

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
JULY 16, 2013**

**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       John Gamboa  
                  Commissioners       Trang Huynh  
                                                  Mark Rush  
                                                  Milton Sparks  
                                                  Michael Stoffel

Absent:       Commissioner       Richard Haller

Staff Present: John Jaquess, Community Development Director  
                  Lawrence A. Mainez, Community Development Director  
                  Kim Stater, City Planner  
                  Jim Godfredsen, Project Manager  
                  Linda McKeough, Administrative Assistant III

The Pledge of Allegiance was led by Chairman Hamerly.

**2.0 COMMUNITY INPUT**

There was none.

**3.0 CONSENT CALENDAR**

**3.1 Minutes of June 18, 2013, Regular Meeting.**

**A Motion** was made by Vice Chairman Gamboa and seconded by Commissioner Sparks to approve the Minutes of June 18, 2013, Regular Meeting, as submitted.

Motion unanimously passed on a 4 – 0 vote with the abstentions of Commissioners Rush and Stoffel and Commissioner Haller absent.

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#### 4.0 OLD BUSINESS

There was none.

#### 5.0 NEW BUSINESS

Note: Prior to the Meeting Staff distributed Reduced Colored Renderings, as well as 11X17 Colored Renderings and Color Sample Board(s) for Item 5.1 for the Commission's consideration.

- 5.1 Conditional Use Permit Application (CUP-013-001) and Design Review Application (DRA 13-001) for the Master Planning and Expansion of an Existing Religious Institutional Use (Jehovah's Witness Kingdom Hall), which includes the construction of a new 5,000 square foot Kingdom Hall, two attached caretakers living quarters, new parking facilities, and landscaping improvements. The Project is located at 26993 Ninth Street. APN: 1192-471-12-0000. Representative: Gary Daughy.

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

Community Development Director Mainez gave the presentation from the Staff Report and PowerPoint presentation and explained the distributed materials and proposed Conditional Use Permit (CUP) the Design Review Application's (DRA) Project design and layout, historical background and the Applicant's requests to the Commission. He added the Colored Renderings and Materials Board(s) are in front of the Dais for the Commission's review. He further explained some of the Conditions of Approval. In addition, he indicated that the Applicant and his Representatives are in the audience for any questions the Commission may have and then concluded his presentation.

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

A question was asked by Commissioner Sparks why two (2) Caretaker Units. Community Development Director Mainez responded that is a good question for the Applicant.

A comment was made by Commissioner Rush there is a difference in the Colored Renderings. On Page 4 of the Staff Report is drastic and appears to be two (2) completely different Sites. Community Development Director Mainez said that he agreed with Commissioner Rush's comments and responded that would be appropriate for those questions would be better answered by the Applicant and how they can provide the Commission with their Master / Business Plan, Phasing, etc.

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

A comment was made by Commissioner Huynh regarding the Handicap Parking Spaces with the Applicant and the overall number of spaces provided by the Applicant is over the required number of parking spaces and Community Development Director Mainez said that is correct.

A question was asked by Commissioner Huynh regarding if the parking spaces was for the total Site and/or even on the New Site and indicated on Page 6 of the Staff Report even for the new Site the number of parking spaces provided are over the number of required parking spaces. Community Development Director Mainez said that is correct and stated for the record, Phase One, by the current Code requires 56 parking stalls and this includes Handicap Spaces. The Applicant is providing 74 spaces. In Phase Two, the current Code requires 67 and that includes the Caretakers' Units and the Applicant is providing 100 parking spaces.

A question was asked by Commissioner Stoffel regarding the access road located on Central Avenue is for the Fire Department's emergency vehicles and if it has width on Central and Community Development Director Mainez said that is correct and is an existing width and believed that it is less than twenty-four feet (24') typically what Fire would require, but it is a width and Standard that was approved by under San Bernardino County's jurisdiction. The City's Fire Marshal has provided Conditions of Approval (COAs) and was not an issue so that Staff is going to make it work. The Applicant has two (2) access points on Ninth Street and that the circulation works well. Commissioner Stoffel said that he was concerned with the entrance / exit access. Community Development Director Mainez said that access will not be an entrance / exit and the gate will be locked and will be a Secondary Access for the Fire Department only.

Chairman Hamerly asked if the Commission had any further questions of Staff. Hearing none, he stated there are a number of public members in attendance and requested if they want to provide testimony is to fill out a Speaker Slip and submit it and he will invite you to the podium. He then asked if the Applicant would like to make a presentation.

Mr. Scott Zoida, 29489 Caro Way, of Regional Building Committee California 4 (RBC CA4), who is a Representative of the Applicant, addressed the Commission. He stated within the area, they have helped to expand their Kingdom Hall growth in California. With regards to the two (2) Caretaker Units, is for a need they have and that they are for Members to reside onsite and each Caretaker Unit will provide care for an individual Kingdom Hall and indicated that two are better than one. With regards to the Colors, they were able to discuss with their Original Planner and wanted the proposed Kingdom Hall to be complimentary with the Existing Kingdom Hall, but not match that Unit. He

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further explained that they wanted to upgrade the exterior finishes so it is complimentary and at some time, upgrade the Existing Kingdom Hall with a fresher look and would be done with time with maintenance seasons. The New Kingdom Hall is designed to be located in the middle of the Site so it is not near the neighbors and there is a proposed six foot (6') high wall and aesthetically, the neighbors will be unable to see the Kingdom Hall and will increase security for the neighborhood and will get rid of the dirt field and have a finished lot.

Mr. Anthony Gurrola, 25297 Elder Avenue, Moreno Valley, California, who is the Applicant's Project Development Coordinator, of the RBC CA4, addressed the Commission. He stated there are thirteen new Kingdom Halls that are being Permitted in Riverside County. The Caretaker Units are 800 square feet each with one (1) bedroom. The Caretakers that are located onsite are full time and are not working elsewhere so they are available to care for the two (2) Kingdom Halls, as well as the Ministry. Every time that they have a piece of property that can fit one or two of the Caretakers' Units, they take advantage of that. The Existing Kingdom Hall's architecture was much different back when it was approved and that he is open to painting the Existing Kingdom Hall the same color as the Proposed Kingdom Hall and that he has no problem with the Colors, When the Applicant originally talked with the Planners, the question about architecture came up, but that was impossible because the Existing Kingdom Hall was built years ago, and reiterated that he had no problem with matching the colors and indicated the roof may be a little problem, but not that much of a problem. He further explained that the Kingdom Halls are renovated every ten (10) years with new carpet, paint, etc. and added that there are 43 Kingdom Halls located in Riverside. With the New Kingdom Hall be located "around the corner", that it will be hidden and people will be unable to see that big of a difference other than those attending Kingdom Hall and is open, if need be. With regards to the access road, that is an Edison Easement believed that it is not wide enough for access for Edison and that the Applicant has no intention of utilizing it for entering or leaving Kingdom Hall. He would be happy to answer any further questions the Commission may have.

A question was asked by Chairman Hamerly regarding the Color Scheme and that the larger set of Plans that were submitted in the Commission's Packet shows a two-tone exterior stucco scheme. The Materials Board show that it is not a two-tone stucco, but is a two-texture and asked if the Applicant had an alternative Color Palette because it is a heavier tone or if there are some options that it could be lightened up or presenting complimentary color so that it could back to a two-tone scheme. Mr. Zoida said that is fine with them and if that is a Condition or a requirement that the Commission wants the Applicant to pursue, that they can do that. He explained how colors can be subjective to the interior / exterior decorators so that their Architect had originally went with the two-tone and was adjusted due to different perceptions or recommendations and that is why it changed. He reiterated if the Commission wants the Applicant to go with a

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two-tone, that would not be a problem for them and is acceptable with them and had expected / anticipated a few comments on the Color Palette from the Commission.

Chairman Hamerly then polled the Commission Members to see if they desired the two-tone Color Scheme and all Commissioners present answered they preferred the two-tone Color Scheme. Mr. Zoida responded that he would be more than happy to adjust to the two-tone and how the printer changes colors on the paper and suggested the Commission to look at the Finished Materials Board for Color accuracy. He added that the Caretakers would not have pets onsite.

A question was asked by Chairman Hamerly regarding the horizontal band between the smooth texture and rough texture is indicated being a metal channel. Mr. Zoida responded that it is a ¼ inch expansion joint and is a small delineation between the two-tone colors.

A comment was made by Chairman Hamerly the reveal shows up and wanted to be assure the Commission that there is no horizontal off-set between the lower and the upper and that there is just a textural difference there. He then asked if the expansion joint would be a bare metal or anodized to match the color that is shown on the Color Board that says "trim and fascia" and what about an accent color. Mr. Zoida responded that they can match it and there are a lot of options there to the two-tone colors and then asked if the Commission would like the two-tone colors to be resubmitted to the Commission for reconsideration. Chairman Hamerly said that the Commission does not dictate colors and how the Commission considers the colors what is preferred / proposed by the Applicant and is then submitted to the Commission for consideration.

A question was asked by Mr. Zoida if the proposed Colors should then be resubmitted to Community Development Director Mainez and Chairman and Chairman Hamerly responded that the Commission can pull out that portion of the design and continue that to a date certain for the Commission's reconsideration and if the date would be acceptable to the Applicant and Mr. Zoida responded that he could do that.

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

A question was asked by Commissioner Huynh regarding the Site Plan and the design / configuration of the Handicap Parking Spaces in that there are only two (2) Handicap Spaces for the 100 new Parking Spaces and that the ratio is more than two (2) and might be even four (4) count with the existing Handicap Spaces. In that there are a total of ten (10) Handicap Spaces for the entire Site and indicated the eight (8) located on the Existing Site does not meet current Code requirements and with ADA issues and look at the New Site Plan. Commissioner

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Huynh then suggested that the Applicant review more in depth regarding the 100 New Parking Spaces, as well as the aisle / path of travel design for ADA requirements.

Mr. Ron Moreno, of Bengal Engineering, 43180 Volterra, Temecula, California, who is the Applicant's Civil Engineer, addressed the Commission. He explained how that was discussed with Staff regarding the ADA aisle / path of travel design and indicated since the Site is very flat and drains very well, that the entire front section meet as many Handicap Spaces as the Applicant needs and is working right now on that with the Precise Grading Plan and explained the aisle / path of travel design to the Commission.

A comment was made by Chairman Hamerly that generally, you try to avoid having any accessible routes crossing primary vehicular paths of travel on Site so if the Applicant can have the Handicap Spaces have immediate adjacency to the main point of entry on each of those Structures, then the Applicant has protected himself, as opposed as to having them out in the middle of the parking lot. Mr. Moreno responded that Building and Safety is involved and will provide the Handicap Spaces will be in front and adjacent and will not have the path of travel with the vehicular circulation. The thing that is problematic is the Applicant needs to provide a path of travel located from the Existing to the New and there is no way that the Applicant is going to cross traffic in that sense and will take advantage and run it through the planter islands up and then across.

A question was asked by Chairman Hamerly regarding if the Applicant would be able to do that without diminishing the Planning COA where the planter islands in the parking areas have a minimum of being five feet (5') wide if they will be wide enough for a planter area or if the Applicant is going to take the path of travel four feet (4') down the middle and then have a curb and a curb left. Mr. Moreno responded that the islands would be expanded since the Applicant is over the number of parking stalls and will probably remove / take one parking stall and to continue the planter. He further explained that the Applicant is using pavers for water quality purposes and if necessary, the Applicant will go with a smaller joint on the pavers in the Handicap Area and will also be used as part of that water quality that the goal is not to diminish the planter areas.

A question was asked by Commissioner Huynh that there will be more than two (2) Handicap Parking Spaces on the New Site and Mr. Moreno said that is correct.

A comment was made by Chairman Hamerly using the 5:5 ratio and Mr. Moreno said that is correct and will add more Handicap Spaces and also more pavers for the water quality purposes. He added that he is available for any questions regarding grading, engineering or water quality that the Commission may have.

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Vice Chairman Gamboa thanked Mr. Moreno for the water quality design and has done a great job on the New Site, but the Older Site will not have the same type of quality for water displacement. Mr. Moreno responded by providing extra pavers, and planter islands, and making all the spaces, except for the trash truck traffic will be paver material and how the Applicant wants to do as much as possible and go above and beyond, and would do anything, but “not touch” the Existing Site because it would trigger a lot of other things for the State Water Quality requirements on the Existing Site.

A question was asked by Chairman Hamerly regarding the Applicant confirmed that doing a new accessible path of travel linking the Old to the New is not going to cross over the thresholds on the dollar value as opposed to improved percentage to trigger an upgrade on the current Development Standards. Mr. Moreno responded that the threshold crossing had been discussed that with Staff and should not be exceeding it and also doing an investigation right now with the interiors to ensure that the Applicant is not crossing that threshold and meets with Code. As part of the COAs, Staff indicated that at the top location of the Existing Kingdom Hall Site, the Applicant will adding an ADA path on the current Existing sidewalk and indicated that is the only sidewalk along on Ninth Street and for people that are traveling on that additional path of travel that will go behind the driveway so they do not have to go down through the depression and then back up with the “dimples” and everything..

A question was asked by Commission Huynh regarding the New Site and if there would be two (2) events / activities will be scheduled / going on at the same time between the Existing Kingdom Hall and the New Kingdom Hall and if so, he had concerns with the noise for the adjacent home owners.

Mr. Zoida responded with a Religious Facility, in Riverside, the Kingdom Hall Centers are of worship and education and see it as quiet Facilities and are usually located in the middle of residential areas. The reason being there are no windows is because it is an education center that is open to the public. With security and vandalism, and the fact they are educational halls, it is better for the teaching, but they are very quiet. There are no types of events like bake sales, car washes, bands, etc. and is used primarily for the worship and education and indicated that the Kingdom Hall is not used that much as other Religious Facilities do. There are two (2) Meetings per week; Sunday worship plus one (1) night a week and other than that, there is very minimal use of the Kingdom Halls. They are not used all day long for business / social activities scheduled and that the congregations are usually small and consist of approximately 100 Members that go to Kingdom Hall.

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A question was asked by Vice Chairman Gamboa regarding the strength / density of the foot-candle illumination and but the Drawing shows something different. Mr. Moreno responded that is the one (1) Engineer that was unable to attend tonight's Meeting and Mr. Zoida added that the Photometric Plan was studied and was from Title 24 Code requirements and at night, the lights are diffused for security and is not a high density light.

Another question was asked by Vice Chairman Gamboa there is no spillover light and Mr. Zoida responded normal parking illumination and added that there was a Noise Study done in the Staff Report, and was generous on how both of the Kingdom Halls are used for parking and if on a weekend if there is a wedding or a funeral, there may be a larger group, but that is very periodic and not often the occasion.

Chairman Hamerly asked if the Commission had any further questions of the Applicant's Representatives or Staff. Hearing none, he then asked if anyone in the audience would like to speak on this Item.

Ms. Tina Rodriguez, 7687 Central Avenue, Highland, California, who is a resident, addressed the Commission. She stated that she resides on Central Avenue and asked about the access through the "alley". She has heard tonight's discussion and some of her questions have been answered, but there has been no discussion regarding if there is going to be a gate located at the end of Central Avenue where the sidewalk is for access for the Fire Department's emergency vehicles using it as a Secondary Access or if the gate will start at the back of the Building. She stated that she goes through the "alley" for access to the back of her property and store the boat, etc. there for a few months and then take it back out and she reiterated her question where is the gate going to be located either at Central Avenue by the sidewalk or will it be at the end.

Chairman Hamerly responded and asked if the property is a "common easement" or is it a flag... and Ms. Rodriguez interjected and said that it is a "common easement". Chairman Hamerly then asked if Staff can confirm that. Community Development Director Mainez added that Staff and the Applicant are aware of that the property owners have been using it, but doesn't know what the prescriptive rights are and will not get into that detail. Chairman Hamerly said that is why he asked the question the way that he did whether or not it continues that way or whether it was a "common easement" or if it was a flag lot because there are different things that are permitted on each of those. Community Development Director Mainez absolutely and responded that he appreciates the comment and somewhat anticipated that discussion will continue even through the plan check process. He added that the gate is conceptually located and hoping to move it back so that it is consistent with the Front Yard Setbacks along

Central Avenue and is up to the property owners and that they are going to have to agree on how the access is continued. The main point is access for the Fire Department and having no cars parked on there in case of emergency. He believed that the Applicant will probably install some fencing on either side of that "Easement" and located that gate somewhat back from the street Right-of-Way on Central Avenue giving the property owners some access to their front yards. Community Development Director Mainez added that he doesn't believe that they will be able to resolve what happens after the gate tonight, but is the best he can answer. Vice Chairman Gamboa added that the Site Plan shows twenty-five feet (25') and Chairman Hamerly added that is the Front Yard Setback and Community Development Director Mainez responded affirmatively that it is a twenty-five foot (25') for residential.

A question was asked by Ms. Rodriguez regarding if the gate's location will be past the sidewalk and right now, she does not get adjacent to it and lives one (1) house down, but the way her property is configured, she has access to it and indicated there are never any cars blocking that area. She wants to be assured that the fence is at twenty-five feet (25') and a gate located at Central Avenue past the sidewalk, she reiterated if she will have access to it.

A question was asked by Chairman Hamerly if the "Easement" is adjacent to it but one (1) house down and Ms. Rodriguez responded how the property on the north side ends, then their property continues and that is how she can access her back property which extends past the first house. Community Development Director Mainez added there is an aerial view on Page 8 of the Staff Report and Ms. Rodriguez went up to the Displayed PowerPoint and explained how she enters with a southerly turn into her property past the neighbor's property.

A comment was made by Chairman Hamerly regarding the "Common Easement" and with no documentation and is uncertain if it is a "Common Easement". Ms. Rodriguez responded how she was advised when they bought the property that it was a "Common Easement" because that was one of her questions and that is where she stores the trailers, boats, quads and reiterated that it was stated to her that it was a "Common Easement" and have had access to it and has never been fenced before the extension and is willing to work with the people too, as well. They are unable to get their boat through their garage. That is why this is her concern that there would not be traffic going through and that she would still have access to her property.

A question was asked by Chairman Hamerly regarding if the Applicant owns or controls the property to the south that is not part of this Application tonight and was unsure if they could. Mr. Moreno responded that it was anticipated and then displayed the "Easement" up on the Displayed PowerPoint and how Ms. Rodriguez has been using that area for access for quite some time to the back

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area and it is not just her. Chairman Hamerly asked if they coming from the east behind the property that is immediately adjacent and Mr. Moreno said that is correct and said that they come next to their neighbor then enter into their property even though their property goes further and is elongated. Through a records research, the Applicant established that the "Easement" is an Edison Easement and was acquired as part of this property because of the transfer. He further explained the Applicant's goal is that he would like to accommodate everyone and has talked with the homeowners and ensure they zero encumbrance on Kingdom Hall. Mr. Moreno said if that something can be worked out about the Fire so that the two (2) accesses located on Ninth Street are kept as access for Fire and that either a Quit Claim or stay as Fire accessibility and there would be liability issues. Mr. Moreno reiterated how the Applicant wants to accommodate everyone.

Another question was asked by Chairman Hamerly if it is gates at this time and Mr. Moreno said no and the driveway approach and ends at the chain link fence and that all access points are located on Central Avenue. A comment was made by Ms. Rodriguez when sold the property, have a long trailer and will research it ("common easement") and added that it has never been fenced before the Kingdom Hall's Expansion and that she is concerned and reiterated that she wants assurance regarding access.

A question was asked by Chairman Hamerly regarding the wording in the proposed Resolution and COAs does not specify the gate location and that can be worked out in the Plan Check process between the Applicant, neighbors and Staff and Community Development Director Mainez responded that is correct. Commissioner Stoffel added dependent who owns the property back there and would be an issue if he would own that property.

Another question was asked by Chairman Hamerly if it is an "Easement" and/or historically used. Ms. Rodriguez responded that her other neighbors are not here because they rent so that is not pertinent to them. As with her, as a home owner, it is important to her and is willing to work with anyone and Kingdom Hall has never bothered them and they have not bothered Kingdom Hall before. She reiterated in the back yard, there is a field and if Kingdom Hall's rear property and if there is a fire, Ms. Rodriguez's house is in jeopardy and wants assurance the "Easement" or "alley" to clear out her property (i.e. trailer, etc.)

A comment was made by Vice Chairman Gamboa that is not an "alley", but an "Easement" and Edison will have to say in whether or not with Kingdom Hall and neighbors would be able to use the "Easement". Chairman Hamerly added whoever has recorded the "Easement" for whatever use, that needs to be consulted and then asked what is Building and Safety's time frame with the Plan

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Check process, grading, etc. so Ms. Rodriguez would have time to conduct any research on this in order to present to Staff. Community Development Director Mainez responded the time frame is for the City and once the Applicant is ready to submit Plans that would go into Plan Check, in that the First Plan Check takes approximately two (2) weeks or less and explained that there are two (2) separate Departments that review the Plans. Building and Safety would review the Construction Plans, and that the Grading Plans would take approximately two (2) weeks, as well. Community Development Director Mainez added that Notices of the Plan Check are not provided and that Staff will work with the Applicant and ensure that they are good neighbors and that they also keep their neighbors informed of the process.

A comment was made by Chairman Hamerly that this is the only time that there is going to be a Public Notice and that there is no Public Notice when the Applicant submits Plans for plan check and that Ms. Rodriguez has approximately two to three (2 – 3) weeks in order for her to conduct research on the “Easement” and for Ms. Rodriguez to contact Community Development Director Mainez. Ms. Rodriguez said that she has resided at their home for fourteen (14) years and can see Kingdom Hall from their back yard and indicated that she does not want to cause problems, and wants assurance that she has access to her property and that storage is expensive for boats, quads, etc. She indicated that she would do her research within two (2) weeks, contact Community Development Director Mainez and then thanked the Commission.

A gentleman from the audience stated there is no usage for the “Easement”.

A comment was made by Mr. Gurrola that he too, has an RV and understands Ms. Rodriguez. He stated like Mr. Moreno had pointed out, Kingdom Hall’s congregations has no usage for that “Easement”, but there are issues with liability and if the Fire Department advises the Applicant that if the Fire Department needs to utilize the “Easement”, then it will be closed up and fenced for liability issues. If the Fire Department does not have an issue that they do not need to use it, will have to check with Edison to see how they feel about it being used as a driveway on a regular basis by the neighbors. Kingdom Hall would love to be able to gate it and quit claim deed it to their neighbors and has no issue with that. He reiterated that if it turns out Kingdom Hall does not need to use it; they don’t have an interest in selling it and want to be good neighbors, and are aware that some of the people are using it. He reiterated that in the meantime, see what the Fire Department has to say and do research with Edison and also have Ms. Rodriguez do her research.

