

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

October 5, 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
Ash Syed, Associate Planner
Angela Tafolla, Assistant Planner
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

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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 October 5, 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
October 5, 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 October 5, 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 September 21, 2021 Regular Meeting.

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

PUBLIC HEARING

2. An Application by Los Compadres Bar for a Conditional Use Permit (CUP 21-008) to re-establish a Cocktail Bar with a State of California Type-40 (On-Sale Beer) Alcohol Beverage Control License. (25496 Base Line, APN No. 0237-253-18)

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 2021 – _____, denying Conditional Use Permit (CUP 21-008) to re-establish a Cocktail Bar with a State of California Type-40 ABC license to sell alcohol at Los Compadres Bar, subject to the Conditions of Approval and Findings of Fact.

ANNOUNCEMENTS

ADJOURN

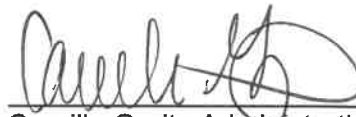
I, Camille Goritz, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 30th of September 2021 by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: September 30, 2021



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: October 5, 2021

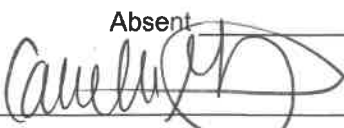
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III 

SUBJECT: Minutes from the September 21, 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 _____		
 Recording Secretary		 Community Development Director	

MINUTES
PLANNING COMMISSION REGULAR MEETING
September 21, 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 6:00 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Vice Chair	Chandra Thomas
	Commissioner	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	
	Angela Tafolla, Assistant Planner	
	Matt Bennett, Assistant Public Works Director	
	Matt Wirz, Building Official	
	Camille Goritz, Administrative Assistant III	
	Scott Rice, City Landscape Architect	

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

CONSENT CALENDAR

1. Minutes from the September 7, 2021 Regular Meeting.

A MOTION was made by Commissioner Amaya, seconded by Commissioner Miller, to approve the minutes, as amended. Motion carried, 5-0.

PUBLIC HEARING

2. Design Review Application (DRA 21-002) proposing the construction of a drive-thru carwash at an existing ARCO Gas Station located at the southwest corner of the Base Line and Seine Avenue intersection. (27727 Base Line, APN: 1201-091-45)

Associate Planner Syed presented the staff report.

Commissioner Amaya asked is this an open code enforcement case?

Community Development Director Mainez stated yes, and it has an open code enforcement case on the property for lack of maintenance.

Commissioner Amaya asked does the city have to wait until this project goes forward?

Community Development Director Mainez stated I did want to put a hold on this application till the code enforcement case was resolved, however, after reconsideration and the applicant stepping up, I decided for the application to move forward. Code enforcement officers will monitor this site very carefully. There is a condition that this application is good for 36 months, which means that they have 36 months to implement this project from a code enforcement perspective. We do have issues with the architecture, and we didn't want to waste our time by going through four or five renditions of elevations, and I decided to give you guys an opportunity to see how much we can get out of them tonight.

Chair Hamerly asked how much authority does the city have to come in and maintain something when a commercial property is not maintaining their property and it's right of way adjacent?

Associate Planner Syed stated the plan for this property is a shell landscape maintenance district, so the maintenance of the landscaping will be the responsibility of the property owner and if they don't uphold that agreement, the city will come in and take care of the landscaping.

Chair Hamerly stated that's what I'm referring to. That is a standard condition on most commercial properties, and I'm wondering why that course of action wasn't taken if they're being nonresponsive and there is an outstanding code enforcement case for not maintaining the landscape. It is right of way adjacent and so most commercial properties have that condition of approval that the city will step in and then issue them a bill for the city crews coming in and maintaining the landscape.

Community Development Director Mainez stated we have been after him to fix this landscaping for several years and I hope that they comply and install some new landscaping very soon.

Commissioner Miller regarding the landscaping plan, I think the Mediterranean Fan Palm is an invasive species, isn't it?

Associate Planner Syed stated I believe it's the Mexican Fan Palm is what you are referring to.

Commissioner Sutorus stated they are very similar, but that one isn't invasive.

City Landscape Architect Rice stated the Mediterranean Fan Palm was more of like a cluster palm, it's usually multi trunk.

Commissioner Miller stated so to your knowledge this hasn't been a species that's been an issue in the City of Highland or any of the open areas?

City Landscape Architect Rice stated no, not at all.

Commissioner Sutorus asked was there ever a sign along Base Line sort of in the Caltrans area that said Highland?

Community Development Director Mainez stated good observation from the past. There was a sign that was a low wall. Due to the improvements that had to be removed and we had different renditions of maybe a pylon there with the city logo and now flash forward, we created this new bridge and that's going to be in a new identification. It is going to have the sign of City of Highland on there. It is going to look nice.

Vice Chair Thomas stated if they have 36 months from the time of the entitlement my concern is how will the landscaping issues be resolved since it's been years it's looked that way? Just looking at it from a business standpoint they may say, we're doing this anyways and we're going to hold off and wait when there's some good temporary measures, they can put in quickly that. How long has the code case been open?

Community Development Director Mainez stated it's been going on for quite a while, so our intention tonight is to get them to a point where they have plans they can submit. We expect these plans within two months max and we start working from there. We will go through the code enforcement process and bring it back to you for a declaration public nuisance and take it all the way to the council.

Chair Hamerly opened the public hearing.

Jay Nelson the Applicant's Representative thanked the city staff. Deteriorated site let's address that. What's the fix? Mr. Haddad's staff members and consultants have been couching and arm wrestling with Mr. Haddad and is doing better. Once Mr. Haddad breaks ground, he doesn't idle. Getting back to the logic, let's update the landscaping and not put in existing landscaping only to tear it down. What kind of logic is that? Not much. Is there an in between? Right now, I'm thinking out loud of what I would recommend to Mr. Haddad as well as the city. What if you put a timeframe on updating the landscaping that surrounds exists in C store, to me there is excuse why that landscaping could not be upgraded. The surrounding areas will eventually be torn apart and die, so there's one idea I'd like to present to you.

Commissioner Amaya stated that was the big concern, at least around the existing building the actual store that where that tree stump is just lying there. It's an eyesore on the corner and you have residences right across the street so that's something that can be addressed prior to the project started.

Chair Hamerly stated 1/4 of this site looks like it's not going to be impacted from Pluto Street entrance all the way up to the existing entrance off Seine Avenue. I think that is an acceptable remedy, and probably well past time to correct that.

Jay Nelson stated getting back to action from the city of the performance of getting that started, I'll leave it up to city on whether a plan checking process would have to come into place for just that corner only or do we submit a landscape plan for the entire site.

Chair Hamerly stated it's not uncommon to have a phased development plan. I think everybody here, staff included and the residents in the area would appreciate seeing some movement on that because almost all of us drive past that on a daily basis. Code enforcement has its own timeframe, sequence of events, and it's best to keep those two on separate tracks. To encumber the entitlement process for something that could eventually remedy all of this, that doesn't make much logical sense either, but there is a process and a timeframe for enforcement actions that needs to be maintained.

Jay Nelson stated I'm hoping that over my lengthy response to your question is you hear my willingness to coach a developer and I'm only throwing out ideas.

Chair Hamerly stated we've dealt with Mr. Haddad over the years on numerous applications, so we are aware of his opinions.

Commissioner Sutorus asked once this landscaping is put in, the new project goes forward, the applicant will continue to maintain the landscape?

Jay Nelson replied understood.

Chair Hamerly stated it would be a different condition of approval, because moving forward it would be the standard condition where if the applicant or the owner doesn't maintain the property, the landscape maintenance district steps in and city can do it. The landscaping that is conditioned for the California Department of Transportation (Caltrans) right of way, they're not the easiest agency to deal with, and they usually don't like people stepping onto their territory. How do we effectively landscape that and maintain it?

Community Development Director Mainez stated the frontage along Base Line is labeled Caltrans, which is an error, it's the city's right of way. There is a portion that they would probably have to deal with Caltrans.

Assistant Public Works Director Bennett stated this is generally on the off ramp. The decision would be between City Engineer, Community Development Director to determine what this easement area might be. Generally, the landscape easement would be this area north of the Caltrans access control which is the line I'm drawing.

Commissioner Miller asked if there is any history of any leaks from the underground storage tank?

Assistant Public Works Director Bennett stated I don't know of any.

Chair Hamerly stated on the logistics side, it was noted in the staff report that the staffing on site would only be one person. I can't imagine a scenario where anybody that's manning the convenience store would be the only one that would run out to fix a problem with the point of sale that is at the car wash and leave the store unattended. We may want to reexamine that if it's a maintenance or security issue with the car wash facility. It seems like there would have to be at least one other person on site.

Associate Planner Syed stated originally the plan for the car wash was 24-hour operation. If that was the case, during the graveyard shift there would only be one attendant, but after discussing the hours of operation with staff, the applicant agreed on the 7:00 AM to 8:00 PM hours and during that time there are typically at least two staff members on site.

Chair Hamerly stated first we will go over the proposed architectural site plan. I know the floor plan doesn't include an equipment layout and this kind of impacts the elevations. The windows seem a little bit small, especially on the site side, and I've seen some car

washes that have fairly tall windows and they kind of feature the activity that's going on in the car wash.

Associate Planner Syed stated I believe what's noted as the right-side elevation is on the west side, away from the property.

Chair Hamerly stated I was viewing that as the freeway frontage.

Associate Planner Syed stated correct, that's the freeway frontage.

Chair Hamerly stated those four windows between the two pop outs, if that whole thing became kind of a negative space and went basically roof to floor, all glass, it might clean up the detailing. It might also open that facade and give us a little more negative space that would break that up because that is a very long building without a lot of relief. The elevations that were provided to us this evening is a dramatic improvement, so I commend staff on working with the applicant. One issue that I had on the notes is the color palette, I didn't see any of the listed keyed notes indexed to the elevations, and the color palette that has a 3-tone palette I was only seeing one. We've got the standard ARCO band around the fascia, but everything looked like it was all P2. I didn't see P1 or P3 anywhere in this and just was wondering if I had missed something.

Jay Nelson stated yes, those color pallets are the approved Tesoro color palette and you're quite astute on seeing more than one color in the color palette. I placed them on there in case additional colors were going to be asked for by the city and or commission.

Chair Hamerly stated we have this stone base and then it's monochromatic on the walls with the reveal?

Jay Nelson stated correct and again the intent was to echo the existing building as much as possible and in that color palette and materials is a Tesoro AMPM standard color. The internals of the car wash the added two windows that are on the freeway side, that is the equipment side. My intention there was not to show off anything internal that's ugly, but to echo full windows that the city has here using your Smart and Final as an example.

Chair Hamerly stated on the freeway side, that's just spandrel glass is what we're looking at?

Jay Nelson stated yes, I'll call it spandrel glass.

Chair Hamerly stated I honestly don't see the rationale for having the glazing on the freeway side, I think there are additional options if we want to break up that facade but having a window or even a fake window on the side. If we consider the alternatives maybe go with one of your accent colors, run that up at your pop outs and that becomes your breakup mechanism. I'll let the applicant decide which of those colors to choose at the accent for those pop outs. On the parking lot side, what are your thoughts on that middle third, having the full height glass just on that side?

Jay Nelson stated my objection to glass is, yes, it is a nice element to show off the internals, but because of the water spotting that normally occurs, especially once it hits the slab and bounces up it will spot. I would recommend against lowering the glass.

Chair Hamerly stated ok, so if that were happened to be located at the area where they do that fancy stuff, the wax treatment that makes all the water bead and slide right off.

Jay Nelson stated I'm quite sure everyone here has been in a car wash and there's no dry spot than the exit.

Chair Hamerly asked what are your suggestions for adding some flavor to the eastern elevation then?

Jay Nelson stated I like your accent thoughts so what if the recess becomes an accent color?

Chair Hamerly stated that works. It's just a very long low building and anything we can do to break up the long horizontal lines is going to add a lot, and I know that landscaping is going to help us out, but not a lot. The mesquite is not a screening thing, it's an accent. If we're changing the plant palette to add something that truly is designed as a screen there might be some options where we put an wire grid on that and run a creeping material up through one of those recesses. That's an option if you want to do it out of landscaping, otherwise, breaking up the pattern and putting another color in there might be an option as well. I'll leave it to your discretion and the owners budget tolerance.

Commissioner Miller stated It looks like there's two proposed parkway drains coming out. Those are coming out at 90 degrees to Pluto Street. Water doesn't like to bend around 90 degrees and my concern would be there to avoid a real substantial offsite analysis on Pluto Street would be to take the parkway drain and see if we can move that closer to that existing outlet. The concern there is if the capacity of the north side of Pluto Street gets exceeded then you're going to spill down Dunkirk, and you're going to change that historical drainage pattern. Something to consider about trying to preserve that that existing drainage condition.

Assistant Public Works Director Bennett stated I just drew it on my plan and that'll be a conversation with the plan checker.

Vice Chair Thomas asked there be any paint going on the convenience store as well?

Jay Nelson stated we haven't discussed that.

Vice Chair Thomas stated I think it's an opportunity to make the site look better and I think it needs to be addressed on the main building as well that's already existing there so that it matches.

Jay Nelson stated I like your thoughts.

Vice Chair Thomas stated I've received comments from the public about that area, especially with Panda Express when it was first built and there were a lot of concerns from community members. That's one the main thoroughfares in Highland, and with the gas station, it has looked in poor shape for quite some time.

Community Development Director Mainez stated those are good directives for staff.

Chair Hamerly asked where the trellis would go?

Jay Nelson stated the car wash.

Vice Chair Thomas stated if you could just convey to the people who you're representing that it is very serious to me that you have an existing code enforcement violation that has not been resolved. We ultimately want our city to be beautiful and enjoyable especially in this main thoroughfare, that people drive by every day.

Jay Nelson stated I agree this is a very visible sight.

Community Development Director Mainez stated let me go back to my decisions to honor the application and move forward. I do want to put in the record that what you're hearing tonight is what we hear all the time as staff. I want to cut the cycle very short, and I respect what the applicant is saying. This team that Mr. Haddad has put together has put some amazing projects together in other communities. I'm not going to sit here and let them tell you this is the best that they can do. It's not true, and so I want to bring your attention to the photos. This is an exhibit that speaks volumes. Our intention was to make sure that any additions or car washes looked exactly like that elevation. That's just not acceptable, especially in this location and so I would reconsider this application. Look at the pumps, there is tile on top and why would we approve a car wash without any of these elements is beyond me. I'm recommending that we direct the applicant to at least come close to this and stop insulting us. This is our community and a major entry. We are taxpayers putting hundreds of millions of dollars to improve the front door of our community, they need to bring us a good application that we can be proud of and let's continue this item.

Vice Chair Thomas stated I know after this meeting I'm going to receive a lot of community feedback just in my interactions and so even during the meeting, while we've been talking, I've just been thinking how am I going to respond? What am I going to be able to say? No insult on the design, I'm so glad you added that it's just lacking something. For me I feel concerned, especially with this being the main thoroughfare where everybody is driving, I drive by every day.

Chair Hamerly stated I'll caution staff. I understand context and wanting the carwash to at least respect the main convenience store, but to be blunt there aren't a lot of elements on the convenience store that would be fitting or appropriate for the size and proportion of the car wash. The walls are not tall enough to really pull off the arches. The tile roof might be a nice addition, it would soften it and introduce the context. We are still faced with a red tile roof on top of this neon blue banner. The pump is an ok statement, but you're still looking at a contrast. You're never going to get Mediterranean or Mission out of that pump. In my opinion it makes the gas pump look really top heavy. We must be selective about which elements we're choosing and having little eyebrow trellis is coming off, maybe add some vines to those would soften it and would break it up. We might be able to pull off a tile roof, but are we replicating the pumps? I think there are some elements that we could replicate off the convenience store, lighting would not be one of them. A little more style points but introducing the colors and some of the articulation. Again, the eyebrow trellis might be a step in the right direction. The note did say Coronado stone, so that my experience is that's not painted metal to look like stone that's a cultured stone. It's not real, but from a distance and you squint, it looks ok.

Community Development Director Mainez stated the blue element on this elevation is purely an ARCO image not to say this is going to happen, but gas stations do change ownership. My point was it should match the building and your point maybe it's too low, maybe it needs to be raised up. It's right off the freeway there'll be a sound wall so we may not see it from the freeway, but the residents are going to have to use this every day and we're trying to create a sense of place.

Chair Hamerly stated if the gas pumps, street signage, monument signage is your marquee, does the car wash really have to carry through on the marquee? Could that be a separate element? You don't see a blue band on the convenience store, and that's every bit as much in ARCO or AMPM as the gas pumps. Is it completely necessary to have the blue band going around the car wash if we want that to kind of recede into the landscape and be more of a background element. The convenience store has the varied roofline which is making its own statement there so that's a point of discussion that we don't need to replicate the blue band. That opens some other possibilities for cleaning up the elevations, if the blue band went away, I'd be a lot more comfortable with a hip style roof that has tile on it. Maybe do a cornice treatment on that, that respects what's happening around the fascia on the convenience store.

Community Development Director Mainez stated those are great ideas. I want to reiterate; I've seen some other products and they can do this. They have a proposal on Greenspot Road. I'd like to give them another chance, bring back with all your ideas you just noted and let's just see what it looks like.

Chair Hamerly stated the landscaping is key in this whole thing too. I mean if we only have a 10-foot band around the perimeter, what's happening between the property line and the ultimate right of way is very significant on this project. That's 50% of the proposed landscaping is happening off property.

Community Development Director Mainez stated I think you should see both before you make a decision.

Vice Chair Thomas stated don't know how still to condition the enhancements made to this convenience store.

Commissioner Sutorus stated I agree with Commissioner Thomas, if you're going to spend all that money on putting in a car wash, at least update the paint to make it look brand new, as if you kind of remodeled the area to get people to want to come to the store.

Chair Hamerly asked what kind of time frame are you needing to navigate because we like to continue things to update certain so we keep a progress moving here.

Jay Nelson stated thank you for that invitation. I feel hesitant on promising, but my anxiousness to get this thing back within two weeks is there.

Chair Hamerly stated ok, so we could continue this to our first meeting in October or do you want to give yourself some leeway and say we'll give you a full month to achieve that?

Jay Nelson stated I'm anxious to make the city happy.

Assistant Community Development Director Stater asked how about the landscape plans? We probably want to bring him back together as a package, do you think that's also doable?

Jay Nelson stated there is still some moving pieces on what is to be landscaping and the ownership of who has that property and the other aspect of some delays in Caltrans peer review.

Chair Hamerly stated we have a design, but there's still a bunch of buy in from Caltrans to authorize and state yes, we would agree to that, but that shouldn't impact the design because the scope and extent of the area that needs that additional landscaping is laid out on the plan there.

Jay Nelson stated I am up to ideas for what is the most expeditious and review.

Assistant Community Development Director Stater stated the Caltrans approval will come later so we wouldn't ask you to go get pre-approved at Caltrans and then come back to this board so it would be up to your landscape architect to produce those very quickly. We're going to be back in two weeks. It might be a little too early.

City Landscape Architect Rice stated street and Caltrans plans are readily available and the plans include very fixed improvements and so the landscape plan really needs to reflect those improvements so the city can see where the remainder of the landscape is. The area is a lot smaller once Caltrans is done with widening of Base Line with the existing project so that that's one critical factor. If you look at the palette itself, I believe this is a beautiful palette that can work with the gateway setting. We've pushed back a few times now to get more detail. It's still schematic and all the understory planting is drawn with just some scattered shrubs. I would strongly advise to get the Commission's buy in to have the conceptual landscape plan have a little bit more finalization to it. My biggest concern, and Kim and Larry both know this, is not allowing what happened at Panda Express and Jack in the Box, because it was the same situation where the plans that were submitted at the conceptual level really reflected something that was kind of a bait and switch.

Assistant Community Development Director Stater stated if we were to try to get to the October 19th Planning Commission meeting, we'd need all the plans by September 30th. I'd be very tough for the landscape architect to do, but I'll leave that to Jay.

Chair Hamerly stated we're looking at first week in November.

Assistant Community Development Director Stater stated I think so. If that were the case, we need all the plans by October 11th. Do you think that would be doable, Jay?

Jay Nelson the Applicant's Representative stated I was trying to express my anxiousness to show performance to the city and to staff. The detailing and landscaping, I totally agree with the potential time frame. I don't want to blindside Mr. Reyes, the Landscape Architect. So, my promise to staff is within a two-week period I'll be making some iteration presentations if that's acceptable to you?

Chair Hamerly asked that would be an informal presentation with staff and we would continue this to date certain which would be to November 2nd?

Associate Planner Syed stated correct.

Chair Hamerly closed the public hearing.

A MOTION was made by Chair Hamerly, seconded by Vice Chair Thomas, to continue DRA 21-002 application to the November 2nd Planning Commission meeting. Motion carried, 5-0.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled October 5, 2021.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:26 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: October 5, 2021

FROM: Lawrence A. Mainez, Community Development Director

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

PREPARED BY: Ash Syed, Associate Planner *AS*

SUBJECT: An Application by Los Compadres Bar for a Conditional Use Permit (CUP 21-008) to re-establish a Cocktail Bar with a State of California Type-40 (On-Sale Beer) Alcohol Beverage Control License

LOCATION: 25496 Base Line, Highland, CA 92346
Assessor's Parcel Number: 0273-253-18

OWNER/APPLICANT: Aschly Lugo

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 2021 – _____, denying Conditional Use Permit (CUP 21-008) to re-establish a Cocktail Bar with a State of California Type-40 (On-Sale Beer) Alcohol Beverage Control License, subject to the Conditions of Approval and Findings of Fact.

PUBLIC NOTICE: A Public Hearing Notice was published in the Highland Community News on September 24, 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.

ENVIRONMENTAL REVIEW: No environmental action is necessary due to the fact the recommendation is to deny an entitlement application (i.e. Conditional Use Permit 21-008 to establish a bar).

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

DESCRIPTION OF THE SITE: The subject building is located within the General Commercial zoning district at the northeast corner of the Base Line and Osbun Road T-Junction. The site features four (4) total buildings that are shared between two parcels. On the southern part of the site is a 3,200 square foot freestanding building, shared between Los Compadres Bar and a recycling center, that is partially located on Parcel No. 0273-253-18 with the remainder on Parcel No. 0273-253-28 to the north, owned by the same landlord. The Los Compadres Bar features eighteen (18) dedicated parking spaces within Parcel 0273-253-18 with an additional fourteen (14) spaces considered “shared” parking with the other businesses on the site.

Also located on Parcel No. 0273-253-28 is a 2,300 square foot building used by a tire shop and a 2,000 square foot building used by a smog check and vehicle maintenance facility. The block consists of primarily of industrial type uses, such as auto repair and grandfathered vehicle maintenance facilities.

BACKGROUND: The subject building was established as a neighborhood bar prior to incorporation of the City (circa 1946). It underwent many ownership and name changes over time including “La Frontera” and “Club Azteca”. In 2015, the business was purchased by the Applicant who continued operations under the name “Los Compadres.” The Applicant made a large financial investment in upgrades to the business. The Applicant held an active business license with the City between 2015 and 2019. For unknown reasons, the Applicant did not renew the license and allowed it to expire in January of 2019.

In May of 2021, the Applicant/Owner attempted to renew the business license with City, stating that the abrupt closing of the establishment and Commercial Business License were the result of the COVID-19 closures mandated by the Governor’s Executive Order and related state and local guidelines. However, it was Staff’s finding the license had expired over one (1) year prior to said Covid actions. The City required the Applicant to apply for a Conditional Use Permit application to re-establish the bar because its prior legal, non-confirming zoning status had expired 180 days after its closure.

The General Commercial Zoning of the site permits a bar/tavern subject to the issuance of a Conditional Use Permit.

PROJECT REVIEW: The Applicant is seeking to re-establish a bar with a Type 40 ABC On-Sale Beer License. The Applicant is proposing to keep the same hours of operation:

Monday-Thursday	5:00 PM – 2:00 AM
Friday-Sunday	2:00 PM – 2:00 AM

Per the Applicant’s Floor Plan, the existing bar is approximately 1,347 square feet and includes a gathering area, a storage room, two restrooms, a bar counter, two (2) stand-

alone coolers, and two (2) entrances/exits. No sale of food or snacks are proposed at this establishment.

Los Compadres Bar is located within Census Tract 63.02, which is designated by the U.S. Census Bureau and extend across the jurisdictions of the City of Highland, City of San Bernardino, and County of San Bernardino.

	Land Use	General Plan	Zoning
Site	Los Compadres Bar / Recycling Center/ Auto Repair Facilities.	General Commercial (GC)	General Commercial (CG)
North	Single Family Residence	Low Density (LD)	Single Family (R-1)
South	Party Doll Bar, Auto Repair, Adult Book Store	General Commercial (GC)	General Commercial (CG)
East	Vacant Lot	General Commercial (GC)	General Commercial (CG)
West	Vacant Lot	General Commercial (GC)	General Commercial (CG)

ANALYSIS: The number of “on-sale” licenses authorized by ABC within in this Census Tract, without a finding of Public Convenience and Necessity, is six (6). This is the current number. The name and location of these businesses are listed below.

Business Name	Address	License Type	License Description
Two Guys Pasta & Pizza	2566 E Highland Ave	Type 41	On-Sale Beer & Wine (Eating Place)
El Korita Mariscos	25570 Baseline	Type 40	On-Sale Beer (Bar, Tavern)
Los Compadres Bar	25496 Baseline	Type 41	On-Sale Beer & Wine (Eating Place)
Baseline Burger Coffee Shop, Inc.	25578 E Baseline	Type 41	On-Sale Beer & Wine (Eating Place)
Club Patron	25082 Base Line	Type 48	On-Sale General (Public Premises)

There are two main criteria Staff analyzes when considering a recommendation to the Planning Commission regarding an ABC license; the number of licenses in the area and the prevalence of crime. If either of these criteria are excessively high, the project is deemed to create or exacerbate an “undue concentration” of licenses and the project should be denied.

Although the number of licenses in the subject Census Tract falls within the range acceptable by ABC, it falls short of illustrating what is actually happening in

adjacent/contiguous Tracts or neighborhoods. Across Base Line, within Tract No. 1979, there is an existing bar called Party Doll (located at 25461 Base Line), and an existing adult book store called Base Line Books (located at 25557 Base Line) both causing and attracting public nuisances in the area resulting in several calls for Police and Code Enforcement services. To appropriately analyze crime in the area, Staff requested statistics from the Highland Police Station for the site, the adjacent uses and surrounding community.

Between January 2014 and January 2019 when the Los Compadres Bar was in operation at the address 25496 Base Line there were 108 calls for service that included 10 assaults, several with weapons and injuries, attempted robbery, 5 bar checks, discharge of a firearm, 6 disturbances, 4 drunk in public, 2 fights, 3 stolen vehicles, 4 drug related calls, robbery, sexual battery, 3 fights, 3 calls for transients, and various others. These calls are related to the bar and the attached recycling center.

The adjacent businesses had numerous calls for burglary, disturbances, auto theft, man with a gun and others.

A couple of blocks east of the proposed Los Compadres Bar are neighborhoods also experiencing significant calls for services and public nuisances, such as Elm Street and Mira Vista Avenue. In addition, the aging mobile home park near the intersection of Base Line and Sterling is an attractive nuisance harboring illegal activities. The existing liquor store called Topsy's (located at 7272 Sterling Avenue) is currently under investigation by the State of California Alcoholic and Beverage Control for potentially violating their ABC License.

In summary, the area along Base Line between Del Rosa Drive on the west to Sterling Avenue on the east (which the proposed Los Compadres Bar is centrally located) is experiencing extensive public nuisance issues which the City's Quality of Life Taskforce is trying to address, inclusive of all the issues listed above and the on-going transient and homeless encampments and illegal activities that continues to plague the surrounding area. The flood control channel (Warm Creek) which runs along the eastside of the proposed Los Compadres Bar and bisects the area north and south is a facility experiencing illegal activities (drug use, prostitution, homeless encampments) particularly underneath the Base Line bridge crossing and other culverts along the channel.

CONCLUSION: Staff recommends denial of the Conditional Use Permit based on the significant number and type of Police calls for service related to the business, which are detrimental to the public health, safety, and general welfare of the surrounding area/neighborhoods. The area obviously suffers from an undue concentration of crime, especially violent crime. Allowing the proposed bar and further consumption of alcohol on this property will further exacerbate the criminal and social problems at this location and

surrounding neighborhoods. Findings supporting the denial are found within the attached Planning Commission Resolution.

EXHIBITS:

- 1 – Area Map
- 2 – Site Plan
- 3 – Floor Plan
- 4 – Site Photos
- 5 – Active ABC On-Sale Licenses within
Census Tracts 63.02 and 64.02

ATTACHMENTS:

- 1 – Resolution No. 2021 – ____ for Conditional Use Permit
(CUP 21-008)

Exhibit 1:

Area Map

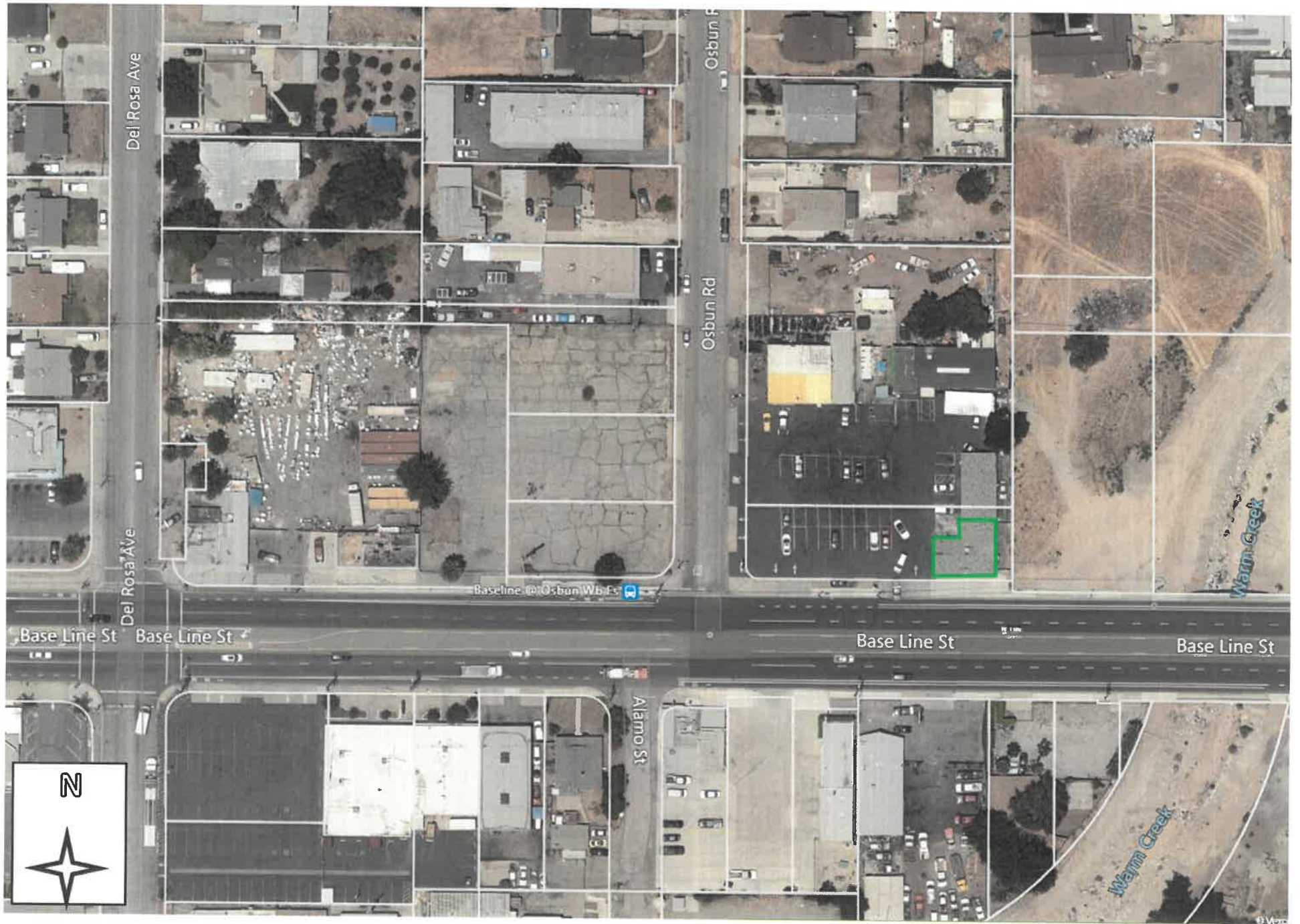
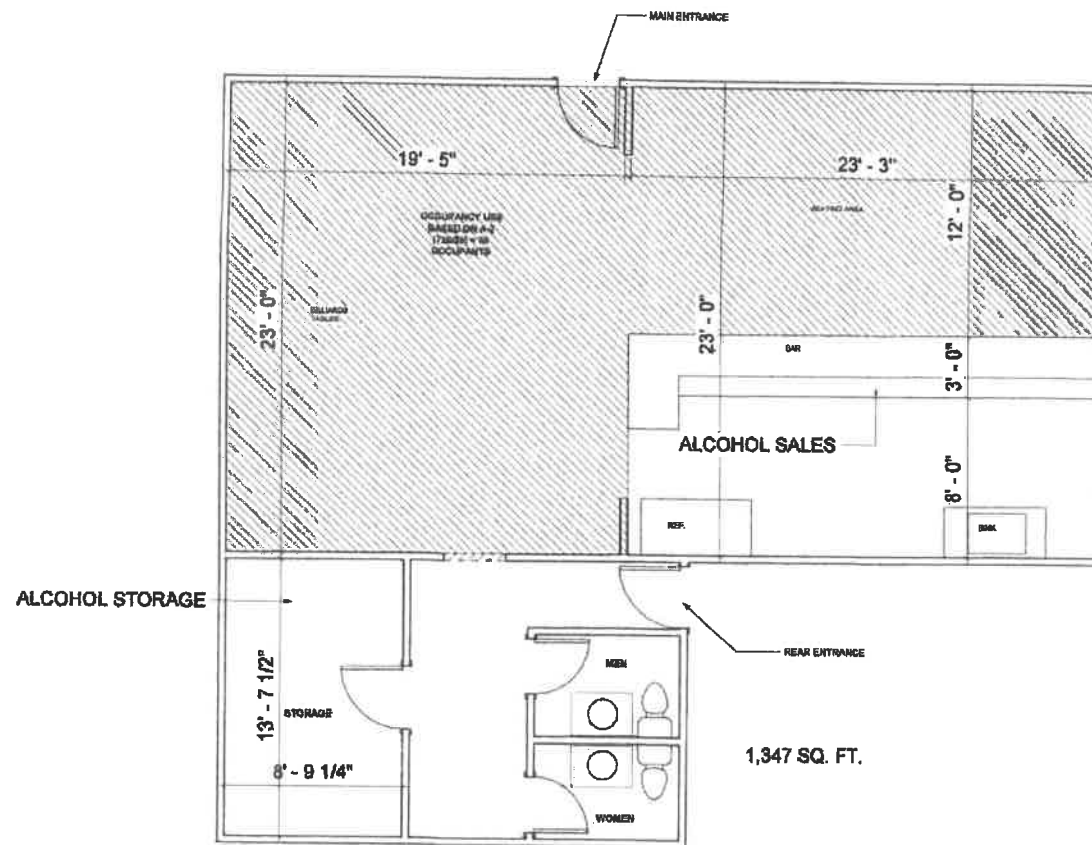


Exhibit 2:

Site Plan

Exhibit 3:

Floor Plan



1. FLOOR PLAN
3/8" = 1'-0"



LOS COMPADRES
Client: ASCHLY LUGO
Address: 25496 BASE LINE
SAN BERNARDINO, CA

REVISIONS:

02/15/17
3/1/17
1/1/17

Project Manager
Client
Designer
Architect
Interior Designer

FLOOR PLAN

SHEET #

A-101

Exhibit 4:
Site Photos



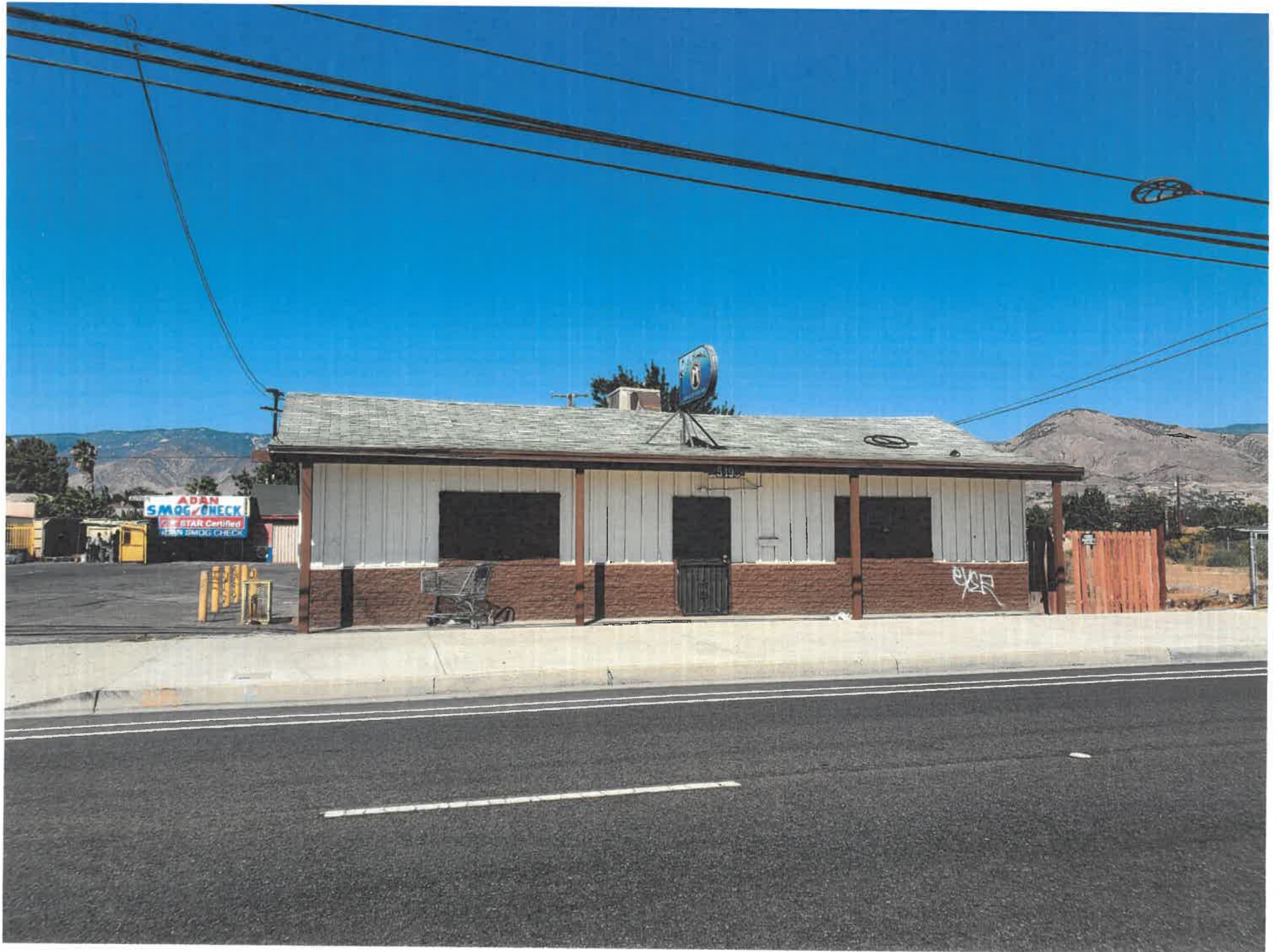








Exhibit 5:

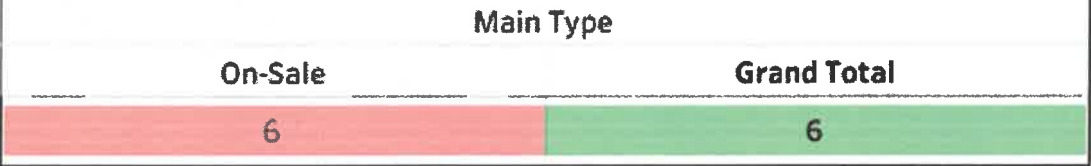
Active ABC On-Sale Licenses within

Census Tracts 63.02 and 64.02

ABC Alcohol Licenses: [Data Export from 9/18/2021]

Outlet City	County	Council District	Planning District	Census Tract (2010)	Census Tract (2020)	License Class	Status	Master
All	SAN BERNARDI..	All	All	Multiple values	All	On-Sale	All	All

License Summary



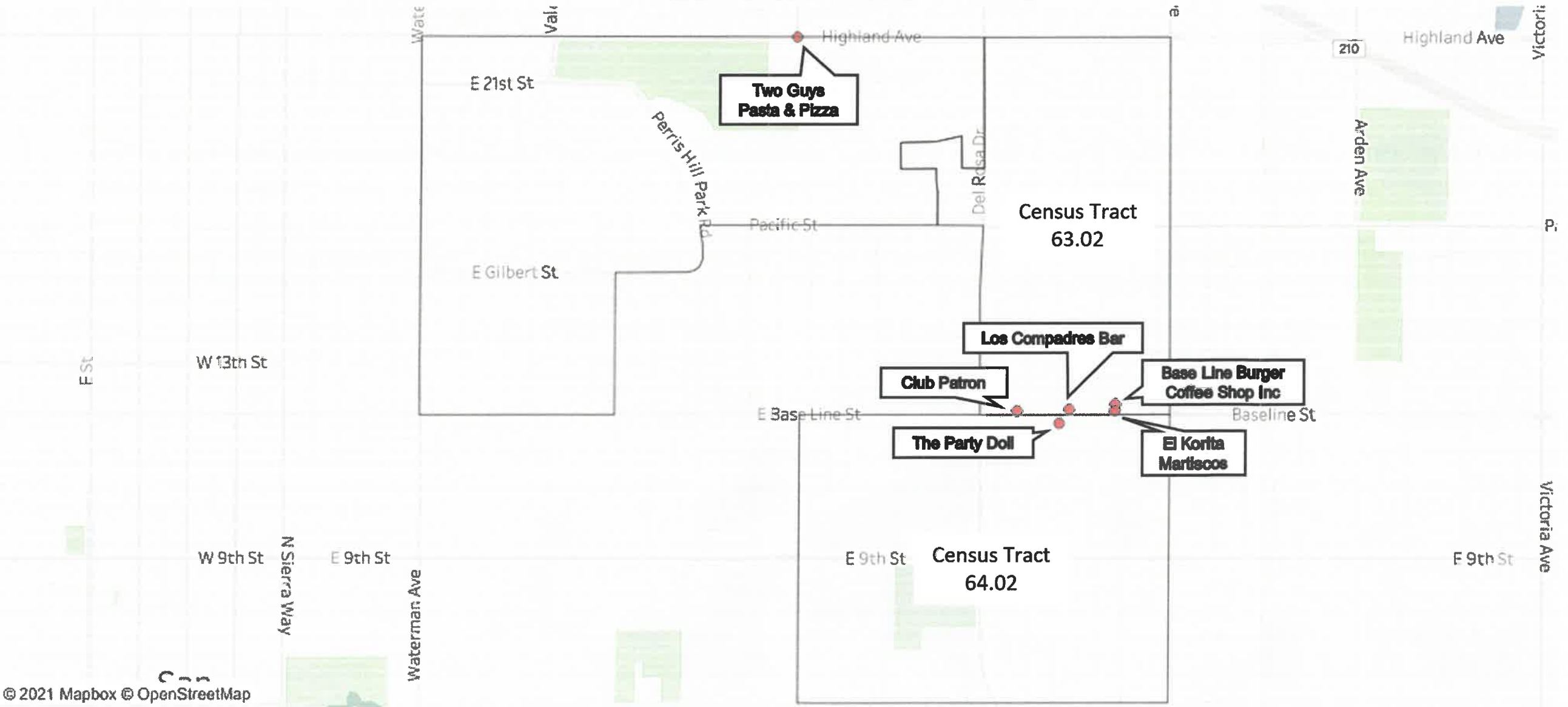
License Class

- On-Sale
- Grand Total

Layers Census Tract (2020)

Class Definitions

On-Sale: Bar, Club, & Pub selling drinks
Off-Sale: Store selling packaged alcohol
Non-Retail: Large Brewer, Winery, & Brew Pub
Counts typically reflect filtered selections.



This is a visualization of California ABC Alcohol Outlet Licenses. Use Filters above to modify selection criteria. Note that some areas may span across other areas eg. a Census Tract spanning across two Council Districts. Analysis by <https://PourSafe.com>. Subject to change. License: CC by 4.0

Data Last Updated: 9/18/2021

Attachment 1:

Resolution No. 2021 – ____ for

Conditional Use Permit (CUP 21-008)

RESOLUTION NO. 2021 - ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP 21-008) TO RE-ESTABLISH A COCKTAIL BAR WITH A TYPE-40 ALCOHOLIC BEVERAGE CONTROL LICENSE (ON-SALE BEER) AT LOS COMPADRES BAR, LOCATED AT 25496 BASE LINE. ASSESSOR'S PARCEL NUMBER: 1192-641-01.

APPLICANT: ASCHLY LUGO

A. RECITALS

1. On July 17, 2021 The Applicant filed a Conditional Use Permit (CUP 21-008) application with the City of Highland for a Type-40 ABC license to sell alcohol at Los Compadres Bar, located at 25496 Base Line.
2. On October 5, 2021, the Planning Commission of the City of Highland conducted a public hearing on the subject Application and concluded the hearing on that date.
3. All legal prerequisites to the adoption of this Resolution have occurred.
4. Pursuant to the California Environmental Quality Act, the project is categorically exempt per Section 15301, Class 1, Existing Facilities as the project involves the application for a license by another public agency.

B. RESOLUTION

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

1. The Planning Commission finds that all of the facts set forth in the Recitals, Part "A" of this Resolution, are true and correct.
2. The City of Highland Planning Commission after due consideration, inspection, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said hearing, including the staff report to the Planning Commission dated October 5, 2021, which is incorporated herein by this reference, does find and determine the following facts:
 - a. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.

3. Findings of Fact: Conditional Use Permit (CUP 21-008):

- a. 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 project is located within the General Commercial (CG) zoning designation and proposes to re-establish a cocktail bar with a Type-40 ABC (On-Sale Beer) license. The bar is a permitted use in this area through the approval of a Conditional Use Permit.

There are two main criteria Staff analyzes when considering a recommendation to the Planning Commission regarding an ABC license; the number of licenses in the area and the prevalence of crime. If either of these criteria are excessively high, the project is deemed to create or exacerbate an "undue concentration" of licenses and the project should be denied.

Although the number of licenses in the subject Census Tract falls within the range acceptable by ABC, it falls short of illustrating what is actually happening in adjacent/contiguous Tracts or neighborhoods. Across Base Line, within Tract No. 1979, there is an existing bar called Party Doll (located at 25461 Base Line), and an existing adult book store called Base Line Books (located at 25557 Base Line) both causing and attracting public nuisances in the area resulting in several calls for Police and Code Enforcement services. To appropriately analyze crime in the area, Staff requested statistics from the Highland Police Station for the site, the adjacent uses and surrounding community".

Between January 2014 and January 2019 when the Los Compadres Bar was in operation at the address 25496 Base Line there were 108 calls for service that included 10 assaults, several with weapons and injuries, attempted robbery, 5 bar checks, discharge of a firearm, 6 disturbances, 4 drunk in public, 2 fights, 3 stolen vehicles, 4 drug related calls, robbery, sexual battery, 3 fights, 3 calls for transients, and various others. These calls are related to the bar and the attached recycling center.

The adjacent businesses had numerous calls for burglary, disturbances, auto theft, man with a gun and others.

A couple of blocks east of the proposed Los Compadres Bar are neighborhoods also experiencing significant calls for services and public nuisances, such as Elm Street and Mira Vista Avenue. In addition, the aging mobile home park near the intersection of Base Line and Sterling is

an attractive nuisance harboring illegal activities. The existing liquor store called Topsy's (located at 7272 Sterling Avenue) is currently under investigation by the State of California Alcoholic and Beverage Control for potentially violating their ABC License.

In summary, the area along Base Line between Del Rosa Drive on the west to Sterling Avenue on the east (which the proposed Los Compadres Bar is centrally located) is experiencing extensive public nuisance issues which the City's Quality of Life Taskforce is trying to address, inclusive of all the issues listed above and the on-going transient and homeless encampments and illegal activities that continues to plague the surrounding area. The flood control channel (Warm Creek) which runs along the eastside of the proposed Los Compadres Bar and bisects the area north and south is a facility experiencing illegal activities (drug use, prostitution, homeless encampments) particularly underneath the Base Line bridge crossing and other culverts along the channel.

- b. The proposed use would not impair the integrity and character of the district in which it is to be established or located.

Response: Although the number of licenses in the subject Census Tract falls within the range acceptable by ABC, it falls short of illustrating what is actually happening in adjacent/contiguous Tracts or neighborhoods. Across Base Line, within Tract No. 1979, there is an existing bar called Party Doll (located at 25461 Base Line), and an existing adult book store called Base Line Books (located at 25557 Base Line) both causing and attracting public nuisances in the area resulting in several calls for Police and Code Enforcement services. To appropriately analyze crime in the area, Staff requested statistics from the Highland Police Station for the site, the adjacent uses and surrounding community".

Between January 2014 and January 2019 when the Los Compadres Bar was in operation at the address 25496 Base Line there were 64 calls for service that included 10 assaults, several with weapons and injuries, attempted robbery, 5 bar checks, discharge of a firearm, 6 disturbances, 4 drunk in public, 2 fights, 3 stolen vehicles, 4 drug related calls, robbery, sexual battery, 3 fights, 3 calls for transients, and various others. These calls are related to the bar and the attached recycling center.

The adjacent businesses had numerous calls for burglary, disturbances, auto theft, man with a gun and others.

The bar is located in a part of the City that has also seen a significant increase in homeless activity in the years since the bar last held an active business license. As mentioned, Los Compadres Bar had been open for business from January 2014 until January 2019 and had a total of 64 Calls

for Service from the Sheriff's Department, to the site. Since January 2019, there have been a total of 44 Calls for Service to the site, indicating that the amount of criminal activity and homeless encounters have increased greatly within the surrounding vicinity.

- c. The site is suitable for the type and intensity of use or development which is proposed.

Response: The number of licenses does not create an "undue concentration" in the area, as Census Tract 63.02, in which Los Compadres Bar is located, consists of 5 active ABC licenses when a total of 6 is considered the maximum. However, as noted in sections (a) and (b) above, it falls short of accurately illustrating the reality of what is occurs in adjacent/contiguous Tracts or neighborhoods.

- d. There are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety.

Response: Due to the significant issues outlined herein to support a denial, no analysis was conducted related to water, sewer, and public utilities.

- e. 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 proposed use will be a detriment to the public health, safety, and welfare of the surrounding vicinity. As outlined herein, specifically under findings (a), (b), and (c), with the increase in Calls for Service to the site and various occurrences of homicide, sexual battery, robbery, burglary, larceny, arson, aggravated assault, vandalism, and auto theft, the establishment of another bar will contribute to the significant public nuisance in the immediate area and surrounding neighborhood.

- f. The proposed use would not result in a significant effect on the environment.

Response: No environmental action is necessary due to the fact the recommendation is to deny an entitlement application (i.e. Conditional Use Permit 21-008 to establish a bar).

- 4. Based on the Findings of Fact set forth above, the Planning Commission denies Conditional Use Permit (CUP 21-008) for a Type-40 ABC license to sell alcohol at Los Compadres Bar located at 25496 Base Line.

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, DENIED, and ADOPTED this 5th day of October, 2021.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director