



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

NOVEMBER 21, 2019

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

REGULAR SESSION – 7:00 P.M. – COUNCIL CHAMBER

ROLL CALL: CHAIR LEHMAN, VICE CHAIR RAMIREZ
COMMISSIONERS LE, LINDSAY, NGUYEN, PEREZ, SOEFFNER

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the City Community Meeting Center Council Chamber at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Planning Commission may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: November 7, 2019
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. SITE PLAN NO. 037-2017TE2
VARIANCE NO. V-015-2017TE2
CONDITIONAL USE PERMIT NO. CUP-106-2017TE2

APPLICANT: ROSA ESTELLA BERMEO

LOCATION: NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST
OF KNOTT STREET AT 7051 GARDEN GROVE
BOULEVARD

REQUEST: One-year time extension (Time Extension No. 2) for approved entitlements under Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, for (i) Site Plan approval to construct a new service (gas) station with a new drive-thru convenience store on a vacant lot located at 7051 Garden Grove Boulevard, (ii) Variance approval to deviate from the minimum rear setback requirement to construct a trash enclosure within the rear ten-foot setback along the northerly property line (adjacent to the SR-22 Freeway), and (iii) Conditional Use Permit approval to allow the new convenience store to operate with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License. The City of Garden Grove recognizes a previous exemption from CEQA.

STAFF RECOMMENDATION: Approval of one-year time extension (Time Extension No. 2) for Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017.

- D. MATTERS FROM COMMISSIONERS
- E. MATTERS FROM STAFF
- F. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION
Council Chamber, Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes
Thursday, November 7, 2019

CALL TO ORDER: 7:01 p.m.

Chair Lehman welcomed Josh Lindsay to the Commission.

ROLL CALL:

Chair Lehman
Vice Chair Ramirez
Commissioner Le
Commissioner Lindsay
Commissioner Nguyen
Commissioner Perez
Commissioner Soeffner

Absent: None.

PLEDGE OF ALLEGIANCE: Led by Commissioner Ramirez.

ORAL COMMUNICATIONS – PUBLIC – None.

October 3, 2019 MINUTES:

Action: Received and filed.

Motion: Ramirez Second: Perez

Ayes: (7) Le, Lehman, Lindsay, Nguyen, Perez, Ramirez,
Soeffner

Noes: (0) None

The Public Hearing items were taken out of order.

PUBLIC HEARING – AMENDMENT NO. A-026-2019, LOT LINE ADJUSTMENT NO. LLA-023-2019, AND FRONT YARD DETERMINATION NO. FYD-005-2019 FOR PROPERTY LOCATED AT 9792 STANFORD AVENUE, SOUTH SIDE OF STANFORD AVENUE BETWEEN GILBERT STREET AND BROOKHURST WAY.

Applicant: HENRY TRAN & Y-MINH DINH, KEVIN DINH & XUAN THAO NGUYEN, AN DAC NGUYEN & MY-Y DINH, AI MY DINH, JIMMY TONG, RONALD DINH & MINH THUY LE, VINNY DINH, AND THOMAS DINH & ANNIE TRAN

Date: November 7, 2019

Request: Approval of a Zone Change and Lot Line Adjustment to reconfigure the existing lot lines of a currently vacant 0.97-acre project site in order to reduce the total number of legal lots from four (4) to three (3) for the purpose of constructing a single-family dwelling unit on each lot. The request will include (i) a Zone Change to amend the site zoning designation from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet, (ii) a Lot Line Adjustment to reconfigure the existing lot lines to create three (3) new lots with areas of 14,228 square feet (Lot 1), 14,224 square feet (Lot 2), and 14,223 square feet (Lot 3), and (iii), a Front Yard Determination to designate the interior street side of Lot 1 as the front of the property. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Sections 15061 – Review for Exemption, 15303 – New Construction or Conversion of Small Structures, and 15305 – Minor Alterations in Land Use Limitations.

Action: Public Hearing held. Speaker(s): Bob Thornton, William Heideman, Laurie Merrick, Kadi Kiisk-Mohr, Maureen Blackmun, Khoa Phan, Hal Davenport

Action: Staff was directed to bring back Resolutions of denial to the December 5, 2019 meeting reflecting the findings of fact expressed by the Planning Commission: (1) the Zone Change for the project was inconsistent with the General Plan and not compatible with the existing neighborhood area, and (2) the Lot Line Adjustment was inconsistent with the zoning. In addition, one letter of concern regarding increased density, lot design, and incompatibility with the surrounding neighborhood was submitted by William Heideman and Fredericka Cleary, and one letter of opposition regarding increased density was submitted by Jeffrey Ross Nyeholt.

Motion: Perez Second: Lindsay

Ayes: (7) Le, Lehman, Lindsay, Nguyen, Perez, Ramirez, Soeffner

Noes: (0) None

Chair Lehman called a recess at 8:09 p.m. The meeting reconvened at 8:15 p.m.

PUBLIC HEARING – MITIGATED NEGATIVE DECLARATION, SITE PLAN NO. SP-076-2019 FOR PROPERTY LOCATED AT 12862 GARDEN GROVE BOULEVARD, SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND HASTER STREET.

Applicant: OUTFRONT MEDIA
Date: November 7, 2019

Request: Site Plan approval to relocate certain specific existing billboards and convert them into one (1) two-sided electronic billboard located along the Garden Grove (22) Freeway. The site is in the PUD-102-74 (Planned Unit Development) zone. In conjunction with the request, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for this project and will be considered for adoption with the subject site plan.

Action: Public Hearing held. Speaker(s): Cameron Heil, Collin Smith

Action: Resolution No. 5967-19 was approved. One letter was submitted by the Department of Transportation (DOT) regarding traffic operations, potential distraction to motorists, and outdoor advertising and encroachment permits. A follow-up letter of response from environmental consultant MIG addressed the DOT concerns.

Motion: Lindsay Second: Soeffner

Ayes: (7) Le, Lehman, Lindsay, Nguyen, Perez, Ramirez, Soeffner

Noes: (0) None

MATTERS FROM COMMISSIONERS: Commissioner Lindsay asked staff to explain the maximum number of four (4) bathrooms in a single-family residence. Staff replied that as response to single-family homes illegally being converted to multiple units, thereby creating code enforcement issues, City Council approved an ordinance which limited two bathrooms for two bedrooms, three bathrooms for three bedrooms, and four bathrooms for four bedrooms, along with a waiver to add a powder room if there was a good reason.

Commissioner Soeffner announced the first Veteran's Day event the City to be held Monday, November 11th at 8:00 a.m. in front of the Fire Department. The event would include a flag raising and flag pinning.

Chair Lehman asked if staff could review the new ADU (Accessory Dwelling Unit) laws. Staff responded that an ADU Law Study Session would occur prior to an ordinance that would be brought before the Commission.

MATTERS FROM STAFF: Staff noted that a house on Lee Lane had been converted into a temple with issues such as illegal additions, and that the property was already on Code Enforcement's radar. Staff then gave a brief description of agenda item(s) for the next regular Planning Commission meeting.

ADJOURNMENT: At 8:45 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, November 21, 2019, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore
Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: North side of Garden Grove Boulevard, west of Knott Street, at 7051 Garden Grove Boulevard
HEARING DATE: November 21, 2019	GENERAL PLAN: Light Commercial
CASE NOS.: Site Plan No. SP-037-2017TE2, Variance No. V-015-2017TE2, and Conditional Use Permit No. CUP-106-2017TE2 (Time Extension #2)	ZONE: C-2 (Community Commercial)
APPLICANT: Rosa Estella Bermeo	APN: 215-017-01
PROPERTY OWNER: Same as applicant	CEQA DETERMINATION: N/A

REQUEST:

The applicant is requesting approval of a one-year time extension (Time Extension #2) for the approved entitlements under Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, for (i) the construction of a new service (gas) station, with a new drive-thru convenience store, on a vacant lot located at 7051 Garden Grove Boulevard, (ii) Variance approval to deviate from the minimum rear setback requirement in order to construct a trash enclosure within the rear ten-foot setback, along the northerly property line (adjacent to the SR-22 Freeway), and (iii) Conditional Use Permit approval to allow the new convenience store to operate with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License.

BACKGROUND:

On August 3, 2017, the Planning Commission approved Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017 to: (i) allow the construction of a new service (gas) station, with a new drive-thru convenience store, on a vacant lot located at 7051 Garden Grove Boulevard, along with associated site and landscape improvements; (ii) to allow a deviation from the minimum rear setback requirement in order to construct a trash enclosure within the rear ten-foot setback along the northerly property line adjacent to the SR-22

Freeway; and (iii) to allow the new convenience store to operate with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License.

On September 20, 2018, the Planning Commission approved a one-year time extension (Time Extension #1) for the approved entitlements under Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017. The applicant submitted a timely request to extend the Site Plan, Variance, and Conditional Use Permit approvals of the subject project for one (1) year. The applicant indicated that additional time was necessary to finalize construction plans for submittal to the City. The applicant stated that the project was unexpectedly delayed due to issues with funding, but that funding had been secured and the project was ready to move forward. Shortly after the approval of the time extension, the applicant had submitted construction plans to the City for review and approval.

TIME EXTENSION:

Based on the original effective date of the subject land use entitlements (SP-037-2017, V-015-2017, and CUP-106-2017), the initial expiration date of said entitlements was August 25, 2018. The approval of the first time extension extended the life of the entitlements by one (1) year and established a new expiration date of August 25, 2019.

The applicant filed their application to the City for a second time extension request (Time Extension #2) after the land use entitlements had already expired. The Municipal Code states that a late-filed time extension request may be approved by the Planning Commission due to special circumstances demonstrated by the property owner/applicant.

At the time this staff report was written, all construction plans for this service (gas) station project were approved by the respective City Departments and permits deemed ready to issue. The applicant noted that while financing and equipment orders are in place to begin construction, the project was unexpectedly delayed due to scheduling conflicts with their contractor, who had other ongoing construction projects to tend to. With the scheduling conflict matter addressed, the applicant anticipates the contractor beginning construction work in mid-January of 2020, provided this 2nd time extension request is approved by the Planning Commission.

Title 9 of the Municipal Code allows the applicant to request up to a one-year time extension on the approved Site Plan, Variance, and Conditional Use Permit entitlements. The General Plan Land Use Designation and the zoning of the property have remained the same. As such, the proposed service (gas) station use is conforming to the General Plan and zoning designations of the property. Additionally, the project plans have remained the same with no proposed changes.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Approve the request for a one-year time extension, establishing a new expiration date of August 25, 2020, for Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017 (Time Extension #2).



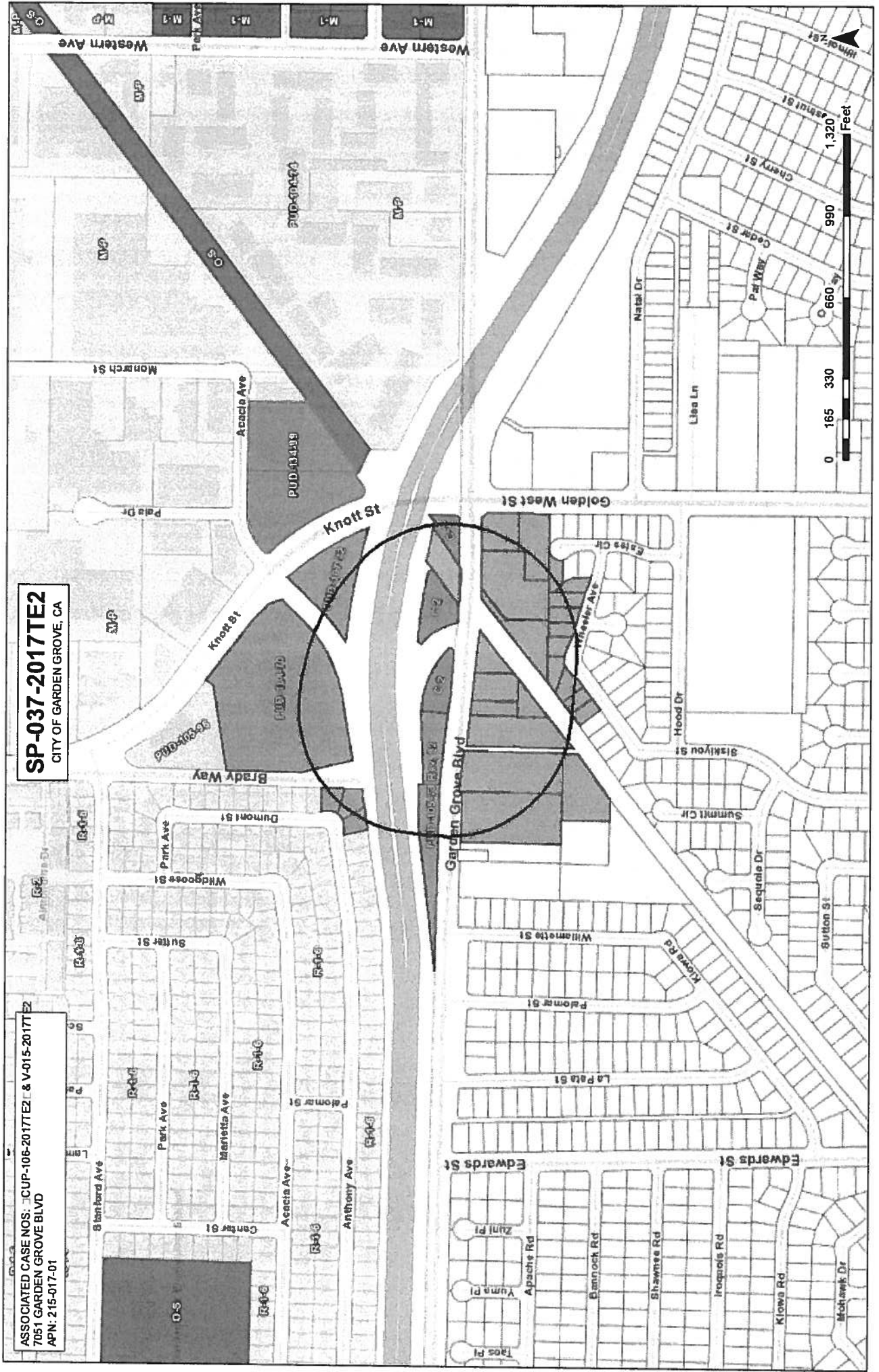
LEE MARINO
Planning Services Manager



By: Chris Chung
Urban Planner

ASSOCIATED CASE NOS.: CUP-106-2017TE2 & V-015-2017TE2
7051 GARDEN GROVE BLVD
APN: 215-017-01

SP-037-2017TE2
CITY OF GARDEN GROVE, CA



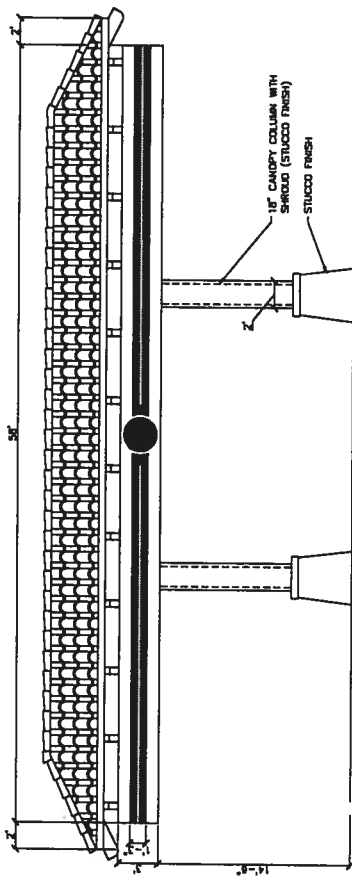
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PLANS PREPARED BY
A & S ENGINEERING INC.

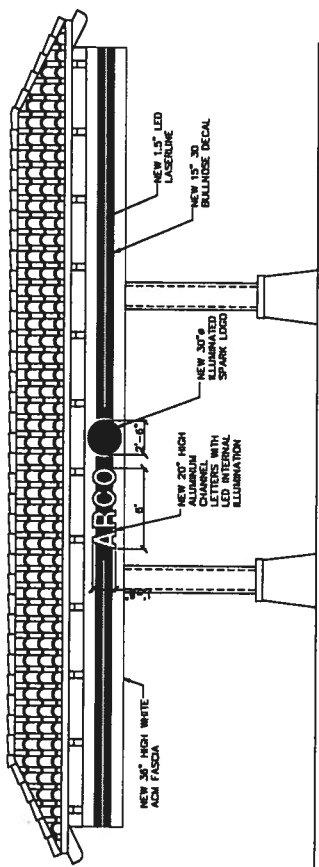
PLANS PREPARED BY
A & S ENGINEERING INC.
1001 GARDEN GROVE BOULEVARD
GARDEN GROVE, CA 92641
PHONE # (949) 440-1234 FAX # (949) 440-1234
WWW.AANDSE.COM
CITY OF GARDEN GROVE
CITY ENGINEER'S OFFICE
PROJECT NO. 2015-0001
DATE: 07/20/2017
DRAWN BY: JLM
CHECKED BY: JLM
SCALE: AS SHOWN

INDEPENDENT
ADDRESS: 1001 GARDEN GROVE BOULEVARD
GARDEN GROVE, CA 92641

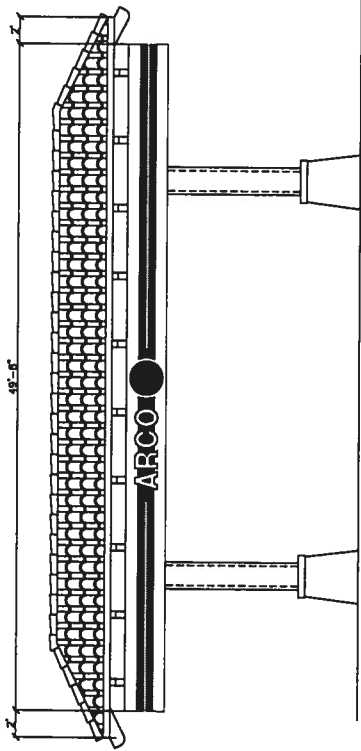
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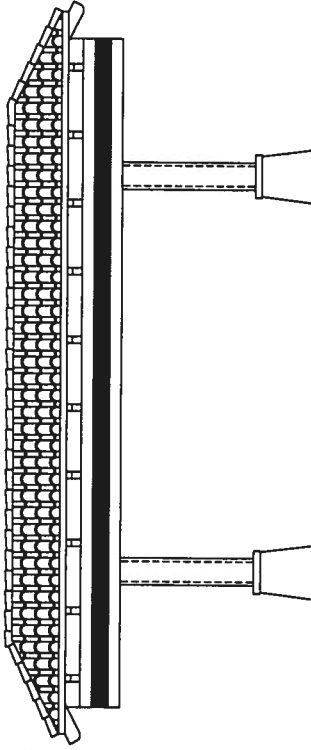
2.1 NORTH CANOPY ELEVATION (PROPOSED)
A1 / SCALE: 1/4"=1'-0"



2.2 SOUTH CANOPY ELEVATION (PROPOSED)
A1 / SCALE: 1/4"=1'-0"



2.3 EAST CANOPY ELEVATION (PROPOSED)
A1 / SCALE: 1/4"=1'-0"



2.4 WEST CANOPY ELEVATION (PROPOSED)
A1 / SCALE: 1/4"=1'-0"

RESOLUTION NO. 5970-19

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING A ONE-YEAR TIME EXTENSION (TIME EXTENSION #2) FOR SITE PLAN NO. SP-037-2017, VARIANCE NO. V-015-2017, AND CONDITIONAL USE PERMIT NO. CUP-106-2017 (REFERRED TO AS SP-037-2017TE2, V-015-2017TE2, AND CUP-106-2017TE2).

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 21, 2019, does hereby approve a one-year time extension for the entitlements approved under Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, for land located on the north side of Garden Grove Boulevard, west of Knott Street, at 7051 Garden Grove Boulevard, Assessor's Parcel No. 215-017-01.

BE IT FURTHER RESOLVED in the matter of the time extension (Time Extension #2) for Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Rosa Estella Bermeo.
2. The applicant is requesting approval of a one-year time extension (Time Extension #2) for the approved entitlements under Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, for (i) the construction of a new service (gas) station, with a new drive-thru convenience store, on a vacant lot located at 7051 Garden Grove Boulevard, (ii) Variance approval to deviate from the minimum rear setback requirement in order to construct a trash enclosure within the rear ten-foot setback, along the northerly property line (adjacent to the SR-22 Freeway), and (iii) Conditional Use Permit approval to allow the new convenience store to operate with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove determined that the proposed project was categorically exempt from the CEQA pursuant to Section 15303(c) (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303).
4. The property has a General Plan Land Use designation of Light Commercial, and is currently zoned C-2 (Community Commercial). The subject property is currently an approximately 22,561 square foot vacant lot, located on the north side of Garden Grove Boulevard, west of Knott Street.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.

6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 21, 2019, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of November 21, 2019; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030.9, are as follows:

FACTS:

The subject property is currently an approximately 22,561 square foot vacant lot, located on the north side of Garden Grove Boulevard, west of Knott Street. The property has a General Plan Land Use Designation of Light Commercial and is zoned C-2 (Community Commercial). The property is adjacent to a PUD-105-73 Rev. 92 zoned property to the west, which is improved with an existing carwash, existing commercial businesses, across Garden Grove Boulevard, to the south, and the SR-22 Freeway off-ramp, to the north.

The property was previously developed with a 3,780 square foot building that was formerly occupied by Dana Custom Boats and Tempest Marine, which provided sales and service of ski boats. In 1995, the City of Garden Grove approved Site Plan No. SP-158-95 and Variance No. V-182-95, which allowed the construction of a 1,463 square foot one-story addition to the existing 3,780 square foot building, in order to operate an animal hospital, as well as variance approval to deviate from the minimum 15-foot required landscape setback along Garden Grove Boulevard, allowing said landscape setback to be reduced to five (5) feet. Subsequent to the approval of SP-158-95 and V-182-95, the animal hospital never opened, the addition was never completed, and the lot remained unoccupied. In 1997, a demo permit was obtained and all existing improvements were removed from the property. The property has remained vacant ever since.

The subject site's General Plan Land Use Designation, Light Commercial, and the zone, C-2 (Community Commercial), have not changed since the entitlements' original approvals in August of 2017.

On August 3, 2017, the Planning Commission approved Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017 to: (i) allow the construction of a new service (gas) station, with a new drive-thru convenience store, on a vacant lot located at 7051 Garden Grove Boulevard, along with associated site and landscape improvements; (ii) to allow a deviation from the minimum rear setback requirement in order to construct a trash enclosure within the rear ten-foot setback along the northerly property line adjacent to the SR-22

Freeway; and (iii) to allow the new convenience store to operate with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License.

On September 20, 2018, the Planning Commission approved a one-year time extension (Time Extension #1) for the approved entitlements under Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017. The applicant submitted a timely request to extend the Site Plan, Variance, and Conditional Use Permit approvals of the subject project for one (1) year. The applicant indicated that additional time was necessary to finalize construction plans for submittal to the City. The applicant stated that the project was unexpectedly delayed due to issues with funding, but that funding had been secured and the project was ready to move forward. Shortly after the approval of the time extension, the applicant had submitted construction plans to the City for review and approval.

Based on the original effective date of the subject land use entitlements (SP-037-2017, V-015-2017, and CUP-106-2017), the initial expiration date of said entitlements was August 25, 2018. The approval of the first time extension extended the life of the entitlements by one (1) year and established a new expiration date of August 25, 2019.

The applicant filed their application to the City for a second time extension request (Time Extension #2) after the land use entitlements had already expired. The Municipal Code states that a late-filed time extension request may be approved by the Planning Commission due to special circumstances demonstrated by the property owner/applicant.

Title 9 of the Municipal Code allows the applicant to request up to a one-year time extension on the approved Site Plan, Variance, and Conditional Use Permit entitlements. The General Plan Land Use Designation and the zoning of the property have remained the same. As such, the proposed service (gas) station use is conforming to the General Plan and zoning designations of the property. Additionally, the project plans have remained the same with no proposed changes.

FINDINGS AND REASONS:

Time extension:

1. A request for a time extension, including the reasons therefore, has been submitted prior to the permit expiration date, or the hearing body finds that due to special circumstances demonstrated by the property owner or the applicant, a late-filed request should be considered.

The applicant has submitted a timely request to extend the Site Plan, Variance, and Conditional Use Permit approvals of the subject project for one (1) year, to

establish a new expiration date of August 25, 2020. The applicant noted that while financing and equipment orders are in place to begin construction, the project was unexpectedly delayed due to scheduling conflicts with their contractor, who had other ongoing construction projects to tend to. With the scheduling conflict matter addressed, the applicant anticipates the contractor beginning construction work in mid-January of 2020. All construction plans for the service (gas) station project are approved by the respective City Departments and permits deemed ready to issue. The applicant's scheduling conflict with the contractor for the project poses a special circumstance that warrants the approval of the late-filed time extension request.

2. There has been no change in the General Plan designation or Zoning of the site that would render the development or use nonconforming.

The subject site's General Plan Land Use designation and Zoning designation have not been changed since the project's approval, and therefore, the development will not be rendered nonconforming.

3. There are no land use actions or studies currently underway that would have the potential to render the development or use nonconforming.

There are no known studies or actions that would affect the site or proposed development that would possibly render the development nonconforming.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Time Extensions for the approved Site Plan, Variance, and Conditional Use Permit do possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030.9 (Time Extension).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the originally approved conditions of approval for Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017 shall remain in effect.