

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
Dept: City Manager
Subject: AN APPEAL OF AMENDMENT
NO. A-155-10

From: Susan Emery
Dept: Community Development
Date: May 25, 2010

OBJECTIVE

To transmit the Planning Commission staff report regarding a request for an amendment to the CCSP-OP (Community Center Specific Plan – Office Professional) zone to add 'coffeehouse' as a permitted use within the Office Professional sub district, Area 9. The property is located on the northeast corner of Lampson Avenue and Euclid Street at 12460 Euclid Street.

BACKGROUND**Proposed Project A-155-10:**

The subject site is a 22,925 square foot lot developed with an 8,800 square foot, two-story office building. The subject property has a General Plan land use designation of Office Professional and is zoned CCSP-OP9 (Community Center Specific Plan – Office Professional, Area 9). The subject property is adjacent to a CCSP-OP9 zoned property to the north, R-1 (Single-Family Residential) zoned properties to the east, CCSP-PR13 (Community Center Specific Plan – Peripheral Residential, Area 13) zoned properties across Lampson Avenue to the south, and CCSP-OP8 (Community Center Specific Plan - Office Professional, Area 8) zoned properties to the west.

The subject two-story office building has eight (8) units, which are approximately 1,100 square feet each in size. Currently, six (6) of the existing units are occupied by tenants, while the remaining two (2) units are vacant.

History of the Project:

April 1, 2010: The Planning Commission considered Amendment No. A-155-10 which was a proposal to amend the CCSP-OP (Community Center Specific Plan – Office Professional) zone to add 'coffeehouse' as a permitted use within the Office Professional sub district, Area 9. The Planning Commission voted 5 to 1 to adopt Resolution No. 5711 to deny Amendment No. A-155-10. The main issues discussed at the meeting were in relation to the proposed restaurant/food use not complying with the property's zoning and land use designations of Office Professional, a shortage of parking spaces per the parking calculations, and a lack of compatibility of the proposed use to the existing neighboring uses.

Three (3) members from the public came forward and spoke in favor of the project. Additionally, there were also members from the public who spoke in opposition to the project.

DISCUSSION

Appeal of the Proposed Project:

Mr. My Van Nguyen has appealed the Planning Commission's decision to deny Amendment No. A-155-10 to the City Council to consider the project. In Mr. Nguyen's appeal, he expressed financial hardship including his efforts to fill his vacancies in his office building. Mr. Nguyen is requesting that the City Council review the appeal and take the appropriate action.

FISCAL IMPACT

Project approval may result in an unspecified fiscal impact through a drain on Police resources. There is no fiscal impact to the City regarding denial of this Amendment.

RECOMMENDATION

Staff recommends that the City Council:

- Uphold the Planning Commission's decision to deny Amendment No. A-155-10, and thereby deny the Appeal of the Amendment, as indicated on the attached City Council Resolution.



SUSAN EMERY
Community Development Director

By: Chris Chung
Assistant Planner



Approved for Agenda Listing



Matthew Fertal
City Manager

- Attachment 1: Appeal Form
- Attachment 2: Planning Commission Staff Report dated April 1, 2010
- Attachment 3: Planning Commission Resolution No. 5711
- Attachment 4: Planning Commission Minute Excerpt dated April 1, 2010
- Attachment 5: Draft City Council Resolution denying the Appeal of Amendment No. A-155-10

A P P E A L

Request for City Council or Planning Commission
Public Hearing

RECEIVED
CITY OF GARDEN GROVE
CITY CLERK'S OFFICE
2010 APR 21 P 4:53

TO: CITY CLERK
CITY OF GARDEN GROVE

Pursuant to Section 9.24.110 of the Municipal Code (see reverse), I hereby appeal the decision of the CIRCLE ONE (Planning Commission) / Zoning Administrator in Case No. A-155-10, and petition the CIRCLE ONE (City Council) / Planning Commission for a public hearing to consider CIRCLE ONE (approving) / denying / modifying) the subject application for the following reasons:

I would like to ask for conditional use or a variance for just one unit next to lampson to be used to sell cold drink, coffee and snack. to help me this difficult time of our economy. My current vacancy is 50% - Please allow me to open this business, it will help me to reduce the vacancy and it also to help some people in the city to have new jobs.
Thank you.

My Nguyen

(Use additional sheets if necessary)

Date: 4/21/2010 Appeal Fee (see reverse): _____

Appellant: My Nguyen

Address: 12460 Euclid St

City & ZIP: Garden Grove CA Daytime Phone No.: (714) 454-5718

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Northeast corner of Lampson Avenue and Euclid Street, at 12460 Euclid Street
HEARING DATE: April 1, 2010	GENERAL PLAN: Office Professional
CASE NOS: Amendment No. A-155-10	ZONE: CCSP-OP9 (Community Center Specific Plan – Office Professional, Area 9)
APPLICANT: My V. Nguyen	APN: 090-072-58
PROPERTY OWNER: My V. Nguyen	CEQA DETERMINATION: N/A

REQUEST:

A proposed Amendment to the CCSP-OP (Community Center Specific Plan – Office Professional) zone to add 'coffeehouse' as a permitted use within the Office Professional sub district, Area 9.

PROJECT STATISTICS:

<u>LOT SIZE:</u>	22,925 sq. ft.
<u>BUILDING SIZE:</u>	8,800 sq. ft.
<u>NUMBER OF UNITS:</u>	8 (1,110 sq. ft. per unit)
<u>BUILDING HEIGHT:</u>	Approx. 25'-0" (two-story office building)
<u>PARKING (on the lot):</u>	37 total spaces

BACKGROUND:

Staff received a request from the property owner of the property located at 12460 Euclid Street for a Code Amendment to allow 'coffeehouse' as a permitted use in the CCSP-OP (Community Center Specific Plan – Office Professional) zone because he is interested in establishing a 'coffeehouse' within the office building located on the subject site.

The subject site is a 22,925 square foot lot developed with an 8,800 square foot, two-story office building located on the northeast corner of Lampson Avenue and Euclid Street. The subject property has a General Plan land use designation of Office Professional and is zoned CCSP-OP9 (Community Center Specific Plan – Office Professional, Area 9). The subject property is adjacent to a CCSP-OP9 zoned property to the north, R-1 (Single-Family Residential) zoned properties to the east,

CCSP-PR13 (Community Center Specific Plan – Peripheral Residential, Area 13) zoned properties across Lampson Avenue to the south, and CCSP-OP8 (Community Center Specific Plan - Office Professional, Area 8) zoned properties to the west.

The subject two-story office building has eight (8) units, which are approximately 1,100 square feet each in size. Currently, six (6) of the existing units are occupied by tenants, while the remaining two (2) units are vacant.

DISCUSSION:

AMENDMENT:

The applicant is requesting approval of an Amendment to the CCSP-OP (Community Center Specific Plan – Office Professional) zone to add 'coffeehouse' as a permitted use within the Office Professional sub district, Area 9. Currently, the CCSP-OP zone does not permit this type of use.

The CCSP-OP (Community Center Specific Plan – Office Professional) zone establishes uses that are allowed in Section 9370.3.3 Study Area, subsection (b) Office Professional (OP) District. The following is the zoning and uses designation for the specific site:

2) Regulations and Standards

- | | |
|--------------------|---------------------------|
| a. Primary Use: | Office Professional |
| b. Secondary Use: | Service Commercial |
| c. Base District: | O-P (Office Professional) |
| d. Permitted Uses: | |

Day Care Centers (subject to Conditional Use Permit), Advertising Agencies, Financial Institutions, Barber Shops & Beauty Salons, Contractor's Office, Day Treatment Hospital, Dental Laboratories, Employment Agencies, Laboratories, Medical-Dental Building,

Outdoor Food Vendors, subject to the following regulations: (a) A Conditional Use Permit is required. (b) A Conditional Use Permit application shall have the approval of the property owner of the site of which the vendor will operate. (c) Vendors shall not be located within any required off-street parking space or aisle for vehicular circulation. (d) Vendors shall be restricted to selling food products only and shall be approved by the Orange County Health Department prior to the issuance of a Conditional Use Permit. (e) The Conditional Use Permit shall have an annual review by the Zoning Administrator. (f) Vendors are expressly prohibited on public sidewalks and public streets. (g) Outdoor food vendors in conjunction with grand openings or special event sales shall be regulated by Section 9503.16 of the Municipal Code. (Added by Ordinance No. 2083, dated December 19, 1988, amended by Ordinance No. 2124, dated August 21, 1989.)

