

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
SEPTEMBER 1, 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, KELLEHER, LECONG AND
MARGOLIN

ABSENT: COMMISSIONER CHI (Joined meeting at 7:15 p.m.)

ALSO PRESENT: Susan Emery, Community Development Director; Jason Retterer, Associate Attorney; Maria Parra, Assistant Planner; Robert Fowler, Police Department; Sarah Yoo, Planning Intern; 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: Chair Callahan moved to approve the Minutes of August 18, 2005, seconded by Commissioner Barry. The motion carried with the following vote:

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

CONTINUED PUBLIC HEARING:

SITE PLAN NO. SP-371-05
CONDITIONAL USE PERMIT NO. CUP-168-05
VARIANCE NO. V-128-05

APPLICANT: ROY FURUTO
LOCATION: NORTH SIDE OF WESTMINSTER AVENUE, WEST OF MAGNOLIA STREET
AT 8851 WESTMINSTER AVENUE.
DATE: SEPTEMBER 1, 2005

REQUEST: Site Plan approval to construct a 2,598 square foot addition to an existing 3,800 square foot restaurant, Capital Seafood Restaurant; Variance

approval to deviate from the required front setback and landscaping; Conditional Use Permit approval to allow the restaurant to continue to operate with an Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine, Eating Place) License. The site is in the C-1 (Neighborhood Commercial) zone.

Site Plan No. SP-371-05, Conditional Use Permit No. CUP-168-05, and Variance No. V-128-05 was continued to the October 6, 2005 Planning Commission meeting.

CONTINUED
PUBLIC

HEARING:
APPLICANT:
LOCATION:

CONDITIONAL USE PERMIT NO. CUP-169-05

THUAN PHAM

NORTHEAST CORNER OF HARBOR BOULEVARD AND TRASK AVENUE AT
13458 HARBOR BOULEVARD.

DATE:

SEPTEMBER 1, 2005

REQUEST:

Conditional Use Permit approval to change the type of an existing Alcoholic Beverage Control License from a Type "20" (Off-Sale Beer and Wine) to a Type "21" (Off-Sale General) for an existing mini-market, Dee's Mini-Market. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended denial. The applicant wrote a letter in favor of the request and a Police Department memo was written in opposition to the request.

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

Ms. Jane Dick, the applicant's representative, approached the Commission and explained the reasons why the applicant has requested an upgrade to a Type "21" License. She also stated that Dee's Mini-Market has experienced a 35% decrease in sales since a Type "21" License was granted to D & B Market across the street.

Commissioner Barry asked Ms. Dick where the information came from that most of the crime in the district is related to the Fire Station Motel.

Mr. Ken Maddox approached the Commission and referred to a 2003 staff report for D & B Market that indicated the Fire Station Motel was the source of crime in the area.

Commissioner Barry stated that the crime from two years ago was not a factor in this request, especially if the crime relates to a motel that no longer exists.

Staff explained that the crime count in the applicant's staff report is from 2004, as the count is always tallied from the previous year. Staff also commented that it was not the Fire Station Motel in the 2003 report for D & B Market, but the existing Sandman Motel.

A numerical correction was noted to Page 2 of Resolution No. 5507. The sentence shall now read: The crime count for the District is 339.

Staff explained the census tract layout for the intersection where the applicant's store is located and stated that each corner is in a different census tract. Staff further stated that before issuing a license, the

existing licenses and applications in the area are reviewed. Staff also commented that licenses cannot be issued for competitive purposes and that there has been an increase in crime in that area.

Mr. Thuan Pham, the applicant, approached the Commission and stated that police often use his parking lot to make reports for incidents that occur on Harbor Boulevard.

Staff commented that any crimes within a half-mile of that intersection would be captured in one of the four districts and this increases the overall crime count.

Commissioner Chi asked staff what were the applicant's options if he was denied.

Staff replied that the applicant has the right to appeal to City Council.

Mr. Pham stated that he has been in business for three years and asked the Planning Commission for the chance to continue in business by granting a Type "21" License.

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

Vice Chair Jones commented that a potential finding of 'convenience' would be appropriate with regard to traffic and accessibility.

Commissioner Barry commented that the applicant's business plan was not good from the start and stated she would support the Police Department's findings.

Commissioner Kelleher commented that with the schools and prostitution crimes in the area, he also would support the Police Department's findings.

Commissioner Margolin commented that he would support the applicant's request because with regard to convenience, the applicant would continue to lose business without the license upgrade. Commissioner Lecong agreed.

Commissioner Chi commented that location is important for any retail business and that the applicant's signage is not visible from the street. He stated he would also support the Police Department's findings. Chair Callahan concurred.

Vice Chair Jones commented that adding cameras, earlier hours, and more lighting might make the area safer.

Staff commented that these improvements might deter crime in the store, but most crimes are violent 'take-home' crimes.

Commissioner Kelleher moved to deny Conditional Use Permit No. CUP-169-05, seconded by Commissioner Barry, pursuant to the facts and reasons contained in Resolution No. 5507. The motion received the following vote:

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

MATTERS

FROM

COMMISSIONERS: Chair Jones announced September 14th, 2005 as the grand opening date for the new medical facility for the Boy's and Girl's Club of Garden Grove.

MATTERS

FROM STAFF:

A brief description of tentative items was read for the October 6, 2005 meeting.

Staff commented that at this time, the requirement for undergrounding rental properties is unclear and recommended that at the next Planning Commission meeting, Commissioners might consider a policy for the undergrounding of utilities at multi-family residential projects.

ADJOURNMENT: The meeting was adjourned at 8:00 p.m.

Judith Moore
Recording Secretary