

**MINUTES**  
**PLANNING COMMISSION REGULAR MEETING**  
**August 16, 2011**

**1.0 CALL TO ORDER**

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:01p.m. by Chairman Hamerly in the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

Absent: None

Staff Present: John Jaquess, Community Development Director  
Lawrence Mainez, City Planner  
Bruce Meikle, Senior Planner  
Sean Kelleher, Assistant Planner  
Angela Aguilar, Planning Technician

**2.0 SPECIAL PRESENTATION**

**2.1 Special Presentations by East Valley Water District of the 2010 San Bernardino Valley Regional Urban Water Management Plan**

Ron Buchwald, District Engineer for East Valley Water District gave a presentation on the 2010 San Bernardino Valley Regional Urban Water Management Plan.

Commissioner Haller asked about the Bay Delta risks and how it was factored into the analysis.

Mr. Buchwald answered It is at an all time low mainly due to legal requirements and environmental judgments. The reliability was factored into a low percentage. He believes it will cause us to use the State Water Project on a regular basis and less on the local supply so during an emergency they are more apt to be able to handle that, as opposed to hoping the State Water Project will be there when

they need it the most. The cost of The State Water Project is 4 to 5 times the amount, so it will be a transition.

Commissioner Haller stated in regards to the substantial cost, we encourage every water agency to have the same requirements so there may be a way to pull resources so the rebate program could join forces with other water agencies to produce the per unit costs. The Planning commission is supportive of their efforts and encourages dialogue with Staff to see how the Land Use decisions can help promote reduction of water use, percolation of water in terms of stone water. There are a lot of synergies in terms of water qualities, percolation, and water conservation elements as it relates to fixtures and landscaping. The model landscape ordinance the City adopted is going to require significant changes to reduce irrigation demands for existing landscaped areas.

Mr. Buchwald stated it starts with getting parcels using grass and putting something else there. Indoor is the easiest, there are rebates, which is the goal. There are cities at different stages of doing rebates. We have a water group consisting of a lot of water agencies and we're working with Valley District. We have a partial rebate from our funds which Valley District matches. Many agencies throughout the State are in worse shape and have evolved these programs. We will look at what they have done and what has been effective.

Commissioner Haller asked how they are planning for the development of the east end of the City with the large tract proposed.

Mr. Buchwald answered they looked at the area in their Master Plan. They knew it was going to be developed and figured out ways to get water there. That was based on the current General Plan at the time which is not what is being proposed. They are limited on what to guess and did not want to spend a lot of time. They have ideas of what they want to do with water and sewer. They've had conversations with Orange County, consulting teams, and Lewis Homes and they have an idea of what we want to do but it is up to them to take those ideas and make it work. The main way to get water there will be through the Greenspot bridge. Once water and sewer is there, they will have to ask Redlands and/or Yucaipa and talk about connections. You cannot allow single source going out there, just as you wouldn't on a roadway. He said they will be working on a water assessment so it should be ready to go and they should utilize this because it is going to be a good planning document.

Commissioner Haller asked in regards to recycled water, can he comment on what plans, if any, there are.

Mr. Buchwald answered the City of San Bernardino is in the study process of how to utilize one of their sewer treatment plants and go to a tertiary treatment to convert it to recycled water and use it for spreading purposes in the Waterman

basins. We decided we would help the study. It may be a remote or indirect benefit to us, that water spreading will help keep their end up higher which will help us on our end. The main reason is we need to get the pipe construction from their treatment plan and we can't start planning it here unless they have it in their area. Our main focus is to have them put recycle bar lines and bigger pipelines through their city and then we can go to the next phase and bring it to our consultant. It would be nice to see Lewis Homes build a treatment plant. It would save a lot of lift station and they could utilize the recycle bar. It is not easy putting a sewer treatment plant anywhere, due to regulations. If it doesn't work out, the fallback would be a pump station.

Chairman Hamerly asked based on the assessment of a 20% reduction of a base line water use, how does that account for increases in population, changes in demographic, and commercial.

Mr. Buchwald answered it does take into consideration businesses the way it is calculated. Newer developments and businesses that come in will have the fixtures so each new development will help us meet our goal. There is still a struggle when you get a lot of people in with a lot of landscaping, which doesn't help. He sees going into Highland and San Bernardino to address the needs of the large lots.

Chairman Hamerly asked if East Valley Water District was working with state officials on rethinking the notion of gray water recapture systems for domestic use.

Mr. Buchwald answered they would look into it but is not something they have now. There are concerns with gray water for the average person with bacteria and contaminants. They are letting others be the lead. There are people in the San Francisco area utilizing this and they want to see some of the laws and ordinances that get passed and they will look at that more. It is another source of water and a way to get water back into the ground.

Chairman Hamerly stated the gray water systems he is familiar with is not to recharge ground water but takes it from a low contaminant usage, domestically, gets filtered onsite, and is used for things further down the line like irrigation. The numbers he has seen has been 70% - 80% recapture of the total gallons per person, per day, usage. It seems likes a quick return on investment by implementing advanced filtration systems, if you can get those returns.

Mr. Buchwald stated it is hard to force that on people. It's done on a volunteer basis. There are a lot of people who want to use those and a lot of water can be saved. Houses designed to have pipes go to a filtration system rather than the sewer would be nice to put in new homes or even to have that ability so people can use them.

Chairman Hamerly stated most of those systems are not approved locally through environmental health because it's a gray water system. That is why he asked if he was working with the state agency to pursue certifying a particular system that removes a high enough percentage of contaminants so it would be certified for landscape use.

Mr. Buchwald stated they will be looking into that but they have not worked with the State.

Chairman Hamerly asked if the State is reworking the codes, recently adopted, to adjust the required number and types of fixtures the code requires.

Mr. Buchwald stated he has not seen anything. He did not know there were certain requirements.

Chairman Hamerly stated the California Plumbing Code mandates the required number of fixtures based on occupant load.

Mr. Buchwald stated this type of information helps us work together on making some of these recommended changes.

### **3.0 COMMUNITY INPUT**

None.

### **5.0 LEGISLATIVE**

#### **5.1 A Staff Review Application for an Outdoor Sales and Display for Truth Apostolic Church Thrift Store (SRP 011-029).**

City Planner Mainez gave a presentation of the staff report.

Chairman Hamerly asked about the permanent designation for a lion.

Planning Technician Aguilar answered it was a stuffed animal.

Chairman Hamerly asked if they would bring it in at night.

Planning Technician Aguilar answered it is only displayed during the day to show the public they are open.

Commissioner Sparks asked about the business hours.

Applicant Pamela Johnson stated they were open 11 to 6 on weekdays and 9 to 6 on Saturday.

Chairman Hamerly asked how people will get out of the site once they are in.

Ms. Johnson stated there is parking on the rest of the property where there is room to turn around and leave from the same driveway. They generally don't have more than 2 or 3 customers at a time.

Chairman Hamerly stated his concern of it not being wide enough for 2-directional traffic. It might become a problem of bottleneaking.

Ms. Johnson stated they haven't had any trouble with that. There is also street parking. If handicapped pulls in, there may be 1 or 2 other cars parked in the back.

Commissioner Sparks asked what was in the middle between the lines (referring to a site plan)

Ms. Johnson stated the Chapel was on the right and offices, classrooms, and a kitchen is in the middle.

Chairman Hamerly closed the Public Hearing.

**A MOTION** was made by Commissioner Huynh, seconded by Commissioner Gamboa to approve Permanent Outdoor Sales and Display areas as proposed. Motion carried 7-0.

## **6.0 PUBLIC HEARING**

### **6.1 Environmental Review (CEQA) Clearance for the Mitigated Negative Declaration for the 5<sup>th</sup> Street Widening and Improvement Project Application, (Mitigated Negative Declaration) (ENV 008-016).**

City Planner Mainez introduced the staff report and the people involved.

Assistant Public Works Director Barton gave a presentation of the staff report.

Commissioner Haller asked if there would be storm drainage.

Assistant Public Works Director Barton answered yes but it is a separate project. They will construct storm drains prior to the TIGER improvements. It was brought before the Commission earlier and there will be other things that will come to the Commission again on September 6<sup>th</sup>. There will be additional improvements from what was envisioned, originally.

Commissioner Gamboa asked if it would coincide with the construction of this project.

Assistant Public Works Director Barton answered no. East Valley Water District has a 30" pipeline proposed on 5<sup>th</sup> Street that will go to their well facility. That project will go before the TIGER project also.

Tom Dodson presented the staff report.

Commissioner Gamboa asked if there was any dealing with the City Creek.

Assistant Public Works Director Barton answered that was part of the storm drain project and will come back to the Commission. The ADL testing will be done before they go to construction.

Chairman Hamerly asked about it being a soils test.

Assistant Public Works Director Barton answered it is adjacent soil along the shoulder.

Mr. Dodson clarified it was within the area they will disturb so they don't disperse lead as a result of grading and construction.

Commissioner Huynh asked about meeting the street light standard.

Assistant Public Works Director Barton answered the intent is to use LED street lights.

Commissioner Haller asked about standard spacing.

Assistant Public Works Director Barton answered it will be the spacing to meet the preliminary needed, using LED lights. That spacing will have to verify what that spacing is.

Commissioner Willhite asked about signal lights on Central between 3<sup>rd</sup> and 5<sup>th</sup> Streets.

Assistant Public Works Director Barton answered not on this project. That is for a later date. The entire project encompasses more than 5<sup>th</sup> Street but with the TIGER project, it is just 5<sup>th</sup> Street. There is also design work being done on Victoria from 3<sup>rd</sup> Street to 6<sup>th</sup> Street, on Central between 3<sup>rd</sup> Street and 5<sup>th</sup> Street, Palm Avenue between 3<sup>rd</sup> Street and 5<sup>th</sup> Street, and on 3<sup>rd</sup> Street. The design is taking place but it is not part of this project.

Commissioner Willhite asked about having to relocate the south signal light.

Assistant Public Works Director Barton answered no. The design and construction will take place to accommodate for future improvements. We are

trying not to do any throw away improvements.

Mr. Dodson explained the aspect of the TIGER program and working through CalTrans, the project gets narrowly defined. We have had to stick to the narrow definition through the process.

Commissioner Willhite explained he would like to see the signal there due to many accidents at that intersection. He thought they would have to set it up then move it. Doing it all to begin with makes more sense.

Chairman Hamerly asked about other alternatives looked at in regards to the Sound Barrier Benefit Analysis.

Mr. Dodson stated they are allowing alternatives for the home occupants to see what they would prefer, as long as it achieves equivalent decibel reduction.

Assistant Public Works Director Barton stated it is limited. Some of the items mentioned, like vegetation, are not acceptable. We know from experience from Boulder Bridge. What CalTrans allows is the property owner to decide if they want a wall or the decibel readings as they occur. Burning would work and is acceptable. Vegetation and rubberized asphalt is not viewed as accepted mitigation measures. There is no guarantee they will remain.

Chairman Hamerly asked how fire and police protection will be affected, is it a construction or an end product effect?

Mr. Dodson insured access is maintained for emergency purposes during construction. Once the roadway is enhanced, it will be better for all responding emergency services. The contractor submits a Traffic Management Plan for the approval of the City. That is the mitigation.

Chairman Hamerly asked given the extensive CO2 analysis during construction, scheduling, and the amount of impact on the affected area, how is the duration of the tasks allocated and how were the specific numbers for heavy equipment allocated.

Mr. Dodson explained when you go into an analysis like this, you're required to create a construction scenario that is considered reasonable. They asked the Engineers what they envisioned using for construction activities. Equipment generates emissions, including CO2. You are required to determine if the construction scenario is reasonable and would South Coast accept it. They made sure South Coast got the comments and material last Thursday but they have not responded back. He is confident the assumptions were accepted. In reality, it often changes because you are not forcing a contractor to use only certain equipment. The problem is you did not pick the exact scenario for the contractor.

It comes back to the scenario being reasonable. In rare instances, they will impose requirements on a contractor.

Chairman Hamerly clarified that using a shorter, more intense, activity they would not have to remodel, resubmit, and reapprove the documents.

Mr. Dodson stated using 1 grader, 5 times longer, is the same amount of emissions. You essentially trade time for amount of emissions. In cases where they had excess air emissions, they stated they will do the construction over a 5 month period rather than a 3 month period, to stay below the thresholds.

Chairman Hamerly asked if they could only do it during certain times of the year.

Mr. Dodson answered yes. In the CalTrans CEQA process, they are vigorous in the way you approach things. There are no options. You do it their way or you don't go through the system.

Assistant Public Works Director Barton stated there are things you can require from the contractor in the MMRP.

Commissioner Sparks asked about the hours of construction.

Mr. Dodson answered they have limited it to be consistent with the City's noise ordinance, sunrise to sunset.

Assistant Public Works Director Barton stated the typical documents state working hours are from 7am to 4pm.

Ed Alva, representing 7982 Lankershim, expressed his concerns for the Negative Declaration He is in favor of the project but is concerned about 5<sup>th</sup> and Lankersim. It is susceptible to traffic collisions. On the south side of 5<sup>th</sup> Street is an apartment complex where they see kids crossing without safety improvements. He wanted to ask what safety improvements were going to be addressed. The Negative Declaration discusses noise and wanted to know about rubberized asphalt. His next question regarded ground borne vibration. They get a lot of vibrations from truck traffic since it is part of the 5<sup>th</sup> Street corridor. He asked how it will be managed. He asked about access to properties during construction and after. He asked about parking during and after construction and how businesses and residents will be affected.

Assistant Public Works Director Barton stated there is no traffic signal proposed at 5<sup>th</sup> Street and Lankershim. We are not aware that intersection would warrant a traffic signal at this time but would look and take it under advisement. Typically, we would not put a crosswalk on an intersection that is not on control. That is the City's policy, safety concerns. It is a false sense of security. Access to properties

will be provided during construction. There will be times where access may be restricted, when driveways and sidewalks are being constructed. Access will be provided although it may not be vehicular access. Emergencies will be able to access at all times. Parking during construction, where available, will depend on the construction phasing afterwards because the project includes bike lanes. It is unlikely there will be parking on the street. It is part of the improvement and urbanization that is going on.

Mr. Dodson reiterated in terms of safety there will be a Traffic Management Plan that has to be approved by the City before construction begins. That is how you ensure you are maintaining the best amount of safety. For vibrations, when they do an environmental evaluation they compare between the current and future sets of circumstances. The comparison showed the change in ground vibrations is imperceptible to the residents. It doesn't mean there won't be a continuation of what it is now but the delta is minimal overall.

Assistant Public Works Director Barton stated that with the condition of the road now, in certain locations, there would be more vibrations than there will be after construction. It will be a nicer street. There will be a letter going out to people on the 5<sup>th</sup> Street corridor advising them of the Community meeting, September 22, at 6:00, regarding the project.

Commissioner Haller asked if they will have public meetings during the design process.

Assistant Public Works Director Barton stated this is when they will see the design.

Chairman Hamerly closed the public hearing.

**A MOTION** was made by Commissioner Haller, seconded by Commissioner Sparks to:

- 1) Approve Resolution 11-007 adopting a Mitigated Negative Declaration for the 5<sup>th</sup> Street Widening and Improvement Project Application (ENV 008-016), and;
- 2) Direct Staff to file an Environmental Notice of Determination with the San Bernardino County Clerk of the Board for ENV-008-016.

Motion carried 7-0.

6.2 CUP 011-003 – A Proposal for an upgrade of a (Type 20) Off-Site Sale Beer and Wine License to a (Type 21) General License from the State Department of Alcohol and Beverage Control ABC for “One Stop Food Store”.

Assistant Planner Kelleher presented the staff report.

Applicant Gurhmeet Gill Singh introduced himself and his representative, Dick Evette.

Mr. Evette discussed Mr. Singh's business and his status with ABC and the community. Mr. Singh takes pride in his store and plans on modifying, improving, and cleaning up the store. The store is clean inside and out and removes any graffiti that appears. Mr. Singh was given the Community Service award and works well with the community. With the economy like it is, anything that would improve business, this would help him. Customers would like to have the distilled spirits, if the Commissioner would approve it.

Chairman Hamerly asked Mr. Evette to discuss the convenience and necessity, in light of the fact that the current census tracks is over served.

Mr. Evette stated ABC laws state if you are replacing a 20 with a 21, you are not changing the account. ABC does not require a Public Convenience and Necessity letter, although your city does. This is a convenience to people who don't have transportation and have to walk to stores. This is a 'Mom and Pop' operation trying to support the local community needs. This is where convenience comes into play.

Chairman Hamerly asked how would proximity of other business having similar services and Type 21 licenses factor into that.

Mr. Evette stated this is a free trade. Anything to make your business work better and is a public convenience. There isn't anyone real close to them so it is a convenience to the individual who walk to the store or stop on the way home. It won't have interference from other people around the area. He does not see having any problems with the schools. According to ABC they have to send a letter to residence within 500'. From his understanding, there have been no comments from ABC or anyone opposing it. The City sent out letters to residents within 300' and they haven't had any problems.

Suzanne Carlson, representing 26919 Messina, has lived in Highland all her life. At times, that facility has been vacant. It is comforting knowing there is a business behind her; not the type of business but that he is there and thriving. It is always pleasant. She has been a nurse for 35 years and works long hours and it is nice having him there as a neighbor. She would hate to have his business fail and have an empty spot again. She cannot address the concentration issue but feels it is important that his business stay open and it would help in this economy.

Greg Walker, stated he is one of the convenient people he relies on at his store. He stops by everyday on his way to his mothers. If it wasn't for this location, he would have to stop at another store. It is convenient.

Thomas Mangione spoke in favor of his business staying there and prospering. They are both businessmen who talk and he is struggling. It is convenient to the people walking on Central and between Pacific and Victoria.

