

MINUTES
CITY OF ALISO VIEJO
DEVELOPMENT REVIEW/SUBDIVISION COMMITTEE MEETING
March 28, 2006

CALL TO ORDER

A meeting of the Development Review Committee of the City of Aliso Viejo was called to order by Chair Garcia at 3:17 p.m. on Tuesday, March 28, 2006, at the Aliso Viejo City Hall Council Chambers, 12 Journey, Aliso Viejo, California.

A complete copy of the Agenda for the meeting containing all items as shown herein was posted by 5:00 p.m., March 23, 2006, on the City Hall outdoor bulletin board. Copies were also posted at the Aliso Viejo Library, 1 Journey; and the Aliso Viejo Sheriff's Substation, 11 Journey.

ROLL CALL

Present: Committee Members: Margo Beauchamp, Mark Hiller, Lori Trottier, and Chair Eugenia Garcia

Absent: Committee Members: Joseph Koszarek, Lynne Pivaroff, and John Whitman

ITEM 1: APPROVAL OF MARCH 14, 2006 MINUTES

A MOTION was made by Committee Member Hiller and seconded by Committee Member Trottier that the Committee approve the Minutes of March 14, 2006, as amended. Motion Carried unanimously.

ITEM 2: USE PERMIT – UPAV06-02: A request for a use permit for Pacific Park Market & Deli to add a wine tasting area to the existing store and offer samples of various specialty wines sold at the facility. Wine tasting events will be held on Friday and Saturday and store hours will not be extended. Pacific Park Market & Deli is located at 27792 Aliso Creek Road.

Alcohol Beverage Control (ABC) Ordinance No. 2003-048 requires application for either a new permit or conditional use permit if there is a change in the operational characteristics of an ABC-approved facility. In this case, this application requires a new license because it involves on-premise consumption wine. Currently there are three tenants in Windrose Plaza that hold ABC licenses; this fourth application is the maximum allowed by ABC to prevent over concentration of the area.

ABC officials met with Police Services and agreed on the following conditions of approval: Adhere to Orange County Fire Authority standards for occupancy, wine tasting functions must conclude by 8:00 p.m., and single servings cannot exceed one

ounce. The City added an additional condition that states events may not commence prior to 4:00 p.m. Mr. Hung is requesting permission to conduct wine tasting on both Fridays and Saturdays.

Mr. Hung stated that he and his wife have owned the market for almost two years and decided that offering wine tasting would make a nice addition to their business. He stated that it would offer his customers the opportunity to taste wine from various regions around the world without having to purchase an entire bottle, thus exposing patrons to wines they might not experience otherwise. The event would be advertised to customers via flyer or posting inside store. Mr. Hung stated that wine tasting would initially take place once per month on Friday and Saturday, however, requested approval on a "weekly basis" so that once his business increases, he would not have to reapply for a permit to request additional days. The portable bar is 6 feet long, has no seating available, and accommodates 4-6 people at one time. A 4-ft. pony wall would be built around the three open sides because the area cannot be used as storage and should not be readily accessible when not operational as required by ABC. Additionally, health services recommends the bar be portable so that the area can be cleaned easily. Mr. Hung is considering offering clientele water, cheese, and crackers during the wine tasting.

Chair Garcia stated that due to one ABC-licensed tenant in Windrose Plaza there has been an increase in calls for police services, therefore, recommended posting a notice of the days and times wine tasting would be held so that the public does not presume they can walk in and request wine. She also recommended a notice that minors are not allowed in the wine tasting area. Additionally, she was concerned about flyers strewn about in the parking area.

Committee Member Beauchamp expressed concerns about "carding" clients to ensure minors do not have access to alcohol in the wine tasting area.

Committee Member Hiller motioned to approve the recommendation with the conditions that hours of operation be posted on the pony wall inside the store; that, except for cleaning, the bar remains stationary; flyers not litter the parking lot; and limit event hours to 4:00-8:00 p.m. every Friday and Saturday. Motion was seconded by Committee Member Trottier. Motion carried unanimously. Chair Garcia stated that the Committee will recommend approval to City Council.

ITEM 3: USE PERMIT – UPAV06-03: A request for a use permit for Stadium Brewery to allow an indoor performance area within the existing restaurant for live entertainment. Live performances are proposed for Thursday-Saturday evenings between 8:00 pm to 1:00 am only. Stadium Brewery is located at 26731 Aliso Creek Road.

Assistant Planner Ajawara stated that this request is to establish an area for live entertainment within Stadium Brewery and does not involve building a stage or making

tenant improvements. The above referenced ABC ordinance is also applicable to this request because operational characteristics and floor plans are being changed. Stadium Brewery was established prior to the City's incorporation and at the time was providing live entertainment in the patio area.

Mr. John Waters, proprietor, wanted to make clear that although the City did not receive complaints about the music until 2005, only once did Deputies inquire about a permit. Mr. Waters expounded on the history of complaints subsequent to the building of City Lights, which precipitated hiring an independent consultant to conduct a sound study. The report concluded that implementing recommendations to reduce the noise level, at a cost of approximately \$50,000, would not eliminate the noise completely for residents of City Lights, hence, his request to provide music indoors. Live band entertainment inside the restaurant proved unsuccessful in the past so Mr. Waters is proposing a single performer, or small ensemble, to perform in the bar area in a timeframe that would not interfere with dinner guests.

Chair Garcia stated she wanted City Council to recognize that the patio was a very successful element of Stadium Brewery's operation and that Mr. Waters has been a conscientious and responsible business owner to seek a solution for the complainant as well as his business.

Committee Member Beauchamp made various inquiries about the noise study, maximum number occupants, and expressed concerns about the potential increase in number of calls for police service.

Chair Garcia stated that the City Council has the ability to review a Use Permit should it be necessary. Since it would be impossible to control and completely eliminate noise every time a door is opened, it is incumbent upon the owner to make an earnest effort to keep the noise to a minimum and control the number of people allowed inside.

Committee Member Trottier inquired about the noise levels reported in the study which read: "Assuming a source level of 75 dBA. . . and standard commercial construction provides a noise reduction of 27dBs. . . sound levels outside the building would range from 48-63 dBAs." It goes on to read, "Propagating these levels to the distance of the nearest residence. . . yields live entertainment noise levels of 18-33 dBAs. When the estimated music noise level is added to the measured ambient noise level of 44-46 dBA, the result is an overall level of 44-46 dBA. Music noise levels are not expected to increase the ambient noise level at the residences." Discussion then followed regarding the noise study.

Committee Member Hiller requested whether Stadium Brewery could request a Special Event permit on occasion to bring in a live band. The response was in the affirmative.

A Motion was made by Committee Member Trottier to recommend approval of Special Use Permit UPAV06-03 with the addition of conditions attached to the staff report and all mitigation measures recommended in the noise study. The motion was seconded by

Committee Member Hiller. With Committee Member Beauchamp dissenting, the Motion carried 3-1. Chair Garcia stated the Committee will recommend approval to City Council.

There being no further business to discuss, Chair Garcia called the meeting adjourned at 4:04 p.m.

Prepared by:

Approved by:

Lilia Peterson
Planning Secretary

Eugenia Garcia, AICP
Chair