

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, 2009

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: COMMISSIONERS BANKSON, BEARD, KIRKHAM, NGUYEN,
PAK, PIERCE

ABSENT: COMMISSIONER BRIETIGAM.

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Maria Parra, Urban Planner; Grant Raupp, Administrative Analyst; Sid Ashrafnia, Associate Civil Engineer; Sergeant Kevin Boddy, 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 Nguyen and recited by those present in the Chamber.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Vice Chair Pak moved to approve the Minutes of February 5, 2009, seconded by Commissioner Kirkham. The motion carried with the following vote:

AYES: COMMISSIONERS: BANKSON, BEARD, KIRKHAM,
NGUYEN, PAK, PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: BRIETIGAM

CONTINUED PUBLIC HEARING: NEGATIVE DECLARATION
PLANNED UNIT DEVELOPMENT NO. PUD-121-08
SITE PLAN NO. SP-444-08
TENTATIVE TRACT MAP NO. TT-17276
DEVELOPMENT AGREEMENT

APPLICANT: EMPIRE HOMES
LOCATION: NORTHWEST CORNER OF HAZARD AVENUE AND EUCLID STREET AT
10901 HAZARD AVENUE

DATE: FEBRUARY 19, 2009

REQUEST: To rezone a 5.47-acre lot from Planned Unit Development No. PUD-104-81 to Residential Planned Unit Development for the allowance to create a residential condominium/townhouse development that consists of 90 homes; a Site Plan to construct the 90 condominiums/townhomes with associated site improvements that include parking facilities and open space areas; and a Tentative Tract Map to create a one (1) lot subdivision

for the purpose of selling each unit as a condominium/townhouse. The site is in the PUD-104-81 zone.

Vice Chair Pak moved to approve the withdrawal of this item from any further consideration or action, seconded by Commissioner Kirkham. The motion received the following vote:

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

PUBLIC HEARING: AMENDMENT NO. A-146-09
APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE
DATE: FEBRUARY 19, 2009

REQUEST: To amend Title 9 of the Garden Grove Municipal Code, Section 9.16.160(H) – Groundcover, and Section 9.16.160(L) – Substitute Landscaping, to allow artificial turf within the R-1 (Single-Family Residential) zone, subject to special standards.

Staff report was read and recommended approval.

Commissioner Bankson asked Staff if a review process for the turf was built into the Code. Staff replied no; that a process could be added; that the type of artificial turf allowed would not be found at home improvement stores; that complaints to Code Enforcement would be one method of finding out if a different turf, such as astro-turf, had been installed; and that permits would not be required to install artificial turf, however, there would be City requirements.

Vice Chair Pak asked Staff to clarify the type of licensed professional who would install the turf. Staff deferred to Mr. Gary Hart, of Hartscape Co., to answer the question during the public hearing portion.

Vice Chair Pak commented that he did not think a mandatory licensed professional was required to install a simple artificial turf, however, City Hall should keep standards of acceptable products.

Staff added that samples would be kept in City Hall, however, there would be no promotion of manufacturers.

Commissioner Nguyen commented that a license should be required to monitor proper installation.

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

Mr. Gary Hart, a local landscape contractor, approached the Commission and stated that he installs both natural and artificial grass; and that the fourth generation artificial turf is so realistic that gardeners often mow it by accident.

Commissioner Kirkham asked Mr. Hart to clarify the turf drainage. Mr. Hart described that there is a 2" to 3" Class-2 sub-base to help with animal urine waste under the backing; that drainage is 7" per square yard per hour; that water goes through the matting to the base; and that infills differ.

Commissioner Kirkham asked Mr. Hart to address the planting of live plants along side or within the turf. Mr. Hart responded that the turf is cut around plantings; that a border is required to attach the turf; that there are products to help with pet urine; that the recommended maintenance process is to wash the turf periodically with water or vinegar or products available on the market; that a new product is a pumice earth granular infill called ATD with neutralizes the urine; that there also sprays of good bacteria that would kill bad bacteria; that with the popularity of turf, there are more solutions.

