

CITY OF FOUNTAIN VALLEY  
REGULAR MEETING OF THE PLANNING COMMISSION  
FOUNTAIN VALLEY COUNCIL CHAMBERS

MARCH 11, 2009

MINUTES

CALL TO ORDER

The Fountain Valley Planning Commission meeting was called to order at 7:00 p.m. in the City Council Chambers.

SALUTE TO THE FLAG

Chair Drilling led the salute to the flag.

ROLL CALL

Commissioners present: Drilling, Frank, Gaston, Jensen, Proctor, Walker  
Commissioners absent: None  
Staff members present: Andy Perea, Planning Director, Steven Ayers, Planner, Matt Jenkins, Assistant Planner, Cyndee Alvarez, Planning Secretary

APPROVAL OF MINUTES

The Planning Commission minutes of February 11, 2009, were approved as amended by a unanimous vote.

Chair Drilling stated that it was customary for Commissioners to visit applicant sites; that unless any Commissioner had further disclosure statements at this time, it may be stated that no contact was made during the site visit with the applicant, his/her agent, or neighbors of the proposed project.

PUBLIC HEARINGS

1. MIMI'S CAFÉ – CONDITIONAL USE PERMIT NO. 1091M  
Petition submitted by SWH Corporation dba Mimi's Café to expand its alcoholic beverage service to include beer, wine and distilled spirits for on-premise consumption (Type 47) which would be an upgrade from the existing beer and wine only service (Type 41) for the business located at 18461 Brookhurst Street.

Chair Drilling opened the public hearing.

Mr. Steven Ayers, Planner, presented the staff report. He stated that on July 26, 1989 the Planning Commission approved Conditional Use Permit No. 1091 for the establishment of a restaurant including the on-site sale and consumption of beer and wine at 18461 Brookhurst Street; that they are now requesting a modification to the existing Conditional Use Permit for a Type 47 full liquor license; that the square footage, floor plan, maximum seating capacity and hours of operation will remain the same; he stated that staff has imposed conditions to help reduce impact to the adjacent businesses and neighbors stating the alcohol beverages are not to be consumed outside of the restaurant and food will be required to be served at all hours the establishment is opened for business; and that live entertainment will be prohibited; he stated that staff recommends that the Planning Commission adopt Resolution No. 09-03 approving Conditional Use Permit No. 1091M.

Discussion ensued regarding process of notification to the ABC and the age of the employees who will be taking orders and serving the alcohol.

Commissioner Walker declared that he did speak to a manager without introduction regarding this item. He stated that he asked if they were going to have a bar area; the manager stated that they were going to close for business for four to five days to remodel the restaurant to add a lounge area.

Applicant Summer Merhoff, Mimi's Café legal department, 17852 E. 17<sup>th</sup> Street, Tustin, was present to answer any questions. She presented the Commissioner with a menu of the planned alcoholic beverages that will be served.

Chair Drilling asked if anyone was present to speak on the matter; hearing no one to speak on the matter, Chair Drilling closed the public hearing.

Vice Chair Jensen motioned to adopt Resolution No. 09-03 approving Conditional Use Permit No. 1091M to permit a Type 47 full liquor license in conjunction with the continued use and operation of the existing restaurant located at 18461 Brookhurst Street.

Commissioner Walker seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-02 approving Conditional Use Permit No. 1652M.

2. EL DORADO PRE-SCHOOL – CONDITIONAL USE PERMIT NO. 1668  
Petition submitted by Avery Martinez to establish and operate a pre-school day care center for two (2) to four (4) year old children located at 9430 Warner Avenue, Suite A.

Chair Drilling opened the public hearing.

Steven Ayers, Planner, presented the staff report. He stated that the proposed pre-school will be located within a 3,000 sq. ft. suite with an adjacent 3,200 sq. ft. exterior play area; that the business will provide pre-school instruction for 2 to 4 year old children by providing reading and math instruction as well as instruction to special needs children; that in addition to occupying Suite A, the applicant is proposing to enclose the adjacent area to provide a play area for the children; the play area will be located near the rear of the shopping center, and there will be no impacts to neighboring residential properties; that staff supports the proposal as submitted.

Applicant's Avery and Cheryl Martinez, 9430 Warner Avenue, were present to answer any questions.

Commissioner Walker stated that the Martinez's did a great job with the presentation.

Discussion ensued regarding handicap parking spaces and the proposed landscaping.

Chair Drilling asked if anyone was present to speak on the matter; hearing no one to speak on the matter, Chair Drilling closed the public hearing.

Commissioner Walker motioned to adopt Resolution No. 09-04 approving Conditional Use Permit No. 1668 for a 3,000 sq. ft. pre-school facility with an adjacent 3,200 sq. ft exterior play area located at 9430 Warner Avenue, Suite A.

Commissioner Jensen seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-04 approving Conditional Use Permit No. 1668.

3. ACE JIU-JITSU – CONDITIONAL USE PERMIT NO. 1671  
Petition submitted by Chris Thue and Asa Fuller to establish and operate a Jiu-Jitsu school that teaches Brazilian Jiu-Jitsu, wrestling and Judo located at 18225 Brookhurst Street, Suites #10 and #11.

Chair Drilling opened the public hearing.

Mr. Ayers presented the staff report. He stated that the applicants are proposing to provide private and semi-private Brazilian Jiu-jitsu instruction to both adults and children; they plan to have no more than 49 students at one time; the hours of operation will be 9:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 12:00 p.m. on Saturdays. Staff supports the request as submitted.

Applicants Asa Fuller and Chris Thue, 18225 Brookhurst Street, Suites #10 and #11, were present to answer any questions. They stated that they were very excited to be bringing a business into Fountain Valley.

Chair Drilling asked if anyone was present to speak on the matter; hearing no one to speak on the matter, Chair Drilling closed the public hearing.

Commissioner Jensen motion to adopt Resolution No. 09-05 approving Conditional Use Permit No. 1671 filed by Asa Fuller and Chris Thue to permit a Brazilian Jiu -Jitsu academy at 18225 Brookhurst Street, Unit #10 & #11.

Commissioner Frank seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-05 approving Conditional Use Permit No. 1671.

#### OLD BUSINESS

None

#### NEW BUSINESS

4. ANTHONY NOBLES – DEVELOPMENT REVIEW NO. 09-01

Petition submitted by Anthony Nobles to modify existing arch and to add doors at the property located at 17080 Newhope Street.

Mr. Matt Jenkins, Assistant Planner, presented the staff report. He stated that the applicant is proposing to remodel the exterior of the building located at 17080 Newhope Street and that the applicant is proposing to create a new independent access for a new interior office, and a patio area on the west side of the building; and that staff supports the proposal as submitted.

George Castillo, 2121 W. Imperial Highway, La Habra, registered civil engineer, was present on behalf of Anthony Nobles to answer any questions.

Commissioner Frank moved to approve Development Review No. 09-01 submitted by Anthony Nobles to remodel the exterior of Nobles Medical Technology located at 17080 Newhope Street on the condition that the applicant shall obtain all necessary permits from the Department of Building and Safety.

Chair Drilling seconded the motion.

By a unanimous vote, the Planning Commission approved Development Review No. 09-01.

### COMMISSION COMMENTS

Mr. Andrew Perea, Planning Director stated that the next Planning Commission agenda will have nine (9) items; seven (7) of which belong to the same property. He stated that there will be a couple of code amendments on the agenda also; that ten (10) out of eleven (11) KB Homes have been sold in their first phase; UCI students are moving along with their projects; he reminded the Commissioners about the League of Cities conference; and the Legislative Reception; that the Commissioners 700 forms were due by April 1<sup>st</sup>. He stated that staff is working to resubmit a draft Housing Element to the State, and that the Sign Committee update will be on the next agenda.

### ADJOURNMENT

The Planning Commission meeting of March 11, 2009, was adjourned at 7:50 p.m. to the next regularly scheduled Planning Commission meeting of April 8, 2009.

APPROVED:

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Chairperson

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Secretary