

MINUTES

REGULAR PLANNING COMMISSION MEETING

MARCH 3, 2003

A regular meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:30 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by CHAIRMAN SOMERS

2. **PLEDGE OF ALLEGIANCE**

CHAIRMAN SOMERS led the assembly in the Pledge of Allegiance to the Flag.

3, **ROLL CALL**

CHAIRMAN SOMERS introduced the newest member of the Planning Commission, Mr. O'Day.

Commissioners Present: Rein, Conway, O'Day, Bayer, Killen, Zerunyan
Chairman Somers,

Commissioners Absent None

Staff Present: Director Wahba, Assistant Planner Wong, Assistant
Planner Tran

4. **APPROVAL OF MINUTES**

COMMISSIONER ZERUNYAN, seconded by COMMISSIONER KILLEN

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION
MEETING of FEBRUARY 3, 2003.

There being no objection, CHAIRMAN SOMERS so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

The following routine matters will be approved in a single motion with the unanimous consent of the Planning commission. There will be no separate discussion of these items unless good cause is shown by a member of the Commission or the public expressed under audience items prior to the roll call vote. (Items removed will be considered under Business Items.)

A. Waive reading in full all resolutions that are presented for Planning Commission consideration on tonight's agenda and all such resolutions shall be read by title only.

There being no objection, CHAIRMAN SOMERS so ordered.

7. **BUSINESS ITEMS**

None.

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO.15-02; APPLICANT: MR. EDISON MERA
LOCATION: 2721 PALOS VERDES DRIVE NORTH. A REQUEST TO
APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR
DRIVEWAY AND WALKWAY ADDITIONS. A VARIANCE IS ALSO REQUIRED
TO EXCEED THE MAXIMUM FRONT YARD COVERAGE OF 30%.

Planner Wong gave a staff report (as per written material) and recommended that the Planning Commission Open the Public Hearing; Take public testimony; Close the Public Hearing; Discuss the issues and Adopt Resolution No. PA-15-02 with the condition that the applicant file a pilaster permit application for the two lamp posts installed within the front yard without City approval.

COMMISSIONER BAYER asked for clarification on the portion to be removed on the east side, if there was any hardscape or cement present. Planner Wong indicated there was not.

COMMISSIONER CONWAY asked for a clarification of the variance finding #4 and its conformance with the General Plan. Planner Wong indicated that it is conforming to the General Plan per neighborhood compatibility requirements.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO OPEN THE PUBLIC HEARING FOR PLANNING APPLICATION NO. 15-02.

There being no objection, CHAIRMAN SOMERS so ordered.

The applicant's architect, Mr. Charles Bell Berger, discussed the workability of the driveway approach by reducing the walls and the front yard coverage originally presented in the application. He discussed the visibility, access and worked with staff.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO CLOSED THE PUBLIC HEARING FOR PLANNING APPLICATION
NO. 15-02.

There being no objection, CHAIRMAN SOMERS so ordered.

CHAIRMAN ZERUNYAN moved, and seconded by COMMISSIONER BAYER

TO ADOPT RESOLUTION PA15-02 WITH THE CONDITION THAT THE
APPLICANT FILE A PILASTER PERMIT APPLICATION FOR THE TWO LAMP
POSTS INSTALLED IN THE FRONT YARD WITHOUT CITY APPROVAL.

AYES: Bayer, Rein, Conway, Killen, Zerunyan, O'Day, Chairman Somers

NOES:

ABSTAIN:

ABSENT:

Director Wahba stated that there is a 20-day appeal period.

- B. PLANNING APPLICATION NO. 04-03; APPLICANT: THE CONNOISSEUR
LOCATION: 627 SILVER SPUR ROAD, SUITE 300. A CONDITIONAL USE
PERMIT TO PERMIT WINE TASTING THAT IS INCIDENTAL TO A WINE-
SELLING ESTABLISHMENT.

Planner Tran gave a staff report (as per written material) and recommended that the Planning Commission Open the Public Hearing; Take public testimony; Close the Public Hearing; Discuss the issues and Direct staff to prepare a Resolution recommending that the City Council deny Planning Application No. 04-03 due to the lack of findings that the use serves a public convenience and necessity.

COMMISSIONER CONWAY asked if there were other census tracts with liquor licenses in the city, essentially the commercial district. Planner Tran stated there was only one census tract.

COMMISSIONER BAYER asked if the Conditional Use Permit were denied tonight, would that affect the license to sell the wine. Planner Tran stated that they would be able to sell wine.

COMMISSIONER BAYER asked for clarification of the population tract and the correlation of the census tract population that live in the area; the crime rate statistics; and how much crime is related to the sale of liquor. Planner Tran utilized the charts on the viewing board to discuss the census tracts and the crime reporting statistics and further discussed the information available as stated in the staff report.

Director Wahba discussed the correlation of businesses in the commercial districts and crime near the high school. He stated that a previous liquor store served as a magnet for high school students. He further stated that in the area Sheriffs often would find liquor containers in the back of the liquor store and in the bushes, and people would buy liquor for the high school students.

COMMISSIONER REIN asked about the on-site liquor licenses in the commercial district. He also asked if the wine tasting criteria were dramatically different from a restaurant. Director Wahba indicated that restaurants with alcohol are considered on-site liquor licenses that have a permit for beer and wine and that the alcohol is incidental to the restaurant use. This type of use is handled differently by the ABC than an off-sale license.

COMMISSIONER KILLEN expressed his disappointment that the representative from the Alcohol Beverage Control (ABC) was unable to attend the meeting. He asked staff if they had any discussion regarding liquor licenses. He also asked if they had discussed this particular scenario with the ABC representative. Planner Tran stated that the ABC representative that was to attend is not the same ABC representative they had discussed this issue with.

Director Wahba stated that the license issued to the establishment was issued in error. The ABC stated that they would need to establish findings of public necessity and convenience that outweigh the over-concentration issue the area has. Director Wahba stated that the City would need to establish the findings of public necessity and convenience issue. He further stated that the establishment is not adjacent to the school, the hours of operation, and the clientele of the establishment are not the type of clientele of that would possibly frequent a liquor store and buy for underage drinkers.

Director Wahba stated that it is difficult for staff to make the findings, although they did attempt to in the Staff Report. He stated that it is clear that the area is over-concentrated with liquor licenses. He stated that it would be difficult to make the findings of necessity. He suggested the Commission hear from the applicant.

COMMISSIONER O'DAY asked staff if they could put any restrictions of duration or other such restrictions on the Conditional Use Permit (CUP).

Director Wahba responded that they could put the conditions in the CUP Resolution.

COMMISSIONER BAYER moved, seconded by COMMISSIONER CONWAY

TO OPEN THE PUBLIC HEARING FOR PA NO. 04-03

AYES: Bayer, Rein, Conway, Killen, Zerunyan, O'Day, Chairman Somers

NOES:

ABSTAIN:

ABSENT:

The applicant, Mr. Andrew Digirgis, addressed a couple of issues. He stated that at the time of their application, the process would have taken a long time, so they opted to split their request. He wanted to address the issue of "high crime" as he felt the statistics were misleading. He discussed the issue of consumption of on-site wine tasting, he stated that the benefits and value added, and necessity, is that wine tasting gives the consumer an opportunity to be more selective by having tasted the wine prior to purchasing, in a safe environment. He stated that you would not find cans or bottles littering their area. He stated they are not a liquor store. They are catering to the community that is willing to wine taste and not other stuff. He stated that the revenue and employment contribute to the City.

COMMISSIONER O'DAY asked how much wine would be consumed by an individual attending the wine tasting and the frequency of wine tasting classes. Mr. Digirgis responded that they would have from four to six different wines and the event would last about two to three hours. He stated that each individual would usually consume about one and a half to two glasses at the most. He further stated that they are planning about two classes a month due to the response they have had.

COMMISSIONER ZERUNYAN asked the applicant why it is necessary to taste the wine in order to purchase it. Mr. Digirgis responded that there are a ton of wines people have not tasted. He used the analogy of perfume. He stated that it is a tougher sell, without testing. He stated that you could explain but it is not the same as experiencing the item. He stated that he wanted to be a one-stop shop for wine.

COMMISSIONER ZERUNYAN asked Mr. Digirgis how he currently sells wine. He also asked him how the Planning Commission should draw the line for the next person asking for the same type of authorization. Mr. Digirgis responded with a position of why would you want to add a similar business if there is one that is already in existence. He stated that there is currently not a business like his on the hill at this time. He further stated that it would be detrimental to the health of his business, if they were not permitted to do the wine tasting.

CHAIRMAN SOMERS asked the applicant if people who buy wine, generally buy for personal consumption or as a gift. Mr. Digirgis stated that it was both. He stated they could put on personal labels of their product for shipment.

COMMISSIONER CONWAY asked if there was a possibility to continue this hearing and other compelling discussion at a time when the ABC representative could be present.

The COMMISSION elected to continue discussion.

COMMISSIONER KILLEN stated that there are only five establishments for off-site consumption. The locations are big corporations and drug stores. He stated that there could be ways to make the findings so that the applicant can operate. He stated that the community is not saturated with this type of establishment. He suggested that possibly Staff could research some more.

COMMISSIONER BAYER stated that she agrees with COMMISSIONER KILLEN. She stated that it is important to be knowledgeable about wine. She stated that they are working hard to vitalize the shopping center and this is a way to tie them together. She stated that the education of the wants and likes of our community, we could make findings that for necessity. She agreed with Director Wahba that it is not adjacent to a school, and the hours and clientele would be very nice and convenient in a small environment to purchase gifts and be knowledgeable about wine.

COMMISSIONER ZERUNYAN stated that laws are made and must be obeyed. He stated they are not a legislative body and have statutory authority to recommend some things. He stated that when laws are laid down, their hands are tied and he believes this is one of those situations. He stated that he could not make the finding of public convenience and necessity. He stated that it is City Council's right and position as a statutory, elected body to make the laws for the City of Rolling Hills Estates. "The law is the law" and that he could not support this application.

COMMISSIONER O'DAY responded and stated that there are various definitions of necessity. He used taxes as his analogy. Such as necessary is not really necessary in that he has to have that, but is necessary by what is a reasonable course of action for that business. He further stated that the community has no other establishment like the applicant's, it is reasonable to find that this particular community could see that this kind of establishment is necessary for its convenience. He stated that there is nothing like this in this jurisdiction.

COMMISSIONER CONWAY stated that he concurs with the majority. The necessity is evidenced by the demand. The convenience is obvious. There are 19,000 people in the census tract surrounding this community that will find it convenient to come to this location to taste wine. He stated that the County Sheriff's office does not consider this a high crime area, regardless of the interpretation of the events that take place in the census area. He stated that he was persuaded by the educational component of this approach. He stated that wine could be interpreted as a special interest beverage that requires some education. Lastly, he stated that in response to some of the questions

posed to the applicant by COMMISSIONER ZERUNYAN, why he needs to provide samples of wine. He continued and used the example of Sam's Club that one could walk through there and have lunch with the quantity of samples that are provided. That is meant to sell food. He stated that this is the same type of service that could be provided by the applicant to 19,000 people. He added that he would like to turn this back over to staff for the findings of necessity and convenience and spend some time on conditions for this Conditional Use Permit and discuss with the ABC should there be more questions.

COMMISSIONER REIN stated that he agreed with the majority. He agreed that it would serve the public and the number of liquor licenses has decreased over the years and he does not see a problem.

CHAIRMAN SOMERS stated that he agrees with COMMISSIONER ZERUNYAN and there are no findings for necessity, he can make findings on convenience. He stated that people buy wines for gifts and there is less of a reason for necessity. He stated that he would like to hear a motion to close the public hearing.

COMMISSIONER CONWAY stated that he would like the opportunity to speak to the ABC representative.

COMMISSIONER BAYER stated that this would afford Staff the opportunity to work on the findings to put this over to the next meeting.

Discussion ensued among the Commissioners if they should Close the public hearing and refer to City Council and/or allow Staff to work on the findings. The Commissioners discussed at length the various concerns and flexibilities with this application. They discussed the possible conditions and restrictions for the application. One primary concern was to have the opportunity to discuss with the ABC.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO CONTINUE THIS ITEM TO THE NEXT PLANNING COMMISSION MEETING TO ALLOW STAFF THE OPPORTUNITY TO COORDINATE WITH ABC AND THE APPLICANT TO CRAFT CONDITIONS TO A CONDITIONAL USE PERMIT AND TO PREPARE A RESOLUTION MAKING CERTAIN FINDINGS TO RECOMMEND THAT CITY COUNCIL APPROVE THE CONDITIONAL USE PERMIT.

AYES: Bayer, Rein, Conway, Killen, O'Day
NOES: Zerunyan, Chairman Somers
ABSTAIN:
ABSENT:

Director Wahba stated that the Public Hearing is still open and at the next meeting we will be able to take public testimony.

9. COMMISSION ITEMS

COMMISSIONER KILLEN also discussed the Mixed Use Committee. The Committee is very close to signing a contract with an urban design team, Moulle & Polyzoides to revitalize and rejuvenate the area. He stated there are several sites that are planned for redevelopment, and this caliber of expertise with an urban design assistance team.

COMMISSIONER CONWAY asked Director Wahba about the status of the Rolling Hills Covenant Church. Director Wahba discussed the current chain of events and correspondence.

COMMISSIONER ZERUNYAN was invited to teach at the Planners Institute, by the League of Cities and he invited Dick Terzian.

10. DIRECTOR'S ITEMS

Director Wahba also discussed the Planners Institute and told the Commission that if they were interested, they should submit their applications to him ASAP.

Director Wahba advised the Commission there is a possibility that the Rolling Hills Covenant Church will be rescheduled at the next meeting of March 17, 2003.

11. MATTERS OF INFORMATION

A. City Council Actions (February 11, 2003)

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER BAYER

TO RECEIVE AND FILE ITEM 11A.

There being no objection, CHAIRMAN SOMERS, so ordered.

12. ADJOURNMENT

At 8:50 p.m. CHAIRMAN SOMERS adjourned the Planning Commission meeting to the meeting of March 17, 2003 at 7:30 p.m.

Judith Trujillo
Minutes Secretary

Douglas R. Prichard
City Clerk