

MINUTES
PLANNING COMMISSION REGULAR MEETING
June 15, 2021 – 6:00 P.M.

CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:01 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

Absent: Commissioner Jarrod Miller

Staff Present: Lawrence Mainez, Community Development Director
 Kim Stater, Assistant Community Development Director
 Ash Syed, Associate Planner
 Matt Bennett, Assistant Public Works Director
 Camille Goritz, Administrative Assistant III
 Scott Rice, Landscape Architect

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

CONSENT CALENDAR

1. Minutes from the June 1, 2021 Regular Meeting.

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

PUBLIC HEARING

2. A request for a one-year Extension of Time (EOT) No. 21-001 for Tentative Tract Map No. 19915 (TTM No. 14-004) and Conditional Use Permit (CUP) No. 15-001 facilitating Highland Park Planned Development (SPR No. 15-001) for a residential community, consisting of 46 single-family residential lots, one neighborhood park/water quality basin, roadways, and two (2) lettered landscaped lots. (29300 Base Line)

Associate Planner Quintanilla stated the Applicant requested to withdraw the application. We have found new evidence through State Law AB 1561 which gives an automatic 18 month extension for Tentative Tract Maps expiring during the COVID-19 pandemic. This tract falls within the guidelines and the parameters of this approval therefore, the Applicant is requesting to withdraw this application.

3. Design Review Application (DRA 21-008) for the reconstruction of a restaurant with a drive-thru lane, onsite parking, and landscaping on a 12,000 square foot parcel. (26468 Base Line)

Associate Planner Syed presented the staff report.

Chair Hamerly opened the public hearing.

Commissioner Amaya asked if the business to the north of Nikko's will be without a fence? There is an existing fence right now, but I think the plan was to remove it.

Tony Shabke, Applicant stated there is a fence on the north side and we are not going to remove it.

Commissioner Amaya stated the bollard is on the east side. Will you have a fence there?

Associate Planner Syed stated along Knobhill Road the existing metal chain will be replaced with a chain, however the bollards will stay.

Sean McNaughton, Representative stated there is going to be an entirely new concrete curb that will define the planter. That will serve as a barrier for the wheel stop as well as an effective barrier.

Chair Hamerly asked about the right of way. Is that going to be the immediate designation or is the existing curb and gutter going to remain as is? The 52 foot right of way designation there would take the right of way all the way back to the curb.

Assistant Public Works Director Bennett stated the 52 feet is the right of way back of curb. The curb is going to remain at 40 feet from centerline, 12 feet back is the right of way. The curb line is at 40 feet and that is at ultimate. What we are trying to perfect is the 12 feet back of curb which is allowing for the city sidewalk and parkway in those 12 feet.

Chair Hamerly stated great upgrade on the landscaping. It looks much better than it does now.

Chair Hamerly stated the crosshatched area that is at the southwest corner that states drive-thru waiting area looks like a sharp turn to get in there and it is only 15 ½ feet deep. Either the vehicle is going to be hanging out waiting for people to get their food or the front bumper is going to be sticking out into the accessible pathway coming from the street. How is the space intended to work or the frequency that which would be used?

Sean McNaughton stated that space might not be needed at all. We may be able to remove it, it was not needed for an extra parking space.

Chair Hamerly stated I was wondering about the logistics because if they do get their food delivered to them and that is the front of the cue it is going to be disastrous trying to back out of there.

Associate Planner Syed clarified that there are 15 parking spaces needed.

Chair Hamerly stated the two parking spaces in the crosshatch area were not counted in the parking total, so you are good without those.

Vice Chair Thomas suggested putting a sign that states drive thru waiting area.

Tony Shabke replied thank you, we will consider that.

Commissioner Amaya asked if the second floor of the building is only going to be used as office space?

Sean McNaughton stated correct.

Chair Hamerly closed the public hearing.

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

1. Adopt Resolution 2021 – 009 approving Design Review Application (DRA 21-008) for the reconstruction of a restaurant with a drive-thru lane, onsite parking, and landscaping, subject to the Conditions of Approval and Findings of Fact.

2. Direct staff to file a Notice of Exemption with the County Clerk of the Board of Supervisors. Motion carried, 4-0.

RESOLUTION NO. 2021 – 009

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING A DESIGN REVIEW APPLICATION (DRA 21-008) FOR THE RECONSTRUCTION OF A RESTAURANT WITH A DRIVE-THRU LANE, ONSITE PARKING, AND LANDSCAPING LOCATED AT 26468 BASE LINE, HIGHLAND, CA 92346. ASSESSOR'S PARCEL NUMBER: 1191-231-34.

4. An Ordinance amending Title 16 (Land Use and Development Code) of the Highland Municipal Code, Chapter 16.06 (Definitions), Chapter 16.16 (Residential Districts), and Chapter 16.44 (Specific Development Standards) regarding Accessory Dwelling Units ("ADUs") and Making Findings Under CEQA.

Community Development Director Mainez presented the Staff Report.

Chair Hamerly opened the public hearing.

Commissioner Sutorus stated some of the areas outlined on the map presented already allow Accessory Dwelling Units (ADU's). A lot of those parcel lots would accommodate a type of ADU. A lot of people in that area have trouble receiving insurance for their house, very few insurance companies will provide insurance because it is designated as a high fire zone. I also am concerned about the parking.

Community Development Director Mainez stated all those points you made were arguments made by the Planning Associations, League of California Cities, and everyone that wanted to protect character of our neighborhoods. Ultimately the legislation won, and the goal was to provide decent housing for lower income residents, and they thought this was a good solution.

Commissioner Amaya asked if a resident has an unpermitted ADU, are they going to be grandfathered in this Ordinance?

Community Development Director Mainez stated that is illegal to have an unpermitted ADU. The Ordinance requires the property owner to have structures built to code. We

would open a Code Enforcement case and go through the Ordinance to see if they meet the standards and setbacks. We have had a couple unpermitted buildings and they have had to demolish the building.

Commissioner Amaya asked if solar panels are going to be required for a new ADU?

Community Development Director Mainez stated if it falls under the green code, we certainly require solar panels. I would have to see the square footage requirement.

Chair Hamerly stated that would be a threshold test. It would either be the dollar volume of the conversion or the size as a percentage of the existing structure. It could trigger code upgrades.

Commissioner Amaya asked is the city looking for financial incentives for the Development Impact Fees?

Community Development Director Mainez stated no. I do know that under the Housing Element law cities can develop programs to incentivize ADU's. We are not looking at financial assistance programs at this point.

Commissioner Amaya asked if Homeowner's Association (HOA) are part of this?

Community Development Director Mainez stated the ADU legislative is silent. I will defer that to the City Attorney. I assume the state would trump any HOA restriction on HOA authority to regulate.

Chair Hamerly stated the HOA is a discretionary review. The state would trump an HOA.

Commissioner Sutorus asked if the HOA will allow you to have rentals on your property?

Chair Hamerly stated they can restrict short term rentals.

Commissioner Sutorus asked regarding manufactured homes and alternative type construction. Is that going to be allowed?

Community Development Director Mainez stated there is a trend of converting cargo containers into dwellings such as, tiny homes. Our objective here in the ordinance is to make the ADU look like the existing house and that it blends in.

Commissioner Sutorus stated the manufactured homes are not efficient.

Vice Chair Thomas asked so it would be allowed? It would just need to be consistent in the appearance, yes?

Community Development Director Mainez stated yes. You can either have parts and put it together or have it all manufactured offsite and then hauled in and brought in with a crane or onsite maneuver to the side of the house. It is possible.

Chair Hamerly asked is a mobile or a modular unit acceptable?

Community Development Director Mainez stated a modular unit is. I would not say it is a premanufactured home off site. I do not think modular falls into the mobile home category.

Chair Hamerly stated you have the modular units that can be affixed to a secure foundation and when it is installed, there is no distinction between that and a site-built unit. They also have your typical mobile home where it is literally on wheels, and they can put an apron, or they can put piers underneath it and it could be moved off site. Are those restricted because they are not considered a permanent structure?

Vice Chair Thomas asked is it based off the permanent foundation permit?

Community Development Director Mainez stated we do require all units be on permanent foundations.

Assistant Community Development Director Stater stated you are exactly right Chair. This was a discussion between Planning and our Building Official. The definition really fell back to the Building Code and that permanent foundation. It really eliminated mobile homes, permitted the modular homes, and I think we have seen one application, but I have not seen any application that we have approved or come forward where the application did not state exterior materials will match the existing home, make sure colors and the roof materials will match.

Chair Hamerly stated my concern would be for life safety because you really cannot put a good foundation system underneath those things that is going to pass seismic standards. So that becomes more of a building and safety and life safety issue, even if it is not a planning issue that could directly be addressed because of exclusions within the ADU code.

Community Development Director Mainez stated these units are small enough where they are exempt from water quality management plan provisions given they are under 5000 square feet, but we will obviously look at the lot drainage during plan check.

Chair Hamerly stated that is the water budgeting for less than 5000 square feet of site modifications for your state water budget.

Community Development Director Mainez stated the Water Quality Management Plan (WQMP) is separate from the drought landscaping requirement.

Chair Hamerly stated I understand the parking restrictions that you cannot make them replace covered parking or enclosed parking. If we have a five-bedroom home and they build an ADU and a Junior Accessory Dwelling Unit (JADU) you could conceivably have up to five parking spaces required by code for the additional units. You cannot just stack them up in the street. I know there are restrictions that say you can only have a certain percentage of your front yard paved with a driveway. How does the ADU run into that if all the parking has to be on site, even if it is not enclosed or covered?

Community Development Director Mainez stated the legislation limits our ability in the number of parking that we can require which is one. The property owner would have to show us on their construction plan where that is. There is not enough space on that property, they are going to park in the street. We do have regulations about parking in the street and they will be enforced.

Chair Hamerly stated sometimes they say that you cannot have more than 40% of your front yard lineal frontage taken up with parking, driveway, etc. I do not know how the city would do this. It seems like there does need to be some sort of an insurability clause. So, that if somebody were in an area that was deemed to be flood zone that could

impact insurance. I know we have got some restrictions for the fire zones one and two, but if there was a proximity to the foothills where insurability became an issue it needs to have a clause in there.

Community Development Director Mainez stated I will forward that question to our City Attorney.

Chair Hamerly stated I know a lot of times they do have minimum insurance standards saying you have to have these limits of liability coverage. So, if the main house is covered, it seems like there must be some provision in there that all the structures on the site have to have that coverage. You could not have an uninsured unit because of the liability that would be involved, so I am not sure what kind of passthrough liability.

Community Development Director Mainez stated it sounds like a civil issue to be addressed by the property owner.

Chair Hamerly asked is this an action item and this is a recommendation to the City Council, correct?

Community Development Director Mainez stated that is correct.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Amaya, seconded by Commissioner Sutorus; to adopt Resolution No. 2021-010 recommending the City Council:

1. Introduce Ordinance No.____, an Ordinance of the City of Highland regarding Accessory Dwelling Units, and making the findings of exemption under section 15282(h) of the California Environmental Quality Act Guidelines, and Public Resources Code Section 21070.17; and
2. Direct staff to file a Notice of Exemption with the County Clerk of the Board. Motion carried, 4-0.

RESOLUTION NO. 2021- 010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA AMENDING TITLE 16 (LAND USE AND DEVELOPMENT CODE) OF THE HIGHLAND MUNICIPAL CODE, CHAPTER 16.06 (DEFINITIONS), CHAPTER 16.16 (RESIDENTIAL DISTRICTS), AND CHAPTER 16.44 (SPECIFIC DEVELOPMENT STANDARDS) REGARDING ACCESSORY DWELLING UNITS (“ADUs”), AND MAKING FINDINGS UNDER CEQA (MCA-18-005-R1)

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled July 6, 2021.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:40 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission