

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, September 17, 2015 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Vice-Chair John Davis
Commissioner Margie Green
Commissioner Tomas Molina
Commissioner Ted Ross
Senior Planner Marco Espinoza
Associate Planner Luis Torrico
Planning Secretary Jan Sutton

Absent

Chairman David Bratt

CALL TO ORDER AND FLAG SALUTE

Vice-Chair Davis called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Green led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: September 3, 2015

MOTION: Moved by Green, seconded by Molina to approve the Consent Calendar. Motion carried 4-0-1 (Bratt absent).

PUBLIC HEARINGS

2. **CONSIDERATION OF CONDITIONAL USE PERMIT 15-05** – A request to sell beer and wine for off-site consumption (Type 20 license) in association with an existing convenience store located at 630 West Bonita Avenue (Shell gas station) in the Creative Growth Zone, Area 1 (CG-1). (APN: 8386-007-016)

Staff report presented by *Associate Planner Luis Torrico* who stated this is a request to add off-site sale of beer and wine to the existing 833 sq. ft. convenience store located at the Shell gas station at 630 West Bonita Avenue. The CG-1 zone conditionally allows the sale of beer and wine as accessory to a permitted use. The convenience store operates 24 hours a day, 7 days a week, but the sale of alcohol would cease between the hours of 2:00 a.m. to 6:00 a.m. per state law, and they plan to have two employees on site at all times. The Applicant will be

purchasing the Type 20 license from Target, as they upgraded to a different license that also allows liquor sales. He went over the moratorium restrictions in place through ABC for this area for the Type 20 license, and stated the only way for a business to obtain one is to transfer an existing license from another business in San Dimas. This site is located in Census Tract 4013.11 which has seven active off-sale licenses though ABC designates the maximum for this area to four. Being mostly a commercial area this over-concentration is not unusual and he went over the existing licenses. In addition to review by Staff, the Sheriff's Department was also contacted and they advised they did not have any concerns. There is a condition requiring all employees to attend LEAD training, and another one that states if issues arise, the City can require them to change their operations.

He stated after the agenda was prepared the City received a letter that expressed opposition to approving this application based on an incident that occurred in Tarzana where someone involved in a vehicular accident went into a nearby convenience store and purchased beer which they started drinking immediately.

Associate Planner Torrico stated along with this item, the Applicant is proposing to do a major alteration to the site based on the recent acquisition of the neighboring parcel which would involve demolishing the existing convenience store and rebuilding a new one along with a self-serve carwash. Should that application move forward, the Applicant would need to revise any existing CUP for alcohol sales due to the increased floor area.

Commissioner Ross asked if Staff knew what hours Happy Mart was open; and if Shell has surveillance cameras in the facility monitoring traffic, would those tapes be available to the City to review if any issues arise in the future.

Associate Planner Torrico stated he did not know the hours of operation of Happy Mart, and in regards to the surveillance camera footage, the Applicant can confirm this, but he thought if issues arise it may be possible for the Sheriff's to access them.

Commissioner Molina stated in regards to requiring operational changes, would that be based on if the Sheriff's report problems at this site. He understands the Type 20 license prohibits any consumption onsite, but is there any limitation on the amount of alcohol that can be sold.

Associate Planner Torrico stated if criminal incidents are occurring, the conditions give Staff the ability to bring the CUP back for review.

Senior Planner Marco Espinoza stated they would not allow the whole store to be dedicated to the sale of alcohol as this is an accessory use so it would at least need to be less than 50 percent of the store area.

Vice-Chair Davis asked if there was language in the CUP that stated this is only allowed as a secondary use.

Associate Planner Torrico stated that requirement is part of the zoning code so if the convenience store no longer exists, then this CUP becomes void.

Commissioner Molina asked what controls do we have to ensure alcohol is not being sold during the prohibited hours.

Associate Planner Torrico stated that is outside of the City's purview and is enforceable by the Sheriff's and ABC. If we became aware of that occurring, we would notify those agencies. Getting a license here is very difficult because of the moratorium and is very valuable to the holder so it is unlikely they would do anything to cause it to be revoked.

Vice-Chair Davis asked if the LEAD training was done through the internet, and what would happen to the license if they were to deny this application.

Associate Planner Torrico stated the LEAD training is put on by ABC and they recommend new applicants take part in that program. It teaches how to recognize fake identifications and how to shelve alcohol products, etc. and the City has always required attendance as a condition of approval. If the Commission was to deny this application, then the license would have to be sold to another business because it needs to be active to remain valid.

Commissioner Ross asked if the Applicant would consider cutting off sales earlier than 2:00 a.m.

Senior Planner Espinoza stated if we were to make that suggestion, the Commission would need to express the reason why because we have not restricted anyone else in that manner.

Vice-Chair Davis opened the public hearing. Addressing the Commission was:

Summer Ireifej, CAO, Anabi Oil Corp., 1040 N. Benson Avenue, Upland, Applicant, stated they own and operate over 200 stations in California and Nevada and sell alcohol at many of their stations. They take their responsibility very seriously and have all their employees take the LEAD training. Their plan is to expand the station and include a 7-Eleven, and they have no intentions of running a liquor store. They will monitor their operations very closely because it was extremely difficult to acquire this license.

Commissioner Ross asked if they would consider ending alcohol sales prior to 2:00 a.m.

Summer Ireifej, Applicant, stated depending on what time was being suggested they might consider it, but they would not want to.

Vice-Chair Davis confirmed they are not Shell Oil but a franchisee and asked if the beer gets locked up at 2:00 a.m.

Summer Ireifej, Applicant, stated they are a wholesaler for Shell with approximately 180 stations throughout California. They lock the coolers where the alcohol is stocked at 2:00 a.m. and the registers also lock so that the product cannot be scanned during the prohibited hours.

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

Commissioner Molina stated the Applicant's clarification regarding the register being locked satisfies his concerns about the time issue, and stated having a convenience store is the trend to help the stations stay profitable.

Commissioner Green stated ABC is very strict and she was sure the Applicant would not want to take a chance on losing their license over something as minor as selling alcohol after hours and would comply with state law.

Vice-Chair Davis stated they have approved similar applications in the past for gas stations because there is such a low profit-margin on gasoline sales they need the convenience stores to stay profitable.

RESOLUTION PC-1545

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 15-05, A REQUEST TO ALLOW OFF-SITE SALES OF BEER AND WINE (TYPE 20 LICENSE) IN ASSOCIATION WITH A CONVENIENCE STORE (SHELL GAS STATION) LOCATED AT 630 W. BONITA AVENUE (APN: 8386-007-016)

MOTION: Moved by Green, seconded by Molina to adopt Resolution PC-1545 approving Conditional Use Permit 15-05. Motion carried 4-0-1 (Bratt absent).

ORAL COMMUNICATION

3. Community Development Department

Senior Planner Marco Espinoza stated construction is moving along on the new pad buildings by Costco and the developer plans to turn them over to the tenants next month to start their TI work, which can be done during the holiday season. He stated there are still two vacant spaces. The five single-family homes in the mixed-use project on San Dimas Avenue are under construction and the remaining portion of the project is in plan check and almost ready to approve. The City has received applications for two subdivisions; one from Walbern for 28 homes off San Dimas Avenue and the other on the Meredith property on Foothill Blvd. for 21 homes. These applications do not involve any house plans so they should move through the process faster, and once these projects are sold to a developer, then the plans will be submitted to DPRB for review.

Vice-Chair Davis stated then they won't be coming back to the Commission for review of the house plans. He also asked if we knew what the new homes in the mixed-use project were going to be marketed at.

Senior Planner Espinoza stated the Commission might have to review the plans for the Foothill project because of the Precise Plan requirement, but that will be determined. They do not have any pricing information for the homes in the mixed-use project at this time. There is also another request for a study session for a possible re-zoning for a subdivision north of Moore Place along Walnut Avenue.

4. Members of the Audience

No communications were made.

5. Planning Commission

Vice-Chair Davis stated he may not be able to attend the next meeting as he is scheduled to be in New York.

ADJOURNMENT

MOTION: Moved by Molina, seconded by Green to adjourn. Motion carried, 4-0-1 (Bratt absent). The meeting adjourned at 7:30 p.m. to the regular Planning Commission meeting scheduled for Thursday, October 1, 2015, at 7:00 p.m.

John Davis, Vice-Chair
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: October 15, 2015