

MINUTES
PLANNING COMMISSION REGULAR MEETING
September 6, 2011

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:01p.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
		Richard Haller
		Milton Sparks
		Michael Stoffel
		Michael Willhite

Absent: None

Staff Present: John Jaquess, Community Development Director
Lawrence Mainez, City Planner
Sean Kelleher, Assistant Planner
Ernie Wong, City Engineer
Dennis Barton, Assistant Public Works Director
Brandy Littleton, Administrative Assistant

3.0 MINUTES

3.1 Minutes of August 2, 2011, Regular Meeting.
Approved the Minutes, as amended.

3.2 Minutes of August 16, 2011, Regular Meeting.
Approved the Minutes, as amended.

A MOTION was made by Commissioner Gamboa, seconded by Vice Chairman Huynh to approve the minutes, as amended. Motion carried 7-0.

5.0 OLD BUSINESS

5.1 Consideration of Amendment #2 to Design Review Application (DRB-009-008) amending the Applicant's approved Sign Program for the Arco Gas Station Center. [Continued from July 19, 2011 Planning Commission Hearing]

Planning Commission

September 6, 2011

Assistant Planner Kelleher gave a presentation of the staff report.

Commissioner Haller asked with this Sign Program, would it eliminate the need for the temporary pricing signs there currently.

Assistant Planner Kelleher stated temporary pricing signs are not permitted. The property owner has had the signs up illegally and has been notified by Code Enforcement to remove them.

Chairman Hamerly asked if it would be appropriate to make the removal a Condition of Approval for the Sign Program.

Community Development Director Jaquess recommended leaving it under Code Enforcements purview.

Chairman Hamerly expressed that it is a code violation and Staff's notices do not seem to have traction.

Community Development Director Jaquess stated it is an evolving process. They make progress and lose ground.

Commissioner Haller stated it is an important consideration because the Commission is being asked to exceed the City's Sign Code standard on several signs. That is hard to consider when they are not willing to abide by Code Enforcements requirements. He supports adding conditions if the Commission is going to be flexible on the Sign Code requirements.

Chairman Hamerly stated the Sign Program is intended to unify the presentation of a property. If the Commission approves one thing to improve the aesthetics of a property and other things being done on the property detract from that, we are fighting against ourselves by allowing more of a proliferation of signs.

Assistant Planner Kelleher stated Condition No. 4 requires them to be in compliance with Chapter 16.56, identifying all of the issues Code Enforcement has addressed.

Chairman Hamerly asked if Number 4 enforces the existing Sign Code.

Assistant Planner Kelleher answered yes. The section identifies the illegal signs.

Chairman Hamerly explained that the design and installation of the signs, in the proposed Sign Program of this package, needs to be in conformance. If there are other signs being done regardless of the Code, it doesn't seem pointed enough to involve the temporary signs that need to be removed.

Community Development Director Jaquess stated the Commission could add that to Condition No. 4.

The Commission agreed.

Commissioner Willhite asked where diesel would be displayed on the pricing sign.

Assistant Planner Kelleher stated the State law requires them to display their three highest selling products at the highest selling price, without discounts.

Commissioner Willhite asked if the temporary 'Credit / Cash' signs were permitted.

Assistant Planner Kelleher answered no.

Commissioner Willhite asked if they should revisit the Sign Code for gas stations, requiring the sign to have more columns rather than them have temporary signs.

Chairman Hamerly asked if displaying other things was a violation of State law.

Assistant Planner Kelleher stated according to the Department of Weights and Measures, they must display the three highest sold types of fuel at the highest price. They could opt to display other things, if they chose, but with displaying the proper prices, they are in compliance with the Department of Weights and Measures. The additional signs are considered temporary and fall under the same provisions and restrictions of the Temporary Sign Ordinance. Many times they put up those signs to get around the State law. The Department of Weights and Measures has the ultimate authority over that, not the City.

Commissioner Willhite asked if they could go beyond State law and require them to have diesel on the sign.

Assistant Planner Kelleher stated he has not seen anything saying they cannot.

Commissioner Willhite stated his concern is if they do not do that, they will have illegal signs advertising diesel.

Commissioner Gamboa asked what color the Arco logo was going to be.

Assistant Planner Kelleher stated they cannot regulate color. They could make the Arco logo any color because it is a corporate logo.

Commissioner Gamboa explained there was no indication of color except for the stucco and brick.

