

ZONING ADMINISTRATOR MEETING MINUTES

Garden Grove City Hall
11222 Acacia Parkway
Third Floor City Council Conference Room

October 13, 2011, 9:00 a.m.

Those present: Susan Emery, Zoning Administrator
Karl Hill, Planning Services Manager
Maria Parra, Urban Planner
Chris Chung, Associate Planner
Ed Leiva, Police Department
Tom Keller, Fire Department
Judy Moore, Recording Secretary

Susan Emery, Zoning Administrator, called the meeting to order at 9:00 a.m.

CONDITIONAL USE PERMIT NO. CUP-334-11

APPLICANT: Kim Ngan Dang
LOCATION: 13123 Brookhurst Street
DATE: October 13, 2011

REQUEST: A request for Conditional Use Permit approval to operate an existing restaurant, Kim's Restaurant, with a new original Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the C-2 (Community Commercial) zone.

Staff report was read and recommended approval.

The Zoning Administrator opened the public hearing. Police staff emphasized Condition No. 8 for the hours of operation to be until 10:00 p.m. Sunday through Thursday and until 11:00 p.m. Friday and Saturday; No. 15 regarding administrative citations for up to \$1,000 for violations; No. 23 for no live entertainment; and No. 24 for no raised platform, stage, or dance floor.

The Zoning Administrator asked the applicant, Mr. Kim Dang, if he had read and agreed with the Conditions of Approval. Mr. Dang replied yes.

Mr. Fred Llano, the property landlord, added that he had no objection; that the license would complement the business with beer and wine; and that any roof screening, if required, would be at the tenant's cost.

Staff added that the screening condition was a standard condition and that the applicant was not required to provide screening at this time.

With no further comments or questions, the Zoning Administrator closed the public hearing and approved Conditional Use Permit No. CUP-334-11, subject to the recommended conditions, and pursuant to the facts and reasons contained in Decision No. 1641-11.

CONDITIONAL USE PERMIT NO. CUP-335-11

APPLICANT: Catherine Matthews
LOCATION: 13132 Garden Grove Boulevard #B
DATE: October 13, 2011

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REQUEST: Conditional Use Permit approval to operate an existing eating establishment as a bar, Club 22, with a new original Alcoholic Beverage Control Type "48" (On-Sale, General, Public Premises) License. The site is in the C-2 (Community Commercial) zone.

Staff report was read and recommended approval.

The Zoning Administrator opened the public hearing. Police staff emphasized Condition No. 12 for hours of operation for a Type "48" license to be until 2:00 a.m. seven days a week; No. 18 to cease sales of alcohol thirty minutes prior to closing, and noted that staff already had Licensee Education on Alcohol and Drugs (LEADS) training; No. 20 for administrative citations of up to \$1,000 for violations of the CUP; No. 28 for no live entertainment except for Karaoke one day a week, and no performers, no live music or DJ's; No. 38 for no smoking, and noted that three convictions would result in Cal-OSHA stepping in with a fine.

The applicant, Ms. Gabriella Rossberg, stated that she has been in business for four years and needed the extended hours until 2:00 a.m.

The Zoning Administrator asked if there were any past crime violations or disturbances.

Staff replied no, as the business was buffered by the freeway and was not near a residential area.

Ms. Catherine Matthews added that they have a regular and local crowd of retirees and blue-collar workers, however, they need and want new customers also; that they were a full-service restaurant and sports bar with televisions; and that the two nearby hotels do not have restaurant service.

The Zoning Administrator asked the applicant if she had read and agreed with the Conditions of Approval. She replied yes.

Mr. Patrick Sullivan asked if the request was to extend the hours. Staff replied yes, as the business currently had a Type "47" License to stay open until 1:00 a.m., and that a Type "48" License would allow a 2:00 a.m. closing time; and that the bar establishment was not required to sell food, however, the applicant would keep the kitchen open.

Mr. Sullivan expressed his opposition to the Type "48" License as no one would eat food at 2:00 a.m., and also because he lived close to the business.

The Zoning Administrator reiterated that the Type "48" License was a bar license and food was not required to be served, however, the establishment would continue to serve food.

With no further comments or questions, the Zoning Administrator closed the public hearing and due to the low percentage of calls for service and track record of the applicant, approved Conditional Use Permit No. CUP-335-11, subject to the recommended conditions, and pursuant to the facts and reasons contained in Decision No. 1642-11.

CONDITIONAL USE PERMIT NO. CUP-336-11

APPLICANT: Bong Kyu Paik

LOCATION: 12045 Garden Grove Boulevard

DATE: October 13, 2011

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REQUEST: Conditional Use Permit approval to operate a new bar, Caesar's Lounge, with an existing Alcoholic Beverage Control Type "48" (On-Sale, General, Public Premises) License. The site is in the HCSP-TZW (Harbor Corridor Specific Plan-Transition Zone West) zone.

Staff report was read and recommended approval. Five letters of opposition were received from Patrick Sullivan, Lawanna R. Sullivan, Mike and Timmerie Henry, Quang Van and Hannah B.H. Pham, and Linda Johnson.

The Zoning Administrator opened the public hearing. Police staff emphasized Condition No. 11 for no gaming tables or machines; No. 12 for hours of operation until 2:00 a.m. seven days a week; No. 20 for Licensee Education on Alcohol and Drugs (LEADS) training for staff who would serve alcohol; No. 21 for administrative citations of up to \$1,000 for CUP violations; No. 23, that if a license was suspended by ABC, the CUP would be presented to the Planning Commission for review; No. 28 for live entertainment to be limited to Karaoke and no live DJ; No. 29 for no stage or raised floor; and No. 38 for no smoking.

The Zoning Administrator asked the applicant, Mr. Bong Kyu Paik, if he had read and agreed with the Conditions of Approval. He replied yes.

Mr. Patrick Sullivan, one of the letter writers, expressed his opposition that a bar did not belong in a redevelopment area and would blight the area; that the adult bookstore was still nearby; that a neighborhood petition could be generated; and that he represented three individuals.

The Zoning Administrator then stated that due to the letters of opposition and opposing testimony, she would not rule on the case and the case would be forwarded to the Planning Commission meeting of Thursday, November 17, 2011 for a better opportunity to allow more time for speakers and to gather facts and signatures.

Ms. Lauren Kupon, the owner's representative, stated that she just completed a short-term lease with the Olson Company that redeveloped the opposite side of the street and the adjoining property; and that the redevelopment would not create a negative impact.

The Zoning Administrator encouraged the applicant and residents to meet prior to the Planning Commission meeting to try and come to an agreement; and if there were additional questions prior to the Planning Commission meeting, those interested should contact the case Planner, Chris Chung.

CONDITIONAL USE PERMIT NO. CUP-337-11

APPLICANT: Fabian Gallego-Sanchez

LOCATION: 5244 Lampson Avenue

DATE: October 13, 2011

REQUEST: Conditional Use Permit approval to operate an existing restaurant, A Bite of Jersey, with a new original Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was read and recommended approval. One letter in favor of the request was written by John A. Modaffari.

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The Zoning Administrator opened the public hearing. Police staff emphasized Condition No. 14, that any staff serving alcohol needed to complete the ABC Licensee Education on Alcohol and Drugs (LEADS) training.

The applicant, Mr. Fabian Gallego-Sanchez stated that his business in West Garden Grove had been open since June 15, 2011; that they were a sandwich shop serving hot and cold sandwiches, French fries, wings, and tenders; and that the business was in a family-oriented area and that sales could be better.

The Zoning Administrator asked the applicant if he had read and agreed with the Conditions of Approval. Mr. Gallego-Sanchez replied yes.

With no further comments or questions, the Zoning Administrator closed the public hearing and approved Conditional Use Permit No. CUP-337-11, subject to the recommended conditions, and pursuant to the facts and reasons contained in Decision No. 1644-11.

CONDITIONAL USE PERMIT NO. CUP-338-11

APPLICANT: David Tran

LOCATION: 12801 Harbor Boulevard #H3-H4

DATE: October 13, 2011

REQUEST: Conditional Use Permit approval to allow an existing restaurant, Lighthouse Restaurant, to operate with an original Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine) License. The site is in the Planned Unit Development No. PUD-121-98 zone.

Staff report was read and recommended approval.

The Zoning Administrator opened the public hearing. Police staff emphasized Condition No. 6 for the hours of operation; No. 13 for administrative citations of up to \$1,000 for any violations of the Conditional Use Permit; No. 21 for no live entertainment, Karaoke, dancing, or live music; and No. 28 for no smoking.

The Zoning Administrator asked the applicant, Mr. David Tran, if he had read and agreed with the Conditions of Approval. Mr. Tran replied yes, that his establishment opened in May; that he served primarily lunch in the form of beef noodle soup; and that he had operated a restaurant about seven years ago.

Mr. Patrick Sullivan asked for the hours of operation. Staff responded that the hours were standard from 9:00 a.m. to 10:00 p.m. seven days a week with a beer and wine license.

With no further comments or questions, the Zoning Administrator closed the public hearing and approved Conditional Use Permit No. CUP-338-11, subject to the recommended conditions, and pursuant to the facts and reasons contained in Decision No. 1645-11.

COMMENTS BY THE PUBLIC – None.

The meeting was adjourned at 9:45 a.m.

Judy Moore
Recording Secretary