

CITY OF HIGHLAND REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

REGULAR MEETING

July 21, 2020

6:00 p.m.

City Hall

Donahue Council Chambers

27215 Base Line

Highland, California

MEMBERS

Randall Hamerly, Chair

John Gamboa, Vice Chair

Michael Hall, Commissioner

Richard Haller, Commissioner

Tamara Zaman, Commissioner

STAFF

Lawrence A. Mainez, Community Development Director

Kim Stater, Assistant Community Development Director

Ashiq Syed, Associate Planner

Salvador Quintanilla, Associate Planner

Angela Tafolla, Planning Technician II

Camille Goritz, Administrative Assistant III

MISSION STATEMENT

Highland is dedicated to the betterment of the individual, the family, the neighborhood and the community. The City Council and the staff of Highland are dedicated to providing the quality of public facilities and services that its citizens are willing to fund and will do so as efficiently as possible.

Visit the City's Website at: www.cityofhighland.org

CITY OF HIGHLAND • 27215 BASE LINE • HIGHLAND, CALIFORNIA 92346 • (909) 864-6861 ☎ • (909) 862-3180 📠

The City of Highland complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office at (909) 864-6861 Ex. 226, at least 48 hours prior to the meeting.

Pursuant to Government Code Section 54957.5, any disclosable public records related to an open session item on a regular meeting agenda and distributed by the City of Highland to all or a majority of the Planning Commission, less than 72 hours prior to that meeting, are available for public inspection at Highland City Hall, 27215 Base Line, Highland, CA 92346, during normal business hours.

SPECIAL NOTICE REGARDING COVID-19

In accordance with Governor Newsom's Executive Order N-25-20 and N-29-20, this meeting is being conducted via teleconference/Zoom. Anyone can join the meeting virtually or by phone:

- To join the Zoom Meeting online: <https://zoom.us/j/91943363823>
- Listen to the meeting by calling (669) 900-9128 and enter the Meeting ID: 919 4336 3823#

Toll free phone numbers:

(877) 853-5247 or (888) 788-0099
Meeting ID: 919 4336 3823#

Submission of Public Comments: For those wishing to make public comments (items not on the agenda), please submit your comments by email to be read aloud at the meeting by the Community Development Administrative Assistant. Email comments must be submitted by 5:00 p.m. on July 21, 2020, to publiccomment@cityofhighland.org.

For those wishing to make a public comment regarding a public hearing item, please identify the agenda item in the subject line. Comments can be submitted any time prior to the meeting, as well as during the meeting up until the end of the corresponding item. Please email your comments to publiccomment@cityofhighland.org.

For those wishing to make a public comment regarding an item on the agenda, please identify the agenda item in the subject line. Email comments must be submitted by 5:00 p.m. on July 21, 2020, to publiccomment@cityofhighland.org. All email comments received by the deadline will be read aloud and shall be subject to the same rules as would otherwise govern speaker comments at the Planning Commission meeting.

PLANNING COMMISSION REGULAR MEETING AGENDA July 21, 2020 – 6:00 P.M.

CALL TO ORDER

Pledge of Allegiance

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

The Community Development Administrative Assistant shall read all email comments received before 5:00 p.m., provided that the reading shall not exceed three (3) minutes because this is the time limit for speakers at a Planning Commission meeting. The email comments submitted shall become part of the record of the Planning Commission meeting.

CONSENT CALENDAR

1. Minutes from the July 7, 2020 Regular Meeting.

RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.

PUBLIC HEARING

2. Conditional Use Permit (CUP) No. 20-004 requesting an amendment of an existing State of California Department of Alcohol Beverage Control (ABC) Type 47 (On-Sale General - Eating Place) license to permit the sale and on-site consumption of all types of alcoholic beverages within an approximate 420 square-foot outdoor dining area for an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza. (7955 Webster St, Unit No. 1)

RECOMMENDATION: The Planning Commission adopt Resolution 2020 - ____, denying Conditional Use Permit (CUP) No. 20-004 to amend a Type 47 ABC license to permit the sale and on-site consumption of all types of alcoholic beverages within the 420 square-foot outdoor dining area at an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza, subject to the Findings of Fact.

ANNOUNCEMENTS

ADJOURN

I, Camille Goritz, Administrative Assistant III, of the City of Highland, California, certify I caused to be posted this agenda on or before the 16th of July by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: July 16, 2020



Camille Goritz, Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: July 21, 2020

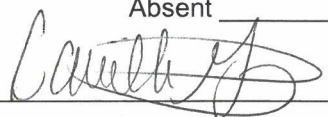
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III

SUBJECT: Minutes from the July 7, 2020 Planning Commission Regular Meeting.

RECOMMENDATION: Staff recommends the Planning Commission approve the Minutes as submitted.

PUBLIC NOTICE: The agenda for this item was posted at the three locations per Resolution No. 2011-047 and on the City's website.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>1</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

**MINUTES
PLANNING COMMISSION REGULAR MEETING
July 7, 2020**

This meeting was conducted as a video conference meeting in a remote location. All votes during the meeting were conducted by roll call.

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 through video conference.

Present:	Chair	Randall Hamerly
	Vice Chair	John Gamboa
	Commissioner	Michael Hall
	Commissioner	Tamara Zaman

Absent:	Commissioner	Rich Haller
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Staff Present:	Lawrence Mainez, Community Development Director
	Kim Stater, Assistant Community Development Director
	Salvador Quintanilla, Associate Planner
	Camille Goritz, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

CONSENT CALENDAR

1. Minutes from the June 16, 2020 Regular Meeting.

A MOTION was made by Commissioner Gamboa, seconded by Commissioner Zaman, to approve the minutes, as submitted. Motion carried on a roll call vote, 4-0, with Commissioner Haller absent.

PUBLIC HEARING

2. Conditional Use Permit (CUP) No. 20-004 requesting for an expansion of an existing State of California Department of Alcohol Beverage Control (ABC) Type 47 (On-Sale General - Eating Place) license for an approximate 420 square-foot outdoor dining area for an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza. (7955 Webster Street, Unit No. 1)

Chair Hamerly opened the public hearing.

Associate Planner Quintanilla presented the staff report.

Administrative Assistant Goritz read the public comment received from Caroline Welker. Commissioner Zaman stated there are 21 seats in the outdoor area; due to COVID-19 and social distancing how will it be reduced.

Associate Planner Quintanilla stated based on the COVID-19 regulations JJ's will modify the seating area to meet the social distancing requirements that need to be met for outdoor dining facilities.

Commissioner Zaman stated there are three trash enclosures, does this mean that the one trash enclosure nearest to JJ's will have to be expanded to be three bins?

Associate Planner Quintanilla stated while speaking with Public Works department the trash enclosure nearest to JJ's does not have a sufficient amount of size for the third bin.

Commissioner Zaman asked if the trash enclosure has to be expanded and how that will impact parking.

Associate Planner Quintanilla replied it should not impact parking because there is space to expand into the landscaping for the trash enclosure.

Chair Hamerly asked if the trash enclosure expansion will put them closer to Boulder.

Associate Planner Quintanilla stated it depends on how they modify it. The trash enclosure could be screened with additional landscaping on the Boulder side.

Chair Hamerly stated concerns about the trash enclosure expansion towards the north and east towards Boulder. That is a primary arterial and landscaping would be essential.

Associate Planner Quintanilla stated staff will work with the applicant to make sure to keep the aesthetic design along Boulder.

Chair Hamerly asked how the 420 additional square foot of occupied space has been factored in the site plan for parking.

Associate Planner Quintanilla stated it has been reviewed in the staff review permit and it meets the requirements.

Chair Hamerly asked how many spots were required for the total occupant load from the occupants that were on site and how many spaces are available on site.

Associate Planner Quintanilla stated the numbers for parking were reviewed under the staff review permit. It was reviewed by the Community Development Director and Assistant Community Development Director. It was previously approved and the requirements were met. The parking spaces are all on site.

Commissioner Gamboa stated in regard to the parking, if the amount of spacing outside increases, doesn't that increase the amount of people that would be served in the patio.

Associate Planner Quintanilla stated by adding the additional square footage of the outdoor dining staff calculated the additional square footage in the parking ratio.

Therefore, it was taken in consideration with the staff review permit and it was approved by the Fire Marshal and the Building and Safety department.

Commissioner Gamboa stated during the weekend people park illegally in the parking area.

Associate Planner Quintanilla stated originally before the outdoor expansion 20 parking spaces were required for the restaurant. Now with the outdoor expansion built the requirement is 25 parking spaces for JJ's restaurant.

Commissioner Hall stated concerns with parking during peak hours. People are parking in the dirt and the car wash area. It doesn't seem to me that there is enough parking for the outdoor area expansion.

Joe Swidan, Applicant stated there are parking spaces available in the parking lot for customers unless there is a special event scheduled.

Chair Hamerly asked approximately how many customers attend a special event.

Joe Swidan replied about 80 customers.

Commissioner Gamboa stated there has been one fatality at the location.

Darren McBay, Representative to the Applicant stated it occurred in the parking lot at the restaurant. It was a love triangle and they accumulated a bar tab of about \$38 so in our opinion no one was drunk. The incident lasted seconds and the couple was only there for an hour before the incident erupted in the parking lot.

Commissioner Gamboa stated he has seen unruly patrons in the parking lot during the weekends. This is what concerns me, if there was a fatality what else is transpiring.

Joe Swidan stated on Friday and Saturday night there is three certified security officers from 7 p.m. – 2 a.m. This incident happened on Valentine's Day, we have footage of only 14 customers at the restaurant. This happened out of the blue, it occurred in the afternoon. It was really terrible incident, but since that day we have added more security over the weekend.

Commissioner Gamboa stated he has gone to businesses in that location and had to maneuver around groups of people in the parking lot that are chatting and not moving. If there is going to be an outdoor patio, what controls can you have if you are already having issues outside.

Darren McBay stated this is why we need the outdoor patio, because people go and smoke in front of the restaurant. If they are permitted to smoke out in the outdoor dining area and we have a sequestered area for them, it makes our job easier to regulate the area. We have better control of the situation.

Commissioner Gamboa stated he was referring to the parking lot.

Darren McBay stated many times people will go out to go smoke in the parking lot, and we cannot deny that, but if people want to smoke and we can keep them in the fenced off area this will make it more of a secure safe environment.

Joe Swidan stated they also hired an outside security company that will patrol the area. There is high traffic during the night, but during the day it is completely different so that's why we hired a security company for the evening. There is a lot of traffic that goes through the shopping center, and we are trying to control the best we can. We took a lot of precautions to make sure everyone is safe.

Commissioner Hall stated he has been to the Carino Plaza on several occasions. There are people in the parking lot roaming around, drunk, going up to people in the car wash, parking in the dirt lot across the street, verbal arguments, and fights. What will you do to control that situation?

Joe Swidan replied they have hired security. We do not have any incidents according to the police reports, we don't have these issues. We have 24 security cameras installed. There is a security manager that is in the office that watches the video cameras.

Commissioner Hall stated he has seen unruly people out in the parking lot and the mere fact that there are not police reports on file doesn't necessarily mean that things are not happening.

Joe Swidan stated they have been taking precautions that they have not had any issues.

Dan McBay stated if we are already approved for food, we are going to have the people out there anyways. The answer that we are looking for is the security element, we have taken that seriously.

Chair Hamerly stated the main entrance and the path of egress runs straight through the courtyard. The dimensions indicate there is 73 inches approximately from center line to center line of two tables, but given the density that is out there that would not permit a 48 inch clear path of travel through the primary entrance.

Joe Swidan stated they met all the condition. There is a gate to exit the building and there are two existing doors. There is plenty of pathway for handicap access, fire exit, and push bars on the doors.

Chair Hamerly asked if the primary entrance was the double doors.

Joe Swidan replied the primary entrance is the center; it is the first door on the right. The other two doors on the left are exits. Everyone comes through the main entrance and there is an exit on the patio.

Chair Hamerly stated concerns about if there is a big event where there needs to have egress, is there something marked off so there won't be obstructions within a required path of egress since it would be a safety issue.

Joe Swidan stated the tables are four feet apart from the door. The tables are completely out of the way of the exit and entrance of the property. On the patio the tables are not in the way of customers exiting the premises.

Dan McBay asked if it is better to delineate something on the ground, for instance where the door swings out.

Chair Hamerly replied that's exactly what he had in mind. The dining area outside is highly mobile as it should be, but there needs to be some way of delineating the area that has to remain open. There needs to be something that anyone could understand for it to remain clear. In the afternoon the courtyard could get hot, you had mentioned umbrellas or some sort of shading vegetation over the tables.

Joe Swidan stated they are thinking of adding umbrellas and misters to keep it cool.

Chair Hamerly stated concerns with the accessibility. The only trouble is your calculation is the face of that curb which also functions as a wheel stop in the parking lot. If someone pulls up and rest their wheels on that curb you are potentially losing 20-24 inches of that clear path of travel which will reduce it down to possibly by 36 inches. Is there any plan on putting additional concrete wheel stops?

Darren McBay stated they could put a wheel stop in front of the gate so they have enough egress.

Community Development Director Mainez stated there are a couple of conditions to add to the application.

Associate Planner Quintanilla stated staff has prepared a condition for the path of travel for the outdoor dining area and the wheel stops. The applicant shall submit a plan delineating a handicap path of travel which will be reviewed and approved by the Fire Marshal and Building Official. The plans shall include a placement of wheel stop along the path of travel.

Chair Hamerly stated it would be a parking space adjacent to the path of travel.

A MOTION was made by Commissioner Zaman, and seconded by Chair Hamerly to:

Adopt Resolution 2020 -____, approving the expansion of Type 47 (On-Sale General – Eating Place) ABC license for the establishment of an approximately 420 square-foot outdoor dining area for an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza.

Motion failed, on a roll call vote, 2-2, with Commissioner Haller absent.

Community Development Director Mainez stated the motion failed since there was not an action taken on item No. 2. My recommendation is staff will add another condition that requires the applicant be reviewed by the Planning Commission in six months. That way the Planning Commission is able to evaluate some of the comments and whether the applicant is aggressively addressing the comments that were made tonight. I would suggest we add in concept condition No. 18, that the Conditional Use Permit (CUP) amendment be evaluated in six months of that date from tonight.

Chair Hamerly asked given the two no votes would the additional condition No. 18 move the vote one way or the other.

Community Development Director Mainez asked if there is any interest to promote another motion that would include condition No. 18. With a 2-2 split there is no action. Is there any questions the staff could answer or the applicant can do for this application to move forward.

Chair Hamerly stated we could continue this application to the next meeting scheduled on July 21, 2020 when we have all five Commissioners present or we let this stand as a no action which becomes an appeal for City Council.

Community Development Director Mainez replied a 2-2 vote cannot be appealed. I suggest the Commissioners to dialogue and persuade at least one Commissioner or both to either deny the project or approve the project. We cannot move forward until we finish the debate tonight.

Chair Hamerly stated in the interest of expediting the process I would be willing to change my vote to a no and that would allow the appeal to proceed without having to wait for a minimum of two weeks for the continuation.

Community Development Director Mainez suggested reintroducing the motion.

A MOTION was made by Commissioner Zaman to:

Adopt Resolution 2020 -____, approving the expansion of Type 47 (On-Sale General – Eating Place) ABC license for the establishment of an approximately 420 square-foot outdoor dining area for an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza.

Motion failed, on a roll call vote, 1-3, with Commissioner Haller absent.

Chair Hamerly stated the motion failed and now be appealed to the City Council.

Community Development Director Mainez stated the application was a request to expand the ABC license to allow outside use of alcohol. There was a motion to approve the application tonight, which was denied. For the record each one of the denials voting no on the application could state in the record their finding to support a denial. Staff will come back and we will rewrite the resolution with findings of fact to support the denial.

Commissioner Gamboa stated the reason for denial is the lack of the control of unruly patrons in the parking lot. The allowance of outdoor alcohol consumption would be detrimental to the well-being of the Carino Plaza and area.

Commissioner Hall concurred with Commissioner Gamboa's statement.

Chair Hamerly stated the reason for denial was there would be any resolution or any conditions that could be placed on this CUP application that would allow breaking this tie in the affirmative. In difference to the applicant needing resolution in order to appeal I change my vote to deny so there is an action taken during this meeting.

Receiving no response, the public hearing was closed.

A MOTION was made by Commissioner Gamboa, and seconded by Commissioner Hall to direct staff to prepare a resolution for denial of the project and brought back at the next regularly scheduled meeting.

Motion carried, on a roll call vote, 4-0, with Commissioner Haller absent.

Chair Hamerly stated to direct staff to bring a denial resolution to the next meeting scheduled July 21, 2020. For clarification the first two motions were for approval and the third motion was to direct staff to rewrite the resolution.

ANNOUNCEMENTS

None

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:28 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: July 21, 2020

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director *KS*

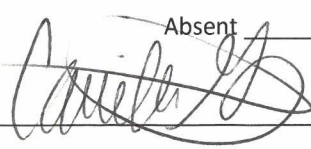
PREPARED BY: Salvador Quintanilla, Associate Planner *SNQ*

SUBJECT: Conditional Use Permit (CUP) No. 20-004 requesting an amendment of an existing State of California Department of Alcohol Beverage Control (ABC) Type 47 (On-Sale General - Eating Place) license to permit the sale and on-site consumption of all types of alcoholic beverages within an approximate 420 square-foot outdoor dining area for an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza.

LOCATION: 7955 Webster Street, Unit No. 1

RECOMMENDATION: The Planning Commission adopt Resolution 2020 - _____, denying Conditional Use Permit (CUP) No. 20-004 to amend a Type 47 ABC license to permit the sale and on-site consumption of all types of alcoholic beverages within the 420 square-foot outdoor dining area at an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza, subject to the Findings of Fact.

PREVIOUS ACTION: On July 7, 2020, the Planning Commission held a public hearing for this item. There was much deliberation regarding the safety of the patrons within the parking lot, the negative impact it was causing to the center, and loitering within the parking lot. The Planning Commission made a motion to deny the Application with a 4-0 vote (Attachment No. 2 – Draft Minutes). The Planning Commission directed staff to return on July 21, 2020, with a Resolution to deny the Application.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>2</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

Attachments:

1. Project Resolution No. 20-____
2. Draft Planning Commission Minutes of 7/7/2020
3. July 7, 2020 Planning Commission Agenda Package

Attachment No. 1

Project Resolution No. 20-____

RESOLUTION NO. 20-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP) NO. 20-004 FOR THE EXPANSION OF AN EXISTING STATE OF CALIFORNIA DEPARTMENT OF ALCOHOL BEVERAGE CONTROL (ABC) TYPE 47 (ON-SALE GENERAL - EATING PLACE) LICENSE TO PERMIT THE SALE AND ON-SITE CONSUMPTION OF ALL TYPES OF ALCOHOLIC BEVERAGES WITHIN AN APPROXIMATE 420 SQUARE-FOOT OUTDOOR DINING AREA FOR AN EXISTING RESTAURANT (JJ'S SPORTS BAR & GRILL), LOCATED AT 7955 WEBSTER STREET, SUITE NO. 1. (APN: 1201-361-23)

A. RECITALS

1. On May 14, 2020, the Applicant, Joe Swidan, applied for a Conditional Use Permit (CUP No. 20-004) to expand the existing Alcohol Beverage Control Type 47 (On-Sale General – Eating Place) License to permit the sale and on-site consumption of all types of alcoholic beverages within an approximate 420 square-foot outdoor dining area for the existing restaurant, located at 7955 Webster Street, Suite No. 1, Highland, CA, known as JJ's Sports Bar & Grill.
2. On July 7, 2020, the Planning Commission of the City of Highland held a public hearing and directed Staff to bring back a Resolution for denial on July 21, 2020.
3. All legal prerequisites to the adoption of this resolution have occurred.
4. Pursuant to California Environmental Quality Act (CEQA), the Project is Categorically Exempt per the CEQA Guidelines, Section 15301, Class No. 1 (Existing Facilities). There is no further environmental review required.

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Highland as follows:

- Section 1. The Planning Commission finds that all of the facts set forth in the Recitals, Part "A" of this Resolution, are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the July 21, 2020, Public Hearing, including public testimony and written and oral staff reports, the Planning Commission finds as follows:

- a. All necessary Public Hearings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.

Section 3. Findings of Fact (Conditional Use Permit)

- a. Highland Municipal Code (HMC) Section 16.08.050.E.1, the proposed use is permitted within the subject district pursuant to the provisions of this section, and complies with all of the applicable provisions of this title; and is consistent with the goals, policies, and objectives of the Highland General Plan, and the applicable development policies and standards of the city.

Response: A full service restaurant with a Type 47 ABC license is permitted in the General Commercial (CG) zone and has been authorized by the Planning Commission in Resolution Nos. 11-008, 17-005, and 17-013. The current application, Conditional Use Permit No. 20-004 is requesting to expand the existing Type 47 (On-Sale General – Eating Place) ABC license to permit the sale and on-site consumption of all types of alcoholic beverages within the 420 square-foot outdoor dining area. The expansion of the Type 47 alcohol license will slightly increase the number of patrons that could be intoxicated which will be detrimental to the family oriented center and the nearby residential community. Additionally, the increase of the intoxicated patrons will not provide a welcome and secure location for families.

- b. HMC Section 16.08.050.E.2, the proposed use would not impair the integrity and character of the district in which it is to be established or located.

Response: As noted above, the existing use as a restaurant with alcoholic beverage sales is a permitted use within the General Commercial (CG) zoning district. The expansion to the liquor license to permit the sale and on-site consumption of all types of alcoholic beverages within the 420 square-foot outdoor dining area will have a negative impact with the surrounding uses in the commercial center. As mention above, the expansion of the liquor license will increase the number of intoxicated patrons that could be loitering in the parking lot and creating excess noise which will impact the nearby residential development. This type of activity is

detrimental to the family oriented center and the nearby residential community. The increase of intoxicated patrons could potentially decrease the safety of the families that are dining at the restaurant.

- c. HMC Section 16.08.050.E.3, the site is suitable for the type and intensity of use or development which is proposed.

Response: The 1.9 acre site has an existing commercial shopping center (Carino Plaza) with suitable commercial and complimentary uses. The subject application has been reviewed in compliance with the Highland Municipal Code and appropriate development standards have been met. The site was previously approved with this type of use considered and is fully improved with the appropriate circulation, parking, landscaping, signage and architectural amenities. However, the proposed expansion of the license to permit the 420 square-foot outdoor dining area could increase number of patrons negatively affecting parking and circulation.

- d. HMC Section 16.08.050.E.4, there are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety.

Response: The project site is currently served by water, sewer, public utilities, and by the City of Highland Fire and Police Departments. There are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety as the restaurant will continue to operate in the same manner as it previously operated. The increase number of patrons as a result of the license expansion could potential increase the number of calls for service by the Police and Fire Department.

- e. HMC Section 16.08.050.E.5, the proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity.

Response: The expansion of serving alcohol within the 420 square-foot outdoor dining area of an existing restaurant with a Type 47 ABC license could potential be detrimental to the public health, safety, or welfare, or materially injurious to properties. The increase number of intoxicated patrons could negatively impact the character of the family oriented center and the surrounding neighborhood. The expansion of the Type 47 ABC license to the outdoor dining area could be problematic for any current tenants in

- f. HMC Section 16.08.050.E.6, the proposed use would not result in a significant effect on the environment.

Response: The project is exempt under CEQA per CCR Section 15061(4) because the application will be rejected on disapproved by the City.

Section 4. Based on the findings of fact and conclusions set forth above, the Planning Commission denies CUP No. 20-004 to expand the Type 47 (On-Sale General – Eating Place) ABC License to permit the sale and on-site consumption of all types of alcoholic beverages within the 420 square-foot outdoor dining area, located at 7955 Webster Street, Unit No. 1 (APN: 1201-361-23).

C. ADOPTION OF RESOLUTION.

The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this 21st day of July, 2020.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director

Attachment No. 2

Draft Planning Commission Minutes of 7/7/2020

**MINUTES
PLANNING COMMISSION REGULAR MEETING
July 7, 2020**

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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 through video conference.

Present:	Chair	Randall Hamerly
	Vice Chair	John Gamboa
	Commissioner	Michael Hall
	Commissioner	Tamara Zaman

Absent:	Commissioner	Rich Haller
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Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Salvador Quintanilla, Associate Planner
Camille Goritz, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

CONSENT CALENDAR

1. Minutes from the June 16, 2020 Regular Meeting.

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PUBLIC HEARING

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Administrative Assistant Goritz read the public comment received from Caroline Welker.

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Chair Hamerly stated concerns about the trash enclosure expansion towards the north and east towards Boulder. That is a primary arterial and landscaping would be essential.

Associate Planner Quintanilla stated staff will work with the applicant to make sure to keep the aesthetic design along Boulder.

Chair Hamerly asked how the 420 additional square foot of occupied space has been factored in the site plan for parking.

Associate Planner Quintanilla stated it has been reviewed in the staff review permit and it meets the requirements.

Chair Hamerly asked how many spots were required for the total occupant load from the occupants that were on site and how many spaces are available on site.

Associate Planner Quintanilla stated the numbers for parking were reviewed under the staff review permit. It was reviewed by the Community Development Director and Assistant Community Development Director. It was previously approved and the requirements were met. The parking spaces are all on site.

Commissioner Gamboa stated in regard to the parking, if the amount of spacing outside increases, doesn't that increase the amount of people that would be served in the patio.

Associate Planner Quintanilla stated by adding the additional square footage of the outdoor dining staff calculated the additional square footage in the parking ratio.

Therefore, it was taken in consideration with the staff review permit and it was approved by the Fire Marshal and the Building and Safety department.

Commissioner Gamboa stated during the weekend people park illegally in the parking area.

Associate Planner Quintanilla stated originally before the outdoor expansion 20 parking spaces were required for the restaurant. Now with the outdoor expansion built the requirement is 25 parking spaces for JJ's restaurant.

Commissioner Hall stated concerns with parking during peak hours. People are parking in the dirt and the car wash area. It doesn't seem to me that there is enough parking for the outdoor area expansion.

Joe Swidan, Applicant stated there are parking spaces available in the parking lot for customers unless there is a special event scheduled.

Chair Hamerly asked approximately how many customers attend a special event.

Joe Swidan replied about 80 customers.

Commissioner Gamboa stated there has been one fatality at the location.

Darren McBay, Representative to the Applicant stated it occurred in the parking lot at the restaurant. It was a love triangle and they accumulated a bar tab of about \$38 so in our opinion no one was drunk. The incident lasted seconds and the couple was only there for an hour before the incident erupted in the parking lot.

Commissioner Gamboa stated he has seen unruly patrons in the parking lot during the weekends. This is what concerns me, if there was a fatality what else is transpiring.

Joe Swidan stated on Friday and Saturday night there is three certified security officers from 7 p.m. – 2 a.m. This incident happened on Valentine's Day, we have footage of only 14 customers at the restaurant. This happened out of the blue, it occurred in the afternoon. It was really terrible incident, but since that day we have added more security over the weekend.

Commissioner Gamboa stated he has gone to businesses in that location and had to maneuver around groups of people in the parking lot that are chatting and not moving. If there is going to be an outdoor patio, what controls can you have if you are already having issues outside.

Darren McBay stated this is why we need the outdoor patio, because people go and smoke in front of the restaurant. If they are permitted to smoke out in the outdoor dining area and we have a sequestered area for them, it makes our job easier to regulate the area. We have better control of the situation.

Commissioner Gamboa stated he was referring to the parking lot.

Darren McBay stated many times people will go out to go smoke in the parking lot, and we cannot deny that, but if people want to smoke and we can keep them in the fenced off area this will make it more of a secure safe environment.

Joe Swidan stated they also hired an outside security company that will patrol the area. There is high traffic during the night, but during the day it is completely different so that's why we hired a security company for the evening. There is a lot of traffic that goes through the shopping center, and we are trying to control the best we can. We took a lot of precautions to make sure everyone is safe.

Commissioner Hall stated he has been to the Carino Plaza on several occasions. There are people in the parking lot roaming around, drunk, going up to people in the car wash, parking in the dirt lot across the street, verbal arguments, and fights. What will you do to control that situation?

Joe Swidan replied they have hired security. We do not have any incidents according to the police reports, we don't have these issues. We have 24 security cameras installed. There is a security manager that is in the office that watches the video cameras.

Commissioner Hall stated he has seen unruly people out in the parking lot and the mere fact that there are not police reports on file doesn't necessarily mean that things are not happening.

Joe Swidan stated they have been taking precautions that they have not had any issues.

Dan McBay stated if we are already approved for food, we are going to have the people out there anyways. The answer that we are looking for is the security element, we have taken that seriously.

Chair Hamerly stated the main entrance and the path of egress runs straight through the courtyard. The dimensions indicate there is 73 inches approximately from center line to center line of two tables, but given the density that is out there that would not permit a 48 inch clear path of travel through the primary entrance.

Joe Swidan stated they met all the condition. There is a gate to exit the building and there are two existing doors. There is plenty of pathway for handicap access, fire exit, and push bars on the doors.

Chair Hamerly asked if the primary entrance was the double doors.

Joe Swidan replied the primary entrance is the center; it is the first door on the right. The other two doors on the left are exits. Everyone comes through the main entrance and there is an exit on the patio.

Chair Hamerly stated concerns about if there is a big event where there needs to have egress, is there something marked off so there won't be obstructions within a required path of egress since it would be a safety issue.

Joe Swidan stated the tables are four feet apart from the door. The tables are completely out of the way of the exit and entrance of the property. On the patio the tables are not in the way of customers exiting the premises.

Dan McBay asked if it is better to delineate something on the ground, for instance where the door swings out.

Chair Hamerly replied that's exactly what he had in mind. The dining area outside is highly mobile as it should be, but there needs to be some way of delineating the area that has to remain open. There needs to be something that anyone could understand for it to remain clear. In the afternoon the courtyard could get hot, you had mentioned umbrellas or some sort of shading vegetation over the tables.

Joe Swidan stated they are thinking of adding umbrellas and misters to keep it cool.

Chair Hamerly stated concerns with the accessibility. The only trouble is your calculation is the face of that curb which also functions as a wheel stop in the parking lot. If someone pulls up and rest their wheels on that curb you are potentially losing 20-24 inches of that clear path of travel which will reduce it down to possibly by 36 inches. Is there any plan on putting additional concrete wheel stops?

Darren McBay stated they could put a wheel stop in front of the gate so they have enough egress.

Community Development Director Mainez stated there are a couple of conditions to add to the application.

Associate Planner Quintanilla stated staff has prepared a condition for the path of travel for the outdoor dining area and the wheel stops. The applicant shall submit a plan delineating a handicap path of travel which will be reviewed and approved by the Fire Marshal and Building Official. The plans shall include a placement of wheel stop along the path of travel.

Chair Hamerly stated it would be a parking space adjacent to the path of travel.

A MOTION was made by Commissioner Zaman, and seconded by Chair Hamerly to:

Adopt Resolution 2020 - ____, approving the expansion of Type 47 (On-Sale General – Eating Place) ABC license for the establishment of an approximately 420 square-foot outdoor dining area for an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza.

Motion failed, on a roll call vote, 2-2, with Commissioner Haller absent.

Community Development Director Mainez stated the motion failed since there was not an action taken on item No. 2. My recommendation is staff will add another condition that requires the applicant be reviewed by the Planning Commission in six months. That way the Planning Commission is able to evaluate some of the comments and whether the applicant is aggressively addressing the comments that were made tonight. I would suggest we add in concept condition No. 18, that the Conditional Use Permit (CUP) amendment be evaluated in six months of that date from tonight.

Chair Hamerly asked given the two no votes would the additional condition No. 18 move the vote one way or the other.

Community Development Director Mainez asked if there is any interest to promote another motion that would include condition No. 18. With a 2-2 split there is no action. Is there any questions the staff could answer or the applicant can do for this application to move forward.

Chair Hamerly stated we could continue this application to the next meeting scheduled on July 21, 2020 when we have all five Commissioners present or we let this stand as a no action which becomes an appeal for City Council.

Community Development Director Mainez replied a 2-2 vote cannot be appealed. I suggest the Commissioners to dialogue and persuade at least one Commissioner or both to either deny the project or approve the project. We cannot move forward until we finish the debate tonight.

Chair Hamerly stated in the interest of expediting the process I would be willing to change my vote to a no and that would allow the appeal to proceed without having to wait for a minimum of two weeks for the continuation.

Community Development Director Mainez suggested reintroducing the motion.

A MOTION was made by Commissioner Zaman to:

Adopt Resolution 2020 - ____, approving the expansion of Type 47 (On-Sale General – Eating Place) ABC license for the establishment of an approximately 420 square-foot outdoor dining area for an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza.

Motion failed, on a roll call vote, 1-3, with Commissioner Haller absent.

Chair Hamerly stated the motion failed and now be appealed to the City Council.

Community Development Director Mainez stated the application was a request to expand the ABC license to allow outside use of alcohol. There was a motion to approve the application tonight, which was denied. For the record each one of the denials voting no on the application could state in the record their finding to support a denial. Staff will come back and we will rewrite the resolution with findings of fact to support the denial.

Commissioner Gamboa stated the reason for denial is the lack of the control of unruly patrons in the parking lot. The allowance of outdoor alcohol consumption would be detrimental to the well-being of the Carino Plaza and area.

Commissioner Hall concurred with Commissioner Gamboa's statement.

Chair Hamerly stated the reason for denial was there would be any resolution or any conditions that could be placed on this CUP application that would allow breaking this tie in the affirmative. In difference to the applicant needing resolution in order to appeal I change my vote to deny so there is an action taken during this meeting.

Receiving no response, the public hearing was closed.

A MOTION was made by Commissioner Gamboa, and seconded by Commissioner Hall to direct staff to prepare a resolution for denial of the project and brought back at the next regularly scheduled meeting.

Motion carried, on a roll call vote, 4-0, with Commissioner Haller absent.

Chair Hamerly stated to direct staff to bring a denial resolution to the next meeting scheduled July 21, 2020. For clarification the first two motions were for approval and the third motion was to direct staff to rewrite the resolution.

ANNOUNCEMENTS

None

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:28 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission

Attachment No. 3

July 7, 2020 Planning Commission Agenda Package



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: July 7, 2020

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director *KS*

PREPARED BY: Salvador Quintanilla, Associate Planner *SNQ*

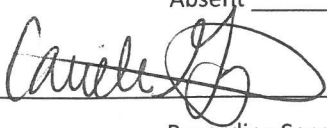
SUBJECT: Conditional Use Permit (CUP) No. 20-004 requesting for an expansion of an existing State of California Department of Alcohol Beverage Control (ABC) Type 47 (On-Sale General - Eating Place) license for an approximate 420 square-foot outdoor dining area for an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza.

LOCATION: 7955 Webster Street, Unit No. 1

RECOMMENDATION: Staff recommends the Planning Commission adopt Resolution 2020 - _____, approving the expansion of Type 47 (On-Sale General - Eating Place) ABC license for the establishment of an approximately 420 square-foot outdoor dining area for an existing restaurant (JJ's Sports Bar and Grill) in the Carino Plaza.

PUBLIC NOTICE: A Public Hearing Notice was published in the Highland Community News on June 26, 2020. The Notice was posted on the City's website and at the three (3) designated public posting locations per City Council Resolution. The Notice was mailed to interested agencies and property owners within 300 feet of the site.

ENVIRONMENTAL REVIEW / BACKGROUND: Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt per Section 15301, Class No. 1 (Existing Facilities) as the project involves the expansion of the ABC

Approved _____	Motion _____	Second _____	Agenda Item No. <u>2</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

license by another public agency and exterior expansions.

DESCRIPTION OF THE SITE: JJ's Sports Bar and Grill is located within an existing commercial shopping center (Carino Plaza) on the north side of Greenspot Road between Webster Street and Boulder Avenue. The center includes a multi-tenant building, gas station and self-service car wash. JJ's is at the north end of the multi-tenant building, occupying two (2) suites.

PREVIOUS ACTION:

On November 25, 2011, the Planning Commission approved Conditional Use Permit No. 11-008, which established a restaurant with Type 41 ABC license for Moo and Brew. This CUP approval runs with the land, and in 2017, JJ's Sports Bar and Grill, was allowed to continue to operate a restaurant with a Type 41 ABC License for beer and wine consumption.

On June 6, 2017, the Planning Commission heard and approved Conditional Use Permit No. 17-005 to extend the operational hours for JJ's Sports Bar & Grill by adopting Resolution No. 17-006.

On November 7, 2017, the Planning Commission adopted Resolution No. 17-025 approving Conditional Use Permit No. 17-013 to upgrade the existing ABC Type 41 (On-Sale Beer and Wine) license to a Type 47 (On-Sale General (all alcoholic sprits)) license for an eating place, JJ's Sports Bar and Grill. ABC issued the final approval and license.

On May 26, 2020, staff approved a Staff Review Permit (SRP No. 20-004), for the expansion of an approximate 420 square-foot outdoor dining area for the existing restaurant (JJ's Sports Bar and Grill). The outdoor dining area has been delineated by the installation of a four-foot high wrought iron fence along the west side of the restaurant. The outdoor dining area can be accessed from the inside of the restaurant and through the outside by a three-foot wide (3) gate. The development of the dining area is in compliance with the ADA guidelines and the Building Code.

BACKGROUND:

The Applicant/Owner of JJ's Sports Bar & Grill opened for business approximately two (2) years ago and has made a large financial investment in this establishment with the "aim (is) to provide a fun, safe, welcoming, hospitable, family oriented environment in our surrounding area." This establishment employs approximately 11 people (before the COVID-19 epidemic closed down the restaurant) and now he has 6 people. The owner has committed to a 10-year lease to show his commitment to this venture. The Applicant has operated other successful business and his San Bernardino restaurant provides the same level of services.

PROJECT REVIEW:

The Applicant, who owns JJ's Sports Bar & Grill, currently holds a Type 47 On-Sale General Alcohol Beverage license, to sell beer, wine, and distilled spirits. JJ's Sports Bar & Grill is a full service restaurant offering access to broadcast sporting events.

In April 2020, the owner added an outdoor dining area and wishes to expand the alcohol beverage service to the patio. Expanding a liquor license requires an amendment to the existing CUP. Under previous CUPs, for more than a decade, businesses have come and gone at this location, which has held an ABC license. The zoning for this site is General Commercial (CG) which permits alcohol sales with the approval of a CUP.

	Existing Use	General Designation	Plan	Zoning Designation
Site	Commercial Shopping Center (Carino Plaza)	General Commercial		General Commercial (CG)
North	Rear of Beattle Middle School	Public/Quasi-Public		Public/Quasi-Public (P/Q)
South	Electrical relay station/Future 7-Eleven Gas Station	Planned Development		Planned Development (PD)
East	Single family condos (Glenrose Ranch)	Planned Development		Planned Development (PD)
West	Commercial shop/vacant land	Planned Development		Planned Development (PD)
		Planned Development		Planned Development (PD)

ANALYSIS: ABC will not issue the approval of the expansion to serve alcohol in the outdoor dining area without the applicant obtaining approval of a CUP amendment. Based on this requirement, the applicant submitted an amendment to the existing CUP to serve alcohol in the outdoor dining area. Based on the requirements from the County of San Bernardino Health Department, the applicant has been serving food with non-alcohol beverages in the outdoor dining area. If this CUP is approved, the applicant will be able to service alcohol in the outdoor dining area.

The project site is located within the boundary of Census Tract 76.04, which ABC authorizes a maximum of (3) "on sale" license for this geographic area. As of 2020, the number of businesses with "on sale" licenses is seven (7). The existing licenses are:

Business Name	Address	License Type	License Description
Thai Spoon	7750 Palm Ave, Ste H	Type 41	On-Sale Beer & Wine

The Green Frog	7750 Palm Ave, Ste K&L	Type 48	On-Sale General
I Love Sushi	7750 Palm Ave, Ste S	Type 41	On-Sale Beer & Wine
Candy's	26998 3 rd Street	Type 41	On-Sale Beer & Wine
Dicky's Barbeque Pit	27949 Greenspot Rd, Ste D	Type 41	On-Sale Beer & Wine
Wingstop	27993 Greenspot Rd, Ste 4	Type 41	On-Sale Beer & Wine
JJ's Sports Bar & Grill	7955 Webster Street, Unit 1	Type 47	On-Sale General

Since this is an expansion of an existing license, the Planning Commission does not need to make a finding for public convenience or necessity. The approval of this license will not increase total number of licenses in the census tract.

The owner of the outdoor dining area will continue to follow the guidelines from ABC. Furthermore, underage drinking, passing alcohol beverages to patrons outside of the fenced area, and outdoor music or entertainment will be strictly prohibited. These activities will be monitored by the employees and owner of the restaurant. Additionally, patrons using the outdoor dining area will need to follow the noise regulations as established by Chapter 8.50 (Noise Control) and the General Plan.

The Sherriff's Department provided a crime report for District (District HI019) where the business is located. Based on this district the total crimes within the time frame of January 2019 through May 2020 are 1,827. However, the Sherriff's Department identified only nine (9) calls for service (listed below) for this business. The calls for service where during the same timeframe listed above. The following are the calls for service that were reported:

- One (1) - Stabbing (death);
- Two (2) – 911 follow ups;
- One (1) – Assault;
- Two (2) - extra patrols for the bar;
- One (1) - Medical call; and
- Two (2) alarm calls.

Based on the calls for service, the Sherriff's Department did not provide any comments and were in support for the expansion of the ABC license to the outdoor dining area.

Additionally, the site is appropriate for the proposed use and has operated in a similar fashion for two (2) years, providing Highland area residents with a much-desired dine in restaurant. Staff supports the project. However, should the Applicant lose their State License or should there arise any significant issues, the Conditional Use Permit may be revoked by action of the Planning Commission.

Exhibits:

- A. Project Location Aerial Map
- B. Site Plan

C. Floor Plan

Attachments:

1. Project Resolution with Conditions of Approval
2. Police Data – Crime Report and Calls For Service
3. Photos of the Existing Outdoor Dining Area

Exhibit “A”

Project Location Aerial Map

7955 Webster Street



Exhibit “B”

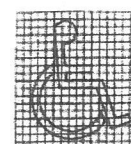
Site Plan

JOHN LAP! DESIGNS
40955 CYPRESS POINT DR.
CHERRY VALLEY, CA 92223
909-827-9850

johnlapidesigns.com

SITE NOTES:

- 1) PATH OF TRAVEL IDENTIFICATION TO BUILDING ENTRANCE

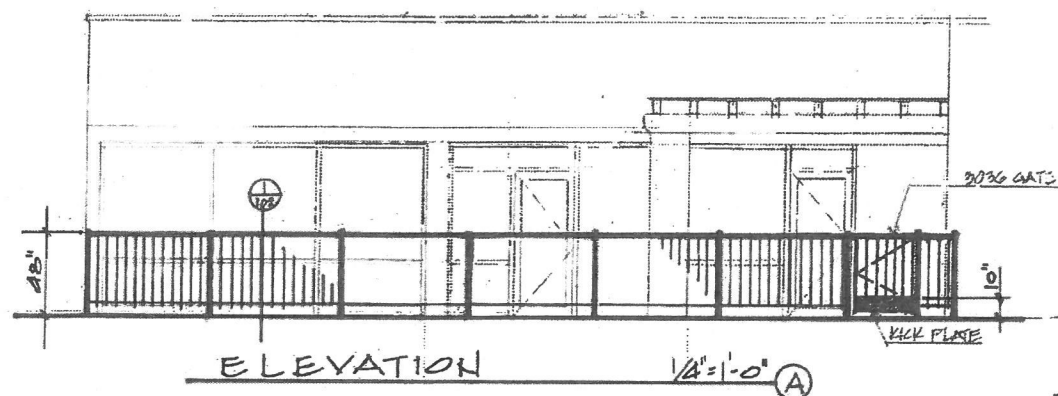


INTERNATIONAL SYMBOL
OF ACCESSIBILITY
(PROPORTIONS)

INTERNATIONAL ACCESSIBILITY SYMBOL
NOT TO SCALE

SYMBOL LEGEND

- ADA ACCESSIBLE PATH OF TRAVEL
- PATH OF TRAVEL IDENTIFICATION FROM ADA PARKING TO RAMP
- PATH OF TRAVEL IDENTIFICATION FROM PEDESTRIAN WAY CROSSING VEHICULAR PATH



BOULDER (STATE HIGHWAY)

SCOPE OF WORK

NEW OUTDOOR PATIO

SHEET INDEX

G102 SITE PLAN
A102 FLOOR PLAN

Project:

JTS GRILL BAR & GRILL
1955 WEBSTER ST. UNIT 104
HIGHLAND, CA 92340

Client:

JTS GRILL
1955 WEBSTER ST. UNIT 104
SAN BERNARDINO, CA 92340

Contact:

SITE PLAN

RECEIVED
MAY 28 2020
CITY OF HIGHLAND

G102

BUILDING CODE ANALYSIS

ADOPTED CODES:
CALIFORNIA BUILDING CODE
CALIFORNIA ELECTRICAL CODE
CALIFORNIA MECHANICAL CODE
CALIFORNIA PLUMBING CODE
CALIFORNIA FIRE CODE

OCCUPANCY:
A2 - RESTAURANT

FLOOR AREA:
TOTAL LEASABLE SPACE = 5,886.44 SQ. FT.

BUILDING ENVELOPE:
CONSTRUCTION TYPE - VB
FIRE SPRINKLERED - YES
FLOOR ASSEMBLY - N/A
EXTERIOR WALLS - NON-RATED

FIRE NOTES:
1) SPRINKLER INSTALLATIONS AND/OR MODIFICATIONS TO THE FIRE SPRINKLER SYSTEM SHALL BE APPROVED BY THE FIRE AUTHORITY PRIOR TO THE INSTALLATION OR MODIFICATION TO THE SYSTEM, AND SHALL REQUIRE A SEPARATE PERMIT (PER CFC, SECTION 1001.5).
2) HOOD SUPPRESSION INSTALLATION AND/OR MODIFICATIONS TO THE FIRE SYSTEM SERVING A TYPE I HOOD REQUIRES A SEPARATE PLAN CHECK SUBMITTAL & SEPARATE PERMIT. PLANS SHALL BE DRAWN BY A C-36 CONTRACTOR OR MECH. ENGINEER. (NOTE: A UL 300 SUPPRESSION SYSTEM WILL BE REQUIRED).
3) SPRINKLER SYSTEM SHALL BE VERIFIED AS CODE COMPLIANT BY A C-15 CONTRACTOR AND

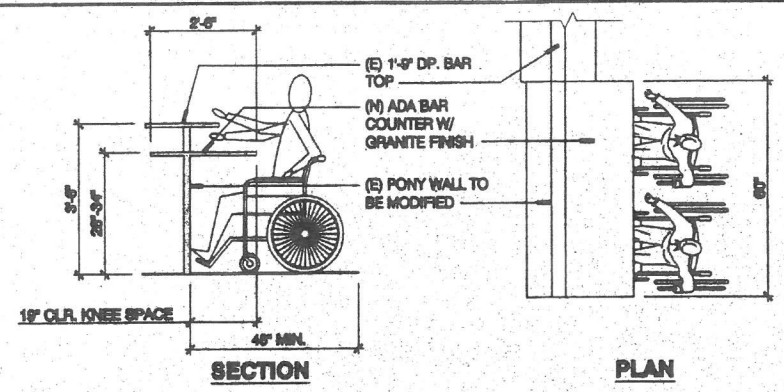
ROOM NAME	TOTAL AREA/ SEATING	LOAD FACTOR	TOTAL OCCUPANTS	NOTES
DINING AREA / PATIO	1,440 / 430	15	76 / 22	
BAR/SEATING	236 SF	15	22	
RESTROOMS			6	ANCILLARY AREA
DISHWASH	148 SF	800	1	
KITCHEN	196 SF	800	1	
BREAK RM/STORAGE	188 SF	800	1	
OFFICE	121.3 SF	100	1,200,000	
COOLER/FOOD PICKUP	188.5 SF	800	1	
TOTAL OCCUPANTS = 128,000,000				

1 SITE PLAN
SCALE: 1" = 20'-0"

Exhibit “C”

Floor Plan

JOHN LAP! DESIGNS
40955 CYPRESS POINT DR.
CHERRY VALLEY, CA 92223
909-827-9850
johnlap!outlook.com



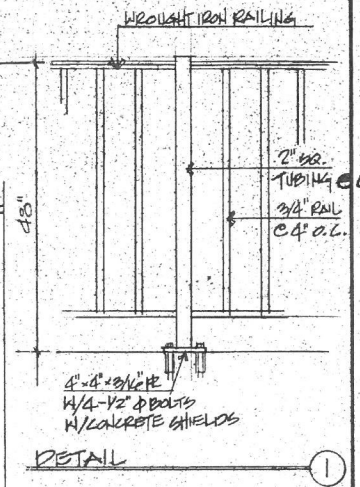
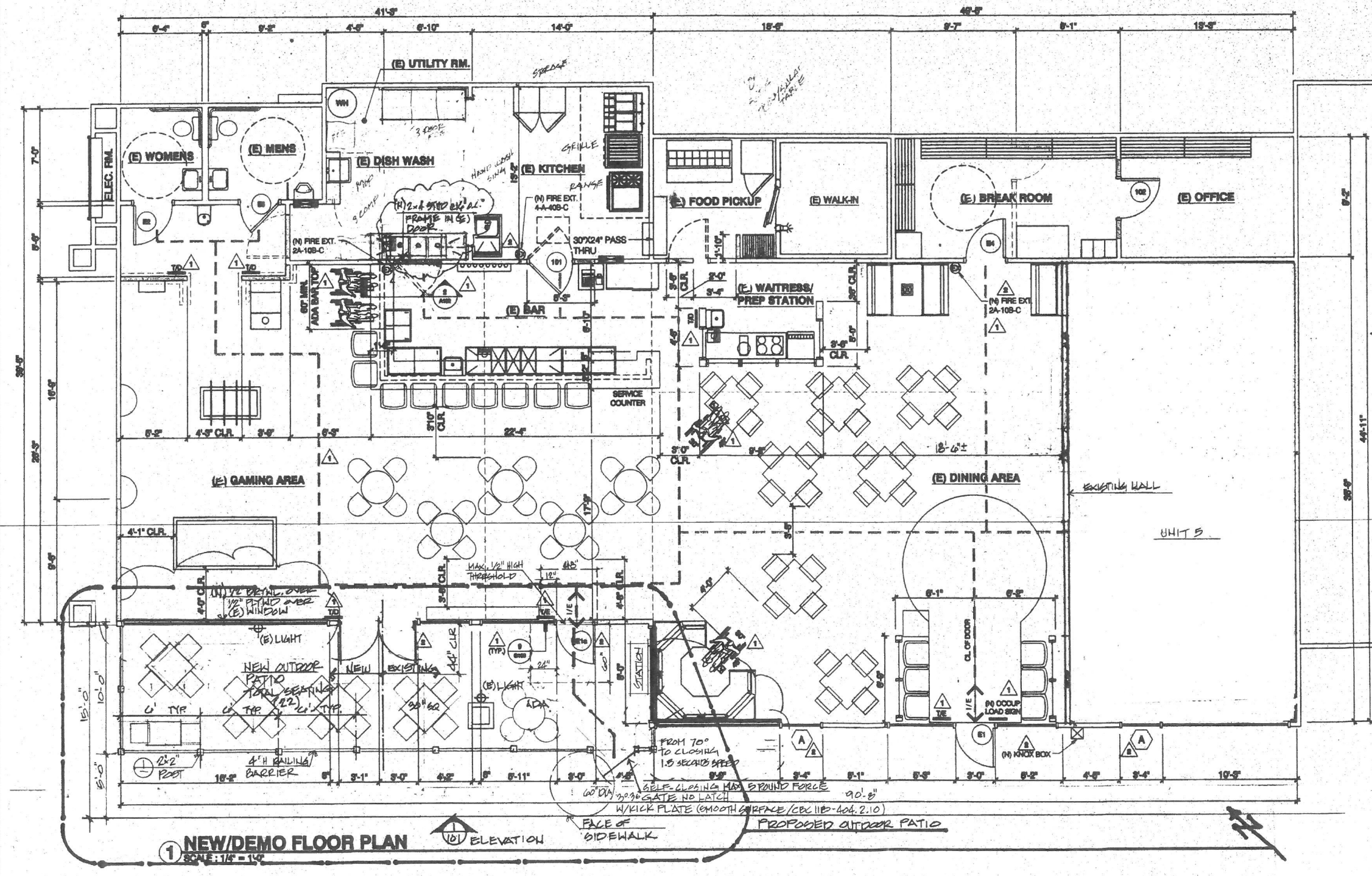
② ADA BAR COUNTER
SCALE: 1/2" = 1'-0"

HAZARDOUS MATERIALS

NOTE: THERE ARE NO HAZARDOUS MATERIALS BEING UTILIZED UNDER THE A-2 OCCUPANCY CLASSIFICATION FOR A RESTAURANT, IN EXCESS OF THE EXEMPT AMOUNTS LISTED IN THE CALIFORNIA FIRE CODE, TABLE 2703.1.1(1). ALL CLEANING SOLVENTS ARE PROVIDED BY EITHER "SINTAS" OR SIMILAR COMMERCIAL SUPPLIERS WHICH MEET CURRENT STATE REGULATIONS.

NOTE: EXISTING OCCUPANCY USE PRIOR TO THIS PERMIT WAS A-2, PROPOSED OCCUPANCY IS A-2. NO CHANGE IN OCCUPANCY HAS BEEN PROPOSED.

