

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
FEBRUARY 2, 2006

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 JONES, VICE CHAIR MARGOLIN,
COMMISSIONERS CALLAHAN, CHI, LECONG, PIERCE
ABSENT: None.
VACANCY: One.

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Paul Wernquist, Urban Planner; Maria Parra, Associate Planner; Robert Fowler, Police Department; Dan Candelaria, Civil Engineer; Judith Moore, Recording Secretary.

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

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Pierce moved to approve the Minutes of January 5, 2006, seconded by Chair Jones. The motion carried with the following vote:

AYES: COMMISSIONERS: CALLAHAN, CHI, JONES, LECONG, PIERCE
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: MARGOLIN

PUBLIC HEARING: NEGATIVE DECLARATION
SITE PLAN NO. SP-387-06
TENTATIVE TRACT MAP NO. TT-17006
VARIANCE NO. V-135-06

APPLICANT: MIKE LEE
LOCATION: EAST SIDE OF JOSEPHINE STREET, SOUTH OF LAMPSON AVENUE AT
12612 JOSEPHINE STREET
DATE: FEBRUARY 2, 2006

REQUEST: Site Plan approval to construct eight (8) two-story residential dwelling units; Variance approval to deviate from the required 10'-0" separation between the driveway and the units; and Tentative Tract map approval to

create a one-lot subdivision for the purpose of selling each unit as a condominium. The site is in the R-3 (Multiple-Family Residential) zone.

The case was continued to a date uncertain.

PUBLIC
HEARING: CONDITIONAL USE PERMIT NO. CUP-178-06
APPLICANT: KEA SUN GONG
LOCATION: SOUTH SIDE OF TRASK AVENUE, EAST OF MAGNOLIA STREET AT 9872
 GARDEN GROVE BOULEVARD
DATE: FEBRUARY 2, 2006

REQUEST: To modify the conditions of approval for Conditional Use Permit No. CUP-372-97 to allow the existing restaurant to operate until 1:30 a.m. daily. Currently, the restaurant is required to close at 10:00 p.m. The site is in the C-2 (Community Commercial) zone.

Staff report was reviewed and recommended approval. Six letters were written from Assemblyman Van Tran, Sukhee Kang, Councilman from the City of Irvine, the Korean American Seniors Association of Orange County, Inc., the Koreatown Police Booster Association, the Korean Chamber of Commerce, and the Korean American Federation, and were submitted in support of the request in addition to a 180-signature petition.

Chair Jones asked staff for clarification on the seating capacity of the restaurant. Staff replied that per State Building Code requirement, the restaurant could not exceed 49 occupants due to the exiting requirements.

Commissioner Callahan asked staff if the number of police staff for that area has changed from a year ago. Staff replied no, that at 10:25 p.m. a shift ends reducing the number of officers to two officers, then at 2:25 a.m. the shift reduces to one officer.

Commissioner Lecong asked staff to explain the criteria that allows the other restaurants to be open past 11:00 p.m. Staff referred to the itemized list of restaurant establishments that operate under the Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine) License with Conditional Use Permit approval to operate after 11:00 p.m. Staff explained that several approvals were granted by the City Council on an appeal; or the businesses were established in the early 1970's before operating hours were regulated; or hours were memorialized in the late 1990's when the businesses were granted their Conditional Use Permits.

Commissioner Lecong asked staff if Garden Grove is interested in establishing an entertainment area.

Staff replied that staff is exploring the idea for the area from Brookhurst Street to Beach Boulevard, and Harbor Boulevard International West area, to be zoned as entertainment districts, though the identification of ongoing financial support would be required to pay for additional officers. Staff pointed out that in exchange, there would be the possibility of extended restaurant hours and additional licenses for businesses, however, implementing the program would take time, probably at least one year.

Commissioner Pierce asked staff how much police activity pertained to the

restaurant.

Staff relayed that police service included complaints of the late hours and the sales of alcohol to minors. Staff also pointed out that in February of 2005, an arrest was made for sale of alcohol to minors, and that shortly thereafter, the owner was approached and told he was in violation of his Conditional Use Permit with regard to the restaurant's operating hours. The owner had then asked what could be done to extend his hours. Staff added that other calls to the center and to the area were related to drunk in public, drunk driving, arrests, and assault reports; however, the 'sales to minor' case was the trigger for this Conditional Use Permit.

Commissioner Chi asked staff to cite specific dates for the instances. Staff replied that after the arrest the restaurant has not had problems.

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

Mr. Bart Kasperowicz, the applicant's representative, approached the Commission and clarified that the change of ownership occurred in March of 2005; that there were no other events after February; that the new owners may face bankruptcy due to the imposed limitations; and that the owners and patrons are responsible, professional, and respectful. He also asked what determining factors allowed the Tofu House, a restaurant in the same district, to be open 24 hours.

Staff replied that the Tofu House was denied by the Planning Commission; however, the case was appealed to City Council and was approved due to the Tofu House being a non-problematic chain restaurant.

Mr. Steve Kwon, Dr. Robert Ha, Mr. Joseph Pak, Mr. Mindo Tenreiro and Ms. Wendy Yoo each approached the Commission and expressed their support for the request.

Ms. Jaime Gong, daughter of the owner, approached the Commission and stated that her family had assumed the restaurant hours were until 2:00 a.m. daily; however, a few months ago, an officer had told the family that per the current Conditional Use Permit, the restaurant must close at 10:00 p.m. Ms. Gong added that they have complied with the closing hours since then, and that the officer had suggested they apply for a Conditional Use Permit to extend the restaurant's operating hours.

Mr. Bart Kasperowicz approached the Commission.

Chair Jones asked Mr. Kasperowicz if the applicants had read and agreed with the conditions of approval, with special regard to the floor plan and 49 seat issues. Mr. Kasperowicz replied yes, and that the 1:30 a.m. extended hours would be required for the restaurant's success.

Staff commented that the staff and Police Department recommendations were not based on any wrong-doing by the current owner, and that it is Police Department and City staff policy that restaurants have set hours in the City of Garden Grove; however, there are a few exceptions and that is

why hours were set with regard to setting future precedents.

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

Commissioner Callahan expressed his concern with regard to future applicant's business hours and that this issue needs to be addressed more closely.

Commissioner Chi pointed out that the Jang Toh Restaurant is similar in type to a German Hof with regard to camaraderie and kinship; that the food is similar with the serving of fried chicken and beer, which is consistent with a Denny's or Coco's restaurant; that the concentration of ABC licenses is due to the high number of Korean businesses; that Far Eastern business is typically conducted with food and drink; that Garden Grove should capitalize on the City's diversity; that he would support the extended hours of 1:30 a.m. with the addition of a probation period to revoke the Conditional Use Permit should there be problems; and that the formation of entertainment districts in Garden Grove should be expedited.

Vice Chair Margolin commented that the real issue is the precedent the approval would set which would ultimately affect police service. Commissioner Pierce concurred.

Commissioner Chi asked staff if future funding would be available for the Police Department to increase the number of officers.

Staff replied that the increase in the number of police officers depends on the budget. Staff further added that additional police officers would not be put on patrol, but be placed in specialty positions that had been cut; however, if the budget allowed, the City Council could direct that additional officers be assigned to a certain district.

Chair Jones asked staff if a probation period was an option. Staff replied yes, however, a temporary permit could not be issued. Staff explained that the restaurant would have the right to operate under the approved permit and that sufficient evidence would be required to revoke it.

Commissioner Lecong commented that with the support shown, the restaurant must be good; that the licenses are concentrated, but there are no problems; that he has sympathy for any family who wants to make a good living; that he would like to support staff's recommendation, however, everyone has the right for equal opportunity; and that he would like to see the extended hours due to the restaurant's 20 year reputation.

Commissioner Pierce asked staff why the restaurant hours were changed in 1997. Staff replied that the general policy at that time was to bring the hours into conformance.

Commissioner Callahan moved to approve Conditional Use Permit No. CUP-178-06 with the conditions of approval as written with the staff's recommendation. The motion failed.

Commissioner Lecong moved to approve Conditional Use Permit No.

CUP-178-06, with an amendment to the conditions of approval to extend the restaurant hours to 1:30 a.m., seven days a week. The motion was seconded by Commissioner Chi, pursuant to the facts and reasons contained in Resolution No. 5532. The motion carried with the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-388-06
APPLICANT: TINA THAO HO
LOCATION: WEST SIDE OF JEFFERSON STREET, SOUTH OF LARSON AVENUE AT 13171 JEFFERSON STREET
DATE: FEBRUARY 2, 2006
REQUEST: To construct two (2) detached, two-story, multiple-family residential units, each with an attached two-car enclosed garage. The combined living area is 4,845 square feet on a 10,125 square foot lot. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was reviewed and recommended approval.

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

Mr. Tom Nguyen, the applicant's representative, approached the Commission and cited that the development meets all of the requirements; a Variance was not requested; the development would enhance the community; and there would be no traffic impact.

Chair Jones asked Mr. Nguyen if the owner had read and agreed with the Conditions of Approval. Mr. Nguyen replied yes.

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

Vice Chair Margolin commented that the development would be an improvement to the area.

Vice Chair Margolin moved to approve Site Plan No. SP-388-06, seconded by Commissioner Callahan, pursuant to the facts and the reasons contained in Resolution No. 5533. The motion carried with the following vote:

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

MATTERS
FROM
COMMISSIONERS: None.

MATTERS
FROM STAFF: Staff read a brief description of future agenda items for the Planning Commission meeting on February 16, 2006, and promoted the opportunity for the Planning Commissioners to attend the Planner's Institute meeting on March 22-24, 2006, in Monterey, California.

ADJOURNMENT: The meeting was adjourned at 8:50 p.m.

JUDITH MOORE
Recording Secretary