

# **CITY OF SAN DIMAS PLANNING COMMISSION MINUTES**

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

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## **Present**

Vice-Chair Emmett Badar  
Commissioner David Bratt  
Commissioner Stephen Ensberg  
Commissioner Yunus Rahi  
Commissioner Jim Schoonover  
Planning Manager Craig Hensley  
Associate Planner Joe Vacca  
Planning Intern Amy Altomare

## **CALL TO ORDER**

Vice-Chair Badar called the regular meeting of the Planning Commission to order at 7:32 p.m. and Commissioner Bratt led the flag salute.

## **ADMINISTRATION OF OATH OF OFFICE**

The Oath of Office was administered to incoming Commissioners Stephen Ensberg and Yunus Rahi and reappointed Commissioner David Bratt.

## **REORGANIZATION**

*Planning Manager Craig Hensley* opened the floor for nominations for Chairman.

**MOTION:** Moved by Schoonover, seconded by Bratt to nominate Vice-Chair Badar for Chairman. No other nominations were received. Motion carried unanimously, 5-0.

Chairman Badar opened the floor for nominations for Vice-Chair.

**MOTION:** Moved by Bratt, seconded by Rahi to nominate Commissioner Schoonover as Vice-Chair. No other nominations were received. Motion carried unanimously, 5-0.

Chairman Badar publicly thanked former Chairman Ash Dhingra who served in that capacity for an extended period of time and Commissioner Howard Levreau for his years of service on the Commission.

### **APPOINTMENT OF REPRESENTATIVE TO DEVELOPMENT PLAN REVIEW BOARD**

*Chairman Badar* asked for a volunteer to serve as the representative to the Development Plan Review Board, which meets on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 8:30 a.m. to review design submittals to the City.

*Commissioner Schoonover* volunteered to be the representative.

As there were no other volunteers, Chairman Badar appointed Commissioner Schoonover as representative.

*Manager Hensley* suggested the Board may want to appoint an alternate member in case Commissioner Schoonover was unable to attend a meeting. He explained how the process has been used for twenty years and the make-up of the Board.

*Commissioner Ensberg* volunteered to be the alternate representative.

### **CONSENT CALENDAR**

1. Approval of Minutes for August 3, 2005.

**MOTION:** Moved by Schoonover, seconded by Bratt to approve the Consent Calendar. Motion carried unanimously, 5-0.

### **PUBLIC HEARINGS**

2. **CONSIDERATION OF CONDITIONAL USE PERMIT 05-06** – A request for a retail wine and beer shop with accessory wine tasting. The request includes on- and off-site sales of beer and wine, located at 225 W. Bonita Avenue.

Staff report presented by *Associate Planner Joe Vacca*, who outlined the operation of the retail wine shop and accessory wine tasting. He presented information on the other businesses in the Town Core which have off-sale alcohol licenses. He stated this application has been reviewed by the Sheriff's Department and they had no comments

other than the standard condition for LEAD training. Staff is recommending approval of Conditional Use Permit 05-06 and the Negative Declaration.

**Commissioner Ensberg** asked if the City evaluates the experience of the proposed vendor.

**Associate Planner Vacca** stated that is not the normal procedure, that review is in regards to land use, and in this instance retail alcohol sales are allowed with a Conditional Use Permit. This allows the City to review the use and place conditions to insure there are no negative impacts on surrounding properties.

**Commissioner Ensberg** stated in looking at the floor plan, this is a one-room facility and asked if the owners would allow patrons to use the restroom facilities.

**Associate Planner Vacca** stated the manager would allow patrons to use the facilities.

**Commissioner Rahi** asked for clarification on how minors would be kept out of the tasting area. He also asked if a comparison was done on the differences in traffic generation now that the use was changing from office to retail.

**Manager Hensley** stated that during public comment the applicants may be able to address some of his concerns. He stated there are two conditions of approval proposed that would allow them to revisit this item if there are problems with compliance.

**Commissioner Bratt and Chairman Badar** had questions regarding the hours of operation shown in the conditions and those shown in the letter of intent.

**Manager Hensley** stated typically the Commission has allowed a broader range of hours to allow the applicant flexibility without having to come back to modify the CUP. It was felt 11:00 p.m. was a reasonable time, but if they ever wanted something later than that, they would need to revise the CUP through another public hearing. He stated the City Council was interested in having businesses that would extend the hours of the Downtown and felt it was appropriate to have this type of business located here.

**Chairman Badar** expressed concerns about Condition No. 9 which prohibits the use of any signage to advertise that alcohol is being served inside but felt the public may not be able to tell that wine tasting was offered just by the name of the business alone.

**Manager Hensley** stated that condition was created with other businesses that serve alcohol in mind to keep them from putting name brand advertising in their windows. He felt they could revise that condition to clarify the limitations and allow this business more flexibility.

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

**Heidi Daniels, 2533 Tree Lane Avenue, Monrovia**, who stated she has worked in the restaurant business for ten years, and spent five years running a non-profit organization which raised funds for the Pasadena Culinary Institute using wine events. In regards to the hours of operation, it was staff's suggestion to extend the allowable hours in case she holds a private event on site that would need to run a little longer. In regards to the restroom facilities, the wine tasting area will be separated by a picket fence and arbor from the retail shop. Patrons would need to pass through this area to access the restroom, but as tenants of Wagon Wheel Square, there are shared facilities located outside that minors would be directed to. She was also concerned about Condition No. 9 because people may not know what Vin de Pays means. They have an agreement with the state that 51% of the products sold will be things other than wine, but they are a retail wine shop and would like to promote that part of the business and the wine tasting.

*Commissioner Schoonover* stated the staff report indicates there are other stores in San Clemente and Long Beach, and asked how large those facilities are. He also wanted to know if the wine tasting would be on a walk-in basis or a scheduled event.

**Heidi Daniels** stated the San Clemente store is 600 sq. ft. and the Long Beach store started at 500 sq. ft. but has recently expanded due to their success. The wine tasting will be held on a weekly basis and will be advertised as such. They will also be holding specialty wine tasting for particular events.

*Commissioner Schoonover* asked what percentage of the building area was for the wine tasting, and what their occupant load would be for events.

**Heidi Daniels** stated the wine tasting area was approximately 175 sq. ft..

*Manager Hensley* state the occupant load would be determined by the Building Department, but felt it would be a small number.

*Commissioner Ensberg* commented that for a private event they could utilize the entire building, not just the wine tasting area.

*Commissioner Rahi* asked about their identification policy to prevent service to minors.

**Heidi Daniels** stated they would be following ABC guidelines to card anyone who looks younger than 30 years old. She has had experience in this area with her restaurant background, but also felt their type of business would draw an older clientele.

**Bob and Daniel Flanders, owners of Wagon Wheel Square**, stated they have been in the area approximately 18 years and have been through a lot of tenants because of their inability to bring pedestrian traffic to the area. They felt this was an upscale business and were enthusiastic to have them as a tenant.

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

*Commissioner Schoonover* felt the applicant met the findings, and while he initially had concerns based on the size of the building, after the applicant's testimony he felt it would be acceptable and would recommend approval.

*Commissioner Ensberg* stated he was supportive of this item based on the owner's experience and support from the building owners. He felt the concept was good for the downtown area and hoped that staff can work something out with Condition No. 9 to help them identify their business in an appropriate way.

**MOTION:** Moved by Schoonover, seconded by Ensberg to approve Conditional Use Permit 05-06 with an amendment to Condition No. 9 and adopt the Negative Declaration, and direct staff to bring back a resolution of approval. Motion carried unanimously, 5-0.

3. **CONSIDERATION OF CONDITIONAL USE PERMIT 05-07** – A request to conduct on-site alcohol sales in conjunction with an existing restaurant use, located at 806-C W. Arrow Highway.

Staff report presented by *Planning Intern Amy Altomare*, who stated this was located in the Target shopping center. The facility is 1,032 sq. ft. and will be half kitchen area and half dining area. They have a shared outside eating area but no consumption of alcohol will be allowed outside unless approved by ABC and the City. She outlined the hours of operation and the surrounding businesses that hold alcohol licenses. The Sheriff's Department was notified of this application and no comments were received other than the standard condition for LEAD training. Staff is recommending approval of Conditional Use Permit 05-07 and adoption of the Negative Declaration.

*Commissioner Ensberg* stated he noticed this was a franchise operation but did not see any information included in the staff report that indicated a review was done of the franchisor's history, or that of any of the other franchisees. He felt an investigation should have been done on whether any complaints have been filed against this business and maybe staff can include that on future applications.

*Manager Hensley* stated they could ask the applicant for that information and bring it back at the next meeting.

*Commissioner Ensberg* stated he noticed none of the adjacent restaurants serve alcohol and wondered if that would create a problem if this restaurant were allowed to do so.

*Manager Hensley* stated this did not necessarily set a precedence and that if more locations wanted to add alcoholic beverages to their menus, the burden is placed on subsequent applications, not the first one.

*Commissioner Rahi* stated looking at the menu that was submitted as an attachment, it shows beer listed and asked if it was being served now.

*Manager Hensley* stated currently not at this location.

*Chairman Badar* asked about the communal outside eating area and how they would control consumption outside.

*Manager Hensley* stated ABC is very strict about that and the manager will have to control it. He believed that area was policed by the restaurants and coffee house and maintained and cleaned by the shopping center owner.

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

**John Ribeiro, 2750 Pepperdale Drive, Rowland Heights**, who stated he has received six weeks of intensive in-store training. Part of the training includes notifying customers that they cannot consume alcohol outside of the restaurant. If anyone attempts to go outside, they are asked to return to the store or to finish their drink. He stated there are 14 other franchises that serve alcohol and there have been no complaints filed. The menu is a corporate menu and they change the outside of the menu for each store, but he is not selling alcohol in his store and won't until he receives all of his approvals.

*Commissioner Ensberg* asked what his experience in the restaurant business is.

**John Ribeiro** stated he has done accounting work for restaurants for seven years and was an assistant manager for one year. This is the first restaurant he has owned.

*Commissioner Bratt* asked if this was the extent of the beers that would be served.

**John Ribeiro** stated they may add one more, but they are all bottled.

*Commissioner Schoonover* asked what percentage of sales he expected to be alcoholic beverages.

**John Ribeiro** stated about five percent.

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

**MOTION:** Moved by Ensberg, seconded by Bratt to approve Conditional Use Permit 05-07 and adoption of the Negative Declaration, and directed staff to prepare a

resolution of approval to come back at the next meeting. Motion carried unanimously, 5-0.

## **ORAL COMMUNICATIONS**

### **4. Director of Community Development**

*Manager Hensley* welcomed the new Commissioners and congratulated Commissioner Bratt on his reappointment. He stated he would like to take time at some of the upcoming meetings for Commissioner training on items such as the Brown Act.

He stated they have also traditionally held a thank-you dinner for outgoing Commissioners and would like to schedule one prior to an upcoming meeting for Commissioners Dhingra and Levreau.

*Commissioner Bratt* stated he would be out of town for the September 21<sup>st</sup> meeting.

*Manager Hensley* stated we would see if the Commissioners would be available prior to the October 5<sup>th</sup> meeting.

*Chairman Badar* felt Commission training was a good idea, but also felt they should meet more often in the Study Sessions held by the City Council on projects to become more familiar with their viewpoints on projects. He stated the League of California Cities also holds a quarterly dinner they might want to consider attending.

*Commissioner Ensberg* stated he would like to learn more about the layout of the City and the uses allowed in different areas, as well as the terminology used.

*Chairman Badar* suggested the two new Commissioners meet with staff on the current projects going through the City, such as Costco.

*Manager Hensley* stated the Vista Verde Ranch project went to the County Planning Commission who continued the item to December. The County Subdivision Committee will be meeting on this item on Monday and Director Stevens will attend. There have been no significant changes to the plan since the last hearing; they are still proposing 70-80 homes, which is unacceptable to the City Council.

He stated the 18-lot development off Valley Center has been purchased by Homeland Developers and the plans are currently in Plan Check for the houses and grading. He felt they were three to four months away from being able to start construction, but as that will be in the rainy season, it might be spring before construction begins.

*Manager Hensley* stated the majority portion of the Canyon Center is on the market again at a very high price. The site is currently zoned commercial.

*Manager Hensley* stated in regards to the mixed-use project on San Dimas Avenue, at the next Council meeting will be a resolution of necessity for the two properties the Agency is still trying to acquire. The City will still attempt to purchase these properties outside of the eminent domain process, but the resolutions will open that avenue. He felt this item would be back before the Commission in two to three months for design review.

*Commissioner Schoonover* asked when the City Attorney comes to speak to them, possibly he can address the issue of eminent domain and the Supreme Court decision and proposed legislation by the State.

*Commissioner Bratt* asked if there was any progress on the three office buildings recently approved on Foothill Boulevard.

*Manager Hensley* stated the applicants have been working on the structural plans, which takes a long time because most structural engineers are backlogged. Then the plans are submitted to the Building Department for Plan Check, which can take 6-8 weeks. One of the buildings was approved and then they haven't submitted anything else. Another one is 99% through the Plan Check process. The property on the north side of Foothill is in Plan Check but there were some structural issues that needed to be addressed. That property also had issues because of the several utility easements that cross it.

*Commissioner Rahi* asked about the availability of land for large distribution buildings similar to those in other cities.

*Manager Hensley* stated there aren't any parcels available for large distribution buildings. The project on Arrow and San Dimas Avenue was recently approved for a Tentative Tract Map which parcelized the property, and there will be an application to subdivide the property on Foothill Boulevard to allow individual sale of the buildings.

## **5. Members of the Audience**

No communications were made.

## **6. Planning Commission**

*Commissioner Schoonover* wanted to welcome Commissioners Ensberg and Rahi, and recognize the service given by departing Commissioners Dhingra and Levreau. He also thanked Associate Planner Joe Vacca for all his support and congratulated him on his new position.

## **ADJOURNMENT**

There being no further business, Chairman Badar adjourned the meeting at 8:45 p.m. to the regular Planning Commission meeting scheduled for September 21, 2005 at 7:30 p.m.

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Emmett Badar, Chairman  
San Dimas Planning Commission

ATTEST:

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Craig Hensley  
Planning Manager

Approved: