

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
DECEMBER 6, 2011**

**1.0 CALL TO ORDER**

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

Present: Commissioners John Gamboa  
Richard Haller  
Milton Sparks  
Michael Stoffel  
Michael Willhite

Absent: Vice Chairman Trang Huynh (arrived at 6:07p.m.)  
Chairman Randall Hamerly

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

The Pledge of Allegiance was led by Commissioner Haller.

**2.0 COMMUNITY INPUT**

There was none.

**3.0 CONSENT CALENDAR**

**3.1 Minutes of November 15, 2011, Regular Meeting.**

On Page 4, First Paragraph and Fourth Sentence was amended to read as follows: "Mr. Meyer further stated that he has reviewed the Staff Report and concurs with the COAs and the proposed Revised COA No. 4. "

**A Motion** was made by Commissioner Gamboa and seconded by Commissioner Sparks to approve the Minutes of November 15, 2011, Regular Meeting, as amended.

Motion carried on a 4 - 0 - 1 vote with the abstention of Commissioner Stoffel and Vice Chairman Huynh and Chairman Hamerly absent.

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#### 4.0 OLD BUSINESS

- 4.1 A modification to an existing Sign Program for Stoney Creek Center (ASR-011-012). The Project is generally located at Boulder Avenue and Jasper Street. Address: 7354 Stoney Creek Drive APN: 1201-091-60-0-000. Representative: Bill Jamal, Infiniti Commercial, LLC. [Continued from September 20, 2011 and October 4, 2011 Planning Commission Meetings.]

Commissioner Haller identified the Item and then asked for Staff's presentation.

Assistant Planner Kelleher gave the presentation from the Staff Report and PowerPoint presentation and explained the historical background from the previous Commission's Meeting, and rather than the Commission denying the proposed Sign Program, the Commission requested the Applicant to make modifications to the Project's Sign Program and then return to the Commission for reconsideration. In addition, he indicated how Staff had met with the Applicant today and the Applicant indicated that he will replace the stone at the base of the Monument Sign to reflect Lube and Tune Shop's existing stone design and requested additional Sign height over what is typically allotted and asking for the Commission's support of the additional Sign height request. Assistant Planner Kelleher further explained the Building Mounted Signage in lieu of Monument Signs on Stoney Creek and what the Design Review Board (DRB) had originally reviewed and denied the proposed Building Mounted Signage onto Stoney Creek because of the impact of the residential uses to the west of the Site and instead have a Monument Sign located solely on Stoney Creek. In addition, the current Building Fitness 19 Sign installed without Permits be included in the proposed Sign Program. Assistant Planner Kelleher indicated that the Applicant is in the audience and then concluded his presentation.

Commissioner Haller asked if the Commission had any questions of Staff.

A question was asked by Commissioner Willhite if Staff is still recommending Denial and Assistant Planner Kelleher responded the Denial Application was brought forward because the Applicant had not addressed all of the Commission's issues, and if the Commission feels comfortable, the Commission may continue this Item to January 2012. Community Development Director Jaquess added how the Applicant indicated that he is willing to work with Staff and is supportive of Staff's recommendation to the Commission to continue the Item to January 2012, if the Commission desired.

(Note: Vice Chairman Huynh arrived at 6:07pm)

Commissioner Haller then provided a brief summary of what has transpired to Vice Chairman Huynh and then turned over the Meeting to him.

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A question was asked by Commissioner Haller about the status of the installed Signs located within the Public Right-of-Way and the Clear Line-of-Sight Triangle and the only thing different is the request of the flexibility of the stone base on the Monument Sign. Assistant Planner Kelleher responded the Applicant has verified the Sign is just outside of the Right-of-Way and Clear Line-of-Sight Triangle, but is close to them and the stonework would be done as shown on the West Elevation of Building "C" and City Planner Mainez added Page 36 of the Staff Report also shows the stonework.

A question was asked by Commissioner Gamboa about the Signs located on the East side of the Building showing multiple Signs for Fitness 19 on Page 26 of the Staff Report and Assistant Planner Kelleher responded that Fitness 19 is a Multi-Tenant Building and shows the number Sign spaces and how if Tenants could fill up those spaces in the event that Fitness 19 goes away and then he explained the Sign square footage to the Commission and indicated that there are not multiple Signs for Fitness 19.

