

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

April 18, 2023
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
Angelica Martinez, 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 📠

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance, please contact the City Clerk's office at (909) 864-6861, ext. 226, at least 72 hours prior to the meeting for any requests for reasonable accommodation to include interpreters.

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: For those wishing to make public comments by email, please submit your comments by email to be read aloud at the meeting. Email comments must be submitted by 5:00 p.m. on April 18, 2023 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the April 18, 2023 agenda, please identify the agenda item number in the subject line.

For those wishing to make public comments 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 close of the public hearing on the corresponding item to be considered part of the record. Please email your comments at publiccomment@cityofhighland.org.

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

**PLANNING COMMISSION
REGULAR MEETING AGENDA
April 18, 2023 - 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 April 18, 2023, 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 March 21, 2023 Regular Meeting.

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

PUBLIC HEARING

2. Conditional Use Permit application for an Alcohol Beverage Control License (Type 41 On-Sale Beer and Wine) at an existing full-service restaurant, Pancho's Kitchen. (27141 Base Line St. Ste 1)

RECOMMENDATION: Staff recommends to the Planning Commission:

1. Adopt Resolution No. 2023-____ Approving Conditional Use Permit 23-004 to establish an Alcohol Beverage Control License (Type 41 On-Sale Beer and Wine) at an existing full-service Restaurant, 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 12th of April 2023 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: April 12, 2023



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: April 18, 2023

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III *(G)*

SUBJECT: Minutes from the March 21, 2023 Planning Commission Regular Meeting.

RECOMMENDATION: Staff recommends the Planning Commission approve the revised 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 _____		
<i>(Signature)</i> Recording Secretary		<i>(Signature)</i> Community Development Director	

PLANNING COMMISSION REGULAR MEETING MINUTES
March 21, 2023 – 6:00 P.M.

CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:02 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: Kim Stater, Assistant Community Development Director
Ash Syed, Associate Planner
Angela Tafolla, Assistant Planner
Ben Booth, Senior Engineer
Matt Wirz, Building Official
Camille Goritz, Administrative Assistant III

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the March 7, 2023 Regular Meeting.

A MOTION was made by Commissioner Miller, seconded by Commissioner Thomas, to approve as submitted. Motion carried, 5-0.

PUBLIC HEARINGS

2. Conditional Use Permit application requesting an upgrade of an existing Alcoholic Beverage Control License Type 20 (Off-sale Beer and Wine) to an Alcoholic Beverage Control License Type 21 (Off-Sale Beer, Wine, and Distilled Spirits) at an existing Valero vehicle fueling station convenience store Have A Snack (27767 Base Line, Aysar Helo)

Assistant Planner Tafolla presented the staff report.

Chair Hamerly stated there was a condition that had been added that would void the Conditional Use Permit (CUP), which is for the Alcohol Beverage Control (ABC) license, it is not the CUP for the use of the property that established the convenience store in the fuel station.

Assistant Planner Tafolla stated that is correct.

Chair Hamerly opened the public hearing.

Applicant, Aysar Helo stated we operate 24 hours and we have been operating legally. The majority of the calls to the police were because our employees called. We were requested about a year and a half ago, any transients or any issues on the gas pumps was to call the police and not to approach them. This was a request from Code Enforcement at the time, and I asked my employees if you see anybody that should not be there, to call the police and have them dealt with. We have not had crime issues such as robberies. People have asked us for certain drinks, however we cannot sell it because of the percentage of liquor. There is not any other liquor store that sells spirits in East Highland conveniently in our area.

Chair Hamerly asked are there any plans to add Electric Vehicle (EV) charging stations?

Applicant, Aysar Helo stated we approached Edison last week and they have a new program, and we are in discussion with them. We will try to have EV charging stations on site.

Chair Hamerly stated the letter that was provided in the staff report, it mentioned that your clientele that were requesting distilled spirits were coming from the eastern edges of the city.

Applicant, Aysar Helo stated that is correct. The majority of our customers come off the freeway or East Highland because it is the way home.

Chair Hamerly asked was it the Sheriff's Department that requested the letter if there was any illegal activity on the property.

Aysar Helo stated this was the Code Enforcement Department and they had us sign a document.

Chair Hamerly stated I am trying to figure out if this was a policy that was enacted as a public safety issue and it was a request of the Sheriff's Department, why they would decline or refuse to support your request it's a high crime area and if this is a policy that they had implemented.

Aysar Helo stated the officer checked the records of how many calls there were, he did not go through what the calls were about. Most of these calls were made as a follow-up. They are just people pulling in or pulling somebody off the street and they are talking to them. Some of the calls were to notify the police that someone should not be on the property, next door or across the street.

Assistant Community Development Director Stater stated our Code Enforcement Officer Barrie Owens and we have assigned pop officers with the Sheriff's Department, they approach all the businesses and ask for the document that allows them to go on their site in the absence of the owner and remove people that do not belong there. Also, to reduce the panhandling, the transient issue, please call. It is an ongoing effort by the city and our Quality-of-Life Department goes to these business owners and requests that they please make a call so we can resolve the issue.

Chair Hamerly opened the public hearing.

Applicant, Aysar Helo stated we operate 24 hours and we have been operating legally. The majority of the calls to the police were because our employees called. We were requested about a year and a half ago, any transients or any issues on the gas pumps was to call the police and not to approach them. This was a request from Code Enforcement at the time, and I asked my employees if you see anybody that should not be there, to call the police and have them dealt with. We have not had crime issues such as robberies. People have asked us for certain drinks, however we cannot sell it because of the percentage of liquor. There is not any other liquor store that sells spirits in East Highland conveniently in our area.

Chair Hamerly asked are there any plans to add Electric Vehicle (EV) charging stations?

Applicant, Aysar Helo stated we approached Edison last week and they have a new program, and we are in discussion with them. We will try to have EV charging stations on site.

Chair Hamerly stated the letter that was provided in the staff report, it mentioned that your clientele that were requesting distilled spirits were coming from the eastern edges of the city.

Applicant, Aysar Helo stated that is correct. The majority of our customers come off the freeway or East Highland because it is the way home.

Chair Hamerly asked was it the Sheriff's Department that requested the letter if there was any illegal activity on the property.

Aysar Helo stated this was the Code Enforcement Department and they had us sign a document.

Chair Hamerly stated I am trying to figure out if this was a policy that was enacted as a public safety issue and it was a request of the Sheriff's Department, why they would decline or refuse to support your request it's a high crime area and if this is a policy that they had implemented.

Aysar Helo stated the officer checked the records of how many calls there were, he did not go through what the calls were about. Most of these calls were made as a follow-up. They are just people pulling in or pulling somebody off the street and they are talking to them. Some of the calls were to notify the police that someone should not be on the property, next door or across the street.

Assistant Community Development Director Stater stated our Code Enforcement Officer Barrie Owens and we have assigned pop officers with the Sheriff's Department, they approach all the businesses and ask for the document that allows them to go on their site in the absence of the owner and remove people that do not belong there. Also, to reduce the panhandling, the transient issue, please call. It is an ongoing effort by the city and our Quality-of-Life Department goes to these business owners and requests that they please make a call so we can resolve the issue.

Chair Hamerly stated ok, however if it is a policy that was encouraged by the Sheriff's Department and Code Enforcement, why they would not support a legitimate request by a business and say no, it is a high crime area.

Assistant Community Development Director Stater I think the alternative could be if it is reviewed and one or two years, and to look at the calls and see how they differ from this year to the next year. We can prepare a condition.

Chair Hamerly asked if we could modify a condition for reexamination and a directive to the Sheriff's Department to start tracking the data more specifically.

Commissioner Miller asked will you speak about internal policies that you have in the business in order to ensure safety?

Aysar Helo stated if anybody is intoxicated, there is no way we are going to sell them. Everybody is asked for ID's. When we first opened up, we installed electronic locks at the register, the employee could lock all our doors and people are locked out.

Chair Hamerly closed the public hearing.

Assistant Community Development Director Stater stated Planning Condition No. 11, on page 27 to read, "Within 12 months of approval the Planning Commission shall review the status of the ABC license they shall include, but not be limited to, a crime statistics analysis by the Highland Sheriff's Office".

A MOTION was made by Commissioner Amaya and seconded by Vice Chair Thomas to adopt Resolution No. 2023 – 008 approve Conditional Use Permit 23-002 to upgrade an existing Alcoholic Beverage Control License Type 20 (Off-Sale Beer and Wine) to an Alcoholic Beverage Control License Type 21 (Off-Sale Beer, Wine, and Distilled Spirits). Motion carried, 3-2, with Commissioner Miller and Commissioner Sutorus abstaining.

RESOLUTION NO. 2023 – 008

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT APPLICATION (CUP-23-002) TO UPGRADE THE ALCOHOLIC BEVERAGE CONTROL LICENSE FROM A TYPE 20 (OFF-SALE BEER AND WINE) LICENSE TO A TYPE 21 (OFF-SALE GENERAL) LICENSE FOR AN EXISTING VEHICLE FUELING STATION CONVENIENCE STORE LOCATED AT 27767 BASE LINE (APN NO. 1201-091-61)

3. Conditional Use Permit (CUP 22-008) for the development of a vehicle fueling station, convenience store, and carwash requiring a General Plan Amendment (GPA 22-001) and Zone Change (ZC 22-001) to change the land use and zoning designation from to Industrial (I) to Business Park (BP). Related entitlements include Tentative Parcel Map No. 19209 (TPM 22-006) to merge seven (7) existing lots into one (1), Design Review Application (DRA 21-019) for a site plan, building elevations, conceptual landscape plan, grading plan, and Mitigated Negative Declaration (ENV 23-002). (NE corner of Palm Ave and 5th St, Harikrishna Gas Inc)

Associate Planner Syed presented the staff report.

Commissioner Amaya asked if there was a moratorium with fueling stations, right?

Associate Planner stated that is correct, a part of that moratorium, there was an exemption for fueling station proposals that came to us prior to that moratorium going into effect. So, this was one of those projects that actually had a pre-application, there was a plan for this prior to that moratorium. So that is why it is exempt from it.

Assistant Community Development Director Stater stated the moratorium is no longer in place. The City Council adopted new standards for vehicle fueling stations, and with that ended the moratorium.

Associate Planner Syed stated this specific project does incorporate per the moratorium the requirement for onsite Electric Vehicle (EV). It is compliant with what the new fueling station standards are and it also incorporates diesel truck fueling, which is something that we do not have at other locations in the city.

Commissioner Sutorus asked will you describe the truck routes?

Associate Planner Syed (pointing to the PowerPoint) the trucks will enter from Meines Court, and that is where they fuel up and they exit onto 5th Street.

Commissioner Sutorus asked if the truck route is Palm Avenue and 5th Street?

Associate Planner Syed stated trucks will go from 5th Street up Palm Avenue to Meines Court, enter the station and exit back onto 5th Street.

Assistant Community Development Director Stater stated they will have two options; they can go back north to Base Line, or they will be able to go south to 3rd Street.

Commissioner Miller stated when the moratorium came up, I had a question regarding supply and demand. We do have many gas stations in Highland, we just heard from an existing gas station owner who stated that volumes are down. With EV, volumes are going to continue to go down, I do not think any of us want to see a Condition 10 years from now, but we have a bunch of brownfields all over our city because we did not think about the future. This project specifically because it has the diesel element, there is going to be demand for that. After this project, I would really like to see before I would approve any additional projects, I would like to see a study performed to look at that supply and demand and into the future in order to rationalize any additional gas stations. We are really saturated and if we do not act, we are going to end up with a lot of brownfields in the future that are going to degrade our city.

Assistant Community Development Director Stater stated the City Council did require in the new code that talks about abandoned and converted vehicle fueling stations. When one ceases use that the landscaping has to be repaired, restoration of all the on-site finishes, and the ground surface; everything has to be removed.

Chair Hamerly stated in the parking analysis, there are four spaces that have been included in the parking total for the site that are usage stations. There are two EV charging stations and two vacuum stations which are usage spaces. Those do not qualify as parking spaces because they are dedicated. For example, there are eight spaces at pumps, but

you cannot allocate those towards onsite parking. How can be rationalized if there are dedicated usage spaces?

Associate Planner Syed stated the two EV charging spaces, those do not apply to the parking requirement for the convenience store because they are spaces number 21 and 22. There are twenty other spaces and two are vacuum stations. According to the calculation there are 18.5 spaces that were required, which rounds up to 19. If you eliminate the EV charging and your vacuum, you are at 18 so. If you are around the spot down, you get to 18. There is one space short.

Chair Hamerly stated it is important because both the Resolution and the Conditions of Approval use those figures and that it is not a conventional means of calculating parking on a site. If it is a dedicated use area, it is not a parking spot because it is set aside for a specific use, and you are not supposed to be there unless you are doing that activity. They have an adequate amount of parking given the usage of the site, but I do not want it to put into a resolution that the city is recognizing we have 22 spaces on site when we do not.

Applicant Viraj Harikrishna stated this is a family business that we are trying to invest in the City of Highland. This is our first project that we have done from the ground up, we have done a project in Jurupa Valley 5 years ago. We saw an opportunity in high-speed diesel stations because of the airport and warehouses close to this location as well as the demand. So, when we looked at the site, we saw an opportunity to capture that business, in addition, to create a regular gasoline business as well to serve both clients. We also wanted to put in a convenience, car wash and EV charging stations. Since there are so many warehouses close by, based on our analysis, there is a demand for fuel stations specifically for high-speed diesel, we ran studies with private consultants and the volume is there for us to invest in this business.

Chair Hamerly asked what is the capacity analysis for the high-speed diesel? How far into Meines Court and Palm Avenue do you foresee the queue extending?

Viraj Harikrishna stated from the analysis, we do not see many 18-wheel trucks that are going to be coming in. It is more of the cargo-based trucks that are hauling cargo. Our analysis is about two trucks that can be staggered.

Chair Hamerly stated given the length of those vehicles, there is not a lot of queuing space on the north edge of the site and Meines Court is a short segment. I am hard pressed to produce a time of day when I do not see a substantial amount of truck traffic in that corridor. It is a really well-placed business in that area, but also because there is such a high volume of truck traffic that is only going to increase in the future. I think queuing analysis and circulation around this site is really critical.

Chair Hamerly opened the public hearing.

Public Speaker, Aysar Helo stated we need this in Highland, they worked hard to get this site. I think they should be able to build it and it is a good site. I looked at this site years ago, and the former owner is very hard to deal with. I also dealt with the property across street, which is the Mobile location, and we had a CUP approval. With our new friends, welcome to Highland. Thank you.

Chair Hamerly stated regarding the CUP section, attachment four, it specifically addresses the parking spaces, so please address that.

Assistant Community Development Director Stater stated ok, we will amend Condition #4 and any other reference.

Chair Hamerly stated Condition #16 stated it would come back to the Planning Commission for review for the on-site signage, the corner statement given the side angles and already have monument signs. The features listed are stones, wrought iron accents and City of Highland logos/scripture. Is the city looking for a built element or an enhanced landscape feature?

Assistant Community Development Director Stater stated both, but this specifically refers to a built element.

Chair Hamerly stated moving to Design Review Application (DRA), site plan. Regarding the queuing issue I have is exiting of the site for the trucks. If the trucks are 80 feet long and it is very difficult to get to the intersection because of the back up at the streetlight. If there is one truck that's waiting to exit southbound and make a westbound turn onto 5th Street, they could be waiting for a while. For example, if there is a truck waiting to exit onto 5th Street, next would go to Palm Avenue and then make a loop all the way around to get to the fueling canopy for gas. Will there be directional arrows on site pointing when they are fueling?

Applicants Representative Greg Hahn stated the traffic of the queuing at the canopy is figured out after a period of time. There is almost 100 feet or 80 feet, roughly between the canopy and there's plenty of maneuvering room.

Commissioner Miller asked if there's adequate room for trucks to use the entrance off of Palm Avenue to access the high diesel area?

Chair Hamerly stated the trucks have to enter Meines Court in order to make the canopy. Is there a median being proposed?

Senior Engineer Booth stated there is not a median proposed on Palm Avenue, but there is one proposed on 5th Street.

Vice Chair Thomas asked when is that median going to be constructed?

Senior Engineer Booth stated it is under construction currently.

Commissioner Miller stated Water Quality Basins, the swell guard inlets at the inferred of those basins and the system is a pretreatment device that treats the water before introducing it into the water quality basin. Do you know what the rationale was to provide the pretreatment at the outlet of the basin as opposed to treating it before it comes into basin?

Senior Engineer Booth stated that is a good point, usually the outflow is a little bit sensitive because that accounts for those overflows. Sometimes if those items are not maintained then they can cause flooding and that needs to be considered. For the conceptual approval that was not an issue, however for final engineering it needs to be considered

especially with the condition if those are not maintained, clogged or, basins overflow it is going to be messy and a bigger problem to deal with than the water quality aspects.

Chair Hamerly stated moving on to building exterior color exhibits.

Vice Chair Thomas asked are there other buildings nearby that have the same color scheme proposed?

Associate Planner Syed stated most of the buildings in this area are of the tan taupe color scheme, the ARCO that is across the street is a desert sand, most are very desert type colors.

Chair Hamerly stated the scheme is very specific, so if the tentative fueling partner is going to be known at the time when the sign program comes in and the branding would occur, it would be appropriate to defer the actual color palette and handle that all at once. Were there any comments on the composition massing of the structure itself?

Vice Chair Thomas suggested installing decorative items above the windows.

Greg Hahn stated yes, we can do that.

Chair Hamerly stated the motion tonight, it will include DRA approval, however, can the motion or the findings be modified to require bringing the signage back and include the color palette by reference in the CUP?

Assistant Community Development Director Stater stated on page 211, Condition #16 keep the first two sentences as is and where it starts final design for signage, state "Prior to issuance of a grading or building permit, the applicant shall submit a revised building elevation for the south side on-site circulation plan, color palette and materials board, including identification of gasoline tenant and corporate branding."

Chair Hamerly closed the public hearing.

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

1. Adopt Resolution No. 2023-009 certifying the Mitigated Negative Declaration (ENV 23-002), and direct Staff to file a Notice of Determination with the County Clerk of the Board;
2. Adopt Resolution No. 2023-010 approving General Plan Amendment (GPA 22-001) to change the land use of the site from Industrial (I) to Business Park (BP), subject to the Findings of Fact;
3. Introduce Ordinance No.2023-011 approving Zone Change (ZC 22-001) to change the zoning designation of the site from Industrial (I) to Business Park (BP), subject to the Findings of Fact;
4. Adopt Resolution No. 2023-012 approving Conditional Use Permit (CUP 22-008) for the development of a vehicle fueling

station, convenience store, and carwash, subject to the Conditions of Approval and the Findings of Fact as modified; and

5. Adopt Resolution No. 2023-013 approving Design Review Application (DRA 21-019) for the project's Site Plan, Building Elevations, Grading Plan and Conceptual Landscape Plan, subject to the Conditions of Approval and the Findings of Fact as modified; and
6. Adopt Resolution No. 2023-014 approving Tentative Parcel Map No. 19209 (TPM 22-006) to merge seven (7) existing lots into one (1), subject to the Conditions of Approval and the Findings of Fact. Motion carried, 5-0.

RESOLUTION NO. 2023-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL CERTIFY MITIGATED NEGATIVE DECLARATION (ENV 23-002) AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE DEVELOPMENT OF A 4,042 SQUARE FOOT FUEL CANOPY FOR SIX (6) GASOLINE PUMPS, A 2,520 SQUARE FOOT FUEL CANOPY FOR THREE (3) DIESEL PUMPS, A 1,387 SQUARE FOOT AUTOMATED CARWASH, AND A 4,620 SQUARE FOOT CONVENIENCE STORE ON APPROXIMATELY 1.9 ACRES AT THE NORTHEAST CORNER OF PALM AVENUE AND 5TH STREET. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT (CUP 22-008), DESIGN REVIEW APPLICATION (DRA 21-019), TENTATIVE PARCEL MAP NO. 19209 (TPM 22-006), GENERAL PLAN AMENDMENT (GPA 22-001) AND ZONE CHANGE (ZC 22-001).

RESOLUTION NO. 2023-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION APPROVING GENERAL PLAN AMANDMENT (GPA 22-001) TO CHANGE THE LAND USE OF SEVEN (7) SUBJECT PARCELS FROM INDUSTRIAL (I) TO BUSINESS PARK (BP) FOR A DEVELOPMENT CONSISTING OF A 4,042 SQUARE FOOT FUEL CANOPY FOR SIX (6) GASOLINE PUMPS, A 2,520 SQUARE FOOT FUEL CANOPY FOR THREE (3) DIESEL PUMPS, A 1,387 SQUARE FOOT AUTOMATED CARWASH, AND A 4,620 SQUARE FOOT CONVENIENCE STORE AT THE NORTHEAST CORNER OF PALM AVENUE AND 5TH STREET. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT (CUP 22-008), DESIGN REVIEW APPLICATION (DRA 21-019), TENTATIVE PARCEL MAP NO. 19209 (TPM 22-006), AND ZONE CHANGE (ZC 22-001).

RESOLUTION NO. 2023-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL INTRODUCE AN ORDINANCE APPROVING ZONE CHANGE (GPA 22-001) TO CHANGE THE ZONING DESIGNATION OF SEVEN (7) SUBJECT PARCELS FROM INDUSTRIAL (I) TO BUSINESS PARK (BP) FOR A DEVELOPMENT CONSISTING OF A 4,042 SQUARE FOOT FUEL CANOPY FOR SIX (6) GASOLINE PUMPS, A 2,520 SQUARE FOOT FUEL CANOPY FOR THREE

(3) DIESEL PUMPS, A 1,387 SQUARE FOOT AUTOMATED CARWASH, AND A 4,620 SQUARE FOOT CONVENIENCE STORE AT THE NORTHEAST CORNER OF PALM AVENUE AND 5TH STREET. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT (CUP 22-008), DESIGN REVIEW APPLICATION (DRA 21-019), TENTATIVE PARCEL MAP NO. 19209 (TPM 22-006), AND GENERAL PLAN AMENDMENT (GPA 22-001).

RESOLUTION NO. 2023-012

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE CONDITIONAL USE PERMIT (CUP 22-008) FOR A DEVELOPMENT CONSISTING OF A 4,042 SQUARE FOOT FUEL CANOPY FOR SIX (6) GASOLINE PUMPS, A 2,520 SQUARE FOOT FUEL CANOPY FOR THREE (3) DIESEL PUMPS, A 1,387 SQUARE FOOT AUTOMATED CARWASH, AND A 4,620 SQUARE FOOT CONVENIENCE STORE AT THE NORTHEAST CORNER OF PALM AVENUE AND 5TH STREET. RELATED ENTITLEMENTS INCLUDE DESIGN REVIEW APPLICATION (DRA 21-019), TENTATIVE PARCEL MAP NO. 19209 (TPM 22-006), GENERAL PLAN AMENDMENT (GPA 22-001), AND ZONE CHANGE (ZC 22-001).

RESOLUTION NO. 2023-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE DESIGN REVIEW APPLICATION (DRA 21-019) FOR THE SITE PLAN, BUILDING ELEVATIONS, ROUGH GRADING PLAN AND CONCEPTUAL LANDSCAPE PLAN PERTINING TO THE DEVELOPMENT CONSISTING OF A 4,042 SQUARE FOOT FUEL CANOPY FOR SIX (6) GASOLINE PUMPS, A 2,520 SQUARE FOOT FUEL CANOPY FOR THREE (3) DIESEL PUMPS, A 1,387 SQUARE FOOT AUTOMATED CARWASH, AND A 4,620 SQUARE FOOT CONVENIENCE STORE AT THE NORTHEAST CORNER OF PALM AVENUE AND 5TH STREET. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT (CUP 22-008), TENTATIVE PARCEL MAP NO. 19209 (TPM 22-006), GENERAL PLAN AMENDMENT (GPA 22-001), AND ZONE CHANGE (ZC 22-001).

RESOLUTION NO. 2023-014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 19209 (TPM 22-006) TO MERGE SEVEN (7) EXISTING PARCELS INTO ONE (1) PARCEL IN ASSOCIATION WITH CONDITIONAL USE PERMIT (CUP 22-008), DESIGN REVIEW APPLICATION (DRA 21-019), GENERAL PLAN AMENDMENT (GPA 22-001), AND ZONE CHANGE (ZC 22-001) TO DEVELOP A 4,042 SQUARE FOOT FUEL CANOPY FOR SIX (6) GASOLINE PUMPS, A 2,520 SQUARE FOOT FUEL CANOPY FOR THREE (3) DIESEL PUMPS, A 1,387 SQUARE FOOT AUTOMATED CARWASH, AND A 4,620 SQUARE FOOT CONVENIENCE STORE AT THE NORTHEAST CORNER OF PALM AVENUE AND 5TH STREET.

4. Review of the City's 2022 General Plan Implementation and Housing Element Annual Reports in accordance with Government Code Sections 65400 and 65588.

Assistant Community Development Director Stater presented the staff report.

Commissioner Amaya asked when the Airport Gateway Specific Plan will be completed?

Assistant Community Development Director Stater replied hopefully someone late summer in 2023.

Chair Hamerly stated the Accessory Dwelling Units (ADU's) were being allocated for low, but they are not extending it to very low.

Assistant Community Development Director Stater stated the state asks us to report planning entitlements, which falls under planning division, which our Planning Technician does the daily ADU's. The state asks us to report everything we do in the calendar year through planning and secondarily they ask Building and Safety to report when is a permit pulled, and did it commence construction? There are four things that we have to report and when planning first gets it, we do not have evaluation, we estimate it.

Commissioner Amaya asked is the city going to build affordable income housing /transitional housing in the city?

Assistant Community Development Director Stater stated yes, we will soon build an 89 unit south of Jeffrey Court on Central Avenue and those will be income restricted and senior living.

A MOTION was made by Commissioner Amaya and seconded by Vice Chair Thomas to receive and file the 2022 General Plan and Housing Element Annual Reports. Motion carried, 5-0.

ANNOUNCEMENTS

The next regular meeting is scheduled for April 4, 2023.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 8:06 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: April 18, 2023

FROM: Lawrence A. Mainez, Community Development Director

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

PREPARED BY: Angela Tafolla, Assistant Planner *AT*

SUBJECT: Conditional Use Permit application for an Alcohol Beverage Control License (Type 41 On-Sale Beer and Wine) at an existing full-service restaurant, Pancho's Kitchen.

LOCATION: Pancho's Kitchen
27141 Base Line St. Ste. 1, Highland CA. 92346
(APN: 1192-421-23-0000)

REPRESENTATIVE: Margarita Casas Llamas

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 2023 – ____ Approving Conditional Use Permit 23-004 to establish an Alcohol Beverage Control License (Type 41 On-Sale Beer and Wine) at an existing full-service Restaurant, subject to the Conditions of Approval, and the Findings of Fact.

PUBLIC NOTICE: A Public Hearing Notice was published in the Sun Newspaper on April 7, 2023. The Notice was posted on the City's website and at the three (3) designated public posting locations per City Council Resolution. The Project notice was mailed to interested agencies and property owners within 300 feet of the site on March 15, 2023. The Notice of Public Hearing was mailed to interested agencies and property owners within 300 feet of the site on April 3, 2023.

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

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is categorically exempt per Section 15301, Class 1, Existing Facilities because it consists of the operation of an existing structure involving negligible expansion of the use. No further environmental review required.

DESCRIPTION OF SITE: Pancho's Kitchen is currently operating within an existing commercial shopping center located at the southeast corner of the intersection of Base Line and Cole Avenue.

The commercial shopping center is located on an approximate .78 acre Site consisting of three (3) adjoining parcels with an approximate 11,998 square feet of retail building area. The two-story commercial building is presently divided into business suites. The center's parking lot extends across all parcels with three access points, one on Base Line and two Cole Avenue. Reciprocal vehicle access with no parking restrictions is provided across all parcels. The restaurant is located downstairs at the front of the building fronting Base Line (See Attachment 1)

The restaurant offers an indoor occupancy of 32 and fixed outdoor seating of 12. The Applicant is proposing to serve Alcoholic Beverages both indoors and outdoors. The outside dining area is currently enclosed with a 4' foot white vinyl fence. Staff has added a condition of approval to have the vinyl fence replaced with wrought iron.

Surrounding Land Uses

	Existing Use	General Plan Designation	Zoning Designation
Site	Commercial Center	Mixed Use	Mixed Use (MU)
North	Car Wash / Liquor Store	Mixed Use	Mixed Use (MU)
South	Single Family Residence	Low Density (2.1-6.0 du/ac)	Single Family Residential (R-1)
East	Vacant Parcel	Civic Center	Civic Center (CC)
West	Multi-family Residence / Single Family Residence	Medium Density (6.1 – 12.0 du/ac) Low Density (2.1-6.0 du/ac)	Multi-Family Residential (R-2) Single Family Residential (R-1)

The site is designated as "Mixed Use" (MU) with the same General Plan Designation.

PROJECT REVIEW: The Applicant is requesting a Conditional Use Permit for a Type 41 Alcoholic Beverage Control (ABC) license for the On-site Sale and Consumption of Beer and Wine, in conjunction with the operation of a full menu Restaurant.

The Restaurant currently operates Monday through Friday from 9:00 am to 9:00 pm and Saturday through Sunday from 8:00 am to 9:00 pm. There is no proposed change to the hours of operation.

ANALYSIS:

ABC License

The Department of Alcohol and Beverage Control (ABC) is the public agency which issues licenses to sell alcohol in the State of California. State law which regulates the issuance of ABC licenses includes provisions aimed at avoiding what is termed an “undue concentration” of licenses in any specific geographic area. ABC utilizes census tracts as the statistical subdivision to track and determine the number of licenses to be issued.

The project site is located within the boundary of Census Tract 76.03, which ABC authorizes a maximum of four (4) “on sale” licenses and three (3) “off sale” licenses for this geographic area. As of 2021, the number of businesses with “on sale” licenses are one (1) (See Attachment 4) and the number of “off sale” are three (3). The Table below summarizes the type and location of the existing ABC licenses in Census Tract 76.03.

<i>Business Name</i>	<i>Address</i>	<i>License Type</i>	<i>License Description</i>
Joy's Lounge Food & Spirits	27141 Base Line, Ste. 11	47 – Active	On-Sale General Eating Place (Restaurant - Beer, Wine & Distilled Spirits)
Highland Liquor	7567 Victoria Ave.	21 - Active	Off-Sale General (Store – Beer, Wine & Distilled Spirits)
The Liquor Shop	7335 Victoria Ave.	21 - Active	Off-Sale General (Store – Beer, Wine & Distilled Spirits)
M&G Market	26710 5 th St.	21 - Active	Off-Sale General (Store – Beer, Wine & Distilled Spirits)

Since the census tract is not over concentrated, the Planning Commission is not required to make a finding for public convenience or necessity. The approval of this conditional use permit will increase the total number of On-Sale ABC licenses to two (2) within Census Tract 76.03. The number of Off-Sale ABC licenses will remain the same.

The Sherriff's Department did not provide any comments or objections to the ABC request.

Staff has considered all possible concerns thought to be relevant to this business's operation. Pancho's Kitchen is a family restaurant that would appear to cater to the local neighborhood. Staff supports the project and does not foresee any negative impacts with the approval of an ABC license. However, should the Applicant lose their State License or should there arise any significant issues, the Conditional Use Permit may be revoked

by action of the Planning Commission. Staff are recommending approval of the project subject to findings within the attached Resolution.

Attachments:

1. Building Photos
2. Site Plan and Floor Plan
3. ABC Number of Licenses Allowed by Census Tract
4. List and Map of active on-sale ABC licenses within Census Tract 76.03
5. Resolution 2023 – ____ for Conditional Use Permit (CUP-23-004)
 - A. Conditions of Approval

ATTACHMENT 1

Building Photos

Base Line Frontage

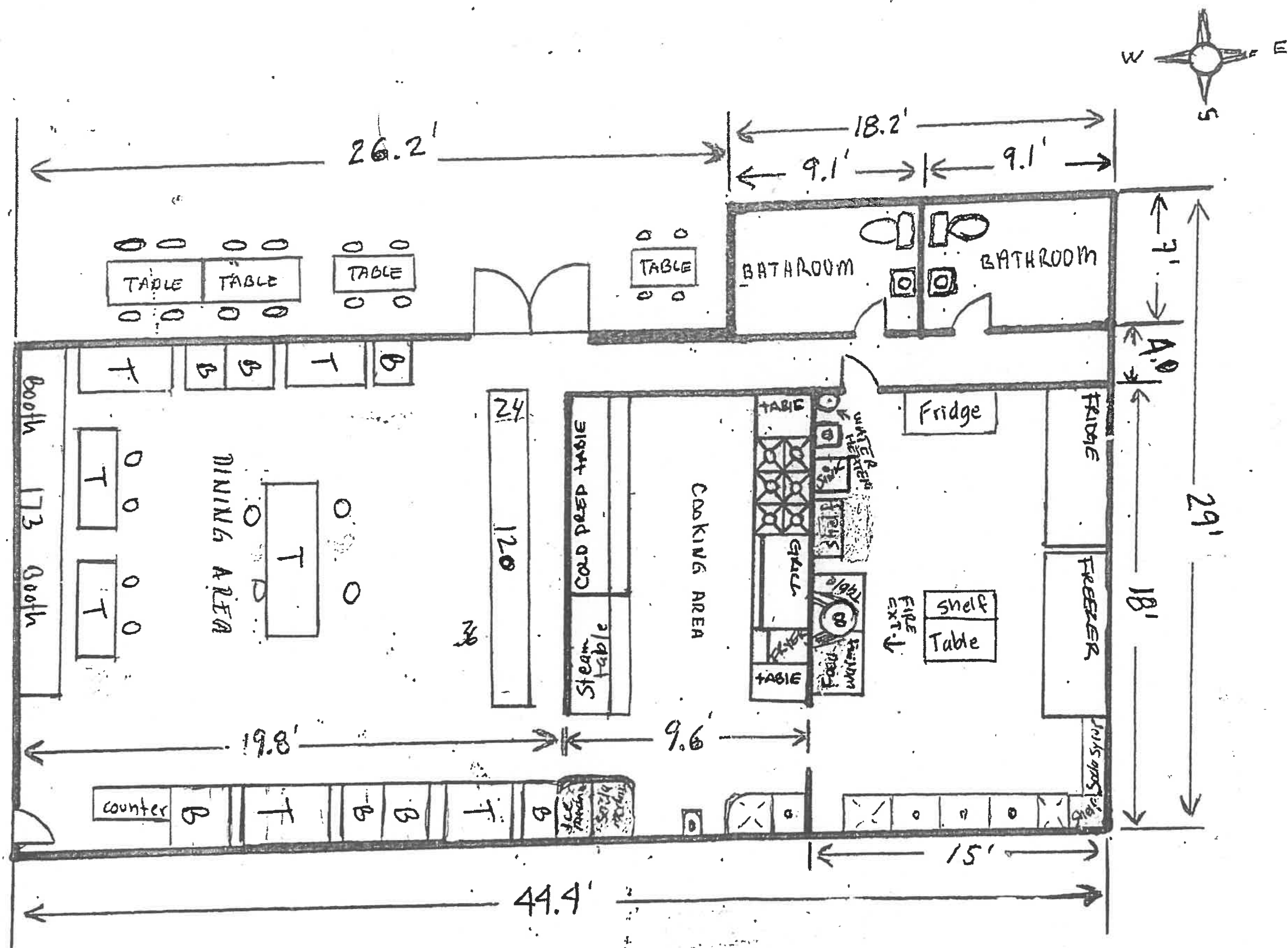


Cole Ave. Frontage



ATTACHMENT 2

Site Plan and Floor Plan



ATTACHMENT 3

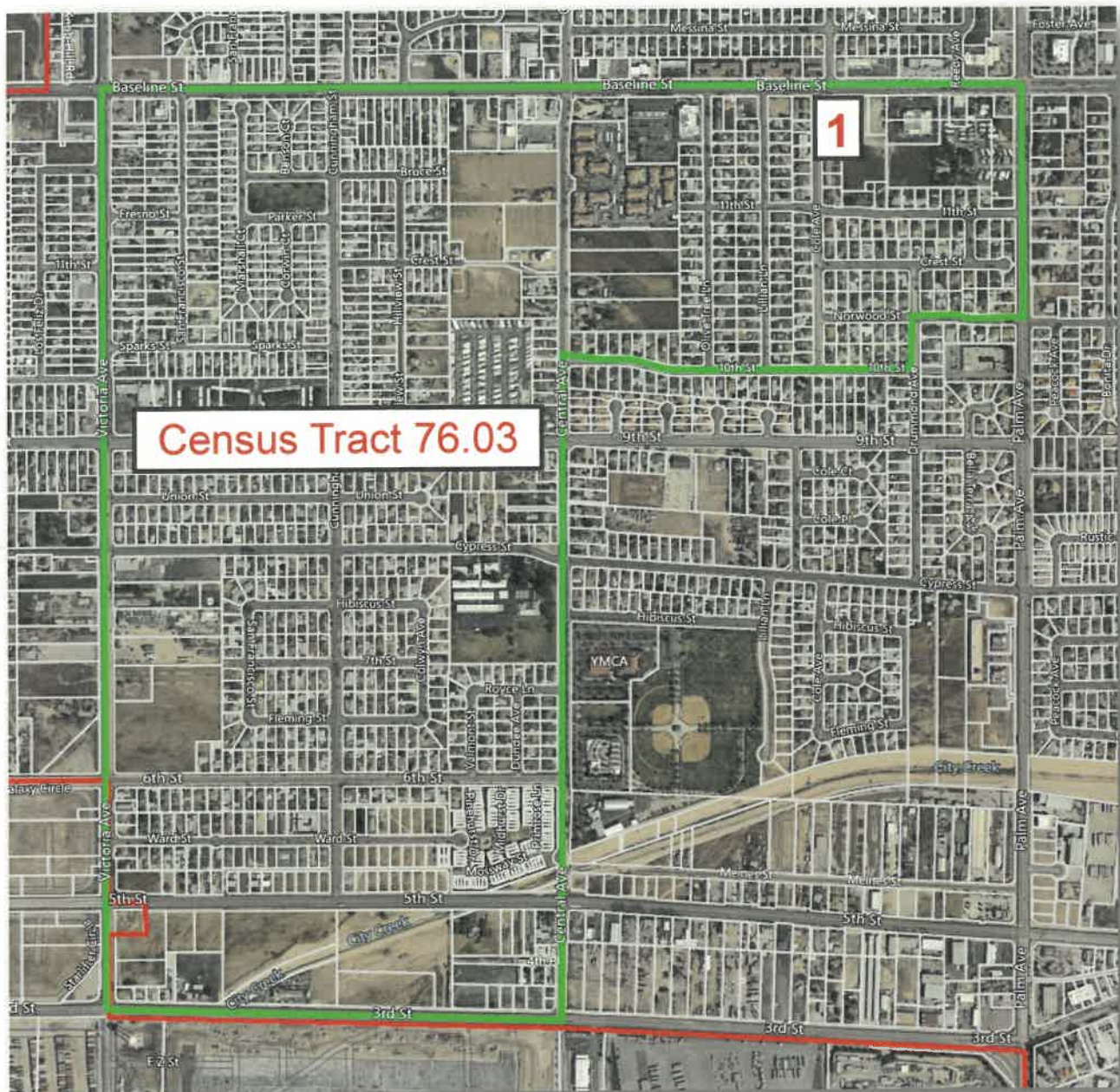
ABC Number of Licenses Allowed by Census Tract

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
NUMBER OF LICENSES AUTHORIZED
BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
SAN BERNARDINO	2,175,909	1216	1,429	73.08	5,074	4	3
SAN BERNARDINO	2,175,909	1216	1,429	74.04	4,638	3	3
SAN BERNARDINO	2,175,909	1216	1,429	74.07	3,119	2	2
SAN BERNARDINO	2,175,909	1216	1,429	74.08	4,432	3	3
SAN BERNARDINO	2,175,909	1216	1,429	74.09	6,278	5	4
SAN BERNARDINO	2,175,909	1216	1,429	74.10	6,091	5	4
SAN BERNARDINO	2,175,909	1216	1,429	74.11	1,729	1	1
SAN BERNARDINO	2,175,909	1216	1,429	74.12	6,645	5	4
SAN BERNARDINO	2,175,909	1216	1,429	76.03	5,059	4	3
SAN BERNARDINO	2,175,909	1216	1,429	76.04	4,844	3	3
SAN BERNARDINO	2,175,909	1216	1,429	76.05	4,233	3	2
SAN BERNARDINO	2,175,909	1216	1,429	76.06	3,556	2	2
SAN BERNARDINO	2,175,909	1216	1,429	78.00	6,632	5	4
SAN BERNARDINO	2,175,909	1216	1,429	79.03	4,931	4	3
SAN BERNARDINO	2,175,909	1216	1,429	79.04	7,061	5	4
SAN BERNARDINO	2,175,909	1216	1,429	79.05	3,600	2	2
SAN BERNARDINO	2,175,909	1216	1,429	79.06	4,343	3	3
SAN BERNARDINO	2,175,909	1216	1,429	80.01	7,038	5	4
SAN BERNARDINO	2,175,909	1216	1,429	80.03	4,222	3	2
SAN BERNARDINO	2,175,909	1216	1,429	80.04	3,250	2	2
SAN BERNARDINO	2,175,909	1216	1,429	81.00	3,326	2	2
SAN BERNARDINO	2,175,909	1216	1,429	82.01	3,323	2	2
SAN BERNARDINO	2,175,909	1216	1,429	82.02	2,576	2	1
SAN BERNARDINO	2,175,909	1216	1,429	83.01	6,616	5	4
SAN BERNARDINO	2,175,909	1216	1,429	83.02	3,268	2	2
SAN BERNARDINO	2,175,909	1216	1,429	84.02	6,501	5	4
SAN BERNARDINO	2,175,909	1216	1,429	84.03	5,791	4	4
SAN BERNARDINO	2,175,909	1216	1,429	84.04	2,931	2	2
SAN BERNARDINO	2,175,909	1216	1,429	84.05	5,752	4	4
SAN BERNARDINO	2,175,909	1216	1,429	84.06	5,254	4	3
SAN BERNARDINO	2,175,909	1216	1,429	85.01	3,945	3	2
SAN BERNARDINO	2,175,909	1216	1,429	85.02	4,782	3	3
SAN BERNARDINO	2,175,909	1216	1,429	86.01	6,404	5	4
SAN BERNARDINO	2,175,909	1216	1,429	86.02	3,641	2	2
SAN BERNARDINO	2,175,909	1216	1,429	87.05	4,669	3	3
SAN BERNARDINO	2,175,909	1216	1,429	87.08	4,415	3	3
SAN BERNARDINO	2,175,909	1216	1,429	87.09	4,627	3	3
SAN BERNARDINO	2,175,909	1216	1,429	87.10	4,700	3	3
SAN BERNARDINO	2,175,909	1216	1,429	87.11	3,720	3	2
SAN BERNARDINO	2,175,909	1216	1,429	87.12	4,102	3	2
SAN BERNARDINO	2,175,909	1216	1,429	87.13	4,224	3	2
SAN BERNARDINO	2,175,909	1216	1,429	87.14	4,314	3	3
SAN BERNARDINO	2,175,909	1216	1,429	87.15	7,091	5	4
SAN BERNARDINO	2,175,909	1216	1,429	87.16	6,650	5	4
SAN BERNARDINO	2,175,909	1216	1,429	88.00	6,520	5	4

ATTACHMENT 4

List and Map of active on-sale ABC licenses
within Census Tract 76.03



	<u>Business Name</u>	<u>Address</u>	<u>License Type</u>	<u>License Description</u>
1	Joy's Lounge Food & Spirits	27141 Base Line, Ste. 11	47 - Active	On-Sale General

ATTACHMENT 5

Resolution 2023 – ____ for
Conditional Use Permit (CUP-23-004)
A. Conditions of Approval

RESOLUTION NO. 2023 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT APPLICATION (CUP-23-004) TO PERMIT THE ESTABLISHMENT OF AN ALCOHOLIC BEVERAGE CONTROL LICENSE TYPE 41 (ON-SALE BEER AND WINE) FOR A BONA FIDE PUBLIC EATING ESTABLISHMENT KNOWN AS PANCHO'S KITCHEN, LOCATED AT 27141 BASE LINE SUITE 1, HIGHLAND CA 92346. (APN NO. 1192-421-23)

APPLICANT: CIZO LOGISTICS, LLC (PANCHO'S KITCHEN)

A. RECITALS

1. On February 28, 2023, the Applicant applied for a Conditional Use Permit (CUP 23-004) to permit the establishment of a Type 41 On-Sale Beer and Wine Alcoholic Beverage Control License for a Pancho's Kitchen restaurant located at 27141 Base Line Suite 1, Highland, CA 92346 (APN: 1192-421-23) within the Planned Commercial General Plan land use designation and Zoning District.
2. The proposal is a request to permit an Alcoholic Beverage Control license for an existing restaurant and as specified in the Highland Municipal Code, approval of a conditional use permit by the Planning Commission is required.
4. On April 18, 2023, the Planning Commission of the City of Highland, conducted a public hearing on the subject application and concluded the hearing on that date.
5. Pursuant to California Environmental Quality Act, the Project is Categorically Exempt per the CEQA Guidelines, Section 15301, Class 1 Existing Facilities. There is no further environmental review required.
6. All legal prerequisites to the adoption of this Resolution have occurred.

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 April 18, 2023, 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. Conditional Use Permit Findings of Fact (CUP-23-004):

- a. Highland Municipal Code (HMC) Section 16.80.50.E.1, the proposed use and activity are permitted within the subject district pursuant to the provisions of this section and complies with all 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 proposed use of a restaurant with alcohol sales consumption is allowed within the Mixed Use zoning district subject to approval of a conditional use permit in the shopping center for retail uses. The applicant is proposing to establish a Type 41 On-Sale Beer and Wine License for a Bona Fide Public Eating Place to include beer and wine selections with their menu offerings.

This proposal is consistent with the current zoning designation of MU (Mixed use). The current General Plan designation for the subject site is Mixed Use as well. The city has reviewed the application and conditions of approval have been attached to the project to ensure compliance with applicable development policies and standards of the city.

- b. HMC Section 16.80.50.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 proposed project is to permit an the establishment of an Alcoholic Beverage Control license from a Type 41 (On-sale Beer and Wine) license. The project site is within the Mixed Use General Plan land use designation and zone and is surrounded by residential uses, commercial uses, and civic center uses.

The applicant believes the establishment of a Type 41 Alcoholic Beverage Control license will better serve the community. The existing business hours shall remain as they are, 9:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 9:00 p.m. Saturday and Sunday. The proposed use is permitted within the zoning district subject to approval of a conditional use permit.

Since the operational characteristics of the business (a family style restaurant) would remain unchanged, approval of this request would result in the expansion of the items offered for sale to include beer and wine, contributing to the economic benefit to the business and the City. The proposal would not impair the integrity or character of the district in which it is to be established.

- c. HMC Section 16.80.50.E.3, the site is suitable for the type and intensity of use or development which is proposed.

Response: As noted above restaurants are an allowed use within the district in which the project site is located. Restaurants which serve alcohol are a permitted use within the zoning district, subject to approval of a conditional use permit. The subject application has been reviewed in compliance with the Highland Municipal Code and appropriate conditions of approval have been applied to the project.

- d. HMC Section 16.80.50.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 16.80.50.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 applicant is proposing to include beer and wine service at the new restaurant with the establishment of a Type 41 Alcoholic Beverage Control License. The sale of alcohol is ancillary to the restaurant use and is allowed, subject to approval of a conditional use permit. The subject application has been reviewed in compliance with the Highland Municipal Code and appropriate conditions of approval have been applied to the project.

- f. HMC Section 16.80.50.E.6, the proposed use would not result in a significant effect on the environment.

Response: This project is Categorically Exempt from environmental proceedings pursuant to Section 15301, Class 1, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines, since the proposed project consists of issuance of a license by another agency and an alteration to operational characteristics for an existing Bona Fide Public Eating Place.

- 5. Based on the findings of fact and conclusions set forth above, the Planning Commission approves CUP 23-004 to permit the establishment of an Alcoholic Beverage Control Type 41 (On-Sale Beer and Wine) license for Pancho's Kitchen, located at 27141 Base Line Suite 1, Highland CA 92346 (APN: 1192-421-23) 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 18th day of April 2023.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director

ATTACHMENT "A"

CITY OF HIGHLAND **PLANNING DIVISION CONDITIONS OF APPROVAL**

Date: April 7, 2023

Applicant: Cizo Logistics, LLC (Pancho's Kitchen)

Project No: Conditional Use Permit No. 23-004

Proposal: A proposal to consider the establishment of an Alcoholic Beverage Control License Type 41 (On-sale Beer and Wine) to an existing full service Pancho's Kitchen restaurant.

Location: 27141 Base Line, Suite 1, Highland CA 92346 (APN: 1192-421-23)

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, Building and Safety, Fire Department, and other agency conditions of approval.

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

1. This Conditional Use Permit approval shall become null and void:
 - a. Unless all conditions have been complied with and the occupancy or use of the land or existing structures authorized by such conditional use permit approval has occurred within twelve (12) months from the approval date of said conditional use permit.
 - b. Where circumstances beyond the control of the applicant cause delays which do not permit compliance within the time limitation established in this section, the City Planner may grant an extension of time for a period of time not to exceed an additional twelve (12) months. An application for an extension of time must be set forth in writing, stating the reasons for the extension, and must be filed with the Planning Division a minimum of thirty (30) calendar days prior to the expiration of the conditional use permit approval. Such application shall be filed together with the city's processing fee, as established by the City Council.
2. This approval is to permit the establishment of a Type 41 On-Sale Beer and Wine License for a Bona Fide Public Eating Place from the State Department of

Alcoholic and Beverage Control for an existing restaurant known as "Pancho's Kitchen".

3. 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.
4. Any revisions, modifications to the ABC License, as prepared by the State of California Department of Alcoholic and Beverage Control or any modifications to any conditions listed herein, must be submitted to the Planning Division; additional review and approval may be required by the Planning Commission.
5. All requirements of the Department of Alcoholic and Beverage Control shall be complied with and such requirements shall become part of these conditions of approval by reference.
6. "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.
7. The sale of alcoholic beverages shall be limited to the hours of 8:00 a.m. to 9:00 p.m. Monday through Sunday. Should there be a desire to extend the hours of operation listed above a revision to the Conditional Use Permit will be required.
8. 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.
9. The patio dining area where alcoholic beverages will be served shall be enclosed with a four foot (4') wrought iron fence.