

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

December 6, 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 📠

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance, please contact the City Clerk's office at (909) 864-6861, ext. 226, at least 72 hours prior to the meeting for any requests for reasonable accommodation to include interpreters.

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: For those wishing to make public comments by email, please submit your comments by email to be read aloud at the meeting. Email comments must be submitted by 5:00 p.m. on December 6, 2022 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the December 6, 2022 agenda, please identify the agenda item number in the subject line.

For those wishing to make public comments 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 close of the public hearing on the corresponding item to be considered part of the record. Please email your comments at publiccomment@cityofhighland.org.

Members of the public will be permitted to make public comments in person.

**PLANNING COMMISSION
REGULAR MEETING AGENDA
December 6, 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 December 6, 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 November 1, 2022 Regular Meeting.
RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.
2. Minutes from the November 15, 2022 Regular Meeting.
RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.

PUBLIC HEARINGS

3. Amendment to Design Review Application DRA 22-012 for revised Building Elevations related to the development of a contractor's equipment rental business approved on October 18, 2022. (Related entitlements: Conditional Use Permit CUP 22-009 and Parcel Merger PM 22-001 also approved October 18, 2022) (APN No. 1192-641-12, 22, & 23)

RECOMMENDATION: Staff recommends the Planning Commission adopt Resolution No. 2022 - ____, approving an amendment to Design Review Application DRA 22-012 for revised Building Elevations in compliance with Planning Department Condition No. 29.

4. Accessory Sign Review (ASR 22-006) to establish a comprehensive sign program for the installation of one (1) 22-foot-long building mounted sign, two (2) 7-foot-tall monument signs, and one (1) 16-foot-tall monument sign for a fueling station and convenience store lot. (APN No. 1192-641-01)

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 2022-____ to approve Accessory Sign Review (ASR 22-006) to establish a sign program for a fueling station and convenience store, subject to the height determination for the corner monument sign (C2), Conditions of Approval, and Findings of Fact; and
2. Direct Staff to file a Notice of Exemption with the County Clerk of the Board.

5. Design Review Application (DRA 21-001B) for revised building elevations related to the construction of a 4,050 square foot multi-tenant drive-thru restaurant building on approximately 1.1 acres at the northeast corner of Base Line and Buckeye Street previously approved under Design Review Application (DRA 21-001) on January 18, 2022. (APN No. 1200-421-02)

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution 2022-____, to approve Design Review Application (DRA 21-001B), 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.

ANNOUNCEMENTS

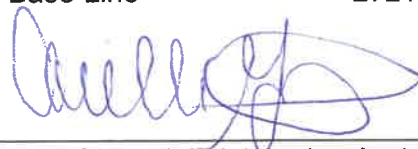
ADJOURN

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 30th of November 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: November 30, 2022

Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: December 6, 2022

FROM: Lawrence Mainez, Community Development Director

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

SUBJECT: Minutes from the November 1, 2022 Planning Commission Regular Meeting.

RECOMMENDATION: Staff recommends the Planning Commission approve the revised 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 _____		
<i>Camille Goritz</i> Recording Secretary		<i>Lawrence Mainez</i> Community Development Director	

**PLANNING COMMISSION REGULAR MEETING MINUTES
November 1, 2022 – 6:00 P.M.**

CALL TO ORDER

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

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

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Gary Chambers, Code Enforcement Officer
Camille Goritz, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the October 18, 2022 Regular Meeting.

A MOTION was made by Commissioner Miller, seconded by Commissioner Amaya, to bring back the revised minutes for approval to the November 15, 2022 meeting. Motion carried, 5-0.

PUBLIC HEARINGS

2. Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 6815 Grove Ave, Highland, CA 92346, Tax Assessor's Parcel Number 1200-251-47.

Code Enforcement Officer Chambers presented the staff report.

Commissioner Amaya asked when was the last time Mr. Hodges contacted?

Code Enforcement Officer Chambers stated I have tried contacting him several times over the phone. A month ago, I called him, and he asked to give him more time since he had been working on bringing the property into compliance and every time, we would set a date he would cancel. He has paid half the fines so far.

Commissioner Amaya asked have you spoken to the property owner?

Code Enforcement Officer Chambers stated no, her boyfriend handles the affairs on the property.

Chair Hamerly stated the citation notes that the city is requesting that all the material the debris be removed, and there are some items on there that look like they would be considered hazardous materials. There should be a specific reference in there saying that they must be properly disposed of, not just removed from the site. Batteries or any solvents, etc. that might require special disposal needs to be taken to a certified site. The second was the. There are some storage units or sheds in the back, if those are not permitted, they need to be legalized.

Code Enforcement Officer Chambers stated I believe they are five feet away from the property. They look like they were under 120 square feet.

Kelly Hendrickson, Public Speaker stated my husband and I have lived in our house for 27 years. When Wendy and Erin moved in the junk started coming and my husband has talked to Erin many times. He is very nice; he tells us what we want to hear and then doesn't do anything about it so we decided to call and see what we could do. Now he has two sheds, and it looks like he's trying to build another one. We have mouse poop in between our fences. We have it on concrete ledge, and I'm concerned about the rodents. We have grandkids, dogs, and we are just concerned about that.

Commissioner Sutorus stated I am concerned about the battery acid that is on the ground, it will leak through floor mats and anything.

Community Development Director Mainez stated on page nine of your staff report #7, it has a couple of items there that the homeowner needs to comply with within 60 days. I would just suggest to state remove all outside storage, junk, trash debris or rubbish from the property and dispose of hazardous waste at a certified disposal site. Per your direction, we'll provide that information to the homeowner.

A MOTION was made by Commissioner Miller, seconded by Commissioner Sutorus, to the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 -040, declaring the existence of a public nuisance on the Property generally located at 6815 Grove Ave, Highland, CA 92346, and order the abatement thereof. Motion carried, 5-0.

RESOLUTION 2022-040

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN 1200-251-47 GENERALLY LOCATED AT 6815 GROVE AVE., HIGHLAND, CALIFORNIA 92346, AND ORDERING THE OWNER OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

3. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 7466 Seine Ave, Highland, CA 92346, Tax Assessor's Parcel Number 1201-101-24.

Code Enforcement Officer Chambers presented the staff report.

Commissioner Amaya asked to receive city approval, the city will inspect it and if it is not compliant then the owner would have to tear it down, correct?

Code Enforcement Officer Chambers replied correct.

Chair Hamerly asked has the Planning Department looked at this and have they confirmed whether the constructed additions are within the setbacks?

Code Enforcement Officer Chambers stated the one on the north side that was constructed on the side of the house, he maybe within those five feet of the property line. Either way he has to come in and obtain a permit, and therefore he would have to provide a plot plan showing the setback requirements and if he doesn't meet him then he's going to have to remove it.

A MOTION was made by Commissioner Miller, seconded by Commissioner Amaya, to conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 -041, declaring the existence of a public nuisance on the Property generally located at 7466 Seine Ave, Highland, CA 92346, and order the abatement thereof. Motion carried, 5-0.

RESOLUTION 2022-041

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN 1201-101-24 GENERALLY LOCATED AT 7466 SEINE AVE., HIGHLAND, CALIFORNIA 92346, AND ORDERING THE OWNER OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

4. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 7057 Buchanan Ave, San Bernardino, CA 92404, Tax Assessor's Parcel Number 1191-161-05.

Code Enforcement Officer Chambers presented the staff report.

Chair Hamerly asked regarding the vehicles that are parked in the front yard within the front set back, the recitation of that was that all vehicles need to be parked on an improved surface?

Code Enforcement Officer Chambers stated that is correct.

Chair Hamerly asked what are the limitations within the Highland Municipal Code for the percentage of the front yard that could be converted to an improved surface for the purposes of parking?

Code Enforcement Officer Chambers stated 60% of the front yard has to be landscaped.

Chair Hamerly stated it looks like they would be approximately one additional parking space, which given the existing two cars plus the area along the side where the trash containers are located, the remainder would have to be landscape, right?

Code Enforcement Officer Chambers stated that's correct.

Chair Hamerly stated there will be modifications to the trash enclosure.

A MOTION was made by Commissioner Sutorus, seconded by Commissioner Miller, to conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 -042, declaring the existence of a public nuisance on the Property generally located at 7057 Buchanan Ave, San Bernardino, CA 92404 as modified. (within the corporate boundaries of the City of Highland), and order the abatement thereof.

RESOLUTION 2022-042

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN 1191-161-05 GENERALLY LOCATED AT 7057 BUCHANAN AVE., SAN BERNARDINO, CALIFORNIA 92404, AND ORDERING THE OWNER OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled November 15, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:39 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: December 6, 2022

FROM: Lawrence Mainez, Community Development Director

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

SUBJECT: Minutes from the November 15, 2022 Planning Commission Regular Meeting.

RECOMMENDATION: Staff recommends the Planning Commission approve the revised 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 _____		
<i>Camille Goritz</i>		<i>Lawrence Mainez</i>	
Recording Secretary		Community Development Director	

**PLANNING COMMISSION REGULAR MEETING MINUTES
November 15, 2022 – 6:00 P.M.**

CALL TO ORDER

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

Present:	Chair	Randall Hamerly
	Vice Chair	Chandra Thomas
	Commissioner	Edward Amaya
	Commissioner	Jarrold Miller

Absent:	Commissioner	Jessica Sutorus
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Staff Present:	Lawrence Mainez, Community Development Director
	Kim Stater, Assistant Community Development Director
	Carlos Zamano, City Engineer
	Camille Goritz, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the October 18, 2022 Regular Meeting.

A MOTION was made by Commissioner Miller, seconded by Commissioner Amaya, to approve as amended. Motion carried, 4-0, with Commissioner Sutorus being absent.

PUBLIC HEARING

2. Consideration of an Initial Study / Mitigated Negative Declaration for a City project to build 2.3 miles of Class I and Class II bikeways and appurtenant features along City Creek Levee and Alabama Street.

Assistant Community Development Director Stater presented the staff report.

Commissioner Amaya asked regarding the upkeep of the trail for the future is that going to be between the cities of Highland and San Bernardino?

City Engineer Zamano stated yes, the portion that pertains to the City of San Bernardino is very small, which they'll have to maintain that themselves. The Class 2 bike way that would be constructed along the segment on Palm Avenue between 3rd Street, the south city limit. Our city is going to be required to do the maintenance, in particular Flood Control.

Commissioner Amaya stated there is a lot of homeless and in the future if there are encampments, would Public Works be going out and maybe doing outreach?

City Engineer Zamano stated we will do that. We'll coordinate with Code Enforcement Officer Owens and with Staff to make sure we address the homeless issue because it's out there and we know that this project unfortunately is going to attract more. We will even involve the Sheriff's Department as necessary.

Commissioner Miller asked in the sections it looks like it's PCC concrete that is being proposed for the trails, is that correct?

City Engineer Zamano replied correct.

Commissioner Miller asked it looks like 70-78 foot wide and in some cases a 93-foot wide, concrete impervious surface added the top of the levee?

City Engineer Zamano stated no, the cross sections that you're looking at, is the cross section is Alabama Street and 3rd Street.

Commissioner Miller stated ok, we are looking at an 18-foot impervious section that will be added to the top of the levee.

Assistant Community Development Director Stater stated yes, 18 and 16 at the bottom.

Commissioner Miller stated so you're potentially generating a significant amount more of runoff than what currently occurs there, and if we looked at the condition of those side slopes, those side slopes are barren, not stabilized features. Is there going to be mitigation measures in place to address the potential additional runoff?

City Engineer Zamano stated yes, to address the drainage that is now going to be collected that is something that we are doing as part of the design effort. KOA is the consultant who's doing the design for this project. Unfortunately, the Engineer that is working on was unable to be at the meeting, but there are measures in place.

Commissioner Miller stated these levee systems are really important and adding features that could potentially contribute to erosion is certainly a concern, and if we could address it in the design then that limits the amount of funds that you are spending on maintenance. In addition to that, negotiating your 401 and 404 permit with the resource agencies they are going to want to see some level of mitigation. This is a recommendation and a concern based on the location of this bike path being on the top of a levee. The levee right now is a provisionally accredited levee, is there any correspondence or coordination that needs to occur with FEMA based on fill quantities or grading?

City Engineer Zamano stated we are still going through the permit process, but we do not think so because we are not going to change the grades all that significant. We don't create more work than we need to construct this facility.

Commissioner Miller stated the specific elevations that run along that edge condition, we are containing the 100-year storm within that within that channel and raise it a little bit to add a little bit of additional protection. Regarding drainage and looking at the checklist included in the initial study when we look at the items under hydrology and water quality most of them are either identified as less than significant impact or no impact. As it relates to potential erosion there are some potential impacts there that can be mitigated with adequate design and drainage, but right now that's identified as less than significant impact. Could the consultant speak to that about the rationalization for including a less than significant impact for erosion?

Freddie Olmos, Environmental Consultant stated to your question regarding erosion the project will have a Water Quality Management Plan (WQMP) and there would be a best management practices to help control with erosion. So, the justification for the lesser significant impact was using Public Works the City of Highland standard best management practices to control erosion which also includes the WQMP.

Chair Hamerly asked if your BMPs are primarily during construction, are there any specific permanent measures that are included as city standards?

Freddie Olmos stated that would be part of KOA's design.

Chair Hamerly stated so, for paving a big portion of levee, is it the intent that the primary direction of flow or drainage would be directing all the water into the channel or away from the channel?

City Engineer Zamano stated our intent is to keep the drainage away from the channel because of erosion issues, but again, we're still working through those details in the design.

Chair Hamerly stated it looks like that curve is intended to direct the water away from one of those slopes and direct at the other direction. If it is on the outer portion of it, if you have a levee, I am assuming it is compacted so that it's stable and able to resist the force of the water during storm events. How much would that material percolate in reality that's been thoroughly compacted as a levee?

City Engineer Zamano stated we will have to look at the design, we would have to look at it and evaluate it and see if there's opportunity to connect it to an existing storm drain nearby or something to that effect.

Chair Hamerly stated regarding the disturbance, my understanding was most of that Channel was pretty well torn up not that long ago, and this doesn't look like the scope of this project has much additional grading. How many of these mitigation measures are just boilerplate and how many have really been identified as growing on the levee now?

Freddie Olmos stated the project length is 2.3 miles and so we did do a site-specific biological survey twice and a Biological Reconnaissance survey. Reconnaissance survey covers 100% of the project site and a 500-foot buffer so you do identify direct impacts, and anything right adjacent to it. Also, what could happen from noise or dust, in particular to plants or animals that are adjacent to the project site. We identified Woolly Star that were growing right up to the street, and we did a survey on the Kangaroo Rat which is in a federally endangered species, and it was found and caught. The project will have to go through a biological assessment with the United States Fish and Wildlife Service (USFWS) and State Fish and Wildlife Service to get a site-specific Incidental Take Permit for the federal and state endangered species.

Chair Hamerly stated under the project description, some of the things noted were the pavement striping and pavement markings, is this stretch part of a larger program and if there are mileage markers just to indicate how far you're walking, running, and riding?

City Engineer Zamano stated I don't recall if we've included that, but that's not a bad idea to add it in and see how much it is to incorporate that.

Chair Hamerly asked since there is very little grading, the chances of getting to a depth sufficient to discover any paleontological resources is probably minimal?

City Engineer Zamano stated we think so, but we don't know for sure.

Chair Hamerly asked How far north is it ultimately proposed to take it? Is it going to end at Highland Ave or is Base Line the ultimate terminus?

City Engineer Zamano stated Base Line. I've had conversations with Caltrans already because we're actually looking at excluding that little bit from this project and folding it into the Base Line bridge at City Creek Project, because what we've discovered is that in order to construct a portion of this trail, we need to have built the new bridge

Chair Hamerly asked is Boulder Avenue proposed to be an underpass and obviously under 210 freeway?

City Engineer Zamano stated yes, the segment at Boulder Ave and City Creek has already actually been built.

Chair Hamerly stated the abutments underneath the bridge, were those areas developed so that it doesn't become an attractive shelter?

City Engineer Zamano stated we did consider that, but if we do not do the vertical wall, it pushes us further into the Creek, and you have to strike that balance. We are trying not to make it an attractive look for the homeless, but the problem is, no matter what we do, you're going to attract them to this area. We will just have to be vigilant to make sure we keep them out and our public works staff will be monitoring these areas after they're built and then monitor them regularly.

Chair Hamerly stated a big portion of the report was stating site prep and construction, has work has already been done? It is on appendix A, the air quality model data outputs.

Freddie Olmos stated there is a section regarding air quality greenhouse gas and energy, so we run models and that was in 2021 with the inputs for construction and operation. It's a scenario.

Chair Hamerly opened and closed the public hearing.

A MOTION was made by Commissioner Amaya, seconded by Vice Chair Thomas, to adopt Resolution No. 2022-043, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Environmental Application No. ENV 19-001.

PC RESOLUTION NO. 2022 – 043

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR A PROJECT TITLED 'CITY CREEK-ALABAMA STREET BIKEWAYS PROJECT CITY PROJECT NO. str17001' LOCATED ALONG THE WEST LEVEE OF CITY CREEK FROM BASE LINE TO ALABAMA STREET WITHIN THE CITY OF HIGHLAND AND ALONG BOTH SIDES OF ALABAMA STREET FROM 3RD STREET SOUTH APPROXIMATELY 2,000 FEET WITHIN THE LIMITS OF THE CITIES OF HIGHLAND AND SAN BERNARDINO (ENVIRONMENTAL REVIEW NO. ENV-19-001)

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled December 6, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:47 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: December 6, 2022

FROM: Lawrence A. Mainez, Community Development Director

PREPARED BY: Kim Stater, Assistant Community Development Director *VS*

SUBJECT: Amendment to Design Review Application DRA 22-012 for revised Building Elevations related to the development of a contractor's equipment rental business approved on October 18, 2022. (*Related entitlements: Conditional Use Permit CUP 22-009 and Parcel Merger PM 22-001 also approved October 18, 2022*)

LOCATION: A 1.25 acre site spanning 3rd Street to 5th Street, approximately 900 feet west of Palm Avenue.
Assessor's Parcel Numbers: 1192-641-12, 22, & 23.

OWNER/REP.: CHPT Highland 210 / Crow Holdings Industrial

BUSINESS OPERATOR: American Rentals

RECOMMENDATION: Staff recommends the Planning Commission adopt Resolution No. 2022-_____, approving an amendment to Design Review Application DRA 22-012 for revised Building Elevations in compliance with Planning Department Condition No. 29.

PUBLIC NOTICE: As required by City Council Resolution, Notice of the Public Hearing was posted at the City's three designated posting locations within the City. On November 25, 2022, a Legal Ad regarding the item was published in the SB Sun newspaper. The Notice was posted on the City's Website and mailed to interested agencies and property owners within 300 feet of the site on November 9, 2022. No public comments were received.

PREVIOUS ACTION: On October 18, 2022, the Planning Commission approved entitlements associated with the relocation of 'American Rentals' equipment rental business. These included Conditional Use Permit 22-009 to allow the use and its

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

specific operating characteristics, Design Review Application DRA 22-012 for the Site Plan, partial Building Elevations, Rough Grading Plan and Conceptual Landscape Plan, and Parcel Merger 22-001 to consolidate the properties into one lot.

PROJECT REVIEW: During the October 18, 2022 public hearing, the Commission voiced concerns regarding the narrow/tall aspect of the building's north elevation which is the main entry to the business. The building was proposed to be 28' tall with the parapet extending an additional 2' for an overall height of 30' at the northeast corner. The Commission noted that, "it is coming across very tall and it is suffering because of the dark mass that is on the eastern side of the façade, it makes it look even taller and narrow. Is there a different way to articulate that, or is there any way of stepping down that edge of the building so that it's not so tall and skinny?"

Although the Commission ultimately approved the project, they added Planning Condition No. 29 requiring the building elevations to be resubmitted with consideration to the north elevation.

The Applicant submitted revised elevations on November 3, 2022, and included these changes:

- The front elevation color from was changed from the dark accent color "Phantom Mist" to a lighter "Antique Silver"
- The front parapet was lowered 5' from 30' to 25'
- The remaining building was also lowered 5' from 28' to 23'

Staff recommends the Planning Commission determine if the amendments adequately address the Commission's concerns (Attachment 1 – Project Plans).

ENVIRONMENTAL REVIEW: A Notice of Exemption, citing Section 15332, *In-fill Development* was filed for the project on October 21, 2022. The approval of revised Building Elevations does not require further evaluation.

