

PLANNING COMMISSION REGULAR MEETING MINUTES
September 19, 2023 – 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	Jarrold Miller
	Commissioner	Jessica Sutorus

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Angela Tafolla, Associate Planner
Matt Bennett, Assistant Public Works Director
Matt Wirz, Building Official
Scott Rice, City Landscape Architect
Camille Goritz, Administrative Assistant III

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the July 18, 2023 Regular Meeting.

A MOTION was made by Commissioner Miller, seconded by Vice Chair Thomas to approve the minutes as submitted. Motion carried, 4-0.

2. Minutes from the August 15, 2023 Regular Meeting.

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

PUBLIC HEARINGS

3. Conditional Use Permit (CUP 23-011) and Design Review Application (DRA 23-001) proposing the construction of a 3,906 square foot office/workshop building and establish a vehicle tow yard on a vacant, one (1) acre parcel. (24989 5th Street, Applicant: Javier Gonzales)

Assistant Community Development Director Stater presented the staff report.

Commissioner Miller asked is there an expected date for road widening improvements by the city?

Assistant Community Development Director Stater stated not to my knowledge.

Commissioner Miller asked does the city have a policy as it relates to discharges to private property?

Chair Hamerly opened the public hearing.

Assistant Public Works Director Matt Bennett stated I don't know the specific condition, but prior to obtaining grading and construction permission off site, they will get that permission from the neighbor. It's not specifically written to an offsite drainage acceptance easement. The drainage does drain to the rear of the property and the WQMP BMP is at the southwest corner. The expectation is the development will have the appropriate treatment and mitigation of pre and post development.

Chair Hamerly stated on the right and left exterior elevation there is a pop out soffit that is described as stucco and that is butting up against painted rib metal, and it is showing as a vertical line. They may want to recess that pop out so that it comes to the actual corner of the material, not the corner of the rib as it projects. What is the parapet height around the equipment?

Assistant Community Development Director Stater stated yes, 3 feet.

Applicant's Representative Kevin Kent stated yes, there will be a three-foot parapet around the equipment.

Applicant Javier Gonzalez stated we do not repair cars, we only store vehicles. We are Hazmat certified.

Chair Hamerly closed the public hearing.

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

1. Adopt Resolution No. 2023-033, approving Conditional Use Permit (CUP 23-011) to entitle a vehicle tow yard and office building, subject to the Conditions of Approval and Findings of Fact;
2. Adopt Resolution No. 2023-034, approving Design Review Application (DRA 23-001) for the related Site Plan, Landscape Plan, Grading Plan, and Building Elevations, subject to the Conditions of Approval and Findings of Fact; and
3. Direct staff to file a Notice of Exemption with the County Clerk of the Board of Supervisors. Motion carried, 4-0.

RESOLUTION NO. 2023 - 033

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING DESIGN REVIEW APPLICATION (DRA 23-001) FOR THE SITE PLAN, LANDSCAPE PLAN, GRADING PLAN, AND BUILDING ELEVATIONS RELATED TO THE CONSTRUCTION OF 3,906 SQUARE FOOT OFFICE/ WORKSHOP BUILDING AS PART OF A TOW YARD ON A VACANT ONE (1) ACRE PARCEL LOCATED AT 24989 5TH STREET. ASSESSOR'S PARCEL NUMBER: 0279-141-06.

RESOLUTION NO. 2023 - 034

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 23-011) TO ENTITLE A 3,906 SQUARE FOOT OFFICE/ WORKSHOP BUILDING AS PART OF A TOW YARD ON A VACANT ONE (1) ACRE PARCEL LOCATED AT 24989 5TH STREET. ASSESSOR'S PARCEL NUMBER: 0279-141-06.

4. Conditional Use Permit (CUP 23-013), Design Review Application (DRA 23-003), and a Notice of Exemption for the construction of a 4,690 square foot metal building related to the expansion of an existing major auto repair facility located 27178 3rd Street. Assessor's Parcel Numbers: 1192-641-25. (Applicant: Dib Saleh)

Assistant Community Development Director Stater presented the staff report.

Chair Hamerly opened the public hearing.

Applicant Eliza Ofada stated we do not have any problem with the conditions except Engineering conditions. We have not had a chance to look over them. There is a huge part where the engineering department is asking to go back and re-improve the street, which was done about couple years ago. The sidewalk and the driveway is brand new; I do not know why we need to address this new construction.

Chair Hamerly asked is there an additional right away dedication?

Applicant Eliza Ofada stated I think 2 feet, I believe we are at 50 feet now.

Assistant Public Works Director Bennett stated the engineering conditions do ask for construct new street improvements including, parkway landscape improvements.

Chair Hamerly asked if that can be addressed during plan review?

Assistant Public Works Director Bennett stated yes, as it stated directed by City Engineer transitional improvements and in final design some of these details could be value engineered. The city constructed this drive approach and the sidewalk in the past with an IVDA project and the driveway met the residential purposes and is a shorter driveway going to a commercial project.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Miller, seconded by Commissioner Sutorus to approve:

1. Adopt Resolution No. 2023-035, approving Conditional Use Permit (CUP 23-013) and Design Review Application (DRA 23-003) for the construction of a 4,690 square foot metal building related to the expansion of an existing major auto repair facility on a 0.92-acre parcel, subject to the Conditions of Approval and Findings of Fact; and
2. Direct staff to file a Notice of Exemption with the County Clerk of the Board of Supervisors. Motion carried, 4-0.

RESOLUTION NO. 2023-035

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 23-013) AND DESIGN REVIEW APPLICATION (DRA 23-003) FOR THE CONSTRUCTION OF A 4,690 SQUARE FOOT METAL BUILDING RELATED TO THE EXPANSION OF AN EXISTING MAJOR AUTO REPAIR FACILITY ON A 0.92 ACRE PARCEL LOCATED AT 27178 3RD STREET.

5. Conditional Use Permit CUP-23-003 for the development of a 53,665 square foot speculative industrial warehouse building, Variance VAR-23-001 to allow the building to exceed the maximum building height permitted in the Business Park Zone by 10', Design Review DRA-23-004 for the project's Site Plan, Building Elevations, Conceptual Grading Plan, Public Art Piece, Conceptual Landscape Plan, and Mitigated Negative Declaration.(2.86 acre site on the south side of 5th Street, approximately 250 feet west of Central Avenue, Applicant: Patriot USICV)

Associate Planner Tafolla presented the staff report.

Chair Hamerly stated the height was being calculated in the plans from finished floor elevation but clarified on the variance that it's actually from finished grade to determine the maximum building height.

Associate Planner Tafolla stated correct.

Chair Hamerly asked ok, the wording of Item 2 in the recommendation, the variance would read for 49 feet measured from grade apex of parapet?

Associate Planner Tafolla stated correct.

Chair Hamerly opened the public hearing.

Applicant Kevin Rice stated thanks to the staff and everyone for all their hard work, I appreciate all your time as the member of Planning Commission. The teams are here for all your technical questions because I'm sure you'll have several of those so thanks so much. Appreciate your efforts. Thank you.

Public Speaker Anshu Pathak stated I am the owner of the property next to the proposed development. I was offered 101.6 million to sell my property to this buyer or somebody else, but I did not agree to it. I want to live in a very peaceful environment, I do not want trucks all over me, or 45-foot buildings around me. I wanted the city to allow me to put 200 trees and they refused it, so I don't think city has any interest in the environment or people who are interested in environmental solutions. They purchased a part of the property which is not owned by the past owner. I have filed a lawsuit against the city and the related trespassers, so I will be adding this new developer, so they don't trespass. If they do, they should leave me alone. My property is here, but the person who has bought this property comes inside my property. The guy who sold it, he entered my side of the property because my property goes straight. The gentleman who purchased the property has a beautiful project, and I don't want to mess with this project, but I don't want to sell him my property. The height of the building is too high. The City does not want to let me put trees there. You are using my property for a long time and free of charge. [Inaudible] I'm not going to allow them to steal my property and allow them to make 45-foot walls around me. The City Attorney sent me the outdated title report. I told her this is the old title report, give me the new title report.

Chair Hamerly asked did you apply for a permit or ask permission to plant trees on your property?

Public Speaker Anshu Pathak stated the city said no.

Community Development Director Mainez stated this is not on the agenda. He is bringing up a lot that is not relevant tonight. It's an open code case and mentioned there is a legal court case. I would advise that we don't discuss this property unless it is block walls that are relevant to the height.

Chair Hamerly stated I thought trees would be a part of it because he stated I do not want to see a 45-foot-tall building my backyard.

Public Speaker Anshu Pathak stated I do not want 45 height building behind in front of me. It is for you to vote on what is right for the residents and environment. I just want to plant trees.

Public Speaker Jody Scott stated I am concerned about the height. Did this project go to SBIAA for air height?

Associate Planner Tafolla stated yes, it was. 45 feet was noticed to SBIAA.

Chair Hamerly stated the change from 45 to 49 is more of a technicality because the truck bay is depressed about four feet. Overall height or maximum height is measured from lowest adjacent to the apex of the tallest portion of the structure.

Vice Chair Thomas asked if you could come up and speak about the public art. What were your thoughts about the design? I like the comparison that was shown on the one on Central Avenue and 3rd Street.

Applicants Architect Kevin Alcantra stated we designed the building to the south, so we wanted something complementary but not exact, and the design in it is a little different. It is more upright. We were just getting creative with something that is easy to maintain, clean, and not damageable.

Commissioner Miller asked can the Applicant speak to the need to have the 45- or 49-foot height and why that's necessary?

Applicant's Architect Kevin Alcantra stated I think this is our 7th project here in City of Highland and we definitely like developing in this city. The market dictates that the building needs to be a minimum of 32 feet clear and the prospective tenants can rack their product up to a certain level within the building. The design of these types of buildings, that parapet is always above that and there is the thickness of the roof above that. Typically, 50 feet is what you would see for something like this.

Commissioner Miller asked is there any opportunity to optimize and meet somewhere in the middle?

Applicant's Architect Kevin Alcantra stated to clarify we are pretty much 45 above grade, and as you depress those dock doors, the four feet the trucks can back up without needing to go down a ramp. So, if this was a level building, it would be 45 feet tall, but because it's depressed in the truck bay, and it goes to 49 feet.

Chair Hamerly asked are you able to work with 45 feet?

Applicant's Architect Kevin Alcantra stated we did spend a lot of our investing time and money to kind of look at a west facing truck bay which could help with that balance of the site. That turn at the northwest corner does not work for trucks at that corner, we tried our very best but the way we have laid out the site is most optimal for logistics and work safely for the community.

Chair Hamerly stated regarding the finished floor elevation is noted at 1,166, but all the surrounding elevations are running from 1,169.5 to 1,168.5. Hopefully that doesn't mess up your calculations for maximum height, but that's about 3 feet off on the actual spot elevations that are around the interior of the building. Make a note of that for staff and pick that up on plan check.

Applicant's Engineer Ryan stated that number is 1,169.

Commissioner Miller asked was there an analysis done on 5th Street to understand what the flow depth was there? My concern is the entries that we have the entry high point elevations were pretty close to equivalent to topic curb topic curbs, it is typically Q25.

Applicant's Engineer Ryan stated just for the driveway, you will have a little bit of flow going out to the street at the driveway location on the east side. For the west side we will have a reach line at the driveway.

Commissioner Miller stated my concern is if we are providing a high enough high point elevation at the entrance to keep the 5th street flows within 5th Street and not allow those to enter into the site?

Applicant's Engineer Ryan stated yes. We are not doing any off-site improvements. We will keep the existing conditions.

Commissioner Miller stated City Creek that runs along the northwest section of the project boundary, have you acquired any plans for that Channel that tell you what the 100-year water surface is associated with?

Applicant's Engineer Ryan stated we have the water folding map and we checked that, and our area is out not covered with the folding map.

Chair Hamerly stated two of trees specified look like they are the only ones that are going to get any kind of height to them. All the Afghan Pines are along the southern property line, was there any thought to you putting some taller species along the street 5th Street?

Applicant's Architect Kevin Alcantara stated our Landscape Architect is not in attendance, but we do not want to cover a lot of the design of our building. We just want it to be integrated with the artwork and not really shade the building.

Chair Hamerly closed the public hearing.

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

1. Adopt Resolution No. 2023 - 036, approving Conditional Use Permit CUP-23-003 for the development of a 53,665 square foot warehouse/distribution facility and related improvements;
2. Adopt Resolution No. 2023 - 037 approving Variance VAR-23-001, allowing an increase in the maximum building height for the subject warehouse from 35 feet to 49 feet tall, 10 feet greater than permitted in the Business Park Zone;
3. Adopt Resolution No. 2023-038 approving Design Review Application DRA-23-004 for the Site Plan, Building Elevations, Conceptual Grading Plan, Public Art Piece and Conceptual Landscape Plan, subject to the Conditions of Approval, and the Findings of Fact; and
4. Adopt Resolution No. 2023-039, approving a Mitigated Negative Declaration and direct Staff to File and Notice of

Determination with San Bernardino County Clerk of the Board of Supervisors. Motion carried, 3-1 with Commissioner Miller abstaining.

Commissioner Miller abstained because the additional height of the building is excessive.

6. Development of a 220-unit, 4-story multi-family apartment complex utilizing a Density Bonus for eleven (11) affordable units under Section 16.40.090 *Development Density* of the Highland Municipal Code. Entitlements include Design Review Application (DRA 23-002) of the project plans, Lot Line Adjustment (LLA 23-003) to relocate the existing parcel boundaries and create separate parcels for a multi-phase development, Variance (VAR 23-003) to construct a perimeter fence/wall 29% taller than the maximum height permitted for residential projects, and a Conditions, Covenants and Restrictions---Density Bonus and Inclusionary Housing Agreement to demonstrate compliance with Highland Municipal Code Chapters 16.40 *Development Density* and 16.50 *Inclusionary Housing*.(West side of Sterling Avenue, 250 feet north of 9th Street, Applicant: Helios Holdings, LLC)

Assistant Community Development Director Stater presented the staff report.

Vice Chair Thomas asked are we adopting a resolution for tonight's meeting?

Assistant Community Development Director Stater stated yes, and within that resolution will be all of the individual recommendations to the City Council.

Chair Hamerly stated regarding the in-lieu fee, is that a standard per unit Development Impact Fee or fees assessed?

Assistant Community Development Director Stater stated it is standard. When the city enacted the fee, there was a subcommittee that looked at what it cost to build affordable housing. The subcommittee said we are not going to collect from our developers \$70,000 a unit to build. The subcommittee recommended to the City Council a fee of \$3,750. The City Council adopted that fee and has not been changed since.

Applicant's Representative Oscar Urandga stated we have some lovely renderings that we wanted to show off. We wanted you all to get a sense of what we are proposing and why we are proposing it. We want to provide a safe and healthy enclave. I think at the end of the day we wanted a target market for workforce housing, what we call naturally attainable and occurring affordable housing. We are very interested in modern, contemporary, and attractive design. The arrival experience, again, is something that we give a lot of thought to. We wanted something that was attractive, welcoming, but also very secure. We sincerely wanted this to be a catalyst project for the community, so we went a little further into design. We honestly wanted to make a meaningful contribution to the housing crisis. I personally am part of the Multifamily Housing Council for Orange County and Inland Empire. There are many forces that have on a project at any given time, and many of those forces are dynamic. They change over time, and we try to pay a lot of attention to the marketplace. I mentioned an incredible demand for housing which is a regional demand. We are looking for flexibility in terms of phasing, which is why we proposed a lot line adjustments the way that we did. Our interest is in a long-term hold in part because we're in an opportunity zone which are some tax benefits there that could be attractive to equity

investors. We're monitoring inflation daily, costs are incredible. Rent continues to climb to it's something that is kind of unprecedented in my career. We took advantage of SB 330 to lock in fees, so out of all of those variables, we were able to make one variable a constant. There is a very high open space requirement, a high inclusionary requirement, and when we strategize about how we can solve all those things we came up with our strategy of providing the 5% very low income. That affords us all those incentives and concessions to accommodate parking. We have put a number of different amenities, that are active, some are passive, some are focused on children and adults. We did have a rooftop deck at one point, but we were told we were the first four story building in the city. Just a lot of thought, a lot of care, iterations, expense, and collaboration with staff went into that plan. We are welcome to answer any questions you may have.

Applicant's Architect Daniel Gaman stated Assistant Community Development Director Stater did a fabulous presentation on the project. I am more than happy to answer any questions you might have about why we're proposing the design. It is long skinny building because we have a long skinny site for the building. The colors were chosen as classic evening wear, warmed up a little bit by the wood grain, and the recreational amenity building is kind of a butterfly strangling struggling to break free from that long bar building behind it. Showing on the PowerPoint, this is one of the courtyards in the building B, there is a BBQ area in the front. The client, Mr. Webb, was very family oriented, he has two children of his own and he is thinking about children. We thought about families and children all the way through this, so we have two tot lots. There is also a dog run, which is by the other courtyard. There is a very large pool, indoor and outdoor fitness club house space. It is very much for like a suburban type of design and the imperative of this kind of density is that you begin to think a little bit more urban. Thank you.

Chair Hamerly opened the public hearing.

Public Speaker Jody Scott stated I think this project has a lot of potential, but I do have some concerns. I presented you all with a letter. I have concerns about the schools and traffic which includes ingress and egress. Other two concerns are the height of the project and law enforcement. The concerns can be addressed by requiring staying with it, this includes the city and the owner of the property. The ones here tonight are the developers, they're not the owners, they're not the ones when the project are finished and make certain that the project is held up to some standards. This particular project is right on the entryway into the city so let's make it a good entryway, not another slum. We all know that apartments have a real bad name, because that is basically what they always turn out to be. They might be good for about four or five years, and then they go down. So, we need to make sure that this this project is done right and enforcement of certain rules. I would like to see a 24/7 onsite manager 24/7, that is a must. The project must have some CC&R's, such as no hanging towels or clothes over the balcony. People driving down Base Line or Sterling can see this four-story building. This is not what we want in the City of Highland. No windows or balconies facing private property, I couldn't tell which side the balconies and windows were on, but we need to make certain that the private citizen has their home is protected. There should be a restriction on the number of people that can be in a certain home. We don't want ten families in 456 square foot house. So, stay with the cleanup. Lastly, I would say it is a good project overall. I like what it can bring to the city, thank you.

Public Speaker Margaret Cisneros asked how many owners and neighbors did you contact? Can you answer that?

Chair Hamerly stated I am writing down everything you are stating. If you have a list of questions, I'll write them down. I don't want to interrupt back and forth.

Public Speaker Margaret Cisneros stated when I came to City of Highland, it was County before. When I closed escrow, it was the City of Highland. So, I have been living here since it has been the city. I did not ever dream that I would not have a home. I understand these projects can move very fast. It has good features, but there's some features that looks like the Hilton hotel. I may want to live there. You have to consider what is there, not just what you hope to have there. I don't know any of my neighbors that were contacted except Jody Scott. I contacted her, so you are lacking in your input. Please consider us that are there, we have all the negatives to live with. I am 94 years old now and I would like my years to be tranquil. I live there with my 2 caregivers, and my daughter. Please consider what you are doing. Will you show me where I live?

Assistant Community Development Director Stater pointed to where Mrs. Cisneros lives. She lives adjacent to the project on the north hand side.

Public Speaker Margaret Cisneros stated I keep thinking about the good years and try to minimize the negatives I have had to live with to where we had to take down chain link fencing to put steel ones up to keep the negatives out of my house. Please consider the people that are there. I've tried to be a good neighbor and I think some of the staff knows I am across the street from the school. They had to remodel all the front of their school and their parking and everything because of so much negative.

Public Speaker Kathleen Ogeen stated I am the daughter to Margaret, and I am a caregiver for her because she has developed lung disease. When they were remodeling the school my mother dedicated frontage to her property so the school children could have easier access to their school safely. She donated that to the city and there was all of that construction and then she's diagnosed with lung disease because there is not even noticeable particulate matter that goes on with these kinds of developments. I'm partial to that because she is my mother, and she has to live with oxygen 24/7 now. She was there first and so were the residents around there. This outside entity wants to come in and say the city needs affordable housing. Well, sure they do, all the displaced people that are being displaced with these warehouses that are getting voted in. Where are they going to go? Is that rent going to be affordable to them? I doubt it. They have a warehouse salary and they're just trying to make ends meet and working more jobs. I think Highland can look for other places that are more conducive to this instead of trying to put this high density down everybody's throat. You go through suffering; my mom and all the residents were patient with the remodeling. The Principal came and spoke with the residents and said this is going to be more than a year's project, they offered us headphones for the noise and masks. Since you do not live in this area, I didn't see any reports that could be presented to your Planning Commission that would show the crime rate. There are police that do not even want to go down Elm Street to answer calls because it is so violent there. We're making calls all the time there is graffiti, homelessness, and burglary. I am totally in opposition to this. I think you could do better in finding an area that's conducive to this beautiful affordable housing. I really think there's a lot of work to do before we entertain this kind of development in the City of Highland. Thank you.

Chair Hamerly asked how many neighbors were interviewed or any interaction with the neighborhood when it was being designed? Is there risk of Mrs. Cisneros being displaced?

Applicant's Representative Oscar Uranga stated we went to great lengths to reach out to the church to the north. Staff was actually helpful in trying to introduce this to them. We never actually connected, we tried exhaustively. Through the traffic study process, reached out to the school itself. There's a lot of dialogue between them and the engineering staff on improvements to the Sterling Avenue median or not putting in a median. Again, safety was one of our guiding principles that we really insisted on and we aligned with the school regarding that. I think we found good compromise there and in addition to the public process, the MND was circulated to residents.

Chair Hamerly stated based on the comments it was what type of input from the neighborhood in the conceptual design or the ideation portion of the project that led to the inspiration.

Applicant's Representative Oscar Uranga stated we are concerned about safety. We are willing to work closely with our neighbors as we get into final engineering on any kind of custom edge conditions, maybe different plantings. The consideration is baked into the design in the form of very large setbacks and putting the building in the very center of the property. The additional height in the walls does not just provide safety or security for us, but it provides screening for their yards and provides privacy. We think those are good planning principles that we implemented into the design.

Chair Hamerly stated what you mentioned during your presentation was that you viewed this project as long-term ownership, correct?

Applicant's Representative Oscar Uranga stated yes, that's the intention. We are living through some of the most challenging capital markets, high interest rates, difficult financial times of my career. The advantage of the opportunity zone is to hold for a long time to take advantage of some tech tax benefits, and that is the intention. We take a thoughtful and caring approach with all the properties that we develop.

Chair Hamerly asked will there be 24-hour security or on-site management with CC&R's?

Applicant's Representative Oscar Uranga stated with any project these days, we insist on a robust CCTV system and cameras are everywhere. This is a for rental property, so CC&R's do not apply. There will be lease terms that force people to comply with certain rules. We do not want stuff hanging over the railing, that would be a violation of their lease agreement. Regarding the number of people in a unit is explicitly spelled out in the affordable housing agreement will show the number of people that can live in a one bedroom or studio. We want to build and maintain a healthy environment. We do not have a property management company picked out just yet. There will be 24 hours, seven days a week on-site management staff. During construction there will be clear signage that shows who to contact if there's dust or noise.

Commissioner Miller stated I have a suggestion when looking at the mitigation measures that are applicable to construction is to ensure that someone is coming by our weekly that those measures are being implemented.

Applicant's Representative Oscar Uranga stated yes, there is inspections that are required.

Commissioner Miller stated there are 11 very low-income units. How are you going about setting that affordable price for the other units?

Applicant's Representative Oscar Uranga stated the market will decide. They will be governed by 30% of 50% of AMI which is published every year as a new schedule. I think some cities have a utility allowance that they even publish that is inclusive. Those 11 units will get parking and treated like everybody else in the complex. You will not be able to tell which one is a very low income versus a market rate unit. The market rate for unit rents will be determined by the marketplace and we are monitoring that.

Public Speaker Margaret Cisneros asked are there any parking spaces that face the neighborhood?

Chair Hamerly stated it is surrounded by cars that will be parked facing outward, but the vehicles will be facing a 7 3/4-foot wall. You most likely will not see the vehicles that are parked behind the wall or have lights shining into your backyard because of the perimeter wall.

Chair Hamerly stated any comments on the site plan? There is obviously a main entrance that is at the southern side of the property. Did I hear correctly that the northern access was only emergency access?

Assistant Community Development Director Stater stated the northern access is egress only. There is two on Sterling Avenue and on Elm Street that is for emergency access.

Commissioner Sutorus asked if there were only one Electric Vehicle (EV) charger?

Assistant Community Development Director Stater stated there is about 30 EV chargers.

Chair Hamerly asked for high density apartments, is it required to provide or just accommodate EV charging within the garages?

Applicant's Architect Daniel Gaman stated we have 91 garages and then the rest are surface parking spaces, so I can't quote the code of what the requirement is, but it certainly makes sense from a functional point of view because of covered space. The first EV owners will have garages as well.

Chair Hamerly stated any comments on the landscape plan?

Commissioner Miller asked are we were meeting the water budget?

City Landscape Architect Scott Rice stated yes. The biggest thing was trying to fit in as much landscape as possible into the available space, given the limitations, because of the building and the parking.

Chair Hamerly stated one of the areas that I was looking at since there is a deficit of viable planter areas to get any tree massing against the building. Did we consider anything such as a green wall?

Applicant's Architect Daniel Gaman stated you make a very good point. When the elevations come back up, you will notice that the stairs exteriors of the building are expressed. They have a hooded roof form that comes over them so it's not a blank wall.

Chair Hamerly stated it actually building B south elevation, right hand side has four stories of blank wall facing the south opposite end of the building. I can see the stairwell right there, but at the corner that's exposed to two sides of parking right hand side grid there is four stories of blank wall.

Applicant's Architect Daniel Gaman stated we can take that into consideration.

Chair Hamerly asked is the dog run real or artificial grass?

Applicant's Representative Oscar Uranga stated we are not sure yet. If it is artificial grass, there's going to be a maintenance element to it.

Chair Hamerly stated lets go over the amenities.

Vice Chair Thomas stated regarding the playground equipment, will there be playground equipment proposed anywhere on site for an older age child? It seemed to be proposed for younger children. I recommend incorporating a playground for older age children, so we have both.

Chair Hamerly stated I recommend the private open areas with each unit have been reduced on the upper floors. You may want to have some contingency plans in place on how we could expand the BBQ areas if those do become a high demand.

Chair Hamerly stated the main entry date where it states Halcyon, is that going to be back lighted or is that a non-illuminated sign?

Applicant's Representative Oscar Uranga stated not sure, it is a design detail we have to get to.

Chair Hamerly stated I encourage you to provide something since the streetlights probably won't pick it up if you're trying to find your way to Halcyon. PL-6 was the screening, I guess the only thing I would encourage is the shading looks a little meager along the north side. I know the building's going to put that whole thing in shade anyway, but maybe work with the city landscape architect and your landscape architect.

Applicant's Representative Oscar Uranga stated that northern side is where we have this drainage and edge condition with another neighbor, and so we didn't want to overstate how many trees we thought we could fit in there.

Chair Hamerly stated overall I thought there were very artistically done to break up the mass of a fairly large building, so it does not read as monolithic. There are a lot of garage doors in a row and not a lot of opportunities for varying them.

Applicant's Architect Daniel Gaman the architecture that drops from the third floor we have focused a lot on that long stretch of garage doors. I think we could play more with the color

because they do tend to be monolithic along the bottom. There is language is a little hard to describe why the colors are where they are, but it that could read down into the garage doors better.

Chair Hamerly stated any comments on the grading plan?

Commissioner Miller stated I thought DRC did a really good job on the drainage and the water quality, not only as it relates to the grading plan, but also quantifying the volumes and discharges in the Mitigated Negative Deck.

Chair Hamerly stated on page 141 table 2.3 we have the unit types by phase. This table differs from the composition and the phasing of the table that is declared elsewhere and that is actually in the document that is recorded with this. I don't know if this needs to be changed so it's internally consistent or if it doesn't matter.

Assistant Community Development Director Stater stated it changed over time, so this MND was circulated July 1st through July 31st, 2023 but that has been slightly modified. It is not significant enough to go back and change the document without recirculating it.

Vice Chair Thomas stated I understand the needs of the current residents. I think it will serve you well if you continue to keep those communications open, but just overall families need homes to live here in Southern California, that's crucial. I hear the concerns, but I also hear that housing is a huge problem and we don't have a lot of wiggle room around that. I like the project; you did a great job.

Commissioner Sutorus stated I appreciate all the residents, concerns, and comments. I know that we are in a fast-changing world. Electric cars are coming, and air quality is going to get better. I sit on a Commission just for large trucks, electrifying and turning into hydrogen where things are changing quickly. Interest rates are high, and people cannot afford to buy homes right now and renting is the only option.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas, seconded by Vice Chair Thomas to:

1. Adopt Resolution No. 2023 - 040 approving "Conditions, Covenants and Restrictions--Density Bonus and Inclusionary Housing Agreement" to facilitate the development of a 220-unit multi-family housing project utilizing Density Bonus provisions and establishing the Inclusionary Housing Unit requirements for the project;
2. Adopt Resolution No. 2023-041 approving Design Review Application (DRA 23-002) for the site plan, landscape plan, grading plan, and building elevations related to the construction of a 220-unit, 4-story apartment complex, subject to the Conditions of Approval.

3. Adopt Resolution No. 2023-042 approving Lot Line Adjustment (LLA 23-003) to relocate the existing parcel boundaries and create separate parcels for a multi-phase development; subject to the Conditions of Approval and Findings of Fact;
4. Adopt Resolution No. 2023-043 approving Variance (VAR 23-003) to allow an increase in the maximum height for the perimeter fence/wall from 6-feet to 7.75-feet, 29% greater than the maximum height permitted in the for residential projects; subject to the Findings of Fact; and
5. Adopt Resolution No. 2023-044 adopting the associated Mitigated Negative Declaration (ENV 23-005), and direct Staff to file a Notice of Determination with the County Clerk of the Board.

RESOLUTION NO. 2023 - 040

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE THE CONDITIONS, COVENANTS, AND RESTRICTSIONS--- DENSITY BONUS AND INCLUSTIONARY HOUSING AGREEMENT RELATED TO DESIGN REVIEW APPLICATION (DRA 23-002) FOR THE CONSTRUCTION OF A 220-UNIT, 4-STORY APARTMENT COMPLEX, UTILIZING A FIVE (5) PERCENT "DENSITY BONUS" FOR ELEVEN (11) AFFORDABLE UNITS UNDER SECTION 16.40.090 OF THE HIGHLAND MUNICIPAL CODE, ON A VACANT 6.77 ACRE SIT LOVATED ON THE WEST SIDE OF STERLING AVENUE, 250 FEET NORTH OF 9TH STREET.

RESOLUTION NO. 2023 - 041

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE DESIGN REVIEW APPLICATION (DRA 23-002) FOR SITE PLAN, LANDSCAPE PLAN, PHOTOMETRIC PLAN, GRADING PLAN, AND BUILDING ELEVATIONS RELATED TO THE CONSTRUCTION OF A 220-UNIT, 4-STORY APARTMENT COMPLEX ON A VACANT 6.77 ACRE SITE LOCATED ON THE WEST SIDE OF STERLING AVENUE, 250 FEET NORTH OF 9TH STREET.

RESOLUTION NO. 2023 - 042

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL

APPROVE LOT LINE ADJUSTMENT (LLA 23-003) TO RELOCATE THE EXISTING PARCEL BOUNDARIES TO CREATE SEPARATE PARCELS FOR THE MULTI-PHASE DEVELOPMENT OF A 220-UNIT, 4-STORY APARTMENT COMPLEX ON A 6.77 ACRE SITE LOCATED ON THE WEST SIDE OF STERLING AVENUE, 250 FEET NORTH OF 9TH STREET. ASSESSOR'S PARCEL NUMBERS: 0278-131-45, -46, & -47

RESOLUTION NO. 2023 - 043

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE VARIANCE (VAR 23-003) TO ALLOW AN INCREASE IN THE MAXIMUM HEIGHT FOR A PERIMETER FENCE/WALL FROM 6-FEET TO 7.75-FEET IN ASSOCIATION WITH DESIGN REVIEW APPLICATION (DRA 23-002) AND LOT LINE ADJUSTMENT (LLA 23-003) TO CONSTRUCT A MULTI-PHASE, 220-UNIT, 4-STORY APARTMENT COMPLEX ON A VACANT 6.77 ACRE SITE LOCATED ON THE WEST SIDE OF STERLING AVENUE, 250 FEET NORTH OF 9TH STREET.

RESOLUTION NO. 2023 - 044

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (ENV 23-005) FOR THE DEVELOPMENT OF A OF A 220-UNIT, 4-STORY APARTMENT COMPLEX ON A VACANT 6.77 ACRE SITE LOCATED ON THE WEST SIDE OF STERLING AVENUE, 250 FEET NORTH OF 9TH STREET. RELATED ENTITLEMENTS INCLUDE DESIGN REVIEW APPLICATION (DRA 23-002), LOT LINE ADJUSTMENT (LLA 23-003), AND VARIANCE (VAR 23-003).

7. Specific Plan Revision (SPR 23-001) proposing an amendment to the Greenspot Village & Marketplace Specific Plan (SPR 06-001), to increase the maximum dwelling unit count from 946 to 1,218 dwelling units, and Design Review Application (DRA 23-009), proposing the construction of a 272-unit multi-family residential development. (Planning Area 3 of the Greenspot Village & Marketplace Specific Plan, Applicant Rexco Development)

Assistant Community Development Director Stater presented the staff report.

Commissioner Miller asked if even though we would increase the number of residences, we are decreasing the traffic associated with that commercial is so great that we end up with a net reduction?

Assistant Community Development Director Stater stated yes, correct. There is a little bit of change in peak hour times and trips, but overall, you will definitely see a net reduction.

Chair Hamerly asked was it a mixed use before commercial?

Assistant Community Development Director Stater stated yes, it was mixed use.

Commissioner Miller asked is Greenspot Road adequate to handle all the traffic coming in.

Assistant Community Development Director Stater stated yes.

Commissioner Miller asked does that extend to the on and off ramps as they currently exist today?

Assistant Community Development Director Stater stated the city's making some improvements, as well as Caltrans.

Assistant Public Works Director Matt Bennett stated long range plans will include the build out. The 5th Street interchange is in the planning stages. The collective improvements based on the Specific Plan include intersection improvements well outside of east or west towards 5th Street and Palm Avenue. We are continuing to watch and grow with the development as it comes along.

Chair Hamerly opened the public hearing.

Applicant Patrick Tritz stated I'm here to answer any questions. Assistant Community Development Director Stater did a great job of describing the project.

Chair Hamerly asked when is your anticipated completion on the first phase?

Applicant Patrick Tritz stated the end of this year.

Public Speaker Jody Scott stated there is 946 homes approved now and you are adding 272 more homes? So, it's going to be a total of 1218 homes, right?

Assistant Community Development Director Stater stated yes, correct.

Public Speaker Jody Scott stated how many of the increased additions on this site are going to be low and very, very low? Are there any low-income density points that they're getting for this particular project?

Assistant Community Development Director Stater stated this will be a market rate project.

Public Comment Glenn Elssmann stated I am a part of the Greenspot Village and Marketplace Land Holdings and Specific Plan. All of the Planning Commissioners are attentive to the details and really want to see high quality product projects, but also projects that have really thought through the detail. I want to compliment Patrick Tritz and Rexco for their incredible effort to ensure that the traffic impacts have been modified and it meets the different elements here.

Chair Hamerly stated the leasing office rendering was for the other property that was proposed previously. I don't know what the wishes of the other Commissioners would be referencing with that facility. Are we comfortable including a copy of the previously approved leasing office clubhouse or would you like to continue the item and see the actual clubhouse for phase two?

Applicant's Architect Damien Titano stated the intent when we did this project was the second phase was going to have different products than the first phase and to develop a little bit higher density for the desires of the city. The leasing offices are both complementary to create one larger space and that they do mirror each other. We cannot guarantee that that is going to be the final version yet, because of operations. We can't commit to it because of two different projects, but now the intent is that both leasing offices are mirrored.

Applicant Patrick Tritz stated the intent is for it to be one cohesive project, however the real estate loans shows two separate parcels and loans. I have fences that have multiple openings so that they can flow between each other. There is also an EV gate between the two properties which gives a third point of access in an emergency situation. So, the intent is that one big project, however two separate phases. Does that make sense?

Chair Hamerly stated not only the emergency linkage there for safety, but also it makes sense that if it is two phases of the project that there be at least a pedestrian link so that the residents can walk through.

Applicant Patrick Tritz stated there is a pedestrian link.

Applicant's Architect Damien Titano stated legally they are two separate projects, so we have to have they have to act independently for now. I want to specify that the leasing office pictures you have in your packet will be complementary with one another, this photo is just taken from phase one plans.

Chair Hamerly stated when we approve a project, but not all of the information or plans are complete, do we approve it or continue the meeting?

Applicant Patrick Tritz stated the leasing office will be the same as the leasing office from phase one.

Chair Hamerly stated we are stuck in the middle because we are making a recommendation to the City Council. I'll defer to staff, but technically, we do not have the building that is going to be built and we're recommending this to the City Council. Hopefully in that interim the actual document will be in the packet that is given to the City Council.

Assistant Community Development Director Stater stated yes, the correct document will make it into the City Council agenda packet.

Chair Hamerly stated any comments on the site plan?

Commissioner Miller stated as it relates to drainage, I am concerned about capacity in the Greenspot Road storm drain. We did make certain assumptions about how this whole area was going to drain down Greenspot Road. I think flows will concentrate from both

developments along Calhoun Road and enter the storm drain. I think we will get more flow on Calhoun Road and the Greenspot Road intersection than what the initial storm drain design could accommodate. I think this needs to be looked at regionally and rather than meeting water quality criteria.

Chair Hamerly stated as it pertains to the parking that's around phase two leasing office, where would be the parking for visitors To visit the leasing office for phase two?

Applicant's Architect Damien Titano pointed to the PowerPoint. This edge along the northern side of the roundabout would be the easiest to accommodate parking. Currently there was some area here (pointing to the site plan) that was intended for guest spaces.

Chair Hamerly stated one of my concerns is there is three primary recreation areas, and they are all clustered at the east end of the site and I guess their concern is twofold. I would hope that the recreation areas be more evenly distributed throughout the site because that is going to make a quiet side and a noisy side of the project because those play areas are right up against the apartment units.

Applicant Patrick Tritz stated these small recreational areas have never created a problem with other apartments we have built. I see I respect what you're saying. We have never had an issue of trying to sound mitigate them, there is plenty of landscaping around.

Chair Hamerly stated moving onto the elevations. I like the decorative wall features, and how it breaks up vertically. It adds a nice entry statement to the spanish style architecture.

Commissioner Miller asked will there be awnings on the windows to the south to help with the direct sun?

Applicant Patrick Tritz stated we will have recesses in those windows, we are not sure if we are installing awnings.

Chair Hamerly regarding the conceptual landscape plan, the garden spaces that are between the different blocks of units are a community open space. Are those flower gardens or private planter areas?

Applicant's Representative Damian Titano stated private planter areas.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Sutorus, seconded by Vice Chair Thomas to adopt Resolution No. 2023- 045 recommending the City Council:

- 1) Make a finding under Public Resources Code Section 21166 and the corresponding CEQA Guidelines Section 15162 that there are no substantial changes or new information of substantial importance that would trigger the preparation of a subsequent EIR and further finding that the project is exempt from further environmental review under Government Code Section 65457;

- 2) Introduce Ordinance No.____ to amend the Greenspot Village & Marketplace Specific Plan (SPR 23-001); and
- 3) Adopt City Council Resolution No. 2023-045 to approve Design Review Application (DRA 23-009), subject to the Conditions of Approval and Findings of Fact.

RESOLUTION NO. 2023-045

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL 1) INTRODUCE AN ORDINANCE APPROVING SPECIFIC PLAN REVISION (SPR 23-001) TO INCREASE THE MAXIMUM DWELLING UNIT COUNT WITHIN THE GREENSPOT VILLAGE & MARKETPLACE SPECIFIC PLAN FROM 946 DWELLING UNITS TO 1,218 DWELLING UNITS, 2) ADOPT A RESOLUTION TO APPROVE DESIGN REVIEW APPLICATION (DRA 23-009) TO CONSTRUCT A 272-UNIT MULTI-FAMILY RESIDENTIAL COMPLEX ON A VACANT 12.6 ACRE SITE WITHIN PLANNING AREA 3, AND 3) MAKE A DETERMINATION THAT THE ADOPTION OF THE ORDINANCE IS EXEMPT FROM FURTHER CEQA REVIEW UNDER CEQA GUIDELINES SECTION 15162, PUBLIC RESOURCES CODE SECTION 21666 AND GOVERNMENT CODE SECTION 65457. ASSESSOR'S PARCEL NUMBERS: 1201-351-28, 1201-351-14, 1201-351-15, 1201-351-16.

ANNOUNCEMENTS

The Planning Commissions next regular meeting is scheduled October 3, 2023.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 10:58 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission

