

**MINUTES
PLANNING COMMISSION REGULAR MEETING
FEBRUARY 2, 2010**

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:00p.m. by Chairman Haller in the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present: Commissioners Randall Hamerly, Milton Sparks, Michael Stoffel and Michael Willhite, Vice Chairman John Gamboa and Chairman Richard Haller

Absent: Commissioner Trang Huynh

Staff Present: John Jaquess, Community Development Director
Captain David Williams, Highland Police Chief
Lawrence Mainez, City Planner
Sean Kelleher, Assistant Planner
Kim Stater, Economic Development Specialist
Tim Maloney, City's Contract Landscape Architect
Linda McKeough, Administrative Assistant III

2.0 COMMUNITY INPUT

There was none.

3.0 CONSENT CALENDAR

3.1 Minutes of December 1, 2009, Regular Meeting.

A Motion was made by Vice Chairman Gamboa and seconded by Commissioner Hamerly to approve the Minutes of December 1, 2009, as submitted.

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

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4.0 PUBLIC HEARINGS

- 4.1 Consideration of an Appeal (APP-009-003) of the City's Planning Division determination to deny a Lot Line Adjustment Application for an existing United States Post Office Facility (Highland Branch) (LLA-009-003). The Project is located at 7744 Webster Avenue, Highland, CA 92346 (generally located at the southeast corner of Boulder Avenue and Eucalyptus Avenue within the City of Highland Corporate Boundaries) (APN: 1201-351-04 and 1201-351-11). Appellant: United States Postal Service. Appellant Rep.: Douglas Boynton, Dunn & Boynton Licensed Surveyors, Inc.

Chairman Haller introduced the item and called for Staff presentation.

City Planner Mainez gave the presentation from the Staff Report.

Chairman Haller asked if the Commission had any questions of Staff. Hearing none, he then asked if anyone in the audience wanted to speak on this Item. Hearing none, he continued the Public Hearing and called for the question.

A Motion was made by Commissioner Hamerly and seconded by Vice Chairman Gamboa at the request of the Applicant, to continue this Item to April 6, 2010.

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

- 4.2 A Conditional Use Permit Application (CUP 009-004) and Design Review Application (DRA-009-009) submitted by Verizon Wireless for the construction of a seventy -four foot (74') tall, Unmanned Co-locatable Wireless Telecommunication Facility (Mono-Eucalyptus), and associated Equipment. The Project is located on the north side of Greenspot Road within Aurantia Park, approximately twelve hundred and fifty feet (1,250') east of Weaver Street, 29700 Greenspot Road. (APN 1210-371-12). Representative: Michelle Felten, Core Communications

Chairman Haller introduced the item and called for Staff presentation.

Assistant Planner Kelleher gave the presentation from the Staff Report and explained the proposed redesign to the Commission. He indicated the City's Landscape Architect is present and the Applicant's Representative is in the audience and then concluded his presentation.

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Chairman Haller asked if the Commission had any questions of Staff.

Commissioner Hamerly asked what is the City's Landscape Architect's opinion if the proposed Sycamore Tree will thrive in the current soil conditions and without additional watering. City's Landscape Architect Maloney responded that they need additional water to get established, but after establishment, then should be fine.

Commissioner Hamerly added Aurantia Park is a natural setting and most of the existing Sycamore Trees are near the stream where there is more moisture. City's Landscape Architect Maloney responded the Trees will need a little bit of water in order to get established. Sycamore Trees like being next to a stream and they like water and will need water for the first summers and will need to get a good root system established.

Chairman Haller asked if the Commission had any further questions of Staff. Hearing none, he then continued the Public Hearing and asked if the Applicant would like to make a presentation.

Ms. Michelle Felten, of Verizon Wireless, 2903 H Saturn Street, Brea, California, who is the Applicant's Representative, addressed the Commission. She thanked the Commission and Staff for considering with the proposed Trees' location(s) and is here to answer any additional questions the Commission may have.

Chairman Haller asked if an eighty foot (80') tall Mono-Eucalyptus Tree Tower won't impact the operation of the Cell Tower itself and Ms. Felten responded at this time, it wont, but as time goes on, dependent of development in the area, and how a lot of things will change and will address it, if needed.

Chairman Haller asked if the Commission has any further questions of Ms. Felten. Hearing none, he then asked if anyone in the audience would like to speak on the Item. Hearing none, he then closed the Public Hearing and opened the floor for discussion amongst the Commissioners.

Commissioner Hamerly asked if a proposed Tree which is eighty feet to one hundred feet (80' – 100') high and farther down is the Cellular Tower and if the proposed Tree would be blocking the Tower's signals who is responsible for the Tree maintenance. Assistant Planner Kelleher responded the proposed Trees would be City Trees and that the City would make that determination. The proposed Trees would be planted in the City Park area and are low maintenance and that the Public Works Department would trim the Trees and added that Verizon would need to work with the City.

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Commissioner Hamerly asked about the walkways / bench and the feasibility of establishing a root barrier. City's Landscape Architect Maloney responded planting detail has a proposed root barrier.

Commissioner Willhite asked what is the growth rate per year and City's Landscape Architect Maloney responded approximately five feet (5') per year.

Chairman Haller asked if the Commission had any further questions. Hearing none, he then called for the question.

A Motion was made by Commissioner Hamerly and seconded by Vice Chairman Gamboa to approve the Landscape Plan associated with an approved Conditional Use Permit and Design Review Application (CUP-009-004 and DRA-009-009) (for the Construction of a new Wireless Telecommunication Facility).

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

- 4.3 CUP-009-005 - An Application for the establishment of a new Cocktail Bar / Lounge and a new Alcoholic Beverage Control Type 48 (On-sale General for Public Premises) License. (Green Frog) The proposed Project is located within the Palm Plaza located at the southwest corner of the intersection of Palm Avenue and Cypress Street. The address is 7750 Palm Avenue, Suites K and L. APN: 1192-581-51, 1192-601-03. Representative: Russell & Joann Rutland

Chairman Haller introduced the item and called for Staff presentation.

(Note: Prior to the Meeting, Staff had distributed a revised Condition of Approval (COA) No 14 to the Commission for their review.)

Assistant Planner Kelleher gave the presentation from the Staff Report and explained the proposed Project to the Commission. He indicated Highland Police Chief is here regarding calls for service at Palm Plaza. In addition, he indicated how he met with the Applicants this afternoon regarding entertainment clarification of such and further explained similar to the 1994 – 1995 COA requiring a six (6) month review after obtaining the Certificate of Occupancy and how the COA can be retooled on different hours of operation and mitigate issues for the unforeseen. Assistant Planner Kelleher reiterated the Police Chief is here and the Applicants are in the audience and then concluded his presentation.

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Chairman Haller asked if the Commission had any questions of Staff.

Commissioner Hamerly asked if this Project proposed relocation changes the Census Tract and reduces the concentration where the Project currently exists. Assistant Planner Kelleher responded affirmatively and then explained where the Census Boundaries are located on Base Line.

Commissioner Willhite asked about the provided Drawing of the fifteen foot (15') perimeter wall and the Smoking Area is eight feet (8') which states for a total of twenty-three feet (23'). The Fire Department states the minimum of twenty feet (20') which is then going to make the Smoking Area five feet (5') making a total of twenty-five feet (25') instead of twenty-three feet (23'). Assistant Planner Kelleher responded twenty-five feet (25') is available and that he was out in the field today and would make it five feet (5') wide by twenty foot (20') long which would maintain a twenty foot (20') access behind the Building.

Commissioner Hamerly asked about the enclosed habitable space area and Assistant Planner Kelleher responded the Fire Marshal has reviewed the Plan and is okay with it. Community Development Director Jaquess added there is no roof. Commissioner Hamerly was concerned about how many people would be packed into a 4'4" wide area and there is only one way out of that area and is backed into one door that goes back into the Facility and if that is considered safe. Assistant Planner Kelleher responded there is an exterior door to the alley, as well and has been reviewed by the Fire Marshal.

Commissioner Hamerly asked about the solid line at the top of the Exhibit is actually a Patio that leads into the alley and not just going to back into the Building because it does not show any openings into the alley. Assistant Planner Kelleher responded the sketch was provided by the Applicants and will be modified during the plan check process and allow for a four foot, four inch (4' 4") wider dependent on the block thickness. Commissioner Hamerly responded might want to recommend a six inch (6") block.

Commissioner Willhite asked about the access gate to the Smoking Area and alley. How he had interpreted it and how it was presented here is the access gate is not something that people out there smoking that did not have access to the alley. In case of a fire, they can go out that way and for all practical purposes, if someone who wants to go and have a smoke would then go out and then come back in the same door. Assistant Planner Kelleher responded affirmatively and in case of an emergency, there will be an emergency bar on it so they can run out of the Building.

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Vice Chairman Gamboa asked about if there is a perimeter wall on the back side of the Building. Assistant Planner Kelleher responded there is none, only a retaining wall and a field. Vice Chairman Gamboa said the retaining wall is for the people who reside behind it and Assistant Planner Kelleher responded that is correct.

Chairman Haller asked about the proposed Project is listed as a Cocktail Bar / Lounge and will be serving food. What is the difference between a Restaurant versus a Cocktail Bar / Lounge and assumed it is the amount of square footage, tables, seating areas, etc. and requested Staff provide some background and the difference between a Restaurant versus a Cocktail Bar / Lounge. Assistant Planner Kelleher responded he does not have the exact numbers, but it has to do with the ABC Licensing. City Planner Mainez added the distinctions listed in the Municipal Code lists Bars / Lounges as separate types of uses and that Restaurants are called separately. The Bar is serving hard liquor makes it fit into that category so ABC License and the Bar / Lounge are the Entitlement tonight. Chairman Haller responded and indicated he was curious why it was called a Bar / Lounge and City Planner Mainez responded in that they serve food is an ancillary use to the Bar / Lounge activity.

Chairman Haller asked if the Commission had any further questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant would like to make a presentation.

Mr. Russell Rutland, DBA as The Green Frog, 27212 Base Line, Highland, California, who is the Co-Applicant, addressed the Commission. He stated The Green Frog has been established for over forty (40) years and was established as a Military Bar. Approximately five (5) years ago, he and his wife had purchased The Green Frog and made the Bar grow into more of a family atmosphere style bar among its patrons other than just some place to hang out and get drunk. Mr. Rutland further stated the current location holds only fifty (50) people and have outgrown the Building and we do that every weekend. On Tuesday nights, there are Dart Tournaments and is packed on those nights and the consensus of their customers say that "you need to get bigger and need more room". Due to economics, he has looked into his Census Tract and would be at the location(s) of Base Line / Boulder Avenue and called the Agent, but the Agent never returned his call. Mr. Rutland then saw the location on Palm Avenue (Palm Plaza) and appeared to fit the bill. He did not know it was out of his Census Tract and talked with the Landlord, ABC and City Staff. Mr. Rutland indicated he is here to do whatever it takes to ensure passage of this Permit. With regards to the back alleyway, he has measured it and it is thirty feet (30') from the retaining wall and understood the Fire Marshal needed

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twenty feet (20') so that would give ten feet (10') of space from the stucco out away from the Building. There is a large electrical box in the alleyway and is located within that same ten feet (10') from the stucco wall and that both the Fire Marshal and the Planning Technician had taken measurements. With regards to the noise, there will not be any music / entertainment in the Patio Area / Smoking Area and that it is a refuge to keep them out of the Building, but out of the weather. Since it is a commercial area, he understood the Commission has the ability to extend the right for me to build rather that six foot (6') block wall for that area, to an eight foot (8') block wall to help ensure that the noise level will step down. On the top portion of that wall, no matter how high it is, Mr. Rutland would like to install a two foot (2') section of wrought iron atop the wall to ensure that someone from the outside cannot crawl over because it won't be a solid crawl space. Distance between the perimeter back wall of the property to the closest house is between 650 feet to 700 feet (650' – 700') and no complaints of noise have been anticipated. Across the street here at the current location, we have only ten feet (10') total and we back up to houses and in five (5) years, there have been no noise complaints at all. With regards to the Hours of Operation and Smoking Area in that that area is not an area of entertainment and is a refuge for smoking and if it is not extended the time beyond 10:00p.m., up to 1:30a.m. which is last call, it would force the customers to go out front and stand in the parking lot, or on the sidewalk with the neighboring businesses and that it something that he would not tolerate, but I do not govern that and cannot stop them because out there, it's a public area. There would be cigarettes butts all over and would not want that to happen, either. Mr. Rutland then requested the Commission to reconsider the 10:00p.m. of that area and revisit in six (6) months. The Needs and Necessity for he and his wife to relocate to facilitate The Green Grog and to bring to his patrons a happy place to be where they can enjoy themselves. He further stated he is a retired Sheriff of twenty (20) years and does not play the game. You come into my place, you act right, or you don't come in and that The Green Frog has a really good atmosphere and even from State Assemblymen and City Mayors come there, and have had nothing but rave reviews. Mr. Rutland stated how he appreciated the Commission's attention to all of the issues and then thanked the Commission.

Chairman Haller asked if the Commission had any questions for Mr. Rutland.

Commissioner Willhite asked what is the cut off (hour) for the entertainment and Mr. Rutland responded that Thursday, Friday, Saturday and Sunday, there is Karaoke that starts (scheduled) at 9:00p.m. and sometimes it does not start until 11:00p.m. because of economics and when people show up. It is cut off at

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last call is at 1:30a.m. for songs / drinks. There would be a live three (3) piece combination band / group and does not do that yet, because he does not have the room, but the idea would be there for happy hour music; maybe synthesized organ, guitars, slight drum, etc., but nothing outrageous or late night Rock House music and would be for entertainment purposes and a ambient music setting; nothing like head banging.

Chairman Haller asked about what type of food would be served for breakfast, lunch and dinner. Mr. Rutland responded customers would want to eat inside and the area is large enough for a stove, griddle, oven, deep fryer and would be serving Bar food like burgers, fries, finger foods, etc. Planning Staff asked what would be his menu and as of now, he opens at 10:00a.m. Planning Staff asked if he would open any earlier, and responded only if he would have a call for a breakfast menu and it is not necessarily in his plan right now – just lunch, late afternoon, finger foods, chili, etc. and at 10:00a.m., there is a happy hour and reiterated the Bar food items.

Chairman Haller asked if the Commission had any further questions for Mr. Rutland.

Commissioner Stoffel asked if the Karaoke would be located up front and Mr. Rutland responded it would be up front by the two (2) plate glass windows and in between there, there is a solid wall and that is the proposed area and would not be seen by the public.

Chairman Haller asked if the Commission had any further questions for Mr. Rutland.

Commissioner Hamerly asked about the Patio Area and the feasibility of installing a roof / awning. Mr. Rutland responded that he is getting with the Building Owner would be nothing enclosed and that there would be an eight foot (8') attached small iron / canvas awning similar to the Base Line Burgers awning that is on the outside of their Restaurant.

Chairman Haller asked about outside lighting in the Smoking Area and Mr. Rutland responded with would be strip lighting like what is located underneath cabinets. It is bright enough to be safe, but not bright enough to be distracting.

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Vice Chairman Gamboa asked about the Smoking Area and if the customers would be able to take their drinks with them to that location and Mr. Rutland responded that is in the plan, ABC says as long as it is governed by an employee, that is legal to do and added that tables will be located out there. He doesn't want to have a patron leave their drink on the bar, so someone could do something to it.

Commissioner Willhite asked about a video surveillance for both inside and outside and Mr. Rutland responded the outside of Palm Plaza is completely under surveillance. Commissioner Willhite asked what about the Smoking Area and Mr. Rutland responded everything will be under surveillance.

Ms. Joann Rutland, Co-Applicant addressed the Commission. She responded to Commissioner Willhite's question, in terms of the video surveillance, they plan to install at least six (6) cameras, but is someone who is evaluating that right now and will give Web Cam access to dial in from home computers and cellular phones in order to see what is going on both inside the Bar and outside within the confines of the Patio. In terms of alcoholic beverages going outside, she reiterated that ABC states that as long as the enclosed the Patio Area and no public access and with both of the alleyways are closed down with gates after 5:00p.m., she believes they are open during the daytime hours, there will no public access from the alleyway whatsoever.

Chairman Haller asked the Commission if they had any further questions for the Applicant. Commissioner Hamerly responded regarding that storage of bottles at the existing location is outside in the alley and not for the proposed location. Mr. Rutland responded that is correct and indicated at the existing location, there are canopies in the alleyway and have been there for fifteen (15) years and for the recycled bottles and does do anything in cans and there is a guy that comes in every day at 9:00 a.m. to pick up the recyclables which is his livelihood and picks up all the cans and bottles from bars around town. He further indicated at the existing location, it's outside for the recyclables and at the proposed location, it's also outside, but in an enclosed box for the recyclables. Commissioner Hamerly asked if there were any outside storage of any materials at the proposed location and Mr. Rutland responded no.

Chairman Haller asked if the Commission has any further questions of the Applicants. Hearing none, he then asked if anyone in the audience would like to speak on the Item.

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Mr. Steve Nimmo, 27243 Cypress, Highland, California, who is a resident, addressed the Commission. He stated that he has resided behind the Palm Plaza for fourteen (14) years and that there have been problems with different bars located there with bonfires and with people jumping over the fence and into the field where his home is located and messing with the horses next door. He is concerned with public safety for the children that go through there. He understands with the Bar's Hours of Operation, but when they leave at night, there is a big problem when the people are pulling out of the parking lot. Thanks to the City, it has calmed down a little bit with urinating on the walls and jumping over the walls and a giant mishap over the whole parking structure inside the Complex and that the gates are unlocked constantly. It has taken him between three to five (3 – 5) years to get the fences (walls) installed because of kids going back there and breaking windows and everything else that belongs to the community back there. He has further safety concerns regarding the kids and the people walking through there and also in front of the Building people drinking / smoking and then they throw the bottles / cigarettes over the wall into the field. When the grass is dry, a person can start a fire and reiterated his safety concerns for the community, especially where he resides. Mr. Nimmo said he understands the Applicant is a nice businessman and has not met the Applicants before, until now, and then asked how safe is it and that there are lots of problems that are going on through there. Recently, an ATM was ripped off at 3:00a.m. a couple of weeks ago at the Liquor Store. There is a Gun Store next door and who is going to say someone will wait until they close and then break into the Gun Store or do anything else that is over there. When his dogs are barking, he is looking out the window and trying to figure out what is going on. In his personal opinion, it is not a good idea and the City cannot guarantee safety of anybody else if something goes on. He understands the Applicant will not be there 24/7 and asked the Commission to think it over because it's a big problem. If you can guarantee something, then okay, maybe. Right now, I don't see it's a good idea The Green Frog being there. Currently, there are Restaurants located there that serve alcohol, and also a Liquor Store is located there that serves alcohol. There used to be a Hookah Bar that had bonfires there. With Third Street Station (a Bar located on Third Street / Alabama), the music is so loud, that you can hear it and his biggest concern.

Commissioner Hamerly asked if the problems exist or have existed with Palm Plaza's current uses that are going on there or problems with the people in the area. Mr. Nimmo responded it's with the current uses. People are buying alcohol, sitting at the back of the fence / wall in the alley and urinating on the walls and having their own little parties and that has been stopped, thanks to

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the City. It took a long time for them to realize what is going on and it took a serious action for that to happen and have not had problems lately over there. He runs 24 hours / day and on call every other night and every other weekend and he sees and hears stuff what goes on over there. I see people walking up and down the Plaza and stated when he pulls in there, people start to run like crazy when they see him. Mr. Nimmo reiterated he has lived there for fourteen (14) years and that is his neighborhood and he watches that, because you have to.

Commissioner Hamerly asked about the clientele of the Liquor Store as opposed to the Restaurants and Mr. Nimmo responded all over the place and a lot of the majority were coming out of the Liquor Store. They used to be a big tree located there like you would see in a park and people would sit underneath the tree and drink. Now, the tree has been cut down and thanked the City for that.

Commissioner Sparks asked about the noise level with a neighborhood like that, what is the decibel level and Police Chief Williams responded he is unsure of the decibel range, but addressed the issues which were located at the rear of the Building. City Planner Mainez added the Project did not require a Noise Study, the Noise Ordinance was amended a couple of years ago and is now based on a Nuisance so if there is complaint about noise, we treat it as a Public Nuisance and address it on a case-by-case basis. So there is not any level that we judge a noise by, it is a Nuisance.

Commissioner Hamerly asked if it is the responsibility of the Business Owner within the Plaza to police loitering if it is determined that it is their clientele that is causing the problem to the neighborhood, or is it something where it is the responsibility of the Sheriffs Department. Police Chief Williams responded actually, it's a little bit of between them both and stated will beef up patrols and is on a case-by-case basis and if there is more loitering, and a real problem, then will talk with the Bar Owner.

Commissioner Hamerly asked about who is responsible when the purchasing of alcohol from the Liquor Store for off-site consumption how is it enforced if it is a Condition of Approval (COA) saying we have approved this Application for a Type 21 or 41 for off-site consumption, and their clientele are walking immediately outside their doors and going underneath the tree / walking on the sidewalk and start consuming the beverage from that Establishment. Is it the responsibility of that Establishment holding that Type of a Liquor License to tell

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the person you cannot consume here and you have to be off-site. Police Chief Williams responded that it is a Sheriff problem at that point and added there had been an issue with the Liquor Store in the Plaza. Commissioner Hamerly asked about primarily to the Liquor Store rather than the Restaurant and Police Chief Williams responded affirmatively, plus the tree's canopy was used for shade and does not see issues with The Green Frog and added the Applicant does not and would not put up with that. City Planner Mainez added this is about the Applicant's ABC License and how a License can be revoked if the Commission is concerned with that. Staff has provided COAs and if direct connection with the Bar, can revoke the CUP Application or ABC to reconsider the Applicant's License. Commissioner Hamerly asked about if there is a registered a Nuisance Report / Sheriff Report would go to Planning or ABC and Police Chief Williams responded would work in conjunction with the City. Commissioner Hamerly said there is a forty-three percent (43%) increase of service for calls over the course of the year, then the Sheriff would have the ability and can initiate with ABC and Police Chief Williams responded affirmatively and ABC Report. Commissioner Stoffel asked if Commissioner Hamerly was talking about the Liquor Store and Commissioner Hamerly responded affirmatively and was doing this for point of clarification because if there are issues that are in existence, that are creating an attractive environment to put another Alcohol License in, it is jeopardizing the viability of the businesses in the entire Plaza and then explained his question and the filing grievances against people who are violating the terms of their Licenses.

Chairman Haller asked if the Commission has any further questions of Staff or of the Applicants. Hearing none, he then asked if anyone else in the audience would like to speak on the Item.

Mr. Brian Jacobson, 615 Juniper Court, Redlands, California, addressed the Commission. He stated that he works for Southern Wine and Spirits and is a Liquor Distributor and have 144 accounts in the Inland Empire. He stated that he has been dealing with Mr. Rutland for the past five (5) years and also with the previous owner. With Mr. Rutland, The Green Frog is family oriented and with moving to a larger location, it will help out Palm Plaza. With the off-sale of liquor business on his side, there have been problems there, but with a better quality of people in the area coming in, will keep the Plaza busy. With regards to the 47 – 48 Type Licenses, the Applicant has a 48 Type License and has no requirements with food.

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Mr. Bill Keith, 27150 Nona Court, Highland, California, who is a Retired Air Force person, addressed the Commission. He stated he has resided in the neighborhood for thirty (30) years. He has been to The Green Frog and that it has a relaxing atmosphere and no problems and the people are happy. If it does get out of hand, people will control it and added the Applicant also provides a ride home if someone has had too much to drink. He does not see a problem for The Green Frog to relocate, is an asset to the community and we appreciate it. He then thanked the Commission.

Ms. Barbara Sanchez, 7069 Argyle (?), Highland, California, who has resided there for many years, addressed the Commission. She stated how she has known the Applicants for years. There is no reason why the Commission should not allow them to do this and they are probably the best Business Owners that you could ever know. They care about their customers and people and encouraged the Commission to approve the Project. She then thanked the Commission.

Chairman Haller asked if anyone else in the audience would like to speak on the Item. Hearing none, he then closed the Public Hearing and opened the floor for discussion amongst the Commissioners.

Commissioner Stoffel asked for clarification for reporting the Census Tract and Assistant Planner Kelleher responded The Rotten Oak is in the same Tract as The Green Frog and provided the Tract boundaries from Base Line to Boulder to Third Street to the southerly Highland City Limits boundary. The Census Tract is based on population numbers and established by the US Government overall measurement of areas of population and are redrawn every ten (10) years. The Census Tract was drawn in 2000, at that time, there was a lot of housing and, now there is even more housing and how the City has no control over it. He added the Census Tract Boundaries are not the same as a Sheriff Crime Reporting Boundary which is different.

Police Chief Williams stated the statistics are misleading and then showed a Base Map that has the Crime Reporting District to the Commission. He explained the Crime Statistics Sheet has a Part One and a Part Two. Part One is forty-three percent (43%) and that it indicates that there is no crime, or low crime. Most of the area is not populated and took out a sheet and took out six (6) Crime Sheets and in August, crime was up by seventeen percent (17%). He displayed the Map and the Blue Pocket is the Big Reporting District and indicated there was not an increase in crime for the City in August. He further explained the various Boundaries on the Map to the Commission.

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Commissioner Hamerly asked if the Crime Rate is based on the number of occurrences, as opposed occurrence per 1,000 population and what is the equivalent with one (1) Boundary that is large and one (1) Boundary that is small and that there would be some means of comparison. He further stated that he finds that almost beyond belief in that they average in vacant fields to a Reporting District on accounting for crimes so it seems that it skews the results and this is the first time that he has heard that. Police Chief Williams responded how every square foot has to be accounted for crime rate.

Vice Chairman Gamboa asked is this a very high Crime Rate and has it diminished over time. Police Chief Williams responded in the past, there have been loitering issues and have been dealt with and have been successful. In that the tree has been cut down and with the installation of camera(s), the Complex is doing pretty well. He further commented to the resident who had spoken earlier about things / activities happening at night.

Commissioner Hamerly asked about if prominent features of the Design Guidelines for the General Plan of the Town Center area is that with public places that are nice gathering places to sit and enjoy the atmosphere, which is your professional estimation, is a bad combination of things to have a concentration of Alcohol Licenses or Establishments that serve Alcohol and to have public plazas and gatherings of very nice places to hang out. Police Chief Williams responded it is not a bad combination and if it had a high crime area, then there would may be a problem with the Bar there.

Commissioner Hamerly stated to create public atmosphere and a public plaza / gathering places like the Town Center with outdoor water features or outdoor dining areas and not just driving in, the people taking care of their business and then leaving and how we want people to stay in the Town Center. In there is data saying this is a high crime area and over saturation with ABC Licenses, is that something that we need to be on our guard, given the opportunity for loitering and problems with after hours. He asked if there would be problems with the ABC Licenses, or Design Guidelines and if that would be the best combination of activities to have. City Planner Mainez responded that it is State Law of over concentration is a ratio and it is created by the State and it is a way to get everybody to start thinking, City by City, what is acceptable and if they feel that going over that limit is acceptable, then they would make the Findings to support that. It is a jurisdiction judgment call and provided examples with the Los Angeles issues and the Watts Riots. With the Town Center, it is Zoned for entertainment, restaurants, liquor / beer / wine and the

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Municipal Code gives the Commission the authority to determine if we are at that threshold of over concentration. This is an existing Shopping Center and is designed for parking, noise and inside entertainment and Staff has done what we can to keep the activities confined inside the Building. City Planner Mainez indicated he is hearing what the Commission is saying in that there is potential there for the neighbors to the west could develop a Tract and is Zoned for that. Unfortunately, this Shopping Center does not have a wall behind it. It is a blessing in disguise because it creates more eyes back there how the neighbors and Tenants now are watching the alley, and there are the Sheriffs and cameras and that this area is highly regulated and thinks maybe the only issue tonight for the Commission to consider is the Hours of Operation. Do we want outside activity in the back that late at night might be the biggest thing to consider.

Commissioner Hamerly said we are always saying to plant more trees and make it a nicer area and then here we have a shade tree that has been cut down because it has presented a problem.

Commissioner Stoffel said about the enclosed eight foot (8') wall could not see loitering in the back and have the people on the back smoking, rather going out to the front and doing that in front of the Building. Chairman Haller responded there has been a historical problem with loitering in the back. City Planner Mainez responded it is open there is no fence back there and where you can literally walk and jump over the retaining wall. If that is a concern, that is something we can explore with the property owner about putting up a fence or some other kind of barrier and the Sheriff does not seem to be a problem there recently. Commissioner Stoffel stated when there used to be a Hookah Bar there, that had a younger crowd and Community Development Director Jaquess added the Hookah Bar was an illegal use and was not suppose to be there anyway. Commissioner Hamerly stated he concurred with the extended hours with the Smoking Area to match the last call period for the Bar because he thought it would be a better idea to have some place that is kept under control, is observed, and have a controlled place for people to be smoking as opposed to have them wandering around and staying out front where there would not be the same degree of keeping it clean and Commissioner Stoffel agreed.

Vice Chairman Gamboa stated the Figures relative to the distance that is listed in the Staff Report, the Drawing and what the Applicant proposed tonight in that there are three (3) different distances listed. Assistant Planner Kelleher responded in October, the Fire Marshal verified the Outside Area with the block

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wall being five feet (5') from the Building in order to maintain the required Fire access behind the Building. The Fire Marshal is looking into the other exteriors and main Fire access that is behind that Building and will be working with the Utilities with modifying / modifying the bollards and whatever is back there. Three (3) weeks ago, the measurements were verified and that there is a block wall that was illegally built by the Hookah Bar, but the Hookah Bar wall has the proper setback from the property line and is a narrow area to maintain the Fire access.

Vice Chairman Gamboa said if the Project is approved tonight, and Applicant does not build an eight foot (8') wall behind the Building, and then the Applicant would have to tear down and build a five foot (5') wall and wanted the assurance of the correct measurements are before the Commission proceeds with the Project. Assistant Planner Kelleher responded and explained the wall over six feet (6') will have to be engineered and encourages the Property Owner will work with the Fire Marshal to place the wall at the appropriate setbacks. Vice Chairman Gamboa said then it's twenty feet (20') and five feet (5') from the stucco and Assistant Planner Kelleher responded that is correct. Commissioner Hamerly asked about Planning COA No. 19 regarding the twenty feet (20') requirement for Fire access and Assistant Planner Kelleher responded affirmatively and then read the Fire Department COA No. 3 to the Commission.

Commissioner Willhite stated Staff answered the questions that he had.

Vice Chairman Gamboa was concerned with the residents to the back side of the Property and explained the issues the residents had with The Bell Bar in the Historic District (located on Palm Avenue) with their neighbors hearing their (the Bell Bar) music and also have an outdoor patio in which the Commission had tried to work with them (the Bell Bar) and knows how sound travels no matter even with an eight foot (8') wall or what. Commissioner Willhite responded that they could have Mitigated that and have a block wall or wooden fence, could have Mitigated a double back door. Their problem was that they were leaving that back door open. Commissioner Hamerly said propping it open. Commissioner Willhite continued if they (the Bell Bar) would have a door to go through in order to get to the other door so that the doors would not be open at the same time, he believed that would have Mitigated that noise. City Planner Mainez stated that the restrooms were also located outside and that everybody would have to go outside to use the restroom. Assistant Planner Kelleher responded that Planning COA No. 15 and explained to the Commission how residents would be able to contact the Applicant 24/7. Commissioner Stoffel

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was concerned about having the back door left open and speakers. Chairman Haller responded there would be expectations that no music in the Smoking / Patio Area and that the door would be closed. Assistant Planner Kelleher responded there is COA 14.a. for the doors to remain closed during hours of entertainment. Chairman Haller asked the Applicant to comment whether or not there would be music in the Patio Area and believed Mr. Rutland had already answered that in that there would be none. Mr. Rutland responded right and explained that he was present about one and one-half (1½) years ago when the other Bar (the Bell Bar) wanted to upgrade their ABC License. He explained there was back alley activity. There was open access in the alley way, people parked back there and that vehicles were allowed there also, plus the illegal activity that happened in that alley way that the neighbors were really concerned about. With the proposed location, the Applicant will govern that location 24/7 even if he is not there and it will be addressed. The noise level will be down and will make sure the eight foot (8') wall will be installed and reiterated it's not an area of activity for entertainment, it's just refuge to get out of the Building to smoke pursuant to State law. Vice Chairman Gamboa responded that he wants assurance the back door will not be propped open. Mr. Rutland responded there are two (2) back doors to that Building because it is a double unit and that one (1) of the back doors will be designated as a Delivery Door and won't have around about access.

Chairman Haller asked if there were any other questions of the Commission. Hearing none, he stated these are challenging Applications and how the Commission had heard from other locations with a lot of negative things that can be associated with these types of facilities and wants to ensure the Commission makes the right decision. The Commission has also had Applications that were over concentration of the number of existing Liquor Licenses, in which this is the case, and so, in his mind, he is trying to make sure to treat everyone the same and to treat this Application fairly. To him, it is an entirely different situation because there is an existing operation that is being successfully operated in the City and to relocate to a new location and are assurances that it will operate in a similar manner and that it's proposed the Commission will have a six (6) month review and if there are problems, the Commission can address those after six (6) months. There is potential improvement with more eyes on the (new) location and is supportive of the Application. He then said he would be supportive of modifying Planning COA No. 11, because of previous statements made, to match the Hours of Operation of the Bar to the Patio Area itself so there would be smoking activity the under the watchful eyes of the Management of the Facility and reiterated that he is supportive of the Applicant.

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Vice Chairman Gamboa concurred with Chairman Haller's statement, but in his opinion, the Hours would be with the last call at 1:30a.m. instead of 2:00a.m. so the people would not be just sitting back there drinking their last drink or smoke.

Chairman Haller asked if the Commission had any other comments. Hearing none, he then asked would the 1:30a.m. hour be acceptable for Planning COA No. 11. Commissioner Hamerly responded there is only a half-hour difference and that will give the Applicant a half-hour in order to allow to herd the people back into the Building and shepherd them out the front and Chairman Haller said plus with the Planning COA No. 14. Assistant Planner Kelleher responded there would be a couple of other modifications, if it is the Commission's directive and explained them to the Commission regarding Planning COA No. 14, and added Planning COA No. 2 is modified by deleting the "including Karaoke and a Single Piano Player" and further explained the modification with Planning COA No. 12. Commissioner Hamerly asked if he meant fence or wall, because a fence does not have any acoustical value. Assistant Planner Kelleher asked the Commission to modify "fence" to say "block wall".

Commissioner Stoffel indicated he was okay with the wrought iron on top and seeing it covered with something. Commissioner Hamerly said he is trying to envision the form the canopy is going to take and what space is left in between there and Chairman Haller said we are defining the minimum requirements and if you want to do wrought iron, that would be okay. Hamerly responded then increase with the allowable height because if it is a physical appendage. He explained that it would be the same thing as if you would have a perimeter wall with a three foot (3') of solid surface and it was in the view triangles, you could go up to five feet (5') and have that final two feet (2') would be of wrought iron, that you would still have the ultimate height of five feet (5') and that it is part of the wall. Commissioner Stoffel said he does not want the Applicant to go to all that work and then the City stops them. Chairman Haller asked then what would be allowed. Assistant Planner Kelleher responded the height can be what the Commission determines the overall height. Commissioner Willhite said it would be an eight foot (8') solid wall with two feet (2') of wrought iron on top. Commissioner Hamerly said the Commission does not have that to review and that is the point that he was trying to make that overall height of the wall is going to be eight feet (8'), and the Applicant wanted two feet (2') of wrought iron, it would be a six foot (6') high solid wall with two feet (2') of wrought iron on top. Then you would only have a six foot (6') high solid material that would be deflecting the sound and if someone is reasonably tall, that person could literally yell over the wall.

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Commissioner Willhite asked then couldn't the Commission word it for eight feet tall (8') and then with two feet (2') wrought iron and Commissioner Hamerly responded that is way the he is reading it and that the Applicant said that they wanted for security purposes, have that additional two feet (2') on top of there. Commissioner Willhite said to have an eight foot (8') wall and two feet (2') of wrought iron on top of it and word it that way. Commissioner Stoffel said he wanted to make sure that if we need to put that in there, we could, so that they (the Applicant) didn't do it, and then have someone come out and tell them and say whoa, what are you doing.

Community Development Director Jaquess said from the design standpoint, the height of the wall is probably not the same as if it was on a property line. It is really in a location that that it would almost appear to be an exterior wall to the Building and that the Commission could look at that in that context where the height is not as important as if it were on the property line adjacent to another use.

Vice Chairman Gamboa asked what is the height of the Building in the back because the Applicant is proposing to place an awning over it and Assistant Planner Kelleher responded that he does not have the exact measurement. Commissioner Hamerly said a typical building with a parapet with roof top equipment would be higher and Assistant Planner Kelleher said at least twelve feet to fourteen feet (12' – 14') minimum and that he is unsure, but indicated the Landlord is here. Mr. Rutland responded there is a fourteen foot (14') extension ladder in order to get to the roof and added that Direct TV did not have a ladder long enough to get up on the roof and indicated the Building is a very tall building.

Chairman Haller asked if there is sufficient room with an eight foot (8') solid wall plus two feet (2') wrought iron plus a canopy (awning) over top and Mr. Rutland responded absolutely; there is plenty of room.

Chairman Haller asked about a suggestion for the verbiage for Planning COA No. 12 and Commissioner Hamerly responded if we want to put the eight foot (8') in here and where it would go. Commissioner Willhite said to put "with a two foot (2') [wrought iron] and then said what if they needed only eighteen inches (18"). Commissioner Hamerly responded the thing is six inches (6") will work, it if is nasty enough in that nobody is going up and over it. If there just isn't space to get between the edge of the awning and the top of the wall plus whatever is in there and he hesitates to put in real numbers in there other than

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the fact that it is going to have an eight foot (8') solid wall and then leave the security measures to the Applicant. Commissioner Willhite responded then just leave it like it is, then. Vice Chairman Gamboa stated when in six (6) months then when the Application comes back, the Commission can take a look at that. Commissioner Willhite responded that it still has to go through Planning for approval. Assistant Planner Kelleher responded that Staff will take the wrought iron as a directive. Commissioner Hamerly suggested to leave it open and just say security measures to acceptability between both the Applicant and Planning. Chairman Haller added to make sure that the further we get, we do not create hand holds so that people can jump up and grab onto it.

Chairman Haller asked if there are any other changes and Assistant Planner Kelleher responded Planning COA No. 14, as proposed.

Chairman Haller then summarized the following Planning COA modifications: 2, 11, 12 and replaced 14 in its entirety. Commissioner Willhite said with regards to the Hours of Operation, from 10am to 2am and that the Applicant return to the Commission if the Applicant will be serving breakfast. Commissioner Hamerly indicated that a breakfast menu is not offered, at this time.

There being no further questions of Staff or discussion amongst the Commissioners, Chairman Haller then called for the question.

