

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
MAY 1, 2003

CALL TO ORDER: The work session of the Planning Commission was called to order at 6:30 p.m. in the Founders Room of the Community Meeting Center.

PRESENT: CHAIR BUTTERFIELD, VICE CHAIR JONES,
COMMISSIONERS BARRY, CALLAHAN, FREZE,
HUTCHINSON, NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Karl Hill, Sr. Planner; Rosalinh Ung, Urban Planner; Noemi Bass, Assistant Planner; Lt. Frank Hauptmann; and Teresa Pomeroy, Recording Secretary.

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 BUTTERFIELD, VICE CHAIR JONES,
COMMISSIONERS BARRY CALLAHAN, FREZE,
HUTCHINSON, NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Karl Hill, Sr. Planner; Rosalinh Ung, Urban Planner; Noemi Bass, Assistant Planner; Lt. Frank Hauptmann; and Teresa Pomeroy, Recording Secretary.

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

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Barry moved to approve the Minutes of April 3, 2003, seconded by Vice Chair Jones. The motion carried with the following vote:

AYES: COMMISSIONERS: BARRY, BUTTERFIELD, CALLAHAN, FREZE,
HUTCHINSON, JONES, NGUYEN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

PUBLIC
HEARING: CONDITIONAL USE PERMIT NO. CUP-106-03
APPLICANT: MARK & DAVID SOSEBEE
LOCATION: NORTH SIDE OF STANFORD AVENUE EAST OF NUTWOOD STREET
 AT 10549 STANFORD AVENUE
DATE: MAY 1, 2003

REQUEST: To allow an existing restaurant (Henry's Hofbrau) to continue to operate under an Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine, Eating Place) license. Conditional Use Permit approval is required due to a change of ownership. The restaurant is located in the CCSP-BC10 (Community Center Specific Plan, Business Center District B Area 10) zone.

Staff report was reviewed and recommended approval with an amendment to Condition T.1. to add that installation of an above-ground grease interceptor is acceptable provided it meets the Orange County Health Department and California Building Code and plumbing requirements.

Chair Butterfield asked for clarification for when the establishment would be open. Staff stated that the conditions provide a 6:00 a.m. opening time in order for the applicant to have the option to open for breakfast.

Commissioner Freze noted that the zoning for this property does not allow bars, although the description of the establishment sounds like a bar and asked what the difference would be. Staff stated that this establishment is required to have a full-service menu as opposed to a bar, which does not have to serve food with alcohol.

Vice Chair Jones asked whether they would be required to sell food until 2:00 a.m. Staff noted that they are requesting that the Commission approve an 11:00 p.m. closure in order to be consistent with other businesses with this type of ABC license.

Chair Butterfield asked whether they would need permission to have the pool table and arcade games. Staff noted that this location was initially approved in 1971 as a pizza place with the pool table and a couple of arcade games, and the code does not require approval of a conditional use permit for the existing games.

Mr. Mark and David Sosebee approached the Commission and thanked staff for working with them on this request. Mark Sosebee stated that he wanted to clarify that they will be a bona-fide eating place. They have a menu in place with more to follow. He noted that they would install an RPPD device, which will cost approximately \$1500.00. They have been talking with John Rawls of the Orange County Health Department and Ken Anderson with the city's Public Works Department, and they have agreed to an above ground grease interceptor. He provided a brochure to the Commission from the company they will be using to install the grease

interceptor. He stated that they visited Jak's Bistro on Valley View, noting that they are open until 2:00 a.m. and they stop serving food at 10:00 p.m. He asked that he be allowed the same and would like to stay open until 2:00 a.m. on Thursday through Saturday. He noted the requirement to install windows and stated that the property owner boarded the windows due to leakage and vandalism, and they would like to keep the windows boarded up. He thought that the windows would cause a glare on the television sets.

Chair Butterfield questioned staff about the requirement to replace windows. Staff stated that the windows that are west-facing need to have stucco, and the windows facing the street on the south side need to be opened up. Staff commented that sporting events are generally viewed at night, when window glare is not an issue.

Commissioner Barry commented that a number of restaurants do not have windows, and the requirement for windows is unnecessary.

Vice Chair Jones asked if the police have any objection to keeping the windows boarded up, and whether there is a history of crime issues with this location. Lt. Hauptmann responded that there are no law enforcement issues with the establishment. However, he would recommend windows.

Commissioner Barry asked if the 2:00 a.m. closure would be a concern for the police.

Lt. Hauptmann stated that this location is in a high crime district and is in proximity to residential property. He pointed out that Jak's Bistro is located in a low crime district. He suggested that late closing hours encourage people to stay and drink alcohol, and be entertained rather than dine.

Chair Butterfield thought that the site is far enough away from residential property that it would not have an impact. Lt. Hauptmann noted that the residential property that is nearby to this site is higher in density, which is a police concern.

Commissioner Barry suggested that they allow the later closure with a review in six months. Staff expressed the need for an 11:00 p.m. closure; however, the Commission has allowed later closures.

Mr. Sosebee stated that they have a letter vouching for them from the Lakeside association, which is the condo complex located north of the right of way property adjacent to the establishment.

Commissioner Hutchinson asked how long they have been in this business. Mr. Sosebee stated just a few months.

Commissioner Barry asked if the high crime is related to this establishment. Lt. Hauptmann responded that it is not.

Commissioner Freze asked if they have had any experience in operating a sports grill. Mr. Sosebee indicated that they do not have experience in running a restaurant, however, they have successfully operated their mechanics shop.

Chair Butterfield asked if they have read and agree with all of the other conditions of approval. Mr. Sosebee stated yes.

Commissioner Hutchinson asked whether they would agree to a six-month review if the later hours for closing were approved. Mr. Sosebee stated yes.

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

Commissioner Hutchinson stated that a 2:00 a.m. closure is too late. He would also like to see new stucco on the building. He noted that the establishment has been there for a long time and has always had a good reputation in the neighborhood. He suggested that they close at midnight on Thursday through Saturday.

Commissioner Barry stated that she is willing to allow a 2:00 a.m. closure on Friday and Saturday, and would want the applicant to come back in six months for a review.

Commissioner Nguyen agreed with Commissioner Barry and added that they should be able to close at midnight on Thursday.

Commissioner Freze agreed that the windows aren't necessary, but a paint job on the building would be helpful. He noted the applicant's lack of experience in operating this type of business, and suggested that they require a uniformed and licensed security guard at the request of the police department.

Doug Holland commented that staff has been deliberating on the definition of a sports bar as opposed to a restaurant. This site is not zoned to allow a bar, and he suggested that if the establishment is open past 11:00 p.m. that a condition is added to prohibit minors without a parent or guardian after curfew.

Lt. Hauptmann stated that issues usually occur around closing time, and after 1:30 a.m. police staffing is low due to shift changes.

Commissioner Barry asked whether a 1:00 a.m. closure would be a reasonable compromise. Lt. Hauptmann stated yes.

Commissioner Freze moved to approve Conditional Use Permit No. CUP-106-03, seconded by Commissioner Barry, with amendments to the conditions as follows: to allow the installation of an above ground grease interceptor provided that it meets CBC requirements and is approved by

the Orange County Health Department; to add a requirement for a California licensed, uniformed security guard at the request of the Police Department; to add a requirement that would prohibit minors to be in the establishment after 10:00 p.m. without a parent or legal guardian; to allow the hours of operation on Sunday through Thursday from 6:00 a.m. to 11:00 p.m. and Friday and Saturday from 6:00 a.m. to 1:00 a.m.; and to review the Conditional Use Permit after six months of this approval and every three years thereafter; pursuant to the facts and reasons contained in Resolution No. 5359 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, CALLAHAN, FREZE, HUTCHINSON, JONES, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-108-03
APPLICANT: MILL INN INC.
LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD WEST OF FAIRVIEW
 STREET AT 13132 GARDEN GROVE BOULEVARD
DATE: MAY 1, 2003

REQUEST: To allow an existing bar (Club 22) operating under an Alcoholic Beverage Control Type "48" (On-Sale General Public Premises) license to have two pool tables. The site is located in the C-2 (Community Commercial) zone.

Staff report was reviewed and recommended approval.

Mr. Gerard Fane, representative for the applicant, approached the Commission.

Chair Butterfield asked whether the applicant has read and accepts the conditions of approval. Mr. Fane stated yes.

Chair Butterfield 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 Hutchinson moved to approve Conditional Use Permit No. CUP-108-03, seconded by Chair Butterfield, pursuant to the facts and the reasons contained in Resolution No. 5358 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, CALLAHAN, FREZE, HUTCHINSON, JONES, NGUYEN
NOES:	COMMISSIONERS:	NONE

ABSENT: COMMISSIONERS: NONE

PUBLIC HEARING: REVOCATION OF CONDITIONAL USE PERMIT NO. CUP-113-90
APPLICANT: CITY OF GARDEN GROVE
LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD WEST OF MONROE STREET AT 8284 GARDEN GROVE BOULEVARD
DATE: MAY 1, 2003

REQUEST: To allow the revocation of Conditional Use Permit No. CUP-113-90 for a bar (Nuit D'Orient) formerly operating under an Alcoholic Beverage Control Type "48" (On-Sale, General) license. The site is located in the R-3 (Multi-Family Residential) zone.

Staff report was reviewed and recommended revocation.

Chair Butterfield noted the letter supporting the revocation received from Mr. and Mrs. De Grazia.

Chair Butterfield 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 Hutchinson moved to revoke Conditional Use Permit No. CUP-113-90, seconded by Commissioner Callahan, pursuant to the facts and reasons contained in Resolution No. 5357 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, CALLAHAN, FREZE, HUTCHINSON, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	JONES

MATTERS FROM

COMMISSIONERS: Commissioner Barry commented that there appeared to be a residence operating as a temple at 8752 Lampson Avenue. Staff noted that Code Enforcement is addressing this issue.

MATTERS

FROM STAFF: None.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

TERESA POMEROY
Recording Secretary