Prescription Pharmacies, Private Clubs, Professional Offices, Public Parking Areas, Public Utility Commercial Offices, Real Estate, Insurance, and Stock Brokers, Signs (as specified herein), Similar Business and Professional Offices, Surgical Supply Sales, Telephone Answering and Secretarial Services, Travel Agencies. Other uses are permitted subject to the determination of the Advisory Agency as outlined in General Provision #10.

The subject site is zoned CCSP-OP9 (Community Center Specific Plan – Office Professional, Area 9). The applicant's intent is to amend the CCSP-OP zone to add 'coffeehouse' as a permitted use. A 'coffeehouse' use is classified as a restaurant/eating establishment type use that is permitted in zones C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park). A 'coffeehouse' use is not permitted in the O-P zone. The primary intent of the CCSP-OP (Community Center Specific Plan – Office Professional) zone is to provide general office opportunities, with an emphasis on office support facilities, of moderate scale and quality as well as ancillary and support uses, which reinforce and contribute to the convenience of office complex clientele and employees. The proposal to allow 'coffeehouse' as a permitted use is contrary to the intent of the zone.

A 'coffeehouse' use forecasts for higher vehicle trip frequency since the business operates more as a "food-to-go" type establishment. The increase in parking demand as well as the proposed commercial type use projects for higher traffic activity of cars going in and out of the subject lot. Staff has noticed a trend throughout the City of Garden Grove related to 'coffeehouse' uses. Many 'coffeehouse' establishments tend to exceed the maximum occupancy allowed as well as provide unapproved outdoor patio dining areas, which by code would require additional parking. Furthermore, it is often the case that illegal outdoor patio-dining areas obstruct path-of-travel including ADA (Americans with Disability Act) requirements. These activities tend to cause potential parking problems for not only the main use, but the neighboring uses as well. Finally, with the potential increase in traffic activity, Staff also has concerns with potential noise impacts because the subject lot directly abuts residential properties to the east.

At a recent site visit, it appeared to Staff that the parking lot had been recently re-paved and the parking spaces re-striped. A 2008 aerial of the subject lot shows a total of 37 total parking spaces. Today, there are 41 counted total parking spaces. However, these newly striped parking spaces are approximately seven to eight feet wide and do not meet City standards for parking stall sizes, which are nine (9) feet wide by nineteen (19) feet deep. Therefore, the additional four (4) spaces created by the re-striping cannot be counted towards the number of additional parking provided and the total number of parking spaces provided remains at 37.

Per City code, parking requirements are based on the type of use. A general business office requires one (1) space per 250 square feet of gross floor area. Parked at this ratio, thirty-six (36) parking spaces would be required. A 'coffeehouse' use would be

parked at one (1) space per 100 square feet of gross floor area with a minimum of eleven (11) spaces. If 7,700 square feet of the office building were parked at one (1) space per 250 square feet of gross floor area for office use and 1,100 square feet for food use, then forty-two (42) parking spaces would be required. This would result in a parking deficiency of five (5) spaces. Based on past trends of 'coffeehouses' within the City, a 'coffeehouse' use is not a compatible or appropriate use within the subject zoning designation that is intended for office uses. There are other commercial zones within the City that are developed to accommodate the proposed use.

A letter of opposition to the proposed 'coffeehouse' use was received from the public. The letter noted that the subject site has limited parking spaces and that the property is in close proximity to a middle school. Additionally, it was noted that the corner of Euclid Street and Lampson Avenue is a very busy and traffic heavy intersection and would not be conducive to handling the proposed use with the deficiency in parking.

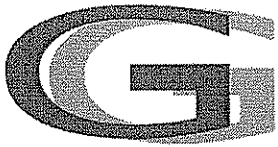
RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Deny Code Amendment No. A-155-10.

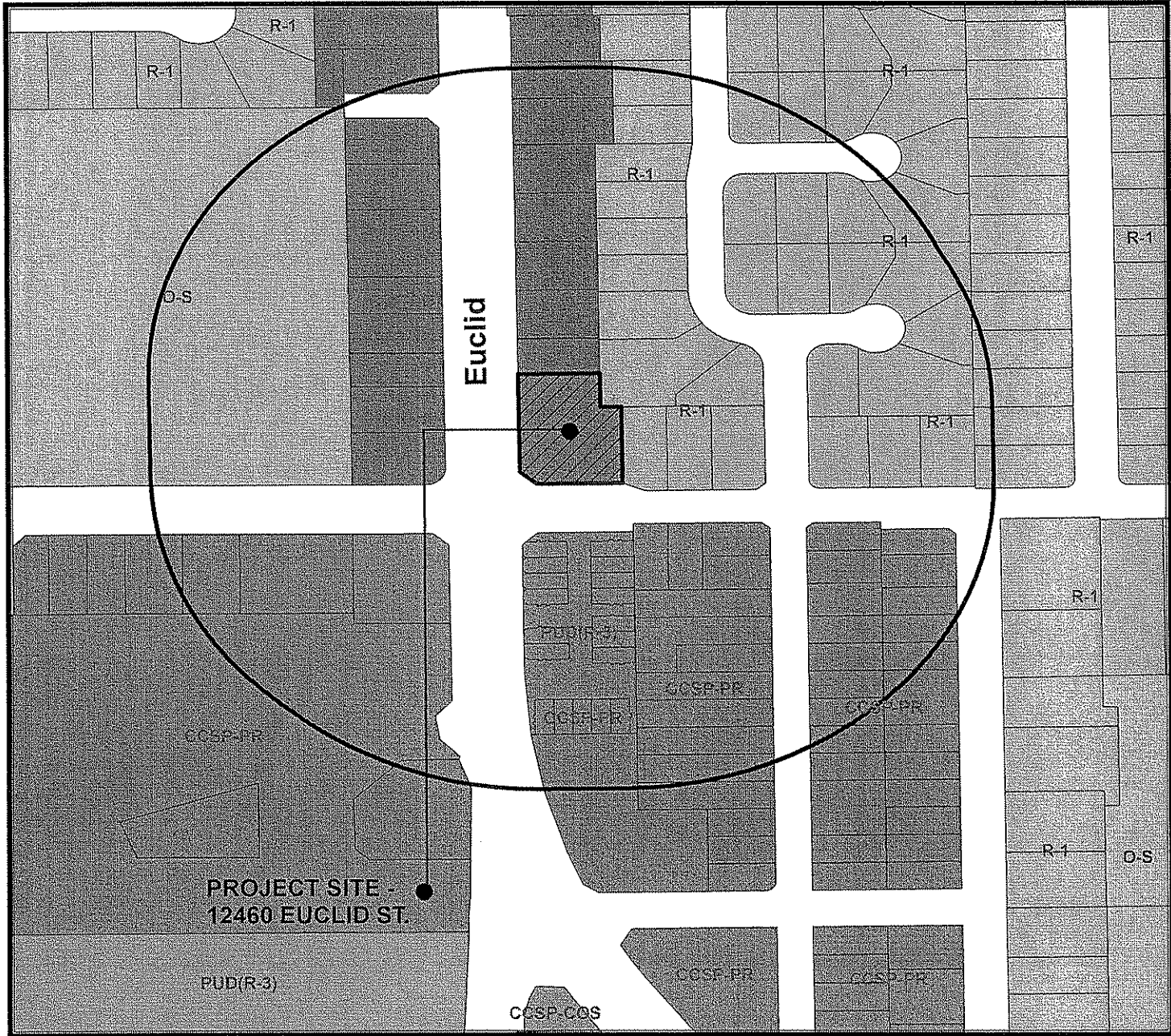
Karl Hill
Planning Services Manager

By: Chris Chung
Assistant Planner



GARDEN GROVE

AMENDMENT NO. A-155-10



LEGEND

 PROJECT SITE - 12460 EUCLID ST.

 500 FEET RADIUS

NOTES

1. GENERAL PLAN: OFFICE PROFESSIONAL
2. ZONE: CCSP-OP9 (COMMUNITY CENTER SPECIFIC PLAN-OFFICE PROFESSIONAL, AREA 9)



CITY OF GARDEN GROVE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 GIS SYSTEM
 MARCH 2010

March 12, 2010

City of Garden Grove
Planning Division
11222 Acacia Parkway
Garden Grove, CA 92840

Case number: **AMENDMEN NO. A-155-10**

Gentlemen:

In response to the Official Notice of Public Hearing on the Amendment for a Coffeehouse to be permitted on the Northeast corner of Lampson Avenue and Euclid Street at 12460 Euclid Street.

