

**MINUTES**  
**CITY COUNCIL SPECIAL MEETING**  
**MAY 28, 2013 – 4:00-5:30 p.m.**

**CALL TO ORDER**

The special meeting of the City Council of the City of Highland was called to order at 4:00 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

**ROLL CALL**

Present: Lilburn, McCallon, Racadio, Scott, Timmer  
Absent: None

**COMMUNITY INPUT**

None

**PUBLIC HEARING**

1. Public Hearing to Consider the “Greenspot Village and Marketplace” Specific Plan (SPR-006-001), Development Agreement (DA-012-004) and Design Review Applications for Planning Area 1 (PA1) and Planning Area 2 (PA2) (DRB 009-003 and DRB 009-004, respectively) [Continued from the May 28, 2013 City Council Special Meeting] [Continued from the May 14, 2013 City Council hearing. If this item is not concluded during the May 28, 2013 Special Meeting at 4:00 p.m., it will be continued to the May 28, 2013 Regular Meeting at 6:00 p.m.]

Mayor McCallon stated the Council is going to address the Specific Plan first; until they decide on a Specific Plan the rest does not have any meaning. So we want to address the Specific Plan and come to some decision on this before we proceed.

City Planner Mainez stated he wants to reiterate what he stated last time which was this Specific Plan, by the way the Applicant has a full team and we understand he wants to do a detailed presentation this time, so hopefully we have time.

Mayor McCallon stated once we get the Specific Plan done.

City Planner Mainez stated yes, of course. This Specific Plan was developed based on important guidelines set forth in the General Plan. Further, as a result of the Council's action back on May 14, 2013, to certify the related EIR, the Council also approved the General Plan Amendment and the Zone Change. Therefore, the Specific Plan is in compliance with the General Plan Policies and Goals and Actions. In addition, to its consistency with the General Plan, the Specific Plan will also provide high end resort type housing, apartments, retail services, restaurants and entertainment. It is estimated this could generate approximately \$1.8 million in retail sales revenue and accommodate approximately 2,000 new local jobs.

Economic Specialist Stater stated at the last meeting the Council had certified the Environmental Impact Report and had also taken action to approve a Resolution for the General Plan Amendment and to introduce the Ordinance that will be asking you to take action on the second reading this evening, which is the Zone Change on the property that will establish the Specific Plan should the Council approve it this evening, then apply those Land Use policies and procedures to the Specific Plan area. The Council at the last meeting had requested Staff to provide additional information which you will find in the Staff Report. The first was a comparison of permitted uses in the Specific Plan with those of the City's current standards. So starting on page seven of the Staff Report is that comparison. Planning Area One was compared with the City's existing General Commercial Standards. Planning Area Two was compared with the high density overlay and the R4 standards of the City's code and Planning Area Three was compared with the mixed use existing standards in the code. The second item was a comparison of the multifamily attached development standards meaning setbacks, densities, etc. that applies to Planning Area Two, the residential portion of the project, and you will find that comparison on page 14. In the comparisons for both, the first and second items that were mentioned, what you will see is sections of the Specific Plan itself and then the City's code only where it differs. So if there is nothing next to the Specific Plan item you will find nothing but if it differs, whether it's more or less lenient or strict, it will be noted in blue color in the Staff Report. The third item was multifamily parking which was in the first Staff Report, and it's formatted a little differently here and hopefully a little easier to understand. The three places that the R4 parking applies, one the City's standard, two in the Specific Plan and three within Planning Area Two, the Design Review Application itself. You will find the summaries of those on page four of the Staff Report. The Fourth item was the acceleration and deceleration lanes provided by the City Engineer on page 16 of the Staff Report and starting on page 26 are comments that Staff had recorded from the last City Council meeting and recommended language changes based on those comments. So Staff would be requesting an action from the City Council in three parts. On page two of the Staff Report, the second reading of the Ordinance for the Zone change, introduction of the Ordinance for the Specific Plan, and the third item following that would be to introduce an Ordinance for the Development Agreement.

Mayor McCallon asked does the Developer want to make a presentation on the Specific Plan before we ask questions?

Mr. Glenn Ellsmann, Greenspot Village and Marketplace, stated he is prepared to do either one. They have the author of the Specific Plan, Pam Steele with Hogle Ireland MIA here. Perhaps it may be helpful to have a brief overview as to how they got to the Specific Plan that was created. He also has Jack Sellman, founder and Principal of Architects Orange; he is prepared to get into more of the details, particularly with parking standards and any of the other R4 standards as it relates to the Specific Plan and multifamily aspect of that.

Mayor McCallon stated based on what has been said, he thinks it will be helpful for Council to address the changes that were talked about last time and the response from staff, and after that have the Developer give some overview because he's sure there will be more discussion on the parking standards. First of all, he would like to compliment Staff for their detailed response to their concerns and questions. He knows it was a short period of time to respond, and staff did an outstanding job. Looking at Table 5-1, permitted uses, where the differences are outlined between the Specific Plan and our current development standards. For instance, on page 65, where it talks about theme parks, family entertainment centers, and our development standards prohibited, however here it's permitted. He's concerned as to why?

Economic Specialist Stater stated she thinks that perhaps the Applicant's consultant from Hogle Ireland might be better able to answer that question, as to why they proposed theme parks for Planning Area One and Three. It was the Applicant's plan, so they determined which proposed land uses.

Mayor McCallon stated when we have the Applicant's presentation, he would like this addressed. Now on to page 103, Table 5-7, the R4 development standard calls for 20-30 dwelling units per acre, the Specific Plan is calling for 20-40 dwelling units per acre.

Economic Specialist Stater stated that specific density up to the 40 dwelling units per acre applies to Planning Area Three, which has a higher density.

