

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
MARCH 3, 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 BARRY,
COMMISSIONERS CALLAHAN, CHI, JONES AND MARGOLIN
ABSENT: VICE CHAIR KELLEHER

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Erin Webb, Senior Planner; Noemi Bass, Assistant Planner; Robert Fowler, Police Department; Dan Candelaria, Civil Engineer; Sarah Yoo, Volunteer 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 Chi and recited by those present in the Chamber.

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Action will be taken on the Minutes of February 3, 2005 at the March 17, 2005 Planning Commission Meeting.

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-133-04
APPLICANT: STELLA JUN
LOCATION: NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF MAGNOLIA STREET AT 8851 GARDEN GROVE BOULEVARD.
DATE: MARCH 3, 2005

REQUEST: A review of Conditional Use Permit No. CUP-133-04 to evaluate compliance with the prescribed Conditions of Approval. CUP-133-04 allows for an existing karaoke facility, Karaoke 25SI, to operate with a State Alcoholic Beverage Control Type "42" License (On-Sale Beer and Wine-Public Premises, Bar, Tavern). The Planning Commission may modify, suspend, or revoke CUP-133-04. The site is in the C-2 zone (Community Commercial).

Staff report was reviewed and recommended the Planning Commission take the following options:

1. Allow Karaoke 25SI to continue to operate under the existing Conditions of

Approval for Conditional Use Permit No. CUP-133-04; continue to work with the operator to achieve compliance; and establish a revised review period.

2. Amend the Conditions for Conditional Use Permit No. CUP-133-04.
3. Take an alternative action, based on the written and oral evidence, and direct staff to prepare the appropriate resolutions.

Staff commented that during two recent inspections in January and February, several Conditional Use Permit (CUP) issues were not being met:

- a. The camera monitoring system was installed but not operating. The system is required to be switched "on" at all times.
- b. The "all-glass" doors required by the CUP were not installed.
- c. The studio rooms in use were not lit, though the lights were operable.
- d. Minors were on the premises, though minors are not allowed to be on the premises under the CUP.
- e. A security guard was required, however, one was not in place.
- f. Alcoholic beverages were located in the main lobby in a "self-serve" capacity.

At several office hearings, staff met with the studio manager and addressed the following issues: Alcohol in the lobby; minors in the facility; the security guard, when present, did not meet code as a "uniformed security guard"- staff suggested a less traditional uniform style; patron complaints that studio room lighting was too bright was resolved by staff's recommendation that 30-watt light bulbs would keep the studio in compliance; the camera monitoring system is required to be "on" at all times; and in lieu of "all-glass" doors, staff recommended a minimum 16" x 32" size window in the upper portion of the existing doors which would allow an officer visibility into the rooms for safety inspections.

Staff also stated that after a meeting with the manager on Monday, February 28, 2005, staff felt confident that the manager would comply with the Conditions of Approval if given sufficient time for the new door window installations.

Commissioner Margolin asked if the new door windows were for police protection from a gun or for people. Staff replied that the door windows are a safety feature for visual inspections to be performed by both police and studio staff.

Commissioner Callahan asked staff to clarify the issue of the "all-glass" doors. Staff replied that the "all-glass" doors were required in addition to the existing adjacent windows, which during previous inspections, were found to be covered with materials or plants. However, staff has acknowledged that "all-glass" doors are expensive and that the alternative of installing "windows" in the existing doors is an acceptable retrofit to maintain compliance.

Chair Barry asked staff to clarify Condition No. 20 regarding the storing and serving of alcohol in locations that were not appropriate. Staff replied that self-serve alcoholic beverages were accessible from a cooler situated near the door. The cooler has since been moved into a back room and now patrons must be served in the room.

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

Ms. Stella Jun, the owner of the karaoke studio, and Mr. Ernie Pai, the manager of the karaoke studio, approached the Commission.

Chair Barry asked Mr. Pai why he has not complied with the Conditions of Approval.

