

**MINUTES
PLANNING COMMISSION REGULAR MEETING
MAY 7, 2013**

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:12p.m. by Chairman Hamerly, in the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

Absent: Commissioner Richard Haller
 Commissioner Michael Willhite
 Vice Chairman Trang Huynh

Staff Present: John Jaquess, Community Development Director
 Lawrence Mainez, City 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 April 16, 2013, Regular Meeting.

A Motion was made by Commissioner Gamboa and seconded by Commissioner Sparks to approve the Minutes of April 16, 2013, Regular Meeting, as submitted.

Motion carried on a 4 – 0 vote with Commissioners Haller and Willhite and Vice Chairman Huynh absent.

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4.0 OLD BUSINESS

- 4.1. Accessory Sign Review Application (ASR-013-009), Amendment No. 3 to the Approved Sign Program for the Arco Gas Station Center. The Project is located at the southeast corner of Palm Avenue and Fifth Street and is identified as Assessor Parcel Number: 1201-311-48. Representative: Amer Quol. (Continued from the Planning Commission Regular Meeting of April 16, 2013.)

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

City Planner Mainez gave the presentation from the Staff Report presentation and explained the historical background and the proposed Monument Sign (A-1) to the Commission. He indicated that he had gone on-site and measured the existing Sign being 13'6" high by 6'9" wide and stated that the Plans submitted are what is existing and that the Applicant is requesting to use the Existing Sign and how the Commission Directed for the Applicant to incorporate the brick, elevate the Sign approximately seven inches (7") and that the Drawings reflect that Directive. He indicated that the Applicant is in the audience and then concluded his presentation.

A question was asked by Chairman Hamerly if the Plans show what is out there and City Planner Mainez said that is correct and would include the brick base to add an additional seven inches (7") to the Sign and that the Drawings reflect that and reiterated that the Applicant is in the audience for any questions the Commission may have.

A comment was made by Chairman Hamerly if the Sign being thirteen feet, six inches (13'6"), would the net Sign face with installing a seven inch (7") base and then the total height of the Sign would be fourteen feet, one inch (14'1") and with the cornice would still be adding one foot, eleven inches (1'11").

Chairman Hamerly asked if the Commission had any questions of Staff. Hearing none, he then asked if the Applicant would like to make a presentation.

Mr. Amer Quol, 7473 Tuolumne Lane, Highland, California, who is the Applicant's Representative, addressed the Commission. He stated that the existing Sign is fifteen feet, four inches (15'4") and indicated that the Sign be increased in height to sixteen feet, five inches (16'5"). And he then explained the cornice height to the Commission. Community Development Director Jaquess responded the cornice is eleven inches (11").

A comment was made by Chairman Hamerly the cornice would be eleven inches (11"), with a seven inch (7") base and that the Sign's net size being thirteen feet, six inches (13'6"). He then asked if the Commission had any further questions of the Applicant.

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A comment was made by Chairman Hamerly how the landscaping within the Parkway / Front Setback located around the Sign has deteriorated from the Original Landscaping Plan and was brought up at the last Meeting and he then asked if it can be put into the Minutes, or add a Condition of Approval (COA) before finalizing the Sign to have the Applicant comply with the previous COAs, if that can be made by reference in the Minutes because it is a previous COA and the Project is not finalized yet, or if that is a separate issue because it is the Sign Program. City Planner Mainez responded that technically, it is a separate issue and Staff is working with the Applicant to address the landscaping issue through the new Restaurant that just opened up. There is still an Ice Cream Shop that has to open up and that there are some other issues with the Sign being one (1) of them, and the landscaping is on a Checklist of items for the Applicant to do. City Planner Mainez said that he would not make it necessarily a part of this, as a COA and it could be a Code Enforcement issue. The relationship between the City and Applicant is good now, more than ever, and indicated that he has no doubt that the Applicant will be fixing it up within the next few weeks. With City Planner Mainez just being out there onsite, he indicated the sprinkler heads are "messed up" and that there is a City's Contract Landscape Architect has also been onsite and has punch list of items for the Applicant to do and reiterated that it could become a Code Enforcement issue and does not want to do that.

Another comment was made by Chairman Hamerly in the past, there have been Code Enforcement issues all the way up to the Administrative Citation and is a process. Whereas if the Applicant is trying to do something and the Commission could make a COA, have the Applicant bring the Project up to speed and have the items fixed before going on with a new project and ensure that everything is done with the old project. He understands that it is an on-going process and if there is "enough teeth" with the Code Enforcement activity that is happening onsite, and if the Commission is comfortable with that and said the Sign is a marquee location and is on a prominent corner and City Planner Mainez said that the Sign is already there, where the Applicant is not going to build / install the Sign and said this is somewhat going backwards a little bit, unfortunately.

