

**MINUTES  
SPECIAL MEETING OF THE CITY COUNCIL  
AUGUST 11, 2016**

**CALL TO ORDER**

The special meeting of the City Council was called to order at 6:00 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

**ROLL CALL**

Present: McCallon, Racadio, Scott, Timmer  
Absent: Lilburn

**PUBLIC COMMENT**

None.

**CONTINUED PUBLIC HEARING**

1. Adoption of the Harmony Specific Plan to Facilitate the Development of a Master Planned Community within the Seven Oaks Community Policy Area. Land Use Entitlements include Certification of an Environmental Impact Report, Adoption of a General Plan Amendment, Zone Change, Specific Plan, Development Agreement and Two Tentative Tract Maps (Continued from June 30, 2016 and July 21, 2016)

Mayor McCallon:

This is a continued item from a couple of meetings ago, the public hearing item, and tonight we have the rebuttal from the comments from the applicant. But before we get into that item, we have public comment. Does anyone wish to speak to the Council on anything on the agenda? Please come forward and state your name. You have three minutes.

James Clayton:

James Clayton, Forrest Falls. Just a couple of things, and I'm not sure this falls under the category of not being able to litigate unless you mention them as they did during the public comment period. But Item Number 1 here, I am assuming that tonight from looking at the agenda you're seeking to certify the EIR tonight, is that correct?

Mayor McCallon:

If the Council wishes to do that.

James Clayton:

Okay, well, you're going to vote on that. Okay, I want to clarify that I have not completed studying the EIR. I only became aware of this, I have been in the hospital, I had heart surgery, I've had a number of things go on, and I am hoping that the EIR is in good order. I have heard that there are a number of things, and there were some allegations of fraud, misrepresentation and concealment in the EIR and hoping that we can reopen that if you do certify it tonight, and some of these things that people have objected to during the comment period. Thank you very much.

Mayor McCallon:

Thank you for your testimony, Anybody else?

Dennis Kottmeier:

Hello, I'm Dennis Kottmeier, former District Attorney of San Bernardino County. I have had the pleasure of helping you prevent strip clubs here in Highland. In fact, I wrote the legislation that prohibited the act of having clubs that specialized in naked ladies or unclothed ladies. And specifically in regard to Zanja Creek, we live on the creek and it is important to us that we have access in and out of our area and that would be jeopardized by the development that is proposed. Additionally, the added number of homes and people and cars would make it impossible for exiting or moving about the area of Greenspot. Thank you for your consideration

Mayor McCallon:

Thank you for your testimony. Anybody else? Seeing none, we will close the public comment period of this agenda and move onto Item 1 which is the continued Public Hearing for the applicant to provide his response to all of the input that they have received.

Pat Loy:

Good evening Mayor McCallon, members of the Council. I am Pat Loy with Lewis Community Developers. Tonight the City Staff, I thought that in their staff report that they put out they provided many answers to the questions that were raised. We also provided written clarification and explanations to address some of the matters and assertions that were raised, and letters up to and including the June 30 meeting. I have nothing further to add than that; that information and those clarifications are in the record. So, I would be pleased to answer any questions of the City Council.

Mayor McCallon:

Does the Council have any questions of the applicant before I close the public hearing? Seeing none, I am closing the public hearing and we will bring it back for Council questions, discussion and action. Staff, you have some information you would like to add?

Assistant Community  
Development Director Stater:

Thank you Mayor, members of the Council. I'm just going to give you a brief overview of the items that have presented in tonight's agenda. I know that there is a lot of information that we have provided over the last month or so. I'm going to go over just the one from this evening, but tonight during the hearing I think we will be referring to both the agenda, both the June 30 and the August 11. So in the August 11, the thing that I would like to take special note of is, we revised the resolutions and ordinances for this project. Those are provided in the staff report, Attachments 1 through 6. Those are just the resolutions and ordinances themselves. The attachments to those are still within your June 30 agenda. So if you need any direction from staff as to how those are comingled, please let me know. Also, within those resolutions and ordinances we did make one additional change after the agenda came to you in that we needed to reference tonight's public hearing. Previously we had only referenced the June 30 and the July 21, so we are going to be adding

to those resolutions and ordinances that a public hearing was also held this evening, August 11. Next, as Mr. Loy mentioned, there are numerous responsive comments in this agenda; there are summary responses that were provided by city staff within the body of the agenda itself of the staff report, and then attached on, I believe it is Attachment Number 8, was a written response to four pieces of correspondence that were provided to the City; that's also in your staff report. There was an amendment to the findings of fact for the EIR, that is attached, and there were just some changes made to just two or three pages of that document, not the entire thing. I wanted to bring to your attention that the Planning Commission had requested numerous changes to the Specific Plan. The applicant is in agreement with the vast majority of those, and those are included as the last attachment, Attachment 10, in the staff report. There are 12, however, they prefer not to make. So the point in tonight's meeting when we get to those, if you need any additional information on those, I can provide those to you. So, we would be asking you this evening to take action on concurring those that the Planning Commission recommended for change and accepting those and then the ones specifically for your consideration that the applicant would not like to change. Larry, would you like to discuss the Development Agreement?

Community Development  
Director Mainez:

Sure. Mr. Mayor, members of the City Council, at the last hearing I failed to mention a page number that has a modification and it is Exhibit G, the Finance Plan, and it's going to be on page G5 of the Development Agreement. Kim, do you have the binder that that's in?

Assistant Community  
Development Director Stater:

I do. That's going to be located in your Harmony 1 of 2, from the June 30<sup>th</sup> meeting. And the Development Agreement is Attachment 6, page 670, is that particular section.

Community Development  
Director Mainez:

So in Exhibit G on page G5, there is Item Number I, so it's going to be 5I, it states "all commercial property, affordable housing units, age qualifying housing units and rental housing units at the developer's options may be exempt from the special taxes". Staff is recommending with the concurrence of the applicant to remove this section entirely. So 5I will be removed from the final draft. If there are any questions, I would be happy to answer those, but this is stricken from the Development Agreement. Just for clarification, in the future if somebody comes forward with an affordable housing project, and they wanted some relief on these property taxes, that would be at the discretion of the Council case by case.

Councilman Timmer:

I have a question of the applicant, or maybe of staff; since this is being deleted, and I understand from the last meeting that the Board of Supervisors from Orange County have already adopted this, is this going to have to go back to them or is it such a minor issue that it's not a big deal?

Community Development  
Director Mainez:

We are considering a minor issue, and it would not have to go back. There will be a second reading on this, and we will make that correction.

Assistant Community  
Development Director Stater:

I would like to reintroduce Eliza Laws with Albert A. Webb Associates who prepared our EIR.

Eliza Laws:

Good evening. I just wanted to state that everyone has reviewed all of the late comments that have been received since June 30, and none of the information in those comments contains any significant new information that would require recirculation of the CEQA document. And if you had any questions on any of those materials, we would be happy to answer.

Mayor McCallon:

Staff, you went over and above what you normally do, because you did provide responses to all of the questions during public comment period in this report. And all of that is available on our website and available for anyone who wishes to see it, right?

Eliza Laws:

Correct.

Councilman Racadio:

Just so I'm clear, these properties were going to be exempted from the CFD and they are not automatically exempted, is that what it does?

City Attorney Steele:

They could have been exempted at the option of the developer, now they are not going to be exempted. They were not exempted per se, there was an option and that option has been removed.

Councilman Racadio:

Is this at their request?

City Attorney Steele:

It is a both parties agreement.

Mayor McCallon:

Staff?

Assistant Community  
Development Director Stater:

That concludes our report, thank you.

Mayor McCallon:

Okay, very good.

City Attorney Steele:

Note also, Mayor, you do have a packet dated August 11 of last minute materials that came in as ... I'm sorry we do have a packet on your dais dated August 11 of these last minute materials that came in. They do not appear to be new information that would call into question anything the consultant has said this evening. Many of them are not CEQA related issues either, so that has been distributed to the Council.

Mayor McCallon:

You're talking about this package we received tonight?

City Attorney Steele:

Yes.

Mayor McCallon:

Okay, this represents all of the changes and comments and questions and answers and we've all had a chance to read it along with our volumes of material here over the last several weeks. Questions of staff?

Councilman Timmer:

Earlier staff mentioned about the Planning Commission conditions that were not . . . were you going to talk about those individually, or do we have to bring those up, or . . . is that the list that is on Attachment . . .

Assistant Community  
Development Director Stater:

There are two items having to do with the Planning Commission recommendation. The first was a change of a condition of approval, it would be the addition of Condition 89, and in summary what that states is that, let me read it into the record, it is on page 9 of your staff report, and it states that, the recommended condition to be added would say that "on-site remediation of agricultural chemical residues identified in a phase two study that exceeded regulatory thresholds, shall be required in accordance with an approved remediation plan". That was staff's recommended additional Planning Condition of Approval Number 89. With respect to the Planning Commission's recommendations, those are

Attachment 10 in your latest staff report and there are I believe three sections to that, the first being the ones that the applicant had requested not to apply, and then following that page are the ones that they had either clarified or agreed to change. So on page 10-3, there are 12 items that the applicant is requesting not to implement.

Mayor McCallon:

And those were primarily comments on the Specific Plan as I recall, correct?

Assistant Community  
Development Director Stater:

All on the Specific Plan, that is correct.

Mayor McCallon:

Other questions?

Councilmember Timmer:

Yeah I have several points; I was concerned about these items, do we need to take action on these as a whole, individually, what was the plan on how to deal with those 13 items?

Assistant Community  
Development Director Stater:

If you are in concurrence with the applicant that they do not need to be implemented, then you can take an action as a whole.

Mayor McCallon:

Unless there is some specific one you want to call out, we can take the action as a whole.

Councilman Timmer:

A lot of them are engineering issues, and I would think in the final design all those would be ironed out anyway, so I don't have an issue of saying this no-change posture is appropriate for these specific 13 items. Because it lists all the others that they did modify, agreed to clarify, a whole slew of those, so if there's only 13 left that's probably a pretty good . . . again, I think most of them will be addressed in final design and so forth.

