

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
OCTOBER 4, 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 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 Willhite

Absent:       Commissioner Michael Stoffel

Staff Present: John Jaquess, Community Development Director  
                  Lawrence A. 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 MINUTES**

**3.1 Minutes of September 20, 2011, Regular Meeting.**

**A Motion** was made by Commissioner Gamboa and seconded by Vice Chairman Huynh to approve the Minutes of September 20, 2011, Regular Meeting, as submitted.

Motion carried on a 6 – 0 vote with Commissioner Stoffel absent.

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#### 4.0 CONSENT

There were no Items.

#### 5.0 OLD BUSINESS

- 5.1 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. The address is 7354 Stoney Creek Drive. APN: 1201-091-60-0-000. Representative: Bill Jamal, Infiniti Commercial, LLC (Continued from the September 20, 2011, Regular Meeting.).

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

Assistant Planner Kelleher gave the presentation from the Staff Report and how this was a continued Item with the proposed Resolution for Denial for the Commission's consideration and indicated the Applicant is in the audience and would like to address the Commission, if the Commission desires, then Staff would suggest to the Commission to reopen the Hearing to hear the Applicant and then concluded his presentation.

Chairman Hamerly asked if the Commission had any questions of Staff. Hearing none, he then reopened the 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 in order to be heard today and that he was unable to attend last time due to an emergency that he had an implant that went bad and his face got infected and that he did call Staff on Wednesday morning and that he understands whatever the Commission decides today, understand that he does not hold anything against the Commission or the City. He requested the Commission hear and understand that the Center is "dying" right now and pays \$38,000 in property taxes and is expensive to maintain the Center and has lost Dominoes Pizza, the Vitamin Shop and the Vavoline businesses located there at the Center and Mr. Jamal requested the Commission to reconsider the Denial and to please work with him. Mr. Jamal added he had contacted the lady who owns the Blockbuster Building and she indicated to him that there had a been death in the family. He further explained how he is trying to expand the Sign Program and by incorporating her lot with his so that they would be able to have five (5) acres. He stated that he understands that he had done something wrong, but has done something that has aesthetically brought some value to the Center and has brought a little more business to the businesses that are there. In fairness to the Tenants in the corner, if the closed Boulder Bridge would have opened faster, the Center would

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thrive and knew that it was not right, but unfortunately, it was the only way that he can tell people that they are there having to go around on the 215 Freeway and unable to get to the Center and with Dominoes Pizza closing, and with the economy, Mr. Jamal further asked the Commission not as a Developer / Owner, but as an individual and how everyone here works and is trying to survive. He does not want the Commission to feel sorry for him, and how the Commissioners may have kids and that he has three (3) girls to put through school and asked the Commissioners to place themselves in his place that he is also trying to help his Tenants, and reiterated how the property taxes are paid and it goes to something, but he also needs help from the City and then thanked the Commission.

Chairman Hamerly explained one of the primary reasons the Commission had rejected the proposed Sign Program outright was due to how the Commission had questions / comments for the Applicant and how he was not at the Meeting and the Commission understands the reason why the Applicant was not there. If the Applicant had a chance to review the Minutes, a lot of the discussion was centered around how can the Commission help this business and supports businesses that want signage, but instead of being able to instruct the Applicant on the desired Commission's changes / revisions and what the Commission is after and continue this Item and then have the Applicant return to the Commission for further consideration, the Commission did not have that opportunity and reiterated that was the reason for the outright rejection. He said the Applicant was more than welcome to resubmit a Modified Sign Program that incorporates the details of the Signs into the style of architecture that is present on-site, clears the issue on the Line-of-Sight Triangle and being in the Public Right-of-Way. The Fitness 19 Sign had made sense and had great visibility at its location, but was not included in the proposed Sign Program, and was found to be non-conforming because it was not in the Previous Sign Program and not in the Proposed Sign Program and if all of those items and issues were to be addressed to the satisfaction of the Commission, he felt that the Commission then had grounds for working with the Applicant and helping to publicize the Center.

Mr. Jamal responded that is what he thought would happen and sounds like he may have another chance and indicated the problem is that he had hired Mark, from Resource Signs, who was the one who had done the preparation and that unfortunately, the Applicant does not know how to read the Sign Program that well and that both he and Mark are confused and asked if Mark had shorted the Commission one (1) Sign he will go back to Mark and tell him. Chairman Hamerly responded that it is not shorting a Sign, and some dealings with the City he was told that he would be unable to have these Signs located there for one reason or another but how the Fitness 19 is not in the Proposed Sign Program and that the Fitness 19 Sign made more sense than the Monument Sign that was right below it because of better visibility for the business that it is affecting and

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that is why City Staff is here for. Mr. Jamal responded that he would go back and readdress the Sign Program with another Professional besides this gentlemen (Mark) and try to incorporate everything with somebody that can read this to the Applicant and understand it in layman's terms and explained how the City of Highland is the "Beverly Hills of Highland" and that the Applicant promised to try harder to make the Signs work and thanked the Commission for its reconsideration.

Chairman Hamerly asked the Commissioners if they had any further comments for the Applicant and did his comments to the Applicant adequately summarize what transpired last time and the Commission concurred. He then asked Staff about the outright Rejection Motion, does the Applicant then have to submit a new Sign Program Application and hit him with a new set of fees and City Planner Mainez said no, the Applicant would not be hit with a new set of fees and sounds like we can continue this Item.

A question was asked by Chairman Hamerly if the Commission were to table the Motion, what would be the timeframe for the Applicant to retain a new Consultant, to meet with Staff, and prepare a complete Modified Resubmittal for the Commission's consideration and Mr. Jamal responded April / May due to the holidays approaching and that he may have to start all over again with another Professional Consultant, as well as a Sign Company that is familiar with the City of Highland or is familiar with the Sign Program. Mr. Jamal stated the gentleman that he hired (Mark, of Resource Signs) did not represent them well and how there was a survey conducted which cost \$1,300 and Mark stated things would be taken care of. Chairman Hamerly responded how they were designed at buildout and one of the rules with construction is the need to verify where the property starts / stops and how one of the Signs encroaches in the Right-of-Way and then asked Staff since this Item is a continuation, is the time is frozen on the Code Violations. Community Development Director Jaquess responded how this is a pending Code Enforcement case and is on hold for the moment while the Commission is processing this and then suggested the Commission not provide a six (6) month extension. If the Signs were not there, the Commission could take as long as it wanted, but because it is a Code Enforcement case and that he understood about the time of the year involved, he recommended that the timeframe be shorter than what the Applicant suggested for corrective action.

Discussion ensued between the Commission and Staff regarding the feasibility of reaching a reasonable compromise.

Chairman Hamerly indicated if the Line-of-Sight Sign located on Jasper and the Right-of-Way Sign located on Boulder Avenue be abated because of a design standpoint and health, safety and welfare issues and the rest of the Signs pending the Applicant resubmitting a Modified Sign Program for consideration. He reiterated the primary issues for the two (2) Signs (the Line-of-Sight Sign and

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the Right-of-Way Sign) are the health, safety and welfare issues and that those Signs should to come down as quick as possible and if the Applicant did that, as a sign in good faith, would it be agreeable with Staff with the Applicant's requested timeframe. Community Development Director Jaquess responded that would be a reasonable compromise, as far as Staff is concerned. Mr. Jamal responded that is acceptable and that he needs to help the Tenants and instead of removing the two (2) Signs, to reinstall the them somewhere where they are visible and how he needs to bring people into the Center and explained how a person drives into Wendy's and there is nothing but a cement wall and glass and not knowing what businesses are located at the Center and how no one can see the Vavoline business and how that business is moving out because of that. The streets are being repaired by the Vendors' taxes and not wanting the Vendors to go out of business by eliminating some of the Signs that are bringing in people.

Further discussion ensued between the Commission, Mr. Jamal and Staff regarding a feasible shorter timeframe and a resubmittal of a Sign Program. Mr. Jamal indicated how Thanksgiving is in November and requested a little time more due to hiring another Professional Consultant and City Planner Mainez responded that other Items are scheduled for December 6, 2011, and that is a reasonable timeframe. Mr. Jamal responded how he is trying to be better and hopes that in those two (2) months that the Consultant will be on board and someone who is going to understand this and resubmitting a Sign Program and wants to make the Commission's deadline and if not, then what does he need for an extension and Chairman Hamerly responded all it takes is a letter from the Applicant.

**A Motion** was made by Chairman Hamerly to Continue this Item to December 6, 2011, at the Applicant's request.

Discussion ensued between the Commission, Mr. Jamal and Staff regarding how long it is taking for the Boulder Bridge to be repaired / reinstalled. Mr. Jamal stated if this was a bridge located in Beverly Hills, it would have been reopened in six (6) months and out here it's not fair to the Tenants and the residents.

A question was asked by Commissioner Willhite will the Signs stay until December 6, and Mr. Jamal responded for the most part, he will try and take them down and address this.

A question was asked by Vice Chairman Huynh if there are problems with the structural integrity of the large Sign located near the sidewalk and if so, is there a need for the Applicant to see a Structural Engineer to review it to see if anything may collapse or whatever and Assistant Planner Kelleher responded that was written in as a COA with the initial Staff Report that came before the Commission

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in September, but Staff has no documentation that has been submitted with any information if it is structurally safe or where the electrical is and how it is ran, so Staff could not make a recommendation as to whether or not that Sign is going to blow over tonight or not and reiterated Staff has no information. Mr. Jamal stated there is no electricity in the Sign and Chairman Hamerly responded these are issues that need to be readdressed and then Mr. Jamal thanked the Commission.

Vice Chairman Huynh seconded the **Motion**.

Motion carried on a 6 – 0 vote with Commissioner Stoffel absent.

## **6.0 NEW BUSINESS**

There were no Items.

(Note: Assistant Planner left the Chambers at 6:18p.m.)

## **7.0 ANNOUNCEMENTS**

Community Development Director Jaquess explained the Items tentatively scheduled for the October 18, 2011, Regular Meeting and reminded that some of the Commissioners need to submit their Municipal Code Books so they can be updated.

Discussion ensued between the Commission and Staff regarding the feasibility if there were FEMA / Federal funding resources to assist the businesses due to the Boulder Bridge being closed and Staff responded the delay is from an environmental standpoint and is with the streambeds that has K-Rats and Woolly Stars and how it is costing the City \$1.5 million in mitigation to obtain a Permit(s) and replace the existing \$20 million facility in order to purchase six (6) acres for credit of a species habitat and that the bid is going out this month and will issue the contract in December and will take about one year for total construction and the mitigation issues were then discussed.

A question was asked by Vice Chairman Huynh what about declaring a Disaster Area for the businesses and City Planner responded how the businesses would have to do that on an individual basis, and not the City and Community Development Director Jaquess added it was the same trying to obtain assistance with last year's flooding / mudflow. Vice Chairman Huynh then thanked Staff.

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**7.0 ADJOURN**

There being no further business, Chairman Hamerly declared the Meeting adjourned at 6:20 p.m.

Submitted by:

Approved by:

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Linda McKeough, Community Development  
Administrative Assistant III

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Trang Huynh, Vice Chairman  
Chairman Planning Commission

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