

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, July 20, 2005 at 7:30 p.m.
245 East Bonita Avenue, Council Chambers

Present

Vice Chair Emmett Badar
Commissioner David Bratt
Commissioner Howard Levreau
Commissioner Jim Schoonover
Director of Community Development Larry Stevens
Associate Planner Joe Vacca

Absent

Chairman Ash Dhingra

CALL TO ORDER

Vice-Chair Badar called the regular meeting of the Planning Commission to order at 7:30 p.m. and Commissioner Levreau led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes for July 6, 2005.

MOTION: Moved by Levreau, seconded by Bratt to approve the Consent Calendar. Motion carried unanimously, 4-0.

PUBLIC HEARINGS

2. **CONSIDERATION OF CONDITIONAL USE PERMIT 05-03 AND TENTATIVE TRACT MAP 05-01 (060076)** - CUP 05-03 is a request to modify minimum lot size requirements of the M-1 (light industrial) zone; and Tract Map 05-01 is a request to subdivide the 10.63 acre property into fifteen (15) lots. These applications are for the development of a planned unit industrial project to allow for independent ownership of the fourteen buildings with one common lot for access and parking. Building fourteen is a multi-tenant building with eight units, and the subdivision application includes a condominium plan to provide independent ownership of the eight condo units within this building. These applications relate to a previously

approved project of fourteen buildings located at 160 E. Arrow Highway, totaling 163,000 sq. ft. for office and light industrial uses.

Staff report presented by *Associate Planner Joe Vacca*, who stated this item was previously discussed at the May 18, 2005 meeting. The proposal tonight was to subdivide the property on the southeast corner of Arrow Highway and San Dimas Avenue into 14 lots with a total number of 21 units. The number of units increased from the previous proposal because one lot was being divided into condo suites. The purpose of the application is to provide a Planned Unit Development to allow individual ownership of the buildings and condo suites. He stated staff supports the project and recommends adoption of Resolutions PC-1317 and PC-1318.

Commissioner Bratt stated the staff report shows 14 lots, and asked what made up Lot 15.

Associate Planner Vacca stated that is the common area for driveways, parking and landscaping. The eight additional units are located on Lot 14, which is currently an approved multi-tenant building, for a total of 21 units and 15 lots.

Vice-Chair Badar opened the meeting for public hearing. There being no response, the public hearing was closed.

RESOLUTION PC-1317

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT 05-03, A REQUEST BY ARROW HIGHWAY DEVELOPMENT, LLC TO MODIFY THE MINIMUM LOT SIZE REQUIREMENTS OF THE M-1 ZONE TO ALLOW FOR AN INDUSTRIAL PLANNED UNIT DEVELOPMENT PROJECT ON THE PROPERTY LOCATED AT 160 EAST ARROW HIGHWAY

RESOLUTION PC-1318

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF TENTATIVE TRACT MAP NO. 05-01 (TTM 060076), A REQUEST TO SUBDIVIDE AN EXISTING 10.63 ACRE PARCEL INTO FIFTEEN LOTS AND TWENTY-ONE UNITS FOR AN INDUSTRIAL PLANNED UNIT DEVELOPMENT PROJECT ON THE PROPERTY LOCATED AT 160 EAST ARROW HIGHWAY

MOTION: Moved by Levreau, seconded by Schoonover to approve Resolution Nos. PC-1317 and PC-1318. Motion carried unanimously, 4-0.

- 3. CONSIDERATION OF CONDITIONAL USE PERMIT 05-05** – A request to revise an existing Conditional Use Permit for on-site sales of beer and wine in conjunction with

an existing restaurant use, to include alcohol consumption within an outdoor patio area, located at 138 W. Bonita Avenue.

Staff report presented by *Associate Planner Laura Lockett*, who stated this is a request to revise an existing Conditional Use Permit. The original CUP limited the consumption of beer and wine to the restaurant. When Café Christine initiated the request, they wanted outdoor seating in front of the restaurant but that was found inappropriate and an area of the courtyard was designated instead. There have been two different users since the original CUP was issued, and the current occupant, Long Horn Café, wants to expand the use to allow alcoholic beverages in the courtyard seating area. The previous tenants did not rope off the outdoor seating area, but exhibits in the staff report show how Long Horn is using posts and rope to designate the area. However, since the barriers are not fixed, they sometimes move depending on the number of customers, and there have been issues with blocking the walkway. Alcohol Beverage Control (ABC) does not require a barrier. Staff believes if there is an issue with encroachment into the walkway, they can work with the applicant on designing some type of semi-permanent barrier. She stated the memo from the Sheriff's Department referred to the Building and ADA code violation of not leaving a five-foot walkway, and providing a more permanent barrier could prohibit that from occurring in the future. Staff stated a Negative Declaration was adopted with the original CUP, and is recommending approval of the revised Conditional Use Permit.

Commissioner Levreau asked if there were any requirements from ABC on how wide the outdoor area could be.

Associate Planner Lockett stated the site plan in Exhibit C shows the outdoor seating area to be 10 feet by 25 feet. There are existing planters that are fixed that are at least five feet from the shop wall, so if they stay within the planters, they will meet the Building Code; however, the Planning Commission can recommend another appropriate location for the posts.

Vice-Chair Badar stated he had concerns about the memo received by the Sheriff's Department and that they were already serving alcohol outside and it was generating complaints.

Associate Planner Lockett stated the applicant had approval from ABC to serve alcohol outside, but that the CUP had not been updated. This was being reviewed because the applicant is also asking for an outdoor entertainment permit, which will be heard by the License and Permit Hearing Board and was not a part of the action tonight.

Vice-Chair Badar asked if staff had discussed the memo with the applicant, and wanted to ensure that it was made a part of the public record.

Associate Planner Lockett stated she just received the memo today so had not discussed with the applicant yet.

Commissioner Schoonover asked if the owner of the building has given permission for alcohol to be served in the common area. He also asked about the difference in the hours of operation mentioned in the staff report.

Associate Planner stated it was part of their lease to serve alcohol, and then when staff was first approached about outdoor entertainment, they asked for landlord approval and they have a letter which identifies the courtyard area for this type of use. In regards to the hours, staff is allowing them to be open to 11:00 p.m. to allow the applicant flexibility in case they want to extend their hours of operation.

Commissioner Bratt expressed concerns about the portability of the barriers and felt this was an important part of whether to approve this request or not.

Associate Planner Lockett stated that would be for the Commission to discuss. First they would need to decide if they wanted to allow outdoor consumption. If they do, how will the area be designated and enforced. She stated if they wanted to allow the use, staff could work with the applicant on a plan and take it to the DPRB for review. Referring to the site plan, the tenant space is 1,376 square feet and the courtyard area is 250 square feet.

Vice-Chair Badar felt there needed to be something to ensure that patrons couldn't relocate the barriers.

Vice-Chair Badar opened the meeting for public hearing. Addressing the Commission was:

Irene Gapido, owner of Long Horn Café, stated there was an occasion during Western Days when the barriers were moved because of the size of the crowd, but now that they are aware of the problem they are making efforts to keep it from happening in the future. She stated they were told by both the landlord and ABC they were allowed to have alcohol outside. The surrounding shops close at 7:00 p.m., and they are looking to add entertainment from 7:00 to 9:00 p.m.

Vice-Chair Badar asked if she had had any meetings with the Sheriff's Department in regards to the complaints. Also, has she spoken to the neighbors about her plans and gotten their feedback.

Irene Gapido, Long Horn Café, stated she had not met with the Sheriff's. She stated ABC recently did an inspection and didn't find any problems. She told them she was considering putting in gates but she was told that was not required. She has spoken to her neighbors and the majority are supportive.

Joe Cucutcot, 138 W. Bonita Avenue, Suite 201, stated he has the space above Long Horn Café and was in support of their efforts to add entertainment to their business because it would bring more customers into the area which could benefit the other business owners. He added he hasn't seen any problems associated with serving alcohol in the courtyard.

Bill Emerson, 138 W Bonita, Suite 105, stated he was concerned about access to his shop. He didn't understand the purpose of cordoning off the area if it were open at both ends. He also felt that adding music to a 250 square foot area would be detrimental, but stated that would be addressed at another time.

Vice-Chair Badar wanted to clarify that Mr. Emerson didn't have a problem with having tables and alcohol service in the courtyard, but was concerned about the location of the barrier.

Bill Emerson stated he did not have a problem with the 250 square foot area but was concerned that if the barriers were portable it could be expanded. He wanted to know if the purpose of the cordoned off area was to keep people inside because right now it is open at both ends. It was his understanding that to use the courtyard area, they were supposed to enter and exit through the restaurant only.

Associate Planner Lockett stated ABC does not require any type of barrier. She thought the reason they did that is because their license only allows alcohol in a certain area and this was a way of tracking that they were not exceeding those limits.

Director of Community Development Larry Stevens stated there are areas where ABC has required a barrier, such as Zendejas and the seating on the sidewalk.

Vice-Chair Badar thought that might not be the same type of situation since the buildings themselves provide a natural barrier which is out of the public view.

Director Stevens stated the building walls might constitute a partial barrier depending on how ABC reviews the site, but they do require the area be enclosed so that there isn't free movement from the area except where under control of the business.

Commissioner Levreau was concerned about alcohol being handed over the barrier to an underage person and asked the owner what they do to control that.

Irene Gapido, Long Horn Café, stated the waitresses are in that area frequently and there are large windows in the restaurant which allow her to monitor activity in the courtyard.

Commissioner Schoonover asked if she had reviewed the Conditions of Approval and understood them.

Irene Gapido, Long Horn Café, stated she has and doesn't have any problems with them. She attended the LEAD training in October and has spoken to staff about installing some type of permanent barrier.

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

MOTION: Moved by Bratt to approve CUP 05-05. Motion died for lack of a second.

Commissioner Levreau felt they should define where the barrier should be located.

Vice-Chair Badar appreciated the comment but felt that the applicant and staff could work together to address the issue, and felt it would be difficult for them to make that decision based off of a photograph.

Associate Planner Vacca stated they could include a condition in the resolution that references dimensions for a more defined area.

Associate Planner Lockett stated the landlord needed to be involved as well in helping to design the location of a semi-permanent barrier.

Commissioner Bratt felt the maximum square footage allowed should not exceed 250 square feet and that all ADA requirements are met.

Commissioner Levreau asked if they were going to pursue the complaints listed in the memo from the Sheriff's Department.

Vice-Chair Badar felt that since the applicant hasn't had the opportunity to review the memo it would be unfair to deal with that tonight. If the owner is unable to keep the area under control, they can bring the CUP back for review.

MOTION: Moved by Schoonover, seconded by Bratt to approve Conditional Use Permit 05-05, and direct staff to bring back a resolution with the amended language. Motion carried unanimously, 4-0.

ORAL COMMUNICATIONS

4. Director of Community Development

Director Stevens stated the City of Glendora is proposing a 350,000 sq. ft. shopping center on the old Kaiser property located on the northeast corner of Valley Center and Gladstone. Last night their Planning Commission approved the EIR and Specific Plan, along with a Development Agreement, and it is scheduled for City Council consideration on July 26th. That is the same night as our City Council meeting so he will be unable to attend. They are proposing a theater complex and several major tenants. There are some major traffic issues, but staff intends to work with Glendora on improving certain intersections.

Director Stevens stated the City Council is holding a study session next Tuesday at 5:00 p.m. on the latest version of the Vista Verde Ranch proposal. They will also be discussing property owned by the Tzu Chi Foundation.

5. Members of the Audience

No communications were made.

6. Planning Commission

No communications were made.

ADJOURNMENT

There being no further business, Vice-Chair Badar adjourned the meeting at 8:18 p.m. to the regular Planning Commission meeting scheduled for August 3, 2005 at 7:30 p.m.

Ash Dhingra, Chairman
San Dimas Planning Commission

ATTEST:

Craig Hensley
Planning Manager

Approved: