

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
AUGUST 21, 2012**

**1.0 CALL TO ORDER**

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:00p.m. by Chairman 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  
Ernie Wong, City Engineer / Public Works Director  
Jim Godfredsen, Project Manager  
Lawrence Mainez, City Planner  
Sean Kelleher, Assistant Planner  
Linda McKeough, Administrative Assistant III

The Pledge of Allegiance was led by Chairman Hamerly.

**2.0 COMMUNITY INPUT**

There was none.

(Note: City Planner Mainez left the Chambers at 6:04pm)

**3.0 CONSENT CALENDAR**

**3.1 Minutes of August 7, 2012, Regular Meeting.**

On Page 4, Third Paragraph, Portion of the First Sentence was amended to read as follows: "A comment was made by Commissioner Gamboa..."

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On Page 5, Seventh Paragraph, Portion of the First Sentence was amended to read as follows: "...had read the Minutes and thought this was the direction the Commission was going and..."

On Page 7, Third Paragraph, Portion of the Last Sentence was amended to read as follows: "...and think that it was a "mistake by the Freeway" and reiterated..."

On Page 9, Fifth Paragraph, Portion of the First Sentence was amended to read as follows: "...this is the first time since I have been on the Commission and usually the Commissioners have come to some kind of an agreement on the Building and how the Commission is now deadlocked..."

**A Motion** was made by Commissioner Gamboa and seconded by Vice Chairman Huynh to approve the Minutes of August 7, 2012, Regular Meeting, as corrected.

Motion carried on a 6 – 0 vote with the abstention of Chairman Hamerly.

(Note: City Planner Mainez returned at 6:06pm)

#### **4.0 OLD BUSINESS**

- 4.1 Conditional Use Permit (CUP-012-002), Design Review Application (DRA-012-003), and Accessory Sign Review Application (ASR-012-012) to construct a new approximately 8,320 square feet "Family Dollar" Retail Store. The Site is generally located on the north side of Base Line approximately 380 feet east of Palm Avenue. Assessor's Parcel Numbers for Conceptual Master Plan: (1200-381-02, 03, 04, and 05). Assessor's Parcel Numbers for Project Site: (1200-381-03 and 04) Representative: David Morse, Boos Development (Continued from the June 19, 2012, and August 7, 2012, Planning Commission Regular Meetings).

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

Assistant Planner Kelleher gave the presentation from the Staff Report and PowerPoint presentation and explained the Applicant's Color Sample Board is displayed on the Easel for the Commission's review and was the same Color Sample Board that was used on August 7, 2012, and further explained that Staff did not revise any Conditions of Approval from August 7, 2012, Meeting, but did provide an additional background from the August 7, Staff Report and included some photographs that were provided by Commissioner Stoffel. He then explained the Applicant's proposed Revised Plans to the Commission. He noted the Applicant is still requesting the Conditional Use Permit Planning Condition of

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Approval No. 20 regarding the hours of operation would be Sunday through Saturday start at 8:00am, rather than on Sunday at 9:00am. In addition, the Applicant is still requesting the outdoor storage of the Shopping Carts which was provided in the Right / Front Elevation and using the same materials for screening the Carts. Assistant Planner Kelleher indicated the Applicant is in the audience and then concluded his presentation.

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

Mr. Patrick Jacobs, of MCG Architecture, 250 Sutter Street, Suite 500, San Francisco, California, who is the Applicant's Architect, addressed the Commission. He stated how they incorporated the Commission's comments from the pre-design the Applicant had requested from the Commission and it is unchanged from the last Commission Meeting receiving design direction for the historical style. He explained the extended eaves, changed the materials and made modifications to the roof line and increased the variety of the massing in terms of the depths from the rectangle because one of the concerns was the box-like nature of it. This is the same Application the Commission has reviewed two (2) weeks ago and was unable to attend and apologized for that, and wanted to stay true to what was thought was the design direction and willing to go over with the Commission. Mr. Jacobs then stated he is happy to answer any questions the Commission may have.

A question was asked by Chairman Hamerly if the Site Master Plan slide is available and Assistant Planner Kelleher responded how the computer / projector is going out and indicated that the Commission could see it better as Exhibit "B" on Page 64 in the Staff Report.

Another question was asked by Chairman Hamerly if the property owner also owns the corner of Base Line / Church Avenue or if there has been contact with that property owner. Mr. Jacobs responded that it is one (1) continuous parcel and that this Project was discussed.

Chairman Hamerly said that his biggest concern was to integrate with the Town Center Concept and there was no discussion at the last Meeting and apologized that he was unable to attend that Meeting. The City and the City's Consultants have spent considerable amount of resources trying to develop a vision for what the Town Center is going to be hopefully, someday and how this piece fits into this overall scheme. One of the Concepts is the extension of Foster Street to create a community plaza that could be shut off and how that would integrate in creating another retail commercial corridor that would run parallel to Base Line both with the traffic-easing mechanism and as an additional opportunity for retail. Again, this is typical parking in the front and big box in the back and line up the

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cars in that there is no relationship to the street and that is one of the primary Concepts of the Town Center and are trying to create a community space / gathering space and a whole new entertainment venue for people to stop and shop, dine and visit this area of Highland and is the overall goal. He has a hard time reconciling not only with this component, but even with the future projection of what is going on in that corner. Chairman Hamerly then asked how far that was explored in laying out this particular parcel and addressing the flow through the Site. Mr. Jacobs responded that it is his understanding that they were not looking for additional design and indicated that he is limited only to his parcel.

Ms. Kristi Kandel, of Boos Development, 701 Park Center, Santa Ana, California, who is the Applicant's Representative, addressed the Commission. She explained Family Dollar is abutting two (2) existing uses and with the added historical artwork, path of travel and design layout and how Foster Street is not a continuous street. The drive aisle has been extended and westerly property line for parking on the east for future development and added structures and how their "hands are tied" with the one (1) acre. The Applicant had talked with Mr. Buster regarding the overall design, but could only go so far and with Family Dollar purchasing only one (1) acre and cannot force to him to continue to sell his property in the future and tying into existing and with future development.

A comment was made by Chairman Hamerly how Family Dollar does not want to do anything that would encumber the ability of any future development on the larger parcel and it is his point that this is "the first piece of the puzzle" of an entirely master planned area for the downtown of Highland. At this point, this is a gateway project to Highland and on the easterly end of Foster Street and has to relate to the context of what is already in place. There was a lengthy discussion with the property to the west regarding is it appropriate location for a Drive-through Restaurant. What we're trying to do is to create a destination and wanting a sit down dining restaurant, entertainment spot, shopping, etc. and at some point, need to start reinforcing the Concept of the goals for this entire area of Highland and just cannot keep parceling it out and that it needs to fit with the overall fabric and we are giving away hundreds of thousands of dollars worth of research and design exploration in what this is going to be is the economic engine of Highland. Ms. Kandel responded that Family Dollar does not quite fit the mold, but does fit the mold and how Family Dollar has been successful in other cities in this economy and is similar to a miniature Target store and is an 8,000 square foot version of that. There are computers, merchandise clothing, food and is a convenience store in a sense that people can walk / drive to it, go inside and make their purchases and keeping revenues within the community. With regards to the historical walk, it will tie the pieces and has tried to work with their range and with the City.

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A comment was made by Chairman Hamerly regarding the architectural evolution is taking shape and how the overall context of the Site design and how is also important in achieving the historical context of the architectural style, and still goes to the context of the neighborhood. The layout of the Site for the present / future application of how the Site will be used for the overall context of the Town Center Master Plan Concept and looks like the Applicant has seen the Town Center Master Plan Concept because the Applicant has addressed Foster Street, but is still lacking dual street frontage options either pulling it forward to Base Line or pulling it back to Foster Street to create the pedestrian link and basically, currently, it appears that it has been pushed to the western property line and is still surrounded by parking. Ms. Kandel responded the existing Baker's have their parking with CVS / Baker's drive cut / aisle and have Site limitations and added the Distribution Center for Family Dollar is located in Texas and she understands what the Commission is trying to do and with meshing with the Family Dollar Project.

Chairman Hamerly asked if there were any further questions of the Applicant's Representatives or of Staff.

A comment was made by Commissioner Gamboa regarding the Study Session with City Council and after that, the Commission had a better understanding with the Town Center Concept would look like and after seeing that, the Project does not mesh together as well as the Commission would like it to.

A comment was made by Chairman Hamerly with the Commission's own Study Session had exhibits with the Town Center Concept that went back to the Vision Statement with the General Plan to be exhibited with Foster Street and how this would tie together and a lot of the key thought processes behind that were already in existence.

A comment was made by Commissioner Stoffel lined up with CVS / Baker's and there's room up above and below on Foster Street and Chairman Hamerly stated that it is encroaching into Foster Street's Right-of-Way and if they are trying to make that a promenade that would be a two-way street and would then have the potential of being closed down for events i.e. Farmer's Market, Street Festivals, etc. Ms Kandel responded if they had to shut down Foster Street to make that happen, she said then she doesn't see any reason why that they could not make that happen. .

