

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
JULY 15, 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 BUTTERFIELD, HUTCHINSON, KELLEHER, AND NGUYEN

ABSENT: COMMISSIONER BARRY

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Maria Parra, Acting Assistant Planner; Robert Fowler, Police Department; Dan Candelaria, Engineering Services; Keith Jones, Public Works Director; Kim Huy, Neighborhood Improvement Manager; Judy Moore, 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, BUTTERFIELD, HUTCHINSON, KELLEHER, AND NGUYEN

ABSENT: COMMISSIONER BARRY

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Maria Parra, Acting Assistant Planner; Robert Fowler, Police Department; Dan Candelaria, Engineering Services; Keith Jones, Public Works Director; Judy Moore, Recording Secretary.

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

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Butterfield moved to approve the Minutes of June 17, 2004, seconded by Vice Chair Callahan. The motion carried with the following vote:

AYES: COMMISSIONERS: BUTTERFIELD, CALLAHAN, HUTCHINSON, JONES, KELLEHER, NGUYEN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: BARRY

PUBLIC HEARING: NEGATIVE DECLARATION
CONDITIONAL USE PERMIT NO. CUP-137-04
VARIANCE NO. V-109-04

APPLICANT: LAM NGUYEN

LOCATION: NORTHWEST CORNER OF BROOKHURST WAY AND ACACIA AVENUE AT
12851 BROOKHURST WAY.

DATE: JULY 15, 2004

REQUEST: To establish an assembly use similar to a religious facility on a 22,272 square foot site that is currently occupied by a swim school; and a Variance to allow less than the required parking and minimum lot size, as well as side and front yard setbacks. The site is in the R-3 (Multiple Family Residential) zone.

Staff report was reviewed and recommended approval.

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

Mr. Phillip Anthony, representative of the applicant, approached the Commission and thanked the Commission and staff for their efforts. Mr. Anthony stated that the ARM facility will be used for small assemblies of a Metaphysical nature. The typical group of 25 to 30 couples, comes together to study philosophy as they have for the past seven and a half years. With this size group, which meets Fridays and Saturdays only, 25-27 parking spaces are required, which the Garden Grove site will provide. Mr. Anthony also stated the facility will not be open to the public, and that the group is quiet with office hours only during the week. He stated the applicant would accept the automatic reviews, attempt solutions should parking problems occur, and provide special permits should they be needed.

Chair Jones asked if the applicant read and agreed with the Conditions of Approval. Mr. Anthony replied yes.

Commissioner Butterfield asked if dues or donations are required to become a member, and how does one become a member? Mr. Anthony stated that the members contribute dues to pay the rent and maintenance fees. He also stated that members, who must be couples, are invited to join.

Mr. Lam Nguyen, the applicant, approached the Commission and thanked City staff. He stated that parking should not be a problem for this project.

Commissioner Hutchinson asked for clarification as to why the group was moving to Garden Grove from Anaheim. Mr. Anthony stated that the Anaheim ARM group wants to move to Garden Grove, not because they need a larger space, but because most of the members live in Garden Grove and Westminster.

Ms. Muriel Virgo, a representative from the swim school, approached the Commission, and praised the membership and the prospective use.

Ms. Alta Beaudoin, a neighbor on Stanford Avenue, expressed concern about the number of parking spaces. Mr. Benson, who did the traffic study, stated 41 spaces would be made available and that will satisfy the demand.

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

Commissioner Hutchinson expressed some concerns, but with clarification, feels the project is a good fit.

Commissioner Hutchinson moved to adopt the Negative Declaration, and approve Conditional Use Permit No. CUP-137-04 and Variance No. V-109-04, seconded by Commissioner Butterfield, pursuant to the facts and reasons contained in Resolution No. 5428. The motion received the following vote:

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

PUBLIC HEARING:	VARIANCE NO. V-115-04
APPLICANT:	C. R. BEINLICH & SONS CONSTRUCTION CO.
LOCATION:	EAST SIDE OF TOPAZ STREET, SOUTH OF HUNTLEY AVENUE AT 12282 TOPAZ STREET.
DATE:	JULY 15, 2004
REQUEST:	To allow a proposed single-story addition, to an existing single-family home, to encroach into the required rear yard setback. The site is in the R-1 (Single Family Residential) zone.

Staff report was reviewed and recommended approval.

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

Mr. Bruce Beinlich, the applicant's representative, approached the Commission and stated that the main reason for the request is to provide a large master suite. He also commented that there will be no impact to neighbors due to a drainage area and open space being behind the property.

Commissioner Butterfield asked if other additions, which extend into the rear yard setback, existed in the applicant's neighborhood. Mr. Beinlich replied yes, at least two.

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

Commissioner Butterfield moved to approve Variance No. V-115-04, seconded by Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5439. The motion received the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-348-04
CONDITIONAL USE PERMIT NO. CUP-141-04

APPLICANT: GALAXY OIL COMPANY

LOCATION: NORTHWEST CORNER OF HARBOR BOULEVARD AND BANNER AVENUE,
NORTH OF THE SR-22 FREEWAY AT 13321 HARBOR BOULEVARD.

DATE: JULY 15, 2004

REQUEST: To add two fuel dispensers and a new storage tank to an existing gas station/convenience market, as well as increase the canopy size and add 976 square feet of market space. Also, a Conditional Use Permit to allow the convenience market to operate with an Alcoholic Beverage Control Type "20" (Off-Sale Beer and Wine) License. The site is in the HCSP-TZS (Harbor Corridor Specific Plan-Transition Zone South) zone.

Chair Jones moved to continue this case to August 5, 2004, seconded by Vice Chair Callahan. The motion received the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-345-04
CONDITIONAL USE PERMIT NO. CUP-139-04
VARIANCE NO. V-113-04

APPLICANT: EUCHARISTIC MISSIONARIES OF THE MOST HOLY TRINITY

LOCATION: SOUTH SIDE OF LAMPSON AVENUE BETWEEN WOODLAND LANE AND
KATHY LANE AT 11862 LAMPSON AVENUE.

DATE: JULY 15, 2004

REQUEST: To construct a two-story convent on a 42,000 square foot site, and a Variance to deviate from the minimum lot size of one-acre for a religious facility. The site is in the R-1-7 (Single Family Residential) zone.

Staff report was reviewed and recommended approval. One letter of opposition from Lyle Johnson was noted.

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

Mr. Ed Buitrago, the architect, approached the Commission and stated that the project would be a home for approximately seven to nine nuns and that no public activities would be conducted there. The new building would be setback from Lampson so that the public would not be affected.

Commissioner Butterfield asked if the number of nuns living on or using the property would increase. Mr. Buitrago stated that currently there are nine nuns and they expect some growth to the maximum of 12 to 15 nuns.

Chair Jones asked if there would be services. Mr. Buitrago stated the project is a convent, not a church. Activities would be related only to the occupants.

Chair Jones asked Mr. Buitrago if he read and agreed with the Conditions of Approval. Mr. Buitrago replied yes.

Commissioner Butterfield asked if the 1909 house on the property is still suitable for living in. Mr. Buitrago stated yes and that the nuns will continue to live in both the existing structure and the new structure.

Ms. Maria Asusena, a volunteer who works with the nuns, approached the Commission and commented that the existing house is not large enough for the nuns, and that the new building will be a novitiate house.

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

Commissioner Hutchinson moved to approve Site Plan No. SP-345-04, Conditional Use Permit No. CUP-139-04 and Variance No. V-113-04, seconded by Vice Chair Callahan. The motion received the following vote:

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

PUBLIC
HEARING:

NEGATIVE DECLARATION
SITE PLAN NO. SP-346-04
TENTATIVE TRACT MAP NO. TT-16688
VARIANCE NO. V-114-04
DEVELOPMENT AGREEMENT

DATE:

JULY 15, 2004

APPLICANT: ANDY QUACH

LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN COAST STREET AND MONROE STREET, AT 8252, 8280 & 8302 GARDEN GROVE BOULEVARD.

REQUEST: To construct 47 attached town homes on a 2.23 acre site, and a Variance to waive the zoning code setback requirements. The site is in the R-3 (Multiple Family Residential) zone.

Staff report was reviewed and recommended approval. One letter of opposition from Steve Le was noted.

Commissioner Butterfield asked staff what businesses along Garden Grove Boulevard would be removed as a result of the project. Staff replied that a car sales, car repair, a closed night club and a few small houses would be removed and sections of the boulevard would receive improvements. With regard to the alley, only sections tangent to the project would be improved, and that would not be a 'through' access.

Commissioner Nguyen asked about the security of the recreation areas along Garden Grove Boulevard. Staff replied that the area could be enclosed with fencing.

Commissioner Kelleher asked if the project would be 'gated'. Staff replied no.

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

Mr. Hai Lai, a representative of First Investment Group, approached the Commission and thanked the City, the Planning Commission and the staff for their efforts. He compared existing projects in the area to this project and cited similarities such as density, parking, and that the project is consistent with the General Plan to beautify and redevelop parts of Garden Grove. Also, the sewage main line would be upgraded prior to the project's start.

Vice Chair Callahan asked how long the project would take to complete. Mr. Lai stated that the sewage issue would take six to eight months to resolve.

Commissioner Butterfield asked if Mr. Lai had read and agreed with the Conditions of Approval. Mr. Lai replied yes.

Commissioner Butterfield asked if the recreation areas could be improved with activities such as a shuffleboard or a ping pong table. Mr. Lai commented that he would address the issue, and that for safety, the applicant may 'gate' the community.

Staff replied that there is not enough room for 'turn-a-rounds' for a gated community and that perhaps the middle driveway could be eliminated, and the remaining area fenced off and landscaped, for recreation security.

Commissioner Hutchinson agreed that fencing was a good idea.

Commissioner Nguyen asked about the starting price for the town homes. Mr. Lai replied approximately \$380,000 to 450,000 and that the project may be constructed in phases.

Ms. Sandra Weinberg, who owns the property directly South of the project, asked if she would have to give up the ten feet of her tenant's 'middle' alley property.

Staff stated that the City has the right to improve the 20 foot alley, as the alley was dedicated to the City approximately 30 years ago as a right-of-way. Property owners could vacate their ten feet, on the South side of the alley, and a Condition could be included that the developer's Home Owner's Association would maintain the twenty foot wide alley along its full length.

Ms. Weinberg also expressed her concerns regarding the security of the area if the alley goes through, the height of the project, the privacy issue regarding the project's windows, the parking, and the lack of proximity to schools.

Commissioner Butterfield commented that a greater density could occur if the project were apartments.

Staff commented that the Building and Fire Departments reviewed the project and the design falls within code. He also stated that the units would be forty-five feet from Ms. Weinberg's property.

Chair Jones clarified that the property owner's have had the beneficial use of the alley property, without paying rent to the City, for 20-30 years. Staff replied yes.

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

Commissioner Hutchinson commented that the project looks nice, that variances should be looked into, and that fencing in the recreation areas is a good idea. Also, he wants to see an improvement with regard to limiting the view from the project's windows into the neighbor's property.

Commissioner Butterfield commented that she likes the project's design and that the project will help to clean up blighted areas. She also stated that the lifetime alley improvements are a good idea.

Vice Chair Callahan commented that the project is pleasing and that parking should not be a problem.

Commissioner Nguyen stated that if the child safety issues were met, she sees no problem with the project.

Commissioner Kelleher expressed his misgivings about the project noting the project's three story design, and stated that too many of

these projects create the high density. He commented that more thought should go into the City's future.

Chair Jones moved to adopt the Negative Declaration, to recommend approval of the Development Agreement to City Council, and to approve Site Plan No. SP-346-04, Tentative Tract Map No. TT-16688, and Variance No. V-114-04, with an amendment to be added to the Conditions of Approval regarding 'fencing', seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5436. The motion received the following vote:

AYES:	COMMISSIONERS:	BUTTERFIELD, CALLAHAN, HUTCHINSON, JONES, NGUYEN
NOES:	COMMISSIONERS:	KELLEHER
ABSENT:	COMMISSIONERS:	BARRY

PUBLIC
HEARING:

NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-3-04
PLANNED UNIT DEVELOPMENT NO. PUD-103-04
SITE PLAN NO. SP-347-04
TENTATIVE PARCEL MAP NO. PM-2004-180
VARIANCE NO. V-116-04
DEVELOPMENT AGREEMENT

APPLICANT:
LOCATION:

WILLOW PARTNERS
NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF SUNGROVE
STREET, AT 12721 AND 12739 GARDEN GROVE BOULEVARD.

DATE:

JULY 15, 2004

REQUEST:

To amend the General Plan Land Use by changing the current designation to Community Residential, and to rezone the property to Planned Unit Development to allow a Senior Housing Development on the site. A Site Plan and Tentative Parcel Map are included to facilitate the proposed 85 unit Senior Housing Development, as well as Variance approval to deviate from the minimum lot size for a residential Planned Unit Development. The site is in the HCSP-OP (Harbor Corridor Specific Plan-Office Professional) zone.

Staff report was reviewed and recommended approval.

Commissioner Butterfield asked staff if there is only one way in and out on Garden Grove Boulevard, and will the secondary development interfere with parking. Staff replied that the single driveway on Garden Grove Boulevard would be left turn in, left turn out, and right turn in, right turn out. On the East, the secondary project will also have a driveway and both will serve the overall development. The East side parking will be improved and the signal will be shared. Staff also commented that the signal was warranted before the initiation of the project development due to high volumes of traffic.

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

Mr. David Slacker, representative from Willow Partners, then approached the Commission and thanked staff for their support. He stated that the housing project will be for low-income seniors, and it is in an ideal location in that the housing will be near a hospital and pharmacies.

Commissioner Butterfield asked if the purple trees designated on the plans are Jacaranda trees because the blossoms are slippery for the elderly. Mr. Slacker replied he would not be opposed to a condition stating Jacarandas are not be planted.

Chair Jones asked Mr. Slacker if he had read and agreed with the Conditions of Approval. Mr. Slacker replied yes.

Vice Chair Callahan asked how the rents are determined. Mr. Slacker replied the rents are based on a published number provided by HUD.

Ms. Verla Lambert, of the East Side Concerned Citizens Group, approached the Commission stated that she likes the project but is opposed to the Variances, and believes the project needs more parking. Also, Leon's junkyard across the street from the project needs to be cleaned up.

Chair Jones commented that affordable senior housing in a good location is ideal.

Ms. Helen Fore approached the Commission and stated she liked the project and wanted to know what would happen to the Veterinarian located on the secondary project site. Chair Jones stated a relocation program is in progress.

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

Commissioner Butterfield commented that with Garden Grove being an old and un-planned city, it needs variances for development, and this affordable senior housing, with the bus stop out front, and close shopping, is good.

Commissioner Butterfield moved to adopt the Negative Declaration, to recommend General Plan Amendment No. GPA-3-04, Planned Unit Development No. PUD-103-04, and the Development Agreement to City Council, and to approve Site Plan No. SP-347-04, Tentative Parcel Map No. PM-2004-180 and Variance No. V-116-04, seconded by Chair Jones, pursuant to the facts and reasons contained in Resolution Nos. 5437 and 5438. The motion received the following vote:

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

MATTERS
FROM

COMMISSIONERS: Commissioner Hutchinson expressed his concern regarding the color of the roof tiles on the new Ralph's store. The Ralph's tiles were to match the existing Walgreen's and Jack in the Box's tiles, however they do not. He also commented that the new trees and landscaping at the Jack in the Box was not of the caliber agreed upon in the Planning Commission meeting.

Staff replied they would look into both matters, and with regard to the trees, staff would see if more mature trees could be planted. Staff also commented that concerns have been raised regarding the cell tower behind Ralph's and Ralph's lighting, however, Ralph's wants to be a good neighbor and will work with the City.

Commissioner Hutchinson asked for an update on the City Council action on the old Costco. Staff replied that City Council approved an owner participation agreement with Tom Falcon, the owner of the old Costco property. The intent of the agreement is to develop residential properties. Staff was told that Hughes Investments, who owns Garden Promenade, may sue because they wanted the property for commercial development.

Commissioner Butterfield asked if the mono-pole behind Ralph's could be changed to a 'tree' pole. Staff replied that the change would be costly, but agreed the mono-pole is a blight, and the matter is being looked into.

MATTERS
FROM STAFF:

Staff commented about the Brookhurst Triangle. After two years, City Council selected Urban Pacific as the builder. A Development Agreement and acquisitions still need to be processed, but the project will move forward.

Staff discussed the Project Status Report. One item not included was the cell tower project located on Harbor Blvd. across the street from Mervyn's. The owner's improvements have been completed and this has made a big difference in the project's appearance.

Commissioner Butterfield commented that a Project Status Report is good to have as projects come and go so quickly.

Staff reminded the Commissioners of the Community Forum slated for Saturday, July 24, 2004 from 8:00 to 4:00 p.m. The information from the Community Forum will be used to develop a strategic plan for the City, and as soon as possible, a study session will be set up for the Commission to discuss the results of the surveys.

ADJOURNMENT: The meeting was adjourned at 9:30 p.m.

JUDITH MOORE
Recording Secretary