

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, October 7, 2009 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Director of Development Services Dan Coleman
Associate Planner Marco Espinoza
Associate Planner Kristi Grabow

CALL TO ORDER

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:03 p.m. and Commissioner Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: September 2, 2009 (Davis absent)

MOTION: Moved by Ensberg, seconded by Bratt to approve the Consent Calendar. Motion carried 4-0-0-1 (Davis abstained).

PUBLIC HEARINGS

2. **CONSIDERATION OF CLASSIFICATION OF USE 09-02** – A Request to Classify a hookah lounge as similar to other conditionally permitted uses allowed in Specific Plan 2, Area 1 (Commercial) (APN: 8383-016-016) **(Continued from September 2, 2009)**

Staff report presented by *Associate Planner Kristi Grabow* who stated this item was heard at the August 19, 2009 meeting, but the item was continued as the vote for approval was split 2-2. The request from the applicant is to determine that a hookah lounge is similar to a cocktail lounge, which is a conditionally permitted use in SP-2, Area 1. She explained the proposal from the applicant, and stated that while the plan for the patio has not been formally submitted, the proposed location is in the rear of the tenant space and located 69 feet from the wall of the nearest residential property. A concern expressed at the last meeting was the impact of noise on surrounding residences, so staff contacted the City of Glendora about their experience with the two hookah lounges in their city. Glendora staff felt most of the problems they have experienced are associated with the service of alcohol and the social aspect of hookah, but they are considering amending their code in the future to require a 1,000 foot setback to any neighboring residential use because of noise complaints.

She presented an overview of SP-2, Area 1 and what is developed there, and showed the surrounding residential neighborhoods. Since a hookah lounge is neither permitted nor conditionally permitted, six findings need to be met in order to classify it as similar to an existing use. Staff felt only one finding could be met so is recommending denial of the Classification of Use. However, if the Commission felt this should be an allowed use, they can recommend that a Municipal Code Text Amendment (MCTA) be initiated.

Commissioner Davis asked what the process is for an MCTA.

Associate Planner Grabow stated either Planning Commission or City Council can initiate an MCTA, and then Staff would prepare appropriate language to be inserted into the ordinance.

Commissioner Davis stated the report indicated the patio would be 69 feet to the nearest residential property line, but wanted to know how far was it from the wall to the house.

Associate Planner Grabow stated approximately 20 feet.

Chairman Schoonover asked if Commissioner Davis had reviewed the minutes of the public hearing.

Commissioner Davis stated he had read the minutes and visited the site so was familiar with this item.

Chairman Schoonover asked if there was anyone present that had any new information to add to that presented at the previous public hearing. There was no response from the audience.

Commissioner Ensberg felt the photos of the area presented by Staff should address concerns expressed at the last meeting by Commissioner Bratt about the proximity to residential. In his mind it strengthened the applicant's position and felt he should be given the opportunity to operate his business, especially since no alcohol will be served. He is familiar with the hookah lounges in Glendora and La Verne and felt they were not detrimental to the community and that we should encourage a new business like this.

Commissioner Bratt disagreed and felt the photos supported his contention that in this zone the findings do not support this use. While he was not opposed to this type of business being in San Dimas, he did not feel this zone was appropriate, and where Zendejas and the Koffee Klatch are located would be more suitable.

Commissioner Rahi stated he hasn't heard anything tonight to change his position. He said this is a new use for San Dimas and felt it would probably be an older clientele, not a younger one, which would use the business. It is a social activity with a long history, and felt the health impacts from smoking hookah weren't the same as for tobacco. He also felt they did not have enough information about how much of the business would be the hookah use and were making a decision based on incomplete information.

Commissioner Davis felt the decision should not be made on hookah having cultural significance, but rather on if it is an appropriate use, and if it should be permitted or conditionally permitted. He did not feel that having an outdoor use only 89 feet from residential was appropriate.

Chairman Schoonover stated he has not changed his position from the last meeting because he did not feel they could make the findings. He was also concerned that the outdoor patio would only be 89 feet from the nearest residence.

RESOLUTION PC-1405

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS DENYING CLASSIFICATION OF USE 09-02, A REQUEST TO CLASSIFY A HOOKAH LOUNGE AS SIMILAR TO A COCKTAIL LOUNGE IN SPECIFIC PLAN 2, AREA 1 (COMMERCIAL)

MOTION: Moved by Davis, seconded by Bratt to approve Resolution PC-1405 to Deny Classification of Use 09-02. Motion carried 3-2 (Ensberg, Rahi voted no).

At the request of Chairman Schoonover, Director Coleman explained the appeal process for the applicant.

- 3. CONSIDERATION OF CONDITIONAL USE PERMIT 09-10 AND DPRB CASE NO. 09-35**
– A request to modify Chaparral Lanes' existing Conditional Use Permits (CUP 85-12 and CUP 90-7) to increase the arcade area for additional gaming machines and to add an outdoor patio area as an extension of the existing bar, located at 400 West Bonita Avenue. (APN: 8386-017-029 and 8386-017-028)

Staff report presented by **Associate Planner Kristi Grabow** who stated this request was to expand the gaming machine area to allow 50 machines and to create an outdoor smoking patio attached to the existing bar area. Staff spoke to the Sheriff's Department after the agenda packets were distributed and they had the following comments: install outside video security, with the Sheriff's Department to review footage in 3-6 months to ascertain if there is adequate coverage, and to have an employee assigned to monitor the patio area. Staff feels the applicant has met the required findings and recommends approval with the addition of the changes suggested by the Sheriff's Department and adoption of Resolution PC-1407.

Commissioner Ensberg asked if there was any residential uses near the bowling alley and how far away they would be.

Associate Planner Grabow stated there are multi-family units located approximately 250 feet behind the bowling alley. Since the patio for the bar would be in the front, the building will help to buffer any noise being generated. This is also a standing-room only area without any seating.

Commissioner Bratt asked if the Sheriff's Department had any concerns about the number of video games.

Associate Planner Grabow stated no, only with the outdoor bar area.

Chairman Schoonover asked if there will be any security personnel in the arcade area.

Associate Planner Grabow stated they could add a condition requiring that if the Commission wished.

Chairman Schoonover opened the meeting for public hearing. Addressing the Commission were:

George Renville, Architect, stated in regards to security for the arcade area, the front desk is near it and there is a large window into the area that allows a view. He stated this was an area that was expanded by the previous owner. He stated the purpose of the outdoor patio was to have a designated smoking area and to help control where people are standing to smoke so they do not cause a safety hazard in the parking lot. He stated the building is 200 feet deep and there is a 50 foot landscape easement before you get to the residential property located in the rear.

Amish Patel, Owner, stated on Friday and Saturday nights they have additional security personnel for the premises.

Commissioner Davis asked if patrons would be allowed to take drinks outside into the patio, and would there be standing tables for them.

Amish Patel, Owner, stated drinks can be taken outside, and as far as tables, they will comply with whatever requirements the Planning Department sets, but the main idea was to keep people out of the parking lot.

Fred Wilson, Security for Chaparral Lanes, stated he has worked security there for the past 15 years and with Bonita Unified School District for 18 years, and has worked cooperatively with the Sheriff's Department for years. He stated when the bowling alley was built smoking was allowed inside the building so there was never a problem, but with the change in the law people will come outside to smoke and often stand in the driveway, which creates a safety concern. He felt having the patio out front will make it safer for all their patrons because it will keep people out of the driveway area. He stated while ABC requires they have one security guard in the parking lot on Friday and Saturday nights, they have 3-4 security guards on the premises on the weekends. They also make sure that no school-aged children are in the building during school hours.

Chairman Schoonover asked if the arcade would be open until 1:30 a.m. and if it was open to all patrons or was there an age limit.

Fred Wilson, Security, stated the arcade is only open to 1:30 a.m. on weekends, during the week it closes at 11:00 p.m. He added they have three security guards there to keep an eye on it. He explained they check identification and bar patrons are kept separate from underage patrons. The floor plan is such that underage patrons have their own bathroom facility so they do not need to go into the bar area for anything.

Commissioner Rahi asked about the current number of arcade games.

Amish Patel, Owner, stated the majority of the games were installed prior to their purchasing the center in 1994 so the interior walls were already removed and the number of games constantly changes each month as new games are rotated in to replace older games. He stated they are in the process of installing security cameras throughout the building and planned to have cameras outside.

There being no further comments, the public hearing was closed.

Commissioner Davis felt having a designated smoking area was the right thing to do, and that the people in the bowling alley will be able to monitor the arcade area.

Commissioner Rahi concurred.

Commissioner Ensberg felt the proximity to residential was the same as for the previous item, but that having a place where people can go smoke was a good idea and he would support the item.

RESOLUTION PC-1407

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 09-10, A REQUEST TO MODIFY CHAPARRAL LANES' EXISTING CONDITIONAL USE PERMITS (CUP 85-12 AND CUP 90-7) TO INCREASE THE ARCADE AREA FOR ADDITIONAL GAMING MACHINES AND TO ADD AN OUTDOOR PATIO AREA AS AN EXTENSION OF THE EXISTING BAR AT 400 WEST BONITA AVENUE (APN: 8386-017-029 & 8386-017-028)

MOTION: Moved by Davis, seconded by Bratt to adopt Resolution PC-1407 approving Conditional Use Permit 09-10, with the addition of the conditions from the Sheriff's Department. Motion carried unanimously, 5-0.

ORAL COMMUNICATION

4. Planning Manager

Director Coleman stated there will be additional grading at the Canyon Center in the next week, and that Fresh and Easy was refining the concept of their store and will be proposing a slightly smaller tenant space at that site.

5. Members of the Audience

No communications were made.

6. Planning Commission

No communications were made.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Bratt to adjourn. Motion carried 5-0. The meeting adjourned at 7:51 p.m. to the regular Planning Commission meeting scheduled for October 21, 2009, at 7:00 p.m.

James Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Dan Coleman, Director of Development of Services

Approved: December 16, 2009