

**MINUTES
PLANNING COMMISSION REGULAR MEETING
JULY 6, 2010**

1.0 CALL TO ORDER

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

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

Absent: None

Staff Present: John Jaquess, Community Development Director
Sean Kelleher, Assistant Planner
Ernie Wong, City Engineer
Dennis Barton, Assistant Public Works Director
Linda McKeough, Administrative Assistant III

2.0 REORGANIZATION OF THE PLANNING COMMISSION

2.1 Election of Chairman and Vice Chairman.

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 Haller explained how he has been Chairman for a few years and thought it was a good time for someone else to be Chair for awhile and then nominated Commissioner Hamerly for Chairman and Commissioner Gamboa seconded the nomination of Commissioner Hamerly.

Community Development Director Jaquess asked if there were any other nominations for Chairman. Hearing none, he then asked for a Motion to close nominations.

A MOTION was made by Commissioner Haller and seconded by Commissioner Gamboa to close the nominations for Chairman.

Motion and Nomination Closure for Chairman was unanimously passed on a 7 - 0 vote.

Commissioner Hamerly was elected Chairman of the Commission.

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

Chairman Hamerly said let the records show that it has been a lot more than a couple of years and thanked Commissioner Haller for all the work he has done for the Commission. He then opened the nominations for Vice Chairman.

Commissioner Haller explained again he trying to rotate positions around and then nominated Commissioner Huynh as Vice Chairman. He indicated how he has respects Commissioner Gamboa for all that he has done being Vice Chairman and reiterated about trying to rotate the positions around. Seconded by Commissioner Stoffel.

Chairman Hamerly asked if there were any further nominations for Vice Chairman. Hearing none, he asked for a Motion to close the nominations.

A MOTION was made by Commissioner Gamboa and seconded by Commissioner Sparks to close the nominations for Vice Chairman.

Both Motion and Nomination Closure for Vice Chairman was unanimously passed on a 7 - 0 vote.

Commissioner Gamboa thanked the Commission and how it was a privilege to serve as Vice Chairman and that Commissioner Huynh will do a good job as Vice Chairman.

Commissioner Huynh was elected Vice Chairman of the Commission.

3.0 COMMUNITY INPUT

There was none.

4.0 CONSENT CALENDAR

4.1 Minutes of April 6, 2010, Regular Meeting.

On Page 3, Fifth Paragraph, Third Sentence from the Bottom was amended to read as follows: "They are subject to the Water Ordinance."

On Page 6, First Paragraph, First Sentence was amended to read as follows: "...grey water retention system, does the homeowner get credit for that..." And two (2) periods were replaced with question marks with the above Sentence and also the Sentence immediately following.

On Page 6, First Paragraph, Last Sentence was amended to read as follows: “Commissioner Hamerly stated certain municipalities allow you to do it and others say...”

On Page 7, Second Paragraph, a portion of the Second Sentence was amended to read as follows: “...create a buffer, but what is suggested is...”.

On Page 8, First Paragraph, a portion of the Ninth Sentence was amended to read as follows: “Ms. Legro asked if changing the vegetation...”

On Page 10, First Paragraph, a portion of the Sixth Sentence was amended to read as follows: “...it already had a front yard built into it which was about 2,500 square feet and did not require a Landscape Permit, either.”

On Page 10, three-quarters ($\frac{3}{4}$) down in the First Paragraph, the Sentence was amended to read as follows: “Community Development Director Jaquess responded pools count and Commissioner Hamerly said a pool would consume the majority of their water allowance. “

A Motion was made by Commissioner Willhite and seconded by Commissioner Gamboa to approve the Minutes of April 6, 2010, as corrected.

Motion unanimously passed on a 7 – 0 vote.

5.0 PUBLIC HEARINGS

5.1 Environmental Review (CEQA) Clearance for the Lankershim Avenue Street Improvements, (Mitigated Negative Declaration) (ENV 010-002). The Site is Lankershim Avenue from Fifth Street to Cypress Street. Representative: Dennis Barton, Assistant Public Works Director.

Chairman Hamerly identified the Item and called for Staff’s presentation.

Assistant Planner Kelleher gave the presentation from the Staff Report and noted that it would be a Negative Declaration and not a Mitigated Negative Declaration and this would also be the same for Item 5.2, as well. Public Works Staff is here for any questions the Commission may have and this Project is for Street Improvements and then concluded Staff’s presentation.

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

Discussion ensued between the Commission and Staff regarding about verbiage in the proposed Resolution Title should also state the Project's location between which streets the Street Improvements are located such as, "...Lankershim, Avenue between Cypress / Fifth Street Improvements...". Staff responded that it will be placed in the proposed Resolution, as well as the same appropriate verbiage in Resolution No. 10-008.

Discussion ensued between the Commission and Staff regarding there are only surface swales and they are not going to change the sheet flow pattern and will continue just the way it is and widening it within the pervious areas.

Discussion ensued between the Commission and Staff regarding Page 16, 1B of the Staff Report regarding the Right-of-Way provision for relocation of street trees and how it does not say what type of species.

Chairman Hamerly suggested that any mature tree(s) that are removed, that they are replaced with species for species, if not actual size. Staff responded that is handled in the Right-of-Way acquisition process with each Property Owner. If a Property Owner still wants a tree there, that it is accommodated for and if not, it is not forced onto them. It is at the Property Owner's discretion whether or not they want something in the Acquisition Agreement / Negotiations process. Staff indicated that the City does not relocate existing trees, but if new trees are desired, the City does that through the Negotiations process. The exemption within the Tree Preservation Ordinance listed in the Municipal Code for City Street Improvements was also discussed.

Chairman Hamerly stated how there have been some projects within one or two years, that Camphor Trees were removed as part of storm drain improvements and would like to keep the trees. He added on Page 23 with the Last Sentence, the word, "dame" should be changed to "same".

Chairman Hamerly said this is a Public Hearing and asked if anyone would like to speak on the item. Hearing none, and there being no further questions of the Applicant or Staff, or discussion amongst the Commissioners, Chairman Hamerly then called for the question.

A MOTION was made by Commissioner Haller and seconded by Vice Chairman Huynh to:

1. Approve Resolution 10-007, as amended with a minor wording correction, adopting a Negative Declaration for the Lankershim Avenue Street Improvements, Environmental Document (ENV 010-002), and;

2. Direct Staff to file a Environmental Notice of Determination with the San Bernardino County Clerk of the Board for ENV-010-002.

Motion unanimously passed on a 7 – 0 vote.

5.2 Environmental Review (CEQA) Clearance for the Olive Street Improvements, (Mitigated Negative Declaration) (ENV 010-003). The Site is Olive Street from Base Line to Fourteenth Street. Representative: Dennis Barton, Assistant Public Works Director

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

Assistant Planner Kelleher gave the presentation from the Staff Report and noted that it would also be a Negative Declaration and not a Mitigated Negative Declaration. He also noted that the proposed Resolution's Title would be revised to include "Olive Street between Fourteenth Street to Base Line" and then concluded Staff's presentation.

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

Discussion ensued between the Commission and Staff regarding storm drainage on Olive and is the same answer as in Item 5.1.

Chairman Hamerly said this is a Public Hearing and asked if anyone would like to speak on the item.

Ms. Fay Jure, 7262 Olive Street, Highland, California, who is a resident, addressed the Commission. A copy of her letter is attached to the Staff Report and has been working with City Engineer Wong and Dave Kinzle and indicated that she is not happy with the Project. It is an inconvenience for her, as well as a lot of other people. The yards are small and if the City takes five feet (5') of the peoples' yard, the people will be lucky enough to have five feet (5') left after the sidewalk is put in and the City is not doing the residents any favor. Ms. Jure indicated she used to be able to go and walk and talk to neighbors to have them attend the Meeting and express their opinions. They will tell her that they do not want it, but they won't come and tell you. She understands the Project is supposed to take place in two to three (2 – 3) years.

Assistant Public Works Director Barton responded affirmatively, that is correct, but with the possibility of other funding sources which would move that schedule up.

Ms. Jure stated that in two to three (2-3) years, a lot of things can change and reiterated that she has talked with City Engineer Wong and Dave Kinzle concerning that and how approximately one third (1/3) of the residents have signed off on Olive Street but she knows a lot of people that have not and do not want to sign off. Ms. Jure did not appreciate the letter that was threatening (regarding imminent domain) and thought Assistant Planner Kelleher had written it. Community Development Director Jaquess responded that would have come from City Engineer Wong's Department and not from Assistant Planner Kelleher. Assistant Planner Kelleher added he prepared the Notice of Availability and the Negative Declaration.

Ms. Jure stated how she spoke with her neighbors and some did not receive a letter. Assistant Planner Kelleher responded that a Notice was mailed to people who resided within 300 feet of the Project. Ms. Jure said that is not how she or people that she had talked with that understood it. Ms. Jure responded that she did not receive a letter and if the Bank owned the property, then the Bank would receive the Notice and Assistant Planner Kelleher responded that is correct.

Ms. Jure stated how she is unhappy with the situation, likes her yard exactly the way it is and has worked very hard in her yard to keep it up and is going to be a lot of changes for her and asked the Commission to reconsider this Project.

Chairman Hamerly indicated about the inconvenience and asked if the four (4) specific issues had been resolved with Staff and regarding contract terms, scope of work, etc. and to her satisfaction. Ms. Jure responded how she and Staff have talked about it, but has not seen a final on that and has a meeting on Thursday. She reiterated how Staff has been nice working with her here. She further indicated that she has not too many years left to live and wants to have the things the same way as they are now. She then thanked the Commission.

Discussion ensued between the Commission, Ms. Jure and Staff regarding the rose bushes / shrubs being a sentimental value and having been there for a number of years and are big and whether or not the vegetation could be relocated, dependent on the time of the year when the Project will take place.

Further discussion ensued between the Commission and Staff regarding how many residents accepted / declined the City's offer and that fifteen (15) residents (forty-two percent [42%]) of the residents signed the Right-of-Way Dedication. Staff explained the Right-of-Way acquisition process to the Commission and is a one to two (1 – 2) year Project and there are thirty-three (33) residents with this Project how Staff will continue to work with the Property Owners.

Discussion ensued between the Commission, Ms. Jure and Staff regarding how she submitted a copy of her letter to City Council and City Council directed her to address her issues to the Planning Commission. Staff further explained how Staff met last week with Ms. Jure and explained to her how her concerns are to be addressed i.e. drainage to her carport with the water going down the driveway will be stopped. Ms. Jure was also concerned about some of her existing irrigation systems that she installed and has a well kept front yard. Staff explained the current language in the proposed letter was not clear enough if she can keep her existing irrigation system to function as it is after the Project is done. Staff suggested to change some language in the Agreement so it is clear what Staff will do and make Ms. Jure more comfortable and that her irrigation system would be functional and preserved after the Project is done.

Further discussion ensued between the Commission and Staff regarding the time frame between the demolition, construction and replacement and interruption of some of the irrigation service and what types of assurances / systems would be in place for maintaining the landscaping during construction of the front five feet (5') of the property. Staff indicated how Ms. Jure has a line within the front five feet (5') area and explained how the landscaping and wall will be addressed / installed and compensation in the Project specifications. Staff will work closely with Ms. Jure and the other Property Owners in order to minimize the impacts to their Properties, as much as possible and when the Project is done, is for the benefit of the neighborhood and want the residents to be satisfied. The \$1,330 listed in Ms. Jure's letter and the Scope of Work for construction / relocation was written six (6) months ago were also discussed and was reiterated that there is a Meeting scheduled for Thursday (July 8) between Ms. Jure and Staff.

Ms. Jure distributed photographs to the Commission for consideration which she explained and showed her front yard, rose bushes, shrubs, one hundred feet (100') across and the wall.

Discussion ensued between the Commission, Ms. Jure and Staff regarding Ms. Jure's sprinkler valves are located in the first five feet (5') of frontage and are also twenty-five feet (25') from the driveway. Ms. Jure explained that her yard is 100' X 150' and she also provided photographs to the City Council.

Further discussion ensued between the Commission and Staff regarding how access was achieved on the Property, the \$1,300 in lieu compensation fee was for Ms. Jure's house, the relocation of the water meter / pole, and street improvements would improve the flooding problems and would increase property values on the individual parcels.

Chairman Hamerly asked if anyone else would like to speak on the Item. Hearing none, Chairman Hamerly left the Public Hearing open and then opened the floor for discussion amongst the Commissioners.

The following are comments made by the Commissioners: 1) after seeing Ms. Jure's photographs, the feasibility of moving the whole planter forward five feet (5') with the shrubs included; 2) the existing chain link fencing would be replaced with new four foot (4') chain link fencing, and; 3) on Page 23 of the Staff Report with the Last Sentence, the word, "dame" should be changed to "same".

Chairman Hamerly asked if anyone else would like to speak on the item. Seeing none, he then closed the Public Hearing and there being no further questions of Staff, or discussion amongst the Commissioners, Chairman Hamerly then called for the question.

A MOTION was made by Commissioner Haller and seconded by Vice Chairman Huynh to:

1. Approve Resolution 10-008, as amended with minor wording correction, adopting a Negative Declaration for the Olive Street Improvements, Environmental Document (ENV 010-003), and;
2. Direct Staff to file an Environmental Notice of Determination with the San Bernardino County Clerk of the Board for ENV-010-003.

Motion unanimously passed on a 7 – 0 vote.

Chairman Hamerly encouraged Staff to continue their diligent work to keep the neighborhood happy.

6.0 LEGISLATIVE

- 6.1 A Sign Program (ASR-010-003) for an existing Multi-tenant Commercial Building. The location is at Webster Plaza, - a 1.06 acre Site located at the west side of Webster Street between Boulder Avenue and Greenspot Road. (7920 Webster Street. Assessor Parcel Number: 1201-361-27-0000. Representative: Nancy Parker (Quiel Bros. Sign Company), Applicant Property Owner: Frank Zizzo. (Continued from the June 15, 2010, Regular Meeting.)

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

Assistant Planner Kelleher distributed material samples to the Commission and then gave the presentation from the Staff Report and the PowerPoint presentation. He then concluded Staff's presentation.

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

Discussion ensued between the Commission and Staff regarding COA 1.A and 1.B, as well as the Note listed after 1.B are Standard COAs and are accurate and appropriate for this particular Application. Staff explained that both COA No. 1.A, 1.B, and the Note after 1.B can be removed in its entirety.

Further discussion ensued between the Commission and Staff regarding both the Can Sign on the Fascia and a large vinyl Banner Sign located on the south side of the Building. Staff explained the Banner Sign is up through a Temporary Occupancy Permit (TOP) and that it is a separate process and not considered a Permanent Sign. The Sign located on the southwest corner, as well as the Window Signs / Displays are also considered seasonal and would be permitted under a TOP and treated separately and can be handled separately under Code Enforcement. The Commission is to look at the Permanent Signage that is mounted to the Building and should remain in place.

Discussion ensued between the Commission and Staff regarding Page 12 of the Staff Report and a Leasing Agreement between the Tenant and Property Owner regarding how the Tenant is responsible for the work for painting and resurfacing of the Building after the Tenant's Signage is removed and that it is not the City's responsibility, enforcement, or jurisdiction.

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

Ms. Nancy Parker, of Quiel Brothers Signs, 272 South "I" Street, San Bernardino, California, who is the Applicant's Representative, addressed the Commission. She said the removal of Signs, patch painting are in the majority of Sign Programs that she has seen and that sometimes, the landlord will send a company out and patch the holes. With the square footage, she asked about the twenty-seven inch (27") letters and wanted to extend the square footage for the Single Tenant to 81 square feet instead of 76.4 square feet.

Staff asked if that would be solely on the West Elevation, and Ms. Parker said yes, but would like to have that on the Multi-Tenant also, and would be a total of additional five (5) square feet. Ms. Parker explained the Tenant needed another "Salon" word in the Sign and the word wasn't in there, would still be Code compliant and would keep the letters at twenty-seven inches (27").

Discussion ensued between the Commission, Ms. Parker and Staff regarding the 1:1 ratio of one square foot per linear foot on all three (3) sides and whether or not the Commission was agreeable to that.

Ms. Parker stated that she had brought samples here and explained which letters would be non-illuminated and illuminated to the Commission.

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

Staff recommended to the Commission to reinsert COA No. 1 and add COA No. 7 regarding to require the Applicant resubmit a new Sign Program to the Planning Division stating the 1:1 ratio verbiage for all three (3) sides noting all changes made at the Commission Hearing. This way, the City will receive a clean, Final Sign Program from them.

The following are comments made by the Commission: 1) one Commissioner is in disagreement and has done some "soul searching" on the Building and resides nearby and indicated the Sign Program is too big for the size of the Building and for the record, is not happy with it; 2) COA No. 1.A and 1.B would remain and the Note would still be deleted and add COA No. 7. The Single Tenant on the West Elevation maximum Sign Area be 81.00 square feet for consistency with the East Elevation.

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

A MOTION was made by Commissioner Haller and seconded by Commissioner Stoffel to:

1. Instruct the Secretary to file a Notice of Exemption;
2. Approve ASR 010-003, a Proposed Sign Program for an existing Multi-tenant Commercial Building, which includes a Proposal for Building Mounted Signs, subject to modified Staff's comments and modified Conditions of Approval, with the following:

Planning COAs

Delete:

- ~~1. Note: All required on-site and off-site improvements shall be completed and approved prior to final inspection for occupancy.~~

Add:

7. Signage along the Westerly Elevation of the Building shall be permitted to a maximum area ratio of one (1) square foot per one (1) linear foot of the Tenant's Building Frontage.

and;

3. Approve the Findings of Fact.

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

Ms. Parker then thanked the Commission.

- 6.2 Determination that the City's Acquisition of Assessor's Parcel Number 1192-421-39 is consistent with the City's General Plan, or part thereof, in accordance with Government Code Section 65402. The property is a 1.75 acre land locked parcel generally located south of Base Line between Cole Avenue and Palm Avenue, south of the former Highland Branch Post Office and former San Bernardino County Library (Assessor's Parcel Number: 1192-421-39).

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

Assistant Planner Kelleher gave the presentation from the Staff Report and the PowerPoint presentation. He then concluded Staff's presentation and Community Development Director Jaquess recommended approval to the Commission.

Discussion ensued between the Commission and Staff regarding if the parcel is a landlocked parcel, it is the City's intent for the addition to allow design flexibility of the property west of City Hall and there has been discussion about building a new Fire Station on that property and would have more room in the back for maneuverability.

Further discussion ensued between the Commission and Staff regarding the status of the vacant property to the east and that the Mobile Home Park owner also owns that the Property. The City had approached the Property Owner and made an offer, and so far, no response to the City's offer.

Chairman Hamerly asked the Commission if there were any further questions of Staff. Hearing none and there being no further discussion amongst the Commissioners, Chairman Hamerly then called for the question.

A MOTION was made by Commissioner Haller and seconded by Commissioner Stoffel to adopt Resolution No. 10-006 determining the Acquisition of Assessor's Parcel Number: 1192-421-39 is consistent with the City's General Plan, or part thereof, in accordance with Government Code Section 65402.

Motion unanimously passed on a 7 – 0 vote.

7.0 ANNOUNCEMENTS

Staff explained the Items tentatively scheduled for the August 3, and August 17, 2010, Regular Meetings. Commissioner Haller stated he would be unable to attend the August 3, 2010, Regular Meeting and there was indication that all Commissioners would be present for the August 17, 2010, Regular Meeting.

Staff explained how the Commission and the various Boards and Committees are going green and explained the Agenda Packet / e-mail process to the Commission. The Commission then also wanted to thank Administrative Analyst David Daniely for all of his technical support in this process and Staff responded that the Commission's comments would be forwarded to him.

Discussion ensued between the Commission and Staff regarding SB 375 and was for only information purposes for the Commission.

Discussion ensued between the Commission and Staff regarding the status of the Sign Code and it is in its third redraft. Staff explained there is a Sign Code Subcommittee Meeting scheduled for July 13, 2010, and there is not a set date yet for City Council and that there will be a Workshop later, when there is a consensus with the Subcommittee.

8.0 ADJOURN

There being no further business, Chairman Hamerly declared the Meeting adjourned at 7:15p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

Randall Hamerly, Chairman
Planning Commission