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A question was asked by Commissioner Huynh the Applicant's Engineering Representative about there is a large parcel behind Ms. Rodriguez's house and how can the people access to it and asked if that is the Edison "Easement" access or is that another piece of private land. Mr. Moreno responded that the property is a landlocked parcel which would be pre-1972 with the Subdivision Map Act and that they do not have any rights to this "Easement". The reason that Edison has that "Easement" is for a pole line that is going across the property. Edison has it there as an "Easement" right and don't have it as any other type of property right. The Kingdom Hall Site runs out to Central Avenue and back on a fifteen foot (15') width and is a swath of land that Edison has. He indicated that there will be and has done a due diligence and know what it is, and wants to be sure that it is being fair to everyone, with regards to Fire, the neighbors and everyone else. He indicated further that Kingdom Hall would rather not have the "Easement", but at this point, it has to be dealt with.

A question was asked by Vice Chairman Gamboa that the swath of land or "Easement" belongs to Kingdom Hall and Mr. Moreno responded that is correct, being Kingdom Hall's property, but it is an Edison "Easement" is located over Kingdom Hall property. But over the Edison "Easement", and if Staff determines that Kingdom Hall has to keep it, it will have to be fenced / gate it etc. with Fire Department if it is needed for fire access and liability purposes and that would impact the adjacent homes.

A comment was made by Commissioner Stoffel he thought that someone was saying about something about an "Easement" behind the houses and Vice Chairman Gamboa responded that Ms. Rodriguez is using the "Easement" for the landlocked property at the end of their house, but they are on someone else's property between the "Easement". Mr. Moreno said that is right and that the Property Line is back there and Ms. Rodriguez's property ends at the fence line and is similar to a jigsaw puzzle of homes and currently, the two (2) adjacent homeowners like Ms. Rodriguez use / travel up the "Easement" and then travel either right or left into their particular property. Mr. Zoida added that there have been no official comments from the Fire Department, but did meet with one of the Fire Department's Staff and it doesn't seem like they will need it ("Easement") in that Kingdom Hall is being developed in the middle of the Property and the Fire Trucks have access all the way around Kingdom Hall and he is perceiving that the Fire Department will not need to use it for access. If that is the case, then it will be easier to minimize the use of land.

A comment was made by Chairman Hamerly that the Fire Department has COAs attached to the Staff Report and included as Attachment "C". Community Development Director Mainez responded and clarified that Staff has issues and that there is a Substitute Fire Marshal and has provided comments late and that

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there is an “open door” that may not be needed for the Fire Department and is getting to a point where it is a civil matter between the Property Owners. With regards to the Fire Department issue that it can be worked out fairly easily and recommended allow the Property Owner to work with the access issue and prescriptive rights, be good neighbors and can clarify the access issue through the Plan Check process. He added that the Fire Codes will be updated in the near future and will probably be more arduous with the fire sprinklers, backflow devices, etc.

A question was asked by Chairman Hamerly regarding that it does not state about the points of access specifically, but it states that the minimum width would be twenty-four feet (24') and would be paved. Community Development Director Mainez said that is correct and won't find a specific reference in there. There was in the previous Draft Fire COAs working with the previous Fire Marshal. Now, the Fire COAs have been cut in half; with the construction techniques are, the required fire sprinklers, on-site circulation, two (2) access points, were made by the new Fire Marshall and he felt more comfortable with the modified COAs and doesn't want to say definitively that he may eliminate that access, but there is maybe a good chance because of moving in that direction.

A comment was made by Chairman Hamerly that the technical requirements that there are two (2) points of access to the parcel is satisfied off of Ninth Street, as apposed to Central Avenue, as long as the Fire Department has the turning radius in an fire event and have that option in the parking lot and that it appears that it meets the prescriptive standards of a typical application of those two (2) requirements. He then asked if the proposed Motion needs to be reworded and the elevation of the DRA Application. Community Development Director Mainez said right and that Staff still recommends the Staff Recommendation to the Commission, and deferring / pulling the Materials Board to the August 6, 2013, Meeting, if the Commission desires. He then clarified to the Applicant would be permitted to move forward with the Applicant's Grading Plans, Building Construction Plan check, etc. because of the CUP Application and pulling back the Materials Board is a minor issue when it comes to submitting for plan check.

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

A comment was made by Commissioner Huynh regarding the feasibility of in the future with no Fire access with the “Easement”, what would be the administrative process and plan check process and would not have to return to the Commission. Community Development Director Mainez responded the Applicant would not have to return to the Planning Commission and will be worked out and

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shown as a Plan Check Process Note. It may be shown as a gate reconfiguration south of the Care Takers' Facility and provided an example if something was set up with some kind of "Easement" with the neighbors and does not know what type of restrictions Edison would have. Commissioner Huynh said that is shown now, is that there is a six foot (6') high CMU block wall on both sides and if the wall can be omitted and Community Development Director Mainez responded if they can resolve all of the liability issues, etc. .

A comment was made by Chairman Hamerly regarding the feasibility of the block wall on the west side and continue it to the southern property line and if they did not need that access. Community Development Director Mainez responded that he doesn't know if the Edison "Easement" restriction may be. Typically, Edison does not like anything built on their "Easements" and possibly would be a wrought iron gate, or something solid there.

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

**A Motion** was made by Vice Chairman Gamboa and seconded by Commissioner Sparks that the Planning Commission:

1. Determine a Negative Declaration is the appropriate California Environmental Quality Act determination and direct Staff to file a Notice of Determination with the San Bernardino County Clerk of the Board; and
2. Adopt Resolution No. 13-009, Approving Conditional Use Permit (CUP-013-001) and Design Review Application (DRA-013-001), all subject to the recommended Conditions of Approval, and the Findings of Fact.
3. To Continue the Materials Board approvals to the August 6, 2013, Regular Meeting.

Motion carried on a 6 – 0 vote with Commissioner Haller absent.

The Applicant and the Representatives said thank you to the Commission.

(Note: Project Manager Godfredsen left the Chambers at 7:02pm)

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5.2 2012 Annual Review of the City's General Plan Implementation in accordance with Government Code Section 65400 and 65588.

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

Community Development Director Mainez gave the presentation from the Staff Report and explained that the Housing Element is part of the General Plan which concludes the Fourth Cycle which was from January 1, 2006 – June 30, 2014. He had received a comment from some Commissioners requesting additional time in order to absorb all of the data, and that Community Development Director Mainez stated that Staff would have no problem with continuing this Item and added that the Land Use and Circulation Elements should be completed within a couple of months, and the Greenspot Business within six to ten (6 – 10) months. He summarized the Land Use, Policies, Community Design for the Greenspot Village and Marketplace Specific Plan, and the Specific Plan for Harmony should tentatively be released for public review by later this year and final adoption by February 2014. He further explained the biggest challenge is the loss of RDA funds and the burdens / regulations placed on the City from the State. Staff proposed to the City Manager with a Economic Development Initiative and rise to the top and empower other Agencies, San Bernardino County, Colleges, and hope that Highland can be a focal point as being technical. There is no argument having a lot of retails jobs, housing and that the Highland is a highly educational community today and in the future. He also explained that the City has adopted an Optional Element which is the Economic Development Element and will also bring it forward with the Initiative and then concluded his presentation.

A comment was made by Commissioner Stoffel regarding the Business Friendly Ordinance and how had a caller had asked him about a vacant property and if it either bordered in San Bernardino or in Highland. The person whom he had spoken with was told the property was in Highland and the person said the reason for that person not to build in Highland because it costs too much and building in San Bernardino is more cost effective for that person. Community Development Director Mainez responded that he is not going to criticize the caller, but the fees are not the issue. No matter what City a person goes to, there is going to be some level of difference and is the burden of the Permitting process, i.e. if it is the quality, a restaurant, building a parking lot, etc. and those are the things that are beyond Staff's control. By the time a person calls you, the caller probably went through all of the other Agencies and found out all of requirements and all the person thought he would need is a Building Permit. Then in addition, there are Development Impact Fees, Licensing Fees, Construction Fees, etc. and that the City's Permits are very minimal to a bigger impact.

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A comment was made by Commissioner Stoffel that it was the Cities of San Bernardino and Highland. He indicated that the caller said that in Highland, he would have to have three (3) properties in order to make his money back because of all the City's requirements. Community Development Director Mainez said a lot of "Business Friendly" is time is money and Highland is one of the few Cities that have streamlined the Permitting process. For the Cities of Redlands, San Bernardino, or County of San Bernardino, or other jurisdictions that are departmentalized and every Department has a different process; is not a "one stop shop" and then said the City of Redlands is doing better now. Highland being a small City, there are advantages in that there is no duplication versus where there are a lot of the Departments that are entitlement departments where they have to charge for everything in order to make money. There are a lot of things built into Highland's fees that are recognizes and how the City is here to serve, and not going to charge for every second or every piece of paper and we are "Business Friendly" that way. He is surprised with Commissioner Stoffel's question / comment and how Community Development Director Mainez has not heard that comment in about ten (10) years and has always been the opposite. He was unsure who Commissioner Stoffel had spoken with, but suggested have that person who spoke to Commissioner Stoffel contact either himself or City Planner Stater and find out what that person's issue is and maybe it was just a miscommunication on how the fees are calculated.

A question was asked by Chairman Hamerly if there is a program / project / policy similar to Long Beach "World Economic Center Zone" that adds latitudes to attract biotechnical companies or an "Enterprise Zone", or a "Economic Zone", or a State Program and to track that is geared for a specific niche for higher education and is highly competitive and if the State has provided funding for this. Community Development Director Mainez responded that the State is thinking like that for many years and raiding the Redevelopment funds and that mentality doesn't exist anymore and added that the "Enterprise Zones" ends this year. Community Development Director Jaquess added that it has to be a Local Initiative and Community Development Director Mainez interjected like a development corporation, private non-profit organization, etc. and can set up some mechanism to do that. Chairman Hamerly said or maybe a Private Initiative as opposed to a State Initiative and Community Development Director Mainez said that it is quickly evolving regarding Legislation to help establish alternatives to Redevelopment and outline its options for the City.

A comment was made by Chairman Hamerly how the City was somewhat acting as a clearing house for land swapping and what would be the mechanism to promote business or a specific type of business within the City. Community Development Director Mainez responded that the City will look at all that and explained that the Local Agencies are being inventive right now and not coming

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from the State and what is appropriate for businesses right now. In the mountains, from his perspective, he can see the valley, Palm Springs, etc. and that he has resided in the mountains for fifteen (15) years and how a big box industrial manufacturing buildings are being constructed. Manufacturing has always been the industry in the County. Chairman Hamerly said with all of the logistics and Community Development Director Mainez said how the high technical industry is filling up and heard today that the Santa Barbara area is saturated and is looking for cheaper land and asked about tapping into resources, but reiterated that there are no RDA tools anymore.

Another comment was made by Chairman Hamerly then it is a fairly logical thing; tap into a college-town pool why not an effective case can be made and is a reasonable good pick and with cheap land. Community Development Director Mainez said that he agreed with that and that resources has not been tapped into it yet in this area and teaming up with colleges and how good education is important and having good paying jobs.

A question was asked by Chairman Hamerly what about post graduate placement rankings, job prospects, etc. and that the Agencies can do that research for those students as opposed to them being the 18 – 24 year olds having a 20% to 24% unemployment rate when they get they out of the program and yet they are \$100,000 - \$150,000 in debt. If there is the ability to come up with some data and in partnering up with colleges / universities that “we have the location, we have the land and here is the talent pool that is waiting for something to do and to tap into this”, and would be a win / win situation and Community Development Director Mainez agreed.

Then Chairman Hamerly asked if the Commission needed additional time for review or receive and file the document and Vice Chairman Gamboa responded that he requested the additional time since he had skimmed over all of it and has read three-quarters ( $\frac{3}{4}$ ) of the document, but if the Commission feels comfortable, he can bring it up later with Community Development Director Mainez and Community Development Director Mainez said absolutely.

A comment was made by Commissioner Huynh regarding the circulation and the street conditions of Third Street / Fifth Street and how the roads are in poor condition and needs to be patched. He then asked if the paving job is supposed to be done by Highland or San Bernardino and that there are potholes everywhere. If this is part of the General Plan, there should be some coordination between Highland and San Bernardino in development a master plan for paving. He explained how he had taken some business associates and friends touring west of the Freeway and was not a well-driven tour that a person could tell by the look on their faces. Sometimes when a person is driving people

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through the City, the first thing they see is the graffiti and the condition of the street, housing, etc. and reiterated if the paving between Third Street / Fifth Street is something that the City did or the City of San Bernardino. Community Development Director Jaquess responded that he didn't know which one, but there is a tremendous amount of coordination between Highland and San Bernardino and IVDA for road improvement plans for Third Street / Fifth Street. He provided an historical background regarding how the City had at one time all of the money to redo all of those and then the Federal Government took it all back and then there was the scandal at the San Bernardino International Airport. He said the City keeps searching for funds to pay for the paving and will be done in part, as soon as funds are available, and that may need to have a presentation from City Engineer / Public Works Director Wong to advise the Commission what is going on. Community Development Director Mainez added that Staff will let City Engineer / Public Works Director Wong know and schedule that in the future.

A question was asked by Chairman Hamerly if the Commission Receive and File or Continue the Item and Vice Chairman Gamboa said that he felt comfortable enough to Receive and File and forward the Report to City Council.

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

**A Motion** was made by Vice Chairman Gamboa and seconded by Commissioner Huynh that the Planning Commission recommends to the City Council "Receive and File" the Subject General Plan Implementation Annual Report.

Motion carried on a 6 – 0 vote with Commissioner Haller absent.

## **6.0 ANNOUNCEMENTS**

Community Development Director Jaquess explained that he has retired, but acting as Part Time Community Development Director, Mr. Mainez is now full time Community Development Director and as of next week, Ms. Stater will be City Planner.

The Commission congratulated Staff on their new Titles.

Community Development Director Jaquess explained the Items tentatively scheduled for the Regular Meeting for August 6, 2013.

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**7.0 ADJOURN**

There being no further business, Chairman Hamerly declared the Meeting adjourned at 7:30p.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