

# CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting  
Thursday, November 19, 2015 at 7:00 p.m.  
245 East Bonita Avenue, Council Chambers

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## **Present**

Chairman David Bratt  
Commissioner Margie Green  
Commissioner Tomas Molina  
Commissioner Ted Ross  
Senior Planner Marco Espinoza  
Associate Planner Luis Torrico  
Assistant City Attorney Lindsay Tabaian  
Planning Secretary Jan Sutton

## **Absent**

Commissioner John Davis

## **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 Molina led the flag salute.

## **CONSENT CALENDAR**

1. Approval of Minutes: October 15, 2015 (Bratt absent)

**MOTION:** Moved by Green, seconded by Ross to approve the Consent Calendar. Motion carried 3-0-1-1 (Bratt abstain, Davis absent).

## **PUBLIC HEARINGS**

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-08** – A request to allow expanded retail and service business uses currently not allowed within Specific Plan No. 24 (SP-24) Area 1, located at Citrus Station (Costco) Shopping Center. (APNs: 8383-009-061 thru -064, -077 thru -080, -082, 085, -088 thru -090, and -093 thru -098)

Staff report presented by *Associate Planner Luis Torrico* who stated this request is to amend Specific Plan No. 24, Area 1, to allow additional retail and service business uses at the Citrus Station shopping center. The applicant is the owner of the two new pad buildings on Gladstone currently under construction. He outlined the different areas of the Specific Plan and the list of new uses. The majority would be permitted by right and one would be conditionally permitted. The proposed uses are similar to those recently approved by the Commission and City Council for the other major shopping centers in San Dimas. Two differences in this request is that a bank could now be permitted by right, and only banks that wished to incorporate a drive-through ATM would be conditionally permitted; the second item is to allow a stand-alone ATM that is not associated with a bank in the center. There is nothing in the code that currently

allows or prohibits such a use so this would be the first time this is codified. Staff is recommending that it be conditionally permitted to allow Staff the flexibility to ensure that the design would be integrated with the architecture of the center and to ensure that the lighting required under State code was not installed in such a way as to create a negative impact on surrounding properties.

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

**Alex Gonzalez, Evergreen, Applicant**, stated they made this request in order to be competitive with surrounding centers and improve the mix of businesses when leasing out vacant space, and hoped the Commission would support their application.

**Chairman Bratt** asked if they had any vacancies in their two pad buildings, and does Costco have any control over the types of businesses they can lease space to, or do any of the other tenants.

**Alex Gonzalez, Applicant**, stated they have two vacant tenant spaces in the eastern building but are looking at potential tenants and hope to have them leased in the next few months. He stated Costco can limit who comes into the center through the CC&Rs. They worked with them on the list of expanded uses and Costco has approved the uses in this amendment. The other tenants are bound by the same regulations as they are.

**Commissioner Molina** felt there was starting to be a problem with traffic stacking up near the entrance for the gas station and thought there should be a way to encourage people to use the eastern entrance to the site.

**Associate Planner Torrico** stated Staff has noticed the same thing with the queuing and that is something that would need to be handled by Costco. However, under the conditions of their Use Permit, if it continues to be a problem, Staff can work with them on ways to resolve the circulation issues.

**Alex Gonzalez, Applicant**, stated there will be more parking spaces available once the construction on the new buildings is completed.

**Commissioner Molina** stated he thinks it is more of a problem associated with the gas station, not with the shopping center as a whole.

**Laura Nash, 1310 W. Gladstone, San Dimas**, stated she was opposed to this amendment. She and her husband had owned property where the Costco is now located, as well as her sister, and they were told that this project would be for the common good of the community by providing increased sales tax revenue, and at that time service businesses were specifically left out of the allowed uses because they did not generate sales tax. She felt this was still viable as a retail center and the argument of needing service businesses in order to fill tenant spaces did not hold up. The landlord knew what was in the code when they chose to develop, and just because other shopping centers allow service businesses didn't mean that they needed to allow it here. She also concurred that there are issues with parking and circulation because most of the empty spaces were on the eastern side of the center and there didn't seem to be enough parking on the western side where all the businesses were located.

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

**Commissioner Molina** clarified a bank would only need a Conditional Use Permit if it had a drive-through.

**Associate Planner Torrico** stated that is correct; if it did not have a drive-through, a bank could be permitted by right with this amendment.

**Commissioner Ross** asked if there were any requirements for surveillance equipment on banks other than what is on the ATM.

**Associate Planner Torrico** stated there are no requirements on the City's level, but if an application is received, Staff can send it to the Sheriff's Department for review and add any conditions that may be necessary.

#### RESOLUTION PC-1549

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL TO THE CITY COUNCIL OF MUNICIPAL CODE TEXT AMENDMENT 15-08, AMENDING SECTION 18.540, SPECIFIC PLAN NO. 24, UPDATING THE PERMITTED AND CONDITIONALLY PERMITTED USES IN AREA 1 (APNs: 8383-009-061 THRU -064, -077 THRU -080, -082, -085, -088 THRU -090, -093 THRU -098)

**MOTION:** Moved by Green, seconded by Ross to adopt Resolution PC-1549 recommending the City Council approve Municipal Code Text Amendment 15-08. Motion carried 4-0-1 (Davis absent).

3. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-06** – A request to amend the uses in Specific Plan No. 17, Area 1 (Code Sec. 18.528), to allow for the off-site sale of beer and wine in conjunction with a conditionally permitted service station with convenience store. (APN: 8396-017-025); and

**CONSIDERATION OF CONDITIONAL USE PERMIT 15-10** – A request to allow for the off-site sale of beer and wine (Type 20) in conjunction with a conditionally permitted service station with convenience store located at 1790 S. San Dimas Avenue (Via Verde 76). (APN: 8396-017-025)

Staff report presented by **Senior Planner Marco Espinoza** who stated that even though the usual process would be to adopt the code amendment prior to accepting an application for the Conditional Use Permit, because this amendment deals with just one code section and one particular property only, it was felt it would streamline the process to move both applications through the process together. He stated that Staff added a condition to the Conditional Use Permit stating it does not take effect until 30 days after adoption of the Municipal Code Text Amendment. And if the Code Amendment is denied, then the Use Permit application becomes moot.

He went over the prior approval to expand the snack shop area back in 2008 into a 1,000 sq. ft. convenience store, and how when the Applicant applied to amend the code in 2012-13 to allow the sale of beer and wine, it was discovered that ABC had placed a moratorium until 2016 for new licenses in the City of San Dimas unless certain criteria could be met, and subsequently the request was withdrawn. At this time the Applicant has been able to purchase an existing license from a business that recently closed within the City.

He stated Specific Plan No. 17, Area 1, currently prohibits the sale of alcohol, so the proposal is to amend the code to remove that prohibition and to conditionally allow the sale of alcohol as an accessory use to a convenience store. As an accessory use no more than 49% of the floor area can be used for it, and as stated earlier this amendment would only impact the Via Verde 76

station. This amendment would also reflect the policy adopted by the City Council in 2013 that allows the off-site sale of alcohol at service stations.

**Senior Planner Espinoza** stated in regards to the Conditional Use Permit, this would be accessory to the conditionally permitted convenience store at this location. It operates 24/7 but the sale of alcohol would be prohibited between the hours of 2:00 a.m. and 6:00 a.m. per State law. The Applicant will be using space in existing coolers for the alcohol, and they will be locked during the non-sale hours. ABC uses census tracts for the purpose of analyzing the concentration of licenses, and in this particular tract there is only one other license, so it is not considered over-concentrated. Staff asked the Sheriff's Department to review the request, and they did not have any issues with the proposed change at this location. If there are any issues, Condition No. 20 allows the Planning Commission to review this permit again.

**Commissioner Ross** asked how late the Vons market and the store in Bonelli Park stay open.

**Senior Planner Espinoza** stated he did not know the hours of the store in Bonelli Park, but the entrance is from Fairplex Drive and there is no access directly from San Dimas. The Vons market is located over the hill in the opposite direction, and he did not know exactly but thought they closed at 11:00 p.m.

**Commissioner Molina** asked if this site was in a different Census Tract than the Shell and Valero gas stations.

**Senior Planner Espinoza** stated yes, the Shell and Valero stations are in a different Tract. In tracts that have more commercial development than residential you tend to see a higher concentration of licenses. This area is mostly residential and the station is probably used more by the local residents.

**Commissioner Bratt** stated there was a statement in the report that the Council wanted all gas stations to be treated equally in allowing convenience stores and the sales of beer and wine, and asked if this amendment would make it consistent with the other stations in the City.

**Senior Planner Espinoza** stated it would in regards to the sale of alcohol since the code was already amended to allow it to have the larger convenience store.

**Commissioner Bratt** stated that if they were not able to purchase the license from the closed facility, then this application becomes moot.

**Senior Planner Espinoza** stated that was correct because if they had to bring a new license into the City, it would require approval of Public Convenience or Necessity by the City Council, which they do not process. This application is different than the one they submitted in 2012 because they are purchasing an existing license.

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

**Bill Ghosn, 1790 S. San Dimas Avenue, Applicant**, stated he and his brother have owned this station for 11 years. The expansion of the convenience store in 2008 was very successful and they have not had any problems. He stated they run a tight shop and will abide by all the rules and regulations associated with selling beer and wine.

**Commissioner Ross** stated even though ABC allows the sale of alcohol until 2:00 a.m., he asked if they would consider ending sales earlier.

**Bill Ghosn, Applicant**, stated they cater to the existing neighborhood and would not have a problem if they were requested to stop sales earlier than 2:00 a.m.

**Alan Nash, Resident**, stated he is opposed to this application, and while it is a very nice service station that he frequents on all days at all different times, he did not think this was as simple as moving a license from one business to another. The previous location was a small market tucked into a residential neighborhood in the downtown. This location borders three major freeways so is a very different sales location. He has been on the Public Safety Commission for many years and has managed markets during his career. He owns multiple cars and always pays inside, and what he sees is this store is not just for residents. He sees people pulling up in their trucks at the end of the workday, and feels this would be the type of customer that would pull in just to pick up their six-pack and then drive off down the freeway. He feels we will make it more convenient for people to drink and drive by allowing alcohol sales here. He felt the owners have a very successful convenience store as it is, the service bays are always busy, and they charge more for gas than other stations so did not think they needed to sell alcohol to be successful. He stated alcohol is also one of the most stolen items and the way the store is set up the view to the cold cases is blocked by other merchandise. This place is not supervised and on several occasions when he has gone inside the store was unattended. He also hoped they would restrict the sale of single bottles of beer and small bottles of wine.

**Bill Ghosn, Applicant**, stated you can speculate all you want, and felt those statements were blowing things out of proportion. He stated you can go to Vons and buy alcohol and it is very close to the freeway too. He stated if the station is being run properly, there shouldn't be any problems.

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

**Commissioner Molina** stated when they considered the permit for the Shell gas station they had doors that would lock at 2:00 a.m. and the cash register cannot ring up sales.

**Chairman Bratt** stated the owner has indicated he will be locking the coolers during non-sale hours.

**Senior Planner Espinoza** stated Conditions 14-16 address the hours of sale, locking of the cash registers, and employee training to address these types of concerns.

**Commissioner Ross** asked if something happens, can the City go back to add more restrictions.

**Senior Planner Espinoza** stated initially Staff would try to address any concerns that arise, but if there are continuing problems then the Use Permit can be brought back to the Commission to modify or revoke.

**Commissioner Ross** asked the Applicant how long they retain their surveillance footage for.

**Bill Ghosn, Applicant**, stated approximately two weeks. They have 16 cameras running and that is a lot of data, but if necessary, he can see if it can be increased.

#### RESOLUTION PC-1550

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE  
TEXT AMENDMENT 15-06, A REQUEST TO AMEND THE USES IN

SPECIFIC PLAN NO. 17, AREA 1 (CODE SEC. 18.528), TO ALLOW FOR THE OFF-SITE SALE OF BEER AND WINE IN CONJUNCTION WITH A CONDITIONALLY PERMITTED SERVICE STATION WITH A CONVENIENCE STORE

RESOLUTION PC-1551

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT 15-10 TO THE CITY COUNCIL, A REQUEST TO ALLOW OFF-SITE SALES OF BEER AND WINE (TYPE 20 LICENSE) IN ASSOCIATION WITH A SERVICE STATION CONVENIENCE STORE (VIA VERDE 76) LOCATED AT 1790 SOUTH SAN DIMAS AVENUE (APN: 8396-017-025)

**MOTION:** Moved by Molina, seconded by Green to approve Resolution PC-1550 recommending the City Council approve Municipal Code Text Amendment 15-06. Motion carried 4-0-1 (Davis absent).

**MOTION:** Moved by Green, seconded by Molina to approve Resolution PC-1551 recommending the City Council approve Conditional Use Permit 15-10. Motion carried 4-0-1 (Davis absent).

4. **CONSIDERATION OF CONDITIONAL USE PERMIT 15-08** – A request to allow the operation of a health/exercise club use (The Camp Transformation Center) at 173 Village Court within Creative Growth Area 1 Zone – Regional Commercial (CG-1)

Staff report presented by *Senior Planner Marco Espinoza* who stated this is a request for a gym that will occupy several spaces of a multi-tenant building at 173 Village Court, where Vista Paint is currently located. There are 24 other locations in Southern California, and they operate differently than a traditional gym in that their focus is on group training. The center of the floor is a large mat for the classes surrounded by artificial turf used as a running track, and then they also have free weights available. The group classes, which run approximately one hour, are usually 4-10 students, but during peak hours could be 15-20 students. The proposed hours of operation are 5:00 a.m. to 9:00 p.m. Monday through Sunday. Staff is recommending that they be allowed to operate until 11:00 p.m. to allow them flexibility in modifying their class schedule without having to come back through the hearing process again. These hours are consistent with other gym facilities in San Dimas. This building was developed as commercial space and parked at one space for every 225 square feet. Gyms require a higher parking ratio, but because of the small size of the tenant space they do not require any additional parking. Also, Vista Paint has very limited customer traffic during the day and they close in the late afternoon so there should not be any parking conflicts.

*Chairman Bratt* thought there was another gym in the same vicinity.

*Senior Planner Espinoza* stated that one was 26,000 square feet in size so was much larger than this one and served a different clientele.

Chairman Bratt opened the meeting for public hearing. There being no comments, the public hearing was closed.

RESOLUTION PC-1552

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 15-08, A REQUEST TO ALLOW THE OPERATION OF A HEALTH/EXERCISE CLUB USE (THE CAMP TRANSFORMATION CENTER) LOCATED AT 173 VILLAGE COURT WITHIN CREATIVE GROWTH AREA 1 ZONE – REGIONAL COMMERCIAL (CG-1) (APN: 8386-008-023)

**MOTION:** Moved by Molina, seconded by Ross to approve Resolution PC-1552 approving Conditional Use Permit 15-08. Motion carried 4-0-1 (Davis absent).

5. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 15-09** – A request to amend Chapter 18.194 Medical Marijuana to prohibit cultivation of marijuana and to prohibit mobile marijuana dispensaries citywide, and other miscellaneous edits.

Staff report presented by *Senior Planner Marco Espinoza* who stated in 2004 California Senate Bill 420 was enacted to clarify the scope of the California Use Act of 1996. These new rules and regulations became known as the Medical Marijuana Program. In 2007 the City of San Dimas amended the code to prohibit medical marijuana dispensaries from operating within city limits. Recently three bills were adopted by the State Legislature that would allow the State to regulate aspects of cultivation and mobile delivery unless a city was to adopt regulations restricting these uses. He went through the timeframes set by the bills in which the City would need to take action if they so wished. The amendment will prohibit cultivation and delivery within the City. Mobile deliveries can drive through the City, they just cannot make deliveries within the City. The new language is consistent with the prohibition of dispensaries adopted by the City Council. He stated Staff received some additional language from the Sheriff's Department after the agenda was prepared and presented that to the Commission to review.

*Commissioner Molina* asked if there was a distinction between marijuana and medical marijuana. He asked if this would also cover mixing medical marijuana with another type of herb.

*Senior Planner Espinoza* stated Staff wanted it to be clear that no matter what type or how someone wants to identify it that it is not allowed in the City of San Dimas. Since the laws keep changing the intent was to have a blanket prohibition in case someone was to try and find a loophole. He stated this amendment covers any product that contains marijuana.

*Commissioner Green* clarified that someone with a medical card could possess product, it just cannot be sold or delivered within the City.

*Senior Planner Espinoza* stated that was correct and added that the State is trying to create a new licensing process for now in anticipation of possible legalization of recreational marijuana in the future.

*Chairman Bratt* stated the intention was to replace the wording in the resolution in the package with the wording that was passed out tonight containing the recommendation from the Sheriff's Department.

*Senior Planner Espinoza* stated that was correct.

Chairman Bratt opened the meeting for public hearing. There being no comments, the public hearing was closed.

## RESOLUTION PC-1553

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 15-09 TO THE CITY COUNCIL TO AMEND CHAPTER 18.194 MEDICAL MARIJUANA TO PROHIBIT THE CULTIVATION OF MARIJUANA AND THE ESTABLISHMENT OR OPERATION OF MOBILE MARIJUANA DISPENSARIES CITYWIDE, AND OTHER MISCELLANEOUS EDITS

**MOTION:** Moved by Ross, seconded by Molina to approve Resolution PC-1553 as amended recommending the City Council approve Municipal Code Text Amendment 15-09. Motion carried 4-0-1 (Davis absent).

### **ORAL COMMUNICATION**

#### **6. Community Development Department**

*Senior Planner Marco Espinoza* stated the continued public hearing for the update to the City's Model Water Efficient Landscape Ordinance will be at the next regular Commission meeting on December 3, 2015.

#### **7. Members of the Audience**

No communications were made by the public.

#### **8. Planning Commission**

No communications were made by the Commission.

### **ADJOURNMENT**

**MOTION:** Moved by Green, seconded by Molina to adjourn. Motion carried, 4-0-1 (Davis absent). The meeting adjourned at 8:19 p.m. to the regular Planning Commission meeting scheduled for Thursday, December 3, 2015, at 7:00 p.m.

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David A. Bratt Chairman  
San Dimas Planning Commission

ATTEST:

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Jan Sutton  
Planning Commission Secretary

Approved: December 3, 2015