

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
JANUARY 17, 2008

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, BRIETIGAM,
KIRKHAM, PAK

ABSENT: NGUYEN

ALSO PRESENT: Omar Sandoval, City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Erin Webb, Senior Planner; Lee Marino, Senior Planner; Paul Wernquist, Urban Planner; Dan Candelaria, Civil Engineer; Sergeant Kevin Boddy, Police Department; Kevin Ferguson, Planning Intern; Chet Yoshizaki, Economic Development Director; Greg Brown, Economic Development Sr. Project Manager; Jim Dellalonga, Economic Development Project Manager; Paul Guerrero, Sr. Economic Development Specialist; Grace Kim, Economic Development Specialist; 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 Bankson moved to approve the Minutes of December 6, 2007, seconded by Commissioner Pak. The motion carried with the following vote:

AYES: COMMISSIONERS: BANKSON, BEARD, BRIETIGAM, PAK,
PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NGUYEN

ABSTAIN: COMMISSIONERS: KIRKHAM

Item C.2 was taken out of order for the purpose of allowing Vice Chair Pierce to remove himself from the dais in order to provide testimony as applicant for case number PUD-120-07. Commissioner Brietigam moved to select Commissioner Pak as Acting Chair, seconded by Commissioner Bankson. The motion received the following vote:

AYES: COMMISSIONERS: BANKSON, BEARD, BRIETIGAM,
KIRKHAM

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NGUYEN, PIERCE

ABSTAIN: COMMISSIONERS: PAK

PUBLIC

HEARING: NEGATIVE DECLARATION
PLANNED UNIT DEVELOPMENT NO. PUD-120-07
SITE PLAN NO. SP-434-07
VARIANCE NO. V-168-07
DEVELOPMENT AGREEMENT

APPLICANT: RON PIERCE

LOCATION: SOUTHWEST CORNER OF NELSON STREET AND STANFORD AVENUE AT
12781 NELSON STREET

DATE: JANUARY 17, 2008

REQUEST: To rezone the site to Planned Unit Development (PUD-120-07) in order to improve a 45,745 square foot lot with a new 5,400 square foot auto body shop building that includes an office and storage room; also, a new 4,026 square foot building that will consist of four (4) individual tenant spaces; and a new 1,120 square foot wash bay. The existing 3,234 square foot auto body building will remain on the property and the existing accessory structures will be demolished. Also, Variance approval to allow the project to deviate from the five-acre minimum lot size requirement. A Development Agreement is also proposed. The site is in the Planned Unit Development No. PUD-103-78 zone.

Staff report was read and recommended approval.

Commissioner Kirkham asked staff to clarify the five-acre minimum lot size. Staff responded that the project's 45,745 square feet is just over an acre as an acre is 43,560 square feet.

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

Mr. Mike Zayat, the project's designer, approached the Commission and stated that the property is only partially developed; that two detached buildings were added with complimentary finishes to the surrounding area; that plentiful landscaping would be added; that the single story building would be divided into four commercial/industrial rental units and consist of light gauge materials; that Building A would be a single-story body and paint shop; that there would be a two-story estimating office; that existing Building C would have an attached detailing building; that an area of the property would be used for parking; that one driveway would be moved; and that there would be six trash bins.

Commissioner Brietigam asked Mr. Zayat to clarify the trash bin locations and the number of employees. Mr. Zayat replied that four trash bins would be located on one side of the property and two on the other; and that the tenants would decide on the number of employees.

Mr. Ron Pierce, the applicant, approached the Commission and stated that currently, he has eight employees and the number would increase to 12; that new tenants would include Buddy's Automotive, West Coast Muffler, Orange County Upholstery, and ER Detailing; that there would be ample parking for employees as well as customers and towed-in vehicles; that palm trees leave less debris; and that vines would help with the graffiti problems.

Commissioner Beard asked for the construction schedule. The applicant replied that the building near Stanford Avenue would be Phase I; that the

second building would be the attached building; the third would be the main building; and that project completion would be in approximately eight months.

Commissioner Pak asked the applicant for the OCTA right-of-way update as referenced in the staff report. The applicant replied that discussion would begin after the 22- freeway project is completed, which could be as late as December.

Commissioner Pak asked the applicant to clarify the traffic plan at the new driveway location. Mr. Zayat replied that the driveway would only be moved an additional five feet in a direction away from Stanford Avenue.

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

Ms. Robin Marcario approached the Commission and commented that the setbacks and flowering vines were good; however, pepper trees would be a nuisance.

The applicant commented that palm trees would be used in lieu of pepper trees.

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

Commissioner Kirkham asked staff if there is another corner project on the old church parking lot on Stanford Avenue. Staff replied that there is a proposed 12-unit detached single-family home project.

Commissioners Brietigam, Beard, Bankson, and Pak expressed their support of the project as a 'one-stop shop', and agreed with the findings and the Variance.

Commissioner Beard moved to recommend the adoption of the Negative Declaration, and approval of Planned Unit Development No. PUD-120-07 and the Development Agreement to City Council, and to approve Site Plan No. SP-434-07 and Variance No. V-168-07, seconded by Commissioner Brietigam, pursuant to the facts and reasons contained in Resolution Nos. 5622 (PUD) and 5623 (SP/V/DA). The motion received the following vote:

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

Vice Chair Pierce rejoined the meeting at 7:29 p.m.

PUBLIC HEARING: SITE PLAN NO. SP-435-07
CONDITIONAL USE PERMIT NO. CUP-219-07
DEVELOPMENT AGREEMENT
APPLICANT: RANDY ITAYA (C/O GENE FONG ASSOC.)

LOCATION: WEST SIDE OF HARBOR BOULEVARD, NORTH OF CHAPMAN AVENUE AT
11767 HARBOR BOULEVARD AND 12261 CHAPMAN AVENUE
DATE: JANUARY 17, 2008

REQUEST: To expand the existing Embassy Suites hotel and conference/banquet facilities by adding a new 17-story, 238-room hotel tower to the existing 374-room hotel, along with 56,000 square feet of new banquet and meeting rooms to the existing facility. The overall 12.79-acre site will include the existing Embassy Suites site area and the entire golf driving range located to the west of the hotel complex. The overall improvement plans include creating a resort type hotel, adding a new restaurant and spa, and renovating the on-site circulation and parking arrangements that will include the two existing hotels (The Hampton Inn & Hilton Garden Inn) that are located directly east of the Embassy Suites. A Development Agreement is also proposed.

Staff report was read and recommended approval.

Commissioner Brietigam asked staff to state the current tallest building in Garden Grove and to confirm that the Fire Department has the resources to provide high rescues. Staff replied that the new tower would be the tallest; that the Fire Department is prepared to respond to incidents; and that there is a mutual aid agreement with the City of Anaheim to use high-rise equipment.

Commissioner Brietigam asked staff to clarify the EIR time limit. Staff replied that EIR's do not expire.

Commissioner Bankson asked staff to clarify the condition of the driving-range land that is to become a parking lot. Staff clarified that the land was a former landfill site; that the paving would cause the settling to take longer; and that the improvement would reduce the sinkage rate.

Commissioner Pak asked staff how much revenue the City of Garden Grove receives from the driving range. Staff replied that planning staff does not consider the economic aspects.

Mr. Greg Brown, Sr. Project Manager of the Economic Development Department, approached the Commission and stated that the conservative ten year projection is that the expanded Embassy Hotel should bring in approximately twenty million dollars in revenue.

Commissioner Pak asked staff to clarify the number of handicapped parking spaces. Staff replied that the number of spaces would be per code.

Commissioner Beard asked staff to confirm that the 219 additional parking spaces are above what is required by code. Staff replied yes; that valet parking would be provided for guests; and that the parking spaces are full size.

Commissioner Bankson asked staff to clarify the restaurant parking. Staff deferred the question to the applicant for clarification of the improved plan.

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

Mr. Rod MacDonald, of KDF Communities, Mark Hyatt, a co-owner, and Dom Acolino, the General Manager of the hotel, approached the Commission.

Vice Chair Pierce asked Mr. MacDonald if he had read and agreed with the Conditions of Approval. Mr. MacDonald replied yes.

Commissioner Bankson asked the applicant to clarify the restaurant parking. Mr. Acolino acknowledged that there are parking problems and that measures would be taken to provide solutions; that solutions would include gating the parking area and charging \$25-50 per day to discourage non-guest parking; that added directional signage would help along with signage that would threaten towing; that a 24-hour, seven days a week valet service would be provided with the valet team directing self-parking to the rear of the property; that the ballroom/meeting space would have valet service; that the ballroom entrance would be the new tower entrance; and that when the parking in the front restaurant area reaches an occupancy level of 85 percent, a shuttle service would be activated to pick up and drop off guests from the Hampton Inn and the Hilton Garden Inn to the rear parking.

Commissioner Beard asked the applicant to clarify the Administrative Building. Mr. MacDonald replied that the Administrative Building would serve as office space, sales space, an employee cafeteria and locker room facility, off-site storage, and a fire pump location; that hotel tentative improvement work would include a Starbucks, ice cream store, and retail; and that the kitchen, dining, and banquet facilities would be modified.

Commissioner Pak asked how many new jobs would be created. Mr. Acolino replied that there would be an approximately 35-40 percent increase in staffing.

Vice Chair Pierce asked for a construction schedule. Mr. MacDonald replied that the approximate completion, not including the new restaurant, would be October of 2009.

Commissioner Kirkham asked if the parking lot would be completed first. Mr. MacDonald replied that this would be a logistical problem regarding the land-fill; that the land-fill would be surcharged between start and finish of the project; that a temporary parking lot would be needed for 200 cars; and that overall parking would not be completed until the tower is finished.

Commissioner Beard asked for clarification on who would operate the restaurant. Mr. MacDonald replied that there are discussions for a signature restaurant, however, there is not good street exposure and the project is a long way out; and that demographics are required. There being no further comments, the public portion of the hearing was closed.

Commissioner Pak commented that with the additional revenue to the City and more jobs for the community, he would support the project.

Commissioner Beard commented that the project exceeds code in acreage, landscaping, and parking, and that the Conditional Use Permit covers fire and safety issues in detail.

Commissioner Brietigam commented that the City's public safety is a concern; however, he would support the project.

Commissioner Pak moved to recommend approval of the Development Agreement to City Council, and approve Site Plan No. SP-435-07 and Conditional Use Permit No. CUP-219-07, seconded by Commissioner Beard, pursuant to the facts and reasons contained in Resolution No. 5621. The motion received the following vote:

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

PUBLIC HEARING:	NEGATIVE DECLARATION SITE PLAN NO. SP-436-08 STREET VACATION NO. SV-117-08 VARIANCE NO. V-169-08
APPLICANT:	LMC MANAGEMENT GROUP, LLC
LOCATION:	A TRIANGLE-SHAPED PROPERTY ON THE NORTH SIDE OF STANFORD AVENUE BETWEEN BROOKHURST STREET AND BROOKHURST WAY AT 12711 AND 12731 BROOKHURST STREET
DATE:	JANUARY 17, 2008
REQUEST:	To construct an approximately 3,900 square foot multi-tenant building, that includes a drive-through coffee shop, with a Variance request for reduced setbacks, in conjunction with a request to vacate the easterly portion of the Brookhurst Way right-of-way. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was read and recommended approval.

Commissioner Pak asked staff for the history of the property. Staff replied that the land was previously improved with a gas station and a Winchell's Donut Shop; that a Negative Declaration was completed; that the applicant did a Phase I report with regard to soil contamination; that there are monitoring wells there now though the site is clean enough to develop; that before the issuance of grading or building permits, the applicant must get a clearance letter from the County stating that the property is clean enough to develop.

Commissioner Kirkham asked if the barrels currently on the property are from the gas station. Staff replied yes, that the barrels contain contaminated soil.

Commissioner Kirkham asked if the red curb on the west side would be eliminated. Staff replied yes; that the curb parking would be for residents and there is sufficient room for traffic and parking.

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

Mr. Jim Righeimer, the applicant/developer, approached the Commission and described the project. He also stated that the monitoring well is almost at its closure; that four to five houses are affected by the development; that the building maintains setbacks that exceed code; and that the landscape areas adjacent to the street are bermed.

Mr. Jeff Bergsma, the architect, approached the Commission and stated that they would like to see the proposed five-foot wall along Brookhurst Way to be reduced to four feet high; that the building is set back more than the required setback; and that the landscaping is increased due to the setbacks.

Commissioner Brietigam asked for a description of the interior of the coffee shop. Mr. Bergsma replied that there would be indoor coffee service; that the ATM would be in the tip of the triangle; that there would be an outdoor covered area with tables for Starbucks; that one tenant would be a take-out food service; and that the other tenant would be retail use in order to provide enough parking; and that there are no agreements with other tenants except for Starbucks.

Commissioner Pak asked for clarification of the right turn onto Brookhurst. Mr. Bergsma stated that the turn is not a sharp turn and that the driveway is wider for better movement.

Commissioner Pak asked if the City is giving the sidewalk to this development. Mr. Righeimer replied that the parking spaces along Brookhurst Way are actually the sidewalk that belongs to the City as the property line ends at the sidewalk; and that the cost issues would be worked out with Economic Development as well as the cost to underground the power lines.

Ms. Janine Fowler approached the Commission and commented on the monitoring wells; the design concept; that the homeowners should have a say in the wall height; that there should be vines on the wall and juniper trees for sound buffering; that a 38 foot street width is ample for two-way traffic; and that the additional parking is good.

Ms. Robin Marcario approached the Commission and commented that the project is an innovative use; that the screening wall should have decorative elements; and that irrigation should be included for both sides of the wall.

Ms. Kathleen Denham approached the Commission and commented that she is in favor of the project; that the wall height is a concern; that there would be a noise level increase; and that a wall or landscaping would help deter noise.

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

Staff commented that both sides of the wall would have irrigation.

Commissioner Bankson asked staff to clarify the five-foot wall height.

Staff replied that five feet would be adequate, in combination with the berm, to block vehicle noise and car lights.

Commissioner Kirkham added that a high wall would deter retail/food customers from parking on Brookhurst Way and jumping over the fence.

Commissioner Pak moved to adopt the Negative Declaration, recommend approval of Street Vacation No. SV-117-08 to City Council, and approve Site Plan No. SP-436-08 and Variance No. V-169-08, seconded by Commissioner Brietigam, pursuant to the facts and reasons contained in Resolution Nos. 5624 (SP/V) and 5628 (SV). The motion received the following vote:

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

PUBLIC HEARING:	TENTATIVE PARCEL MAP NO. PM-2005-255
APPLICANT:	KAM SANG COMPANY, INC. (MICHAEL LEE)
LOCATION:	WEST SIDE OF HARBOR BOULEVARD NORTH, APPROXIMATELY 980 FEET FROM TWINTREE AVENUE, AND EAST SIDE OF THACKERY DRIVE NORTH FROM TWINTREE AVENUE TO CUL-DE-SAC TERMINUS AT 12141-12321 HARBOR BOULEVARD AND 12246-12322 THACKERY DRIVE
DATE:	JANUARY 17, 2008
REQUEST:	To approve a one-year time extension for the approved entitlement under Tentative Parcel Map No. PM-2005-255. The site is in the Planned Unit Development No. PUD-141-01 zone.

Staff report was read and recommended approval.

Commissioner Kirkham asked staff to clarify the negotiations between the City and the property owner, Mr. Williams.

Staff replied that Mr. Williams owns three or four lots; however, the City has ended negotiations with Mr. Williams and those lots are not part of the modified parcel map.

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

Mr. Charlie Liu, the project's engineer, approached the Commission.

Vice Chair Pierce asked Mr. Liu if he had read and agreed with the Conditions of Approval. Mr. Liu replied yes.

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

Commissioner Bankson moved to approve the one-year time extension for Tentative Parcel Map No. PM-2005-255, seconded by Commissioner Beard, pursuant to the facts and reasons contained in Resolution No. 5625. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION
SITE PLAN NO. SP-438-08
VARIANCE NO. V-170-08
APPLICANT: W. JEAN DODDS, DVM & CHARLES BERMAN, ESQ.
LOCATION: NORTH SIDE OF SALINAZ DRIVE, EAST OF NEWHOPE STREET AT 11561
SALINAZ DRIVE
DATE: JANUARY 17, 2008

REQUEST: To reuse an existing 10,723 square foot building, along with Site Plan approval to construct a building addition of approximately 6,700 square feet to be used by the Hemopet Center for Greyhound Rescue and Pet Animal Recovery. The approximately two-acre site includes the construction of 16,420 square feet of kennels or 'suites' for greyhounds. A Variance is required for a reduced front yard setback. The site is in the M-1 (Limited Industrial) zone.

