CITY OF HIGHLAND
REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

REGULAR MEETING

April 1, 2025
6:00 p.m.
City Hall
Donahue Council Chambers
27215 Base Line
Highland, California

MEMBERS

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

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
Octavio Duran, Public Works Director/City Engineer
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

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 March 18, 2025 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the April 1, 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
April 1, 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 April 1, 2025, 5:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes.

CONSENT CALENDAR

1. Minutes from the December 17, 2024 Regular Meeting.
   RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.

2. Minutes from the March 18, 2025 Regular Meeting.
   RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.

PUBLIC HEARINGS

3. A Continued Public Hearing to Consider the Appeal of Administrative Citation No. 15255 issued due to business license and land use violations related to the unlicensed and 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 March 04, 2025, Planning Commission/Appeals Board Hearing.**
   RECOMMENDATION: Staff recommends the Planning Commission/Appeals Board conduct the required continued Public Hearing and uphold Administrative Citation No. 15255 and adopt Resolution No. 2025 - _____.

4. Request for a one-year Extension of Time (EXT 25-001) for Design Review Application (DRA 22-022) for the development of a 284,917 square foot warehouse and related Tentative Parcel Map No. 20680 (TPM 22-011) to merge fourteen (14) existing parcels into one (1). (Owner: Lovett Industrial, Location: Northwest corner Palm Avenue and Meines St.)
   RECOMMENDATION: Staff recommends the Planning Commission Adopt Resolution No. 25 – ____, approving Extension of Time application (EXT 25-001) for a one (1) year extension of Design Review Application (DRA 22-022), and Tentative Parcel Map No. 20680 (TPM 22-011), subject to the Conditions of Approval and Findings of Fact.

5. Municipal Code Amendment No. 24-001: Housing Element Implementation Ordinance of the City of Highland amending portions of Title 5 (Business License and Regulations), Title 8 (Health and Safety), and Title 16 (Land Use and Development Code) of the Highland Municipal Code.

   RECOMMENDATION: Staff recommends the Planning Commission approve Resolution No. 25 – ____ recommending the City Council approve Municipal Code amendment 24-001:

   1. Adopt a Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board, and;

   2. Introduce an Ordinance to amend Chapter 5.34 (Multiple-Family and other Rental Units) of Title 5, and amend various Chapters of Title 16 (Land Use and Development Code) of the Highland Municipal Code (HMC) for the implementation of the 6th Housing Element Programs, mandatory State Legislation updates, and to correct Municipal Code ambiguities and inconsistencies.

   3. Introduce an Ordinance to amend Section 16.44.180 (Accessory Dwelling Units) of Title 16 (Land Use and

Development Code) of the Highland Municipal Code to implement Program 12 of the 6th Cycle Housing Element and ensure consistency with recent State housing legislation, including AB 671, AB 1332, AB 976, and AB 1033. The proposed amendment promotes the development of ADUs as a means to increase affordable housing opportunities and ensures the City's regulations remain compliant with State law.

4. Select a preferred site from the two proposed areas under consideration for potential rezoning to accommodate high-density multifamily residential development. Staff will use the Planning Commission's direction to prepare a formal General Plan Amendment and Zone Change for future public hearing and Council consideration.

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 27th of March 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: March 27, 2025

Camille Duarte, Administrative Assistant III

STAFF REPORT

TO THE PLANNING COMMISSION

DATE: April 1, 2025

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Duarte, Administrative Assistant III CD

SUBJECT: Minutes from the December 17, 2024 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. 1
Denied _____	Ayes _____		
Continued_____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		

Camille Duarte
Recording Secretary

Lawrence Mainez
Community Development Director

PLANNING COMMISSION REGULAR MEETING MINUTES
December 17, 2024 – 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	Jarrod Miller
	Commissioner	Nicole McCance
Absent:	Commissioner	Craig Graves

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Matt Wirz, Building Official
Gary Chambers, Code Compliance Officer
Barrie Owens, Sr. Code Compliance Officer
Justin Ramirez, Code Compliance Officer
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 November 19, 2024, Planning Commission/Appeals Board Hearing

   Community Development Director Mainez administered the oath to all parties testifying on the agenda item.

   Code Enforcement Officer Chambers presented the staff report.

   Commissioner Miller stated on June 3rd, the analysis by Planning Department determined that the nonconforming trucking company Matheson Trucking had been discontinued for more than 180 days. What does that analysis consist of?

Community Development Director Mainez stated what we look for is, for example, did they leave the property? Does the city have evidence that the lease has been terminated?

Commissioner asked is there documentation or pictures to support the no use for the discontinued use for 180 days?

Community Development Director Mainez stated yes, during this proceeding, the Applicant did submit a letter with attachments showing leases and the termination. The Applicant can present that this evening.

Chair Hamerly stated what was the use that was discontinued specifically?

Community Development Director Mainez stated Mathesons Trucking is a contracted company with the US Postal Service and delivers mail such as bulky items. That what was discontinued and that is when we issued the citation.

Chair Hamerly stated I will be more specific for the purposes of elaborating on how that is relevant to this hearing. Which portion of the use was discontinued and how is that relevant to this appeal tonight?

Community Development Director Mainez stated the use that was terminated was Matheson's Trucking Company. They are no longer at this location and the citation was issued to a business that was illegal storing their tractor trailers.

City Attorney Kevin Ennis stated there was a business license application granted to Mathesons Postal Services to hold mail for US Postal Service. In the Highland Municipal Code, the industrial zone allows for Postal Service as a use allowed in the industrial zone. When that principle use of Postal Service operations ceased in September of 2023 it only had these accessory truck parking and storage uses instead of the principal Postal Service use. That is how the property's been used since then. The property owner has granted license agreements to two entities in March 2024 and one to AJR trucking for a few spaces. The principal uses now are truck parking and storage, Postal Service uses as it was with Mathesons was there so that distinction made it become from a principal use allowed by the zone to a use that is not allowed by the zone when it became just truck parking or truck repair.

Chair Hamerly asked did they have a business license already stated primary use that have been permitted by the city?

City Attorney Kevin Ennis stated I'll defer to staff and the answer is no. I think that staff has indicated that they need to bring their property into compliance in order to obtain a business license and go through the Planning Department process to get their use permitted. As the code indicates, truck parking and storage is not a principally permitted use. It would be difficult to approve that use and obtain a business license for those new uses.

Chair Hamerly stated if either of those two subleased uses were their primary business as a repair facility that was a legally permitted use then the ancillary use could be considered an ongoing support?

City Attorney Kevin Ennis stated the truck repair uses is not a permitted use in the Industrial Zone, so they could not get a planning approval for a use that is principally truck repair. The property owner needs to have a use that is consistent and permitted by the zoning.

Chair Hamerly asked ok, so the management of the mail service contract was considered the primary use that was on site, not the storage of trucks that were used for hauling mail correct?

City Attorney Kevin Ennis stated right. I believe that in order for staff to have allowed that use to continue and to grant business license for that use, they had to determine that it was a principal use so Postal Service use is allowed on that zone. They determined that the operation was related to Postal Service uses.

Appellant Michael Johnson stated I am with William Graham 1 LLC, owner of the property. My co-owner Brad Yates, Monica Byes, our tenant at Sugar Creek Transportation and our attorney Eoin McCarron. I am here to answer questions from the Commission and staff about our tenant. I would like to just give a very brief overview and history of the property or at least from our ownership. Brad Yates and I purchased the property in Fall 2021, and we engaged a company called Planning and Zoning Resource Company that is known for their zoning reports. In this particular case, the PZR report that we received stated that our property had legal non-conforming use. For the existing use, Matheson, and Postal Services, and in that report there are multiple instances of communication between the PZR Company and city staff about what the uses were and what were approved. We have multiple instances of staff stating that the property had legal non-conforming use and grandfather status was checked and the Community Development Director Mainez signed off on the document stated that the property had legal non-conforming use. Once received that information, Brad Yates and I felt comfortable with closing escrow on the property, and we have owned it ever since. Matheson's was a third party contract provider for the U U.S. Postal Service, they were operating on that site at least since 2016, they did not provide what you would think of as postal support on that site. The site is 2.8 acres, of which there is roughly a 2500 square foot office building where Matheson had employees conducting administrative tasks. The rest of the property was a yard for parking tractor and trailers. Unfortunately, in May 2024 that Matheson did not renew its business license on September 30 2023, and we were not made aware from the city or the tenant. We had no idea, there was not a formal e-mail, phone call or otherwise that Matheson lost the business license. With that said, Matheson did not vacate the property until March 1, 2024. Matheson had gone bankrupt twice, once in 2022 and they ratified their lease and continue paying us rent and in February 2024 we found out that they were liquidating their business. Both Matheson and William Graham 1 agreed to terminate Matheson's lease effective March 1, 2024. We received rent payments every month up until March 1, 2024. June 2024 is when we were notified that Matheson had not renewed its business license and roughly this around the same time is when we received the first notice of violation. There has been a lot of back and forth between our Attorney and the City Attorney. The property has never been vacant. In June 2024 we signed a lease with Sugar Creek Transportation, they do exactly what Matheson did on the property which is storing tractor trailers and office building use.

Commissioner McCance stated is AJR still operating business on the property?

Appellant Michael Johnson stated yes.

Tenant Monica Byes stated I am the owner of Sugar Creek, and I did have a lease that began in June 2024. We also do Postal Service work; we lease out trucks to the post office. Our business is very similar to Matheson's, whether it is US Postal Service, Home Depot, Kohl's, and Chewy. AJR probably has about 10-15 trucks plus our trucks. There is about 88 spaces on the property.

Chair Hamerly asked when did your lease initiate?

Tenant Monica Byes sometime in June 2024. We did go to the Planning Department; they did not deny us. We applied for the business license and the city came to inspect our property, they came three times, and it was not until the third time when they said we have a problem. We are doing the exact same thing as Matheson.

Chair Hamerly asked did they provide any documentation or findings as to what the problem was?

Tenant Monica Byes stated the first problem they had was the exit sign was a few inches too high. They wanted a plan of the office space; the fire extinguishers were five inches too low. They were minor and someone came again, and that is when they notified us we needed fire extinguishers outside, but did not specify where. Once I contacted the city again that is when they said we have a problem, but I did everything to comply.

Chair Hamerly asked was this the Building or Fire officials?

Tenant Monica Byes stated Building and Safety.

Vice Chair Thomas asked when did you apply for the business license?

Tenant Monica Byes stated at the end of June or July 2024. I do not have the exact date.

Vice Chair Thomas asked if the business license was issued?

Tenant Monica Byes stated no it was not, it actually hurting me because being a woman in trucking is not common and I could be eligible to get more Postal Service freight if I could get my women in business certification, which I need a business license for.

Chair Hamerly stated when you were informed that there were problems, did you meet with the Planning Staff or was it through Building and Safety officials?

Tenant Monica Byes stated it was Building and Safety Department. I did not meet with anyone else.

Commissioner McCance asked when the last time you spoke to the city and tried to further the business license?

Tenant Monica Byes stated I do not recall, maybe two months ago.

Commissioner McCance asked why did you stop?

Tenant Monica Byes stated just because they said they had a problem, and so I contacted the property owner.

Appellants Attorney Eoin McCarron stated I want to delve into the legal issues and speak about the history of what you have heard. I think we can really focus in on two distinct issues, the first issue relates to the properties ongoing use which is legal non-conforming use. I just want to address the original violation related to the abandonment or loss of a legal nonconforming use. The second item is to address whether that legal non-conforming use was ever properly established at the site and that issue is discussed at length in the city attorney's letter in the staff reports. In November 2024, the Notice of Violation was received was the first time ownership was made aware of any issues with the property since they acquired it. The November violation stated the ownership had lost the legal non-conforming use of tractor trailer parking and storage. At that time in June 2024 the city had classified the use, and the notice stated that Matheson had abandoned the use for six months and as a result they we had lost the ability to continue trucking at the property. In response to that letter, we had submitted documentation demonstrating that Matheson, while they were no longer the tenants at the site they had engaged in two subleases with other trucking companies who continued to use the site for the truck and trailer parking. In response to that letter, received the August letter from the City Attorney it gives a good sort of succinct summary at the bottom of page 2 that described the history of the tenants on the site. It stated the city was unable to identify any issues with the continuation of the trucking use and that the evidence demonstrates that. The timeline and the original June Notice of Violation states that the trucking use had been abandoned at the property or Matheson had ceased operating for six months. The evidence that we previously submitted and that the city attorney reviewed demonstrates that throughout this time and to today with our current tenant this trucking and trailer parking has been continuous at the site. So that leads me to the second issue, which was raised for the first time in the letter in August 2024 from the City Attorney, which was that notwithstanding the fact that trailer and truck parking had been occurring at the site that was the use. That use could never have been legally established in the city because it is not permitted as a principal use in the Industrial Zone. The key issue is looking at when the use was established, and when they acquired the property in 2021, they hired the company to complete due diligence and reach out to the city to determine what the status of the truck and trailer parking use on property was. At that time, city staff noted the correspondence both in an e-mail and a zoning verification letter that the existing truck and trailer use was illegal non-conforming. It had been established legally in the city prior to incorporation in 1987 and prior to adoption of the city's own zoning code in 1994, and as a result it hadn't been discontinued that period of time it could be continued. There was an investigation Code Enforcement investigation back in 2020 where it addressed this very same issue. It submitted a violation stating that Matheson was operating onsite. The Planning Department and Code Enforcement investigated the violation was closed and we have a confirmation that we got at the time of acquiring the property that that was resolved. So basically in 2020, Planning and Code Enforcement investigated this same permitted use issue and determined that the truck and trailer parking use was a valid legal nonconforming use. We received the citation earlier that stated the use is not permitted and cannot use truck and trailer parking as a primary use at the property and as a result, Monica Byes cannot continue her operations. Based on the city's representation in the past and the prior communication we had from staff is not the case. The key point is that these truck and trailer outdoor storage notwithstanding, the fact that may or

may not be permitted under the code now was legally established and has been continued since prior to the city's incorporation. We were asking you to respectfully grant our appeal of the citation and give us an opportunity to work with Code Enforcement and Planning to clarify these permitted use issues.

Commissioner McCance stated you mentioned a Code Enforcement investigation in 2020, is that in the staff report?

Appellants Attorney Eoin McCarron stated that is attached to my letter, which was printed out and distributed. It is exhibit C.

Community Development Director Mainez stated I am trying to get a copy of their business license that the speaker had indicated, and the license has been submitted, it has been routed, and the staff had gone out and done some inspections. All the departments get involved and it was a paper trail, well now it is online through our database. I have a copy application here and the type of business being conducted was haul mail for the US Postal Service. Normally do is look at the code and Postal Service is a specific use allowed in that area. Based on what I am seeing here was the premise for us approving a business license and subsequently Code Enforcement close that initial operating without business license code case.

Chair Hamerly stated that is two separate things, because if you said that they were operating with a business license, which is one thing, but the legal vs. non legal conforming use is kind of Part B.

Community Development Director Mainez stated one of the speakers indicated there is information in the attachments that they submitted stating that the city determined that they are operating a legal nonconforming "use." The documentation that they submitted does not say that they are incorrectly characterizing that, and it is misrepresenting. The documentation indicates that their use is still illegal non-conforming. All of the zoning affidavits that they reference is a consultant that contacted us to check on what the zoning is. We are referencing the site, not the use. The legal non-conforming site would be correct because that site was developed under county jurisdiction, not city. One email from our staff indicated that the use is not legal and furthermore storing trucks is also illegal. The information that they provided indicates that the use is illegal.

Chair Hamerly stated it said the opposite. The email said it was a legal non-conforming use, not illegal. The language of the affidavit was do your records show any unresolved zoning code violations in the response was no, there are no open violations on file in our records. So, if it didn't say that there was no legal versus non legal, they just said there are no open violations at the time. For part 2, to the best of your knowledge, your records show any unresolved building code violations and/or complaints, and the affidavit is no, there are no open violations in our records, it did not make any findings about land use.

City Attorney Kevin Ennis stated exhibit A to the appellants letter, attached an e-mail from Angela Tafolla that is cited in the letter and that e-mail speaks to the site. The site is legal non-conforming and in discussing that with Staff, they indicated that that was an indication of whether or not, let us say the paving, the building etcetera, the site was legal non-conforming. The second sense of the e-mail stated our current code does not support trailer parking in any

zone, so you will not find parking requirements. They were not saying that the use was conforming, it was the site. The next issue is the exhibit B, a statement from Planning Department stated August 9, 2021 and that statement on the top of the second page speaks to whether the subject structures were developed, and the box is checked prior to adoption of the zoning code, grandfathered legal non-conforming which goes for the structures, not the use. Finally, an exhibit C, which is another document from the Planning Department that was signed by Mr. Mainez on July 26, 2021 when Matheson was occupying the site. Are there any open violations? No. Are there any violations of building codes? No. That would be consistent with the determination that this was Matheson's Postal Service operating as a Postal Service operation. The distribution of mail is integral part of Postal Service. So not only is it the sorting, but there's also delivery and that was part of that. I think staff could reasonably interpret the code as saying at that time the property was not in violation of the zoning. Now we also said in our letter to the Appellant that there was an office use in conjunction with Matheson, so that was occurring on the site in addition to the truck parking of this postal use.

Chair Hamerly stated yes, it was establishing the use.

City Attorney Kevin Ennis stated right. It appears that the office might have been used in the organization and operation of the trucking portion of the Postal Service use. The issue is the 88 spaces Sugar Creek is using and now it is being used for a variety of different trucking purposes, it is no longer solely operated by an entity that seemed to be connected to a Postal Service use. If there is Postal Service trucking it is rather an incidental part of the 88 spaces because the licenses that were issued were only for a very small number of spaces, not the full 88 spaces.

Chair Hamerly stated the property owner gave a verbal representation that Matheson had operated at that location since the 1960's. The city has had an active business license since 2001, and they documented that trucks have been parked on the site since 1994. Has the property always been zoned Industrial even when it was a part of San Bernardino County?

City Attorney Kevin Ennis stated correct.

Community Development Director Mainez stated that is correct.

Chair Hamerly asked has the permitted uses by right of zone and conditionally permitted uses for industrial properties have not changed in the duration that the General Plan has been in existence as it pertains to trucking?

Community Development Director Mainez stated no it has not. We always have interpreted trucking to be associated with warehousing or logistics, not a standalone use. That has not changed.

Chair Hamerly stated that is what I am trying to establish. That finding would have been established regardless of the timeline, specifically within this appeal. Those uses that would have been permitted in the circumstances in which they would have been permitted have not changed predating even the earliest due diligence or the report that they received from the Planning Department.

City Attorney Kevin Ennis stated the zoning in General Plan, if I understand correctly, has not changed in and it was not as if truck parking and storage was a use previously permitted by the zoning, and then you changed the zoning and it no longer. It has been a non-permitted use for the duration of the city zoning code.

Chair Hamerly stated right, it would not have changed the due diligence finding, because that interpretation would have been consistent had somebody researched industrial properties in the City of Highland dating all the way back to 2001.

City Attorney Kevin Ennis stated correct.

Vice Chair Thomas asked what did the tenant list on her business license application?

Community Development Director Mainez stated this was submitted online. The tenant checked yes to speaking to the Planning Department, read the attachments, and the business type was called transportation/vehicles as the type of business being conducted. They stated Sugar Creek Inc. there are no attachments that go into detail for the exact use activity. There must have been further discussion with the Planning Department.

Chair Hamerly asked what defines a primary use? If 45 spaces out of 88 were dedicated to mail hauling or be greater than 50.1% of gross revenue for mail hauling? Would that meet the threshold of mail delivery?

City Attorney Kevin Ennis stated I would defer to staff, but certainly staff is able to determine the predominant use in a couple different ways. Certainly, looking at gross revenue is one way and looking at the square footage of the site and what activity is involved in that site is another way.

Chair Hamerly asked would it be square footage or revenue as a factor?

Community Development Director Mainez stated there is serval factors, case by case. We would look at physical constraints, intensity of the use, and I am not going to conclude tonight what we would do for this particular case or business application. It is stated that it is a staff review permit.

Chair Hamerly asked does staff have the list of permitted uses relating to trucking as an exhibit?

City Attorney Kevin Ennis stated cited the Highland Municipal Code sections relating to the trucking.

Community Development Director Mainez stated we have been dealing with these issues for several years. I have been here for over 25 years and the Planning Commissioners have dealt with many warehouses along 5th and 3rd Street and many code enforcement cases where there has been outside storage of tractor trailers. We did a code interpretation that stated the semi-truck trailer storage on the outside on a developed site without warehouses not permitted. Tractor trailer storage and use shall only be part of a warehouse or distribution use as approved by the Planning Commission.

City Attorney Kevin Ennis stated commercial parking facilities are not allowed in the Industrial Zone. There was an issue about when Matheson's actually ended their operation on the site, there is some dispute about. I understand that they might have paid rent up until February or close to March of this year, but staff has information that they actually were informed by Matheson's that they were leaving the site as of the end of September 2023, which is when their business license expired. This is some dispute as to whether or not there is a continuation of Matheson's use passed September of 2023.

Chair Hamerly stated Matheson was not issued under a Conditional Use Permit, so it was a business license issued permit which is a staff level review at that point.

City Attorney Kevin Ennis stated correct.

Community Development Director Mainez stated if it is determined Matheson's had been vacated the site more than 180 days, somebody else comes along and asks to use the site the same way would fall under the same provision of the code. I would sit down and by right, with a staff review permit, which is a discretionary entitlement would be allowed onsite. However, we would fall back on that nonconforming ordinance that technically will need to upgrade that site to meet the existing code standards. We have not had this discussion with a new tenant yet. There is the use of the property and the non-conforming site use. The non-conforming ordinance talks about both use and site. The distinction between legal non-conforming use and an illegal non-conforming site, it is two things. The city put that six month timeline for a purpose when the city was incorporated.

Commissioner Miller asked what constitutes that discontinuance of that non-conforming use? Is it when that business license expires or is it when the activity associated with that use ends?

Community Development Director Mainez stated that is being debated tonight. It sounds like we have some dates that were thrown out by the Appellant and the attorney kind of alluded to that. We have not settled that yet. It is case by case; it depends on a lot of factors such as a lease or business license.

City Attorney Kevin Ennis stated Matheson's terminated their use, they sent the city a letter on December 1, 2023, and they are required under the Worker Adjustment and Retraining Act to inform the city when a certain business is going to terminate their employment and have layoffs/facility closures. They stated the expected date of employment separation for this site was going to be January 31, 2024. So again, we have September 30th, January 31st, and March 1st as some of those potential dates.

Appellants Attorney Eoin McCarron stated it is very important that we are distinguishing between non-conforming site and non-conforming use. I just want to point out that our interpretation of the various exhibits and sort of the discourse with the city is colored by the June 2024 Notice of Violation. I want to remind every that this whole issue started because we got a Notice of Violation for discontinuance of non-conforming use and it stated that tractor, trailer, parking, or storage is no longer permitted on the property due to the loss of the legal non-conforming use. That is what we have been responding to, and our position has always

been that the use of the property for tactor, trailer, parking or storage was the use identified by the city as being the problematic issue that predates the city's adoption in 1994 of its General Plan. In Exhibit C, the confirmation from the Community Development Director that there is no outstanding zoning code so when you look at that in conjunction with the attached documentation, but when I read that it is an open use investigations similar to what we are doing today and that is from 2020 and then we have confirmation in 2021. I am sort of curious how the city got to yes back in 2021 after a similar investigation of Matheson operating as an Illegal non-conforming use.

Chair Hamerly asked do you recognize the distinction between Matheson being a legal postal carrier and that being considered the basis for granting the business license and making that a permitted use on the site vs. just a trucking entity or storage of vehicles?

Appellants Attorney Eoin McCarron stated absolutely. The Notice of Violation from June of this year states that the use is tactor trailer parking or storage.

Chair Hamerly stated that was the source of the violation because in June, Matheson was no longer an entity that was operating on the site; therefore, the use of the site was no longer postal carrier, it was now trucking, storage, and general. What your hauling seems to have a very significant impact on the findings of what we are trying to determine here, and it is that is where we get the use capital U, if your postal carrier that is one thing. So, we have to make that distinction because it is in the Highland Municipal Code and if it in the table, you are good as gold and if it is not, we have an issue.

Appellants Attorney Eoin McCarron stated 100%. What confuses me is that the violation from November, not just for an unpermitted use, it necessarily implies that there was a valid legal non-conforming use. [INAUDIBLE] I would just reiterate that our position is basically that the site has always been used for this tractor trailer, parking, and storage use. [INAUDIBLE]

Appellant Michael Johnson stated the business license that we have for Matheson Postal/Matheson trucking, they went by two different names, and it stated trucking on their business license. Maybe there is a code that mentions Postal Service, but actually on the PDF that Brad and I have from Matheson stated the business is trucking period. It does not say postal services, postal carrier, anything like that. Another thing I want to mention is that Matheson was not 100% dedicated to the United States Postal Service. I remember looking at Matheson's website back when we were regular, currently paying tenants of ours to see what Matheson did and you can see there are other customers. That is not 100% dedicated to caring the mail. Thank you very much for your time and your consideration of our matter.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas and seconded by Chair Hamerly to conduct the required Public Hearing and uphold Administrative Citation No. 15255 and adopt Resolution No. 2024-___. Motion carried, 2-2 with Commissioner McCance and Miller voting no and Commissioner Graves being absent. We have a draw.

Community Development Director Mainez stated the motion fails as a tie vote. Please state your reasoning why the vote was no.

Commissioner Miller stated the reason I voted no was because looking back at the use, it is involved trucks and trailers. Certainly, there was the postal hauling that was going on that was found in the table, but for me the use was still trucks and trailers. I feel like I can squint my eyes a little bit and look at use discontinuing in March even though the business license had expired. The violation and the new tenant came in June which is three months which is not six months. It is in a grey area; those 180 days and the new tenant has trucks and trailers very similar to what the previous tenant was doing which as well had trucks and trailers independent of what was in the trucks and trailers. That the use seems to be very similar and when we get into to looking at what is inside the trucks I do not know if that is as important. We are making it really important here, but I do not think it should be. That is why I was unable to support it.

Chair Hamerly asked what would you see as being the remedy that would cure the violation?

Community Development Director Mainez stated good question. I appreciate the dialogue; what we can do tonight is to direct staff on how to settle this. A citation was issued on a certain date where an activity did or not accus, and that is really what is being appealed tonight, not how we go forward and resolve it.

Commissioner Miller stated I do not have a recommendation to resolve it. I am drawing a conclusion based on the evidence I have been provided.

Commissioner McCance stated I am going to seem very redundant with Commissioner Miller here, but if we are splitting hairs on the trucking Postal Service is in allowed use and Sugar Creek has a it has a lease with USPS, they are doing the same thing as Madison. Trucking use never ceased at the property, and I do not think the 180 days ever occurred and was always trucking at the property. I think some part of it was always storage for USPS. For the second part of the question, I think if we can verify that part of their business is still postal, then that would check the box for that that zone.

Chair Hamerly asked is it a part or a majority part?

Commissioner McCance stated that would be up to staff to decide how we determine that, whether it's parking, is it 50%? Even Matheson if we go back to what they said, they clearly had other customers. So, I do not even think Matheson was 50%..

Chair Hamerly stated that was primarily why I asked the staff, what did their original application state? They stated on the original application postal carrier. If they would have said trucking, I am sure that staff would have drilled down on that said no, you have to come back and try again.

Commissioner McCance stated Sugar Creek could have put postal carriers as well and got approved.

Chair Hamerly stated if somebody said on their application postal carrier, staff would make the same findings that they made for Matheson. It all falls onto what did the person state when they were making their request for a business license? What were they going to do? There is no business until they have a business license, so staff has to believe them to. If evidence

comes up to the contrary and someday they end up with a violation then staff investigates that the company is producing this, you are not hauling mail.

Chair Hamerly stated so you are verifying that activity, the use never expired.

Commissioner McCance stated correct. The second part would be the business license when we get to that.

Vice Chair Thomas stated I do not think there could change my mind. With Matheson they may have discussed, but they are a predominant business that use of the mail carrier type work. With managing business licensing before, people will submit their application, they are honestly saying this is kind of what I do or they can also have some knowledge to come forward for example, if they had put mail sorting. She did state that they do mail type work, and it is a small portion of her business, not the predominant of her business. So, if she had come forward and stated I have a similar business. Also, for the use being trucking and storage, which is not permitted, and we need to enforce that. With trucking it is very dirty, and you can see a previous tenant was a trucking repair business, which is very dirty. There's different waste contaminants with that too. This is why it is an easy no because we do not have trucking permitted. I do not think Highland residents want trucking, and we have seen code cases since I have been on the commission. It is not a surprise we had a change in code.

Chair Hamerly stated one of the things that Sugar Creek stated was in addition to USPS, they were also hauling for DHL and one other type personal carrier if I recall correctly. To me, that's still distribution of mail like things. Is DHL, UPS, FedEx postal carrier or does it have to be USPS only?

Community Development Director Mainez stated if somebody were to come to the counter and ask that same question, I would say yes. I would make a determination that under our code the Postal Service would include those other businesses.

Code Compliance Officer Chambers stated I believe Sugar Creek also mentioned that they were allowing truck parking storage for Home Depot and other type companies like that.

Chair Hamerly stated I am a yes on this because I have to support the code as well, which puts us at an impasse. There are solutions here and that is why I keep drilling down on the finer points of what is the code stating and the intent. That lead us to the 2-2 vote. Do we give you some sort of a directive to start examining their business records, find out what they are really hauling and who is it for so we can say it either is or is not a parcel carrier?

Community Development Director Mainez stated there was a there was a motion made to uphold the citation and deny the appeal that failed 2-2 vote. This happens when we do not have the fifth Planning Commissioner in attendance. We would just make a note that the motion fails, no action taken. This would mostly be deferred to City Council.

Commissioner Miller asked are there any other cases that have defined when that 180 days begins, when that, when that non-conforming use has been discontinued?

City Attorney Kevin Ennis stated we have been focused on when Mathson's stop their use and has it been more than 180 days? It is clear that the predominant use of the site, but it seems to be truck parking and storage. As indicated by the Appellant that that has occurred for decades on the site. Once Matheson began its operation as a Postal Service use that ended the principal use of this site as truck parking and storage, and it became Postal Service use. A trucking related but staff could regard that as being the permitted use at that point in 2016.

Commissioner Miller asked even though it still consists specifically of trucks, trailers, and storage?

City Attorney Kevin Ennis stated yes, but I would say staff could have decided that the predominant use was truck parking and storage, however when they approved a business license in 2001 for mail hauling, it was reasonable that they could regard that as being a Postal Service type use. During that period when it was Matheson's, the prior use was discontinued, meaning the principal use of truck parking and storage stopped and it became a Postal Service use. The discontinuance of the principal use of truck parking and storage stop as early as 2001, which has been more than 180 days. Can they recommence a Postal Service use or has that been discontinued for 180 days? Kind of a different issue, right as to whether they would not have to go through certain procedures to recommence that use as a postal use. Truck parking and storage as the principal use ended in 2001. That is another way to look at it.

Chair Hamerly stated would the findings be correct when the Planning and Zoning Resource Company made the determination and even staff made the determination that it was a non-conforming use if it was legally permitted and conformed to the zone? It seems like it would be a legal conforming use. Now the site is a completely different matter because the site is Part B. It was not a legal site because it does not conform to current code. Until there is a change of use you do not have to upgrade to current code. That is the part that is grandfathered in, and the site improvements are where it becomes the 180 days and becomes relevant. It seems in this discussion because as long as they maintain the same activity for the same principal client, it did not matter it could be parking on dirt or gravel. They would not have to comply with any current code or environmental standards because the use had never ceased. So, the site could become non-conforming because it does not comply with current code, but the use has always been conforming since 2001 when they had the contract that made them legal by the general code, and they had the business license that they maintained until September 2023.

City Attorney Kevin Ennis stated correct. I understand what you are stating.

Community Development Director Mainez stated all no votes well would require putting it in the record the reasons why you would vote no and uphold the appeal. We would have to revise our resolution to codify those findings. If you say no, you determine that the property based on the dates never met the definition of vacating the site, so we should honor a similar use that would come to the counter and apply for a land use permit and then a business license which would happen next. Alternative you say yes, we would start fresh with the new tenant. If you vote yes you are upholding staff's recommendation to deny the appeal. The

citation stands and they can appeal that to City Council within 10 days. If you vote yes, then we would have to ask to continue the item and come up with a new resolution to bring back for a formal adoption.

Chair Hamerly stated in the absence of having our fifth Commissioner to break the tie, it seems like the cleanest resolution from the Planning Commission standpoint is to allow the appeal to progress to the City Council with a pretty regularly have five members and would have a tie breaker.

Community Development Director Mainez stated the City Council appointed the Planning Commissioners to do the job of holding up the ordinances, municipal codes, general plan, and policies, right? I really implore you to give us a yes or no. We will follow through with the process and it is unfortunate that the fifth member is not here. Assistant Community Development Director Stater is reminding in past we did have a similar situation there was a motion to continue the item when we have five Planning Commissioners.

City Attorney Kevin Ennis stated yes, it is a possibility for that Commissioner to come back and be available for a continued hearing date and in the meantime to have listened to the entire proceedings of this meeting.

Chair Hamerly asked would that be a supervised listening? There was a lot of technical information we went over.

Community Development Director Mainez stated I think it would be best if we provide him the audio and then we can certainly talk over the phone if he has questions.

Chair Hamerly opened the public hearing.

Appellants Attorney Eoin McCarron stated I would like to inquire as to the correct procedure here because my understanding based on the code the board has already rendered its decision.

Chair Hamerly stated it is a no action. The vote was 2-2, it is as if it never existed. We do have a fifth commissioner, and our remedy is internal.

Appellants Attorney Eoin McCarron stated it seems strange that we are getting a decision without any finding.

City Attorney Kevin Ennis stated as noted there was no motion made; it was not passed. The 2-2 tie means the motion is not approved and until there is an action that has a majority vote, there is no action taken yet. The Planning Commissioners does have the opportunity to open and continue the meeting to a date certain. In this situation it would also provide an opportunity for that fifth member to come back and be present. So, until the Commission has acted by adopting a resolution, there is no decision yet on the matter.

Chair Hamerly closed the public hearing.

The vote still stands 2-2.

A MOTION was made by Chair Hamerly and seconded by Commissioner Miller to continue this item to January 21, 2025. Motion carried 4-0, with Commissioner Graves being absent.

ANNOUNCEMENTS

The next Planning Commission Regular Meeting is scheduled January 21, 2025.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 8:01 p.m.

Submitted by:

Camille Duarte, Administrative Assistant III

Approved by:

Randall Hamerly, Chair

STAFF REPORT

TO THE PLANNING COMMISSION

DATE: April 1, 2025

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Duarte, Administrative Assistant III CD

SUBJECT: Minutes from the March 18, 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. 2

Denied _____ Ayes _____

Continued_____ Noes _____ File No. _____

Tabled _____ Abstain _____

Absent _____

Camille Duarte
Recording Secretary

Lawrence Mainez
Community Development Director

PLANNING COMMISSION REGULAR MEETING MINUTES
March 18, 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	Jarrod Miller
	Commissioner	Nicole McCance
	Commissioner	Vacant

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

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the March 4, 2025 Regular Meeting.

   A MOTION was made by Commissioner Miller and seconded by Vice Chair Thomas to approve the minutes as submitted. Motion carried 4-0.

PUBLIC HEARINGS

2. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 25646 Base Line St., San Bernardino, CA 92410 Tax Assessor's Parcel Number 0273-261-06.(Property Owner: World Redemption Church)

   Code Enforcement Officer Chambers presented the staff report.

   Commissioner McCance asked have we received any response from the property owner on the citations?

   Code Enforcement Officer Chambers stated communication with the property owner has been going from the very beginning, however he has not responded to this citation.

Chair Hamerly asked is this 90 day period for a complete removal of all the debris structure?

Code Enforcement Officer Chambers stated that is correct.

Chair Hamerly opened the public hearing.

Public Speaker Don Collier asked for a copy of the staff report.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner McCance to adopt Appeals Board Resolution No 2024 -003, declaring the existence of a public nuisance on the Property generally located at 25646 Base Line St., San Bernardino, CA 92410 and order the abatement thereof. Motion carried, 4-0.

RESOLUTION NO. 2025 -003

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN: 0273-261-06, LOCATED At 25646 BASE LINE ST., SAN BERNARDINO, CA 92410, AND ORDERING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.(CODE CASE #10408)

3. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property located at 26811 5th St., Highland, CA 92346 Tax Assessor's Parcel Number 1192-561-04. (Property Owner: Patriot 5th & Central LLC)

Code Enforcement Officer Chambers presented the staff report.

Commissioner McCance asked have we received any response from the property owner?

Code Enforcement Officer Chambers stated we have reached out to the property owner; however, he has not responded. We did receive a return receipt through mail verifying he received the notice for the public hearing.

Chair Hamerly asked is this the warehouse developer?

Code Enforcement Officer Chambers stated yes.

Chair Hamerly stated I am wondering why it is allowed to go to this state if the property owner wanted the debris to be cleared anyway.

Assistant Community Development Director Stater stated we do not know why he has not responded. He controls six different sites; he did make a lot of improvements on one of his sites and demoing those properties to the north side. We have requested for the properties that are not occupied that have residential structures be demolished.

Chair Hamerly asked did the Fire Department speculate what the cause of the fires were?

Code Enforcement Officer Chambers stated yes, it was a homeless person that was taken into custody by the Police Department.

Vice Chair Thomas asked is there anything the city can do for this property owner? He brings projects to the Planning Commission and wondered if there any additional enforcement to ensure they are being good partners with the city.

Assistant Community Development Director Stater stated are you asking if there is something we can help the property owner keep the property free of vagrancy?

Vice Chair Thomas stated I did not mean for the city to be a good partner; I think the city staff is doing an amazing job. As far as the developer who is coming in and developing, however, is not managing his current resources properly. I think whatever enforcement that can be done to continue to manage it, so it does not turn into another fire.

Chair Hamerly stated the city will abate if these thresholds are not met.

Community Development Director Mainez stated this is a result that the property owner is not responsive to the city. Both Police and Fire Department have aggressively begged the city to do something. The calls for service are significant. If the property owner does not perform in 90 days than we will take the property owner to court. They have been cited for this project and staff time is being charged. We will place a lien on the property.

Commissioner Miller stated I find it bothersome that he is doing business in the city and not taking business on other projects.

Vice Chair Thomas stated the property owner was inconsiderate of neighbors when he came to Planning Commission a few years ago.

Commissioner Miller stated I agree, he was not respectful.

Vice Chair Thomas stated I just wish he would be a better partner to the city especially when he has multiple projects within the city.

Chair Hamerly asked does the city have any authority for public safety if the building is abandoned to shut off utility services?

Community Development Director Mainez stated we can red tag the building and we claim it is a health issue we can pull all utilities. The property owner is aware of this issue, and he is fine with that. it is not a priority to him right now.

Chair Hamerly opened the public hearing.

Chair Hamerly closed the public hearing.

Commissioner McCance asked if there is a day care by the property?

Code Enforcement Officer Chambers stated that is correct.

A MOTION was made by Commissioner Miller and seconded by Commissioner McCance to adopt Appeals Board Resolution No 2025 -004, declaring the existence of a public nuisance on the Property generally located at 26811 5th St., Highland, CA 92346 and order the abatement thereof. Motion carried, 4-0.

RESOLUTION NO. 2025 - 004

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN: 1192-561-04, LOCATED At 26811 5TH ST., HIGHLAND, CA 92346, AND ORDERING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON. (CODE CASE #10715)

ANNOUNCEMENTS

The next Planning Commission Regular Meeting is scheduled April 1, 2025.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:28 p.m.

Submitted by:

Camille Duarte, Administrative Assistant III

Approved by:

Randall Hamerly, Chair

STAFF REPORT

TO THE PLANNING COMMISSION / APPEALS BOARD

DATE: April 1, 2025

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer G.C.

SUBJECT: A Continued Public Hearing to Consider the Appeal of Administrative Citation No. 15255 issued due to business license and land use violations related to the unlicensed and 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 March 04, 2025, Planning Commission/Appeals Board Hearing.**

APPELLANT: William Graham 1 LLC

RECOMMENDATION: Staff recommends the Planning Commission/Appeals Board conduct the required continued Public Hearing and uphold Administrative Citation No. 15255 and adopt Resolution No. 2025 - _____.

FISCAL IMPACT: There is no fiscal impact related to this Project, other than City Staff's time to research the individual projects / properties and to prepare the report.

PUBLIC NOTICE: Pursuant to Chapter 2.56, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to William Graham 1 LLC on November 1, 2024 (attached hereto as Attachment "B" and incorporated herein by reference). In addition, on November 1, 2024, staff posted the Public Hearing Notice in the three designated posting locations, and a copy of said Notice was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "5" and incorporated herein by reference).

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

BACKGROUND:

May 30, 2024

This case was initiated due to a complaint received regarding an expired business license on the property generally located at 27356 5th St., Highland, CA 92346, Parcel number: 1201-301-16 ("Property"). Further research revealed that the business license for Matheson Postal Services, Inc., Entity #2367, ("Matheson") expired on September 30, 2023, and had not been renewed. Code Compliance Officer Gary Chambers contacted Brad Yates, from William Graham 1 LLC, by phone. Mr. Yates stated that Matheson, a former tenant on the Property, was no longer operating from the Property, but two other companies were operating. Further research and subsequent information provided by William Graham 1 LLC revealed that Matheson entered into a parking license agreement on September 23, 2023, with Falcon's Trailer Repair, a trailer repair and maintenance company, and a second parking license agreement on November 23, 2023 with AJR Trucking Inc., a mail hauling service that contracts with the United States Postal Service. Both Falcon's Trailer Repair and AJR Trucking Inc. did not have City Land use/Zoning approval to operate on the Property nor did they have a City of Highland Business License. City records and correspondence also indicated that on December 1, 2023, Matheson sent a letter to the City in compliance with the federal Worker Adjustment and Retraining (WARN) Act notifying the City of mass layoffs and closure of its operation and facility effective January 31, 2024. Staff subsequently learned that William Graham 1 LLC terminated the lease with Matheson on February 29, 2024, and subsequently entered into new parking license agreements with AJR Trucking, Inc. and Falcons Trailer Repair on March 1, 2024.

Jun. 3, 2024

Analysis by the City's Planning Division, based on the information provided, determined that the postal service trucking company/parking business operated on the site by Matheson, had been discontinued as early as January 31, 2024, and as late as February 29, 2024. According to the City of Highland Municipal Code, any new proposed business would need to comply with the Employment District Land Use Table (Table 16.24.030A) and bring the site up to current code standards. Falcons Trailer Repair would not be permitted for trailer repair and storage because the site is not improved and in compliance with code standards for repair work, and truck parking and storage is not a listed permitted land use in the Industrial Zone District. Additionally, the operation of another

trucking services company, AJR Trucking Inc., would not be permitted because the use is not a listed permitted land use in the Industrial Zone District.

Jun. 14, 2024 Code Compliance Officer Gary Chambers arrived at the front of the Property to conduct an inspection and observed the parking and storage of semi-trucks and tractor-trailers without City approval or permits. A **Notice of Violation** was mailed to the property owner's address of record by certified mail. A copy of the Notice of Violation was also emailed to Mr. Brad Yates, William Graham 1 LLC.

Aug. 7, 2024 The City Attorney's Office sent a letter (attached hereto as Exhibit "3" dated August 6, 2024) to Benjamin S. Brown (Attorney At Law), Allen Matkins Leek Gamble Mallory & Natsis LLP, representing William Graham 1 LLC (property owner), in response to a letter that the City had received from Mr. Brown dated June 24, 2024. The City Attorney's Letter concluded that the current, primary use of the property for semi-truck and tractor-trailer parking and storage was not permitted and not in compliance with the City's Land Use & Development Code. Furthermore, the property owner, William Graham 1 LLC, was requested to cease the current non-permitted and illegal semi-truck and tractor-trailer parking and storage use of the Property.

Aug. 26, 2024 Code Compliance Officer Gary Chambers arrived at the front of the Property to conduct a re-inspection and observed the parking and storage of semi-trucks and tractor-trailers without City approval or permits.

Oct. 1, 2024 Code Compliance Officer Gary Chambers arrived at the front of the Property to conduct a re-inspection and observed the parking and storage of semi-trucks and tractor-trailers without City approval or permits. Due to continued non-compliance, **Administrative Citation #15255, $100**, was issued to the property owner. A copy of the citation was emailed to Mr. Brad Yates, William Graham 1 LLC.

Oct. 8, 2024 Michael Johnson, representative for William Graham 1 LLC, submitted a City of Highland Administrative Citation **Notice of Appeal Request for Hearing** (attached hereto as Exhibit "4"). In response to the property owner's appeal, a stay was placed on further code enforcement action until the appeal is resolved.

Nov. 1, 2024 Code Compliance Officer Gary Chambers arrived at the Property and posted a **Public Hearing Notice** informing the

property owner that an Administrative Citation Appeal Hearing had been scheduled for November 19, 2024, at 6 pm, or soon thereafter. A copy of the Public Hearing Notice was also mailed to the property owner's address of record by certified mail, return receipt requested, and emailed to the property owner. While posting the Public Hearing Notice, Code Compliance Officer Gary Chambers also observed the parking and storage of semi-trucks and tractor-trailers as well as a large sign advertising, "Parking Available, Hiring Drivers."

Nov. 19, 2024 The Planning Commission/Appeals board held a public hearing to consider the appeal of Administrative Citation No. 15255. The Appellant notified the City on Monday, November 18, 2024, at 2:54 pm, that their Attorney would be present to represent them at the Appeals Board Hearing. Due to the short notice, the City's Attorney was unable to attend. During the hearing, staff requested that the hearing be continued to allow for the City's Attorney to be present. The Planning Commission/Appeals Board granted Staff's request and continued the hearing to December 17, 2024.

Dec. 12, 2024 Appellant submitted a letter (attached hereto as Exhibit "11" dated December 12, 2024) outlining their reasons as to why the Planning Commission/Appeals Board should overturn the issuance of citation No. 15255. In its letter, the Appellant asserted that the truck parking and storage had commenced as the principal use of the property prior to the City's incorporation and prior to the adoption of the City's first zoning code, that the Property had been continuously used for that purpose, and that the Appellant was authorized to continue that use as a legal non-conforming use.

Dec. 17, 2024 The Planning Commission/Appeals board held a public hearing to consider the appeal of Administrative Citation No. 15255. Due to the absence of Commissioner Craig Graves, and differing interpretations of the evidence, the hearing resulted in a tie-vote. A motion was made to continue the hearing until January 21, 2025, to give Commissioner Craig Graves time to review the audio and transcript (See Exhibit "12" – December Planning Commission/Appeals Board Minutes).

Jan. 21, 2025 The Planning Commission/Appeals Board continued the hearing to February 04, 2025, to give Commissioner Craig Graves additional time to review the minutes from the December 17, 2024 hearing so that he could participate in the public hearing.

Feb. 4, 2025 The Planning Commission/Appeals Board continued the hearing to March 4, 2025, with the concurrence of the Appellant, due to staff health and attendance issues.

Mar. 4, 2025 The Planning Commission/Appeals Board continued the hearing to April 1, 2025, at the request of the Appellant so that the Appellant's attorney could be present at the hearing.

PUBLIC COMMENT RECEIVED:

On January 6, 2025, staff received an email from Mr. Jim Erwin (Millenium Advisors, LLC) (See Exhibit "13"). Mr. Erwin is a consultant working for the Appellant (William Graham 1 LLC). The Administrative Citation was issued for operating a business without a business license and conducting a truck and tractor trailer parking use as the principal use of property in violation of the City's Zoning Code. The Appeal of that staff-issued citation was considered by the Planning Commission/Appeals Board at its December 17, 2024, hearing and then continued to January 21, 2025, February 4, 2025, March 4, 2025, and April 1, 2024 with the intention that all five members of the Planning Commission/Appeals Board members could be present.

In Mr. Erwin's email, he made several misleading statements. The Planning Commission's/Appeals Board's consideration of the matter was detailed, careful and thorough, but without Commissioner Craig Graves present (due to illness) became deadlocked 2-2 with respect to whether to uphold or deny the appeal. Rather than deem the appeal denied because the Planning Commission/Appeals Board was not able to make an affirmative decision to overturn staff's decision, the Planning Commission/Appeals Board decided to continue the item and the hearing to January 21, 2025 and subsequently to February 4, 2025, March 4, 2025, and April 1, 2025 so that a full Planning Commission/Appeals Board could make a decision one way or the other. If the fifth Planning Commissioner remains absent and the Planning Commission/Appeals Board remains deadlocked, the appeal will be treated as denied by the absence of the Commission's action to overturn the Citation. This is referred to as a "no action denial." In that event, and pursuant to Highland Municipal Code Section 2.56.130 (B), the Appellant may file an appeal of the matter to the City Council.

In the course of the proceedings and to ensure that the applicant's team could respond to points and issues, the Planning Commission/Appeals Board re-opened the public testimony portion of the hearing, which was the appropriate course of action to make sure any additional rebuttal points by the property owner could be heard by the Planning Commission/Appeals Board and included in the public hearing. The duration of the hearing was an indication of how careful and thorough the Planning Commission/Appeals Board was in its consideration of the item and how it provided the opportunity to the appellant to respond multiple times to staff points and evidence.

Mr. Erwin asserts that at the December Public Hearing, staff "tried to pressure" Commissioners McCance and Miller to change their votes. When the Commission deadlocked and the Commission was attempting to see if it could come to a majority decision either way, Commissioners asked staff for clarification on certain points and staff also attempted to provide clarification of certain facts for the Commission's consideration. Rather than "pressure" the Commissioners to change their votes, staff merely explained staff's position and why it had deemed the use to be in violation of the City's Code. In addition, it is appropriate for staff to explain its decision and why staff believes it is appropriate for the Commission to uphold its decision.

The Commission did not have to make a motion to reconsider once the first vote failed on a 2-2 vote. With a 2-2 tie vote, no action is taken. At that point, the Planning Commission/Appeals Board was then permitted to continue its consideration of the matter and to make other motions until a majority vote was reached or until the body decides to continue the item to another date when a full five-member Planning Commission/Appeals Board would be present. In short, a tie vote is a failed motion and not a final action. The Planning Commission/Appeals Board was fully within its authority to continue the hearing and the matter to its next specific meeting date rather than have the Commission/Appeals Board remain deadlocked. Mr. Erwin asserts that staff "misled" the Planning Commission/Appeals Board that the truck and tractor trailer parking had been discontinued on the site for six months. Staff's point was that truck and tractor trailer parking had been part of a postal service use (Matheson Postal Services, Inc.) and was therefore a permitted and lawful use but when that postal service use (delivery of mail as the principal use) terminated, truck and tractor trailer parking as a separate and independent use (independent of the postal use of the property) was not a permitted use of the Property and that unpermitted condition violated the Code. The fact that staff made this point at the hearing was, in part, in response to the Appellant's letter to the Planning Commission/Appeals Board submitted a few days before the hearing and for which staff could only respond to orally at the hearing.

Mr. Erwin also asserted the parcel has been a truck/trailer parking lot for decades. Although Matheson has occupied the property with a City business license since 2001, the following illustrates uses on the property dating back to 1971.

1. 1971 – Mini Mix business (a small batch concrete business).
2. 1972 – Mini Mix business (a small batch concrete business).
3. 1978 – Sign Company (small sign manufacturing and installation company).
4. 1982 – Becker Smith Pipeline company.
5. 1983 – Becker Smith Pipeline company.
6. 1987 – ***City of Highland Incorporation***.
7. 1988 – Becker Smith Pipeline company (processes a site plan approval to move to another site)
8. 1988 – 1990 - Tax Preparation Service Office.
9. 1990 – Matheson (lease document)
10. 2001 – Matheson Postal Services Incorporates (July 17, 2001), and files for City Business License (August 7, 2001).

11. 2021 – New Property Owner (William Graham 1 LLC).
12. 2022 – Matheson files for bankruptcy
13. 2023 – Matheson vacates the property (December 1, 2023, letter from Matheson concerning notice of mass layoff and cessation of commercial operation, and notes that January 31, 2024, is the date of employment separation).
14. 2024 – Matheson terminates lease (February 29, 2024).

ADDITIONAL ANALYSIS

The Property that is the subject of the Citation is located in the Industrial (I) District, which is a subset of the City's Employment District in the City's Zoning Title of the City's Municipal Code. Postal service use is a principally permitted use in the Industrial District subject to City staff review. (Table 16.24.030A (E)(6)). The City understood that Matheson, when it operated on the Property, was solely (100%) engaged in the transport of the U.S. Mail for the United States Postal Service (USPS). Accordingly, and on that basis, the City issued Matheson a business license to operate at that location because 100% of its operation was for postal service operations, a use expressly permitted in the Industrial Zone with City Staff review and approval. A warehouse was subsequently constructed next door to Matheson's operation, and it operated as a U.S. Postal Service use as a permitted use under the HMC.

In contrast, when Matheson started to wind down and eventually cease operations at the Property, the Property began to be used for a variety of trucking uses, including storage and repair of trucks engaged in a variety of industries and businesses. Although some portion of the Property includes trucks that may be engaged in delivering USPS mail, the Property is not operated only for USPS mail transport services and is now advertised for general truck parking and storage not associated with the delivery of mail to or from the USPS. In this way, the principal and historical use of the property has changed from trucks operated solely for mail transport (associated with a postal service use of the property) to general truck parking, truck repair and general truck storage available to a variety of businesses and industries. At the Public Hearing at the December Commission/Appeals Board Meeting, William Graham 1 LLC indicated that a company called Sugar Creek Enterprises dba Sugar Creek Transport is now operating from the Property and its transport business is not solely for the transport of the U.S. Mail but for a variety of goods and materials.

Although truck parking has occurred on the Property for the approximate 23-year period of Matheson's operation, Matheson's truck parking was part of the postal service use of the Property. That is no longer the case. Given this change, the use of the Property needs to be compliant with an allowable use listed in the Industrial District, and simply allowing general truck parking, truck repair and truck storage, when that use is not associated with an operational warehouse on the property or some other principal and allowed use listed in the Industrial District, is not compliant with the City's Municipal Code.

The fact that truck parking and storage may have occurred on the Property prior to the City's incorporation, and that today, truck parking and storage continues on the Property

does mean that the use today qualifies as the continuation of a "legal non-conforming use." Once Matheson began operating on the Property as a legal and conforming permitted use (postal service use), that use terminated any general truck parking and storage use that may have legally commenced on the Property prior to the City's incorporation. Because Matheson operated on the Property for more than 23 years as a permitted use indicates that the prior legal non-conforming use expired for more than 180 days. Such legal non-conforming use would have expired 180 days after the commencement of Matheson's legal use of the Property. Once Matheson terminated its use in January or February 2024, any new use must be conforming to the Code. Accordingly, the Property owner does not have the right to re-start a non-conforming use that expired on the Property more than 23 years ago.

William Graham 1 LLC' attorney asserted in his December 16, 2024, letter, that the City had deemed Matheson's use as a legal non-conforming use in a staff determination issued on August 9, 2021. However, that City Staff determination form indicated that the "structures" were "Grandfathered/Legal Non-conforming to the current zoning requirements" and not that the use was grandfathered. On June 14, 2024, City Staff did assert, in its preliminary Notice of Violation, that there had been a discontinuation of a nonconforming use, and that truck parking and storage was no longer permitted on the Property on that basis. However, after further review and evaluation of correspondence from the William Graham 1 LLC's attorney and the City Attorney's Office, City Staff did not include that basis in the list of violations of the HMC noted on the Citation that was issued. Thus, the appellant has not been cited for the discontinuation of a legal non-conforming use and City Staff no longer asserts that Matheson was conducting a legal non-conforming use.

In summary, the City's Code does not allow general truck parking and storage as the principal use of property in the Industrial District. Matheson did have truck parking and storage on the Property for approximately 23 years, but that use was solely (100%) part of its USPS mail distribution and transport operation, a postal service use of the Property. Today, the Property is not used solely for USPS mail distribution and transport but is used for a variety of trucking transport uses, and that general truck parking and storage is not compliant with the HMC.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, Staff recommends the Appeals Board uphold Administrative Citation No. 15255 and approve the attached Resolution (Exhibit 1). Specifically, the Administrative Citation was issued for the following violations of the Highland Municipal & Development Code:

I. Highland Municipal Code Section 5.04.030 (A) (Operating without a business license). At the time of the citation was issued, neither William Graham 1 LLC, Falcon Trailer Repair nor AJR Trucking, Inc. had a valid business license.

II. Highland Municipal Code Section 8.32.020 (C) (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the

State of California). At the time the citation was issued, the principal use of the property was truck parking and storage, and that use is not allowed as the principal use of the property in the Employment District zone.

III. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); There is no use specifically listed for the parking and storage of semi-trucks or tractor-trailers in Employment Districts. Furthermore, the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within in the applicable use tables it should be considered a 'not permitted' use. The land use of trucking services and terminals (i.e. semi-trucks and tractor-trailers) is only allowed in the Industrial "I" Zoning District if ancillary to a permanent warehousing or other related business on the property (Table 16.24.030.A (B)(2), Wholesale and Warehousing Uses). The prior postal delivery service use of the Property had been the principal use of the Property. However, when that postal service use, as the principal and sole use of the Property terminated, general truck parking and storage became the principal use, and that use is not permitted as a principal use on the Property in the Industrial District. The Property being used for the unpermitted parking and storage of semi trucking services and terminals (i.e., semi-trucks and tractor-trailers) not related to and/or ancillary to an on-site warehousing or similar type of use constitutes a violation.

Exhibit "1" Appeals Board Resolution 2025-_____, inclusive of the following attachments:

A. Administrative Citation, 15255, issued October 1, 2024

B. Notice of Public Hearing dated November 1, 2024

Exhibit "2" Notice of Violation Letter dated June 14, 2024

Exhibit "3" City Attorney Letter dated August 6, 2024

Exhibit "4" Notice of Appeal, Request for Hearing, dated October 8, 2024

Exhibit "5" Notice of Public hearing (Affidavit of Mailing) dated November 1, 2024

Exhibit "6" Aerial / Site Location Map

Exhibit "7" Case photographs dated Jun 14, 2024

Exhibit "8" Case photographs dated August 26, 2024

Exhibit "9" Case photographs dated October 1, 2024

Exhibit "10" Case photographs, Notice of Public Hearing Posting, dated November 1, 2024

Exhibit "11" Appellant letter dated December 12, 2024

Exhibit "12" Draft Minutes – December 17, 2025, Planning Commission/Appeals Board hearing

Exhibit "13" Email dated January 6, 2025, from Mr. Jim Erwin (Millenium Advisors, LLC)

EXHIBIT "1"

Appeals Board Resolution No. 2024____,

Inclusive of the following Attachments

RESOLUTION NO. 2025-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DENYING AN APPEAL TO ADMINISTRATIVE CITATION NO. 15255 AND UPHOLDING CITY STAFF'S DETERMINATION THAT VIOLATIONS OF THE MUNICIPAL CODE EXISTED ON THE PROPERTY IDENTIFIED AS APN: 1201-301-16, GENERALLY LOCATED AT 27356 5th St., HIGHLAND, CA 92346, ON OCTOBER 1, 2024, THEREBY UPHOLDING ADMINISTRATIVE CITATION NO 15255.

WHEREAS, on, October 1, 2024, City of Highland Staff issued Administrative Citation No. 15255 which is attached hereto and incorporated herein by this reference (the "Citation"), for violations of the Highland Municipal Code on the property located at 27356 5th St., Highland, CA 92346 (the "Property"); and

WHEREAS, the Citation provided that on the date issued, three violations of the Highland Municipal Code ("HMC") existed on the Property: (1) operating without a business license (HMC Section 5.04.030 (A); (2) the presence of a public nuisance on the Property for operating a use not permitted by the City's land use and development restrictions (HMC Section 8.32.020 (C); and (3) conducting a use on the Property not listed or allowed the City's land use and development restrictions (HMC Section 16.24.030); and

WHEREAS, Highland Code Compliance Staff served the Citation to William Graham 1 LLC, who is the Property Owner, (" Appellant") by way of mail on October, 1, 2024, which Citation is attached hereto and incorporated herein by this reference; and

WHEREAS, the Appellant timely submitted a Request for Hearing Form in order to appeal the Citation to the Planning Commission/Appeals Board; and,

WHEREAS, the Appellant timely submitted the Appeals Board Administrative Hearing Fee for the citation.

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

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.

2. Staff timely notified Appellant that the Planning Commission/Appeals Board would be holding a Public Hearing on November 19, 2025, via certified mail. The Planning Commission/Appeals Board opened the Public Hearing on that hearing date and granted Staff's request to continue the hearing to December 17, 2024.

3. The Planning Commission/Appeals Board held a Public Hearing on December 17, 2024, at which time, all written and oral evidence and testimony from the Appellant, the

Public and Staff was received and considered. Due to the absence of Commissioner Craig Graves, the hearing resulted in a tie-vote. A motion was made to continue the hearing until January 21, 2025, to give Commissioner Craig Graves time to review the audio and transcript so he could participate in the decision.

4. The Appeal was thereafter continued by the Planning Commission/Appeals Board to January 21, 2025, February 4, 2025, March 4, 2025, and to April 1, 2025, with the concurrence of the Appellant, due to the inability of Commissioner Graves to attend the hearing and at the request of Appellant's counsel due to a scheduling conflict.

5. The Planning Commission/Appeals Board held the continued Public Hearing on April 1, 2025, at which time, the Planning Commission/Appeals Board completed the receipt of all testimony and received all relevant written evidence and closed the Public Hearing.

6. Based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above referenced Public Hearing, the Planning Commission/Appeals Board finds that the violations of the Highland Municipal & Land Use Development Code, Sections 5.04.030(A), 8.32.020(C), & 16.24.030, existed on the Property on the Citation Date, as follows:

   A. The City's Code Compliance Officer inspected the Property from the public street and noted that the Property was being used for parking and storage of semi-trucks and tractor-trailers without City approval or permits.

   B. A previously issued business license to Matheson Postal Services, Inc. ("Matheson") (Entity #2367) for business operations on the Property, expired on September 30, 2023, and had not been renewed. Immediately prior to the expiration of Matheson's business license, Matheson entered into a parking license agreement on September 23, 2023, with Falcon's Trailer Repair, a trailer repair and maintenance company. After Matheson's business license expired, Matheson entered into a second parking license agreement on November 23, 2023, with AJR Trucking Inc. Neither Falcon's Trailer Repair nor AJR Trucking Inc. had City land use/ and development approval to operate on the Property nor did they have a City of Highland Business License.

   C. On December 1, 2023, Matheson sent a letter to the City in compliance with the federal Worker Adjustment and Retraining (WARN) Act notifying the City of mass layoffs and closure of the facility effective January 31, 2024. William Graham 1, LLC, terminated the lease with Matheson on February 29, 2024 and subsequently entered into new parking license agreements with AJR Trucking, Inc. and Falcons Trailer Repair on March 1, 2024.

D. The Property that is the subject of the Citation is located in the Industrial (I) District, which is a subset of the City's Employment Districts in the City's land use and development regulation title of the City's Municipal Code. The Property is located immediately next door to a United States Postal Service (USPS) mail distribution warehouse. Postal service use is a principally permitted use in the Industrial District subject to City staff review (Table 16.24.030A (E)(6)). Matheson, when it operated on the Property, used 100% of the site in connection with the delivery of the U.S. Mail and thus was engaged in a postal service use of the Property.

E. Since the reduction and eventual termination of Matheson's use of the Property, the Property has been used for a variety of trucking uses, including storage and repair of trucks engaged in a variety of industries and businesses. Although some portion of the Property includes trucks that may be engaged in delivering USPS mail, the site is now operated by Sugar Creek Enterprises, dba Sugar Creek Transportation and is advertised for general truck parking and storage not associated with the delivery of mail to or from the USPS. The use of the Property has changed from trucks operated only for mail delivery (associated with a postal service use of the Property) to general truck parking, truck repair and general truck storage available to a variety of businesses and industries.

F. Truck parking has occurred on the site for the approximate 23-year period of Matheson's operation. However, Matheson's truck parking was for the delivery of the U.S. Mail and was a postal service use of the Property. Postal service use is a permitted use on the Property with staff level review and approval pursuant to Paragraph (E)(6) of Table 16.24.030 A of the HMC. The uses on the Property are now general truck parking and storage which are not uses permitted in the Industrial District as a principal use.

G. The current use of the Property for general truck parking and storage is not a continuation of a legal non-conforming use. The prior use of the Property for mail delivery services was a legal and conforming use pursuant to Paragraph (E)(6) of Table 16.24.030 A of the HMC. That postal service use has ceased as the principal use of the Property because the Property is not entirely used for postal service use. Any prior general truck parking and storage use that may have occurred on the Property prior to the City's incorporation or prior to Matheson's commencement of a postal service use ended with Matheson's conforming postal service use. Accordingly, any legal non-conforming use of general truck and tractor trailer parking ended more than 23 years ago upon Matheson's commencement of its conforming use and that non-conforming use cannot recommence on the Property.

H. The use of the Property needs to be compliant with current and allowable use listed in the Industrial District. General truck parking, truck repair and truck storage, when that use is not associated with an operational warehouse on the property or some

other principal and allowed use listed in the Industrial District, is not compliant with the City's Municipal Code.

7. Based on all the evidence presented, the Planning Commission/Appeals Board finds that the use of the Property at the time of the Citation was not compliant with HMC Sections 5.04.030(A), 8.32.020(C), and 16.24.030. The Planning Commission/Appeals Board hereby upholds Administrative Citation No. 15255 and orders Appellant to abate the Violation.

8. Pursuant to Highland Municipal Code Section 2.56.130, Appellant may appeal this decision to the City Council within ten (10) days of the Planning Commission/Appeals Board's decision, by submitting an Administrative Citation Notice of Appeal Request for Hearing to the City Clerk.

PASSED, APPROVED AND ADOPTED this 1st day of April 2025

AYES:
NOES:
ABSENT:

ATTEST

Randall Hamerly	Lawrence Mainez
Planning Commission/Appeals Board Chairman	Community Development Director

Exhibits:

A. Administrative Citation, 15255, issued October 01, 2024

B. Notice of Public Hearing dated November 01, 2024

ATTACHMENT "A"

Administrative Citation, #15255, issued

October 01, 2024

ADMINISTRATIVE CITATIONS

Highland Municipal Code Chapter 2.56 allows designated City officials to issue administrative citations ("Citations") for Municipal Code violations. Unless otherwise specified in the Municipal Code, the fines for most violations are: $100 for the first Citation, $200 for the second Citation, and $500 for the third Citation and subsequent Citations. The fines for most violations of the California Building Code, California Fire Code, Uniform Housing Code, Plumbing Code, Mechanical Code, Electrical Code, Uniform Sign Code and Uniform Code for Abatement of Dangerous Buildings, as adopted by the Municipal Code are: $500 for the first Citation, $750 for the second Citation, and $1000 for the third Citation and subsequent Citations. These fines accumulate within a one-year period from the date of the first Citation. A warning, if issued, does not incur a fine.

CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

It is the City's desire to gain voluntary compliance to promote and maintain safe and desirable living and working conditions. When voluntary compliance is not achieved, a Citation may be issued. If the Citation does not result in compliance there are numerous enforcement options that can be used to encourage the correction of violations, including but not limited to civil penalties, abatement, criminal prosecution, civil litigation, recording the violation with the County Recorder, and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect fines, demolish structures or make necessary repairs at the owner's expense, and/or incarcerate violators. The City may use any of these options or multiple options to correct the violations.

HOW TO PAY THE FINE

The amount of the fine is indicated on the front of this Citation. You can make a payment by mail or in person to the City of Highland located at 27215 Base Line, Highland, CA 92346. Payment should be made by personal check, cashier's check, or money order payable to the City of Highland. Please write the Citation number and violation address on your check or money order.

If you do not properly appeal the Citation within ten (10) calendar days from the date of service of the Citation as explained below, you have twenty-five (25) calendar days to pay the entire fine, or a penalty fee will be added to the Citation and the case referred to the City's collection agency for further legal action. Payment of the fine and/or penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement by the City.

CONSEQUENCES OF FAILURE TO PAY THE FINE

The failure of any person to pay the fine assessed by the Citation within the time specified may result in a claim being filed with the Superior Court of California, County of San Bernardino, or any other available legal remedy.

RIGHTS TO APPEAL.

You have the right to appeal the Citation within ten (10) calendar days from the date of service of the Citation. The date the Citation was personally issued to you is the date of service. Service by registered or certified mail is deemed effective on the date it is served; service by United States mail is deemed effective three (3) days after the date of the deposit. If you were served in multiple ways, the earliest date of service shall prevail.

The appeal must be delivered or mailed on the City's official form, which is available from the City of Highland Finance Department, to the City of Highland Finance Department, 27215 Base Line, Highland, CA 92346. At the time the appeal is filed, it must include a deposit in the amount of the fine specified on the Citation and the administrative hearing fee. Any person who is financially unable to make the advance deposit of the fine and the administrative hearing fee may file a request for an advance deposit hardship waiver available from the City Finance Department, with the appeal.

Failure of any person to properly file a written appeal, including either depositing the full fine amount specified in the Citation and the administrative hearing fee or filing a request for an advance deposit hardship waiver, within ten (10) calendar days from the date of service of the Citation shall constitute a waiver of his or her right to an administrative hearing and adjudication of the Citation, or any portion thereof and the total amount of the fine.

The appeal will result in an administrative hearing before a hearing board and is further appealable. The hearing board's decision is final if not appealed.

If you need further clarification about payment or appeal of the Citation, please call (909) 864-6861. If you need further information about the violations and/or how to comply, please call the issuing officer designated on the front of this Citation.

CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. 15255

ADMINISTRATIVE CITATION

Date: 10-01-2024 Time: 2:19 pm (Violation Observed)

☐ WARNING

☒ 1st Citation - $ 100.00 ☐ 2nd Citation - $ ____

☐ 3rd Subsequent - $ ____

The payment listed above is due by 10-26-2024 See reverse side for payment and appeal instructions.

Corrections indicated below are required by 10-31-2024 If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE
William Graham I, LLC

DL #: N/A DOB: N/A

MAILING ADDRESS: 13681 Newport Ave #8201
Tustin, CA 92780

VIOLATION ADDRESS: 27356 5th St.
Highland, CA 92346

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
HMC 5.04.030 A	Business License required.
HMC 8.37.020 (C)	Violation of any provision of the Highland Municipal or Development Code
HMC 16.24.030	Use regulations for employment distric

CORRECTIONS REQUIRED: Cease operations Unpermitted truck parking or storage business from property. Obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the property.

Signature of Issuing Officer — 10-01-2024 Issued Date

Gary Chambers
Printed Name of Issuing Officer

"Mailed"
Acknowledgement of Receipt (Signature)

READ REVERSE SIDE FOR IMPORTANT INFORMATION

WHITE COPY: FINANCE

ATTACHMENT "B"

Notice of Public Hearing Dated November 01, 2024

CITY OF HIGHLAND
NOTICE OF PUBLIC HEARING

27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

Date: November 01, 2024

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER THE APPEAL OF ADMINISTRATIVE CITATION NO. 15255 ISSUED FOR THE FOLLOWING DESCRIBED PROPERTY DUE TO LAND USE VIOLATIONS RELATED TO THE UNPERMITTED PARKING AND STORAGE OF TRUCKS AND TRACTOR TRAILERS.

File Number:	APPEALS BOARD ADMINISTRATIVE CITATION HEARING CASE # 11382
SUBJECT:	A Public Hearing to consider the Appeal of Administrative Citation No. 15255 issued for the unpermitted parking or storage of trucks & tractor-trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code on the following Assessor's Parcel Number: 1201-301-16.
PROPERTY OWNER(S):	William Graham 1, LLC
VIOLATION ADDRESS/APN:	27356 5th St., Highland, CA 92346, Parcel number 1201-301-16.
HEARING LOCATION:	Highland City Hall Council Chambers 27215 Base Line Highland, CA 92346
DATE AND TIME OF HEARING:	**Tuesday November 19, 2024, at 6:00 PM** **(Or soon thereafter)**

EXHIBIT "2"

Notice of Violation Letter dated June 14, 2024

Notice of Violation

City of Highland - Community Development Dept.

27215 E. Base Line

Highland, CA 92346

(909) 864-6861

Case Number: 11382

06/14/2024

WILLIAM GRAHAM I LLC
13681 NEWPORT AVE # 8301
Tustin, CA 92780

Subject Property: 27356 5TH ST, HIGHLAND, CA 92346
Property ID Number: 1201-301-16-0000

Dear Property Owner:

An inspection by our Division has determined the property listed above is in violation of following Ordinance(s):

Any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California
8.32.020 C

Discontinuation of Nonconforming Use;
16.08.150(C)

Use regulations for employment districts
HMC 16.24.030

The following action must be taken to correct the above stated violation(s):

Tractor-trailer parking or storage is no longer permitted on the property due to the loss of the legal non-conforming use. Remove all tractor-trailers from the property. Cease any unpermitted business activity, Falcons Trailer Repair, that may be operating from property. Obtain land use approvals and any other applicable permits prior to the establishment of any future uses on the property. Please contact the Planning Division for any questions concerning Land Use.

The correspondence will serve as official notification that the above state violations must be corrected before 07/14/2024. Fines, liens or special assessments may be placed on the property for noncompliance and/or the costs of abatement, repair or demolition by the City.

For further information, you may contact me at (909) 864-6861 ext. 220.

Sincerely,

Gary Chambers
Code Enforcement Officer

EXHIBIT "3"

City Attorney Letter dated August 06, 2024

Kevin G. Ennis

T 213.626.8484
F 213.626.0078
E kennis@rwglaw.com

350 South Grand Avenue
37th Floor
Los Angeles, CA 90071
rwglaw.com

August 6, 2024

VIA ELECTRONIC MAIL
bsbrown@allenmatkins.com

Benjamin S. Brown
Allen Matkins Leek Gamble Mallory & Natsis LLP
600 West Broadway, 27th Floor
San Diego, California 92101

Re: William Graham I LLC - Notice of Violation - Case Number 11382 - Truck and Tractor - Trailer Parking and Storage Use on 27356 5th Street, Highland CA 92346

Dear Mr. Brown:

The City of Highland is in receipt of your letter dated June 21, 2024. We understand that you represent William Graham I LLC, the owner ("Owner") of property in the City of Highland located at 27356 5th Street (the "Property"). You have responded to a Notice of Violation that the City issued to the Owner on June 14, 2024 regarding the use of the Property for truck and tractor-trailer parking and storage.

In your letter you begin by noting that the City staff indicated on August 8, 2021 and again on September 30, 2021, that the use of the property for truck and tractor-trailer parking and storage was a legal nonconforming use. The Notice of Violation issued by the City on June 14, 2024 also makes that assertion. It is a correct statement that City staff made those statements, and you have included copies of the form and an email from 2021 issued by the City in which those statements appear. However, upon further investigation of the background facts, the City has concluded that this conclusion was only partially correct, as explained below.

According to recent analysis by City staff, truck and tractor-trailer parking and storage has never been a permitted or conditionally permitted *principal* use of the property. It has only been allowed as an *accessory* use to a principally permitted use of property within the Industrial Zone. The City's zonings standards have not changed since truck and tractor-trailer parking and storage commenced on the Property and therefore the current use is not a *legal* nonconforming use but an *illegal* nonconforming use. For these reasons, the right to maintain and continue the use as a *principal* use of the Property does not exist and the use therefore violates the Zoning Code, unless and until it becomes an accessory use to an allowed principal use of the Property.

A. Background Facts.

The City's General Plan designation of the Property is Industrial (I) and the zoning designation is also Industrial (I). The Industrial Zone is a subset of the City's "Employment Districts," which is provided for in Chapter 16.24 of the Highland Municipal Code and the uses allowed in the Industrial Zone are set forth in Table 16.24.030 A of that City's Code. If a use is not listed, it is not allowed. (Highland Municipal Code Section 16.04.030).

According to City staff, the Property has had those same General Plan and zoning designations since 1988. Under the Industrial (I) zoning designation, truck and tractor-trailer parking and storage has never been listed as a permitted or conditionally permitted use since the adoption of the current zoning designation of Industrial (I) on June 28, 1988 (Highland Ordinance No. 26 adopted the San Bernardino Code by reference and then Highland Ordinance No. 26 was replaced by Ordinance No. 171, which adopted the Zoning Chapter of the Highland Municipal Code on March 8, 1994).

According to City records, prior uses of the Property included commercial office uses such as tax preparation. In your letter, you assert that the Property was then used by Matheson Postal Service, Inc. ("Matheson") from about 2016 in connection with its work for the United States Postal Service. During this time and until recently, Matheson maintained an office use on the property. Truck and tractor-trailer parking and storage was allowed at that time as an *accessory use* of the Property.

The City's Zoning Code defines an "accessory use" to mean "any use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or premises." (Highland Municipal Code Section 16.06.010).

Under the more recent arrangements between the Property Owner and tenants and licensees, the office use (the prior permitted and principal use of the Property) has ceased and the accessory uses (truck and tractor-trailer parking and storage) are continuing but as the predominant and thus principal use of the Property.

In your letter, you recite the more recent history regarding the use of the Property, including a September 2023 license agreement between Matheson and Falcons Trailer Repair ("Falcons") by which Matheson allowed Falcons to use the Property for tractor-trailer parking and storage on the Property. You indicate that in November 2023, Matheson granted another license agreement, this time to AJR Trucking, Inc. ("AJR"), also for tractor-trailer parking and storage. Thereafter, on February 29, 2024, you indicate that Matheson terminated its lease with the Owner and then the Owner entered into license agreements directly with AJR and Falcons for tractor-trailer parking and storage. You attach copies of those documents to your letter.

The City is aware of no facts to contradict that history of license agreements from 2023 to the present. The City is also not currently aware of any facts to indicate that the truck and tractor-

trailer parking and storage has not continued as a use on the Property without an interruption for more than 180 days in the last few years. But as indicated above, and more fully explained below, that lack of interruption in truck and tractor trailer use over the last several years is not the relevant analysis as to whether that use may continue on the Property.

B. Analysis.

The principal issue is that truck and tractor-trailer parking and storage is occurring on the Property as the principal use and such use is not allowed on that site under the City's Zoning Code. You assert that your client is permitted to continue that operation as a *legal nonconforming use* because the use was lawfully commenced and has continued without cessation for many years. However, the use is actually not a *legal* nonconforming use but an *illegal* nonconforming use because truck and tractor-trailer parking has never been a permitted or conditionally permitted use on the property except as an accessory use to a principally permitted use. When the principal and permitted office use of the property ceased, the truck and tractor-trailer parking was no longer accessory to a principally permitted or conditionally permit use. At that point, its continuance was not permitted and its continuance in a form that has become the principal use of the property violates the City's Zoning Code.

This is in contrast to a situation in which a permitted or conditionally permitted use commences, the zoning is changed so as to not allow the use, and the use becomes legal nonconforming and takes on the benefits and limitations of a legal nonconforming use. The classic definition of a legal nonconforming use is "one that existed lawfully before a zoning restriction became effective and that is not in conformity with the ordinance when it continues thereafter." (*Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 540, fn. 1).

Here, it was not the City's change in its Zoning Code of the allowable uses in the applicable zone that made the use nonconforming but a change in the operation and use of the property from a commercial office use of the property, with truck and tractor-trailer parking as an accessory use, to a truck and tractor-trailer use of the property as the principal and remaining use. Just because a use commences as an accessory use does not mean that it can continue as a principal use when the principal use to which it is accessory ceases to exist on the property. If that were the case, then any accessory use of property would automatically be treated as a permitted principal use of property notwithstanding it commenced when it was only permitted to be an accessory use. Thus, the change in use from an accessory to a principal use converted the use from one authorized by the City's Zoning Code to one not permitted and unlawful, and it was the Property Owner's change of use, and not a change to the City's Zoning Code, that caused the Property to become non-compliant with the City's Zoning Code.

It is well settled that uses that are not permitted on property, even if legal at one point in time as an accessory use, cannot be expanded and become the principal use of the property. That is, an expansion or enlargement of the use from accessory to principal, even if it was legal when

commenced, loses that categorization when converted into a principal use of the property. This principal is explained in *Hansen Brothers Enterprises, Inc.*, at p. 552 as follows:

> "When continuance of an existing use is permitted by a zoning ordinance, the continued nonconforming use must be similar to the use existing at the time the zoning ordinance became effective. (See Rehfeld v. City and County of San Francisco (1933) 218 Cal. 83, 21 P.2d 419; City of Yuba City v. Cherniavsky (1931) 117 Cal.App. 568, 4 P.2d 299.) Intensification or expansion of the existing nonconforming use, or moving the operation to another location on the property is not permitted. (County of San Diego v. McClurken, supra, 37 Cal.2d 683, 687–688, 234 P.2d 972. See also 8A McQuillin, supra, § 25.206, p.114.) "[I]n determining whether the nonconforming use was the same before and after the passage of a zoning ordinance, each case must stand on its own facts." (Edmonds v. County of Los Angeles (1953) 40 Cal.2d 642, 651, 255 P.2d 772. See also, Livingston Rock etc. Co. v. County of L.A., supra, 43 Cal.2d 121, 127, 272 P.2d 4; City of La Mesa v. Tweed & Gambrell Mill (1956) 146 Cal.App.2d 762, 768, 304 P.2d 803.)"

Thus, by expanding the accessory use into the principal use, the right to continue the accessory use in that altered relationship is not permitted and does not retain any rights as a legal nonconforming use. "Changes or additions to the existing use are not protected which make the use more noisome (*County of Orange v. Goldring, supra,* p. 446, 263 P.2d 321), or which enlarge it or tend to make it more permanent (*Dienelt v. County of Monterey*, 113 Cal.App.2d 128, 131, 247 P.2d 925; *Paramount Rock Co. v. County of San Diego*, 180 Cal.App.2d 217, 229, 4 Cal.Rptr. 317)." (*City of Los Altos v. Silvey* (1962) 206 CA 2d 606, 609, in which the court upheld the city's decision to preclude a change from bottling wines to manufacture of boats and trailers.)

Here, the principal use of the Property was industrial office with accessory parking uses, whereas with discontinuance of the office use, the principal use has become truck and tractor-trailer parking and storage. This is a change in use as well as an alteration or expansion of an accessory use to a principal use.

Any inadvertent error in how City staff labeled the use on a form and email in 2021 does not now preclude the City from correcting that labeling error and enforcing the Code. It is well settled that any error in providing information to a property owner as to the allowed uses of one's property does not preclude the City from having the ability to enforce its Zoning Code. ("[A]n estoppel will not be applied against the government if to do so would effectively nullify 'a strong rule of policy, adopted for the benefit of the public....'" (*City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 493, *Golden Gate Water Ski Club v. County of Contra Costa* (2008), 165 Cal.App. 4th 249, 263). "It follows that the doctrine of equitable estoppel will not be invoked as a matter of law even where a property owner relies on a permit issued by the public entity but the permit

violates a zoning ordinance." (*Golden Gate Water Ski Club* at p. 260, citing to *Pettitt v. City of Fresno*, 34 Cal.App.3d 813, 819 (1973).

In this case, the City correctly informed the Property Owner that truck and tractor-trailer parking and storage was a nonconforming use, but mislabeled that use as *legal* non-conforming rather than *illegal* non-conforming. However, that error does not preclude the City from clarifying that issue now and seeking compliance with the City's Zoning Code.

Therefore, the City now seeks to enforce its Zoning Code and hereby notifies the Property Owner that it must bring its Property into compliance with the Zoning Code by commencing a lawful and permitted use of the Property, ceasing the current non-permitted and illegal truck and tractor-trailer parking and storage use of the Property, or both.

The City's Municipal Code states that "no use of land, and no use, construction, maintenance, operation, reconstruction or enlargement of any building structure shall be allowed unless permitted under the express provisions of this title or by applicable ordinance of the city." (See Highland Municipal Code § 16.04.030).

Any violation of the City's Municipal Code is a public nuisance *per se* and may be abated by the City through administrative, civil, or criminal proceedings. (See Highland Municipal Code § 16.04.040.)

C. Appeal to City's Notice of Violation.

As part of your letter of June 21, 2024, you include a form entitled "City of Highland Administrative Citation Notice of Appeal Request for Hearing." The City issued a "Notice of Violation" to your client asking the Owner to bring the Property into compliance with the Code by ceasing the truck and tractor-trailer parking and storage uses on the Property. The Notice was not labeled as an Administrative Citation. It did not list or impose any fine. The Notice says that fines may be placed on the property in the future. Chapter 2.56 of the City's Code provides for the issuance and processing of Administrative Citations. Section 2.56.060 provides the contents of an Administrative Citation shall state the amount of the penalty imposed for the violation. (Section 2.56.060 (D)). The Notice provided to the Property Owner did not state the penalty that was being imposed. Accordingly, the Notice of Violation does not qualify as an Administrative Citation and thus the appeal of the "Administrative Citation" is not timely or applicable because the action appealed (issuance of an Administrative Citation) has not yet occurred. If and when the City issues an Administrative Citation, and the Property Owner seeks to appeal that Citation, the City will process that appeal up to the Planning Commission pursuant to Chapter 2.56 of the Highland Municipal Code.

Prior to having the need to issue any Administrative Citations to the Owner or taking other Code Compliance enforcement actions, the City looks forward to the Property Owner's prompt cooperation in bringing the Property into compliance with the Code.

If you have any questions, please feel free to contact me.

Very truly yours,

Kevin G. Ennis
City Attorney's Office

cc: Maricela Marroquin, City Attorney
Gary Chamber, Code Compliance Officer
Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director

11026-0001\2987841v5.doc

EXHIBIT "4"

Notice of Appeal, Request for Hearing, dated October 08, 2024

City of Highland
Administrative Citation Notice of Appeal
Request for Hearing

In regards to property located at: 27356 5th Street, Highland, California, an Appeal is hereby made relative to Administrative Citation No. #15255 (the "Citation"). It is my desire to Appeal this Citation.

Please select one:

☒ This is my first Appeal, so I am appealing to the Public Nuisance Hearing Board.

I understand that I have the right to Appeal the Citation within ten (10) calendar days from the date of service of the Citation. The date the Citation was personally issued to me is the date of service. Service by Registered or Certified Mail is deemed effective on the date it is served; service by United States Mail is deemed effective three (3) days after the date of deposit. If I was served in multiple ways, I understand that the earliest service date will prevail.

☐ The Public Nuisance Hearing Board has already heard my Appeal, so I am appealing to the City Council.

I understand that my Appeal must be filed within ten (10) days from the date that the Public Nuisance Hearing Board made its determination on my first appeal.

I understand that if I do not properly file this Appeal by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I must pay the total amount of the fine.

To process this Appeal, I am submitting this completed form, along with the following payment.

Select one:

☒ This is my first appeal, so I am submitting the advance deposit of the Citation fine and the $35.00 Administrative Hearing Fee for the first appeal.

☐ This is my first appeal, but I am unable to pay the advance deposit of the Citation fine and the $35.00 Administrative Hearing Fee, so I am filing an Administrative Citation Hardship Waiver Request.

☐ This is my second appeal, and I have already submitted the advance deposit of the Citation fine and the $35.00 first Administrative Hearing Fee, so I am submitting the $35.00 Administrative Hearing Fee for the second appeal.

☐ This is my second appeal, and I have already been granted an Administrative Citation Hardship Waiver, so I do not need to submit any further payments.

I understand that payment should be made by personal check, cashier's check, or money-order or credit card payable to the City of Highland. I have written the Citation number on my check or money order. I further understand that the advance deposit of the Citation fine is refundable, if the case is decided in my favor.

I understand that without paying the appropriate payment option listed above, my Appeal cannot be processed. I further understand that I do not make that full payment by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I may pay the total amount of the fine.

Basis or reason for this appeal? My property has been an industrial use for decades and most recently had a tenant Matheson Postal Services in occupancy since 2016 (which I think since 2008). My property had grandfathered legal, non-conforming status. When Matheson vacated in March 20[illegible] the City immediately issued a code violation. Shortly after Matheson vacated, we released the property to a similar user. The City has denied our new occupant's business license.

I am delivering or mailing all my documents to:

City of Highland
Finance Department
27215 Base Line
Highland, CA 92346

Today's Date: 10/09/24

Name of Appellant: Michael Johnson - William Graham I, LLC

Address: 1368 Newport Ave, Ste 8301

Irvine CA 92780

Signature of Appellant:

CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. 15255

ADMINISTRATIVE CITATION

Date: 10-01-2024 Time: 2:17 p.m. (Violation Observed)

☐ WARNING

☒ 1st Citation - $ 97.00 ☐ 2nd Citation - $

☐ 3rd Subsequent - $

The payment listed above is due by 10-[illegible]. See reverse side for payment and appeal instructions.

Corrections indicated below are required by [illegible]. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE
William G [illegible]

DL #: n/a DOB: n/a

MAILING ADDRESS: [illegible]

VIOLATION ADDRESS: 27356 [illegible]
Highland, CA 92346

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
HMC 5.04.02	[illegible]
HMC 8.2[illegible]	[illegible]
HMC 12.24.030	[illegible]

CORRECTIONS REQUIRED:

[illegible]

Signature of Issuing Officer

10-[illegible]-24
Issued Date

[illegible]
Printed Name of Issuing Officer

[illegible]
Acknowledgement of Receipt (Signature)

READ REVERSE SIDE FOR IMPORTANT INFORMATION

City of Highland-Finance
27215 Base Line
(909)-864-6861

City Of Highland 12 / 107774
10/08/2024 12:33:29.000 Reg CASHIER
Validation Receipt
Payor: LAKE CREEK INDUSTRIAL MICHAEL JOHNSON PRINCIPAL
CHARGES-
3005 $ 35.00
ADMIN CITE#15255 APPEAL
001.1450.8160
5218 $ 100.00
ADMIN CITE#15255 PMT
001.1450.8202

Sub-total $*********135.00

PAYMENT-
Check - 1399 $ 135.00

Change $**********0.00

City of Highland-Finance
27215 Base Line
(909)-864-6861

City Of Highland 12 / 107773
10/08/2024 12:27:36.000 Reg CASHIER
Validation Receipt
Payor: LAKE CREEK INDUSTRIAL MICHAEL JOHNSON PRINCIPAL
CHARGES-
3005 $ 35.00
ADMIN CITE#15255 APPEAL
001.1450.8160
5218 $ 100.00
ADMIN CITE#15255 PMT
001.1450.8202

Sub-total ##########135.00

PAYMENT-
Check - 1399 $ 135.00

Change **********0.00

EXHIBIT "5"

Notice of Public hearing (Affidavit of Mailing)
dated November 01, 2024

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On November 01, 2024, I caused to be served a copy of the attached Public Hearing Notice, Case #11382, Certified Mail, Return Receipt Requested, to the following parties: William Graham 1 LLC. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Parties as more fully detailed below.

William Graham 1 LLC
13681 NEWPORT AVE # 8301
TUSTIN, CA 92780

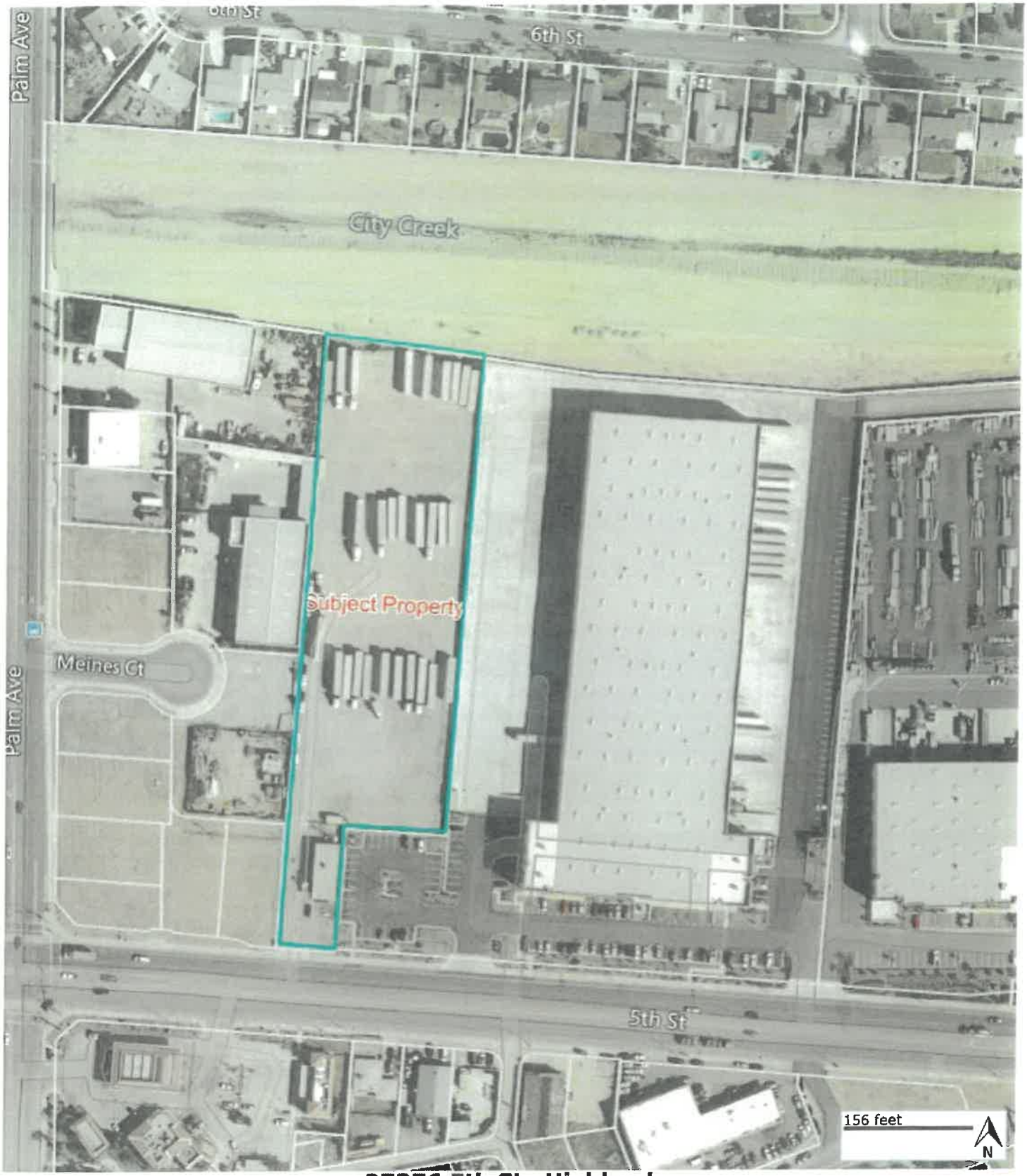
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and this Declaration was executed at Highland, CA, on November 01, 2024.

Dated: 11/01/2024

Nicole Subia, Administrative Assistant III
City of Highland

EXHIBIT "6"

Aerial / Site Location Map



27356 5th St., Highland

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EXHIBIT "7"

Case photographs dated Jun 14, 2024

EXHIBIT "8"

Case photographs dated August 26, 2024

2024/08/26 09:27

27856
2024/08/26 09:25

2024/08/26 09:27

2024/08/26 09:27

EXHIBIT "9"

Case photographs dated October 01, 2024

EXHIBIT "10"

Case photographs, Posted Public Hearing Notice,

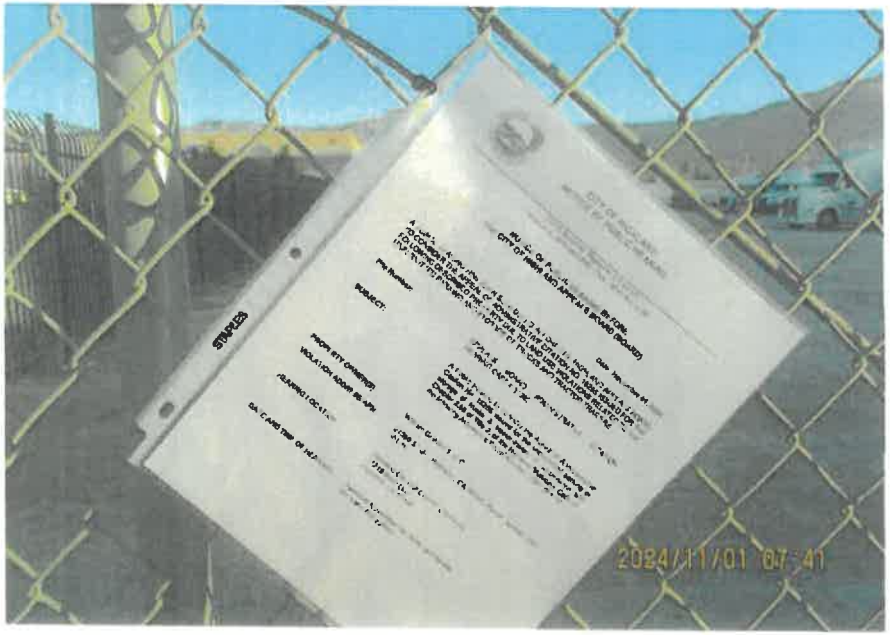
dated November 01, 2024

2024/11/01 07:41

SUGARCREEK
ENTERPRISES
909·746·0370
PARKING AVAILABLE
HIRING DRIVERS
2024/11/01 07:42

2024/11/01 07:41

PRIVATE
PROPERTY
NO TRESPASSING
2024/11/01 07:41


2024/11/01 07:41

DANGER
DO NOT
ENTER
2024/11/01 07:41

CAUTION
KEEP THIS
GATE CLOSED
2024/11/01 07:41

2024/11/01 07:41

2024/11/01 07:42

EXHIBIT "11"

Appellant Letter dated December 16, 2024

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
865 South Figueroa Street, Suite 2800 | Los Angeles, CA 90017-2543
Telephone: 213.622.5555 | Facsimile: 213.620.8816
www.allenmatkins.com

Eoin McCarron
E-mail: emccarron@allenmatkins.com
Direct Dial: 213.955.5618 File Number: 393381.00006/4925-4062-9510.3

Via Electronic Mail

December 16, 2024

City of Highland Planning Commission
Highland City Hall
27215 Base Line Highland
Highland, CA 92346

Re: Appeal of Administrative Citation No. 15255
27356 5th Street, Highland CA 92346

Dear Honorable Highland Planning Commission Members:

The present appeal is filed under the City of Highland Municipal Code ("**HMC**") Section 2.56.130 in connection with the City of Highland's (the "**City**") October 1, 2024, issuance of Administrative Citation No. 15255 (the "**Citation**") to William Graham I LLC ("**Appellant**"), owner of the site located at 27356 5th Street ("**Property**").

Underlying this Citation is an erroneous belief, on the part of the City, that the current use of the Property for tractor-trailer parking and storage was never legally established and is thus an illegal nonconforming use. (*See* Correspondence from Kevin G. Ennis, dated August 6, 2024 [the "**August Letter**"].) The August Letter reasons that because truck and tractor trailer parking and storage is not a use permitted by the Property's Industrial (I) zoning it therefore was never legally established at the Property and is an illegal nonconforming use that Appellant has no right to continue.

In supporting this assertion, the August Letter states that "[a]ccording to City staff, the Property has had th[e] same [Industrial] General Plan and [Industrial] zoning designations since 1988," the year following the City's incorporation. However, this statement fails to address the fact that the present use of the Property predates the City's incorporation and was legally established at a time when use and development of the site was governed not by the HMC but by the County of San Bernardino Development Code.

Indeed, the City previously confirmed this very point. First, correspondence from Planning Department staff member Angela Tafolla to a representative from the Planning and Zoning Company, a national firm that specializes in the preparation of detailed zoning due diligence reports and prepared one for this property, confirmed the truck and trailer parking and storage use is "legal non-conforming" and, more importantly, that this use was "established prior to City incorporation in 1987." (*See* Exhibit A.) Then, a formal Zoning Verification Letter also from Planning Department

staff member Angela Tafolla dated August 9, 2021, further confirmed the truck and trailer parking and storage use was established prior to the City's incorporation, prior to adoption of the HMC, and that, as a result, it was legal nonconforming. (*See* Exhibit B.) And finally, when a cease and desist letter was sent to the Property's prior owner on May 11, 2020 alleging that the existing use of the Property was illegal under the HMC, the same issue presented here, the City closed the violation after obtaining information that the existing operation at the site, truck and trailer parking and storage, had been active "since the '60s." (*See* Exhibit C.) A formal determination from Community Development Director Lawrence Mainez confirms this prior dispute related to the legality of the existing use was fully resolved. (*Ibid.*)

Given the analysis set forth above, and the City's prior confirmation that the use was legally established prior to the commencement of operations, Appellant has a vested right to continue its legal nonconforming tractor-trailer parking and storage use because that use existed lawfully before the HMC became effective after the City's incorporation, and these nonconforming uses have been ongoing continuously since these uses became nonconforming.[1] (*See Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 540; *see also City of Los Angeles v. Gage* (1954) 127 Cal.App.2d 442, 453-54.)

Accordingly, the present effort by the City to terminate Appellant's lawful nonconforming use of the Property is improper. Your careful consideration of these issue is greatly appreciated. Please do not hesitate to contact Appellant with any questions or concerns.

Very truly yours,

Eoin D. McCarron

Eoin McCarron

EM

cc: Kevin Ennis, kennis@rwglaw.com

[1] Please refer to this law firm's prior correspondence dated June 24, 2024, a copy of which is attached hereto as Exhibit D, for a description of the use of the Property and clarification that such use has never been abandoned.

EXHIBIT A

From: Angela Tafolla <atafolla@cityofhighland.org>
Sent: Thursday, September 30, 2021 4:23 PM
To: Fuller, Neva <Neva.Fuller@pzr.com>
Subject: RE: 148701-1 27356 5th Street Highland CA

Hello Neva,

That site is legal non-conforming and was established prior to City incorporation in 1987. Our current municipal code does not support "trailer parking" in any zone so you will not find parking requirements.

Thank you,

Angela

EXHIBIT B

City of HIGHLAND Inc. 1987

The Planning & Zoning Resource Company
1300 South Meridian Avenue, Suite 400
Oklahoma City, OK 73108

8/9/2021

ATTN: Maria Cofano

Ref. No. 106317-1

RE: 27356 5th St.

Add'l Info. Parcel: 120130116

The current zoning classification for the subject property is: Industrial (I)

Adjacent property zoning designations:

North: Flood Control District

South: BUSINESS PARK (BP)

East: INDUSTRIAL (I)

West: INDUSTRIAL (I)

Is the subject property part of a Planned Unit Development?

___ Yes, part of a PUD (See comment)

X No, not part of a PUD

Comment: ___

Is the subject property part of an Overlay District?

X Yes, within an Overlay District

___ No, not within an Overlay District

Comment: Airport compatibility zone – Zone E – Airport Influence Zone – Negligible Risk Level

The subject property is currently regulated by:

x Section 16.08.150 of the Zoning Ordinance

___ Planned Unit Development Ordinance No. ___ (copy attached)

___ Site Plan Approval Case No. ___ (copy of plan and case attached)

Comment: ___

Mayor Penny Lilburn | **Mayor Pro Tem** Larry McCallon | **City Council** Jesse Chavez | **City Council** Anaeli Solano | **City Council** John P. Timmer | **City Manager** Joseph A. Hughes

27215 Base Line, Highland, CA 92346
Tel: (909) 864-6861 • Fax: (909) 862-3180 • Web: www.cityofhighland.org

The subject structure(s) was developed:

_____ In accordance with Current Zoning Code Requirements and is

_____ Legal Conforming

_____ Non-Conforming (see comments)

_____ In accordance with Previous Zoning Code Requirements (amendments, rezoning, variance granted) and is Legal Non-Conforming to current zoning requirements

X Prior to the adoption of the Zoning Code and is

X Grandfathered/Legal Non-conforming to current zoning requirements.

_____ In accordance with Approved Site Plan and is Legal Conforming to approved site plan. If any nonconforming issues exist with respect to current zoning requirement; the subject property would be considered legal non-conforming.

Comment: _____

Information regarding variances, special permits/exceptions, ordinances or conditions:

X There do not appear to be any variances, special permits/exceptions, ordinances or conditions that apply to the subject property

_____ The following apply to the subject property (see comments):

_____ Variance - Documentation attached or is otherwise, no longer available (see comment)

_____ Special Permit/Exception Documentation attached or is otherwise, no longer available (see comment)

_____ Ordinance Documentation attached or is otherwise, no longer available (see comment)

_____ Conditions Documentation attached or is otherwise, no longer available (see comment)

Comment: _____

Rebuild: In the event of casualty, in whole or in part, the structure located on the subject property:

_____ May be rebuilt in the current form (i.e. no loss of square footage, same footprint, with drive through(s), if applicable.

X May not be rebuilt in its current form, except upon satisfaction of certain conditions, limitations, or requirements.Please see section 16.08.150 of the current zoning code/ordinance for details.

Comment: _____

To the best of your knowledge, do your records show any unresolved zoning code violations?

☐ Yes, there are open violations on file in our records. (See attached list and/or copies/cases)

☒ No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made

To the best of your knowledge, do your records show any unresolved building code violations and/or complaints?

☐ Yes, there are open violations on file in our records. (See attached list and/or copies/cases)

☐ No, there are no open violations on file in our records. **(see Building & Safety and Code response)**

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made

Site Plan Information:

_____ The subject property was not subject to a site plan approval process.

_____ The subject property was subject to site plan approval: a copy of the approved site plan is attached.

_____ The subject property was subject to site plan approval, but a copy of the approved site plan is no longer in existence (was lost or destroyed). All other existing documents applicable to site plan approval for the site are attached if availalbe.

_____ An approved site plan for the subject property is on file, but our office does not have the necessary resources to reproduce and distribute copies of the plan. All other existing documents applicable to site plan approval are attached if availalbe.

X Other, (as noted here): This site was existing prior to City incorporation.

Were Certificates of Occupancy issued? If so, please provide all available copies. If copies are unavailable, please fill out our attached form letter. SEE BUILDING AND SAFETYS RESPONSE

Please call the undersigned at 9098646861 , extension 258 if you have questions or concerns.

Sincerely:

Name: ANGELA TAFOLLA

Department: PLANNING

Title: PLANNING TECH III

Email: ATAFOLLA@CITYOFHIGHLAND.ORG

EXHIBIT C

City of
HIGHLAND
Inc. 1987

The Planning & Zoning Resource Company
1300 South Meridian Avenue, Suite 400
Oklahoma City, OK 73108

7/26/2021	
ATTN:	Maria Cofano
Ref. No.	106317-1
RE:	27356 5th Street, Highland, CA 92346
Add'l Info.	Parcel: 1201-301-16-0000

To the best of your knowledge, do your records show any unresolved zoning code violations?

☐ Yes, there are open violations on file in our records. (See attached list and/or copies/cases)

■ No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made

To the best of your knowledge, do your records show any unresolved building code violations and/or complaints?

☐ Yes, there are open violations on file in our records. (See attached list and/or copies/cases)

■ No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made

If you have any questions, please call the undersigned at 909-864-6861 extension 215.

Name: Lawrence Mainez

Title: Comm Dev. Director

Department: Comm Dev. Department

Signature: Lawrence Mainez

Mayor Penny Lilburn | Mayor Pro Tem Larry McCallon | City Council Jesse Chavez | City Council Anaeli Solano | City Council John P. Timmer | City Manager Joseph A. Hughes

Case #:	7135
Case Date:	06/23/20
1st Admin Cite Number:	0
1st Citation Issued Date:	
1st Admin Cite Number (2):	0
1st Citation Issued Date (2):	
2nd Admin Cite Number:	0
2nd Citation Issued Date:	
2nd Admin Cite Number (2):	0
2nd Citation Issued Date (2):	
3rd Admin Cite Number:	0
3rd Citation Issued Date:	
3rd Admin Cite Number (2):	0
3rd Citation Issued Date (2):	
Parking Cite Number:	0
Violation Address:	27356 5th Street (APN:1201-301-16-0000)
Violation City, State, Zip:	Highland, CA 92346
License Plate:	
CDL:	
Occupant:	Matheson Postal Services
Property Owner Name:	Linck Properties LLC
Property Owner Phone :	9094991594 or 612-695-3906
Property Owner Address:	105 Summer St
Property Owner City, State, Zip:	Rehoboth, MA 02769
Property Management Name:	
Property Management Address:	
Property Management City, State, Zip:	
Property Management Phone Number:	
Business Owner Name:	
Business Owner Address:	
Business Owner City, State, Zip:	
Business Owner Phone:	
Complainant Type:	Business Park
Complainant Name:	
Complainant Phone:	

Complainant Address:
Case Status: Pending
City Attorney:
APN: 0
CDBG:
Red Tag :
Assigned To: Gary Chambers

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning

Notes

Date	Note	Created By:
2021-07-26	Richard Linck contacted Planning regarding the letter he received regarding the possible unpermitted use at 27356 5th St. Richard inherited the property from his parents and remembers Matheson Inc. postal services being at that location since the '60s. The City has had an active business license (002367) since 2001 and google earth shows trucks parked on that site as in 1994. Prior years are shown but the picture is not clear. Richard said he can probably produce county paperwork If needed. I explained to Richard we were reaching out to all owners in that area to verify the validity of long-standing uses. Planning does not have any further requirements. AT	Angela Tafolla
2020-07-14	Property owner called regarding the Land Use Violation letter. S. Wisniewski	Shannon Wisniewski
2020-06-23	Certified Mail 9489 0090 0027 6139 1910 59	Shannon Wisniewski

Uploaded Files

Date	File Name
06/23/2020	6865523-Business Park_27356 5th StreetAPN1201-301-16-0000_06.19.2020.docx.pdf

May 11, 2020

Linck Properties LLC
105 Summer Street
RehobothMA02769

via Certified Mail

Subject: **Cease and Desist - Unpermitted Land Use Operating on your property**
[APN:]

To Whom it May Concern:
It has come to the City's attention that an illegal business/use is operating on the subject property in violation of local law. Under the City's Municipal Code the illegal activity occurring on the property could be determined a public nuisance.

The City's Municipal Code states that "*no use of land, and no use, construction, maintenance, operation, reconstruction or enlargement of any building or structure shall be allowed unless permitted under the express provisions of this title or by other applicable ordnance of the city.*" See HMC § 16.04.030.

Any violation of the City's Municipal Code is a public nuisance *per se* and may be abated by the City though administrative, civil, or criminal proceedings [See Highland Municipal Code § 16.04.040]. When the City of Highland prevails in civil or administrative nuisance abatement proceedings it is entitled to recover costs and attorneys' fees from the business operator(s) and/or property owner(s) [See Highland Municipal Code § 16.04.040].

This letter shall constitute the City's Notice to you to cease and desist from continuing the alleged nuisance described herein, namely the illegal business/use operating on the subject property. If you fail or refuse to comply with this Notice, you shall be liable to the City for any and all costs and expenses incurred in connection with the abatement action of this nuisance, including legal costs and attorneys' fees.

Please contact Shannon Wisniewski at (909) 864-8732, Ext 201 so we can determine your compliance with the City's Municipal Code and resolve this matter as quickly as possible. If you believe you received his Notice in error, also contact the City and provide a copy of any applicable licenses or land use entitlements issued by the City of Highland.

If we have not heard from you within 14 days of the date of this letter, we will assume you do not wish to comply with the Municipal Code and other related laws and the City will avail itself of its legal remedies.

EXHIBIT D

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
One America Plaza
600 West Broadway, 27th Floor | San Diego, CA 92101-0903
Telephone: 619.233.1155 | Facsimile: 619.233.1158
www.allenmatkins.com

Benjamin S. Brown
E-mail: bsbrown@allenmatkins.com
Direct Dial: 619.235.1546 File Number: 395589.00001/4885-6319-4876.3

June 21, 2024

Gary Chambers
Code Enforcement Officer
Community Development Department
City of Highland
27215 E. Base Line
Highland, CA 92346

Re: Notice of Violation Case Number 11382

Dear Mr. Chambers:

We represent William Graham I LLC ("**Owner**"), the owner of the site located at 27356 5th Street ("**Property**") in the City of Highland ("**City**"). This letter responds to the Notice of Violation dated June 14, 2024 ("**Notice of Violation**"), indicating that the legal nonconforming tractor-trailer parking and storage use on the Property is no longer permitted due to a discontinuation of this use. As detailed below, the tractor-trailer use has been continuously operative on the Property and has not been discontinued. Accordingly, the legal nonconforming status of this use has been preserved and this use is still permitted on the Property.

I. Background

As a threshold matter, and as conceded by the Notice of Violation, tractor-trailer parking and storage has historically been a legal nonconforming use on the Property as it was established prior to the adoption of the City's zoning code. The City has confirmed the legal nonconforming status of this use on multiple occasions.[1] The recent history of this use on the Property is detailed below.

Matheson Postal Services, Inc. ("**Matheson**"), which is a transportation company that provides services to the United States Postal Service ("**USPS**"), began leasing the Property in 2016 and has used the site for tractor-trailer parking and storage since that time.[2] In September 2023, Matheson entered into a license agreement with Falcons Trailer Repair ("**Falcons**"), which is a

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[1] August 9, 2021, Planning and Zoning Resource Company Form and September 30, 2021, Email Correspondence from Angela Tafolla, attached hereto as Exhibit A.

[2] August 1, 2016, Commercial Lease, attached hereto as Exhibit B.

trailer repair and maintenance company.[3] This license agreement allowed Falcons to use the Property for tractor-trailer parking and storage.[4] Further, in November 2023, Matheson entered into a license agreement with AJR Trucking, Inc. ("**AJR**"), which, like Matheson, is a mail hauling service that works with the USPS.[5] This license agreement also allowed AJR to use the Property for tractor-trailer parking and storage.[6] On February 29, 2024, Matheson terminated its lease with the Owner.[7] The following day, on March 1, 2024, the Owner entered into license agreements directly with AJR and Falcons allowing those companies to continue using the Property for tractor-trailer parking and storage.[8]

Accordingly, over the last year, Matheson, Falcons, and/or AJR have continuously used the Property for tractor-trailer parking and storage. The termination of Matheson's lease did not interrupt this use as Falcons and AJR continued their operations on the Property. For your reference we have attached an aerial photograph taken in February 2024 showing tractor-trailers parked on the Property, as well as a history of rent payments showing that Matheson, Falcons, and AJR have paid rent for their use of the Property.[9]

II. Notice of Violation

The Notice of Violation states that "[t]ractor-trailer parking or storage is no longer permitted on the [P]roperty due to the loss of the legal non-conforming use." The Notice of Violation cites a provision from the City's legal nonconforming use regulations indicating that "[w]henever a nonconforming use . . . has been discontinued for a continuous period of 180 days or more, the nonconforming use shall not be reestablished."[10] However, this provision is inapplicable as the tractor-trailer use on the Property was never discontinued.

As evidenced by the exhibits attached to this letter, Matheson, Falcons, and/or AJR have continuously used the Property for tractor-trailer parking and storage. Although Matheson did terminate its lease in February 2024, Falcons and AJR continued to operate in Matheson's absence. Indeed, the City conducted an inspection on June 14, 2024, which revealed that the Property was being used for tractor-trailer storage on that date.[11] In an email correspondence accompanying the Notice of Violation, you stated that you "didn't see any business being conducted from the

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3 September 25, 2023, License Agreement, attached hereto as Exhibit C.
4 *Id.* at Section 1.
5 November 20, 2023, License Agreement, attached hereto as Exhibit D.
6 *Id.* at Section 1.
7 February 29, 2024, Lease Termination, attached hereto as Exhibit E.
8 March 1, 2024, License Agreements, attached hereto as Exhibit F.
9 February 2024 Aerial Photograph and Rent History, attached hereto as Exhibit G.
10 Highland Municipal Code ("**HMC**"), § 16.08.150.C.
11 June 14, 2024, Email Correspondence from Gary Chambers, attached hereto as Exhibit H.

[P]roperty, just the storage of tractor-trailers."[12] However, the storage of tractor-trailers *is* an essential aspect of the business in which Falcons and AJR are engaged. It is possible that during your inspection you did not see a representative working in the office space on the Property, but that is typical of Falcons' and AJR's businesses. Tractor-trailer parking and storage do not require a representative on-site at all times. The legal nonconforming use consists of tractor-trailer parking and storage, which is what is being done, and has been done on the Property for decades. Thus, the legal nonconforming tractor-trailer use on the Property was never discontinued at all, let alone for a continuous period of 180 days.

We request a written correspondence from the City that: (1) confirms that tractor-trailer parking and storage remains a legal nonconforming use on the Property; and (2) rescinds the Notice of Violation. If the Notice of Violation remains in place we intend to appeal it. Please find attached the Owner's request for an appeal hearing, attached hereto as Exhibit I.[13] We have also mailed a check for $35 to cover the administrative hearing fee; as the City has not levied any fines in this case, we understand that an advance deposit of fines is not required. Please confirm that we have submitted all information necessary to invoke the Owner's right to an appeal.

If you have any questions or would like to discuss this matter, please feel free to contact me at bsbrown@allenmatkins.com or 619-235-1546.

Best,

Benjamin S. Brown

BSB

cc: Maricela Marroquin, mmarroquin@rwglaw.com
John Condas, jcondas@allenmatkins.com

12 *Ibid.*

13 See HMC, § 2.56.130.A.

EXHIBIT A

City of HIGHLAND Inc. 1987

The Planning & Zoning Resource Company
1300 South Meridian Avenue, Suite 400
Oklahoma City, OK 73108

8/9/2021

ATTN: Maria Cofano

Ref. No. 106317-1

RE: 27356 5th St.

Add'l Info. Parcel: 120130116

The current zoning classification for the subject property is: Industrial (I)

Adjacent property zoning designations:

North: Flood Control District

South: BUSINESS PARK (BP)

East: INDUSTRIAL (I)

West: INDUSTRIAL (I)

Is the subject property part of a Planned Unit Development?

____ Yes, part of a PUD (See comment)

X No, not part of a PUD

Comment: _____

Is the subject property part of an Overlay District?

X Yes, within an Overlay District

____ No, not within an Overlay District

Comment: Airport compatibility zone – Zone E – Airport Influence Zone – Negligible Risk Level

The subject property is currently regulated by:

x Section 16.08.150 of the Zoning Ordinance

____ Planned Unit Development Ordinance No. ____ (copy attached)

____ Site Plan Approval Case No. ____ (copy of plan and case attached)

Comment: _____

Mayor Penny Lilburn | **Mayor Pro Tem** Larry McCallon | **City Council** Jesse Chavez | **City Council** Anaeli Solano | **City Council** John P. Timmer | **City Manager** Joseph A. Hughes

27215 Base Line, Highland, CA 92346
Tel: (909) 864-6861 • Fax: (909) 862-3180 • Web: www.cityofhighland.org

The subject structure(s) was developed:

_____ In accordance with Current Zoning Code Requirements and is

_____ Legal Conforming

_____ Non-Conforming (see comments)

_____ In accordance with Previous Zoning Code Requirements (amendments, rezoning, variance granted) and is Legal Non-Conforming to current zoning requirements

X Prior to the adoption of the Zoning Code and is

X Grandfathered/Legal Non-conforming to current zoning requirements.

_____ In accordance with Approved Site Plan and is Legal Conforming to approved site plan. If any nonconforming issues exist with respect to current zoning requirement; the subject property would be considered legal non-conforming.

Comment: _____

Information regarding variances, special permits/exceptions, ordinances or conditions:

X There do not appear to be any variances, special permits/exceptions, ordinances or conditions that apply to the subject property

_____ The following apply to the subject property (see comments):

_____ Variance - Documentation attached or is otherwise, no longer available (see comment)

_____ Special Permit/Exception Documentation attached or is otherwise, no longer available (see comment)

_____ Ordinance Documentation attached or is otherwise, no longer available (see comment)

_____ Conditions Documentation attached or is otherwise, no longer available (see comment)

Comment: _____

Rebuild: In the event of casualty, in whole or in part, the structure located on the subject property:

_____ May be rebuilt in the current form (i.e. no loss of square footage, same footprint, with drive through(s), if applicable.

X May not be rebuilt in its current form, except upon satisfaction of certain conditions, limitations, or

requirements.Please see section 16.08.150 of the current zoning code/ordinance for details.

Comment: _____

To the best of your knowledge, do your records show any unresolved zoning code violations?

☐ Yes, there are open violations on file in our records. (See attached list and/or copies/cases)

☒ No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made

To the best of your knowledge, do your records show any unresolved building code violations and/or complaints?

☐ Yes, there are open violations on file in our records. (See attached list and/or copies/cases)

☐ No, there are no open violations on file in our records. **(see Building & Safety and Code response)**

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made

Site Plan Information:

_____ The subject property was not subject to a site plan approval process.

_____ The subject property was subject to site plan approval: a copy of the approved site plan is attached.

_____ The subject property was subject to site plan approval, but a copy of the approved site plan is no longer in existence (was lost or destroyed). All other existing documents applicable to site plan approval for the site are attached if availalbe.

_____ An approved site plan for the subject property is on file, but our office does not have the necessary resources to reproduce and distribute copies of the plan. All other existing documents applicable to site plan approval are attached if availalbe.

X Other, (as noted here): This site was existing prior to City incorporation.

Were Certificates of Occupancy issued? If so, please provide all available copies. If copies are unavailable, please fill out our attached form letter. SEE BUILDING AND SAFETYS RESPONSE

Please call the undersigned at 9098646861 , extension 258 if you have questions or concerns.

Sincerely:

Name: ANGELA TAFOLLA

Department: PLANNING

Title: PLANNING TECH III

Email: ATAFOLLA@CITYOFHIGHLAND.ORG

From: Angela Tafolla <atafolla@cityofhighland.org>
Sent: Thursday, September 30, 2021 4:23 PM
To: Fuller, Neva <Neva.Fuller@pzr.com>
Subject: RE: 148701-1 27356 5th Street Highland CA

Hello Neva,

That site is legal non-conforming and was established prior to City incorporation in 1987. Our current municipal code does not support "trailer parking" in any zone so you will not find parking requirements.

Thank you,

Angela

EXHIBIT B

COMMERCIAL LEASE

This Lease (Lease), dated as of August 1, 2016, is entered into between Linck Properties, LLC (Landlord) and Matheson Postal Services, Inc. (Tenant).

Section 1. Premises.

Landlord leases to Tenant and Tenant leases from Landlord the real property located at 27356 East Fifth Street, Highland, California consisting of approximately 2.5 acres, Assessor's Parcel Number 1201-301-16-0000, including all buildings, structures, and improvements located thereon (Premises). Both Landlord and Tenant acknowledge that Tenant is presently in possession of the Premises pursuant to the terms of a preexisting lease.

Section 2. Term/Early Termination.

(a) The term of this Lease is for five years (Term), commencing on August 1, 2016 (Commencement Date) and ending on July 31, 2021.

(b) Tenant shall have the option to extend the Term of this Lease for one additional five (5) year period by notifying Landlord, in writing, of Tenant's intention to do so, no later than ninety days prior to the expiration of the lease Term. Tenant shall not have the right to exercise its option to extend the Term of the Lease, however, if Tenant is in default of any term of this Lease, which has not been cured as of the time Tenant attempts to exercise its option.

(c) Notwithstanding the foregoing, in the event of cancellation by the United States Postal Service (USPS) of a contract between Matheson Postal and the USPS for the administration of mail services, Matheson may provide sixty (60) days' written notice to the Landlord of Matheson's intention to terminate this lease. The lease will terminate at the end of the 60-day notice period. In such event, Matheson will pay a termination fee equal to the amount of three (3) times the current monthly rent amount, payable immediate upon notification of such termination.

Section 3. Rental Terms and Security Deposit.

(a) Starting August 1, 2016, monthly rent shall be three thousand eight hundred and five dollars and forty-six cents ($3,805.46) payable in advance to Landlord, on or before the first of the month, at the address of Landlord stated in this Lease or at any other location Landlord may hereafter designate.

(b) On August 1, 2017, and annually on August 1 each year thereafter during the Term of this Lease and any extensions thereof (Adjustment Date), the Rent shall be adjusted pursuant to the following schedule:

(1)	August l, 2017 to July 31, 2018	$4,186.01
(2)	August 1, 2018 to July 31, 2019	$4,520.89
(3)	August 1, 2019 to July 31, 2020	$4,746.93
(4)	August l, 2020 to July 31, 2021	$4,984.28

(c) Should Tenant exercise its option to extend the Term of this Lease, the monthly Rent shall be adjusted on August 1, 2021 and annually thereafter pursuant to the following schedule:

(1)	August l, 2021 to July 31, 2022	$5,183.65
(2)	August 1, 2022 to July 31, 2023	$5,391.00
(3)	August 1, 2023 to July 31, 2024	$5,606.64
(4)	August l, 2024 to July 31, 2025	$5,830.90
(5)	August 1, 2025 to July 31, 2026	$6,064.14

In 2001, under a preexisting lease, Tenant deposited with Landlord the sum of $2,575.00, as a security deposit, to secure the performance of Tenant's obligations under the Lease. Concurrently with the execution of this Lease, Tenant shall deposit with the Landlord an additional $2,425.00, to increase the security deposit to $5,000.00, to secure Tenant's performance of its obligations under this Lease. This deposit shall not be construed as an advanced payment of any rental due under this Lease and Tenant shall not have the option to apply said deposit, or any portion thereof, to the rent.

(d) Upon the default by Tenant under this Lease, Landlord may apply the security deposit to satisfy Tenant's obligations under this Lease, provided that this application shall not cure the default. Immediately following the receipt of notice of this application from Landlord, Tenant shall pay to Landlord an amount equal to that applied by Landlord. Landlord agrees that at the end of the Term Landlord will refund any portion not applied.

(e) During the Term of this lease, Tenant shall pay, before delinquency, all charges or assessments for telephone, water, sewer, gas, heat, electricity, garbage disposal, trash disposal, and all other utilities and services of any kind that may be used on the Premises.

Section 4. Use.

(a) Tenant, and any subsidiaries or concessionaires as Tenant may desire, will occupy and use the Premises for office space, Tenant's trucking business, and all other operations incident to the conduct of the business, and Tenant agrees not to use the Premises for any immoral or unlawful purpose.

(b) Tenant shall not commit any acts on the Premises, nor use the Premises in any manner that will increase the existing rates for or cause the cancellation of any fire, liability, or other insurance policy insuring the Premises or the improvements on the Premises. Tenant shall, at Tenant's own cost and expense, comply with all requirements of Landlord's insurance carriers that are necessary for the continued maintenance at reasonable rates of fire and liability insurance policies on the Premises and the improvements on the Premises.

(c) Tenant shall not commit any waste or any public or private nuisance upon the Premises.

(d) Tenant shall comply with all laws, rules, and orders of all federal, state, and municipal governments or agencies that may be applicable to use of the Premises.

Section 5. Alterations.

(a) Landlord shall have no obligation to make any improvements to the Premises. Tenant shall have the right to make alterations to the building and improvements on the Premises, provided that, if the reasonably estimated cost of alterations exceeds two-thousand Dollars ($2,000.00), Landlord shall have the right to consent or deny consent to the proposed alterations, and Landlord agrees not to unreasonably withhold approval of the alterations. Approval, however, may be conditioned upon the receipt by Landlord of a set of plans and specifications for the alterations no later than sixty (60) days prior to the scheduled construction of the alterations, and upon Tenant's agreement to restore the Premises, if Landlord requires it at the end of the Term, to the same condition as before the alterations. All improvements, additions, alterations, and major repairs shall be in accordance with applicable laws and at Tenant's own expense. Tenant will indemnify and defend Landlord for all liens, claims, or damages caused by remodeling, improvements, additions, alterations, and major repairs. Landlord agrees, when requested by Tenant, to execute and deliver any applications, consents, or other instruments required to permit Tenant to do this work or to obtain permits for the work.

(b) Except as set forth in Section 5(a), all alterations and improvements made to the Premises shall become the property of Landlord and shall remain on and be surrendered with the Premises at the expiration or sooner termination of this Lease, including any renewals or extensions. Landlord's right to demand that Tenant's alterations be removed at the end of the Term of this Lease shall include all alterations performed by Tenant, including alterations performed under the prior lease.

(c) At least ten (10) days before any construction commences or materials are delivered for any alterations that Tenant is making to the Premises, whether or not Landlord's consent is required, Tenant shall give written notice to Landlord as to when the construction is to commence or the materials are to be delivered. Landlord shall then have the right to post and maintain on the Premises any notices that are required to protect Landlord and Landlord's interest in the Premises from any liens for work and labor performed or materials furnished in making the alterations; provided, however, that it shall be Tenant's duty to keep the Premises free and clear of all liens, claims, and demands for work performed, materials furnished, or operations conducted on the Premises at the request of Tenant.

(d) Tenant will not at any time permit any mechanics', laborers', or materialmen's liens to stand against the Premises for any labor or material furnished to Tenant or claimed to have been furnished to Tenant or Tenant's agents, contractors, or subtenants, in connection with work of any character performed or claimed to have been performed on the Premises by or at the direction or sufferance of Tenant; provided, however, that Tenant shall have the right to contest the validity or amount of any lien or claimed lien, upon giving to Landlord a letter executed by Tenant assuring that the lien or claimed lien will be paid, when and to the extent that the lien is finally determined to be valid and owing. Tenant's right, however, to contest these liens shall not extend beyond the point where Landlord's title to the Premises could be lost. On final determination of the lien or claim of lien, Tenant will immediately pay any final judgment rendered, with all property costs and charges, and shall have the lien released or judgment satisfied at Tenant's own expense. If Tenant fails to pay the judgment promptly or otherwise fails to prevent any sale, foreclosure, or forfeiture of the Premises because of a lien, Landlord shall have the right, upon five (5) days' written notice to Tenant, to pay or prevent this action, and the amount paid by Landlord shall be immediately due and payable to Landlord, and shall bear interest at the rate of ten percent (10%) per annum from the date of payment by Landlord until repayment by Tenant.

(e) To the extent that Tenant desires to improve the parking and/or paved area on the Premises. Tenant shall be permitted to do so only at Tenant's sole cost and expense. Landlord hereby agrees that Tenant may make such improvement, provided that it is accomplished by a competent, licensed contractor, and is accomplished with all necessary plans, permits and other governmental or regulatory requirements. Any such installation shall be subject to the terms and conditions set forth in this Section 5.

Section 6. Entry.

Tenant shall permit Landlord or Landlord's agents, representatives, or employees to enter the Premises at all reasonable times and upon reasonable notice to inspect the Premises to determine whether Tenant is complying with the terms of this Lease and to do other lawful acts that may be necessary to protect Landlord's interest in the Premises under this Lease or to perform Landlord's duties under this Lease.

Section 7. Insurance.

(a) Tenant agrees at all times during the Term and during any extension, to maintain in force, at Tenant's sole cost and expense, insurance on the building and improvements that exist or may be built or Placed on the Premises, against the hazard of fire, with all standard extended coverage, including vandalism and malicious mischief, in an amount equal to their full insurable value, with a replacement cost endorsement, excluding the cost of excavation and of foundation below the level of the lowest basement floor, or if there is no basement, below the level of the ground.

Tenant agrees that if the buildings and improvements on the Premises are destroyed and the

proceeds of the insurance policy and any policy carried by Landlord amount to less than the cost of rebuilding the buildings and improvements, Tenant will advance and pay any sum, which along with the insurance proceeds, is necessary to meet the cost of rebuilding. No work or repair or reconstruction shall be undertaken until Tenant has delivered to Landlord plans and specifications for the work that are to be prepared by a competent architect, Landlord approves them (which approval will not be unreasonably withheld), and Tenant delivers to Landlord an estimate of the cost of the work to be done in accordance with the plans; the estimate is to be prepared by a competent contractor. If Tenant fails to commence the rebuilding, reconstruction, repair, or restoration of any building or improvement as required under this Lease, Landlord or any beneficiary under any deed of trust covering the Premises, if permitted by the deed of trust, may, but shall not be obligated to, enter the Premises and do whatever may be necessary for the rebuilding, reconstruction, repair, or restoration of any building or improvement as required of Tenant under the terms of this Lease.

(b) Tenant agrees to procure and maintain public liability insurance, including products and completed operations insurance, from a responsible insurance company authorized to do business in California, with a combined single limit of not less than one million Dollars ($1,000,000.00) for injury or death to any person or damage to property and five million Dollars ($5,000,000.00) excess umbrella coverage for injury or death or property damage, for any claims, demands, or causes of action of any person arising out of accidents occurring on the Premises during the Term or arising out of Tenant's use of the Premises.

(c) Tenant agrees to procure and maintain insurance to insure against all losses of every kind or nature, including, without limitation, cleanup and abatement costs, fines, and all other costs and expenses which may be incurred or assessed in connection with, related to, or arising from Tenant's use of or introduction of any hazardous materials on the Premises, including, without limitation, petroleum products, waste, solvents, chemicals, or any other materials, with a limit of not less than one million dollars ($1,000,000.00).

(d) Each policy of insurance shall be issued by a responsible insurance company authorized to do business in California, and shall be issued in the names of Landlord, Tenant, and any beneficiary under any deed of trust covering the Premises, if required by the deed of trust, as their respective interests may appear. Tenant shall deliver a certificate for each insurance policy to Landlord with all relevant endorsements. Each policy of insurance shall be primary and noncontributory with any policies carried by Landlord and, to the extent obtainable, any loss shall be payable notwithstanding any act or negligence of Landlord that might otherwise result in forfeiture of insurance. Each insurance policy shall provide that a thirty (30) day notice of cancellation and of any material modification of coverage shall be given to all named insureds. Tenant may carry the insurance coverage required under this Section under a blanket policy insuring other locations of Tenant's business, provided that the Premises covered by this Lease are specifically identified as included under that policy. Tenant agrees that upon the failure to insure as provided in this Lease, or to pay the premiums in the insurance, Landlord may contract for the insurance and pay the premiums, and all sums expended by Landlord for the insurance shall be considered additional rent under this Lease and shall be immediately repayable by Tenant.

(e) At all times during the Term and any extensions or renewals, Tenant agrees to keep and maintain, or cause Tenant's agents, contractors, or subcontractors to keep and maintain, workmen's compensation insurance and other forms of insurance as may from time to time be required by law or may otherwise be necessary to protect Landlord and the Premises from claims of any person who may at any time work on the Premises, whether as a servant, agent, or employee of Tenant or otherwise. This insurance shall be maintained at the expense of Tenant or Tenant's agents, contractors, or subcontractors and not at the expense of Landlord.

(f) Landlord agrees that it will tender and tum over to Tenant or to Tenant's insurers the defense of any claims, demands, or suits instituted, made, or brought against Landlord or against Landlord and Tenant jointly, within the scope of this Section. However, Landlord shall have the right to approve the selection of legal counsel, to the extent that selection is within Tenant's control, which approval shall not be unreasonably withheld or delayed. In addition, Landlord shall retain the right at Landlord's election to have Landlord's own legal counsel participate as co-counsel, to the extent that claims are made that may not be covered by Tenant's insurers.

Section 8. Default.

Each of the following shall be an Event of Default under this Lease:

(a) If Tenant fails to make any payment required by the provisions of this Lease, when due;

(b) If Tenant fails within thirty (30) days after written notice to correct any breach of default of the other covenants, terms, or conditions of this Lease other than the payment of Rent;

(c) If Tenant vacates, abandons, or surrenders the Premises prior to the end of the Term; and

(d) If all or substantially all of Tenant's assets are placed in the hands of a receiver or trustee, and that receivership or trusteeship continues for a period of thirty (30) days, or if Tenant makes an assignment for the benefit of creditors or is adjudicated a bankrupt, or if Tenant institutes any proceedings under any state or federal bankruptcy act by which tenant seeks to be adjudicated a bankrupt or seeks to be discharged of debts, or if any voluntary proceeding is filed against Tenant under any bankruptcy laws, and Tenant consents or acquiesces by pleading or default.

Section 9. Remedies.

Upon the occurrence of an Event of Default, Landlord, in addition to any other rights or remedies available to Landlord at law or in equity, shall have the right to

(a) terminate this Lease and all rights of Tenant under this Lease by giving Tenant written notice that this Lease is terminated, in which case Landlord may recover from Tenant the aggregate sum of

(i) the worth at the time of award of any unpaid rent that had been earned at the time of termination;

(ii) the worth at the time of award of the amount by which (A) the unpaid rent that would have been earned after termination until the time of award exceeds (B) the amount of the rental loss, if any, as Tenant affirmatively proves could have been reasonably avoided;

(iii) the worth at the time of award of the amount by which (A) the unpaid rent for the balance of the term after the time of award exceeds (B) the amount of rental loss, if any, as Tenant affirmatively proves could be reasonably avoided;

(iv) any other amount necessary to compensate Landlord for all the detriment caused by Tenant's failure to perform Tenant's obligations or that, in the ordinary course of things, would be likely to result from Tenant's failure; and

(v) all other amounts in addition to or in lieu of those previously set out as may be permitted from time to time by applicable California law.

As used in clauses (i) and (ii) of Section 9(a), the worth at the time of award is computed by allowing interest at the rate of ten percent (10%) per annum. As used in clause (iii) of Section 9(a), the worth at the time of award is computed by discounting that amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of award plus one percent (!%). As used in this Section, the term rent shall include Minimum Monthly Rent, Percentage Rent, and any other payments required by Tenant under this Lease.

(b) continue this Lease, and from time to time, without terminating this Lease, either

(i) recover all rent and other amounts payable as they become due or

(ii) relet the Premises or any part on behalf of Tenant on terms and at the

rent that Landlord, in Landlord's sole discretion, may deem advisable, all with the right to make alterations and repairs to the Premises, at Tenant's cost, and apply the proceeds of reletting to the rent and other amounts payable by Tenant. To the extent that the rent and other amounts payable by Tenant under this Lease exceed the amount of the proceeds from reletting, the Landlord may recover the excess from Tenant as and when due.

(c) Upon the occurrence of an Event of Default, Landlord shall also have the right, with or without terminating this Lease, to re-enter the Premises and remove all persons and property from the Premises. Landlord may store the property removed from the Premises in a public warehouse or elsewhere at the expense and for the account of Tenant.

(d) None of the following remedial actions, alone or in combination, shall be construed as an election by Landlord to terminate this Lease unless Landlord has in fact given Tenant written notice that this Lease is terminated or unless a court of competent jurisdiction decrees termination of this Lease: any act by Landlord to maintain or preserve the Premises; any efforts by Landlord to relet the Premises; any re-entry, repossession, or reletting of the Premises; or any re-entry, repossession, or reletting of the Premises by Landlord pursuant to this Section. If Landlord takes any of the previous remedial actions without terminating this Lease, Landlord may nevertheless at any later time terminate this Lease by written notice to Tenant.

(e) If Landlord relets the Premises, Landlord shall apply the revenue from the reletting as follows: first, to the payment of any indebtedness other than rent due from Tenant to Landlord; second, to the payment of any cost of reletting, including without limitation finder's fees and leasing commissions; third, to the payment of the cost of any maintenance and repairs to the Premises; and fourth, to the payment of rent and other amounts due and unpaid under this Lease. Landlord shall hold and apply the residue, if any, to payment of future amounts payable under this Lease as the same may become due, and shall be entitled to retain the eventual balance with no liability to Tenant. If the revenue from reletting during any month, after application pursuant to the previous provisions, is less than the sum of (i) Landlord's expenditures for the Premises during that month and (ii) the amounts due from Tenant during that month, Tenant shall pay the deficiency to Landlord immediately upon demand.

(f) After the occurrence of an Event of Default, Landlord, in addition to or in lieu of exercising other remedies, may, but without any obligation to do so, cure the breach underlying the Event of Default for the account and at the expense of Tenant. However Landlord must by prior notice first allow Tenant a reasonable opportunity to cure, except in cases of emergency, where Landlord may proceed without prior notice to Tenant. Tenant shall, upon demand, immediately reimburse Landlord for all costs, including costs of settlements, defense, court costs, and attorney fees, that Landlord may incur in the course of any cure.

(g) No security or guaranty for the performance of Tenant's obligations that Landlord may now or later hold shall in any way constitute a bar or defense to any action

initiated by Landlord for unlawful detainer or for the recovery of the Premises, for enforcement of any obligation of Tenant, or for the recovery of damages caused by a breach of this Lease by Tenant or by an Event of Default.

(h) Except where this is inconsistent with or contrary to any provisions of this Lease, no right or remedy conferred upon or reserved to either party is intended to be exclusive of any other right or remedy, or any right or remedy given or now or later existing at law or in equity or by statute. Except to the extent that either party may have otherwise agreed in writing, no waiver by a party of any violation or nonperformance by the other party of any obligations, agreements, or covenants under this Lease shall be deemed to be a waiver of any subsequent violation or nonperformance of the same or any other covenant, agreement, or obligation, nor shall any forbearance by either party to exercise a remedy for any violation or nonperformance by the other party be deemed a waiver by that party of the rights or remedies with respect to that violation or nonperformance.

Section 10. Maintenance and Repairs.

(a) Tenant agrees, at Tenant's own expense, to keep the Premises (including without limitation, the sidewalks, the parking lot, and the landscaping that are part of the Premises) in good condition and repair, and to deliver to Landlord physical possession of the Premises at the end of the Term, or any extension of the Term, in good condition and repair, reasonable wear and tear and use and loss by fire or other casualty or by earthquake or other act of God excepted.

(b) If at any time during the Term, including renewals or extensions, Tenant fails to maintain the Premises or make any repairs or replacements as required by this Section 10, Landlord may, but shall not be required to, enter the Premises and perform the maintenance or make the repairs or replacements for the account of Tenant; any sums expended by Landlord in so doing, together with interest at ten percent (10%) per annum, shall be deemed additional rent and shall be immediately due from Tenant on demand of Landlord.

(c) Tenant waives the provisions of Civil Code §§ 1941 and 1942 and any other law that would require Landlord to maintain the Premises in a tenantable condition or would provide Tenant with the right to make repairs and deduct the cost of those repairs from the rent.

Section 11. Trade Fixtures.

(a) Tenant shall have the right, at any time and from time to time during the Term and any renewals or extensions, at Tenant's sole cost and expense, to install and affix on the Premises items for use in Tenant's trade or business, which Tenant, in Tenant's sole discretion, deems advisable (collectively Trade Fixtures). Trade Fixtures installed in the Premises by Tenant shall always remain the property of Tenant and may be removed at the expiration of the Term or any extension, provided that any damage to the Premises caused by the removal of the Trade Fixtures shall be repaired by Tenant, and further provided that Landlord shall have the right to keep any Trade Fixtures or to require Tenant to remove any Trade Fixtures that Tenant might otherwise elect to abandon.

(b) As security for Tenant's performance of obligations under this Lease, Tenant grants to Landlord a security interest in all Trade Fixtures owned by Tenant and now or later placed on the Premises by Tenant. Any right to remove the Trade Fixtures given Tenant by the provisions of Section 17(a) shall be exercisable only if, at the time of the removal, Tenant is not in default in performance of this Lease. Tenant may, however, at any time Tenant is not in default in performance of this Lease, trade in or replace any Trade Fixture, free of the security interest created by this section. This security interest will then attach to the item that replaced the previous Trade Fixture. Upon default under this Lease, Landlord shall immediately have as to the Trade Fixtures the remedies provided to a secured party under relevant sections pf the California Uniform Commercial Code.

(c) Any Trade Fixtures that are not removed from the Premises by Tenant within thirty (30) days after the Termination Date shall be deemed abandoned by Tenant and shall automatically become the property of Landlord as owner of the real property to which they are affixed and not due to the lien provided to Landlord in Section 11(b).

Section 12. Severability.

The invalidity of any portion of this Lease shall not affect the remainder, and any invalid portion shall be deemed rewritten to make it valid so as to carry out as near as possible the expressed intention of the parties.

Section 13. Assignment or Subletting.

Any assignment or subletting of any portion of the Premises, whether by operation of law or otherwise, without prior written consent of Landlord is void and shall be a breach of this Lease, and at the option of Landlord, shall terminate this Lease.

Section 14. Entry.

Landlord reserves the right to enter the Premises at reasonable times to carry out any building management or business purpose in or about the building, without any abatement of rent.

Section 15. Signs.

Tenant shall not place or permit to be placed in, upon, about, or outside the Premises any sign, notice, display of any kind, without the prior written consent of Landlord.

Section 16. Holding Over.

This Lease shall terminate without further notice at the expiration of the Term. Any holding over shall not constitute a renewal or extension.

Section 17. Destruction and Condemnation.

(a) If the Premises are damaged to an extent that cannot be lawfully repaired within sixty (60) days after the date of damage, this Lease may be terminated by written notice of either party. If the Premises can be repaired within the sixty (60) day period, or if this Lease is not terminated in accordance with this provision, Landlord shall proceed with repairs as necessary, subject to a proportionate reduction in the rent, based on the extent to which the damage and repairs shall interfere with the business of Tenant on the Premises. In case of damage to one-third (l/3) or more of the building in which the Premises are located, Landlord may elect to terminate this Lease, whether the Premises are damaged or not. Tenant waives the benefits of Civil Code §§ 1932(2) and 1933(4). In case of a dispute between the parties with respect to Section 17, the matter shall be settled by arbitration in a manner as the parties may agree on, or if they cannot agree, in accordance with the rules of the American Arbitration Association.

(b) If all or any portion of the Premises are condemned or are transferred in lieu of condemnation, Landlord or Tenant may, upon written notice given within sixty (60) days after the taking or transfer, terminate this Lease. Tenant shall not be entitled to share in any portion of the award, and Tenant expressly waives any right or claim to any part of the award. Tenant shall, however, have the right to claim and recover, from the condemning authority only, but not from Landlord, any amounts necessary to reimburse Tenant for the cost of removing stock and fixtures.

Section 18. Indemnity.

Tenant agrees to indemnify, hold harmless, and defend Landlord from all claims and liability of every kind, including court costs and attorney fees, arising in any way from any occurrence on the Premises, or related to the use or occupancy of the Premises. This indemnity provision shall include all claims of every kind or nature.

Section 19. Landlord's Right to Perform for Tenant.

If Tenant fails to perform any obligation under this Lease, Landlord shall be entitled to make reasonable expenditures to cause proper performance on Tenant's behalf and at Tenant's expense, and Tenant promises to reimburse Landlord for any expenditures within ten (I0) days after written notice from Landlord requesting reimbursement, and failure of Tenant to make the reimbursement shall be deemed to be a default the same as a failure to pay an installment of rent when due. All obligations of Tenant to pay money are payable without abatement, deduction, or offset of any kind.

Section 20. Notices.

Any notice under this Lease shall be given by mailing the notice, postage prepaid, by certified mail, return receipt requested, to Tenant at the Premises or any other address set forth adjacent to Tenant's signature below and to Landlord at the address set forth adjacent to Landlord's signature below, or to any other place designated in writing by the parties.

Section 21. Attorney Fees.

In any action or proceeding by either party to enforce this Lease or any provision of this Lease, the prevailing party shall be entitled to recover reasonable attorney fees and all other costs incurred.

Section 22. Legal Effect.

All obligations of Tenant are expressly made conditions of this Lease, any breach of which shall, at the option of Landlord, terminate this Lease.

Section 23. Titles.

The titles or headings to paragraphs shall have no effect on interpretation of provisions.

Section 24. Successors.

The provisions of this Lease shall apply to and bind the heirs, successors, and assigns of the parties.

Section 25. Waiver.

The failure of Landlord to enforce a provision of this Lease shall not be deemed a waiver for any purpose.

Section 26. Janitorial Services.

Tenant shall be responsible for janitorial service within the rented space, including payment for the janitorial service.

Section 27. Entire Agreement.

This Lease, together with each attached exhibit, shall constitute the entire agreement of the parties, and may be modified only by a writing signed by the parties.

Section 28. Late Charge.

If rent is not actually received by Landlord within five (5) days after the due date, Tenant agrees to pay a late charge of five percent (5%) of the amount due, plus interest at ten percent (10%) per annum on the delinquent amount. Tenant further agrees to pay twenty-

five Dollars ($25.00) for each dishonored check.

Section 29. Time of the Essence.

Time is of the essence in the performance of Tenant's obligations under this Lease.

Section 30. Subordination.

This Lease, at Landlord's option, shall be subordinate to the lien of any first deed of trust or first mortgage subsequently placed upon the real property of which the Premises are a part, and to any advances made on the security of the Premises, and to all renewals, modifications, consolidations, replacements, and. extensions; provided, however, that as to the lien of any deed of trust or mortgage, Tenant's right to quiet possession of the Premises shall not be disturbed if Tenant is not in default and so long as tenant pays the rent and observes and performs all of the provisions of this Lease, unless this Lease is otherwise terminated pursuant to its terms. If any mortgagee, trustee, or ground lessor elects to have this Lease prior to the lien of a mortgage, deed of trust, or ground lease, and gives written notice to Tenant, this Lease shall be deemed prior to that mortgage, deed of trust, or ground lease, whether this Lease is dated prior or subsequent to the date of that mortgage, deed of trust, or ground lease or the date of recording.

Section 31. Governing Law.

This Lease shall be governed by and construed in accordance with California law.

Section 32. Estoppel Certificate.

At any time within ten (10) days after request by Landlord, Tenant shall execute, acknowledge, and deliver to Landlord, without charge, a written statement certifying that this Lease is unmodified and in full force, or if there have been modifications, that it is in full force as modified. The statement shall also contain the date of commencement of this Lease, the dates to which the rent and any other charges have been paid in advance, and any other information Landlord reasonably requests. It is acknowledged by Tenant that any statement is intended to be delivered by Landlord to and relied upon by prospective purchasers, mortgagees, deed of trust beneficiaries, and assignees.

Section 33. Authority.

If Tenant is a corporation, trust, or general or limited partnership, all individuals executing this Lease on behalf of that entity represent that they are authorized to execute and deliver this Lease on behalf of that entity. If Tenant is a corporation, trust, or partnership, Tenant shall, prior to the execution of this Lease, deliver to Landlord evidence of that authority and evidence of due formation, all satisfactory to Landlord. If Tenant is a partnership, Tenant shall furnish Landlord

with a copy of Tenant's partnership agreement and with a certificate from Tenant's attorney, stating that the partnership agreement constitutes a correct copy of the existing partnership agreement of Tenant.

Section 34. Right of First Refusal.

Tenant is hereby granted a right of first refusal to purchase the Leased Premises in the event that Landlord desires to sell same. Should Landlord desire to sell the Leased Premises, Tenant should be granted a right of first refusal. In the event Landlord receives an offer from a prospective purchaser for the Leased Premises, which it desires to accept, Landlord shall promptly notify Tenant of the material terms of such offer. In order to exercise its right of first refusal, Tenant must, within ten (10) days of such notice, so advise Landlord in writing and, upon such notice, shall be obligated to purchase the Leased Premises from Landlord on the same terms as set forth in Landlord's notification given to Tenant under this Section 34. Tenant shall thereafter have thirty (30) days within which to consummate and finalize the purchase of the subject premises and, if the transaction is not closed within such thirty (30) day timeframe, Tenant shall no longer have any further right to purchase the property from Landlord.

Section 35. Partial Invalidity.

Should any provision of this Lease be held by a court of competent jurisdiction to be either invalid or unenforceable, the remaining provisions of this Lease shall remain in effect, unimpaired by the holding.

Section 36. Entire Agreement.

This instrument constitutes the sole agreement between Landlord and Tenant respecting the Premises, the leasing of the Premises to Tenant, and the specified lease term, and correctly sets forth the obligations of Landlord and Tenant. Any agreement or representations respecting the Premises or their leasing by Landlord to Tenant not expressly set forth in this instrument are void.

Section 37. Rent.

All monetary obligations of Tenant to Landlord under the Lease, including but not limited to Rent, late charges, and interest shall be deemed rent.

Section 38. Amendments.

This Lease may be modified only in writing and only if signed by the parties at the time of the modification.

The parties are deemed to have executed this Lease on the date first written above.

Landlord: Linck Properties, LLC

By: Richard W. Linck
Richard W. Linck, Manager

Tenant: Matheson Postal Services, Inc.

By: Patricia A Kyon

EXHIBIT C

Matheson

PARKING LICENSE

PARKING LICENSE is effective September 25, 2023 between ***Matheson Postal Services, Inc.,*** a California corporation ("Matheson"), and ***Falcons Trailer Repair,*** a California corporation ("Falcons").

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which in acknowledged by Matheson and Falcons, the parties agree as follows:

1. **Parking.** Matheson grants to Falcons a revocable license to occupy and use the following parking spaces with 24 hour access for tractors or trailers, at 27356 E 5th St, Highland, CA 92346 ("Parking Area") as follows:

   a. **Effective September 25, 2023. and continuing thereafter, 8 spaces for a total cost of $1300 per month.**
   b. **Falcon has agreed to waive the road service call fee for equipment repairs made during normal business hours which are M-F 8:00am to 3:30pm excluding Holidays**

2. **Term.** The term of this Parking License will be effective September 25, 2023 and continue on a month to month basis, until terminated by either party, with or without cause, upon no less than thirty (30) days-prior written notice to the other party.

3. **Hold Harmless and Indemnification**. Falcons will hold harmless and defend Matheson from all potential claims, damages, or liability arising out of Falcons use of the Parking Area. Falcons understands and acknowledges the condition of the Parking Area and that the Parking Area is not secure and Matheson does not provide any security for the location. Falcons assumes the potential risk of theft, damage, destruction, or other loss, that could be caused by unknown third parties. Matheson makes no claims, warranties, or guarantees against any such losses.

4. **Insurance.** Falcons will maintain a general liability insurance policy with liability limits of not less than $1,000,000 per occurrence and $5,000,000 in the aggregate. Falcons will provide Matheson with proof of the applicable insurance on or before commencement of this License. During the term of this License Falcons will immediately inform Matheson if there is a change or cancellation under its insurance policy.

5. **Compliance with the Law.** Falcons will comply with all federal, state, and local laws, in connection with its use of the parking spaces.

6. **Maintenance.** Falcons will maintain the Parking Area in the same or better condition it was in when this License commenced. In any case, FALCONS will maintain the Parking Area in a clean, and sanitary condition. FALCONS will not disrupt or otherwise interfere with any other business operations that may be taking place on the site.

7. **Restricted Use.** Falcons shall use and occupy the Parking Area solely for the purpose of parking the above referenced tractors and trailers.

8. **Notice.** Any notice by either party to the other shall be in writing and shall be deemed to be duly given only if delivered personally or by certified mail, addressed to:

Matheson
Matheson Trucking, Attn: Valerie Tullos
9785 Goethe Rd, Suite 100
Sacramento CA 95827
(916) 504-4729
vtullos@mathesoninc.com.

Falcons Trailer Repair
P.O. Box 2758 ,
Chino, California 91708
(909) 900-0777
Email: falconsrepair@yahoo.com

FALCONS TRAILER REPAIR	**MATHESON HOLDINGS**
Sign:	**Sign:**
Print: Jhonny Meza	**Print:** Charles Mellor
Title: OWNER	**Title:** Chief Operating Officer
Date: SEP/22/2023	**Date:**

EXHIBIT D

Matheson

PARKING LICENSE

THIS PARKING LICENSE is made and entered into the 20 day of November 2023, between ***Matheson Postal,*** ("Matheson"), and ***AJR Trucking, Inc.***, a California corporation ("AJR").

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which in acknowledged by Matheson and AJR, the parties agree as follows:

1. **Parking.** Matheson grants to AJR a revocable license to occupy and use the following:

   10 spaces to park 10 tractor/trailers with 24/7 access at 27356 E 5th St, Highland CA 92346 ("Parking Area").

2. **Term.** The term of this Parking License will start on November 20, 2023 and continue on a month to month basis, until terminated by either party, with or without cause, upon thirty (30) days-prior written notice to the other party.

3. **License Fee.** As compensation for this License, AJR will pay Matheson a total of $225.00 per space per month for 10 spaces for a total of $2250.00 per month. Payment shall be paid, in advance, on the first day of each month.

4. **Hold Harmless and Indemnification**. AJR will hold harmless and defend Matheson from all potential claims, damages, or liability arising out of AJR's use of the Parking Area. AJR understands and acknowledges the condition of the Parking Area and that the Parking Area is not secure and Matheson does not provide any security for the location. AJR assumes the potential risk of theft, damage, destruction, or other loss, that could be caused by unknown third parties. Matheson makes no claims, warranties, or guarantees against any such losses.

5. **Insurance.** AJR will maintain a general liability insurance policy with liability limits of not less than $1,000,000 per occurrence and $5,000,000 in the aggregate. AJR will provide Matheson with proof of the applicable insurance on or before commencement of this License. During the term of this License AJR will immediately inform Matheson if there is a change or cancellation under its insurance policy.

6. **Compliance with the Law.** AJR will comply with all federal, state, and local laws, in connection with its use of the parking spaces.

7. **Maintenance.** AJR will maintain the Parking Area in the same or better condition it was in when this License commenced. In any case, AJR will maintain the Parking Area in a clean, and sanitary condition. AJR will not disrupt or otherwise interfere with any other business operations that may be taking place on the site.

8. **Restricted Use.** AJR shall use and occupy the Parking Area solely for the purpose of parking the above referenced tractors and trailers.

9. **Notice.** Any notice by either party to the other shall be in writing and shall be

deemed to be duly given only if delivered personally or by certified mail, addressed to:

Matheson
Matheson Trucking, Attn: Valerie Tullos
9785 Goethe Rd, Suite 100
Sacramento CA 95827
(916) 504-4729
vtullos@mathesoninc.com.

AJR
AJR Trucking, Inc. / MDB Transportation / US Logistics
435 E. Weber Ave.
Compton CA 902222
(310) 707-1120

AJR TRUCKING, INC.	MATHESON HOLDINGS
Sign:	Sign:
Print: Conrado Santos	Print: Charles Mellor
Title: South-West Ops Manager	Title: Chief Operating Officer
Date: 11/20/2023	Date:

EXHIBIT E

LEASE TERMINATION AGREEMENT

This termination agreement ("Agreement") is made and entered into to be effective February 29, 2024 (the "Effective Date") by and between William Graham 1, LLC, a Delaware limited liability company (hereinafter referred to as "Landlord"), and Matheson Postal Services, Inc. (hereinafter referred to as "Tenant"). Landlord and Tenant are sometimes referred to herein collectively as the "parties," and each one as a "party."

WHEREAS, the predecessors of Landlord and Tenant executed a written commercial lease dated August 1, 2016 ("Initial Lease" or "Lease"), The Lease is for the premises containing approximately 2.5 acres of land, including buildings, structures, and improvements thereon, located at 27356 E. Fifth Street, Highland, California, as more particularly described in the Lease (the "Premises" or Leased Premises"). The real property of which the Premises is a part is sometimes referred to herein as the "Property."

WHEREAS, Landlord and Tenant desire and intend to terminate the Lease, and to settle all claims between them on the terms and conditions set forth herein;

NOW, THEREFORE, for and in consideration of the promises and covenants herein contained, and for other valuable consideration received, the sufficiency of which is hereby expressly acknowledged, it is hereby MUTUALLY AGREED by and between the parties hereto, and each of them, as follows:

1. **Recitals**. All of the recitals above are incorporated herein by this reference.

2. **Termination Date**. The "Termination Date" shall be the date the Lease is terminated hereunder which shall be the later of the Effective Date, February 29, 2024, or the date when the Conditions (as hereinafter defined) are fulfilled. This following are conditions precedent to this Agreement (the "Conditions"): a) Tenant vacates the Premises, removes its personal property, including disposing of any refuse on the Property or in any of the buildings and structures, and returns any keys to the Premises to Landlord;; and (d) Tenant pays all amounts due on the Lease through the Termination Date, including without limitation any amounts due under this Agreement. These conditions are for the benefit of Landlord, and may be waived by the Landlord in writing, which waiver shall only operate as a waiver of the condition, not waiver of the performance of the underlying obligation.

3. **Surrender of Premises**. On or before February 29, 2024 (the "Surrender Date"), Tenant shall restore possession of the Premises in the condition specified in the Lease, and with all of

Tenant's personal property removed therefrom. Any personal property not removed from the Premises and the Property by the Surrender Date shall be deemed abandoned by Tenant and shall automatically become the property of Landlord without any further notice to Tenant. The releases provided in this Agreement shall specifically apply to any claims Tenant might have relating to Landlord's retention or disposition of any of Tenant's personal property remaining at the Premises or the Property after the Surrender Date. If the Premises is not surrendered by the Surrender Date, Tenant shall indemnify Landlord against loss or liability resulting from the delay in surrendering possession of the Premises, including without limitation; any claims made by any tenant under the New Lease resulting from the delay.

4. **No Assignment/Subletting**. Tenant represents and warrants to Landlord that it has not assigned the Lease, or any interest in the Lease, or sublet any portions of the Premises, to the extent any such assignment or sublet would extend beyond the Termination Date.

5. **Security Deposit**. Landlord holds a security deposit in the amount of $5,000.00. Tenant acknowledges and agrees that it will forfeit the security deposit to Landlord as compensation to Landlord for any lost rent associated with early termination of Lease. Landlord does not hold any other security deposit or prepaid rent for Tenant.

6. **Rent and Operating Expenses**. Tenant shall be responsible for payment of all rent, additional rent, operating expenses, and other charges due under the Lease and all utilities or services on the Premises through the Termination Date. Tenant shall cooperate with Landlord and the tenant under the New Lease with the turn-over of possession and the change in the names on the utilities and building services without any interruption in the service.

7. **Brokers**. No real estate brokers, agents or finders have represented Landlord or Tenant relating to this Agreement or the termination of the Lease. Some of Landlord's or Tenant's officers, directors, members, employees, agents or attorneys, or the officers, directors, members, employees, agents or attorneys of Landlord's or Tenant's parent, subsidiary, or subsidiaries of a common parent company may have real estate licenses, but in this transaction, such persons: (1) do not represent the other party; (2) are not acting in their capacity as a real estate agent or broker; (3) have not inspected the Premises; (4) owe no duty of care or fiduciary duty to the other party; and (5) claim no right to any commission or fee from Landlord.

8. **Releases**. Except with respect to the terms and conditions contained in this Agreement, each of the parties hereto hereby releases, remises, acquits and forever discharges the

other party hereto (including any and all subsidiary/sibling/parent organizations), and each and all of its directors, officers, partners, members, shareholders, beneficiaries, employees, trustees, servants, attorneys, brokers, assigns, successors, agents and representatives, past and present, and each of them, and the respective successors, assigns, executors, administrators, and any legal and personal representative of each of the foregoing, and each of them, from any and all claims, demands, actions, causes of actions, debts, liabilities, rights, contracts, obligations, duties, damages, costs, expenses or losses of every kind and nature whatsoever, and by whomever asserted, whether at this time known or suspected, or unknown or unsuspected, anticipated or unanticipated, direct or indirect, fixed or contingent, or which may presently exist or which may hereafter arise or become known, in law or in equity, in the nature of an administrative proceeding or otherwise, for or by reason of any event, transaction, matter or cause whatsoever, with respect to, in connection with or arising out of the events related to the Lease and the Premises. **Notwithstanding the forgoing, the following claims are specifically not released by this Agreement: a) personal injury and property damage claims for which Landlord may have a right of indemnification or contribution under the Lease; b) duties and rights created or recognized by this Agreement; c) other duties of Tenant which specifically survive the termination or expiration of the Lease; and d) any loan, obligation or other transaction unrelated to the Lease which Tenant might have outstanding with Landlord, or which Landlord might acquire or service.**

9. **Unknown Claims**. It is the intention of the parties hereto that the releases contained herein shall not affect any rights conferred by or arising under this Agreement, but that said releases shall be effective as a bar to each and every claim, demand and cause of action hereinabove specified. The parties hereto, and each of them, hereby further acknowledge and agree that the nature, extent and result of the claims of either of the parties hereto against the other party hereto may not now be known, anticipated or fully appreciated, but that the parties hereto have entered into this Agreement in consideration of and in reliance upon the release provisions hereinabove set forth extending to claims which are presently not known or suspected to exist at the time of the execution of this Agreement. **Accordingly, with respect to the aforementioned released claims, each of the parties hereto hereby expressly waives and relinquishes any and all rights and benefits which that party may have, if any, under the provisions of § 1542 of the California Civil Code, or any similar laws of any other state or territory of the United States of America, or any other jurisdiction.** Said § 1542 states as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

10. **No Admission**. This Agreement constitutes a compromise of disputed claims and shall not be interpreted as a reflection of the merit or lack of merit of such claims. It is entered into for the sole purpose of compromising the costs, expenses and benefits of the parties relating to the remaining duties and rights under the Lease. This Agreement is intended as a full and complete mutual release, as hereinabove specified, effective immediately by and between the parties hereto, and in the event of any dispute as to its meaning, this Agreement shall be construed to carry out such intent. Each of the parties hereto agrees to take such further action as may be necessary or desirable to implement the terms and conditions of this Agreement.

11. **Confidentiality**. Tenant and its experts (if any) shall keep the terms of the Lease, this Agreement, the Property and the Premises, and other draft contracts or proposals, and facts or documents related to the Property or the Premises strictly confidential and shall not transmit, publish, discuss or otherwise disseminate any such information, except as reasonably necessary to comply with discovery laws, and then only after notice is given to Landlord at least twenty (20) days prior to production.

12. **Full Integration**. This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, of the parties, and there are no representations or other agreements between the parties in connection with the subject matter hereof except as specifically set forth herein. No supplement, modification, waiver, or termination of this Agreement shall be binding unless executed in writing by the party to be bound thereby. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right. A waiver on one occasion shall not be construed as a bar to or waiver of any right on any further occasion. Each party has independently obtain whatever tax and legal advice necessary or appropriate to determine the impact of this Agreement.

13. **California Law**. The parties hereby agree that the validity, construction and interpretation of this Agreement shall be governed by the laws of the State of California. This Agreement may be executed in one or more counterparts, each of which shall constitute an original

and all of which taken together shall constitute one agreement. A facsimile signature will be deemed an original signature, however, each party shall deliver original signatures to the other party upon request.

14. **Successors**. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their representatives, affiliates, heirs, successors, and all of its directors, officers, partners, members, shareholders, beneficiaries, employees, trustees, servants, assigns, successors and representatives.

15. **No Assignment of Claims**. The parties hereto each warrant and represent to the other that it has not assigned or transferred or purported to assign or transfer any right, claim, demand or cause of action against the other released herein to any third party and agree to hold harmless and indemnify the other party hereto from and against any and all claims arising out of any such assignment or transfer or purported assignment or transfer.

16. **Authority**. The undersigned parties each warrant and represent that he or she has the authority to enter into this Agreement and to bind the party who is represented by the signing party.

17. **Construction of Agreement**. Landlord and Tenant have had adequate opportunity to be represented by counsel and have had equal opportunity to review and revise the terms of this Agreement. Each provision of this Agreement has been independently and freely negotiated by both parties as if this Agreement were drafted by both parties. In the event of any ambiguity in this Agreement, the parties waive any presumption or rule requiring or permitting interpretation of said ambiguity against or in favor of either party.

18. **Invalidity/ Unenforceability**. If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable, or invalid, in whole or in part for any reason: (a) the remaining terms and provisions of this Agreement shall be unimpaired, and (b) the invalid or unenforceable term or provision shall be amended in a way that is valid and enforceable and that comes closest to expressing the intention of the invalid or unenforceable term or provision.

19. **Attorneys' Fees**. In the event any action is brought to enforce any of the terms and conditions of this Agreement, then the party in whose favor judgment shall be entered shall be entitled to recover from the other party any and all costs and expenses, including attorneys' fees, incurred in such action and in the appeal therefrom.

20. **Notices**. All notice or other communications required or permitted hereunder shall be in writing, and shall be personally delivered or sent by registered or certified mail, postage

prepaid, return receipt requested, or delivered by overnight courier and shall be deemed received upon the earlier of: (i) if personally delivered, the date of delivery to the address of the person to receive such notice, (ii) if mailed by registered or certified mail, three (3) business days after the date of posting by the United States Post Office, (iii) if sent by a nationally recognized overnight courier, when delivered to the specified address, or (iv) if sent by email, when confirmation of the email transmission to the specified email recipient is obtained, but the notice must also thereafter be served any of the methods specified in (i) through (iii), above. The addresses of the parties shall be as follows:

To Landlord: William Graham 1, LLC
c/o Lake Creek Industrial LLC
13681 Newport Ave, Ste 8301
Tustin, CA 92780

mj@lakecreekindustrial.com (email)
brad.yates@streamrealty.com (email)

and

[insert attorney]

To Tenant: Matheson Postal Services,
Attn: Charles Mellor
9785 Goethe Rd., Ste 100
Sacramento, CA 95827
cmellor@mathesoninc.com (email)

Notice of change of address shall be given by written notice in the manner detailed in this Section. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to constitute receipt of the notice, demand, request or communication sent.

21. **Counterparts**. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[Signatures Continued on Next Page]

Dated as of the Effective Date:

Tenant:

Matheson Postal Services, Inc.

By: _____

Charles J. Mellor, Its Chief Restructuring Officer

Landlord:

William Graham 1, LLC,
a Delaware limited liability company

By: Brad Yates 02/21/24
Brad Yates, Co-Manager

EXHIBIT F

WILLIAM GRAHAM 1, LLC

PARKING LICENSE

PARKING LICENSE is effective March 1, 2024 between ***William Graham 1, LLC.***, a Delaware limited liability company ("William"), and ***AJR Trucking Inc.***, a California corporation ("AJR").

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which in acknowledged by William Graham 1 LLC and AJR, the parties agree as follows:

1. **Parking.** William Graham 1, LLC grants to AJR a revocable license to occupy and use the following parking spaces with 24-hour access for tractors or trailers, at 27356 E 5th St, Highland, CA 92346 ("Parking Area") as follows:

   a. **Effective March 1, 2024. And continuing thereafter, 4 spaces for a total cost of $1,200 per month.**

2. **Term.** The term of this Parking License will be effective March 1, 2024 and continue on a month to month basis, until terminated by either party, with or without cause, upon no less than thirty (30) days' prior written notice to the other party.

3. **Hold Harmless and Indemnification**. AJR will hold harmless and defend William Graham 1 LLC from all potential claims, damages, or liability arising out of AJR use of the Parking Area. AJR understands and acknowledges the condition of the Parking Area and that the Parking Area is not secure and William Graham 1, LLC does not provide any security for the location. AJR assumes the potential risk of theft, damage, destruction, or other loss, that could be caused by unknown third parties. William Graham 1 LLC makes no claims, warranties, or guarantees against any such losses.

4. **Insurance**. AJR will maintain a general liability insurance policy with liability limits of not less than $1,000,000 per occurrence and $5,000,000 in the aggregate. AJR will name William Graham 1, LLC as an additional insured on such policy and will provide William Graham 1 LLC with proof of the applicable insurance on or before commencement of this License. During the term of this License AJR will immediately inform William Graham 1 LLC if there is a change or cancellation under its insurance policy.

5. **Compliance with the Law.** AJR will comply with all federal, state, and local laws, in connection with its use of the parking spaces.

6. **Maintenance.** AJR will maintain the Parking Area in the same or better condition it was in when this License commenced. In any case, AJR will maintain the Parking Area in a clean, and sanitary condition. AJR will not disrupt or otherwise interfere with any other business operations that may be taking place on the site.

7. **Restricted Use.** AJR shall use and occupy the Parking Area solely for the purpose of parking the above referenced tractors and trailers.

8. **Notice.** Any notice by either party to the other shall be in writing and shall be Deemed to be duly given only if delivered personally, by certified mail, or by overnight mail by a national carrier, addressed to:

William Graham 1 LLC
William Graham 1, LLC
13681 Newport Avenue
Suite 8301
Tustin, CA 92780

AJR Trucking Inc.
AJR Trucking Inc./MBD Transportation/Us Logistics
435 E. Weber Ave
Compton, CA 90222
(310) 707.1120

9. AJR Trucking Inc., shall not conduct any oil changes on site.

AJR TRUCKING INC.	**WILLIAM GRAHAM 1, LLC**
Sign: [signature]	**Sign:** [signature]
Print: Edgar Boryan	**Print:** Brad Yates
Title: Legal Counsel	**Title:** Owner
Date: 03/04/2024	**Date:** 3/4/24

WILLIAM GRAHAM 1, LLC

PARKING LICENSE

PARKING LICENSE is effective March 1, 2024 between ***William Graham 1, LLC.***, a Delaware limited liability company ("William"), and ***Falcons Trailer Repair***, a California corporation ("Falcons").

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which in acknowledged by William Graham 1, LLC and Falcons, the parties agree as follows:

1. **Parking.** William Graham 1, LLC grants to FALCON a revocable license to occupy and use the following parking spaces with 24-hour access for tractors or trailers, at 27356 E 5th St, Highland, CA 92346 ("Parking Area") as follows:

   a. **Effective March 1, 2024. and continuing thereafter, 8 spaces for a total cost of $1,300 per month.**

2. **Term.** The term of this Parking License will be effective March 1, 2024 and continue on a month to month basis, until terminated by either party, with or without cause, upon no less than thirty (30) days' prior written notice to the other party.

3. **Hold Harmless and Indemnification**. FALCON will hold harmless and defend William Graham 1 LLC from all potential claims, damages, or liability arising out of FALCON use of the Parking Area. FALCON understands and acknowledges the condition of the Parking Area and that the Parking Area is not secure and William Graham 1, LLC does not provide any security for the location. FALCON assumes the potential risk of theft, damage, destruction, or other loss, that could be caused by unknown third parties. William Graham 1, LLC makes no claims, warranties, or guarantees against any such losses.

4. **Insurance.** FALCON will maintain a general liability insurance policy with liability limits of not less than $1,000,000 per occurrence and $5,000,000 in the aggregate. FALCON will name William Graham 1, LLC as an additional insured on such policy and will provide William Graham 1, LLC with proof of the applicable insurance on or before commencement of this License. During the term of this License FALCON will immediately inform William Graham 1, LLC if there is a change or cancellation under its insurance policy.

5. **Compliance with the Law.** FALCON will comply with all federal, state, and local laws, in connection with its use of the parking spaces.

6. **Maintenance.** FALCON will maintain the Parking Area in the same or better condition it was in when this License commenced. In any case, FALCON will maintain the Parking Area in a clean, and sanitary condition. FALCON will not disrupt or otherwise interfere with any other business operations that may be taking place on the site.

7. **Restricted Use.** FALCON shall use and occupy the Parking Area solely for the purpose of parking the above referenced tractors and trailers. FALCON SHALL NOT PERFORM ANY OIL CHANGES ON ITS VEHICLES ON THE PROPERTY.

8. **Notice.** Any notice by either party to the other shall be in writing and shall be deemed to be duly given only if delivered personally, by certified mail, or by overnight mail by a national carrier addressed to:

William Graham 1, LLC
William Graham 1, LLC
13681 Newport Avenue
Suite 8301
Tustin, CA 92780

Falcons Trailer Repair
Falcons Trailer Repair
PO Box 2758
Chino, CA 91708
909-900-0777
Email: falconsrepair@yahoo.com

FALCONS TRAILER REPAIR		WILLIAM GRAHAM 1, LLC	
Sign:	[signature]	**Sign:**	[signature]
Print:	Jhonny Meza	**Print:**	Brad Yates
Title:	Owner	**Title:**	Owner
Date:	03/04/2024	**Date:**	3-4-24

EXHIBIT G

William Graham 1 LLC x8522: Account Activity

Balance Summary:$70,753.90 (available as of today 06/18/2024)
View:today 06/18/2024

Print

All Transactions

Date	Description	Status	Amount	Available Balance
Showing results for **All credits, All available dates (18 months)** [Show all transactions]				
06/13/2024	First month rent	C	10,000.00	
06/12/2024	Lease deposit	C	20,000.00	
06/04/2024	AJR TRUCKING DES:WILLIAM GR ID:WILLIAM GRAHAM INDN:WILLIAM GRAHAM 1, LLC CO...	C	1,200.00	
06/04/2024	BKOFAMERICA BC 06/04 #000004317 FR CHKG 2011 E Highland A San Bernardin CA	C	1,300.00	
05/07/2024	WIRE TYPE:BOOK IN DATE:240507 TIME:0530 ET TRN:2024050600588521 SNDR...	C	1,300.00	
05/02/2024	AJR TRUCKING DES:WILLIAM GR ID:WILLIAM GRAHAM INDN:WILLIAM GRAHAM 1, LLC CO...	C	1,200.00	
04/29/2024	Insurance refund	C	238.00	
04/10/2024	WIRE TYPE:BOOK IN DATE:240410 TIME:0514 ET TRN:2024040900466405 SNDR...	C	1,300.00	
04/01/2024	AJR TRUCKING DES:WILLIAM GR ID:WILLIAM GRAHAM INDN:WILLIAM GRAHAM 1, LLC CO...	C	1,200.00	
03/11/2024	AJR TRUCKING DES:WILLIAM GR ID: WILLIAM GRAHAM INDN: WILLIAM GRAHAM 1, LLC CO...	C	1,200.00	
03/07/2024	WIRE TYPE:BOOK IN DATE:240307 TIME:1556 ET TRN:2024030700484056 SNDR...	C	1,300.00	
02/01/2024	MATHESON POSTAL DES:MATH.BOA.A ID:2280166 INDN:WILLIAM GRAHAM 1 LLC...	C	5,606.64	
01/02/2024	MATHESON POSTAL DES:MATH.BOA.A ID:2242676	C	5,606.64	

Chat

Date	Description	Status	Amount	Available Balance
	INDN:WILLIAM GRAHAM 1 LLC...			
12/01/2023	MATHESON POSTAL DES:MATH.BOA.A ID:2199060 INDN:WILLIAM GRAHAM 1 LLC...	C	5,606.64	
11/01/2023	MATHESON POSTAL DES:MATH.BOA.A ID:2163329 INDN:WILLIAM GRAHAM 1 LLC...	C	5,606.64	
10/18/2023	Insurance refund	C	500.00	
10/02/2023	MATHESON POSTAL DES:MATH.BOA.A ID:2127773 INDN:WILLIAM GRAHAM 1 LLC...	C	5,606.64	
09/07/2023	MATHESON POSTAL DES:MATH.BOA.A ID:2097815 INDN:WILLIAM GRAHAM 1 LLC...	C	431.28	
09/01/2023	MATHESON POSTAL DES:MATH.BOA.A ID:2088768 INDN:WILLIAM GRAHAM 1 LLC...	C	5,391.00	
08/01/2023	MATHESON POSTAL DES:MATH.BOA.A ID:2043721 INDN:WILLIAM GRAHAM 1 LLC...	C	5,391.00	
07/03/2023	MATHESON POSTAL DES:MATH.BOA.A ID:2006416 INDN:WILLIAM GRAHAM 1 LLC...	C	5,391.00	
06/01/2023	MATHESON POSTAL DES:MATH.BOA.A ID:1973706 INDN:WILLIAM GRAHAM 1 LLC...	C	5,391.00	
05/01/2023	MATHESON POSTAL DES:MATH.BOA.A ID:1940911 INDN:WILLIAM GRAHAM 1 LLC...	C	5,391.00	
04/03/2023	MATHESON POSTAL DES:MATH.BOA.A ID:1901807 INDN:WILLIAM GRAHAM 1 LLC...	C	5,391.00	
03/01/2023	MATHESON POSTAL DES:MATH.BOA.A ID:1864950 INDN:WILLIAM GRAHAM 1 LLC...	C	5,391.00	
02/01/2023	MATHESON POSTAL DES:MATH.BOA.A ID:1830335 INDN:WILLIAM GRAHAM 1 LLC...	C	5,391.00	
01/03/2023	MATHESON POSTAL DES:MATH.BOA.A ID:1793658 INDN:WILLIAM GRAHAM 1 LLC...	C	5,391.00	

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EXHIBIT H

Brown, Benjamin

From: Brown, Benjamin
Sent: Wednesday, June 19, 2024 2:43 PM
To: Brown, Benjamin
Subject: RE: Highland, CA Case # 11382 / 27356 5th St., Highland, CA 92346

From: Gary Chambers <gchambers@cityofhighland.org>
Sent: Friday, June 14, 2024 1:34 PM
To: Brad Yates <brad.yates@streamrealty.com>
Subject: FW: Highland, CA Case # 11382 / 27356 5th St., Highland, CA 92346

Good afternoon Brad,

I have attached a Notice of Violation from today's inspection for 27356 5th St. I didn't see any business being conducted from the property, just the storage of tractor-trailers. Once all trailers are off the property, I will close the case. Should you have any questions, please feel free to contact me.

Very respectfully,

From: Highland CA <wo@iworq.net>
Sent: Friday, June 14, 2024 1:27 PM
To: Gary Chambers <gchambers@cityofhighland.org>
Subject: Highland, CA Case # 11382

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

See Attached

EXHIBIT I

City of Highland
Administrative Citation Notice of Appeal
Request for Hearing

In regards to property located at: 27356 Fifth St., Highland, California, an Appeal is hereby made relative to Administrative Citation No. 11382 (the "Citation"). It is my desire to Appeal this Citation.

Please select one:

☒ This is my first Appeal, so I am appealing to the Public Nuisance Hearing Board.

I understand that I have the right to Appeal the Citation within ten (10) calendar days from the date of service of the Citation. The date the Citation was personally issued to me is the date of service. Service by Registered or Certified Mail is deemed effective on the date it is served; service by United States Mail is deemed effective three (3) days after the date of deposit. If I was served in multiple ways, I understand that the earliest service date will prevail.

☐ The Public Nuisance Hearing Board has already heard my Appeal, so I am appealing to the City Council.

I understand that my Appeal must be filed within ten (10) days from the date that the Public Nuisance Hearing Board made its determination on my first appeal.

I understand that if I do not properly file this Appeal by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I must pay the total amount of the fine.

To process this Appeal, I am submitting this completed form, along with the following payment.

Select one:

☒ This is my first appeal, so I am submitting the advance deposit of the Citation fine and the $35.00 Administrative Hearing Fee for the first appeal.

☐ This is my first appeal, but I am unable to pay the advance deposit of the Citation fine and the $35.00 Administrative Hearing Fee, so I am filing an Administrative Citation Hardship Waiver Request.

☐ This is my second appeal, and I have already submitted the advance deposit of the Citation fine and the $35.00 first Administrative Hearing Fee, so I am submitting the $35.00 Administrative Hearing Fee for the second appeal.

☐ This is my second appeal, and I have already been granted an Administrative Citation Hardship Waiver, so I do not need to submit any further payments.

I understand that payment should be made by personal check, cashier's check, or money-order or credit card payable to the City of Highland. I have written the Citation number on my check or money order. I further understand that the advance deposit of the Citation fine is refundable, if the case is decided in my favor.

I understand that without paying the appropriate payment option listed above, my Appeal cannot be processed. I further understand that I do not make that full payment by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I may pay the total amount of the fine.

Basis or reason for this appeal? _____

Please see attached letter to Gary Chambers dated June 21, 2024 _____

_____

I am delivering or mailing all my documents to:

City of Highland
Finance Department
27215 Base Line
Highland, CA 92346

Today's Date: 06/20/2024

Name of Appellant: William Graham 1, LLC - Michael Johnson, Co-Manager

Address: 13681 Newport Ave, Ste 8301
Tustin, CA 92780

Signature of Appellant: _____

EXHIBIT "12"

Draft Minutes – December 17, 2025, Planning Commission/Appeals Board hearing

PLANNING COMMISSION REGULAR MEETING MINUTES
December 17, 2024 – 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	Jarrod Miller
	Commissioner	Nicole McCance
Absent:	Commissioner	Craig Graves

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Matt Wirz, Building Official
Gary Chambers, Code Compliance Officer
Barrie Owens, Sr. Code Compliance Officer
Justin Ramirez, Code Compliance Officer
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 November 19, 2024, Planning Commission/Appeals Board Hearing

   Community Development Director Mainez administered the oath to all parties testifying on the agenda item.

   Code Enforcement Officer Chambers presented the staff report.

   Commissioner Miller stated on June 3rd, the analysis by Planning Department determined that the nonconforming trucking company Matheson Trucking had been discontinued for more than 180 days. What does that analysis consist of?

Community Development Director Mainez stated what we look for is, for example, did they leave the property? Does the city have evidence that the lease has been terminated?

Commissioner asked is there documentation or pictures to support the no use for the discontinued use for 180 days?

Community Development Director Mainez stated yes, during this proceeding, the Applicant did submit a letter with attachments showing leases and the termination. The Applicant can present that this evening.

Chair Hamerly stated what was the use that was discontinued specifically?

Community Development Director Mainez stated Mathesons Trucking is a contracted company with the US Postal Service and delivers mail such as bulky items. That what was discontinued and that is when we issued the citation.

Chair Hamerly stated I will be more specific for the purposes of elaborating on how that is relevant to this hearing. Which portion of the use was discontinued and how is that relevant to this appeal tonight?

Community Development Director Mainez stated the use that was terminated was Matheson's Trucking Company. They are no longer at this location and the citation was issued to a business that was illegal storing their tractor trailers.

City Attorney Kevin Ennis stated there was a business license application granted to Mathesons Postal Services to hold mail for US Postal Service. In the Highland Municipal Code, the industrial zone allows for Postal Service as a use allowed in the industrial zone. When that principle use of Postal Service operations ceased in September of 2023 it only had these accessory truck parking and storage uses instead of the principal Postal Service use. That is how the property's been used since then. The property owner has granted license agreements to two entities in March 2024 and one to AJR trucking for a few spaces. The principal uses now are truck parking and storage, Postal Service uses as it was with Mathesons was there so that distinction made it become from a principal use allowed by the zone to a use that is not allowed by the zone when it became just truck parking or truck repair.

Chair Hamerly asked did they have a business license already stated primary use that have been permitted by the city?

City Attorney Kevin Ennis stated I'll defer to staff and the answer is no. I think that staff has indicated that they need to bring their property into compliance in order to obtain a business license and go through the Planning Department process to get their use permitted. As the code indicates, truck parking and storage is not a principally permitted use. It would be difficult to approve that use and obtain a business license for those new uses.

Chair Hamerly stated if either of those two subleased uses were their primary business as a repair facility that was a legally permitted use then the ancillary use could be considered an ongoing support?

City Attorney Kevin Ennis stated the truck repair uses is not a permitted use in the Industrial Zone, so they could not get a planning approval for a use that is principally truck repair. The property owner needs to have a use that is consistent and permitted by the zoning.

Chair Hamerly asked ok, so the management of the mail service contract was considered the primary use that was on site, not the storage of trucks that were used for hauling mail correct?

City Attorney Kevin Ennis stated right. I believe that in order for staff to have allowed that use to continue and to grant business license for that use, they had to determine that it was a principal use so Postal Service use is allowed on that zone. They determined that the operation was related to Postal Service uses.

Appellant Michael Johnson stated I am with William Graham 1 LLC, owner of the property. My co-owner Brad Yates, Monica Byes, our tenant at Sugar Creek Transportation and our attorney Owen McCarron. I am here to answer questions from the Commission and staff about our tenant. I would like to just give a very brief overview and history of the property or at least from our ownership. Brad Yates and I purchased the property in Fall 2021, and we engaged a company called Planning and Zoning Resource Company that is known for their zoning reports. In this particular case, the PZR report that we received stated that our property had legal non-conforming use. For the existing use, Matheson, and Postal Services, and in that report there are multiple instances of communication between the PZR Company and city staff about what the uses were and what were approved. We have multiple instances of staff stating that the property had legal non-conforming use and grandfather status was checked and the Community Development Director Mainez signed off on the document stated that the property had legal non-conforming use. Once received that information, Brad Yates and I felt comfortable with closing escrow on the property, and we have owned it ever since. Matheson's was a third party contract provider for the U U.S. Postal Service, they were operating on that site at least since 2016, they did not provide what you would think of as postal support on that site. The site is 2.8 acres, of which there is roughly a 2500 square foot office building where Matheson had employees conducting administrative tasks. The rest of the property was a yard for parking tractor and trailers. Unfortunately, in May 2024 that Matheson did not renew its business license on September 30 2023, and we were not made aware from the city or the tenant. We had no idea, there was not a formal e-mail, phone call or otherwise that Matheson lost the business license. With that said, Matheson did not vacate the property until March 1, 2024. Matheson had gone bankrupt twice, once in 2022 and they ratified their lease and continue paying us rent and in February 2024 we found out that they were liquidating their business. Both Matheson and William Graham 1 agreed to terminate Matheson's lease effective March 1, 2024. We received rent payments every month up until March 1, 2024. June 2024 is when we were notified that Matheson had not renewed its business license and roughly this around the same time is when we received the first notice of violation. There has been a lot of back and forth between our Attorney and the City Attorney. The property has never been vacant. In June 2024 we signed a lease with Sugar Creek Transportation, they do exactly what Matheson did on the property which is storing tractor trailers and office building use.

Commissioner McCance stated is AJR still operating business on the property?

Appellant Michael Johnson stated yes.

Tenant Monica Byes stated I am the owner of Sugar Creek, and I did have a lease that began in June 2024. We also do Postal Service work; we lease out trucks to the post office. Our business is very similar to Matheson's, whether it is US Postal Service, Home Depot, Kohl's, and Chewy. AJR probably has about 10-15 trucks plus our trucks. There is about 88 spaces on the property.

Chair Hamerly asked when did your lease initiate?

Tenant Monica Byes sometime in June 2024. We did go to the Planning Department; they did not deny us. We applied for the business license and the city came to inspect our property, they came three times, and it was not until the third time when they said we have a problem. We are doing the exact same thing as Matheson.

Chair Hamerly asked did they provide any documentation or findings as to what the problem was?

Tenant Monica Byes stated the first problem they had was the exit sign was a few inches too high. They wanted a plan of the office space; the fire extinguishers were five inches too low. They were minor and someone came again, and that is when they notified us we needed fire extinguishers outside, but did not specify where. Once I contacted the city again that is when they said we have a problem, but I did everything to comply.

Chair Hamerly asked was this the Building or Fire officials?

Tenant Monica Byes stated Building and Safety.

Vice Chair Thomas asked when did you apply for the business license?

Tenant Monica Byes stated at the end of June or July 2024. I do not have the exact date.

Vice Chair Thomas asked if the business license was issued?

Tenant Monica Byes stated no it was not, it actually hurting me because being a woman in trucking is not common and I could be eligible to get more Postal Service freight if I could get my women in business certification, which I need a business license for.

Chair Hamerly stated when you were informed that there were problems, did you meet with the Planning Staff or was it through Building and Safety officials?

Tenant Monica Byes stated it was Building and Safety Department. I did not meet with anyone else.

Commissioner McCance asked when the last time you spoke to the city and tried to further the business license?

Tenant Monica Byes stated I do not recall, maybe two months ago.

Commissioner McCance asked why did you stop?

Tenant Monica Byes stated just because they said they had a problem, and so I contacted the property owner.

Appellants Attorney Owen McCarron stated I want to delve into the legal issues and speak about the history of what you have heard. I think we can really focus in on two distinct issues, the first issue relates to the properties ongoing use which is legal non-conforming use. I just want to address the original violation related to the abandonment or loss of a legal nonconforming use. The second item is to address whether that legal non-conforming use was ever properly established at the site and that issue is discussed at length in the city attorney's letter in the staff reports. In November 2024, the Notice of Violation was received was the first time ownership was made aware of any issues with the property since they acquired it. The November violation stated the ownership had lost the legal non-conforming use of tractor trailer parking and storage. At that time in June 2024 the city had classified the use, and the notice stated that Matheson had abandoned the use for six months and as a result they we had lost the ability to continue trucking at the property. In response to that letter, we had submitted documentation demonstrating that Matheson, while they were no longer the tenants at the site they had engaged in two subleases with other trucking companies who continued to use the site for the truck and trailer parking. In response to that letter, received the August letter from the City Attorney it gives a good sort of succinct summary at the bottom of page 2 that described the history of the tenants on the site. It stated the city was unable to identify any issues with the continuation of the trucking use and that the evidence demonstrates that. The timeline and the original June Notice of Violation states that the trucking use had been abandoned at the property or Matheson had ceased operating for six months. The evidence that we previously submitted and that the city attorney reviewed demonstrates that throughout this time and to today with our current tenant this trucking and trailer parking has been continuous at the site. So that leads me to the second issue, which was raised for the first time in the letter in August 2024 from the City Attorney, which was that notwithstanding the fact that trailer and truck parking had been occurring at the site that was the use. That use could never have been legally established in the city because it is not permitted as a principal use in the Industrial Zone. The key issue is looking at when the use was established, and when they acquired the property in 2021, they hired the company to complete due diligence and reach out to the city to determine what the status of the truck and trailer parking use on property was. At that time, city staff noted the correspondence both in an e-mail and a zoning verification letter that the existing truck and trailer use was illegal non-conforming. It had been established legally in the city prior to incorporation in 1987 and prior to adoption of the city's own zoning code in 1994, and as a result it hadn't been discontinued that period of time it could be continued. There was an investigation Code Enforcement investigation back in 2020 where it addressed this very same issue. It submitted a violation stating that Matheson was operating onsite. The Planning Department and Code Enforcement investigated the violation was closed and we have a confirmation that we got at the time of acquiring the property that that was resolved. So basically in 2020, Planning and Code Enforcement investigated this same permitted use issue and determined that the truck and trailer parking use was a valid legal nonconforming use. We received the citation earlier that stated the use is not permitted and cannot use truck and trailer parking as a primary use at the property and as a result, Monica Byes cannot continue her operations. Based on the city's representation in the past and the prior communication we had from staff is not the case. The key point is that these truck and trailer outdoor storage notwithstanding, the fact that may or

may not be permitted under the code now was legally established and has been continued since prior to the city's incorporation. We were asking you to respectfully grant our appeal of the citation and give us an opportunity to work with Code Enforcement and Planning to clarify these permitted use issues.

Commissioner McCance stated you mentioned a Code Enforcement investigation in 2020, is that in the staff report?

Appellants Attorney Owen McCarron stated that is attached to my letter, which was printed out and distributed. It is exhibit C.

Community Development Director Mainez stated I am trying to get a copy of their business license that the speaker had indicated, and the license has been submitted, it has been routed, and the staff had gone out and done some inspections. All the departments get involved and it was a paper trail, well now it is online through our database. I have a copy application here and the type of business being conducted was haul mail for the US Postal Service. Normally do is look at the code and Postal Service is a specific use allowed in that area. Based on what I am seeing here was the premise for us approving a business license and subsequently Code Enforcement close that initial operating without business license code case.

Chair Hamerly stated that is two separate things, because if you said that they were operating with a business license, which is one thing, but the legal vs. non legal conforming use is kind of Part B.

Community Development Director Mainez stated one of the speakers indicated there is information in the attachments that they submitted stating that the city determined that they are operating a legal nonconforming "use." The documentation that they submitted does not say that they are incorrectly characterizing that, and it is misrepresenting. The documentation indicates that their use is still illegal non-conforming. All of the zoning affidavits that they reference is a consultant that contacted us to check on what the zoning is. We are referencing the site, not the use. The legal non-conforming site would be correct because that site was developed under county jurisdiction, not city. One email from our staff indicated that the use is not legal and furthermore storing trucks is also illegal. The information that they provided indicates that the use is illegal.

Chair Hamerly stated it said the opposite. The email said it was a legal non-conforming use, not illegal. The language of the affidavit was do your records show any unresolved zoning code violations in the response was no, there are no open violations on file in our records. So, if it didn't say that there was no legal versus non legal, they just said there are no open violations at the time. For part 2, to the best of your knowledge, your records show any unresolved building code violations and/or complaints, and the affidavit is no, there are no open violations in our records, it did not make any findings about land use.

City Attorney Kevin Ennis stated exhibit A to the appellants letter, attached an e-mail from Angela Tafolla that is cited in the letter and that e-mail speaks to the site. The site is legal non-conforming and in discussing that with Staff, they indicated that that was an indication of whether or not, let us say the paving, the building etcetera, the site was legal non-conforming. The second sense of the e-mail stated our current code does not support trailer parking in any

zone, so you will not find parking requirements. They were not saying that the use was conforming, it was the site. The next issue is the exhibit B, a statement from Planning Department stated August 9, 2021 and that statement on the top of the second page speaks to whether the subject structures were developed, and the box is checked prior to adoption of the zoning code, grandfathered legal non-conforming which goes for the structures, not the use. Finally, an exhibit C, which is another document from the Planning Department that was signed by Mr. Mainez on July 26, 2021 when Matheson was occupying the site. Are there any open violations? No. Are there any violations of building codes? No. That would be consistent with the determination that this was Matheson's Postal Service operating as a Postal Service operation. The distribution of mail is integral part of Postal Service. So not only is it the sorting, but there's also delivery and that was part of that. I think staff could reasonably interpret the code as saying at that time the property was not in violation of the zoning. Now we also said in our letter to the Appellant that there was an office use in conjunction with Matheson, so that was occurring on the site in addition to the truck parking of this postal use.

Chair Hamerly stated yes, it was establishing the use.

City Attorney Kevin Ennis stated right. It appears that the office might have been used in the organization and operation of the trucking portion of the Postal Service use. The issue is the 88 spaces Sugar Creek is using and now it is being used for a variety of different trucking purposes, it is no longer solely operated by an entity that seemed to be connected to a Postal Service use. If there is Postal Service trucking it is rather an incidental part of the 88 spaces because the licenses that were issued were only for a very small number of spaces, not the full 88 spaces.

Chair Hamerly stated the property owner gave a verbal representation that Matheson had operated at that location since the 1960's. The city has had an active business license since 2001, and they documented that trucks have been parked on the site since 1994. Has the property always been zoned Industrial even when it was a part of San Bernardino County?

City Attorney Kevin Ennis stated correct.

Community Development Director Mainez stated that is correct.

Chair Hamerly asked has the permitted uses by right of zone and conditionally permitted uses for industrial properties have not changed in the duration that the General Plan has been in existence as it pertains to trucking?

Community Development Director Mainez stated no it has not. We always have interpreted trucking to be associated with warehousing or logistics, not a standalone use. That has not changed.

Chair Hamerly stated that is what I am trying to establish. That finding would have been established regardless of the timeline, specifically within this appeal. Those uses that would have been permitted in the circumstances in which they would have been permitted have not changed predating even the earliest due diligence or the report that they received from the Planning Department.

City Attorney Kevin Ennis stated the zoning in General Plan, if I understand correctly, has not changed in and it was not as if truck parking and storage was a use previously permitted by the zoning, and then you changed the zoning and it no longer. It has been a non-permitted use for the duration of the city zoning code.

Chair Hamerly stated right, it would not have changed the due diligence finding, because that interpretation would have been consistent had somebody researched industrial properties in the City of Highland dating all the way back to 2001.

City Attorney Kevin Ennis stated correct.

Vice Chair Thomas asked what did the tenant list on her business license application?

Community Development Director Mainez stated this was submitted online. The tenant checked yes to speaking to the Planning Department, read the attachments, and the business type was called transportation/vehicles as the type of business being conducted. They stated Sugar Creek Inc. there are no attachments that go into detail for the exact use activity. There must have been further discussion with the Planning Department.

Chair Hamerly asked what defines a primary use? If 45 spaces out of 88 were dedicated to mail hauling or be greater than 50.1% of gross revenue for mail hauling? Would that meet the threshold of mail delivery?

City Attorney Kevin Ennis stated I would defer to staff, but certainly staff is able to determine the predominant use in a couple different ways. Certainly, looking at gross revenue is one way and looking at the square footage of the site and what activity is involved in that site is another way.

Chair Hamerly asked would it be square footage or revenue as a factor?

Community Development Director Mainez stated there is serval factors, case by case. We would look at physical constraints, intensity of the use, and I am not going to conclude tonight what we would do for this particular case or business application. It is stated that it is a staff review permit.

Chair Hamerly asked does staff have the list of permitted uses relating to trucking as an exhibit?

City Attorney Kevin Ennis stated cited the Highland Municipal Code sections relating to the trucking.

Community Development Director Mainez stated we have been dealing with these issues for several years. I have been here for over 25 years and the Planning Commissioners have dealt with many warehouses along 5th and 3rd Street and many code enforcement cases where there has been outside storage of tractor trailers. We did a code interpretation that stated the semi-truck trailer storage on the outside on a developed site without warehouses not permitted. Tractor trailer storage and use shall only be part of a warehouse or distribution use as approved by the Planning Commission.

City Attorney Kevin Ennis stated commercial parking facilities are not allowed in the Industrial Zone. There was an issue about when Matheson's actually ended their operation on the site, there is some dispute about. I understand that they might have paid rent up until February or close to March of this year, but staff has information that they actually were informed by Matheson's that they were leaving the site as of the end of September 2023, which is when their business license expired. This is some dispute as to whether or not there is a continuation of Matheson's use passed September of 2023.

Chair Hamerly stated Matheson was not issued under a Conditional Use Permit, so it was a business license issued permit which is a staff level review at that point.

City Attorney Kevin Ennis stated correct.

Community Development Director Mainez stated if it is determined Matheson's had been vacated the site more than 180 days, somebody else comes along and asks to use the site the same way would fall under the same provision of the code. I would sit down and by right, with a staff review permit, which is a discretionary entitlement would be allowed onsite. However, we would fall back on that nonconforming ordinance that technically will need to upgrade that site to meet the existing code standards. We have not had this discussion with a new tenant yet. There is the use of the property and the non-conforming site use. The non-conforming ordinance talks about both use and site. The distinction between legal non-conforming use and an illegal non-conforming site, it is two things. The city put that six month timeline for a purpose when the city was incorporated.

Commissioner Miller asked what constitutes that discontinuance of that non-conforming use? Is it when that business license expires or is it when the activity associated with that use ends?

Community Development Director Mainez stated that is being debated tonight. It sounds like we have some dates that were thrown out by the Appellant and the attorney kind of alluded to that. We have not settled that yet. It is case by case; it depends on a lot of factors such as a lease or business license.

City Attorney Kevin Ennis stated Matheson's terminated their use, they sent the city a letter on December 1, 2023, and they are required under the Worker Adjustment and Retraining Act to inform the city when a certain business is going to terminate their employment and have layoffs/facility closures. They stated the expected date of employment separation for this site was going to be January 31, 2024. So again, we have September 30th, January 31st, and March 1st as some of those potential dates.

Appellants Attorney Owen McCarron stated it is very important that we are distinguishing between non-conforming site and non-conforming use. I just want to point out that our interpretation of the various exhibits and sort of the discourse with the city is colored by the June 2024 Notice of Violation. I want to remind every that this whole issue started because we got a Notice of Violation for discontinuance of non-conforming use and it stated that tractor, trailer, parking, or storage is no longer permitted on the property due to the loss of the legal non-conforming use. That is what we have been responding to, and our position has always

been that the use of the property for tactor, trailer, parking or storage was the use identified by the city as being the problematic issue that predates the city's adoption in 1994 of its General Plan. In Exhibit C, the confirmation from the Community Development Director that there is no outstanding zoning code so when you look at that in conjunction with the attached documentation, but when I read that it is an open use investigations similar to what we are doing today and that is from 2020 and then we have confirmation in 2021. I am sort of curious how the city got to yes back in 2021 after a similar investigation of Matheson operating as an Illegal non-conforming use.

Chair Hamerly asked do you recognize the distinction between Matheson being a legal postal carrier and that being considered the basis for granting the business license and making that a permitted use on the site vs. just a trucking entity or storage of vehicles?

Appellants Attorney Owen McCarron stated absolutely. The Notice of Violation from June of this year states that the use is tactor trailer parking or storage.

Chair Hamerly stated that was the source of the violation because in June, Matheson was no longer an entity that was operating on the site; therefore, the use of the site was no longer postal carrier, it was now trucking, storage, and general. What your hauling seems to have a very significant impact on the findings of what we are trying to determine here, and it is that is where we get the use capital U, if your postal carrier that is one thing. So, we have to make that distinction because it is in the Highland Municipal Code and if it in the table, you are good as gold and if it is not, we have an issue.

Appellants Attorney Owen McCarron stated 100%. What confuses me is that the violation from November, not just for an unpermitted use, it necessarily implies that there was a valid legal non-conforming use. [INAUDIBLE] I would just reiterate that our position is basically that the site has always been used for this tractor trailer, parking, and storage use. [INAUDIBLE]

Appellant Michael Johnson stated the business license that we have for Matheson Postal/Matheson trucking, they went by two different names, and it stated trucking on their business license. Maybe there is a code that mentions Postal Service, but actually on the PDF that Brad and I have from Matheson stated the business is trucking period. It does not say postal services, postal carrier, anything like that. Another thing I want to mention is that Matheson was not 100% dedicated to the United States Postal Service. I remember looking at Matheson's website back when we were regular, currently paying tenants of ours to see what Matheson did and you can see there are other customers. That is not 100% dedicated to caring the mail. Thank you very much for your time and your consideration of our matter.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas and seconded by Chair Hamerly to conduct the required Public Hearing and uphold Administrative Citation No. 15255 and adopt Resolution No. 2024-___. Motion carried, 2-2 with Commissioner McCance and Miller voting no and Commissioner Graves being absent. We have a draw.

Community Development Director Mainez stated the motion fails as a tie vote. Please state your reasoning why the vote was no.

Commissioner Miller stated the reason I voted no was because looking back at the use, it is involved trucks and trailers. Certainly, there was the postal hauling that was going on that was found in the table, but for me the use was still trucks and trailers. I feel like I can squint my eyes a little bit and look at use discontinuing in March even though the business license had expired. The violation and the new tenant came in June which is three months which is not six months. It is in a grey area; those 180 days and the new tenant has trucks and trailers very similar to what the previous tenant was doing which as well had trucks and trailers independent of what was in the trucks and trailers. That the use seems to be very similar and when we get into to looking at what is inside the trucks I do not know if that is as important. We are making it really important here, but I do not think it should be. That is why I was unable to support it.

Chair Hamerly asked what would you see as being the remedy that would cure the violation?

Community Development Director Mainez stated good question. I appreciate the dialogue; what we can do tonight is to direct staff on how to settle this. A citation was issued on a certain date where an activity did or not accus, and that is really what is being appealed tonight, not how we go forward and resolve it.

Commissioner Miller stated I do not have a recommendation to resolve it. I am drawing a conclusion based on the evidence I have been provided.

Commissioner McCance stated I am going to seem very redundant with Commissioner Miller here, but if we are splitting hairs on the trucking Postal Service is in allowed use and Sugar Creek has a it has a lease with USPS, they are doing the same thing as Madison. Trucking use never ceased at the property, and I do not think the 180 days ever occurred and was always trucking at the property. I think some part of it was always storage for USPS. For the second part of the question, I think if we can verify that part of their business is still postal, then that would check the box for that that zone.

Chair Hamerly asked is it a part or a majority part?

Commissioner McCance stated that would be up to staff to decide how we determine that, whether it's parking, is it 50%? Even Matheson if we go back to what they said, they clearly had other customers. So, I do not even think Matheson was 50%..

Chair Hamerly stated that was primarily why I asked the staff, what did their original application state? They stated on the original application postal carrier. If they would have said trucking, I am sure that staff would have drilled down on that said no, you have to come back and try again.

Commissioner McCance stated Sugar Creek could have put postal carriers as well and got approved.

Chair Hamerly stated if somebody said on their application postal carrier, staff would make the same findings that they made for Matheson. It all falls onto what did the person state when they were making their request for a business license? What were they going to do? There is no business until they have a business license, so staff has to believe them to. If evidence

comes up to the contrary and someday they end up with a violation then staff investigates that the company is producing this, you are not hauling mail.

Chair Hamerly stated so you are verifying that activity, the use never expired.

Commissioner McCance stated correct. The second part would be the business license when we get to that.

Vice Chair Thomas stated I do not think there could change my mind. With Matheson they may have discussed, but they are a predominant business that use of the mail carrier type work. With managing business licensing before, people will submit their application, they are honestly saying this is kind of what I do or they can also have some knowledge to come forward for example, if they had put mail sorting. She did state that they do mail type work, and it is a small portion of her business, not the predominant of her business. So, if she had come forward and stated I have a similar business. Also, for the use being trucking and storage, which is not permitted, and we need to enforce that. With trucking it is very dirty, and you can see a previous tenant was a trucking repair business, which is very dirty. There's different waste contaminants with that too. This is why it is an easy no because we do not have trucking permitted. I do not think Highland residents want trucking, and we have seen code cases since I have been on the commission. It is not a surprise we had a change in code.

Chair Hamerly stated one of the things that Sugar Creek stated was in addition to USPS, they were also hauling for DHL and one other type personal carrier if I recall correctly. To me, that's still distribution of mail like things. Is DHL, UPS, FedEx postal carrier or does it have to be USPS only?

Community Development Director Mainez stated if somebody were to come to the counter and ask that same question, I would say yes. I would make a determination that under our code the Postal Service would include those other businesses.

Code Compliance Officer Chambers stated I believe Sugar Creek also mentioned that they were allowing truck parking storage for Home Depot and other type companies like that.

Chair Hamerly stated I am a yes on this because I have to support the code as well, which puts us at an impasse. There are solutions here and that is why I keep drilling down on the finer points of what is the code stating and the intent. That lead us to the 2-2 vote. Do we give you some sort of a directive to start examining their business records, find out what they are really hauling and who is it for so we can say it either is or is not a parcel carrier?

Community Development Director Mainez stated there was a there was a motion made to uphold the citation and deny the appeal that failed 2-2 vote. This happens when we do not have the fifth Planning Commissioner in attendance. We would just make a note that the motion fails, no action taken. This would mostly be deferred to City Council.

Commissioner Miller asked are there any other cases that have defined when that 180 days begins, when that, when that non-conforming use has been discontinued?

City Attorney Kevin Ennis stated we have been focused on when Mathson's stop their use and has it been more than 180 days? It is clear that the predominant use of the site, but it seems to be truck parking and storage. As indicated by the Appellant that that has occurred for decades on the site. Once Matheson began its operation as a Postal Service use that ended the principal use of this site as truck parking and storage, and it became Postal Service use. A trucking related but staff could regard that as being the permitted use at that point in 2016.

Commissioner Miller asked even though it still consists specifically of trucks, trailers, and storage?

City Attorney Kevin Ennis stated yes, but I would say staff could have decided that the predominant use was truck parking and storage, however when they approved a business license in 2001 for mail hauling, it was reasonable that they could regard that as being a Postal Service type use. During that period when it was Matheson's, the prior use was discontinued, meaning the principal use of truck parking and storage stopped and it became a Postal Service use. The discontinuance of the principal use of truck parking and storage stop as early as 2001, which has been more than 180 days. Can they recommence a Postal Service use or has that been discontinued for 180 days? Kind of a different issue, right as to whether they would not have to go through certain procedures to recommence that use as a postal use. Truck parking and storage as the principal use ended in 2001. That is another way to look at it.

Chair Hamerly stated would the findings be correct when the Planning and Zoning Resource Company made the determination and even staff made the determination that it was a non-conforming use if it was legally permitted and conformed to the zone? It seems like it would be a legal conforming use. Now the site is a completely different matter because the site is Part B. It was not a legal site because it does not conform to current code. Until there is a change of use you do not have to upgrade to current code. That is the part that is grandfathered in, and the site improvements are where it becomes the 180 days and becomes relevant. It seems in this discussion because as long as they maintain the same activity for the same principal client, it did not matter it could be parking on dirt or gravel. They would not have to comply with any current code or environmental standards because the use had never ceased. So, the site could become non-conforming because it does not comply with current code, but the use has always been conforming since 2001 when they had the contract that made them legal by the general code, and they had the business license that they maintained until September 2023.

City Attorney Kevin Ennis stated correct. I understand what you are stating.

Community Development Director Mainez stated all no votes well would require putting it in the record the reasons why you would vote no and uphold the appeal. We would have to revise our resolution to codify those findings. If you say no, you determine that the property based on the dates never met the definition of vacating the site, so we should honor a similar use that would come to the counter and apply for a land use permit and then a business license which would happen next. Alternative you say yes, we would start fresh with the new tenant. If you vote yes you are upholding staff's recommendation to deny the appeal. The

citation stands and they can appeal that to City Council within 10 days. If you vote yes, then we would have to ask to continue the item and come up with a new resolution to bring back for a formal adoption.

Chair Hamerly stated in the absence of having our fifth Commissioner to break the tie, it seems like the cleanest resolution from the Planning Commission standpoint is to allow the appeal to progress to the City Council with a pretty regularly have five members and would have a tie breaker.

Community Development Director Mainez stated the City Council appointed the Planning Commissioners to do the job of holding up the ordinances, municipal codes, general plan, and policies, right? I really implore you to give us a yes or no. We will follow through with the process and it is unfortunate that the fifth member is not here. Assistant Community Development Director Stater is reminding in past we did have a similar situation there was a motion to continue the item when we have five Planning Commissioners.

City Attorney Kevin Ennis stated yes, it is a possibility for that Commissioner to come back and be available for a continued hearing date and in the meantime to have listened to the entire proceedings of this meeting.

Chair Hamerly asked would that be a supervised listening? There was a lot of technical information we went over.

Community Development Director Mainez stated I think it would be best if we provide him the audio and then we can certainly talk over the phone if he has questions.

Chair Hamerly opened the public hearing.

Appellants Attorney Owen McCarron stated I would like to inquire as to the correct procedure here because my understanding based on the code the board has already rendered its decision.

Chair Hamerly stated it is a no action. The vote was 2-2, it is as if it never existed. We do have a fifth commissioner, and our remedy is internal.

Appellants Attorney Owen McCarron stated it seems strange that we are getting a decision without any finding.

City Attorney Kevin Ennis stated as noted there was no motion made; it was not passed. The 2-2 tie means the motion is not approved and until there is an action that has a majority vote, there is no action taken yet. The Planning Commissioners does have the opportunity to open and continue the meeting to a date certain. In this situation it would also provide an opportunity for that fifth member to come back and be present. So, until the Commission has acted by adopting a resolution, there is no decision yet on the matter.

Chair Hamerly closed the public hearing.

The vote still stands 2-2.

A MOTION was made by Chair Hamerly and seconded by Commissioner Miller to continue this item to January 21, 2025. Motion carried 4-0, with Commissioner Graves being absent.

ANNOUNCEMENTS

The next Planning Commission Regular Meeting is scheduled January 21, 2025.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 8:01 p.m.

Submitted by:

Camille Duarte, Administrative Assistant III

Approved by:

Randall Hamerly, Chair

EXHIBIT "13"

Email dated January 6, 2025, from Mr. Jim Erwin

(Millenium Advisors, LLC)

Gary Chambers

From: Camille Duarte
Sent: Monday, January 6, 2025 10:23 AM
To: Kim Stater; Gary Chambers
Subject: FW: 27356 5th Street, Highland

FYI. See below:

Camille Duarte
Administrative Assistant III
(909) 864-6861 ext. 214
27215 Base Line
Highland, CA 92346

From: Jacqueline Avila <javila@cityofhighland.org>
Sent: Monday, January 6, 2025 10:08 AM
To: Camille Duarte <cduarte@cityofhighland.org>
Subject: FW: 27356 5th Street, Highland

Happy New Year ☺

This was sent to me. Not sure if you need this information.

Jacqueline Avila
Admin. Assistant III
City of Highland
27215 Base Line
Highland, CA 92346
(909) 864-6861; ext. 260
javila@cityofhighland.org

From: Jim Erwin <jimerwin3@msn.com>
Sent: Monday, January 6, 2025 10:04 AM
To: Lawrence Mainez <lmainez@cityofhighland.org>
Cc: Penny Lilburn <plilburn@cityofhighland.org>; Anaeli Solano <asolano@cityofhighland.org>; Gregory Hogan <ghogan@cityofhighland.org>; John Timmer <jtimmer@cityofhighland.org>; Larry McCallon <lmccallon@cityofhighland.org>; Jacqueline Avila <javila@cityofhighland.org>
Subject: 27356 5th Street, Highland

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

Good Morning Mr. Mainez,

I hope you had a wonderful Christmas and New Years.

I took the holiday break to reflect on the events at the 12/17/24 Planning Commission meeting. I can only sum up what happened as very troubling.

The meeting to address only 1 item related to my client, William Graham 1 LLC, lasted approximately two hours and fifteen minutes, with four commissioners of five commissioners present. (Commissioner Graves was absent)

1. Chairman Hamerly, who voted to deny the appeal, stated he was operating from a checklist.
2. Vice Chair Thomas, who also voted to deny the appeal, stated that "We don't want this type of business in the city."
3. Commissioner McCance voted to uphold the appeal.
4. Commissioner Miller, who also voted to uphold the appeal, made a finding that the use had not discontinued for six months.

I would like to raise several troubling issues that arose during the "Public Hearing" to consider the appeal of an administrative citation for a purported land use violation for a property for which use "Truck and Trailor Parking" was subject to the San Bernardino County Code and grandfathered when the city incorporated, had discontinued its use for a period of more than six months.

- After the public hearing was closed and the vote taken, staff started to unsuccessfully pressure Commissioners McCance and Miller to change their respective votes.
- The public hearing, "a quasi-judicial proceeding" was then reopened, and further testimony was taken. The hearing was closed again and another vote taken with the same result, all without a motion to reconsider.
- The item was rescheduled for a do-over hearing this month. It's my understanding that the matter should have been moved to the City Council.
- City Staff, under oath, misled the Planning Commission into believing the grandfathered use had been discontinued for six months and then attempted for the first time to apply some "Postal" use category in the city code to the property for the first time.

This matter is a pure property rights issue whether the city likes it or not. The parcel was subject to the San Bernardino County Code at the time the city incorporated and remains as such until such a time the use discontinues for a period of more than six months. This parcel has been a truck/trailer parking lot for decades. The use is supported by significant written and aerial photographic evidence.

I cannot urge you strongly enough to resolve this dispute at the staff level. If you can, please forward me a copy of the recording of the proceedings from 12/17/24. You may consider my request pursuant to the California Public Records Act, if necessary.

Please feel free to call me anytime to discuss.

Respectfully,

Jim

James H. Erwin, Managing Member
MILLENIUM ADVISORS, LLC
Political and Governmental Affairs
5654 Galasso Avenue,
Fontana, California 92336-5920
Tel: 909.838.1400
Email: jimerwin3@msn.com

STAFF REPORT

TO THE PLANNING COMMISSION

DATE: April 1, 2025

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director KS

PREPARED BY: Tiffany Martinez, Assistant Planner TM

SUBJECT: Request for a one-year Extension of Time (EXT 25-001) for Design Review Application (DRA 22-022) for the development of a 284,917 square foot warehouse and related Tentative Parcel Map No. 20680 (TPM 22-011) to merge fourteen (14) existing parcels into one (1).

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

LOCATION: Northwest corner of Palm Avenue and Meines Street. Assessor's Parcel Number(s): 1192-621-02 to 08, 1192-621-20 to 23, 1192-601-05, 09, & 43

PROPERTY OWNERS: Lovett Industrial

RECOMMENDATION: Staff recommends the Planning Commission Adopt Resolution No. 25 – ____, approving Extension of Time application (EXT 25-001) for a one (1) year extension of Design Review Application (DRA 22-022), and Tentative Parcel Map No. 20680 (TPM 22-011), subject to the 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.

ENVIRONMENTAL REVIEW: The original entitlements for Design Review Application (DRA 22-022), and Tentative Parcel Map No. 20680 (TPM 22-011) were subject to an Initial Study / Mitigated Negative Declaration (IS/MND) as part of the CEQA review

Approved _____	Motion _____	Second _____	Agenda Item No. 4
Denied _____	Ayes _____ Noes _____ Abstain _____ Absent _____		File No. _____

Recording Secretary

Community Development Director

process. The City, as the Lead Agency, oversaw preparation of the Initial Study / Mitigated Negative Declaration (IS/MND) and determined that the Project will not have a significant impact upon the environment. A Mitigation Monitoring and Reporting Program was adopted by the PC on June 20, 2023 and a Notice of Determination was filed on June 27, 2023.

PUBLIC NOTICE: As required by City Council Resolution, notice of the public hearing was posted at the City's three designated posting locations. On March 18. 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 site is comprised of fourteen (14) vacant parcels (Exhibit A – Area Map). At the time of entitlement there were various residential and industrial structures which have since been demolished.

The overall area of the site is relatively flat, sloping gradually to the south. The site itself is zoned for Industrial (I) uses. The general area of the site, the 5th Street Corridor, is in transition from its older, non-conforming uses to airport-related uses that align with the General Plan's vision. As stated in the Land Use Element of the General Plan, a primary vision of the City is to transform the 5th Street Corridor into a major employment center and gateway to the San Bernardino International Airport.

Surrounding Land Uses

North: City Creek Bypass Flood Control Channel
South: Farmer Boys Restaurant, Vacant Parcels, Legal/Non-conforming Residential
East: Palm Avenue / Contractors Storage Facility
West: Filipino American Association of San Bernardino County

Location	General Plan	Zoning
Site:	Industrial (I)	Industrial (I)
North:	Open Space (OS)	Open Space (OS)
South:	Business Park (BP) & Industrial (I)	Business Park (BP) & Industrial (I)
East:	Industrial (I)	Industrial (I)
West:	Industrial (I)	Industrial (I)

PREVIOUS ACTION:

On June 20, 2023, the Planning Commission adopted:

- Resolution No. 2023-026, approving Design Review Application (DRA-21-001) for the development of a 284,917 square foot warehouse located on a 12.8 acre,

- Resolution No. 2023-027, approving Tentative Parcel Map No. 20680 (TPM 22-011), and
- Resolution No. 2023-028 adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (ENV 23-004).

BACKGROUND: The original approval in June of 2023 consisted of merging fourteen (14) existing parcels into one, the approved land use, the site plan, the landscape plan, the grading plan, as well as building elevations for the development of a 284,917 square foot warehouse with 30 loading docks and 193 parking spaces located on 12.8 acres. The layout includes 8000 square feet of office area at the southeast and southwest corners of the building. There are three (3) points of access on the site. Two (2) along Palm Avenue, and one (1) along Meines Street. Trucks will only have access from two (2) of the points of access. The northern access from Palm Avenue and the access from Meines Street. The trucking area will be screened by a 10-foot-tall concrete wall with 40-foot-wide access gates on each end. Meanwhile, the remainder of the site will feature an 8-foot-tall tubular steel fence.

The exterior has a modern look, similar to other warehouses being developed nearby. The walls are white with light gray, dark gray, and glass accent glazing on southern, eastern, and western faces. The southeast and southwest corners of the building along Meines Street are clad with blue reflective glazing and black anodized aluminum. Additionally, the corners are accented with orange L-shaped pop outs that extend into decorative metal brow overhangs.

An Initial Study was prepared for the project. It was determined that Mitigation Measures were necessary to address and reduce impacts to below a level of significance in the areas of air quality, biological resources, cultural and tribal cultural resources. Based upon the Findings of the Initial Study and adoption of Mitigation Measures, the Project will not have a significant impact upon the environment. As part of the June 2023 approval, a Mitigated Negative Declaration and Mitigation and Reporting Program (ENV 21-004) were adopted.

ANALYSIS: The respective applications were originally approved on June 20, 2023, for a three (3) year span, set to expire on June 20, 2026. 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 24-001) application would push the expiration date of Design Review Application (DRA 22-022), and Tentative Parcel Map No. 20680 (TPM 22-011) to June 20, 2026, would be extended to June 20, 2027.

In January of 2025, the Applicant explained in the Extension of Time Request Letter, submitted as part of the Extension of Time (EXT 25-001) application, that they have gone through a majority of the plan check process for the plans and will need more time before building the warehouse. The current market conditions make the project financially infeasible at this time (Exhibit B - Extension of Time Letter).

The original DRA, TPM and ENV conditions previously approved will remain in effect. In compliance with HMC Section 16.08.200.B, *Extension of Time* 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. The relevant City departments have reviewed the extension request and found that the original conditions remain valid. There were no significant changes to the surrounding environment. Staff recommends the Planning Commission to approve the extension of time to allow the applicant to continue moving forward on this project.

EXHIBITS:

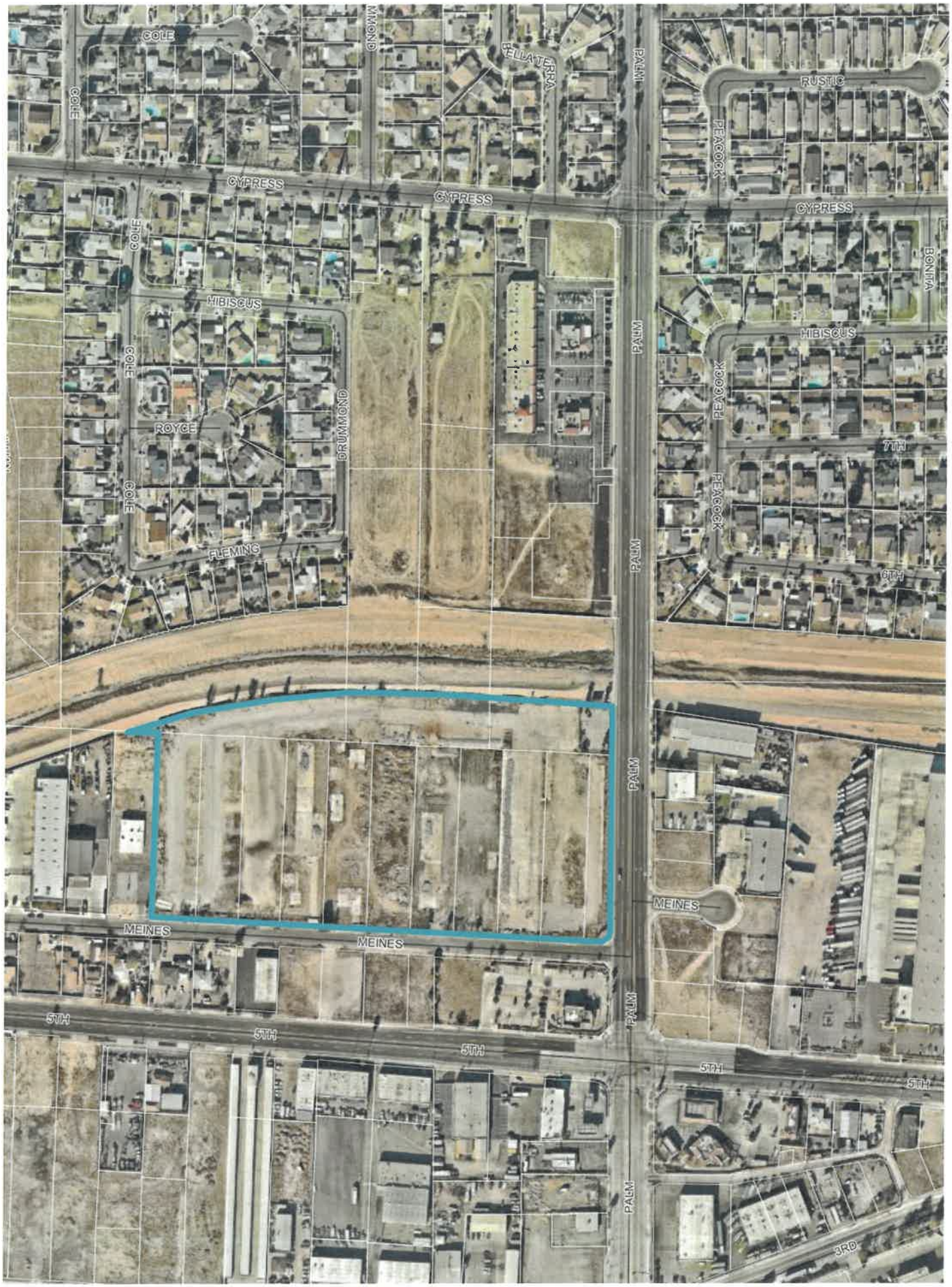
A) Area Map
B) Extension of Time Letter
C) Project Plans
D) Planning Commission Resolution No. 2023-026 for DRA 22-022
   Exhibit 1: Design Review Application (DRA-22-022) Conditions of Approval
E) Planning Commission Resolution No. 2023-027 for the TPM 22-011
   Exhibit 1: Tentative Parcel Map No. 20680 (TPM 22-011) Conditions of Approval
F) Planning Commission Resolution No. 2023-028
   Exhibit 1: Mitigation Negative Declaration and Mitigation and Reporting Program (ENV 21-004)

ATTACHMENTS:

1) Resolution 2025-___ Approving Extension of Time application (EXT 25-001) for a one (1) year extension of Design Review Application (DRA 22-022), and Tentative Parcel Map No. 20680 (TPM 22-011).

Exhibit A:

Area Map


COLE
COLE
MIMOND
BELLA TERRA
PALM
RUSTIC
PEACOCK
CYPRESS
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HIBISCUS
COLE
DRUMMOND
PEACOCK
ROYCE
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FLEMING
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PALM
PALM
MEINES
MEINES
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5TH
5TH
5TH
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5TH
PALM
PALM
3RD

Exhibit B:

Extension of Time Letter

LOVETT
INDUSTRIAL

Lovett Industrial
610 Newport Center Drive, Suite 340
Newport Beach, CA 92660
January 21st, 2025

City of Highland
ATTN: Kim Stater
27215 Base Line
Highland, CA 92346

Kim,

Due to market conditions, commencing construction on the Meines Street Industrial Project, located at the northwest corner of Meines Street and Palm Avenue in the City of Highland, is not currently financially feasible. We are requesting a 36-month extension of time for our project entitlements as we continue to evaluate market conditions with the goal of initiating construction once the project becomes financially feasible. We have processed our construction drawings to nearly 100% complete and upon the industrial market recession stabilizing, we intend to move forward with vertical construction. We continue to look forward to building this project.

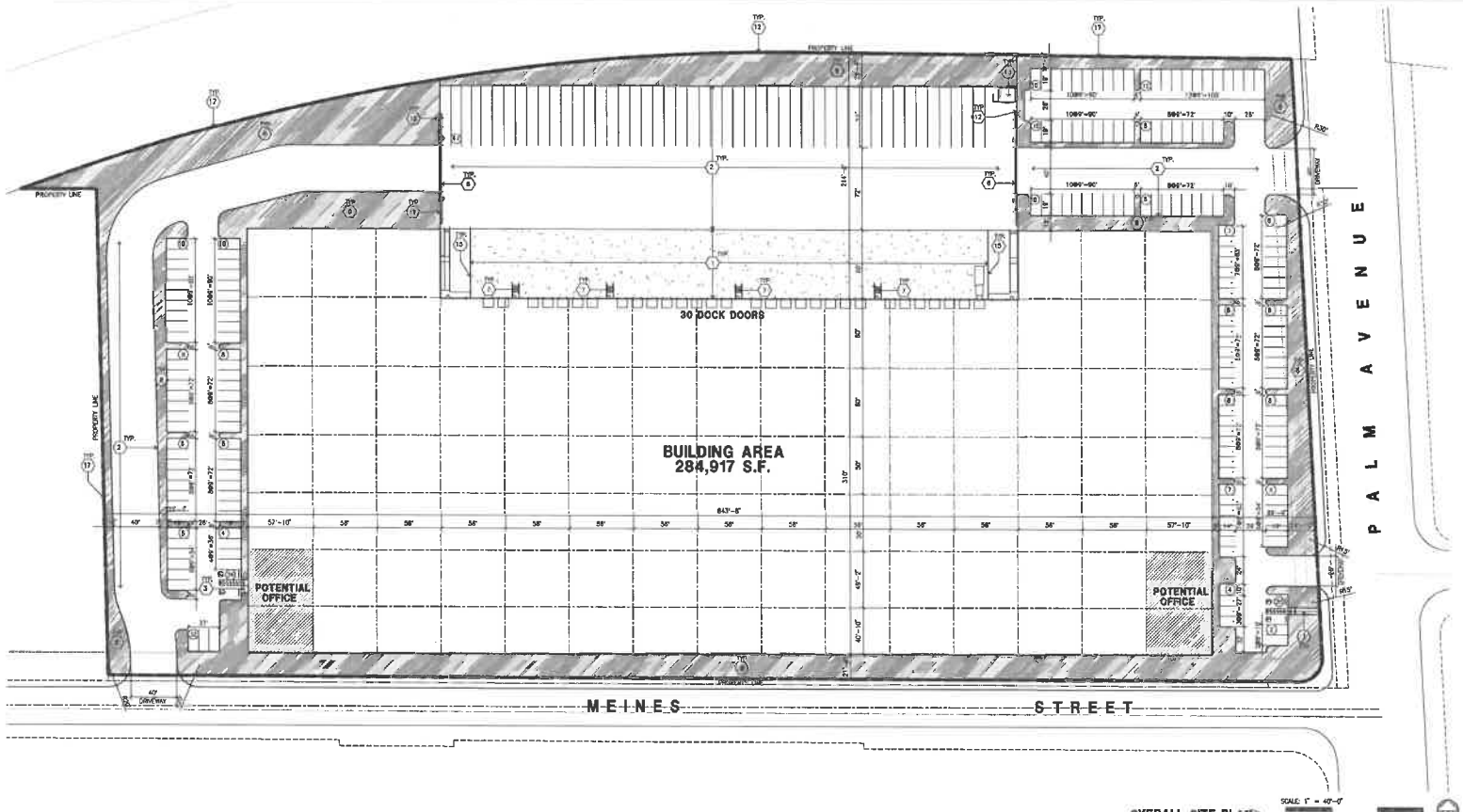
Sincerely,

Tyler Banton

Lovett Industrial

Exhibit C:

Project Plans



OVERALL SITE PLAN
scale: 1" = 40'-0"

SCALE: 1" = 40'-0"

PROJECT INFORMATION

Project Address
27200, 27232 & 27280 MEINES ST.
HIGHLAND, CA 92346

Assessors Parcel Number
1192-021-02 1192-021-08
1192-021-03 1192-021-20
1192-021-04 1192-021-21
1192-021-05 1192-021-22
1192-021-06
1192-021-07

Owner/ Applicant
TYLER BARTON
LOVETT INDUSTRIAL
880 APOLLO ST. #301
EL SEGUNDO, CA 90245
PHONE: 949-402-2780

Zoning
GENERAL PLAN DESIGNATION:
I – INDUSTRIAL

Applicant's Representatives
HPA, INC.
18831 BARDEEN AVE. – STE #100
IRVINE, CA 92612
CONTACT:DOUG HARICHS
PHONE: (949)-863-1770
FAX: (949)-863-0851

Utility Information

WATER:
EAST VALLEY WATER DISTRICT
31111 GREENSPOT RD.
HIGHLAND, CA 92346
909-889-9501

SEWER:
EAST VALLEY WATER DISTRICT
31111 GREENSPOT RD.
HIGHLAND, CA 92346
909-889-9501

CABLE:
CHARTER COMMUNICATIONS
7337 CENTRAL AVENUE
RIVERSIDE, CA92504
PHONE: 951-406-1827

ELECTRIC:
SOUTHERN CALIFORNIA EDISON
28100 MENIFEE ROAD
MENIFEE, CA92584
PHONE: 714-796-6832

TELEPHONE:
AT&T
1452 EDINGER AVENUE, 3RD FLOOR
TUSTIN, CA 92780
PHONE: 714-222-1451

GAS:
SOUTHERN CALIFORNIA GAS COMPANY
1981 W. LUGONIA AVENUE
REDLANDS, CA 92234
PH 909-335-7583

VICINITY MAP

KEYNOTES - SITE PLAN

1. HEAVY BROOM FINISH CONCRETE PAVEMENT.
2. PORTLAND CEMENT CONCRETE (PCC) PAVING.
3. CONCRETE WALKWAY, MEDIUM BROOM FINISH.
4. DESIGNATION BOARD CONCRETE DRIVEWAY APRONS TO BE CONSTRUCTED PER "C" DRAWINGS.
5. 8'-0"X7'-5"X7 MIN THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" - 1/2" MAX. PROVIDE WAY TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
6. 6'H PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.
7. EXTERIOR CONCRETE STAIR.
8. LANDSCAPE. SEE "L" DWGS.
9. ROOF TOP HVAC UNITS AND/OR GENERATORS TO BE ADEQUATELY VISUALLY SCREENED FROM PUBLIC VIEW.
10. BIKE RACK.
11. APPROXIMATE LOCATION OF TRANSFORMER. ADEQUATELY SCREEN FROM PUBLIC VIEW.
12. 10' H CONCRETE SCREEN WALL.
13. TRASH ENCLOSURE. SEE DETAIL B/A0.A0-44.1.
14. SMOKING AREA
15. 42" H GUARD WALL.
16. LOCATION OF EXISTING POWER POLE
17. 8' HIGH TUBULAR STEEL FENCE
18. 8' HIGH FENCE WITH GREEN VINES

SITE LEGEND

- HEAVY BROOM FINISH CONCRETE PAVING
- PORTLAND CEMENT CONCRETE (PCC) PAVING
- STANDARD PARKING STALL (9' X 19')
- COMPACT PARKING STALL (9' X 14')
- ACCESSIBLE PARKING STALL (9' X 19') + 9' VAN ACCESSIBLE AISLE
- ACCESSIBLE PARKING (VAN) STALL (12' X 19') + 9' VAN ACCESSIBLE AISLE
- LANDSCAPED AREA
- PATH OF TRAVEL
- PROPERTY LINE
- 26' WIDE FIRE LANE

GENERAL NOTES - SITE PLAN

1. THE SITE PLAN BASED ON THE SOILS REPORT PREPARED BY: TBD
2. IF SOILS ARE EXPANSIVE IN NATURE, USE SITES, REINFORCING FOR ALL SITE CONCRETE
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.
5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
9. SEE "C"DRAWINGS FOR FINISH GRADE ELEVATIONS.
10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". FINISH TO BE A MEDIUM BROOM FINISH U.N.O.
11. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
12. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS
13. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.
14. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN CHECKLISTS OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.
15. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB.

PROJECT DATA

SITE AREA		
In s.f.	565,885	sf
In acres	12.8	ac
BUILDING AREA		
Office	6,000	sf
Mezzanine	3,000	sf
Warehouse	276,917	sf
TOTAL	284,917	sf
SITE COVERAGE		
Maximum Allowed	60%	
Actual	51.3%	
AUTO PARKING REQUIRED		
Office: 1/250 s.f.	32	stalls
Whse: 1/1,100 s.f	277	stalls
TOTAL	309	stalls
AUTO PARKING PROVIDED		
Standard (9' x 19')	159	stalls
Compact (9' x 14')	34	stalls
Total Auto	193	stalls
TRAILER PARKING PROVIDED		
Trailer (10' x 53')	47	stalls
ZONING ORDINANCE		
Zoning - Industrial (I)		
MAXIMUM BUILDING HEIGHT ALLOWED		
Height - 50'		
LANDSCAPE REQUIREMENT		
Percentage - 10% of total parking area		
LANDSCAPE PROVIDED		
In s.f.	64,146	sf
Percentage	23.7%	
SETBACKS		
Building	Landscape	
Front - 20'	Min. - 10'	
Side - 0', Street side - 20'		
Rear - 0'		

hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949-863-1770
fax: 949-863-0851
email: hpa@hparchs.com

Owner:

LOVETT INDUSTRIAL

880 APOLLO ST. SUITE 301
EL SEGUNDO, CA 90245
TEL: 949-296-2969

Project:

HIGHLAND PARK INDUSTRIAL DEVELOPMENT

MEINES ST. & PALM AVENUE
HIGHLAND PARK, CA

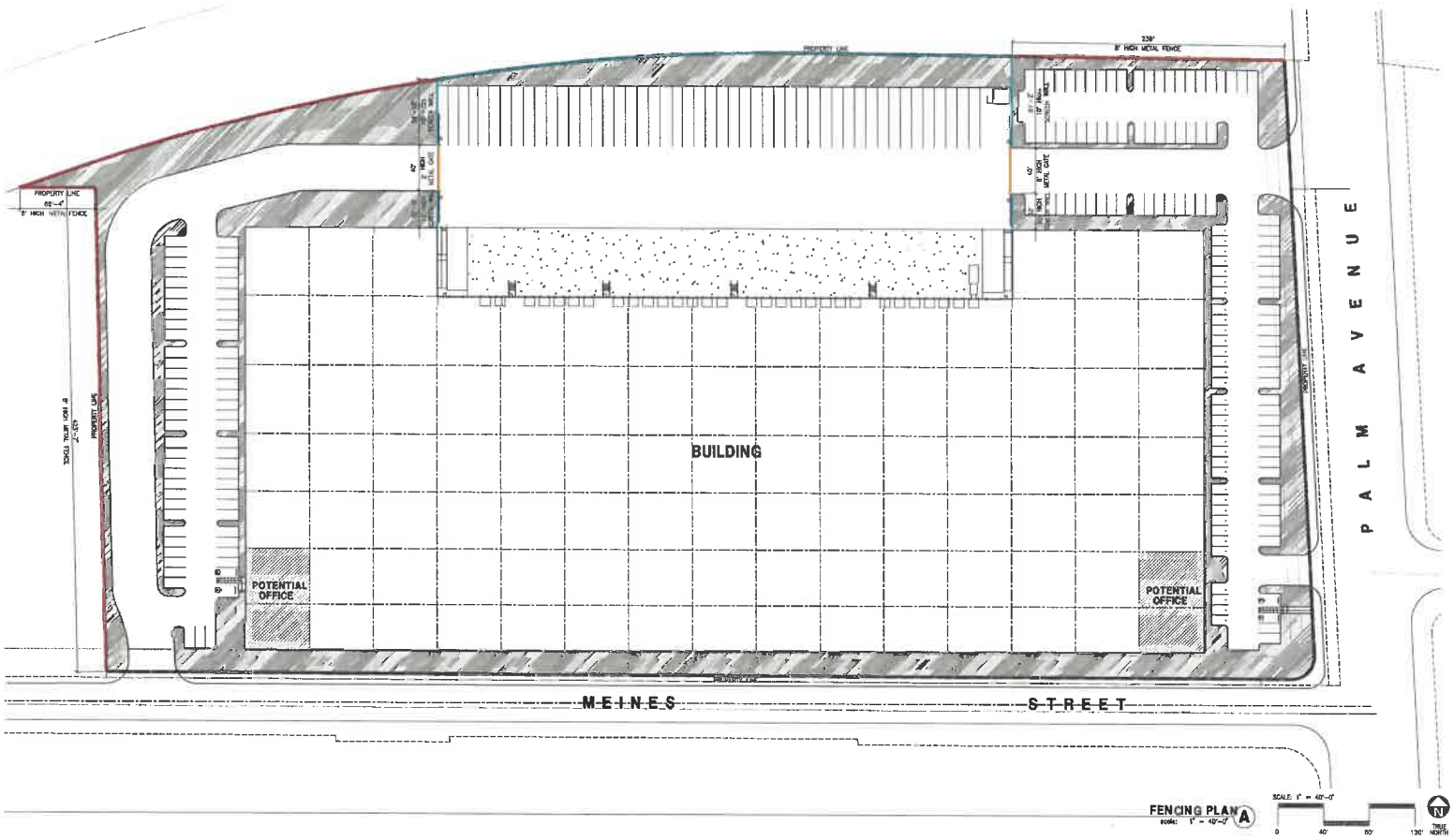
Consultants:

CIVIL	THIENES & ASSOC
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER LANDSCAPE
FIRE PROTECTION	
SOILS ENGINEER	

Title: OVERALL SITE PLAN

Project Number: 22240
Drawn by: DH
Date: 09/16/2022
Revision:

Sheet: DAB-A1.1



FENCING LEGEND

- 10' HIGH SCREEN WALL
- 6' HIGH METAL GATE
- 6' HIGH METAL FENCE

hpa, inc
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949-863-1770
fax: 949-863-0651
email: hpa@hparchs.com

Owner:

LOVETT INDUSTRIAL

880 APOLLO ST. SUITE 301
EL SEGUNDO, CA 90245
TEL: 949-296-2999

Project:

HIGHLAND PARK INDUSTRIAL DEVELOPMENT

MEINES ST. & PALM AVENUE
HIGHLAND PARK, CA

Consultants:

CIVIL	THIENES & ASSOC.
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER LANDSCAPE
FIRE PROTECTION	
SOILS ENGINEER	

Title: OVERALL SITE PLAN

Project Number: 22240
Drawn by: DH
Date: 05/16/2022
Revision

Sheet:

DAB-A1.0F

OUTER 8" FIRE SHEET IS NOT 30" X 42" IT IS 11" X 17" THIS PRINT

LEGAL DESCRIPTION (TR1)

THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

REAL PROPERTY IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 3, BLUE RIBBON FARMS, TRACT NO. 20180, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE(S) 03, RECORDS OF SAID COUNTY.

LEGAL DESCRIPTION (TR2):

THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

REAL PROPERTY IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 1 AND 97, BLUE RIBBON FARMS, TRACT NO. 20180, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 03, RECORDS OF SAID COUNTY.

LEGAL DESCRIPTION (TR3):

THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

REAL PROPERTY IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE :

LOT 4, TRACT NO. 20180, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 03, RECORDS OF SAID COUNTY.

PARCEL TWO :

LOT 8, TRACT NO. 20180, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 03, RECORDS OF SAID COUNTY.

PARCEL THREE :

LOT 7, TRACT NO. 20180, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 03, RECORDS OF SAID COUNTY.

PARCEL FOUR :

LOT 68, TRACT NO. 20180, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 03, RECORDS OF SAID COUNTY.

PARCEL FIVE :

LOT 69, TRACT NO. 20180, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 03, RECORDS OF SAID COUNTY.

PARCEL SIX :

LOT 70, TRACT NO. 20180, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 03, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE COUNTY OF SAN BERNARDINO BY THE DEED RECORDED SEPTEMBER 23, 1983 AS INSTRUMENT NO. 339 IN BOOK 5089, PAGE 84, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE COUNTY OF SAN BERNARDINO BY THE DEED RECORDED FEBRUARY 2, 1990 AS INSTRUMENT NO. 90-033747, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

PARCEL SEVEN :

THAT PORTION OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING SOUTH OF THE SOUTH LINE OF THE EASEMENT GRANTED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT BY INSTRUMENT RECORDED OCTOBER 19, 1938, IN BOOK 4858, PAGE 345, OFFICIAL RECORDS.

EXCEPTING THEREFROM THE EAST 40 FEET, MORE OR LESS, AS CONVEYED TO THE COUNTY OF SAN BERNARDINO IN DEED RECORDED NOVEMBER 17, 1993, IN BOOK 3054, PAGE 420, OFFICIAL RECORDS.

THE PROPERTY HEREIN DESCRIBED IS ALSO SHOWN ON LICENSED LAND SURVEYOR'S MAP RECORDED IN BOOK 13, PAGE 84, RECORDS OF SURVEY.

PARCEL EIGHT :

PARCEL B AS SHOWN ON CERTIFICATE OF COMPLIANCE NO. COC 018-005 AS EVIDENCED BY DOCUMENT RECORDED FEBRUARY 14, 2018 AS INSTRUMENT NO. 2018-48201 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER RECORD OF SURVEY 66-041, RECORDED IN BOOK 114, PAGES 26 THROUGH 28, INCLUSIVE, OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHERLY OF THE SOUTH LINE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT EASEMENT (200.00 FOOT FULL-WIDTH) AS SHOWN ON SAID RECORD OF SURVEY; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 91-300846, RECORDED AUGUST 7, 1991, OFFICIAL RECORDS OF SAID COUNTY, AS SHOWN ON SAID RECORD OF SURVEY;

THENCE, NORTH 00°06'17" EAST ALONG THE WEST LINE OF SAID PROPERTY, A DISTANCE OF 113.29 FEET TO SAID SOUTH LINE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT EASEMENT, SAID POINT BEING THE BEGINNING OF A 1200.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL TO SAID POINT BEARING NORTH 02°10'33" WEST;

THENCE, EASTERLY ALONG SAID SOUTH LINE AND ALONG SAID CURVE, AN ARC DISTANCE OF 163.39 FEET THROUGH A CENTRAL ANGLE OF 7°48'27" TO THE NORTHWEST CORNER OF PARCEL NO. 1 AS DESCRIBED IN DOCUMENT NO. 94-- 154848, RECORDED APRIL 1, 1994, OFFICIAL RECORDS OF SAID COUNTY, AS SHOWN ON SAID RECORD OF SURVEY;
THENCE, CONTINUING ALONG SAID CURVE AND ALONG SAID SOUTH LINE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT EASEMENT AND ALONG THE NORTH LINE OF SAID PARCEL NO. 1, AN ARC DISTANCE OF 83.34 FEET, THROUGH A CENTRAL ANGLE OF 03°58'38";

THENCE, SOUTH 86°26'31" EAST ALONG SAID SOUTH LINE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT EASEMENT AND ALONG THE NORTH LINE OF SAID PARCEL NO. 1, A DISTANCE OF 143.18 FEET TO THE NORTHEAST CORNER OF SAID PARCEL NO. 1;

THENCE, SOUTH 00°06'38" WEST ALONG THE EAST LINE OF SAID PARCEL NO. 1, A DISTANCE OF 117.51 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL NO. 1;
THENCE, NORTH 87°13'56" WEST ALONG THE SOUTH LINE OF SAID PARCEL NO. 1 AND ALONG THE SOUTH LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT NO. 91-300846, A DISTANCE OF 331.93 FEET TO THE POINT OF BEGINNING.

PARCEL NINE :

THAT PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND, LYING SOUTH OF THE SOUTH LINE OF THE EASEMENT GRANTED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, BY INSTRUMENT RECORDED JANUARY 7, 1980 IN BOOK 5033, PAGE 486, OFFICIAL RECORDS.

LEGAL DESCRIPTION (TR4):

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

LOT 3, IN TRACT NO. 20180, BLUE RIBBON FARMS, AS PER MAP RECORDED IN BOOK 29, PAGE 03 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

FOR CONVEYANCING PURPOSES ONLY: APN 1192-621-06-0-000

TITLE REPORT EXCEPTIONS (TR4):

THE FOLLOWING EASEMENTS, STATEMENTS AND MATTERS AS DISCLOSED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, FILE NO: NCS-1118674-ONT1, DATED AUGUST 2, 2022.

NO RESPONSIBILITY FOR COMPLETENESS, ACCURACY, OR CONTENT OF SAID PRELIMINARY REPORT IS ASSUMED BY THIS MAP.

(MD) INDICATES ITEM NUMBER PER SCHEDULE "B", EXCEPTIONS TO COVERAGE, OF ABOVE PRELIMINARY REPORT.

(7) 1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I—REQUIREMENTS ARE MET.

(2) 2. (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS.

(3) 3. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THAT ARE NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND.

(4) 4. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

(5) 5. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS.

(6) 6. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS.

(7) 7. GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2022-2023, A LIEN NOT YET DUE OR PAYABLE.

(8) 8. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.

(9) 9. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED APRIL 14, 1937 AS BOOK 318, PAGE 137 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES OR SECTION 12955 OF THE CALIFORNIA GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
(NO PLOTTABLE SURVEY MATTERS)

(10) 10. ANY DEFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS WHICH HAVE PARTIES WITH THE SAME OR SIMILAR NAMES AS RAYMOND L. RAMIREZ AND RAYMOND L. RAMIREZ. THE NAME SEARCH NECESSARY TO ASCERTAIN THE EXISTENCE OF SUCH MATTERS HAS NOT BEEN COMPLETED. IN ORDER TO COMPLETE THIS PRELIMINARY REPORT OR COMMITMENT, WE WILL REQUIRE A STATEMENT OF INFORMATION.

11. WE FIND NO OUTSTANDING VOLUNTARY LIENS OF RECORD AFFECTING SUBJECT PROPERTY. AN INQUIRY SHOULD BE MADE CONCERNING THE EXISTENCE OF ANY UNRECORDED LIEN OR OTHER INDEBTEDNESS WHICH COULD GIVE RISE TO ANY SECURITY INTEREST IN THE SUBJECT PROPERTY.

12. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

13. RIGHTS OF PARTIES IN POSSESSION.

14. THE EFFECT OF A DEED DATED MARCH 18, 2022, EXECUTED BY RAYMOND L. RAMIREZ, SUCCESSOR TRUSTEE OF RAMIREZ FAMILY TRUST, AS GRANTOR, TO RAYMOND L. RAMIREZ, A.K.A. RAMIREZ, RECORDED MARCH 18, 2022, AS INSTRUMENT NO. 2022-0103280 OF OFFICIAL RECORDS.
(NO PLOTTABLE SURVEY MATTERS)

NOTE: THE COMPANY WILL REQUIRE AN AFFIDAVIT OF EXECUTION AND DELIVERY OF DEED EXECUTED BY THE GRANTOR IN THE PRESENCE OF A FIRST AMERICAN NOTARY OR OTHER SATISFACTORY PROOF THAT THE DEED WAS MADE PRIOR TO REMOVING THIS EXCEPTION OR INSURING THE CONTEMPLATED TRANSACTION.

LEGAL DESCRIPTION (TR5):

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

LOT 3, TRACT NO. 20180, BLUE RIBBON FARMS, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 03, RECORDS OF SAID COUNTY.

FOR CONVEYANCING PURPOSES ONLY: APN 1192-621-03-0-000

TITLE REPORT EXCEPTIONS (TR5):

THE FOLLOWING EASEMENTS, STATEMENTS AND MATTERS AS DISCLOSED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, FILE NO: NCS-1118674-01-ONT1, DATED AUGUST 2, 2022.

NO RESPONSIBILITY FOR COMPLETENESS, ACCURACY, OR CONTENT OF SAID PRELIMINARY REPORT IS ASSUMED BY THIS MAP.

(MD) INDICATES ITEM NUMBER PER SCHEDULE "B", EXCEPTIONS TO COVERAGE, OF ABOVE PRELIMINARY REPORT.

(1) 1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I—REQUIREMENTS ARE MET.

(2) 2. (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS.

(3) 3. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THAT ARE NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND.

(4) 4. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

(5) 5. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS.

(6) 6. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS.

(7) 7. GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2022-2023, A LIEN NOT YET DUE OR PAYABLE.

(8) 8. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.

(9) 9. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED APRIL 14, 1937 AS BOOK 318, PAGE 137 AND RECORDED APRIL 14, 1937 IN BOOK 318, PAGE 137, BOTH OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES OR SECTION 12955 OF THE CALIFORNIA GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
(NO PLOTTABLE SURVEY MATTERS) SAID DOCUMENT RECORDED BY BOOK 86, PAGE 139 REQUIRES THAT THE PREMISES BE USED FOR RESIDENTIAL PURPOSES)

(10) 10. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEED AND AGREEMENT" RECORDED JANUARY 15, 1982 AS BOOK 5831, PAGE 26 OF OFFICIAL RECORDS.
(NO PLOTTABLE SURVEY MATTERS)

(11) 11. A CERTIFIED COPY OF A JUDGMENT OR AN ABSTRACT THEREOF, RECORDED APRIL 26, 2006 AS INSTRUMENT NO. 2006-0283263 OF OFFICIAL RECORDS.
COURT: SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
CASE NO.: GC031452
DEBTOR: ROBERT FORSHAY AN INDIVIDUAL
CREDITOR: L&J ASSETS LLC A CALIFORNIA LIMITED LIABILITY COMPANY
AMOUNT: $16,219.83, AND ANY OTHER AMOUNTS DUE THEREUNDER
(NO PLOTTABLE SURVEY MATTERS)

THE LIEN OF THE JUDGMENT HAS BEEN EXTENDED AS EVIDENCED BY THE DOCUMENT RECORDED FEBRUARY 18, 2016 AS INSTRUMENT NO. 2016-0068807 OF OFFICIAL RECORDS.
(NO PLOTTABLE SURVEY MATTERS)

(12) 12. ANY RIGHT, TITLE OR INTEREST OF THE SPOUSE, IF ANY, OF ANY MARRIED VESTEE HEREIN.

(13) 13. WE FIND NO OUTSTANDING VOLUNTARY LIENS OF RECORD AFFECTING SUBJECT PROPERTY. AN INQUIRY SHOULD BE MADE CONCERNING THE EXISTENCE OF ANY UNRECORDED LIEN OR OTHER INDEBTEDNESS WHICH COULD GIVE RISE TO ANY SECURITY INTEREST IN THE SUBJECT PROPERTY.

(14) 14. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

(15) 15. RIGHTS OF PARTIES IN POSSESSION.

(16) 16. LIEN FOR FIRE HAZRD ABATEMENT IN FAVOR OF SAN BERNARDINO COUNTY CODE ENFORCEMENT — FIRE HAZARD ABATEMENT
AGAINST: FORSHAY ROBERT
AMOUNT: $1,241.00
RECORDED: APRIL 21, 2022 AS INSTRUMENT NO. 2022-0140601 OF OFFICIAL RECORDS.
(NO PLOTTABLE SURVEY MATTERS)

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HIGHLAND PARK INDUSTRIAL DEVELOPMENT

MEFINES ST. & PALM AVENUE
HIGHLAND PARK, CA

Consultants:

CIVIL	THIENES & ASSOC.
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER LANDSCAPE
FIRE PROTECTION	
SOILS ENGINEER	

Title: LEGAL DESCRIPTION

Project Number: 22240
Drawn by: DH
Date: 09/16/2022
Revision

Sheet:

DAB-A1.2

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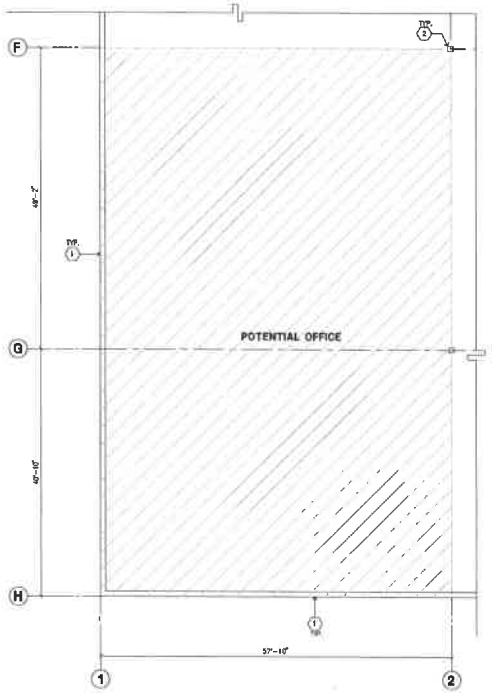
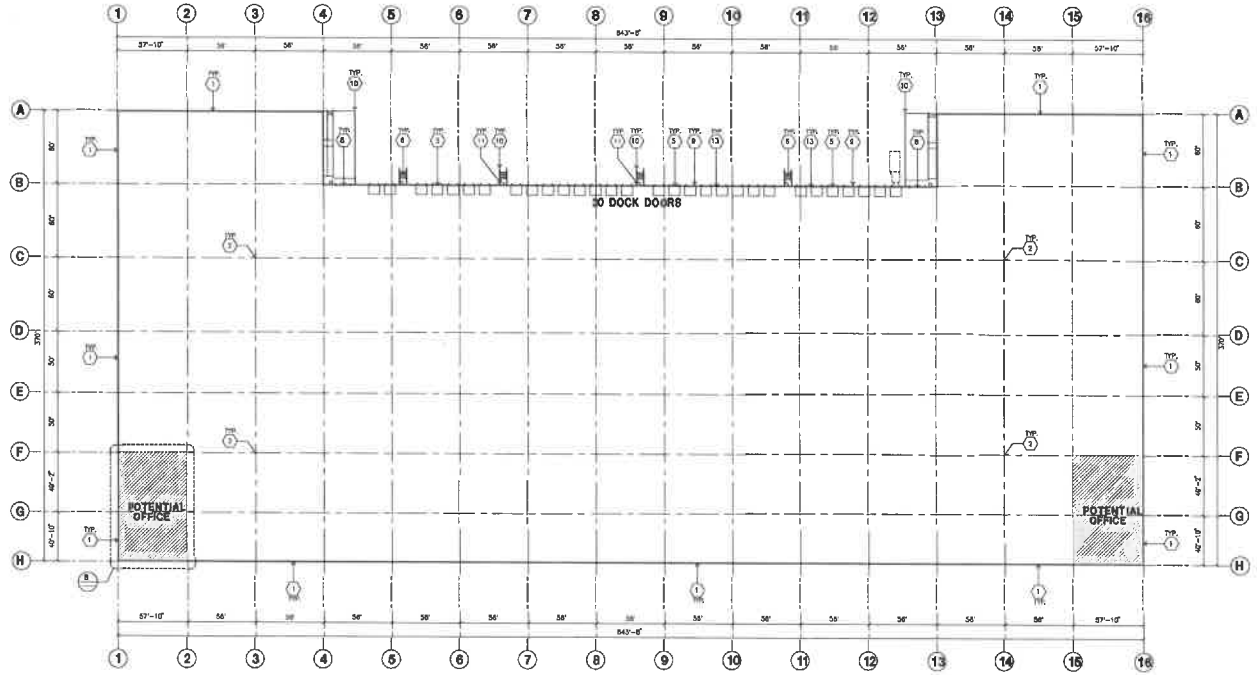


ENLARGED FLOOR PLAN B

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



OVERALL FLOOR PLAN A

SCALE: 1" = 40'-0"

KEYNOTES - FLOOR PLAN

1. CONCRETE TILT-UP PANEL
2. STRUCTURAL STEEL COLUMN.
3. TYPICAL STOREFRONT SYSTEM WITH GLAZING. SEE OFFICE BLOWUP AND ELEVATIONS FOR SIZE, COLOR AND LOCATIONS.
4. NOT USED.
5. 9' X 10' TRUCK DOOR, SECTIONAL OH., STANDARD GRADE.
6. EXTERIOR CONCRETE STAIR.
7. 6" SOG (FA)T. THICK CONCRETE EXTERIOR LANDING PAD TYPICAL AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH; SLOPE TO BE 1/4" 12" MAX. PROVIDE WALK TO HARD SURFACE PER CITY REQUIREMENTS
8. 12' X 14' DRIVE THRU, SECTIONAL OH., STANDARD GRADE.
9. DOCK BUMPER.
10. CONCRETE FILLED GUARD POST, 6" DIA. U.N.O., 42"H.
11. 3'X7' HOLLOW METAL EXTERIOR MAN DOOR.
12. METAL CANOPY ABOVE.
13. 2 GUARD

GENERAL NOTES - FLOOR PLAN

1. THIS BUILDING IS DESIGNED FOR HIGH PILE STORAGE WITH FIRE ACCESS MAN DOORS AT 100' MAXIMUM O.C. A SEPARATE PERMIT WILL BE REQUIRED FOR ANY RACKING/CONVEYOR SYSTEMS.
2. FIRE HOSE LOCATIONS SHALL BE APPROVED PER FIRE DEPARTMENT.
3. THE BUILDING FLOOR SLAB IS FLAT. SEE CONCEPTUAL GRADING PLAN FOR FINISH SURFACE ELEVATIONS.
4. NOT USED.
5. WAREHOUSE INTERIOR CONCRETE WALLS ARE PAINTED WHITE. COLUMNS ARE TO BE PAINTED WITH SAFETY YELLOW FROM 12' A.F.F. TO UNDERSIDE OF ROOF STRUCTURE ALL GYP. BD WALLS IN WAREHOUSE TO RECEIVE 1 COAT OF WHITE TO COVER.
6. SLOPE POUR STRIP 1/2" TO EXTERIOR AT ALL WAREDOOR EXITS
7. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE PANEL WALL, GRIDLINE, OR FACE OF STUD U.N.O.
8. SEE CONCEPTUAL GRADING PLAN FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS
9. CONTRACTOR TO PROTECT AND KEEP TMF FLOOR SEALED CLEAN
10. ALL EXIT MAN DOORS IN WAREHOUSE TO HAVE ILLUMINATED EXIT SIGN HARDWARE (R)
11. HIGHLY FLAMMABLE AND COMBUSTIBLE MATERIAL SHALL NOT BE USED OR STORED IN THIS BUILDING.
12. EACH EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS "EXIT". THE MOUNTING HEIGHT FOR SUCH SIGNAGE SHALL BE 60" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN.
13. NON-ACCESSIBLE DOOR. PROVIDE WARNING SIGN LOCATED IN THE INTERIOR SIDE PER CBC 11338.1.5.1
14. ALL ROOF MOUNTED MATERIALS SHALL BE FULLY SCREENED FROM PUBLIC VIEW.

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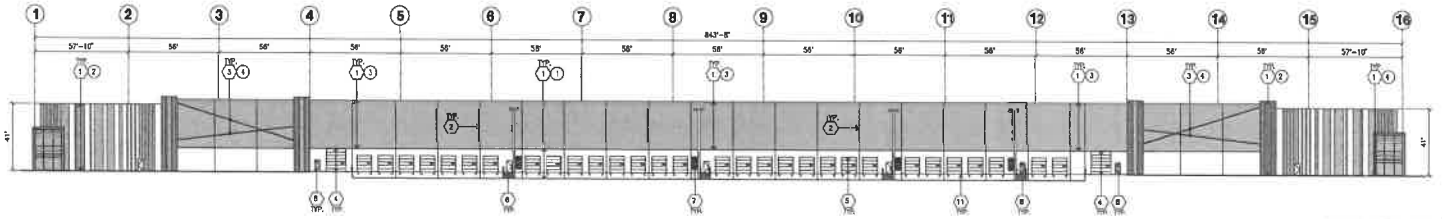
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER LANDSCAPE
FIRE PROTECTION	
SOILS ENGINEER	

Title: OVERALL FLOOR PLAN

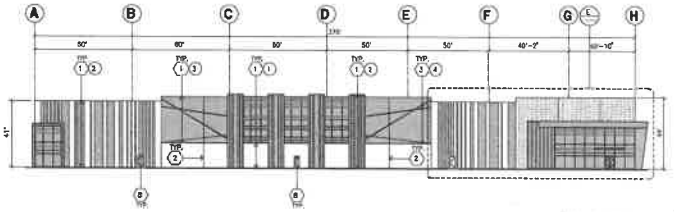
Project Number: 22240
Drawn by: DH
Date: 09/19/2022
Revision:

Sheet:

DAB-A2.1



NORTH ELEVATION (A)
scale: 1/30" = 1'-0"



WEST ELEVATION (B)
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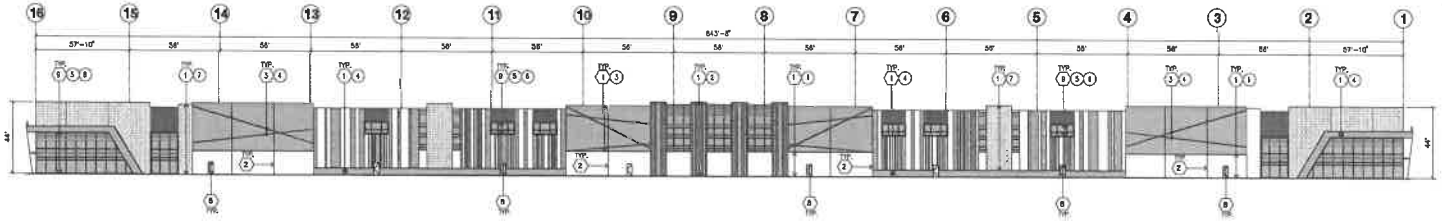
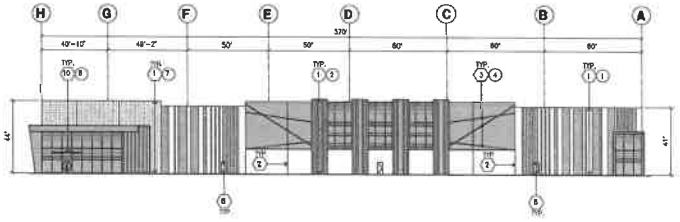
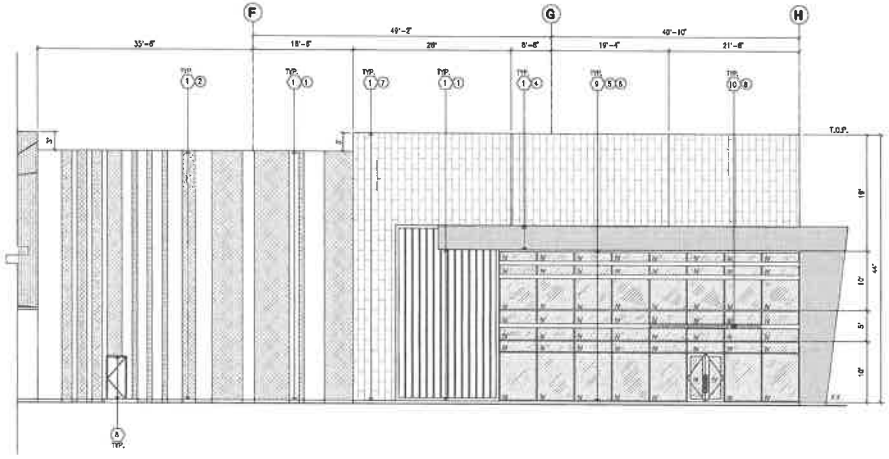


SOUTH ELEVATION (C)
scale: 1/30" = 1'-0"



EAST ELEVATION (D)
scale: 1/30" = 1'-0"



ENALRGED WEST ELEVATION (E)
scale: 1/8" = 1'-0"

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL/PAINTED.
2. PANEL JOINT.
3. PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/4" CHAMFER.
4. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR, U.N.O.
5. 12'X14' OVERHEAD DOOR @ DRIVE THRU.
6. 9'X10' OVERHEAD DOOR @ DOCK HIGH.
8. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL.
7. 4'X4' METAL LOUVER. PAINT TO MATCH BUILDING COLOR.
8. HOLLOW METAL DOORS.
9. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS.
10. METAL CANOPY.
11. DOCK BUMPER.

GLAZING LEGEND

NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED.

- INSULATED VISION GLASS
- SPANDREL GLASS WITH CONCRETE BEHIND
- SINGLE LITE VISION GLASS

IV: INSULATED VISION GLASS
1/4" VISTACOOL PACIFICA + 1/4" SOLARBAN 60 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.27 SHGC: 0.21 VLT: 39%
MINIMUM VT TO BE 0.42 PER 2019 CEC TABLE 140.3-B

SC: SPANDREL WITH CONCRETE BEHIND
1/4" VISTACOOL PACIFICA WITH WARM GRAY OPACICOAT PAINTED ON REFLECTIVE INSTALLED ON CONCRETE.

V: VISION GLASS
1/4" VISTACOOL PACIFICA

MULLIONS: ANODIZED CLEAR.

COLOR SCHEDULE - ELEVATIONS

1	CONCRETE TILT-UP PANEL	COLOR	SHERWIN WILLIAMS PAINT SW 7006 PURE WHITE 256-C1
2	CONCRETE TILT-UP PANEL	COLOR	SHERWIN WILLIAMS PAINT SW 6228 MEETY 233-C1
3	CONCRETE TILT-UP PANEL	COLOR	SHERWIN WILLIAMS PAINT SW 6142 CADET 222-C4
4	CONCRETE TILT-UP PANEL	COLOR	SHERWIN WILLIAMS PAINT SW 6002 CARNIVAL 116-C6
5	GLAZING	COLOR	BLUE REFLECTIVE GLAZING
6	MULLIONS	COLOR	CLEAR ANODIZED MULLIONS
7	CONCRETE TILT-UP PANEL	COLOR	PAINT WITH REVEALS SHERWIN WILLIAMS PAINT SW 7066 GRIZZLE GRAY 238-C6
8	CANOPY	COLOR	CANOPY TBPM

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. EL = TOP OF PARAPET ELEVATION
D. F.F. = FINISH FLOOR ELEVATION
E. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 90 MPH, EXPOSE "C" WINDLOAD CONDITION SHALL SUBMIT SHOP DRAWING PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
J. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

HPA
hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949-863-1770
fax: 949-863-0851
email: hpa@hparchs.com

Owner:

LOVETT INDUSTRIAL

860 APOLLO ST. SUITE 301
EL SEGUNDO, CA 90245
TEL. 949-296-2999

Project:

HIGHLAND PARK INDUSTRIAL DEVELOPMENT

MEINES ST. & PALM AVENUE
HIGHLAND PARK, CA

Consultants:

CIVIL	THIENES & ASSOC.
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER LANDSCAPE
FIRE PROTECTION	
SOILS ENGINEER	

Title: ELEVATION

Project Number: 22240
Drawn by: DH
Date: 09/16/2022
Revision

Sheet:
DAB-A3.1

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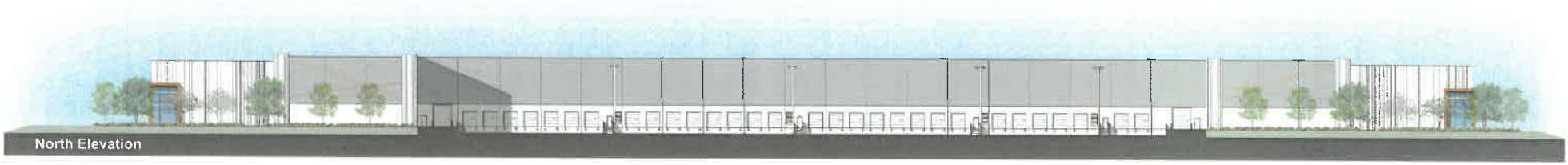


North Elevation

West Elevation

Meines Street - South Elevation

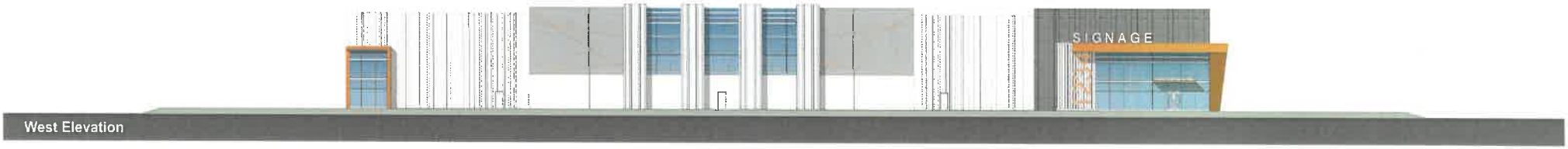
Palm Avenue - East Elevation

Conceptual Elevations - 36ft clear

HPA MEINES STREET & PALM AVENUE

Highland, CA

LOVETT INDUSTRIAL



West Elevation

South Elevation

1 SHERWIN-WILLIAMS SW7005 PURE WHITE 255-C1

2 SHERWIN-WILLIAMS SW6232 MISTY 222-C1

3 SHERWIN-WILLIAMS SW9143 CADET 222-C4

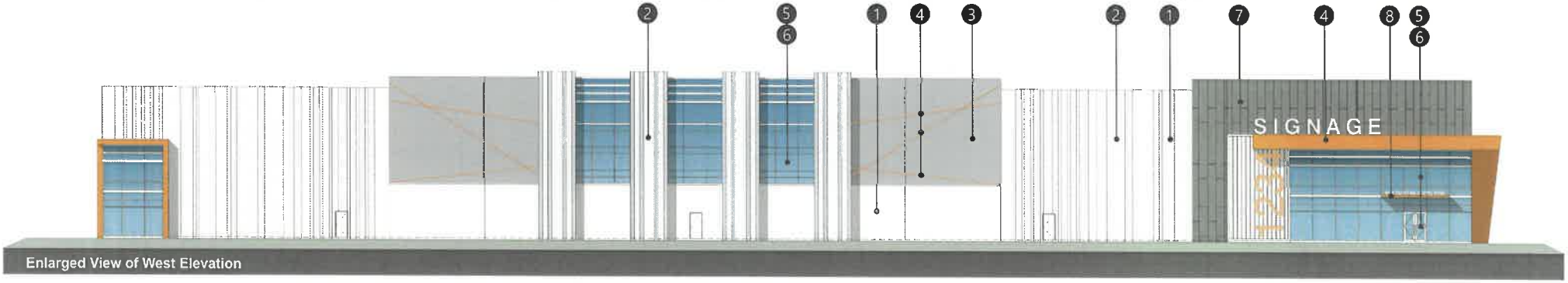
4 SHERWIN-WILLIAMS SW6892 CARNIVAL 116-C6

5 BLUE REFLECTIVE GLAZING

6 CLEAR ANODIZED MULLIONS

7 PAINT WITH REVEALS SHERWIN-WILLIAMS SW7068 GRIZZLE GRAY 236-C6

8 CANOPY W/ P4



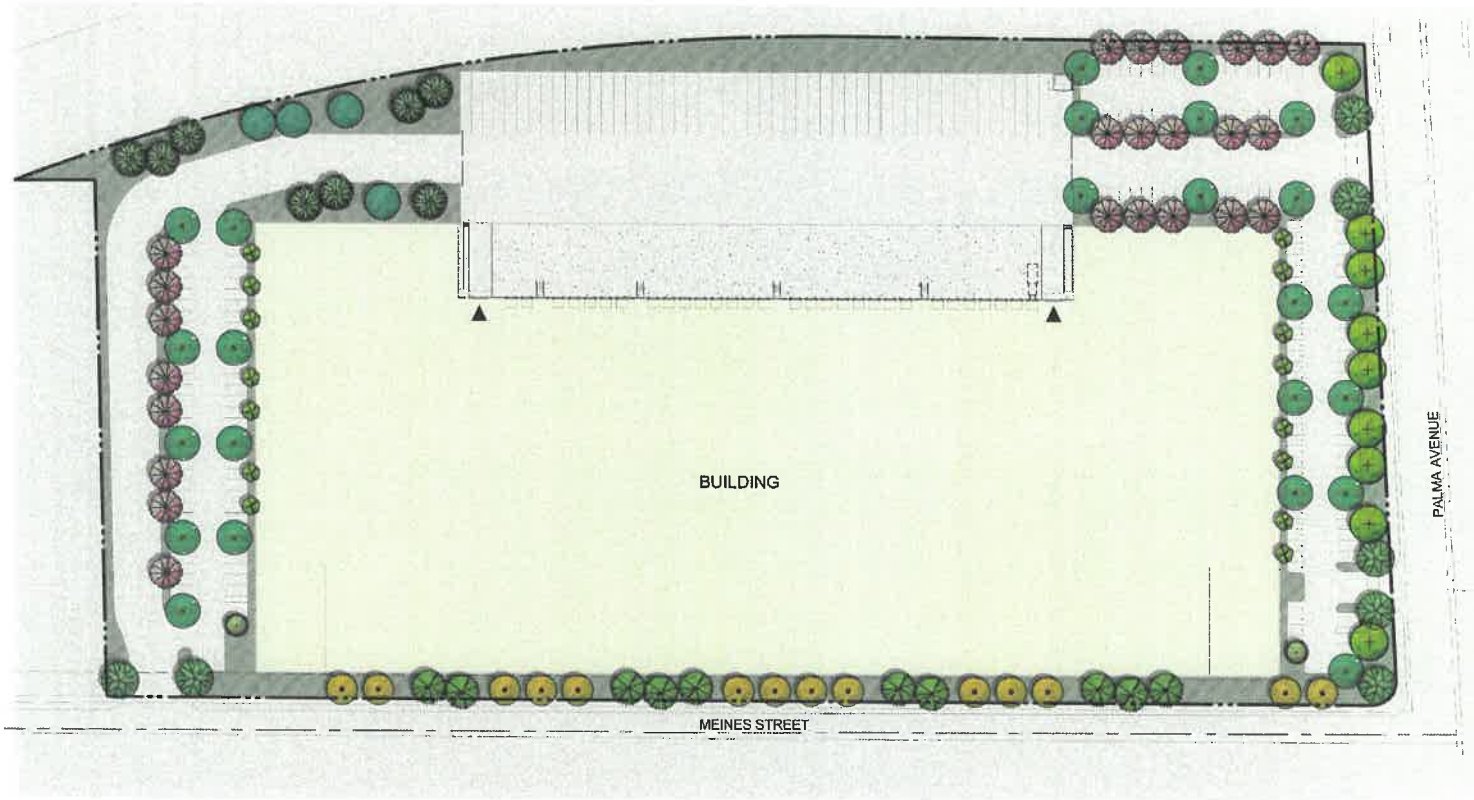
Enlarged View of West Elevation

Conceptual Elevations and Material Board - 36ft clear

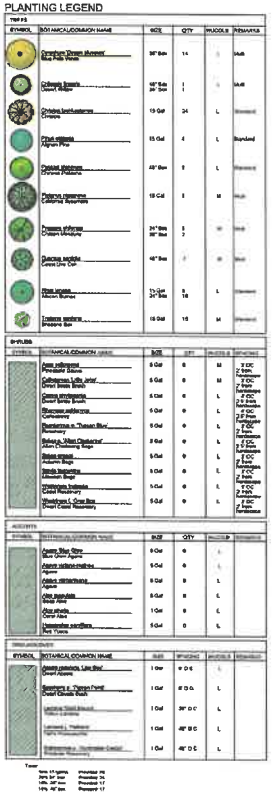
MEINES STREET & PALM AVENUE

Highland, CA

LOVETT INDUSTRIAL



PLANTING LEGEND



N

0 20' 40' 80'

SHEET 1

Meines Street & Palm Avenue

22-128
09.16.22
01.11.23

Lovett Industrial

Highland, California

HUNTER LANDSCAPE
711 FEE ANA STREET PLACENTIA, CA 92870
714.986.2400 FAX 714.986.2406

Cercidium 'Desert Museum'
Blue Palo Verde

Chilopsis linearis
Desert Willow

Chitalpa tashkentensis
Chitalpa

Pinus eldarica
Afghan Pine

Pistacia chinensis
Chinese Pistache

Platanus racemosa
California Sycamore

Prosopis chilensis
Chilean Mesquite

Quercus agrifolia
Coast Live Oak

Rhus lancea
African Sumac

Tristania conferta
Brisbane Box

Acca sellowiana
Pineapple Gauva

Callistemon 'Little John'
Dwarf Bottle Brush

Cassia phyllodenia
Dwarf Bottle Brush

Rhamnus californica
Coffeeberry

Rosmarinus o. 'Tuscan Blue'
Rosemary

Salvia c. 'Allen Chickering'
Allen Chickering Sage

SHEET 2

Meines Street & Palm Avenue

22-1128
09.16.22
01.11.23

Lovett Industrial

Highland, California

HUNTER LANDSCAPE
711 FEE ANA STREET PLACENTIA, CA 92870
714.986.2400 FAX 714.986.2408

Salvia greggii
Autumn Sage

Salvia leucantha
Mexican Sage

Westringia fruticosa
Coast Rosemary

Westringia f. 'Grey Box'
Dwarf Coast Rosemary

Agave 'Blue Glow'
Blue Glow Agave

Agave victoria-reginae
Agave

Agave villmoriniana
Agave

Aloe maculata
Soap Aloe

Aloe striata
Coral Aloe

Hesperaloe parviflora
Red Yucca

Acacia redolens 'Low Boy'
Dwarf Acacia

Baccharis p. 'Pigeon Point'
Dwarf Coyote Bush

Lantana 'Gold Mound'
Yellow Lantana

Lonicera j. 'Halliana'
Hall's Honeysuckle

Rosmarinus o. 'Huntington Carpet'
Prostrate Rosemary

SHEET 3

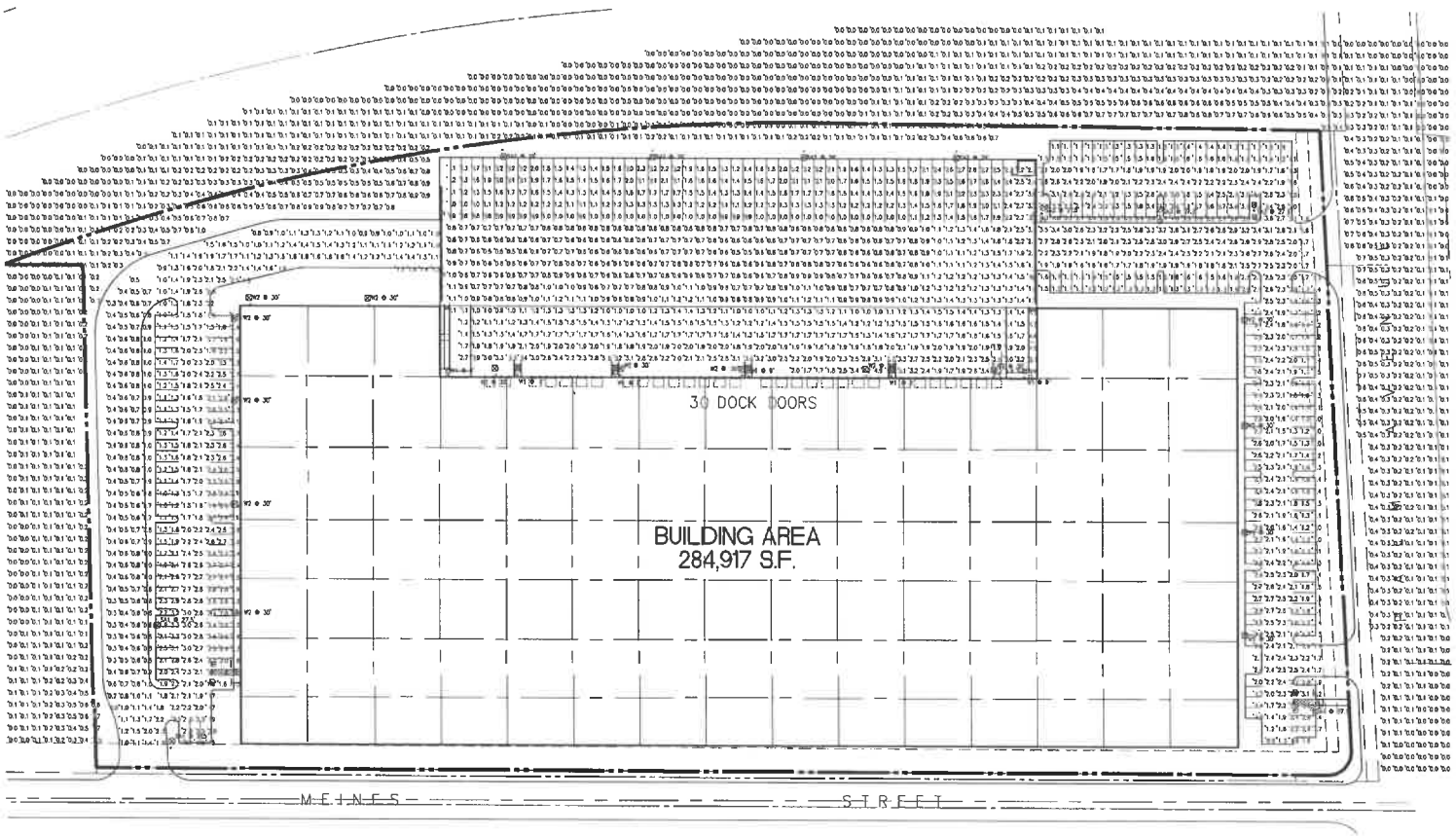
Meines Street & Palm Avenue

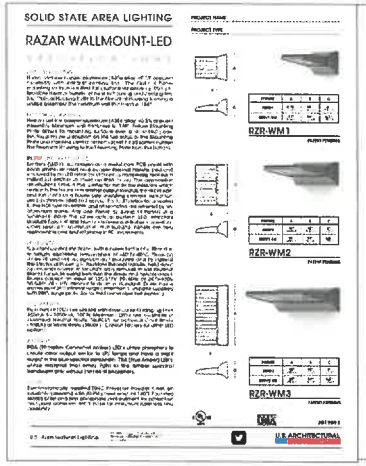
22-128
09 16 22
01 11 23

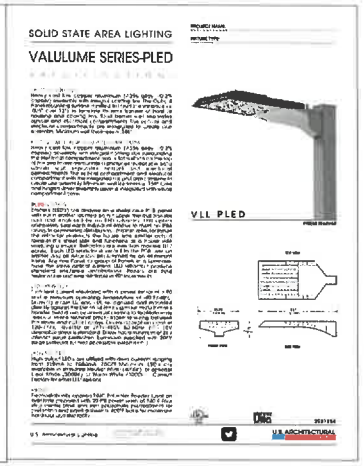
Lovett Industrial

Highland, California

HUNTER LANDSCAPE
711 FEE ANA STREET PLACENTIA, CA 92870
714.986.2400 FAX 714.986.2408







ELECTRICAL SITE PHOTOMETRIC PLAN

SCALE: 1" = 60'-0"

1

N

Schedule

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
W1	W1	6	U.S. ARCHITECTURAL LIGHTING	RZR-WM1-PLED-B-W-20LED-350mA-40K (3x1 MMS11 WALL MT @ 17 AFG MMS11 BUG RATING B1 U0 G1	CAST BLACK PAINTED PINNED METAL HOUSING.	(81) WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	20	RZR-WM1-PLED-B-W-20LED-350mA-40K.ies	151	0.9	21.4
W2	W2	15	U.S. ARCHITECTURAL LIGHTING	RLL-PLED-N-80LED-700mA-40K (MMS11 WALL MT AT 30 FT AFG BUG RATING B3 U0 G3	CAST BLACK PAINTED PINNED METAL HOUSING.	(81) WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	80	RZR-PLED-N-FT-80LED-700mA-40K.ies	269	0.9	173.6
SA1	SA1	3	U.S. ARCHITECTURAL LIGHTING	RLL-PLED-B-W-80LED-525mA-MW-MS (MMS11 POLE MT @ 27.5FT AFG BUG RATING B1 U0 G3 25 FT POLE 2.5 FT BASE	CAST BLACK PAINTED PINNED METAL HOUSING.	(81) WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	80	RLL-PLED-B-W-80LED-525mA-MW-MS.ies	197	0.9	129.4
SA2	SA2	4	U.S. ARCHITECTURAL LIGHTING	RLL-PLED-B-W-80LED-525mA-MW-MS (MMS11 POLE MT @ 20 FT AFG BUG RATING B1 U0 G3 25 FT POLE 4 FT BASE	CAST BLACK PAINTED PINNED METAL HOUSING.	(81) WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	80	RLL-PLED-B-W-80LED-525mA-MW-MS.ies	197	0.9	129.4
SA3	SA3	3	U.S. ARCHITECTURAL LIGHTING	RLL-PLED-VSQ-B-80LED-525mA-MW-MMS11 POLE MT AT 27.5 FT AFG BUG RATING B5 U0 G3 25 FT POLE 30 IN BASE	CAST BLACK PAINTED PINNED METAL HOUSING.	(81) WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	80	RLL-PLED-VSQ-B-80LED-525mA-MW.ies	232	0.9	258.8

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #2	+	1.7 fc	6.0 fc	0.5 fc	12.0:1	3.4:1
Calc Zone #3	+	2.9 fc	3.5 fc	0.8 fc	4.4:1	2.5:1
Calc Zone #4	+	0.7 fc	2.5 fc	0.3 fc	8.3:1	2.3:1
Calc Zone #1	+	0.1 fc	1.0 fc	0.0 fc	N/A	N/A

HPA
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18331 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949-863-1770
fax: 949-863-0851
email: hpa@hparchs.com

Owner:

LOVETT INDUSTRIAL

1730 HOLLY AVE. EL SEGUNDO, CA 90245
TEL: 949-296-2969

Project:

HIGHLAND PARK INDUSTRIAL DEVELOPMENT

21901 & 21923 BARTON RD.
MEINES ST. & PALM AVENUE
HIGHLAND PARK, CA

Consultants:

CIVIL — THIENES & ASSOC.
STRUCTURAL
MECHANICAL
PLUMBING
ELECTRICAL
LANDSCAPE — HUNTER LANDSCAPE
TRAFFIC
PHOTOMETRIC

Title:
SITE PHOTOMETRIC PLAN

Project Number: 22240
Drawn by: DH
Date 09/02/2022
Revision

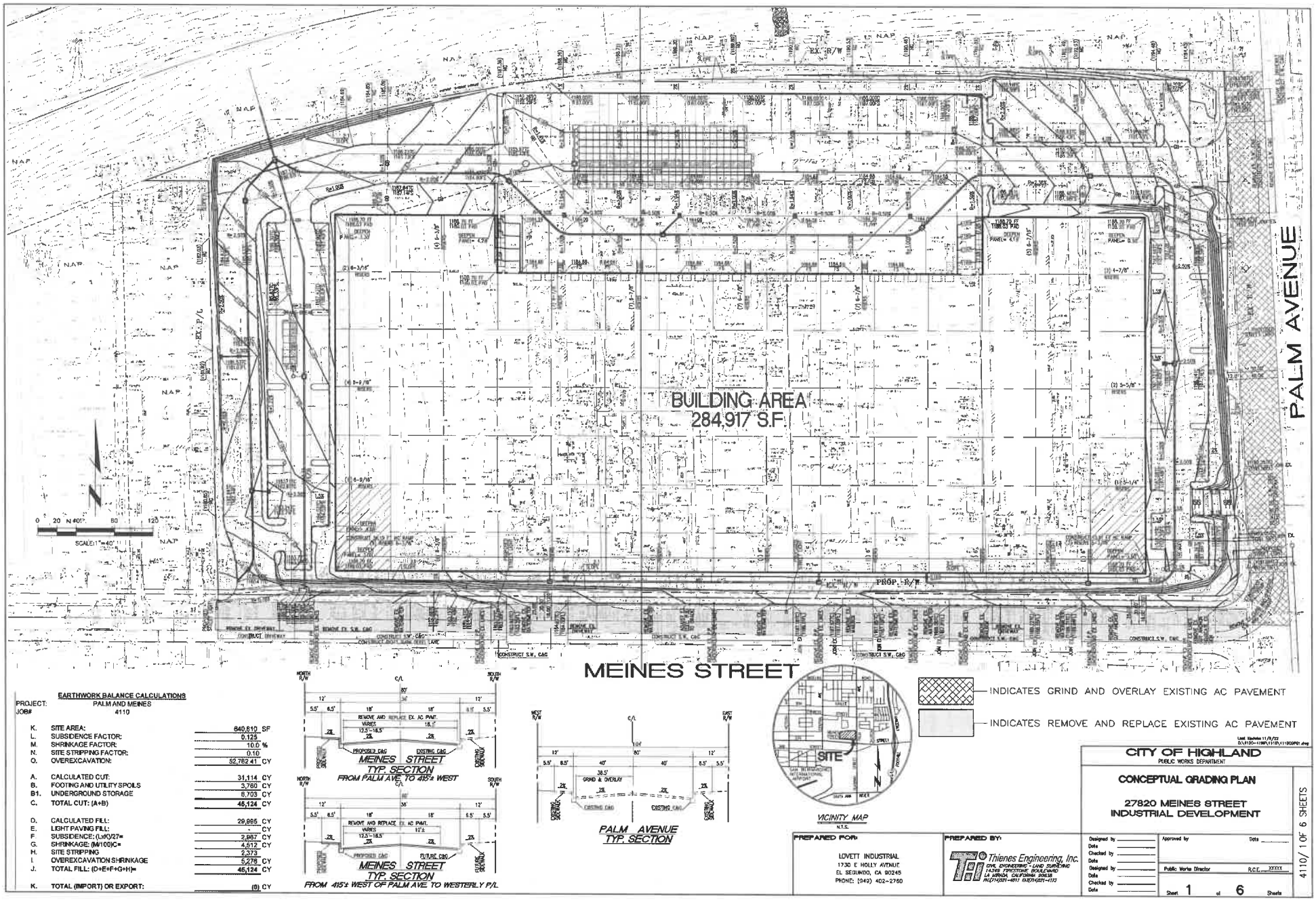
Sheet

E-2.1

RPM
Engineering, Inc.
1218 Chino Valley Ave., Ste. 101
Chino, CA 91710
Ph: 909-590-8054
Fax: 909-590-8064
Contact: David Da...
e-mail: david@rpminc.com

REGISTERED PROFESSIONAL ENGINEER
DAVID V. NGUYEN
No. 015566
Exp. 12-31-2023
ELECTRICAL
STATE OF CALIFORNIA
01/05/2023

RPM#22-xxx 01/05/2023



EARTHWORK BALANCE CALCULATIONS

PROJECT: PALM AND MEINES
JOB# 4110

K.	SITE AREA:	640,610	SF
L.	SUBSIDENCE FACTOR:	0.125	
M.	SHRINKAGE FACTOR:	10.0	%
N.	SITE STRIPPING FACTOR:	0.10	
O.	OVEREXCAVATION:	52,782.41	CY
A.	CALCULATED CUT:	31,114	CY
B.	FOOTING AND UTILITY SPOILS	3,760	CY
B1.	UNDERGROUND STORAGE	8,703	CY
C.	TOTAL CUT: (A+B)	45,124	CY
D.	CALCULATED FILL:	29,985	CY
E.	LIGHT PAVING FILL:	-	CY
F	SUBSIDENCE: (L*K)/27=	2,987	CY
G.	SHRINKAGE: (M/100)C=	4,512	CY
H.	SITE STRIPPING	2,373	CY
I.	OVEREXCAVATION SHRINKAGE	5,276	CY
J.	TOTAL FILL: (D+E+F+G+H)=	45,124	CY
K.	TOTAL (IMPORT) OR EXPORT:	(0)	CY

VICINITY MAP
N.T.S.

PREPARED FOR:
LOVETT INDUSTRIAL
1730 E HOLLY AVENUE
EL SEGUNDO, CA 90245
PHONE: (949) 402-2760

PREPARED BY:
Thienes Engineering, Inc.
CIVIL ENGINEERING · LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH:(714)521-4811 FX:(714)521-4173

CITY OF HIGHLAND
PUBLIC WORKS DEPARTMENT

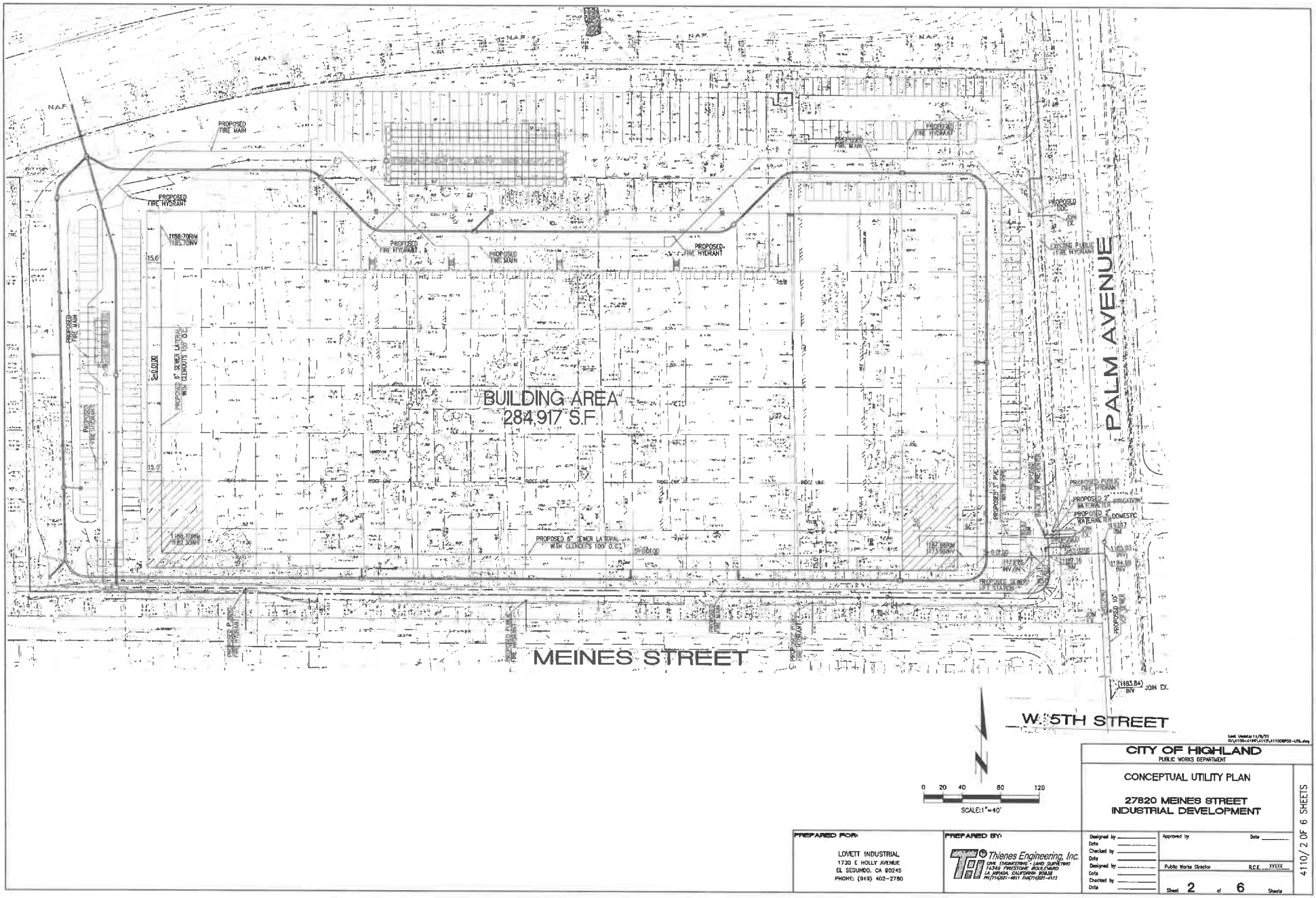
CONCEPTUAL GRADING PLAN

27820 MEINES STREET
INDUSTRIAL DEVELOPMENT

Designed by ____ Date ____
Checked by ____ Date ____
Designed by ____ Date ____
Checked by ____ Date ____
Approved by ____ Date ____
Public Works Director ____ R.C.E. 00000

Sheet 1 of 6 Sheets

4110/ 1 OF 6 SHEETS



CITY OF HIGHLAND
PUBLIC WORKS DEPARTMENT

CONCEPTUAL UTILITY PLAN

27820 MEINES STREET
INDUSTRIAL DEVELOPMENT

4110/ 2 OF 6 SHEETS

PREPARED FOR:
LOVETT INDUSTRIAL
1730 E HOLLY AVENUE
EL SEGUNDO, CA 90245
PHONE: (949) 402-2780

PREPARED BY:
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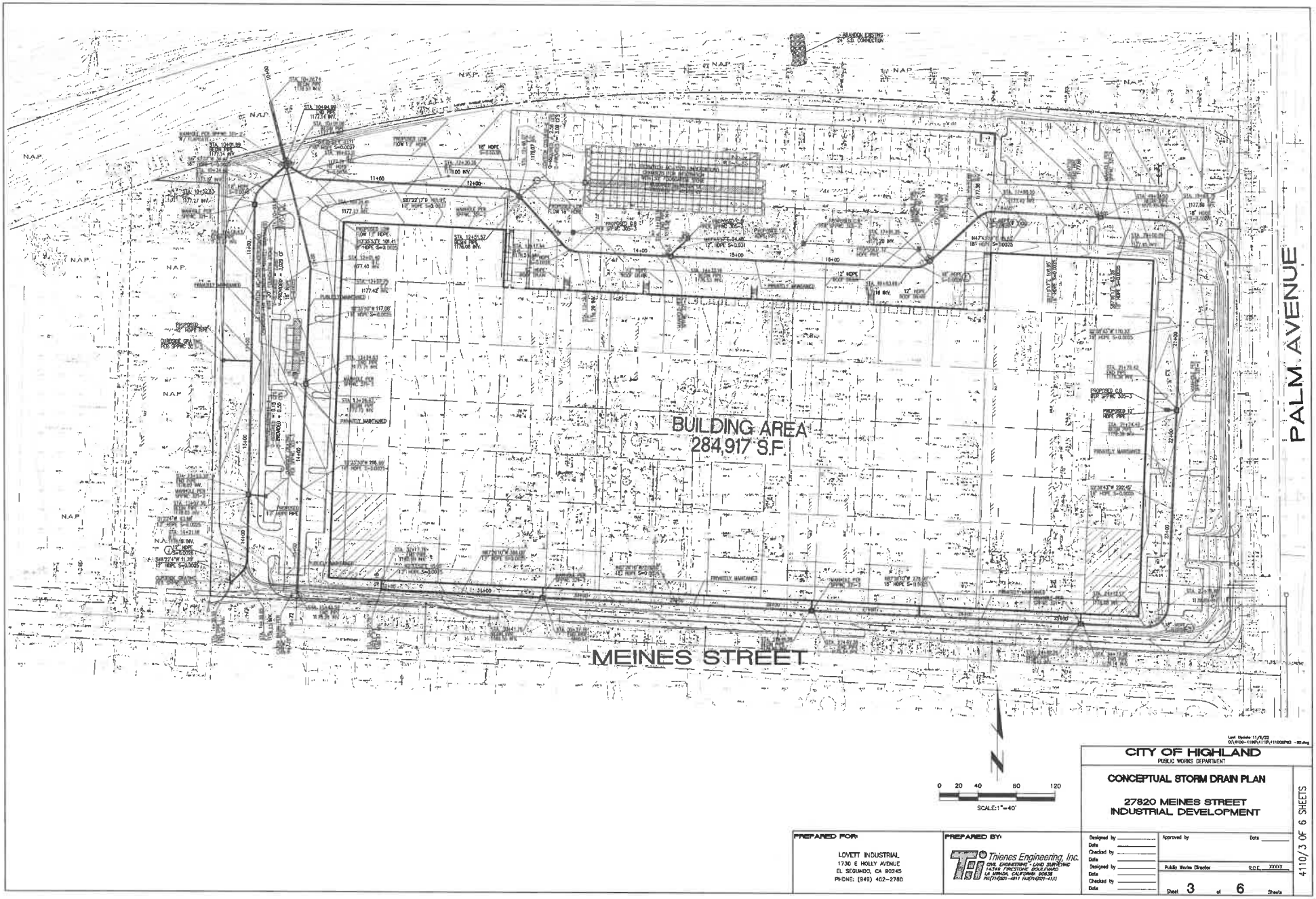
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH(714)521-4811 FAX(714)521-4173

Designed by _____ Date _____
Checked by _____ Date _____
Designed by _____ Date _____
Checked by _____ Date _____

Approved by _____ Date _____
Public Works Director R.C.E. XXXXX

Sheet 2 of 6 Sheets



CITY OF HIGHLAND
PUBLIC WORKS DEPARTMENT

CONCEPTUAL STORM DRAIN PLAN

27820 MEINES STREET
INDUSTRIAL DEVELOPMENT

4110/3 OF 6 SHEETS

PREPARED FOR:
LOVETT INDUSTRIAL
1730 E HOLLY AVENUE
EL SEGUNDO, CA 90245
PHONE: (949) 402-2780

PREPARED BY:
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(714)521-4811 FAX(714)521-4173

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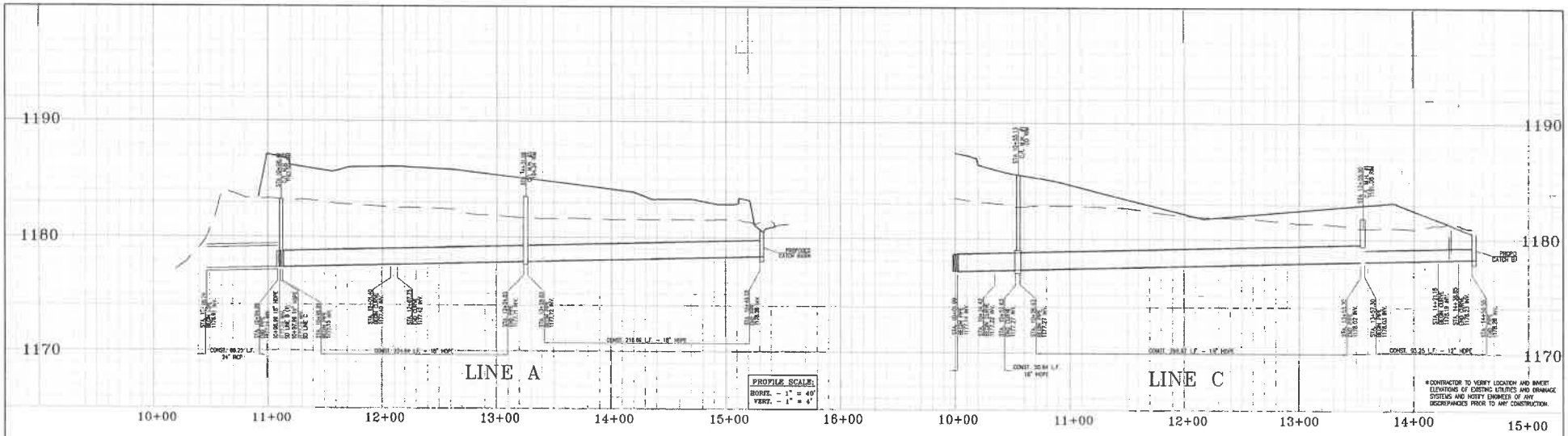
Checked by _____ Date _____
Designed by _____ Date _____
Checked by _____ Date _____

Approved by _____ Date _____
Public Works Director R.C.E. XXXXX

Sheet 3 of 6 Sheets



CITY OF HIGHLAND
PUBLIC WORKS DEPARTMENT

CONCEPTUAL STORM DRAIN PLAN

27820 MEINES STREET
INDUSTRIAL DEVELOPMENT

PREPARED FOR:
LOVETT INDUSTRIAL
1730 E HOLLY AVENUE
EL SEGUNDO, CA 90245
PHONE: (949) 402-2760

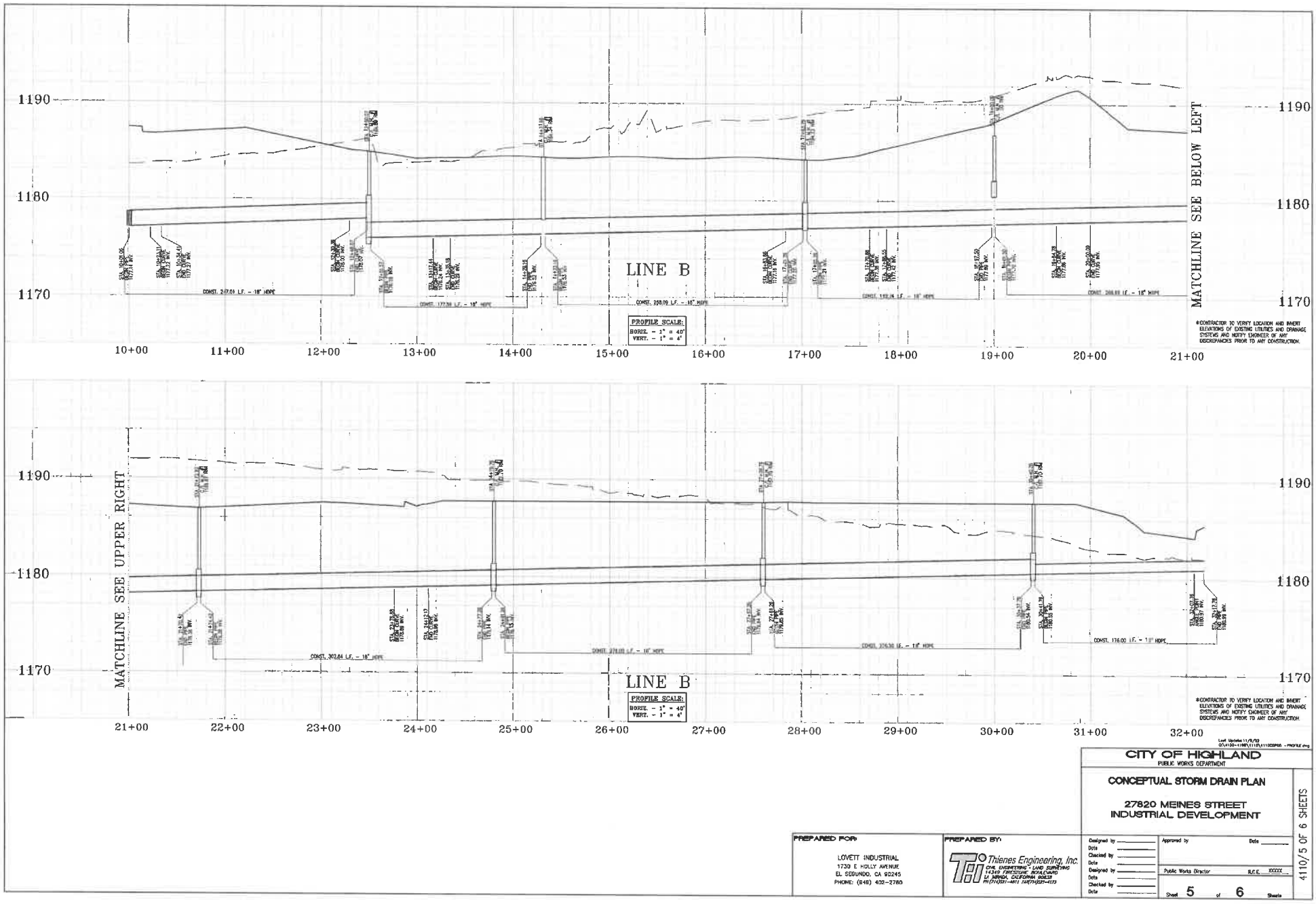
PREPARED BY:
Thienes Engineering, Inc.
CIVIL ENGINEERING · LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH:(714)521-4811 FAX:(714)521-4173

Designed by _____ Date _____
Checked by _____ Date _____
Designed by _____ Date _____
Checked by _____ Date _____

Approved by _____ Date _____
Public Works Director R.C.E. XXXXX

Sheet 4 of 6 Sheets

4110/4 OF 6 SHEETS



CITY OF HIGHLAND
PUBLIC WORKS DEPARTMENT

CONCEPTUAL STORM DRAIN PLAN

27820 MEINES STREET
INDUSTRIAL DEVELOPMENT

PREPARED FOR:
LOVETT INDUSTRIAL
1720 E. HOLLY AVENUE
EL SEGUNDO, CA 90245
PHONE: (848) 402-2780

PREPARED BY:
Thienes Engineering, Inc.
CIVIL ENGINEERING / LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH (714)521-4811 FAX (714)521-4173

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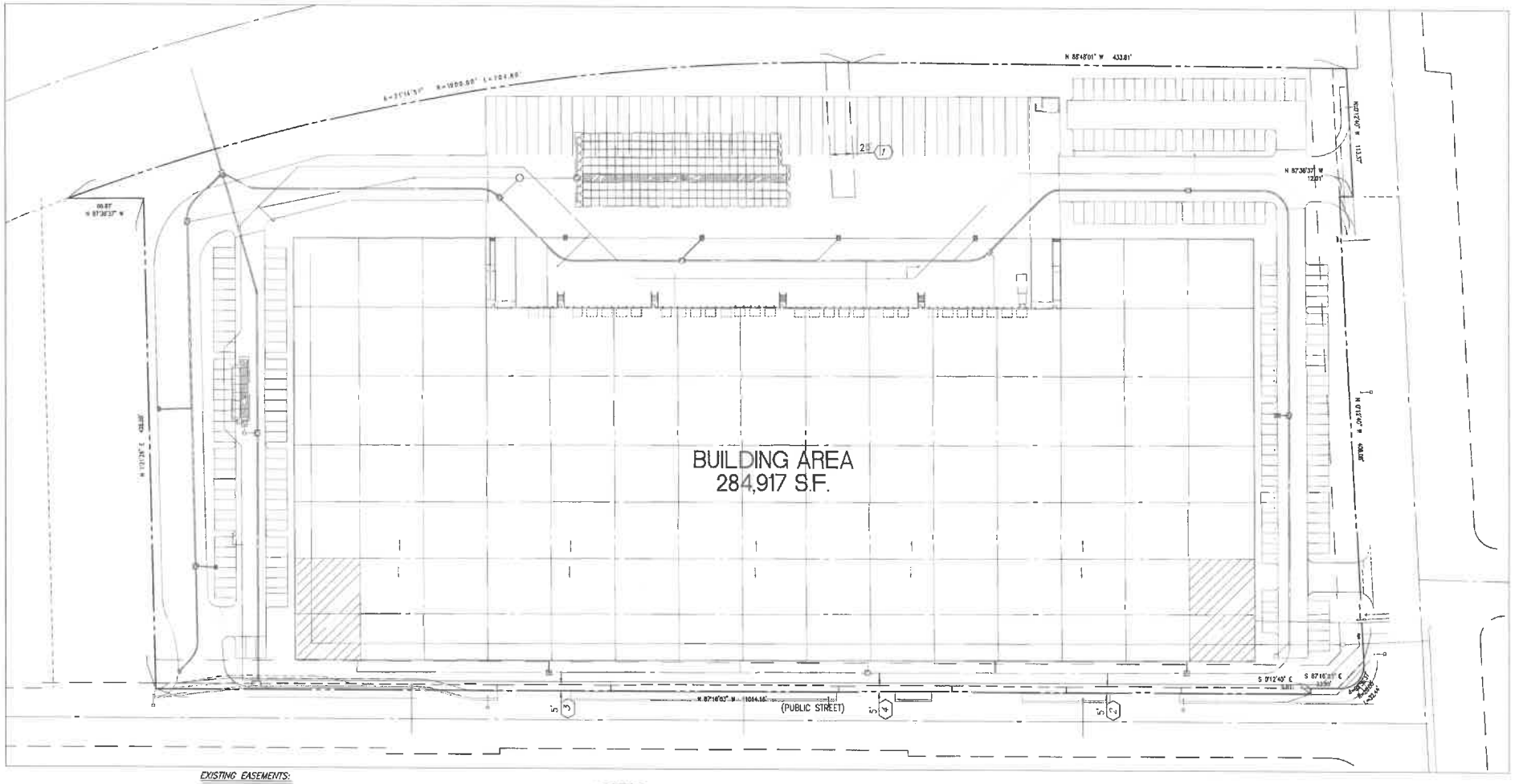
Checked by _____ Date _____
Approved by _____ Date _____
Public Works Director R.C.E. XXXXX

Sheet 5 of 6 Sheets

4110/5 OF 6 SHEETS



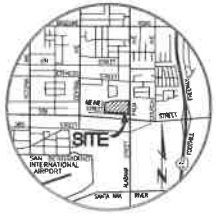
EXISTING EASEMENTS:

(1) AN EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS BOOK 2278, PAGE 571 OF OFFICIAL RECORDS
(AFFECTS PARCEL EIGHT)
(AFFECTS TRS PARCEL EIGHT)

(2) AN EASEMENT FOR ROAD AND INCIDENTAL PURPOSES, RECORDED APRIL 4, 1963 AS BOOK 7209, PAGE 165 OF OFFICIAL RECORDS
IN FAVOR OF COUNTY OF SAN BERNARDINO
AFFECTS PARCEL FOUR, AS DESCRIBED THEREIN

(3) AN EASEMENT FOR ROAD AND HIGHWAY AND INCIDENTAL PURPOSES, RECORDED DECEMBER 9, 1994 AS INSTRUMENT NO 488386 OF OFFICIAL RECORDS.
IN FAVOR OF CITY OF HIGHLAND
AFFECTS: PARCEL ONE, AS DESCRIBED THEREIN
(AFFECTS TR3 PARCEL ONE)

(4) EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: COUNTY OF SAN BERNARDINO, A BODY CORPORATE AND POLITIC OF THE STATE OF CALIFORNIA PURPOSE: HIGHWAY AND ROAD PURPOSES
RECORDING DATE: FEBRUARY 12, 1981 RECORDING NO. 81-043811 OF OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT.
(AFFECTS PORTIONS OF TR1, TR2, AND TR4.)



VICINITY MAP
N.T.S.

0 20 40 80 120
SCALE: 1" = 40'

Last Updated 11/9/22
D:\4100-4199\4110\4110CDP08-Cbdf.dwg

CITY OF HIGHLAND
PUBLIC WORKS DEPARTMENT

EASEMENT EXHIBIT

27820 MEINES STREET
INDUSTRIAL DEVELOPMENT

PREPARED FOR:	PREPARED BY:
LOVETT INDUSTRIAL 1730 E HOLLY AVENUE EL SEGUNDO, CA 90245 PHONE: (949) 402-2780	Thienes Engineering, Inc. CIVIL ENGINEERING • LAND SURVEYING 14349 FIRESTONE BOULEVARD LA MIRADA, CALIFORNIA 90638 PH:(714)521-4811 FAX:(714)521-4173

Designed by _____ Date _____
Checked by _____ Date _____
Designed by _____ Date _____
Checked by _____ Date _____

Approved by _____ Date _____
Public Works Director R.C.E. XXXXX

Sheet 6 of 6 Sheets

4110/6 OF 6 SHEETS

Exhibit D:

Planning Commission Resolution No. 2023-026

Approving DRA 22-022

RESOLUTION NO. 2023-026

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING DESIGN REVIEW APPLICATION (DRA 22-022) FOR THE SITE PLAN, BUILDING ELEVATIONS, ROUGH GRADING PLAN AND CONCEPTUAL LANDSCAPE PLAN PERTINING TO THE DEVELOPMENT OF A 284,917 SQUARE FOOT WAREHOUSE LOCATED ON A 12.8 ACRE SITE AT THE NORTHWEST CORNER OF PALM AVENUE AND MEINES STREET. RELATED ENTITLEMENTS INCLUDE TENTATIVE PARCEL MAP NO. 20680 (TPM 22-011) AND MITIGATED NEGATIVE DECLARATION (ENV 23-004).

ASSESSOR'S PARCEL NUMBER(S): 1192-621-02 to 08, 1192-621-20 to 23, 1192-601-05, 09, & 43

APPLICANT: LOVETT INDUSTRIAL

A. RECITALS

1. On December 1, 2022, the Applicant submitted Design Review Application (DRA 22-022) for the construction of a 284,917 square foot industrial warehouse and associated improvements including loading docks, trailer parking, passenger vehicle parking, a stormwater infiltration basin, and landscape area. The Application includes a Site Plan, Building Elevations, Rough Grading Plan, and Conceptual Landscape Plan. Related entitlements include Tentative Parcel Map No. 20680 (TPM 22-011) to combine fourteen (14) parcels into one (1) and Mitigated Negative Declaration (ENV 23-004).

2. The site is located on an approximately 12.8 acre site at the northwest corner of Palm Avenue and Meines Street within the City's Industrial (I) Zoning and General Plan Land Use Designations;

3. Pursuant to the provision of the California Environmental Quality Act (CEQA) and State and Local CEQA Guidelines, the City of Highland is the Lead Agency, and is charged with the responsibility of deciding whether to approve the proposed project. An Initial Study and Mitigated Negative Declaration were prepared and circulated in accordance with state and local law to be considered by the Planning Commission at the June 20, 2023 public hearing.

4. On June 20, 2023, the Planning Commission of the City of Highland, conducted a Public Hearing on the subject Project and concluded the Hearing on that date.

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. Pursuant the California Code of Regulations, the City of Highland Planning Commission hereby finds that a Mitigated Negative Declaration prepared for the project has been completed in compliance with the California Environmental Quality Act (CEQA) and that the Planning Commission has reviewed and considered the information contained in the staff report, and the comments received during the public review process, prior to approving the project.

3. Based upon substantial evidence presented to the Planning Commission during the June 20, 2023 Public Hearing, including public testimony and written and oral Staff Reports, the Planning Commission finds as follows:

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

4. Findings of Fact for Design Review Application (DRA 22-022):

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

      Response: The General Plan designation for the site is Industrial (I), which envisions "light industrial, research and development, and office uses for firms seeking an attractive and pleasant working environment and an advantageous location with proximity to the San Bernardino International Airport and freeway access". "Appropriate uses include those which can be made compatible with other uses within Highland in terms of generation of noise, dust, odors, vibration, glare, air pollutant emissions, traffic generation and transportation, storage use and the creation of hazardous materials" (Chapter 2 Land Use Element). The proposal for a 284,917 square foot warehouse is well within the description of allowable uses.

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

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

Response: The project would be developed in compliance with the Highland Municipal Code standards related to warehousing in the Industrial (I) District. Per Municipal Code Section 16.24.040 Employment District Development Standards, the maximum lot coverage in the Industrial (I) zone is 60%. The project has proposed a lot coverage of 51.3%. It satisfies the minimum lot size, with regard to lot width and depth, as well as required building setbacks and landscape coverage. Additionally, it satisfies general development standards related to circulation and lighting.

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

Response: The Highland General Plan describes specific criteria related to this location in the Land Use and the Community Design Elements. Goal 10.2 seeks to create attractive and visually unified major arterial corridor with specialized streetscape and landscape improvements. Goal 10.8 seeks to ensure that development is professional and attractive in appearance through coordinated site planning, signage and architectural design. As conditioned by the City's Landscape Architect, the project must exhibit specialized landscaping at entrances.

The design satisfies the intent of Policy 10.8.1 which encourages "contemporary, clean and distinctive buildings with clearly visible entrances" and Policy 10.8.3 to "avoid long, blank building walls by incorporating vertical and/or horizontal façade articulation and modulation and varying use of color, materials and landscaping." It consolidates smaller lots into larger parcels to create a more functional use. Service areas are screened from public view with 8-foot tall block walls and 3-foot tall landscape berms and utilities will be undergrounded. The 20-foot setbacks along the Palm Avenue and Meines Street frontages and the interior parking lot planters will be fully landscaped as well.

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

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

5. Based on the Findings and Conclusions set forth above, the Planning Commission approves Design Review Application (DRA 22-022). All improvements will be completed subject to the Conditions of Approval attached hereto and incorporated by reference.

C. ADOPTION OF RESOLUTION.

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

PASSED, **APPROVED,** AND **ADOPTED** this 20th day of June, 2023.

ATTEST:

Randall Hamerly, Chair
Planning Commission

Lawrence A. Mainez
Community Development Director

Exhibit 1:

Conditions of Approval (DRA 22-022)

PLANNING DIVISION CONDITIONS OF APPROVAL

Date:	June 20, 2023
Applicant:	Lovett Industrial
File/Index:	Design Review Application (DRA 22-022)
Proposal:	The development and operation of a 284,917 square foot warehouse/logistics and associated improvements.
Location:	A 12.8 acre site at the northwest corner of Palm Avenue and Meines Street.
	Assessor's Parcel Number(s): 1192-621-02 to 08, 1192-621-20 to 23, 1192-601-05, 09, & 43
Related Entitlements:	Tentative Parcel Map No. 20680 (TPM 22-011) & Mitigated Negative Declaration (ENV 23-004)

PLANNING CONDITIONS OF APPROVAL

Note: These conditions represent Planning Division conditions only and are meant to be only one part of the Project's overall conditions that may include Building and Safety, Engineering, and the Fire Department 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 or all Conditions at any time, shall result in initiating revocation of the subject permit.

1. Design Review Application (DRA 22-022) shall become null and void:

    a. Unless all conditions have been complied with and the occupancy or use of the land or structures authorized by this design review application, and have occurred within thirty-six (36) months from the approval date this design review application shall expire and be null and void without further action by the City of Highland.

    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 for a period of time not to exceed an additional thirty-six (36) months. An application for an extension of time must be set forth in writing, stating the reasons for the extension, and must be filed with the community development department no less than 30 calendar days nor more than 90 calendar days prior to the expiration date of the permit or approval. Such application shall be filed together with the City's processing fee, as established by the City Council.

NOTE: All required on-site and off-site improvements shall be completed and approved prior to final inspection for occupancy.

2. The proposed Design Review entitlement includes approval of a Site Plan, Building Elevations, Rough Grading Plan and Conceptual Landscape Plan for the construction and operation of an approximately 284,917 square foot warehouse/ logistics and associated improvements including loading docks, tractor-trailer stalls, passenger vehicle parking, a stormwater detention/infiltration basin, landscaping and off-site improvements as illustrated in project plans.

    a. The approved site plan, building elevations, rough grading plan, conceptual landscape plan, color and material samples are on file with the Planning Division and included herein by reference.

    b. Three complete sets of plans reflecting these conditions of approval and any Planning Commission directives shall be submitted to the planning Department within two weeks of this project's approval.

3. The operator 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.

4. In compliance with the Highland Municipal Code, the Applicant/Owner shall agree, at his/her sole cost and expense, to defend, indemnify, and hold harmless, the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Commission, or other decision-making body, including staff, concerning this project. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the Applicant/Owner of his/her obligations under this condition.

5. 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.

6. 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.

7. Pursuant to provisions of California Public Resources Code Section 21089 (b), this Application shall not be operative, vested or final, nor will building permits be issued or a map recorded, until: (1) the Notice of Determination (NOD) regarding the associated environmental action is filed and posted with the Clerk of the Board of Supervisors of the County of San Bernardino, and; (2) any and all required filing fees assessed pursuant to California Fish and Game Code Section 711.4, together with any required handling charges, are paid to the Clerk of the Board of Supervisors of the County of San Bernardino.

    a. The Applicant shall provide the Planning Division with a check for the appropriate fee, made payable to the Clerk of the Board of Supervisors, no later than 24 hours after receiving approval of the project. The City will file the NOD and fee payment with the County/State and will provide the Applicant with a copy of the receipt and filed NOD.

8. Development Impact Fees shall be paid in accordance with City policy.

9. A copy of the utility plan shall be submitted with or prior to the submittal of a grading plan to the Community Development Director and City Engineer for review and approval. The utility plan shall show the location of all proposed above ground electrical transformers, utility cabinets, back flow devices, detector check valves, etc. both on site and in the public right-of-way.

10. Prior to issuance of a certificate of occupancy by the City, all on and off-site landscaping, irrigation or other improvements shown on the approved landscaping and irrigation plans, including any walls and fences, shall be installed.

11. The project site has been reviewed and approved for warehouse use. Any change of use of this project site, the occupancy, or tenant change in the building, or portion thereof, may require a revised plot plan be submitted to the City for review and approval, which identifies location of use, letter of intent and parking requirements. Outdoor storage of materials is prohibited.

12. All permanent parking areas shall be paved and permanently maintained with asphalt or concrete and designated with clearly painted lines. The number of parking spaces, including disabled parking, shall comply with the approved Site Plan.

13. The Applicant / Developer shall install a bicycle rack on-site near the building. The bike racks shall be located in areas where they will not impede the flow of pedestrian traffic.

14. 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.

15. All rooftop mounted mechanical equipment, with the exception of solar panels, 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, but not to exceed an overall height of fifty (50) feet.

16. A photometric plan shall be provided to the Planning Department for review and approval prior to issuance of a grading plan in compliance with Municipal Code Sections 16.40.160 *Lighting* and 16.48.080 *Light and glare*.

    a) The amount of illumination projected onto a residentially zoned property or use should not exceed 0.1 foot-candle at the property line. Illumination should not exceed 0.5 foot-candles measured at the property line adjacent to non-residential properties.

    b) Lights shall be shielded and directed away from surrounding properties and right-of-way.

    c) Parking lot light standards shall not exceed twenty-five (25) feet in height measured from grade.

    d) Parking lot light standards shall be located at a distance from parking lot trees, so the trees do not interfere with the lighting pattern or the light fixture. Lighting standards shall be shown on the landscape plans and appropriately positions so as not to displace the intended location of trees in parking lot planters.

17. The Developer shall comply with all applicable Conditions of Approval and the Mitigation Monitoring and Reporting Plan related to the associated entitlements; Tentative Parcel Map No. 20680 (TPM 22-011).

Landscaping

18. Applicant shall provide additional features such as trellis, mounding, or low walls including plant massing shall be used to visually reduce or break up building mass. Trees shall be chosen and located in a manner to break up and shield large expanses, reduce solar heat gain, scale appropriately the total height of the building and highlight or direct users to entries or use areas.

19. Applicant shall include image boards with color images of the suggested plant material for a visual reference of characteristics such as color, form, and flowering properties.

20. All shrubs shall be a minimum of 5 gallon with listed "accents" having a mix of 15 gallon specimens and 5 gallon specimens in a percentage of 30% -15 gallon and 70% - 5 gallon.

21. All trees shall be a minimum of 24" box size with the following percentages of the box sizes being utilized: 50% 24" box, 30% 36" box, and 20% 48" box. Larger specimen trees shall be used as focal points and accents were applicable.

22. Northern property boundary will need additional screening from the residential neighborhoods to the northwest, currently no screening is called out per the Landscape plans for much of the rear portion of the building including a large service area that will mostly be active truck staging/ loading unloading.

23. Applicant shall include vines and espalier plant material in areas against walls for additional texture in addition to shrub planting where screening is required..

24. Applicant shall add street tree/sidewalk shading trees along Palm Avenue and Meines Street. Applicant shall coordinate with the City's Planning Division and City Landscape Architect for selected species based on previous approved local developments for consistency.

25. Provide concrete headers where frontage landscape meets adjacent neighboring parcels (property line) to protect the integrity of the proposed planting, and to define the limits of maintenance responsibility.

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

DATE : December 22, 2022

APPLICANT : Lovett Industrial

APN : 1192-621-02 - 08, 1192-621-20 - 23, 1192-621-05, 09, &43

SITE LOCATION: NWC of Palm Avenue and Meines Street

FILE / INDEX No.: DRA 22-022, TPM 22-011

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.

Note: The City of Highland has 2 areas within the '**FIRE SAFETY OVERLAY DISTRICT**' designated as **FR-1** and **FR-2**. Both areas may border or overlap areas identified by the State/CalFire as '**High Fire Severity Zone**' or '**Very High Fire Severity Zone**'. See **HMC** for construction requirements.

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. **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.

6. Exit signs shall be internally or externally illuminated by two lamps or shall be of the self-luminous type. **CFC; CBC**

7. **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.

8. **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.

9. **HF48:** A class "A" roof covering structure with "bird stops" shall be installed.

ACCESS:

10. **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**

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

16. **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**

17. **HF19:** **Manually** operated gates across fire department access roadways, public and/or private streets and driveways, shall be equipped with approved emergency key-operated **"KNOX"** padlock or box containing key to open the private lock. For **automatic** gates, a "KNOX" emergency access switch, shall be installed, at location determined by fire department, and shall over-ride all command functions and open gate automatically upon activation. All automatic gates shall have a manual over-ride for use during loss of electric power. "KNOX BOX" request form

is available from the fire marshal or may be ordered directly from www.knoxbox.com (specify City of Highland, CA) **CFC – Appendix D Note: The city of Highland also requires an electronic "H" key system (Ord. #320) for multi-family, gated communities or secured storage facilities. HMC**

18. **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**

19. **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**

20. **HF61:** Aerial fire apparatus access roads. **Where required**: buildings or facilities **exceeding 30-feet** in height above the lowest level of fire dept. Vehicle access shall be provided access roads capable of accommodating aerial apparatus. **Width:** aerial apparatus access roads shall provide a minimum unobstructed width of **26-feet** in the immediate vicinity of any building exceeding 30-feet in height. **Proximity to buildings:** aerial apparatus access roads shall be located a minimum of 15-feet to a maximum of 30-feet from the building, and shall be positioned parallel to one entire side of the structure, as approved by the fire code official. **CFC APPENDIX D**

WATER:

21. **HF25:** Minimum required fire flow, as determined by California Fire Code Appendix 'B'.
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.

22. **HF29:** Fire hydrant spacing shall be:
Commercial retail: 300 FEET
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.

23. **HF26:** Three 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**

24. **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**

25. **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**

26. **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**

27. **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 150 feet from a fire hydrant on a public street, as measured by an approved route around the exterior of the facility or building, additional fire hydrants or on-site fire hydrants, meeting the required fire flow, shall be provided. **CFC APPENDIX B AND C**

ADDRESSING – IDENTIFICATION:

28. **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:

29. **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**

30. **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**

31. **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**

32. **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**

33. **HF44:** Dependent on use and occupancy, an automatic smoke removal system shall be installed. The system shall comply with CFC and CBC requirements. 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. This system may be mitigated as allowed by the California Fire and Building codes. Please indicate type and code section of the applicable mitigation employed in this application on your plans. **CFC; CBC**

34. **HF45:** Dependent on use and occupancy, an automatic smoke ventilation system – fusible link type, shall be installed. Roof vent, venting ratios and draft curtains shall be provided. 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. This system may be mitigated as allowed by the California Fire and Building codes. Please indicate type and code section of the applicable mitigation employed in this application on your plans **CFC; CBC**

35. **HF59:** Commercial and industrial buildings, in excess of 20,000 square feet, and with an interior area more than 150 feet from exterior exit, shall be equipped with a class I standpipe system. Standpipe connections shall be configured to reach any portion of interior space within 150 feet in any direction of travel. This system shall be calculated to provide 500 GPM from an adjacent automatic fire sprinkler riser at 100-psi nozzle pressure for two hand lines flowing.

36. **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.

37. **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.

38. **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.

39. **HF63**: Submit to fire marshal's office: **one copy** of building and/or structure plans for fire department review.

40. **HF64:** Spray booths, spray finishing operations shall comply with requirements of California Fire Code

41. **Note:** Fire sprinkler design requirements for Spec warehouse buildings will change depending on type of occupancy, storage heights and/or commodities that are being used or handled.

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

Building and Safety Division Conditions of Approval

Date:	December 22, 2022
Project:	284,917 sq/ft warehouse building
Applicant:	Lovette Industrial
Site Location:	Northwest corner of Palm Ave and Meines St.
Project Numbers:	**DRA:** 22-022, **TPM** 22-0011
APN(s):	1192-621-02 to 08, 1192-621-20 to 23, 1192-601-05, 09, and 43

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:
   To be included in Architectural plan set at plan submittal
   (3) Structural Plans
   (2) Structural Calculations
   (3) Plot/Site Plans
   (3) Electrical Plans
   (3) Electrical Load Calculations
   (3) Exiting Plans
   (3) Plumbing Plans/Isometrics
   (3) Mechanical Plans
   (3) HVAC Duct Layout Plans
   (2) Roof and Floor Truss Plans
   (2) Title 24 Energy Calculations
   (2) Soils Report
   (3) Precise Grading Plans
   * Grading, Photometric, or Landscape Plans:
   Please mark "FOR REFERENCE ONLY"
   (3) Site Disabled Access Plan
   (3) Temporary Fence Plan
   (1) Approved Health Department Plans (as applicable)
   (1) Fire Flow Test - with hydrant location dimensioned on the site plan
   (2) Energy Commissioning Plan

2. All structures shall be designed in accordance with the current version of the California Building Codes (2019), including the California Green Building

Standards Code. Design all structures to Risk Category II at exposure "C" (ASCE7-16), and Energy Climate Zone 10. If the project plans are submitted after January 1, 2023, the project and plans will need to be designed to the 2022 California Building Code of Regulations.

3. All onsite utilities are to be underground. As approved by the Planning Division, utility cabinets and transformers are exempt.

4. Construction projects requiring fire permits must apply and submit fire plans prior to the issuance of the building permit, including fire sprinkler submittals.

5. Building and Safety does not release all meters until final approvals are obtained from all agencies and departments. Policy 295.

6. It has come to the City's attention that premature failures have occurred in copper piping when used within the City of Highland, particularly east of City Creek. Property Owners, Contractors and Developers are advised to analyze soil and water compositions when considering the type of pipe material to be utilized. City staff makes no recommendations on which Plumbing Code approved products or methods to be utilize, this is the responsibility of the property owner or contractor. Alternate unapproved code materials may be submitted for City approval at the time of plan submittal via an alternate material and methods application.

7. The Developer/Owner is responsible for the coordination of releasing any Deferral of Development Impact Fees or Bonds after such fees have been paid. The Developer/Owner should be aware, once the deferral notice is sent to the San Bernardino County Recorder's Office; the release process takes two to three weeks. This process will delay final Certificates of Occupancy.

8. The Developer/Owner is responsible for the coordination of the final occupancy. The Developer/Owner shall request clearances from each department and/or agency at least two weeks prior to requesting a final building inspection from Building and Safety. Each agency shall sign the back of the Building and Safety Job Card, or provide agency approved signed documentation, and provide a copy of the signatures to Building and Safety at the time the final inspection is requested.

9. Building and Safety inspection requests must be made by 4:00 pm. on the previous City working day to receive a next business day inspection. Please contact (909) 864-2136, Ext 228.

10. 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.

11. 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.

12. 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 occupancy, the trash receipts shall be forwarded to the City Public Services division.

13. 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.

14. 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. Fire flow tests shall be obtained by East Valley Water District.

15. The building is to be connected to the public sewer system, when provided. When the public system is not available, an onsite septic system is to be installed. Please provide Building Staff with a will-not/sewer not available letter from EVWD and an approved septic system design from the Santa ana Regional Water Quality Control Board (please contact Susan Beeson at (951) 782-4902). An approved design with percolation test will be required to be submitted to Building & Safety for separate review and permitting prior to issuance of a building Permit.

16. Prior to issuance of building permits, site-grading certifications, compaction reports, and survey report shall be submitted to Building and Safety or to Public Works, as applicable.

17. Prior to issuance of building permits, provide a receipt from the appropriate Unified School District stating that all school fees have been paid. (San Bernardino Unified School Districts)

18. Prior to final inspection, provide Building & Safety with a flash disk of the approved plans and documents.

19. Final approvals from all applicable outside agencies and internal departments and divisions are required prior to Building and Safety permit final and occupancy approval.

20. All construction projects shall comply with the NPDES Stormwater Best Management Program. Prior to building permit issuance submit copy of the Water Quality Management Program Report. (WQMP)

21. All deferred plan items are to be identified on the plans cover sheet.

22. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel. The accessible route(s) of travel shall be the most practical direct route.

23. All dead and removed trees and foliage is to be properly removed from the site.

24. The City enforces the State of California provisions of the California Building Code disabled access requirements. The Federal Americans with Disabilities Act (ADA) standards may differ in some cases from the California State requirements; therefore, it is the building owner's responsibility to be aware of those differences and comply accordingly.

25. At the time of submittal for plan review, projects meeting the requirements under Section 5.410.2 and Section 5.410.2.3 of the California Green Building Standards Code shall submit a Commissioning Plan.

26. Prior to final inspection, provide Building & Safety with a flash disk of the final approved amended plans and documents.

Comments pertaining to the project/ preliminary drawing plans:

27. Demolition permits shall be obtained for all structures to be demolished.

28. The trash enclosure shall be accessible to persons with disabilities and located on an accessible route. The accessible route shall extend from the trash enclosure to the building it serves. Detail accessible route on plans. (CBC Section 11B-206.2.2)

29. For the removal of any storage tanks, or other excavations involving backfill, a compaction shall be filed with the Building Division. Any Fuel storage tank removal would require notification of San Bernardino County Fire, Hazardous Materials and San Bernardino County Environmental Health Department.

City of Highland

Engineering Department
Conditions of Approval
DRA 22-022 & TPM 22-011 Lovett Industrial NWC of Palm Avenue and Meines Street

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

Soils/ Geology/ Grading

E 1. Design grading and landscaping plans to comply with the City's clear sight triangle criteria at public street intersections and at private driveways. 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 2. Submit a preliminary 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 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. Submit the 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 5. Submit an 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 6. 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 7. 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.

E 8. 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. Conveyance of on-site and off-site tributary flows shall be maintained by the underlying property owner.

E 9. Design grading to drain the entire area of the project to the proposed Water Quality Management Plan (WQMP) infiltration system and to accommodate overflows as necessary.

E* 10. Plot all existing and proposed easements on grading plan and note disposition of any existing utilities, appurtenances, fences, and access roads.

D* 11. Construct temporary sedimentation basins for use during the grading and construction period of the project. Do not start using the proposed infiltration system until the site is stabilized for erosion and sedimentation.

B 12. 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 13. Submit original wet signed and stamped final grading certification from the grading engineer, to the City Engineer.

STREET IMPROVEMENT

C* 14. Construct, in accordance with the Highland Park Industrial Development Site Plan, new street improvements along **Meines Street** project frontage including, but not limited to,

a) Parkway landscape improvements
b) Remove existing improvements along northside of Meines Street, join existing where to be maintained, and construct new street improvements as directed including but not limited to:
    a. 8" curb and gutter located 26' north of centerline per City Std. 203 for right-turn pocket for driveway ingress as shown in the Highland Park Industrial Development Site Plan
    b. 8" curb and gutter located 18' north of centerline per City Std. 203 and join existing curb and gutter where exists at same 18' north of centerline.
    c. 6'-wide curb adjacent sidewalk per City Std 208 Type B.
c) Construct new asphalt concrete pavement with class II aggregate base improvements (TI=8) for the full length of the property and to the right turn deceleration lane.
d) Construct one (1), minimum 40' wide commercial drive approach (per City Std. 213) 26' north of centerline.
e) Install onsite traffic control signs to permit right-in only for trucks movements. Passenger vehicles have full-access movements.
f) Design the limits and extent of removal of existing improvements, and construction of transitional improvements to complete items a-e above and as approved by the City Engineer.

C* 15. Construct, in accordance with the Highland Park Industrial Development Site Plan, new street improvements along **Palm Avenue** project frontage including, but not limited to,

a) Parkway landscape improvements along Palm Avenue project frontage.
b) 0.20' grind and overlay existing asphalt pavement from Palm Avenue centerline to westerly existing gutter lip.
c) One (1) minimum 40' wide commercial drive approach (per City Std. 213) 40' west of centerline.
d) One (1) 26' wide commercial driveway approach 40' west of centerline per City Std 213, modified to include a right in-right out raised median island as directed by the City Engineer.
e) Install onsite traffic control signs to permit right-out only turn movements for both passenger vehicles and trucks at the northern driveway access. The permissible movements are right-in, right-out, and left-in movements only.
f) Restripe and reset pavement markings on Palm Avenue in kind.
g) Design the limits and extent of removal of existing improvements, and construction of transitional improvements to complete items a-f above and as approved by the City Engineer.

E 16. Submit engineering plans for street improvements and signing & striping to the City Engineer for review and approval. Indicate the location of any existing utility/facility which would affect construction on plans and profiles. Comply with the City design standards as shown on the street and storm drain improvement checklist. Provide ADA access to site from right of way.

C 17. Install "KEEP CLEAR" pavement markings at the intersection of Meines Court and the project's southerly passenger vehicle drive approach on Palm Avenue.

B 18. Design and construct public improvements including sidewalk, driveway approaches and access ramps in accordance with all requirements of the State of California Accessibility Standards, Title 24 California Administrative Code. Redesign and reconstruct existing frontage improvements if found not in compliance with City Standards.

C* 19. Install new LS3 metered street light system along the project frontages. The new street lights, electrical conduits, wiring and meter etc. will be owned and maintained by the City. The street lights shall be equipped with a Light Emitting Diode (LED) luminaire on a marbelite pole with types and at the location specified by the City Engineer. Pay the City street lighting energy and maintenance charges for the initial 12 months.

C 20. Submit "Record Revisions" to all plans to reflect the improvements as constructed, and any changes made during construction.

WATER QUALITY/ DRAINAGE

E 21. 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 standard City form. Include a copy of the recorded agreement in the F-WQMP. Construct BMPs in accordance with the approved F-WQMP.

C* 22. Construct and implement site design BMPs specified in the project approved F-WQMP including, but not limited to, pretreatment devices approved at time of C-WQMP approval, underground infiltration systems, and raised curb landscaped areas and parking lot islands. Alternate site design BMPs which are equally effective may be submitted for review and approval by the City Engineer.

E 23. Include the project grading plan, landscape plan and utility plan with the first submittal of the F-WQMP.

C 24. 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* 25. Construct on-site private drainage system, HDPE or other pipe material as approved by City Engineer, to drain the entire project site to the proposed WQMP BMPs in accordance with the approved Final Water Quality Management Plan, and construct necessary drainage overflow facilities. Construct an overflow pipe to convey any overflow from the proposed underground infiltration system to fronting streets as necessary.

B 26. At the underground infiltration system proposed by the Final WQMP, conduct at least two new infiltration tests using a double-ring infiltrometer. The tests shall be conducted at the proposed chamber system subgrade elevation, prior to the submittal of the F-WQMP. After obtaining the results from the two tests, the engineer and geotechnical engineer shall determine if additional testing is required.

C 27. Register the underground chambers with EPA as a Class V Injection Well.

E 28. Submit a hydrology study to determine storm runoff quantities tributary to and generated by the Project for review and approval by the City Engineer. Include hydraulic calculations to determine the size and type of all drainage facilities.

C 29. Intercept and convey off-site drainage tributary to the project boundary around or through the project in a manner that will not adversely affect adjacent or downstream properties.

E 30. Submit engineering plans for public and private drainage systems to the City Engineer for review and approval. Indicate the location of any existing utility facility which would affect construction on plans and profiles. Comply with the City design standards as shown the street and storm drain improvement checklist.

MAP/DEDICATION/ANNEXATION

C* 31. Apply to the City to annex the project into the City's Consolidated Landscape District (LMD) for potential City maintenance of parkway and frontage landscaping along Meines Street and Palm Avenue. The City will maintain parkway and frontage landscaping utilizing LMD revenue only if the City determines that adequate maintenance is not being provided by the property owner. The potential future 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* 32. Dedicate an irrevocable offer of dedication via Final Parcel Map:
   a) (1) 10-foot wide minimum landscape easement across the Palm Avenue and Meines Street frontage.
   b) 52' half street width right-of-way dedication for Palm Avenue and 30' half street width right-of-way dedication for Meines Street.
   c) (3) sidewalk easements at the Project's commercial drive approaches as approved by the City Engineer.
   d) A temporary construction easement granting permission for the City to enter the property to construct and restore landscaping. The exact dimensions of the landscape easement will be determined at the time on-site improvement plans have been prepared.

A 33. Dedicate corner property line cutoffs for all corner lots in accordance with City standards.

E* 34. If the site is ever subdivided in the future, the Project will be required to grant a reciprocal private easement in favor of the parcels created for vehicular access, including emergency access.

A* 35. If the site is ever subdivided in the future, record a reciprocal private easement for drainage, and utilities.

B 36. Record a Final Parcel Map with the San Bernardino County Recorder pursuant to the provisions of the State Subdivision Map Act. Submit a duplicate photo mylar of the map recorded with the San Bernardino County Recorder.

A 37. At the time of Final Parcel Map 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 bench marks referenced, and a current title report. Inverse calculations will not be accepted for plan check.

A 38. Include an Improvement Certificate/Statement on the Parcel Map in accordance with Section 66411.1 of the Subdivision Map Act.

FEES/PERMITS/BONDING

C* 39. Pay $165,501 for the Project's commercially reasonable fair share cost for future SR-210 eastbound on- and off-ramp lane additions at 5th Street interchange.

D 40. Pay appropriate Engineering fees for district annexation, plan check, map plan check, WQMP review, traffic report review, hydrology study review, structural calculation review, on-site and off-site inspection, utility excavation permits, GIS map plan update, microfilming and storage of maps and plans, and other required fees.

D 41. Obtain a permit from Engineering prior to any on-site construction or construction within the public right-of-way.

E 42. Post a deposit for erosion control which shall not be released prior to completion of all on-site construction.

A 43. Post a deposit for monumentation based on an estimate of the cost to perform the work by the project surveyor or 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.

A 44. Bond for all required street, grading, water, sewer, on-site landscaping, and landscape maintenance district improvements in accordance with City Development Code.

A 45. Enter into an agreement for construction of improvements with the City of Highland using the adopted City form.

UTILITIES/ CONSTRUCTION

E 46. Obtain written permission from the adjoining property owners for offsite grading and/or construction, if any.

B 47. Install construction fencing and screening in accordance with Building and Safety Division Policy 335.

C 48. Reconstruct existing public improvements removed or damaged during construction. Pavement repair, which may include A.C. overlay, T-cut trench repair and/or slurry seal after removal of existing striping shall be across all or a portion of damaged pavement caused by this project as determined by the City Engineer.

C* 49. Underground existing overhead utilities and remove utility poles located within the public right-of-way along the north side of Meines Street frontage. All utilities listed under Highland Municipal Code Section 16.40.380 (A) are to be underground per Ordinance 315.

C 50. Coordinate, and where necessary, pay for the relocation of any existing public utilities as necessary.

C 51. Provide all utility services to each building, including sanitary sewers, water, electric power, gas, cable TV, internet, and telephone. All utilities listed under Highland Municipal Code Section 16.40.380 (A) are to be underground per Ordinance 315.

E 52. Comply with applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit program. Provide written verification from the Regional Water Quality Control Board specifying the projects WDID number.

B 53. 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 54. All underground structures, except those desired to be retained, must be broken in, backfilled, and inspected before covering.

D 55. Comply with the prevailing City design and construction standards and requirements at the time of permit issuance.

B 56. Design and construct a trash enclosure per City Standard 700.

C 57. Install 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.

B* 58. Submit a Composite Utility Plan indicating the location of all above ground and flush mount water, electric, cable TV, internet, and telephone utility structures prior to City issuance of utility permits.

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Exhibit 2:

Mitigation Monitoring and Reporting Program

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
BIOLOGICAL RESOURCES				
MM BIO-1: If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.	Project Applicant; Biological monitor	Prior to construction start	City of Highland	
CULTURAL RESOURCES				
MM CUL-1: Historical and Archaeological Resources a) If archaeological resources are unearthed by project construction activities, these shall be evaluated by a qualified archaeologist and tribal monitor/consultant. If the resources discovery of any tribal cultural or archaeological resources, construction activities in the immediate vicinity of the find shall cease until the find can be assessed. If all finds are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place. b) Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic	Project Applicant; Qualified Archeologist	During construction activities	City of Highland	

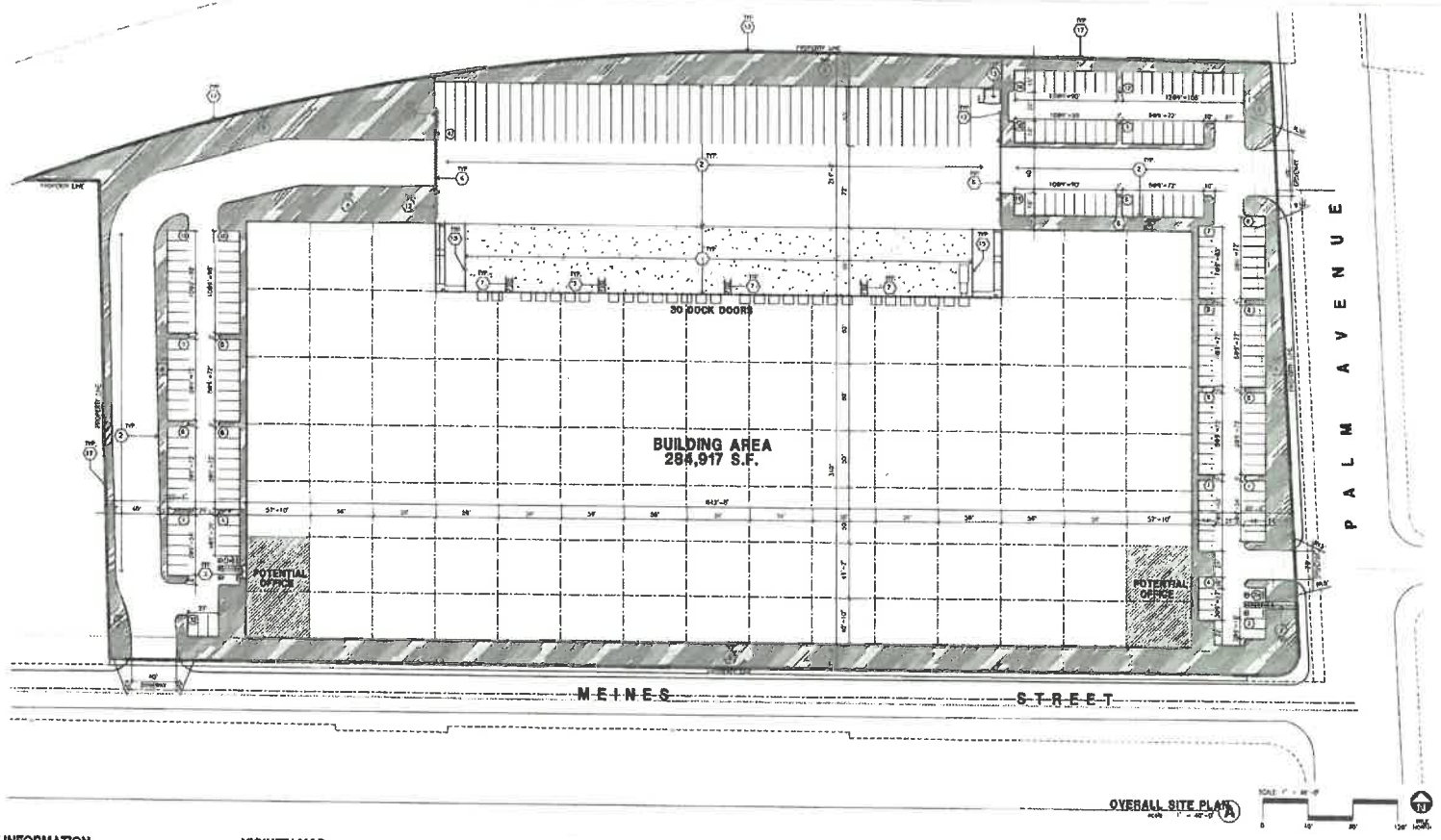
Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes. c) Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.				
MM CUL-2: 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 Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) 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. 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 YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly. 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.	Project Applicant; Qualified Archaeologist	During construction activities	City of Highland	
GEOLOGY AND SOILS				

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
MM GEO-1: In the event that paleontological resources are found during excavation or grading activities, a Paleontological Construction Monitoring and Compliance Plan will be prepared and implemented to reduce potential impacts to paleontological resources to less than significant which includes the following: ▪ Prior to substantial excavations into older finer-grained Quaternary deposits, the Applicant shall retain a paleontological monitor, trained, and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of substantial earth-disturbing activities. ▪ Should fossils be found within an area being cleared or graded, earth-disturbing activities shall be diverted elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor shall immediately divert construction and notify the monitor of the find. ▪ All recovered fossils shall be prepared, identified, and curated for documentation in the summary report and transferred to an appropriate depository (i.e., San Bernardino County Museum). ▪ A summary report shall be submitted to the City of Highland. Collected specimens shall be transferred with a copy of the report to the San Bernardino County Museum. ▪ The construction can re-commence with approval of the City of Highland.	Project Applicant; Qualified Archaeologist	During construction activties	City of Highland	
GREENHOUSE GAS EMISSIONS				
HRA-1: Only electric-powered off-road equipment (e.g., yard trucks/hostlers, forklifts, indoor material handling equipment, etc.) shall be utilized onsite for daily warehouse and business operations. The Project developer/facility owner shall disclose this requirement to all tenants/business entities prior to the signing of any lease agreement. In addition, the limitation to use only electric-powered off-road equipment shall be included in all leasing agreements. Prior to issuance of a Business License for a new tenant/business entity, the Project developer/facility owner and tenant/business entity shall provide to the City of Highland Planning Department and Business License Department a signed document (verification document) noting that the Project development/facility owner has disclosed to the tenant/business entity the requirement to use only electric-powered equipment for daily operations. This verification document shall be signed by authorized agents for the Project developer/facility owner and tenant/business entities. In addition, if applicable, the tenant/business entity shall provide documentation (e.g.,	Project Applicant; Facility Owner	Prior to issuance of a Business Licence	City of Highland	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
purchase or rental agreement) to the City of Highland Planning Department and Business License Department to verify, to the City's satisfaction, that any off-road equipment utilized will be electric-powered.				
TRIBAL CULTURAL RESOURCES				
MM TCR-1: The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CUL-2, 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 YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.	Project Applicant; Qualified Archaeologist	During construction activities	City of Highland	
MM TCR-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 dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Project Applicant; City of Highland	During construction and operations	City of Highland	

Exhibit 3:

Project Plans



PROJECT INFORMATION

Project Address
21200, 21232 & 21280 MEINES ST
HIGHLAND, CA 92346

Assessors Parcel Number
1192-621-02 1192-621-09
1192-621-03 1192-621-28
1192-621-04 1192-621-31
1192-621-05 1192-621-32
1192-621-08
1192 621-07

Owner/ Applicant
TYLER BARISH
LOVETT INDUSTRIAL
880 APOLLO ST. #301
EL SEGUNDO, CA 90245
PHONE: 949-403-2788

Zoning
GENERAL PLAN DESIGNATION
I – INDUSTRIAL

Applicant's Representatives
HPA, INC
18831 BARDEEN AVE. - STE #100
IRVINE, CA 92612
CONTACT: DOUG MARKOVICH
PHONE: (949)-862-2120
FAX: (949)-863-0851

Utility Information

WATER
EAST VALLEY WATER DISTRICT
31111 GREENSPOT RD
HIGHLAND, CA 92346
909-889-9501

SEWER
EAST VALLEY WATER DISTRICT
31111 GREENSPOT RD
HIGHLAND, CA 92346
909-889-9501

CABLE
CHARTER COMMUNICATIONS
7337 CENTRAL AVENUE
RIVERSIDE, CA92504
PHONE: 951-686-1627

ELECTRIC
SOUTHERN CALIFORNIA EDISON
34100 MOWRY ROAD
NEWARK, CA 92564
PHONE: 714-796-9932

TELEPHONE
AT&T
1452 EDINGER AVENUE, 3RD FLOOR
JUSTIN, CA 92780
PHONE: 714-277-1431

GAS
SOUTHERN CALIFORNIA GAS COMPANY
1981 W. LUGONIA AVENUE
REDLANDS, CA 92374
PH 909-335-7563

VICINITY MAP

KEYNOTES - SITE PLAN

1. HEAVY BROOM FINISH CONCRETE PAVEMENT.
2. PORTLAND CEMENT CONCRETE (PCC) PAVING
3. CONCRETE WALKWAY - MEDIUM BROOM FINISH
4. DECORATIVE SCORED CONCRETE DRIVEWAY APRON TO BE CONSTRUCTED PER "L" DRAWINGS.
5. 5'-0"H (6"W MIN. THICK CONCRETE EXTERIOR LANDMOTIF AND TYP. AT ALL EXPANSION MANDOORS TO LANDSCAPE AREAS - PAINTED TO MEDIUM BROOM FINISH. 3) SEE TO 30" (4" MIN). PROVIDE WALL TO FUTURE HIGH OR DRIVE WAY (+ 24" MAX. AS REQ. BY CITY) PROTECTION.
6. 8'-0" PROVIDE METAL MANUAL OPERATED GATES W/ KNOXBOX LOCK PER FIRE DEPARTMENT STANDARDS FOR DRIVEWAY.
7. EXTERIOR CONCRETE STAIR.
8. LANDSCAPE SEE "L" DRAWINGS
9. ROOF TOP MECHANICAL EQUIPMENT BEHIND PARAPET TO BE ADEQUATELY VISUALLY SCREENED FROM PUBLIC VIEW
10. BIKE RACKS.
11. APPROXIMATE LOCATION OF TRANSFORMER. ADEQUATELY SCREENED FROM PUBLIC VIEW
12. 10'-0" CONCRETE RETAINING WALL.
13. TRASH ENCLOSURE. SEE DETAIL SHEET A-1.1
14. SMOKING AREA
15. 42" H GUARD RAIL.
16. LOCATION OF EXISTING POWER POLE
17. 8' HIGH TUBULAR STEEL FENCE
18. 8' HIGH CHAIN LINK GATE

SITE LEGEND

- HEAVY BROOM FINISH CONCRETE PAVING
- PORTLAND CEMENT CONCRETE (PCC) PAVING
- STANDARD PARKING STALL (9' X 19')
- COMPACT PARKING STALL (8' X 16')
- ACCESSIBLE PARKING STALL (9' X 19') + 5' W ACCESSIBLE AISLE
- ACCESSIBLE PARKING VAN STALL (12' X 19') + 5' W ACCESSIBLE AISLE
- LANDSCAPED AREA
- PATH OF TRAVEL
- PROPERTY LINE
- 26' WIDE FIRE LANE

GENERAL NOTES - SITE PLAN

1. THE SITE PLAN BASED ON THE SOILS REPORT PREPARED BY TBD
2. 6" CURB AND GUTTER IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.
3. ALL DIMENSIONS ARE TO FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR CENTER LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE PAVING, GUTTERS AND SWALES
5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITHIN AUTOMATIC IRRIGATION SYSTEM
6. SEE "C" DRAWINGS FOR POINT OF CONNECTION TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS
7. PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS SEE "C" DRAWINGS
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
9. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS
10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ FIBER REINFORCEMENT AT 6'-0" O.C. EXPANSION/CONTROL JOINTS SHALL BE A MINIMUM 1/2 SQ. WAY. EXPANSION JOINTS TO HAVE PREFORMED EXPANSION FILLER MATERIAL OF 3/4" THICK TO BE A MEDIUM BROOM FINISH (U.N.O.)
11. PAINT CURBS AND PROVIDE SIGNS TO AN AREA OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT
12. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS
13. PRIOR TO FINAL CITY INSPECTION THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT
14. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS RESTRICTED IN BUILDING ENERGY EFFICIENCY STANDARDS
15. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM 6" HIGH CONCRETE CURB.

PROJECT DATA

SITE AREA

In s.f.	568,886	sf
In acres	12.8	ac

BUILDING AREA

Office	6000	sf
Mezzanine	3,000	sf
Warehouse	278,917	sf
TOTAL	284,917	sf

SITE COVERAGE

Maximum Allowed	80%
Actual	51.3%

AUTO PARKING REQUIRED

Office: 1/250 s.f.	32 stalls
Whse: 1/1,000 s.f	277 stalls
TOTAL	309 stalls

AUTO PARKING PROVIDED

Standard (9' x 19')	159 stalls
Compact (8' x 16')	34 stalls
Total Auto	193 stalls

TRAILER PARKING PROVIDED

Trailer (10' x 53')	47 stalls

ZONING ORDINANCE

Zoning - Industrial (I)

MAXIMUM BUILDING HEIGHT ALLOWED

Height - 50'

LANDSCAPE REQUIREMENT

Percentage - 10% of total parking area

LANDSCAPE PROVIDED

In s.f.	84,196	sf
Percentage	23.7%	

SETBACKS

Building	Landscape
Front - 20'	Min. - 10'
Side - 0', Street side - 20'	
Rear - 0'	

HPA
hpa, inc
18831 bardeen avenue, - ste #100
irvine, ca
92612
tel 949-862-1770
fax: 949-863-0851
email hpa@hpaarch.com

Owner:

LOVETT INDUSTRIAL

880 APOLLO ST. SUITE 301
EL SEGUNDO, CA 90245
TEL 949-298-2999

Project:

HIGHLAND PARK INDUSTRIAL DEVELOPMENT

MEINES ST. & PALM AVENUE
HIGHLAND PARK CA

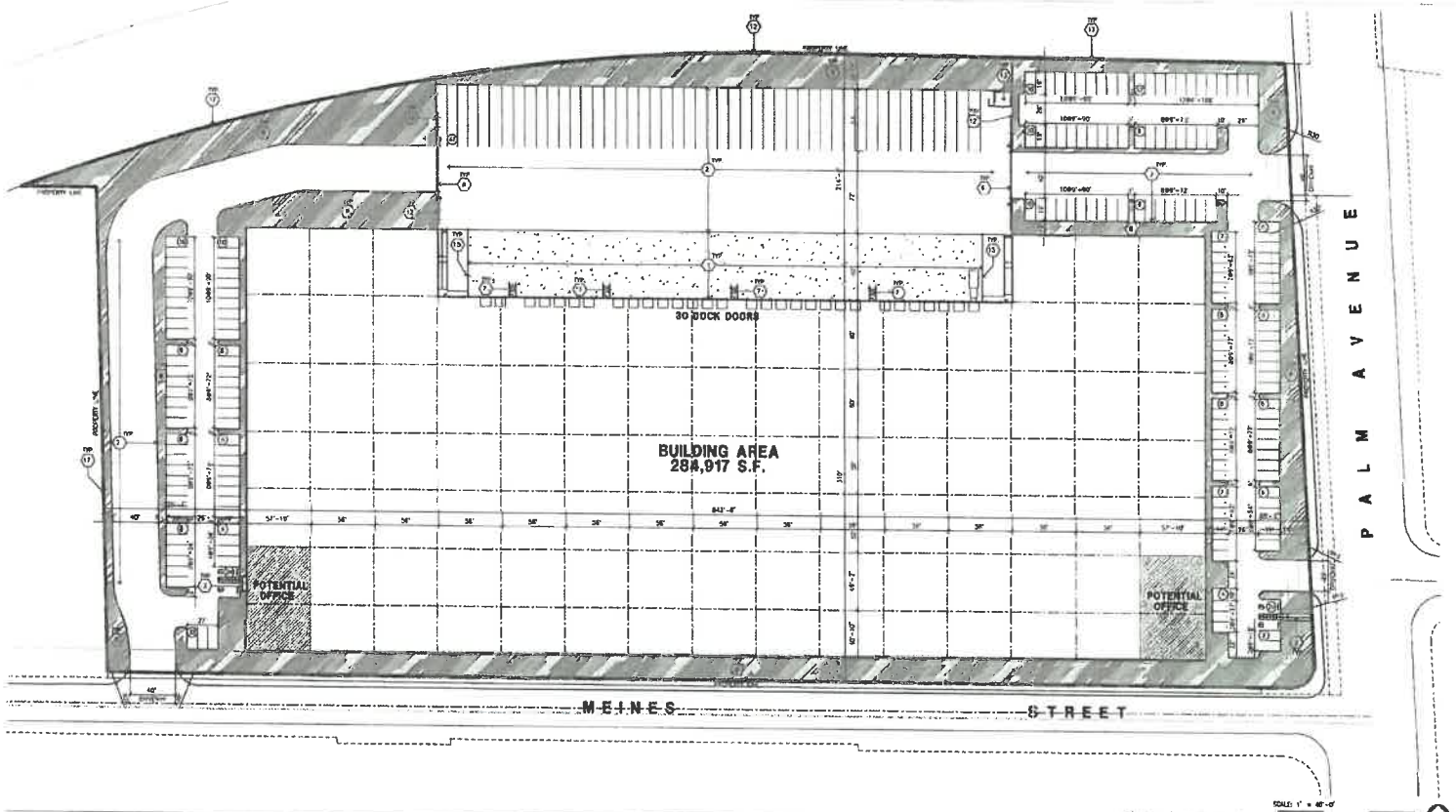
Consultants:

CIVIL	THOMAS & ASSOC
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER LANDSCAPE
FIRE PROTECTION	
SOILS ENGINEER	

Title: OVERALL SITE PLAN

Project Number	2324
Drawn by	DH
Date	09/16/2022
Revision	

Sheet: DAB-A1.1



OVERALL SITE PLAN

SCALE: 1" = 40'-0"

PROJECT INFORMATION

Project Address
27200, 27232 & 27260 MEINES ST.
HIGHLAND, CA 92346

Assessors Parcel Number
1192-621-02 1192-621-08
1192-621-03 1192-621-20
1192-621-04 1192-621-21
1192-621-05 1192-621-22
1192-621-06
1192-621-07

Owner/ Applicant
TYLER BARTON
LOVETT INDUSTRIAL
690 APOLLO ST. #201
EL SEGUNDO, CA 90245
PHONE: 949-482-2760

Zoning
GENERAL PLAN DESIGNATION
I - INDUSTRIAL

Applicant's Representatives
HPA, INC
18831 BARDEEN AVE. - STE #100
IRVINE, CA 92612
CONTACT:DOUG MARCHUS
PHONE: (949)-863-1770
FAX: (949)-863-0851

Utility Information

WATER:
EAST VALLEY WATER DISTRICT
31111 GREENSPOT RD
HIGHLAND, CA 92346
909-889-9501

SEWER:
EAST VALLEY WATER DISTRICT
31111 GREENSPOT RD
HIGHLAND, CA 92346
909-889-9501

CABLE:
CHARTER COMMUNICATIONS
7337 CENTRAL AVENUE
RIVERSIDE, CA92504
PHONE: 951-406-1627

ELECTRIC:
SOUTHERN CALIFORNIA EDISON
26100 MEMPHIS ROAD
MORENO, CA92364
PHONE: 714-734-5832

TELEPHONE:
AT&T
1428 EDINGER AVENUE, 3RD FLOOR
TUSTIN, CA 92780
PHONE: 714-731-1431

GAS:
SOUTHERN CALIFORNIA GAS COMPANY
1981 W. LUGONIA AVENUE
REDLANDS, CA 92374
PHONE: 909-335-7563

VICINITY MAP

KEYNOTES - SITE PLAN

1. HEAVY BROOM FINISH CONCRETE PAVEMENT.
2. PORTLAND CEMENT CONCRETE (PCC) PAVING.
3. CONCRETE WALKWAY WITH BROOM FINISH.
4. DECORATIVE SCORED CONCRETE DRIVEWAY APRONS TO BE CONTRACTOR'S OPTION.
5. 8" RED STEP MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" PER FOOT. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY MIN. 36 WIDE AS REQ. BY CITY INSPECTOR.
6. FIX PROVIDE METAL WRAP-IN, OPERATED GATES W/ KNOX-BOX LOCK PER FIRE DEPARTMENT STANDARDS PER DRWG A1.1
7. EXTERIOR CONCRETE STAIR.
8. LANDSCAPE - SEE "L" DRWGS
9. ROOFTOP HVAC UNITS AND/OR EQUIPMENTS TO BE SCREENED FROM PUBLIC VIEW.
10. BIKE RACK
11. APPROXIMATE LOCATION OF TRASH ENCLOSURE. ADEQUATELY SCREENED FROM PUBLIC VIEW.
12. 10' H CONCRETE SCREEN WALL
13. TRASH ENCLOSURE. SEE DETAIL BOARD A1.1
14. SMOKING AREA
15. 42" H CEMENT WALL
16. LOCATION OF EXISTING POWER POLE
17. 8'-HIGH TUBULAR STEEL FENCE
18. 6'-HIGH FENCE WITH GREEN VINES

SITE LEGEND

- HEAVY BROOM FINISH CONCRETE PAVING.
- PORTLAND CEMENT CONCRETE (PCC) PAVING
- STANDARD PARKING STALL (9' X 19')
- COMPACT PARKING STALL (8' X 16')
- ACCESSIBLE PARKING STALL (9' X 19') + 5'-0" ACCESSIBLE AISLE
- ACCESSIBLE PARKING VAN STALL (12' X 19') + 5'-0" ACCESSIBLE AISLE
- LANDSCAPED AREA
- PATH OF TRAVEL
- PROPERTY LINE
- 26' WIDE FIRE LANE

GENERAL NOTES - SITE PLAN

1. THE SITE PLAN BASED ON THE SOILS REPORT PREPARED BY TBD
2. IF SOILS ARE EXPANSIVE M MATURE, USE STEEL REINFORCING IN ALL PCC CONCRETE
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE CURB, FACE OF CONCRETE CURB OR JOINT LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.
5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND SHOWING LAYOUT POINTS
9. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS
10. CONCRETE SIDEWALK TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MINIMUM 1/2 EA. WAY. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 3/4". FINISH TO BE A MEDIUM BROOM FINISH U.N.O.
11. PAINT CURBS AND PROVIDE SIGNS TO MARK END OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT
12. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS
13. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT
14. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS WRITTEN IN GUIDELINES ON AS CAN BE MADE FROM PUBLIC FACILITIES DEVELOPMENT
15. LANDSCAPED AREAS SHALL BE CURB-FACED WITH A MINIMUM SIX INCHES (6") HIGH CURB

PROJECT DATA

SITE AREA

In s.f.	568,865	sf
In acres	13.06	ac

BUILDING AREA

Office	5,000	sf
Mezzanine	3,000	sf
Warehouse	276,917	sf
TOTAL	284,917	sf

SITE COVERAGE

Minimum Allowed	60%
Actual	51.3%

AUTO PARKING REQUIRED

Office: 1/250 s.f.	32	stalls
Ware: 1/1,100 s.f.	277	stalls
TOTAL	309	stalls

AUTO PARKING PROVIDED

Standard (9' x 19')	186	stalls
Compact (8' x 14')	34	stalls
Total Auto	193	stalls

TRAILER PARKING PROVIDED

Trailer (10' x 53')	47	stalls

ZONING ORDINANCE

Zoning - Industrial (I)

MAXIMUM BUILDING HEIGHT ALLOWED

Height - 50'

LANDSCAPE REQUIREMENT

Percentage - 10% of total parking area

LANDSCAPE PROVIDED

In s.f.	84,146	sf
Percentage	23.7%	

SETBACKS

Building	Landscape
Front - 20'	Min. - 10'
Side - 0', Street side - 20'	
Rear - 0'	

HPA, INC
18831 bardeen avenue, ste. #100
irvine, CA
92612
ph: 949-863-1770
fax: 949-863-0851
email: hpa@hparchi.com

Owner:

LOVETT INDUSTRIAL

690 APOLLO ST. SUITE 201
EL SEGUNDO, CA 90245
TEL: 949-296-2999

Project:

HIGHLAND PARK INDUSTRIAL DEVELOPMENT

MEINES ST. & PALM AVENUE
HIGHLAND PARK, CA

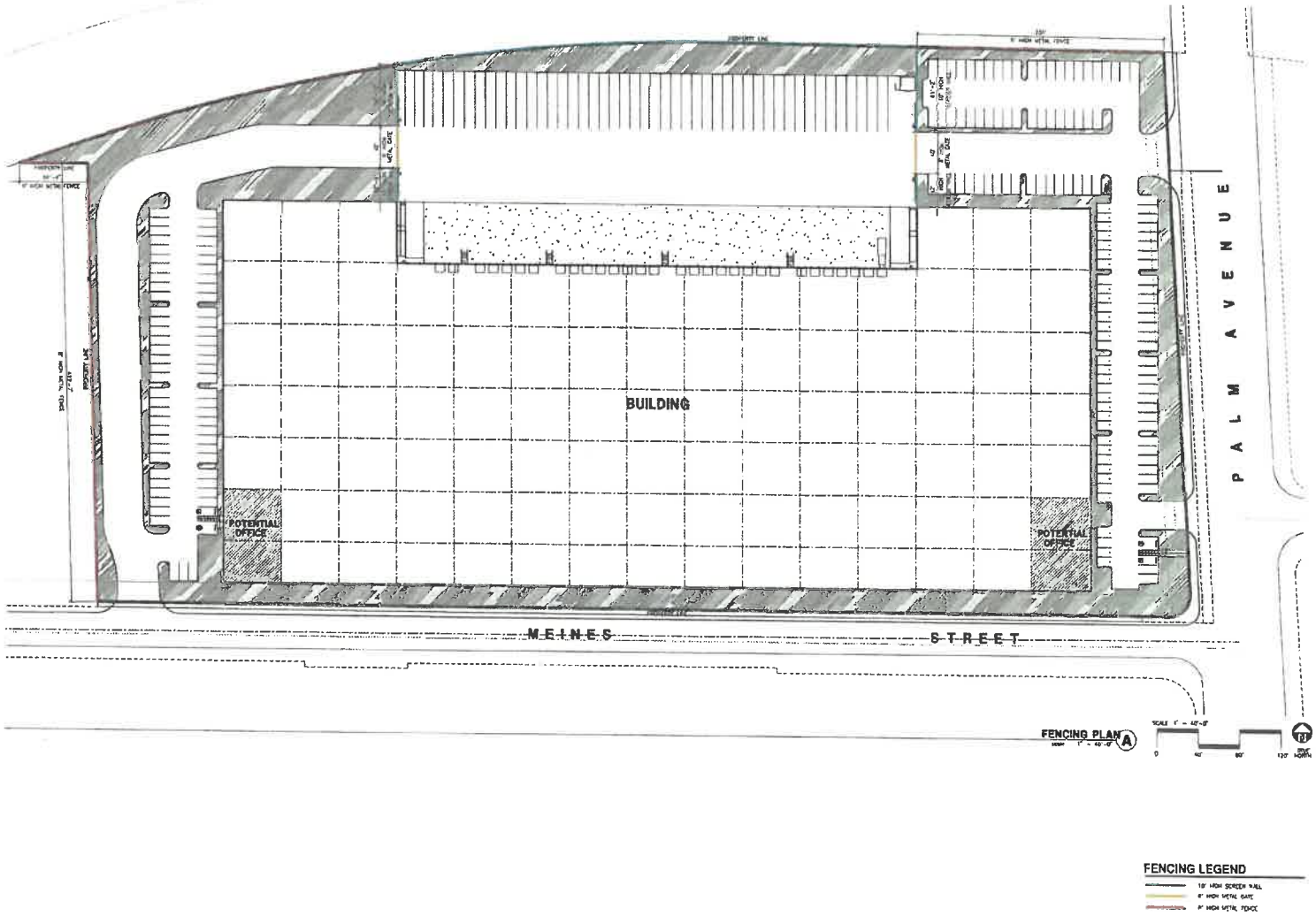
Consultants:

CIVIL: THIEMES & ASSOC
STRUCTURAL:
MECHANICAL:
PLUMBING:
ELECTRICAL:
LANDSCAPE: HUNTER LANDSCAPE
FIRE PROTECTION:
SOILS ENGINEER:

Title: OVERALL SITE PLAN

Project Number: 22240
Drawn by: DH
Date: 09/16/2022
Revision:

Sheet: DAB-A1.1



HPA
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email hpa@hparch.com

Owner:

LOVETT INDUSTRIAL

360 APOLLO ST. SUITE 201
EL SEGUNDO, CA 90245
TEL 949-298-2909

Project:

HIGHLAND PARK INDUSTRIAL DEVELOPMENT

MEINES ST. & PALM AVENUE
HIGHLAND PARK, CA

Consultants:

CIVIL	MEINES & ASSOC
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER LANDSCAPE
FIRE PROTECTION	
SOILS ENGINEER	

Title: OVERALL SITE PLAN

Project Number	22249
Drawn by	DH
Date	09/16/2022
Revision	

Sheet

DAB-A1.0F

LEGAL DESCRIPTION (TR1):

THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS

REAL PROPERTY IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 3, BLUE RIBBON FARMS, TRACT NO. 2980, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 79 OF MAPS, PAGE(S) 93, RECORDS OF SAID COUNTY.

LEGAL DESCRIPTION (TR2):

THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS

REAL PROPERTY IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 1 AND 67, BLUE RIBBON FARMS, TRACT NO. 2980, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 79 OF MAPS, PAGE 93, RECORDS OF SAID COUNTY.

LEGAL DESCRIPTION (TR3):

THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

REAL PROPERTY IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE:

LOT 4, TRACT NO. 2998, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 79 OF MAPS, PAGE 63, RECORDS OF SAID COUNTY.

PARCEL TWO:

LOT 8, TRACT NO. 2998, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 79 OF MAPS, PAGE 63, RECORDS OF SAID COUNTY.

PARCEL THREE:

LOT 9, TRACT NO. 2998, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 79 OF MAPS, PAGE 63, RECORDS OF SAID COUNTY.

PARCEL FOUR:

LOT 86, TRACT NO. 2998, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 79 OF MAPS, PAGE 63, RECORDS OF SAID COUNTY.

PARCEL FIVE:

LOT 89, TRACT NO. 2998, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 79 OF MAPS, PAGE 63, RECORDS OF SAID COUNTY.

PARCEL SIX:

LOT 90, TRACT NO. 2998, BLUE RIBBON FARMS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 79 OF MAPS, PAGE 63, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF SAN BERNARDINO BY DEED RECORDED SEPTEMBER 22, 1937 AS INSTRUMENT NO. 339 IN BOOK 1078, PAGE 84, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE COUNTY OF SAN BERNARDINO BY THE DEED RECORDED FEBRUARY 7, 1989 AS INSTRUMENT NO. RD-8532117, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

PARCEL SEVEN:

THAT PORTION OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS THE OFFICIAL PLAT THEREOF, LYING SOUTH OF THE NORTH LINE OF THE EASEMENT GRANTED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT BY INSTRUMENT RECORDED OCTOBER 19, 1936, IN BOOK 490B, PAGE 363, OFFICIAL RECORDS.

EXCEPTING THEREFROM THE EAST 40 FEET, MORE OR LESS, AS CONVEYED TO THE COUNTY OF SAN BERNARDINO BY DEED RECORDED NOVEMBER 17, 1952, IN BOOK 3034, PAGE 429, OFFICIAL RECORDS.

THE PROPERTY HEREIN DESCRIBED IS ALSO SHOWN ON UNOFFICIAL LAND SURVEYOR'S MAP RECORDED IN BOOK 13, PAGE 84, RECORDS OF SURVEY.

PARCEL EIGHT:

PARCEL B AS SHOWN ON CERTIFICATE OF COMPLIANCE NO. CEC 016-005 AS EVIDENCED BY DOCUMENT RECORDED FEBRUARY 14, 2018 AS INSTRUMENT NO. 2018-0057001 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER RECORD OF SURVEY 88-561, RECORDED IN BOOK 114, PAGES 26 THROUGH 28, INCLUSIVE, OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHERLY OF THE SOUTH LINE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT EASEMENT (100.00 FOOT WIDE - MEDIAN) AS SHOWN ON SAID RECORD OF SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT NO 91-300948, RECORDED AUGUST 7, 1991, OFFICIAL RECORDS OF SAID COUNTY, AS SHOWN ON SAID RECORD OF SURVEY;

THENCE, NORTH 00°09'37" EAST ALONG THE WEST LINE OF SAID PROPERTY, A DISTANCE OF 112.78 FEET TO SAID SOUTH LINE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT EASEMENT; SAID POINT BEING THE BEGINNING OF A 1908.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE SOUTH, A RADIAL TO SAID POINT BEARING NORTH 00°10'37" WEST;

THENCE, EASTERLY ALONG SAID SOUTH LINE AND ALONG SAID CURVE, AN ARC DISTANCE OF 165.58 FEET THROUGH A CENTRAL ANGLE OF 4°58'27" TO THE NORTHWEST CORNER OF PARCEL NO. 1 AS DESCRIBED IN DOCUMENT NO. 91-134098, RECORDED APRIL 1, 1991, OFFICIAL RECORDS OF SAID COUNTY, AS SHOWN ON SAID RECORD OF SURVEY;

THENCE, CONTINUING ALONG SAID CURVE AND ALONG SAID SOUTH LINE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT EASEMENT AND ALONG THE SOUTH LINE OF SAID PARCEL NO. 1, AN ARC DISTANCE OF 23.54 FEET, THROUGH A CENTRAL ANGLE OF 00°42'26";

THENCE, SOUTH 86°28'37" EAST ALONG SAID SOUTH LINE OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT EASEMENT AND ALONG THE HUNTER LINE OF SAID PARCEL NO. 1, A DISTANCE OF 142.18 FEET TO THE NORTHEAST CORNER OF SAID PARCEL NO. 1;

THENCE, SOUTH 00°08'36" WEST ALONG THE EAST LINE OF SAID PARCEL NO. 1, A DISTANCE OF 117.51 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL NO. 1;

THENCE, NORTH 87°11'08" WEST ALONG THE SOUTH LINE OF SAID PARCEL NO. 1 AND ALONG THE SOUTH LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT NO. 91-300948 A DISTANCE OF 331.72 FEET TO THE POINT OF BEGINNING.

PARCEL NINE:

THAT PORTION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND, LYING SOUTH OF THE SOUTH LINE OF THE EASEMENT GRANTED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, BY INSTRUMENT RECORDED JANUARY 7, 1950 IN BOOK 3078, PAGE 429, OFFICIAL RECORDS

LEGAL DESCRIPTION (TR4):

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

LOT 3, AS TRACT NO. 2980, BLUE RIBBON FARMS, AS PER MAP RECORDED IN BOOK 79, PAGE 93 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

FOR CONVEYANCING PURPOSES ONLY: APN 1192-871-04-0-000

TITLE REPORT EXCEPTIONS (TR4):

THE FOLLOWING EASEMENTS, STATEMENTS AND MATTERS AS DISCLOSED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, FILE NO. NCS-1114834-ONT1, DATED AUGUST 2, 2022

NO RESPONSIBILITY FOR COMPLETENESS, ACCURACY, OR CONTENT OF SAID PRELIMINARY REPORT IS ASSUMED BY THIS MAP

(XX) INDICATES ITEM NUMBER PER SCHEDULE 'B'; EXCEPTIONS TO COVERAGE, OF ABOVE PRELIMINARY REPORT

(1) 1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I-REQUIREMENTS ARE MET

(2) 2. (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS

(3) 3. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THAT ARE NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND

(4) 4. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

(5) 5. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS

(6) 6. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS.

(7) 7. GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2022-2023. A LIEN NOT YET DUE OR PAYABLE.

(8) 8. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.

(9) 9. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED APRIL 14, 1933 AS BOOK 210, PAGE 187 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, NATIONAL ORIGIN, ANCESTRY, SOURCE OF INCOME, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AGE, SEXUAL ORIENTATION, MILITARY AND VETERAN STATUS OR ANY OTHER CATEGORY PROTECTED BY FEDERAL, STATE OR LOCAL LAW, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW. UNLESS AND ONLY TO THE EXTENT THAT THE RESTRICTION IS NOT SUBJECT TO THE FAIR HOUSING AMENDMENTS ACT OF 1988 OR APPLICABLE LAW, THE RESTRICTION IS PERMITTED BY APPLICABLE LAW OR THE RESTRICTION IS CONTAINED IN A DOCUMENT RECORDED PRIOR TO MARCH 23, 1968 OR IN A DOCUMENT RECEIVED IN CONNECTION WITH A LOAN, CONTRACT OR INVESTMENT, BY A FEDERAL AGENCY

(10) 10. ANY DEFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS WHICH NAME PARTIES WITH THE SAME OR SIMILAR NAMES AS RAYMOND C. RAMIREZ, AND RAYMOND L RAMIREZ THE SAME SEARCH NECESSARY TO ASCERTAIN THE EXISTENCE OF SUCH MATTERS HAS NOW BEEN COMPLETED IN ORDER TO COMPLETE THIS PRELIMINARY REPORT OF COMMITMENT WE WILL REQUIRE A STATEMENT OF INFORMATION

11. WE FIND NO OUTSTANDING VOLUNTARY LIENS OF RECORD AFFECTING SUBJECT PROPERTY. AN INQUIRY SHOULD BE MADE CONCERNING THE EXISTENCE OF ANY UNRECORDED LIEN OR OTHER INCUMBRANCES WHICH COULD GIVE RISE TO ANY SECURITY INTEREST IN THE SUBJECT PROPERTY

12. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS

13. RIGHTS OF PARTIES IN POSSESSION

14. THE EFFECT OF A DEED DATED MARCH 18, 2022, EXECUTED BY RAYMOND L RAMIREZ, SUCCESSOR TRUSTEE OF RAMIREZ FAMILY TRUST AS GRANTOR, TO RAYMOND L RAMIREZ, AS GRANTEE, RECORDED MARCH 18, 2022, AS INSTRUMENT NO. 2022-0103700 OF OFFICIAL RECORDS
(NO PLOTTABLE SURVEY MATTERS)

NOTE: THE COMPANY WILL REQUIRE AN AFFIDAVIT OF EXECUTION AND DELIVERY OF DEED EXECUTED BY THE GRANTOR IN THE PRESENCE OF A FIRST AMERICAN NOTARY OR OTHER SATISFACTORY PERSON THAT THE DEED WAS VALID PRIOR TO RECORDING THIS EXCEPTION OR INSURING THE CONTEMPLATED TRANSACTION

LEGAL DESCRIPTION (TR5):

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

LOT 2, TRACT NO. 2980, BLUE RIBBON FARMS, AS PER PLAT RECORDED IN BOOK 79 OF MAPS, PAGE 93, RECORDS OF SAID COUNTY

FOR CONVEYANCING PURPOSES ONLY: APN 1192-871-03-0-000

TITLE REPORT EXCEPTIONS (TR5):

THE FOLLOWING EASEMENTS, STATEMENTS AND MATTERS AS DISCLOSED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, FILE NO NCS-1118873-OT1-ONT1, DATED AUGUST 3, 2022

NO RESPONSIBILITY FOR COMPLETENESS, ACCURACY, OR CONTENT OF SAID PRELIMINARY REPORT IS ASSUMED BY THIS MAP

(XX) INDICATES ITEM NUMBER PER SCHEDULE 'B'; EXCEPTIONS TO COVERAGE, OF ABOVE PRELIMINARY REPORT

(1) 1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I-REQUIREMENTS ARE MET

(2) 2. (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS

(3) 3. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THAT ARE NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND

(4) 4. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

(5) 5. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS

(6) 6. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS.

(7) 7. GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2022-2023. A LIEN NOT YET DUE OR PAYABLE.

(8) 8. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.

(9) 9. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED APRIL 9, 1936 AS BOOK 644, PAGE 139 AND RECORDED APRIL 14, 1933 IN BOOK 210, PAGE 187, BOTH OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES OR SECTION 12955 OF THE CALIFORNIA GOVERNMENT CODE, UNLESS RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANCY IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
(NO PLOTTABLE SURVEY MATTERS, SAID DOCUMENT RECORDED IN BOOK 98, PAGE 139 REQUIRES THAT THE PARTIES BE USED FOR DESCRIPTIVE PURPOSES)

(10) 10. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEED AND AGREEMENT" RECORDED JANUARY 13, 1947 AS BOOK 3631, PAGE 26 OF OFFICIAL RECORDS
(NO PLOTTABLE SURVEY MATTERS)

(11) 11. A CERTIFIED COPY OF A JUDGMENT OR AN ABSTRACT THEREOF, RECORDED APRIL 28, 2004 AS INSTRUMENT NO. 2004-0284063 OF OFFICIAL RECORDS.
COURT: SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
CASE NO.: BC074433
DEBTOR: MORRIS FORSHAY AN INDIVIDUAL
CREDITOR: LAW ASSETS LLC A CALIFORNIA LIMITED LIABILITY COMPANY
AMOUNT: $18,319.63, AND ANY OTHER AMOUNTS DUE THEREUNDER
(NO PLOTTABLE SURVEY MATTERS)

THE LIEN OF THE JUDGMENT HAS BEEN EXTENDED AS EVIDENCED BY THE DOCUMENT RECORDED FEBRUARY 19, 2014 AS INSTRUMENT NO. 2014-0061800 OF OFFICIAL RECORDS
(NO PLOTTABLE SURVEY MATTERS)

(12) 12. ANY RIGHT, TITLE OR INTEREST OF THE SPOUSE, IF ANY, OF ANY VARIED VESTEE HEREIN

(13) 13. WE FIND NO OUTSTANDING VOLUNTARY LIENS OF RECORD AFFECTING SUBJECT PROPERTY. AN INQUIRY SHOULD BE MADE CONCERNING THE EXISTENCE OF ANY UNRECORDED LIEN OR OTHER INCUMBRANCES WHICH COULD GIVE RISE TO ANY SECURITY INTEREST IN THE SUBJECT PROPERTY

(14) 14. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS

(15) 15. RIGHTS OF PARTIES IN POSSESSION

(16) 16. LIEN FOR FIRE HAZARD ABATEMENT IN FAVOR OF SAN BERNARDINO COUNTY CODE ENFORCEMENT - FIRE HAZARD ABATEMENT
ADDRESS: FORSHAY ROBERT
AMOUNT: $1,241.00
RECORDED: APRIL 21, 2022 AS INSTRUMENT NO. 2022-0139881 OF OFFICIAL RECORDS
(NO PLOTTABLE SURVEY MATTERS)

HPA, INC
18831 Bardeen Avenue, Ste #100
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fax 949-851-0851
arnold.hpa@hparch.com

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EL SEGUNDO, CA 90245
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MERIES ST. & PALM AVENUE
HIGHLAND PARK, CA

Consultants:

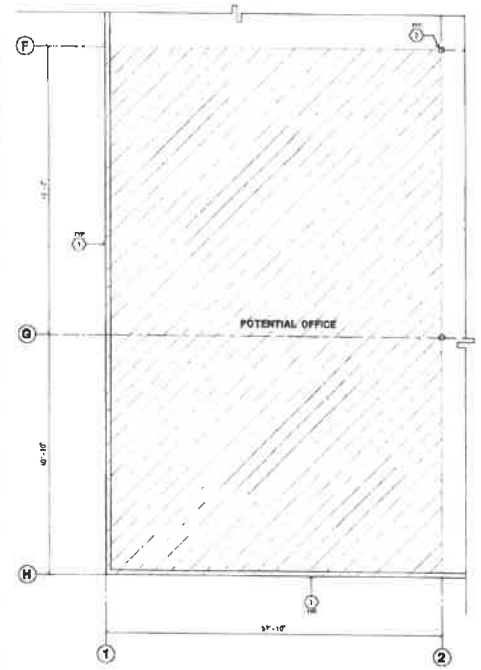
CIVIL
STRUCTURAL
MECHANICAL
PLUMBING
ELECTRICAL
LANDSCAPE HUNTER LANDSCAPE
FIRE PROTECTION
SOILS ENGINEER

Title: LEGAL DESCRIPTION

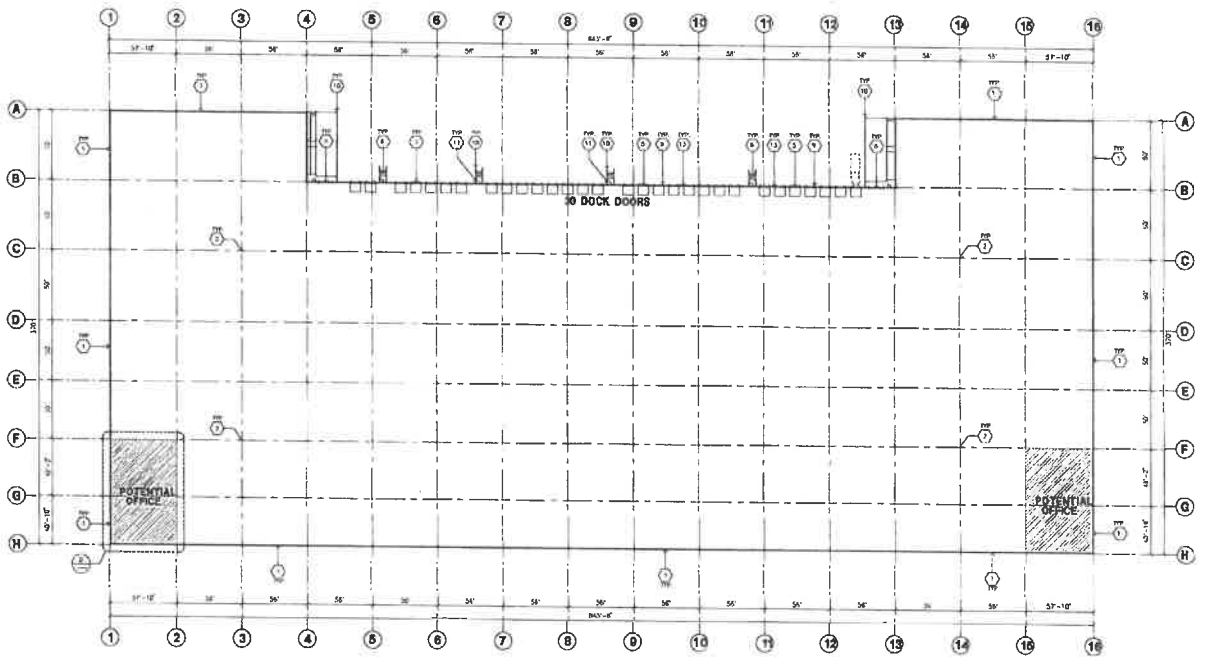
Project Number: 22248
Drawn by: DH
Date: 09/16/2022
Revision:

Sheet:

DAB-A1.2



ENLARGED FLOOR PLAN (B)



OVERALL FLOOR PLAN (A)

KEYNOTES - FLOOR PLAN

1. CONCRETE TILT-UP PANEL
2. STRUCTURAL STEEL COLUMN
3. TYPICAL STOREFRONT SYSTEM WITH GLAZING, SEE OFFICE ELEVATIONS FOR SIZE, COLOR AND LOCATIONS
4. NOT USED
5. 9' X 10' TRUCK DOOR, SECTIONAL OH., STANDARD GRADE
6. EXTERIOR DEMISE WALL
7. 6'-0"W X 7'-0"H HM DOOR AND FRAME, PAINT TYPICAL ALL EXTERIOR HM DOORS TO BE PAINTED TO MATCH ADJACENT WALL
8. 12'-0" X 14'-0" HIGH SECTIONAL OH., STANDARD GRADE
9. DOCK BUMPER
10. CONCRETE FILLED GUARD POST
11. 3'X7' HOLLOW METAL EXTERIOR MAN DOOR
12. METAL CANOPY ABOVE
13. 7 DOCKS

GENERAL NOTES - FLOOR PLAN

1. THIS BUILDING IS DESIGNED FOR MODERATE TONNAGE WITH FIRE ASSISTANCE DOORS AT 100' MAXIMUM O.C. A SEPARATE PERMIT WILL BE REQUIRED FOR ANY RACKING/CONVEYOR SYSTEMS
2. FIRE HOSE LOCATIONS SHALL BE APPROVED BY THE FIRE DEPARTMENT
3. TYP. BUILDING FLOOR SLAB TO BE FLAT W/ E TOPPING SLAB CHAMFER FLAT OR FINISH SURFACE ELEVATIONS.
4. NOT USED
5. WAREHOUSE INTERIOR CONCRETE WALLS ARE PAINTED WHITE. COLUMNS ARE TO BE PAINTED WITH SAFETY YELLOW FROM 12' A.F.F. TO UNDERSIDE OF ROOF STRUCTURE. ALL TYP. 20 WALLS IN WAREHOUSE TO BE EVEL 1 (SEMI GLOSS) W/ WHITE, EG (SEMI).
6. SLOPE FOUR STRIP 1/8" TO EXTERIOR AT ALL MAN DOOR LOCS
7. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE, PARTITION, CMU, OR FACE OF STUD U.N.O.
8. SEE CONCEPTUAL GRADING PLAN FOR POINT OF CONNECTION TO OFF-SITE UTILITIES CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS
9. CONTRACTOR TO PROTECT AND KEEP THE FLOOR SLAB CLEAN
10. ALL EXIT MAN DOORS IN WAREHOUSE TO HAVE ILLUMINATED EXIT SIGN MACHINE (E)
11. HIGHLY FLAMMABLE AND COMBUSTIBLE MATERIALS SHALL NOT BE USED OR STORED IN THIS BUILDING.
12. EACH TRUCK DOOR SHALL BE IDENTIFIED BY A PAINTED EXIT SIGN WITH THE WORDS "EXIT". THE MOUNTING HEIGHT FOR SUCH SIGNAGE SHALL BE 60" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN.
13. MONUMENT/PYLON SIGNAGE IS PERMITTED UNDER SEPARATE PERMIT
14. ALL ROOF MOUNTED MATERIALS SHALL BE FULLY SCREENED FROM PUBLIC VIEW

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HIGHLAND PARK INDUSTRIAL DEVELOPMENT

MEINES ST. & PALM AVENUE
HIGHLAND PARK, CA

Consultants:

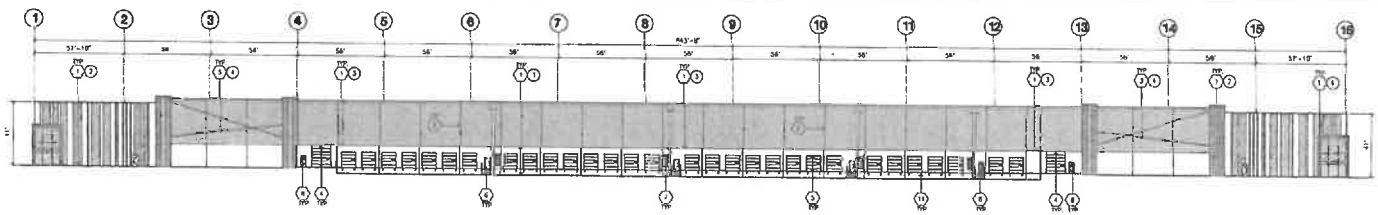
CIVIL	THEINES & ASSOC
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER LANDSCAPE
FIRE PROTECTION	
SOILS ENGINEER	

Title: OVERALL FLOOR PLAN

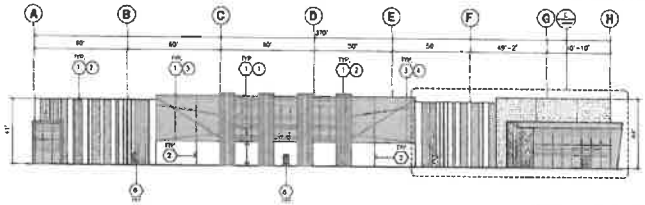
Project Number: 222nh
Drawn by: CH
Date: 09/16/2022
Revision:

Sheet:

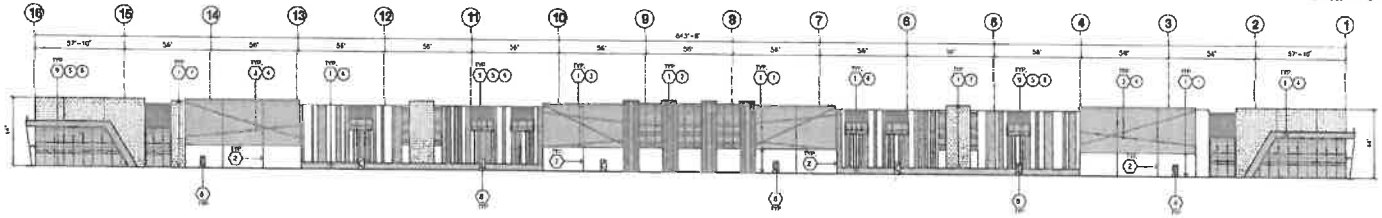
DAB-A2.1



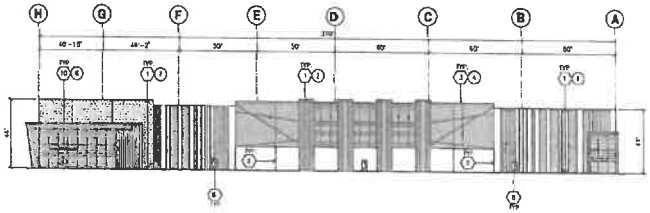
NORTH ELEVATION (A)



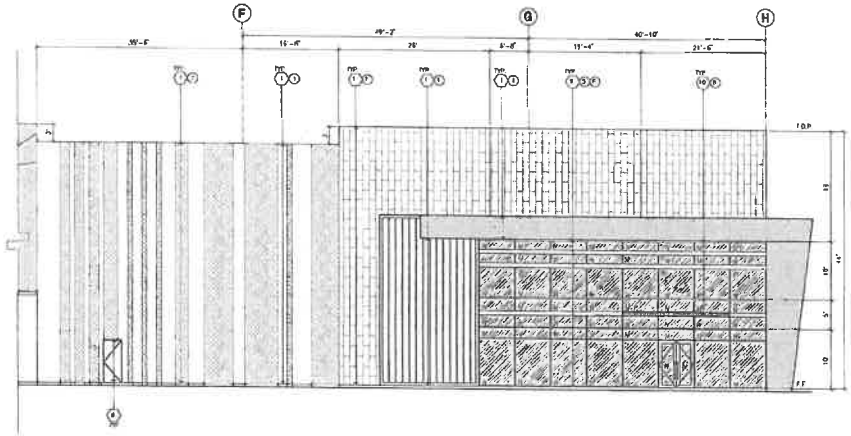
WEST ELEVATION (B)



SOUTH ELEVATION (C)



EAST ELEVATION (D)



ENALRGED WEST ELEVATION (E)

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL/PAINTED
2. PANEL JOINT
3. PAINT, TYP. ALL #1 IS TO HAVE A MIN. OF 3/4" ENAMEL OR PHYSICAL COLOR TO MATCH ADJACENT BUILDING'S FIELD COLOR
4. 12'-0" W OVERHEAD DOOR @ DRIVE THRU
5. 9'-0" W OVERHEAD DOOR @ DOCK WELL
6. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL
7. 4'-0" METAL LOUVER - PAINT TO MATCH BUILDING COLOR
8. HOLLOW METAL DOORS
9. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS
10. METAL CANOPY
11. DOCK BUMPER

GLAZING LEGEND

NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED

SPC SPANDREL GLASS

VG1 VISION GLASS

SPANDREL GLASS WITH CONCRETE BEHIND

COLOR SCHEDULE - ELEVATIONS

1. CONCRETE TILT-UP PANEL — COLOR: SHERWIN WILLIAMS PAINT SW 7005 PURE WHITE, SATIN
2. CONCRETE TILT-UP PANEL — COLOR: SW 7757 HIGH REFLECT WHITE, SATIN
3. CONCRETE TILT-UP PANEL — COLOR: SW 7674 PEPPERCORN, SATIN
4. CONCRETE TILT-UP PANEL — COLOR: SW 6990 CARBONAL, SATIN
5. GLAZING — COLOR: BLUE REFLECTIVE GLAZING
6. MULLIONS — COLOR: CLEAR ANODIZED MULLION
7. CONCRETE TILT-UP PANEL — PAINT WITH PC-81 & SHERWIN WILLIAMS PAINT COLOR: SW 7069 IRON ORE, SATIN
8. CANOPY — COLOR: CANOPY PAINT

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE
B. ALL PAINT FINISHES ARE TO BE FLAT EGGSHELL NOTED OTHERWISE
C. T.O.P. EL = TOP OF PARAPET ELEVATION
D. F.F. = FINISH FLOOR ELEVATION
E. STOREFRONT CONSTRUCTION = GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST WIND LOADING AS SHOWN ON WINDOW CONSTRUCTION SUBMITTAL SHOP DRAWING PRIOR TO FABRICATION
F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W. SELECTED COLORS AND REFLECT WITH OWNER PRIOR TO PAINTING REMAINDER OF BUILDING
G. BASE SIDE OF PARAPET TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELEVATION PAINT
H. FOR SPANDREL GLAZING ALLOW SPACE BEHIND SPANDREL TO BREATH
J. MISC. ARCHITECTURAL WOOD STRIPS TYP. ALL BUILT-UP FORMS
K. THE FIRST COAT OF PAINT TO BE POLLUTION AND THE SECOND COAT TO BE WATERBORN

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HIGHLAND PARK INDUSTRIAL DEVELOPMENT

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HIGHLAND PARK, CA

Consultants:

CIVIL	THOMAS & ASSOC
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER LANDSCAPE
FIRE PROTECTION	
SOILS ENGINEER	

Title: ELEVATION

Project Number: 2018

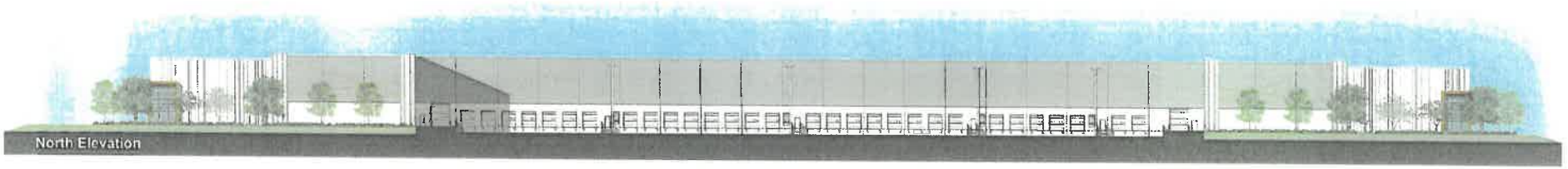
Drawn by: TH

Date: 09.19.2019

Revision:

Sheet:

DAB-A3.1

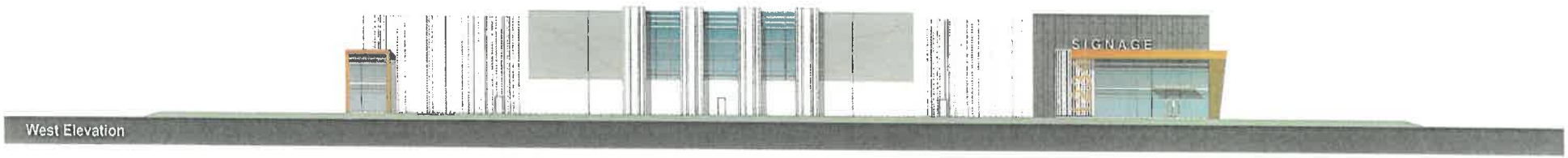


Conceptual Elevations - 36ft clear

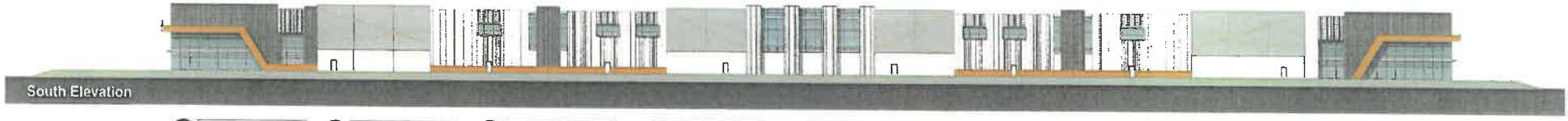
HPA **MEINES STREET & PALM AVENUE**

Highland, CA

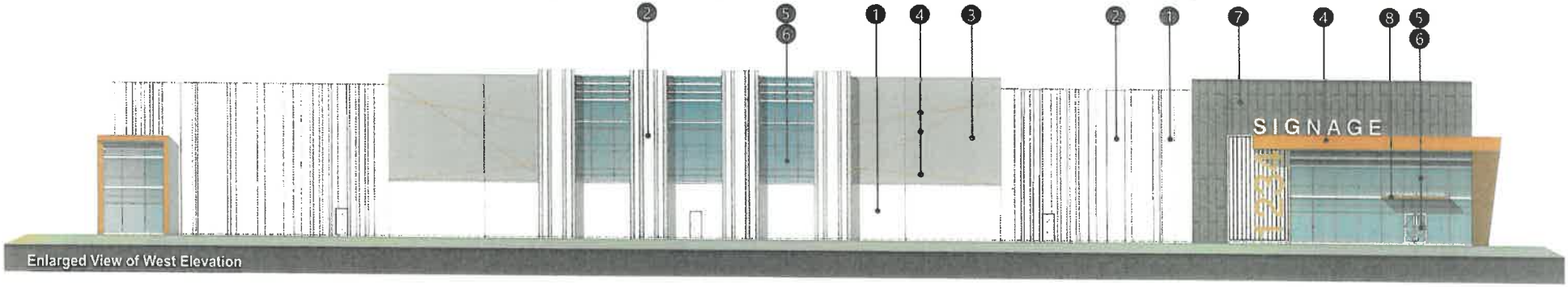
LOVETT INDUSTRIAL



West Elevation



South Elevation



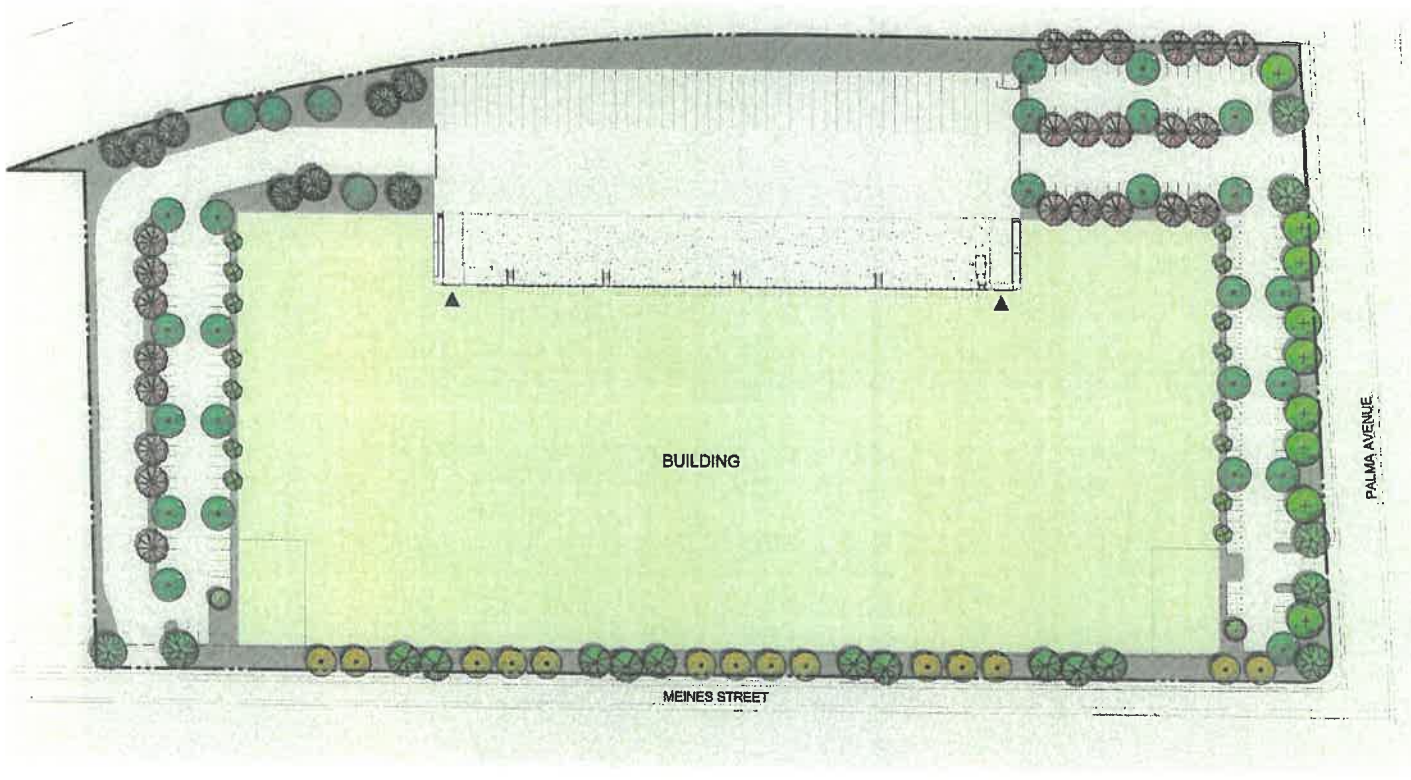
Enlarged View of West Elevation

Conceptual Elevations and Material Board - 36ft clear

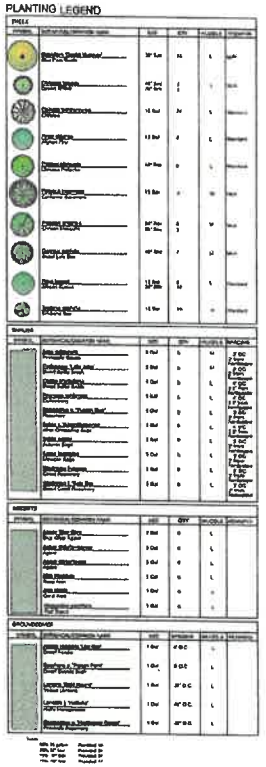
HPA MEINES STREET & PALM AVENUE

Highland, CA

LOVETT INDUSTRIAL



PLANTING LEGEND



N

0 20' 40' 80'

SHEET 1

Meines Street & Palm Avenue

22-128
09.14.22
01.11.23

Lovett Industrial

Highland, California

HUNTER LANDSCAPE
711 PEE ANA STREET PLACENTIA, CA 92870
714.986.2400 FAX 714.986.2408

Cercidium 'Desert Museum'
Blue Palo Verde

Chilopsis linearis
Desert Willow

Chilalpa tashkentensis
Chilalpa

Pinus eldarica
Afghan Pine

Pistacia chinensis
Chinese Pistache

Platanus racemosa
California Sycamore

Prosopis chilensis
Chilean Mesquite

Quercus agrifolia
Coast Live Oak

Rhus lancea
African Sumac

Tristania conferta
Brisbane Box

Acca sellowiana
Pineapple Gauva

Callistemon 'Little John'
Dwarf Bottle Brush

Cassia phyllodenia
Dwarf Bottle Brush

Rhamnus californica
Coffeeberry

Rosmarinus o. 'Tuscan Blue'
Rosemary

Salvia c. 'Allen Chickering'
Allen Chickering Sage

SHEET 2

Meines Street & Palm Avenue

22-128
09.16.22
01.11.23

Lovett Industrial

Highland, California

HUNTER LANDSCAPE
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Salvia greggii
Autumn Sage

Salvia leucantha
Mexican Sage

Westringia fruticosa
Coast Rosemary

Westringia f. 'Grey Box'
Dwarf Coast Rosemary

Agave 'Blue Glow'
Blue Glow Agave

Agave victoria-reginae
Agave

Agave villmoriniana
Agave

Aloe maculata
Soap Aloe

Aloe striata
Coral Aloe

Hesperaloe parviflora
Red Yucca

Acacia redolens 'Low Boy'
Dwarf Acacia

Baccharis p. 'Pigeon Point'
Dwarf Coyote Bush

Lantana 'Gold Mound'
Yellow Lantana

Lonicera i. 'Halliana'
Hall's Honeysuckle

Rosmarinus o. 'Huntington Carpet'
Prostrate Rosemary

SHEET 3

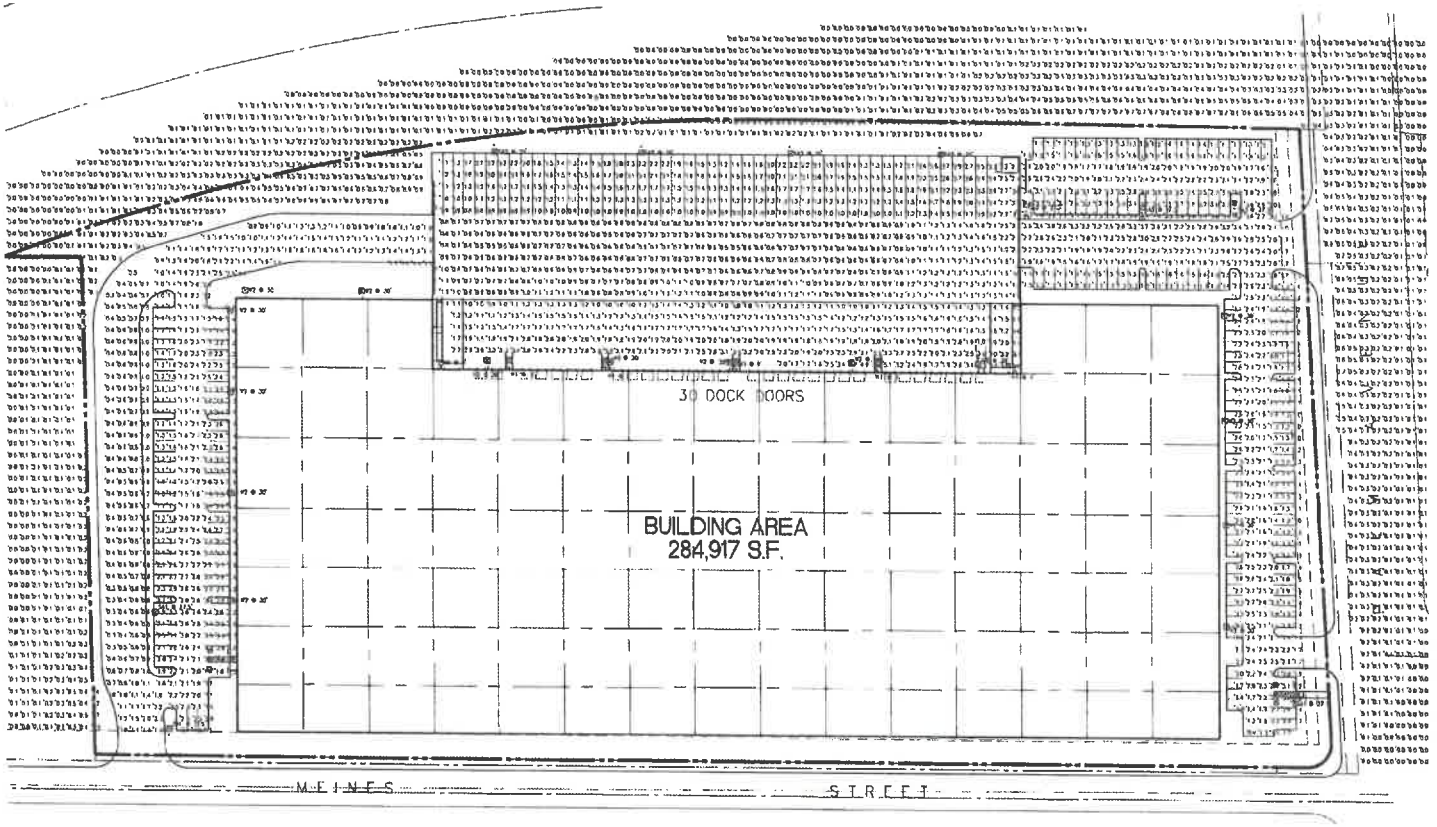
Meines Street & Palm Avenue

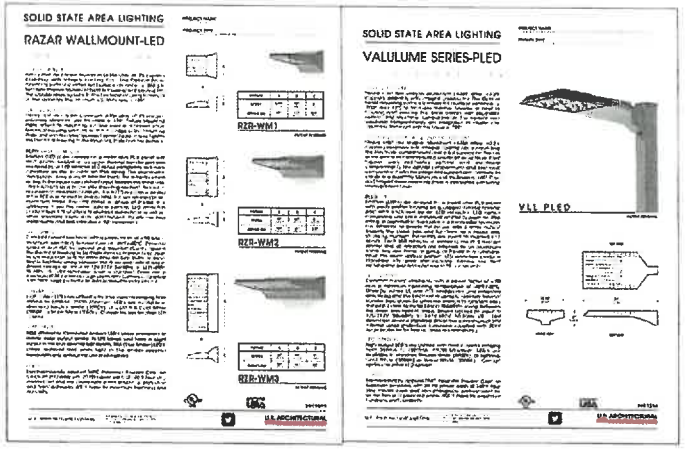
22-128
09.16.22
01.11.23

Lovett Industrial

Highland, California

HUNTER LANDSCAPE
711 FEE ANA STREET PLACENTIA, CA 92870
714.986.2490 FAX 714.986.2408





ELECTRICAL SITE PHOTOMETRIC PLAN 1

N

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
☑	W1	8	U.S. ARCHITECTURAL LIGHTING	[illegible]	CAST BLACK PAINTED FINNED METAL HOUSING	30 WHITE LIGHT EMITTING DIODES (LEDS) BASE UP	70	[illegible]	0.9	31.1
☒	W2	15	U.S. ARCHITECTURAL LIGHTING	[illegible]	CAST BLACK PAINTED FINNED METAL HOUSING	30 WHITE LIGHT EMITTING DIODES (LEDS) BASE UP	80	[illegible]	0.9	133.6
☒	SA1	1	U.S. ARCHITECTURAL LIGHTING	[illegible]	CAST BLACK PAINTED FINNED METAL HOUSING	30 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP	80	[illegible]	0.9	129.4
☒	SA2	1	U.S. ARCHITECTURAL LIGHTING	[illegible]	CAST BLACK PAINTED FINNED METAL HOUSING	30 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP	80	[illegible]	0.9	129.4
⊡	SA3	1	U.S. ARCHITECTURAL LIGHTING	[illegible]	CAST BLACK PAINTED FINNED METAL HOUSING	30 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP	80	[illegible]	0.9	254.8

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Zone 1	+	5.7 fc	9.0 fc	0.3 fc	17.0:1	3.4:1
Zone 2	+	7.0 fc	13.3 fc	0.8 fc	6.4:1	1.3:1
Zone 3	+	9.7 fc	17.5 fc	0.3 fc	83.3:1	2.3:1
Zone 4	+	16.1 fc	19.0 fc	10.0 fc	N/A	N/A

RPM

HPA

HPA, INC
18831 Bardeen Avenue - Ste. #100
Irvine, CA
92612
tel 949-863-1770
fax 519-763-0851
email hpa@hparchs.com

Owner

LOVETT INDUSTRIAL

1730 HOLLY AVE EL SEGUNDO
CA 90245
TEL 949-296-2989

Project

HIGHLAND PARK INDUSTRIAL DEVELOPMENT

21501 & 21723 BARTON RD.
MEINES ST. & PALM AVENUE
HIGHLAND PARK, CA

Consultants:

CIVIL: THOMAS A. ASSOC.
STRUCTURAL:
MECHANICAL:
ELECTRICAL:
LANDSCAPE: HUNTER LANDSCAPE
ARCHITECT:

Title
SITE PHOTOMETRIC PLAN

Project Number 22149
Drawn by RH
Date 05/16/2022
Revision

Sheet
E-2.1

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. 2023-026 was duly and regularly adopted by the Planning Commission of the City of Highland, California, at a regular meeting thereof held on the 20th day of June 2023, by the following vote:

AYES: Hamerly, Miller, Thomas

NOES: None

ABSTAIN: None

ABSENT: Amaya, Sutorus

Camille Goritz, Administrative Assistant III

Exhibit E:

Planning Commission Resolution No. 2023-027
Approving Tentative Parcel Map

RESOLUTION NO. 2023-027

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 20680 (TPM 22-011) TO MERGE FOURTEEN (14) EXISTING PARCELS INTO ONE (1) PARCEL IN ASSOCIATION WITH DESIGN REVIEW APPLICATION (DRA 22-022) TO DEVELOP A 284,917 SQUARE FOOT INDUSTRIAL WAREHOUSE, LOCATED ON A 12.8 ACRE SITE AT THE NORTHWEST CORNER OF PALM AVENUE AND MEINES STREET.

ASSESSOR'S PARCEL NUMBER(S): 1192-621-02 to 08, 1192-621-20 to 23, 1192-601-05, 09, & 43

APPLICANT: LOVETT INDUSTRIAL

A. RECITALS

1. On December 1, 2022, the Applicant submitted an application for Tentative Parcel Map No. 20680 (TPM 22-011) to consolidate the fourteen (14) existing parcels associated with the 284,917 square foot warehouse development project. Related entitlements include Design Review Application (DRA 22-022) and Mitigated Negative Declaration (ENV 23-004).

2. The project site has an Industrial (I) General Plan and Zoning Designation which requires approval of a Design Review Application for the establishment of a warehouse.

3. On June 20, 2023, the Planning Commission of the City of Highland, conducted a Public Hearing on the subject Project and concluded the Hearing on that date.

4. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

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

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 June 20, 2023 and which is incorporated herein by this reference, does find and determine the following facts:

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

3. Tentative Parcel Map No. 20680 (TPM 22-011) proposes to merge fourteen (14) lots into one (1) on approximately 12.8 acres.

4. A duly noticed public hearing was held by the Planning Commission on June 20, 2023, in the City Hall Council Chambers and notice of the time, date, place and purpose of the aforesaid hearing was given as required by applicable law. At the public hearing, the Planning Commission took testimony, both written and oral, from various parties, including the Applicant.

5. Tentative Parcel Map No. 20680 (TPM 22-011) complies with the provisions of Chapter 16.68 *Land Divisions* of the Highland Municipal Code.

6. Tentative Parcel Map No. 20680 (TPM 22-011) complies with the Subdivision Map Act, Sections 66410-66499.58 of the Government Code of the State of California.

7. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared for the project. It was determined that Mitigation Measures were necessary to address potential impacts. A Notice of Intent to adopt a Mitigated Negative Declaration (MND) was circulated and Mitigation Monitoring and Reporting Program prepared for consideration by the Commission.

8. Findings of Fact for Tentative Parcel Map No. 20680 (TPM 22-011):

   a. That the proposed map is consistent with applicable General and Specific Plans as specified in Section 65451.

      Response: The project site has an Industrial (I) General Plan designation of which cites appropriate uses to include "light industrial, research and development, and office uses for firms seeking an attractive and pleasant working environment and an advantageous location with proximity to the San Bernardino International Airport and freeway access". It meets Goal 2.5 to, "promote a mix of attractive employment-generating areas with a mix of uses that provide a sound and diversified economic base and that are compatible with the community's overall residential character" and Goal 2.13 to, "transform the 5th Street Corridor into a major employment center and gateway to the San Bernardino International Airport." It is not located within a Specific Plan area.

   b. That the design or improvement of the proposed subdivision is consistent with applicable General and Specific Plans.

Response: The subdivision and warehouse improvement are consistent with the design criteria of the General Plan's 5th Street Corridor, Goal 2.13, Policies 1-9, encouraging the consolidation of parcels to promote a quality, planned development. It also satisfies the policies of Goal 10.8 to, "ensure that industrial and business park development is professional and attractive in appearance through coordinated site planning, signage and architectural design guidelines.

c. That the site is physically suitable for the type of development.

Response: The project site is appropriate for a warehouse development as it combines fourteen (14) parcels for a total of 12.8 acres. The site contains a variety of industrial storage uses that include an off-road auto parts manufacturer and a steel distribution business. Each of the parcels will be removed of all onsite materials and will undergo full demolition prior to the start of construction. While the existing auto parts manufacturer and steel distribution business that currently occupy the eastern portion of the site are permitted uses, the general area of the site, the 5th Street Corridor, is in transition from its older, non-conforming uses to airport-related uses that align with the General Plan's vision.

There are no geographic or man-made impediments to the development of a warehouse on this site. There are utilities available within the adjacent right-of-way and drainage is good for on-site water retention and water quality treatment.

There is both passenger vehicle and truck access to and from Palm Avenue to the east and Meines Street to the south. It is also located within one (1) mile of the San Bernardino Airport and one (1) mile of the 210 Freeway.

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

Response: Per Municipal Code Section 16.24.040 Employment District Development Standards, the maximum lot coverage is 60%. The project calls for 51.3%. It meets the minimum lot size, lot width and dept as well as required building setbacks and landscape coverage.

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

Response: The site itself is zoned for Industrial (I) uses and the general area, the 5th Street Corridor, is in transition from its older, contractor storage type uses to more commercial/light-industrial airport-related uses that align with the vision for the future Airport Gateway Specific Plan. The consolidation of fourteen (14) existing parcels in to one (1) for this development will not harm fish, wildlife or their habitat. There are no endangered or protected animals onsite.

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

Response: The proposed project has been reviewed and conditioned by the City's Engineering, Building and Safety, Planning Divisions and Fire Department so that the design of the subdivision or the types of improvements will meet all local, state and federal codes as they relate to warehousing uses. It is in an urbanized area and will improve onsite conditions with the undergrounding of existing overhead utilities. It is a warehouse and any future tenant will be reviewed for any potential public health impacts.

g. That 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. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Response: The merging of parcels, and the new parcel design, will not conflict with easements for access through, or use of, property within the proposed subdivision. There is a single owner and any needed easement will be noted on the map. The project is conditioned so as not to conflict with any easements of record or judgement of court.

9. This project is not within a high fire severity zone. Findings required by Government Code section 66474.02 are not applicable.

10. The project is not subject to the Williamson Act. Findings required by Government Code section 66474.4 are not applicable.

11. Based on the Findings and Conclusions set forth above, the Planning Commission approves Tentative Parcel Map No. 20680 (TPM 22-011) to merge fourteen (14) parcels into one (1) for the development of a 284,917 square foot warehouse subject to the Conditions of Approval.

PASSED, **APPROVED,** and **ADOPTED** this 20th day of June, 2023.

ATTEST:

Randall Hamerly, Chair
Planning Commission

Lawrence A. Mainez
Community Development Director

Exhibit 1:

Conditions of Approval (TPM 22-0011)

PLANNING DIVISION CONDITIONS OF APPROVAL

Date:	June 20, 2023
Applicant:	Lovett Industrial
File/Index:	Tentative Parcel Map No. 20680 (TPM 22-011)
Proposal:	The merging of fourteen (14) existing parcels into one (1) new parcel.
Location:	A 12.8 acre site at the northwest corner of Palm Avenue and Meines Street.
	Assessor's Parcel Number(s): 1192-621-02 to 08, 1192-621-20 to 23, 1192-601-05, 09, & 43
Related Entitlements:	Design Review Application (DRA 22-022) & Mitigated Negative Declaration (ENV 23-004)

PLANNING CONDITIONS OF APPROVAL

Note: These conditions represent Planning Conditions and are meant to be one part of overall conditions that may include, but are not limited to, 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 unless otherwise stated herein.

The Tentative Tract Map Application has been conditionally approved, subject to compliance with the requirements as specified below. The conditions listed below are continuing conditions. Failure of the Applicant and/or developer to comply with any or all of said conditions at any time shall result in the revocation of the application.

a. Unless all conditions have been complied with and the tentative parcel map authorized by this application has occurred within thirty-six (36) months from the approval date of this tentative parcel map application, this tentative parcel map application shall expire and be null and void without further action by the City of Highland.

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 Community Development Director may grant an extension of time for a period of time not to exceed an additional thirty-six (36) months. An application for an extension of time must be set forth in writing, stating the reasons for the extension, and must be filed with the Planning Division a minimum of thirty (30) calendar days prior to the expiration of the tentative parcel map. Such application shall be filed together with the City's processing fee, as established by the City Council.

PLANNING CONDITIONS

2. The subject property shall be developed in accordance with plans and materials approved by the Planning Commission on June 20, 2023.

3. Tentative Parcel Map No. 20680 (TPM 22-011) approves the merging of fourteen (14) parcels into one (1) parcel. The site is approximately 12.8 acres.

4. Revisions, modifications, and/or deletions to the approved plans must be submitted to the Planning Division for review and approval.

5. Easements of Record not shown on the Tentative Map shall be relinquished or relocated. Lots affected by Easements or Easements of Records, which cannot be relinquished or relocated, shall be redesigned subject to review and approval of the Assistant Community Development Director.

6. The Site lies within a Industrial (I) Zone and all future development shall occur in accordance with the zone and all other related Highland Municipal Code provisions.

7. In compliance with the Highland Municipal Code, the Applicant/Owner shall agree, at his/her sole cost and expense, to defend, indemnify, and hold harmless, the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Commission, or other decision-making body, including staff, concerning this project. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the Applicant/Owner of his/her obligations under this condition.

8. The Applicant/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.

9. The Applicant/Owner 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.

10. Prior to recordation of the parcel map, the new legal description and plat map shall be submitted for review and approval with the Engineering Division. Prior to recordation of the parcel map the owner/applicant shall pay all applicable plan check fees.

11. Notice of this parcel map shall be filed will the county of San Bernardino and proof of recordation of the deed or record of survey shall be provided to the Engineering Division within one (1) year of approval of this parcel map.

12. Conditions of Approval for the related entitlements apply: Design Review Application (DRA 22-022)

Exhibit 2:

Tentative Parcel Map No. 20680

SHEET 2 OF 2

TENTATIVE PARCEL MAP NO. 20680

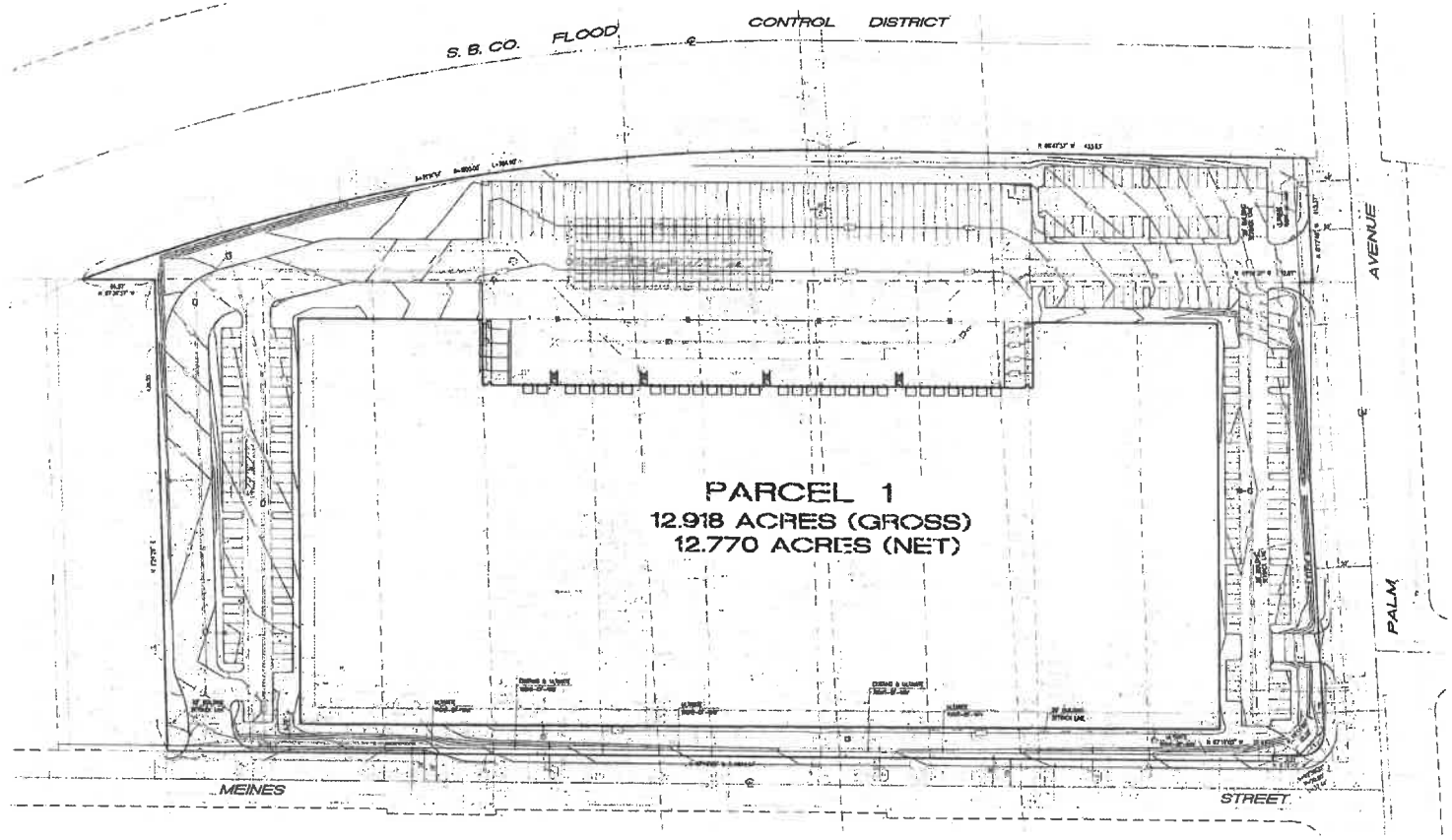
IN THE CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA,

BEING A SUBDIVISION OF LOTS 1, 2, 3, 4, 5, 6, 7, 67, 68, 69 AND 70 OF TRACT NO. 2060, BLUE RIBBON FARMS, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 65, TOGETHER WITH THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND TOGETHER WITH PARCEL B AS SHOWN ON CERTIFICATE OF COMPLIANCE NO. COC 018-005 AS EVIDENCED BY DOCUMENT RECORDED FEBRUARY 14, 2019 AS INSTRUMENT NO. 2019-48201 OF OFFICIAL RECORDS.

APNs:
1199-571-04, 05, 06, 07, 08, 20, 21, 22, 23
1199-581-05, 06, 17

NOTES:
DATE OF PREPARATION: 9-21-2022
GROSS ACREAGE: 12.918
NET ACREAGE: 12.770
NUMBER OF PROPOSED PARCEL: 1

0 20 40 80 120
SCALE 1"=40'



VICINITY MAP

DIGALERT
TOLL FREE
1-800-422-4133
AT LEAST TWO DAYS BEFORE YOU DIG

NO	REVISIONS DESCRIPTION	DATE

APPLICANT:
LOVETT INDUSTRIAL
1730 E HOLLY AVENUE
EL SEGUNDO, CA 90245
PHONE: (949) 402-2760

ARCHITECT:
HPA ARCHITECTURE
18831 BARDEEN AVE. STE #100
IRVINE, CA 92612
PHONE: (949) 863-1770

CIVIL ENGINEER:
Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH (714)521-4811 FAX (714)521-4173

SURVEYOR:
PREPARED UNDER THE DIRECTION OF:
P.L.S. NO. 8780
DATED
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF CALIFORNIA

CITY OF HIGHLAND

TENTATIVE PARCEL MAP NO. 20680

BEING A SUBDIVISION OF LOTS 1, 2, 3, 4, 5, 6, 7, 67, 68, 69 AND 70 OF TRACT NO. 2060, BLUE RIBBON FARMS, AS PER PLAT RECORDED IN BOOK 29 OF MAPS, PAGE 65, TOGETHER WITH THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND TOGETHER WITH PARCEL B AS SHOWN ON CERTIFICATE OF COMPLIANCE NO. COC 018-005 AS EVIDENCED BY DOCUMENT RECORDED FEBRUARY 14, 2019 AS INSTRUMENT NO. 2019-48201 OF OFFICIAL RECORDS.

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. 2023-027 was duly and regularly adopted by the Planning Commission of the City of Highland, California, at a regular meeting thereof held on the 20th day of June 2023, by the following vote:

AYES: Hamerly, Miller, Thomas

NOES: None

ABSTAIN: None

ABSENT: Amaya, Sutorus

Camille Goritz, Administrative Assistant III

Exhibit F:

Planning Commission Resolution No. 2023-028
Adopting the Mitigation Negative Declaration and Mitigation and Reporting Program (ENV 21-004)

RESOLUTION NO. 2023-028

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (ENV 23-004) FOR THE DEVELOPMENT OF A 284,917 SQUARE FOOT WAREHOUSE LOCATED ON A 12.8 ACRE SITE AT THE NORTHWEST CORNER OF PALM AVENUE AND MEINES STREET. RELATED ENTITLEMENTS INCLUDE DESIGN REVIEW APPLICATION (DRA 22-022) AND TENTATIVE PARCEL MAP NO. 20680 (TPM 22-011).

ASSESSOR'S PARCEL NUMBER(S): 1192-621-02 to 08, 1192-621-20 to 23, 1192-601-05, 09, & 43

APPLICANT: LOVETT INDUSTRIAL

A. RECITALS

1. On December 1, 2022, the Applicant submitted Design Review Application (DRA 22-022) for the construction of a 284,917 square foot industrial warehouse and associated improvements including loading docks, trailer parking, passenger vehicle parking, a stormwater infiltration basin, and landscape area. The Application includes a Site Plan, Building Elevations, Rough Grading Plan, and Conceptual Landscape Plan. Related entitlements include Tentative Parcel Map No. 20680 (TPM 22-011) to combine fourteen (14) parcels into one (1) and Mitigated Negative Declaration (ENV 23-004).

2. Pursuant to the provision of the California Environmental Quality Act (CEQA) and State and Local CEQA Guidelines, the City of Highland is the Lead Agency, and is charged with the responsibility of deciding whether or not to approve the proposed Project.

3. The Initial Study prepared for the Project was made available for public review from May 17, 2023 to June 15, 2023.

4. The Initial Study finds that either no impact or less than significant impacts would be associated with the issues of Aesthetics, Agricultural and Forestry Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population/Housing, Public Services, and Recreation, Transportation and Traffic, Wildfire, and Utilities and Services Systems

5. The Initial Study also finds that the potential impacts to air quality, biological resources, cultural resources, geology and soils, and tribal cultural resources require the implementation of mitigation measures to reduce impacts to a less than significant level. Thus, a Mitigated Negative Declaration is the appropriate document for this project.

6. On June 20, 2023, the Planning Commission of the City of Highland, conducted a Public Hearing on the subject Project and concluded the Hearing on that date.

7. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the June 20, 2023, 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 The Planning Commission hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (ENV 23-004), both of which are attached hereto and incorporated herein by reference.

Section 4. The Planning Commission hereby instructs City staff to file a Notice of Determination with the Clerk of the Board of the Supervisors of the County of San Bernardino, pursuant to the Public Resources Code and State CEQA Guidelines.

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 20th day of June, 2023.

Randall Hamerly, Chair
Planning Commission

ATTEST:

Lawrence A. Mainez,
Community Development Director

Exhibit 1:

Initial Study/Mitigated Negative Declaration

City of Highland

Meines Street and Palm Avenue Warehouse Project

Initial Study/Mitigated Negative Declaration

May 2023

Prepared by:

Kimley-Horn and Associates, Inc.

3801 University Avenue, Suite 300

Riverside, CA 92501

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1.0 INTRODUCTION & PURPOSE

1.1 Purpose and Scope of the Initial Study/ Mitigated Negative Declaration

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000 et seq.) and its Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.) this Initial Study (IS) was prepared by Kimley-Horn and Associates for the City of Highland (City) to access the environmental effects associated with the development of the Meines Street and Palm Avenue Warehouse Project (Project). Pursuant to State CEQA Guidelines Section 15367, the City is the lead agency for the Project and has the principal responsibility for approving the Project.

Pursuant to State CEQA Guidelines Section 10570, an Initial Study leading to a Mitigated Negative Declaration (IS/MND) can be prepared when the Initial Study has identified potentially significant environmental impacts but revisions have been made to a project, prior to public review of the Initial Study, that would avoid or mitigate the impacts to a level considered less than significant, and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

1.2 Summary of Findings

Section 3.0, Initial Checklist contains the Environmental Checklist Form that was prepared for the Project pursuant to CEQA requirements. The Environmental Checklist Form indicates that the Project would not result in significant impacts with the implementation of mitigation measures, as identified where applicable throughout this document.

1.3 Mitigation Measures

State CEQA Guidelines Section 15041, Authority to Mitigate, gives the lead agency for a project the authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards. CEQA Guidelines Section 15364 defines "feasible" as capable of being accomplished in a successful manner within a reasonable period of time, considering economic, environmental, legal, social, and technological factors. Mitigation measures will be adopted to reduce the environmental impacts to less than significant levels.

- Several forms of mitigation under CEQA Section 15370 are summarized as follow:
- Avoiding the impact by not taking a certain action(s)
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the impact environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action
- Compensating for the impact by replacing or providing substitute resources or environment.

Avoiding impacts is the preferred form of mitigation, followed by minimizing or rectifying the impact to less than significant levels. Compensating for impacts would be pursued if no other form of mitigation is not feasible.

1.4 Environmental Resource Topics

This IS/MND evaluates the Project's impacts on the following resource topics:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazardous and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

1.5 Report Organization

This document has been organized into the following sections:

Section 1.0 – Introduction. This section provides an introduction and overview describing the conclusions of the Initial Study.

Section 2.0 – Project Description. This section identifies key project characteristics and includes a list of anticipated discretionary actions.

Section 3.0 – Initial Study Checklist. The Environmental Checklist Form provides an overview of the potential impacts that may or may not result from project implementation.

Section 4.0 – Environmental Evaluation. This section contains an analysis of environmental impacts identified in the environmental checklist.

Section 5.0 – References. The section identifies resources used to prepare the Initial Study.

1.6 Initial Study Public Review Process

This IS and Notice of Intent to adopt the MND will be distributed to responsible and trustee agencies, other affected agencies, and other interested parties for a 30-day public review period.

Written comments regarding this MND should be addressed to:

Ash Syed, Associate Planner
City of Highland
Planning Department
27215 Base Line
Highland, CA 92346
909-864-6861 ext. 210
asyed@cityofhighland.org

After the 30-day review period, comments raised during the public review period will be considered and addressed prior to adoption of the MND by the City.

2.0 DESCRIPTION OF PROPOSED PROJECT

2.1 Location, Setting, and Existing Conditions of the Proposed Project

PROJECT LOCATION

The Project site is located northwest of the corner of Meines Street and Palm Avenue, in the City of Highland (City), within the County of San Bernardino (County), on Assessor Parcel Numbers (APNs) 1192-621-02 through -08, -20 through -23 and 1192-601-05, -09, -43. The Project site is generally located in the southern central portion of the City, approximately 2,933 feet (0.55-mile) to the west of Interstate (I) 210 and 972 feet (0.18-mile) north of the City of Redlands; refer to **Exhibit 1, Regional Location Map.**

Local access to the Project site is provided via Meines Street, which traverses the south of the site in a west-east direction, Palm Avenue that traverses east of the site in a north-south direction. Regional access to the Project site is via the W 5th Street off-ramp from I-210; refer to **Exhibit 2, Project Vicinity Map**.

PROJECT SETTING, LAND USE, AND ZONING DESIGNATION

The Project site is a 12.8-acre four-sided polygon-shaped site composed of 14 parcels. The Project site is currently developed with existing industrial uses and non-conforming single-family residential uses. The Project site is bound by commercial, vacant and undeveloped land, and non-conforming single-family homes to the south; non-conforming single-family homes, vacant land and a Santa Ana River stream to the east, industrial uses and non-conforming single-family residential uses; and vacant, undeveloped land, and industrial uses to the west.

Due to existing industrial and residential uses, the Project site is highly disturbed and contains non-native grassland limited to the single-family properties. Nonnative tree species and shrubs can be found scattered throughout the perimeter of the Project site.

Site elevations are relatively flat throughout the Project site, with a nominal slope increase towards the eastern portion of the site. The highest elevation at the eastern portion of the site is approximately 1191 feet (ft) above mean sea level (MSL). The lowest elevation is at the western portion of the site at approximately 1175 ft MSL. Runoff from the site drains southwesterly toward Meines Street.

The Project site's land use designation is Industrial, and the zoning designation is Industrial (I); refer to **Exhibit 3, Existing General Plan Land Use and Zoning Designations**. Furthermore, **Table 1, Existing Land Uses and Zoning Designations,** identifies the existing land uses and zoning designations of the Project site and surrounding area, congruent with the City of Highland General Plan (Highland GP).

Table 1: Existing Land Uses and Zoning Designations

Location	Existing Land Use Designation	Existing Zoning Designation	Existing Use
Project Site	Industrial	Industrial (I)	Industrial Uses, Single-Family Residential
North	Open Space; Public/Institutional Parks	Open Space (OS); Public/Quasi-Public (P/Q)	Santa Ana River; City of Highland Community Park;
South	Industrial; Business Park	Industrial (I); Business Park (BP)	Commercial Use; Vacant/Undeveloped land; Single-Family Residential
East	Industrial	Industrial (I)	Single-Family Residential; Vacant/Undeveloped Land; Santa Ana River
West	Industrial; Public/Institutional	Industrial; Public/Quasi-Public (P/Q)	Vacant/Undeveloped land; Industrial

Source: Google Maps.
City of Highland. 2012. City of Highland General Plan, *Land Use Element – Figure 2-2 General Plan Land Use.* Page 2-9. Available at: https://www.cityofhighland.org/DocumentCenter/View/2294/Land-Use-Element-PDF (accessed September 19, 2022).
City of Highland. 2012. *Zoning Map*. Available at: https://www.cityofhighland.org/DocumentCenter/View/191/Zoning-Map-PDF?bidId= (accessed September 19, 2022).

Furthermore, the Project site is located within the Airport Influence Area Zone "E" (Negligible Risk Level) for San Bernardino International Airport.

2.2 Proposed Project Characteristics

This development proposes a single new industrial concrete tilt-up dock high warehouse building totaling 284,917 square feet, including 5,000 square feet of office space and 3,000 feet of mezzanine space, on approximately 12.8 acres. The structure will be supported by a screened truck yard, vehicular parking areas, trailer storage stalls, drive aisles, and landscaped areas. On-site improvements will include storm drains, stormwater/water quality treatment facilities (including underground infiltration chambers), sewer (including a private lift station), water, sewer, and dry utility systems; refer to **Exhibit 4, Conceptual Site Plan**.

SITE ACCESS

Vehicular access to the Project site will be provided by two new driveways off Palm Avenue and one new driveway off Meines Street. The Project also proposes a internal driveway which would provide vehicular access throughout the Project site; refer to **Exhibit 4**.

PARKING

The Project proposes 159 (9' x 19') standard stalls and 34 (9' x 14') compact stalls for a total of 193 auto stalls. The Project will also provide 47 (10' x 53') trailer parking stalls.

LANDSCAPING

The proposed landscape area would cover approximately 64,146 SF (23.7 percent) of the total 12.8 acre site. As illustrated in **Exhibit 5, Conceptual Landscape Plan**, the proposed landscape includes a mix of

drought tolerant trees, shrubs, and accent plants along the perimeter of the Project site as well as along the building and in the parking lot islands.

GRADING

Grading and earthwork analysis indicate that the Project (with a level building floor) can balance with the use of minor onsite slopes and deepened building panels; refer to **Exhibit 6, Conceptual Grading Plan**. The preliminary earthwork numbers are 45,124 cubic yards of cut & 45,124 cubic yards of fill with approximately 52,762 cubic yards of over-excavation.

DRAINAGE

While the Project site generally drains to Meines Street under existing conditions, the downstream portions of the street are not fully improved (no curb and gutter) and there is no existing point of connection to the existing channel. Since the site is ultimately tabled to City Creek channel, a storm drain connection to the channel is proposed near the northwest corner of the Project site to handle flows.

Runoff from the north portion of the proposed building, the east parking area, and the north truck yard area will drain to catch basins located in the parking lot and truck dock area. A proposed storm drain will convey runoff west through the truck yard area. Flows from the south portion of the building and the west parking area will be collected in catch basins located in the west parking lot. A proposed storm drain will convey flows north and will connect to the previously mentioned storm drain system. The storm drain will continue north, connecting to City Creek channel.

The proposed connection to City Creek channel will be a 24" reinforced concrete pipe (RCP) extending approximately 55 feet into the channel's right-of-way. A proposed headwall (approximately 5' wide by 10' long and 3.3' tall will be installed to terminate the storm drain system. A rip rap pad (approximately 10' wide by 20' long) will then be constructed downstream of the headwall to dissipate the velocity. Additional channel grading to the channel slope will be required to all this connection to be completed. A jurisdictional delineation was conducted for this improvement and is further discussed in **Section 4.4, Biological Resources** of this IS/MND.

Onsite detention is also proposed to reduce runoff from the Project site to less than existing conditions. Detention is proposed in the truck yard for areas tributary to this location. The truck yard is higher than the elevations of the west parking lot, so these flows cannot be stored in the truck yard and will discharge without detention. Refer to **Exhibit 6** and **Exhibit 7, Conceptual Utility Plan**.

WATER AND SEWER

The Project site is within the jurisdictional boundaries of the East Valley Water District (EVWD). EVWD maintains an existing 12" main in Palm Avenue and an existing 6" main in Meines Street. Preliminary Project design anticipates removal of all existing facilities currently serving this site. The proposed building will be served by two new 2" water meters (1 domestic & 1 irrigation), and two new 10" fire service connections, all from the existing 12" water main in Palm Avenue.

The Project site is within the jurisdictional boundaries of the East Valley Water District (EVWD) for sanitary sewer services; however, EVWD does not maintain any site adjacent sewer mains. The site is currently

served by multiple septic systems. The nearest EVWD facility is an existing 24" sewer main about 250' south of the site in 5th Street (flows west). The proposed service to the Project will include a new onsite manhole and 6" sewer lateral connection to the proposed 8" sewer main extension in 5th Street. An onsite private lift station and force main will be required. The force main will discharge to a proposed onsite sewer manhole. Refer to **Exhibit 7**.

DRY UTILITIES

The Project site would be serviced by Southern California Gas Company (SCG) for natural gas services. The nearest SCG facility is a 2" main in Meines Street, approximately 80' west of the southwest corner of the Project site. Southern California Edison (SCE) maintains existing conduit facilities opposite the Project site in Palm Avenue and existing power poles with aerial distribution facilities in Meines Street along the Project frontage. The power poles and aerial facilities are proposed to be removed and undergrounded to the next existing power pole west of the Project site. AT&T maintains existing conduit facilities in Palm Avenue and existing aerial facilities in Meines Street along the Project frontage. The aerial facilities in Meines Street along the Project frontage are proposed to be undergrounded to the next existing pole west of the Project site.

OFF-SITE STREET IMPROVEMENTS

Palm Avenue is designated as a Major Highway by the city, having an ultimate ½ width right-of-way of 52' from street centerline, an ultimate curb location of 40' from street centerline, and a 12' parkway. The existing ½ width street right-of-way is mostly 52', however, a 12' street dedication along the northern +/- 100' of the site frontage is required. Existing improvements consist of ultimate pavement (fair condition), curb & gutter and partial parkway improvements. Required improvements besides removals and relocations include two new driveways, striping, and parkway improvements including streetlights, fire hydrants, landscaping (including trees), and signage.

Meines Street is designated as a Local Street by the city, having an ultimate ½ width right-of-way of 30' from street centerline, an ultimate curb location of 18' from street centerline, and a 12' parkway. The existing ½ width street right-of-way varies between 25' and 30'; therefore, an additional 5' street dedication is required along portions of the site frontage. Existing improvements consist of substandard edge of pavement (poor condition) to dirt and/or curb & gutter and lack required parkway improvements. Required improvements besides removals include pavement infill, curb & gutter, a right-turn pocket, a driveway, striping, and parkway improvements including streetlights, fire hydrants, a catch basin & local depression, sidewalks, landscaping (including trees), and signage.

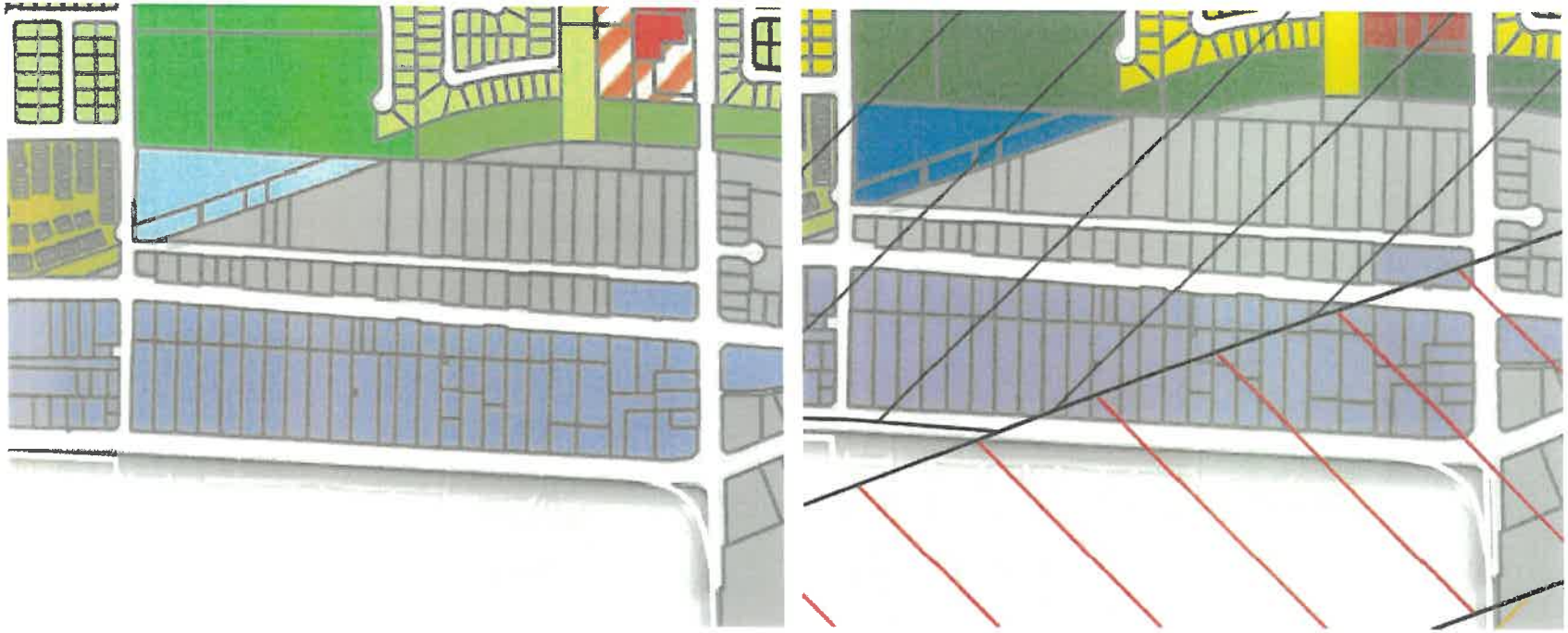
PROJECT APPROVALS

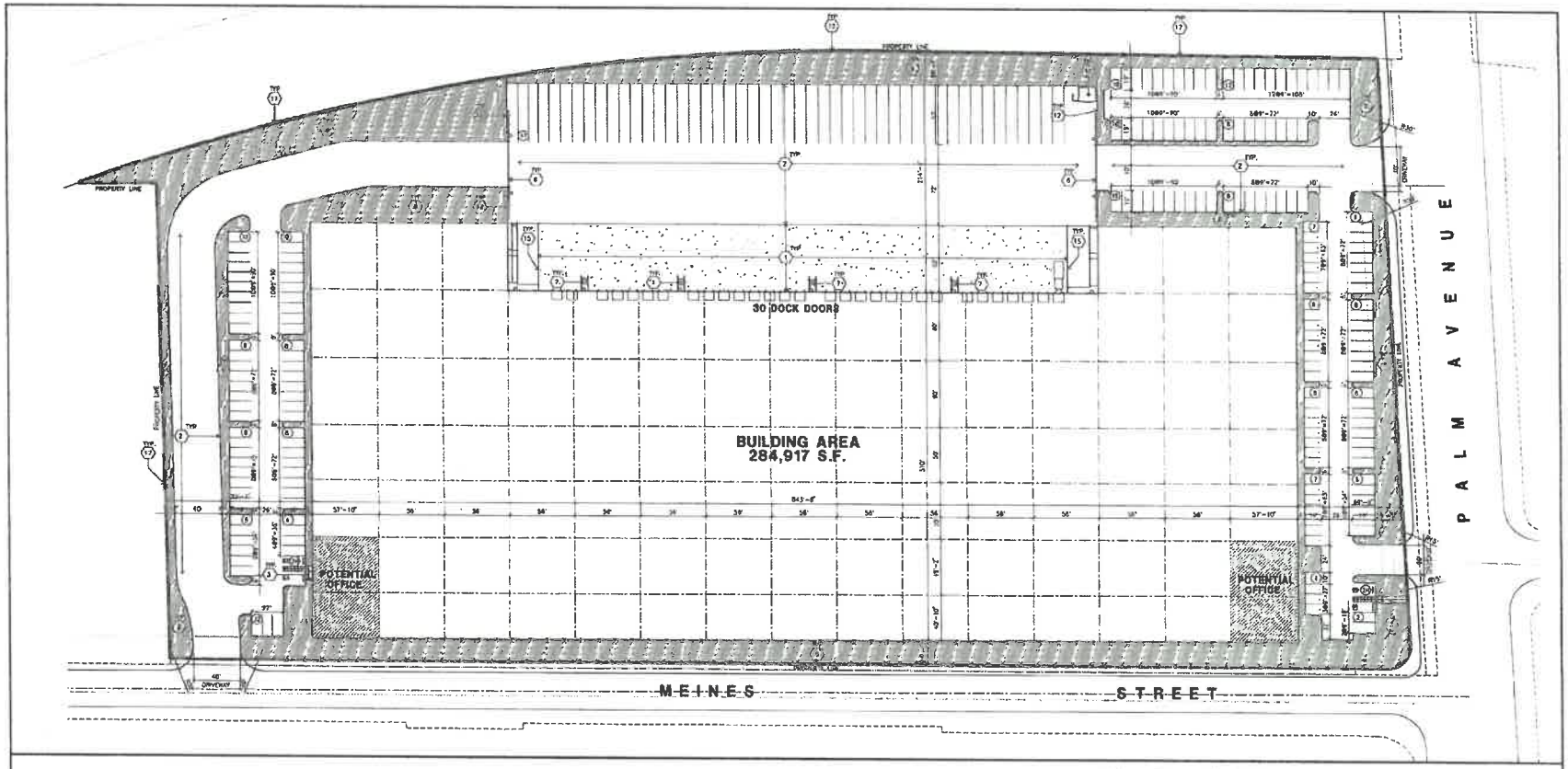
The actions and/or approvals that the City needs to consider for the Project include, but are not limited to, the following:

- Design Review Permit that includes the request for architectural review of the proposed warehouse building and associated infrastructure located on the northwest corner of Meines Street and Palm Avenue intersection (APNs: 1192-621-02 through -08, -20 through -23 and 1192-601-05, -09, -43).

- Tentative Parcel Map No. 20680 to combine 14 parcels into one parcel.

Other permits required for the Project may include, but are not limited to, the following: issuance of encroachment permits for driveways, and utilities; security and parking area lighting; permits; building permits; grading permits; tenant improvement permits; and permits for new utility connections.





SITE AREA		**SITE COVERAGE**		**TRAILER PARKING PROVIDED**			
In s.f.	555,855 sf	Maximum Allowed	60%	Trailer (10' x 53')	47 stalls		
In acres	12.8 ac	Actual	51.3%	**ZONING ORDINANCE**			
BUILDING AREA		**AUTO PARKING REQUIRED**		Zoning - Industrial (I)			
Office	5,000 sf	Office: 1/250 s.f.	32 stalls	**MAXIMUM BUILDING HEIGHT ALLOWED**			
Mezzanine	3,000 sf	Whse: 1/1,100 s.f	277 stalls	Height - 50'			
Warehouse	276,917 sf	TOTAL	309 stalls	**LANDSCAPE REQUIREMENT**			
TOTAL	284,917 sf	**AUTO PARKING PROVIDED**		Percentage - 10% of total parking area			
SITE COVERAGE		Standard (9' x 19')	159 stalls	**LANDSCAPE PROVIDED**			
Maximum Allowed	60%	Compact (9' x 14')	34 stalls	In s.f.	64,146 sf		
Actual	51.3%	Total Auto	193 stalls	Percentage	23.7%		
				SETBACKS			
				Building	Landscape		
				Front - 20'	Min. - 10'		
				Side - 0', Street side - 20'			
				Rear - 0'			

Source: HPA Architecture. (2023). Conceptual Site Plan

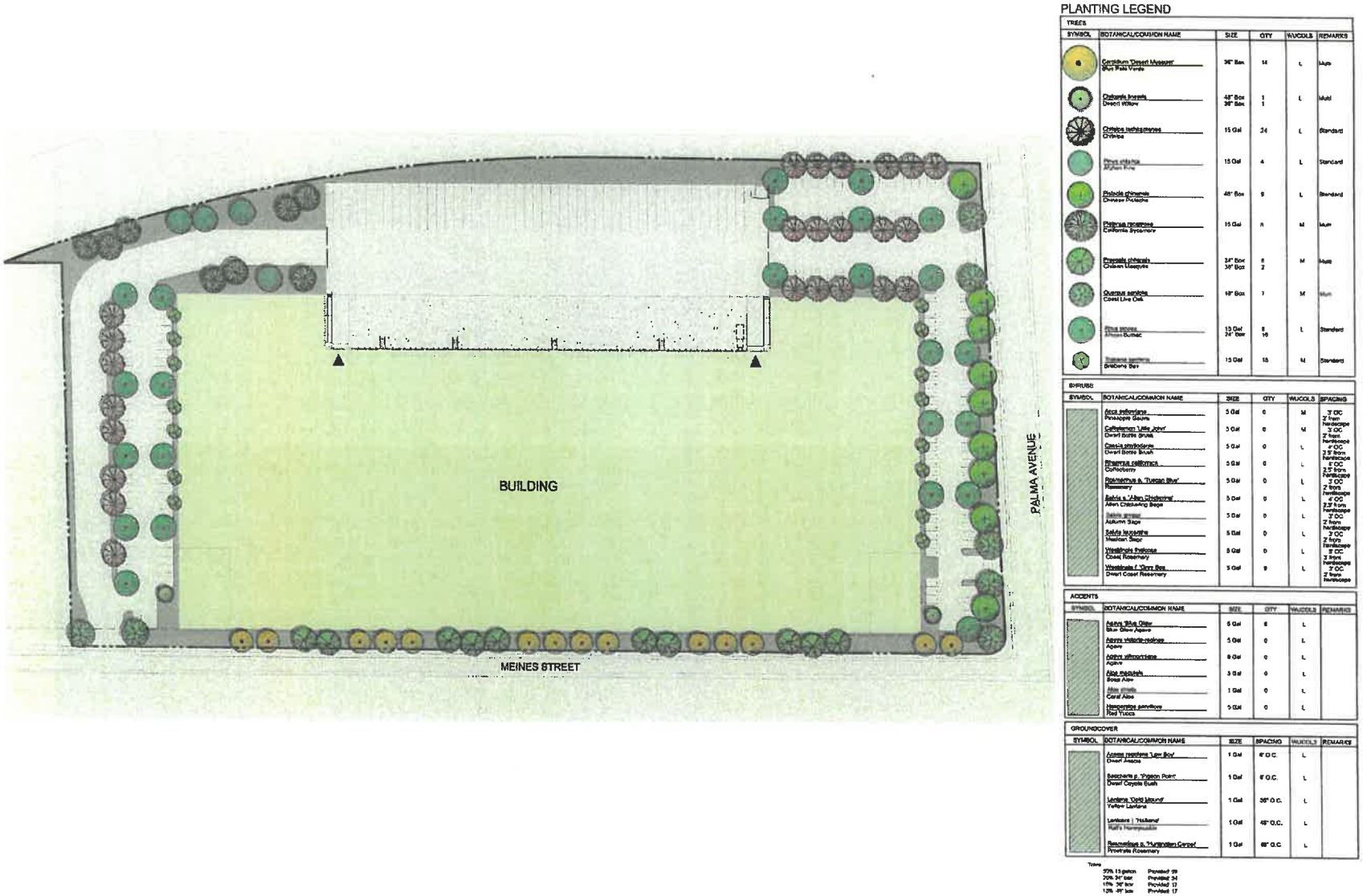
Exhibit 4: Conceptual Site Plan

City of Highland

Meines Street and Palm Avenue Warehouse Project

Not to Scale

Kimley»Horn

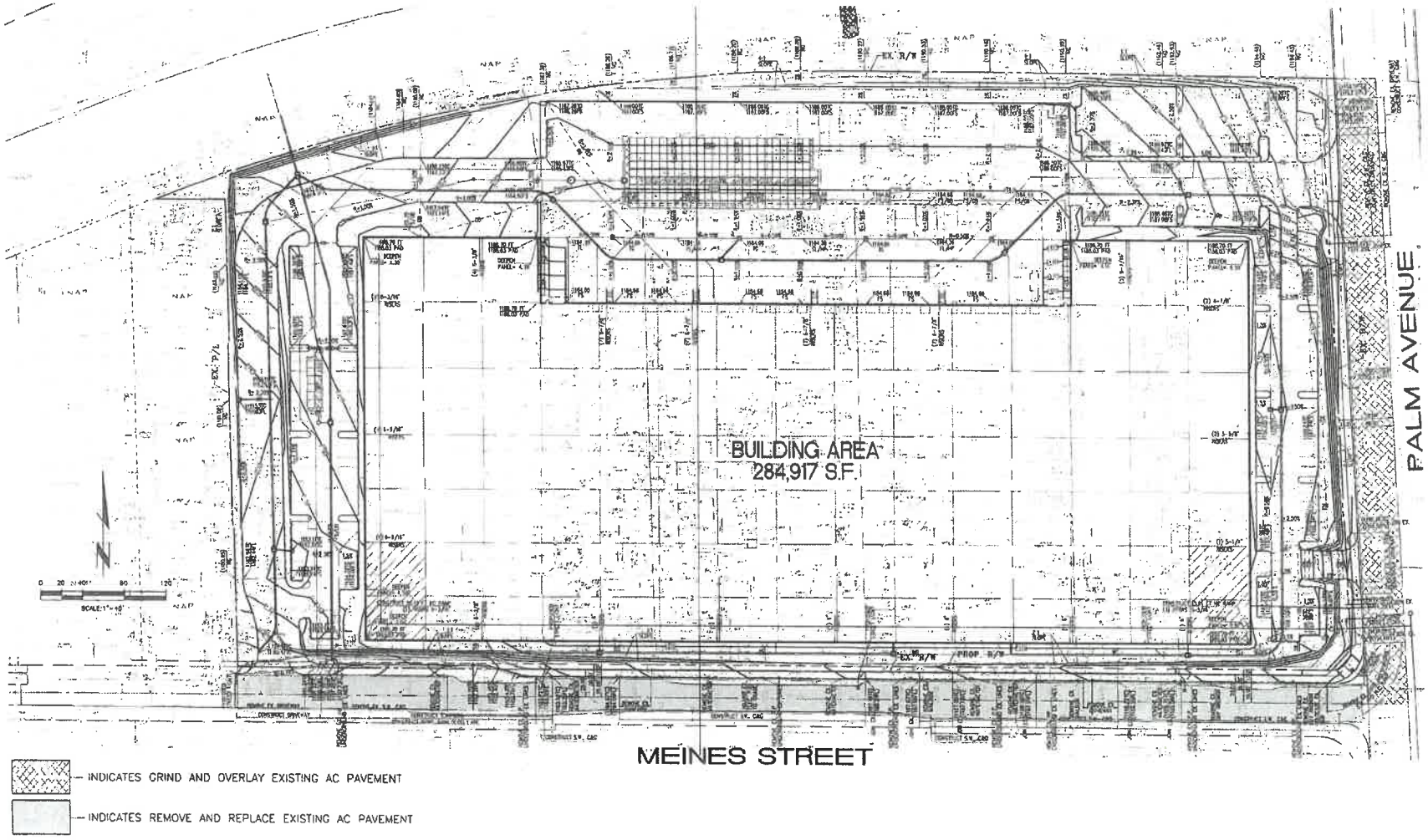


Source: Hunter Landscape. (2023). Conceptual Landscape Plan

Exhibit 5: Conceptual Landscape Plan
City of Highland
Meines Street and Palm Avenue Warehouse Project

Not to Scale

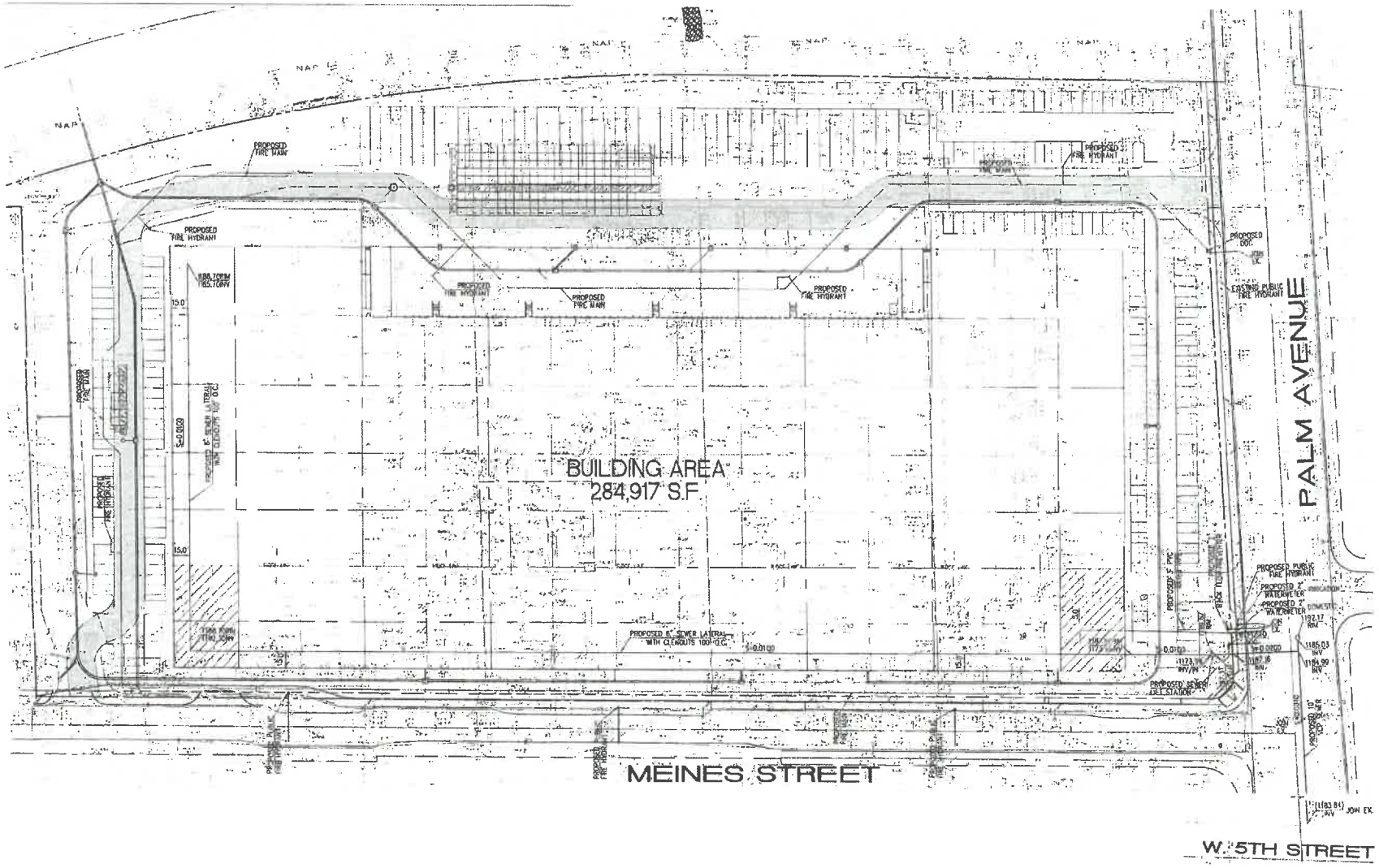
Kimley»Horn



Source: Thienes Engineering. (2023). Conceptual Grading Plan

Exhibit 6: Conceptual Grading Plan
City of Highland
Meines Street and Palm Avenue Warehouse Project

Kimley»Horn



Source: Thienes Engineering. (2023). Conceptual Utility Plan

Exhibit 7: Conceptual Utility Plan
City of Highland
Meines Street and Palm Avenue Warehouse Project

Not to Scale

Kimley»Horn

3.0 INITIAL STUDY CHECKLIST

1. **Project title:**

   Meines Street and Palm Avenue Warehouse Project

2. **Lead agency name and address:**

   City of Highland
   Planning Department
   27215 Base Line
   Highland, CA 92346

3. **Contact person and phone number:**

   Ash Syed, Associate Planner
   909-864-6861 ext. 210
   asyed@cityofhighland.org

4. **Project location:**

   The Project site is located northwest of the corner of Meines Street and Palm Avenue, in the City of Highland, California, and County of San Bernardino.

5. **Project sponsor's name and address:**

   Lovett Industrial
   120 Newport Center Drive, Suite 217,
   Newport Beach, CA 92660

6. **General plan designation:**

   Industrial

7. **Zoning:**

   Industrial (I)

8. **Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**

   The Project site is a 12.8-acre four-sided polygon-shaped site composed of 14 parcels (APNs: 1192-621-02, -03, -04, -05, -06, -07, -08, -20, -21, -22, -23 and 1192-601-05, -09, -43). Aerial imagery shows that the Project site is currently used for industrial and non-conforming single-family residential uses. The Project site is zoned Industrial (I) and has an Industrial General Plan land use designation. The Project would include the development of single new industrial concrete tilt-up dock high warehouse building totaling 284,917 square feet, including 5,000 square feet of office space and 3,000 feet of mezzanine space. The structure will be supported by a screened truck yard,

vehicular parking areas, tractor-trailer storage stalls, drive aisles, and landscaped areas. On-site improvements will include storm drains, stormwater/water quality treatment facilities (including underground infiltration chambers), sewer (including a private lift station), water, and dry utility systems. Additionally, minor onsite slopes and deepened building panels will be utilized.

9. **Surrounding land uses and setting: Briefly describe the project's surroundings:**

North: Santa Ana River; City of Highland Community Park;
South: Commercial Use; Vacant/Undeveloped land; Single-Family Residential
East: Single-Family Residential; Vacant/Undeveloped Land; Santa Ana River
West: Vacant/Undeveloped land; Industrial Uses

10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**

None

11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

The City completed the Assembly Bill (AB) 52 tribal consultation for the Project on December 2022. On December 1, 2022, the City initiated tribal consultation with interested California Native American tribes consistent with AB 52. Those tribes were the: Gabrieleño Band of Mission Indians – Kizh Nation, Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians), and Soboba Band of Luiseno Indians. At the conclusion of the consultation, the Yuhaaviatam of San Manuel Nation requested that Mitigation Measures (**MM**) **TCR-1** and **TCR-2** be implemented. Refer to Section 4.18, Tribal Cultural Resources of this document for additional information.

3.1 Environmental Factors Potentially Affected

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

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

DETERMINATION:

On the basis of this initial evaluation (check one):

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CERTIFICATION:

Signature _____ Date _____

4.0 ENVIRONMENTAL ANALYSIS

4.1 AESTHETICS

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

a) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. Scenic vistas in the City consist of the San Bernardino Mountains and the San Bernardino National Forest, located at the eastern and northern boundaries of the City. Scenic views also consist of the City's natural setting and preserved open-space land. The Project proposes the development of an industrial building and associated infrastructure improvements. Although the Project would directly impact the non-conforming single-family homes located south of Meines Street views of the identified scenic vistas to the north-northeast, the proposed building's height would not exceed the City's Municipal Code (Highland MC) maximum building height of 50 feet, consistent with the Industrial (I) zoning designation (refer to **Exhibit 8, Conceptual Elevations**). Furthermore, as illustrated in **Exhibit 4, Conceptual Site Plan**, the proposed industrial building would have a 20-foot front building setback towards Meines Street, consistent with the Highland MC minimum front building setback area of 20 feet.[1] The proposed building would be also sited beyond the minimum rear building setback area of 20 feet. Lastly, the Project would integrate landscaping near the building on all sides to improve the visual quality of the area.

[1] City of Highland. (2022). *City of Highland Municipal Code – Section 16.24.040 Employment district development standards.* Retrieved from: https://www.codepublishing.com/CA/Highland/#!/Highland16/Highland1624.html#16.24 (accessed October 10, 2022).

Since the Project would be designed consistently with the Highland MC development standards for Industrial zoning districts, the Project would not significantly obstruct views of scenic vistas from surrounding views. Therefore, a less than significant impact would occur, and no mitigation is necessary.

Mitigation Measures: No mitigation is required.

b) *Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*

Less than Significant Impact. The California Department of Transportation (Caltrans) manages the State Scenic Highway Program. According to Caltrans' State Scenic Highway System Map, there are no officially designated scenic highways in the City. However, a portion of State Route (SR) 330, near Highland Avenue and at the northern border of the City, is currently considered eligible as a scenic highway. [2] This portion of SR 330 however is located approximately 2.15 miles northeast of the Project site, and therefore construction and operation of the Project would not damage scenic resources near SR 330. There are also no historically significant buildings, trees, and/or rock outcroppings on the site that could be affected by the proposed development.

According to the Highland GP Circulation Element, Palm Avenue is designated by the City as a scenic route. Highland GP Circulation Highland GP Policies 3.3.2 through 3.3.3 calls for the preservation special visual resource areas along appropriate routes, which includes Palm Avenue. Accordingly, the Project would comply with Highland GP Policies 3.3.2 through 3.3.3 by adhering to all applicable design guidelines and providing landscaping along Palm Avenue which would improve the visual quality of that area. Therefore, no adverse impacts on scenic resources, including resources within a State scenic highway, would result from the Project's implementation. A less than significant impact would occur, and no mitigation is required.

Mitigation Measures: No mitigation is required.

c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Less than Significant Impact. The existing Project site would change from non-conforming single-family residences with accessary structures, and industrial operations to one 284,917 square foot warehouse, and associated infrastructure. The Project would be located in an urbanized area and consistent with the current industrial land use and zoning designations. Since the Project's vicinity is urbanized, and the Project is compatible with the existing and surrounding industrial and business park land uses, the Project is not anticipated to damage the scenic quality. Lastly, as discussed in Threshold b) above, the Project would implement design standards and landscaping

[2] Caltrans. (2019). California State Scenic Highway Program System Map. Retrieved from: https://www.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa (accessed October 13, 2022).

that would improve the visual quality of the area. Therefore, the project would not conflict with applicable zoning and other regulations governing scenic quality.

Mitigation Measures: No mitigation is required.

d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Less than Significant Impact. Existing sources of light and glare include street lighting, lights from the surrounding residential, commercial, and industrial development, and roadways from vehicle headlights. The Project would implement onsite safety and security lighting in compliance with the Highland MC Lighting Design Standards. In addition, the Project's proposed lighting would be reviewed by the City to ensure conformance with the 2022 California Building Standards Code, (Part 2 of Title 24, CCR) and with the 2022 California Green Building Standards Code (Part 11 of Title 24, CCR) to ensure that the proposed lighting is designed to eliminate light spillage and glare. With compliance with State and local regulations, the Project is not anticipated to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

The potential aesthetic impacts related to views, aesthetics, and light and glare are site-specific. As discussed above, Project-related impacts would be less than significant. Additionally, the type and intensity of development associated with the proposed Project site would be consistent with the area. The Project, in conjunction with cumulative development, would not significantly change the appearance of the site and surrounding area. All future development projects would be required to adhere to applicable local planning and design guidelines. Therefore, aesthetic impacts are not expected to be cumulatively considerable, and no adverse impacts would occur.

4.2 AGRICULTURE AND FORESTRY RESOURCES

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

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code

section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

No Impact. According to the Department of Conservation's (DOC) Farmland Mapping & Monitoring Program (FMMP), the Project site is designated as "Urban and Built-Up Land" which is defined as land that occupied by structures with a building density of at least one unit to 1.5 acres or approximately six structures to a 10-acre parcel.[3] Therefore, the Project would not convert prime farmland, unique farmland, or farmland of statewide for non-agricultural use.

As noted in Section 3.0 above, the Project is zoned as industrial (I) and contains industrial and non-conforming residential uses on-site. Therefore, the Project would not conflict with existing agricultural or forest land zoning. Furthermore, the DOC does not designate the Project site under a Williamson Act Contract. Lastly, the Project site does not contain forest land. Therefore, the Project would not conflict with agricultural or forestry zoning, convert farmland or forest land for non-agricultural uses, or conflict with a Williamson Act Contract. No impact associated with agricultural and forestry resources would occur with the implementation of the Project.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

The Project would not impact any agricultural and forestry resources within the City. The Project site is zoned for industrial uses which is consistent with the Project's proposed uses and surrounding industrial and business park uses.

[3] California DOC. (2022). *California Important Farmland Finder*. Retrieved at: https://maps.conservation.ca.gov/DLRP/CIFF/ (accessed May 2023).

4.3 AIR QUALITY

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

Kimley-Horn and Associates prepared Air Quality Assessment and Health Risk Assessment (HRA) for the Project; refer to **Appendix A**.

Climate and Meteorology

The California Air Resources Board (CARB) divides the State into 15 air basins that share similar meteorological and topographical features. The Project is located within the South Coast Air Basin (SCAB), which includes the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, as well as all of Orange County. The SCAB is on a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean on the southwest and high mountains forming the remainder of the perimeter. Air quality in this area is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions.

The SCAB is part of a semi-permanent high-pressure zone in the eastern Pacific. As a result, the climate is mild and tempered by cool sea breezes. This usually mild weather pattern is occasionally interrupted by periods of extreme heat, winter storms, and Santa Ana winds. The annual average temperature throughout the 6,645-square-mile SCAB ranges from low 60 to high 80 degrees Fahrenheit with little variance. With more oceanic influence, coastal areas show less variability in annual minimum and maximum temperatures than inland areas.

Contrasting the steady pattern of temperature, rainfall is seasonally and annually highly variable. Almost all annual rainfall occurs between the months of November and April. Summer rainfall is reduced to widely scattered thundershowers near the coast, with slightly heavier activity in the east and over the mountains.

Although the SCAB has a semiarid climate, the air closer to the Earth's surface is typically moist because of the presence of a shallow marine layer. Except for occasional periods when dry, continental air is brought into the SCAB by offshore winds, the "ocean effect" is dominant. Periods of heavy fog are frequent and low clouds known as high fog are characteristic climatic features, especially along the coast. Annual average humidity is 70 percent at the coast and 57 percent in the eastern portions of the SCAB.

Wind patterns across the SCAB are characterized by westerly or southwesterly onshore winds during the day and easterly or northeasterly breezes at night. Wind speed is typically higher during the dry summer months than during the rainy winter. Between periods of wind, air stagnation may occur in both the morning and evening hours. Air stagnation is one of the critical determinants of air quality conditions on any given day. During winter and fall, surface high-pressure systems over the SCAB, combined with other meteorological conditions, result in very strong, downslope Santa Ana winds. These winds normally continue for a few days before predominant meteorological conditions are reestablished.

The mountain ranges to the east affect the diffusion of pollutants by inhibiting the eastward transport of pollutants. Air quality in the SCAB generally ranges from fair to poor and is similar to air quality in most of coastal Southern California. The entire region experiences heavy concentrations of air pollutants during prolonged periods of stable atmospheric conditions.

In addition to the characteristic wind patterns that affect the rate and orientation of horizontal pollutant transport, two distinct types of temperature inversions control the vertical depth through which air pollutants are mixed. These inversions are the marine inversion and the radiation inversion. The height of the base of the inversion at any given time is called the "mixing height." The combination of winds and inversions is a critical determinant leading to highly degraded air quality for the SCAB in the summer and generally good air quality in the winter.

Air Pollutants of Concern

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by state and federal laws. These regulated air pollutants are known as "criteria air pollutants" and are categorized into primary and secondary pollutants.

Primary air pollutants are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_X), sulfur dioxide (SO_2), coarse particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and lead are primary air pollutants. Of these, CO, NO_X, SO_2, PM_{10}, and $PM_{2.5}$ are primary criteria pollutants. ROG and NOX are criteria pollutant precursors and form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. For example, the criteria pollutant ozone (O_3) is formed by a chemical reaction between ROG and NO_X in the presence of sunlight. O_3 and nitrogen dioxide (NO_2) are the principal secondary pollutants. Sources and health effects commonly associated with criteria pollutants are summarized in Error! Reference source not found..

Error! Reference source not found.

Pollutant	Major Man-Made Sources	Human Health Effects
Particulate Matter (PM_{10} and $PM_{2.5}$)	Power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles and others.	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility.
Ozone (O_3)	Formed by a chemical reaction between reactive organic gases/volatile organic compounds (ROG or VOC)[1] and nitrogen oxides (NO_X) in the presence of sunlight. Motor vehicle exhaust industrial emissions, gasoline storage and transport, solvents, paints and landfills.	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield.
Sulfur Dioxide (SO_2)	A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships.	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain.
Carbon Monoxide (CO)	An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO_2)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to O_3. Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.
Lead (Pb)	Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. Due to the phase out of leaded gasoline, metals processing is the major source of lead emissions to the air today. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.	Exposure to lead occurs mainly through inhalation of air and ingestion of lead in food, water, soil, or dust. It accumulates in the blood, bones, and soft tissues and can adversely affect the kidneys, liver, nervous system, and other organs. Excessive exposure to lead may cause neurological impairments such as seizures, mental retardation, and behavioral disorders. Even at low doses, lead exposure is associated with damage to the nervous systems of fetuses and young children, resulting in learning deficits and lowered IQ.

Notes:
[1] Volatile Organic Compounds (VOCs or Reactive Organic Gases [ROG]) are hydrocarbons/organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including ROGs and VOCs. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).

Source: Kimley-Horn. (2023). *Air Quality Assessment*. page 7 – Table 1.

Toxic Air Contaminants

Toxic air contaminants (TACs) are airborne substances that can cause short-term (acute) or long-term (i.e., chronic, carcinogenic or cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting

operations. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

CARB identified diesel particulate matter (DPM) as a toxic air contaminant. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Diesel exhaust is a complex mixture of particles and gases produced when an engine burns diesel fuel. DPM is a concern because it causes lung cancer; many compounds found in diesel exhaust are carcinogenic. DPM includes the particle-phase constituents in diesel exhaust. The chemical composition and particle sizes of DPM vary between different engine types (heavy-duty, light-duty), engine operating conditions (idle, accelerate, decelerate), fuel formulations (high/low sulfur fuel), and the year of the engine. Some short-term (acute) effects of diesel exhaust include eye, nose, throat, and lung irritation, and diesel exhaust can cause coughs, headaches, light-headedness, and nausea. DPM poses the greatest health risk among the TACs. Almost all diesel exhaust particle mass is 10 microns or less in diameter. Due to their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung.

Ambient Air Quality

CARB monitors ambient air quality at approximately 250 air monitoring stations across the State. These stations usually measure pollutant concentrations ten feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Existing levels of ambient air quality, historical trends, and projections near the Project are documented by measurements made by the South Coast Air Quality Management District (SCAQMD), the air pollution regulatory agency in the SCAB that maintains air quality monitoring stations which process ambient air quality measurements.

Pollutants of concern in the SCAB include O_3, PM_{10}, and $PM_{2.5}$. The closest air monitoring station to the Project that monitors ambient concentrations of these pollutants is the San Bernardino-4th Street Monitoring Station (located approximately 3.5 miles to the west of the Project site). Local air quality data from 2019 to 2021 are provided in Error! Reference source not found., which lists the monitored maximum concentrations and number of exceedances of state or federal air quality standards for each year.

Error! Reference source not found.

Criteria Pollutant	2019	2020	2021
Ozone (O_3) [1]			
1-hour Maximum Concentration (ppm)	0.127	0.162	0.142
8-hour Maximum Concentration (ppm)	0.114	0.128	0.112
Number of Days Standard Exceeded			
CAAQS 1-hour (>0.09 ppm)	63	89	66
NAAQS 8-hour (>0.070 ppm)	96	130	98
Carbon Monoxide (CO) [1]			
1-hour Maximum Concentration (ppm)	3.818	1.934	4.331
Number of Days Standard Exceeded			
NAAQS 1-hour (>35 ppm)	0	0	0
CAAQS 1-hour (>20 ppm)	0	0	0
Nitrogen Dioxide (NO_2) [1]			
1-hour Maximum Concentration (ppm)	0.059	0.054	0.056
Number of Days Standard Exceeded			

Criteria Pollutant	2019	2020	2021
NAAQS 1-hour (>0.100 ppm)	0	0	0
CAAQS 1-hour (>0.18 ppm)	0	0	0
Particulate Matter Less Than 10 Microns (PM_{10}) [1]			
National 24-hour Maximum Concentration	112.7	174.8	182.4
State 24-hour Maximum Concentration	92.2	100.8	71.2
State Annual Average Concentration (CAAQS=20 $\mu g/m^3$)	—	—	—
Number of Days Standard Exceeded			
NAAQS 24-hour (>150 $\mu g/m^3$)	0	1	1
CAAQS 24-hour (>50 $\mu g/m^3$)	4	8	4
Particulate Matter Less Than 2.5 Microns ($PM_{2.5}$) [1]			
National 24-hour Maximum Concentration	60.5	56.6	57.9
State 24-hour Maximum Concentration	60.5	56.6	57.9
Number of Days Standard Exceeded			
NAAQS 24-hour (>35 $\mu g/m^3$)	1	2	1

Notes:
NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million; µg/m3 = micrograms per cubic meter; – = not measured
1 Measurements taken at the San Bernardino-4th Street Monitoring Station at 24302 4th Street., San Bernardino, CA 92410. (CARB# 36203)
Source: Ibid. Page 9 – Table 2.

Sensitive Receptors

Sensitive populations are more susceptible to the effects of air pollution than is the general population. Sensitive receptors that are in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The Project site is primarily surrounded by trailer parking, industrial warehousing, business offices, logistics, and distribution related uses. The sensitive land uses nearest to the Project site consist of single-family residences located to the north, south, northeast, and west and a community part to the northwest. Sensitive land uses nearest to the Project are shown in Error! Reference source not found..

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Receptor Description	Distance and Direction from the Project
Single-Family Residences	97 feet to the south
Single-Family Residences	240 feet to the north
Single-Family Residences	290 feet to the northeast
Single-Family Residences	310 feet to the southwest
Highland Community Park	370 feet to the northwest
Single-Family Residences	818 feet to the west
Cypress Elementary School	1,960 feet to the northwest

Source: Ibid. page 10 – Table 3.

Air Quality Thresholds

Based upon the criteria derived from Appendix G of the CEQA Guidelines, a Project normally would have a significant effect on the environment if it would:

- Conflict with or obstruct implementation of the applicable air quality plan.

- Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable State or federal ambient air quality standard.
- Expose sensitive receptors to substantial pollutant concentrations.
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

SCAQMD Thresholds

The significance criteria established by SCAQMD may be relied upon to make the above determinations. According to the SCAQMD, an air quality impact is considered significant if the Project would violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations. The SCAQMD has established thresholds of significance for air quality during construction and operational activities of land use development projects, as shown in Error! Reference source not found..

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Criteria Air Pollutants and Precursors	Pounds per Day	
	Construction-Related	Operational-Related
Reactive Organic Gases (ROG)	75	55
Carbon Monoxide (CO)	550	550
Nitrogen Oxides (NO_X)	100	55
Sulfur Oxides (SO_X)	150	150
Coarse Particulates (PM_{10})	150	150
Fine Particulates ($PM_{2.5}$)	55	55
Source: Ibid. page 19 – Table 6		

Localized Carbon Monoxide

In addition to the daily thresholds listed above, the Project would also be subject to the CAAQS and NAAQS. These are addressed though an analysis of localized CO impacts. The significance of localized impacts depends on whether ambient CO levels near the Project site are above the CAAQS and NAAQS (the more stringent California CO CAAQS are 20 ppm for 1-hour and 9 ppm for 8-hour). The SCAB has been designated as attainment under the 1-hour and 8-hour CAAQS.

Localized Significance Thresholds (LSTs)

In addition to the CO hotspot analysis, the SCAQMD developed LSTs for emissions of NO_2, CO, PM_{10}, and $PM_{2.5}$ generated at new development sites (off-site mobile source emissions are not included in the LST analysis). LSTs represent the maximum emissions that can be generated at a project without expecting to cause or substantially contribute to an exceedance of the most stringent state or federal ambient air quality standards. LSTs are based on the ambient concentrations of that pollutant within the Project source receptor area (SRA), as demarcated by the SCAQMD, and the distance to the nearest sensitive receptor. LST analysis for construction is applicable for all projects that disturb 5 acres or less on a single day. The City of Highland is located within SCAQMD SRA 34. Error! Reference source not found., shows the LSTs for a 1-acre, 2-acre, and 5-acre project in SRA 34 within 25 meters of the Project. The nearest sensitive receptor is a residential property located at approximately 30 meters to the south. Therefore,

the lowest thresholds distance of 30 meters were interpolated and used for the analysis based on the SCAQMD LST methodology guidance. LSTs associated with all acreage categories are provided in **Table 6** for informational purposes. **Table 6** shows that the LSTs increase as acreage increases. It should be noted that LSTs are screening thresholds and are therefore conservative. The construction LST acreage is determined based on daily acreage disturbed. The operational LST acreage is based on the total area of the Project site. Although the Project site is greater than five acres, the 5-acre operational LSTs are conservatively used to evaluate the Project.

Table 6: Local Significance Thresholds for Construction/Operations

Project Size	Pounds per Day			
	Nitrogen Oxide (NO_x)	Carbon Monoxide (CO)	Coarse Particulates (PM_{10})	Fine Particulates ($PM_{2.5}$)
1 Acre	118/118	667/667	4/1	3/1
2 Acres	170/170	972/972	7/2	4/1
5 Acres	270/270	1,746/1,746	14/4	8/2

Source: Ibid. page 19 – Table 7

Methodology

This air quality impact analysis considers the Project's construction and operational impacts. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model (CalEEMod). CalEEMod is a Statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Air quality impacts were assessed according to methodologies recommended by CARB and the SCAQMD.

Construction equipment, trucks, worker vehicles, and ground-disturbing activities associated with Project construction would generate emissions of criteria air pollutants and precursors. Daily regional construction emissions are estimated by assuming construction occurs at the earliest feasible date (i.e., a conservative estimate of construction activities) and applying off-road, fugitive dust, and on-road emissions factors in CalEEMod.

Project operations would result in emissions of area sources (consumer products, architectural coating, and landscape equipment), energy sources (natural gas usage), mobile sources (motor vehicles from Project generated vehicle trips), and off-road equipment. Project-generated increases in operational emissions would be predominantly associated with motor vehicle use. The traffic trip generation attributed to the Project was obtained from the Project's Traffic Study prepared by Kimley-Horn and Associates, Inc. (**Appendix J**). Other operational emissions from area, energy, and stationary sources were quantified in CalEEMod based on land use activity data.

As discussed above, the SCAQMD provides significance thresholds for emissions associated with Project construction and operations. The Project's construction and operational emissions are compared to the daily criteria pollutant emissions significance thresholds in order to determine the significance of a Project's impact on regional air quality.

The localized effects from the Project's on-site emissions were evaluated in accordance with the SCAQMD's Localized Significance Threshold Methodology, which uses on-site mass emissions rate look-

up tables and project-specific modeling. LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS) and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. As part of its enforcement responsibilities, the Environmental Protection Agency (EPA) requires each state with nonattainment areas to prepare and submit a State Implementation Plan that demonstrates the means to attain the federal standards. The State Implementation Plan must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment areas, using a combination of performance standards and market-based programs. Similarly, under State law, the California Clean Air Act requires an air quality attainment plan to be prepared for areas designated as nonattainment regarding the state and federal ambient air quality standards. Air quality attainment plans outline emissions limits and control measures to achieve and maintain these standards by the earliest practical date.

The Project is located within the SCAB, which is under the jurisdiction of the SCAQMD. The SCAQMD is required, pursuant to the FCAA, to reduce emissions of criteria pollutants for which the SCAB is in nonattainment. To reduce such emissions, the SCAQMD drafted the 2016 and 2022 AQMPs (AQMPs). The AQMPs establish a program of rules and regulations directed at reducing air pollutant emissions and achieving CAAQS and NAAQS. The AQMPs are a regional and multi-agency effort including the SCAQMD, the CARB, the Southern California Association of Governments (SCAG), and the EPA.

The pollutant control strategies in the AQMPs are based on the latest scientific and technical information and planning assumptions, including SCAG's 2020-2045 Regional Transportation Plan/ Sustainable Communities Strategies (RTP/SCS) herein referred as the Connect SoCal, updated emission inventory methodologies for various source categories, and SCAG's latest growth forecasts. SCAG's latest growth forecasts were defined in consultation with local governments and with reference to local general plans. The Project is subject to the AQMPs.

Criteria for determining consistency with the AQMPs are defined by the following indicators:

- Consistency Criterion No. 1: The Project will not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMPs.
- Consistency Criterion No. 2: The Project will not exceed the assumptions in the AQMPs or increments based on the years of the Project build-out phase.

According to the SCAQMD's CEQA Air Quality Handbook, the purpose of the consistency finding is to determine if a project is inconsistent with the assumptions and objectives of the regional air

quality plans, and thus if it would interfere with the region's ability to comply with CAAQS and NAAQS.

The violations to which Consistency Criterion No. 1 refers are CAAQS and NAAQS. As shown in **Table 7**, **Table 8**, **Table 10**, and **Table 11** below, the Project would not exceed the construction standards, operational standards, or localized significance thresholds. Therefore, the Project would not contribute to an existing air quality violation. Thus, the Project would be consistent with the first criterion.

Concerning Consistency Criterion No. 2, the AQMPs contain air pollutant reduction strategies based on SCAG's latest growth forecasts, and SCAG's growth forecasts were defined in consultation with local governments and with reference to local general plans. The Project site's Highland GP land use designation is Industrial, and the zoning designation is Industrial (I). The Project is consistent with the Highland GP land use designation and the zoning. As such, the Project would not result in substantial unplanned growth or unaccounted for growth in the Highland GP used by the SCAQMD to develop the AQMPs. Thus, a less than significant impact would occur no impact would occur, as the Project is also consistent with the second criterion.

In addition, in accordance with South Coast AQMD Rule 2305 (refer to South Coast Air Quality Management District under Section 3.4 Regulatory Setting) the Project operator would be required to pay a mitigation fee if the Project does not generate enough WAIRE Points. The Project operator may be required to implement additional emission reduction strategies. Conservatively, this analysis does not take credit for these potential reductions. Compliance with proposed Rule 2305 would reduce emissions below what is currently analyzed.

Overall, the Project would conflict with or obstruct implementation of the applicable air quality plan and impacts would be less than significant.

Mitigation Measures: No mitigation is required.

b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Less than Significant Impact.

Construction Emissions

Construction associated with the Project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include O_3-precursor pollutants (i.e., ROG and NO_X) and PM_{10} and $PM_{2.5}$. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance.

Construction results in the temporary generation of emissions resulting from site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne

particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities as well as weather conditions and the appropriate application of water.

Construction of the Project is anticipated to begin in October 2023 and is estimated to be completed within approximately 11 months. Construction-generated emissions associated with the Project were calculated using the CARB-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Predicted maximum daily construction-generated emissions for the Project are summarized in **Table 7, Construction-Related Emissions**.

Table 7: Construction-Related Emissions

Construction Year	Pollutant (Maximum Pounds per Day)					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Carbon Monoxide (CO)	Sulfur Dioxide (SO_2)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
2023	4.04	40.4	36.7	0.10	16.0	5.65
2024	25.3	13.6	24.1	0.03	2.47	0.95
SCAQMD Threshold	*75*	*100*	*550*	*150*	*55*	*150*
Exceed SCAQMD Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:
SCAQMD Rule 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces two times daily; cover stock piles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied.

Source: Ibid. page 24 – Table 8

Table 7 shows that all criteria pollutant emissions would remain below their respective thresholds. While impacts would be considered less than significant, the Project would be subject to SCAQMD Rules 402, 403, and 1113.

Fugitive dust emissions may have a temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the Project vicinity. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. SCAQMD Rules 402 and 403 (prohibition of nuisances, watering of inactive and perimeter areas, track out requirements, etc.), are applicable to the Project and were applied in CalEEMod to minimize fugitive dust emissions. While impacts would be considered less than significant, the Project would be subject to SCAQMD Rules for reducing fugitive dust. Therefore, the Project's construction-related activities would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Operational Emissions

The Project's operational emissions would be associated with area sources (e.g., landscape maintenance equipment, architectural coatings, off-road equipment, etc.), energy sources, mobile sources (i.e., motor vehicle use), and off-road equipment. Primary sources of operational criteria pollutants are from motor vehicle use and area sources. Long-term operational emissions

attributable to the Project are summarized in **Table 8, Operational Emissions**. The operational emissions sources are described below.

- **Area Source Emissions.** Area source emissions would be generated due to on-site equipment, architectural coating, and landscaping that were previously not present on the site.
- **Energy Source Emissions.** Energy source emissions would be generated due to electricity and natural gas usage associated with the Project. Primary uses of electricity and natural gas by the Project would be for miscellaneous warehouse equipment, space heating and cooling, water heating, ventilation, lighting, appliances, and electronics.
- **Mobile Source.** Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern. NO_X and ROG react with sunlight to form O_3, known as photochemical smog. Additionally, wind currents readily transport PM_{10} and $PM_{2.5}$. However, CO tends to be a localized pollutant, dispersing rapidly at the source.
- Project-generated vehicle emissions are based on the trip generation within the Project's Traffic Study (**Appendix J**) and incorporated into CalEEMod as recommended by the SCAQMD. Per the Project's Traffic Study, the Project would generate a total of 487 daily trips.
- **Off-Road Equipment Emissions.** Because the Project is a speculative warehouse development and the final end user is not known, to be conservative it was assumed that the Project would operate six forklifts and one yard truck for twelve hours per day.

Table 8: Operational Emissions

Source	Maximum Pounds Per Day					
	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Existing Emissions						
Area Source Emissions	1.40	0.07	5.01	0.01	0.65	0.63
Energy Emissions	0.00	0.03	0.02	0.00	0.00	0.00
Mobile Emissions	0.09	0.09	0.78	0.00	0.06	0.01
Existing Total Emissions	**1.49**	**0.19**	**5.81**	**0.01**	**0.71**	**0.64**
Proposed Project Emissions						
Area Source Emissions	6.49	0.00	0.00	0.00	0.00	0.00
Energy Emissions	0.08	1.47	1.24	0.01	0.11	0.11
Mobile Emissions	1.54	15.2	20.4	0.14	3.23	0.85
Off-Road Emissions - Forklift	0.76	7.21	9.47	0.01	0.41	0.38
Off-Road Emissions – Yard Truck	0.40	3.54	3.95	0.01	0.17	0.15
Project Total Emissions	**9.27**	**27.42**	**35.06**	**0.17**	**3.92**	**1.49**
Net Emissions (Project Minus Existing)	**7.78**	**27.23**	**29.25**	**0.16**	**3.21**	**0.85**
SCAQMD Threshold	*55*	*55*	*550*	*150*	*150*	*55*
Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Source	Maximum Pounds Per Day					
	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
ROG = Reactive Organic Gases; NO_X = Nitrogen Oxides; CO = Carbon Monoxide; SO_2 = Sulfur Dioxide; PM_{10} = Particulate Matter 10 microns in diameter or less; $PM_{2.5}$ = Particulate Matter 2.5 microns in diameter or less						
Source: Ibid. page 25 – Table 9						

It should be noted that existing uses consist of a steel industrial facility and a single-family residence, which will be removed as part of the Project. Emissions associated with existing uses have been estimated based on CalEEMod default data and have been subtracted from the Project's emissions for the net new emissions total.

As shown in **Table 8,** the Project's net operational emissions would not exceed SCAQMD thresholds for any criteria air pollutants. Therefore, long-term operational emissions would result in a less than significant impact.

In addition, Rule 2305 requires the Project operator to directly reduce NO_X and particulate matter emissions or otherwise facilitate emission and exposure reductions of these pollutants in nearby communities. Alternatively, warehouse operators can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

Warehouse owners and operators are required to earn Warehouse Actions and Investments to Reduce Emissions (WAIRE) Points each year. WAIRE points are a menu-based system earned by emission reduction measures. Warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. WAIRE points can be earned by completing actions from a menu that can include acquiring and using natural gas, Near-Zero Emissions and/or Zero-Emissions on-road trucks, zero-emission cargo handling equipment, solar panels or zero-emission charging and fueling infrastructure, or other options. Therefore, the Project operator would be required to implement additional emission reduction strategies. Conservatively, this analysis does not take credit for these potential reductions. Compliance with Rule 2305 would reduce emissions below what is currently analyzed. Therefore, the Project's operational-related activities would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Laws, Ordinances, and Regulations:

Laws, Ordinances, and Regulations (LOR) are existing requirements that are based on local, state, or federal regulations or laws that are frequently required independently of CEQA review. Typical LORs include compliance with the provisions of the Building Code, SCAQMD Rules, etc. The City may impose additional conditions during the approval process, as appropriate. Because LORs are neither Project specific nor a result of development of the Project, they are not considered to be either Project Design Features or Mitigation Measures.

LOR AQ-1 Prior to the issuance of grading permits, the City Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD's) Rules

402 and 403 to minimize construction emissions of dust and particulates. The measures include, but are not limited to, the following:

- Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.
- All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
- All material transported off site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.
- Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.

LOR AQ-2 Pursuant to SCAQMD Rule 1113, the Project Applicant shall require by contract specifications that the interior and exterior architectural coatings products used would have a volatile organic compound rating of 50 grams per liter or less.

LOR AQ-3 Require diesel powered construction equipment to turn off when not in use per Title 13 of the California Code of Regulations, Section 2449.

LOR AQ-4 Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and sensors for landscaping according to the City's Water Efficient Landscape requirements (Highland MC Chapter 16.40.390).

LOR AQ-5 The Project shall be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods. The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. The Title 24 Energy Efficiency Standards (Section 110.10(b)1) require all buildings to be designed to have a total area of at least 15 percent (after subtracting any skylights) "solar ready" zone on the roof top that will structurally accommodate later installation of rooftop solar panels. The installation of the solar panels is specific to the end use and will be determined at the time the specific projects are developed. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.

LOR AQ-6 The Project shall be designed in accordance with the applicable California Green Building Standards (CALGreen) Code (24 CCR, Part 11). The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to:

- Design buildings to be water-efficient. Install water-efficient fixtures in accordance with Section 4.303 (residential) and Section 5.303 (nonresidential) of the California Green Building Standards Code Part 11.
- Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 4.408.1 (residential) and Section 5.408.1 (nonresidential) of the California Green Building Standards Code Part 11.
- Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 4.410 (residential) and Section 5.410 (nonresidential) of the California Green Building Standards Code Part 11.
- Provide designated parking for any combination of low-emitting, fuel efficient and carpool/van pool vehicles. At least eight percent of the total parking spaces are required to be designated in accordance with Section 5.106.5.2 (nonresidential), Designated Parking for Clean Air Vehicles, of the California Green Building Standards Code Part 11.
- To facilitate future installation of electric vehicle supply equipment (EVSE), residential construction shall comply with Section 4.106.4 (residential electric vehicle charging) of the California Green Building Standards Code Part 11 and nonresidential construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.

Mitigation Measures: No mitigation is required.

c) *Expose sensitive receptors to substantial pollutant concentrations?*

Less than Significant Impact.

Localized Construction Significance Analysis

The nearest sensitive receptor is the single-family residences located 97 feet (30 meters) to the south of the Project site. To identify impacts to sensitive receptors, the SCAQMD recommends addressing LSTs for construction. LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the Final Localized Significance Threshold for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with Project-specific emissions.

Since CalEEMod calculates construction emissions based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment, **Table 9, Equipment-Specific Grading Rates**, is used to determine the maximum daily disturbed acreage for comparison to LSTs. The appropriate SRA for the localized significance thresholds is the Central San Bernardino Valley (SRA 34) since this area includes the Project. LSTs apply to CO, NO_2, PM_{10}, and $PM_{2.5}$. The SCAQMD produced look-up tables for projects that disturb areas less than or equal to 5

acres in size. Project construction is anticipated to disturb a maximum of 4 acres in a single day during the grading phase. As the LST guidance provides thresholds for projects disturbing 1-, 2-, and 5-acres in size and the thresholds increase with size of the site, the LSTs for a 4-acre threshold were interpolated and utilized for this analysis.

Table 9: Equipment-Specific Grading Rates

Construction Phase	Equipment Type	Equipment Quantity	Acres Graded per 8-Hour Day	Operating Hours per Day	Acres Graded per Day
Grading	Tractors	2	1	8	1
	Graders	1	0.5	8	0.5
	Dozers	1	0.5	8	0.5
	Scrapers	2	2	8	2
				Total Acres Graded per Day	**4**

Source: Ibid. page 29 – Table 10.

The SCAQMD's methodology states that "off-site mobile emissions from the Project should not be included in the emissions compared to LSTs." Therefore, only emissions included in the CalEEMod "on-site" emissions outputs were considered. The nearest sensitive receptors are single-family residences located 97 feet (30 meters) south of the Project site. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. Therefore, LSTs for 30 meters were interpolated and utilized in this analysis. **Table 10: Localized Significance of Construction Emissions**, shows the results of localized emissions during construction. This table represents the worst-case scenario and are based on peak earthwork volumes anticipated. As shown, localized Project construction emissions would not exceed SCAQMD thresholds. Impacts would be less than significant in this regard.

Table 10: Localized Significance of Construction Emissions

Construction Activity	Pollutant (Maximum Pounds per Day)[1]			
	Nitrogen Oxide (NO_x)	Carbon Monoxide (CO)	Coarse Particulate Matter(PM_{10})	Fine Particulate Matter($PM_{2.5}$)
Demolition (2023)	27.3	23.5	13.1	2.91
Site Preparation (2023)	39.7	35.5	9.48	5.60
Grading (2023)	37.3	31.4	5.18	2.90
Building Construction (2023)	11.8	13.2	0.55	0.51
Building Construction (2024)	11.2	13.1	0.54	0.46
Paving (2024)	7.81	10.00	0.39	0.36
Architectural Coating (2024)	0.91	1.15	0.03	0.03
Maximum Emissions	*39.7*	*35.5*	*13.1*	*5.60*
SCAQMD Localized Screening Threshold (adjusted for 4 acres at 30 meters)	*243*	*1,607*	*17*	*7*
Exceed SCAQMD Threshold?	**No**	**No**	**No**	**No**

Source: Ibid. page 30 – Table 11.

Localized Operational Significance Analysis

According to the SCAQMD LST methodology, LSTs would apply to the operational phase of a project only if it includes stationary sources or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or transfer facilities). Since the Project is a warehouse, the operational phase LST protocol is conservatively applied to both the area source and mobile source emissions. As the nearest receptor is located approximately 97 feet (30 meters) from the Project site, LSTs for 30 meters for SRA 34 were interpolated and used in this analysis. Although the Project site is 12.8 acres, the 5-acre LST threshold was conservatively assumed for the Project, as the LSTs increase with the size of the site. Therefore, the 5-acre LSTs are conservative for evaluation of a 12.8-acre site.

The LST analysis only includes on-site sources. However, the CalEEMod model outputs do not separate on- and off-site emissions for mobile sources. For a worst-case scenario assessment, the emissions shown in **Table 11, Localized Significance of Operational Emissions**, conservatively include all on-site Project-related stationary sources and 10 percent of the Project-related new mobile sources, since a portion of mobile sources could include trucks idling on-site. **Table 11** shows that the maximum daily emissions of these pollutants during operations would not result in significant concentrations of pollutants at nearby sensitive receptors. Therefore, significant impacts would not occur concerning LSTs during operational activities.

Table 11: Localized Significance of Operational Emissions

Activity	Pollutant (Maximum Pounds per Day)			
	Nitrogen Oxide (NO_x)	Carbon Monoxide (CO)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
On-Site and Mobile Source Emissions[1]	13.74	16.70	1.01	0.73
SCAQMD Localized Screening Threshold (5 acres at 30 meters)	*276*	*1,876*	*5*	*2*
Exceed SCAQMD Threshold?	**No**	**No**	**No**	**No**

1. Conservatively assumes 10 percent of mobile emissions are on-site.
Source: Ibid. page 31 – Table 12.

Criteria Pollutant Health Impacts

On December 24, 2018, the California Supreme Court issued an opinion identifying the need to provide sufficient information connecting a project's air emissions to health impacts or explain why such information could not be ascertained (*Sierra Club v. County of Fresno* [Friant Ranch, L.P.] [2018] Cal.5th, Case No. S219783). The SCAQMD has set its CEQA significance thresholds based on the FCAA, which defines a major stationary source (in extreme ozone nonattainment areas such as the SCAB) as emitting 10 tons per year. The thresholds correlate with the trigger levels for the federal New Source Review (NSR) Program and SCAQMD Rule 1303 for new or modified sources. The NSR Program[4] was created by the FCAA to ensure that stationary sources of air pollution are constructed or modified in a manner that is consistent with attainment of health-based NAAQS.

[4] Ibid. page 31.

The NAAQS establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, projects that do not exceed the SCAQMD's LSTs and mass emissions thresholds would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts would occur. NO_X and ROG are precursor emissions that form ozone in the atmosphere in the presence of sunlight where the pollutants undergo complex chemical reactions. It takes time and the influence of meteorological conditions for these reactions to occur, so ozone may be formed at a distance downwind from the sources. Breathing ground-level ozone can result in health effects that include: reduced lung function, inflammation of airways, throat irritation, pain, burning, or discomfort in the chest when taking a deep breath, chest tightness, wheezing, or shortness of breath. In addition to these effects, evidence from observational studies strongly indicates that higher daily ozone concentrations are associated with increased asthma attacks, increased hospital admissions, increased daily mortality, and other markers of morbidity. The consistency and coherence of the evidence for effects upon asthmatics suggests that ozone can make asthma symptoms worse and can increase sensitivity to asthma triggers.

According the SCAQMD's 2022 AQMP, ozone, NO_X, and ROG have been decreasing in the SCAB since 1975 and are projected to continue to decrease in the future. Although vehicle miles traveled in the SCAB continue to increase, NO_X and ROG levels are decreasing because of the mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles. NO_X emissions from electric utilities have also decreased due to the use of cleaner fuels and renewable energy. The 2022 AQMP demonstrates how the SCAQMD's control strategy to meet the 8-hour O_3 standard in 2037. In addition, since NO_X emissions also lead to the formation of $PM_{2.5}$, the NO_X reductions needed to meet the O_3 standards will likewise lead to improvement of $PM_{2.5}$ levels and attainment of $PM_{2.5}$ standards. The SCAQMD's air quality modeling demonstrates that NO_X reductions prove to be much more effective in reducing ozone levels and will also lead to significant improvement in $PM_{2.5}$ concentrations. NO_X-emitting stationary sources regulated by the SCAQMD include Regional Clean Air Incentives Market (RECLAIM) facilities (e.g., refineries, power plants, etc.), natural gas combustion equipment (e.g., boilers, heaters, engines, burners, flares) and other combustion sources that burn wood or propane. The 2016 AQMP identifies robust NO_X reductions from new regulations on RECLAIM facilities, non-refinery flares, commercial cooking, and residential and commercial appliances. Such combustion sources are already heavily regulated with the lowest NO_X emissions levels achievable but there are opportunities to require and accelerate replacement with cleaner zero-emission alternatives, such as residential and commercial furnaces, pool heaters, and backup power equipment. The AQMD plans to achieve such replacements through a combination of regulations and incentives. Technology-forcing regulations can drive development and commercialization of clean technologies, with future year requirements for new or existing equipment. Incentives can then accelerate deployment and enhance public acceptability of new technologies.

As previously discussed, Project emissions would be less than significant and would not exceed SCAQMD thresholds (refer to **Table 7** and **Table 8**). Localized effects of on-site Project emissions on nearby sensitive receptors were also found to be less than significant (refer to **Table 10** and **Table 11**). The LSTs represent the maximum emissions from a project that are not expected to

cause or contribute to an exceedance of the most stringent applicable CAAQS or NAAQS. The LSTs were developed by the SCAQMD based on the ambient concentrations of that pollutant for each SRA and distance to the nearest sensitive receptor. The CAAQS and NAAQS establish the levels of air quality necessary, with an adequate margin of safety, to protect public health, including protecting the health of sensitive populations. As shown above, Project-related emissions would not exceed the regional thresholds or the LSTs, and therefore would not exceed the ambient air quality standards or cause an increase in the frequency or severity of existing violations of air quality standards. Therefore, the Project would not expose sensitive receptors to criteria pollutant levels in excess of the health-based ambient air quality standards.

Carbon Monoxide Hotspots

An analysis of CO "hot spots" is needed to determine whether the change in the level of service of an intersection resulting from the Project would have the potential to result in exceedances of the CAAQS or NAAQS. It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when vehicles are idling at intersections. Vehicle emissions standards have become increasingly stringent in the last 20 years. With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations have steadily declined. Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard.

The SCAB was re-designated as attainment for CO in 2007 and is no longer addressed in the SCAQMD's AQMP. The 2003 AQMP is the most recent version that addresses CO concentrations. As part of the SCAQMD CO Hotspot Analysis, the Wilshire Boulevard/Veteran Avenue intersection, one of the most congested intersections in Southern California with an average daily traffic (ADT) volume of approximately 100,000 vehicles per day, was modeled for CO concentrations. This modeling effort identified a CO concentration high of 4.6 ppm, which is well below the 35-ppm NAAQS. The Project considered herein would not produce the volume of traffic required to generate a CO hot spot in the context of SCAQMD's CO Hotspot Analysis. As CO hotspots were not experienced at the Wilshire Boulevard/Veteran Avenue intersection even though it accommodates 100,000 vehicles daily, it can be reasonably inferred that CO hotspots would not be experienced at any Project area intersections resulting from 487 additional vehicle trips attributable to the Project. Therefore, impacts would be less than significant.

Mitigation Measures: No mitigation is required.

d) *Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?*

Less than Significant Impact.

Construction

Odors that could be generated by construction activities are required to follow SCAQMD Rule 402 to prevent odor nuisances on sensitive land uses. SCAQMD Rule 402, Nuisance, states:

> *A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.*

Construction equipment emissions, such as diesel exhaust, and volatile organic compounds from architectural coatings and paving activities, may generate odors. However, these odors would be temporary, are not expected to affect a substantial number of people and would disperse rapidly. Therefore, Project construction activities would not result in objectionable odors that would adversely affect a substantial number of people and impacts would be less than significant.

Operations

The SCAQMD CEQA Air Quality Handbook identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources. Therefore, Project operations would not result in odors that would adversely affect people.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

Cumulative Short-Term Emissions

The SCAB is designated nonattainment for O_3, PM_{10}, and $PM_{2.5}$ for the CAAQS and nonattainment for O_3 and $PM_{2.5}$ for the NAAQS. Appendix D of the SCAQMD White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution notes that projects that result in emissions that do not exceed the project specific SCAQMD regional thresholds of significance should result in a less than significant impact on a cumulative basis unless there is other pertinent information to the contrary. The mass-based regional significance thresholds published by the SCAQMD are designed to ensure compliance with both NAAQS and CAAQS and are based on an inventory of projected emissions in the SCAB. Therefore, if a project is estimated to result in emissions that do not exceed the thresholds, the project's contribution to the cumulative air quality impact in the SCAB would not be cumulatively considerable. As shown in **Table 7** above, Project construction-related emissions by themselves would not exceed the SCAQMD significance thresholds for criteria pollutants. Therefore, the Project would not generate a cumulatively considerable contribution to air pollutant emissions during construction.

The SCAQMD has developed strategies to reduce criteria pollutant emissions outlined in the AQMPs pursuant to the FCAA mandates. The analysis assumed fugitive dust controls would be utilized during construction, including frequent water applications. SCAQMD rules, mandates, and compliance with adopted emissions control measures would also be imposed on construction projects throughout the SCAB, which would include related projects. Compliance with SCAQMD rules and regulations would

further reduce Project construction-related emissions. Therefore, Project-related construction emissions, combined with those from other projects in the area, would not substantially deteriorate local air quality. The Project's construction-related emissions would not result in a cumulatively considerable contribution to significant cumulative air quality.

Cumulative Long-Term Impacts

The SCAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, individual project emissions contribute to existing cumulatively significant adverse air quality impacts. The SCAQMD developed the operational thresholds of significance based on the level above which individual project emissions would result in a cumulatively considerable contribution to the SCAB's existing air quality conditions. Therefore, a project that exceeds the SCAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.

As shown in **Table 8**, the Project's net operational emissions would not exceed SCAQMD thresholds. As a result, operational emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts. Additionally, adherence to SCAQMD rules and regulations would alleviate potential impacts related to cumulative conditions on a project-by-project basis. Project operations would not contribute a cumulatively considerable net increase of any nonattainment criteria pollutant.

4.4 BIOLOGICAL RESOURCES

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

A Biological Resources Assessment (BRA; **Appendix B1**) and a Jurisdictional Delineation (**Appendix B2**) were prepared for the Project in December 2022 and May 2023, respectively, by ELMT Consulting (ELMT). These reports are summarized below and are included as part of this IS/MND.

Methodology

A literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the Project site. In addition to the literature review, a general habitat assessment or field investigation of the Project site was conducted

to document existing conditions and assess the potential for special-status biological resources to occur within the Project site.

Additionally, ELMT conducted a field delineation to determine the jurisdictional limits of "waters of the State" and jurisdictional streambed (including potential wetlands), located within the boundaries of the Project site.

Literature Review

Prior to conducting the field investigation, a literature review and records search was conducted for special-status biological resources potentially occurring on or within the vicinity of the Project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the Project site was determined through a query of the California Department of Fish and Wildlife's (CDFW) QuickView Tool in the Biogeographic Information and Observation System (BIOS), CNDDB Rarefind 5, the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, and the United States Fish and Wildlife Service (USFWS) species listings.

All available reports, survey results, and literature detailing the biological resources previously observed on or within the vicinity of the Project site was reviewed to understand existing site conditions and note the extent of any disturbances that have occurred within the project site that would otherwise limit the distribution of special-status biological resources. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-special-status biological resources, as well as the following resources:

- Google Earth Pro historic aerial imagery (1985-2021);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey;
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS Endangered Species Profiles.

The literature review provided a baseline from which to inventory the biological resources potentially occurring within the project site. The CNDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of special-status species and determine the distance from the Project site.

Additionally, ELMT conducted a thorough review of relevant literature and materials to preliminarily identify areas that may fall under the jurisdiction of the regulatory agencies.

Field Investigation

Following the literature review, ELMT inventoried and evaluated the condition of the habitat within the project site on September 20, 2022. Plant communities and land cover types identified on aerial photographs during the literature review were verified by walking meandering transects throughout the project site. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and linkages that may support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field investigation.

Plant Communities

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens, delineated on an aerial photograph, and then digitized into GIS ArcView. The ArcView application was used to compute the area of each plant community and/or land cover type in acres.[5]

Results

Plants

Common plant species observed during the field investigation were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less-familiar plants were photographed in the field and identified in the laboratory using taxonomic guides.

Vegetation

The Project site supports two land cover types that would be classified as developed and disturbed. Additionally, the Project site does not support any natural plant communities.

Disturbed

Disturbed areas on-site include unpaved areas that are unvegetated or minimally vegetated and do not otherwise support a recognizable plant community. Most of the disturbed areas on site occur in the form of graded or compressed soil. Due to anthropogenic disturbance, portions of the site have weathered and support weedy/early successional species that are adapted to growing in such conditions. Common plant species observed in the disturbed areas of the project site include telegraph weed (*Heterotheca grandiflora*), and Bermuda grass (*Cynodon dactylon*).

Developed

Developed areas generally refer to paved or otherwise impervious surfaces, ornamental landscaping, and all buildings/structures. Onsite development includes the paved and gravel driveways and access areas for the existing commercial, residential, and institutional developments on site, as well as the structures which support these operations. These areas are generally unvegetated or support minimal non-native weedy species. The parcel which contains residential development also supports ornamental landscaping. Common ornamental plant species observed here include Mexican fan palm (*Washingtonia robusta*), boxwood (*Buxus* sp.), Mediterranean cypress (*Cupressus sempervirens*), pine (*Pinus* sp.), wintercreeper (*Euonymus fortunei*), juniper (*Juniperus* sp.), and Douglas iris (*Iris douglasiana*).

Wildlife

Wildlife species detected during the field investigation by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America, A Field Guide to Western Reptiles and Amphibians, and A Field Guide to Mammals of North America.[6]

[5] ELMT. (2022). *Biological Resources Assessment*. p. 3. Refer to **Appendix B1**.

[6] Ibid. p. 3

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. The project site provides some suitable habitat for wildlife species, especially those adapted to a high degree of anthropogenic disturbances and development.

Fish

No fish or hydrogeomorphic features (e.g., creeks, ponds, lakes, reservoirs) with frequent sources of water that would support populations of fish were observed on or within the vicinity of the Project site. Therefore, no fish are expected to occur and are presumed absent from the Project site.

Amphibians

No amphibians or hydrogeomorphic features (e.g., creeks, ponds, lakes, reservoirs) with frequent sources of water that would support populations of amphibians were observed on or within the vicinity of the Project site. Therefore, no amphibians are expected to occur and are presumed absent from the Project site.

Reptiles

The Project site provides foraging and cover habitat for a limited variety of reptile species adapted to a high degree of routine anthropogenic disturbance. No reptile species were observed on the Project site at the time of the investigation. Common reptile species expected to occur onsite include western fence lizard (*Sceloporus occidentalis*) and southern alligator lizard (*Elgaria multicarinata*).

Birds/Nesting Birds

The Project site and surrounding area provide limited foraging and nesting habitat for year-round and seasonal avian residents adapted to a high degree of anthropogenic disturbance, as well as migrating songbirds that could occur in the area. Bird species detected during the field investigation include rock pigeon (*Columba livia*), common raven (*Corvus corax*), and house finch (*haemorhous mexicanus*). However, tall power lines, buildings, and trees within and surrounding the Project site do allow for perching and nesting opportunities for raptor species. No active nests or birds displaying nesting behavior were observed on the Project site.

Mammals

The Project site provides limited foraging and cover habitat for a mammalian species adapted to a high degree of anthropogenic disturbance. Non mammalian species were observed during the field investigation Common mammalian species that could potentially occur include coyote (*Canis latrans*), feral cat (*felis catus*), opossum (*Didelphis virginiana*), and raccoon (*Procyon lotor*).

Migratory Corridors and Linkages

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet still inadequate for others. Wildlife corridors are features that allow for the

dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The Project site is isolated from any nearby wildlife corridors or linkages. City Creek lies immediately north of the project site. This drainage does provides local movement opportunities for wildlife adapted to urban environments. However, the Project would be confined to existing disturbed and developed areas and is surrounded by development, which has removed most natural plant communities from the surrounding area.

Special-Status Biological Resources

The CNDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Redlands USGS 7.5-minute quadrangle. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the Project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified twenty-one (21) special-status plant species, fifty-nine (59) special-status wildlife species, and three (3) special-status plant communities as having the potential to occur within the Redlands 7.5-minute quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions

Special-Status Plants

No special-status plant species were observed on-site during the field investigation. The Project site has been subject to anthropogenic disturbances from previous land uses and grading activities, and surrounding development. These disturbances have reduced the suitability of the habitat to support special-status plant species known to occur in the general vicinity of the project site. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the Project site does not provide suitable habitat for any listed species. Any special-status plant species known to occur in the area are presumed to be absent from the Project site. No focused surveys were recommended.

Special-Status Wildlife

No special-status wildlife species were observed on-site during the field investigation. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the Project site has a low potential to support Cooper's hawk (*Accipiter cooperii*). All remaining special-status wildlife species are presumed to be absent from the Project site due to a lack of quality habitat.

Cooper's hawk is not federally or state listed as endangered or threatened. To ensure impacts to Cooper's hawk do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of mitigation

through the pre-construction nesting bird clearance survey, impacts to these species will be less than significant.

Based on regional significance, the suitability of the Project site to support burrowing owl and San Bernardino kangaroo rat within the Project site is described in further detail below:

- **Burrowing Owl**. The burrowing owl is currently listed as a California Species of Special Concern. It is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently sloping areas characterized by sparse vegetation and bare ground.[7] Burrowing owls are dependent upon the presence of burrowing mammals (such as ground squirrels) whose burrows are used for roosting and nesting.[8] The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drainpipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

  No burrowing owls or recent signs (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. The majority of the Project site is highly disturbed, and no suitable burrows were observed on-site or within in the buffer areas immediately surrounding the site. Additionally, the site is surrounded by power poles, overhead power lines, ornamental trees, and buildings, which decrease the likelihood that burrowing owls would occur on the Project site as these features provide perching opportunities for larger raptor species (i.e., red-tailed hawk [*Buteo jamaicensis*]) that prey on burrowing owls.

  Based on the results of the field investigation, it was determined that the Project site does not have potential to support burrowing owls and focused surveys were not recommended.

- **San Bernardino Kangaroo Rat.** The San Bernardino kangaroo rat, federally listed as endangered, is one of several kangaroo rat species in its range. The Dulzura, the Pacific kangaroo rat (*Dipodomys agilis*) and the Stephens kangaroo rat (*Dipodomys stephensi*) occur in areas occupied by the San Bernardino kangaroo rat, but these other species have a wider habitat range. The habitat of the San Bernardino kangaroo rat is described as being confined to pioneer and intermediate Riversidean Alluvial Fan Sage Scrub (RAFSS) habitats, with sandy soils deposited by fluvial (water) rather than Aeolian (wind) processes. Burrows are dug in loose soil, usually near or beneath shrubs.

  The San Bernardino kangaroo rat is one of three subspecies of the Merriam's kangaroo rat. The Merriam's kangaroo rat is a widespread species that can be found from the inland valleys to the deserts. The subspecies known as the San Bernardino kangaroo, however, is confined to inland

[7] Ibid. pp. 7 – 8
[8] Ibid. p. 8

valley scrub communities, and more particularly, to scrub communities occurring along rivers, streams and drainages. Most of the drainages have been historically altered as a result of flood control efforts and the resulting increased use of river resources, including mining, off-road vehicle use and road and housing development. This increased use of river resources has resulted in a reduction in both the amount and quality of habitat available for the San Bernardino kangaroo rat. The past habitat losses and potential future losses prompted the emergency listing of the San Bernardino kangaroo rat as an endangered species.[9] PCE's are physical or biological features essential to the conservation of a species for which its designated critical habitat is based on. Examples of PCE's include food, water, space for individual and population growth, cover or shelter, etc. The PCEs essential to support the biological needs of foraging, reproducing, rearing of young, intra-specific communication, dispersal, genetic exchange, or sheltering for San Bernardino kangaroo rat are:

1. River, creek, stream, and wash channels; alluvial fans, flood plains, flood benches and terraces; and historic braided channels that are subject to dynamic geomorphological and hydrological processes;
2. Alluvial sage scrub and associated vegetation such as coastal sage scrub and chamise chaparral with a moderately open canopy;
3. Soil series consisting of sand, sandy loam, or loam within its geographical range; and
4. Upland areas proximal to flood plains containing suitable habitat (land adjacent to alluvial fan that provides Refugia).

San Bernardino kangaroo rat is known to occur within Lytle Creek. The Project site consists of vacant, heavily disturbed land with compacted soils that have been disturbed from previous land uses. Field sign for kangaroo rat, including San Bernardino kangaroo rat, is distinctive and readily noted in the field. No sign (e.g., San Bernardino kangaroo rat characteristic burrows, dusting baths, and/or tail drags) were observed on the project site. Additionally, the Project site no longer is subject to the hydrologic influence of Cajon Wash.

As noted above, the Project site and surrounding areas have not been exposed to fluvial processes associated with the streams in the area since development in the area occurred. The Project site is not subject to dynamic geomorphological and hydrological processes needed to scour and reset the onsite habitats back to pioneer or intermediate RAFSS habitats. Furthermore, the Project site no longer receives sand or sandy loam soils from scouring events needed by San Bernardino kangaroo rat for burrowing. Instead, the site supports highly graded and compacted rocky soils.

Based on these conditions, it was determined that the Project site does not provide the requisite habitat elements needed by San Bernardino kangaroo rat to be present. Therefore, it was determined that San Bernardino kangaroo rat is presumed absent from the Project site. No focused surveys are recommended.

[9] Ibid. p. 8

Special-Status Plant Communities

According to the CNDDB, three (3) special-status plant communities have been reported in the Redlands USGS 7.5-minute quadrangle: Riversidian Alluvial Fan Sage Scrub, Southern Sycamore Alder Riparian Woodland, and Southern Mixed Riparian Forest (refer to Attachment C), none of which were observed on-site during the field investigation. Therefore, no special-status plant communities will be impacted by implementation of the Project.

Critical Habitats

Under the federal Endangered Species Act, "Critical Habitat" is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the USFWS regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a Clean Water Act Permit from the United States Army Corps of Engineers [USACE]). If there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.

The Project site is not located within federally designated Critical Habitat for any species. The nearest critical habitats occur 0.3 mile to the southeast for Santa Ana sucker (*Catostomas santaanae*) and 0.17 mile to the south for San Bernadino Merriam's kangaroo rat (*Dipodomys merriami*). The entire Project site and most adjacent areas have been converted from natural habitat into commercial, residential, and institutional development. The Project site supports no natural plant communities, and it was determined that the Project site does not support suitable habitat for any listed species. Furthermore, since the Project does not have a federal nexus, a Section 7 consultation with the USFWS would not be required for loss or adverse modifications to Critical Habitat.

Jurisdictional Features

Drainage Features

One drainage feature (City Creek), a channelized potion of City Creek, was observed along the northern boundary of the Project site, outside of the Project footprint, during the field delineation. City Creek generally flows in an east to west direction, bordering the northern boundary of the project site. City Creek originates in the San Bernardino Mountains to the north of the site and flows roughly south and southeastward before aligning with the northern boundary of the site at Palm Avenue and leaving site adjacency at the northeast corner of the site.

Surface water was present within City Creek near the culverts at Palm Avenue. Evidence of an ordinary high water mark (OHWM) within on-site and adjacent portions of City Creek was observed via scour,

changes in substrate, shelving, and lack of vegetation. The OHWM within City Creek ranged from approximately 10-20 feet in width throughout the length. In general, the channelized portion of City Creek conveys surface flows during storm event and from urban runoff. City Creek flows westward past San Bernardino International Airport before converging with East Twin Creek, which is ultimately tributary to the Santa Ana River.

In-channel vegetation consisted of non-native weedy plant species such as oats (*Avena barbata*), red brome (*Bromus rubens*), hairy sunflower (*Helianthus annuus*), tropical horseweed (*Erigeron sumatrensis*), and Crete weed (*Hedypnois rhagadioloides*). No riparian vegetation is present within portions of City Creek that occur within or adjacent to the proposed storm drain outlet.

Wetland Features

In order to qualify as a wetland, a feature must exhibit all three wetland parameters (i.e., vegetation, soils, and hydrology) described in the Corps Arid West Regional Supplement. Drainage 1 at its origin outside of site boundaries at Palm Avenue primarily consisted of loose, silty/sandy substrate with dense vegetation, including seep monkey flower (*Erythranthe guttata*, OBL), common knotweed (*Persicaria lapathifolia*, FACW), rabbitfoot grass (*Polypogon monspeliensis*, FACW), water beard grass (*Polypogon viridis*, FACW), flax-leaved horseweed (*Erigeron bonariensis*, FACU), spiny sow thistle (*Sonchus asper*, FAC), brass buttons (*Cotula australis*, FAC), Mexican fan palm (*Washingtonia robusta*, FACW), and broadleaf cattail (*Typha latifolia*, OBL). The periphery of the off-site wetland feature, outside of available surface water, supported primarily weedy/early-successional species such as Italian rye grass (*Festuca perennis*), sweet alyssum (*Lobularia maritimum*), hairy vetch (*Vicia villosa*), red boerhaavia (*Boerhavia coccinea*), mustard (*Hirschfeldia incana*), Mediterranean grass (*Schismus barbatus*), and red brome.

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?*

Less than Significant Impact with Mitigation Incorporated. As concluded above, there is no evidence of candidate, sensitive, or special status species on the Project site due to lack of suitable habitat. Therefore, implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications on any special-status species.

Nevertheless, the Project site and surrounding area provided limited foraging and nesting habitat for year-round and seasonal birds, as well as migrating songbirds, such as the Cooper's hawk. Although the Cooper's hawk is not federally or state listed as endangered or threatened, nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted prior to the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds would be disturbed during construction, pursuant to MM BIO-1. Implementation of MM BIO-1 would ensure that impacts to nesting birds are reduce to a less than significant level.

Mitigation Measures:

MM BIO-1: If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological?*

Less than Significant Impact. ELMT prepared a Jurisdictional Delienation (**Appendix B2**) for the Project which identified one drainage feature, a channelized potion of City Creek, along the northern boundary of the Project site (outside of the Project footprint). As discussed above, City Creek is tributary to the Santa Ana River (Relatively Permanent Water) and ultimately the Pacific Ocean (Traditional Navigable Water). Therefore, the City Creek qualifies as waters of the United States (WoUS) and falls under the regulatory authority of the USACE. No isolated or Rapanos conditions were observed within the boundaries of the Project site. Therefore, the Regional Water Quality Control Board (Regional Board) jurisdictional limit follows that of the USACE. Furthermore, the Jurisdictional Delineation also determined that City Creek would be considered CDFW streambed.

USACE regulates discharges of dredged or fill materials into WoUS, including wetlands, pursuant to Section 404 of the Clean Water Act (CWA). Therefore, any impacts to any jurisdictional areas would require a CWA Section 404 permit prior to Project implementation. Based on the proposed limits of disturbance, the proposed storm drain outlet would be installed above the OHWM and

would not result in any impacts to Corps jurisdictional waters and a CWA Section 404 permit would not be required.

The Regional Board regulates discharges to surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act. Based on the proposed limits of disturbance the storm drain outlet would be installed outside of Regional Board jurisdictional waters, and therefore, would not result in any impacts to Regional Board jurisdictional waters. A Regional Board CWA Section 401 Water Quality Certification would not be required.

Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream. Therefore, any impacts to the on-site jurisdictional areas would require a Section 1602 Streambed Alteration Agreement from the CDFW prior to project implementation. The notification would require a processing fee which is based on the term and cost of the Project. Additionally CDFW requires that the payment of the process fee be paid and CEQA compliance be obtained prior to the issuance of the final Section 1602 Streambed Alteration Agreement. As concluded in the Jurisdictional Delineation, the proposed storm drain outlet would be installed outside of the jurisdictional boundary of the CDFW. Furthermore, the storm drain outlet is not expected to result in any appreciable increase in discharge into City Creek, and Project activities are isolated to downstream portions of City Creek, away from the wetland feature. Therefore, no impacts to downstream habitats would occur and a Section 1602 Streambed Alteration Agreement would not be required. Nevertheless, the Project Applicant would pay a processing fee to CDFW in compliance with CCR § 753.5.

Overall, implementation to the Project substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; and would not have a substantial adverse effect on state or federally protected wetlands. Impacts would be less than significant.

Mitigation Measures: No mitigation is required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact with Mitigation Incorporated. As discussed in response a) above, the Project site provides suitable foraging and nesting habitat for a variety of bird species adapted to a high degree of anthropogenic disturbance, as well as migrating songbirds that could occur in the area. Although the BRA concluded that no active nests or birds displaying nesting behavior were observed on the Project site, it was determined that the Project site has a low potential to support Cooper's hawk. Therefore, in compliance with the MBTA, the Project would implement **MM BIO-1** which would require a pre-construction nesting bird clearance survey to be conducted prior to ground disturbance.

Furthermore, the Project site is isolated from any nearby wildlife corridors or linkages and is confined to existing disturbed and developed areas and is surrounded by development, which has

removed most natural plant communities from the surrounding area. As a result, implementation of the Project would not disrupt or have any adverse effects on any migratory corridors or linkages in the surrounding area.

As such, implementation of the Project would not impact wildlife movement opportunities. Therefore, impacts to wildlife corridors or linkages are not expected to occur.

Mitigation Measures:

Refer to **MM BIO-1** in response a) above.

e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. No native or natural plant communities or communities of special concern were observed within the Project site. As noted above, the Project site consists of a mixture of disturbed and developed areas. Additionally, the site does not support any natural plant communities. The BRA concluded that the Project site is partially surrounded by ornamental trees. The Highland MC Chapter 8.36 outlines provisions and guidelines for heritage trees. However, the trees surrounding the Project site are not considered heritage trees. Since the Project would not conflict with any local policy or ordinances protecting biological resources, such as a tree preservation policy or ordinance, no impact would occur.

Mitigation Measures: No mitigation is required.

f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

No Impact. The Project site is not located with an adopted Habitat Conservation Plan or other approved local, regional, or State habitat conservation plan, and does not contain any special-status plant or animal species. Therefore, no impact would occur.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

The Project would not result in any significant impact concerning biological resources with the implementation of **MM BIO-1**. Similar to the Project, cumulative projects in the region would be subject to project-specific environmental review, adhere to any applicable federal, State, and local regulation and implement mitigation measures to reduce impacts to any potentially occurring special-status species occurring onsite. Since there would be no significant Project-specific impacts with compliance with applicable regulation, and implementation of mitigation, the Project's impact to biological resources would not be cumulatively considerable.

4.5 CULTURAL RESOURCES

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

BCR Consulting, Inc. prepared a Cultural Resources Assessment (CRA), prepared on December 2022; refer to **Appendix C**. The report and research were completed pursuant to CEQA, the PRC Chapter 2.6, Section 21083.2, and CCR Title 14, Chapter 3, Article 5, §15064.5.

Methodology[10]

Records Search

The archaeological records search, completed at the SCCIC at California State University, Fullerton, reviewed all recorded historic and prehistoric cultural resources, as well as a review of known cultural resources, and survey and excavation reports generated from projects completed within one half-mile of the project site. In addition, a review was conducted of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and documents and inventories from the California Office of Historic Preservation including the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures.

Field Survey

An archaeological pedestrian field survey of the project site was conducted on November 10, 2022. The survey was conducted by walking parallel transects approximately 15 meters apart across 100 percent of the project site. Soil exposures, including natural and artificial clearings were carefully inspected for evidence of cultural resources.

Results[11]

Records Search

The records search was completed at the SCCIC at California State University, Fullerton. This research revealed that 21 cultural resource studies have taken place within one-half mile of the project site. One of the previous studies assessed a small portion at the eastern edge of the Project site for cultural

[10] BCR Consulting LLC. (2021). *Cultural Resources Assessment*. p. 8. Refer to **Appendix C**
[11] Ibid. pp. 9 - 10

resources and one cultural resource (designated P-36-13750) was identified within the Project boundaries.

Additional Research

The entire Project site was part of a larger 83.57-acre property patented to Salas Cox as a homestead grant by the state of California on August 20, 1881. Research did not indicate any development within the project site connected with this era. Additional land-use history research was performed to provide context for individual parcels within the Project site that contained historic-period buildings. Refer to the following information:

- **27184 Meines Street.** The residence was built 1950 but no permit records were available to date the modifications. The property contained a garage prior to 1938 that remains in place. The earliest known residents of the subject residence were Aron (1893-1986) and Susie Pruett (1904-1988) who lived there between 1950 and 1976. Aron was a railroad laborer and occasionally rented out a trailer at the property to other residents. In 1976, Robert Forshay acquired the subject property. Mr. Forshay, an American citizen born in the Philippines, graduated from Pacific High School in San Bernardino. Ownership passed to QR LI Highland CA Commerce Center, the current owner, in 2022.
- **27220 Meines Street.** The buildings were both constructed between 1938 and 1959 according to aerial photos, but assessor information did not indicate an exact build date and no permit records were available. The first recorded owner of 27220 Meines Street was Mrs. Gertha Evans. Mrs. Evans was born in Texas in 1890 and moved to California where she had lived for 40 years. Mrs. Evans lived in Highland for 25 years and acquired the subject property at an unknown date prior to 1963. Mrs. Evans was a member of the St. Paul's AME church in San Bernardino and died in 1963. In 1976, Robert Forshay acquired the subject property. Mr. Forshay an American citizen born in the Philippines, graduated from Pacific High School in San Bernardino. Ownership passed to QR LI Highland CA Commerce Center, the current owner, in 2022.
- **P-36-13750.** Previous identification efforts indicated that the site comprised an early 20th Century residential site. This interpretation is presumably based on domestic debris that was identified there in 2007. However, no residential structures have been identified within this parcel, and the domestic debris has been removed. Current research did not reveal any residents for this property. Aerial photos show the garage in 1938 (still present), and by 1959 two small ancillary structures had been built to the northwest (no longer present). Disturbances connected with offroad vehicle activity were consistently visible surrounding these features throughout this era, but no evidence of residential use or cultivation were apparent.

Field Survey

During the field survey, BCR Consulting staff carefully inspected the project site, and identified three properties that contained historic-period buildings. Refer to the following:

- **27184 Meines Street.** The subject property is occupied by a 480 square foot single-family residence that is historic in age (i.e., over 45 years old). The post-war Minimal-Style residence features a wood frame construction, single-story floor plan, and was built in 1950. It features a

side-gabled roof with moderate pitch and topped with new composition shingles. The outer walls have been re-surfaced with light-colored stucco and stone accents on the lower portion of the home. The original windows have been replaced with vinyl windows. The subject property shares a dirt lot with an adjacent trucking company. A large wood-framed corrugated structure is visible behind the residence. This building was constructed after 1980 and is not historic in age. As such it does not merit further consideration.

- **27220 Meines Street.** The subject property is a one-acre lot that contains a single-family residence and an ancillary structure that is historic in age (i.e., over 45 years old). The residence is a post-war, minimal-style residence which features wood frame construction, a single-story floor plan, and was built circa 1950. It is fronted by a small concrete pad. A second, historic-period structure is located on the same lot directly north of the residential unit. This structure is made from a stone and concrete matrix and features a wooden gable roof. Both the residence and the stone structure have been neglected and fallen into a state of disrepair. A small concrete foundation from an unknown structure is located northwest of the two buildings.
- **P-36-13750.** This resource was originally recorded in February 2007 by Archaeological Consulting Services as a historic-period residential site which included one garage, a shed, and refuse scatter. BCR Consulting archaeologists relocated the site on November 10, 2022. The shed has been demolished and the area containing the former refuse scatter has been subject to excavation and grading for the construction of an industrial building. The pre-1938 garage is in place as recorded (see historicaerials.com). It is a wood-framed building with corrugated aluminum siding and roofing. The south-facing (main) façade has no door and is covered with temporary steel fencing. It is a utilitarian building that lacks architectural style and ornamentation. The graded lot was not accessible.

  No other cultural resources were identified within the project site boundaries. Surface visibility was approximately 60 percent within the project site. Sediments consisted of sandy silt with poorly sorted gravels. The property has been subject to severe disturbances related building construction, landscaping, and weed abatement.

Significance Evaluations[12]

During the field survey, 12 properties containing historic-period buildings were identified. CEQA calls for the evaluation and recordation of historic and archaeological resources. The criteria for determining the significance of impacts to cultural resources are based on Section 15064.5 of the CEQA Guidelines and Guidelines for the Nomination of Properties to the California Register. Properties eligible for listing in the California Register and subject to review under CEQA are those meeting the criteria for listing in the California Register, or designation under a local ordinance.

[12] Ibid. pp. 11 - 12

Significance Criteria

California Register of Historical Resources. The California Register criteria are based on National Register criteria. For a property to be eligible for inclusion on the California Register, one or more of the following criteria must be met:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the U.S.
2. It is associated with the lives of persons important to local, California, or U.S. history.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of a master, possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, the California Register requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). The California Register also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less than Significant Impact

Refer to the following information:

CRHR Evaluations

27184 Meines Street. Criterion 1: Substantial research has not indicated a close association between the subject property and any important events. It is therefore not eligible for the California Register under Criterion 1. Criterion 2: Substantial research has failed to connect the subject property with the lives of persons important in California's past. It is therefore not eligible for the California Register under Criterion 2. Criterion 3: The residence lacks architectural distinction and does not display significant elements of the era during which it was constructed. The building does not significantly represent the work of an important creative individual or possess high artistic values. Therefore, the subject property is not eligible under Criterion 3. Criterion 4: The subject property has not and is not likely to yield information important in prehistory or history and is therefore not eligible for listing under Criterion 4. The subject property and its historic-age building are therefore recommended not eligible under any of the four criteria for listing on the California Register, and as such are not recommended historical resources under CEQA.

27220 Meines Street. Criterion 1: Substantial research has not indicated a close association between the subject property and any important events. It is therefore not eligible for the California Register under Criterion 1. Criterion 2: Substantial research has failed to connect the subject property with the lives of persons important in California's past. It is therefore not eligible for the California Register under Criterion 2. Criterion 3: The residence and stone building lack architectural distinction and do not display significant elements of the era during which it was constructed. The buildings do not significantly represent the work of an important creative individual or possess high artistic values. Therefore, the subject property is not eligible under Criterion 3. Criterion 4: The subject property has not and is not likely to yield information important in prehistory or history and is therefore not eligible for listing under Criterion 4. The subject property and its historic-age building are therefore recommended not eligible under any of the four criteria for listing on the California Register, and as such are not recommended historical resources under CEQA.

P-36-13750. Criterion 1: Substantial research has not indicated a close association between the subject property and any important events. It is therefore not eligible for the California Register under Criterion 1. Criterion 2: Substantial research has failed to connect the subject property with the lives of persons important in California's past. It is therefore not eligible for the California Register under Criterion 2. Criterion 3: The residence and stone building lack architectural distinction and does not display significant elements of the era during which it was constructed. The building does not significantly represent the work of an important creative individual or possess high artistic values. Therefore, the subject property is not eligible under Criterion 3. Criterion 4: The subject property has not and is not likely to yield information important in prehistory or history and is therefore not eligible for listing under Criterion 4. The subject property and its historic-age building is therefore recommended not eligible under any of the four criteria for listing on the California Register, and as such are not recommended historical resources under CEQA.

The three subject sites do not contain information relevant to important scientific research questions and lacks special or qualities. As such they are not a unique archaeological resource and is also not recommended a "historical resource" under CEQA and does not warrant further consideration. Based on these results BCR Consulting recommends that no additional cultural resource work or monitoring is necessary for any earthmoving proposed within the Project site. However, if previously undocumented historical or archeological resources are identified during earthmoving activities, **MM CUL-1** would be implemented which would require the Project applicant qualified archaeologist would be contacted to assess the nature and significance of the find, diverting construction excavation if necessary. Therefore, with implementation of **MM CUL-1**, impacts would be less than significant.

Mitigation Measures:

MM CUL-1 Historical and Archaeological Resources

a) If archaeological resources are unearthed by project construction activities, these shall be evaluated by a qualified archaeologist and tribal

monitor/consultant. If the resources discovery of any tribal cultural or archaeological resources, construction activities in the immediate vicinity of the find shall cease until the find can be assessed. If all finds are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.

b) Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

c) Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact. The Project site is not located within or adjacent to a dedicated cemetery and the field survey did not identify human remains within the Project site.

The CRA concluded that the geologic units underlaying the Project site are mapped entirely as alluvial sand, gravel, and clay deposits dating to the Holocene era. While Holocene alluvial units are considered to be of high preservation value, material found is unlikely to be fossil material due to the relatively modern associated dates of the deposits. However, if development requires any substantial depth of disturbance, the likelihood of reaching older Holocene or Late Pleistocene alluvial sediments would increase. The Western Science Center does not have localities within the project area or within a one mile radius. While the presence of any fossil material is unlikely, if development of the Project disturbs deeper sediment dating to the earliest parts of the Holocene or Late Pleistocene periods, the material would be scientifically significant. Excavation activity associated with the development of the project area is unlikely to be paleontologically sensitive,

but caution during development should be observed. The following SC CUL-1 would be implemented to reduce impacts to any potentially unearthed human remains. Note that standard conditions do not constitute as mitigation measures. Therefore, impacts would be less than significant without mitigation incorporated.

Standard Conditions of Approval:

SC CUL-1 If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.

Per California Code, Health and Safety Code - HSC § 7050.5:

> *(b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code , that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.*
>
> *(c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.*

Mitigation Measures: No mitigation is required.

Cumulative Impacts

As concluded above, the Project would not create a significant cumulative impact to any known historical or archaeological resources with implementation of **MM CUL-1**, or to any unknown human remains with adherence to SC CUL-1. Similar to the Project, all cumulative projects in the surrounding area would be subject to project-level environmental review to determine impacts pertaining to cultural resources. Since the Project would not significantly impact any cultural resources, the potential incremental effects would not be cumulative considerable.

4.6 ENERGY

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

Kimley-Horn and Associates prepared an Energy Assessment on May 2023; refer to **Appendix D** of this IS/MND.

Energy Consumption

Electrical Service

Southern California Edison (SCE) provides electrical services to the City of Highland (City) through State-regulated public utility contracts. Over the past 15 years, electricity generation in California has undergone a transition. Historically, California has relied heavily on oil- and gas-fired plants to generate electricity. Spurred by regulatory measures and tax incentives, California's electrical system has become more reliant on renewable energy sources; including cogeneration, wind energy, solar energy, geothermal energy, biomass conversion, transformation plants, and small hydroelectric plants. Unlike petroleum production, electricity generation is not usually tied to the location of the fuel source and can be delivered great distances via the electrical grid. The generating capacity of a unit of electricity is expressed in megawatts (MW). Net generation refers to the gross amount of energy produced by a unit, minus the amount of energy the unit consumes. Generation is typically measured in megawatt-hours (MWh), kilowatt-hours (kWh), or gigawatt-hours (GWh).

Natural Gas Services

Southern California Gas Company (SoCalGas) provides natural gas services to the City of Highland (City) and San Bernardino County (County). Natural gas is a hydrocarbon fuel found in reservoirs beneath the Earth's surface and is composed primarily of methane (CH_4). It is used for space and water heating, process heating and electricity generation, and as transportation fuel. Use of natural gas to generate electricity is expected to increase in coming years because it is a relatively clean alternative to other fossil fuels (e.g., oil and coal). In California and throughout the western United States, many new electrical generation plants fired by natural gas are being brought online. Thus, there is great interest in importing liquefied

natural gas from other parts of the world. California's natural gas-fired electric generation increased by 2 percent in 2021, accounting for 50 percent of in-state generation.[13]

Energy Usage

Energy usage is typically quantified using the British Thermal Unit (BTU). Total energy usage in California was 6,922.8 trillion BTUs in 2020 (the most recent year for which this specific data is available).[14] Of California's total energy usage, the breakdown by sector is 34.0 percent transportation, 24.6 percent industrial, 19.6 percent commercial, and 21.8 percent residential.[15] Electricity and natural gas in California are generally consumed by stationary users such as residences, commercial, and industrial facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use. In 2022, taxable gasoline sales (including aviation gasoline) in California accounted for 13,919,678,835 gallons of gasoline.[16]

The electricity consumption attributable to the County from 2011 to 2021 is shown in **Table 12, Electricity Consumption in San Bernardino County 2011-2021.** As indicated in **Table 12**, energy consumption in the County steadily increased between 2011 to 2021 with the exception of 2019 in which energy decreased slightly from previous years.

Table 12: Electricity Consumption in San Bernardino County 2011-2021

Year	Electricity Consumption (in millions of kilowatt hours)
2011	13,730
2012	14.348
2013	14,374
2014	14,731
2015	14,731
2016	14,946
2017	15,282
2018	15,376
2019	15,316
2020	15,969
2021	16,181

Source: Kimley-Horn and Associates. (2023). *Energy Assessment.* page 5 – Table 1

The natural gas consumption attributable to the County from 2011 to 2021 is shown in **Table 13, Natural Gas Consumption in San Bernardino County 2011-2021**. Natural gas consumption in the County fluctuated with increases and decreases occurring annually.

[13] Ibid. page 5.
[14] Ibid. page 5.
[15] Ibid. page 5.
[16] Ibid. page 5.

Table 13: Natural Gas Consumption in San Bernardino County 2011-2021

Year	Natural Gas Consumption (in millions of therms)
2011	504
2012	489
2013	511
2014	469
2015	485
2016	494
2017	493
2018	500
2019	547
2020	527
2021	561

Source: Ibid. page 6 -Table 2

Automotive fuel consumption in the County from 2012 to 2022 is shown in **Table 14: Automotive Fuel Consumption in San Bernardino County 2012-2022**. As shown in **Table 14**, on-road automotive fuel consumption in the County increased between 2012 and 2019 and fluctuated from 2020 to 2022. Heavy-duty vehicle fuel consumption steadily increased between 2012 and 2022 with a slight decrease in 2018, and 2019.

Table 14: Automotive Fuel Consumption in San Bernardino County 2012-2022

Year	On-Road Automotive Fuel Consumption (gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (gallons)
2012	823,998,577	221,468,396
2013	824,054,602	231,100,540
2014	834,846,492	233,757,358
2015	863,626,512	236,687,334
2016	888,752,451	251,535,041
2017	896,771,954	263,723,118
2018	897,385,756	259,783,109
2019	898,685,412	261,139,639
2020	767,569,916	265,477,739
2021	874,282,902	272,787,528
2022	873,015,917	276,240,473

Source: Ibid. page 6 -Table 3

Regulations and Significance Criteria

California's Energy Efficiency Standards for Residential and Non-Residential Buildings (Title 24)

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the California Energy Commission) in June 1977 and are updated every three years (Title 24, Part 6, of the California Code of

Regulations). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On June 10, 2015, the CEC adopted the 2016 Building Energy Efficiency Standards, which went into effect on January 1, 2017. On May 9, 2018, the CEC adopted the 2019 Building Energy Efficiency Standards, which took effect on January 1, 2020. The 2022 version of Title 24 was adopted by the California Energy Commission (CEC) and became effective on January 1, 2023.

The 2016 Standards improved upon the previous 2013 Standards for new construction of and additions and alterations to residential and nonresidential buildings. Under the 2016 Standards, residential buildings are 28 percent more energy efficient and nonresidential buildings are 5 percent more energy efficient than under the 2013 Standards. Buildings that are constructed in accordance with the 2013 Building Energy Efficiency Standards are 25 percent (residential) to 30 percent (nonresidential) more energy efficient than the prior 2008 standards as a result of better windows, insulation, lighting, ventilation systems, and other features.

The 2019 Standards improve upon the 2016 Standards. Under the 2019 Title 24 standards, residential buildings are about 7 percent more energy efficient, and when the required rooftop solar is factored in for low-rise residential construction, residential buildings that meet 2019 Title 24 standards use about 53 percent less energy than those built to meet the 2016 standards.

The 2022 Title 24 standards became effective January 1, 2023, and will result in less energy use, thereby reducing air pollutant emissions associated with energy consumption across California. For example, the 2022 Title 24 standards will require efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards.

On August 11, 2021, the CEC adopted the 2022 Energy Code. In December, it was approved by the California Building Standards Commission for inclusion into the California Building Standards Code. Among other updates like strengthened ventilation standards for gas cooking appliances, the 2022 Energy Code includes updated standards in three major areas:

- New electric heat pump requirements for residential uses, schools, offices, banks, libraries, retail, and grocery stores.
- The promotion of electric-ready requirements for new homes including the addition of circuitry for electric appliances, battery storage panels, and dedicated infrastructure to allow for the conversion from natural gas to electricity.
- The expansion of solar photovoltaic and battery storage standards to additional land uses including high-rise multifamily residences, hotels and motels, tenant spaces, offices, (including medical offices and clinics), retail and grocery stores, restaurants, schools, and civic uses (including theaters auditoriums, and convention centers).

The California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to

comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary measures (CALGreen Tier 1 and Tier 2) that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2022 and went into effect January 1, 2023. Projects whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.[17]

a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Less than Significant Impact.

Construction

The Project is anticipated to be constructed in one phase. Construction activity is anticipated to occur over a duration of approximately 10 months, beginning in October 2023. The energy associated with Project construction includes electricity use associated with water utilized for dust control, diesel fuel from on-road hauling trips, vendor trips, and off-road construction diesel equipment, as well as gasoline fuel from on-road worker commute trips. Because construction activities typically do not require natural gas, it is not included in the following discussion. The methodology for each category is discussed below. Quantifications of construction energy are provided by the Project below; see **Table 15, Energy Use During Construction.**

Table 15: Energy Use During Construction

Project Source	Total Construction Energy	San Bernardino County Annual Energy	Percentage Increase Countywide
Electricity Use		**GWh**	
Water Use[1]	0.0026	161,181	0.00002%
Diesel Use		**Gallons**	
On-Road Construction Trips[2]	37,606	279,150,963	0.0135%
Off-Road Construction Equipment[3]	91,335		0.0327%
Construction Diesel Total	128,941		0.0462%
Gasoline		**Gallons**	
On-Road Construction Trips	43,737	865,975,498	0.0051%

Notes:
1. Construction water use based on acres disturbed per day per construction sequencing and estimated water use per acre.
2. On-road mobile fuel source based on vehicle miles traveled (VMT) from CalEEMod and fleet-average fuel consumption in gallons per mile from EMFAC2021 in San Bernardino for 2023.
3. Construction fuel use was calculated based on CalEEEMod emissions outputs and conversion ratios from the Climate Registry.

Source: ibid. page 12 – Table 4.

Electricity

Water for Construction Dust Control. Electricity use associated with water use for construction dust control is calculated based on total water use and the energy intensity for supply, distribution,

[17] Ibid. Page 8

and treatment of water. The total number of gallons of water used is calculated based on acreage disturbed during grading and site preparation, as well as the daily watering rate per acre disturbed.

- The total acres disturbed are calculated using the methodology described in Chapter 4.2 of Appendix C of the CalEEMod User's Guide.
- The water application rate of 3,020 gallons per acre per day is from the Air and Waste Management Association's Air Pollution Engineering Manual (1992).

The energy intensity value is based on the CalEEMod default energy intensity per gallon of water for the South Coast Hydrologic Region. As summarized in Table 15, the total electricity demand associated with water use for the Project construction dust control would be approximately 0.0026 GWh over the duration of construction.

Petroleum Fuel

On-Road Diesel Construction Trips. The diesel fuel associated with on-road construction mobile trips is calculated based on vehicle miles traveled (VMT) from vehicle trips (i.e., worker, vendor, and hauling), the CalEEMod default diesel fleet percentage, and vehicle fuel efficiency in miles per gallon (MPG). VMT for the entire construction period is calculated based on the number of trips multiplied by the trip lengths for each phase shown in CalEEMod. Construction fuel was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry. Total diesel fuel consumption associated with on-road construction trips for the Project would be approximately 37,606 gallons (see Table 15).

Off-Road Diesel Construction Equipment. Similarly, the construction diesel fuel associated with the off-road construction equipment that is calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry. The total diesel fuel associated with the Project off-road construction equipment is approximately 91,335 gallons (see Table 15). Combined diesel usage from on-road and off-road construction sources is 128,941 gallons.

On-Road Gasoline Construction Trips. The gasoline fuel associated with on-road construction mobile trips is calculated based on VMT from vehicle trips (i.e., worker, vendor, and hauling), the CalEEMod default gasoline fleet percentage, and vehicle fuel efficiency in MPG using the same methodology as the construction on-road trip diesel fuel calculation discussed above. The total gasoline fuel associated with Project on-road construction trips would be approximately 43,737 gallons (see Table 15).

Construction Energy Use Analysis

As indicated in Table 15, Project construction electricity would represent approximately 0.00002 percent of the current electricity use in San Bernardino County. In 2023, Californians are anticipated to use approximately 14,438,550,403 gallons of gasoline and approximately 3,189,559,232 gallons of diesel fuel.[18] San Bernardino County annual gasoline fuel use in 2023 is anticipated to be 865,975,498 gallons and diesel use would be approximately 279,150,963 gallons. Total Project construction gasoline fuel would represent approximately 0.005 percent of annual

[18] Ibid. page 13.

gasoline used in the County, and total Project construction diesel fuel would also represent 0.046 percent of annual diesel used in the County. Total Project construction gasoline and diesel fuel would also represent less than one percent (0.0003 percent and 0.004 percent, respectively) of the State's fuel use. Based on the total Project's relatively low construction fuel use proportional to annual County use, the Project would not substantially affect existing energy fuel supplies or resources. New capacity or additional sources of construction fuel are not anticipated to be required.

SCE's total energy sales are projected to be 94,230 GWh of electricity in 2023 (the first year of Project construction).[19] The Project's construction-related net annual electricity consumption of 0.0026 GWh would represent less than one percent of SCE's projected sales. Therefore, it is anticipated that SCE's existing and planned electricity capacity and electricity supplies would be sufficient to serve the Project's temporary construction electricity demand. Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, current crude soil production would be sufficient to meet demand until 2050.[20] As such, it is expected that existing and planned transportation fuel supplies would be sufficient to serve the Project's temporary construction demand.

Furthermore, there are no unusual characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. In addition, some energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel use.

The Project would have construction activities that would use energy, primarily in the form of diesel fuel (e.g., mobile construction equipment) and electricity (e.g., power tools). Contractors would be required to monitor air quality emissions of construction activities using applicable regulatory guidance such as from SCAQMD CEQA Guidelines. Additionally, construction is subject to and would comply with California regulations (e.g., California Code of Regulations, Title 13, Sections 2485 and 2449), which reduce diesel PM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced from the monitoring and the efficient use of equipment and materials, energy use is reduced. There are no aspects of the Project that would foreseeably result in the inefficient, wasteful, or unnecessary use of energy during construction activities.

- Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary use of energy during construction. There is growing recognition among developers and retailers that sustainable

[19] Ibid. page 13

[20] Ibid. page 14

construction is not prohibitively expensive and that there is a significant cost-savings potential in green building practices. Substantial reduction in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The Project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest in minimizing the costs of business.

As described above, the Project's fuel consumption and energy usage from the entire construction period would increase fuel use in the County by less than one percent. It should be noted that the State CEQA Guideline Appendix G and Appendix F criteria require the Project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A less than one percent increase in temporary demand is not anticipated to trigger the need for additional capacity. Project construction would have a nominal effect on the local and regional energy supplies. Additionally, use of construction fuel would be temporary and would cease once the Project is fully developed. As such, Project construction would have a nominal effect on the local and regional energy supplies.

As stated above, there are no unusual characteristics that necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. It is expected that construction fuel use associated with the Project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. Therefore, potential impacts are considered less than significant.

Operations

The energy consumption associated with Project operations would occur from building energy (electricity and natural gas) use, water use, and transportation-related fuel use. Annual energy use during Project operations is shown in **Table 16, Project Annual Energy Use During Operations**. It is noted that the Project's unmitigated energy consumption estimates are provided in Table 16 to provide a conservative impact analysis.

Table 16: Project Annual Energy Use During Operations

Source	Annual Operational Energy[3]	San Bernardino County Annual Energy	Percentage Increase Countywide
Electricity Use		**GWh**	
Total Electricity (Electricity Demand + Water Conveyance)	1.63	16,181	0.0101%
Natural Gas Use		**Therms**	
Area[1]	54,839	561,360,617	0.0098%
Diesel Use		**Gallons**	
Mobile[2]	193,574	280,907,070	0.0079%
Gasoline Use		**Gallons**	

Mobile[2]	64,978	853,915,250	0.0689%

Notes:
1. The electricity, natural gas, and water usage are based on Project-specific estimates and CalEEMod defaults.
2. Calculated based on the mobile source fuel based on vehicle miles traveled (VMT) and fleet-average fuel consumption (in gallons per mile) from EMFAC2021 for operational year 2024.
3. Annual Operational Energy represents the mitigated operational from CalEEMod.

Source: Ibid. page 15 – Table 5

Petroleum Fuel

The gasoline and diesel fuel associated with on-road vehicular trips is calculated based on total VMT calculated for the analyses within the Project's Air Quality Assessment and average fuel efficiency from the EMFAC model. The EMFAC fuel efficiency data incorporates the Pavley Clean Car Standards and the Advanced Clean Cars Program.[21] As summarized in **Table 16**, the total gasoline and diesel fuel associated with on-road trips would be approximately 64,978 gallons per year and 193,574 gallons per year, respectively.

Electricity

The electricity use during the Project is based on CalEEMod defaults. The Project would use approximately 1.63 GWh of electricity per year (see **Table 16**). While the electricity associated with operational water use is estimated based on the annual water use and the energy intensity factor is the CalEEMod default energy intensity per gallon of water for San Bernardino County. Project area water use is based on the CalEEMod default rates. The Project would use approximately 66 million gallons annually of water annually which would require approximately 0.451 GWh per year for conveyance and treatment, which is 27.67 percent of the total electricity demand. Unmitigated Project electricity consumption would only increase countywide electricity use by 0.0101 percent; see **Table 16**.

Natural Gas

The methodology used to calculate the natural gas use associated with the Project is based on CalEEMod default rates. As shown in Table 16, unmitigated natural gas consumption from the Project would represent only 0.0098 percent increase over Countywide natural gas usage.

Operational Energy Use Analysis

Californians used 280,738.4 GWh of electricity in 2021, of which San Bernardino County used 16,180.8 GWh.[22] The Project's unmitigated operational electricity use would represent a nominal portion of electricity used in the State and Riverside County. Regarding natural gas, Californians used 11.9 billion therms of natural gas and 561.4 million terms of natural gas in San Bernardino County in 2021. The Project's unmitigated operational natural gas use would contribute to only 0.0005 percent of natural gas use in the State and 0.0098 percent in the County.

San Bernardino County's annual gasoline fuel use in 2024 is anticipated to be 853,915,250 gallons and diesel fuel is anticipated to be 280,907,070 gallons. Expected Project operational gasoline and

[21] Ibid. page 15.
[22] Ibid. page 16.

diesel consumption would represent approximately 0.0076 percent of gasoline use and 0.0689 of diesel use in the County.

Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, the global supply of crude oil, other liquid hydrocarbons, and biofuels is expected to be adequate to meet the world's demand for liquid fuels through 2050.[23]

The Project's unmitigated energy consumption represents less than one percent of energy consumption within the County. Project operations would not substantially affect existing energy or fuel supplies or resources. The Project would comply with applicable energy standards and new capacity would not be required. Impacts would be less than significant.

Compliance with Energy Efficient Measures

As discussed above, California's Energy Efficiency Standards for Residential and Non-Residential Buildings create uniform building codes to reduce California's energy use and provide energy efficiency standards for residential and non-residential buildings. These standards are incorporated within the California Building Code and are expected to substantially reduce the growth in electricity and natural gas use. 2022 Title 24 standards for new residential and nonresidential buildings will focus on encouraging electric heat pump technology and use, promote electric-ready buildings to get owners to use cleaner electric heating, cooking, and vehicle charging, expanding solar photovoltaic systems and battery storage systems to reduce reliance on fossil fuel power plants.

Regarding water energy conservation, the Project would incorporate drought-tolerant landscaping throughout portions of the site. Water-efficient irrigation controls would also be used in landscaped areas. Comprehensive water conservation strategies would be developed to each respective land use as part of the Project plan development. Buildings would incorporate water-efficient fixtures and appliances, to comply with Title 24.

It should also be noted that SCE is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase total procurement from eligible renewable energy resources to 33 percent by 2020 and 50 percent by 2030. SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat.

As discussed above, California's Energy Efficiency Standards create uniform building codes to reduce California's energy use and provide energy efficient standards for residential and non-

[23] Ibid. page 16.

residential buildings. These standards are incorporated within the California Building Code and are expected to substantially reduce the growth in electricity and natural gas use.

The Project's energy consumption would exceed less than one percent of the corresponding energy sources within the County. Project operations would not substantially affect existing energy or fuel supplies or resources. All Project buildings will comply with energy and fuel efficiency laws and regulations; thus, the Project would not be wasteful or inefficient. Therefore, the project would result in a less than significant impact in this regard.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

Potential cumulative impacts to energy would result if the proposed Project, in combination with past, present, and future projects, would result in the wasteful or inefficient use of energy. This could result from development that would not incorporate sufficient building energy efficiency features, would not achieve building energy efficiency standards, or would result in the unnecessary use of energy during construction and/or operation.

The cumulative projects within the areas serviced by the energy service providers would be applicable to this analysis. Projects that include development of large buildings or other structures that would have the potential to consume energy in an inefficient manner would have the potential to contribute to a cumulative impact.

Construction and operations associated with implementation of the Project would result in the use of energy, but not in an inefficient or wasteful manner. The use of energy would not be substantial in comparison to statewide electricity, natural gas, gasoline, and diesel demand; refer to **Table 15** and **Table 16**. As discussed above, the electricity used for construction would be less than that required during operation of the Project, would be temporary, and would have a minimal contribution to the Project's overall energy consumption. Construction of the Project would not typically involve the consumption of natural gas. The Project's construction electricity consumption would be negligible relative to SCE's generated electricity and electricity supplies would be sufficient to serve the Project's temporary construction electricity demand.

SCE will review the Project's estimated electricity consumption in order to ensure that the estimated power requirement would be part of the total load growth forecast for their service area and accounted for in the planned growth of the power system. It should be noted that SCE and SoCalGas consider planned development for their service areas and are in and of themselves providing for cumulative growth. Therefore, it is likely that cumulative growth associated with the related projects is already accounted for in the planning of future supplies to cover projected demand.

SCE and SoCalGas have policies, programs, and projects in place to provide continued, adequate energy to their users, including the proposed Project. Substantial reductions to the cumulative demand for energy can result from an increased reliance on renewable energy systems (as required by the State's Renewable Portfolio Standards) and the construction of energy-efficient buildings. Cumulative projects would be subject to applicable Title 24 and CALGreen requirements similar to the Project, which includes energy efficiency standards to minimize the wasteful and inefficient use of energy.

Furthermore, transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, current crude oil production would be sufficient to meet worldwide consumption demand until 2050. As such, it is expected that existing and planned transportation fuel supplies would be sufficient to serve the Project's construction and operational demand. New capacity or supplies of energy resources would not be required. Additionally, the Project would be subject to compliance with all federal, state, and local requirements for energy efficiency. State regulations, including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program, would serve to reduce the transportation fuel demand of cumulative projects.

In consideration of cumulative energy use, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Additionally, as discussed above, the Project would increase overall electricity and natural gas demand but would not require additional facilities other than local connections to, or undergrounding of, existing facilities in the Project vicinity. Therefore, the proposed Project's incremental demand for electricity and natural gas facilities would not be cumulatively considerable. Thus, the Project would not contribute to a cumulative impact to the wasteful or inefficient use of energy. A less than significant cumulative impact would occur.

The Project would also be required to comply with all the same applicable federal, state, and local measures aimed at reducing fossil fuel consumption and the conservation of energy. The anticipated Project impacts, in conjunction with cumulative development in the vicinity, would increase urbanization and result in increased energy use. Potential land use impacts are site-specific and require evaluation on a case-by-case basis. As noted above, the Project would not result in significant impacts to state or local plans for renewable energy or energy efficiency. Therefore, the Project and identified cumulative projects are not anticipated to result in a significant cumulative impact. Therefore, potential impacts are considered less than significant.

4.7 GEOLOGY AND SOILS

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

A Preliminary Geotechnical Evaluation (PGE) was prepared by LGC Geotechnical, Inc. on July 7, 2022; refer to **Appendix E**.

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

Less than Significant Impact. As illustrated in the Highland GP, Figure 6-2: Potential Geologic Hazards, the Project site is not located within an Alquist-Priolo Earthquake Zone.[24] The nearest Alquist-Priolo Fault Zone is located approximately 1.90 miles northeast of the Project site. Therefore, the Project the possibility of the possibility of damage due to ground rupture, as a result of faulting, is considered very low since active faults are not known to cross the site. Similarly, the PGE also concluded that the Project is not located within a State of California Fault Rupture Hazard Zone and no known active or potentially active faults were mapped on the Project site. Nevertheless, the Project site is subject to regional seismicity and therefore, the Project's construction building would be designed in conformance to the seismic design parameter of the 2022 California Building Code (CBC). The 2022 CBC provides design standards for earthquake-resistant structural design that includes, but is not limited to, considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. This would ensure that impacts from strong seismic ground shaking would be minimized. A less than significant impact would occur.

Mitigation Measures: No mitigation is required.

iii) Seismic-related ground failure, including liquefaction?

Less than Significant Impact. Liquefaction is the loss of strength in generally cohesionless, saturated soils when the pore-water pressure induced in the soil by a seismic event becomes equal to or exceeds the overburden pressure. The primary factors which influence the potential for liquefaction include groundwater table elevation, soil type and grain size characteristics, relative density of the soil, initial confining pressure, and intensity and duration of ground shaking.

According to the PGE, the Project site is not located in zone mapped as susceptible liquefaction. The Project site will consist of compacted fill over medium dense to very dense alluvial soils. Due the absence of groundwater in the upper 50 feet and presence of medium dense to very dense sandy soils, the potential for liquefaction is considered very low. Lateral spreading is a type of liquefaction-induced ground failure associated with the lateral displacement of surficial blocks of sediment resulting from liquefaction in a subsurface layer. Once liquefaction transforms the subsurface layer into a fluid mass, gravity plus the earthquake inertial forces may cause the mass to move down-slope towards a free face (such as a river channel or an embankment). Lateral spreading may cause large horizontal displacements and such movement typically damages

[24] City of Highland. (2012). General Plan, *Public Health and Safety Element*. Available at: https://www.cityofhighland.org/191/General-Plan (accessed October 24, 2022).

pipelines, utilities, bridges, and structures. Due to the very low potential for liquefaction the potential for lateral spreading is considered very low.

Lastly, the PGE concluded that the Geologic Hazard Overlay for the San Bernardino County Land Use Plan also indicated that the Project site is not located in a liquefaction hazard zone. Therefore, no impact associated with ground failure due to liquefaction would occur.

Mitigation Measures: No mitigation is required.

iv) Landslides?

No Impact. Landslides can occur if areas of steep slopes consisting of unstable soils are disturbed by ground shaking and/or heavy rainfall. According to the PGE, research and field observations did not indicate the presence of landslides on the Project site or in the immediate vicinity. Additionally, the Highland GP, Figure 6-3: High Liquefaction and Landslide Susceptibility Areas shows that the Project site is not located in a zone of landslide susceptibility.[25] Furthermore, the surrounding area is relatively flat and developed. Therefore, no impacts associated with landslides would occur.

Mitigation Measures: No mitigation is required.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact.

Construction

Ground disturbance activities and demolition during construction would expose soils to potential short-term erosion in the form of runoff. Consequently, the Project would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permitting process. The NPDES permit requires that a project applicant to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) which includes erosion-control and sediment-control Best Management Practices (BMPs) to reduce the amount of soil erosion and loss of topsoil. Erosion-control BMPs. are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. Additionally, the Project Applicant has prepared a Preliminary Water Quality Management Plan (PWQMP) which contains additional BMPs to address water quality concerns; refer to **Section 4.10, Hydrology and Water Quality** for more information.

Operations

In addition to the implementation of the BMPs, the Project would implement PGE design recommendations which would require that compacted finished grade soils adjacent to proposed structures be sloped away from the proposed structures and towards an approved drainage device or unobstructed swale. If required, drainage swales, wherever feasible, should not be constructed within 5 feet of buildings. Where lot and building geometry necessitates that drainage swales be routed closer than 5 feet to structural foundations, we recommend the use of area drains together with drainage swales. Drainage swales used in conjunction with area drains should be designed by the project civil engineer so that a properly constructed and maintained system will prevent

[25] Ibid.

ponding within 5 feet of the foundation. Code compliance of grades is not the purview of the geotechnical consultant. Planters with open bottoms adjacent to buildings should be avoided. Planters should not be designed adjacent to buildings unless provisions for drainage, such as catch basins, liners, and/or area drains, are made. Overwatering must be avoided. Implementation of these design recommendations would ensure that Project impacts are less than significant.

Mitigation Measures: No mitigation is required.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Less than Significant Impact. Refer to response a-iii and a-iv above for a discussion of landslide and liquefaction potential. Subsidence occurs when a large portion of land is displaced vertically, usually due to the withdrawal of groundwater, oil, or natural gas. Soils that are particularly subject to subsidence are those with high slit or clay content. An expansive soil is prone to expansion or shrinkage due directly to variation in water volume.

The PGE concluded the soils exposed at the proposed foundation level are anticipated to have a "Very Low" expansion potential (expansion index 20 or less). Consistent with the PGE's findings, special design considerations are not anticipated but would be verified based on as-graded conditions. Therefore, it is not anticipated that development of the Project would be developed on unstable or expansive soils. Impacts would be less than significant, and no mitigation is needed.

Mitigation Measures: No mitigation is required.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

No Impact. The Project does not propose the implementation of septic tanks or any other alternative wastewater disposal system. As illustrated in **Exhibit 7**, the Project would connect to the existing sewer system for wastewater disposal. Therefore, no impact associated with the use of septic tanks or any other alternative wastewater disposal system would occur.

Mitigation Measures: No mitigation is required.

f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less than Significant Impact. Refer to **Section 4.5, Cultural Resources,** threshold c) for more information. The CRA determined that while the Holocene geological units were of high preservation value, the material is unlikely to be fossil material due to the relatively modern associated dates of the soil deposits. Nevertheless, in the event that unique paleontological resource or unique geologic feature, the Project would implement **MM GEO-1**, to reduce impacts to the found paleontological resources to a less than significant level.

Mitigation Measures:

MM GEO-1: In the event that paleontological resources are found during excavation or grading activities, a Paleontological Construction Monitoring and Compliance Plan will be prepared and implemented to reduce potential impacts to paleontological resources to less than significant which includes the following:

- Prior to substantial excavations into older finer-grained Quaternary deposits, the Applicant shall retain a paleontological monitor, trained, and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of substantial earth-disturbing activities.
- Should fossils be found within an area being cleared or graded, earth-disturbing activities shall be diverted elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor shall immediately divert construction and notify the monitor of the find.
- All recovered fossils shall be prepared, identified, and curated for documentation in the summary report and transferred to an appropriate depository (i.e., San Bernardino County Museum).
- A summary report shall be submitted to the City of Highland. Collected specimens shall be transferred with a copy of the report to the San Bernardino County Museum.
- The construction can re-commence with approval of the City of Highland.

Cumulative Impacts

Cumulative impacts concerning geology and sols are generally site-specific. The Project analysis determined that a less than significant impact related to geology and soils would occur. Existing State and local regulations and design standards are in place protect people and property from substantial adverse geological and soil effects including fault rupture, strong seismic ground shaking, liquefaction, and landslides, including adverse effects associated with soil erosion. As concluded in the Project-specific analysis above, impacts associated with geology and soil would be less than significant.

4.8 GREENHOUSE GAS EMISSIONS

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

Kimley-Horn and Associates prepared a Greenhouse Gas Emissions Assessment (GHG) for the Project on May 2023; refer to **Appendix F** of this IS/MND.

Background

Certain gases in the earth's atmosphere classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected back toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth's climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants (TACs), which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake,

vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO_2 emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO_2 emissions remains stored in the atmosphere.[26]

Regulations and Significance Criteria

Appendix F contains relevant regulatory framework pertaining to GHGs. Some of the applicable regulatory information has been provided below; refer to **Appendix F,** Section 3: Regulatory Setting, for further information.

State

California Air Resources Board

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California's contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of CO_2 equivalents (CO_2e) in the world and produced 369 million gross metric tons of carbon dioxide equivalent ($MMTCO_2e$) in 2020.[27] The transportation sector is the State's largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation, such as the landmark AB 32, California Global Warming Solutions Act of 2006, was specifically enacted to address GHG emissions. Other legislation, such as Title 24 building efficiency standards and Title 20 appliance energy standards, were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the legislation's major provisions.

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

AB 32 instructs the CARB to develop and enforce regulations for the reporting and verification of statewide GHG emissions. AB 32 also directed CARB to set a GHG emissions limit based on 1990 levels, to be achieved by 2020. It set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner.

2017 CARB Scoping Plan

CARB adopted the Scoping Plan to achieve the goals of AB 32. The Scoping Plan establishes an overall framework for the measures that would be adopted to reduce California's GHG emissions. CARB determined that achieving the 1990 emissions level would require a reduction of GHG emissions of approximately 29 percent below what would otherwise occur in 2020 in the absence of new laws and regulations (referred to as "business-as-usual").[28] The Scoping Plan evaluates opportunities for sector-specific reductions, integrates early actions and additional GHG reduction measures by both CARB and

[26] Kimley-Horn and Associates. (2023). *Greenhouse Gas Emissions Assessment.* page 6.
[27] Ibid. page. 10.
[28] Ibid. page 10.

the State's Climate Action Team, identifies additional measures to be pursued as regulations, and outlines the adopted role of a cap-and-trade program.[29] Additional development of these measures and adoption of the appropriate regulations occurred through the end of 2013. Key elements of the Scoping Plan include:

- Expanding and strengthening existing energy efficiency programs, as well as building and appliance standards.
- Achieving a statewide renewables energy mix of 33 percent by 2020.
- Developing a California cap-and-trade program that links with other programs to create a regional market system and caps sources contributing 85 percent of California's GHG emissions (adopted in 2011).
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets (several sustainable community strategies have been adopted).
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, heavy-duty truck measures, the Low Carbon Fuel Standard (amendments to the Pavley Standard adopted 2009; Advanced Clean Car standard adopted 2012), goods movement measures, and the Low Carbon Fuel Standard (adopted 2009).
- Creating targeted fees, including a public goods charge on water use, fees on gasses with high global warming potential, and a fee to fund the administrative costs of the State of California's long-term commitment to AB 32 implementation.
- The California Sustainable Freight Action Plan was developed in 2016 and provides a vision for California's transition to a more efficient, more economically competitive, and less polluting freight transport system. This transition of California's freight transport system is essential to supporting the State's economic development in coming decades while reducing pollution.
- CARB's Mobile Source Strategy demonstrates how the State can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next fifteen years. The mobile Source Strategy includes increasing ZEV buses and trucks.

In 2012, CARB released revised estimates of the expected 2020 emissions reductions. The revised analysis relied on emissions projections updated in light of current economic forecasts that accounted for the economic downturn since 2008, reduction measures already approved and put in place relating to future fuel and energy demand, and other factors. This update reduced the projected 2020 emissions from 596 million metric tons of CO_2e ($MMTCO_2e$) to 545 $MMTCO_2e$. The reduction in forecasted 2020 emissions means that the revised business-as-usual reduction necessary to achieve AB 32's goal of reaching 1990 levels by 2020 is now 21.7 percent, down from 29 percent. CARB also provided a lower 2020 inventory forecast that incorporated State-led GHG emissions reduction measures already in place. When this lower

[29] Ibid. page 11.

forecast is considered, the necessary reduction from business-as-usual needed to achieve the goals of AB 32 is approximately 16 percent.

CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes the most recent science related to climate change, including anticipated impacts to California and the levels of GHG emissions reductions necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32.

In 2016, the Legislature passed Senate Bill (SB) 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017 CARB adopted a second update to the Scoping Plan[30]. The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support other Federal actions.

2022 CARB Scoping Plan

Adopted December 15, 2022, CARB's 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high GWP; providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen. The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (i.e., Climate Action Plan) consistent with CEQA Guidelines section 15183.5.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission transportation (i.e., electrifying cars, buses, trains, and trucks), which constitutes California's single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place.

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In

[30] Ibid. page 12.

this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects.[31] CARB specifically states that Appendix D does not address other land uses (e.g., industrial).[32] However, CARB plans to explore new approaches for other land use types in the future.[33]

As such, it would be inappropriate to apply the requirements contained in Appendix D of the 2022 Scoping Plan to any land use types other than residential or mixed-use residential development.

Senate Bill 32 (California Global Warming Solutions Act of 2006: Emissions Limit)

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions. With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan.

SB 375 (The Sustainable Communities and Climate Protection Act of 2008)

Signed into law on September 30, 2008, SB 375 provides a process to coordinate land use planning, regional transportation plans, and funding priorities to help California meet AB 32's GHG reduction goals. SB 375 requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies.

Executive Orders Related to GHG Emissions

California's Executive Branch has taken several actions to reduce GHGs using executive orders. Although not regulatory, they set the tone for the State and guide the actions of state agencies.

Executive Order S-3-05. Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order S-01-07. Issued on January 18, 2007, Executive Order S 01-07 mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. The executive order established a Low Carbon Fuel Standard (LCFS) and directed the

[31] Ibid. page 12.
[32] Ibid. page 13.
[33] Ibid. page 13.

Secretary for Environmental Protection to coordinate the actions of the California Energy Commission (CEC), CARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. CARB adopted the LCFS on April 23, 2009.

Executive Order S-13-08. Issued on November 14, 2008, Executive Order S-13-08 facilitated the California Natural Resources Agency development of the 2009 California Climate Adaptation Strategy. Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order S-14-08. Issued on November 17, 2008, Executive Order S-14-08 expands the State's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the State come from renewable energy by 2020. CARB adopted the Renewable Electricity Standard on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

Executive Order S-21-09. Issued on July 17, 2009, Executive Order S-21-09 directs CARB to adopt regulations to increase California's Renewable Portfolio Standard (RPS) to 33 percent by 2020. This builds upon SB 1078 (2002), which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006), which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

Executive Order B-30-15. Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO_2e (MMTCO2e). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive Order S-3-05. The executive order also requires the State's climate adaptation plan to be updated every three years and for the State to continue its climate change research program, among other provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

Executive Order B-55-18. Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order requires CARB to work with relevant state agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires state agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

Executive Order N-79-20. Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all medium and heavy-duty vehicles will be zero-emission by 2045 where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing

volumes" of new zero emission vehicles (ZEVs) "towards the target of 100 percent." The executive order directs the California Environmental Protection Agency, the California Geologic Energy Management Division (CalGEM), and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

Regional

South Coast Air Quality Management District Thresholds

The South Coast Air Quality Management District (SCAQMD) formed a GHG California Environmental Quality Act (CEQA) Significance Threshold Working Group to provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents. This working group was formed to assist SCAQMD's efforts to develop a GHG significance threshold and is composed of a wide variety of stakeholders including the State Office of Planning and Research, CARB, the Attorney General's Office, a variety of city and county planning departments in the SCAB, various utilities such as sanitation and power companies throughout the SCAB, industry groups, and environmental and professional organizations. The Working Group has proposed a tiered approach to evaluating GHG emissions for development projects where SCAQMD is not the lead agency, wherein projects are evaluated sequentially through a series of "tiers" to determine whether the project is likely to result in a potentially significant impact due to GHG emissions.

With the tiered approach, a project is compared against the requirements of each tier sequentially and would not result in a significant impact if it complies with any tier. Tier 1 excludes projects that are specifically exempt from SB 97 from resulting in a significant impact. Tier 2 excludes projects that are consistent with a GHG reduction plan that has a certified final CEQA document and complies with AB 32 GHG reduction goals. Tier 3 excludes projects with annual emissions lower than a screening threshold. The SCAQMD has adopted a threshold of 10,000 $MTCO_2e$ per year for industrial projects and a 3,000 $MTCO_2e$ threshold was proposed for non-industrial projects but has not been adopted. During Working Group Meeting #7 it was explained that this threshold was derived using a 90 percent capture rate of a large sampling of industrial facilities. During Meeting #8, the Working Group defined industrial uses as production, manufacturing, and fabrication activities or storage and distribution. The Working Group indicated that the 10,000 $MTCO_2e$ per year threshold applies to both emissions from construction and operational phases plus indirect emissions (electricity, water use, etc.). The SCAQMD concluded that projects with emissions less than the screening threshold would not result in a significant cumulative impact.

Tier 4 consists of three decision tree options. Under the Tier 4 first option, SCAQMD initially outlined that a project would be excluded if design features and/or mitigation measures resulted in emissions 30 percent lower than business as usual emissions. However, the Working Group did not provide a recommendation for this approach. The Working Group folded the Tier 4 second option into the third option. Under the Tier 4 third option, a project would be excluded if it was below an efficiency-based threshold of 4.8 $MTCO_2e$ per service population per year. Tier 5 would exclude projects that implement offsite mitigation (GHG reduction projects) or purchase offsets to reduce GHG emission impacts to less than the proposed screening level.

Tier 3 Screening Thresholds

When the tiered approach is applied to a proposed project, and the project is found not to comply with Tier 1 or Tier 2, the project's emissions are compared against a screening threshold, as described above, for Tier 3. The screening threshold formally adopted by SCAQMD is an "interim" screening threshold for stationary source industrial projects where the SCAQMD is the lead agency under CEQA. The threshold was termed "interim" because, at the time, SCAQMD anticipated that CARB would be adopting a statewide significance threshold that would inform and provide guidance to SCAQMD in its adoption of a final threshold. However, no statewide threshold was ever adopted, and the interim threshold remains in effect.

For projects for which SCAQMD is not a lead agency, no screening thresholds have been formally adopted. However, the SCAQMD Working Group has recommended a threshold of 10,000 $MTCO_2e$/year for industrial projects and 3,000 $MTCO_2e$/year for residential and commercial projects. SCAQMD determined that these thresholds would "capture" 90 percent of GHG emissions from these sectors, "capture" meaning that 90 percent of total emissions from all new projects would be subject to some type of CEQA analysis (i.e., found potentially significant).[34]

Southern California Association of Governments

On September 3, 2020, SCAG's Regional Council adopted the Connect SoCal which charts a course for closely integrating land use and transportation so that the region can grow smartly and sustainably. The strategy was prepared through a collaborative, continuous, and comprehensive process with input from local governments, county transportation commissions, tribal governments, non-profit organizations, businesses and local stakeholders within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. The Connect SoCal is a long-range vision plan that balances future mobility and housing needs with economic, environmental, and public health goals. The SCAG region strives toward sustainability through integrated land use and transportation planning. The SCAG region must achieve specific federal air quality standards and is required by state law to lower regional GHG emissions.

San Bernardino County Greenhouse Gas Reduction Plan

The County of San Bernardino adopted the San Bernardino County Regional Greenhous Gas Reduction Plan (County GHG Reduction Plan) in September 2021 (GHG Reduction Plan). The County GHG Reduction Plan provides a means of implementing state regulations, including AB 32, AB 1493, Executive Order S-3-05, SB 375, Executive Order B-30-15, SB 32, AB 398, and SB 97, at the County level. The County GHG Reduction Plan provides a target and comprehensive set of actions for GHG emission reductions for the year 2030 (i.e., an emissions reduction 40 percent below 2007 levels). This reduction would be consistent with the State's long-term goal to achieve statewide carbon neutrality (zero net emissions) by 2045.

Thresholds and Significance Criteria

Greenhouse Gas Emissions Thresholds

Addressing GHG emissions generation impacts requires an agency to determine what constitutes a significant impact. The amendments to the CEQA Guidelines specifically allow lead agencies to determine

[34] Ibid. page 19.

thresholds of significance that illustrate the extent of an impact and are a basis from which to apply mitigation measures. This means that each agency is left to determine whether a project's GHG emissions will have a "significant" impact on the environment. The guidelines direct that agencies are to use "careful judgment" and "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate" the project's GHG emissions.

Based upon the criteria derived from Appendix G of the CEQA Guidelines, a project normally would have a significant effect on the environment if it would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance; or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

South Coast Air Quality Management District Thresholds

On December 5, 2008, the SCAQMD Governing Board adopted a 10,000 $MTCO_2e$ industrial threshold for projects where the SCAQMD is lead agency. During the GHG CEQA Significance Threshold Working Group Meeting #15, the SCAQMD noted that it was considering extending the industrial GHG significance threshold for use by all lead agencies. This working group was formed to assist SCAQMD's efforts to develop a GHG significance threshold and is composed of a wide variety of stakeholders including the State Office of Planning and Research, CARB, the Attorney General's Office, a variety of city and county planning departments in the SCAB, various utilities such as sanitation and power companies throughout the SCAB, industry groups, and environmental and professional organizations. However, the SCAQMD has not announced when staff is expecting to present GHG thresholds for land use projects where the SCAQMD is not the lead agency to the governing board. During Meeting #8, the Working Group defined industrial uses as production, manufacturing, and fabrication activities or storage and distribution (e.g., warehouse, transfer facility, etc.). Additionally, the SCAQMD GHG Significance Threshold Stakeholder Working Group has specified that a warehouse is considered to be an industrial project.[35] Furthermore, the Working Group indicated that the 10,000 $MTCO_2e$ per year threshold applies to both emissions from construction and operational phases plus indirect emissions (electricity, water use, etc.).

Although the screening threshold for industrial projects is 10,000 $MTCO_2e$ per year, this analysis conservatively utilizes 3,000 $MTCO_2e$ per year as the Project GHG threshold.

Methodology

The Project's construction and operational emissions were calculated using the CalEEMod. For construction, CalEEMod calculates emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips. GHG emissions during construction were forecasted based on the proposed construction schedule and applying the mobile-source and fugitive dust emissions factors derived from CalEEMod. The Project's construction-related GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles. The Project's operational-related GHG emissions would be generated by vehicular

[35] South Coast Air Quality Management District, *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #8*, 2009.

traffic, area sources (e.g., landscaping maintenance and consumer products), electrical generation, natural gas consumption, water supply and wastewater treatment, and solid waste.

a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less than Significant with Mitigation Incorporated.

Short-Term Construction Greenhouse Gas Emissions

Project construction activities would generate direct CO_2, N_2O, and CH_4 emissions from construction equipment, transport of materials, and construction workers commuting to and from the Project site. Total GHG emissions generated during all construction phases were combined and are presented in **Table 17, Construction-Related Greenhouse Gas Emissions**.

Table 17: Construction-Related Greenhouse Gas Emissions

Category	$MTCO_2e$
2023 Construction	259
2024 Construction	271
Total Construction Emissions	530
30-Year Amortized Construction	17.66
Source: Ibid. page 26 – Table 2	

As indicated in **Table 17**, the Project would result in the generation of approximately 530 $MTCO_2e$ over the course of construction. Construction GHG emissions are typically summed and amortized over a 30-year period, then added to the operational emissions.[36] The amortized Project construction emissions would be 17.66 $MTCO_2e$ per year. Once construction is complete, construction-related GHG emissions would cease.

Long-Term Operational Greenhouse Gas Emissions

Operational or long-term emissions occur over the life of the Project. GHG emissions would result from direct emissions such as Project generated vehicular traffic, on-site combustion of natural gas, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power, the energy required to convey water to, and wastewater from the Project, the emissions associated with solid waste generated from the Project, and any fugitive refrigerants from air conditioning or refrigerators. Total GHG emissions associated with the Project are summarized in **Table 18, Project Greenhouse Gas Emissions**. As shown in **Table 18**, the Project's unmitigated GHG emissions would be approximately 3,839.66 $MTCO_2e$ annually from both construction and operations of the proposed Project. The existing steel processing facility and a residential unit uses currently located on the Project site generates approximately 595 $MTCO_2e$ annually and will be removed and replaced by

[36] The amortization period is 30 years per the South Coast Air Quality Management District (South Coast Air Quality Management District, *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #13*, August 26, 2009).

the Project. Existing emissions have been estimated based on the CalEEMod default emissions factors for building operations and estimated trip generation. Therefore, the net unmitigated emissions from the proposed Project would be approximately 3,244.66 $MTCO_2e$/year.

Table 18: Project Greenhouse Gas Emissions

Emissions Source	$MTCO_2e$ per Year	
	Unmitigated	Mitigated
Proposed Emissions		
Construction Amortized Over 30 Years	17.66	17.66
Area Source	<1	<1
Energy[1]	551	551
Mobile	2,640	2,640
Off-Road – Forklifts[1]	228	0
Off-Road – Yard Trucks[1]	158	0
Waste	84	84
Water and Wastewater	161	161
Proposed Total	**3,839.66**	**3,453.66**
Existing Emissions		
Area Source	1	1
Energy	11	11
Mobile	22	22
Off-Road – Forklifts[2]	82	82
Off-Road – Yard Trucks[2]	475	475
Waste	1	1
Water and Wastewater	2	2
Existing Total	**595**	**595**
Net New Emissions	**3,244.66**	**2,858.66**
Threshold	*3,000*	*3,000*
Net Emissions Exceeds Threshold?	**Yes**	**No**

Notes:
1. Mitigation Measure HRA-1 (refer to the Project's Health Risk Assessment) requires operation of electric forklifts and yard trucks.
2. Three forklifts and two yard trucks have been assumed for the current steel processing facility on the proposed Project site.

Source: Ibid. page 27 – Table 3

The majority of Project-generated GHG emissions (67 percent unmitigated and 82 percent mitigated) are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and federal standards, and the Project has no control over these standards.

The Project would reduce GHG emissions through implementation of **MM HRA-1**. **MM HRA-1** requires that off-road cargo handling equipment (e.g., forklifts and yard trucks) used during

operational activities be electrically powered/zero emission. As shown in **Table 18**, implementation of **MM HRA-1** would reduce the Project's net GHG emissions to 2,858.66 MTCO2e which is below the SCAQMD's 3,000 MTCO2e per year threshold. Therefore, the GHG emission of the proposed Project would be less than significant with implementation of **MM HRA-1**.

Laws, Ordinances, and Regulations:

Laws, Ordinances, and Regulations (LOR) are existing requirements that are based on local, state, or federal regulations or laws that are frequently required independently of CEQA review. Typical LORs and requirements include compliance with the provisions of the Building Code, SCAQMD Rules, etc. The City may impose additional conditions during the approval process, as appropriate. Because LORs are neither Project specific nor a result of development of the Project, they are not considered to be either Project Design Features or Mitigation Measures.

LOR GHG-1 Require diesel powered construction equipment to turn off when not in use per Title 13 of the California Code of Regulations, Section 2449.

LOR GHG-2 Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and sensors for landscaping according to the City's Water Efficient Landscape requirements (Highland MC Chapter 16.40.390).

LOR GHG-3 The Project shall be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods. The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. The Title 24 Energy Efficiency Standards (Section 110.10(b)1) require all buildings to be designed to have a total area of at least 15 percent (after subtracting any skylights) "solar ready" zone on the roof top that will structurally accommodate later installation of rooftop solar panels. The installation of the solar panels is specific to the end use and will be determined at the time the specific projects are developed. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.

LOR GHG-4 The Project shall be designed in accordance with the applicable California Green Building Standards (CALGreen) Code (24 CCR, Part 11). The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to:

- Design buildings to be water-efficient. Install water-efficient fixtures in accordance with Section 4.303 (residential) and Section 5.303 (nonresidential) of the California Green Building Standards Code Part 11.
- Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with

Section 4.408.1 (residential) and Section 5.408.1 (nonresidential) of the California Green Building Standards Code Part 11.

- Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 4.410 (residential) and Section 5.410 (nonresidential) of the California Green Building Standards Code Part 11.
- To facilitate future installation of electric vehicle supply equipment (EVSE), residential construction shall comply with Section 4.106.4 (residential electric vehicle charging) of the California Green Building Standards Code Part 11 and nonresidential construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.

Mitigation Measures:

HRA-1 Only electric-powered off-road equipment (e.g., yard trucks/hostlers, forklifts, indoor material handling equipment, etc.) shall be utilized onsite for daily warehouse and business operations. The Project developer/facility owner shall disclose this requirement to all tenants/business entities prior to the signing of any lease agreement. In addition, the limitation to use only electric-powered off-road equipment shall be included in all leasing agreements.

Prior to issuance of a Business License for a new tenant/business entity, the Project developer/facility owner and tenant/business entity shall provide to the City of Highland Planning Department and Business License Department a signed document (verification document) noting that the Project development/facility owner has disclosed to the tenant/business entity the requirement to use only electric-powered equipment for daily operations. This verification document shall be signed by authorized agents for the Project developer/facility owner and tenant/business entities. In addition, if applicable, the tenant/business entity shall provide documentation (e.g., purchase or rental agreement) to the City of Highland Planning Department and Business License Department to verify, to the City's satisfaction, that any off-road equipment utilized will be electric-powered.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant with Mitigation Incorporated.

SCAG Connect SoCal Consistency

As noted above, SCAG's Regional Council adopted Connect SoCal. The Connect SoCal is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The Connect SoCal embodies a collective vision for the region's future and is developed with input from local governments, county transportation

commissions, tribal governments, nonprofit organizations, businesses, and local stakeholders in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. SCAG's Connect SoCal establishes GHG emissions goals for automobiles and light-duty trucks for 2020 and 2035 as well as an overall GHG target for the Project region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of Executive Orders 5-03-05 and B-30-15.

The Connect SoCal contains over 4,000 transportation projects, ranging from highway improvements, railroad grade separations, bicycle lanes, new transit hubs and replacement bridges. These future investments were included in county plans developed by the six county transportation commissions and seek to reduce traffic bottlenecks, improve the efficiency of the region's network, and expand mobility choices for everyone. The Connect SoCal is an important planning document for the region, allowing project sponsors to qualify for federal funding.

The plan accounts for operations and maintenance costs to ensure reliability, longevity, and cost effectiveness. The Connect SoCal is also supported by a combination of transportation and land use strategies that help the region achieve state GHG emissions reduction goals and Federal Clean Air Act (FCAA) requirements, preserve open space areas, improve public health and roadway safety, support our vital goods movement industry, and utilize resources more efficiently. GHG emissions resulting from development-related mobile sources are the most potent source of emissions, and therefore Project comparison to the Connect SoCal is an appropriate indicator of whether the Project would inhibit the post-2020 GHG reduction goals promulgated by the state. The Project's consistency with the Connect SoCal is analyzed in detail in **Table 19, Connect SoCal Consistency.**

Table 19: Connect SoCal Consistency

SCAG Goals	Compliance	
GOAL 1: Encourage regional economic prosperity and global competitiveness.	N/A:	This is not a Project-specific policy and is therefore not applicable. However, the Project is located on an occupied site that is surrounded by development. Redevelopment of the site would contribute to regional economic prosperity.
GOAL 2: Improve mobility, accessibility, reliability, and travel safety for people and goods.	Consistent:	Although this Project is not a transportation improvement project, the Project is located near existing transit routes of I-215, I-10, and SR-210.
GOAL 3: Enhance the preservation, security, and resilience of the regional transportation system.	N/A:	This is not a transportation improvement project and is therefore not applicable.
GOAL 4: Increase person and goods movement and travel choices within the transportation system.	N/A:	This is not a transportation improvement project and is therefore not applicable.
GOAL 5: Reduce greenhouse gas emissions and improve air quality.	Consistent:	The Project site is located within an urban area in proximity to existing transit routes, freeways, and residential development. Locating an employment center in close proximity to existing residential uses would potentially reduce trip lengths required for existing residents to travel to work and/or commercial services. Reduction of trip lengths would result in reduced GHG and air quality emissions. The

SCAG Goals		Compliance	
			Project would also reduce air quality and GHG emissions through mitigation measures such as providing renewable energy and electrifying cargo handling equipment (Mitigation Measure HRA-1).
GOAL 6:	Support healthy and equitable communities	Consistent:	As discussed in the Air Quality Assessment and the Health Risk Assessment, the Project would not exceed thresholds or result in health impacts. The Project does not violate any air quality standards or contribute substantially to an existing or projected air quality violation. The Project would not conflict with the surrounding community's ability to access healthy food or parks.
GOAL 7:	Adapt to a changing climate and support an integrated regional development pattern and transportation network.	N/A:	This is not a project-specific policy and is therefore not applicable.
GOAL 8:	Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	N/A:	This is not a project-specific policy and is therefore not applicable. However, the Project is located in a developed area in proximity to existing truck routes and freeways. Location of the Project within a developed area would reduce trip lengths, which would result in more efficient travel.
GOAL 9:	Encourage development of diverse housing types in areas that are supported by multiple transportation options.	Consistent:	The Project involves development of a warehouse and does not include housing.
GOAL 10:	Promote conservation of natural and agricultural lands and restoration of habitats.	N/A:	This Project is located within an urban area and is not located on agricultural or habitat lands.

Source: Southern California Association of Governments, *Connect SoCal (2020 - 2045 Regional Transportation Plan/Sustainable Communities Strategy*, 2020.

As shown in **Table 19**, the Project would be consistent with the stated goals of the Connect SoCal. Therefore, the Project would not result in any significant impacts or interfere with SCAG's ability to achieve the region's post-2020 mobile source GHG reduction targets.

CARB Scoping Plan Consistency

As previously noted, the 2022 Scoping Plan sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. The transportation, electricity, and industrial sectors are the largest GHG contributors in the State. The 2022 Scoping Plan plans to achieve the AB 1279 targets primarily through zero-emission transportation (e.g., electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity and industrial sectors.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-electric vehicle buses and trucks. Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-

Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon dioxide removal projects and technology.

As indicated in **Table 18**, approximately 92 percent of the Project's mitigated GHG emissions are from energy and mobile sources which would be further reduced by the 2022 Scoping Plan measures described above. It should be noted that the City has no control over vehicle emissions (approximately 82 percent of the Project's total emissions). However, these emissions would decline in the future due to Statewide measures discussed above, as well as cleaner technology and fleet turnover. Several of the State's plans and policies would contribute to a reduction in mobile source emissions from the Project. These include the following:

- CARB's Advanced Clean Truck Regulation: Adopted in June 2020, CARB's Advanced Clean Truck Regulation requires truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8.
- Executive Order N-79-20: Executive Order N-79-20 establishes the goal for all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035 and all medium and heavy-duty vehicles will be zero-emission by 2045. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of new ZEVs "towards the target of 100 percent."
- CARB's Mobile Source Strategy: CARB's Mobile Source Strategy takes an integrated planning approach to identify the level of transition to cleaner mobile source technologies needed to achieve all of California's targets by increasing the adoption of ZEV buses and trucks.
- CARB's Sustainable Freight Action Plan: The Sustainable Freight Action Plan which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks. This Plan applies to all trucks accessing the Project site and may include existing trucks or new trucks that are part of the statewide goods movement sector.
- CARB's Emissions Reduction Plan for Ports and Goods Movement: CARB's Emissions Reduction Plan for Ports and Goods Movement identifies measures to improve goods movement efficiencies such as advanced combustion strategies, friction reduction, waste heat recovery, and electrification of accessories.

While these measures are not directly applicable to the Project, any commercial activity associated with goods movement would be required to comply with these measures as adopted. The Project

would not obstruct or interfere with efforts to increase ZEVs or state efforts to improve system efficiency. As such, the Project would not interfere with their implementation.

San Bernardino County Regional Greenhouse Gas Reduction Plan

The Project's GHG emissions would not conflict with the County GHG Reduction Plan. The Project would be consistent with the applicable Highland General Plan policies that form the foundation for the City's GHG emissions reduction measures outlined in the County GHG Reduction Plan. In addition, the Project would be required to implement **HRA-1** which would help reduce its GHG and air pollutant emissions, which would also support the goals of the County GHG Reduction Plan. Therefore, the Project would be consistent with the County GHG Reduction Plan.

Mitigation Measures: See **MM HRA-1** in threshold a) above.

Cumulative Impacts

Cumulative Setting

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and TACs, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about 1 day), GHGs have much longer atmospheric lifetimes of 1 year to several thousand years that allow them to be dispersed around the globe.

Cumulative Impacts

It is generally the case that an individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory.[37] The State CEQA Guidelines generally address GHG emissions as a cumulative impact because of the global nature of climate change.[38] As the California Supreme Court explained, "because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself."[39] As such, GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of Project-related GHGs would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. In addition, the Project as well as other cumulative related projects would also be subject to all applicable regulatory requirements, which would further reduce GHG emissions. As discussed above, the Project would not conflict with the Connect SoCal, or the CARB Scoping Plan and the Project-related net GHG emissions would not exceed the SCAQMD's 3,000 $MTCO_2e$ threshold of significance with implementation of **MM HRA-1**. Therefore, the Project's cumulative contribution of GHG emissions would be less than significant and the Project's cumulative GHG impacts would also be less than cumulatively considerable.

[37] Ibid. page 34.
[38] Ibid. page 34.
[39] *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 512.

4.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL IMPACTS Issues		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
9.	**HAZARDS AND HAZARDOUS MATERIALS. Would the project:**				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

Ramboll US Consulting, Inc. (Ramboll) prepared a Phase I Environmental Site Assessment (ESA); refer to **Appendix G**.

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. As part of the Phase I ESA, site reconnaissance, interviews, review of historical records, and various federal, State, and local environmental databases records for the Project site and surrounding properties were conducted to identify Recognized Environmental Conditions (RECs) within the Project site. The following information is a summary of those efforts.

Records Search

A review of available historical resources and information were obtained from local governmental agencies and regulatory bodies. Based on the review of historical site documents and interview with site representatives, no prior Phase I ESAs, underground storage tanks (UST) closures, environmental sampling, or remediation activities were known to have been conducted at the Project Site.

In addition, Ramboll reviewed the results of the Federal and State environmental database searches performed by Environmental Data Resources (EDR) and from information available in the California GeoTracker, EnvironStor, and other pertinent databases listed in the Phase I ESA, Table 4 (see **Appendix G**). The Project site was not identified in any databases searched by EDR. Also, the Project site was not indicated to contain spills or releases and therefore, does not suggest a contamination concern.

Site Reconnaissance

Underground Storage Tanks (USTs)

The Phase I ESA concluded that there are not current or former USTs at the Project and no visual evidence of such (e.g., vent pipes, fill ports, or dispensing equipment) were identified during the site visit or in review of records pertaining to the site.

Aboveground Storage Tanks (ASTs)

Several ASTs are maintained at the site. The Phase I ESA concluded no evidence of staining or past releases from the on-site ASTs were observed. Current Project site occupants also indicated that there are no current or former underground transfer lines used to convey the materials from the tanks.

Other Chemical and Petroleum Containers

Other chemical and petroleum containers onsite were also observed on-site. Current on-site occupants did not know of any significant spills or releases of materials at drum and container storage areas. Similarly, Ramboll did not observe any evidence of spills or uncontrolled releases, other than minor staining on paved floors that did not appear to extend to unpaved surfaces.

Additional Considerations

The Phase I ESA also contained a preliminary summary of additional considerations associated with flood plans, wetlands, lead-based paint, and radon. Ramboll observed damaged and degraded paint in the two on-site residential buildings and indicated the possibility of those buildings to

contain lead-based paint. Furthermore, Ramboll also made limited visual observations to identify readily apparent presumed asbestos containing materials (PACMs) and suspected ACMs. Based on the age of most buildings, ACMs were assumed to be present within the buildings.

The complete EDR report is included as Appendix B of the Phase I ESA, provided as **Appendix G** to this IS/MND.

Construction and Operations

The Phase I ESA concluded that no RECs were identified on the Project site. Nevertheless, demolition of the existing buildings, removal/remediation of the existing on-site hazardous materials and waste, and the use, transportation, and disposal of gasoline fuels, asphalt, lubricants, toxic solvents, pesticides, and herbicides could create a significant hazard to the public and environment.

The transport, use, storage, and disposal of these materials would comply with existing regulations established by several agencies, including the Department of Toxic Substances Control, the U.S. EPA, the United Stated Department of Transportation (USDOT), and the Occupational Safety and Health Administration (OSHA). Furthermore, the Project is required to comply with all other applicable federal, State, and local regulations during Project construction and operations to ensure that the Project does not create substantial hazards to the public or environment. Impacts would be less than significant.

Mitigation Measures: No mitigation is required.

b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less than Significant Impact. Refer to response 9(a) above. The Project is not anticipated to create a significant hazard to the public or environment through the upset or accidental release of hazardous materials since the use, transport and disposal of hazardous materials would be subject to compliance to applicable federal, State, and local regulation. Additionally, as a requirement of the SWPPP and NDPES, the Project would be required to maintain supplies onsite for containing and cleaning small spills of hazardous materials and have a defined process for addressing spills.

Construction would also use equipment that would bring hazardous materials to the Project site, including diesel, gasoline, paints, solvents, cement, and asphalt. However, construction activities would be conducted in accordance with the SWPPP as part of the NPDES permit. The primary objective of the SWPPP is to identify, construct, implement, and maintain BMPs to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the construction site. BMPs for hazardous materials include, but are not limited to, off-site refueling, placement of generators on impervious surfaces, establishing clean out areas for cement, etc. While the risk of exposure to hazardous materials cannot be eliminated, adherence to existing regulations would ensure compliance with safety standards related to the use and storage of hazardous materials and with the safety procedures mandated by applicable federal, state, and local laws and regulations.

Compliance with these regulations would ensure impacts associated with the upset and accidental release of hazardous materials is minimized to a less than significant level.

Mitigation Measures: No mitigation is required.

c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

No Impact. The nearest school from the Project site is Cypress Elementary School, located approximately 0.38-mile northwest from the Project site. This school is located beyond the one-quarter mile radius, and it is not anticipated that the Project would emit hazardous emissions or handle hazardous or acutely hazardous materials near the school. No impact would occur.

Mitigation Measures: No mitigation is required.

d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. Consistent with American Society for Testing and Materials (ASTM) International E1527-13, environmental databases and records were reviewed to determine whether the Project site or surrounding properties are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Review of the The Project site is not located on the California Department of Toxic Substances Control's (DTSC) Hazardous Waste and Substances Site List or Cortese List.[40]

Mitigation Measures: No mitigation is required.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

Less than Significant Impact. The Project site is located within the Airport Influence Area Zone "E" (Negligible Risk Level) for the San Bernardino International Airport. The San Bernardino International Airport is under the jurisdiction of the San Bernardino International (SBI) Airport Authority (SBIAA). The Project site is located outside of the 65 dBA CNEL noise level contour boundary of the airport.[41] No exterior or interior noise mitigation is required to satisfy the policies in the Highland GP or Highland MC. Additionally, there are no private airstrips located within the Project vicinity. Therefore, the Project would not expose people working in the Project area to

[40] DTSC. (2022). *Hazardous Waste and Substances Site List*. Available at: https://www.envirostor.dtsc.ca.gov/public/search.asp?PAGE=4&CMD=search&ocieerp=&business_name=&main_street_number=&main_street_name=&city=&zip=&county=&branch=&status=ACT%2CBKLG%2CCOM&site_type=CSITES%2CFUDS&cleanup_type=&npl=&funding=&reporttype=CORTESE&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&operating=&post_closure=&non_operating=&corrective_action=&tiered_permit=&evaluation=&spec_prog=&national_priority_list=&senate=&congress=&assembly=&critical_pol=&business_type=&case_type=&display_results=&school_district=&pub=&hwmp=False&permitted=&pc_permitted=&inspections=&inspectionsother=&complaints=&censustract=&cesdecile=&ORDERBY=city&next=Next+50 (accessed October 27, 2022).

[41] Kimley-Horn and Associates. (2023). *Acoustical Assessment*. page 35

excessive airport- or airstrip-related noise levels and no mitigation is required. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation is required.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The Project would not impair the implementation or physically interfere with the City's adopted Emergency Plan. The Project's plans are subject to City Fire Department review and approval, prior to issuance of any building permit, to ensure that the Project's roads provide adequate vehicular ingress and egress during emergencies. Pursuant to Highland MC § 2.48.010, the Project Applicant would also be required to pay its fair share of additional cost of maintaining emergency fire and emergency medical services and attendant facilities in the form of a mitigation fee. With adherence to the Highland MC project development requirements associated with fire safety, and payment of mitigation fees, impacts concerning impairment or interference with the City's Emergency Plan would be less than significant.

Mitigation Measures: No mitigation is required.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. Refer to **Section 4.20, Wildfire**, for a further analysis on the Project's impacts associated with wildfires. As shown in Highland GP, Figure 6-6: Fire Hazards and Safety Overlay Areas, the Project site is not located in a fire severity zone.[42] Similarly, CAL FIRE's Fire Hazard Severity Zone (FHSZ) Map for the City shows that the Project site is located in a non-very high FHSZ.[43] This indicates that the Project would not be at risk of loss, injury or death involving wildland fires. No impact would occur.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

The incremental effects of the Project and the adjacent uses are anticipated to be less than significant with the adherence of federal, State, and local laws and regulation. Therefore, the Project would not result in incremental effects to hazards or hazardous materials that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. The Project would not result in a cumulatively considerable impact.

[42] City of Highland. (2006). Highland GP, *Public Health & Safety Element.* Available at: https://www.cityofhighland.org/DocumentCenter/View/159/Public-Health-and-Safety-Element-PDF (accessed October 28, 2022).

[43] CAL FIRE. (2008). Fire Hazard Severity Zone Map – City of Highland. Retrieved at: https://osfm.fire.ca.gov/media/5946/highland.pdf (accessed October 28, 2022).

4.10 HYDROLOGY AND WATER QUALITY

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

A Preliminary Water Quality Management Plan (WQMP) and Preliminary Hydrology Calculations were prepared for the Project by Thienes Engineering, Inc. in July 2022, and October 2022, respectively. These studies are included in this IS/MND as **Appendices H1** and **H2** respectively, and the results are summarized below.

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. The California Porter-Cologne Water Quality Control Act (Section 13000 [Water Quality"] et seq. of the California Water Code), and the Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act) require water quality control plans to be developed for all water within the State of California. The Project's WQMP was prepared in compliance with the water Highland GP policies pertaining to water quality, the City's Municipal Storm Water Management Plan (MSWMP) and the NPDES stormwater permit program. The Project owner is responsible to implement the provisions of the WQMP and a Storm Water Quality Management Plan (also referred to as a Stormwater Pollution Prevention Plan) until the WQMP is transferred to the Project's new owner.

The Project's construction activities would include grading, clearing excavating, building construction, and Project operational activities would include landscaping maintenance and use of solvents. These activities would result in the generation of potential water quality pollutants that could adversely affect water quality. Accordingly, the Project's WQMP and SWPPP would identify programmatic and site-specific construction and post construction BMPs to reduce or eliminate sediment and other pollutants in stormwater and no stormwater runoff from the Project site. BMPs would include, but not limited to, the following:

- Minimization of disturbed area to the portion of the Project site necessary for construction;
- Stabilization of exposed or stockpiled soils and cleared or graded slopes;
- Establishment of permanent re-vegetation or landscaping as early as it is feasible;
- Removal of sediment from surface runoff before it leaves the Project site by silt fences or other similar devices around the site perimeter;
- Diversion of upstream runoff around disturbed areas of the Project site;
- Protection of all storm drain inlets on-site or downstream of the Project site to eliminate entry of sediment.

BMPs are designed to control and prevent discharges of pollutants that can adversely impact the downstream surface water quality. Accordingly, the Project would include on-site improvements such as storm drains, stormwater/water quality treatment facilities (including underground infiltration chambers), sewer (including a private lift station) that would serve to capture on-site runoff for pretreatment before flows are discharged from the site. Construction of the drainage and sewer improvements would not cause any significant water quality impacts. Furthermore, the Project would comply to the provisions of the Highland MC that include, but not limited to, Section 16.64.070 Erosion and Sediment Control, Chapter 16.64 Environmental Management pertaining to stormwater, and Section 16.40.390, Water efficient landscape requirements to ensure that impacts to surface or groundwater quality are minimized.

Therefore, mandatory compliance with the WQMP and SWPPP BMPs and adherence to other relevant regulations and policies concerning water quality would ensure that the Project's impacts would be less than significant.

Mitigation Measures: No mitigation is required.

b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Less than Significant Impact. Refer to **Section 4.18, Utilities and Service Systems** for more information. The Project would be served potable water by EVWD during the Project's construction and operational phases. As concluded in **Section 4.18**, the EVWD would have adequate water supplies, including groundwater, to serve the Project. Furthermore, the Project would implement a storm drain system with on-site detention for pretreatment purposes. The proposed storm drain system would convey flows directly into the adjacent channel. This process would have a high pollutant removal efficiency and can also help groundwater recharge. Therefore, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Impacts would be less than significant. Refer to the following response for more information about the proposed storm drainage system.

Mitigation Measures: No mitigation is required.

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

i) Result in substantial erosion or siltation on- or off-site?

Less than Significant Impact. In the existing condition, runoff from the Project site drains southwest to Meines Street; however, there is an existing storm drain connection to City Creek channel that appears to serve a portion of the Project site. Runoff from the east portion of the site tends to drain south to grate inlets. Runoff from the residential portion drains south to Meines Street. The northeast portion of the Project site drains to a grated inlet. Finally, the remaining north and west portions of the Project site drain to the southwest portion of the site and drains toward Meines Street.

Implementation of the Project includes a storm drain connection to the channel and is proposed near the northwest corner of the Project site. Runoff from the north portion of the proposed building, the east parking area, and the north truck yard area would drain to catch basins located in the parking lot and truck dock area. A proposed storm drain would convey runoff west through the truck yard area. Flows from the south portion of the building and the west parking area would be collected in catch basins located in the west parking lot. A proposed storm drain would convey flows north and would connect to the previously mentioned storm drain system. Finally, runoff from the north portion of Meines Street and the proposed landscaping adjacent to the street would be collected in a catch basin in Meines Street near the west driveway. The proposed storm drain would convey flows north through the site to the proposed connection to City Creek channel.

Furthermore, the Project would include on-site detention in the truck yard for areas tributary to this location. The proposed detention would reduce runoff from the Project site to less than

existing conditions. Overall, discharge rates are significantly less than existing conditions. Flow to Meines Street would be generally eliminated, providing relief to downstream areas. The proposed storm drain system conveys runoff directly to the channel, which is where flows area tabled. Applicable BMPs on Form 4.1-1 Non-Structural Sources Control BMPs provided in the WQMP and adherence to applicable Highland MC regulation pertaining to erosion and stormwater control would help minimize soil erosion.

Due to the Project's improvements to the existing storm drain system, implementation of BMPs, and adherence with applicable local regulation, impacts would be less than significant.

Mitigation Measures: No mitigation is required.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less than Significant Impact. As concluded in response c.i) above, the surface runoff flows would be improved when compared to existing conditions. Project design features pursuant to BMPs within the WQMP and SWPPP, would reduce rate of runoff from 38.2 cfs to 20.2 cfs. Therefore, impacts would be less than significant.

Mitigation Measures: No mitigation is required.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact. As concluded in response c.i), the Project's on-site stormwater runoff would be conveyed through the proposed drainage system and detention basins. Furthermore, the Project would include runoff minimizing landscape pursuant to the Highland MC. The WQMP and Preliminary Hydrology Calculations concluded that the Project would adequately treat and retain the runoff, consistent with the San Bernardino County Hydrology Manual requirements. There, a less than significant impact would occur.

Mitigation Measures: No mitigation is required.

iv) Impede or redirect flood flows?

Less than Significant Impact. As discussed in response c.i), the Project would reduce on-site flows with the implementation of the proposed storm drain and underground pretreatment system. Although flows to Meines Street have been generally eliminated, this would provide relief to downstream areas and convey flows directly to the channel where flows are tables. Therefore, the Project's impact to flood flows would be less than significant.

Mitigation Measures: No mitigation is required.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The Project is more than 40 miles inland from the Pacific Ocean and therefore, would not be impacted by a tsunami. The project site is located within FEMA Flood Zone X (shaded) as shown on FIRM 06071C8702H (8-28-2008. Flood Zone X (shaded) is defined as "areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1' or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood". According to Highland GP Public Health and Safety Element, the Project site is located adjacent to a Special Flood Hazard Area Inundated by 100-Year Flood and subject to dam inundation from the Seven Oaks Dam. Although the Project could be subject to release of pollutants due to flood and dam inundation, the Project's proposed storm water and pretreatment systems would insure pollutants are minimized. Furthermore, the Project would adhere to Highland MC Chapter 16.76 Floodplain management provisions that would ensure that impacts are further reduced to a less than significant impact.

Mitigation Measures: No mitigation is required.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. In compliance with relevant State and local regulations, the Project prepared a preliminary WQMP and SWPPP, as part of the NPDESs permitting requirements. Therefore, impacts would be less than significant.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

Cumulative impacts related to hydrology and water quality are generally site-specific. As concluded above, the Project's impact concerning hydrology and stormwater runoff would be less than significant. The Project would take the required steps to reduce hydrologic and runoff impact as required via State and local regulation. Therefore, the Project's impact to hydrology and water quality would not be cumulative considerable.

4.11 LAND USE AND PLANNING

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

a) Physically divide an established community?

Less than Significant Impact. An example of a project that has the potential to divide an established community includes the construction of a new freeway or roadway through an established neighborhood. The Project site is currently utilized by the Mazzulla Offroad and KCB Towers Inc., business for industrial purposes. The Project site also contains single-family residences. The Project proposes industrial uses that would be consistent with the (I) Industrial-zone and GP land use designation; refer to **Exhibit 3**. Although development of the Project would displace the persons, the single-family homes are not considered an established community and are non-conforming to the existing industrial zoning and land use designations. Nevertheless, the persons displaced could be eligible for Tenant Relocation assistance per the California Health and Safety Code. Furthermore, the Project would dedicate the appropriate right-of-way (ROW) improvements to Meines Street and Palm Avenue which includes, curb, gutter, sidewalk, and landscaping in their ultimate positions. Therefore, a less than significant impact would occur.

Mitigation Measures: No mitigation is required.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than Significant Impact. The Project would be consistent with the Industrial existing zoning and land use designations. The Project would also be compatible with the surrounding land uses. The Project site is also located within the Airport Influence Area Zone "E" (Negligible Risk Level) Overlay for the SBI Airport which would require the Applicant to submit FAA construction noticing and title disclosure as part of the Project's entitlement/permitting process. Lastly, the Project would be required to pay the appropriate development fees to cover any public infrastructure fees. Therefore, the Project would not conflict with any land use plan, policy, or regulation, and impacts would be less than significant.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

Cumulative impacts concerning land use and planning are typically project specific. The analysis of potential impacts indicated that less than significant impacts would result from the Project's implementation. As a result, less than significant cumulative impacts related to land use and planning would occur.

4.12 MINERAL RESOURCES

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

a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Less than Significant Impact. The Surface Mining and Reclamation Act of 1975 (SMARA) requires classification of land into mineral resource zones (MRZs) according to the known or inferred mineral potential of the area. Under SMARA, areas are categorized into MRZs as follows:

- **MRZ-1** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2** Areas where geologic data indicate that significant PCC-Grade aggregate resources are present.
- **MRZ-3** Areas containing known or inferred mineral occurrences of undetermined mineral resource significance.

Due to the City's large washes and stream channels, the City contains regionally significant construction aggregate and mineral resources. The primary minerals found in the area are iron, decorative rocks, clay, limestone, sand and gravel.[44] According to Highland GP, Figure 5-3: Mineral Resource Zones, the Project is within MRZ-2, meaning PCC-Grade aggregate resources could exist within the Project site. However, as concluded in the PGE (**Appendix E**), the native soil material on-site is likely overlain by thin areas of artificial fill associated with the existing on-site developments. Furthermore, it is likely that any mineral resources on-site have been disturbed during ground-disturbing activities such as grading from development of the existing industrial and residential uses.

[44] City of Highland. (2006). Highland GP, *Public Health & Safety Element*. Available at: https://www.cityofhighland.org/DocumentCenter/View/159/Public-Health-and-Safety-Element-PDF (accessed October 28, 2022).

It is not anticipated that the Project would result in the loss of availability of a known mineral resource. Additionally, the Project site is not currently utilized or will be utilized for mining activities for a known mineral resource. Therefore, a less than significant impact would occur, and no mitigation is required.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

Cumulative impacts concerning mineral resources are typically site-specific. The analysis of potential impacts indicated that no significant impacts would result from the proposed Project. As a result, no cumulative impacts related to mineral resources would occur.

4.13 NOISE

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

Kimley-Horn and Associates prepared an Acoustical Assessment for the Project on May 2023; refer to **Appendix I** of this IS/MND. The results of the Acoustical Assessment are summarized below.

Sound and Environmental Noise

Acoustics is the science of sound. Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a medium (e.g., air) to human (or animal) ear. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is defined as loud, unexpected, or annoying sound. In acoustics, the fundamental model consists of a noise source, a receptor, and the propagation path between the two. The loudness of the noise source, obstructions, or atmospheric factors affecting the propagation path, determine the perceived sound level and noise characteristics at the receptor. Acoustics deal primarily with the propagation and control of sound. A typical noise environment consists of a base of steady background noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to continuous noise from traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large range of numbers. To avoid this, the decibel (dB) scale was devised. The dB scale uses the hearing threshold of 20 micro-pascals (µPa) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The dB scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels correspond closely to human perception of relative loudness.

Noise Descriptors

The dB scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The equivalent noise level (Leq) represents the equivalent continuous sound pressure level over the measurement period, while the day-night noise level (Ldn) and Community Equivalent Noise Level (CNEL) are measures of sound energy during a 24-hour period, with dB weighted sound levels from 7:00 p.m. to 7:00 a.m. Most commonly, environmental sounds are described in terms of Leq that has the same acoustical energy as the summation of all the time-varying events. Each is applicable to this analysis and defined in **Table 20: Definition of Acoustical Terms**.

Table 20: Definition of Acoustical Terms

Term	Definition
Decibel (dB)	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in µPa (or 20 micronewtons per square meter), where 1 pascal is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in dB as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 µPa). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level (dBA)	The sound pressure level in dB as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level (L_{eq})	The average acoustic energy content of noise for a stated period of time. Thus, the Leq of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
Maximum Noise Level (L_{max}) Minimum Noise Level (L_{min})	The maximum and minimum dBA during the measurement period.
Exceeded Noise Levels (L_{01}, L_{10}, L_{50}, L_{90})	The dBA values that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day-Night Noise Level (L_{dn})	A 24-hour average Leq with a 10-dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity at nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA L_{dn}.
Community Noise Equivalent Level (CNEL)	A 24-hour average Leq with a 5-dBA weighting during the hours of 7:00 a.m. to 10:00 p.m. and a 10-dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to

Term	Definition
	account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour Leq would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Source: Kimley-Horn and Associates. (2023). *Acoustical Assessment.* page 7 – Table 2.

The A-weighted decibel (dBA) sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source.

A-Weighted Decibels

The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by dBA values. There is a strong correlation between dBA and the way the human ear perceives sound. For this reason, the dBA has become the standard tool of environmental noise assessment. All noise levels reported in this document are in terms of dBA, but are expressed as dB, unless otherwise noted.

Addition of Decibels

The dB scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic dB is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound and twice as loud as a 60-dBA sound.[45] When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dBA higher than one source under the same conditions.[46] Under the dB scale, three sources of equal loudness together would produce an increase of approximately 5 dBA.

Sound Propagation and Attenuation

Sound spreads (propagates) uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern. Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as

[45] Ibid. page 8.
[46] Ibid. page 8.

a roadway, depending on ground surface characteristics.[47] No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed.

Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA.[48] The way older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA.[49]

Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in dBA, the following relationships should be noted:

- Except in carefully controlled laboratory experiments, a 1-dBA change cannot be perceived by humans.
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference.
- A minimum 5-dBA change is required before any noticeable change in community response would be expected. A 5-dBA increase is typically considered substantial.
- A 10-dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss. While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to

[47] Ibid. page 8.
[48] Ibid. page 9.
[49] Ibid. page 9.

chronic exposure to excessive noise but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise. The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Annoyance. Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. A noise level of about 55 dBA L_{dn} is the threshold at which a substantial percentage of people begin to report annoyance.[50]

Ground-Borne Vibration

Sources of ground-borne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions or heavy equipment use during construction). Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is vibration decibels (VdB) (the vibration velocity level in decibel scale). Other methods are the peak particle velocity (PPV) and the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

Table 21, Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations, displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in the table should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where ground-borne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. Common sources for ground-borne vibration are planes, trains, and construction activities

[50] Ibid. page 10.

such as earthmoving which requires the use of heavy-duty earth moving equipment. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints.

Table 21: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations

Maximum PPV (in/sec)	Vibration Annoyance Potential Criteria	Vibration Damage Potential Threshold Criteria	FTA Vibration Damage Criteria
0.008	--	Extremely fragile historic buildings ruins, ancient monuments	--
0.01	Barely Perceptible	--	--
0.04	Distinctly Perceptible	--	--
0.1	Strongly Perceptible	Fragile Buildings	--
0.12	--	--	Buildings extremely susceptible to vibration damage
0.2	--	--	Non-engineered timber and masonry buildings
0.25	--	Historic and some old buildings	--
0.3	--	Older residential structures	Engineered concrete and masonry (no plaster)
0.4	Severe	--	--
0.5	--	New residential structures, Modern industrial/commercial buildings	Reinforced-concrete, steel or timber (no plaster)
Source: Ibid. page 11 – Table 3			

Existing Conditions

Mobile Sources

Existing roadway noise levels were calculated for the roadway segments in the Project vicinity. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-10) and existing traffic volumes from the Project Traffic Study (**Appendix J**). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by the California Department of Transportation (Caltrans). The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels.

The average daily noise levels along roadway segments in proximity to the project are included in **Table 22, Existing Traffic Noise Levels**. **Table 22** shows the existing traffic-generated noise level on Project-vicinity roadways currently ranges from 51.4 dBA CNEL to 68.3 dBA CNEL 100 feet from the centerline. As previously described, CNEL is 24-hour average noise level with a 5 dBA "weighting" during the hours of 7:00 a.m. to 10:00 p.m. and a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

Table 22: Existing Traffic Noise Levels

Roadway	Roadway Segment	ADT	dBA CNEL 100 Feet from Roadway Centerline
Palm Avenue	Meines Street to 5th Street	15,810	64.5
	5th Street to 3rd Street	18,320	67.6
Meines Street	West of Palm Avenue	640	51.4
5th Street	Palm Avenue to Church Avenue	21,170	68.3
	Church Avenue to SR-210 EB Ramps at 5th Street	21,670	68.3
3rd Street	Palm Avenue to Church Avenue	700	56.7
ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level			
Source: Ibid. page 19 -Table 6.			

Stationary Sources

The nearest sources of stationary noise in the Project vicinity are generated by existing single-family residential properties to the north, south, and west, and industrial uses to the east, south, west, and at the Project site. Noise sources from residential uses typically include mechanical equipment such as HVAC, automobile related noise such as cars starting and doors slamming, and landscaping equipment. Noise sources from industrial uses typically include mechanical equipment (e.g., HVAC and mechanical tools) truck idling, and truck maneuvering. The noise associated with these sources may represent a single-event noise occurrence or short-term noise.

Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise sensitive uses typically include residences, hospitals, schools, childcare facilities, and places of assembly. Vibration sensitive receivers are generally similar to noise sensitive receivers but may also include businesses, such as research facilities and laboratories that use vibration-sensitive equipment. The Project site is primarily surrounded by commercial uses, industrial warehousing, logistics, and distribution related uses. The sensitive land uses nearest to the Project site consist of single-family residences located to the north, northeast, south, and west. Sensitive land uses nearest to the Project are shown in **Table 23, Sensitive Receptors**.

Table 23: Sensitive Receptors

Receptor Description	Distance and Direction from the Project(1)
Single-Family Residences	97 feet to the south
Single-Family Residences	240 feet to the north
Single-Family Residences	290 feet to the northeast
Single-Family Residences	310 feet to the southwest
Highland Community Park	370 feet to the northwest
Single-Family Residences	818 feet to the west
Cypress Elementary School	1,960 feet to the northwest
Source: Kimley-Horn and Associates. (2023). *Acoustical Assessment*. page 20 – Table 7.	

Noise Measurements

To quantify existing ambient noise levels in the Project area, Kimley-Horn conducted four short-term noise measurements on March 28, 2023. The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the Project site. The 10-minute measurements were

taken between 2:09 p.m. and 3:32 p.m. Short-term Leq measurements are considered representative of the noise levels throughout the day. The average noise levels and sources of noise measured at each location are listed in **Table 24, Existing Noise Measurements**.

Table 24: Existing Noise Measurements

Site #	Location	Leq (dBA)	Lmin (dBA)	Lmax (dBA)	Duration	Time
1	Along Meines Street, near southwest corner of the Project site, approximately 968 feet west of Palm Avenue.	62.9	52.8	81.6	10 mins	2:09 p.m.
2	In the cul-de-sac at the end of Lillian Lane, approximately 775 feet south of Hibiscus Street and east of Highland Community Park.	48.8	44.0	59.5	10 mins	2:30 p.m.
3	In residential neighborhood to the north of the Project site at the intersection of Drummond Avenue and Fleming Street, adjacent to single-family residence.	55.4	50.4	72.4	10 mins	2:50 p.m.
4	In residential neighborhood to the northeast of the Project site at the intersection of Peacock Avenue and 6th Street.	50.5	41.2	65.7	10 mins	3:06 p.m.
5	Near the southeast corner of the Project site, at the corner intersection of Meines Street and Palm Avenue.	65.4	52.7	79.5	10 mins	3:22 p.m.

Source: Ibid. page 21 -Table 8.

Regulations and Significance Criteria

State

California Government Code

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of "normally acceptable," "conditionally acceptable," "normally unacceptable," and "clearly unacceptable" noise levels for various land use types. Single-family homes are "normally acceptable" in exterior noise environments up to 60 CNEL and "conditionally acceptable" up to 70 CNEL. Multiple-family residential uses are "normally acceptable" up to 65 CNEL and "conditionally acceptable" up to 70 CNEL. Schools, libraries, and churches are "normally acceptable" up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

Title 24 – Building Code

The State's noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential and non-residential buildings, the acceptable interior noise limit for new construction is 45 dBA CNEL.

Local

City of Highland General Plan

Highland GP Noise Element (Chapter 7) identifies several policies to minimize the impacts of excessive noise levels throughout the community. Highland GP Table 7.3 provides noise criteria to evaluate the land use compatibility of transportation-related noise. The compatibility criteria indicate that residential land uses for residential low-density single-family dwellings, duplexes, and mobile homes are considered normally acceptable below 60 dBA L_{dn} and conditionally acceptable with noise levels less than 70 dBA L_{dn}. Residential land uses for multi-family dwellings are considered normally acceptable below 65 dBA L_{dn} and conditionally acceptable with noise levels less than 70 dBA L_{dn}.

General Plan Table 7-3 identifies a maximum allowable exterior noise level of 60 dBA CNEL and an interior noise level limit of 45 dBA CNEL for new residential developments; see **Table 25, City of Highland Interior Noise Standards** and **Table 26, City of Highland Exterior Noise Standards** below. The City identifies exterior noise level limits for residential, agricultural/equestrian, commercial, manufacturing or industrial, and open space uses and identifies interior noise level limits for residential, educational/churches/other institutional uses, general offices, retail stores/restaurants, manufacturing/warehousing, agricultural, and sand/gravel operations.

Furthermore, the City's Noise Control Ordinance (Chapter 8.50 of the Development Code) and the Noise Element specify the maximum acceptable levels of noise for residential uses in the City. These standards indicate that exterior noise levels at residential locations should not exceed a CNEL of 60 dBA from 7:00 a.m. to 10:00 p.m. and 55 dBA from while interior levels shall not exceed an annual CNEL of 45 dB in any habitable room.

Table 25: City of Highland Interior Noise Standards

Type of Land Use	CNEL (dBA)
Residential	45
Educational/churches, other institutional uses	45
General offices	50
Retail stores, restaurants	55
Manufacturing, warehousing	65
Agricultural	55
Sand and Gravel Operations	75

Source: City of Highland, *General Plan Noise Element, Table 7.1.*

Table 26: City of Highland Interior Noise Standards

Type of Land Use	Time Interval	CNEL (dBA)
Residential	10:00 p.m. – 7:00 a.m.	55
	7:00 a.m. – 10:00 p.m.	60
Agricultural/Equestrian	10:00 p.m. – 7:00 a.m.	60
	7:00 a.m. – 10:00 p.m.	65
Commercial	10:00 p.m. – 7:00 a.m.	65
	7:00 a.m. – 10:00 p.m.	70
Manufacturing or Industrial	Any Time	75
Open Space	Any Time	75

Source: City of Highland, *General Plan Noise Element, Table 7.2.*

Methodology

Noise Thresholds

Appendix G of the California Environmental Quality Act (CEQA) contains analysis guidelines related to noise impacts. These guidelines have been used by the City to develop thresholds of significance for this analysis. A project would create a significant environmental impact if it would:

- Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Generate excessive ground-borne vibration or ground-borne noise levels; and
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the Project area to excessive noise levels.

Noise and Vibration Thresholds

Construction Noise Thresholds

The City does not establish quantitative construction noise standards and only limits the construction activities' timeframe; therefore, this analysis conservatively uses the following Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual thresholds to analyze construction noise impacts at adjacent properties:

- Residential: 80 dBA Leq (8-hour)
- Commercial: 85 dBA Leq (8-hour)
- Industrial: 90 dBA Leq (8-hour)

Operational Noise Thresholds

On-Site Stationary Noise

Operational noise is evaluated based on the standards within the Highland GP and MC. Highland MC Chapter 8.50 Noise Control identifies a daytime (7:00 a.m. – 10:00 p.m.) standard of 45 (interior) and 60 dBA (exterior) for residential uses and a nighttime (10:00 p.m. – 7:00 a.m.) standard of 45 dBA (interior) and 55 dBA (exterior); refer to **Tables 20** and **21**. The Highland MC also identifies a daytime standard of 70 dBA and nighttime standard of 65 dBA for commercial uses. Industrial uses have a standard of 75 dBA at any time.

Off-Site Mobile Traffic Noise

The City provides noise and land use compatibility standards (i.e., noise standards using a 24-hour metric such as Ldn or CNEL and with Normally Acceptable, Conditionally Acceptable, Normally Unacceptable, and Clearly Unacceptable designations) in the General Plan Noise Element. A potentially significant traffic noise impact would occur if the Project would cause ambient noise levels to increase by 3 dBA CNEL or more and the resulting noise falls on a noise-sensitive land use that exceeds the noise and land use

compatibility standards (i.e., causing the noise level of a noise sensitive land use within an area to be categorized as either "Normally Unacceptable" or "Clearly Unacceptable"). Note that noise level changes less than 3 dBA are not detectable by the human ear.

Noise levels up to 60 dBA CNEL are considered Normally Acceptable and noise levels up to 70 dBA CNEL are considered Conditionally Acceptable for single-family residential uses. Meeting the conditionally acceptable standards are appropriate as long as new construction or development is undertaken only after a detailed analysis of noise reduction and that noise insulation is included in the design. Therefore, the Project would result in a potentially significant traffic noise impact if Project traffic would increase the baseline traffic level by 3 dBA CNEL and exceed the Normally Acceptable land use compatibility standard. The environmental baseline is the Without Project condition.

Vibration Thresholds

The City currently does not have a significance threshold to assess vibration impacts. The Caltrans 2020 Transportation and Construction Vibration Guidance Manual (Caltrans Construction Vibration Guidance Manual) identifies the vibration threshold for human annoyance, vibrations levels of 0.4 in/sec PPV is when vibrations are considered severe by people subjected to continuous vibrations and levels of 0.2 in/sec is used for building damage.

Methodology

Construction

Construction noise levels were based on typical noise levels generated by construction equipment published by the FTA and FHWA. Construction noise is assessed in dBA Leq. This unit is appropriate because Leq can be used to describe noise level from operation of each piece of equipment separately, and levels can be combined to represent the noise level from all equipment operating during a given period.

Construction noise modeling was conducted using the FHWA Roadway Construction Noise Model (RCNM). Reference noise levels are used to estimate operational noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise. The City of Highland does not establish quantitative construction noise standards. As noted above, this analysis conservatively uses the FTA's threshold of 80 dBA (8-hour Leq) or residential uses and 90 dBA (8-hour Leq) for non-residential uses to evaluate construction noise impacts.

Operations

The analysis of the operational noise environment is based on noise attenuation calculations (inverse square law) and empirical observations. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. Noise levels were collected from published sources from similar types of activities and used to estimate noise levels expected with the Project's stationary sources. The reference noise levels are used to represent a worst-case noise environment as noise level

from stationary sources can vary throughout the day. Operational noise is evaluated based on the standards within the Highland GP and MC.

An analysis was conducted of the Project's effect on traffic noise conditions at off-site land uses. Without Project traffic noise levels were compared to With Project traffic noise levels. The environmental baseline is the Without Project condition. The Without Project and With Project traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108). The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures (walls and buildings), barriers, and topography). The noise attenuating effects of changes in elevation, topography, and intervening structures were not included in the model. Therefore, the modeling effort is considered a worst-case representation of the roadway noise. In general, a 3-dBA increase in traffic noise is barely perceptible to people, while a 5-dBA increase is readily noticeable.

Vibration

Ground-borne vibration levels associated with construction-related activities for the Project were evaluated utilizing typical ground-borne vibration levels associated with construction equipment, obtained from FTA published data for construction equipment. Potential ground-borne vibration impacts related to building/structure damage and interference with sensitive existing operations were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria.

For a structure built traditionally, without assistance from qualified engineers, the FTA guidelines show that a vibration level of up to 0.20 in/sec is considered safe and would not result in any vibration damage. FTA guidelines show that modern engineered buildings built with reinforced-concrete, steel or timber can withstand vibration levels up to 0.50 in/sec and not experience vibration damage. The Caltrans Construction Vibration Guidance Manual identifies the vibration threshold for human annoyance, vibrations levels of 0.4 in/sec PPV is when vibrations are considered severe by people subjected to continuous vibrations and levels of 0.2 in/sec is used for building damage.

a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Less than Significant Impact.

Construction

On-site Construction Noise

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect the residential uses surrounding the construction site. However, it is acknowledged that construction activities would occur throughout the project site and would not be concentrated at a single point near sensitive receptors.

Construction activities would include demolition, site preparation, grading, infrastructure improvements, building construction, paving, and architectural coating. Such activities could require dozers, excavators, and concrete saws during demolition; dozers and tractors during site preparation; excavators, graders, dozers, tractors, and scrapers during grading; tractors, pavers, and rollers during infrastructure improvements; cranes, generators, tractors, and welders during building construction; pavers, rollers, and a pavement scarifier during paving; and air compressors during architectural coating. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). Typical noise levels associated with individual construction equipment are listed in **Table 27, Typical Construction Noise Levels**.

Table 27: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA) at 50 feet from Source	Typical Noise Level (dBA) at 100 feet from Source(1)
Air Compressor	80	74
Backhoe	80	74
Compactor	82	76
Concrete Mixer	85	79
Concrete Pump	82	76
Concrete Vibrator	76	70
Crane, Mobile	83	77
Dozer	85	79
Generator	82	76
Grader	85	79
Impact Wrench	85	79
Jack Hammer	88	82
Loader	80	74
Paver	85	79
Pneumatic Tool	85	79
Pump	77	71
Roller	85	79
Saw	76	70
Scraper	85	79
Shovel	82	76
Truck	84	78

Notes:
1. Calculated using the inverse square law formula for sound attenuation: dBA2 = dBA1+20Log(d1/d2)
Where: dBA2 = estimated noise level at receptor; dBA1 = reference noise level; d1 = reference distance; d2 = receptor location distance

Source: Ibid. page 26 – Table 9.

Although the construction equipment noise levels in **Table 27** are from FTA Noise and Vibration Manual, the noise levels are based on measured data from a U.S. Environmental Protection Agency report which uses data from the 1970s,[51] the FHWA Roadway Construction Noise Model which

[51] Ibid. page 27.

uses data from the early 1990s, and other measured data. Since that time, construction equipment has been required to meet more stringent emissions standards and the additional necessary exhaust systems also reduce noise from what is shown in the table.

While the Highland MC does not establish quantitative construction noise standards, this analysis conservatively uses the FTA's threshold of 80 dBA (8-hour Leq) for residential uses, 85 dBA (8-hour Leq) for commercial uses, and 90 dBA (8-hour Leq) for industrial uses to evaluate construction noise impacts.[52]

Project Construction Noise Levels

The noise levels calculated in **Table 28: Project Construction Noise Levels**, show the exterior construction noise without accounting for attenuation from existing physical barriers which have been estimated using RCNM. The nearest noise sensitive receptors are residences located approximately 97 feet south of the property line and 560 feet from the center of construction activity. Following FTA methodology, all equipment is assumed to operate at the center of the Project site because equipment would operate throughout the site and not a fixed location for extended periods of time. These assumptions represent a worst-case noise scenario as construction activities would routinely be spread throughout the construction site further away from noise sensitive receptors.

Table 28: Project Construction Noise Levels

Construction Phase	Receptor Location			Worst Case Modeled Exterior Noise Level (dBA L_{eq})	Noise Threshold (dBA L_{eq})	Exceeded?
	Land Use	Direction	Distance (feet)[1]			
Demolition	Residential	North	524	66.0	80	No
	Residential	South	560	65.5	80	No
	Commercial	South	415	68.1	85	No
	Commercial	West	593	65.0	85	No
	Industrial	East	588	65.0	90	No
Site Preparation	Residential	North	524	67.2	80	No
	Residential	South	560	66.6	80	No
	Commercial	South	415	69.2	85	No
	Commercial	West	593	66.1	85	No
	Industrial	East	588	66.2	90	No
Grading	Residential	North	524	67.8	80	No
	Residential	South	560	67.2	80	No
	Commercial	South	415	69.8	85	No
	Commercial	West	593	66.7	85	No
	Industrial	East	588	66.8	90	No
Infrastructure Improvements	Residential	North	524	62.5	80	No
	Residential	South	560	61.9	80	No
	Commercial	South	415	64.5	85	No
	Commercial	West	593	61.4	85	No
	Industrial	East	588	61.5	90	No
Paving	Residential	North	524	66.1	80	No
	Residential	South	560	65.5	80	No
	Commercial	South	415	68.1	85	No
	Commercial	West	593	65.0	85	No
	Industrial	East	588	65.1	90	No
Building Construction	Residential	North	524	68.0	80	No
	Residential	South	560	67.4	80	No

[52] Ibid. page 27.

Construction Phase	Receptor Location			Worst-Case Modeled Exterior Noise Level (dBA L_{eq})	Noise Threshold (dBA L_{eq})	Exceeded?
	Land Use	Direction	Distance (feet)[1]			
	Commercial	South	415	70.0	85	No
	Commercial	West	593	66.9	85	No
	Industrial	East	588	67.0	90	No
Architectural Coating	Residential	North	524	53.3	80	No
	Residential	South	560	52.7	80	No
	Commercial	South	415	55.3	85	No
	Commercial	West	593	52.2	85	No
	Industrial	East	588	52.3	90	No
Overlapping Phases						
Demolition, Site Preparation, Grading	Residential	North	524	71.9	80	No
	Residential	South	560	71.3	80	No
	Commercial	South	415	73.9	85	No
	Commercial	West	593	70.8	85	No
	Industrial	East	588	70.9	90	No
Infrastructure Improvements, Paving, Building Construction	Residential	North	524	70.8	80	No
	Residential	South	560	70.3	80	No
	Commercial	South	415	72.9	85	No
	Commercial	West	593	69.8	85	No
	Industrial	East	588	69.8	90	No
Paving, Building, Architectural Coating	Residential	North	524	70.2	80	No
	Residential	South	560	72.3	80	No
	Commercial	South	415	72.3	85	No
	Commercial	West	593	69.2	85	No
	Industrial	East	588	69.2	90	No

Notes:
1. In accordance with methodology from the FTA Noise and Vibration Manual, the equipment distance is assumed at the center of the Project site.
2. Threshold from the FTA *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

Source: Ibid. page 28. Table 10.

FTA's construction threshold is an 8-hour Leq, which accounts for the percentage of time each individual piece of equipment operates under full power in that period. Additionally, construction equipment would move throughout the site during that period. Following FTA methodology, when calculating construction noise, all construction equipment is assumed to operate simultaneously at the center of the active construction zone to represent an average distance throughout the day. During construction, equipment would operate throughout the site and not all of the equipment would be operating at the point closest to the sensitive receptors and considering the distance between the center of the Project site and the sensitive receptors is a reasonable assumption.

As shown in **Table 28**, exterior noise levels during Project construction would range between 52.2 dBA and 73.9 dBA and would not exceed the FTA's construction noise thresholds at the nearest off-site uses. The City has set restrictions to control noise impacts from construction activities within the Highland MC. Highland MC § 8.50.050 states that no person shall be engaged in construction and operation-related activities, including operation of domestic power tools, electrically operated compressors, pile drivers, ground vehicles, etc., except within the hours of 5:00 a.m. and 10:00 p.m. on any day in the industrial (I) zone, and between the hours of 7:00 a.m. and 10:00 p.m. in all other zones. However, since the Project is adjacent to existing residences, the Project would be required to comply with the following Highland GP limitations on construction noise hours (Goal 7.3, Action 1):

As a condition of approval, limit non-emergency construction activities adjacent to existing noise-sensitive uses to daylight hours between 7:00 a.m. and 6:00 p.m. Discourage construction on weekends or holidays except in the case of construction proximate to schools where these operations could disturb the classroom environment.

With incorporation of the City's standard conditions from the General Plan, impacts from short-term construction noise would be less than significant.

Operations

Implementation of the Project would create new sources of noise in the Project vicinity. The major noise sources associated with the Project including the followings:

- Mechanical equipment (i.e., trash compactors, air conditioners, etc.);
- Slow moving trucks on the Project site, approaching and leaving the loading areas;
- Truck Back-Up Alarms;
- Activities at the loading areas (i.e., maneuvering and idling trucks, equipment noise);
- Parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and
- Off-Site Traffic Noise.

Each noise source is discussed in more detail below. On-site operational noise sources are expected to include rooftop air conditioning units, parking lot activity, and truck loading dock activity. Off-site noise could be generated by vehicles, including heavy trucks, accessing the Project site and contributing to vehicular roadway noise.

Mechanical Equipment

Potential stationary noise sources related to long-term operation of the Project site would include mechanical equipment. Mechanical equipment (e.g., heating ventilation and air conditioning [HVAC] equipment) typically generates noise levels of approximately 52 dBA at 50 feet.[53] The HVAC equipment would be roof mounted and would be located as close as approximately 170 feet from the nearest residential uses to the south. At this distance, HVAC equipment noise would be approximately 41.7 dBA based on distance attenuation alone (using the inverse square law of sound propagation)[54] and would not exceed the City's most stringent daytime or nighttime noise standards of 60 dBA and 55 dBA, respectively, for residential uses. It should also be noted that the proposed warehouse building would include a parapet wall along the perimeter of the roof that would reduce HVAC noise at sensitive receptors in the Project vicinity. Therefore, the Project would result in a less than significant impact related to mechanical equipment noise levels.

Truck and Loading Dock Noise

During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting braking activities; backing up toward the

[53] Ibid. page 30.
[54] Ibid. page 30.

docks; dropping down the dock ramps; and maneuvering away from the docks. Loading or unloading activities would occur on the northern façade of the proposed warehouse building in the northern portion of the Project site. Truck access to the site would occur via two 40-foot-wide access driveways along Meines Street and Palm Avenue (i.e., one access driveway from each roadway).

Typically, heavy truck operations generate a noise level of 70 dBA at a distance of 50 feet.[55] As the closest residences would be located approximately 400 feet north of the proposed truck loading area, truck and loading noise would be approximately 46.9 dBA,[56] which is below the City's most stringent daytime and nighttime noise standards of 60 dBA and 55 dBA, respectively, for residential uses. It should also be noted that the loading dock doors would be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior warehouse activities and the exterior loading area. This would attenuate noise emanating from interior loading activities to negligible noise levels outside of the warehouse building, and as such, interior loading and associated activities would comply with Highland MC § 8.50.050(b) and would be permissible during all hours of the day.

It is also noted that cargo forklifts could be used at the outdoor loading dock area during daytime and nighttime hours for truck loading/unloading activities. Cargo forklifts generate noise levels of approximately 85 dBA at 3 feet.[57] The nearest sensitive receptors (single-family residences) would be located approximately 400 feet north of where cargo forklifts would operate at the Project site. At this distance, forklift noise levels would be approximately 37.5 dBA[58] and would not exceed the City's most stringent daytime or nighttime noise standards of 60 dBA and 55 dBA, respectively, for residential uses. As such, cargo forklift noise levels (37.5 dBA at the nearest sensitive uses) would be similar to background noise in a theater or a large conference room and would comply with Highland MC § 8.50.050(b).

As discussed above, noise levels associated with trucks and loading/unloading activities would not exceed the City's noise standards and would comply with the provisions of Highland MC § 8.50.050. Therefore, noise impacts from truck and loading dock noise would be less than significant.

Truck Back-Up Alarms. Medium and heavy-duty trucks reversing into loading docks would produce noise from back-up alarms (also known as back-up beepers). Back-up beepers produce a typical volume of 97 dBA at one meter from the source.[59] The nearest sensitive receptors (single-family residences) would be located approximately 400 feet north of the truck loading area where trucks would be reversing and maneuvering into the loading area. At this distance, exterior noise levels from back-up beepers would be approximately 49.5 dBA,[60] which is below the City's most stringent daytime or nighttime noise standards of 60 dBA and 55 dBA, respectively, for residential uses. Back-up beeper noise levels (49.5 dBA at the nearest sensitive uses) would be similar to that of a

55 Ibid. page 30.
56 Ibid. page 30.
57 Ibid. page 31.
58 Ibid. page 31.
59 Ibid. page 31.
60 Ibid. page 31.

dishwasher and would attenuate to at least 35 dBA (assuming a windows open condition) within the nearest residences and would be below the City's 45 dBA interior noise level standard. Further, it is noted that back-up beeper noise is short in duration and would occur intermittently throughout the day/night. Therefore, back-up beeper noise would not exceed the City's applicable noise standards and would comply with the provisions of Highland MC § 8.50.

Parking Noise

The Project would provide a total of 240 parking spaces, including 47 trailer stalls, 39 dock door parking spaces, and 193 standard auto parking spaces. Parking stalls would surround the proposed warehouse building to the north, east, and west. According to the Traffic Impact Study, the Project would generate up to 51 trips during the peak hour. For the purpose of providing a conservative, quantitative estimate of the noise levels that would be generated from the vehicles entering and exiting the parking lot, the methodology recommended by FTA for the general assessment of stationary transit noise sources is used. Using the methodology, the Project's peak hourly noise level that would be generated by the on-site parking levels was estimated using the following FTA equation for a parking lot:

$$L_{eq(h)} = SEL_{ref} + 10 \log (NA/1{,}000) - 35.6$$

Where:

$L_{eq(h)}$ = hourly L_{eq} noise level at 50 feet

SEL_{ref} = reference noise level for stationary noise source represented in sound exposure level (SEL) at 50 feet

NA = number of automobiles per hour

35.6 is a constant in the formula, calculated as 10 times the logarithm of the number of seconds in an hour

Using FTA's reference noise level of 92 dBA SEL[61] at 50 feet from the noise source, the Project's highest peak hour vehicle trips would generate noise levels of approximately 43.5 dBA L_{eq} at 50 feet from the parking lot. The closest sensitive receptor is located approximately 100 feet from the parking lot. Conservatively assuming that all vehicles would park at a location nearest to sensitive receptors rather than dispersed throughout all available parking and based strictly on distance attenuation, parking lot noise at the nearest receptor would be 37.5 dBA, which is below the City's most stringent daytime and nighttime noise standards of 60 dBA and 55 dBA, respectively, for residential uses. Parking lot noise would be consistent with the existing noise in the vicinity and would be partially masked by background noise from traffic along area roadways. Noise associated with parking lot activities is not anticipated to exceed the City's noise standards during operation. Therefore, noise impacts from parking lots would be less than significant.

[61] Ibid. page 32.

Off-Site Traffic Noise

Implementation of the Project would generate increased traffic volumes along nearby roadway segments. Based on the Traffic Study, the Project would result in approximately 487 daily trips. The Opening Year "2024 Without Project" and "2024 With Project" scenarios are compared in **Table 29, Project Traffic Noise Levels**. **Table 24** shows roadway noise levels without the Project would range from 51.4 dBA CNEL to 69.4 dBA CNEL and between 54.9 dBA CNEL and 69.6 dBA CNEL with the Project.

In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable.[62] As shown in **Table 29**, the "With Project" noise levels would result in a maximum increase of 3.5 dBA CNEL along Meines Street (West of Palm Avenue), which is largely attributed to heavy truck travel. Although this roadway segment would experience a barely noticeable traffic noise increase as a result of the Project, the "With Project" noise level would not exceed the Normally Acceptable noise standard along this roadway for residential uses; see **Table 29**. As such, traffic noise impacts from the Project would be less than significant.

Table 29: Project Traffic Noise Levels

Roadway Segment		2024 Without Project		2024 With Project		Change	Normally Acceptable Standard (dBA CNEL)[2]	Significant Impact[3]
		ADT	dBA CNEL[1]	ADT	dBA CNEL[1]			
Palm Avenue	Meines Street to 5th Street	17,680	65.0	18,140	65.2	0.2	70	No
	5th Street to 3rd Street	14,770	66.7	14,840	66.7	0.0	70	No
Meines Street	West of Palm Avenue	640	51.4	790	54.9	3.5	60	No
5th Street	Palm Avenue to Church Avenue	21,260	68.3	21,590	68.5	0.2	70	No
	Church Avenue to SR-210 EB Ramps at 5th Street	28,190	69.4	28,570	69.6	0.2	75	No
3rd Street	Palm Avenue to Church Avenue	6,870	66.7	6,920	66.5	-0.2	70	No

ADT = average daily traffic; dBA = A-weighted decibels; CNEL = community noise equivalent level.

Notes:
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.
2. The lowest Normally Acceptable land use compatibility noise standard for developed uses along each roadway segment is conservatively used to analyze impacts
3. Potential impacts occur when the Project change exceeds 3 dBA and the Normally Acceptable land use compatibility standard is exceeded (i.e., both must occur).

Source: Ibid. page 33 – Table 11

Mitigation Measures: No mitigation is required.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact.

[62] Ibid. page 32.

Construction Vibration

Construction can generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. Construction on the project site would have the potential to result in varying degrees of temporary ground-borne vibration, depending on the specific construction equipment used and the operations involved.

The FTA has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 in/sec) appears to be conservative. The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. For example, for a building that is constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.20 in/sec is considered safe and would not result in any construction vibration damage.

Table 30, Typical Construction Equipment Vibration Levels, lists vibration levels at 25 feet for typical construction equipment. Ground-borne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. As indicated in **Table 30**, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.003 to 0.089 in/sec PPV at 25 feet from the source of activity.

Table 30: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity at 25 Feet (in/sec)	Peak Particle Velocity at 30 Feet (in/sec)[1]
Large Bulldozer	0.089	0.0677
Caisson Drilling	0.089	0.0677
Loaded Trucks	0.076	0.0578
Jackhammer	0.035	0.0266
Small Bulldozer/Tractors	0.003	0.0023

Notes:
1. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$, where: PPV_{equip} = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPV_{ref} = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018; D = the distance from the equipment to the receiver.

Source: Ibid. page 34 – Table 12.

As noted above, the nearest structure to the Project construction site is approximately 30 feet away. **Table 30** shows that at 30 feet, the vibration velocities from construction equipment would not exceed 0.0677 in/sec PPV, which is below the FTA's 0.20 in/sec PPV threshold for building damage and below the 0.4 in/sec PPV annoyance threshold. It is also acknowledged that construction activities would occur throughout the project site and would not be concentrated at

the point closest to the nearest structure. Therefore, vibration impacts associated with Project construction would be less than significant.

Operational Vibration

The Project would include truck movement activity at the Project site. These movements would generally be low-speed (i.e., less than 15 miles per hour) and would occur over new, smooth surfaces. For perspective, Caltrans has studied the effects of propagation of vehicle vibration on sensitive land uses and notes that "heavy trucks, and quite frequently buses, generate the highest earthborn vibrations of normal traffic." Caltrans further notes that the highest traffic-generated vibrations are along freeways and state routes. Their study finds that "vibrations measured on freeway shoulders (five meters from the centerline of the nearest lane) have never exceeded 0.08 inches per second, with the worst combinations of heavy trucks and poor roadway conditions (while such trucks were moving at freeway speeds). This level coincides with the maximum recommended safe level for ruins and ancient monuments (and historic buildings)". Since the Project's truck movements would be at low speed (not at freeway speeds) and would be over smooth surfaces (not under poor roadway conditions), Project-related vibration associated with truck activity would not result in excessive ground-borne vibrations; no vehicle-generated vibration impacts would occur. In addition, there are no sources of substantial ground-borne vibration associated with the Project, such as rail or subways. The Project would not create or cause any vibration impacts due to operations.

Mitigation Measures: No mitigation is required.

c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

Less than Significant Impact. The closest airport is the San Bernardino International Airport and it is located approximately 0.5-mile southwest of the Project site. The Project site is located outside of the 65 dBA CNEL noise level contour boundary of the airport. No exterior or interior noise mitigation is required to satisfy the policies in the Highland GP and MC. Additionally, there are no private airstrips located within the Project vicinity. Therefore, the Project would not expose people working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

Cumulative Construction Noise

The Project's construction activities would not result in a substantial temporary increase in ambient noise levels. Construction noise would be periodic and temporary noise impacts that would cease upon completion of construction activities. The Project would contribute to other proximate construction project noise impacts if construction activities were conducted concurrently. As discussed above, Project

construction noise levels would not be significant, and the Project would not represent a noticeable increase over the ambient conditions. Therefore, the Project's construction noise would not represent a substantial noise increase in excess of City standards and would not be cumulatively considerable.

Construction activities at other planned and approved projects near the Project site would be required to comply with applicable City rules related to noise and would take place during daytime hours on the days permitted by the Highland MC, and projects requiring discretionary City approvals would be required to evaluate construction noise impacts, comply with the City's standard conditions of approval, and implement mitigation, if necessary, to minimize noise impacts. Construction noise impacts are by nature localized. Based on the fact that noise dissipates as it travels away from its source, noise impacts would be limited to the Project site and vicinity. Therefore, Project construction would not result in a cumulatively considerable contribution to significant cumulative impacts, assuming such a cumulative impact existed, and impacts in this regard are not cumulatively considerable.

Cumulative Operational Noise

Cumulative Off-Site Traffic Noise

Cumulative noise impacts describe how much noise levels are projected to increase over existing conditions with the development of the Project and other foreseeable projects. Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to buildout of the Project and other projects in the vicinity. Cumulative increases in traffic noise levels were estimated by comparing the Existing and Opening Year Without Project scenarios to the Opening Year Plus Project scenario. The traffic analysis considers cumulative traffic from future growth assumed in the transportation model, as well as cumulative projects.

A project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The following criteria is used to evaluate the combined and incremental effects of the cumulative noise increase.

- *Combined Effect*. The cumulative with Project noise level ("Opening Year With Project") would cause a significant cumulative impact if a 3.0 dB increase over "Existing" conditions occurs and the resulting noise level exceeds the applicable exterior standard at a sensitive use. Although there may be a significant noise increase due to the Project in combination with other related projects (combined effects), it must also be demonstrated that the Project has an incremental effect. In other words, a significant portion of the noise increase must be due to the Project.
- *Incremental Effects*. The "Opening Year With Project" causes a 1.0 dBA increase in noise over the "Opening Year Without Project" noise level.

A significant impact would result only if both the combined and incremental effects criteria have been exceeded, and the resultant noise level exceeds the Normally Acceptable land use compatibility noise standard. Noise by definition is a localized phenomenon and reduces as distance from the source increases. Consequently, only the Project and growth due to occur in the general area would contribute to cumulative noise impacts.

Table 31, Cumulative Off-Site Traffic Noise Levels identifies the traffic noise effects along roadway segments in the Project vicinity for "Existing," "Opening Year Without Project," and "Opening Year With Project," conditions, including incremental and net cumulative impacts. **Table 31** shows the combined and incremental effect criterion would not be exceeded along any of the Project roadway segments. As discussed above, a cumulative traffic noise impact would occur if both the combined and incremental effects criteria are exceeded, and the resultant noise level exceeds the Normally Acceptable land use compatibility standard. Therefore, cumulative traffic impacts from the Project would be less than significant.

Cumulative Stationary Noise

Stationary noise sources of the Project would not result in an incremental increase in non-transportation noise sources in the Project vicinity. Furthermore, as discussed above, operational noise caused by the Project would be less than significant. Similar to the Project, other planned and approved projects would be required to mitigate for stationary noise impacts at nearby sensitive receptors, if necessary. As stationary noise sources are generally localized, there is a limited potential for other projects to contribute to cumulative noise impacts.

No known past, present, or reasonably foreseeable projects would combine with the operational noise levels generated by the Project to increase noise levels above acceptable standards because each project must comply with applicable City regulations that limit operational noise. Therefore, the Project, together with other projects, would not create a significant cumulative impact, and even if there was such a significant cumulative impact, the Project would not make a cumulatively considerable contribution to significant cumulative operational noises.

Given that noise dissipates as it travels away from its source, operational noise impacts from on-site activities and other stationary sources would be limited to the Project site and vicinity. Thus, cumulative operational noise impacts from related projects, in conjunction with Project specific noise impacts, would not be cumulatively significant.

Table 31: Cumulative Off-Site Traffic Noise Levels

Roadway Segment		Existing[1]	Opening Year Without Project[1]	Opening Year With Project[1]	Combined Effects	Incremental Effects	Normally Acceptable Standard (dBA CNEL)[2]	Cumulatively Significant Impact?[3]
					Difference in dBA Between Existing and Opening Year With Project	Difference in dBA Between Opening Year Without Project and Opening Year With Project		
Palm Avenue	Meines Street to 5th Street	64.5	65.0	65.2	0.8	0.3	70	No
	5th Street to 3rd Street	67.6	66.7	66.7	-0.9	0.0	70	No
Meines Street	West of Palm Avenue	51.4	51.4	54.9	3.4	3.4	60	No
5th Street	Palm Avenue to Church Avenue	68.3	68.3	68.5	0.2	0.2	70	No

Roadway Segment		Existing[1]	Opening Year Without Project[1]	Opening Year With Project[1]	Combined Effects	Incremental Effects	Normally Acceptable Standard (dBA CNEL)[2]	Cumulatively Significant Impact?[3]
					Difference in dBA Between Existing and Opening Year With Project	Difference in dBA Between Opening Year Without Project and Opening Year With Project		
	Church Avenue to SR-210 EB Ramps at 5th Street	68.3	69.4	69.6	1.3	0.2	75	No
3rd Street	Palm Avenue to Church Avenue	56.7	66.7	66.5	9.7	-0.2	70	No

ADT = average daily trips; dBA = A-weighted decibels; CNEL = Community Noise Equivalent Level

Notes:
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.
2. The lowest Normally Acceptable land use compatibility noise standard for developed uses along each roadway segment is conservatively used to analyze impacts
3. A significant impact would result only if both the combined and incremental effects criteria have been exceeded, and the resultant noise level exceeds the Normally Acceptable land use compatibility standard.

Source: Ibid. page 38 – Table 13.

4.14 POPULATION AND HOUSING

ENVIRONMENTAL IMPACTS Issues		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
14.	**POPULATION AND HOUSING. Would the project:**				
a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Less than Significant Impact. As of 2022, the population of the City of Highland was 56,546 persons, with 17,127 housing units.[63] The Southern California Association of Government (SCAG)'s Connect SoCal projects that the City's population will grow to 68,900 persons and 21,400 housing units by 2045.[64] The Project does not involve the construction of new homes or the extension of roads. Therefore, it would not directly induce population growth in the area.

The Project would induce population growth indirectly by generating permanent employment growth in the area. The City has a significantly high unemployment rate of approximately seven percent. Therefore, the Project's permanent employment opportunities would be adequately served by the City's residents. A less than significant impact would occur.

Mitigation Measures: No mitigation is required.

b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Less than Significant Impact. As discussed in Section Land use and Planning, the Project would displace persons who live in the existing single-family home located on the Project site. However, the single-family home currently non-conforming with the industrial zoning and land use designations and the property has been purchased by the Project applicant. As needed, the displaced persons could be eligible for Tenant Relocation assistance per the California Health and Safety Code. Therefore, the Project's impact would be less than significant.

[63] Department of Finance (DOF). (2022). Table 2: E-5 City/County Population and Housing Estimates, 1/1/2022. Available at http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/ (accessed October 28, 2022).

[64] SCAG. (2020). Connect SoCal Demographics and Growth Forecast – Table 14. Available at: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growth-forecast.pdf?1606001579 (accessed October 28, 2022).

Mitigation Measures: No mitigation is required.

Cumulative Impacts

As concluded above, the Project would not significantly induce population grow or displace substantial amount of housing. Therefore, no cumulative impacts associated with population and housing would result from Project implementation.

4.15 PUBLIC SERVICES

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
15. PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?				X
iv) Parks?				X
v) Other public facilities?			X	

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

Less than Significant Impact. Fire suppression, prevention, and emergency medical services are provided to the City by the California Department of Forestry and Fire Protection or CAL FIRE. The Project site would be primarily served by Highland Fire Department Station 541, located 1.32 kilometers north of the Project site at 26974 Base Line Street.

The Project would be designed and constructed in accordance with the latest CBC and California Fire Code standards. Pursuant to Highland MC Chapter 2.46, Fire and Medical Services Mitigation Fee, the Project Applicant would pay its fair share of additional cost of maintaining emergency fire and emergency medical services and attendant facilities via a mitigation fee. Furthermore, the Project's interior and perimeter roadways would be designed to allow adequate emergency access. Therefore, a less than significant impact would occur, and no mitigation is required.

Mitigation Measures: No mitigation is required.

ii) Police protection?

Less than Significant Impact. The City contracts with the San Bernardino County Sheriff's Department for its law enforcement and police protection services.[65] The City's main station is located at 26985 East Base Line near City Hall. The station is currently staffed with 34 sworn officers, as well as nine non-sworn civilian employees. The Project is not a residential project so it would not result in permanent increase of residents in the City. Accordingly, it is not anticipated that the Project's demand for additional police protection services would be significant. Nevertheless, the project would pay all applicable development impact fees to the City, which would assist the City's payment for any additional police facilities. Therefore, the Project's impact to police protection services would be less than significant.

Mitigation Measures: No mitigation is required.

iii) Schools?

Less than Significant Impact. The Project site is located in the San Bernardino City Unified School District (SBCUSD). The nearest school from the Project site is Cypress Elementary School, located approximately 0.38-mile northwest from the Project site. As previously discussed, the Project would not result in the permanent increase of people to the City. Therefore, the project is not expected to increase the number of students in the area. Regardless, the Project would comply with Highland GP Policies 4.9-2 and 4.9-3 and pay applicable school impact fees that would be allocated by the SBCUSD to offset any impacts. Therefore, impacts would be less than significant, and no mitigation is required.

Mitigation Measures: No mitigation is required.

iv) Parks?

Less than significant Impact. The closest park to the Project site is the Highland Community Park located across the City Creek channel to the northwest. The Project would not contribute to the population growth of the City and therefore would not result in the need for additional parks services. Furthermore, the Project is an industrial project and therefore exempt from payment of fees pursuant Highland MC § 16.40.200.B Park and recreation facilities. Therefore, impacts would be less than significant, and no mitigation is required.

Mitigation Measures: No mitigation is required.

v) Other public facilities?

Less than Significant Impact. Other public facilities in the area would not be adversely impacted because the Project would not produce a substantial increase in population that would require additional public facilities.

Mitigation Measures: No mitigation is required.

[65] City of Highland. (2006) City of Highland General Plan – *Public Services and facilities Element*. p. 4-20. Available at: https://www.cityofhighland.org/DocumentCenter/View/152/Public-Services-and-Facilities-Element-PDF (accessed January 2023).

Cumulative Impacts

The Project, combined with other cumulative projects, would collectively increase demand for public services including, police, fire, schools, and parks. Similar to the Project, all cumulative projects would be required to adhere with the Highland GP goals and policies and pay any applicable fees pursuant to the Highland MC. Therefore, the present, and future projects in the City would not result in a cumulative impact related to the provision of public services with adherence to local regulation and payment of development impact fees.

4.16 RECREATION

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

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project would induce population growth that would require the need to develop additional parks or recreational facilities, nor would it include recreational facilities that might have an adverse physical effect on the environment. Therefore, no impact would occur.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

The Project would not result in an increased use of recreational facilities nor requires construction or expansion of existing recreational facilities. Therefore, no cumulative impacts on recreational facilities would result from Project implementation.

4.17 TRANSPORTATION

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

A Traffic Study was prepared for the Project on May 2023 by Kimley-Horn and Associates, and is included in this IS/MND as **Appendix J**. The results of the Traffic Study are summarized below.

a) Conflict with an program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact. The Project and the frontage improvements to Meines Street and Palm Avenue would be designed consistently with applicable Highland GP Policies pertaining to the City's circulation system, and Highland MC design ordinances. Additionally, the proposed street improvements would be designed to not conflict with the existing pedestrian and bicycle along Palm Avenue. Therefore, a less than significant impact would occur.

Mitigation Measures: No mitigation is required.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less than Significant Impact. Senate Bill 743 (SB 743) was approved by California legislature in September 2013. SB 743 requires changes to California Environmental Quality Act (CEQA), specifically directing the Governor's Office of Planning and Research (OPR) to develop alternative metrics to the use of vehicular "Level of Service" (LOS) for evaluating transportation projects. OPR has prepared a technical advisory ("OPR Technical Advisory") for evaluating transportation impacts in CEQA and has recommended that Vehicle Miles Traveled (VMT) replace LOS as the primary measure of transportation impacts. The Natural Resources Agency adopted updates to CEQA Guidelines to incorporate SB 743 that requires VMT for the purposes of determining a significant transportation impact under CEQA.

Currently, the City has not adopted VMT guidelines. The County's Transportation Impact Study Guidelines (July 2019) were used as they provide details on appropriate screening thresholds that can be used to identify when a proposed land use project is anticipated to result in a less-than-significant impact without conducting a more detailed level analysis. Screening thresholds are broken down into the following criteria:

1. Project Type Screening
2. Transit Priority Area (TPA) Screening
3. Low VMT Area Screening

Projects that meet one or more of the above screening thresholds may be presumed to create a less than significant impact on transportation and circulation. The screening thresholds were reviewed and evaluated for this Project.

Project Type Screening

Projects which serve the local community and have the potential to reduce VMT should not be required to complete a VMT assessment. These projects are noted below:

- K-12 School
- Local-serving retail less than 50,000 SF
- Local Parks
- Day Care Centers
- Local Serving Gas Station
- Local Serving Banks
- Student Housing Projects
- Local Serving Community Colleges
- Projects generating less than 110 daily vehicle trips

Based on the project description and estimated trip generation, the project would not meet the Project Type Screening Criteria.

Transit Priority Area (TPA) Screening

Projects located within a TPA may be presumed to have a less-than-significant impact. A TPA is defined as a half-mile area around an existing major transit stop of an existing stop along a high-quality transit corridor. 'Major transit stop means a site containing an existing rail station, a ferry

terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and evening peak commute periods. A 'high-quality transit corridor' means a corridor with a fixed route bus service with service intervals no longer than 15 minutes during the peak commute hours. Based on

the SBCTA VMT Screening Tool, the project is not located within a TPA. Therefore, the TPA Screening criteria is not met.

Low VMT Area Screening

Projects located within a low VMT generating area (PA VMT per employee, 4% below County baseline) may be presumed to have a less-than-significant impact. Based on review of the VMT screening criteria, the project meets the Low VMT Area Screening threshold. Therefore, the Project would result in a less-than-significant VMT impact, and no additional VMT analysis is required.

Mitigation Measures: No mitigation is required.

c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Less than Significant Impact. The Project would require street frontage improvements to Meines Street and Palm Avenue to allow vehicular access to and from the Project site. More specifically, direct vehicular access provisions for the project site would be provided via two driveways on Palm Avenue and one driveway on Meines Street. Trucks would enter and exit the site via the north driveway on Palm Avenue and the driveway on Meines Street. Trucks would be restricted from making left-turns out of the site onto Palm Avenue. Passenger vehicles would have full access at all three Project driveways to enter and exit the site. The Project would also include on-site drive aisles/fire lanes that would allow the efficient and safe access for vehicles throughout the project site.

All proposed street frontage improvements and on-site internal circulation features would be designed to be both efficient and safe for vehicular traffic pursuant to relevant Highland GP policies and Highland MC § 16.40.040. Furthermore, Additionally, the Project's proposed components would not be an incompatible use that would substantially increase hazards. Therefore, a less than significant impact would occur.

Mitigation Measures: No mitigation is required.

d) *Result in inadequate emergency access?*

Less than Significant Impact. As previously noted in Threshold c) above, the Project's design features, and street frontage improvements would be developed in compliance with all relevant design regulations pertaining to emergency access and regulations. Per Highland GP Policy 3.1.5, the Project would employ traffic control measures (e.g., install traffic signals, provide access restrictions, etc.) to ensure that Meines Street and Palm Avenue and function as intended, and would allow emergency vehicles to safely enter and exit the Project site during construction activity. As a standard practice, if road closures (complete or partial) were necessary, the City Police and Fire Departments would be notified of the construction schedule and any required detours would allow emergency vehicles to use alternate routes for emergency response. Therefore, adherence with all applicable local policies, regulations, and design standards would ensure that adequate emergency access would not be affected. Impacts would be less than significant.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

A Traffic Study was conducted for the Project in accordance with the traffic study requirements of the City's 2016 Public Works Policies, Procedures and Standards and the San Bernardino Association of Governments (SANBAG) Congestion Management Program (CMP). However, the following analysis is provided for informational purposes only, as additional delay – to an intersection or roadway segment – is no longer required by or considered a significant impact under CEQA.

As discussed in the Traffic Study, the Project, in conjunction with cumulative projects, would contribute to the level of service (LOS) deficiency of two intersections by Project Opening Year 2024. To address deficiencies at the identified intersections, the Traffic Study recommended improvements that may include a combination of fee payments to established programs, construction of specific improvements, payment of a fair-share contribution toward future improvements, or a combination of these approaches. Similar to the Project, cumulative projects would be subject to similar improvements, and payment of fees to ensure that impacts to the existing circulation system are minimized.

Additionally, as discussed above, the Traffic Study also analyzed the Project's VMT impacts using the County's Transportation Impact Study Guidelines which provides options for both methodologies and VMT screening. As concluded in Threshold b), the Project is located in a Low VMT Area and therefore met the Low VMT Area Screening criteria. Therefore, a less than significant cumulative impact would occur regarding VMT.

4.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
18. TRIBAL CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California				
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)?			X	
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?		X		

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California:

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)?

Less than Significant Impact. As part of the cultural resources research conducted, a records search of the NAHC Sacred Lands File (SLF) concluded a positive result for potential cultural resources within the Project site. The NAHC provided a list of Native American tribes who also have knowledge of cultural resources in the Project area.

As previously discussed in **Section 4.5, Cultural Resources**, a records search conducted by SCCIC revealed that 21 cultural resource studies have taken place within one-half mile of the Project site.

One of the previous studies assessed a small portion at the eastern edge of the Project site and one cultural resource (P-36-13750) was identified within the Project boundaries. Furthermore, 12 properties containing historic-period buildings were identified during the Field survey. As concluded in Section 4.5, Cultural Resources, P-36-13750 was not identified as a site for potential cultural resources. Furthermore, the 12 subject properties on the Project site are not listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). Therefore, a less than significant impact would occur.

Mitigation Measures: No mitigation is required.

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?

Less than Significant with Mitigation Incorporated. The City completed the AB 52 tribal consultation for the Project on December 2022. On December 1, 2022, the City initiated tribal consultation with interested California Native American tribes consistent with AB 52. Those tribes were the: Gabrieleno Band of Mission Indians – Kizh Nation, Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians), and Soboba Band of Luiseno Indians.

As part of the Tribal Consultation process, no tribe requested further consultation with the City. However, the Yuhaaviatam of San Manuel Nation sent the City an email expressing their interest of the Project site. Although Yuhaaviatam of San Manuel Nation did not have any concerns with the Project's implementation, they provided information supporting the need for the implementation of **MMs TCR-1** and **TRC-2** due to the potential for tribal cultural resources to be discovered during ground disturbance activities. Therefore, implementation of **MMs TCR-1** and **TCR-2** would ensure that impacts to tribal cultural resources would be reduced to a less than significant level.

Mitigation Measures:

MM TCR-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) 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 YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

MM TCR-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 dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

Cumulative Impacts

The Project would not result in tribal cultural resources impacts beyond what was contemplated for the Project site. Therefore, no cumulative impacts related to tribal cultural resources would result from Project implementation.

4.19 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than Significant Impact.

The following utilities would be necessary for the Project site:

- Water – East Valley Water District
- Wastewater (Sewer) – East Valley Water District (EWVD)
- Drainage (Stormwater) – San Bernardino County Flood Control District (SBCFCD)
- Solid Waste – Burrtec Waste Industries, Inc. (Burrtec)
- Electricity – Southern California Edison (SCE)

- Natural Gas – Southern California Gas Company (SoCal Gas)
- Telecommunications – AT&T and Time Warner Cable

Wastewater

The Project would receive wastewater services from the EWVD. EWVD maintains the City's sewer system and accepts all sewage generated within its service boundary, including the City. EVWD's existing sewer system consists of approximately 213 miles of pipeline, 4,400 sewer manholes, and five diversion structures. Wastewater treatment is conveyed to the regional treatment plant (San Bernardino Water Reclamation Plant [SBWRP]) via its Joint Powers Agreement (JPA) with the San Bernardino Municipal Water District (SBMWD) who treats all wastewater generated within the EVWD service area. The SBWRP processes an average sewage flow of approximately 26 to 27 mgd from its service area, including the City. The plant's total sewage capacity is 33 mgd. Additionally, EVWD, constructed its Sterling Natural Resource Center (SNRC) that initially treats up to 8 MGD and is expandable to treat ultimate buildout of approximately 10 MGD. The EVWD's Sewer Master Plan addresses the current and future needs of its service area. Since the Project would be consistent with current land use designations, the EVWD would not require the construction of new or expanded wastewater facilities to serve the Project. Therefore, impacts would be less than significant.

Water[66]

Water services to the Project would also be provided by the EVWD and would be subject to the Upper Santa Ana River Watershed's 2020 Integrated Regional Urban Water Management Plan (IRUWMP) for the EVWD. EVWD's water supply consists primarily of groundwater from wells in the western portion of the service area. These wells, in the San Bernardino Basin, supply approximately 80% of the total water supply. In addition to groundwater, EVWD provides treated surface water from the Santa Ana River and the State Water Project (SWP) by way of Plant 134, an 8 MGD water treatment plant. Plant 134 was originally constructed in 1996 and upgraded from 4 MGD to 8 MGD in 2013.

The Project would comply with the Highland GP Policies 4.2.1 which would require the Project Applicant to work with EVWD to meet water supply requirements which includes, but is not limited to, connection fees and monthly water service charge. Additionally, the Project applicant is required to complete a water-efficient landscape plan pursuant to Highland MC § 16.40.390 to reduce water consumption.[67] Lastly, EVWD has taken the water demand of future industrial projects (including the Project) into account towards year 2045 and indicates that no additional or new water facilities would be needed. Imported water is also available to EVWD and is available for purchase from Valley District which would be used to supplement EMVD's water supply. Therefore, the Project's use of water services would be less than significant.

[66] Water Systems Consulting, Inc. (2022). *2020 IRUWMP – EVWD 2020 UWMP*. Available at: https://eastvalley.org/DocumentCenter/View/2734/Part-2-Chapter-6_EVWD-2020-UWMP_Final (accessed January 2023).

[67] City of Highland. (2022). *Highland MC – Section 16.40.390 Water efficient landscape requirements*. Available at: https://www.codepublishing.com/CA/Highland/#!/html/Highland16/Highland1640.html (accessed January 2023).

Electricity, Natural Gas, Telecommunications

SCE would provide electricity services to the Project; SoCal Gas would provide natural gas services to the Project; and AT&T or Time Warner would provide telecommunication services to the Project. Implementation of the Project would not require the relocation existing utility facilities nor create the need to construct additional electricity, natural gas, and telecommunication facilities to meet the Projects utility demand. The Project Applicant would also be subject to all applicable connection fees pursuant to the Highland MC. Therefore, the Project's use of electricity, natural gas, and telecommunications would be less than significant. Refer to Section 4.6 Energy, for more information regarding the Project's impact concerning electricity and natural gas.

Mitigation Measures: No mitigation is required.

b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Less than Significant Impact. As previously noted above, the Project would be served with potable water by EVWD, which is 26.54 million gallons of water per year (m/gal/yr) and is comprised of groundwater, imported water and surface water. Based on the data reflected in the 2020 IRUWMP, EVWD is projected to have a water production potential of 24,923 acre-feet per year (AFY) to 28,188 AFY in a single dry year and multiple projected dry years, with a 3,677 AFY water supply surplus.[68] Therefore, the Project would have sufficient water supplies throughout future operations during normal, dry, and multiple dry years due to EVWD's excess water supply. Additionally, a will-serve letter provided by EVWD confirmed that there would be sufficient water resources to supply the Project. Impacts would be less than significant.

Mitigation Measures: No mitigation is required.

c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less than Significant Impact. As discussed above, the EVWD would have sufficient wastewater treatment facilities and capacity to service the Project. The Project also proposes sewer improvements to and from the Project site. service the Project. A due diligence report conducted for the Project concluded that no issues with the capacity of downstream facilities would occur with implementation with the Project. The Project Applicant would also pay a pass-through fee to the City of San Bernardino required for treatment. Therefore, the EVWD has adequate capacity to serve the Project's projected demand, and impacts would be less than significant.

Mitigation Measures: No mitigation is required.

[68] Water Systems Consulting, Inc. (2022). *2020 IRUWMP – EVWD 2020 UWMP*. Available at: https://eastvalley.org/DocumentCenter/View/2734/Part-2-Chapter-6_EVWD-2020-UWMP_Final (accessed January 2023).

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact. Solid waste service for the City is provided by the Mid-Valley and San Timoteo landfills. The San Timoteo landfill is located in the City of Redlines, approximately seven miles to the south, and it is the closest landfill to the Project site. According to CalRecycle, the San Timoteo landfill has a maximum permitted throughput of 2,000 tons per day. The landfill has a maximum permitted capacity of 23,685,785 cubic yards, and a remaining capacity of 12,360,396 cubic yards.[69]

The Project would generate solid waste in both short-term construction and long-term operation phases. According to CalRecycle's Estimated Solid Waste Generation Rates, the Project is anticipated to generate the following pounds of waste:[70]

Warehouse: 13.82 lb/emp/day

- Proposed Industrial building = 13.82/285 emp/day
  = 3,939 lbs/day

As previously shown, the Project's total anticipated solid waste would be approximately 3,939 lbs per day or 1.97 tons per day. When compared to the San Timoteo landfill, the Project's solid waste generation would equate to 0.09 percent of the landfill's maximum permitted throughput. Therefore, the Project would not generate solid waste in excess of State or local standards, and impacts would be less than significant.

Mitigation Measures: No mitigation is required.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. The Project is required to adhere to all applicable Highland MC ordinances pertaining to waste reduction, recycling, and management which includes, but is not limited to, Highland MC Chapter 8.13 Mandatory Organic Waste Disposal Reduction and Chapter 8.12, Integrated Waste Management. The Project would also implement BMPs pursuant to the Project's WQMP and SWPPP that would help reduce solid waste generation and runoff via stormwater. Therefore, with adherence of applicable State, and local regulations, impacts would be less than significant.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

The context for accessing cumulative impacts to utilities varies depending on project's location to each service area and the capacity of the utility. Long-term maintenance and expansion of both wet and dry utilities would be required as the region continues to grow. Development of public utility infrastructure is

[69] CalRecycle. (2023). *San Timoteo Sanitary Landfill (36-AA-0087)*. Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1906?siteID=2688 (accessed January 2023).
[70] CalRecycle. (1993). *Estimated Solid Waste Generation Rates*. Available at: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates (accessed January 2023).

part of an extensive planning process involving utility providers and jurisdictions with discretionary review authority. Projects are required to coordinate with the City and service provider to ensure that adequate utility resources are available to serve the cumulative demand of planned and future projects. Therefore, each individual project would be subject to review for utility capacity to avoid unanticipated interruptions in service or inadequate supplies. Coordination with service providers would also allow for the provision utility services. Furthermore, all projects are subject to applicable development impact fees, connection fees, and service fees designed to maintain and incrementally expand infrastructure to meet existing and growing demand.

The Project would require both wet and dry utilities for construction and operational activities. As concluded in the analysis above, the Project would have a less than significant impact to existing utilities and service systems. Therefore, the Project would not create a significant impact on utilities and services, no significant cumulative impacts would occur.

4.20 WILDFIRE

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

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. CAL FIRE's VHFHSZ in Local Responsibility Areas Map (LRA) for the City shows that the Project site is not located in or near a State Responsibility Area (SRA). The nearest SRA to the Project site is located approximately 1.1 miles southeast, generally located between I-210 and Orange Street. The Project site is located in an LRA and not classified as a high or very high FHSZ. The closest VHFHSZ is located approximately 2.3 miles northeast of the Project site. Review of Highland GP Public Health and Safety Element, Figure 6-6, supports the finding that the Project site is located in or near an SRA and the Project site is not with a VHFHSZ. Therefore, no impact associated with the substantial impairment of an adopted emergency response plan would occur.

Mitigation Measures: No mitigation is required.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. Refer to response a). The Project is not located in or near an SRA and the Project site does not contain lands classified as VHFHSZ. The Project site is relatively flat and near urban development. Therefore, the Project would not exacerbate wildfire risks, and thereby expose

project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impact would occur.

Mitigation Measures: No mitigation is required.

c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

No Impact. Refer to response a). The Project site is not located in or near an SRA and the Project site does not contain lands classified as VHFHSZ. The Project would include construction of a warehouse and associated infrastructure improvements. Development of the Project would not increase the risk of fire nor would it require the installation/maintenance of infrastructure near or in a SRA that would exacerbate fire risk. Therefore, no impact would occur.

Mitigation Measures: No mitigation is required.

d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

No Impact. Refer to response a). The Project site is not located in or near an SRA and the Project site does not contain lands classified as VHFHSZ. The Project site is located in an urbanized area and therefore would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes associated areas within a SRA. Therefore, no impact would occur.

Mitigation Measures: No mitigation is required.

Cumulative Impacts

As concluded above, Project site is not located in or near an SRA and the Project site does not contain lands classified as VHFHSZ. Accordingly, the Project, related to wildfire hazards, would not contribute to an increase in other impacts including pollution, flooding, and emergency access and evacuation. Since the Project would not have any wildfire-related impacts, the Project would also not contribute to any potential cumulative impacts.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS Issues		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
21.	**MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:**				
a)	Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant with Mitigation Incorporated. All impacts concerning the substantial degradation to the quality of the environment, including impacts to the habitat of a fish or wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plant or animal species, and historical and prehistorical resources were evaluated as part of this IS/MND. As concluded in **Section 4.4, Biological Resources**, **Section 4.5, Cultural Resources** and **Section 4.17, Tribal Cultural Resources**, impacts would be less than significant with the implementation of **MMs BIO-1, CUL-1, GEO-1, TCR-1,** and **TCR-2**. Therefore, with the implementation of mitigation measures, the Project would not substantially degrade the quality of the environment as impacts would be reduce to a less than significant level.

Mitigation Measures: See **MMs BIO-1, CUL-1, GEO-1, TCR-1,** and **TCR-2** in their respective sections.

b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Less than Significant with Mitigation Incorporated. As discussed throughout this IS/MND, the Project would not have impacts that would be cumulatively considerable. In all instances where the Project has the potential to contribute to a cumulatively considerable impact to the environment, mitigation has been imposed to reduce potential effects to less than significant levels. As such, incorporation of **MM HRA-1** (refer to Section 4.8, Greenhouse Gas Emissions), the Project would reduce potential significant greenhouse gas effects.

Mitigation Measures: See **MM HRA-1** in Section 4.8, Greenhouse Gas Emissions of this IS/MND.

c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less than Significant with Mitigation Incorporated. The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this IS/MND in each respective section. No portion of the proposed Project is anticipated to have or cause a cumulative environmental effect that would cause substantial effects on human beings with implementation of **MM HRA-1**. A less than significant impact is anticipated to occur.

Mitigation Measures: See **MM HRA-1** in Section 4.8, Greenhouse Gas Emissions of this IS/MND.

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Exhibit 2:

Mitigation Monitoring and Reporting Program

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
BIOLOGICAL RESOURCES				
MM BIO-1: If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.	Project Applicant; Biological monitor	Prior to construction start	City of Highland	
CULTURAL RESOURCES				
MM CUL-1: Historical and Archaeological Resources a) If archaeological resources are unearthed by project construction activities, these shall be evaluated by a qualified archaeologist and tribal monitor/consultant. If the resources discovery of any tribal cultural or archaeological resources, construction activities in the immediate vicinity of the find shall cease until the find can be assessed. If all finds are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place. b) Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic	Project Applicant; Qualified Archeologist	During construction activities	City of Highland	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes. c) Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.				
MM CUL-2: 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 Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) 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. 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 YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly. 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.	Project Applicant; Qualified Archaeologist	During construction activities	City of Highland	
GEOLOGY AND SOILS				

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
MM GEO-1: In the event that paleontological resources are found during excavation or grading activities, a Paleontological Construction Monitoring and Compliance Plan will be prepared and implemented to reduce potential impacts to paleontological resources to less than significant which includes the following: ▪ Prior to substantial excavations into older finer-grained Quaternary deposits, the Applicant shall retain a paleontological monitor, trained, and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of substantial earth-disturbing activities. ▪ Should fossils be found within an area being cleared or graded, earth-disturbing activities shall be diverted elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor shall immediately divert construction and notify the monitor of the find. ▪ All recovered fossils shall be prepared, identified, and curated for documentation in the summary report and transferred to an appropriate depository (i.e., San Bernardino County Museum). ▪ A summary report shall be submitted to the City of Highland. Collected specimens shall be transferred with a copy of the report to the San Bernardino County Museum. ▪ The construction can re-commence with approval of the City of Highland.	Project Applicant; Qualified Archaeologist	During construction activties	City of Highland	
GREENHOUSE GAS EMISSIONS				
HRA-1: Only electric-powered off-road equipment (e.g., yard trucks/hostlers, forklifts, indoor material handling equipment, etc.) shall be utilized onsite for daily warehouse and business operations. The Project developer/facility owner shall disclose this requirement to all tenants/business entities prior to the signing of any lease agreement. In addition, the limitation to use only electric-powered off-road equipment shall be included in all leasing agreements. Prior to issuance of a Business License for a new tenant/business entity, the Project developer/facility owner and tenant/business entity shall provide to the City of Highland Planning Department and Business License Department a signed document (verification document) noting that the Project development/facility owner has disclosed to the tenant/business entity the requirement to use only electric-powered equipment for daily operations. This verification document shall be signed by authorized agents for the Project developer/facility owner and tenant/business entities. In addition, if applicable, the tenant/business entity shall provide documentation (e.g.,	Project Applicant; Facility Owner	Prior to issuance of a Business Licence	City of Highland	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
purchase or rental agreement) to the City of Highland Planning Department and Business License Department to verify, to the City's satisfaction, that any off-road equipment utilized will be electric-powered.				
TRIBAL CULTURAL RESOURCES				
MM TCR-1: The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CUL-2, 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 YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.	Project Applicant; Qualified Archaeologist	During construction activities	City of Highland	
MM TCR-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 dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Project Applicant; City of Highland	During construction and operations	City of Highland	

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. 2023-028 was duly and regularly adopted by the Planning Commission of the City of Highland, California, at a regular meeting thereof held on the 20th day of June 2023, by the following vote:

AYES: Hamerly, Miller, Thomas

NOES: None

ABSTAIN: None

ABSENT: Amaya, Sutorus

Camille Goritz, Administrative Assistant III

Attachment 1:

Resolution 2025-___ Approving Extension of Time Application (EXT 25-001)

RESOLUTION NO. 2025 –___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND APPROVING A ONE (1) YEAR EXTENSION OF TIME (EXT 25-001) FOR DESIGN REVIEW APPLICATION (DRA 22-022), AND TENTATIVE PARCEL MAP NO. 20680 (TPM 22-011) RELATED TO THE DEVELOPMENT OF A 284,917 SQUARE FOOT WAREHOUSE LOCATED AT THE NORTHWEST CORNER OF PALM AVENUE AND MEINES STREET.

ASSESSOR'S PARCEL NUMBER: 1192-621-02 to 08, 1192-621-20 to 23, 1192-601-05, 09, & 43

APPLICANTS: Lovett Industrial

A. RECITALS

1. On June 20, 2023, the Planning Commission adopted Resolution No(s). 2023-026, 2023-027, and 2023-028, approving Design Review Application (DRA 22-022), Tentative Parcel Map No. 20680 (TPM) 22-011 and Certifying a Mitigated Negative Declaration (ENV 23-004) for the development of a 284,917 square foot warehouse on approximately 12.8 acres located at the northwest corner of Palm and Meines St.

2. Pursuant to the California Environmental Quality Act, a Notice of Determination for Mitigated Negative Declaration (ENV 23-004) was filed with the San Bernardino County Clerk of the Board of Supervisors on June 27, 2023. On June 20, 2023, the City of Highland Planning Commission adopted Resolution No. 2023-028, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

3. The subject entitlements were valid for a period of three years, expiring on June 20, 2026.

4. In January of 2025, the Applicant submitted an Extension of Time (EXT 25-001) application to extend the expiration date of Design Review Application (DRA-22-022), and Tentative Parcel Map No. 20680 (TPM 22-011) for an additional one (1) year to June 20, 2027.

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:

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 April 1, 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 April 1, 2025, for Extension of Time (EXT 25-001) for Design Review Application (DRA-22-022), and Tentative Parcel Map No. 20680 (TPM 22-011) are true and correct and uphold all previous findings as stated in the adopted Resolution No(s). 2023-026, 2023-027, and 2023-028 incorporated herein by reference.

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. 25-001, subject to the original conditions of approval, granting a one (1) year Extension of Time, to June 20, 2027, for Design Review Application (DRA-22-022) and Tentative Parcel Map (TPM 22-011) related to the development of a 284,917 square foot warehouse.

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 1st day of April 2025.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez,
Community Development Director

STAFF REPORT

TO THE PLANNING COMMISSION

DATE: April 1, 2025

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director
Maricella E. Marroquin, City Attorney

PREPARED BY: Angela Tafolla, Associate Planner

SUBJECT: Municipal Code Amendment No. 24-001: Housing Element Implementation Ordinance of the City of Highland amending portions of Title 5 (Business License and Regulations), Title 8 (Health and Safety), and Title 16 (Land Use and Development Code) of the Highland Municipal Code.

LOCATION: City-Wide

RECOMMENDATION: Staff recommends the Planning Commission approve Resolution No. 25 – ____ recommending the City Council approve Municipal Code amendment 24-001:

1. Adopt a Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board, and;

2. Introduce an Ordinance to amend Chapter 5.34 (Multiple-Family and other Rental Units) of Title 5, and amend various Chapters of Title 16 (Land Use and Development Code) of the Highland Municipal Code (HMC) for the implementation of the 6th Housing Element Programs, mandatory State Legislation updates, and to correct Municipal Code ambiguities and inconsistencies.

Approved _____	Motion _____	Second _____	Agenda Item No. 5
Denied _____	Ayes _____ Noes _____ Abstain _____ Absent _____		File No. _____

Recording Secretary

Community Development Director

3. Introduce an Ordinance to amend Section 16.44.180 (Accessory Dwelling Units) of Title 16 (Land Use and Development Code) of the Highland Municipal Code to implement Program 12 of the 6th Cycle Housing Element and ensure consistency with recent State housing legislation, including AB 671, AB 1332, AB 976, and AB 1033. The proposed amendment promotes the development of ADUs as a means to increase affordable housing opportunities and ensures the City's regulations remain compliant with State law.

4. Select a preferred site from the two proposed areas under consideration for potential rezoning to accommodate high-density multifamily residential development. Staff will use the Planning Commission's direction to prepare a formal General Plan Amendment and Zone Change for future public hearing and Council consideration.

FISCAL IMPACT: The proposed Municipal Code Amendment is a City-initiated project. Costs associated with this amendment include Staff and City Attorney time, public notices, meetings, and other administrative functions.

ENVIRONMENTAL REVIEW: The draft Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to the General Rule (14 C.C.R. Section 15061(b)(3)) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. Additionally, the draft Ordinance qualifies for exemption under CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3). Under these provisions, an activity is not subject to CEQA if it does not involve a discretionary action by a public agency, will not result in a direct or reasonably foreseeable indirect physical change in the environment, or does not meet the definition of a "project" under Section 15378 of the CEQA Guidelines. This Ordinance involves amending multiple code sections to ensure compliance with state legislation, streamline processes, and promote sustainable development practices. These amendments benefit residents and developers by providing more opportunities for housing and businesses, imposing limitations through proposed guidelines and regulations, and supporting public health, safety, and welfare. There is no possibility of significant environmental effects as the Ordinance only revises Land Use and Development Code provisions to enhance regulatory clarity and compliance and does not propose any specific development projects. The potential environmental impacts of the proposed revisions are insignificant since the amendments are primarily administrative and procedural. The changes align the City's regulations with recent state laws, correct ambiguities, and improve regulatory efficiency without substantial physical changes to the environment. The benefits, such as

promoting affordable housing, enhancing public health and safety, and ensuring regulatory compliance, outweigh any minimal potential impacts. Staff will file a Notice of Exemption with the County Clerk of the Board once the City Council has made a determination. No further environmental review is required.

PUBLIC NOTICE: As required by City Council Resolution, notice of the public hearing was posted at the City's three (3) designated posting locations and the notice was also posted on the City's website. A display ad was published in the San Bernardino Sun newspaper on March 12, 2025. All noticing required by the Highland Municipal Code and State Law including Assembly Bill 2904 have been made.

PUBLIC COMMENT: Staff received one (1) public comment in response to the public notice at the time of preparing this staff report. The comment expressed concerns about the proposed zone changes near Aurantia Park, including the loss of semi-rural character, displacement of local wildlife, increased noise, overcrowding in local schools, and negative impacts on neighborhood quality of life.

Staff acknowledges the concerns raised regarding potential impacts to neighborhood character, wildlife, and school capacity. The draft zoning change areas are still under evaluation, and no final site has been selected. These concerns will be carefully considered as part of the site selection process to ensure compatibility with surrounding uses and to minimize potential impacts.

BACKGROUND: Under State Planning Land Use Law, a City's General Plan must include a comprehensive, long-term plan for its physical development, covering both the City and related areas outside its boundaries (Sphere of Influence). A General Plan must contain seven mandatory elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety, and may include optional elements as appropriate.

The Housing Element, one of the mandatory elements, must be updated every eight years, a period referred to as a "Cycle." This ensures that housing analysis is performed on a regional level in conjunction with other communities. The current Housing Element for the City of Highland covers the planning period from October 15, 2021, to October 15, 2029, known as the "6th Cycle" Housing Element.

On June 13, 2023, the City Council adopted Resolution No. 2023-035 approving the City's Draft 2021-2029 Housing Element and related CEQA Documents.

On August 18, 2023, the California Department of Housing and Community Development (HCD) certified the City's 2021-2029 Housing Element.

Some of the Housing Element programs require updates to zoning ordinances and amendments to the municipal code. The Housing Element also mandates the City to implement these programs within specified timeframes.

Additionally, the proposed Municipal Code Amendments are part of an ongoing effort to address changes in state legislation, the economy, and development trends. The details of these proposed changes are outlined in the attached Ordinance (Attachment 2).

On February 18, 2025, the previously advertised Planning Commission meeting was cancelled and continued to April 1, 2025, to allow staff additional time to address comments and revisions requested by the City Attorney.

PROJECT REVIEW/ANALYSIS:

The implementation of Housing Element programs is crucial for aligning land use policies with the housing needs identified by the California Department of Housing and Community Development (HCD) and the City. To meet the requirements of the 2021-2029 Housing Element, the City must update zoning ordinances, designate adequate sites for various housing densities, and remove regulatory barriers. This ensures the City can accommodate the projected housing growth specified in the Regional Housing Need Assessment (RHNA). These updates must be completed within the HCD's specified timeframe to maintain compliance and ensure the City can effectively address both current and future housing demands.

Seven (7) of the thirty-three (33) programs included in the 6th Cycle Housing Element are being prioritized in the first-round implementation.

Program #	Program	Objectives
2	Multiple-Family Rental Program	Amend the Municipal Code to eliminate the provisions of the Crime Free Multiple-Family Rental-Housing Program ordinance in compliance with fair housing requirements and the federal Fair Housing Act.
6	Denisty Bonus	Update Density Bonus Ordinance, consistent with State law.
12	Accessory Dwelling Units	Update the City's ADU ordinance.
18	Group Homes and Residential Care Facilities	The City will update the Zoning Code to create separate definitions and permitting processes for Residential Care Facilities based on size, allowing those serving six or fewer residents in all single-family zones under general laws, and permitting those serving seven or more in at least one zone without discretion.
19	Emergency Shelters, Transistional Housing, Permanent Supportive Housing, and Single Room Occupancy	The City will update the Zoning Code to support the develoment of housing for special needs and extremely low-income households, ensuring consistency with State law. The City will amend the Zoning Code to establish a process for permitting single-room occupancies (SRO) to increase housing opportunities for extremely low-income households and simplify and standardize parking regulations to eliminiate barriers to emergency shelter development.
27	Low Barrier Navigation Centers (LBNC)	The City will amend the Zoning Code to allow Low-Barrier Navigation Centers by-right in mixed-use and non-residential zones that permit residential uses, in accordance with AB 101 (2019). These centers provide temporary housing and connect individuals experiencing homelessness to various support services, aiming to transition them into permanent housing.
33	Strategically Enhance Access to Areas of Opportunity	Rezone sites of at least 5 acres in moderate- or high-opportunity areas, as identified by TCAC Opportunity Maps or similar data sources, to allow multifamily residential development with a maximum density of 30 dwelling units per acre, increasing housing options in resource-rich locations.

PROPOSED AMENDMENTS

This staff report provides an analysis and summary of proposed amendments to the Highland Municipal Code to implement programs from the 2021-2029 6th Cycle Housing Element. In addition to aligning with the Housing Element, these amendments ensure compliance with recent state legislation, update definitions, clarify regulations, and streamline processes to support the City's development objectives. Additional code sections have also been revised to address inconsistencies and ambiguities identified by staff during the review process.
The following summary outlines the specific chapters/sections being amended, presented in chronological order.

Title 5, Business License and Regulations

Chapter 5.34.020 – Special Business License Provisions:
This amendment removes the crime-free multiple-family rental housing program provisions in compliance with AB 1418. This change reflects the state's directive to eliminate requirements that may pose undue burdens on property owners and tenants (HE Program 2).

Title 8, Health and Safety

Chapter 8.36 – Heritage Trees
This chapter will be removed in its entirety due to redundancy with Section 16.64.040 – Heritage Tree Preservation Requirements.

Title 16, Land Use and Development

1. Chapter 16.06 - Definitions

Section 16.06.120 – L Definitions:
A new definition for "Low barrier navigation centers" will be added. These centers are essential for providing housing and support services to homeless individuals, in line with state legislation AB 101(HE Program 27).

Section 16.06.040 – D Definitions:
The definition of "Day Care Facility" is amended to comply with SB 234, ensuring that large family day care homes are treated the same as small family day care homes. Additionally, the definition is updated to reflect the revised number of children that can be cared for, as specified in state law.

Section 16.06.180 – R Definitions:
The definition of "Residential care facility" is amended to provide clarity and ensure consistency with state laws and regulations. This amendment aligns the City's code with current state standards for residential care facilities (HE Program 18).

2. Chapter 16.08, Permits and Approvals

Sections 16.08.090.B and 16.08.090(c)1 – Design Review:
The threshold for Major Design Review will be adjusted from four (4) to five (5) units and for Minor Design Review will be changed from three (3) to four (4) units. This change further simplifies the review process and expedites approval for small-scale projects.

Section 16.08.100 – Large Family Day Care Permits:
References to large family day care permits will be deleted in compliance with SB 234. This amendment aligns the City's regulations with state law.

3. Chapter 16.12, Special Districts

Section 16.12.010 – Planned Development (PD) District:
Low-Barrier Navigation Centers are service-enriched shelters that prioritize moving individuals experiencing homelessness into permanent housing. These centers provide temporary living facilities and connect residents to income, public benefits, health services, shelter, and housing. The City will amend the Zoning Code to permit Low-Barrier Navigation Centers by-right in the Mixed-Use (MU) and Planned Development (PD) zoning district as mandated by AB 101 (HE Program 27).

4. Chapter 16.16, Residential Uses

Table 16.16.030.A – Group Homes and Residential Care Facilities &
Single Room Occupancy (SRO) and Transitional Housing:
To comply with state housing laws and HCD's technical advisory, the code will be amended for licensed group homes serving six or fewer residents to be treated the same as single-family homes and permitted in all single-family zones, while those serving seven or more will be permitted in at least one zone without discretion. Unlicensed group homes that do not provide licensable services will also be permitted in single-family zones, subject to the same health, safety, and zoning laws that apply to all single-family residences. These updates will ensure the City's regulations align with the Health and Safety Code and state housing laws (HE Program18).

Additionally, supportive housing will be permitted by right in residential zones that allow multifamily uses and Single Room Occupancy (SRO) units will be allowed as a conditionally permitted use in the A/EQ, R-1, R-2, R-3 HDS and VR zones in accordance with AB 2162 (2018) and AB 139 (2019) (HE Program 19).

Table 16.16.030.A – Large Family Day Care:
To comply with SB 234, the City will amend the permitted uses in residential districts to eliminate application requirements for in-home daycares, aligning with SB 234.

5. Chapter 16.22, Mixed Use District

Table 16.22.030.A – Uses Permitted Within the Mixed-Use District:
Low-Barrier Navigation Centers are service-enriched shelters focused on transitioning individuals experiencing homelessness into permanent housing. These centers provide temporary living facilities and connect residents to income, public benefits, health services, shelter, and housing. The City will amend the Zoning Code to permit Low-Barrier Navigation Centers by-right in the Mixed-Use (MU) and Planned Development (PD) zoning districts, as mandated by AB 101. Additionally, the Zoning Code will establish a process for permitting Single Room Occupancies (SROs) to further increase housing opportunities for extremely low-income households (HE Programs 27 and 19).

6. Chapter 16.24, Employment Districts

Tables 16.24.030.A and 16.24.040.A – Employment District Permitted Uses and Development Standards:
Height standards in the Employment District will be updated to align with modern construction standards, supporting contemporary building practices and fostering economic development. Additionally, semi-trailers, tractor units, and tractor-trailer combinations will be explicitly listed as prohibited uses for storage, parking, and staging when not associated with an established or proposed facility, eliminating ambiguities related to standalone industrial vehicle uses.

7. Chapter 16.40, General Development Standards

Section 16.40.030 – Accessory Structures:
Proposed amendments align structure spacing with building code standards, introduce height and size limitations for accessory structures, and address the lack of square footage restrictions in the current code. Larger structures will require Planning Commission approval through a Staff Review Permit, ensuring safety, compatibility, and consistency with zoning standards.

Section 16.40.090 – Density Bonus:
The density bonus section is updated consistent with AB 1287, AB 323, SB 713, AB 2345, AB 3116, AB 2694, AB 3116, and AB 2430 and is streamlined to reference the provisions of Government Code Section 65915 to minimize revisions in the future (HE Program 6).

8. Chapter 16.44, Specific Use Development Standards

Section 16.44.180 – Accessory Dwelling Units:
Provisions for accessory dwelling units (ADUs) will be updated to comply with the most current state laws, AB 1332, AB 976, AB 345, AB 602, AB 9165, AB 2221, SB 897, SB 1211, and AB 2533. This amendment promotes the development of ADUs as a means to increase housing availability (HE Program 12).

To facilitate State review and ensure compliance with State law, a separate ordinance specifically addressing ADUs has been prepared for review and approval.

Section 16.44.270 - Emergency Shelters and Single Room Occupancy (SRO):
To align with AB 139, the Emergency Shelters section of the Code will be amended to simplify parking requirements and include Single Room Occupancy uses.

Proposed Rezoning Sites for Housing Element Program 33 Implementation

Housing Element Program 33: Strategically Access to Areas of Opportunity:
As part of Housing Element Program 33, the City is exploring opportunities to strategically enhance access to areas of opportunity by identifying sites for potential rezoning to accommodate higher-density multifamily residential development. At this stage, staff has identified two possible locations for consideration by the Planning Commission and public. These sites were selected based on their alignment with the goals of increasing housing diversity and fostering equitable access to resources in moderate- and high-opportunity areas. Should these sites prove satisfactory following input, staff will return with an official zoning amendment proposal for Planning Commission recommendation to the City Council for final approval (Attachment 2)

> **Area of consideration 1**- A portion of 9 acres with a General Plan Land Use designation of Low Density Residential (2.1-6.0 du/ac). This area is currently zoned Single-Family Residential (R-1 10,000) and consists of eight (8) parcels located on the north side of Greenspot Road, between Weaver Street and Aurantia Park. The involved parcels are identified as APNs: 1210-271-07; 1210-271-03; 1210-271-02; 1210-271-01; 1210-271-09; 1210-271-08; 1210-271-04; and 1210-271-11.
>
> **Area of consideration 2** - Approximately 5 acres with a General Plan Land Use designation of Argriculture/Equestrian (0-2.0 du/ac). This area is currently zoned Agriculture/Equestrian (A/EQ) and consists of ten (10) parcels located on the north side of Greenspot Road, east of MediTerra Planned Development and west of the Old Greenspot Bridge. The involved parcels are identified as APNs: 0297-041-07; 0297-201-04; 0297-201-07; 0297-061-50; 0297-061-07; 0297-061-42; 0297-061-42; 0297-061-26; 0297-061-13; and 0297-061-25.

The two areas under consideration, whichever is selected, will require a zone change and General Plan amendment to accommodate a transition to Planned Development (PD) with a high-density residential overlay allowing a minimum of 20 dwelling units per acre (du/ac) and a maximum of 30 du/ac. In alignment with Housing Element Program 33, a minimum of 5 acres will be high density residential. The chosen site will offer the flexibility for the entire area to be developed at high density or, at minimum, 5 acres dedicated to high-density residential development, with the remaining area available for lower-density housing or commercial uses at the discretion of the developer.

RECOMMENDATION:

The proposed amendments to the Highland Municipal Code are necessary to align local regulations with state laws, clarify definitions, and streamline processes. These changes will support the City's development goals, promote housing availability, and ensure regulatory compliance. The full text of the proposed ordinances can be found in the draft City Council Ordinances: one addressing general code amendments and a separate ordinance specifically addressing accessory dwelling unit (ADU) regulations. Both ordinances are included for consideration. (Attachment 1 - Planning Commission Resolution, General Code Update & Attachment 2 - Planning Commission Resolution, Accessory Dwelling Unit)

Staff recommends the Planning Commission review the Draft City Council Ordinances, provide comments as appropriate, and recommend the draft Ordinances be submitted to the City Council for consideration. Additionally, staff requests the Planning Commission select a preferred site from the two areas identified for potential rezoning under Housing Element Program 33, to allow staff to move forward with preparing a formal General Plan Amendment and Zone Change application for future public hearing and City Council consideration.

Attachments:

1. (General Code Update) Planning Commission Resolution No. 25 - _____
   a. Exhibit "A" – Draft City Council Ordinance No. ____
2. (Accessory Dwelling Units) Planning Commission Resolution No. 25 - _____
   a. Exhibit "A" - Draft City Council Ordinance No. _____
3. Housing Element Program 33: Proposed Rezoning Sites for Discussion
4. Public Comment email received 2/27/25

ATTACHMENT 1

(General Code Update) Planning Commission Resolution No. 25 - _____

Exhibit "A" – Draft City Council Ordinance No. ____

RESOLUTION NO. 2025 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS), TITLE 8 (HEALTH AND SAFETY), AND TITLE 16 (LAND USE AND DEVELOPMENT CODE) OF THE HIGHLAND MUNICIPAL CODE TO UPDATE DEFINITIONS, AMEND HEIGHT STANDARDS, REVISE DESIGN REVIEW PROCESSES, UPDATE PROVISIONS FOR ACCESSORY STRUCTURES, DWELLING UNITS, AND ACCESSORY DWELLING UNITS, MODIFY DEVELOPMENT DENSITY REQUIREMENTS, REGULATE MARIJUANA USES, ADD LOW-BARRIER NAVIGATION CENTERS, ESTABLISH SINGLE ROOM OCCUPANCY HOUSING STANDARDS, AND MAKE A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (MUNICIPAL CODE AMENDMENT MCA 24-001)

A. RECITALS

1. The City of Highland Planning Commission held a public hearing at the Highland City Hall Council Chambers in Highland, California, on April 1, 2025 at 6:00 p.m. Notice of said public hearing having been duly given as required by law, and in accordance with the provisions of the Highland Municipal Code, to hear and consider evidence for and against said Land Use and Development Code Amendments and Notice of Exemption, and investigate and make findings and recommendations in connection therewith.

2. On April 1, 2025, the Planning Commission of the City of Highland, conducted a Public Hearing on the subject Project and concluded the Hearing on that date.

3. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

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

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

2. Based upon substantial evidence presented to the Planning Commission during the April 1, 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.

3. The Planning Commission hereby adopts the Notice of Exemption which is attached hereto and incorporated herein by reference.

4. The Planning Commission hereby instructs City staff to file a Notice of exemption with the Clerk of the Board of the Supervisors of the County of San Bernardino, pursuant to the Public Resources Code and State CEQA Guidelines.

5. Notice of Exemption:

   a. The Notice of Exemption was prepared for the proposed project Pursuant to the General Rule (14 C.C.R. Section 15061(b)(3)) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment since the Code Amendment is not proposing development of a project. Additionally, the draft Ordinance qualifies for exemption under CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3). Under these provisions, an activity is not subject to CEQA if it does not involve a discretionary action by a public agency, will not result in a direct or reasonably foreseeable indirect physical change in the environment, or does not meet the definition of a "project" under Section 15378 of the CEQA Guidelines. This Ordinance involves amending multiple code sections to ensure compliance with state legislation, streamline processes, and promote sustainable development practices. These amendments benefit residents and developers by providing more opportunities for housing and businesses, imposing limitations through proposed guidelines and regulations, and supporting public health, safety, and welfare. There is no possibility of significant environmental effects as the Ordinance only revises Land Use and Development Code provisions to enhance regulatory clarity and compliance and does not propose any specific development projects. The potential environmental impacts of the proposed revisions are insignificant since the amendments are primarily administrative and procedural. The changes align the City's regulations with recent state laws, correct ambiguities, and improve regulatory efficiency without substantial physical changes to the environment. The benefits, such as promoting affordable housing, enhancing public health and safety, and ensuring regulatory compliance, outweigh any minimal potential impacts.

6. Municipal Code Amendment Findings (MCA 24-001):

   a. The proposed revision is consistent with the goals, objectives, policies, and programs of the general plan, and is necessary and desirable to implement the provisions of the general plan.

Response: The proposed Municipal Code amendments to the Land Use and Development Code are consistent with the General Plan's Goals, Objectives, Policies, and Programs and are necessary to implement its provisions. These updates ensure compliance with recent state legislation, support development goals, clarify definitions, correct ambiguities, and streamline processes. Additionally, they facilitate the implementation of the Housing Element, ensuring the City meets its housing needs under state law. By aligning with state legislation and current development needs, these amendments ensure the City's regulations are clear, effective, and promote sustainable growth, making them essential for the General Plan's implementation.

b. The proposed revision will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern.

Response: The proposed Municipal Code amendments to Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), and Title 16 (Land Use and Development) will not negatively impact public health, safety, or welfare, nor will they create an illogical land use pattern. These carefully designed changes aim to enhance the regulatory framework, ensure public health and safety, and promote logical, sustainable land use patterns. Additionally, the amendments incorporate state-mandated changes, ensuring compliance with recent legislation. Thus, the amendments will provide clear, and efficient regulations that benefit the entire City, fostering a well-balanced and thriving community.

c. The proposed revision is consistent with the purpose and intent of the remainder of this title not under consideration.

Response: The proposed amendments to Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), and Title 16 (Land Use and Development) are consistent with the purpose and intent of the existing Land Use and Development Code. These amendments align with the overall goals of the Code, supporting sustainable development, public health, safety, and welfare. By updating definitions, correcting ambiguities, streamlining processes, and incorporating state-mandated changes, they enhance the regulatory framework without disrupting the foundational principles. Therefore, the changes maintain consistency with the broader Code, ensuring a coherent and comprehensive approach to city planning and development. The remainder of this title not under consideration will remain consistent.

d. The potential environmental impacts of the proposed change of zone or revision are insignificant or there are overriding considerations which outweigh the potential impacts.

Response: The adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) under the General Rule (14 C.C.R. Section 15061(b)(3)), which applies only to projects with the potential for significant environmental effects. This Ordinance involves amending multiple code sections to ensure compliance with state legislation, streamline processes, and promote sustainable development practices. These amendments benefit residents and developers by providing more opportunities for housing and businesses, imposing limitations through proposed guidelines and regulations, and supporting public health, safety, and welfare. There is no possibility of significant environmental effects as the Ordinance only revises Land Use and Development Code provisions to enhance regulatory clarity and compliance and does not propose any specific development projects. The potential environmental impacts of the proposed revisions are insignificant since the amendments are primarily administrative and procedural. The changes align the City's regulations with recent state laws, correct ambiguities, and improve regulatory efficiency without substantial physical changes to the environment. The benefits, such as promoting affordable housing, enhancing public health and safety, and ensuring regulatory compliance, outweigh any minimal potential impacts.

7. Based on the Findings and Conclusions set forth above, the Planning Commission recommends the City Council adopt a Notice of Exemption and direct Staff to file a Notice of Exemption with the County Clerk of the Board; Introduce an Ordinance to amend Regulations Code and portions of the Land Use and Development Code (MCA 24-001), including Title 5 (Business License and Regulations), Title 8 (Health and Safety), Chapter 16.06 (Definitions), Chapter 16.08 (Permits and Approvals), Chapter 16.12 (Special Districts), Chapter 16.16 (Residential Uses), Chapter 16.22 (Mixed Use District), Chapter 16.24 (Employment Districts), Chapter 16.40 (General Development Standards), Chapter 16.44 (Specific Use Development Standards) attached hereto and incorporated by reference as Exhibit A.

Exhibit A – Draft Administrative Ordinance No. _____

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 1st day of April 2025.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez,
Community Development Director

Exhibit A

Draft Administrative Ordinance No. ____

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS), TITLE 8 (HEALTH AND SAFETY), AND TITLE 16 (LAND USE AND DEVELOPMENT CODE) OF THE HIGHLAND MUNICIPAL CODE TO UPDATE DEFINITIONS, AMEND HEIGHT STANDARDS, REVISE DESIGN REVIEW PROCESSES, UPDATE REGULATIONS FOR NON-CONFORMING PARCELS, USES AND STRUCTURES, UPDATE PROVISIONS FOR ACCESSORY STRUCTURES, DWELLING UNITS, AND ACCESSORY DWELLING UNITS, AMEND BUSINESS PARK BUILDING HEIGHT STANDARDS, MODIFY DEVELOPMENT DENSITY REQUIREMENTS, AND ESTABLISH SINGLE ROOM OCCUPANCY HOUSING STANDARDS, AND (1) ADD LOW-BARRIER NAVIGATION CENTERS AS PERMITTED USES IN THE MIXED USE (MU) ZONE AND IN THE PLANNED DEVELOPMENT (PD) ZONE, (2) SINGLE ROOM OCCUPANCIES AS A CONDITIONALLY PERMITTED USE IN THE A/EQ, R-1, R2, R-3, HDS AND VR ZONES, (3) RESIDENTIAL CARE FACILITIES SERVING SIX OR FEWER AS A PERMITTED USE IN THE A/EQ, R-1, VR, AND EHV ZONES AND AS PERMITTED USE WITH A STAFF REVIEW PERMIT IN R-2 AND R-2C ZONES, (4) RESIDENTIAL CARE FACILITIES SERVING SEVEN OR MORE AS A PERMITTED USE IN THE EHV ZONE AND CONDITIONALLY PERMITTED USE IN THE A/EQ, R-1, VR, AND R-2C ZONES, (5) UNLICENSED GROUP HOMES AS A PERMITTED USE IN THE A/EQ, R-1, VR AND EHV ZONES AND AS A PERMITTED USE WITH A STAFF REVIEW PERMIT IN THE R-2C, AND R-2 ZONES, AND (6) CHILD CARE FACILITIES SERVING 14 OR FEWER CHILDREN AS A PERMITTED USE IN ALL RESIDENTIAL ZONES, AND MAKE A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (MUNICIPAL CODE AMENDMENT MCA 24-001)

THE CITY COUNCIL OF THE CITY OF HIGHLAND DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Intent.

WHEREAS, the Highland City Council adopted Resolution No. 2023-035 approving the City's 6th Cycle 2021-2029 Housing Element and related CEQA Documents. The Housing Element includes a number of programs and policies and timeframes for the implementation of those programs and policies;

WHEREAS, the California Department of Housing and Community Development (HCD) certified the City's 6th Cycle 2021-2029 Housing Element;

WHEREAS, the proposed amendments support the implementation of the Housing Element by promoting the development of affordable housing, incentivizing lot consolidation, and updating regulations for accessory dwelling units, density bonuses, and group homes and residential care facilities;

WHEREAS, the existing Chapters 5, 8, and 16 of the Municipal Code sections contain outdated guidelines, regulations, standards, and permitted land uses that need to be revised to ensure compliance with current state legislation and to address the City's housing and development goals

WHEREAS, staff has re-evaluated Chapters 5, 8, and 16 of the Municipal Code and proposed modifications that will enhance the regulatory framework, streamline processes, promote sustainable development, and protect the public health, safety, and welfare of the community ("Municipal Code Amendment");

WHEREAS, the City of Highland Planning Commission held a duly noticed public hearing at the Highland City Hall Council Chambers in Highland, California, on April 1, 2025 at 6:00 P.M., and, notice of said public hearings having been duly given as required by law and in accordance with the provisions of the Highland Municipal Code, heard and considered evidence for and against said Municipal Code Amendment, and investigated and made findings and recommendations in connection herewith. At the conclusion of the public hearing on April 1, 2025, the City of Highland Planning Commission adopted Resolution No. 25-___ recommending that the City Council adopt this Ordinance; and

WHEREAS, the City of Highland City Council held a public hearing at the Highland City Hall Council Chambers in Highland, California, on _____, 2025 at 6:00 P.M., and, notice of said public hearings having been duly given as required by law and in accordance with the provisions of the Highland Municipal Code, heard and considered evidence for and against said Municipal Code Amendment, and investigated and made findings and recommendations in connection herewith. At the conclusion of the public hearing, the City of Highland City Council closed the public hearing.

WHEREAS, the City Council has found and determined as follows:

1. That the proposed changes to the Development Code, as set forth herein, are consistent with the goals, objectives, policies, and programs of the City of Highland General Plan, and are necessary and desirable to implement the provisions of the General Plan.

The proposed Municipal Code amendments to the Land Use and Development Code are consistent with the General Plan's goals, objectives, policies, and programs, and are necessary to implement its provisions. The amendments implement key strategies from the 2021–2029 6th Cycle Housing Element, including the removal of barriers to fair housing through elimination of the Crime-

Free Rental Housing Ordinance (Program 2), consistency with state density bonus law (Program 6). The updates also facilitate housing for special needs populations through by-right provisions for supportive housing and emergency shelters (Program 19), authorize Low-Barrier Navigation Centers (Program 27), streamline approval processes for qualifying affordable housing developments (Program 28), and establish objective design standards to increase development certainty and transparency (Program 29).

These updates ensure compliance with recent state legislation, support development goals, clarify definitions, correct ambiguities, and streamline processes. Additionally, they facilitate the implementation of the Housing Element, ensuring the City meets its housing needs under state law. By aligning with state legislation and current development needs, these amendments ensure the City's regulations are clear, effective, and promote sustainable growth, making them essential for the General Plan's implementation.

2. That the proposed changes to the Land Use and Development Code, as forth herein, will not adversely affect the public health, safety, and general welfare or result in an illogical land use pattern.

The proposed Municipal Code amendments to Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), and Title 16 (Land Use and Development) will not negatively impact public health, safety, or welfare, nor will they create an illogical land use pattern. These carefully designed changes aim to enhance the regulatory framework, ensure public health and safety, and promote logical, sustainable land use patterns. Additionally, the amendments incorporate state-mandated changes, ensuring compliance with recent State legislation. Consequently, the amendments will provide clear, and efficient regulations that benefit the entire City, fostering a well-balanced and thriving community.

3. The proposed revision is consistent with the purpose and intent of the remainder of this title not under consideration.

The proposed amendments to Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), and Title 16 (Land Use and Development) are consistent with the purpose and intent of the existing Land Use and Development Code. These amendments align with the overall goals of the Code, supporting sustainable development, public health, safety, and welfare. By updating definitions, correcting ambiguities, streamlining processes, and incorporating state-mandated changes, they enhance the regulatory framework without disrupting the foundational principles. Therefore, the changes maintain consistency with the broader Municipal Code, ensuring a coherent and comprehensive approach to city planning and development.

4. The potential environmental impacts of the proposed change of zone or revision are insignificant or there are overriding considerations which outweigh the potential impacts.

The adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) under the General Rule (14 C.C.R. Section 15061(b)(3)), which applies only to projects with the potential for significant environmental effects. This Ordinance involves amending multiple code sections to ensure compliance with state legislation, streamline processes, and promote sustainable development practices. These amendments benefit residents and developers by providing more opportunities for housing and businesses, imposing limitations through proposed guidelines and regulations, and supporting public health, safety, and welfare. There is no possibility of significant environmental effects as the Ordinance only revises Land Use and Development Code provisions to enhance regulatory clarity and compliance and does not propose any specific development projects. The potential environmental impacts of the proposed revisions are insignificant since the amendments are primarily administrative and procedural. The changes align the City's regulations with recent state laws, correct ambiguities, and improve regulatory efficiency without substantial physical changes to the environment. The benefits, such as promoting affordable housing, enhancing public health and safety, and ensuring regulatory compliance, outweigh any minimal potential impacts.

SECTION 2. Section 5.34.020, Special business license provisions – Crime free Multiple-Family Rental-Housing Program, of Chapter 5.34, Multiple-Family and Other Rental Units, of Title 5, Business Licenses and Regulations, of the Highland Municipal Code is hereby deleted in its entirety.

SECTION 3. Chapter 8.36, Heritage Trees of Title 8, Health and Safety, of the Highland Municipal Code is hereby deleted in its entirety.

SECTION 4. Section 16.06.120, L Definitions, of Chapter 16.06, Definitions, of Title 16, Land Use and Development Code, of the Highland Municipal Code is hereby amended to add a new definition for "Low-Barrier Navigation Center" to read as follows, with all other provisions of Section 16.06.120 remaining unchanged:

"Low-Barrier Navigation Center" means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. A Low Barrier Navigation Center may be non-congregate and relocatable. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:
(1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
(2) Pets.
(3) The storage of possessions.
(4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms."

SECTION 5. Section 16.06.040, D Definitions, of Chapter 16.06, Definitions, of Title 16, Land Use and Development Code, of the Highland Municipal Code is hereby amended to amend the definition of "Day care facility" as follows, with additions shown in bold text and deletions shown in strikethrough text, with all other provisions of Section 16.06.040 remaining unchanged:

"Day care facility" means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Day care facility includes family day care homes, infant centers, preschools, and extended day care facilities. A "family care home" is a day care facility located in a residence which regularly provides care, protection and supervision of ~~12~~**14** or fewer children from more than one other family, in the provider's own home, for periods of less than 24 hours per day, while the parent or guardians are away, and includes the following:

1. "Large family day care home" are those which provide family day care to ~~seven~~**nine** to ~~12~~**14** children, inclusive, including children who reside at the home.

2. "Small family day care home" are those which provide family day care to ~~six~~**eight** or fewer children, including children who reside at the home."

SECTION 6. Section 16.06.180, R Definitions, of Chapter 16.06, Definitions, of Title 16, Land Use and Development Code, of the Highland Municipal Code is hereby amended to amend the definition of "Residential care facility" to read as follows, with additions shown in bold text and deletions shown in strikethrough text, with all other provisions of Section 16.06.180 remaining unchanged:

~~"Residential care facility" - means any state-authorized, certified, or licensed facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, therapeutic or rehabilitative care, adult day care, residential care for the elderly, transitional housing placement, alcoholism or drug abuse recovery or treatment facilities, or foster family agency services for children or adults, including the physically handicapped, mentally impaired, incompetent persons, and abused and neglected persons, as stated the California Community Care Facilities Act (Health and Safety Code Section 1500, et seq.), Health and Safety Code Section 1250, Health and Safety Code Section 1568.0831, Health and Safety Code Section 1569.85, Health and Safety Code Section 11834.23 or Welfare and Institutions Code Section 5116.~~

"Residential Care Facility" means any state-authorized, certified, or licensed facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, therapeutic or rehabilitative care, adult day care, residential care for the elderly, transitional housing placement, alcoholism or drug abuse recovery or treatment facilities, or foster family agency services for children or adults. This includes care for individuals with physical disabilities, mental impairments, developmental disabilities,

substance recovery needs, and other vulnerable populations, as defined in the California Community Care Facilities Act (Health and Safety Code Sections 1500 et seq.). A residential care facility can also include a self-help group home that is not licensed by the State.

1. **Residential Care Facilities Serving Six or Fewer Residents (Licensed Group Home) - These facilities are considered equivalent to single-family residences and are permitted by right in all single-family residential zones, subject only to the general residential standards applicable to single-family homes.**

2. **Residential Care Facilities Serving Seven or More Residents (Licensed Group Home) - Facilities serving seven or more residents are permitted in designated residential zones, subject to discretionary review and approval. This review may include public hearings and additional criteria to ensure compatibility with surrounding land uses, in accordance with local zoning standards. Reasonable accommodations will still be available as needed to support compliance with fair housing laws and the needs of residents.**

3. **Unlicensed Group Homes (Non-licensable Services) - means any residential facility that is not licensed by the State, which, by State law, is required to be treated as a residential use of property. When serving six or fewer persons, unlicensed group homes may only be established in conjunction with a single-family dwelling."**

SECTION 7. Section 16.06.190, S Definitions, of Chapter 16.06, Definitions, of Title 16, Land Use and Development Code, of the Highland Municipal Code is hereby amended to add a definition for "Single Room Occupancy (SRO) Unit" to read as follows, with all other provisions of Section 16.06.190 remaining unchanged:

> "Single Room Occupancy (SRO) Unit" shall have the same definition as "Efficiency Unit" as defined by California Health and Safety Code section 17958.1."

SECTION 8. Subsection B of Section 16.08.090, Design Review, of Chapter 16.08, Permits and Approvals, of Title 16, Land Use and Development Code, of the Highland Municipal Code is hereby amended to read as follows, with additions shown in bold text and deletions shown in strikethrough text, with all other provisions of Section 16.08.090 remaining unchanged:

> "B. Projects Requiring Design Review. **Except as otherwise required by State law, an** ~~An~~ application for design review by the planning commission is required for all commercial, industrial, institutional, and residential projects of ~~four~~**five** or more dwelling units involving the issuance of a building permit for construction or reconstruction of a structure which meets the following criteria:
>
> 1. New construction on vacant property;

2. Structural additions which are equal to 50 percent or more of the floor area of existing on-site buildings;

3. Reconstruction projects which are equal to 50 percent or more of the floor area of existing buildings;

4. Signs as required by the sign regulations, Chapter 16.56 HMC;

5. Projects involving a substantial change or intensification of land use, such as the conversion of an existing residential structure to an office or commercial use;

6. Outdoor storage areas;

7. Landscape plans for projects requiring design review; or

8. Major public works projects, as feasible."

SECTION 9. Subsection C of Section 16.08.090, Design Review, of Chapter 16.08, Permits and Approvals, of Title 16, Land Use and Development Code, of the Highland Municipal Code is hereby amended to read as follows, with additions shown in bold text and deletions shown in strikethrough text, with all other provisions of Section 16.08.090 remaining unchanged:

C. Projects Requiring Minor Design Review.

"1. **Except as otherwise required by State law, an** ~~An~~ application for minor design review is required for residential projects with ~~three~~**four** or fewer dwelling units, **and** commercial, industrial and institutional projects not subject to design review which involve the issuance of a building permit for construction or reconstruction of a structure which meets one or more of the following criteria:

a. Structural additions which do not result in an increase of more than 50 percent of the floor area of the existing building;

b. The construction and/or placement of silos, satellite dishes, antennas, private water tanks, roof- or ground-mounted equipment visible from the public street or similar structures and equipment on existing developed properties as determined by the community development director;

c. Signs as required by Chapter 16.56 HMC;

d. Residential construction involving three or fewer dwelling units; or

e. Landscape plans for projects requiring minor design review.

2. The community development director may determine that any minor design review requires review by the planning commission."

SECTION 10. Section 16.08.100, Large Family Day Care Permit, of Chapter 16.08, Permits and Approvals, of Title 16, Land Use and Development Code, of the Highland Municipal Code is hereby deleted in its entirety.

SECTION 11. Subsections D and E of Section 16.08.150, Nonconforming Parcels, Uses and Structures, of Chapter 16.08, Permits and Approvals, of Title 16, Land Use and Development, of the Highland Municipal Code are hereby amended to read as follows, with additions shown in bold text with deletions shown in strikethrough text, with all other provisions of Section 16.08.150 remaining unchanged:

"D. Continuation and Maintenance.

1. Any nonconforming structure or use may be continued and maintained for the periods of time hereinafter set forth; provided, that there are no structural alterations, except as hereinafter provided:

a. Agricultural crops shall not be subject to the provisions of this section;

b. Agricultural uses that involve permanent structures shall be subject to the provisions of this section; however, such uses shall be permitted to make any changes or improvements that are required by any state law or local ordinance, including structural alterations that are necessary as a part thereof.

2. Any structure for which a building permit has been legally issued, and on which substantial construction has been performed in reliance thereon on the site before an amendment to the regulation or ordinance making the use or structure nonconforming, may be continued in accordance with the plans and specifications upon which the permit was issued, subject to the limitations of this section.

3. A property containing a legally established structure that does not conform with applicable development standards for front yards, side yards, rear yards, height, floor area of structures, or open space for the district in which the property is located shall be deemed to be a nonconforming structure, and may be used and maintained as provided herein.

4. A legally established sign or display which does not conform with applicable standards (see Chapter 16.56 HMC) may be used and maintained until the associated use or structure is discontinued. Off-site advertising or displays may be used and maintained as provided in HMC 16.56.190.

5. Routine maintenance and repairs may be performed on a nonconforming use, structure, or sign. However, maintenance and repairs shall not be of a nature to extend the normal life of the use, structure or sign.

6. Any legal nonconforming single-family residential structure which does not conform to current enclosed parking standards may construct a one (1) car garage or carport, provided that the property owner demonstrates that the physical limitations of the site prohibits full conformance to the Development Code standard of a two (2) car enclosed garage. Said physical limitations shall consist of any construction which would encroach upon a required front, side, street side or rear yard setback area, or the location of the existing structure(s) on site, that were legally constructed with appropriate building permit, which because of their location do not permit sufficient physical space between the structure(s) and any property where a garage, attached or detached, in conformance to the Development Code standards, could be constructed. All individual parking spaces shall conform to the Code's minimum size standards. The carport or garage shall follow the development standards of the R-1 (Single-Family) Zoning District."

E. Alterations and Enlargements of Nonconforming Uses and Structures.

1. A nonconforming use, other than those residential units or associated accessory structures listed in the exemption in subsection B of this section, shall not be moved or altered unless required by law, or unless the moving or alteration will result in the elimination of the nonconformity, except as permitted in this chapter.

2. A nonconforming use shall not be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site which it did not occupy at the time it became a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this chapter. There is an exemption, however, for the residential units or associated accessory structures listed in the exemption in subsection B of this section, which may be enlarged or extended by up to 25 percent, as measured by total floor area before and after the enlargement or extension.

3. A nonconforming structure shall not be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yards, side yards, rear yards, height of structures, distances between structures, or usable open space prescribed in the regulations for the zone in which the structure is located. **There is an exemption, however, for the residential units or associated accessory structures listed in the exemption in subsection B of this section, which, when enlarged by the allowable 25 percent, may encroach into the permitted setbacks in alignment with the existing structures, subject to compliance with the latest adopted California Building Code."**

SECTION 12. Subsection B of Section 16.12.010, Planned Development District, of Chapter 16.12, Special Districts, of Title 16 Land Use and Development Code of the Highland Municipal Code is hereby amended to read as follows, with additions shown in bold text, with all other provisions of Section 16.12.010 remaining unchanged:

"B. Use Regulations.

1. Uses within a Planned Development District shall be established by a conditional use permit, planned development, or a development plan approved for the site, as determined by the community development director.

2. Uses established by the development plan shall be consistent with the text and land use map of the general plan and any applicable planned development or specific plan for the project site.

3. Prior to the approval of a district change to "Planned Development," the conditions of approval for the conditional use permit or development plan, approved in accordance with the provisions of this chapter and Chapter 16.08 HMC, shall establish the permitted and the conditionally permitted primary and accessory uses for the planned development project.

4. Sexually oriented business shall be permitted subject to provisions of Chapter 16.72 HMC.

5. Accessory dwelling units and junior accessory dwelling units are permitted if they comply with the provisions of HMC 16.44.180.

6. Low-Barrier Navigation Centers are permitted with a conditional use permit."

SECTION 13. Subsections A, B and C of Table 16.16.030, Uses Permitted Within Residential Districts, of Section 16.16.030, Use Regulations for Residential Districts, of Chapter 16.16, Residential Districts, of Title 16, Land Use and Development, of the Highland Municipal Code are hereby amended to read as follows, with additions shown in bold text and deletions shown in strikethrough text, with all other provisions of Section 16.16.030 remaining unchanged:

"

	A/EQ	R-1	R-2	R-3	R-4	HDS	VR	R-2C	EHV
A. Residential Uses									
1. Single-family detached	P	P	SR	■	■	■	P	SR	P
(2-4 dwellings per parcel)	■	C	SR	SR	■	■	■	C	■
(5+ dwellings per parcel)	■	■	C	C	SR	■	■	C	■

	A/EQ	R-1	R-2	R-3	R-4	HDS	VR	R-2C	EHV
2. Single-family attached (duplex, triplex, fourplex)	■	■	C	SR	■	■	■	SR	■
3. Multiple-family attached	■	■	C	C	SR	SR	■	C	■
Maximum 650 units (units constructed after 650 shall comply with HMC 16.12.010						SR			
4. Mobilehome subdivisions	SR	SR	C	C	■	■	■	■	■
5. Mobilehome parks	■	C	C	C	■	■	■	■	■
6. Boarding/rooming houses (7 or more residents)	■	■	C	C	C	C	■	C	■
7. Senior independent living	SR	SR	C	C	C	C	SR	C	SR
8. Board and care facilities (7 or more residents)	■	■	C	C	C	C	■	C	■
9. Senior congregate care, assisted living	■	■	C	C	C	C	■	C	■
10. Residential Care Facility									
(licensed group home) 6 or fewer persons	**P**	**P**	**SR**	■	■	■	**P**	**SR**	**P**
(licensed group home) 7 or more persons	**C**	**C**		■	■	■	**C**	**C**	**P**
(unlicensed group home)	**P**	**P**	**SR**	■	■	■	**P**	**SR**	**P**
~~9.~~**11** Senior congregate care, assisted living	■	■	C	C	C	C	■	C	■
~~10.~~**12** Convalescent care	■	■	C	C	C	C	■	C	■
~~11.~~**13** Bed and breakfast inns	C	C	C	C	C	C	C	C	C
14. Single Room Occupancies	**C**	**C**	**C**	**C**	■	**C**	**C**	■	■
~~13.~~**15** Accessory dwelling units and junior accessory dwelling units (shall comply with the provisions of HMC 16.44.180)	P	P	P	P	P	P	P	P	P
B. Commercial Uses									
1. Hotels, motels									

	A/EQ	R-1	R-2	R-3	R-4	HDS	VR	R-2C	EHV
2. Equestrian centers, riding academies, commercial stables	C	■	■	■	■	■	■	■	■
3. Massage establishments[1]	■	■	■	■	■	■	■	■	■
C. Public/Quasi-Public Uses									
1. Day nurseries, nursery schools, child care facilities per state law **(14 or fewer children)**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
~~a. (14 or fewer children)~~	~~SR~~	~~SR~~	~~SR~~	~~SR~~	~~SR~~	~~SR~~	~~SR~~	~~SR~~	~~SR~~
~~b. (more than 14 children)~~	~~C~~	~~C~~	~~C~~	~~C~~	~~SR~~	~~SR~~	~~C~~	~~C~~	~~C~~
2. Post office branch	■	■	■	■	■	■	■	■	■
3. Community facilities and religious institutions	C	C	C	C	■	■	C	C	C
4. Educational institutions	C	C	C	C	■	■	C	C	C
5. Fire and police stations	C	C	C	C	■	■	C	C	C
6. Public libraries and museums	■	■	C	C	■	■	C	■	C
7. Public parks and recreation	SR	SR	SR	SR	■	■	SR	SR	SR
8. Public utility and public service substations, reservoirs, pumping plants, and similar installations not including public utility offices	SR	SR	SR	SR	■	■	C	SR	SR
9. Recreational facilities (e.g., country clubs, tennis and swim clubs, golf courses), including limited commercial uses which are commonly associated and directly related to the primary use	C	C	C	C	SR	SR	C	C	C

"

SECTION 14. Subsection B of Table 16.22.030.A, Uses Permitted Within the Mixed Use District, of Section 16.22.030, Mixed Use Regulations, of Chapter 16.22, Mixed Use District, of Title 16 Land Use and Development Code of the Highland Municipal Code is hereby amended to read as follows, with additions shown in bold text, with all other provisions of Section 16.22.030 remaining unchanged:

"

Use [1]	**Attached Mixed Use Structure**	**Separated Multiple Use Project**
B. Residential uses		
1. Single-family detached	■	SR
2. Single-family attached (e.g., duplex, triplex, fourplex – not attached mixed use)	C	SR
3. Multiple-family attached (not mixed use)	C	SR
4. Senior independent living	C	C
5. Senior congregate care, assisted living	C	C
6. Convalescent care	C	C
7. Accessory dwelling units and junior accessory dwelling units (shall comply with the provisions of HMC 16.44.180)	P	P
8. Low Barrier Navigation Centers	**P**	**P**
9. Single Room Occupancies	**C**	**C**

"

SECTION 15. Subsection B of Table 16.24.030.A, Uses Permitted Within Employment Districts, of Section 16.24.030 Use Regulations for Employment Districts, of Chapter 16.24, Employment Districts, of Title 16, Land Use and Development Code of the Highland Municipal Code is hereby amended to read as follows, with additions shown in bold text, with all other provisions of Section 16.24.030 remaining unchanged:

"

Uses	**BP**	**I**	**OP**
B. Wholesale uses and warehousing			
1. Light wholesale, storage and distribution including wholesaling, storage, and warehousing services within enclosed buildings. Storage and wholesale to retailers from the premises of unfinished, raw and semi-refined products requiring further processing, fabrication, and manufacturing, and other storage shall be excluded from this land use type	SR	SR	■
2. General wholesale, storage, and distribution including warehousing, storage, freight handling, shipping, trucking services and terminals, storage and warehousing from the premises of unfinished, raw and semi-refined	C	SR	■

Uses	BP	I	OP
products requiring further processing, fabrication, or manufacturing. Outdoor storage shall be permitted subject to applicable screening requirements			
3. Contractor's storage yards (temporary in Business Park) including the storage of equipment, materials and vehicles for construction industry contractors (screening of outdoor storage required)	SR	SR	■
4. Recreational vehicle storage (screening of outdoor storage required)	C	SR	■
5. Vehicle storage/towing services	C	SR	■
6. Vehicle wrecking and storage	■	C	■
7. Mini storage	C	SR	■
8. Semi-trailer, tractor units, tractor-trailer combinations (whether connected or disconnected) storage, parking and/or staging	■	■	■

"

SECTION 16. Table 16.24.040.A, Industrial Site Development Minimum Standards, of Section 16.24.040, Employment District Development Standards of Chapter 16.24, Employment Districts, of Title 16 Land Use and Development Code of the Highland Municipal Code is hereby amended to read as follows, with additions shown in bold text and deletions shown in strikethrough text, with all other provisions of Section 16.24.040 remaining unchanged:

"

Requirement	BP	I	OP
1. Minimum parcel size	1 AC	1 AC	10 K sq. ft
2. Minimum site width (in feet)	150	200	80
3. Minimum site depth (in feet)	150	200	100
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)	20	0	20
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)	20	0	20
8. Maximum building height (in feet)	~~35~~**50**	50	35
9. Maximum lot coverage	60%	50%	60%

"

SECTION 17. Subsection A of Section 16.40.030 Accessory Structures, of Chapter 16.40, General Development Standards, of Title 16, Land Use and Development Code of the Highland Municipal Code is hereby amended to read as follows, with additions shown in

bold text and deletions shown in strikethrough text, with all other provisions of Section 16.40.030 remaining unchanged:

"A. Accessory Structures within Residential Districts.

1. Accessory Structure. Except as provided below, all accessory structures, whether attached or detached, shall meet all of the site development standards applicable to the main structure as required by the zoning district in which the main structure is located.

2. Canopies/Patio Covers. Canopies/patio covers or roofs attached to the main building or connecting the main building to an accessory building may extend into a required rear yard, interior side yard, and street side yard; provided, that the portions of such structures extending into the yard:

a. Shall not exceed ~~15 feet in height~~ **1,000 square feet in area, or more than 20 feet in height,** or project closer than five feet to an interior side, street side, or rear lot line; **provided that, the canopies/patio cover is no higher than the main structure.**

b. Shall be entirely open on at least three sides excluding the necessary supporting columns, except that a roof connecting a main building and an accessory building shall be open on two sides. **Construction, projections, openings and penetrations of exterior walls of dwellings and accessory structures shall comply with separation requirements and opening protections as set forth in the California Building Code**.

c. A Staff Review Permit, approved by the Planning Commission, is required before issuing building permits for canopies or patio covers that exceed the maximum size specified above. This permit is a one-time approval and will remain valid for the lifetime of the structure.

d. Findings

Prior to acting upon an application for a Special Use Permit for a detached carport, private garage, or other detached accessory structure, the reviewing authority shall find that all of the following are true.

(1) The site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setback, parking area, and other requirements of the Code.

(2) The proposed accessory structure is subordinate in size, location, and appearance to the primary residential unit.

(3) Issuance of the permit shall not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and district in which the use is located.

(4) The appearance of the detached accessory structure and the method of construction are compatible with the surrounding built environment.

3. Ground-Mounted Equipment. Ground-mounted equipment, including but not limited to air conditioning compressors, evaporative coolers and pool equipment, may project a maximum of four feet into the required rear yard setback, and a maximum of two feet into the required interior side yard setback, but shall be prohibited from projecting into the required front or street side yard setbacks.

4. Detached Accessory Structures.

a. A detached accessory structure may be located within an interior side yard or rear yard; provided, that when such a structure is located closer than five feet to an interior side or rear lot line, one-hour fire walls shall be installed on the side or sides located within the setback. In no case shall an accessory structure be located closer than one foot from the property line.

b. Accessory buildings shall have a maximum height of ~~15~~**20** feet **and shall not exceed 1000 square feet**; provided, however, that the accessory building is no higher than the main structure.

c. Accessory buildings shall be located at least 10 feet from any other building.

d. A Staff Review Permit, approved by the Planning Commission, is required before issuing building permits for accessory buildings that exceed the maximum size specified above. This permit is a one-time approval and will remain valid for the lifetime of the structure.

5. Projections into Yards. Porches, steps, and architectural features, such as eaves, awnings, chimneys, balconies, stairways, wing walls and bay windows, may project a maximum of three feet into any required front or rear yard area, and into any required side yard area no more than one-half of the required side yard."

SECTION 18. Section 16.40.090, Development Density, of Chapter 16.40, General Development Standards, of Title 16 Land Use and Development Code of the Highland Municipal Code is hereby amended in its entirety to read as follows:

"A. The purpose of the provisions of this section is to provide incentives for the production of specific housing types for populations, including, but not limited to, very low income, lower income, moderate income, and senior households, in

accordance with Government Code Section 65915, commonly referred to as the State Density Bonus Law. In enacting this division, it is the intent of the city to facilitate the development of the goals, objectives, and policies of the housing element of the city's general plan.

B. In addition to any other review required for a proposed housing development, applications for a density bonus shall be filed with the Community Development Department on a form approved by the Community Development Department Director. The application shall be filed concurrently with an application for a design review permit review, staff review permit, or administrative approval. At the time the application is submitted, the applicant shall pay a density bonus application fee, established by resolution of the City Council.

C. City staff shall process the application for a density bonus in the same manner as, and concurrently with, the application for a design review permit, staff review permit, or administrative approval that is required by this Code. The reviewing authority for the density bonus application shall be the same reviewing authority for the design review permit, staff review permit, or administrative approval.

D. The application shall clearly indicate the number of base units allowed by the City general plan and zoning regulations, the number of density bonus units requested, and the number of affordable units that will be included in the proposed project. The applicant should submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the Community Development Director.

E. For a housing development qualifying pursuant to the requirements of Government Code Section 65915, the City shall grant a density bonus in an amount specified by Government Code Section 65915. Except as otherwise required by Government Code Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

F. For the purpose of calculating the density bonus, the "maximum allowable residential density" shall be the greatest density allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, the greatest allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the applicable zoning ordinance, specific plan, or land use element of the general plan does not include a standard for density per acre, the developer shall prepare a base density study to calculate the number of base units pursuant to the provisions of Government Code Section 65915(o)(6).

G. The City shall grant the applicant the number of incentives and concessions required by Government Code Section 65915. The City shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the relevant written findings stated in Government Code Section 65915(d). Senior citizen housing developments that qualify for a density bonus shall not receive any incentives or concessions, unless Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

H. For an applicant proposing to construct a housing development that conforms to the requirements of Government Code Section 65915(b) and includes a childcare facility that will be located on the premises of, as part of, or adjacent to the project, the City shall grant either an additional density bonus or a concession or incentive as provided for in Government Code Section 65915(h)(1). A proposed project shall be eligible for the density bonus or concession or incentive described in this Section only if the project is made subject to, and the project applicant agrees to adhere to the conditions of approvals set forth in Government Code Section 65915(h)(2). As used in this section, "childcare facility" shall have the same meaning as the term is defined in Government Code Section 65915 .

I. Except as restricted by Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards should be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:

1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

4. The waiver or reduction of the development standard would be contrary to state or federal law.

J. The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with Government Code Section 65915(p), as that section may be amended from time to time.

K. The applicant shall comply with all requirements stated in Government Code Section 65915.

L. The applicant shall enter into an agreement with the City to ensure the continued affordability of all affordable units or the continued reservation of such units for qualifying senior citizens as required by Government Code Section 65915. Prior to receiving a building permit for any project that receives a density bonus or any incentive, concession, waiver, or reduction of development standards pursuant to this section, such agreement shall be recorded as a covenant against the property. The agreement shall be on a form approved by the City Attorney.

M. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus, must be constructed concurrently with or prior to the construction of any market rate units. In addition, the affordable units must be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project.

N. An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under Government Code Section 65915, which includes, but is not limited to, projects that fail to "replace" existing housing units, as required by state law.

O. The provisions of this subdivision shall be interpreted to fulfill the requirements of Government Code Section 65915. Any changes to Government Code Section 65915 shall be deemed to supersede and govern any conflicting provisions contained herein.

P. Appeals of a decision to grant or deny a density bonus, or an incentive, concession or waiver of a development standard shall be governed by Highland Municipal Code Section 16.08.210."

SECTION 19. Section 16.44.270, Emergency Shelters, of Chapter 16.44, Specific Use Development Standards, of Title 16 Land Use and Development Code of the Highland Municipal Code is hereby amended to read as follows, with additions shown in bold text, with all other provisions of Section 16.44.270 remaining unchanged:

"A. Intent. This section is intended to control the establishment and operation of emergency shelters in the Business Park (BP) District to ensure that such uses do not adversely impact adjacent parcels or the surrounding neighborhood, and shall

be developed in a manner which protects the health, safety and general welfare of the nearby residents and businesses, while providing for the housing needs of a needy segment of the community.

B. Definition. As used in this code, the term "emergency shelter" shall be as defined in California Health and Safety Code Section 50801.

C. Development Standards. In accordance with the authority granted in Section 65583(a)(4)(A) of the Government Code, all emergency shelters shall comply with the following development and management standards:

1. Maximum Number of Beds/Persons. An emergency shelter for the homeless shall contain a maximum of 25 beds and shall serve no more than 25 homeless persons nightly.

2. Parking. The emergency shelter shall have not less than one off-street parking space for each 250 square feet of gross floor area, unless it is demonstrated by credible evidence that a different parking ratio is appropriate based upon the shelter's demonstrated need. **For emergency shelters located within one-half mile of a public transit stop, or those primarily serving residents who do not own vehicles, the parking requirement may be reduced to zero, provided that credible evidence is submitted to justify the reduced need and subject to approval by the Community Development Director.**

3. Client Intake Areas. The waiting and client intake areas shall be a minimum of 500 square feet in floor area and shall be designed to ensure that waiting clients are not required to wait outside the building.

4. Shelter Provider. The agency or organization that is operating the shelter shall comply with the following requirements:

a. Staff and services shall be provided to clients to assist clients to obtain permanent shelter, social and health services and income.

b. The provider shall prepare and file a management plan with the city that includes clear operational rules and standards, including, but not limited to, standards governing expulsions and lights out, security, screening of residents to ensure compatibility with services provided at the shelter, and opportunities for training, counseling, and treatment programs for residents.

5. Concentration of Uses. An emergency shelter shall not be located within 300 feet of another emergency shelter.

6. Length of Stay. Temporary shelter shall be available to an individual client for no more than 180 consecutive days.

7. Lighting. Adequate interior and exterior lighting shall be provided for security purposes.

The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity that is compatible with the neighborhood.

8. Security. Parking and outdoor facilities shall be designed to provide security for clients, visitors, employees, neighbors and the public. On-site supervisory and security personnel shall be provided at all times during the hours the shelter is in operation, with security provided at both interior and exterior locations.

9. Trash/Recycling Enclosure. A trash/recycling enclosure is required on site. The receptacles and enclosure shall be of sufficient size to accommodate the trash generated by the uses served. All outdoor storage of trash, garbage, refuse, and other items or materials intended for discarding or recycling collection shall be screened from public view on at least three sides by a solid decorative wall not less than five feet in height, or alternatively, such material or design approved by the planning commission. The fourth side shall contain a solid metal gate maintained in working order and remaining closed except when in use.

10. Laundry Facilities. An emergency shelter is encouraged to provide laundry facilities or services adequate for the number of residents.

11. Common Facilities. An emergency shelter is encouraged to provide a central cooking and dining room, subject to applicable health and use permits, for the exclusive use of the residents and staff.

12. Sanitary Facilities. An emergency shelter shall provide and maintain sufficient interior sanitary facilities to accommodate the number of clients who could be served at the shelter.

13. Clean-Up. The operator of the emergency shelter shall maintain the exterior of the emergency shelter and its immediate surrounding area in a clean and sanitary condition, without the accumulation of trash, belongings, and human or animal waste.

14. Development Standards. A new emergency shelter shall comply with HMC 16.24.040, Employment district development standards, unless specified otherwise in this section.

15. Fire Sprinklers. Fire sprinklers shall be installed in all emergency shelters in accordance with the city's fire code."

SECTION 20. Environmental Review. The City Council finds that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the General Rule (14 C.C.R. Section 15061(b)(3)) of the CEQA Guidelines, which is the

general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. This Ordinance involves amendments to multiple code sections to align with state law, expand housing and business opportunities, establish clear guidelines and regulations to ensure compatibility with community needs, and promote public health, safety, and welfare, without resulting in significant environmental impacts. There is no possibility that the Ordinance may have a significant effect on the environment since it comprehensively considers safety, aesthetics and financial implications related to such requirements. Additionally, this Amendment is not proposing development of a project.

SECTION 21. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clause or phrases. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clause or phrase be declared invalid or unconstitutional, and would have passed and adopted the same even though any sections, subsections, sentences, clauses or phrases that may be held invalid had been omitted therefrom.

SECTION 22. Publication and Posting. Within fifteen (15) days following the passage of this Ordinance, the City Clerk shall publish and/or post this Ordinance as required by state law and City resolution.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2025.

_____
Penny Lilburn, Mayor

ATTEST:

_____
Alondra Munoz, City Clerk

APPROVED AS TO FORM:

_____
Maricela E. Marroquin , City Attorney

ATTACHMENT 2

(Accessory Dwelling Units) Planning Commission Resolution No. 25 - _____

Exhibit "A" – Draft City Council Ordinance No. ____

RESOLUTION NO. 2025 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTION 16.44.190 (ACCESSORY DWELLING UNITS) OF TITLE 16 (LAND USE DEVELOPMENT CODE) OF THE HIGHLAND MUNICIPAL CODE TO UPDATE REQUIREMENTS IN ACCORDANCE WITH STATE LAW, AND MAKE A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (MUNICIPAL CODE AMENDMENT MCA 24-001)

A. RECITALS

1. The City of Highland Planning Commission held a public hearing at the Highland City Hall Council Chambers in Highland, California, on April 1, 2025 at 6:00 p.m. Notice of said public hearing having been duly given as required by law, and in accordance with the provisions of the Highland Municipal Code, to hear and consider evidence for and against said Land Use and Development Code Amendments and Notice of Exemption, and investigate and make findings and recommendations in connection therewith.

2. On April 1, 2025, the Planning Commission of the City of Highland, conducted a Public Hearing on the subject Project and concluded the Hearing on that date.

3. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

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

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

2. Based upon substantial evidence presented to the Planning Commission during the April 1, 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.

3. The Planning Commission hereby adopts the Notice of Exemption which is attached hereto and incorporated herein by reference.

4. The Planning Commission hereby instructs City staff to file a Notice of exemption with the Clerk of the Board of the Supervisors of the County of San

Bernardino, pursuant to the Public Resources Code and State CEQA Guidelines.

5. Notice of Exemption:

   a. The Notice of Exemption was prepared for the proposed project Pursuant to the General Rule (14 C.C.R. Section 15061(b)(3)) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment since the Code Amendment is not proposing development of a project.

6. Municipal Code Amendment Findings (MCA 24-001):

   a. The proposed revision is consistent with the goals, objectives, policies, and programs of the general plan, and is necessary and desirable to implement the provisions of the general plan.

      Response: The proposed Municipal Code amendments to the Land Use and Development Code are consistent with the General Plan's Goals, Objectives, Policies, and Programs and are necessary to implement its provisions. These updates ensure compliance with recent state legislation, support development goals, clarify definitions, correct ambiguities, and streamline processes. Additionally, they facilitate the implementation of the Housing Element Programs and Policies, ensuring the City meets its housing needs under state law. By aligning with state legislation and current development needs, these amendments ensure the City's regulations are clear, effective, and promote sustainable growth, making them essential for the General Plan's implementation.

   b. The proposed revision will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern.

      Response: The proposed Municipal Code amendments to Title 16 (Land Use and Development) will not negatively impact public health, safety, or welfare, nor will they create an illogical land use pattern. These carefully designed changes aim to enhance the regulatory framework, ensure public health and safety, and promote logical, sustainable land use patterns. Additionally, the amendments incorporate state-mandated changes, ensuring compliance with recent legislation. Thus, the amendments will provide clear, and efficient regulations that benefit the entire City, fostering a well-balanced and thriving community.

c. The proposed revision is consistent with the purpose and intent of the remainder of this title not under consideration.

Response: The proposed amendments to Title 16 (Land Use and Development) are consistent with the purpose and intent of the existing Municipal Code. These amendments align with the overall goals of the Code, supporting sustainable development, public health, safety, and welfare. By updating ambiguities, streamlining processes, and incorporating state-mandated changes, they enhance the regulatory framework without disrupting the foundational principles. Therefore, the changes maintain consistency with the broader Code, ensuring a coherent and comprehensive approach to city planning and development.

d. The potential environmental impacts of the proposed change of zone or revision are insignificant or there are overriding considerations which outweigh the potential impacts.

Response: The adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to the General Rule (14 C.C.R. Section 15061(b)(3)) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. Additionally, the draft Ordinance qualifies for exemption under CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3). Under these provisions, an activity is not subject to CEQA if it does not involve a discretionary action by a public agency, will not result in a direct or reasonably foreseeable indirect physical change in the environment, or does not meet the definition of a "project" under Section 15378 of the CEQA Guidelines. This Ordinance involves amending multiple code sections to ensure compliance with state legislation, streamline processes, and promote sustainable development practices. These amendments benefit residents and developers by providing more opportunities for housing and businesses, imposing limitations through proposed guidelines and regulations, and supporting public health, safety, and welfare. There is no possibility of significant environmental effects as the Ordinance only revises Land Use and Development Code provisions to enhance regulatory clarity and compliance and does not propose any specific development projects. The potential environmental impacts of the proposed revisions are insignificant since the amendments are primarily administrative and procedural. The changes align the City's regulations with recent state laws, correct ambiguities, and improve regulatory efficiency without substantial physical changes to the environment. The benefits, such as promoting affordable housing, enhancing public health and safety, and ensuring regulatory

compliance, outweigh any minimal potential impacts. Staff will file a Notice of Exemption with the County Clerk of the Board once the City Council has made a determination. No further environmental review is required.

7. Based on the Findings and Conclusions set forth above, the Planning Commission recommends the City Council adopt a Notice of Exemption and direct Staff to file a Notice of Exemption with the County Clerk of the Board; Introduce an Ordinance to amend section 16.44.190 (Accessory Dwelling Units) of Title 16 (Land Use and Development Code) of the Highland Municipal Code as attached hereto and incorporated by reference as Exhibit A.

Exhibit A – Draft Administrative Ordinance No. _____

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 1st day of April 2025.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez,
Community Development Director

Exhibit A

Draft Administrative Ordinance No. ____

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING SECTION 16.44.190 (ACCESSORY DWELLING UNITS) OF TITLE 16 (LAND USE AND DEVELOPMENT CODE) OF THE HIGHLAND MUNICIPAL CODE TO UPDATE REQUIREMENTS IN ACCORDANCE WITH STATE LAW, AND MAKE A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (MUNICIPAL CODE AMENDMENT MCA 24-001)

THE CITY COUNCIL OF THE CITY OF HIGHLAND DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Intent.

WHEREAS, Senate Bill 477, effective March 25, 2024, amended Accessory Dwelling Unit Law ("ADU Law") (formerly Government Code Sections 65852.2 and 65852.22) (now Chapter 13 of Division 1 of Title 7 of the Government Code), which reorganized ADU Law and has led to references to ADU Law in the Highland Municipal Code to be no longer applicable; and

WHEREAS, the State of California adopted amendments to Government Code Section 66313, 66314, and 66323, altogether known as Senate Bill 1211, effective January 1, 2025, which further amend standards and requirements for accessory dwelling units ("ADUs"); and

WHEREAS, portions of the City's current regulations for ADUs and Junior ADUs ("JADUs") require amendment to remain consistent with State Law; and

WHEREAS, on August 24, 2021, the City Council of the City of Highland adopted Ordinance No. 448 amending regulations pertaining to accessory dwelling units and junior accessory dwelling units and determining, based on findings, that ADUs in areas that have been designated as high fire severity zones could endanger the public health and safety; and

WHEREAS, the City's current regulations for ADUs and JADUs prohibit the construction of ADUs in high fire severity zones in the City; and

WHEREAS, Staff has studied the issue of whether there should continue to be a permanent ban on the construction of ADUs in high fire severity zones, or if certain health and safety regulations should be adopted to allow ADUs to be constructed in these areas under certain parameters. As a result of careful consideration by Staff working closely with the City's Fire Marshal, and the City's Battalion Chief, it was determined to be appropriate to continue to ban all construction of ADUs in high fire severity zones due to the concentration of housing tracts with units built near each other along the foothills of the National Forest. It was further determined appropriate to

continue to ban ADUs in high fire severity zones because detached ADUs along the foothills will intrude into the rear setbacks (and others) and could result in impacts to the fuel modification zones, both designed to protect the residential neighborhoods from wildfires; and

WHEREAS, the City Council hereby determines that the construction of ADUs in areas that have been designated as high fire severity zones could endanger the public health and safety. These areas are prone to fires, and increasing the density in these areas can hinder the ability of the fire personnel to evacuate people quickly in event of a fire emergency; and

WHEREAS, on June 27, 2017, there was a 900-acre wildfire in Highland that forced the evacuation of about 200 residents. On July 12, 2017 there was a 33-acre fire that burned in the City. A few days later, on July 14, 2017, there was a 450-acre brush fire that burned around homes in the City. In the neighboring city of San Bernardino, there was a brush fire on October 21, 2019 that destroyed or damaged nine homes. On October 24, 2019, there was a wildfire in San Bernardino that burned 145 acres. According to CalFire, 7,860 fires were recorded to CalFire and the US Forest Service in 2019, an increase from the 7,571 fires in 2018. In 2020, these figures increased again to 9,639 fire incidents. In September 2020, the El Dorado Fire occurred in Yucaipa where 22,744 acres were burned, 10 structures were destroyed, and tragically, one firefighter died; and

WHEREAS, on September 5, 2024, the Line Fire broke out in Highland. The Line Fire caused conditions of extreme peril to the safety of persons and property within the City of Highland and resulted in fire damage and evacuations for parts of the City. On September 11, 2024, the City Manager declared a local emergency, which was ratified by the City Council on September 12, 2024 through the adoption of Resolution No. 2024-__. The Line Fire burned a total of 43,978 acres. The burn areas are now susceptible to mud and debris flow and possible landslides; and

WHEREAS, in January 2025, a series of fourteen wildfires affected Los Angeles County and San Diego County, forcing over 200,000 people to evacuate from their homes, destroying more than 18,000 homes and structures and damaging countless others, and burning over 57,000 acres of land. The two largest fires during this time included the Eaton Fire in Altadena and the Palisades Fire in the Pacific Palisades. During this time, the Little Mountain Fire, located in San Bernardino County also burned 34 acres; and

WHEREAS, the City is prone to strong winds which help fuel brush fires and can create a dangerous situation, particularly if there is only one escape route from the fire and streets are blocked due to on-street parking during an evacuation event. Increasing the population in high fire severity zone areas could have devastating consequences if additional people must be quickly moved from the area in the event of an emergency. According to most fuel modification and defensible space plans, there are generally areas where no combustible construction is to occur adjacent to development in the

high fire hazard severity zones. Should construction of an ADU (or any combustible construction) occur in these areas, it will compromise the design of any fuel modification and defensible space plan; and

WHEREAS, in the years after a wildfire, areas left charred by flames and devoid of vegetation can render the soil non-permeable to rainwater and increase the likelihood of mudslides, debris flows, and flash floods due to the lack of rainfall absorption in the soil. The California Governor's Office of Emergency Services (CalOES) warns that Californians who live on or below hillsides in general, but especially in areas impacted by wildfires, are at an increased risk of debris flow, or the fast-moving mass of materials such as slurries of water, rock, soil, vegetation, and even boulders and trees. Construction of ADUs in high fire severity zones increases the residential density in areas prone to mudslides, debris flows, and flash floods thereby increasing the number of people at risk during such events; and

WHEREAS, the City Council further determines that the construction of ADUs in areas without appropriate sewer systems is detrimental to the local water quality, and public health and safety. ADUs proposed to be served by On-Site Wastewater Treatment Systems (OWTS) (e.g., septic systems) require review and approval from the local health officer per Government Code section 66314(d)(9). In this case, the City's local health officer is the County of San Bernardino Department of Public Health. The County's approval process requires all proposed (new) and modified septic systems in the City of Highland to be submitted to the State Water Quality Control Board for evaluation and approval. The extensive minimum standards and technical requirements (also derived from the California Plumbing Code) for the treatment and disposal of sewage through the use of OWTS on small lots in established neighborhoods, when no connection to a sewer is available, conflicts with the state's ADU legislation standards. These conflicts include, but are not limited to, minimum lot size, setbacks from septic tanks and leach fields, and setback from structures and existing water service lines. For these reasons and others, the State Water Quality Control board is denying ADUs based on current statewide OWTS policy. Accordingly, this ordinance continues the City's current practice of prohibiting the construction of ADUs in areas not serviced by sewer systems as it would be detrimental to the public health and safety; and

WHEREAS, the City of Highland Planning Commission held a public hearing at the Highland City Hall Council Chambers in Highland, California, on April 1, 2025 at 6:00 p.m., and, notice of said public hearings having been duly given as required by law and in accordance with the provisions of the Highland Municipal Code, heard and considered evidence for and against said Municipal Code Amendment, and investigated and made findings and recommendations in connection herewith. At the conclusion of the public hearing on April 1, 2025, the City of Highland Planning Commission adopted Resolution No. 25-___ recommending that the City Council adopt this Ordinance; and

WHEREAS, the City Council, at a regular meeting, considered the Ordinance on _____, 2025, at 6:00 p.m., at a duly noticed public hearing as prescribed by law, at which time the City staff and interested persons had an opportunity to and did

testify either in support or opposition to this matter. At the conclusion of the public hearing, the City Council closed the public hearing and considered the entire record of information received at the public hearings before the Planning Commission and City Council.

Section 2. Section 16.44.180(Accessory Dwelling Units) of Chapter 16.44 (Specific Use Development Standards) of Title 16 (Land Use and Development Code) of the Highland Municipal Code is hereby amended to read as follows, with additions shown in underlined text and deletions shown in strikethrough text:

"16.44.180 Accessory dwelling units and junior accessory dwelling units.

A. Intent. This section is intended to provide reasonable regulations for the development of accessory dwelling units ("ADUs") and junior ADUs ("JADUs") in certain residential areas on lots developed or proposed to be developed concurrently with single-family residential or multifamily residential dwellings in compliance with state law regarding ADUs and JADUs (Chapter 13 of Division 1 of Title 7 of the Government Code). ADUs and JADUs contribute needed housing to the community's housing stock and are intended to provide livable housing at lower cost while providing greater security, companionship and family support for the occupants. In addition, the regulations in this section are intended to ensure that ADUs and JADUs located in residential districts do not adversely impact adjacent residential parcels or the surrounding neighborhood, have access to adequate water and sewer services, will have limited impacts on traffic flow and public safety, and are developed in a manner which protects the integrity of the residential district, while providing for needed housing opportunities for owners of eligible parcels. Moreover, the regulations are intended to ensure that ADUs are not constructed in high fire severity zones as this poses a great risk to the public health and safety in the event of a fire and the need to quickly evacuate residents.

B. Definitions. The following words shall have the meanings set forth below, unless the context otherwise permits or requires:

1. "Accessory dwelling unit" or "ADU" has the meaning ascribed in Government Code Section 66313(a), as the same may be amended from time to time.

2. "Attached ADU" means an ADU that is constructed as a physical expansion (i.e., addition) of the primary dwelling and shares a common wall with the primary dwelling.

3. "Detached ADU" means an ADU that is constructed as a separate structure from the primary dwelling, which does not share any walls with the primary dwelling.

4. "Existing structure" means an existing single-family dwelling, multifamily dwelling, or other accessory structure that can be safely converted into habitable space under the California Building Standards Code, as amended by the city, and other applicable law.

5. "Junior accessory dwelling unit" or "JADU" has the meaning ascribed in Government Code Section 66313(d), as the same may be amended from time to time.

6. "Primary dwelling" means the existing or proposed single-family dwelling or multifamily dwelling on the lot where an ADU would be located.

7. "Public transit" has the meaning ascribed in Government Code Section 66313(m), as the same may be amended from time to time.

C. General Requirements and Application Procedure.

1. An application for an ADU or JADU shall be considered ministerially, without discretionary review or a hearing, pursuant to either "planning review" or a streamlined "building permit only" review. The city shall act on the application within 60 days from the date the city receives a completed application if there is an existing single-family dwelling or multifamily dwelling on the lot. If the application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the application for the ADU or JADU until the city acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU shall still be considered ministerially without discretionary review or public hearing under either the planning review or building permit only review. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. Table 16.44.180 summarizes the level of ministerial review required for various types of ADUs.

Table 16.44.180 - Ministerial ADU Review

Applications Subject to "Planning Review" (See HMC 16.44.180(D))	**Applications Subject to "Building Permit Only" Review (See HMC 16.44.180(E))**
Any application for an ADU that is not eligible for "building permit only" review.	• One ADU within the space of an existing or proposed single-family dwelling or an accessory structure. The ADU may expand the physical dimensions of an existing accessory structure by not more than 150 square feet to allow for ingress and egress. The space must have

	exterior access from the proposed or existing single-family dwelling. The rear and side yard setbacks must be sufficient for fire and safety. • A JADU that meets the requirements of Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code. • One detached, new construction ADU, so long as the ADU does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling unit, a total floor area of 800 square feet, and a height of 16 or 18 feet as provided in Government Code Section 66321(b)(4)(A)-(C), as applicable. • Multiple ADUs within the portions of an existing multifamily dwelling, in spaces not used as living space. Examples include conversion of storage rooms, boiler rooms, passageways, attics, basements, and garages. Each ADU must comply with state building standards for dwellings. The number of ADUs that may be created within a multifamily dwelling is equal to 25 percent of the number of existing multifamily dwelling units, or one ADU, whichever is greater. • Not more than eight detached ADUs on a lot with an existing multifamily dwelling; however, the number of ADUs cannot exceed the number of existing units on the lot. The ADUs are subject to a 16 or 18-foot height limit as provided in Government Code Section 66321(b)(4)(A)-(C), as applicable, and must maintain at least a four-foot rear and side yard setback, unless the existing multi-family dwelling has a rear or side setback of less than four feet • Not more than two detached ADUs on a lot with a proposed multifamily dwelling. The ADUs are subject to a 16 or 18-foot height limit as provided in Government Code Section 66321(b)(4)(A)-(C), as

	applicable, and must maintain at least a four-foot rear and side yard setback.

2. All ADUs and JADUs shall satisfy the requirements of the California Building Standards Code, as amended by the city.

3. In accordance with state law, ADUs are an accessory use or an accessory structure to the primary dwelling on the lot. ADUs shall not be considered to exceed the allowable density for the lot.

4. The application for the planning review ADU or building permit only ADU or JADU must be signed by the owner(s) of the parcel of land.

D. Planning Review ADUs. Except as otherwise set forth in subsection E of this section regarding building permit only ADUs (Government Code Section 66323 ADUs and JADUs), the city shall not approve an application for a new ADU unless the ADU satisfies all of the standards below. An application for a new ADU that satisfies each of the below standards shall be approved by the director of community development, or designee, following a ministerial review for compliance. ADUs approved pursuant to "planning review" shall comply with the following standards, unless state law mandates that different standards shall apply, in which case the mandated state law standards shall apply:

1. Location Restrictions. One ADU shall be allowed on a lot with a proposed or existing primary dwelling that is zoned residential, except as otherwise set forth herein. To protect the public health and safety, no ADUs shall be constructed in an area designated as a high fire severity zone, or in an area without adequate sewer systems (i.e., on septic tank system).

2. Development Standards.

   a. Size Restrictions. The total floor area of an attached ADU to an existing primary dwelling shall not exceed fifty percent of the gross floor area for the primary dwelling, except where such standard would prevent construction of an ADU of 850 square feet or 1,000 square feet for an ADU that provides more than one bedroom. The total floor area of an attached ADU or detached ADU that has two or more bedrooms shall not exceed 1,200 square feet. In no case shall an ADU be a smaller size than an "efficiency unit" as defined in Section 17958.1 of Health and Safety Code.

   b. Height Restrictions. A detached or attached ADU shall not exceed the height limit established for the district in which it is located, the height of the primary dwelling, or the applicable height in Government Code Section 66321(b)(4)(A)-(D), whichever is greatest.

c. Setback. No setback shall be required for an ADU that is within an existing structure or within a structure constructed in the same location and that has the same dimensions as an existing structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet. ADUs shall comply with the front yard setbacks otherwise required by the Highland Municipal Code, except where the application of the front yard setbacks would not permit construction of an 800-square-foot ADU.

d. Lot Coverage. An ADU shall conform to all lot coverage requirements applicable to the zoning district in which the property is located, except where the application of the lot coverage regulations would not permit construction of an 800-square-foot ADU with four-foot side and rear yard setbacks.

e. Historic Resources. An ADU that has the potential to adversely impact any historical resource listed on the California Register of Historic Resources shall be designed and constructed in accordance with the "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" found at Section 68.3 of Title 36 of the Code of Federal Regulations, as amended from time to time.

3. Design and Features.

a. Design. The ADU shall have the same colors and materials of the primary dwelling, and shall comply with any objective design standards adopted by the city that are applicable to the zoning district, specific plan area, or planned unit development where the ADU is located.

b. Fire Sprinklers. ADUs are required to provide fire sprinklers if they are required for the primary dwelling, or as required under the existing California Residential Code. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

c. Entrance. An attached ADU shall have a separate exterior entrance from the primary dwelling.

4. Covenant Required. The property owner shall record a declaration of restrictions, in a form approved by the city attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (a) the ADU is to be rented only for terms of 31 days or longer.

Proof of recordation of the covenant shall be provided to the city prior to the issuance of a certificate of occupancy for the ADU.

5. Transfer. An ADU shall not be sold, transferred, or assigned separately from the primary dwelling, except when the ADU is constructed by a qualified nonprofit corporation pursuant to Government Code Section 66341. In such cases, the ADU may be separately sold to an eligible low-income buyer as defined by state law. Otherwise, the ADU may be rented, but shall not be used for short-term rentals for less than 31 consecutive days.

6. Parking Requirements.

    a. In addition to the off-street parking space(s) required for the primary dwelling, one off-street parking space shall be provided for each ADU, except when:

        i. The ADU is located within one-half mile walking distance of public transit;

        ii. The ADU is located within an architecturally and historically significant historic district;

        iii. The ADU is part of a proposed or existing primary dwelling or accessory structure;

        iv. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or

        v. The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.

    b. Off-street parking shall be permitted in setback areas in locations determined by the planning division or through tandem parking.

    c. When the ADU is created by converting or demolishing a garage, carport, covered parking structure, or uncovered parking space, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU.

7. Permits Required. Except as otherwise required herein, all construction, structural alterations or additions made to create an ADU shall comply with current development standards and building, electrical, fire and plumbing codes. The applicant shall obtain a building permit and any other applicable construction permits prior to the construction of the ADU.

E. Building Permit ADUs.

1. An applicant shall not be required to submit an application for an ADU or JADU permit under this section, and may instead seek building permit approval for an ADU and/or JADU that satisfies the requirements of Government Code Section 66323, as the same may be amended from time to time, and the California Building Standards Code, as amended by the city.

2. In addition to obtaining a building permit under this process, the applicant shall be required to obtain all other applicable construction permits prior to the construction of the ADU or JADU.

3. An ADU or JADU approved by a building permit only process shall be rented only for terms of 31 days or longer.

4. The property owner shall record a declaration of restrictions, in a form approved by the city attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (a) the ADU or JADU is to be rented only for terms of 31 days or longer; (b) the ADU or JADU is not to be sold or conveyed separately from the primary dwelling, except as permitted by Government Code Section 66341; and (c) if there is a JADU on the property, either the JADU or single-family residence shall be occupied by the owner of record, unless the owner is a governmental agency, land trust, or housing organization, and the JADU shall be restricted in size and attributes pursuant to Article 3 of Chapter 13 of Division 1 of Title 7 of the Government Code as set forth in subsection (E)(6) of this section. Proof of recordation of the covenant shall be provided to the city before a certificate of occupancy may be issued for the ADU and/or JADU.

5. Pursuant to Government Code Section 66323, the city shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

    a. One ADU and one JADU per lot with a proposed or existing single-family dwelling if all of the following apply:

        i. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

ii. The space has exterior access from the proposed or existing single-family dwelling.

iii. The side and rear setbacks are sufficient for fire and safety.

iv. The JADU complies with the requirements of Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code as set forth in subsection (E)(6) of this section.

b. One detached, new construction ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The detached ADU may be combined with a JADU described in subsection (E)(5)(a) of this section. The ADU shall be no more than 800 square feet in size, with a height limit as provided in Government Code Section 66321(b)(4)(A)-(C).

c. At least one ADU within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, spaces for living, sleeping, eating, cooking, and sanitation, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. If requested, multiple ADUs shall be allowed, up to the number of ADUs that equals 25 percent of the existing multifamily dwelling units in the structure.

d. Not more than eight detached ADUs that are located on a lot that has an existing multifamily dwelling, subject to a height limit as provided in Government Code Section 66321(b)(4)(A)-(C), and four-foot rear and side yard setbacks except where the existing multiple family dwelling has a rear or side setback of less than four feet. However, the number of ADUs shall not exceed the number of existing units on the lot.

e. Not more than two detached ADUs on a lot with a proposed multifamily dwelling, subject to a height limit as provided in Government Code Section 66321(b)(4)(A)-(C) and four-feet rear and side yard setbacks.

6. In accordance with the standards set forth in Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, JADUs shall comply with the following requirements, unless state law is amended to set forth different standards, in which case state law standards will govern:

a. A JADU shall be a minimum of 150 square feet and a maximum of 500 square feet of gross floor area. The gross floor area of a shared sanitation facility shall not be included in the maximum gross floor area of a JADU.

b. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling. Enclosed uses within the residence such as attached garages shall be considered within the walls of the existing or proposed single-family dwelling.

c. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve the JADU.

d. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing single-family dwelling. If the JADU does not include separate sanitation facilities, the JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

e. A JADU shall include an efficiency kitchen, which shall consist of a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

f. No additional parking is required for a JADU.

g. One JADU is permitted per lot zoned for single-family residences with a proposed or existing single-family residence on the lot.

h. Unless state law is amended, the JADU or the single-family residence shall be occupied by the owner of record, except where the owner is another governmental agency, land trust, or housing organization.

F. Fees and Utility Connections. ADUs and JADUs that are processed under either the planning review ADU process set forth in subsection D of this section or through the building permit only ADU process set forth in subsection E of this section, shall comply with the following:

1. ADUs and JADUs shall have adequate water and sewer services. These services may be provided from the water and sewer points of connection for the primary dwelling and need not be a separate set of services, unless the local water and sewer service provider requires a new or separate utility connection directly between the ADU and the utility if the ADU is constructed concurrently with a new single-family residence.

2. The owner of an ADU shall be subject to the payment of all sewer, water and other applicable fees, including impact fees set forth in Government Code Section 66000 et seq., except as specifically provided in California Government Code Sections 66324 and 66332(e).

3. Prior to receiving a building permit, the owner of an ADU must submit letters of service availability for water and sewer disposal to the building official.

Section 3. Environmental Review. The City Council hereby finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15282(h) which creates a statutory exemption for the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city to implement the provisions of Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code as set forth in Section 21080.17 of the Public Resources Code. In addition, the City Council finds that the Ordinance is exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that amendments to the City's ADU and JADU regulations in accordance with State Law will have a significant effect on the environment.

Section 4. Submission of Ordinance to HCD. In compliance with Government Code Section 66326, the Community Development Director is hereby directed to submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

Section 6. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 7. Publication and Posting. Within fifteen (15) days following the passage of this Ordinance, the City Clerk shall publish and/or post this Ordinance as required by state law and City resolution.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AN ADOPTED this ____ day of ____ 2025.

_____

Penny Lilburn, Mayor

ATTEST:

Alondra Munoz, City Clerk

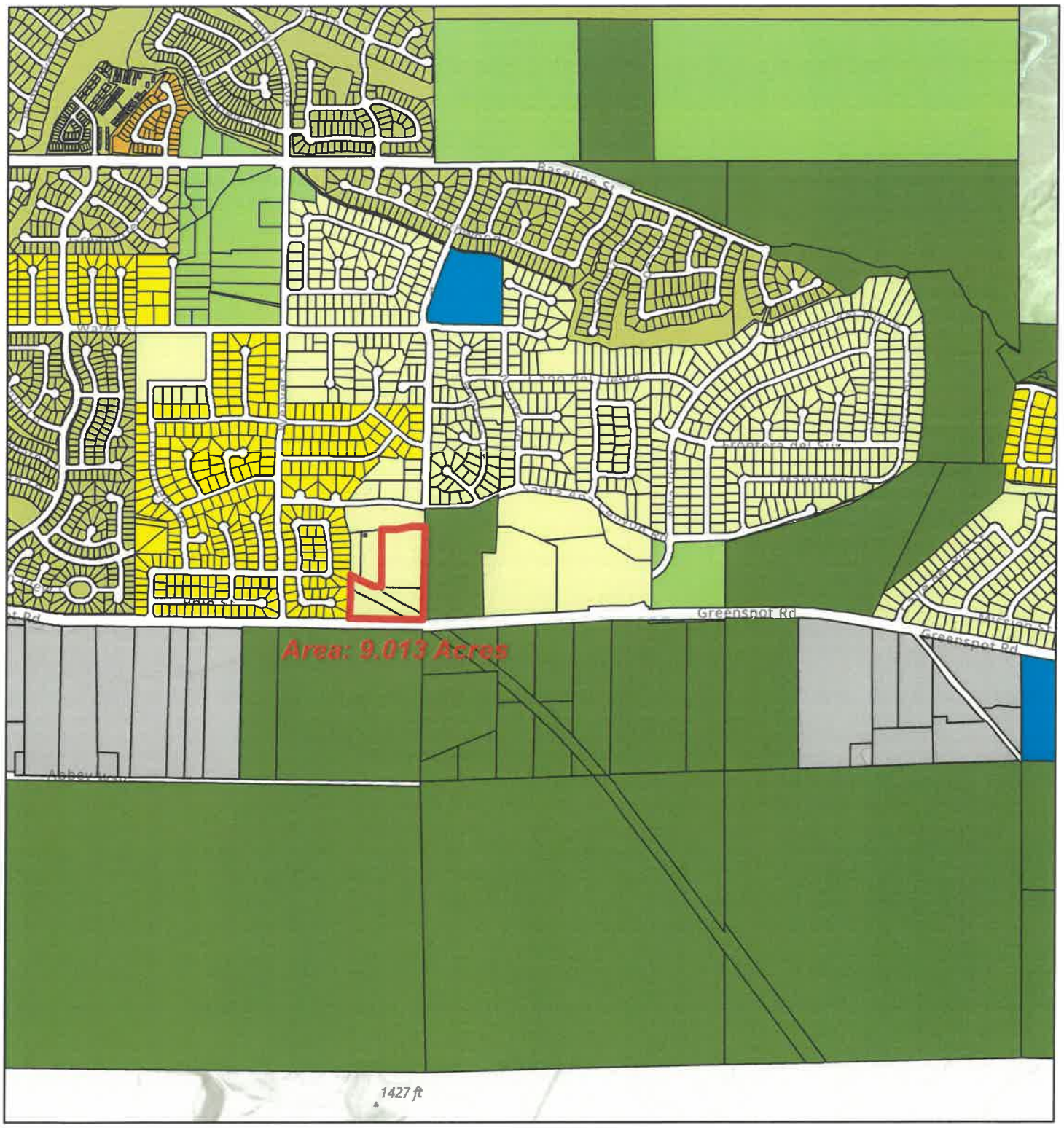
APPROVED AS TO FORM:

Maricela E. Marroquin , City Attorney

ATTACHMENT 3

Housing Element Program 33: Proposed Rezoning Sites for Discussion

DRAFT - Area for consideration No. 1 - (R-1 10,000) to (R-4)



Parcels

Zoning Code

- Agricultural/ Equestrian (A/EQ)
- Open Space (OP)
- Public/Quasi Public (OP)
- Planned Development (PD)
- Planned Development Single-Family Residential (PD/R1)
- Mediterra Planed Development (PUD-13-001)
- Single-Family Residential (R-1)
- Single-Family Residental (R-1 10,000)
- Two-Family Residential (R-2)

1:18,056

0 500 1,000 2,000 ft

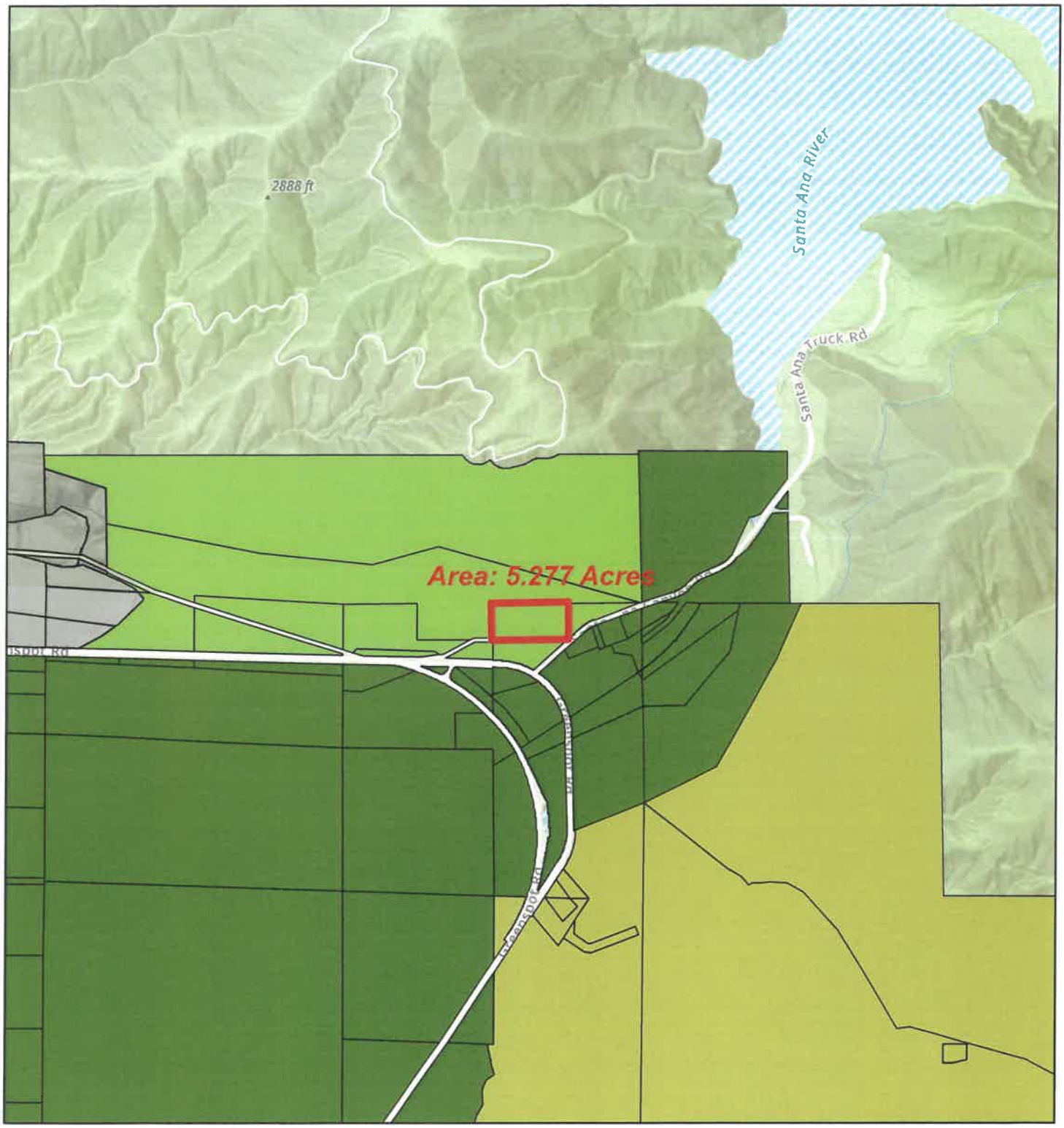
0 210 420 840 m

Esri Community Maps Contributors, California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Esri, NASA, NGA, USGS, FEMA

ArcGIS Web AppBuilder

Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, County of San Bernardino, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

DRAFT - Area for consideration No. 2 - (A/EQ) to (R-4)



ATTACHMENT 4

Public Comment email received 2/27/25

Angela Tafolla

From: [redacted]
Sent: Thursday, February 27, 2025 12:58 PM
To: Angela Tafolla
Subject: Proposed zoing change next to Aurantia Park

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

Hi Angela,

My name is Sonja Brueckner. I live on Silver Buckle CT. My property is adjacent to the land that the city is proposing to rezone. The meeting was cancelled that my neighbors and I were planning to attend to get some more information on this subject. I was told by someone that the land was to be rezoned to 20-30 units per acre. Is this true? I have lived here now for almost 14 years and have enjoyed our semi-rural feel of our neighborhood. I have hawks, owls, squirrels, gophers, skunks, kangaroo rats, rabbits and a multitude of small animals that reside behind me. There is also a home and barn on this property. Is this all going to be destroyed for high density housing? What a horrific choice for this piece of property. This would create more noise and crowding in our local schools. Not to mention take away every last bit of this beautiful area. Is this happening soon? I have already seen three houses going on the market that border this area. Can you give me some more information on this please? This is devasting news to those of us that live adjacent.

Truly concerned,

Sonja