

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
OCTOBER 16, 2003

CALL TO ORDER: The work session of the Planning Commission was called to order at 5:30 p.m. in the Founders Room of the Community Meeting Center.

PRESENT: CHAIR BUTTERFIELD, COMMISSIONERS BARRY,  
CALLAHAN, FREZE, HUTCHINSON, AND NGUYEN  
ABSENT: VICE CHAIR JONES

ALSO PRESENT: Doug Holland, Deputy City Attorney, Greg Simonian, Attorney; Susan Emery, Planning Services Manager, Karl Hill, Senior Planner; Erin Webb, Senior Planner; Maria Parra, Planning Intern; Dan Candelaria, Civil Engineer; Sergeant Robert Fowler; and Teresa Pomeroy, 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 BUTTERFIELD, COMMISSIONERS BARRY,  
CALLHAN, FREZE, HUTCHINSON, AND NGUYEN  
ABSENT: VICE CHAIR JONES

ALSO PRESENT: Doug Holland, Deputy City Attorney, Greg Simonian, Attorney; Susan Emery, Planning Services Manager, Karl Hill, Senior Planner; Erin Webb, Senior Planner; Maria Parra, Planning Intern; Dan Candelaria, Civil Engineer; Ken Anderson, Water Engineer; Sergeant Robert Fowler; and Teresa Pomeroy, Recording Secretary.

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

ORAL COMMUNICATION: None.

APPROVAL OF  
MINUTES:

Commissioner Hutchinson moved to approve the Minutes of September 18, 2003, seconded by Commissioner Barry. The motion carried with the following vote:

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

PUBLIC  
HEARING:

NEGATIVE DECLARATION  
SITE PLAN NO. SP-332-03  
TENTATIVE TRACT MAP NO. TT-16433

APPLICANT:  
LOCATION:

GILBERT ESTATES GROUP, LLC.  
EAST SIDE OF GILBERT STREET BETWEEN LAMPSON AVENUE AND  
STANFORD AVENUE AT 12632, 12642, 12672, AND 12692 GILBERT  
STREET

DATE:

OCTOBER 16, 2003

REQUEST:

To allow the construction of 12 single-family detached two story residential units, and to subdivide the site into 14 separate lots. The site is located in the R-1 (Single Family Residential) zone.

Staff report was reviewed and recommended approval. Staff noted that the project has been through several redesigns, two public hearings, and several neighborhood meetings. Staff noted receipt of two letters. One letter expressing support for the project from Professor Larry Hoffman, and one letter from Stephen Raganold (representing the Central Garden Grove Homeowner's Association) expressing concern with the design of the project.

Commissioner Callahan asked why the development does not include a sidewalk on Gilbert Street. Staff stated that a sidewalk was not included in the design in order to maintain the rural character of the neighborhood.

Commissioner Callahan stated that without a sidewalk it would not be safe, and people would walk through landscaping. He commented that with a population of 170,000, there is nothing rural about this city.

Mr. Jim Barrisic, representing Gilbert Estates, approached and thanked the Commission for the opportunity to present the project. He stated that with this new proposal, the number of homes have been reduced and the lot sizes have been increased. This new design eliminates the need for any variances, which is in response to the concerns expressed by the neighbors; and the minimum distance between the homes is 20 feet. He expressed pride in the project. He commented that it will have a more rural flavor, because the current street scene will be left intact in order to meet the expectations of the neighbors. There is a requirement for storm drain improvements, and also to plant new mature trees. The main reason the project is designed with six homes fronting Gilbert Street, and six homes off of Halekulani, is to address the traffic concerns expressed by the neighbors.

He asked the Commission for approval and noted the availability of the project's traffic engineer for questions.

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

Ms. Beth Gruber of 9411 Stanford Avenue approached the Commission. She stated that the developer has listened to the concerns of the neighbors and has addressed the issues. She commented that it would be silly to install a sidewalk in front of only the six homes on Gilbert Street, when at least a half-mile of this street has no sidewalks. She stated that with the changes made to the project design, she is in favor of the project.