Another question was asked by Commissioner Stoffel what is in the back of CVS' Building and Assistant Planner Kelleher asked what portion of the Site Plan is he looking at and Chairman Hamerly responded the Master Concept Site Plan and was shown on the PowerPoint display regarding "the jog" in that there is an offset and it looks like it's the property line from Baker's to the west.

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A question was asked by Commissioner Stoffel how the streets come like this and where their property is located and Commissioner Gamboa responded according to the Site Plan... and Assistant Planner Kelleher interjected that is designed to be a drive approach into the Site. Ms. Kandel responded essentially, Foster Street does not supposed to continue as a road and is thirty plus feet (30'+) wide to make it work properly and they would have to increase to match Foster Street.

A comment was made by Commissioner Willhite that is maybe where the confusion is from the Joint Study Session on how the road (Foster Street) going all the way through and if he looks at west side of Church Avenue where Foster Street is supposed to come through, it is the same width and their Project and coming from the east is just a wider and Assistant Planner Kelleher interjected stated the Applicant is maintaining the same road width and is an easement rather than Right-of-Way and is going to have a smooth transition and reiterated the Applicant's request.

A question was asked by Chairman Hamerly what is immediate to the east and if that is a Flag Lot with a common easement to Foster Street. Ms. Kandel responded the easement goes with the property line and will do what it can to extend it and that Family Dollar has no problem with creating an Reciprocal Easement Agreement for a stipulation having access to future development.

Another question was asked by Chairman Hamerly what about a Reciprocal Access Agreement with the Flag Lot and if flank with parking / drive aisle and Ms. Kandel responded it's the same property owner and may be able to do a Lot Line Adjustment and create access in front with future development and property and indicated which Foster Street being a public road and have the current property owner if the Condition(s) and Agreement(s) are okay with them, as well.

A comment was made by Community Development Director Jaquess the Site Plan on Page 64 of the Staff Report that the Lot Line is a meaningless line to the extent that it would be eliminated / adjusted when there is a future development plan and the property owner is Mr. Bill Buster all the way to Church Avenue.

A comment was made by Commissioner Willhite for the first two (2) Commission Meetings, the City provided the Applicant with design ideas and the Commission requested some changes and the Applicant returned and made a change. At the third Commission Meeting, some of the Commissioners didn't like the metal roof and suggested tile and stucco and this would be a good time for them to address their concerns to the Applicant if that is a possibility.

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A comment was made by Commissioner Haller how Commissioner Stoffel provided photographs from the Dollar Store located in Banning and that Store looks more like a traditional building and would feel more comfortable with that and how the packing house concept does not work for him and that was obviously discussed last time. With just a few photographs and it is hard to judge, but that it seems that it would be a better fit and is more appealing. It has some metal components, but is not the dominating architectural feature. There are a variety of metal components.

A comment was made by Commissioner Willhite how the corrugated metal was an issue. Ms. Kandel responded the Family Dollar Store in Banning has corrugated metal with corbels. With regards to the first Meeting, the Applicant had asked for more clear direction and indicated how Family Dollar uses a metal building that is used throughout the forty-five (45) States that they are located in and that is their prototype and also is a structurally sound building. Also in that first Meeting, the Applicant did ask should the Applicant pull away from the metal Building design and from that Meeting, the Applicant was told to pick a concept and that is an approved concept to the City all the way through and not mesh the two (2) concepts. The Applicant did go with the metal Building being an historic type building and relates to Family Dollar and was an approved concept with the City and so the Applicant did go with the historical route and went with the more historical design feature and that is why the Applicant did not propose a tile roof. Commissioner Stoffel added that the photographs kind of show what the roof would look like, unless a person standing on top of it, or would do a Google search to see the roof and the way they have it.

A comment was made by Vice Chairman Huynh how he drove to some nearby cities and saw a few buildings that had a metal roof with a stucco finish and some specially design features that were built into the building(s). He had stopped and looked, and thought it was not that great, but the architectural design turned out well. There is a building in a shopping center which is located at the corner of Day Creek / Base Line, in Rancho Cucamonga, and had a fake barn door on the walls so when a person looked at it, the person would see a double barn door, but is an architectural feature that was built in and did a good job. Another building is the Public Works Building in Claremont and how they have a standing seam metal roof and somehow built in some other stucco architectural features on the walls and that it looked great. Vice Chairman Huynh further explained how he had reread the Minutes from the beginning and that that his comment was that design did not fit here at this location, but the Applicant's use is fine, but his concerns are with the design of the Building and, as of today, he stands firm on his comments.

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A question was asked by Commissioner Sparks regarding if the corrugated metal was Cal-Green and Ms. Kandel responded how the Family Dollar metal buildings meet all of Title 24 requirements and exceeds those requirement standards.

Another question was asked by Commissioner Sparks how much corrugated metal in square feet is going to be in this Building and Ms. Kandel responded that the entire Building itself is a metal building and will be installing panels on the Fascia and Mr. Jacobs added and calculated that it would be 5,000 square feet and asked if there was a concern of being energy efficient.

A question was asked by Commissioner Sparks if the Building was energy efficient and Mr. Jacobs responded that the metal Building is a recyclable material. If it would turn into a plaster Building, then the Applicant would be using foam made of polyester / resin. With the metal Building, this is one of the more material sensitive and most efficient because it is pre-manufactured and there is no waste on Site, with the exception of some trim waste, but the Building is efficient in its use of materials and if that addressed Commissioner Sparks' question and he nodded affirmatively.

Chairman Hamerly asked if there were any further questions of the Applicant's Representatives or of Staff.

A question was asked by Commissioner Stoffel regarding the placement of the Building what was Chairman Hamerly's thoughts in how it should be and Chairman Hamerly responded there were three (3) considerations dependent on which direction a person would prefer on how it relates to the overall concept of the Base Line Corridor: 1) pull the Building out to the street on Base Line so it creates a pedestrian-link to the parkway along there; 2) push the Building to the back of the Site and create a stronger parkway and create a pedestrian thoroughfare so a person could access it off of Foster Street, and if that doesn't work from a retail standpoint, for the immediate application for Family Dollar, even though it might fit in there better with the overall concept of the Town Center, because it puts it in the gateway position leading from the west (Foster Street) heading east into the Town Center. With either one (1) of these concepts would seem to him, if the Commission had better direction then with "splitting the distance" with Family Dollar with putting the Building in the middle of the Site and having to cross through either delivery / parking aisles or parking spaces to create the link from the Building from the pedestrian thoroughfares. 3) how well it relates to future primary access off of Base Line and maybe that is why a Reciprocal Access Agreement would be utilized and provided examples with the drive aisle, landscaping, Median, promenade, etc.

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A comment was made by Commissioner Stoffel then the entrance would then be moved to the east and Chairman Hamerly said that would be with that particular scenario (No. 3), Commissioner Gamboa responded then the entrance would not match up with Bonita Drive and Ms. Kandel added the future installed Median is where the cut is shown for access.

A comment was made by Commissioner Willhite you cannot move the Building closer to Base Line because of Baker's and Ms. Kandel responded that one of their COAs is that driveway entrances would be closed to Baker's and Assistant Planner Kelleher added the driveway approach is aligning it with Bonita Drive because of the Median and skewing it to the east and how City Engineer Wong said there traffic would be conflicted with Bonita Drive traffic.

A question was asked by Commissioner Stoffel if the driveway entrance would be closed to Baker's and Assistant Planner Kelleher responded affirmatively and Ms. Kandel added that is one of their COAs should the next development come in.

A comment was made by Chairman Hamerly regarding then there would not be any breaks then from Bonita Drive and the signal located at Palm Avenue.

A question was asked by Commissioner Willhite regarding the Building more like the outside of the Banning Family Dollar Store and is the Applicant willing to work with the Commission. Ms. Kandel responded the Family Dollar Store located in Banning, for numerous reasons, in that that Building would not work here in Highland and if the Applicant could redesign the Building, and look at something else, she said yes.

A question was asked by Commissioner Stoffel if it is an EFIS Building and Chairman Hamerly said to picture stucco over insulation. Ms. Kandel stated the use is a metal Building and the more it is tweaked, there are more costs, there are more delays with the Project, and could the Applicant do something about that, she said yes. With the direction given at the First Meeting and throughout, was not favorable and keeps pushing and the property owner going through the process and matching deadlines.

A comment was made by Chairman Hamerly regarding how Staff has spent more time in studying the Base Line Concept and understand the options / vision and questioned the methods of strengthening the pedestrian link to this particular use for creating a strong pedestrian identity with Base Line / Foster Street and COAs with the property to the west. Community Development Director Jaquess responded how the work was done by the Consultant with the Base Line Corridor Study and the Consultant is saying that Base Line is not a pedestrian street due to too much traffic, speed, and to create pedestrian concept, there needs to

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create an alternative such as from Foster Street or from the light then. The Consultant's efforts was pulling the City away from making Base Line a pedestrian type that a person may expect from down town. It doesn't mean that there won't have pedestrians, but the intent was not to focus on that. The focus of the Study was to make Base Line a Mass Transit Artery.

Another question was asked by Chairman Hamerly then how do you bridge across both sides of Base Line to maximize the retail and destination opportunities and Community Development Director Jaquess responded that can be explored with another phase of the Base Line Concept beyond the bubble level and more with specific site planning analysis. Chairman Hamerly requested certain displays on the PowerPoint and stated on the west end there is a snapshot showed a concept with Foster Street being the western gateway concept when the project would be fully implemented and asked Staff if they know and City Planner Mainez said no, he doesn't, but the key word is "concept" and the goal here is to provide the best access points and need to look at the bigger picture. From the Freeway to Victoria Avenue the emphasis is on site because of vacant land and that the pedestrian is one (1) component of circulation; there are bicycles, cars and look at the entry points; Bonita Drive, Church Avenue and need to look at the "spine" and work with the Applicant and Consultant to continue the "spine" off of Bonita Drive / Foster Street and clusters of structures. The square footage is the same as Family Dollar and CVS / Baker's is not on there and is a conclusion of the corner and include the Drive-through at major intersection and must be Master Planned, and how there is a loss of redevelopment funds and the need to go for Grants and get the people who are the property owners to continue with the Commission's directive to look at circulation and that driveway(s) Bonita Drive / Foster Street may not be connected nicely.

(It was noted the following discussions were with items displayed on the PowerPoint display.)

A comment was made by Chairman Hamerly if the Bonita Drive Right-of-Way is continued for vehicles / bicycle traffic, street cross section, there is little opportunity to create pedestrian access there and there are no planting areas along the Façade and indicated to shift here, Reciprocal Access Agreement here in order to create the opportunity for this Parkway come into the Gateway feature here or do something with the Front Façade off the access and City Planner Mainez responded that the Applicant is proposing a Building here at Bonita Drive and will have to jog north and Staff is willing to work with the Applicant regarding landscaping, colonnade approach, but we do not have an Application for this. The Reciprocal Access is not an issue and without the design, the reduction of the square footage will probably not happen.

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A question was asked by Chairman Hamerly what is represented here and City Planner Mainez responded that it is a good accurate depiction in terms of driveway location and is conceptual and the Consultant was not made aware that there is an Application for Family Dollar and that was on purpose.

Another question was asked by Chairman Hamerly that the white box does not represent Family Dollar and City Planner Mainez responded this Application does not represent this and is for the Commission and City Council and to start the process for a Specific Plan and guide with circulation and use. The Down Town Use is needed and that the retail use is a positive use and is a “positive fly through”. The access is located here and will fit and is not an issue and for the Commission to focus on the architecture and believed it could make the Project happen.

A comment was made by Chairman Hamerly the parking lot to the east would be bulldozed in order to accommodate the property to the east would be slim and the majority of the parking for Family Dollar is through the thoroughfare and when there is a Specific Plan for the property to the east that it would be appropriate to then say at some point that this whole parking go away. Ms. Kandel responded the east side of the Building is located west of the trees and drive aisle and indicated there is parking there and where they are showing the landscaping is essentially where we don't have a landscaping area and cannot clear the westerly trees on that side. Ms. Kandel continued and said she is not going to put it out of the realm of questions where that be developed and adequate parking that Family Dollar and future development be added that the Applicant could add in some landscape diamond planters or parking spaces to the east. Being new development, that benefits Family Dollar future and that future development would generate more business and swap landscaping / parking and how Family Dollar has worked well with cities and neighborhoods. She indicated they will have landscaping on the east side of the drive aisle, as shown on the Plans. The east side of the Building has a green screen on half of the Elevations that will have fully grown vines and if needed to provide some diamond planters that would allow some additional trees to grow and she didn't believe that it would affect ADA access.

A comment was made by Chairman Hamerly how the streetscape makes a jog and travels north and create the colonnade of trees and asked if there is twenty-eight foot (28') public street width for Right-of-Way and City Planner Mainez responded affirmatively and can go all the way north.

A question was asked by Chairman Hamerly if a walkway was added between the Building and the colonnade of trees if there would be a twenty-eight foot (28') “street” Right-of-Way even though it is private property and would have another line of trees and if the Building Façade would then head to the east and have

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preserved the Parkway section for the development and gives access to the Gateway feature and Ms. Kandel responded that is correct and City Planner Mainez responded affirmatively.

Another question was asked by Chairman Hamerly then all of that is preserved with the current Site Plan and City Planner Mainez responded that is what was attempted to do since the property owner is not here and, Mr. Bill Buster, who is the property owner, doesn't want restrictions and wants to keep it open and keep the leeway to adjust the sidewalk. With regards to the Site Plan, along with the Master Plan and General Plan and is one of the best that he thought that we would get. There was an Applicant for a Fresh and Easy Store and reiterated for the Commission to focus on the architecture, landscaping, sense of identity and that the Site Plan will fit.

A comment was made by Chairman Hamerly about the previous comment on the East Façade is going to be one of the primary facades and understand there is a green screen and if there is anything else that could enhance the East Façade so that it doesn't look like the back of the Building. With the exception of the green screen, it is fairly stark and Ms. Kandel responded the tree in front of the green screen is not green enough, but throughout that area the Elevations will be broken up with landscaping on both sides.

Another comment was made by Chairman Hamerly that the dormer is not breaking it up and is running parallel to the Building's ridge line and if you are trying to break something up, it is usually a shape that is interjected. If you have to choose an Element within the historic context whether it is a barn door, additional mural, signage or lighting, what would the Applicant's preferred Element be so the Façade could be broken up. Ms. Kandel responded maybe by shortening the dormer over the ridge. Chairman Hamerly stated that he is not concerned with the ridge and indicated that he was the one who said from an interior prospective, the interior lighting if having the sky light running the entire length of the Building and would be a fairly dramatic effect and he does not have a problem with that. The Façade at the pedestrian / vehicular level is still monolithic and even with the green screen, there is still metal siding and need to add lighting / vertical elements and could be added and dress up the Façade.

A question was asked by Commissioner Gamboa what about if brick work going all the way around the Building would make a difference to the other Commissioners and Commissioner Haller responded not to him.

A question was asked by Commissioner Stoffel what is a green screen and Mr. Jacobs responded that it is a specific product in that it is less than a 2" X 2" X 3" tighter weave diamond grid design to maximize the vine growing area and Chairman Hamerly added that it has been used to form topiaries.

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Another question was asked by Commissioner Stoffel how long does it take to cover and Mr. Jacobs responded between two to three (2 – 3) years growing between one and one-half feet to two feet (1'6" – 2') per year. Ms. Kandel added how the screen itself is green and vines grow on it. Mr. Jacobs added that there is six feet to seven feet (6' – 7') in front of the Building and extension of the Building mass and explained the design of the extended eaves and people will walk underneath the roof between the green screen and the wall. The details on the West Elevation is a similar construction and also will be green screened.

A question was asked by Chairman Hamerly the green screen on the Site Plan is also located on the eastern edge of the walkway running the length of the east wall of the Building and Mr. Jacobs responded affirmatively and how the car nose will also come up to the green screen.

A question was asked by Commissioner Stoffel what would a person see if he was at Baker's and Mr. Jacobs went up to the PowerPoint display and explained the location.

A comment was made by Chairman Hamerly regarding a potential aisle to drive and City Planner Mainez said for the record, Staff approached the Applicant regarding if they were willing to remove all of the corrugated metal and substitute with stucco (EIFS) Exterior Insulations and Finish System (EIFS) or brick and was unsure if that was still a concern of the Commission. Ms. Kandel added that she does not want to introduce another design element and start over. She explained to continue the six foot (6') band around the entire Building and continue the red metal band, and instead of the metal panel above, could use the EIFS finish which has an all colors palette and with the comments from the first Commission Meeting and stick to it and have a clear design and Commissioner Stoffel responded that the Commission doesn't want her to start over, but wants to be sure that it is something they all think looks nice. .

A question was asked by Ms. Kandel said if we do this on the outside, what about the dormer-based building and the historical element and Chairman Hamerly requested the Applicant to take the Material Board and point to the Materials and which ones would be substituted out and where they would specifically go on the Exterior Elevation and then Commissioner Stoffel said thank you.

Mr. Jacobs explained the Family Dollar design / colors to the Commission: The Façade everything with six foot (6') brick panel followed by a one foot (1') wafer thin band then all the finishes above would turn into this metal panel and would be a typical finish on all four (4) sides. The difference between the Building Elevations is as you would turn the corners to the east and west, the brick does stop and turns into a metal base. The reason for this is addressing some of the

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Commission's concerns in that there is some disdain with using red and stopping the red at the front and the Applicant just went from metal to metal transition and could be discussed and a change would be the same detail transitioning at the front of the Building which would be the brick and an accent band to a plaster finish and would become standard on all four (4) sides of the Building. With regards to the roof, it is the standing seam on a flattened Building and will attempt to match the adjacent buildings that also have standing seam metal roofs.

A question was asked by Chairman Hamerly regarding the East and West Facades, will be brick, with a accent red band and EIFS panel and Mr. Jacobs said that is correct and Ms. Kandel added the color palette can work with.

A comment was made by Chairman Hamerly that he preferred to eliminate the strong red band color on the lower Elevation on the Side Facades because it enforces the long, linear nature of both of the Facades and Mr. Jacobs responded could certainly add the need for it on the front it would maintain and is kind of a specific identity however, there is no technical reason why the Applicant couldn't do that transition and would not necessarily have to be the same, as long as it can stay on the front and obviously the awning.

