

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
OCTOBER 16, 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, BRIETIGAM,
KIRKHAM, NGUYEN, PIERCE

ABSENT: PAK

ALSO PRESENT: Jason Retterer, Associate Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Chris Chung, Assistant Planner; Sergeant Kevin Boddy, Police Department; Sid Ashrafnia, Associate 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 Beard and recited by those present in the Chamber.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Kirkham moved to approve the Minutes of October 2, 2008, seconded by Commissioner Brietigam. The motion carried with the following vote:

AYES: COMMISSIONERS: BANKSON, BRIETIGAM, KIRKHAM,
NGUYEN, PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: PAK

ABSTAIN: COMMISSIONERS: BEARD

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: OCTOBER 16, 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 approval.

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

The applicant's representative, Armita Farahmand, approached the Commission and thanked the Commission and staff.

Chair Pierce asked Ms. Farahmand if she had read and agreed with the conditions of approval. Ms. Farahmand replied yes.

Commissioner Brietigam asked Ms. Farahmand if changes had been made to make Main Street Pizza more of a bona fide restaurant, such as removing the video games, and adding bus-boys and servers.

Ms. Farahmand replied yes, that the games would be removed to clear a space for an additional eating area; that additional items would be added to the menu for more selection besides pizza; that the restaurant would be family-oriented; and that this would help other restaurants on Main Street as well.

Commissioner Kirkham asked staff if drinking would be allowed on the back patio with the full liquor license. Staff replied yes, provided the ABC provisions are adhered to, such as not letting people reach in to pass drinks to others.

Commissioner Kirkham asked Ms. Farahmand if those people serving alcohol would be 21 years of age. She replied yes.

Commissioner Brietigam asked staff if servers would be provided with the new full menu. Staff replied that though this is not a condition the restaurant cannot serve only pizzas, soups and salads, that the menu must be a full-service menu.

Ms. Farahmand noted that fewer people have come into the restaurant now that the bar stools have been removed from the counter; that individuals want to sit alone at the bar; and that Option 3 would allow high tables and chairs at the window area similar to Louie's on Main Street.

Staff responded that Option 2 includes bar stools around the bar area and Option 3 includes a table and chairs; that a sit down restaurant should look and act like one; that providing bar stools would take away from the character of a sit-down restaurant, lending the restaurant to bar-type activity; and that staff would maintain the Option 1 recommendation.

Chair Pierce asked staff if other restaurants on Main Street had bar stools.

Staff replied that Azteca Mexican Restaurant has a separate area from the dining area and the restaurant was established many years ago; that Main Street Café has a counter to serve food though beer can be served; that Doug's Downtown Grill has a few stools with their Type "41" License; and that Louie's has operated as a Type "47" bar for many years.

Commissioner Kirkham commented that if Option 1 was approved, the applicant could come back with a modification to the Conditional Use Permit request at a later date.

Staff agreed; however, staff recommended staying with Option 1.

Commissioner Bankson asked if Option 3 included serving food at the high tables and chairs.

The applicant replied yes; and that the table would replace a booth.

Commissioner Bankson commented that the applicant has met the conditions of approval and the Police Department has reviewed and approves of the recommendation.

Staff added that the Police Department still has reservations, however, the approval would be a happy medium based on the testimony of other Main Street business merchants and with the conditions in place; that there are concerns with the bar stools in that they would give the appearance of a bar; that staff would recommend a six month to a year postponement to see how the business operates with the additional distilled spirits; and that this would be a serious upgrade from a Type "41" to a Type "47" License considering the information given in the CLEW Study.

Mr. Peter Katz approached the Commission and referred to a Time Magazine article from six months ago titled 'The End of Spend', which stated that businesses needed to change to stay in business; that the Main Street business needs the chance to survive as competition is tough; that Oggi's on Harbor Boulevard will open soon; and that everyone was invited to the 13th annual Halloween car show on Main Street.

Mr. Charles Mitchell approached the Commission and commented that tough times are ahead for businesses especially with new businesses opening; and that if the Main Street Pizza is striving to meet the conditions, the business should be granted the opportunity to compete.

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

Commissioner Brietigam commented that he was impressed with the business especially since their business plan was switched; and that he could support an Italian Style Restaurant not catered toward children.

Commissioner Kirkham thanked the owners of Main Street Pizza for working with the Planning Commission and staff; and that he has no issue with Option 3, as some individuals prefer to sit by themselves.

Staff added that the floor plan is an integral part of the approval process for the Conditional Use Permit; that if Option 3 were to be considered, the new tables and chairs should remain in place, and the chairs should have high backs and should not float throughout the restaurant; and that staff recommends Option 1.

Commissioner Bankson asked staff to clarify the monitoring of the alcohol sales. Staff explained that if there is an issue, staff has the ability to look into the matter, and can review the operation once a year.

Chair Pierce commented that he could support Option 3.

Commissioner Brietigam moved to approve Conditional Use Permit No. CUP-230-08, for Option 3, with an amendment to use high-backed chairs at the high tables and that the tables and chairs need to remain in their designated area, seconded by Commissioner Kirkham. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION
PLANNED UNIT DEVELOPMENT NO. PUD-112-06
SITE PLAN NO. SP-399-06
VARIANCE NO. V-142-06
TENTATIVE TRACT MAP NO. TT-17036
APPLICANT: 8641 GARDEN, LLC
LOCATION: NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND ADELLE
STREET AT 8641 GARDEN GROVE BOULEVARD
DATE: OCTOBER 16, 2008
REQUEST: To approve an additional one-year time extension for the approved entitlements under Site Plan No. SP-399-06, including Tentative Tract Map No. TT-17036. The site is in the Planned Unit Development No. PUD-112-06 zone.

Staff report was read and recommended approval.

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

Staff explained that the applicant was unable to attend the public hearing.

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

Commissioner Brietigam moved to approve the additional one-year time extension for the approved entitlements under Site Plan No. SP-399-06, including Tentative Tract Map No. TT-17036, seconded by Commissioner Bankson. The motion received the following vote:

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

MATTERS FROM COMMISSIONERS: Commissioner Brietigam asked staff to forward his concern to the Traffic Commission that the Euclid Street off-ramp from the 22 freeway is hazardous due to the lengthy signal light on Euclid Street. Staff replied that the matter would be looked into and that the signal is under the jurisdiction of Caltrans.

Commissioner Brietigam added that he would like to see street beautification along Lampson Avenue from Seal Beach to Knott Street.

Staff commented that the Public Works Director does have street improvements included for the future.

Commissioner Beard asked staff if the Jehovah Witness issue with the contractor and demolition had been resolved. Staff responded that St. Mark residents had three issues, the Montessori School traffic circulation, the Jehovah Witness church construction, and neighborhood cut-through traffic; that a neighborhood meeting was held to hear concerns as the original noticing process did not meet State requirements due to a computer error, and that the case would be brought back to Planning Commission on November 6, 2008 for residents to voice their concerns; and that some issues have been resolved.

Commissioner Beard asked staff if the Jehovah Witness project is going forward.

Staff replied that work has been done; however, no building permits have been issued yet.

Commissioner Kirkham addressed the cars for sale that are parked on the west side of Euclid Street between Orangewood Avenue to Chapman Avenue.

Staff responded that unfortunately, the Police Department, due to a lack of resources, can not monitor the car sale businesses without licenses; that residents were encouraged to contact the Traffic/Engineering Division to suggest red-lining the entire curb, and the subject was brought before the Traffic Commission and not approved; and that there is an officer assigned to the area.

Chair Pierce asked staff for an update on the two Brookhurst Triangles.

Staff replied that the smaller triangle development, which would include a Starbucks, is on hold pending what happens with the larger triangle; and that the latest consideration for the larger triangle would be requests for qualifications sent to architectural firms for high density design plans that would include retail, commercial and residential.

Commissioner Bankson asked staff for the time-frame for Main Street Pizza until the restaurant becomes a full Italian Restaurant. Staff responded that there is a 21-day appeal period, then modifications would be made through the conditions of approval.

Chair Pierce stated that he would be absent from the November 6, 2008 Planning Commission meeting.

Commissioner Bankson stated that he would be absent from the November 20, 2008 Planning Commission meeting.

**MATTERS
FROM STAFF:**

Staff read a brief description of future Agenda items for the November 6, 2008 Planning Commission meeting.

ADJOURNMENT: Chair Pierce moved to adjourn the meeting at 7:50 p.m., seconded by Commissioner Brietigam. The motion received the following vote:

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

JUDITH MOORE
Recording Secretary