Assistant Community  
Development Director Stater:

Okay. Thank you.

Mayor McCallon:

Anything else, John?



Councilman Timmer:

Sure, do you want me to dive into it?

Mayor McCallon:

Yes.

Councilmember Timmer:

We already addressed the one on the Developer Agreement. That one I had marked to talk about, so we talked about that. Now in the Specific Plan, the copy that we got a month or so ago, there are a couple of points that I'd like to bring up, and bear with me as I go through my marked-up stuff here. Several places where it's talking about the medium and the higher density stuff it talks about three story, and it does qualify later on that until we have some kind of fire apparatus to take care of it, those will not be permitted to be looked at. And also it says commercial, some of the commercial could be as high as 50 feet in some of those standards. So obviously those will have to be addressed. I just wanted to make sure we have it clearly understood that we are not approving three story without some type of fire protection to take care of that. Several places throughout the Specific Plan it talks about carports or canopies, and the Council many years ago when we were debating and talking about apartments or higher density projects that garages were required and carports were not permitted. This Specific Plan says several places that carports will be permitted, and I have a concern with that. If you refer back to page 1019 and 1013, where it lists all the things that are permitted, it lists carports as being permitted in estate residential, low density residential, medium residential, medium high residential and high residential. But then if you go back to 1013 it says basically carports are only permitted in the higher density stuff, so there is a conflict in their own language unless staff can clarify. I have a concern that we would allow in the Specific Plan carports in any area that I think the Council has taken position in the past that the garages should be provided for all projects for people to park. But we have made some

exceptions and that was for senior housing where the amount of folks that drive are less and so we addressed that. So I have a concern with, and I'd like to see deleting all reference to carports and all five of those land use designations.

Assistant Community  
Development Director Stater:

I believe I do understand that there is definitely an inconsistency between Table 10.3, which is residential development standards, and the permitted and conditional uses. Those should mirror each other. I believe that the applicant would prefer to have flexibility and maintain those carports. I think the intention wasn't to not require a garage in a single family, but also to allow a carport whether it were to be, most likely in addition to whether it's to cover a recreational vehicle or to have additional covered parking.

Councilman Timmer:

Yeah, but why would you allow it in high density where there is limited parking to begin with?

Assistant Community  
Development Director Stater:

Apartment complex, yeah, no for multi-family, and I think for example we have approved some in the past that have a combination carport and garage in the multi-family. I think it's really just for flexibility. I don't think we have a certain product in mind just yet, at least not that we had discussed as a group.

Councilmember Timmer:

Like I said, I have a concern about carports at all. This is going to be a highly upscale project, and to having carports, metal buildings where people can park all their stuff under, I have a concern with that; why we would want to permit that in a very upscale project.

Assistant Community  
Development Director Stater:

Sure. If it was left in, you could require a higher standard of architectural amenity if it were to be left in.

Councilman Timmer:

I would prefer to delete it all together personally.

Assistant Community  
Development Director Stater:

Understood.

Councilmember Timmer:

I'm only one person though.

Councilman Racadio:

Are you suggesting that they be excluded from estate, low density and medium density?

Councilman Timmer:

All of them.

Councilman Racadio:

Oh, even the medium high and high density carports?

Councilman Timmer:

In fact, it makes less sense to have them in high density than it does in the lower density. There is generally room in a lower density to do that.

Mayor McCallon:

With the higher density there is probably no room for garages either.

Councilman Timmer:

Oh yeah there is. We require that as a City in other apartment complexes we've done over the years.

Councilwoman Scott:

The carports for additional parking like a recreational vehicle or a boat, I think would be fine, but I agree we need to have garages. That's what the City went for, however I could name a couple of projects that got through without them.

City Manager Hughes:

Jody, could we get you to pull your microphone up closer please?

Councilwoman Scott:

Oh heavens, you mean you can't hear me?

City Manager Hughes:  
Councilwoman Scott:

Thank you.  
That's unusual.

Councilman Racadio: So you're proposing eliminate this whole section, or the carports that are permitted on any level, estate or higher density.

Councilman Timmer: What I see, to me they're just junk collectors, what I've seen in my neighborhood and other areas.

Councilwoman Scott: I would rather have a recreational vehicle or a boat to be covered in a carport.

Councilman Timmer: Well this is going to have a homeowners' association, and my guess is the CC&Rs will say you can't park RVs in these projects anyway, just like the Ranch does.

Councilwoman Scott: True.

Councilwoman Scott: In the Ranch you have to park it at a specific place run by the Ranch as a parking area.

Councilman Timmer: Anyway, just for point of discussion. It doesn't sound like that went anywhere. The other ...

Councilwoman Scott: Maybe one of those lots on here can be an RV parking lot.

Mayor McCallon: I agree with the estate density, low density and medium density, they shouldn't be permitted, but the higher density stuff we can talk about. But I think there is general agreement for estate, low density and medium density, we don't want carports.

City Manager Hughes: We really need the Council to speak into the microphones for this hearing. Thank you.

Mayor McCallon: I'm saying that for the estate, low density and medium density there is consensus that we don't want carports for those permitted.

Councilman Racadio:

That was how I was looking at it, but John is saying that he particularly doesn't want them for the medium high and high density, because you want them to have garages, which would mean it would be a higher level of . . .

Councilman Timmer:

Security. All kinds of stuff. We have a policy that apartment complexes, which is high density will have garages. That is one of our policies. And this Specific Plan overrules that as I see it.

Assistant Community  
Development Director Stater:

Could they be more of an accessory structure in that we would require the minimum two-car garage and in addition to that whether it be a guest space, or an RV parking space, it would be in addition and above the required two-car garage?

Councilman Racadio:

So you're envisioning the carport would be for like an RV.

Assistant Community  
Development Director Stater:

Or a guest space. Guest quarters, guest space.

Councilman Racadio:

Because I have a feeling like John that, like in East Highlands Ranch you just cannot park them. It's just not allowed. The CC&Rs do not allow them.

Assistant Community  
Development Director Stater:

True. A guest parking. For example in an apartment complex if you had a required two-car garage, and you also had for example our code requires a half space for every guest, so cumulatively you're going to have you know, a number of guest parking. Could those be, could those have carports instead of just open parking?

Councilman Racadio:

So that would be at the high density . . .

Assistant Community  
Development Director Stater:

An option.

Councilman Racadio:

That would only be considered at the high density?

Assistant Community  
Development Director Stater:

Again, I think the applicant would prefer as much flexibility as possible.

Councilman Timmer:

Let me just throw out what I'm hearing here. On 1019, if we eliminated the carports in estate residential, low density residential, medium density residential, and permit them only in medium high and high density, that that's what we all agree. And then if they have in the medium high and high density they provide the garage space, they would then be allowed to do ancillary canopy of some sort to provide that, is that what we're talking about?

Councilman Racadio:

Yeah, that seems reasonable.

Councilman Timmer:

That sounds fair.

Assistant Community  
Development Director Stater:

It would eliminate the inconsistency between the two exhibits.

Councilman Timmer:

The charts on 1019 and I think it's 1013 need to be the same.

Assistant Community  
Development Director Stater:

Correct. So we would make 19 consistent with 13.

Councilman Timmer:

And then on, now changing gears altogether, on page 10-26 it talks about the open space standards, and I think it's the third one down, Campground, and it talks about that being right in or next to the wildlife corridor. As I understand it there has been discussion not to delete that anyway because of the potential conflict between that, so I would think we wouldn't want to have a campground in this project, especially abutting up to the wildlife corridor. As well as I'm not sure the residents there would like RVs driving through their neighborhood all the way to get to a campground. So I would like to see that

deleted.

Assistant Community  
Development Director Stater:

The use itself?

Councilman Timmer:

No campground permitted.

Mayor McCallon:

I agree.

Councilman Racadio:

The whole thing.

Councilman Timmer:

Yeah. This is a housing project with a lot of open space, and now we're going to put a campground against the wildland? Doesn't seem appropriate to me.

Councilman Racadio:

That sounds reasonable.

Mayor McCallon:

I think we have a consensus on that

Councilman Timmer:

Okay.

Councilman Racadio:

I agree.

Councilman Timmer:

One other place, and it's a real minor, issue on 954, it's talking about community walls, and on the next page on the Specific Plan it talks about site furniture. I know in some of our parks and our walls we have issues with skateboarders doing damage to those, so I would like to have some kind of narrative somewhere that the design of the community walls and the site furniture have some provision to, a lot of times they just put little tags on the walls and stuff so the skateboarders can't slide up and down them, so we need to address that. And also, when they put railings in, a lot of times I can see that becoming a real liability for projects, so we should address how we can restrict the skateboards from doing those things. Because I know in our own City park we have a lot of issues with that. I think I've only got one more, so bear with me.

City Attorney Steele:

So just to be clear Councilman, you're suggesting we add language to 911.2 and

911.5 that indicates that those two, that the walls and the furniture should be resistant to skateboarding?

Councilman Timmer:

And railings. I don't see railings listed in there, but a lot of times they have handrails that they slide down those things. Some language to say the design of those things should consider the skateboarders and how they ...

Mayor McCallon:

To prevent skateboarders.

City Attorney Steele:

To discourage skateboarders.

Councilman Timmer:

To prevent the skateboarders, yes. Well they'll still probably do it, but. . . On page 7-13 . . .

Councilwoman Scott:

What page?

Councilman Timmer:

7-13, it talks about 7.6.4 Security Lighting. That is in direct conflict with what the Conditions of Approval are on page 5-90 where, this one kind of limits security lighting and then the engineering condition on the security lighting is very clear that they will provide security lighting and all those things at each residence.

Assistant Community  
Development Director Stater:

There are several places that security lighting is mentioned in this document as well as in our building and safety conditions as well as in our mitigation measures. It is definitely a concern.

Councilman Timmer:

I just want to make sure it's consistent.

Assistant Community  
Development Director Stater:

Right, right. So we can modify this probably to make sure that we incorporate the building and safety conditions of approval. So we will modify 7.6.4.



Councilman Timmer:

Okay. The last one is I have a little concern with the location of the fire station being stuck out in the edge of the community. This whole plan talks about community, walking trails, bike trails, to create a community appearance, and we stick the fire station off way down out of the way, and I think we need to look at having it somewhere more centrally located near the school or the commercial or the other park to the north, somewhere in that general, I don't have a specific point, or at the north end of one of the commercial spots which may or may not ever develop. So I know that there's been some discussion talking about that, but I want to make sure it's clear somewhere that if that's practical we can look at that. It's more centrally located for the community.

Assistant Community  
Development Director Stater:

Would it be acceptable if that were to be located in any of the three commercial parcels, 20A, B or C that we could . . . I'm sorry, if the Council would turn to page 4-9 in your Specific Plan, in this document . . .

Mayor McCallon:

As long as it doesn't affect the response time.

Assistant Community  
Development Director Stater:

Correct. Or any other mitigating factors in the EIR.

Mayor McCallon:

Say again, those numbers.

Assistant Community  
Development Director Stater:

Okay, so would it be acceptable to move that, and it's currently shown on your plan in blue as H, if we move that to the north somewhere within Planning Areas A, B or C, which are the commercial and the commercial overlays, if we can move that further north to get it more centrally located north to south, so long as it didn't negatively affect the response time or other mitigating environmental factor.

Councilman Timmer:

Yeah, I think that would be appropriate, as long as it's further north than just across the street.

Councilman Racadio:

You're talking about just due north from where

it is located now, or just go up to that . . .

Assistant Community  
Development Director Stater:

Correct. Would 20A be the preference?

Councilman Timmer:

Yeah, I would think so.

Councilman Racadio:

Oh, that's not very far, is it?

Councilman Timmer:

See that really won't impact the response times hardly at all. And again, I see that being put near the school, and the commercial and the park, and then the nature preserve, whatever, talk about that, and it would be near the commercial so it would be better suited to serve those areas rather than . . .

Mayor McCallon:

So moving it up, say, in that area, to 20A as long as there, doesn't affect response time or any other mitigating factor.

Assistant Community  
Development Director Stater:

We will move it as far north into 20A as is possible.

Councilman Timmer:

That's all the comments I have.

Mayor McCallon:

Jody, do you want to go next?

Councilwoman Scott:

Well, yeah I had some. Of course my two main problems were the ingress/egress and the fire protection response time, and I read all of these volumes and I've been to City Hall many times and I do have to say one thing. We have a fantastic Planning Commission and staff. The volumes of reading just on this one project have been enormous. At any rate, the streets will be widened; they're not going to be like to the 100 year flood like I want them to be, that they will be with the wider bike lanes on each side so they could even be widened out to more lanes. That narrower bike lanes of course, they wouldn't be. But regarding the response time on the fire station, I had a lot of comments about that the first time, and I have to remember that Station Two was constructed in 1991 and from '91 to '97, '98 it was all

volunteers. It was not even a manned station. And it, in 1998 it became a manned station with full-time staff. At that time East Highlands Ranch had 1765 population, which was quite a bit more than what we're asking here of Harmony. And not just the East Highland Ranch buildings. We also had other developers that were not in the East Highlands Ranch proper. So, and then of course Station Three was put in in 2006 I think, and up until Station Two, Station One did the whole city. Everything. East, west, north, south. So I feel that that has been adequately addressed. Of the 1657 acres, only 620 residential properties are listed and 5.7 or 15.9 is designated for commercial, whichever way you want to, I prefer the 15.9 naturally. The rest is trails, parks and open space. It's all the shaded green outside there that's all open space. The darker green and the real dark green, that's the parks and recreation. I know with all the hullabaloo that's going on about this, it's not going to be approval today and boom, tomorrow 3,000 homes are going to be up. We haven't even gotten approval yet for a project that came to us six years ago. So, it's still in the approval process. I prefer a total plan development rather than piece meal. If you have a developer that's going to put 100 homes here and another one 150 there and then down in the boonies another 250, you know that's kind of how Highland was before we became a City. We were piece meal, and we've been trying to clean ourselves up for the last 29 years. Okay, well a good example, East Highlands Ranch was approved in 1982 and it was not substantially built out until 2012, and it's still not fully developed. We still have projects that have been approved at East Highlands Ranch that are still not developed. And so, it's, I feel confident with the fire station. I'm more confident with the ingress/egress, and it's not going to all be at one time. It's going to be Phase One, and things may change when they start grading. You know they may find that they're going to have to do some changes there. When we became a City in '87, the

projected population for the new City of Highland was 75,000. We were 23,000, a little bit more when we became a City, and today we're 53,000, so we're quite a ways from the 75,000 and regardless of whether you want a project or not, when someone owns the property they should be able to do something with it. We just want to insure that they do the right thing with it. And John, thank you for the carports because I missed that. I don't know how I missed it. That's it.

Mayor McCallon:

Thank you. Sam?

Councilman Racadio:

Yes, as I have looked over the material and participated in the public hearings, I know there's a lot of concern, and particularly it is summarized to me was that it was traffic, schools and water. And the traffic issue, from what I can tell, what I've read, the public presentation by staff, was those issues are a major concern with the staff, and I know with the public. And what's the amount of money being spent in mitigating traffic, \$6 million, Ernie?

City Engineer/Public Works  
Director Wong:

The developer has estimated that the physical improvement outside of the project within the County of San Bernardino is about \$6 million. And then they will also need to, they are required by City of Highland to pay fees to City of Redlands for about \$1 million, to pay to Yucaipa is about half a million, and then for City of Highland about \$1.1 million. These are all for improvements or payment of fair share of their project, outside of their project boundary. Within the project boundary these of course . . .

Councilman Racadio:

But, so, outside actual improvements are \$6 million, plus contributions of around \$3 million to the respective public agencies, Highland, Redland and Yucaipa for mitigation traffic issues.

City Engineer/Public Works  
Director Wong:

Right.

Councilman Racadio:

And I know a big one for me was the Garnet and 38 was going to be signalized, widened, because there's a lot of traffic there, that's going to be addressed. You know, we have some places in Highland that do cause, and I've asked a number of times about Greenspot and Orange, it gets a little bottlenecked there. But, and we're going to, it's going to address those, that will be helpful. So I think that that issue, in my mind has been addressed. The school, I know we project it will generate, this project will generate 872 elementary students, but it's also providing, the project is building an elementary school in there, in that project. And then 436 middle school, 581 high school students who will go in the district. You mentioned another school is being built at this time in Loma Linda so that will take off some of the pressure, but they're also paying the school mitigation impact fees, which will address the middle school, high school and elementary school. So they're addressing that. And as far as the water, East Valley Water District is the provider of that, so they will ultimately decide and they have said that they can provide the water. So those issues, in my mind, have been addressed. The one comment that I heard over and over is this is an economic deal for the City. And we did have businesses and others say yes, this will help growth. I remember one person who said that people will never come to Highland. I was kind of insulted by that. They're going to go to Redlands, they're going to go to Yucaipa; it doesn't matter what we do here, they won't come to Highland. And, at the same time we've had developers, individual businesses and the Chamber of Commerce saying this will enhance the

opportunity for business development in our City, which we need. Restaurants and that type of thing. But the most compelling thing that I heard was this one gentleman, I don't know how to pronounce his last name, Chris something, when he said that he and his wife when they were married they moved to Rancho and they were in a Lewis project and how happy he was with that. And then they moved to Highland, he lives in East Highlands Ranch. But he said we just had our first son about four months ago and this is something we can see for him as possible as he's growing up and us staying here for a long time, and also maybe he would buy a home sometime here. You know, today's, just today's Wall Street Journal, on the very front page of the Wall Street Journal today talks about, it says the housing recovery that began in 2012 has lifted the overall market but left behind a broad swath of middle class threatening to create a generation of permanent renters sowing economic anxiety and frustration for millions of Americans. And it talks about that home prices nationwide have increased by 83% and that practically in most places back up to where were in 2006. Most of the price gains, economists said, stem from a lack of fresh supply rather than serious buyers. How many, in the last ten years Larry, how many houses have been built in Highland would you estimate? Just a ballpark estimate?

Community Development  
Director Mainez:

In the last ten years, less than 50, 100.

Councilman Racadio:

Less than 100 houses. In this article, it talked about that we are going to have a generation of renters if there aren't houses being built. And they aren't being built and approved at the federal level. They aren't being built at the state level. It's a local government function. And this young couple, this young man talked about he hoped there would be housing in Highland for his kids. I think a lot of us think about that. Is there housing, is there going to be housing for our children and our grandchildren and for it to be right on the front page today, the top part of the Wall Street

Journal talking about a future generation of renters if we don't build more houses, I think this project has gone through the wringer. It's been in the process for many, many years, there have been many, many meetings; Planning Commission, City Council, study sessions, and it doesn't answer every question, doesn't deal 100% with every issue, but it has met the standard as far as I'm concerned.

Mayor McCallon:

Thank you Sam. I can't really add anything to what you said. I agree with everything you said. We do have a housing shortage problem, especially in Southern California. I know for instance in Orange County it is becoming a senior citizen place because the housing is so expensive the kids and grandkids can't afford to live there, so they're moving out. So most of Orange County is becoming senior citizens' country. And I certainly, although my grandkids are older, they're still not married yet, most of them, so I would like to have them living near me and certainly my great-grandchildren I'd like to have living near them. So I agree that you know, unless we stop having babies we need housing.

Councilwoman Scott:

Don't tell my kids to stop having them.

Mayor McCallon:

Okay, are there any other comments or questions that the Council has?

Councilwoman Scott:

I would just like to add, Mayor, that a couple of years ago we had Walmart that wanted to come into Highland at Greenspot and Boulder, and because a lot of the citizens protested and they came to the meetings and raised cane, Walmart pulled out and they went ahead and expanded the San Bernardino Walmart which calls itself the Highland Walmart. Also, we've had in the Greenspot area we've had Calvary Chapel that they purchased land, they went to the expense of all their plans, the environmental work, they were even going to against the hillside have an amphitheater where we would have had something very much like the Redlands Bowl here in Highland.

And again, we had protests to the point where Calvary Chapel pulled out and so, unless you want to buy the property and do what you want to do with it, as long as the rules are followed they can do it.

Mayor McCallon:

Okay, Council, we have several items before us and if we need to take action on, the first item deals with the Environmental Impact Report. . .

City Attorney Steele:

Excuse me, Mayor, before you actually take a vote can we just have Kim summarize the changes that have, the Council has suggested to make sure that the Council concurs with the way staff has taken those down just so I get it in the record.

Assistant Community  
Development Director Stater:

Thank you. On page 10-19 we will modify the table to make it consistent with Table 10-13 regarding carports. On Table 10-20 we would remove the reference to campgrounds, not permitting them at all within the project. On 911-2 and 5, there would be reference and narrative added regarding skateboarding to discourage skateboarding along any walls and furniture in the parks, and railings. On 7.6.4 to modify reference to lighting to make sure that they are consistent with the Building and Safety Conditions of Approval. On 4-9, Page 4-9, to move the fire station to the north to be located within PA20A, so long as it did not negatively affect the response time for the project. And then if I could also mention if we could have your concurrence on adding Planning Condition Number 89 that I referenced earlier as well as the Planning Commission's recommendations that were accepted by the applicant, and then to negate the ones that were not accepted by the applicant.

Mayor McCallon:

And deleting that one paragraph in the Development Agreement.

Assistant Community



Development Director Stater: Correct.

Mayor McCallon: That I believe covers all the changes.

Councilman Racadio: Planning Commission 89, Kim . . .

Mayor McCallon: We're adding, It's in the staff report here. They're asking us to add, what page is that on?

Assistant Community Development Director Stater: It's on, you're referring to Condition 89? It's on page 9 of the staff report.

Mayor McCallon: Page 9 of the staff report; they're asking us to add that condition of approval.

Assistant Community Development Director Stater: And then if I could further clarify the relocation of the fire station to be determined ultimately at the discretion of the City's Fire Marshal.

Councilman Racadio: So not just in, not in 20A?

Assistant Community Development Director Stater: In 20A, but ultimately. . .

Councilman Racadio: Oh, in 20A, but at the discretion of the Fire Marshal.

Assistant Community Development Director Stater: Correct.

City Attorney Steele: The Fire Marshal's discretion will determine whether it adversely affects response time.

Councilman Racadio: Okay.

Mayor McCallon: Or other mitigating factors. I believe that summarizes all of the changes . . .

Councilman Timmer: There is one thing missing, whereas when we talked about the canopy that we were going to put some type of narrative in there about the, if they would provide garages those two other categories could still then have canopies.

Assistant Community Development Director Stater: The other three that we omitted previously?

Councilman Timmer: No, we . . .

Assistant Community Development Director Stater: Oh, medium density and high density, correct?

Mayor McCallon: Yeah, the ones that we left in . . .

Councilman Timmer: The two high density ones, that they would be allowed to, if they built the garages they could have canopies, or a canopy.

Assistant Community Development Director Stater: Only if, okay.

Mayor McCallon: They have to build the garages.

Assistant Community Development Director Stater: Okay, I will add that.

Mayor McCallon: Okay, I think that covers all of changes that we asked for.

Councilman Timmer: Did you list about the campground being . . .

Mayor McCallon: Yeah. So what is the Council's pleasure on the Environmental Impact Report?

**A MOTION** was made by Councilman Racadio, seconded by Councilwoman Scott, to adopt Resolution No. 2016-046 to certify the Environmental Impact Report including the Findings of Fact, Mitigation, Monitoring, and Reporting Program and Statement of Overriding Considerations. Motion carried 4-0, with Mayor Pro Tem Lilburn being absent.

RESOLUTION NO. 2016-046  
A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF HIGHLAND, CALIFORNIA,  
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT  
INCLUDING THE FINDINGS OF FACT, MITIGATION  
MONITORING, AND REPORTING PROGRAM  
AND STATEMENT OF OVERRIDING CONSIDERATIONS

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio, to adopt Resolution No. 2016-047 to approve General Plan Amendment GPA-011-003, to amend Land Use Element Table 2.1 with respect to density within the Seven Oaks Planned Development Area, and amend the Circulation Element to establish new roadway classifications and cross sections and update the Roadway Network Map and Bikeways Map. Motion carried 4-0, with Mayor Pro Tem Lilburn being absent.

RESOLUTION NO. 2016-047  
A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF HIGHLAND, CALIFORNIA,  
APPROVING GENERAL PLAN AMENDMENT GAP-011-003,  
TO AMEND LAND USE ELEMENT TABLE 2.1 WITH RESPECT  
TO DENSITY WITHIN THE SEVEN OAKS PLANNED  
DEVELOPMENT AREA, AND AMEND THE CIRCULATION  
ELEMENT TO ESTABLISH NEW ROADWAY CLASSIFICATIONS  
AND CROSS SECTIONS AND UPDATE THE ROADWAY  
NETWORK MAP AND BIKEWAYS MAP

Councilman Timmer:

Can I just interject something here that I think we didn't talk about that to me was very important. The old zoning that we just changed for the whole project permitted roughly two units per acre. This project with all the green space and all the park space is right at 2.1 units per acre, so then the intensity of use is about the same as what it was, except now we have a specific plan that gives us a plan on how we're going to do it. That was never brought up anywhere

Mayor McCallon:

Good point.

**A MOTION** was made by Councilwoman Scott, seconded by Councilman Timmer, to introduce Ordinance No. 408 to approve Zone Change ZC-011-003, amending the City's Official Zoning Map to change the existing zoning designation from Planned Development to "Harmony Specific Plan SPR-011-00 as amended. Motion carried 4-0, with Mayor Pro Tem Lilburn being absent.

City Clerk Hughes introduced Ordinance No. 408:

ORDINANCE NO. 408  
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, AND AMENDING  
THE CITY'S OFFICIAL ZONING MAP TO CHANGE THE  
EXISTING ZONING DESIGNATION FROM PLANNED  
DEVELOPMENT TO HARMONY SPECIFIC PLAN SPR011001  
ZONE CHANGE ZC 011003 FOR THE HARMONY SPECIFIC PLAN SITE

which title was read.

**A MOTION** was made by Councilman Racadio, seconded by Councilwoman Scott to introduce Ordinance No. 409, approving the Harmony Specific Plan as amended, establishing it as the legal document to implement the General Plan land use designation of Planned Development and the Harmony Specific Plan as amended SPR-011- 001 zoning district for the Specific Plan Area. Motion carried 4-0, with Mayor Pro Tem Lilburn being absent.

City Clerk Hughes introduced Ordinance No. 408:

ORDINANCE NO. 409  
AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF HIGHLAND, CALIFORNIA  
APPROVING THE HARMONY SPECIFIC PLAN  
ESTABLISHING IT AS THE LEGAL DOCUMENT TO  
IMPLEMENT THE GENERAL PLAN LAND USE DESIGNATION OF  
PLANNED DEVELOPMENT AND THE HARMONY  
SPECIFIC PLAN SPR-011-001 ZONING DISTRICT  
FOR THE SPECIFIC PLAN AREA

which title was read.

**A MOTION** was made by Councilman Timmer, seconded by Councilwoman Scott to introduce Ordinance No. 410, approving Development Agreement DA-012-002 as amended. Motion carried 4-0, with Mayor Pro Tem Lilburn being absent.

City Clerk Hughes introduced Ordinance No. 408:

ORDINANCE NO. 410  
AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF HIGHLAND, CALIFORNIA  
APPROVING A DEVELOPMENT  
AGREEMENT BETWEEN LCD GREENSPOT LLC  
AND THE CITY OF HIGHLAND

which title was read.

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to adopt Resolution No. 2016-048 to approve Tentative Tract Map No. 18861, subdividing the property into eight lots for the purpose of finance and conveyance. Motion carried 4-0, with Mayor Pro Tem Lilburn being absent.

RESOLUTION NO. 2016-048  
A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF HIGHLAND, CALIFORNIA  
APPROVING TENTATIVE TRACT MAP  
NO. 18861, SUBDIVIDING THE PROPERTY INTO  
EIGHT LOTS FOR THE PURPOSE OF FINANCE  
AND CONVEYANCE

**A MOTION** was made by Mayor McCallon, seconded by Councilman Racadio, to adopt Resolution No. 2016-049 to approve Tentative Tract Map No. 18871, further subdividing the property into 70 numbered and 99 lettered lots to serve as the Project's Master Tract Map. Motion carried 4-0, with Mayor Pro Tem Lilburn being absent.

RESOLUTION NO. 2016-049  
A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF HIGHLAND, CALIFORNIA  
APPROVING TENTATIVE TRACT MAP  
NO. 18871, FURTHER SUBDIVIDING THE  
PROPERTY INTO 70 NUMBERED AND 99 LETTERED  
LOTS TO SERVE AS THE PROJECT'S  
MASTER TRACT MAP

Mayor McCallon:

Any further comment by staff or Council?

Councilwoman Scott:

We will get a copy of the changes for a second reading right?

Mayor McCallon:

Yes. For the second reading the changes will be included.

Councilman Racadio:

I want to say, Larry, if I could Mayor, is the input, there's been changes as a result of input over this process and I appreciate those who have had input. I know, I would imagine not everyone is happy, but, with all of it, but this is a better project as a result and I thank staff for years of working on this.

Mayor McCallon:

I agree. The years we've worked on this, the staff, the applicant and the public have all contributed, and as a result of that it's a better project. Like you said, not everyone is happy, but I think all of the comments have been considered and those that are appropriate have been included. We tried to make the best project we can. Thank you all.

## **ADJOURN**

There being no further business, Mayor McCallon adjourned the meeting at 7:01 p.m.

Submitted By:

Approved By:

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Betty Hughes, MMC  
City Clerk

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Penny Lilburn  
Mayor Pro Tem