

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
AUGUST 7, 2012**

**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, in the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:      Vice Chairman      Trang Huynh  
                 Commissioners      John Gamboa  
                                              Richard Haller  
                                              Milton Sparks  
                                              Michael Stoffel  
                                              Michael Willhite

Absent:        Randall Hamerly, Chairman

Staff Present: John Jaquess, Community Development Director  
                 Jim Godfredsen, Project Manager  
                 Lawrence Mainez, City Planner  
                 Sean Kelleher, Assistant Planner  
                 Linda McKeough, Administrative Assistant III

Vice Chairman Huynh explained to the audience that Chairman Hamerly was unable to attend tonight's Meeting and that he would be presiding.

The Pledge of Allegiance was led by Vice Chairman Huynh.

**2.0 COMMUNITY INPUT**

There was none.

**3.0 CONSENT CALENDAR**

**3.1 Minutes of June 19, 2012, Regular Meeting.**

**A Motion** was made by Commissioner Gamboa and seconded by Commissioner Haller to approve the Minutes of June 19, 2012, Regular Meeting, as submitted.

Motion carried on a 5 – 0 vote with the abstention of Commissioner Stoffel and Chairman Hamerly absent.

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## 4.0 OLD BUSINESS

- 4.1 Conditional Use Permit (CUP-012-002), Design Review Application (DRA-012-003), and Accessory Sign Review Application (ASR-012-012) to construct a new approximately 8,320 square feet “Family Dollar” Retail Store. The Site is generally located on the north side of Base Line approximately 380 feet east of Palm Avenue. Assessor’s Parcel Numbers for Conceptual Master Plan: (1200-381-02, 03, 04, and 05). Assessors Parcel Numbers for Project Site: (1200-381-03 and 04). Representative: David Morse, Boos Development (Continued from the June 19, 2012, Regular Meeting.)

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

Assistant Planner Kelleher gave the presentation from the Staff Report and PowerPoint presentation and explained the historical background and the Applicant’s proposed Revised Plans to the Commission. He noted in the Conditional Use Permit Planning Condition of Approval No. 20 regarding the hours of operation would be Sunday through Saturday would start at 8:00am, rather than on Sunday at 9:00am. Assistant Planner Kelleher indicated the Applicant is 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 is the location for the shopping carts and Assistant Planner Kelleher responded and displayed the shopping carts’ location on the PowerPoint and indicated it is not rendered on the East / West Elevations, but it is noted on the PowerPoint.

Another question was asked by Commissioner Willhite does that mean a second pony wall that the carts will be hidden by that wall and Assistant Planner Kelleher responded that is correct.

A question was asked by Vice Chairman Huynh if that is a temporary or a permanent location for the shopping carts during business hours or at the end of the day, are the carts brought into the Store and Assistant Planner Kelleher responded that he would have to confirm that with the Applicant, but it was his understanding that it is a permanent location.

A comment was made by Vice Chairman Huynh stating that one of the Planning Conditions was about keeping the shopping carts inside the Building and Assistant Planner Kelleher responded that is correct with Conditions of Approval (COAs) and added that there were slight amendments made to the COAs related to changes the Applicant made to the Plans to address those comments

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otherwise, the Planning COAs were not amended from the June 19, 2012, Planning Commission Meeting which noted that the shopping carts should remain in the Building. He then explained about the new proposed Monument Sign in Staff's presentation.

A request was made by Vice Chairman Huynh to have Staff explain about the current proposal has been reduced by three (3) parking spaces and why there are only thirty (30) parking spaces because of additional landscaping area or what. Assistant Planner Kelleher responded and explained the Variance that was for the three (3) parking spaces at the June 19, 2012, Commission Meeting and that it is consistent with the June 19, Site Plan that the Applicant did not modify the June 19, 2012 Site Plan. The reason for the Applicant's request for the Variance was due to the overall Site Plan design and the Applicant's intent to keep the parking near the Building to allow greater flexibility / connectivity to the Site to the east.

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 would like to make a presentation. It appeared that the Applicant's Representative declined the Vice Chairman's offer and then closed the Public Hearing to discuss among the Commissioners. Community Development Director Jaquess interjected that maybe the Representative did not understand and then suggested that the Chairman to ask the Applicant come forward again for any further presentation or answer any questions that the Commission may have.

Vice Chairman Huynh asked again if the Applicant or Applicant's Representative wanted to address the Commission and make any further presentation.

Mr. David Morse, of Boos Development, 701 Park Center, Santa Ana, California, who is the Applicant's Engineering Representative, addressed the Commission and indicated that Mr. David Blair of MCG Architecture who had worked on the Plans, was here as well. Mr. Morse indicated he had nothing else to add at this time and would be happy to answer any questions the Commission may have.

A question was asked by Commissioner Gamboa on Page 6 of 9 regarding the East Elevation of the Building at the bottom of the Elevation next to the Dollar Sign, appears to be a drain pipe that ends right before it gets to the sidewalk and shouldn't all gutters supposed to drain into the sidewalk. Mr. Blair responded that it should, but it should be underground and that Commissioner Gamboa is correct and Commissioner Gamboa responded that he wanted to ensure that it is corrected.

Vice Chairman Huynh asked if the Commission had any further questions for the Applicant's Representatives or Staff.

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Assistant Planner Kelleher responded that Planning COA No. 32 still requires the rooftop down drains to be enclosed into the Building and not exterior as it is shown on the Building Elevations. If the Commission is going to go forward with the exterior roof drains, that COA would need to be removed.

A question was asked by Vice Chairman Huynh regarding Planning COA No. 70 on Page 29 of the Staff Report if the added trees are incorporated into the Landscape Plan or is that something that would be returned to Staff to satisfy that COA and Assistant Planner Kelleher responded that would be reviewed during the plan check process. Vice Chairman Huynh then thanked Assistant Planner Kelleher.

A comment was made by Commissioner Willhite regarding the drains that the drawings do not match Planning COA No.32 requirement for the drains to be located inside the Building, and Assistant Planner Kelleher said that is correct and then asked if the Commission is acceptable with the exterior drains and then Planning COA No. 32 would have to be removed. If the drains outside the Building, the Plans would be resubmitted to Staff through the plan check process.

A comment was made by Commissioner Gamboa that he is happy with the drains outside as long as it does not drain onto the sidewalk and drains appropriately.

A question was asked by Commissioner Willhite if there are drains on the west side of the Building also and Assistant Planner Kelleher responded affirmatively in that the drains are on both side.

Vice Chairman Huynh asked if there were any further questions of the Applicant's Representatives or Staff.

A comment was made by Commissioner Haller at the last Commission Meeting, he express that the Building architecture did not fit in with the General Plan as described the Town Center and how the architecture has not changed since the last time and still feels the same way and is opposed to the Building Design Review approval. He supports the use, and is an appropriate use, but the packing house concept is an industrial concept that does not fit in with the Town Center and is opposed to the Applicant's Building architecture.

A comment was made by Vice Chairman Huynh that he has a similar concern with the Building's architecture design as what he stated last time and there were some minor additions to the Elevation. He tried to picture the Building with this proposed design and how it would blend in with other buildings that are not too far from this Project and is having a difficult time to see how this would blend in. There are no guidelines / master plan for architecture for this area and how he had spoken to Staff earlier and is a dilemma and wished the Commission had

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some sort of guidelines important area for new construction and somehow, it still does not fit in with the surrounding buildings and then asked if any of the other Commissioners have anything different that that and voiced his concern.

A comment was made by Commissioner Stoffel there is a project located off the 15 Freeway going south to San Diego and Assistant Planner Kelleher responded that he is familiar with that project and that it has similar elements and is located in Murrieta.

A comment was made by Commissioner Willhite how the Commission gave direction the last time and provided the Applicant with the future Fire Station design and Vice Chairman Huynh responded affirmatively.

A comment was made by Commissioner Haller regarding how he had made the same comment last time that he would not support the corrugated metal in that it would not fit in with the Town Center and wants his comments to be consistent with the comments from the last Meeting in that it is an industrial building design.

A question was asked by Commissioner Willhite of Commissioner Haller if it is more of a materials' issue than size or shape and Commissioner Haller responded is okay with the use, but an industrial designed Building does not fit in with the Town Center and that concept that is supposed to be a business / commercial area, but not with the design.

Vice Chairman Huynh asked if the Commission had any further discussion.

A comment was made by Commissioner Gamboa that he is at a loss, like Commissioner Willhite that the Applicant wanted to go with this look and that is why the Applicant was supplied with photographs, diagrams, and had read the Minutes and thought they was where the Commission was going in and Commissioner Haller agreed. Commissioner Gamboa added that it looks 100% better than it did with the previous Plan.

A comment was made by Commissioner Willhite that it is close to what the Commission asked of the Applicant to do. Commissioner Willhite was concerned was Planning COA No. 32 and asked about deleting out the first sentence in Planning COA No. 32 and leave the second sentence that states, "Roof drains shall not drain onto pedestrian walkways" and Assistant Planner Kelleher responded that would be an appropriate modification and Commissioner Willhite responded that he is okay with that and to delete the first sentence on Planning COA No. 32 that "All rooftop down drains shall be installed on the interior of the Buildings" and then asked the Applicant if that is acceptable and the Applicant's Representative responded affirmatively.

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There being no further questions of the Applicant or Representative, Staff or discussion amongst the Commissioners, Vice Chairman Huynh then called for the question.

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

1. Adopt Resolution 12-011
  - a.. Direct Staff to File a Notice of Determination pursuant to the California Environmental Quality Act with the San Bernardino County Clerk of the Board;
  - b. Approving Conditional Use Permit (CUP-012-002);
  - c. Approve Design Review Application (DRA-012-003);
  - d. Approve Accessory Sign Review Application (ASR-012-012), all subject to the recommended Conditions of Approval, as amended with the following:

Planning COAs

    20. Change the hours of operation 8:00am to 10:00pm seven days / week
    32. ~~All rooftop down drains shall be installed on the interior of the Buildings.~~ Roof drains shall not drain onto pedestrian walkways.
- and;
- e. Adopt the Findings of Fact.

Motion was a 3 – 3 vote with Commissioner Haller, Sparks and Vice Chairman Huynh dissenting and Chairman Hamerly absent.

The Action died.

Community Development Director Jaquess explained that it is a No Action Vote and this Motion died and suggested the Commission try another Motion and Vice Chairman Huynh explained to the Commission that it needs another Motion.

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A question was asked by Commissioner Stoffel what is the Commission's main concerns and Commissioner Haller responded about the corrugated metal design. He further explained wherever you see corrugated metal is with an industrial building and he believes / associates corrugated metal with an industrial use and the Applicant is certainly trying to emulate an orange packing house which is an industrial use. This Project is located in the Town Center and is supposed to be a commercial use in a business type area and it does not seem like it fits with the vision when we discussed the Town Center.

A comment was made by Commissioner Stoffel about how Baker's has stucco and there is a stucco look on the corner and indicated that he wasn't at the last Commission Meeting.

A comment was made by Vice Chairman Huynh regarding there is a building located north of Fifth Street / Palm Avenue that had used a butler type of building with a metal frame and metal roof and then placed stucco on top of it and how that building had turned out nice and a person cannot tell what is behind that stucco that it is a sheet metal type of building with a steel frame. He added how he also had concerns at the last Meeting, and there were discussions having some type of traditional stucco and with some architectural features that would fit in with the neighborhood. He would hate to see it one day if we drive by and think that it was a mistake having it by the Freeway and reiterated that somehow, it does not blend in with the other buildings located there.

A comment was made by Commissioner Haller there is one building and that is the City's Maintenance Building, which is appropriate.

A question was asked by Commissioner Stoffel what about the newly approved Fire Station and both Commissioners Haller and Gamboa responded no.

A comment was given by Commissioner Willhite how the Applicant was provided with architectural drawings of the future Fire Station in order for the Applicant to see what the architectural design of the Fire Station and redesign their Building and Assistant Planner Kelleher added that he could bring up the Elevations of the Fire Station on the PowerPoint and explained that Staff did supply the Applicant with these Fire Station's renderings and with Bill Calvert's historical book.

A question was asked by Commissioner Willhite regarding if that was a concrete roof for the Fire Station and Assistant Planner Kelleher responded that it is a standing seam roof and would need to confirm that. Community Development Director Jaquess added that a standing seam roof style for the Fire Station as is the same style roof proposed for this Building.

Vice Chairman Huynh said what's next and need to have someone to make a Motion.

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A comment was made by Commissioner Haller that the Motion had died and Community Development Director added in order to move forward with the item in some way, the Commission needs to take a different action.

Assistant Planner Kelleher stated the Applicant would like to approach the Commission, if the Commission desired and the Commission concurred.

A comment was made by Mr. Blair that a lot a material was provided to the Applicant about Highland's history and architectural looking town and decided to pursue this line and rather not stay with that exterior material, if the Project is going to be denied and is not worth it for them so if the corrugated metal is problematic, he would be happy to change the corrugated metal for a different type of metal, metal on metal, give it texture and color variations or if the Commission feels that the stucco type of finish is more of what the Commission sees the Town Center being, he is happy to do that, as well. His thinking about a metal type building that it is purposely different than CVS / Baker's and may lead into the Town Center having a variety of materials as a part of this overall Project. It's your town and you should be able to decide what this looks like and I don't want to sit here and say, no, that it has to be corrugated metal or nothing and indicated that he would be happy to work with whatever the Commission feels.

A question was asked by Vice Chairman Huynh regarding continuing this Item and have the Applicant work with the City more on this and return and Mr. Blair responded that he feels like it is a 3 to 3 vote, and does not know where to go. If the corrugated metal would be changed to a box metal painted with tone on tone keeping the base at bottom and changing the material on top and that he can do that and hopefully that would be enough or if the Commission sees it as all stucco. Vice Chairman Huynh responded and expressed his concerns regarding the stucco finish and architectural features and asked what the Commissioners think and if this is where the Commission is heading or what

A comment was made by Commissioner Haller that there are a couple of options. The vote was split 3 / 3 and so it is hard to give the Applicant direction and that at the next Meeting would be seven (7) Commissioners in two (2) weeks and would likely a 4 / 3 vote one way or the other and would delay the Applicant and asked if that would be acceptable or not to the Applicant. He was unsure on how to provide direction or if the Applicant wanted to prepare two (2) designs; one with the corrugated metal as is, and an Alternate and return with them both for the Commission.

A comment was made by Commissioner Gamboa that he is at a loss and is close to what the Commission saw with the Preliminary Drawings and he doesn't understand if there was that big of a discrepancy why wasn't something said

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then. Commissioner Haller responded that it was said and also with his comments, he relayed the same concerns when he received the Preliminary Drawings.

A comment was made by City Planner Mainez said sounds like the Motion for the other Commission Member to participate in the discussion and Commissioner Haller responded if all of the Commissioners were here, there would have been a 4 / 3 vote.

A comment was made by Commissioner Gamboa if the Commission waits for two (2) weeks, and the other Commissioner votes no for the corrugated, then the Applicant has to come back two (2) weeks again in order to move on and Commissioner Willhite agreed and Commissioner Haller added that it is a risk.

A comment was made by Commissioner Willhite if the Applicant installs a tile roof and stucco the outside would that be acceptable to the Commissioners or if the Commission wants to see a whole new redesigned Building and Vice Chairman Huynh added that it looks better than what the Commission has now because of the finish and materials.

A comment was made by Commissioner Gamboa that this is the first time on the Commission and usually have come to some kind of an agreement on the Building and how the Commission is deadlocked and unable to provide direction to the Applicant.

A suggestion was made by Commissioner Willhite in continuing this Item to the next Meeting and giving the Applicant the option if he wants to bring in another rendering with stucco and a different type of roof in that the Applicant is welcome to and if not, the Commission revisit this proposal.

A comment was made by Community Development Director that the next Commission Meeting is August 21, 2012.

A question was asked by Commissioner Willhite would there be enough time for the Applicant and indicated that the Commission is not going to make the Applicant to prepare another rendering or present another type of Building if the Applicant does not want to and hopefully would have all seven (7) Commissioners present at the next Meeting so a decision will be made.

**A Motion** was made by Commissioner Willhite and seconded by Commission Stoffel to continue this Item to August 21, 2012.

Motion carried on a 5 – 1 vote with Commissioner Gamboa dissenting and Chairman Hamerly absent.