Mr. Pai stated that he has had complaints and is losing customers and therefore came to the City staff and police for advice in meeting the standards. He also stated that the Conditions of Approval were unclear and that he had understood from his legal advisor that minors were allowed in the facility if accompanied by adults. He has since stopped letting minors in and now checks identifications.

Chair Barry asked Mr. Pai when he would be in total compliance with the Conditions of Approval. Mr. Pai replied that as soon as he acquires final approval from the Police, he would be finished within the month.

Commissioner Jones asked Mr. Pai about the status of the cameras and the door windows. Mr. Pai replied that the cameras are working and from now on the cameras would be switched "on". With regard to the new door windows, after Monday's meeting, he ordered the 16" x 32" non-standard size windows which have a 2-3 week lead time.

Commissioner Margolin commented that he would support the project because the Police support the project.

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

Commissioner Jones asked for clarification of the "minor" issue. Staff replied that per ABC, the facility is considered a "bar" and that minors are not allowed on the premises.

Commissioner Callahan asked to discuss the review period cited in Option No. 1. of the possible recommendations.

Staff recommended a period of 45 days for total compliance of the Conditional Use Permit. After the 45-day period, a four month re-inspection period would be required to determine if there is continued compliance with understanding that if there is substantial non-compliance the case could be brought back to the Planning Commission at any time during that four month period.

Staff also commented that inspections are to occur a minimum of once a year after the four-month re-inspection period.

Commissioner Margolin moved to approve the amendments to Conditional Use Permit No. CUP-133-04 Exhibit "A" Conditions of Approval. The Conditions of Approval Item Nos. 9 and 43, under Planning Commission Resolution No. 5408, were modified to read:

"9. Individual karaoke studio rooms shall be equipped with doors that have a minimum 16"x32" un-obscured glass windows fitted into the top

half of the doors. The doors of the rooms shall not be equipped with locks."

"43. The applicant shall be in total compliance with the Conditions of Approval within 45 days from the day of this approval, March 3, 2005. This Conditional Use Permit shall be reviewed within four months after the 45-day period, and every year thereafter, to determine continued compliance with the Conditions of Approval."

The motion was seconded by Commissioner Chi and received the following vote:

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

PUBLIC
HEARING:

SITE PLAN NO. SP-364-05
VARIANCE NO. V-125-05

APPLICANT:
LOCATION:

MAIER FAMILY LTD. PARTNERS
SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND MAGNOLIA
STREET AT 13031 MAGNOLIA STREET.

DATE:

MARCH 3, 2005

REQUEST:

To construct a 680 square foot automatic car wash and Variance approval to deviate from the required front landscape setback to accommodate the proposed car wash structure. The site is in the C-2 zone (Community Commercial).

Staff report was reviewed and recommended approval.

Commissioner Jones asked for clarification on the Variance setback.

Staff replied that code requires a minimum 15-foot landscape setback along arterial streets such as Garden Grove Boulevard. To accommodate the vehicles exiting the car wash, the drive aisle needs to extend into the setback up to 5'-0" from the property line. Vehicles would enter the car wash from the rear and exit at the front toward Garden Grove Boulevard. Any other location of the car wash would inhibit circulation to the fuel canopy islands.

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

Mr. Gary Shigamura, the applicant, approached the Commission.

Chair Barry asked Mr. Shigamura if he had read and agreed with all of the Conditions of Approval. Mr. Shigamura replied yes.

Mr. Shigamura expressed his concerns with Condition No. 8 regarding the removal of the northernmost driveway approach on Magnolia Street and that the approach is to be replaced with curb & gutter and sidewalk. He stated that in the past, there has been congestion on his site when that driveway has been temporarily closed during City work, and that permanently closing that entrance would cause the same type of circulation problems on his site. He also commented that during his

fifteen years on the site he has never seen an accident at that driveway.

In addition, Mr. Shigamura stated that a fuel truck visits the site at least once a day. The truck is 55 feet long and enters from Garden Grove Boulevard and exits on Magnolia Street. If the driveway was closed, the driver would have to navigate through the fuel dispenser islands, and this is a hazard when customers are present.

Staff explained that a number of accidents have occurred at the intersection, and with all developments, if possible, the City tries to remove driveway approaches close to an intersection, especially an intersection such as Garden Grove Boulevard and Magnolia Street. Staff cited that accident data from a four-year period reported 34 accidents at that intersection and that ten of those accidents could have been attributed to the northernmost driveway. Typically, drivers entering the service station from Magnolia Street make a "U" turn at Garden Grove Boulevard, then make a hard right into the driveway. Staff stated that this movement conflicts with drivers making right turns onto Magnolia Street from Garden Grove Boulevard.

Ms. Mimi Shigamura, the applicant's wife, approached the Commission and commented on the maneuvering of the fuel tanker truck as the vehicle enters and exits the service station, and the safety, environmental and monetary affects of closing off the northernmost driveway. Ms. Shigamura also presented a letter to the Commission from the Mobil Fleet Dealer which stated that the closing of the driveway would lead to hazardous conditions for fuel delivery.

Staff commented that the landscaping setback on Magnolia Street could be narrowed to ease the concern of maneuvering the fuel truck.

Commissioner Jones suggested a "No Right Turn On Red" sign on Garden Grove Boulevard. Staff commented that typically, these types of restrictive signs are not used for particular developments.

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

Staff commented that traffic issues should be recommended to the Traffic Commission.

Chair Barry reiterated that the purpose of the new car wash is to attract more customers and this would create more traffic.

Commissioner Chi suggested leaving the site as is and if accidents increase after the construction of the new car wash, the case could be returned to Planning Commission with the recommendation that the northernmost driveway be removed.

Commissioner Margolin moved to approve Site Plan No. SP-364-05 and Variance No. V-125-05, with the recommendation that staff investigate

the possibility of a "No Right Turn On Red" sign at the Garden Grove Boulevard/Magnolia Street intersection, and further included an amendment to Conditions of Approval Item No. 8 which shall now read in its entirety:

"8. In the event an increase in traffic accidents occurs at the Garden Grove Boulevard/Magnolia Street intersection, as a result of the car wash installation at the subject service station site, the City's Traffic Engineer, at his discretion, may return the project to the Planning Commission to recommend the removal of the northernmost driveway approach along Magnolia Street to improve traffic safety."

The motion was seconded by Commissioner Callahan, pursuant to the facts and reasons contained in Resolution No. 5485. The motion received the following vote:

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

MATTERS
FROM

COMMISSIONERS: Chair Barry asked staff about the construction on Trask between Brookhurst Street and Newhope Street. Staff replied the construction was a Brandywine seven-home development.

MATTERS
FROM STAFF:

Staff read a brief description of future agenda items.

Staff also announced the resignations of assistant planner, Noemi Bass and Planning Manager, Glen Krieger. In addition, staff stated that the Planning Department has a new Volunteer Planning Intern, Sarah Yoo, who will be introduced at the next meeting.

Staff also brought back the results of investigating the motorist's "sight distance" at Nutwood Street and Chapman Avenue and stated that per the Municipal Code, hedges located on private property can be trimmed back provided the landscaping is located on a corner cut-off. The vegetation in question, however, is approximately 50 feet away from the corner, therefore staff has no recourse. Staff agreed that one option would be to write a neighborly letter that would ask if the property owner would trim the hedges.

Commissioner Margolin commented that at Newhope Street and Garden Grove Boulevard a similar "sight distance" problem exists when motorists attempt to turn right against the light.

Commissioner Callahan noted that parked cars are also a part of the visibility problem at Nutwood Street and Chapman Avenue.

Deputy City Attorney, Doug Holland, stated that Jason Redder, the individual who has been attending the Planning Commission Work

Sessions and Public Hearings, is an associate who has been with the firm for three years. Mr. Redder has a background in environmental and developmental work and will assist Mr. Holland with Planning Commission attorney duties.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

JUDITH MOORE
Recording Secretary