

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, June 4, 2015 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman David Bratt
Commissioner John Davis
Commissioner M. Yunus Rahi
Senior Planner Marco Espinoza
Associate Planner Jennifer Williams
Planning Secretary Jan Sutton

Absent

Commissioner Stephen Ensberg

CALL TO ORDER AND FLAG SALUTE

Chairman Bratt called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Rahi led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: May 7, 2015

MOTION: Moved by Davis, seconded by Rahi to approve the Consent Calendar. Motion carried 3-0-1 (Ensberg absent).

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-03** – A Request to conditionally permit the brewing of beer as a secondary and incidental use to a restaurant (Brewpub Restaurants) in Commercial Zones and Specific Plans permitting commercial uses.

Staff report presented by *Associate Planner Jennifer Williams* who stated this code amendment is City initiated in response to direction given at the City Council spring retreat in March, and approval from the City Council to initiate a code amendment to allow brewpub restaurants to be conditionally permitted in commercial zones. The topic of microbreweries will be addressed at a later date to allow for additional analysis due to the unique characteristics of their operation. She went over the general differences between a microbrewery, brewpub and brewpub restaurants and how they are being defined in relation to this code amendment. Brewpub restaurants are those establishments that are a full-service restaurant that brew beer on site as an accessory use, such as BJ's Restaurant and Brewhouse or Tap's Fish House & Brewery.

In the current code only industrial zones allow manufacturing, so Staff's interpretation is that if someone only wanted to brew beer, they could go through a Classification of Use process for that. However, the associated uses of tap rooms, tasting, or retail sales has not been permitted in industrial zones. In commercial zones that could possibly allow those uses, the manufacturing of the beer would be prohibited. The intent of this code amendment is to allow a limited amount of brewing on-site associated with a restaurant and a limit will be placed on the amount of beer that can be manufactured in those zones as a secondary use to a permitted use.

Associate Planner Williams went over the various zones proposed to allow brewpub restaurants, and stated that in Specific Plans No. 9 and 18 there are other code amendments currently being processed which will impact the language for this code amendment. Staff is recommending the Commission provide comments and recommend approval to the City Council.

Commissioner Rahi asked if a restaurant like BJ's wanted to locate in San Dimas, could they do so now without this amendment, and is there any zone that allows this use currently. He asked for clarification on the differences between a Type 75 license versus a Type 23.

Associate Planner Williams stated BJ's could open a restaurant and serve alcohol but could not brew beer there without this amendment. Currently this use is not allowed anywhere within San Dimas, and went over the definitions contained in Exhibit A from the Department of Alcoholic Beverage Control (ABC) but stated in ABC's regulatory capacity they are looking at these types of uses differently than the City would. We could try to limit businesses to a certain type of license, but if ABC changes their definition, then it could make the City's regulation out of date or permitting something the City doesn't want. Staff is writing the code in a way that addresses the land use and limits the amount of barrels that can be brewed.

Commissioner Davis clarified that the requirement for on-site brewing is what excludes a brewpub but allows a brewpub restaurant. He asked if they could sell any excess to another restaurant.

Associate Planner Williams stated that is correct, that the City Council did not want to allow bars or pubs, but felt a restaurant that had limited brewing was acceptable. She stated she did not think with a Type 75 license they would be able to sell excess because it has to be sold on the premises.

Commissioner Davis stated it says the definition for Type 75 allows for sale of beer and wine for consumption off the premises.

Associate Planner Williams stated that is if you bring your own jug with you and they can only fill a certain amount, but they would not be selling bottled beer. It is also different when you are selling directly to a consumer rather than to a wholesaler or another restaurant. With a Type 23 you can sell to other license holders.

Commissioner Davis asked if the Via Verde shopping center was included in the allowed zones and if there are any shopping centers that have been excluded.

Associate Planner Williams stated the Via Verde Center is in the Commercial Neighborhood zone so is included in this amendment, and that all the shopping centers are in zones that will permit this. The only non-residential zones that were excluded were industrial and administrative-professional.

Commissioner Davis asked if there is a similar license that deals with the production of wine and wineries and wine tasting if someone wanted to do that.

Senior Planner Marco Espinoza stated the production of wine is under a separate license and at this point in time no one is asking to have that type of business compared to the requests they have had regarding brewing of beer, whether as a brewpub restaurant or a microbrewery.

Associate Planner Williams stated they are giving additional review to microbreweries because in other cities they have been associated with additional uses such as bringing in food trucks into an industrial zone that would have impacts other than those you would find in a commercial zone.

Senior Planner Espinoza stated microbreweries start out with the intention of having production and a tasting room but sometimes exceed that initial description so Staff wants to be sure they don't turn into something other than what was intended. There is also concern that once this trend is gone, what happens with these types of licenses so they want to do a careful review before bringing a proposed amendment forward.

Chairman Bratt stated Hanger 24 in Redlands started a microbrewery in an industrial area and there just wasn't enough parking to accommodate the use and it became a problem so they ended up moving and building a restaurant.

Commissioner Rahi asked if there was a pending application for a brewpub restaurant.

Associate Planner Williams stated not at this point in time, this is being brought forward at the request of the City Council.

Chairman Bratt asked for clarification regarding the CG zone and what is considered the downtown area. He also asked if in the wording where it sets the maximum number of barrels at 5,000, would they also want to set a minimum number, such as not less than 100 barrels.

Associate Planner Williams went over the boundaries of the downtown area along Bonita Avenue and San Dimas Avenue, and stated the City Council discussed the idea of setting a minimum amount but decided to allow people flexibility and chose not to. The owner of Clayton Brewing stated ABC told them that the cost of a Type 75 license was cheaper than the others so they put in a minimum requirement to close a loophole, but from the perspective of zoning and land use Staff did not feel it was necessary.

Chairman Bratt stated then the license itself would solve the requirement for a minimum production. He felt they are talking more about a Type 75 license anyway since the City wants this to be accessory to a food operation.

Associate Planner Williams stated Taps may have switched to a combination of a Type 23 and Type 47 license since they didn't want a maximum limitation set on their brewing capacity and also wanted to sell distilled spirits in the restaurant. The Type 75 license is purely a restaurant classification per ABC.

Senior Planner Espinoza stated if an application is received, consideration won't be based on the type of ABC license they hold but that they are accessory to a permitted food use.

Commissioner Davis stated then Taps would be excluded from locating in San Dimas and asked if that was the intention because he didn't think they would want them excluded. He asked why it would matter to the City how much someone brews unless it was because that is considered to be more industrial.

Associate Planner Williams stated it is her understanding Taps is a large producer that sells all over the country. A restaurant that wants to produce more than 5,000 barrels annually would not be allowed under this definition; the main intent was to keep the brewing as an accessory use and for the majority of restaurants that amount would be sufficient.

Senior Planner Espinoza stated the majority of people who have been approaching the City have been smaller producers but if we were approached by someone like Taps then a review would be conducted as to how to accommodate them.

Chairman Bratt stated based on the size of Taps he cannot envision any of our shopping centers accommodating a facility that size. Maybe they can consider a place like Taps when they review microbreweries.

Associate Planner Williams stated she contacted the City of Brea for their resolution approving Taps and found they are roughly 14,000 square feet which is quite a bit larger than most restaurants.

Senior Planner Espinoza stated if this is a concern for the Commission they could recommend to the City Council consideration of removing the 5,000 barrel maximum capacity.

Associate Planner Williams stated Staff considered various options for keeping the use accessory, such as limiting floor area for production, etc., but felt that limiting the amount of production was the best, and a business like Taps was the exception to the rule, not the norm.

Commissioner Davis thought maybe it could be an either/or such as a 5,000 barrel limit or "x" percent of the floor area, or to include an avenue to allow an exception to the 5,000 barrel limit through the CUP process. He would be willing to approve this item with the caveat to create a condition to allow for a higher production.

Commissioner Rahi concurred.

Chairman Bratt opened the meeting for public hearing. Addressing the Commission was:

John Margis, resident, stated he encouraged the Commission to support this resolution. He felt brewpubs in other communities have great food and beer and serve as a draw so it could increase shopping in the surrounding area. He was glad they mentioned Via Verde as a good location and felt it would be a real benefit if one were in the Downtown.

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

RESOLUTION PC-1541

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 15-03 TO CONDITIONALLY PERMIT A LIMITED AMOUNT OF BREWING AND SERVICE OF BEER AS A SECONDARY AND INCIDENTAL USE TO A RESTAURANT IN CERTAIN ZONES PERMITTING COMMERCIAL USES

MOTION: Moved by Davis, seconded by Rahi to approve Resolution PC-1541 recommending approval of Municipal Code Text Amendment 15-03 to the City Council, with the additional recommendation that there should be flexibility for the amount of production in order to allow for larger facilities. Motion carried 3-0-1 (Ensberg absent).

ORAL COMMUNICATION

3. Community Development Department

Senior Planner Marco Espinoza stated the City Council will be conducting interviews for the vacancy on the Planning Commission on Saturday starting at 8:30 a.m. in the conference room and it will be a public meeting. The contractor started grading for the new pad buildings at the Costco center without a permit and was stopped. They are in plan check and should have their permit by the end of the week. The grading and trenching on the mixed-use project on San Dimas Avenue has started, as well as work on the wall along Arrow Highway.

4. Members of the Audience

No communications were made.

5. Planning Commission

No communications were made.

ADJOURNMENT

MOTION: Moved by Davis, seconded by Rahi to adjourn. Motion carried unanimously, 3-0-1 (Ensberg absent). The meeting adjourned at 7:52 p.m. to the regular Planning Commission meeting scheduled for Thursday, June 18, 2015, at 7:00 p.m.

David A. Bratt, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: July 16, 2015