Alex Cuevas, AGC Design Concept, Inc., Representative to the Applicant, explained the colors on the logo. Mr. Cuevas explained that they are asking for a continuance because they did not get an approval from Arco on the sign. Arco's recommendation was to eliminate 'Self-Serve Gasoline' and increase the size of the AM/PM. Mr. Cuevas explained that with diesel or any type of advertisement for prices; it is a State law to have the prices displayed. It does not fall under the category of signs. Somewhere on the station there will be a sign showing diesel prices. If the recommendation is to remove 'Self-Serve Gasoline' and add diesel, it is not a problem. Arco wants to increase the size of the AM/PM but will tell Arco it was a condition from the Commission.

Commissioner Willhite asked if the owner agreed to have the big sign on the corner and the smaller signs on both sides.

Mr. Cuevas answered yes.

Commissioner Haller asked for clarification on Condition No. 5.

Community Development Director Jaquess answered there would be two A-1s and one A-2s.

Commissioner Haller inquired about the pricing requirement.

Assistant Planner Kelleher stated they are required to have one pricing sign per street frontage.

Chairman Hamerly asked if the A-2 sign was outside of the 25' line of sight for the corner.

Assistant Planner Kelleher answered that it was approved by Engineering.

Vice Chairman Huynh asked if it would interfere with the signal at that intersection.

Assistant Planner Kelleher answered Engineering did not see it as an issue.

Commissioner Haller stated all the facilities would be in the public right of way.

Assistant Public Works Director Barton answered it would not be brighter than the sunlight and should not be an interference.

Commissioner Willhite asked if the owner was going to continue to try to do something with the car wash signs, regarding prices and discounts, since they are illegal and he has been notified.

Mr. Cuevas explained that if the owner is doing something illegal and has been notified, he should be reprimanded. It should be a different kind of condition in order to get results. He is embarrassed that there are illegal signs but he is trying to get the proposed signs approved.

Commissioner Stoffel asked if the sign could say 'Discount with Car Wash'.

Chairman Hamerly stated they can only review what is being submitted.

Commissioner Gamboa stated he could not support the item because he feels it to be an incomplete Sign Program and recommends a 'no' vote.

Commissioner Haller asked if they agreed to the modification of Condition No. 4.

Community Development Director Jaquess suggested they add a sentence to the end of Condition No. 4 stating, "Prior to issuance of building permits for any new signs, all existing illegal signs must be removed."

Chairman Hamerly asked if that would be tied only to the Sign Program as opposed to anything more like the Certificate of Occupancy.

Community Development Director Jaquess stated it was issued prior to the building permit so they cannot get a permit for new signs.

Commissioner Willhite inquired about the modifications regarding the display of diesel on the sign.

Assistant Planner Kelleher stated that would be a directive.

Chairman Hamerly closed the Public Hearing.

A MOTION was made by Commissioner Haller, seconded by Vice Chairman Huynh to approve the proposed Amendment to Design Review Application (DRB-009-008) for the ARCO Gas Station Center Sign Program Proposal, subject to the Conditions of Approval, as amended, and Findings of Fact, with Commissioner Gamboa dissenting. Motion carried 6-1.

6.0 PUBLIC HEARING

- 6.1 Consideration of Staff Review Application (SRP-011-036) and a Sign Program (ASR-011-016) submitted by Zapata Tire Shop for a Permanent Outdoor Sale and Display and a new Building Mounted Sign on an existing Commercial Building

Assistant Planner Mainez gave a presentation of the staff report with its amendments.

Community Development Director Jaquess clarified that the sign is 36 square feet, not 24 square feet.

Commissioner Sparks indicated the staff report referenced both north and south sides on 5th Street.

Assistant Planner Mainez clarified that it is the south side of 5th Street.

Commissioner Gamboa inquired about the rooftop mounted sign.

City Planner Mainez stated it will be removed.

Chairman Hamerly asked if there was a directive.

City Planner Mainez answered yes.

Commissioner Willhite asked if they were allowed to put signs on the portable tire racks.

City Planner Mainez stated that would be considered a temporary portable sign and would not be allowed.

Vice Chairman Huynh asked how tall the tire rack would be.

City Planner Mainez answered it would be about 7'.

Commissioner Haller asked if they were secure from a safety standpoint.

