

CITY OF HIGHLAND REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

MEMBERS

Randall Hamerly, Chair
Chandra Thomas, Vice Chair
Craig Graves, Commissioner
Nicole McCance, Commissioner
Jarrod Miller, Commissioner

REGULAR MEETING

February 4, 2025
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
Angela Tafolla, Associate Planner
Travis Trejo, Assistant Planner
Tiffany Martinez, Assistant Planner
Camille Duarte, Administrative Assistant III
Matt Wirz, Building Official
Scott Rice, City Landscape Architect

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 聒

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 February 4, 2025 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the February 4, 2025 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
February 4, 2025 - 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 February 4, 2025, 5:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes.

1. Election of Chair and Vice Chair

RECOMMENDATION: Staff recommends the Planning Commission conduct an Election for Chair and Vice Chair

CONSENT CALENDAR

2. Minutes from the January 21, 2024 Regular Meeting.

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

PUBLIC HEARINGS

3. A Public Hearing to consider the appeal of Administrative Citation No. 15255 issued due to land use violations related to the unpermitted parking and storage of trucks and tractor-trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at the property generally located at 27356 5th Street, Highland, CA 92346, Tax Assessor Parcel Number 1201-301-16. Cited: William Graham 1, LLC. Continued from December 17, 2024, Planning Commission/Appeals Board Hearing.

RECOMMENDATION: Staff recommends the Planning Commission/Appeals Board continue this item to the February 18, 2025, meeting date.

4. Request for a one-year Extension of Time (EXT 24-003) for Conditional Use Permit (CUP-21-001), Design Review Application (DRA-21-001), and Lot Line Adjustment (LLA-21-001) entitlements related to the 4,050 square foot multi-tenant drive-thru restaurant building on approximately 2.04 acres. (Owner: Marinita Development, Location: Northeast corner of Base Line and Buckeye Street)

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 25 – _____, approving Extension of Time application (EXT 24-003) for a one (1) year extension of Conditional Use Permit (CUP 21-001), Design Review Application (DRA 21-001), Lot Line Adjustment (LLA 21-001) and Design Review Application (DRA 21-001B), subject to the amended Conditions of Approval and Findings of Fact.

ANNOUNCEMENTS

ADJOURN

I, Camille Duarte, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 30th of January 2025 by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: January 30, 2025



Camille Duarte, Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: February 4, 2025

FROM: Lawrence A. Mainez, Community Development Director

PREPARED BY: Camille Duarte, Administrative Assistant III

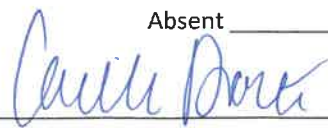
SUBJECT: Election of Chair and Vice Chair

RECOMMENDATION: Staff recommends the Planning Commission conduct an Election for Chair and Vice Chair

FISCAL IMPACT: None

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

BACKGROUND: In accordance with Resolution No. 89-19, Section 3.1(b), the Planning Commission will annually meet to appoint a Chair and Vice Chair for the coming year. Staff will take nominations and the vote for Chair. After the appointment of the Chair, Staff will turn the meeting over to the newly appointed Chair who will then take nominations and the vote for Vice Chair.

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



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: February 4, 2025

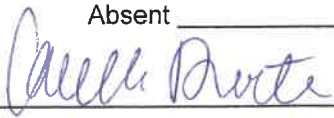
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Duarte, Administrative Assistant III

SUBJECT: Minutes from the January 21, 2025 Planning Commission Regular Meeting.

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

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

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

PLANNING COMMISSION REGULAR MEETING MINUTES
January 21, 2025 – 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	Nicole McCance

Absent:	Commissioner	Craig Graves
	Commissioner	Jarrold Miller

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Camille Duarte, Administrative Assistant III

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

PUBLIC HEARING

1. A Public Hearing to consider the appeal of Administrative Citation No. 15255 issued due to land use violations related to the unpermitted parking and storage of trucks and tractor-trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at the property generally located at 27356 5th Street, Highland, CA 92346. Tax Assessor Parcel Number 1201-301-16. Cited: William Graham 1, LLC. Continued from December 17, 2024. Planning Commission/Appeals Board Hearing.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner McCance to continue this item to the February 4, 2025 meeting date. Motion carried, 3-0, with Commissioner Graves and Miller being absent.

ANNOUNCEMENTS

The next Planning Commission Regular Meeting is scheduled February 4, 2025.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:07 p.m.

Submitted by:

Approved by:

Camille Duarte, Administrative Assistant III

Randall Hamerly, Chair



STAFF REPORT

TO THE PLANNING COMMISSION / APPEALS BOARD

DATE: February 04, 2025

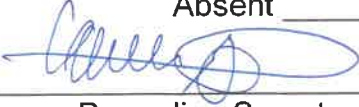
FROM: Lawrence Mainez, Community Development Director

SUBJECT: A Public Hearing to Consider the Appeal of Administrative Citation No. 15255 issued due to Land use violations related to the unpermitted parking and storage of trucks & tractor-trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at the property generally located at 27356 5th St., Highland, CA 92346, Tax Assessor Parcel Number 1201-301-16. Cited: William Graham 1 LLC. **Continued from January 21, 2025, Planning Commission/Appeals Board Hearing.**

APPELLANT: William Graham 1 LLC

RECOMMENDATION: Staff recommends the Planning Commission/Appeals Board continue this item to the February 18, 2025 meeting date.

SUMMARY: Due to staff health and attendance issues, additional time is required to schedule the continued public hearing of this Appeal. With concurrence from the Appellant, staff recommends this item be continued to the February 18, 2025, hearing date.

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



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: February 4, 2025

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director *[Signature]*

PREPARED BY: Travis Trejo, Assistant Planner *[Signature]*

SUBJECT: Request for a one-year Extension of Time (EXT 24-003) for Conditional Use Permit (CUP-21-001), Design Review Application (DRA 21-001), Lot Line Adjustment (LLA 21-001) and Design Review Application (DRA 21-001B) entitlements related to the development of two (2) drive-thru restaurant pads on approximately 2.04 acres.

(SB 1439 Campaign Contributions and Conflicts of Interest - Government Code Section 84308 is applicable)

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

PROPERTY OWNERS: Marinita Development

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 25 – _____, approving Extension of Time application (EXT 24-003) for a one (1) year extension of Conditional Use Permit (CUP 21-001), Design Review Application (DRA 21-001), Lot Line Adjustment (LLA 21-001) and Design Review Application (DRA 21-001B), subject to the amended Conditions of Approval and Findings of Fact.

FISCAL IMPACT: Staff time for the review of the project and preparation of the staff report is covered by the application fee provided by the Applicant.

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

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 Mitigation Monitoring and Reporting Program was adopted by the PC on January 18 2022 and a Notice of Determination was filed on January 19, 2022.

PUBLIC NOTICE: As required by City Council Resolution, notice of the public hearing was posted at the City's three designated posting locations. On January 25, 2025, a legal advertisement was published in the SB Sun. In addition, the notice was posted on the City's website and mailed to property owners within 300 feet of the project site as well as those who previously requested notice.

PUBLIC COMMENT: Staff has not received any public comments in response to the project notice at the time of preparing this staff report.

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

Surrounding Land Uses

North: Single Family Homes

South: Starbucks Coffee, Popeyes Chicken, 76 Gas Station

East: 210 Freeway

West: Smart & Final Grocery Store

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

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

PREVIOUS ACTION:

On January 18, 2022, the Planning Commission adopted:

-
- Resolution No. 2022-003, approving Conditional Use Permit (CUP-21-001), Design Review Application (DRA-21-001), and Lot Line Adjustment (LLA-21-001).

On December 6, 2022, the Planning Commission adopted:

- Resolution No. 2022-45 approving design review application (DRA 21- 001B) for the construction of a 4,050 square foot multi-tenant drive-thru restaurant building.

BACKGROUND: The original approval in January of 2022, 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). 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).

Following the January 18, 2022, Planning Commission meeting, The Habit's corporate team proposed a revised building exterior for Pad B that was more consistent with their current corporate design. Thus, Design Review Application (DRA 21-001B) was submitted and approved amending the approved Design Review Application (DRA 21-001) to allow The Habit to move forward with opening at Pad B independently.

ANALYSIS: The respective applications were originally approved on January 18, 2022, for a three (3) year span, set to expire on January 18, 2025. The Highland Municipal Code allows for the recordation deadline for applications to be extended a total of three (3) years, but in one (1) year increments. The approval of this first Extension of Time (EXT 24-003) application would push the expiration date of the applications Conditional Use Permit (CUP-21-001), Design Review Application (DRA 21-001), Lot Line Adjustment (LLA 21-001) to January 18, 2026. Design Review Application (DRA 21-001B) would be extended to December 6, 2026.

In December of 2024, the Applicant explained in the Extension of Time Request Letter, submitted as part of the Extension of Time (EXT 24-003) application, that they are making progress to find suitable tenants for their site, through leasing negotiations. An ongoing discussion on the proposed traffic signal on the corner of Base Line and Buckeye Street is also progressing towards a solution that is agreeable for all parties involved (Exhibit B - Extension of Time Letter).

The original CUP, DRA, and LLA conditions previously approved will remain in effect. In compliance with HMC Section 16.08.200.B.5, findings have been made that granting of the extension will not be detrimental to the public health, safety or welfare or

materially injurious to properties or improvements in the vicinity. Staff recommends the Planning Commission to approve the extension of time to allow the applicant to continue moving forward on this project.

EXHIBITS:

- A) Area Map
- B) Extension of Time Letter
- C) Project Plans
- D) Planning Commission Resolution No. 2022-003
 - Exhibit 1: Lot Line Adjustment (LLA 21-001)
 - Exhibit 2: Mitigation Monitoring and Reporting Program (ENV 21-004)
 - Exhibit 3: Lot Line Adjustment (LLA 21-001) Conditions of Approval
 - Exhibit 4: Conditional Use Permit (CUP 21-001) Conditions of Approval
 - Exhibit 5: Design Review Application (DRA 21-001) Conditions of Approval
- E) Planning Commission Resolution No. 2022-045
 - Exhibit 1: Conditions of Approval (DRA 21-001B)

ATTACHMENTS:

- 1) Resolution 2025-___ Approving Extension of Time application (EXT 24-003) for a one (1) year extension of Conditional Use Permit (CUP 21-001), Design Review Application (DRA 21-001), Lot Line Adjustment (LLA 21-001), and Design Review Application (DRA 21-001B)

Exhibit A:

Area Map

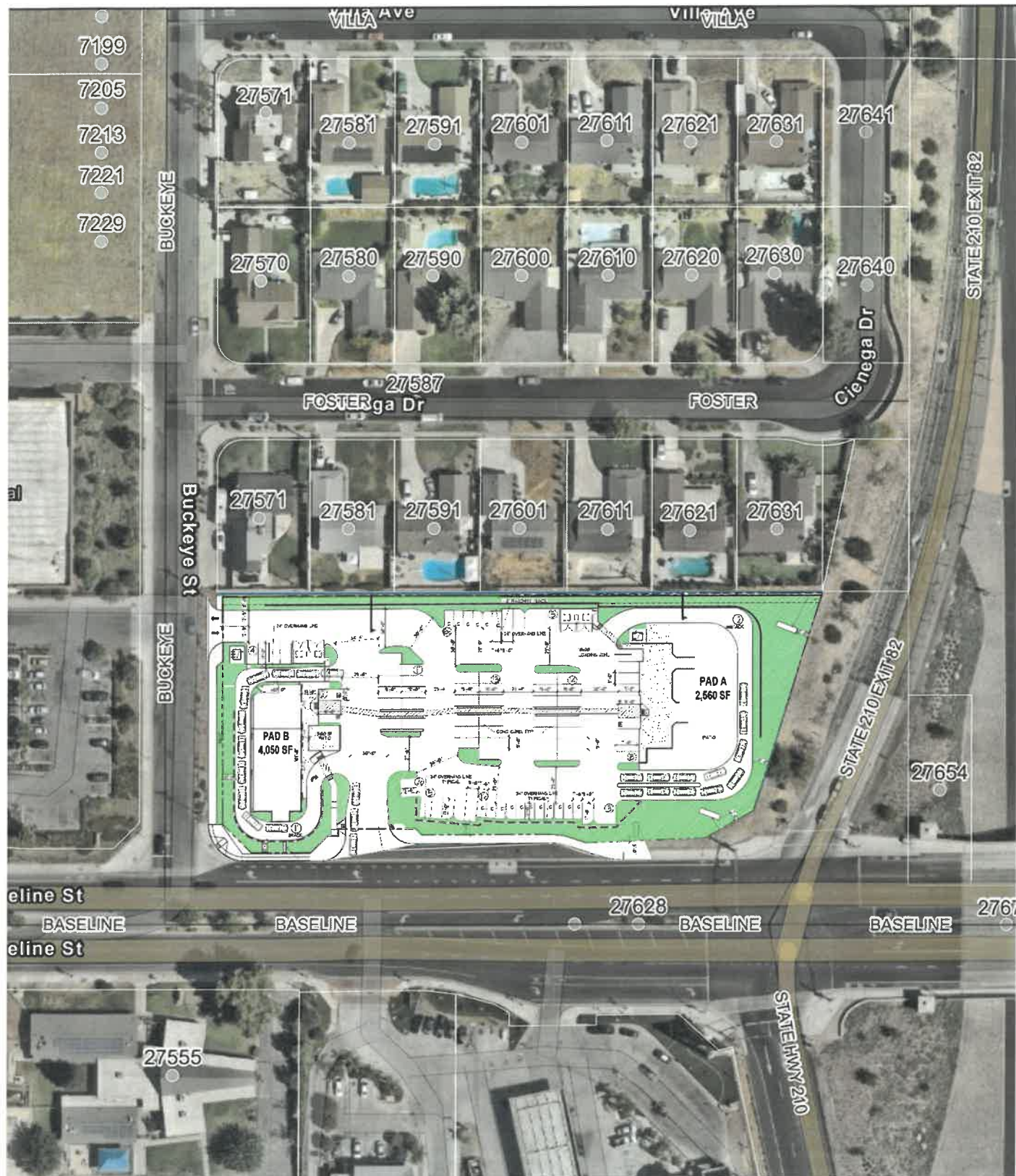


Exhibit B:

Extension of Time Letter

December 16, 2024

Lumar Devco IV
3835 Birch Street
Newport Beach, CA 92660

City of Highland
Community Development Department Planning Division
27215 Base Line, Highland, CA 92346
Subject: Extension of Time Application

Dear City of Highland,

Applicant Lumar Devco IV is seeking an additional 1-3 year extension of time for the receipt of entitlements for development of the parcel located at NWQ of Hwy 210 and Baseline St. in Highland. The reasons for the request for the extension of time consists of 1) Resolving the proposed traffic signal construction on Baseline St. led by the City of Highland, along with Lumar Devco IV, and neighboring property owners and 2) Our continuation of lease negotiations with prospective retail tenants for the Lumar Devco IV parcel.

Between ongoing traffic signal studies as well as the cooperation from the neighboring MG Gasoline and Starbucks/Popeye's property owners - finalizing planning and construction of the traffic signal has not been the easiest endeavor. Due to this ongoing situation, plus the added fact that the site had been entitled, pending the now proposed signal location - Lumar Devco IV has lost multiple prospective tenants, including creditworthy and nationally recognized restaurants.

Lumar Devco IV believes that granted such desired extension of time - our team, along with the cooperation of all parties involved, can help to finalize the City-led construction of the necessary traffic signal for all property owners and Lumar Devco IV may secure permanent creditworthy tenant(s) for our parcel.

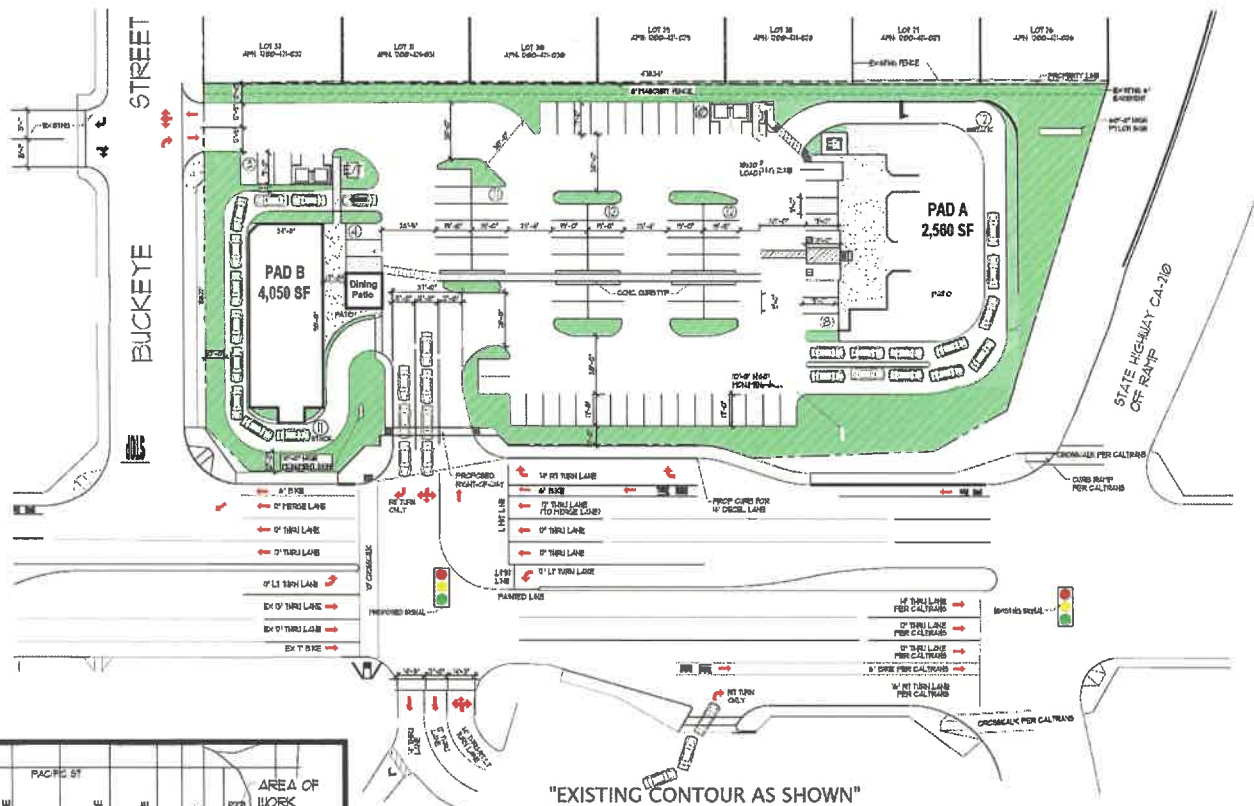
Thank you and we look forward to hearing back from you.

Sincerely,

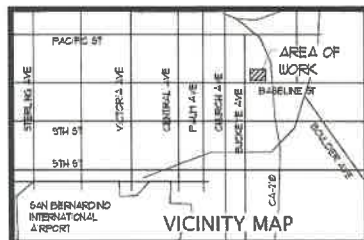
Lumar Devco IV

Exhibit C:

Project Plans



"EXISTING CONTOUR AS SHOWN"



HIGHLAND UTILITY

TIME WARNER CABLE TELEVISION 6500 SOUTH AUTO CENTER DRIVE ONTARIO, CA 91761 PHONE: (909) 771-0002	AT&T (TELEPHONE PLANNING) 3051 ADAMS STREET RIVERSIDE, CA 92504 PHONE: (951) 355-2501	SOUTHERN CALIFORNIA EDISON (DISTRIBUTION FACILITIES) 201 TENNESSEE STREET REDLANDS, CA 92373 PHONE: (909) 301-6745	SOUTHERN CALIFORNIA GAS COMPANY 1301 WEST LUGON A AVENUE REDLANDS, CA 92374-9796 MAILING ADDRESS: PO BOX 3303, REDLANDS, CA 92374-9796 PHONE: (909) 335-1172	SPECTRUM - RIVERSIDE CHRIS NAZZICA 1331 CENTRAL AVE, RIVERSIDE, CA 92504 951-506-1606 CHRISHAZUC@CHARTERCOM
EAST VALLEY WATER DISTRICT (WATER AND SEWER) 1654 HIGHLAND AVENUE, SUITE 18, HIGHLAND, CA 92346 PHONE: (909) 886-9586	VERIZON (TELEPHONE NETWORK ENGINEERING AND PLANNING) 1000 ORANGE TREE LANE, SUITE 100 REDLANDS, CA 92374-7000 PHONE: (909) 148-6649	SOUTHERN CALIFORNIA EDISON (TRANSMISSION FACILITIES) 300 NORTH PEPPER AVENUE BUILDING 10, REALTO, CA 92376 PHONE: (909) 802-5537	SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT 3200 SOUTH E STREET, SAN BERNARDINO, CA 92408-2705 MAILING ADDRESS: P.O. BOX 1006, SAN BERNARDINO, CA 92407-9906 PHONE: (909) 387-9230	

LEGEND:

SIGNALIZED INTERSECTION

LANDSCAPE

CONCRETE PATH



GRAPHIC SCALE: 1" = 30'-0"



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. 6650, A DISTANCE OF 192.02 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF 20 FEET AND A CENTRAL ANGLE OF 89° 56' 40"; THENCE SOUTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 31.40 FEET TO THE POINT OF TANGENCY WITH THE NORTH LINE OF THAT CERTAIN 20 FOOT DEDICATION TO BASELINE AS SHOWN BY SAID MAP OF TRACT NO. 6650, HEREINAFTER MENTIONED; THENCE EASTERLY ALONG SAID 20 FOOT DEDICATION, 526.30 FEET TO ITS INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT NO. 6650, PRODUCED SOUTHERLY; THENCE NORTH ALONG SAID EASTERLY LINE PRODUCED SOUTHERLY TO THE SOUTHEAST CORNER OF LOT 25 OF SAID TRACT NO. 6650; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT NO. 6650, TO THE TRUE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED APRIL 14, 1984 IN BOOK 6127, PAGE 669 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED FEBRUARY 8, 1988 AS INSTRUMENT NO. 88-037350 OF OFFICIAL RECORDS.

APN: 1200-421-02-0-000

PARCEL 2:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID FILED IN THE DISTRICT LAND OFFICE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED APRIL 14, 1984 IN BOOK 6127, PAGE 669 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE NORTH LINE OF PARCEL, NORTH 89° 40' 02" EAST, 47.57 FEET; THENCE SOUTH 17° 09' 10" WEST, 180.80 FEET; THENCE SOUTH 60° 28' 54" WEST, 38.19 FEET; THENCE NORTH 11° 31' 08" EAST, 193.22 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.



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



DATE: 06.05.2020
PROJECT NUMBER: 397.1803.01

R·E·D Architectural Group

PLANNING ■ ARCHITECTURE ■ INTERIORS
3436 N. VERDUGO ROAD, SUITE 200, GLENDALE, CA 91208
P 818.957.7705 ■ 818.957.7767 F

TREES

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>QUANT.</u>	<u>SIZE</u>	<u>COLOR</u>	<u>REMARKS</u>	<u>WU/COLLE</u>
FOQUEUEA SPENDENS	OCOTILLO	6	24" BOX		STRIKING FORM	L
LAURUS NOBILIS	BAY LAUREL	8	24" BOX		AROMATIC	L
OLEA FERNANDEZII WILSONII	FLUTELESS OLYVE	12	36" BOX		MULTI TRUNK	L
PARSONSIA (CERCIDIUM) X	DESERT MUSEUM	21	24" BOX	BRIGHT YELLOW	THORNLESS	L
POKSPORA LONGICARPA	NCH	22	15 GAL.	WHITE	FLOWER SIZE	L
WASHINGTONIA CALIFORNIA	CALIFORNIA FAN PALM	29				

4'-8', 4'-12', 3'-12', 2'-15', 4'-18', 3'-18', 6'-20', 3'-25' BROWN TRUNK EDIBLE FRUIT L

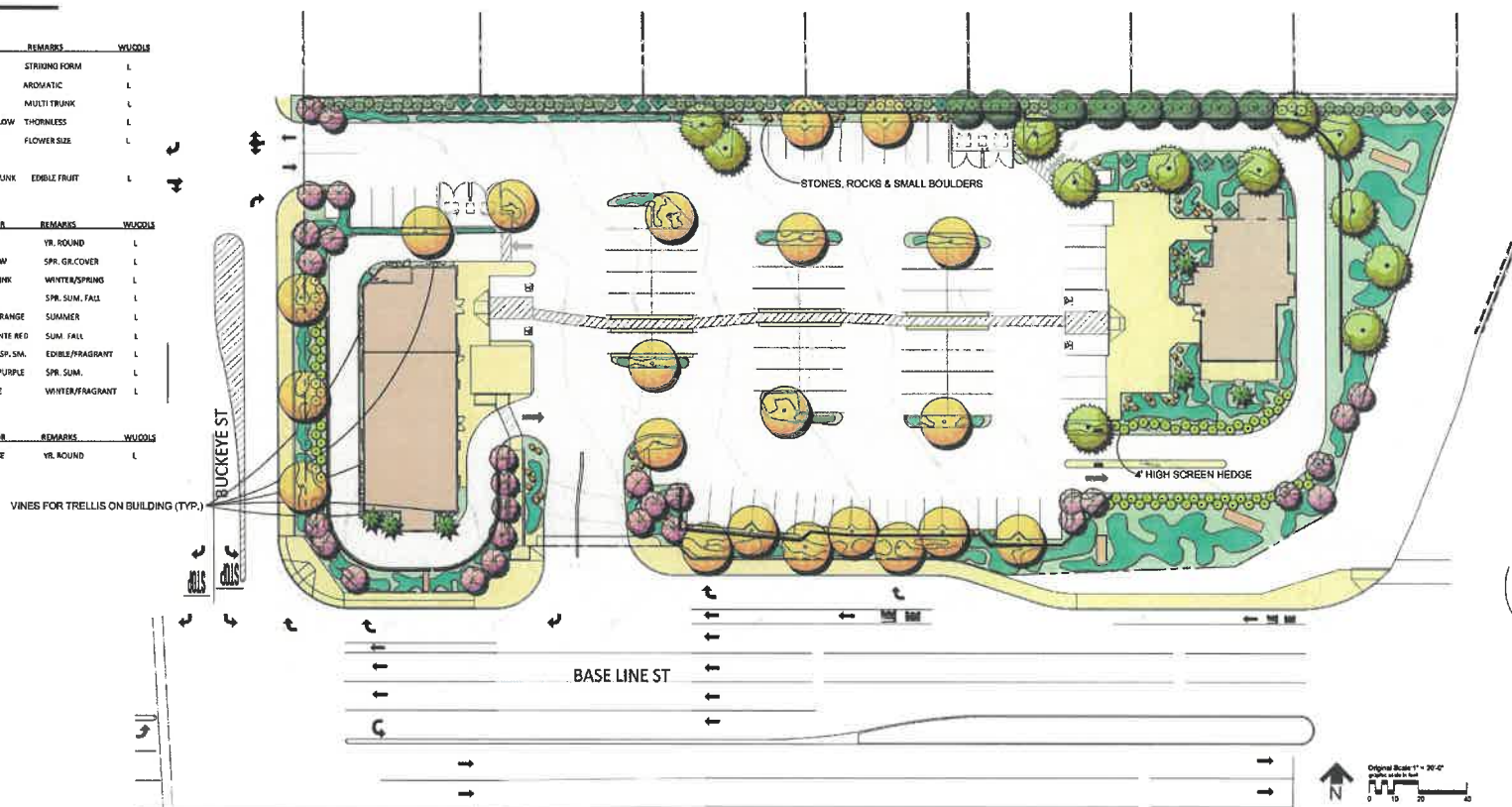
SHRUBS

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>QUANT.</u>	<u>SIZE</u>	<u>COLOR</u>	<u>REMARKS</u>	<u>WU/COLLE</u>
CALISTEMON VIMINUM 'SUN'*	'BOTTLE BRUSH'	---	15 GAL.	RED	SPR. GROUND	L
REMEDIOLA GABRIELLA E.	'MINGSNEN GOLD'	---	5 GAL.	YELLOW	YR. ROVER	L
ENEMPHOMA MACULATA	'VALENTINE'	---	15 GAL.	HOT PINK	WINTER/SPRING	L
JUSTICIA CALIFORNICA	'CHUPAROSA'	---	15 GAL.	RED	SPR. SUM. FALL	L
PEDILANTHUS BRACKETEUS	'TALL SLIPPER PLANT'	---	5 GAL.	RED/ORANGE	SUMMER	L
SALVIA GREGGII	'FLURRIANS RED ANTHUS N SAGE'	---	5 GAL.	MAGNENT RED	SUM. FALL	L
SALVIA LEUCOPHYLLA	'MONT SAIL LOW PURPLE SAGE'	---	1 GAL.	PINK, SP. SNA.	EDIBLE/FRAGRANT	L
SALVIA SYLVESTRIS	'LITTLE NIGHT'	---	1 GAL.	DARK PURPLE	SPR. SUM.	L
SARCOCODON RUSSOFLORA	'SWEET BOY'	---	15 GAL.	WHITE	WINTER/FRAGRANT	L

VINE

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>QUANT.</u>	<u>SIZE</u>	<u>COLOR</u>	<u>REMARKS</u>	<u>WU/COLLE</u>
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	---	15 GAL.	WHITE	YR. ROUNO	L

- 1 - **TOTAL SITE** - 2.4 AC. = 89,290 SF.
LANDSCAPE AREA - 24% = 21,833 S.F.
- 2 - **ROCKS** STOCKPILE, WASH AND PRESERVE ON SITE ROCKS 6", 8"-10" AND Boulders 12". 30%+ FOR LANDSCAPE USE.
- 3 - **SOILS TEST** AT THE COMPLETION OF ROUGH GRADING ACTIVITIES SUBMIT SOIL SAMPLES REPRESENTATIVE OF THE PRE-CONDITIONED SITE SOILS TO A CITY-APPROVED LABORATORY FOR SOIL FERTILITY ANALYSIS AND RECOMMENDATIONS.
- 4 - **IRRIGATION** ALL REQUIRED LANDSCAPING SHALL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION CONTROLLER THAT UTILIZES EITHER EVAPOTRANSPIRATION OR SOIL MOISTURE SENSOR DATA WITH NON-VOLATILE MEMORY FOR SCHEDULING IN ALL IRRIGATION SYSTEM COMPONENTS - LOW GALLONAGE AND LOW PRECIPITATION HEADS, DRIP SYSTEMS AND OTHER SUB-SURFACE TECHNIQUES, MINI-JET HEADS, MOISTURE SENSING DEVICES, CONTROLLERS WITH ABILITY OF VARIABLE PROGRAMMING.
- 5 - **STREET TREE** VARIETIES AND EXACT LOCATION WILL BE DETERMINED BY THE PUBLIC WORKS DEPARTMENT UNDER THE DIRECTION OF THE CITY'S LANDSCAPE ARCHITECT.



SUGGESTED TREE PALETTE

FOQUIERIA SPLENDENS COCOTILLO	OLEA EUROPAEA WILSONII FRUITLESS OLIVE	PARKINSONIA (CERCIDIUM) X DESERT MUSEUM
POLYSPORA LONGICARPA HEM	WASHINGTONIA FILIFERA CALIFORNIA FAN PALM	LAURUS NOBILIS BAY LAUREL

NOTE:
ALL PLANT MATERIAL TO BE IRRIGATED WITH
Drip Irrigation AND/OR WATER EFFICIENT
DROOLERS AND SPRAY IRRIGATION
APPLICATORS

SUGGESTED 640x480 PALETTE:

CALLISTEMON VIMINALIS 'SLIM' BOTTLEBRUSH	EREMOPHILA GLABRA M.G. MANDARIN GOLD	EREMOPHILA MACULATA VALENTINE	JUSTICIA CALIFORNICA CHIAPASENSIS	PEDILANTHUS BRACATEATUS TALL SLIPPER PLANT
SALVIA GREGGII FLORAL SEA AUTUMN MOON	SALVIA LEUCOPHYLLA	SALVIA SYLVESTRIS LITTLE HEART	SARCOCOCCA RUSCIFOLIA	

EXISTING BONES, ROCKS AND SMALL Boulders ON SITE TO BE STOCKPILED AND REMOVED IN LANDSCAPE

VELLA & ASSOCIATES
LANDSCAPE ARCHITECTS AND PLANNERS
3901 E. Airport Lane Dr., Suite 1000, CA 94015
www.vellaassoc.com
714.683.4033 car@vellaassoc.com



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) "TIGI TORCH"
BY TREX TRANSCENT
COMPOSITE DECKING



E) GREEN SCREEN



F) CLEAR COAT ANODIZED
BY KAWNEER



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



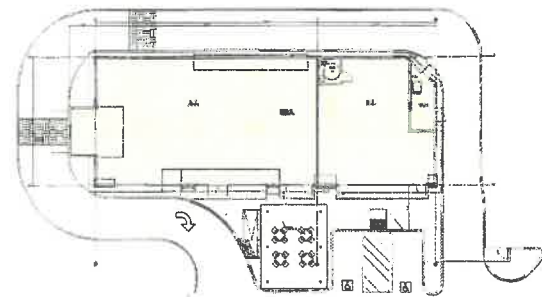
H) DEC6357 RL#590
"BLACK TIE"
BY DUNN EDWARDS

MATERIALS LEGEND

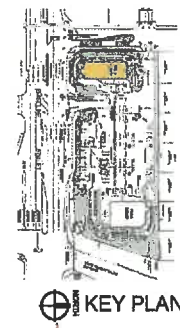
- 1) PLASTER FINISH
- 2) SIMULATED WOOD SIDINGS
- 3) METAL TRIM (BREAK METAL)
- 4) ALUMINUM STOREFRONT
- 5) TILE
- 6) METAL CANOPY
- 7) METALAWNING / TRELLIS
- 8) STEEL LATTICE

FINISH LEGEND

- A) DEC793 "CHALKY" BY DUNN EDWARDS
- B) DET620 "BARNWOOD GRAY" BY DUNN EDWARDS
- C) DET423 "RED CRAFT" BY DUNN EDWARDS
- D) "TIGI TORCH" BY TREX TRANSCENT 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

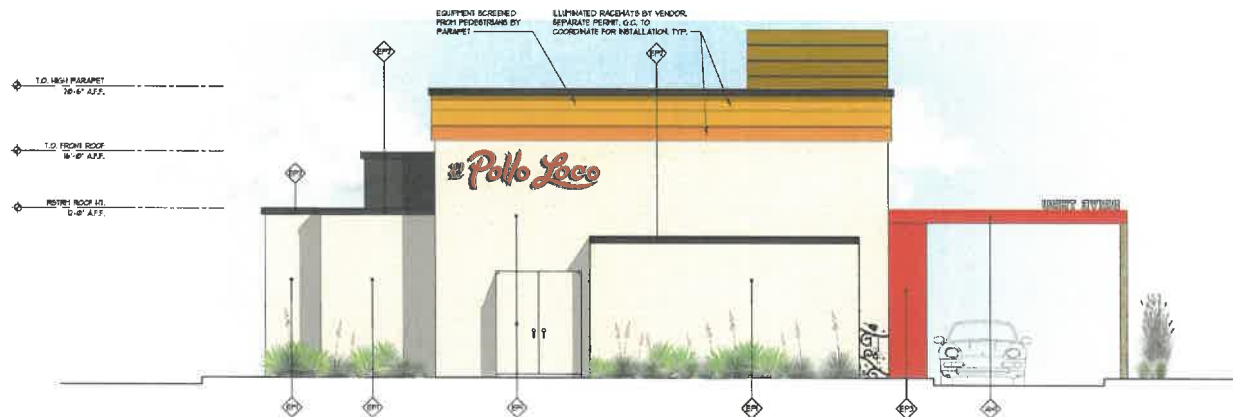
RED

Architectural Group

3436 AL VERDUZCO ROAD, SUITE 200, GLENDALE, CA 91208
P 616.957.7785 | www.red-arch.com



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



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

LEGEND

	MAIN BLDG. - SHERMAN HILLIARD - BUTTER WHITE S17551
	STUCCO 1800 FINE SAND FINISH - EXTERIOR GRADE
	100% BENJAMIN MOORE - BLACK 200-10
	STUCCO 1800 FINE SAND FINISH - EXTERIOR GRADE
	EXTERIOR GRADE
	ACCENT, BENJAMIN MOORE - ORANGE 200-10
	STUCCO - EXTERIOR GRADE ROUGHALL FINISH
	MURALS BY VENDOR
	SHINGLES/STUCCO: MATTHEWS PAINT
	STUCCO: 1800 FINE SAND FINISH - EXTERIOR GRADE
	SHINGLES AND SIDINGS BY VENDOR
	STOREFRONT WINDOWS: KANABER - BLACK ALUMINUM
	STOREFRONT DOOR ONLY: ALUMINUM
	PAINT: PASTEL PINK
	100% BENJAMIN MOORE - BLACK 200-10
	ILLUMINATED MULTI-COLOR SIGNGRAYS BY VENDOR, SEPARATE PERMIT

adm
ARMÉT DAVIS NEW LOVE &
ASSOCIATES, AIA ARCHITECTS
1300 ULTIMATE BLVD.
SANTA ANITA, CALIFORNIA 94061
PH 415 432 8553 FAX 415 432 4142

REV. DATE DESCRIPTION

THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE LIMITED TO THE PROJECT AND SITE SHOWN HEREON. ANY OTHER USE, REUSE, REPRODUCTION OR MODIFICATION OF ANY PART OF THIS PLAN, OR ANY PART OF THE SPECIFICATIONS, SHALL BE AT THE USER'S RISK AND WITHOUT LIABILITY TO THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.



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

DATE
XX/XX/XXXX
21-XXXX
DRAWN BY
CW
CHECKED BY
PD/TF
NEW PROTOTYPE

A5

Exhibit D:

Planning Commission Resolution No. 2022-003

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)

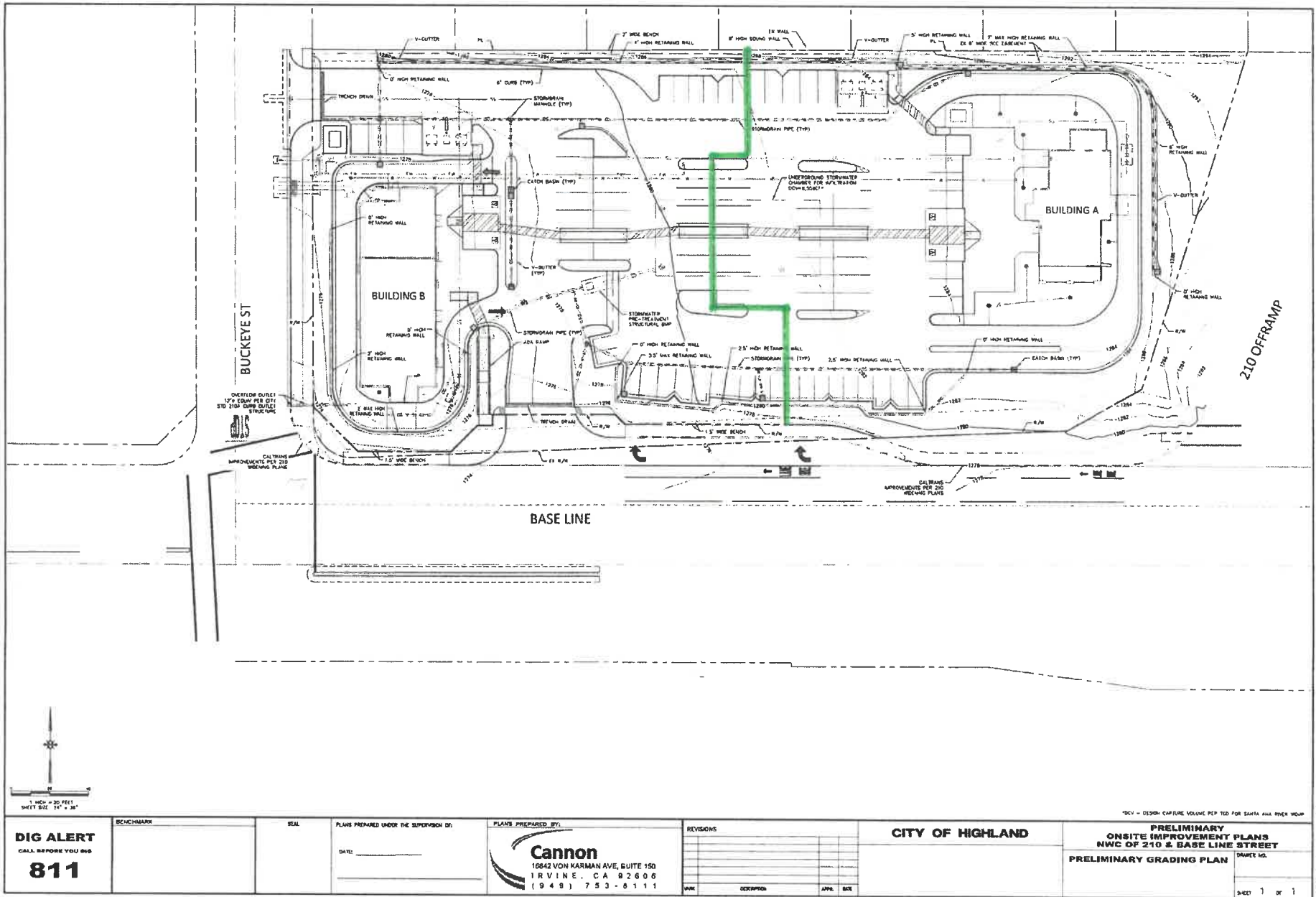


Exhibit 2:
Mitigation Monitoring & Reporting Program
(ENV 21-004)

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

A handwritten signature in blue ink, appearing to read 'Camille Goritz', is written over a horizontal line.

Camille Goritz, Administrative Assistant III

Exhibit E:

Planning Commission Resolution No. 2022-045

RESOLUTION NO. 2022 - 045

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

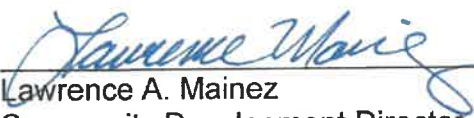
The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be published or posted in the manner prescribed by law.

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.

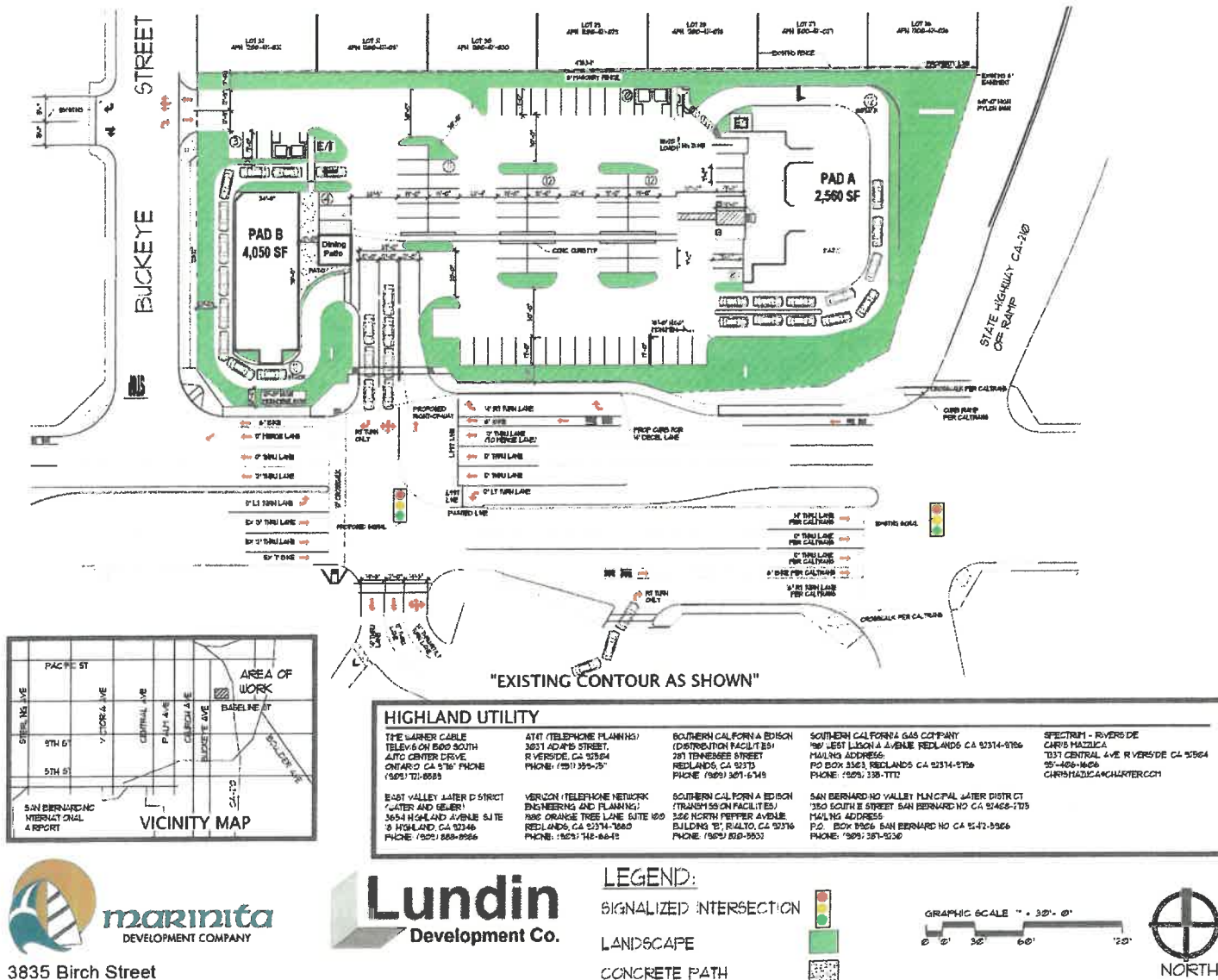
- 1) This Design Review Application (DRA 21-001B) shall become null and void:
 - a. Unless all Conditions have been complied with and the occupancy or use of the land or existing structures authorized by such Conditional Use Permit has taken place within thirty-six (36) months after the approval of said 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.



marinita
DEVELOPMENT COMPANY

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

Lundin
Development Co.

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. 6650, A DISTANCE OF 192.02 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF 20 FEET AND A CENTRAL ANGLE OF 80° 58' 40"; THENCE SOUTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 31.40 FEET TO THE POINT OF TANGENCY WITH THE NORTH LINE OF THAT CERTAIN 20 FOOT DEDICATION TO BASELINE AS SHOWN BY SAID MAP OF TRACT NO. 6650, HEREINAFTER MENTIONED, THENCE EASTERLY ALONG SAID 20 FOOT DEDICATION, 525.30 FEET TO ITS INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT NO. 6650, PRODUCED SOUTHERLY; THENCE NORTH ALONG SAID EASTERLY LINE PRODUCED SOUTHERLY TO THE SOUTHEAST CORNER OF LOT 25 OF SAID TRACT NO. 6650; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT NO. 6650, TO THE TRUE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED APRIL 14, 1984 IN BOOK 6127, PAGE 668 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED FEBRUARY 8, 1988 AS INSTRUMENT NO. 68-037530 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, 1984 IN BOOK 6127, PAGE 668 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 88° 28' 54" WEST, 38.18 FEET; THENCE NORTH 17° 31' 09" EAST, 193.22 FEET TO THE POINT OF BEGINNING.

APN: 1200-421-03-0-000

SITE AREA: ± 2.04 AC. 89,296 S.F.
BUILDING AREA: 9,050 S.F.
COVERAGE: 10 %
DRIVE THRU STACKING: 33 STALLS

PARKING REQUIRED:

PAD A: 4,050 SF (DINING)X50% = 2,025 SF=27 STALL
PAD A: 2,025 SF (OTHER)50% @ 4/1,000 SF=8.1 STAL
PAD B: 5,000 SF (DINING)X50% =2,500 SF=33.3 STAL
PAD B: 2,500 SF (OTHER)50% @ 4/1,000 SF=10 STAL

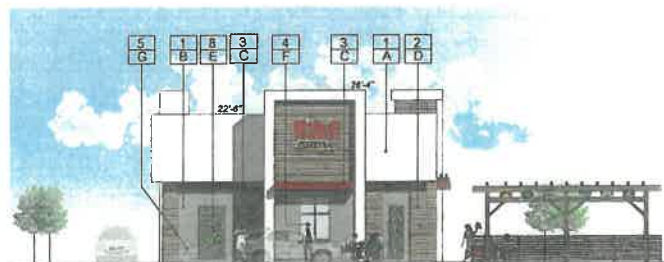
PARKING REQUIRED: 78 STALLS
PARKING PROVIDED: 79 STALLS
PARKING RATIO: 10.0/1,000 S.F.

LANDSCAPE: 24%
AREA: 21,123 S.F.

R-E-D Architectural Group

PLANNING ■ ARCHITECTURE ■ INTERIORS
3436 N. VERDUGO ROAD, SUITE 200, GLENDALE, CA 91208
P 818.957.7765 ■ 818.957.7767 F

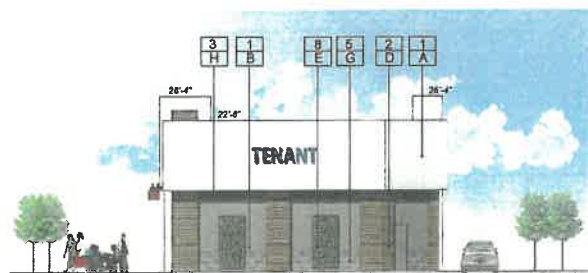
DATE: 06.05.2020
PROJECT NUMBER: 397.1803.01



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) 'TINI TORCH'
BY TREX TRANSCEND
COMPOSITE DECKING



E) GREEN SCREEN

F) CLEAR COAT ANODIZED
BY KAWNEER



G) 12 X 24 PREMIER GRAY
FIELD TILE CS0512241T
BY DAL TILE - CONSULATE



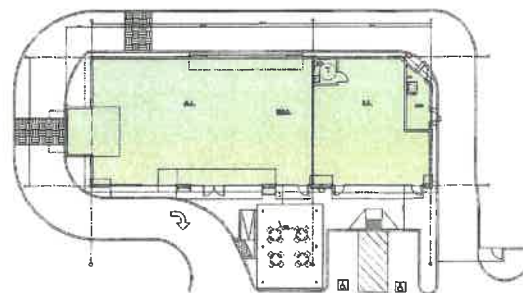
H) DEC6357 RL#590
'BLACK TIE'
BY DUNN EDWARDS

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) 'TINI TORCH' BY TREX TRANSCEND COMPOSITE DECKING
- E) GREEN SCREEN
- F) CLEAR COAT ANODIZED BY KAWNEER
- G) 12 X 24 PREMIER GRAY FIELD TILE CS0512241T BY DAL TILE - 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

3430 N. VERDUGO ROAD, SUITE 200, GLENDALE, CA 91208
P 818.957.7765 | www.red-arch.com

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. 2022-045 was duly and regularly adopted by the Planning Commission of the City of Highland, California, at a regular meeting thereof held on the 6th day of December 2022, by the following vote:

AYES: Amaya, Hamerly, Miller, Thomas, Sutorus

NOES: None

ABSTAIN: None

ABSENT: None



Camille Goritz, Administrative Assistant III

Attachment 1:

Resolution 2025-____ Approving Extension of Time Application (EXT 24-003)

RESOLUTION NO. 2025 – ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND APPROVING A ONE (1) EXTENSION OF TIME (EXT 24-003) FOR CONDITIONAL USE PERMIT (CUP 21-001), DESIGN REVIEW APPLICATION (DRA 21-001), LOT LINE ADJUSTMENT (LLA 21-001), AND DESIGN REVIEW APPLICATION (DRA 21-001B), RELATED TO THE 4,050 SQUARE FOOT MULTI-TENANT DRIVE-THRU RESTAURANT BUILDING LOCATED AT THE NORTHWEST CORNER OF BASE LINE AND BUCKEYE ST.

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

APPLICANTS: MARINITA DEVELOPMENT

A. RECITALS

1. On January 18, 2022, the Planning Commission adopted Resolution No. 2022-003, approving Conditional Use Permit (CUP 21-001), Design Review Application (DRA 21-001), Lot Line Adjustment (LLA 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 located at the northeast corner of Base Line and Buckeye Street.
2. On December 6, 2022, the Planning Commission adopted Resolution No. 2022-045, 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.
3. Pursuant to the California Environmental Quality Act, a Notice of Exemption for Design Review Application (DRA 21-001B) was filed with the San Bernardino County Clerk of the Board of Supervisors on December 14, 2022, No further environmental review is required.
4. The subject entitlements were valid for a period of three years, expiring on January 18, 2025, and December 6, 2025.
5. In December of 2024, the Applicant submitted an Extension of Time (EXT 24-003) application to extend the expiration date of Conditional Use Permit (CUP-21-001), Design Review Application (DRA-21-001), Lot Line Adjustment (LLA-21-001), an additional one (1) year to January 18, 2026 and Design Review Application (DRA 21-001B) to December 6, 2026.
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:

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 February 4, 2025 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.

Section 3. Findings of Fact

- a. The Planning Commission finds that the Findings of Fact made in Resolution No. 2025-_____ on February 4, 2025, for Extension of Time (EXT 24-003) for Conditional Use Permit (CUP-21-001), Design Review Application (DRA-21-001), and Lot Line Adjustment (LLA-21-001) are true and correct and uphold all previous findings as stated in the adopted Resolution No. 2022-003 and 2022-045.
- b. Granting of the extension will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Section 4. Based on the Findings of Fact and Conclusions set forth above, the Planning Commission recommends approval of Extension of Time Application No. 24-003, subject to the original conditions of approval, granting a one (1) year Extension of Time, to January 18, 2026, for Conditional Use Permit (CUP-21-001), Design Review Application (DRA-21-001), Lot Line Adjustment (LLA-21-001), and December 6, 2026 for Design Review Application (DRA 21-001B) related to the 4,050 square foot multi-tenant drive-thru restaurant building

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 4th day of February 2025.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez,
Community Development Director