

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
APRIL 21, 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, CHI, KELLEHER, LECONG AND
MARGOLIN

ABSENT: NONE.

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Erin Webb, Senior Planner; Paul Wernquist, Urban Planner; Robert Fowler, Police Department; Dan Candelaria, Civil Engineer; Sarah Yoo, Volunteer Planning Intern; Omar Sandoval, Associate Attorney; 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: Commissioner Kelleher moved to approve the Minutes of January 6, 2005 (previously accepted), seconded by Vice Chair Jones. The motion carried with the following vote:

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

Commissioner Kelleher moved to approve the Minutes of February 3, 2005, seconded by Commissioner Barry. The motion carried the following vote:

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

Vice Chair Jones moved to approve the Minutes of March 3, 2005, seconded by Commissioner Barry. The motion carried the following

vote:

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

Commissioner Barry moved to approve the Minutes of March 17, 2005, seconded by Commissioner Kelleher. The motion carried the following vote:

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

PUBLIC

HEARING:	CONDITIONAL USE PERMIT NO. CUP-158-05
APPLICANT:	MICHAEL TO (TRAN LEGACY, INC.)
LOCATION:	EAST SIDE OF BROOKHURST STREET, SOUTH OF CHAPMAN AVENUE AT 12158 BROOKHURST STREET.
DATE:	APRIL 21, 2005

REQUEST:	To allow an existing restaurant, Legacy Seafood & Steakhouse (previously Hawaii Cafeteria) to operate with an Alcoholic Beverage Control Type "47" License (On-Sale General-Eating Place). The site is in the BCSP-BCC zone (Brookhurst Chapman Specific Plan-Brookhurst Chapman Commercial).
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Staff report was reviewed and recommended approval.

Commissioner Barry referred to the project's chronological history and asked staff to clarify the statement that female employees were soliciting customers for alcoholic beverages.

Staff responded that this activity was called a 'B-girl' violation in which a waitress would sit with a customer and ask that customer to buy her a drink. The customer would buy a drink for the waitress, and one for himself. With the drink price inflated, this would bring in more revenue.

Commissioner Margolin asked if the owner was the same owner. Staff replied that the ABC licensee is the same, B.C. Seafood Restaurant, Inc. (formerly Hawaii Cafeteria), however, as of August of 2004, the applicant, Michael To, is the new owner of Seafood Legacy.

Commissioner Lecong asked how many police officers patrol restaurant area. Staff replied that two officers patrol Beat 1-3 during the day, with one during late night hours.

Commissioner Chi asked staff if the two adjacent businesses closed at the same time as the Hawaii Cafeteria. Staff replied that Hawaii Cafeteria closed at the time of the homicides.

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

Mr. Michael To, the applicant, approached the Commission.

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

Commissioner Chi asked Mr. To to clarify his relationship with the previous owners. Mr. To replied that he has no relationship with the previous owners and stated he purchased the Hawaii Cafeteria before the homicides.

Commissioner Lecong asked Mr. To if he had any experience running a restaurant business. Mr. To replied no.

Commissioner Barry asked Mr. To to clarify the purchase conditions of the restaurant. Mr. To replied that he purchased the business on the condition of the ABC License that he acquired in April of 2004, at which time he started Tran Legacy, Inc.

Commissioner Chi asked Mr. To if he was aware of the previous incidents and that there would be a 30-day suspension of the license. Mr. To replied yes, that he acquired the license after the suspension.

Vice Chair Jones asked Mr. To who has the ABC license at this time and does Mr. To have any affiliation with B.C. Seafood, Inc. Mr. To replied that his own name is on the license and that he has no affiliation with B.C. Seafood, Inc. He added that he had no involvement in the business prior to April of 2004, and explained that no one else is involved in his business except his mother.

Commissioner Margolin asked if the restaurant would have an operating bar. Mr. To replied they would have a long counter area as a 'service bar' only.

One person spoke in favor of the request and two people spoke in opposition to the request.

Mr. To approached the Commission and commented that with the Type "47" License he would be able to sell a variety of alcohols with the customer's meals and added the restaurant would not become a banquet facility.

Commissioner Jones asked Mr. To to elaborate on the restaurant's changes. Mr. To replied that he has seven TVs; he removed the Hawaii motif; the interior wall would be removed; and the center counter would have two of the TVs.

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

Staff commented that current records indicate that B.C. Seafood, Inc. still holds the ABC liquor license.

Commissioner Margolin commented that based on the connections with the previous owners he could support only a Type "41" license at this time, however, if at a later date the restaurant proved to be successful, a Type "47" license might be considered.

Chair Callahan, Vice Chair Jones, and Commissioners Barry, Chi, Kelleher and Lecong agreed with Commissioner Margolin's comments.

Commissioner Margolin moved to approve Conditional Use Permit No. CUP-158-05 to allow an Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine-Eating Place) License, instead of the requested Type "47" (On-Sale General-Eating Place) License, along with the following amendments to the Conditions of Approval:

1. Condition No. 15 – Amend the second sentence to read: "The rear doors shall be kept closed at all times, except for use in emergencies and to permit employee ingress/egress that would allow employees to park in the rear."
2. Condition No. 29 – Add the sentence that "No storage items shall be visible above the height of the screening material."
3. Condition No. 35 – Revise the first sentence to read: "No new satellite dish antennas..."
4. Add Condition No. 47 – "The Conditional Use Permit shall be reviewed six months from the restaurant's start of operation with its revised Type "41" ABC License."

The motion was seconded by Commissioner Lecong, pursuant to the facts and reasons contained in Resolution No. 5493. The motion received the following vote:

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

PUBLIC HEARING:	SITE PLAN NO. SP-367-05
APPLICANT:	JIM TSOU
LOCATION:	SOUTHWEST CORNER OF LAMPSON AVENUE AND MANLEY STREET AT 5262 LAMPSON AVENUE.
DATE:	APRIL 21, 2005
REQUEST:	To construct a new 8,300 square foot two-story commercial building on a half-acre lot that includes a Parking Management Plan for shared parking with the adjacent commercial center. The property was previously improved with a service station and is currently vacant. The site is in the C-1 zone (Neighborhood Commercial).

Staff report was reviewed and recommended approval. One letter of opposition was written by Mr. L. Gary Hunting.

Commissioner Barry asked staff for a definition of 'Light Commercial.' Staff replied that the four first-floor tenants would be retail and the three tenants on the second floor would be two office uses and one dental. With regard to parking, staff commented that the Municipal Code has parking space limitations for specific types of businesses and that uses for this project have been limited to meet the code requirement. Staff also stated that the parking lot would be re-paved and re-stripped to meet code, and there is also a 'clearance letter' from the California Regional Water Board with regard to site contamination.

Commissioner Margolin asked staff if the westward view would be blocked. Staff replied that the property owner to the rear of the site agreed to the new development and that there is an existing pole sign on the adjacent property for existing tenants.

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

Mr. Jim Tsou, the applicant, approached the Commission.

Chair Callahan asked Mr. Tsou if he had read the letter of opposition and the conditions of approval. Mr. Tsou replied yes.

Commissioner Barry asked Mr. Tsou to clarify the proposed building's color scheme. Mr. Tsou replied that he would work with the City on the colors and further stated that the parking study assumed the worst case scenario, and that he does not know who the tenants would be on the first floor.

Two persons spoke in opposition of the project with specific concerns regarding compatibility, driveway locations, and the entering and exiting of the site.

Mr. Jim Tsou approached the Commission and agreed the concerns were valid; however, he commented that he was complying with code.

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

Commissioner Margolin expressed reservations regarding the building's height, the traffic, the first floor units blocking other businesses, the color scheme, the noise, and the unknown tenants. Commissioners Barry and Kelleher cited similar concerns.

Staff commented that several options were available with regard to mitigating the danger of the blind left hand turn at Lampson Avenue; however, all options would have costs for the developer.

Vice Chair Jones moved to adopt the Negative Declaration and approve Site Plan No. SP-367-05, with amendments to the Conditions of Approval as follows:

1. Condition No. 24 – Add this sentence to the end of the paragraph: "The report shall also make recommendations for pavement design of the interior drive aisle and parking spaces."
2. Condition No. 27 – Revise the first sentence to read: "Prior to the issuance of any grading or **building permits** or prior to..."

Add these bullet items:

- Incorporates Treatment Control BMPs as defined in the DAMP.
- Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.

- Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
- Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

The motion was seconded by Commissioner Lecong, pursuant to the facts and reasons contained in Resolution No. 5492. The motion received the following vote:

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

PUBLIC HEARING:
 HEARING: CONDITIONAL USE PERMIT NO. CUP-160-05
 APPLICANT: THERESA NGUYET DAO
 LOCATION: NORTH SIDE OF BOLSA AVENUE, EAST OF WARD STREET AT 10561 BOLSA AVENUE.
 DATE: APRIL 21, 2005

REQUEST: To allow an existing restaurant, Pho Ga-Bo Bolsa, to operate with an original Alcoholic Beverage Control Type "41" License (On-Sale Beer and Wine, Bona Fide Eating Place). The site is in the C-1 zone (Neighborhood Commercial).

Staff report was reviewed and recommended denial. One petition of opposition, containing 12 names, was submitted by Sam and Nila Shah of Westminster.

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

Ms. Theresa Nguyet Dao, the applicant, and her interpreter, Mr. Tran Dinh, approached the Commission and commented that the restaurant was purchased with the idea that the Type "41" license was included in the purchase, however, it was not. Mr. Dinh further stated the restaurant had a previous license with a different owner. Mr. Dinh cited the Business License number to be #212256 (July 1, 2004-June 30, 2005) and that the license was issued to the person and not the restaurant.

Staff commented that a former restaurant at that address did have an ABC license; however, that business is gone and the license has expired.

One person spoke in favor of the request.

Mr. Dinh approached the Commission with a correction and stated that the previous owner had already surrendered his license. He further stated that the document in his possession was a renewal license that had expired on June 30, 2004, and that the previous owner never acted on it.

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

Commissioner Kelleher moved to instruct staff to prepare a resolution of approval, with Conditions of Approval attached, for Conditional Use Permit No. CUP-160-05, and to bring the resolution back to the next regular Planning Commission meeting, seconded by Commissioner Margolin. The motion received the following vote:

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

ITEMS FOR
CONSIDERATION: ADOPTION OF CODE OF ETHICS
DATE: APRIL 21, 2005

REQUEST: An annual acknowledgement for the City's Code of Ethics for Public Officers and Employees.

MATTERS
FROM
COMMISSIONERS: Commissioner Margolin commented that according to several building contractors he had spoken to, Garden Grove has a slow turn around on plan checks. He stated that the City of Cerritos, who uses a plan check firm in Huntington Beach, has a quicker turn around and he wondered if the City of Garden Grove was locked into the San Diego firm Garden Grove currently uses.

Staff commented that the City of Garden Grove is committed to the San Diego firm due to a contractual agreement. Garden Grove uses the San Diego firm for two reasons; San Diego does only plan checks with no design work, and they are within the City's budget. Staff suggested they would investigate potential contract modifications when the San Diego contract comes due in June.

MATTERS
FROM STAFF: Regarding Commissioner Chi's Gilbert Street improvements concerns, staff investigated and didn't see any problems. Staff suggested Commissioner Chi accompany a staff member on another trip to point out any problems.

A brief description of tentative items was read, and those items scheduled for the May 5, 2005 public hearing have been moved to May 19, 2005.

ADJOURNMENT: The meeting was adjourned at 10:45 p.m.

JUDITH MOORE
Recording Secretary