

ZONING ADMINISTRATOR MEETING MINUTES

Garden Grove City Hall
11222 Acacia Parkway
Third Floor Training Room

June 28, 2012, 9:00 a.m.

Those present: Susan Emery, Zoning Administrator
Lee Marino, Senior Planner
Maria Parra, Urban Planner
Ed Leiva, Police Department
Jim Hughes, Fire Department
Judy Moore, Recording Secretary

Susan Emery, Zoning Administrator, called the meeting to order at 9:00 a.m.

CONDITIONAL USE PERMIT NO. CUP-348-12
APPLICANT: Triet (Michael) Minh Dinh
LOCATION: 10161-10171 Westminster Avenue
DATE: June 28, 2012

REQUEST: To operate a new restaurant, Di Vang, with an original Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the Planned Unit Development No. PUD-108-96 zone.

Staff report was read and recommended approval. The Zoning Administrator opened the public hearing.

Staff emphasized that the applicant, Mr. Triet Minh Dinh, abide by all of the conditions especially the following: No. 7 for the hours of operation closing times to be at 10:00 p.m., Sunday through Thursday, and at 11:00 p.m., Friday and Saturday; No. 13 for LEADS (Licensee Education on Alcohol and Drugs) training for employees who will serve alcohol; No. 14 for Administrative Citations of up to \$1,000 for Conditional Use Permit violations; No. 17 for alcohol sales to be incidental to food sales; No. 22 for no live entertainment, DJ's or karaoke; No. 29 for the no smoking law, noting that if the operator was convicted three times, the result would be an OSHA fine; and, No. 37 for the panic hardware on the rear door, noting that the rear door was to be kept closed.

Fire staff then asked if the panic hardware on the rear door had been configured. The applicant stated the work would take one week; that in the past, there had been no comments from the Police Department; and, that the etched flower design on the storefront had cost him \$10,000 and six months to install, but could be removed from the double doors.

Staff commented that the etched design on the two storefront side doors and the fixed door must only have 15% coverage with 85% to be clear, and that the etched glass did not give clear visibility to see into the tenant space.

The Zoning Administrator agreed, and remarked that the design could have been located at the bottom of the glass, so that the Police could see inside if there was an incident.

Zoning Administrator Minutes

The applicant mentioned that there was another pair of doors for the entrance, however, staff stated that the code pertains to each door.

The Zoning Administrator and Police staff expressed that the etched glass was attractive, however, the concern was the obscurity with regard to safety, and that the applicant could not deviate from the ordinance with the obscured glass as that would be a safety violation with regard to less visibility for Police officers, the owner, and the customers.

The applicant stated that he has had no problems thus far, however, staff pointed out that adding alcohol could create new problems.

The applicant then commented that he wanted to be the best restaurant in town; that other owners were not obeying the law; and, that he could remove the flower design, however, the flower design was a little piece of cultural art.

The Zoning Administrator agreed, but further stated that 'culture' had to comply with the City's code as the concern was purely safety. When the Zoning Administrator suggested that perhaps the etched glass could be used elsewhere, the applicant commented that the glass had been installed for the last five years.

Staff then noted that the exits needed to be evaluated per the code for assembly.

The Zoning Administrator then stated that the restaurant should be a restaurant; that employees must be clothed properly and not in bikinis; that if the applicant was a good operator with no problems, he could ask for other requests later; and, that City Council has been notified that after three Administrative Citations, staff would take the case to the Planning Commission and the license could be suspended if the operator did not comply with the conditions of approval.

The Zoning Administrator then asked the applicant if he had read and agreed with the Conditions of Approval. The applicant replied yes.

Fire staff then questioned whether the televisions and WiFi would remain, and cautioned the applicant about potential customers with private lap tops for gambling use. The applicant confirmed that the televisions and WiFi would remain as the internet was used for ordering and the secure WiFi for meetings; that he has not seen any illegal gambling, nor would he allow gambling; and, that his employees would not wear bikinis as the restaurant would not be a bar.

The Zoning Administrator then suggested that The Boiling Crab was a similar restaurant example to follow.

With no further comments or questions, the Zoning Administrator closed the public hearing and approved Conditional Use Permit No. CUP-348-12, pursuant to the facts and reasons contained in Decision No. 1656-12.

COMMENTS BY THE PUBLIC – None.

The meeting was adjourned at 9:20 a.m.

Judy Moore
Recording Secretary