



**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
May 18, 2020**

**Planning Commission
Commissioners**
Paula Watson-Gardner, Chair
Sara Vasquez, Vice-Chair
George K. Farra
Sheryl Lefmann
Shauna Pierce

NOTICE: Due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19), Governor Newsom has issued Executive Order N-29-20 in which Section 3 supersedes Paragraph 11 of Executive Order N-25-20 (issued on March 12, 2020) addressing Brown Act regulations. This new order states that the City does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. The Order allows the City to hold City Council meetings via teleconferencing and allows for members of the public to observe and address the meeting electronically.

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Chair Watson-Gardner called the meeting to order at 7:07 p.m. The following were in attendance:

PRESENT:	Watson-Gardner, Vasquez, Heany, Farra,
ABSENT:	Wolff
STAFF:	Hensley, Golding, Galeazzi, Hernandez
DEPUTY CITY ATTORNEY:	Thai Phan

2. PLEDGE OF ALLEGIANCE:

Heany lead the Pledge of Allegiance.

3. APPROVAL OF MINUTES:

Farra moved to approve the minutes of April 20, 2020. Seconded by Heany. The motion was approved 4-0-0-1. (Absent: Wolff)

4. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA:

None.

5. PUBLIC HEARINGS:

- A. Conditional Use Permit 2019-02 and Use Classification 2020-01: A request to upgrade from a Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General) Alcoholic Beverage Control license to allow for the sale of distilled spirits (liquor) for offsite consumption, and a Use Classification, per Chapter 19.04 of the Duarte Development**

Code that liquor sales should be considered an incidental use to a grocery store use in the Town Center Specific Plan.

Attachments: [Staff Report and CUP 2020-02](#) and [Resolution 2020-04](#)

Ivan Galeazzi, Associate Planner presented a staff report, noted corrections on the conditions of approval (#2, #4, #13, #23), indicated deletion of a duplicate condition (#27), explained that in order to approve CUP 2019-02 that Use Classification 2020-01 would first have to be adopted, and welcomed questions from the Commissioners.

Farra commented on a specific condition of approval from the original beer and wine conditional use permit (CUP) approval, which prohibits the sale of small containers to prevent onsite consumption and asked for the reasoning to why there is not a condition of approval limiting the minimum bottle size required.

Planning Manager Golding addressed Farra's question regarding the previous CUP, which was approved in 2016, which limits the size of alcohol containers (beer, malt beverages, and wine) that are allowed for single serve/purchases. In addition, he explained the allowable bottle sizes are consistent with other conditionally permitted retailers that sell alcohol. Lastly, Golding discussed the added condition of approval, that signage is required to be posted on site that states onsite consumption is a violation of City and State codes.

Farra commented regarding Walmart and Target selling 375 mL that may not be an issue as it is for this location.

Chairperson closed Commissioner's inquiries and opened Public Hearing.

Steve Rawlings, Rawlings Consulting on behalf of Grocery Outlet spoke regarding the consensus of Staff recommendations and conditions; that he and his clients were in support of the extra safety measures for securing bottles and cabinets. The operator has a good track record, high quality of merchandise, and positive feedback from the community. He introduced Brian Reyes and Aron Johnston, whom are the Operators of the store; Sheldon Morgan, Director of Sales Merchandizing, Katie Sharp, ABC License specialist and welcomed commissioners' inquiries.

Farra asked Rawlings if he wanted to comment on the difference of a 375 mL versus 750 mL bottle. Rawlings referred the inquiry to Shelton Morgan to address Farra's question. Morgan explained the typical bottle sizes that are sold in their stores, stating that the San Diego stores have similar restrictions, and that is not typical to sell bottles in the 375 mL size or smaller.

Farra inquired if there are any other type of liquor that is less than 375 mL bottles. Morgan stated he is not familiar with the various types of sizes that exist, however, in their buying model the small sizes are generally not available to purchase for their store.

There were no additional comments/questions from the Commission, Chairperson closed the Public Hearing.

Farra stated the location of the store is nice, clean, well maintain and these characteristics makes residents proud. He expressed his support on the sale of liquor at the site, however, he had concerns with the sale of small bottles, which can be a magnet for onsite consumption regardless of the posted signs. He indicated he will propose an amendment to the conditions, but if not seconded, he will be in support of approval.

Hensley pointed out that Public Safety must be notified and obtain their input if considering the sale of smaller bottles since it was not part of the request. Farra indicated proposing a limit on small bottle sizes, by not allowing the 375 mL to be sold, and requiring the minimum to be 750 mL. There was continued discussion amongst the commissioners on the bottle size and sales at the different stores.

Heany commented on the appropriate request for the Grocery Outlet that has been a great addition to the City to have the same rights to sale liquor as the other retailers.

Farra made clarification regarding the 99 Cents store denial of alcohol business license request and reason of approval for the Grocery Outlet.

Golding addressed the Commission to clarify the comparison of two zoning designations in the Specific Plan, the different/type of alcohol license that Grocery Outlet and 99 Cents had applied for and been granted.

Farra commented that it is important to make those distinctions, as he foresees 99 Cents store may submit a CUP application to sell alcohol.

Chairperson Watson-Gardner called for a motion to approve Use Classification 2020-01. Heany moved to approved and seconded by Vasquez. The motion was approved 4-0-0-1. (Vote: Yes: Watson-Gardner; Vasquez, Heany, Farra; No: None; Abstain: None; Absent: Wolff).

Chairperson Watson-Gardner called for a motion to approve Conditional Use Permit 2019-02. Farra moved to approved and seconded by Vasquez. The motion was approved 4-0-0-1. (Vote: Yes: Watson-Gardner; Vasquez, Heany, Farra; No: None; Abstain: None; Absent: Wolff).

6. ITEMS FROM DIRECTOR:

Hensley provided development updates on the following projects: Richman mixed-use project; New Hope Village at City of Hope, Woodward building demolished, Old Frontier construction, the new Verizon tower/parking lot at Royal Oaks Park East.

7. ITEMS FROM COMMISSIONERS:

Farra inquired when City Hall will be open without appointments. Hensley responded that after internal discussion and research the answer is unknown as other cities have not yet discussed when they will be open.

8. ADJOURNMENT:

Chair Watson-Gardner adjourned the meeting at 7:46 p.m. to Monday, June 15, 2020.

Craig Hensley, Secretary