

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
APRIL 7, 2011

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 BEARD, BRIETIGAM, BUI, CABRAL,
DOVINH, ELLSWORTH, PAK

ABSENT: NONE

ALSO PRESENT: James Eggart, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Chris Chung, Associate Planner; Sergeant Ed Leiva, Police Department; Kathy Bailor, City Clerk; 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 Chambers.

SWEARING IN: City of Garden Grove Planning Commissioners were sworn-in by the City Clerk followed by Staff introductions.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Pak moved to approve the Minutes of February 17, 2011, seconded by Commissioner Ellsworth. The motion carried with the following vote:

AYES: COMMISSIONERS: BEARD, BUI, CABRAL, ELLSWORTH, PAK

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: BRIETIGAM, DOVINH

PUBLIC HEARING: SITE PLAN NO. SP-460-11
VARIANCE NO. V-189-11

APPLICANT: KHANH MAI VO
LOCATION: SOUTHWEST CORNER OF STANFORD AVENUE AND JOSEPHINE STREET AT 8742 STANFORD AVENUE

DATE: APRIL 7, 2011

REQUEST: Site Plan approval to convert an existing 380 square foot communal recreation room, with a bathroom and laundry room, into a residential dwelling unit, Unit 4, within an existing triplex. Also, a request for Variance approval to deviate from the minimum lot size for four (4) units,

to deviate from the minimum dwelling unit living area, to deviate from the required number of parking spaces, and to deviate from the minimum square footage for recreation and leisure area. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended denial.

Vice Chair Bui mentioned that the unit next door had a similar floor plan and wondered if the permits were also similar, such as permits by the County before incorporation to the City of Garden Grove, and also, that possibly both buildings were constructed at the same time, each with a recreation room. Staff replied that they do not have records of building permits for the adjacent property or know if a recreation room was located on the first floor.

Commissioner Dovich asked staff to describe the parking situation. Staff responded that on-street parking was available for the neighborhood; that the current parking is not consistent with current development standards; and that the units, as well as surrounding units, already depend on street parking.

Commissioner Pak asked Staff to explain what prompted the property inspection in July of 2005. Staff replied that a Code Enforcement investigation, prompted by a complaint, revealed substandard issues, specifically, the recreation room was converted into a fourth residential unit.

Chair Beard asked for clarification regarding the property incorporation. Staff replied that this Dale/Josephine area was under the County of Orange until 1983; that the applicant's building permit dates, on Garden Grove letterhead, was not consistent with the property being incorporated into the City of Garden Grove; that there was no 'grandfathering' or legal documents that indicated the City listed the property with as a four-unit dwelling.

Commissioner Ellsworth asked Staff if the applicant converted the property back to a recreation room by the 2007 deadline. Staff responded that the applicant/buyer sued the seller in a court case, with the applicant directed to apply for a land use entitlement for a fourth unit through a planning process.

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

Mr. Charles Minh Le, and Mr. Leon Tran, the applicant's representatives, approached the Commission. Mr. Le described the project and stated that due to the economy, he lowered his tenant's rent for them to stay and now needs the fourth unit in order to pay the mortgage; that there is parking for four units; that he requests a one-person studio unit, which would have one large parking space at the back of the building; that the original owner of the four-plex submitted a permit to the City to convert the recreation room into a studio, however, the final signature is missing; that the County acknowledged that the property was a four-plex; that he has been paying taxes on a four-plex for many years; that prior to his purchase, the space was rented to one person for ten years; and, that the

last renter lived there with him for five years, and during the total 15 years, there were no complaints about the property or parking.

Commissioner Dovich asked Mr. Le when he purchased the property and what was the basis of the lawsuit. Mr. Le replied that he bought the property as a four-plex, with three full units and a studio and that he also saw the permit; and that the court ordered a reimbursement by the previous owner.

Commissioner Ellsworth asked the applicant if he complied with Code Enforcement's direction in 2005. Mr. Le responded that the tenant could not live there anymore and they updated the space; that from 2007 to present the space has been empty.

Staff added that the court directed the applicant to go through the land use entitlement process.

Vice Chair Bui asked the applicant where the washer, dryer, and water heater unit would be located. Mr. Tran responded that each existing unit has a washer, dryer, heater, and water heater; however, the studio has a bathroom/shower only.

Commissioner Cabral asked Mr. Le if all of the units, except for the studio, had the washer, dryer, heater, and water heater when he purchased the property. Mr. Tran replied yes, that the studio only had a little kitchen; and that Mr. Le has a copy of the original 1978 permit with a signature.

Vice Chair Bui asked if the applicant lives in one of the units. Mr. Le replied no.

Vice Chair Bui then asked if the applicant if he had a plan for the washer, dryer, heater, and water heater services for the studio. Mr. Tran replied that if approved, the applicant would install the laundry services and a wall heater.

Commissioner Pak asked the applicant to explain the parking plan to add four additional parking spaces at the back of the building along with the access from the street. Mr. Le responded that a tenant parks next to the trash can; that there is public parking at the corner; that there are no complaints regarding parking; and that tenants tend to park on the street instead of the garage, which is a three-side carport.

Mr. Tran added that the existing driveway is 26'-6", and the City requires 12'-6" only, which leaves 10'-0" for parking.

Commissioner Cabral asked the applicant had been paying property tax on a four-unit dwelling to the County Assessor's office. Mr. Le responded that he did not recall; however, he had been paying for the City permit for four units.

Commissioner Cabral asked Staff to verify that the County Assessor's office had the property registered as a three-unit dwelling unit. Staff stated that the City has a copy of a 1978 permit from the Orange County Assessor's, which matches the date of the other permit, however, with that date, the project was under the jurisdiction of Orange County, and the permit

included three-units with a recreation room, a laundry room, and a bathroom.

Commissioner Dovich expressed his concern with the number of people who would rent the studio and was there a City limit on the number of people allowed.

Mr. Le responded that only one person would live there for \$500 to \$600, which would help, but he would still lose money.

Staff added that the City has no regulation on density per dwelling unit, however, the issues would be health, safety, and welfare.

Chair Beard asked the applicant for the plan if the variance request was not approved. Mr. Le replied that the room would remain empty.

Chair Beard asked the applicant if he was aware the extra room was to be a recreation/laundry room. The applicant replied no, and that the adjacent building also had four units.

Chair Beard mentioned that one of the meters had a laundry designation.

Mr. Le stated that the previous owner paid rent for the studio unit too.

Staff added that additional parking could not be added in the driveway due to maneuverability and that the only parking was the existing three covered and three uncovered parking spaces.

Commissioner Ellsworth asked for clarification on the fire access. Staff replied that the fire department could pull hoses from the either street and not pull onto the site.

Staff added that in the City of Garden Grove, all rental properties are required to have a business license and the applicant's understanding was that he had four units, however, Planning Staff would not see that business application for a rental unit.

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

Staff added that, by state law, variance approvals need four findings. The findings by state law are exceptional circumstances, variance necessary for the preservation and enjoyment of property right, not materially detrimental to the public welfare, consistent with the City's General Plan, and approval is subject to conditions.

Commissioner Brietigam expressed empathy for the applicant and for the tenants, in that the studio room was intended to be a recreational space; and that the City has standards.

Vice Chair Bui agreed, however, the building next door was similar and warranted an inspection, especially if the building was a four unit, the grandfather law would need to be revisited.

Commissioner Ellsworth added that the request falls short of the City's General Plan requirements, ie., the size of the laundry room, R-3 zoning

for the lot size, and for the parking. Also, that the room was never intended for a studio, and the City needs to be consistent, especially with regard to safety.

Commissioner Pak agreed and thanked Staff for highlighting the shortcomings. He also stated that the project was substandard according to code, and that certain limits have to be set.

Commissioner Dovinh agreed and stated that he would have supported the home-owner, however, the project is substandard and one solution would be to raise the rent, and make the space usable to increase property value. He also added that some recovery was made with the previous owner; that if approved and re-sold, the new owner may not be considerate and add people to the room, which would be a burden on City Staff.

Chair Beard agreed that the economic situation was unfortunate, however, hardship was not a variance finding, and the degree of nonconformity would increase as the project does not meet code.

Commissioner Brietigam moved to approve the denial of Site Plan No. SP-460-11 and Variance No. V-189-11, seconded by Vice Chair Bui, pursuant to the facts and reasons contained in Resolution No. 5735-11. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BEARD, BRIETIGAM, BUI, CABRAL, DOVINH, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

ITEM FOR
CONSIDERATION:
DATE:

REVIEW OF THE CODE OF ETHICS
APRIL 7, 2011

REQUEST:

An annual review for the City's Code of Ethics for Public Officers and Employees.

The City Attorney highlighted key points for the Planning Commissioners to be aware of as public officials, and touched on the subject of The Brown Act. He also offered that advice could be sought by contacting Staff or the Fair Political Practices Commission (FPPC) website, by calling the FPPC at 1-866- 275-3772, or reading the California League of Cities Planning Commissioner handbook.

Chair Beard moved to receive and file the Code of Ethics, seconded by Commissioner Brietigam. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BEARD, BRIETIGAM, BUI, CABRAL, DOVINH, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

ITEM FOR
CONSIDERATION:

GENERAL PLAN CONFORMITY
STREET VACATION NO. SV-119-11

APPLICANT: CITY OF GARDEN GROVE
LOCATION: WEST SIDE OF HARBOR BOULEVARD, NORTH OF GARDEN GROVE BOULEVARD, SOUTH OF LAMPSON AVENUE
DATE: APRIL 7, 2011

REQUEST: To vacate the Harbor Boulevard service road, located on the west side of Harbor Boulevard, north of Garden Grove Boulevard, and south of Lampson Avenue, to facilitate the development of a previously approved water park hotel facility, along with a request for the Planning Commission to make the determination that the subject street vacation is consistent with the City's General Plan.

Staff report was read and recommended approval.

Commissioner Pak asked Staff if the pedestrian walking space would remain on Harbor Boulevard.

Staff responded that when the service road is removed, the property line would be moved forward, and the sidewalk would then align in front of the hotel.

Commissioner Brietigam moved to approve the General Plan Conformity for Street Vacation No. SV-119-11, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5736-11. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BEARD, BRIETIGAM, BUI, CABRAL, DOVINH, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS FROM COMMISSIONERS:

Commissioner Brietigam commented on the continued lack of landscaping along Lampson Avenue from the Seal Beach border to Knott Street and then thanked Staff noting that a \$900,000 grant had been obtained to remedy the situation after the Valley View Street construction is completed.

Staff added that the grant would cover the west City boundary to Knott Street and that the details would be looked into for the next Planning Commission meeting.

Commissioner Ellsworth announced the Lions Club Pancake Breakfast to be held on Sunday, April 17th, 2011 at Kiwanisland from 7:00 a.m. to 12:00 p.m. with proceeds to benefit the Boys & Girls Club, Police Explorers, Scouting, and the Sight Program to provide glasses for children at Garden Grove Unified Schools.

Commissioner Pak announced that he would be the chaperone for the student exchange program to the City's sister city of Anyang and that he would be absent from the April 21st Planning Commission meeting.

Chair Beard welcomed everyone back to the Planning Commission.

MATTERS FROM

STAFF: Staff read a brief description of the agenda items for the next regular Planning Commission meeting to be held on April 21, 2011.

Staff added that the selection of Chair and Vice Chair would be agendized when the full Commission would be present.

ADJOURNMENT: Chair Beard moved to adjourn the meeting at 8:25 p.m., seconded by Commissioner Brietigam. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BRIETIGAM, BUI, CABRAL, DOVINH, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

JUDITH MOORE
Recording Secretary