A question was asked by Vice Chairman Huynh about the Building's interior like Day Creek and Base Line and level with having the murals lighted and then asked about awning to dress it up and include lighting in the mural. Chairman Hamerly responded about the Applicant installing gooseneck harbor lighting. Mr. Jacobs added about the gooseneck lighting and about the eyebrow awnings may break it up, but is limited to what the Applicant can do and not have a roof over the murals and then asked what about aerial shots. Commissioner Stoffel responded to have Staff Google it, but Staff was advised there is no WiFi connection or Internet connection with the Chambers' Computer.

It is noted that City Planner Mainez used a Computer iPad and then asked the Commissioners if they wanted to "look at this" and the Commissioners responded affirmatively so City Planner Mainez took the Computer iPad around for the Commissioners, as well as the audience members to view.

A question was asked by Commissioner Willhite to explain are we good with second option and Chairman Hamerly responded and recapped with the east and West Façade would be a two-tone EIFS and maintain the lighting, maintain the murals and delete the red accent band delete the red accent band. He wanted to reiterate that the Commission understands what the final product of the discussion was.

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A comment was made by Commissioner Gamboa that he is happy with the look of the Building with the EIFS siding and the brick work on all four (4) sides, as Chairman Hamerly suggested.

A question was asked by Commissioner Haller what about changes in the roof and Chairman Hamerly responded that it is a standing seam roof if added any type of a lightweight tile to the Structure would have to be completely reengineered.

Another question was asked by Commissioner Haller if the skylight windows would stay and Chairman Hamerly responded affirmatively and asked if that takes the Building in a direction that the Commission would be more comfortable with and Commissioners Haller, Stoffel and Vice Chairman Huynh responded affirmatively.

A question was asked by Chairman Hamerly what about the green screen, awnings, alignment of the Site and Commissioner Haller responded that the explanation shown was the best, but given limitations and indicated that the comments were excellent and it seems like there is some potential in the future to make some modifications to open up with the landscaping.

A comment was made by Commissioner Gamboa when the Site is developed, parking opens up, the Commission can look at as what the Commission suggested earlier, removing the parking spaces away from that edge and realigned and make more of a landscaped entry into the Site. What the Commission has now, is that the Commission has to give them parking spaces to access the Building and cannot take those away yet because we don't know what of the rest of the development is going to be.

A comment was made by Chairman Hamerly that the primary exercise for him was to ensure that the Commission would not be approving something that would preclude the Commission from doing any of those things in the future and that it is a blank slate right now and have to be careful about what the Commission allows as the first thing on that corner to ensure that it is going to preserve the overall intent for the entire Town Center.

Another comment was made by Commissioner Gamboa and added that is a good way of going right now is the way it is and in future, the Commission can change the look of the access drive and Chairman Hamerly responded for a future directive to Staff, ensure to resurrect all these Minutes when there are any Applications that come forward to any easterly and northerly properties, as the case may be, for some point of context and Staff can reference for all future Applications so the Applicant can be given the upfront directive saying here is what we are intending and this is how it is going to modify the Family Dollar Application and City Planner Mainez responded so noted.

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Chairman Hamerly asked if there were any further questions of the Applicant's Representatives.

A question was asked by Ms. Kandel regarding what about the Store Hours and Commissioner Gamboa responded that's not a problem and Chairman Hamerly added that he has it noted.

A comment was made by Ms. Kandel regarding the proposed Signage and the Sign Cabinet to match and Chairman Hamerly responded that the Directive is consistent that the Sign is to reflect the architectural character of the Building so any material changes to the Building would be picked up in the Sign and asked if the Commission was comfortable with that and the Commissioners responded affirmatively.

Chairman Hamerly asked if there was anyone else in the audience who would like to speak on this Item. Hearing none, he then called for the question and if there were any further items to discuss for clarification.

A question was asked by Vice Chairman Huynh regarding his suggestion if it was decided to have awnings above the murals and Chairman Hamerly responded on the side elevation and Ms. Kandel responded the northern edge of the Façade with the installation of gooseneck lighting.

Another question was asked by Vice Chairman Huynh if the awnings would enhance the mural features and Chairman Hamerly asked about the awning locations and Commissioner Gamboa added that he thought that the awnings above the murals would not look good and Chairman Hamerly added that it might darken it unless there was accent lighting was added. Ms. Kandel added that gooseneck lighting would be installed over the murals and Chairman Hamerly responded that would look better at night and Commissioner Gamboa agreed and Vice Chairman Huynh said it was just a thought.

A question was asked by Chairman Hamerly about having gooseneck lighting for the walkway or be a ceiling mounted lighting that would hang down, but still have the same hat on it and Mr. Jacobs responded same ceiling mounts but without the arc. A question was asked by Chairman Hamerly about lighting at each bay of the green screen and Mr. Jacobs responded every two to three (2 – 3) murals. Chairman Hamerly added on the east side of the Building at 1, 3, 5 and enforce the lighting and Ms. Kandel responded with the current spacing every two to three (2 – 3).

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A comment was made by Commissioner Haller regarding outdoor storage for the shopping carts and the proposal to be screened and Chairman Hamerly agreed and then asked if the cart screening is reflected in the current Elevations. Ms. Kandel responded would be same material that is on the base of the Building itself and would carry it in front of the cart and Mr. Jacobs explained the detail design that will pop out and is a low wall that he believed is approximately thirty-six inches (36") high and is a continuation of the same brick finish that would come along to the edge and then access the carts from that side. Vice Chairman Huynh asked what about the one on the left and Mr. Jacobs responded it would be open and would have only twenty plus (20+) carts. Chairman Hamerly asked what about installing a cap and Mr. Jacobs match the cap on the Monument Sign. Chairman Hamerly asked if there is no top edge exposure and Mr. Jacobs said no and that it would most likely be an EIFS system. Chairman Hamerly asked if it is only three feet (3') high wouldn't the EIFS system be "chewed up" rather quickly and is not very impact resistant. Mr. Jacobs responded that it would and he would have to think about that and that a sheet metal cap would look cheap.

Chairman Hamerly said regarding with the brick, the Applicant may want to do a pre-cast cap, CMU wall cap that would be able to overhang the brick edge a little and something that would be more durable and Mr. Jacobs responded within six (6) months, it's going to look like it was beaten to death.

Chairman Hamerly said for Staff to take that as a Directive for durable impact resistant wall cap for the Cart Storage and would be a complimentary color to both the brick and to the EIFS.

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

**A Motion** was made by Commissioner Willhite and seconded by Commissioner Gamboa that the Planning Commission to:

1. Adopt Resolution 12-011
  - a.. Direct Staff to File a Notice of Determination pursuant to the California Environmental Quality Act with the San Bernardino County Clerk of the Board;
  - b. Approving Conditional Use Permit (CUP-012-002), as amended with the hours on COA No. 20;

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- c. Approve Design Review Application (DRA-012-003), as amended;
- d. Approve Accessory Sign Review Application (ASR-012-012), all subject to the recommended Conditions of Approval, as amended ,

And;

Adopt the Findings of Fact.

A comment was made by Chairman Hamerly that he thought that was Item B – COA No. 20 and Commissioner Willhite confirmed that it was Item B.

A comment was made by Assistant Planner Kelleher regarding Planning COA No. 66 regarding indoor storage carts and storage in front of the Building and shall be screened.

Discussion ensued between the Commission and Staff regarding amending the Planning COA Nos. 20, 32 and 66.

A comment was made by Community Development Director Jaquess regarding the carts having locking mechanisms and Ms. Kandel responded that all Family Dollar Store carts have locking mechanisms.

Then Assistant Planner Kelleher read the revised COAs into the record.

Commissioner Willhite amended his Motion and Commissioner Gamboa amended his second.

**A Motion** was made by Commissioner Willhite and seconded by Commissioner Gamboa to: Modify Planning COA No. 20

- 1. Adopt Resolution 12-011
  - a. Direct Staff to File a Notice of Determination pursuant to the California Environmental Quality Act with the San Bernardino County Clerk of the Board;
  - b. Approving Conditional Use Permit (CUP-012-002), as amended;
  - c. Approve Design Review Application (DRA-012-003);
  - d. Approve Accessory Sign Review Application (ASR-012-012), all subject to the recommended Conditions of Approval, as amended, with the following,

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## Planning COAs

20. Change the hours of operation 8:00am to 10:00pm seven days / week
32. ~~All rooftop down drains shall be installed on the interior of the Buildings.~~ All rooftop down drains may be installed on the exterior of the Building. Roof drains shall not drain onto pedestrian walkways.
66. ~~Shopping Cart Storage shall be provided inside the front entrance of the Building.~~ Shopping Carts shall be installed with an electric wheel locking mechanism to restrict removal from the Site and shall be screened.

and;

- e. Adopt the Findings of Fact.

Motion unanimously passed on a 7 – 0 vote.

