

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
MARCH 6, 2003

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 BUTTERFIELD, VICE CHAIR JONES,  
COMMISSIONERS CALLAHAN, FREZE, HUTCHINSON,  
NGUYEN

ABSENT: COMMISSIONER BARRY

ALSO PRESENT: Doug Holland, Deputy City Attorney; Greg Simonian, Attorney; Susan Emery, Planning Services Manager; Erin Webb, Sr. Planner; Noemi Bass, Assistant Planner; 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 BUTTERFIELD, VICE CHAIR JONES,  
COMMISSIONERS, CALLAHAN, FREZE, HUTCHINSON,  
NGUYEN

ABSENT: COMMISSIONER BARRY

ALSO PRESENT: Doug Holland, Deputy City Attorney; Greg Simonian, Attorney; Susan Emery, Planning Services Manager; Erin Webb, Sr. Planner; Noemi Bass, Assistant Planner; 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 Commissioner Hutchinson and recited by those present in the Chamber.

ORAL

COMMUNICATION: None.

APPROVAL OF  
MINUTES:

Commissioner Callahan moved to approve the Minutes of February 20, 2003, seconded by Commissioner Hutchinson. The motion carried with the following vote:

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

CONTINUED  
PUBLIC  
HEARING:

VARIANCE NO. V-100-03  
CONDITIONAL USE PERMIT NO. CUP-101-03

APPLICANT:  
LOCATION:

CHRISTINE PIETSCH  
NORTH SIDE OF GAMBLE AVENUE BETWEEN GARDENAIRE LANE  
AND RAINIER COURT AT 9811 GAMBLE AVENUE

DATE:

MARCH 6, 2003

REQUEST:

To allow the construction of a 550 square foot detached second unit on an approximate 8,280 square foot lot, and to deviate from the required minimum lot size, rear yard setback and parking. The site is located in the R-1-7 (Single Family Residential) zone.

Staff report was reviewed and recommended approval.

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

Ms. Christine Pietsch approached the Commission. She commented that she has been very active in the community, and has volunteered her time and money. She noted that she has been recently asked to join the city youth council. She expressed her frustration with staff and noted that she was directed to the City Attorney's office, and she has not had her calls returned. She provided an excerpt of Assembly Bill No. 1866 to the Commission, which allows for cities to process second units ministerially without discretionary review or a hearing, and questioned why she was not informed by staff of this law. She stated that staff should have informed the Commission at the previous hearing about this new law and the possible ramifications to this application. This omission has resulted in a waste of the Commission's time as well as her own. She noted that she contacted the City of Anaheim's Planning Department who informed her that they are in the process of updating their ordinance for second units that is reflective of the new legislation and offered to send a representative to her home. She stated that she objects to the requirement for the additional parking spaces and noted that the law specifies that a finding must be made that the parking requirement must be directly related to the addition, and because the second unit is being constructed for a member of the family who currently resides in the home further parking is not needed. She would like this requirement to adapt to

the impending code changes. It is unreasonable for her to be burdened with the added requirement and expense estimated to be 40% higher than other property owners who would not have to incur if four months from now they applied for a second unit. She asked for changes to condition F and condition L and noted that this is unfair that many of her neighbors utilize their garage for storing of items and she should be provided the same privilege. She thanked the Commission for their consideration.

Doug Holland stated that he is the assistant city attorney and that he did not receive a call from Ms. Pietsch, and would have been happy to return her call to discuss her concerns. He noted that the information from Assembly Bill No. 1866 that was provided by Ms. Pietsch, does allow for local jurisdictions to impose standards that concern parking. The City has adopted an ordinance dealing with the regulation with second units, and does require two parking spaces. However, when a local agency receives its first application on or after July 1, 2003, a procedure for Conditional Use Permit's will be approved in an administrative forum and will be subject to appeal. The City of Garden Grove's ordinance for second units is not inconsistent with state law and will not be inconsistent with the new law. Staff is recommending approval of the conditional use permit, and two of the three variances that this applicant has requested. The second unit will be a permanent unit that could be occupied by any number of people in the future, and it is appropriate and consistent with the city's ordinance to require two parking spaces.

Vice Chair Jones asked whether after July, second units will no longer be required to have Planning Commission's approval. Doug Holland stated that was correct, although second units could be appealed to the Planning Commission. He also pointed out that this new law does not address variances for design standards. Anyone who would request a variance would still need to come before the Planning Commission.

Commissioner Freze asked whether the variance could be conditioned that the parking requirement could be met upon sale of the property.

Doug Holland suggested that this could put the city in the position to enforce a condition of sale, and be responsible to monitor the property.

Chair Butterfield expressed concern that applying a condition that would delay compliance would set precedence. Doug Holland stated that they could specify that this would be unique to this application, although it could establish precedence.

Ms. Pietsch stated that the state wants cities to be less restrictive for people like herself.

Commissioner Freze asked Ms. Pietsch whether she is against any requirement for a second garage. Ms. Pietsch estimated that a garage would cost \$20,000.00. Her son's school doesn't have any instruments, and she would like to use that kind of money for something more

meaningful rather than paying for a city required garage that she does not really need.

Commissioner Freze noted that there are other solutions and asked whether she has considered other options such as a carport, which wouldn't disrupt her view from the living room, or placing the garage adjacent to the second unit. Ms. Pietsch responded that a carport would be about the same expense as a garage.

Mr. David Pentecost approached the Commission in support of Ms. Pietsch, and noted that the City of Palo Alto changed its parking requirement from two spaces to one.

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

Commissioner Hutchinson stated that he does not support this request because there are no solutions presented, and there are too many variances being requested. He expressed his appreciation for what Ms. Pietsch wants to do; however, she should understand that whatever she builds could be there for the next 20 years. When the property is sold it would be sold without any other parking places. He commented that the lot is not suitable for a second unit.

Commissioner Callahan agreed with Commissioner Hutchinson and thought that there is too much to surmount with this project, and this would not portend well for the future.

Vice Chair Jones commented that he doesn't really have a problem with this request and although there is ample street parking, the parking issue could set precedence. The rear yard setback is acceptable, and there is an affordable housing crisis whereby second units are encouraged. He noted that cities do have jurisdiction to create ordinances that can be different from other cities.

Commissioner Freze agreed with Vice Chair Jones and does not have a problem either, however, there is a concern about the future of the property if it were sold with the absence of a garage for the second unit. He suggested that they approve the application as requested and let the housing market dictate whether the garage would need to be constructed in order to make the property marketable.

Doug Holland stated that a finding in the code would be needed for a deviation of the parking requirement and the Commission could approve all three variances, allowing the housing market to demand the need for a garage for the second unit.

Chair Butterfield stated that she does not want to make an exception and allow the parking deviation in order to accommodate one individual. She noted that the garage is not being used for parking, and if everyone in the

neighborhood did this, then there would be a lot of people parking on the street.

Commissioner Freze noted that if they approved this as it is, then they would be voting to approve staff's recommendation, which included the requirement to build the garage.

Vice Chair Jones asked about delaying the variance for the parking requirement making it contingent to the sale of the property.

Doug Holland stated that a covenant could be added to the conditional use permit that would allow a time delay for the parking requirement as long as the second unit is being used by a relative.

Vice Chair Jones noted that it would be public information and it would be the seller's obligation to disclose the requirement.

Commissioner Callahan pointed out that the seller would be liable to the buyer for compliance.

Commissioner Nguyen asked if this would be included in the title of the property. Doug Holland recommended that there be a recordation of a covenant that would run with the land, which a title report would list, and would be an obligation for the seller to disclose.

Commissioner Freze moved to approve Conditional Use Permit No. CUP-101-03 and Variance No. V-100-03, with the amendment to the condition to record a covenant that would run with the land and require construction of a garage for the second unit prior to the sale of the property, seconded by Vice Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5353. The motion failed with the following vote:

AYES:	COMMISSIONERS:	FREZE, JONES, NGUYEN
NOES:	COMMISSIONERS:	BUTTERFIELD, CALLAHAN, HUTCHINSON
ABSENT:	COMMISSIONERS:	BARRY

Resolution No. 5353 denied due to the tie vote; meeting minutes shall be deemed the Planning Commission's findings under Garden Grove Municipal Code Section 9.24.100-4.

PUBLIC HEARING: NEGATIVE DECLARATION  
CONDITIONAL USE PERMIT NO. CUP-104-03  
APPLICANT: CINGULAR WIRELESS  
LOCATION: SOUTH OF LAMPSON AVENUE AT THE SOUTHERN CALIFORNIA  
EDISON LAMPSON SUBSTATION  
DATE: MARCH 6, 2003

REQUEST: To allow the construction and operation of a 62-foot tall cellular telecommunications facility disguised as a pine tree with ground-mounted equipment. The site is located on the north side of the Garden Grove 22 freeway and the terminus of Lewis Street in the R-1 (Single Family Residential) zone.

Staff report was reviewed and recommended approval.

Commissioner Nguyen asked if there are any existing monopoles near this proposed site.

Staff stated that an inventory for the number of poles and locations could be obtained.

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

Mr. Brian Stottlemeyer approached the Commission, and expressed his appreciation for staff's assistance. He stated that there is a monopole on Lewis Street and Chapman Avenue, and there are three facilities near Haster Street and Fairview Street near the 22 freeway. Cingular was approved at Vector Control; however, they were unable to collocate because of the height restriction placed on them by the original telecommunications company.

Commissioner Freze noted that they have approved many of these facilities with collocation. Mr. Stottlemeyer stated that the top position is the most favorable, and Cingular does collocate on a facility at the hospital on Garden Grove Boulevard.

Mr. Stottlemeyer stated that he has read and agrees with the conditions of approval.

Ms. Sylvia Compledo of 12521 Hilton approached the Commission. She commented that she takes a lot of pride in her home and feels that this will be unsightly and not beneficial to her or her family. She stated that she also has problems using her cell phone and gets a lot of interference. She stated that she and some of her neighbors are against the request.

Commissioner Hutchinson questioned whether she would even be able to see the pole from her home. Ms. Compledo responded that she would be able to see a 62-foot tall pole.

Vice Chair Jones noted that this location has a power grid with towers and asked if she could see them from her home. Ms. Compledo stated yes, and commented that this monopole will only make the area more visually unappealing.

Mr. Stottlemeyer noted that they need the height that the monopine can provide because of the many tall buildings in this area.

Vice Chair Jones asked if the power grid would interfere with the cell tower, and if so how it would affect transmittal.

Mr. Stottlemeyer stated that the power grid will be a problem, as it will hinder the ability for the frequency to travel a further distance. He provided a photograph of a monopine to Ms. Compledo, and noted that the tower will be designed to appear as a standard pine tree.

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

Chair Butterfield stated that because this will be disguised as a pine tree and there are several other pine trees on this site, it should not be noticeable.

Commissioner Hutchinson commented that many of these poles disguised as trees look almost real, and most people are unaware that the poles are there.

Vice Chair Jones moved to adopt the Negative Declaration and approve Conditional Use Permit No. CUP-104-03, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5352 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

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

PUBLIC HEARING:	CONDITIONAL USE PERMIT NO. CUP-105-03
APPLICANT:	MYONG J. HONG
LOCATION:	WEST SIDE OF EUCLID STREET SOUTH OF WESTMINSTER AVENUE AT 14071 EUCLID STREET
DATE:	MARCH 6, 2003
REQUEST:	To allow an existing liquor store (South Grove Liquor) located in the C-2 (Community Commercial) zone, to continue to operate under an Alcohol Beverage Control Type "21" (Off-Sale, General) license under new ownership.

Staff report was reviewed and recommended approval. Staff noted modifications to the conditions to include the deletion of condition F and the deletion of the second sentence of condition X.

Commissioner Freze noted the high crime in this district and asked if this establishment is contributing to the problem. Sergeant Fowler stated that there is a problem with day laborers that loiter in the area; and crime associated with this have been drug, alcohol, and assault related. However, the police position on this request is that the business should not be penalized, as the crime is not initiated from the establishment.

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

Mr. Dale Washington, representative for the applicant approached the Commission. He stated that the business has security 20 hours a day and that they are working with the police department. He questioned the need for condition J and asked whether it could be modified in order to allow a game such as Pac-man.

Chair Butterfield stated that they do not want to encourage loitering.

Mr. John Petsas, property owner, approached the Commission. He stated that the sign has been repaired and all of the other city requirements have been met.

Chair Butterfield asked Mr. Washington if the applicant understands and accepts the conditions of approval. Mr. Washington stated he would inform the new owner; he asked whether staff would handle the three-year review. Staff stated yes.

Commissioner Nguyen asked if the new owner has any other liquor stores. Mr. Washington stated no.

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

Commissioner Hutchinson moved to approve Conditional Use Permit No. CUP-105-03, seconded by Vice Chair Jones, with amendments to the conditions of approval that include the deletion of condition F. and the deletion of the second sentence in condition X., pursuant to the facts and reasons contained in Resolution No. 5351 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

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

PUBLIC  
HEARING:

CONDITIONAL USE PERMIT NO. CUP-103-03



APPLICANT: KITTIWAT PARIWONG  
LOCATION: WEST SIDE OF HARBOR BOULEVARD SOUTH OF LAMPSON AVENUE AT 12541-12547 HARBOR BOULEVARD  
DATE: MARCH 6, 2003

REQUEST: To allow the expansion of an existing restaurant (Bangkok BBQ) currently operating under a State Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine, Bona Fide Eating Place) license located in the Planned Unit Development No. PUD-121-98 zone.

Staff report was reviewed and recommended approval.

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

Ms. Patcheri Pariwong approached the Commission and introduced herself as the sister to the applicant and business operator. She asked the Commission for approval to expand the restaurant.

Chair Butterfield asked if she has read and agrees with the conditions of approval. Ms. Pariwong stated yes.

Commissioner Hutchinson commented that he is familiar with this restaurant and expressed his appreciation for the food.

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

Chair Butterfield moved to approve Conditional Use Permit No. CUP-103-03, seconded by Commissioner Hutchinson pursuant to the facts and reasons contained in Resolution No. 5349. The motion carried with the following vote:

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

PUBLIC HEARING:  
APPLICANT: DUNG HUNG TANG  
LOCATION: WEST SIDE OF EUCLID STREET NORTH OF BUSINESS CENTER PARKWAY AT 14291 EUCLID STREET #D-101  
DATE: MARCH 6, 2003

REQUEST: To allow live entertainment in the form of karaoke and solo performers at an existing restaurant (Pho Hoa An Restaurant) currently operating under a State Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine, Bona Fide Eating Place) License. The site is located in the Planned Unit Development No. PUD-104-81/86/91 zone.

Staff report was reviewed recommending denial. Sergeant Fowler noted the memo he provided to the Commission that outlined the police department's position in recommending that this request be denied. He stated that he spoke with the gang unit supervisor for this district and that there have been calls for service to this establishment that involved intoxicated patrons, specifically older Asian men, as well as fighting. The police department has filed a report because of the stage and wide screen TV; the business operator was told that these items must be removed.

Commissioner Hutchinson asked whether anyone knew the average age of the establishment's patrons. Sergeant Fowler indicated that most of the patrons are older.

Vice Chair Jones asked how many of the 77 calls for service were directly related to this establishment. Sergeant Fowler stated that this number is minimal and the alarm calls were taken off of the list, with all of the people related calls left on the list. This is a gang area and the gang unit officers do not always make calls into the police department, which would appear on the record.

Commissioner Nguyen asked what the police department is doing to address the crime and whether there has been any action to resolve the crime issues.

Sergeant Fowler stated that they have made numerous arrests and legal action has been taken with one business in this center. They have been able to reduce crime with standard crime fighting procedures.

Vice Chair Jones questioned staff why there was hesitancy from staff to recommend karaoke and whether there was some type of discrimination involved. Staff responded that the crime reporting district, zoning requirements and impact to adjacent properties dictate staff's recommendations for any form of entertainment.

Commissioner Nguyen asked what the difference is between a restaurant having karaoke as opposed to a solo performer, and whether staff was opposed to karaoke because of the noise issue. Staff stated that noise is a concern, but also there is a concern because karaoke involves participation from the customers and becomes a primary draw. Customers may stay longer and drink more, exceeding the ratio of food to alcohol thereby affecting the ability for the restaurant to comply with city code. A solo performer is a professional that provides entertainment as opposed to karaoke, which involves patron participation.

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

Mr. Andy Quach, representative for the applicant, approached the Commission and thanked staff as well as Sergeant Fowler for spending time with him to discuss this application. He noted that this is a high crime area because of businesses that are unrelated to the applicant. They are

being unfairly penalized for the misconduct of the neighboring businesses. The current applicant has operated this restaurant since 1997 and has proven himself to be a steady business owner who pays his taxes. They are not asking for anything that is not allowed by law, and the Planning Commission can review the conditional use permit at any time. He feels that they should at least be allowed to have the live entertainment for a probationary period. A distinction should be made between the nature of the arrests that are made, noting that it is not to the owner's advantage to attract gangsters to his restaurant. This is a pho restaurant and not a nightclub and the stage that was noted by the police officers was probably there for the Chinese New Year. He provided current photographs of the restaurant noting that there is no stages or an amplified sound system, and the establishment is operating as a restaurant. He requested that the Commission help this business out by allowing this request and at least providing a six-month review period. He stated that the type of music that the applicant is proposing is for the older crowd of 45 years and up who just want to drink a little bit, sing a song and go home. He noted that the restaurant closes at midnight and that most of the gang problems occur when the nightclubs close at 2:00 a.m., therefore he doesn't think that this will be a problem.

Commissioner Hutchinson stated that karaoke attracts younger crowds as well as people who want to drink as opposed to eating. Solo performers are completely different than amplified karaoke and this sounds like a request for any type of entertainment.

Mr. Quach responded that most karaoke is done in a place that is compartmentalized and this is an open restaurant. The applicant only plans on using karaoke songs that attract the older patron, specifically so that he doesn't attract the troublemakers.

Commissioner Hutchinson noted that the calls for service included intoxicated older men. Mr. Quach stated that sometimes people become intoxicated without the awareness of the business operator, and that is what the police are there for to respond to these situations.

Chair Butterfield noted that the current conditions of approval require that alcohol be incidental to the sale of food and if people are getting drunk, then they are not eating. There has been an ongoing problem with trash containers and empty boxes kept outside the building, and the applicant has not addressed this problem. Good food is the answer for getting business and karaoke is an invitation for problems. The question was asked how the police were addressing crime in this center; this is the method for addressing these issues, by not allowing a use that will attract problems. This approach is not just for this particular center or one particular group but is applied citywide. She noted that she went by the business and observed the wide screen TV, which is an invitation for people to sit around and drink. This restaurant is not very large and not designed to be a nightclub.

Mr. Quach stated that he has seen a man get drunk at Sizzler and Black Angus. This establishment could not be used as a nightclub because it's not big enough and the owner has been here for six to seven years. At any given time, the Commissioners have the right to review this in six months to ensure compliance. He asked that the Commission give this applicant the same consideration as businesses located just four doors down. The Thai Restaurant located in the same commercial complex applied for and received a conditional use permit for live entertainment in the form of a solo performer, and they would like to have the same privilege.

Vice Chair Jones asked if the applicant would be open to modifying the request and just have a solo performer. Mr. Quach stated yes.

Commissioner Hutchinson asked about removing the wide screen TV, noting that this is not a sports bar. Mr. Quach stated that if the Commission wants to have the TV removed, they would comply.

Chair Butterfield stated that no one would object to having a small screen TV mounted near the ceiling. She asked about allowing a solo performer on a keyboard.

Sergeant Fowler stated that a solo performer to provide non-amplified background music would be acceptable. He noted that a keyboard needs an amplifier, however, a piano would be non-amplified.

Commissioner Freze stated that if there is a stage, there should be room for a piano.

Doug Holland stated that it could be conditioned to allow a solo performer with un-amplified music. He suggested that it would be very difficult to control the type of music played on karaoke.

Mr. Juan Basuto of 5130 West Oakfield approached the Commission. He stated that he has lived in his home for 25 years, and over the last five years there has been an increase in crime in this area that includes shootings and gangs. He does not want this type of business near his home and he is a taxpayer too. He understands that people have to make a living, but there are too many problems, and there is too much noise late at night.

Ms. Sunny Quan approached the Commission. She stated that she has lived west of this center for the last ten years. She noted that her family gets up early in the morning for work and school, and complained about the bright lighting from one of the restaurants, and people singing very loudly late at night. Also, after midnight, cars and motorcycles speed out of the center and there have been accidents. The police have been called because of accidents and drunken people making a lot of noise.

Chair Butterfield told her she needed to continue to contact the police with these complaints. Ms. Quan commented that in the Asian community

there is some fear in calling the police, but she has called. She noted that it is difficult for the police to respond to calls about loud drunken people who are speeding away from the center. She stated that she is against having karaoke, and commented on the unlikelihood of an age distinction of the customers. This center is next to the residential area, and restaurants are for friends and families getting together to talk and eat together without loud music playing.

Mr. Quach approached the Commission and stated that in response to Mr. Basuto's statement, he would not want to live next to these businesses either. He thought that the businesses that were creating these problems for the neighbors are from the nightclub and coffee houses and this restaurant is a little bit different. He noted that Ms. Quan's concerns are correct, but the lights and loud people are not from this restaurant because it closes at midnight. This is a perfect forum to provide grievances to the Commission and more people should come to discuss these concerns. He asked that the Commission set aside the staff recommendation for denial and help this business, as they are an appropriate candidate for this location. If problems arise, the Commission can address the issues right away.

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

Chair Butterfield asked if there have been other complaints about the noise, the lights and loud drunken people. Sergeant Fowler stated yes and that he had been a supervisor in the division that patrols this area, and has witnessed everything that Mr. Basuto and Ms. Quan stated. These problems are mainly from the nightclub.

Commissioner Hutchinson stated that they can't consider this request as it is now, however, he thought that staff should work with the applicant if the applicant is willing to have a solo performer. This would not add to the problems as stated and would be fair to the applicant. If there are any problems that arise then they would need to provide additional security.

Commissioner Freze stated that the large TV should be removed and questioned whether the solo performer should be defined so that there is no confusion about who is allowed to perform.

Doug Holland suggested that the solo performer could be defined as a paid performer. He noted that the Commission could direct staff to come back with a resolution approving the conditional use permit to include standard conditions and the conditions that have been modified per the discussion of the Commission.

Commissioner Hutchinson moved to continue this item and directed staff to prepare a Resolution of approval containing standard conditions as well as the amendments made by the Planning Commission, seconded by Commissioner Freze. The motion carried with the following vote:

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

MATTERS  
FROM

COMMISSIONERS: Chair Butterfield questioned whether staff knew about the Oasis car wash.  
Staff responded that information on the car wash could be brought back  
to the Commission.

MATTERS  
FROM  
STAFF:

None.

ADJOURNMENT: The meeting was adjourned at 9:21 p.m.

TERESA POMEROY  
Recording Secretary