

****EXCERPT FROM MINUTES – ONLY RELEVANT PORTIONS INCLUDED****

**CITY OF COLTON
PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF OCTOBER 27, 2009
CITY COUNCIL CHAMBERS, 650 NORTH LA CADENA DRIVE, COLTON, CA**

The meeting was called to order by Chairperson Ramirez at 6:30 p.m.

Commissioners Present

Cynthia Ramirez, Chairperson
Thomas Archuleta, Vice-Chairperson
Gary Mitchell, Commissioner
Frank Navarro, Commissioner
Joe Perez III, Commissioner
Richard Prieto, Commissioner

Staff Present

Mark Nuaimi, Assistant City Manager
Veronica McCoy, Associate Planner
Rahsaan Tilford, Assistant City Attorney
Amanda Rhinehart, Senior Project Manager
Lou Gamache, Police Sergeant

Commissioners Absent

Edward Martinez, Commissioner

ITEM F – PUBLIC HEARING

3. FILE INDEX NUMBER: DAP-000-873 COMFORT INN SUITES

Mr. Nuaimi presented the staff report stating that the applicant is requesting a modification to the original Conditions of Approval (ref: DAP-000-741) to reface an existing 119' freeway-oriented pole sign and approval of the Design Review for a proposed 20' freestanding sign and wall signs for the Comfort Inn Suites located at 450 Sperry Drive.

Commissioner Perez III questioned whether the sign would be required to install a beacon light. Mr. Nuaimi stated that the sign would be lighted and visible. Commissioner Mitchell questioned the sign refacing interpretation. Mr. Nuaimi and Mr. Tilford discussed legal non-conforming uses and sign refacing. Chairperson Ramirez questioned whether the pole sign meets current standards. Mr. Nuaimi stated that the sign does not currently meet standards and is a legal non-conforming use but is critical to the project.

Commissioner Prieto spoke in favor of the proposed sign. Commissioner Navarro questioned whether Caltrans had been contacted about installing signs announcing the businesses at the off-ramp. Mr. Nuaimi stated that the City has not contacted Caltrans. Commissioner Navarro questioned whether the City could have required removal of the sign after the business ceased to exist. Commissioner Perez expressed concern about setting precedence by approving the sign.

Public Hearing Opened

Mr. Tsai, Partner

Mr. Tsai stated that had they known the sign was not included they would probably not have proceeded with the project. He indicated that the sign is vital to providing visibility to the project. Commissioner Mitchell questioned whether the applicant would complete the project if the sign is denied. Mr. Tsai stated that they would complete the project but business may be difficult to maintain without the visibility. Commissioner Mitchell questioned why the sign does not include the words "City of Colton." Mr. Tsai indicated that he does not have an objection to including the wording. Mr. Nuaimi stated that the current code only allows the refacing of the sign and does not allow it to be enhanced.

Gary Grossich

Mr. Grossich spoke in opposition of the proposed sign.

Public Hearing Closed

Commissioner Perez stated that he is in favor of refacing of the sign. Commissioner Mitchell stated that he does not feel that the definition of refacing applies to the request for the pole sign but is in favor of the remaining requested signage.

Commissioner Prieto moved to approve File Index Number DAP-000-873 as presented by staff; seconded by Vice-Chairperson Archuleta, the motion failed 4-2 with Chairperson Ramirez and Commissioners Mitchell, Navarro and Perez III voting no.

The Commission recessed for a break.

Vice-Chairperson Archuleta questioned whether the applicant would be able to apply for a pole sign if the Planning Commission denies the 119' freeway-oriented sign. Mr. Nuaimi stated that tallest sign the applicant could install would be a 20' pylon sign. Vice-Chairperson Archuleta questioned whether the applicant could appeal the denial to the City Council. Mr. Nuaimi stated that the applicant has been made aware of their appeal rights. Discussion continued about whether the other signage would be visible from the freeway.

Commissioner Perez III stated that he is in favor of approving the signage without the freeway-oriented pole sign and to let the applicant appeal to the City Council. Commissioner Navarro suggested that staff work with Caltrans to obtain signage for the business. Commissioner Prieto stated that he supports signage that will assist businesses.

Mr. Tilford stated that it is the opinion of staff and the City Attorney that the sign was not abandoned and qualifies as a legal non-conforming use that would allow them to reface the sign without modification.

Commissioner Mitchell moved to approve the sign program with the exception of the 119' freeway-oriented sign for File Index Number DAP-000-873 subject to the Conditions of Approval with an added condition that any change of ownership relinquishes the sign approval and would require the new owner to return to the City for approval; seconded by Commissioner Navarro; the motion failed 3-3 with Chairperson Ramirez, Vice-Chairperson Archuleta and Commissioner Prieto voting no.

Chairperson Ramirez questioned whether the freeway-oriented sign would be reinforced and stated that she would like to see the sign remain to provide visibility. Commissioner Perez III expressed concern about delaying the project. Commissioner Mitchell suggested that the Commission approve what they can and that the applicant can appeal to the City Council should they wish to do so.

Commissioner Mitchell moved to deny the modification to the original Conditions of Approval to reface an existing 119' freeway-oriented pole sign and approve the Design Review for the proposed 20' freestanding sign and wall signs; seconded by Commissioner Perez, motion passed 4-2 with Vice-Chairperson Archuleta and Commissioner Prieto voting no.