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

Mr. Quol said how he likes the City of Highland and he lives here and is happy with the last comment that City Planner Mainez made with having a nice relationship with the Applicant.

Chairman Hamerly asked if the Commission had any further questions of the Applicant or Staff. Hearing none, he then asked if anyone in the audience would like to speak on the Item. Hearing none, he closed the Public Hearing and then opened the floor for further discussion amongst the Commissioners.

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Chairman Hamerly reopened the Public Hearing in order for further testimony.

A comment was made by Commissioner Gamboa that he is hesitant to approve this Project and that there is no guarantee that the Sign will look like the Plans. Chairman Hamerly responded how he has battled with the same issues, and the need for matching Standards, the Monument Sign Base, the Architectural Characteristics to reflect the architecture of the Buildings / Project. Currently, it's a bare Sign that is stuck in the dirt, and if the Applicant will get the Sign to look like the Drawings and will be a dramatic improvement on the Site. Commissioner Gamboa said that this has not gone far enough, but with the Project's track record with Staff, he is hesitant and Chairman Hamerly responded how the Commission has to review what is before the Commission and whether or not it will meet the Standards and knows where Commissioner Gamboa is coming from, if the Sign is not built right, then it becomes a Code Enforcement issue and let Staff to their job.

There being no further comments or questions for the Applicant or Staff, Chairman Hamerly then reclosed the Public Hearing and called for the question.

A Motion was made by Commissioner Stoffel and seconded by Commissioner Sparks that the Planning Commission Approve the Applicant's proposal to enlarge the size and modify the design of the Monument Sign (A-1) Approved on September 6, 2011, subject to the Conditions of Approval and Findings of Fact.

Motion died on a 3 – 1 vote with Commissioner Gamboa dissenting for a lack of a quorum's vote and with Commissioners Haller and Willhite and Vice Chairman Huynh absent.

Community Development Director Jaquess explained the how the Motion died for the number of votes and that the quorum requires four votes for approval of the Project. The Planning Commission is a seven Member Commission and that there are three (3) Members absent.

Mr. Quol asked the Commission what does this mean and then gave his word that the Sign would be built and look like the Plans and how he lives in Highland. Commissioner Gamboa responded that he drives by the Project every day.

A comment was made by Chairman Hamerly if adding a COA or something else with the new Monument Sign that would make the Commission more comfortable.

A question was asked by Commissioner Stoffel for Staff to explain the new relationship. City Planner Mainez responded how the Applicant has made progress with finalizing the Restaurant. The Project has a Car Wash going and a

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new Restaurant now, and that the Applicant is financially improving and there is an incentive with compliance on the check list.

Another question was asked by Commissioner Stoffel if the Project's items would return to the Commission for further consideration and City Planner Mainez said no.

A question was asked by Commissioner Gamboa asked if Staff feels comfortable with the Applicant and obtaining compliance and City Planner Mainez responded affirmatively.

A question was asked by Chairman Hamerly if a COA is added for security / assurance because how this Project has been modified three (3) times. Commissioner Gamboa responded and said how City Planner Mainez said that Staff is comfortable and added how citizens can come back to the Commission with their dissatisfaction and complain, but if Staff is comfortable, he can reconsider his vote.

A question was asked by Commissioner Stoffel regarding the blue painters tape on the Sign and with Commissioner Gamboa's comments, it got Commissioner Stoffel to thinking and Mr. Quol responded that he will fix that.

A question was asked by Chairman Hamerly calling for the question and Commissioner Gamboa said fine.

A Motion was made by Commissioner Stoffel and seconded by Commissioner Sparks that the Planning Commission Approve the Applicant's proposal to enlarge the size and modify the design of the Monument Sign (A-1) Approved on September 6, 2011, subject to the Conditions of Approval and Findings of Fact.

Motion carried on a 4 – 0 vote with Commissioners Haller, Huynh and Willhite absent.

5.0 NEW BUSINESS

There was none.

6.0 ANNOUNCEMENTS

Community Development Director Jaquess explained the Items that are tentatively scheduled for the Commission's Regular Meeting for May 21, 2013, at 6:00pm and City Council's Regular Meeting for May 14, 2013, at 6:00pm.

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A comment was made by Commissioner Stoffel that he would be out of town on May 21, 2013.

7.0 ADJOURN

There being no further business, Chairman Hamerly declared the Meeting adjourned at 6:32p.m.

Submitted by:

Approved by:

Linda McKeough, Community Development
Administrative Assistant III

Randall Hamerly, Chairman
Planning Commission

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