

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
FEBRUARY 5, 2009

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, PAK, PIERCE  
ABSENT: NGUYEN

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Maria Parra, Urban Planner; 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 Bankson and recited by those present in the Chamber.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Brietigam moved to approve the Minutes of January 15, 2009, seconded by Commissioner Kirkham. The motion carried with the following vote:

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

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-255-09  
APPLICANT: NGO TRONG  
LOCATION: NORTH SIDE OF BOLSA AVENUE, EAST OF WARD STREET AT 10541 BOLSA AVENUE  
DATE: FEBRUARY 5, 2009

REQUEST: To allow a restaurant, Newport Seafood, to operate with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine) License. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was read and recommended denial. Two letters of opposition were written by Karen Ellis and Sam and Nila Shah.

Commissioner Kirkham asked Staff if there were more ABC outlets than the one indicated on Page 1 of the CLEW study?

Staff replied that they are not aware as to why the other outlets are not

included in the CLEW study as there are two other businesses with licenses in the shopping center; that this is a low crime district, however, the establishment is in a census tract that has an extreme amount of licenses on the south end portions of the City.

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

Mr. Dien Phan, the applicant's representative, approached the Commission.

Vice Chair Pak asked Mr. Phan why he wanted to apply for an alcohol license now and not before, especially when he has operated his restaurant without a license for years.

Mr. Phan replied that his business had been a 'to go' business only; and that to help the business, which has 3,000 square feet of space, he wanted a sit down business in which customers could enjoy their seafood with beer and wine.

Commissioner Beard asked Mr. Phan to explain the public convenience or public necessity that would warrant the Commissioners granting him a license.

Mr. Phan responded that he would have more customers with a sit down restaurant; that beer and wine goes along with seafood; that he has spent money remodeling by adding tables and chairs and an additional restroom; and that the license would increase the business and sales.

Vice Chair Pak asked Mr. Phan if he had contacted the Garden Grove Police Department as to whether or not it would be possible to obtain an ABC license.

Mr. Phan replied that the Police Department said that obtaining a license would be difficult; and also, that it was difficult to beat the license lottery so they had stopped trying.

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

Vice Chair Pak asked staff to clarify the number of parking spaces for the sit down restaurant.

Staff replied that there were a total of 89 parking spaces located both in the front and rear of the shopping center and that the number of spaces complies with code.

Staff added that the applicant did converse with Staff prior to submitting the application for the ABC license, indicating that they were aware of the concerns.

Commissioner Brietigam asked Staff to clarify the number of ABC licenses in the tract.

Staff replied there were 19 licenses with only ten allowed; that previously,

a request for an ABC license case was brought to the Planning Commission last November with a recommendation of denial and that Staff was directed to bring back a resolution of approval, however, the Planning Commission voted to deny the case. Also, that the case has been appealed and is still pending, and that now, there are 18 licenses with the potential of one more being added pending the City Council's decision on the November case.

Commissioner Beard commented that based on the staff report and the Police Department's recommendation, the financial gain or losses of the business owner cannot be considered; that with the undue concentration of the on-sale licenses and the inability to make a finding of public convenience or necessity, he is in favor of denial.

Commissioner Brietigam agreed that there is not a finding of public convenience or necessity and would support the denial.

Vice Chair Pak commented that the crime count is only 40 and the average for the City is 106 crimes, however, with the saturation of licenses, and the fact that the business has been operating for a number of years already, he would support the denial. He also commented that the applicant should do more study before embarking on this type of project.

Commissioner Brietigam moved to approve the denial of Conditional Use Permit No. CUP-255-09, seconded by Commissioner Beard, pursuant to the facts and reasons contained in Resolution No. 5667. The motion received the following vote:

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

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-258-09  
APPLICANT: HELEN NGUYEN  
LOCATION: NORTHWEST CORNER OF EUCLID STREET AND BUSINESS CENTER,  
NORTH OF HAZARD STREET AT 14291 #D116  
DATE: FEBRUARY 5, 2009  
REQUEST: To allow a restaurant, Mon Ami Café and Restaurant, to operate with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine) License. The site is in the Planned Unit Development No. PUD-104-81/86 Rev. 90 zone.

Staff report was read and recommended denial. One letter of opposition was written by Ted Broberg.

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

Mr. Tony Truong, the applicant's representative, approached the Commission.

Commissioner Beard asked Mr. Truong to explain his reason for public convenience or necessity.

Mr. Truong replied that the necessity would be that the success of his restaurant would generate more tax revenue for the City; and that a glass of beer or wine to enhance a patron's meal would be a service to the public.

Vice Chair Pak asked Mr. Truong if he had discussed the license request with the Police Department or City Staff.

Mr. Truong replied that he submitted the application and asked the opinion of the Planning Division, who then recommended that he speak to the Police Department; and that the Police Department response was adverse, as there were already too many licenses in the area.

Vice Chair Pak noted that crime is very high in that area being 85% over the Citywide average.

Mr. Truong stated that his restaurant is a fine dining facility serving filet mignon, steamed fish, and traditional beef soup; that he has been at the location almost two years; that the hours of operation are 9:00 a.m. to 9:00 p.m.; that there is no bar or place to put one; that there have been no calls to the Police or crime problems; that the restaurant is a peaceful place that caters also to County and City officials; that the majority of diners ask for beer and wine; that many restaurants are going out of business, which fosters greater competition between restaurants and the need to create more options for the public; and that he needs the help of the Planning Commission for survival.

Commissioner Bankson asked Mr. Truong why he did not apply for a beer and wine license when he opened the restaurant?

Mr. Truong responded that he did not know the procedure, as this was the first time he has operated a restaurant, and that they thought they could get a license later on.

Mr. John Davies of Newport Beach, approached the Commission and stated that he would like to support the restaurant and the license; that he and his family drive up to go to the restaurant; that he was surprised that the area was high crime district; that he enjoys the food and entertains clients in his business; that there are many entrée choices; that there have been no safety concerns with bringing children to the restaurant; and that it would be nice to have a glass of beer or wine to go with the meal.

Commissioner Beard asked Mr. Davies if he would continue to go the restaurant if there was no beer and wine license. Mr. Davies replied yes, as they have great food, however, not having beer and wine may be a decision maker when entertaining.

Vice Chair Pak asked Mr. Davies if he uses the patio area.

Mr. Davies replied yes, a few times.

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

Vice Chair Pak asked Staff if the restaurant was in the same shopping center as The CAN restaurant. Staff replied yes, and that the building is owned by the same people.

Commissioner Brietigam commented that he is impressed that the restaurant has been successful in the last year and a half, bringing in clientele from Newport Beach, which clearly indicates that if the restaurant food is good, alcohol does not need to be served in order for the restaurant to be successful; that the elements of high crime and over saturation of ABC licenses already exist in the area and he sees no finding of public necessity or convenience, therefore, he would support the denial.

Commissioner Kirkham commented that there are already three Type "41" licenses, and a troublesome Type "47" license in the shopping center; that adding this license would make five licenses in a small complex; that this complex is number one on the calls for service from the Police Department; and that he would support the denial.

Commissioner Beard agreed and stated that though he is pro-business, as is the Commission, and the City, the statistics and the facts are that there is an over concentration of licenses; and that he would support the Staff's and Police Department's recommendation of denial.

Commissioner Bankson commented that he does not doubt the restaurant is nice and that beer and wine would enhance the dining experience, however, based on the facts, and no compelling reason for necessity or convenience, he could not support the license.

Vice Chair Pak stated that the applicant has the option to appeal the Planning Commission's decision to City Council if the request is denied; that the number of licenses issued should have stopped at ten; and that a decision was made a few weeks ago to cut down on the crime rate in the shopping center.

Chair Pierce commented that the applicant could look at different locations that are not oversaturated.

Commissioner Brietigam moved to approve the denial of Conditional Use Permit No. CUP-258-09, seconded by Commissioner Kirkham, pursuant to the facts and reasons contained in Resolution No. 5668. The motion received the following vote:

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

ITEM FOR  
CONSIDERATION: GENERAL PLAN CONFORMITY  
APPLICANT: CITY OF GARDEN GROVE  
LOCATION: 13741 CLINTON STREET (EAST SIDE OF CLINTON STREET, NORTH OF WESTMINSTER AVENUE)  
13096 BLACKBIRD STREET (SOUTHERLY END OF BLACKBIRD STREET, SOUTH OF GARDEN GROVE BOULEVARD)

DATE: FEBRUARY 5, 2009

REQUEST: Determination by the Garden Grove Planning Commission for the finding of General Plan consistency concerning the sale of two City-owned mobile home parks. The sites are in the R-3 (Multiple-Family Residential) zone and the General Plan Land Use Designations are 13741 Clinton Street (Low Density Residential) and 13096 Blackbird Street (International West Mixed Use).

Staff report was read and recommended approval.

Commissioner Brietigam asked Staff what the plans were for the property. Staff replied that the mobile home parks must be operated as mobile home parks for at least the next 15 years; and that the properties have been City-owned for at least the last ten years.

Commissioner Bankson asked if the City acquired the property for future redevelopment.

Staff replied that the City anticipated that those properties could possibly recycle into something that could spur development, especially the property located on the north side of the 22 freeway, for a possible large commercial center or theme park.

Commissioner Bankson asked Staff to explain why the parks were to be maintained as mobile home parks for the next 15 years.

Staff replied that housing is tight now and the owner would not have to worry about assisting the displaced families.

Commissioner Kirkham asked Staff to clarify where the money would go once the property was sold.

Staff replied that the parks were owned by the City's Redevelopment Agency, therefore the monies would go the Redevelopment Agency.

Vice Chair Pak asked Staff how the buyer was chosen.

Staff replied that the Agency was approached by the purchaser.

Vice Chair Pak commented that in Buena Park, the sale of a city-owned property went through a series of steps beginning with the property being offered first to a low income housing entity, then to a non-profit organization, then finally, the sale would go through a competitive bidding process.

Staff commented that procedure mentioned is a requirement for cities and does not apply to redevelopment agencies, however, the request before the Planning Commission is to determine if the transfer of the properties to a private entity is in conformance with the General Plan.

Commissioner Brietigam asked Staff to confirm that this item did not need to be noticed.

Staff replied yes.

Commissioner Beard asked staff to clarify what would happen if the rents were raised and the homes were no longer classified as low-income housing.

Staff replied that if the rents were raised high enough there would be no tenants and there would be vacant spots.

Commissioner Beard moved to approve the General Plan Conformity, seconded by Vice Chair Pak, pursuant to the facts and reasons contained in Resolution No. 5669. The motion carried with the following vote:

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

**MATTERS FROM  
COMMISSIONERS:**

Commissioner Kirkham attended a Traffic Commission meeting at which the issue was discussed pertaining to cars for sale on Euclid Street, between Katella Avenue and Chapman Avenue; that to alleviate this problem, the striping of the street was approved for three lanes, which would begin on February 10th through February 12th, 2009; and that Euclid Street is an arterial highway, allowing for three lanes.

Commissioner Brietigam thanked Staff and fellow Commissioners for a good couple of years; and that he challenged the City to be creative with landscaping in finding a way to beautify the Seal Beach entryway to Knott Street.

Commissioner Beard commented that he shared the appreciation of the hard work by Staff. He also asked Staff if there was an RV on-street parking restriction and was an ordinance on the horizon?

Staff replied that there is 72 hour statute for RV parking on the streets and that an ordinance to disallow RV parking on the streets could come through the Commission system, but would be acted on by City Council.

Commissioner Bankson also commented that working with Staff and the fellow Commissioners has been a pleasure.

Vice Chair Pak stated that Commissioner Kirkham attended the karaoke event at 25 SI; that the exchange students enjoyed the event; and that he also appreciated Staff's support.

Chair Pierce and City Attorney Omar Sandoval announced their birthdays.

**MATTERS  
FROM STAFF:**

Staff stated that the current Planning Commission is still seated until the City Council's decisions are made. Staff also read a brief description of the tentative items for the February 19, 2009 Planning Commission meeting.

**ADJOURNMENT:**

Chair Pierce moved to adjourn the meeting at 8:00 p.m., seconded by Commissioner Brietigam. The motion received the following vote:

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

JUDITH MOORE  
Recording Secretary