

PLANNING COMMISSION REGULAR MEETING MINUTES
May 3, 2022 – 6:00 P.M.

CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:00 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Vice Chair	Chandra Thomas
	Commissioner	Edward Amaya
	Commissioner	Jarrold Miller
	Commissioner	Jessica Sutorus

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Gary Chamber, Code Enforcement Officer
Matt Bennett, Assistant Public Works Director
Matt Wirz, Building Official
Scott Rice, City Landscape Architect
Camille Goritz, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

CONSENT CALENDAR

1. Minutes from the April 19, 2022 Regular Meeting.

A MOTION was made by Commissioner Miller, seconded by Commissioner Amaya, to approve the minutes as submitted. Motion carried, 5-0.

PUBLIC HEARING

A MOTION was made by Chair Hamerly, seconded by Commissioner Miller to present Item No. 3 on the agenda before Item No. 2. Motion carried, 5-0.

2. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Properties generally located at 25046 3rd St., San Bernardino, CA 92410, Tax Assessor's Parcel Numbers 0279-141-67 and 0279-151-40. (Continued from April 19, 2022)

Code Enforcement Officer Chambers presented the staff report.

Chair Hamerly opened the public hearing.

Commissioner Amaya asked do we know how long the tractor trailer parking has been there prior to this?

Code Enforcement Officer Chambers stated I can't give you a certain date but based on research through Google Earth they started to appear sometime after August 2019.

Bill Lemon, Representative stated on behalf of the Feles Family. Your chronology was pretty good. The property actually is owned portion by Mr. Feles Sr, the father and another portion is owned by the son. I've become involved with the family in the last 60 or 90 days trying to work through this issue and other issues regarding the property. We have terminated the arrangement with the individual that was facilitating the tractors and the trucks that are coming into the site. The only problem we have now is thrown by different people and we've got to get him out one by one, so we're committed to doing that. If there is an administrative obligation to find that has not been paid, we certainly can do that. I know that we're here today just to move this forward with the nuisance, but what I would ask is that you give us a reasonable amount of time to move these vehicles. Your staff has been very gracious returning phone calls to me and discussing this, and I appreciate that. And we will continue with that line of communication.

Chair Hamerly asked when was the arrangement vacated?

Bill Lemon stated we met with the individual today to vacate the arrangement. Now his job is to take all the people that have the vehicles to get them off the property. I can't guarantee it's going to happen in 5 or 10 days, but we are going to move him out just as quickly as we can.

Chair Hamerly stated this is the first direct contact you've had with that individual in a year.

Bill Lemon stated that's correct. I only became involved in the last 90 days or so, so I've been driving this process in the last 90 days to terminate the arrangement.

Vice Chair Thomas stated what time frame are you anticipating?

Bill Lemon stated I can get back with you and let you know when we hear from our so-called tenant there but if you give us 120 days, I'm reasonably certain that we'll have most, if not hopefully all the vehicles off the property.

Chair Hamerly stated if there were a public nuisance that was declared officially by the board, it would help your cause in communicating stating that the city is going to come down on us, and if they lock the yard up, your equipment is going to be impounded.

Bill Lemon stated we made that point to these individuals. I would just ask for enough time to give us time to work through this, but I've explained to him that it is a serious issue and that it is going to cause us all a lot of trouble if we don't move on and get it done.

Commissioner Miller stated it sounded like the city reached out initially in April, do you know why it has taken since April?

Bill Lemon stated I really can't tell you that. It has been there for many years, it's an ongoing, thriving business.

Community Development Director Mainez stated it is in the responsibility of this board. They set that time, whatever is reasonable. There was a comment about maybe bringing it back for updates and there is no provision in the code for that. So, once you determine today it goes on to the next step, which would be appeal this to City Council within 10 days and then we can do court proceedings from there. we are recommending 60 days. Mr. Lemon is requesting 120 more days total.

Commissioner Sutorus stated I think 60 days is ample time after having over a year to get that taken care of.

Chair Hamerly stated unfortunately it does not sound like anything whatsoever was done in the 360 days leading up to where this was noticed as a public nuisance.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Amaya, seconded by Vice Chair Thomas, to adopt Appeals Board Resolution No. 2022-011, declaring the existence of a public nuisance of Properties generally located at 25046 3rd St, San Bernardino, CA 92410 (within the corporate boundaries of the City of Highland) and order the abatement, therefore. Motion carried, 5-0.

RESOLUTION NO. 2022-011

A RESOLUTION OF THE PLANNING COMMISSION/APEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTIES IDENTIFIED AS APN's 0279-141-67-0000 and 0279-151-40-0000, GENERALLY LOCATED AT 25046 3rd ST., SAN BERNARDINO, CA 92410 (WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF HIGHLAND), AND ORDERING THE OWNERS OF THE PROPERTIES TO ABATE THE NUISANCE CONTAINED THEREON.

3. Development of a 34-unit single family home tract constituting Phase 2 of a mixed-use project; Tentative Tract Map No. 20387 / TTM 22-001, Conditional Use Permit No. CUP 22-001, and Design Review Application No. DRA 22-001 (APN No: 1200-421-34) (Continued from April 19, 2022).

Assistant Community Development Director Stater presented the staff report.

Chair Hamerly opened the public hearing.

Commissioner Sutorus stated I wasn't clear when I was reading the conditions if there was an HOA or if it was not decided yet.

Assistant Community Development Director Stater stated there will be an HOA.

Commissioner Miller stated assuming the Baseline improvements go through, will the surrounding infrastructure be up to the level that was assumed for the analysis that supported the general plan?

Assistant Community Development Director Stater stated the addition of the Marinita project traffic signal light is going to improve it even further than was originally planned for in the general plan. It will be better given operational characteristics of the commercial businesses existing and proposed.

Chair Hamerly stated regarding the Conditions of Approval on page 60, item 12A, I am assuming that these are our directives to the rules and regulations, but item A stated, "architectural control shall be provided and shall include but not limited to, establishing the requirement to obtain approval from City of Highland for any additions, patios, accessory buildings and structures on lots 1-34 and established minimum design guidelines." My concern is if there are rear yards being the only reasonable patch of dirt where they could put any kind of an accessory structure. How viable is that? There would essentially be no rear yard setback but understanding the state's disposition towards Accessory Dwelling Units (ADU). How do we address the rear yards that are an average of 10 to 14 feet?

Assistant Community Development Director Stater stated with ADUs you need at least 1,600 square feet, there's a minimum. They'd be hard pressed to split these lots to get to that minimum. This is meant to be similar to what we did in East Highlands Ranch. We have this type of product type, what is reasonable for a little porch patio cover? An accessory structure could have a setback less than the 10 feet.

Chair Hamerly stated on page 65, item 17 in the Planning Conditions of Approval is talking about should the project convert to a for rent development, that would be the nexus for triggering a security system camera plan. I'd recommend that requirement for the safety of the neighborhood that we might want to include that regardless because there is no line of sight between except for one of the units. There is no line of sight between the street and the main entries to the residences.

Assistant Community Development Director Stater stated did you want to split the camera from the crime free multifamily housing requirement?

Chair Hamerly stated if it's converted to a for rent development, I'm saying that there's probably the same security risk, whether it's an owned or a rented development.

Assistant Community Development Director Stater stated understood, I'd recommend is we leave the first part the same, stating "should the applicant desire to convert the project to a for rent development, all tenants must be vetted through the city's crime free multifamily housing program. Add Item No. 18 and remove the word additionally and state security system camera plan would be required to be submitted to the city and reviewed by the City's Police Department.

Community Development Director Mainez stated on page 65, Item No. 17, the first sentence indicates all tenants must be vetted, I would like to strike that to say that project shall go through the crime free housing program, we do not vet the tenants. We review the project with the manager, and we look at the tenant's contract and lease agreement to make sure there's clauses in there that can easily evict the problem tenants.

Chair Hamerly stated I'm not reading that condition as if the city has a responsibility to do that, it states that if you're going to do this, you need to go through this program.

Assistant Community Development Director Stater stated we could say should the applicant desire to convert the project to a for rent development the project must comply with the crime free multifamily housing.

Community Development Director Mainez stated that is fine.

Chair Hamerly stated Item 5 on the Engineering Conditions of Approval is talking about sight triangles. I believe that's a 25-foot leg on each side of a corner to avoid blind corners.

There is 5-foot front yard setbacks and I'm wondering if that's possible with the fencing plan and with the plotting plan that we have within this.

Assistant Public Works Director Bennett stated I have not seen that put down on an engineering plan, grading detail or otherwise. For the exterior street there could be some interior challenges to that line of sight.

Chair Hamerly stated regarding Fire Condition No. 1, I was wondering if the fuel break of 100 feet applies to an infill lot because it's an infill development. The site is going to be basically cleared which fulfills that requirement, but the fuel break is something that rough grading is going to take care of, but the way it's written is maintaining a fuel break between any stored materials or could be combustible in the surrounding area.

Assistant Community Development Director Stater stated we will check with the Fire Marshal and if it needs to be modified, we can certainly do that.

Chair Hamerly stated Item No. 4 is talking about water heaters. The plans show in the garage that there are wall mounted water heaters. It does not seem to apply to what is being designed into the project for the tankless water heaters.

Assistant Community Development Director Stater stated I will have to ask the applicant before we strike that.

Commissioner Miller stated regarding soils and grading No. 3, states design, grading, and on-site improvements to drain the entire side to the proposed infiltration system, locate all proposed slopes outside of existing and future street right of way. Based on the current plan, you do have the area at the ingress, egress where you have the great break in high point. That area is draining into a filtered trench drain and it discharges out to the city storm drain system. We could modify condition No. 3 to allow for that condition that's currently being shown on the plan.

Assistant Public Works Director Bennett asked which high point are you speaking of?

Commissioner Miller stated the west side entrance coming in there, typical high point. There's a high point grade break between lot 26 and 27 and that results in that area at the ingress, egress to drain out to a filtered trench drain. Which then bypasses the basin and drains out to the storm drain system.

Assistant Public Works Director Bennett stated it's been a bit of time, but I think there was some conversation to that trench drain coming down to the landscaping along

Church Ave to have some ability to bio treatment. There is grade across the east to the west, and so at some point there was going to be a break. The southwest corner has a curbside outlet drain.

Amanda Zimmerman, Applicant stated we are here to answer any other questions that you guys might have and address the residential questions. We do think that this project will add a lot of value to the community and to the City of Highland with increasing housing prices and with having private roads and nice architecture for the community, will add a lot of value.

Chair Hamely stated have you read the Conditions of Approval, and do you agree with the changes?

Amanda Zimmerman stated yes, I do.

Jesus Nolaso, Public Speaker stated this development is in front of my home and I would like to address the following concerns of my family. There are 34 units on approximately 2.9 acres would be considered. The single-family homes around this development are approximately 1/5 of an acre each. Now, 34 units assuming three vehicles per unit minimum is 102 vehicles, plus visitors assuming one visitor per day, that's 34. A total of 146 vehicles will be entering and exiting in front of my home. What provisions will the developer or the city provide to reduce the overwhelming noise in traffic? Higher density housing creates traffic congestion, parking problems and possibly more crime. The proposed 24 guest parking spaces, in our opinion, are not sufficient. Visitors will occupy the existing off-street parking already being used by existing residents in the neighborhood. How will the city or developer make sure that only one family per unit will be occupying these proposed single-family units? Please help us protect the overdevelopment of our neighborhood.

Chair Hamerly stated we will now proceed to the Architectural Site Plan. The original vision or scope for the Town Center project was to have an integration which provides for an interconnectedness amongst several parcels within the Town Center. Could the applicant illustrate or describe how this project is being integrated or how pedestrian flow between this residential development and the surrounding commercial retail projects is enhanced or facilitated.

Mark Zimmerman, Applicant stated as it relates to the interconnectivity between the commercial development and the residential development, we have created this buffer back on the landscape plan. We eliminated two of the potential homes that we could have theoretically put there to create this pedestrian area. We purposely are leaving that open to the community and we'll be installing sidewalks on both Church Ave and Buckeye Street so that connectivity unfortunately does not work well directly south to north between the Smart and Final because of the loading dock.

Chair Hamerly asked how do you envision encouraging a pedestrian flow between your site and the surrounding commercial retail establishments?

Mark Zimmerman stated we don't have any actual crossing currently planned with Tractor Supply, that would go directly across Church Ave, so there's no pedestrian access that I'm aware of that was going to be planned. A pedestrian would be required to walk from the sidewalk up to Church Ave to the crosswalk to get to either one of those

projects. In the long run we were not able to create exactly that perfect symbiotic kind of idea where we were going to have that connectivity.

Chair Hamerly asked would the rules and regulations have set restrictions that there will be no streetside parking within the internal streets?

Mark Zimmerman stated I intend that and there will be some design guidelines in the actual HOA document that's recorded. If there's going to be any modification of that, and we'll work with staff on that. We have not presented the rules and regulations yet to staff, but we'll certainly have design and paint guidelines. We want it to be consistent, we do want some continuity between them.

Chair Hamerly stated regarding the civil engineering drawings, pertaining to the proposed wall/fence at the northern edge of the property, there is an existing fence at the rear yard of the existing homes. Is your anticipation in vacating that fence and reconstructing a single to avoid a double fence on the northern perimeter?

Mark Zimmerman stated there's a Southern California Edison easement for those telephone poles. We meet and spoke with each one of the four neighbors that are behind us, and to make sure that there is no gap between a new fence and the existing fence, to create vagrancy. So, what we've done is communicated with all of neighbors and we've shown them that they can gain more yard and a couple of them have asked me to enhance their side and so we'll work with those adjacent neighbors.

Commissioner Miller stated the basin down in the southwest corner, the outlet is shown on the grading plan is called out as an 8-inch overflow pipe. Based on the Conditions of Approval, it looked like our drainage systems were going to be designed to accommodate Q 100-year flows. I think in eight inches and overflow, is a little bit small especially when we start thinking about debris or other items left in that park that could and clog that drain.

Ed Eckard, Representative stated for this design we did we didn't do a complete hydrology. It was an approximate, so we can upsize the pipe if we if it shows that we need to. I'd have to look at having an open drain and I understand your concern.

Commissioner Miller stated regarding the sensitivity of this space and being dual use, it's going to be retaining and infiltrating stormwater as well as being used for recreational uses so that drawdown time becomes important. I think it would be a good idea to add a maintenance port.

Ed Eckard stated we had some testing done previously which showed the infiltration rate was significantly high enough to allow for the draw down and when we did the WQMP we were limited on how much infiltration the infiltration rate would be.

Chair Hamerly stated I'd like to compliment you on the plant pallet selection and the landscaping plan is impressive, aggressive plan. Are the are the potential homeowners going to be able to select which of the fruit trees are going to go in their rear yards or those are just going to be random?

Mark Zimmerman stated no, we're not going to allow that. We did want this project to be homogeneous. Once the homes are sold the homeowner would maintain the backyard and the HOA would maintain the front yard.

Chair Hamerly asked if the front yard is technically the edge between the paving and front of garage?

Mark Zimmerman stated we would define that most likely the edge of the garage of the edge of the fence. I'm envisioning that you would see something like on page 29 where you'd have an example of the three units.

Commissioner Sutorus stated regarding the species of trees, I think in the Conditions of Approval, the landscape architect specified removing the Crape Myrtle tree for a different species.

Chair Hamerly stated yes, its screening between Smart and Final and in the park areas. You will have a line of sight and see the building over the top of those little trees.

Assistant Community Development Director Stater stated that is how it reads; it is just Church Ave and Buckeye Street. During plan check we will address the issue.

Chair Hamerly stated regarding the architectural and the three colors for the garage doors and I wondering if there's any style changes of the garage doors?

Mark Zimmermann stated our plan was essentially have three separate garage door styles that would match those plans, I think the renderings ended up showing two separate styles. We have been speaking to several different garage door manufacturers about that and it's going to be difficult to match the exact paint colors and not necessarily that we wanted to match them exactly to the trim color, but something that's complementary to that palette.

Chair Hamerly stated the streetscape within the interior of the project is garage doors, and so that's why I think that having unique garage doors, that establish an identity for each residence to ensure they do not all look the same. The only comment I had on the floor plan was on 1A, it looks like an enclosed stair on the first floor and since real estates at a premium and the interior here, you may want to open that up.

Building Official Wirz stated regarding the solar panels, in 2016 California building code required future solar. In 2019 the code cycle update that brought in January of 2020, the requirement for all new single family residential structures must have solar.

Chair Hamerly stated staff will modify Conditions 17 and 18 and clarifying fire code issues with the Fire Marshal.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Sutorus, seconded by Commissioner Thomas, to:

1. Adopt Resolution No. 2022 – 012 Approving the 'Highland Heights' 34-unit single family development including Tentative Tract Map No. 20387 to subdivide a single parcel into 34 numbered lots one open lot;

Conditional Use Permit No. 22-001 and Design Review Application No. 22-001 for the Development's Architectural Site Plan, Building Elevations, Conceptual Landscape Plan and Preliminary Grading Plan;

2. Direct Staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board of Supervisors. Motion carried, 5-0.

PC RESOLUTION NO. 2022 – 012

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING TENTATIVE TRACT MAP NO. 20387 / TTM 22-001, CONDITIONAL USE PERMIT CUP 22-001 AND DESIGN REVIEW APPLICATION DRA 22-001 RELATED TO THE SUBDIVISION AND DEVELOPMENT OF 'HIGHLAND HEIGHTS', A 34-UNIT SINGLE FAMILY TRACT INCLUDING THE TRACT MAP, ARCHITECTURAL SITE PLAN, BUILDING ELEVATIONS, CONCEPTUAL LANDSCAPE PLAN AND PRELIMINARY GRADING PLAN FOR A 2.9 ACRE LOT LOCATED 425' NORTH OF BASE LINE AND EAST OF CHURCH AVENUE. ASSESSOR'S PARCEL NUMBER 1200-421-34.

ANNOUNCEMENTS

Assistant Community Development Director Stater announced that there will not be a meeting scheduled on May 17, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 8:04 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission