

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
JUNE 5, 2008

Prior to the start of the meeting, nominations were opened to select a Chair. Commissioner Brietigam moved to nominate Commissioner Bankson. The motion carried with the following vote:

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

CALL TO ORDER: The regular meeting of the Planning Commission was called to order at 7:05 p.m. in the Council Chambers of the Community Meeting Center.

PRESENT: COMMISSIONERS BANKSON, BRIETIGAM, KIRKHAM,
NGUYEN
ABSENT: COMMISSIONERS BEARD, PAK, PIERCE

Commissioner Beard joined the meeting at 7:35 p.m.

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Chris Chung, Assistant Planner; Sid Ashrafnia, Associate Civil Engineer; Todd Elgin, 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 Brietigam and recited by those present in the Chamber.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Kirkham moved to approve the Minutes of May 1, 2008, seconded by Commissioner Bankson. The motion carried with the following vote:

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

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-230-08
APPLICANT: SATRAUP, INC.
LOCATION: EAST SIDE OF MAIN STREET, NORTH OF GARDEN GROVE BOULEVARD AT
12926 & 12932 MAIN STREET
DATE: JUNE 5, 2008

REQUEST: To operate an existing restaurant, Main Street Pizza, with an original Alcoholic Beverage Control Type "47" (On-Sale General-Bona Fide Public Eating Place) License. The site is in the CCSP-MX33-HR (Community Center Specific Plan, Mixed Use District, Area 33 & Historical Retail Overlay Zone).

STAFF SUMMARY: The applicant is requesting Conditional Use Permit approval to operate an existing restaurant, Main Street Pizza, with a State Alcoholic Beverage Control Type "47" (On-Sale, General – Bona Fide Public Eating Place) License.

The site is located on the east side of Main Street, north of Garden Grove Boulevard in the Main Street Historic-Retail Overlay zone and is developed with a 4,300 square foot pizza restaurant.

On October 18, 2001, the Planning Commission approved Conditional Use Permit No. CUP-571-01, to allow Main Street Pizza to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Bona Fide Public Eating Place) License. The restaurant, Main Street Pizza, has been in operation since May 19, 2002.

On January 15, 2004, the Planning Commission approved Conditional Use Permit No. CUP-124-03, to allow expansion of the restaurant into an adjoining building, formerly occupied by a retail carpet store, and to allow open-air dining at the front and the rear of the establishment.

Main Street Pizza currently operates primarily as a pizza restaurant with additional menu items including pasta dishes, sandwiches, and salads along with the sale of beer and wine for on-site consumption.

The restaurant currently operates from 10:30 a.m. to 10:00 p.m., Monday through Saturday, and 11:00 a.m. to 9:00 p.m., on Sunday. The applicant does not propose to modify the existing hours of operation.

During a site visit to the establishment, staff noted several issues. The applicant maintained bar stools at the service counter for alcohol consumption, which is prohibited by their Conditions of Approval. Within the restaurant, there are a total of twenty-four (24) game machines and Conditions of Approval limited the number of game machines to nine (9) machines. The seating and table arrangement did not match the floor plan approved under Conditional Use Permit No. CUP-124-03, and finally, a large room on the second floor maintained a large table along with chairs. According to the applicant, customers use this room on a limited basis. Use of the upstairs room by customers is prohibited by their Conditions of Approval. Additionally, the stairway leading to the second floor was not enclosed per the existing approved floor plan.

The pizza restaurant currently operates with an ABC Type "41" Beer and Wine License. The applicant is requesting a change in the type of ABC License, to a Type "47" in order to serve distilled spirits in addition to beer and wine. City Code requires approval of a Conditional Use Permit for any change in the type of ABC license.

In reviewing the applicant's request, staff, along with the Police Department, does not support the subject application for the following

reasons:

