

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
JULY 5, 2012

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 BUI, VICE CHAIR CABRAL
COMMISSIONERS LAZENBY, SILVA

ABSENT: COMMISSIONERS BRIETIGAM, DOVINH, PAK

ALSO PRESENT: James Eggart, Assistant City Attorney; Karl Hill, Planning Services Manager; Chris Chung, Associate Planner; Ed Leiva, Police Sergeant; Judy Moore, Recording Secretary

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of the United States of America was led by Commissioner Cabral, and recited by those present in the Chambers.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Vice Chair Cabral moved to approve the Minutes of May 17, 2012, seconded by Commissioner Silva. The motion carried with the following vote:

AYES: COMMISSIONERS: BUI, CABRAL, LAZENBY, SILVA

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: BRIETIGAM, DOVINH, PAK

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-169-12

APPLICANT: HARBOR PLAZA, LLC

LOCATION: NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND HARBOR BOULEVARD AT 12892-12952 HARBOR BOULEVARD

DATE: JULY 5, 2012

REQUEST: To amend the HCSP-DC (Harbor Corridor Specific Plan-District Commercial) zone to modify Condition (a), for the Professional office (including medical) use, in order to increase the allowable percentage of Professional office (including medical) uses to a maximum of 25% of the total building square footage of a retail shopping development. The site is in the HCSP-DC (Harbor Corridor Specific Plan-District Commercial) zone.

Staff report was read and recommended approval with amendments to the Resolution. One letter of concern was written by Sherry Williams regarding parking issues and medical versus retail issues.

Staff then explained the amendments to the Resolution, which clarified that the zone amendment would indicate what the Municipal Code would allow for all shopping center properties within the Harbor Corridor Specific Plan area; that the amendment was not a specific application for the medical office use; that the Parking Management Plan did not need approval by the Planning Commission as with the adoption of the amendment, the existing Municipal Code provisions would be incorporated for the reduction of state parking requirements pursuant to a Parking Management Plan, which was approved by staff; that staff has reviewed the Parking Management Plan and determined that the Plan was compliant; and, that the amendment applies to all shopping center properties located in the Harbor Corridor Specific Plan-District Commercial zone only, not to other shopping centers in the City.

Staff further explained that in the '90's, provisions allowed medical office uses in shopping centers with a stipulation that the medical offices could not exceed 5% or had a 4,000 square feet limitation; that the intent was to direct medical offices uses to office zones and maintain retail in retail zones; and, that over time, since 1985, tenant uses have changed especially with an increase in medical and dental type uses, which have not created impacts.

Vice Chair Cabral asked staff if the staff report defined the medical use. Staff responded that typical medical offices would be dental, medical, out patient, and surgery center, but not a medical marijuana dispensary.

Chair Bui asked if the parking variance could be applied to other businesses. Staff responded that with less than 25% deviation, the applicant/property owner could prepare a parking analysis to demonstrate there was sufficient parking; and, that exceeding 25% would require a variance.

Commissioner Lazenby questioned the duration of patient visits for the fluctuation of parking. Staff replied that for the general medical use, the visits would be short term.

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

Mr. Jeff Lochner, the applicant's representative, approached the Commission and described the request and stated that the expanded medical use at the Harbor Village Shopping Center would be a general practice with three to four doctors, along with some urgent care and walk-ins.

Chair Bui asked the applicant if he had read and agreed with the amendments. Mr. Lochner replied yes.

Vice Chair Cabral asked for the number of office staff. Mr. Lochner replied that there would be seven to nine staff members in addition to the doctors with general business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, maybe some Saturdays; and, that there would be approximately three patients per doctor per hour.

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

Commissioner Silva asked staff that if the amendment was approved would other shopping centers have to go before the Planning Division to prove the parking plan was compliant? Staff replied yes.

Commissioner Silva asked if the other 13 to 14 tenants were not adverse to the change. Staff replied that only one letter was received with concerns, though that person was not a tenant.

Commissioner Silva asked staff to verify the number of parking spaces. Staff responded that 33 spaces were required by code and 240 spaces were available on site.

Chair Bui commented that with the healthcare program passed, the demand for medical use would increase in the future, and the addition of the medical office would help support the increase.

Commissioner Lazenby moved to recommend adoption of the Negative Declaration and approval of Amendment No. A-169-12, with amendments, to City Council, seconded by Commissioner Silva, pursuant to the facts and reasons contained in Resolution No. 5775-12. The motion received the following vote:

AYES:	COMMISSIONERS:	BUI, CABRAL, LAZENBY, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM, DOVINH, PAK

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-168-12
CONDITIONAL USE PERMIT NO. CUP-575-01 (REV. 12)

APPLICANT: TRONG THAT TON

LOCATION: EAST SIDE OF BROOKHURST STREET, NORTH OF LAMPSON AVENUE AT
12332 BROOKHURST STREET

DATE: JULY 5, 2012

REQUEST: A Zone Change Amendment to rezone the subject property, located at 12332 Brookhurst Street, from C-1 (Neighborhood Commercial) to C-2 (Community Commercial) to operate an existing restaurant with live entertainment in the form of karaoke. Also, to modify the Conditions of Approval for an existing 4,627 square foot restaurant, Chyll, operating under an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License approved under Conditional Use Permit No. CUP-575-01, to extend its business hours and operate from 10:00 a.m. to 12:30 a.m., Monday through Wednesday, and from 10:00 a.m. to 2:00 a.m., Thursday through Sunday; and, to allow live entertainment in the form of karaoke. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was read and recommended approval with amendments to the Resolutions. One letter was written by Judy Rippe regarding noise concerns.

Commissioner Silva asked staff if the existing Conditional Use Permits (CUP) on the site include the \$1,000 Administrative Citation. Staff responded that the old CUP did not include the condition, however, the condition would be included in the new conditions and was already included within the Municipal Code, therefore the City would currently have the authority to levee a \$1,000 Administrative Citation for violations

of the conditions now; and, that the current CUP has the provision that the Chief of Police could reduce the hours of operation.

Commissioner Silva asked staff to confirm that this request for live entertainment included the option of karaoke seven days a week. Staff replied yes, that the entertainment hours were the same as the business hours.

Vice Chair Cabral asked for the current hours of operation. Staff replied the business was permitted to close at 11:00 p.m. Sunday through Thursday and at 12:00 a.m. Friday and Saturday; that so far, there have not been noise complaints, however, Police have been on the site four times since May 2011 for self-initiated business checks and one dispatch for assault.

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

Mr. Trang That Ton, the applicant, approached the Commission and stated that he would like to do good in the City.

Chair Bui asked the applicant if he had read and agreed with the Conditions of Approval. He replied yes.

Commissioner Silva reiterated that there were no boundaries on the entertainment and questioned if the applicant needed the ability seven days a week. Mr. Ton replied that seven days was not necessary, however, he would like karaoke on the weekends when his business was open later on Friday, Saturday, and Sunday.

Chair Bui noted the letter of concern regarding noise issues especially from honking cars and slamming car doors in the parking lot. Mr. Ton was aware of the problems and would likely increase security, however, he did not feel the noise level was significant.

Commissioner Lazenby asked how late the food was served. Mr. Ton replied that service ended 30 minutes prior to closing and that the practice would continue with the extended hours.

Ms. Judy Rippe, a nearby resident, approached the Commission and stated that the noise level was significant with yelling and honking horns especially during the week; that her bedroom was right over the parking lot; that Royal Seafood turns down their music, however, Chyll and Royal Seafood have their back doors open and there were no trees to buffer the noise; that the weekday hours were radical, especially for those that get up early for work; that there was not much time for restful sleep as she was awakened when the patrons would leave the restaurant.

Ms. Robin Ireland, a teacher, approached the Commission and stated that the weekend noise was all right, however, during the week was a concern as she rises early to be at school at 7:30 a.m.

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

Commissioner Silva asked if the Planning Commission had discretion over the hours of operation and karaoke. Staff replied that the discretion was absolute and that the language of the CUP could be modified.

Commissioner Silva then suggested that the hours of operation to be 10:00 a.m. to 11:00 p.m. Sunday through Thursday and from 10:00 a.m. to 2:00 p.m. Friday through Saturday; that live entertainment and karaoke be allowed on Friday and Saturday only; and, that the open rear door was already a violation that needed to be enforced.

Commissioner Lazenby asked for requirements to keep the business noise level down and for the distance between the residents and the railroad right-of-way. Staff responded that the right-of-way was approximately 100 feet wide with the houses sitting further back; that the distance from the restaurant to the right-of-way was a few feet; and, that the noise could be limited by reducing the hours of operation.

Commissioner Lazenby asked if the live music included karaoke, a one-man band, or a keyboardist with a singer. Staff replied yes.

Vice Chair Cabral asked how the conditions for various restaurants could be enforced when the businesses have different hours of operation and live entertainment on different days of the week.

Staff responded that the Alcoholic Beverage Control Type "41" licensed establishments that serve beer and wine have consistent closing times at 10:00 or 11:00 p.m.; that with Type "47" businesses serving beer, wine and hard liquor, other factors, such as zoning, are considered; that this restaurant has a 100 foot buffer with no residents next door; that if problems arise, there are tools such as the Chief of Police having the authority to reduce hours; that the inconsistencies with hours makes patrol more difficult; that the goal was to make the Type "41" hours consistent, however, the Type "47" hours vary on a case by case basis; and, that the businesses should have a copy of the conditions of approval on site at all times.

Commissioner Lazenby asked if there was a closing time standard for all of the ABC businesses. Staff replied no, however, hours could be modified.

Chair Bui asked that if the hours were 10:00 a.m. to 12:30 a.m. Monday through Friday and 10:00 a.m. to 2:00 a.m. on weekends and the noise level bothered residents, how many noise occurrences would warrant a reduction of hours? Staff responded that Condition No. 40-f states that amplified noise and vibrations shall not be audible from the outside and if officers were called and heard the music, a citation could be issued.

Chair Bui then asked about the parking lot noise, that when the officers arrive, the incidents may be over. Staff commented that the goal would be for the officers to develop a relationship with the applicant; and, that the incidents could be difficult to enforce.

Commissioner Silva stated that he wants the business to be successful and the neighbors to be able to sleep; and, that there should be a rational reason for the business to stay open late during the week.

Staff responded that the applicant believed later hours would help the business to be more successful, with food, alcohol, and entertainment; that the Planning Commission could limit the hours and entertainment; and, that the police department could restrict the hours whether the issues were inside or outside.

Vice Chair Cabral asked for the On the Rocks Bar and Grill restaurant restrictions on entertainment. Staff responded that karaoke was Friday and Saturday with a 2:00 a.m. closing time, and the two-piece band was permitted throughout the business hours, with weekday closing times at 11:00 p.m.

Staff added that with three administrative citations issued for decent violations, a case could be brought back for revocation of the CUP; and, that the information should be documented to compile a record for consequences.

Chair Bui expressed that he was more concerned about the parking lot issues as these were a nuisance to the residents.

Commissioner Silva then suggested that if the applicant was a good operator, he could come back for later hours during the week. Staff agreed and stated that the hearing body would likely be the Zoning Administrator.

Staff also clarified that the case had two recommendations; that the first resolution would make a recommendation to the City Council to change the zoning from C-1 to C-2; that the second action would approve a conditional use permit, which changes the hours of operation and entertainment contingent upon the City Council approval of the zone change; and, that if the applicant did not agree with the Commission's action, the applicant would have to separately appeal the second CUP action.

Commissioner Lazenby asked if the zone change was necessary. Staff replied yes, that the action was a prerequisite for the applicant to ask for live entertainment as live entertainment was not allowed in C-1.

Commissioner Lazenby then asked if karaoke could be limited to Friday and Saturday nights. Commissioner Silva agreed, adding that live entertainment could occur on the other nights, with background music similar to On the Rocks Bar and Grill as live entertainment would be a part of the dinner process, versus karaoke, which was an attraction.

Chair Bui commented that the live entertainment during the week did not bother the residents as much as the parking lot noise; and, that limiting the hours to 11:00 p.m. would help.

Chair Bui commented that Asians like to eat, drink, and have a little entertainment and re-opened the public hearing. He asked the applicant if closing at 11:00 p.m. Sunday through Thursday, and at 2:00 a.m. Friday through Saturday was acceptable. The applicant replied yes and added that people liked to eat, drink, and sing with karaoke and a one-man band.

Commissioner Silva clarified that live music would be seven days a week with an option for karaoke or a one-man band on Friday and Saturday nights.

The applicant added that the one-man band would be one man with his instrument; and, that karaoke would require two people.

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

Staff reiterated the proposed changes for Resolution No. 5772-12 to be that the business hours would be extended from 10:00 a.m. to 11:00 p.m. Sunday through Thursday, and from 10:00 a.m. to 2:00 a.m. Friday through Saturday; and, that live entertainment would be allowed in the form of a one-man band with amplified sound and a stage seven days a week, with karaoke on Friday and Saturday only. In addition, the proposed conditions of approval would be partly modified as follows:

Condition No. 13 – Hours of operation shall be permitted only between the hours of 10:00 a.m. and 11:00 p.m. Sunday through Thursday, and 10:00 a.m. to 2:00 a.m. Friday and Saturday. The City reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise concerning the operation of the business.

Condition No. 40 – Subsection a. – Live entertainment shall be limited to karaoke/one-man band with amplified sound. Karaoke shall only be allowed on Fridays and Saturdays.

Commissioner Silva moved to recommend adoption of the Negative Declaration and Amendment No. A-168-12 to City Council, and approve Conditional Use Permit No. CUP-575-01 (REV. 12), with amendments, seconded by Commissioner Lazenby, pursuant to the facts and reasons contained in Resolution Nos. 5771-12 (A) and 5772-12 (CUP). The motion received the following vote:

AYES:	COMMISSIONERS:	BUI, CABRAL, LAZENBY, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM, DOVINH, PAK

MATTERS FROM
COMMISSIONERS:

Commissioner Lazenby pointed out that on the northeast corner of Ward Street and Woodbury Road, a stop sign was not visible because the sign was installed behind a telephone pole. He added that the situation was a safety issue and needed to be changed. Staff responded that the information would be forwarded to the Motor Sergeant to look at on Monday.

Vice Chair Cabral asked if the Next Level Sports Complex parking issue had been resolved. Staff replied yes, that there have been no complaints; that the facility staff observed the clientele and stacking of cars on Knott Street near the wedding chapel; and, that the two southbound through lanes were typically heavy traffic on weekends and driveway access was not hindered.

Vice Chair Cabral then asked if charging for parking was written into a CUP. Staff responded that businesses could charge for parking, similar to hotel parking; that the Municipal Code does not have a restriction to not charge for parking; and, that through observation, the wedding chapel parking was problematic, however, residents were not sure who was causing the parking issues.

Commissioner Lazenby asked if the church across the street had resolved their parking issues. Staff responded that there was an agreement for overflow parking.

Commissioner Lazenby added that previously, he was in favor of leaving the fire gate open for exit access to the facility's parking lot. Staff

responded that the residents did not want the access from the rear area and that the Knott Street intersection was a busy location.

Staff encouraged the Planning Commissioners to visit the two multi-court sports facilities on Knott Street and Acacia Avenue, and at Western Avenue and Lampson Avenue as the facilities were doing well.

Commissioner Silva asked if a traffic study took into account the charge for parking. Staff was not sure, however, a five dollar charge per car would likely not affect a parking analysis.

Commissioner Lazenby asked if the parking charge was to make extra money or because of the chapel and surrounding business traffic overflow. He also noted that some businesses validate parking with a stamp for clientele.

Staff was not sure of the revenue sources regarding paying for the sports facility; that the complex has approached the City regarding signage for sponsorship advertising on the building's exterior, and the City said 'no'; and, that the one facility on Lampson Avenue and Western Avenue has sponsorship signs on the their courts.

Vice Chair Cabral pointed out that a few indoor complexes in Huntington Beach charge for parking, entrance, and food.

MATTERS FROM STAFF:

Staff stated that the Thursday, July 19, 2012 Planning Commission meeting would be cancelled and read a brief description of the agenda items for the Thursday, August 16, 2012 Planning Commission meeting.

ADJOURNMENT:

Vice Chair Cabral moved to adjourn the meeting at 8:30 p.m., seconded by Commissioner Lazenby. The motion received the following vote:

AYES:	COMMISSIONERS:	BUI, CABRAL, LAZENBY, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM, DOVINH, PAK

JUDITH MOORE -Recording Secretary