Mayor McCallon asked does R4 overlay that one, or is that different?

City Planner Mainez stated no, the R4 overlay does not include portions of PA3.

Mayor McCallon stated on that same page, it talks about minimum private storage space per unit. Since we are not providing garages, and normally people use garages to store things in rather than cars, we have cut down the private storage space per unit to 81 cubic feet compared to 200 cubic feet.

Economic Specialist Stater stated that is the current proposal from the Applicant.

Mayor McCallon stated if we're not having garages, it doesn't seem reasonable to cut it down so much. People need a place to put stuff, and also private open space requires, it says 150 square foot ground floor and 100 square foot above ground floor, and they are proposing a 50 square foot minimum for ground and upper floors. Maybe the developer can address that when he comes up to speak. In the response to Council's specific questions, 254 it's labeled, flower accent, flowering trees etc., about the Jacaranda, he likes what has been put in there, not permitted within or adjacent to the public right of way. However, he thinks we need to say it should be, if used, it should be planted so that the canopy of the full grown tree does not overhang the public right of way. We have some of that going on right now where they are planted on private property but the overhang is on public property and that's causing all the mess.

Councilman Timmer stated when we talked about this last time, he also mentioned about some other species, camphor and so forth, which have very invasive roots. He thinks we need to ensure some of the trees that have invasive roots are not also in the City's right of way. We want to make sure the trees, not only the dirty flowering ones, but also ones that have heavy invasive roots.

Economic Specialist Stater stated okay.

Mayor McCallon stated he won't get into the parking requirements. They are sort of mixed together here between the Development Application and the Specific Plan and he wants to make sure we only address the Specific Plan requirements right now.

Councilman Timmer stated back to page nine of the Staff Report where it lists all the different uses. Under regional parks at the bottom of the page, he thought we talked about deleting that all together and not just in the Planning Area Two.

Mayor McCallon stated they addressed that in the other response.

Councilman Timmer stated yes but it's still showing it's permitted in the Planning Area One and Planning Area Three; we don't want regional parks at all, right?

Economic Specialist Stater stated what it's showing is what is currently proposed by the Applicant and what's allowed in the City code. The Mayor is correct as it is addressed in the table further in the Staff Report, deleting it.

Councilman Timmer stated the same with pocket parks; he would think we would want to encourage some small pocket parks within the Planning Area Two and seeing it's prohibited.

Mayor McCallon stated it's not, prohibited means what our current policy is and P means that is permitted.

Councilman Timmer stated he was reading this as now it's changed to prohibiting the issues.

Mayor McCallon stated prohibited says what our current standard is.

Councilman Timmer stated okay, now it makes sense and eliminates several questions. It's pretty clear in the City Engineer's report on the acceleration lanes and deceleration lanes and he's not recommending those at all. He still has hard feelings and still thinks it will make the project safer, but he would think we would want to support the City Engineer's position even though the deceleration lanes are only \$8,000; for that cost we could save a lot of accidents over the years, but he would think we would go along with it as much as he doesn't particularly agree with traffic analysis reports over the years. Especially when the report is saying that they need 620 feet for an acceleration lane, that's nearly two and a quarter football fields long. They don't even have them that long on the freeways so he doesn't understand why we are suggesting they have to be over 200 yards long to make them work on our little street. Again, he doesn't have much faith in traffic engineers but he will go along with Staff Report.

Mayor McCallon stated but he does have faith in our City Engineer.

Councilman Timmer stated yes, he does but a lot of their stats are coming from consultants. Back to the list of things we addressed on page 26, the whole litany of those. On item 203, second item down, it's talking about the Village Paseo. Somewhere in there he read that was going to be within the City Landscape Maintenance District, but that's not what it says here.

Mayor McCallon stated well that's different, this is a Specific Plan. It says the owner shall maintain all improvements.

Councilman Timmer stated yes, but later on in the conditions it says...

Mayor McCallon stated in the Development Agreement yes.

Community Development Director Jaquess stated what we were saying is we would incorporate it into an LMD so if it became necessary in the future.

Councilman Timmer stated the condition says the City will maintain, it doesn't say in the future. It also has an overlaying landscape which will overlay the whole project, but this one says specifically the City is going to maintain that LMD.

Mayor McCallon stated that's what the development says, but the Specific Plan says the owner is going to do it.

Councilman Timmer stated to him they are in conflict of each other. On 27, 261, about two-thirds of the way down, it talks about the dates. Nothing is inserted; are we going to insert numbers there or what is being proposed there?

Economic Specialist Stater stated we would request the developer or owner to provide dates.

Councilwoman Scott asked were those dates changed, because that was one of her concerns?

Mayor McCallon stated they haven't been proposed yet, we struck them out.

Councilman Timmer stated nowhere in the Staff Report does it talk about the discussion we had on garages at all, and what the resolve is on any of that and what is being proposed. It was pretty quiet on the Planning Area Two which talks about parking and talks about garages and the number of garages in the Specific Plan, and then there was no discussion on garages.

Economic Specialist Stater stated neither the City's R4 standards nor the Specific Plan required garages. There is language you referred to at the last meeting that there were some may's and some or's, but in neither place do you find a requirement for a specific number or percentage. The Specific Plan language basically says may provide up to 25% and they have provided up to 22%, but it's not a steadfast rule.

Councilman Timmer stated doesn't our City Ordinance on apartment say that there will be one garage per four as a blanket Ordinance.

Economic Specialist Stater stated it says one covered space per unit and that the covered space may be provided by either a carport or garage. That's what the R4 standards are.

Councilman Timmer stated he's talking about the City's parking standard Ordinance which overlays that. He knows we adopted the R4 standards after we adopted the city wide apartment standards.

Economic Specialist Stater stated she is familiar with that in the R3 standards. The standard should represent the ordinance appropriately and that there are requirements you are speaking of, but they are in the R3 and don't apply to the R4.

Councilman Timmer stated well that's a mistake on Council's part then right? This Council and previous Council have been pretty adamant about the number of garages per unit and so forth. So we must have missed that when we adopted the R4 standards.

City Planner Mainez stated he's not going to speak for the Council, but the standards for R3 were evaluated based on density, and there was discussion on garages in the records and were very clear, but you're talking about density and trying to make that work with parking and open space and all the amenities Council wanted to raise the bar aesthetically for apartments, which is very challenging. As you recall, Staff consulted with an apartment developer, Lewis Community Developers, as well as a nonprofit apartment builder, and based on their comments, the ratio for parking was developed. This was presented to Council and in fact, we met, and he pointed out a few times that there wasn't a mandatory garage requirement or garage or carport.

Councilman Racadio stated he is appreciative as well as the rest of Council of the detail that Staff went into to analyze this to enable the Council to look at. It's a very complex issue, a lot of data and a lot of pages to look through. Staff has done a very good job and he appreciates it. As the Mayor has stated, he has questions and concerns about what's being proposed in comparison to our current standards, particularly the private open space, which has always been a big concern with the City from the very beginning, of having added private open space. He would like to see the rationale of why that is; the ground floor is a third of what our standard is. The other is the storage, the private storage; instead of 200, it's being proposed at 81 cubic feet. He would like to see the rationale of both of those issues, and the minimum front yard setback, he's curious, it seems the developer has the setback being proposed at substantially more than what's being required. He would like to understand that a little more. Then the issue he needs more discussion on is the parking and the 124 parking spaces that we are not providing and according to our standards would be required. He sees this as a real challenge for people to send their visitors over to the shopping center to park. He would like to understand the rationale as to why it's being proposed with the fewer parking spaces than we would normally require.

Councilwoman Scott stated she has some additional concerns or concerns that go with this. Number one, she is concerned about the lack of security cameras. We have residential, commercial and the freeway. Easy access is always a great concern, so she's holding out for security cameras both in the residential and commercial area as well as the parking lot. Especially in the one area, there's supposed to be a tot lot and a tot lot in back of commercial which is close to the freeway.

Mayor McCallon stated a lot of that depends on the Development Agreement and Development Design Review that we are going to be addressing later as opposed to the Specific Plan.

Councilwoman Scott stated right, but the Specific Plan goes with the Development Agreement and she's having some real problems with this. The Specific Plan addresses residential design guidelines and it refers to homes and shows the photos; apartments are not homes, they are living places but they are not homes. There is a difference. The parking, again, they are talking about tree-lined, shaded narrow streets. Well where are we going to have parking for 700-800 residences? It also talks about on page 134 about creating a sense of community ownership. How do you create ownership with rentals? The safety, she's worried about the safety. Also on the stiles, the photos and Development Agreement on the Specific Plan talks about chimneys and fireplaces. Are chimneys and fireplaces planned for these? And if so, she didn't see anything from CEQA that would say, with the burning of the wood and so forth, that it was addressed. Also, she asks how many fireplaces, we have 24 apartments in each unit and so how many fireplaces are planned, one is each of them? Along with Councilman Racadio's statement, the ground space, the open space is totally inadequate; they are jammed together. Going along with Councilman Timmer's concerns, last time in the Specific Plan several times it says may, they may do this, they may do that, home neighborhoods may include common recreational areas; no, they must or shall or they will, not may. Another thing she has a problem with is regardless of changes in ordinances or regulations of Council and so forth the Development Agreement is assuring the Developer that the project started is completely approved.

Mayor McCallon stated again, that is an area that we have yet to address and doesn't deal with the Specific Plan.

Councilwoman Scott stated right, and especially since the Specific Plan supersedes the General Plan. When they are talking about different Districts, the Special Districts, the Districts are mentioned such as Mello Roos and Community Service District and the only one that says it will be used is the Landscape Maintenance District, they don't talk about any of the other Districts. Any ambiguity or content of application of the Specific Plan, it will be resolved by the Community Development Director; the Council needs to be very specific in the direction of this Specific Plan because it's not going to be just us, it's going to be whoever is sitting up here in later years. She is reminded of the very nice apartments that were on Arden and Highland Avenue when they were first built. They were very nice and we all know what happened to them and they have close proximity to the freeway there. Those are her basic concerns.

Councilman Timmer asked regarding the open space percentages that are referenced here, does that include the paseo or is that acreage included with the Planning Area One?

Economic Specialist Stater stated she hates to defer the question to the actual site plan, but in the site plan of the project it shows that paseo is included and is part of that percentage that goes over the 40%, but the percentage required in the Specific Plan exceeds the City's requirement of the 30%. In the Code it states that areas, even if they are for drainage, if they allow use for an active or passive feature that can be counted towards the open space.

Councilman Timmer stated we also talked last time, the size of units and there is no reference to what those are in comparison to our current standards to what is being proposed.

Economic Specialist Stater stated it's on the plan for Design Review, but they do exceed the minimum standards.

Councilwoman Scott stated one other real concern for her is on numerous pages of the Specific Plan they are talking about shall not exceed 800 residential units or allows for development and then it says 800, and yet the developer was talking about 546 before. In the Specific Plan at least eight times we are talking about 800. Also they are talking about the highest density when they are using the whole 104 acres, and if the 21 acres of the Flood Control property is not put in and then the 11.86 acres that belong to the Greenspot Holding Company is not included there in the Specific Plan, there was no reduction in any of the residential buildings.

Mayor McCallon stated the maximum of 800 applies to both Planning Area Two and Planning Area Three, combined they cannot exceed that.

