

ZONING ADMINISTRATOR MEETING MINUTES

Garden Grove City Hall  
11222 Acacia Parkway  
Third Floor Training Room

October 28, 2010, 9:00 a.m.

Those present: Susan Emery, Zoning Administrator  
Karl Hill, Planning Services Manager  
Ed Leiva, Police Department  
Chris Chung, Assistant Planner  
Judy Moore, Recording Secretary  
Rosella Whitlow, Acting Department Secretary

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

CONDITIONAL USE PERMIT NO. CUP-306-10

APPLICANT: Adam Nguyen

LOCATION: 14281 Brookhurst Street

DATE: October 28, 2010

REQUEST: To modify the conditions of approval for an existing restaurant, Artist Restaurant, which currently operates under a State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License approved under Conditional Use Permit No. CUP-377-97, to extend its business hours to be from 12:00 p.m. to 11:00 p.m. Monday through Wednesday, and 12:00 p.m. to 12:00 a.m. Thursday through Sunday. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended approval.

The Zoning Administrator opened the public hearing.

Staff asked Mr. Mark Nguyen, the applicant, to clarify the hours of operation per Condition No. 10. The applicant replied that the restaurant opens at 2:00 p.m., and that the closing time is 11:00 p.m. Monday through Wednesday, and 12:00 a.m. Thursday through Sunday.

Staff then stated that Condition Nos. 11 and 17 were equally important, especially with regard to the Administrative Citation fee of up to \$1,000 for violations of the CUP.

Ms. Sue Lim, the applicant's associate, stated that there have been no police problems with the restaurant during the 13 years in business; that customers typically eat in the later hours during the two-hour dinner period; and that the peak hour for dinner is 8:00 p.m. in lieu of 6:00 p.m., due to the businesses closing between the hours of 6:00 p.m. and 9:00 p.m.

Staff asked if the later dining hours are typical of a Vietnamese restaurant, especially during the week. The applicant replied yes, that customers often dine while watching sports events on television; that they must compete with the cities of Westminster and Santa Ana whose business hours are later; and that their sales dropped 25 to 30 percent in July.

Staff then mentioned that restaurants leaning toward ABC Type "47" restaurants are having more problems in that they are serving less food and more hard liquor, along with having entertainment, and they are becoming more bar type establishments.

The applicant responded that they are fine with the wine and beer license as the restaurant is small, with approximately 600 square feet of dining space; and that they do not want live entertainment.

Staff reiterated that a Type "41" restaurant is primarily a food restaurant. The applicant agreed, and submitted an article from the OC Register, then added that they are known for their crawfish and steak.

Staff reminded the applicant that the Police Department did warn them regarding the violation of their hours of operation, and that they have already received an administrative citation. Also, that any future violation would result in another administrative citation.

The applicant stated that the two-hour dinner period was not enough time for customers to relax and eat and that the extended hours would help with this.

Staff then asked if Vietnamese adults drink alcohol when children are present during dinner services or do they wait until the later hours when children are not present. The applicant responded that patrons are a mixed crowd from 8:00 p.m. to 10:00 p.m. and it is not uncommon for the adults, perhaps the father in the family, to have a drink when children are present.

Staff then explained that there is an effort to understand the functions of the businesses, and provide solutions, and that the City's standard set of conditions continues to evolve.

With no further comments or questions, the Zoning Administrator closed the public hearing and approved Conditional Use Permit No. CUP-306-10, subject to the recommended conditions, and pursuant to the facts and reasons contained in Decision No. 1616-10.

#### COMMENTS BY THE PUBLIC

None.

The meeting was adjourned at 9:18 a.m.

Judy Moore  
Recording Secretary