NOTE: NO CHANGE OR ADDITION TO HEATING AND AIR-CONDITIONING TO EXISTING UNITS



Project:
Project:
J's SPORTS BAR & GRILL
7955 WEBSTER ST. UNITS 1-4
HIGHLAND, CA 92340

Client:
JOE SWIDEN
909-919-4919
127 E. HIGHLAND
SAN BERNARDINO, CA 92404

NEW/DEMO FLOOR PLAN

SYMBOL LEGEND

- ADA ACCESSIBLE ROUTE OF TRAVEL
- TACTILE DIRECTIONAL SIGN
- TACTILE EXIT SIGN

WALL LEGEND

- (S) EX WALL FRAMING
- (R) EX WALL FRAMING REMOVED
- (N) EX STUDS @ 16\"/>
- (N) EX STUDS @ 16\"/>
- (N) EX STUDS @ 16\"/>

① NEW/DEMO FLOOR PLAN
SCALE: 1/4" = 1'-0"

A102

Attachment No. 1

Project Resolution with Conditions of Approval

RESOLUTION NO. 20-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) NO. 20-004 FOR THE EXPANSION OF AN EXISTING STATE OF CALIFORNIA DEPARTMENT OF ALCOHOL BEVERAGE CONTROL (ABC) TYPE 47 (ON-SALE GENERAL -EATING PLACE) LICENSE FOR AN APPROXIMATE 420 SQUARE-FOOT OUTDOOR DINING AREA FOR AN EXISTING RESTAURANT (JJ'S SPORTS BAR & GRILL), LOCATED AT 7955 WEBSTER STREET, SUITE NO. 1. (APN: 1201-361-23)

A. RECITALS

1. On May 14, 2020, the Applicant, Joe Swidan, applied for a Conditional Use Permit (CUP No. 20-004) to expand the existing Alcohol Beverage Control Type 47 (On-Sale General – Eating Place) License into an approximate 420 square-foot outdoor dining area for the restaurant, located at 7955 Webster Street, Suite No. 1, Highland, CA, known as JJ's Sports Bar & Grill.
2. All legal prerequisites to the adoption of this resolution have occurred.
3. Pursuant to California Environmental Quality Act (CEQA), the Project is Categorically Exempt per the CEQA Guidelines, Section 15301, Class No. 1 (Existing Facilities). There is no further environmental review required.

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Highland as follows:

- Section 1. The Planning Commission finds that all of the facts set forth in the Recitals, Part "A" of this Resolution, are true and correct.
- Section 2. Based upon substantial evidence presented to the Planning Commission during the July 7, 2020, Public Hearing, including public testimony and written and oral staff reports, the Planning Commission finds as follows:
- a. All necessary Public Hearings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.
- Section 3. Findings of Fact (Conditional Use Permit)

- a. Highland Municipal Code (HMC) Section 16.08.050.E.1, the proposed use is permitted within the subject district pursuant to the provisions of this section, and complies with all of the applicable provisions of this title; and is consistent with the goals, policies, and objectives of the Highland General Plan, and the applicable development policies and standards of the city.

Response: A full service restaurant with a Type 47 ABC license is permitted in the General Commercial zone and has been authorized by the Planning Commission in Resolution Nos. 11-008, 17-005, and 17-013. The current application, Conditional Use Permit No. 20-004 is requesting to expand the existing Type 47 (On-Sale General – Eating Place) ABC license to permit the sale and on-site consumption of all types of alcoholic beverages within the 420 square-foot outdoor dining area. The site will continue as a dine-in restaurant with alcoholic beverage sales, as a much-desired use in the zone and City. All development policies related to establishment of ABC service will be satisfied.

- b. HMC Section 16.08.050.E.2, the proposed use would not impair the integrity and character of the district in which it is to be established or located.

Response: As noted above, the existing use as a restaurant with alcoholic beverage sales is a permitted use within the General Commercial (GC) zoning district. The expansion to the liquor license into the 420 square-foot outdoor dining area will not be in conflict with the surrounding uses in the commercial center in which it is located. These include a self-service car wash, gas station with convenience market, restaurant, nail salon, and similar small retail businesses. The General Commercial district is meant to support and foster restaurant and retail uses such as that proposed. There have been a variety of similar restaurants operating at this location and the use would not impair the integrity and character of the district.

- c. HMC Section 16.08.050.E.3, the site is suitable for the type and intensity of use or development which is proposed.

Response: The 1.9 acre site has an existing commercial shopping center (Carino Plaza) with suitable commercial and complimentary uses. The site was previously approved with this type of use considered and is fully improved with the appropriate circulation, parking, landscaping, signage and architectural amenities. The

subject application has been reviewed in compliance with the Highland Municipal Code and appropriate development standards have been met.

- d. HMC Section 16.08.050.E.4, there are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety.

Response: The project site is currently served by water, sewer, public utilities, and by the City of Highland Fire and Police Departments. There are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety as the restaurant will continue to operate in the same manner as it previously operated.

- e. HMC Section 16.08.050.E.5, the proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity.

Response: The expansion of serving alcohol within the 420 square-foot outdoor dining area of an existing restaurant with a Type 47 ABC license is not anticipated to cause any damage or harm to the properties or improvements in the area. The use will not change. It will continue to blend with the existing commercial center, complementing the adjoining businesses and providing dining opportunities to the area's citizens. Should the expansion of the ABC license to the outdoor dining area be found to be problematic in the future, the CUP may be revoked upon action by the Planning Commission.

- f. HMC Section 16.08.050.E.6, the proposed use would not result in a significant effect on the environment.

Response: The use will be contained within an existing designated outdoor area. The expansion of the ABC license into the outdoor dining area will not result in a significant effect on the environment. It is Categorical Exempt per Section 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act (CEQA).

Section 4. Based on the findings of fact and conclusions set forth above, the Planning Commission approves CUP No. 20-004 to expand the Type 47 (On-Sale General – Eating Place) ABC License to the 420 square-foot outdoor dining area, located at 7955 Webster Street, Unit No. 1 (APN: 1201-361-23) by adopting the conditions of approval attached hereto and incorporated herein by reference as Exhibit “A-C”.

C. ADOPTION OF RESOLUTION.

The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this 7th day of July, 2020.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director

EXHIBIT "A"

CITY OF HIGHLAND PLANNING DIVISION CONDITIONS OF APPROVAL

Date: July 7, 2020
Applicant: Joe Swidan, Applicant
Project No: Conditional Use Permit (CUP) No. 20-004
Proposal: Expand the existing Alcohol Beverage Control Type 47 (On-Sale General – Eating Place) License to the 420 square-foot outdoor dining area.
Location: JJ's Sports Bar & Grill at 7955 Webster Street, Unit No. 1. Located on the north side of Greenspot Road between Webster Street and Boulder Avenue.

PLANNING CONDITIONS

These conditions of approval represent the Planning Divisions conditions of approval and are meant to be one part of overall conditions of approval that may include, Engineering, Public Works, Building and Safety, Fire Department, and other agency conditions of approval.

The conditions below are continuing conditions. Failure of the applicant and/or operator to comply with any or all said conditions at any time shall result in the revocation of this permit granted to use the subject property.

1. This Conditional Use Permit approval shall become null and void:
 - a. Unless all conditions have been complied with and the occupancy or use of the land or existing structures authorized by such conditional use permit approval has occurred within twelve (12) months from the approval date of said conditional use permit.
 - b. Where circumstances beyond the control of the applicant cause delays which do not permit compliance within the time limitation established in this section, the City Planner may grant an extension of time for a period of time not to exceed an additional twelve (12) months. An application for an extension of time must be set forth in writing, stating the reasons for the extension, and must be filed with the Planning Division a minimum of thirty (30) calendar days prior to the expiration of the conditional use permit approval. Such application shall be filed together with the city's processing fee, as established by the City Council.
2. This approval is to expand the Type 47 (On-Sale General – Eating Place) ABC License into the outdoor dining area for an existing restaurant (JJ's Sports Bar and Grill).

3. In addition to this conditions, the applicant shall meet the conditions of approval from CUP No. 11-008, CUP No. 17-005, CUP No. 17-013.
4. The sale of alcoholic beverages shall be limited to the following hours of operation as previously approved by CUP No. 17-005:

Sunday-Thursday	11:00 AM – 12:00 AM
Friday-Saturday	10:00 AM – 2:00 AM

5. The applicant and business owners of the property shall submit to the Planning Division written evidence of agreement with all conditions of this approval before the approval becomes effective.
6. Current and future property owners, business managers, operators, etc. shall be responsible for ensuring and complying with all conditions of approval contained herein.
7. The applicant shall agree to defend, at his sole expense, any action brought against the city, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the city, its agents, officers, or employers, for any court costs and attorney's fees which the city, its agents, officers or employees may be required by a court to pay as a result of such action. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of his obligations under this condition.
8. All requirements of the Department of Alcohol and Beverage Control (ABC) shall be complied with and such requirements shall become part of these conditions of approval by reference.
9. Any revisions, modifications to the ABC License, as prepared by the State of California Department of Alcoholic and Beverage Control or any modifications to any conditions listed herein, must be submitted to the Planning Division; additional review and approval may be required by the Planning Commission.
10. "Loitering is Prohibited" Signs shall be posted on and around the subject premises. Size and location shall be approved by the Property Owner and the City of Highland Planning Division.
11. Prior to issuance and approval of the expansion to the Type 47 License by State Department of Alcohol and Beverage Control (ABC), the Applicant shall comply with Section 16.40.480 Video Monitoring Systems, of the City of Highland Land Use and Development Code.

12. Should at any time, the ABC License issued to the applicant by the State of California be surrendered or abandoned, this Conditional Use Permit shall automatically become null and void.
13. The noise within the outdoor dining area shall not exceed the guidelines of Chapter 8.50 (Noise Control).
14. Live Entertainment shall be prohibited unless approved by the Planning Commission under separate Conditional Use Permit.

PUBLIC WORKS CONDITIONS

15. The applicant shall reconstruct the existing trash enclosure to meet the requirements (3 bins) of the State of California and the adopted City Standard for trash enclosure.

FIRE PREVENTION CONDITIONS

16. See Attached Conditions



City of Highland, **FIRE PREVENTION DIVISION**, Conditions of Approval.

DATE : June 23, 2020

Page 1 of 4

APPLICANT : Joe Swidan

ADDRESS : 7955 Webster Street

SITE LOCATION: JJ's Sports Bar and Grill

FILE / INDEX No.: CUP 20-004

A tiered level of mitigation options has been developed and listed below are the systems and/or modifications required for your project. Compliance of the following items are a condition of **FINAL OCCUPANCY APPROVAL**. These conditions are required as acceptable solutions to the adverse fire conditions impacting firefighting and emergency operations accompanying the site/area. They will either assist in detection and extinguishment of the fire and/or facilitate the anticipated emergency operations.

This project is protected by the City of Highland Fire Department / Cal-Fire / California Department of Forestry and Fire Protection. Prior to any construction occurring on any parcel, the applicant shall contact the city of highland fire marshal office for verification of current fire protection development requirements. All new construction shall comply with the currently adopted California Fire Code and all applicable statutes, appendices, codes, ordinances, standards and policies of the City of Highland Fire Department/ Fire Prevention Division / Cal-Fire / California Department of Forestry and Fire Protection.

Fire Department Review of all projects is required.

ALL CONSTRUCTION (New and renovations to existing) SHALL COMPLY WITH THE CALIFORNIA FIRE CODE Along with amendments as adopted within the Highland Municipal Code (Ord. #411).

Note: All weather access roads (CFC) and fire hydrant/water system installations shall be in place, inspected and approved, **PRIOR** to combustible material being brought on site.

GENERAL.

1. **HF40:** Where an automatic extinguishing system or standpipe system is in place, system shall be serviced and maintained in operating condition according to NFPA and California State Fire Marshal requirements. **T19; CFC; NFPA**

2. **HF51:** The main electrical panel and all sub-panel(s) shall be labeled on inside cover for all circuits. **CEC**
3. **HF52:** Water heater (fuel fired), shall be properly vented to exterior of structure. Water heater shall be seismic strapped to wall and be located 18" above a garage floor. **CBC**
4. **HF55:** Commercial exit requirements:
 - A. Required exit doors shall be maintained in an operable condition at all times
 - B. Required exit doors shall swing outward and away in the direction of exit travel.
 - C. Obstructions shall not be placed in the required width of an exit. Exits shall not be blocked or locked shut or obstructed in any manner during business hours.
 - D. Exit paths shall be illuminated when structure is occupied.
 - E. Exit path illumination shall be supplied from two (2) sources of power when occupant load is one hundred (100) persons or more.
 - F. When exit way/exit pathway and/or exit doorway is not easily identified, additional exit signs shall be installed.
5. Exit signs shall be internally or externally illuminated by two lamps or shall be of the self-luminous type. **CFC; CBC**

ACCESS:

6. **HF24:** "NO PARKING – FIRE LANE" signs shall be posted at locations designated by fire marshal. Fire lane curbs shall be painted red, with white letters stating, "NO PARKING – FIRE LANE" on top, not face. **CFC - APPENDIX D**
7. **HF54:** commercial and industrial structures-occupancies and gated complexes shall have a "**KNOX BOX**" system installed on the exterior of the building(s) or complex. location of device to be determined by the fire department. The box shall contain keys necessary to gain access and may contain pre-plans and MSDS information as required by the fire department. New and existing multi-tenant commercial buildings shall provide a 'KNOX' box large enough to contain keys to access each individual tenant space. Installation location(s) to be determined by the fire marshal. The box shall contain clearly marked keys to each tenant space or other areas as determined by the fire marshal. **CFC**

ADDRESSING – IDENTIFICATION:

8. **HF21:** **Commercial** and **multi-family residential** address numbers shall be displayed on all **new and existing** structures in such a manner as to be plainly visible and legible from the access roadway or street. Numerals shall be of a contrasting color to the building and electrically illuminated.

Minimum size of the numerals shall be **8"** height, **3/4"** stroke, or as approved by the fire marshal.

Industrial occupancies shall have address numbers of 12" height, 1" stroke and shall be electrically illuminated so as to be visible and legible from access roadway or street.

Note: Depending on height and setback of a building, larger numerals may be required and at additional locations on the building, as determined by a case-by-case review.

HMC

9. **HF22:** Commercial-retail structures with rear access shall display address numbers on rear entry doorways, **4"** in height, **1/2"** stroke, on contrasting background. **CFC**

FIRE PROTECTION & ALARM SYSTEMS:

10. **HF37:** Automatic fire sprinkler system with control devices (P.I.V & O.S.&Y.) Shall be visible from fire dept. access roadway, and identify system being controlled and address of structure. Fire Dept. Connection (FDC) shall be located no closer than forty (40) feet and not to exceed one hundred fifty (150) from structure. Required fire hydrant shall have a maximum distance from FDC of thirty (30) feet. FDC shall identify address and system of structure being protected. System may be existing; however, verification of current SFM tag and annual maintenance will be verified. **CFC**

11. **HF39:** An automatic fixed fire extinguishing system (**UL-300**) shall be installed in the hood and duct system of commercial cooking equipment. Three (**3**) sets of shop plans with material cut sheets and calculations shall be submitted to fire department for review and approval prior to installation. System may be existing; however, verification of current SFM tag and bi-annual maintenance will be verified. **CFC**

12. **HF41:** A minimum of one 2A-10BC fire extinguisher shall be installed for each 3,000 sq.ft. of floor area. Travel distance to any one fire extinguisher shall not exceed 75 feet. Additional fire extinguishers, size and class to be determined by fire department, may be required. Fire extinguishers shall be serviced bi-annually and shall have a current State Fire Marshall service tag attached. Fire extinguishers are to be serviced every two years and inspected & tagged every year. **CFC; NFPA**

13. **HF42:** A 40BC (K-Type) fire extinguisher shall be installed within 30 feet of commercial food heat-processing equipment. Fire extinguishers shall be serviced annually and shall have a current SFM service tag attached. Fire extinguishers are to be serviced every two years and inspected & tagged every year.
CFC; T-19
14. **HF43:** An automatic fire detection and alarm system meeting the requirements of CFC 907, CBC and NFPA 72 shall be installed. Three (3) sets of shop plans with material cut sheets and calculations shall be submitted to the fire department for review and approval prior to installation. **CFC; CBC; NFPA**
15. **HF60:** California Fire Code, **FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION**, shall apply to this project. it is the responsibility of the project manager to meet with the fire marshal to discuss requirements specific to this project.
16. **HF61: TENANT IMPROVEMENT.** Review the 'tenant improvement information' handout. If any of the items listed apply to this project, they must be included in the 'fire department notes' section on the plan.
17. **HF62:** Additional plans for access, fire safety systems, storage or other special condition may be requested for review, conditioning and approval by the fire marshal.
18. **HF63:** Submit to fire marshal's office: **one copy** of building and/or structure plans for fire department review.
19. **Since the occupant load of the restaurant exceeds 50, and the outdoor dining area is along the egress path, the existing gate shall consist of panic hardware in accordance with CBC Section 1008.1.10. Please verify conditions or provide panic hardware accordingly.**

Craig Sanchez, Fire Marshal
City of Highland Fire Prevention
(909) 864-8732 x 248

Attachment No. 2

Crime Report and Calls for Service

POLICE DATA

CRIME REPORT			
Time frame - January 2019 - May 2020			
DISTRICT	PART I	PART II	Total
HI019	488	278	766

CALLS FOR SERVICE			
Time Frame - January 2019 - May 2020			
DISTRICT	JJ's Sport's Bar & Grill Calls for Service	District Total	Percentage
HI019	9	1,827	Less than .04%

- Part I Crimes include homicide, rape, robbery, burglary, larceny, arson, aggravated assault, and auto theft.
- Part II Crimes are all other crimes including, but not limited to forgery, counterfeiting, fraud, sex offenses, drug abuse, vandalism, vagrancy, and other minor offenses.

Attachment No. 3

Photos of the Existing Outdoor Dining Area