## 5.0 NEW BUSINESS

- 5.1 Revision Application (REV-012-004) a request to eliminate the requirement for a Landscaped Median along the Base Line Frontage related to Conditional Use Permit (CUP-007-014) and Design Review Application (DRA-012-004) "Brightwater Senior Living" Project. 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, President, Brightwater Senior Living and Steve Yates, Principal, Brightwater Senior Living

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

Assistant Planner Kelleher gave the presentation from the Staff Report and PowerPoint presentation and explained the various modifications to Planning and Engineering COAs, the proposed Resolution and the three (3) options and the Applicant's proposed request to the Commission. He indicated that the Applicants are in the audience and then concluded his presentation.

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A question was asked by Chairman Hamerly if Option No. 3 would be with a Landscape Raised Median that would be reduced in size and Assistant Planner Kelleher responded that is correct.

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

A question was asked by Commissioner Willhite regarding how he is reading it, that any Median on Base Line would be unsafe for right- or left-turns and he is concerned about that because he thought there was a Study and so it would be okay and City Engineer Wong responded that is not how he would put it and the construction of the Median is not going to improve safety for traffic turning movement at the Project.

A comment was made by Chairman Hamerly that was not Commissioner Willhite's question and he did not mean that and if it would be hazardous and City Engineer Wong responded if the Median is reduced, to look like this that would provide a shelter in the Median for a vehicle to cross one lane at a time and that the design meets the minimum stopping sight distance and would not conclude that the Median will be creating a safety hazard because it does have a minimum stopping sight distance and it does not help the situation that the stopping sight distance is so long at that location and won't improve it. City Engineer Wong said that he would not call this unsafe, however, he also said that without the Median, it would be safe because it would give the driver more flexibility and more applicability to either go into the Center Median and stop or they can go into the Center Median and then immediately accelerate. From that standpoint, it is better to not have a Median, but having a Median is not going to put you in a position where you have a safety hazard.

A question was asked by Commissioner Willhite regarding the funding capabilities to install the landscaping all the way up Base Line would that make it safer and City Engineer Wong responded no, it wouldn't. The safety in his opinion, has to do whether or not if there is enough sight distance for a driver to determine they have adequate time to avoid that condition. In this case, there is adequate stopping sight distance and do not have adequate corner sight distance and whether or not a driver is able to determine getting in / out of traffic at the driveway and provided examples to the Commission. The stopping sight distance is a shorter distance than the corner sight distance and is less conservative, but still is a criteria in design and meets the minimum safety requirements. Without the Median, it would give the driver from the Project more flexibility to whether or not to go to the Center Median and stop and then go.

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Another question was asked by Commissioner Willhite regarding long term is having the Median go all the way up Base Line and City Engineer Wong responded how the General Plan has the Median all the way up Base Line and further explained to the three (3) Options and modified COAs to the Commission.

A comment was made by Chairman Hamerly that the primary question for him is that the safety issue is primarily of one wanting to make a west bound left turn coming from the Project and trying to gauge a safe distance from vehicles traveling west on Base Line and that is not so much a visual obstruction because of the Median, but because more of topography because of the crest of the hill. City Engineer Wong responded the west bound traffic that the driver at the driveway is more concerned with the east bound traffic. Chairman Hamerly added that a person can see west bound all the way to Boulder Avenue and the west bound traffic on Base Line coming from Church Street down towards the Site and that is an issue, not of the Median, but the nature of the topography in that it is not the Median that is obstructing that decision on whether the driver should pull out and make a safe transition. It is a question if the driver sees the cars coming through the intersection and are they doing 50 MPH and heading over the crest of the hill. City Engineer Wong it is now whether or not having the Median with the driver at the driveway with the driver looking east and if the Median is further blocking the view.

A comment was made by Chairman Hamerly regarding how there was public testimony and the westerly property owner had concerns with the traffic is already bad and is having a hard time pulling out with the issues that City Engineer Wong addressed and was further concerned with traffic generation from the Project and re collected that he was assured that with the Project being a Senior Facility there would be very few trips per day and essentially looking at Staff turn over between shifts and that would be the primary "traffic" per day and that is what led to the decision on a number of parking spaces that would be allowed for Residents. City Engineer Wong responded the Facility also has visitors for its Residents and delivery trucks, but indicated the Project would overall generate less traffic.

Another comment was made by Chairman Hamerly regarding the shift changes of the Facility's Staff at 8:00am and 5:00pm in that those are the peak times for traffic going up / down Base Line and maybe the safest option would be for the Applicant to adjust its time by one-half to one hour to allow for unobstructed access onto Base Line in lieu of deleting the Median completely because it is a safety issue.

Mr. Randall Corwin, who is the President of Brightwater Senior Living, addressed the Commission. He stated with the safety issue met with City Engineer Wong and City Planner Mainez and Assistant Planner Kelleher. With regards to the

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Facility's Staffing, parking volume, and is not an issue that there is a lot of Senior Citizen Residents and very few actually drive, and the Residents' Family Members and what you don't have is 100 Residents parking their cars in the parking spaces with them coming and going all the time. They do have medical transportation buses. He explained there is one entrance on the west side that is blocked and will be used for emergency access and was one of his concerns of coming / going because it is pretty much a blind spot and a person comes over the ridge. He further explained how he and Mr. Yates had sat at the easterly driveway and timed traffic. He envisions practicality and buses with wheelchair lifts and some Residents are quite fragile and how the drivers are trained in an extensive training program and when they pull out into traffic going west and merging onto a center lane, and also judging traffic going east, the driver needs to make three (3) moves and they have done with a vehicle. With the Median in, the driver will lose options and having to navigate into the center lane and then have to merge and move into the direction that the driver is going. When driving a bus filled with Residents, and having to go to transition onto a level and then making another turn, the Residents are being jostled around every time the driver is coming / going out of this space and he has driven buses for sixteen (16) years. Mr. Corwin explained as they were looking at the practical applications and regarding the detailed discussions they had with Staff, it was determined that having the Median was not going to enhance the safety and how City Engineer Wong had pointed out, having a center lane without a Median certainly affords more flexibility and options. With regards to the comment of having a Median going all the way down Base Line and recognizes that and believed that they were not here to try to "wobble out" to building the Median because of focusing on the aesthetics issue and how Medians are beautiful and that there is a reason and a practical application for them. There are safety applications as the last Applicant had with all of the retail traffic coming / going. He stated that he is not here to say that the Applicant does not want to do the Median, because the Applicant does not want to pay for it, but the primary issue that Mr. Corwin is concerned with is safety and while technically, it meets the minimum requirements, but it doesn't afford any additional room for error. When Mr. Yates and Mr. Corwin have been in that situation trying to poll traffic, it does not make sense to them. With regards to the application for requesting the adjustment it is primarily about safety and Mr. Yates has been in road construction for twenty (20) years.

A question was asked by Chairman Hamerly at what times of day were the traffic tests taken and Mr. Corwin responded at 5:00pm for the high time and for east bound traffic. There were slow times of the day. The west bound traffic coming from the east was looking into the sunset and the crest also adds to the safety issue and felt that it was unsafe and have an obstruction to navigate as well, doesn't seem to be a good idea.

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Mr. Steven Yates, who is the Principal of Brightwater Senior Living, addressed the Commission. He stated because if a Median was there, sitting in the driver's seat of a bus, one would get a sense of need of accelerating more and there is more of a need to square off the corner in order to get into the position. There are concerns when there are sixteen (16) people in the bus at various levels of maturity and some would be very fragile and take a lot of care to load them, etc. and now getting out onto the road and having this frantic sense of getting into position and coming down an elevation and up another elevation and taking position into a turning lane and then looking for acceleration, as opposed to, from an engineering standpoint, there is mathematical room for that and provided a scenario(s) to the Commission. He could understand if their use was something else with the use of retail businesses, but with the Residents and with the van, and there are married couples and how one is not living there and this is an elderly population with fragility. Mr. Yates further stated how they develop these Facilities and have operated them and will be on this property for many years and very careful of how the floor plan design is laid out and when the Applicant saw this, it was flagged for safety and if this was a different scenario, and wasn't a two lane / four lane road and a different speed and the crest of the hill was different, this isn't a conversation, this isn't the only development that the Applicant has done where there is a median and feel passionately about the safety portion of it.

A question was asked by Chairman Hamerly regarding if safety is the primary consideration with this discussion, is it prudent for a right in / right out only project and a full Median extension just so there is no possible way of coming out and making a left turn if it is not safe. Mr. Corwin responded with the Median gone, it is his opinion, that it does allow getting into the center lane to sit there and accelerate. With the Median in, it adds another component and he would not go as far as to say with disallowing a left turn, but there could be U-turns made inappropriately and Chairman Hamerly responded a person would not need a U-turn because you would be making a right turn to a signalized intersection going up to a stop light intersection on Church Street, and another one on Greenspot Road and Mr. Corwin indicated it would need to be a square U-turn. Chairman Hamerly stated to take out the east bound traffic and Mr. Corwin responded that he understood that by adding a Median attracts acceleration and safety egress on the property and Mr. Yates added the Median is at the west entrance which is now locked except for emergency access and .is no longer there for public use.

A comment was made by Mr. Corwin and Chairman Hamerly requested the Applicant restate his comment because he did not follow it and possibly the other Commissioners didn't either because he didn't believe that was ever the impetus for the Median requirement and Mr. Corwin said it may not have been. Mr. Yates indicated as how they understood it, when they purchased the property, it had gone defunct prior to them purchasing the property and their understanding the

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impetus to that Median barrier was to keep people from turning left from the west bound lane from the west entrance and that has become an emergency entrance only and Assistant Planner Kelleher stated that was a Condition of Approval (COA) as an emergency entrance even with the previous development and the Median came in as part of the City's General Plan process and noted that the Median break that was something that the Fire Department was looking to be able to make a left turn into the Site coming west bound from Station No. 2.

A question was asked by Chairman Hamerly if that would be for Fire Station No. 2 and Assistant Planner Kelleher responded exactly and installing a Median that does not allow for any break is not something that the Fire Department would be that comfortable with.

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

A question was asked by Commissioner Willhite regarding Church Street on west bound and extending the street one (1) lane right past the Applicant's Project and start with the second lane to make a left turn and from there, it becomes two (2) lanes. There would be a left turn pocket coming in that only goes into their Facility and there would be no other cars in that lane and would postpone the lane for 1,000 feet and that he offered a drawing of his concept. City Engineer Wong responded that he understood what Commissioner Willhite was talking about and that whether or not there is one (1) west bound lane or two (2) west bound lanes in that it is not the issue. The issue is having enough stopping sight distance and if you want to be extra careful, you would want to have that Center Lane as an area there which would provide a person to either stop there or go straight forward and that doesn't change if there is one (1) west bound lane or two (2) west bound lanes. Commissioner Willhite responded how a vehicle would pull out into its own one (1) west bound lane just for them, and then after that, there would be two (2) lanes for everyone.

A question was asked by City Engineer Wong if the one (1) west bound lane would be only for this Project and Commissioner Willhite said right and then after that, then there would be two (2) lanes for everybody and that way, there is no concern of running into them, because they are in only one (1) lane until they get past the little divider which is shown on his drawing and then becomes two (2) lanes. Chairman Hamerly added it would be a double lane Median and Commissioner Willhite added that it would be like a "T" from Church Street left turn lane only for the Applicant's Facility and be unable to go forward. City Engineer Wong responded regarding you would only want to implement this kind of traffic management measures that there is a lot of left turn movement and provided an example similar to the one at Kaiser Hospital located in Fontana and with this Project generating a small amount of traffic, believed this would not be the most appropriate measure. Commissioner Willhite responded it would cost

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more, but is a safest alternative to continue the lane for 1,000 feet and indicated that it was just an idea and that he is not a Traffic Engineer and City Engineer Wong stated that he was not comfortable in doing that.

(Note: Commissioner Gamboa left the Chambers at 8:07pm)

A question was asked by Vice Chairman Huynh regarding what is in the General Plan for future Median and what if the Median is eliminated now and in three (3) years the City receives funding somewhere and then decides to construct the Median what would happen at that time; will the City construct the Median then regardless of what the decision is today. City Engineer Wong responded Staff is looking for a decision from the Commission whether or not the Commission thinks the Median project will be required at sometime to be built. If the Median is required to be built, then the decision should be done with this Project or should it be done with larger City project in order to obtain a larger stretch of Median. If the Commission wants to see the Median built now, or wait until the City can build a longer Median, then it would be required for the Applicant for this Project to pay their fair share so that the City would have the monies

Another question was asked by Vice Chairman Huynh regarding if the in lieu fee was for example, collected \$10,000 paid by the Applicant, and the Median wasn't built for ten (10) years and that the cost for the Median would be five to ten (5 – 10) times more then what would happen. City Engineer Wong responded when the Developer pays their fair share, they are done and the City would come up and pay the remainder of the cost.

Chairman Hamerly asked if the Commission had any further questions of the Applicant or Staff. Hearing none, he then asked if anyone in the audience would like to speak on the Item. Hearing none, he left the Public Hearing open and opened the floor for further discussion amongst the Commissioners regarding the three (3) Options and their strengths / weaknesses of each of the Alternatives.

A comment was made by Commissioner Haller that he is a big fan of Center Medians and will improve the streetscape and almost every Base Line Application that the Commission has had requests from the Developers to eliminate the Center Median and the Commission has kept them in. We need to be consistent in our recommendations and continue with the requirement for the Center Median. He believed that the timing is an issue where there is an odd shaped curb and installing a Median where it would look kind of odd given that there is nothing else around and also give some serious consideration to the in lieu fee instead of the Developer installing the Median.

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A question was asked by Commissioner Stoffel regarding if the Base Line Median goes all the way up Base Line and just stops in front of the Project and there is a gap / opening there. There is nothing across the street to be built there. Chairman Hamerly responded that is essentially what the Commission is looking at and the Median is the yellow area that is in front of the Project that is shown on the Site Plan and would be a break on the street that is immediately to the west and virtually nothing until a person is at the bottom of the hill. Commissioner Stoffel responded that he does not like the idea of a Median there. He can see that it would look nice in some spots. He goes down that hill and indicated there is a lot of unsafe driving that goes down that hill.

(Note: Commissioner Gamboa returned at 8:11pm)

A comment was made by Commissioner Haller with the General Plan, the City would have to come up with the funding for the areas that have been already developed and, ultimately, there would be a Center Median from Church Street to Boulder Avenue.

A question was asked by Chairman Hamerly where there be any Median between the Project's easterly property line and Church Street or that north bound left turn lane and City Engineer Wong interjected there are two (2) more lots east of this Project and Chairman Hamerly said right and City Engineer Wong stated if the Median is to be built, there is still a piece of property that would have a Landscape Median and Chairman Hamerly said that the left turn lane on Church Street starts in close proximity and City Engineer Wong interjected that it is about one (1) lot length so between the first lot on the corner and this Project, there is still a piece of property frontage that if the Commission would want to have the Median built.

Another question was asked by Chairman Hamerly if and when the Base Line Median is constructed there would be Medians located pretty much all the way up on the steeper portion of this hill because there are no side streets coming in through there and that there would be another Landscape Median immediately to the east of this property for a small stretch. City Engineer Wong responded according to the General Plan that in probably in practice, most likely that if there is any Median built, it would be property to the east because there are two (2) large lots there, there is a house there, but there is potential for development and Assistant Planner Kelleher added that is also a Planned Development Zoning Designation although there is potential for reutilization for something else in the future, but that the likelihood of those two (2) homes going away is probably fairly unlikely. City Engineer Wong added that west of this Project and both sides of Base Line are currently developed as residential, the likelihood that new development contributing to a Median there is zero (-0- ) so the City would have to come up with the funds or if the City could get some outside money to do the

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Median project, so the chances are slim. Assistant Planner Kelleher added that also would be true pretty much all the way down to Boulder Avenue in that there is development on both sides in final phases, or is finished that do not have Conditions on them for a Median.

A question was asked by Commissioner Stoffel then what is the actual probability that the Median will ever be done and Chairman Hamerly responded that it is small and Community Development Director Jaquess added for the Commissioners to draw their own conclusions.

A question was asked by Commissioner Gamboa if the Center Median was installed, the Fire Department would want a break in the Center Median for them and City Engineer Wong responded the Fire Department indicated that it would like to see a break at the east entrance of the Project and Chairman Hamerly responded then there is a left turn in for the easterly driveway.

A comment was made by Commissioner Sparks regarding if the Fire Department had a say-so if the lane was continued for 1,000 feet like Commissioner Willhite's drawing proposal and agreed with Commissioner Willhite indicated that it is a good idea for safety.

A question was asked by Vice Chairman Huynh regarding the in lieu fee and, if for some reason, the City would never build the Median and if there is no sunset refund, what would happen to that money and what would be the process. City Engineer Wong responded there is no refund to the Developer and at the time the fee is collected and goes into a "pot", and when that "pot" is full to build all of the improvements, then the City would use the collected monies. If there are changes to the program say, as an example, for the next thirty (30) years, every time there is a change made, you have to track down who the property owner is and who else has the legal right to that money, and it is a nightmare in administration and the policy has been that is when the money is collected, and then use the in lieu fee for public use within the same product or program.. Chairman Hamerly added the Median in lieu fee would be used only to construct for Median use for that stretch of Base Line or whatever and it would not say as an example the 2020 Circulation Element in that there would never be a Base Line Median so then we can use the money to do the Median on Greenspot Road and City Engineer Wong said that the monies for the fee program can be used for other projects within the same parts of the program and then provided some scenarios to the Commission so that there is some flexibility. Chairman Hamerly responded that the monies could be used for curb / gutter for another street, as long as there is a Public Right-of-Way and City Engineer Wong interjected as it is related to the same type of work.

Chairman Hamerly then asked for asked the Commission's comments regarding discussion on the three (3) Options.

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A comment was made by Vice Chairman Huynh that he is supportive of Option No. 2 and explained that it is a development and the Applicant / Developer would have a Project there, make some money and would have to share the costs of the public improvements and if there is no need for having it now, then maybe that money should be used for future improvement either here or somewhere else. In particular, when the General Plan calls for a Median, he doesn't believe that the Commission says, "let's just ignore it and not put it in" and does not see a basis for that.

