

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
FEBRUARY 19, 2004

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 JONES, VICE CHAIR CALLAHAN, COMMISSIONERS BARRY, BUTTERFIELD, HUTCHINSON, KELLEHER, AND NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Planning Services Manager; Noemi Bass, Assistant Planner; Sergeant Robert Fowler; 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 JONES, VICE CHAIR CALLAHAN, COMMISSIONERS BARRY, BUTTERFIELD, CALLHAN, HUTCHINSON, KELLEHER, AND NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Planning Services Manager; Noemi Bass, Assistant Planner; Sergeant Robert Fowler; and Teresa Pomeroy, Recording Secretary.

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

ORAL COMMUNICATION: None.

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-132-04
APPLICANT: TARGET CORPORATION
LOCATION: EAST SIDE OF HARBOR BOULEVARD, SOUTH OF CHAPMAN AVENUE AT 12100 HARBOR BOULEVARD
DATE: FEBRUARY 19, 2004

REQUEST: To allow an existing retail store (Target) to operate with an Alcoholic Beverage Control Type "20" (Off-Sale, Beer and Wine) License. The site is in the HCSPTCB (Harbor Corridor Specific Plan, Tourist Commercial B) zone.

Staff report was reviewed and recommended approval. Staff noted the copy provided to the Commission with an amendment to the conditions of approval deleting conditions 3 and 12.

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

Ms. Beth Aboulafia, representative for the applicant, and Ms. Anna Gilman, District Manager for Target, approached the Commission. Ms. Aboulafia noted that she was the representative for the recent request for a CUP for the Target located on Brookhurst Street. The store has been operating under the CUP allowing the sales of alcohol without incident. She stated agreement with the conditions of approval including the amended conditions.

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

Commissioner Hutchinson moved to approve Conditional Use Permit No. CUP-132-04, with the amendment to the conditions of approval to delete conditions 3 and 12, seconded by Commissioner Butterfield, pursuant to the facts and reasons contained in Resolution No. 5407. The motion received the following vote:

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

PUBLIC HEARING:	CONDITIONAL USE PERMIT NO. CUP-133-04
APPLICANT:	STELLA JUN
LOCATION:	NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF MAGNOLIA AVENUE AT 8851 GARDEN GROVE BOULEVARD
DATE:	FEBRUARY 19, 2004
REQUEST:	To allow an existing karaoke studio to operate under an Alcoholic Beverage Control Type "42" (On-Sale, Beer and Wine-Public Premises, Bar, Tavern) License. The site is in the C-2 (Community Commercial) zone.

Staff report was reviewed and recommended denial. Sergeant Fowler stated that the Police Department is opposed to this request to serve alcohol. Because the karaoke studio has individual enclosed rooms, it is difficult for police and employees of the studio to observe activity. In the interest of public safety, it is the standard to have a full, unobstructed view when entering any establishment that serves alcohol. The individual rooms of the karaoke studio are somewhat soundproof and the doors have small windows with limited visual access. The Police Department is firmly opposed to allowing alcohol service within the enclosed rooms of the studio. It would be difficult

for police to monitor and enforce, and has the potential to be a serious public safety hazard.

Commissioner Barry asked whether the original conditions required that there be a window giving visibility into each room. Sergeant Fowler stated yes; however, in an establishment where alcohol is served, the standard for visibility is that it be almost completely unobstructed.

Commissioner Hutchinson noted the report received from the Alcohol Beverage Control investigator that alcohol was being served, and asked whether this was their only violation.

Sergeant Fowler stated yes, but there was a waitress who told the ABC investigator that they had been serving alcohol for some time.

Commissioner Hutchinson asked whether there have been any other police calls at this business or neighboring businesses. Sergeant Fowler stated not at this business, but at the pool hall next to the studio, and a restaurant that serves alcohol that is just east of the studio.

Commissioner Hutchinson asked if there are other karaoke studios in the City, and whether these other studios serve alcohol and what time they close. Staff stated that the two other karaoke studios in the City do not sell alcohol and close at 2:00 a.m.

Commissioner Hutchinson asked if there is a limit on the age of the patrons. Staff stated no. Commissioner Hutchinson commented that it could be a fair assumption that minors would be on the premises if alcohol were served.

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

Mr. Andy Quach, representative for the applicant, approached the Commission. He thanked the staff; however, he expressed his disagreement with the staff recommendation, and asked that the Commission review this request based on its own merit. He noted that the studio is compartmentalized into 14 different rooms with doors and large windows that measure 36x42 inches. Each room has a large screen TV, and the rooms are very well lit, and not conducive to committing crime. He stated that he spoke with an ABC investigator, and there is no written record of a violation. The ABC investigator he spoke with said that there was no basis to deny the ABC license should the City chose to approve the CUP.

Commissioner Butterfield asked that the applicant be present at the podium with Mr. Quach. Ms. Stella Jun approached the Commission.

Commissioner Hutchinson questioned Ms. Jun whether alcohol was ever served at the studio. Ms. Jun stated yes, but indicated that she was unaware that it was not allowed.

Commissioner Hutchinson asked what prompted Ms. Jun to apply for a CUP. Mr. Quach stated that the customers have asked for alcohol.

Commissioner Hutchinson asked Sergeant Fowler whether there was an investigation. Sergeant Fowler stated that he spoke with Christie Yahtman from Alcohol Beverage Control, and she said that there were several complaints about karaoke studios in Orange County. An undercover type of operation was done and they were served alcohol at the subject site. The employees were given a formal warning.

Commissioner Hutchinson asked Mr. Quach if he knew the average age of the studio's patrons. Mr. Quach speculated that most of the studio's customers are in their twenties or thirties. Commissioner Hutchinson asked how many people could be put into the individual rooms. Mr. Quach responded no more than four people in the smaller sized room and about 20 in the larger.

Commissioner Hutchinson commented that he wanted to come in and see the studio, but did not have the opportunity. He noted that he did drive by and it does look like a nice place. He asked if it was possible to block the windows of the rooms. Mr. Quach stated that the windows are large, and it would be difficult for someone to intentionally block the windows.

Commissioner Hutchinson stated that it would be possible to restrict the hours of operation and require an earlier closure. Mr. Quach stated that most of the patrons normally like to relax in the later part of the night.

Commissioner Hutchinson noted that security would have to be provided.

Mr. Ernie Pai, General Manager, approached the Commission. He noted that he was the applicant for the original Conditional Use Permit, and at that time he asked to close at 2:00 a.m. He was given a six-month trial period to operate until 2:00 a.m., and there have been no incidents. He stated that a security guard was hired, and he works from 6:00 p.m. through 2:00 a.m.

Commissioner Barry asked Mr. Pai if he was the manager when the alcohol was reportedly sold. Mr. Pai stated that he was out ill during that time. He noted that it is a Korean custom to drink alcohol while in the karaoke studio.

Mr. Quach noted that he has visited Korea, and that it is a cultural past time to drink beer while participating with karaoke. He commented that he did not think that the Commission would regret giving a trial period, and noted that this business owner has been doing business in the community for a long time. Also, many of the patrons of the studio have businesses in Garden Grove.

Mr. Pai commented that before the windows were installed, they went to the City Planning and Building department and received approval.

Mr. Dale Washington approached the Commission. He commented that he has visited several karaoke studios and they are a lot of fun, and

believes that there will be more karaoke studios coming to Garden Grove. He commented that this studio is beautiful and that these people have run their business very well.

Commissioner Hutchinson asked if the other karaoke studios that Mr. Washington visited sold alcohol. Mr. Washington stated no, and commented that there is a different attitude between the people who visit a bar and a karaoke studio.

Mr. Phat Bui of 10051 Trask Avenue approached the Commission. He expressed his view that this is a high-class studio, and he takes his family and friends to it on a regular basis. He stated that he appreciates the concern expressed by the Police Department, as he likes living in a safe city. However, he feels that the hyper analysis for potential problems does not apply to this particular business. People who wish to commit crimes would not come to this studio, and the people who do come love music. He asked for a chance to have a place to relax and socialize.

Commissioner Hutchinson asked Mr. Bui how many people he generally goes with and what rate he pays. Mr. Bui stated that he generally takes a good-sized group, and he pays about \$15.00 per hour.

Mr. Ernie Pai approached and noted that the approximately 50 people in the audience are patrons who are eager for approval for beer and wine.

Mr. Bart Kasperwicz approached the Commission. He stated that this type of entertainment is becoming more popular, and that the city is losing business to the market in Los Angeles.

Mr. Andy Quach approached the Commission. He stated that he is representing the people of the community, and that he hopes for approval from the Commission.

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

Commissioner Hutchinson expressed concern about the illegal alcohol sales. It would be difficult to monitor, and there would need to be a way to ensure that the patrons would be over 21. He thought that there would need to be a limit to the number of people in the individual rooms. He would be willing to consider a 90-day review period and a requirement for a security guard.

Chair Jones commented that he attended the State of the City Luncheon and listened to a wonderful speech from the Mayor that addressed how process can sometimes obstruct growth. He expressed his concern about obstructing and limiting growth with their decision making process. He commented on the inherent cultural identity that this type of business provides, and this kind of entertainment needs to be considered. He commented on the attractiveness of this karaoke establishment, and its wide-open windows. He expressed that he would like to give this business an opportunity and allow growth in the City.

Vice Chair Callahan noted the large number of people in support of this that are in the audience, and commented on how much he enjoyed time he has spent singing at the Jolly Knight. He expressed his support for the request.

Commissioner Butterfield asked that the applicant be patient, and stated that she needed more information before approving this request.

She stated that rules and regulations need to be established in order to address the public safety issues, and this has not been done at this point. She expressed concern about the business owner not knowing that alcohol was not permitted. She stated that she is not against karaoke, but there are issues that need to be worked out and although she is not ready to support the request, at some future date she would be open to the request.

Commissioner Kelleher expressed his willingness to take a chance and would like to see growth for the City; however, he agrees with Commissioner Butterfield that there needs to be more information on how this type of business would operate with alcohol. He stated that he can not support the request as it currently is, but is willing to reconsider at a future time with more information provided.

Commissioner Barry agreed with Commissioners Butterfield and Kelleher.

Commissioner Nguyen stated that she too has been to Korea, and that it is a cultural pastime to visit the karaoke studio. She stated that she is not opposed to the request, and she would like to have staff come back with a resolution with conditions. She noted that the two other karaoke studios in the city would want to stay competitive and ask for the same consideration.

Chair Jones asked to continue this request to the first meeting in May, and requested staff to craft a resolution with conditions of approval that will satisfy the concerns.

Commissioner Barry asked if there is an open area in the studio where alcohol could be served. Staff stated no.

Chair Jones suggested that conditions address security, serving minors, and location of alcohol service.

Commissioner Hutchinson suggested a 90-day trial period with a six-month review. Also, that no minors be allowed, and to have alcohol stop being served by midnight.

Commissioner Barry asked for a better definition for packaged snacks.

Chair Jones questioned staff on how much time would be needed. Staff suggested 30 days would be needed in order to allow some time to come back with appropriate conditions.

Chair Jones moved to continue the request to May 6, 2004, seconded by Vice Chair Callahan. The motion carried with the following vote:

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

MATTERS
FROM

COMMISSIONERS: Commissioner Butterfield asked staff about the two trees in the public right of way that were removed on Euclid south of Chapman in front of the Jack in the Box. Staff noted the Public Works policy to replace right of way landscaping with landscaping on private property. The Planning Commission approved the removal of city trees with replacement trees on this property with the Ralph's expansion. Commissioner Butterfield commented that she hoped that those trees would be replaced in the landscape setback.

Commissioner Hutchinson commented that the trees should have been removed after planting the new trees.

Commissioner Butterfield noted that the building located on the northeast corner of Garden Grove Boulevard and Gilbert Street has too much window signage.

MATTERS
FROM STAFF:

As follow-up to concerns expressed at the previous Planning Commission meeting, staff noted that Code Enforcement has addressed the dumping behind Main Street, and the vacant gas station on the northwest corner of Garden Grove Boulevard and Euclid Street. Also, Club 22 was approved for limited live entertainment that includes dancing.

Staff noted that City Council has asked for further analysis from KB Urban Pacific, Meredith, and Charles Kim for proposals of high-rise, high-density projects at the Brookhurst Triangle site by April 6, 2004.

ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

TERESA POMEROY
Recording Secretary