

**MINUTES
PLANNING COMMISSION REGULAR MEETING
APRIL 19, 2011**

1.0 CALL TO ORDER

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

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

Absent: Commissioners Milton Sparks and Michael Stoffel

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

2.0 COMMUNITY INPUT

There was none.

3.0 CONSENT CALENDAR

3.1 Minutes of February 15, 2011, Regular Meeting.

On Page 8, Last Paragraph, Second Sentence was amended to read as follows:
“...the deck is approximately eight inches (8”) thick with an eight inch (8”) soffet underneath with a total fascia height of three feet (3’) in this area...”

On Page 10, Second Paragraph discussion ensued between the Commission and Staff regarding what “thrip” is.

On Page 11, Last Paragraph, Item 8 Sentence was amended to read as follows:
“...the proposed Canopy is a small incremental improvement from the Valero canopy”

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3.2 Minutes of March 1, 2011, Regular Meeting.

It was noted the Pledge of Allegiance was led by Chairman Hamerly.

On Page Five, Last Paragraph, First Sentence was amended to read as follows: "The Commission also gave a Directive to Staff to make the cornice profile twelve inches (12") tall project out twelve inches (12") in order to add more definition."

3.3 Minutes of March 15, 2011, Regular Meeting.

On Page Ten, Second Paragraph, First Sentence was amended to read as follows: "...the Property Owner gave the directive to do the change during construction and start forward with the work without going to the City first..."

On Page Ten, Third Paragraph, Third Sentence was amended to read as follows: "...Property Owner's part and that it never occurred to him that the brick veneer on the columns was going up to nine feet (9') until the actual installation occurred."

On Page Fifteen, Third Paragraph, First Sentence was amended to read as follows: " A comment was made by a Commissioner that the details be replicated and tie into the Elements..."

A Motion was made by Commissioner Haller and seconded by Commissioner Gamboa to: Approve the Minutes of February 15, 2011, March 1, 2011, and the Minutes of March 15, 2001, as amended.

Motion carried on a 5 – 0 vote with Commissioners Sparks and Stoffel absent on the Minutes of February 15, 2011, and March 1, 2011.

Motion carried on a 4 – 0 vote with the abstention of Vice Chairman Huynh and Commissioners Sparks and Stoffel absent.

4.0 PUBLIC HEARINGS

Note: Prior to the Meeting, letters from Kerry and Terri Hennon dated April 17, 2011, for Item 4.1 was distributed to the Planning Commission.

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In addition, a petition received on April 18, 2011, that had five (5) signatures on the first page and fourteen (14) signatures on the second page and a letter from Ms. Lillian Harnitchek dated April 19, 2011, for Item 4.2 were distributed to the Commission.

- 4.1 A request for a three (3) Year Extension of Time (EXT-011-002) for the construction and operation of a Senior Living Community, which is designed to accommodate Independent Living, Assisted Living, and Memory Care Units. (Chaparral Heights Senior Living Community) for Conditional Use Permit (CUP-007-014). The approximate 5.2-acre Site is located on the south side of Base Line approximately four hundred feet (400') west of Church Street. (Assessor Parcel Number: 1201-251-12.) Representatives: Randal Corwin and Steve Yates – BrightWater Senior Living

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 Applicant's request for the proposed Project. He further explained the Applicant is in the audience and then concluded his presentation.

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

(Note: Commissioner Gamboa left the Chambers at 6:10p.m.)

Discussion ensued between the Commission and Staff regarding how the previously adopted Conditions of Approval (COAs) address the State Water Use Standards and other current Codes which will be included in the DRA after the CUP is approved and if the Project would return to the Commission for further consideration and concerns were raised by a Commissioner that the current Codes would be used. Staff explained how the COAs will contain any modifications to the Codes that are in effect at that time the (DRA) Project is approved by the Commission, and if the Project is not completed in three (3) years, the Project is dead.

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. Steven Yates, who is the Principal of Brightwater Senior Living, addressed the Commission.

(Note: Commissioner Gamboa returned to the Chambers at 6:12p.m.)

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Mr. Yates thanked the Commission and Assistant Planner Kelleher and then gave a brief historical background and how he and his partner obtained the Property in March, 2011, and his intentions are to start construction most likely this fall and requested the three (3) year Time Extension to be granted by the Commission. He then said he would be happy to answer any questions the Commission may have.

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

Discussion ensued between the Commission, Mr. Yates and Staff regarding that Brightwater Senior Living is a Development and Management Company and has locations all over the United States, Canada and some in England, while the Staff portion that will run the day-to-day operations will be living locally which are the Executive Directors and Nursing Staff. The Home Offices are located in Bend, Oregon and dependent on how many the Facilities the Developer may have in a given area, the Developer sets up with Directors, Regional Nurses, and Support Staff for health services, but with all of the Staff that runs the Facility on a day-to-day basis are living locally.

Further discussion ensued between the Commission, Mr. Yates and Staff regarding if the original design will be retained and that Mr. Yates indicated LRS Architects was the original Architects, but has a close working relationship with a Senior Housing Architectural Firm based out of Salem, Oregon and he believed that it is the most experienced senior housing architectural firm in the Country based on some relationships they have with some large senior housing operations and how the Developer has worked wholly with the Senior Housing Architectural Firm from Salem, Oregon with his Projects and in terms of the design, the Developer has the rights to the design and will take what is already there and has the information from LRS Architects and will move forward and there will be a seamless transition from LRS Architects to the Developer's Architect. Mr. Yates anticipated there will be some changes in the design, and explained the original proposed design was done in the late 1990's and how he has built the Wildwood Senior Housing project in Yucaipa is similar to this general design and reiterated that he would like to make some changes that would fit the Property and would be operationally better, but is a nuance and not necessarily that material.

There being no further discussion or questions of the Applicant or Staff, Chairman Hamerly then asked if there was anyone in the audience who would like to speak on the item.

Ms. JoAnne Smith, 7345 Marigold, Highland, California, who is a resident, addressed the Commission. She stated that she resides in the third house with the red roof from the proposed Project and is opposed to the three year Time

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Extension and how the Property has been vacant for many years, but is supportive with a senior community. She indicated there are people going in / out of the driveway continually, people are living in that home and there is vandalism / destruction going on there. The house located on the Property needs to be demolished and provide no access off of Base Line and the Property needs to be gated and is concern for her safety. Ms. Smith reiterated how both trucks / vehicles and kids are in / out of the Property and would like some peace from her back yard She then thanked the Commission.

Ms. Beryl Hartsook, 7317 Marigold Avenue, Highland, California, who is resident, addressed the Commission. She resides on the corner of Marigold / Base Line which is adjacent to the Property and had similar concerns like the previous Speaker (Ms. Smith) and if the Commission grants the Time Extension, she requested an added security gate on the easterly driveway with chain link fencing and indicated how the westerly driveway gate was hung inappropriately and how there is no problem to lift the westerly gate off and that it needs to be removed and replaced. Ms. Hartsook stated there is a considerable amount of unauthorized traffic in / out of the driveway. In the day, people will dump items and scavenge and reiterated to install a working gate in and replace the existing gate adequately and explained how the existing gate was hung. Ms. Hartsook reiterated her request to have the Developer install the gates in order to secure the Property until the Developer is ready to start construction. She then thanked the Commission.

Chairman Hamerly asked if anyone else would like to speak on the item. Hearing none, Chairman Hamerly asked Mr. Yates would like to address the Speakers' comments. Mr. Yates responded and that he could restrict the Site access in order to secure the Site and explained how the house will be demolished and it is best served and intends to start construction in the fall and that the Grading Permit may be obtained and grading may happen earlier.

Discussion ensued between the Commission and Mr. Yates regarding that Mr. Yates will be able to repair / fix the gate on the west and Mr. Yates responded affirmatively and added that he would be here until midday tomorrow and will go and take a look at it.

Ms. Smith asked what is the time frame for securing the Property and how Ms. Hartsook also has the same fear and wanting to keep people out of there and that they would feel safer and Mr. Yates responded he would be looking into it.

Chairman Hamerly then asked if there was anyone else in the audience who would like to speak on the item. Hearing none, he then closed the Public Hearing and opened the floor for discussion amongst the Commissioners.

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Discussion ensued between the Commission and Staff regarding the letter from the Hennons and how Staff explained how the Hennon's concerns are addressed in the CUP COAs and how their other issues / concerns will be addressed when the Project will be returning for further consideration for design review. Staff explained how the Project was reviewed by the Commission as a Planned Development document, but not design review.

Further discussion ensued between the Commission and Staff regarding Site access and as the Property Owner there are liability issues and is the Property Owner's responsibility not wait until fall / winter to secure the Site which would not be costly to do that and can eliminate the nuisance and dust control. If there is a potential of illegal trespassing or a public nuisance, the Code Enforcement Division could look into that. A suggestion was made by a Commissioner to add a COA how the Base Line frontage will be secured within thirty (30) days until the Developer starts construction and the Commission concurred to add Planning COA No. 32.

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 Gamboa that the Planning Commission Approve Resolution No. 11-004 for a three (3) Year Extension of Time (EXT 001-002) for Conditional Use Permit (CUP 007-014), subject to the Amended Conditions of Approval and amended with the following:

Added Planning COA

32. (NS) Within 30 days of the April 19, 2011, the Applicant shall install and maintain a temporary fence across the sites westerly driveway onto Base Line, until construction on the Project has commenced.

and;

Findings of Fact.

Motion carried on a 5 – 0 vote with Commissioners Sparks and Stoffel absent.

(Note: Assistant Planner Kelleher left the Chambers at 6:35p.m.)

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- 4.2 Amendments to portions of the City's General Plan Land Use Element (Chapter 2) to include a new "Residential High Density District" (GPA 011-001); and Amendments to the City's Land Use and Development Code amending the City's Official Zoning Map to incorporate a new Multi-family Residential District (R4) and High Density Special Overlay (HDS) within the Golden Triangle Policy Area (ZCO-011-01), and amending the City Land Use and Development Code (Title 16) adopting new R4 and HDS Development Standards (MCA 011-003) all in accordance with the City's 2006-2014 Housing Element, approved on January 25, 2011. The location is City-wide.

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

City Planner Mainez gave the presentation from the Staff Report and Powerpoint presentation. He provided a brief overview and historical background and the various Designations of the number of dwelling units per acre of the Project for High, Moderate, Low and Very Low Income Households for the audience's information. He further explained the Housing Element Program No. 9 in creating an R4 Zoning District Policy and that with the proposed Sites for the R4 Zoning and indicated the State is looking at a density issue and is interested in the City identifying areas that would be suitable and appropriate for new high density residential for Lower and Very Low Income Households for new infill development and not using existing buildings. The proposed HSD and R-4 Zoning Districts would permit housing development density between twenty to thirty (20 – 30) dwelling units / acre. He explained in detail how the State says if a Site has a density that allows to 10 units or less / acre, it would be suitable / appropriate for Upper to Moderate Income Households; if a Site has a density that allows to 10 – 19 dwelling units / acre, it would be suitable / appropriate for Affordable Moderate Income Households; if a Site has a density that allows to 20 dwelling units or above / acre, it would be suitable / appropriate for Affordable for Lower Income Households.

City Planner Mainez continued his presentation and emphasized that there are no projects proposed, and not required to build the development, but there is a generated interest with developers. He further explained how Staff met with the Lewis Group Companies located in Upland and contracted with the County of Orange for a Specific Plan with Seven Oaks Policy Area and was instrumental in modifying Staff's Draft and making some adjustments because they are familiar with this kind of density and is familiar with the area and manage what they build so Staff has an insight from a Developer that has done this and are realistic Standards. He also explained how Global Premier Company was also consulted, but that discussion was not very fruitful and delete that from the Staff Report and Minutes in that it did not work out with the Global Premier Company. City Planner Mainez received a phone call from Mr. Gabriel Sanchez and was excited

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in being included in the R4 Zoning District (Site No. 2 - Sterling, south of Base Line) and would be a minor change including Mr. Sanchez's parcel and would not affect the outcome of the proposed Zone Change. He further stated with the e-mail received from KCB Towers regarding Site No. 6 located on Palm Avenue / Fifth Street, indicated their concern with future housing to the north and City Planner Mainez responded how Staff can study KCB Towers' concerns will be addressed at the time when a project is submitted for discretionary review. He also explained the Petition from residents on Olive Tree Lane for Site No. 5 located south of the Senior Housing Project and then concluded his presentation.