David Zapata, 27085 East 5th Street, stated they are metal racks with two wheels in the back and two poles. They are strong and will not slide around. The tires are in between the rack so they are immovable without a dolly.

Chairman Hamerly asked if he read and agreed to the Conditions of Approval.

Mr. Zapata answered yes.

Commissioner Sparks asked for clarification regarding the hours of operation.

Mr. Zapata clarified that the hours of operation are from 8am till 8pm, not 7am till 10pm, as the staff report claims.

Chairman Hamerly closed the Public Hearing.

Vice Chairman Huynh asked Staff if bundling all four racks together was a violation.

City Planner Mainez stated they would enforce a site plan. Although, he does not see a problem with them combining them because there is a lot of land; that is a good question for the applicant and could save them time and effort in modifying this in the future.

Vice Chairman Huynh asked if they had tires displayed in front of the building.

Mr. Zapata answered not anymore.

Vice Chairman Huynh asked if they were open seven days a week.

Mr. Zapata answered yes.

Vice Chairman Huynh asked if he understands for an approval of the tire rack, he cannot have the outdoor displays of tires outside the building.

City Planner Mainez clarified that the Planning Commission is approving a permanent display of the tires outside of the building. What Mr. Zapata presented to the Commission, he is saying he can live with. The four racks on the site is all he can put outside.

My. Zapata agreed.

Commissioner Sparks asked about the number of tires per rack.

Mr. Zapata answered about 16 tires per rack.

City Planner Mainez stated there is a benefit to having a rack that rolls inside, compared to stacking tires that do not come in. The number of tires is not an issue.

Vice Chairman Huynh stated the number of tires would depend in their size.

Commissioner Sparks questioned it being a permanent display if it is mobile. Permanent, to him, means that is where is going to stay.

Chairman Hamerly stated it is a permanent location for their mobile display.

Community Development Director Jaquess stated the staff report indicates it is an approval saying it could always be there and is valid as long as they were open. The word permanent should have been replaced with ongoing display.

Chairman Hamerly closed the Public Hearing.

A MOTION was made by Commissioner Haller, seconded by Commissioner Gamboa to:

1. Approve Staff Review (SRP-011-036) for a Permanent Outdoor Sales and Display areas as proposed; and Adopt Finding of Facts
2. Approve a Proposed Sign Program (ASR-011-016) for an existing Commercial Building, which includes a Proposal for a Building Mounted Sign, subject to Staff's comments and Conditions of Approval, as modified; and Adopt Findings of Facts

Motion carried 7-0.

- 6.2 Public Hearing to consider request for a one (1) Year Extension of Time (EXT-011-003) for the construction of three (3) Commercial Buildings, comprised of an approximate 3,900 square foot Building for a Denny's Restaurant, an approximate 12,150 square foot Building for In-line Shops, an approximate 3,900 square foot Retail Building, and an approximate sixty foot (60') tall Freeway-oriented Community Business Sign for Conditional Use Permit (CUP-007-010), Variance Application (VAR-007-001), and Design Review Application (DRB-008-002)

Assistant Planner Kelleher gave a presentation of the staff report and indicated the Applicant was not present.

Chairman Hamerly clarified that the applicant was asking for a 1 year extension, opposed to a 3 year.

Assistant Planner Kelleher agreed. Typically, 1 year extensions are for commercial projects and 3 year extensions are for housing tracts.

Chairman Hamerly asked if they would have to do two more subsequent 1 year extensions if they wanted to continue longer.

Assistant Planner Kelleher answered yes.

Commissioner Willhite asked if they exceed the 1 year extension and came back for another year, could they add additional conditions, at that time.

Assistant Planner Kelleher answered yes.

Commissioner Gamboa asked if the applicant was supposed to be in the audience.

Assistant Planner Kelleher stated the applicant is not required to attend a public hearing.

Chairman Hamerly closed the Public Hearing.

A MOTION was made by Commissioner Haller, seconded by Vice Chairman Huynh to approve Resolution No. 11-012 for a one (1) Year Extension of Time till March 18, 2012 (EXT-011-003) for Conditional Use Permit (CUP-007-010), Variance Application (VAR-007-001), and Design Review Application (DRB-008-002) subject to the Amended Conditions of Approval, and Findings of Fact. Motion Carried 7-0.

6.3 A Public Hearing to consider Environmental Review (CEQA) Clearance for the Fifth / Third Street Storm Drain System Project, (Mitigated Negative Declaration) (ENV 010-010).

Assistant Planner Kelleher gave a presentation of the staff report.

Commissioner Haller asked if it was planned to have 2 lanes of traffic in each direction during construction.

Assistant Public Works Director Barton stated traffic will be opened to the maximum extent possible. When 1 travel lane, in each direction, cannot be maintained, a detour will be routed around, probably on 3rd Street.

Commissioner Haller asked if the second project is delayed, will storm drainage function, as installed, until the pavement is installed.

Assistant Public Works Director Barton stated the storm drain, as proposed, only the catch basins that can be installed within existing right of way, where there is existing curb and gutter, will be constructed. The other catch basins will not be constructed until the street project is constructed, to eliminate that issue.

Commissioner Haller asked if it was part of this project or the second.

Assistant Public Works Director Barton answered some of the curb inlets will be constructed with this project, within existing right of way, the rest will be constructed with the TIGER project where right of way needs to be obtained.

Commissioner Haller asked if the grade was changing a lot on the second project such that the curb inlets would not function, as installed, under this project until the second project goes in.

Assistant Public Works Director Barton stated there are some modifications but

not with existing curb and gutter. Where there is no curb and gutter, there will be slight adjustments to grade as well as slight adjustments to roadway grades between Central and a few hundred feet east.

Commissioner Haller asked about the long term solution to the water flow over Palm and 3rd and how does that relate to this project.

Assistant Public Works Director Barton stated the long term solution is having the storm drain extending easterly along 3rd Street to pick up that water. The short term solution is East Valley Water District installing a temporary water line along the south side of 5th Street to City Creek.

Chairman Hamerly asked what the anticipated lag was between the two projects.

Assistant Public Works Director Barton answered from start to start, about a year. He anticipates this project starting next spring.

Commissioner Willhite asked about recrowning Palm.

Assistant Public Works Director Barton answered it was not in this project. That will be a subsequent project.

Commissioner Haller encouraged recrowning Palm, stating the drainage will not function fully until it is recrowned.

Assistant Public Works Director Barton stated the storm drain will alleviate the majority of that concern.

Jim Cimino, Real Estate Broker, 27255 Messina Street, asked what the intent was and when sewage lines were going to go in.

Commissioner Haller stated that would be East Valley Water District.

City Engineer Wong stated there has been coordination with East Valley Water District and major property owners on 5th Street, in the early part of the TIGER project. The City encouraged the utility companies, property owners, and future developers, to have all the necessary utilities installed underground before the City would work on and pave the street. The City's project does not include utility work. The TIGER project is a transportation improvement project for increasing traffic capacity and street improvements, not utility work. If there is an existing utility that would be affected by the City's project, that would be taken care of. The City is not prepared or responsible for installing new utilities. It is the utility companies and future developers who need those utilities and should be responsible for putting new ones in. The City encourages them because the City shares the project schedule and cost with the utility companies and major

developers. Hopefully, they can put their utility work in before the street is paved. He understands there have been meetings between East Valley Water District and Majestic to do something.

Commissioner Haller asked what property would be affected.

City Engineer Wong answered the property San Manuel owns which will be developed by Majestic.

Brian Benso, San Manuel Band of Mission Indians, stated they have been in extensive discussions with IVDA and EVWD regarding utility infrastructure for the properties along 5th and 3rd Streets. In a meeting, EVWD committed to making changes to current water and sewer projects they have ongoing but have not seen the results of that meeting, yet. They are hopeful they will come back and relocate some of the utilities they had planned with current CIP projects they have underway, but they are working collaboratively with them. Mr. Benso stated they owned the property on the western boundary of the improvement project. It is about 10 acres and they own another 50 acres along 3rd and 5th Street between Victoria and Del Rosa, as well as another 25 acres to the east of that as well. There have been discussions and they are hopeful they will make the necessary changes to the current projects they have underway.

Chairman Hamerly closed the Public Hearing.

A MOTION was made by Vice Chairman Huynh, seconded by Commissioner Haller to:

1. Approve Resolution No. 11 - 010 adopting a Mitigated Negative Declaration for the Fifth / Third Street Storm Drain System Project, Environmental Document (ENV 010-010), and;
2. Direct Staff to file an Environmental Notice of Determination with the San Bernardino County Clerk of the Board for ENV-010-010.

Motion carried 7-0.

- 6.4 A Public Hearing to consider Addendum No. 3 of the City of Highland General Plan Environmental Impact Report (EIR) [certified by City Council on March 14, 2006 – SCH No. 2005021046] prepared for the Greenspot Road Improvement Project (a City Redevelopment Agency Project) (ENV-008-009).

City Planner Mainez gave a presentation of the staff report.

Assistant Public Works Director Barton stated they are going to widen the street from 4 lanes to 6 lanes along with landscaping improvements. There is a finite amount of money so the intent is to have multiple bid schedules to determine how much they can actually construct. They are looking at the Southside curb

and gutters, medians, under grounding of overhead utilities, and under grounding of dry and wet crossings at the intersections so they will not have to cut the street again at a later date. The north side of the street will be constructed when development actually comes. The storm drain will be built first then move from City Creek easterly to Boulder so the storm drain can be constructed on the first days. They are still working with Edison on the complete design, finalizing the design of the underground facilities.

Chairman Hamerly asked about the hierarchy of various elements within the scope of work and how much will the available funds allow us to get with the work proposed.

Assistant Public Works Director Barton stated the hierarchy is getting the storm drain, underground utilities, overhead Edison, and then street improvements starting on the south side working towards the north side.

Commissioner Haller asked if we have all the right of way on the south side.

Assistant Public Works Director Barton answered no. They are working with Edison to see how much they can get from them at the sub station. So far, it looks like they have a plan to go forward with them. They will have to do slight modifications on the amount of landscaping but understand they have their needs; they have a grid system that is necessary for the grounding for the expansion of their facility. There is a little compromise.

City Planner Mainez stated Bob Prasse, MBA, is the Environmental Consultant and is present to answer any questions.

Commissioner Willhite asked if the environmental going towards Palm is part of the Study Area.

City Planner Mainez answered no. The black area indicates a study area for the Kangaroo Rat and the Woolly Star in the wash. The project is City Creek, easterly bank to Boulder Avenue, which is in red.

Commissioner Willhite discussed Robertson's Ready Mix plans for doing loops and on-ramps.

City Planner Mainez stated they are working on their permits.

Chairman Hamerly asked if it would impact these improvements.

City Planner Mainez answered no. The drainage is going on the south side and their ramp is going north.

Commissioner Haller asked where the storm drainage was going to go. Assistant Public Works Director Barton answered it would discharge on the south side of 5th Street. They are going to replace the discharge pipe with a larger one. They have all the permits to do the storm drain work.

Commissioner Haller asked where it resides relative to the right of way.

Assistant Public Works Director Barton stated the discharge off 5th Street is going into the City Creek Channel and then go across the street to the north side of 5th Street and reside along the north side of 5th Street going easterly to Boulder where it will cross again to pick up the Jack in the Box property.

Commissioner Haller asked if the majority of the piping will be outside of the pavement along the north side.

Assistant Public Works Director Barton answered yes. Because this is being funded with RDA, there will be a slight delay until the RDA question with the State is resolved.

Chairman Hamerly asked if there was any indication when the RDA issue would be resolved.

Community Development Director Jaquess stated the Supreme Court has indicated it would issue its decision on the lawsuit by January 15, 2012. Hopefully, the decision will allow the RDAs to continue to exist and we will be back in business.

Chairman Hamerly asked what would happen to the funds for certain earmark projects if the RDAs are done away with.

Community Development Director Jaquess answered it would go back to pay down the bond rather than leaving them unpaid.

Assistant Public Works Director Barton stated they are continuing to move forward with the project so it will be ready to go when the funding is available.

A MOTION was made by Commissioner Haller, seconded by Vice Chairman Huynh to approve Resolution No. 011-11 determining that an Addendum to the General Plan Program Environmental Impact Report adopted by the City Council on March 14, 2006, is the appropriate environmental document for the proposed Greenspot Road Improvement Project, and direct Staff to file a Notice of Determination with the County Clerk of the Board. Motion Carried 7-0.

7.0 ANNOUNCEMENT

Community Development Director Jaquess explained the Items tentatively scheduled for the September 20, 2011, Regular Meeting.

Commissioner Stoffel stated he will not be present for the next meeting.

8.0 ADJOURN

There being no further business, Chairman Hamerly declared the Meeting adjourned at 7:15 p.m.

Submitted by:



Brandy Littleton, Administrative Assistant I

Approved by:



Randall Hamerly, Chairman, Planning Commission