

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
FEBRUARY 5, 2004

CALL TO ORDER: The work session of the Planning Commission was called to order at 6:30 p.m. in the Founders Room of the Community Meeting Center.

PRESENT: CHAIR JONES, VICE CHAIR CALLAHAN, COMMISSIONERS BARRY, HUTCHINSON, AND NGUYEN

ABSENT: COMMISSIONERS BUTTERFIELD AND KELLEHER

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Planning Services Manager; Karl Hill, Senior Planner; Noemi Bass, Assistant Planner; Maria Parra, Planning Intern; Sergeant Robert Fowler; and Teresa Pomeroy, Recording Secretary.

CALL TO ORDER: The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers of the Community Meeting Center.

PRESENT: CHAIR JONES, VICE CHAIR CALLAHAN, COMMISSIONERS BARRY, CALLHAN, HUTCHINSON, AND NGUYEN

ABSENT: COMMISSIONERS BUTTERFIELD AND KELLEHER

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Planning Services Manager; Karl Hill, Senior Planner; Noemi Bass, Assistant Planner; Maria Parra, Planning Intern; Sergeant Robert Fowler; and Teresa Pomeroy, Recording Secretary.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance to the Flag of the United States of America was led by Vice Chair Callahan and recited by those present in the Chamber.

ORAL

COMMUNICATION: None.

APPROVAL OF
MINUTES:

Commissioner Hutchinson moved to approve the Minutes of January 15, 2004, seconded by Commissioner Barry. The motion carried with the following vote:

AYES: COMMISSIONERS: BARRY, CALLAHAN, HUTCHINSON, JONES,
NGUYEN
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: BUTTERFIELD, KELLEHER

CONTINUED
PUBLIC
HEARING:

SITE PLAN NO. SP-334-03
CONDITIONAL USE PERMIT NO. CUP-120-03
DEVELOPMENT AGREEMENT

APPLICANT:
LOCATION:

DE HUA JR.
WEST SIDE OF BROOKHURST STREET NORTH OF BIXBY AVENUE AT
12171 THROUGH 12181 BROOKHURST STREET

DATE:

FEBRUARY 5, 2004

REQUEST:

To allow an existing restaurant (Seafood Place Chinese Restaurant) currently operating under a State Alcoholic Beverage Control Type "47" (On-Sale General, Eating Place) License to expand from 4,470 square feet to 15,190 square feet, and to have live entertainment and dancing. The site is in the Brookhurst Chapman Specific Plan (Light Commercial) zone.

Staff report was reviewed recommending approval of the Site Plan and Conditional Use Permit, and recommended that the Planning Commission recommend approval of the Development Agreement. Staff noted that as requested by the Commission at the meeting held January 15 2004, a copy of the parking agreement for the center was provided.

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Jimmy Nguyen, representative for the applicant, approached the Commission. He noted that the parking agreement was signed in 1987 and is valid for 65 years. He provided copies of letters in support of the project from neighboring businesses in the center as follows: Tho Nguyen, owner of Orchidland.com; Julie Linh Nguyen, owner of Majestic Wedding Center; Dung Ho, owner of D&T Wholesale Wedding & Floral Supply; and Boyd C. Davis, Jr., Financial Center Manager for Citibank. He noted that the traffic engineer was available to answer any questions.

Commissioner Barry noted that there was no signature page on the parking agreement, and is therefore an incomplete document.

Doug Holland stated that the burden of proof has been satisfied that the applicant has met the parking requirements with the parking study and this copy of the parking agreement.

Commissioner Hutchinson asked Mr. Nguyen whether they have met with Mr. Kamali, the property manager for the adjacent center. Mr. Nguyen stated that they have tried to contact Mr. Kamali, but he has not responded. He also provided a timeline listing his contact with Mr. Kamali. He asked that the Commission concur with the staff's recommendation of approval. He noted that the owner of Seafood Place has been recognized for public service and displayed a plaque awarded to the restaurant. They have worked tirelessly with the neighbors to gain support and they have been working on this project for two years.

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

Commissioner Hutchinson moved to approve Site Plan No. SP-334-03 and Conditional Use Permit No. CUP-120-03, and recommended approval of a Development Agreement to City Council, seconded by Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5392. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, HUTCHINSON, JONES, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BUTTERFIELD, KELLEHER

PUBLIC HEARING:	CONDITIONAL USE PERMIT NO. CUP-130-04
APPLICANT:	MIN YOUNG & EUN SOO KIM
LOCATION:	SOUTHWEST CORNER OF CASA LINDA AND GARDEN GROVE BOULEVARD AT 9252 GARDEN GROVE BOULEVARD
DATE:	FEBRUARY 5, 2004
REQUEST:	To allow a new restaurant (Cham Soot Gol BBQ) to operate with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the C-2 (Community Commercial) zone.

Staff report was reviewed and recommended approval with the amendments to conditions 37 and 43.

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Steve Choe, representative for the applicant, approached the Commission. He stated that this is a family style restaurant serving authentic food that uses a special type of charcoal for the barbeque and has a hood over each table for ventilation. He stated that the applicant has operated a similar type of restaurant in Los Angeles for the past two years without incident. He stated that the purpose of requesting the ABC license is to be competitive with other businesses in the area.

Chair Jones asked if he has read and agrees with the conditions of approval, including the amended conditions. Mr. Choe stated that they have met with the property owner who agrees to comply with the conditions that are related to the property, and obtained her signature on a letter. He provided a copy of the letter signed by Ms. Joyce Shin, the property owner, to the Commission.

Commissioner Hutchinson asked if the food is prepared at each table. Mr. Choe stated yes, that the customers barbeque their own food.

Commissioner Barry asked about the conditions that addressed the removal of wrought iron gates and fences and asked if it is the same fencing. Staff noted that there are two separate gates that have been required to be removed. Commissioner Barry asked for clarification of which fencing is required to be removed. Staff pointed out on the elevations where the fence and gates that are around the perimeter of the building that need to be removed; however, they do have the option to obtain building permits for the gate across the driveway.

Commissioner Barry asked what the gate would be connected to if there were a permit obtained. Staff indicated that the purpose of the gate was to block cars from accessing the site.

Chair Jones asked Mr. Choe if they intended to keep the gate. Mr. Choe stated that they would like to have it for safety, as the restaurant would stay open later than the other businesses.

Commissioner Barry commented that there would be pedestrian access when the fence was removed.

Staff stated that the gate is designed to prevent overnight parking at the center from the adjacent residential units.

Chair Jones asked if the gate is usable as it currently stands. Staff stated that it is inoperable and appears to have been crashed into.

Mr. Choe stated that the property owner does have a valid building permit for the gate, and has agreed to remove the gate. He noted that the hours are from 10:00 a.m. to 10:00 p.m., and they would like to be able to close at 11:00 p.m. on the weekends.

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

Commissioner Hutchinson asked for comment on the request for a later closure from Sergeant Fowler. Sergeant Fowler responded that the police department has traditionally asked for a 10:00 p.m. closure for family restaurants.

Commissioner Nguyen suggested allowing the 11:00 p.m. closure with a six-month review period.

Commissioner Hutchinson noted that there is a condition that would allow the police department to change the hours of operation if there are problems.

Commissioner Barry noted that bars are generally open later, and restaurants close earlier, and that this restaurant is in a high crime district. She noted the letter from the property owner states that she will either remove the fence or produce the permit that she obtained from the city to install the fence.

Commissioner Hutchinson asked whether the City has a record of a permit for the fence. Staff stated no.

Chair Jones noted that the property owner would still need to make the gate operational.

Commissioner Barry asked whether approval of this request would supercede the permit for the fence.

Doug Holland stated that the condition of approval would supercede any permits, but the Commission has the discretion to change conditions.

Chair Jones asked where the crime is coming from in this district. Sergeant Fowler stated that most of the crime is created from the adjacent residential properties.

Vice Chair Callahan questioned staff whether the 10:00 p.m. closure was standard for the restaurants in the area. Staff stated yes.

Commissioner Hutchinson commented that although he does not have a problem allowing an 11:00 p.m. closure, they normally accept the police recommendation for a 10:00 p.m. closure for restaurants.

Chair Jones stated that he would be agreeable to allow an 11:00 p.m. closure.

Commissioner Nguyen asked for clarification on whether the crime count is attributed to this commercial center. Sergeant Fowler noted that the crime count is not attributed to this center, but to the numerous residential units within this same district.

Staff pointed out that the Commission may want to consider that there is residential property located directly adjacent to the center and could be impacted by a later closure.

Commissioner Nguyen stated that she would be opposed to the later closure during the week.

Commissioner Hutchinson stated that he would take a position against an 11:00 p.m. closure as it is next to residential property.

Commissioner Barry stated that standard hours of operation make enforcement easier.

Commissioner Nguyen commented that the argument for standard hours is not good because there are no set standards for these businesses.

Sergeant Fowler noted that the adjacent apartment complex has an unobstructed view of the parking lot, and the concern is that there will be numerous calls to the police for noise issues.

Commissioner Barry moved to approve Conditional Use Permit No. CUP-130-04, with the amendments to Condition Nos. 37 and 43, seconded by Commissioner Hutchinson, pursuant to the facts and the reasons contained in Resolution No. 5405, and authorized the Chair to execute the Resolution. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, HUTCHINSON, JONES, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BUTTERFIELD, KELLEHER

PUBLIC HEARING:	CONDITIONAL USE PERMIT NO. CUP-131-04
APPLICANT:	KEVIN TU
LOCATION:	SOUTHWEST CORNER OF BROOKHAVEN STREET AND CHAPMAN AVENUE AT 10082 CHAPMAN AVENUE
DATE:	FEBRUARY 5, 2004
REQUEST:	To allow an existing restaurant (Thien Phat) to operate with an Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine – Public Eating Place) License. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended approval. Staff noted an amendment to condition no. 32 and additional conditions nos. 38, 39, and 40.

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Bart Kasperowicz, representative for the applicant, approached the Commission. He thanked staff and stated that the business owner is happy to comply with the conditions of approval, including the amended conditions.

Chair Jones noted an email from Mr. Greg Lynch sent to staff in opposition to the request.

Mr. Kasperowicz asked about the content of the email. Chair Jones informed Mr. Kasperowicz that Mr. Lynch was opposed to the request because of the number of establishments in proximity to this restaurant that sell alcohol.

Mr. Kasperowicz noted that the staff report states that there are three allowances within this district and currently there are none.

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

Commissioner Nguyen moved to approve Conditional Use Permit No. CUP-131-04, with the amendments to Condition nos. 32, 38, 39, and 40, seconded by Chair Jones, pursuant to the facts and the reasons contained in Resolution No. 5406, and authorized the Chair to execute the Resolution. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, HUTCHINSON, JONES, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BUTTERFIELD, KELLEHER

PUBLIC
HEARING: AMENDMENT NO. A-104-04
APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITY WIDE
DATE: FEBRUARY 5, 2004

REQUEST: To allow a Code Amendment to the City of Garden Grove Municipal Code, Title 9, Section 9.16.260E (Special Requirements – Compact Car Parking Spaces) to reduce the percentage of compact parking allowances.

Staff report was reviewed and recommended that the Planning Commission recommend approval to City Council.

Commissioner Barry asked how this amendment would affect parking availability. Staff noted that this would apply to new development, with existing developments keeping what they already have.

Commissioner Barry asked whether Planning takes into consideration the size of vehicles when reviewing plans for parking lots. Staff stated that the drive aisle is required to be 25 feet based on all vehicles sizes. Commissioner Barry stated that this should be reassessed and many commercial centers don't have adequate back-up space.

Staff stated that the Engineering Department could be asked to review this requirement.

Commissioner Hutchinson asked whether the condo conversion projects would have this standard applied. Staff stated that this would be one of things that would be considered.

Commissioner Barry asked whether an existing business that was applying for a Conditional Use Permit would be asked to re-stripe their parking lot to comply with this amendment, even though that would not technically be new development. Staff stated yes, that if a parking lot of an existing business were conditioned to be re-striped it would have to comply.

Commissioner Hutchinson expressed concern that there could be numerous requests for parking variances, but that this is needed.

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

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

Commissioner Hutchinson moved to recommend approval of Amendment No. A-104-04 to City Council, seconded by Commissioner Callahan, pursuant to the facts and the reasons contained in Resolution No.5404, and authorized the Chair to execute the Resolution. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, HUTCHINSON, JONES, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BUTTERFIELD, KELLEHER

MATTERS
FROM

COMMISSIONERS:

Commissioner Barry noted that the Club 22 located on Garden Grove Boulevard at Haster Street has a sign advertising dancing, and asked whether that was permitted. Staff stated that it would be investigated.

Commissioner Hutchinson inquired into the status of the vacant parcel on the southwest corner of Garden Grove Boulevard and Euclid Street. He commented that this parcel is not being maintained and is being used for parking. Staff stated that it will need to be improved for parking, and that this will be addressed.

Commissioner Hutchinson asked about the installation of cameras at major intersections in the City. Sergeant Fowler noted the recommendations for the red light program is that they use two approaches per intersection, i.e., either west bound or east bound. The Brookhurst and Westminster intersection was first, and after it was operating on an optimal level, a new camera was installed at Brookhurst and Chapman. Once this one is operating at an optimal level a camera will be installed at another intersection. In order to address the legal issues of the red light cameras, signs are posted at every entrance to the City in order to inform motorists; however, cameras will not be installed at every intersection.

Commissioner Hutchinson noted the bank building on Chapman Avenue west of Brookhurst Street was demolished and that grass was planted. He asked whether this is going to be used for parking, as it is needed for the theater, or if something would be built. Staff indicated that this pad section may not have the same ownership as the theater, and noted that a commercial building would be more advantageous than parking.

MATTERS
FROM STAFF: None.

ADJOURNMENT: The meeting was adjourned at 8:20 p.m.

TERESA POMEROY
Recording Secretary