

ZONING ADMINISTRATOR MEETING MINUTES

Garden Grove City Hall  
11222 Acacia Parkway  
Third Floor Training Room

December 9, 2010, 9:00 a.m.

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

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

VARIANCE NO. V-186-10  
APPLICANT: David Kim  
LOCATION: 9618-9622 Garden Grove Boulevard  
DATE: December 9, 2010

REQUEST: A Variance request, from Section 9.20.040.A.2.a and 9.20.060.C of Title 9 of the City of Garden Grove Municipal Code, to exceed the maximum height and length of the size for a new monument sign as well as to exceed the 100 square foot maximum of sign area. The site is in the C-2 (Community Commercial) zone.

Staff report was reviewed and recommended approval.

The Zoning administrator questioned the 24-foot height of the monument sign. Staff responded that 20-feet of the sign would be sign area for six tenants with the remainder of the footage to be used for enhancements; that the 24-foot height is reduced from the applicant's original request; that there are no other monument signs on the property, however, there is a similar-sized sign to the west at AR Market.

The Zoning Administrator opened the public hearing.

Mr. David Kim, the applicant, stated that signage would help to attract more people to the businesses.

The Zoning Administrator asked the applicant if he had read and agreed with the conditions of approval. Mr. Kim replied yes.

With no further comments or questions, the Zoning Administrator closed the public hearing and approved Variance No. V-186-10, subject to the recommended conditions, and pursuant to the facts and reasons contained in Decision No. 1617-10.

CONDITIONAL USE PERMIT NO. CUP-307-10  
APPLICANT: Young Ja Chun  
LOCATION: 9816 Garden Grove Boulevard  
DATE: December 9, 2010

REQUEST: To operate an existing restaurant, Jang Mo Gip Restaurant, with a new original 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. One letter of opposition was received from Maria Hernandez stating that crime activity was in the area along with too many alcohol licenses.

The Zoning Administrator noted that six licenses were allowed in the census tract and 21 licenses were in place.

The Zoning Administrator opened the public hearing and asked the applicant, Young Ja Chun, what type of food was being served. The applicant replied 'Korean Soup' and added that in order to be successful, they needed beer and wine.

Staff added that conditions of approval need to be adhered to, especially Condition No. 8 regarding hours of operation that are to be Sunday through Thursday closing at 10:00 p.m. and at 11:00 p.m. on Friday and Saturday; Condition No. 14 states that employee training, for Licensee Education on Alcohol and Drugs (LEADS) or Responsible Beverage Service (RBS), needs to take place prior to serving alcohol; Condition No. 23 states that there is to be no live entertainment; Condition No. 24 states there shall be no stage or platforms; and Condition No. 15 states that violations could result in an administrative citation of up to \$1,000.

The Zoning Administrator asked if the applicant had owned and operated a restaurant prior to this establishment. The applicant replied yes, but not with alcohol.

The Zoning Administrator reinforced that the conditions must be adhered to, especially in a high crime area; and that City Council agreed to allow more licenses in exchange for the administrative fine for any violations.

The Zoning Administrator asked the applicant if she had read and agreed with the conditions of approval. The applicant replied yes.

An acquaintance supported the applicant stating that she would be a good restaurant operator.

With no further comments or questions, the Zoning Administrator closed the public hearing and approved Conditional Use Permit No. CUP-307-10, subject to the recommended conditions, and pursuant to the facts and reasons contained in Decision No. 1619-10.

CONDITIONAL USE PERMIT NO. CUP-308-10

APPLICANT: Dada Ngo

LOCATION: 14241 Euclid Street #C 116, 117, 118

DATE: December 9, 2010

REQUEST: To expand an existing 1,516 square foot restaurant, The Boiling Crab, which currently operates with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, into two adjacent tenant spaces that total 3,047 square feet, with the combined restaurant area to be 4,563 square feet. The site is in the Planned Unit Development No. PUD-104-81/86 Rev '90 zone.

Staff report was reviewed and recommended approval.

Staff stated that the hours of operation were to be that the business close at 10:00 p.m., seven days a week; that any noncompliance with the conditions of approval could result in an administrative citation of up to \$1,000; and that live entertainment would not be permitted.

The Zoning Administrator opened the public hearing and asked the applicant, Dada Ngo, if she had read and agreed with the conditions of approval. The applicant replied yes and that the restaurant has been open since 2004.

The Zoning Administrator asked staff if any police calls had occurred with this tenant, as other tenants in the immediate area, such as the CAN Restaurant, have issues. Staff replied no.

The applicant stated that they were a bona fide restaurant and understood the neighbor's concerns regarding other tenants that create problems; that they have security seven nights a week to help monitor the potential problems; that this is the original restaurant in a plaza that is deteriorating, however, they see value in the plaza; that adjacent space is needed for parties; and that they have about ten other locations, which started with their unique concept.

Ms. Theresa Pinon stated that she likes the early closing time; that she has not seen problems with the Boiling Crab restaurant; that noise, music and people calling out to each other was linked to the CAN Restaurant and that she has called the police, especially regarding the hours of operation. She also thanked Staff for their efforts.

The Zoning Administrator stated that the City is trying to get the CAN Restaurant into compliance.

With no further comments or questions, the Zoning Administrator closed the public hearing and approved Conditional Use Permit No. CUP-308-10, subject to the recommended conditions, and pursuant to the facts and reasons contained in Decision No. 1618-10.

CONDITIONAL USE PERMIT NO. CUP-310-10  
APPLICANT: Nickey's Liquor (George Arouk)  
LOCATION: 12011 Garden Grove Boulevard  
DATE: December 9, 2010

REQUEST: To allow an existing liquor store, Nickey's Liquor, to continue to operate with an Alcoholic Beverage Control Type "21" (Off-Sale General) License. The site is in the HCSP-TZW (Harbor Corridor Specific Plan-Transition Zone West) zone.

Staff report was reviewed and recommended approval.

Staff also stated that any violation or noncompliance with the conditions of approval could result in an administrative citation fee of up to \$1,000.

The Zoning Administrator opened the public hearing.

The current applicant/owner, Seon Choi, stated that she has been the owner of the store for over 23 years and knows the customers as family and friends, and that she wonders why the area is a high crime area, however, there are car accidents and parking lot car towing.

Staff added that there have not been complaints or issues about the store.

The Zoning Administrator addressed the new owner's representative, George Arouk, stating that they are not to sell alcohol to minors; they must adhere to their hours of operation; and that violations of the conditions of approval could result in an administrative citation of up to \$1,000.

Ms. Lorin Kupan, an agent for the owner, addressed Condition No. 10, which prohibits the selling of alcoholic beverages in single, 16-ounce or less sizes. She stated that the new owners, who have four other Alcoholic Beverage Control licensed liquor stores, were under the impression that continuity would include the ability to sell certain products, and that not selling these products would harm the business.

The Zoning Administrator stated that in Garden Grove in the last ten years, all liquor stores with Condition Use Permits have this condition; that the City is trying to get the liquor stores on an even playing field by imposing the conditions uniformly; that though an operator may be good, there were enough problems in the past to warrant this condition; that other cities already have a similar condition; that some cities do not allow the sale of 24-ounces or less single containers; and that more single containers are being offered by alcoholic beverage companies and there are increasing problems with drinking and driving and public intoxication.

Mr. Mike Arouk, the applicant, stated that with four liquor licenses he has not had an ABC ticket in 22 years; that he knows how to keep the problems down; that there is not much difference between 16 and 24-ounce single containers; that 24-ounce sizes are cheaper; that he asks for identification; and that he keeps his businesses clean and does not allow loitering outside.

Staff commented that the applicant's methods are clearly responsible ownership, however, though a 24-ounce container could be cheaper, the single 16-ounce container could be concealed.

Mr. Arouk stated that some new items for testing only come in 16-ounce containers. Staff agreed and reiterated that the City's restriction for beer is 16-ounces or less. Also, that the intent is not to break up the six-packs, and that because the current license is a Type "21", adding the word 'refrigerated' would help to clarify the condition. Staff added that if there is any doubt or question, the applicant could contact the police department, and that if the applicant does not agree with the Zoning Administrator's decision, the decision could be appealed to the Planning Commission.

With no further comments or questions, the Zoning Administrator closed the public hearing and approved Conditional Use Permit No. CUP-310-10, with a modification to Condition No. 10, subject to the recommended conditions, and pursuant to the facts and reasons contained in Decision No. 1620-10.

#### COMMENTS BY THE PUBLIC

None.

The meeting was adjourned at 10:00 a.m.

Judy Moore  
Recording Secretary