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A comment was made by Commissioner Gamboa for the record, the Commission has not given anything to the Applicant for direction either to return with something totally different or not and is opposed.

## **5.0 NEW BUSINESS**

- 5.1 Revision Application (REV-012-003) for a Minor Revision to Conditional Use Permit (CUP-010-005) and Design Review Application (DRA-010-005) related to the Master Planning for Saint Adelaide's Church. The Applicant is proposing to increase the Storage Building's size from 640 square feet to 988 square feet and relocating it from south of the existing School Building "C" to south of the existing Rectory Building on-site. The Project is located at the southwest corner of Base Line and Church Avenue, 27457 Base Line. (APNs: 1201-011-07-0000 and 1201-011-23-0000.) Representative: Daniel White, Daniel D. White Architects

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

Assistant Planner Kelleher gave the presentation from the Staff Report and PowerPoint presentation and that a Sample Board was distributed for the Commission to review. He explained the proposed revision Project design and the Applicant's request to the Commission. He indicated that the Applicant's Representative is in the audience for any questions the Commission may have and then concluded his presentation.

Vice Chairman Huynh asked if the Commission had any questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant would like to make a presentation.

Mr. Louis Barrios, who is the Applicant's Representative, addressed the Commission. He stated how Staff's presentation is accurate and is happy to answer any questions the Commission may have.

Vice Chairman Huynh asked if the Commission had any questions of Staff or the Applicant's Representative. Hearing none, he then opened then asked if anyone in the audience 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 comment was made by Commissioner Haller that the proposed change is a minor change that Staff has recommended.

There being no further amongst the Commissioners, Vice Chairman Huynh then called for the question.

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**A Motion** was made by Commissioner Haller and seconded by Commissioner Sparks to Adopt Resolution 12-012 Approving Revision Application (REV-012-003) for a Minor Revision to Planning Condition No. 2 and Exhibit "A" (Phase One Site Plan Exhibit, Phase Two Site Plan Exhibit, and Building Elevations for the Storage Building) previously Approved subject to Conditional Use Permit (CUP-010-005) and Design Review Application (DRA-010-005) for the Master Planning and Expansion of an existing Religious Institution, all subject to the recommended Conditions of Approval, and the Findings of Fact.

Motion carried on a 6 – 0 vote with Chairman Hamerly absent.

- 5.2 Goodwill Industries Retail Store request for Revision to Staff Review Permit (SRP-012-018) Planning Condition of Approval No. 6 [Revision Application (REV-012-002)].The Project is located at 7197 Boulder Avenue (within the Albertson's Shopping Center located at the northeast corner of Base Line and Boulder Avenue). Representative: Michael Pauls, Michael Pauls Associates (Representative for Goodwill Industries of Southern California)

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

City Planner Mainez gave the presentation from the Staff Report and PowerPoint presentation. He explained the historical background and the Applicant's proposed request to the Commission and indicated that Staff had visited other Sites, as well. He indicated that the Applicant's Representative and the Property Owner are in the audience for any questions the Commission may have and concluded his presentation.

Vice Chairman Huynh asked if the Commission had any questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant would like to make a presentation. He indicated that he has three cards for the Applicant's Representatives and indicated Ms. Alicia Ley, Mr. Michael Pauls and Mr. Lowell King.

Mr. Michael Pauls, of Michael Pauls Associates, 6475 East Pacific Coast Highway, No. 135, Long Beach, California, who is the Applicant's Representative, placed some displays for the Commission to view and then addressed the Commission. Prior to his presentation, he thanked Planning Staff and stated that it has been a pleasure working with them and their professionalism and appreciated their input. He explained how Goodwill has received approval for the Site which consists of 12,500 square foot Retail Store

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and Donation Center. Goodwill has been established within the Shopping Center (Highland Village Plaza) and how the Retail Center and Donation Center will benefit both the community and the Shopping Center's other Tenants / Businesses by creating new customers for the Shopping Center. The Retail Store will create twenty-five (25) new jobs and Goodwill has a policy to hire employees from the immediate community. He further explained how Goodwill maintains its professional retail and discount appearance and is compared to a Ross, Dress For Less, TJMaxx, Marshalls, with respect to floor and wall coverings, etc. Mr. Pauls stated how every Goodwill Store has different products and indicated a typical Goodwill shopper are females between the ages of 35 - 45 with a \$40,000 - \$50,000 annual income and provided scenarios. Mr. Pauls explained the Applicant's proposed request to the Commission and how Goodwill has already been established with the Bookstore and Donation Center for the past six (6) years with no complaints or objections from either the Tenants, customers or the City in the manner of which Goodwill operates in and reiterated how Goodwill is popular with the community and the premises and appearances have been maintained in a clean, professional and orderly fashion and added that the Bookstore portion will be transferred to the Retail Store portion and is popular with the children. He explained the displayed rendering of the location of the Donation Center and indicated that there are approximately thirty (30) donations daily and approximately ninety (90) donations monthly and there have been no issues with donations being left after business hours. He then pointed out on another displayed rendering and requested from the Commission to allow Goodwill to continue donations business in the same manner as Goodwill operates today in the new location which is approximately 12,500 square feet. Goodwill is making the request due to business operations would suffer and from a concern with a health and safety issue with the public who is donating to Goodwill. He further explained the area immediately behind the proposed Goodwill location for the Retail Store and Donation Center which could be described as being warehouse oriented and when the Shopping Center was first built, the Center was designed to service those trucks and vehicles which provide goods on a daily basis to Albertsons, CVS, etc. He found that large tractor / trailers at the loading dock, as well as twenty-four foot to thirty-two foot (24' - 32') box trucks with goods / beverages and having more trash trucks all going to the rear of the Buildings for deliveries to Tenants and was concerned with the public's personal vehicles going behind the Building with all the trucks going in / out, and that there is no pedestrian access and then provided a scenario to the Commission.

Mr. Pauls reiterated the Applicant's request to permit donated hand carried goods (i.e. clothes, etc.) into the front of the Store and the process that the donor goes through and further explained that the larger goods that Goodwill accepts are directed to the rear of the Store and said that ninety percent (90%) are hand

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carried items and ten percent (10%) are larger items. If Goodwill is not permitted for the hand carry items through the front of the Store, he was concerned with the primary donors being female would not feel comfortable with driving into an area which is essentially deserted and is warehouse setting and Goodwill has projected that the Store's donations would be reduced by fifty percent (50%) which would compromise the ability for the Store to sustain itself.

Mr. Pauls asked for Planning COA No. 6 be amended in order to allow hand carry items to be accepted at the front of the Goodwill Store at the Donation Entrance and indicated that good would not be left outside the Store or in view of the public and that the items would be taken to the donation storage area and grant the Applicant to continue to operate like it has for the last six (6) years and maintain its business and then concluded his presentation and asked if the Commission had any questions. He added that Mr. Lowell King who is present and who is the local Regional Operations Manager for Goodwill located in San Bernardino and Mr. Lewis Maler who is the Property Owner. In addition, for the record, Mr. Pauls distributed three (3) letters of support from Tenants located within the Shopping Center and surround the current Goodwill Bookstore and Donation Center (SD Orthodontics, East Highland Bikes and Avon Store) to the Commission.

Vice Chairman Huynh asked if the Commission had any questions of the Applicant's Representative.

A question was asked by Commissioner Sparks regarding the hours of operation and Mr. Pauls responded daily from 9:00am to 8:00pm.

A question was asked by Commission Stoffel regarding the drop off time and Mr. Pauls responded that it would also be from 9:00am to 8:00pm.

A question was asked by Commissioner Haller what the Applicant does for people dropping off items after hours by the door and Mr. Pauls responded the Donation Center has been operating for six (6) years, there has been no problems and does not anticipate any problems at that Store based upon its track record. It is an issue with shopping centers throughout the nation today and how people will drop thing off under the cloak of darkness in shopping centers and is not specific to Goodwill and when the property has appropriate lighting front and rear of the Store, security cameras, signage, people do not want to be caught on camera because working closely the Police Department, as well as with the Property Owner and then Commissioner Haller thanked Mr. Pauls.

A question was asked by Vice Chairman Huynh where are the employees' parking spaces – are they in back of the Building and Mr. Pauls responded how Goodwill hires personnel from the local community and one of the benefits is that Goodwill provides bus passes / public transportation and encourage employees

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to use the public transportation. He added that some employees may park in the rear of the Building and would like to bring that issue up with the Property Owner on the employees' parking area during business hours and added that people do park in that area especially on the east end of the Shopping Center.

A question was asked by Vice Chairman Huynh regarding the how many times delivery trucks are coming in to the back area and Mr. Pauls responded on a daily basis, throughout the day and provided an example to the Commission on what he has seen and if there is a donor located in the back, the donor is intimidated by the truck.

A comment was made by Commissioner Willhite regarding Planning COA No. 6 regarding security cameras be indoors and asked if Mr. Pauls is referring to install security cameras located both in front and in back exteriors of the Goodwill Store and Mr. Pauls responded affirmatively and that he would insist that Condition be written into the Permit.

Vice Chairman Huynh asked if there was anyone in the audience who would like to speak on the Item.

Mr. Lewis Maler, who is one of the Principals / Owners of Highland Village Plaza, addressed the Commission and also thanked Staff. He stated how Goodwill has been at the Shopping Center for six (6) years and have had no issues with it and was surprised that some of the Merchants were concerned with the use of the Goodwill Store. He believes that nothing is changing and has operated for the past six (6) years and that there have been no restrictions in receiving donations located either in the front or rear and is not an issue. With regards to the Facility's size, the donation portion of Goodwill is not changing and is adding a 10,000 square foot Retail Store that would benefit the Merchants and would bring more customers into the Shopping Center for the Merchants. He stated that Goodwill is a National Credit Tenant which adds financial stability to the Shopping Center and how the Pool Store, Hallmark and Radio Shack Stores are now gone / vacant and indicated that he now has the ability to upgrade the Shopping Center improving the landscaping, redoing all the parking lot, redoing the lighting, painting the entire Facility and has been there for a few year and was a big thing in getting a Shopping Center this in Highland and indicated that he has owned the Center since its inception and will be beneficial to have Goodwill located in the Shopping Center. Mr. Maler also had looked at other Goodwill Facilities and indicated that this would not be problematic for him as an Owner and their Lease will also protect the City because if Goodwill is in violation of the covenants, then would be in violation and appropriate action would be taken and the letter that he had submitted and said that he would be happy to answer any questions the Commission may have.

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A question was asked by Commissioner Stoffel if Mr. Maler is going on the record that he is recommending painting the complex and Mr. Maler said absolutely that added that he also wanted to go on record that he will paint the entire Shopping Center, relandscape the Shopping Center and redo the entire parking lot and get rid of the areas that have clogged up issues with people ruining their cars with the rocks and then thanked the Commission,

A comment was made by Vice Chairman Huynh that he has been there a few times and indicated some of the diamond design landscape planters located in the parking lot that trees are gone and needs to some trees back in there. Mr. Maler responded that he will be installing and replacing in each planter with an exact same tree which is a carrotwood tree species in order to make all the trees the same in the Shopping Center and indicated that they will be bringing in all new trees. He reiterated that the trees are not just coming out, but replacing them.

Vice Chairman Huynh asked if anyone else 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 Vice Chairman Huynh if there was a situation with the outdoor items that would be put at the front door overnight, and if the owner fails to correct the problem, then would it become a Code Enforcement issue if a complaint was received from the business owner and Community Development Director Jaquess responded if a complaint was filed due to trash being left in front of the Building, or clothes, etc. and was not maintained, then that would become a Code Enforcement issue as a public nuisance.

Another question was asked by Vice Chairman Huynh if it was feasible to add a COA after three – six (3 – 6) months if the Commission could review the Application with regards to the outdoor storage, or whatever the issue is and Commissioner Willhite responded after modifying Planning COA No. 6 F, then addition of video surveillance located in front of the Store and at rear of the Store and also indicated that would be a huge deterrent for dropping anything off.

A comment was made by Vice Chairman Huynh that he was there at Goodwill this morning around 5:30am – 6:00am and at the current Goodwill location, past the dumpster and asked the items that were out there this morning were for the dumpster or part of the drop off for Goodwill's current location. The items were a mattress, television, night stand and asked if they were part of the trash and someone had dumped illegally was behind the current Goodwill's Store at the corner.

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A suggestion was made by Commissioner Willhite to add to Planning COA No. 6F. The first sentence Security cameras (video monitoring system) shall be installed within the Goodwill Store **and at the rear and in front of the Building exterior.**” He then indicated that he believed that the Applicant was fine with that.

Vice Chairman Huynh asked if the Commission had any further comments with this addition and Commissioner Haller responded that he is supportive of that..

A comment was made by Commissioner Gamboa that he could see where it would do some good, but can also see someone bringing in trash and leaving it and is torn between one way or the other.

A comment was made by Vice Chairman Huynh if a lot of complaints were received from the nearby businesses, then the Commission could call this Item up again for reconsideration and Community Development Director Jaquess responded that he believed Vice Chairman Huynh’s suggestion with the Commission review three to six (3 – 6) months after the Goodwill Store has opened and see how it is performing and if there have been any complaints received.

A question was asked by Commissioner Stoffel at six (6) months, if there were written complaints, how would the Commission know; are there photographs taken and Community Development Director Jaquess responded if there were complaints received, it would have to be responded to by Code Enforcement and would be a record of what Code Enforcement observed, photographs taken for documentation, and if there were issues or not.

Mr. Pauls responded and put on display a photograph of the existing Store itself and was taken three (3) months ago and has never seen an item left in front of the Store an from what he understands and speaking with the employees there on a daily basis that indicated they do not have any problems with that. He also displayed photographs of the Colton and San Bernardino Stores that were taken three (3) months ago and how he drove up and took the photographs and both the Colton and San Bernardino Stores are located within a shopping center. He reiterated that he has never seen any goods left outside, they are clean and the landscaping is maintained on the sites Goodwill has a good track record of six (6) years and was looking at the surrounding business area and the benefit of said track record. With regards to the dumpsters, Mr. Pauls indicated that the dumpsters are not locked behind shopping centers are the recipients with trash and is a Shopping Center issue and is not a Goodwill issue and would like to talk with the Property Owner to see if there could be a locking bin(s). The Applicant would agree to a COA and would need to discuss this with the Property Owner

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where the Applicant would want the bins to be locked. Mr. Pauls further indicated that he has clients that lock their bins to ensure that people do not go through the trash and people do not unburden themselves with their waste and that their trash cans that which they pay for. The Applicant would not have a problem and if it is possible for people to lock the trash cans. With regards to the review period, Goodwill has invested on Tenant Improvements of \$300,000 and Goodwill is entering a ten (10) year Lease on site. He reiterated that Goodwill is a credit worthy Tenant and will be held to that Lease. Goodwill needs to know that operation is sustainable and not only accept donations in the rear of the Store and that there are not any Goodwill Retail Stores that do not have a Donation Center and includes San Bernardino, Riverside and Los Angeles Counties.

A question was asked by Commissioner Gamboa regarding the Colton Store have donations through the front door also and Mr. Pauls responded affirmatively and stated that has never been an issue and then showed a photograph on the display to the Commission with the San Bernardino Store.

There being no further questions of the Applicant, Staff, or discussion amongst the Commissioners, Vice Chairman Huynh then called for the question.

**A Motion** was made by Commissioner Willhite and seconded by Commissioner Haller to Adopt Resolution 12-014 Approving Revision Application (REV-012-002) revising Staff Review Permit (SRP-012-018) Planning Condition of Approval No. 6, as amended, allowing the Applicant to receive limited donation items through a Small Store Front Donation Area, all subject to the recommended Conditions of Approval, as amended with 6F with the following:

6F. Security cameras (video monitoring system) shall be installed within the Goodwill Store and at the rear and in front of the Building exterior. A Security Camera Plan shall be submitted for approval to the Chief of Police prior to the issuance of Certificate of Occupancy Permits.

And;

the Findings of Fact.

A question was asked by Vice Chairman Huynh for clarification of the amended COA with the video monitoring system COA and Commissioner Willhite responded that was COA 6F, as amended

Motion carried on a 6 – 0 vote with Chairman Hamerly absent.

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- 5.3 Design Review Application (DRA-011-004), Accessory Sign Review Application (ASR-012-013), and Variance Application (VAR-012-001) to convert three (3) Residential Units into three (3) Office Buildings with associated Parking and landscaping improvements. The Project is generally located at the intersection of Fourth Street and Marilyn Avenue (Assessor Parcel Number: 0279-172-01) Representative: Ondre Harris.

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

Assistant Planner Kelleher gave the presentation from the Staff Report and PowerPoint presentation and explained the proposed Project design, inclusive installing onsite landscaping and walls, parking improvements and signage and the Applicant's request to the Commission. He noted with regards to Planning COA No. 20 of the hours of operation Staff has proposed to be from 6:00am to 10:00pm, which is consistent with the majority of other business park uses that are in the City rather than the Applicant's request to be from 6:00am to 12:00am. He further explained the various Variances requested and the added Planning COA No. 62 to the Commission. He indicated that the Applicant is in the audience for any questions the Commission may have and then concluded his presentation.

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

A question was asked by Commissioner Haller regarding Engineering COA No. 26 with undergrounding overhead electrical lines and that an in-lieu fee had been allowed in the past, but why not for this Project. Project Manager Godfredsen responded that reason is that in the Municipal Code, there are certain times to not have an in-lieu fee because of the certain length of the frontage and undergrounding is required and Commissioner Haller then thanked Project Manager Godfredsen.

Vice Chairman Huynh asked if the Commission had any further questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant would like to make a presentation.

Ms Ondre Harris, who is the Applicant, addressed the Commission. She introduced Mr. Leonard Irquiza who is the Applicant's Structural Engineer and then stated that she worked hard in trying to accommodate the residents and neighbors, and the City.

Mr. Leonard Irquiza, of Secutrac Engineering, 28780 Old Town Front Street, Suite D-7, Temecula, California, who is the Applicant's Structural Engineer, addressed the Commission.

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A comment was made by Vice Chairman Huynh regarding the change of use and occupancy, he had gone by and looked at the structures were designed as a house and now becoming a commercial Building, asked if the structure material is wood and would it work for a commercial Building.. Mr. Irquiza responded that the existing structure is a timber structure system and was able to change the floor plan to make them look like offices, removed closets, open / change some doors, etc. in order to look small offices.

Vice Chairman Huynh asked if the Commission had any questions of the Applicant or Applicant's Representative.

(Note: City Planner Mainez left the Chambers at 7:30pm)

A comment was made by Commissioner Willhite that he went by and looked at the property this morning and it looks like there had been porches removed from the three (3) houses. The first house located on the corner there appears to be a large wooden storage building or addition that was made of plywood. He then asked from looking at the Plans, if it is the Applicant's intent is to have one (1) business located in each Building or to have two to three (2 – 3) businesses located in each Building. Ms. Harris responded how these Buildings had been residences and would like to have the option of two (2) businesses per unit and if that is not an option, then one (1) business per Building.

Another question was asked by Commissioner Willhite regarding the access to the Break Room shown on the Plans is only through an exterior door and if that was intentional and Mr. Irquiza responded normally, an entrance of a building is facing the street and people working in the Buildings need a place to sit down and will not be seen and Ms. Harris added how the Building was set up as residential with a kitchen area, but not with the use of a stove for the Break Area. Commissioner Willhite responded he was asking about the access Entrance to the Break Room.

A question was asked by Commissioner Sparks if the Applicant had considered tearing the three (3) Buildings down and make one (1) Building, rather than three (3) separate Buildings. Ms. Harris responded if the Buildings would be torn down, she would not have the area to build anything because of all of the variances. She reiterated how she is trying to accommodate both the residents and the City and then added the proposed design is a nice looking design.

(Note: City Planner Mainez returned at 7:32pm)

Another question was asked by Commissioner Sparks on what types of businesses that the Applicant intends to attract and Ms. Harris responded real estate office, tax office, something with designing programs, and added there

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were various options she came up with, but would have to reviewed and see if it would be something that would have to be approved. Commissioner Sparks then thanked Ms. Harris.

Vice Chairman Huynh then asked if there was anyone else in the audience who would like to speak on the item.

Ms. Jacquie Reyes, who is a resident, addressed the Commission. She stated that her mother is with her and then asked why there in that area and if that construction would be a problem. Her family has lived there for twenty to twenty-five (20 – 25) years and is skeptical. Vice Chairman Huynh responded and asked Staff to address the construction noise issue and Zoning Designation. Community Development Director Jaquess responded and explained the first question raised is normal where there is an area that is in transition from a Residential Zoning Designation to a Business Park Zoning Designation. There are a lot of houses in that area and was the City's intent and goal that area would transition to office and industrial uses that would be more compatible with adjacent activities of the Airport that exist. The Applicant's proposal is to convert the existing homes and turn them into offices and is the least impact to the neighborhood and does not include a lot of new construction or how tearing down a Building and rebuilding would generate. There would be remodeling noise, but not extensive, or at night, and can control that with COAs if that is a concern and believed that this is a unique situation and character of the area.

A question was asked by Commissioner Willhite if the proposal is not approved, there will either be three (3) vacant houses that cannot be used as residences, or if they would be torn down and the property would be vacant.

A question was asked by Ms. Reyes if that would be for those three (3) houses or for the whole area and Community Development Director Jaquess responded it is the City's intent to be able to transition away from residential uses and be an office industrial development for the whole area.

A question was asked by Ms. Reyes when and Community Development Director Jaquess responded that is dependent on the economy and the City is not going to purchase the property and make the people move out. It is an opportunity for the area to transition over time and that timeframe is unknown. Ms. Reyes was wondering if she should worry about it right now and Community Development Director Jaquess responded that they won't be kicked out of their home and there is no intention of doing that and reiterated that the City is not purchasing it.

Vice Chairman Huynh asked for Staff to explain if someone has abandoned their home is left vacant for more than one (1) year. Community Development Director Jaquess responded that is happening in the general neighborhood and if the home is not occupied and has been abandoned for six (6) months, the home

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cannot be reoccupied as a residence and can be used only with uses consistent with the Business Park Zoning. Community Development Director Jaquess reiterated over time, the area will transition, but the City is not making people move out that live there today and can live there as long as they want.

A comment was made by Ms. Reyes how they have lived there for twenty (20) years and Community Development Director Jaquess responded if she chose to sell the property, it would be for whatever market value is, and explained how the use goes with the land, and not with the ownership, and that Ms. Reyes could sell it, as long as the house stayed occupied, then the house can continue to be a residence. Ms. Reyes then thanked Staff.

Mr. Iruiza explained the rear of the property facing the residential area, will have a screen wall installed and explained the lighting design radius to the Commission and how it would not impact the existing homes. The landscaping would enhance the property and area, and the existing homes. The Site is a small rectangular sized property to be changed to a commercial use and is difficult for the Property Owner to make a profit and substantiate an investment because of the size of the property and then thanked the Commission.

Vice Chairman Huynh then asked if there were any further questions.

A question was asked by Chairman Willhite if the Commission could specify how many businesses could be in each Unit. He was concerned regarding where would the customers park if there is one (1) business in each unit or if there are three (3) businesses in each unit and provided a scenario and if there were customers and asked Staff to explain how the parking was calculated. City Planner Mainez responded and explained how the calculation on parking standards is based on square footage and the other calculation is on occupancy. He believed there was a strict limit that the Building and Safety Division and the Fire Division putting on these Structures and indicated he doesn't believe there will be the parking issue with Commissioner Willhite's scenario, but there is a potential for it happening to customers because of the use i.e. real estate agent or for some event / meeting and the customer would then have to park on the street, but that would be typical. He further indicated that is part of the transition in that area and added he does not know if that is a concern with the parking issue, but that is a good point that Commissioner Willhite brought up.

Vice Chairman Huynh asked if the Commission had any further questions.

A comment was made by City Planner Mainez thanking Ms. Reyes for coming up and speaking and had really good questions, took courage and that he will provide her with his business card.

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A comment was made by Commissioner Sparks explaining that he had lived on Marilyn over fifty (50) years ago and that he knows the area.

Vice Chairman Huynh asked if there were any further questions. Hearing none, and there being no further questions of the Applicant, Applicant's Representative, Staff, or discussion amongst the Commissioners, he then called for the question.

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

1. Adopt Resolution 12-013 Approving Design Review Application (DRA-011-004), Accessory Sign Review Application (ASR-012-013), and Variance Application (VAR-012-001) all subject to the recommended Conditions of Approval,
2. Direct Staff to File a Notice of Exemption pursuant to the California Environmental Quality Act with the San Bernardino County Clerk of the Board; and
3. Adopt the Findings of Fact.

Motion carried on a 6 – 0 vote with Chairman Hamerly absent.

5.4 A Semi-Annual Report of the processing of Applications per the City Council's "Come Home to Highland" Program and Policies for the period of January 1, 2012, to June 30, 2012.

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

Assistant Planner Kelleher gave the presentation from the Staff Report and PowerPoint presentation and then concluded his presentation.

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

A question was asked by Commissioner Willhite if the Regular Meeting has to be adjourned first before starting the Study Session and Community Development Director Jaquess explained that the Study Session will be held after this Meeting.

Vice Chairman Huynh asked if there were any further questions of Staff or anyone in the audience who would like to speak on this Item. Hearing none, he there being no further questions of Staff, or discussion amongst the Commissioners, he then called for the question.

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**A Motion** was made by Commissioner Haller and seconded by Commissioner Stoffel to Receive and File the Report.

Motion carried on a 6 – 0 vote with Chairman Hamerly absent.

## **6.0 ANNOUNCEMENTS**

Community Development Director Jaquess explained the Items scheduled with the Joint Study Session with City Council and Commission on August 14, 2012, at 3:30pm and the Items tentatively scheduled for the Commission's Regular Meeting for August 21, 2012, at 6:00pm.

Community Development Director Jaquess added that there is a Scoping Meeting for the Harmony Specific Plan Project on August 16, 2012, at 6:00pm.

A question was asked by Commissioner Gamboa if the Commissioner's attended, would they be allowed to comment and Community Development Director Jaquess responded affirmatively and could address as a resident. Commissioner Gamboa then thanked Community Development Director Jaquess.

A question was asked by Commissioner Gamboa regarding the corner Monument Sign located at the ARCO AM / PM on the southeast corner of Palm Avenue / Fifth Street and indicated that is not what the Commission approved. Community Development Director Jaquess responded that Staff will look into that and asked if it is a new Sign. Assistant Planner Kelleher added that Staff has a number of things that need to be done on that Site before finaling several Buildings and Staff has a fairly long punch list on that property and Commissioner Gamboa stated that the Monument Sign had gone up this week and Commissioner Willhite added the Monument Sign was installed on Saturday and how the Applicant is staying true to form with the Project.

## **7.0 ADJOURN**

There being no further business, Vice Chairman Huynh declared the Meeting adjourned at 7:47p.m. and then proceeded to the Study Session Agenda.

Submitted by:

Approved by:

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Linda McKeough, Community Development  
Administrative Assistant III

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Trang Huynh, Vice Chairman  
Planning Commission

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