ATTACHMENTS:

- 1) Project Plan Set
 - 1 – Site Plan for reference only
 - 2 – Floor Plan for reference only
 - 3 – Elevations
 - 4 – Conceptual Landscape Plan for reference only
- 2) Resolution No. 2022 - _____

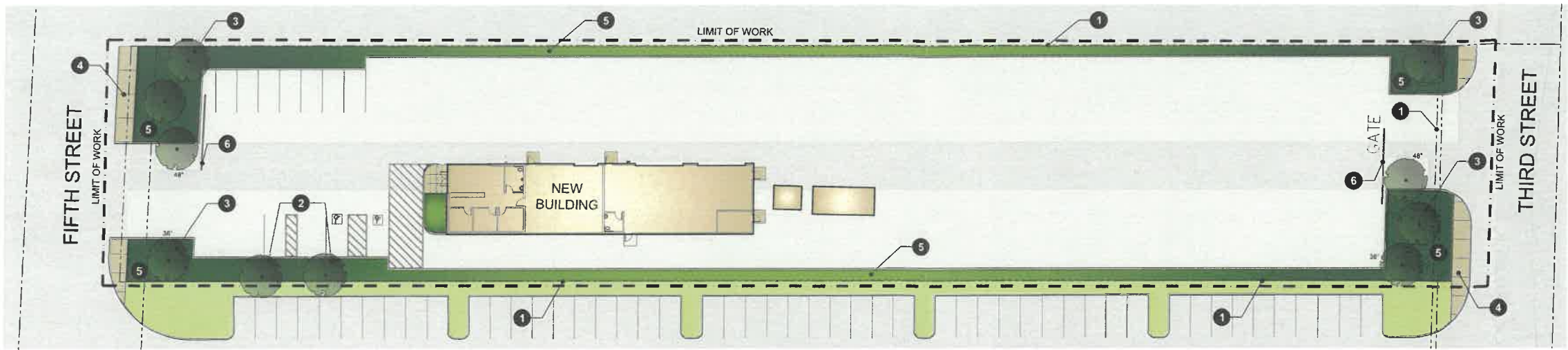
ATTACHMENT 1
Project Plan Set



- NOTES:**
-
1. ALL ROOFTOP MECH. EQUIPMENT SHALL BE SCREENED FROM VIEW.
 2. PROVIDE GRAFFITI RESISTANT COATING TO A HEIGHT OF 12 FEET ON THE WEST ELEVATION.

- KEYNOTES:** (W)
1. PAINTED CONCRETE TILT-UP PANELS W/ ACID REVEALS AS SHOWN.
 2. REFLECTIVE BLUE GLASS IN CLEAR ANODIZED ALUMINUM MULLION SYSTEM.
 3. ALUMINUM FINISHED CANOPY OVER ENTRY.
 4. ENTRY WITH PRIMARY GLASS ENTRANCE DOORS.
 5. PAINTED 20'-0" X 14' GRADE LEVEL VERTICAL LIFT METAL TRUCK DOOR ASSEMBLY. SEE DOOR SCHEDULE.
 6. PAINTED 10' X 10' GRADE LEVEL VERTICAL LIFT METAL TRUCK DOOR ASSEMBLY. SEE DOOR SCHEDULE.
 7. CONCRETE TILT-UP SCREEN WALL PAINT AND REVEALS AS SHOWN TO MATCH BUILDING.





- LEGEND
- 1 PROPERTY LINE
 - 2 PROPOSED PARKING SHADE TREES
 - 3 PROPOSED SCREEN TREES
 - 4 PUBLIC SIDEWALK
 - 5 DROUGHT TOLERANT SHRUB PLANTING
 - 6 METAL GATE

CITY LANDSCAPE NOTES:

- MINIMUM 50% OF TREES TO BE 24" BOX.
- MINIMUM 15% OF TREES TO BE 36" BOX.
- MINIMUM 15% OF TREES TO BE 48" BOX.
- MINIMUM 80% OF SHRUBS TO BE 5 GALLON
- MINIMUM 20% OF SHRUBS TO BE 1 GALLON
- GROUNDCOVER TO BE PLANTED TO ACHIEVE 100% COVERAGE WITHIN (1) YEAR.
- 24" BOX TREES SHALL HAVE MINIMUM 3/4" CALIPER, 8' HEIGHT AND 4' SPREAD.

PROPOSED PLANT PALETTE

TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE / FORM	HT. X SPREAD X CAL. (MIN.)	WATER USE	DESCRIPTION	%	QTY.
	QUERCUS AGRIFOLIA	COAST LIVE OAK	24" BOX STD.	9'H X 4'W X 1-3/4" C	L	PARKING AREA SHADE CANOPY	70	8
			36" BOX	11'H X 3'W X 2-1/2" C			15	2
			48" BOX STD.	14'H X 6'W X 3-1/2" C			15	2

BACKGROUND SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE	DESCRIPTION
	ROSA 'ICEBERG'	ICEBERG ROSE	5 GAL.	48" O.C.	M	LARGE FLOWERING
	LIGUSTRUM JAPONICA 'TEXANUM'	TEXAS PRIVET	5 GAL.	36" O.C.	L	SCREENING HEDGE
	OLEA X MONTRA 'LITTLE OLLIE'	LITTLE OLLIE	5 GAL.	48" O.C.	L	FORMAL SCREENING HEDGE
	LEUCOPHYLLUM F. 'GREEN CLOUD'	TEXAS RANGER	5 GAL.	60" O.C.	L	LARGE FLOWERING

MIDGROUND SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE	DESCRIPTION
	MUHLENBERGIA RIGENS	DEER GRASS	1 GAL.	36" O.C.	L	ORNAMENTAL GRASS
	RHAMPHILEPIS UMBELLATA 'MINOR'	DWARF YEDDO HAWTHORN	5 GAL.	36" O.C.	L	FLOWERING ACCENT
	ROSMARINUS O. 'TUSCAN BLUE'	TUSCAN BLUE ROSEMARY	5 GAL.	36" O.C.	L	FLOWERING ACCENT
	CALLISTEMON 'LITTLE JOHN'	DWARF BOTTLE BRUSH	5 GAL.	36" O.C.	L	FLOWERING ACCENT
	BACCHARIS PILULARIS 'TWIN PEAKS'	TWIN PEAKS COYOTE BRUSH	5 GAL.	36" O.C.	L	CALIFORNIA NATIVE

FOREGROUND SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE	DESCRIPTION
	DIANELLA 'LITTLE REV'	LITTLE REV FLAX LILY	1 GAL.	24" O.C.	L	STRAPPY ACCENT
	FESTUCA MAIREI	ATLAS FESCUE	1 GAL.	30" O.C.	L	ORNAMENTAL GRASS
	HESPERALOE PARVIFLORA	RED YUCCA	1 GAL.	36" O.C.	L	FLOWERING ACCENT
	LOMANDRA LONGIFOLIA 'LOMLON'	LOMLON MOOR GRASS	1 GAL.	36" O.C.	L	ORNAMENTAL GRASS
	COTONEASTER DAMMERI 'LOWFAST'	BEARBERRY COTONEASTER	1 GAL.	36" O.C.	L	EVERGREEN LOW SHRUB

GROUNDCOVERS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE	DESCRIPTION
	ACACIA REDOLENS 'LOW BOY'	PROSTRATE ACACIA	1 GAL.	8" O.C.	VL	EVERGREEN GROUNDCOVER
	BACCHARIS P. 'PIGEON POINT'	DWARF COYOTE BRUSH	1 GAL.	48" O.C.	L	EVERGREEN GROUNDCOVER
	LONICERA J. 'HALLIANA'	HALL'S HONEYSUCKLE	1 GAL.	36" O.C.	L	FLOWERING GROUNDCOVER
	ROSA X 'FLOWER CARPET RED'	RED CARPET ROSE	1 GAL.	36" O.C.	M	FLOWERING GROUNDCOVER
	ROSMARINUS O. 'HUNTINGTON CARPET'	PROSTRATE ROSEMARY	FLATS	12" O.C.	L	EVERGREEN GROUNDCOVER

VINES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE	DESCRIPTION
	DISTICTUS BUCCINATORIA	BLOOD-RED TRUMPET VINE	1 GAL. / STAKED	PER PLAN	M	FLOWERING VINE

WATER USE KEY:
VL = VERY LOW WATER USE, L = LOW WATER USE, M = MODERATE WATER USE, H = HIGH WATER USE. WATER USE STATED IS PER WATER USE CLASSIFICATION OF LANDSCAPE SPECIES (ALSO REFERRED TO AS WUCOLS W) FOR CITY OF HIGHLAND

FOREGROUND SHRUBS



DIANELLA 'LITTLE REV' /
LITTLE REV FLAX LILY



FESTUCA MAIREI /
ATLAS FESCUE



HESPERALOE PARVIFLORA /
RED YUCCA



LOMANDRA LONGIFOLIA
'LOMLON' /
LOMLON MOOR GRASS



COTONEASTER DAMMERI
'LOWFAST' /
BEARBERRY COTONEASTER

MIDGROUND SHRUBS



MUHLENBERGIA RIGENS /
DEER GRASS



RHAMPHILEPIS UMBELLATA
'MINOR' /
DWARF YEDDO HAWTHORN



ROSMARINUS O. 'TUSCAN BLUE' /
TUSCAN BLUE ROSEMARY



CALLISTEMON 'LITTLE JOHN' /
DWARF BOTTLEBRUSH



BACCHARIS PILULARIS 'TWIN PEAKS' /
TWIN PEAKS COYOTE BRUSH

BACKGROUND SHRUBS



ROSA 'ICEBERG' /
ICEBERG ROSE



LIGUSTRUM JAPONICA 'TEXANUM' /
TEXAS PRIVET



OLEA X MONTRA 'LITTLE OLLIE' /
LITTLE OLLIE



LEUCOPHYLLUM F. 'GREEN CLOUD' /
TEXAS RANGER

GROUNDCOVERS



ACACIA REDOLENS 'LOW BOY' /
PROSTRATE ACACIA



BACCHARIS P. 'PIGEON POINT' /
DWARF COYOTE BRUSH



LONICERA J. 'HALLIANA' /
HALL'S HONEYSUCKLE



ROSA X 'FLOWER CARPET RED' /
RED CARPET ROSE



ROSMARINUS O. 'HUNTINGTON
CARPET' / PROSTRATE ROSEMARY

TREES



QUERCUS AGRIFOLIA /
COAST LIVE OAK

VINES



DISTICTUS BUCCINATORIA /
BLOOD-RED TRUMPET VINE

For Reference Only

LEGAL DESCRIPTION

THE LAND REFERED TO HEREIN BELOW IS SITUATED IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:
LOT 82 AND THAT PORTION OF LOT 27, LYING SOUTH OF EAST FIFTH STREET OF TRACT NO. 2060, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 29, PAGE 65 OF MAPS, IN THE OFFICE OF SAID COUNTY.

PARCEL 2:
THAT PORTION OF LOT 28, TRACT NO. 2060, BLUE RIBBON FARMS, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS SHOWN BY MAP ON FILE IN BOOK 29, PAGE 65 OF MAPS LYING SOUTHERLY OF THE SOUTHERLY LINE OF LAND CONVEYED TO THE COUNTY OF SAN BERNARDINO, A BODY CORPORATE AND POLITIC, OF THE STATE OF CALIFORNIA BY DEED RECORDED JULY 10, 1948 IN BOOK 2259, PAGE 455, OFFICIAL RECORDS.

THE LAND REFERED TO HEREIN IS SITUATED IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND AS DESCRIBED AS FOLLOWS:

PARCEL 1:
THE NORTH 1/2 OF LOT 61, TRACT NO. 2060, BLUE RIBBON FARMS, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE(S) 65, RECORDS OF SAID COUNTY.

PARCEL 2:
THE NORTHERLY 150 FEET OF LOT 60, TRACT NO. 2060, BLUE RIBBON FARMS, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE(S) 65, RECORDS OF SAID COUNTY.

PARCEL 3:
AN EASEMENT FOR ALLEY AND ROAD PURPOSES, 20 FEET IN WIDTH, LYING 10 FEET ON EACH SIDE OF A CENTER LINE CONSTITUTING THE BOUNDARY LINE BETWEEN LOTS 59 AND 61, TRACT NO 2060, BLUE RIBBON FARMS, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE(S) 65, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM ANY PORTION OF SAID EASEMENT LYING WITHIN PARCEL 1 AND PARCEL 2 ABOVE DESCRIBED.

PARCEL 4:
LOT 80 OF TRACT NO. 2060 BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 65, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE NORTHERLY 150 FEET THEREOF.

PARCEL 5:
THE SOUTH ONE HALF OF LOT 61, TRACT NO. 2060 BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO AS PER MAP RECORDED IN BOOK 29, PAGE 65 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

OWNER:

CHPT HIGHLAND 210
527 W. 7TH STREET, SUITE 200
LOS ANGELES, CA 90014
ATTN: JORGE GARCIA
PH: 909-358-7715

APPLICANT:

CROW HOLDINGS INDUSTRIAL
527 W. 7TH STREET, SUITE 200
LOS ANGELES, CA 90014
ATTN: JORGE GARCIA
PH: 909-358-7715

ARCHITECT:

RGA, OFFICE OF ARCHITECTURAL DESIGN, INC.
15231 ALTON PARKWAY, SUITE 100
IRVINE, CA 92613
ATTN: JACOB HUBER
PH: 949-341-0920

VICINITY MAP



GENERAL PROJECT INFO

GENERAL PLAN: BUSINESS PARK (BP)
ZONING: BP
ASSESSOR PARCEL NUMBER: 1192-641-20-0-000, 1192-641-21-0-000, 1192-641-22-0-000, 1192-641-23-0-000

PROJECT DATA

GROSS SITE AREA:	55,510 SF / 1.27 AC
NET SITE AREA:	54,434 SF / 1.25 AC
BUILDING AREA:	
FIRST FLOOR OFFICE	1,000 SF
SECOND FLOOR OFFICE	0 SF
WAREHOUSE AREA	2,900 SF
TOTAL	3,900 SF
LOT COVERAGE:	7.16 %
F.A.R.: (60% MAX)	7.16 %
PARKING REQUIRED: (WAREHOUSE USE)	
OFFICE - 1,000 SF @ 1/250 SF	4 STALLS
WAREHOUSE - 1/1,000 SF	3 STALLS
TOTAL STALLS REQUIRED	7 STALLS
PARKING PROVIDED:	11 STALLS
REQUIRED BIKE SPACES:	1 BIKE SPACES
REQUIRED SITE LANDSCAPE AREA: (50,534 SF)	7,580 SF
(SITE AREA MINUS BUILDING FOOTPRINT)	15.0 %
PROVIDED SITE LANDSCAPE AREA:	8,753 SF
	16.08 % OF TOTAL SITE
PAVED AREA:	41,781 SF
	76.75 % OF TOTAL SITE
LOADING REQUIRED:	2 LOADING DOORS PROVIDED
1 SPACE PER 30,000 SF	

For Reference Only

SITE LEGEND:

- ON-SITE LANDSCAPED AREA
- OFF-SITE LANDSCAPED AREA
- DECORATIVE AUTO / TRUCK DRIVEWAYS - NATURAL COLOR
- PROPERTY LINES
- STREET CENTERLINES
- CHUTE CURE LINES
- CHUTE PARKING AND TRAILER STRIPPING

UTILITIES

WASTE PROVIDER:
BURRTEC WASTE INDUSTRIES, INC.
909-889-1968

WATER PURVEYOR:
EAST VALLEY WATER DISTRICT
909-888-9365

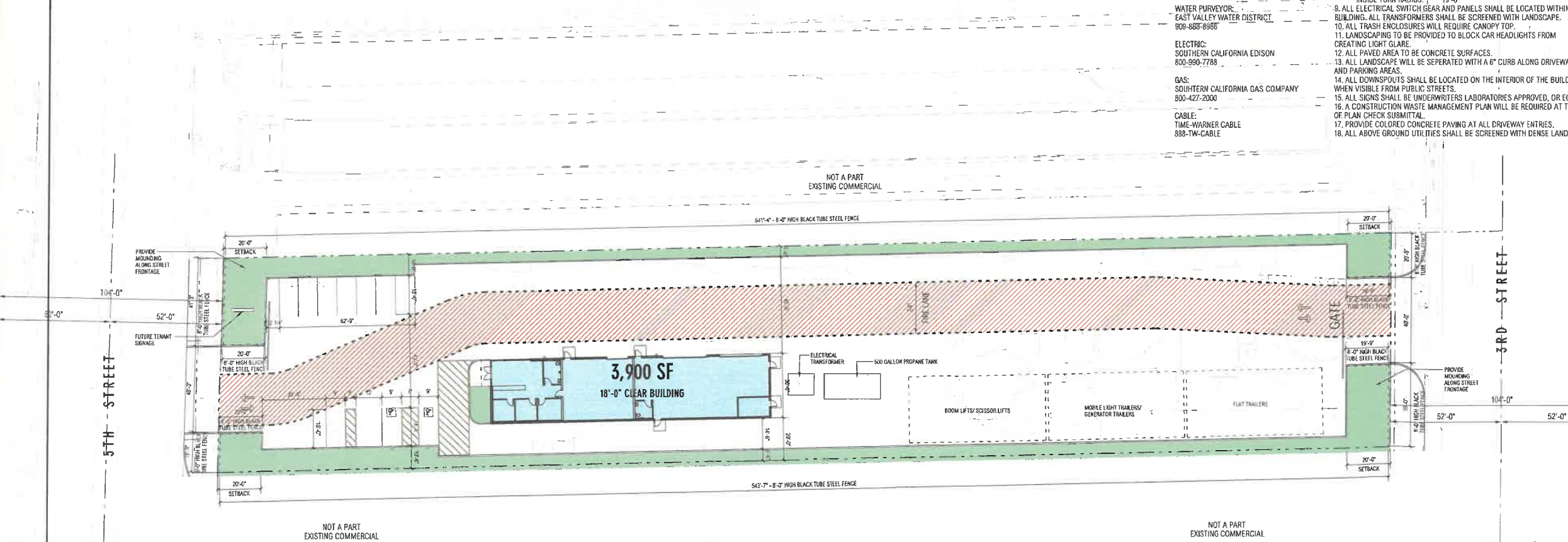
ELECTRIC:
SOUTHERN CALIFORNIA EDISON
800-990-7788

GAS:
SOUTHERN CALIFORNIA GAS COMPANY
800-427-2000

CABLE:
TIME-WARNER CABLE
888-TW-CABLE

GENERAL NOTES

- ANY EXISTING STRUCTURES ONSITE ARE TO BE DEMOLISHED.
- ALL PROPOSED NEW ONSITE UTILITY SERVICES SHALL BE UNDERGROUND.
- CONCRETE BANDS, 24" IN WIDTH, SHALL BE PROVIDED AT LANDSCAPE FINGERS.
- DRIVEWAYS SHALL BE CONSTRUCTED PER CITY STANDARD PLANS.
- STATE OF CALIFORNIA "GENERAL CONSTRUCTION NPDES PERMITS AND WOOD NUMBERS MUST BE OBTAINED PRIOR TO PERMIT.
- PARKING STALL DIMENSIONS: 9'W X 17'D WITH A 2'-0" OVERHANG - DOUBLE STRIPED PER CITY REQUIREMENTS, NO WHEEL STOPS ARE ALLOWED. CLEAN AIR / CARPOOL PARKING SHALL BE PROVIDED PER CALGREEN REQUIREMENTS AND CITY OF HIGHLAND.
- FIRE DEPT. APPROVED KNOX LOCKS SHALL BE PROVIDED AT ALL GATES.
- FIRE DEPT. ACCESS SHALL BE PROVIDED PER STANDARDS:
 - ACCESS LANE WIDTH: 24'-0"
 - ACCESS LANE HEIGHT: 14'-6"
 - INSIDE TURN RADIUS: 19'-0"
- ALL ELECTRICAL SWITCH GEAR AND PANELS SHALL BE LOCATED WITHIN THE BUILDING. ALL TRANSFORMERS SHALL BE SCREENED WITH LANDSCAPE.
- ALL TRASH ENCLOSURES WILL REQUIRE CANOPY TOP.
- LANDSCAPING TO BE PROVIDED TO BLOCK CAR HEADLIGHTS FROM CREATING LIGHT GLARE.
- ALL PAVED AREA TO BE CONCRETE SURFACES.
- ALL LANDSCAPE WILL BE SEPERATED WITH A 6" CURB ALONG DRIVEWAYS AND PARKING AREAS.
- ALL DOWNSPOUTS SHALL BE LOCATED ON THE INTERIOR OF THE BUILDING WHEN VISIBLE FROM PUBLIC STREETS.
- ALL SIGNS SHALL BE UNDERWRITERS LABORATORIES APPROVED, OR EQUAL.
- A CONSTRUCTION WASTE MANAGEMENT PLAN WILL BE REQUIRED AT TIME OF PLAN CHECK SUBMITTAL.
- PROVIDE COLORED CONCRETE PAVING AT ALL DRIVEWAY ENTRIES.
- ALL ABOVE GROUND UTILITIES SHALL BE SCREENED WITH DENSE LANDSCAPE



SITE PLAN
SCALE: 1" = 20'-0"

RGA

Office of Architectural Design

15231 Alton Parkway, Suite 100
Irvine, CA 92618
T 949-341-0920
F 949-341-0922

CONSULTANT

PROFESSIONAL SEALS

3RD / 5TH STREET
STREET DEVELOPMENT

00000 5TH STREET
CITY OF HIGHLAND, CA



Crow Holdings
INDUSTRIAL

527 WEST 7TH STREET, SUITE 308
LOS ANGELES, CA 90014
213-378-1270
CONTACT: PHIL PRASSAS

CD
BID
PC
DD
SD

MARK

DATE

DESCRIPTION

RGA PROJECT NO: 21072.00

OWNER PROJECT NO: 00000.00

CAD FILE NAME: 21072-00-A1-11

DRAWN BY: MGC

CHECKED BY: CS

COMPRIHT

RGA, OFFICE OF ARCHITECTURAL DESIGN

SHEET TITLE

SITE PLAN - EAST AMERICAN RENTALS

SHEET A1-1-AR

ATTACHMENT 2
Resolution No. 2022 - ____

RESOLUTION NO. 2022-039

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING A REVISION TO DESIGN REVIEW APPLICATION (DRA 22-012) TO AMEND BUILDING ELEVATIONS FOR A CONTRACTOR'S EQUIPMENT RENTAL BUSINESS LOCATED ON A 1.25 ACRE SITE ON THE SOUTH SIDE OF 5TH STREET, 900 FEET WEST OF PALM AVENUE.

ASSESSOR'S PARCEL NUMBERS: 1192-641-12, 22, & 23

APPLICANT: CHPT HIGHLAND 210 / CROW HOLDINGS INDUSTRIAL

A. RECITALS

1. On August 3, 2022, the Applicant submitted an application for Conditional Use Permit (CUP 22-029) to entitle the development of a contractor's equipment rental yard including a 3,900 square foot building and outdoor storage. Related applications were also filed for Design Review Application (DRA 22-012) for the project Site Plan, Building Elevations, Preliminary Grading Plan, and Conceptual Landscape Plan; and Parcel Merger (PM 22-001) to consolidate three (3) parcels into one (1).
2. The site is located on an approximately 1.25 acres south of 5th Street, north of 3rd Street, between Palm Avenue and Central Avenue, approximately 900 feet west of Palm Avenue within the City's Business Park (BP) Zoning and General Plan Land Use Designations;
3. Pursuant to the provision of the California Environmental Quality Act (CEQA) and State and Local CEQA Guidelines, the City of Highland is the Lead Agency, and is charged with the responsibility of deciding whether to approve the proposed project. The project meets the criteria for a Categorical Exemption and no further analysis is needed under the California Environmental Quality Act as described in Section 15332, *In-fill Development Projects* in that it is consistent with the general plan and zoning designations, is less than five acres and surrounded by urban uses, has no value as habitat for rare or endangered species, would not result in significant impacts to traffic, noise, air quality or water quality, and is adequately serviced with all utilities and public services.
4. On October 18, 2022, the Planning Commission of the City of Highland, conducted a Public Hearing on the subject Project and approved all three entitlements but required the applicant to return with revised building elevations prior to the issuance of permits. The applicant submitted these revisions on November 3, 2022, and is requesting an amendment to Design Review Application DRA 22-012.
5. On December 6, 2022, the Planning Commission of the City of Highland, conducted a Public Hearing on the subject revisions and concluded the Hearing on that date.

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. Pursuant the California Code of Regulations, the City of Highland Planning Commission adopted a Notice of Exemption for the project on October 18, 2022, in compliance with the California Environmental Quality Act (CEQA). The Notice was filed with the San Bernardino County Clerk of the Board of Supervisors on October 21, 2022.
3. Based upon substantial evidence presented to the Planning Commission during the December 6, 2022 Public Hearing, including public testimony and written and oral Staff Reports, the Planning Commission finds as follows:

- a. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.

4. **Findings of Fact for Amendment to Design Review Application (DRA 22-012):**

- a. That the proposed project is consistent with the general plan or specific plan.

Response: The General Plan designation for the site is Business Park (BP), which allows for a “variety of light industrial, research and development and office uses that provide pleasant and attractive working environments.” Appropriate uses include the proposed contractor’s equipment rental business and follow-up action to revise the Building Elevations.

Additionally, the General Plan goals and policies relevant to the project involve its inclusion in the 5th Street Corridor Policy Area, Circulation Element, and Community Design Element. The project meets all relevant goals and policies.

- b. That the proposed use is in accordance with the objectives of Title 16, Land Use and Development of the City of Highland Municipal Code, and the purposes of the land use district in which the site is located.

Response: The revised Building Elevations are in compliance with the Highland Municipal Code standards related to Business Park (BP) District. Per Municipal Code Section 16.24.040 Employment District

Development Standards, the maximum lot coverage is 60%. The project has proposed a lot coverage of for 7.16%. It satisfies the minimum lot size, with regard to lot width and depth, as well as required building setbacks and landscape coverage.

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

Response: The Highland General Plan describes specific criteria related to this location in the Land Use and the Community Design Elements. The project and the proposed Building Elevations lend to an attractive and visually unified major arterial corridor through coordinated site planning and architectural design. As conditioned by the City's Landscape Architect, the project must exhibit specialized landscaping at entrances.

The design satisfies the intent of General Plan Goal 10.8 Policy 10.8.1 which encourages "contemporary, clean and distinctive buildings with clearly visible entrances" and General Plan Goal 10.8 Policy 10.8.3 to "avoid long, blank building walls by incorporating vertical and/or horizontal façade articulation and modulation and varying use of color, materials and landscaping." Service areas are screened from public view with mounding along both project frontages with the required 20-foot landscaped setback.

- 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: The project is in compliance with the Highland Municipal Code, Fire, and Building & Safety codes. Each public safety division of the City has reviewed the project and its revisions and provided relevant Conditions of Approval. The necessary ingress and egress as well as all public utilities and services will be in place. There is no indication that the project would be detrimental to the public health, safety or welfare, or materially injurious to properties and improvement in the vicinity.

- 5. That all necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland. As described in the Recitals above, the Planning Commission considered the project, and all testimony, comment and evidence regarding the same, at noticed public hearings conducted in accordance with State Law and the City Municipal Code;
- 6. Based on the Findings and Conclusions set forth above, the Planning Commission approves the proposed amendment to Design Review Application (DRA-22-012) for revised Building Elevations related to the development of a contractor's equipment rental business. All

improvements will be completed subject to the Conditions of Approval attached hereto and the development plans incorporated by reference.

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 6th day of December, 2022.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: December 6, 2022

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director

PREPARED BY: Ash Syed, Associate Planner *AS*

SUBJECT: Accessory Sign Review (ASR 22-006) to establish a comprehensive sign program for the installation of one (1) 22-foot long building mounted sign, two (2) 7-foot tall monument signs, and one (1) 16-foot tall monument sign for a fueling station and convenience store lot.

LOCATION: 8020 Palm Avenue, Highland, CA 92346
Assessor's Parcel Number: 1192-641-01

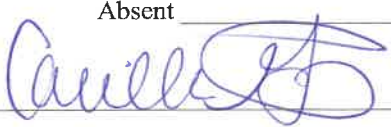
OWNER/ APPLICANT: Ghulam Sarwar

REPRESENTATIVE: Promotion Plus Inc.

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 2022-____ to approve Accessory Sign Review (ASR 22-006) to establish a sign program for a fueling station and convenience store, subject to the height determination for the corner monument sign (C2), Conditions of Approval, and Findings of Fact; and
2. Direct Staff to file a Notice of Exemption with the County Clerk of the Board.

FISCAL IMPACT: The Applicant submitted the required flat fee for processing an Accessory Sign Review Application.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>4</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

ENVIRONMENTAL REVIEW: The establishment of a new sign program & the installation of onsite signage is Categorically Exempt from environmental proceedings pursuant to Section 15311, Class No. 11 (Accessory Structures). The installation of one (1) building mounted sign and three (3) monument signs are considered minor structures accessory to an existing commercial facility.

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 San Bernardino Sun Newspaper on November 25, 2022.

PUBLIC COMMENT: Staff has not received any public comment letters for the proposed project.

DESCRIPTION OF SITE: The project site is located at the southwest corner of Palm Avenue and 5th Street, a signalized intersection defined by the General Plan as a "major highway" (Exhibit A – Area Map). The property is composed of a single parcel approximately 0.48 acres in size. Currently, the property features a single-story, 5,800 square foot commercial building that was constructed in 1991.

PREVIOUS ACTION: On January 19th, 2021, the Planning Commission adopted Resolution No. 2021-002, approving Conditional Use Permit (CUP 20-003) to redevelop an existing commercial building into a 3,200 square foot convenience store, a 2,600 square foot warehouse facility and add a covered fueling station area. The approval consisted solely of the entitlement for the land use, as the property owner had the intention of selling the property as-is with the approved fueling station use. The conditions of approval for Conditional Use Permit (CUP 20-003) required the submittal of a subsequent Design Review Application with a proposal for development at a future date.

On July 6, 2021, the Planning Commission adopted a Resolution No. 2021-011, approving Design Review Application (DRA 21-006) for the site plan, landscape plan, and elevations related to the land use entitlement approved by Conditional Use Permit (CUP 20-003). The approved design consisted of two (2) fuel canopies housing four (4) fueling pumps each, ten (10) vehicle parking spaces and one (1) electric vehicle charging station.

PROJECT REVIEW: The purpose of a comprehensive sign program is to ensure all project related signage is integrated into a design that is cohesive with the onsite buildings and accessory structures.

As stated above, the sign program proposes one (1) building mounted sign and three (3) monument signs to advertise the approved gas station, convenience store, and small warehouse. Mobil Gasoline will be the fuel merchant.

Proposed Monument Signs

The Mobil Gas Station sign program proposes site specific guidelines for two (2) monument signs located by the Palm Avenue and 5th Street drive accesses. At approximately 135 feet and 150 feet in street frontage, respectively, the two (2) monument signs are 7 feet in height and 8 feet in width, inclusive of a 2 foot tall white aluminum base. Additionally, there is a separate intersection oriented monument sign located by the Palm Avenue and 5th Street traffic signal. At 16 feet in height and 6'2" in width, inclusive of a 2'2" tall stucco base, the intersection oriented monument sign spans just over 85 square feet in sign area, dimensions consistent with similar intersection oriented monument signs approved for other fueling stations within the City. Each of the three (3) proposed monument signs on the site will feature modern LED screens allowing the tenant to monitor fuel pricing electronically. Additionally, there will be two (2) removable faceplates for the "Snack Attack" convenience store as well the potential warehouse/storage tenant who shall occupy the suite to the south in the future.

Proposed Building Mounted Sign

The sign program also proposes site specific guidelines for the building mounted signage above the convenience store. The Applicant is looking to place a new "Snack Attack" sign, spanning approximately 22 feet in width and 2 feet in height, along the eastern frontage of the building above the convenience store entrance. At just under 44 square feet in sign area, the "Snack Attack" building mounted sign is comprised of individual illuminated channel letters and accounts for approximately 5% of the building face. As aforementioned, there is currently no tenant occupying the southern suite that was approved for a warehouse/storage use. Should the Applicant confirm a tenant in the future, the Sign Program will be amended to incorporate additional building mounted signage.

Branding

In addition to the building mounted and monument signs, there is Mobil branding on the two (2) fuel canopies and eight (8) gasoline pumps. The fuel canopies will feature "2'x7" Mobil logos with LED channel letters along with a "Bristol Blue" trim along the upper portions of the canopies. Each of the gasoline pumps will also be finished in "Bristol Blue" and feature "Fuel Technology Synergy" decals. Additionally, there will be "Fuel Technology Synergy" triangular signs finished in "3M Red" attached to the fuel canopy posts. Lastly, the existing "Dark Crimson" awning will be refabricated to "Bristol Blue" to match the Mobil corporate color scheme.

ANALYSIS: Per Section 16.56 of the Highland Municipal Code, the Sign Regulations list the following:

- Monument signs located on a commercial property with a property frontage of 100-299 feet are allowed an overall height of 7 feet from finished grade to the top of the sign face along with a maximum sign area of 54 square feet.
- Building mounted signs are allowed one (1) per business, per street frontage, and up to three (3) street frontages. The total aggregate sign area of the building mounted signs, including the area of awning signs or similar signs affixed to the building elevation, shall not exceed 10% of the storefront to which the sign is attached, or 100 square feet, whichever is less. The signs shall also not be mounted above the roof line. Lastly, the sign length shall be no more than 75% of the business frontage.
- Subject to the submittal of a comprehensive sign program, the planning commission may approve alternative sign areas and heights depending upon a project's architecture, size, scale, massing, aesthetics and other proposed signs (16 foot tall intersection oriented monument sign).

The proposed Mobil Gas Station sign program satisfies the intent of a comprehensive sign program as explained in the Highland Municipal Code. The sign program identifies site specific guidelines and standards for the a "Snack Attack" building mounted sign, the two (2) 7-foot tall monument signs, as well as the 16-foot tall intersection oriented sign. These signs will provide visibility and foot traffic that is required for the operation of a gas station and convenience store. The installation of the monument signs and building mounted signs will not conflict with the line of sight, other street frontage signs, or contribute to an overabundance of signs along the street and the building. Staff recommends the Planning Commission approve Accessory Sign Review (ASR 22-006), subject to the Conditions of Approval and Findings of Facts.

EXHIBITS:

- A. Area Map
- B. Approved Design Review Application (DRA 21-006) Elevations
- C. Proposed Sign Program

ATTACHMENTS:

1. Planning Commission Resolution No. 2022 - ____
Exhibit 1: Conditions of Approval

Exhibit A:

Area Map

4

5

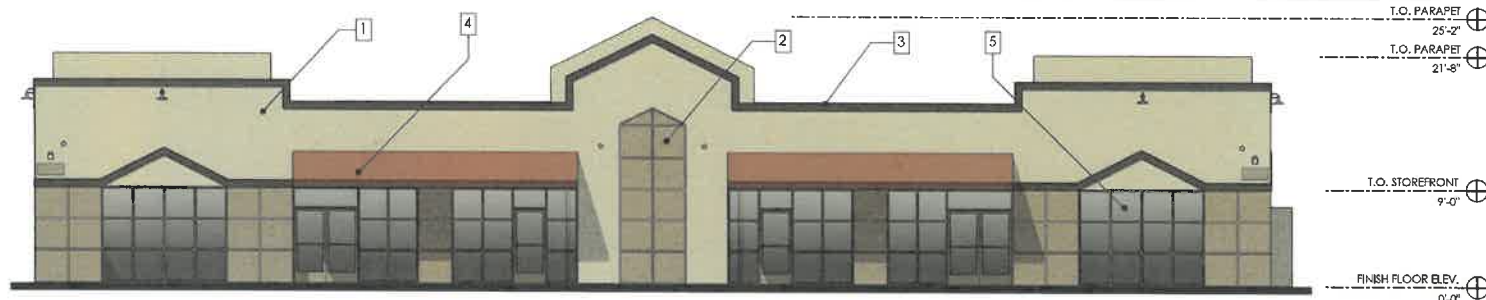
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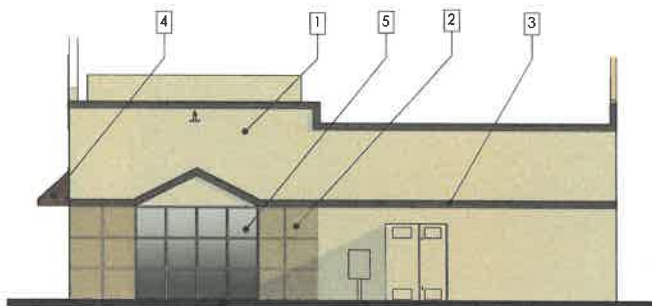
Exhibit B:

Approved Design Review Application

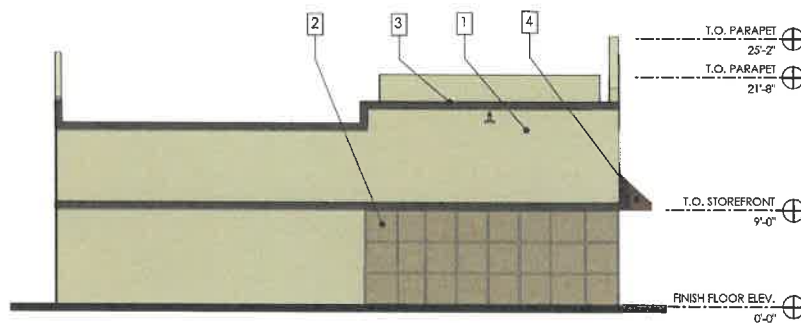
(DRA 21-006) Elevations



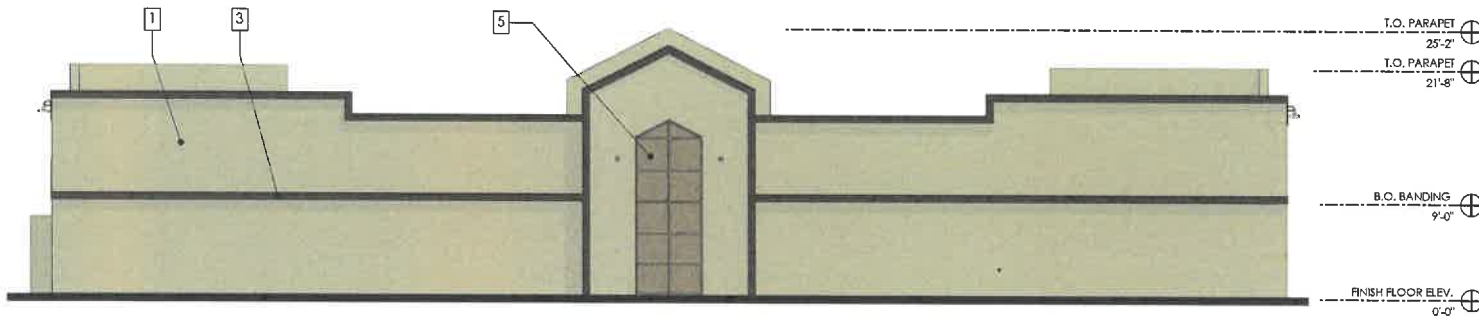
① East Exterior Elevation
1/4" = 1'-0"



② North Exterior Elevation
1/4" = 1'-0"



③ South Exterior Elevation
1/4" = 1'-0"



④ West Exterior Elevation
1/4" = 1'-0"

EXISTING MATERIALS

①



Exterior Stucco
Paint Match - Behr S270-1U:
Frosted Toffee

②



Exterior Stucco
Paint Match - Behr N280-4M:
Perfect Tan

③



Exterior Stucco
Paint Match - Behr N220-6D:
Landmark Brown

④



Fabric Awning
Paint Match - Behr M140-7:
Dark Crimson

⑤



Exterior Storefront System
Bronze Tinted Glazing
Painted frame to match
Stucco #1

MATLOCK
DESIGN BUILD

1614 E. HOLT BLVD., STE. 100
CHINO, CA 91710 909.853.1777

CITY OF
HIGHLAND
California

05/25/21

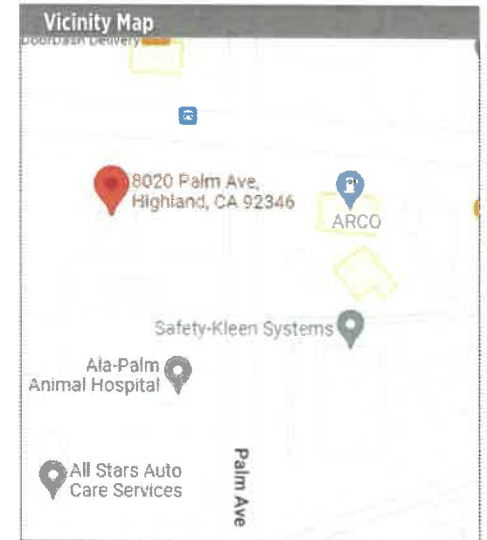
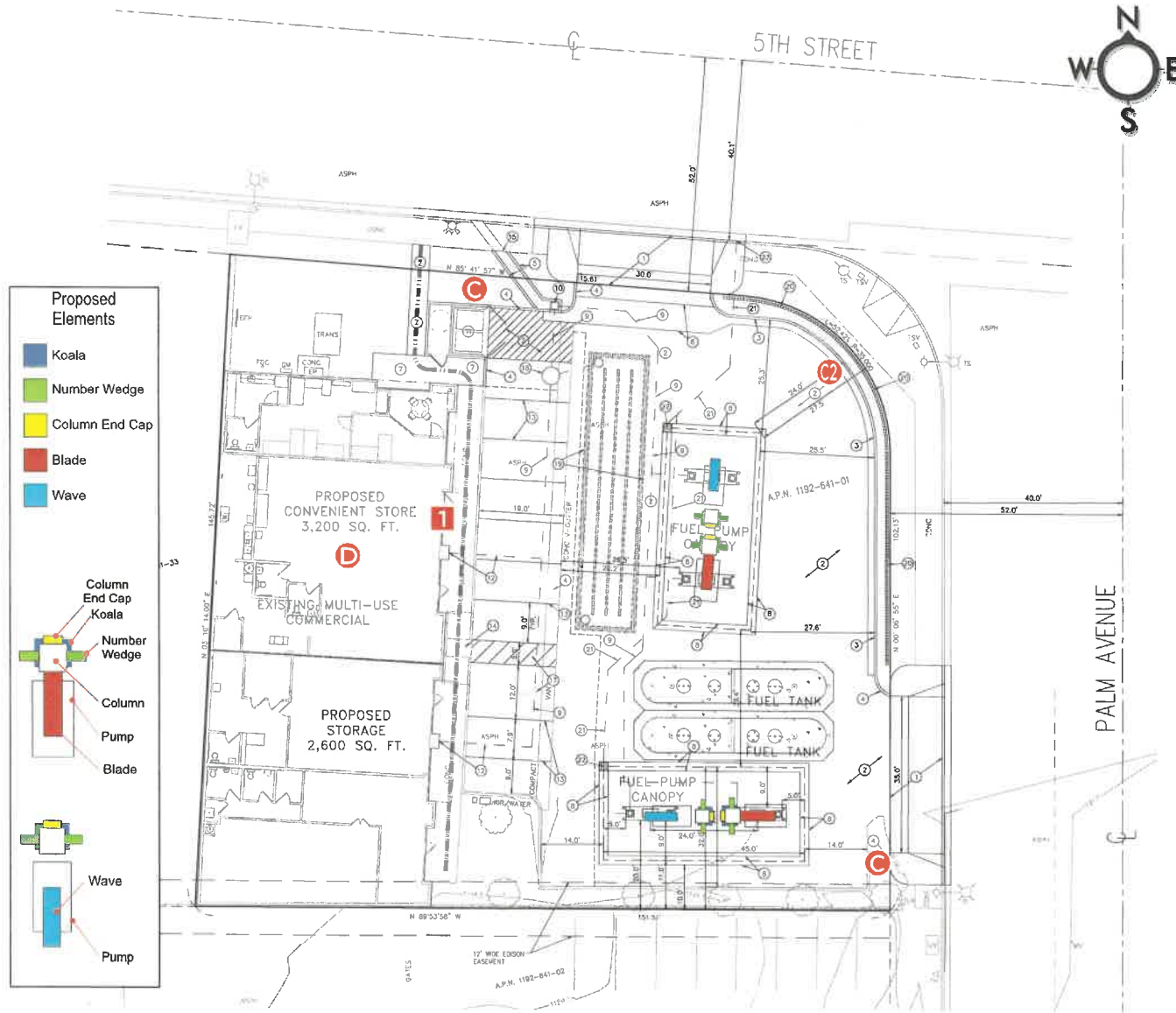
HIGHLAND GAS STATION
Existing Exterior Elevations

8020 Palm Ave.
Highland Ca 92346

A1.0

Exhibit C:
Proposed Sign Program

Site Plan



Additional Info

Note: New to Build Site.

Project Overview (Legend)

- Ⓢ Monument Sign | Qty 2
- Ⓢ Flag Pole Sign | Qty 1
- Ⓢ C-Store
- Ⓢ Snack Attack Sign

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 State Licence 853228

Job Location

Highland Mobil
 8020 Palm Ave.
 Highland, CA 92346

Contact Information

Contact Name:
 (Sam) Ghulam Sarwar
 Contact #: 951-536-0786
 Email: linwoodvucaipa@gmail.com

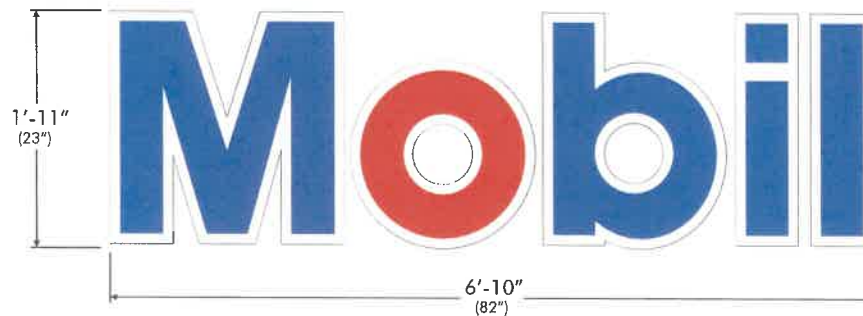
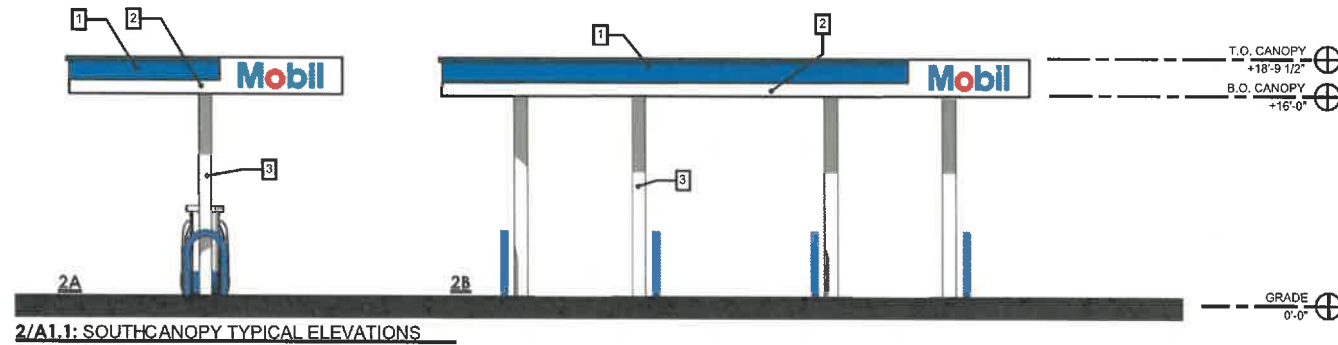
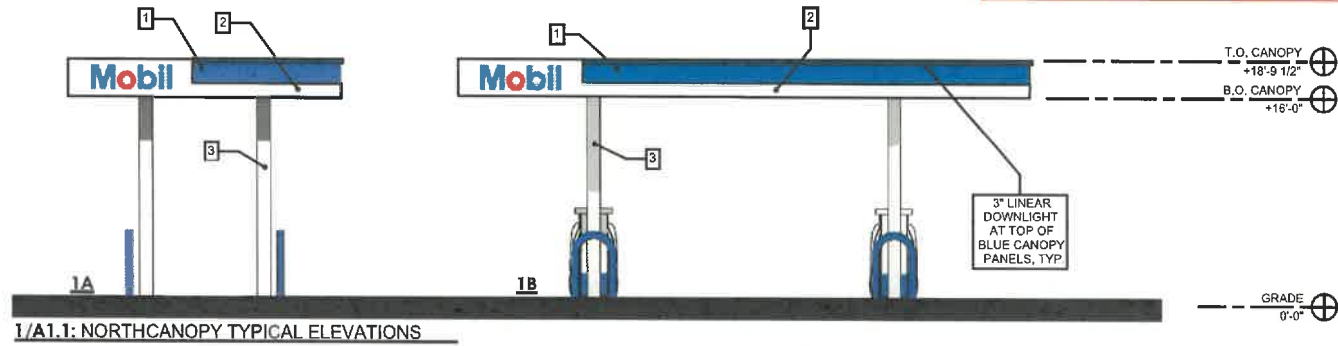
Project Information

Project: Highland Mobil
 Designed by: IC
 Date: 11.16.2022

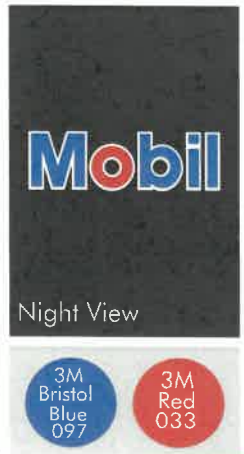
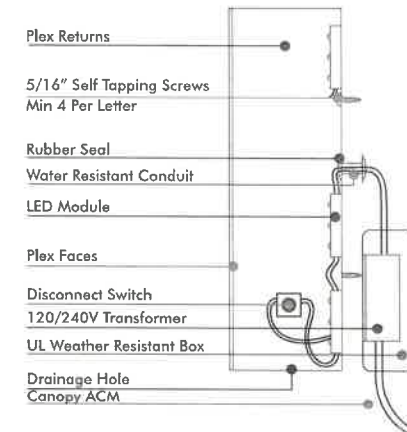
Approval

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PERMIT PACK



LED Canopy Letters "Legend" | 13 Sqft Each | Qty 4 Total



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Notes/Disclaimers

Note:
Pumps to come imaged with Mobil Synergy.
PP to supply the regulatory decals ONLY.

Gilbarco Encore 700s 3+1 | Qty 4 Total

Decals — Additional Regulatory as needed



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Email: linwoodyucaipa@gmail.com

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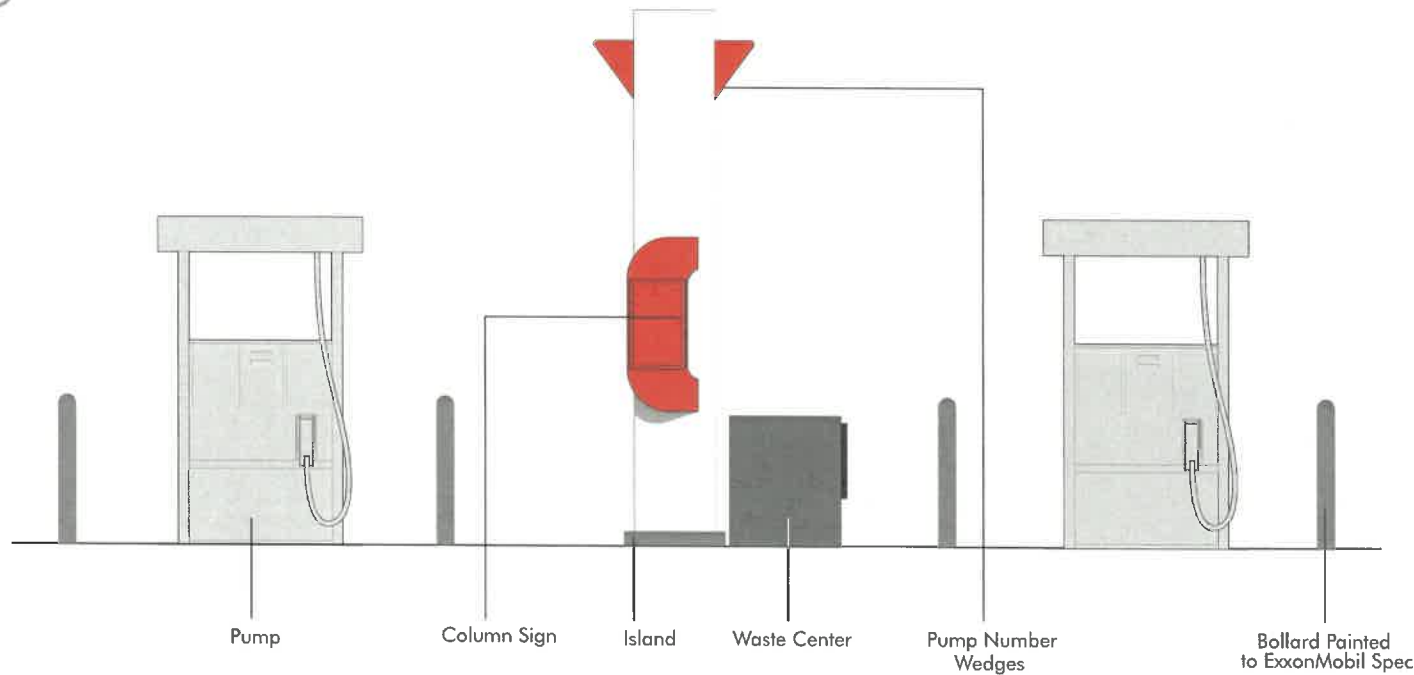
Project — Highland Mobil
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B Under Canopy Layout



Notes/Disclaimers

Note:
Pumps to come imaged with Mobil Synergy.
PP to supply the regulatory decals.
See page 3 for more details

Scope/Elements

Pump Flags	Pump Number Signs, Includes Set of Vinyl Numbers Decal Number Set (1-8)
Valance	Dispenser Valance Decal Kit; Vinyl Decal Number Sets (1-8)
CSU	Windshield Service Center Secure Windshield Units to Trash Can unit from inside
Bollards	Paint to brand specs All Bollards
Columns	Painted to Brand Specs; Install Regulatory Decals/Signs



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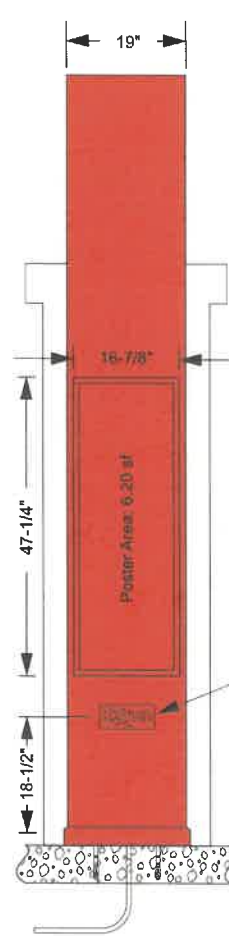
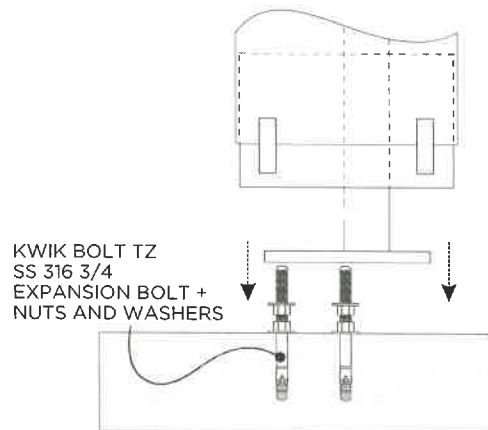
Small Wave - High Wind

Electrical Spec:

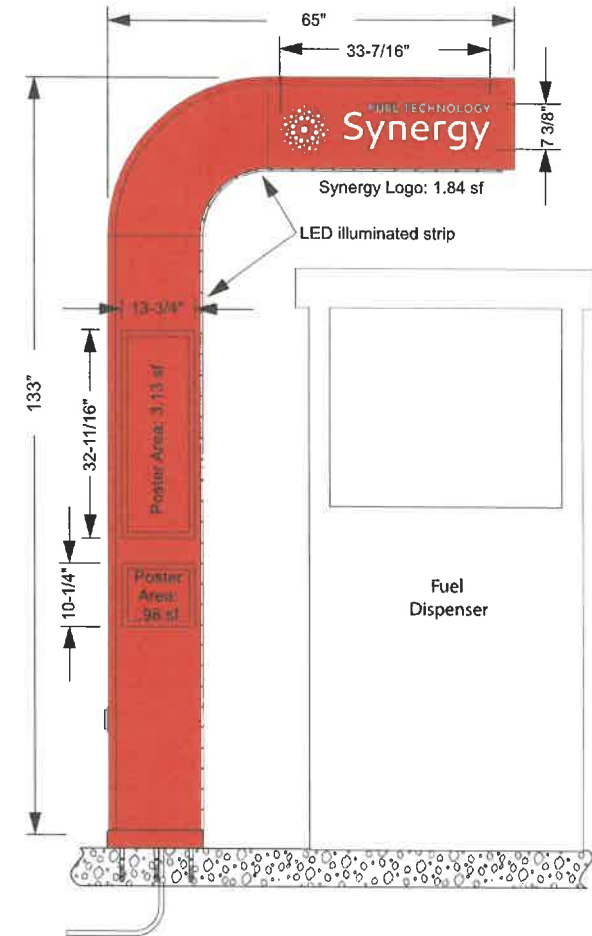
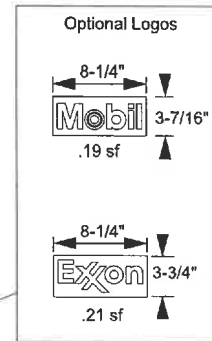
- Power supply Input 100-240VAC, 50/60Hz
- Output to LED's - 8.12 Watts or .067 Amps
- 516 lumen output
- Ip68 rating
- -40c to + 70c operating temp.
- White illumination

Structural Spec:

- Low density polyethylene (LDPE) frame around steel tube
- Acrylonitrile butadiene styrene (ABS) outer skin
- 270 lbs total weight
- Structure rated at 180mph wind load



Back View



Side View



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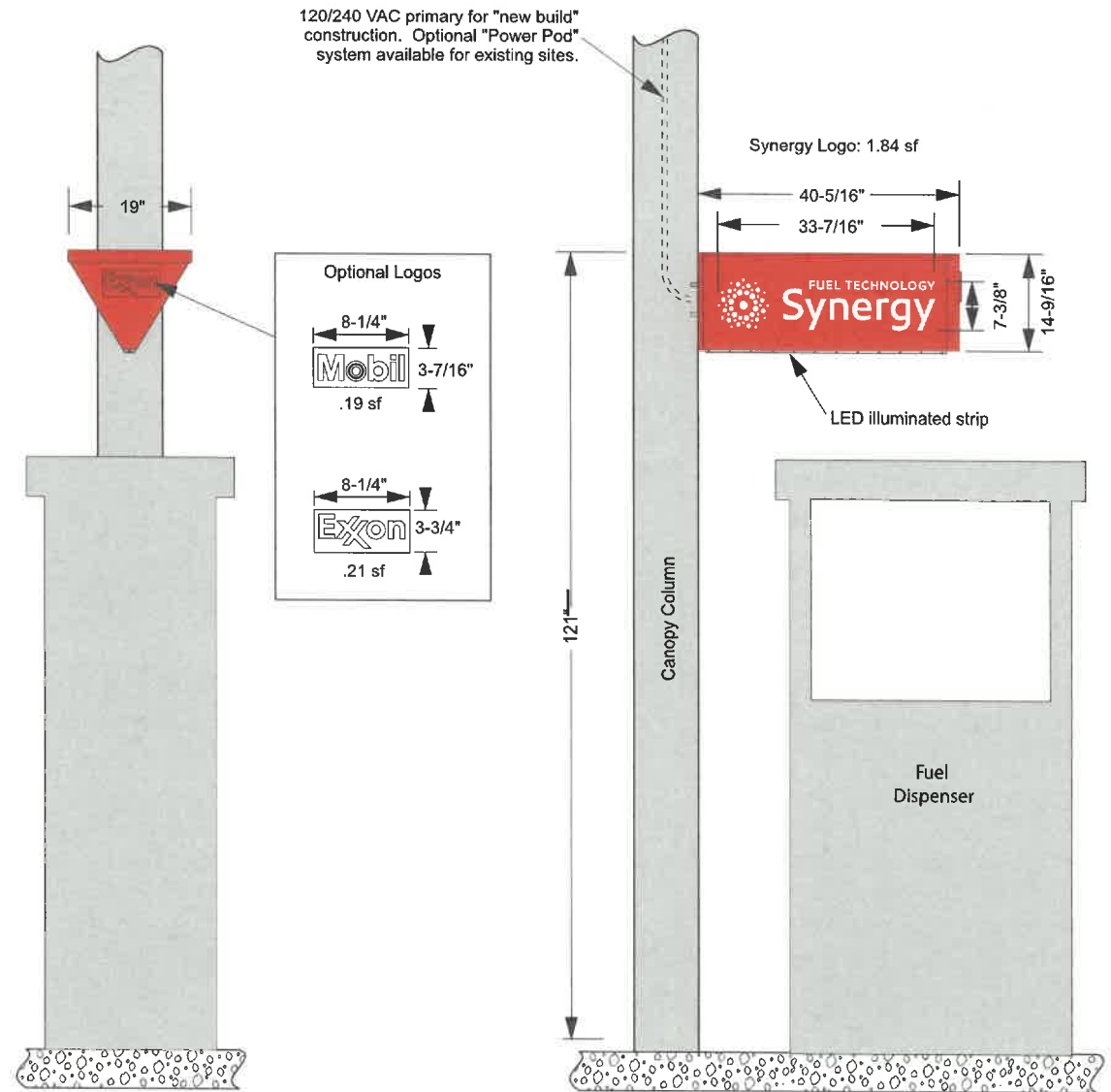
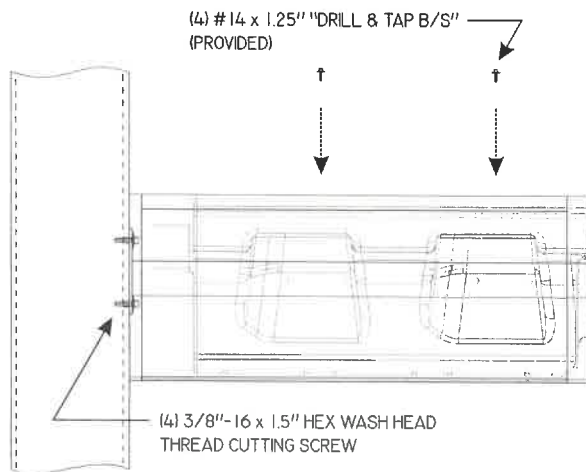
Blade

Electrical Spec:

- Power supply Input 100-240VAC, 50/60Hz
- Output to LED's - 2 Watts or .016 Amps
- 129 lumen output
- Ip68 rating
- -40c to + 70c operating temp.
- 6500k White illumination

Structural Spec:

- Low density polyethylene (LDPE) frame around steel tube
- Acrylonitrile butadiene styrene (ABS) outer skin
- 50 lbs total weight
- Structure rated at 120mph wind load



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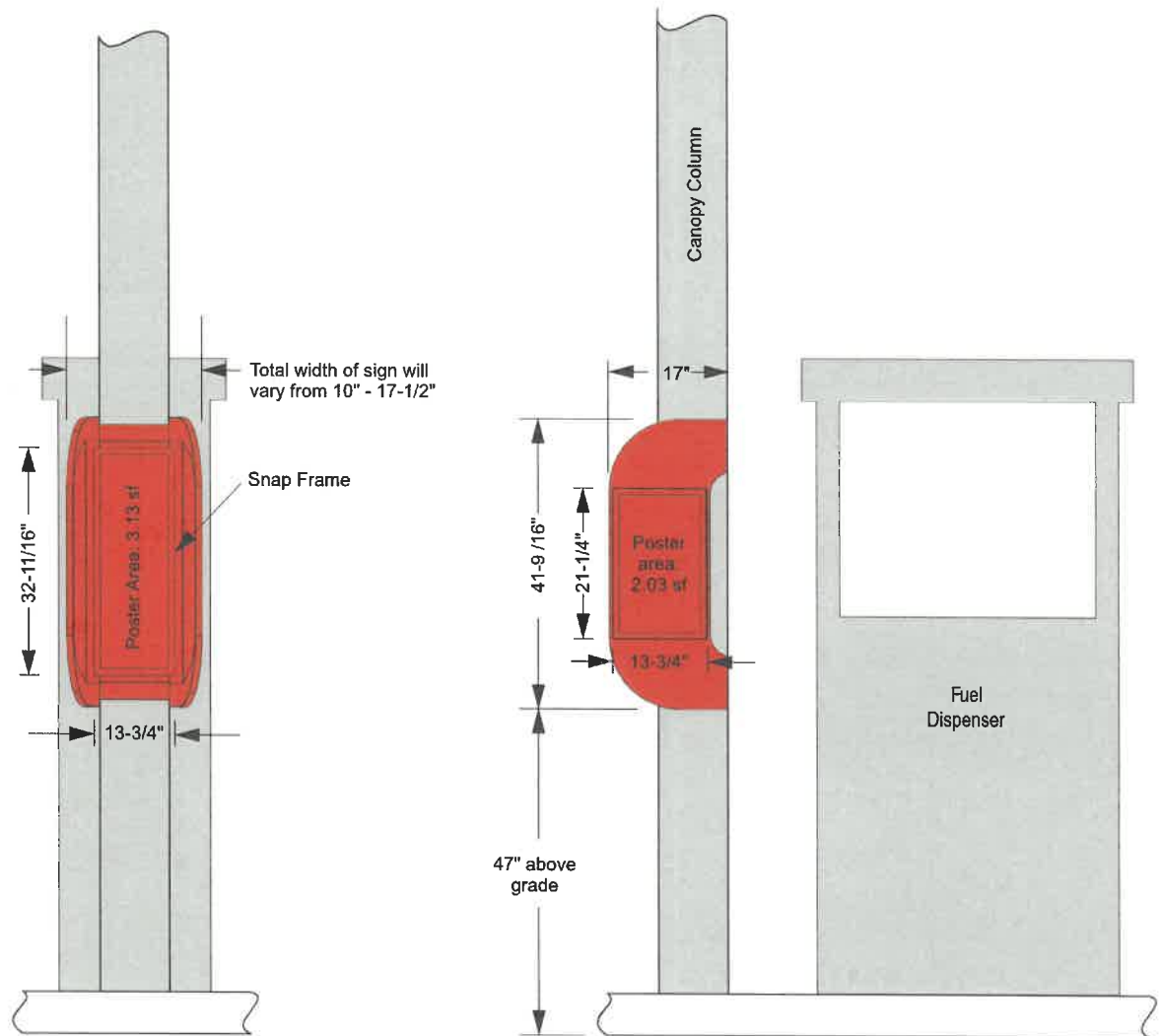
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Koala with Back

Structural Spec:

- Sign has 3 sides, each with a poster
- Acrylonitrile butadiene styrene (ABS) outer skin
- 18 lbs total weight
- Structure rated at 120mph wind load



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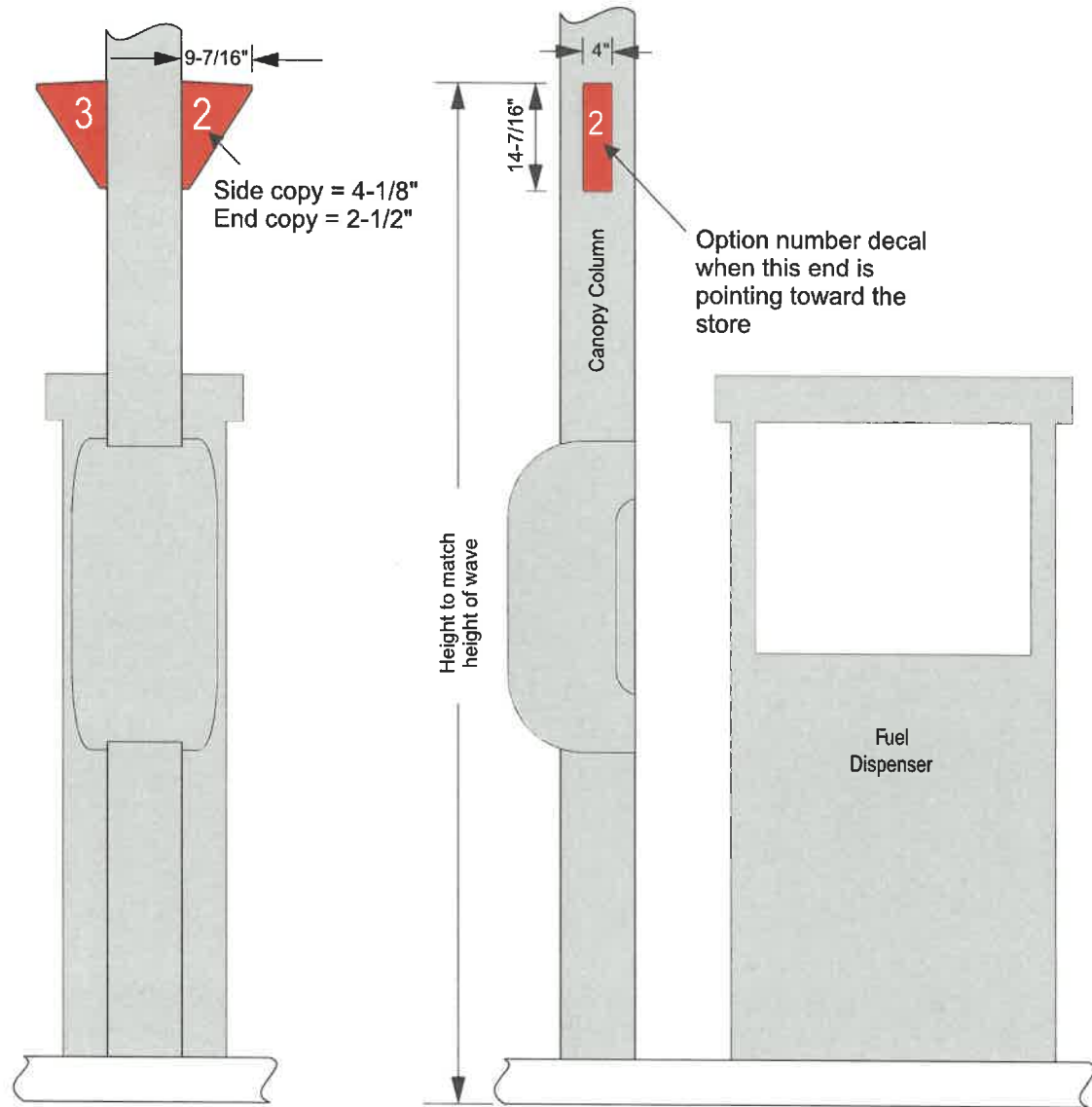
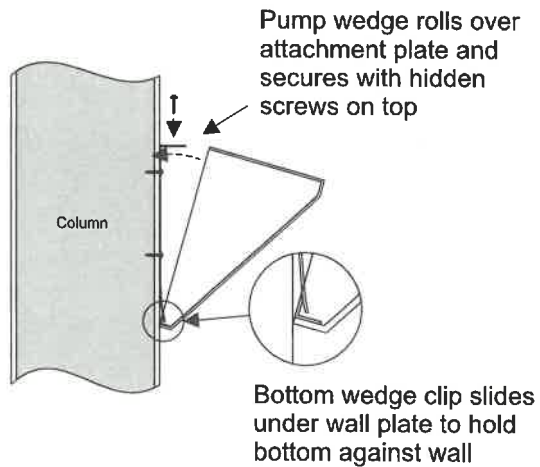
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Pump Number Wedge

Structural Spec:

- Wedges are 2 sided, non-illuminated, with white vinyl graphics
- Acrylonitrile butadiene styrene (ABS) skin with aluminum mounting plate
- 2 lbs total weight
- Structure rated at 120mph wind load

Mounting Detail



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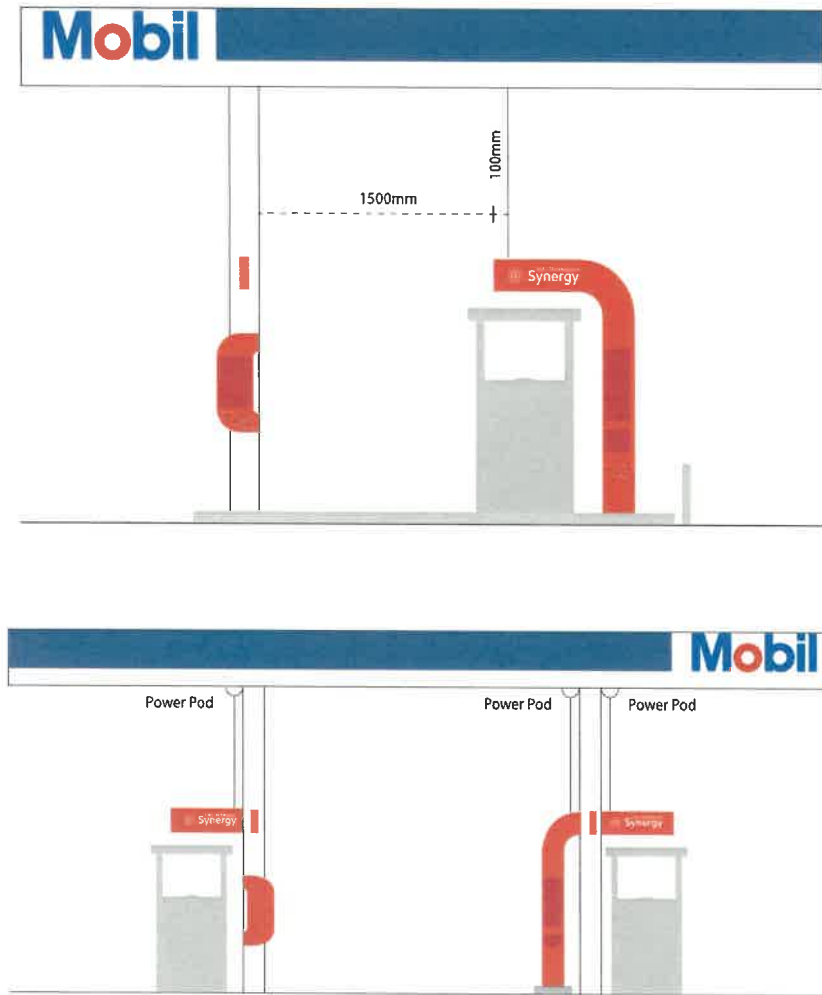
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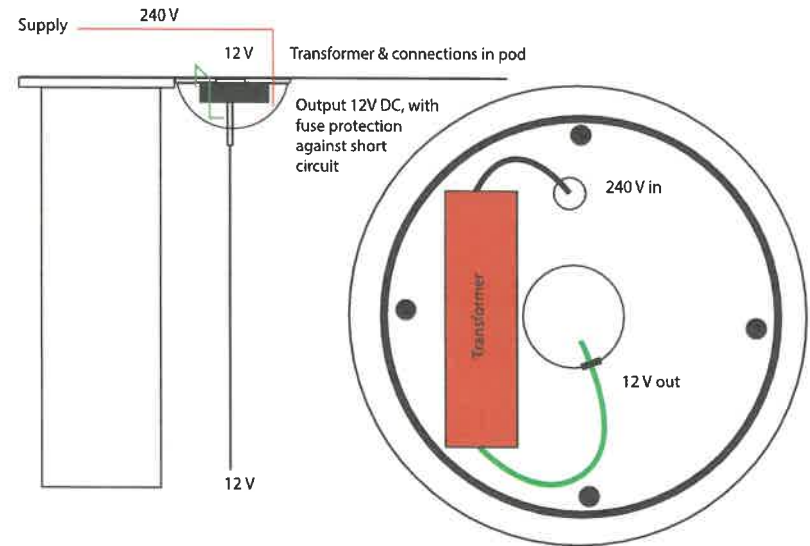
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POWER POD DIAGRAM



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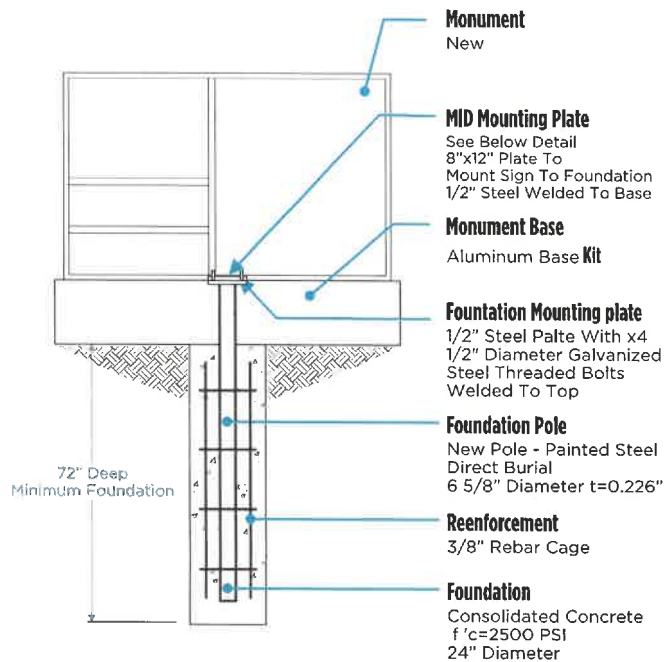
Project: Highland Mobil
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Approval

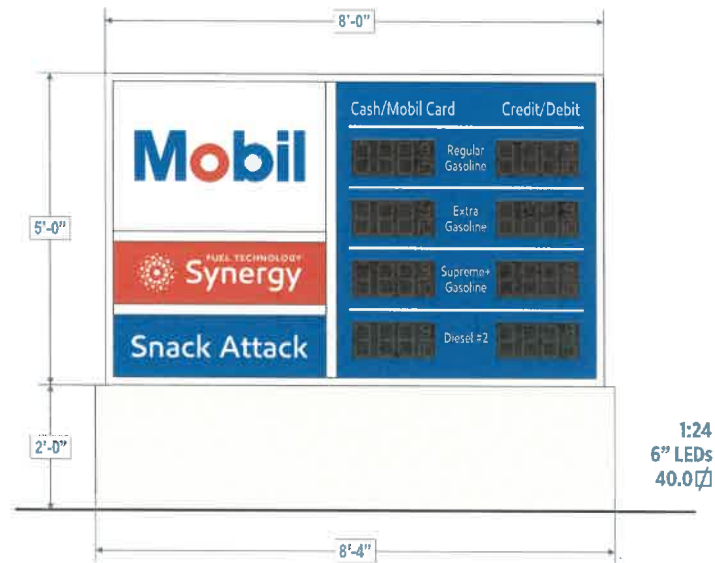
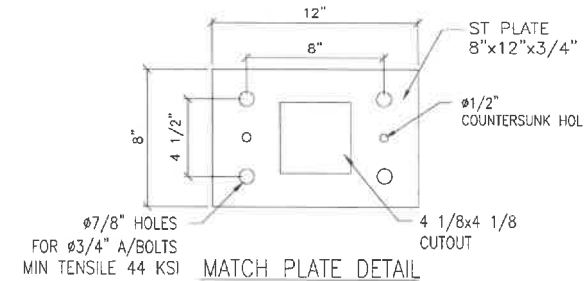
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[C] Monument Sign



Engineer To Confirm/Finalize All Specs



Proposing New Sign Cabinet

Sign Proposal

- A. Cabinet Depth:
- C. Pole Size:
- D. Qty of poles needed: 1
- E. No field welding
- F. Concrete to be at 2500 PSI minimum
- G. Extruded aluminum cabinets with steel 1.5"x1.5" square tubing internal framing.
- H. To be installed in existing planter filled with bushes

Electrical Details

E237297

U.S. & P.R. - All signs to conform to UL-48/2161 (labeled accordingly) & must comply with UL41.1 install procedures Canada - all signs must be CAs compliant. This Sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or applicable local codes. This includes proper grounding and bonding of the sign.

Electrical will be connected as per Title 24 standards with 1 Circuit per sign Cabinet will have a Visible Disconnect in each cabinet. The Internal Circuit will be managed by an Optical day/night sensor

8P LED Mobil Monument Sign | Double Sided | Qty 2

Logos	Pan Formed
Faces	Acrylic/Plexiglass
Pricer	6" Able LED's, Connect Electrical, Test
Install	Furnish and install (2) new Mobil MID monument signs with new footings. Test Electrical.



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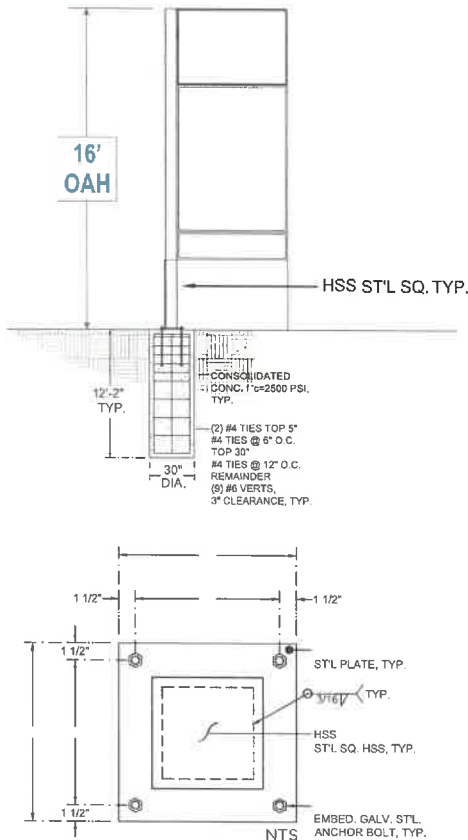
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Note: Finished color to match building. Paint and materials to match building.

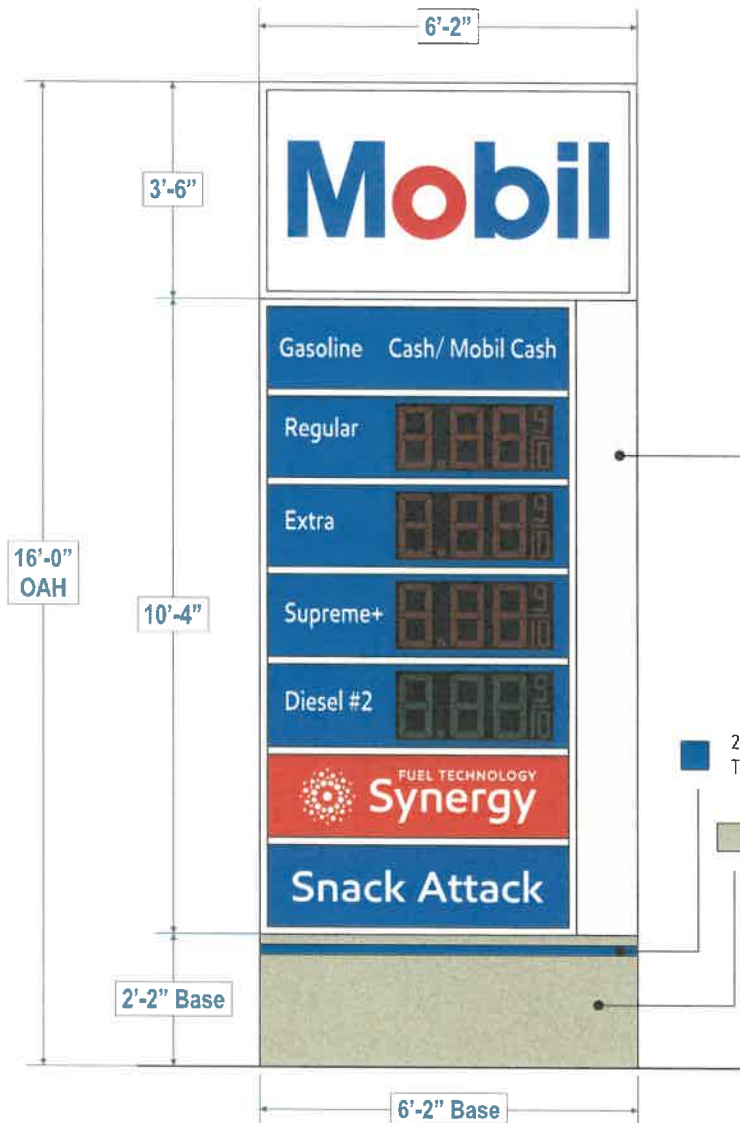
Proposing New Sign Cabinet(s)



Base Plate | x2

Steel Pole with Mounting Holes

Engineer To Confirm/Finalize All Specs



Steel Pole
Painted P8 Eggshell White

Sign Proposal

- D. Qty of poles needed: 1
- E. No field welding
- F. Concrete to be at 2500 PSI minimum
- G. Extruded aluminum cabinets with steel 1.5"x1.5" square tubing internal framing.
- H. To be installed in existing planter filled with bushes

Electrical Details

UL LISTED # E237297

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Electrical will be connected as per Title 24 standards with 1 Circuit per sign Cabinet will have a Visible Disconnect in each cabinet. The Internal Circuit will be managed by an Optical day/night sensor



Exterior Stucco
Paint Match - Behr S270-1U:
Frosted Toffee

4P LED Mobil Pole Sign Double Sided Qty 1	
Logos	Pan Formed
Faces	Acrylic/Plexiglass
Pricer	12" Able LED's, Connect Electrical, Test
Install	Furnish and install (1) new Mobil 4P LED Pole Sign with new footings and base. Test Electrical.



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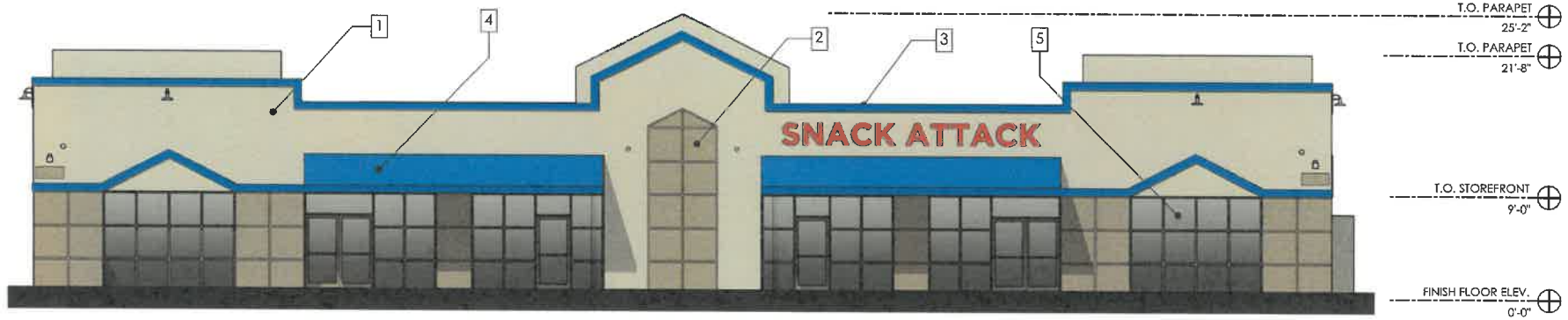
Approval

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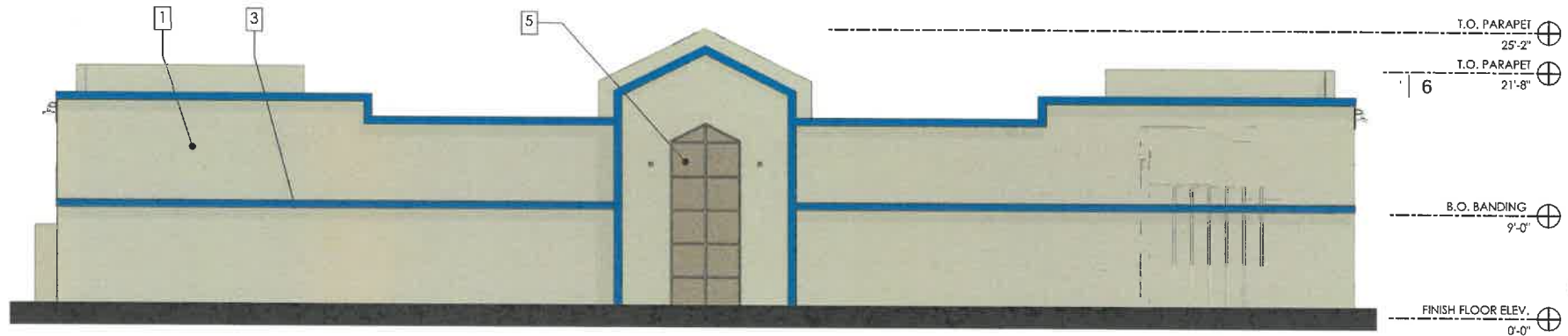
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① East Exterior Elevation



④ West Exterior Elevation



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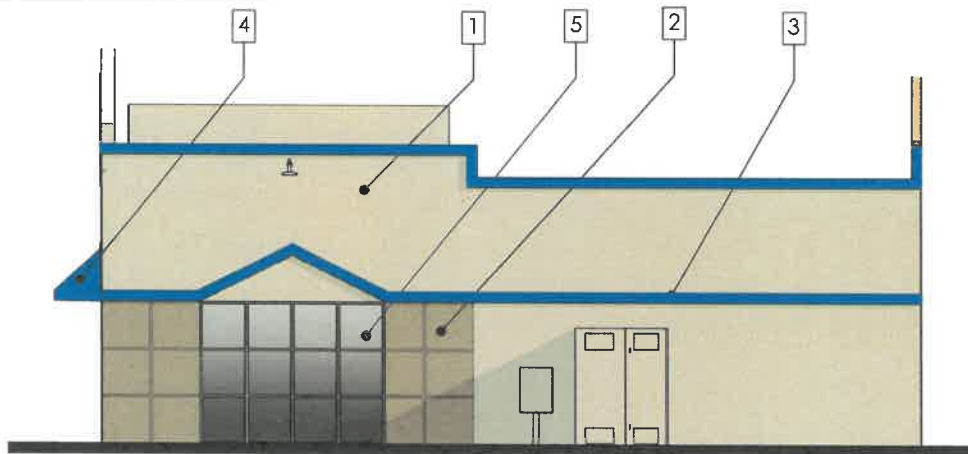
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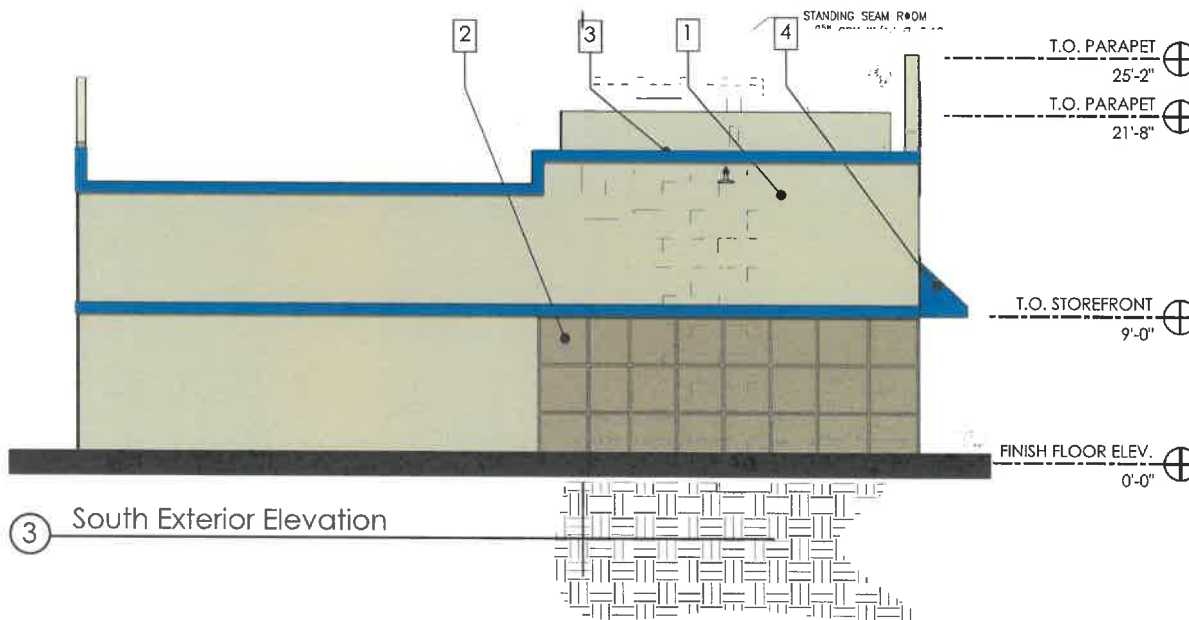
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② North Exterior Elevation



③ South Exterior Elevation

EXISTING MATERIALS

1



Exterior Stucco
Paint Match - Behr S270-1U:
Frosted Toffee

2



Exterior Stucco
Paint Match - Behr N280-4M:
Perfect Tan

3



Exterior Stucco
Paint Match - Behr N220-6D:
Landmark Brown

4



Fabric Awning
Paint to match Mobil
branding blue

5



Exterior Storefront System
Bronze Tinted Glazing
Painted frame to match



**PROMOTION PLUS
SIGN CO., INC.**
"The Imaging Experts"

Now part of the PROMOTION PLUS
SIGN CO., INC. Family
21034 Osborne St. Canoga Park, CA 91304
(P) 818.993.5406 (F) 818.993.3174
State Licence 853228

Job Location

Highland Mobil
8020 Palm Ave.
Highland, CA 92346

Contact Information

Contact Name:
(Sam) Ghulam Sarwar
Contact #: 951-536-0786
Email: linwoodyucaipa@gmail.com

Project Information

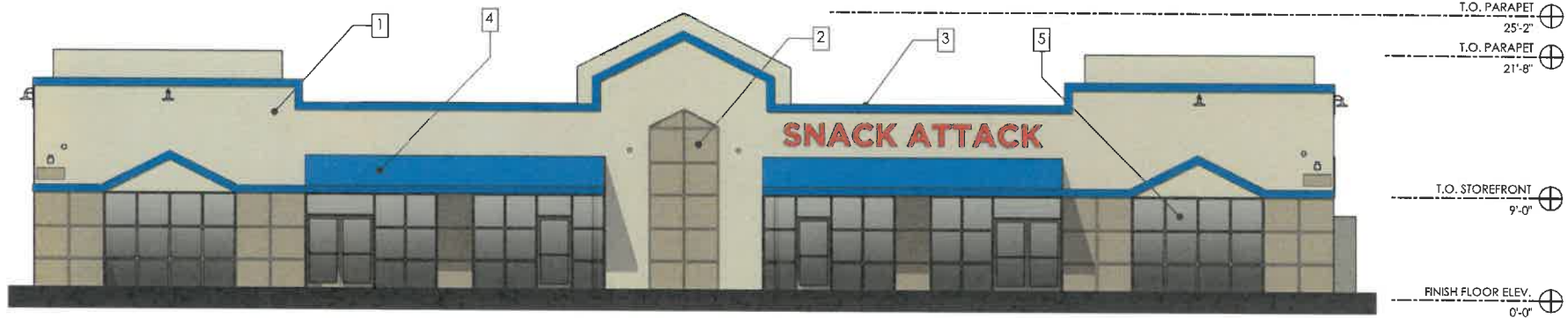
Project: Highland Mobil
Designed by: IC
Date: 11.16.2022

Approval

X _____ DATE _____
I have reviewed all renderings and I am satisfied with the look and the scope
of the work listed within.
This rendering is property of Promotion Plus Sign Co., Inc. and cannot be
reproduced without written consent of owner

PERMIT PACK

PROPOSED

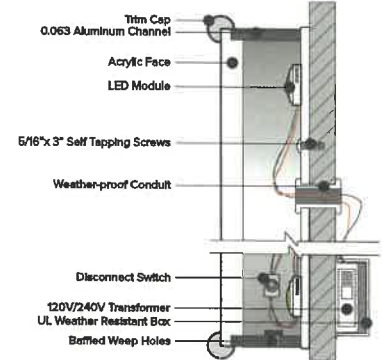


1 East Exterior Elevation



Snack Attack Illuminated Channel Letters | Qty 1 Set
 Copy: "Snack Attack" | Sizes: "Snack" - 2'-0" x 10'-0 3/4"
 "Attack" - 2'-0" x 11'-11" | Red Plex Faces with Red Returns

1:48
 43.95



Details

Install — Install 24" Tall Channel Letters on building fascia, flush mounted.

PMS
 485C

PROMOTION PLUS SIGN CO., INC.
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Donner Electric
 21034 Osborne St. Canoga Park, CA 91304
 (P) 818.993.5406 (F) 818.993.3174
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 Designed by — IC
 Date — 11.16.2022

Approval

X _____ DATE _____
 I have reviewed all renderings and I am satisfied with the look and the scope of the work listed within.

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PERMIT PACK

Attachment 1:
Planning Commission
Resolution No. 2022 - _____

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING ACCESSORY SIGN REVIEW (ASR 22-006) TO ESTABLISH A COMPREHENSIVE SIGN PROGRAM FOR THE INSTALLATION OF ONE (1) 22-FOOT LONG BUILDING MOUNTED SIGN, TWO (2) 7-FOOT TALL MONUMENT SIGNS, AND ONE (1) 16-FOOT TALL MONUMENT SIGN AT AN APPROVED FUELING STATION AND CONVENIENCE STORE LOT LOCATED AT 8020 PALM AVENUE (APN: 1192-641-01).

OWNER: GHULAM SARWAR

A. RECITALS

1. On July 7, 2022, the Applicant submitted an Accessory Sign Review (ASR 22-006) application to establish a sign program for the Mobil Gas Station at 8020 Palm Avenue.
2. On November 16, 2022, the Applicant submitted revised sign elevations incorporating corrections as directed by Staff.
3. On December 6, 2022, the Planning Commission of the City of Highland, conducted a Public Meeting on the subject Application and concluded the Meeting on that date.
4. 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:

- Section 1. The Planning Commission finds that all of the facts set forth in the Recitals, Part "A" of this Resolution, are true and correct.
- Section 2. Based upon substantial evidence presented to the Planning Commission during the December 6, 2022, Public Meetings, including public testimony and written and oral Staff Reports, the Planning Commission finds as follows:
- a. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.
- Section 3. Accessory Sign Review (ASR 22-006) Findings of Fact
- a. The Signs allowed by the comprehensive sign program will not adversely affect other nearby properties.

Response: Based on the analysis of the surrounding development, the sign program will not adversely affect neighboring properties as this is a prominent

intersection featuring another gas station with sign program that includes similar signage. The proposed sign program has been conditioned by staff to ensure that the sign will not have any adverse impact on the health safety and welfare of the surrounding community. The proposed signs are reflective of the size, height, placement, location and materials of those located in the vicinity.

- b. The comprehensive sign program is consistent with the General Plan and the Highland Municipal Code.

Response: The comprehensive sign program is consistent with the City of Highland General Plan, Community Design Element, specifically Goal 10.11 to “Promote attractive, appropriately scaled and well-coordinated signs.” The proposed sign program features building mounted signs and monument signs consistent with Mobil’s corporate designs which complement the existing building and future fueling canopies by utilizing metal trims, aluminum bases, and stucco finishes. The overall size of the signs is also compliant with the street frontages as described in the Highland Municipal Code and is consistent with the sign programs of similar gas stations located within the City.

- c. The comprehensive sign program achieves the purpose of the City of Highland Land Use and Development Code, Chapter 16.56 (Sign Regulations).

Response: The intent of Chapter 16.56.180 (Comprehensive Sign Program) is to integrate its signs with the overall design of the site and provide a unified architectural statement. Sign programs are meant to provide the means for flexible application of signs regulations so long as it continues to reflect the purpose of the guidelines. The sign program identifies site specific guidelines and standards for the a “Snack Attack” building mounted sign, the two (2) 7-foot tall monument signs, as well as the 16-foot tall intersection oriented sign. These signs will provide visibility and foot traffic that is required for the operation of a gas station and convenience store.

- d. It will not constitute the granting of a special privilege nor provide more visibility or exposure than is available to similarly situated properties.

Response: The sign program will not constitute a granting of a special privilege. The proposed signs satisfy nearly all sign regulations for non sign program signage as described in the Highland Municipal Code. The deviations requested are not significant and are consistent with the sign programs of similar gas stations located within the City.

Section 4. Based on the Findings and Conclusions set forth above, the Planning Commission Approves Resolution No. 2022- ____ for Accessory Sign Review (ASR 22-006) to establish a Sign Program for the the Mobil Gas Station at 8020 Palm Avenue.

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 6th day of December, 2022.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director

Exhibit 1:
Conditions of Approval

PLANNING DIVISION CONDITIONS OF APPROVAL

Date: December 6, 2022

Applicant: Ghulam Sarwar

Representative: Promotion Plus Inc.

File/Index: Accessory Sign Review (ASR 22-006)

Proposal: The Applicant is requesting to establish a comprehensive sign program for the installation of one (1) 22-foot long building mounted sign, two (2) 7-foot tall monument signs, and one (1) 16-foot tall monument sign at an approved fueling station and convenience store lot.

Location: 25745 Base Line, (APN: 1192-011-04)

PLANNING CONDITIONS OF APPROVAL

Note: These Conditions represent Planning Division Conditions only and are meant to be only one part of the Project's overall Conditions that may include Engineering, Fire Department and Building and Safety 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.

Accessory Sign Review (ASR 22-006) 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 Accessory Sign Review (ASR 22-006) 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 Sign Review has taken place within twelve (12) months after the approval of said Sign Review.
 - b. Where circumstances beyond the control of the Applicant causes delays which do not permit compliance with the time limitation established in this Section, the reviewing authority may grant an Extension of Time for a period of time not to exceed an additional twelve (12) months. Applications for such Extension of Time must be set forth, in writing; the reasons for this Extension shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Planning Commission approval.
2. In compliance with City Ordinance, the Applicant shall agree to defend, at the Applicant's sole expense, any action brought against the City, its agents, officers, or

employees, because if the issuance of such approval. The Applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney's fees, which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at his own expense in the defense of any such action, but such participation shall not relieve Applicant of his obligations under this Condition.

3. This Sign Review Application is to allow the installation of one (1) 22-foot long building mounted sign, two (2) 7-foot tall monument signs, and one (1) 16-foot tall monument sign.
4. The design and finish of these signs shall be consistent with plan presented and approved by the Planning Commission.
5. The landscape planter area and corner statement around the intersection oriented monument sign shall be maintained.
- 6 Bases of all three (3) monument signs shall feature taupe/tan stucco cladding.
7. Revisions, modifications, or deletions of this Plan must be submitted to the Planning Division and/or approving authority for review and approval. Revisions may require additional review by the Planning Commission.
8. Obtain appropriate installation permits from Building and Safety Division for proposed signs prior to installation.



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: December 6, 2022

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director

PREPARED BY: Ash Syed, Associate Planner 

SUBJECT: Design Review Application (DRA 21-001B) for revised building elevations related to the construction of a 4,050 square foot multi-tenant drive-thru restaurant building on approximately 1.1 acres at the northeast corner of Base Line and Buckeye Street previously approved under Design Review Application (DRA 21-001) on January 18, 2022.

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

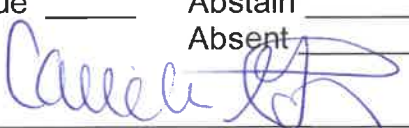
APPLICANT: Marinita Development

RECOMMENDATION: Staff recommends the Planning Commission:

- 1) Adopt Resolution 2022-____, to approve Design Review Application (DRA 21-001B), 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.

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

Approved _____	Motion _____	Second _____	Agenda Item No. <u>5</u>
Denied _____	Ayes _____		File No. _____
	Noes _____		
Continue _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

parties requesting notice. The notice was published in the San Bernardino Sun Newspaper on November 25, 2022.

DESCRIPTION OF THE SITE: The project site is located at the northeast corner of Base Line and Buckeye Street, is currently vacant with little to no vegetation, and has remained in this condition since prior to the City's incorporation in 1987 (Exhibit A – Area Map).

BACKGROUND:

On January 18, 2022, the Planning Commission adopted Resolution No. 2022-003, approving Conditional Use Permit (CUP 21-001), Lot Line Adjustment (LLA 21-001), and Design Review Application (DRA 21-001) for a commercial development consisting of a 2,560 square foot and 4,050 square foot multi-tenant drive-thru restaurant building on approximately 2.04 total acres at the northeast corner of Base Line and Buckeye Street. The approval consisted of the creation of two (2) relatively equal sized parcels, the approved land use, the site plan, the landscape plan, the grading plan, as well as building elevations for the two (2) speculative restaurant pads (El Pollo Loco and The Habit) (Exhibit B – Site Plan). However, the building elevations presented to the Planning Commission at the time on Pad A were for a standard El Pollo Loco restaurant (2,560 sf) that was not configured or oriented south-facing for the specific location on this site. Additionally, the building elevations proposed and approved on Pad B were for a block stucco exterior design consistent with the rest of the General Plan's Town Center Policy Area and not unique to The Habit's current restaurant designs (4050 sf).

Since the January 18, 2022 Planning Commission meeting, The Habit's corporate team has proposed a revised building exterior for Pad B that is more consistent with their current corporate design. Thus, Design Review Application (DRA 21-001B) is an amendment to the approved Design Review Application (DRA 21-001) to allow The Habit to move forward with opening at Pad B independently. The El Pollo Loco team will proceed with their own Design Review Application (DRA 21-001A) for Pad A at a later date.

PROJECT REVIEW/ANALYSIS:

As discussed, the Applicant, Marinita Development, is looking to modify the approved elevations for the building at Pad B and opt for a modern aesthetic consistent with The Habit's current corporate design. The changes include a primarily horizontal slats of "Tiki Torch" Trex composite decking wood siding on each of the four (4) building faces with "Chalky" Dunn Edwards plaster finish along the upper portions of the building as well as the pop-out trims. Accent elements include "Premier Gray Field" steel lattice fixtures on the northern, southern, and western faces of the building surrounded by "Barnwood Gray" plaster finishes and tiles. Overhanging rectangular brows above the customer entrance and drive thru windows function as modern awnings and will be finished in "Red Craft" and "Black Tie" colored break metal. The building orientation and interior floor plan will remain the same as previously approved with the customer

entrance on the east side and the drive-thru aisle around the remainder of the building. The outdoor patio featuring a gazebo embellished with historic crate labels will remain as approved just outside the customer entrance to the restaurant as well (Exhibit C – Pad B Elevations).

The 4,050 square foot building will also be split into two (2) adjacent suites. At approximately 2,600 square feet, the suite on the south side will be for The Habit restaurant while the suite to the north, at approximately 1,450 square feet, has yet to confirm a tenant. The Applicant had previously informed Staff that they were in discussions with a potential barber shop.

As aforementioned, all other aspects pertaining to the conceptual landscape plan, site plan, vehicular circulation, parking spaces, hours of operation and grading plan that were reviewed by the Planning Commission and approved for Design Review Application (DRA 21-001) shall also be applied to Design Review Application (DRA 21-001B).

Additionally, while a Sign Program was approved for the 60-foot tall freeway oriented pylon sign, as well as the two (2) 10-foot tall monument signs along Base Line, the Applicant will submit elevations for the building mounted signs for El Pollo Loco, The Habit, and the potential adjacent tenant for Staff's review at a later date.

ENVIRONMENTAL REVIEW: The original entitlements for Conditional Use Permit (CUP 21-001), Lot Line Adjustment (LLA 21-001), and Design Review Application (DRA 21-001) were 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 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. A Notice of Determination was filed on January 19, 2022.

PUBLIC COMMENT: At the time of preparation of this Staff Report, no comments were received from the public by the Planning Division in response to the Public Hearing Notice.

ANALYSIS: In conclusion, this Design Review Application (DRA 21-001B) is simply an amendment to the Design Review Application (DRA 21-001), approved via Resolution No. 2022-003, for the construction of a 2,560 square foot drive-thru restaurant building on Pad A and a 4,050 square foot multi-tenant drive-thru restaurant building on Pad B. The Applicant, Marinita Development, is looking to modify the approved elevations for the building at Pad B and opt for a modern aesthetic consistent with The Habit's current corporate design. Again, all other aspects pertaining to the conceptual landscape plan, site plan, vehicular circulation, parking spaces, hours of operation and grading plan that were reviewed by the Planning Commission and approved for Design Review Application (DRA 21-001) shall be applied to Design Review Application (DRA 21-001B).

EXHIBITS:

- A) Area Map
- B) Site Plan
- C) Pad B Elevations

ATTACHMENTS:

- 1) Planning Commission Minutes from January 18, 2022 Meeting
- 2) Planning Commission Resolution No. 2022-003
- 3) Planning Commission Resolution No. 2022 - _____
Exhibit 1: Conditions of Approval (DRA 21-001B)

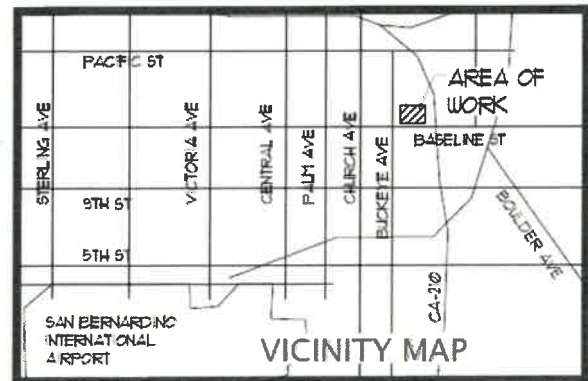
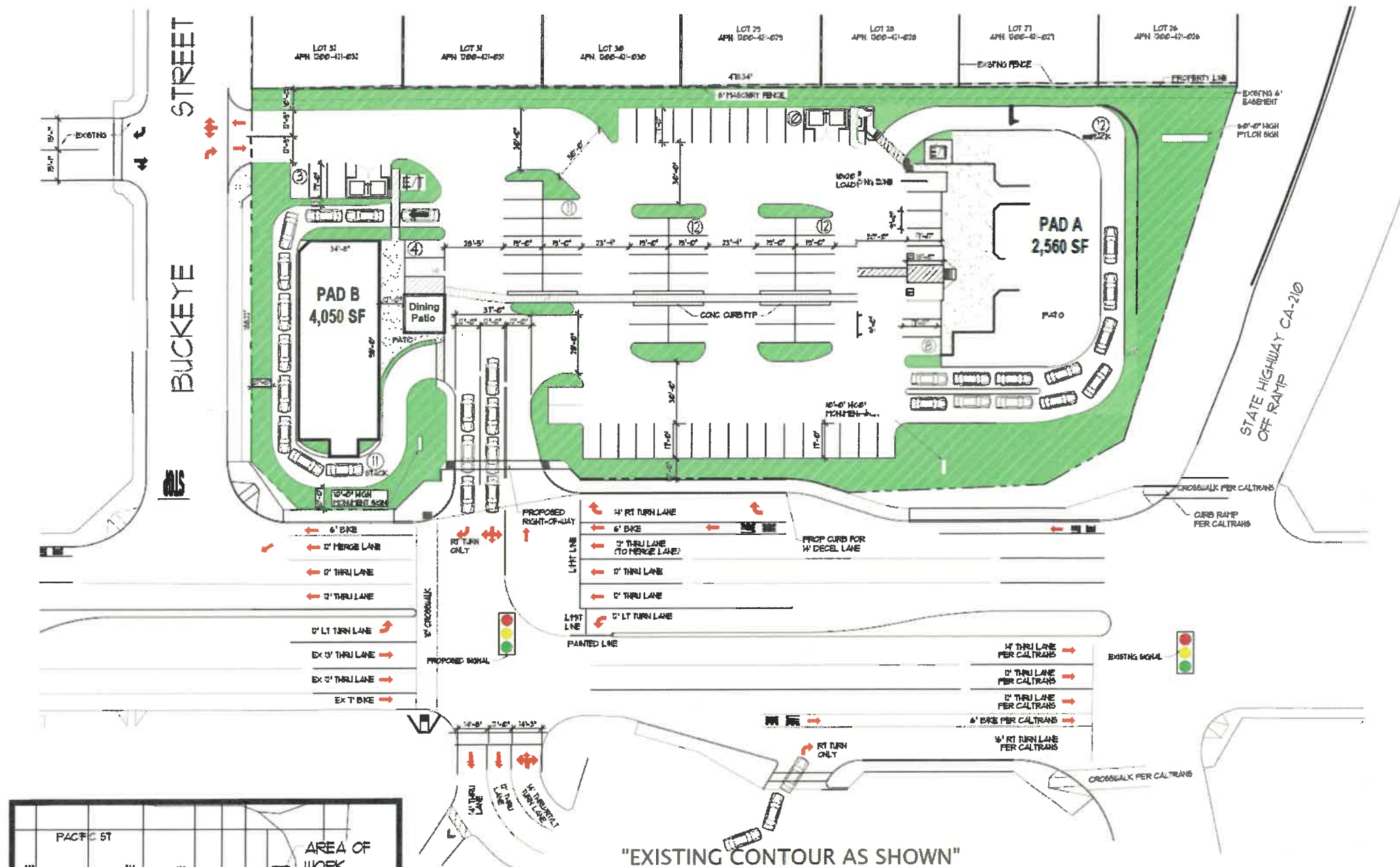
Exhibit A:

Area Map



Exhibit B:

Site Plan



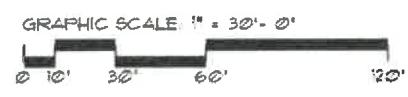
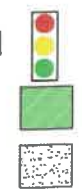
HIGHLAND UTILITY				
TIME WARNER CABLE TELEVISION 500 SOUTH AUTO CENTER DRIVE, ONTARIO, CA 91761 PHONE: (909) 721-8589	AT&T (TELEPHONE PLANNING) 3031 ADAMS STREET, RIVERSIDE, CA 92504 PHONE: (951) 359-751	SOUTHERN CALIFORNIA EDISON (DISTRIBUTION FACILITIES) 281 TENNESSEE STREET, REDLANDS, CA 92373 PHONE: (909) 307-6749	SOUTHERN CALIFORNIA GAS COMPANY 1981 WEST LUGONIA AVENUE, REDLANDS, CA 92374-9196 MAILING ADDRESS: P.O. BOX 3303, REDLANDS, CA 92374-9196 PHONE: (909) 338-7772	SPECTRUM - RIVERSIDE CHRIS MAZURCA 1331 CENTRAL AVE, RIVERSIDE, CA 92504 951-406-1606 CHRISMAZURCA@CHARTER.COM
EAST VALLEY WATER DISTRICT (WATER AND SEWER) 3654 HIGHLAND AVENUE SUITE 10, HIGHLAND, CA 92346 PHONE: (909) 888-8926	VERIZON (TELEPHONE NETWORK ENGINEERING AND PLANNING) 1980 ORANGE TREE LANE SUITE 100, REDLANDS, CA 92374-1880 PHONE: (909) 748-6649	SOUTHERN CALIFORNIA EDISON (TRANSMISSION FACILITIES) 300 NORTH PEPPER AVENUE, BUILDING "B", RIALTO, CA 92376 PHONE: (909) 820-5532	SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT 1350 SOUTH E STREET, SAN BERNARDINO, CA 92408-2125 MAILING ADDRESS: P.O. BOX 5806, SAN BERNARDINO, CA 92412-5806 PHONE: (909) 387-9230	



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



- LEGEND:**
- SIGNALIZED INTERSECTION
 - LANDSCAPE
 - CONCRETE PATH



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° 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, 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, 1964 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. 88-037530 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, 1964 IN BOOK 6127, PAGE 688 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 STAI
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:
Pad B Elevations



SOUTH ELEVATION
SCALE : 1/8"=1'-0"



EAST ELEVATION
SCALE : 1/8"=1'-0"



NORTH ELEVATION
SCALE : 1/8"=1'-0"



WEST ELEVATION
SCALE : 1/8"=1'-0"

COLORS AND MATERIALS



A) DEC793
"CHALKY"
BY DUNN EDWARDS



B) DET620
"BARNWOOD GRAY"
BY DUNN EDWARDS



C) DET423
"RED CRAFT"
BY DUNN EDWARDS



D) "TIKI TORCH"
TREX TRANSCEND
COMPOSITE DECKING



E) GREEN SCREEN



F) CLEAR COAT ANODIZED
BY KAWNEER



G) 12 X 24 PREMIER GREY
FIELD TILE CS0512241T
BY DALTILE - CONSULATE



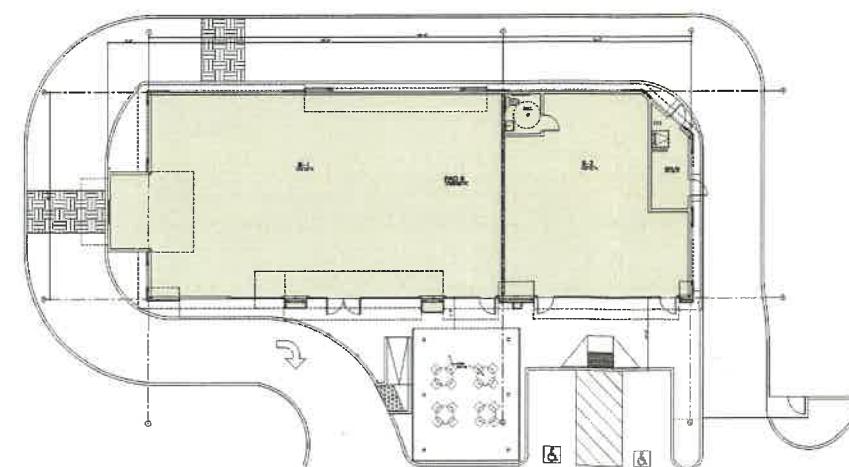
H) DEC6357 RL#590
"BLACK TIE"
BY DUNN EDWARDS

MATERIALS LEGEND

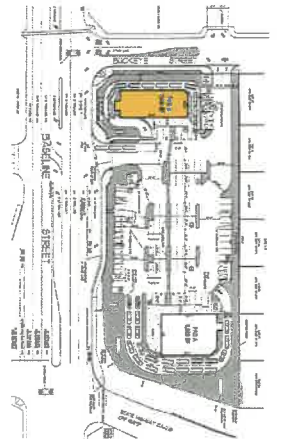
- 1) PLASTER FINISH
- 2) SIMULATED WOOD SIDINGS
- 3) METAL TRIM (BREAK METAL)
- 4) ALUMINUM STOREFRONT
- 5) TILE
- 6) METAL CANOPY
- 7) METAL AWNING / TRELLIS
- 8) STEEL LATTICE

FINISH LEGEND

- A) DEC793 "CHALKY" BY DUNN EDWARDS
- B) DET620 "BARNWOOD GRAY" BY DUNN EDWARDS
- C) DET423 "RED CRAFT" BY DUNN EDWARDS
- D) "TIKI TORCH" BY TREX TRANSCEND COMPOSITE DECKING
- E) GREEN SCREEN
- F) CLEAR COAT ANODIZED BY KAWNEER
- G) 12 X 24 PREMIER GREY FIELD TILE CS0512241T BY DALTILE - CONSULATE
- H) DEC6357 "BLACK TIE" BY DUNN EDWARDS



FLOOR PLAN
SCALE: 1/16"=1'-0"



KEY PLAN

PAD BUILDING - B ELEVATIONS

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

DATE: 04.20.2022
PROJECT NUMBER: 397.1803.12

RED

Architectural Group

3436 N. VERDUGO ROAD, SUITE 200, GLENDALE, CA 91208
P 818.957.7765 | www.red-arch.com

Attachment 1:
Planning Commission Minutes from
January 18, 2022 Meeting

MINUTES
PLANNING COMMISSION REGULAR MEETING
January 18, 2022

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 Vice Chair Thomas at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Vice Chair	Chandra Thomas
	Commissioner	Edward Amaya
	Commissioner	Jarrold Miller
	Commissioner	Jessica Sutorus

Absent:	Chair	Randall Hamerly
---------	-------	-----------------

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Ash Syed, Associate Planner
Carlos Zamano, City Engineer
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 Vice Chair Thomas.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

CONSENT CALENDAR

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

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

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

A MOTION was made by Commissioner Miller, seconded by Commissioner Amaya, to approve the minutes, as amended. 4-0-1, with Chair Hamerly absent.

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).

Associate Planner Syed presented the staff report.

Commissioner Miller asked Associate Planner Syed to give a quick summary of what changes were made to the conditions.

Associate Planner Syed stated on page 99 which is under the Planning Conditions of Approval, the Applicant wanted to specify on condition # 2., the 4,050 square foot drive-thru restaurant building would be a multi-tenant building. Additionally, condition #15 under on page 101, the hours of operation are between 4:30 AM to 12:00 AM. Condition # 19 on page 101 the language has been modified to specify that the sign will be single sided. It will be maximum 60-foot-high single sided south facing freeway-oriented pylon sign is permitted.

Commissioner Amaya asked is the recommendation to place the traffic signal light at the entrance to the Starbucks on Base Line?

Associate Planner stated yes, the placement is at the Starbucks entrance.

City Engineer Zamano stated regarding the number of signals that are along the Base Line corridor it is true that the traffic signal is needed for this development and the existing development directly to the south of it. Constructing this traffic signal is to do signal coordination so it is maintainable, like Seine Avenue which is a traffic signal immediately east of the 210 freeway. It is a similar condition that we would maintain the flow of traffic through the main corridor, so we wouldn't have any issues with Caltrans on and off ramps.

Commissioner Amaya asked who is going to bear the cost of the traffic signal?

City Engineer Zamano stated that is something that needs to be investigated further by the developer. There's no doubt that there is a direct benefit to the development of the south as they would be able to maintain their left turn in and left turn out.

Vice Chair Thomas asked what would be the outcome if they decided not to participate in the cost share? What's the benefit for them to come to that table and agree?

City Engineer Zamano stated the benefit would be to maintain access into their facility, making that left turn in, left turn out. If they do not, that development would be a risk for elimination of that movement. The only other alternative would be to then construct the

signal at the Buckeye Street intersection, which would require us to extend the raised median through that area and prohibit that movement.

Commissioner Miller stated it looks like we do have some improvements in the public right of way. Is that correct?

City Engineer stated yes.

Commissioner Miller stated there is a turn lane that looks like could be a little bit of an expansion. All drainage will drain to an onsite infiltration or underground infiltration system, but will there be an opportunity to pick up any of that public right of way improvement related stormwater and treat that or is that not going to happen?

City Engineer Zamano stated the public runoff that is in the roadway is going to continue to drain to the west, so that is correct.

Commissioner Miller stated I just want to bring this city's attention that we've reviewed a few projects that do have public right of way impervious surfaces associated with the project that aren't getting treated. Typically, when you look at that situation and a Water Quality Management Plan (WQMP), the requirement is to go to the Regional Board and get approval for not treating all your project related imperviousness. I just want to emphasize again for the record that as we continue to allow these projects to move forward with public right of way improvements and we're not treating the water that we do run a risk of a finding during our next audit by the Regional Board.

Matt Bennett stated the dedicated right is being constructed by the Base Line interchange project and it is underway currently. It is not being proposed or constructed by the development.

Commissioner Miller asked none of the public right of way improvements are being constructed by the development?

Matt Bennett stated correct. The current widening of eight feet to the Pad A side is being constructed by the Base Line interchange project.

Commissioner Miller stated not just this project, but all the projects that we've been reviewing one of the goals for the city is to reduce imperviousness associated with projects. Out of all the projects we reviewed, I've only seen one project that used alternative pervious surfaces and that was done to avoid WQMP requirements. If this a goal of the city to reduce impervious surfaces, how are we seeing that translated into our actual project designs as they move through the plan check process?

Matt Bennett stated the project was not designed to avoid a WQMP. The design was integrated for porous pavement such that it would perform as a BMP. Effectively you could have a WQMP book sitting over here and being approved, or you could have the same LID impact and that is what that project did. Your point about other sites, other locations for creating opportunities we certainly have heard that request and understand that. We have some projects that have that opportunity that are being developed by Capital

Improvement Project (CIP). There are small projects that don't have a drainage system on the right of way roadway that you could pick up and drop out into that drainage system and have that opportunity, so those are hard to come by. Private development a little more challenging in that way.

Scott Fawcett Applicant stated I am with Marinita Development Company, this project is an LLC. We have worked with the staff over the last couple years, we've had a very good relationship. We support the Conditions of Approval and the location of the traffic signal.

Commissioner Miller asked who will be responsible for onsite maintenance?

Scott Fawcett stated we have a porter service that services the property and now there's a common area charge in addition to the rent that the tenants pay. We have a sweeper that goes through every other week or every week.

Commissioner Sutorus asked what happened to forward with the digital sign?

Scott Fawcett stated we talked about the digital sign to a great extent. We spoke to the sign company, and they said the problem is for the visual signage to work it must be large enough and the other tenant signs would need to be reduced. Subsequently you would not be able to read the names of the companies/logos from a distance.

Associate Planner Syed stated this is El Pollo Loco's 2022 concept design and there are a couple locations that already look like this. This specifically wasn't exactly modified to fit Pad A, it is oriented north, which is away from the street, so some of the signage, accents, and parapets will noticeably change when it is time to submit.

Vice Chair Thomas asked when that does it will come back to the Planning Commission for review?

Associate Planner Syed stated it is not in the conditions, but you can add a condition where it should be brought back to the Planning Commission if you'd like to see it.

Commissioner Amaya stated it looks like the Habit in Mountain Grove in Redlands.

Michael Lundin, Representative stated I'm with the developer. El Pollo Loco is very excited about coming into Highland. This is their latest and greatest prototype and they told us this is a smaller unit in terms of building area, but much more efficient in terms of drive-thru and patio seating. The color scheme is very contemporary, and they want to do something exciting and magnetic. I'm not sure about the stencil component, but there are parts of the building are very simple and plain. I think it's consistent with the new Jack in the Box and Panda Express that are on the other side of the freeway as well.

Vice Chair Thomas asked do you know if it is paint stenciling as opposed to wrought iron?

Michael Lundin stated I think it is probably a combination from what I can gather. On the awnings, it looks like those are pre-colored or prefabricated, but I would venture to guess that it is a combination.

Associate Planner stated we can add a condition to the Planning Conditions of Approval, requiring that El Pollo Loco if they are to proceed with this location be required to come back to Planning Commission with a site-specific design and color scheme.

Community Development Director Mainez stated if I just clarify that directive or condition, you would be approving a Conditional Use Permit and that would allow the drive thru facility to go forward, so the developer can tell El Pollo Loco they were approved for the use. They would have to come back when they finalize the exterior design before this board. The entitlement would be approved tonight.

Commissioner Miller stated regarding the landscape plans, are these invasive species?

City Landscape Architect Scott Rice stated none of the plants on the current planting palette are invasive species. We have received notification from Public Services that they would rather not see the palo verde tree just due to the leaf litter. That is something we can work with the Applicant during plan check.

Commissioner Sutorus stated was there any thought put into trees that were specific to accommodate the nesting birds?

Sonia Hooker, Environmental Consultant, stated I want to clarify as to why we implement that mitigation measure, this site is very disturbed, and it does not have native habitat which is more conducive to supporting nesting birds. There are birds that are protected, and they are not endangered or threatened, but they're still protected under the Migratory Bird Treaty Act. We put that mitigation measure in as a precautionary measure. Construction can really start any time of year if it starts outside of the nesting bird season, then no additional precautionary measures are needed. If it starts during then we just have a qualified biologist go out, walk the site, make sure there's nothing that's protected under state law, and so it's really a precautionary measure.

Associate Planner Syed stated to clarify El Pollo Loco will have to provide revised architectural renderings, because what they've provided to us isn't even oriented towards the street, so they're going to provide revised drawings regardless.

Vice Chair Thomas stated ok, so adding that condition sounds appropriate.

Vice Chair Thomas closed the public hearing.

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

- 1) Adopt Resolution 22-____, 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.
Motion carried, 4-0-1, Chair Hamerly being absent.

RESOLUTION NO. 2022 - 003

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.

ANNOUNCEMENTS

None.

ADJOURN

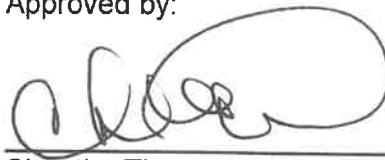
There being no further business, Vice Chair Thomas declared the meeting adjourned at 7:01 pm.

Submitted by:



Camille Goritz, Administrative Assistant III
Community Development Department

Approved by:



Chandra Thomas, Vice Chair
Planning Commission

Attachment 2:
Planning Commission
Resolution No. 2022-003
for prior Design Review Application
(DRA 21-001) approval

RESOLUTION NO. 2022 - 003

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 21-001) 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:



Chandra Thomas, Vice Chairman
Planning Commission



Lawrence A. Mainez
Community Development Director

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

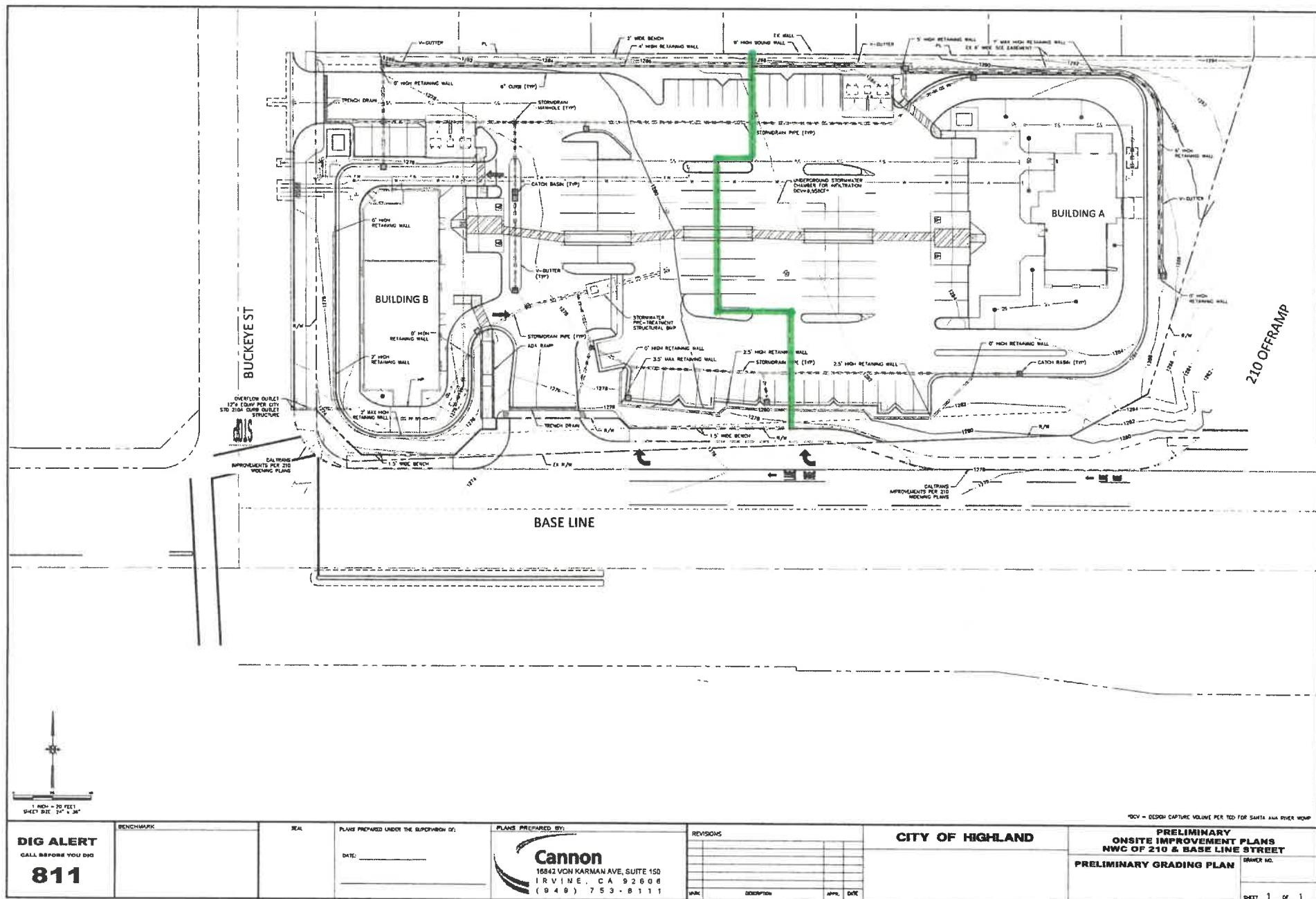


Exhibit 2:

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:
Lot Line Adjustment (LLA 21-001)
Conditions of Approval

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:
Conditional Use Permit (CUP 21-001)
Conditions of Approval

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 multi-tenant 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, single-sided (south facing) 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.

Exhibit 5:

Design Review Application (DRA 21-001)

Conditions of Approval

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) Prior to the issuance of grading permits, the Applicant shall submit an updated Design Review Application, including a Site Plan, Conceptual Landscape Plan, Building Elevations, and Materials Board, regarding the building at Pad A for approval by the Planning Commission.
 - 15) *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.

Building and Safety Division Conditions of Approval

Date: April 1, 2021 (revised 01/18/2022)

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

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.



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

DATE : March 23, 2021

Page 1 of 6

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. **HF31:** Approved fire hydrant pavement markers (blue dots) shall be installed at every hydrant.

3. **HF51:** The main electrical panel and all sub-panel(s) shall be labeled on inside cover for all circuits. **CEC**
4. **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**
5. **HF48:** A class "A" roof covering structure with "bird stops" shall be installed.
6. **HF55:** Commercial exit requirements:
 - A. Required exit doors shall be maintained in an operable condition at all times
 - B. Required exit doors shall swing outward and away in the direction of exit travel.
 - C. Obstructions shall not be placed in the required width of an exit. Exits shall not be blocked or locked shut or obstructed in any manner during business hours.
 - D. Exit paths shall be illuminated when structure is occupied.
 - E. Exit path illumination shall be supplied from two (2) sources of power when occupant load is one hundred (100) persons or more.
 - F. When exit way/exit pathway and/or exit doorway is not easily identified, additional exit signs shall be installed.
7. Exit signs shall be internally or externally illuminated by two lamps or shall be of the self-luminous type. **CFC; CBC**
8. **HF60:** Additional plans for access, fire safety systems, fire lanes and signage, gates, storage, or other special conditions may be requested for review, conditioning and approval by the fire marshal.
9. **HF56:** All flammable and combustible liquid storage and dispensing shall be in accordance with applicable sections of the **CFC, T-19** and city codes and ordinances.

ACCESS:

10. **HF8:** All access roads, public, private streets and residential driveways shall maintain a minimum vertical clearance of thirteen (13) feet-six (6) inches. **CFC**
11. **HF7:** Fire department **access** roads shall meet the fire dept. minimum unobstructed width of twenty (20) feet. (twenty-six (26) feet within FR-1&2 zones). **This standard shall not lessen other agency requirements.** Access roads shall be paved (asphalt/concrete) and in place **prior** to delivery of combustible building

materials on site. Roads shall be designed and constructed to meet adopted city standards. **CFC**

12. **HF10:** Driveways exceeding 150 feet shall have a fire department approved turn-around at the terminus. **CFC / APPENDIX D**
13. **HF11:** Fire department access roadway(s) and/or public/private street(s) exceeding one hundred fifty (150) feet in length shall provide an approved turn-around at the terminus (**cul-de-sac**). Minimum radius shall be **not less than forty (40)** feet. Or as approved by the fire marshal. Cul-de-sacs providing access to perimeter emergency access roads shall have a minimum radius of forty four (44) feet. **CFC / APPENDIX D, SBCO TRANSPORTATION STD**
14. **HF12:** Fire department access roadway(s); public/private street(s) and driveways shall not exceed 12% grade. **CBC / APPENDIX D, HMC**
15. **HF15:** "Phased" projects may be required to provide a minimum of two (2) remote points of approved access during construction. A secondary access, for fire and other emergency equipment and for routes of escape, which will safely handle evacuations. **CFC - APPENDIX D**
16. **HF24:** "NO PARKING – FIRE LANE" signs shall be posted at locations designated by fire marshal. Fire lane curbs shall be painted red, with white letters stating, "NO PARKING – FIRE LANE" on top, not face. **CFC - APPENDIX D**
17. **HF54:** commercial and industrial structures-occupancies and gated complexes shall have a "**KNOX BOX**" system installed on the exterior of the building(s) or complex. location of device to be determined by the fire department. The box shall contain keys necessary to gain access and may contain pre-plans and MSDS information as required by the fire department. New and existing multi-tenant commercial buildings shall provide a 'KNOX' box large enough to contain keys to access each individual tenant space. Installation location(s) to be determined by the fire marshal. The box shall contain clearly marked keys to each tenant space or other areas as determined by the fire marshal. **CFC**
18. **HF13:** Fire department access roadway(s); shall extend to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
An access road, approved by the fire dept., shall be provided to within fifty (50) feet of all structures when the natural grade between access road and structure is in excess of 30%.
Where an approved access road cannot be provided, a fire protection system shall be required and approved by the fire department. **CFC**

WATER:

19. **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.

20. **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.

21. **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**
22. **HF26:** Two sets of water delivery system plans, designed to meet the required fire flow for this project and/or development, shall be submitted to the fire department for review and approval. **CFC**
23. **HF27:** Applicant-developer shall provide a letter from the water company serving the project-development, verifying financial arrangements have been made and bonded for the required water improvements. **CFC**
24. **HF28:** Fire hydrants shall be installed, inspected and operational as per approved water system delivery plans **prior** to any framing, construction or delivery of combustible materials to project site. **CFC / CFC**
25. **HF30:** Private, on site fire hydrant(s) – yard hydrant(s)- capable of supplying required fire flow shall be installed at location(s) identified by the fire department. System shall be looped with minimum eight (8) inch mains; six (6) inch laterals, six (6) inch risers; six (6) inch dia. hydrants with one 2 ½" outlet and one 4" outlet.
CFC / APPENDIX B AND C

ADDRESSING – IDENTIFICATION:

26. **HF22:** Commercial-retail structures with rear access shall display address numbers on rear entry doorways, **4"** in height, **1/2"** stroke, on contrasting background. **CFC**
27. **HF21:** **Commercial and multi-family residential** address numbers shall be displayed on all **new and existing** structures in such a manner as to be plainly visible and legible from the access roadway or street. Numerals shall be of a contrasting color to the building and electrically illuminated.
Minimum size of the numerals shall be **8"** height, **3/4"** stroke, or as approved by the fire marshal.
Industrial occupancies shall have address numbers of 12" height, 1" stroke and shall be electrically illuminated so as to be visible and legible from access roadway or street.
Note: Depending on height and setback of a building, larger numerals may be required and at additional locations on the building, as determined by a case-by-case review.
HMC

FIRE PROTECTION & ALARM SYSTEMS:

1. **HF36:** Automatic fire sprinklers shall be installed according to **NFPA 13** and fire dept. requirements. Submit three **(3)** sets of shop plans with material cut sheets and hydraulic calculations, indicating the type of occupancy, type of materials to be stored (if any), for fire dept. review and approval prior to any installation. Submit copy of California C-16 license. **CFC; CBC; HMC**
2. **HF37:** Automatic fire sprinkler control devices (P.I.V & O.S.&Y.) Shall be visible from fire dept. access roadway, and identify system being controlled and address of structure.
Fire Dept. Connection (FDC) shall be located no closer than forty (40) feet and not to exceed one hundred fifty (150) from structure. Required fire hydrant shall have a maximum distance from FDC of thirty (30) feet. FDC shall identify address and system of structure being protected. **CFC**
3. **HF39:** An automatic fixed fire extinguishing system (**UL-300**) shall be installed in the hood and duct system of commercial cooking equipment. Three **(3)** sets of shop plans with material cut sheets and calculations shall be submitted to fire department for review and approval prior to installation. **CFC**
4. **HF41:** A minimum of one 2A-10BC fire extinguisher shall be installed for each 3,000 sq.ft. of floor area. Travel distance to any one fire extinguisher shall not exceed 75 feet. Additional fire extinguishers, size and class to be determined by fire department, may be required. Fire extinguishers shall be serviced bi-annually

and shall have a current State Fire Marshall service tag attached. Fire extinguishers are to be serviced every two years and inspected & tagged every year. **CFC; NFPA**

5. **HF42:** A 40BC (K-Type) fire extinguisher shall be installed within 30 feet of commercial food heat-processing equipment. Fire extinguishers shall be serviced annually and shall have a current SFM service tag attached. Fire extinguishers are to be serviced every two years and inspected & tagged every year.
CFC; T-19
6. **HF43:** An automatic fire detection and alarm system meeting the requirements of CFC 907, CBC and NFPA 72 shall be installed. Three (3) sets of shop plans with material cut sheets and calculations shall be submitted to the fire department for review and approval prior to installation. **CFC; CBC; NFPA**
7. **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.
8. **HF61: TENANT IMPROVEMENT.** Review the 'tenant improvement information' handout. If any of the items listed apply to this project, they must be included in the 'fire department notes' section on the plan.
9. **HF62:** Additional plans for access, fire safety systems, storage or other special condition may be requested for review, conditioning and approval by the fire marshal.
10. **HF63:** Submit to fire marshal's office: **one copy** of building and/or structure plans for fire department review.

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

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

P.C. Approved 1-18-22

- 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.

STATE OF CALIFORNIA)

COUNTY OF SAN BERNARDINO)

CITY OF HIGHLAND)

I, Camille Goritz, Administrative Assistant III of the City of Highland, California, do hereby certify Resolution No. 2022-003 was duly and regularly adopted by the Planning Commission of the City of Highland, California, at a regular meeting thereof held on the 18th day of January 2022, by the following vote:

AYES: Amaya, Miller, Sutorus, Thomas

NOES: None

ABSTAIN: None

ABSENT: Hamerly



Camille Goritz, Administrative Assistant III

Attachment 3:
Planning Commission
Resolution No. 2022 - _____

RESOLUTION NO. 2022 - ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING DESIGN REVIEW APPLICATION (DRA 21-001B) FOR THE CONSTRUCTION OF A 4,050 SQUARE FOOT MULTI-TENANT DRIVE-THRU RESTAURANT BUILDING ON APPROXIMATELY 1.1 ACRES AT THE NORTHEAST CORNER OF BASE LINE AND BUCKEYE STREET.

ASSESSOR'S PARCEL NUMBERS: 1200-421-02

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 January 18, 2022, the Planning Commission adopted Resolution No. 2022-003, approving Conditional Use Permit (CUP 21-001), Lot Line Adjustment (LLA 21-001), and Design Review Application (DRA 21-001) for a commercial development consisting of a 2,560 square foot and 4,050 square foot multi-tenant drive-thru restaurant building on approximately 2.04 total acres at the northeast corner of Base Line and Buckeye Street.
3. 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. A Notice of Determination was filed on January 19, 2022.
4. In October of 2022, The Habit's corporate team proposed a revised building exterior that is more consistent with their current corporate design. Design Review Application (DRA 21-001B) is an amendment to the approved Design Review Application (DRA 21-001) to further define the design characteristics of The Habit.
5. 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 December 6, 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 **Design Review Application (DRA 21-001B)**

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 building is located on a 1.1 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 was approved January 18, 2022. The restaurant building satisfies 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 a drive-thru fast food restaurant with vehicular access off of Base Line and Buckeye Street. The amended Design Review Application (DRA 21-001B) will modify the approved elevations for the building at Pad B to a modern aesthetic consistent with The Habit’s current corporate design. All other aspects pertaining to the conceptual landscape plan, site plan, vehicular circulation, parking spaces, hours of operation and grading plan that were reviewed by the Planning Commission

and approved for Design Review Application (DRA 21-001) shall be applied to Design Review Application (DRA 21-001B)

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

Response:

The proposed building elevations are consistent with the modern corporate design schemes for The Habit. The concept design provided for The Habit at Pad B Pad A will also complement the modern design proposed by El Pollo Loco at Pad A as well. There is also a lattice gazebo proposed outside the customer entrance at Pad B that integrates images of historic crate labels to help offset the modern design of the building.

- 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 amendment to Design Review Application (DRA 21-001) for the proposed project will not adversely affect the public health, safety, and welfare. A Notice of Determination was filed on January 19, 2022.

Exhibit 1 attached includes the Design Review Application (DRA 21-001B) Conditions of Approval.

- 6. Based on the Findings of Fact and Conclusions set forth above, the Planning Commission approves Design Review Application (DRA 21-001B).

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 6th day of December 2022.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director

Exhibit 1:

Conditions of Approval (DRA 21-001B)

CITY OF HIGHLAND
PLANNING DIVISION CONDITIONS OF APPROVAL

Date: December 6, 2022

Applicant: Marinita Development

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

Proposal: Revised building elevations related to the construction of a 4,050 square foot multi-tenant drive-thru restaurant building on approximately 1.1 acres at the northeast corner of Base Line and Buckeye Street previously approved under Design Review Application (DRA 21-001).

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

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 (DRA 21-001B) 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 (DRA 21-001B) 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 (DRA 21-001B).

- 2) The subject Design Review Application (DRA 21-001B) is an amendment to the approved Design Review Application (DRA 21-001) to separate the two restaurant pads and allow Pad B to be developed independently of Pad A.
- 3) The subject Design Review Application (DRA 21-001B) pertains to the revision of building elevations related to the construction of a 4,050 square foot multi-tenant drive-thru restaurant building on approximately 1.1 acres at the northeast corner of Base Line and Buckeye Street previously approved under Design Review Application (DRA 21-001).
- 4) The conceptual landscape plan, site plan, vehicular circulation, parking spaces, hours of operation and grading plan that were approved for Design Review Application (DRA 21-001) via Resolution No. 2022-003 shall be applied to Design Review Application (DRA 21-001B)
- 5) 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.
- 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) The Development Impact Fees shall be calculated and paid in accordance with City policy.
- 9) 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.
- 10) 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.
- 11) The Applicant shall submit a supplementary Design Review Application (DRA 21-001A), including a Site Plan, Conceptual Landscape Plan, Building Elevations, and

Materials Board, regarding the building at Pad A for approval by the Planning Commission.

- 12) *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.