that whenever the design review comes back for that, how are they going to address controlling vehicle traffic, unauthorized vehicle of traffic. Obviously the repair folks and the maintenance folks would still have access to do that, so somewhere we need to reflect that when it comes back for a final review that we address or we going to put signs no vehicles authorized or how are we going to control the vehicle traffic. I see that as being a speedway for the motorcycles and all the kids on their quad runners and create a huge noise issue for code enforcement and other things. So I would re-address that so I just wanted to get that out front. Now based on what you said on the cul-de-sacs being lengthened or shortened those walkers and horses or whatever won't have to come into the street to get back on the trail. They'll stay on the trail continuously.

MR. CAMILLE BAHRI:

Correct, and on a few cul-de-sacs is where the fire department desires to have access for their vehicles on them so not all of them would have to be controlled for vehicular access, only a couple maybe.

COUNCILMAN TIMMER:

Also on the, one of the conditions, I forget which one it is, it talks about getting with Flood Control and getting with the Forest Service on how to design the 1N16 road and how it comes off there. Currently they have a gate off the entrance of that, I'm assuming it doesn't specifically say that in the conditions but I believe the Forest Service would say yeah, absolutely we need a gate to control access onto that road at some point.

MR. CAMILLE BAHRI:

The gate that you're referring to will not touch insert, it will stay there so it will be controlled only for vehicular access that will for the most part remain open until the Forest Service decides it's not safe for the general public to go up there, but the development is not encroaching on the area where that existing gate is.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

Councilman Timmer there is actually a condition that requires the developer to obtain written concurrence from Fire.

COUNCILMAN TIMMER:

From Flood Control and the Forest Service.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

That they agree with the design so there's some control over the design by these agencies.

COUNCILMAN TIMMER:

I just want to make sure we're all hearing because those are key issues I think at some point down the road. So I have one other issue but I'll bring it up when the session closes.

MAYOR MCCALLON:

Penny, you have questions of the applicant?

MAYOR PRO TEM LILBURN:

Not right now.

MAYOR MCCALLON:

Sam, questions of the applicant?

COUNCILMAN RACADIO:

Yes, I do. First of all I like the concept of Las Ramblas, I do, you took that from Barcelona which I happen to know it's actually an Arabic word. Ramblas meaning dry river bed and then they formed that saying.

MR. CAMILLE BAHRI:

We'll get together and you can teach me some Arabic.

COUNCILMAN TIMMER:

After the meeting.

COUNCILMAN RACADIO:

The power lines that run through the southern section of the property. Are those the 64KBW that cannot be, will not be underground ever?

MR. CAMILLE BAHRI:

Yes.

COUNCILMAN RACADIO:

Okay so that's not, another phase isn't going to take care of that either?

MR. CAMILLE BAHRI:

No.

COUNCILMAN RACADIO:

I was excited about seeing on 3-14, also on John's reference there, that the seven enhanced pedestrian crossings. Are those going to be elevated, kind of traffic control type of crossings along the ramblas?

MR. CAMILLE BAHRI:

3-14 you said?

COUNCILMAN RACADIO:

Yeah, 3-14.

MR. CAMILLE BAHRI:

I'm sorry what are you pointing to?

COUNCILMAN RACADIO:

The enhanced pedestrian crossings.

MR. CAMILLE BAHRI:

That's a French word if you like some French, it's Chicanes which means it's not straight and it meanders. Kind of irregular and that's to distinguish the straight curb to curve in and out four feet into the street on each side taking away from the street eight feet total. It leaves 28 feet travel lane, no parking there and that enhances the pedestrian access from site to site.

COUNCILMAN RACADIO:

Is it also traffic calming?

MR. CAMILLE BAHRI:

Absolutely, there have been a lot of studies that is does calm traffic.

COUNCILMAN RACADIO:

Because that's a long road, I love the road but it's a long road.

MR. CAMILLE BAHRI:

The majority of that road is going to be 36 feet from curb to curb. There is a lot of value in being able to park along that whole stretch so we chock it down at the particular locations. You have the advantage of the roundabout, definitely in front of the park that's reduced down to 28 feet.

COUNCILMAN RACADIO:

I like that roundabout. Question on the CFD, and I'm assuming you don't have all the details on it, but it talks about for development improvements and payment of fees. Have you got an idea of what you're looking at?

MR. CAMILLE BAHRI:

Not yet, we haven't done the math but what they call market neutral will be under 1.8. This is our target to stay below that number, percent.

COUNCILMAN RACADIO:

You're going to work with that and then from there figure out what you're going...

MR. CAMILLE BAHRI:

Yes.

COUNCILMAN RACADIO:

Okay. That's it for right now, thanks.

MAYOR MCCALLON:

Jody, questions?

COUNCILWOMAN SCOTT:

I have a couple of questions. Show me on the map where the vacant City land is.

