

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
FEBRUARY 19, 2013**

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

Present:	Chairman	Randall Hamerly
	Vice Chairman	Trang Huynh
	Commissioners	John Gamboa
		Milton Sparks
		Michael Stoffel

Absent:	Commissioner	Richard Haller
	Commissioner	Michael Willhite

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

The Pledge of Allegiance was led by Chairman Hamerly.

**2.0 COMMUNITY INPUT**

There was none.

**3.0 CONSENT CALENDAR**

**3.1 Minutes of January 15, 2013, Regular Meeting.**

**A Motion** was made by Commissioner Gamboa and seconded by Commissioner Sparks to approve the Minutes of January 15, 2013, Regular Meeting, as submitted.

Motion carried on a 5 – 0 vote with Commissioners Haller and Willhite absent.

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#### **4.0 OLD BUSINESS**

There was none.

#### **5.0 NEW BUSINESS**

- 5.1 A Modification to an existing Sign Program for the 76 Gas Station, and Canopy Alteration (ASR-013-002). The Project is generally located at the corner of Base Line and the 210 State Highway. Address: 27627 Base Line. APN: 1201-051-17-0000. Representative: Sorin Enache (Promotion Plus Sign Company)

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

City Planner Mainez gave the presentation from the Staff Report and PowerPoint presentation, explained the historical background and proposed modifications to the existing Sign Program design and alternatives to the Commission. The Applicant and the Applicant's Representative are in the audience and then concluded his presentation.

Chairman Hamerly asked if the Commission had any questions of Staff.

A question was asked by Chairman Hamerly if technically the modification is to the existing Sign Program and Canopy being treated as "elements of the Sign Program" because of structural modifications and not because of issues regarding areas immediately around the Sign and is only for the Sign and Canopy City Planner Mainez responded that is correct.

A question was asked by Vice Chairman Huynh that he was not on the Commission at the time when the Project was originally approved and asked about the Canopy's tapered edge design and how he saw the photograph in the Staff Report. City Planner Mainez responded that there is a metal seam curve around the Canopy and the Architect attempted to continue that subtle flare. Chairman Hamerly added that is accurate and what was proposed and the design style thing at that time of the original Application because they wanted the Canopy to reflect the architecture of the Structure that was being proposed.

A comment was made by Chairman Hamerly as part of the Sign Program, for consistency purposes with many of the other sign programs the Commission has been reviewing currently and in the past, the Commission has tried to make the Signs reflect the architectural character of the Site and the existing Fuel Pricing Sign does not appear to do that and what is proposed is a bare concrete base that is Unitarian and there is no architectural detail and indicated that the Sign

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should reflect the Canopy or the Building's architectural detail. City Planner Mainez responded on Page 17 of the Staff Report and was notified that he does not have an overhead display to illustrate the Sign, but said affirmatively that the Commission has the opportunity to make adjustments to the Sign that the Commission sees appropriate and will present them to the Applicant for response. He clarified that the Applicant is only requesting an additional Gas Pricing Sign for that area between the Gas Station and Starbucks

Another comment was made by Chairman Hamerly that Applicant is modifying the Sign Program and gives the Applicant more latitude in a number and size of Signs assigned and that the Commission is asking the Applicant to do a few more things other than just a basic Sign on the Property as one of the thresholds to be given greater consideration for additional signage. City Planner Mainez responded that is a good interpretation of the Sign Program's criteria and purposes. Given that the Applicant has done the installation of the Signs in the past without the appropriate Permits, and have adjusted the Canopy Sign without appropriate Permits, the Applicant is trying to work with the City now and to correct that and believed that the Applicant would be open to working with the City if the Commission wants to beautify or create some better aesthetics to the existing Signs.

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

Mr. Sorin Enache, Promotion Plus Sign Company, 27627 Base Line, Highland, California, who is the Applicant's Representative, addressed the Commission. He stated for the record, that he did apply for Permits and what was submitted were approved with the Canopy and when completed, called for final inspections.

A question was asked by Chairman Hamerly if Planning and Building and Safety Divisions approved the Plans and Permits were pulled on the Canopy and Mr. Enache responded affirmatively and Staff recognized the change and then provided the Engineering Plans and indicated there was a miscommunication regarding the Sign and indicated that does not happen very often to him. With regards to the Sign, the Applicant was told by the Weights and Measures Representatives that he needs an additional Sign and can put a type of light on the Sign to illuminate it and is willing to work with the Commission.

Another question was asked by Chairman Hamerly if there was a specific standard / reason the Representative from Weights and Measures was citing for the additional Sign being required.

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Mr. Howard Chung, 27627 Base Line, Highland, California, who is the Applicant, addressed the Commission. He responded how Weights and Measures required him to have an additional Sign to see the gas prices traveling Base Line from the other side.

A question was asked by Chairman Hamerly if Weights and Measures is treating the island, even though it is not technically a second point of access and Mr. Chung responded affirmatively. Assistant Planner Kelleher added the point is the Applicant is to have two (2) existing Fuel Price Signs and their location and the proposed Sign's location on the island and how Mr. Enache had gone to Starbucks which is located adjacent to the Gas Station and explained the issues to Starbucks.

A comment was made by Chairman Hamerly that technically, that is not a second point of access and can understand if Weights and Measures wanted it at the northwest corner of the Property so a person could see the Sign traveling eastbound on Base Line. Mr. Enache responded that the Applicant needs a Secondary Signs so that people can see the gas prices when traveling in either an easterly or westerly direction. Chairman Hamerly said if he was the Facility's Owner, why a person would want to do that because that person has already turned in and is off the street and has made a decision to purchase gas whether or not the person had seen the Sign. Mr. Chung reiterated how he spoke with Weights and Measures and that is what they want.

A question was asked by Commissioner Gamboa if Sign "D" shown on the Sign Plan satisfies Weights and Measures and Mr. Chung responded affirmatively.

A question was asked by Chairman Hamerly for the purpose of advertising the business more effectively, if the Applicant would have a preference for the Sign to go since the Commission is considering that the Sign is part of the Sign Program. Mr. Chung responded that he would prefer the Monument Sign on "C" is fine and would rather delete Sign "D" that are shown on the Sign Plan.

A comment was made by Chairman Hamerly other than the proposed Sign is not located at a second point of entry is that the Applicant's proposed Sign looks like a temporary sign similar to sidewalk sign; has feet on it,, has no architectural features and appears to be "plunked" there in a planter similar to sidewalk advertising and is not a resident part of the Site, In his opinion, diminishing quality of the Applicant's development on the corner and suggested that one, prefer to choose a different location for the Sign or two, make a better substantial Sign that would better reflect the business and give more architectural details.

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A question was asked by Commissioner Stoffel where else would the Applicant place the Sign and Chairman Hamerly responded on the side aisle located on the northwest corner of the Property or farther north or to the west which would be visible to the street before a person would make a decision to enter the Property and provided an example.

Another question was asked by Commissioner Stoffel what about Weights and Measures and not Sign "D" and Mr. Chung responded that Weights and Measures wants that Second Sign and place the Sign there where they proposed.

A comment was made by Chairman Hamerly to clarify with Weights and Measures with the Sign location as the second location at the apron or on-site island if that would meet their requirement. City Planner Mainez responded Weights and Measures has the final say when it comes to meeting their regulations in terms of posting prices and then gave the historical background how Weights and Measures went on-site and had the Sign located somewhere else and is electronic by the Freeway. There is an existing Monument Sign located at the westerly driveway where Starbucks / Popeye's are located and would be a conflict there with the Monument Sign and asked about the feasibility of enlarging the Corner (Monument) Sign for Weights and Measures to include all of the criteria. Mr. Enache responded that it is a cost issue and City Planner Mainez added that Staff can follow-up with Weights and Measures, if that is the direction, but it appears that Weights and Measures have already been on-site and this is what they have come up with.

Another comment was made by Chairman Hamerly that it's taking a sidewalk sign on a metal frame and "plunking" it down in the dirt and with the Original Site Plan that was approved had all of those areas landscaped and now, it is dirt. In his opinion, there are two (2) issues at stake that are in question. There is the Signage, but there is also the fulfillment of the Original Conditions of Approval (COAs) for the Site Plan, in being that area is a landscaped area and generally, do not like to see temporary signage placed in the landscaped areas because it damages the landscape. If it is a maintenance issue or if the landscape was never fully completed by the previous owner and that it also affects the type of signage in that location and that is why requiring a Sign base that is installed in the planter so that the Sign gets up and out of the landscaped area and continues to effectively advertise the Gas Pricing Signage. City Planner Mainez responded that it is a maintenance issue and how that area was landscaped and has not been maintained properly. Chairman Hamerly said if the maintenance is put back into effect and is replanted, then the type of Sign that is proposed would not an effective way in that location in that the Sign would be blocked.

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A comment was made by Commissioner Stoffel about obtaining clarification from Weights and Measures and he said that he is in that parking lot all of the time at Starbucks Drive-thru and indicated that he could never see how a person see that Sign, unless the person is leaving the small parking lot at Starbucks. Mr. Enache responded and explained how the traffic comes in at Starbucks and sees also getting fuel there and viewing the prices and indicated how he had argued with Weights and Measures and lost.

A question was asked by Vice Chairman Huynh regarding if the Applicant could install the Sign located on the southwest with a concrete base so that the Sign would look similar to a monument sign or something similar to that, rather than like Chairman Hamerly's comment how the Sign looks like a portable sign. Mr. Enache responded affirmatively and that could be done and that the base could be one inch to one and one-half inches (1" – 1½") with footings. City Planner Mainez added as presented in the Plans, it does give that appearance that the Sign as if it is a temporary portable sign and would have to treat the Sign as a Monument Sign and that the Code does require a substantial base, landscaping, etc. and would not meet the intent.

A comment was made by Chairman Hamerly regarding contacting Weights and Measures and doesn't know how they will address this issue and it does not meet the threshold of what the Commission typically approves for that type of sign and that type of location. He then asked Staff regarding to continue the Item and get clarification from Weights and Measures and in order to give the Applicant time to redesign and presentation of his Sign and City Planner Mainez responded affirmatively, if the Commission wants something more substantial in redesign and will work with Weights and Measures.

Commissioner Gamboa agreed to that and maybe have the Applicant consider include the existing light standard and incorporate the light standard with the Monument Sign so then it is not obtrusive if the Sign Base is built with a light standard around it or in it and Chairman Hamerly said so then one is not blocking the other and Commissioner Gamboa said right and added then the Applicant would have power to it so it can be electronic and reiterated that it is just a suggestion and Mr. Enache responded that is okay.

Chairman Hamerly asked if the Commission had any questions of the Applicant, his Representative or of Staff. Hearing none, he 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 further discussion amongst the Commissioners.

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A question was asked by Community Development Director Jaquess before closing the Public Hearing, there has not been any discussion regarding if the existing Canopy was acceptable to the Commission, or if it needs to be brought up for discussion at the same time.

Chairman Hamerly reopened the Public Hearing for discussion and asked if the Commission had any reservations regarding the Canopy in the Agenda Packet.

A comment was made by Commissioner Gamboa that the Canopy seems acceptable.

A question was asked by Vice Chairman Huynh how long has the Gas Station been open for business and City Planner Mainez responded since 1999 and it was only last year since it was converted when the Canopy was changed and Mr. Enache added that it was in April.

A comment was made by Chairman Hamerly that it appears the Canopy is not an issue, and that he thinks that it looks fine, but the concern is the Signage and its location.

A comment was made by Community Development Director Jaquess that Staff will get with Weights and Measures.

Discussion ensued between the Commission, Mr. Enache and Staff regarding continuing the Item to a date specific and obtaining information and receiving a Revised Sign and Staff preparing a Staff Report.

There being no further questions of Staff, or discussion amongst the Commissioners, Chairman Hamerly then reclosed the Public Hearing and called for the question.

**A Motion** was made by Vice Chairman Huynh and seconded by Commissioner Gamboa to continue this Item to March 19, 2013.

Motion carried on a 5 – 0 vote with Commissioners Haller and Willhite absent

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5.2 Six (6) Month Review of the Operation of the Candy's new Alcoholic Beverage Control Type 41 License (41 On-Sale Beer and Wine for Bona Fide Public Eating Place) (in accordance with CUP-012-003). The Project is generally located on the north side of Third Street, 600 feet east of Central Avenue. The address is 26998 Third Street; APN: 1192-631-21. Representative: Victor Lee McCarty

Chairman Hamerly 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 to the Commission. He stated that the Applicant is in the audience and then concluded his presentation.

Chairman Hamerly asked if the Commission had any questions of Staff.

A question was asked by Chairman Hamerly if someone was here in attendance from the Highland Police Department and Assistant Planner Kelleher responded no.

Chairman Hamerly 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.

Mr. Victor McCarty, who is the Applicant and owner of Candy's, addressed the Commission. He stated that he would be happy to answer any questions the Commission may have. He explained how he had obtained a Permit for a Birthday Party with a live band.

A comment was made by Chairman Hamerly indicating for the record, he offered his congratulations to Mr. McCarty in being a successful business for the amount of time that he has been and for being a good neighbor and not having any complaints registered so far. Mr. McCarty responded that he has tried to comply with the City's requirements prior to opening on August 31, 2012, and had the Highland Police Department inspect and do a recommendation on the video monitoring system and followed their recommendations.

Chairman Hamerly asked if the Commission had any questions of the Applicant.

A question was asked by Vice Chairman Huynh if the Applicant thought that if his business turned out the way the Applicant expected and Mr. McCarty responded that it was tougher than what he expected and explained how he had to meet newer Code requirements and had to change the kitchen hood and was a substantial cost that was incurred, but now is completed and is up and running and which the food is easier to process and the food is great.

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Chairman Hamerly asked if the Commission had any further questions of the Applicant / Representative or Staff. Hearing none, he then asked if anyone in the audience 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 Vice Chairman Huynh that the Planning Commission determined Candy's is in compliance with CUP-012-003 with no additional review.

Motion carried on a 5 – 0 vote with Commissioners Haller and Willhite absent

Mr. McCarty thanked the Commission.

- 5.3 Amendment to Conditional Use Permit (CUP-02-003) submitted by EHR HOA to allow for the construction of a new Storage Building and amend the Site Plan and Phasing Plan for the relocation of the approved Pool Facility, Tennis Court, and Basketball Court on EHR PUD PA 24 (CUP 012-005 and DRA 012-009). The Project is located on the southwest corner of Highland Avenue and Cloverhill Drive. 6892 Cloverhill Drive, Highland CA 92346 (APN: 0288-251-83). Representative: Bernie Mayer, Sitetech Inc.

Chairman Hamerly identified the Item.

Chairman Hamerly identified the Item and then said he would have to excuse himself since being a resident of the EHR, he has to step down due to a conflict of interest over reviewing these types of Applications. Community Development Director Jaquess announced that he is also a resident of the EHR and is a Member of the Association and will remove himself from the proceedings. Chairman Hamerly then turned the Meeting over to Vice Chairman Huynh.

(Note: Both Chairman Hamerly and Community Development Director Jaquess left the Council Chambers at 6:35pm)

Vice Chairman Huynh 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 proposed changes / relocations to the Commission. He noted that in the Original

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Development that there were several phases for development and that it is consistent with the Original Environmental Review and the Planning Commission, at this point, that it is consistent and there is no need to file any further environmental documentation for this Project. The inclusion of this Storage Building does modify the Original Site Plan. Staff has met with the Applicant and explained the Conditions of Approval (COAs) and that the Applicant agreed to them. He added that the Applicant is in the audience and distributed the Materials Board to the Commission for review and then concluded his presentation.

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

A question was asked by Vice Chairman Huynh if this is a new location for the Proposed Storage Building and on the Site Plan, is there is a walkway or drive through area between the new Building and Existing Building. Assistant Planner Kelleher responded that there are garage doors oriented towards the Buildings and assumed that vehicles would be able to traverse that area.

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.

Mr. Bernie Mayer, of Sitetech Engineering, 38248 Potato Canyon Drive, Oak Glen, California, who is the Applicant's Representative, addressed the Commission. He stated what will be stored in that Building is something that they can move either by hand or some of the small golf carts that EHR has. It is not compatible for a vehicular access similar to a truck. He reiterated that the stored items would be loaded / unloaded with the golf carts.

Vice Chairman Huynh asked if the Commission had any questions of the Applicant's Representative. Hearing none, he then asked if anyone in the audience would like to speak on the Item.

Mr. George Einfeldt, 24311 Henderson Lane, Highland, California, who is the General Manager of the East Highlands Ranch Master Home Owners Association, addressed the Commission. He thanked the Commission for reviewing and considering this Project and how the Project had started out as a metal shed and then had increased / grown into a large project in material, colors, size and design in order to match the Existing Clubhouse. He said that the Storage Building is not a garage and that tables / chairs and other miscellaneous items would be stored in there. In addition, there is no fire or anything that would be of that concern in that area or vehicles being parked in

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there. Mr. Einfeldt requested that the Commission approve this Project and stated this would be the last time that he would be addressing the Commission as General Manager as he is 80 years old and is retiring on March 29, 2013, and that someone named Linda would be replacing him sometime in the future and indicated that it has been a great pleasure in working with the Commission.

A comment was made by Commissioner Stoffel congratulating Mr. Einfeldt with the Highland Area Chamber of Commerce's award.

Vice Chairman Huynh asked if the Commission had any further questions of the Applicant, Mr. Einfeldt or Staff. Hearing none, he then closed the Public Hearing and opened the floor for discussion amongst the Commissioners.

A comment was made by Commissioner Gamboa regarding the existing parking and how Staff stated it is acceptable and was only questioning that it seemed like there was not enough parking if all of the events / activities would be held there simultaneously. Assistant Planner Kelleher responded the parking was previously CUP analyzed in 2002 with eighty (80) parking spaces, but EHR constructed 101 and that EHR would not hold events / activities simultaneously.

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

**A Motion** was made by Commissioner Gamboa and seconded by Commissioner Stoffel to Adopt Resolution 13-003 in the following:

1. Approving Conditional Use Permit (CUP-012-005) amending Conditional Use Permit (02-003);
2. Approving Design Review Application (DRA-012-009) for Storage Building (Phase 2); all subject to the recommended Conditions of Approval, and;
3. Adopting the Findings of Fact.

Motion carried on a 4 – 0 vote with the abstention of Chairman Hamerly and Commissioners Haller and Willhite absent

(Note: Both Chairman Hamerly and Community Development Director Jaquess returned to the Council Chambers at 6:45pm)

Vice Chairman Huynh turned the Meeting back over to Chairman Hamerly.

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#### 5.4 Code of Ethics.

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

Community Development Director Jaquess gave the presentation from the Staff Report and indicated that this is an annual item. He added how the City Council had adopted an Ordinance and will go into effect in approximately three (3) weeks. If the Commission has any comments or questions, Staff can forward them to the City Council.

Questions were asked by Chairman Hamerly on Item 18 on Page 5 of the Staff Report regarding a violation of the Code of Ethics shall not be considered a basis for challenging the validity and on Items 8 and 9 on Page 3 of the Staff Report regarding Conflict of Interest and Gifts and Favors, respectively. He said that these would constitute a basis for a conflict of interest for challenging decisions that are adopted or moved on by either elected or appointed Boards, because if a person has violated the conflict of interest and haven't conceivably acted in the public's best interest and that is caused for challenging in the decision of the Board or Council. He said that he was unsure if want to be more specific, or delete that or qualify that last statement that it would seem to be in conflict with the State requirements for Conflict of Interests and Gifts. It was pointed out in the Ethics Training that is why it was so critical because if a person does something like that, it is clearly a violation of the public trust and that would cause any decisions that are acted upon by a Board, Commission or Council to be called into question and that is all that he had for comments. Community Development Director Jaquess responded that he would forward Chairman Hamerly's comments to the City Attorney's office and the City Clerk so that they can follow up on that question and indicated that it appeared that the Commission was supportive of the Document.

A question was asked by Vice Chairman Huynh regarding if the Commission has to sign anything regarding the Code of Ethics and Community Development Director Jaquess responded that this is a copy for the Commission and there is no signature process for this.

There was no formal action taken on this Item.

#### **6.0 ANNOUNCEMENTS**

Community Development Director Jaquess explained the Items that are tentatively scheduled for the Commission's Regular Meetings for March 5, and March 19, 2013, at 6:00pm.

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A request was made by Vice Chairman Huynh regarding if the City Council receives an update on economic development that the Commission receives that also and Community Development Director Jaquess complied and gave the Commission an update.

There were no further announcements.

## **7.0 ADJOURN**

There being no further business, Chairman Hamerly declared the Meeting adjourned in the memory of Commissioner Gamboa's Father, Mr. John Gamboa, at 6:52p.m.

Submitted by:

Approved by:

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Linda McKeough, Community Development  
Administrative Assistant III

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Randall Hamerly, Chairman  
Planning Commission

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