

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
APRIL 19, 2007

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, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE

ABSENT: None.

VACANCY: One.

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Lee Marino, Senior Planner; Maria Parra, Associate Planner; Dan Candelaria, 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 Pak and recited by those present in the Chamber followed by a moment of silence for the Virginia Tech University victims and their families.

SELECTON OF CHAIR: Commissioner Pak moved to open the nominations to elect Commissioner Chi as Chair, seconded by Commissioner Brietigam. Commissioner Pierce moved to close the nominations, seconded by Commissioner Pak. The motion to elect Commissioner Chi as Chair received the following vote:

AYES: COMMISSIONERS: BANKSON, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

VACANCY: COMMISSIONERS: ONE

SELECTION OF VICE CHAIR: Chair Chi moved to open the nominations to elect Commissioner Pierce as Vice Chair, seconded by Commissioner Brietigam. Commissioner Pak moved to close the nominations, seconded by Chair Chi. The motion to elect Commissioner Pierce as Vice Chair received the following vote:

AYES: COMMISSIONERS: BANKSON, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

VACANCY: COMMISSIONERS: ONE

ORAL COMMUNICATIONS: None.

APPROVAL OF
MINUTES:

Commissioner Pak moved to approve the Minutes of March 15, 2007, seconded by Vice Chair Pierce. The motion carried with the following vote:

AYES:	COMMISSIONERS:	CHI, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE
ABSTAINING:	COMMISSIONERS:	BANKSON, BRIETIGAM, NGUYEN
VACANCY:	COMMISSIONERS:	ONE

PUBLIC
HEARING:

SITE PLAN NO. SP-420-07
TENTATIVE PARCEL MAP NO. PM-2006-281

APPLICANT:
LOCATION:

CACH Q. NGUYEN
EAST SIDE OF BUARO STREET, SOUTH OF LAMPSON AVENUE AT 12522
BUARO STREET

DATE:

APRIL 19, 2007

REQUEST:

Site Plan and Tentative Parcel Map approval to subdivide a 17,550 square foot lot into two lots that will have lot sizes of 8,100 square feet and 9,450 square feet, and to construct a two-story single-family home on each lot. The site is in the R-1 (Single-Family Residential) zone.

Staff report was read and recommended approval.

Chair Chi asked staff if subdivisions are common in this neighborhood. Staff referred the Commissioners to the staff report radius map that indicates both smaller, larger, and comparable lot sizes in the area.

Commissioner Chi stated that he had checked and found similar lot sizes on Buaro Street.

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

Mr. Cach Nguyen, the applicant's representative, approached the Commission and described the project.

Commissioner Pak asked Mr. Nguyen how long the applicant had owned the property. Mr. Nguyen replied two years.

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

Commissioner Brietigam stated that the information in the staff report answered his questions.

Commissioner Pak moved to re-open the public hearing to ask the applicant a question. Chair Chi agreed and re-opened the public portion of the meeting.

Commissioner Pak asked Mr. Nguyen if he had read and agreed with the Conditions of Approval. Mr. Nguyen replied yes.

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

Commissioners Nguyen, Bankson, Pak, Vice Chair Pierce, and Chair Chi all commented that they liked the project's design and that the project would be an enhancement to the neighborhood.

Commissioner Pak moved to approve Site Plan No. SP-420-07 and Tentative Parcel Map No. PM-2006-281, seconded by Commissioner Bankson, pursuant to the facts and reasons contained in Resolution No. 5590. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE
VACANCY:	COMMISSIONERS:	ONE

PUBLIC HEARING:	SITE PLAN NO. SP-421-07 CONDITIONAL USE PERMIT NO. CUP-201-07
APPLICANT:	HGGA PROMENADE, INC.
LOCATION:	VACANT BUILDING PAD ADJACENT TO CHAPMAN AVENUE, WITHIN THE PARKING LOT OF A SHOPPING CENTER, LOCATED AT THE NORTHWEST CORNER OF CHAPMAN AVENUE AND BROOKHURST STREET AT 9737 CHAPMAN AVENUE
DATE:	APRIL 19, 2007
REQUEST:	Site Plan approval to construct a 6,299 square foot full service Chili's restaurant on a vacant building pad located within the parking lot of an existing multi-tenant shopping center, and Conditional Use Permit approval to operate the new restaurant with an original Alcoholic Beverage Control Type "47" (On-Sale General, Bona Fide Public Eating Place) License. The site is in the BCSP-BCC (Brookhurst Chapman Specific Plan – Brookhurst Chapman Commercial) zone.

Staff report was read and recommended approval. One amendment was noted to Condition No. 46.b., that deleted the portion of text prohibiting a monument sign.

Chair Chi asked staff how often the prohibition of a monument sign is included in Conditional Use Permits. Staff replied that City code does not allow monument signs for pad buildings; that only pylon signs are allowed; that when this development was approved, the sign program allowed monument signs, creating a deviation from the code; that there are existing monument signs such as for Bank of America and Carl's Jr.; and that the caveat was added for this project to maintain the same monument sign design and that the project be a single tenant.

Commissioner Pak asked Staff if new trees would be planted to supplement the existing trees. Staff replied that new trees would be added to the existing landscape and that the landscape palette was required to match the existing.

Commissioner Pak asked staff to clarify the Chili's hours of operation. Staff replied that the hours are typical of Chili's restaurants.

Chair Chi asked staff if the future would allow or disallow other applicants the opportunity to have Alcoholic Beverage Control (ABC) licenses. Staff replied that the hope with this project would be to spur revitalization and that these projects are reviewed on a case by case basis.

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

Mr. Geoff Reeslung, the applicant's representative, approached the Commission and stated that he had read and agreed with the Conditions of Approval as amended; and that one pad was eliminated to make space for Chili's.

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

Commissioner Pak asked staff if the food sales versus alcohol sales could be monitored. Staff replied yes, by monitoring the gross receipt sales; however, there is no time frame, but the information would need to be available.

Commissioner Brietigam moved to re-open the public portion of the hearing to ask the applicant a question. Chair Chi agreed and re-opened the public hearing.

Commissioner Brietigam asked Ms. Lequay if records indicating the averages of sales for Chili's would be available. Ms. Lequay replied yes the figures would be available.

Commissioner Pak asked Ms. Lequay if she has the expected annual gross sales for this Garden Grove location as far as business impact to the City. Staff replied that the amount is protected, as the information is not public record.

Chair Chi asked Ms. Lequay if she had read and agreed with the Conditions of Approval. Ms. Lequay replied yes.

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

Commissioner Nguyen commented that he would like to see the Chili's and that the restaurant would be good. Chair Chi agreed.

Commissioner Brietigam moved to approve Site Plan No. SP-421-07 and Conditional Use Permit No. CUP-201-07, with the amendment to Condition of Approval Item No. 46.b., seconded by Vice Chair Pierce, pursuant to the facts and reasons contained in Resolution No. 5591. The motion received the following vote:

AYES: COMMISSIONERS: BANKSON, BRIETIGAM, CHI,
NGUYEN, PAK, PIERCE
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE
VACANCY: COMMISSIONERS: ONE

ITEMS FOR
CONSIDERATION: ADOPTION OF CODE OF ETHICS
DATE: APRIL 19, 2007

REQUEST: An annual acknowledgement for the City's Code of Ethics for Public
Officers and Employees.

MATTERS FROM
COMMISSIONERS: Vice Chair Pierce asked Staff to clarify the height of bushes along the
frontage of residential properties. Staff replied that bush heights need to
be in compliance with the heights of front yard fences.

Vice Chair Pierce asked Staff to clarify the procedure for getting a sidewalk
installed in his neighborhood on Stanford Avenue; that the existing
sidewalk stops in front of his property and that he would like the sidewalk
to continue; that the sidewalk was voted down in the '70's; and that with
the new development, sidewalks would probably be put in.

Commissioner Brietigam asked Staff to clarify the EIR for the General Plan
with regard to shrubbery and tree improvements that have not occurred
on Lampson Avenue, from the point of entering from Seal Beach to Valley
View Street.

Staff replied that the General Plan contains goals that do not have
resources committed to them; that each year the budget is adopted, the
priorities of the Public Works department, in cooperation with City Council,
are funded; and that the Lampson Avenue project was not funded as other
priorities with safety concerns were funded instead.

Chair Chi asked Staff to clarify the permanent concrete barriers installed in
the past month on Galway Street behind Garden Grove Boulevard to the
south. He further stated that the barriers prevent people from exiting the
freeway to visit businesses on Garden Grove Boulevard between
Brookhurst Street and Gilbert Street; that to access the shopping center,
one must go around and make a 'U' turn; that the barriers are detrimental
to the businesses; and that residents were notified four years ago,
however, there was no recent notification.

Staff replied that the traffic engineers would look into the matter.

Commissioner Pak asked Staff if a document map could be created to
indicate the location of Commissioner's residences and properties so that
Commissioners would know when to excuse themselves from Planning
Commission items due to conflict of interest.

Staff referred to the staff report radius map that is generated for the
purpose of assisting Commissioners in identifying if they have a property
conflict of interest; that a GIS map is in the planning stages that would
depict all of the Commissioner's conflicts based on information that would

be given to the City Clerk; and that the 500 foot radius on the map is from property line to property line.

Commissioner Pak asked Staff to clarify the plan for the undergrounding of utilities in Garden Grove, especially on Nutwood Street. Staff replied that undergrounding is required on a case by case basis; that an ordinance is being drafted by the City Attorney's office to address minimal undergrounding requests, such as one or two parcels on a street, by having property owners pay an 'in lieu' fee to a fund, and that when enough funding is collected the entire street would be undergrounded; that a program with the California Public Utilities Commission (CPUC), Rule 21A is a tax that puts aside money for cities to create undergrounding districts; that construction costs have escalated, however the tax rate has not increased; that in the past, the funding program did work, though the program does not really work today; and that there is no quick solution to undergrounding utilities.

Commissioner Bankson commented that he is excited to be a Commissioner and looks forward to the next two years.

MATTERS

FROM STAFF: Staff read a brief description of tentative items for the next regularly scheduled Planning Commission on May 3, 2007.

ADJOURNMENT: The meeting was adjourned at 8:20 p.m.

JUDITH MOORE
Recording Secretary