Commissioner Brietigam moved to continue the case to the next regular Planning Commission meeting on Thursday, February 7, 2008, seconded by Commissioner Kirkham. The motion received the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-439-08
CONDITIONAL USE PERMIT NO. CUP-220-08
VARIANCE NO. V-171-08
APPLICANT: DARIO GONZALEZ
LOCATION: NORTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF HAZEL STREET AT
9087 GARDEN GROVE BOULEVARD
DATE: JANUARY 17, 2008

REQUEST: To demolish three existing structures, on a 6,500 square foot lot used for automobile smog and repair operation, and Site Plan approval to construct a single, new building for the same business. Also, Conditional Use Permit approval for a Minor Auto Maintenance use in the C-1 (Neighborhood Commercial) zone, and a Variance to waive the rear yard setback. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was read and recommended approval.

Commissioner Brietigam asked staff to clarify the neighboring building's setbacks. Staff responded that the automotive buildings to the east do not have the ten-foot rear yard setback and that their buildings are located close to the rear property lines; that the Dae Zi club has a large setback that is a parking lot; and that the project would have the rear building wall on the north property line.

Commissioner Pak asked staff if the project is subject to WQMP. Staff replied that the development is a priority project that must have a Water Quality Management Plan to address and treat surface run-off.

Commissioner Pak asked staff what would happen to the existing pit. Staff replied that the pit would be removed.

Commissioner Kirkham asked staff if the smog check process would create more noise for residents. Staff replied that the project must meet the noise ordinance.

Commissioner Kirkham asked staff if the applicant is currently operating against code in that their auto maintenance is performed outside. Staff responded that though all auto repair and maintenance must be performed inside, the applicant is legal nonconforming in that when the use was initially established, the use was allowed; however, they would be in violation of the noise ordinance.

Commissioner Bankson asked if the applicant spoke with the neighbor. Staff replied yes, that a letter was attached to the staff report.

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

Mr. Daniel Garcia, the applicant's representative, approached the Commission and described the project. He also stated that the applicant would like to be compliant; that to reduce the noise level, the building would be constructed of block wall; that the site used to be a muffler repair shop; and that the service bay would be filled in.

Vice Chair Pierce asked Mr. Garcia if he had read and agreed with the Conditions of Approval. Mr. Garcia replied yes.

Commissioner Pak asked Mr. Garcia for a construction schedule. Mr. Garcia replied that the applicant hopes to be open for business in one to three months as the business would be closed during construction.

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

Commissioner Beard moved to approve Site Plan No. SP-439-08, Conditional Use Permit No. CUP-220-08, and Variance No. V-171-08, seconded by Commissioner Kirkham, pursuant to the facts and reasons contained in Resolution No. 5627. The motion received the following vote:

AYES: COMMISSIONERS: BANKSON, BEARD, BRIETIGAM,
KIRKHAM, PAK, PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NGUYEN

**MATTERS FROM
COMMISSIONERS:**

Commissioner Pak stated that the City of Garden Grove has student guests from the sister city of Anyang and that they have been touring various southland attractions.

Commissioner Brietigam commented that along with the newly installed monument sign on Lampson Avenue, he would like to see additional landscaping such as trees, or greenery in the medians for a smoother transition between cities.

Commissioner Bankson welcomed new Planning Commissioner, Gene Kirkham.

Commissioner Beard asked for the status of the General Plan update. Staff replied that the update is still being worked on.

MATTERS
FROM STAFF:

Staff read a brief description of agenda items for the Thursday, February 7, 2008 Planning Commission meeting. Staff added that now that the Planning Commission has the full seven-member body, the motion to select a new Chair and Vice Chair would be on the next Agenda.

Staff also commented that there is a provision in Development Agreements to collect an additional fee for Fire Department improvements, particularly those slated for the Harbor Boulevard area.

ADJOURNMENT:

Commissioner Bankson moved to adjourn the meeting at 9:10 p.m. in memory of former Council Member, Ray Littrell, seconded by Commissioner Beard. The motion received the following vote:

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

JUDITH MOORE
Recording Secretary