A Motion was made by Commissioner Willhite and seconded by Commissioner Stoffel to:

1. Direct Staff to File a Notice of Exemption with San Bernardino County Clerk of the Board, and;
2. Adopt Resolution 10-01 approving Conditional Use Permit 009-005, all subject to the recommended Conditions of Approval, as amended, with the following:

Planning

2. This Conditional Use Permit for the establishment of a new Cocktail Lounge / Bar and Alcoholic Beverage Control Type 48 (On-sale General for Public Premises) License. The use also includes limited Entertainment. The Applicant is also proposing to

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offer a full lunch and Dinner Menu. The Business will be located at 7750 Palm Avenue, Suites K and L shown as Exhibit 1. (Attached herein for reference).

11. (NS) The sales, service and consumption of alcoholic beverages shall be limited to the hours between 10:00 a.m. to 2:00 am daily. The Hours of Operation for the Outdoor Patio location shall be limited to the hours between 10:00 am - 1:30 a.m. daily during regular business hours.
12. (NS) An eight foot (8') solid type wall inclusive of a solid gate shall be installed around the rear Patio Area to help reduce ambient noise from patrons using the Patio.
14. Entertainment activities shall be limited to and no more intense than the following: Karaoke (or similar activity) and/or up to a three (3) piece musical ensemble.
 - a. Exterior Doors shall remain closed during such activities to reduce potential noise impacts on the surrounding residential neighborhoods particularly in the evening and early morning hours.

and

3. Findings of Fact.

Vice Chairman Gamboa stated to the audience / residents that the Applicant will return in six (6) months after they are opened for business for Planning Commission review and for them to provide Staff with their name / address if they want to be notified.

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

- 4.4 A Design Review Application (DRB 008-006) to upgrade the existing Facade of the Highland Plaza Building (a Redevelopment Agency Assisted Project). The Application includes Conceptual Building Elevations. The Project is located on the north side of Base Line between Reedy Avenue and Cole Avenue, 27196 - 27724 Base Line (Assessor Parcel Numbers: 1191-501-35, 79, 80, 81, and 82). Representative: Dr. Charles Sabbah

Chairman Haller introduced the item and called for Staff presentation.

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Assistant Planner Kelleher gave the presentation from the Staff Report and explained the proposed redesign to the Commission. He explained Planning COA No. 11 how all rooftop mounted mechanical equipment shall be screened from public view and can be accomplished by Architectural Treatments of parapets equal in height to the tallest piece of roof-mounted equipment. On display, there are Color Samples / Drawings and four (4) Boards with matching colors. With regards to the slate tile, the Applicant modify to go with the Brick and Color. He indicated the Applicant and his Representative are in the audience and then concluded his presentation.

Chairman Haller asked if the Commission had any questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant would like to make a presentation.

Mr. John Stratton, of Lewis Construction, addressed the Commission. He stated the Applicant selected the Brick that has a rougher texture and slight Color variation from Bakers / CVS. The Brick material is a real paver and not done all of the structure on the little Towers or the Towers that are there, but we did mass the Center where the equipment on top is shielded then install a new roof. The Elevation with tile and that Mr. Stratton liked the tile and how the Commission liked the Brick and went with that. The Color selection with the stucco gave to Dr. Sabbah to make and hopes the Commission will like what he tried and have brought things together at the Commission's request. Mr. Stratton then asked if the Commission had any questions.

Chairman Haller commented the sidewalk is narrow along the front and asked how the columns are going to be on the sidewalk and with the columns and is ADA accessible and ADA sidewalk width and Assistant Planner Kelleher responded affirmatively. Chairman Haller asked about how is the sidewalk is going to be brought out and how it will be done and Mr. Stratton responded the sidewalk will have to be brought out to accommodate the columns. Commissioner Hamerly stated then what about the parking and Chairman Haller stated the parking was agony last time, we tried to look at every parking space we could and it was still a little lengthy. Commissioner Hamerly stated about the we stayed up on the landscaping when the Commission was talking about the streetscape when we did the Base Line Corridor Streetscape Standards which was one of the primary focuses that we just ran out of real estate there. City Planner Mainez responded the columns are not huge and are going to be narrow. Commissioner Hamerly stated the sidewalk is five feet (5') wide. Chairman Haller stated he thought it was smaller than four feet (4').

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Commissioner Hamerly stated if you get one person pulling up to the curb, all of a sudden, it is down to less than three feet (3'). Chairman Haller responded indicated that is what he is worried about and also there is a grade in there and a handrail along the walkway and Mr. Stratton responded affirmatively, in that there is a handrail along the walkway and the grade is not to Code. Chairman Haller asked if that would be changed and Commissioner Hamerly said do a ramp with being handicap accessible or do away with the handrail. Mr. Stratton responded there is enough room to meet the Code according to what is existing there and that they have a lot more room to extend it out further. Chairman Haller asked if they have more room to bring the sidewalk out and there is still enough room in the parking lot to have the parking configuration and Mr. Stratton responded the columns there are reflective of 2 X 2s and could reduce those down instead to accommodate the parking / sidewalk and suggested he would like either 16 X 16s or 18 X 18s. Chairman Haller stated he like the columns the way they are. Commissioner Hamerly stated if the columns were smaller for the mass that they are supporting, then we are going in the wrong direction and was one of his primary concerns about how are we getting the interesting depth and added to the Façade and still saving the Site Plan. They had gone around and around on how to save the parking. Chairman Haller asked if the Site Plan the Commission saw previously is not part of the Project and also asked about the Center's landscaping and the Median Landscaping in terms of landscaping and City Planner Mainez said that is correct and indicated how a person can see how tight it is. Chairman Haller said all they can do is to bring the sidewalk out and restripe the parking lot and leave the columns at 2" X 2"s. Mr. Stratton responded that he could not answer that and did not bring the Plans with him. Commissioner Hamerly asked Staff if they have access to them quickly and City Planner Mainez asked Assistant Planner Kelleher if he had Plans that the Applicant could look at and Assistant Planner Kelleher responded only the Elevations were noticed in the Public Hearing.

(Note: Vice Chairman Gamboa left the Chambers at 7:38 p.m.)

Chairman Haller stated the Commission wants to know if the proposed Elevations are going to work or if it is going to require a Site Elevation modification. Both Mr. Stratton and Assistant Planner Kelleher were looking at the Plans.

(Note: Commissioner Stoffel left the Chambers at 7:39 p.m.)

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Assistant Planner Kelleher responded based on the Floor Plans that he has in front of him, the area from in front of the Building to the first parking stall is 9.4 feet and the columns are then set back into the 9.4 feet and there is seven feet (7') from the back of the column to the front of the Building. Chairman Haller asked about the parking configuration and Assistant Planner Kelleher responded that the parking configuration shows angled parking on both directions and parking is proposed on the dirt lot, as well. Commissioner Hamerly said there is also a two foot (2') overhang and still have five feet (5') of clearance and the Elevation looks like that he has clear space between the face of the column and the face of the wall and wondered if it sticks out a little bit further than two feet (2'). As long as there is a forty-four inch (44") door that swings, the feasibility of making some of the columns smaller and have assurance that there is clear ADA compliance along the Façade.

(Note: Both Commissioner Stoffel and Vice Chairman Gamboa return at 7:42 p.m.)

Chairman Haller asked if there is enough space to install wheel stops so the columns will not be struck. Commissioner Hamerly said having wheel stops in addition to a curb and Chairman Haller said or with a curb with an overhang to ensure that someone's car will not strike the column. Assistant Planner Kelleher responded and explained the depths of the stalls with angled parking design to the Commission.

Chairman Haller asked if the Commission had any further questions or comments of the Applicant.

Commissioner Hamerly commented he liked the Color Palette and is a dramatic improvement with the White Band for contrast. Mr. Stratton responded that is for the Manufactured Cut for the Channel Lettering that goes on there and that could change. This is something that he saw on a Building that looked very nice when it was completed and that could be one of the Body Colors, or whatever the Commission would prefer. Commissioner Hamerly responded and said he preferred that it would blend it a little more because right now, it now jumps off the page and would be out of character with the rest of the Façade which the Color Palette there is very nicely blended with the used Brick and the Colors collected. Mr. Stratton responded it is fine to use another Body Color or Contrast Color. City Planner Mainez asked what would Commission Hamerly suggest. Commissioner Hamerly responded and said the complimentary Color that would go with the stucco palette that is there because you have some real gentle Earth tones that are in there and then have a very

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stark White Band that is wrapping all the way around the Building and would include the Side Elevations which appears that it doesn't have any signage. The whole contrast issue would make the Signs stand out and is a way to get the definition for the Signs without wrapping a White Band all the way around. There are already issues that we have already discussed in having a long, low Building and that the White Band would only enforce that. Mr. Stratton asked if the Trim Color or the Body Color and extend the Body Color to dissolve the entire White Band or the Trim Color that is at the top. Commissioner Hamerly responded that he believed that the Trim Color works a little better and putting the Body Color in there, the Banding will almost go away, with the exception of the Reveals that are creating a separation with the stucco. He has introduced an Accent Color and is appropriate to have something there as a defining body to place the Sign and reiterated the Accent Color there, as opposed to the Body Color, it would work. Mr. Stratton responded that he could do that very easily. Vice Chairman Gamboa concurred with Commissioner Hamerly's comment with the transitionalize with the Colors and the other Trim Colors. Mr. Stratton stated at the top is, there is foam that is going to be stuccoed over with a grey trim at the top and Mr. Stratton added he is on the Commission's team and whatever Color the Commission wants, that is what he will put on. Vice Chairman Gamboa said he likes the Colors and is impressed with them. Mr. Stratton responded they are Orange County Reprographics Colors and trying to match the Colors as close as possible and that the actual Colors will look very nice and will give a little contrast to what is there with Bakers / CVS is identical brick wainscoting and reiterated this will have a different contrast.

Commissioner Hamerly asked regarding if the Trellis' members located on the Left Elevation is sloping and Mr. Stratton responded affirmatively and has the same pitch as the Center Element. Commissioner Hamerly asked if these are wood members and Mr. Stratton responded affirmatively. Commissioner Hamerly indicated with the Column Element in the center section and asked if they could be made more substantial Columns since they are lining up with the Store Front behind it and if there is a solution that would give them more apparent mass because they are holding up the dominant element. Mr. Stratton asked if the aspect is structurally or visually and Commissioner Hamerly said visually and explained how there is a Column that is two feet (2') square that is holding up a tiny parapet and you then move over to the middle of the Building where, from the street, it is looking much more massive when you have the same size Column holding it up. Mr. Stratton said he could work with that and submit a couple of designs and indicated Dr. Sabbah wanted all of the Columns to be the same size. Commissioner Hamerly said it has a nice

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rhythm to it and it needs for something to be more substantial because that is the biggest Element on the Building. Typically, where you see different aesthetic shifts within a Facade, you might even interject a different Element whether it is a precast column or something like that, but am not recommending that we go there, but given within the Material Palette that has already been put in play, maybe running it with the Brick all the way up to that Break Line or doing something just to say that this is a little bit different showing that it has more mass. Mr. Stratton responded to bring into focus and reiterated he will work on it and have his Architect prepare a couple of Elevations and submit those to Assistant Planner Kelleher. Commissioner Hamerly said okay and then commented about the eave line that is up above that with the substantial parapet profiles there in combination with the coloration and the profile in that center even though it has the height, the Exhibit almost breaks down the eave and doesn't have the same visual weight as the others. He explained about the narrow eave design and asked if Mr. Stratton could "beef it up" with either the combination of making that eave more substantial or running it back a bit farther so from the side, it takes on a little more mass. Right now, it's reading this as a taller Roof Element, but in the center, it breaks down because it's just a very shallow Façade when you are looking at it coming down Base Line. Mr. Stratton asked Commissioner Hamerly if continuing with a full hip on the back and Commissioner Hamerly responded it's two (2) layers; it's either make it thicker this direction or thick in that and have to give it more weight. Mr. Stratton asked if Commissioner Hamerly is not worried about the back part of it, just the front. Commissioner Hamerly responded in a perfect world, I would say both. I would say run that back a little bit further and that is does not take on the Hollywood Set Effect where it is only two feet (2') deep and to put in more in context with this because this works. A person traveling east / west on Base Line will be viewing this as being flat. Mr. Stratton responded will run a few of the Elevations and believing to move ahead on the Project design and fast track with three (3) different Elevations and asked if he would have to meet with the Commission again seeking approval. Commissioner Hamerly responded how the Applicant is seeking approval with modifications and depends on how the Commission's vote comes out. Commissioner Willhite stated he would like to see the modifications or if the Commission would approve with modifications. Chairman Haller said it depends on how you phrase the approval. Commissioner Hamerly said the Commission has made approvals in the past stating if the Applicant fixed this, this and this are done, and would have good directives for Staff, and reiterated just make sure that this, this and this are done, basically follow through on that, then the Applicant has done what the Commission wanted done and would not need to bring new exhibits. Mr. Stratton said he is in agreement with that and said that he could

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continue with the Bricks up and submit three (3) different Elevations for the Commission to consider. He wants to accommodate the Commission and wants the Commission to get exactly what they want over there and juggling a budget here. Those are minor improvements and believed he can address those in making the Commission happy.

Commissioner Hamerly asked about the Little Tower on the Western Elevation is inclined for it to "go away" and that it is out of scale and that the Big Tower is acceptable on the Eastern Elevation. Assistant Planner Kelleher asked about the Little Tower at the Eastern Elevation. Commissioner Hamerly said that would be acceptable, but get rid the Little Tower on the West Elevation and gave his reasons why citing rhythm, mass design, not proportionate and standing alone and not lining up with anything that is below it. City Planner Mainez asked about if the round part is for a clock and Mr. Stratton said no, that area is stucco. Community Development Director Jaquess asked about taking the Brick up to the Spring Line where the arch starts which enhances those Columns, and then on top where the fake rafters are sticking out and then asked Commissioner Hamerly what if the Applicant would put in a trim piece similar to what is on the side. Commissioner Hamerly that is kind of what the direction he was taking it saying if we added something that is in a similar scale and proportion to the cornice at the top of the parapet, then at least we have reintroduced an Element that is already on the Building, but we have added a little more depth and mass because it seems to be a little bit delicate for having a roof that big and being up that high. Community Development Director Jaquess said if the Commission would agree to direct Staff to move the Brick up to the top line and then put that cornice underneath the tile roof across the front and if that would maybe accomplish the Commission's objective, maybe then Staff could review the Plans and act on the Revisions without bringing it back to the full Commission. City Planner Mainez responded the Elevations do not reflect what Community Development Director Jaquess is talking about and explained the Reduced Elevations on Page 13 of the Staff Report. Community Development Director Jaquess to remove the smaller Tower on the west side and Mr. Stratton asked about if the other end Tower should to come off, as well and that he has mixed feelings. Community Development Director Jaquess responded and said personally, he would delete both little areas and just use the two (2) main architectural features. Mr. Stratton responded he could do that and then asked Community Development Director Jaquess to point out where the fascia or trim piece would be located and Community Development Director Jaquess complied. Assistant Planner Kelleher asked about the location of the

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Brick and Spring line and Community Development Director Jaquess responded and the same thing that is on the both sides of that Tower. Mr. Stratton said okay, not a problem. Commissioner Hamerly said that is fine, but that is a secondary, but this is the main one on the Façade that needs something a little bit more substantial. Vice Chairman Gamboa said to eliminate both Small Towers. City Planner Mainez asked about the Corner Tower and keep the corbels and Commissioner Hamerly said that he is looking at the Color Drawing and not on one in the Staff Report and for the dominant element, get something that is underneath the roof that is more substantial is that it is drawing more attention to that. There is an eave trim and is not reading it as corbels, but reading it as a foam profile and Mr. Stratton said that is correct. Assistant Planner Kelleher explained about the windows on Page 13 of the Staff Report. Commissioner Hamerly explained the depth of the Façade relative to the windows and Vice Chairman Gamboa said to go with the written on Page 13. Commissioner Hamerly asked if the windows face the Tower or are they at the back of the Building that is on the Exhibit that is in the Packet and Mr. Stratton responded the Exhibit shown on Page 13, shows the glazing going on up from the Store Front up to the wall line and the Tower sticking out. Mr. Stratton explained that he has submitted so many, but this is the one that we are going with and that Dr. Sabbah did not want to go with any additional Store Fronts / Windows and this is the one (the Color Drawing) is what is proposed and approved by Dr. Sabbah.

Chairman Haller asked what is the proposed lighting and Mr. Stratton responded the lighting is on the side of the Building in certain areas and underneath the walkway and are not shown and also lighting in the parking area. Chairman Haller asked if there is lighting on the columns and Mr. Stratton responded they have not decided where to put them yet, but had submitted a Light Plan to Assistant Planner Kelleher, the Architect and Owner. Commissioner Stoffel asked if it is lower in front on the east side and Mr. Stratton responded affirmatively. Commissioner Stoffel asked if this is normal to do that and Mr. Stratton responded given the different heights / elevations and given a different look(s) and a person will not see anything located on the roof in any direction that you would approach.

Commissioner Hamerly asked what is the height of the parapet the Applicant is requesting relative to the COA about screening roof top equipment and Mr. Stratton responded the lower height will achieve that and will not be able to see equipment and reiterated the sight line a person won't see anything. Commissioner Hamerly said whatever what the Rear Parapet is, match the

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sides (East and West Facades) to match up to the Rear (Parapet) Elevations. Mr. Stratton responded that he could raise up if the Commission wants and Vice Chairman Gamboa responded to have the Applicant ensure the equipment is covered.

Commissioner Hamerly commented on the Trellis on the West Side Façade that is going underneath that higher Parapet that it is at this Elevation. So now, if we say this is the West Façade, you have this Parapet wrapping around and as it slopes, will end up on the rear of the Building. So at some point, at the rear of the Building, you are going to have a step and the Parapet would then wrap around the East Facade. Because if the Towers are gone, there is no place to handle that Elevation. Assistant Planner Kelleher responded there is no rear on the Exhibits. Vice Chairman Gamboa said as long as the Rear and Right Elevation match and covers the equipment, that would be acceptable.

Chairman Haller asked what about the lower parapet in the rear and both Mr. Stratton and Assistant Planner Kelleher responded and suggested to raise the easterly short side to match the east / west side and Vice Chairman Gamboa responded and agreed with that suggestion.

Commissioner Hamerly asked about signage. Mr. Stratton responded there would be channel lettering in the center. Vice Chairman Gamboa said he does not want signage up in the Tower. Commissioner Hamerly asked what is the difference between the two (2) Exhibits deleting the windows. He asked about the windows / columns on the Right Tower Elevation. The columns that are supporting the Tower Element located at the southeast corner that stops and then continues up in a narrower fashion above the White Accent Band. We are changing that Accent Band to an Accent Color, as opposed to White, and compare that to the Exhibit where the columns run all the way up to the Spring Line and it looks like the Spring Line dies into the columns. Commissioner Hamerly explained that he was concerned with the difference between the two (2) is that these columns continue up to this point right here which makes this mass from here to here seem smaller than the mass from right here all the way up to here with very little articulation. On the Exhibit, we have glass here which breaks it up and the columns come to here which run all the way from the Spring Line down to the ground. With the column's consistence, it would have a reveal where the Bands can wrap around so that at least the column element can continue up the way it is on the Exhibit. If you look at the proportions that are on that Tower in the Exhibit and compare it to the Rendering there. He then asked what are the feelings of the Commission with the differences

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between the two (2) and which one does the Commission prefer. Chairman Haller said to continue the columns in the Southeast Tower and also be the same size for the three (3) columns and Commissioner Hamerly asked if anyone else had a comment and Vice Chairman Gamboa said he was then fine with that. Commissioner Hamerly then said it would look better if the three (3) columns did run up all the way to the Spring Line. Vice Chairman Gamboa asked if Mr. Stratton understood and he first said no. Mr. Stratton then responded he believed what is being asked that the columns go all the way up. Chairman Haller asked about the columns being half-width or being wider and Mr. Stratton responded that it breaks it up and that he personally liked that, not involving any money aspect whatsoever, and that it has a nice, clean look to it and that the columns are over massing that corner. Mr. Stratton indicated whatever the Commission wants and that he is on their team. Commissioner Hamerly asked what's wrong like it is and Mr. Stratton responded that it will over mass that corner, myself. The idea was to bring the mass to the center of the Complex. Mr. Stratton said that we could bring them up and will have a nice, clean look to it. Mr. Stratton asked then we would be bringing up just part of the column up to the arch and Commissioner Hamerly said that it is not a fully-defined column because you have that infill panel that is stopping it so that the reveals are going to be substantially less. Mr. Stratton stated he could also see it that way, as well. Vice Chairman Gamboa said then the Brick would not run all the way up to the top, just the center. Mr. Stratton responded that just the column would go up to meet the arch is what he is understanding. Chairman Haller asked Assistant Planner Kelleher got their notes and Assistant Planner Kelleher responded he got the Commission's notes.

Chairman Haller asked if the Commission had any further comments or questions of the Applicant. Mr. Stratton stated that he appreciated the Commission's time and input. Hearing none, Chairman Haller then asked if anyone would like to speak on the item. Hearing none, he then closed the Public Hearing and opened the floor for discussion amongst the Commissioners.

Chairman Haller said with the last Elevation, it has been a while since the Commission saw it and is dramatically better and was well worth the time and effort in trying to revise this. He liked the Colors and this Elevation and is a lot better than the last couple of Renderings. His only concern was that the Commission was not used to working off the Rendering other than the actual Drawing and hopefully, Mr. Stratton will articulate the Commission's comments into the actual detailed Building Elevations. Vice Chairman Gamboa said he

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looks as this Building as a key note for the Town Center because it if the first one. City Planner Mainez said it is the third one because of CVS / Bakers Commissioner Hamerly said even it weren't in the Town Center, said the Project's key element is a dramatic improvement over what is there and his only misgiving is how (the Applicant) ran out of real estate to add some nice landscaping to it. It would have been nice to have some landscaping around the Building so it would not be so stark in seeing a sea of asphalt, but the opportunity is just not there. Chairman Haller said there is just not enough space. He further stated the Commission did not modify any COAs, just gave specific comments on the Elevations. Vice Chairman Gamboa asked if the Commission approves the Project, does the Commission mention that in the Motion or is it Staff directives and Assistant Planner Kelleher responded and indicated added along with the Commission's directives to Staff. City Planner Mainez asked whether or not Staff should bring this Project back to the Commission for further consideration with the directives is what he is hearing. Community Development Director Jaquess said it is clear from what he has heard that we know exactly what is intended and can do that through the plan review / plan check process. Commissioner Hamerly asked then if it is approving it with no modifications and noted with Staff's directives. Commissioner Willhite asked if can we say (add) with Staff directives. Commissioner Hamerly responded we never have said added another part of the Motion and with directives to Staff because it has always have been implied. Vice Chairman Gamboa stated except when it has been changed dramatically then. Chairman Haller stated if the Commission would feel more comfortable in bringing the Application back if it feels that the Project is veering from what was approved and reiterated to bring it back.

There being no further questions of Staff or discussion amongst the Commissioners, Chairman Haller then called for the question.

A Motion was made by Vice Chairman Gamboa and seconded by Commissioner Sparks to:

1. Instruct the Secretary to file a Notice of Exemption;
2. Approve the Building Elevations, subject to the Conditions of Approval,
and;
3. Approve the Design Review Findings of Fact.

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

(It was noted with the implied Staff's Directives.)

The Commission congratulated Mr. Stratton.

(Note: Assistant Planner Kelleher left at 8:20 p.m.)

5.0 LEGISLATIVE

There were no Items.

6.0 ANNOUNCEMENTS

Community Development Director Jaquess explained the Items tentatively scheduled for the February 16, 2010, Commission Regular Meeting.

Community Development Administrative Assistant III McKeough reminded the Commission about bringing their Municipal Code Books in so they can be updated.

7.0 ADJOURN

There being no further business, Chairman Haller declared the Meeting adjourned at 8:22 p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

Rich Haller, Chairman
Planning Commission

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