Commissioner Huynh asked Staff to explain the nonstandard and would they have to get a Condition of Approval to stay open later than 12:00.

City Planner Mainez stated that was correct.

Assistant Planner Kelleher stated it is noted as nonstandard because there is no standard hours of operation for this type of business.

Chairman Hamerly asked if there would be changes to the hours of operation.

Assistant Planner Kelleher answered no. They just wanted to insert the hours of operation in the conditions of approval for clarification.

Chairman Hamerly closed the Public Hearing.

**A MOTION** was made by Commissioner Huynh, seconded by Commissioner Haller to:

- 1) Direct Staff to File a CEQA Notice of Exemption with the San Bernardino County Clerk of the Board, and;
- 2) Adopt Resolution 11-009 approving Conditional Use Permit 011-003, all subject to the recommended Conditions of Approval, and the Findings of Fact.

Motion carried 7-0.

6.3 Municipal Code Amendment 011-004 (MCA 011-004), a City initiated Municipal Code Amendment Proposing revisions to Section 16.56.050 Temporary Signs in Residential Districts and Section 16.56.170 Kiosks, On-site Subdivision and On-site Commercial Real Estates Signs.

Senior Planner Meikle presented the staff report.

Commissioner Haller asked if flags would be under review by the Community Development Director or if clarification was required in the description.

City Planner Mainez answered when dealing with color and content, that is dealing with the first amendment. If there is a specific plan area you want to exempt, you could make an argument. Developers will push for their image so Staff has to watch the content. That is why they limited it to just the sign area, height, number, spacing, and location.

Commissioner Willhite asked if they did like the sign, they could make it small and short.

City Planner Mainez answered you cannot look at the content unless it is offensive.

Chairman Hamerly asked about the idea of moving, highly reflective signs, which can be distracting. He did not see the equivalent language in the report. The example he gave was windmill type signs.

City Planner Mainez stated those were prohibited. This report was limited to just flags.

Chairman Hamerly clarified the prohibited list governs over this even though it is a separate subsection.

City Planner Mainez agreed.

Chairman Hamerly asked if they had to be ground mounted signs.

Community Development Director Jaquess explained one reason this language was brought back was because it was previously in the Sign Code to allow flags, subject to staff review. When the new Sign Code was adopted, the section that allows flags with new subdivisions, was deleted. That was probably done because they were trying to regulate flags and pennants, he doesn't know if they intended to eliminate flags from the subdivisions so they brought it to the Council's attention and they wanted to allow for some flags. The number of flags is fairly limited and was a point of discussion at the subcommittee.

Chairman Hamerly asked if the allowed amount of flags was allowed on one location or able to be distributed within the entire subdivision.

Senior Planner Meikle answered within the model complex.

Chairman Hamerly asked about the size of the sign envisioned for a 64 square foot sign.

Senior Planner Meikle answered it was the size of sheets of plywood.

Chairman Hamerly clarified two four by eights.

Commissioner Huynh asked if flag banners were allowed.

Community Development Director Jaquess stated they were not allowed.

Commissioner Huynh asked about sign flippers.

Community Development Director Jaquess stated they were not regulated. They elected, in the Sign Code update, to leave it alone.

Commissioner Stoffel asked if this was because of the large sign on the north side of Base Line and Church.

Community Development Director Jaquess stated those were offsite signs which did not have to do with this amendment. It was the same builder but unrelated. There has been a separate Code Enforcement action on that sign because it is not a permitted sign. It will not be recommended to be allowed.

City Planner Mainez stated this was initiated as a result to Code Enforcement, with flags, for William Homes, on Palm.

Chairman Hamerly closed the Public Hearing.

**A MOTION** was made by Commissioner Haller, seconded by Commissioner Huynh to:

- 1) Adopt Resolution No. 11-008 recommending the City Council Introduce an Ordinance approving the Municipal Code Amendment (MCA 011-004) revising Section 16.56.050 and Section 16.56.170.

Motion carried 7-0.

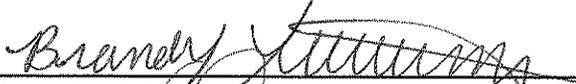
## 7.0 ANNOUNCEMENT

Community Development Director Jaquess explained the Items tentatively scheduled for the September 6, 2011, Regular Meeting.

## 8.0 ADJOURN

There being no further business, Chairman Hamerly declared the Meeting adjourned at 7:46 p.m.

Submitted by:

  
Brandy Littleton, Administrative Assistant I

Approved by:

  
Randall Hamerly, Chairman Planning Commission

Planning Commission

August 16, 2011