

CITY OF HIGHLAND REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

MEMBERS

Randall Hamerly, Chair
Chandra Thomas, Vice Chair
Edward Amaya, Commissioner
Jarrod Miller, Commissioner
Jessica Sutorus, Commissioner

REGULAR MEETING

July 20, 2021
6:00 p.m.
City Hall
Donahue Council Chambers
27215 Base Line
Highland, California

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 Ext. 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.

Submission of Public Comments: To limit the number of persons in the Council Chambers, the public is encouraged to make public comments by email rather than in person. For those wishing to make public 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 20, 2021 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.

Members of the public will be permitted to make public comments in person.

**PLANNING COMMISSION
REGULAR MEETING AGENDA
July 20, 2021 - 6:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

To address the Planning Commission, please complete a speaker form located at the entrance and give it to the Administrative Assistant prior to the beginning of the meeting. Your name will be called when it is your turn to speak. Individual speakers are limited to three minutes each. Comments received via email by July 20, 2021, 5:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes.

CONSENT CALENDAR

1. Minutes from the July 6, 2021 Regular Meeting.
RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.

PUBLIC HEARING

2. Conditional Use Permit (CUP) No. 21-004 is a request to upgrade an existing State of California Alcohol Beverage Control (ABC) license, Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General), for the sale and off-site consumption of all alcoholic spirits for an existing convenience store (M & G Market). (26710 5th Street, APN No. 1192-542-038)

RECOMMENDATION: Staff recommends the Planning Commission adopt Resolution 2021 - _____, approving an upgrade to an existing State of California Alcohol Beverage Control (ABC) license, Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General), for the sale and off-site consumption of all alcoholic spirits for an existing convenience store.

ANNOUNCEMENTS

ADJOURN

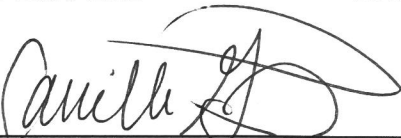
I, Camille Goritz, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 15th of July 2021 by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: July 15, 2021



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: July 20, 2021

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III *CG*

SUBJECT: Minutes from the July 6, 2021 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 _____		
<i>Camille Goritz</i> Recording Secretary		<i>Lawrence Mainez</i> Community Development Director	

**MINUTES
PLANNING COMMISSION REGULAR MEETING
July 6, 2021 – 6:00 P.M.**

CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:01 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Vice Chair	Chandra Thomas
	Commissioner	Edward Amaya
	Commissioner	Jarrold Miller
	Commissioner	Jessica Sutorus

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Ash Syed, Associate Planner
Matt Bennett, Assistant Public Works Director
Matt Wirz, Building Official
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 15, 2021 Regular Meeting.

A MOTION was made by Commissioner Sutorus, seconded by Commissioner Amaya, to approve the minutes, as amended. Motion carried, 4-0-1.

PUBLIC HEARING

2. Design Review Application (DRA 21-006) for a Site Plan, Landscape Plan, and Elevations related to the approved redevelopment of an existing 5,800 square foot commercial building into a convenience store with the addition of two (2) covered fueling station canopies with eight (8) fuel pumps on a 0.48-acre parcel. (Continued from June 1, 2021) (8020 Palm Ave)

Associate Planner Syed presented the staff report.

Chair Hamerly opened the public hearing.

Commissioner Amaya stated the southernmost fuel canopy has landscaping along there. Is there enough space for the vehicles to clear that corner?

Associate Planner Syed stated there is enough clearance. The site is already short on landscaping and at the last meeting the decision was to go with the decorative block wall

around the street corner. Now, eliminating that little square of landscaping at the southwest corner would further put us into that landscaping deficit. There is enough space for those vehicles to clear that corner.

Chair Hamerly stated since they do not have the required 10-foot minimum of landscaping between the improvements and the parkway, was any thought along the northern extremity to establishing a 10-foot buffer right there?

Associate Planner Syed stated the landscape planter around that corner is 6 feet on the outside of the property line and 5 feet on the inside, so in theory they have accomplished that 10-foot requirement.

Chair Hamerly stated ok, specifically regarding the circulation, I think it works much better than the previous iteration of the site plan. My concern is between the southernmost planter curb and the edge of the fuel pump. If you do not have 16 feet there, there will not be sufficient clearance to pass a vehicle that is fueling. I do not recommend getting rid of the landscaping because the landscaping is not going to make that turn any less severe. My concern is still that southernmost pump is a bit tight both on the western edge between the edge of the stall and the rear of those parking spaces.

Commissioner Miller stated we have voiced some concerns about source controls related to the fuel canopy area specifically the fuel pump areas. Was there any effort made to look at altering the drainage under those canopies and draining them to a dead sump?

Bernie Mayer stated yes.

Commissioner Miller stated we do have a lot of invasive species that are that are growing currently in our city. Have we considered developing a list of invasive species that we would like to avoid on landscape plans?

Community Development Director Mainez stated we will work on that I think that is a good idea.

Assistant Community Development Director Stater stated we used to have a comprehensive list but will consider amending and bringing back.

Vice Chair Thomas stated it would be helpful to spruce the existing landscape a bit or be replaced altogether.

Bernie Mayer replied it is all going to have to be completely replaced.

Chair Hamerly stated the feature at the corner includes signage. I wanted to recommend that lower profile materials be used in front of that signage. Right now, it looks like on the street side all we have are gazanias, is that correct?

Bernie Mayer stated that is what we have shown our plan, but we are open to other recommendations.

Chair Hamerly stated I think the idea of a feature wall there is nice, but it would be nice to have a bit of landscaping to kind of break that up, so it is not just a long stonewall there. The Conditions of Approval landscape comment was to use a variety of three in groupings,

and it looks like we have got predominantly two. We may need to introduce a third element in there and that is on the parking lot side of the wall. I also saw there was a wrought iron segment across the fence across the top of the wall, and I did not see the rationale for that because the wall is obviously not a barrier. I encourage staff to maybe reconsider that because that is going to just be another item for maintenance.

Bernie Mayer stated yes, we are good with that idea.

Community Development Director Mainez stated that came from staff.

Vice Chair Thomas stated I would like to offer a different opinion; I really liked the wrought iron. The plans regarding powder coating on the wrought iron, I am not sure how that will last but I know powder coating materials usually do last a long time.

Chair Hamerly asked when the signage comes back, I am assuming that that would also affect a redesign of the canopies?

Bernie Mayer stated yes, the canopy would have to match the style of the vendor as far as what their branding is.

Bernie Mayer stated thank you for your working with us over this over the past several months to get this project together. We appreciate your input and your cooperation in getting this completed.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas, seconded by Commissioner Amaya; to:

1. Adopt Resolution No. 2021– 011, approving Design Review Application (DRA 21-006) for a convenience store and gas station, subject to the Conditions of Approval and Findings of Fact; and
2. Direct staff to file a Notice of Exemption with the County Clerk of the Board of Supervisors. Motion carried, 5-0.

RESOLUTION NO. 2021 – 011

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND,
CALIFORNIA, APPROVING A DESIGN REVIEW APPLICATION (DRA 21-006) FOR A
CONVENIENCE STORE AND GAS STATION LOCATED AT 8020 PALM AVENUE.**

ASSESSOR'S PARCEL NUMBER: 1192-641-01.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled July 20, 2021.

The Planning Commissioners shared their learning experience while attending the League of California Cities Virtual Conference scheduled March 2021.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:45 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 20, 2021

FROM: Lawrence A. Mainez, Community Development Director

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

PREPARED BY: Salvador Quintanilla, Associate Planner *SNQ*

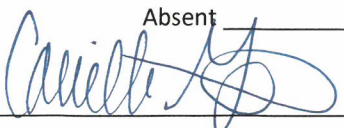
SUBJECT: Conditional Use Permit (CUP) No. 21-004, is a request to upgrade an existing State of California Alcohol Beverage Control (ABC) license, Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General), for the sale and off-site consumption of all alcoholic spirits for an existing convenience store (M & G Market).

LOCATION: M & G Market
26710 5th Street, (APN No.: 1192-542-038)

APPLICANT: Ram Singh Mann, Owner

RECOMMENDATION: Staff recommends the Planning Commission adopt Resolution 2021 - _____, approving an upgrade to an existing State of California Alcohol Beverage Control (ABC) license, Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General), for the sale and off-site consumption of all alcoholic spirits for an existing convenience store.

PUBLIC NOTICE: A Public Hearing Notice was published in the Highland Community News on July 9, 2021. 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.

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

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 consists of licensing of a private facility involving negligible expansion of the existing use.

DESCRIPTION OF THE SITE: The project site comprised of one (1) parcel totaling approximately 8,662 square feet (0.2 acres). The “rectangle shaped” parcel contains one (1) freestanding building (see Exhibit B). The convenience store is approximately 2,500 square-feet and it has been established and servicing the community for many years. M & G Market is located within an existing commercial building on the northeast corner of 5th Street and Cunningham Street. The existing site is developed with 8 parking spaces and one (1) ADA parking space. The project site has access via 5th Street and Cunningham Street. The trash enclosure is accessed through an existing alley located at the rear of the property. The Applicant’s site plan illustrates five (5) existing parking spaces along the front of the building and six (6) parking spaces (three (3) existing and three (3) proposed) along the west side of the building.

Staff is not in support of the three (3) new proposed parking spaces because the site does not have adequate circulation and access to establish the new parking spaces. Therefore, staff has condition to exclude the proposed parking spaces from the site plan.

PREVIOUS ACTION: The M & G Market was previously approved and established as a convenience store by the County of San Bernardino in 1967 as a Circle K Market prior to the City being incorporated in 1987. On August 4, 2009, the Planning Commission denied the request to upgrade the Type 21 ABC license, based on the non-conforming status and the high number of call for service. Upon appeal, the denial was upheld by the City Council on September 22, 2009.

PROJECT REVIEW: The Applicant submitted a CUP Application on March 9, 2021, for the upgrade of an existing ABC license, Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General) for an existing convenience store. M & G Market would sell beer, wine, and distilled spirits if approved. M & G Market is an existing neighborhood convenience store that provides the nearby residences a location to purchase small amounts of groceries and alcoholic beverages. The rear of the site is secured within an eight-foot wrought iron fence with sliding iron doors.

The current zoning is Single-Family Residential (R-1) (see table below) which does not permit the sale of alcohol. In the future, this area may be rezoned to an “Industrial Mixed-use” as part of the anticipated San Bernardino International Airport Gateway Specific Plan.

At one time the site had a commercial designation but was rezoned to the existing R-1 zoning which results in classifying the existing use as legal non-conforming. A non-conforming use is defined as follow:

“Nonconforming use, legal” means... a lawfully established and maintained use of a structure or land which does not conform with the use regulations for the district in which it is located by reason of adoption or amendment to Chapter 16.”

	Existing Use	General Designation	Plan	Zoning Designation
Site	Commercial Building	Low Density (LD)		Single-Family Residential (R-1)
North	Vacant Parcel	Low Density (LD)		Single-Family Residential (R-1)
South	Vacant Parcel	Business Park (BP)		Business Park (BP)
East	Vacant Parcel	Low Density (LD)		Single-Family Residential (R-1)
West	Vacant Parcel	Low Density (LD)		Single-Family Residential (R-1)

ANALYSIS: The Applicant submitted a CUP Application to upgrade the existing Type 20 (Off-Sale Beer and Wine) ABC license to a Type 21 (Off-Sale General with distilled spirits) for existing a legal non-conforming convenience store (see Attachment No. 2). The store was built in 1967 in San Bernardino County before the property was incorporated into the City in 1987. The Applicant is not proposing any interior modifications to the building. The floor plan illustrates the existing coolers are located at the left side of the building, the groceries are in the middle of the store, and the distilled spirits are located behind the cashier (see Exhibit C).

The convenience store would continue to operate from 6:00 a.m. to 11:00 p.m. Monday through Sunday.

The project site is located within the boundary of Census Tract 76.03 (see Exhibit D, Census Tract No. 76.03 Boundary Map with Licenses), which ABC authorizes a maximum of three (3) “off-sale” licenses for this geographic area. As of 2021, the number of businesses with “off-sale” licenses in this Census Tract is three (3). The existing licenses are:

Business Name	Address	License Type	License Description
The Liquor Shop	7335 Victoria Avenue	Type 21	Off-Sale General
Highland Liquor	7567 Victoria Avenue	Type 21	Off-Sale General
M & G Market	26710 5 th Street	Type 20	Off-Sale Beer and Wine

The approval of the Type 21 license will replace the existing Type 20 license for M & G Market; therefore, the maximum number of licenses remain at its limit. Since, the census tract is not over concentrated, the Planning Commission is not required to make a Finding of Public Convenience and Necessity.

The Sherriff's Department provided a crime report for this business. Based on the total calls for service within the time frame of April 1, 2020 through April 21, 2021 (12 months), there were only four (4) incidents that were reported. Per the Sherriff's Department the report was for this business address and nearby addresses on 5th Street. The calls were not related to the alcohol or the business. (See Table below)

Number of Calls	Date	Incident
1	5/28/2020	Someone ran over a dog's leg
2	9/24/2020	Battery that was purchased was stolen from the parking lot
3	10/7/2020	911 Call by accident
4	1/22/2021	Boyfriend/Girlfriend verbal argument between couples

Existing Signage

As mentioned in the description section of this report, the convenience store was built prior to the incorporation of the City. Throughout the years, the store has changed hands multiple times and the current property owners have modified the wall signs. Currently, the City has no permit records for the existing wall signs. Therefore, staff has conditioned (Conditioned No. 19) the Applicant to obtain a sign permit for the installation of the building mounted signs and adhere to the current sign code (Chapter 16.56 – Sign Regulations).

Public Comment

Staff received one public comment letter (see Attachment No. 3) from a surrounding neighbor. The comments were in regard to trash, illegal drug activity along the alley, loud parties, public drinking, the negative impact on the nearby family oriented-residential neighborhood, and children being expose to alcohol and drugs. The commentor feels that these neighborhood issues would be exacerbated by the ABC upgrade.

Conclusion

The site is appropriate for the proposed use and has operated in a similar fashion for many years. Staff recommends approval of the ABC upgrade. However, should the Applicant lose their State ABC 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
- D. Census Tract No. 76.03 Boundary Map with Licenses

Attachments:

1. Project Resolution No. 2021-_____ with Conditions of Approval
2. Photos of the Existing Commercial Building
3. Public Comment

Exhibit “A”

Project Location Aerial Map

26710 5th Street

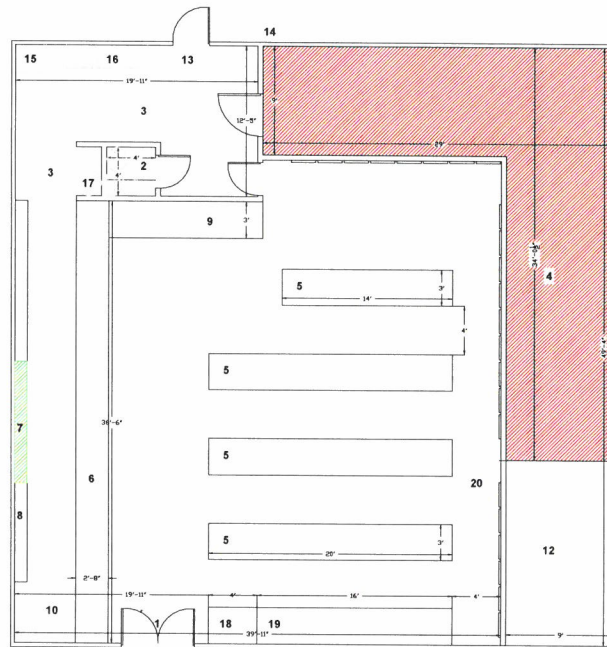


Exhibit “B”

Site Plan

Exhibit “C”

Floor Plan



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

GENERAL NOTES:

1. EXTERIOR OF BUILDING SHALL BE REPAINTED.
2. BARS WIRE FROM THE REAR FENCED AREA SHALL BE REMOVED.

FLOOR PLAN LEGEND

1. MAIN ENTRANCE
2. UNISEX REST ROOM
3. STORAGE ROOM
4. BEER & WINE WALK-IN COOLER & DOORS
5. GROCERY SHELVING
6. SALES COUNTER
7. LIQUOR
8. TOBACCO
9. COFFEE STATION COUNTER
10. OFFICE
11. HOUSEHOLD & MISCELLANEOUS ITEMS
12. SOFT DRINK BEVERAGE COOLERS
13. REAR EXIT
14. TRASH ENCLOSURE
15. MOP SINK
16. 3-COMPARTMENT SINK
17. WATER HEATER
18. ICE CABINET
19. BULK ITEMS
20. SALES FLOOR