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

Discussion ensued between the Commission and Staff regarding the suitability for the R4 District areas and how the City is mandated by the State to identify areas, and the City's obligation to provide adequate area both in the General Plan and Zoning to accommodate the Regional Housing Needs Allocation (RHNA) process. By Right-of- Zone without requiring a CUP Entitlement, the Design Review process and consistency with the Government Code were also discussed. Staff reiterated the State is looking at a matter of identifying numbers and looking at new buildings, not existing buildings and emphasized the City is not required to build them, but required to accommodate them, if someone wanted to build them in the future

Further discussion ensued between the Commission and Staff regarding the design review process and entitled by Right-of-Zone with the State. Staff explained if a problem occurs, the variables could include the Housing Element cycle could be circulated once every eight (8) years, if 100% of the units could be for Low and Very Low Income Households and if the Commission denied / discouraged the projects. A Commissioner said that is discouraging through the use of the design review process and Staff responded this appears to be the start of a process to eliminate the CUP process and how housing advocates will be monitoring. A question was asked by a Commissioner regarding follow up interpretation and what constitutes Low Income Households and identifying the infill Sites and how to reuse and adapting the existing stock / properties and the City's Right-of-Zone to use the Code and adopt for RHNA. Staff responded that it is a matter of numbers and the State is looking at new buildings only. A Program that is a Charter with limited resources and involves Redevelopment (AB 428) was also discussed and is a separate issue and does not preclude the City.

(Note: Commissioner Gamboa left the Chambers at 6:52pm)

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Discussion ensued between the Commission and Staff regarding the Site No. 5 size and the potential for 164 units to be placed on Site No. 5. A question was asked by a Commissioner if someone would be allowed to build a Single Family Residence on a 7,500 square foot lot there and Staff responded there is no consistency with the Zoning with 20 – 30 dwelling units / acre and the City would have to find another Site and Staff is not recommending that. A question was asked by a Commissioner what if the Zone for Site No. 5 either have 164 units or is left vacant and Staff responded that Staff will work with some of the neighbors' parcels with Redevelopment and would be a separate Zoning.

A question was asked by a Commissioner with the proposed Zone Changes having multiple oddly-shaped lots, is the City actively encouraging consolidating lots i.e. the Wilshire Corridor (in Los Angeles) and not having the building density and have underground parking and appears the State is having the City painting itself into a corner, rather than seeing the big picture and building detached single story structures into detached two-story structures. Another Commissioner added this is a classic case and need to look at the design criteria, set backs, etc.

Staff suggested the Commission hear testimony first before debating the issues and specific recommendations.

A question was asked by a Commissioner how the Wilshire Corridor was used as an broad example and is questioning are the proposed properties identified are suitable for the R4 Zoning and has reservations and cannot separate out Site specifics from the big question how the Commission is being asked to approve this and recommend this to the City Council for approval a "basket of changes". Staff responded the Commission's recommendations can be Site specific and not obligated for "all in one or all and none" and that Staff can take the Commission's separate recommendations forward to City Council.

A question was asked by a Commissioner if it was intended to be broad based i.e. Site No. 1 configuration not having a good Site flow and good adjacency in some of the neighborhoods that the Sites are being proposed. Staff responded it is an infill development Sites and how the State identifies the Sites, and that there is a high probability that they will be suitable for development. The question if with the property has a riverbed, cliff, an earthquake fault, etc. and how there are also infrastructures to the Sites and all of the Sites are developable and not that they are oddly-shaped and indicated that design review will be challenging and how the Commission has the discretion and reiterated all of the Sites are adequate.

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A question was asked by a Commissioner if there is a Zone Change on a parcel and the City is "counting beans", could the City pencil out 43 units at another parcel within the City and Staff responded the numbers were padded a little bit and Staff would have to go back and amend the Housing Element.

A comment was made by a Commissioner how the City Council preferred these potential properties and for the Commission to discuss them and how the City Council has put considerable amount of time and effort on these potential Sites.

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.

Mr. William Wick, 27211 Cypress Street, Highland, California, who is a resident, addressed the Commission. With regards to Site No. 6, he stated he is a farmer and has horses and that his neighbors do not mind the horses. He resides next door to the Liquor Store, Bar, Massage Parlor and a Gun / Ammo Store at the Site No. 6 location. People that would be living in the apartments would be that one out of four tenants would be bad tenants and he is fearful for his horses and his property and was offered \$1.5 Million for his property, with the Developer who is currently building the homes on Palm Avenue / Ninth Street, but turned the offer down. His neighbors would like to have homes built, rather than having people go out in the alley and fight, and get on his horses and that has already happened since one of the facilities opened up. He asked what about in the East Highland area near the Stater Bros. Store located on Greenspot Road / Church Street where the recent flooding took place and would be ideal to build apartments there where The Village is. The combination of having the Liquor Store and he has animals, and that he has a right to protect his animals and then thanked the Commission.

Mr. Bret Martin, 7460 Olive Tree Lane, Highland, California, who is a resident, addressed the Commission. He stated the he has lived there for three (3) months but before that, he resided and owns a condominium located at 3535 Rainbow Lane. He explained how the people had to relocate and moved into his neighborhood when the apartments located at Highland Avenue / Arden were torn down. He further explained that on October 31, 2010, after his wife had brought in their son and was inside the house for five (5) minutes, there were fourteen (14) gunshots fired off in his neighborhood the front unit got seven (7) bullets in it, the side unit received about three (3) bullets in it and the wall on the other side of his unit got a couple bullets also. The two (2) gang bangers that were shooting had hit their target two (2) times and one (1) innocent bystander and his son was just a few minutes late, he would have been shot. On November 1 - 2, 2010, he went to a Real Estate Representative and was able to

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find and buy the house at 7460 Olive Tree Lane and a good selling point from the Real Estate Representative was how there would be no condominiums / apartments would be behind him because that area is residential and how the land was vacant with the exception of one (1) house that he looked at to purchase, but did not pass the VA approval and he would have owned that house instead. Mr. Martin said about how the City owns the middle property (Lot 184) and how the City has plans for those parcels and asked how much is the City asking for it and could not be more than \$100,000 since that is how much the one (1) house next to the property was \$100,000 and indicated that he would not put apartments there and that it is vacant land with no utilities on it. He would have known the City had plans for that property, he would have known that, he would have not bought there and would not have been a place for him to choose. Because he was interested in several properties at that time and how this house (7460 Olive Tree Lane) was nice and completely rehabbed that is where he wanted to live being almost a 10,000 square foot lot. He has installed a Koi pond, trees and has a lawn mower. The last thing that he wants is to have high density low income apartments behind him and that he understands that they need to live somewhere, but does not want to be afraid to go home at night. He then thanked the Commission.

Ms. Consuelo "Connie" Lykke, 27129 Fleming Street, Highland, California, who is a resident, addressed the Commission. She has resided there for twenty (20) years and lives one block west of Site No. 6 and is opposed to Site No. 6 (Parcel Nos. 251 and 252). She is supportive of the first Speaker (Mr. Wick) who is adjacent to the properties. She understands how the City has to respond to the State, but is opposed to the development of low income housing and agrees that people have to live somewhere, however, the City Creek Wash is behind her property and there is constant traffic located at City Creek and has gotten worse and how people access that area and walk through there all the time with their animals and how the berm is wide enough for ATVs, SUVs, cars, trucks, dirt bikes and believes if you get the wrong element of people with low income apartment housing, it will not get any better in that area. She knows that area is County property, an Ordinance is in place and people are not supposed walk through that berm, but people are always there. She is guarded / concerned for her property. herself and her pets and her neighbors and with Mr. Wick adjacent to the property because she is fearful it will get worse if you get the wrong people in the low income housing units and is similar to Central Avenue / Fifth Street and Cypress / Ninth Street apartments and attracts the wrong element of people. If it were single family homes, there some pride is taken when the homes are owned. Unfortunately, you get the wrong kind of people that rents some of these units and God loves them all, but you get drugs in there, etc. understands that the Commission has heard this many times before, and reiterated that she is opposed to that development. She then thanked the Commission.

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Ms. Marilyn Bowes, 25844 Walker Street, Highland, California, who is a resident, addressed the Commission. With regards to Site No. 3, she appreciates the affordability of the housing in the area and allowed for her to achieve the American dream, but that dream has the potential to turn into a nightmare. Half of her property has the potential to be in the shadow of, engulfed by, and smothered by High Density housing. It was never a part of her dream to have someone peering down at her from the second floor or balcony of a High Density complex, and for all of this, she could have stayed in Los Angeles. She is concerned about the potential of both the cost of the quality of life and home equity. She is also concerned with the potential with the increase in noise, lights, traffic, and the change of the neighborhood. She is especially concerned with the erratic weather patterns, how any Zoning of new construction, especially of High Density Apartments, could be built in a FEMA High Risk Moderate Flood Zone. Ms. Bowes is opposed to the Zone Change for Site No. 3 and then thanked the Commission.

Mr. George Oehrug, 7774 Drummond Avenue, Highland, California, who is a resident, addressed the Commission. He stated he resides across from Bill (Mr. Wick) and that he enjoys the horses, and if a person looks at the property, the property is shown going all the way to Palm Avenue and asked if the Strip Mall is going to be ripped out located on Palm Avenue. He indicated the Strip Mall is not shown and how Palm Avenue / Cypress is shown and does not think that the class of people will be in low cost housing in that area. He understands that the people have to live somewhere, but there will be more problems. He further explained how there were some low life living next to him and how the Police were there every weekend and people have signed complaints. He has a feeling that something will go wrong and not wanting to see that in his neighborhood and how the neighborhood is currently coming back and how the people are buying houses now and starting to take care of their property and he would like to see that happen more and more. But if we get some bad element in there, he believed that would go straight into the toilet. He then thanked the Commission.

Ms. Margaret Cisneros, 7512 Sterling Avenue, Highland, California, who is a resident, addressed the Commission. She stated how she used to reside for thirty-three (33) years on Central Avenue, south of Stater Bros. and where the (Miniature) Golf Course was removed and for three (3) years, she is currently residing on Sterling Avenue. She indicated with her now currently living on Sterling, she indicated how living on Central Avenue was like being on vacation. She is now fearful and is surrounded by low income apartments. She provided some historical information prior to 1987 when Highland was in San Bernardino County and now Highland wants low income apartments and there are no positives anymore and this is ridiculous. The State has told the City to that it needs to have so many units of Low and Middle Income, but the State did not tell

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the City where to put them and have now decided to put them all west of Palm Avenue and asked what happened to east of Palm Avenue and there is all of that land to plan for and you have sent all of the negative elements to us and that you should be ashamed of yourselves. The number of Elementary, Middle and High Schools have increased because they were able to get cheap land. You had the opportunity to buy all that land and then develop in Highland, but you didn't. You decided to go east and that was fine. That would be a good tax base, and good housing and all that, but we all can't afford it. You have to put us someplace, but don't bring in all of the negative elements to us; share them. Both the pedestrian and vehicular traffic is horrendous. There are 1,000 cars that pass on Sterling Avenue anywhere from two-wheelers to eighteen-wheelers and she has to put up with the inconvenience, noise and traffic with both the foot / vehicular traffic and with the Schools. She reiterated not to place on the negative elements that you cannot deal with. With the Fire Department / Emergency Vehicles, and puts up with the traffic noise is terrible with horns honking, brakes screeching, disregard for laws and a potential for accidents and have witnessed School children being killed. With both the Law Enforcement and Code Enforcement need to do put their valuable services and I admire them to what they already have. We and the Police cannot cope with what they have. There is a lack of property maintenance. She explained how she was contacted with Code Enforcement and how she was a victim and was tagged and she used to paint the graffiti every week, but now she has to leave it up there this time since she has no further money for purchasing the paint anymore. She did not create the problem and how she pays taxes and how she was able to paint the graffiti while she could. There is also a lack of maintenance around the apartments. Install more fences in the back, front and side yards and how the helicopters are continuously busy, she loves her neighbors, but don't need more negative elements located at Del Rosa, Sterling and Fifth Street. The apartments in front of San Bernardino International Airport are not on the maps and indicated how small the lots are that have apartments on them. She requested the Commission not vote on this tonight, "set fire to the whole thing and clear it" and then redo it. She indicated that there is a need for services that are age friendly. The Fire Station was great for protection and with all the emergency vehicles that follow. But when people are parking in your yards and blocking your driveways, throwing trash / diapers and everything else into your yards, throwing chicken bones to your dog, is tiresome and when a person is trying to maintain their property and now you want to put in more apartments. Ms. Cisneros continued and said when calling the Police Department, it takes hours for them to respond, if they respond at all. The Police Department says that there are bad times with the City, Highway Patrol, School Patrol and Private Security and then asked what about the number of killings and what are the suspects wearing. A person can only take that so long. There needs to be solutions and not more apartments with problems and

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asked the Commission for help and how Highland is and can be a nice City. She said to think about the land the other people have i.e. the gate issue, vandalism, dust with the one house and there is no gate for them. She further asked the Commission to consider this seriously and to share with all parts of the City, East Highland, East Highlands Ranch and reiterated how the City has plenty of land to put the apartments and while the State may tell the City it needs a certain number of apartments, but it won't tell the City where to put them and Ms. Cisneros said not to put the apartments in her yard.

Mr. Wick addressed the Commission and stated the people who had left there have resided there for fifty (50) years and wife has been there for thirty-four (34) years and it doesn't seem fair for people being in one place for all of their lives and be happy with this scenario and then asked why are these apartments being built. It is not good for Highland and is not sure if the City gets funds from the Feds, but with the cost to convict and with people getting hurt / killed, will cost more than that. And what about the East Highlands Ranch area and put that thirty-five (35) acres of housing in the Flood Control Channel area.

Mr. John Gomez, 7396 Olive Tree Lane, Highland, California, who is a resident, addressed the Commission. He resides on the corner of Eleventh Street / Olive Tree Lane and that the senior citizen complex (Jeffrey Court) is behind him and believed that is 275 units or more. Will be adding twenty to thirty (20 – 30) more units already to Jeffrey Court and how the senior citizens now have security problems. Being on the corner, the Fire Access Road has to go through the south side of his property, he gets shopping carts and how people are jumping over the wall to get into the complex, etc. For the senior citizens (at Jeffrey Court) used to have a security guard when it first opened and now will be adding a "tremendous" amount of social problems to that area. The Trailer Park located on Central Avenue / Ninth Street shows the lots, but not does show the densities as to real planning. You do not show any units, duplexes, triplexes, etc. in any of these areas, but you are going to add density to it and would be an issue both Police- and School-wise and for the Commission to take all that into consideration. When looking at a vacant lot suitable to build, but there is so much underground activity that you don't see but the people here have opened their eyes to a lot of these problems and reiterated hopefully the Commission will take that all into consideration, because that will create more problems.

Mr. Dilip Sheth, 904 Silver Spur, Number 479, Rolling Hills, California, representing OMGray LLC, addressed the Commission. He stated that he owns the property located at Base Line (east of McKinley) Site No. 3. He asked how the lots were selected for the proposed Zone Changes and assigned to Commercial Zones and how his property was missed and how the City did not

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give him, as a property owner, an option. He is opposed to the process and believed there is an injustice and discretion has not been used and requested the Commission stop and restart the whole process over again. He further explained how he had gone to the City Planner asking about the Zoning on his 40,000 square foot vacant property located on Base Line and wanted to be included. He then thanked the Commission.

Discussion ensued between the Commission and Staff regarding Mr. Sheth's property is currently Zoned R2-C and then Staff explained the property selection process to the audience due to requirements from the State and how the City's hands are tied with RHNA requirements. Staff further explained the historical background of the shortfall of the 1,400 low income housing units and the Housing Element of the General Plan and how the City looked where vacant land was and did not focus on one side versus another side and the City did an underutilized analysis and how the City Council considered the east end and will include potential High Density units. The State is mandating the City only to identify sites and that the State is not mandating to construct units.

Further discussion ensued between the Commission and Staff regarding what is the percentage allocation is for the 1,400 low income housing units located in that there are 650 units in an overlay for the Golden Triangle Policy Area and that the Seven Oaks Policy Area is not included / allocated in the Item tonight, but possibly in the next few years with the next Housing Element and may have to do an adjustment. Staff added that the City has to deal with Zoning and not a Planned Development Zone. Staff explained the shortfall is 1,400 units is based on population and Staff will explore in the next Housing Element with housing units at the Seven Oaks Policy Area and that the State recognizes that area as upper income as a default and there is no Specific Plan or Zoning to dictate the density, the State cannot be counted / allocated and is too speculative.

Mr. Bret Martin addressed the Commission. He stated he has resided in Highland for sixteen (16) years with regards to the High Density the units located in East Highlands Ranch are not considered low income and if the High Density units would be located in the East Highlands Ranch, would the City receive credit. He asked how much lower can you get and how he doesn't want it in his back yard and that is why he moved from it and indicated how he was happy there for the last fifteen (15) years before he moved. He reiterated how San Bernardino tore down the apartments located at Highland Avenue / Arden area and how the people needed to go somewhere and they ended up where he is located at because of the low rent.