Councilwoman Scott stated right, and that's way too much.

Mayor Pro Tem Lilburn asked can we go back to the question Councilman Timmer spoke about?

Economic Specialist Stater stated she didn't want to get into the Design Review aspect of the project yet, but the majority of the units exceed because R4 has a lower standard as we talked about at the last meeting, 650 and then 800 for the two bedroom or more. This project's one bedroom is 779 for just the one bedroom and then all the others exceed the standards, but she didn't know if Council would like to discuss that now.

Councilwoman Scott asked was the one bedroom 600 or 650?

Economic Specialist Stater stated 650.

Mayor McCallon stated the Specific Plan does address that and specific numbers and we did address that last time.

Economic Specialist Stater stated we can add that to the list of amendments if you want to.

Mayor McCallon stated he doesn't remember what page it's on in the Specific Plan.

Councilwoman Scott stated page three, no, that's just where she wrote it in.

Economic Specialist Stater stated its on page 85 of the Specific Plan.

Mayor McCallon stated as he recalls, our current standard is 800 for a one bedroom, 1,000 for two bedrooms, 1,200 for three bedrooms and 1,400 for four bedroom. He believes these are the R4 standards.

Economic Specialist Stater stated the R4 standards for a studio are 425, for a one bedroom 650 and for two or more bedrooms are 800.

Mayor McCallon stated at this point he would give the developer an opportunity to address the Specific Plan and those specific items that the Council has concerns about. If we could stay away from the Development Agreement and the Design Review, he would appreciate it.

Mr. Glenn Ellsmann stated sure, they will do their very best. What he thinks they will do is have Pam Steele come up and talk about some of the general points with the Specific Plan, and then have Jack Sellman come up and talk about the different standards as the Council got into the specific standards of the multifamily.

Ms. Pam Steele stated as the Council is aware, the Specific Plan becomes the zoning document for this area. It is the mechanism to implement the General Plan and in this case also to implement the City's Housing Element which identified a greater density in this area. So that was the genesis of the 800 units, so that we could obtain the density that the City needs to implement their Housing Element. While not talking about the specific application that is before you for the site plan, in the different planning areas or portions of the different planning areas of residential density could be different than another area. For instance in Planning Area Two, you might have a density that accommodates a certain type of the apartments or townhomes or types of product that were identified in one area of the Specific Plan right next to something that was of a higher or lower density or combined with a mixed use that is permitted in the Planning Area Three which has commercial or office uses combined with residential uses. It allows for a variety which a standard development code or a zoning code wouldn't allow because you don't want that kind of development across the board in the City. You want it focused; you want to know what it's going to be next to and how it all works together. That's how the Specific Plan was developed so that these types of uses could work together, the open space could work with the residential development. She personally lives on a paseo and it is her favorite thing about it. Yes, it is a power corridor; there are power lines going all along the back paseo in her backyard and she doesn't even know that they are there because there are also trails, it's just a lovely walking area and when it rains and gets muddy down there we stay out of it. It's definitely a very nice amenity while also serving a function. She knows Mr. Sellman is going to address some of the specifics that the Council had some concerns about.

Mr. Glenn Ellsmann stated he thinks Ms. Steele should cover the comment on the entertainment.

Ms. Pam Steele stated there was a question about the allowance of theme parks in Planning Area Three and actually it's theme parks/family entertainment areas so they certainly do not plan on putting Magic Mountain there, but there are a number of family entertainment type centers that could be developed there such as John's Pizza. She doesn't know how many have been there but it's a lot of fun; or Chuck E. Cheese, or might be an outdoor area, a bowling center, and things like that which could be classified as family entertainment. Does that answer the question? She doesn't think it would be a problem to eliminate the words theme park because there isn't enough room for a theme park.

Mr. Jack Sellman stated they have been one of the leading apartments or apartment community or apartment homes complex architects for about the last 20 years. They are doing communities all over the west United States for the major players, and the reason he mentions this is because he has a good handle on what's going on today in the apartment community area. He hears a little bit of an idea that maybe somehow these are less than standard or less than the best apartments. It is not, there's a little bit of miscommunication here. They hired them to develop a really extremely top end project.

Mayor McCallon stated please address the Specific Plan.

Mr. Jack Sellman stated for example, let's start with a couple that was mentioned. The 81 cubic feet, the 200 cubic feet required, what they have is a washer/dryer room behind the kitchen with shelves above it which is not counted in the 81 feet. So it's built-in storage above a washer and dryer, side by side. They have walk in closets in every bedroom, both one and two bedrooms with lots of storage on top. They have a linen closet for each bedroom, so for two bedrooms they will have two linen closets. They have pantries in every kitchen, they have a coat closet in every unit, so a lot of municipalities that they deal with count storage, they count all that stuff, and all that has been counted in this case is one location which is outside on the patio next to the water heater, and that is about 90 cubic feet. So, it's a little misleading to say that they don't have the 200 cubic feet; it depends on what you measure. This is generally consistent or higher than most of the apartment complexes they are doing. The private open space, they have the 41% open space where they hope people will spend their time. They have two beautiful resort style pools, they have two tot lots, a dog park, sports court, a half dozen community bbq areas, multiple sitting and passive recreation areas along the trail as well as mixed through. If you just look at that plan that shows the open space in black, you will see how much it is. Getting to the specifics, he's not sure where the 50 square foot of ground floor came from in their plan because he thinks they have 70 square feet to 80 square feet on their plans that exist right now. The ground floor, they can enlarge their areas to make them larger if that suits the Council. The upper stairs are a little different because it's something you construct on the second and third

floor; it begins to overwhelm the building if they get too big. They try to discourage, in fact they are not allowed to have barbecues on the patio because of fire hazards and they try to discourage a lot of activity on the patio, so it's generally a couple of chairs and a small table. It's not really meant to be an active area; they want you to use all the amenities. Each unit has plenty of activity areas around them, so he would propose at this point there should be a different guideline for the second and third floor from the ground floor.

Mayor McCallon stated the current Specific Plan says 50 square feet minimum for ground and upper floors.

Mr. Jack Sellman stated right now they have about 70-80 and they easily could do 100. On the ground floor it's just a matter of, they have a lot of open space between buildings and they could make that 100 feet on the ground floor and 70 on the second and third floor. This would be easy to accommodate but he would hate to promise more than that without looking at the plan.

Councilwoman Scott stated she would like to ask about the 41% open space because in the Specific Plan you are only talking about the open space being in scenario two. Scenario one does not have open space mentioned, that would be page 11.

Mayor McCallon asked is that addressed in the Specific Plan?

Councilwoman Scott stated yes, in the Specific Plan.

Mr. Jack Sellman stated the Specific Plan addressed PA2 and PA3. Right now we are looking at PA2 which is their low density apartments. Everything you see in black is the open space calculation, 41% of the site. This piece here is the paseo but it is open space. They have trails through it, they have sitting areas on the end of every open space, gathering spots all along and a major one here and another major one down here. If you look at all the amenities, sports court, really large pool area here and another one here. Recreation bowling, a great room, offices and a bunch of amenities, so there is the 41% that you can see right there.

Mayor McCallon stated and that is higher than our current standard of 25-30%.

Councilwoman Scott stated...*inaudible, microphone could not pick up her statement.*

Mr. Jack Sellman stated low density to him is 25 and below. Medium density to them is 25-50 and over 50 is high density. That's how they look at it, and that may not apply to your community but just in general in their planning process. The parking standards, on PA3 which is the feature area, they do have an allowance there for a higher/medium density which would be 50 per acre which would be with a parking structure. Parking structure requirements for parking are different because you don't talk about garages or open space. They are all covered and all within a garage.

Councilman Timmer stated he thought the maximum density was 40 and you threw out a number of 50.

Mr. Jack Sellman asked is it 40 in PA3? Okay, he stands corrected.

Councilman Timmer stated he just wanted to make certain.

Mayor McCallon stated we all have concerns about the parking. Could you address this please?

Mr. Jack Sellman stated they just didn't just come up with this, they knew what the City's standard was. They have seen what they are in in other Cities and they spend a lot of time trying to see what really works based on the bedroom count. They had just completed a parking study, a formal parking study, in a previous project they completed a year ago, and it's actually in San Bernardino County in Redlands, but they had an independent parking engineer do a study and they listed 19 different apartment projects. They went to Redlands, Upland, Rancho Cucamonga, Ontario, Victorville, Cathedral City, Palm Desert, Palm Springs, Temecula, Menifee, etc. and he's going to pass the list around. It shows that the average for all those communities is 1.90. They have another one he's going to pass around that are projects they have recently completed and they are in Chino, Lake Elsinore, Carlsbad, San Diego, Mission Viejo, Tustin, Irvine, Riverside, Riverside County and San Bernardino County. The average coincidentally is 1.9.

Mayor McCallon asked so the parking standards you're applying on the Specific Plan are a result of surveys of all the apartments on these lists?

Mr. Jack Sellman stated yes, and with talking with their developers and just being in that design arena and knowing what works. You don't want, it's just wasted land, wasted maintenance to have too many. It's encouraging more cars and more driving to just provide a bunch of extra stalls. So they recommended the 1.85 because they don't have many three bedrooms and so they thought this would work fine. Right now he can say they would be willing to go to 1.9, and he's actually looked at a plan where it's a minor modification to their plan, but more than that he thinks is not necessary.

Councilman Timmer stated the Specific Plan as he interprets the Staff Report is for a one bedroom it shows a total of 1.6 and for two bedrooms is 2.0, so one is above your standard and one is below your standard but the 1.9 is the average.

Mr. Jack Sellman stated of multiple communities and it seems to work. Again, this is an \$80 million investment and if they under park it, it doesn't work for the tenants. They have to have it working; it's not intended to try and shortchange the project. There are all kinds of standards, some are too high, some are too low and they try to provide what really works for this community and to make it a viable community for the 40-50 years. Somebody is going to be managing this complex and it will be their job to keep the value there.

Councilman Timmer stated he can't speak for the whole Council, but he thinks whatever we can do to increase some of the parking standards however it works in the project would certainly be advantageous for the rest of the City. You just threw out that you could modify some things relatively easily, did he hear that correct when you said minor changes?

Mr. Jack Sellman stated they could agree to 1.9 only because that's kind of shown what the average is.

Mayor McCallon asked 1.9 on what?

Mr. Jack Sellman stated 1.9 ratio per unit.

Mayor McCallon asked and how many spaces would that increase?

Mr. Jack Sellman stated it increases by 28.

Mayor McCallon asked so instead of 107.

Mr. Jack Sellman stated instead of 10/10, it would require 10/37 which is an addition of 27.

Mayor McCallon asked so the total number would be 10/34?

Mr. Jack Sellman stated 10/37.

Councilwoman Scott stated well that's more than the 10/10 that's in our report.

Mr. Jack Sellman stated yes, right now he is proposing they add the additional 27.

Councilwoman Scott asked is that open parking, car port parking or where are you putting it?

Mr. Jack Sellman stated every unit will have one covered parking stall which is required by the R4. Garages, he thinks they are close to 25%, 22% garages. He has not done a study of how many of their projects have what percentage of garages. It tends to be a function; a garage costs money to build and so you've got to get a return for it. So it's probably an extra \$100 a month for a garage and the market studies they've had shown that people would choose to have a bigger unit,

to have a great room with an island kitchen and a bunch of other amenities. They've done some research with some of their developers where they give a list of amenities that you could have and put a dollar sign with them, and would you pay \$10 more for X, would you pay \$25 for a side by side washer and dryer in your unit, those kinds of things. Over the years of developing of what people will pay for, those are incorporated into their plans. The garages are a thumping that jumps the price up enough that it may prohibit some families from moving into this area.

Councilman Timmer stated the question is, do we want more spaces or more garages?

Mr. Jack Sellman stated we are proposing to add 27 spaces to get to the 10/37. If you think we have to do that, we will do it, but his opinion is the 1.9 per unit is a good number.

Mayor McCallon stated in all reality, garages tend to be storage spaces, not parking spaces.

Councilman Racadio asked 10/37 would take you to 1.9 which is the average of the surveys you've done?

Mr. Jack Sellman stated right.

Councilman Racadio asked why wasn't this proposed to begin with?

Mr. Jack Sellman stated well 1.85 is pretty close, again, they have a smaller mix of three bedrooms and even though 1.9 is average it doesn't mean 1.85 won't work. They believed it would work.

Mayor McCallon stated if he might, the developer is proposing that we can change the Specific Plan to 1.9 and a total of 1,037 parking spots. Also, he talked about the private open space requirement and being able to change that.

Councilman Timmer stated he needs to ask a question. On the ground floor open space individual, normally they pour a little patio with a little fence around it, but then wouldn't you reduce the public open space when you do that?

Mr. Jack Sellman stated we would but it would be very, if we're talking about going from 70 square feet to 100 square feet, it's not enough. It wouldn't even be a percentage of the 41, it would be a .00 something.

Councilman Timmer stated common open space may be more important than individual space.

Mr. Jack Sellman stated he thinks so, but his point is if they enlarge them to what he's suggesting it's not really going to diminish the public open space.

Mr. Glenn Ellsmann stated for the Specific Plan, what he thinks is a bit of a challenge here is they have also submitted an actual site plan for PA2, but keep in mind the Specific Plan covers other areas that could be potentially residential such as senior housing. Senior housing would have a higher density, and that's where that up to 40 comes in, potentially and there are other types of product that could, they don't believe it makes sense at the moment but again they are trying to create a document that will span the test of time a little bit. So there's product that's out there where you have your live/work, where you have ground floor retail and you have residential above, the requirements for space, the size of the units, the amount of patio space, the amount of storage space, would be different with that particular type of product and having the diversity of the product types. So that's why they've tried to, as they get into more of the details for PA2, they have standards that they meet or exceed because of the different type of product. Going to Councilman Racadio's question, why didn't they propose 1.9 to begin with? One of the things with the different workshops and meetings with the Planning Commission and so forth, they were really trying to be sensitive and really enhance the whole feel of the community with the garden style project that is proposed. So they wanted to drive as much with amenitized open space and so there's a tradeoff. The more parking you have, the less developed open space you're going to have. So they were just trying to strike that balance. He thinks with the feedback they got from the previous Council meeting and in meeting with their architect, they were able to come up with something that would be manageable. Now, Mr. Sellman was kind of humble on this, and in terms of who his clients are, and this is where he met him was when he was working for Lewis Companies. Lewis Companies is one of his clients, the Irvine Company, Rancho Santa Margarita; they deal with the premier multifamily community developers in Southern California and other places around the Country as well. So that is where they had specific objectives they were trying to achieve and also Mr. Sellman has done significant amount of retail development. So he was able to put the whole thing together which also led to the general description for the Environmental Impact Report, working with the retailers, as well as crafting the Specific Plan. So they had a very collaborative process in trying to achieve standards that are going to be acceptable. The other thing is what occurs on that patio is very important as he's looked around your community and other communities; there are some folks that have extremely well maintained communities. They don't let the people who live in the apartment homes store a lot of stuff and pile it up and so forth, so there's liabilities with having too big of storage space because now it becomes your mini storage. In talking with Mr. Sellman, he actually and this may be something to propose in the detail later, is ways in which they would impose on themselves, ways in which, it's kind of an HOA standard, a CC&R within the community to say you can't use the garages as a mini storage. The well-managed, high quality communities do inspections and they don't allow the junk to pile up. If you have a garage, you're paying for it, put the car in there. So all those things can come in the latter part of the discussion but those are some of the elements as to why some of the standards are a little different in the Specific Plan, because of those other potential uses versus the actual site plan that they have.

Mayor McCallon asked so in the private open space requirement, you would prefer to keep that the way it is in the Specific Plan, a 50 square foot minimum?

Mr. Glenn Ellsmann stated yes, they believe it's better to drive the amenity and the general open space for the community versus just make bigger patios that create the other challenges.

Mr. Jack Sellman stated he's not sure where the 50 came from. He thinks they have 70 right now as their minimum and some of them have 80. If this is a minimum, they have not gone to that minimum. Now perhaps, if it was a little bit higher density or residential over retail or even seniors, maybe it's a little smaller, he's not sure but for this product type he thinks the amount of private open space they have now is what they generally see and provide. He wanted to note, in talking about all the other projects he's done, he can say this, the open space that they are providing along with the amenities, the pools, all the stuff is probably greater, better than any other community they've done. It's at least equal to some of the really premier projects, but he thinks just glancing at it and remembering it, he thinks it's actually greater than what they've done previously.

Councilman Racadio asked in the survey that you gave us of the parking, is there any reason why any of these would have lesser parking such as seniors or is located next to...

Mr. Jack Sellman stated seniors would, usually it's only 1 or 1.25.

Councilman Racadio asked but are they in here?

Mr. Jack Sellman stated no, those are all comparable apartment complexes, market rate, three story, and walk up apartments identical to these.

Councilman Timmer asked a question for Staff, on page four, the draft Specific Plan, parking requirements at the top of the page, so the 1,007 will go to 1,037 is this correct?

Economic Specialist Stater stated that page of the Staff Report that's the Specific Plan would require 1,007 and they actually provided 1,010. The comments she is hearing is they can go up to 1,037.

Councilman Timmer asked how do we change the ratios in the different categories? Do we do that?

Economic Specialist Stater stated Staff would do that. On page 107 of the Specific Plan, it has the residential parking requirements for multifamily attached and it would change the ratio, from her understanding, is that the two bedroom would go from 1.8 ratios to a 1.9.

Mr. Jack Sellman stated they would need to study that to make sure what it specifically what it would be. He's saying the overall would be 1.9 instead of 1.85. For example, you would have to look at that to make it round numbers. Like the current code requires one guest space for every three units and he believe this is a bit high. He thinks one per five so it's going to be a blend of those and he would be happy to get the Council a breakdown that would equal the 1.9.

Mayor McCallon asked any further questions? He does have a member of the public who wishes to speak.

Councilwoman Scott stated she doesn't know why we would want to lower the standards even from their own sheet that they gave us from what the City of Redlands has. The larger sheet that has Chino and Irvine and so forth that just has parking spaces total; that does not differentiate between the open or the carport or the garage, so that one is kind of moot to look at. The smaller table, table five, that they show does have the open space or the open parking, the carport parking and the garages. You have to consider today's families, even though there may not be any children getting the smaller one bedroom apartment you're going to have two cars, because they are both going to be working and if they aren't working then they've probably got a slew of kids.

Mr. Glenn Ellsman stated he just wants to make sure they've covered all the comments. He doesn't want to miss anything. He does want to circle back to a comment made by Councilman Timmer about the paseo and is it connected to the open space and so forth. He thinks one of the potential misconceptions that may have grown legs and moved to a spot that's not in fact the case, is that the paseo, while it does accommodate some of the drainage, it doesn't accommodate the majority of the drainage for either the residential or the retail. The way their soil studies and their characteristics and how they've worked through the Water Quality Management and discharge and all the rest of that. It's really a minimal feature of the paseo; the majority of the feature is an enhanced buffer. They've shown lots of imagery on it and it's meant to be a significant amenity for the Golden Triangle and for the communities who are adjacent to that. He just wanted to clarify that it's not just a bunch of dirt, so things can drain into and fill up with water where you can't use it. There will be seldom any time where there will be standing water and if there is it will be very brief when there's a huge storm, but otherwise a majority of the function is very purposeful and aesthetically rich for the whole community.

Mayor McCallon stated this is a public hearing and he does have a speaker slip.

Mr. Tony Mejia stated he is here representing the Stop Crime Highland Coalition and the Coalition members strongly oppose building more apartments in the City of Highland at a time where our Police Officers are swamped for service calls. The apartments will be a magnet for crime and criminal activity. We don't have the police force to deal with current demands, much less the Police and Fire has to deal with additional criminal element that will move into these apartments. As Councilmember Scott said "I think we will over time have a ghetto". The ghetto will end up draining public safety resources from the City budget and so for those reasons and others, the Stop Crime Highland Coalition cannot support the building of additional apartments in the City of Highland under any conditions.

Mayor McCallon stated this Specific Plan addresses density and not specifically apartments.

Mr. Robert Levison stated he wanted to speak in support of the approval of the Greenspot Village. He's a Real Estate Broker in the area and he's been asked by one of the investors in the project to see if we can generate some interest preliminarily on some of the pads that are at the entry of the commercial retail component of the Specific Plan. They have generated some interest, and the big question that they receive from some of the interested parties are who are the big box users, and he knows from attending Planning Commission hearings and the last Council meeting we don't have any. The big box is still an issue due to the Flood Control District land. Second question they ask is when is the residential component coming on? That seems to be a very key component of drawing some retail interest and he knows the City is interested in getting retail commercial interest into the City. He just wants to urge the City Council to approve the Specific Plan with reasonable conditions on the residential component. There is commercial retail interest that is looking at the project, not the big boxes, but the pad interest and they would like to see the project move ahead.

Mayor McCallon called for additional speakers either for or against the Specific Plan?

Mr. Dennis Johnson stated you are the second generation Council people and he sees Jim Rissmiller here and a number of them, except Jody, who were the first generation. What we promised the people of Highland was a lot. To get incorporated we said we would have large lots, good planning with lots of open space, have the Sheriff's Department and we will have the CDF, good public service, no apartments unless they are high standards. Those standards developed by Jim Rissmiller, 800 square feet for one bedroom, now you're the second generation and his wife and he drive around Highland quite often about 5:00 or 6:00 at night and they are proud of this City. First generation started a little bit, but he thinks the Council really has put it together. The City Council has brought new schools, new libraries, new bridges, and new businesses and there's a relatively low crime rate in Highland. You have maintained the City of Highland at its best and it really is a good City. Shortly there will be a third generation and what you're doing tonight is going to influence what the next generation is going to be given. Tonight

it's going to be a good decision or a bad decision. It's his opinion that these apartments, if approved, have broken our promise to the Citizens of Highland. We promised them high standards, no apartments and those high standards have not been met with this project. Eight hundred square feet down to 600 is a 25% increase in density and he believes that Mr. Ellsmann is not going to be the developer of this project, do you? He, like he does in his business, is to develop pretty pictures and you sell the picture. Those renderings, to him, are not going to be met. In his opinion, number 3, he cannot see where you have control. You don't have an apartment ordinance and he says there's going to be tradeoffs where the flight pattern is coming in from Norton and that's 40 units; where are they going to go? Now, if Mr. Ellsmann doesn't own this, who does? And who owns it and what do they glean out of it and what can they get? Do they have a good attorney? Does this document that you will be voting on tonight hold water legally? He firmly believes that the City is going to lose a tremendous amount of money in legal costs, because to him this is a shell game. A skilled game where there's a nut under three shells and things going here. He has not heard anything solid out of the times he's been listening to this project. He thinks the City of Highland deserves better. We had a City Councilman, Sig Delhime, who said good development is worth waiting for. He's told Mr. Ellsmann this before he would like to sit with the City Council and work out a project that's beneficial for everyone. This project does not work. It's not going to be what you think it is. We heard, a few minutes ago from a resident of Highland, crime; crime is going to be an issue. We've looked at the issue and what has happened? We've sat down with the City of San Bernardino Police Department and 70% of the crimes come out of apartments. Whether Mr. Ellsmann owns it or somebody from Cincinnati owns it, it's there and it's going to come. Private ownership is the way to go.

Mayor McCallon called for any other speakers and seeing none, he inquired if the developer would like to make any rebuttal comments.

Mr. Glenn Ellsmann stated if it were to please the Council he could flip through pictures of apartments that are in your community, that are in his community and that are in the community of Redlands. From day one, they have been aware of why one of the key reasons Highland was formed. He has visited the vast majority of the multifamily communities within the City of Highland. He doesn't know if Mr. Johnson or others have had the opportunity to do that as of late. It's a very interesting tale. You have some properties that are rotten, they are scary, they are not healthy and they are not good, but he can tell the Council this, you as the community should be proud of the property owners who have owned some of your apartment home communities for nearly 30 years. They are well maintained and they are well landscaped, there's no graffiti, these people invest in security cameras and systems. Some of them even have their own armed security guards and he asked why. It's not for their residents; it's for the people who come from other undesirable parts of the Valley that wish to cause trouble for the community. He's asked who lives in these communities, where do they work. It's really surprising. People are very concerned and understandably that sometimes Subsidized Federal Housing is termed Section Eight Housing. The vast majority of the communities that stand out

in your town alone do not accept Section Eight Housing, or they have very few Section Eight residents. It's an interesting deal. There's a community off of Sterling, spectacular community and he can show the Council this if you would like to see it. Its pristine, immaculate, clean, cared for, pride of ownership like you wouldn't believe. In the entire community of 80 homes there is 100% Section Eight Housing, and you would not believe it if he showed the pictures. So he understands the fear and the concern, he really does. It turns out the people who work in your major employers live in these communities and all they can afford is \$650 a month. He can show pictures of those apartment communities and some of them have between 80, 200, 300, 500 units in these communities. He can take and show comparisons to the communities in Redlands and Loma Linda where you might have a hard time distinguishing where that picture was taken. Twenty-eight years ago he moved into a multifamily community in Loma Linda and it's called Monterey Pines. He can show pictures of that and he would be hard pressed to find one person in this room who would say the type of derogatory, negative statements about the community that he lives in. All of us at some point in time have lived in an apartment would be his guess. City of Highland has one of the youngest vibrant communities in the East Valley. He knows because he's taught the students who are now becoming adults going onto college. He has friends who teach, friends who work at the major employers in this Valley, where do their kids go? There's not one upscale luxury multifamily community in this entire town. Now one of their partners worked in Loma Linda and worked with Spanos communities to get there, it was approved in the early 2000's, approximately 300 units and he went to their manager and said to them "what's the average income here?" The average income was \$80,000-\$100,000. Highland has higher demographics of income than Loma Linda does; you guys know that, particularly in the East side of the community. You guys have two times the number of people than Loma Linda. When they say we're talking about a resort style community, he will pass out before the break to see what he's talking about. He also could take and show pretty pictures, pretty pictures of the project that he started and had approved and ultimately got built out in Loma Linda. He could show the pretty renderings and he could show the actual pictures of what occurred. This is not about pretty pictures, this is about creating communities, creating neighborhoods, creating a sense of place, doing all the things that we have tried to achieve from day one, since they invested more than anybody else has ever paid in this town to ultimately create what the City of Highland is after. He can go through the history of how they got to this plan, working with the best retail developers, taking the best practices from all of the people that you as a community respect and admire and want to be a part of this community; that's what they've tried to do. The Specific Plan document that you're acting upon tonight is designed to try and give the highest standards. Now there is some misinformation, up on the board they have the original code, the original code was 800 square feet for a one bedroom unit, 1,000 square feet for two bedroom unit and 1,200 square feet for a three bedroom unit. The City of Highland, in order to meet its RHNA requirements, modified the code to an R4. He doesn't ever remember seeing, you never saw him at those Council meetings, and he never got up to speak. Staff brought in the Lewis Companies saying how do we update our standards. Those are the standards you created. They meet or exceed those in the Specific Plan. He

goes back to why do they have 600 square or 650 square feet for a one bedroom unit and one of the things he heard over and over again was we need senior housing. Senior housing cannot afford an 800 square foot, one bedroom unit. It's impossible; you guys don't have any high quality market rate senior housing. The Specific Plan was designed, potentially in Planning Area Three, to accommodate that type of a deal. He will conclude with this, they did show and will show you later the specific details of how they met or exceed or came very close to the high standards that you are trying to achieve.

Mayor McCallon stated at this point the Council will continue this item to our regular six o'clock meeting. He would caution the Council Members that during the break you are not to speak about the Specific Plan or anything amongst each other as we are to do that in public.

## **ADJOURN**

There being no further business, Mayor McCallon adjourned the meeting at 5:31 p.m.

Submitted By:

Approved By:

---

Betty Hughes, MMC  
City Clerk

---

Larry McCallon  
Mayor