

**MINUTES
PLANNING COMMISSION REGULAR MEETING
JULY 7, 2009**

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:02 p.m. by Chairman Haller in the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

Absent: None

Staff Present: John Jaquess, Community Development Director
Dennis Barton, Assistant Public Works Director
Lawrence Mainez, City Planner (arrived at 6:05 p.m.)
Kim Stater, Economic Development Specialist
Sean Kelleher, Assistant Planner
Linda McKeough, Administrative Assistant III

The Pledge of Allegiance was led by Chairman Haller.

2.0 REORGANIZATION OF THE PLANNING COMMISSION

2.1 Election of Chairman and Vice Chairman for 2009 - 2010.

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

Commissioner Hamerly nominated and Member Sparks seconded the nomination of Commissioner Haller for Chairman and then a Motion was made by Commissioner Hamerly and seconded by Member Sparks to close the nominations for Chairman.

Motion and nomination for Chairman unanimously passed on a 7 - 0 vote.

Commissioner Haller was elected Chairman of the Commission.

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

Chairman Haller explained the various duties of Chairman since the Commission is now a seven (7) Member Board, and the need of showing impartiality and the Chairman's role of providing / welcoming the Commission's specific comments to the Applicant's and Staff's projects. He then thanked the Commission and Staff.

Chairman Haller opened the nominations for Vice Chairman.

Commissioner Hamerly nominated Commissioner Gamboa for Vice Chairman and Member Sparks seconded the nomination of Commissioner Gamboa for Vice Chairman and then a Motion was made by Commissioner Hamerly and seconded by Member Sparks to close the nominations for Vice Chairman.

Motion unanimously passed on a 7 - 0 vote.

Commissioner Gamboa was elected Vice Chairman of the Commission.

3.0 COMMUNITY INPUT

There was none.

4.0 CONSENT CALENDAR

Chairman Haller explained how the former Design Review Board Members are now Members of the Planning Commission and for the DRB Minutes of June 16, 2009, to be approved, that Chairman Haller would abstain from action taken on said Minutes.

4.1 Minutes from the June 16, 2009, DRB Regular Meeting.

On Page 3, Seventh Paragraph, Ninth and First Sentence was amended to read as follows: "A question was asked by a Board Member regarding the feasibility of adding a Condition of Approval (COA) for railings and a 1:15 slope."

A Motion was made by Vice Chairman Gamboa and seconded by Commissioner Huynh to approve the Minutes of June 16, 2009, as corrected.

Motion carried on a 5 – 0 – 2 vote with the abstentions of Commissioner Willhite and Chairman Haller.

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5.0 PUBLIC HEARINGS

- 5.1 A Design Review Application (DRB 008-006) to upgrade the existing façade of the Highland Plaza Building, and install various parking improvements on-site (a Redevelopment Agency Assisted Project). The Application includes Conceptual Plot Plan and Building Elevations. The Project is located on the north side of Base Line between Reedy Avenue and Cole Avenue. The addresses are 27196 - 27724 Base Line (Assessor Parcel Numbers: 1191-501-35, 79, 80, 81, and 82). Representative: Dr. Charles Sabbah.

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

Assistant Planner Kelleher gave the presentation from the Staff Report which included, but not limited to the following: 1) the proposed Site Plan and Project's location; 2) the existing Building; 3) proposed Conditions of Approval (COAs); 4) allowances for the landscaping, parking, the intensity use of the existing Building; 5) Base Line Beautification Project; 6) screening of the parking lot; 7) proposed Building Elevations; 8) Final Building Elevations are Conditioned to be submitted for the Commission's consideration prior to plan check submittal; 9) the existing signage will be removed as part of the Project. Assistant Planner Kelleher explained the Applicant is not present, but the Applicant's Representative is in the audience and then concluded his presentation.

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

A question was asked by a Commissioner when the Plans are submitted, will the landscaping be part of the Final Plan Submittal. Staff responded the City Planner and City Engineer are currently get to review these Plans, as a Condition of Approval, however, that Condition can be modified for the Commission to have final review. A comment was made by a Commissioner in that the Commissioner would like to make amendments about the landscaping and another Commissioner responded about how about considering amending Planning COA No. 8 regarding the landscaping.

Planning COA No. 8 was revised to the following: "(NS) The Applicant / Developer shall submit a Landscape / Irrigation Plan and Electric Site / Point-to-Point Plan (Photometric Plan) to the City of Highland to be reviewed by the Planning Commission prior to issuance of Building Permits."

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Discussion ensued between the Commission and Staff regarding the three-foot (3') buffer and asked about the landscape planter and curb areas. The Planning Commission noted to Staff that there were no scaleable drawings in the Agenda Packet to calculate from and dissect the Plans adequately. Staff responded there were no Plans submitted by the Applicant and that the City Staff recommended this layout. Staff added the landscaping will be available in the Public Right-of-Way in the City's ownership located on the Property Owner's property. A question was asked by a Commissioner the three feet (3') will be dirt and Staff responded that the City will get as most as they can get to three feet (3') or it may be two feet, nine inches (2'9"). The Commissioner indicated with street trees, you will need root barriers and that the minimum is five feet (5'). Staff responded there will be palm trees and that the Plan will be brought back for the Commission's consideration. A comment was made by a Commissioner with the proposed parking / spaces, that it can be bumped out by fifteen percent (15%) and have angled parking and need a COA for wheel stops approximately two feet (2') back at the final curb and will help keep the landscaping from being damaged. Staff responded the landscaping fingers, will be taken as a design directive from the Commission and will be brought back for the Commission's consideration. Staff suggested that would be Planning COA No. 4 to be amended. Planning COA No. 4 was revised to the following: "Revisions, modifications, or deletions of associated Plans must be submitted to the Planning Division for review and approval. Revisions may require additional review by the Planning Commission if the aesthetic intent is modified."

Discussion ensued between the Commission and Staff regarding Planning COA No. 8 regarding the Landscape / Irrigation Plan, etc. Staff explained the Applicant will be installing new signs with channel letters and the existing signs discarded. Further discussion ensued regarding signs historical content / motif and why a Sign Program is required and the expectancy of the new signs to be Building Mounted Signage. Planning COA No. 8 was revised to the following: "(NS) The Applicant / Developer shall submit a Landscape / Irrigation Plan and Electric Site / Point-to- Point Plan (Photometric Plan) to the City of Highland to be reviewed by the Planning Commission prior to issuance of Building Permits."

Discussion ensued between the Commission and Staff regarding Planning COA 11.b. and the landscaping impact on the front row of parking and the feasibility of shortened parking spaces. Staff responded there is potential and there may be restrictions. Staff added the existing parking is in the Public Right-of-Way and is trying to maximize the parking with two (2) rows and with angling the parking spaces. Plans were discussed and a minor encroachment of two feet (2'), then

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with the landscaping and/or sidewalk. In addition, Planning COA No. 18.a. was discussed and how it was not Planning COA No. 11.b. that doesn't mention that and the Commission asked if Staff could comment. Staff responded the Base Line Beautification Improvement Plans may not be listed as a COA and that it was a comment made in the Staff Report.

A comment was made by a Commissioner regarding Planning COA No. 31 and adding language that the irrigation system will be designed to stay in the confines of the landscape area and the sprinklers are maintained in the landscape area and not overspray.

A comment was made by a Commissioner regarding Planning COA No. 32 regarding shade trees. Staff responded that COA is a Standard COA and could add the verbiage, "if applicable" and approved by the "Planning Commission". Another Commissioner indicated that would also be applicable for Planning COA No. 37.

A comment was made by a Commissioner to modify the Planning COAs and add a COA regarding wheel stops. The tree root barrier can be covered with a three-foot (3') planter. Staff responded the three-foot(3') planter will not be installed by the Property Owner, but by the City and will be in the City's Public Right-of-Way.

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

A question was asked by a Commissioner regarding Planning COA No. 22 about the trash enclosure and where it would be located. Staff responded there has been a number of discussions with inhouse Staff with the Plans and may be toward the rear of the property at the back of the Building. A question was asked by a Commissioner if the rear of the Building is a fire access lane and Staff responded there may be some restrictions from the Fire Department. Staff added that it is an alley and is not currently a fire access lane. Discussion ensued regarding the width of the alley and fire truck access to/on the property. A Commissioner asked again where the trash enclosure was going to be located and Staff explained how the Plans will be brought back to the Commission for further consideration.

Chairman Haller asked if the Commission had any further questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant would like to make a presentation.

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Mr. John Stratton, of Lewis Construction Company, 268 West 58th Street, San Bernardino, California, who is the Applicant's Representative, addressed the Commission. He thanked the Commission for the opportunity.

A question was asked by a Commissioner regarding the Building and in the Staff Report there were Building Elevations proposed and asked all when they will be available. Mr. Stratton responded yes, but with the COAs, he is not looking for additional COAs. A Commissioner stated there are COAs placed on the Conceptual Site Plan. Mr. Stratton responded there are the Architect and Engineer working on the new Drawings and indicated the Applicant will hold the Drawings until the Project is going forward or has Drawings within his budget and is changing the lighting, heights, similar to the CVS Pharmacy design. A comment was made by a Commissioner that the Elevations are not reflective of what is proposed. Mr. Stratton responded that is correct.

A question was asked by a Commissioner to Staff if Staff wants the Commission's comments for review. Staff responded not to refine the comments and provided a brief historical background in that initially, was prepared at Staff level for the design process and could not agree on concept and how the Project should look like and now the Project went up to the full Commission. Staff added the Commission not restrict its thoughts and provide the comments to the Applicant. Staff is using the Commission as an extension of Staff and that Staff is looking for directives.

A comment was made by a Commissioner if the Site Plan has an impact on the concept of landscape massing for the Town Center Policy Area, what about cross lot parking allocation in complexes in prime use, parking on other lots and if the Project is treated as the Town Center Policy Area concept, would there be increased landscaping. Staff responded there are fifty-eight (58) parking spaces that the Applicant indicates is the minimum requirement for his Tenants. Staff indicated how discussion ensued regarding the Base Line Beautification Project and to pursue Projects to blend with it. Regarding the parking lots on Cole / Reedy between each other, this would eliminate the westerly driveway on the Applicants property and access direct from Base Line to this Project would be through Little Cesar's Pizza. The intent is to merge the parking areas together and cross lot parking is more difficult to tackle.

A comment was made by a Commissioner if the number of fifty-eight (58) parking spaces is a requirement from the Municipal Code or to keep the Tenants happy, can be used as a benchmark and does not want to compromise the streetscape

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of the Town Center Policy Area or the Base Line Beautification Project. A question was asked by a Commissioner about a shopping center complex and not need the maximum amount of parking at the same time. The Commissioner then explained Little Ceasar's Pizza parking area and how the Base Line Corridor is important and does not want it to be compromised. Staff responded the Commission can adjust the parking and is in the Municipal Code to allow this and need to be realistic. Other developers have more funds and there are constraints with the width and depth of the lot. This Project is for Building upgrade with aesthetics and have come a long way and is in the Commission's jurisdiction. A Commissioner responded with added square footage between the curb / sidewalk and in front of the Building. With regards to Site circulation, on the south side of the Building making only one (1) direction of travel and then can reduce the width and which also can add an eight-foot (8') width. Staff asked if the Commissioner had a Drawing and the Commissioner responded affirmatively.

Discussion ensued between the Commission, Mr. Stratton and Staff regarding the western most edge of the Building, limiting of two (2) directional travel and head north and go behind the Building. If the required egress in back of the Building, had to have forty-four inches (44") and not encroach in the drive aisle. Mr. Stratton asked about the one (1) access in / out of the Project. He explained the Applicant is having a fit about losing access to the Project and wants the Project to be successful and quickly and would be opposed to that. People would not come if it is difficult to access the Applicant's property. The Commissioner responded not clockwise, if the directional travel is counter clockwise. With Reedy / Little Ceasar's and not view as a workable solution as the Town Center Policy Area concept. Another Commissioner stated how the alley is narrow. If the alley is not required by the Fire Department, fine, then create a trash enclosure and would then need a hammerhead design. Staff responded and indicated to have the existing COAs untouched, it is an existing Building, and not a Fire Department COA with the roadway given with the existing Building is facade oriented. Staff added the City is impacting the Project with the Public Right-of-Way and explained to the Commission what could be done with on-site parking in order to accommodate the parking.

A comment was made by a Commissioner about moving the parking away from the Building. Mr. Stratton responded there is an existing sidewalk and will not encroach on it. A question was asked by a Commissioner about the pilasters on the Exterior Elevations and Mr. Stratton responded they will be incorporated in the space there. The Commission responded the Elevations will then overhang on the walkway.

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A question was asked by a Commissioner regarding the current number of parking stalls and Staff responded how Staff doesn't know the number, but they are striped.

The following are comments made by the Commission: 1) with regards to the one (1) direction for ingress / egress is that it is close to Base Line and would be unable to stack vehicles; 2) if there is a two (2) directional path of travel and close to the southern most access on Reedy, and keep the northern most access, the Applicant would be able to get three parking spaces at the southeast corner on the property and place a wider access onto Reedy; 3) there are Fire Department issues. Discussion ensued between the Commissioners regarding the number of parking areas, and the Fire Department issues.

The following are additional comments made by the Commission: 1) agrees with the Applicant's Representative if it is hard to get in / out of the Project, people won't go there; 2) having two (2) driveways on the east side of the Project is a waste; 3) use one (1) driveway as an entrance and one (1) driveway as an exit; 4) the east / west direction in front of the Building for an alternative configuration, 5) the neighborhood alley and could possibly have a trash enclosure area; 6) parking lot design; 7) the feasibility of having the trash enclosure at the westerly extreme end of the back of the Building.

A question was asked by a Commissioner if the alley is wide enough for two (2) cars to go by each other and Mr. Stratton said no.

Chairman Haller asked if anyone would like to speak on the item. Hearing none, he left the Public Hearing open and continued the discussion amongst the Commissioners.

A comment was made by a Commissioner with the Tenants, there are different times of the day for those Tenant's clients. People will walk up to the Tenants area i.e. the Bar, Laundrymat, etc. and the Commissioner stated he has never seen the parking lot full. Mr. Stratton responded the Applicant is hoping to have a full parking lot and entice many groups and clients to the Project.

Discussion ensued between the Commission, Mr. Stratton and Staff regarding trash enclosure, landscaping, parking lot design and the need of the Applicant to "tweak" the Site Plan for the Planning Commission. Staff responded can work on an alternative Site Plan and return to the Commission with the changes as soon as possible, while working with the Applicant.

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Chairman Haller asked if the Commission had any comments on the architecture.

The following are comments made by the Commission: 1) it is understood there could / can be parking availability at two (2) parking areas at the east / west of the Project; 2) with a new Site design with changes go east bound on Base Line to ensure the roof top equipment is screened and possibly elevate the parapet; 3) there is a mix bag of architecture i.e. CVS Pharmacy has Spanish / Mediterranean Style; 4) Concept "C" is too plain and if design stays, it may not be way out of line; 5) likes the Center Concept "C" Massing; 6) the possibility of placing the Center Concept "C" into Concept "B" would be a good flow to it; 7) continue the architecture on the west side to around the side of the Building. Mr. Stratton responded how the Applicant is trying to save money and the Commissioner responded they are trying to complete the Building on the side.

The Commission's comments continued with the following: 8) likes the idea of the Center Massing with "C" and place on Concept "B", and; 9) the need for hip roofs.

Chairman Haller asked if the Commission had any comments on the Elevations.

The following are comments made by the Commission: 1) putting in context around the Project, but with the Base Line corner, the Applicant is creating a monotonous texture and would like the Applicant to create a variety similar to a Main Street; 2) explore other color pallets for character / richness; 3) the Town Center Policy Area has the Historic architecture and would be appropriate for character / richness; 4) if the Applicant likes the Spanish Style design, then have the Applicant create more diversity; 5) if the Applicant wants different aesthetics components, interject arches, parapets, etc.; 6) with Concept "C", the Tower needs to be believable and four-sided; 7) agrees with the West Facade is very visible, but needs articulation; 8) Craftsman Style works, but the Commissioner does not care for that particular Style, but is an option; 9) the Town Center Policy Area may be Sleek / Modern Style, and if so, need to incorporate awnings, shading devices, etc. 10) sees the Project more of an Historic Style, but the Sleek / Modern Style is also an option; 11) full-size Drawings will be beneficial; 12) need more variety in materials; 13) the Project is visible to the street and neighbors to the north and the Applicant will need roof top parapet, and; 14) with the speed of traffic on Base Line, the Sign Program for the Building signage needs lighting and the signs bracketed and perpendicular which could increase the Project's visibility and is an option. Mr. Stratton responded funding is crucial.

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Chairman Haller asked if the Commission had any further comments on the proposed Project. Hearing none, he summarized how time needs to be given to Staff to work with the Applicant. Staff responded there are issues that need to be addressed and to work with the Applicant. Mr. Stratton added Dr. Sabbah is not willing to move or spend additional money on the Project until the Commission conceptually approves the Project. Chairman Haller explained how the Site Plans needs to be refined and that Staff and the Applicant need to work out the issues together and understands Mr. Stratton's comments. Mr. Stratton then thanked the Commission.

There being no further questions or comments, Chairman Haller called for the question.

A Motion was made by Commissioner Hamerly and seconded by Vice Chairman Gamboa to Continue the Item to a future Meeting.

Motion unanimously passed on a 7 – 0 vote.

Chairman Haller explained and recommended to take the Agenda Items out of order for consideration with the following sequence; Item 5.3, Item 5.4 and then the Commission return to Item 5.2. The Commission concurred due to conflicts of interest for Commissioner Hamerly and Chairman Haller.

(Note: Economic Development Specialist Stater left the Chambers at 7:00 p.m.)

5.3 Determination that the development and construction of the City of Highland's 2009 - 2011 Capital Improvement Projects (CIPs) are consistent with the City's General Plan, or part thereof, in accordance with Government Code Section 65401. The location is City-Wide.

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

Assistant Planner Kelleher gave the presentation from the Staff Report and then concluded his presentation.

(Community Development Director Jaquess left the Chambers at 7:10p.m.)

Chairman Haller asked if the Commission had questions of Staff.

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A question was asked by a Commissioner regarding if the \$137 Million was going to be utilized for infrastructure and Staff responded affirmatively. A comment was made by a Commissioner congratulating both City Council and Staff for the Infrastructure Programs and is exciting to see. This is an aggressive and great CIP Program.

A question was asked by a Commissioner regarding the Museum. Staff responded there was a \$100,000 "seed money" for a Museum to be located on the corner of Main / Pacific, but unfortunately, the funding is expiring for various reasons and some other issues were if the property was for sale, then not for sale. Staff stated this is a great idea for a Museum, but the opportunity is not right, right now.

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

(Community Development Director Jaquess returned at 7:15p.m.)

A question was asked by a Commissioner regarding the funding of Federal Grants and Staff responded it's from the stimulus funding for project inclusive of medians since it was used for the 215 and with looking at other opportunities. Energy Grants enhancements, i.e. the Jerry Lewis Community Center and Staff continuing to explore Grant opportunities. The CIP Program is an aggressive seeking of Grants for the City.

Discussion ensued between the Commission and Staff regarding the City, along with other multiple Agencies the CIP process and the City's share of cost of the various CIP Programs.

Further discussion ensued between the Commission and Staff regarding the various CIP Programs, including, but not limited to the following: 1) Studies and Technology regarding the Victoria Avenue Interchange Project Report; 2) the Utility and Street Overlay and Slurry Seal Projects and how the City has worked with East Valley Water District; 3) how many lineal feet has been constructed / completed and/or site specific repairs; 4) the Street Widening and Sidewalk Projects of new / repair City-wide, Bruce Street / Crest Street and Hillview Street; 5) the Greenspot Road "S" Curve Realignment, and; 6) East Highland Village Improvements on Old Greenspot and Merris for permits (not improving the streets). The Commission congratulated Staff regarding the traffic signal improvements.

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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 Motion was made by Vice Chairman Gamboa and seconded by Commissioner Hamerly to adopt Resolution No. 09-015 determining the development and construction of the Projects identified in the City of Highland's Fiscal Year 2009 - 2011 Capital Improvement Program are consistent with the City's General Plan, or part thereof, in accordance with Government Code Section 65401.

Motion unanimously passed on a 7 – 0 vote.

6.0 LEGISLATIVE

6.1 A Semi-annual Report of the processing of Applications per the City Council's "Come Home to Highland" Program and Policies for the period of January 1, 2009, to June 30, 2009.

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

Assistant Planner Kelleher gave the presentation from the Staff Report. Chairman Haller asked if the Commission had questions of Staff.

A comment was made by a Commissioner in that this Report is a six (6) month Report unlike last years, the quality of the Staff Report and congratulated Staff for the quality of and having high standards of the Staff Report. The Commission then requested Staff to forward the Commission's comments / kudos to Staff.

Chairman Haller asked if the Commission had any further questions of Staff. Hearing none, he asked if anyone would like to speak on the Item. Hearing none, and 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 Willhite and seconded by Commissioner Huynh to Receive and File the Report.

Motion unanimously passed on a 7 – 0 vote.

It was noted the Commission returned to Item 5.2.

Chairman Haller explained due to the conflicts of Commissioner Hamerly and himself based upon being Members of the EHR Homeowners Association, and within of the 500 foot radius of the Project. Commissioner Stoffel asked / commented that he, too, is a Member of the EHR HOA and has a house in the EHR. Chairman Haller responded to Commissioner Stoffel that he has the same type of conflict and recommended that he not be a participant of the Agenda Item..

(Note: Commissioners Hamerly, Stoffel and Chairman Haller then left the Chambers at 7:25p.m.)

It was noted the Meeting was then turned over to Vice Chairman Gamboa.

5.0 PUBLIC HEARINGS

5.2 A Design Review Application (DRB 009-005) for the construction of a sixty-foot (60') tall, Unmanned Co-locatable Wireless Telecommunication Facility (Mono-Eucalyptus), and associated Equipment. The Project is located on the northeast corner Base Line and Church Street. 7223 Church Street, Highland. (APN: 0288-461-36). Representative: Monica Moretta, of Omnipoint Communications,

Vice Chairman Gamboa then introduced the item and called for Staff's presentation.

Assistant Planner Kelleher distributed a letter from Reverend Birchel Robert Dew dated July 3, 2009, to the Commission. He then gave the presentation from the Staff Report which included, but not limited to the following: 1) the historical background; 2) Site location and proposed Project; 3) and the Conditions of Approval; 4) due to the size of the Lease Area, the twenty feet (20') diameter is only achieved and recommended to modify Planning COA 2.b. and keeping in the shape, size of the tree and then distributed photographs to the Commission. Assistant Planner Kelleher further explained how he had visited a Facility Site in Upland that is a forty-five foot (45') high with a twenty-foot (20') branch diameter

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and had driven passed it. He further explained how the Applicant has assured Staff that the proposed Facility will be the same and is hard to identify it and then concluded his presentation.

Vice Chairman Gamboa asked if the Commission had any questions of Staff.

A question was asked by a Commissioner if the Tower is constructed with a fire resistant material. Staff deferred the question to the Applicant.

Vice Chairman Gamboa asked if the Commission had any further questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant would like to make a presentation.

Ms. Monica Moretta, of Omnipoint Communications, One Venture, Suite 200, Irvine, California, who is the Applicant, addressed the Commission. She explained the historical background and approval of the Project's Entitlement to the Commission. With regards to Planning COA 2.b., she explained the Branch expanse and its close proximity to the Building. With twenty feet to twenty-five feet (20' – 25') can provide Branch expanse will not go over the Lease Area and further concurred with the COAs. In answer to the Commissioner's question if the material is fire retardant, she replied affirmatively up to one (1) hour and is a Standard COA requirement with the vendors they use.

Vice Chairman Gamboa asked if the Commission had any questions of the Applicant.

A question was asked by a Commissioner if the fire resistant material is a spray on material. Ms. Moretta responded affirmatively and is sprayed on at the beginning of the process and how T-Mobile will replace branches (that are sprayed with the fire resistant material), as needed.

A question was asked by a Commissioner regarding Planning COA 2.c. about not using the brown paint for the proposed Trunk. Ms. Moretta responded how the brown paint will not be used with the bark material from the trunk base up to the top.

A question was asked by a Commissioner regarding if the cell tower off of Wabash was installed by T-Mobile and Ms. Moretta responded no, but the manufacturer is similar and had constructed a couple of cell towers for T-Mobile. The Commissioner indicated that he, too, had driven by it and could not see the cell tower.

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Vice Chairman Gamboa asked if the Commission had any questions of the Applicant or Staff. Hearing none, he then asked if anyone in the audience would like to speak on the item.

Ms. Maryanne Perlmutter, 7281 Fletcher View Drive, Highland, California, who is a resident, addressed the Commission. She stated how she is representing the Homeowners Association and that thirty-seven (37) homeowners object to the proposed Cell Tower and had submitted a petition previously. There are another seventeen (17) homeowners who signed a petition who also object to the design of the proposed Cell Tower. The Project will change the feeling of the neighborhood. With the regards of the Cell Tower being a Eucalyptus Tree, if a person resides across the street from it, that person will see it. Ms. Perlmutter further explained how there was a previous discussion at the last appeal at City Council on April 20, 2009, regarding the studies does not decrease the property values due to the proximity of the Cell Tower. She further indicated the studies are invalid and are being used / conducted in Orange County. The reflection of property values of 400 feet of the Cell Tower. When a person sees the Artist Renderings up close, a person can see it is a cell phone tower. The City Council was unable to act upon the Appeal since it is a FCC act / requirement. She then asked about a construction moratorium of cell towers and indicated how Glendale, California has one and asked if Highland could do one also. A Commissioner responded to Ms. Perlmutter in that the Commission may not be able to do anything because of the City Council and City Attorney. Staff added the Applicant has the Entitlement and the Applicant is going forward in the process. The Commission's determination is not a stealth structure and the process is to mitigate the Project as best as Staff can.

Vice Chairman Gamboa asked if anyone else would like to speak on the item. Hearing none, he then closed the Public Hearing and opened the floor for discussion amongst the Commissioners.

A question was asked by a Commissioner how the Commissioner was not here at the last time the Project was before the Commission and asked why this location for the Cell Tower. Staff responded that is not an issue up for discussion and not a factor in the Commissioner's decision and that the Site location was already approved.

A Commissioner indicated how Ms. Perlmutter had some concerns and provided his copy of the photographs to her and indicated the photographs are "hands down" better than the ones that she has. The Commissioner further stated this is

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the best hidden Cell Tower and hopes the people will be unable to view it. Ms. Perlmutter responded and asked if there are other providers on the same Cell Tower. Staff responded there is a potential for two (2) additional rays and was part of the Conditional Use Permit (CUP) COA. Staff added there is a total of three (3). Ms. Perlmutter stated there is a Palm Tree Cell Tower located on Lugonia (San Bernardino) Avenue that is located behind a farm house with a light atop of the Palm Tree. Staff responded that is not proposed as part of this Application and the first array will clear fifty-five feet (55') and if there is an increase to the height of the proposed Cell Tower, it would then return to the Commission for further consideration. Ms. Perlmutter asked where it will be located and what height. Staff responded fifty feet (50') and forty-five feet (45') with other colocatable locations. A Commissioner added how Eucalyptus Trees are so dense and he had gone by the proposed location and there and would not recognize / notice the Cell Tower because of the existing trees. The Commissioner stated it was a good thing the Applicant proposed a Eucalyptus Tree, instead of a Palm Tree Cell Tower design.

The following are comments made by the Commission: 1) the Reverend Dew's letter had concerns and is opposed to the proposed Project; 2) Reverend Dew's concern was with the small amount of screening going west bound on Base Line and how much the Cell Tower would "stick out" and people seeing it; 3) it is important the trunk bark material be installed all the way down to the base and the Cell Tower should look like a tree; 4) is opposed to the "Bottlebrush Tree" design and had seen antennae and had to stare at it for the intricate of the Tower, and; 5) the Applicant is not asking for stealth design and putting the Cell Tower on/in a Building like a steeple.

Vice Chairman Gamboa asked if the Commission had any further questions of the Applicant, Staff, or discussion amongst the Commissioners. Hearing none, Vice Chairman Gamboa then called for the question.

A Motion was made by Commissioner Willhite and seconded by Commissioner Sparks to:

1. Approve DRB 009-005 for the Site Plan and Tower and Equipment Shelter Elevations, all subject to the Conditions of Approval, as amended with the following:

Planning COA 2. b. Stealth Mono-Eucalyptus shall have an overall branch spread of twenty to thirty feet (20'-30') in diameter

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with the diameter of twenty feet (20') achieved near forty-five feet (45') above adjacent grade. Branches shall start at fifteen feet (15') from grade and extend to the top of the Tower. The branch layout shall be asymmetrical in design.

and;

2. Approve the Design Review Findings of Fact.

Motion carried on a 4 – 0 – 3 vote with the abstentions/ absence of Commissioners Hamerly, Stoffel and Chairman Haller.

It was noted Commissioner Stoffel returned to the Dais at 7:50 p.m. and Assistant Planner Kelleher left at 7:50 p.m.

7.0 ANNOUNCEMENTS

Staff explained the Items scheduled for July 21, 2009.

Staff explained there was a gentleman in the audience who had to leave and told Staff how he was disappointed with the determination of Valero's Project. The gas station to the west has roof tile top and explained Valero does not. Staff explained to the gentleman the Project is not yet complete. The gentleman said that he will be attending the City Council Meeting.

Discussion ensued between the Commission and Staff that not every canopy is the same for gas stations and there is no set standard and was previously approved by the Design Review Board.

8.0 ADJOURN

There being no further business, Vice Chairman Gamboa declared the Meeting adjourned at 8:46 p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

John Gamboa, Vice Chairman
Planning Commission

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