MR. CAMILLE BAHRI:

Jody, what's happening originally the road is Santa Ana Canyon Road starting somewhere from here going in front of that property and curving around sharp curves. Then eventually Greenspot Road came through here at the sharp angle and coming down this way. With time that became a curve instead of sharp angle, became a curve like that. Unfortunately a few people lost their lives, or there were accidents here, and the City gradually smoothed that S curve, this lane coming down, the lane going up so we lost some land here and we lost some land here. So the latest configuration pushes the Greenspot Road alignment to the south which comes from the Arnott property. It leaves a triangle here to be vacated by the City as that Greenspot Road crept south for whatever distance is needed.

COUNCILWOMAN SCOTT:

Okay. My next question is for Ernie. Ernie, as I read 97 and 98 is that for both of them or is it 97 or 98?

COUNCILMAN RACADIO:
What page Jody?

COUNCILWOMAN SCOTT:
430.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:
98 is a related condition that was added after staff knew more.

COUNCILWOMAN SCOTT:
I know that, I know that.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:
So, I have not explained 98 but I don't think this part is controversial but the applicant is not asking...

COUNCILWOMAN SCOTT:
98 was added at the same time, right?

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:
Right.

COUNCILWOMAN SCOTT:
The two ones with the little asterisks those are the ones that were added.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:
97 and 98.

COUNCILWOMAN SCOTT:
Right. Okay, is it an and or an or?

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:
And, both 97 and 98.

COUNCILWOMAN SCOTT:
That's a heck of an expense.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:
If I may explain that a little bit, actually the proposed tentative map prepared by the developer has indicated that they will build a water line to replace the existing water line that feeds, not to exceed the parcel because not to exceed parcel is getting north fork water from where the park on the northeast of the project is getting water from there to their parcel but with the design of this tract, with the layout of the street and the lot, that water line, that existing water line needs to be re-routed and the developer has already planned on doing that.

COUNCILWOMAN SCOTT:

Okay, so as I understand it is that parcel that is not a part of it is higher than the northwest side of the planned tract, right?

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

Yes.

COUNCILWOMAN SCOTT:

Okay. So why don't we just bring in dirt and raise up the northwest side of the tract?

MR. CAMILLE BAHRI:

Can I answer that? Just a whole story there is 39 inch pipeline that is referred to as the north fork ditch just before the historic name. Although it's a pipeline underground that runs across all of this and goes up this way along this alignment. There is a diversion pipe that goes from here and gravity wise feeds a tank that's here. It goes up in the hills but it's still going down gravity wise, okay, if you can imagine. There is a minor drop gravity from here to here, while the main pipeline goes deeper, lower and gradier. That storage tank here also in gravity brings down water to that northern part parcel. So the water is being stored here from the north fork, it's a diversion to the storage there. Then from the storage it comes down in a location that is not known, it's not a plotable easement. What we expect as we do the grading here, we discover where that pipeline is and re-route it where it's known and we give an easement to the gentleman here to come in as the Calvary Chapel had done. Give him a five foot easement here for that pipeline. That's the irrigation line. We are happy to do that and we showed it on the tentative map to come from the tank here coming around in the street and cross here. What changed on us is that if it's in the street, the HOA is obligated to maintain, that's new to me. Why the guy doesn't maintain his own irrigation pipeline, regardless of where it is, we always dump things on the HOA. For me it's easy to say yeah, the HOA because I'm kicking the can down the road but it's not fair that we have the HOA maintain the private line. This is what is new to us on that issue. If it's not in the public right of way, which Ernie suggested, it would be in somebody's front yard or on the side and the gentleman maintains his own pipeline. That's condition number 98. Where I'm concerned about that condition, since I'm on it, it says prior to the first occupancy of phase I. Even if we haven't discovered where that pipeline is, how can we replace it? Our phase I, maybe right here the very first occupancy why should we be searching for this while we are not working here for that pipeline? Upon discovery of the location of that pipeline and disturbing it then we should replace it and that'd be fair. If that condition could be changed, when it's disturbed, interrupted, altered then we should provide at least a temporary connection to the gentleman and then place it according to the City Engineer's standards, whether in the street or a private location. So I'd like that condition of approval, instead of prior to the first occupancy is upon intercepting that line and upon disturbance of that line that it be replaced with a new line and then the remainder would be fine with us.

MAYOR MCCALLON:
Staff, respond to that?

COUNCILWOMAN SCOTT:
Well that sounds reasonable.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:
Well, the northern park parcel is within phase I so there would be grading done throughout the entire area in phase I. Staff is not seeing that there won't be any disturbance, because basically we are approving this tentative map with an existing pipeline that goes through lots of streets at an irregular location. Then the developer has planned on re-routing that water line, it's actually we think quite appropriate to make sure that all of these conflicts are taken care of prior to the first home is occupied.

COUNCILWOMAN SCOTT:
What is the level drop on the not a part to the project?

MR. CAMILLE BAHRI:
From here to here, from here to here?

COUNCILWOMAN SCOTT:
Yeah.

MR. CAMILLE BAHRI:
Four to five feet, six feet.

COUNCILWOMAN SCOTT:
Okay, if you're going to have that kind of drop, what's to keep that not a part parcel when we have heavy rains and hail and so forth from eroding? Seems to me he'd want to put up a retainer wall.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:
Well we can only condition this project to do things to alleviate a need...

COUNCILWOMAN SCOTT:
Well I just don't see where, what the project is being conditioned to do where it's going to help.

COUNCILMAN TIMMER:
Well Jody, really what Ernie is saying at some point because the design of the tract they need to relocate that pipe to, certain rights of way or whatever and Ernie says they should have already discovered that location during the rough grading process and so forth. So they could address it prior to first occupancy. Camille is asking to do it later at some trigger point.

MR. CAMILLE BAHRI:

Why burden the occupancy with something like that? If we disturb it we have to by default do it anyway whether by grading or otherwise. You could go there and discover it and relocate it and do all of that. There is an interim process when you're doing the grading, you disturb it, you do an evasion line which is a diversion. This is very strict, had it been a traffic signal where people can get killed at an intersection and you do it before first occupancy I understand perfectly. We owe the gentleman a replacement of that pipeline, why does it have to be tied to the first occupancy, I'm not getting that. That's my two cents and on number 97, if I may on the fifth line.

COUNCILMAN TIMMER:

Can I ask a further question on that? North fork water is sold by shares right? He has so many shares?

MR. CAMILLE BAHRI:

Yes.

COUNCILMAN TIMMER:

Wouldn't it be easier just to buy his shares and terminate that pipeline all together.

MR. CAMILLE BAHRI:

He'd like to buy more shares himself. He's been begging the Calvary and he's been begging everybody including the water district. He has no access to other shares but he'd like to preserve it. The gentleman who spoke before about the misuse and abuse of the north fork water, and at some point it's going to happen on its own, we have no interest in fighting the gentleman, this is not what we are here for. I believe there is a typo on the sixth line where it states alternatively the private drain, that's in item number 97. Although we disagree 100 percent with the condition of approval, but I've listened to your city attorney and I respect what he mentioned in terms of drainage from that area. My concern, that the gentleman is all over the place stating he wants to have large animals, horses and what have you, what comes with that with flood irrigation is a concern for us. I understand the City's position, but something else should stop that from happening. Yet, on the sixth line where it says the public right of way if a commitment to maintain the private irrigation line, actually it's the private drainage line. I'm not sure if the city attorney would agree with that, but this condition is quite imposing. Especially that the drainage is required to go to the WQMP we're talking about a half a mile at least. It's extremely imposing I think if there are environmental limitations. If there are any other concerns, other agencies, I understand perfectly what you have before you today just a tentative map, the lot, difference in grades and what have you and the advice you got from the city attorney. I'm not disagreeing with it all, but there are other regulations that may regulate the gentleman's ability to flood his property based on environmental or otherwise and if that's stated in the condition of approval that all of these need to be met before we meet that condition of approval it would give us a lite bit better comfort.

COUNCILWOMAN SCOTT:

Why don't you start with planned area number #2 and #3 first instead of planned area number #1 and that'll give you some time.

MR. CAMILLE BAHRI:

Things will go downhill like John said.

COUNCILWOMAN SCOTT:

Just change your planned area numbers.

COUNCILMAN RACADIO:

Jody has been in the development business for a long time.

MR. CAMILLE BAHRI:

Do you have any more questions?

MAYOR MCCALLON:

On 97 are you proposing some alternate language that we might consider or...?

MR. CAMILLE BAHRI:

It's easy for me to spot a typo, but to recite the whole condition, that's why I keep looking to the city attorney to get some help. What I'm articulating, and I would like for him to step in if I'm wrong or anything, he sees for the best interest of the City and the problem is you have a tentative map, two properties next to each other, all you could do is condition the project to take care of drainage coming its way. I understand that perfectly. If that is contingent on other environmental requirements being met, in other words if there are environmental agencies, if there are other entities that say you're not allowed to do that, either control the flooding of water, the waste of water which you do not control, controlling the discharge of manure and pesticide onto somebody else's property, then that would take precedence. And if we cannot do it, we simply cannot do it. So I want it to be contingent on other environmental or other conditions also being met. This gives a check list to your staff to make sure I did this, and they might not be sensitive if it does not include that language. They might be sensitive to other environmental or other issues that prevent us from implementing that condition of approval. I'm very concerned about that. I've talked to several people and the response has been its ridiculous. This is insane, four, five people insane flooding the property. The language you heard from the water district today was very mild about flooding properties and wasting of water. When it comes to me being in the trenching and planning that condition of approval, I'm going to have a hard time implementing that condition and at the same time making sure that our residents are not impacted from an environmental perspective. And how I can burden them with something like that? I don't know how I can burden the project

financially and the homeowners' association to clean up the water that's leaving the limits of that property with all the potential contamination that is coming with this, and we were blindsided just minutes before the Planning Commission before we were given this. I have to give credit to Ernie Wong because he tried to react to it okay, but I don't think it's fair by any means. Notwithstanding, one more time what your City Attorney told you. I have a concern about that condition of approval.

MAYOR MCCALLON:
Comments from staff?

COUNCILWOMAN SCOTT:
I'm looking at Craig.

CITY ATTORNEY STEELE:
I think the question in my mind Mayor, is whether the objection is based on the need to dispose of the water at all. In other words, there shouldn't be a condition, or whether the objection is based on the inability to comply potentially with regulations that other agencies might impose. Seems to me those are two different issues, and if we can clarify that question maybe we can come up with some other suggestions.

MR. CAMILLE BAHRI:
You're asking me to clarify the differences?

CITY ATTORNEY STEELE:
Clarify the objection. I mean if you disagree that, I'm sorry Mayor is it okay?

MAYOR MCCALLON:
Go ahead, sure.

CITY ATTORNEY STEELE:
If you disagree that you should be conditioned at all to deal with water coming off an adjacent property, that's one problem to solve. I'm not sure we can solve that one; we may just have a disagreement. If the concern is I'll deal with water coming off the adjacent property, but not if an environmental agency tells me I can't.

MR. CAMILLE BAHRI:
Right, the latter one and I'll leave it at that. If it's in the view of the City Council to keep that condition of approval I'm ready to move forward.

CITY ATTORNEY STEELE:

Well if that's the objection Mayor, then I would suggest that the condition, and I'll come up with language in a minute, the condition authorized the director to make reasonable adjustments in the condition if required by the regulation of another public agency. So if the Regional Water Board or somebody says look you can't do it this way, just authorize the director to deal with this condition that way, we don't have to come back and have another public hearing or something like that.

MAYOR MCCALLON:

So that'll be good. He'll come up with some words. Okay, Jody more questions of the applicant?

COUNCILWOMAN SCOTT:

No, you want to take a break so he can come up with the words.

MAYOR MCCALLON:

Sam?

COUNCILMAN RACADIO:

Is the, are the school districts set that the elementary school will be Mentone, Beattie the middle school and the Redlands, or is that what you assume it's going to be?

MR. CAMILLE BAHRI:

No, no we didn't assume. We got it off their website and we called them and we confirmed as of today that's what it is, and they reserve the right to always change them. That was a change from last year possibly, so they have the right to change it. It depends on the demographics and the growth.

COUNCILMAN RACADIO:

It's your understanding that those fees that you paid in are enough to cover the expenses of this additional . . . ?

MR. CAMILLE BAHRI:

Yes, they just adopted fees maybe two months ago, brand new fees.

MAYOR MCCALLON:

Other questions, John?

COUNCILMAN TIMMER:

I have a question for the applicant. On lot six, which is just on the north side of street D, it's in phase I. The reason I asked the question is the cul-de-sac on the plot plan shows again the trail and the maintenance road comes into that cul-de-sac. My question really is, if the cul-de-sac is dropped back to allow that to occur or if the trail incurs further into lot six, is that lot six still developable with that? Because the property behind, the reason I ask again is the V ditch shows going on the north side of that lot and the trail and the maintenance road goes on the south side of the lot, that's the only place on this project where the two diverge

from each other. They're not side by side and I know why you did it because the slopes are too steep there to do that. How much redesign, I guess, by you agreeing to move that cul-de-sac down or up or whatever to meet that other requirement we talked about; is that going to take a lot of redesign on those lots around there?

MR. CAMILLE BAHRI:

The answer is no because we can't do a redesign. The north fork alignment is right here that's why this is open. This is the north fork alignment okay, so we cannot encroach with that lot on the north fork. So we're dictated by that alignment, John, by these two lots, these two lots and these two lots. This lot is actually very generous in space and that trail, we solved it at the Trails Committee where it's going to go around the cul-de-sac in the front minimum six feet with a fence behind it and the sidewalk right next to it. So that trail will be continuous around the sidewalk, around the cul-de-sac.

COUNCILMAN TIMMER:

You'll have to go with the upper end of that cul-de-sac down, so that the trail is not in the street itself.

MR. CAMILLE BAHRI:

The trail is outside the street, outside the right of way yes.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

I would like to provide some additional information, because there is going to be a drainage ditch that follows the footprint of the toe of the slope against the mountain. That V ditch will need to have a maintenance road that goes along with it. In other words, the trail from a maintenance road standpoint will need to be, actually has been conditioned to go along the alignment of the V ditch which is basically along the north line of this lot six. So currently the tentative map does not show the maintenance road along the north side of lot six, but it has been conditioned to provide that access road. That access road will serve as the trail. In other words the trail doesn't need to go to the cul-de-sac.

COUNCILMAN TIMMER:

So what you're saying, Ernie, is eventually the trail and the maintenance road is not going to be on the north side of six even though that's really steep there?

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

Right.

COUNCILMAN TIMMER:

I mean that's the better design for maintenance access and for fire protection.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

I mean, we just deal with that because we have a V ditch there. We just need to get close to it to do maintenance, so were going to have to deal with the grade in the design.

COUNCILMAN TIMMER:

So when the final tract map comes in it will show the trail and the maintenance road on the north side of six?

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

Yes.

COUNCILMAN TIMMER:

And they're required to do that?

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

Yes.

COUNCILMAN TIMMER:

Well that solves my problem then.

MR. CAMILLE BAHRI:

I didn't know that. This creates a problem for me. You know this is only a couple of hundred feet if any, and to have a maintenance road right next to it there are so many V ditches that do not have vehicular access to it. You could access it by crew from here and by crew from here. All of these are surrounded by just a fence, a 20 foot wide road and is very steep. I wish Ernie would build one of those one of these days then he'll understand the challenge. This is new to me now. I didn't know that, but we have miles of that stuff with a maintenance road right next to it. If we were missing 150 feet here, I don't know how, this is the end of the world. If I was able to do the trail and the maintenance road along here I would have done it; physically it's impossible. I cannot move that lot down because the north fork line is right here, but I don't want to make an argument.

COUNCILMAN TIMMER:

Well right now it shows the trail and the maintenance road encroaching into that cul-de-sac.

MR. CAMILLE BAHRI:

Right. It'd be an easement around the cul-de-sac behind the sidewalk six feet wide for the continuous of the trail.

COUNCILMAN TIMMER:

And 14 feet for the maintenance road.

MR. CAMILLE BAHRI:

No, because you're not getting a maintenance road. We're here; you're not getting a maintenance road here. The maintenance road is here, along the edge.

COUNCILMAN TIMMER:

When you do east of the cul-de-sac, you can do west of the cul-de-sac right?

MR. CAMILLE BAHRI:

Right, right. You're right, that continues the same width, yes.

COUNCILMAN TIMMER:

And that won't be in the street, it'll be set back right?

MR. CAMILLE BAHRI:

Right, that'll be set back.

COUNCILMAN RACADIO:

So if you run that road on the north side there.

MR. CAMILLE BAHRI:

There's a very steep hill, Sam, here, very steep.

COUNCILMAN RACADIO:

You'd have to do a retaining wall or something?

MR. CAMILLE BAHRI:

Much more than retaining walls. If you need 20 feet wide then you need a 15 foot high wall.

MAYOR MCCALLON:

I'm sure our Planning Commission and Design Review will look at those areas.

MR. CAMILLE BAHRI:

And they have.

MAYOR MCCALLON:

I'm not sure we can redesign the project here. Other questions of the applicant?

COUNCILMAN TIMMER:

Larry, I'm not really trying to redesign this. I just want to make sure the trail is separate from the hard surface of the roads, the transportation roads.

MAYOR MCCALLON:

I understand that and I think the applicant understands that too.

COUNCILWOMAN SCOTT:

I have one more question for staff. The one that's not a part and there is a building or something right on the property line, is that a building? On this map back here too.

MAYOR MCCALLON:

There's a proposed lot line adjustment there.

MR. CAMILLE BAHRI:

Do you mind repeating the question.

COUNCILWOMAN SCOTT:

Okay, I'm looking at the big map and the big map shows some buildings and things on the not a part. It looks like there's a building right there, right smack dab on the line. Now I see where there is a lot line adjustment but is that out of the goodness of your heart or zone change or what?

MR. CAMILLE BAHRI:

That's the way you put it. It's a gesture from our part to the property owner instead of the family making a complaint about the barn, who knows whether it's permitted or not, being built on the property line. We wanted to extend a gesture.

COUNCILWOMAN SCOTT:

This is a barn?

MR. CAMILLE BAHRI:

Right. That's what he refers to it, a structure, it's not a house it's, we couldn't find records for it. We said you know what, we'll work with you very similar to one of the exhibits I showed you here Jody. It's right on the property line and we're willing to work with the gentleman to do a lot line adjustment, not only here but in several locations.

COUNCILWOMAN SCOTT:

So you're going to give them five feet.

MR. CAMILLE BAHRI:

Give them even more. The exhibit I showed you would be more but they didn't come to the table. They decided to challenge us instead.

COUNCILWOMAN SCOTT:

Okay, thank you.

MAYOR MCCALLON:

Any other questions of the applicant? If not I'll close the public hearing and bring it back to the Council for discussion and action.

COUNCILMAN RACADIO:

I'd like to just comment that I'm impressed with the thoroughness that the staff has put into this analysis and looking at so many different issues. I just want to tell them thank you. They did a fantastic job.

MAYOR MCCALLON:

And there is a lot of material here, and I know for myself I read it all. Some of it's very dry and boring, but I can say I have looked at it and you've done a fantastic job and I'd like to compliment the developer for his project and for working so well with staff. To the staff and Planning Commission, good work on this item.

CITY MANAGER HUGHES:

Mr. Mayor, maybe before you actually close the public hearing the City Attorney does have some proposed language.

MAYOR MCCALLON:

Okay, I'll reopen the public hearing to get the attorney's language and to get the applicant's response.

CITY ATTORNEY STEELE:

So Mayor, condition 97 if you look at the last sentence of that condition is referenced to the ability to submit an alternate design if permission from not a part property owner can't be obtained. I would suggest that after the phrase has been made, we insert the following after the comma, or if a regulation or condition imposed by another public agency makes implementation of this condition infeasible, they can submit an alternate design to the City Engineer for review.

MAYOR MCCALLON:

Is that acceptable to the applicant? And he's shaking his head yes for the record.

CITY ATTORNEY STEELE:

So just to clarify there are two circumstances in the condition now where the applicant could submit an alternate design and would go to the City engineer for review. One would be if we can't get permission to do something on the adjacent property, the other would be if another government agency makes this condition infeasible he can submit a different alternative.

COUNCILWOMAN SCOTT:

Will you print those out so we can put them over here?

CITY ATTORNEY STEELE:

They'll be in the final resolution.

MAYOR MCCALLON:

So you understand the condition and it's acceptable to you? He's shaking his head yes.

COUNCILWOMAN SCOTT:

Okay, did you do anything for 98?

CITY ATTORNEY STEELE:

I wasn't asked to do anything for 98.

MAYOR MCCALLON:

Okay, well then I'll close the public hearing again and discussion between Council and action.

COUNCILMAN RACADIO:
You want these individually?

MAYOR MCCALLON:
Yes.

COUNCILMAN TIMMER:
Can I bring up a subject first before we make motions. There is an issue that I think fiscally and Sam brought up a little bit about the community facilities district, talked about funding, infrastructure, and those kinds of things. We have been working with, and we have in the past when a facilities district is formed, we've also required a special service tax for police and fire, for public safety. I would like to see if there is support from Council to do that, and we all know what the fiscal issues are facing the City. I know the Harmony project has agreed to do those kinds of things, and I know we've done other projects in the past that have done that, so I would think we would want to do this as well on this particular project.

COUNCILMAN RACADIO:
I agree. It's a good point John. Ultimately the CFD would have to come back to us anyway, so I think the direction would be that we want that included in, and he's looking at 1.8% formula and calculate that in.

MAYOR MCCALLON:
Is the Council in concurrence with that?

COUNCILMAN RACADIO:
I am.

MAYOR MCCALLON:
Any objection to that?

CITY MANAGER HUGHES:
Actually we would propose a tweak to a condition to include that.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR STATER:
I would recommend a new planning condition. It would be planning condition number 44. It would read prior to the issuance of a grading permit the applicant shall form with the City of Highland a Community Facilities District for Police and Fire Services. The initial annual cost and annual percentage of increase shall be established by the City of Highland's Finance Department.

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:
Mayor, staff just noticed since you're talking about CFD, we just noticed that there is a term that was used in the engineering condition that shouldn't be used like this and I'd like to take this opportunity to correct that.

COUNCILMAN RACADIO:

Which page is it?

PUBLIC WORKS DIRECTOR/CITY ENGINEER WONG:

That's page 429, the last condition 91, the last three lines say but maybe potentially maintained by the City via maintenance CFD. That maintenance CFD was inadvertently carried over from another set of conditions. It should say via a Landscape Maintenance District instead of Maintenance CFD.

MAYOR MCCALLON:

Any other comments, discussions?

COUNCILMAN TIMMER:

Kim specifically talked about this being a PD, however, the staff report and the book, as I refer to it, talks about a specific plan and I want to make sure it's clear we're adopting action on a PD, not on a specific plan. So if someone reads this stuff years from now they won't say where's the specific plan, that's not the intent. Just want to make sure that's clear.

MAYOR PRO TEM LILBURN:

I don't have any questions. I just wanted to make a few comments because we've been working on this project for years and Camille, as well as our staff, he's been a part of, I find somebody who sent us a long opposition letter this morning and they moved into the City of Highland. I'm not sure he's aware you helped form this City that he moved to and admire so much. I appreciate you working with us and the Chamber because what we're not, people don't understand is that we are losing commercial because we don't have the rooftops and we have to have quality rooftops in order for you know our developers to bring in commercial. So we're trying to be smart. I think Camille is probably one of our smartest and most knowledgeable and caring developers we have. I wanted to thank the staff for working with them and making this, but this has been a long process. This isn't something that's overnight and I'm really looking forward to the project. Hopefully one of these days I can afford to move out there.

COUNCILMAN RACADIO:

I'll make a motion that we adopt Resolution No.2016-010 approving a mitigated negative declaration and mitigation monitoring reporting program for the Mediterra Planned Development.

COUNCILWOMAN SCOTT:

Second.

CITY ATTORNEY STEELE:

Can we just suggest, just for the sake of the record, that you note that the public hearing has been closed for the second time.

MAYOR MCCALLON:

Yes, I did. I did.

CITY ATTORNEY STEELE:
We're disagreeing over here.

MAYOR MCCALLON:
I'll close it again for the third time.

COUNCILMAN RACADIO:
I'll make that motion after it was closed for the second time.

COUNCILWOMAN SCOTT:
And I'll second after the gavel got pounded again.

MAYOR MCCALLON:
All right we have a motion and a second on the mitigated negative declaration.
All those in favor?

COUNCILMEMBERS:
Aye (in unison)

MAYOR MCCALLON:
Any opposed? Seeing none, it's unanimous. Someone want to make a motion
on the general plan amendment?

1. **A MOTION** was made by Councilman Racadio, seconded by Councilwoman Scott, to Adopt Resolution 2016-010 Approving a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Mediterra Planned Development (ENV 15-006). Motion carried, 5-0.

RESOLUTION NO. 2016-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING A MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM FOR THE MEDITERRA PLANNED DEVELOPMENT PROJECT LOCATED ON APPROXIMATELY 178 ACRES NORTH OF GREENSPOT ROAD AND EAST OF SANTA PAULA STREET (APN NOS. 0297-021-18, 0297-015-16, 0297-061-04, 0297-061-05, 0297-061-06, 0297-061-07, 0297-061-09, 0297-061-13, 0297-061-20, 0297-061-25, 0297-061-26, AND 0297-061-29, 297-201-05).

APPLICANT: SUNLAND COMMUNITIES, LLC

COUNCILWOMAN SCOTT:
I'll make a motion, number two, to adopt Resolution 2016-011, approving the general plan amendment, changing the land use designation of the site from Ag-equestrian to planned development.

COUNCILMAN RACADIO:
Second.

MAYOR MCCALLON:

We have a motion and a second, all in favor?

COUNCILMEMBERS:

Aye (in unison)

MAYOR MCCALLON:

Any opposed? Seeing none, it's unanimous.

2. **A MOTION** was made by Councilwoman Scott, seconded by Councilman Racadio, to Adopt Resolution 2016-011, Approving General Plan Amendment (GPA 15-001), changing the land use designation of the site from Agricultural/ Equestrian (Ag/Eq) to Planned Development (PD). Motion carried, 5-0.

RESOLUTION NO. 2016-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 15-001, CHANGING THE GENERAL PLAN LAND USE DESIGNATION FROM AGRICULTURAL / EQUESTRIAN (AG/EQ) TO PLANNED DEVELOPMENT (PD) FOR THE MEDITERRA PLANNED DEVELOPMENT PROJECT LOCATED ON APPROXIMATELY 178 ACRES NORTH OF GREENSPOT ROAD AND EAST OF SANTA PAULA STREET (APN NOS. 0297-021-18, 0297-015-16, 0297-061-04, 0297-061-05, 0297-061-06, 0297-061-07, 0297-061-09, 0297-061-13, 0297-061-20, 0297-061-25, 0297-061-26, AND 0297-061-29, 297-201-05).
APPLICANT: SUNLAND COMMUNITIES, LLC

COUNCILMAN TIMMER:

I'll move we introduce Ordinance No. 405 to amend the Municipal Code.

MAYOR MCCALLON:

Including the City's official zoning map, changing the zoning of the site from agricultural/equestrian to planned development.

COUNCILWOMAN SCOTT:

Second.

MAYOR MCCALLON:

We have a motion and a second, all in favor?

COUNCILMEMBERS:

Aye (in unison)

MAYOR MCCALLON:

Any opposed? Seeing none, it's unanimous. The next motion needs to reference all of those changes to the conditions that we talked about.

3. **A MOTION** was made by Councilman Timmer, seconded by Councilwoman Scott, to Introduce Ordinance No. 405 to amend the Municipal Code including the City's Official Zoning Map, changing the zoning of the site from Agricultural/Equestrian (A/Eq) to Planned Development "PD 13-001" (ZC 15-002). Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 405:

ORDINANCE NO. 405
AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING
TITLE 16 (LAND USE AND DEVELOPMENT CODE) OF THE HIGHLAND
MUNICIPAL CODE, AND AMENDING THE CITY'S OFFICIAL ZONING MAP,
ALL RELATED TO THE 'MEDITERRA' PLANNED DEVELOPMENT (ZONE
CHANGE ZC 15-002) APPLICANT: SUNLAND COMMUNITIES, LLC

which title was read.