The corner office building has limited parking spaces, not enough are provided if all the offices are leased out. Also it is located close to a middle school that could cause a problem with students and patrons standing at the corner after or before entering the business. It is a very busy corner with buses, cars and students going both ways on each side of the street. The Southeast corner is blind and that is why cars are not able to turn right from Lampson on to Euclid on a red light.

The Starbucks at Euclid and Chapman doesn't have enough parking and the traffic is easily backed up on Euclid because of the limited parking and the drive-through window. We do not need a coffee shop at every corner; it is less than a block away from Starbucks.

The downtown has many places to get coffee etc. and it would take business away from the "downtown" businesses that need our support with the downward turn in the economy.

Please do not change the Zoning at CCSP-OP9 (COMMUNITY CENTER SPECIFIC PLAN – OFFICE PROFESSIONAL, AREA 9).

Sincerely,



Dorothy Reckahn
12351 Pine Street
Garden Grove, CA 92840

March 22nd, 2010
Garden Grove, Ca, 92840

Attn: Planning Division Dept
11222 Acacia Pkwy
Garden Grove, Ca 92840

To whom it may concern:

I live on 12511 Pepperwood Dr.

(Euclid/Lampson) and totally opposed
the opening of a "coffeehouse" in this
corner. There are thousand of reasons why the
City should must deny the authorization. Among

the reasons:

- 1) residential area

- families

- children

- 2) High school & 2 Elementary schools
are too close to the area

- 3) Noise, traffic,

- 4) "Coffeehouses" sell alcohol, prostitutes,

- 5) Easy/closed access for minors to
ditch school

Please, **DENY/REJECT** this opening.

thanks,

Esther Uribe

RESOLUTION NO. 5711

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE DENYING AMENDMENT NO. A-155-10, AN AMENDMENT TO THE CCSP-OP (COMMUNITY CENTER SPECIFIC PLAN – OFFICE PROFESSIONAL) ZONE TO ADD 'COFFEEHOUSE' AS A PERMITTED USE WITHIN THE OFFICE PROFESSIONAL SUB DISTRICT, AREA 9.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on April 1, 2010, does hereby deny Amendment No. A-155-10, for the property located on northeast corner of Lampson Avenue and Euclid Street, at 12460 Euclid Street, Parcel No. 090-072-58.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-155-10, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by My V. Nguyen.
2. The applicant is requesting approval of an Amendment to the CCSP-OP (Community Center Specific Plan – Office Professional) zone to add 'coffeehouse' as a permitted use within the Office Professional sub district, Area 9.
3. Report submitted by City staff was reviewed.
4. Pursuant to a legal notice, a public hearing was held on April 1, 2010, and all interested persons were given an opportunity to be heard.
5. The Planning Commission gave due and careful consideration to the matter during its meeting of April 1, 2010; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The CCSP-OP (Community Center Specific Plan – Office Professional) zone currently does not list 'coffeehouse' as a permitted use. The proposed Amendment would add 'coffeehouse' as a permitted use in the CCSP-OP zone within the Office Professional sub district, Area 9.

FINDINGS AND REASONS:

1. The subject site has a General Plan Land Use Designation of Office Professional and is zoned CCSP-OP (Community Center Specific Plan – Office Professional). Eating establishments are not permitted in this zone. In reviewing the applicant's request, the Community Development Department is recommending

that the proposed amendment to the CCSP-OP zone to add 'coffeehouse' as a permitted use be denied. The Amendment is not consistent with the goals, policies and elements of the General Plan, which encourages compatibility between land uses. A low level of compatibility would exist between the proposed use and the surrounding properties given the deficiency in parking, increase in traffic on-site, and potential noise issues to the nearby residences.

2. The addition of 'coffeehouse' as a permitted use in the CCSP-OP (Community Center Specific Plan - Office Professional) zone may potentially jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The potential negative impacts of the proposed 'coffeehouse' use will not be compatible with the intended character of the area since the subject property is in proximity to the residential neighborhood to the east as well as an elementary school to the west. Approval of the application may detract from the peaceful environment of these properties, especially considering the potential negative impacts, which may include increased traffic flow on and off the site and noise issues with the adjacent residential neighborhood.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Amendment does not possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.30. The Planning Commission denies Amendment No. A-155-10.

ADOPTED this 1st day of April, 2010

/s/ KRIS BEARD
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on April 1, 2010, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH
NOES:	COMMISSIONERS:	TRAN
ABSENT:	COMMISSIONERS:	NONE
VACANCY:	COMMISSIONERS:	ONE

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is April 22, 2010.

DRAFT MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-155-10
APPLICANT: MY V. NGUYEN
LOCATION: NORTHEAST CORNER OF LAMPSON AVENUE AND EUCLID STREET AT 12460
EUCLID STREET
DATE: APRIL 1, 2010

REQUEST: To amend the CCSP-OP9 (Community Center Specific Plan – Office Professional, Area 9) zone to add 'coffeehouse' as a permitted use within the Office Professional sub-district. The site is in the CCSP-OP9 (Community Center Specific Plan – Office Professional, Area 9) zone. Staff report was read and recommended denial. Two letters in support of the denial were submitted by Dorothy Reckahn and Esther Uribe.

Vice Chair Bui asked staff to clarify the size of the proposed coffeehouse. Staff replied that each tenant space is 1,100 square feet in size.

Chair Beard asked staff if the 'no right turn on red', when heading west on Lampson Avenue, is due to the volume of traffic. Staff replied yes, due to the speed and volume of traffic on Euclid Street. Commissioner Ellsworth added that the area has a blind curve.

Commissioner Cabral asked staff to clarify Esther Uribe's written comment no. 4 stating 'coffeehouses –sell alcohol, prostitutes'. Staff explained that certain coffeehouses have characteristics that the resident believes could occur. Staff also added statistical information from January 2009 to present to indicate that events connected to the 38 coffeehouses in Garden Grove include smoking violations, assaults, weapons, alcohol, drugs, and gang related crimes, and that ten of the coffeehouses are Starbucks.

Commissioner Ellsworth asked Staff to clarify the proposed hours of operation as issues include exceeding maximum occupancy, crime issues, traffic, and that a school is nearby. Staff replied that hours have not been specified.

Chair Beard asked if there are any current coffeehouses located in the CCSP-OP zones. Staff replied no, that they are located in commercially zoned areas.

Vice Chair Bui asked Staff to clarify the difference between this coffeehouse and the Starbucks located at Euclid Street and Chapman Avenue. Staff responded that all coffeehouses are to operate under the coffeehouse ordinance, however, the independent coffeehouses have more problems.

Staff added that if the request were for a Starbucks, the recommendation would still be for denial as the location and the zone are the primary concerns.

Chair Beard asked staff to clarify the re-striping and adding of parking spaces in the parking lot. Staff stated that the City typically works with the applicant, however, the new stalls were not sized per code.

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

Mr. My Nguyen, the applicant, approached the Commission and stated that his center has more than fifty percent vacancy and this new business would draw additional tenants; that current tenants do not have a break area; that his establishment would sell coffee, sodas and food to go; that drivers cut through his parking lot because of the 'no right on red' stop sign on Lampson Avenue; that the coffeehouse would be open during business hours from about seven to eight a.m. to approximately six or seven p.m.; that the space is small; that he has more than 40 parking spaces; and that he would have only one or two chairs.

Vice Chair Bui asked if Mr. Nguyen wanted to open a daily shop. The applicant replied yes.

Chair Beard asked the applicant if he already had a tenant for the coffee house. The applicant replied yes, but not Starbucks.

Chair Beard asked the applicant to clarify the parking lot reseal and re-striping. Mr. Nguyen replied that he resealed and re-striped approximately one month ago and that he confirmed the striping dimensions with the Planning Staff, that he could use a minimum of eight feet for the stall width for twenty percent of the parking.

Commissioner Ellsworth commented that the applicant's plan is preliminary. The applicant responded that his plan is to sell coffee and that his prospective tenant does not run another coffeehouse in the City; that he would not do anything out of the ordinary; and that he would submit an application later if he was interested in outdoor seating.

Mr. Dieu Nguyen, a worker in the center, approached the Commission and expressed that he would support a coffeehouse in which he could buy a soft drink while on break.

Mr. David Nguyen, a worker in the center, approached the Commission and stated that the re-striped parking lot has not been a problem; and that he would support the owner's plan as his intentions are good.

Mr. Paul Studer, a resident across from the office building, approached the Commission and stated that his concern was that the coffeehouse would turn into something bigger later on.

Chair Beard asked Mr. Studer if a fast food business would make the area busier. Mr. Studer replied no, based on the applicant's description, however, if the business were a full-service coffeeshop like Starbucks, that might be an issue. He also agreed that the one access point to the association was a blind turn and that the main access is on Lampson Avenue.

Commissioner Cabral asked Mr. Nguyen how long he has owned the building. The applicant replied since 2006.

Dr. Kent Salholm approached the Commission and stated that he is considering moving into the center and expressed his concerns with parking, traffic, and the previous tenant issues, however, he stated the coffee house would be a good fit.

Staff added that two or more years ago, a prior tenant was a massage parlor that was acting as a house of prostitution; and that the wrong type of coffeehouse would be a concern for the Police Department.

The applicant added that he does not want illegal activity in his building.

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

Staff noted that if the coffeehouse were approved, the parking spaces would be deficient by five parking spaces; that when coffeehouses do well, they tend to bring in more customers; that there is a Starbucks nearby if needed; and that this approval would be for a 'use' at this location.

Commissioner Tran asked Staff if a deli would be allowed in lieu of a coffeehouse. Staff responded that the food type use would still require a code amendment to allow for such activity and that the parking ratio would remain the same.

Commissioner Bonikowski asked Staff how the Starbucks at Chapman Avenue and Euclid Street was approved with insufficient parking. Staff responded that the Starbucks is smaller; that the parking calculations were met for the zoning code; that all the tenants are now food tenants and that creates the greatest parking demand; and that Planning Commissions now limit the tenant space for food users to prevent parking problems.

Commissioner Ellsworth asked Staff that if approved, could a later tenant expand? Staff responded that zoning dictates the uses; that conditional use permits run with the land, and that a new owner could be a bad operator and

the coffeehouse could become problematic, which could include juveniles being truant in the day time and hanging around.

Vice Chair Bui commented that the applicant describes the business as more of a deli than a coffeehouse. Staff responded that per the Municipal Code, the definition of a coffeehouse is an establishment where the main stock and trade is brewed coffees, teas, and other nonalcoholic beverages for on site consumption, which may be accompanied by snack foods either packaged or fresh.

Commissioner Cabral asked Staff if the applicant spoke to the Planning Staff regarding the size of the re-striped parking spaces. Staff replied that up to twenty percent could be compact spaces; that there was no parking plan submitted nor mentioned, and the site visit and aerial views confirmed that spaces abutting the building were 9'-0" wide and that perimeter wall spaces were 7'-0" wide.

Commissioner Cabral expressed that she understood the need for a coffeehouse in this good location, however, considering Staff's concerns regarding the loss of control with the zone change, she would support Staff's recommendation of denial.

Chair Beard asked Staff that if the coffeehouse business expanded later, would the parking requirements change? Staff responded that the parking ratio would be re-calculated for the expanded use and that a condition could limit the coffeehouse size to 1,100 square feet for coffeehouses as an ancillary use to an office professional tenant.

Vice Chair Bui added that it is not clear if the coffeehouse parking meets code. Staff responded that if the applicant would re-stripe per code, he would meet the requirement, however, the parking would probably increase by two spaces, but be deficient by three.

Commissioner Tran commented that he understood the parking code violations, safety concerns, and the economic impact regarding the fifty percent vacancy; that a parking correction could take place; that a deli is not a great concern; that people spoke positively on the applicant's behalf; and that he would support the request as long as the deli did not expand.

Commissioner Bonikowski asked Staff if the hours of operation could be restricted. Staff responded yes, that the Commission could recommend development standards for this zone; and added that only two tenant spaces are vacant, not fifty percent.

Chair Beard re-opened the public hearing to receive additional testimony in favor of or in opposition to the request.

The applicant stated that of his three tenants upstairs, one tenant had used two spaces, but left in October, leaving two vacancies upstairs; that along with the two vacancies downstairs, and half of one other leased, his total vacancy is more than fifty percent.

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

Vice Chair Bui commented that the coffeehouse zoning code is too general; that limits on the hours of operation could help prevent crimes; that the coffeehouse should be limited to 1,100 square feet; that a new parking plan may or may not address the parking issue and the parking issue should be addressed before a decision is made.

Staff responded that the Planning Commission could direct Staff to bring back a revised resolution of approval addressing the hours of operation, the 1,100 square feet size, a verification of parking, and possibly a conditional use permit just for this zone.

Commissioner Bonikowski commented that he would support the project if there were a parking plan and restrictions on limiting hours of operation from between six to seven a.m. to eight p.m. due to the possible crime issues.

Commissioner Ellsworth expressed his concerns with noise, traffic, homes and schools nearby, crime issues during both daytime and evening hours, the permanency of the zone change, and that the building is a professional building, not a commercial building.

Staff added that, at this time, the property owner only has professional use rights, not commercial rights; that once the commercial right is granted, the right is difficult to take away and runs with the property.

Chair Beard stated that the facts of the parking code, the traffic, and possible expansion are issues; and, that he would support the project if there was enough parking, however, he would support the denial.

Commissioner Cabral moved to recommend approval of the denial of Amendment No. A-155-10, seconded by Commissioner Ellsworth, pursuant to the facts and reasons contained in Resolution No. 5711. The motion received the following vote:

AYES:	COMMISSIONERS: BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH
NOES:	COMMISSIONERS: TRAN
ABSENT:	COMMISSIONERS: NONE
VACANCY:	COMMISSIONERS: ONE

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION
TO DENY AMENDMENT NO. A-155-10

WHEREAS, the case, initiated by the My V. Nguyen, requested approval of an Amendment to the CCSP-OP (Community Center Specific Plan – Office Professional) zone to add 'coffeehouse' as a permitted use within the Office Professional sub district, Area 9, for property located on the northeast corner of Lampson Avenue and Euclid Street, at 12460 Euclid Street, Assessor's Parcel No. 090-072-58; and

WHEREAS, pursuant to Resolution No. 5711, the Planning Commission, at a public hearing on April 1, 2010, denied Amendment No. A-155-10; and

WHEREAS, pursuant to legal notice, a public hearing was held by the City Council on May 25, 2010, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of May 25, 2010.

NOW, THEREFORE, BE IT FURTHER RESOLVED:

1. The City Council denies the appeal and upholds the Planning Commission's decision to deny Amendment No. A-155-10, based upon the facts, findings and reasons set forth in Planning Commission Resolution No. 5711.

A copy of Planning Commission Resolution No. 5711 is on file in the office of the City Clerk and incorporated herein by reference with the same force and effect as set forth in full.

Garden Grove City Clerk
Planning Commission

RECEIVED 5/13/10
CITY OF GARDEN GROVE
CITY CLERK'S OFFICE
Amendment A155-10
2010 MAY 17 A 11:20

To whom it may concern:

As a Homeowner at this address since
1971 (38 yrs) I will support the
NARS Approval of the Special of
Ordinance No A155-10

I do not wish to the address
Coffeehouse at 12450 Euclid St

Thomas J. Durkin

5-19-10

914-591-5310

tdurkin1@att.net



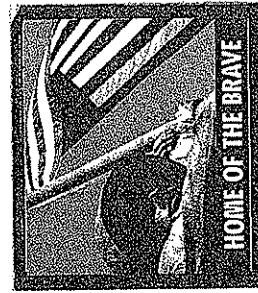
Thomas Durkin
12411 Walnut Ave.
Garden Grove, CA 92840-3330



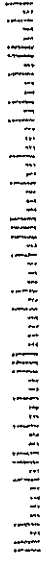
SANTA ANA CA 92706

14 MAY 2010 PM 4 T

Thomas Durkin
12411 Walnut Ave
Garden Grove CA 92840-3330



*City of Garden Grove
Planning Commission
11226k Dearson Dr
Garden Grove, Ca 92840*



92840+3306

*Pub Hearing
Case A-155-10*

City Planning Division

RECEIVED
CITY OF GARDEN GROVE
CITY CLERK'S OFFICE

2010 MAY 17 A 11:20

Public Meeting

Case A-155-10

To whom it concerns:

I support the Non Appeal
of ammendment A-155-10.

I do not want the zoning
issue changed to allow
"another" coffee-house at
12460 Euclid in the
city of Garden Grove.

this was already ruled on
once, lets spend my tax
money & your time on
something more substantial.

J. Burk Jr. 5/14/10
Thomas J. Burk Jr.
12381 Walnut St. CA.



POSTAGE WILL BE PAID BY ADDRESSEE

SANTA ANA CA 92701

18 MAY 2008 PM 4 L

City of Garden Grove
~~41222~~ Acacia Hwy
Garden Grove, CA 92840

Planning Serv. Div.
CASE # A-15510