

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
MARCH 17, 2005

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: ACTING CHAIR BARRY, ACTING VICE CHAIR KELLEHER
COMMISSIONERS CALLAHAN, CHI, JONES, LECONG AND
MARGOLIN

ABSENT: NONE.

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Paul Wernquist, Urban Planner; Maria Parra, Assistant Planner; Robert Fowler, Police Department; Dan Candelaria, Civil Engineer; Sarah Yoo, Volunteer Planning Intern; Kim Huy, Neighborhood Improvement Manager; Jason Retterer, Associate Attorney; Judy Moore, Recording Secretary.

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

ORAL COMMUNICATION: None.

SELECTION OF THE CHAIR AND VICE CHAIR: Vice Chair Kelleher moved to select Chair Barry as Chair for the next year. The motion failed.

Commissioner Jones moved to select Commissioner Callahan as Chair, seconded by Commissioner Chi. The motion received the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	KELLEHER, BARRY
ABSENT:	COMMISSIONERS:	NONE

Commissioner Chi moved to select Commissioner Jones as Vice Chair, seconded by Chair Callahan. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, CHI, JONES, MARGOLIN
NOES:	COMMISSIONERS:	KELLEHER, LECONG
ABSENT:	COMMISSIONERS:	NONE

APPROVAL OF
MINUTES:

The approval of the Minutes of January 6, 2005 (Minutes previously 'accepted'), February 3, 2005 and March 3, 2005 shall be continued to the April 21, 2005 Planning Commission Public Hearing.

PUBLIC
HEARING:
APPLICANT:
LOCATION:

CONDITIONAL USE PERMIT NO. CUP-155-05
CHAU PHAN
WEST OF BROOKHURST STREET, SOUTH OF CHAPMAN AVENUE AT
12141 BROOKHURST STREET, SUITE B.

DATE:

MARCH 17, 2005

REQUEST:

To allow the operation of a 6000 square foot adult computer trade school on the second floor of an existing two-story building. The school will operate from 9:00 a.m. to 10:00 p.m. Monday through Saturday. The site is in the BCSP-BCC zone (Brookhurst Chapman Specific Plan-Brookhurst Chapman Commercial).

Staff report was reviewed and recommended approval.

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

Mr. Chau Phan, the applicant, and Mr. Nhan Hoa, the representative, approached the Commission.

Vice Chair Jones asked Mr. Hoa why the computer school was being relocated. Mr. Hoa stated that the rent for the Fountain Valley school is expensive, the school does not have enough parking, and that there is a larger Vietnamese community in Garden Grove.

Commissioner Chi asked Mr. Phau to describe the school's training. Mr. Phau stated that the curriculum is a private post-secondary state approved program with training for Microsoft Office skills, with students gaining certificates after nine months of training, computer technician training, a Microsoft Windows networking program, and web page and graphic design. He also stated that the school will have one office manager and six teachers, and that thirty students are currently enrolled.

Mr. Lecong asked Mr. Phau how many students have graduated from the computer school. Mr. Phau stated approximately 200 people graduated last year.

Commissioner Chi asked staff to clarify Condition No. 33 that states, "The computers in the school shall be used for training purposes only." Staff replied that this was a standard condition and that the computers are to be used for educational purposes only, not cyber cafes or gaming.

Staff further stated the language of Condition No. 33 could be modified to read, "The use of the computers would be limited to the training related to the trade school curriculum." Staff also commented that the

content of the curriculum is out of the Planning Commission's jurisdiction.

Mr. Phau stated that the content of the curriculum would be monitored by a network system that protects the curriculum and internet data and that the system has a proxy server, a firewall and an internet blocker.

Commissioner Lecong asked staff if the parking is reciprocal with Vons. Staff replied yes.

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

Commissioner Chi supported the project, citing that a technical school would be good for society. Vice Chair Jones, Commissioners Lecong, Kelleher, Margolin and Chair Callahan concurred.

Vice Chair Jones moved to approve Conditional Use Permit No. CUP- 155-05, with amendments to Conditions of Approval No. 32, that shall read: "No areas of the premises may be rented out, used for private parties, or for day care services at any time," and Condition No. 33, that shall read "The computers in the school shall be used only for educational programs provided by the school." The motion was seconded by Commissioner Lecong, pursuant to the facts and reasons contained in Resolution No. 5486. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, CHI, JONES, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING:	CONDITIONAL USE PERMIT NO. CUP-157-05
APPLICANT:	RAKESH ARVIND PATEK
LOCATION:	SOUTH SIDE OF CHAPMAN AVENUE, EAST OF HARBOR BOULEVARD AT 12542 CHAPMAN AVENUE.
DATE:	MARCH 17, 2005
REQUEST:	To change the type of an Alcoholic Beverage Control License (ABC) from a Type "20" (Off-Sale Beer and Wine) to a Type "21" (Off-Sale General) for an existing drive-through dairy, Alta Dena Express Dairy. The site is in the HCSP-TCB zone (Harbor Corridor Specific Plan-Tourist Commercial "B").

Staff report was reviewed and recommended approval. One letter of opposition was written by Jessie Craven.

Commissioner Barry asked staff why the area has a high crime rate. Staff replied that most of the crime is related to the southeast crime district and that the dairy is located in the northwest corner of that district.

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

Mr. Rakesh Patel, the applicant, approached the Commission.

Vice Chair Jones asked Mr. Patel to clarify his modifications to the dairy. Mr. Patel stated that the dairy would become a walk-in store similar to a Seven-Eleven store. He commented that to increase sales, he needs more merchandising and that the remodel would improve business.

Commissioner Barry asked staff to clarify the difference in the sales of alcohol with regard to a grocery store selling single cans and a liquor store selling single cans. Staff referred to Condition No. 8 which reads, "Refrigerated alcoholic beverages in containers of 16 ounces or less shall not be sold in single containers, and shall be sold in manufactured, pre-packaged multiple unit quantities."

Commissioner Kelleher asked staff if signs would be posted on the site that state "No alcoholic beverages shall be consumed on the site." Staff replied that such signage is an Alcoholic Beverage Control (ABC) requirement.

Commissioner Lecong asked Mr. Patel if Alta Dena Express is a franchise name. Mr. Patel replied that the Alta Dena Express is a corporate name and that other stores have the same name. He also stated that 40 percent of merchandise sold is beer and wine.

Commissioner Lecong asked staff how many liquor stores are in the vicinity of the dairy, specifically from West Avenue to Haster Street. Staff replied four plus Target.

Vice Chair Jones asked staff if the two existing satellite dishes require screening. Staff replied that the language of Condition No. 23 could be modified to "Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community Development Department, Planning Division. No advertising material shall be placed thereon."

Commissioner Chi asked staff to clarify the International West connection to the site. Staff commented that the use is not in keeping with the vision of International West, which is a mixed-use project consisting of hotels, restaurants and tourist uses. The applicant's site cannot be implemented into the International West vision until the Target store's long-term lease expires, and that from Chapman Avenue to Westminster Street, the uses are compatible with the Disney resort.

Mr. Kirk Buyers, an Anaheim resident, approached the Commission and expressed his support of the project.

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

Vice Chair Jones voiced his support of the project especially with regard to beautifying the area. Commissioners Barry, Chi and Lecong concurred.

Commissioner Kelleher expressed his concern regarding the sale of alcoholic beverages, however, he encourages small business and is in support of the project. Commissioner Margolin and Chair Callahan concurred.

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

Commissioner Barry asked staff if the stored cars would require drip pans. Staff replied that the cars would be stored short term, however, language could be added to Condition No. 24 stating that in the event that there are vehicles leaking fluid they would be required to have drip pans.

Commissioner Lecong asked staff if any car auctions would take place on the tow-yard property. Staff replied that auto sales occur only on the front of the property and any bidding occurs across the street.

Commissioner Barry moved to approve Conditional Use Permit No. CUP- 156-05 with Condition No. 24 amended to read, "No drainage of fluids onto the site is permitted. Any fluids remaining in the vehicles upon arrival to the site shall be properly disposed of per the requirement of all affected governing agencies. The tow-yard operator shall ensure that any vehicle found leaking any fluid be provided with a drip pan and the fluid disposed of properly." The motion was seconded by Vice Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5487, and received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, CHI, JONES, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING:	SITE PLAN NO. SP-366-05
APPLICANT:	HOANG VAN PHAM
LOCATION:	EAST SIDE OF LUCILLE AVENUE, NORTH OF GARDEN GROVE BOULEVARD AT 12861 LUCILLE AVENUE.
DATE:	MARCH 17, 2005

REQUEST: To construct a second residential dwelling unit on an R-2 zoned lot that is currently improved with a single-family residence. The site is in the R-2 zone (Limited Multiple Family Residential).

Staff report was reviewed and recommended approval.

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

Mr. Kiem Nguyen, the applicant's representative, approached the Commission.

Commissioner Kelleher asked Mr. Nguyen how much of the house would be torn down. Mr. Nguyen replied about 90 percent as the house was built in 1945 and the front house would be remodeled and a new unit added behind. Family members would live in one unit and the other unit would be rented.

Chair Callahan asked Mr. Nguyen if he read and agreed with the Conditions of Approval. Mr. Nguyen replied yes.

Commissioner Chi asked for clarification of Condition No. 11 that reads, "Best Management practices shall be used to deter and abate graffiti and vandalism."

Staff replied that for commercial establishments, 120 hours notice is the standard time allowed for the property owners to clean graffiti.

Commissioner Barry asked staff for clarification of the term "Best Management Practices."

Staff replied that the Public Works Department has a manual of guidelines to address concerns such as graffiti and how the graffiti should be removed. For example, the applicant would have to present a plan for graffiti removal to the City and the plan would be reviewed with regard to Best Management Practices. Staff further explained that the Best Management Practices program is a means by which the Regional Water Quality Control Board can address and control run-off issues.

Staff further stated that Condition No. 11 could be modified to read, "The applicant shall, as consistent with the City's rules and policies, develop Best Management Practices that will be used to deter and abate graffiti and vandalism."

Vice Chair Jones asked staff for clarification on Condition No. 5. Staff replied that the Condition No. 5 is in place to encourage energy conservation.

Commissioner Chi asked Mr. Nguyen if he would build similar projects in the City. Mr. Nguyen stated that this is his first project and that he owns the property.

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

Vice Chair Jones commented that neighborhoods become modernized by individual efforts and that he supports the project. Commissioners Barry, Chi, Lecong, Kelleher, Margolin and Chair Callahan concurred.

Commissioner Chi moved to approve Site Plan No. SP-366-05, with an amendment to Condition No. 11 that would read, "The applicant shall, as consistent with the City's rules and policies, develop Best Management Practices that shall be used to deter and abate graffiti and vandalism." The motion was seconded by Commissioner Lecong, pursuant to the facts and reasons contained in Resolution No. 5488. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, CHI, JONES, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC
HEARING:

NEGATIVE DECLARATION
AMENDMENT NO. A-120-05

APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE
DATE: MARCH 17, 2005

REQUEST: To amend Title 9 of the Garden Grove Municipal Code, Section 9.16.040 General Requirements and Section 9.16.050 General Development Standards for single-family residential properties amending lot coverage requirements and setbacks for garage structures.

Staff report was reviewed and recommended approval to City Council.

Chair Callahan referred to Amendment No. A-121-05 and the update of noise ordinances, particularly Section 8.47.060 Special Noise Sources (f) Motor Driven Vehicles. He cited his concern with the sound of modified mufflers. Staff commented that the California Vehicle Code specifically covers that issue stating that no person shall alter the smog system of any vehicle from its originally manufactured condition.

With regard to garages and driveways in Amendment No. A-120-05, Vice Chair Jones asked staff why larger lots are penalized. Staff replied that R-1-7 lots have been developed with 20-foot setbacks or greater and that a number of areas on the west side of Garden Grove were developed with less than 20-foot setbacks and more than 15-foot setbacks. In recent years, residents want to convert their garages into family rooms or to build expansions to redirect their driveway to be straight in. The amendment has been brought forth to deal with existing conditions.

Chair Callahan 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 Lecong asked staff that if a 20-foot setback were reduced to an 18-foot setback, that change would not go through the Planning Commission procedure. Staff replied yes, that the change would not go through Planning Commission, specifically for areas zoned 5000 and 6000 square feet.

Commissioner Lecong asked staff, with regard to Amendment No. A-121-05, if the City has a tool to measure noise levels? Staff replied yes, Code Enforcement has noise meters.

Commissioner Chi moved to recommend approval of Amendment No. A-120-05 to City Council, seconded by Commissioner Margolin, pursuant to the facts and reasons contained in Resolution No. 5490. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, CHI, JONES, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: NEGATIVE DECLARATION

APPLICANT: AMENDMENT NO. A-121-05
LOCATION: CITY OF GARDEN GROVE
DATE: CITYWIDE
MARCH 17, 2005

REQUEST: To amend Chapter 8.47, entitled "Noise Control", of Title 8 "Public Peace, Safety, and Morals" of the Garden Grove Municipal Code, in its entirety.

Staff report was reviewed and recommended approval to City Council.

Note: All testimony for Amendment No. A-121-05 is contained within the testimony for Amendment No. A-120-05.

Commissioner Chi moved to recommend approval of Amendment No. A-121-05 to City Council, seconded by Commissioner Barry, pursuant to the facts and reasons contained in Resolution No. 5491. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, CHI, JONES, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS
FROM
COMMISSIONERS:

Commissioner Barry asked staff what type of development would replace the Ford Dealer. Staff replied the development would be an expansion of the Toyota Dealer.

Commissioner Barry asked staff who was responsible for the confusing street markings at Haster Street and the Garden Grove Freeway. Staff replied the Engineering staff would contact Cal Trans regarding the matter.

Chair Callahan suggested 'updated' training for Commissioners, especially the new Commissioners, who would benefit from a seminar similar to the event held in Monterey, CA.

Staff stated that with a \$900 budget, all of the Commissioners could not attend seminars, though possibly two could attend each fiscal year. Another option would be for the budget to go toward registration only and Commissioners would pay their other expenses. Staff further commented that the matter would be looked into and the results would be presented as soon as possible.

MATTERS
FROM STAFF:

Mr. Doug Holland, Deputy City Attorney, introduced Mr. Jason Retterer who will assist Mr. Holland with Planning Commission attorney duties.

Ms. Susan Emery, Community Development Director, congratulated Commissioner Nick Lecong on his appointment to the Planning Commission. Commissioner Lecong, in turn, gave a brief history of his career highlights and accomplishments.

Ms. Susan Emery briefed the Commissioners on the next meeting which will be a Study Session covering topics such as Traffic, Sewer and ABC

Licenses. Also, Ms. Emery introduced Ms. Kim Huy, the Community Development Neighborhood Improvement Manager who is in charge of Housing and Code Enforcement programs.

ADJOURNMENT: The meeting was adjourned at 8:50 p.m.

JUDITH MOORE
Recording Secretary