

PLANNING COMMISSION REGULAR MEETING MINUTES
August 2, 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

Absent: Commissioner Jessica Sutorus

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Angela Tafolla, Assistant Planner
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 July 19, 2022 Regular Meeting.

A MOTION was made by Vice Chair Thomas, seconded by Commissioner Miller, to approve the minutes as amended. Motion carried, 4-0-1, with Commissioner Sutorus being absent.

PUBLIC HEARING

2. Conditional Use Permit CUP-22-002 to permit the development and operation of a 54,330 square foot warehouse and associated improvements; Variance VAR-22-001 to allow the warehouse building to exceed the maximum building height permitted in the Business Park Zone by 7.5'; Design Review DRA-21-024 for the project's Site Plan, Building Elevations, Rough Grading Plan and Conceptual Landscape Plan; and Tentative Parcel Map 20544/TPM-22-002 to combine eight (8) parcels into one (1). (APN No: 1192-561-11, 1192-561-15 through 21)

Assistant Planner Tafolla presented the staff report.

Commissioner Amaya asked was the preschool school on 5th street notified of the warehouse?

Assistant Planner stated yes, they were.

Commissioner Miller asked of the three residential lots that are north of the project, are there families currently living in those homes and have they been involved in reviewing the elements of this project?

Assistant Planner Tafolla stated they are currently occupied and have been notified of the project.

Chair Hamerly asked regarding the wording of the variance resolution that addresses the height, but not the parking, is the parking a variance or is that packaged in with the Conditional Use Permit (CUP)?

Assistant Community Development Director Stater stated the parking variance can be granted at staff level. We include that in this agenda because we bring everything up to the Planning Commissioners, so it doesn't require a formal action by Planning Commissioners, but it is noted in the actual approval of the CUP.

Chair Hamerly asked is there sewer service on 3rd Street or Central Avenue? The project is proposing septic.

Building Official Wirz stated currently on 3rd Street and Central Avenue there aren't sewer services. The sewer runs through 5th Street, just north of the project. The site proposal on the plans show septic and East Valley Water District has issued a Will-Serve letter. Currently sewer is available, however it is a little hard to get to.

Civil Engineer Johnny Morad stated we worked with East Valley Water District on the sewer availability, and we reviewed what's available. It is very shallow at the intersection of Central Avenue and 5th Street and once we studied and discussed it, we discovered that it is not doable. Therefore, we are proposing a septic system, and we were going through the approval process through the state board.

Chair Hamerly asked what is the invert at 5th Street and how far are you from connecting on Central Avenue running up to 5th Street?

Johnny Murad stated the depth of the sewer is approximately seven feet at the intersection, however, the street falls to the south, so you lose cover over it, and they wanted minimum 7-foot cover, and we can't achieve that. We also studied extending it from Victoria Avenue to 5th Street and that is not possible either because of the channel that is in the way. It is not feasible, and we've tried so many ways and even a variance on the depth of the sewer and they wouldn't accept that.

Applicant, Kevin Rice stated I appreciate you all taking the time to review this project and I also want to thank Assistant Community Development Director Stater, Assistant Planner Tafolla and Assistant Public Works Director Bennett, they've spent a ton of time and energy reviewing the project to the point where we could be here. This is the second time I've had the opportunity in front of this board, we had a project that came through December 2021 and we're going to break ground on that now. We are excited to have the opportunity to bring another project to Highland.

Chair Hamerly asked if the Applicant has read over the Conditions of Approval as written?

Applicant Kevin Rice stated yes.

Chair Hamerly opened the public hearing.

Chair Hamerly stated regarding the Tentative Parcel Map, were there any questions?

Commissioner Miller stated I'm looking at the Conditions of Approval, I see that an overflow is being required. It is shown 8 inches, typically, for an overflow condition you take the unmitigated peak in size your overflow conduit or spillway. In lieu of upsizing that pipe is currently showing us 8 inches. I think verifying that we have adequate surface conveyance to be able to allow that surface overflow to occur in the event that the system becomes clogged.

Johnny Murad stated ok, I appreciate the comment.

Chair Hamerly regarding the floor plans, on the exterior elevations that starts on A4, the variance request is for a 42.5 foot. I didn't see any description on here about how tall the parapet wall was, is that 4-5 feet to screen the equipment that's on the roof?

Architect Kevin Alcantra stated yes, it will adequately block any units we have near the office, which will be the conditioned space of the unit, but typically the parapet is about a foot and a half above the roof structure.

Chair Hamerly asked it is only a foot and a half above? I guess you're depending on the height of the structure relative to the line of sight.

Kevin Alcantra stated correct, at the office area we have done line of sight exhibits and it is about four feet to block those conditioning units for the office.

Chair Hamerly stated ok, I wanted to make sure we had enough parapet space to adequately screen that.

Chair Hamerly stated typically when there are accessibility ramps that are not part of the average grade around the perimeter of the property you're not measuring from the lowest point on the grade if it occurs on a ramp because it's for access. If you measure from the uninterrupted grade surrounding the structure, that would be the measurement you would take for maximum height. Does that impact the way this variance is worded? It only occurs at the artificial depression that gives us 3.5 feet for the truck ramp, which is the depression for access for the truck phase.

Assistant Community Development Director Stater stated regarding variance itself we are measuring from the adjacent grade at any point around the structure, so wherever that's going to occur at its lowest point to the highest on the building.

Commissioner Miller asked why do we need the additional 7 feet, is it architectural or functionality related of the building?

Kevin Alcanta stated it is the functionality of the building. Typically, the market is asking for a certain clear height within the building, it is a spec building so potential tenants could rack a certain height of whatever material they need to store within this.

Commissioner Miller asked has the tenant already been identified?

Kevin Alcanta said not yet.

Chair Hamerly stated the exhibits for the walls on A1.3 and an ancillary tie in on that is the artwork, city monument sign. All the architectural detailing on the project the wall has a dark banding on the top, the light on the lower portion. Visually, I agree with the decision that was made having the dark on the bottom for a wall but, it is a mirror image of the building and the other than color there really isn't any true reference to the building. I was wondering if there are any details you can make to the architecture on the pilaster's that are visible. If it's possible to take some of the angled scoring, or maybe do a diagonal black band replicates the interesting elements that are on a wall façade to make it relate to the architecture.

Kevin Alcanta said yes, we can do that.

Chair Hamerly stated there is a tube steel gate, there might be an opportunity to do something fancy with the detailing and pull in an airplane reference like some wing splines or something that looked like a structure of a wing, or I don't think any prop details would be appropriate since they're not using props anymore. On the public art element, is a monument sign considered public art?

Assistant Community Development Director Stater stated we put that in the hands with the architect kind of early on with this building and suggested if you come up with something that honors the General Plan. This was their proposal, so I don't know that they would be opposed to something different if you had something in mind, but this this was their proposal.

Chair Hamerly stated he didn't have anything in mind, but I know that on some of the other corridors within the city we were hoping for something a little bit more than another sign that says you're in Highland now.

Assistant Community Development Director Stater stated we will work with the applicant.

Chair Hamerly stated it is a nicely detailed sign, but for me the sign really isn't in the spirit of public art, it's a public benefit, but I don't know about the art component.

Assistant Community Development Director Stater stated we were trying to balance having something that was useful with a public art piece with something that we know to be cautious like vandalism in the area, pedestrian, and vehicular traffic so we will work with the applicant to do something more distinctive that works in their budget.

Vice Chair Thomas asked was the reason it is called public art was to utilize public art funds?

Assistant Community Development Director Stater stated it was not.

Chair Hamerly stated that is a part of the General Plan, certain types of projects if they're over a threshold, must have an element of public art for public benefit. Regarding the photometrics plan, and there is Conditional of Approvals there are several locations around the perimeter. Most problematic being the southeast corner of the site, and I'm assuming that's parking lot spillover, but we're hitting some half foot candles that go past the property line, which we don't like to see. There are conditions that say you should not have any spillover onto public right away and to control glare. All your park parking lot lighting needs to be shielded. Onto the landscape plan, I would like to congratulate the applicant on getting such a high percentage for landscape on such a small oddly shaped site. Given that we are building over the allowable height limit, it is concerned that we only had two trees that were really within the 3rd street frontage. We have two Chinese Pistache, which are going to Max out at 25 to 35 feet tall at maturity. They're not fast growing, maybe one to two feet a year, and they are going to be about 10 feet less than the overall height of the structure at maturity, I would encourage the applicant to work with staff to get some more dense tree cover along that southern facade of the building. Not particularly at the southeast corner of the building, because I don't want to do anything that's going to block the visual statement at the office. Regarding the procedural application we have the memorandum that was issued for the rationale for how they arrived at the required height, and I think they did a very thorough detailed job of analyzing the different elements that go in and how they arrived at the height, and I appreciate the specificity. For variance finding for staff to decide to support a variance, it states the strict or literal interpretation and enforcement of the specified regulation would result in a practical difficulty or unnecessary hardship, and the key phrase is not otherwise shared by others within the surrounding area or vicinity. On every one of these things which do not generally apply to other properties in the vicinity and under the same zoning classification, enjoyed by owners of other properties in the vicinity and under the same zoning classification. Every single one of those has that same requirement to make a finding of support. My concern is within the Business Park (BP), there was a rationale for the height. There are other areas in the city, and they have analyzed that in the memorandum that in the industrial zone they are allowed 50 and it is under 50. If by granting the variance, it is either spot zoning or it's de facto changing the height limitation for every other property within the BP district, because now every following applicant will be able to request a 42.5-foot maximum height because now they're being deprived of something that's being granted to somebody else in the same zoning area.

Assistant Community Development Director Stater stated correct, granting the variance is what is allowed to other property owners. These are both employment zone zonings whether it's the industrial or BP, both zones, no matter which this user to locate in is permitted by CUP, and one by Design Review. It is different standards, but the Highland Municipal Code (HMC) currently says in the BP zone we are allowed to have this type of use. This is BP and we are going to allow warehousing here, but we're not going to allow it to go to a height that can function purposefully, so that was the reason behind staff supporting the variance at 6th Street and Victoria Avenue.

Chair Hamerly stated I would encourage staff to adopt a policy or something so that it is uniformly applied within the BP district and if there is a warehouse tilt up, use that it's uniformly applied. I don't want to get us into a situation where somebody is going to come and say we just approved this project, but you didn't give us the 42 feet.

Community Development Director Mainez stated technically we would not be able to do a policy so that the mechanism is this minor versus major variance. The specific plan for

the airport is going to mitigate that and so we will get a rush on that quickly. From a procedural matter you're pointing out in the record potential flaws for going forward with the variance, so, I would suggest that you give staff time to go back.

Assistant Community Development Director Stater stated I believe it is in the resolution.

Chair Hamerly stated regarding the parking study. There is a list of warehouses, size, parking provided, and parking required. On page 328 there is an interesting exhibit because on the project that we are looking at right now, is they're seeking to go under the allowable requirement. Every other instance on this table of projects that have been completed, their projects are going over. The highest is the Willow project in Fontana, that is at 2.92 times the required parking and the lowest exceeds it by 1.6 so it's 60% over the required parking. On 6th Street and Victoria Avenue we do just the opposite and we're at 42% are required, but 4 we're still going at 1.091 point. One of the ratios of required spaces to the per 1,000 square feet. My biggest issue with the parking study is nowhere in this study is giving the percentage of occupied use for each of these facilities.

Kevin Alcanta stated there is not a tenant right now, but we wouldn't build a building that wasn't attractive to potential tenants. We feel that this is an adequate amount of parking where we are over 1 to 1000 on parking. Overall, that's not including breakdowns of offices and warehouses, but that's already substantially good amount of parking for this kind of use.

Commissioner Amaya stated there really is not room for parking on 3rd Street for parking.

Assistant Community Development Director Stater stated We could think about adding some parking spaces in the more easterly parking lot and losing a bit of landscaping in the middle. We could pick up four more spaces and lose some landscaping, which is 68, a little closer to 73. We might be able to get four more spaces in the middle.

Chair Hamerly stated my biggest concern is we don't know the future use and they do have a large open office area that potentially could have more people in it.

Kevin Alcantra stated if a use came in with a higher demand for parking, it wouldn't be a user that would have a high demand for distribution. We could show that we can stripe the entire truck court with parking and that would satisfy the need for the tenant.

Chair Hamerly stated I'm comfortable with the capacity for extra parking.

Assistant Community Development Director Stater asked do you want Patriot to adopt the full length or just the remainder of the necessary spaces?

Community Development Director Mainez stated whatever amount of parking spaces the Planning Commission feels adequate.

Vice Chair Thomas asked what was the amount?

Assistant Community Development Director Stater stated 76 parking spaces. Planning Condition number 23 I recommend prior to the issuance of building permit or vice public art proposal shall be approved by the Planning Commission. Regarding Planning Condition number 24 applicant will stripe an additional 9 parking spaces at the western boundary of the site.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Amaya, seconded by Vice Chair Thomas, to

1. Adopt Resolution No. 2022-017 approving Conditional Use Permit CUP-22-002 for the development of a 54,330 square foot warehouse building and related improvements (Attachment 2);
2. Adopt Resolution No. 2022-018 approving Variance VAR-22-001 allowing an increase in the maximum building height for the subject warehouse from 35' to 42.5' tall, 7.5' greater than permitted in the Business Park Zone (Attachment 3);
3. Adopt Resolution No. 2022-019 approving Design Review Application DRA-21-024 for the Site Plan, Building Elevations, Rough Grading Plan and Conceptual Landscape Plan, subject to the Conditions of Approval, and the Findings of Fact (Attachment 4); and
4. Adopt Resolution No. 2022-20 Approving Tentative Parcel Map 20544 TPM-22-002, creating a single lot for the project, subject to the Conditions of Approval, and the Findings of Fact (Attachment 5).
5. Adopt Resolution No. 2022-21 approving a Mitigated Negative Declaration and direct Staff to File and Notice of Determination with San Bernardino County Clerk of the Board of Supervisors (Attachment 6); Motion carried, 4-0-1, with Commissioner Sutorus being absent.

PC RESOLUTION NO. 2022 - 017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A 54,330 SQUARE FOOT WAREHOUSE AND ASSOCIATED IMPROVEMENTS AT THE NORTHWEST CORNER OF 3RD STREET AND CENTRAL AVENUE. RELATED ENTITLEMENTS INCLUDE DESIGN REVIEW APPLICATION DRA-21-024, VARIANCE VAR-22-001 AND TENTATIVE PARCEL MAP 20544/TPM-22-002. ASSESSOR'S PARCEL NUMBERS 1192-561-11 and 1192-561-15 THROUGH 21.

RESOLUTION NO. 2022-018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING VARIANCE VAR-22-001 TO ALLOW AN INCREASE IN THE MAXIMUM BUILDING HEIGHT IN THE BUSINESS PARK ZONE FROM 35' TO 42.5' IN ASSOCIATION WITH CONDITIONAL USE PERMIT CUP-22-002 AND DESIGN REVIEW APPLICATION DRA-21-024 TO CONSTRUCT A 54,330 SQUARE FOOT WAREHOUSE, LOCATED AT THE NORTHWEST CORNER OF 3RD STREET AND CENTRAL AVENUE (APNs: 1192-561-11 AND 1192-561-15 THROUGH 21)

PC RESOLUTION NO. 2022 -019

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING DESIGN REVIEW APPLICATION DRA-21-024 INCLUDING SITE PLAN, BUILDING ELEVATIONS, ROUGH GRADING PLAN AND CONCEPTUAL LANDSCAPE PLAN FOR THE DEVELOPMENT OF A 54,330 SQUARE FOOT WAREHOUSE AT THE NORTHWEST CORNER OF 3RD STREET AND CENTRAL AVENUE. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT CUP-22-002, VARIANCE VAR-22-001 AND TENTATIVE PARCEL MAP 20544/TPM-22-002. ASSESSOR'S PARCEL NUMBERS 1192-561-11 AND 1192-561-15 THROUGH 21.

RESOLUTION NO. 2022-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 20544 (TPM-22-002) TO DECREASE THE NUMBER OF PARCELS FROM EIGHT (8) TO ONE (1) PARCEL IN ASSOCIATION WITH CONDITIONAL USE PERMIT (CUP-22-002) TO DEVELOP A 54,330 SQUARE FOOT INDUSTRIAL WAREHOUSE, LOCATED AT THE NORTHWEST CORNER OF 3RD STREET AND CENTRAL AVENUE (APNs: 1192-561-11 AND 1192-561-15 THROUGH 21)

RESOLUTION NO. 2022-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE DEVELOPMENT OF A 54,330 SQUARE FOOT WAREHOUSE AND ASSOCIATED IMPROVEMENTS AT THE NORTHWEST CORNER OF 3RD STREET AND CENTRAL AVENUE. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT CUP-22-002, DESIGN REVIEW APPLICATION DRA-21-024, VARIANCE VAR-22-001 AND TENTATIVE PARCEL MAP 20544/TPM-22-002. ASSESSOR'S PARCEL NUMBERS 1192-561-11 AND 1192-561-15 THROUGH 21.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled August 16, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:21 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission