

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
OCTOBER 18, 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: VICE CHAIR PIERCE
COMMISSIONERS BANKSON, BEARD, NGUYEN
ABSENT: CHAIR CHI, COMMISSIONERS BRIETIGAM, PAK

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Maria Parra, Associate Planner; Sergeant Kevin Boddy, Police Department; Mark Uphus, Senior Civil Engineer; Judith Moore, Recording Secretary.

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

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Beard moved to approve the Minutes of September 20, 2007, seconded by Commissioner Bankson. The motion carried with the following vote:

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

PUBLIC HEARING: ENVIRONMENTAL IMPACT REPORT
SITE PLAN NO. SP-397-06
CONDITIONAL USE PERMIT NO. CUP-186-06
TENTATIVE PARCEL MAP NO. PM-2006-161
DEVELOPMENT AGREEMENT

APPLICANT: WAL-MART STORES, INC.
SAM WALTON DEVELOPMENT COMPLEX
LOCATION: SOUTH SIDE OF CHAPMAN AVENUE, WEST OF BROOKHURST STREET AT
9852 CHAPMAN AVENUE
DATE: OCTOBER 18, 2007

REQUEST: To demolish the existing building, formerly Vons Pavilion; Site Plan approval to construct a 173,157 square foot retail commercial building on a 10.33-acre site; Tentative Parcel Map approval to consolidate two (2) parcels of land into one lot. The proposed building will be two-stories with the first level for at-grade parking and the second level for retail floor space. The request includes Conditional Use Permit approval for an Alcoholic Beverage Control "Type 21" (Off-Sale General) License. The development includes the certifying of a Final Environmental Impact

Report for the project and a Development Agreement is also proposed. The site is in the BCSP-BCC (Brookhurst Chapman Specific Plan – Brookhurst Chapman Commercial) zone.

Staff stated that the applicant requested postponement for the public hearing in order to explore alternative designs; that when the proposal is brought back for consideration, the item would be duly advertised; and that staff recommends to move the item off-calendar.

Commissioner Beard moved to continue the case to a date uncertain, seconded by Commissioner Nguyen. The motion received the following vote:

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

**PUBLIC
HEARING:**

NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-01-07
AMENDMENT NO. A-135-07

**APPLICANT:
LOCATION:**

CITY OF GARDEN GROVE
NORTH SIDE OF CHAPMAN AVENUE, WEST OF GILBERT STREET AT 9251,
9271, AND 9301 CHAPMAN AVENUE

DATE:

OCTOBER 18, 2007

REQUEST:

To change the General Plan Land Use designation from Low Medium Density Residential to Medium Density Residential for three properties located at 9251, 9271, and 9301 Chapman Avenue. Also requested, is the rezone of the three properties from R-2 (Limited-Multiple Residential) to R-3 (Multiple-Family Residential).

Staff report was read and recommended approval with one amendment to the Resolution to state that the Negative Declaration, General Plan Amendment, and Amendment are to be recommended to City Council for approval.

Vice Chair Pierce 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.

Commissioner Bankson asked staff if the adjacent properties are R-3. Staff replied yes; that the remaining lots are R-2; and that changing the land use designation and zoning would bring land use consistency to all the properties on the block.

Commissioner Beard asked staff that if City Council does not approve the zone change, the following public hearing items would not be relevant. Staff replied yes.

Commissioner Beard further commented that the change would promote new residential housing, and that the zone change would provide zoning consistency.

Vice Chair Pierce agreed that the change would be an improvement.

Commissioner Bankson moved to recommend adoption of the Negative Declaration, and approval of General Plan No. GPA-01-07 and Amendment No. A-135-07 to City Council, with an amendment to the Resolution, seconded by Commissioner Beard, pursuant to the facts and reasons contained in Resolution No. 5615. The motion received the following vote:

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

PUBLIC
HEARING:

NEGATIVE DECLARATION
SITE PLAN NO. SP-431-07
VARIANCE NO. V-165-07

APPLICANT:
LOCATION:

SARAH PHAN
NORTH SIDE OF CHAPMAN AVENUE, WEST OF GILBERT STREET AT 9271
CHAPMAN AVENUE

DATE:

OCTOBER 18, 2007

REQUEST:

Site Plan approval to construct four (4), two-story multiple-family dwelling units on a 15,280 square foot lot and Variance approval to deviate from the required 10'-0" drive aisle and dwelling unit separation. The subject property is in the R-2 (Limited-Multiple Residential) zone. The Site Plan and Variance requests are in conjunction with a separately processed General Plan Amendment (GPA-01-07) and Zone Change (A-135-07)

Staff report was read and recommended approval.

Commissioner Bankson asked staff to clarify the required 10'-0" separation. Staff stated that the code requires a 10'-0" separation between the drive aisle and the habitable space of the unit on the first and second floor; that the second floor design aligns with the garage wall and therefore does not comply with the 10'-0" separation requirement; and that the first floor of unit one would have a 5'-0" separation instead of the required 10'-0" separation.

Commissioner Beard asked staff to clarify Condition No. 41 which states that the units must not be sold separately for individual ownership.

Staff replied that the units are rental units; that for individual ownership, six or more units would be required.

Commissioner Bankson asked staff to explain the Variance. Staff responded that the Variance refers to the 10'-0" separation from the drive aisle as well as the stair encroachment into the rear setback, and added that the trash company requires an on-site trash turnaround that takes up a portion of the property and limits the design options.

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

Ms. Sarah Phan, the owner’s representative, approached the Commission.

Vice Chair Pierce asked Ms. Phan if she had read and agreed with the Conditions of Approval. Ms. Phan replied yes.

Commissioner Bankson asked if the front unit would be for the owner. Ms. Phan replied that the owner would live in the front and that the intent was for all the family to eventually live in the units.

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

Commissioner Bankson moved to adopt the Negative Declaration, and approve Site Plan No. SP-431-07 and Variance No. V-165-07, seconded by Commissioner Beard, pursuant to the facts and reasons contained in Resolution No. 5616. The motion received the following vote:

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

PUBLIC
HEARING:

NEGATIVE DECLARATION
SITE PLAN NO. SP-432-07
VARIANCE NO. V-166-07
TENTATIVE TRACT MAP NO. TT-17247
DEVELOPMENT AGREEMENT

APPLICANT:
LOCATION:

DUC NGUYEN
NORTH SIDE OF CHAPMAN AVENUE, WEST OF GILBERT STREET AT 9301
CHAPMAN AVENUE

DATE:

OCTOBER 18, 2007

REQUEST:

Site Plan approval to construct eleven (11), three-story residential dwelling units on a 24,470 square foot lot; Variance approval to deviate from the required 10’-0” drive aisle and dwelling unit separation; 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 subject property is in the R-2 (Limited-Multiple Residential) zone. The Site Plan, Variance, Tentative Tract Map, and Development Agreement are in conjunction with a separately processed General Plan Amendment (GPA-01-07) and Zone Change (A-135-07).

Staff report was read and recommended approval, with an amendment to Condition No. 13.

Commissioner Beard asked staff to clarify the one-year extension contingency in the Development Agreement. Staff replied that the one-year extension is not automatic; and that the request would need to go to City Council for an amendment for an additional year.

Commissioner Bankson asked staff to clarify the shared driveway. Staff replied that the driveway currently exists and that 20 feet of the driveway is on the subject property; that the previous property owner allowed for a drive access easement between the office building and the apartment building to the west; and that the development design would take advantage of the easement.

Commissioner Beard asked staff if the City was a part of the CC & R's. Staff referred to Condition No. 35, Subsection L.

Commissioner Bankson asked staff to clarify the number of bathrooms as all the units have the same number of bathrooms; however, two units exceed the number of bathrooms allowed.

Staff replied that a new bathroom ordinance is in place; that the added half-bath in two of the three-story units exceeds the number of bathrooms allowed; and that the minor modification would allow for these half-baths.

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

Mr. Duc Nguyen, the applicant's representative, approached the Commission and described the project, adding that many of the project's aspects exceed those required by the City.

Vice Chair Pierce 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.

Commissioner Beard expressed his support stating that the findings meet the Variance; and that the project looks good and fits the area. Commissioner Bankson agreed.

Commissioner Beard moved to adopt the Negative Declaration, recommend approval of the Development Agreement to City Council, and approve Site Plan No. SP-432-07, Variance No. V-166-07, and Tentative Tract Map No. TT-17247, with an Amendment to Condition No. 13, seconded by Commissioner Bankson, pursuant to the facts and reasons contained in Resolution No. 5617. The motion received the following vote:

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

**MATTERS FROM
COMMISSIONERS:**

Commissioner Bankson asked staff to clarify the bathroom ordinance with regard to two master bedrooms in one house, with each of those master bedrooms having a bathroom.

Staff replied that a home typically has only one master bedroom; that a three bedroom home could have three bathrooms, however, half of the

bathrooms could be private and other half would be common bathrooms with access from a public area, such as a hallway, living room or kitchen; and that one reason for the ordinance is to prevent the partitioning of homes which could make multiple-family residences out of a single-family home.

Vice Chair Pierce asked if the house on Stanford Avenue would be coming before the Planning Commission. Staff replied that the case had already been processed through the Zoning Administrator.

MATTERS
FROM STAFF:

None.

ADJOURNMENT:

Vice Chair Pierce moved to adjourn the meeting at 7:45 p.m., seconded by Commissioner Beard. The motion received the following vote:

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

JUDITH MOORE
Recording Secretary