

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
OCTOBER 18, 2011**

**1.0 CALL TO ORDER**

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:00p.m. by Vice Chairman Huynh, as Acting Chairman, in the Donahue Council Chambers, 27215 Base Line, Highland, California.

|          |               |                  |
|----------|---------------|------------------|
| Present: | Vice Chairman | Trang Huynh      |
|          | Commissioners | John Gamboa      |
|          |               | Milton Sparks    |
|          |               | Michael Stoffel  |
|          |               | Michael Willhite |

|         |              |                 |
|---------|--------------|-----------------|
| Absent: | Chairman     | Randall Hamerly |
|         | Commissioner | Richard Haller  |

Staff Present: John Jaquess, Community Development Director  
Lawrence Mainez, City Planner  
Bruce Meikle, Senior Planner  
Sean Kelleher, Assistant Planner  
Linda McKeough, Administrative Assistant III

The Pledge of Allegiance was led by Vice Chairman Huynh and welcomed everyone to the Meeting and then explained to the audience that both Commissioner Haller and Chairman Hamerly are absent tonight.

**2.0 COMMUNITY INPUT**

There was none.

**3.0 MINUTES**

**3.1 Minutes of October 4, 2011, Regular Meeting.**

**A Motion** was made by Commissioner Gamboa and seconded by Commissioner Sparks to approve the Minutes of October 4, 2011, Regular Meeting, as presented.

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Motion carried on a 4 – 0 vote with the abstention of Commissioner Stoffel and Commissioner Haller and Chairman Hamerly absent.

#### **4.0 CONSENT**

There were no Items.

#### **5.0 OLD BUSINESS**

- 5.1 A Modification to an Existing Sign Program for Jack in the Box Restaurant (ASR 011-018). The Project is located at the southwest corner of Sterling Avenue and Base Line. The address is 25699 Base Line. APN: 0278-121-39. Representative: Travis Crouser, CNP Signs and Graphics. (Continued from the September 20, 2011, Regular Meeting.)

Vice Chairman Huynh identified the Item and then asked for Staff's presentation.

Assistant Planner Kelleher gave a brief synopsis from the Staff Report and PowerPoint presentation and what transpired from the previous Meeting. He explained the Project's design details and proposed changes to the Commission. He added that both the Applicant and the Applicant's Representative are in the audience and then concluded his presentation.

Vice Chairman Huynh asked if the Commission had any questions of Staff.

A question was asked by Commissioner Willhite regarding where the Base Line Monument Sign is supposed to be relocated since it was not listed on the Drawing and Assistant Planner Kelleher responded showing on the PowerPoint Display in the general location and added the location is listed in the Conditions of Approval (COA No. 6).

A question was asked by Vice Chairman Huynh on Page 19 of the Staff Report (Page 2 of the COAs) regarding COA No. 5, that Staff refers to "Revisions may require additional review by the Design Review Board" (DRB). Assistant Planner Kelleher apologized and responded that it was a carry over and that COA No. 5 would be corrected from "Design Review Board" to "Planning Commission" and that the Applicant will receive the Final COAs which will read as "Planning Commission".

A comment was asked by Vice Chairman Huynh regarding the new Monument Sign will have to be checked and permitted by the City in terms of structural review and did not see any COAs on that and then asked if the Note listed at the bottom of Page 18 (Page 1 of the COAs) is that sufficient enough in that it will

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require the Applicant to obtain a Permit from the City. Assistant Planner Kelleher responded affirmatively in that the Note is sufficient enough and added that COA 1B would also be corrected to read from "Design Review Board" to "Planning Commission".

A question was asked by Commissioner Gamboa regarding how the neon lighting was not approved before, is there any kind of an approval process the Applicant has to go through since it was installed without Permits and Assistant Planner Kelleher responded it would be inspected as an "As Built" by Building and Safety and the Applicant would be required to submit Plans for that as part of the overall Sign Application for the Monument Sign and changing the Building Mounted Signs and indicated any structural changes on the Building, or added to, with or without Permits will be inspected by Building and Safety Division .

Vice Chairman Huynh asked if the Commission had any further questions of Staff. Hearing none, he then opened the Continued Public Hearing and asked if the Applicant or the Applicant's Representative would like to make a presentation. Both the Applicant and the Applicant's Representative declined the offer.

Vice Chairman Huynh then asked if anyone would like to speak on the Item. Hearing none, he then closed the Public Hearing and there being no further questions of Staff, or discussion amongst the Commissioners, he then called for the question.

**A Motion** was made by Commissioner Gamboa and seconded by Commissioner Sparks to:

1. Approve ASR 011-018, a Proposed Modification to an Existing Sign Program for Jack in the Box Restaurant, which includes a Proposal for new Building Mounted Signs and Monument Sign, subject to the Conditions of Approval, as amended with the following:

Planning COAs

- 1.b. Where circumstances beyond the control of the applicant causes delays which do not permit compliance with the time limitation established in this Section, the reviewing authority may grant an Extension of Time for a period of time not to exceed an additional twelve (12) months. Applications for such Extension of Time must be set forth, in writing, the reasons for this Extension shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Planning Commission approval.

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5. Revisions, modifications or deletions of this Plan must be submitted to the Planning Division and/or approving authority for review and approval. Revisions may require additional review by the Planning Commission.

Motion carried on a 5 – 0 vote with Commissioner Haller and Chairman Hamerly absent.

## **6.0 NEW BUSINESS**

- 6.1 Amendments to Conditional Use Permit 05-002 and Design Review 05-027, to amend the Permitted Uses for Pad 4 at the San Manuel Village from Retail / Commercial to Conference / Meeting Rooms and amend the Site Plan for Pad 4 by deleting a Drive-thru Lane. The Project is located at 27923 Highland Avenue, Pad 4 is located on the north side of the Boulder Avenue entrance into the San Manuel Village. Representative: Bryan Benso, Victoria Development Company

Vice Chairman Huynh identified the Item and then asked for Staff's presentation.

Senior Planner Meikle gave the presentation from the Staff Report and PowerPoint presentation. He explained the historical background and the Project's Revised design details and the Applicant's requests to the Commission. He added that both the Applicant and the Applicant's Representative are in the audience and then concluded his presentation.

Vice Chairman Huynh asked if the Commission had any questions of Staff.

(Note: Assistant Planner Kelleher left the Chambers at 6:12pm)

A question was asked by Commissioner Gamboa regarding the Exterior Elevation are not changing that were originally approved, is that correct, but had concerns in that there were no drawing / designs on the Patio Cover and Senior Planner Meikle responded that the Exterior Elevations are consistent with that and how there was a conceptual approval and reiterated these Elevations are consistent with that, but there was no Patio Cover as part of that approval, but overall, the colors, materials, and architectural features on the Building are consistent with what was originally approved.

A question was asked by Commissioner Willhite will the Commission also be approving the Floor Plan tonight and Senior Planner Meikle responded that is correct and explained how the Commission does not really approve Floor Plans, per se, but approval the Site Plan, the use, and deletion of the Drive-thru.

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Commissioner Willhite further asked about the maximum occupancy load of 202 people and was concerned about the women's restroom looks fine, but the men's restroom is not large enough facility and is that something that the Commission ask the Applicant to change and Community Development Director Jaquess responded that is handled specifically by the Building Code and Building and Safety. Commissioner Willhite responded the Building Code specifies how many water closets, urinals, etc. and asked if that is adequate enough for 202 people is as well as not enough restrooms based on the occupancy load specified and Community Development Director Jaquess responded that is based on the occupancy of the Building and that he is unable to say whether that it is / is not sufficient enough and reiterated that the Building Code will specify what the requirement will have to be.

A comment was made by Vice Chairman Huynh regarding Page 4 of the Staff Report requested Staff to explain further the calculations on the number of parking spaces would work out for the Building's capacity located on Pad 4. Senior Planner Meikle responded and indicated the parking spaces located on the outer edge / perimeter of the Site which is adjacent to State Route 330, is under utilized and is to be made available to patrons / users on Pad 4 and the Applicant to direct the users of Pad 4 to that particular parking area and added that Staff has applied a COA to that effect.

A question was asked by Vice Chairman Huynh regarding if the landscaping is part of the discussion and if Staff looked at the Patio area and indicated how he drove out to the Site and that the Patio is a new structure which has a lot of brick and concrete and the feasibility of installing some vines on top of the Patio Cover for shading and softening the hardscape.

Vice Chairman Huynh opened the Public Hearing and asked if the Applicant or the Applicant's Representative would like to make a presentation.

Mr. Bryan Benso, of Victoria Development Company, who is the Applicant, addressed the Commission. He stated the Trellis is for the Patio and how there is a Trellis / Patio Cover built on MiCocina Restaurant, as well as the Sports Watch Bar and what is proposed will emulate what is already there, not just internal meeting spaces, but potential outdoor congregation space similar to what is located at the MiCocina Restaurant. With regards to installing vines on top of the Trellis, he is intending to install patio heaters so it would be challenging and how the patio heaters would impact the vines. As Mr. Benso was explaining, Senior Planner Meikle went to the Landscape Plan shown on the PowerPoint. Mr. Benso further explained his intentions to install as much green space into that area as possible in that area as the idea is that area is kind of a Meeting Room / Convention Area where functions can be held and is proposing to install landscape turf blocks in that location, rather than the standard concrete so it does have some type of a green aisle, from a driveway perspective, and he also

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indicated they would be installing additional plants, trees, etc.

Vice Chairman Huynh then asked if anyone would like to speak on the item. Hearing none, he then closed the Public Hearing and opened the floor for discussion amongst the Commissioners.

A question was asked by Commissioner Gamboa regarding if the proposed Patio Cover is larger than the one located at the MiCocina Restaurant and had concerns about the Patio Cover. Mr. Benso responded that the proposed Patio Cover is approximately the same size as the one at MiCocina and explained the Building is going to have Meeting space basically the entire portion of the Property and the idea is to create an ambience and indicated that a water feature will also be installed and an idea with the Building is to have doors that will be wide enough and that will open out for the ability to have an indoor / outdoor event and have some ambience at this location with the Fountain and Patio Cover. Mr. Benso added the Patio Covers located at MiCocina and at Sports Watch are important for those two (2) businesses and how they reduce the heat and glare during the summer months and how they are important elements / features for those properties and felt that would be the same case for this location. Commissioner Gamboa responded his concern how the MiCocina's Patio Cover structure was built after the Commission's approval and reiterated his concern how the Commission has been burned with Patio Covers before, but since there are no proposed drawings on what the footings are going to look like and how the overall Structure will be especially when the Patio Cover is going to be out more in the open and indicated he could be wrong, but wants assurance that it will look nice.

Vice Chairman Huynh stated when he went to visit the location, that the Existing Patio Structure is smaller than this and is about half the size that comes out from the Building and painted the Patio members that matches the Building's stucco color and in his opinion, did a very good job and the only thing is that this Patio Cover is bigger and that is why he is thinking about the vines because if would soften the Structure a little more and but also understands the Applicant's explanation of not using vines with the patio heaters.

Commissioner Gamboa responded there are no existing walls, just footings on the outside edge and with the MiCocina Patio Cover, there is a small wall that filters out area while this one Patio Cover is open.

A question was asked by Commissioner Stoffel if the Patio Cover would be raised up and Mr. Benso responded the Elevations of the Patio Cover and Decking is the same Elevation as the Flooring inside and explained that the Patio Cover at the end of the Building at this location of the development, a person will not see the Patio Cover at all when coming in from the Boulder Entrance since the elevation drops significantly there and when a person will view it is when the

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person will turn the corner to go in between Pad 5 / 6 and see it somewhat from Highland Avenue and added there will be also trees installed to provide some extra shading and cover to that particular corner. Mr. Benso further explained the Patio Cover would be the same type of construction and Patio Cover as MiCocina, with steel columns with wood shading materials on the top and the Patio will be very similar in concrete / paving designs.

Commissioner Gamboa stated his concern on how the Patio Cover is not specified on the Plans and does not want the Commission to go through something and the Commission say okay without reviewing it and it comes out something totally different than it did after the Commission approved it without Plans.

A comment was made by Commissioner Stoffel if the Patio Cover will look the same as MiCocina and Sports Watch and that the Applicant is willing to keep it nice since it is their Center / Complex, and how the existing Patio Covers at MiCocina and Sports Watch looks good to him and if vines are installed on the proposed Patio Cover, will bring rats, bugs and things falling down on people and does not like the idea of vines.

Vice Chairman Huynh asked if the Commission had any further questions of the Applicant or Staff.

A question was asked by City Planner Mainez regarding the fencing / wall around MiCocina that it was not only constructed for aesthetics, but was a requirement of Alcoholic Beverage Control (ABC) in order of "trapping" patrons and if that would be a requirement here, and if it is, who would have the Liquor License. Mr. Benso responded that they will be going through the ABC process and that all liquor will be through contract vendors and added how ABC required the MiCocina Restaurant and Sports Watch to "seal" the area in for their patrons and further explained that outside counsel has been retained for the ABC Licensing process. A comment was made by Senior Planner Meikle then that there maybe a potential for a short, solid wall similar to MiCocina and Sports Watch be installed as a requirement and Mr. Benso responded certainly.

Vice Chairman Huynh then asked if anyone would like to speak on the Item. Hearing none, he then closed the Public Hearing and there being no further comments from the Commission, or questions for the Applicant or Staff, he then called for the question.

**A Motion** was made by Commissioner Stoffel and seconded by Commissioner Sparks to Adopt Resolution 11-015 Approving Amendments to Conditional Use Permit 05-002 and Design Review 05-027; including the Revised Conditions of Approval and the Revised Site Plan Elevations and Conceptual Planting Plan for

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Pad 4 at the San Manuel Village.

Motion carried on a 5 – 0 vote with Commissioner Haller and Chairman Hamerly absent.

## **7.0 ANNOUNCEMENTS**

Community Development Director Jaquess explained there are no Items scheduled for the November 1, Meeting, so the Commission will be dark and there are Items tentatively scheduled for the November 15, 2011, Regular Meeting and Commissioner Stoffel responded that he will be unable to attend the November 15, 2011, Meeting.

Discussion ensued between the Commission and Staff regarding the upcoming Volunteer Dinner.

Discussion ensued between the Commission and Staff regarding the status on the Rotten Oak Restaurant and that it has been out of business for a few months and that a Steak Dinner House that will be serving beer and wine proposes to go into that Suite.

## **8.0 ADJOURN**

There being no further business, Vice Chairman Huynh declared the Meeting adjourned at 6:31p.m.

Submitted by:

Approved by:

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Linda McKeough, Community Development  
Administrative Assistant III

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Trang Huynh, Vice Chairman  
Chairman Planning Commission

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