

PLANNING COMMISSION REGULAR MEETING MINUTES
February 6, 2024 – 6:00 P.M.

CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:00 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Vice Chair	Chandra Thomas
	Commissioner	Craig Graves
	Commissioner	Jarrold Miller
	Commissioner	David Saran

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Travis Trejo, Assistant Planner
Matt Bennett, Assistant Public Works Director
Camille Duarte, Administrative Assistant III
Scott Rice, Consultant Landscape Architect

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

1. Election of Chair and Vice Chair

The Planning Commission elected Randall Hamerly for Chair and Chandra Thomas for Vice Chair. Motion carried 5-0.

CONSENT CALENDAR

2. Minutes from the January 16, 2024 Regular Meeting.

A MOTION was made by Commissioner Saran and seconded by Vice Chair Thomas to approve the minutes as submitted. Motion carried, 5-0.

PUBLIC HEARINGS

3. Design Review Application (DRA 23-015) for the Site Plan, Landscape Plan, Building Elevations and Conceptual Grading Plan related to the construction of a 2,350 square feet quick service restaurant with double lane drive through and 580 square feet of patio dining. (27864 Greenspot Road. North of Greenspot Road. East of State Route SR-210, Assessor's Parcel Number: 1201-331-09, Applicant: OHB 2021, LLC DBA Ono Hawaiian BBQ)

Assistant Planner Trejo presented the staff report.

Commissioner Miller stated is the city looking at this project as its own specific area of .27 acres or a part of the larger common plan of development?

Assistant Community Development Director Stater stated this is part of the larger common plan, the approval for the project site included a Design Review Application (DRA) for the site. We looked at the residential, commercial, certain number of pads, and locations, within the Conditions of Approval was a requirement that certain pads of the designs had not been formalized, but those come back to Planning Commission. For tonight's agenda, we are looking at the elevations to make sure it fits within the approved prior DRA. It is a single project, and its design is within the larger project.

Chair Hamerly stated ok, so the specific sign elements of this proposal will come back to Planning Commission or be reviewed at the staff level? The provisions that were for the Greenspot Village Marketplace had very set standards within their sign program such as square footage based on frontage, building size, and metrics for determining the allowable signage. Since this project has 4-sided marquee signage, how does it stack up in square footage of signage proposed versus what is in the sign program?

Assistant Planner Trejo stated staff is yet to receive those final sign plans, so we do not have an exact answer right now.

Chair Hamerly stated we are approving elevations, and a key component is the proportions of signage that is relative to the facade which is a critical elements of design.

Assistant Community Development Director Stater stated you can condition the project to come back for the signage and the intent with the Specific Plan approval and the overall sign program is that we could do it at the staff level, but it meets that criteria.

Chair Hamerly stated I do not have a problem with the design, it is a question to mark signage on all four sides of the facade, but it is a very narrow frontage.

Assistant Community Development Director Stater stated signage is so critical. We understand the importance, and we try to make it easier for everybody to do it at staff level.

Chair Hamerly opened the public hearing.

Chair Hamerly asked if the Applicant/Representative reviewed the Conditions of Approval and if they are acceptable.

Property Owner Tom Robinson stated yes, I am the property owner, and the Applicant is here for questions, but I want to address the signage. We designed the sign criteria within the shopping center to make sure we do not have to come back Planning Commission. In our projects, we scrutinize the signage, and the tenants will bring the signage back if it is too small. Another thing we do that is different than most companies is we do not allow our tenant to install the signage unless one of our team is present and we watch them install it. If it does not look right, it will be taken down to be relooked.

Chair Hamerly stated I remember from the monument sign, it had to go up quite a ways before it was truly visible because of the height of the overpass and the speed of the traffic. So, to get a single pad tenant with a parapet that is tall enough and visible might have to classify it as a warehouse to make it work.

Property Owner Tom Robinson stated some of the signage is not going to be visible on certain angles. On the pylon sign, the elevation is 1,230.5 feet and the freeway is 1,245 feet. We will go back once the grading is done and to reconfirm that the signage will work.

Commissioner Miller stated initially when we looked at this entire development we spoke about restaurants and how the City of Highland is looking for some sit-down restaurants beyond Mi Cocina and Applebee's. Last year you promised to bring in some good restaurants, was this the fulfillment of that promise?

Property Owner Tom Robinson stated we have three pads along the freeway that are situated for a sit-down type of restaurant. Starbucks on the corner pad and pad 5 is behind that with a big patio and we have an enclosed patio for that building as well. We have not found the right tenant yet because we are looking for that restaurant. Pad 6 is 7,800 square feet which is the size of a sit-down restaurant. We have three buildings, but we have not signed any leases because we are waiting for the right tenant.

Commissioner Miller stated City of Redlands and their redevelopment has been great with opening new restaurants in the city. I do not want City of Highland to continue down this pathway of fast food and drive through restaurants repeatedly. This development is one of our last opportunities to bring in good restaurants that this community wants.

Property Owner Tom Robinson stated Commissioner Miller I can tell you one thing is that I am very patient, and if you are talking about the restaurant Finney's, we built that restaurant. They are higher end and geared towards downtown areas. They laughed at us when we suggested this location and we have a great feeling of what should be there. With Costco coming in, it is going to make a huge difference.

Commissioner Saran asked can you ensure to us that Ono Hawaiian BBQ will be the only fast food and drive through establishment?

Property Owner Tom Robinson stated we have Starbucks and that will have another drive through. It will be pad 4 and Ono Hawaiian will be pad 3.

Assistant Community Development Director Stater summarized and pointed to the which pads are located on the development.

Property Owner Tom Robinson also explained every pad that is located on the development. Chair Hamerly asked the Applicants Architect if the Conditions of Approval were acceptable to the Applicant?

Applicant's Architect John Pangilinan stated yes, they reviewed and approved the Conditionals of Approval.

Chair Hamerly stated there is a small oval shaped landscape area and extended cross hatched area that is dividing the two lanes of the drive through, is that striping on asphalt or ground cover?

Applicant's Architect John Pangilinan stated it is paint on asphalt.

Chair Hamerly stated the actual pad has very little landscaping in it and there probably would be a minimal opportunity for cars jumping from aisles. What would be the possibility of extending that planter area within that median space to increase the overall landscaping and function as an additional buffer?

Applicant's Architect John Pangilinan stated we could extend it.

Chair Hamerly stated my overall concern is trying to maximize the landscaping, so it does not have only concrete there because the buildings is taking up a percentage of that pad area.

Commissioner Miller stated from a safety standpoint, we should discourage lane jumping. I would expand the landscaping all the way from where the triangle starts.

Applicant's Architect John Pangilinan stated I do not have any objection to that change.

Chair Hamerly stated this would provide the option of planting specimen trees at the northernmost terminus of the median. This would soften the large area of asphalt as you come in from the west side.

Applicant's Architect John Pangilinan stated yes, I will need to speak to my client about these changes. We are here to bring Ono Hawaiian BBQ to be a part of the community.

Chair Hamerly stated our focus is to make each individual component of this as nice as it can be, because this is our hometown too. We are trying to improve the community and we enjoy collaborating with people that have the same goals in mind. Since this is a very isolated pad, the trash enclosure element is part of the overall Specific Plan, where is the trash enclosure relative to where the restaurant is located?

Applicant's Architect John Pangilinan stated the trash enclosure is to the left (pointing to the PowerPoint) and there is three large trash enclosures.

Commissioner Miller stated if we can sump our landscaping and allow for source control retention as opposed to having it level or higher than the top of curb. There is a couple of storm draining inlets on the downstream side of the site. I do not remember if there is an HDS, CDS or a pretreatment unit prior to it going in the storm chamber, however if there is not another pretreatment device, it would be great to get pretreatment filters on those inlets. The roof drainage looks to be discharging to the southwest corner, if feasible it would be great to discharge to the southeast corner to provide additional source control.

Property Owner Tom Robinson stated we have gone through these drainage plans and some of its site specific. Shifting something now could radically throw off everything and it is the ripple effect. There is a number of issues.

Commissioner Miller stated when it comes to roof drainage it does not require any great changes. Right now, it is just charging to your sidewalk. I felt like your overall plan for the entire development was lacking on source control. I am going to hammer down on each one of these projects on source control and moving forward there are some opportunities for small changes with large benefits to the project.

Property Owner Tom Robinson stated I cannot agree to those because those are on such a high level, I will need to come back with the overall project. I thought we were going over elevations tonight, I would have had my Engineers here.

Commissioner Miller stated we are reviewing a grading plan, we should have the Civil Engineers available for tonight's meeting.

Property Owner Tom Robinson stated in 35 years, I have never had these comments asked.

Community Development Director Mainez stated these plans are conceptual and there are provisions for plan check. I would turn to our staff to see what the status is on our approved conceptual plan. Staff will follow up with the developer and we will catch it during plan check.

Property Owner Tom Robinson stated I do not want to have to redesign my whole project.

Commissioner Miller stated I am not asking for that. When we are given a plan, we are going to review it and if we have comments, we are going to provide them here.

Chair Hamerly stated I have to concur with Commissioner Miller.

Assistant Public Works Director Bennett stated these are not necessarily directives, but it is understood that these are concerns. During plan check I typically reference this back and share these comments with plan checkers. Overall, the WQMP has its elements of pretreatment. I understand the comments about source control.

Chair Hamerly stated there are two veneer, one is brick stone, and the other is a course veneer. What was the rationale on such a tight facade of having two dissimilar veneer materials?

Applicant's Architect John Pangilinan stated we collaborated with the developer to make our building match with the rest of the shopping center. We wanted to break the materials and thought different material would be appropriate.

Chair Hamerly stated on the awning height and awning elements appears there are three separate elevations close, however it makes it look random. Can you walk me through the design process? On the east elevation which is the dominant horizontal element on the facade. Each of those elements are at a different elevation, if there is a way to create a steady line that looks like it was planned out.

Applicant's Architect John Pangilinan stated we have Ono Hawaiian prototype building and then we can deconstruct it such as finishes.

Chair Hamerly stated it is very consistent elsewhere, however usually at the detail level certain things jump out at me. There are a lot of elements that look like they should all be tied together and relating because your window pattern and parapet height is very consistent. On the west facade the bottom edge of the canopy is just above the overall top height of your trellis.

Applicant's Architect John Pangilinan stated this is something that we can definitely look up with my team and my client and make those small adjustments on the elevations.

Chair Hamerly stated on the east facade there is that horizontal band and given the height and the mass of the building, the stucco band looks very insignificant viewed on that facade. I am wondering if a more dominant color if we took some element or aspect of either the trellis or the awnings and that became your horizontal it would simplify that composition. It gives you a steady line and color.

Applicant's Architect John Pangilinan stated ok. We do want an awning that is a little bit above it. Do you suggest if I lower the band (pointing to the PowerPoint) and the canopy have one straight line?

Chair Hamerly stated I do not see any reason that the accent band and the canopy cannot be visually in the same plane. At least then you have purified the lines that are intersecting your facade, and it looks ordered.

Applicant's Architect John Pangilinan stated we can simplify the design. We added this roof element (pointing to PowerPoint) to match up with the rest of the shopping center. The corner is Ono Hawaiian BBQ standard architectural feature. If I make it flat, do you suggest adding a lower one (Pointing to PowerPoint) to make it a drive through canopy?

Chair Hamerly stated I do not have a problem with the gable, it does a nice job providing a unique component to the elevation.

Chair Hamerly shows the Applicant's Architect the drawing that he is referring to. If the gable element dropped down from its height above the parapet to become the terminus for the brick veneer that could be incorporated into the canopy element, or it could be a cap and the canopy could remain where it is.

Chair Hamerly remains to show the Applicant's Architect the drawings that he modified and his vision for the east elevations.

Applicant's Architect John Pangilinan stated we will make adjustments.

Chair Hamerly stated is the awning fabric on the west elevation?

Applicant's Architect John Pangilinan stated fabric awning.

Chair Hamerly stated the transom windows wrap all the way around the building which are 6 to 8 inches off from aligning with anything else around it. I was wondering if that element got elevated a little bit so it like a continuation of the line of the transom windows that are wrapping around the building.

Applicant's Architect John Pangilinan stated it should be matching. I need to check with our client to make sure they agree as well.

Commissioner Miller stated is the cover that is over the patio completely impervious?

Applicant's Architect John Pangilinan stated yes, it is.

Chair Hamerly stated on southeast corner there is the teal stucco color and I understand it is a corporate logo, however why is it placed there instead of being higher where more people will see it?

Applicant's Architect John Pangilinan stated right now, most of our signage lines up where we have our brick veneer.

Vice Chair Thomas stated the sign of Ono Hawaiian BBQ next to the stone is difficult to see. How are other buildings designed?

Applicant's Architect John Pangilinan stated typically the buildings have wood and stucco.

Vice Chair Thomas stated regarding the landscaping we discussed having two trees, and one of them being by the exit drive through. Was there going to be a tree planted by the planter area when you enter the drive through?

Applicant's Architect John Pangilinan stated yes, that is an opportunity. I will discuss this with my landscape architect.

Vice Chair Thomas stated I like the two trees because it will give it more privacy.

Chair Hamerly stated regarding Condition No. 10 in this landscape review, is that a meaningless metric to require if there is no percentage?

Assistant Community Development Director Stater stated I do not think it is meaningless. We are still looking at the site-specific planting plan making sure it is compliant with the original plan which met the overall Specific Plan requirement. We are reviewing these projects as they converge with each other such as the aisles, parking spaces and trash enclosures.

Chair Hamerly stated if the overall Specific Plan is meeting that standard and control the specimen trees and the streetscape than there is not anything to worry about.

Owner Tom Robinson stated we will meet the percentage and come back to the Planning Commission if we are not meeting the percentage, however we met the requirements, and we will continue to collaborate with staff on that.

City Landscape Architect Rice stated regarding Condition No. 10 was driven towards making sure whatever happened on this individual pad did not diminish the overall quantity. There is no problem with striking that Condition if it is too focused toward the pad, which was not the intent. We already reviewed the construction drawings for this the development and the future pad on that plan. It had an applied footprint that did not have as much hardscape to it because of the single drive through lane.

Chair Hamerly stated the function of the entire Specific Plan and adding the extra lane probably did not do anything. It would be a rounding error in the total percentage of landscaping, but I did not see a point where there are few landscaping options that are available.

City Landscape Architect Rice stated it is not our intent to overreach, I do not see an issue with striking that Condition.

Chair Hamerly stated on Condition No. 18, stated the root barrier should be installed for all trees planted within 5 feet of hardscape paving, and extend 10 feet from center of trunk in either direction via a minimum of 24 inches deep. Is a root barrier effective when it is underneath paving?

City Landscape Architect Rice stated in this case you would run the barrier on the inside the available curb line is.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner Miller to:

1. Adopt Resolution No. 2024-002 approving Design Review Application (DRA 23-015) for the Site Plan, Landscape Plan, Building Elevations and Conceptual Grading Plan, related to the construction of a 2,350 square feet quick service restaurant subject to the Conditions of Approval and the Findings of Fact as modified. Motion carried, 5-0.

RESOLUTION NO. 2024-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING DESIGN REVIEW APPLICATION (DRA 23-015) FOR THE SITE PLAN, LANDSCAPE PLAN, BUILDING ELEVATIONS, AND CONCEPTUAL GRADING PLAN PERTAINING TO THE CONSTRUCTION OF A 2,350 SQUARE FEET QUICK SERVICE RESTAURANT WITH DRIVE THROUGH AND 580 SQUARE FEET PATIO DINING.

4. Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 9th St. & Sterling Ave., San Bernardino, CA 92410, Tax Assessor's Parcel Number 1192-071-05.

Code Compliance Officer Chambers presented the staff report.
Commissioner Miller asked why is the ground cover not in compliance?

Code Compliance Officer Chambers stated any ground covering over 50 cubic yards would require a permit.

Assistant Public Works Director Bennett stated the ground cover arrived on site without any stockpile permit or notice of the development. It was to the magnitude of nearly a foot of fill on the entire property. The material was again from an unknown source, they could not report where it came from, and our concerns were it could be contaminated. It is a substantial amount of material that is on that site.

Chair Hamerly stated some of the exhibits in staff report predate the initiation of the violation. Some appear to show the presence of grading equipment on there and I was wondering if that is what triggered those pictures being taken?

Code Compliance Officer Chambers stated one of our Code Enforcement Officers who works weekends saw the activity occurring on the property and took photographs and brought it up to the Public Works Department.

Chair Hamerly asked are Conditions No. 7 and No. 9 viewed as running concurrently or independent timelines?

Assistant Public Works Director Bennett stated it needs to be independent.

Chair Hamerly asked if the entitlement process would not be subject to the same 60 days? Everything that is within the time limit of 60 days has to do with remedy, repair and restore to original condition.

Assistant Public Works Director Bennett stated I think that would be appropriate. I think they should be independent because I do not think the cure period for the entitlement needs to be held to 60 days.

Chair Hamerly asked do we need to reword any aspect of Condition No. 7 because we do have items A and B which seems A is asking to do this immediately and B is going to take some time that may or may not occur within 60 days. Item C it should be a separate track from A and B.

Community Development Director Mainez stated Condition No. 7 is a specific period of time to act and as you indicated it depends on what the issues are. This is independent from Condition No. 9 which stated if you do not comply with Condition No. 7 in 60 days the city is going to take legal action. That is the distinction between the Condition No. 7 and No. 9.

Chair Hamerly stated Condition No. 7 did not seem like they could be working on parallel or concurrent tracks, because item C they do not have an idea what they want to do with the property should not encumber their ability to fulfill item A.

Community Development Director Mainez stated we asked for 60 days, which is a standard timeline. Condition No. 7A is the most important because they destroyed city property and that is enough to take legal action.

Chair Hamerly stated for item A is to repair the sidewalk to make it safe, because that has been the public right of way, however when we start getting into retaining consultants, grading, drainage, and water quality analysis report we could be looking at 60 days before they start.

Commissioner Miller suggested making determination about what items would take the most time and accommodate a fair timeline. I do not think 60 days is enough time.

Chair Hamerly stated item A is enough for 60 days.

Community Development Director Mainez stated regarding item C, the objective is to fix the damaged city property and really get off the property until they have their land use approvals. Perhaps we just strike out item C and go through the normal process. If you want an entitlement, they can come to Planning Commission.

Chair Hamerly stated if they decided that they wanted to keep the material, what if their hydrology study proves or demonstrates that it is all completely clean?

Code Compliance Officer Chambers stated I included item C because it was important that the property owner know that tractor trailer should not be brought back onto the property. Also, any future uses would need approval from the city.

Community Development Director Mainez stated I do not want to disregard what the staff was doing; it was appropriate and a standard protocol. I understand there is no trucks on the property. If we can focus on item A and B and how we want to address the timeline.

