

CITY OF HIGHLAND REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

MEMBERS

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

REGULAR MEETING

January 18, 2022
6:00 p.m.
City Hall
Donahue Council Chambers
27215 Base Line
Highland, California

STAFF

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

MISSION STATEMENT

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

Visit the City's Website at: www.cityofhighland.org

CITY OF HIGHLAND • 27215 BASE LINE • HIGHLAND, CALIFORNIA 92346 • (909) 864-6861 ☎ • (909) 862-3180 📠

The City of Highland complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office at (909) 864-6861 Ext. 226, at least 48 hours prior to the meeting.

Pursuant to Government Code Section 54957.5, any disclosable public records related to an open session item on a regular meeting agenda and distributed by the City of Highland to all or a majority of the Planning Commission, less than 72 hours prior to that meeting, are available for public inspection at Highland City Hall, 27215 Base Line, Highland, CA 92346, during normal business hours.

Submission of Public Comments: To limit the number of persons in the Council Chambers, the public is encouraged to make public comments by email rather than in person. For those wishing to make public comments by email to be read aloud at the meeting by the Community Development Administrative Assistant. Email comments must be submitted by 5:00 p.m. on January 18, 2022 to publiccomment@cityofhighland.org.

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

**PLANNING COMMISSION
REGULAR MEETING AGENDA
January 18, 2022 - 6:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

To address the Planning Commission, please complete a speaker form located at the entrance and give it to the Administrative Assistant prior to the beginning of the meeting. Your name will be called when it is your turn to speak. Individual speakers are limited to three minutes each. Comments received via email by January 18, 2022, 5:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes.

CONSENT CALENDAR

1. Minutes from the December 21, 2021 Regular Meeting.

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

2. Minutes from the January 4, 2022 Regular Meeting.

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

PUBLIC HEARING

3. 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, a 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, grading plan, and a Mitigated Negative Declaration (ENV 21-004). (Continued from December 7, 2021) (APN No. 1200-421-02 and -03).

RECOMMENDATION: Staff recommends the Planning Commission:

- 1) Adopt Resolution 21-____, to approve Conditional Use Permit (CUP 21-001), Lot Line Adjustment (LLA 21-001), and Design Review Application (DRA 21-001), subject to the Conditions of Approval and Findings of Fact, and certify the Mitigated Negative Declaration (ENV 21-004); and
- 2) Direct staff to file a CEQA Notice of Determination with the County Clerk of the Board of Supervisors.

ANNOUNCEMENTS

ADJOURN

I, Camille Goritz, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 14th of January 2022 by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: January 14, 2022



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: January 18, 2022

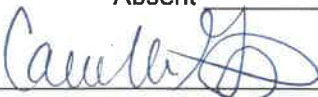
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III 

SUBJECT: Minutes from the December 21, 2021 Planning Commission Regular Meeting.

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

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

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

**MINUTES
PLANNING COMMISSION REGULAR MEETING
December 21, 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
Carlos Zamano, City Engineer
Matt Wirz, Building Official
Scott Rice, City Landscape Architect
Shannon Wisniewski, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

CONSENT CALENDAR

1. Minutes from the December 7, 2021 Regular Meeting.

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

PUBLIC HEARING

2. Conditional Use Permit (CUP-21-007) to permit the development and operation of a 305,617 square foot warehouse and associated improvements, Variance VAR-21-001 to allow the warehouse building to exceed the maximum building height permitted in the Business Park Zone by 10', Design Review DRA-21-005 for the project's Site Plan, Building Elevations, Rough Grading Plan and Conceptual Landscape Plan, and Tentative Parcel Map 20384/TPM-21-002 to combine six (6) parcels into one (1) located at the northwest corner of 6th Street and Victoria Avenue; (Assessor's Parcel Numbers 1192-281-09 through 14) – Patriot USICV Victoria, LLC.

Assistant Community Development Director Stater presented the staff report.

Commissioner Miller stated you mentioned a 100-year storm design a the underground treatment system. Was there a driver behind designing the system for 100-year event?

City Engineer Zamano stated there is a need to contain the 100-year storm event because there is a deficit regarding drainage in this area. There is a city project that's in the works to improve this corridor of Victoria Avenue from 3rd Street all the way up to 9th Street, so our city project is going to construct the storm drain facility along this area. It is going to do improvements along the channel along the southerly side of 3rd Street just on the north side of the airport. However, that project hasn't moved forward yet, because of some funding deficits, therefore we need more funding to move that project forward. What they are proposing to do with relative to the storm drain is an interim condition, but we do want them to address or capture 100-year storm event because of that.

Commissioner Miller stated ok, you mentioned collection of some fees for offsite and drainage improvements and those funds that you're acquiring will you be using some of those funds for this master plan system, correct?

City Engineer Zamano stated correct.

Commissioner Miller asked are there any offsite improvements proposed with this specific project?

City Engineer Zamano stated this project will construct, the improvements to the ultimate so that they will be consistent with that city project that the city is doing along Victoria Avenue.

Chair Hamerly stated I believe it's 10-foot additional dedication along Victoria Avenue for this project. How will the street improvements father to the north get tied in?

City Engineer Zamano stated there will be a transition because we do need to transition back to existing, so once the design is provided to the city we will review and evaluate that to make sure that those transitions are added.

Chair Hamerly asked will the transition occur on the subject property to the south of the property line, or would it transition farther to the north? The aisle coming in is fairly close to the northern property line, so is all that going to fit in there for a 10-foot offset.

City Engineer Zamano stated since you cannot do the transition to the north because that's on private property, the transition will need to be on the south side.

Chair Hamerly stated my concern is that this is kind of the end of the run. Victoria Avenue runs downhill and there's not a lot of storm drain system to the north. So, if the water flow is building up and then it hits a 10-foot offset, where is the water going to go? Is it going to jump the curb at some point and then start to create erosion behind the right of way improvements? How are we handling all that?

City Engineer Zamano stated there is a proposed reinforced concrete box along Victoria Avenue to channel the runoff southerly towards the existing drainage to connect on the south end. Portion to the south is City of San Bernardino's jurisdiction, so we will make sure that our area is addressed. We are relying on them to make sure that area is clear to make sure that the runoff can make its way down into there.

Chair Hamerly asked is the 6th Street improvement project a joint agency project between Highland and San Bernardino, or are we doing things north of the center line?

City Engineer Zamano stated correct, all these improvements and it's all within Highland's jurisdiction. There isn't anything within San Bernardino.

Kevin Rice, Applicant stated I appreciate your time. This is my first opportunity to work in the City of Highland. We went through the various iterations with Engineering and Planning Department, they did an outstanding job. We really try to push the envelope on the aesthetics because we think that adds value and these buildings will be here for a long time. We wanted to do the best we could to set the bar high and have something that we can be proud of, and it would be visually exciting for the folks of Highland as they are passing by every day.

Chair Hamerly asked to get the formalities out of the way, you have read all the conditions of approval and you're in agreement with that?

Kevin Rice stated yes, Sir.

Chair Hamerly stated one of the first conditions that would have to sign a letter stating to get everything into plan check, so you're good with that. Are there currently occupants for this building or is it entirely spec?

Kevin Rice stated it is spec at this time.

Chair Hamerly stated, ok. There is a precedent for having 5,000 square feet for parking space if it is warehouse only, however if there are other uses intended for the facility, whether it gets into light manufacturing then the occupancy rate goes up.

Kevin Rice stated I hear you 100%. Essentially, you can see we've got all those trailer parking stalls, and we had a secondary site plan that we can send you after this that was overhead. Basically in lieu of having all those trailer parking stalls, we had it all for autos so that gave us the flexibility that down the road should it be a tenant who's maybe a higher employee count and less truck traffic. Maybe they want expansion the office so on and so forth. We could then provide more auto parking on the site.

Chair Hamerly stated so you have done a site circulation layout because the first thought that caught my eye was the truck stalls that are on the northern boundary. If the dock bays are occupied by a semi-truck, is there enough maneuvering space to get in and out of those and be able to exit the site?

Kevin Rice stated yes, the trucks are typically 53 feet in length, and so the way that the geometry lays out relative to the positioning and the columns between is that if you have a truck port that is 135 feet in depth, you can back a truck in if every door were full. If you were to lay out a truck turning template, the distance from the face of the dock to the end of the truck court needs to be 135 feet to accommodate that. That is sort of the baseline standards we use to make sure we can accommodate that.

Chair Hamerly opened the public hearing. Within the business park, what would be the acceptable uses of a warehouse facility within a business?

Assistant Community Development Director Stater stated light manufacturing is permitted, but the Conditional Use Permit (CUP) will establish your expectations for this site, which is warehousing not manufacturing. Community Development Director Mainez added to the staff analysis early on warehousing/logistics is the expectation of this site and a future applicant were to prefer a manufacturing type use that would come back to the Planning Commission. The code establishes whether those are CUP or Design Review Application (DRA) both are permitted, but the CUP before you is warehousing.

Chair Hamerly stated it goes back to intensity of use. Within the Business Park we are trying to develop a multitude of uses within that corridor and a future tenant decides they want to start producing something in this warehouse, then that increases the intensity of use, noise, etc. There is a mechanism within the CUP conditions of approval that addresses that and comes back for a CUP, correct?

Assistant Community Development Director Stater stated that is correct.

Chair Hamerly stated ok, because that does impact parking significantly. My concern is, depending on the tenants that may move in is if they want more than 5,000 or 10,000 if they're occupying the entire structure, now we're looking at a 1 to 250 parking ratio. I don't see a lot of additional capacity.

Assistant Community Development Director Stater stated the design is somewhat self-limiting and they'll be hard pressed to move it to a use that is going to require significantly more parking.

Chair Hamerly stated that would almost be self-limiting in that you are locked in for your tentative improvements for your office portion because they've already gotten a variance for the parking. They would not be able to increase the office square footage because they would not be able to satisfy the parking requirement.

Assistant Community Development Director Stater stated it would be within the discretion of the Community Development Director, but that would be again, limitation that we would look at and be very critical of. It would be within a small percentage.

Chair Hamerly stated on a variance if it's part of a CUP, there isn't a lot of discretion involved in that. It is basically a condition of approval, so there isn't a lot of room for discretion on big issues like that.

Assistant Community Development Director Stater stated the floor plan is established also in your CUP, and within the description of the use it talks about square footages so it would be very limited to increase that office size.

Chair Hamerly stated they might be able to add some warehouse support if it did become manufacturing where they needed to add restrooms or supervisory area, but that wouldn't count towards an office that goes back into the warehouse, that would not be impacting parking, correct?

Assistant Community Development Director Stater stated correct.

Chair Hamerly asked can you discuss on the allowable coverage for floor plan versus site area? On the site plan it said they were at 57% and the business park limits it to 45%. How did the application address that and what are the offsets that compensate for that?

Assistant Community Development Director Stater stated there is the further discussion and sections of the Highland Municipal Code (HMC) that allow that to increase up to the 60%. It is discussed in the General Plan discussing the HMC, and there was quite a lengthy discussion of it in the initial study and MMRP, and how that is addressed in the 60% is the permitted ratio. It was the highest standing requirement that was utilized.

Chair Hamerly stated typically granting more building mass or a larger floor area ratio, there's usually offsetting measures implemented and they take the form of either limiting height or increasing setbacks for adjacency, so you're limiting the mass and or the impacts of the structure. What would be some of those offsets that were incorporated?

Assistant Community Development Director Stater stated the site does exceed its landscaping and it meets all its perimeter landscape especially with the conditions of approval to require the berming, the setbacks, the landscaping that's required at right of way. It meets the landscaping that's required at the building itself to the north side as well with the residential, walls, and architecture of the building itself. I did receive correspondence from San Manuel Band of Mission Indians regarding the environmental that is attached to the CUP. In your MMRP there was some language that talked about tribal monitoring, a resource plan, and they asked for a modification in the language. They are asking the phrasing to be changed from if certain artifacts are found from contacting the appropriate tribe to the consulting tribes.

Chair Hamerly asked what are the implications of that?

Assistant Community Development Director Stater stated the implications were two tribes that responded and it's dialing that into those two tribes.

Chair Hamerly stated regarding the DRA 21-005 we will go through the exhibits that were provided. First, we will start with site plan that has the project information, layout, site circulation and street profiles. The discussion that showed the wall exhibits, there was one that was an internal wall. Are you calling the northern boundary the interior wall and that's the 11-foot wall height?

Assistant Community Development Director Stater stated if you come off Victoria Avenue from the northerly entrance and you exit at that vehicular gate that is the wall that's 11 feet. It is within the building set back requirements, so it's permitted to be more than 8 feet.

Chair Hamerly stated if we have all the trucks that are parked against that northern property line, and we only have an 8-foot wall the majority and most of those trailers are going to be very visible against that wall. They're looking over onto the single-family residential properties.

Commissioner Miller stated regarding the trash enclosures the views that we are seeing are side views. If we were to have a bird eye view, we are not going to see slots or anything on that roof. The roof is going to be solid, correct?

Assistant Community Development Director Stater stated that is correct.

Chair Hamerly stated the interior wall that was 11 feet, would it look exactly like these walls that are at the perimeter, or is it going to be relating more to the architecture of the building?

Assistant Community Development Director Stater stated similar design.

Chair Hamerly stated a point of clarification on the exterior color legend we have the bright blue, is that an element of the sign or is that just a generic legend for the entire palette?

Assistant Community Development Director Stater stated I believe it's in generic legend.

Commissioner Miller asked is the Highland badge I'll call it is. Is that just a standard typical size on as it's shown on that sign?

Assistant Community Development Director Stater stated it is the size that was selected.

Chair Hamerly asked are there additional restrooms planned for the warehouse portion of this or everybody is going to be sharing the office and the multi gender restrooms?

Bridgett Herdman, Applicant stated since speculative, we build out the initial offices that we show planned and leave any warehouse support type offices because people get very specific based on how they like to use inside of the warehouse. We will have facilities for sewer run to accommodate future restrooms, but we will not build them as part of the speculative portion.

Commissioner Miller stated regarding the conceptual grading plan, the perimeter gutter looks constrained. Based on our existing surrounding grades and the surrounding roads but sloping less than 3/10 of a percent is really hard to construct. My experience supervising construction of .5%, you get undulation in there, so you typically get some localized ponding. If there's some opportunity to rework some of those, maybe steeping some of those gutters up by providing a little bit larger local depression at some of your catch basins but that's a potential issue you may have after construction.

Chair Hamerly asked is the landscape plan drawn to the same relative scale as the site plan? It looks like the planter area along the northern boundaries looks narrower than it is on the site plan.

Assistant Community Development Director Stater stated City Landscape Architect Scott Rice and I did notice the discrepancies and we'll make sure in the final plan check that the grading, site, conceptual plan that is appropriately sized.

Chair Hamerly stated one of the biggest concerns I have is the 6th Street frontage. I understand we have 20 feet of landscaping there, give or take. We've got a 6-foot sidewalk, but the landscaping is asking an awful lot to hide a 40-45-foot-tall building that's 400 feet long with maybe a dozen trees. One of the directives that I would suggest for staff is increase the number of trees or vary the species of trees, so we have most of them that are kind of an oval shaped canopy. It might be appropriate to put in some trees that might be taller and narrower to get that height variation. I would encourage the use of more trees. The largest species that were being planted in terms of initial plantings were the olives that were in the front, and those are always going to stay kind of lace, they're not going to fill in and get very big. They're attractive, but it seems like that would be something that you would want by an entry, or focal point.

Chair Hamerly closed the public hearing.

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

1. Adopt Resolution No. 2021 - _____ approving Conditional Use Permit CUP-21-007 for the development of a 305,617 square foot warehouse building and related improvements;
2. Adopt Resolution No. 2021 - _____ approving Variance VAR-21-001 allowing an increase in the maximum building height for the subject warehouse from 35' to 45' tall, 10' greater than permitted in the Business Park Zone;
3. Adopt Resolution No. 2021- _____ approving Design Review Application DRA-21-005 for the Site Plan, Building Elevations, Rough Grading Plan and Conceptual Landscape Plan, subject to the Conditions of Approval, and the Findings of Fact;
4. Adopt Resolution No. 2021-_____ approving Tentative Parcel Map 20384 TPM-21-002, creating a single lot for the project, subject to the Conditions of Approval, and the Findings of Fact; and
5. Adopt Resolution No. 2021-_____ approving a Mitigated Negative Declaration and direct Staff to File and Notice of Determination with San Bernardino County Clerk of the Board of Supervisors.

RESOLUTION NO. 2021 – 024

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A 305,617 SQUARE FOOT WAREHOUSE AND ASSOCIATED IMPROVEMENTS AT THE NORTHWEST CORNER OF 6TH STREET AND VICTORIA AVENUE. RELATED ENTITLEMENTS INCLUDE DESIGN REVIEW APPLICATION DRA-21-005, VARIANCE VAR-21-001 AND TENTATIVE PARCEL MAP 20384/TPM-21-002.
ASSESSOR'S PARCEL NUMBERS 1192-281-09 THROUGH 14.

RESOLUTION NO. 2021- 025

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING VARIANCE VAR-21-001 TO ALLOW AN INCREASE IN THE MAXIMUM BUILDING HEIGHT IN THE BUSINESS PARK ZONE FROM 35' TO 45' IN ASSOCIATION WITH CONDITIONAL USE PERMIT CUP-21-007 AND DESIGN REVIEW APPLICATION DRA-21-005 TO CONSTRUCT A 305,617 SQUARE FOOT WAREHOUSE, LOCATED AT THE NORTHWEST CORNER OF 6TH STREET AND VICTORIA AVENUE (APNs: 1192-281-09 THROUGH 14)

RESOLUTION NO. 2021 – 026

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING DESIGN REVIEW APPLICATION DRA-21-005 INCLUDING SITE PLAN, BUILDING ELEVATIONS, ROUGH GRADING PLAN AND CONCEPTUAL LANDSCAPE PLAN FOR THE DEVELOPMENT OF A 305,617 SQUARE FOOT WAREHOUSE AT THE NORTHWEST CORNER OF 6TH STREET AND VICTORIA AVENUE. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT CUP-21-007, VARIANCE VAR-21-001 AND TENTATIVE PARCEL MAP 20384/TPM-21-002.
ASSESSOR'S PARCEL NUMBERS 1192-281-09 THROUGH 14.

RESOLUTION NO. 2021- 027

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 20384 (TPM-21-002) TO DECREASE THE NUMBER OF PARCELS FROM SIX (6) TO ONE (1) PARCEL IN ASSOCIATION WITH CONDITIONAL USE PERMIT (CUP-21-007) TO DEVELOP A 305,617 SQUARE FOOT INDUSTRIAL WAREHOUSE, LOCATED AT THE NORTHWEST CORNER OF 6TH STREET AND VICTORIA AVENUE (APNs: 1192-281-09 THROUGH 14)

RESOLUTION NO. 2021 – 028

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE DEVELOPMENT OF A 305,617 SQUARE FOOT WAREHOUSE AND ASSOCIATED IMPROVEMENTS AT THE NORTHWEST CORNER OF 6TH STREET AND VICTORIA AVENUE. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT CUP-21-007, DESIGN REVIEW APPLICATION DRA-21-005, VARIANCE VAR-21-001 AND TENTATIVE PARCEL MAP 20384/TPM-21-002.

ASSESSOR'S PARCEL NUMBERS 1192-281-09 THROUGH 14.

3. Design Review Application (DRA 21-017) for the exterior remodel of an existing Wendy's drive-thru restaurant including new signs, paint, and accent features located at 27879 Base Line (APN No. 1201-091-55) – Cotti Foods.

Associate Planner Syed presented the staff report.

John Dodson, Representative of Applicant, stated if you have any questions, I would be more than happy to answer them. In respect to the landscape, we are going to be hiring our landscape architect.

Chair Hamerly asked is it staff's anticipation that the landscape plan would be coming back to the Planning Commission or a staff level since it's a refurbishment of an existing?

Community Development Director Mainez stated it is staff level at this point.

Chair Hamerly opened the public hearing. Regarding the elevations, is there a material board that was submitted or we just have the renderings?

Associate Planner Syed stated it is just the renderings.

Chair Hamerly stated the tile looks like brick, it does not seem to go with kind of the contemporary motif that they're trying to update this. That kind of pushes it back and dates it.

John Dodson stated it is a wood tile. The blade element is at ACM, which is an aluminum composite material and that is prefinished. Also, we shifted the doors to face the street. The band around the top is an aluminum will have an LED downlight that will help illuminate the building at night.

Chair Hamerly asked can you describe the K10 lights? Is that a glowing fixture or is it an up and down light?

John Dodson stated it is an up and down light. It's aluminum.

Chair Hamerly asked does it have the bronze band that wraps around it?

John Dodson said yes, and you will not see the light the element.

Chair Hamerly asked is that the height of the present lights?

John Dodson stated what we are doing is taking off the front and we call it factory lights.

Chair Hamerly stated asked are those fairly short planks? That is the way I'm reading them on the plan.

John Dodson stated correct, and it has been used on a number of Wendy's recently in the area.

Community Development Director Mainez stated for the record, the applicant is passing around a cell phone with picture on the elevations from City of Beaumont and the photos will be emailed to staff.

Chair Hamerly stated on the west facade, the I'll call it the new main entry. Is the new facial downlight wrapping around that red portion?

John Dodson stated no, it should run straight up that doesn't pull out.

Commissioner Miller stated the few times that I've been Wendy's, the first drive through window is closed. Are you planning to open it back up in the future?

John Dodson stated it varies. We need both from a corporate standpoint, we have to we have to have them. Our problem now is staffing and sometimes it's just the labor costs on that, but depending on if it gets busy, they will open that window just to push people through.

Vice Chair Thomas stated the east elevation it's very visible when driving down Base Line. That whole area of grey looks like it needs something more since you're driving down Base Line and it's just so visible. It would be nice to have something more decorative. I know you have all the front portion of it that's beautiful.

John Dodson stated we do have pop outs there that provide for shadow line and we're adding the trim on top to help that and canopies over the drive thru.

Chair Hamerly stated it looks like the second pop out that in the center of the east facade wrapping around that second drive-up window, and that is an opportunity for changing the material, just to give you a accent.

John Dodson stated we could go with a dark grey and ACM.

Chair Hamerly closed the public hearing.

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

1. Adopt Resolution 21-____, approving Design Review Application (DRA 21-017) for the exterior remodel of an existing Wendy's drive-thru restaurant including new signage, paint and accent finishes, subject to the Conditions of Approval and Findings of Fact; and
2. Direct staff to file a CEQA Notice of Exemption with the County Clerk of the Board of Supervisors

RESOLUTION NO. 2021 – 029

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING A DESIGN REVIEW APPLICATION (DRA 21-017) FOR THE EXTERIOR REMODEL INCLUDING NEW SIGNAGE, PAINT, AND ACCENT FINISHES AT AN EXISTING WENDY'S RESTAURANT LOCATED AT 27879 BASE LINE. ASSESSOR'S PARCEL NUMBER: 1201-091-55.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled January 4, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 8:45 pm.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: January 18, 2022

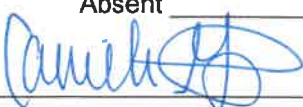
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III *CG*

SUBJECT: Minutes from the January 4, 2022 Planning Commission Regular Meeting.

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

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

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

MINUTES
PLANNING COMMISSION REGULAR MEETING
January 4, 2022 – 6:00 P.M.

CALL TO ORDER

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

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

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

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

PUBLIC HEARING

1. Conditional Use Permit application for an Alcohol Beverage Control License (Type 41 On-Sale Beer and Wine) at an existing full-service Mountain Mike's Restaurant. (27967 Greenspot Road, Unit # 4)

Assistant Planner Tafolla presented the staff report.

Commissioner Amaya stated on condition number 2 on page 20, is this also to permit live entertainment?

Assistant Planner Tafolla stated this is just for the ABC license.

Commissioner Amaya stated ok, because it states this approval is to permit live entertainment and the establishment of the Type 41.

Assistant Planner Tafolla stated no live entertainment is proposed. We will strike that out of the condition.

Chair Hamerly stated this census tract is obviously dominated by business plan development and it has a very small population base which would greatly reduce the number of allowable Alcohol Beverage Control (ABC) licenses. Are there code provisions or any provision in the state law where there is a recognized business district where there is an entertainment venue where restaurants are concentrated which we excuse these requirements based on census tract data only because the population base is not there?

Assistant Community Development Director Stater stated I've never seen that provision, and I don't think we've ever been informed by ABC. We typically work with the Applicant's and ABC representative out of the Riverside County Office.

Community Development Director Mainez stated it is really at the discretion of the local agency.

Chair Hamerly stated let's say we ultimately exceed the census tract allocation by three times and somebody in another part of the city might be predominantly residential such as East Highlands Ranch wants to put in an alcohol dispensary.

Assistant Community Development Director Stater stated right, and that's part of the purpose of a Conditional Use Permit (CUP) is to look at those individual findings and what the circumstances are for each of those. It is your discretion to make the determination based on the data of crime statistics, population, congregation of those uses and ultimately your discretion.

Chair Hamerly stated I think the only ABC licenses that I can recall being denied are for hard liquor stores in close proximity to schools, churches, or residences where there's already a high incidence of crime.

Community Development Director Mainez stated to reiterate, you made a comment that you were aware of one ABC license that was denied, and you're correct, it was a liquor store. When we started this process many years ago City Council felt comfortable with the restaurants and other uses, like grocery stores as acceptable, no matter what the concentration was. It was an acceptable overconcentration, but it seems to be the liquor stores was the issue.

Chair Hamerly opened the public hearing.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Amaya, seconded by Commissioner Miller, to adopt Resolution No. 2022-001 approving Conditional Use Permit 21-009 to establish an Alcohol Beverage Control License (Type 41 On-Sale Beer and Wine) at an existing full-service Mountain Mike's Restaurant, subject to the Conditions of Approval as modified, and the Findings of Fact. Motion carried, 4-0-1, with Vice Chair Thomas being absent.

RESOLUTION NO. 2022 -001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 21 – 009 TO PERMIT THE ESTABLISHMENT OF AN ALCOHOL BEVERAGE CONTROL LICENSE, TYPE 41, FOR ON-SALE BEER AND WINE LICENSE AT A BONA FIDE PUBLIC EATING KNOWN

AS MOUNTAIN MIKE'S, LOCATED AT 27967 GREENSPOT ROAD UNIT 4, HIGHLAND, CA 92346. (APN: 1201-341-61)

2. Supplementary review of the Landscape Plan, Mediterra Park amenities, a lockable gate at the 1N16 Trail entrance, and entry statements along Mediterra Parkway related to the approved Design Review Application (DRA 21-007) for 149 single-family homes within Phases 1 & 2 of the Mediterra Planned Development. (APN: 0297-021-25, 0297-021-26, 0297-021-27 & 0297-021-28)

Commissioner Miller excused himself from this item having previous business relations associated with this project. Commissioner Miller left the Council Chambers.

Associate Planner Syed presented the staff report.

Commissioner Sutorus stated I appreciate the developer adding extra trees.

Chair Hamerly stated I think that puts them ahead of the curve on the Housing Element. The sediment basin that is on the south side of Greenspot Road, one of the directives was to mimic the landscape pallet that is next to the frontage at the East Valley Water District (EVWD) or mimic the street tree interval that's on the north side of Greenspot Road that is just across the front.

Associate Planner Syed stated I don't think that was one of the conditions, and when I spoke with the Applicant.

Chair Hamerly stated it was discussed. City Landscape Architect Scott Rice stated in the minutes that he would work with the Applicant to incorporate that, and he thought it would be appropriate. It may not have been in the conditions, but it was a directive, and it was on the checklist that we provided.

Associate Planner Syed stated I'll make note of that.

Assistant Community Development Director Stater stated I recall the discussion that you were referring to Chair. There had been some discussion amongst various staff and the Commissioners at the time, so there's just a bit of confusion.

Chair Hamerly stated you are correct that there were multiple threads of discussion along that, and I think everybody was in agreement that we were trying to make it blend in with the wash so we weren't discussing landscaping, just the streetscape.

City Landscape Architect Scott Rice stated the Applicant has submitted plans at risk on those projects as far as these portions go. The plans that have been submitted do not include landscape on the south side of Greenspot Road.

Chair Hamerly stated the majority of that would be a natural plant palette that would blend with the natural environment, but just the street trees along the frontage would kind of mask the big open basin that's there.

Chair Hamerly opened the public hearing.

Commissioner Amaya asked if the shade structure will be metal or cloth?

Rudy Provost, Applicant, stated it is going to be a metal structure because it is in a high fire area.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Amaya, seconded by Commissioner Sutorus, to approve revisions to the project as part of the Conditions of Approval for Resolution No. 2021-014. Motion carried, 3-1-1, with Commissioner Miller abstaining and Vice Chair Thomas being absent.

Commissioner Miller returned to the Council Chambers.

3. General Plan Amendment No. GPA 21-003 to amend three (3) Elements of the Highland General Plan including Adoption of the Sixth (6th) Cycle 2021-2029 Housing Element, Update to the Public Health, Safety, and Environmental Justice Element, and minor amendment of the Circulation Element. (City Wide)

Assistant Community Development Director Stater presented the staff report.

Chair Hamerly opened the public hearing.

Chair Hamerly asked how much weight the survey and the public participation was given versus the census data in setting up the needs assessment for the Housing Element?

Assistant Community Development Director Stater stated pre COVID-19 we would have had workshops and different locations throughout the city that we would have invited the public to the library, YMCA, and schools. We did not have that opportunity this cycle.

Chair Hamerly stated I'm sorry it was the weighting in terms of the data because there's several appendices that are an analysis. Is this analysis based on primarily the public outreach and participation from active survey participants or is the analysis weighted towards census data?

Assistant Community Development Director Stater stated I would say the latter.

Chair Hamerly asked I just wanted to make sure because my fear is looking in the survey participation is how much is this skewing the results? When you state what are your needs in terms of distance to parks and accessible to food, etc. What is the housing stock demand that you see? You are asking 80% of people that are homeowners in single family detached residences, what would you like to see more of? The needs are going to be dramatically different.

Assistant Community Development Director Stater stated certainly, we understood that.

Commissioner Sutorus stated I want to compliment staff because this was probably the hardest time to ever try to engage. I participated because I saw it in the paper and it was open to everyone, but there is no easy way to get a bedroom community to participate in surveys, especially in this population. I was impressed with how many people did participate and working in a city myself, during this time frame, it's very hard and

challenging to get participation. It's really a challenge to reach your community, and unless you have people that care and are actively seeking to participate.

Chair Hamerly stated I am gathering that the state did not allow any extensions to the process due to COVID-19 with shutdowns.

Assistant Community Development Director Stater stated the state was very specific. They have provided all the extensions they thought were appropriate or a little past some of the earlier deadlines. We were lucky to have a consultant Dudek, who is on zoom and is available to answer questions too. They brought new ideas to the table and conducted those surveys. The state did not grant us any additional times that weren't statewide and weren't already given because of COVID-19.

Chair Hamerly stated it's noted that the cycle is 2021- 2029 and we're in 2022, so I think we could see that the clock is ticking on the cycle.

Assistant Community Development Director Stater stated correct we started in October 2021.

Community Development Director Mainez stated I remember us discussing it with the state online and with our consultant. When we did our outreach, we took advantage of advertisement and our social media accounts.

Chair Hamerly stated since the city is now on a ward-based Council, theoretically, each Council Member is responsible for a certain district. I was wondering if they were tasked with, go canvas your ward, make sure that they know about this, and how critical the input is during this phase of the process. That kind of distributes and they're the point of contact, and they represent that particular district. That might be the most effective form of outreach because conceivably they got multiple thousands of people saying we want you to represent us, so that might be another potential vehicle to help get the word out.

Commissioner Miller asked what happens if we don't hit these targets?

Assistant Community Development Director Stater stated that is always the best question. It is a tough answer. We provide annual reports to the state. We must report on every building permit that's pulled every occupancy, update each and every one of our goals which will come back to you each year and then go to the City Council as well. The state looks at that to make sure that we're doing everything we can do, and what we're legally required to do to make housing available through zoning programs, financing if it's available, partnerships, but if the numbers aren't met, we cannot produce the units. As long as we're doing everything, we can make them available for those that do, then we're doing our job.

Chair Hamerly stated the coupon programs could be used as a vehicle to move somebody into those if they were not subsidizing it or covenant those units.

Community Development Director Mainez stated Assistant Community Development Director Stater pointed out that if there are specific policies, programs or objectives that we need to adopt, such as zone changing from a single-family zoning district to high density to meet RHNA. There are there are there are penalties for that. Cities are required to adopt a General Plan and have a certified Housing Element.

Commissioner Amaya asked on page 19, is there programs that help residents for these homes?

Assistant Community Development Director Stater stated there is. The city does still receive funding annually, about \$400,000 approximately.

Chair Hamerly asked was that a federal program?

Assistant Community Development Director Stater stated yes.

Commissioner Amaya stated on page 61 promote the growing of fruits and vegetables by local. Is that plan a goal?

Assistant Community Development Director Stater stated yes, it's a plan goal here. It's something that we tried to do in 1990. I think community perception of community gardens has changed so much since then. This is an opportunity for us to restart that, our library environmental learning center has a rooftop garden.

Commissioner Sutorus stated the roof top garden had a full access community garden, and I think the county would still be supportive of having a program there. It is easy, clean, and manageable for the community to go up there and we had fresh fruits and vegetables.

Chair Hamerly stated everyone here loves the idea of community gardens. That first critical hurdle to get over is, who has the dirt and how can we access it? This way we can grow something. How do we incentivize this to let everyone know this is a great idea and do we have volunteers? You are asking someone that has a valuable asset that has been in their family for an extended period of time, and the large grove owners have been sitting on that land for generations and want to turn it into something. Does that qualify for a park element?

Assistant Community Development Director Stater stated it could. We would have to read the guidelines of the city's requirements were passive, active, what the percentages of those are, and is there any leeway. When we were looking at the Harmony project, they were talking about a community garden because it is easy for that type of development to absorb that use.

Chair Hamerly stated regarding the tables and the way the data is presented, some of the population demographics are showing a fluent area is not a high resource area of Highland are incompletely unoccupied land. It is misrepresenting. Is there a way to correct that?

Assistant Community Development Director Stater stated it is a function of census tracks.

Chair Hamerly stated I understand it is data averaging because it is coming all the way down from Running Springs, but it is completely misrepresenting the data for Highland.

Assistant Community Development Director Stater stated we will make an effort with the consultant to clean that up.

Chair Hamerly stated if we are focusing our Housing Element on how we best serve the residents of Highland and we are trying to develop a workable network to have equal

accessibility for all portions of the city, and one of those goals is to create safe biking routes. This would be dedicating lanes of traffic to create those venues for safe biking it seems that we are doing ourselves a disservice if we do not use practical data, especially given the prevalence of electric bikes. During the COVID-19 lockdown I couldn't believe the number of electric bikes I was seeing on bike trails, they are passing me by in my car. Highland already has its challenges, because it is a linear city, so if we can get 80% coverage just by putting bike paths here, and if you go 2 miles anybody in the city could get to a post office and store. It seems like we are meeting the needs of Highland on a practical level more so than being worried about how we stack up against Sacramento. Let's focus on Highland more so than comparing us to other cities.

Asha Bleier Dudek Consultant stated what we could do is work with staff to add more local context. The state is going to want to see those comparisons and those metrics.

Chair Hamerly stated I would be interested in that. How realistic are these points of access? Churches are a huge resource in every community, where people go when there is trouble, and churches are not listed. If we are identifying key resources within the community having the distances from any residents to the nearest church is still a resource, they can get to whether it is transitional housing, disaster response or a place of worship. I think identifying those distances is just as important as identifying parks and schools.

Assistant Community Development Director Stater stated that is an excellent point. It was the number one resource when we had floods in our city.

Commissioner Amaya stated Immanuel Baptist Church does have a disaster response team and there is training next month that I will attend.

Chair Hamerly stated regarding the urban heat island effect, that also is the discussion about the localized vehicular air pollution and carbon sequestration. If we want to create shade that there is a lot of ways to do that and developing a pallet of trees that achieve drought tolerate that have a broad canopy.

Chair Hamerly stated regarding an evacuation the first-place people go for housing is usually the school and then churches. They should at least be listed as non-critical. I am questioning if schools are considered non-critical because if they are evacuation centers for fire or flood it seems like that is even more critical than City Hall. City Hall might be an emergency operation center where everything is staged, however the people are going to go to local school or church.

Assistant Community Development Director Stater stated we will make that adjustment.

Chair Hamerly stated fire and earthquakes are not listed under critical. Under the goal section, all the electric vehicles are important. If we look at the tools that are realistically available to the city, but that is not a planning document, it is on a macro level. Reducing the localized air pollution, the policy is almost self-fulfilling because we are saying we will comply with the building codes. Anything that gets built must pass Title 24 and they must have dual glazed windows. On Policy 4.3 it states sandbags that are available for residents, something that is quicker and more effective is positive barriers. It is used in areas that are below a floodplain. On action item 7.2C on page 62 it encourages apartment building owners to participate in crime free multi-housing program. Is there a database for

landlords and property managers to identify known gang members and does that trespass on right to privacy?

Community Development Director Mainez stated we have a database of our housing properties that have more than four units on the property. The crime free housing program requires property owners and managers go through training to screen their tenants. The Sheriff's Department has database on criminal activity, which is two separate things, however both databases is used to assist the property owner to ensure the property is safe living.

Chair Hamerly stated I am sure that the Sheriff's Department has those records, however I was inquiring if there is a policy where they cannot divulge those to non-qualified individuals. For example, if someone goes to the Sheriff's Department asking if there is a gang member living next door to me and if this individual is in the database? Is that something they have access to?

Community Development Director Mainez stated we have a program that is in contact with all property managers/landlords, the reason why we have developed this program is so that criminal does not hop from one unit to another, or another property. Now, this property owners have knowledge because he has been trained by the Sheriff's Department. This is to ensure we are living in a safe environment for our housing particularly our multi-family housing projects.

Assistant Community Development Director Stater stated a part of the answer is the tenant fills out an application and can be asked to provide a disclosure to access that information from the Department of Justice or other organizations.

Chair Hamerly stated on policy 8.3 it states to develop more public art, which I crossed out fountains because it is a target for vandalism and sending a bad message for water efficiency. My recommendation is striking the fountains. If we had to prioritize between the public art or a plaza space creating a public garden or a community space it would have more public benefit than artwork.

Commissioner Miller stated Highland has some challenges as it relates to flooding. Most of the cities I work with have a master plan of drainage that outlines all their drainage facilities and identifies problem areas that lack capacity, historic issues, and I do not think our city has that. In lieu of having a master plan, it becomes difficult to understand where your weaknesses are if it has not been analyzed. We are asking a new development to analyze their drainage, however a lot of the times they are only analyzing the water leaving their site. For the city to be proactive would be to have a master plan and it would be helpful to understand the various risks throughout the city.

Assistant Community Development Director Stater stated we have policy 3.2 which is to build and maintain public infrastructure that collects and conveys stormwater and enhances water quality. We can add an action item 3.2 D to have City Council consider an updated master drainage program as a work program item.

Assistant Public Works Director Bennett stated there is a master plan of drainage somewhat dated and my concern when you mentioned that is the funding to make those facilities available.

Community Development Director Mainez stated we were required to submit the element to the State Board of Forestry, and in November 2021 they reviewed the document and it stated, "the most readable safety element they had seen so far". For the record I would like to point out the hard work from our consultant and Assistant Community Development Director Stater, they did a great job.

Chair Hamerly stated I agree.

Commissioner Amaya asked do we have statistics for the fifth cycle?

Assistant Community Development Director Stater stated yes, we do.

Chair Hamerly asked on goal number three are we targeting parcels to be rezoned for greater density?

Assistant Community Development Director Stater stated we are not; it is not necessary for this cycle to have the appropriate RHNA allocation.

Chair Hamerly stated under policy 5.3 it says create a continuum of care for those experiencing homelessness and Highland through establishing housing plan for homelessness including zoning districts, allowing emergency shelters, low barrier navigation centers, transitional housing, and permanent supportive housing. We have a goal and a policy, then we step on the third rail of nimbyism. How do we combat that with saying great idea, but not in my backyard? Is the city identifying certain zones, creating distances, buffers? How do we reach this aspirational goal in an equitable fashion and avoid the flaming arrows of when it comes to a public hearing?

Community Development Director Mainez stated again that is a good training topic. You are all suggesting things that we must develop through either an ordinance, resolution or changing the law at the state.

Chair Hamerly stated the document does discuss that certain of these things are entitled by right of zone in a business development district, but if it's seven or fewer persons, there's also discussion in here about the incentives as saying it's anything that's zoned for this within these things.

Community Development Director Mainez stated those are driven a lot by state law, that's changed. On this policy we're stating that we're going to amend our development code to make it clear that we're consistent with that law. We don't have enough time to change the law and change our codes quickly enough because we're mandated to have a certified element by a specific date and that's why it's worded like that.

Chair Hamerly stated my sense is that the state law is trying to eliminate the profession of Planner and Planning Commission.

Commissioner Sutorus asked if I buy a new house, if I move to the Mediterra development for example, and say I need an Americans with Disabilities Act (ADA) home requirement built. I didn't know that that existed, but I spent \$50,000 of my parents' money to retrofit their current house in Highland to be ADA compliant. Is that something that developers offer?

Building Official Wirz stated I have heard of scenarios like that as a request of a developer prior to finishing the lot out. Within our residential single family lot, there's no applicable rules that must be complied to specifically.

Chair Hamerly stated in terms of the regulatory framework to facilitate special needs. Has the city ever studied the disaster guidelines, the FEMA standards, where it's quick response teams toward these type approvals, over the counter building permit fees or waived?

Assistant Community Development Director Stater stated what we did during the 2010 flooding is we set up a center at the Jerry Lewis Community Center where we had FEMA, County of San Bernardino, and a variety of different governmental agencies there to help people navigate through that system. The City Council took separate action, they declared a state of emergency and they established guidelines stating we will waive all building permit fees for any reconstruction within the footprint of the prior and no fees at all.

Chair Hamerly stated this is specifically towards goal number 5 and specifically towards adaptive for disabilities. It's basically an emergency needs, so there are standard details for accessibility for sinks, showers, doorways, ramps, and they just say we need one of these. I'm thinking in terms of the FEMA standard where these conditions exist, it's not declaring an emergency, it is a personal disability, and this house needs to be adapted to the residents personal needs. Then if they're using one of these standard details that's in every code manual, they'd say I need a shower.

Assistant Community Development Director Stater stated ok, so like a residential handout check list.

Chair Hamerly stated yes, handout. There is no permit, and you can start the process.

Commissioner Miller asked was that state of emergency verbally done during the City Council meeting? Do we have documentation other than the meeting minutes to illustrate that state of emergency?

Assistant Community Development Director Stater stated it was a local and state action because it was a regional problem. We were not the only ones, so there was a local resolution adopted and a state that we were recognized. The state actually adopted their own, but they recognized ours as well because that made our residents available to certain funding and processes that they wouldn't have otherwise if we had not declared the state of emergency.

Chair Hamerly stated on program number 8, page 10 states the city will ensure those uses eligible by right of development will not be subject to any Conditional Use Permit (CUP) planned unit development permit, or other discretionary local government review. That's essentially saying that all those sites that have been identified as previously identified, housing sites that would be staff level review and it's automatically entitled by right of zone, even for multifamily?

Assistant Community Development Director Stater stated there's been a lot of discussion amongst the city, consultant, and our city attorney on exactly what this means and how we adopt objective standards on several fronts on what that looks like. We can't add to the list of things we want them to do.

Community Development Director Mainez stated this is referring to our high-density special overlay where we took out all our CUP requirements. We still are allowed design review. It's the land within the Golden Triangle.

Chair Hamerly stated yes, there was only one and it was Golden Triangle. So, they've already gone through it and that was the only high-density overlay?

Community Development Director Mainez stated there was a couple outside that area off Base Line and Victoria Avenue by the Interstate 210 freeway. We still must preserve that, and it is part of the inventory.

Commissioner Sutorus stated regarding the transportation, corridors and one note I wrote was micro buses as an alternative to low ridership areas. You will see a bus that's huge with one person on it. In City of Colton the Mayor is working with Omnitrans to have micro buses in certain parts of the city, and that's something that's coming on board. It is a huge cost savings, emission savings and just it's lot more effective for the areas of Highland that needs more transportation and more buses. The areas that really don't utilize it, it is a waste.

Chair Hamerly stated which program is this?

Commissioner Sutorus stated under Introduction to the Housing Element, Town Center, page 11.

Community Development Director Mainez stated some of those things are addressed in our circulation element, specifically Omnitrans, alternative vehicles, use of different routes and connections. I think that alternative is mentioned in there because we do work with Omnitrans as well, and they're trying to come up with some alternative ways of getting people out of their cars.

Chair Hamerly stated regarding Appendix A, the 5th cycle review, I thought this was informative because it's like a grading system of how well that program did.

Commissioner Sutorus stated I mentioned earlier alternatives as another option for the community to help with addressing low income struggling to pay their utility bills. They'll come in and install energy, solar and storage at no cost. This is a private nonprofit.

Commissioner Amaya asked will there be more Code Enforcement Officers hired in the future?

Assistant Community Development Director Stater stated this is a review of the last cycle, and since then two additional code officers were hired.

Commissioner Amaya regarding Appendix A under program implementation there's a lot of reference to the website. Do we keep any analytics or any website traffic in the last five years? It would be interesting to see how many of these programs, or how many people went there and viewed it.

Assistant Community Development Director Stater stated if we do, I don't know about it, but it's a great question for our IT person.

Commissioner Sutorus stated the City of Highland new website does provide that statistical data because you guys use the same website we have. The website tracks the analytics. Does Highland have emergency homeless shelters? It was mentioned on page 21 under review of programs addressing housing needs.

Community Development Director Mainez stated not in our city boundaries, but close by.

Chair Hamerly stated although the emergency shelter was one of the permitted uses by right of zone in the business development, so it could be there. Does that include temporary, or it must be a permanent facility?

Community Development Director Mainez stated it is going to be all transitional or temporary.

Chair Hamerly stated program 5 under goal point 8.2, it's the inclusionary housing and fees. Specifically, it's talking about the in-lieu fee of \$3,750 per unit and under the evaluation, it's shows we have \$596,000 in that fund. The funds will be used to construct new affordable units at Housing Authority property 90-110 affordable units on 3.75 acres. 100 units at 250 square feet, which would be the baseline of an efficiency units, basically a studio. At \$75, a square foot, which is a joke even for prefabrication, you're looking at \$1,875,000. That is not even going to buy you a modular home or you're looking at \$18,750 a unit and for every one of those modular homes at 250 square feet. Do we really want to be collecting in lieu fees when what we really need is housing stock?

Assistant Community Development Director Stater stated that's a policy decision that the City Council considered when we originally adopted the Inclusionary Housing Ordinance and there was a very lengthy, probably 10 pages long analysis by our Redevelopment Agency Special Council and Urban Futures who is another consultant we have. The two compiled a very lengthy analysis and that number was close to \$80,000 then, years ago, however the Subcommittee and the City Council subsequently said a number that we are willing to accept as an in-lieu fee of \$3,750. They look at that occasionally to determine if they want to increase or decrease it.

Chair Hamerly stated if we really need to solve an issue and do it quickly, it's better to do it incrementally and pick a percentage, for example, 2% of your units must be either low, moderate or 5% must be low. It's essentially a Development Impact Fee (DIF). The cost of 10 years from now, being able to develop that unit, whether the city is developing it or whether they're partnering is going to be two or three times that.

Assistant Community Development Director Stater stated it will and it's a difficult determination to make. We talked to developers and there is that percentage. It exists in the code, so when they we look at the Inclusionary Housing Ordinance, you either build that 15% and it's divided into 5% and 10% to certain incomes or pay the \$3,750.

Commissioner Amaya stated page 15 Appendix B table 13, I found this table the most important tables out of the whole plan, and we have a goal of 2,513 homes. It states a household would have to have an annual income of roughly \$72,000 to purchase a home in the city. Obviously with the market that's driving this, so it's very expensive to purchase a home. What is realistic and what's going to happen because the market is going to stay like this.

Assistant Community Development Director Stater stated it takes a lot of subsidies to make covenanted affordable units happen.

Commissioner Amaya stated exactly.

Assistant Community Development Director Stater stated it is very competitive because we can't do it with just local funds. We need home, state, and federal monies to make any project work and that's why it's taken us so long to do anything with the land we have by Jeffrey Court Senior Apartments.

Commissioner Sutorus stated I was glad to see that we weren't at 50% rentals and we're only at 35%, which is not bad. 65% homeownership I thought was good.

Chair Hamerly stated regarding substandard housing, and it has to do with the definition of dwelling unit. In the document it identifies the four critical factors in dwelling units, food prep, restrooms, overcrowding, and affordability, but if it doesn't have kitchen or plumbing facilities, how can it technically be considered a dwelling unit?

Commissioner Sutorus stated I interpreted that section as we currently have some housing situations in Highland with that scenario.

Chair Hamerly stated that would be reasonable, but at some point, when it doesn't meet the technical definition of a dwelling unit, you can't have it considered a dwelling unit. You'd have to say you can't live here or you must do this to get it up to standard, but we can't count it as a dwelling unit on our city records.

Assistant Community Development Director Stater stated I think it would meet the definition of substandard housing.

Chair Hamerly stated basically there is 191 units somewhere in Highland that are not showing up elsewhere in the table to show here's the number of dwelling units, and they've got one or two people living in them.

Community Development Director Mainez stated it's just pointing out that this justifies some of our programs to continue our residential rental inspection program, and I'm sure that code enforcement is strong enough to make sure that people have decent housing to live in. This is making it clear to the public that there is a situation, it's real and substandard housing is something we will work on.

Chair Hamerly stated the vacancy rate for all units 5.7%. is low, which means that we're probably going to have a tough hill to climb on affordability because the market is going to be driving prices higher if you're at 5.7% between ownership and rental. That is really constricted market, and this is 2018 data, I don't imagine it's gotten better.

Commissioner Miller stated on page 46, last paragraph, third sentence down states no water supply analysis was performed to determine whether available water resources are sufficient to meet water demand for the East Valley Water District (EVWD) under normal and emergency operations. It was determined that EVWD will have a total deficiency of approximately 18 million gallons per day of storage capacity and 13.4 million gallons per

day for supply under the build out demand. So, this tells me that as we are growing and running out of water resources, right?

Assistant Community Development Director Stater stated yes.

Commissioner Miller asked do we think EVWD Sterling facility is going to address all those problems?

Assistant Community Development Director Stater stated that is a question for EVWD.

Community Development Director Mainez stated this came right out of the 2019 Water System Master Plan that we reviewed from EVWD, and our consultant looked at it. That is where we are pulling the information from, and I think it does go back to the Natural Resource Center.

Assistant Community Development Director Stater stated we will look into that.

Commissioner Miller asked is that right to allow growth to continue and then you are going to place more stringent standards on the existing residents in the city?

Asssitant Community Development Director Stater stated I guess it is twofold. One is maybe the data isn't correct or updated so that we'll check with first. Secondly, we consider EVWD like we do other outside agencies. Part of our network so we don't allow development that they don't allow. They have to provide service; they are our provider.

Commissioner Miller stated it seems like our numbers are growing over the years in terms of expectations for growth or expected to grow more. Do we have the water to continue to support that growth and if we don't at what point do we need to start rethinking these numbers?

Assistant Community Development Director Stater stated EVWD has not indicated our General Plan is out of compliance with what their future plans are.

Commissioner Miller asked is there active communication or that's discussed?

Assistant Community Development Director Stater stated yes there is.

Commissioner Miller asked do they give a letter for each development that they guarantee water for it?

Assistant Community Development Director Stater stated yes, especially for subdivisions but also for commercial development they're required to provide a will serve letter with our application. We will look into it.

Chair Hamerly stated if we look at the assigned acreage that's available and the total units that are allowable under that table for residential General Plan land uses. This shows we have another 52,686 total units that could be built using the demographic data of 3.4 people per Appendix B. That means we could have a population of 179,132 at build out which is 327% of where we are now.

Assistant Community Development Director Stater stated it is talking about housing constraints in particular. It's not very good narrative.

Chair Hamerly stated I have never seen any population estimates for Highland at 180,000 people.

Community Development Director stated each one of those land uses has a density range.

Chair Hamerly stated I was using the density range on the low end, for example, the planned development 3,708 and it is 5 to 12 units per acre, and I plugged in 8.5 so I just took half of that, but that was a shocking number.

Community Development Director stated there's some zoning that is a legal nonconforming, or it is not the right density that's already built, so I'm just pointing out what are our cities divided in terms of land uses for residential? I don't think that accurately reflects the build out.

Assistant Community Development Director Stater stated oftentimes when we look at acreage and development potential, you use 80% or 70% to account for other infrastructure and improvements.

Chair Hamerly stated even your vacant available stock, you're showing some of those things like .04 on the property and you have one tiny house, and you have 5 acres.

Chair Hamerly stated the high-density zone, which is basically Greenspot Village if we are looking to satisfy RHNA numbers, and the latest discussion we had after the TREH Partners development, and Mr. Elssman got up and said that only leaves me like 100 units of remaining capacity. If we are trying to target maximum RHNA and the only high-density overlay zone we have is that piece of land. Is the city going to initiate a modification to the specific plan or a zone change amendment that would increase the capacity?

Assistant Community Development Director Stater stated we are not. His remaining capacity is 400 units and the overall plan, so there's 105 acres there. 800 acres was the maximum.

Chair Hamerly stated on page 39 under construction costs and construction labor shortage. In 2019, the second paragraph from the bottom, states national average for development costs per square foot for apartments, single family homes in 2019. That's almost a completely useless paragraph because 2019 is so outdated and it's citing national averages.

Assistant Community Development Director Stater stated we will adjust it.

Chair Hamerly stated or eliminate it. If you're talking about a period from 2021 to 2029 by the time the plan is adopted, the figures going to be out of date.

Assistant Community Development Director Stater stated I'm not sure we can completely eliminate it because we're trying to present what the constraints are and the construction costs.

Chair Hamerly stated then cite the construction conditions. Add labor shortages, lack of assembled materials, the supply of vacancy that's unbelievably low. The trend is that these units are going to get more and more expensive, and you could cite national or even regional inflation rate. Right now, inflation is running at 6.8% in the construction industry. Cite figures like that that paint the picture without getting specific, because by the time it's adopted, it's out of date.

Community Development Director Mainez stated we need to be specific on our resources to quantify. According to the latest building evaluation data released in 2019. Mr. Chair, if you're seeing that there's other data out there that we can tap into and reference, we'll certainly use that.

Chair Hamerly stated my point is that the dynamic nature of pricing in the construction industry. We are getting bids that are valid for seven days because if you don't place the order for that material within that timeframe the next week it might be either not available or it might be 10% more. The pricing dynamic is such that you really don't have any reliability right now and that is why I'm saying it's risky to even put a cost per square foot figure in here. Cite the underlying factors, inflation figures, and I think that backs up your argument that there is a lot of factors impacting construction costs and that are impacting labor.

Commissioner Miller stated regarding page 23 states consistent with state law, all projects must demonstrate the ability to meet water, sewer, and drainage requirements consistent with the San Bernardino County Flood Control District comprehensive storm drain plan. I don't know if we want to add the local MS-4 permit or the San Bernardino County Hydrology manual criteria.

Chair Hamerly stated interior walkway systems may have varying widths with a minimum width of four feet. We need to make sure we put in there that it's an unencumbered with the four feet, so if there are any guy wires coming down, a fire hydrant, or a transformer there and there are some locations in the city where it's unobstructed and it is not ADA compliant walkway. We need to make sure it is an unencumbered 4 feet.

Chair Hamerly stated Appendix D, affirmatively furthering fair housing analysis.

Commissioner Amaya on page 94, the section regarding housing fair issues mentions all the constraints and we had talked about fair housing before, but with the pandemic is exasperated a lot of issues. It has racial economic segregation, renter housing needs, and displacement concerns. The city only has so much they can do, and these are economic factors. Even with what's changed last two years with COVID-19 and its driven inequality, and a lot of these trends even further, so should there be a comment regarding that?

Assistant Community Development Director Stater stated we can make that statement.

Chair Hamerly stated even if the document is viewing COVID-19 as a temporary issue, that wouldn't impact the long term, I think that it has some lasting impacts about family dynamics and who's living in the houses and how far people are willing to commute. I saw a study today that said that 4,000,000 people were leaving the job force because they didn't like the risk exposure and they just want to spend more time with their families. Those are all dynamics that are impacting housing, so I don't know how we capture some of that, but your point is well taken that. I think under section four

assessment of fair housing I think that is a strong statement about the City of Highland. The three cases two were documented as failure to respond and one is documented as a non-valid issue and that's over the course of eight years. Under section 4.2 there seems to be a typo. It states affirmatively furthering fair housing involves overcoming patterns of segregation that foster inclusive communities. Anything that fosters inclusive communities I'm reading is a positive and this is saying involve overcoming patterns of segregation that promote inclusive communities, so I'm not sure what that's trying to say. It sounds negative when you're trying to make the case for integrating communities.

Assistant Community Development Director Stater stated yes, we can say that in a different way.

Chair Hamerly stated under section 4.2.6 there is a discussion that says thus persons with disabilities have a greater need for affordable housing as well as supportive services. I do not have a disagreement there, but I think the economic reality discussed about the cost of retrofit and they must spend a greater portion of their disposable income or available income on housing because of those adaptive needs. I think addressing that might open the door to additional solutions or programs to where we assist people with some means of retrofitting that would make the housing for people with disabilities more available. Also, on page 41 states with all racial ethnic groups, denial rates being within 4% of each other, as well as the MSA, there was no significant variance in rate of denial. I think that again speaks well of the City of Highland, where the mortgage abuses that have been documented with the housing crisis that Highland isn't having any discriminatory practices in lending. The discussion in 4.5, it is a macro level disagreement with the analysis because it is saying that housing should be in high resource and high opportunity areas, but Highland being a bedroom community that has approximately 20-25% of the jobs that would be necessary for every resident to have a job within the city. It does not seem like a realistic goal and most of the high growth opportunity areas is industrial manufacturing, and financial centers Highland does not really have those and where they do exist would be not appropriate for residential zoning. The access to opportunity isn't necessarily locating the housing where that opportunity or the high resource areas are, but it's providing the means to get there that's equitable, whether that's mass transit or ride sharing. It would be access to opportunity as opposed to creating the living units where that opportunity exists, because you're going to have planning conflicts.

Assistant Community Development Director Stater stated good point.

Chair Hamerly stated the data that's in those tables, figures 14A and 14B almost don't matter because more positive educational experience. If more positive is only 40% performing at expectations, it's not a more positive. On figure 18 access to transit, this perfectly illustrates my point earlier about the distance for biking. Half the city we are doing a pretty good job, but there's big pockets of the city that if we extended that half mile radius out to two miles, we might cover 3/4 of the city with service. Figure 19 B it is saying opportunity for a healthy environment in the region and all of the mountain areas where everybody goes for recreation are seeing less positive environmental outcomes. This includes Arrowhead, Big Bear, Running Springs, and Crestline. Those are all negative areas. I don't know what the data is that they're analyzing there.

Commissioner Sutorus asked is this based on pollution?

Chair Hamerly stated it says opportunity for a healthy environment in the region and the discussion of access states it is important for physical and mental health. You have access to you know parks, recreation, outdoor activities, and voiding pollution and yet the mountains are where you would go to get that positive outcome and it's all orange.

Chair Hamerly stated appendixes site analysis and inventory, it is a very comprehensive list that was compiled. On table 9, it is a discussion of the estimated affordability of projected Accessory Dwelling Units (ADUs). The general comment on that is I am not sure how reliable it is to us to ascribe a certain level of rent or affordability to those. This is because a lot of ADUs are put in place by families for a family member. If we have the discussion and open it up and say the ADUs are for rental stock, then we also must address the parking issues that wouldn't be on street parking they would have to be onsite parking. The ADUs depending on how they're constructed you do not have to provide additional parking or recapture a garage space. That becomes a complicated conversation.

Assistant Community Development Director Stater stated this was a big question for many cities and counties in the state. If you're going to mandate ADU laws, restrictions, and no restrictions.

Chair Hamerly asked how does it solve the housing crisis?

Assistant Community Development Director Stater stated right, how do we assign a number to that? There were calculations made in agreements made, so you'll see that this number. This is the acceptable projection for the affordability numbers. Everybody as best as they could, has agreed upon these percentages. It is not specific to numbers in Highland other than our ADU projections, but the percentages are a regional issue.

Chair Hamerly asked does Highland have any program in place that would eliminate building ADUs for profit where you're using them for an Airbnb?

Assistant Community Development Director Stater stated there are limitations on that.

Chair Hamerly stated some cities have outright banned it.

Assistant Community Development Director Stater stated we have as well. 30 day minimum.

Community Development Director Mainez stated those figures are based on a survey.

Commissioner Sutorus asked did the approval go through City Council regarding Highland areas that were fire zoned fire hazards?

Community Development Director Mainez stated that was approved by City Council with some restrictions on the high fire severity zones.

Chair Hamerly stated regarding the survey, only 3.57% of the participants were renters so basically a third of the city didn't get represented. I think if we can improve on that for subsequent outreach that would go a long way towards helping our data collection.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Sutorus, seconded by Commissioner Amaya, to adopt Resolution No. 2022-____ recommending the City Council approve General Plan Amendment No. GPA 21-003 to:

- a. Adopt the Sixth (6th) Cycle Housing Element for the 8-year planning period of 2021-2029;
- b. Adopt the updated Public Health, Safety and Environmental Justice Element;
- c. Adopt an Amendment to the Circulation Element deleting two (2) street extensions; and
- d. Adopt a Negative Declaration and direct Staff to file a Notice of Determination with the Clerk of the Board of Supervisors and State Clearinghouse.

RESOLUTION NO. 2022 - 002

A RESOLUTION OF THE PLANING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. GPA-21-003 TO AMEND THREE (3) ELEMENTS OF THE HIGHLAND GENERAL PLAN INCLUDING ADOPTION OF THE SIXTH (6TH) CYCLE 2021-2029 HOUSING ELEMENT, UPDATE TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENTAL JUSTICE ELEMENT, AND MINOR AMENDMENT TO THE CIRCULATION ELEMENT.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled January 18, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 10:12 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: January 18, 2022

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director *[Signature]*
Carlos Zamono, Public Works Director/City Engineer

PREPARED BY: Ash Syed, Associate Planner

SUBJECT: 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, a 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, grading plan, and a Mitigated Negative Declaration (ENV 21-004). **(Continued from December 7, 2021).**

LOCATION: Northeast corner of Base Line and Buckeye Street
Assessor's Parcel Numbers: 1200-421-02 and -03

APPLICANT: Marinita Development

RECOMMENDATION: Staff recommends the Planning Commission:

- 1) Adopt Resolution 21-____, to approve Conditional Use Permit (CUP 21-001), Lot Line Adjustment (LLA 21-001), and Design Review Application (DRA 21-001), subject to the Conditions of Approval and Findings of Fact, and certify the Mitigated Negative Declaration (ENV 21-004); and
- 2) Direct staff to file a CEQA Notice of Determination with the County Clerk of the Board of Supervisors.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>3</u>
Denied _____	Ayes _____		File No. _____
Continue _____	Noes _____		
	Abstain _____		
	Absent _____		
<i>[Signature]</i> Recording Secretary		<i>[Signature]</i> Community Development Director	

1

FISCAL IMPACT: The Applicant submitted the required deposit fee for processing a Conditional Use Permit, Lot Line Adjustment, and Design Review Application. Staff time spent working on the applications will be charged to this deposit.

PUBLIC NOTICE: As required by City Council Resolution, notice of the public hearing was posted at the City's three designated posting locations. The notice was posted on the City's website, mailed to property owners within 300 feet of the project site and to parties requesting notice. The notice was published in the Highland Community News on November 26, 2021.

DESCRIPTION OF THE SITE: The project site is located at the northeast corner of Base Line and Buckeye Street and comprises of two (2) adjacent parcels comprising 2.04 acres in total (Exhibit A – Area Map). The property is currently vacant, with little to no vegetation and has remained in this state since prior to the City's incorporation in 1987.

Surrounding Land Uses

North: Single Family Homes

South: Starbucks Coffee, Popeyes Chicken, 76 Gas Station

East: 210 Freeway

West: Smart & Final Grocery Store

Location	General Plan	Zoning
Site:	Mixed Use (MU)	Mixed Use (MU)
North:	Low Density (LD)	Single Family Residential (R-1)
South:	Mixed Use (MU)	Mixed Use (MU)
East:	<i>Not Applicable (N/A)</i>	<i>Not Applicable (N/A)</i>
West:	Mixed Use (MU)	Mixed Use (MU)

The project site is located approximately one (1) mile southwest of the San Andreas Earthquake Fault and does not fall within the Alquist-Priolo Earthquake Fault Zone. Additionally, the project site is not located within a FEMA flood zone.

PREVIOUS ACTION:

On December 7, 2021, the Planning Commission was scheduled to review and discuss the proposed commercial development. However, prior to the meeting, Staff brought to the Applicant's attention several elements of the proposal that remained unaddressed. Missing from the submittal packet in particular was a set of revised elevations for the Freeway Oriented Pylon Sign, updated elevations for the restaurant at Pad A, colored elevations for the restaurant at Pad B, and a finalized site plan depicting the ultimate location of the traffic signal along Base Line. After discussing a time frame with Staff to provide the missing elements, the Applicant requested the Planning Commission continue the item to January 18, 2022.

PROJECT REVIEW/ANALYSIS:

The Applicant, Marinita Development, is requesting the approval of a Conditional Use Permit, Lot Line Adjustment, and Design Review Application for a development consisting of two (2) drive-thru restaurant buildings within the General Plan Town Center Policy Area.

Conditional Use Permit (CUP 21-006)

The objective of the project is to create a visually appealing commercial lot just off the 210 freeway that provides mainstream, fast-food options for City residents as well as those traveling along the freeway and up to the mountains. Pad A, located on the eastern part of the site, offers 2,560 square feet of interior space, a drive-thru lane with a double-aisle ordering station, outdoor patio seating, and a plaza along the building frontage. Pad B, located on the western portion of the site, offers 4,050 square feet of interior space along with a single-aisle drive-thru lane and outdoor patio seating as well. The developer is currently in discussion with the El Pollo Loco and Habit Burger restaurant chains and will finalize the tenant for each pad prior to construction of the two (2) buildings. As aforementioned, the site has remained vacant since prior to the City's incorporation and offers a prime location for quick-serve restaurants. Additionally, the proposed layout of the site is in compliance with Chapter 16.22 Section 40 of the Highland Municipal Code, as specified for single-use commercial projects within the Mixed-Use zoning designation.

Site Plan

The layout of the site will feature the 2,560 square foot and 4,050 square foot restaurant building (Pad A and Pad B) on opposite ends of the site with respective drive-thru lanes wrapping around each building. Shared by the two (2) restaurants is a parking field of eighty-four (84) spaces split into double aisle groups at the center of the site with additional spaces located along the northern and southern boundaries as well as the storefronts. The southeast corner of the site will feature a sixty (60) foot tall pylon sign with the nameplates of the two (2) fast-food tenants as well as a single-sided (south-facing) electronic screen for advertisements by the City and adjacent businesses. Each of the two (2) buildings within the proposed development is compliant with Chapter 16.22 Section 40 of the Highland Municipal Code with regard to lot coverage, as well as front, interior side, street side, and rear setback requirements (Exhibit B – Site Plan).

Plaza

One of the primary objectives of the General Plan Town Center Area is to provide a commonplace for visitors and residents to gather for social interaction. This concept has previously been implemented with the development of the commercial businesses west of this site, CVS Pharmacy, Baker's Drive-Thru restaurant, and the Family Dollar store, in the form of covered trellises along the connecting pathways between the businesses.

The Applicant has proposed a Plaza similar to the one constructed as part of the Baker's Drive-Thru restaurant that features a primary gazebo/shade structure embellished with citrus/crate labels as a form of homage to the City's history. A final design will be prepared by the Applicant and reviewed by Staff prior to the issuance of building permits.

Trash Enclosure

Two (2) trash enclosures have been proposed on the site and are located along the north side of the property to provide greater accessibility from Buckeye Street for waste-hauling trucks. Each of the trash enclosures will feature a metal roof and contain disposal bins for general waste, recycling, and compost, in addition to an ADA compliant path of travel to and from its respective restaurant.

Access

Primary access to the site will be from Base Line on the south, with secondary access from Buckeye Street on the west side. The driveway along Buckeye Street will allow both left and right turns from and onto the roadway while the driveway along Base Line will allow right in/ right out and left in/ left out at the new traffic signal to be constructed at this driveway on Base Line. The driveway on the west side is located 150 feet from the Base Line and Buckeye Street intersection while the driveway on the south is located 60 feet away, satisfying the minimum requirement of 50 feet.

Traffic Signal

On June 19, 2018, the Planning Commission held a Study Session to discuss potential concepts for new traffic control modifications along Base Line, between the 210 freeway and Buckeye Street. Since the primary choice for traffic control was for a traffic signal, the City's preference was to analyze the two (2) options; a signal to be constructed to align with the Starbucks driveway; and a signal at the intersection of Base Line and Buckeye Street.

The Applicant has since submitted plans (included in the Staff Report) that propose the installation of a traffic signal at the intersection of Base Line and Buckeye Street, but Engineering Staff has conditioned the project to construct the traffic signal at Base Line and the Starbucks driveway. The traffic analysis submitted prior to the Nov. 7th Planning Commission meeting did not include the trip generation for the driveway alignment with Starbucks site option. Subsequently, Staff was unable to complete the engineering conditions for the placement of a preferred traffic signal for Planning Commission consideration. That being the case, the Applicant requested the Planning Commission continue this item after completion of its deliberation to allow the City, the Applicant, and Stakeholder on the south side of Base Line (Starbucks Coffee, Popeye's Chicken, and Shell) to participate in the conceptual signal options.

Based on evaluations by Staff, it has been determined that the preferred location of the new traffic signal is at Base Line and the Starbuck's driveway. This location would not create a negative impact on the existing developments on the southside of Base Line. The existing development on the southside would continue to allow left turn movements in and out with the new traffic signal. Eliminating turn movements would significantly hurt the businesses on the southside. Therefore this location for the new traffic signal is the best alternative because it would not harm the existing developments.

Parking

As mentioned, the proposed development features two (2) restaurant buildings, Pad A and Pad B, located on the eastern and western sides of the property respectively. Pad A, at 2,560 square feet, is subject to a parking requirement of 1 spot per 75 square feet of interior dining space. With a 1,280 square foot interior dining area, there are 17 total parking spaces required for this establishment.

Pad B, at 4,050 square feet, is also subject to a parking requirement of 1 spot per 75 square feet of interior dining space. With a 2,430 square foot interior dining area, there are 33 parking spaces required for this restaurant. With a total of 50 spaces required for this development, the 84 total spaces provided within the shared parking area satisfies the parking standard for the site. 19 of the spaces have been dedicated as compact, with 2 spaces reserved for Electric Vehicles.

A table defining proposed uses, respective parking spaces required per the Highland Municipal Code Section 16.52.030, and parking spaces proposed for each use has been provided below:

Proposed Use	Parking Spaces Required	Parking Spaces Proposed
1,280 SF Pad A Dining Area	17	31
2,430 SF Pad B Dining Area	33	53

Signs

The Applicant has proposed a sign program that includes two (2) ten 10-foot tall monument signs as part of the proposed development. The first will be located approximately 70 feet west of the freeway offramp and will feature signage on both faces for the fast-food tenant at Pad A. The second monument sign will be located approximately 40 feet east of Buckeye Street and will feature signage on both faces for the fast food tenant at Pad B. Also part of the sign program, and located at the southeast corner of the site, is a 60-foot tall freeway oriented pylon sign featuring two (2) separate 180 square foot display areas and a 114 square foot display area in a stack formation.

On October 19, 2021, the Planning Commission held a study session to oversee a seventy (70) foot Freeway Oriented Pylon Sign Flag Test conducted by the Applicant to analyze the height and location of a pylon sign. At the conclusion of the test, the Planning Commission expressed to the Applicant that a height of sixty (60) feet appeared sufficient. Additionally, the Commissioners and the Applicant acknowledged that signage on the northern face of the sign was unnecessary as the sign was not visible to traffic heading southbound along State Route 330 nor eastbound State Route 210.

On a further note, it is Staff's preference that the Freeway Oriented Pylon Sign accommodate another major tenant located within the Town Center Policy Area, such as Smart & Final or the recently approved Tractor Supply Company store. A condition of approval has been included requiring the Applicant submit updated concepts for review by the Planning Commission.

The Applicant proceeded to submit plans for a sixty (60) foot Freeway Oriented Pylon Sign with upper and middle portions featuring signage for the tenants at Pad A and Pad B, respectively, with illuminated channel letters and a vinyl overlay. The lower portion of the sign will be a 6'4" x 18' display area for the additional major tenant. Mounted on both the northern and southern face of the sign column will be the City of Highland seal.

The Applicant has also proposed two (2) ten 10-foot tall monument signs as part of the proposed development. The first will be located along Base Line just south of the restaurant at Pad A. The second sign will be located just south of the restaurant occupying Pad B (Exhibit C – Signs).

With regard to the building-mounted signage, the Applicant has not yet finalized the tenants for the two (2) pads, as previously mentioned. As conditioned, the Applicant will submit elevations for the building-mounted signs along with separate applications for individual Accessory Sign Reviews for each pad once tenants have been confirmed.

Utilities

All access to public utilities, such as water, sewer, electricity, and telecommunications are proposed along the project frontages. There is an existing six (6) foot wide Edison easement that extends from Buckeye Street and spans along entire northern property line of the development. Existing utility lines located within this easement are to remain overhead and will be incorporated into the project with new easements granted as required by the service providers. A new easement will also be provided for an onsite private sewer main to serve the project and connect to the existing sewer along Base Line.

Lot Line Adjustment (LLA 21-001)

The project site is approximately 2.04 acres of vacant land and comprises of two (2) contiguous parcels. As part of fast-food restaurant development, the Applicant will relocate the existing lot line, currently toward the eastern end of the site, toward to the center of the property, creating two (2) 1.02 acre size lots.

The proposed Lot Line Adjustment is in compliance with Chapter 16.68 Section 30 of the Highland Municipal Code with regard to the City's requirement for subdivisions. As proposed, the two (2) new 1.02 acre lots surpass the minimum requirement of 10,000 square feet per lot and the Floor Area Ratios (FAR) of 0.09 and 0.06, respectively, are well below the maximum FAR of 0.5 per lot. Each of these development standards satisfy the requirements for establishing new parcels within the Mixed-Use/Neighborhood Commercial zone as listed in the Highland Municipal Code.

Water Quality Management Plan

A stormwater infiltration basin for the project has been proposed at the center of the site, shared between the two parcels. The Conceptual Water Quality Management Plan (WQMP) has been reviewed and approved on March 8, 2021

Design Review Application (DRA 21-001)

Design Review Application (DRA 21-001) is regarding the construction of the two (2) restaurants on the property. Pad A, the 2,560 square foot building on the eastern part of the site, features a single-aisle drive-thru lane for twelve (12) stacked vehicles with a double-aisle section at the entrance for the ordering stations. To the south of the building is a patio area featuring chairs and tables for outdoor dining. On the west side of the building is the primary entrance to the restaurant along with an open space area where the Applicant will construct a small gazebo-type plaza area. The east side of the building will feature the drive-thru window while the north side will feature additional non-illuminated tenant signage as to reduce excessive light from the site onto the adjacent residences to the north.

Pad B, the 4,050 square foot building on the western part of the site, features a single-aisle drive-thru lane for eleven (11) stacked vehicles that wraps around the perimeter of the building. To the east of the building, alongside the primary entrance, is a 500 square foot patio area for outdoor dining. Since this pad is located at an intersection and fronts two (2) roadways, the building will feature illuminated tenant signage along the southern, eastern, and western faces, as permitted by the Highland Municipal Code.

As aforementioned, the Applicant has yet to finalize tenants that will occupy each of the two (2) restaurant pads, and thus, hours of operation have not been finalized for the site. However, in compliance with the operating hours for each of the other eateries located within the General Plan Town Center Area, the project has been conditioned to limit the hours of operation for both restaurants to between 4:30am and 12:00am.

Building Elevations

While the tenant for Pad A has not been finalized, the Applicant has informed Staff that El Pollo Loco has expressed interest in the site and has proposed their most recent corporate design scheme (Exhibit D – Pad A Elevations). The primary siding for the building will be a taupe stucco finish with black metallic trim around the upper roofline. The perimeter of the roofline will feature a raised parapet featuring vinyl slats painted with the corporate color of the future tenant. Designed with modern aesthetics, the drive-thru awning along the eastern side of the building feature sharp lines to match the architecture of the building. The primary entrance along the western front will be embellished with modern design cues and accent trims of the corporate colors scheme.

While the tenant for Pad B has also not been finalized, the Applicant plans to construct the restaurant building to comply with the architecture envisioned as part of the Town Center Area regardless of the fast food tenant that eventually occupies the building (Exhibit E – Pad B Elevations). The primary color of the building will also be a warm earth tone on all sides. The lower portion around the perimeter of the building will be accented by a rustic brick trim. Fiberglass corbels and shaped cornices tie into the architecture of the surrounding commercial buildings in the Town Center Area. Lastly, double-door customer entrances are proposed at along the eastern and southern frontages with a drive-thru window along the western side.

Conceptual Landscape Plan

The Conceptual Landscape Plan presents a variety of drought-tolerant trees, shrubs and vines, as well as groundcovers that will be planted throughout the perimeter of the site as well as the parking lot area. Proposed along the Base Line and Buckeye Street frontages are a combination of Desert Museum and California Fan Palm trees accented by Point Sal Low Purple Sage and Furmans Red Autumn Sage shrubs for added screening and floral variety. Meanwhile, the northern boundary of the parking lot will feature primarily Mingenew Gold shrubs and Polyspora flowers with White Crape Myrtle and Fruitless Olive trees spaces accordingly. Lastly, the interior of the parking lot will offer additional Desert Museum trees and groundcover at each of the landscape islands while the drive-thru lanes are adorned with more Point Sal Low Purple Sage and Valentine shrubs (Exhibit F – Conceptual Landscape Plan). The Conceptual Landscape Plan has been reviewed by the City's Landscape Architect and conditions have been included as part of the Conditions of Approval.

Fencing

The proposed project is adjacent to the existing residential homes to the north and existing roadways to the south, east, and west. As previously mentioned, there is an existing six (6) foot wide utility easement that extends from Buckeye Street and spans along the entire northern property line of the development, The Applicant has thus

proposed an six (6) foot tall masonry retaining wall along this portion, leaving the existing block walls of the residences along Foster Ave and the six (6) foot wide utility easement as-is.

ENVIRONMENTAL REVIEW: This project was subject to an Initial Study / Mitigated Negative Declaration (IS/MND) as part of the CEQA review process. The City, as the Lead Agency, oversaw preparation of the Initial Study / Mitigated Negative Declaration (IS/MND) and has determined that the proposed project could result in potentially significant environmental impacts related to Biological Resources, for the habitat disturbance to state and federally protected nesting birds.

Nesting Birds, regardless of their listing status, are protected under the Migratory Bird Treaty Act (MBTA). Potential impacts to the breeding birds are considered significant under the CEQA guidelines. In compliance with the MBTA and the California Department of Fish and Wildlife (CDFW) regulations for protecting nesting birds, all clearing, grubbing, tree trimming, and tree removals will be conducted outside of the February 1st to August 31st bird nesting season. Should grading, grubbing, or tree removal need to occur during the nesting bird season, a pre-construction nesting bird survey will be conducted by a qualified avian biologist prior to any site disturbance. If for any reason an active nest is identified outside of the February 1st to August 31st bird nesting season, avoidance of the nest will be required.

PUBLIC COMMENT: At the time of preparing this staff report, Staff had received one (1) email from a neighboring property owner in response to the Project Notice (Attachment 1 – Public Comments). The property owner expressed general concern over the development of this site regarding the presence of nesting birds and the proposed Lot Line Adjustment. Staff clarified the scope of work for the property owner and explained that a thorough analysis of the impacts was completed during the preparation of the Mitigated Negative Declaration for this project. The Applicant has included specific mitigation measures in the Mitigation Monitoring and Reporting Program to address biological resource concerns such as arranging for a qualified avian biologist to conduct a nesting bird survey prior to any ground disturbance during the nesting season, as discussed.

ANALYSIS: This development, comprising of two (2) drive-thru fast-food restaurants, proposes a logical use and project layout for a vacant site that is adjacent to a freeway offramp and offers prime commercial frontage along Base Line. The exterior elevations of the two (2) restaurant buildings offer contemporary architectural treatments such as stucco, vinyl trims, and painted wood slats while incorporating the accent elements as part of the vision for the Town Center Area. With appropriate building placements, dedicated parking spaces, and adequate setbacks, the site plan presents satisfactory onsite vehicular circulation and pedestrian access and is in compliance with Chapter 16.22 Section 40 of the Highland Municipal Code for the Mixed Use zone.

As aforementioned, the Applicant has submitted plans that propose the installation of a traffic signal at the intersection of Base Line and Buckeye Street. However, the traffic

analysis and trip generation study did not include the driveway alignment with Starbuck's site as an alternate option. Thus, Staff requests the Planning Commission provide feedback and direction on the placement of the proposed traffic signal along Base Line.

EXHIBITS:

- A) Area Map
- B) Site Plan
- C) Signs
- D) Pad A Elevations
- E) Pad B Elevations
- F) Conceptual Landscape Plan
- G) Preliminary Grading Plan

ATTACHMENTS:

- 1) Public Comments
- 2) Initial Study / Mitigated Negative Declaration
- 3) Planning Commission Resolution No. 2021 - _____
 - Exhibit 1: Lot Line Adjustment (LLA 21-001)
 - Exhibit 2: Mitigation Monitoring & Reporting Program (ENV 21-004)
 - Exhibit 3: Conditions of Approval (LLA 21-001)
 - Exhibit 4: Conditions of Approval (CUP 21-001)
 - Exhibit 5: Conditions of Approval (DRA 21-001)

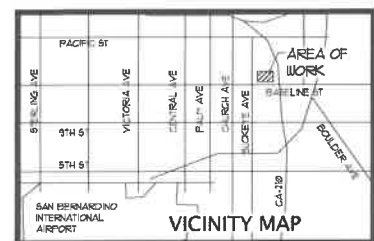
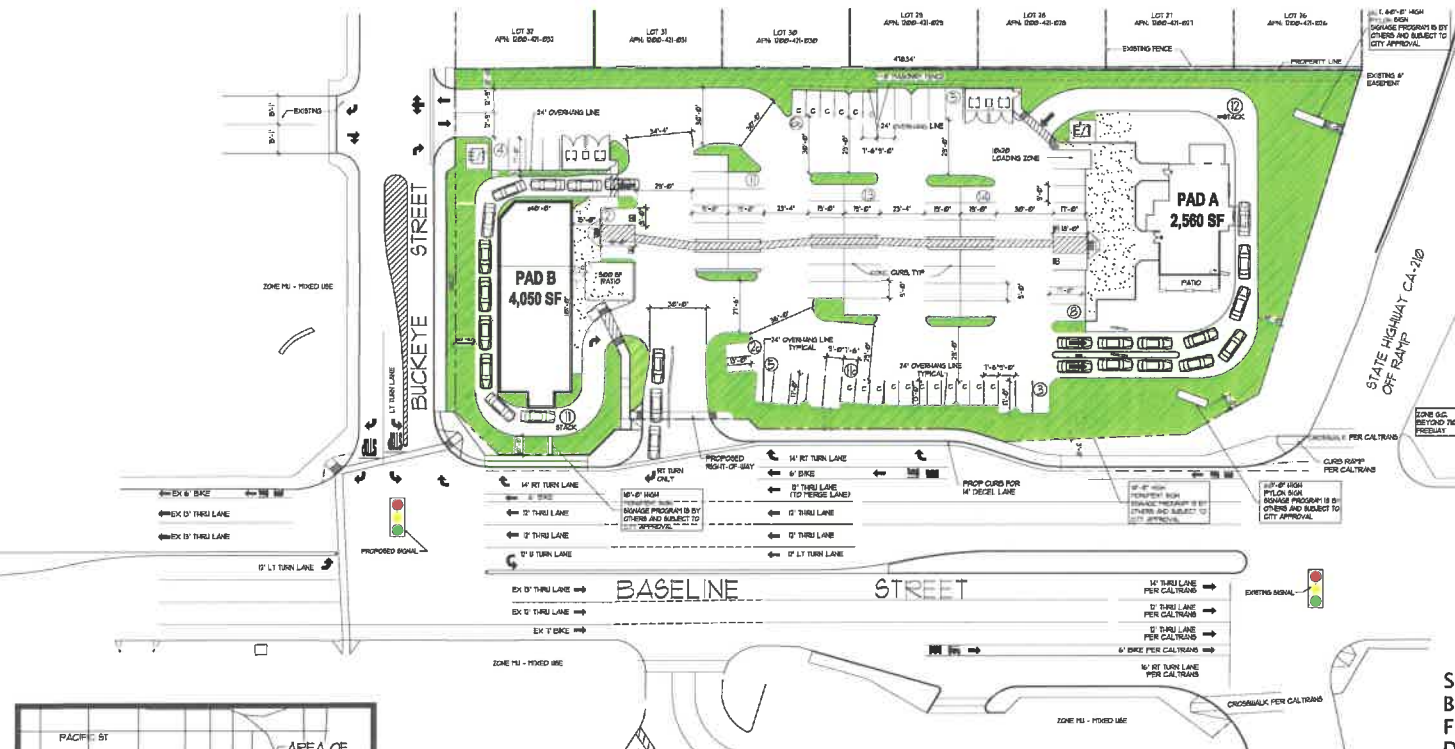
Exhibit A:

Area Map



Exhibit B:

Site Plan



HIGHLAND UTILITY					
TIME WARNER CABLE TELEVISION 1500 SOUTH AUTO CENTER DRIVE, ONTARIO, CA 91761 PHONE: (909) 731-8509	AT&T (TELEPHONE PLANNING) 3051 ADAMS STREET, RIVERSIDE, CA 92504 PHONE: (951) 359-2511	SOUTHERN CALIFORNIA EDISON (DISTRIBUTION FACILITIES) 701 TENNESSEE STREET, REDLANDS, CA 92373 PHONE: (909) 301-6143	SOUTHERN CALIFORNIA GAS COMPANY 150 WEST LUGNIA AVENUE, REDLANDS, CA 92374-3796 MAILING ADDRESS: PO BOX 3303, REDLANDS, CA 92374-3796 PHONE: (909) 335-1171	BRECKENRIDGE - RIVERSIDE CHRIS HAZZICA 1331 CENTRAL AVE, RIVERSIDE, CA 92504 951-406-1606 CHRISHAZZICA@CHARTERCOM	
EAST VALLEY WATER DISTRICT (WATER AND SEWER) 3654 HIGHLAND AVENUE, SUITE 18, HIGHLAND, CA 92346 PHONE: (909) 888-0306	VERIZON (TELEPHONE NETWORK ENGINEERING AND PLANNING) 7800 ORANGE TREE LANE, SUITE 1000, REDLANDS, CA 92374-7800 PHONE: (909) 748-6643	SOUTHERN CALIFORNIA EDISON (TRANSMISSION FACILITIES) 300 NORTH PEPPER AVENUE, BUILDING 101, REALTO, CA 92376 PHONE: (909) 830-5532	SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT 1350 SOUTH E STREET, SAN BERNARDINO, CA 92408-2725 MAILING ADDRESS: P.O. BOX 5806, SAN BERNARDINO, CA 92402-5206 PHONE: (909) 361-3230		

LEGEND:
 SIGNALIZED INTERSECTION
 LANDSCAPE
 CONCRETE PATH

GRAPHIC SCALE: 1" = 30' - 0"



PROJECT SUMMARY:

LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 32, TRACT NO. 6650, AS PER PLAT RECORDED IN BOOK 84, PAGES 33 AND 34 OF MAPS, RECORDS OF SAID COUNTY; THENCE SOUTH ALONG THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 32, ALSO BEING THE EAST LINE OF BUCKEYE STREET, AS SHOWN ON SAID MAP OF TRACT NO. 6650, A DISTANCE OF 192.02 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF 20 FEET AND A CENTRAL ANGLE OF 89° 56' 40"; THENCE SOUTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 31.40 FEET TO THE POINT OF TANGENCY WITH THE NORTH LINE OF THAT CERTAIN 20 FOOT DEDICATION TO BASELINE AS SHOWN BY SAID MAP OF TRACT NO. 6650, HEREINAFTER MENTIONED; THENCE EASTERLY ALONG SAID 20 FOOT DEDICATION, 326.30 FEET TO ITS INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT NO. 6650, PRODUCED SOUTHERLY; THENCE NORTH ALONG SAID EASTERLY LINE PRODUCED SOUTHERLY TO THE SOUTHEAST CORNER OF LOT 25 OF SAID TRACT NO. 6650; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT NO. 6650, TO THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED APRIL 14, 1984 IN BOOK 6127, PAGE 669 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED FEBRUARY 8, 1985 AS INSTRUMENT NO. 88-037550 OF OFFICIAL RECORDS.

APN: 1200-421-02-0-000

PARCEL 2:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID FILED IN THE DISTRICT LAND OFFICE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED APRIL 14, 1984 IN BOOK 6127, PAGE 669 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE NORTH LINE OF PARCEL NORTH 86° 47' 02" EAST, 47.57 FEET; THENCE SOUTH 17° 09' 10" WEST, 180.80 FEET; THENCE SOUTH 68° 28' 34" WEST, 38.19 FEET; THENCE NORTH 11° 31' 09" EAST, 195.22 FEET TO THE POINT OF BEGINNING.

APN: 1200-421-03-0-000

SITE AREA: ± 2.04 AC. 89,296 S.F.
BUILDING AREA: 6,610 S.F.
F A R: 0.074
DRIVE THRU STACKING: 23 STALLS

PARKING REQUIRED:

PAD A: 2560 SF (DINING)X50% = 1,280SF = 17 STALLS
 PAD A: 1,280 SF (OTHER)X50 @ 4/1,000 SF = 5 STALLS
 PAD B: 4,050 SF (DINING)X60% = 2,430 SF = 33 STALLS
 PAD B: 1,620 SF (OTHER)X 40% @ 4/1,000 SF = 7 STALLS

PARKING REQUIRED: 62 STALLS
PARKING PROVIDED: 84 STALLS
PARKING RATIO: 13.5/1,000 S.F.

COMPACT PARKING 25% ALLOWED: 21 STALLS
COMPACT PARKING PROVIDED: 19 STALLS

LANDSCAPE: 24%
AREA: 21,833 S.F.

DESIGN | ARCHITECTURE | PLANNING

RED
 Architectural Group

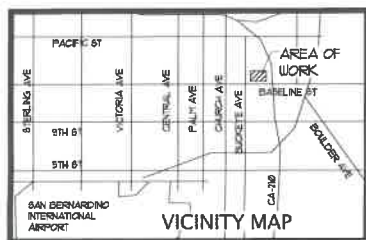
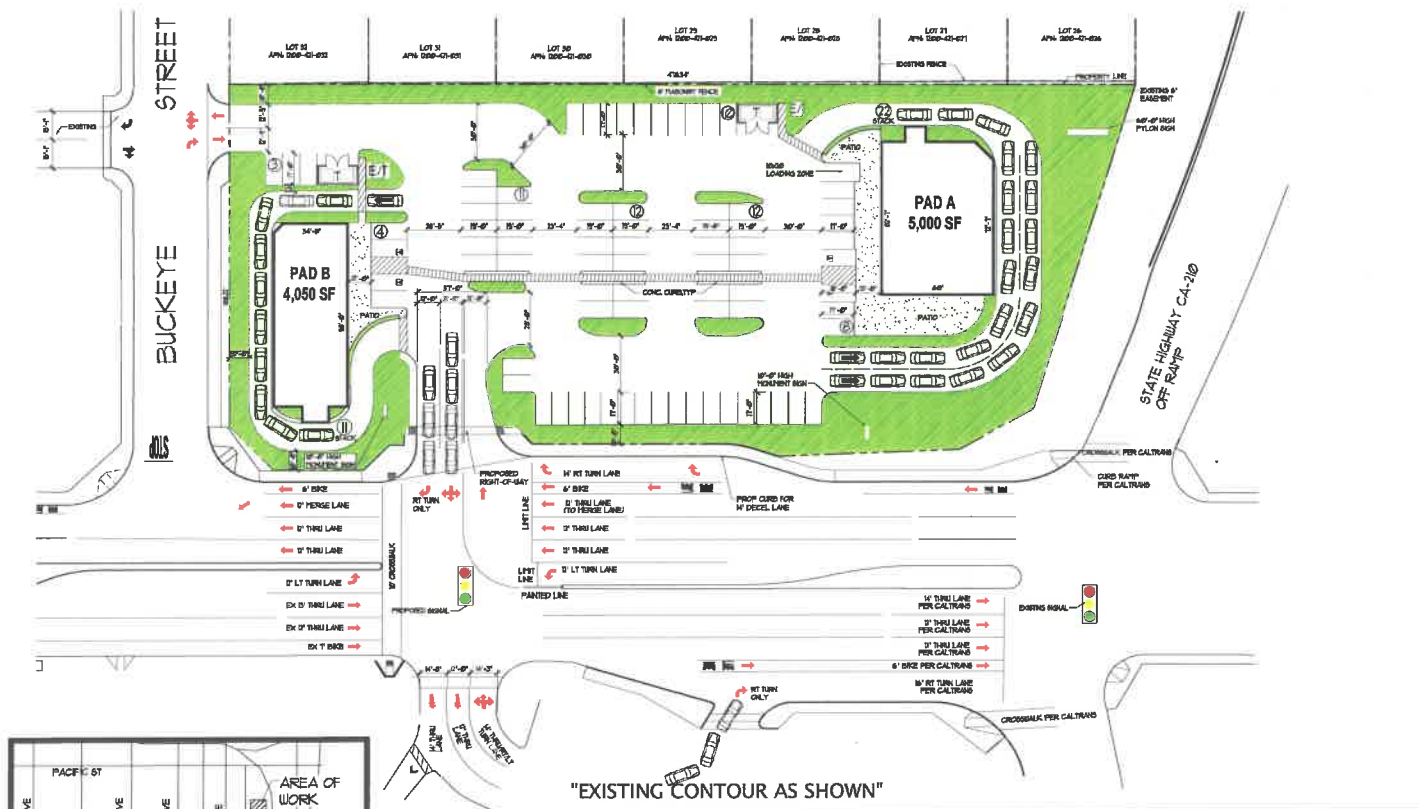
3436 N. VERDUGO ROAD, SUITE 200, GLENDALE, CA 91208
 P. 818.867.7765 | www.red-arch.com

SITE PLAN K.5

**NWC OF 210 & BASELINE ST.
 HIGHLAND, CA 92346**

3835 Birch Street
 Newport Beach, CA 92660
 (949) 756-8677

DATE: 08.20.2021
 PROJECT NUMBER: 549.2101.10



HIGHLAND UTILITY

TIME WARNER CABLE
TELEVISION 800 SOUTH
AUTO CENTER DRIVE
ONTARIO, CA 91761 PHONE:
(909) 711-8583

EAST VALLEY WATER DISTRICT
(WATER AND SEWER)
3654 HIGHLAND AVENUE, SUITE
18, HIGHLAND, CA 92346
PHONE: (909) 888-9586

ATT (TELEPHONE PLANNING)
3431 ADAMS STREET,
RIVERSIDE, CA 92504
PHONE: (951) 305-2511

VERIZON (TELEPHONE NETWORK
ENGINEERING AND PLANNING)
1800 ORANGE TREE LANE, SUITE 100,
REDLANDS, CA 92374-1800
PHONE: (909) 740-6645

SOUTHERN CALIFORNIA Edison
(DISTRIBUTION FACILITIES)
281 TURNBULL STREET,
REDLANDS, CA 92373
PHONE: (909) 307-6140

SOUTHERN CALIFORNIA Edison
(TRANSMISSION FACILITIES)
3000 NORTH PEPPER AVENUE,
REDLANDS, CA 92376
PHONE: (909) 822-5532

SOUTHERN CALIFORNIA GAS COMPANY
P381 WEST LUGONIA AVENUE, REDLANDS, CA 92374-9706
MAILING ADDRESS:
PO BOX 3303, REDLANDS, CA 92374-9706
PHONE: (909) 338-7772

SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
3500 SOUTH E STREET, SAN BERNARDINO, CA 92408-1709
MAILING ADDRESS:
P.O. BOX 9306, SAN BERNARDINO, CA 92409-9306
PHONE: (909) 391-3330

SPECTRUM - RIVERSIDE
CHRIS MAZURCA
1331 CENTRAL AVE, RIVERSIDE, CA 92504
951-466-1606
CHRIS.MAZURCA@SPECTRUM.COM



3835 Birch Street
Newport Beach, CA 92660
(949) 756-8677



LEGEND:

SIGNALIZED INTERSECTION

LANDSCAPE

CONCRETE PATH



GRAPHIC SCALE: 1" = 30'-0"

0' 10' 20' 30' 40' 50' 60' 70' 80' 90' 100'



SITE PLAN J.3

**NWC OF 210 & BASELINE ST.
HIGHLAND, CA 92346**

PROJECT SUMMARY:

LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 3, WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 32, TRACT NO. 6650, AS PER PLAT RECORDED IN BOOK 84, PAGES 33 AND 34 OF MAPS, RECORDS OF SAID COUNTY, THENCE SOUTH ALONG THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 32, ALSO BEING THE EAST LINE OF BUCKEYE STREET, AS SHOWN ON SAID MAP OF TRACT NO. 6660, A DISTANCE OF 192.02 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF 20 FEET AND A CENTRAL ANGLE OF 89° 58' 40", THENCE SOUTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 31.40 FEET TO THE POINT OF TANGENCY WITH THE NORTH LINE OF THAT CERTAIN 20 FOOT DEDICATION TO BASELINE AS SHOWN BY SAID MAP OF TRACT NO. 6650, HEREBYABOVE MENTIONED; THENCE EASTERLY ALONG SAID 20 FOOT DEDICATION, 526.30 FEET TO ITS INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT NO. 6650, PRODUCED SOUTHERLY; THENCE NORTH ALONG SAID EASTERLY LINE PRODUCED SOUTHERLY TO THE SOUTHEAST CORNER OF LOT 25 OF SAID TRACT NO. 6650; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT NO. 6650, TO THE TRUE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED APRIL 14, 1984 IN BOOK 6127, PAGE 669 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED FEBRUARY 8, 1988 AS INSTRUMENT NO. 88-037550 OF OFFICIAL RECORDS.

APN: 1200-421-02-0-000

PARCEL 2:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 3, WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID FILED IN THE DISTRICT LAND OFFICE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED APRIL 14, 1984 IN BOOK 6127, PAGE 669 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE NORTH LINE OF PARCEL, NORTH 89° 40' 02" EAST, 47.57 FEET; THENCE SOUTH 17° 09' 10" WEST, 180.80 FEET; THENCE SOUTH 60° 28' 54" WEST, 38.19 FEET; THENCE NORTH 11° 31' 09" EAST, 195.22 FEET TO THE POINT OF BEGINNING.

APN: 1200-421-03-0-000

SITE AREA: ± 2.04 AC. 89,296 S.F.

BUILDING AREA: 9,050 S.F.

COVERAGE: 10 %

DRIVE THRU STACKING: 33 STALLS

PARKING REQUIRED:

PAD A: 4,050 SF (DINING)X50% = 2,025 SF = 27 STALL

PAD A: 2,025 SF (OTHER)50% @ 4/1,000 SF = 8.1 STAL

PAD B: 5,000 SF (DINING)X50% = 2,500 SF = 33.3 STAL

PAD B: 2,500 SF (OTHER)50% @ 4/1,000 SF = 10 STAL

PARKING REQUIRED: 78 STALLS

PARKING PROVIDED: 79 STALLS

PARKING RATIO: 10.0/1,000 S.F.

LANDSCAPE: 24%

AREA: 21,123 S.F.

R•E•D Architectural Group

PLANNING ■ ARCHITECTURE ■ INTERIORS

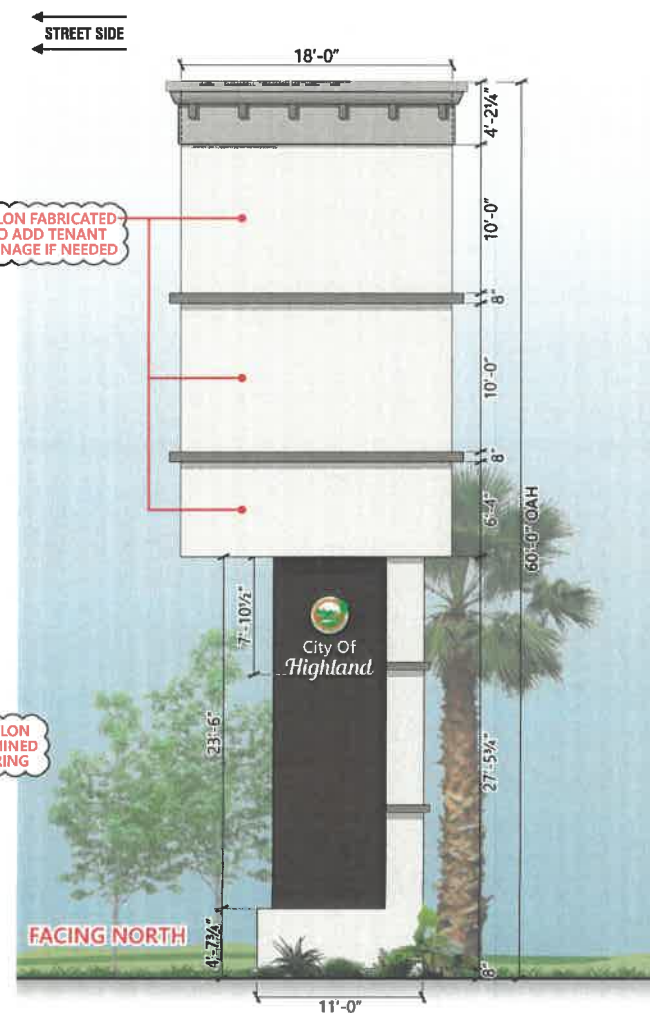
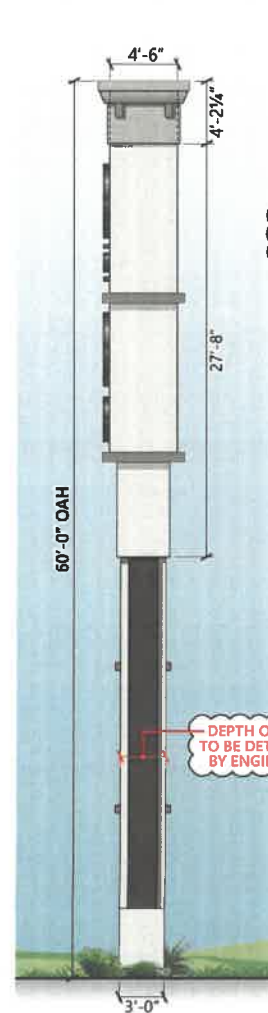
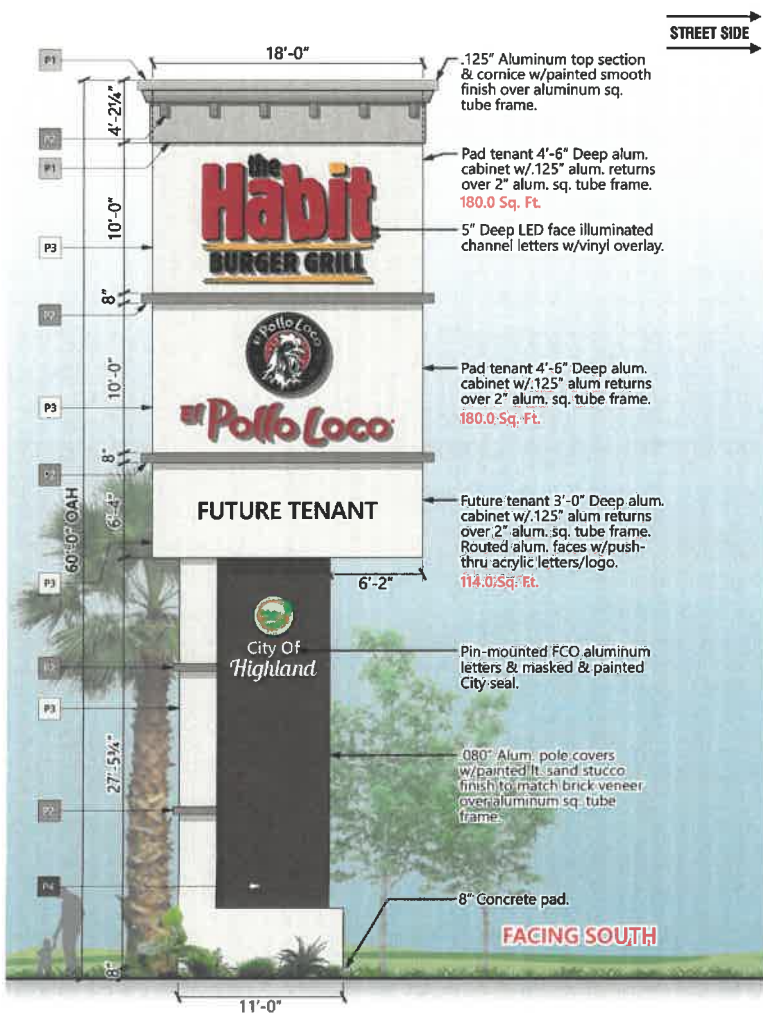
3436 N. VERDUGO ROAD, SUITE 200, GLENDALE, CA 91208

P 818.957.7765 ■ 818.957.7767 F

DATE: 06.05.2020
PROJECT NUMBER: 397.1803.01

Exhibit C:

Signs



SQUARE FOOTAGE	
654.0 SQ. FT. PER SIDE	
PAINT FINISH	
P1	SW #6002 "ESSENTIAL GRAY"
P2	SW #6004 "MINK"
P3	SW #7004 "SNOWBOUND"
P4	PTM BROWN BRICK VENEER

1.0 SIGN ELEVATION / CUSTOM FABRICATED INTERNALLY ILLUM. S/F PYLON SIGN
Quantity: One (1) Sign Req. Scale: 1/8" = 1'-0"

1 SIDE VIEW
Scale: 1/8" = 1'-0"

2 SIGN ELEVATION / PYLON SIGN OPPOSITE VIEW
Scale: 1/8" = 1'-0"

PS 1271

SIGNAGE SOLUTIONS

WEST COAST HQ,
2231 S. Dupont Drive
Anaheim, CA 92806
800-655-9972

PROJECT

Project Name: Marinita Development

Address: NWC of 210 Fwy. & Baseline St.

City, State, Zip: Highland, CA 92346

CLIENT

Client Approval:

Landlord Approval:

Designer: Art Deschamelle Sales: Chris D.

JOB / DRAWING

200453-10

Page 3 of 5

All ideas, designs, arrangements, and plans indicated or represented by this drawing are owned by and the property of Signage Solutions, and were created, evolved and developed for use on and in connection with the specified project. None of such ideas, designs, arrangements or plans shall be used by or disclosed to any person, firm or corporation for any purpose what so ever without written permission.

Rev	Designer	Date	Revision Notes
1	Deschamelle, A.	5/22/20	Initial Drawing
2	Deschamelle, A.	9/25/20	Revise to reduce roof, sign to 9'-8" wide, fabricate signs on the pylon.
3	Deschamelle, A.	10/15/20	Revise to redesign sign and architectural elevations.
4	Deschamelle, A.	2/04/21	Revise signage to more provided color space.
5	Deschamelle, A.	2/18/21	Revise pylon to monument design per request.
6	Deschamelle, A.	3/24/21	Revise to add EMC to pylon hold signs to monument signs.
7	Deschamelle, A.	7/28/21	Revise to add EMC to pylon hold signs to monument signs.
8	Deschamelle, A.	10/13/21	Revise to show two pylon design options.
9	Deschamelle, A.	10/21/21	Revise to select Pylon Option #1.
10	Deschamelle, A.	12/16/21	Revise to select Pylon Option #1.



STREET SIDE

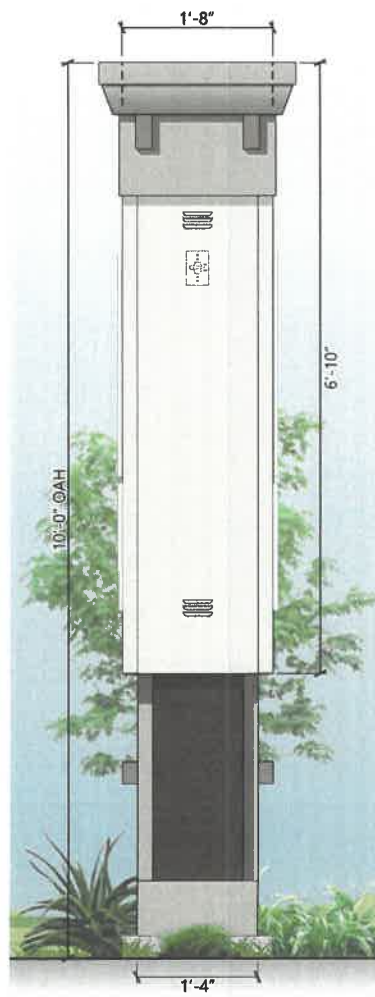
.080" Alum. column with painted lt. sand stucco finish over aluminum sq. tube frame.

Weatherproof disconnect switch.

.125" Pad Tenant routed pan aluminum tenant panels w/1/2" acrylic push-thru letters.
39.38 Sq. Ft.

.080" Alum. shroud with painted lt. sand stucco finish to match brick veneer over aluminum sq. tube frame.

3" Concrete pad



1 SIDE VIEW ELEVATION
Scale: 3/4" = 1'-0"

SQUARE FOOTAGE	
	39.38 SQ. FT. PROPOSED
PAINT FINISH	
P1	SW #6002 "ESSENTIAL GRAY"
P2	SW #6004 "MINK"
P3	SW #7004 "SNOWBOUND"
P4	PTM BROWN BRICK VENEER

2.2 SIGN ELEVATION / PROPOSED INTERNALLY ILLUMINATED D/F MONUMENT SIGN
Quantity: One (1) Sign Required

Scale: 3/4" = 1'-0"

PS 127:1

PROJECT

CLIENT

JOB/DRAWING #



WEST COAST HQ.
2231 S. Dupont Drive
Anaheim, CA 92806
800-655-9972

Project Name: Marinita Development
Address: NWC of 210 Fwy. & Baseline St.
City, State, Zip: Highland, CA 92346

Client Approval:
Landlord Approval:
Designer: Art Decharmala Sales: Chris D.

All ideas, designs, arrangements, and plans indicated or represented by this drawing are owned by and the property of Signage Solutions, and were created, evolved and developed for use on and in connection with the specified project. None of such ideas, designs, arrangements or plans shall be used by or disclosed to any person, firm or corporation for any purpose what so ever without written permission.

#	Designer	Date	Revision Notes
1	Decharmala, A.	9/22/20	Initial Drawing
2	Decharmala, A.	9/25/20	Revised to reduce mon. signs to 5'-4" wide; relocate signs on the plan.
3	Decharmala, A.	10/15/20	Revised to relocate signs per architectural elevations.
4	Decharmala, A.	2/18/21	Revised signage to new provided color signs.
5	Decharmala, A.	3/23/21	Revised to show the monument design per request.
6	Decharmala, A.	1/23/21	Revised to add CMAC to plan; Add logos to monument signs.
7	Decharmala, A.	10/13/21	Revised to show the plan design options.
8	Decharmala, A.	10/21/21	Revised to show the plan design options.
9	Decharmala, A.	12/25/21	Revised to delete the plan design options.
10	Decharmala, A.		



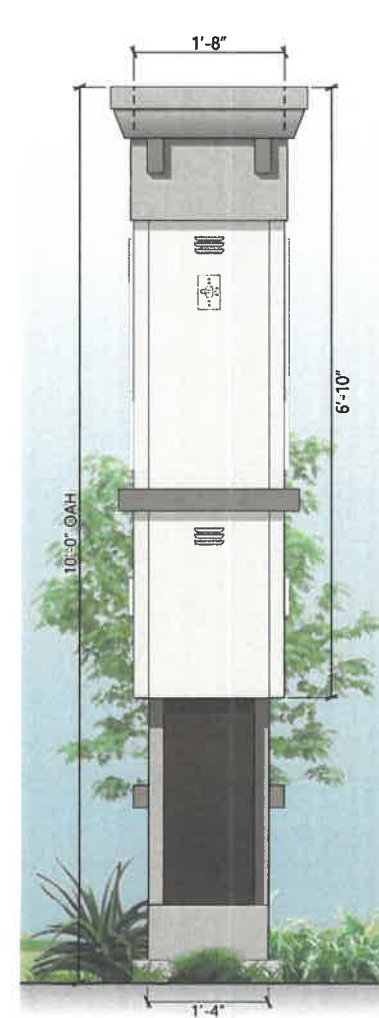
200453-10

Page 5 of 5



2.1 SIGN ELEVATION / PROPOSED INTERNALLY ILLUMINATED D/F MONUMENT SIGN
Quantity: One (1) Sign Required

Scale: 3/4" = 1'-0"



1 SIDE VIEW ELEVATION
Scale: 3/4" = 1'-0"

SQUARE FOOTAGE	
	37.5 SQ. FT. PROPOSED
PAINT FINISH	
P1	SW #6002 "ESSENTIAL GRAY"
P2	SW #6004 "MINK"
P3	SW #7004 "SNOWBOUND"
P4	PTM BROWN BRICK VENEER

PS 1274	PROJECT	CLIENT	JOB / DRAWING #
 WEST COAST HQ 2231 S. Dupont Drive Anaheim, CA 92806 800-655-9972	Project Name: Marinita Deveelopment Address: NWC of 210 Fwy. & Baseline St. City, State, Zip: Highland, CA 92346	Client Approval: Landlord Approval: Designer: <i>Art Desjardins</i> Sales: Chris D.	200453-10 Page 4 of 5

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#	Designer:	Date:	Revision Notes:
1	Desjardins, A.	8/22/20	Initial Drawing
2	Desjardins, A.	9/24/20	Revised to reflect more signs to 7'-6" wide. Relocate signs on site plan.
3	Desjardins, A.	10/15/20	
4	Desjardins, A.	2/16/21	Revised to reflect signs per architectural elevations.
5	Desjardins, A.	2/16/21	Revised signage to new provided color specs.
6	Desjardins, A.	3/23/21	Revised pylon & monument design per request.
7	Desjardins, A.	7/29/21	Revised to add (L&C) to pylon. Add logo to monument signs.
8	Desjardins, A.	10/13/21	
9	Desjardins, A.	10/21/21	Revised to show Trip pylon design concepts.
10	Desjardins, A.	12/15/21	Revised to delete Trip pylon design 21



Exhibit D:
Pad A Elevations

REV.	DATE	DESCRIPTION
------	------	-------------



FRONT ELEVATION

SCALE 1/4" = 1'-0"



SIDE ENTRY ELEVATION

SCALE: 1/4" = 1'-0"

LEGEND

		MAIN BUILD, GERRARD/HILLMAN - EXTERIOR WHITE (STREET SIDE) TRIM FINE SAND FINISH - EXTERIOR GRAZE (BACK SIDE)
		TOP, BENJAMIN FICORE - BLACK SIDE-UP STUDIO TRIM FINE SAND FINISH - EXTERIOR GRAZE (BACKSIDE)
		ACCENT, BENJAMIN FICORE - CHALKBOARD SIDE-UP STUDIO - EXTERIOR GRAZE (EGG-BELL FINISH)
		MURAL BY VENDOR
		BARBERS/HILLMAN, MATTHEWS PAINT - IMPERIALS FIRE RED
		BARBERS AND BARBERS BY VENDOR
		STOREFRONT HINGES, KAMBER - BLACK ALUMINUM
		STOREFRONT DOOR ONLY, ALUMINUM MATCH MATTHEWS PAINT - IMPERIALS FIRE RED
		BY, ELM HILLMAN MULTI-COLOR STORAGE TONER BY VENDOR, SEPARATE FEELT



LOCATION

L.A. MEX - MOD. 3
STORE #XXXX
1234 STREET
CITY, CA

DATE _____

xx/xx/xxxx

21-XXXX

DRUMBY

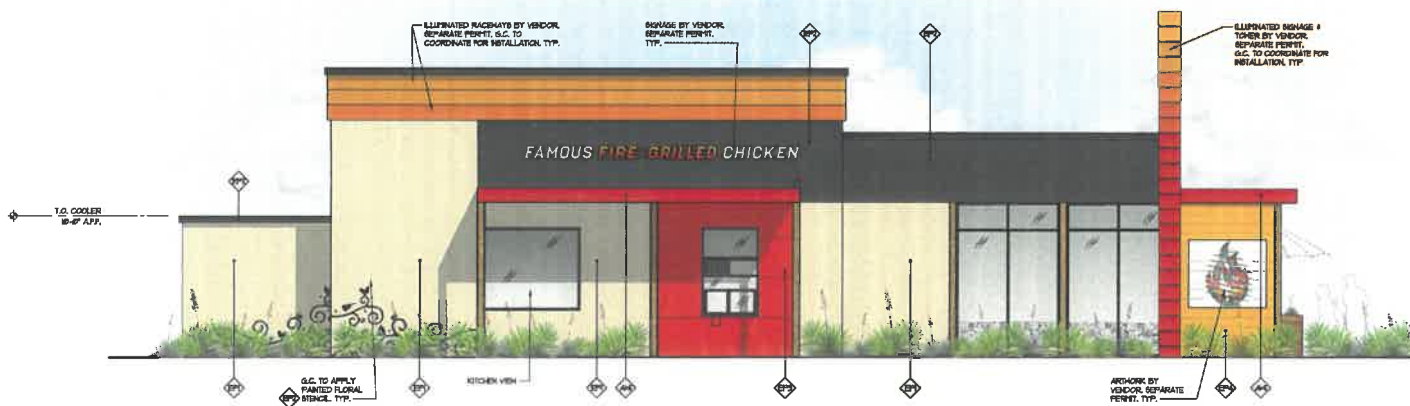
CW

NEW PR

10

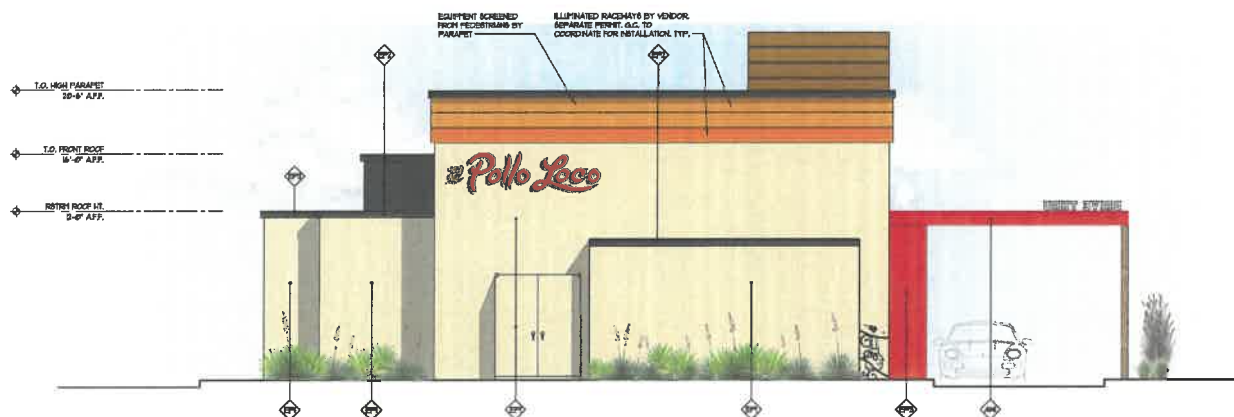
A

10



T.O. SIGN LATCH 24'-7" AFF.
 T.O. HIGH PARAPET 28'-6" AFF.
 T.O. FRONT ROOF 18'-0" AFF.
 T.O. BY TRUSS 12'-0" AFF.

DRIVE THRU ELEVATION
 SCALE: 1/4" = 1'-0"



T.O. SIGN LATCH 24'-7" AFF.
 T.O. BY TRUSS 12'-0" AFF.

REAR ELEVATION
 SCALE: 1/4" = 1'-0"

LEGEND

- MAIN BUILD. SHERWIN-WILLIAMS - BUTTER WHITE (SHE) EGGSHELL FRESH
- TRUSS SIGNATURE ROOF - BLACK 103-M BRUCO BRUSH FINE SAND FINISH - EXTERIOR GRADE EGGSHELL FRESH
- FLAHS - METAL PAINT FLAT
- ACCENT SIGNATURE ROOF - ORANGE 103-M BRUCO - EXTERIOR GRADE EGGSHELL FRESH
- MURAL - BY VENDOR
- SHINGLES/TELLIN. MATCHES PAINT
- SHINGLES FINE RED
- SHINGLES AND SHINGLES BY VENDOR
- STOREFRONT WINDOWS - KAWNEER - BLACK ALUMINUM
- STOREFRONT DOOR ONLY - ALUMINUM MATCH MATCHES PAINT
- SHINGLES FINE RED
- ILLUMINATED MULTI COLOR SIGNAGE TOWER BY VENDOR, SEPARATE PERMIT

a/n
 ARMET DAVIS NEWLOVE & ASSOCIATES, AIA ARCHITECTS
 1301 OLIVE ST. SUITE 100
 SANTA MONICA, CALIFORNIA 90401
 (310) 425-4333 FAX (310) 455-4342

REV. DATE DESCRIPTION

THE SET OF THESE PLANS AND SPECIFICATIONS SHALL BE KEPT ON THE PROJECT SITE FOR THE ENTIRE DURATION OF THE PROJECT. ANY CHANGES TO THE PLANS SHALL BE MADE BY A WRITTEN ORDER FROM THE ARCHITECT. ANY CHANGES TO THE SPECIFICATIONS SHALL BE MADE BY A WRITTEN ORDER FROM THE ARCHITECT. ANY CHANGES TO THE PLANS OR SPECIFICATIONS SHALL BE MADE BY A WRITTEN ORDER FROM THE ARCHITECT. ANY CHANGES TO THE PLANS OR SPECIFICATIONS SHALL BE MADE BY A WRITTEN ORDER FROM THE ARCHITECT.



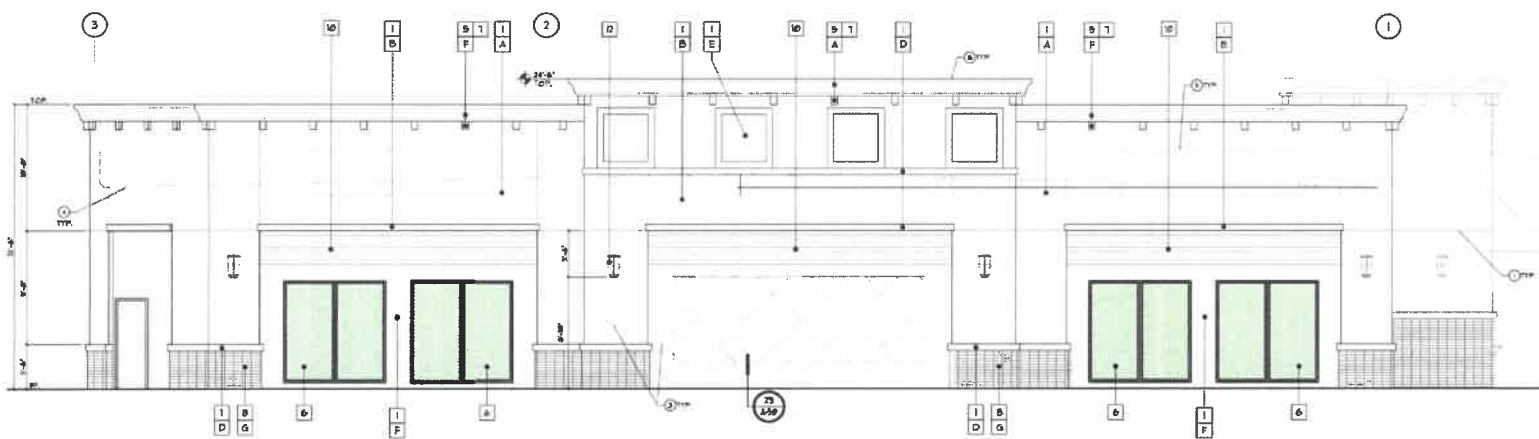
LOCATION
 L.A. MEX - MOD. 3
 STORE 0000X
 1234 STREET
 CITY, CA

DATE 10/10/2000
 JOB NO. 21-10000
 DRAWN BY CHW
 CHECKED BY PD/TF

NEW PROTOTYPE

A5

Exhibit E:
Pad B Elevations



WEST ELEVATIONS

SCALE:	2
1/4"=1'-0"	

3



FRONT VIEW ELEVATION

SCALE:	1
1/4"=1'-0"	

1

KEY NOTES

- 1 PLASTER EXPANSION JOINT SEE DET. D1A-50
- 2 DRIVE NAIL BRIDGE w/ AIR SHIELD SEE PLAN
- 3 1/8" EXTENSION GROUT PLASTER w/ MIDSPAN SAND FLOASTANT GROUT TEXTURE ON EACH OF 2" MIDSPAN. OILY DUSTED SHEATHING. PROVIDE EXPANSION JOINTS WHERE OCCURS.
- 4 ROOF LINE BEYOND
- 5 TERMINAL ARCH M.C.
- 6 20 G.A. BONDERIZED COPING PAINT TO MATCH ADJACENT SURFACE

LEGEND

- | | |
|--------|----------------|
| T.O.R. | TOP OF RIDGE |
| T.O.P. | TOP OF PARAPET |
| FF. | FINISHED FLOOR |
| Y | FULLY TEMPERED |

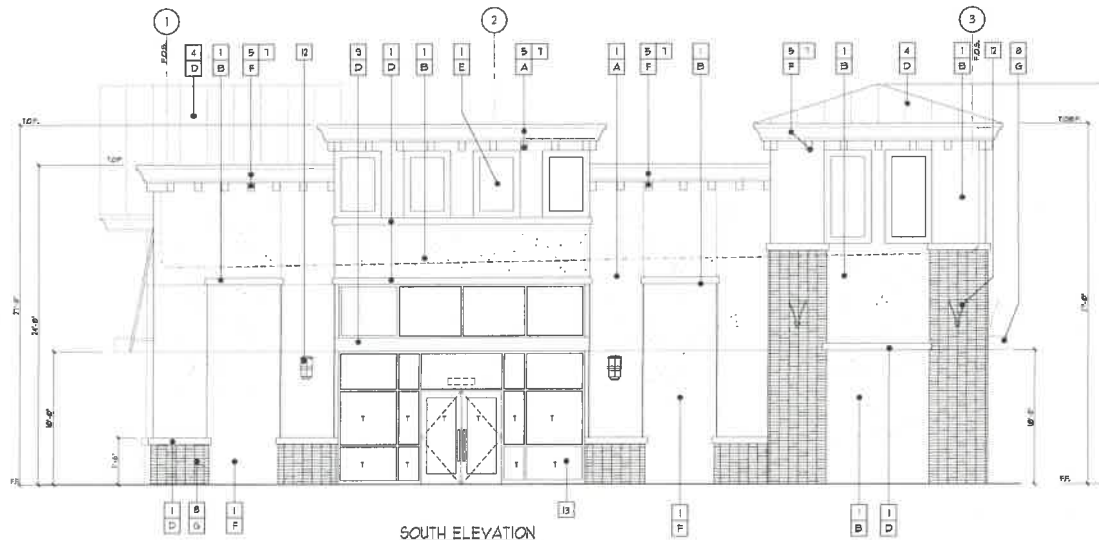
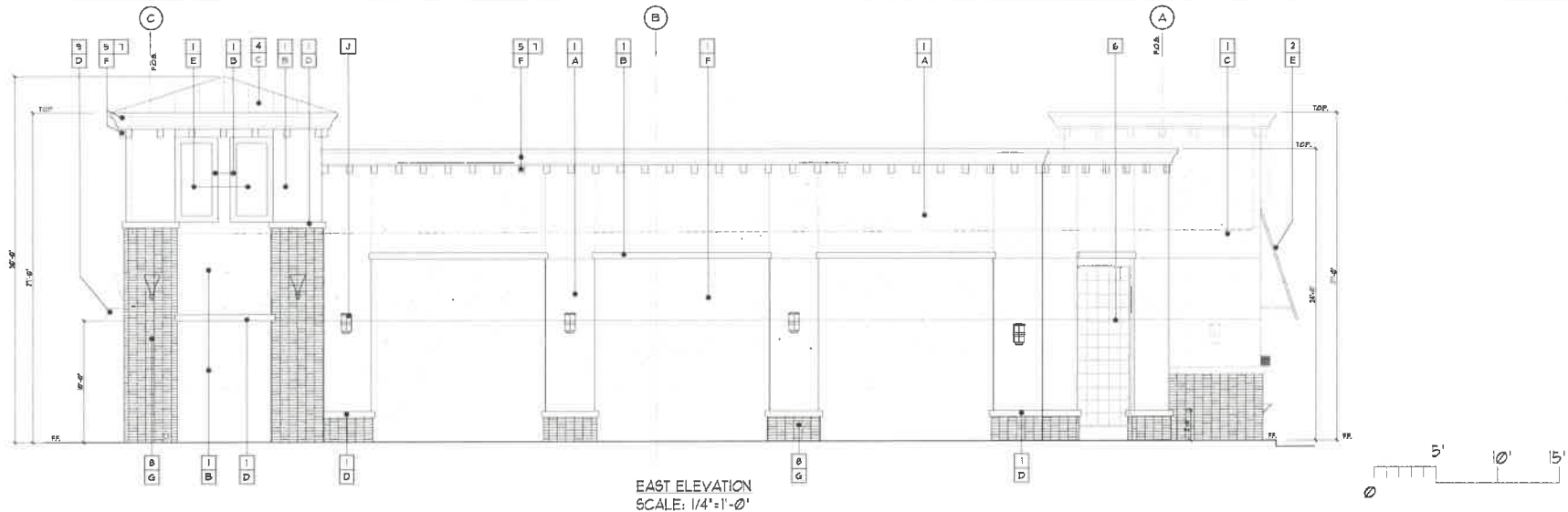
FINISH LEGEND

- | | |
|---|---|
| A | BS 6803 'ESSENTIAL GRAY' |
| B | BS 5847 'POLISHED CONCRETE' |
| C | BS 1865 'TAN HOUR HOUSE' |
| D | BS 6804 'TAN' |
| E | BS 1534 'OUTERSHAW' |
| F | BS 1884 'SHOCKBOND' |
| G | TAN THIRST BRICK VENEER |
| H | DARK BRONZE ANOXXED |
| I | COLOR TO MATCH BS 6803 'ESSENTIAL GRAY' |

[illegible]

EXTERIOR ELEVATIONS

NAME John Doe
 ADDRESS 123 Main St
 CITY New York
 STATE NY
 ZIP 10001
 PHONE 212-555-1234
 FAX 212-555-5678
 E-MAIL john.doe@company.com
 GUEST NUMBER A-30



MATERIAL LEGEND

- 1 PLASTER FINISH
- 2 FABRIC AWNING
- 3 ALUMINUM STOREFRONT
- 4 STANDING SEAM METAL ROOF
- 5 SHAPED CORNICE
- 6 GREEN SCREEN FOR FOLIAGE
- 7 FIBERGLASS CORBELS
- 8 BRICK STACKED BOND
- 9 METAL AWNING
- 10 HARDY PLANK SIDING
- 11 CAPS OVER COLUMN BRICK VENEER AT PLANTERS
- 12 WALL MOUNTED DECOR LIGHT FIXTURE
- 13 REQUIRED TYPED GLAZING "I"

FINISH LEGEND

- A BU 6002 "ESSENTIAL GRAY"
- B BU 5067 "POLISHED CONCRETE"
- C BU 5065 "MANOR HOUSE"
- D BU 6004 "INK"
- E BU 7334 "OUTERBLANK"
- F BU 7004 "HOUSEBOUND"
- G BROOK THINSET BRICK VENEER
- H DARK BRONZE ANODIZED
- I COLOR TO MATCH BU 6002 "ESSENTIAL GRAY"



3835 Birch Street
Newport Beach, CA 92660
(949) 756-8677

TYPICAL PAD ELEVATIONS

**NWC OF 210 & BASELINE ST.
HIGHLAND, CA 92346**

DATE: 02.01.2021
PROJECT NUMBER: 397.1803.01

DESIGN | ARCHITECTURE | PLANNING

RED
Architectural Group

3430 N. VERDUGO ROAD, SUITE 200, GLENDALE, CA 91208
P 618.867.7785 | www.red-arch.com

Exhibit F:

Conceptual Landscape Plan

PLANTING LEGEND

TREES

BOTANICAL NAME	COMMON NAME	QUAN.	SIZE	COLOR	REMARKS	WUCOLS
FOUQUIERA SPLENDENS	OCOTILLO	6	24" BOX		STIRRING FORM	L
LAURUS NOBILIS	BAY LAUREL	8	24" BOX		AROMATIC	L
CLEA EUROPAEA WILSONII	FRUITLESS OLIVE	12	36" BOX		MULTI TRUNK	L
PARKINSONIA (CERCIDIUM) X	DESERT MIMULUS	11	24" BOX	BRIGHT YELLOW	THORNLESS	L
POLYSPORA LONGICARPA	IRON	22	15 GAL.	WHITE	FLOWER SIZE	L
WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM	20				L
4-8", 4-12", 2-12", 2-15", 4-18", 3-19", 6-20", 3-25"						
				BROWN TRUNK	EDIBLE FRUIT	L

SHRUBS

BOTANICAL NAME	COMMON NAME	QUAN.	SIZE	COLOR	REMARKS	WUCOLS
CALLISTEMON VIMINALIS 'SLIM'	'BOTTLEBRUSH'	---	15 GAL.	RED	VR. ROUND	L
EREMOPHILA GLABRA M.G.	'MINGENOW GOLD'	---	5 GAL.	YELLOW	SPR. GR. COVER	L
EREMOPHILA MACULATA	'VALENTINE'	---	15 GAL.	HOT PINK	WINTER/SPRING	L
JUSTICIA CALIFORNICA	'CHUPARROSA'	---	15 GAL.	RED	SPR. SUM. FALL	L
PEDILANTHUS BRACATEATUS	'TALL SLIPPER PLANT'	---	5 GAL.	RED/ORANGE	SUMMER	L
SALVIA GREGGII	'BURBANK'S RED AUTUMN SAGE'	---	5 GAL.	MAGNIFICENT RED	SUM. FALL	L
SALVIA LEUCOPHYLLA	'POINT SAL' LOW PURPLE SAGE	---	1 GAL.	PINK SP. SAL.	EDIBLE/FRAGRANT	L
SALVIA SYLVESTRIS	'LITTLE NIGHT'	---	1 GAL.	DARK PURPLE	SPR. SUM.	L
SARCOCOGCA RUSCIFOLIA	'SWEET BOX'	---	15 GAL.	WHITE	WINTER/FRAGRANT	L

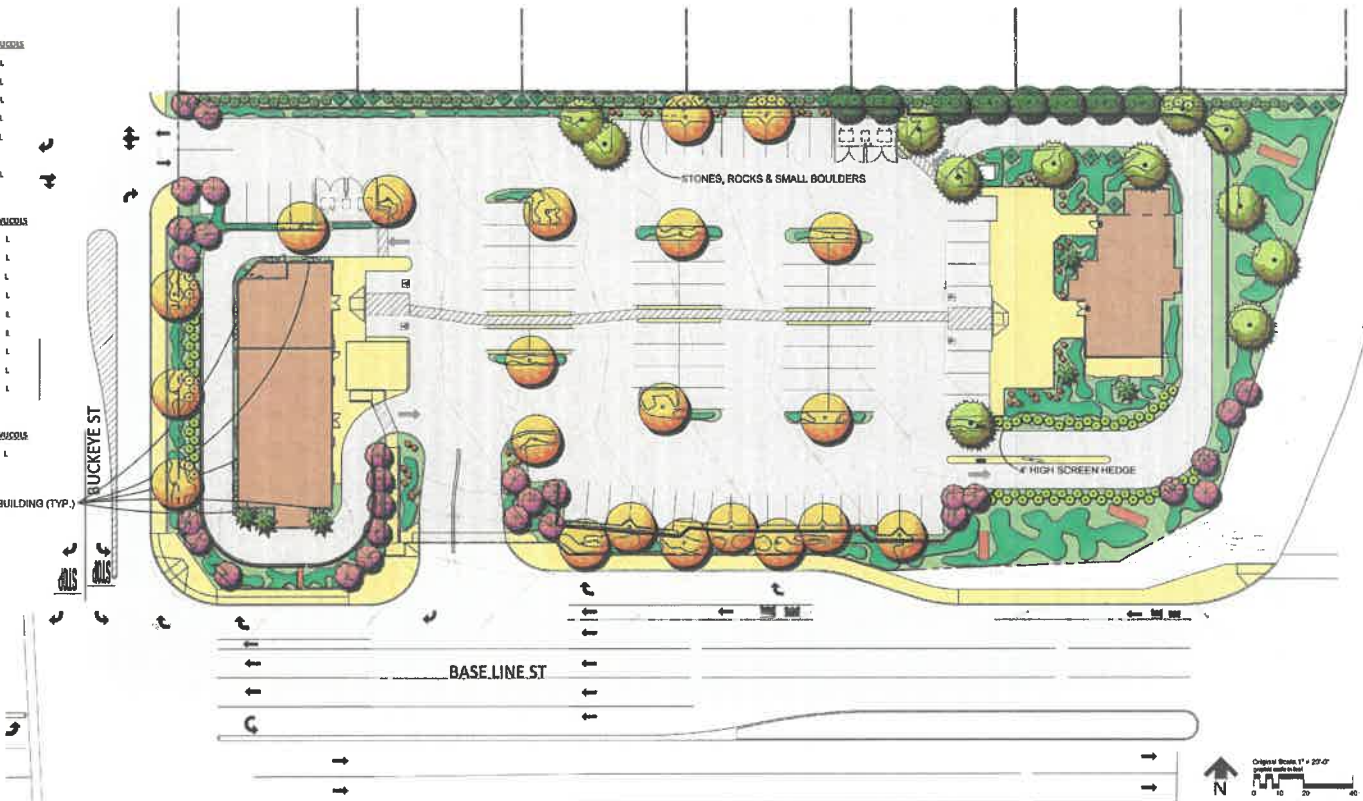
VINE

BOTANICAL NAME	COMMON NAME	QUAN.	SIZE	COLOR	REMARKS	WUCOLS
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	---	15 GAL.	WHITE	VR. ROUND	L

NOTES

- TOTAL SITE** - 2.4 AC. = 89,296 SF.
LANDSCAPE AREA - 24% = 21,833 S.F.
- ROCKS** STOCKPILE, WASH AND PRESERVE ON SITE ROCKS 6"-8"-10" AND BOULDERS 12"-3' (+) FOR LANDSCAPE USE.
- SOILS TEST** AT THE COMPLETION OF ROUGH GRADING ACTIVITIES SUBMIT SOIL SAMPLES REPRESENTATIVE OF THE PRE-CONDITIONED SITE SOILS TO A CITY-APPROVED LABORATORY FOR SOIL FERTILITY ANALYSIS AND RECOMMENDATIONS.
- IRRIGATION** ALL REQUIRED LANDSCAPING SHALL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION CONTROLLER THAT UTILIZES EITHER EVAPOTRANSPIRATION OR SOIL MOISTURE SENSOR DATA WITH NON-VOLATILE MEMORY FOR SCHEDULING IN ALL IRRIGATION SYSTEMS.
SYSTEM COMPONENTS - LOW GALLONAGE AND LOW PRECIPITATION HEADS, DRIP SYSTEMS AND OTHER SUB-SURFACE TECHNIQUES, MINI-JET HEADS, MOISTURE SENSING DEVICES, CONTROLLERS WITH ABILITY OF VARIABLE PROGRAMMING.
- STREET TREE** VARIETIES AND EXACT LOCATION WILL BE DETERMINED BY THE PUBLIC WORKS DEPARTMENT UNDER THE DIRECTION OF THE CITY'S LANDSCAPE ARCHITECT.

VINES FOR TRELLIS ON BUILDING (TYP.)



TREES

SUGGESTED TREE PALETTE:

FOUQUIERA SPLENDENS
OCOTILLO

CLEA EUROPAEA WILSONII
FRUITLESS OLIVE

PARKINSONIA (CERCIDIUM) X
DESERT MIMULUS

POLYSPORA LONGICARPA
IRON

WASHINGTONIA FILIFERA
CALIFORNIA FAN PALM

LAURUS NOBILIS
BAY LAUREL

NOTE:
ALL PLANT MATERIAL TO BE IRRIGATED WITH DRIP-IRRIGATION AND/OR WATER SPOUTS SUBSIDIZED. NO SPRAY IRRIGATION ANTICIPATED.

SHRUBS & GROUNDCOVER

SUGGESTED SHRUB PALETTE:

CALLISTEMON VIMINALIS 'SLIM'
BOTTLEBRUSH

EREMOPHILA GLABRA M.G.
MINGENOW GOLD

EREMOPHILA MACULATA
VALENTINE

JUSTICIA CALIFORNICA
CHUPARRROSA

PEDILANTHUS BRACATEATUS
TALL SLIPPER PLANT

SALVIA GREGGII
BURBANK'S RED AUTUMN SAGE

SALVIA LEUCOPHYLLA
POINT SAL LOW PURPLE SAGE

SALVIA SYLVESTRIS
LITTLE NIGHT

SARCOCOGCA RUSCIFOLIA
SWEET BOX

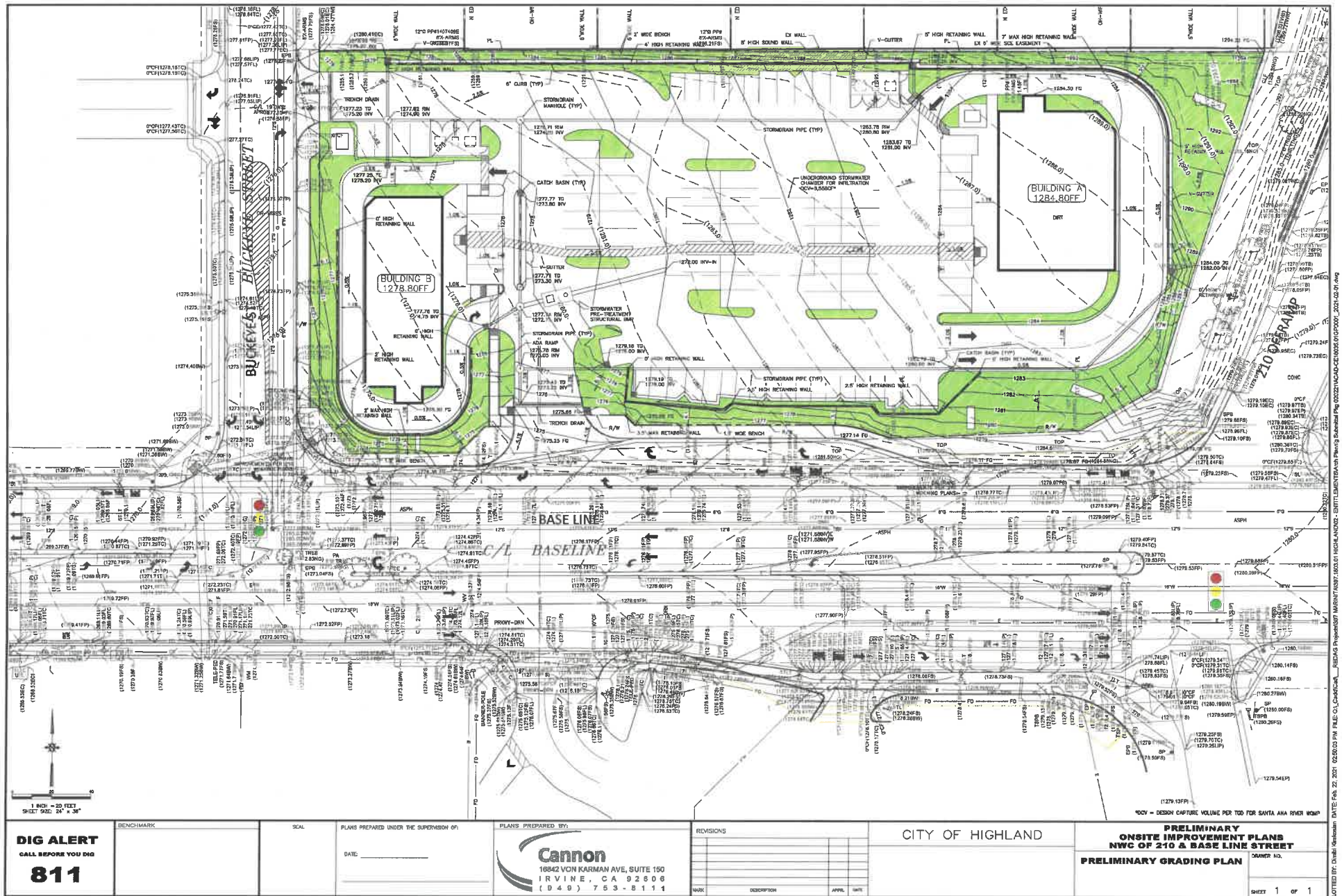
STONES, ROCKS & SMALL BOULDERS

EXISTING STONES, ROCKS AND SMALL BOULDERS ON SITE TO BE STOCKPILED AND REUSED IN LANDSCAPE

PRELIMINARY LANDSCAPE PLAN
HIGHLAND CENTER
NWC OF 210 & BASELINE ST., HIGHLAND, CA 92346
Marinella Development Company
3835 Birch Street
Newport Beach, CA 92660 (949) 796-8877

VELLA & ASSOCIATES
LANDSCAPE ARCHITECTS AND PLANNERS
3999 17th Avenue, Suite 200, Costa Mesa, CA 92626
www.vellaassoc.com 714.853.4033 car@vellaassoc.com
September 28th, 2021

Exhibit G:
Preliminary Grading Plan



DIG ALERT
CALL BEFORE YOU DIG

811

BENCHMARK

SCALE

PLANS PREPARED UNDER THE SUPERVISION OF:

DATE: _____

PLANS PREPARED BY:

Cannon
16842 VON KARMAN AVE, SUITE 150
IRVINE, CA 92606
(949) 753-8111

REVISIONS

MARK	DESCRIPTION	APPROVED	DATE

CITY OF HIGHLAND

**PRELIMINARY
ON-SITE IMPROVEMENT PLANS
NWC OF 210 & BASE LINE STREET**
PRELIMINARY GRADING PLAN

DRAWER NO.

SHEET 1 OF 1

PLOTTED BY: D:\hml\medium DATE: Feb. 22, 2021 02:28:02 PM FILE: C:\Cadd\hml\SEAS\Project\210\210 NWC\210 NWC PRELIM GRADING PLAN.dwg

Attachment 1:
Public Comments

Ash Syed

From: Ash Syed
Sent: Monday, November 8, 2021 1:35 PM
To: linda ramirez
Subject: RE: Notice of Intent to Adopt a Mitigated Negative Declaration letter

Good Morning Mrs. Ramirez,

I'd be glad to explain what will be going on.

Right now, as you know, the site is a vacant property with just dirt and gravel present. There are a fair amount of weeds on the site that have popped up over time, which will have to be removed as part of the construction. Birds in Southern California have a nesting season that lasts from February 1st through August 31st of each year. As long as the weeds are removed from the site anytime outside that window (September 1st through January 31st), there is nothing else that needs to be done.

If for some reason the weeds have to be cleared from the site during the nesting season (February 1st through August 31st), a biologist will be brought to the site to take a 30-day survey and identify any potential nests on the site before the removal of the weeds can begin.

Regarding the Lot Line Adjustment, the green line you see toward the right side of the property will be moved more toward the center, creating two relatively equal sized lots, for two relatively equal size fast food restaurants.



I hope this clears up any confusion. Please feel free to reach out with any questions.

Best,



Ash Syed
Associate Planner
27215 Base Line
Highland, CA 92346
(909) 864-6861 ext. 210

From: linda ramirez <lindaramirez663@gmail.com>
Sent: Monday, November 8, 2021 9:52 AM
To: Ash Syed <asyed@cityofhighland.org>
Subject: Notice of Intent to Adopt a Mitigated Negative Declaration letter

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

Hi Mr. Sayed,

I am the homeowner at 27571 Foster Ave. In Highland, CA. I am in receipt of your most recent letter. Can you briefly explain in layman's terms what this letter means. It sounds like nesting birds are an issue. Also, there is mention of lot adjustments. The empty lot is at Baseline and Buckeye.

Thanks,
Mrs. Ramirez

Attachment 2:
Initial Study / Mitigated Negative Declaration

**INITIAL STUDY FOR:
TWO DRIVE-THRU RESTAURANT PADS
CONDITIONAL USE PERMIT
& DESIGN REVIEW**



**NOTICE OF INTENT TO ADOPT A MITIGATED
NEGATIVE DECLARATION**

Public Review Period: Begins: November 5, 2021 Ends: November 29, 2021

CITY OF HIGHLAND

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

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

**PUBLICATION OF THIS NOTICE DOES NOT IMPLY THE REVIEWING AUTHORITY
(CITY OF HIGHLAND) HAS MADE A FINAL DECISION TO ADOPT THE NEGATIVE
DECLARATION**

Lead Agency:
City of Highland, Planning Division
27215 Base Line
Highland, CA 92346

Contact:
Ash Syed, Associate Planner
(909) 864-6861, Ext. 210

The City of Highland, in its capacity as the Lead Agency for this Project, evaluated the potential environmental impacts of the Project in accordance with the California Environmental Quality Act (CEQA). The City has determined through the preparation of an Initial Study the Project will not result in any significant environmental impacts, and therefore will prepare a Negative Declaration for the Project identified below. The Initial Study meets the requirements of CEQA, and the City of Highland Guidelines for the implementation of CEQA.

We need to know your views as to the scope and contents of the environmental information, which has been included in the Initial Study. If you represent a responsible or trustee agency, we are particularly interested in the information germane to your statutory responsibilities. If you are a public agency, you will need to use the Initial Study prepared by our Agency when considering your permit or other approval for the project.

**DUE TO THE TIME LIMITS MANDATED BY STATE LAW, YOUR RESPONSIBLE
MUST BE SENT AT THE EARLIEST POSSIBLE DATE, BUT NO LATER THAN THE
ENDING DATE SPECIFIED BELOW.**

Project Title: Two (2) Drive-thru Restaurant Buildings, Conditional Use Permit (CUP 21-001), and Design Review Application (DRA 21-001), Lot Line Adjustment (LLA 21-001), & General Plan Amendment (GPA 21-001)

Project Location: The Project is located on the northeast corner of Base Line and Buckeye Street.
APN's: 1200-421-02 and 1200-421-03
City: Highland County: San Bernardino

Project Description: Marinita Development (applicant) is proposing a Conditional Use Permit for a new commercial development consisting of two (2) single-story pad buildings to accommodate 2 quick service restaurants with drive-thru, approximately 2,500 square

feet for Pad A and 4,000 square feet for Pad B, with a shared parking area for 84 vehicles. In addition, the Project will include a Sign Program for wall mounted building signs and monuments signs. The Sign Program will also include the relocation and modifications to the existing pylon sign.

The proposal also includes the design review of the two (2) proposed fast-food restaurant buildings and site. Each restaurant will include a drive-thru lane, as well as indoor seating. Pad A is to be approximately 2,560 square feet, and Pad B is approximately 4,050 square feet. Both buildings will have outdoor patio seating and a shared parking area for 84 vehicles. The development will also include on-site lighting and landscaping and off-site street improvements (new signal at Base Line Street and Buckeye Street).

A Conditional Use Permit is required for the subject application for 2 fast food restaurants with drive thru. The proposed Project will be reviewed by the Planning Commission as a public hearing item. A Design Review application includes the Project's site plan, building elevations, conceptual landscape plan photometric, and sign program. A Lot Line Adjustment (LLA 21-001) is required for Assessor Parcel Number (APN) boundaries. A General Plan Amendment (GPA 21-001) is required to revise the General Plan, Land Use Element, Community Policy Areas, Town Center Goal 2.10, Policy 10 to allow freestanding drive-thru commercial structures at the project site.

Public Review: The Initial Study/Mitigated Negative Declaration, and related documents are available for public review daily during normal business hours. Members of the public may view a hardcopy of these documents at City Hall Planning Division, located at 27215 Base Line, Highland. Electronic copies are also available (24 hours a day) on the City's website at cityofhighland.org/209/Public-Notices. Please submit comments on the Initial Study/Negative Declaration in writing to the City during the public review comment period. An opportunity will be given at the Planning Commission hearing for all interested persons to be heard.

Public Review Period: Begins: November 5, 2021 Ends: November 29, 2021

Public Hearing(s):

Tentative Date: December 7, 2021

Time: 6:00 p.m. or soon thereafter

Location: Leo Donahue Council Chambers
27215 Base Line

Comments:

All comments and questions should be in writing and directed to:

City of Highland
Attention: Ash Syed, Associate Planner
27215 Base Line
Highland, CA 92346

CITY OF HIGHLAND

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

INITIAL STUDY

1. Case No: Conditional Use Permit (CUP 21-001), Design Review Application (DRA 21-001), Lot Line Adjustment (LLA 21-001), and General Plan Amendment (GPA 21-001)

Project title: Two (2) Drive-Thru Restaurant Buildings
2. Lead agency: City of Highland, 27215 Base Line, Highland, CA 92346
3. Contact person: Ash Syed, Associate Planner
City of Highland, Community Development Department
27215 Base Line, Highland, CA 92346
Tel: (909) 864-6861, Ext. 210
4. Project location: Northeast corner of Base Line Street and Buckeye Street. East of Buckeye Street, west of SR-210, south of Foster Avenue and north of Base Line. The site is 2.04 (gross) acres consisting of two Assessor Parcel Numbers: 1200-421-02 and 1200-421-03.
City: Highland; County: San Bernardino.
5. Project applicant/sponsor: Scott Fawcett, Marinita Development Company
3835 Birch Street
Newport Beach, CA 92660
Tel: (949) 756-8677

6. Description of project:

Marinita Development Company (the applicant) is proposing a Conditional Use Permit (CUP) for a new commercial development consisting of two (2) single-story pad buildings to accommodate two (2) quick service restaurants with drive thru in the City of Highland, California (City). Pad A will be 2,560 square feet and Pad B will be 4,050 square feet. In addition, the project includes a Sign Program for wall mounted building signs and monuments signs.

The proposal also includes the design review of the two (2) proposed fast-food restaurant buildings and site. Each restaurant will include a drive-thru lane, as well as indoor seating. The Pad A building is to be approximately 2,560 square-feet, and the Pad B building is approximately 4,050 square-feet. Both buildings will also include outdoor/patio seating. The development will also include on-site parking, lighting, and landscaping.

A CUP is required for the subject application for two (2) fast food restaurants with drive thru. The proposed Project will be reviewed by the Planning Commission as a public hearing item. A Design Review application includes the projects site plan, building elevations, conceptual landscape plan photometric and sign program. A Lot Line Adjustment (LLA 21-001) is required for Assessor Parcel Number (APN) boundaries. A General Plan Amendment (GPA 21-001) is required to revise the General Plan, Land Use Element, Community Policy Areas, Town Center Goal 2.10, Policy 10 to allow freestanding drive-thru commercial structures at the project site. The General Plan Amendment to policy 10 (General Plan, Land Use Element, page 2-34) is as follows with the additional text identified in underline:

10) Prohibit freestanding drive-thru commercial structures and convenience commercial uses, except along Base Line Street and the major intersection of Buckeye Street and Base Line Street.

7. Present Land Use: Vacant Land
8. General Plan Designation: Mixed Use (MU)/Town Center Policy Area
9. Zoning: Mixed Use (MU)/Neighborhood Commercial
10. Is the proposed action a "project" as defined by CEQA? (See Section 2.6 of State CEQA Guidelines. If more than one project is present in the same area, cumulative impact should be considered) Yes ☒ No ☐
11. If "yes" on 10, does the project fall into any of the Emergency Projects listed in Section 15269 of the State CEQA Guidelines? Yes ☐ No ☒
12. If "no" on 10, does the project fall under any of the Ministerial Acts listed in Section 15268(b) of the State CEQA Guidelines? Yes ☐ No ☒

13. If "no" on 12, does the project fall under any of the Statutory Exemptions listed in Article 18 of the State CEQA Guidelines? Yes ☐ No ☒
14. If "no" on 13, does the project qualify for one of the Categorical Exemptions listed in Article 19 of the State CEQA Guidelines? (Where there is a reasonable probability that the activity will have a significant effect due to special circumstances, a categorical exemption does not apply). Yes ☐ No ☒
15. Surrounding land uses and setting (briefly describe the project's surroundings):
- North: Foster Avenue, single-family detached residential
 South: Base Line, Primary Arterial roadway
 East: Interstate-210 Freeway (a.k.a., the Foothill Freeway), a high-traffic potential highway
 West: Buckeye Street, residential access road
16. Surrounding General Plan and Zoning:
- North: Low Density (2.1 – 6.0 du/ac) / Planned Development (PD)
 South: Mixed Use / Mixed Use (MU)
 East: General Commercial / General Commercial (GC)
 West: Mixed Use / Mixed Use (MU)
17. Is the proposed Project consistent with; (if answered "yes" or "n/a", no explanation is required)
- City of Highland General Plan Yes ☒ No ☐ N/A ☐
- Applicable Specific Plan Yes ☐ No ☐ N/A ☒
- City of Highland Zoning Code Yes ☒ No ☐ N/A ☐
- South Coast Air Quality Management Plan Yes ☒ No ☐ N/A ☐
- San Bernardino International Airport Master Plan Yes ☐ No ☐ N/A ☒
- Other: Redlands Airport Special Compatibility Zone Yes ☐ No ☐ N/A ☒

18. Are any of the following studies required?

Soils Report	Yes ☐ No ☒
Slope Study	Yes ☐ No ☒
Geological Report	Yes ☐ No ☒
Traffic Study	Yes ☒ No ☐
Air Quality Study	Yes ☒ No ☐
Hydrology	Yes ☐ No ☒
Sewer Study	Yes ☐ No ☒
Biological Study	Yes ☐ No ☒
Noise Study	Yes ☒ No ☐
Hazardous Materials Study	Yes ☐ No ☒
Housing Analysis	Yes ☐ No ☒
Archaeological Report	Yes ☐ No ☒
Groundwater Analysis	Yes ☐ No ☒
Water Quality Report	Yes ☒ No ☐
Other	Yes ☐ No ☒

19. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement). Only required at the time of development.

Public Agencies:

City – Building & Safety
City – Engineering
City – Public Services,
San Bernardino County Department of Health

Other service providers:

East Valley Water District (Water and Sewer), AT&T (Telephone Planning), Burrtec Waste Industries, Inc., Cal Disposal Co. Inc., Southern California Edison, Southern California Gas Company, Spectrum – Riverside, Time Warner Cable, Verizon (Telephone Network Engineering and Planning).

INFORMATION SOURCES CITED: The documents below are incorporated herein by reference and are available for review at Highland City Hall, located at 27215 Base Line, California or online at the website address indicated below.

1. California Aquatic Resources Inventory, <https://www.ecoatlas.org/regions/ecoregion/south-coast>.
2. California Department of Toxic Substances Control (DTSC), EnviroStor, <https://www.envirostor.dtsc.ca.gov/public/>
3. California Important Farmland Finder, California Department of Conservation, <https://maps.conservation.ca.gov/DLRP/CIFF/>, 2016.
4. California Government Code, <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=GOV>.
5. California Public Resources Code, <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=PRC&tocTitle=+Public+Resources+Code+-+PRC>.
6. California Wildlife Conservation Board, Riparian Habitats, <https://wcb.ca.gov/Programs/Riparian>.
7. CalRecycle, Estimated Solid Waste Generation Rates, <https://www2.calrecycle.ca.gov/wastecharacterization/general/rates>.
8. City of Highland General Plan and Environmental Impact Report, Adopted by the City Council March 14, 2006.
9. City of Highland Municipal Code, <https://www.codepublishing.com/CA/Highland/>.
10. East Valley Water District, "Will Serve" Letter, October 5, 2021. (Appendix E).
11. Flood Insurance Rate Map Number 06071C 8707J, dated September 2, 2016.
12. Highland Drive-Thru Restaurants Air Quality & Greenhouse Gas Assessment, Urban Crossroads, Inc. October 29, 2021. (Appendix A)
13. Highland Drive-Thru Restaurants Noise Impact Analysis City of Highland, Urban Crossroads, Inc. October 28, 2021. (Appendix C)
14. Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) 2016-2040, Southern California Area of Governments (SCAG), April 7, 2016. <http://scagrtppscs.net/Pages/FINAL2016RTPSCS.aspx>.
15. "San Bernardino County Important Farmland 2010" Sheet 2 of 2. Farmland

Mapping and Monitoring Program.
ftp://ftp.consrv.ca.gov/pub/dlrp/wa/SanBernardino_so_15_16_WA.pdf.

16. San Bernardino Valley Regional Water Management Plan, 2015. Water Systems Consulting, Inc., <https://www.sbvwmwd.com/reports/-folder-1081>.
17. Scenic Highways, California Department of Transportation, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.
18. Sewer System Management Plan (SSMP), 2014. East Valley Water District, <https://www.eastvalley.org/294/Sewer-System-Management-Plan-SSMP>.
19. Traffic Impact Study. Urban Systems Associates, Inc. September 9, 2021. (Appendix D).
20. U.S. Fish & Wildlife Service National Wetlands Inventory Wetlands Mapper, <https://www.fws.gov/wetlands/data/Mapper.html>.
21. Water Quality Management Plan (WQMP) for GPA 21-001, City of Highland. March 9, 2021. (Appendix B)

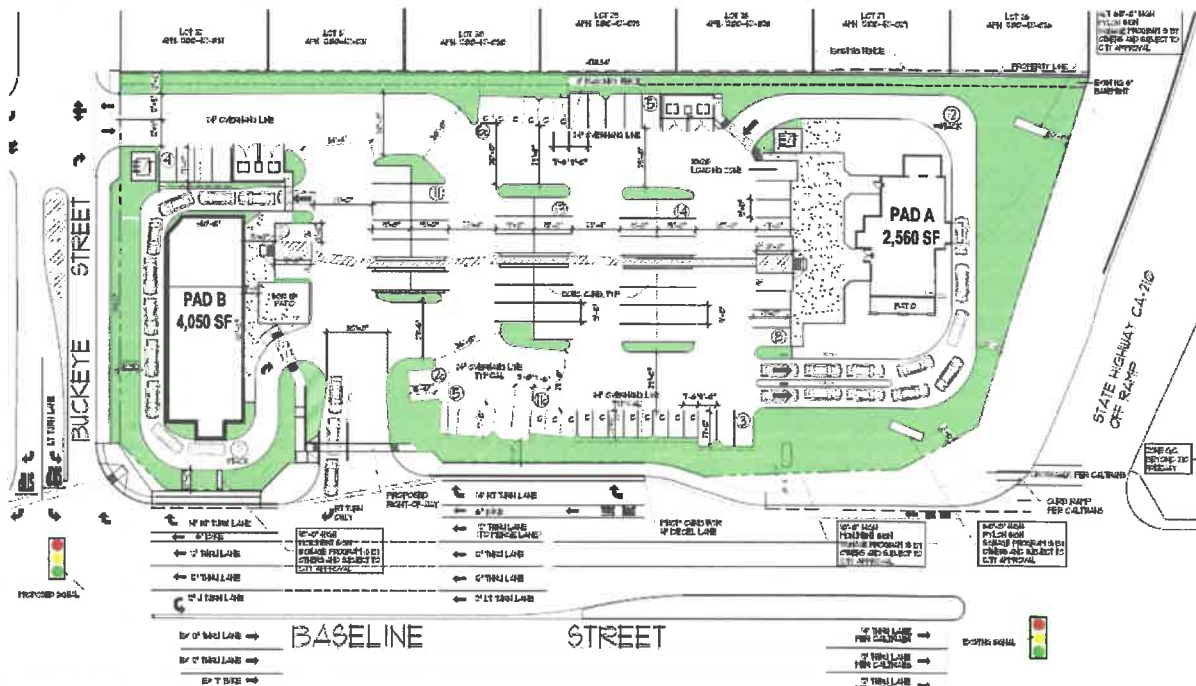
**Figure 1
Regional Map**



Figure 2
Project Site



**Figure 3
Site Plan**



1. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or a "Less Than Significant With Mitigation Incorporated" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☒ Biological Resources | ☐ Cultural Resources | ☐ Energy |
| ☐ Geology /Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology / Water Quality | ☐ Land Use / Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population / Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☐ Tribal Cultural Resources |
| ☐ Utilities / Service Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

EVALUATION OF ENVIRONMENTAL IMPACTS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS.				
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Explanation:

- 1a. Less Than Significant Impact: A scenic vista is a publicly accessible viewpoint that provides expansive views of a highly valued landscape. Scenic vistas are generally considered to be greater than one (1) mile from a receptor and generally consist of background views. For the City of Highland, the San Bernardino Mountains are

considered the backdrop. In the short term, the construction equipment that would be located on-site as part of the construction would not impede these views. In the long term, the proposed two (2) new fast-food restaurants with drive-thru will be constructed on the property and be similar in height to all existing structures and would not hinder views of the San Bernardino Mountains. A 70' tall, two-sided, Freeway-Oriented pylon sign will be constructed on the southeast corner of the site, and two 10-foot monument signs will be placed adjacent to Base Line. The pylon sign and monument signs will not substantially impede views of the San Bernardino Mountains from the project vicinity. Therefore, the proposed Project would not create an impact on scenic vistas, directly, indirectly, or cumulatively. No mitigation measures are required.

- 1b. No Impact: According to the California Department of Transportation (Caltrans), a highway may be designated as scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. There are no designated state scenic highways in the vicinity of the Project site. The closest eligible State Scenic Highway is State Route 330 (State Route 330 is not currently designated as a Scenic Highway) and is located approximately half a mile (1/2 mile) to the north of the Project site. As stated above in 1a, project implementation would generally not hinder views of the San Bernardino Mountains from the project vicinity. Therefore, project implementation would not substantially damage scenic resources, including trees, rock outcroppings, and historic buildings within state scenic highways. Therefore, no other scenic resources would be impacted directly, indirectly, or cumulatively due to the proposed Project. No mitigation measures are required.
- 1c. Less Than Significant Impact: The proposed Project consists of two (2) fast-food restaurant buildings on a vacant site in an urbanized area. Each restaurant will include a drive-thru lane as well as indoor seating. Building Pad A is to be approximately 2,560 square-feet, and Building Pad B is to be approximately 4,050 square feet. Both buildings will also have an outdoor patio/seating area. The development will also include on-site parking and landscaping. Furthermore, a 70-foot-tall, two-sided, Freeway Oriented sign and two 10-foot tall monument signs will be constructed on-site. The proposed Project will be reviewed by the City's Planning Commission to ensure that the project's design is complimentary to the surrounding development on-and-off-site. Therefore, the proposed Project would not result in significant impacts directly, indirectly, or cumulatively to the existing visual character or quality of the site and its surroundings. No mitigation measures are required.
- 1d. No Impact: New masonry fence, parking lot lights, and signs are proposed as part of the Project. The new lights will provide a new source of light and glare. However, the City's Municipal Code, Title 16 regulates all lighting standards to ensure less than significant impacts on adjacent properties and streets. The photometric plan is reviewed by the City Planning staff to ensure the Project will comply with the General Plan and established standards in the Municipal Code. The project's signs will consist of new fast-food building-mounted wall signs, as well as monument signs adjacent to Base Line. In addition, a new 70-foot-tall pylon, two-sided, Freeway Oriented sign will be constructed at the southeast corner of the site next to the freeway off-ramp. All signs will meet the City's Municipal Code Title 16 Table 16.56 which includes conditions for all signs. All proposed signs will not be illuminating which to create any new source of substantial light or glare, which would adversely affect day or nighttime views in the area. The

Project would not result in directly, indirectly, or cumulatively significant impacts. No mitigation measures are required.

2. AGRICULTURE AND FORESTRY RESOURCES.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Explanation:

- 2a. No Impact: The designation of this property is represented as Mixed Use (MU) property. Also, according to the California Important Farmland Finder, the subject property is located on vacant Urban and Built-Up land. Therefore, the site does not have agricultural value. The Project would not result in directly, indirectly, or cumulatively significant impacts. No mitigation is required.
- 2b. No Impact: According to the California Department of Conservation (DOC), the Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments to enter contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The proposed Project site is currently zoned Mixed Use (MU) and is not under a Williamson Act contract. The Project would not result in directly, indirectly, or cumulatively significant impacts.. No mitigation measures are required.
- 2c-e. No Impact: There are no existing agricultural uses or Farmland on or near the site and there are no areas designated or zoned for agricultural use or for farmland on or near the site. Per the California Public Resources Code (PRC) § 12220(g), "Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. California PRC § 4526 defines "Timberland" as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species (determined by the board on a district basis) used to produce lumber and other forest products, including Christmas trees. The California Government Code (GOV) § 51104(g) defines a "Timberland production zone" or "TPZ" as an area which has been zoned pursuant to GOV § 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h). The proposed Project site is not located in any designated forest land, timberland, or TPZ. The site currently vacant and void of any agricultural uses or contracts and is not mapped as Farmland. Implementation of the proposed Project would, therefore, not result in any further conversion of farmland to non-agricultural production on site, and not result in the loss of forest land or conversion of forest land to non-forest. The Project would not result in directly, indirectly, or cumulatively significant impacts. No mitigation measures are required.

3. AIR QUALITY.

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

Potentially
Significant
ImpactLess Than
Significant with
Mitigation
IncorporatedLess Than
Significant
ImpactNo
Impact

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☒ | ☐ |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | ☐ | ☐ | ☒ | ☐ |
| c) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☒ | ☐ |
| d) Result in other emissions (such as those leading to odors affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ |

Explanation:

- 3a-e. **Less than Significant Impact:** The proposed Project consists of construction of two (2) new fast-food restaurants with drive thru. The proposed development is consistent with the City's General Plan and is permitted, subject to a Conditional Use Permit, per the City's Municipal Code. A Design Review will also be required.

Construction of the Project would be short-term and temporary. Thus, the emissions associated with construction would not result in a significant impact on the ambient air quality. Because emissions are less than the significance levels, they would not conflict or obstruct the implementation of the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP) or applicable portions of the State Implementation Plan (SIP).

Project construction would also not result in emission of any odor compounds that would cause a nuisance or significant impact to nearby receptors. The impacts associated with the Project construction are therefore not considered significant. Table 1 below shows estimated construction emissions from the Project's Air Quality & Greenhouse Gas Assessment (Appendix A).

Table 1: Estimated Construction Emissions (lbs/day)

Year	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
2022	2.08	20.53	16.89	0.03	9.36	4.58
2023	12.05	25.27	31.52	0.06	1.96	1.33
Maximum Daily Summer Emissions	12.05	25.27	31.52	0.06	9.36	4.58
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Winter						
2022	2.09	20.54	16.76	0.03	9.36	4.58
2023	12.06	25.31	31.32	0.06	1.96	1.33
Maximum Daily Winter Emissions	12.06	25.31	31.32	0.06	9.36	4.58
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

Source: CalEEMod, Attachment A.

Table 2 below presents the results of the CalEEMod emission calculations in lbs/day for operations, using "Worst Case" CalEEMod Winter outputs, considering the project's design features, along with a comparison with the SCAQMD Air Quality Significance Thresholds for Operations. The inputs assumed that the project would be constructed to current Title 24 buildings standards and would use low flow plumbing fixtures. CalEEMod runs are included in Appendix A.

Table 2: Estimated Operational Emissions (lbs/day)

Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
Area Source	0.18	0.00	0.01	0.00	0.00	0.00
Energy Source	0.05	0.48	0.41	0.00	0.04	0.04
Mobile Source Passenger Cars	10.66	7.85	68.99	0.12	12.46	0.10
Maximum Daily Summer Emissions	10.90	8.33	69.41	0.13	12.50	0.13
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Winter						
Area Source	0.18	0.00	0.01	0.00	0.00	0.00
Energy Source	0.05	0.48	0.41	0.00	0.04	0.04
Mobile Source Passenger Cars	10.04	8.44	70.31	0.12	12.46	0.10
Maximum Daily Winter Emissions	10.28	8.92	70.73	0.12	12.50	0.14
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

Source: CalEEMod, Appendix A

Based on the estimates of the emissions associated with project operations, the emissions are below the significance criteria for all pollutants. Because emissions are less than the significance levels, they would not conflict or obstruct the implementation of the AQMP or applicable portions of the SIP.

It should be noted that the emissions from vehicles are projected to decrease with time due to phase-out of older, more polluting vehicles and increasingly stringent emissions standards.

The air quality analysis for the proposed Project at the intersection of Base Line and Buckeye Street in Highland evaluated emissions associated with both the construction and operation of the project. Emissions associated with construction and operation were compared with significance thresholds developed by the SCAQMD, which provide a conservative means of evaluating whether project emissions would cause a significant impact on the ambient air quality or whether further evaluation is warranted. Emissions associated with construction and operation are below the significance thresholds for all phases and pollutants. Thus, the emissions associated with construction and operation of the project would not result in a significant direct, indirect, or cumulative impacts on the ambient air quality. Impacts would be **less than significant**, and no mitigation is required.

4. BIOLOGICAL RESOURCES.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Explanation:

- 4a. Less than Significant Impact with Mitigation: The City's General Plan, Figure 5.1, Biological Sensitivity Map does not identify the proposed Project site as being an area in which sensitive or special status species are present. The site is approximately one (1) mile north of (outside of) the Upper Santa Ana River Wash Final Habitat Conservation Plan area. The site is currently vacant, disturbed, a non-native grass field. The site is disked on a regular basis for weed abatement and fire control. In addition, there is no riparian or other natural community located within the proposed Project site. The subject site is within a fully developed urbanized area, directly adjacent to the I-210 freeway. Therefore, the site has no potential suitable habitat for endangered or protected species or riparian resources.

Although the site is highly disturbed and surrounded by existing development and the freeway there is still some potential for birds protected under the Migratory Bird Treaty Act

(MBTA) or the California Fish and Game Code (FGC) to nest on-site. To ensure potential impacts to nesting birds are reduced to less than significant levels, mitigation measure **BIO-1** (below) shall be implemented. Impacts would be **less than significant, directly, indirectly, or cumulatively with mitigation** incorporated.

- 4b. No Impact: According to the California Wildlife Conservation Board (WCB), riparian habitats are those plant communities supporting woody vegetation found along rivers, creeks, and streams. Riparian habitat can range from dense thickets of shrubs to a closed canopy of large mature trees covered by vines. Riparian habitat provides riverbank protection, erosion control and improved water quality, as well as numerous recreational and aesthetic values. The proposed Project is not located within riparian habitat nor any other sensitive natural community. The Project will not result in significant direct, indirect, or cumulative impacts to riparian habitat. No impacts and no mitigation measures are required.
- 4c. No Impact: According to the California Aquatic Resources Inventory (CARI) and the U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory (NWI) Wetlands Mapper, the proposed Project is not located any protected wetlands^{1,2}. Thus, there are no federal (U.S. Army Corps of Engineers or USACE) or state jurisdictional drainages or wetlands (California Department of Fish and Wildlife or CDFW) on site. Therefore, no wetlands would be impacted or associated permits required for this Project. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 4d. No Impact: As stated above in 4a., based on the City's General Plan Figure 5.1, Biological Sensitivity Map, there are no biological constraints associated with the proposed Project site. The proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Therefore, the proposed Project would not create an impact to wildlife corridors. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 4e. No Impact: The City's Municipal Code requires a tree removal permit be acquired from the City prior to the removal of any trees. There are no trees on site and no trees will be removed as part of the construction of the proposed fast-food restaurants. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 4f. No Impact: The proposed Project is not within a conservation plan or any other approved local, regional, or state Habitat Conservation Plan. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

Mitigation Measures:

Mitigation Measure BIO-1: To the extent practical, all vegetation removal (grubbing) associated with Project development shall be conducted outside of the nesting season (February 1 to August 31st). If avoidance of the nesting season is not feasible, then a

¹ <https://www.ecoatlas.org/regions/ecoregion/south-coast>.

² <https://www.fws.gov/wetlands/data/Mapper.html>.

qualified biologist shall conduct a preconstruction nesting bird survey no more than 30 days prior to the removal of any vegetation. If vegetation is not removed within 30 days of the survey, then the survey shall be repeated. If no nests are found the biologist conducting the clearance survey shall document a negative survey with a report. If active nests of birds protected under the MBTA or FGC are found during the pre-construction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented. At a minimum the NBP shall include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The NBP will include a copy of maps showing the location of all nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be determined by the biologist in consultation with CDFW, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. The nests and buffer zones shall be field checked by a qualified biological monitor as recommended by the biologist. The approved buffer zone shall be visually marked in the field, which no vegetation clearing, or ground disturbance shall commence until the qualified biologists has determined the nest in question has become inactive (failed or successful with fledged young birds) and a monitoring report has been submitted to the City and CDFW. Construction within the designated buffer area shall not proceed until approved by the monitoring biologist.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES.				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Explanation:

- 5a-c. Less than Significant Impact: The subject Project site is not identified by the City of Highland General Plan Figure 5.2 Archeological Resources, as an area of archeological sensitivity. However, the City will condition the current and future projects to require the following "If cultural resources are discovered during project construction, all work in the discovery area shall cease, and a qualified archaeologist shall be retained by the project sponsor to investigate the find, and to make recommendations on its disposition. If human remains are encountered during construction, all work shall cease, and the San Bernardino County Coroner's Office shall be contacted pursuant to Health and Safety Code provisions." With implementation of the City's standard conditions of approval, potential impacts to archaeological resources are reduced to less than significant. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. ENERGY.				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Explanation:

6a-b. Less than Significant Impact: The proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. The project will be conditioned to comply with the current California Building Code requirements, including compliance with 2019 Building and Energy Efficiency Standards and the 2019 Building and Energy Efficiency Standards. Furthermore, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. With implementation of the City's standard conditions of approval, potential impacts related to energy are reduced to less than significant. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GEOLOGY AND SOILS.				
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2001), creating substantial direct or indirect risks to life or property? | ☐ | ☐ | ☐ | ☒ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | ☐ | ☐ | ☐ | ☒ |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☐ | ☒ |

Explanation:

- 7a.i. Less than Significant Impact: According to the California Department of Conservation, the Alquist-Priolo earthquake fault zones are regulatory zones surrounding the surface traces (lines on the earth's surface defining a fault) of active faults in California. Thus, wherever an active fault exists, if it has the potential for surface rupture, a structure for human occupancy cannot be placed over the fault and must be a minimum distance from the fault (generally fifty (50) feet).

The proposed Project is not a project involving the development of human occupancy/residential structures. In addition, the City's General Plan identifies in Figure 6-2, Potential Geological Hazards. The San Andres Fault System is located approximately one (1) mile northeast of the site. No active or potentially active faults are known to cross the site and the site does not lie within the bounds of an Earthquake Fault Hazard Zone as defined by the State of California in the Alquist-Priolo Earthquake Fault Zoning Act. The project will be conditioned to comply with the current California Building Code requirements. With implementation of the City's standard conditions of approval, potential impacts related to rupture of an earthquake fault are reduced to less than significant. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

- 7a.ii. Less than Significant Impact: The San Andreas Fault zone is designated to be an Alquist-Priolo Fault Rupture Hazard Zones. Motion along the San Andreas Fault zone is primarily right lateral (i.e., strike-slip faulting), although a vertical component may also be present. The San Andreas Fault zone is considered active, with major ruptures occurring between 20 and 300-year intervals at magnitudes of between 6.8-8.0. The Project as conditioned will be required to comply with the Uniform Building Code so structure is designed to withstand severe seismic ground shaking and applicable grading remediation may be required by a required soils and geotechnical report; impacts from strong ground shaking is considered less than significant. The Project would not result in direct, indirect, or significant impacts, and no mitigation measure is required.

- 7a.iii. Less than Significant Impact: According to Figure 6-3, High Liquefaction and Landslide

Susceptibility, from the City's General Plan, the proposed Project site is not located within an area of the High Liquefaction Susceptibility. The project will be conditioned to comply with the current California Building Code requirements. With implementation of the City's standard conditions of approval, potential impacts related to rupture of an earthquake fault are reduced to less than significant. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

7a.iv.; c.; d.

No Impact: According to Figure 6-3, of the City's General Plan, the proposed site is not located in an area of Landslide Susceptibility. Therefore, no impacts from potential landslides are expected. The Project would not result in direct, indirect, or significant impacts, and no mitigation measure is required.

- 7b. **Less than Significant Impact:** Wind or rain during the grading of the site may cause minor erosion during construction, however, State and Federal requirements call for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) establishing erosion and sediment controls for construction activities for compliance with the National Pollutant Discharge Elimination System (NPDES) regulations. The Project includes landscaping of areas that are not hardscaped with buildings, parking lots, etc. which will help stabilize the soils from erosion. The Project is also required to implement the Water Quality Management Plan (WQMP, Appendix B) which requires design Best Management Practices (BMPs) to control storm water and non-stormwater runoff from the site as it leaves the site to prevent on site and off site scouring, erosion and sediment discharge from the site or downstream. Compliance with State and Federal requirements will ensure that impacts from soil erosion or loss of topsoil will be less than significant. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 7e. **No Impact:** The proposed Project will be required to connect to existing Sewer service. The Project would not result in direct, indirect, or significant impacts, and no mitigation measure required.
- 7f. **No Impact:** The proposed Project is not located within a unique paleontological resource or site or unique geologic feature. The Project would not result in direct, indirect, or significant impacts, and no mitigation measure required.

8. GREENHOUSE GAS EMISSIONS.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Explanation:

- 8a-b Less than Significant Impact: Emissions associated with construction and operation were compared with significance thresholds developed by the SCAQMD, which provide a conservative means of evaluating whether project emissions would cause a significant impact on the ambient air quality or whether further evaluation is warranted. Emissions associated with construction and operation are below the significance thresholds for all phases and pollutants, as outlined in Table 3 below.

Table 3: Estimated Project GHG Emissions

Emission Source	Emissions (MT/yr)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ e
Annual construction-related emissions amortized over 30 years	10.91	0.00	0.00	11.01
Area Source	0.00	0.00	0.00	0.00
Energy Source	152.37	0.01	0.00	153.23
Mobile Source	1,627.63	0.16	0.10	1,660.43
Waste	15.46	0.91	0.00	38.29
Water Usage	5.52	0.07	0.00	7.64
Total CO₂e (All Sources)	1,870.60			
SCAQMD Threshold	3,000			
Significant?	No			

Source: CalEEMod, Appendix A

-- = Emission factor only provided in MT CO₂e

Thus, the emissions associated with construction and operation of the project would not result in a significant impact on the ambient air quality. "Highland Drive-Thru Restaurants Air Quality & Greenhouse Gas Assessment" October 29, 2021; Urban Crossroads, Inc (Appendix A). T The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

9. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | ☐ | ☐ | ☒ | ☐ |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☐ | ☒ |

Explanation:

- 9a-b No Impact: The applicant is proposing the construction of two (2) new fast-food restaurants with drive thru. Potential hazardous materials, such as fuel, paint products, lubricants, solvents, cleaning products, and fertilizers that may be used and/or stored on site during construction and operation of the project. However, due to the limited quantities of these materials to be used, they are not considered hazardous to the public at large. The proposed project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures required.
- 9c No Impact: The proposed Project is located within one-quarter mile (1/4 mi) of Thompson Elementary School. However, the proposed Project would not discharge hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 9d No Impact: The site of the proposed Project is not known to be on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 9e Less than Significant Impact: The closest airports to Highland are Redlands Municipal Airport adjacent to the City in the southeast, and the San Bernardino International Airport (SBIA) to the southwest. No private airstrips are located within or near Highland. No heliports are located within Highland.

The SBIA is located within the City of San Bernardino, adjacent to the southwestern boundary of the City of Highland and approximately 3 miles southwest of the Project Site. The SBIA was formerly known as the Norton Air Force Base until its closure in 1994. The Airport is currently owned and operated by the Inland Valley Development Agency (IVDA) and San Bernardino International Airport Authority (SBIAA), regional Joint Powers Authorities formed in 1990 and 1992, respectively. The SBIA is an FAA Part 139 commercial airport, rated for Stage 2 aircraft. Stage 2 aircraft meet the noise levels prescribed by Federal Aviation Regulations (FAR) Part 36 and are less stringent than those established for the quieter designation (Stage 3). Its infrastructure is supported with a 10,000-foot runway, a new state-of-the-art Instrument Landing System, and an Automated Weather Observation System III. This facility consists of a 10,000-foot runway, provides 24-hour armed security, and contains 80 commercial and industrial businesses, and two aircraft maintenance facilities. A Comprehensive Land Use Plan (CLUP) and Airport Master Plan have not been adopted for the SBIA. By resolution on October 24, 2006, Highland's City Council decided to pursue the development of an Airport Land Use Compatibility Plan (ALUCP) for areas in proximity to the SBIA.

Redlands Municipal Airport is a general aviation airport located approximately 5 miles southeast of the Project site. Ontario International Airport, located approximately 30 miles west of Highland, serves as the nearest commercial airport providing air carrier (passenger) and air cargo operations. This airport is home base for approximately 425 commercial operations daily. It provides over 14 major passenger airlines and 11 major U.S. airfreight carriers transporting over 6.5 million passengers and 547,461 tons of freight, respectively.

Airport operations and their accompanying noise and safety hazards require careful land use planning on adjacent lands to ensure the safety of residents and passengers alike, and to protect Highland businesses and property owners to the greatest extent possible from the potential hazards that could be created by operations from the San Bernardino International Airport, especially by arriving and departing flights that fly over the southern portion of Highland. The City's General Plan Figure 6-7, Redlands Municipal Airport Compatibility Map shows the Redlands Municipal Airport Influence Area and Area of Special Compatibility Concern for this airport. A small portion of Highland lies within the area designated as an Area of Special Compatibility Concern on the Redlands Municipal ALUC Plan (1997); however, it is approximately one-and-a-half (1.5) miles from the project site.

The General Plan retains the industrial and commercial land uses designations for the area north and northeast of the SBIA, which would prohibit any new residential uses that could be affected by the airport. The project does not propose any residential uses.

Therefore, potential impacts would be less than significant, directly, indirectly, or cumulatively, and no mitigation measures are required.

- 9f No Impact: The proposed Project is not located within the vicinity of a private airport. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 9g No Impact: Access to the project site is from the SR-210 Freeway and Baseline Street. The proposed Project may involve limited street closures during construction operations. The minor nature of these street closures would only result in partial closures of the

street and would not impair implementation or interfere with an adopted emergency response plan within the City. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are necessary.

10. HYDROLOGY AND WATER QUALITY.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner, which would;	☐	☐	☐	☒
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;	☐	☐	☐	☒
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
iv) impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Explanation:

- 10a Less than Significant Impact: State and Federal requirements call for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) establishing erosion and sediment controls for construction activities for compliance with the National Pollutant Discharge Elimination System (NPDES) regulations. The Project is also required to implement the Water Quality Management Plan (WQMP, Appendix B) which requires design Best Management Practices (BMPs) to control storm water and non-stormwater runoff from the site as it leaves the site to prevent discharge of sediment or

pollutants from the site to downstream areas. Compliance with State and Federal requirements will ensure the Project will not violate any water quality standards and potential impacts (direct, indirect, or cumulative) related to water quality will be less than significant. Therefore, no mitigation measures are required.

- 10b No Impact: The proposed Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. A "Will-Serve" letter (Appendix E) from East Valley Water District (EVWD) has been issued for the project. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 10c i-iv No Impact: The proposed Project will not significantly alter drainage patterns on-or-off the site. The Project is required to implement the Water Quality Management Plan (WQMP, Appendix B) which requires design Best Management Practices (BMPs) to control storm water and non-stormwater runoff from the site as it leaves the site. With implementation of the WQMP, the proposed Project would not result in substantial erosion or siltation on-or-off-site, would not substantially increase the rate or amount of surface runoff, nor substantially create or contribute to runoff water. Also, the proposed Project would not impede or redirect flood flows. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 10d No Impact: The City's General Plan Figure 6-5, Flood Hazards shows the Project site is not located in the *Special flood Hazard Area Inundated by 100-year Flood or Limit of Flooded Area with Dam Failure/500-year Flood Boundary*. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 10e No Impact: As outlined in 10a and 10b above, the proposed Project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

11. LAND USE AND PLANNING.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Explanation:

- 11a-b. No Impact: The Project site is currently vacant. The Project site is served by existing streets and sidewalks and will not result in closures of them. The proposed new development is consistent with the City's Municipal Code and General Plan. Therefore, the Project would not physically divide an established community or conflict with any

land use regulation. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures required.

12. MINERAL RESOURCES.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Explanation:

12a-b No Impact: The proposed Project is located within a Mineral Resource Zone (MRZ) 2. MRZ-2 is an area identified where significant deposits are likely to be present, however, the City's General Plan and Zoning Map designate the property for Multiple Use (MU)/ Town Center Policy Area. The General Plan provides for areas within the Santa Ana River Wash as Open Space which allows for mining of sand and gravel. MRZ-2 underlies more than half of the City. Existing mineral extraction activities are confined to the Santa Ana River Wash, which is located approximately three (3) miles south of the project site. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

13. NOISE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

13a-b Less Than Significant Impact: Short-term impacts will be minor in nature and will be

associated with construction equipment and activities schedule. Construction activities shall be restricted to weekdays and Saturdays between 7:00 a.m. and 7:00 p.m. only. No construction, other than interior finish work shall be conducted any time on Sundays. Construction equipment shall be muffled in accordance with manufacturer's specifications. These short-term impacts should not exceed noise thresholds established in the City's General Plan. Long-term impacts will be associated with on & off-site vehicle traffic, and operation of the drive-thru facility. However, an eight-foot high (8 ') masonry screenwall will be constructed along the northern edge of the property would break the line-of-site between the residences north of the project and provide noise attenuation. Therefore, no mitigation measures are required.

Per the Noise Assessment (Appendix C), Table 4 below shows typical peak noise levels associated with various types of heavy construction equipment expected during each construction phase. Noise levels are based on the Environmental Protection Agency (EPA) Office of Noise Abatement and Control (ONAC) Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (1974). Peak noise levels associated with the use of individual pieces of heavy equipment can range from about 70 to 89 dBA at 50 feet from the source, depending upon the types of equipment in operation at any given time and phase of construction (EPA ONAC 1974).

Table 4: Typical Noise Levels Generated by Construction Equipment

COMMON OUTDOOR ACTIVITIES	COMMON INDOOR ACTIVITIES	A - WEIGHTED SOUND LEVEL dBA	SUBJECTIVE LOUDNESS	EFFECTS OF NOISE
THRESHOLD OF PAIN		140	INTOLERABLE OR DEAFENING	HEARING LOSS
NEAR JET ENGINE		130		
		120		
JET FLY-OVER AT 300m (1000 ft)	ROCK BAND	110		
LOUD AUTO HORN		100	VERY NOISY	
GAS LAWN MOWER AT 1m (3 ft)		90		
DIESEL TRUCK AT 15m (50 ft), at 80 km/hr (50 mph)	FOOD BLENDER AT 1m (3 ft)	80		
NOISY URBAN AREA, DAYTIME	VACUUM CLEANER AT 3m (10 ft)	70	LOUD	SPEECH INTERFERENCE
HEAVY TRAFFIC AT 90m (300 ft)	NORMAL SPEECH AT 1m (3 ft)	60		
QUIET URBAN DAYTIME	LARGE BUSINESS OFFICE	50	MODERATE	SLEEP DISTURBANCE
QUIET URBAN NIGHTTIME	THEATER, LARGE CONFERENCE ROOM (BACKGROUND)	40		
QUIET SUBURBAN NIGHTTIME	LIBRARY	30	FAINT	NO EFFECT
QUIET RURAL NIGHTTIME	BEDROOM AT NIGHT, CONCERT HALL (BACKGROUND)	20		
	BROADCAST/RECORDING STUDIO	10	VERY FAINT	
LOWEST THRESHOLD OF HUMAN HEARING	LOWEST THRESHOLD OF HUMAN HEARING	0		

Source: Environmental Protection Agency Office of Noise Abatement and Control, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (EPA/ONAC 550/9-74-004) March 1974.

As discussed above, the City's Municipal Code exempts construction from City noise standards, pursuant to a valid written agreement with the City, which provides for noise mitigation measures. To evaluate whether the Project will generate potentially significant short-term noise levels at nearest receiver locations, a construction-related daytime

noise level threshold of 80 dBA (A-weighted decibels) Leq (equivalent continuous average sound level) is used as a reasonable threshold to assess the daytime construction noise level impacts. The construction noise analysis shows that the nearest receiver locations will satisfy the reasonable daytime 80 dBA Leq significance threshold during Project construction activities as shown in Table 8-3 of the Noise Impact Analysis (Appendix C). Construction vibration velocity levels are estimated to range from 0.000 to 0.268 PPV (Peak particle velocity in inches/second). Based in maximum acceptable continuous vibration threshold of 0.3 PPV (inches/second) for older residential buildings, the typical Project construction vibration levels will satisfy the building damage thresholds at all receiver locations as identified in Table 5: Construction Equipment Vibration Levels of the Noise Impact Analysis (Appendix C).

Operation of the project would generate noise through the idling of cars waiting in drive thru lines, placement of orders by customers at a microphone, verbal interactions between customers and service staff, and mechanical equipment.

While waiting in the drive-thru lane, vehicles would idle and generate noise. The nearest residence to the proposed drive-thru lanes are residences just north of the project site. Each of these residences is located approximately 12 feet from the proposed drive-through lanes. The operation of two drive-throughs would result in an operational noise level of 55.4 dBA Leq at 12 feet.

To demonstrate compliance with local noise regulations, the Project-only operational noise levels are evaluated against exterior noise level thresholds based on the County of San Bernardino exterior noise level standards at the nearest noise-sensitive receiver locations. Table 7-4 of the Noise Impact Analysis (Appendix C) shows the operational noise levels associated with the Project will satisfy the County of San Bernardino exterior noise level standards adjusted to reflect the ambient noise levels at all nearby receiver locations with the planned 8-foot-high screen wall on the northern boundary. Therefore, the operational noise impacts are considered less than significant at the nearest noise-sensitive receiver locations. Although, impacts (direct, indirect, or cumulative) are anticipated to be less than significant without mitigation.

- 13c **No Impact:** The proposed Project is located within five (5) miles of a public airport or public use airport; and the Project is not located within the vicinity of private use airports. However, the Project does not include construction of habitable structures and, therefore, would not expose people residing in the area to excess noise levels. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

14. POPULATION AND HOUSING.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

Explanation:

14a-b No Impact: No new housing is proposed as part of this Project and no housing units will be displaced as part of the Project. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

15. PUBLIC SERVICES.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Explanation:

15a No Impact: Fire suppression, prevention, and medical services are critical to the protection of people, property, and the natural environment. The CalFire provides fire protection and emergency medical services to the City through a cooperative agreement. The City has three fire stations: Station 541 located at 26974 Base Line; Station 542 located at 29507 Base Line; and Station 543 located at 7469 Sterling Avenue. The Project is located within an area already served by these stations and operation of the restaurants is not anticipated to adversely affect performance objectives or require expansion of Fire protection. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

- 15b **No Impact:** The protection of City's residents, visitors, businesses, and property from crime depends on the adequate provisions of law enforcement services, supporting facilities, and prevention strategies. The City contracts with the San Bernardino County Sheriff's Department for its law enforcement and police services. The Project is located within an area already served by law enforcement and operation of the restaurants is not anticipated to adversely affect performance objectives or require expansion of law enforcement. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 15c. **No Impact:** The proposed Project is located within the service boundaries of the San Bernardino County Unified School District. The proposed use of the site is for two new fast-food restaurants with drive thru. School fees will be assessed by the San Bernardino City Unified School District as appropriate. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 15d **No Impact:** The proposed Project will not result in the direct addition of new residents to the City, and, thus, there is no incremental increase in the need for new park facilities. Therefore, there is no addition service need generated by this Project. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 15e **No Impact.** Public facilities typically include items such as parks, community centers, libraries. The Project will not result in the direct increase of residents to the City which in turn could affect public facilities. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

16. RECREATION.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Explanation:

- 16a-b. **No Impact:** The proposed Project will not result in the direct addition of new residents to the City, which in turn would affect parks and other recreational facilities. Therefore, there is no additional service needs generated by this Project. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

17. TRANSPORTATION.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

Explanation:

- 17a Less than Significant Impact: Construction of the proposed Project would result in workers traveling to/from the site as well as deliveries of equipment and materials generating temporary vehicle trips to the area. Per the Traffic Impact Study (Appendix D), the total net increase trip generation for the Project is 4,262 ADT with 235 AM peak hour trips and 233 PM peak hour trips. The study area included seven intersections evaluated for level of service (LOS) for Existing, Existing Plus Project, Near Term Opening Year 2024, Near Term Opening Year 2024 Plus Project, Long Term Year 2040, and Long-Term Year 2040 Plus Project scenarios. Based on the analysis, no deficiencies were identified and not improvement will be required. Therefore, the Project will not result in conflict with the General Plan Circulation Element goals and policies related to LOS. Base Line, along the Project's southern frontage, includes a sidewalk and bike lane. The Project will not affect these facilities and they will remain in place. Therefore, the Project will result in less than significant impacts (direct, indirect, or cumulative) to circulation system facilities or conflict with plans and ordinances related to them.
- 17b Less than Significant Impact: Per the Traffic Impact Study (Appendix D), based on the screening criteria provided in the Fehr and Peers Recommended Traffic Impact Analysis Guidelines for Vehicle Miles Traveled and Level of Service Assessment (February 2020), the proposed Project will be exempt from VMT analysis based on the CEQA Assessment – VMT Analysis section of the guidelines. The guidelines state "Local serving retail project less than 50,000 square feet which serve the local community and have the potential to reduce VMT should not be required to complete a VMT assessment." Less than significant impacts (direct, indirect, or cumulative) are anticipated in this regard. No mitigation measures are required.
- 17c No Impact: The proposed Project would include the development of two fast-food restaurants with drive thru. The proposed Project would not substantially increase hazards due to a design feature or incompatible use. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.
- 17d No Impact: Emergency access will not be altered by this project. No impacts are anticipated in this regard. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

18. TRIBAL CULTURAL RESOURCES.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | ☐ | ☐ | ☒ | ☐ |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | ☐ | ☐ | ☒ | ☐ |

Explanation:

- 18a-b Less than Significant Impact: The subject Project site is not identified by the City of Highland General Plan Figure 5.2 Archeological Resources, as an area of archeological sensitivity. However, the City will condition the current and future projects to require the following "If cultural resources are discovered during project construction, all work in the discovery area shall cease, and a qualified archaeologist shall be retained by the project sponsor to investigate the find, and to make recommendations on its disposition. If human remains are encountered during construction, all work shall cease, and the San Bernardino County Coroner's Office shall be contacted pursuant to Health and Safety Code provisions." With implementation of the City's standard conditions of approval, potential impacts (direct, indirect, or cumulative) to archaeological resources are reduced to less than significant. No mitigation measures are required.

19. UTILITIES AND SERVICE SYSTEMS.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider, which serves or may serve the Project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Explanation:

19a-b No Impact: Base Line at the south boundary of the Project is a Primary Arterial roadway in the City and has existing utilities in the road right-of-way in which the Project will install connections to. A Will-Serve Letter from the East Valley Water District (EVWD) has been issued for the Project (Appendix E). Therefore, the Project would not require or result in relocation or construction of new or expanded utilities. No impacts are anticipated, and no mitigation measures are required.

Service for the project area would be provided by the EVWD, which provides water to an approximately twenty-eight (28) square mile area in the San Bernardino County area. No new water supply will be required to meet the needs of the project. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

19c No Impact: As stated above, the site would be connected to the municipal sewer and wastewater system treated at the San Bernardino Wastewater Treatment Plant. A Will-Serve letters have been provided from the East Valley Water District regarding this project. The Project would not result in direct, indirect, or significant impacts and no mitigation measures are required.

19d No Impact: The City's solid waste services are provided through contracts with Burrtec Waste Industries. The majority of collected waste is disposed in the San Timoteo landfill. The San Timoteo landfill is located approximately 7 miles to the southeast of the City of Redlands, and at present disposal rates, is expected to close in 2022. The San Timoteo

landfill is classified as a Class III landfill suitable for disposal of nonhazardous and general municipal waste and it is owned and operated by the County of San Bernardino. Capacity at the local landfills is sufficient to serve the site and impacts from this issue are non-significant. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

- 19e No Impact: The site will be conditioned to follow all federal, state, and local statutes and regulations. The Project would not result in direct, indirect, or significant impacts, and no mitigation measures are required.

20. WILDFIRE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Explanation:

- 20a Less Than Significant Impact: Per the City's General Plan, The California Department of Forestry and Fire Protection (CDF) provides fire protection and emergency medical services to the City of Highland through a cooperative agreement. The primary access to the Project site is from Base Line. The Project site is not located within a Fire Severity Zone (General Plan Safety Element Figure 6-6, Fire Hazards and Safety Overlay Areas). Even though this Project is not located within a Fire Severity Zone, the City's Fire Marshall will require specific Fire Prevention Measures be implemented as part of this Project. Development of the site would not involve street closures during construction or operations and would not impair implementation or interfere with an adopted emergency response plan within the City. Potential impacts (direct, indirect, or cumulative) are less than significant, and no mitigation measures are required.

- 20b Less Than Significant Impact: The Project site is not located within a Fire Severity Zone. Project development will comply with the City's Development Code and General Plan. The proposed Project is located adjacent to existing residential development to the north. The Project site is not located on steep slopes or immediately adjacent to the foothills of the San Bernardino Mountains. Due to the Project's location and with development in compliance with building and fire code standards, the Project would not be expected to significantly exacerbate wildfire risks. Therefore, potential impacts (direct, indirect, or cumulative) are less than significant, and no mitigation measures are required.
- 20c Less Than Significant Impact: The primary access to the Project site is from Base Line. The proposed Project does not require the installation of infrastructure (roads, power lines, etc.) in undeveloped natural areas that are susceptible to fire. Therefore, the proposed Project would not be expected to exacerbate fire risk and potential impacts (direct, indirect, or cumulative) are less than significant. No mitigation measures are required.
- 20d Less Than Significant Impact: The proposed Project is located adjacent to existing residential development to the north. The Project site is not located on steep slopes or immediately adjacent to the foothills of the San Bernardino Mountains. According to Figure 6-3 of the City's General Plan, the proposed Project is not located within a high liquefaction or landslide susceptibility area. The proposed site is relatively flat with no substantial hills, slopes nor drop offs. Due to the lack of significant topography, land sliding is not expected on the site. Implementation of the Water Quality Management Plan (WQMP, Appendix B) will also aid the proposed development to not increase off-site runoff or result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of surface runoff in a manner which would cause flooding on site or off site. Therefore, the proposed Project is not expected to result in downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes. Potential impacts (direct, indirect, or cumulative) are less than significant, and no mitigation measures are required.

21. MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☐ | ☒ | ☐ |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☒ | ☐ |

Explanation:

- 21a Less than Significant Impact: The proposed Project is the construction of two (2) new fast-food restaurants with drive thru. The Project site is highly disturbed, with disking on a regular basis for weed abatement and fire control, and is surrounded by existing development, Base Line a Primary Arterial roadway in the City to the south and the SR-210 freeway to the east. The project does not have the potential to significantly degrade the environment, substantially reduce the habitat of a fish or wildlife species, cause fish or wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or plant or animal or eliminate important examples of the major periods of California history or prehistory.
- 21b Less than Significant Impact: As discussed in the respective issue areas of this Study, the proposed Project would not have cumulatively considerable environmental impacts.
- 21c Less than Significant Impact: As discussed in the respective issue areas of this Study, the proposed Project would not have cumulatively considerable environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly.

DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- ☐ I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.



Ash Syed, Associate Planner



Date

Attachment 3:
Planning Commission
Resolution No. 2022 - _____

RESOLUTION NO. 2022 - ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 21-001), LOT LINE ADJUSTMENT (LLA 21-001), DESIGN REVIEW APPLICATION (DRA 21-001), AND CERTIFYING A MITIGATED NEGATIVE DECLARATION (ENV 21-004) FOR THE DEVELOPMENT OF TWO (2) DRIVE-THRU RESTAURANT PADS ON APPROXIMATELY 2.04 ACRES AT THE NORTHEAST CORNER OF BASE LINE AND BUCKEYE STREET.

ASSESSOR'S PARCEL NUMBERS: 1200-421-02 & -03

APPLICANT: MARINITA DEVELOPMENT

A. RECITALS

1. On January 4, 2021, the Applicant submitted applications for Conditional Use Permit (CUP 21-001), Design Review Application (DRA 21-001), and Lot Line Adjustment (LLA 21-001) for the development of two (2) drive-thru restaurant buildings on approximately 2.04 acres at the northeast corner of Base Line and Buckeye Street. Assessor's Parcel Numbers: 1200-421-02 & -03.
2. On February 25, 2021, Staff provided the Applicant with a Letter of Incompleteness and listed the various items that were missing from the initial submittal and provided direction on modifications to the exterior elevations of the site.
3. On September 15, 2021, the Application resubmitted revised plans addressing Staff's directives and the items listed in the Letter of Incompleteness.
4. On December 7, 2021, the Planning Commission was scheduled to review and discuss the proposed commercial development. However, prior to the meeting, Staff brought to the Applicant's attention several elements of the proposal that remained unaddressed. After discussing a time frame with Staff to provide the missing elements, the Applicant requested the Planning Commission continue the item to January 18, 2022.
5. Pursuant to the California Environmental Quality Act, the project was subject to an Initial Study / Mitigated Negative Declaration (IS/MND) as part of the CEQA review process. The City, as the Lead Agency, oversaw preparation of the preparation of the Initial Study / Mitigated Negative Declaration (IS/MND) and has determined that the proposed project could result in potentially significant environmental impacts related to Biological Resources for the habitat disturbance to state and federally protected nesting birds. However, a thorough analysis of the impacts was completed during the preparation of the Mitigated Negative Declaration and appropriate Mitigation Measures were provided for this project.
6. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

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

1. The Planning Commission finds that all of the facts set forth in the Recitals, Part "A" of this Resolution, are true and correct.
2. The City of Highland Planning Commission after due consideration, inspection, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said hearing, including the staff report to the Planning Commission dated January 18, 2022, which is incorporated herein by this reference, does find and determine the following facts:
 - a. All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with State law and the Municipal Code of the City of Highland.

3. Findings of Fact for **Lot Line Adjustment (LLA 21-001)**

Based on the Findings below, the Planning Commission hereby finds:

- a. The subdivision is consistent with applicable General and specific plans.

Response: The existing lot line between the two (2) parcels comprising the 2.04 acre site will be relocated to create two (2) 1.02 acre size lots. The proposed Lot Line Adjustment is in compliance with the City's requirement for subdivisions as listed in the Highland Municipal Code Section 16.68.220.

- b. The design or improvement of the proposed subdivision is consistent with applicable general plan.

Response: The proposed Lot Line Adjustment is in compliance with the City's requirement for subdivisions. The lot sizes, lot coverage for each pad, setbacks from respective lot lines, parking spaces, and vehicular access to primary roadways as well as interior drive-aisles each satisfy the development standards for Mixed-Use/Neighborhood Commercial projects as listed in the Highland Municipal Code Section 16.22.030.

- c. The site is physically suitable for the type of development.

Response: The site is generally flat without any unusual features and is located within an urbanized area with existing services and infrastructure available to the Site. The proposed Lot Line Adjustment will relocate the existing lot line, currently on the eastern end of the site, more toward to the center of the property, creating two (2) approximately 1.02 acre size lots.

- d. The site is physically suitable for the proposed density of development.

Response: The proposed project is in compliance with the Highland Municipal Code (Chapter 16.22, Neighborhood Commercial zone), as specified for single-use commercial projects within the Mixed-Use zoning designation. Currently, the site is vacant and has remained so since prior to the City's incorporation in 1987. While any sort of development on any site that was previously vacant will have an effect on the surrounding vicinity with regard to foot and vehicular traffic, the trip generation information was analyzed and appropriate mitigation measures for traffic along Base Line and Buckeye Street have been proposed. Further, the proposed site features adequate interior roadways, building setbacks, and onsite parking for the two (2) drive-thru restaurants to create a cohesive development that complements the surrounding vicinity.

- e. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Response: The project site is adjacent to the 210 freeway offramp to the east and the Smart & Final grocery store to the west, across Buckeye Street. Also, there are existing single family homes to the north and a Starbucks Coffee and Popeyes Chicken commercial lot to the south, across Base Line. This project was also subject to an Initial Study / Mitigated Negative Declaration (IS/MND) as part of the CEQA review process. A thorough analysis of the project was done and potential impacts to Biological Resources related to the potential habitat disturbance of state and federally protected nesting birds were mitigated.

- f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Response: The proposed Lot Line Adjustment provides the creates new parcels and a site layout required for the development to be constructed as planned. No public health problems are expected as a result of this subdivision.

- g. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Response: The design of the subdivision will not conflict with easements for access through, or use of, property within the proposed subdivision. There is an existing public utilities easement that extends from Buckeye Street and spans along entire northern property line of the development. Existing utility lines located within this easement are to remain overhead and will be incorporated into the project with new easements granted as required by the service providers. A new easement will also be provided for a private sewer main to serve the project and connect to the existing sewer along Base Line.

Exhibit 1 attached illustrates Lot Line Adjustment (LLA 21-001).

Exhibit 2 attached is the Mitigation Monitoring & Reporting Program (ENV 21-004)

Exhibit 3 attached includes the Lot Line Adjustment (LLA 21-001) Conditions of Approval.

4. Findings of Fact for **Conditional Use Permit (CUP 21-001)**

Based on the Findings, the Planning Commission hereby finds:

- a. The proposed use is permitted within the subject district pursuant to the provisions of this section, and complies with all of the applicable provisions of this title; and is consistent with the goals, policies, and objectives of the Highland general plan, and with the applicable development policies and standards of the city:

Response: The proposed development is located on a 2.04 acre site designated by the General Plan and Zoning Map as Mixed Use. Per the Highland Municipal Code, Chapter 16.22.030, single use commercial projects located within the Mixed Use land use and zoning designation are subject to the Neighborhood Commercial development standards. Thus, according to the Neighborhood Commercial development standards, the approval of fast food restaurants is subject to a Conditional Use Permit. The site has remained vacant since prior to the City's incorporation and offers a prime location for quick-serve restaurants.

- b. The proposed use would not impair the integrity and character of the district in which it is to be established or located:

Response: The proposed development would be very much in compliance with City's vision for commercial development along the Base Line frontage. The objective of the project is to create a visually appealing commercial lot just off the 210 freeway that provides mainstream, fast-food options for City residents as well as those traveling along the freeway and up to the mountains.

- c. The site is suitable for the type and intensity of use or development which is proposed;

Response: The proposed project is in compliance with the development standards set in the Highland Municipal Code, Chapter 16.22, Mixed Use. Currently, the site is vacant and has remained so since prior to the City's incorporation in 1987. While any sort of development on any site that was previously vacant will have an effect on the surrounding vicinity with regard to foot and vehicular traffic, the trip generation information was analyzed and appropriate mitigation measures for the increased traffic along Base Line and Buckeye Street have been proposed. Further, the proposed site features adequate interior drive aisles, building setbacks, and onsite parking for the two

(2) restaurants to create a cohesive development that complements the surrounding vicinity.

- d. There are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety;

Response: The project site will require provisions for water, sewer, public utilities, and public health and safety. As required by the Highland Municipal Code, a "will-serve" letter from the water and sanitation provider must be submitted to the City's Building Official prior to the issuance of building permits. Additionally, the project site will be served by the City of Highland Fire and Police Departments. As conditioned, the Applicant/Developer is required to pay Development Impact Fees which contribute to the additional infrastructure costs associated with these services. Furthermore, as conditioned, the Applicant/ Developer will be required to coordinate with the gas and electricity purveyors to ensure that the project site is adequately serviced. As such, there will be adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety.

- e. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity;

Response: The proposed project has been reviewed by Planning, Engineering, Building and Safety, Fire, and the Police Department and certain conditions of approval necessary to safeguard and protect the public health, safety, and welfare have been implemented. That being the case, the approval of this conditional use permit for the proposed project will not adversely affect the public health, safety, and welfare.

- f. The proposed use would not result in a significant effect on the environment.

Response: This proposed project was subject to an Initial Study / Mitigated Negative Declaration (IS/MND) as part of the CEQA review process. The City, as the Lead Agency, oversaw preparation of the preparation of the Initial Study / Mitigated Negative Declaration (IS/MND) and has determined that the proposed project could result in potentially significant environmental impacts related to Biological Resources related to the potential habitat disturbance to state and federally protected nesting birds.

Nesting Birds, regardless of their listing status, are protected under the Migratory Bird Treaty Act (MBTA). Potential impacts to the breeding birds are considered significant under the CEQA guidelines. In compliance with the MBTA and the California Department of Fish and Wildlife (CDFW) regulations for protecting nesting birds, all clearing, grubbing, tree trimming, and tree removals will be conducted outside of the February 1st to August 31st bird nesting season. Should grading, grubbing, or tree removal need to occur during the nesting bird season, a pre-construction nesting bird survey will be conducted by a qualified avian biologist prior to any site disturbance. If for any

reason an active nest is identified outside of the February 1st to August 31st bird nesting season, avoidance of the nest will be required.

Exhibit 4 attached includes the Conditional Use Permit (CUP 21-006) Conditions of Approval.

5. Findings of Fact for **Design Review Application (DRA 21-001)**

Based on the Findings below, the Planning Commission hereby finds:

- a. That the proposed project is consistent with the related Conditional Use Permit.

Response: The proposed drive-thru restaurant buildings are located on a 2.04 acre site designated by the General Plan as Mixed Use. Per Highland Municipal Code Section 16.22.030, single use commercial projects located within the Mixed Use land use and zoning designation are subject to the Neighborhood Commercial development standards. Thus, according to the Neighborhood Commercial development standards, the approval of fast food restaurants is subject to a Conditional Use Permit, which the applicant has submitted. The two (2) restaurant buildings satisfy the setback requirements and onsite parking spaces necessary to comply with the City's general development standards for commercial projects.

- b. That the proposed use is in accordance with the objectives of this title (Title 16), and the purposes of the land use district in which the site is located.

Response: As aforementioned, the proposed project is located on a vacant property located within the Town Center Policy Area and zoned for Mixed Use developments. The proposed project involves two (2) drive-thru fast food restaurants with vehicular access off of Base Line and Buckeye Street. The Design Review Application includes building elevations, appropriate height limits, setback requirements, and onsite parking spaces necessary to comply with the City's general development standards for commercial developments. Further, while the tenants for the two (2) restaurant buildings have not been finalized, the Applicant plans to construct the restaurant buildings to be fully compliant with the architecture envisioned as part of the General Plan Town Center Area regardless of the fast food tenant that eventually occupies the building.

- c. That the proposed use is in compliance with city design and landscape standards and criteria.

Response: While the buildings on two (2) pads will likely have a corporate color and design scheme, the aesthetics for this location have been modified with additional cutouts and flat rooflines to complement the surrounding structures and accommodate the vision for the General Plan Town Center Area.

The proposed Conceptual Landscape Plan presents a variety of drought-tolerant trees, shrubs and vines, as well as groundcovers planted throughout the perimeter of the site as well as the parking lot area. The proposed Conceptual Landscape Plan, as conditioned, will comply with the City's drought tolerant landscaping regulations and complement the Base Line street improvements.

- d. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or will not be materially injurious to properties or improvements in the vicinity of the site.

Response: This proposed project was subject to an Initial Study / Mitigated Negative Declaration (IS/MND) as part of the CEQA review process. A thorough analysis of the project was done and potential impacts to Biological Resources related to the potential habitat disturbance of state and federally protected nesting birds were discovered. Appropriate mitigation measures to reduce the impacts to an acceptable, less than significant level were adopted. The project has also been reviewed by Planning, Engineering, Building and Safety, Fire, and the Police Department. With implementation of certain conditions of approval that are necessary to safeguard and protect the public health, safety, and welfare, the approval of this Design Review Application for the proposed project will not adversely affect the public health, safety, and welfare.

Exhibit 5 attached includes the Design Review Application (DRA 21-001) Conditions of Approval.

6. Based on the Findings of Fact and Conclusions set forth above, the Planning Commission approves Conditional Use Permit (CUP 21-001), Lot Line Adjustment (LLA 21-001), and Design Review Application (DRA 21-001).

C. ADOPTION OF RESOLUTION

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

PASSED, APPROVED and ADOPTED this 18th day of January 2022.

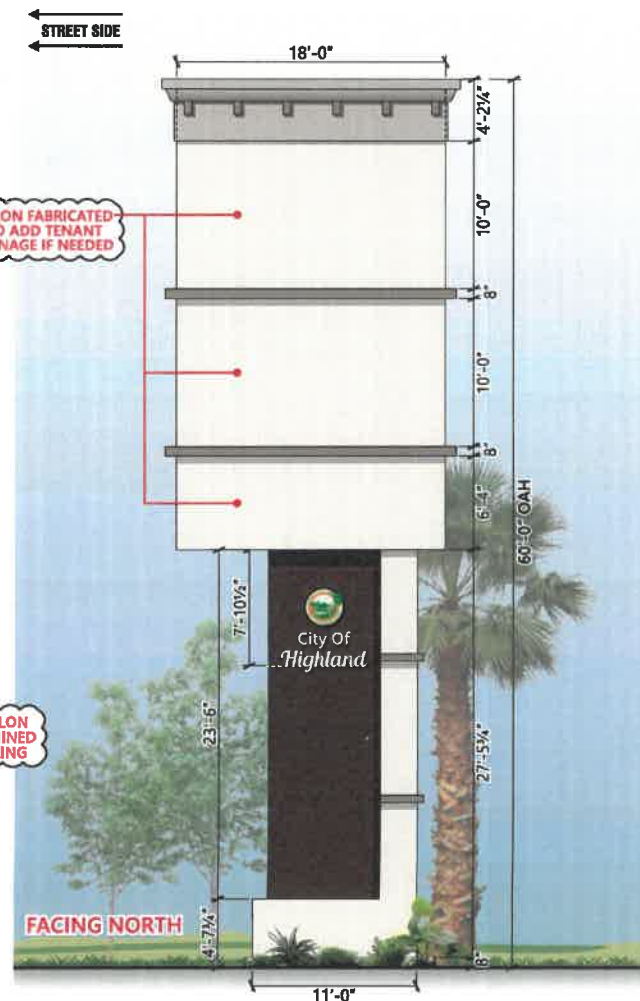
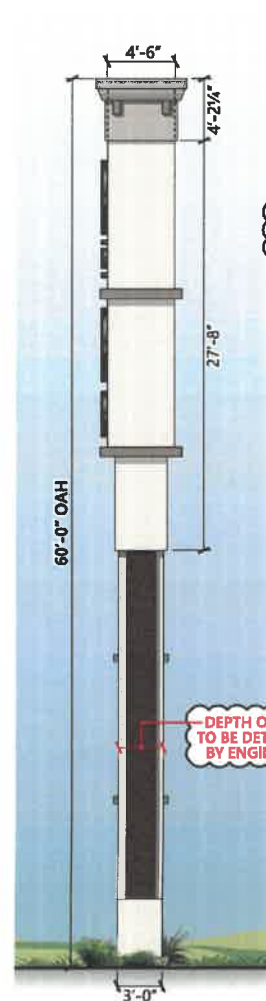
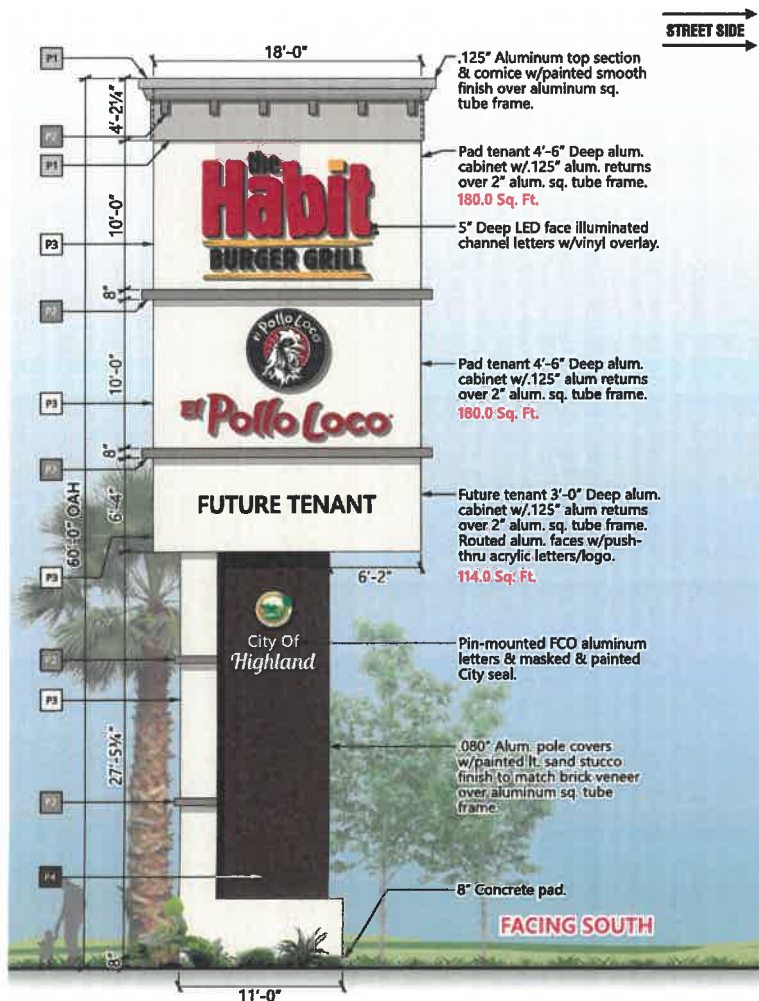
ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director

Exhibit 1:
Lot Line Adjustment (LLA 21-001)

Exhibit 1A:
Freeway Oriented Pylon Sign



SQUARE FOOTAGE	
654.0 SQ. FT. PER SIDE	
PAINT FINISH	
P1	SW #6002 "ESSENTIAL GRAY"
P2	SW #6004 "MINK"
P3	SW #7004 "SNOWBOUND"
P4	PTM BROWN BRICK VENEER

1.0 SIGN ELEVATION / CUSTOM FABRICATED INTERNALLY ILLUM. S/F PYLON SIGN
Quantity: One (1) Sign Req. Scale: 1/8" = 1'-0"

1 SIDE VIEW
Scale: 1/8" = 1'-0"

2 SIGN ELEVATION / PYLON SIGN OPPOSITE VIEW
Scale: 1/8" = 1'-0"

PS-127-1

PROJECT

Project Name: Marinita Develoopment

Address: NWC of 210 Fwy. & Baseline St

City, State, Zip: Highland, CA 92346

CLIENT

JOB / DRAWING #

200453-10

Page 3 of 5

SIGNAGE SOLUTIONS

WEST COAST HQ.
2231 S. Dupont Drive
Anaheim, CA 92806
800-655-9972

Client Approval:

Landlord Approval:

Designer: Art Desharnais **Sales:** Chris D.

All ideas, designs, arrangements, and plans indicated or represented by this drawing are owned by and the property of Signage Solutions, and were created, evolved and developed for use as and in connection with the specified project. None of such ideas, designs, arrangements or plans shall be used by or disclosed to any person, firm or corporation for any purpose what so ever without written permission.

#	Designer:	Date:	Revision Notes:
1	Desharnais, A.	9/22/08	Initial Drawing
2	Desharnais, A.	9/25/08	Revised to reduce max. sign to 9'-6" wide. Redesign sign on elevation.
3	Desharnais, A.	10/13/08	Revised to reduce sign to 9'-6" wide. Redesign sign on elevation.
4	Desharnais, A.	10/20/08	Revised to reduce sign to 9'-6" wide. Redesign sign on elevation.
5	Desharnais, A.	11/18/08	Revised to reduce sign to 9'-6" wide. Redesign sign on elevation.
6	Desharnais, A.	12/25/08	Revised to reduce sign to 9'-6" wide. Redesign sign on elevation.
7	Desharnais, A.	1/13/09	Revised to reduce sign to 9'-6" wide. Redesign sign on elevation.
8	Desharnais, A.	1/13/09	Revised to reduce sign to 9'-6" wide. Redesign sign on elevation.
9	Desharnais, A.	1/13/09	Revised to reduce sign to 9'-6" wide. Redesign sign on elevation.
10	Desharnais, A.	1/13/09	Revised to reduce sign to 9'-6" wide. Redesign sign on elevation.

Exhibit 2:
Mitigation Monitoring & Reporting Program
(ENV 21-004)

MARINITA MIXED USE DEVELOPMENT PROJECT

Mitigation Monitoring Reporting Program

Mitigation Monitoring Reporting Program ENV 21-004 for: CUP 21-001 - DRA 21-001 - GPA 21-001 - LLA 21-001

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Monitoring/ Reporting Method	Compliance Verification (Initial/Date)
Biological Resources	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	MM BIO 4.1 Nesting Birds. All native breeding birds, (except game birds) regardless of their listing status, are protected under the Migratory Bird Treaty Act (MBTA). Potential impacts to the breeding birds are considered significant under the California Environmental Quality Act (CEQA). The MBTA and the California Department of Fish and Wildlife (CDFW) Code Regulations 3500 and 3503 which protect nesting birds. In order to comply with these regulations all future clearing, grubbing, tree trimming, and tree removals should be conducted outside the bird nesting season. The typical nesting season is often considered February 1st to August 31st however these dates are not a legal definition. A nest is protected during any time of the year when eggs or young are present. If grading/grubbing/tree trimming must occur during the nesting bird season, a pre-construction nesting bird survey should be conducted by a qualified biologist. If an active nest is encountered outside the breeding season, avoidance of the nest is required." Any nest permanently vacated for the season, as verified by a qualified biologist, would not warrant protection pursuant to the MBTA.	No more than 30 days prior to commencement ground disturbing activities	Planning Department	Qualified biologist/ nesting bird survey	

Mitigation Monitoring Reporting Program ENV 21-004 for: CUP 21-001 - DRA 21-001 - GPA 21-001 - LLA 21-001

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Monitoring/ Reporting Method	Compliance Verification (Initial/Date)
Cultural Resources	d) Disturb any human remains, including those interred outside of formal cemeteries?	MM CUL 5.1 In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. MM CUL 5.2 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly. MM CUL 5.3 If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.	During project construction			
Tribal Cultural Resources	a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American	MM TCR 17.1 The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site. MM TCR 17.2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for	During project construction			

Mitigation Monitoring Reporting Program ENV 21-004 for: CUP 21-001 - DRA 21-001 - GPA 21-001 - LLA 21-001

Impact Category	Impact	Mitigation Measure	Implementation Timing	Responsible Party	Monitoring/ Reporting Method	Compliance Verification (Initial/Date)
	tribe, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.				

Exhibit 3:
Conditions of Approval (LLA 21-001)

CITY OF HIGHLAND
PLANNING DIVISION CONDITIONS OF APPROVAL

Date: January 18, 2022

Applicant: Marinita Development

File/Index: Lot Line Adjustment (LLA 21-001) – [Related Projects: Design Review Application (DRA 21-001) and Conditional Use Permit (CUP 21-001)]

Proposal: Relocation of an existing lot line, currently on the eastern end of the site, toward to the center of the property, creating two (2) 1.02 acre size lots.

Location: Northeast corner of Base Line and Buckeye Street
Assessor's Parcel Numbers: 1200-421-02 and -03

PLANNING CONDITIONS OF APPROVAL

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

This Lot Line Adjustment (TPM 21-001) is conditionally approved, subject to compliance with the requirements as specified below. The Conditions listed below are continuing Conditions; failure of the Applicant and/or operator to comply with any/all Conditions at any time shall result in initiating revocation of the subject permit.

- 1) This Lot Line Adjustment (TPM 21-001) shall become null and void:
 - a. Unless all Conditions have been complied with and the occupancy or use of the land or existing structures authorized by such Conditional Use Permit has taken place within thirty-six (36) months after the approval of said Lot Line Adjustment.
 - b. Where circumstances beyond the control of the Applicant cause delays which do not permit compliance within the time limitation established in this Section, the Planning Commission may grant an extension of time every subsequent twelve (12) months, not to exceed thirty-six (36) months in total. Applications for such extensions of time must be set forth, in writing, by reasons for this extension and shall be filed together with a fee as established by the City Council, with the Planning Department sixty (60) calendar days before the expiration of the Lot Line Adjustment.

- 2) The subject property shall be developed in accordance with plans and materials approved by the Planning Commission on December 7, 2021, on file with the City of Highland Planning Division, and shall be in compliance with all conditions of approval contained herein and as exhibited on the Lot Line Adjustment included as Exhibit 3.
- 3) Revisions, modifications, and/or deletions to the approved plans shall be submitted to the Planning Division for review and approval. Revisions, modifications and/or deletions may require additional review by the Planning Commission.
- 4) In compliance with the Highland Municipal Code, the Applicant/Owner shall, at his/her sole cost and expense and through counsel of the City's choosing, protect, defend, indemnify, and hold harmless, the City, its officers, employees, agents, and consultants (collectively, "City indemnitees"), from all liability and monetary damages, and all claims, actions, or proceedings brought against the City indemnitees, arising from the issuance of the permit or approval, or the denial thereof, or arising from any action by any person seeking to have a permit or approval held void by a court of law. Owner/Applicant shall make a deposit of City's reasonably anticipated costs and attorneys' fees in advance, and shall promptly reimburse the City for any fees, costs, or damages City actually incurs in excess of the deposit.
- 5) No expansion of the project beyond the scope and nature described in the application (LLA 21-001), which would tend to increase the projected scale of the project, shall be permitted except upon application for, and approval of, modification of this application in compliance with all procedures and requirements therefore.
- 6) The applicant and recorded owner of the property shall submit to the Planning Division written evidence of agreement with all conditions of this approval before the approval becomes effective. Plan check cannot begin prior to receipt of this signed documentation.
- 7) Prior to issuance of permits, all proposed construction work shall be subject to plan check and approval with the Planning Division, Engineering Division, Building Division and Fire Department. The plans shall demonstrate compliance with the currently adopted California Building, Plumbing, Mechanical, Electrical, Fire, Energy, and Green Codes, Highland Municipal Code, Engineering Directives and Standards, and all conditions contained herein.
- 8) All Ordinances, Policy Resolutions, and Standards of the City in effect at the time this project is approved shall be complied with as a condition of this approval.
- 9) No further subdivision of any lot shall be permitted.

- 10) The Developer shall comply with all applicable mitigation measures specified within the Mitigated Negative Declaration for the project which are outlined within the Mitigation Monitoring and Reporting Program.

Exhibit 4:
Conditions of Approval (CUP 21-001)

CITY OF HIGHLAND
PLANNING DIVISION CONDITIONS OF APPROVAL

Date: January 18, 2022

Applicant: Marinita Development

File/Index: Conditional Use Permit (CUP 21-001) – [Lot Line Adjustment (LLA 21-001) and Design Review Application (DRA 21-001)]

Proposal: Entitlement of a 2,560 square foot and 4,050 square foot drive-thru restaurant building on a vacant site of approximately 2.04 acres, and the installation of a Freeway Oriented Pylon Sign

Location: Northeast corner of Base Line and Buckeye Street
Assessor's Parcel Numbers: 1200-421-02 and -03

PLANNING CONDITIONS OF APPROVAL

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

This Conditional Use Permit is conditionally approved, subject to compliance with the requirements as specified below. The Conditions listed below are continuing Conditions; failure of the Applicant and/or operator to comply with any/all Conditions at any time shall result in initiating revocation of the subject permit.

- 1) This Conditional Use Permit shall become null and void:
 - a. Unless all Conditions have been complied with and the occupancy or use of the land or existing structures authorized by such Conditional Use Permit has taken place within thirty-six (36) months after the approval of said Conditional Use Permit.
 - b. Where circumstances beyond the control of the Applicant cause delays which do not permit compliance within the time limitation established in this Section, the Planning Commission may grant an extension of time every subsequent twelve (12) months, not to exceed thirty-six (36) months in total. Applications for such extensions of time must be set forth, in writing, by reasons for this extension and shall be filed together with a fee as established by the City Council, with the Planning Department sixty (60) calendar days before the expiration of the Conditional Use Permit.

- 2) The subject Conditional Use Permit entitles a 2,560 square foot drive-thru restaurant building and a 4,050 square foot drive-thru restaurant building, 84 shared parking spaces, and the installation of a maximum sixty (60) foot high Freeway Oriented Pylon Sign.
- 3) The project shall implement the development standards and uses approved for the Neighborhood Commercial land use and zoning designation, as single use commercial projects within the Mixed Use zone are subject to the Neighborhood Commercial development standards.
- 4) No storage of materials outside an enclosed building may be permitted unless expressly designed for such purpose and approved as a part of the site approvals.
- 5) The trash enclosures shall be screened on at least three sides from public view by a solid decorative wall not less than five feet in height as well as a solid roof. Permanent opaque panel gates shall be installed on all openings to the trash area.
 - a. All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
 - b. Trash areas shall not be used for storage. The premises shall be kept in neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance.
- 6) Permanent automobile parking spaces shall be paved with asphalt, or concrete and painted with clearly painted lines.
 - a. Each permanent parking space shall be no less than nine (9) feet wide and nineteen (19) feet deep, with adequate provisions for ingress and egress by a standard American passenger vehicle, except where compact car spaces have been authorized as follows:
 - b. Compact car parking spaces shall be not less than seven and a half (7.5) feet wide and less than fifteen (15) feet deep and shall be clearly marked and/or posted with signs stating "Compact Cars Only". Compact spaces shall not exceed 25% of the required parking.
 - c. All parking areas shall be provided with nighttime security lighting. Lighting shall be shielded and directed to reflect away from neighboring properties. Lighting should not exceed 0.5 foot candles of illumination beyond the property boundary.
 - d. The handicapped parking spaces shall be properly signed and striped per the Americans with Disabilities Act.

- e. Loading Zones shall be properly striped and signed.
- 7) The Applicant / Developer shall submit three (3) copies of a Final Landscape / Irrigation Plan along with appropriate fees, to the City Planning Division for plan check.
 - a. All landscaping shall be provided with a permanently maintained irrigation system.
 - b. The plants selected and planting methods used shall be suitable for the soil and climatic conditions of the Site.
 - c. Landscape Plans shall exhibit any proposed walls or fences. All walls shall be designed and constructed to incorporate design features such as tree planter wells, variable setback, split-face block, columns, or other special features to provide visual and physical relief along the wall face.
 - 8) Construction activities shall be restricted to weekdays and Saturdays between 7:00 a.m. and 7:00 p.m. only. No construction, other than interior finish work shall be conducted any time on Sundays. Construction equipment shall be muffled in accordance with manufacturer's specifications.
 - 9) Open parking areas shall be screened from view from adjacent properties and public rights-of-way using berms (maximum 3:1 slope) and/or evergreen landscaping with an ultimate maximum height of three feet.
 - 10) Off-street parking areas in commercial districts situated to be visible from any street, screening in the form of a three-foot high landscaped earthen berm or decorative wall three feet in height shall be erected between the required landscape area and the parking area.
 - 11) Prior to the issuance of Building Permits, a copy of the Utility Plan shall be submitted for review and approval. The Utility Plan shall show the location of all proposed above ground electrical transformers, utility cabinets, back flow devices, fire department detector check valves, etc.
 - 12) Revisions, modification, or deletions of associated Plans must be submitted to the Planning Division for review and approval. Revisions may require additional review by the Planning Commission.
 - 13) No permanent building construction shall commence until the tract map is recorded and the final grading and improvement plans have been approved, rough grading certified, and a building permit issued by the Building Division.
 - 14) Design and construction of all subdivision improvements shall be completed in accordance with the approved plan.

- 15) Hours of operation for both tenants shall be between 4:30 am to 12:00 am
- 16) All parking spaces shall be provided with nighttime security lighting. Lighting must be shielded and directed to reflect away from neighboring properties. Lighting shall not exceed 0.5 foot candles of illumination beyond the property boundary, as approved by the Planning Commission.
- 17) If the property will remain undeveloped for longer than 18 months after initial grading has been completed, the applicant shall submit an interim landscape plan, consisting of temporary measures for screening, hydro-seeding, and dust control. Such plan shall include the timing of installation of necessary measures, and shall be approved by the Community Development Director.
- 18) The applicant shall be responsible for making arrangements with the City's franchised waste collection and hauling services provider for any/all construction debris or solid waste generated as a result of this project.
- 19) A maximum sixty (60) foot high Freeway Oriented Pylon Sign is permitted to be installed at the southeast corner of the subject property. The upper and middle portions shall feature signage area for the tenants identified as Pad A and Pad B, respectively on the Site Plan, with illuminated channel letters and a vinyl overlay, as approved by the Planning Commission. The lower portion of the sign shall be a minimum 6' x 18' display area for an additional major tenant located off site but within the Town Center Policy Area. Mounted on both the northern and southern face of the sign column shall be the City of Highland seal, reference Exhibit 1A.
- 20) Development Impact Fees shall be paid in accordance with City Policy.
- 21) Prior to issuance of Building Permits, the Applicant/Contractor/Occupant shall submit and obtain approval from the Public Services Division, a Construction Waste Diversion Plan, in accordance with Section 8.12.285 of the Highland Municipal Code.
- 22) Prior to the start of operations (i.e. construction), the owner/developer shall obtain any necessary permits. The owner/developer shall arrange for a final inspection by representatives of the Planning Division, Building Division, Engineering Division, and Fire Department prior to occupancy of each dwelling.
- 23) *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* The Applicant shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or

court costs) in any manner arising out of or incident to the Planning Commission's actions, this approval including any conditions of approval, the City Council's actions, related entitlements, or the City's environmental review thereof. The Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the Applicant of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The Applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this condition shall be construed to require the Applicant to indemnify Indemnitees for any claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The Applicant shall deposit said amount with the City or, at the discretion of the City, enter into an agreement with the City to pay such expenses as they become due.

- 24) The Owner/Applicant is responsible for implementing all conditions of approval to the satisfaction of the Community Development Director, City Engineer, Fire Department, and Police Department. No final inspection or clearances shall be given until all conditions are met. Each condition of approval is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

City of Highland

Engineering Department

Conditions of Approval

Commercial Development – Two Drive Thru Restaurants

CUP 21-001/ DRA21-001/ LLA 21-001

NEC Buckeye Street and Base Line

- A - Required Prior to Final Map Approval
- B - Required Prior to Building Permit/Construction
- C - Required Prior to Building Occupancy
- D - Ongoing
- E - Required Prior to Grading Permit
- * - Non Standard Conditions

SOILS/GEOLOGY/GRADING

- E 1. Submit a soils report, prepared by a licensed Geotechnical Engineer, for review and approval by the City Engineer. Comply with the recommendations contained in the report and any amendments thereof as approved by the City Engineer.
- E 2. Design on-site grading to drain the entire site to the proposed WQMP BMPs, and to accommodate overflows as necessary.
- E 3. Submit rough and/or precise grading plans to the City Engineer for review and approval. Comply with the City of Highland grading standards as shown on the grading plan checklist.
- E 4. Design grading to intercept and conduct off-site tributary drainage flow around or through the project site in a manner that does not adversely affect adjacent properties.
- E 5. Submit structural design and location for any required retaining walls for review and approval by the City Engineer. Construct concrete v-ditches and drainage system at the back of retaining walls in accordance with the Grading Plan Checklist and as required by the City Engineer.
- E 6. Submit a sediment and erosion control plan to minimize potential increases in erosion and sediment transport during construction activity for City Engineer approval. Place erosion control measures during or after grading work as required by the City Engineer.
- E 7. Comply with the City's clear sight triangle criteria at public street intersections and at private driveways in grading and landscaping design. Walls, fencing, monument signs, slope, and landscaping, within the clear sight triangle, must not exceed thirty inches in height measured from the flowline of the street, unless a sight distance analysis that demonstrates sight distance is adequately maintained is submitted to and approved by the City Engineer.

- E 8. Design short term erosion control in accordance with Best Management Practices such as, hydroseeding, mulching, jute matting or plastic sheeting to protect slopes; silt fencing to control site perimeter; and straw bale barriers, sand bag barriers, rock filters or sediment basins to control internal erosion, or other methods to stabilize disturbed areas, as approved by the City Engineer.
- D 9. Implement dust control measures during construction activities including, but not limited to, daily watering of construction area as frequently as necessary during active and inactive periods, utilizing soil emulsions, limiting construction vehicle speed to 10 miles per hour, stabilizing construction entrances to prevent trackout of sediments, and street sweeping.
- B 10. Submit original wet signed and stamped rough grading certifications from the soils engineer and the grading engineer, along with compaction reports, to the City Engineer.
- C 11. Submit original wet signed and stamped final grading certification from the grading engineer to the City Engineer.

STREET IMPROVEMENTS

- C* 12. Prior to occupancy, restripe Buckeye Street/ Base Line intersection to include right only striping or as approved by City Engineer.
- C* 13. Prior to occupancy, construct the Project's southbound driveway at the Base Line aligned with the Starbucks driveway to the south to include: (1) Westbound on Base Line – right in only 14'-wide dedicated right turn lane and a right only southbound to westbound on Base Line and a bike lane, (2) Southbound on Base Line – construct a 12'-wide combination left turn/ through movements out of the Project's southbound driveway , (3) Eastbound – restripe and sign accordingly or as approved by City Engineer, and (4) Northbound – restripe and sign accordingly or as approved by City Engineer.
- C* 14. Install traffic control signs and pavement markings with locations and types approved by the City Engineer.
- B 15. Design all streets to comply with horizontal and vertical sight distance requirements in accordance with the Caltrans Highway Design Manual and the City street and storm drain improvement checklist.
- B 16. Submit street improvement and striping plans for required improvements to the City Engineer for review and approval. Indicate on the plans the location of any existing utility/facility which would affect construction of the improvements. Comply with City design standards as shown on the City's street and storm drain improvement checklist. The minimum street grade shall be 1 percent.
- B 17. Submit a design and a recommendation from a soil engineer for pavement structural sections to be constructed on various on-site and off-site roadway segments that are required for improvements. Design the pavement structural section for a service life of 20 years as outlined in Section 600 of the Caltrans Highway Design Manual. The minimum pavement structural section is 3" A.C./4" A.B. The City Engineer will provide traffic indexes to be used in the pavement design.

- B 18. All required improvements shall be designed and constructed in accordance with the State of California Accessibility Standards, Title 24 California Administrative Code.
- B 19. Design public improvements including sidewalk, drive approaches, and access ramps in accordance with all requirements of the State of California Accessibility Standards, Title 24 California Administrative Code. Truncated domes shall be dark gray Armor-Tile Cast in Place System manufactured by Engineered Plastics, Inc. Redesign and reconstruct existing frontage improvements if found not in compliance with City Standards.
- B* 20. After the SR 210/ Base Line Interchange Project constructs the Project's westbound dedicated right turn lane and the Base Line entrance to the Project, developer shall construct a traffic signal at the intersection of Base Line and the Project entrance aligned with the existing Starbucks, Popeyes, and 76 Gas Station (collectively, "south side developments") driveway to the south. The new traffic signal shall be constructed with video vehicle and bicycle detection, emergency vehicle preemption, a crosswalk on west side of the intersection, and battery back-up. Developer shall install interconnect conduits and fiber optic cable between the new signal and the existing signal at the Church Avenue/ Base Line intersection (approximately 525' to the west) and the existing signal at the Base Line/ Seine Avenue (approximately 1,100' to the east). The new traffic signal may be paid for on a cost sharing basis between the developer and the south side developments served by the traffic signal or based on a Mello-Roos tax or CFD to be established amongst the developer and the south side developments. If these cost sharing alternatives are not successful, developer may submit a revision to conditions application along with appropriate processing fee to the City to construct the traffic signal at the intersection of Baseline and Buckeye. The revision to conditions application will require further analysis and evaluation by City staff and will be scheduled for public hearings before both the Planning Commission and the City Council.
- B 21. Remove AC berm along Base Line cross gutter and construct street improvements on Base Line across the frontage of the Project, including, but not limited to, curb and gutter, match-up asphalt concrete pavement at dedicated right turn, class II aggregate base, commercial drive approach, parkway landscaping etc., in accordance with the typical sections of a Major street.
- B* 22. Construct a full width raised landscaped median on Base Line to restrict eastbound Base Line left turn movement to northbound Buckeye Street. Construct a raised landscaped median from the project entrance easterly to approximately 285' east of the project entrance centerline. Design the westbound Base Line median to include a 150' westbound left-turn pocket with a 75' taper, as approved by the City Engineer. Extend the bottom of the median curb to a depth of 4" below the street structural section.
- B* 23. Utilize and connect to existing median irrigation system including electric meter, water meter, controller, and backflow preventer with tamper resistant enclosure.
- C* 24. Install median landscaping in accordance with the approved landscape plans. Maintain median landscaping during the initial one-year plant establishment period. Obtain approval of City inspections of median landscaping at the beginning and end of the one-year maintenance period.

- B 25. Construct street improvements on eastside of Buckeye Street across the frontage of the Project where the Buckeye Street commercial driveway is proposed, including, but not limited to, curb and gutter, slot cut asphalt concrete pavement, class II aggregate base, commercial drive approach, parkway landscaping, 6'-wide curb adjacent sidewalk, underground existing overhead utilities, install L3-3 metered decorative street lights, etc., in accordance with the typical sections of a Local street.

WATER QUALITY/DRAINAGE

- E 26. Obtain approval by the City Engineer of a Final Water Quality Management Plan (F-WQMP), prepared in accordance with the City's National Pollutant Discharge Elimination System (NPDES) permit requirements in effect at the time the Conceptual Water Quality Management Plan was approved unless subsequent City NPDES permits require otherwise. The F-WQMP shall (1) be prepared, signed, and sealed by a licensed Civil Engineer, (2) include Site Design Low Impact Development and Source Control Best Management Practices (BMPs) appropriate for commercial development, (3) include a BMP implementation, operation, and funding mechanism, and (4) be certified by the property owner. The property owner shall also enter into a Stormwater BMP Transfer, Access, and Maintenance Agreement with the City on the City form. Include a copy of the recorded agreement in the F-WQMP. Construct BMPs in accordance with the approved F-WQMP.
- E 27. Submit, with the first submittal of the F-WQMP, copies of the project's grading plan, landscape plan and utility plan.
- C 28. Submit two sets of WQMP BMP Exhibits with a "WQMP BMP As-Built Certificate" wet signed and sealed by the Engineer of Record. The Certificate shall state:
- "I hereby certify that the Water Quality Management Plan Best Management Practices have been constructed under my supervision in accordance with the approved plans and are functional to the best of my knowledge."
- C* 29. Construct on-site drainage system to drain the entire site to the proposed WQMP BMPs in accordance with the Preliminary Water Quality Management Plan, and construct necessary drainage overflow facilities. Design grading, WQMP BMPs, and on-site improvements in such a manner that any overflows from the project to adjoining properties will not exceed the amount of predevelopment flows, and will not be redirected or concentrated in a manner that will adversely affect the adjoining properties.
- E 30. Prepare and submit a hydrology study to determine storm runoff quantities tributary to the site. Include hydraulic calculations to determine the size and type of all drainage facilities.
- E 31. Construct underground private storm drain, install pre-treatment catch basin inserts, Sitesaver pretreatment unit, and connect system to a StormTrap underground infiltration system with Isolator Row system shown by the approved C-WQMP and Preliminary Grading Plan, dated March 8, 2021.

LLA/DEDICATION/ANNEXATION

- B 32. Record a Lot Line Adjustment with the San Bernardino County Recorder pursuant to the provisions of the State Subdivision Map Act.
- B 33. At the time of Lot Line Adjustment submittal, include traverse calculation sheets which show error of closure, copies of recorded maps and deeds used as reference and/or showing original land division, tie notes and benchmarks referenced, and a current title report not older than 30 days. Inverse calculations will not be accepted for plan check.
- B* 34. Dedicate by separate instrument a landscape easement across the Base Line and Church Avenue frontages as approved by the City Engineer and Community Development Director.
- B* 35. Dedicate public street right-of-way on Base Line to provide a 71-foot northerly half-width public street across the project frontage and as required for right of way improvements constructed by the SR 210/ Base Line Interchange project, including decorative streetlights, curb and gutter, and 6'-wide sidewalk.
- 36. *Deleted*
- B 37. Dedicate corner property line cutoffs in accordance with City standards.
- B 38. Dedicate all public street rights-of-way and required City sidewalk easements within the project boundary by separate instruments.
- B* 39. Dedicate a 4.5' sidewalk easement to accommodate a pedestrian path to be constructed across the project entrances per Standard 213.
- B* 40. Obtain concurrence from the property owner of APN 1200-421-32, the parcel adjoining the northwest corner of the project, to construct an access gate wall between the Project's perimeter wall and the property owner's existing wall. If concurrence cannot be obtained after a verifiable good faith effort has been made, submit an alternate design for review and approval by the City Engineer.
- C* 41. Apply to the City to annex the project into the City's Landscape Maintenance District (LMD) for potential City maintenance of parkway and frontage landscaping along Base Line and Buckeye Street. Sign the ballots prepared by the City agreeing to the annexation and amount of assessment. The landscaping along the project frontages shall be maintained by the property owner. The City will maintain the landscaping along the project frontages, utilizing LMD revenue, only if the City determines that adequate maintenance is not being provided by the property owner. The amount of assessment will include the estimated on-going maintenance cost and one-time construction cost to convert the privately-maintained system to the City-maintained system.
- B* 42. Apply to the City to annex the project into the City's Consolidated Landscape and Lighting District (LMD) for maintenance of the Base Line median landscaping across the project frontage. Sign a ballot prepared by the City agreeing to the annexation and amount of assessment. The City will maintain the median landscaping utilizing LMD revenue.

FEES/PERMITS/BONDING

- D 43. Pay appropriate City fees for bond processing, district annexations, plan check, WQMP review, hydrology study review, lot line adjustment, structural calculation review, on-site and off-site inspection, utility excavation permits, GIS map update, microfilming and storage of maps and plans, and other required fees.
- E 44. Post a cash deposit to guarantee installation and maintenance of required erosion control measures. The amount of deposit shall be as approved by the City Engineer. The deposit shall not be released prior to completion of all on-site construction.
- B 45. Post a cash deposit for monumentation based on an estimate of the cost to perform the work prepared by the project surveyor or engineer as approved by the City Engineer. The deposit shall not be released prior to written verification from the surveyor or engineer that the monuments have been set and payment for the work has been received.
- E 46. Comply with applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit program. Provide an approved Rainfall Erosivity Waiver or written verification from the Regional Water Quality Control Board specifying the project's WDID number.
- E 47. Obtain a grading and/or construction permit from the City Engineer prior to any on-site grading or construction within the City's right-of-way.
- D 48. Obtain written permission from affected adjacent property and easement owners for any grading or construction work to be done outside of the Parcel Map or within easement areas.
- 49. *Deleted*
- 50. *Deleted*

UTILITIES/CONSTRUCTION

- D 51. Install construction fencing and screening in accordance with Building and Safety Division Policy 335.
- B 52. Coordinate, and where necessary, pay for the relocation of any existing public utilities as necessary.
- B 53. Provide utility services to the proposed building, including sanitary sewers, water, electric, cable, internet, gas, and telephone. All onsite utilities are to be underground.
- B 54. Reconstruct existing public improvements removed or damaged during construction as approved by the City Engineer. Pavement repair, which may include A.C. overlay, T-cut trench repair and/or slurry seal shall be across all or a portion of damaged pavement as determined by the City Engineer.
- B 55. Destroy any abandoned wells on the property or similar structures that might result in contamination of underground waters in a manner approved by the City Engineer.

- B 56. All underground structures, except those desired to be retained, must be broken in, backfilled, and inspected before covering.
- C 57. Comply with the prevailing City design and construction standards and requirements at the time of permit issuance.
- D 58. Plot all easements on grading plan and note disposition of any existing utilities, appurtenances, fences, and access roads.
- B 59. Remove and salvage existing City of Highland banner poles located on Base Line approximately 100' east of the Base Line/ Buckeye intersection.
- C 60. Install electric burd transformers, and telephone, cable television, and internet enclosures underground whenever the underground installation is an available option offered by the utility companies. If the underground installation is not an available option and utility enclosures must be installed above ground, install the above-ground utility enclosures and any flush mount utility enclosures at locations where construction of retaining walls will not be necessary for compliance with the setback requirements of the utility companies.
- D 61. Submit "Record Revisions" to construction plans which reflect the improvements as constructed, and any changes made during construction of public improvements such as streets, storm drains, parks, trails, public landscaping, etc. Provide original mylars and AutoCAD files.
- D 62. Comply with the City's Public Works Policies, Standards and Procedures prevailing at the time of permit issuance.



City of Highland, **FIRE PREVENTION DIVISION**, Conditions of Approval.

DATE : March 23, 2021

Page 1 of 3

APPLICANT :

ADDRESS : NEC Baseline Street and Buckeye Street

FILE / INDEX No.: CUP 21-001, DRA 21-001, GPA 21-001

A tiered level of mitigation options has been developed and listed below are the systems and/or modifications required for your project. Compliance of the following items are a condition of **FINAL OCCUPANCY APPROVAL**. These conditions are required as acceptable solutions to the adverse fire conditions impacting firefighting and emergency operations accompanying the site/area. They will either assist in detection and extinguishment of the fire and/or facilitate the anticipated emergency operations.

This project is protected by the City of Highland Fire Department / Cal-Fire / California Department of Forestry and Fire Protection. Prior to any construction occurring on any parcel, the applicant shall contact the city of highland fire marshal office for verification of current fire protection development requirements. All new construction shall comply with the currently adopted California Fire Code and all applicable statutes, appendices, codes, ordinances, standards and policies of the City of Highland Fire Department/ Fire Prevention Division / Cal-Fire / California Department of Forestry and Fire Protection.

Fire Department Review of all projects is required.

ALL CONSTRUCTION (New and renovations to existing) SHALL COMPLY WITH THE CALIFORNIA FIRE CODE Along with amendments as adopted within the Highland Municipal Code (Ord. #411).

Note: All weather access roads (CFC) and fire hydrant/water system installations shall be in place, inspected and approved, **PRIOR** to combustible material being brought on site.

GENERAL.

1. **HF3:** A fuel break of one hundred (100) feet (brush and weed clearance) is required prior to construction. The clearance shall be maintained on a year-round basis. **CFC & HMC**
2. **HF51:** The main electrical panel and all sub-panel(s) shall be labeled on inside cover for all circuits. **CEC**
3. **HF52:** Water heater (fuel fired), shall be properly vented to exterior of structure. Water heater shall be seismic strapped to wall and be located 18" above a garage floor. **CBC**
4. **HF48:** A class "A" roof covering structure with "bird stops" shall be installed.

ACCESS:

5. **HF8:** All access roads, public, private streets and residential driveways shall maintain a minimum vertical clearance of thirteen (13) feet-six (6) inches. **CFC**

WATER:

6. **HF25:** Minimum required fire flow, as determined by i.s.o. formula, is as follows:
COMMERCIAL; GPM = 2000; at 20 psi residual; for 2 hour duration.
System shall be looped with minimum eight (8) inch mains; six (6) inch laterals, six (6) inch risers; six (6) inch dia. Hydrants with two 2 ½" outlet(s) and one 4" outlet.
CFC APPENDIX B AND C

Note: Hydrants shall meet EVWD standards.

7. **HF29:** Fire hydrant spacing shall be:
Per California Fire Code Table C102.1 Minimum 2 hydrants.
CFC / APPENDIX B AND C.

Note: Existing fire hydrants (off-site) can be included if they meet spacing requirements. Hydrants shall not be located at the 'bulb' end of cul-de-sacs.

8. **HF38:** Approved fire hydrant(s) capable of supplying required fire flow, shall be provided to all premises upon which facilities, buildings or portions of buildings are constructed or moved within the jurisdiction. When any portion of the facility or building protected is in excess of 400 feet from a fire hydrant on a public street, as measured by an approved route around the exterior of the facility or building, additional fire hydrants or on-site fire hydrants, meeting the required fire flow, shall be provided. **CFC APPENDIX B AND C**

ADDRESSING – IDENTIFICATION:

9. **HF20: Residential** address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street. Single family dwellings shall have numbers of **4"** height, **3/4"** stroke on contrasting background. Address numbers shall be low voltage, automatically electrically illuminated where structure setback exceeds one hundred (100) feet from the access roadway or street, additional non-illuminated numbers **4"** in height, **3/4"** stroke, on contrasting background shall be displayed at property access entrance. **CFC**

FIRE PROTECTION & ALARM SYSTEMS:

10. **HF46: SMOKE DETECTORS**, hard wired in series with battery back-up, shall be installed in all sleeping areas and in all hallways and areas/rooms leading to sleeping areas. Smoke detectors shall be installed at the top of all stairways. At least one smoke detector shall be installed on the first floor level. **CARBON MONOXIDE DETECTORS** shall be installed per manufacturer's instructions minimum one per floor where fuel fired appliances and/or an attached garage is present. Units also to be hard wired in series with corresponding smoke detectors **CFC; CBC**
11. **HF60:** California Fire Code, **FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION**, shall apply to this project. it is the responsibility of the project manager to meet with the fire marshal to discuss requirements specific to this project.

Craig Sanchez, Fire Marshal
City of Highland Fire Prevention
(909) 864-8732 x 248

Building and Safety Division Conditions of Approval

Date: April 1, 2021

Applicant: Conditional Use Permit 9 Cup 21-001), Design Review Application (DRA 21-001), & General Plan Amendment (GPA 21-001) for the construction of two (2) drive-thru restaurant buildings.

Address of Applicant: Unknown

Site Location: Northeast corner of Baseline and Buckeye Street

Project #'s: CUP 21-001, DRA 21-001, GPA21-001

APN: 1200-421-02 & 1200-421-03

1. Please provide the following number of construction plans and documents listed below for the first review of the proposed project. The initial plan review time will take two weeks on most projects. The applicant will receive an application number at the time plans are submitted for Building & Safety's plan review. This number is needed to obtain information regarding your project.

- (3) Architectural Plans
- (3) Condition of Approval from all departments withing the plan sheets
- (3) Structural Plans
- (2) Structural Calculations
- (3) Plot/Site Plans
- (3) Electrical Plans
- (3) Electrical Load Calculations
- (3) Plumbing Plans/Isometrics
- (3) Mechanical Plans
- (3) HVAC Duct Layout Plans
- (2) Roof and Floor Truss Plans (as Applicable)
- (2) Title 24 Energy Calculations or within the plan sheets
- (2) Soils Report
- (3) Precise Grading Plans (labeled for reference only)
- (3) Site Disabled Access Plan
- (3) Temporary Fence Plan
- (1) Approved Health Department Plans (as applicable)

2. All structures shall be designed in accordance with the current version of the California Building Codes, including the California Green Building Standards

Code. Design all structures to comply with Seismic Design Category D, wind speed 96 MPH, at exposure "C", and Energy Climate Zone 10.

3. Prior to issuance of building permits, provide a receipt from the appropriate Unified School District stating that all school fees have been paid.
(Redlands or San Bernardino Unified School Districts)
4. Projects requiring County Health and/or San Bernardino Environmental Control, such as food services or interceptors, need to obtain those permits prior to building permit issuance.
5. All onsite utilities are to be underground. As approved by the Planning Division, utility cabinets and transformers are exempt.
6. Construction projects requiring fire permits must apply and submit fire plans prior to the issuance of the building permit, including fire sprinkler submittals.
7. Building and Safety does not release all meters until final approvals are obtained from all agencies and departments. Policy 295.
8. It has come to the City's attention that premature failures have occurred in copper piping when used within the City of Highland, particularly east of City Creek. Property Owners, Contractors and Developers are advised to analyze soil and water compositions when considering the type of pipe material to be utilized. City staff makes no recommendations on which Plumbing Code approved products or methods to be utilize, this is the responsibility of the property owner or contractor. Alternate unapproved code materials may be submitted for City approval at the time of plan submittal via an alternate material and methods application.
9. The Developer/Owner is responsible for the coordination of releasing any Deferral of Development Impact Fees or Bonds after such fees have been paid. The Developer/Owner should be aware, once the deferral notice is sent to the San Bernardino County Recorder's Office; the release process takes two to three weeks. This process will delay final Certificates of Occupancy.
10. The Developer/Owner is responsible for the coordination of the building final and occupancy. The Developer/Owner shall request clearances from each department and/or agency at least two weeks prior to requesting a final building inspection from Building and Safety. Each agency shall sign the back of the Building and Safety Job Card, or provide agency approved signed documentation, and provide a copy of the signatures to Building and Safety at the time the final inspection is requested.

11. Building and Safety inspection requests must be made by 4:00 pm. on the previous City working day to receive a next day inspection. Please contact (909) 864-2136, Ext 228.
12. A security fence with screening shall protect all construction sites. The fencing and screening shall be maintained at all times to protect pedestrians. All development projects shall submit a construction fencing plan with the construction design plans. Construction projects that have phased occupancy shall be completely separated by a construction fence that is screened and show the adjusted fence locations at each phase.
13. On site toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction toilet facilities of the non-sewer type shall conform to ANSI ZA.3 and on site per NPDES stormwater requirements.
14. All construction materials, which are not used, shall be recycled pursuant to the requirements set forth by Ordinance No. 269. Receipts from the recycle company responsible for picking up the materials shall be kept in the construction office. After the construction is complete and before final inspection, the trash receipts shall be forwarded to the City Public Services division.
15. Construction projects, requiring temporary electrical power, shall obtain an electrical permit from Building and Safety. No temporary electrical power will be granted to a project unless the following item is in place and approved by Building and Safety and the Planning Division.
 - a) Installation of a construction trailer through the "Temporary Occupancy Permit", alternatively, a security fenced area where the electrical power will be located. Installation of construction/sales trailers must be located on private property. No trailers can be located in the street unless a permit from the Engineering Department is obtained.
16. Prior to the issuance of Building Permits, on site water service shall be installed and approved by the responsible agency. On site fire hydrants shall be approved by the Fire Department. No flammable materials will be allowed on the site until the fire hydrants are established and approved. No flammable construction materials shall be placed on the site without approvals by the Fire Department. All street and access roadways around the project shall be paved for emergency response vehicles before flammable materials are placed on the project.
17. Prior to issuance of building permits, site-grading certifications, compaction reports, and survey report shall be submitted to Building and Safety and/or to Public Works, as applicable.

18. Identify if a new gas meter service is to be installed or connection to the existing service meter.
19. All construction projects shall comply with the NPDES Stormwater Best Management Program. Prior to building permit issuance submit copy of the Water Quality Management Program Report. (WQMP)
20. All deferred plan items are to be identified on the plans cover sheet.
21. The dwelling's sewer is to be connected to the public sewer system when provided.
22. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel. The accessible route(s) of travel shall be the most practical direct route.
23. Demolition of any onsite structures requires the following information or action.
 - a. Submit copies of the property title at permit submittal.
 - b. Provide copy of the hazardous materials survey (asbestos and lead) for each structure.
 - c. Contact the City of Highland Public Services Division for current abatement and documentation requirements prior to performing demolition.
24. For the removal of fuel storage tanks, or other excavations involving backfill, a compaction shall be filed with the Building Division. Fuel storage tank removal will require notification of San Bernardino County Fire, Hazardous Materials and San Bernardino County Environmental Health Department.
25. All dead and removed trees and foliage is to be properly removed from the site.
26. The City enforces the State of California provisions of the California Building Code disabled access requirements. The Federal Americans with Disabilities Act (ADA) standards may differ in some cases from the California State requirements, therefore it is the building owner's responsibility to be aware of those differences and comply accordingly.
27. Prior to final inspection, provide Building & Safety with a flash disk of the final approved amended plans and documents.

Exhibit 5:
Conditions of Approval (DRA 21-001)

CITY OF HIGHLAND
PLANNING DIVISION CONDITIONS OF APPROVAL

Date: January 18, 2022

Applicant: Marinita Development

File/Index: Design Review Application (DRA 21-001) – [Related Projects: Lot Line Adjustment (LLA 21-001) and Conditional Use Permit (CUP 21-001)]

Proposal: Construction of a 2,560 square foot and 4,050 square foot drive-thru restaurant building on a vacant site of approximately 2.04 acres.

Location: Northeast corner of Base Line and Buckeye Street
Assessor's Parcel Numbers: 1200-421-02 and -03

PLANNING CONDITIONS OF APPROVAL

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

This Design Review Application is conditionally approved, subject to compliance with the requirements as specified below. The Conditions listed below are continuing Conditions; failure of the Applicant and/or operator to comply with any/all Conditions at any time shall result in initiating revocation of the subject permit.

- 1) This Design Review Application shall become null and void:
 - a. Unless all Conditions have been complied with and the occupancy or use of the land or existing structures authorized by such Conditional Use Permit has taken place within thirty-six (36) months after the approval of said Design Review Application.
 - b. Where circumstances beyond the control of the Applicant cause delays which do not permit compliance within the time limitation established in this Section, the Planning Commission may grant an extension of time every subsequent twelve (12) months, not to exceed thirty-six (36) months in total. Applications for such extensions of time must be set forth, in writing, by reasons for this extension and shall be filed together with a fee as established by the City Council, with the Planning Department sixty (60) calendar days before the expiration of the Design Review Application.

- 2) The subject Design Review Application pertains to the construction of a 2,560 square foot and 4,050 square foot drive-thru restaurant building on a vacant site of approximately 2.04 acres.
- 3) The project shall implement the development standards and uses approved for the Neighborhood Commercial land use and zoning designation, as single use commercial projects within the Mixed Use zone are subject to the Neighborhood Commercial development standards.
- 4) No storage of materials outside an enclosed building may be permitted unless expressly designed for such purpose and approved as a part of the site approvals.
- 5) The Mixed Use site shall feature a minimum of 5 feet of landscaping along all streetside setbacks. Landscape planters shall be surrounded by masonry or concrete curbs and so arranged as to prevent motor vehicles from driving onto or over them.
 - (a) Trees planted adjacent to existing overhead utility wires shall be subject to the height and clearance restrictions set in place by the applicable utility providers.
 - (b) Tree species requiring hard pruning to maintain utility clearance once trees are mature shall be avoided.
 - (c) Ensure that right-of-way trees are spaced in a manner where they do not obstruct clear sight lines.
 - (d) On-site trash enclosures should incorporate overhead trellises (if permitted by the City's Public Services Division).
 - (e) Planters between parking lot and storefronts shall be protected from foot traffic by a perimeter curb, or potentially, raised planters at seat wall height.
- 6) All ground mounted, as well as wall mounted mechanical, electrical, or gas equipment shall be screened from public view by the use of landscaping and/or architectural treatments compatible with the adjoining Building's architectural design.
- 7) All rooftop mounted mechanical equipment shall be screened from public view. This can be accomplished by Architectural Treatments of parapets equal in height to the tallest piece of roof-mounted equipment.
- 8) Lighting shall meet the following HMC standards from Table 16.40.160.A for medium activity commercial uses or other similar Standards, as approved by the Planning Commission:
 - a. In no case should illumination exceed 0.5 footcandles measured at the property line.

- b. All lighting fixtures shall be adjusted or designed to shine downwards to avoid spillover and glare on the surrounding community.
 - c. No floodlights or other up-lighting shall be permitted to be attached to parking lot standards for the purpose of illuminating the building.
 - d. Security lighting shall be installed to adequately illuminate the Facility. All security lighting shall be shielded and directed away from surrounding residential uses, businesses, and public right-of-way, and not be of unusually high intensity.
 - e. No lighting shall blink, flash, or be of unusually high intensity or brightness.
 - f. Parking lot light standards and building mounted fixtures shall not extend above building eaves.
- 9) All trees in planter islands, or within six feet (6) of hardscape, shall be planted with root barriers.
 - 10) Shrubs located in front of parking stalls shall be planted approximately two feet (2) from the curb face to prevent possible damage from vehicle overhang.
 - 11) The Development Impact Fees shall be calculated and paid in accordance with City policy.
 - 12) Prior to the issuance of Building Permits, a copy of the Utility Plan shall be submitted for review and approval. The Utility Plan shall show the location of all proposed above ground electrical transformers, utility cabinets, back flow devices, fire department detector check valves, etc.
 - 13) Revisions, modification, or deletions of associated Plans must be submitted to the Planning Division for review and approval. Revisions may require additional review by the Planning Commission.
 - 14) *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* The Applicant shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to the Planning Commission's actions, this approval including any conditions of approval, the City Council's actions, related entitlements, or the City's environmental review thereof. The Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action,

or other legal proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the Applicant of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The Applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this condition shall be construed to require the Applicant to indemnify Indemnitees for any claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The Applicant shall deposit said amount with the City or, at the discretion of the City, enter into an agreement with the City to pay such expenses as they become due.