

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
OCTOBER 6, 2005

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 CALLAHAN, VICE CHAIR JONES
COMMISSIONERS BARRY, KELLEHER, LECONG AND
MARGOLIN

ABSENT: COMMISSIONER CHI

ALSO PRESENT: Susan Emery, Community Development Director; Jason Retterer, Associate Attorney; Karl Hill, Senior Planner; Paul Wernquist, Urban Planner; Maria Parra, Assistant Planner; Robert Fowler, Police Department; Dan Candelaria, Civil Engineer; Judy Moore, Recording Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of the United States of America was led by Commissioner Kelleher and recited by those present in the Chamber.

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Vice Chair Jones moved to approve the Minutes September 1, 2005, seconded by Commissioner Barry. The motion carried with the following vote:

AYES: COMMISSIONERS: BARRY, CALLAHAN, JONES,
KELLEHER, LECONG, MARGOLIN
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: CHI

Vice Chair Jones moved to approve the Minutes September 15, 2005, seconded by Commissioner Barry. The motion carried with the following vote:

AYES: COMMISSIONERS: BARRY, CALLAHAN, JONES,
MARGOLIN
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: KELLEHER, LECONG
ABSENT: COMMISSIONERS: CHI

ITEM FOR
CONSIDERATION: UNDERGROUND UTILITIES
DATE: OCTOBER 6, 2005

REQUEST: Discussion pertaining to underground utilities with Commission direction to City Staff to prepare an amendment to the Municipal Code.

Vice Chair Jones moved to request staff to research the undergrounding of utilities in such a way as to be fair and uniform with regard to 'rental' and 'for sale' properties, seconded by Commissioner Barry. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, KELLEHER JONES, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	CHI

CONTINUED
PUBLIC
HEARING:

SITE PLAN NO. SP-371-05
CONDITIONAL USE PERMIT NO. CUP-168-05
VARIANCE NO. V-128-05

APPLICANT:
LOCATION:

ROY FURUTO
NORTH SIDE OF WESTMINSTER AVENUE, WEST OF MAGNOLIA STREET
AT 8851 WESTMINSTER AVENUE.

DATE:

OCTOBER 6, 2005

REQUEST:

Site Plan approval to construct a 2,598 square foot addition to an existing 3,800 square foot restaurant, Capital Seafood Restaurant; Variance approval to deviate from the required front setback and landscaping; Conditional Use Permit approval to allow the restaurant to continue to operate with an Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine, Eating Place) License. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended approval.

Commissioner Barry asked staff if the code defined 'banquet facility'. Staff replied that the code does not define them; however, banquet facilities typically host special events for occasions at which people are invited to sit down and dine together, and usually the restaurant closes for the banquet services.

Commissioners Margolin and Kelleher agreed that the code should define the difference between a restaurant and banquet hall.

Commissioner Lecong stated that the restaurant definition is specifically stated in the first paragraph on Page 8 of the Staff Report that reads, "The restaurant will continue to operate from 10:00 a.m. to 10:00 p.m. seven days a week. The restaurant is required to function as a bona-fide family restaurant and is required to serve meals during all hours of operation. The restaurant is not allowed to function as a banquet facility or to have live entertainment."

Vice Chair Jones commented that in a non-banquet facility, individual patrons can order food.

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

Mr. Roy Furuto, the applicant, thanked staff for their assistance in the process and stated that he had read and is satisfied with the Conditions of Approval.

Commissioner Lecong asked Mr. Furuto about the parking lot lighting near the Kentucky Fried Chicken store where the area is dark.

Mr. Furuto replied that photometric lighting would be used.

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

Vice Chair Jones commented that a banquet is typically a higher intensity function and that he was satisfied with the Conditions of Approval as they were written.

Commissioner Kelleher asked staff that if the case was approved, would the definition of a 'banquet facility', when it became available, affect the applicant. Staff commented that any conditions with regard to the applicant should be put in place at the hearing.

Commissioner Barry moved to approve Site Plan No. SP-371-05, Conditional Use Permit No. CUP-168-05, and Variance No. V-128-05, with an amendment to delete the first sentence of Condition No. 35. seconded by Vice Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5506. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, JONES, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	CHI

PUBLIC HEARING:	CONDITIONAL USE PERMIT NO. CUP-167-05
APPLICANT:	HIEP XUAN PHAN
LOCATION:	SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF CYPRESS STREET AT 10582 GARDEN GROVE BOULEVARD.
DATE:	OCTOBER 6, 2005
REQUEST:	To allow an existing convenience store to operate with an original (new) Alcoholic Beverage Control Type "20" (Off-Sale Beer and Wine) License. The site is in the DC (District Commercial) zone.

Staff report was reviewed and recommended denial.

Commissioner Margolin asked staff how the license would affect the area. Staff pointed out that several studies indicate that an increase in alcohol outlets leads to an increase in crime.

Commissioner Margolin commented that he would like to see a study on alcohol outlets located in food stores.

Commissioner Barry commented that the new license does not constitute a necessity because the neighborhood was already being served by existing stores.

Staff pointed out that the license is not necessary to the buying public and that the Police Department would not support the license for competitive purposes.

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

Ms. Hiep Xuan Phan, the applicant, and Mr. Ken Maddox, the applicant's representative, approached the Commission. Mr. Maddox stated that Ms. Phan's store is a small convenience store and is not clearly visible to the public, and that most of her business is pedestrian. Mr. Maddox further stated that Ms. Phan's customers asked her to provide beer and wine.

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

Commissioners Kelleher and Barry agreed that they could not support a finding of convenience.

Vice Chair Jones stated that because of the demand, there is a finding of convenience in the area. Chair Callahan agreed.

Commissioner Margolin agreed that the store is not clearly visible and commented that a beer and wine license is a convenience for some people and not others.

Vice Chair Jones moved for staff to bring back a resolution of approval with the Conditions of Approval attached, seconded by Chair Callahan. The motion received the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, JONES, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	BARRY, KELLEHER
ABSENT:	COMMISSIONERS:	CHI

PUBLIC HEARING:	SITE PLAN NO. SP-376-05
APPLICANT:	ANDY DO
LOCATION:	SOUTHWEST CORNER OF JOSEPHINE STREET AND ACACIA AVENUE AT 12861 JOSPEHINE STREET.
DATE:	OCTOBER 6, 2005
REQUEST:	To construct a two-story, 4,887 square foot duplex with two attached 441 square foot enclosed garages, on an 8,127 square foot lot improved with an existing single-family residence. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was reviewed and recommended approval. Chair Callahan opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Andy Do, the applicant and architect, approached the Commission.

Chair Callahan asked Mr. Do if he had read and agreed with the Conditions of Approval. Mr. Do replied yes.

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

Chair Callahan, Vice Chair Jones and Commissioner Margolin expressed that the project looked good.

Vice Chair Jones moved to approve Site Plan No. SP-376-05, seconded by Chair Callahan, pursuant to the facts and reasons contained in Resolution No. 5513. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, JONES, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	CHI

PUBLIC

HEARING:

SITE PLAN NO. SP-377-05
TENTATIVE TRACT MAP NO. TT-16847
(RECOGNIZE PREVIOUSLY ADOPTED DECLARATION)

APPLICANT:

LOUIS L. HOANG

LOCATION:

EAST SIDE OF FLOWER STREET, SOUTH OF WESTMINSTER AVENUE AT
14062 FLOWER STREET

DATE:

OCTOBER 6, 2005

REQUEST:

To improve the 22,425 square foot site with six (6), two-story residential dwelling units, and Tentative Tract Map approval to create a one-lot subdivision for the purpose of selling each unit as a condominium. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was reviewed and recommended approval.

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

Mr. Louis Hoang, the applicant, and another representative, approached the Commission.

Chair Callahan asked Mr. Hoang if he had read and agreed with the Conditions of Approval. Mr. Hoang replied yes and that the project would improve the neighborhood's appearance.

Mr. Bill Melton approached the Commissioners and stated that the project was good for the neighborhood.

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

Vice Chair Jones moved to approve Site Plan No. SP-377-05, Tentative Tract Map No. TT-16847, seconded by Commissioner Barry, pursuant to the facts and reasons contained in Resolution No. 5504. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, JONES, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	CHI

MATTERS

FROM

COMMISSIONERS: Commissioner Barry asked staff to provide a definition of 'banquet' and 'rental hall' facilities in addition to a statement as to why restaurants cannot be banquet facilities.

Chair Callahan stated that many of the changes to the Ralph's store on Euclid Avenue have not been implemented as promised, such as taller trees to buffer the parking lot light shining into residential properties to the west, and matching roof tiles with the Jack In The Box. He suggested the owner be contacted for his accountability.

Commissioner Lecong commented that a cement berm in the road on his street at 13081 Safford Street has caused a drainage problem for his neighbor. Staff replied that Code Enforcement would look into the matter.

Commissioner Margolin commented that the trash/wood pile near his house has not been removed. Staff stated that a notice had been sent out, however, another notice would be sent and the matter looked into.

MATTERS

FROM STAFF:

Staff provided an update on the 25SI Karaoke Studio review and stated that the studio is in compliance with regard to the modified Conditions of Approval. Staff commented that the only exception is a broken camera in one room; however, the assumption is that the camera would be repaired in the future. Staff added that the stringent conditions were in place to decrease prostitution problems that often occur when private rooms are available.

Staff read a brief description of tentative items for the October 20, 2005 Planning Commission meeting.

Staff reminded the Commissioners to save the date for the annual Planning Commission Holiday Dinner that will take place at the Buca di Beppo restaurant on Thursday, December 15, 2005.

Staff also reminded Commissioners that the Conditional Use Permits for ABC Licenses routed through Planning Commission would typically be recommendations for denials, and that Conditional Use Permits with staff recommending approval would be routed through the Zoning Administrator.

Staff offered to send copies of the Zoning Administrator decisions to the Planning Commissioners to keep the Commissioners abreast of all cases and their respective results. Staff added that the Zoning Administrator Agendas and Minutes could be found on-line at Garden Grove's website.

Commissioner Kelleher expressed that his time living in Garden Grove, his working with the City and being a Planning Commissioner was an enjoyable experience. Staff recognized Commissioner Kelleher's last Planning Commission meeting with a cake.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

Judith Moore
Recording Secretary