

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
AUGUST 5, 2004

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 JONES, VICE CHAIR CALLAHAN, COMMISSIONERS BARRY, BUTTERFIELD, HUTCHINSON, KELLEHER, AND NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Paul Wernquist, Urban Planner; Noemi Bass, Assistant Planner; Maria Parra, Acting Assistant Planner; Robert Fowler, Police Department; Bill Murray, City Engineer; Tony Aquino, Associate Engineer; Judy Moore, 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 JONES, VICE CHAIR CALLAHAN, COMMISSIONERS BARRY, BUTTERFIELD, HUTCHINSON, KELLEHER, AND NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Paul Wernquist, Urban Planner; Noemi Bass, Assistant Planner; Maria Parra, Acting Assistant Planner; Robert Fowler, Police Department; Tony Aquino, Associate Engineer; Judy Moore, Recording Secretary.

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

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Butterfield moved to approve the Minutes of July 15, 2004, seconded by Commissioner Hutchinson. The motion carried with the following vote:

AYES: COMMISSIONERS: BUTTERFIELD, CALLAHAN, HUTCHINSON, JONES, KELLEHER, NGUYEN

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: BARRY

ABSENT: COMMISSIONERS: NONE

PUBLIC
HEARING: CONDITIONAL USE PERMIT NO. CUP-140-04
APPLICANT: BOK SOON SIN
LOCATION: EAST SIDE OF GALWAY STREET, NORTH OF GARDEN GROVE BOULEVARD
AT 12942 GALWAY STREET, UNITS B AND C.
DATE: AUGUST 5, 2004
REQUEST: To allow an existing restaurant, Hanuri Restaurant, to operate with an original Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine) License. The site is in the C-2 (Community Commercial) zone.

Staff report was reviewed and recommended denial.

Commissioner Butterfield asked staff about the degree of crime in a high crime area and what is the cause of crime in this area. Staff replied that a high crime count is 20 percent over the city average. The specific district crime counts can then be calculated to find the over or under percentage of crime in a certain area. Service calls to this area, and the center across the street, are typically related to alcohol.

Commissioner Barry asked staff why existing licenses have not been revoked for selling liquor after hours. Staff replied that after-hour sales are only one of the violations in the area, and revoking a license is a long process. In this area, there have been no citations, only documentation in reports. The violations can be specifically related to the businesses in the area, but not Hanuri Restaurant.

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

Mr. Mehdi Bahador, the property owner, approached the Commission and stated he has owned the property for fourteen years without problems.

Commissioner Hutchinson asked how long Hanuri Restaurant has been in business. Mr. Bahador replied fifteen months.

Commissioner Barry asked why the applicant is asking for an alcohol license now. Mr. Bahador replied that business is slow and that the applicant wants to improve his business.

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

Staff pointed out that adding alcohol to a business dramatically changes activity at that business, and that service calls are directly related to the alcohol.

Commissioner Hutchinson commented that issuing an alcohol license raises the potential to increase the crime count of the site to that of the above average count across the street. He also stated that there are 31 licenses in the area when only 13 are permitted, and that not every restaurant needs beer and wine.

Commissioner Butterfield commented that the alcohol license would not make a difference in the restaurant's business, and that adding another license to the overage of permitted licenses would only encourage more problems.

Vice Chair Callahan commented that granting additional licenses is an issue that should be looked at, as well as alcohol violations.

Commissioner Barry commented that she has a problem with businesses not complying with the law and believes that to deny the alcohol license would be penalizing a potential, legitimate business for the errors of others.

Commissioner Kelleher stated that he supports the Police Department, though as a City, we need to take a stand with the liquor licenses and law-breakers.

Commissioner Nguyen commented that she supports the Police Department; however, small business competition should be fair, and we should address the violators by revoking licenses.

Chair Jones commented that the areas where liquor licenses are concentrated may be more manageable.

Commissioner Barry suggested that though she would vote for denial of the license, she would hope the applicant would appeal to City Council.

Commissioner Hutchinson moved to deny Conditional Use Permit No. CUP-140-04, seconded by Commissioner Barry, pursuant to the facts and reasons contained in Resolution No. 5442. The motion received the following vote:

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

PUBLIC HEARING:	CONDITIONAL USE PERMIT NO. CUP-142-04
APPLICANT:	JIM K. SEONG
LOCATION:	SOUTHEAST CORNER OF KATELLA AVENUE AND GILBERT STREET AT 9510 KATELLA AVENUE.
DATE:	AUGUST 5, 2004
REQUEST:	To allow the transfer of ownership of an Alcoholic Beverage Control Type "21" (Off-Sale General) License for an existing liquor store, Melodia's Liquor. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended approval.

Commissioner Butterfield commented to staff that the light standard, at the northwest corner, had one light instead of two, and that the pole needed to be painted.

Commissioner Barry questioned the approval of the ABC license transfer if three licenses are allowed in the district, and five are on record. Staff replied that the Police Department can not dispute the transfer of an application unless there are issues with the owner. This off-sale license will not directly cause crime related to the liquor store, probably only the general area. This is not the same as crime directly related to a restaurant that sells liquor. If a restaurant were to open in the same center, and requested an ABC License, all the statistics would be addressed prior to a similar request.

Commissioner Barry asked if a one-year review would be appropriate. Staff replied yes.

Commissioner Hutchinson stated that denial of this transfer of license would deny the owner his business. Staff replied that the license transfer process will be a means of monitoring the business, and a chance to impose additional conditions to better control the area.

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

Mr. Jim Seong, the applicant, approached the Commission and stated that he has worked at his father's business, Melodia's Liquor, since 1995, and that he will be taking over his father's business.

Commissioner Butterfield asked if Mr. Seong had read and understood the conditions of approval. Mr. Seong replied yes and that the light pole will be painted. He also commented that there is sufficient light in the parking lot and that the light that is missing is behind a sign.

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

Commissioner Butterfield moved to approve Conditional Use Permit No. CUP-142-04, with amendments to Condition No. 36, which shall state that there will be a one-year review, and a review every three years thereafter, and Condition No. 37 shall read that the northwest corner pole be painted, seconded by Vice Chair Callahan, pursuant to the facts and reasons contained in Resolution No. 5445. The motion received the following vote:

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

PUBLIC
HEARING:

NEGATIVE DECLARATION
SITE PLAN NO. SP-348-04
CONDITIONAL USE PERMIT NO. CUP-141-04

APPLICANT:
LOCATION:

GALAXY OIL COMPANY
NORTHWEST CORNER OF HARBOR BOULEVARD AND BANNER AVENUE,
NORTH OF THE SR-22 FREEWAY AT 13321 HARBOR BOULEVARD.

DATE:

AUGUST 5, 2004

REQUEST:

To add two fuel dispensers and a new storage tank to an existing gas station/convenience market, as well as increase the canopy size and add 976 square feet of market space. Also, a Conditional Use Permit to allow the convenience market to operate with an Alcoholic Beverage Control Type "20" (Off-Sale Beer and Wine) License. The site is in the HCSP-TZS (Harbor Corridor Specific Plan-Transition Zone South) zone.

Staff report was reviewed and recommended approval. One letter of opposition was written by Carmen and Carlos Bartholomae.

Commissioner Butterfield asked staff if the trash enclosure is conditioned to be in 'good condition.' Staff replied they could incorporate the language into the conditions.

Staff pointed out, that on Page No. 3 of Resolution No. 5440, sub-topic Conditional Use Permit, Item No. 1, the sentence stating that 'the selling of alcoholic beverages in conjunction with the convenience market is an integral part of the retail business, should be deleted.

Commissioner Barry asked staff to define the words 'public convenience.' Staff replied that 'public convenience' is broader than the 'convenience' of one individual.

Commissioner Barry asked staff how close the other three off-sale liquor licenses are to the site property. Staff replied that one license is across Banner (AM PM) and another by the auto parts store.

Vice Chair Callahan asked if the entitlements must be approved as a package. Staff replied that they did not, however, all of the components are integrated.

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

Mr. James Caiopoulos, the principal of Galaxy Oil Company, approached the Commission and commended staff. He stated that the redeveloped station would add beautification to the corner and would bring in profit until the new station could be built; their vision is long term. With regard to 'public convenience,' he commented that people park at the station and run across the street to buy liquor.

Mr. Harry Heady, the design consultant, approached the Commission and stated that the State law for the allowable height of a big rig truck is 14'-0". The request for the 16'-6" canopy height would allow clearance for the whip antennas on big rig trucks.

Mr. Caiopoulos stated that their plan is to service all customers on Harbor Boulevard, including big rigs, therefore they will carry diesel fuel. He also referred to the Condition No. 34 time frame regarding deliveries, and stated that the times refer to merchandise. There can be no restriction on fuel deliveries, which can come 24 hours a day. Also, with regard to the satellite dish antennas, every station's Point of Sale (POS) system operates via satellite and the system will be 'below site'. With regard to Condition No. 14, he further stated that all pay phones will be removed.

Commissioner Butterfield asked staff if the change of the canopy height of 16'-6" is for the service of big rig trucks. Staff replied yes and for aesthetic reasons also.

With regard to Condition No. 34 concerning deliveries, staff interjected that the condition could be modified by adding language, that except for fueling, other deliveries have limited delivery times. Staff will check and confirm the applicant's statements regarding fuel deliveries.

Commissioner Hutchinson asked about the sales percentage of beer and wine. Mr. Caiopoulos replied that the sales are important, because 25-30% of customer traffic purchases alcohol.

Commissioner Barry also noted Condition No. 14 regarding pay phones, which states that the words 'adjacent to the premises' should be revised to 'on the premises'. Staff agreed.

Commissioner Barry referred to Condition No. 38, and requested clarification regarding the satellite dish. Staff replied that the intent is to screen the dish from view.

Vice Chair Callahan asked if staff could support the 16'-6" canopy height. Staff replied yes.

With regard to Condition No. 34, staff recommended leaving the language as is unless the applicant can produce evidence that fuel deliveries cannot be regulated, and once the exception has been confirmed, then the condition will be modified.

Staff also reminded the Commission of the letter of opposition, and a copy was handed to the applicant. The applicant had no comments.

Commissioner Kelleher asked what the separation would be between the service station and the residential property. Mr. Caiopoulos replied that there will be a six-foot wall and a 20 foot wide driveway.

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

Commissioner Butterfield moved to adopt the Negative Declaration and approve Site Plan No. SP-348-04 and Conditional Use Permit No. CUP-141-04, with amendments to Condition No. 14 stating that payphones 'adjacent to the premises' should be revised to 'on the premises,' Condition No. 43 should read that a block wall should contain the trash enclosure and be in good condition, and Condition No. 47 read that the canopy height should be revised from 14'-0" to 16'-6", seconded by Commissioner Barry, pursuant to the facts and reasons contained in Resolution No. 5440. The motion received the following vote:

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

PUBLIC HEARING: TENTATIVE PARCEL MAP NO. PM-2004-147
APPLICANT: FOOD PARTNERS, LLC
LOCATION: NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND EUCLID STREET AT 12951 EUCLID STREET.
DATE: AUGUST 5, 2004
REQUEST: To subdivide a 79,096 square foot parcel into two lots; one 30,430 square foot lot and one 48,666 square foot lot. The site is in the CCSPMX33 (Community Center Specific Plan, Mixed Use District No. 33) zone.

Staff report was reviewed and recommended approval. Also, staff recommended Condition D, regarding curbing, be waived.

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

Mr. Scott Aliborn, a representative of the applicant, approached the Commission.

Commissioner Butterfield asked Mr. Aliborn if there are plans to sell the property. Mr. Aliborn replied that he is the real estate management company handling the asset on behalf of the owner and the long term plans are not clear.

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

Commissioner Butterfield moved to approve Tentative Parcel Map No. PM-2004-147, including the waiving of Condition D, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5441. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-4-04
PLANNED UNIT DEVELOPMENT NO. PUD-104-04
SITE PLAN NO. SP-349-04
TENTATIVE TRACT MAP NO. TT-16732
DEVELOPMENT AGREEMENT
APPLICANT: D. R. HORTON
LOCATION: SOUTH SIDE OF CHAPMAN AVENUE, EAST OF HARBOR BOULEVARD AT 12662 CHAPMAN AVENUE.
DATE: AUGUST 5, 2004
REQUEST: To change the General Plan Land Use designation, from Recreational Commercial to Medium High Residential, with an increase of the maximum density range from 42 to 48 dwelling units per acre, and a rezoning to Planned Unit Development. Also, a Site Plan approval to develop the 4.56 acre lot with a four story condominium development with 220 units and two-level parking. A Tentative Tract Map is also

proposed for the sale of the units. The site is in the HCSP-TCB (Harbor Corridor Specific Plan- Tourist Commercial B) zone.

Chair Jones moved to continue the case to August 19, 2004. The motion received the following vote:

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

MATTERS
FROM

COMMISSIONERS: Commissioner Barry asked staff if one-year liquor license reviews, with reviews every three years thereafter, could be a standard condition. Staff replied that this condition could be incorporated.

Commissioner Nguyen asked if the City has authorization to enter a vacant house located at Robert and Chapman, and also noted that there is a trailer in the backyard that may have people living in it. Staff replied that this may be an issue of sub-standard housing and that they need the site address to check the property.

Commissioner Hutchinson commented, according to Commissioner Butterfield, that the roof tiles at the Ralph's shopping center appear to match. Staff commented that several complaints have come in regarding the center's landscaping, roof tiles, mono-pole, lighting, Cypress trees, generator, cell tower and idling trucks. A meeting has been set up with the property manager to discuss all of these issues.

MATTERS
FROM STAFF:

Staff relayed the status of the Valley View Center appeal to City Council. The project has been continued to August 10, 2004. Both parties, including staff, have met to discuss and resolve issues regarding McDonald's.

Sergeant Fowler asked the Commissioners if there were materials he could provide to clarify the Police Department's position on alcohol issues, including perhaps another study session on the topic.

Chair Jones commented that reading materials regarding alcohol issues would be a good idea.

ADJOURNMENT: The meeting was adjourned at 9:10 p.m.

JUDITH MOORE
Recording Secretary