ALLOCATION FOR ALCOHOL SPACE

BUILDING SIZE: 50' X 50' = 2,500 SQUARE FEET

LIQUOR 15' X 1'-6" = 15 SQUARE FEET

BEER & WINE L SHAPED COOLER 9' X 34' = 306 SQUARE FEET

9' X 29' = 261 SQUARE FEET

TOTAL: 561 SQUARE FEET

(561 SQUARE FEET / 2,500 SQUARE FEET = 0.22% OF BUILDING SPACE)



DATE	REVISION

PROJECT TYPE
ABC LICENSE UPGRADE

PROJECT CONSULTANT:
DICK EVITT
ALL STAR REALTY
5905 WINNIE DRIVE
RIVERSIDE, CA 92509
CONTACT: 951-500-1111
DICKEVITT@ARTLINK.NET

PROJECT NAME
M&G Market
27610 8th Street
Highland, Ca 92346

CLIENT	ALL STAR REALTY
DATE	04/21/2021
SCALE	1/4" = 1'-0"
TITLE	FLOOR PLAN
SHEET	A0.01

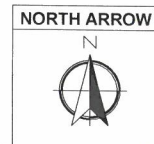
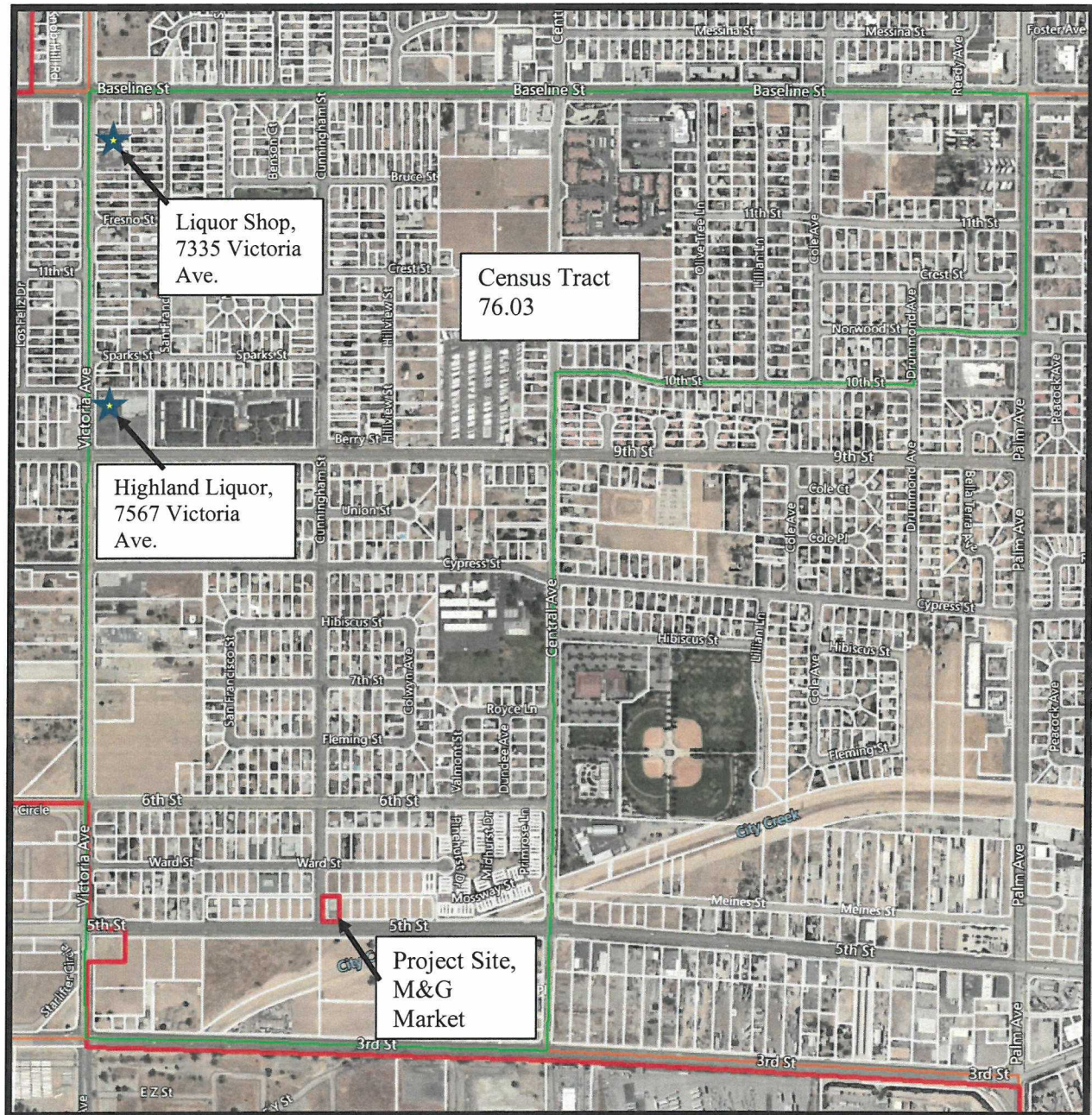


Exhibit “D”

Census Tract No. 7603 Boundary Map with Licenses



Attachment No. 1

Project Resolution No. 2021-_____ with Conditions of Approval

RESOLUTION NO. 2021-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) NO. 21-004 FOR AN UPGRADE TO AN EXISTING STATE OF CALIFORNIA ALCOHOL BEVERAGE CONTROL (ABC) LICENSE, TYPE 20 (OFF-SALE BEER AND WINE) TO A TYPE 21 (OFF-SALE GENERAL), FOR THE SALE AND OFF-SITE CONSUMPTION OF ALL ALCOHOLIC SPIRITS FOR AN EXISTING CONVENIENCE STORE (M & G MARKET), LOCATED AT 26710 5TH STREET (APN NOS.: 1192-542-38)

APPLICANT: RAM SINGH MANN

A. RECITALS

1. On March 9, 2021, the Applicant, Ram Sing Mann, applied for a Conditional Use Permit (CUP No. 21-004) to upgrade an existing State of California Alcohol Beverage Control (ABC) license, Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General), for the sale and off-site consumption of all alcoholic spirits for an existing convenience store (M & G Market), located at 26710 5th Street, Highland, CA.
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 July 20, 2021, 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: The site was developed in 1967 as a Circle K Market in the County of San Bernardino prior to the City of Highland being incorporated. At the time of the construction of the site, it met the development standards of the County of San Bernardino as neighborhood market type use.

At one time the site had a commercial designation but was rezoned to the existing use which is considered legal non-conforming. A non-conforming use is defined as follow:

"Nonconforming use, legal" means... a lawfully established and maintained use of a structure or land which does not conform with the use regulations for the district in which it is located by reason of adoption or amendment to Chapter 16."

The current zoning is Single-Family Residential (R-1) which does not permit the sale of alcohol. In the future, this area may be rezoned to an "Industrial Mixed-use" as part of the anticipated San Bernardino International Airport Gateway Specific Plan.

The proposed project (Conditional Use Permit No. 21-004) is to upgrade (Type 21 License) an existing ABC license (Type 20) within an existing convenience store/neighborhood market. The existing license allows for the sale of beer and wine. The Applicant is proposing to add distilled spirit to its current operation. This type of project is conditionally permitted. As mentioned, the current applicant is requesting to upgrade an existing ABC License. The site will continue as a convenience store/neighborhood market, as a much-desired use in the area and the City. All development policies related to the establishment of an ABC service will be satisfied with the conditions of approval.

- 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: The site was developed prior to the City of Highland being incorporated. As noted above, the existing commercial building will continue to operate as convenience store with a Type 20, Beer and Wine License. The proposed upgrade of the ABC license is permitted with the approval of a CUP. The proposed upgrade will not conflict with the surrounding uses. The surrounding uses include vacant land to the north, west, east, and south. The non-conforming business is meant to support and foster uses, such as that proposed upgrade. Based on the location and the upgrade of a product 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 8,662 square foot parcel with an existing 2,500 square-foot commercial building is suitable for the upgrade of the existing ABC license to add distilled spirits. The site was developed prior to the City of Highland being incorporated. At the time of the construction, the site met the development standards guidelines of the County of San Bernardino for a convenience store. Additionally, the commercial property is fully improved with the appropriate circulation, parking, curb, gutter, and sidewalk.

- 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.

- 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 upgrade of the existing ABC License in an existing commercial building is not anticipated to cause any damage or harm to the properties or improvements in the area. The use will not change from what was previously approved and occupied. It will continue to blend with the existing 5th Street corridor and provide an opportunity where patrons can purchase alcoholic beverage for consumption off-site. Should the ABC license be found to be problematic in the future, the CUP may be revoked upon action by the Planning Commission. Also, the Fire and Police Station are

approximately ½ mile away from the project site which will reduce the response time for anyone in need of help. Additionally, the Sherriff's Department did not report any crimes related to the current ABC license in the prior 12 month period.

- 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 freestanding building. The upgrade of an existing ABC license within an existing building will not result in a significant effect on the environment. It is Categorically 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. 21-004 to upgrade an existing State of California Alcohol Beverage Control (ABC) license Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General), for the sale of all alcoholic spirits for an existing convenience store (M & G Market), located at 26710 5th Street (APN No.: 1192-542-38) by adopting the conditions of approval attached hereto and incorporated herein by reference as Exhibit "A".

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 20th day of July, 2021.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director

EXHIBIT "A"

CITY OF HIGHLAND PLANNING DIVISION CONDITIONS OF APPROVAL

Date: July 20, 2021
Applicant: M & G Market
Rep.: Ram Sing Mann (Applicant)
Project No: Conditional Use Permit (CUP) No. 21-004
Proposal: An upgrade to an existing State of California Alcohol Beverage Control (ABC) license, Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General), for the sale of all alcoholic spirits for an existing convenience store.
Location: 26710 5th Street. Located on the northeast corner of 5th Street and Cunningham Street. APN: 1192-542-38

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.

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2. This approval is for an upgrade to an existing State of California Alcohol Beverage Control (ABC) license, Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General), for the sale of all alcoholic spirits for an existing convenience store.
 3. Litter shall be removed daily from the premises, including adjacent public sidewalks and all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
 4. "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.
 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. Prior to issuance and approval of the Type 21 License by State Department of Alcohol and Beverage Control (ABC), the Applicant shall install a video monitoring system in compliance with Section 16.40.480 Video Monitoring Systems, of the City of Highland Land Use and Development Code.
 10. 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.
 11. Graffiti shall be removed from the premises and all parking lot areas under the control of the licensee within 48 hours. The color of the paint used to cover the graffiti shall be of a similar color to the building surface.

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12. The exterior of the premises, including all entrances, walkways, adjacent public sidewalks and all parking lots under the control of the licensee shall be illuminated at a minimum of one (1) foot candle of light during all hours of darkness during which the premises are open for business in a manner, so that persons standing in those areas at night are identifiable by law enforcement personnel. All luminaries utilized are required to have vandal resistant light fixtures.
 13. No alcoholic beverages shall be consumed on the premises.
 14. At any time the Community Development Director may bring a status report to the Planning Commission identifying impacts or failure to comply with conditions resulting from the Conditional Use Permit (CUP) approval. Such status report may contain a police report regarding calls for service at the location. Nothing herein shall modify or limit the City's authority to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public's health, safety, and welfare.
 15. Any proposed revisions, modifications to the application, ABC license or to any conditions listed herein, must be submitted to the Planning Division; additional review and approval may be required by the Planning Commission.
 16. The management and employees of the licensed premises shall take appropriate measures to regularly monitor the area under its control to prevent the loitering of persons about the premises.
 17. The Applicant shall not install the three (3) new proposed parking spaces along the west side of the building as illustrated on the application the site plan.
 18. The Applicant shall submit an Accessory Sign Review Application (ASR) to the City's Planning Division and obtain a building permit if applicable for the unpermitted building mounted wall signs. The wall signs shall comply with the regulations of Highland Municipal Code (HMC) Chapter 16.56 (Sign Regulations).

PUBLIC WORKS CONDITIONS

19. The property owner and/or Applicant shall construct a trash enclosure per the satisfaction of the City Engineer, Community Development Director, and State of California.

Attachment No. 2

Photos of the Existing Commercial Building

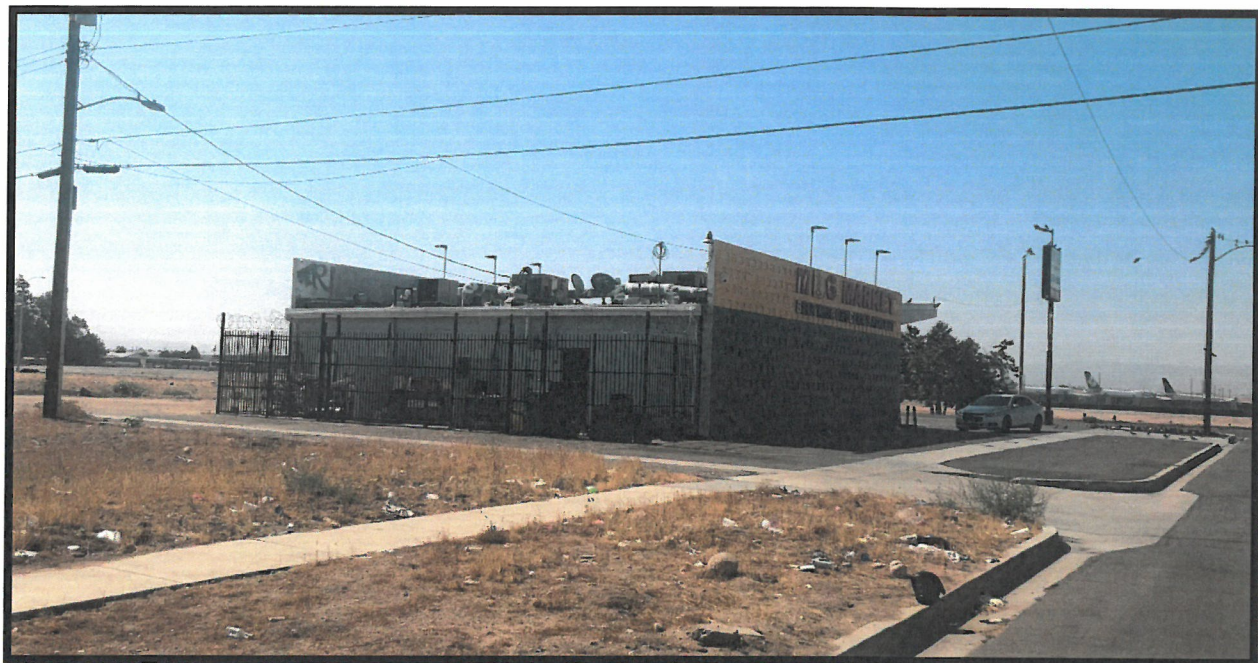
Front of the Store (South side)



Right Side of the Store (East Side)



Rear of the Store (North Side)



Left Side of the Store (West Side)



Attachment No. 3

Public Comment

This office must receive your comments no later than **April 5, 2021**. Comments received after that date may not be considered in the decision. Please refer to this project by the File/Index Number above. If you have no comment, no reply is necessary.

This project is anticipated to go before the Planning Commission on or after **June 15, 2021**.

PLEASE PROVIDE COMMENTS BELOW and refer comments to:

CUP No. 21-004 (M&G Market)
Salvador Quintanilla, Associate Planner
City of Highland, Planning Department
27215 Base Line,
Highland, CA. 92346

Phone: (909) 864-6861 EXT 259
Email: squintanilla@cityofhighland.org

COMMENTS:

THE FOLLOWING COMMENTS AND/OR CONDITIONS APPLY TO THE REFERENCED PROJECT (Comments may be attached):

Now is the time

I am the owner of an 11 unit residential apartment building that runs along the alley beginning at

Victoria and 5th, the same corner M&G is located. I maintain a full time crew because of all the beer bottles, cans cigarettes and trash already generated. There is also an active presence of illegal drug activity along the alley, adding drug paraphernalia to the trash. I am in constant communication with Deputy Kling, Code Enforcement

Officer Green, Deputy Sheriff R Garcia and even Mayor Wilburn about the activity on the alley

There are numerous absentee owners and absentee management of buildings on this alley. Loud parties, and public drinking are the norm. My building is a family building, children, seniors and disabled veterans.

Children are exposed to the alcohol and drugs, in the less than 2.5 mile area (schools, library, park and rec center within the 2.5 miles where there are already five Type 21 licenses) illegal Homeless presence is increasing weekly.

I already lost a tenant this year, he made a formal complaint to the sheriff department.

NAME Quincy Group Holdings LLC Property Management

Eva Brown

SIGNATURE

DATE

April 4, 2021

