



**CITY OF DUARTE
PLANNING COMMISSION
M I N U T E S
March 21, 2016**

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

1. CALL TO ORDER AND NOTATION OF ABSENCES

Chairperson Pierce called the meeting to order at 7:05 p.m.

The following were in attendance:

PRESENT: Pierce, Watson-Gardner, Farra, Lefmann, Vasquez

ABSENT: None

STAFF: Hensley, Golding, Tachiki, Hernandez

2. PLEDGE OF ALLEGIANCE

Commissioner Vasquez led the Pledge of Allegiance.

3. APPROVAL OF MINUTES – February 16, 2016

Commissioner Watson-Gardner moved to approve the minutes, seconded by Commissioner Vasquez, with a minor correction indicated by Chairperson Pierce. Motion approved 5-0-0-0.

4. ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA

Chairperson Pierce opened Oral Communications for Items not on the Agenda. Seeing none, Oral Communications Item was closed.

5. PUBLIC HEARINGS

A. Conditional Use Permit 16-01; PC Resolution 16-05

Community Development Technician Alex Tachiki presented details of the Staff Report addressing the request to allow the sale of beer and wine for off-site consumption, in conjunction with the operation of a retail grocery store located at 1322 Huntington Drive, known as Grocery Outlet.

Tachiki provided background information on the history and business operation of Grocery Outlet. He also indicated that the previous tenant known as Mike's Food grocery store had an approved type-20 ABC License for off-sale beer and wine. However, they did not have a Conditional Use Permit, and also explained the loss of the non-conforming status that would have allowed the type-20 ABC license to be transferred without the approval of a new Conditional Use Permit.

Tachiki discussed the exterior and interior enhancements of the building along with the hours of operation. He also provided a description of the interior settings, display and storage of alcohol, security system, and alcoholic beverage sales training planned for employees.

Tachiki stated that Staff recommends that Grocery Outlet install “No Loitering” and “No Onsite Consumption” signs to avoid potential concerns with off-site alcohol consumption and loitering.

Tachiki ended his presentation stating that Staff recommends the Planning Commission approve Conditional Use Permit 16-01, subject to the conditions of approval, by adopting PC Resolution 16-05.

Chairperson Pierce opened Commissioners Comments.

Commissioner Lefmann inquired about location of one of the security cameras that may be blocked by a table display. Tachiki stated that once Grocery Outlet submits the security plan Staff will be able to review it and request amendments accordingly.

Lefmann requested clarification on the letter Grocery Outlet submitted in relation to the sale of craft beer singular bottles that may be conflicting with Condition number 5 on Exhibit B-1. Tachiki explained that initially Grocery Outlet’s intentions were to apply for the CUP to sell singular bottled craft beer. Therefore Staff analyzed previous CUP’s that were issued, and since 2001, restrictions on the sale of singular beers and malt beverages have been a standard condition.

Lefmann requested clarification on the date for the revised off-site consumption map. Tachiki indicated that revision date of 2014 is not accurate, that it was done within a month and will be noted for correction.

Commissioner Farra commented on Exhibit B-1, Condition 5 in regards to the singular sale of beer and the refrigerated six pack for immediate consumption. He requested expansion of Condition 5 to include restrictions to the sales of six pack-refrigerated beer. **City Planner Golding** reiterated Tachiki’s comments and indicated that Staff is being consistent and fair with all the alcohol licenses for off-site consumption that were issued since 2001.

There was discussion among Commissioners on the sale of singular beer consumption, refrigerated six packs and size of craft beer.

Chairperson Pierce closed Commissioners Comments and opened Public Comments.

Ms. Katy Schardt indicated that she is representing Grocery Outlet and Dwight Ashdown, applicant. She addressed Commissioner Lefmann’s concern regarding the blockage of the security cameras in the beer and wine area and stated that plans will be submitted for further review before store opens. She also clarified and provided reasons of the application request to allow the sale of singular bottles craft beer. She stated that Grocery Outlet only sells single craft beer at an economical price and other stores have not encountered any problems with law enforcement for the sale of single craft beers.

Farra inquired about the sale of singular craft beer in Big Lots and Smart & Final Extra. Golding stated that their alcohol licenses do not prohibit them from selling singular craft beer.

Farra asked whether Grocery Outlet would prefer to sell single craft bottle beer or six-packs of beer. Ms. Schardt replied by stating that if they had to choose, they would rather sell the six-pack of beer then sell singular craft beers.

Pierce closed the Public Comments and opened Commission discussion.

Lefmann mentioned that prohibiting Grocery Outlet from not selling refrigerated six pack would put them in a disadvantage from other nearby retailers.

Vasquez added that she agreed with the sale of six packs in the refrigerated section, singles and craft beer. She stated that she doesn't agree with the installation of the signs and explained that the signs would demonstrate a negative impact to the City.

Lefmann stated that the signs would support law enforcement and assist with liabilities that may arise.

Watson-Gardner noted that she does not have a problem with craft beer or refrigerated six packs being sold. She added that commissioners should be equitable to all businesses. In reference to the signs she stated that there should be a way to manage the on site consumption in a broader perspective.

Golding specified in reference to the signs which they may be controlled by dictating the size, location, type of font, and displayed as discreet as possible. He also discussed the survey Staff conducted with other communities that opened a Grocery Outlet; mentioned that there is no standard definition for craft beer; and provided more common sizes for craft beer containers. He stated that commissioners may consider a minimum size of a 22 oz container.

Farra added that in all fairness he is in agreement with allowing the sale of craft beer and 6 packs however, is not in agreement with installation of signs.

Community Development Director Hensley recapped the options the Commission has before them, as well as provided an option given to other CUP applications, where a special condition could be added for a six-month review after the business is open to address any issues or concerns.

Ms. Schardt stated that Grocery Outlet would be willing to add additional cameras in the parking lot to address Commission's concern on the consumption of craft beer in parking lot.

Pierce closed Commission Comments.

Commissioner Vasquez moved to approve Conditional Use Permit 16-01, by adopting PC Resolution 16-05 allowing the sale of beer and wine for off-site consumption (Type-20 alcohol license), in conjunction with the operation of a retail grocery store, at 1322 Huntington Drive with the amendments to Conditions 5, 10 and 13.

Pierce requested a roll call from the Commissioners. Motion was approved 3-2-0-0. (Vote: Yes: Farra, Vasquez, Watson-Gardner; No: Pierce, Lefmann; Absent: None; Abstain: None)

B. Municipal Code Amendment 16-01 and PC Resolution 16-06

Hensley presented the Staff report and provided background information from the request by City Council to process an amendment to the development Code restructuring the makeup of the existing Architectural Review Board (ARB). He indicated the date and time for ARB meetings.

Hensley discussed the three options for adding an additional member to the ARB: a public member appointed by City Council; public professional appointed by City Council; and Planning Commissioner recommended by Planning Commission appointed by City Council.

Hensley discussed Staff's recommendation of the two (2) years term for the selected member starting July 1st in an even numbered year. He explained several aspects of what ARB members look for on projects, such as design standards, on-site traffic and compatibility with other projects and the overall city. He also provided information on the proposed changes under section 19.140.050, and ended his presentation.

Pierce opened Commission Comments.

Farra inquired if ARB time can change to 4:00 or 5:00 p.m. verses morning.

Councilmember Reilly, who attended the meeting in the audience, encouraged that the Commission be creative and that the meeting time could be changed.

Hensley pointed out that part of the reason for the current meeting time is that it is a time that the City Engineer, a long time consultant to the City, is available and many other time slots are not available..

Pierce closed Commission Comments and opened Public Comments.

There was discussion among Commissioners on the levels of review and a selection of a professional candidate for the board.

Hensley reiterated the importance of understanding the overall desire for what the city wants to achieve and challenges that may occur if a professional member is selected, such as inconsistent meetings and limited professionals to choose from that are also residents.

Farra motion to approve Municipal Code Amendment 16-01 by adopting Resolution 16-06 with amendments as follow:

The public member shall be a resident of the city and have experience in architecture, engineering, landscape architecture or a similar design related field and shall be appointed by the City Council to serve a term of two (2) years that shall start on July 1st in a even numbered year. Motion seconded by **Pierce**. Motion carries 5-0-0-0.

6. ITEMS FROM THE DIRECTOR

Hensley thanked the Commissioners for their outstanding work and complimented their ability to discuss and come to a consensus when considering projects.

Hensley updated the Commissioners the following projects:

- Harbor Freight Tools future tenant adjacent to Smart & Final Extra.
- Metro Gold Line grand opening was a success, with traffic concerns on signal delays that are being addressed by Metro and Staff.
- Pacific Scientific Building located on east side of Highland and Duarte Rd. will receive an exterior remodel and interior improvements for the future tenant - ProLacta.
- Golding provided an update on the Massage Green establishment, stating the applicant decided not to move forward with their project.
- Dickey's Barbeque Pit has been a success since it opened a few weeks ago, and welcomes Commissioners to stop by for a great meal.

7. ITEMS FROM COMMISSIONERS

Lefmann thanked SCE for completing the work and reinstating the power quickly. She discussed attending a 710 freeway expansion event, that included public input with over 8,000 comments received.

Pierce stated she attended the grand opening of Dickey's and also shopped in the Grocery Outlet store in Azusa. She also inquired about the burned-out establishments in the Grocery Outlet Center and if they will be opening soon. Hensley responded that unfortunately, he can not promise they would be opening soon due to some issues with insurance companies.

Vasquez inquired about the SCE work being done on Saturday and not during the week. Hensley responded that as it relates to utilities, the City has little input to regulate these organizations.

8. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Craig Hensley, Secretary