

PLANNING COMMISSION REGULAR MEETING MINUTES
April 1, 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	Jarrold Miller
	Commissioner	Nicole McCance
	Commissioner	Vacant

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Matt Wirz, Building Official
Angela Tafolla, Associate Planner
Tiffany Martinez, Assistant Planner
Gary Chambers, Code Compliance Officer
Camille Duarte, Administrative Assistant III
Kevin Ennis, City Attorney

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the December 17, 2024 Regular Meeting.

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

2. Minutes from the March 18, 2025 Regular Meeting.

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

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.

Code Enforcement Officer Chambers presented the staff report.

Chair Hamerly opened the public hearing.

Property Owner Michael Johnson stated first I want to say thank you to the Commission and city staff members of the Community for giving us time. My partner, Brad Yates, and I have owned the property since 2020. We appreciate our partnership with the City of Highland; we tried to and continue to be good property owners and stewards. Our tenant Monica Buyers from Sugar Creek Enterprises is here with us and I know she would like to speak to the Commission about how her business operates as well as what could happen if she was shut down. Again, based upon all the information that we have presented prior that when we bought the property, we were told in writing multiple times that this property had legal, non-conforming use since Matheson had operated on the property. I believe they went by two different names and our tenant, Sugar Creek Enterprises also does postal service work, however in general the site has been a trucking and trailer storage facility, whether it is for Matheson, Sugar Creek for the most for the better part of 30 plus years. It is understanding that it is a legal non-conforming use. One thing I would like to point out to the Commission is that our property has a total of about 80 lineal feet of frontage along 5th Street and see how we can beautify the front entrance of the property. So again, presuming that we do have a legal, non-conforming use, we would like to work with staff and in fact actually we offered multiple times to work with staff to come to a resolution that is a benefit to both the city and to us to continue operation. So, I do want to put that on record. With that said, I will either turn it back over to the city or to our tenant Monica. Thank you very much for your time.

Tenant Monica Byers stated I stand before you today with deep gratitude for the opportunity to address this Council and express my concerns regarding the potential closure of my business. I come before you not just as a business owner, but as a member of this community, a community that I have invested in, contributed to, and built relationships within I own and operate a trucking company right here in Highland. My business has been a success story, not just for me, but for the hard working employees who depend on their livelihoods on it for their livelihoods. This company is more than just a business, it is a foundation of financial security for my team, and it plays a role in the economic ecosystem of this city. Primarily, I want to emphasize that this is a female owned business, something I take immense pride in. In an industry where women are still underrepresented. I have worked relentlessly to build and sustain this company. I have faced challenges, overcome barriers, and created a workplace where opportunity thrives, shutting my business would not only disrupt my livelihood, but would be a significant setback for women striving to break through the in male dominated industry. Equally important, I employ approximately 5 hard working individuals. Individuals in the office and 70 so truck drivers with families to support rent to pay and children to feed. If my business is forced to close, these employees will lose their jobs, their families will bear the weight of uncertainty, and their financial stability will be threatened. These individuals are not just workers; they are community members who contribute to Highland's local economy. They shop in local stores, dine in local restaurants, and support other businesses. Their loss of income will have a ripple effect impacting other businesses in our city. I have built a successful trucking company in Highland and then that success is not just

mine to enjoy. We provide essential services that facilitate commerce, and our business model supports local economic growth. We are proof that small businesses can thrive here and that should be celebrated, not stifled. Relocating is not a simple option, the cost of moving this operation would be substantial, not just in financial terms, but also in the loss of goodwill, relationships, and trust that we have built. Forcing relocation or closure strips Highland of a thriving business that contributes to the city. Furthermore, let us not forget the impact on the city itself. Highland benefits when local businesses succeed, a flourishing business community attracts new investment, creates jobs, and enhances the overall economic landscape, pushing out a local business that is contributing positively to the city sends the wrong message to other business owners, potential investors, and it suggests instability which discourages future entrepreneurs from choosing Highland. I ask you to consider what is truly at stake here, not just for me, but for my employees, their families, and their economic health. My business would not be beneficial to the city, and it certainly would not be beneficial to the hard working people who depend on it. I urge you to work with me to find a solution that allows my business to continue operating in Highland, let us stand together for small businesses, for job security and for the future of economic growth in this great city. Thank you for your time consideration.

Property Owners Representative John Condas stated I am with Allen Matkins, the law firm representing the Appellant and we appreciate all of your time for us. It is really quite a simple matter. We have a non-conforming use that dates back to pre-incorporation of Highland it was a legally permitted use when the property was in the county of San Bernardino, and then upon incorporation, it was still illegally permitted use until the city adopted its zoning code in 1994 at that point, typical legal, non-conforming use doctrine. It became a legal non-conforming use the Highland Municipal Code provides it. If you have a legal non-conforming use it may continue indefinitely unless the use is discontinued. The history is brief, but in 2020 there was a code enforcement action alleging basically with a non-conforming use and then that was Mr. Mainez, the Community Development Director, determined there were no open violations. In 2021 there was a letter based upon a request to the city for a validation or a verification of the uses and as of August 2021. It was determined that the use was grandfathered, legal non-conforming to current zoning requirements. In 2021 from Angela Tofolla stated the city staff, this site, that site is legal, non-conforming and was established prior to city and corporation in 1987. So, our current municipal code does not support trailer parking in any zone, so you will not find parking requirements, but again the bottom line is that it has been the city until this, this last code enforcement action was brought, has consistently taken the position. This use is legal non-conforming and as further evidence of that, the fact that you know the staff has taken differing positions about why this use is no longer legal and non-conforming? Initially they staff claimed that the use had been abandoned. Well, we brought attention to the staff, which was not the case. The city took the position that the use was no longer a non-conforming use because the truck and trailer parking and storage was an accessory use to Mathesons. Although it may be called a Postal Service, use is not a Postal Service use. It was a use established in the 1990s, and that use did not change during its tenure. In 2020 and 2021, three different occasions where the city found this is a legal non-conforming use that was based upon Matheson's use which was truck and trailer parking. Mail was not delivered, mail was not stored, it was a truck and trailer facility now in 2024. It is basically a similar argument that all this was Matheson was a legal Postal Service use. Again, that is incorrect since the basically is staff has said previously since the 60s or the 70s. This site has been used for truck and trailer parking, so we think it is fairly clear we understand that

code enforcement has a job to do, but we humbly request the Planning Commission look at the impacts which this closure would have. Not only on our tenant, but our property owner, given these constraints of the site. Thank you and happy to answer any questions.

Vice Chair Thomas stated in the arguments that were made in our last meeting where we discussed this, I thought it was stated that you were using this for the mail service.

Property Owners Representative John Condas stated similar to Matheson, it is called Postal Service, but it is really it is a truck and a trailer facility.

Vice Chair Thomas asked is your business that is occupying the space, are they doing the Postal Service business right now and what percentage of the business is that?

Property Owners Representative John Condas stated we can ask our tenant, however under that Supreme Court case, it does not really matter because our use is a truck and trailer use. The city has never taken the position that any kind of postal use is not permitted.

Tenant Monica Byers stated my guess is about 60% or more of Postal Service. The Post Office does not allow you to keep any of their packages on any trucking facility site. It must be from their facility to drive to the location perhaps if a truck driver has to stop because he is out of hours, which is about it.

Commissioner McCance stated since our last meeting, have you reached out to the city regarding the business license?

Tenant Monica Byers stated no because it is on hold waiting for this. From the beginning I was told I could receive it and immediately after the inspector came to inspect the facility, it came back three times I believe and had to do various things to fix it to be approved.

Commissioner McCance asked the prior meeting you mentioned you were trying to sign on more Postal Service contracts, correct?

Tenant Monica Byers stated yes.

Chair Hamerly stated in your previous testimony, you were stating that on your initial business license you had declared yourself to be a trucking company and in light of your new business mix, where you have essentially become a carrier for the Postal Service. That seems like that would duplicate or replace the same designation for Postal Service. The reason that Matheson's had a legal non-conforming use was because they were designated as a postal carrier which fit the description in the code. I am wondering if you refiled your business license and produced any kind of documentation stating now we are primarily a postal carrier, we do have other ancillary uses as well.

Tenant Monica Byers stated I have not been asked to do that.

Property Owners Representative John Condas stated this is a truck and trailer use. The products that she is storing, the trucks taking things around are in the postal business.

Chair Hamerly asked are you are familiar with the proceedings from our last hearing, right?

Property Owners Representative John Condas stated yes. Again, whether a Postal Service is permitted, frankly, is I will not say it is irrelevant, but it really misses the point. The predominant use of this site, if you went to the site and saw it, it is storage of trucks and trailers. It just happens that those trucks and trailers when they are off site deal with Postal Service. No one can drop off and pick up mail there. It is a truck and trailer business with an office building that operates the business.

Chair Hamerly stated it is a definitional use. One is a permitted use and the other is not.

Property Owners Representative John Condas stated this is a legal non-conforming use. No one is claiming that the truck and trailer used today is a permitted use under the Highland Municipal Code, it is not. It is a legal non-conforming use because it was legally permitted per incorporation.

City Attorney Ennis stated the Appellants' statements, particularly from Mr. Condas, adhere pretty closely to his letter that he submitted today. I am happy to walk through a couple points in that letter that will address the comments he has made today. First, the issue is whether the current operation conforms to the city zoning code or not. The city finds the truck parking and storage as the principal use of the property does not conform to the zoning and the Appellant, as indicated, agrees. Of the 67 permitted uses allowed in the industrial zone, truck parking and storage as a principal use is not listed as one of those uses. So, to be clear, there are other uses that the property could be put. Many of those are in that list of 67 other uses, so their basic intention is that a general truck parking and storage has occurred on the site for 30 plus years and that is what has been allowed and should be allowed to continue. What they fail to recognize, which is a fundamental point that staff made, is that for 23 of those years the site was used by Matheson's Postal Service and the city found that to be a Postal Service use, which is a listed and permitted use in the industrial zone. A business license was applied for and granted for that specific use. Staff confirmed that was a permitted use of the property, so nothing more, nothing less. Haul mail for use of Postal Service and as I said, the city deemed that to be compliant with the zoning. By acknowledging and allowing that specific Postal Service use that started in staff position a new and conforming use in the property. Any prior non-conforming use of general truck parking and storage ended Postal Service use began conforming to the code. The fact that truck parking and storage may have occurred on the property prior to the city's corporation and that today truck parking and storage continues does not mean that the use qualifies as a continuation of a legal non-conforming use. That is because once Matheson Postal Service began operating the property as a legal and conforming permitted Postal Service use, the lawful use terminated any general truck parking and storage use that may have legally commenced on the property prior to the city's incorporation. Any legal non-conforming would have expired 180 days after the commencements of Matheson's legal use of the property. So once Matheson terminated its use in January or February of 2024, any new use must be conforming to the code. Accordingly, the property owner does not have the right to restart a non-conforming use that expired on the property more than 23 years ago. Mr. Condas mentions the fact that there appears at least to him to be of his shifting interpretation and understanding of what was allowed and not allowed. So, on page three of his letter, it stated to May 11, 2020 staff document and he indicates that the city determined that the site had been used for truck

parking and storage since the 1960s, and the city had determined that the use was legal, non-conforming. We do not agree with either of those statements. First of all, the statement that the site had been used since the 1960s for truck parking and storage is merely a notation of a conversation provided by the owner of the property at the time. The other thing is that this document that they cite and they provide is exhibit A is merely a determination of whether or not there is an active code violation proceeding against the property. It is not a determination that everything occurring on the site is compliant with the code, whether it be the buildings, the structure, the use. Do you have any records in your file indicating that there is an active code case? The answer was no, there was not an active code. The next document that they refer to as on August 9, 2021, that there was a zoning verification letter from Angela Tafolla conforming that the property was illegal non-conforming and that document stated that these structures were legal non-conforming, does not say that the use was legal non-conforming. Next, on September 30, 2021 there is a reference to the e-mail from Mrs. Tafolla responding to a question, and that e-mail has two sentences in it. It stated the site is legal non-conforming and that means the site that the development of it in terms of its amenities, its condition, as well as the building was established prior to the city's incorporation. The second sentence, our code does not support truck or trailer parking in any zone. Based upon staff reading a statement that the use of the site was a legal non-conforming use, it is a statement that the site structure, the layout, the amenities on the site were non-conforming not about the use was confirming. The reference to June 2024 staff asserted in a notice of violation that it was a continuation of a legal non-conforming use and acknowledge that the notice of violation on June 14th said that, but it is what occurred in the notice of violation on August 6th. That is what is being appealed today. That actual citation only refers to three violations. No business license, the use does not conform to the code and therefore it is a nuisance, and it is not a use permitted by the zoning. Mr. Condas is asserting and bringing into consideration a case that had to do with a quarry and the complicated laws and regulations related to the use and continuation of a quarry that has been made non-conforming by change to the zoning. If you have a non-conforming use and in the riverbed you were actively working there, but you had previously had quarry work on a hillside. That is all a non-conforming use and can continue to quarry on the hillside at a later time. We are not talking about a quarry that it is complicated and layers of state and local regulation, we are talking about a Postal Service use, and we are not in a situation where we are taking the position that by minimizing the number of parking spaces that they have lost the ability. If Matheson were operating the postal use and they had, let us say 20 parking stalls on that property for 180 days, they stopped using some of those spaces for their Postal Service use that they could not then recommence it. We regarded Matheson's Postal Service use as a postal use of the property, and we were not trying to take the position that lowering that number while they were operating that Postal Service use would not be permitted. Lastly, the tenant from Sugar Creek indicated if you take action to uphold the citation, that it would potentially terminate her business, put people out of work, and we do not necessarily have this information in the record, but it might be useful to find out whether or not she operates other sites. If I understand her website, State Sugar Creek does operate other locations in the Inland Empire.

Chair Hamerly stated in light of the present mix of Sugar Creeks Enterprise, if they are primarily a contractor for postal services with the US Postal Service and they were to file an identical application stating the same facts regarding their business. Would they be granted a business license?

City Attorney Ennis stated I think the staff indicated that if the predominant use were Postal Service delivery use or transport use that would be a continuation of what was and would be consistent with the zoning. I think staff has taken the position that the use as Postal Service use has to be 100% of the use. So, the fact that they would be leasing or allowing truck parking and storage for other types of businesses would not be consistent with the Postal Service use.

Chair Hamerly stated that was not the question. We have one entity here that is comprising 51% of the total activity and their business is 100% Postal Service and the other 49% they can now sublease and park their vehicles there. If there is only one tenant on this site and they are a postal carrier contractor, does that fill the same void and the same use as Matheson's?

City Attorney Ennis stated the one tenant would have to be 100% engaged in Postal Service use. That is staff's position.

Community Development Director Mainez stated Matheson's was a 100%.

Chair Hamerly asked Sugar Creek owner if she has multiple sites available to your business or is this the only location?

Tenant Monica Byers stated I do. I have parking available at every location, not necessarily spaces at every location are available for rent, but it is just advertising for somebody to be driving by that needs a parking space.

Chair Hamerly stated would your business mix allow you 100% of the of the facility that is in Highland would be dedicated to postal carrier service?

Tenant Monica Byers stated yes, I could do that.

Community Development Director Mainez stated tonight is the issue of the appeal. If she is able to submit documentation specifically U.S. Postal Service exclusive delivery, of course we will entertain that. We are only talking about hypotheticals right now.

Property Owner Michael Johnson stated I know the city staff is referring to Matheson's Postal Service because that was in their name and 100% of their business was Postal Service. I know on the record I showed the former website of Matheson has now since been taken down, but you can go on archives and go on Matheson's Trucking Service, and it clearly shows the business was not 100% dedicated to postal service.

Property Owner's Representative John Condas stated we appreciate your trying to be creative and trying to get both parties in a better position. I would suggest is if we could continue this and have further discussion with staff to see if this is something that we can work out.

Chair Hamerly stated regarding tonight's vote we still have four people and last time it was a 2-2 and so City Council is probably going to be the arbiter of this, and they can be a little more creative than we can. We call balls and strikes on the code and nothing else.

Property Owner's Representative John Condas stated my only suggestion was we could continue it again and we could try to work out something with staff and then if we then we could come back to the Planning Commission.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas and seconded by Chair Hamerly to uphold Administrative Citation No. 15255 and adopt Resolution No. 2025 - _____. Motion failed on a tie vote of 2-2 with Commissioner McCance and Commissioner Miller dissenting.

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.)

Assistant Planner Martinez presented the staff report.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner Miller to adopt Resolution No. 25 – 005, 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. Motion carried, 4-0.

RESOLUTION NO. 2025 –005

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.

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.

Associate Planner Tafolla presented the staff report.

Chair Hamerly stated the recommendation was mentioned it was incomplete and there is an additional insert. Is it a rewriting of item # 3.

Assistant Community Development Director Stater stated on page one, my proposal would be to eliminate #1 because you are going to incorporate that into #2 and #3. So, if you eliminate #1, #2 would be "Staff recommends the Planning Commission approve resolution 2025 - ____ recommending the City Council. "#2 would follow as written and include and instruct

staff to file the corresponding notice of exemption.”

Chair Hamerly asked if what is presently item #2, would become item #1?

Assistant Community Development Director Stater stated correct. The next item would be on page 2, so #3 would become #2. The action would state “Adopt resolution 2025-____ recommending the City Council and introduce the ordinance as written.” Lastly, #4 would be #3. The Planning Commission would recommend one or two options or neither to the City Council. City Council is going to consider those and direct back to the Planning Commission possibly.

Chair Hamerly asked would it affect the form of the zone, whether it is a Planned Development (PD) or a Residential-4 zone (R-4)?

Assistant Community Development Director Stater stated yes, we are looking for direction for you to make recommendation to the Council on site #1, #2, both or neither.

Community Development Director Mainez stated just to clarify, we are not asking you to select a site that we can carry up to City Council, we are selecting a site so that we can start the rezoning process, and Planning Commission will eventually see the rezoning and General Plan Amendment. We will receive everybody's comments from the public and then it goes to the City Council. Tonight is similar to a study session and to get comments from the property owners around these particular sites. The state has given us a short timeline and need this to be adopted by December 2025.

Chair Hamerly asked is it ok to split the resolution?

Community Development Director Mainez stated yes.

Chair Hamerly stated ok, we will split the resolution and make a recommendation to the City Council. We will read the first two and then come back and read the third.

Community Development Director Mainez stated that works.
Chair Hamerly opened the public hearing.

Public Speaker Vince Franco stated I would like to address the zoning proposal change specific to where the dog park is located. We are opposed to the zoning change to this simply for this high density housing residential. We bought these houses here knowing that this was a low density housing area, and the large lot size were attractive to many of us. I know you are under pressure from the state; I understand that. I am real estate salesperson. I've been selling real estate for 28 years and my experience is these high density projects cause traffic and infrastructure issues. They turn into eyesores and devalue the area in some cases, but I think my biggest gripe is conformity to the surrounding people that have been there for over 25 years at most. So, I know you have a duty to the state, however I ask that you have a duty to your residence as well equally and retain the zoning as it is as low density housing. Thank you for your time.

Public Speaker Johnny Robinson stated my family moved to Highland in 1989 when I was

four years old. I remember when Lowe's was the Chicken Ranch and when we had a golfing range. I bought my first house here on Church Avenue just around the corner in 2018. I have worked really hard to save up, to move to the better part of Highland. Although I appreciate all the business that has come off Greenspot Road, however, it is nice that when you drive away from that area, the traffic gets less and less. The visual of the openness when you drive out to Greenspot Road is important and my children are young so I hope that this is the home they grow up in and we will be there for a long time. So, I think bringing more housing to the area defeats the purpose of working hard to move into an area like that.

Public Speaker Edward Bonadiman stated I am at 30195 Central Vista I have been there since 2000. A lot of you know me, most of time I am on the other side trying to get a project to go through. In this case, I totally understand what the city has to do. What always drives me crazy is that the state tells feds [inappropriate language] constantly and then the state turns and looks at the county/city and says jump right now and do what we say, and the cities and the counties do it and it is terrible. It is unfortunate that you lose your local control because the state is just so incompetent that they push its problems under local jurisdictions. I know it is a lot of work to do; I totally get it. This site by Aurantia Park is a terrible site for apartments. Everybody knows it is terrible for high density. Would it be better off planned unit development? A higher density? Condominiums where they are owned? That makes more sense, even if it would not be ideal. The city has so much open space, so much opportunity to do other vacant parcels for higher density. So that is really my ask is that you, you look at something else or choose between these two.

Public Speaker Randy Ryder stated I live at 29846 Watson Court. I have been here for 20 years, and I live by the Aurantia park. We see them as single family dwellings and we look at the neighborhood as relatively safe, but honestly, if you are going to put high density in there and I really do not understand the concept. I am supportive totally of law enforcement and the Highland police out here, but we rarely see anybody out here on patrol. You are going to bring lower income people living in close proximity and you are going to have more problems. I do not know if it would work, but that trailer park on the corner of Greenspot and Boulder Avenue would be a great. Thank you.

Public Speaker Burt Young stated I have been in City of Highland since 1988. I am a former Code Enforcement Officer and a former Community Service Officer, and I ran the Crime Free Multi Housing Program. Why does that no longer exist? Did I miss something?

Community Development Director Mainez stated it was part of the state changes and required us to remove them.

Public Speaker Burt Young stated I ran the program in Rialto, and it is a rough area. I am down the street on Santa Ana Canyon Road, and I worked in these areas. I was a Senior Code Enforcement Officer, so I know about these programs. There are a lot of areas in Highland where you can go such as East Valley Water District. Like I said, I have been here since 1988. In a nice neighborhood, and we do not see the police because we do not have that many problems out there, however, just reconsider if you could and take a look at some other areas. The trailer park on Boulder Avenue and Greenspot Road is an eyesore. They are dilapidated and probably up not up to code. Has anyone checked?

Public Speaker Dwayne Hunts stated I am resident of Highland. I just bought my property in March 2023. We purchased a house over across from East Valley Water District. Before purchasing here, we lived in East Highland's Ranch for seven years. We lived on Clover Hill, a beautiful area, we enjoyed it. I grew up in San Bernardino, moved out here from LA in 1989. What is the word for it? when we grew up we called it affordable living. When I grew up in San Bernardino we have heard of East Highland. There was no reason to ever go to East Highland because there is nothing in East Highland unless you live there. Where we live, in Vista Verde we have no problem paying for that house because the zoning around there would not allow for this crap I am hearing tonight two years ago. I invested in having to fix my yard for \$150,000. I do not want that crap where I live, it will bring down the property value. We are going to need police around there. If I want to live around affordable living, I would not have spent half of a million on my house. I do care about the affordable living people I am related to many of them; they do not know my address and there is a reason for it. I am being real with you, I really come from this stuff. There is a reason I moved up there. Thank you for your time. Thanks for listening.

Public Speaker Bruce Lantagne pointed to his property on the PowerPoint. If these homes go up Greenspot Road will be even worse. 40-50 years ago, I could go down the two lane road and these are all wonderful neighbors that I have around me. I do not hear anything coming down from them, if you put this in they are going to hear it. This is my retirement, everything I have is in this property. I am not against rezoning; however, this is not the spot. I understand it is an improved road. The city has many more choices than here. I have lived in this city since the 1970's. I have seen when it was all rocks and there was nothing else out here. Thank you.

Public Speaker Samuel stated I live on the adjacent side of the red highlighted area. I know Bruce very well. We have worked on the water well and we have become great friends about a year now. It is a tranquil area, you can feel how wonderful this land is. I actually have development plans myself, so I am a little torn here. I have actually built an Accessory Dwelling Units (ADUs) in Loma Linda and Fontana. I was a general contractor. If you are familiar with what happened with Citrus Valley High School in the development, there was a woman named Helen that was there, and she held off for the longest time. My mother-in-law worked for her, and I feel that is the same stance that the community is taking. As a pastor, someone that mentors people and help those of low income, we cannot write them off and say they are bad people, they are going to cause the police officers to come. Corruption is from the bottom to the top. Do you know what I mean? I certainly sympathize with the need to comply with housing and as in a financial way I see an opportunity for us. The issue is purpose, what is the purpose here? I think the purpose is to maintain the integrity of the land. I took my daughter up to the top of Seven Oaks yesterday and we went off roading up there on that trail. We appreciate the he city keeping that open and giving us opportunity to continue even though we had the Line Fire. I think overall we just want to maintain the culture of the property and there are other areas, but I do like to develop. I have done it myself. So, I just wanted to voice the concern of myself and also the beautiful Vietnamese family that lives on the same property where I live. My neighbors across the street that I have met everyone there. It seems, overwhelmingly, that they do not like the idea of something being built in this specific area, but we do appreciate the compassion to help the people.

Public Speaker Ron Arnott stated I am the owner of the other property and have owned it

since 1980. A lot of the discussion here is probably best addressed to the state, where they define these laws, and we have to comply. So, what we have to do is comply which would be to maybe look a little bit farther east, but it may or may not ever take place, but at least it is complying with the requirements. One thing about culture though, and I have to say I have been in the area since 1949 while I was born in San Bernardino, and we have moved to Redlands and owned property in Highland since 1980. A lot of people come up to me and say why do you sell these orange groves? We really love to see this. We move in and do not like to see further development, but further development does need to happen. The streets get crowded, but I am thinking we should comply with the state requirement as possibility farther east as an opportunity. Thank you.

Public Speaker Camille Bahri stated I am with Sunland Communities. I am here with Mr. Arnott, and he asked me to say a word, and I am encouraged by the fact that a few people have lived most likely in one of the properties I built. We certainly have done things that are quite fitting of the area and meets the needs of a common family. We are not encouraging or supporting this, but we do support staff in its effort to meet the requirements of the state, obviously. One thing that's kind of not been discussed or overlooked tonight is when you wedge a much higher density within existing conventional single family, larger lots there is going to be some resistance. There is no doubt for various reasons. The reason we support staff and the property more east, Mr. Arnott's property is because there is some separation from the existing residential, so it is not going to be that much of an impact. Also, there is a bit of a time separation, there is a need for some time for what has developed so far to reach that area. There is a lot of infrastructure that would be needed. There is need for water, extension of other infrastructure and facilities. Even if you designate 20 units per acre today in the best location, and the cost and the reception by the market is in there, it is not going to go anywhere. So, you cannot force a property owner to build it, or a property owner could not force a developer to come in and do three story apartments. The difference between us and somebody else who may do maybe 3 or 4 acres at the time as its development is that we really thrive on master plan communities. So, when you are living in a high density, whether it is an apartment or 20 units for sale you get a partial ownership in the common amenities, not only the unit that your name goes on, but it is also the undivided interest. I am very respectful of the people who are opposed of this kind of development. My son lives on the 10th floor, paying \$4000 a month in rent because it is needed, but it is in a much more urban area. The market will dictate whether that will be acceptable or not. Thank you.

Public Speaker Michael stated so instead of doing 5 acres, Mr. Arnott has more property out there, we should do 10-15 acres on the east side then the numbers will be better for the state.

Public Speaker Vince Franco stated regards to the numbers, I am not sure what the state mandate is, but I am looking at the planned communities specifically by Costco. There are 546 apartment units and 200 residential multifamily units to be built. I am assuming these are approved plans; these are in motion. What does the state want?

Chair Hamerly stated they want more.

Assistant Community Development Director Stater stated the state requires the city to provide the appropriate zoning for all segments, socioeconomic throughout the city. What the state has noticed that our higher zoning, which the state equates to lower income, was

disproportionate to the geography of the city and that it was not located within a high resource area. The mandate by the state is 5 acres in the high resource area. That is what the city is trying to achieve, that is why you do not see the plans on Sterling Avenue and the west side of the city.

Chair Hamerly stated just to clarify on Title 5, they can still access records, however it is only for convicted crimes not on incidents. Did I read that correctly?

Assistant Community Development Director Stater stated I heard that mentioned. It is the program itself because the program identifies potential tenants that have criminal records, and it discourages their opportunities to be placed. We have been told to eliminate it altogether.

Chair Hamerly stated under the ADU provisions, it discusses the septic systems or private sewer treatment, however given that there are sites within the city that would have enough acreage to treat waste there safely and effectively should be a minimum site size.

Building Official Wirz stated currently, we do not have a local agency management plan, so we default back to the states Onsite Wastewater Treatment Systems Policy (OWTS) policy, which dictates 2.5 acres per dwelling unit which is hard to achieve. There are some concessions based on the age of the lot and when it was formed legally. This provision started in our ordinance because of those requirements before to get a septic system approved, you have to go through the state to get approval, and they were denying it. Recently the state had discussion allowing septic systems for ADU's.

Chair Hamerly asked is there a mandate if someone wanted an additional unit on their property, they would have to hook up to municipal water and sewer?

Associate Planner Tafolla stated that is correct.

Chair Hamerly asked has the state weighed in on that yet?

Associate Planner Tafolla stated the state had reviewed our previous ADU ordinance and approved it. This one will also have to be submitted to the state for review and approval.

Chair Hamerly stated regarding the group homes and residential care facilities, I understand the thresholds and how it is treated for single family zones for neighborhoods that have parking restrictions. How would those facilities be able to qualify based on number of bedrooms and or residence?

Associate Planner Tafolla stated per the state requirements; the city has to treat them the same way we would treat a single family residential unit. We would take those items into consideration, but there is not specific standards that we apply when it relates to parking for those units.

Chair Hamerly stated we will go over the final item which is the preferred site from the two proposed areas. Were there any additional sites that showed up on the search for the high resource areas?

Community Development Director Mainez stated this exhibit started when we negotiated with the state, and they bought off on our certification. We met all the terms and the requirements; we had a really good inventory with all our future housing and the state was ready to sign off. The state reviewer is very detailed with a liberal approach to providing housing for everybody in California is a wonderful goal. The state is very familiar with our city. Our city is a very linear city what they consider Sprawl. They looked at the social economic data, the maps that the states produce monthly/yearly. The state reviewed our data and pointed out the boundary of the high resource area. This is not adorable housing, but there is a concept that the state believes 20-30 dwelling units are affordable. We narrowed it down to the corridor at Greenspot and looked at whose property is for sale. Who is developing in this area or who is not? We came down to three sites, I had to eliminate one site off Santa Ana Cayon and Alta Vista because it was bought by Diversified Pacific. In the first location there are interest for a high density product, so regardless of what happens tonight, there may be an application on this property in the future. Regarding the second site, Mr. Arnott spoke about his property, and we have discussed future vision for his property. What is on the PowerPoint in front of you is a schematic of five acres and it does look like we push as far as we can, but we are just trying to show you what 5 acres looks like. I think the appropriate zoning would be Planned Development District to allow that flexibility because there is an earthquake fault there and other geological environmental factors. It was very restrictive to the habitat and being sensitive to the neighbors.

Chair Hamerly stated when I picture high density, even disregarding the income levels that would be associated with it, but just the product itself it seems like it is ideally suited for an infill project that is already in a higher density area or Planned Development. The bigger sites are more appropriate.

Community Development Director Mainez stated I agree and putting it by the park was another interesting concept because there is some connectivity. There are trails around the area. In defense of the state, they did not pick a site specific, they just said the easterly portion of Highland.

Chair Hamerly stated the logical best fit is to put the higher density into expanding the notion of resource rich. Resource rich is what you need to function on a day-to-day basis such as schools, churches, shopping, and transit within a very close area.

Assistant Community Development Director Stater stated we made the same argument to our consultant with the Housing Element. It seemed to be the opposite of resource rich resource rich is Central Avenue by Sherrif's Department, library, and community center.

Chair Hamerly stated my recommendation would be that the best vehicle of achieving that is not to designate something that is out in a rural area as automatically Residential-4 (R-4)zone. If you have X number of acres, we need a percentage that would be for higher density, and you can density average.

Community Development Director Mainez asked the Planning Commissioners which location do you prefer?

Commissioner Miller stated option #2.

Chair Hamerly stated option #2, however I would not go for the Residential 4 zoning, it would have to be Planned Development District.

Assistant Community Development Director Stater stated I do not think we will be successful if we do not have 5 acres. We can put it in the Planned Development that has 20 acres.

Community Development Director Mainez stated it is clear. We will make it work.

Chair Hamerly asked are you expanding solution #2 to get beyond 5 acres?

Community Development Director Mainez stated yes. It would be an overlay type ordinance tied to the Zoning Map and General Plan. That ordinance will be required to put a notation on the map referencing the 5 acre and 20 acre minimum land use.

Chair Hamerly closed the public hearing.

Commissioner McCance stated there was a typo on the resolution on page 11, to strike out regulation of marijuana use.

Chair Hamerly stated on page 47; the onsite wastewater treatment it is still a denial. There is no minimum lot size that is tied to that.

Chair Hamerly stated we are deleting item #1, and it will be individually recited under present item #2 and #3. We will split this into two separate motions.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner Miller to approve Resolution No. 2025 –006 recommending the City Council approve Municipal Code amendment 24-001:

1. 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. Adopt a Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board. Motion carried, 4-0.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner Miller to approve Resolution No. 2025 –007 recommending the City Council approve Municipal Code amendment 24-001:

1. 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. Adopt a Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board. Motion carried, 4-0.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner Miller to select site two 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 option #2 to prepare a formal General Plan Amendment and Zone Change for future public hearing and Council consideration. Motion carried, 4-0.

RESOLUTION NO. 2025 - 006

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, 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)

RESOLUTION NO. 2025 - 007

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)

ANNOUNCEMENTS

The next Planning Commission Regular Meeting is scheduled May 6, 2025.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 9:29 p.m.

Submitted by:

Approved by:

Camille Duarte, Administrative Assistant III

Randall Hamerly, Chair