Mr. Bill Winchell of 9721 Stanford Avenue approached the Commission. He commented that the street is unique in this neighborhood and many of the lots are still very large. He expressed his appreciation for the diversity of the neighborhood, and commented that some people want to live on large lots and some people want small lots. He stated that he is in favor of the project, and expressed his view that this project will increase property values in the community.

Ms. Toby Rubin of 12361 Meade Street approached the Commission. She commented that the developer deserves a medal of honor. She agreed with Commissioner Callahan's statement that this area is not rural. She noted that the curb line along Gilbert Street is broken up, the street trees are dirty and messy and the old trees on the property have not been maintained. She expressed her support for the project.

Mr. Harry Pearce of 12752 Crestwood Circle approached the Commission. He noted that with the threat of lawsuit and divisive ads in a Vietnamese newspaper, he has a difficult time speaking positively about the project. However, it does comply with the existing zoning laws and does not require any special ordinances for special interests and that is a good thing.

Mr. Paul Topel of Halekulani approached the Commission. He stated that this project is a great improvement, although he is still concerned about the traffic. He stated that this is a great neighborhood and the developer will be able to sell those homes at the price he is asking. However, he noted that across the street from the project there are sidewalks. This project is built as it was built in the 1940's when there wasn't any traffic. There is traffic now, and he sees homes with driveways pointing towards a secondary street. He likes the project, but it has lost its best flavor by not creating a better layout off of Gilbert Street, which is something that can be achieved.

Commissioner Freze asked Mr. Topel whether he attended any of the neighborhood meetings held by the developer. Mr. Topel stated that his wife attended, however, he was told that the meeting was to address landscaping issues. Commissioner Freze noted that the staff report states that the neighborhood meeting discussed all the aspects of the project.

Mr. Stephen Raganold of 9262 Bixby Avenue approached the Commission. He stated that he hoped that this meeting is a closure to this process, and it is his position that if there were better public forums, there would be homes already built. Although, there have been concessions along the way, it took

a lot of effort and a referendum. He stated that he characterizes the referendum as a failure in the system that is not conducive for creating an environment in which dialogue can take place. He hoped that this is the last time that they meet in this forum for this project, and he would like to see all of the issues that are of concern to the neighbors resolved. The Central Garden Grove Resident's Association is not asking for a denial, as he does not want to be threatened with a lawsuit. He asked that the Commission consider the driveway design, because it does not appear to have adequate turnaround. Many of the homes on Gilbert Street have the semi-circular driveway, which is a safer alternative to backing straight out onto Gilbert Street.

Chair Butterfield noted that there are approximately thirty existing driveways along Gilbert Street from Garden Grove Boulevard to Chapman Avenue that point directly toward Gilbert Street. Mr. Raganold agreed, however, this is not the best situation and Gilbert Street does have an irregular shape.

Commissioner Callahan referred to the letter from Mr. Raganold complaining about the lack of improvements, and noted that 28 years ago the city wanted to widen Gilbert Street and many of the residents were adamantly opposed. Mr. Raganold responded that it should be understood that the street is not being addressed, but the design of the project's driveways. There is a question of the approximate 15-foot easement, which allows for potential street improvements, and the possibility for funding the improvements need to be explored now as opposed to paying for street improvements later.

Commissioner Freze asked Mr. Raganold if he attended the neighborhood meeting, and whether the meeting was restricted to the discussion of landscaping. Mr. Raganold stated that he did attend the meeting and indicated that he understood that the meeting was an open discussion.

Ms. Robin Marcario of 9721 Lampson Avenue approached the Commission. She commended the city staff for their efforts to better inform and notify the public. She commended the developer for the new design that is in compliance with the zoning laws for residential property. This allows traffic to be distributed equally and is aesthetically pleasing with the homes facing Gilbert Street, and also maintains the character of the neighborhood. She commented that better communication needed to be achieved through dialogue and not litigation.

Mr. Danny Kolano of 12681 Jerome Lane approached the Commission. He stated that the main issue for him from the beginning was to keep four lots and he still feels that way. He commented that the renderings are nice and he hopes that the final project looks as good, however, he is not in favor of anyone coming into the community and building 16, 14, or 12 homes where there were 4. He noted that the developer has done a good job by not creating a private street, however, six homes facing Gilbert Street are too many and they are too close together.

Mr. Owen Witthauer of 12161 Meade Street approached the Commission. He stated that he is a long term resident and also a developer, and noted that over the years he has seen many changes to the city. He expressed his view that this was an ill-conceived project from the beginning and it

doesn't fit into the character of the neighborhood. Also, the lots are too narrow and the city should ask for a better design with an improved circulation plan for the driveways off of Gilbert Street. He stated that he hoped that the Commissioners and city staff are not intimidated by a developer who comes in with a project that didn't fit into the community to start with, modified it, and is now suing the city.

Ms. Linnea Wimberly of 12441 Jerome Avenue approached the Commission. She expressed her view that this project does not fit into this area of Garden Grove, because many lots in this neighborhood are a third of an acre.

Ms. Cheryl Armstrong of 12421 Loreleen Street approached the Commission. She commented that this area in Garden Grove has a definite rural character, which is the reason why she bought her home. She expressed her view that the design of the homes for this project are unimaginative, and she would have liked it if the developer had more imagination and would have designed something beautiful and unique. She stated that she hopes that there is someone on the Commission that represents the people in the community.

Ms. Maureen Blackmun of 12381 Meade Street approached the Commission. She stated that she has been living in Garden Grove for 25 years, and has become accustomed to the look and she doesn't like change. There will be development and she supports 12 homes; however, she agrees with the concerns expressed for the driveway placement. She expressed her hope that the development will be as nice as what is on paper, and she would like to put aside all of the differences and express mutual respect for each other.

Mr. Russell Graef of 9411 Stanford Avenue approached the Commission. He stated that there is about ten feet between his and his neighbor's house. The garages and driveways of many homes in his neighborhood face the street. He expressed his view that there would have to be a homeowners association to maintain the area along Gilbert Street, and the association could place restrictions on the number of cars that people park in the driveway. He stated that he is in support of the project, and that it is unfair for people to complain about development that meets the R-1-7 zoning allowance. He attended the meeting on October 1, and does not recall the meeting notice stating that only landscaping would be discussed. He thought that it would be silly to install a sidewalk on Gilbert only in front of six homes. These homes do not appear to have the stacking car garages that the first proposal had, and this will lessen the possibility of using the garage as bootleg granny quarters.

Mr. Roger Lewien of 9532 Lambert Circle approached the Commission. He expressed his support for the project and thought that this design is a good compromise.

Mr. Jim Barrisic approached the commission and thanked everyone who had something nice to say about the project. He stated that it is time to lay the differences aside; and this project will be a compliment to the community. He thought that the notice for the neighborhood meeting was generic, and was not intended to focus on landscaping issues. He stated that three of

the driveways have turnarounds so that cars will not have to back out onto Gilbert Street.

Commissioner Barry asked whether there will be guest parking for the six homes on Gilbert Street. Mr. Barrisic stated that the project will provide eight to nine guest parking, and ample street parking on Gilbert Street. He stated that the width of Gilbert is about the same all the way down the street, although it may look irregular because some portions have concrete curb and gutter.

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

Commissioner Hutchinson noted that the first proposal for this site failed to get the Commission's support. The second proposal passed because it incorporated what the majority of the neighbors had asked for in the public hearing. He agreed that this is a better proposal, and thought that the developer worked very hard. The developer has listened to what the majority of the neighbors wanted and has produced a good project.

Commissioner Callahan stated that he is a retired carpenter and has built many homes in the past. He is also a realtor and previews about 50 homes a month, which include many of the homes that this developer has built; and the quality is very good. He stated that this a great project.

Commissioner Freze commented on the complete diversity in this neighborhood in terms of the size of the lots and homes, the landscaping and public improvements. He credited the homeowners for coming and speaking out and felt that it precipitated compromise. The Commission denied the first project because it just wasn't right. This proposal for 12 homes is a good project and is a significant compromise. The concerns that the neighbors have brought forward have been addressed, and the developer has met the objectives and made the improvements to the design. He expressed his support for the project.

Commissioner Barry agreed.

Chair Butterfield stated that this has been a long process and has been a good example of democracy in action. This project will add value to the neighbor's property, and will be the first group of homes in this price range in the city. The traffic impacts should be minimal because of the layout, which is much better than the previous proposal. She expressed pride in the project, and her support.

Commissioner Barry moved to adopt a Negative Declaration and approve Site Plan No. SP-332-03 and Tentative Tract Map No. TT-16433, seconded by Commissioner Hutchinson; pursuant to the facts and reasons contained in Resolution No. 5387 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION  
SITE PLAN NO. SP-331-03  
CONDITIONAL USE PERMIT NO. CUP-119-03

APPLICANT: NASSER G. MUSTAFA

LOCATION: NORTH SIDE OF TRASK AVENUE EAST OF HARBOR BOULEVARD AT  
12139 TRASK AVENUE

DATE: OCTOBER 16, 2003

REQUEST: To allow the construction and operation of a 2,730 square foot self-service car wash located in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended approval.

Mr. Leo Wu, architect for the project, approached the Commission. He stated that the vacuum system to be installed is designed to be quiet and with the landscaping, the noise will be effectively buffered.

Chair Butterfield asked Mr. Wu if the property owner has read and accepts the conditions of approval.

Mr. Nasser Mustafa, the applicant, approached the Commission. He thanked staff and noted that they designed the project to be as far from the adjacent residential properties as possible. He stated that he doesn't believe that this project will add to the existing noise levels. He asked for the hours of 5:00 a.m. to 10:00 p.m., seven days a week, in order to serve early morning commuters.

Commissioner Freze asked if they have drying units in the automatic bays. Mr. Mustafa stated that the drying units are on the west side, because that is the side that is next to the 22-freeway on-ramp. The east side has a 25-foot easement that will be landscaped.

Commissioner Hutchinson asked whether the drying units are the same type that is used at the Shell Station. Mr. Mustafa stated it is similar.

Commissioner Callahan asked if the manufacturer provides information on the decibel level of the equipment. Mr. Mustafa stated that they have the information on the vacuums, and they will be in compliance with the acceptable decibel levels.

Commissioner Barry asked Mr. Mustafa if the open space between the site and the residential property to the north belong to him. Mr. Mustafa stated no, and the easement is for access to that property from Trask Avenue.

Commissioner Barry questioned why the hours are different from Saturday to Sunday. Staff stated that the hours are standard hours that have been established for other similar uses.

Mr. Mustafa noted the site is located directly adjacent to the freeway, which will be louder than the car wash.

Chair Butterfield asked if there have been other car wash sites that have asked to open as early as 5:00 a.m. Staff stated no. Chair Butterfield noted that because of the proximity to the freeway, a 5:00 a.m. opening could be allowed on an interim basis.

Staff noted that notices were delivered to the adjacent apartment complex residents.

Commissioner Freze asked whether staff had ever measured the sound decibels at the site next to the residential property. Staff stated no.

Commissioner Hutchinson commented that the car wash will add to the noise regardless of the freeway noise.

Commissioner Nguyen asked whether this would give an unfair advantage for this applicant by not applying the standard hours of operation.

Doug Holland noted that this is a valid concern, however, the economic consideration is not a typical concern for a land use decision.

Chair Butterfield stated that they have to consider the merits of projects on a case-by-case basis.

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

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

Doug Holland recommended that the conditions of approval list the hours of 5:00 a.m. to 10:00 p.m. subject to an interim review after six months in order to determine whether the noise is an issue.

Commissioner Freze asked at what point would the six-month review period start. Doug Holland suggested that the six-month review period would begin once the business is operating.

Commissioner Hutchinson moved to adopt the Negative Declaration and approve Site Plan No. SP-331-03, and Conditional Use Permit No. CUP-119-03 with amendments to the conditions of approval to allow the hours of operation from 5:00 a.m. through 10:00 p.m., Monday through Sunday, with a six month review after the car wash is operational, seconded by Commissioner Barry, pursuant to the facts and the reasons contained in Resolution No. 5386 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

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

PUBLIC  
HEARING:                   NEGATIVE DECLARATION  
                                  SITE PLAN NO. SP-329-03



DEVELOPMENT AGREEMENT  
APPLICANT: ALLEN MEREDITH  
LOCATION: SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND  
BROOKHURST STREET AT 10120 GARDEN GROVE BOULEVARD  
DATE: OCTOBER 16, 2003

REQUEST: To allow the construction of a 5,489 square foot building and a 24,719 square foot building on a 2.44-acre site for commercial use. The site is located in the C-2 (Heavy Commercial) zone.

Staff report was reviewed and recommended approval. Staff clarified that the parking analysis that was done, allowed for 8,000 square feet of parking in conjunction with the office building and restaurant.

Commissioner Barry noted the elevation did not include the corner property, and asked whether it is included in the plan. Staff stated that the drawing was done prior to the developer acquiring the property, and the property is now included in the project.

Commissioner Barry noted that the plan indicates that there would be 20 retail stores and asked if that was accurate. Staff stated that the developer has created a series of retail spaces, however, there is some flexibility in the floor plan.

Commissioner Barry commented that there may be different parking requirements, and questioned the adequacy of the parking without a description or size of the retail use. Staff noted that parking is calculated on the average, and not broken down by specific retail uses.

Commissioner Barry pointed out that there is a difference between the impact between a Starbucks and a travel agency. She stated that she did not think that she would be able to vote on the request without having specific sizes of retail stores and uses listed. Staff responded that the parking is averaged, and stated that the Commission can condition that the restaurant use be limited to 8,000 square feet. However, the developer may not get a restaurant tenant that would need 8,000 square feet.

Commissioner Barry stated that without placing a condition that specifies the size of the use, she would not be able to support the request.

Doug Holland suggested that it would be appropriate to condition that no more than 8,000 square feet of the shopping center be a restaurant use.

Mr. Allen Meredith approached the Commission and stated that he is pleased to have the opportunity to present the project. He noted that the architect, Gary Coursey and the project manager and their civil and traffic engineer are also available for questions. He stated that he is the Chairman and CEO of his company, which is a publicly traded real estate investment trust and is on the American Stock Exchange. He stated that they have focused mainly on office and industrial in the past, however, Mr. Coursey has an extensive amount of experience in retail development.

Mr. Coursey approached the Commission and noted that they have provided the traffic analysis, landscaping plan, and the rendering for the

project. He stated that it will be nicely landscaped with plants that are indigenous, and as they are cognizant of the diversity in the community, signage will be in English and Korean.

Commissioner Hutchinson asked whether they would be remodeling the Banco Popular building. Mr. Coursey stated no.

Commissioner Freze asked whether the Banco Popular pole sign would remain. Mr. Allen Meredith noted that the tenant has domain over the sign, and in the future they would like to have the sign removed.

Commissioner Barry commented that it was too bad that the Banco Popular building would not be remodeled. Mr. Meredith noted that the bank's roof is in bad condition, and they will be making some cosmetic changes to the exterior.

Chair Butterfield suggested that the trash bin be moved for easier access. Mr. Meredith agreed to move the bin to the west side of the site.

Chair Butterfield asked whether he has read and agrees with the conditions of approval. Mr. Meredith stated yes.

Commissioner Hutchinson asked if there was any problem limiting the restaurant to 8,000 square feet. Mr. Meredith stated no. Chair Butterfield stated that would be an added condition.

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

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

Chair Butterfield moved to adopt the Negative Declaration, approve Site Plan No. SP-329-03, with an amendment to the conditions of approval to limit restaurant use to 8,000 square feet, and to place the trash bin on the western portion of the site, and recommended approval of a Development Agreement to City Council, seconded by Commissioner Barry, pursuant to the facts and the reasons contained in Resolution No. 5388 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

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

MATTERS  
FROM

COMMISSIONERS: Chair Butterfield asked whether the bowling alley on Garden Grove Boulevard has been demolished. Staff stated yes, and there are preliminary plans being reviewed for this site that were submitted by a commercial developer.

MATTERS  
FROM STAFF:

None.

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

TERESA POMEROY  
Recording Secretary