1. In comparing the existing establishment to other previously approved pizza restaurants within the City of Garden Grove, staff found that it is not typical to find pizza restaurants that also sell distilled spirits. More typical, is for establishments of this kind to only sell beer and wine as an added benefit in their menu selection.
2. The current layout of the restaurant, which includes a game machine area tailored toward children, provides an atmosphere that is family oriented similar to other pizza restaurants of this nature. There is concern that an upgrade to a Type "47" ABC License would transition the restaurant from a family oriented business into a more adult oriented business. Furthermore, the proposed layout of the restaurant, along with the way the restaurant is operating, is not conducive to the type of full service restaurants that would typically include full alcohol sales. Therefore, the proposed upgrade of the ABC License from a Type "41" to a Type "47" would not be compatible with the existing restaurant's business operation.
3. Additionally, in comparing calls for service of all the pizza restaurants within the City of Garden Grove, the existing establishment was second highest in calls for service by the Garden Grove Police Department. Based on that research, there is concern that an upgrade to full alcohol sales could potentially increase the calls for service, thereby putting additional strain on Police Department resources. This is substantiated in the Three Year Comparison of Data for Retail Alcohol Outlets Study that was prepared for the City of Garden Grove by CLEW Associates. The research data shows that establishments with a Type "47" ABC License have more calls for service over establishments that maintain a Type "41" ABC License.
4. Finally, the City of Garden Grove is reviewing the potential number of ABC licenses within the Main Street historic area along with the potential addition of residential units along Main Street. The City recently approved a Code Amendment to allow the creation of up to 105 residential units above the existing commercial establishments along Main Street. The applicant is currently in the process of working with staff to add up to eight (8) units above the existing pizza restaurant. Because of the potential of additional units mixed with the existing Main Street establishments, there is a concern that the intensification of alcohol sales could negatively impact the residential units. Staff is concerned that a Type "47" ABC License could change the character and operation of the business resulting in a use that may not be compatible with residential uses for noise and disturbances, especially when considering approving restaurants that sell distilled spirits that are not typical full service dining establishments, along with the data for calls for service that was included within the Three Year Comparison of Data for Retail Alcohol Outlets Study. Therefore, the approval of the subject application would be considered contrary to the goals and policies of the General Plan, which strives to restore the Community Center as the heart of the City, by continuing to protect Main Street as "a place of special character, historical and aesthetic interest and value".

Therefore, Staff recommends that the Planning Commission deny Conditional Use Permit No. CUP-230-08.

That concluded staff's presentation.

Brietigam: Stated that the area was the second highest for police service during that time frame and asked staff for the actual number of police calls.

Staff: Eleven for the year.

Breitigam: As far as the crime zone, what is the general area like as far as adjoining liquor stores or any other establishments with this type of a license?

Staff: I'll just give you an overview of the area. It encompasses Main Street, it encompasses districts 114 and 124. Both of those districts are well over as far as crime count goes, 122 percent over the average crime count for district 124 on Main Street. So, it is in a high crime area by about 124 percent, I think in district 114, well over 100 percent. It's not just Main Street, it's the surrounding districts that surround that area, that of course, in that area you have several ABC licenses. You have the liquor stores, the off-sale, as well as the on-sale licenses.

Kirkham: How many Type "47" licenses do we have on Main Street right now?

Staff: I believe, Type "47", two currently.

Nguyen: What type of crime in that area?

Staff: We have everything ranging from vehicle theft to vehicle burglaries. We have assaults, batteries, we have quality of life issues such as transient issues, drinking in public, urinating in public, graffiti, we have had some fights. It kind of runs the gamut in those two districts.

Bankson: What type of calls are you getting at that particular establishment?

Staff: Most of the calls appear to be, if not in the restaurant, in the parking lot area. Most of them have to do with disturbances of some type whether it's family fighting, domestic type fighting, it could be drinking in public, loud noises. It's those types of disturbances.

Commissioner Bankson opened the public hearing to receive testimony in favor of or in opposition to the request.

Armita Farahmand: My name is Armita Farahmand and I'm speaking on behalf of my father, Fariborz Farahmand and my uncle Hooshang Farahmand, who are the owners of Main Street Pizza located at 12926 and 12932 Main Street in the City of Garden Grove. We are here to speak about our interest in obtaining a liquor license Type "47". Main Street has been a family business for about seven years now and we have had nothing but success on historical Main Street. Our family, over the years, has grown to love the area and have become very good friends with the business owners around us. We feel we have contributed to historical Main Street and what it is today. With our family setting, we have brought families back to the area. Our customers are our number one priority. We

made a game room for the sole purpose of letting the adults enjoy their time with their adult friends to eat and drink, while their mind is at ease that their children are also being accommodated. We have noticed for a while that our adult customers would be eating and drinking with their friends while taking turns walking across the street for mixed drinks and shots and returning back to our restaurant, and for us this is bad business.

We should have the same privileges as our neighbors. We should also be able to accommodate our customers.

After a meeting in front of City Hall members, our family got together to discuss your main concern about the rise of crime rate. While we understand this concern, it is irrelevant to this case and without grounds due to the fact that other businesses within a very short walking distance are able to provide these same services, which have not affected the crime rate. What makes us any different? We are entitled to the same rights as our neighbors. If we are able to receive a Type "47" license, our plans are to leave our restaurant the way it is. We have no intention of changing our store hours or even extending the bar. We want to keep our restaurant in a family setting.

As I said earlier, we have had nothing but success with our business in where it is located, but as you know, the economy right now is not very promising and we are forced to apply for this license to ensure our continued success for our business. We feel that winning the lottery to obtain a Type "47" license signifies that we are justified in our request. If you have any doubt of what I have said here today, look at our family, our history in this community to date. We feel that our record and integrity speaks for itself. I have no doubt that upon reflection that you will feel the same.

Bankson: There are no Conditions of Approval.

Staff: No, because this is a recommendation for denial.

Bankson: Do the Commissioners have any questions for the applicant?

Brietigam: There was a mention of extra game machines that weren't supposed to be there. Has that been resolved?

Fariborz Farahmand: She said that we put them in, and we are going to switch them back and forth. We weren't going to add them permanently. Plus, we didn't know we couldn't have that many either, and we are forced to remove them to the proper number.

Brietigam: Reduce them to the proper number of nine? So there are nine in there right now?

Fariborz Farahmand: No, there is more than nine in there, because of the trial and error. We have to find out what machines the kids would like more, so we can leave the other ones in there to take the other ones out. It is not going to be a problem. I can call the person to remove them right away by the end of the week.

Brietigam: How about the bar stools?

Fariborz Farahmand: We do not put the bar stools there, only as long as they can eat there. They are not standing there just to drink beer or wine. They eat, they sit there, they order food and they have their drinks with that.

Brietigam: And that situation hasn't changed either?

Fariborz Farahmand: No. I'm emphasizing it. We are family. This is my daughter. Right now my youngest daughter works in the restaurant, my son is working in the restaurant. His son-in-law works in the restaurant. Do you think your wife, your daughters, they come right now the City over there? Do you think I am going to allow a drunk person to come to my restaurant, ruin my business? To disturb you guys? All of you? Do you think I'm going to do that? Do you know how many times Club Rainbow, they come to my restaurant, they was drunk? I tell them, I cannot serve you. I send them back. I take the food over and I hand it to them. On one occasion, the person got drunk. You know why he got drunk? Because he was going across the street getting shot fast to come into my restaurant to watch the kids. He would have had accident in the car.

Talking about another eleven calls. Do you know how many homeless we get over there? What do you want to me to do? I have to call the police. I give them (the homeless) the pizza to get them out of the restaurant. To the point, I have to call the officer to come and take the person out of my restaurant. We doing our best. Mayor comes in my restaurant. All of you guys come into my restaurant. We know all of you. I am sitting with my customers. I sit with them, I drink with them, I talk with them. Do you think I am going to bring people like those that go to Rainbow or go to J.J.'s place there? J.J.'s got their own people. Rainbow's got their own people.

I have to respect my customers. I have your daughter, your wife comes there to my restaurant, wants a classic daiquiri or something, and I can't provide it for them. We are because of the economy. We never tried this, except this year, because people come in, say do you have mixed drinks? No. They walk away. I say you have to go across the street. We lose business for food and drink too. We are just trying to provide limited. I have room upstairs I can turn into bar. No, I don't want to do that.

Brietigam: I think you answered my question. Thank you.

Fariborz Farahmand: I appreciate that.

Bankson: Any questions for the applicant?

Hooshang Farahmand: I have a question.

Bankson: Please step forward and give your name and address.

Hooshang Farahmand: Regarding that eleven accident that happened. A lot of it was regarded to the homeless. It doesn't have to do with anything we did, drinking or being drunk. Any crime increase or decrease because of 20 feet on left side and 100 feet from us are two bars. And we have the most nice and calm street. I don't think we have any problem in that, from neither of those bars. I haven't seen any of them fight over there for past seven years. I haven't seen any fight over there, and our customers

are with City Hall, Police Department, Education Department and those company's. We cannot exchange or make our customers different from other people. They need Bloody Mary's, they need Screwdriver's, these are what families need and we have to provide for them. That's what I'm saying.

Bankson: Are you Peter Katz?

Peter Katz: Yes.

Bankson: Please step forward.

Peter Katz: My name is Peter Katz, I'm the Vice President of the Garden Grove Downtown Business Association, and Scott is on duty, he's the President and he apologizes for not being here himself, but I want to speak on behalf of the applicant because what I'm trying to do.

I've been participating in the City's General Plan. We need to start thinking outside the box. We have a very unique situation down on Main Street and there is no reason that we can't capitalize on it for our citizens of this City. Our citizens do not want to go and be entertained in the tourist area on Harbor Boulevard in International West. They would like the ambiance that Main Street has, where they can come down with their families and enjoy some entertainment. So what I'm proposing in the General Plan, and I have a resolution that has been passed by the Parking and Main Street Commission, is to create an entertainment district for the downtown area, to relax the ordinances and the codes that are in place and are archaic.

And, I don't buy into the Police concept that crime increases. The matter of policing comes from the businesses themselves. If they have a good thing going, they're going to hire the right bouncers, they are going to work with Police to solve the problems. Much of the problems the Police have raised are directly the result of the Home Depot and the transient situation of people waiting for jobs. These are the kinds of people that are causing the problems in the break-ins, and the thefts and this sort of thing, and the delinquents from the high school up the street. So it's not the businesses and their customers, but if you look at cities like 42nd Street in New York, you look at Beal Street in Memphis, you look at Bourbon Street in New Orleans, you look at San Antonio, Portland has a great entertainment district. You have bars, one after another, theaters, and you have 12-stories of people living above them. What you do, is when people buy into those apartments, they have the understanding this is the ordinance, this is an entertainment district. If you want to live in the entertainment district, then you have to put up with the noise that goes along with it. And the Police...once the revenue starts coming in on the entertainment district, you can afford to put a full time officer in the entertainment district just to walk the beat. I mean the businesses would be glad to pay for that if the revenue was coming in.

And I think we need to start thinking about what we're doing with the downtown area to bring more people into it. Our local citizens are starving. I mean the Gem Theater is coming back, we have another restaurant going in across the street, and all these restaurants work in

harmony with the entertainment that we're trying to provide on the street, with the car show, with the farmer's market.

Yes! Every time you try something new there are going to be problems. The problems have to be worked out and we work well with the Police Department. The Police Department and the Business Association right now are working to end the protests on Main Street. And its worked very well, and I think more of this is needed to work with the businesses and to create some kind of dialogue and openness with the City Council to move this forward. I think this is a great idea because this block is very short, very small. Most of the apartments are set way back and you've got businesses that are close, so the entertainment inside the establishments would not resonate within the City.

I think we're sitting on a goldmine here and we're not capitalizing on it. And I wholeheartedly speak on behalf of these people that are trying to fix their business. And the last time I went before a liquor license review was when Doug's Downtown Bar and Grill opened. And that was the same question that was raised. We can't have another liquor license down here. Well, his business is doing very well and he knows how to police his business. The problem comes when businesses don't care, when they neglect their business, and that's what brings the problems. I've been in this restaurant many times and seen how late these people work, and how they get rid of the problem children. And every downtown has some problem and has some problems, but there's no reason to kill a golden egg here because we have the ability to create a thriving urban setting where people live, work, and play without having to get out of their car and driving up Harbor Boulevard and clogging up Garden Grove Boulevard. Let's face it. These people...yeah, you may have some Police response on the street, but think about it, they're not going to get out of their car, or get in their car and drive home, they go upstairs and go to bed!

So, in theory, you're actually saving money down the road with people that patronize the businesses if they live upstairs. So, I just think it's a great idea. I think this City needs to start thinking outside the box because I think we're losing out on entertainment for our local citizens. And I see cities like Fullerton, Huntington Beach, and Orange, and these cities are working along the similar lines. Los Angeles and Wilshire Boulevard are doing the same thing. So, I think we need to take another look at it, maybe come back with it, just don't kill it off right away. I would like to submit this as part of the hearing (copies of a resolution are handed out to the Commissioners for their review). This is the resolution that was passed by the Parking and Main Street Commission. I would just like to introduce the resolution into the record.

Bankson: Anyone else who would like to speak in favor of the project? Seeing none, I would now like to call up those who oppose the project. Seeing none, at this time we'll close the public hearing. Commissioners, any comments?