A question was asked by Commissioner Willhite about the feasibility of an Option No. 4 and then add a Condition of Approval (COA) in that when the City starts to do Median, that they (the Applicant) have to pay for their share for in front of their property. It is his understanding and if he had heard right, that if the Applicant paid \$100,000 and was not going to build this Median, so then the Median could built somewhere else and City Engineer Wong responded that is not a guarantee that we could enforce that COA and if the money is not collected now, unless a bond is posted or something that would guarantee the Developer would pay in the future. And the Project could be sold several times and that is why the City's policy has been a project's fair share is required then and the last time the COA could be enforced and the last time it would be able to be enforce the Condition is when issuing a Certificate of Occupancy. To defer when making that payment is not really practical.

A comment was made by Commissioner Stoffel that was the same issues in front of Valero discussing in lieu fees and Chairman Hamerly responded affirmatively and Commissioner Gamboa added also Dairy Queen.

Another comment was made by Commissioner Stoffel that he was uncomfortable with the Commission making someone to put money into something that is said to be for a specific purpose, but then, it may not go for that specific purpose and does not make sense to him. He would rather see remove the requirement or install the requirement and reiterated that he doesn't like the idea of setting money toward something that may not happen

Mr. Corwin responded in order to be very clear, that he is not here to try and dodge something that the City has set out as an aesthetic approval improvement to the community and to the comments about that vision and he understands that. The discussion was started talking about safety and if safety is primarily the issue that is being explored, then somewhere down the road, how is it that a traffic pattern or the safety issue in general, is going to change. As he sees it, it is the same issue today and it is going to be in ten (10) years from now. He doesn't think that the Median with all the other people that are putting up their money to do this, i.e. Dairy Queen and whoever else has tried to have their Median requirements removed. Mr. Corwin believes that he has some special

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circumstances and is related to the nature of the horizon (i.e. sunset), the speed issue / acceleration on the hill, senior settings, and how the Applicant's description of how they enter / exit their property and the type of people that they are transporting. It seems like the attention has been shifted to the City has set out this objects and for those Commissioners who have said that they like the objectives, that is great and that Mr. Corwin would agree, but that is not what he is bringing to the table as an argument. He is not saying that they prefer not to have this beautiful Median out in front of their Facility and that he wants it to look nice, too. He said how it comes as a cost and with every design change costs more money and how the Applicant met with the Finance Subcommittee regarding the Development Impact Fees, the State restrictions on the City and the control of those costs have nothing to do with the City of Highland, for the most part, but is concerned with the ability to get the Project off the ground. Mr. Corwin's job is the financial piece with the lenders / investors and how the wheels are already in motion and now this is a mechanical exercise in terms of total Project cost and indicated that every element of cost could make the difference. The Applicant has let the bids out to complete that process in a matter of weeks and every \$100,000 makes a significant impact. Further for the purpose of the Finance Subcommittee, was to argue why the Applicant wanted to have their market rates as low as possible and cited specifically the dollar amount what the \$100,000 does to the market rate for seniors living in Highland. On the merits of the requirement of the City, in terms of the Median issue, as a Developer, the Developer really should come and make an argument that their Project cost is not going to work if you continue to lay on costs, but that is not the problem of the City specifically, but it is a good side note to understand how projects are sensitive to costs and the Commission has probably heard this 100 times. Today, we are talking about safety and now how some have made several comments we have shifted from a safety discussion to how it still looks good, and for them to also comment what do they specifically think about the safety issues. Mr. Corwin said that he is excited in developing in Highland and has been working on this for years. He then said how they are committed to find creative ways to see this Project through and appreciated the education and a very detailed discussion about safety and understands the sight distances, regulations and what is required, having special circumstances and reiterated that this is not like Dairy Queen and others requesting waivers as this is a safety issue and is going to be the same safety issue in lieu of paying down the road and to him, it should be decided today in regards to safety. Mr. Corwin stated how City Engineer Wong said there is no added value, but arguably, is technically correct and removing an acceleration lane and creating another obstacle simply makes it more difficult and suggested that is the safest route to give the Applicant of not having a Median, but rather having more flexibility and that is essentially where the Applicant stands and is not coming to ask for special favors, this is really about safety and sitting on pins and needles not just about this discussion, but in the coming weeks about other cost-related discussions.

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A comment was made by Chairman Hamerly that it sounds like the Applicant is requesting Option No. 2 be taken off the table and that it is either going to be a safety issue or it is not going to be a safety issue so it doesn't make any sense to do a Median thirty (30) years from now anymore than it would make sense to it today. So it sounds like either Option No. 1 or Option No. 3 are the recommended Options by the Applicant.

A comment was made by Commissioner Stoffel that he is leaning more to Option No. 1.

A comment was made by Commissioner Sparks that he, too, is leaning more to Option No. 1.

A question was asked by Commissioner Gamboa if the Public Hearing was still open, and if so, he was waiting until the Public Hearing was closed before he gave his comments and Chairman Hamerly responded affirmatively.

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

A comment was made by Commissioner Gamboa regarding Option No. 2 if the Applicant does not construct the Median along with their Facility Project, and that the Median is constructed either up or down the way from the Project, has an impact on the Project and that is what an in lieu fee does and is leaning toward Option No. 2.

A comment was made by Vice Chairman Huynh regarding the economy, the property value is at a flat level now and the Developer knows what he is getting into and hopefully, within five to ten (5 – 10) years from now, there will be an appreciation in property values and would make money on it and why some of us have to subsidize for whatever the cost of the Median and that is how he looks at it. Maybe, the Developer does not have to do it now, but at least, the money is there so then the City will not have to subsidize part of this some funding and is supportive of Option No. 2 is consistent with some other projects that the Commission has either considered or discussed in the past.

A comment was made by Chairman Hamerly if Option No. 2 is off the table, then how would he lean to either Option No. 1 or Option No. 3 and Vice Chairman Huynh responded that he would lean to neither Option No. 1 or 3. If the Applicant does not like Option No. 2 with the in lieu fee, then the Applicant put in the Median and Chairman Hamerly said then that would be Option No. 3 and Vice Chairman Huynh said right.

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A comment was made by Commissioner Gamboa if there was no Option 2, then it would be Option No. 3.

A comment was made by Chairman Hamerly that it sounds like more Commissioners are supportive of installing the Median now, or at some point in the future, with the modified safety features to divide an acceleration lane for a merge lane.

Chairman Hamerly said two Commissioners were for Option No. 1 to eliminate the Median; two Commissioners for Option No. 2 for the in lieu fee; and thought he had heard Commissioner Haller say that he was in favor of Medians and read that as Option No. 3. Commissioner Haller responded affirmatively and added in favor of Option No. 2 or Option No. 3, and preferred Option No. 2, but if Option No. 2 is off the table, then use Option No. 3.

A question was asked by Chairman Hamerly that he had heard Commissioner Willhite say that it was an in lieu fee, as opposed to eliminating the requirement and Commissioner Willhite responded affirmatively.

A comment was made by Chairman Hamerly regarding that he, too, is leaning toward Option No. 2 or Option No. 3 and understanding with the safety issues that are in play, is a simple fix. There are certain times of the day that a person does not try to cross certain streets in Highland and trying to make certain turn attempts to going into certain Schools at certain hours of the day and that person adjusts his schedule accordingly. There is a concern with traffic and safety and the safest turn to make is with a right in / right out. There are other times of the day that a person would not have a problem crossing that street because the street is virtually deserted. Taking that into consideration, if Chairman Hamerly was managing a similar facility, he would advise his drivers not take the Residents shopping at 4:45pm – 5:15pm and try to make a left turn onto Base Line heading west. That is a procedural thing that would be fairly easy to execute.

A question was asked by Commissioner Stoffel with Option No. 3, with the Median to be constructed with the Project and how long would the Median be and Chairman Hamerly responded that it would be a short Median and City Engineer Wong added that the Median would be approximately 250 feet in length for the Median from nose- to-nose.

Mr. Corwin wanted to respond and to readdress the Commission. Chairman Hamerly reopened the Public Hearing. Mr. Corwin stated his comments are for operations for the traffic. With the Facility's Shifts are standardized and could move those one-half hour one direction or another for Staff coming / going. In terms of the time of day for the buses are going constantly on Tuesdays and

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Thursdays sometimes until 6:30pm for doctor's appointments and sometimes the radius is ten (10) miles to those appointments and unable to control vehicles coming / going to the Facility, including the Residents' visiting Family Members, which the Family Members usually have a tendency to come right after work to leave, and the peak time of travel to ask both Family Members and Residents' comings / goings is next to impossible to control. Chairman Hamerly responded that he took into account the Residents' doctor visits into account and provided examples to Mr. Corwin. Mr. Corwin responded that a majority of the Facility's Residents do not drive and provided examples with appointments, events and bus routes and he indicated that he wished that he could pinpoint more directly, because it would help with the Facility's operations, but there are so many variables he doesn't see any ability to manage that portion.

Mr. Yates readdressed the Commission. He stated that he was curious by bringing what he thinks is a neat development to Highland and is something that the City does not have. The Applicant has adhered to all of the City requirements and took discussion points and it seems like the Applicant has paid a fee come to the Commission to bring the point to the Commission and is their second or third trip to discuss this and it seems to Mr. Yates that he keeps waiting for some of that back from the City. He has heard and read the comments from previous years from the Commission and have heard a lot of talk of being a business friendly environment and one of the comments was how we would love to see someone come in and develop forty to fifty (40 – 50) units to develop and what could we do to help them. He said how the Applicant is adding 100 units, and creating jobs from construction to years of use and how they ask for something that is reasonable and how they have had years of experience in the industry. It seems like the Commission, or maybe the City of Highland is not willing to work with us on that level. Has this all been a waste of time or should we just acquiesce to all of the demands and not take seriously comments the Applicant keeps hearing from Planning and Engineering Staff and the Commission's notes that there is a concern about the business friendly environment. In this case, this is a business component for a very expensive Project that is being built and is a beautiful Building to a safety and operational component. When does the City Council take that into consideration and not 200 feet of a Median for a very long road that may someday, get developed or funded for a further Median and being held hostage to the City's potential Median someday and taking the Applicant's money and putting it somewhere that may or may not get used for it, and clearly, we don't ever want it there and that those numbers being determined by the City and certainly increasing the Applicant's costs, that is also very undesirable to the Applicant as well. Mr. Yates felt that there is a disconnection from what he keeps hearing to what is happening to the Applicant and to the Project. He requested that the Commission take into consideration the Project the Applicant is bringing and that design of the Project's courtyards and the components that are being brought to the seniors in this community. He is not trying to dig on a low income housing type project and

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certainly, that has its place, but this Project is a beautifully designed Facility that the Applicant is working very hard for in developing and seems like the applicant just keeps hearing no.

Chairman Hamerly responded that with Mr. Yates' comments, it seems like there is little appreciation that the Commission has been sitting there for some time now with the Commission trying to find solutions to meet the Applicant's demands. Mr. Yates responded the solutions that the Commission is trying to find are more acquiesce to what it is that the Commission feels what it wants versus the reality of the situation. We are simply saying that along with this beautiful Facility that is being brought, we just don't want a Median barrier in front of the Facility. We consider the Facility's Residents and transportation and simply stated, that it doesn't seem very safe. People are coming down too fast, and would like a more acceleration lane. It is turning into this other thing where the Applicant is potentially giving the City money for the Applicant's Project or other projects and is turning into something bigger than it really is. Mr. Yates reiterated how the Applicant is bringing this Project and spending the appropriate money to do it, but we just don't want this part. Base Line is a very long road and this portion is not a big portion of Base Line and felt that the Applicant is bringing something special to the City of Highland and has a special use and would like a bit of consideration for that. He said that he appreciates all of the conversation, but again he reiterated that he felt like that he is being held hostage and not being heard. Mr. Yates then thanked the Commission and Chairman Hamerly then thanked the Applicants.

A question was asked by Commissioner Willhite what does an in lieu fee Median cost in today's dollars and City Engineer Wong responded that City Staff would determine the cost for the design and construct the Median and that would be the in lieu fee with today's dollars. Mr. Yates added that he has been in heavy civil construction and that his family has a road construction business and understands the pricing structures for municipalities and the likelihood that the pricing coming back that the Applicant would be required to fund, as opposed to what the Applicant could go out and obtain bids for would be skewed and have no desire to be required to fund based on a municipal price schedule that are famously high and would be unfair to the Applicant.

Chairman Hamerly responded to cut to the chase and make the vote very simple, it sounds like there is no virtual interest in Option No. 2, which is the in lieu fee, no interest whatsoever in Option No. 3, which is the construction of the Median, so essentially, the Applicant is asking for an up or down vote on the Applicant's revision to the CUP. Mr. Yates responded that the Applicant is asking for an up or down vote and asking for the Commission to follow the recommendation from your own Staff and allow the Applicant not to build the Median. Chairman Hamerly stated that is not the recommendation of Staff and Mr. Yates apologized and asked if had had read that wrong and Chairman Hamerly responded

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affirmatively and explained there are three (3) Options of the recommendations from Staff and what the Commission is being asked to consider is to adopt Resolution No. 12-015 and approve the Revision Application that the Applicant has submitted and the Commission is supposed to select one (1) of those three (3) Options and the only option that the Commission sounds like the Commission has is Option No. 1, which is an up or down vote on whether or not the Commission accepts that. Assistant Kelleher responded the proposed Resolution is specifically for Option No. 1, and the two (2) other Options were to show the Commission that Staff just didn't go with the Applicant's set idea. There are other ways of treating an item, but Staff is in agreement with the Applicant's proposal and the Applicant's option to remove the Median based on the conversation that has been held this evening and has been presented by the Applicant and Staff.

A comment was made by Chairman Hamerly, so that in reality, it is an up or down vote, with Option No. 1, and if the Commission denies this and that the Applicant could appeal to City Council and plead their case on findings of safety, etc., and City Council is a better body to hear the fiscal issues that might come into play. Assistant Planner Kelleher responded if the Commission wishes to go with Option No. 2 or Option No. 3, the Commission would then direct Staff to prepare a Resolution for either Option No. 2 or Option No. 3 to bring back to the Commission for consideration.

A question was asked by Chairman Hamerly if it was correct to assume those Options, as they were presented in the Staff's packet were available options for consideration by the Commission and if we choose those Options, then would need a Resolution and Assistant Planner Kelleher responded affirmatively and said that Staff would have to prepare a Revised Resolution and Chairman Hamerly stated that he understood.

A question was asked by Commissioner Stoffel for clarification if Option No. 1 was Staff's recommendation and Assistant Planner Kelleher said that is correct and Chairman Hamerly added so if the Commission narrows the Options at the Applicant's request, to say that this is either an up or down vote, adopting a Resolution of eliminate it or deny which means that the COAs stand as originally approved for the Project then it is an up or down vote on Option No. 1. Assistant Planner Kelleher stated that technically, with Option No. 3, the Engineering COAs would still need to be amended and clarifies further the design of the Median because that was not available at the meeting back in June.

A comment was made by Chairman Hamerly that based on testimony, that it sounds like that the Applicant is truly requesting to eliminate it and Assistant Planner Kelleher said that is correct.

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Another comment was made by Chairman Hamerly, based on what the Applicant has presented, it is an up or down vote on should the Median be there or should it not and is a simple issue and Assistant Planner Kelleher said that is correct and Staff is providing clarification that if the Commission was going to go with Option No. 3, Option No. 3, still amends COAS, and Chairman Hamerly said but it is not delivering anything that sounds like the Applicant is in agreement with and Assistant Planner Kelleher said correct and Chairman Hamerly said similar with Option No. 2 and Assistant Planner Kelleher said correct. Chairman Hamerly said so then the Applicant is requesting, as part of their amended Revision, and up or down vote on Option No. 1 and that the Applicant wants this COA removed and sounds like that is the only option the Applicant is in support of and Assistant Planner Kelleher said correct.

City Planner Mainez added this is an amendment the Applicant's Application, that is correct and wanted to clarify Staff's position. He wanted to ensure the Commission is comfortable that there is a lot of flexibility with the General Plan Policy and the text of the General Plan as noted in the Staff Report calls out this section of Base Line as unique and Staff looked at the use, the clientele, and concluded, after the fact as a COA, but internally, City Engineer Wong and Planning have discussed this further and in light of the Applicant's consideration and has reconsidered the need for this Median. It is going to be odd to have any Median on Base Line with that unique feature in Highland. He doesn't want the use to be more difficult in getting in / out not only for the clients that can still drive, but for Family Members that come and visit, take them to the doctor appointments, etc. and nothing the City can legally do to restrict their hours, commerce and use of the roads. The only situation that came up in the past was deliveries in the retail centers, trash pickup. And the City cannot restrict family, use due to topography. Staff anticipated this discussion and how the Commission and City Council made clear in the General Plan that this is not a typical street section and aside from aesthetics and safety, there is no need to have a Median there and that is why Staff is supporting the Applicant and recommend the Commission delete this requirement and the Applicant is willing to work with Engineering to restripe that street. Chairman Hamerly responded okay and clear on Staff Directive.

There being no one further in the audience who would like to speak on the Item, or further discussion amongst the Commissioners, he then closed the Public Hearing and called for the question.

**A Motion** was made by Commissioner Stoffel and seconded by Commissioner Sparks to:

1. Adopt Resolution 12-015
  - a. Approving Revision Application (REV-012-004) removing the requirement for a raised Median along Base Line associated with Conditional Use Permit (CUP-007-014) and Design Review Application (DRA-012-004);
  - b. Adopt the Findings of Fact.

Motion died on a 3 – 4 vote with Commissioners Haller, Gamboa, Vice Chairman Huynh and Chairman Hamerly dissenting.

Chairman Hamerly explained the Commission's decision can be appealed to the City Council and be filed with Staff within ten (10) days.

## **6.0 ANNOUNCEMENTS**

Community Development Director Jaquess explained there is an Oversight Board Meeting on August 27, 2012 and the Item tentatively scheduled for the Commission's Regular Meeting for September 4, 2012, regarding about alterations of a house where it was not allowed.

A request was made by Commissioner Stoffel to have Staff see about WiFi access and Chairman Hamerly added beer

## **7.0 ADJOURN**

There being no further business, Chairman Hamerly declared the Meeting adjourned at 8:56p.m.

Submitted by:

Approved by:

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Linda McKeough, Community Development  
Administrative Assistant III

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Randall Hamerly, Chairman  
Planning Commission

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