

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
MAY 1, 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: CHAIR PIERCE
COMMISSIONERS BANKSON, BEARD, KIRKHAM, NGUYEN,
PAK

ABSENT: BRIETIGAM

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Paul Wernquist, Urban Planner; Maria Parra, Urban Planner; Grant Raupp, Administrative Analyst; Sid Ashrafnia, Associate 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 Bankson and recited by those present in the Chamber.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Kirkham moved to approve the Minutes of April 3, 2008, seconded by Commissioner Beard. The motion carried with the following vote:

AYES: COMMISSIONERS: BANKSON, BEARD, KIRKHAM,
NGUYEN, PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: BRIETIGAM

ABSTAIN: COMMISSIONERS: PAK

Chair Pierce suggested taking Item D.1. out of order to better facilitate the Power Point presentations for the Amendments. Commissioner Kirkham objected, and motioned that Item C.1. (Amendment No. A-136-08), regarding new standards for duplexes and triplexes, would be relevant to Item D.2. (Site Plan No. SP-441-08) and should be heard first.

Staff pointed out that Item C.1. would not affect item D.2., as the proposed duplex project would be regulated by current codes and standards; that Item C.1. would be recommended to City Council for final approval; and if approved, the Ordinance would not be adopted for 30 days.

With this clarification, Commissioner Kirkham withdrew his motion.

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-136-08
APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE
DATE: MAY 1, 2008

REQUEST: To amend Title 9 of the Garden Grove Municipal Code to establish development standards for the regulation of duplexes and triplexes. The proposed Amendment is intended to establish uniform development standards that will include new setbacks, new building height and building separations, with emphasis on appropriate architectural building design and massing, as well as new parking and driveway design.

Staff report was presented via a Power Point, with recommended approval.

Commissioner Kirkham stated that Item D.2., the duplex case, has a minimum lot square footage requirement, and asked that if the project was processed under the new standards, would a variance be required?

Staff replied yes; that any discretionary action would need to be reviewed by the Planning Commission; and that D.2. was legal, nonconforming as the intensity of the project was not increased.

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 Beard complimented staff for their hard work.

Commissioner Kirkham moved to recommend adoption of the Negative Declaration and approval of Amendment No. A-136-08 to City Council, seconded by Commissioner Beard, pursuant to the facts and reasons contained in Resolution No. 5631. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-137-08
CONDITIONAL USE PERMIT NO. CUP-225-08
APPLICANT: DAVID MARTIN
LOCATION: EAST SIDE OF WESTERN AVENUE, NORTH OF SANTA RITA CIRCLE AT
11852 WESTERN AVENUE
DATE: MAY 1, 2008

REQUEST: To amend Title 9 of the Garden Grove Municipal Code to allow motorcycle sales in the M-1 (Limited Industrial) zone with the approval of a Conditional Use Permit, in conjunction with a request for Conditional Use Permit approval to allow motorcycle sales at 11852 Western Avenue. The site is in the M-1 (Limited Industrial) zone.

Staff report was read and recommended approval.

Commissioner Beard suggested that the last phrase of Condition No. 6 be deleted. Staff agreed.

Commissioner Bankson asked staff to clarify the motorcycle business itself. Staff replied that motorcycle frames would be sold and not assembled on the premises; that there would be sales only and no repair work, however, the M-1 zone would allow repair of vehicles and motorcycles.

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

Mr. David Martin, the applicant, approached the Commission.

Chair Pierce asked Mr. Martin if he had read and agreed with the Conditions of Approval. Mr. Martin replied yes, and pointed out that his sales tax is based on his location; that he is moving his business from Stanton to Garden Grove; that his business is strictly internet based; that his wholesale dealer's license does not allow him to sell in California and that he must be retail to sell in California; and, that he does his own pick up and delivery.

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

Commissioner Kirkham expressed that this new business was good for the area and Garden Grove.

