

CITY OF HIGHLAND REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

MEMBERS

Randall Hamerly, Chair
Chandra Thomas, Vice Chair
Edward Amaya, Commissioner
Jarrod Miller, Commissioner
Jessica Sutorus, Commissioner

REGULAR MEETING

November 16, 2021
6:00 p.m.
City Hall
Donahue Council Chambers
27215 Base Line
Highland, California

STAFF

Lawrence A. Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Ash Syed, Associate Planner
Angela Tafolla, Assistant Planner
Angelica Martinez, Planning Technician II
Camille Goritz, Administrative Assistant III

MISSION STATEMENT

Highland is dedicated to the betterment of the individual, the family, the neighborhood and the community. The City Council and the staff of Highland are dedicated to providing the quality of public facilities and services that its citizens are willing to fund and will do so as efficiently as possible.

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Submission of Public Comments: To limit the number of persons in the Council Chambers, the public is encouraged to make public comments by email rather than in person. For those wishing to make public comments by email to be read aloud at the meeting by the Community Development Administrative Assistant. Email comments must be submitted by 5:00 p.m. on November 16, 2021 to publiccomment@cityofhighland.org.

For those wishing to make a public comment regarding a public hearing item, please identify the agenda item in the subject line. Comments can be submitted any time prior to the meeting, as well as during the meeting up until the end of the corresponding item. Please email your comments to publiccomment@cityofhighland.org. Members of the public will be permitted to make public comments in person.

**PLANNING COMMISSION
REGULAR MEETING AGENDA
November 16, 2021 - 6:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

To address the Planning Commission, please complete a speaker form located at the entrance and give it to the Administrative Assistant prior to the beginning of the meeting. Your name will be called when it is your turn to speak. Individual speakers are limited to three minutes each. Comments received via email by November 16, 2021, 5:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes.

CONSENT CALENDAR

1. Minutes from the November 2, 2021 Regular Meeting.

RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.

PUBLIC HEARING

2. An Appeal of Staff's Approval of the keeping of two (2) miniature Nigerian dwarf goats for a residence in a Single-family (R-1 10,000) Zoning District; Appeal No. APP-21-003 for Staff Review Permit No. SRP-21-005 (30018 Frontera Del Sur)

RECOMMENDATION: Staff recommends the Planning Commission:

Consider an Appeal of Staff's Approval of Staff Review No. 21-003 for the keeping of two (2) miniature Nigerian dwarf goats at 30018 Frontera Del Sur.

ANNOUNCEMENTS

ADJOURN

I, Camille Goritz, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 10th of November 2021 by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: November 10, 2021



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: November 16, 2021

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III (C)

SUBJECT: Minutes from the November 2, 2021 Planning Commission Regular Meeting.

RECOMMENDATION: Staff recommends the Planning Commission approve the Minutes as submitted.

PUBLIC NOTICE: The agenda for this item was posted at the three locations per Resolution No. 2011-047 and on the City's website.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>1</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

MINUTES
PLANNING COMMISSION REGULAR MEETING
November 2, 2021 – 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
Ash Syed, Associate Planner
Angela Tafolla, Assistant Planner
Angelica Martinez, Planning Technician II
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 October 5, 2021 Regular Meeting.

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

PUBLIC HEARING

2. Design Review Application (DRA 21-002) proposing the construction of a drive-thru carwash at an existing ARCO Gas Station located at the southwest corner of the Base Line and Seine Avenue intersection. (Continued from September 21, 2021) (27727 Base Line, APN No. 1201-091-45)

Associate Planner Syed presented the staff report.

Commissioner Amaya asked is that going to increase the cost substantially as far as what was originally in the budget with the design you had?

Jay Nelson the Applicant's Representative stated I'm designing something that the city can be proud of. I feel that the design of this is sustainable enough that it won't be blighted in years to come.

Vice Chair Thomas asked do we know the status of the code enforcement case?

Associate Planner Syed stated it's still an open code violation. The revised landscaping, they are still working on will correct the existing violation and add additional landscaping to this proposed car wash. The landscape design that was part of the slide show is an improvement so far on their end of what was initially submitted. This will undergo substantial changes based on the revised design.

Vice Chair Thomas stated I would just like to reiterate my comment I made at our last meeting, and that's for the existing Am/Pm store and the landscaping that exists there. That's going to be handled with the code violation. We just really would like to see the improvement there understanding that along Base Line in the 210 freeway that will be adjusted.

Jay Nelson stated I'm hoping this is step one of that success with you. If I can also expound on the definition of substantial site plan changes in reference to the stacking and or vacuum stations. I feel uncomfortable with the term substantial changes due to vacuum stations. There is a correlation between the success of a car wash and their number of vacuum stations, so with the adjustments that are occurring with the deletion of the cul-de-sac on Pluto Street as well as some other updates that are occurring on the right-of-way on Base Line. It's my goal to at least add four more vacuum stations, so it's puts us at eight vacuum stations, and I think that they're going to be done aesthetically pleasing as well.

Chair Hamerly asked where would those be proposed?

Jay Nelson stated it'll be stretched working towards Base Line from the four that are located now.

Chair Hamerly asked so parallel with the entrance to the car wash from the north side?

Jay Nelson replied yes, sir.

Chair Hamerly asked would that propose the elimination of the three specimen trees that are presently used for screening of the eastern facade?

Jay Nelson stated the Landscape Architect I think is very talented and once we balance all of this out, I think that you'll be pleased with the final landscape proposal. The Pluto Street side of it that gains anywhere from 10 to 15 feet, which you can appreciate how things can shift accordingly and the turning radius is necessary for the delivery of fuel.

Commissioner Miller asked are there solar panels on the roof?

Jay Nelson stated yes, that's my offer to the to the developer, so if he chooses to do so.

Commissioner Miller asked are there any other sustainable features other than solar panels associated with this building?

Jay Nelson stated none other than the vacuum stations.

Commissioner Miller asked is all the water going to be recycled?

Jay Nelson stated it'll be there is an equation of how much you can recycle, but yes.

Associate Planner Syed stated just to reiterate, we're looking for mostly feedback on the design that they've proposed for the building.

Jay Nelson stated which again I boldly stated that I consider myself good designer, so I'm anxious for your comments whether their suggestions or negative.

Chair Hamerly asked any other comments on the landscape?

Commissioner Sutorus stated I'm an advocate for solar, but if you do plant some of those trees all around it, it'll kind of be useless. So, you might need to just adjust and put trees that aren't going to over shade it.

Jay Nelson stated perfect.

Commissioner Sutorus stated but I still want trees, I just want them moved.

Commissioner Miller stated an additional sustainable feature that you could potentially add to that roof as well, could route your roof water into a filter, and then that could go into your water tank. It would be a fairly small amount of water, but it would be one additional sustainable feature that would complement the solar.

Chair Hamerly asked is that a gutter system that's linked because the exit looks like it's right over the point of exit at the south side?

Jay Nelson stated it's cantilevered, so that's the illusion reason why it makes it look like it's over the man door.

Chair Hamerly asked would the tree count remain the same even though they'd be relocated?

Jay Nelson stated it'll be my goal to maintain the same count.

Chair Hamerly stated one of the big concerns I had was that the coming off the bridge that goes over the 330/210 freeway and there isn't a lot of shade for quite an extensive period along Base Line. Any possibility that we could add some shade along the sidewalk there? It would be greatly appreciated because there are several people that walk through there.

Jay Nelson stated working together with your City Landscape Architect, we possibly can achieve that with the right size crown canopy of a tree. If that's not acceptable then I'm concerned on building setbacks on creating a structure that would achieve the same yield.

Chair Hamerly stated I'm referencing specifically the parkway that basically that area that you've added additional landscaping. I'm assuming that's probably some low impact design issues and you're using it as bioswales, but any trees that we could add along the sidewalk to create additional shading, while still preserving any of the low impact design features.

Jay Nelson stated ok, you'll see it implemented.

Chair Hamerly stated does the plan as presented reflect the bold condition that's at the western terminus of Pluto Street, or will that be modified further?

Associate Planner Syed stated correct. On Pluto Street they're going to remove that cul-de-sac that's shown on Pluto St and go with a dead end.

Chair Hamerly stated is it going to basically radius into the western most lot right into their driveway or is it to the western edge of that property? Where is the dead end going to be?

Jay Nelson stated it's my understanding that the existing phase occurred right here and that face a curve will continue and extend accordingly. Modifications in this area of that dead end to maintain the access for Caltrans as well as this driveway for this one residence.

Chair Hamerly stated the elimination of the northernmost portion of that bulb is what's going to allow us to slide at the exit of the carwash down another 10 to 15 feet, and thus add the additional four spaces for the vacuum station. It looks like we have a mason modular masonry screen wall, and it doesn't look like it's being tied into either the columns or the base. Am I reading that correctly that it's masonry or is it another material that's capable of stabilizing itself?

Jay Nelson stated yes, it's masonry and its mosaic. I'm cribbing that design and leaving it float and thinking more of midcentury modern type of touch.

Chair Hamerly stated I read that as the midcentury modern, but I also just noted that type of a module has very little lateral resistance. It usually must be pinned in some fashion so that it is stable.

Jay Nelson stated I will be creating some type of support system.

Chair Hamerly stated because a steel pin or a steel flange coming up between the verticals would hide it nicely and then you can grout over it if you want to go for the purest effect on that. The two canopies at the north and south ends were that even though they're somewhat replicating the idea of the roof there wasn't a strong relationship with the structure. I'm wondering if an option was explored to treat it more like an extension of the roof and extend it out like a pergola so there is a positive point of connection to ensure matching the slope, coloration of the columns and the beams.

Jay Nelson stated I studied that in color and in shape and I really enjoyed the accent in the punch and so you'll see how the color of the vacuum stations are also repeated by the I'll call it porte-cochere on the entrance side. I'm using that accent color and picking it up in those two locations.

Chair Hamerly asked will that be the canopy that would have the solar panels, correct?

Jay Nelson stated if the applicant chooses to go there, there needs to be enough studies done on it to find out if there is enough power generated to make it worthwhile.

Chair Hamerly opened the public hearing.

Aysar Helo stated I was surprised when I got an email with this item. My property is right next door, and I did not get any notices, so I wasn't able to come last month for the meeting. My property is within the 300 feet, and I have some issues with it. The southern exit is not a commercial exit, it's only 24 feet. They don't show the gas tank, which is approximately 65 feet and when their fuel is delivered, they must block it off another 15 feet with cones for safety or fire. The entrance of the car wash does not have an emergency exit which all the designs that we have done in city required an emergency exit and we've seen it in all other car washes and some of the fast-food areas. Again, regarding this driveway this goes directly into residential neighborhood. There's a lot of issues with it. The architecture is nice, but I think they could do a little bit better regarding the safety issues that is proposed. The lights will go through the houses as they turn. On my property when I got approved, they made us put a six foot or seven-foot sound wall to eliminate that, maybe that's something that you guys could deal with.

Vice Chair Thomas asked can we hear from engineering regarding the 24 feet commercial size for the exit on the Pluto Street?

Assistant Public Works Director Bennett stated I don't know if the dimensions shown on there, but the site plans gone through some iterations. The commercial drive is not shown, so you'd see a radius. That 12% is a concern and I don't think it's at 12-15%, but the detail in front of you here is not the final design consideration, so those concerns will be addressed in final engineering.

Vice Chair Thomas asked regarding the sound wall, is that something that gets addressed in the final engineering or will it just be once it's approved at our next meeting?

Assistant Public Works Director Bennett asked I haven't seen a sound wall proposed at that location. I'll have to wait and see, and I don't know what whether Planning would look at that and require a sound wall in that location.

Chair Hamerly stated it's also a function of distance to the sound generating item to the residential area, and if this car wash is pulled back farther in the configuration of the entrance and the exit would also come into play, it seems.

Associate Planner Syed stated I reviewed the spec sheet for the car wash machinery. It was well under the decibel limit for the zoning and the hours of operation that we selected. If the sound wall is something that planning feels is necessary, we could condition the project for that, but I don't believe that was something that we had discussed previously.

Chair Hamerly stated based on our previous comments, having fewer obstructions, better line of sight, and having more landscapes so that it has a softer edge to the

residential neighborhood. I think that's equally important as long as we've addressed the sound issues.

Assistant Community Development Director Stater stated as Ash mentioned, we did look at that for the car wash and we did request that for the new vacuum stations, so we'll look at that as well before that comes back to you.

Chair Hamerly stated even with the vacuum stations, that would also be a function of the type of equipment selected in terms of the noise as well.

Assistant Public Works Director Bennett stated for the consideration of sound it appears that Caltrans will not be putting back the block wall that was providing some sound attenuation from the freeway. It'll go back up as a chain link fence.

Chair Hamerly stated ok, I thought I remember we discussed the chain link fence would not be an issue and that we would go with a tubular steel, something that was a little more representative as opposed to having chain link.

Assistant Public Works Director Bennett stated Caltrans will erect a chain link fence. The project could be conditioned to match that fence location if they're allowed to take down the Caltrans chain link fence, then a tubular steel like Panda Express could be erected.

Chair Hamerly stated I think we'd be interested in that because we've got enough slope right there that it is going to already have some masking of the freeway noise between that and the bridge. It would be nice to leave that as aesthetically pleasing as possible.

Jay Nelson stated let me touch on the sound wall. If it or any type of hard material that's thinking of being utilized on the exit side of the car wash my reaction to any type of solid material would be whether it be for lights and or sound deflection. I'd be concerned about sound reverberation coming up from the freeway, bouncing off that wall and back to the residences.

Commissioner Amaya asked if the previous speaker was a homeowner or the owner of the Valero gas station?

Aysar Helo stated I own houses on Pluto Street and Valero gas station. The properties from Florida through Stoney Creek on the north side that that those are my homes.

Chair Hamerly closed the public hearing. Staff has our comments, and this item will not have an action taken. [Note: Item pulled from docket to allow Applicant time to address comments]

3. A One-Year Extension of Time (EOT 21-002) for Conditional Use Permit (CUP 17-003), Design Review Application (DRA 18-005), and Tentative Parcel Map 15814 to accommodate a 33,775 square foot expansion of an existing self-storage facility and subdivision of property from two to four parcels. (28031 and 28099 Greenspot Road, APN No. 1201-341-14 and 15)

Chair Hamerly stated I am declaring a conflict of interest and I must recuse myself from this item.

Assistant Community Development Director Stater presented the staff report.

Commissioner Amaya asked is this for the extension for one parcel in the four buildings? Assistant Community Development Director Stater stated it is the entire parcel map, but the only land use entitlements as far as a site plan, elevations, landscape plan, grading plan are only for the extension of the Universal Self storage.

Commissioner Miller asked do we have any idea on timing as when they expect to expand?

Assistant Community Development Director Stater stated we do not. I know they're anxious to exchange the property between the two owners. Construction we will have to ask the applicant if they have timing for that.

Vice Chair Thomas opened the public hearing.

Aysar Helo stated what happened in the last couple of years and some other issues we had we had to delay the project as we go. A lot of times people were not working for about a year and a half.

Vice Chair Thomas closed the public hearing.

A MOTION was made by Commission Amaya seconded by Commissioner Sutorus, to adopt Resolution No. 2021-019 approving Extension of Time (EOT 21-002) subject to the Conditions of Approval and Findings of Fact. Motion carried, 4-0-1, with Chair Hamerly abstaining.

RESOLUTION NO. 2021 –019

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND APPROVING EXTENSION OF TIME APPLICATION NO. EOT-21-002 FOR A ONE (1) YEAR EXTENSION OF CONDITIONAL USE PERMIT (CUP-17-003), DESIGN REVIEW APPLICATION (DRA-18-005, AND TENTATIVE PARCEL MAP NO. 15814 FACILITATING A 33,775 SQUARE FOOT EXPANSION OF AN EXISTING SELF-STORAGE FACILITY AND SUBDIVISION OF PROPERTY LOCATED AT 28031 AND 28099 GREENSPOT ROAD, HIGHLAND (APN 1201-341-14 & 15).

4. Design Review Application (DRA 21-013) for the review of a site plan, building elevations, rough grading plan, conceptual landscape plan, and model home complex regarding the construction of 54 single-family homes. (APN No. 1210-371-51-0000)

Chair Hamerly stated in the interest of public disclosure, I am a shareholder of Beazer Homes. I must recuse myself from this item.

Assistant Planner Tafolla presented the staff report.

Commissioner Miller stated based on the letters received, there was some mitigation that took place. Do we know what that mitigation was?

Assistant Planner Tafolla stated there is a mitigation monitoring report in place and it is included in the staff report.

Assistant Community Development Director Stater stated it follows the planning conditions, so you'll see planning conditions of approval for the design review and attached is the MMRP, even though it's already established in the track map, it's always good so we don't miss it. That starts on page 78-79 and they're alphabetical order.

Commissioner Miller stated relating to the engineering you mentioned the 45,000 cubic foot storm water basin. Do we know if that storm water basin volume size is that to treat a 10- or 100-year event? What was the system size to accommodate?

Assistant Public Works Director Bennett stated the basin will face the 100-year flows. The basin is a water quality basin treating stormwater plus water quality volumes. The basin, as it was sized, goes a little bit beyond that and mitigates further to reduce the current discharge from the grove to a lower amount discharging downstream. The location and discharge are similar to the current 18-inch culvert just east of it, and then there's additional culverts west of it.

Commissioner Miller stated I had initially done some studies in those areas eons ago and it looked like I was having a hard time getting the hydrology to match up with the hydraulics of the culvert. I was having a hard time seeing the Q on the plans and finding out how that Q was obtained, but it looked like it was based on an existing condition. My concern is that a lot of development has occurred on the Crane Creek watershed, and we've been signing our mitigation facilities up to the 10-year event and what happens when we get into these 20, 25, 50-year events are we are we potentially negatively impacting downstream areas.

Assistant Public Works Director Bennett stated the drainage facilities that are being constructed by this site well convey the 100-year flow. Downstream from that the low-density development will have to mitigate, convey the flows, reach the channel box which is west of Aurantia park. There is a design system master drainage facility that needs to be constructed for that connection. It is not the city's plan or desire to see the roadway of Greenspot Road used as a drainage facility. The master drainage facility that's to be constructed by the downstream development will have to maintain a free dry lane configuration, and at this time I would say it's Q25, but I don't know the exact design storm event.

Commissioner Miller stated ok, so you believe that a master planned facility will be constructed downstream of this site that will provide additional mitigation, correct?

Assistant Public Works Director Bennett stated correct, not by this project, but by later projects.

Commissioner Miller asked is there any history of the Crane Creek channel or the culvert capacity being exceeded?

Assistant Public Works Director Bennett stated I'm not aware of the maintenance on the facilities that we're talking about, downstream hasn't been a challenge in the recent years. The capacity the existing undeveloped lands below are probably acting as a bit of a sponge, and we're not going to see all that proposed development flow yet, and that master drainage facility will have to be designed to connect and contain cumulative drainage coming down.

Commissioner Amaya asked why was the delay of approval until now since the last City Council action with January 2019?

Assistant Community Development Director Stater stated it's a fairly typical time frame between the approval of a tract map and the time that the property owner within sell to merchant builder. That builder comes and meets with staff, talks about potential design, goes through the process, water quality, environmental and makes their way to you. That's a standard timeline.

Commissioner Amaya stated there is legitimate public concerns not only with the comments, but I see the mitigated negative declaration. It has comments on air quality, biological resources, cultural resources. I don't think it really mentions anything about infrastructure, public safety, loss of nature, the view traffic, and things like that.

Assistant Community Development Director Stater stated what you are seeing is the MMRP, the environmental document that was approved for the project is a mitigated negative declaration. What comes with that is an initial study that looks at everything that you just talked about, so there's many topics that it covers that you don't see in this staff report, initial study identifies items that are potentially significant and can only be corrected with mitigation. From that you formulate the mitigation measures, which is all you're seeing in this document and what you're not seeing here is all the background to that. The analysis was done, it's just those topics didn't have mitigation that were required to make the project possible. You are seeing the ones that absolutely mandated the mitigation measures that will follow into the future, but it doesn't mean that we didn't look at it or that they weren't possibly conditions of approval or other related items to look at those.

Commissioner Amaya asked those 54 homes is still considered low density?

Assistant Community Development Director Stater stated yes.

Commissioner Miller is a Homeowner Association planned for this community?

Assistant Planner Tafolla stated yes, to help maintain the slopes.

Commissioner Miller asked what kind of ground cover is the blue shading representing?

City Landscape Architect Scott Rice stated on the planting legend there is a category for grade, slope ground cover, and they consist of coyote brush and creeping myoporum. On LC3, on the planting legend they don't have the corresponding hatch pattern, but you'll notice that that one is missing hatch pattern.

Commissioner Miller asked are trees sustainable on a two to one slope?

City Landscape Architect Scott Rice stated yes, and you'll see it all over especially East Highlands Ranch two to one slope with trees on them. This is a unique circumstance because this is the first time Assembly Bill 38, I'm guessing on the number, but there's this an assembly bill that was enacted. It's put into place, and it requires fire severity map overlay and consideration and the entire track falls within a very high fire danger. That limits how closely you can space the trees to one another, and it is dependent on the slope factor. The slope is causing the distance between the trees to increase.

Commissioner Amaya stated regarding the conceptual landscape masterplan, in the event of a of a mudslide or flooding the homeowners are going maintain that slope, correct?

City Landscape Architect Scott Rice replied absolutely, there's a very substantial slopes in the backyard.

Assistant Public Works Director Bennett regarding the V-ditch that's at the very top of the slope the trail is graded such that the drainage will drain back to the northerly existing homes. The drainage is coming off those homes and that slope that exists could drain down to the trail that cuts across and the drainage then conveyed across in a dirt brow ditch and does not increase the drainage down slope.

Vice Chair Thomas stated regarding the V-ditch, how will that be draining back onto the property instead of cohabitating or with the other property flows?

Assistant Public Works Director Bennett stated it may be in the grading plan. It's a V-ditch that's coming down that slope and captured at the end of there at their backyard and conveyed into a pipe.

Vice Chair Thomas opened the public hearing.

Kelly Black Applicants Representative stated thank you to all staff for the hard work and all the questions that have been asked and answered already.

John Gomez Public Speaker stated I'm a homeowner of the property on the west of the border of the new development. Was there consideration given to privacy of homeowners of strategic placement of single story or two-story homes next to the existing homes on both sides?

Assistant Community Development Director Stater stated this is the secondary part of this procedure of getting homes approved on the site. The first was the approval of the Tentative Tract Map, and when that was processed through the prior Planning Commission Board, they did look at the grade change for pad elevations between your tract and this proposed tract. From that point the merchant builder, who's Beazer looks at that and they propose plotting for the individual lots, and that's based on several factors. For example, the width of the lot, the size of the product, corner lot, interior lot and pad elevations and they propose those to city staff, city staff looks at those then we bring those to you for the Planning Commission to look at. We do the best we can to minimize conflicts, but this is the appropriate time if you have a concern with your lot and an adjacent proposal to address those.

John Gomez stated I have three lots that will be in the back of my property. I would like to maximize my privacy with landscaping depending on where the two-story homes are located. The whole back wall is going to be protected in place and it is not going to be any kind of construction because we do have a V-ditch back there? It is pretty heavy flow when the rains come. Is this going to stop flowing down in our backyards here and then continue down this road into some catch basins?

Assistant Public Works Director Bennett stated the high point over here is maybe the second lot. The drainage will go westerly from that point. The drainage that's going to fall easterly is going to be intercepted by new catch basins. The project is constructing a slope on the east side of that wall, preserving the existing wall, and not disturbing the V-ditch that the neighbors to the west utilized to drain off the side slope.

Charlotte Marrah Public Speaker stated have the home on Cabo Del Oeste across from lot number 12 that's going to be built. When you're talking about those V-ditches, we we're at the top, so as long as the residences keep that V-ditch clean the water will flow. If they don't then you have problems. We have solar panels on our existing home. Will the builder clean the panels and give a commitment? How long will you clean it? If so, during and post construction? When they built the other houses that are on the other side on North Fork all our solar got full of stuff and the builder did come and clean our solar. I'd like the same commitment from your builder.

Kelly Black stated I will get in contact with Mrs. Marrah and I will make sure her contact information gets to Chris Courtney who is the project lead on this along with Kim Molina. I will make sure that they speak with Mrs. Marrah directly about that concern.

Maria Fischer Public Speaker stated we're Tom and Maria Fisher, homeowners of lot 29 on Worley Court. We have lived there since 2001 when it was newly built, and we were told there was a monumental wall behind us and that it could never be removed and that no homes could build there. We paid almost \$30,000 more for our lot at the time which we thought was great because we had the privacy and the view. We understand thing changed, nothing was put in writing and we're out where we are now, which we do understand that. Our concern is our home, and the entire all main living areas face east, so there are two family rooms, living room, kitchen, and four bedrooms facing that direction. Anyone in a two-story home could easily see right through my house since it's all windows on the backside. If I have lights on at night, I'm not going to feel comfortable walking around my house, because they're going to see right in. Also, we have a pool that faces that direction that we spent a lot of money for. We are not going to enjoy our pool because people can see in. I did have Angela and Kim come out today and they did go over some of the elevations with us, which I'll tell you I'm not fully knowledgeable on how that's going to look. I tried to understand the best I can and with the grading processes I don't fully understand that. I spoke with Chris from Beazer Homes on the phone earlier today with my husband and he was saying we will have windows that will be able to look into our property. Lot 9 is a one story, and we are fine with that, directly behind us there would be two, two-story homes and both will be able to see into my lot. We're hoping that they will make some accommodation to make that a one-story home so that we don't have that intrusive neighbor looking into our home. It would be very difficult compared to a two story because he said the upper windows would have full view. Another concern is once they start ripping out those orange groves, there's rats and rodents in those grows, and severe mosquitoes in the last three years. Is there going to be vector control and will they maintain it? If you see my landscape, everything is kept very clean, very minimal. I don't have large trees, partly because the view the other part is I don't want creatures living in trees and I don't want to have to maintain huge trees on the lot. When I go outside, I don't want to see any snakes. We maintain our V-ditch, but even with the maintenance of our V-ditch in the rainy seasons, we have mud slides coming all the way down with branches and stuff from everybody else comes right. The main concern is the privacy.

Kelly Black stated yes, as the homeowner indicated, they did have discussions with Chris Courtney today. As I understand this particular home, there's about a 20–24-foot elevation differential between where the home is and where the planned pad is for Beazer. I know Beazer is willing to look at several things, not only you know placement on the lot, but also if placement of a one story, but they do need to look at the engineering because there is a ripple effect. This is 54 lots we have designed it, we've plotted it, and we've have engineered it, so we need to make sure that one change doesn't cause a bunch of other change for other neighbors. I know that Chris will keep the lines of communication open. In terms of dust control that is required by the construction permitting to address dust control issue that is part of our plan that the city will enforce. In terms of rodent control unfortunately I can't predict what the rodents will do, but I will raise the issue with Beazer Homes. Mosquitoes are attracted to standing

water, so I don't know if it's in the grove or it's in the V-ditches, but I will make sure to address that.

Vice Chair stated city is always here as a resource for concerns that you know we have here in the community as homeowners. One of the things that Community Development Director Mainez mentioned earlier is part of development that you will have some of those privacy issues.

Assistant Community Development Director Stater stated you have the opportunity as a Planning Commission to require a change in the plotting, whether it's specific to say lot 8 is mandated to have a single-story unit on it, as Chris and Beazer go back and look at how that affects others.

Vice Chair Thomas closed the public hearing.

Commissioner Miller stated I would be willing to support a motion on that requires both 8 and 9 lot to be single story.

Commissioner Sutorus stated since this is a sensitive fire zone area, is there any issues with open eaves or all these eaves stuccoed in?

Building Official Matt Wirz stated yes, in high fire zone there are elements that are required to be blocked, like under eaves for fire protection measures along with other things that come along with window protection openings.

Commissioner Amaya stated I would support a motion to address the privacy concerns with the elevations.

Assistant Community Development Director Stater stated regarding condition # 15 could read, amend the lotting and related plans to require a single-story unit on lot 8 and 9 shall also be a single-story unit.

Vice Chair Thomas asked are there times for construction that are written into the conditions as well?

Assistant Community Development Director stated building and safety has construction hours.

Vice Chair Thomas stated one of the comments submitted was from 8:00 AM to 5:00 PM. I do know construction starts earlier usually than that.

Assistant Community Development Director Stater stated 7:00 AM to 7:00 PM, Monday through Saturday.

Vice Chair Thomas stated some of the rear elevations seem sparse. For the exhibits that are presented, and it seems kind of across the board on all of them. I'd like to open comments back up so that the architect can please respond and let us know what you could perhaps do to make these more statement designs for the types of lot with the low density and having the 10,000 square feet.

Laura Joo Applicant's Architect stated the rear elevations we did specify extra enhancements we were posing for those to occur on specific enhanced lots. I don't know offhand which lots those might be, but those are some of the additional enhancements that we would be considering.

Vice Chair Thomas asked could you please outline what those enhancements are?

Laura Joo stated there's some extra shutters and foam sill details that are dashed in.

Assistant Community Development Director stated the addition of planning condition # 16 dash elements shown on rear elevation shall be provided on all lots. On planning condition # 14 a revised entry monument signs shall be reviewed and approved by the Planning Commission prior to issuance of building permit of any model or production home. Planning condition # 15 amend the lotting and related plans to require a single-story unit on lot 8 and 9 shall also be a single-story unit.

A MOTION was made by Commission Sutorus seconded by Commissioner Amaya, to adopt Resolution No. 2021 – 020 to:

- 1) Make a finding under CEQA Guidelines Section 15162 that there are no substantial changes or new information of substantial importance that would trigger the preparation of subsequent environmental documents; and
- 2) Approve Design Review Application (DRA 21-013), subject to the Conditions of Approval and Findings of Fact as amended. Motion carried 4-0-1, with Chair Hamerly abstaining.

RESOLUTION NO. 2021- 020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING A DESIGN REVIEW APPLICATION (DRA NO. 21-013) INCLUDING THE REVIEW OF A SITE PLAN, BUILDING ELEVATIONS, ROUGH GRADING PLAN, CONCEPTUAL LANDSCAPE PLAN, AND MODEL HOME COMPLEX REGARDING THE CONSTRUCTION OF FIFTY-FOUR (54) DETACHED SINGLE-FAMILY RESIDENCES AND A WATER QUALITY BASIN LOCATED ON APPROXIMATELY 21.6 ACRES NORTH OF SANTA ANA CANYON ROAD WEST OF ALTA VISTA (APN NO. 1210-371-51-0000)

5. 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 Property generally located at 25362 3rd Street, San Bernardino, CA 92410.

This item was removed from the agenda.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled November 16, 2021.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 9:00 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: November 16, 2021

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director *KS*

PREPARED BY: Angela Tafolla, Assistant Planner *AT*

SUBJECT: An Appeal of Staff's Approval of the keeping of two (2) miniature Nigerian dwarf goats for a residence in a Single-family (R-1 10,000) Zoning District; Appeal No. APP-21-003 for Staff Review Permit No. SRP-21-005

LOCATION: 30018 Frontera Del Sur
(APN No.: 1210-321-05-0000)

OWNER: Steven and Tan Payne

APPELLANT: Cristina Puraci, Resident
7630 Alta Vista

RECOMMENDATION: Staff recommends the Planning Commission:

Consider an Appeal of Staff's Approval of Staff Review No.: 21-003 for the keeping of two (2) miniature Nigerian dwarf goats at 30018 Frontera Del Sur.

FISCAL IMPACT: The Appellant provided the applicable filing fee for an Appeal as established by City Council Resolution.

ENVIRONMENTAL REVIEW: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is exempt per Section 15061(b)(3). CEQA does not apply because it can be seen with certainty that there is no possibility that the proposed appeal of the subject Staff Review Permit for the keeping of two (2) miniature Nigerian dwarf goats will have a significant effect on the environment.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>2</u>
Denied _____	Ayes _____		File No. _____
	Noes _____		
Continue _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

1

PUBLIC NOTICE: As required by City Council Resolution, notice of the public meeting was posted at the City's three designated posting locations within the City. A legal notice was posted on the City's website and mailed to property owners within 300 feet of the project site and published with the Highland Community Newspaper on November 5, 2021. No further notice is required.

PUBLIC COMMENT: At the time of preparing this Staff Report, one comment was received by the Planning Division in response to the Project Notice (Attachment 8 – Public Comment).

DESCRIPTION OF SITE: The subject property is a residence use within the Single-family (R-1 10,000) Zoning District located on the north side of Frontera Del Sur approximately 189 feet west of Alta Vista (Exhibit 1 – Aerial Overview). The subject property contains a 2,671 square foot two-story home situated on a 16,900 square foot lot. The property has a large deep backyard bisected by a 5-6' concrete v-drain. The yard is mostly dirt with groupings of trees and an animal enclosure.

The subject property is located within an established neighborhood comprised of other single-family homes constructed in 1999. The site is contiguous to four (4) single-family homes:

	Address	House	Lot
East	30332 Frontera Del Sur	2,236 SF	11,900
East	7630 Alta Vista	2,236 SF	15,000
North	30023 Cabo Del Oeste	2,671 SF	9,600
West	30006 Frontera Del Sur	2,236 SF	21,780

The City's General Plan designation for the site and surrounding neighborhood is Low Density (LD) and is zoned R-1 Single-family. Thus, the keeping of animals within residential districts is a permitted use at the subject site upon approval of a Staff Review Permit.

PREVIOUS ACTION:

On August 2, 2021, the Applicant filed a Staff Review Permit Application requesting approval for the keeping of two (2) miniature Nigerian dwarf goats and chickens (Attachment 1 – Staff Review Application Material). During the review process the Applicant removed the keeping of chickens from the application. Surrounding property owners were noticed and given an opportunity to comment.

On September 8, 2021, Staff issued an approval permitting the keeping of two (2) miniature Nigerian dwarf goats subject to the Conditions of Approval (Attachment 2 – Letter of Approval with Conditions and Findings).

On September 13, 2021, the Applicant signed and returned the Acceptance of Conditions acknowledgement.

On September 15, 2021, an Appeal of Staff's approval was filed by a contiguous property owner (Attachment 3 – Appeal Letter). The Appeal and subject approval is now before the Planning Commission for consideration.

BACKGROUND: In July of 2021 a Code complaint was received regarding noise pollution related to the keeping of unpermitted animals at the subject location. The property owner was required to process a Staff Review Permit Application in order to keep two (2) miniature Nigeran dwarf goats. As previously stated, a Staff Review Permit was processed and approved subject to the animal keeping provisions of the Highland Municipal Code (Attachment 4 – HMC Section 16.16.030.B, Special Use Regulations). The Code case was closed in September of 2021 after the site was found to be Code compliant.

ANALYSIS: The City's General Plan designation for the site and surrounding neighborhood is Low Density (LD) and is zoned R-1 Single-family. Thus, the keeping of animals within residential districts is a permitted use at the subject site upon approval of a Staff Review Permit. The property meets applicable animal uses provisions in that it meets the minimum 10,000 square foot lot size requirement (Attachment 5 – HMC Section 16.44.040.E.1 - Agricultural and animal uses). The property owner is required to keep the animals a minimum distance of 50 feet from any street; and 20 feet from any property line as required by the Highland Municipal code (Exhibit 2 – Site Plan). The animal enclosure is approximately 90 square feet and approximately 7 - 9' in height. It is composed of black powder coated steel with a shade cloth roof covering that continues down the rear wall and the rear side panels. It sits near the westerly property line approximately 50' from the rear and easterly property line. The subject property has a significantly larger rear yard than the surrounding homes and facilitates the keeping of animals.

APPEAL: On September 15, 2021, the Appellant filed an Appeal, requesting to overturn Staff's approval (Attachment 3 – Appeal Letter). The letter is from a resident that shares approximately 145' of the subject's sites easterly property line. The rear side of the Appellant's homes faces the backyard where the animals are kept (Attachment 6 – Appeal Attachments). The reason for the Appeal is excessive noise and odor generated by the goats. The Appellant's master bedroom and living room is most impacted by the noise at all times of the day. Therefore, the Appellant believes the keeping of the animals has become a nuisance to the surrounding neighbors from the noise, smell, and visual impacts that lower the quality of life in the neighborhood. The Appellant would like the Planning Commission to deny the keeping of two (2) goats.

Video of the goat noise has been provided by the Appellant and is provided as an attachment (Attachment 7 – Appellants Sound clips/video).

Attached for the Planning Commissions consideration is a resolution upholding Staff's Approval of Staff Review Permit (SRP-21-003) for the keeping of two (2) miniature

Nigeran dwarf goats (Attachment 9 – Planning Commissions Resolution No. 2021- ____). Should it be the desire of the Planning Commission to overturn Staff's approval, it would be appropriate to state reasons for such an action and further motion to continue this item to a specific meeting date and direct staff to prepare a revised resolution for denial.

Exhibits: A. Aerial View
 B. Site Profile

Attachments:

1. Staff Review Application Material
2. Staff Review Letter of Approval with Conditions and Findings
3. Appeal Letter
4. HMC Section 16.16.030.B, Special Use Regulations
5. HMC Section 16.44.040.E.1 – Agricultural and animal uses
6. Appeal Attachments
7. Appellant sound clips/videos
8. Public Comment
9. Planning Commissions Resolution No. 2021-_____

Exhibit "A"

Project Location Aerial Map



Exhibit "B"

30018 Frontera Del Sur - Site Profile



Attachment No. 1

Staff Review Application Material



CITY OF HIGHLAND

27215 Base Line, Highland, CA 92346
Telephone (909) 864-8732 FAX: (909) 862-3180

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

STAFF REVIEW PERMIT APPLICATION

FEE: \$ 53

NOTE: Additional fees may be required if Police, Fire, and/or other City Services are required

1. APPLICANT: Steven & Tan Payne TEL #: (760) 963-8160

2. MAILING ADDRESS: 30018 Frontera Del Sur

3. SITE ADDRESS AND PARCEL NO.: 30018 Frontera Del Sur

4. PURPOSE FOR WHICH THIS PERMIT IS REQUESTED:

Two Nigerian Dwarf Goats & Chickens

no chickens per
Steven Payne
9/8/21 A.T

Signature: I certify, under penalty of perjury that the foregoing is true and correct.

I understand that my Permit may be voided for non-compliance with the conditions set forth in the approval for this Accessory Dwelling Unit application.

SD Payne

Signature

9/2/21

Date

(FOR OFFICE USE ONLY)

FILE NO.: SRP 21-005 FILING DATE: 9/2/21 FEE: 53

APPROVED WITHOUT CONDITIONS

☐ APPROVED WITH CONDITIONS
(approval pending completion of
attached conditions)









Attachment No. 2

Staff Review Letter of Approval with Conditions and Findings



Acceptance of Conditions

September 8, 2021

Steven & Tan Payne
30018 Frontera Del Sur
Highland, CA 92346

SUBJECT: PLANNING STAFF REVIEW APPLICATION (SRP-21-005) FOR THE
APPROVAL OF ANIMAL (GOATS) KEEPING.
LOCATION: 30018 FRONTERA DEL SUR
ANIMALS: A MAXIMUM OF TWO (2) GOATS

Dear Steven & Tan Payne:

In accordance with the conditions of approval, the property owner and applicant is required to acknowledge acceptance of these conditions, sign and date below, and return the signed form to the City of Highland Planning Division before the approval becomes effective.

If you have any questions, please call me at (909) 864-6861 x258. Thank you for your attention to this request.

Angela Tafolla
Assistant Planner

As the **property owner & applicant** for the above listed project, I understand, acknowledge, and agree to implement and comply with all conditions of approval for Staff Review Permit No. 21-005.

Printed Name: _____

Signed: _____ Date: _____

Enclosure: *Conditions of Approval for SRP-21-005 dated September 8, 2021*



September 8, 2021

Steven & Tan Payne
30018 Frontera Del Sur
Highland, CA 92346

SUBJECT: PLANNING STAFF REVIEW APPLICATION (SRP-21-005) FOR THE
APPROVAL OF ANIMAL (GOATS) KEEPING.
LOCATION: 30018 FRONTERA DEL SUR
ANIMALS: A MAXMIUM OF TWO (2) GOATS

Dear Steven & Tan Payne,

Thank you for the submittal of your application for the keeping of two (2) miniature Nigerian Dwarf goats located at 30018 Frontera Del Sur. The site is within the Single Family Residential (R-1) Zoning District and Low Density (6.0 du/acre) land use designation. This letter and attached conditions shall serve proof of the animal keeping use is permitted in accordance with 16.44.040.E.3, Agricultural and Animal uses permitted by Staff Review.

If you have questions regarding this matter, you may contact me by telephone or email.

Sincerely,

Angela Tafolla
Assistant Planner
Email: atafolla@cityofhighland.com
Telephone: (909) 864-8732 Ext: 258

Attachment: Conditions of Approval

CITY OF HIGHLAND
PLANNING DIVISION CONDITIONS OF APPROVAL

Date: September 8, 2021
Applicant: Steven & Tan Payne - Staff Review Permit (SRP-21-005)
Proposal: Keeping of two (2) Nigerian dwarf goats per HMC 16.44.040, Agricultural and Animal Uses
Location: 30018 Frontera Del Sur

PLANNING CONDITIONS OF APPROVAL

Note: These conditions represent Planning Division conditions only and are meant to be only one part of the project's overall conditions that may include Engineering, Fire Department and Building and Safety. All required on-site and off-site improvements shall be completed and approved prior to final inspection for occupancy, except where noted.

Staff Review Permit No. 21-005 is approved, subject to compliance with the conditions of approval contained herein. The conditions of approval listed below are continuing conditions; failure of the Applicant and/or operator to comply with any/all conditions at any time, shall result in initiating revocation of the subject permit.

General

1. This Staff Review Permit approval shall become null and void:
 - a. Unless all conditions have been complied with and occupancy or use of the land or existing structures authorized by Staff Review Permit No. 21-005 has occurred within three (3) months after the approval of said Staff Review Permit.
2. The subject use shall be in compliance with the approved plans on file with the City of Highland Planning Division and shall be in compliance with all conditions of approval contained herein.
3. Revisions, modifications, and/or deletions to the approved plans must be submitted to the Planning Division for review and approval.
4. No more than two (2) Nigerian dwarf goats shall be kept on site.
5. Animal keeping shelter shall comply with the site plan approved by Planning staff on file.
6. The recorded owner of the property shall submit to the Planning Division written evidence of agreement with all conditions of this approval before the approval becomes effective.

7. All Ordinances, Policy Resolutions, and Standards of the City in effect at the time this project is approved shall be complied with as a condition of this approval.
8. The applicant shall comply with all Federal, State, and Local laws.
9. No expansion of use beyond the scope and nature described in the application (i.e., SRP-21-005), which would tend to increase the projected scale of operations, shall be permitted except upon application for, and approval of, modification of this permit in compliance with all procedures and requirements therefore.
10. In compliance with the Highland Municipal Code, the Applicant/Owner shall, at his/her sole cost and expense and through counsel of the City's choosing, to protect, defend, indemnify, and hold harmless, the City, its officers, employees, agents, and consultants (collectively, "City indemnitees"), from all liability and monetary damages, and all claims, actions, or proceedings brought against the City indemnitees, arising from the issuance of the permit or approval, or the denial thereof, or arising from any action by any person seeking to have a permit or approval held void by a court of law. Owner/Applicant shall make a deposit of City's reasonably anticipated costs and attorneys' fees in advance, and shall promptly reimburse the City for any fees, costs, or damages City actually incurs in excess of the deposit.

CITY OF HIGHLAND

PLANNING DIVISION FINDINGS OF FACTS

Date: September 8, 2021
Applicant: Steven & Tan Payne - Staff Review Permit (SRP-21-005)
Proposal: Keeping of two (2) Nigerian dwarf goats per HMC 16.44.040, Agricultural and Animal Uses
Location: 30018 Frontera Del Sur

1. The proposed use will be arranged, designed, constructed and maintained to be compatible with the character of the area as intended by the general plan, and is consistent with the goals, objectives, policies and programs of the general plan.

The general plan designation for this site is Single Family Residential which encourages characteristics that are compatible with the immediate surrounding neighborhood. The plans submitted for the Community Development Director's consideration have been reviewed by the City's Planning Division and lawful conditions of development have been applied to the Project to ensure compliance with applicable development policies and standards of the City.

2. The proposed use is permitted within the applicable district, or specific plan, and complies with all applicable zoning provisions.

The project, as conditioned, will be consistent with the objectives of Title 16, Land Use and Development Code, of the City of Highland Municipal Code as the use is a grandfathered use in the zoning district in which it is proposed to be established. Additionally the project, as conditioned, will be consistent with the animal keeping section of the Highland Municipal Code Section 16.44.040, Agricultural and animal uses.

3. The proposed use, together with applicable conditions, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

The proposed project entails the keeping of two (2) goats. The proposed use does not represent an intensification of land uses at the site. The proposed keeping of two (2) goats will not be detrimental to the public health, safety, or welfare, or will not be materially injurious to properties or improvements in the vicinity of the subject site as the proposed use is consistent with uses that have previously been established at the project site.

4. The architecture and landscaping proposed observe community standards as described in the adopted general plan, ensuring visual relief protecting the character of adjacent development and providing an attractive environment for the public's enjoyment.

The project does not entail any architecture or landscaping.

5. The proposed use would not result in significant impact to the environment.

The keeping of two (2) goats is Categorically Exempt from environmental proceedings pursuant to Section 15301 Class 1, Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines because the keeping of hens and a rooster involves negligible or no expansion of an existing use.

6. All other state and federal permits have been obtained.

No other state and federal permits are needed for the keeping of quail, chickens and ducks.

7. The site is reasonably safe from flooding.

The project site is located in Zone X as depicted on the FEMA FIRM Panel 06071C8707J dated September 2, 2016. Zone X represents low to moderate risk for flooding and there is minimal exposure to a flood hazard.

Attachment No. 3

Appeal Letter

Appeal Application,

September 15, 2021

I am writing in reference to the approval of an application for keeping two goats at 30018 Frontera Del Sur,

I've been a resident at this address (7630 Alta Vista) since December 2003. The neighboring property 30018 Frontera Del Sur, shares a great length of our property line on the west side. Their backyard is terraced, and the second terrace is adjacent to the part of my backyard where we spend most of our time. The way my house is situated, my master bedroom and the great room is facing the neighbor's backyard; the walls to these rooms are along with our backyard, thus facing the neighbor's backyard.

The residents at 30018 brought the goats on their property sometime in May-June 2021 and the only reason they apply for city approval was that I filed a complaint.

The city approved the keeping of the two goats, and I am not sure that the feedback from neighbors that are affected, which is essential me (7630 Alta Vista) goats are crying/bleating all the time. It feels like we are on a farm. I can not enjoy my backyard patio anymore; I can not be in my bedroom or my living room without hearing the goats at every time of the day. Because the neighbors allow the goats to roam the entirety of their property (see pictures), they get close to the fences of all of the other neighbors, and the dogs are going crazy. Due to the location of my house and the location of the goats, I am the most affected by the goats. The noise caused by the animals is a constant annoyance and I am often woken up during odd times of the night, and very early morning by the goats.

RECEIVED

SEP 15 2021

CITY OF HIGHLAND

Please don't just look at the map, but do visit the residence. The direct neighbors to the left and right of the house are lower than the backyard. 30018's neighbors do not hear the goat noises because their back patios are at the bottom of their properties, and the goats spend much of their time up higher on the terraces and thus spend much of their time away from 30018 next-door neighbor's patios. The neighbors bordering the backyard are higher than the 30018 back yard. The only house that is almost at the same level with 30018 backyard is 7630 Alta vista,

I plead with you not to authorize the goats due to the high-intensity noise they produce that is heard from my back yard and inside my house. Even with closed windows, the noise penetrates into my home,

I plead with you not to authorize the goats since they can live 12 to 15 years, and I can not imagine having to live with that noise for that long and file complaints to the city that long. It is unbearable to think that. Goats smell very strong. Since my backyard and house are facing the place they will be located, keep in mind the house 30018 is much lower than their actual back yard; the smell will impede me from being in my backyard or opening windows for fresh air,

I moved to East Highland in a track home for the express purpose to not live on a farm, and it's disturbing to the neighborhood peace when such animals are introduced to a high-density area. I cannot adjust my life around the sound and smell of farm animals that my neighbors choose to bring. The sounds and smells considerably lower the quality of life for all the adjacent neighbors, but especially mine, due to the location of their backyard overlooking my patio and grass area where my family spends most of its time.

They previously had a dog that barked the whole night; the dog was located at the same place where the goats are kept. I used to text him in the middle of the night and ask him to do something. Finally, they moved the dog by their own house and I had no issues since I could not really hear the dog.

3. I am writing to you to plead not to approve the goats and put yourself in my situation. First, the resident at 30018 did not follow protocol but brought the goats on the property without the city permit. As I am writing to you, I can still hear the goats in a room facing the main street. The only reason they are asking for a permit now is that there was a complaint. I reached out to them to discuss the issue and in return, I got not a friendly letter stating that I was complaining too much. I should just get used to it. I do not want to get used to it; I did not choose to live on a farm but in a quiet residential area.

4. I am writing to inform you that the house owners are Tan & Steven Payne, but the application was under Wendy Morales, which does not reside at that address. Please read the explanation and see the pictures.

5. The goats are a nuisance, they smell and they are VERY loud. Instead of deciding without actually seeing the location, please send a code enforcement officer to see how the neighborhood is set up and observe why you did not receive an overwhelming response and request to deny this application.

Thank you for your consideration,

Cristina Puraci

951 323 2896

Attachment No. 4

HMC Section 16.16.030.B, Special Use Regulations

B. Special Use Regulations.

1. **Animals Within Residential Districts.** It is the general intent of the city to permit the keeping of animals within the city without the creation of a nuisance to surrounding residents and visitors. Animals that may be kept within residential districts are identified in HMC [16.44.040](#). Animals not listed in said section may be permitted in residential districts subject to city review and confirmation that a nuisance condition will not be created.

All animals, excluding household pets, shall be kept a minimum distance of 50 feet from any street; 20 feet from any property line; and 40 feet from any adjacent dwelling, school, hospital or religious institution located on any adjoining site. The location of corrals, fenced enclosures, barns, stables or other enclosures used to confine horses shall conform to this requirement. (Ord. 448 § 3, 2021; Ord. 433 § 3, 2019; Ord. 427 § 5, 2018; Ord. 394 § 8, 2014; Ord. 376 § 6, 2013; Ord. 362 § 6, 2011; Ord. 339 § 3, 2009; Ord. 318 § 6, 2007; Ord. 307 §§ 15, 16, 17, 2006; Ord. 286 § 2, 2003; Ord. 270 § 5, 2001; Ord. 267 § 3, 2001; Ord. 171 § 4.30, 1994)

Attachment No. 5

HMC Section 16.44.040.E.1 – Agricultural and animal uses

E. Animals Permitted Subject to Department Review Permit. The keeping of the following animals in any combination shall be permitted subject to issuance of a department review permit within any residential district:

1. Goats, Sheep and Other Small Sized Cleft Hoof Animals.

a. No goats, sheep or other small sized cleft hoof animals shall be kept on any parcel with a net area of less than 10,000 square feet.

b. Two adult goats, sheep or other small sized cleft hoof animals may be kept for each 10,000 square feet of net lot area, up to a maximum total of eight adult animals total, in any combination of species.

Attachment No. 6
Appeal Attachments



CITY OF HIGHLAND

27215 Base Line, Highland, CA 92346
Telephone (909) 864-8732 FAX: (909) 862-3180

RECEIVED

SEP 15 2021

CITY OF HIGHLAND

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

APPEAL APPLICATION

Filing Fee: \$93

Date of Action: 9/15/2021

File Index No.: APP 21-003

City Staff to Complete

Date Appeal Filed: 9/15/21

Receipt Number: _____

Project Applicant(s): _____

Appellant's Name(s): Cristina Pura

Appellant's Address: 7630 Alto Visto, Highland

Phone: 951 323 2896

Assessor's Parcel No. of Subject Property or Street Address: _____

General Location of Property: _____

APPEAL STATEMENT

1. I/We hereby appeal to the City of Highland: (Check one)

☒ Public Nuisance Hearing Board from action by: (Check one)

☐ Planning Commission from action by: (Check one)

☐ City Council from action by: (Check one)

☐ Vehicle Abatement Hearing Board from action by: (Check one)

☐ Community Development
Director / Code Compliance

☐ City Planner

☐ Building Official / Code Compliance

☐ Planning Commission

☐ City Engineer

☐ Historic and Cultural Preservation
Board

2. I/We are appealing the project/Code compliance action taken to:

☐ DENY the project

☐ DENY the project without prejudice

☒ APPROVE the project

☐ APPROVE the project with Conditions (Attach a copy of the Conditions, if they are the subject of the appeal)

☐ ADOPT a Negative Declaration

☐ DECLARE the existence of a Public Nuisance and/or Inoperable Vehicle(s)

☐ OTHER (Specify) _____

3. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures, conditions and/or policies with which you disagree. Also state exactly what action/changes you would favor.

Application for keeping of two goats @ 30018 Frontier Dr - the city approved the application and I appeal to deny - see attached docs.

4. State why you are appealing - be specific. Reference any errors or omissions - attach any supporting documentation.

The owners at that address are Tan & Steven Payne - the application is for Wendy Morales not the owner of the house - it's this house - see attached docs.

5. Public Nuisance/Inoperable Vehicle Appeals - state why you are appealing and if you are the owner of the property or the owner of the vehicle(s).

The goats are roaming around the yard, they cry at all times and there isn't anyone out there to stop the noise - see attached docs.

I/We certify that I/We are the:

☒ Legal Property Owner(s)

☐ Authorized Legal Agent(s)

☐ Registered Vehicle Owner(s)

☐ Other Interested Person(s)

Christine Puro
[Signature of Appelleant(s)]

Date: *9/15/2021*

[Signature of Appelleant(s)]

Date: _____











✓
Knee Gardening
7630 Alto Vista





Attachment No. 7

Appellant sound clips/videos

(Attached under separate cover/CD)

Attachment No. 8

Public Comment

Angela Tafolla

Subject: FW: appeal #APP21-003; requesting the planning commission overturn staffs approval of staff permit #SRP21-005

From: Ron Avila <joe71548@gmail.com>

Sent: Monday, November 8, 2021 3:24 PM

To: Public Comment <publiccomment@cityofhighland.org>

Subject: appeal #APP21-003; requesting the planning commission overturn staffs approval of staff permit #SRP21-005

EXTERNAL EMAIL: Do not click on links or open attachments unless you know the content is safe.

My name is Ron Avila. I live at 30039 Frontera del Sur . My location is in earshot of the location of the goats . I can hear them and have never had an issue with the noise. To be honest, the person complaining has dogs who make more noise than the goats. I have not heard of other complaints from any neighbors and we are only 300 feet away from the woman's home. It is my belief that she is a chronic complainer and should address her own noise issue with her dogs. Thank you Ronald Avila

Attachment No. 9

Planning Commissions Resolution No. 2021-_____

RESOLUTION NO. 2021-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA TO DENY APPEAL (APP 21-003), AND UPHOLD STAFF'S APPROVAL OF STAFF REVIEW PERMIT (SRP-21-005) TO KEEP TWO (2) MINIATURE NIGERIAN DWARF GOATS AT 30018 FRONTER DEL SUR, HIGHLAND, CA.

ASSESSOR'S PARCEL NO. 1210-321-05-0000

APPELLANT: CRISTINA PURACI

A. RECITALS

1. On August 2, 2021, the project Applicant, Steven Payne, applied for a Staff Review Permit (SRP 21-005) proposing to keep two (2) miniature Nigerian dwarf goats on a residential property within the Single-Family Residential (R-1 10,000) Zoning district.
2. On September 8, 2021, Staff issued an approval of SRP 21-005 permitting the keeping of two (2) miniature Nigerian dwarf goats subject to Conditions of Approval.
3. On September 15, 2021, the Appellant filed an Appeal (APP 21-003) to overturn Staff's approval of SRP 21-005.
4. Pursuant to the California Environmental Quality Act, the Project is project is Categorically Exempt from environmental proceedings pursuant to Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed appeal of the subject Staff Review Permit will have a significant effect on the environment.
7. On November 16, 2021, the Planning Commission of the City of Highland conducted a public meeting on the subject application and concluded the meeting on that date.
8. All legal prerequisites to the adoption of this resolution have occurred.

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Highland as follows:

1. The Planning Commission finds that all of the facts set forth in the Recitals, Part "A" of this Resolution, are true and correct.

2. Based upon substantial evidence presented to the Planning Commission during the November 16, 2021, Public Hearing, including public testimony and written and oral staff reports, the Planning Commission finds as follows:
 - a. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.

3. Staff Review Permit (SRP 21-005) Findings of Fact:

- a. The proposed use will be arranged, designed, constructed and maintained to be compatible with the character of the area as intended by the general plan, and is consistent with the goals, objectives, policies and programs of the general plan.

Response: The general plan designation for this site is Single Family Residential which encourages characteristics that are compatible with the immediate surrounding neighborhood. The plans submitted for the Community Development Director's consideration have been reviewed by the City's Planning Division and lawful conditions of development have been applied to the Project to ensure compliance with applicable development policies and standards of the City.

- b. The proposed use is permitted within the applicable district, or specific plan, and complies with all applicable zoning provisions.

Response: The project, as conditioned, will be consistent with the objectives of Title 16, Land Use and Development Code, of the City of Highland Municipal Code. Additionally, the project, as conditioned, will be consistent with the animal keeping (i.e., 2 goats) section of the Highland Municipal Code Section 16.44.040, Agricultural and animal uses.

- c. The proposed use, together with applicable conditions, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Response: The proposed application is for the keeping of two (2) miniature Nigerian dwarf goats at an existing Single-family Residence. The animals are proposed to be kept the minimum distance from property lines, streets and neighboring structures. Furthermore, the project, as conditioned, will be consistent with the objectives of Title 16 and Land Use and Development Code of the City of Highland Municipal Code. The keeping of the two (2) goats will not be detrimental to the public health, safety, or welfare, or will not be materially injurious to properties or improvements in the vicinity.

- d. The architecture and landscaping proposed observe community standards as described in the adopted general plan, ensuring visual relief protecting

the character of adjacent development and providing an attractive environment for the public's enjoyment.

Response: The project does not entail any architecture or landscaping. The existing landscaping will be retained and required to be maintained in good condition.

- e. The proposed use would not result in significant impact to the environment.

Response: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is exempt per Section 15061(b)(3). CEQA does not apply because it can be seen with certainty that there is no possibility that the proposed appeal of the subject Staff Review Permit for the keeping of two (2) miniature Nigerian dwarf goats will have a significant effect on the environment.

- f. All other state and federal permits have been obtained.

Response: No other state or federal permits that would be required to approve the keeping of two (2) miniature Nigerian dwarf goats at this site.

- g. The site is reasonably safe from flooding.

Response: The project site is located in Zone X as depicted on the FEMA FIRM Panel 06071C8707J dated September 2, 2016. Zone X represents low to moderate risk for flooding and there is minimal exposure to a flood hazard.

4. The Planning Commission hereby reaffirms these Findings to approve SRP 21-005.

C. ADOPTION OF RESOLUTION

The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this 16th day of November 2021

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director