

**MINUTES
PLANNING COMMISSION REGULAR MEETING
DECEMBER 7, 2010**

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:13p.m. by Chairman Hamerly in the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

Absent: None

Staff Present: John Jaquess, Community Development Director
Lawrence Mainez, City Planner
Bruce Meikle, Senior Planner
Sean Kelleher, Assistant Planner
Linda McKeough, Administrative Assistant III

2.0 COMMUNITY INPUT

There was none.

3.0 CONSENT CALENDAR

There were no Items.

4.0 PUBLIC HEARINGS

4.1 A Conditional Use Permit Application (CUP 008-012) for the entitlement of a Three (3) Phased Project which includes:

a. Phase I - Service Station / Convenience Store

b. Phase II - Conversion of an existing Apartment Complex into a 36 room Motel

c. Phase III- New Three-story, 36 room Motel adjoining Phase II Motel for a combined total of 72 rooms

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The proposed Project is located on an approximate 2.11-acre Site consisting of four (4) adjoining properties located at the northwest corner of Highland and Victoria Avenues (26492 Highland Avenue, and 6446 & 6476 Victoria Avenue) (APNs: 0285-742-07, -08, -09 & -10).

At the Applicant's request this, Item has been Continued three (3) times since the Planning Commission initially opened the Public Hearing at its August 17, 2010, Meeting.

Representatives: Balbir Jhawar, Applicant; Michael Murphy, Architect and John Peterson, Attorney.

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

Senior Planner Meikle distributed a letter to the Commission from the Applicant requesting to continue the Item to January 4, 2011.

Chairman Hamerly asked if there was anyone in the audience who would like to speak on the Item. Hearing none, he called for the question.

A MOTION was made by Vice Chairman Huynh and seconded by Commissioner Haller to continue this Item to its January 4, 2011, Regular Meeting.

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

- 4.2 Municipal Code Amendment 010-006 (MCA 010-006), a City initiated Municipal Code Amendment to Update and Amend the existing Sign Regulations, Chapter 16.56 of Title 16, the Land Use and Development Section of the City of Highland Municipal Code (Sign Code Update) – a City Council Goal. The Municipal Code Amendment 010-006 (Sign Code Update) will apply to all Zoning Districts City Wide.

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

Senior Planner Meikle distributed a letter the City received yesterday, December 6, 2010, from Mr. Cha Sook Kim regarding Pole Signs and then gave the presentation from the Staff Report and PowerPoint presentation and explained the proposed Code Amendments and historical background regarding the Pole Signs and explained the Options and the City Attorney's comments to the Commission and then concluded his presentation.

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

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Discussion ensued between the Commission and Staff regarding highlights of the proposed language for the changes / revisions for the Code Amendment for those in the audience who had not attended the previous November 16, 2010, Meeting on this Item, or had not read the entire Staff Report.

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

Ms. Pamela Beachtel-Bible, 27263 Main Street, Highland, California, representing the Tartan Building, addressed the Commission. She submitted several signed letters regarding objections to the Pole Sign portion of the Sign Code and indicated there are twenty-two (22) letters now and will have more later. At the Commission's last Meeting, most people objected to the cost to remove / replace their Pole Signs, the loss of visibility for the businesses from the Pole Signs height to the lower Signs; and having graffiti issues that the existing Pole Signs do not have, for example, the Pole may get tagged, but the cabinet does not. Most of the people believe that it is not right to remove something that was legally installed and should be grandfathered in. The Tartan Building is at a right angle to the street and less than half of their Tenants face Base Line and needs the Pole Sign for visibility otherwise, they will lose customers. She did not hear a good reason why to remove the Pole Signs and why make the Pole Sign square with a purpose to make the Pole Signs modern and modern is not necessarily better and doesn't see anything wrong with the old (Pole) Signs. She further explained looking through photographs of the early 1900's there were Pole Signs and they also had some Monument Signs and how styles change over the years. Currently, the Monument Signs are in, but who is to say that in twenty (20) years, they are going to be in again and have gone from single poles, double poles, moving signs, neon signs, square poles and now the Monument signs and how cities are built over time and the old Buildings and Signs are part of that history. Their own Building has its own style / character for that time period and a visual reminder how the town is growing. The Signs are a symbol for businesses showing how long that business has been established anywhere from twenty-five to forty (25 – 40) years. Ms. Beachtel-Bible was concerned with the concept of trying to make everything look modern now and that modern is only today, right now, the Monument style is popular again like it was 100 years ago and in twenty (20) years, that concept with those Signs will be outdated. If the Building was built in the 1960's, let the 1960's style Sign remain and reiterated to have the existing Pole Signs grandfathered in. She then thanked the Commission.

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Discussion ensued between the Commission, Ms. Beachtel-Bible and Staff regarding the Options listed in the Staff Report, and about the twenty-two (22) letters and the possibility of swaying the Commission's concerns about Pole Signs. Ms. Beachtel-Bible responded she was unsure how to answer that, but that one of her concerns was about lowering the Signs and having issues with graffiti. It would be applied mostly in the older areas in Town and require existing businesses to lower their Pole Signs. Staff stated that it was Staff's impression that she was supporting Option No. 3, but Ms. Beachtel-Bible stated she did not like any of the proposed Options/ language and if the (Pole) Signs were installed legally at that time, and were permitted / paid for, that they should be allowed to stay. Further discussion ensued regarding Option No. 4.

Discussion ensued between the Commission, Ms. Beachtel-Bible and Staff regarding the Pole Sign should reflect the character of the Main Building and the feasibility of appropriate treatment for the Sign and how the Commission is looking for comments and provided an example of a 1950's Drive-In Restaurant may have creative solutions and may allow latitude and appropriateness and Ms. Beachtel-Bible responded if the Sign is modified at that time, review on a case-by-case basis. Staff stated under the current Sign Code, Pole Signs are prohibited and added the Sign Program is a Commission's discretion and if the Applicant applies for a Pole Sign with a new Building, it would be prohibited. Ms. Beachtel-Bible indicated if the business is remodeled, then it needs to meet Code requirements and the owner is subject to the new requirements.

Chairman Hamerly asked if the Commission had any further questions for Ms. Beachtel-Bible. Hearing none, he then asked if anyone else would like to speak on the Item.

Mr. Curtis Skalet, owner of Southwest Engines, 25333 Fifth Street, San Bernardino California, addressed the Commission. He distributed a petition to the Commission regarding the Guidelines to be adopted for new Building construction only and that the existing Pole Signs be allowed to remain. He indicated he had started to obtain signatures from businesses / property owners from 1:00p.m. to 5:30p.m. today and had to stop and received thirty-one (31) signatures – thirty (30) signing the petition regarding their objections and one (1) supportive of amending the Sign Code. He said it is not fair for the City wanting to come in and do something like that. With the four (4) Options suggested leaves open the case with Option Nos. 3 and 4 that they would be unable to maintain their Signs. There is awful, loose language with J through K regarding the City's latitude for condemnation and that he will submit a letter to the City recommending for the City to support and grandfathering the Pole Signs in, receive some protection for maintaining the Pole Sign. If there is a remodel, then upgrade the Sign, and if Sign is not being used and the property is condemned i.e. probates, death, etc.

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A question was asked by a Commissioner to Mr. Skalet about if he is recommending if the business is no longer in business, have the Pole Sign run with the property and Mr. Skalet responded affirmatively or extend the use. Staff added there is a 180 day time frame if abandoned.

Chairman Hamerly asked if the Commission had any further questions for Mr. Skalet. Hearing none, he then asked if anyone else would like to speak on the Item.

Ms. Beachtel-Bible stated how Mr. Skalet has made a comment that thirty (30) out of thirty-one (31) businesses wanted to keep their Pole Signs and asked how many does it take and if there was enough time, she thought that they would probably get eighty-seven (87) signatures to sign the objection and how much work do they need to do in order to keep their Pole Signs. A Commissioner responded how she will know shortly regarding the Commission's action and added the final action is at City Council.

Chairman Hamerly asked if anyone else would like to speak on the Item.

Ms. Amie Sriruksa, 26001 Base Line, Highland, California, representing Double Dish Thai Cafe, addressed the Commission. She stated that she is a business owner of four (4) years and that she agrees with Ms. Beachtel-Bible and Mr. Skalet and for the Commission to consider that a Pole Sign should go with an old Building.

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

Discussion ensued between the Commission and Staff regarding the definition for the 180 day period if a Pole Sign is abandoned / deteriorated and examples were provided to the Commission. Process about how Code Enforcement or Building and Safety contacts the Property Owner, Business Licensing and when a Business License expires, pulling utilities / power and issues in obtaining compliance are reviewed on a case-by-case basis were also discussed.

Further discussion ensued between the Commission and Staff regarding the informal Pole Signs Inventory Staff had prepared and the process Staff would have to use if the City is directed to move forward with requiring the removal of the existing Pole Signs. A comment was made by a Commissioner if there is a Pole Sign without a cabinet, does that constitute an abandoned Pole Sign and dependent upon the history of it, would it need to be removed. With regards to

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the feasibility of grandfathering in the Pole Signs along the Base Line Corridor and if the street is widened in the future, such as relocating the sidewalks back as an example, and if a Pole Sign has to be removed, and if it is a City action, then the City would have to compensate the Property Owner for fair market value and to reinstall the Sign otherwise, it is a taking. According to the City Attorney, Option No. 3 is not an option because it would be an exclusive privilege not allowed of other businesses. If it is an existing non-conforming use, cannot extend the life of the Sign as noted in Option No. 4. If the Sign panel needs to be repaired / replaced, it does not trigger a Building Permit.

Discussion ensued between the Commission and Staff regarding Option No. 1 and with the seven (7) year amortization period. A comment was made by a Commissioner and whether or not if the Sign runs with the business as opposed to the Sign running with the property and examples were provided and has to be compatible with the architectural style / aesthetics with the Project and putting a time frame would be arbitrary.

Discussion ensued between the Commission and Staff regarding Option No. 2a and 2b. A question was asked by a Commissioner about the option with financing the Pole Signs and Staff responded that would be for City Council consideration.

The following are comments made by the Commission regarding Option No. 2a and 2b: 1) the Pole Sign is the business owner's business and has been in the family for fifty to sixty (50 to 60) years and if there is a financing mechanism, would the business owner use it to renovate their Sign to better identify the business and could that be a recommendation from the Commission to City Council; 2) what was discussed at the Sign Subcommittee regarding the Pole Signs to possibly codify their options and give to Staff and go through the Public Hearing process and also explained about Billboard signage; 3) ultimately have the Pole Signs "go away" and incompatible with the streetscape concept regarding street trees blocking Signs; 4) concerns about the streetscape and not having the flexibility with Option No. 1; 5) encourage Options 2a and 2b and with the existing Signs, and offer some financial program / component to the business owner; 6) need financial assistance and to be consistent with Code requirements; 7) need to have a compromise with a win / win situation if to bring the Pole Sign under Option 2b will read as that the Pole is still there, but complies with the Sign area and maximum allowable height of the Pole and meets all of the other criteria, and; 8) possibly changing the height to something other than eleven feet (11').

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A Commissioner described a Sign on a landscaping berm and if the maximum Sign height should be measured from the top of the berm and how the top of the berm becomes the adjacent grade or should it be measured from the bottom of the berm and Staff responded that Staff will add a note about measuring the Sign height from the adjacent grade.

A Commissioner explained how he drove Base Line and Fifth Street looking at Pole Signs and window signage, utility lines, etc. and how the older neighborhoods are established and that Option No. 4 is more reasonable and need to clarify regarding deterioration / abandoned Signs and maybe have Grants for financial assistance i.e. CDBG in order to meet Code requirements and reiterated he is leaning more to Option No. 4 and that the seven (7) year amortization period is too long in Option No. 1.

The following are further comments made by the Commission regarding the various Options: 1) another Commissioner liked Option No. 4 because the businesses have been in existence for so long, but yet trying to set a Standard and how the Commission will take flack no matter which way the Commission goes – either trying to set the Standards or try to protect the businesses; 2) another Commissioner liked 2b with modifications with financing and amortization time line and how Ms. Beachtel-Bible made a good point how fads come and go and how the City has a goal; 3) how the Sign Code Subcommittee came up with the seven (7) year time period which originally started at fifteen (15) years and went down from there and that cannot require compliance without a mechanism to mandate said compliance, and; 4) the City Council will have some components with the public's testimony from the Commission Meetings and the Commission's comments and how the City Council will have their own ideas about Signs for the Council to consider.

The following are comments made by the Commission regarding the financing mechanism: 1) if the Pole Sign is deteriorated, the City can help with financing, but if the Pole Sign is abandoned, there would be no financing and a new owner would have to remove it and install a Monument Sign; 2) help the business to make a new Sign; 3) Option No. 4, is okay, as long as a Sign is not hazardous; 4) could possibly track Signs through the Business Licensing process; 5) a Commissioner supports Option No. 4, but cannot see the City Council helping with the financing; 6) the Sign cabinet is gone, but the Pole is there and that it is easier to replace for the cost of the cabinet which would be an incentive and go through a Grant, and; 7) would like to see the change, but it is not financially feasible. Staff responded that Business Licensing process is automated.

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Chairman Hamerly then polled the Commission on the proposed Options.

The results:

OPTION NO.	NO. OF VOTES	COMMISSIONER
1 as written	0	
2a as written	0	
2b as written	0	
2a with financing option modification	0	
2b with financing and amortization modifications	3	Haller Stoffel Hamerly
3 as written	0	
4 as written	2	Gamboa Sparks
4 with incentive and financing modifications	2	Willhite Huynh

Discussion ensued between the Commission and Staff regarding Option No. 2b with modifications and how Option No. 4 tries to bring the Pole Sign into compliance. A comment was made by a Commissioner that he is not on board with modifications to the base (of the Pole Sign) unless the City provides an incentive on that, reduce the Sign height, keep the Pole and Sign and bring it into compliance, but provide help financially. Another comment was made by a Commissioner for the need to provide a reasonable amortization time frame in order to give the City more time to raise funding. Staff responded that financing would be up to the City Council's direction and all would be under the Redevelopment Area and Redevelopment Funds could assist under the Facade improvements like a Sign Improvement Facade Program and might have a cap placed on the funding. A question was asked by a Commissioner if the City Council would allow a certain amount of funds per site or would it be something valued based on what it is that is being modified, based on a site-by-site basis. Staff responded that is something that is worthy of being explored.

A question was asked by a Commissioner about the feasibility of mandating 2a or 2b in order to bring the Pole Sign into compliance with the Ordinance. Staff responded with Option No. 2, a business could take advantage and modify a Pole Sign and then provided examples to the Commission and how one of these Options will be codified in the Ordinance and the City Attorney would come up

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with the legal mechanism for notification and ultimate removal of the Signs, etc. as specified in the recommendation's modification. Chairman Hamerly responded how amortization and financing are critical and doesn't constitute a taking and now he has flipped over to Option No. 4, with financing and would like to see the Pole Signs upgraded and understands that not all of the businesses can pay for a new Sign on their own. Another Commissioner added with Option No. 4, (with modifications) if the Pole Sign is not maintained, the business could lose it, there is an incentive there of not losing the Pole Sign and that it would look better and be maintained in order so that the business does not lose it, and Staff added it would be cosmetic under Option No. 4.

A Commissioner suggested possibly using five (5) years for an amortization period of time, because everyone here has talked about the economics recovery and especially if there is financing to give people time to prepare and for doing the renovation. Staff responded to also allow the City enough time to ensure the funding is available to deal with the Program so five (5) years may not be appropriate amount of time and wanting to spread the cost out over time.

Chairman Hamerly stated there is a new consensus now and reminded the Commission that this is a recommendation to the City Council and that the Commission is not the final authority.

OPTION NO.	NO. OF VOTES	COMMISSIONER
1 as written	0	
2a as written	0	
2b as written	0	
2a with financing option modification	0	
2b with financing and amortization modifications	2	Haller Stoffel
3 as written	0	
4 as written	2	Gamboa Sparks
4 with incentive and financing modifications	3	Willhite Huynh Hamerly

Staff requested the Commission to narrow down to three Options.

Discussion ensued between the Commission and Staff regarding existing Roof Mounted Signs.

For clarification purposes, ensure the Figures on Page 9 of the Sign Code (Page 17 of the Staff Report) match the wording in the Ordinance and Staff responded that it has been noted. The Commissioner continued that all of the other revisions the Commission requested at the previous Meeting were good and innovated changes.

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

A Motion was made by Commissioner Willhite and seconded by Commissioner Haller to approve Resolution No. 10-019 recommending the City Council approve the following:

1. Adopt a Negative Declaration and Instruct the City Clerk to file a Notice of Determination with the County Clerk of the Board, and;
2. Introduce an Ordinance to Amend the City's Sign Regulations (MCA 010-006) Chapter 16.56 of Title 16, the Land Use and Development Code.
3. Include Option No. 2b with a financial incentive and a five (5) year time frame for amortization, Option No. 4, as written, and Option 4, with a financial incentive and eliminating Option Nos. 1 and 3.
4. Include the Commission's results regarding the Options.

Motion unanimously passed on a 7 – 0 vote.

- 4.3 Six (6) Month Review of the Operation of the Green Frog's new Cocktail Bar / Lounge and a new Alcoholic Beverage Control Type 48 License (On-sale General for Public Premises) License (in accordance with CUP-009-005). The Project is located at 7750 Palm Avenue, Suites K and L. APN: 1192-581-51, 1192-601-03. Representative: Russell & Joann Rutland

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

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Assistant Planner Kelleher gave the presentation from the Staff Report and PowerPoint presentation and explained the historical background to the Commission and that the Applicant is present to make a presentation and then concluded his presentation.

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

Mr. Russell Rutland, co-owner of the Green Frog, along with JoAnn, his spouse, addressed the Commission. He thanked the Commission for starting the business and made it a professional endeavor. With regards to the complaint on the smoking / drinking in the Alleyway, which was reported to ABC and that an ABC investigator came out and was there for a few days and indicated that the complaint was unfounded and that the smoking was in a public area and did not realize that they did not want smoking in the Alleyway and was stopped. The Patio Area has been completed and has been used for smoking and other than that, business is as usual / great and has had no complaints and that everyone loves it and would be happy to answer any questions the Commission may have.

Discussion ensued between the Commission, Mr. Rutland and Staff regarding what transpired from a patron / neighbor's complaint. Mr. Rutland explained the neighbor made the phone call and other than that, he has not heard of any other complaints and has patrons from Rancho Cucamonga, Redlands, Beaumont and there is no riff-raff and that the Applicant won't put up with that and that he works with the Sheriff Department. The Property Management / Property Owners are in the audience and since the business has moved in, the Owners have painted / upgraded the Plaza and parking lot is clean and there is no new graffiti for the last six (6) months.

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

Discussion ensued between the Commission, Mr. Rutland and Staff regarding food and how the Applicant will be moving in kitchen equipment in this week and hopefully, by the first of the year.

Discussion ensued between the Commission, Deputy Sheriff Lieutenant Bob Bonnet and Staff regarding how there was one (1) Call for Service for a noise complaint with having music in the area and by the time the Deputy got there, the reporting party then called back and cancelled the Call for Service in that the music was off and that Lieutenant Bonnet has a print out of that Call for Service and unsure of what the music source was and indicated there have been no problems with the Green Frog establishment.

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

A Motion was made by Commissioner Haller and seconded by Commissioner Stoffel received Staff's Report and determined the Green Frog to be in compliance with CUP-009-005 with no additional review.

Motion unanimously passed on a 7 – 0 vote.

- 4.4 A request for a three (3) Year Extension of Time for a one (1) lot Condominium Subdivision on approximately 11.5 acres with one hundred and twenty-one (121) units of air space for a single-family detached residential development for Conditional Use Permit (CUP 05-003), Planned Development Document (PD 05-002), Tentative Tract Map 17682 (SUB 05-004), and Design Review Application (DRB-05-043). The Project is located on the northeast corner of Boulder Avenue and Greenspot Road within the City's Golden Triangle District on an approximate 11.5 acre site (vacant lot) designated as Assessor Parcel Numbers: 1201-361-04, 05, 24, & 25. Representative: Glenrose Ranch LP, Matt Livingston

Chairman Hamerly explained due to a conflict with Commissioner Gamboa on Item 4.4, he directed to take the Items out of order and consider Item 4.5 and then return to Item 4.4 and the Commission concurred.

- 4.5 Environmental Review (CEQA) Clearance for the Victoria Avenue and Fourteenth Street Signal Project, (Negative Declaration) (ENV 010-013). The Project is located within the City Right-of-Way at the intersection of Victoria Avenue and 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 PowerPoint presentation. He explained the Project's design details to the Commission and then concluded his presentation.

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

Discussion ensued between the Commission and Staff regarding how Fourteenth Street to the west dead ends at the Mobile Home Park which is also Highland City Limits with San Bernardino and how the traffic basically travels in a northerly/ southerly direction on Victoria Avenue.

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

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

1. Approve Resolution No. 10-021 adopting a Negative Declaration for the Victoria Avenue and Fourteenth Street Signal Project, Environmental Document (ENV 010-013), and;
2. Direct Staff to file an Environmental Notice of Determination with the San Bernardino County Clerk of the Board for ENV-010-013.

Motion unanimously passed on a 7 – 0 vote.

Note: the Commission returned to Item 4.4.

- 4.4 A request for a three (3) Year Extension of Time for a one (1) lot Condominium Subdivision on approximately 11.5 acres with one hundred and twenty-one (121) units of air space for a single-family detached residential development for Conditional Use Permit (CUP 05-003), Planned Development Document (PD 05-002), Tentative Tract Map 17682 (SUB 05-004), and Design Review Application (DRB-05-043). The Project is located on the northeast corner of Boulder Avenue and Greenspot Road within the City's Golden Triangle District on an approximate 11.5 acre site (vacant lot) designated as Assessor Parcel Numbers: 1201-361-04, 05, 24, & 25. Representative: Glenrose Ranch LP, Matt Livingston

Commissioner Gamboa explained how there may be a potential conflict since he resides within the 500 foot radius of the proposed Project.

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(Note: Commissioner Gamboa left the Chambers at 8:01 p.m.)

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

Assistant Planner Kelleher gave the presentation from the Staff Report and PowerPoint presentation and explained the historical background to the Commission and the Applicant's request additional time to address the requirements for Building and Safety for Site construction and switched Floor Plans with Units 40 / 41 in order to meet the street design setbacks, indicated the Applicant is present and then concluded his presentation.

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

Discussion ensued between the Commission and Staff regarding AB 333 and the date of City Council action taken which the proposed Project would expire on January 6, 2015. Staff indicated the Applicant can explain to the Commission the reason why he is applying for a Three Year Time Extension now, rather than later in the future.

Further discussion ensued between the Commission and Staff how the Applicant came before both the Commission and the Design Review Board previously regarding the design of the Parkway and sidewalk with Crape Myrtle trees and concerns were raised with that intersection is a very busy intersection with the two (2) Schools in the immediate area and with the vehicular queuing and pedestrian travel. Staff indicated the City Engineer should be here for tonight's Meeting to explain the Greenspot Road street improvement plans to the Commission. Staff explained how the intersection located at Greenspot Road and Boulder Avenue is askew and needs to be relocated to the north with this proposed Project and the reason being for the two (2) homes that had to be shifted and how there is landscaping between the wall and sidewalk and is Engineering's issues that it had to be done.

Chairman Hamerly 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.

Mr. Matt Livingston with QVT who is the Site owner, addressed the Commission. He thanked the Commission, and is excited to be here in Highland and happy to be a part of the redevelopment of Greenspot Road and that corridor. He explained the reason why now applying for the Time Extensions is that it takes a long time to work through Engineering issues and was a business decision and

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that the company is a private company and further explained about the construction money is unavailable today and that Performance Bonds have shut down private builders due to the economy and that it is not possible to build today and if he would have additional time on the approved Map, or would have to redesign it. but he wants to build the Project as it is currently designed. Mr. Livingston stated how one (1) year goes by quickly and in 2015, he is willing and has worked well with Staff with addressing some of the issues of Greenspot Road and have not argued at all in addressing the Plans as Staff has requested, and with the limited amount of offsite improvements, he does not see what would be changing between now and 2015 that would impact the Site and already has addressed the one Greenspot Road issue and that the additional time would allow flexibility for him to complete the Project. Mr. Livingston then stated he would be happy to answer any questions the Commission may have.

Chairman Hamerly asked if the Commission had any questions for the Applicant.

Discussion ensued between the Commission and Staff regarding air space and the Flight Pattern over San Bernardino International Airport (formerly Norton AFB) and how that was addressed as part of the Appeal to City Council the Conditions that were related to that were removed by City Council and there has been no further contact from the Airport. Staff explained how the Airport initially appealed the Item to City Council and then withdrew their Appeal prior to going to City Council and the Applicant continued to pursue the concerns expressed by Airport and requested the City Council to remove that COA outright in which the Council did. Staff further explained how the City and the Airport negotiated the Airport Land Use Agreement and the Commission considered and adopted and addressed the Flight Pattern away from the Project. With regards to the Debris Field, that was originally based on Military Land Use and not civilian use and was more expansive and that is why Village Lakes was created.

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

A Motion was made by Commissioner Haller and seconded by Commissioner Sparks to Approve Resolution No. 10-020 for a three (3) Year Extension of Time for Conditional Use Permit (CUP 05-003), Planned Development Document (PD 05-002), Tentative Tract Map 17682 (SUB 05-004), and Design Review Application (DRB-05-043), all subject to the Amended Conditions of Approval, and Findings of Fact.

Motion carried on a 6 – 0 vote with the abstention of Commissioner Gamboa.

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5.0 LEGISLATIVE

There were no Items.

6.0 ANNOUNCEMENTS

Community Development Director Jaquess explained the December 21, 2010, Regular Meeting has been cancelled and Items tentatively scheduled for the January 4, 2011, Regular Meeting.

Commission Haller stated he would be on vacation during that time.

7.0 ADJOURN

There being no further business, Chairman Hamerly declared the Meeting adjourned at 8:21p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

Randall Hamerly, Chairman
Planning Commission