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Discussion ensued between the Commission, Mr. Martin and Staff regarding the Highland Avenue / Arden area is located within the City of San Bernardino, and that the State Housing Element law does not credit for existing apartments, what the City is accounted for and the feasibility of having the thirty-five (35) acres in the East Highlands Ranch area and register that as R4 Zoning and apply the housing credit on the south side of Greenspot Road which is currently Zoned PD and has an approved development on that property. If the High Density units would be located in the East Highlands Ranch area would be the best location and the people would be safer because that is where all of the Police Officers reside rather than the people living next to a Gun Shop and a Bar.

Further discussion ensued between the Commission regarding how the Commission agrees with Mr. Martin in that no one wants apartments and what had previously transpired at previous Meetings and how the Commission is faced with the issue / need to resolve / allocate 1,400 units as High Density and is frustrating for all and that the City Council had selected these Sites.

Ms. Margaret Cisneros, addressed the Commission and stated the State did not tell you where to place the units and she doesn't mind sharing the existing infrastructure, but there is no drainage and how the City has received Grants for curb / gutter installation and none are located in her area and asked what about the lighting. The School has to put up Christmas lights around the School for security lighting. You need to tend to the problems first before making more problems. With regards for the Commercial Zoning, she fought for that and now it is Zoned for apartments and she asked the Commission not to do that and not to vote on this tonight and how the City Council makes its decisions on the Commission's recommendations. She also stated don't forget who started Highland and what Highland has inherited. Don't mess with the Zoning and if the property is Zoned Commercial, let it stay Commercial. She does not want apartments, and that means the need for additional Post Office, Library, Parks and asked where are they and indicated how the School had to bring in portable toilets. She reiterated for the Commission not to vote on this Item tonight and for Staff to start over again with the process.

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

Ms. Betsy Martin, 7460 Olive Tree Lane, Highland, California, who is a resident, addressed the Commission. She provided her telephone number and indicated that she understands Staff has spent a lot of time on this. She stated how she is overwhelmed and is currently unemployed and volunteered her services to assist Staff for resolution. She wants it to be safe and supports the Highland Police.

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

Discussion ensued between the Commission and Staff regarding design review criteria and minimum landscape area and the feasibility of applying general provisions. The Lewis Corporation's proposed Project and their proposed setbacks and Table 16 – 16.040 B (Page 35 of the Staff Report) and how they arrived at their setback numbers and if they are adequate or not were also discussed. There needs to be a due diligence and how there were minimum setback standards set for interior side yards, twenty-five foot (25') front yard setback, etc., and had set different minimum standards for corner lots, but did not affect density because it was vested to the Tract Map, and in order to get a different density and now dealing with a Master Plan.

Further discussion ensued between the Commission and Staff regarding setting a minimum density / amenity issues and the need to create an adequate buffering between existing single family residential / commercial uses and is one of the most impactful Zones that can be put into an area and using any number of mechanisms for buffering – noise, traffic, shade, reflective sun, can affect the quality of life in the neighborhood and the size of the parcels that would be even considered for this and not just based on square footage, but in general areas i.e. a parcel may be one (1) acre, but is only 100 feet (100') deep, it's going to be a "mile long" and there is the need to look at if the parcels are adequately configured for the High Density Residential Zone and with the 100 foot (100') deep parcel and take out the setbacks for front yard setback, parking areas, and any area for yard space or common open space, you will have something that is very narrow and very tall and that is meeting the Model that is templated and reiterated the need to look at the configuration of the parcels to see not only if it fits, but if it is a good fit for the areas that have been identified. Staff responded this is a discretionary issue when the Commission considers / evaluates a project application and was unsure if that could be put that in writing in the Code, but the Commission might be able to do that with a Specific Plan and would be able to get into that detail and how the lots would have to be this shape / configuration and here throwing out some minimum Standards and identifying the areas that could potential meet some of these Standards, but would have to do in the future, have another Policy in the Housing Element is modifying lot consolidation provisions in the Code as an incentive and currently, it is more encouraged. Staff added that Staff will be returning with Code Amendments and one will be lot consolidation as an incentive to get better designs for the Commission to consider.

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The following are comments made by the Commissioners: 1) as a Policy consideration, if there is a High Density Element into a neighborhood that is primarily Single Family Residential, having adequate buffering is to take the entire block, rather than $\frac{1}{4}$ of the block or the front lot, etc., would still have the adjacency / back yard issue and how in the Single Family Residential neighborhoods, the back yard is a family's "inner sanctum" for children to play and privacy area and is a "defensible" space and is circumvented when a high rise structure that is immediately adjacent to that and a way to circumvent that issue is to take it street-to-street and identify the entire block instead of having something that is splitting the block into an R-1 and R4 Zones split. With the proposed Zone identifications, there are those types of configurations where there are potential access issues i.e. the northwest corner of Sterling and dump into a street in the back as an interior street and would not be an attractive circulation element even if a portion of the traffic into that small neighborhood. 2) The Commission has the ability to increase the Minimum (Standards) if the Commission saw it necessary and that the Notes need to be "beefed up" and to be more explicit in that regard and they seem somewhat weak and is concerned about the expectations that the Commission is setting for any Developers that would see a Minimum set and with the Developers seeing Notes on there with "G" and "H" on Page 35 "or as determined by the Planning Commission" and the Commission could interpret that liberally and that the Commission could increase the Minimum and the Commission might want to be more explicit and how the Commission reserves the right to increase the Minimums on a case-by-case basis to be more explicit. With "H", seems confusing and what that means and needs to be more specific if it would be limited to one- or two-story and as currently written / proposed, it is general. There is a need to set an expectation as to what the Commission wants to see. If the Developer takes a minimalistic approach and the Commission's expectations are different, and need to clarify the Commission's expectations and be up front about it. 3) The Developer is dealing with design in three (3) dimensions, models, building massing and soften the impact on the neighborhoods, as opposed to the Developer saying how big a box can the he fit onto that parcel and run it vertically and then gave an example with design on high rises and the least expensive way with getting the maximum amount of units on that parcel. With reducing the mass means the need to break up the facades, creating setback and courtyards, stepping it back and creating decks, varying the rooflines and that is done in cities with high rises all the time and that there are air rights and light rights where the buildings have to step back and cannot run the buildings up 1,000 feet (1,000') right on the sidewalk. A three (3) dimensional model of building massing needs to be addressed in the Standards to prepare the Developers for what they are going to be facing with they get design review, and will also soften the impact on the neighborhoods. 4) That could be in part a description of the General Plan what the Commission is

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trying to achieve, as well as to adhering to the Codes. 5) An example was given for a “Formula X” if a project goes up a certain amount of feet, the building is going to have to be stepped back a certain percentage of the street frontage, and can get “messy / convoluted” and by going back to pictures / illustrations saying this is what is meant by a vertical setback, offsets and the Developer using his creativity and how the Commission is looking for a quality product and the need to hold the same quality of Standards that would be expected anywhere else in Highland for any kind of development. 6) There is no maximum lot coverage listed and there needs to be and an example was given using a thirty percent (30%) minimum open space, maneuvering space, pedestrian access and how a number is driven, as consider if there should be a maximum coverage the Commission would want to see. 5) By default, the maximum coverage would be driven by common open space, access and parking requirements and if a Developer is going to try and squeeze forty (40) units / per acre, chances are there will be a five percent (5%) landscaping and the rest will be parking and will have a “sliver” of a structure going up so many stories and that’s what is driving the equation and that is the reason why you cannot say forty percent (40%) is the cutoff because that’s where the model breaks down once you get past a certain density. 6) Was reiterated whether or not the Commission have an addition of a maximum coverage and is a point for discussion. 7) The solution is to base the design on amenities and there are certain Minimum Standards for ground level units and above ground level units and if the Standards were increased and an example was given with the above ground private open space based on a formula on the number of bedrooms in the unit and the mix of units that the Developer is trying to apply to the site.

A Commissioner was concerned on Page 44 of the Staff Report Item C.i. and the net acreage needs to be defined – what it is / and is not and for individual site security. Staff responded that Staff can make a note on that what it includes / not includes.

Discussion ensued between the Commission and Staff regarding Page 45 of the Staff Report on Security Standards, security cameras, security guards and gated access which is typical Standards on the higher density complexes. Part of the Security Standards would be that a Security Plan would be reviewed by the Police Department for recourse and wanting to set the bar high for expectations and the Security Plan would not be just security cameras and would encompass other types of security i.e. resident screening, maintain certain behavioral standards within the complex and if the CC&Rs are violated, there would be recourse and whether or not it would be defensible, but if that is part of the Security Plan.

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Discussion ensued between the Commission and Staff regarding noise and one of the Commissioners have resident in a High Density Residential apartments and noise is a constant problem. Both from external noise coming through the windows and noise from adjacent units. The Building and Safety Code is supposed to address soundproofing / noise attenuation within the structure itself but whether or not that is adequate and whether or not to raise the bar above the Minimum Standards to provide adequate noise protection from outside sources, as well as within the unit itself. It seems noise has always been a problem – a person can hear his neighbor upstairs, downstairs and on the sides and that reduces the quality of life. The Commissioner indicated that these were his comments for the proposed in terms for the language changes in the Code and notwithstanding the Sites themselves.

A comment was made by a Commissioner how the Code spends more time on fire protection from not traveling from unit to unit rather than noise attenuation.

A question was asked by a Commissioner how were the property owners notified regarding the Sites and if Staff has heard any objections from them regarding the proposed Zone Changes. Staff responded how Staff has received a lot of calls and how some of the property owners are here from surrounding areas.

Another comment was made by a Commissioner how a property owner for a parcel was not included if Zoned for or close to a particular Site which would make his property more valuable / marketable to more Developers, or give the property owner an option whether or not to be included. Staff responded that Staff did not do 100% mailout for the entire City, but did a mailout to the properties that were identified and within a 300 foot radius to the Sites identified and gave an example of the property owner located on Sterling and Staff did not identify every parcel in the City, but did an evaluation of every parcel in the City and Staff recommended groups of parcels that Staff felt had the most logical basis for consideration.

A question was asked by a Commissioner if this was based on the original vision for the Base Line Corridor and asked is that was to convert those with ready access to a main thoroughfare that is designed for high traffic and access to public transportation and how many of those parcels are suited for a High Density Residential and provided an example of the Gardner infill Tract and might have been a great parcel for a High Density Residential and maybe less problematic rather than constructing a dense single family detached model and was wondering how many more additional parcels that are out there and may be suited for that.

(Note: Commissioner Gamboa returned to the Chambers at 8:25pm)

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Staff responded the Housing Element of the General Plan was approved by City Council and the City Council has identified and directed seven (7) areas and Staff's job is to take those Sites for appropriateness. This is the exercise and not looking at other sites and is set as a Policy and the next round of the Housing Element is scheduled in a couple of years and could then look at other sites, at that time. A Commissioner responded if a window of opportunity of word smithing this for parcels to opt in / opt out and may identify another 150 units worth of land, of property owners that are Zoned Commercial or something that is suitable, and that the property owner would want in on this deal and not having to charge him for a General Plan Amendment or Annexation, etc. This parcel would be like the seventh choice and would not want that particular parcel included, if we did not have to absolutely have it if we had reached that threshold before it goes to City Council for adoption and reiterated how much ability does the Commission has and still maintain the number needed to comply with the Housing Element and Staff responded and cautioned the Commission, but that Staff could look at that. The Commissioner said how one (1) person showed up for tonight's Meeting and is usually indicative that twenty (20) others that didn't because of their schedule and was wondering how many other additional parcels are out there and what capacity do they represent to help in reaching the RHNA numbers and if people would want to opt in / opt out. Staff responded is on the number of parcels added that Mr. Gomez for Site No. 2 is a minor change and that his parcel is contiguous and does not result in a major evaluation of the Housing Element. Staff understands how if one property owner came and does not know what the statistics are if one property owner comes then that means twenty (20) others, but Staff is presenting seven (7) Sites and Standards and requested the Commission make comments on those and if they are significant enough, Staff will work on them and can bring this Item back to the next Meeting.

A question was asked by a Commissioner regarding Site No. 6 located at Cypress / Palm Avenue how that property is not touching commercial and Staff responded that parcel is vacant land and the parcel is vacant to the south and west of commercial and is problematic. That parcel is owned by the Shopping Center and Staff has not heard from the property owner and with the property owner not attending, yet could attend City Council and how there is a political process and that City Council could change its mind and could make Staff start over and how the property owner did not respond to Planning's attempts.

Discussion ensued between the Commission and Staff regarding it is the Commission's concerns to determine the suitability of a given proposal for the neighborhood / community. Some of the parcels are an illogical fit and some parcels are logical and examples were provided and Planning's problem is placing High Density with Low Density Residential with limited circulation open

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because of the infill lots. And indicated how on Site No. 1's configuration and on Site No. 5 on three (3) sides is a predominant single-story, single family detached residences and presents rough adjacency issues and if you would run that block to block, it may be a bit mitigated and is a tough fit. Staff responded that Staff did not want the Commission to misunderstand the City Council's direction and the Commission's decision is based on the General Plan and having a good strong planning principles, taking comments from the public and the Commission to weigh all of that and that the City Council does not expect the Commission to make a political decision. The City Council wants the Commission to be strong in terms what is best for the community in terms of Zoning, buildouts, lifestyle and sense of place. Staff understands that apartments is a very sensitive topic and is unprecedented and Staff had told the State that and is aware of that. The State recognized that is an unprecedented level being a multi-family development potential in Highland and is a drastic increase and that the State has made it clear that providing housing for all income categories in California is a Number One Goal which runs the economy and Staff provided examples and reiterated there are no proposed projects, but is a regional balance of Sites for housing. If the Commission feels that the proposed Sites do not work well for one or two Sites, Staff will forward that to the City Council for further consideration.

A comment was made by a Commissioner how the High Density Senior Housing has different parameters. With regards to Site No. 5, initially, it was Zoned Planned Development and that the City owns that particular parcel.

Discussion ensued between the Commission and Staff regarding Site No. 6. how there is good access to Palm, but the adjacencies around that, there is single family detached residences on three (3) sides. Staff responded how Staff was looking at a mixed use. Having High Density immediately adjacent to shopping, food, etc. is a great combination, but the bad combination is on the western boundary. Staff responded how the westerly two (2) lots are vacant, but have horses there, but could subdivide that in front on Drummond and Staff then asked if the Commission would reconsider the Site. A Commissioner responded there is a logical circulation and discharged onto Palm Avenue and a potential traffic overflow to the north onto Cypress and a potential for overloading Palm Avenue / Cypress is a high impact for that residential area. Another Commissioner added how a Site can be picked apart and how the Commission can go forward and have the City Council relook at the Sites. Another Commissioner added how some Sites make sense while other Sites are more problematic.

The following are comments made by the Commissioners: 1) whether or not how each Site is / is not all going to build High Density Residential areas and how the State recommends the City have lots available; 2) how the City Council went over these Sites and where do you put them for RHNA requirements; 3) the feasibility of revising Code changes of segregating out or presenting as a package and how Staff will have more work with Development Standards; 4) whether or not there is time while the Design Standards are being refined to contact some other existing Commercial uses i.e. Base Line, Fifth Street, or a major thoroughfare and asked if they would like to opt in at this point, as well similar to the Base Line Corridor and possibly that would put the City Council in an awkward situation and how they identified these seven (7) Sites as the ones that they selected; 5) the feasibility of the City Council hitting a number and making a political Policy and since the City will be doing this exercise again in two (2) years rather than trying to focus on this right now; 6) with the Design Standards to ensure the City receives a good product and expectations on development in line what the Commission envisions; 7) whether or not there would be a requirement for on-site managers on the Site and screening the residents. Staff responded if there were over sixteen (16) units, there would be an on-site manager and that screening is a different issue and then suggested to continue this Item to the Commission's May 17, 2011, Regular Meeting.

Discussion ensued between the Commission and Staff regarding what is the difference between the low income housing versus low income work force housing if this is based on density and if other communities are using this. Staff responded how the State defines the definition in State Law based on State Law and income. Staff added that it is difficult for a Planner to say the word, "apartments" and is unfortunate and how other communities have good Standards, Programs and is a networking thing and could improve and say, "multi-family housing" rather than "apartments" and how people would be close to work and people just starting out in the area. A comment was made by a Commissioner when working with the General Plan, the City Council said there would be no apartments in Highland and Staff responded how the City of San Bernardino was acquiring land so apartments was passionate issue and Highland incorporated and wanted to stop it.

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 Willhite that the Planning Commission continue this Item to May 17, 2011, Regular Meeting to allow Staff time to amend the documents that they presented tonight so that the Commission can review and centered on the comments regarding Development Standards related to Security, Noise, Setbacks, Lot Development Standards.

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Discussion ensued between Staff and Ms. Cisneros regarding there will not be any additional Public Notice for the May 17, 2011, Meeting, because this is a Continued Public Hearing. Staff added there will be a Public Notice when the Item proceeds forward to a future City Council Meeting.

Motion carried on a 5 – 0 vote with Commissioners Sparks and Stoffel absent.

5.0 LEGISLATIVE

There were no Items.

6.0 ANNOUNCEMENTS

Community Development Director Jaquess explained the Items tentatively scheduled for the May 3, and May 17, 2011, Regular Meetings.

(Note: City Planner Mainez left the Chambers at 8:53p.m.)

Discussion ensued between the Commission and Staff regarding how there was no discussion about the Low / Very Low Household Income Designation.

Further discussion ensued between the Commission and Staff regarding the Arco Station located on the southwest corner of Palm Avenue / Fifth Street with the Developer appeared to install real brick as opposed to the direction of installing veneer up to nine feet (9'). Perhaps the Building Official said the Island was sufficient and Staff responded as long as it's legal.

There were no further Announcements.

7.0 ADJOURN

There being no further business, Chairman Hamerly declared the Meeting adjourned at 8:55p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

Randall Hamerly, Chairman
Planning Commission

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