Commissioner Nguyen asked Mr. Hart to describe the plastic used. Mr. Hart replied that the yarns are polyethylene, UV resistant; that there are different qualities available with different warranties; and that the turf would not catch on fire.

Vice Chair Pak asked Mr. Hart for the price comparison of natural grass and artificial turf. Mr. Hart replied that the cost of turf is approximately the same as installing concrete paving; that the product would never be inexpensive; that real sod would be approximately \$4.50/square foot with turf being \$8.00 to \$11.00/square foot; and that the Metropolitan Water District give rebates.

Commissioner Beard asked Mr. Hart if there are contaminants involved with artificial turf and to clarify the license classifications. Mr. Hart responded that a product called "Tiger Turf" is lead free; that the licensed contractor would be a C-27; that the D-12 is a new classification, however, a licensed contractor is acceptable; and that this turf cannot be purchased at Home Depot.

Mr. Herb Lieberman approached the Commission and asked Staff if 'relative transpiration' had been considered with regard to the heat and oxygen emissions that create a heat footprint.

Mr. Hart responded that in sports applications that create heat, an all-tire rubber infill is used for the G-force impact; that a new 2" rubber recycled matting is becoming available that would help to eliminate tire rubber; that heat is a drawback, and that masonry, concrete, and stone create heat; and that watering helps to break the heat tension.

Mr. Lieberman asked Staff to create a comparison table between the transpiration of real sod vs. artificial turf due to the potential heat footprint that would be created from the turf's popularity in the City; and that this would affect the environment.

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

Commissioner Beard asked Staff if a license requirement of C-27 or D-12 would be a problem.

Staff responded that the words 'licensed professional' should be used as the State could change classifications.

Commissioner Bankson commented that he did not see the need for a licensed contractor to install artificial turf, especially for an owner/builder; that a homeowner should not have to bear the cost; and that a City review process would be good.

Staff added that the building code does require licensed contractors if a third party is hired to do construction on homes; that there is an exception for do-it-yourself construction; that any review processes or inspections would be costs to the City; and that these services would be provided without the opportunity to recoup the costs.

Commissioner Nguyen commented that with this new product, there would be trial and error; that a licensed contractor should be required for a time; and that there would be safety issues if the turf was not properly installed.

Vice Chair Pak modified Condition No. 1a, Subsection 2, to read that artificial turf be installed by a licensed professional and shall be installed pursuant to manufacturer's requirements except if the artificial turf is homeowner installed; and that the owner installation would be required to follow the manufacturer's requirements.

Vice Chair Pak moved to recommend approval of Amendment No. A-146-09 to City Council, with an amendment, seconded by Commissioner Kirkham, pursuant to the facts and reasons contained in Resolution No. 5670. The motion received the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-448-09
CONDITIONAL USE PERMIT NO. CUP-260-09
APPLICANT: JESUS GARCIA
LOCATION: EAST SIDE OF SEABOARD CIRCLE, NORTH OF WESTMINSTER AVENUE AT
13862 SEABOARD CIRCLE
DATE: FEBRUARY 19, 2009
REQUEST: Site Plan and Conditional Use Permit approval to construct a two-story, 805 square foot addition to an existing single-story, 676 square foot office building for Garcia's Recycling; to expand the existing recycling area canopy by 1,800 square feet; and to construct a new 1,980 square foot freestanding canopy. The site is in the M-1 (Limited Industrial) zone.

Staff report was read and recommended approval.

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

Mr. Mark Ahumada, the applicant's representative and designer of the project, approached the Commission.

Chair Pierce asked Mr. Ahumada if he had read and agreed with the Conditions of Approval. Mr. Ahumada replied yes and described the project, noting that a new scale would be added for better customer service and that there would be better access and circulation.

Commissioner Beard asked Mr. Ahumada if he expected an increase in business.

Mr. Ahumada replied that with the new scale the business would be more streamlined.

Vice Chair Pak asked if keeping the site clean was an issue. Mr. Ahumada replied no, the site would be cleaned every day; that Public Works approves of their process; and that he has been at the same location since 1993.

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

Commissioner Beard expressed his support of the project.

Vice Chair Pierce cited an article indicating that the owner of the recycling center had joined the Garden Grove Chamber of Commerce.

Commissioner Beard moved to approve Site Plan No. SP-448-09 and Conditional Use Permit No. CUP-260-09, seconded by Commissioner Bankson, pursuant to the facts and reasons contained in Resolution No. 5671. The motion received the following vote:

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

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-257-09
 VARIANCE NO. V-181-09

APPLICANT: HYE VIN LEE

LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN CANNERY
 STREET AND CASA LINDA LANE AT 9240 GARDEN GROVE BOULEVARD,
 SUITE 10

DATE: FEBRUARY 19, 2009

REQUEST: Conditional Use Permit approval to operate a 3,944 square foot
 cosmetology school, ASEL Beauty College, within an existing multi-tenant
 shopping center. The school will offer cosmetology, manicurist, and
 esthetician courses, and operate Monday through Friday from 9:00 a.m. to
 5:00 p.m. Also, a Variance request to allow the school to deviate from the
 minimum parking requirement. The site is in the C-2 (Community
 Commercial) zone.

Staff report was read and recommended approval; Condition No. 33 was modified; a letter of concern was submitted by Jerry Margolin, the

applicant's representative; a letter was submitted by Chavez Law Firm dated February 18, 2009, to deny the project due to health and safety concerns; a petition from ASEL Beauty Center was submitted in support of ASEL Beauty College; and photographs of the property/parking lot were also submitted.

Commissioner Kirkham noted that the parking study reflected that only 53% of the parking spaces were used.

Commissioner Bankson asked Staff what prompted the site inspection?

Staff replied that an inspection is done in conjunction with the submittal process; that construction had begun, however, it stopped when the applicant learned permits were required.

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

Mr. Jerry Margolin, the applicant's representative, approached the Commission and handed out a petition of support and color photographs of the parking lot. He also stated that the Chavez Law Firm letter came at the last minute to the Zoning Administrator meeting as a mechanism to postpone the project; that the issues are really about economics not parking; that the school cannot advertise; that services do not have a charge; that there is an insinuation that increased parking lot traffic would be a greater safety concern regarding student children who are customers of other businesses in the center; and that the reason for going to Planning Commission was to expedite the project.

Commissioner Beard asked Mr. Margolin if the intent is that this is competitive issue and not a parking issue. Mr. Margolin replied yes.

Seven people spoke in favor of the project that included Yun Chun, Min Chang, Joyce Rion, Choonsil Chu, Jenny Jin, Esperanza, and Chichoon Lee. Their testimony included comments that there is no parking problem; there would be a mutual benefit by opening the school; that the center needs to be invigorated; that there are people who want to go to the beauty school; that free haircuts at nursing homes could be done by the school's volunteers; that Korean people want to learn beauty skills for the opportunity to get a new career, however, there is a language barrier; that those in opposition are worried about losing customers; and that the school would be a beautiful project.

Ms. Jenny Jin, approached the Commission and stated that she would like to work with Ms. Hye Vin Lee, the applicant; that she has taught for six years in a community college; that there is a language barrier; that the project is a school, not a business; that low income and senior centers could benefit from the school; and that the length of time for training varies as there is no set timeframe.

Seven people spoke in opposition to the project that included Brian Sim, Jung Soon Sim, Sean Baek, Sandy Han, Sang Kim, Connie Kim, Robert Kim, and interpreter Ellie Chung. Their testimony included comments stating that the school may not succeed in the economic crisis; that there were safety issues with regard to the parking lot, as many accidents have

been witnessed; that laws need to be abided by; that future parking should be considered; that Avanti Skin Care customers come from as far as San Diego; that Jenny Sim customers come from as far as Torrance; that there is a fear the school would become a semi-professional salon with paying customers; that the beauty school students are rumored to be professionals, however, they need American licenses; and that there would be economic loss for the existing businesses.

Mr. Edward Chavez, representing Jenny Sim Beauty Salon and Avanti Skin Care, approached the Commission and stated that the traffic study was conducted when students were on vacation from school, which reflected a lower occupancy; that Exhibit A (Jenny Sim Beauty Salon) has over 200 letters and Exhibit B (Avanti Skin Care) has approximately 150 letters regarding accidents and parking issues; that the City should address the health and safety of children crossing the parking lot; that rotating customers could generate more than 75 additional cars on the property; that the school has advertised; and that the CUP would run with the land.

Mr. Lee, a minister, approached the Commission and stated that there is a conflict of interest and fear of losing customers should the school open; that there is no parking issue; that the shopping center is dying; that low income people would benefit by patronizing the beauty school; and that people should come together to revitalize the center.

Mr. Jerry Margolin approached the Commission and stated that attempts were made to meet with those in opposition via an open house; that Mr. Chavez requested a postponement due to travel obligations; that the "opening soon" advertising was a mistake; that the law states that economics cannot be a part of the discussion; that the Zoning Administrator agreed this center was a viable place for the school; and that those in opposition would also benefit from the school.

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

Staff clarified that a Variance would be required to deviate from the parking per code; that there would be ample parking; that parking in front of businesses could be limited to 15 minutes or the curb could be painted green; that prime parking would be open to main customers; that Conditions of Approval would also run with the land; that other beauty schools in the City have resolved their parking issues; that the lease stipulates that there cannot be a charge for services, only materials; and that parking studies are prepared when the applicant comes to the City.

Commissioner Bankson asked for the hours of operation. Staff replied that the school would be open from 9:00 a.m. to 5:00 p.m. Monday through Friday, and not be open during the evenings or on Saturdays.

Commissioner Kirkham commented that students going to the school may open future businesses that are necessary in the City; that the parking problems belong to the property management company; and that people from other countries need to be trained.

Commissioner Bankson commented that the only tenants in opposition are the Beauty Salon and Skin Care tenants; that there is no traffic problem; and that the school could bring revenue to the City.

Commissioner Nguyen agreed and commented that both sides need to work together for the community during the economic crisis.

Commissioner Beard asked Staff if the 25 student requirement runs with the land. Staff replied yes, that to modify the CUP would require a new application.

Commissioner Beard agreed that the issue is not economic; that there is sufficient parking; that the CUP should mitigate potential problems; and that he would support the project.

Vice Chair Pak commented that the basic issues were fear of losing customers; business competition; unfair pricing; and that the hope is that the school would benefit everybody by bringing in local customers.

Staff added that the Planning Commission regulates land uses and not economics.

Chair Pierce asked Staff if speed bumps could be considered to slow people down in the parking lot and that they work in school areas. Staff replied that with regard to public safety, speed bumps slow down response time for the Police and Fire Departments, and ambulances.

Commissioner Bankson moved to approve Conditional Use Permit No. CUP-257-09 and Variance No. V-181-09, with an amendment to Condition No. 33, seconded by Commissioner Kirkham, pursuant to the facts and reasons contained in Resolution No. 5672. The motion received the following vote:

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

Chair Pierce called for a five-minute recess.

ITEM FOR
CONSIDERATION:

A summary was read on the 2008 Annual Report on the Status of the General Plan.

Commissioner Kirkham moved to acknowledge the receipt and file of the 2008 Annual Report on the Status of the General Plan, seconded by Vice Chair Pak. The motion received the following vote:

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

MATTERS FROM
COMMISSIONERS:

Commissioner Bankson asked Staff for the update on the Advanced Beauty

College. Staff responded that there is work being done to the roofing.

Chair Pierce asked Staff if the house being built on Stanford Avenue would have the front portion removed. Staff replied yes.

MATTERS

FROM STAFF:

Staff read a brief description of the Agenda items for the March 5, 2009 Planning Commission meeting.

ADJOURNMENT:

Chair Pierce moved to adjourn the meeting at 9:48 p.m., seconded by Commissioner Bankson. The motion received the following vote:

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

JUDITH MOORE
Recording Secretary