COUNCILMAN RACADIO:
So moved with the changes.

MAYOR MCCALLON:
So we're adopting resolution No. 2016-012 to approve conditional use permit 14-005 for the Mediterra planned development with the changes as discussed at this meeting. Is there a second?

COUNCILMAN TIMMER:
Second.

MAYOR MCCALLON:
All in favor?

COUNCILMEMBERS:
Aye (in unison)

MAYOR MCCALLON:
Any opposed? Seeing none, it's unanimous. We have one last one on the tentative tract map.

4. **A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to Adopt Resolution No. 2016-012 to approve Conditional Use Permit (CUP 14-005) for the Mediterra Planned Development (PUD 13-001). Motion carried, 5-0.

RESOLUTION NO. 2016-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 14-005) THEREBY APPROVING THE MEDITERRA PLANNED DEVELOPMENT (PUD 13-001) TO FACILITATE THE CREATION OF A COHESIVE PLANNED RESIDENTIAL DEVELOPMENT ON APPROXIMATELY 178 ACRES NORTH OF GREENSPOT ROAD AND EAST OF SANTA PAULA STREET (APN NOS. 0297-021-18, 0297-015-16, 0297-061-04, 0297-061-05, 0297-061-06, 0297-061-07, 0297-061-09, 0297-061-13, 0297-061-20, 0297-061-25, 0297-061-26, AND 0297-061-29, 297-201-05).

APPLICANT: SUNLAND COMMUNITIES, LLC

MAYOR PRO TEM LILBURN:

I'll make a motion to adopt resolution no. 2016-013 to approve the tentative map number 18893.

COUNCILWOMAN SCOTT:

Second.

MAYOR MCCALLON:

We have a motion and a second, all in favor?

COUNCILMEMBERS:

Aye (in unison)

MAYOR MCCALLON:

Any opposed? Seeing none, it's unanimous.

5. **A MOTION** was made by Mayor Pro Tem Lilburn, seconded by Councilwoman Scott, to Adopt Resolution No. 2016-013 to approve Tentative Tract Map No. 18893 (TTM 14-002). Motion carried, 5-0.

RESOLUTION NO. 2016-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING TENTATIVE MAP NO. 18893 LOCATED ON APPROXIMATELY 178 ACRES NORTH OF GREENSPOT ROAD AND EAST OF SANTA PAULA STREET (APN NOS. 0297-021-18, 0297-015-16, 0297-061-04, 0297-061-05, 0297-061-06, 0297-061-07, 0297-061-09, 0297-061-13, 0297-061-20, 0297-061-25, 0297-061-26, AND 0297-061-29, 297-201-05).

APPLICANT: SUNLAND COMMUNITIES, LLC

COUNCILMAN TIMMER:

Can I just make another quick comment. I know it probably sounded like I was kind of nit picking on some of the things, but I think I want to publically say this is a good project for the City of Highland. I think years from now when we look back, we'll say yes I am proud I was involved in the approval of that project. So I want to just thank Camille and all staff's work on what we've done.

MAYOR MCCALLON:

And for the cooperative way we've been working together, I think it's important that we work cooperatively with developers and staff.

COUNCILMAN RACADIO:

I think this project will be one that people will really enjoy living at, it's got so many amenities to it, great location, it's going to be beautiful and there's been a lot of work into it. It's great.

CITY ATTORNEY STEELE:

Mayor, just to clarify since you took a number of actions this evening. The ordinance that you introduced just for the public's benefit will come back before the Council for second reading at your next Council meeting, but the other decisions you made this evening are final. With regards to the conditional use permit, the time within which anyone must seek judicial review of that permit would be governed by code of civil procedures section 1094.6. The other decision is governed by California Environmental Quality Act and Subdivision Map Act but your actions this evening on all those decisions other than the ordinance is final.

MAYOR MCCALLON:

Right so the ordinance dealing with the amending the municipal code will come back for second reading at our next meeting.

CITY CLERK HUGHES:

If I could read the title please. Ordinance No. 405 an Ordinance of the City Council of the City of Highland, California, amending Title 16 Land Use and Development Code of the Highland Municipal Code and amending the City's official zoning map all related to the Mediterra Planned Development Zone change ZC 15-002.

11. Update on SANBAG, SCAG, Omnitrans, Work Program and Regional/Legislative Issues/Development Issues/Subcommittees/AB 1234 Updates

Councilman Timmer and Councilwoman Scott attended the Conservation District's meeting on March 1, 2016. Councilman Timmer provided a brief update regarding the meeting.

12. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 8:40 p.m. in memory of Kim Callahan, Keith Gilhaus, Dennis Casey and Nancy Reagan.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor