

MINUTES
PLANNING COMMISSION REGULAR MEETING
December 7, 2021

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
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.

Chair Hamerly stated we do also have an announcement. Anybody that is here hoping to hear Agenda item 2, this was a CUP for two drive-thru restaurants. The applicant has pulled that item to a future unknown date at this point.

Associate Planner Syed stated yes, thank you very much Commissioner. The applicant has requested a continuation of that item to a date specific meeting of January 18, 2022, for further consideration.

Chair Hamerly stated very good so noted. Thank you.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

CONSENT CALENDAR

1. Minutes from the November 16, 2021 Regular Meeting.

Chair Hamerly stated okay, so the first item we have, these are the minutes from November 16th, 2021. This was a regular meeting of the Planning Commission. Were there any modifications or notes to the Minutes as submitted? I had a handful. Page 2 of 9, 5th paragraph down. Goats and sheeps. Sheep is plural, lose

the S. The next paragraph down the very last sentence, the definition was a cleft hoof. Page 7 of 9, second paragraph from the bottom, second line, quote from Director Mainez, think we must treat even one complaint, it is an as, as opposed to an is.

Commissioner Thomas stated I had one on page 7 of 9, as well at the very bottom, the last sentence. Same time, I understand that you have that wrought iron should say fence right behind your home.

Chair Hamerly stated and then I do not know if this is the only occurrence of this, but on page 8 of 9, 3rd paragraph down, the sound that the goats were making is bleating with a T. We do not want goats bleeding all over the minutes. And I do not know if that is the only occurrence or not, but that seemed to be the central focus of that agenda item. If there are no further modifications, I will entertain a motion to approve the minutes, as amended

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

PUBLIC HEARING

2. Conditional Use Permit (CUP 21-001) for a commercial development consisting of a 2,560 square foot and 4,050 square foot drive-thru restaurant building on approximately 2.04 acres at the northeast corner of Base Line and Buckeye Street. Related entitlements include Lot Line Adjustment (LLA 21-001) to create two (2) equal sized parcels, Design Review Application (DRA 21-001) for the site plan, building elevations, conceptual landscape plan and grading plan for the two pads, General Plan Amendment (GPA 21-001) to allow drive-thru uses in the General Plan Town Center Area, and Mitigated Negative Declaration (ENV 21-004). (APN No.1200-421-02 & -03) — Marinita Development.

The applicant has requested a continuation of the item to a date specific meeting of January 18, 2022, for further consideration.

3. Conditional Use Permit (CUP 21-006) for a Mixed-Use development consisting of five (5) commercial tenant buildings, one (1) 21-unit multi-family residential building and one (1) single-family residence fronting Villa Avenue on approximately 9.06 acres at the northwest corner of Base Line and Church Avenue. Related entitlements include Tentative Parcel Map (TPM 21-001) to create seven (7) new lots, General Plan Amendment (GPA 21-0021) to allow drive-thru uses in the General Plan Town Center Area, and Design Review Application (DRA 21-004) for a site plan, building elevations, conceptual landscape plan, grading plan for a retail use (Tractor Supply Company), and Mitigated Negative Declaration (ENV 21-003). APN No. 1200-381-05 and -43 — Woodcrest Real Estate Ventures.

Chair Hamerly stated up next, we have a conditional use permit CUP 21-006 for a mixed-use development consisting of five commercial tenant buildings, one 21-unit multifamily residential building and one single family residence fronting Villa Avenue on approximately 9.06 acres at the northwest corner of Base Line and Church. Related entitlements include a tentative tract map to create 7 new lots. A general plan amendment to allow drive-thru uses in the general plan town center area and design review application for site plan building elevations, conceptual landscape plan, and grading plan for a retail use and mitigated negative declaration. At this time, we will proceed with the staff report.

Associate Planner Syed stated thank you very much chairman and good evening planning commissioners. The applicant is actually just running a few minutes late, but we will go ahead and get started anyways. So, the project site is located at the northwest corner of Base Line and Church Avenue and consists of two adjacent parcels, equaling just over 9 acres in total. The property is currently vacant with no vegetation and has remained this way since prior to the City's incorporation in 1987. The site is surrounded by a variety of uses that include single family homes to the north, the St Adelaide Church to the south, the Smart and Final grocery store to the east and the Family Dollar store to the west. The applicant is requesting the approval of a conditional use permit, a tentative parcel map, a general plan amendment, and a design review application for the development of five commercial buildings, a 21-unit apartment complex and a single-family home. The project will ultimately be constructed in four total phases. The layout of the site features in 18,800 square foot Tractor Supply Company building toward the center with a designated parking area in front. At the southeast corner of the site are two drive-thru restaurants and a small retail building that share a parking area accessible from the interior drive aisle off Church Avenue. The northeast corner of the site features a large commercial building that does not have a confirmed tenant as of yet. The residential portion will feature an apartment complex at the northwest corner, as well as a single-family home at the far north that fronts Villa Avenue. A staple of commercial developments within the town center policy area, the applicant has proposed a Plaza similar to the one constructed as part of the Smart and Final development across Church Avenue in 2017. The overall design of the Plaza has been slightly altered since the initial submittal, so the applicant will be providing details on the revisions following this presentation. There are a total of six trash enclosures proposed on the site. Each located outside a rear entrance or with an ADA compliant path of travel to and from its location. Each of these trash enclosures will feature disposal bins for general waste, recycling, and organics. Primary access to the commercial portion of the site would be from Base Line on the south with secondary access from Church Avenue on the east and a connection to Foster Avenue to the west. The driveway along Church Avenue will allow both left and right turns from and onto the roadway, while the driveway along Base Line will allow only right turns into and out of the shopping center due to the median. As mentioned, there is a 21-unit apartment complex proposed at the northwest corner of the development. At 12.2 dwelling units an acre, the residential density is well below the maximum limit of 18 dwelling units per acre

in the mixed-use zone. Regarding the parking standards, commercial uses are subject to a parking requirement of one spot per 250 square feet of indoor space and one spot per 1,000 square feet of outdoor space. Additionally, indoor dining is subject to one spot per 75 square feet of dining area, and residential parking is subject to 2.5 spaces per unit. While the 87 total spaces that are provided for the Tractor Supply Company building falls just short of the 95 total spaces required, it is still within 10% of the parking requirement with additional spaces available elsewhere on the site, deeming this acceptable per the Municipal Code. The applicant has proposed two 10-foot-tall monument signs as part of this development. One will be located along Base Line and will feature signage for a Tractor Supply Company along with the fast-food restaurants and small commercial store at the corner. The other monument sign will be located along Church Avenue and will feature signage for the other large scale commercial building as well as the fast-food restaurants and small commercial store at the corner as well. Regarding building mounted signage, the applicant has not determined the size or sign area limits for the other four commercial buildings on the site as of yet. As conditioned, the applicant will submit elevations and a completed sign program application in the future for a Planning Commission review. Currently, the General Plan's vision for the Town Center policy area is geared toward walk-in businesses and sit-down restaurants.

Thus, there has always been a restriction on the approval of drive-thru uses in this area. However, as times evolve and curbside pickup options and drive through options have become the norm, the applicant is proposing to remove the entire Town Center policy areas restriction on drive-thru's with this General Plan amendment. Staff is seeking the Planning Commission's view on this regarding this proposal. The Planning Commission recommendation will be presented to the City Council for their consideration. The construction of the site will occur in four separate phases. Each phase shall require the approval of a separate Design Review application that will be presented to the Planning Commission for approval. Today, we are looking at only phase one, which is Design Review application number 21-004 regarding the construction of the 18,800 square foot Tractor Supply Company store. Adjacent to the west side of the building will be approximately 19,800 square feet of outdoor space to be used for gardening supplies, animal fencing, fruit trees and etc. Located in front of the store will be an additional 7,300 square feet of outdoor displays that include ATV's, paddle boats, and various seasonal items. The proposed hours of operation will be from 8:00 AM to 10:00 PM, seven days a week, with holiday season and promotional hours of 6:00 AM to 12:00 AM. The Tractor Supply Company building features a relatively flat roof and an overall facade design to architecturally compliment the parcels that have been recently developed within the Town Center policy area, the building primarily features a desert gray stucco exterior with a red-hot jazz painted trim around the perimeter of the roof line and along the lower portion of the building. The storefront as well as the raised parapet are accented by a La Habra Fallbrook taupe and embellished with deep brown CMU blocks around the bottom portion. The eastern side also features several trellises with vines for aesthetic variety. While Tractor Supply Company

has a corporate color and design scheme for its buildings, the architectural elements have been altered to complement the features from nearby commercial structures and comply with the vision for the Town Center area. The conceptual landscape plan offers various drought tolerant trees, shrubs, and vines throughout the site. Along the Base Line frontage are a combination of dwarf nandina and rosemary plants accented by California fan palm trees. Meanwhile, the landscape islands and curbside planters include pine, iceberg, rose, and variegated mock orange plants, among others. Located along the perimeter of the parking area are African sumac trees and Chinese pastiche trees planted at each interior landscape island. The conceptual landscape plan has been reviewed by the City's landscape architects and conditions have been included as part of the conditions of approval. The product is adjacent to the existing residential homes to the north and the Family Dollar Store and a few residences along Foster Avenue to the west. As previously mentioned, there is an existing 6-foot-wide utility easement that spans along the northern property line of the development. While a new 6-foot-tall CMU wall was initially proposed along the northern boundary of the site, the applicant did inform Staff that Edison has requested that they not construct the new block wall over concerns of reduced accessibility to the easements. The applicant will provide further details regarding that conversation with Edison following this presentation. The City oversaw the preparation of an initial study mitigated negative declaration as part of the CEQA review process. It was determined that the project could result in potentially significant impacts to biological resources relating to the potential habitat disturbance to state and federally protected nesting birds as well as to transportation related to the potential increase to traffic along Base Line. Per the mitigation measures for protecting nesting birds, all clearing, and tree removals will be conducted outside of the February 1 to August 31, bird nesting season. Should any tree removal or ground disturbance need to occur during the nesting season a preconstruction survey will be conducted by a qualified Avian biologist before any work can commence. Per the mitigation measures for the increased traffic, as a result of the project, Foster Avenue will be re-stripped to include one left turn lane and one right turn lane at the westbound Palm Avenue approach. Additionally, Church Avenue will be re-stripped to include two left turn lanes and one shared through traffic/right turn lane at the southbound Base Line approach. Lastly a traffic signal will be added at the southbound access onto Base Line to control traffic exiting the shopping center during the PM peak hours. Staff has received two comment letters from surrounding property owners in response to the project notice. Both letters express general concern regarding privacy, noise, and traffic. A thorough analysis of the project impact was completed during the preparation of the mitigated negative declaration and specific mitigation measures to address these concerns were included in the MMRP. This mixed-use development proposes a logical project layout for a vacant site adjacent to residential homes along Villa Avenue to the north and commercial businesses along Base Line. With dedicated parking areas, adequate setbacks, and interior roadway dimensions, the site plan presents satisfactory vehicular circulation and pedestrian access. Additionally, the exterior

elevations of the Tractor Supply Company building offer contemporary architectural treatments that fit with the vision for the Town Center policy area and still comply with the corporate standards. Staff recommends the Planning Commission adopt resolution approving Conditional Use Permit number 21-006, Tentative Parcel Map number 21-001, Design Review Application number 21-004 and recommend that the City Council approve General Plan Amendment 21-002. Chair Hamerly stated are there any questions of staff on the staff report prior to the applicant's presentation?

Associate Planner Syed stated I think the applicant is also here too, to add to the presentation.

Chair Hamerly stated right, the directive was, if there were any questions specifically for the staff report portion of this prior to the applicant's presentation. We're not going into the design review discussion at this point, or any of these specific items, but if anybody had any questions specifically regarding your presentation, now is the opportunity for that.

Commissioner Amaya stated it's just the initial study. I think you covered it. I just wanted to make sure, on page 53, those are the three mitigation measures. I see traffic is probably the big issue here. That on on TRA #3 is, that's correct that that's what proposed Bonita Drive and Base Line is going to be signalized.

Associate Planner Syed stated I think I think on my illustration it was in the wrong location. It's on the south side, the traffic signal.

Commissioner Amaya stated but it's still going to be there or no.

Assistant Community Development Director Stater stated why don't we defer to Engineering.

Assistant Public Works Director Bennett stated just as Associate Planner Syed was presenting. You are correct that one of the mitigations recommended improvements were signalized intersection or restricted left turn movements and so on. If you see Engineering Condition 14, is written to address the potential modification to that intersection. Not at the center of the development, but actually next-door neighbor in front of the Dollar store. There's a reciprocal access easement across that drive approach. At this entrance, exit here and then into the Tractor Supply development. There was an evaluation that the signalized intersection at that location wasn't warranted but was one of the recommended improvements that could be suggested. Again, Engineering Condition 14 speaks to the expectation of the project constructing some configuration to restrict the left turns out of that movement as opposed to a traffic signal. So, neither location would be a signalized intersection.

Commissioner Miller stated the reason I asked is the item that was pulled, I think, wasn't the recommendation there for a signal at Church or because my

only comment is that you have a traffic signal at Palm and Base Line, and you have one at the freeway right now. And so, I guess that's what the study, why the item was pulled to because the feasibility of adding another traffic signal there. And now we're just mentioning here. I guess that's something that we will go through.

Assistant Public Works Director Bennett stated this is a different location from the other conversation and this is shown within their study as recommended or alternative. The engineering department looked at that and determined that the alternative and the fact that a signalized intersection wasn't warranted at that location it wouldn't be conditioned to be constructed. So, you're correct, the intermediate, you know, between Palm and Church, the proximity of putting another signal in is not functionally the best approach, and so that's why we're looking at an alternative to that.

Commissioner Miller stated I know one of the like second order effects of the development happens. You know, for example, the Dollar Tree and Bakers, when I go, I make a left turn out of there, to go east and it's not too bad right now, as far as traffic. But in the future, if everything happens and traffic increases, that's going to be really tight just to make a left turn at a Dollar Tree and Baker's shopping center, right there, to go east on Base Line.

Assistant Public Works Director Bennett stated that's what was noted within the report, the level of service and the concern for that left turn movement. Traffic will increase over time and that's why they brought that as a recommendation.

Chair Hamerly stated so then following up on that condition of approval 16. If the Engineering Department is not recommending any signals, does that just stay in as a placeholder or do we delete condition 16?

Assistant Public Works Director Bennett stated by traffic control signs, stop, yield you know that type of signage, not traffic signal.

Commissioner Sutorus stated I just had one quick one. Can you show me on the map where that easement, where a brick wall was going to go in and where it can't and what was that blocking? Is that residential home right there?

Associate Planner Syed stated its right along the northern boundary of the site, that's adjacent to the backyards.

Commissioner Sutorus stated and the elevation, are the houses above or below. Are they flat?

Associate Planner Syed stated I'm not sure the exact height difference, but I don't know the exact height difference, but it is lower, this proposed site.

Assistant Public Works Director Bennett stated the pads are at grade at Church and then it may be 3 to 4 feet above to the corner, the home is 3 to 4 feet above.

Commissioner Miller stated so the original general plan had a prohibition on freestanding drive-thru's, is that correct? And the intent of having that prohibition was to create some balance between fast food and sit-down restaurants. Is that correct?

Assistant Community Development Director Stater stated to encourage walkability, pedestrian mobility, and outdoor dining. Well, pedestrian mobility between businesses along the entire corridor. That was amended at one time to allow drive-thrus at the intersection of Palm and Base Line, and this will further really open it up to the entire section between Palm and the freeway.

Commissioner Miller stated so then if we dismiss this prohibition or allow for an exemption, do we have a plan to strike that balance in the future or is it case by case basis, project by project basis?

Assistant Community Development Director Stater stated it's something that we try and balance every day, when projects come to the City, and that we try to encourage, and there is push back at almost every opportunity. So really the best thus far we've been able to get is outdoor seating. Uses themselves, I mean it worked back in 2006, when the land use element was adopted. It really was the idea of the entire corridor and then kind of bit by bit, it's been it's been chipped away at. So, we tried, the Council tried, the Planning Commission tried, and it just hasn't been the desire of the marketplace to put the types of uses that we had once hoped for there.

Commissioner Miller stated have we lost hope for that or is there? Is there still potential?

Assistant Community Development Director Stater stated well, that's why it's being a recommendation will be from the Planning Commission to the City Council to get the opinion of yourselves and the Council to see if we stand strong with the existing policy. Or if it really is no longer feasible in the corridor.

Chair Hamerly stated we invite the applicant to make their presentation.

Steve Powell, Woodcrest Real Estate Venues, stated thank you very much. My name is Steve Powell and I'm here with Lauren Schulte. We are with Woodcrest. We are a sister company of Hicks Snedeker, and we are out of Daphne, Alabama. We build for a couple of national credit tenants. We are the largest developer of Tractor Supply in the nation, and we build in 47 states. We are extremely excited to be here in the City of Highland. We've looked at this location for quite a while. We also are in parallel with this, doing a Tractor Supply in Jurupa Valley, so this works well with the the program that we started here in Southern California with Tractor Supply back in 2012. Without getting into the history of Tractor Supply, I can say that they're excited to be at this location when

we look for a new location, ideally, we would like to find 4 acres zoned appropriately that would fit our package nicely, but those kinds of locations don't seem to exist too often anymore. When we saw this piece of property here, it was two acres, I mean, I'm sorry, two legal parcels in roughly 10 acres and I think you all know the owner of this property and we had long, long discussions with him about various opportunities. We do develop other master plan type commercial developments and residential projects. So, it is in our wheelhouse, but we weren't able, or we weren't successful in order to do a boundary adjustment in order to get those four acres, it was either buy the entire thing or not. So, we brought in our analytics department and analyzed what would be the best suited need for this particular project. Ideally, we were going to put Tractor Supply on the corner, but because of the acquisition costs associated with it and the overall development and our relationship with the tenant. They agreed that we can take Tractor Supply and put it on the inside parcel knowing that in order to justify the overall development, we would have to do something special on the corner. And come to some of the discussion points and about like the the the, the QSR'S or the quick serve restaurants, the drive-thrus. A lot of pressure has been put on us over the last couple of years, especially with the pandemic situation. We've had a lot of projects change, especially in the restaurant industry where the demand for a drive thru component is almost mandatory. We're working with a number of restaurants right now that that you would be surprised that have changed their business model to accommodate drive thrus. So that was important, and we did work with staff, and we work with the Director, and we work with the Assistant Director and some of the planners. Our original layout, which I'm not sure if all of you were able to see, only had to do two drive through components and we did sit down and understood how important the outdoor pedestrian friendly, that component was to it, so we redesigned and we have preliminary discussions with all the outparcels on the corner, the the larger one and the three tenants there, but we don't have any committed lease agreements yet. So, we are doing the best we can to develop something that would work whether, you know, we adjust it and they would obviously be their own design review application and they would be more heavily scrutinized when those applications come in, but we did design roughly just north of 3,000 square foot more of a sit down opportunity on the the hard corner of Base Line and Church where we tried to build a complementary Plaza entrance for lack of better words to the Smart and Final. Ours is a little bit different, it's more reflected on the landscape plan and we do have, and I apologize, we do have some of our consultants here. Our civil, our architect, our traffic engineer, our civil engineer. So, on the corner of Base Line and Church there, like I said, it's complementary, so it has some pedestrian benches. It has a heavier landscape component. One of the things that was brought up in one of the staff meetings that we had was the historic, yes, right there, the historic identification, and I think we were told to go take a look at the CVS parking lot and there's a kiosk in the parking lot and so we came up with something that was maybe a little bit more monumental that would be easier to maintain, but also give an opportunity to say, you know, the historic trail or we won't have what the exact verbiage would be when it gets

designed on the corner, but that leads into sort of a Plaza area that would allow for a sit down component that would again connect through a sidewalk that ultimately would meander throughout the entire development. So, while the final details on these particular uses can't be designed yet, until we have those actual end uses, that's how we envision the spaces to be utilized. As far as Tractor Supply, I think, I appreciate your presentation. I think you hit all points. We have modified not only the style of the building but how we address the required elements that Tractor Supply requires. Which is trailer display and when I say trailer display, those little tow behind flatbed trailers, the location of that. The fenced in outdoor display area which basically accommodates items that are too large to put in the store, whether that's fencing materials or round pins and that sort of thing. So, we worked hard in order to accommodate the tenants needs, but also visually camouflage it to where it blends in well with the development. I don't remember you mentioning we do have sort of a potential two phased approach where the garden center may be enhanced, but that is in a second phase and the tenant may not go through with that so that's why we are proposing it that way. Then at the same time we have the property that came as part of the acquisition to the north, which is the apartment component. We did analyze the need for housing, and this is something that we've got on a number of projects. We do housing projects. We've got one that's about 250 units right now outside of Fairhope, Alabama and we've got another 55 units in San Diego County, so this is in our wheelhouse. I wish it really could be 200 units as opposed to 21 units, but these are set up to be more, and we're going to address this, I think in more detail in January, but just to sort of fill in the picture here, these are more set up as townhome residential units, so that while they're not townhomes they're not stacked and attached flats. They have garages they have indoor laundry. We tried actually to work with the the the environmental department to get individual trash cans with the automated trash trucks but we've worked out a more attractive situation with the dumpster enclosure and then at the far north with the one white block up there, that is actually not a part of it, and this dovetails into the Southern California Edison discussion which is a rather large vacant lot. That lot was actually going to be two single families. You'll see if you look closely on to the left side or to the west and north of the Green Line, there's sort of a hashed-out area there. That actually belongs to us as part of the property, but that that neighbor there has got a block wall. We actually haven't even engaged with that neighbor at this point, but one of the Staff recommendations was sort of the queer nature of that little finger that sticks out to the far west at the upper portion of it. When we looked at this, he has his block wall built onto our property and then by the time we tried to make the adjustments to make this townhome concept work. It was just better to say, you know what, let's propose a boundary adjustment. Give that property to that neighbor, who will allow him to keep that real estate alone, and we won't have to disrupt his block walls and then we'll just make a larger single-family parcel to the north. So that's where that goes. In regard to the single families, I believe that there are six or seven others along the north. Yes, OK, so there's eight single families to the north of our project and there is an Edison power line that runs

through there and we've met with Edison. The power poles actually are off right off of our property and there is an existing block wall of sorts that that goes between each of the single. It tapers out to the east, so I believe that it's a wood fencing, but all of those are on the private property and I believe that they were set in that location because there's a 6-foot easement that runs on each side of the center line of the power lines, so it encroaches onto our property by 6 feet. There are some areas where the poles have guide wires that come down onto our property with that, we have to create a further easement around. So, in our residential and commercial development there, if a wall or a fence or some kind of screening was to be placed, we would have to place that outside of the easement for the benefit of Edison. So that's open for discussion on how that should be addressed. We do have a parking field for the apartments that is on this, that ends right at the edge of that 6 foot. So, if there was a fence there that may create a potential problem, or we would have to shorten the depth of those parking stalls. But again, how to address that best and most effectively, we just have to respect the easement. Edison really isn't in favor of us putting it in the middle of their easement and then as far as the development itself, it is proposed to be done in phases. The Tractor Supply being the primary tenant will be constructed as soon as we can get through construction docs and as such, with those offsite improvements would be constructed all the way around the property. The internal circulation, roads, the extension of Foster and the driveway, which was designed in that particular location to be in alignment with the driveway that goes into the Smart and Final center. So that was sort of a given as to where that would go, and then the improvements along Church would be constructed, there's a couple of driveways that would be closed up on Base Line there and then we're going to construct the new driveway entrance into the center itself as part of the Tractor Supply development. At the same time, and we will be processing the construction documents for the apartment project which we will do once we mobilize for Tractor Supply. We will also mobilize right shortly thereafter for the apartment project to construct that, but like I said for phase three and phase four until we get solid commitments, we are in discussions. In fact, ICSC is going on right now in Las Vegas and two of our principles are out there right now. Now the attendance normally is at 100,000 it's at 9,000 this year. So, it's way, way, way down. But those discussions, I promise you are happening and there's a couple of folks that you would know that are interested in this, but we cannot honestly, propose a project without having a solidified commitment in hand. So that is sort of where that stand. Rest assured, all the offsite improvements, our objective would be, let's just say in the hypothetical that those tenants don't come to fruition, we believe that they will. Tractor supply usually is a pretty good anchor tenant and a good neighbor with others. We have experienced that on just about 100% of our projects. But if in the event that doesn't happen our proposal would be to bluetop those lots. So, we would construct the infrastructure, water, sewer, fire, underground utilities, that sort of thing. Bring it onto the property, let's say 10 feet, put BMP's all the way around, hydroseed the property and then make it nice buildable pads. This location, this section of Highland is beautiful. I think that whoever master planned Base Line

did a fantastic job, that the tenant speaking for Tractor Supply in particular, is very proud of this location and is excited to get there. Ideally, we wanted a left and left out, for full transparency on Base Line, but we have the connectivity to Church, which is an improved signalized intersection, and it was mentioned that there is a cross access easement onto the Dollar property where there is full access. Our customer base typically will, as far as truck deliveries and that sort of thing will utilize the driveway off of Base Line and that's what that hammerhead section is in the back there. They will go down; they go into the loading dock and then they would probably go out Foster in that direction. All the utilities are underground. The site itself doesn't have an extreme topographical change. I think the Engineer had mentioned the elevation of the single families. It is varying, but it's about four or five feet higher in most places. Other than that, you know we're excited to be here, and we're, you know, willing to take any questions or concerns that you guys may have and go from there.

Chair Hamerly stated thank you any questions for the applicant at this time.

Commissioner Sutorus stated I don't have any questions, but I just want to make a comment and thank you for considering coming to Highland. I think the Tractor Supply store is really going to be an exciting addition to Highland. We have so many colleagues, residents and friends who go to Tractor Supply all the way in Calimesa now. So, this will be so nice.

Steve Powell stated it's funny you say that. We did a store in Ramona. It was the first one in Southern California and we had the customer base was drawing from Calexico. Calexico, Mexico. I mean, it's it's that powerful and I don't know if everybody here has been to a Tractor Supply.

Commissioner Sutorus stated I go all the time.

Steve Powell stated well, the way I describe it is. And we built for a couple of other tenants that could arguably be a little bit more controversial, but Tractor Supply is sort of like the Nordstrom's for the hobby farmer and Tractor Supply is not, generally speaking, going for the thousands and thousands of acres of what you would see in Central Valley. Their primary focus is on the hobby farmer with 10 acres or less and one of the big drivers for the demographics, believe it or not, and they have got demographers like you would not believe, is equestrian. So, they identify a horse community, and they know where the horse people come from because horse people generally speaking are dog people, and if you've been into a Tractor Supply, they got quite a quite a large pet selection too, but it's funny because if we do get opposition, generally speaking, it is from other feed stores. But this is an honest to God truth and we've got documented proof. It's sort of like if you want to open up a dress shop. You don't want to be next to the Am/Pm you want to be next to 10 other dress shops. Tractor Supply gravitates so many equestrian folks that it actually enhances the specialty liveries and especially feed stores. Because those folks, generally speaking, that they may sell saddlery and they, generally speaking, know more about the hobby

farming industry. But the folks that shop at Tractor Supply, really endorse the livestock. They know what they want. They know the fencing. They know that tractor implements and the other misnomer with Tractor Supply is because we did a Tractor Supply in Temecula. At the entrance of the wine country and it was very controversial because they said how are you going to be delivering all these tractors and we don't sell tractors, you know, its farm implements. So, it's Tractor Supply, but it really is Carhartt clothing, Justin Boots and electric fireplaces. So, I'll stop right there, but I am a big fan too.

Commissioner Sutorus stated thank you. You answered all my questions actually with your presentation, so I appreciate that, and I have a good understanding of what you're going to do with the parcels now, so thank you.

Steve Powell stated and just for full transparency too. We want this to be the best it can be, and we want it because we are not just the applicant, we are the owners were the developers, were fully vertically integrated company and we are the general contractors. We have a general contractor division. Like I said, we're under Woodcrest. We also are the Hicks Snedeker companies out of Daphne, Alabama and our construction company is Fulcrum Construction Group, also based out of Daphne, Alabama. Our specialty is we build about 40 Tractor Supply's a year and so it really, truly is important for us and we did get a lot of feedback. Actually, on the architectural end of things, it's like, Oh my gosh, when we got the new renditions. At first was like, oh, I'm going to fight this, but then I looked at it and actually it did. Whoever sent the recommendation for, you know, the way that is designed, it ended up being a huge coup, so I appreciate that.

Commissioner Miller stated you had mentioned earlier that given the current climate, that fast food is has really become a requirement for you, and I wanted to ask, is fast food necessary for this project to move forward?

Steve Powell stated well, actually for clarification, fast food is not our primary tenant and so Panera Bread wants drive thru. We are doing some high-end Mexican restaurants that are restaurants that now are demanding drive thru. Whether it's a Farmer Boys, even there are other tenants that that I can't disclose that are in the restaurant industry that are also looking through drive thru. It is a mandatory component and when the the the brick-and-mortar store has suffered a lot and it's not just from the pandemic, it's from Amazon. It's from online shopping, so you see Supercenters, obviously Walmart and you got Costco and that sort of thing, but in order for a center to thrive, you'd need to have a customer base that's going to support it. We do have a sit-down component and that's not to say that the QSR areas if if a Cracker Barrel came to town and they wanted that we could do a boundary adjustment, or we can do a lot merger and make it available for them. We would love that. That's a trophy tenant and we would absolutely endorse that, but we can't force a tenant to come in here and every restaurant, we do some development in the city of Poway and San Diego County and outside of San Diego County is a pretty affluent area. Their redevelopment component in a lot of their restaurant,

all drive thru. They have to have that drive thru. The other component that is becoming very popular is having dedicated space for Door Dash, Orange Crate, Uber eats because you'll have a lot of conventional restaurants, whether it's Marie Callender's or something like that not only irritates the staff, but it irritates the customer base while I'll wait over there, well, you know I'm waiting for this. So, there is a paradigm shift in the restaurant industry. That we're not, that we're not all acclimated to, so it is a very important component. That's not to say that we're going to try to bring in some inexpensive fast food, stereotypical, but it is an important line item in the feasibility of this project. We would not take this project down. I can promise you that if we could not develop the out parcels. The development of the out parcels is critical for our primary tenant. Like I said, we do and some of the tenants that are here are very, very admirable tenants that are considering this. But like anything else that we live in a different day and age now, and even for the Trader Joe's of the world, the Sprouts of the world, there is a lot of consideration when Amazon buys Whole Foods and that really makes a big difference. So, we've got to appreciate and respect the demand. Otherwise, the last thing we would want to do is build a generic strip center and then have it sit vacant. It's not good for anyone. So, it is important for full transparency. It is an important component for this, the success of this development and the success of the tenants. Any tenant that goes there, they should just, hopefully clean house. I mean, hopefully they are super successful, and we've got to be able to provide those components that would make them and for what it's worth, the project in Highland, in Jurupa Valley, I'm sorry, is at the corner of Sierra and Armstrong and the folks that are in this audience here are also working on those same projects. While it's not as large as this, we have two outparcels there and the outparcels had been that same corner, high profile corner, had been analyzed multiple times by other developers and had gone through and for one reason or another, and it had to do with the tenants, ended up caving, the project caved. Tractor Supply came there. Tom Merrill, I believe was a director at the time, now Tom is not the director anymore, but he was super excited about Tractor Supply coming to town. So, we did everything to make Tractor Supply. We have two outparcels there. Both of them are QSR's and that's the only thing that actually could make financial sense out of the project and its location and the tentative talks there, I could put out there whether they go through or not is Starbucks and Carl's Jr. So, we don't know if it's going to go through, but that was the only way that it could make sense. At the end of the day, the projects need to make sense, and because they're very expensive to take down, and when we have the opportunity to take a look at the apartments, we're extremely proud. I would live in one of those apartments. We spent a lot of time on the architecture we spent a lot of time, I mean to the point where we almost got angry at each other when it came to color decisions and textures and this kind of thing. So, it won't be the generic apartment project and that's the kind of effort that we are willing to put into this, and that's why we aren't here tonight to be able to say, well, it's going to be this, but I have to have the ability to do that because our financing which comes through either Iberia or Trustmark, which we are one of the largest borrowers

from that. They will critique this project more than you guys will critique it. I promise you because they're the ones that are also backing us on these developments, so it that's the long-winded answer. I apologize, but it is important.

Commissioner Miller stated yeah, you know, over the past several years, I think all of the new restaurants that we've had have been fast food based, so you know, I kind of see us getting a little bit out of balance and I know the General Plans intent was to try to keep us in balance and so looking at this development, see that you have two fast food drive-thrus proposed. Could one of those be sit down?

Steve Powell stated well, the one that was on the far right is proposed to be a potential sit down, so that's what that was. The other one, which I can't mention, is in the espresso category and the other one is undefined, so but to answer your question, actually all three of them could be sit down and that is if that's what comes to the table that actually is willing to pay, which quite frankly will be an extremely high price to be in this location because of what it takes to develop the center. I am shocked by the way of what it costs to build apartments in this fine town but that's going through regardless because I think that there is a need.

Commissioner Amaya stated will the apartments, will the cost on those be market based?

Steve Powell stated yes, it's not a subsidized is that question? Yes, it's market rate. That's a scary question nowadays but they will be really cool. They will be really cool. We did have, for what it's worth, we had a consultant that works in San Gabriel and San Bernardino and Riverside and Highland for that matter help us do the analysis on even though it was only 21 units because they thought we were going to do 200 units, what's the best fit for this. I quite frankly was shocked at the rental rates. I mean its horrifying, quite frankly, but it's still less expensive so the whole affordable housing thing is really sort of an oxymoron nowadays, but it will be super complementary to the area. So, I'm excited for you guys to take a look at that, almost more so than the Tractor Supply.

Commissioner Sutorus stated I think having the garages, what you mentioned earlier has really helped me feel it's going to be OK when there were comments about worrying about parking and I guess a lot of apartment complexes will have parking all over the place because they don't have garages, so I do appreciate that you're adding garages.

Steve Powell stated you know, and again not to get off on the apartment but we did spend a lot of time on that. Just again for full transparencies. These are designed as two-bedroom units, and there's a reason why they're designed is 2-bedroom units because I think that a lot of us can vouch for, you know I've got kids that can't afford to go anywhere, so it's young professionals, it may be singles and maybe a couple. They're not designed for families of six or

seven. This is not that product type this and that's will also help on the impacts and when you see the design, you'll see it's more 2 master suites, it's a living area, it's got a fully enclosed one, one and a half car type garage with another dedicated outdoor parking space plus guest parking. So, we have, and we also took staff recommendation, just so you know that we did, we at first were not willing to, not wanting to, to gate it. We are proposing to gate it for various reasons, and one of it is to keep up the standard of that and we don't end up with a transient situation. So, you know we're doing the best we can to respect that because it's also a reflection on the overall development.

Associate Planner Syed stated just really quickly, just to clarify, the conditional use permit covers all this stuff. It covers the residential portion, the commercial everything. The design review that we're looking at today is strictly for Tractor Supply, and there's a residential apartment complex design review application will be brought to you later.

Steve Powell stated thank you. Yeah, sorry about that.

Chair Hamerly stated okay, any other questions?

Commissioner Amaya stated yes, I also wanted to thank Woodcrest. Tractor Supply Company is needed in San Bernardino County.

Steve Powell stated yeah, we think so too. I think that the folks are going to love it.

Commissioner Amaya stated yeah, so the development is geared around Tractor Supply Company and that's good and I think you answered part of what I was going to ask about the apartments because obviously housing apartments are needed. I just wanted to make sure too that the single residence was, I guess that was necessary, meaning leaving it vacant, that lot or just putting a single residence there to complement everything else?

Steve Powell stated yes, first of all, you know, because if you go on Villa Ave right now, it's all, I'm not sure when it was built, but it feels like it's late 70s, nineteen 80s single family, maybe probably weighted average 1,700, 1,800 square foot sort of ranch style homes. We have done a lot of ranch style homes and so we will probably just go ahead and build out that single family lot to mimic. It won't be, oh, we're going to build a 3,000 square foot, we're the biggest house on the block kind of thing. It will be a house that will mimic and if you guys want to review that, I'm fine with that too, but it will mimic what's there. It's just that it's a little extraordinary because I believe the lot minimums there are 7,500 square foot per single family. In order to make the townhome style concept work with the apartments, we also needed to provide individual storage lockers or closets, so to speak, for the the the the townhomes themselves, but we also wanted private backyards, so all of them have their own backyards. They're all fenced in and and so with that it sort of elongates the building and we didn't want to go

three stories for a a number of reasons that we don't need to get into, but in order to fit that unit, we really needed to get 23 units there. We ended up with 21 because we could just not logistically make it work any which way and get their parking because it's a queer shape and this ended up being the best layout which really pushed us to steal some of the property from the lot that actually went behind the guys house that is encroaching onto our property, and so every which way we tried to make it work, it was just easier to say mercy, let's give up one of the lots. We'll have an oversized single family, and we might as well just give the other land to the to the neighbor because it it's not going to help us one way or the other, and it's going to actually help him. I think that you know, other than the fact that it's going to be a larger, it'll blend into the community just fine and all the infrastructure for that lot, by the way is on Villa Avenue so we don't have to like create easements that go into the shopping center. So that's why it's sort of the not apart.

Commissioner Amaya stated just to clarify with the parking, you mentioned, is good about the garages for the apartments. I know on the staff report on page 6 it has the 21, it has 42 parking spaces that are proposed, but it's going to be more than 42, correct? Or it's still going to be 42? The reason I bring that up is because two bedrooms usually has let's just say three or four people, everybody has a vehicle nowadays and if you have 21 apartments, two vehicles per 42, I think they'll be a lot more than 42 basically. That if there's a lot more parking needed that people would start parking, whether it's on Foster right there to the South, I think. Is it going to be sufficient parking for the apartments because if not people would probably start parking on Foster, I assume, that's the closest right there.

Steve Powell stated yeah, we analyzed the parking matrix and again our architects is here but so we complied with the parking matrix, including the guest parking requirements. So, we have that, and I don't remember the exact totals of what it was for the apartments.

Assistant Community Development Director Stater stated if you go back to the to the chart. At the bottom there 11 guest parking spaces.

Commissioner Amaya stated yeah, because my point was that everybody has a vehicle. If you get two or three or four people living in the town home or the apartment, then it's going to be a lot more than 42 vehicles.

Steve Powell stated yeah, and so in order to accommodate more, we go, I'm sorry, go ahead.

Leonardo Dale, Architect, stated so let me just clarify here. Overall, on the residential side we have 53 parking spaces. So, we have the additional 11 parking space for guests.

Steve Powell stated within the center of the apartment.

Commissioner Amaya stated yeah, because even if I lived on Villa, or Foster or round there, that one thing that..

Steve Powell stated I honestly, honest to God, and I know that you hear this from all kinds of different developers we do, I've served on the county San Diego for 14 years. The form-based code committee and if anybody is familiar with form-based code, there's things about it that are really, really great but there is a lot of things about it that are fantasy. We've got provisions in the form-based code that says, hey, look at you know what we can get rid of parking altogether. They're doing that in in the City of San Diego right now because everybody is going to walk to everything, so we know that that's a fallacy. In order to create more parking, we have to reduce our footprint on our building and that was one of the compromises which again, because we were going to address this next month but the garage space itself, that footprint takes up valuable square footage, but we also feel that that's an important part of that. Again, we're trying to focus to the young professional, or you know, the couple. So, it's a hard balance, but yes, thank you, Leonardo. So, we do have that additional guest parking.

Chair Hamerly stated I do have one kind of macro question and it focuses or has to do with the overall concept of the Town Center and it's not isolated just to your site, but it created a district in the General Plan where the ideal vision was that all these disparate parcels would kind of work together, have cross lot circulation, create a pedestrian district to kind of give Highland what it sorely lacks right now and that's a downtown. My biggest concern, if we can go back to the the site plan. The site plan looks kind of carved up where it's just four separate blocks that, while there is a blue line that connects them, there isn't a flow and that flow that I'm referring to is the flow that extends to Smart and Final, Dollar Store, and Bakers.

All of those properties to where it looks like the entire thing was master planned and I know that's not a fair comment because you're dealing with what's leftover and it's an infill project. Which does put a heavy burden on you to how do we stitch all this together and make it look seamless so we're carrying through the vision of of what the City of Highland was dreaming of 16 years ago now. And I'm not seeing that, so I guess to get to the question. How did you arrive at the overall site plan and the internal circulation and the network effect to cross lot circulation?

Steve Powell stated that's a fair question. We actually had that that that same discussion up in Forest Grove, Oregon, on another project that we work up there where it was, they had what was called NMU zoning neighborhood mixed use and it was not a very large piece of property. It was sort of the last remaining piece and that element up there ultimately, we put in two years into that project. That project ended up getting cancelled because it just could never, it

could never be stitched together like you said. So, I'll try to answer that the best I can because early on staff had mentioned that and they actually one of the first exercises that we did was drive around the City of Highland which they said hey go from this block to this block. Take a look at the architecture, take a look at the and we did go down to the CVS and we looked at the kiosk and at first and I got to be totally and I'm totally honest so this is not to offend or but I looked at the kiosk and when I looked at the little signs at the top there I thought that they were like it was a restaurant menu at first glance. In fact, one of them looked like an advertisement for something, so I didn't know what it was and then I also saw that there was some damage to the end because I serve on committees myself personally and we have to address this and and they always start out as the good idea but the good idea then who takes care of it and it ends up just going on deaf ears, so when it came to the circulation we didn't know much about the whole historic nature of that and that trail and we played with different scenarios. That's where we came up with, at first, we were going to actually mirror exactly the plaza at Smart and Final, which I think everybody is familiar. It's got something in the middle and it's got benches and it's got some canopies but the functionality of that, honest to God, we've come out here 15 times. Half the times I've seen people sleeping on the benches out there, I've seen shopping carts out there and I'm just going okay because we are impacted by this in our own community. So, we try to, this plan doesn't reflect it, but on the landscape plan, it's a little bit. We've got more of a landscape component here, and we've got some benches in here. We got some benches in here that suggests that the pedestrian can go I want to sit down and I'm going to rest for a minute and then I could go into the plaza. So, the sense of entry, which is very important to me is this element right here. What does it exactly say? You folks can tell us what it should say, but that I think symbolizes there's the trail instead of putting a kiosk randomly within the development so the development itself...

Chair Hamerly stated so just to interject, before you leave the the corner statement, plaza and and move on to the the juicier elements of the plan and this is just my own opinion. The plaza on that location at that corner is really not a desirable element because when we talk about the communal spaces, the gathering space is the opportunity for congregating. On a macro sense, that would be the last place that anybody would want to congregate because you're right there at the corner of the intersection, it's a fairly busy intersection, so if you want to relax in the shade and have a conversation, you'd probably want to be more than 20 feet away from traffic that's going pretty fast, so yes, it's an opportunity, but it's not an ideal location for that proposed use. It's more of a gateway statement saying here is the development, let's make it look beautiful, but the real space for congregating and relaxing is going to be in a more controlled, sheltered environment within the core of the site.

Steve Powell stated right, so when we looked at what is our opportunity in order to make this site work? One of the givens was this, right here, we have to have a circulation element coming off of Church. In the ideal world, we wanted

to push that up, but we couldn't push it up because we have to make it in alignment with the Smart and Final driveway right across the street. So that was a fixed element, so it's already defined that we have this pad right here to work with. That is, that that is more of the high dollar per square foot exposure on the corner and and in our Performa to make this development work, we have to assign different values to different areas. This back here could be, I can't disclose what it could be, but it's a grocery type store. If that doesn't go, it could be an apartment project, I suppose, but the Tractor Supply takes up this kind of footprint and quite frankly it could even take up a larger footprint if we brought in a larger model. This area back here is disconnected, quite frankly, it's the leftover piece from this here, so we have got to extend this road. We have to put this because we have to have a way to get into Tractor Supply plus we have to provide internal circulation for the largest delivery truck that pretty much is on the road which is a WB 67. So, we have to have a way that they can safely get in, they can safely turn around. We don't have a concrete loading dock, we have a mobile loading dock but just the same, that helps drive this site plan. Then when it comes to the internal circulation, admittedly our first iteration was similar to this layout here, except we had this front piece divided into two. We had a QSR or drive thru here and a drive thru there and the way this element worked because this intersection really does balance itself the way the stamped concrete is, the way the curb returns are it is pretty balanced. So, it lends itself to having something that sort of mirrors what's going on over here to begin. So, when we redid this iteration here, this becomes the sit-down component. This area right here, it's sort of hard to focus in on is the sit-down area. This is the sense of entry, that's why ours has more landscaping and it's the sign once you go under the sign that is the opportunity, right there, that sidewalk connects up to a sidewalk, and there is a sidewalk that circulates all the way through here in front of Tractor Supply, comes down here and connects onto you can see where this is. That's the the the sidewalk that comes off the Dollar Store right there. It connects onto here, so everything here does circulate within and that's the way we were able to solve it for the tenants that are considering this. Is this a site that's large enough to have an amphitheater? If it was 50 acres or 40 acres or something like that, possibly, but as it is, it's difficult to get these things to pencil in. State said well look at giving up an acre for a public use because we faced that in Forest Grove, and we went all the way to Planning Commission. Planning Commission approved it up there and then a local group appealed it because they wanted something more and more and more, and then it ended up killing the entire project. So, at the end of the day, that's how we addressed it. We have the sense of entry here. We have a potential undefined sit-down component right here because that's a patio area out there that you know walks over to here, walks over to here, ultimately walks throughout the development. Then then we have, you know, a larger tenant back here. So, it may not be exactly what you know the forefathers had envisioned. It's what we could make work on a 10-acre site.

Chair Hamerly stated so which would you regard as your primary point of access in terms of when you enter, you know you've arrived. Most people are going to arrive by vehicle obviously. So, which is your primary point of access?

Steve Powell stated well, for if it's for Tractor Supply. It's right here. If it's for the undefined grocery store. I'm going to go down Church signalized intersection, I'm going to hang a left here, go into the parking lot. I'm going to shop and then I'm going to go. That would be it. If it's for a restaurant here. I could make the argument it's a half dozen one or the other, but if it was me and I was coming off the freeway, I'm going to hang out right here on Church and I'm going to come into here and then I'm going to go into this center. If I'm walking and I'm strolling, it's probably this intersection here. There is a sidewalk, there is connectivity here but that just feels like it has more of a sense of entry. I'm not sure how many people walk down the street and walk up into the Smart and Final that area. I'm not sure but, I think it really depends on the tenant and what you're going to that center for. I mean, that's the way I see it.

Chair Hamerly stated if I were speculating, I would say that if you look at the population of Highland, you're probably going to have a bit of foot traffic coming from the north, but there's not a lot of population center up there. Your population center is going to be probably 3 to 4 miles to the east, and then you do have some that would be crossing Base Line because there are quite a number of homes you know between that Third and 5th Street Corridor and Base Line, but the vast majority Base Line is a key arterial within Highland, and so that's where the majority of the people are coming through. So that left in, left out on Base Line, I agree that's probably your main axis coming into the project, and so that's where you're making your strongest statement. So that being said, Tractor Supply does have a frontage on that kind of says welcome, but if you look at the other side, the east side of this project, you're fronting a loading dock and you're fronting the backside of the house. That is the backside of a drive thru, so there's really no presence. So, if you look at your large commercial retail tenant, you've got the loading dock there that fronts your major arterial, and then you've got the drive thru and you're basically looking at back of house. You might get some signage on there, but that's a drive thru so you have a queue of cars and there's kind of a deficit of landscaping along your main arterial there. So, the part that concerns me is the presentation of the project as a whole. I think Tractor Supply respects that axis, but the rest of the site plan kind of breaks down on that major axis.

Steve Powell stated I understand what you're saying, and I can't say that I disagree with it. The challenge that we're faced with right now is that we have an undefined tenant. So, what we have to do in order to establish the highest and best use is, say, okay, well, we've got a store. There is a store that this is a prototypical you know plan now, can we shift it? Yeah, we can shift it but then this parking field becomes almost on because this is a given right here. This is a given, so in order to get the trucks to circulate and that sort of thing, all of that

element goes to the north, so I'm not even sure that this will even go through, and again, that's why I tried to make the statement that each, call it phase three and four, this section right here will be more in depth scrutinized when an actual application comes to the table, because if that ends up being an apartment project or it ends up being a Michaels or it ends up being something everybody got a different criteria that I hope can be more scrutinized at that point. But because this is a CUP that covers the whole thing, we had to have a conceptual jumping off point and that's why those aren't really being scrutinized at this point.

Chair Hamerly that's why I'm dealing with kind of the 30,000-foot view. So, if we carve it up into the major circulation elements and your major pad elements without getting into the minutiae for each of the pads, that day will come. I'm just saying that if we know that those are your major arterials and we're trying to present the best face of the project as a whole then why not carve out at least some slivers where we say we want to do some special landscaping because this is a gateway element, we don't want paving right up to the here. You know you're going to have an east/west axis through there, a little bit broader parkway because you know you're going to want a 6-to-8-foot walkway because that's your major circulation point. Put another four to five feet in there and say we need some trees because we got to dress it up.

Steve Powell stated absolutely I understood and actually totally agree with you. I know that Leonardo, we had this conversation, so to speak, because we talked about this whole loading dock, but I don't want to say that we didn't give it a lot of credence because we don't have a commitment yet, but I agree with you, and I can go on the record.

Chair Hamerly stated it's a set aside at this point.

Steve Powell stated it is a set aside.

Chair Hamerly stated we know that that's a goal, so let's address that.

Steve Powell stated and one of the things that we we started talking about, but then we were talking in fantasy language, was well, yes, theoretically in this particular configuration, this is the front of the store here, and we've gone down this path. You can take a look at the Ramona Tractor Supply under form-based code, same kind of thing. The side of the store faces State Route 67. That's the entire side of the store was designed as a western town with fake facade. It looks sort of like Disneyland, in order to address that. So, we thought, well, we can elevate this side to make it look like the front in order to respect this particular tenant, which we don't even have yet. So, we may have put the cart before the horse as far as trying to define things so definitively, but we also were under the impression that if we were proposing X number of square feet here, we need to demonstrate to the Planning Commission and to Staff that we could accommodate the parking that we could accommodate the

landscaping, the shading requirements and that sort of thing. But as far as screening, landscape, or parkways or however you want to describe it. I agree, and I hope, and I would respectfully request that we could scrutinize that level of detail at the time we present those outparcels.

Chair Hamerly stated the only reason I bring it up at this point is because it is a CUP and we're kind of blessing the entire concept without getting into design review for the fine details.

Steve Powell stated understood.

Chair Hamerly stated but we do have to address the overall macro issues and the CUP is the venue for doing that.

Steve Powell stated and for the record, if, like Associate Planner Syed said, you know the design component right here really refers to Tractor Supply and so that's fair game for however we need to address that, but certainly we will respect that and we will ultimately have to work with Staff again when it comes back to whether we do all of those at once or one at a time. Obviously, there's an economy of scale there, and we really need to be able to master plan it but we also, not only for potential tenants, but for lending institutions and backing and even for Tractor Supply themselves, we have to prove and for Staff that this is a believable concept. I mean, even, and it's interesting, the City of Highland, which when I heard this requirement, I heard it from our civil engineer to begin with is like, oh, you're going to have to prove stormwater, and I think, Oh yeah, conceptual. No, no, no, no, you have to get stormwater approved prior to and at first, I'm thinking are you kidding me? But the more you think about it, it makes total sense. It makes total sense to be able to address an infrastructure that really wasn't respected 20 years ago and as such that also comes back to well, what are you going to build there? Well, we've got to fantasize something, and so we have got this to where theoretically that could be built, but it can't be built because we don't have a tenant, so we address it as much as we can to make it as believable as we can to make sure we're crossing t's and dotting i's knowing that call it parcel 1,2,3, and 4 are not being approved as a project. There are being approved as a buildable commercial site, and that's what we're looking for the overall CUP. We would have done the same thing on the apartments, but we've put a lot of effort into the apartments because we understand that tenant, that tenant is us. That tenant is we're going to build it, we're going to own it, and this is going to be our project, so we can put a lot more energy, effort, and money into that. But we're not going to speculate any commercial project, especially in this day and age. It's suicide, so we have to do something that's going to be highest and best use. That will respect what the market is demanding, and we'll also respect what the lending institutions will say. Yes, I'm willing to put millions and millions of dollars into this location because you've got a solidified plan and we also have got a reputation. We build quite a few projects every year. We've got 70 that will be completed this year and with that there's a lot of chiefs that

we have to answer to. So, we take this very, very seriously and we also do not want to paint a picture for you folks saying that, oh yeah, this is great, we'll do whatever you say, but at the same time we have to be able to present something that we believe is going to work. So, we know that those projects will be conditioned upon other scrutiny, other discussions, other modulation, but we also know that the driveway off of Church, that's a given and the driveway off Base Line is a given. So, however, we can make it work and we hope that Cracker Barrel will come come to town. We hope, but we can't promise. We can promise Tractor Supply though.

Chair Hamerly stated any final questions for the applicant this time? Thank you. This is a public hearing, so at this time we'll open up the public hearing for discussion. I recognize a lot of faces in the audience, and they look like consultants, but I don't have any speaker slips, so if anyone wants to participate, now is your opportunity. Okay, we'll get started with our discussion and leave the public hearing open. So, this is a multi-part application. One of the macro elements of course is the General Plan Amendment, GPA 21-002. This is an advisory role the Planning Commission is making a recommendation to the City Council, and this is to make an allowance for Drive-thru uses in the General Plan Town Center. So, open up the discussion at this time for the GPA.

Commissioner Amaya stated I support it at this time.

Vice Chair Thomas stated I know that all residents in Highland really want to sit down type restaurants, but I also recognize the changes this year with the pandemic and the need for drive-thru, so that's where I'm kind of conflicted about it. Knowing everybody really wants restaurants in Highland, that's what the public here in Highland want and that's who we represent. Perhaps the public has changed with this pandemic, and they're no longer wanting those restaurants or it's no longer feasible. The business has changed like you so eloquently described. So, I appreciate that and I'm really sure quite how I feel about that yet. There's something between those two that I can't yet rectify in my brain. How to move forward with that?

Commissioner Sutorus stated I could understand where you're coming from, and I think the pandemic changed the business model. I don't feel like we can't have both. There's a lot of great restaurants, like they mentioned, Panera has a drive-thru now because there is that economy of demand and deliver, and everyone I know in Highland does demand and deliver from time to time, so I don't see taking away a sit-down restaurant and having a drive thru, I mean they don't have to cancel each other out. I think you could still have a very nice restaurant with a drive-thru that we would go to and sit down. This location specifically, I mean, it's a good project for Highland. This land has laid vacant for how many years, and we have never had an opportunity to have something like a Tractor Supply store come here. So, I'm excited about that focus. The details of the rest of the project will have to work out when final. I think there's stuff we could do to make it

a really nice design, when the next phase comes in, but I mean when I was on our once we called, what was I, a vice president of the Chamber for a brief moment in my life, I had this vision of what we could do with these businesses on Base Line and I remember the Executive Director told me really, Jessica, where we going to go to the Dollar Store because I had worked in Santa Clarita and they had a model of economic development where they would do events. The City would host events to get people to come to businesses in their downtown areas that weren't, you know, the fanciest places or whatever. She kind of squashed my bubble, but I could actually see this now, with this project which didn't exist before, so I know it takes some envisioning and it's scary to approve new things, but honestly the project itself for Highland is a good project and it's going to bring better stores because the anchor is a good store. So, I do support the project and I believe we could have both. I know you guys worked very hard to try to get good businesses to Highland and I hope that this development will help attract a sit-down drive thru restaurant.

Vice Chair Thomas stated I agree that the Tractor Supply has the potential. Unlike other businesses to actually attract some decent other businesses to come in. So, I do agree with you wholeheartedly on that. I also really like the apartment design, how you said it's kind of just separated out. I think you guys did a great use of space there in that location, for phase two. I think it that works along with that residential area, I like that. I like the garages underneath.

Commissioner Amaya stated yeah, I think one thing that businesses are they have to be flexible. We have another variant you just don't know where the pandemic is going, they can shut everything down. They need to have that flexibility drive thru and if that happens, yeah, because they would be, they have to make money. That is the main thing. Tractor Supply has to attract other residents, tenants, and if you shut that off, that's not going to happen.

Commissioner Miller stated I think the General Plan was developed with a certain intent and I think that's just strike a balance in the city. I think we're a little bit out of balance right now, especially as it relates to drive-thrus. I like the project. I'll just have a hard time supporting any further fast-food development in the City of Highland.

Chair Hamerly stated yeah, that's the tough balance I'll state right up front that I enthusiastically support the Tractor Supply application. I think it's a terrific tenant. It's a wonderfully run company, immensely profitable, and it definitely has carved out its niche. The biggest challenge I have is there are not a lot of locations in the city where we have the opportunity to create town centers or projects on a main axis within the city. I know all of us have spent a fair amount of time driving up and down Base Line over the years, and there really isn't a core. It's just a bunch of separate little infill parcels that have just organically developed whenever a plan comes along, but there's nothing that gets it together, and I think that is probably the chink in the armor of what is keeping

Highland from being, you know, just a really outstanding community. I think it has a lot of good pieces, but it lacks a downtown or a heart or a core. That was the primary focus of that Town Center concept and so you know, it's really tough. I completely appreciate, I mean, every sit-down restaurant that I've been in for the last year and a half has a takeout component, You know half of the lobby space, or the waiting area is for Door Dash and Uber eats and all the rest of them for the pickup, and they're adapting. Whether we need to go the whole nine yards and say it needs to be a drive thru or just a drive up or dedicated parking for short term. I think there are a lot of different models out there that that seem to be functioning. I think Highland doesn't have a deficit of drive-thrus. I think we have a deficit of drive ups, take outs, dining in. So that's kind of the balance. I know that we're not doing a design review or a hard review of that southeast corner of the project, but we are tasked with making a recommend to the City Council on whether drive-thru dining would be appropriate in the Town Center and for me, that's a tough one, because I think there are some hybrid models out there that are equally effective, and maybe the compromise is if we're going to create three tenants in that space. Let's say one of them may be the one on the the westernmost that has the best access coming off of both of those key axis going through the project. You know, maybe that's the one that we say it's okay to do a drive thru and the rest of them are the hybrid model. We say we want a dine in component. We need to have enough parking for the temporary parking in the takeout component, but to say two of the three are a drive-thru, that's giving up a lot of landscape, a lot of outdoor dining, a lot of amenities for paved queuing for vehicles and if we look at the goal of the Town Center, it was to get everybody out of their vehicles, get them to a destination, say park your car, spend some time, have an outing with the family and and have an enjoyable afternoon or evening. So that is a a tough one there. Unfortunately, it's an all or nothing because we can't say okay, we're going to do stages of how much drive thru. You either saying they can do it, or they can't. That is an all or nothing proposition and I think to make it work realistically we have to say it's a workable model. Is the directive to say minimize it because we still want to have that goal. So, I think all of us have had a chance to weigh in, and hopefully, you know we can give it some careful consideration before we take the final vote. But moving on, do we have any comments or observations about the mixed-use concept? I've heard nothing but positive about the mix of land use that's proposed with this project and that would be the purview of the conditional use permit. Okay, then we'll move onto the let's see. So, we've got related entitlements. We have the tentative parcel map that creates seven new lots. Did anybody have any comments on the tentative parcel map that was created? One question for the applicant. Three of the parcels make really good sense. The three parcels that are created at the southeast corner, the lot lines, I'm sure there's a reason for it, but the lot lines look really broken up. Is that tenant specific, is it design specific, or is there another reason that we're breaking those up the way they are and there's all kinds of jogs? Are all those property lines going to be self-limiting if one or more of those tenants' bails.

Steve Powell stated the way the property lines are, are not designed specific. It was driven by parking requirements and so the parking requirements, for like the one in the like, you said on the far west there, the purple one based on the size of that store and the way it circulates. In order to accommodate, you know a dumpster and the turn around and that sort of thing. That's what drove it to be that odd shape. Same thing, same thing in the middle. Again, based on this square footage here it required this much parking. Again, we have a very popular coffeehouse that actually has got an extremely small footprint, but so that would really drive to minimize the parking, but they've got a large queuing requirement. Now whether or not they come to fruition, they're out of the Pacific Northwest. It would be a great addition. They haven't committed. So that would again drive the footprint. Once we get us a tenant commitment and again whether that is two drive-thrus and one sit down or one sit down that takes up the entire, a Claim Jumper, so to speak, that takes up the entire block, then we would end up either merging the lot lines, because obviously we couldn't build over the lot lines.

Chair Hamerly stated that was my next question. Depending on the tenant mix, would you have to then come in and say oh, we're amending our tenant tract map.

Steve Powell stated yes, we would. In order to make this pencil, so to speak, because I know people don't like to talk about the financial component, but we have to talk about the financial component because if it doesn't pencil then the entire project is cancelled. I mean it's not one or the other. We won't speculate, so we have to do something that we can prove is feasible. Now, whether or not we get this tenant here. But if we did get and I'm just throwing a Cracker Barrel out there, if we got a Cracker Barrel, chances are they're going to take up the blue and the purple, lot lines are merged and then you know all discussions are over with. We'll never be able to have a drive-thru component on the corner because it's just the way it's configured, so this is our opportunity to say hey, bank, this makes financial sense. We don't have committed tenants, and that's an honest to God truth. We religiously attend ICSC, and a lot of other commercial trade shows and we work with a number of tenants and half of which you probably have never heard of because they are in the the deep South and they're in the Midwest and there is a resurgence of interest in California. Going through the entitlement process. Down here has been difficult, not in the City of Highland, to be honest with you, but in areas like San Diego or parts of Riverside County but the tenants don't care about that. They care more about what's the population base and can we make our model work. A lot of the tenants that we work with nowadays and Starbucks is one of them, their footprint has totally changed, and it has completely changed. Not just based on the pandemic, the pandemic has changed a lot of things, but Uber Eats, Door Dash, dine-in and that has changed a lot of things to the the model of the sit down does work in a lot of areas, but it has been tragically impacted. In our own town, we've lost 17% of the sit-down restaurants that will never ever come back and so we have to, as businessmen, as developers, we have

to respect that. These lot lines are fluid, but the lot lines demonstrate something that could be.

Chair Hamerly stated so, in breaking up the lots the way that they've been drawn up on the tentative tract map, would there be a possibility of any one of these tenants coming in and wanting to purchase that parcel, or you're retaining ownership and it's going to be a lease only?

Steve Powell stated there's always the possibility of certain tenants want to own. Most tenants don't want to own, they want to lease, but they're not real estate companies. Tractor Supply is one of them and Dollar General is another one of them, but there are some corporate tenants that are very, very popular that want to own their own real estate. But that's really the minority.

Chair Hamerly stated so just to kind of free your hands up on this if we're not creating, you're looking at a master development here. That's a conditional use permit that's dictating all seven parcels. So, if we say that the primary timeframe of usage for Tractor Supply is not going to be the timeframe for usage for the southwest corner. Sorry, southeast corner, you'd have a joint parking agreement and saying everybody uses everybody parking except for these handicapped spots and this staff parking here. But overall, the site is one site, and you park wherever you need to park during the various hours that these various businesses are in operation. And then you don't have to have, you know, lot lines to carve out another two spaces for this so that this parcel right here that is purple has enough parking for their particular building. Does that free up your hands to clean up the site plan?

Steve Powell stated yes and no, and the reason why is because of the way lending institutions look at ownership and because if it is sort of like buying a condominium versus a single family. You've got common area exclusive use, but you also have fee simple ownership and we're going through that right now in La Jolla, where California Pizza Kitchen wants to segregate itself off from a very, very affluent shopping center and it has everything to do with blending and mixed use in the redevelopment of the La Jolla market. So, while it would be great to say that this is one large apartment site, it doesn't really work that way in the real world, Tractor Supply is a very good example of that because like realty income, which is a REIT that which will buy up a lot of these. Institutional buyers will buy these things up for investment trusts and that is part of the financial portfolio and the feasibility analysis of a project like this. So, for example, if Tractor Supply had its hands tied, I can tell you right now the entire project would be off to where it could not be segregated out as a fee simple purchase. It's the way these projects are funded too.

Chair Hamerly stated so you're saying a joint parking agreement that would be to the benefit of all all tenants and kind of free up the hands of the three parcels that are on the South would not be practical?

Steve Powell stated no, no, a joint parking agreement, is and I don't know how to say this nicely, because Tractor Supply is a great tenant, but they also don't like to share in a lot of things and we we have to work with their lawyer's day in and day out because there's liability issues and they have a battery of lawyers there that scrutinize every square inch of the project. So, when the more we share in common, and the more rights that the general public has, the less desirable the project site becomes. So, fee simple ownership and this kind of thing is fine. You know that that's what they would ideally like. In Jurupa valley, their parking matrix out there is, I have never seen one so high. It's incredibly high. We have a shared parking matrix with three parcels. The QSR's and Tractor Supply in order to make the parking counts work. The way that project is being developed also is a phased approach. Tractor Supply is constructed first, but the parking lots for the out parcels are not constructed until those tenants are going to build. In other words, there's some communities that we've been in where they say, well, if this was the real plan where we would have to construct all the infrastructure and all the parking lots and the only thing that we would be left with is this little pad here, this little pad here and this little pad there, but it doesn't do anybody any good because that eliminates all the other tenants. I could also make the the argument that we don't need to construct that right now because there's no impact, there's no demand for that additional parking, because those those stores or restaurants or whatever they may be, aren't aren't constructed at this point. So, there's always going to be cross parking. Nobody says that you can't park over here as opposed to there. From a legal doctrine standpoint, it does get a little bit more complicated. It's the same thing with easements. Easements become a difficult thing for a company like Tractor Supply to swallow because it's a publicly traded company, and so they're scrutinized at a 30,000, 100,000-foot elevation where they look at all of us as in one box. So, I'm not sure if I'm answering your question there, but a shared parking agreement which I'm not sure if we need a shared parking agreement, but there are no restrictions on a Tractor Supply customer and parking on, you know, a Cracker Barrel parking lot and vice versa. Yeah, it's the same thing the way the whole site circulates. I don't think the pedestrian understands that, but from an ownership standpoint. It is important for our tenant to be able to be on their own parcel, hence that's why we're going through the the subdivision portion of it and that's also why that the institutional lenders that look at these things look at them from a fee simple. They'd much rather own a tract of single-family homes that they're going to rent out, as opposed to a condominium complex.

Chair Hamerly stated yeah, that comment was just directed solely at lot lines and how clean the math looks when you're trying to describe it and saying, do we really need to show every single parking space tied to a certain pad when we really don't know how big the pad is. You could conceivably now come back and say we're going to have to do a lot line adjustment 3 separate times.

Steve Powell stated absolutely, and there's probably a greater chance of that happening than not. In all honesty, I mean, but I have to start somewhere. I have to be able to say I can put a 3,000 square foot QSR here or I can put an 800 square foot QSR here and I can have a 3,200 square foot sit down restaurant and then I have to prove all the ancillary issues that go with that, the circulation, the parking, the handicap. Where's the dumpster? How does it connect? So, we've sort of designed a fantasy plan that sometimes is very frustrating for us because we start to get in the weeds on a project that really isn't is right now, but we have to plan it that way to show that we can make it work. Not only from a planning perspective standpoint, but from a land acquisition standpoint and infrastructure standpoint and an impact, you know, fees standpoint, so we've struggled with the apartments, believe me. We've struggled, but the impact fees that are associated with the apartments are greater than that of the Tractor Supply. It makes you question, so as a result of that, we put in, even though we're sort of architectural freaks to begin with, we put in a lot of effort to make sure that those apartment units can command the rent that they need to command in order to justify the the development itself. So, I know that that's again off topic. Yes, lot lines can be adjusted. Chances are they will be adjusted. Do they need to be shown that as individual fee, simple ownership lots?

Chair Hamerly stated okay, thank you. Any other comments on the tentative tract map?

Commissioner Miller stated quick question, per parcel, R1 does include the resident's, correct? Right up north of the apartments right there. I see parcel R1 that also includes the home?

Chair Hamerly stated no, R2 is the single-family home.

Commissioner Miller stated okay, R2, because I didn't see it on there.

Commissioner Miller stated yeah, the single-family home is technically not a part of the CUP or anything, but it's part of our land acquisition.

Associate Planner Syed stated just to clarify, the CUP is with regard to everything except the single-family home.

Chair Hamerly stated everything color up there. Okay, so moving on from the tentative tract map. On the site plan and we'll focus on the design review portion of the application, so we'll focus solely on the Tractor Supply parcel for these discussions, and we'll begin with the site and combining that with the parcel map exhibit 10 and then the site plan exhibit 1. Another question for the applicant, during the presentation you'd mentioned that there was a potential future phase that dealt with the enhanced garden center, and I'm assuming that is not

changing the size, but it would articulate it a little bit more refinement. So, I'm thinking we're adding some additional landscaping around the perimeter.

Steve Powell stated again, another unorthodox thing about the City of Highland is I talked to Community Development Director Mainez because normally we come with our own PowerPoint and come without lots of Color boards and this kind of thing. OK so Tractor Supply like a lot of the tenants, every year they seem to dream up the new items that go in their store and a couple of years ago they came up with a pet wash and at first, I thought that this is crazy. You know people are going to bring their dogs in here and it's like a beauty salon for two dogs at a time and and it's a beautiful set up within the store and it ends up being a pretty popular feature. As such, Tractor Supply has a garden center, the garden center in the standard criteria plans was 15,000 square feet for the longest time, and it would include a forge shed in the event that they would sell hay. It doesn't happen every time, but it's an enclosed structure and again the items that would be in we call it the FOD, fenced in outdoor display, however it's fenced whether it's wrought iron or chain link. Our items, like I said that are typically too large to be inside the store or it requires a pickup truck. Each one of the FOD areas has got a drive thru and that's what you see in the middle of the yellow area there, and that allows customers to, if you take a look at this, on the parking field here you'll see a typical tractor supply has three 40 foot long parking stalls and that is typically for a pickup truck with a horse trailer, a pickup truck with a little flatbed trailer or something like that. Then those customers typically will go into the FOD area here and they may buy fencing material or pipe corrals or that sort of thing that's rather large. They pay for it in the store, they come through here, they drive through and then they exit out the back. Again, that's all reflected in the circulation plan. Last year, I think it was last year, Tractor Supply decided to because they also have a seasonal fruit tree and seasonal garden center. And I guess, another outfall of the pandemic is people started planting more gardens, and as such, and this is reflected nationwide. That garden supplies sort of like what you would see at Home Depot or Lowe's became a lot more popular and so as such they came up with a garden center plan and again for full transparency. They would hate it if I said this, but they came up with a greenhouse type garden center that affixes to the side of the building so it almost and you may have seen them in different parts of the country. I've seen them at Lowe's where you may have this beautiful building then all of a sudden you literally have a greenhouse type structure that is a series of gable roofs. I think what they did was, they worked with a manufacturer that says hey we can build these, and you can just pop them onto the side of your store and believe it or not in a lot of part of the country they just don't care about that. It's like yeah, sure, slap it on there. Well, Tractor supply has discovered that this is a very expensive element, especially in areas seismically challenged like Highland and in addition to that for those communities that do have more of a concern about the architectural style. Again, standard criteria for the Midwest, you go into Mississippi, you'll find this store is a pre-engineered metal building corrugated siding and you call it a day. So, a garden center there may be

appropriate. Well, here we knew that this was going to be a challenge and in order to make that garden center fit in with the architectural style of the store, we had created that section and right here, and I'm not sure if you can all see it. It's on page 6, I'm sorry, of the packet there. What we added was in the area where you see the wrought iron fencing and the columns here, we added a facade that respected the architecture of the store that encapsulates what would be a greenhouse structure that you don't see because it's all behind this this element here. So, the challenge that we have is that when we find a location, we go through an exercise. It's a real estate committee exercise where we have to show how the site is going to lay out. Show how the truck is going to circulate and then show how we're amongst a bunch of other things. How the garden center would work. The garden center is constructed based on whether or not the market projections are going to justify the additional cost release and if the lease is not justified, then the garden center wouldn't be built, and it would be your traditional FOD like you see at every other tractor supply. You won't see a lot of these garden centers, because they haven't been constructed but they have to be planned for because that is the demand of a publicly traded tenant. Now they may never come to fruition. As such, we can't be held in jeopardy because the lease is based on very, very tight budget constraints of building this building, building the parking lot, taking down the entire center. You know how the whole thing is going to be master planned, and that's how it's devised now, whether or not one year from now or 10 years from now they end up building this component.

It is a requirement of our lease that we at least get the conceptual plan through the entitlement phase. Just much like the same way we do with forge sheds. If a forward shed component was going to go in there, there's a whole different forge can shed that is totally different than the traditional one in this. But if this was going to be built, the entitlement portion of it has to be done, because if tractor supply justifies building this, they have to pay for it and they don't want to have to come back here and go before you folks and this sort of thing, with all due respect, they want to be able to say, oh, let's go ahead and get the project structurally engineered and let's go in for our building permit, so to speak. But they don't want to have to go through the entitlement process, and it is very important for them to be able to have that option. The way it would be constructed is the way we are proposing phase one, because there isn't enough justification based on their sales projections to add. This is another one and a half million-dollar component, and they just can't justify it at this point, but they need to have it in time.

Chair Hamerly stated point the drive through on that. Yeah, I can see it.

Steve Powell stated yeah, so the drive through is right here.

Chair Hamerly stated okay, so it's the large central element, so that's an open gate.

Steve Powell stated yes that would be an open gate that would look just like the rest of this. It's right in the middle.

Chair Hamerly stated and the three Gables that I'm seeing on the rear elevation connect the element just to the west of that center area.

Steve Powell stated that's correct, yes. So, these are hidden in this, but they don't go all the way. It's a little deceptive here because this is set way back. It doesn't go to the back of the building.

Chair Hamerly stated so, the two Gables that are to the left of that rear image, right there? Those are not the two elements that are in between the Tractor Supply, which I'm assuming is the rectangular portion there and then there's three Gables and the last gable, on that lower picture, is the drive thru element, correct?

Steve Powell stated yes, it is. Yes, you're right.

Chair Hamerly stated okay, so there are three Gables running north/south parallel to the western facade of the proper Tractor Supply building.

Steve Powell stated what you see, so the brick, the actual retail stores right here from from here to here, these facades are designed not only to mimic this but it's to mask the gables that are up front, and they start small, and they get a little bit bigger in the middle and they only go about halfway through the FOD.

Chair Hamerly stated okay because it looks like they go all the way back. So, I'm looking at a facade right there, that does not connect to the roof, it is the gable on the rear elevation.

Steve Powell stated yes, they it does. It connects up to the side of the store.

Chair Hamerly stated but the gables are running north/south the length of the building.

Steve Powell stated north/south, but not all the way to the back. Not all the way to the far north. I forgot what the dimension, Leonardo do you remember what the dimension is on that and and again we haven't constructed a whole lot of these. This is a new element. The first two that we're doing is Jurupa Valley and here. This has been an absolute challenge with our tenant because this element to build this freestanding element can't rely on this structure, so it's an extremely expensive element, but we have to have it in the entitlements. If I was betting on this, I don't believe this phase will ever be constructed. That's my own opinion.

Chair Hamerly stated be that as it may, it's a design review application and we're entitling, so I'll cut to the chase and let you know what really bothers me about the north elevation. The front ties together beautifully. No problem. It's presenting itself well to Base Line. You could make just as much of an argument that you are also presenting the rear of that building to all of your apartments, all the residents that are to the north and it wouldn't take too much to clean up that rear facade and start covering up some of those gables, even if it's just another fake facade that you're presenting an image, even though it's the back of the building. Just to square it up, because right now you've got a very boxy contemporary modern structure and then all of a sudden, you've got three barns tacked onto the side of it, and it really doesn't tie in. That's where I'm going with it, and so I'm saying if you're going to propose something like that, clean up that back there so that at least it reads like the rest of the building just the way you did on the South facade.

Steve Powell stated no, I understand. I understand that, and again, I agree with that. The challenge that we would be faced with back here is that we don't have the opportunity for these large structural columns. I think that some of these columns go 12 feet, 15 feet deep. I mean because they have to be freestanding in order for the wind loads, the seismic loads, and everything else. We don't have that opportunity in the back. So, what from along those lines, what I would propose in that is to take this, for lack of better words like a corrugated metal or a pre-engineered metal facade back there is to create a parapet that resembles this. Again, it's more halfway in the FOD, so it's going to be disturbed by not only landscaping, but by all the product line that is within the FOD itself. But it would get rid of the gable elements, and honestly that is one of the things that bothers us a lot about this whole garden element because we don't design that. That is something that we have to follow their criteria and then we have to make the argument back to them saying well, you know there's no way it's going to be accepted, and it looks so different and that's why this energy was put up here. The logistics of this area is just like changing the floor plan of a store. If we add one column, we have been struggling with the the structural on this because of seismic issues. We add a column that takes up away shelving space inside the store. They say sorry won't work and so we have to be very creative along those lines. So, in order to create more of this kind of stepped up, stepped down, there are different types of panels that can go into a pre-engineered metal building structure.

Chair Hamerly stated so, if you think of everything, let's just arbitrarily say that red line that's running across there is, I'll pick a number and say it's 12 feet off the ground. Just for the sake of discussion, so everything above that is basically non usable retail space if you want to call it that. So, if you did a horizontal element there that masked the gables, you could even think of it like a mechanical screen where it's basically just freestanding horizontal boards that are up there. They're acting as a screening element because where I'm going is it

just falls apart when you have three triangles, just stuck arbitrarily to the end of a building.

Steve Powell stated I can't argue with it.

Chair Hamerly stated if you hide them somewhere and say call it a mechanical enclosure, if you will. Just mask it so that you're not looking at a nicely constructed clean box, then all of a sudden you have the Grand Tetons on the west side of your building.

Steve Powell stated well, we had the Grand Tetons on the other side too, so no, I agree with you and that's where again so this is, like we could create what would look like this in a stuccoed panel facade, but I've got to be able to make it to where it doesn't require the same kind of loading that this monster element does.

Chair Hamerly stated the instant it's solid, you've got your wind loads, plus your gravity loads, so I'm saying I'm throwing you a bone and say if you do a horizontal screen. The wind is going to pass right through, so you're taking away your flagpole loads, but now you've got something that at least visually masks it that continues the facade of the building.

Steve Powell stated I understand, and I appreciate that and it's one of the arguments that we've made to Tractor Supply multiple times, but they don't listen to us as much on that. The way they listen to us, honestly, is by coming back and say this is what you got to build, and they go OK mercy. It's a revolving door. Next year it's going to be something different, but I appreciate that. I appreciate the fact that you give us an option on that. I cannot argue. I don't like it either.

Chair Hamerly stated in terms of the screening that's going around the perimeter on how tall is the steel fencing that's going around the garden centers? Is it like 10-12 feet?

Steve Powell stated it's 8 feet. Again, that was, you know, Tractor Supply started in 1938 and thievery became very popular. They started out as catalog store but when they came in with this FOD component, 6 feet, man things were walking over the fence so 8 feet really became the absolute minimum.

Chair Hamerly stated is that screened in any way, shape or form other than the vegetation? Am I reading a mesh in between there? Both sides, all views.

Steve Powell stated it is wrought iron fencing. Again, if you go to a standard criteria, it starts out with galvanized chain link. Some areas allow a black vinyl chain link and then others are black vinyl chain link with privacy

slats. Then then the version here, which I think we talked about this with Staff, is wrought iron with CMU columns.

Chair Hamerly stated because one of the conditions that we typically put on any type of outdoor storage is that it needs to be screened from adjacent properties and from the thoroughfare. So, where I'm going with this is if it's just a tube steel fence, or vinyl fence, whatever you're proposing that there should be a mesh screen so people can't see it. It's also a deterrent, it's not an attractive nuisance that they want to go over the fence, or you put a hedge in there and it looks like you've got some vegetation proposed on your northeast corner.

Steve Powell stated again, another challenge, and I'm glad you bring it up, but and I'll give you the honest answer, is on the front here, well, this is the future phase.

Chair Hamerly stated that's the one I'm targeting, particularly because if you don't have that other structure, it's going to look like you know just a naked wall back there.

Steve Powell stated well, I believe that we have privacy fencing all the way down to the Dollar and then we have screening in the rear. But what is very important to them is the product line, so it's not being hidden, you know, so you know they they want them to be able to see it and it's it comes right out of the mouth of babes when it comes to Tractor Supply. It's like well that's fencing material and you know it's an important component, and all of that always gets factored in. Like I said, we just finished a store in Jamul, California, and it's actually a beautiful store and it ended up being a galvanized chain link and they were completely happy with that, because it seems to be, I guess that silvery color with a chain link you can almost see right through it. We have tried everything we could. We built a store in Santa Clarita, actually, outside of Santa Clarita in Canyon Country and they had a condition to block it off completely. So, it went back and forth, and they ended up having us build an eight-foot-tall block wall on two sides that really becomes a graffiti magnet and then we ended up opening up the front. The conclusion at the end of the day was why didn't you just keep it open all the way around so and I'm not saying that the screening couldn't be there and Tractor Supply, you know again, they make it very important for us to realize that this is an important part of that outdoor lifestyle of the product line, that they're selling, and that's why they have the permanent sidewalk display area for seasonal fruit trees and tractor implements, and that sort of thing that's just part of their product mix.

Chair Hamerly stated the portion of that yard that I was particularly keying in on, though, was the portion of that yard that is on the property line between Dollar Store and Tractor Supply.

Steve Powell stated I believe that that was the privacy fence.

Chair Hamerly stated okay, so that is solid, not see through.

Steve Powell stated Yes, well, it's the privacy slats.

Chair Hamerly stated because there's something else that is kind of seasonally unique to our end of the world here, we get ferocious winds from time to time. Chain Link does a wonderful job of trapping every bit of garbage is flowing down off the mountain. The vertical slats the steel fencing is just big enough that that stuff will pass through and blow into somewhere else and become their problem, but chain link traps everything and it really starts to look bad, so that's something to think about on how you choose to screen that. I've heard tube steel and I've heard chain link in this discussion, so you know, think about some of those factors.

Steve Powell stated I believe because we got a lot of stories going, what we ended up with, what we proposed originally was not this, but what we ended up with was the columns to to sort of resemble the architecture. Wrought iron along here. I think it's black vinyl chain link with privacy slats along that side for screening.

Chair Hamerly stated west side only.

Steve Powell stated yes, and then we have landscaping and iron in the rear

Chair Hamerly stated at the northeast.

Steve Powell stated and there's a block wall for the loading area, and then there's landscape in front of that because that was another point that came up.

Chair Hamerly state were there any trees proposed on the extension of the Foster Street as you come into the the property from that direction?

Speaker is inaudible.

Chair Hamerly stated you're going to have to either speak at the microphone or he's going to have to translate for you.

Jeff Maxwell stated it's showing up right now on the parcel that is the multi-family residential so it's not coming up on the Tractor Supply component, but in the future when we submit plans next month, the landscape plan for the Apartment parcel will show kind of a street treatment along that..

Chair Hamerly stated the northern side of the Foster extension.

Jeff Maxwell stated yeah, the northern side of Foster. On the southern side of Foster, we have some screening there for the loading dock.

Chair Hamerly stated so I'm just reading hedge as opposed to the Cypress that are shielding the loading dock.

Steve Powell stated and that's in addition to a block wall also.

Chair Hamerly stated right.

Steve Powell stated and again we were under the impression that the the apartment will be more heavily scrutinized next month, but we do have a full landscape plan for that also.

Chair Hamerly stated the question was specifically and only regarding the Tractor Supply parcel. I was saying are there any trees on the south side of the Foster extension specifically to screen that loading area. I see hedges and I see a wall there, but I don't see anything that has any kind of mass that's hiding a very tall, blank side of the building back there and that's the side we're presenting to the apartments. Then everybody that's driving down the street coming through Foster that's going to Dollar store, that's going to the pharmacy, all of those.

Jeff Maxwell stated we have site, it's just the limitation that we have. We have Cypress trees here and here. Yeah, here in here.

Chair Hamerly stated so there are two stands of Cypress that are, one is on the diagonal portion of the the yard and the other is at the entrance to the the loading zone.

Jeff Maxwell stated correct.

Commissioner Miller stated it looks like from the illustrations that the landscaping is flush with the adjacent parking lot is, is that correct? Doesn't look like there's a curb or anything surrounding those. Is there any issue with vehicles coming in and driving into the landscape areas without that curb production?

Steve Powell stated where are we speaking?

Commissioner Miller stated from the illustrations here it is shown there is proposed curb. Okay. So, you know one of the things a cost saving measure you could implement is something some of that landscape you mentioned the stormwater requirements earlier. If you're able to sump of that landscaping and hold on to that storm water at the surface, then you essentially reduce the size of that underground system, which is a little bit more expensive to do it underground as opposed to doing it on the surface, that could be a cost saving measure if that works with the type of landscaping that you have. Assuming that you can get stormwater from those impervious areas to then drain into that landscaping.

Steve Powell stated yeah, that's been part of the challenge and the other part of the challenge is being able to meet all the parking requirements and the circulation requirements without having to go underground. Because I agree, these storm tax systems are very expensive, very expensive.

Commissioner Miller stated so there's some opportunity there for some cost savings if you could potentially do some of that treatment within your landscaping. Just a general comment.

Chair Hamerly stated so on each individual parcel, and specifically to Tractor Supply, is there a calculation on the percentage of landscaped area that we're looking at because right now it looks like there's a very narrow parkway that may or may not be about ten feet on the Base Line frontage. Then we're looking at just slivers around the perimeter. So, is there a percentage of the lot area for parcel 1?

Leonardo, Project Landscape Architect, stated correct, so each is calculated out individually, but the percent total landscape area is 16.9%.

Chair Hamerly stated is that just Tractor Supply or is that the whole site?

Leonardo, Project Landscape Architect, stated it is.

Chair Hamerly stated because it looks like the biggest landscape area is on the north side of parcel 3.

Leonardo, Project Landscape Architect, stated it does look like the whole site. I don't know if Jeff can speak to that.

Steve Powell stated and again, we didn't do formal landscape plans on the four commercial outparcels. We did do one on the apartment because that is a project that moving forward

Jeff Maxwell stated I honestly, let's see.

Leonardo, Project Landscape Architect, stated it's 16.9% for the landscape area calculation.

Jeff Maxwell stated we calculated that as a part of the whole site.

Associate Planner Syed stated so in the mixed-use zone for landscaping like this, the minimum is 10% and which they met.

Chair Hamerly stated on each individual parcel, or on the entire conditional use permit area.

Associate Planner Syed stated for specifically this design. It's actually this whole site.

Chair Hamerly stated and that's my understanding. When I look at the pockets of proposed landscaping, Tractor Supply is, you know it's in the middle of everything and it's carved up by paving. So that's why I was asking that question specifically because it's design review just for parcel one and was wondering if each individual parcel was being graded to meet that 10% threshold, or if it's still the macro view and we're factoring in the apartments. We're factoring in parcel three, the big commercial tenant and averaging the entire thing over the entire site.

Associate Planner Syed stated I was looking at it as the entire conditional use permit, so the whole site.

Chair Hamerly stated okay, so it's conditional use permit. So, then the design review, which is each individual parcel, we could not then have the standard apply to each individual parcel. So, the challenge for the Commission and for Staff at this point is going to be mentally tracking that percentage because if the redesign does occur on parcels three through six, we're going to have to say we do need to set aside enough area, so we've met the landscape threshold, which could be a little bit limiting on the southeast corner depending on what tenant comes into that space. Because back to your point, if there were an opportunity to create bio swells or any on site capture of water. The most attractive option right now is on the north side of the big commercial tenant. That's the only place we have enough real estate in landscape to do that and that's unfortunately on the uphill side of the site. Anything else on site or landscape? Did everybody have a chance to see the color board that was here?

Commissioner Sutorus stated I just had one quick comment about your selection of palms. I don't know if our landscape architect is here tonight. Oh, he is, Scott this question is for you. Are the Washingtonian California fan palms as invasive as the Washingtonian Mexican fan palms?

Scott Rice stated they are, but here's the challenge. We have an established streetscape theme going through the Town Center where the anchor tree is the California fan palm, and that's something that's occurring on both sides of Base Line at a uniform interval. So, if we don't continue that pattern, it's going to be very apparent.

Commissioner Sutorus stated there was mention about migratory bird earlier. I mean they don't support any migratory birds mixing, I mean it's invasive. It grows up in the cracks of everything and it would blow into the neighbor's yards. Is there any other selection of palm that could be suitable to match the theme that's not invasive?

Scott Rice stated not really, it's a very dominant tree, the California fan palm. It's the real stout, real thick trunked one. It would just be that stretch of frontage where there's a different palm, so we've got a very, very dominant theme for about a mile there along Base Line.

Community Development Director Mainez stated if I can chime in, sorry about that.

So, where these are located, they're in the Town Center, and they're usually part of the LMD, which is landscape maintenance district, and you may notice driving in and driving away from City Hall that the standard of maintenance is a little bit different than you would see on a private property, so we do require them trimming or regular maintenance of those things to address some of the issues you just pointed out. You're right, it is something that we inherit because we selected those trees to be the dominant colonnade along Base Line. So, now you could take them out I guess elsewhere in the site, but I think you're referring to the ones along Base Line, correct?

Commissioner Sutorus stated yes, specifically.

Community Development Director Mainez stated so the standard of maintenance is a little bit higher, in this case, so you won't get that problem and if we do, there's a phone call and a letter and a citation, and they usually get out there within 24 hours and start trimming.

Commissioner Sutorus stated it's not the trimming it's the seeds, the pods, and they spread everywhere.

Community Development Director Mainez stated I mean if you want to maybe put that on a topic that we can analyze, you know, under separate cover, come back to it and we can look at it. I know that's something our landscape architect has wanted to do for a while, is to go back and look at our palette. I'm not sure we're going to be able to do that. Why don't you give us direction to maybe look at considering some other trees that are similar? I don't know if that's something you can even do.

Scott Rice stated we can and so citywide we're definitely steering as many applicants as we can away from the fan palms. This is one of the last remaining pieces of an established theme, and so for this particular piece of town, for the Town Center corridor, this should be it. We wouldn't want to change at this point. Everything has been established there, but we could definitely as a whole, we could definitely look at other options other than the the fan palms. So, this is a tricky situation just because of the established theme, trying to find the balance.

Chair Hamerly stated fan palms are going and establishing the dominant structure as you go down the Base Line corridor. In different segments there are secondary trees that kind of add the shading element to the pedestrian walkway. I'm not observing that on on this particular application. Are there trees that are providing that secondary shade element for the sidewalk?

Scott Rice stated for this stretch we've got a narrow planter along the edge of the South side of the property along Base Line.

Chair Hamerly stated because one of the biggest deterrents to pedestrian activity is 100-degree temperatures and lots of paving. Any opportunity that we have to create some shade along that stretch if we're trying to create a Town Center and have pedestrian activity, that's an opportunity to do it. Even if we artificially did it with diamonds at the heads of the parking spaces, at least it would hang over the sidewalk and provide some intermittent shade through there.

Scott Rice stated is that something that we want to add as a condition of approval?

Chair Hamerly stated it's a suggestion because right now you know palm trees are not going to add any shade that's meaningful at the sidewalk level, and if we're trying to create a pedestrian thoroughfare or encouraged pedestrian activity through the Town Center. We better start thinking about shade and rest stops and shading bus areas and those types of things. There's a real detriment of that. You know, not that that's part of this, but especially on the south side of Base Line, there's very little shade there. I would encourage this as a directive to Staff to think along those lines about seizing opportunities to create shade along the sidewalk.

Community Development Director Mainez stated shade is going to be off the sidewalk if you plant them on the north side.

Chair Hamerly stated depends on the canopy, but yeah, at noon in the summertime when it's the worst. At least it's going to provide, you know whatever it is 20 to 25 feet on center you're going to get a canopy that's going to provide some relief. If we can keep the sun off the paving too, that also makes the sidewalk a little more pleasant.

Scott Rice stated we can definitely look at this further through the plan check process and see if there's opportunities for additional trees, I know that when the applicant was looking at the site and meeting their parking requirements, especially for Tractor Supply, just ran out of landscape room, just to get the queuing with the rows. But if there are opportunities for maybe additional diamond planters along that southern edge of parking.

Chair Hamerly stated it looks like about every six or seven parking spaces along the southern edge there you do have, looks like maybe a 6- to 8-foot-wide landscape strip between the parking spaces so if those trees either slid farther to the south or a second tree was positioned at the bottom, the southern edge of those strips you know that might provide some additional shading. Going up Church Street they've got a really nice pattern through there and I think that one

was well done. It's just a shame that you know Base Line is the major thoroughfare, and we've missed the trees on that one.

Scott Rice stated the application, as proposed, would be consistent with what's happening at CVS and Bakers, and so that the parking lot tree and the finger with the canopy it would provide intermittent shade. It's not ideal, but definitely there would be the opportunity to shove that tree a little bit closer to the sidewalk.

Chair Hamerly stated any thoughts on the landscape site plans? We kind of touched on the elevations. Any final thoughts on the color scheme and the elevations? And again, this would be a directive to staff to work with the applicant on, even though it may never get built, having a strategy for addressing the gable ends that are exposed on the north end of the building. It's a directive because they may never do that, and since it's just design review, it's not part of the CUP. That's why it would have to be a directive when and if this ever does happen. At least they've got a note to say, oh yeah, let's make an attempt at fixing that. Okay, that completes the design review portion of it. So, we've got the site plan, building elevations, conceptual landscape plan, the grading plan for the Tractor Supply parcel. Public hearing is still open with any final chance for comments.

Community Development Director Mainez stated we would like to just go back to the entitlement. There was a couple of discussions about the apartments. I just wanted to go back, and I should have brought this up earlier but under the CUP conditions on page 118. Condition number two, in that condition lists that one of the entitlements is one multi-family residential building. We've heard tonight that those are approximately 21 units. So, for ambiguity concerns, I don't want to make sure that when they come back, they don't bring in like a 10-unit apartment or a 50-unit apartment. We have to really narrow this down to a range, whether it's 15 or 20 or approximately 21 units. So that staff has good direction that this is what you're seeing tonight is going to fit there and we're not going to have to deal with any other size issues, so I don't know if you want to ask the applicant to clarify that.

Chair Hamerly stated well, it does look like there's three buildings proposed, so we would have to rewrite condition two since there are three of those multi-family attached structures.

Associate Planner Syed stated what Community Development Director Mainez is saying is to specify a specific number of units, or a range of units. It doesn't matter how many buildings.

Chair Hamerly stated right now the condition is it's a building. So, it should be a multi-family component would be a generic grab all term if they decide oh, we can fit 30 units on here by making them six feet wide, or we've only wanted to build four big units. At least we're having a multi-family component without tying anybody hands to saying, oh, you have more than one building. So, we

don't want to rewrite the conditions so that that's a good suggestion that you bring up. That does need to be wordsmith to address. Something generically that does capture the essence of what they're trying to achieve with parcel 2.

Community Development Director Mainez stated the other option is just to make sure that the attachment, this exhibit, is part of the conditions and so we can always refer to it.

Chair Hamerly stated even that's not safe, because that's not part of design review, and you're entitling it that's right of zone with a conditional use permit.

Community Development Director Mainez stated so many variables, I get that.

Chair Hamerly stated I would stick to the use because it's a multi use. So, if we target that use as a multi-family residential and scrub the term building then it gives them the freedom to design whatever units that they're going to end up proposing.

It sounds like they're pretty well along, and they're going to be submitting that. I think we said January.

Assistant Community Development Director Stater stated and the removal of the single-family residential use because it's not actually required with the CUP.

Chair Hamerly stated so if we take out of the single-family residence portion of that, does that alter that 9.06 acres or did that include that one little parcel there on Villa?

Assistant Community Development Director Stater stated yes, that would have to be modified. So, staff can modify it following this meeting.

Chair Hamerly stated so the 9.06 is not accurate because it did include the single-family component.

Assistant Community Development Director Stater stated correct, as I assume that's what the map is, so we can modify that. We can adjust that to show the appropriate acreage.

Chair Hamerly stated so we have the one multifamily residential building that's going to be modified. Striking one single family residence on approximately blank acres northwest corner of Base Line and Church.

Associate Planner Syed stated do I have to read that into the record?

Chair Hamerly stated I was just trying to verbally go through the checklist of what we had just discussed. Just so staff has a directive when they're modifying that. So that would also change the proposal. Does that change the wording of what we're going to be reading?

Assistant Community Development Director Stater stated maybe as modified. Chair Hamerly stated doesn't look like it. It looks like the items one, two and three in the recommendation are clean. So, then it does modify the statement of proposal on the cover of planning conditions and then item 2.

Assistant Community Development Director Stater stated we have a question on another directive when you're done.

Chair Hamerly stated it looks like it was the only occurrence.

Assistant Community Development Director Stater stated would you like a directive? I had some language written concurrent with the design review application on commercial phases 3 and 4. A revised conceptual landscape plan with embellished gateway entries from Base Line and Church shall be approved by the Planning Commission, which is a directive.

Chair Hamerly stated yes, I'm fine with the directive. I think the fact that none of the additional parcels that are not for consideration for design review landscape would be a component of that, because even their preliminary landscape that was submitted this evening just has green shaded areas, but it's not articulated, so they would have to bring those areas back.

Assistant Community Development Director Stater stated this would be a reminder that we're looking for those embellishments on the next set.

Chair Hamerly stated I will formally close the public hearing. Any final items for discussion. Seeing none, we'll entertain a motion at this time, and as a placeholder since item 2 is being modified and the proposal is being modified, it would be the conditions of approval as modified.

A Motion was made by Commissioner Amaya, seconded by Commissioner Sutorus, to:

1. Adopt Resolution 21-022, to approve Conditional Use Permit (CUP 21-006), Tentative Parcel Map (TPM 21-001), Design Review Application (DRA 21-004), subject to the Conditions of Approval, as modified, and Findings of Fact, certify the Mitigated Negative Declaration and recommend the City Council approve General Plan Amendment (GPA 21-002); and
2. Direct staff to file a CEQA Notice of Determination with the County Clerk of the Board of Supervisors. Motion carried, 4-1, with Commissioner Miller dissenting.

Chair Hamerly stated since the portion of this is a recommendation to the City Council, do you want him to elaborate on the negative?

Community Development Director Mainez stated just for the record, I know there were issues with the general plan amendment is that the only thing you had issues with?

Commissioner Miller stated that is it, that is all.

RESOLUTION NO. 2021 – 022

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING TENTATIVE PARECEL MAP (TPM 21-001), CONDITIONAL USE PERMIT (CUP 21-006), AND DESIGN REVIEW APPLICATION (DRA 21-004) FOR MIXED-USE DEVELOPMENT CONSISTING OF FIVE (5) COMMERCIAL TENANT BUILDINGS, ONE (1) MULTI-FAMILY RESIDENTIAL BUILDING, AND ONE (1) SINGLE-FAMILY RESIDENCE ON APPROXIMATELY 9.06 ACRES AT THE NORTHWEST CORNER OF BASE LINE AND CHURCH AVENUE, CERTIFYING A MITIGATED NEGATIVE DECLARATION (ENV 21-003), AND RECOMMENDING THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT (GPA 21-002) ALLOWING DRIVE-THRU FACILITIES WITHIN THE TOWN CENTER POLICY AREA

4. 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 7914 Calle Del Rio, Highland, CA 92346.

Chair Hamerly stated item number four is a public hearing to declare the existence of the 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 7914 Calle Del Rio. At this time will proceed with staff report.

Community Development Director Mainez stated I want to point out some corrections Staff has made to the administrative record before you this evening. The corrections are reflected in the revised declaration of public nuisance which has been placed in front of you this evening. I'll hold it up, it's got the little green tabs on it as well. First, I want to direct your attention to a one-page handout. As I'm holding up here and this is intended to correct the order of attachments listed on page six of the staff report for the record. In the staff reporting notice of violation dated June 1, 2011, was mentioned but was not listed as an attachment on page Six of the staff report, and it was not included in the declaration of public nuisance resolution. That document should now be referenced correctly as attachment A in the record and in the resolution. Second, there were two city attorney letters inadvertently excluded from the staff report and resolution. Those two letters dated September 14 and October 26, respectively, by including the revised resolution and should now be referenced correctly as attachment J. In the record and in the revised resolution before you. Finally, the second page of the building official's special inspection report

dated November 29, 2021, was inadvertently excluded from the staff report and resolution. The missing pages included in the revised resolution. It should now be referenced correctly as attachment L. The code compliance officer is also requesting additional photographs be included into the public record this evening for the appeals board consideration. Copies of those photographs are also placed in front of you for consideration this evening. Copies of the corrected documents were also provided to the subject property owner and extra copies were made available to the public.

Code Compliance Officer Owens stated good evening members of the Planning Commission. My name is Barrie Owens and I'm a code compliance officer for the City of Highland. I'm currently assigned to the code Compliance case number 4744 located at 7914 Calle Del Rio in Highland, CA. Tonight I'm here to present the staff report for the public hearing to declare the existence of a public nuisance in accordance with Title 8, chapter 8.32 of the Highland Municipal Code and authorized the abatement thereof at the property generally located at 7914 Calle Del Rio, Highland, CA 92346. At this time, staff would like to give the Planning Commission members and the property owner a few minutes to review the additional documents added to the staff report and resolution.

Community Development Director Mainez stated I do want to point out that I don't see the property owner here this evening, for the record. I don't think she showed up tonight. As Code Compliance Officer Owens stated, if you need a minute or not, maybe you already looked at the attachments and so for example, the green tab labeled A, that's just a copy of the notice that was filed for that property. Then if you go to the green tab J. The two letters that I mentioned that were inserted, the one dated September 14, that one is just a request from our city attorney to the property owner to enter the property so we can do an inspection.

Chair Hamerly stated which already occurred, correct?

Community Development Director Mainez stated which already occurred, that's correct. Then the second letter, October 26, is briefly just saying the summary of the inspection that took place, as noted in the letter. So, if you want to read through, that's fine. We can spend a couple of minutes and just give us a nod when you're done, and we can proceed.

Code Compliance Officer Owens stated on May 28, 2011, Code Compliance opened a case after observing soil erosion from the block wall footings causing damages to the exterior block wall located on the southwest corner of the property.

A notice of violation was issued to the property owner on June 1, 2011, requiring repair by June 15, 2011. From the period of June 15, 2011, to November 29, 2021, Code Compliance has issued five courtesy letters, two additional notices of violation, two warning citations and four administrative citations totaling \$2,300. Additionally, the City Attorney has issued one request to inspect the property and

two notices of correction to the property owner with the last compliance date of November 12, 2021. On March 14, 2019, the property owner was given the opportunity to meet with the City Building Official and Code Compliance Officer to discuss the violation and required repairs. The property owner did not accept the invitation as she failed to respond. The additional photos you have received from the October 6, 2021, property inspection highlights the significant wall deterioration and damages to the landscape maintenance district. The block wall has continued to deteriorate and improper drainage from the property has enhanced the soil erosion, causing damages to the City's landscape maintenance district, while further compromising the integrity of the block wall. As evidenced, the City has provided the property owner with ample time to obtain a building permit and repair the damaged block wall. To date, the property owner has not obtained any building permits or repaired the damaged block wall and continues to maintain a public nuisance. In conclusion, we asked the Planning Commission to declare the property a public nuisance and adopt the attached resolution. This concludes the staff report and staff members are available to answer any question.

Chair Hamerly stated thank you, any questions for staff.

Commissioner Amaya stated the timeline, it started as you mentioned in May 2011 and then the next notice of violation was January 16, 2018. I mean, there's a seven-year time lapse there, isn't there?

Code Compliance Officer Owens stated there is, that is correct.

Commissioner Amaya stated why is that?

Code Compliance Officer Owens stated I unfortunately don't have all the information. I'm going to defer that to Community Development Director Mainez. I've been here for the City for about 3 1/2 years, so that was prior to my employment here.

Community Development Director Mainez stated so what we're doing tonight is presenting the facts of the events that occurred. Beyond that its most likely irrelevant. We're looking at they were cited, they were courtesy lettered, City Attorneys are now involved and here we are tonight. And you're right, a lot of time has gone by. We're ready to move on to the next step, which is going to be going to court and resolve the issue, so we're hoping that we can get the conclusion. To complete the administrative remedies and then move on to the next step.

Commissioner Amaya stated that's one good thing the wall hasn't collapsed in 10 years, but it's about to.

Commissioner Miller stated it's a private entities wall. It's that landowners wall, it's on their property, that's not public. It's right there, kind of at a threshold right, between what's public and private and our control.

Chair Hamerly stated it's a perimeter wall of a development, which is why it's blocked, but it's on private property.

Code Compliance Officer Owens stated that is correct and we do have the Building Official here who can actually answer any questions you may have in regard to the prior development. He did do some research on that.

Commissioner Amaya stated if you look at the drawings, actually the staff report. I know that the property owner hasn't done that, and they've had ample time. There's the middle part there, between the, there's a brick wall. Looks like specifically is it that middle portion where you have the deteriorations falling apart right there in the middle. So, the property owner just took care of that because my question is are they going to have to replace the whole all three parts in the backyard or just that specific middle part where you see the whole under? So maybe that's why they haven't done anything with the cost because I've seen the pictures where you can see that specifically and it's the one in the staff report right there where you see it, in the middle, that piece. Page 59, the top left picture, that portion of the wall, the owner would have to replace, or the whole wall have to be replaced?

Building Official Wirz stated the initial damage was to that portion of the wall that actually appears in that photo to be sunken down just slightly. That was the initial point of damage. From then it's migrated towards the eastern property, so if you're looking at the same picture, just the wall to the left, and I would say I don't remember the figures off top of my head, but let's say that was a 10 foot, roughly 8-foot, segment of wall initially that failed. Now we're looking at maybe an additional 14 foot or so to the left side of that photo. The cavities on the previous page 58 you can see is undermining that segment of slab just in front of that wall.

Chair Hamerly stated so those pictures on 58 are underneath the slab, that's at the edge of the patio and is not looking down into the wall.

Building Official Wirz stated they are indeed yeah, if you look at that wall and I guess there is not a good photo of that, but just at that wall segment, if you were to walk up to it, you could probably place your whole hand in between the wall and the slab. It's starting to leak.

Community Development Director Mainez stated I don't want to put in the record that there's not a good picture. We did provide additional photographs. Can you show our Building Official those and he could choose one that illustrates better what you are trying to convey?

Building Official Wirz stated I guess to clarify, that photo was not the best to show that angle. In fact, they're not labeled, the numbers, but the third page of photographs there you can see the column pilaster with the rock facade that is starting to split away. You can see clearly how far it's detached and the photo just below that, it's from further back point of view that shows it as well. Let me continue through these photos to see.

Chair Hamerly stated so two questions for you, one of the statements was that the degradation of the wall and the damage to the landscape maintenance district was the result of improper site drainage. Would that be drainage emanating from the subject property, or is it exacerbated by the erosion underneath the footing of the wall from the landscape maintenance side of the wall with the irrigation, because it looks like it's irrigation erosion on the street side, the South side of that wall.

Building Official Wirz stated understood and let me clarify just one more photo before I answer that question. If you go to the 8th page there you can see there's a picture of the hose in the backyard, dated 10/6/2021. The lower right-hand photo you'll see a bright orange color coloration. OK, so that's what I was talking about why the slab is actually detaching from the block wall there and that would be approximately the width of a hand. It's actually starting to lean outwards. In that same photo, you can actually see the cable that's attached to the wall and attached back towards a chain on the previous photo and then anchored into the ground there. It's kind of holding the wall back from over there.

Chair Hamerly stated so that cable is what's holding the wall up at present.

Building Official Wirz stated partly yeah and there's some retaining function that's taking place on the exterior side of that on the flow control of property. That's holding the wall as well in a portion. Back to the question that you had the site drainage issues emanate from the subject property in the best I can tell, the rear slab that's poured up against that wall. A portion of that does drain towards that corner or appears to when we took some levels to it. We were able to turn that faucet on that has the hose there and drain some water into the grass area. There's a little bit of a slump swell where the landscape and the hoses there with that stake. That's where the water was placed and we were attempting to try to find out where the water source might have been draining to, because as soon as you turn the faucet on, it will take just as much water as you can drain into it. We were unable to locate where that water goes to. We also did check the area drains in the rear, which flow out towards the front of the property.

Chair Hamerly stated that being the street that is to the east.

Building Official Wirz stated yes, the street to the east and that would be Calle Del Rio specifically. In the photos that show the cavity you can see some sort of drainage pipe or what's usually used as drainage pipe kind of encased in concrete. I don't know what purpose that serves. We do not see an outlet for that

in any one place. I would lend to; my opinion would be that I don't feel that the landscape maintenance district would have in an irrigation issue that's lending towards this problem because of the initial damage was out towards the west side as that was repaired or replaced. It started to erode more south into the landscape maintenance district. So, the source is coming from somewhere again I've tried to go out back out to the site during a rain event to see if maybe there's some ponding that happens and finally breaks through and continues to erode but I've yet to find a good source.

Chair Hamerly stated because when I was just looking at some of the exhibits. You know one of the first things that jumped out at me, it looked like number one the footings are insufficiently deep for being on the edge of a two to one slope, so they didn't respect the slope set back. The wall looks to be unreinforced, which is why it's coming apart and so the remedy, given the way that the wall was constructed, even though there are certain parts that are obviously failing now, it seems like the remedy is to correct the substandard wall construction. There are going to be other areas that are going to have similar problems at some point in the future. If there are similar breakdowns in irrigation or drainage along that entire stretch. It looks like just the most vulnerable area was in that southwest corner of this property, but I would have no way of knowing that the conditions of construction improve anywhere along that southern portion of the property or along the western portion along the wash.

Building Official Wirz stated indeed. The western portion, I would say has more soil. Well, the foundation or footings of the wall is set back more to an adequate distance than this corner specifically, as it's failed out. As you go along the southern property there, through the landscape maintenance district, there are different conditions that vary, and I would probably agree that this is the most vulnerable spot.

Chair Hamerly stated and it does flatten out as you head to the east a little.

Building Official Wirz stated partly, and in fact I think the amended photos, the very last one, you can see an irrigation pipe or conduit that runs from the subject property through the wall, along the exterior of the wall on the south side and then back into the property. That portion there is relatively flat compared to the eroded out, washed out, portion where the wall has failed. So yes indeed, the conditions do vary, and I think, if I can find a good photo of this, where that corner pilaster is on the southern western most portion. I might be incorrect, but I thought as you progress through the east, there's another pilaster there, which would be the third or fourth page of the revised photos. You can see a pretty good visual of the second pilaster and kind of the flatter conditions that I'm talking about. If it helps, it looks like the fourth page and the photo you can see the landscape maintenance district with the tree there.

Chair Hamerly stated so getting back to the root cause of this, I noticed that there were area drains in the slab and was just wondering for whatever reason, if

there's a break in that, that could cause erosion underneath the slab, an irrigation line breaks that could cause erosion. So, to me it's not just a remedy of fix the wall if it's not addressing the root cause. So, I'm wondering how far the declaration of nuisance goes in abating this condition, it is it requiring testing of all site drainage or irrigation drain lines along with correcting the wall. I didn't see it mentioned anywhere.

Community Development Director Mainez stated so tonight at the beginning I mentioned that we had advertently left out the second page of the Building Officials reports. So, if you can turn to the green tab labeled L and that's going to be the Building Officials report. On the second page, item number 3, it does tell the property owner that the source of the failure should be investigated further. So, we're not going to be able to solve that tonight. This is her wall, it's a private wall.

There's damage and needs to be repaired. It's causing damage and there's potential life safety issues here with people maintaining the LMD. As well as on her property and we're just bringing that to light, so she's going to go through the process of coming to City Hall, hiring somebody to fix it, and then investigate the reason why it failed so it doesn't happen again. That's what that that's what item 3 is stating, correct?

Building Official Wirz stated correct and that's exactly where I was headed.

Chair Hamerly stated seems like the end result of all this and even some of the letters from the attorneys said if you don't fix it, we will, and it'll be a lien against the property for the expenses and the administrative costs. So that's kind of where I was going with that comment. Initially is just to ensure that the problem is remedied at the source, not just to have the City come in, and we're going to fix this wall, we're going to remove it, and we're going to put it back up and now it's corrected. If all the drainage issues or irrigation issues are not corrected, my concern is that if the City fixes the band aid, the wall, and doesn't adequately address the root causes through more investigation as item three here notes. At what point does the City become responsible if something else goes wrong and we've created a nightmare and stepped right into it.

Community Development Director Mainez stated correct, we we're not going to pursue taxpayers' funds on something that it's not going to be a permanent fix and not look at those reasons of why the wall failed. It's probably not the best option to have the City go in there and do that, but it is an option, so we'd have to go to court. We would have to go to court, present the design, the engineering, the reasons for the failure, and then ask for a warrant to go into the property. Based on all those engineering facts, which we don't have tonight, we're just saying the walls damaged, it's on her property, she needs to fix it. But that option is an option. It's an expensive one and there is that liability and I would probably suggest City not to do that. So, we'll just end up going to court. We'll give some estimates to the judge. Here's how much it's going to cost,

here's the permit fees and this is the process. Give her as much time as you need, but if she doesn't do what you tell her, she's in contempt of court, and then the judge can deal with her. We have basically done all we could do as one of our Board Members has pointed out, it's been enough time. So, we're ready to move on. We have a lot of code cases that to deal with, this needs to be done.

Chair Hamerly stated does that warrant include, call it destructive investigation because it seems like some of these answers can only be determined if that slab is saw cut out of there to see what's going on underneath it. So, does the warrant include that and does that need to proceed the court proceedings because that's part of the investigation.

Community Development Director Mainez stated our City Attorney is going to make sure we have all of the facts to support. All of what you're saying in the record tonight. So, if we have to bring an expert which is going to probably be a lot of our engineering staff, we might have to have a consultant. These are all charges I hope we don't have to do and I'm trying not to. I was hoping she (the property owner) would be here tonight to give a thumbs up. She's working on getting the funds to fix it. That's what I'm hoping the outcome will be, but I think this will show her that the City is at the end of its rope, and we need to move on. So, when we send her this resolution copy tomorrow and starting the clock, and by the way, we're giving her 45 days. You have the discretion to change that, and I know you did on the last one. You gave him a little bit more time. I would love to shorten it, but I think 45 days is probably reasonable.

Chair Hamerly stated especially given that we're heading into winter, and it's supposed to start raining on us anytime now.

Commissioner Miller stated I should disclose I have been in in the vicinity of this problem during rain events and have witnessed discharges through the wall and underneath the wall and have what I think is a pretty good understanding of what the issues are. I know given that I have that information I'm supposed to disclose that, so I'm disclosing it.

Chair Hamerly stated any final items for discussion? I do have to open the public hearing and no one else is in attendance, so we will close the public hearing and entertain a motion at this time.

A MOTION was made by Commissioner Amaya, seconded by Commissioner Thomas, to adopt Appeals Board Resolution No. 2021-023, declaring the existence of a public nuisance on the property located at 7914 Calle Del Rio, Highland, CA 92346 and order the abatement thereof. Motion carried, 5-0.

RESOLUTION NO. 2021- 023

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS 7914 CALL DEL RIO STREET

(APN 1210-451-01-0000), GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CALLE DEL RIO STREET AND GREENSPOT ROAD AND ORDERING THE OWNERS OF THE PROPERTIES TO ABATE THE NUISANCE CONTAINED THEREON

ANNOUNCEMENTS

Assistant Community Development Director Stater stated there will be items for your meeting in two weeks. We have two scheduled currently to bring to you. One will be a warehouse project at the northwest corner of 6th Street and Victoria Avenue and the other will be a design review for a Wendy's restaurant remodel/ exterior remodel like we did for the Taco Bell, a similar process and with your action tonight on the Tractor Supply that will go up to Council. So, we'll schedule that for January, and we'll keep you informed as that goes through the process.

The next Planning Commission meeting is scheduled December 21, 2021.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 9:04 pm.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission