

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
SEPTEMBER 4, 2008

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: COMMISSIONERS BANKSON, BEARD, KIRKHAM, NGUYEN, PAK, PIERCE

ABSENT: Commissioner Brietigam joined the meeting at 7:20 p.m.

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Chris Chung, Assistant Planner; Sid Ashrafnia, Associate Civil Engineer; Sergeant Kevin Boddy, Police Department; Judith Moore, Recording Secretary

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

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Bankson moved to approve the Minutes of July 17, 2008, seconded by Vice Chair Pak. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BANKSON, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM
ABSTAIN:	COMMISSIONERS:	BEARD, KIRKHAM

Vice Chair Pak recused himself from the discussion of CUP-230-08 due to a conflict of interest.

CONTINUED PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-230-08
APPLICANT: SATRAUP, INC.
LOCATION: EAST SIDE OF MAIN STREET, NORTH OF GARDEN GROVE BOULEVARD AT 12926 & 12932 MAIN STREET
DATE: SEPTEMBER 4, 2008

REQUEST: Conditional Use Permit approval to operate an existing restaurant, Main Street Pizza, with an original Alcoholic Beverage Control Type "47" (On-Sale General – Bona Fide Public Eating Place) License. The site is in the CCSP-MX33 & HR (Community Center Specific Plan, Mixed Use District, Area 33 & Historical Retail Overlay) zone.

Staff report was read and recommended that the Planning Commission consider all matters pertaining to Conditional Use Permit No. CUP-230-08 and take the appropriate action.

Commissioner Beard asked staff to describe the types of Police service calls. Staff replied that calls involved transients, alarms, mainly outside disturbances; and that the last disturbance call was in June of this year.

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

Armita Farahmand, the applicant's representative, approached the Commission and stated that the business has been successful since 2002, however, these are tough economic times; that a similar local restaurant sells cocktails along with food; that customers need to be accommodated; that customers leave their establishment to obtain cocktail drinks elsewhere; that the Conditional Use Permit requirements have been met, i.e., removing bar stools from counter, blocking off the stairway to the second floor, having only nine arcade games; that they will work to help reduce crime; that a Type "47" License would be a positive impact as it would bring recognition; that if need be, they would change their restaurant outlook to obtain a Type "47" License.

Commissioner Beard asked if Azteca Mexican Restaurant and Doug's Downtown Grill have "47" Licenses. Ms. Farahmand replied that Azteca has a "47" License.

Commissioner Nguyen asked Ms. Farahmand to clarify the restaurant hours. She responded that the hours are 10:30 a.m. to 10:00 p.m. and that they do not wish to change their hours of operation.

Mr. Scott Weimer approached the Commissioner and stated that he is in favor of the license upgrade; that a downtown restaurant owner should have a right to sell wine, beer and liquor for patrons to consume on site; that the business has been operating with a Type "41" License and has complied with the original CUP; that the owners have no criminal background and have been good neighbors; that the number of licenses for Main Street is not at capacity and a license could be granted; that only two restaurants on Main Street have a Type "47" License and that to penalize Main Street Pizza is not fair; and that Main Street is a safe place and upgrading the license would not cause a detriment.

Mr. J.J. Jauregui, owner of Azteca Mexican Restaurant, approached the Commission and stated that the dynamics of Main Street are changing; that Main Street could be a safe party area, however, there are disturbances, but the owners take care of the problems.

Mr. Charles Mitchell stated that he is in favor of granting a Type "47" License for Main Street Pizza; that it would be appropriate to allow a family restaurant to serve alcohol beyond beer and wine to receive the full benefit of a full service restaurant; that Main Street is growing into an attraction with businesses that should operate to full capacity; and that alcohol problems stem from the individual over-consuming alcohol.

Mr. Peter Katz approached the Commission and stated that additional liquor licenses would help to create an ambiance to an entertainment zone; that night lights would help with the atmosphere; that Carolina's Italian Restaurant is a similar pizza parlor restaurant with a full liquor license; that Main Street is family friendly; that the CLEW report states that Main Street is entitled to five licenses and has only three; that more residential requires more food and licenses; that seven cities were above Garden Grove with higher crime statistics, and four were lower; that numbers can be skewed; that Garden Grove lacks high concentrations of licenses in one area; that there is a day laborer problem; that there is no proximity to schools; that over three years, the Police Department has been keeping crimes under control; that most of the crimes occur after 10:00 p.m. to approximately 2:00 a.m. after the establishments are closed; that the establishment itself does not create the problems, it is the content of the alcohol; and that he urges the approval of the license upgrade.

Mr. Paul Lucas approached the Commission and stated that there are other successful local areas that have urban renewal with strings of drinking establishments, cafes, restaurants with patios, and that these were previously high-crime areas; that family and friends now populate these areas keeping the crime down and they have become income generating areas for their respective cities; that Main Street Pizza could have a partition to separate the restaurant into two areas, one for a family atmosphere, one for a crooner's lounge; that crime is reduced with foot traffic and Main Street is a walking area; and that the license upgrade would help with the health and vitality of Main Street especially for patrons of the Gem Theater.

Mr. Hooshang Farahmand approached the Commission and stated that there has been less than one Police call per month with only one or two related to drunkenness; that downtown Main Street is safe; that after 6:00 p.m., the street is dead and more people are needed; that crime comes with a bad economy and is not related to drinking; that he can not change hours; and that people go elsewhere for a Margarita drink.

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

Staff stated that Carolina's restaurant has a Type "41" beer and wine license; and that Main Street does not have an entertainment zone as of yet.

Commissioner Brietigam asked if Main Street Pizza has complied with their Type "41" License. Staff replied yes.

Commissioner Beard asked staff to confirm that Main Street is entitled to five Type "47" Licenses. Staff replied yes, that Main Street is split by the census tract; that the west side can have seven licenses, the east side can have five, but to date the east side only has three licenses.

Commissioner Beard commented that a Type "47" License upgrade would be fair and equitable even though the area is not an entertainment zone; that drinking is an individual responsibility; and that businesses should be able to provide what their customers want.

Commissioner Kirkham asked staff if a yearly review would be included in the conditions. Staff replied yes.

Commissioner Kirkham added that if a condition were added to remove the remainder of the arcade games and if the restaurant became more of an adult restaurant, he would be inclined to approve the upgrade.

Commissioner Brietigam stated that Carolina's does not cater to children; that adults drive children to the kid-friendly establishments that also sell alcoholic beverages and that if the parents are intoxicated, there could be trouble; that the games are an issue; that the previous noncompliance with their Type "41" License is an issue; and that the owners can still sell a variety of beers similar to Carolina's.

Commissioner Nguyen commented that there are different cultural and business perspectives; that he would encourage entrepreneurs in the City; that an upgrade would help to bring more life to the City; that there is not much crime in the Main Street area; and that more people would be better for the economy.

Staff commented that the basis of denial is not due completely to calls for Police services; that Type "47" Licenses generate more calls for service; the majority of these types of businesses have Type "41" Licenses; and that more calls would put a strain on Police resources.

Commissioner Bankson reiterated that there is not an entertainment zone yet and that an entertainment zone would need to be created first; that a revised floor plan showing more of a family restaurant would have been good, however, he could not support the upgrade as presented.

Chair Pierce commented that the denial of the upgrade might not look attractive to other businesses that might want to move to Main Street; that there is a lot of support; and that he would like to see Main Street grow, therefore, he would support the upgrade.

Commissioner Kirkham commented that he would support the upgrade if the games were removed.

Staff clarified that if the Planning Commission was inclined to approve the upgrade, the motion should include directing staff to continue the item and bring back a resolution of approval with appropriate conditions in place; and that there have been no conditions or environmental reviews attached to the project; that if the project were denied, the item could be brought back within the next 12 months if changes were made and the item was submitted as a new project.

Chair Pierce reopened the public hearing.

Mr. Fariborz Farahmand approached the Commission and stated that he is open to suggestion for changes to help facilitate the upgrade.

Chair Pierce closed the public hearing.

Staff added that the project should be continued to a date certain to avoid a re-notice, and recommended October 16th for sufficient time for the applicant to revise his floor plan accordingly and for City staff to draft conditions of approval reflective of the Planning Commission's suggestions; however, if there would be a delay, the project would need to be re-advertised.

Commissioner Kirkham moved to continue Conditional Use Permit No. CUP-230-08 to the October 16th Planning Commission meeting to bring back a resolution of approval that would include a revised floor plan for a bona fide restaurant with conditions attached, such as no games and no bar stools, seconded by Commissioner Brietigam. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	PAK

Vice Chair Pak rejoined the meeting.

PUBLIC HEARING: SITE PLAN NO. SP-443-08
TENTATIVE PARCEL MAP NO. PM-2007-152

APPLICANT: KHAI VAN TU

LOCATION: SOUTH SIDE OF CENTRAL AVENUE, EAST OF FLOWER STREET AT 10112 E.
CENTRAL AVENUE

DATE: SEPTEMBER 4, 2008

REQUEST: Site Plan and Tentative Parcel Map approval to subdivide a 25,200 square foot lot into two (2) lots, each with a total net lot size of 10,800 square feet. The site is in the R-1 (Single-Family Residential) zone.

Staff report was read and recommended approval. Amendments were noted to Condition Nos. 11 and 12. One letter of concern, regarding too many houses on properties and overcrowding, was written by Wayne Burns.

Commissioner Bankson asked staff to clarify the R-1 zone lot. Staff replied that the second unit ordinance allows an additional unit on a lot if the minimum lot size is 9,000 square feet and that the ordinance is a right granted by State Law; that there could be a future second unit; that both homes must have the same property owner and the owner must live in one of the units and the second unit could then be rented.

Commissioner Pak asked staff to clarify the letter from Mr. Burns.

Staff replied that the letter was forwarded to substandard housing to investigate the concerns.

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

Mr. Khai Van Tu, the applicant, approached the Commission.

Chair Pierce asked Mr. Tu if he had read and agreed with the Conditions of Approval. Mr. Tu replied yes.

Commissioner Kirkham asked Mr. Tu if he would sell the lot. Mr. Tu replied that his family would live in the units; that he would move from Stanton when the units were completed.

Commissioner Pak asked Mr. Tu if demolition had already begun as the lot is graded, there is equipment there, and did he have a permit as there is a safety issue. Mr. Tu replied that he obtained a permit for a guesthouse last year; and that his son is his representative with the City, however, he could not be here today.

Staff added that staff would look into the demolition permit, especially with regard to the utilities.

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

Commissioner Beard asked staff to clarify the sewer capacity. Staff responded that the sewer would be upgraded in the next six months.

Commissioner Beard asked staff if the house appearance would be upgraded. Staff replied that the new house would not be required to match the existing homes, however, the two existing houses would be integrated through the use of similar windows and trim.

Commissioner Bankson moved to approve Site Plan No. SP-443-08 and Tentative Parcel Map No. PM-2007-152, seconded by Commissioner Kirkham. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: AMENDMENT NO. A-140-08
CONDITIONAL USE PERMIT NO. CUP-236-08

APPLICANT: THAO PHOUNG THI VU

LOCATION: NORTH SIDE OF HARBOR BOULEVARD, BETWEEN BUARO STREET AND
PALM STREET AT 12821 HARBOR BOULEVARD

DATE: SEPTEMBER 4, 2008

REQUEST: A proposed Amendment to title 9 of the Garden Grove Municipal Code to allow a banquet facility with live entertainment and dancing as an incidental use to a full service restaurant, in the HCSP-DC (Harbor Corridor Specific Plan-District Commercial) zone, in conjunction with Conditional Use Permit approval to operate a new 7,532 square foot restaurant, Mon Cheri Restaurant, with an original Alcoholic Beverage Control Type "47" (On-Sale General, Bona Fide Public Eating Place) License.

Staff report was read and recommended approval.

Commissioner Kirkham asked staff if the project was in a redevelopment zone. Staff replied yes.

Vice Chair Pak asked staff if a parking study had been done. Staff replied no, that there would be no significant increase in traffic; that the parking would not be impacted; and that the center is under one management ownership company with a reciprocal access agreement; that a parking study is required if the center is not in compliance with code; and that the center has a variety of uses with different traffic peak times.

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

Mr. Art Rodriguez, the applicant, approached the Commission and described his request.

Chair Pierce asked Mr. Rodriguez if he had read and agreed with the conditions of approval.

Mr. Rodriguez replied yes, with the exception of Condition No. 48 regarding a yearly review; that Alcoholic Beverage Control does not require findings for a Type "47" License; and that the license issuance would be a good public convenience.

Staff explained that a letter would be sent for a review hearing date to come in and speak with staff, and if staff has concerns, they would be brought up at that time.

Commissioner Beard asked if the use of activity, ie., banquets, weddings, would occur in the evenings. Mr. Rodriguez replied that the hours of operation would be 5:00 p.m. to 11:00 p.m. during the week, and 5:00 p.m. to 12:00 a.m. on weekends; and that there is only one unisex restroom for employees and two restrooms for the public.

Vice Chair Pak asked if a grease trap would be installed. The applicant replied yes, per the conditions.

Staff clarified that Condition No. 24 states that the applicant would be reviewed on a yearly basis, therefore Condition No. 48 should be removed.

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

Vice Chair Pak asked staff if a background check has been done on the applicant. Staff replied that Alcoholic Beverage Control would do the background check.

Commissioner Brietigam commented that Condition No. 24 and 48 were different and asked staff to further clarify. Staff stated that Condition No. 24 could be modified and No. 48 could be removed in its entirety.

Commissioners Beard and Brietigam commented that they wanted to be consistent with the first hearing with regard to the Type "47" License in an entertainment zone.

Commissioner Kirkham acknowledged that the parking was sufficient and that the project is in the International West area.

Vice Chair Pak commented that Mon Cheri Restaurant would be good for local entertainment; the community; that the facility would cater to Garden Grove; and that there should be a finding of public necessity.

Commissioner Bankson expressed his support for the project as an adult facility not geared toward children, and that the project would be an enhancement to Garden Grove.

Commissioner Brietigam expressed his support citing that the City is lacking in this type of facility; that to rent these venues is not practical and is price prohibitive; and that the facility would benefit the City.

Commissioner Beard added that children do attend banquets and weddings where alcohol is involved.

Vice Chair Pak moved to recommend approval of Amendment No. A-140-08 to City Council and approve Conditional Use Permit No. CUP-236-08, with amendments to the Conditions, seconded by Commissioner Kirkham. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-239-08

APPLICANT: TRONG DUONG
LOCATION: SOUTH SIDE OF WESTMINSTER AVENUE BETWEEN FLOWER STREET
AND HOPE STREET AT 10212 WESTMINSTER AVENUE
DATE: SEPTEMBER 4, 2008

REQUEST: Conditional Use Permit approval to operate an existing restaurant, Ngoc Hue Restaurant, with an original Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine) License. The site is in the C-1 (Neighborhood Commercial) zone.

Vice Chair Pak moved to continue Conditional Use Permit No. CUP-239-08 to the regularly scheduled Planning Commission meeting on October 2, 2008, seconded by Commissioner Beard. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM

PUBLIC HEARING: AMENDMENT NO. A-141-08
(REF. PLANNED UNIT DEVELOPMENT NO. PUD-112-06)
APPLICANT: 8641 GARDEN, LLC
LOCATION: NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND ADELLE
STREET AT 8641 GARDEN GROVE BOULEVARD
DATE: SEPTEMBER 4, 2008

REQUEST: To amend Planned Unit Development No. PUD-112-06, which governs the 26,180 square foot site. The Amendment is to allow, in addition to the previously approved six-unit residential development on this site, C-1 (Neighborhood Commercial) zone uses and applied development standards of the C-1 zone. No project is attached to this Planned Unit Development Amendment. The site is in the Planned Unit Development No. PUD-112-06 zone.

Staff report was read and recommended approval.

Commissioner Kirkham asked staff how long the property has been vacant. Staff replied that the property has been vacant for a number of years; that the property is in escrow and the applicant would like to retain the opportunity to go residential or commercial by approving a C-1 (Neighborhood Commercial) standard.

Vice Chair Pak asked staff if commercial would be better than residential with regard to contamination. Staff responded that regardless, the contamination must be dealt with accordingly, and that though the applicant is in escrow, he could fall out of escrow; that the site plan would expire on September 6th, 2008, however, the applicant could ask for a one year extension on September 7th, which staff would process.

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

Mr. Nick Frudakis approached the Commission and described the predicament concerning his property, ie., the monetary losses; the property contamination from neighboring cleaners; and that his one-year extension for a six-home site plan would expire on September 6th.

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

Vice Chair Pak moved to recommend approval of Amendment No. A-141-08 (Ref. Planned Unit Development No. PUD-112-06) to City Council, seconded by Commissioner Kirkham. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: SITE PLAN NO. SP-422-07
APPLICANT: NEWLAND CENTRAL, LLC
LOCATION: SOUTH SIDE OF CENTRAL AVENUE, BETWEEN WILSON STREET AND
NEWLAND STREET AT 8372 CENTRAL AVENUE
DATE: SEPTEMBER 4, 2008

REQUEST: To approve a one-year time extension for the approved entitlement under Site Plan No. SP-422-07, for a small-lot, single-family residential

subdivision. The site is in the Planned Unit Development No. PUD-117-07 zone.

Staff report was read and recommended approval.

Commissioner Brietigam asked if the applicant is the same for SP-422-07 and SP-425-07. Staff replied yes, that the applicant is the owner of both developments.

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

Mr. Gordon Lau, the applicant, approached the Commission and stated that he was requesting the one-year time extensions due to the downturn in the economy.

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

Vice Chair Pak moved to recommend approval of the Site Plan No. SP-422-07 Time Extension, seconded by Commissioner Brietigam. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING:	SITE PLAN NO. SP-425-07
APPLICANT:	T.K. VILLA, LLC
LOCATION:	NORTH SIDE OF TRASK AVENUE, EAST OF BARNETT WAY AT 11241 AND 11251 TRASK AVENUE
DATE:	SEPTEMBER 4, 2008

REQUEST:	To approve a one-year time extension for the approved entitlement under Site Plan No. SP-425-07, for a small-lot, single-family residential subdivision. The site is in the Planned Unit Development No. PUD-118-07 zone.
----------	---

Staff report was read and recommended approval.

Commissioner Brietigam asked if the applicant is the same for SP-422-07 and SP-425-07. Staff replied yes, that the applicant is the owner of both developments.

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

Mr. Gordon Lau, the applicant, approached the Commission and stated that he was requesting the one-year time extensions due to the downturn in the economy.

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

Vice Chair Pak moved to recommend approval of the Site Plan No. SP-425-07 Time Extension, seconded by Commissioner Brietigam. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: AMENDMENT NO. A-143-08
APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE
DATE: SEPTEMBER 4, 2008

REQUEST: To amend Title 9 of the Garden Grove Municipal Code to establish a ban on locating and operating medical marijuana dispensaries in the City of Garden Grove. The proposed ordinance is based upon the adverse secondary impacts associated with the operation of such dispensaries.

Staff report was read and recommended approval. Staff further explained that State Law allows doctors to recommend for certain patients, the use of medical marijuana, the possession of limited quantities of medical marijuana, and to grow their own medical marijuana in limited quantities; that this is not infringing upon or changing State Law, only prohibiting dispensaries for distribution of marijuana; that State Law does not address dispensaries; and that it is within the City's Police power to prohibit the dispensaries if the City finds that the public health, welfare and safety warrants the ban.

Staff added, that the record that indicates that medical marijuana dispensaries have secondary negative effects on the community, and staff recommends that the Planning Commission recommend to City Council the adoption of the ordinance.

Furthermore, the City's business license regulations already prohibit the issuance of business licenses to businesses that would be in violation of State, Local, and Federal law. The staff report also identifies that marijuana is a banned drug under the DA and Federal regulations.

Commissioner Nguyen asked staff to clarify who tells the authorities who can use this type of drug. Staff responded that the State does not say marijuana is 'okay' to use; the State states that for certain persons with terminal illnesses that are not treatable with current approved drugs, that doctors may recommend the use of marijuana for specific patients; that State Law does not violate Federal regulations because State Law does not authorize doctors to prescribe the drug; that the voters who drafted the approved initiative were careful not to violate Federal Law and so the State Law does not cover dispensaries; that though marijuana is a banned drug, it is available everywhere; that a person could have up to six mature or 12 immature plants and eight ounces of dry substance in their possession; that a primary caregiver can possess those amounts for each person cared for; and that dispensaries are regularly raided by Federal authorities.

Commissioner Brietigam commented that with the Compassionate Act, citizens thought that the marijuana use would be legitimate; and that medical marijuana has legally existed since the 1920's, however, without the euphoria.

Commissioner Nguyen asked staff if the Federal authorities could ask the City to cooperate with them. Staff responded yes and no; that when Federal monies are taken from other agencies there are strings attached, such as a grant for drug enforcement, and the City's officers would be a part of a team enforcing Federal law, not State law.

Commissioner Kirkham asked staff that if someone in Garden Grove needed medical marijuana service where would that person go? Staff replied that the dispensary service is not allowed by State Law, however, a doctor can prescribe the drugs through a pharmacy.

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

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

Commissioner Kirkham moved to recommend approval of Amendment No. A-143-08 to City Council, seconded by Commissioner Brietigam. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS FROM COMMISSIONERS:

Commissioner Kirkham asked staff when the General Plan Housing Element would be approved. Staff replied that the Housing Element, which is updated every five years, is handled separately, and would probably be approved in mid November, and that all of the other elements have been adopted.

Commissioner Brietigam commented that a woman was killed in a Lampson Avenue collision where the street sign is located and that the community blamed the sign's location, however, the woman was under the influence of cannabis and alcohol and he did not think that the sign contributed to her demise. He also commented that landscaping would be good along with the re-installation of the sign.

Chair Pierce asked staff to clarify the status of the house on Stanford Avenue. Staff replied that one, large, two-story, approximately 10,000 square foot house would be built on the property.

MATTERS FROM STAFF:

Staff read a brief description of the Agenda items for the September 18, 2008 Planning Commission meeting.

ADJOURNMENT:

Vice Chair Pak moved to adjourn the meeting at 9:45 p.m., seconded by Commissioner Beard. The motion received the following vote:

AYES: COMMISSIONERS: BANKSON, BEARD, BRIETIGAM,
KIRKHAM, NGUYEN, PAK, PIERCE
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

JUDITH MOORE
Recording Secretary