A request from Vice Chairman Huynh asking Staff to explain on Page 4 of the Staff Report what the DRB's statement and direction was and the architectural incompatibility. Assistant Planner Kelleher responded and explained about the stonework on the base of the Monument Sign was not representative of any stone found in the Center and then he showed the display through the PowerPoint presentation to the Commission.

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.

Mr. Bill Jamal, 7353 Canoga Avenue, Canoga Park, California, who is the Applicant, addressed the Commission. He thanked the Commission for considering his Project again today and Assistant Planner Kelleher and the Sign Company helping him and indicated that he had hoped the Commission would approve the proposed Revisions and is willing to change with the Staff's revisions.

A question was asked by Commissioner Haller regarding how there was no information from Staff or the Applicant regarding reasons why for the significant deviation from the Sign Code's requirements and the proposed Monument Signs' height and the proposed minimum sizes of other individual Signs and why the Applicant is proposing not conforming to the City's Sign Code and Mr. Jamal responded how the Center sits approximately nine feet (9') below street level and made the Sign taller in order to obtain visibility and if at street level, a person

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would be looking at the roofline and expressed the need to get exposure for the Center by installing the Monument Signs in lieu of Building Signs. Community Development Director Jaquess added with the Applicant's proposed Sign Program, it gives the Commission flexibility to deviate from the typical Sign Code requirements and indicated the Commission has done that before with other Sign Programs for Centers located on Greenspot Road.

Commissioner Haller responded he understands that, but there were extenuating circumstances and it was unclear to him for the Applicant's proposed Monument Sign height deviation from what the Sign Code allows and Mr. Jamal responded if the Center was on flat land, and even with the surface streets, he would not be needing this and the Center is hidden and ever since the Applicant had installed the Signs, it has livened up the Center. Mr. Jamal further explained the rock work will be changed and he is willing to try and adjust whatever he can and to be flexible.

A question was asked by Commissioner Haller how the Applicant had installed Signs without Permits and if the Applicant had abided with submitting to the City the required Application, calculations and Plans and is the Sign Company willing to do that in order to obtain a valid Permit for the existing Signs and Mr. Jamal responded affirmatively and is in the proposed Sign Program and Engineering has signed off on it.

A question was asked by Vice Chairman Huynh if there is one (1) Monument Sign to be removed and Mr. Jamal responded affirmatively.

A question was asked by Vice Chairman Huynh that the Monument Sign is thirteen feet, eleven inches (13'11") tall and the Sign Code states eight feet (8') and where was it measured from the low or high side of grade and Assistant Planner Kelleher responded the Monument Sign is measured from the top of the curb face on Boulder Avenue and Mr. Jamal added how the Center sits nine feet (9') below grade and that's the problem with the Center.

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

A comment was made by Commissioner Gamboa how the Sign was built on Boulder Avenue and he does not see it listed in the Sign Program and Mr. Jamal responded it is not listed in the Sign Program, but Engineering has it on the records and will have it for Building and Safety. Community Development Director Jaquess added if the Commission approves the proposed Sign Program, Staff will work with the Applicant and the Applicant's Engineer to submit Plans to Building and Safety for review.

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A question was asked by Commission Willhite if the Applicant would provide the Engineering Plans at the next Meeting and Community Development Director Jaquess responded typically, the Commission is not given the Engineering Plans for review and Mr. Jamal added if the Sign is approvable, he could move forward and provide the Blueprints and Engineering Plans to the Commission, from Building and Safety and Assistant Planner Kelleher added that there is a Special Inspection that needs to be conducted from Building and Safety.

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

A question was asked by Vice Chairman Huynh regarding the status of the Boulder Avenue Bridge and how he has driven by the Center a few times and indicated how the existing Signs do not meet the City Standards and asked if the Commission gives approval to the Applicant until twelve to eighteen (12 – 18) months until the Bridge is completed and if the Commission could revisit this Project and how the Commission is willing to assist the Applicant, because of the Bridge closure, at this time. Assistant Planner Kelleher responded that is something Staff can look into it and further explained what transpired in September 2011 with the Sign approvals and how the Site is located “in a hole” and if traveling either north or south on Boulder Avenue in the future even with the Bridge, plus the locations of the Storage Building and Blockbuster Buildings and grade difference going from east to west across the Site, it is always going to be difficult for the Tenants to be seen, and what discussed by the DRB years ago and the Applicant was referred at that time to do Monument Signs, and for whatever reason, the Applicant did not. He further explained how the proposed Sign Program allows the Applicant flexibility in terms of visibility.

A question was asked by Commissioner Haller is the roadway profile on Boulder Avenue and Community Development Director Jaquess responded in front of the Center the roadway profile will be the same and was unsure if the Bridge would be any higher / lower traveling south.

A comment was made by Commissioner Haller that he is uncomfortable with the process that has occurred here and how the Signs had been built without Permits and then ask for forgiveness later, and did not conform to the City Sign Standards. And he questioned if the Commission was presented with an Application like this and things were not in place, if the Commission would approve it or not. He is still not convinced, if the Commission would have approved the thirteen foot, eleven inches high (13’11”) Sign. Although he is sympathetic with the Applicant and how the Center is lower in elevation and is a hard Site to develop and make viable from a business standpoint, but he reiterated that he is concerned with the process that took place and the sequence of events and places the Commission is an awkward situation. He is

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torn between if the Commission would had ever approved the Application came forward and was built in this manner and then conversely given and recognizing the investments have been made and how we want to support businesses in Highland and is a difficult Site and you can make an argument to approve it, as well. The Commission wants to be consistent and fair with all of the Applicants and is some of the thoughts he has had and is kind of on the fence as to whether to go ahead and approve it or not. He thought it was a big improvement to go with the stone base for the Monument Sign that it more architecturally matches the existing Center.

A question was asked by Vice Chairman Huynh if the Applicant could appeal to the City Council on the Commission's action / decision and if the City Council upheld the Commission's action / decision, would then the issue become a Code Enforcement process after that and Community Development Director Jaquess responded affirmatively to both questions.

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

A comment was made by Commissioner Gamboa in that he felt the same way as Commissioner Haller and changing the stonework somewhat changes his views on the Project in that the Applicant is making some sort of situation better. He is disappointed that it was built before and the Commission always tries to be fair with the Applicants before the Commission did anything, but in this case, he too, was unsure if the Commission would have approved it or not, and have approved other signs that have gone up "outside the box". At this point, he is supportive for approving the proposed Sign Program and if you would have asked him prior to tonight, he would not have.

A question was asked by Commissioner Stoffel it is now Staff's recommendation to approve the Sign Program and not deny it. Community Development Director Jaquess responded based on the conversations that occurred today and at the Commission Meeting, Staff is recommending to continue this Item one (1) more Meeting and bring back a Final Revised Sign Program that incorporates the changes and then have a formal action in the first Meeting in January, 2012.

A comment was made by Commissioner Haller if the Commission had any concerns, the Commission would want to lead the Applicant down the right path and Commissioner Stoffel agreed.

Mr. Jamal responded that he is willing to address the six (6) Items the Commission has requested and is willing to work together and move ahead and how the Boulder Avenue Bridge has impacted the Tenant's Businesses and it is

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hard to get access to the Center and how he has reduced the Tenant's rent by fifty percent (50%) and the annual property tax is \$38,000 and has been paying that and Blockbuster Video (business) is dead and has been unable to contact the Property Owner of Blockbuster Video to cut the trees down and trim the palm trees, etc. and is willing to take things in his own hands and trim the trees for her. The Property Owner of Blockbuster Video is also not lighting up the parking lot.

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

**A Motion** was made by Commissioner Gamboa and seconded by Commissioner Haller to continue this Item to January 3, 2012, to bring back for consideration for approval for this Project.

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

Assistant Planner Kelleher asked for clarification regarding the Building Mounted Signs on the west side of Buildings "A" and "B" does the Commission want to see those come back on the Building or not or what the Design Review Board (DRB) had previously discussed. Commissioner Gamboa responded and suggested to stay with what the DRB previously recommended to stay with the Monument Signs, rather than Building Mounted Signs and amended his Motion to include "no Building Mounted Signs and to stay with the Monument Sign what the DRB had previously approved on that Site".

Mr. Jamal asked about leaving the Monument Sign located on Boulder Avenue at its current height and the rock work will be started immediately and Commissioner Haller responded the Applicant obtain Permits first.

Discussion ensued between the Commission and Staff in that it would be a Commission's Directive to Staff rather than an Amended Motion in that there would not be Building Mounted Signs and to stay with the Monument Sign what the DRB previously approved and only for clarification.

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## 5.0 NEW BUSINESS

- 5.1 CUP 011-008 – A Proposal to permit the establishment of a Type 41 On-Sale Beer and Wine for Bona Fide Public Eating Place from the State Department of Alcohol and Beverage Control (ABC) for “Moo and Brew”. The Project is located at the northwest corner of the intersection of Greenspot Road and Boulder Avenue. The address is 7955 Webster Street, Units 1-5. APN: 1201-361-23. Representative: Ken Renfrow

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

Assistant Planner Kelleher gave the presentation from the Staff Report and PowerPoint presentation. He explained the historical background and the Project’s design details and the Applicant’s request to the Commission 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 the Applicant proposes any kind of inside entertainment and Assistant Planner Kelleher responded none is proposed at this time with the CUP and if the Applicant wants to include it or sell hard liquor in the future, the Applicant would have to amend the CUP Application.

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. Ken Renfrow, who is the Applicant, addressed the Commission. He thanked the Commission for considering his Application and was here to answer any questions the Commission may have. He stated he was born in San Bernardino, went to San Geronio and resides in Highland, and has a thirteen (13) year old daughter and is excited about his proposed Project and has wanted to do this for the past twenty (20) years. He had frequented when the Restaurant was The Rotten Oak Restaurant and he indicated the Moo and Brew Restaurant will be totally different in that it will be a nice, clean, safe family environment for the patrons. He believes Highland needs the proposed Restaurant and indicated that by that everyone that he has talked and that he has even heard that people in Barnes and Noble in Redlands has been talking about his proposed Restaurant and reiterated his appreciation to the Commission and answer any questions the Commission may have.

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

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A question was asked by Commissioner Haller about if the Applicant has ever operated a restaurant before or owned and if the Applicant had experience in dealing with patrons who would be unable to be handle their drinks and Mr. Renfrow responded no, that he has not operated a restaurant before, but he has worked at BJ's in San Bernardino as a supervisor, bookkeeper and bartender for five (5) years and prior to that was at Staples for six (6) years as operations sales manager and is the first time of owning his own business and as a barkeeper, he knows how to handle inebriated patrons and when to cut their alcohol off and would call a taxi and ensure the patron would get home safely and added he was also in the Marine Corps.

A question was asked by Commissioner Haller about the kitchen being undersized and about any intentions on modifications inside the Restaurant and Mr. Renfrow responded how some of the walls will be razed next to the kitchen in the dish area and the kitchen itself is limited to what he can do because where the hood is at and in place, but that he has sufficient enough area for preparation of the Restaurant's menu and is not an issue.

A question was asked by Commissioner Haller how there were a lot of televisions prior in the Restaurant, with using many extension cords and how was the Applicant going to address that and Mr. Renfrow responded there is conduit installed above the rafters and will have hidden and already done and Assistant Planner Kelleher added that the Applicant's Plans have already gone through the plan check process.

A question was asked by Commissioner Stoffel about if the restrooms were going to be redone and Mr. Renfrow responded affirmatively and indicated they will be immaculate and will be maintained with a checklist every fifteen (15) minutes. Commissioner Stoffel responded he is excited to visit the Restaurant and it appeared the other Commissioners agreed. Mr. Renfrow added about being a Member and involved with the Highland Area Chamber of Commerce and the possibility of having meetings / mixers there at the Restaurant.

A question was asked by Commissioner Willhite about the west facing front windows and which of the three (3) doors would be used for the main access as entrance / exit. Mr. Renfrow responded the windows will be tinted with a solar bronze color reflective tint which blocks 81% of the heat and, if need be, he would install roll down blinds similar to what was used at BJ's and then explained where the main entrance of the Restaurant would be relocated and proper signs installed.

A question was asked by Commissioner Haller if there were any public comments made about the proposed Project and Assistant Planner Kelleher responded no comments were received.

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

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

1. Direct Staff to File a CEQA Notice of Exemption with the San Bernardino County Clerk of the Board, and;
2. Adopt Resolution 11-017 approving Conditional Use Permit 011-008, all subject to the recommended Conditions of Approval, and the Findings of Fact.

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

A question was asked by Commissioner Sparks about the tentative opening date and Mr. Renfrow responded he is working on the interior and hopefully in January, 2012, and hope to catch the Superbowl, if possible.

The Commission thanked Mr. Renfrow and is looking forward to the opening of his Restaurant.

## **6.0 ANNOUNCEMENTS**

Community Development Director Jaquess explained the December 20, 2011, Regular Meeting has been cancelled and the Items tentatively scheduled for the January 3, and January 17, 2012, Regular Meetings. Staff wished the Commission Happy Holidays.

## **7.0 ADJOURN**

There being no further business, Chairman Hamerly declared the Meeting adjourned at 6:44p.m.

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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