Assistant Public Works Director Bennett stated the conversations had been going on for 5-6 months, those requests were made by the Engineering Department. There has been time and conversations that followed up however, it has not come to conclusion. The Applicant did send a Representative at one time to request encroachment permit to reconstruct the drive approaches as directed. It was directed full height, curve, gutter and sidewalk, the request was to build drive approaches back in the same location but there was no project approval.

Chair Hamerly stated if the source of the material needs testing of the fill material that has been used, and it is identified as contamination then we do not need hydrology studies on the impacts. I think item A and B can work in tandem, I think pulling item C frees it up a little bit.

Chair Hamerly opened the public hearing.

Property Owner Hanhsing Li stated about a year ago, the problem there was an Engineer approached me and asked me if I wanted to invest this land for a parking site. Before we had an agreement, I told him he had to go through the city and we both went to the city to ask if it was allowed. We spoke to the Planning Department, and they advised us to provide the plan and check the zoning. However, the Engineer took the risk by having the contractor clean the site up. Since he wanted to install the parking, he did not have the money to invest for the

concrete. He spent money to fix the fence which was \$15,000. He went to the city and the city said if want to install parking there needs to be a driveway. When I bought this property in 2005, The city asked us to donate the land to the city which we agreed and did not charge the city any money. We were assumed the city would install the driveway and sidewalk. We went to the city about 3 or 4 times and the Engineer Paul Thomas went to the city several times and tried to fix it. The contractor Romeo and his cash flow issues decided to rent a truck and then the city gave us a citation to remove the truck right away. On November 5th I was in Taiwan visiting my mother and I just back there January 31, 2024. In order to solve this situation, if you can allow to give me some time because I tried to approach it when it first happened. I tried to find the soil Engineer and concrete consultant to fix it. If you can, give me a little bit more time.

Chair Hamerly asked if it was mentioned initially that the there was a soils Engineer that approached you about doing the parking on this property?

Property Owner Hanhsing Li stated the tenant leasing the land to them, which I gave them free rent, so he has to do the [INAUDIBLE] report. He invested money to put the fence and concrete in.

Chair Hamerly asked was that Romero?

Property Owner Hanhsing Li stated yes.

Assistant Public Works Director Bennett stated the Romero is a software Engineer.

Property Owner Hanhsing Li stated he is my tenant.

Chair Hamerly asked are you comfortable with the 60-day timeline?"

Property Owner Hanhsing Li stated yes; however, 90 days is better.

Chair Hamerly stated the most concern is repairing the infrastructure within the right of way because it is damaged. The highest priority is Condition No. 7A and put back to what it was originally.

Property Owner Hanhsing Li stated yes, I will do that right away.

Commissioner Miller stated lets just give him 90 days for both Condition No 7 and 9.

All Planning Commissioners were in consensus of a 90-day timeline.

Chair Hamerly stated we are striking Condition No. 7 C and changing Condition No. 7 and No. 9 to 90 days.

Community Development Director Mainez asked if staff has an issue with striking Condition No. 7C?

Code Compliance Officer Chambers stated it should be kept in there, however I will leave it up to the Commission.

Chair Hamerly stated I am ok with that; however, I would not include it with Condition No. 7. This will be a separate Condition as Condition No. 12.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner Miller adopt Appeals Board Resolution No. 2024-003, declaring the existing of a public nuisance on the property generally located at 9th Street and Sterling Ave., San Bernardino, CA 92410 and order the abatement thereof as modified. Motion carried, 5-0.

RESOLUTION NO. 2024-003

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN: 1192-071-05, GENERALLY LOCATED AT 9th ST. & STERLING AVE., SAN BERNARDINO, CA 92410, AND ORDERING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

ANNOUNCEMENTS

The Planning Commissions next regular meeting is scheduled February 20, 2024.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 8:32 p.m.

Submitted by:

Approved by:

Camille Duarte, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission

