

**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 D – APPROVAL OF MEETING MINUTES OF JULY 14, 2009 AND SEPTEMBER 22, 2009

Commissioner Navarro moved to approve the meeting minutes of July 14, 2009; seconded by Commissioner Perez II, motion carried with Commissioner Prieto abstaining.

Chairperson Ramirez requested that the minutes reflect that her absence was excused. Commissioner Prieto moved to approve the meeting minutes of September 22, 2009; seconded by Commissioner Mitchell, motion carried with Chairperson Ramirez abstaining.

ITEM E – ORAL COMMUNICATION

None

ITEM F – PUBLIC HEARING

1. FILE INDEX NUMBER: DAP-000-845 KARAOKE BOX ENTERTAINMENT

Mr. Nuaimi presented the staff report stating that the applicant is requesting approval of a Design Review, Environmental Assessment and Conditional Use Permit to legalize an existing entertainment facility and upgrade to a Type 47 liquor license (on-and off-site full liquor) located at 1280 East Washington Street.

Commissioner Mitchell suggested amending Police Department condition number 33 to reflect that the issue will be referred back to the Planning Commission for review. Sgt. Gamache indicated that he is agreeable to the amendment of the condition. Sgt. Gamache addressed questions regarding video surveillance, security, graffiti and loitering conditions. Commissioner Navarro expressed concern about the restrictive nature of the conditions such as litter, loitering and maintenance requirements. Mr. Nuaimi stated that the City has standard conditions and will not enforce conditions that do not apply.

Mr. Nuaimi stated that condition number 33 would be revised to include read wording that the Conditional Use Permit will be subject to review and potential revocation or modification subject to review and consideration of the Planning Commission. Mr. Nuaimi indicated that the Commission is not being asked to make a finding of necessity for the liquor license.

Public Hearing Opened

Steve Figueroa, Agent for Hawaiian Blues

Mr. Figueroa stated that they do not intend to run the facility as a nightclub and are in agreement with all of the Conditions of Approval.

Public Hearing Closed

Commission Prieto moved to approve File Index Number DAP-000-845 subject to the Conditions of Approval as amended to reflect that graffiti be removed subject to the provisions in the Municipal Code and condition number 33 would be revised to include Planning Commission review; seconded by Commissioner Navarro, motion carried unanimously.

2. FILE INDEX NUMBER: DAP-000-870 CITY OF COLTON/ELECTRIC UTILITY

Mr. Nuaimi presented the staff report stating that the applicant is requesting Design Review approval, an Environmental Assessment and a Minor Variance for a proposed electrical substation with a 10' block wall located at 1700 North Pennsylvania Avenue.

Public Hearing Opened

Jeannette Olko, General Manager, City of Colton Electric Department

Ms. Olko addressed questions from the Commission regarding public notification, graffiti, security measures, and environmental studies of the property. She stated that no one has protested the request for the 10' block wall.

Public Hearing Closed

Commissioner Mitchell moved to approve the Design Review and Minor Variance for File Index Number DAP-000-870 subject to the Conditions of Approval with a recommendation of a finding of consistency to the General Plan; seconded by Vice-Chairperson Archuleta, motion carried unanimously.

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.

ITEM G – COMMISSION CONSIDERATION

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| 1. | FILE INDEX NUMBER: | DAP-000-722 | MORAN COLTON LLC |
| 2. | FILE INDEX NUMBER: | DAP-000-867 | AURA MARIA HOON |

ITEM H – STAFF’S REMARKS/REVIEW OF CITY COUNCIL AGENDAS

ITEM I – COMMISSIONER COMMENTS

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ITEM J - ADJOURNMENT

Commissioner Martinez moved to adjourn the meeting; seconded by Commissioner Navarro, the meeting was adjourned.