

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
MAY 3, 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: CHAIR CHI  
COMMISSIONERS BEARD, BANKSON, BRIETIGAM,  
NGUYEN, PAK

ABSENT: Vice Chair Pierce

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Maria Parra, Associate Planner; Paul Wernquist, Urban Planner; Lee Marino, Senior Planner; Chris Chung, Planning Intern; 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 Brietigam and recited by those present in the Chamber.

ORAL COMMUNICATIONS: Ms. Verla Lambert and Jaide Eastman approached the Commission and commented on the California Environmental Quality Act (CEQA) with regard to Environmental Impact Reports (EIR's); the Hazard Elimination Safety Program (HES), with regard to safety improvements on public road and highways; the advantages of street median trees; and the benefits of a green environment.

APPROVAL OF MINUTES: Commissioner Brietigam moved to approve the Minutes of April 19, 2007, seconded by Commissioner Pak. The motion carried with the following vote:

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: PIERCE

ABSTAINING: COMMISSIONERS: BEARD

PUBLIC HEARING: VARIANCE NO. V-156-07  
APPLICANT: MERLE AND MARY ANN EIDE  
LOCATION: SOUTHWEST CORNER OF DANIEL AVENUE AND JACALENE LANE AT 11772 DANIEL AVENUE  
DATE: MAY 3, 2007

REQUEST: To allow a 378 square foot addition to an existing detached garage to deviate from the minimum 1,000 square foot rear yard open space

requirement, and to allow the structure to exceed one-half the width of the lot. The site is in the R-1 (Single-Family Residential) zone.

Staff report was read and recommended approval.

Commissioner Chi asked staff to clarify the location of the single hung service door. Staff stated that the door occurs on the south elevation.

Commissioner Brietigam asked staff if the space could be used as a rental or any type of living quarters. Staff replied that, as conditioned, a second unit would require a minimum of 9,000 square feet of land area, and the applicant would need to meet all of the requirements for a second unit.

Commissioner Beard asked staff to clarify why a roll-up door could not be installed on the south elevation. Staff responded that per Condition No. 8, only a service door was allowed, as a roll-up door could impact the neighbors.

Commissioner Beard asked staff to clarify Condition No. 6 with regard to the installation of insulation in the detached structure. Staff replied that the structure is a non-habitable structure therefore no insulation would be allowed.

Commissioner Pak asked staff to clarify the two windows on the north elevation. Staff responded that the two windows are high windows that are less than the minimum size required for exiting purposes, per the building code for detached accessory structures.

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

Mr. Merle Eide, the applicant, approached the Commission and described his project.

Chair Chi asked Mr. Eide if he had read and agreed with the conditions of approval. Mr. Eide replied yes.

Commissioner Brietigam asked Mr. Eide to explain the primary purpose of his workshop. Mr. Eide explained that he would do various tasks such as repairing church pews and restoring a car.

Commissioner Pak asked Mr. Eide to explain what appears to be a storage shed on the side of the house. Mr. Eide replied that the structure is a playhouse that would be demolished.

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

Chair Chi then re-opened the public hearing for further testimony.

Ms. Mary Ann Eide approached the Commission and commented that neighbors were not present as the staff report was thorough and the items submitted by her husband included neighbor's signature's which indicated that they were in favor of the project.

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

The Commissioners commented that the project would not impact anyone; that it would enhance the quality of life for the applicant; that there is plenty of open space to accommodate the project; and that the project would be consistent with the neighborhood.

Commissioner Bankson moved to approve Variance No. V-156-07, seconded by Commissioner Brietigam, pursuant to the facts and reasons contained in Resolution No. 5592. The motion received the following vote:

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

Due to a conflict of interest with regard to Item C.2., Chair Chi stated that he must excuse himself from the dais.

Chair Chi moved to appoint Commissioner Pak as acting Chairman, seconded by Commissioner Brietigam. The motion received the following vote:

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

**PUBLIC  
HEARING:**

NEGATIVE DECLARATION  
SITE PLAN NO. SP-387-06  
TENTATIVE TRACT MAP NO. TT-17006  
VARIANCE NO. V-135-06  
DEVELOPMENT AGREEMENT

**APPLICANT:  
LOCATION:**

MIKE LEE  
EAST SIDE OF JOSEPHINE STREET, SOUTH OF LAMPSON AVENUE AT  
12612 JOSEPHINE STREET

**DATE:**

MAY 3, 2007

**REQUEST:**

Site Plan approval to construct eight (8) two-story residential dwelling units; Variance approval to deviate from the required 10'-0" separation between the driveway and the units; and Tentative Tract Map approval to create a one-lot subdivision for the purpose of selling each unit as a condominium. A Development Agreement is also included. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended approval.

Commissioner Brietigam asked staff to clarify the project's time frame with regard to the sewer improvements that are to be completed in 2014.

Staff replied that the applicant would enter into a four year Development Agreement with the City that would include a one-year extension; that

ultimately the City Council would decide on the Development Agreement; that the sewer improvements could be ahead of schedule; that typical City Development Agreements are four years to start construction; that after the Development Agreement has expired, the City Council would decide if an extension was warranted; that one option would be that the developer could enter into an agreement with the City to perform the sewer improvements and be reimbursed by the City; however, that would entail large upfront costs.

Chair Pak asked staff to clarify the second floor bay window overhang, if the protrusion would interfere with fire truck access. Staff replied that the building is set back two feet from the path of the drive aisle.

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

Mr. Francis Ong, the architect, approached the Commission and stated that he had read and agreed with the conditions of approval and asked if the Development Agreement could be extended.

Chair Pak asked Mr. Ong if the current apartment residents would be accommodated or assisted with relocation, or have first right of refusal to buy the condominiums.

Mr. Ong replied that the current tenants are renting on a month-to-month basis; that he is not sure of other agreements; and that the tenants are on good terms with the owner.

Staff added that there is no law that applies to a project of this size; however, for conversions of apartments to condominiums there is a first right of refusal; that the Development Agreement is subject to the policy of the City Council; that the Planning Commission could recommend to the City Council to approve a specified longer term; that the Development Agreement vests the property with certain development rights notwithstanding any changes in the law in the future with regard to development standards and zoning.

Commissioner Brietigam asked Mr. Ong if the applicant intends on selling the property prior to completion or at the start of the project. Mr. Ong replied that the owners would like the project completed before selling.

Chair Pak asked Mr. Ong to clarify the mitigating measures to be taken with regard to the direct visibility into neighbor's yards from the second story windows. Mr. Ong replied that those concerns were addressed by use of front windows and setbacks. Mr. Ong further stated that should the Building Code change in the future, the developer must comply.

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

Commissioner Brietigam asked if the Development Agreement runs with the land. Staff replied yes and referred the Commission to Item 22 of the Development Agreement.

Commissioner Beard asked staff to explain the applicant's options after the expiration of the Development Agreement and if sewer improvements had not been completed by 2014. Staff replied that the applicant would need to go through the application process again to extend the Development Agreement.

Chair Pak referred to Resolution Item No. 4, Page 3, and stated that the project would affect public facilities with regard to the sewer capacity.

Staff replied that, as conditioned, the project could not be built until there was sufficient sewer capacity.

Commissioner Brietigam noted that the project was beautiful; however, he expressed his concerns with the deviation in City policy with regard to the extended Development Agreement; that there would be issues with the future sale of the property; that there are not enough facts; and that this project does not warrant the Development Agreement deviation.

Chair Pak asked staff to clarify the location of the Edison easement. Staff pointed out that the easement is in the front 35'-0", and that the 15'-0" wide water easement runs along the south side.

Commissioners Beard, Nguyen, Bankson, and Pak agreed that the project would be good for the neighborhood.

Commissioner Beard moved to adopt the Negative Declaration, recommend the Development Agreement to City Council, and approve Site Plan No. SP-387-06, Tentative Tract Map No. TT-17006, and Variance No. V-135-06, seconded by Commissioner Bankson, pursuant to the facts and reasons contained in Resolution No. 5531. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BANKSON, NGUYEN, PAK
NOES:	COMMISSIONERS:	BRIETIGAM
ABSENT:	COMMISSIONERS:	CHI, PIERCE

PUBLIC HEARING:  
APPLICANT:  
LOCATION:  
DATE:  
REQUEST:

CONDITIONAL USE PERMIT NO. CUP-205-07  
TAM NGUYEN AND LINH NGUYEN  
NORTH SIDE OF WESTMINSTER AVENUE, EAST OF BROOKHURST STREET  
AT 10121 WESTMINSTER AVENUE  
MAY 3, 2007

To expand an existing trade school, Advanced Beauty College, to include the entire freestanding building. The site is in the Planned Unit Development No. PUD-108-96 zone.

Staff report was read and recommended approval.

Commissioner Beard asked staff to clarify the parking agreement between property owners.

Staff replied that there is a parking covenant between property owners by which the owners formed their own rules and regulations; that reserved parking would be subject to those rules; that the site has been monitored

for the last six weeks; that the parking study is two years old with an excess of 50 spaces and includes the adjacent bank, which was in operation at that time; that red curbs along the building frontage were typical during the era the shopping center was rehabilitated; and that there is no signage next to the red curb.

Commissioner Brietigam asked staff if the interior space being used is in violation of the Conditional Use Permit. Staff replied yes.

Chair Chi asked staff to explain the General Plan designation of Recreation Commercial. Staff replied that the site was previously developed with a movie theater and bowling alley uses.

Chair Chi opened the public hearing.

Mr. Tam Nguyen, the applicant, approached the Commission and distributed exhibit folders containing a 2005 parking analysis, an attorney's letter with regard to parking, school approvals, community service projects, printed articles, awards, photographs, and testimonials from clients. Mr. Nguyen added that there is no lack of parking, just that certain parking spaces are more popular than others; and that he was permitted to move offices to the back portion of the building.

Chair Chi asked Mr. Nguyen if he had read and agreed with the conditions of approval. Mr. Nguyen replied yes, with the exception of Condition No. 30, which states that a rules and regulations be created for the preservation and maintenance for the parking area. Mr. Nguyen clarified that rules and regulations, dated September 24, 1997, are in place as per Exhibit 2A of his submittal, and that he has kept up with his preservation and maintenance.

Commissioner Pak pointed out that the existing rules and regulations were created eleven years ago and that new development has occurred; that with expansion there would be an increase in students; and that the City can ask for the rules and regulations to be amended.

Commissioner Brietigam asked Mr. Nguyen if he agreed with Condition No. 30. Mr. Nguyen stated that he is already in compliance with Condition No. 30.

Staff added that the existing rules would be amended to include the new stipulations; that these stipulations would make the City a third party beneficiary to the rules allowing the City an opportunity to have a mechanism to enforce the rules; that the City would review and approve the new rules; that when this center was approved, a parking problem was not anticipated; and that there are disputes in similar Planned Unit Developments.

Chair Chi asked the applicant to explain the disputes in his complex. Mr. Nguyen explained that one dispute occurs on his side of the complex where the parking impact is with Saigon Supermarket; that the supermarket posted two-hour time-limit signs with regard to prime parking spaces; that the City has sent letters to remove the signs; that the issue is a civil issue; and that there are three property owners.

Staff pointed out that the City could assist in amending the rules; and that all property owners need to agree.

Commissioner Bankson asked staff to clarify what would happen if the other owners did not agree with the amendments. Staff replied that Mr. Nguyen would not get his Conditional Use Permit; that there is a 90-day window; that Mr. Nguyen's property could not provide sufficient parking on its own; that all parties must agree on the shared parking; that the parking is a private matter; that after 90 days with no agreement, one option would be that the applicant could ask the Community Development Director for an extension.

Commissioner Beard asked staff if City enforced parking on private property would set a precedent. Staff replied yes; that this would be the first PUD with the request for the City to be added as a third party beneficiary; that this would not apply to all PUD's; and that this would help to quickly enforce private covenants.

Commissioner Beard asked if the newly opened furniture store has increased business for the supermarket. Mr. Nguyen replied yes.

Commissioner Beard asked Mr. Nguyen if the number of students would increase. Mr. Nguyen replied no, that the CUP is only to legitimize the space they are using.

Commissioner Pak asked Mr. Nguyen if he could open on Monday and be closed on Saturday. Mr. Nguyen stated that he has already adjusted his school hours to counteract the other business's peak hours, and that closing on Saturday would affect his business.

Commissioner Brietigam commented that since the applicant expanded without a conditional use permit, he would support the stipulations of Condition No. 30.

Ms. Linh Nguyen, the co-owner, approached the Commission and stated that there is sufficient parking and that it would be a hardship to get the other owners to agree with the Condition No. 30 amendments.

Chair Chi asked staff what are the options after 90 days. Staff stated that one option would be that the Commission could remove Condition No. 30.

Commissioner Pak asked staff if the public hearing notice had been sent as he did not see other property owners present. Staff replied that the notices were sent.

Mr. Eugene Scott approached the Commission and expressed that he had been a student at the Advanced Beauty School; that the owners were good people; and that he had seen the tow trucks towing cars away.

Ms. Ruby Steele approached the Commission and stated that she knows the Nguyen family and that there is no parking problem.

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

Commissioner Bankson asked staff to state the applicant's options, when after 90 days, they have no signed parking agreement between the owners. Staff replied that the applicant would have the right to come back to the Planning Commission with the request to delete Condition No. 30 or request that the Director waive the Condition.

Commissioner Pak commented that he could not support having the Director remove Condition No. 30 at his/her discretion after 90 days.

The Chairman then ceased further discussion on the matter and called for the vote.

Commissioner Brietigam moved to approve Conditional Use Permit No. CUP-205-07, seconded by Commissioner Beard, with an amendment to allow the Community Development Director to remove Condition No. 30, after the 90-day period, at his/her discretion, pursuant to the facts and reasons contained in Resolution No. 5593. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BANKSON, BRIETIGAM, CHI, NGUYEN
NOES:	COMMISSIONERS:	PAK
ABSENT:	COMMISSIONERS:	PIERCE

**PUBLIC**

**HEARING:**  
**APPLICANT:**  
**LOCATION:**

TENTATIVE PARCEL MAP NO. PM-2007-106  
BKM DEVELOPMENT  
NORTHWEST CORNER OF LAMPSON AVENUE AND WESTERN AVENUE AT  
7465 LAMPSON AVENUE

**DATE:**

MAY 3, 2007

**REQUEST:**

To reconfigure an existing three-lot subdivision into a four-lot subdivision for the purpose of selling each property as an industrial parcel. The existing three-lot subdivision was created under Parcel Map No. PM-2004-279, and a Negative Declaration was previously adopted for this project under Site Plan No. SP-360-04.

Staff report was read and recommended approval.

Commissioner Pak asked staff to clarify the typical size of parcels in the vicinity of west Garden Grove. Staff replied that parcels range from one acre to several acres.

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

Mr. Dave Campbell, the applicant's representative, approached the Commission, described the project, and submitted a colored rendering of the building's layout.

Chair Chi asked Mr. Campbell if he had read and agreed with the Conditions of approval. Mr. Campbell replied yes.



Commissioner Pak asked Mr. Campbell if the buildings were currently occupied. Mr. Campbell responded that the buildings are unoccupied and under construction, and that building A/B is a new building.

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

The Commissioners agreed that the project would be a good addition to the area.

Commissioner Pak moved to approve Tentative Parcel Map No. PM-2007-106, seconded by Commissioner Brietigam, pursuant to the facts and reasons contained in Resolution No. 5594. The motion received the following vote:

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

MATTERS FROM  
COMMISSIONERS:

Chair Chi asked staff if the unsightly empty lot on the corner of Beach Boulevard and Garden Grove Boulevard could be fenced in. Staff replied that the lot is in the city of Stanton.

Chair Chi asked staff to clarify the presence of the street median at Kerry Street and Belfast Drive. Staff responded that the median is a result of complaints from residents and business owners who complained of cut-through traffic going up Donegal Drive, through Belfast Drive, through the shopping center, and exiting out onto Garden Grove Boulevard; that the City met with residents and business owners to come up with a solution, and that the median is the outcome of those meetings; and that the item was approved at Traffic Commission approximately two years ago, and the construction was approved by City Council.

Chair Chi commented that complaints have been received with regard to apartment residents north of Belfast Drive, in that both resident and business traffic must exit at Garden Grove Boulevard and take either Gilbert Street or Brookhurst Street.

Staff added that the median is restrictive; however, the people that are now complaining were invited to attend the neighborhood meetings, and that though the project is 99% complete, the City is meeting with the Korean business district this May 15th to discuss what can be done.

Commissioner Brietigam commented that Garden Grove Pride was a successful event and asked that the City look into a remedy for the unsightly street entrance into Seal Beach from Valley View Street.

Commissioner Pak commented that the construction next to AR Market is generating dust; that the dust problem is amplified by wind and suggested that the site be watered down with a water tank as this is an air quality issue. Staff replied that the matter would be looked into.

MATTERS  
FROM STAFF: None.

ADJOURNMENT: Chair Chi motioned to adjourn the meeting, seconded by Commissioner Bankson. The meeting was adjourned at 10:05 p.m.

JUDITH MOORE  
Recording Secretary