Kirkham: Yes, I'd like to make a few comments. Number one, I go to Main Street Pizza quite a bit, it's a really well run establishment. I like what you guys are doing there. My problem is that I think you're gearing a lot more for families. I'm not saying that I'm against what you're asking, but families and alcohol are usually a problem. Beer and wine are

one thing. Pizza places, normally, typically, where I go, and I go to a lot of them because I do a lot of car shows and I do a lot of running around, and typically they have beer and wine. And, with as many machines as you got in there, it looks like you have a nice family business down there. And you're doing well, I hope. I know you do well on Friday night. I'm not saying that I'm against it, I'm just saying that, with the machines in there and everything, you're looking for more of a family business and if you're going to run the business the same way, this kind of license may not be right for you. Maybe you want to go more toward the family end of it. I'm not saying I'm against it, okay. I'm just saying that's one concern that I have.

Brietigam: I have some concerns, but I have question of City staff first. If this were to be denied tonight, this would not affect their other license as far as for the beer and wine?

Staff: No, it wouldn't. The beer and wine license would remain.

Brietigam: I too, am a pizza connoisseur, I've been to many pizza establishments and I have never, and that's 'never' with an exclamation point, been to a pizza parlor with other than a beer and wine license. I've never even seen one, I don't know if they exist.

Staff: There is one in the City.

Brietigam: There's one in the City?

Staff: One in the City. Shakey's is the only one with a "47". It occurred in 1991. I'm not sure why the powers granted it at that time, but that is the only pizza restaurant in the City that has a Type "47" license.

Brietigam: Yeah, that's even news to me. So, I do have some concerns. I agree with what the last speaker said as far as the entertainment district and how people would move in with the understanding that this is the way things are when they buy into that community. Actually, the people who do live there haven't signed on, or moved in with the idea that there would be flexibility in the way we force laws and what not in that area. Anyway, I have some real reservations about the approval of this thing. I do think it's a good business there, but I really don't think I can support the proposition.

Bankson: Anyone else?

Beard: Well having come in late, I apologize first of all. I did read the staff report, and I'm sorry I missed the public input, but just from the reading of it, honestly, I didn't have an objection to this type of use. I'm going to support it based on the written report.

Nguyen: I usually don't drink and smoke, but most of my friends, they complain about the City, that after eight or nine, everything's dead. So, I would support this type of business to have more people entertained after work to relax. The rate of crime, one business doesn't affect the rate, so I will support the project.

Bankson: I walked through the place last night. I've had lunch there a couple of times and I saw families, actually a couple of big groups, that looked like maybe some kids who just got out of baseball practice or whatever, and I saw some kids playing there in the arcade area. And I thought, to me it just struck me as a very nice family business. I have to agree with what George and Gene said. I've never really seen a pizza place, especially a family-oriented place that served hard alcohol, usually with pizza, beer and wine. I would come quicker to support having more games in there for the arcade area, than the nine that are supposedly allowed, than supporting the alcohol "47" license. So, I have to agree with the staff report.

Brietgam: Mr. Chair, I have one more comment. I specifically asked a couple questions, and I guess they were in violation of their other license with the stool count, the way they were utilizing the bar stools, and the game machines they had in there. And this was brought to their attention some time ago?

Staff: They received the Conditions of Approval when it was approved in 2001.

Brietgam: And I asked them specifically right here, and they basically told me no, we haven't resolved that yet. They haven't remedied those issues, so I would have a hard time giving them more of a license if they haven't fixed what was wrong with the old license. That's the only other comment I had.

Bankson: Any further questions?

Beard: I have a question for the City Attorney. Since I didn't hear the public hearing, it would be more appropriate for me to abstain having not received any public testimony? Because that's what I intend to do.

City Attorney: Yes, correct.

Bankson: Is there a Commissioner who would like to make a motion?

Brietgam: I move that case number CUP-230-08 be denied pursuant to the facts and reasons contained in the resolution, and authorize the Chairman to execute the resolution.

Bankson: Do I have a second?

Kirkham: Do you know what I would rather see? I'd like to see this put off a little bit until Mr. Katz can bring his idea to the Council and rethink this at a later time. Because if that does, in fact, happen, that would make a difference in my decision.

City Attorney: A couple of things, if the motion were to get a second, the approval of a majority vote and the CUP would be denied. The applicant does have the right to appeal to the City Council and take it up to the City Council. And if the City Council also denies it, then they couldn't reapply for twelve months. If you continue it, then we'll have the same discussion at the next meeting or the meeting when you continue it. But your taking no action, actually it's not, because you have the application before you,

the public hearing, and a 'no action' is actually a denial because you're not approving it.

Kirkham: But if you postpone it until another date, that would not be taking no action.

City Attorney: That's correct. And the question is, how long would you postpone it to?

Kirkham: We're in the General Plan right now, I think, probably 60 days.

City Attorney: Then you need to ask how long the applicant is going to have that license open through ABC.

Kirkham: Do they have it now? They still have their original license, right?

City Attorney: Right, that's true. Forget what I said.

Brietigam: Are they selling distilled spirits at this time?

Kirkham: No. So we didn't get a second, so my motion is to postpone it for 60 days and bring it back in 60 days.

Brietigam: First we should ask if there is a time frame issue.

Staff: Chairman Bankson? If, in light of Commissioner Kirkham's concern for the potential discussion of furthering entertainment activity and changing the aspect of Main Street, the tentative schedule right now, and hopefully we do stay on track with it, we'd wind up getting to City Council in August. So, if the interest is to wait and see what Council does with it, then probably a realistic light, you might want to either consider this at the second meeting in August or the first meeting in September, but again, that's delaying for that period of time, which the applicants may or may not want to wait that long for a decision. It's something that you may want to have the applicant re-approach the Commission to see what his concerns are on timing.

Kirkham: I'd like to hear from the applicants to see what they have to say about it.

Bankson: At this time, the Public Hearing is re-opened. If the applicant would like to address this with their concerns with the time frame.

Armita Farahmand: I didn't review anything before I came so I wasn't real prepared. But I believe we shouldn't need more than 60.

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

City Attorney: Why don't you continue it for the 60 days and when we get to that point, the applicant has additional time, they can let us know, and then we'll ask for additional time if that's what the Commission wants.

Kirkham: We didn't get a second on the original. I'll make a motion to put this off for 60 days and bring it back to the Commission in 60 days, which would be what date?

Staff: If we're looking at 60 days, we would put it on for the August 7th Planning Commission.

Bankson: Hopefully we would have a full Commission.

Kirkham: Yeah, and that would be more fair to him anyway to have a full Commission. Right now we're two Commissioners short and one Commissioner coming in late and abstaining. There is only going to be four of us voting on it and I don't think that's really fair. That's my motion, if I can get a second.

Brietigam: I'll second that.

Staff: So the motion is to continue the item to August 7th, which is a date certain.

Commissioner Kirkham moved to continue Conditional Use Permit No. CUP-230-08 to the Thursday, August 7, 2008 Planning Commission meeting, seconded by Commissioner Brietigam. The motion received the following vote:

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

**MATTERS FROM
COMMISSIONERS:**

Commissioner Brietigam commented that he would like to see some landscaping on Lampson Avenue; that he heard the same comment from other people at a meeting last week; that the entrance from Seal Beach looks fine with landscaping and trees, but there is a dramatic difference with the block walls upon entering Garden Grove; and that there is a lit 'welcome to Garden Grove' sign there now.

**MATTERS
FROM STAFF:**

The City Attorney commented that Vice Chair Pak called that afternoon to raise a concern, that the bank, where he is employed as an officer, does have a loan with the applicant; that after a FPPC Regulation analysis it was determined that he would have a conflict of interest; that he was advised to recuse himself by the City Attorney; and that this case being the only item, Vice Chair Pak decided not to attend the meeting.

Staff added that because this meeting is continued, those Commissioners who missed the public testimony could read the Minutes and in future, act on the item at the August 7th public hearing.

The City Attorney also preferred that the absentee Commissioners listen to the audio-tapes for the full discussion as opposed to only the reduced Minutes.

Commissioner Brietigam asked staff if the Planning Commission meetings were run on the Internet?

Staff replied that only the City Council meetings are on the Internet.

Commissioner Kirkham asked staff if, at the next public meeting on the General Plan, could Time Warner could step in to tape the meeting for Channel 3 for those who would not be able to attend the meeting.

Staff replied that they would pass the request along.

ADJOURNMENT: Commissioner Bankson moved to adjourn the meeting at 7:50 p.m., seconded by Commissioner Kirkham. The motion received the following vote:

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

JUDITH MOORE
Recording Secretary