

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
APRIL 21, 2009**

**1.0 CALL TO ORDER**

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

Present: Commissioners Randall Hamerly, Bob Moore, Michael Willhite,  
Vice Chairman John Gamboa and Chairman Richard Haller

Absent: None

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

The Pledge of Allegiance was led by Chairman Haller.

**2.0 COMMUNITY INPUT**

There was none.

**3.0 CONSENT CALENDAR**

There were no Items.

**4.0 PUBLIC HEARINGS**

Discussion ensued between the Commission and Staff regarding taking Items out of order and for the Commission to consider Item 4.3 first. A question was asked by a Commissioner why Item 4.4 was last and Staff responded to list Item 4.4 third and Item 4.1 be considered last by the Commission. The Commission concurred.

The Commission began with Item 4.3 for consideration.

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4.3 MCA-009-002 - The City of Highland Municipal Code is being amended to require Video Monitoring equipment in all commercial businesses. Municipal Code Amendments will need to be made to Title 16 Land Use and Development. The location is City-wide.

(Note: A Letter from Dr. Pam Miller dated April 19, 2009, and a Letter from Mr. Craig Huff dated April 21, 2009, were distributed to the Commission for consideration.)

Chairman Haller introduced the item and called for Staff's presentation.

Assistant Planner Kelleher gave a summary from the Staff Report and then concluded his presentation and asked if the Commission had any questions.

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

Lt. Michael Lenihan, of the City of Highland Police Department, addressed the Commission and indicated he is supportive of the proposed City Ordinance.

A question was asked by a Commissioner will the Lieutenant explain what is a "Video Monitoring System". Lt. Lenihan responded and indicated how the system would be viewed where money is exchanged and in the parking lot.

A question was asked by a Commissioner about a preference and Lt. Lenihan responded it is now in digital because of the view is clear to see faces.

A comment was made by a Commissioner the size of the Business being large versus small and would benefit the business. Lt. Lenihan responded the criminals don't care.

A question was asked by a Commissioner what is the Police's experience with the digital system. Lt. Lenihan responded for back up on the hard drives and can be down loaded.

A question was asked by a Commissioner what is the cost of the digital equipment and Lt. Lenihan responded he did not know, but could find out.

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A question was asked by a Commissioner if there is a minimum standard and Lt. Lenihan responded he prefers the digital due to the quality.

A question was asked by a Commissioner what type of cameras that CVS (Pharmacy) has and Lt. Lenihan responded he believes CVS has digital and added prints went out for press release of the digital photos.

A question was asked by a Commissioner if the Police discussed type of cameras and flexibility and Lt. Lenihan responded affirmatively and is on a case-by-case basis and can make suggestions.

A question was asked by a Commissioner what other cities are doing this and Lt. Lenihan responded Redlands and San Bernardino are, but not sure if it is an Ordinance.

Mr. Craig Huff, of Immanuel Baptist Church, 28355 Base Line, Highland, California, addressed the Commission. He stated the Church has security cameras and asked why is such an Ordinance was prepared. The existing and potential business requirement can send out a wrong image, it would have a detrimental effect and discourage new business. He requested the City do not impose mandatory, and should help business and recommended to the Commission the following: 1) Provide recommendation to the business / employees to visit; 2) Utilize the Police and Camera Company to provide free consulting service; 3) provide Security Packages the businesses have to choose from; 4) Have Grants researched to help. Mr. Huff indicated that he provided a letter to the Commission and reiterated that this should not be mandated.

A question was asked by a Commissioner if the System saves money or is a monetary compensation. Mr. Huff responded no, but the System did record an accident of a fire hydrant and a car on video, and stated the System is more of a deterrent. Staff added how Staff contacted insurance company and was told (the insured) can get credit.

Ms. Mary Betten, of D&M Transmissions, 27213 East Fifth Street, Highland, California, addressed the Commission. She stated she has had the business since the 1990's and is costly for the business and is not productive during this economy turmoil. It is difficult to lease out current commercial property. To add a requirement of a Video Monitoring System greatly would impact to obtain new businesses. Ms. Betten stated how the Video Cameras located at rear of her property does help deter people from dumping trash.

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Mr. Michael Stoffel, 29649 Water Street, Highland, California, addressed the Commission. He stated he concurs with Mr. Huff and would like an Outreach Program provided. Otherwise, he is opposed to the mandatory requirement. Mr. Stoffel is supportive of law enforcement and added is also supportive of the Law Enforcement Outreach for the Video Monitoring System.

Ms. Lindsay Mingee, of the Highland Area Chamber of Commerce, PO Box 455, Highland, California, addressed the Commission. She stated that she is the Director of the Highland Area Chamber of Commerce and thanked the Commission for the Chamber's participation. A Notice was provided to all Chamber businesses and businesses in Highland and were invited to attend and some have shown up. Ms. Mingee then summarized some of her other comments: 1) commends the City for addressing public safety; 2) is supportive of the Business Community; 3) the proposed Ordinance will impact eighty percent (80%) of the Business Community and Mom and Pop Stores, and; 4) suggested a three to five (3 – 5) year grace period is a good idea and then respectfully requested to provide money relief and explained how another City has \$25,000 in the City of El Cerritos Loan Assistance Program and has four (4) years to pay back; 6) this part will discourage other competitive businesses; 7) excessive of cost benefit – ability to be at an disadvantage; 8) introduce our businesses to make every effort to make clear intent; 9) agrees with collaborative effort to work together, as noted in the Staff Report; 10) Police Workshop to be certified business crime, Seminar Crime parameter...and free of charge to conduct audit. Ms. Mingee further stated respect the priority of the City.

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

Dr. Byron and Ms. Carolyn Moe, representing Dental Arts, 27292 Messina Street, Highland, California, addressed the Commission. Dr. Moe stated he has a Dental Office in the City and had upgraded the Office recently, but some cameras were taken. He stated the has had the Police out twice and the Insurance or separate events is a \$500 deposit, and each camera is \$175 and excludes installation of the equipment. The cameras is the only property and is located on top of the building. The thieves climbed on trash cans to get on roof and removed the cameras. There is no reimbursement from the Insurance at Costco. It had cost \$2,500 for eight (8) cameras. Dr. Moe then asked if the Commission had any questions.

A question was asked by a Commissioner do you recognize its use and if there was any resolution with the Insurance Company. Dr. Moe responded no and went with another Insurance Company.

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The following are comments from the Commission regarding a number of issues were not addressed in the Staff Report: 1) better definition of Camera types and hardware; 2) Prenegotiated packages to ensure best cost; 3) Grants and Loans; 4) What other Cities do for this; 5) Is there a disadvantage with other Cities; 6) Refine the Existing Business List and types of businesses instead of using a "Blanket List". Staff responded the majority of the issues were researched by Staff. Staff added Police make the determination of a Video Monitoring System. The Police review the proposals and recommend Camera placement for the business. And it would be up to the business as to the Company they would want.

A question was asked by a Commissioner about negotiations with a Company for the best cost. A suggestion was made by a Commissioner about using the Police Department's Study and the Highland Area Chamber of Commerce to utilize with the Vendors / Companies.

A question was asked by a Commissioner about the feasibility of Grants / Loans. Staff responded that Staff will work with the City's RDA and then bring to the City Council for consideration.

A comment was made by a Commissioner how the City does well with Grants and that we should be able to get funding for the Video Monitoring. Staff responded how the Grants would be internal with Staff working with the City's RDA. A suggestion was made by a Commissioner for Staff research other Cities for examples. Another suggestion was made by a Commissioner not only see what other Cities are doing, but also what are the disadvantages. Staff responded that most jurisdictions are silent with Video Monitoring and Highland is one of the few to do Video Monitoring.

A question was asked by a Commissioner why blanket and not reformat. Staff responded how Staff is moving forward as this is a City Council Goal and brought it forward to the Planning Commission for discussion. Staff added how "smash and grab" crime is a good example. If a business next door can capture the "smash and grab" crime on Video and the advantage is broad and is for the Police Department to utilize.

A question was asked by a Commissioner how will it be a 'multi-use' and how applied and Staff responded each business would install individually. The Commissioner indicated that would limit a lot of people. Staff added the following

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options for the Commission: 1) agree with the proposed Ordinance; 2) limit to just new Businesses; 3) encouragement as a voluntary option for the business, or; 4) there are no changes at this time and use the current Ordinance that is in effect. The Commission may have other options and Staff would take them forward to City Council and have more time to review more by Staff.

A comment was made by a Commissioner about being unsure of the benefits for the Business and needs to be outlined thoroughly and have success stories. Staff responded how at times wanted photographs, but the photographs are not always clear and that an Outreach Program may be good.

The following are comments made by the Commissioners: 1) don't put money registers near the window / door; 2) the range of cost and benefits if more of an abstract. A question was asked by a Commissioner if there statistics to benefit the charges. Lt. Lenihan responded he would need to check with the Crime Statistics Director for the data and added how CVS Pharmacy is a success story.

The following are additional comments made by the Commissioner: 1) cash intense Businesses are high risk so statistics may serve as data; 2) due to the thieves, and for the Businesses, it makes sense as the current Ordinance needs to be refined; 3) the business being close to the Freeway is an issue to the business if it is robbed; 4) encourage a Vendor Corporation with selected Businesses; 5) Business License will not be issued unless the Video Monitoring System is installed; 6) leave the Ordinance as is, and go with the Outreach Program; 7) does not want to deter businesses; 8) digital Monitoring offset in cost effectiveness, and; 9) the feasibility of a service fee another Video Monitoring System option to consider. A question was asked by a Commissioner if a revised Ordinance should be brought back to the Commission for consideration and Staff responded affirmatively.

Chairman Haller asked if the Commission had any further questions of Staff. Hearing none, he then asked if anyone else would like to speak on the Item. Hearing none, Chairman Haller then closed the Public Hearing and opened the floor for further discussion amongst the Commissioners.

The following are comments made by the Commissioners: 1) concerns were raised about the Businesses having to front \$3,000 for the Video Monitoring System in order to open their business; 2) the City Council has mentioned this for years; 3) look at the list to determine Businesses that have perpetuity of crime and will work with the Police; 3) save money and the \$3,000 would be a shock;

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telling new Businesses of this requirement; 4) have the City, Chamber of Commerce and Police Department do an Outreach Program; 5) there should be an accuracy of scale in a shopping center and be an advantage to attract new Businesses, and; 6) would deter graffiti. There is a third option is to have the Ordinance be brought back for the Commission's consideration and have an Outreach Program.

**A Motion** was made by Commissioner Hamerly and seconded by Vice Chairman Gamboa to continue this Item to June 2, 2009, and have Staff redraft the Ordinance.

Motion passed unanimously on a 5 – 0 vote.

The Commission proceeded with Item 4.2.

- 4.2 Amendments to portions of the City's General Plan Public Health and Safety Element (Chapter 6) and Airport Element (Chapter 11) (GPA 007-003); and Amendments to the City's Land Use and Development Code amending the City's Official Zoning Map to incorporate "Airport Overlay Zones", and amending Section 16.40.410, Airport Safety Regulations (MCA 007-003) all in accordance with the San Bernardino International Airport Interagency Cooperative Agreement, approved on August 22, 2007. The location is City-wide.

Chairman Haller introduced the item and called for Staff's presentation.

City Planner Mainez gave the presentation from the Staff Report which included but not limited to notes to the Amendment to the City's General Plan Chapters 6 and 7, Title 16 Amendments, create an Airport Overlay Zone to identify Safety Zones and impacts on Noise, protect the residents, there are six (6) Airport Zones of which four (4) are in Highland, the mandate different Land Uses within the Zones, and the Findings need to be made on Airport compatibility and that all uses must be in compliance with the FAA Part 77 Regulations.

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

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A question was asked by a Commissioner on the Overlays D and E in that does Staff confirm compliance within the Zoning Districts and Staff responded how Staff has confirmed the Zoning is okay.

A comment was made by a Commissioner noticing only on Zone E on Page 47 of the Staff Report and discussion ensued between the Commission and Staff regarding Category E. Staff indicated there is no reason to regulate Open Space and Agricultural Land Uses in the Airport Overlay Plan and it was not the intent of the City to do so.

Chairman Haller asked if the Commission had any further questions of Staff.

A question was asked by a Commissioner regarding some of the Safety Regulations for Open Space and other Zones and wanted to know if in the Matrix there are areas of non-impact and that it be modified and add a category, "No requirement" or something like that. The Agricultural Uses have a potential to attract wildlife. Not land uses in B1 and C and how to you put Safety restrictions on crops. Is there another category for things like mining area where there is no conflict. Staff responded and noted this Table was prepared by a Consultant. Staff responded maximize the local flexibility for the City and not over regulate with this Plan. The intent of the Table is to comply with State laws and the Land Use Development. Staff further noted the Table is incorporated into the Agreement and Staff is incorporating the Table into the Ordinance.

A comment was made by a Commissioner noted that some of the Uses don't really have risks and Staff responded and noted that strict Findings will need to be made as part of the Ordinance. Scenarios were given both by the Commission and Staff and review on a case-by-case basis.

A question was asked by a Commissioner if we are setting ourselves up for issues where it is not recommended for certain Land Uses. Staff responded this is true for any entitlements. Another question was asked by a Commissioner do we have the teeth in the Ordinance to regulate land use and Staff responded the City Council wanted flexibility in Land Uses and we want to maximize local control and local flexibility for the City.

Discussion ensued between the Commission and Staff regarding the Lyon Homes Project located on Greenspot Road and Boulder Avenue.

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A question was asked by a Commissioner if the Airport is “buckling down” on some requirements and Staff responded the Airport and the City have reached an Agreement to ensure that these Uses were okay. Staff added that it was determined that their concerns would be addressed and in compliance with the Plan.

A question was asked by a Commissioner if Staff confirmed that these Uses are going to work and Staff responded we may have comments. Staff added we will forward this Ordinance to San Bernardino to adopt and incorporate into their Airport Land Use Plan.

Discussion ensued between the Commission and Staff regarding power plants. On Page 46 of the Staff Report there is a Footnote indicating there is no new expansion of power plant and birds are a concern for aviation. Is there anything where there is a potential for landfill to develop birds. Staff responded not anticipating any landfills. Staff added in the past, we have had a request for a power plant. A comment was made by a Commissioner that the Notes State laws for future self-sufficiency for power, water and sewer. Another comment was made by a Commissioner how future power as part of development would be solar cells.

A question was asked by a Commissioner what is a power plant and Staff responded a large facility. On Page 48 of the Staff Report with Table 1 that D and E states coverage of one hundred percent (100%) if it is achievable. Staff responded the maximum of flexibility. A question was asked by a Commissioner why are we noting Floor Area Ratio (FAR), if not permitted on Page 67. Bus, Rail and Taxi is not a permitted Use in B-1 and C and commented it seems to be a perfect fit. Why not permitted in B-1 and C next to the Terminal. Staff then went to the Map to explain to the Commission and afterwards, the Commissioner withdrew his question.

A question was asked by a Commissioner on Page 67 of the Staff Report that Table 2 is part of the Ordinance and we are not limiting Bus, Rail and Taxi. Staff responded that is correct. Another question was asked if this is a different Use and is Bus, Rail and Taxi not defined. Staff responded if its in the Airport, it is regulated by the City of San Bernardino. Staff added the Matrix starts on Page 202 of the Staff Report and Zones in the City are primarily D, E and some C.

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A question was asked by a Commissioner where do the Safety Restrictions come into play with FAR restrictions and occupancy restrictions and commented where there are no Safety Restrictions, then they are applicable to the Building Code and Staff concurred. The Commissioner stated these areas are subject to the Building Code if in the City of Highland and Staff responded only where areas are in Highland, and the Airport is solely in San Bernardino and the Airport is governed by different rules.

Discussion ensued between the Commission and Staff regarding parcels split between the engineered true lines and looked / viewed as worst case scenario and is based on flight patterns. The noise pattern is different and will need to be determined and Staff stated the 65 CNEL is within the Airport limits. A question was asked by a Commissioner why there are more Land Use restrictions with commercial versus military. Staff responded this was discussed early on in 2006, when negotiations started with the SBIA. The military had different rules due to security and different standards. A comment was made by a Commissioner so because the Air Base was unregulated, we didn't have a Regulation. Staff responded that an Air Force Installation Compatible Land Use Plan was generated by Norton Air Force Base at the time the Base installation was around. The Air Force would approach the Cities and there was no consideration of the City, at that time. With a public Airport, we have more benefits / impacts. A question was asked by a Commissioner why so restrictive and Staff responded it has to be more restrictive.

Further discussion ensued between the Commission and Staff regarding Areas A, B and E.

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

A comment was made by a Commissioner there is no "additional housekeeping" or anything added to address and Staff responded there is no housing cleaning and will attempt to prepare the Minutes for City Council. Staff added when the Commission takes action on the Motion, Nos. 3 and 4 have to be swapped, however, the Staff Report format is correct.

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**A Motion** was made by Vice Chairman Gamboa and seconded by Commissioner Willhite to approve Resolution No. 09-008 recommending the City Council approve the following:

1. Determine that an Addendum to the General Plan Program Environmental Impact Report adopted by the City Council on March 14, 2006, is the appropriate environmental document for the proposed General Plan and Land Use and Development Code Amendments, and direct the City Clerk to file a Notice of Determination with the County Clerk of the Board;
2. Approve a Resolution adopting the General Plan Amendments to portions of the Public Health and Safety Element (Chapter 6) and Airport Element (Chapter 11), and;
3. Introduce an Ordinance to Amend portions of the Land Use and Development Code Section 16.40.410, Airport Safety Regulations, and;
4. Introduce an Ordinance to amend the City's Official Zoning Map to incorporate Airport Overlay Zones.

Motion unanimously passed on a 5 – 0 vote.

The Commission proceeded with Item 4.4.

- 4.4 MCA-009-001 - The City of Highland Municipal Code is being amended to give the Purpose and Duties of the City of Highland Design Review Board to the City of Highland Planning Commission, dissolve the Design Review Board, and increase the Membership of the Planning Commission from five (5) Members to seven (7) Members. Municipal Code Amendments will need to be made to Title 2 Administration and Personnel, Title 5 Business Licenses and Regulations, and Title 16 Land Use and Development. The location is City-Wide

Chairman Haller introduced the item and called for Staff's presentation.

Assistant Planner Kelleher gave the presentation from the Staff Report. He explained there are five (5) active seats on the Commission and three (3) seats (two [2] Commission and one [1] DRB) that will be going to City Council on May 12, 2009, and the Members are appointed by the City Council through Application.

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Chairman Haller then summarized Staff's overview and Staff added there are only two (2) positions that will be appointed by the City Council. Currently, there are eight (8) Memberships and to go to seven (7) Memberships and the City Council would have to select down and the City Council will have an opportunity to select any two (2) Members.

A question was asked by a Commissioner if Staff is unsure of City Council's action and Staff responded that is correct and Staff does not know what City Council will do. Staff added there is potential of drawing of straws will be used to determine the terms. A question was asked about the risk of turn over though Staff will forward to City Council the Commission's recommendation.

The following are comments made by the Commissioners: 1) it would be different background if the Commission does not know how City Council will select the two (2) Members; 2) the Commission can give a recommendation to the City Council; 3) overview of the selection process. Procedurally, there can be an Appeal with the Commission and Design Review and can send back for objective items.

The following are additional comments made by the Commissioners: 1) the Commission could deny and Appeal to the City Council without coming back and does that limit the Design Review Board and City Council; 2) the Commission / Design Review Board could collectively review projects better than a City Council; 3) the DRB knows they have an approved project and they are just modifying colors, trees, etc. Staff stated there would be one (1) action and maintain full control of the Application and can direct to come back with a design that is satisfactory. Another Commissioner said that would be appealable once the project is denied. Staff responded affirmatively and that threat would never go away and is uncommon. A Commissioner said Staff has been at an impasse with the Applicant and bring to DRB and that DRB is critical and Staff responded not often. Staff added that in one (1) case, this did happen with a Tract Map where the City Council had the project return to PC. A comment was made by a Commissioner stating he would like to see staggered (terms) for continuity.

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

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**A Motion** was made by Commissioner Hamerly to approve Resolution No. 09-007 recommending the City Council approve the following:

1. Adopt a Notice of Exemption and Instruct the City Clerk to file a Notice of Exemption with the County Clerk of the Board, and;
2. Amend various Sections of Title 2, Administration Title 5 Business Licenses and Regulations, and Title 16.

The following are comments made by the Commissioners: 1) Volunteering is consuming and would add more time if the Commissioner volunteers because it increases the work load; 2) hard time not knowing how City Council will address the seventh Member. Staff responded that will clarify that in the Staff Report. A comment was made by a Commissioner from a design standpoint, there will be a tight fit around that table.

Seconded by Commissioner Moore.

Motion carried on a 4 – 1 vote with Vice Chairman Gamboa dissenting.

Chairman Haller then directed Staff to forward the Commission's comments to the City Council.

The Commission recessed at 8:10 p.m. and reconvened at 8:15 p.m. will all Commissioners present.

The Commission proceeded with Item 4.1.

4.1 1. CUP007-004: Conditional Use Permits for Robertson's Ready Mix, Ltd.:

and

2. CUP007-005: Conditional Use Permit for CEMEX Construction Materials, L.P., both requesting Surface Mining Activities to continue in existing Mining Areas and expand into adjacent undisturbed areas as part of the overall Upper Santa Ana River Wash Land Management and Habitat Conservation Plan (Wash Plan). The Project is generally located south of Plunge Creek, east of Alabama

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Street, and bisected by Orange Street and SR-210 within the Upper Santa Ana River Wash Basin (mostly within the Cities of Highland and Redlands, but also partially within the County of San Bernardino jurisdiction).  
REPRESENTATIVES: Martin R. Derus, Vice President, Lilburn Corporation;  
Christine Goeyvaerts, Robertson's Ready Mix, Ltd., and; Christine Jones,  
CEMEX Construction Materials, L.P.

Chairman Haller introduced the item and called for Staff's presentation.

City Planner Mainez gave a presentation from the Staff Report which included, but not limited to notes on the Mining Operation and each location and depth of the Mining Pits and the Permits expire in 2065. He explained the current Lead Agency issue when two (2) separate jurisdictions have a Mine operating in them and Redlands is the Lead Agency, in this case. Should there be a periodic Review, the Code allows for the Commission to request the Review. The Agency must review each year the Reclamation Plan and other SMARA Rules and the CUP Application. City Planner Mainez further explained in July, Highland and Redlands will review all Plans each year and requests comments from the Commission. He further explained the requirement of the removal of items not in use. A COA requires screening of equipment and graffiti complaint based issues. The hours of operation for rock crushing to 5:00 a.m. to 10:00 p.m. and Staff included the Reclamation Plans. With regards to the Trails Master Plan, there is a COA requesting assistance in adopting a Trail Master Plan in the Implementation Plan. In addition, to provide a Fair Share contribution for maintenance and outreach in perpetuity. City Planner Mainez then turned the Staff Presentation over to City Engineer Wong.

City Engineer Wong explained which included, but limited to the Orange Street ROV, review of the traffic impact, proposed pattern, private Haul Road constructed to be utilized to gain access to Fifth Street which would be east on Fifth to south of the Freeway and all other traffic would use Alabama. This limits from the Haul Road to the Freeway. The entrance would be on the north side of Fifth Street for return traffic and needs to show Third Street connection. The proposed arrangement has been reviewed by Caltrans and Caltrans is okay with the Route. The Applicant is required to construct the Third Street connection. The Applicant is also required to improve the Street with three (3) travel lanes from the Project entrance to Third Street. City Engineer Wong further explained that Third Street will be required to be widened, as well. The widening of Fifth Street will be required at the Haul Roads to the Freeway.

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A question was asked by a Commissioner regarding the storm drain. Staff responded at City Creek, this crossing will be designed to be widened by the Agency to four (4) lanes. The Applicant will then be required to take it to six (6) lanes and the storm drain(s) will be required by the Applicant.

A question was asked by a Commissioner about the intersection at Third / Fifth Streets. Staff responded how the truck will go under the Bridge and some road will be located in the Flood Plain.

A question was asked by a Commissioner then what happens at high flow.

Ms. Christine Goeyvaerts, of Robertson's Ready Mix, 990 Chase Street, San Jacinto, California, addressed the Commission. She explained this is considered an Arizona Crossing. It is something that currently exists and only impacts five to six (5 – 6) days a year.

City Engineer Wong continued his Staff Presentation by indicating some of the COAs are required for improvements in Redlands and that Redlands wants to ensure that this does not impact Redlands. With regards to Alabama Street entrances, there are two (2) entrances and the Applicant will be required to have a combined entrance on Alabama Street and be signalized. The intersection be concrete and that the entrance be monitored by a digital camera to see how it is utilized. There are no new peak hour trucks assumed in the Traffic Study and the camera will ensure this does not occur. Alabama Street would be widened from the entrance to the edge of the Mining Operation. It is customary that along the Project's frontage that street improvements be completed. A requirement for a transition be required per Highway Design Models. If widening (the Street), widening of the Bridge will also be required. The intersection at the Project entrance and Orange Street be reconstructed with concrete and relocate the pole. There would also be a right turn pocket to enter into the Project at the intersection on Orange and Alabama. There will also be requirements for Fair Share payments which includes Fifth Street / Palm Avenue intersection, off-ramps at Fifth Street. In addition, payments of truck impacts on the Streets due to additional maintenance. All construction work must be bonded. Traffic will be monitored at the entrance of the Mine Road onto Fifth. City Engineer Wong explained violations for disobeying the rules is a fine of \$500.

A question was asked by a Commissioner regarding the Interchange improvement(s).

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Discussion ensued between the Commission and Staff regarding the Interchange improvements, how the City will hire a Contractor to building the improvements, if the Applicant wants to build per the COAs beyond the property then DIF Credits would be granted and if the Applicant does additional work, they get a reduction in DIF, and widening under the Freeway is a fee. A question was asked by a Commissioner why a right on Alabama and Staff responded there is going to be more traffic in the future and the Applicants will use Alabama for local delivery.

Staff then distributed Revised Engineering COAs "Attachment B" to the Commission.

Ms. Christine Goeyvaerts, Robertson's Ready Mix, Ltd. and Ms. Christine Jones, CEMEX Construction Materials, 536 Via Vista Drive, Redlands, California, addressed the Commission. They stated how the EIR process took twelve (12) years, added an additional interior Haul Road, added an acceleration and deceleration lanes for the Freeway, the Haul Roads was accepted by all, are providing Trails, Biology Mitigation, Mining consolidation, Flood Control and they do not feel there is a nexus for future offsite improvements and are struggling with the recession.

A comment was made by a Commissioner how the Applicants have concerns with each of the COAs being presented now and was concerned with the Project and going through now.

Mr. Martin Derus, of Lilburn Corporation, 1905 Business Center Drive, San Bernardino, California, addressed the Commission. He stated there are forty-seven (47) Engineering COAs and agrees with most of them. Mr. Derus indicated with regards to Engineering COA 1 – widening the east side of Alabama requested to pay Fair Share instead. With regards to Engineering COA 2 - Alabama Street entrance, would like to be ensured that it would occur after the Bridge is finished.

A comment was made by a Commissioner if considering Engineering COA No. 2, would that not change to Agree. The Applicant agreed to Engineering COA Nos. 2, 3, and 4. With COA 4 is agreeing to install Alabama light once warranted. With regards to the Monitoring System, is unsure of how it's going to work and they recommend to use weight slips and feel that these will use adequate trips. A question was asked by a Commissioner will this count all and the Applicant responded affirmatively. A comment was made by a Commissioner that he understands the COA is the best guess increase in trips and the Applicant responded total increase is 384 total Robertson's round trips and Cemex with 455 round trips proposed. This would be 128 more for Robertson's and 74 for Cemex and the traffic was looked at peak hours. At peak hours at Robertson's

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and Cemex exit on Alabama on three (3) extra (lanes). Staff added on Page 5 with Engineering COA No. 43 control distribution to ensure no additional peak hour truck trips are created.

Discussion ensued between the Commission, Mr. Derus and Staff regarding the truck trips and if there would be a fine if the Applicants exceeded the number, the feasibility of working this out, how the information could be altered, the possibility of being redundant, Staff stating this is something that works, how this would be an imposed cost on others. Ms. Goeyvaerts responded why do we have to be redundant. A Commissioner responded that you are asking the City to reduce its Monitoring and is also a timing factor. Ms. Goeyvaerts then explained how this system works and is part of the Company Program to the Commission. The following are comments were made by the Commissioners: 1) if the system was a dedicated system that a person could log in; 2) wants a verifiable system that is independent that the City controls; 3) why are we going to do it now if it is going to be installed; 4) because it's safe operating. The Applicant responded these driveways may need to be put together. A suggestion was made by a Commissioner installing a camera on a pole. Staff responded the Projects' Fair Share now at 2030 or sooner and they are required to pay 100% cost, so do you build now or later. The Applicant responded this is a timing question and Staff responded let's go through this. The Applicant regarding the COAs to widen and extend Fifth Street and Staff responded and explained how the COAs work. The Applicant stated how to pay for two (2) lanes and not four (4) lanes and further explained how it will be completed. Staff responded and explained the proposed improvements. A comment was made by a Commissioner how the Applicant is not required to do the loop and the Applicant responded how the Applicant was okay with the COAs, as originally written and that COA No. 8 proposal to construct behind the curb and gutter and contribute to the Fair Share on that road. Staff requested the Applicant to repeat and the Applicant responded regarding the COA requirements. Staff indicated the proposal will be beyond future street improvements and the Applicant reiterated will pay the Fair Share. A question was asked by a Commissioner if sidewalks are necessary and Staff responded not at this time. The Commissioner then commented it's a wash and Staff responded this a potential. The Applicant responded there are Trails. A suggestion was made by a Commissioner instead of sidewalk, we construct a bike path or something separate from the roadway. Another suggestion was made by a Commissioner about having the Applicant build the street and contribute the Fair Share for the Trails. A question was asked by a Commissioner COA No. 8 was okay, and COA No. 9 the Applicant is saying no to No. 9 due to the fact that they don't have a vehicle on the street. A question was asked by a Commissioner would it help the DIFs and Staff responded it could impact the DIFs. Ms. Jones (of Cemex) stated they feel the excess DIFs and referred back to the Haul Road.

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A question was asked by a Commissioner what is happening to the drainage on Orange Street and Staff responded you will see the City gradually improve. A question was asked by a Commissioner how can the Applicant construct a street without a street and Staff responded require the Applicant to construct frontage similar to all other projects. A suggestion was made by a Commissioner to pull back the transition prior to the Bridge and delete the last sentence in Engineering COA No. 8. Staff responded it is a Class II Bike Lane. The Commissioner said then delete the sidewalk and another Commissioner added it is inconsistent with Greenspot Road. Staff responded there is no current Trails planned for that street Bike Lane. City Engineer Wong said the removal of the sidewalk is okay.

The Applicant asked about Engineering COA No. 10 and for clarification. Staff explained would need a box culvert and delete COA No. 9 and the Applicant responded that is acceptable.

The following are comments made by the Applicant regarding Engineering COAs: 1) COA No. 11, the Applicant would like to coordinate with the City of Redlands and requested to pay a Fair Share contribution; 2) COA Nos. 12 through 17, those were acceptable to the Applicant; 3) COA Nos. 18 and 19, the traffic signal, at times, is warranted; 4) COA No. 24, acquire street Right-of-Way in several locations; 5) at Alabama, need a driveway removed Orange at connection to Fifth, as needed; 6) COA No. 40, Traffic Impact Fees want to look at wider; 7) COA No. 42, the Applicant would prefer COA removed, but consistent with other Camera COA.

Chairman Haller requested a continuance for two (2) weeks and both the Commission and the Applicant were amenable to that. He then asked what direction be given to Staff.

A question was asked by a Commissioner what is being done to the Bridge and Staff responded the proposal is to require the Applicant construct to the ultimate (width). A comment was made by a Commissioner the existing Project takes it to four (4) lane and Staff responded the Applicant is to build a Bridge at City Creek to a fifth lane. The Applicant responded that we are reducing traffic in the lanes.

Discussion ensued between the Commission and Staff regarding the Commission needs to look at their other development, Alabama Street, Orange Street and why the Applicant is taking traffic off of said Streets and does not know what it will cost. Staff stated the widening at four (4) lanes, the Budget is

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\$4 million dollars to completely widen, drainage system, etc. This addition will take an additional \$1 million. A Commissioner indicated we require all projects along their (street) frontage and Ms. Goeyvaerts responded there are no widening roads they are not impacting / using. A question was asked by a Commissioner what about some flexibility and Staff responded we do not require two (2) lanes and a turn lane on Alabama Street.

The following are comments made by the Commissioners: 1) Right-of-Way improvements along the Project's frontage; 2) if they want to do other changes, then it would be okay. A question was asked by a Commissioner if the Applicant installed a signal later and Staff responded the Applicant would still need to do an alternative. A suggestion was made by a Commissioner the Applicant could put the Camera on the phone and another Commissioner said the Applicant could do it and should. Staff responded how Staff is concerned with long vehicles and stopping. A Commissioner stated we need to ensure the Commission considers this.

Concerns were raised by a Commissioner regarding Engineering COA Nos. 1, 4, 8, 11 and 24. Staff responded with regards to the Orange Street entrance, the COA requires entrance be put at final shape and their street length of intersection be fully improved. A question was asked by a Commissioner if the Applicants are using it and Staff responded affirmatively and the Applicants should do / construct the whole thing. The Applicants want to only pay their share for structural impact and only on new traffic and not on existing traffic. This has been discussed by the City Council in the past and at that time, we could not examine the traffic because Highland was not a City when the Project started and the City Council had understanding the Project Owners to install exhibits (off-site improvements). The Applicant stated he agreed with the pavement portion, then explained the Haul Roads and fair share to the Commission and then thanked the Commission for its time.

A question was asked by a Commissioner regarding the Applicant discuss Orange Street and Staff asked Ms. Jones if this is okay and Ms. Jones of Cemex responded affirmatively with the Orange Street intersection. The Applicant added they agree to concrete is okay with reinforced right lane. Ms. Jones added both north entrances widening to accommodate right turn lane. A Commissioner read the COA and Ms. Jones responded that she understood. The Commissioner further explained the addition of a right turn lane is for safety. Ms. Jones responded how she does not understand the safety concern.

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A question was asked by a Commission if there is a need and the following are comments made by the Commissioners: 1) Orange Street is built and this will need to be built by the Applicant and why not do it now; 2) the Applicant would have to build beyond the Right-of-Way and Staff responded affirmatively. Then the Commission stated then it is needed. Staff stated it is due to the speed of vehicles, heavy equipment and concerned with turn pockets. A comment was made by a Commissioner the turn pocket is then for turning safely. Ms. Jones responded that we pull the traffic off of the street and doesn't feel there is a safety issue and reduce the ten percent (10%) of traffic. Staff responded because of local deliveries and Ms. Jones responded this entrance is in Redlands and a Commissioner stated this is on Orange Street. Staff added and recommended that Engineering COA No. 9, be deleted. A question was asked by a Commissioner does Engineering COA No. 11 have to be modified because of the sidewalk issue and what about the handicap ramp and no transition at Orange Street. Staff responded if there is no sidewalk, then there is no handicap ramp. A Commissioner stated we can Condition it, but the Applicant must make it work.

Chairman Haller then asked about other guidance and information needed. Hearing no further questions of Staff or the Applicants, he then opened the Public Hearing and asked if anyone in the audience would like to speak. Hearing none, he then requested for a Motion for continuance. Discussion ensued between the Commission and Staff regarding various dates specific and times.

(Note: Vice Chairman Gamboa left the Chambers at 10:53p.m. and returned at 10:55p.m.)

Further discussion ensued between the Commission and Staff regarding dates.

**A Motion** was made by Vice Chairman Gamboa and seconded by Commissioner Hamerly to continue this Item to June 2, 2009.

Motion unanimously passed on a 5 – 0 vote.

## **5.0 LEGISLATIVE**

There were no Items.

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**6.0 ANNOUNCEMENTS**

Staff explained the Greenspot Village and Marketplace Specific Plan is scheduled for May 21, 2009, at 6:00 p.m. for a Public Hearing for a first Meeting and a second date after the EIR has completed the review period.

**7.0 ADJOURN**

There being no further business, Chairman Haller declared the Meeting adjourned at 10:56 p.m.

Submitted by:

Approved by:

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Linda McKeough, Community  
Development Administrative Assistant III

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Richard Haller, Chairman  
Planning Commission