Commissioner Kirkham moved to recommend adoption of the Negative Declaration and approval of Amendment No. A-137-08 to City Council, and approval of Conditional Use Permit No. CUP-225-08, with one amendment to the Conditions of Approval, seconded by Commissioner Beard, pursuant to the facts and reasons contained in Resolution Nos. 5633 (A) and 5637 (CUP). The motion received the following vote:

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

PUBLIC HEARING:	SITE PLAN NO. SP-441-08
APPLICANT:	ARMANDO VEGA
LOCATION:	WEST SIDE OF BOWEN STREET, NORTH OF TRASK AVENUE AT 13431 BOWEN STREET
DATE:	MAY 1, 2008
REQUEST:	To remodel and expand two units of an existing duplex. Unit 'A' will be expanded from a 742 square foot, two-bedroom, one-bathroom unit to a 2,269 square foot, four-bedroom, three-bathroom unit. Unit 'B' will be expanded from a 933 square foot, two-bedroom, one-bathroom unit to a 2,185 square foot, four-bedroom, three-bathroom unit. The site is in the R-2 (Limited Multiple Residential) zone.

Staff report was read and recommended approval. Two letters of concern were written by Gary and Carol Davis, and Keith and Linda Jones.

Commissioner Kirkham noted to staff that on Page 2, in the continued Project Statistics chart, the Unit B listing should read "4 Bed, 2 Baths".

Commissioner Bankson asked staff how this project would fit in with the new duplex standards. Staff replied that the current project would not comply with the second story setbacks; and that the new code would allow five-foot setbacks on the first floor and ten-foot setbacks on the second floor.

Chair Pierce asked staff to clarify the guest parking. Staff explained that there are three guest parking spaces and that the garages are to park cars and not to be used for storage; and that Condition Nos. 16, 17, and 18, address parking requirements.

Vice Chair Pak asked staff to clarify the enclosed parking. Staff replied that there are two front parking spaces each for Units A and B; that in the Multi-family zone, with a four bedroom unit, there would be three parking spaces total, two in the garage and one uncovered, with the uncovered being the guest parking in the driveway.

Commissioner Beard stated that the color of the project was addressed in the Conditions; and that the garage must be available for parking, however, the applicant is not required to park in the garage.

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

The applicant's representatives, Manuel Cueva and Bertha Cueva-Sanchez, approached the Commission.

Chair Pierce asked the applicants if they had read and agreed with the Conditions of Approval. They replied yes.

Commissioner Kirkham asked the applicants to clarify the ownership of the commercial bus parked at the project. Mr. Cueva replied that the bus was his, however, he was not the owner.

Staff added that the gross weight of a vehicle determines if that vehicle is allowed on a street, not whether the vehicle is commercial or private; that there is a 72-hour limit for all vehicles including RV's; that there is a commercial vehicle code for parking in residential areas based on the wheel rim size being 17" or more; and that this could be checked by code enforcement.

Ms. Carol Davis approached the Commission and handed out photographs of the parking around her house. She expressed her concerns that there is limited guest parking; that the neighbors use their three-car garage for storage and not for parking vehicles; that they have a trailer in the driveway; that between both neighbors, there is no parking in front of her house; that she wrote one of the letters; that she is concerned with privacy; and that the neighbors have had chickens and roosters.

Ms. Linda Varga approached the Commission and also stated her concerns with privacy and parking.

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

Vice Chair Pak pointed out to staff that the directional titles in the staff report drawings were incorrect. Staff agreed.

Vice Chair Pak asked staff for direction to mitigate the privacy issue. Staff replied that the second story windows on the north and south sides could be clerestory windows, or tinted, provided the windows were not required exiting windows, and that this could be an added Condition; also, a condition could be added regarding the two second story terraces, that the terraces remain open and not be enclosed to avoid future living space.

Commissioner Kirkham added that street parking is first come first serve.

Chair Pierce reopened the public hearing.

Ms. Carol Davis approached the Commission and described the parking situation in more detail, and added that at times she could not get out of her driveway; that she hopes the neighbors will use their garage for parking; and that the night time parking is always full.

The applicants approached the Commission.

Commissioner Beard asked the applicants if they had plans of renting the units. Mr. Cueva replied no, that the people who live there now will be the residents, and that he and Bertha Cueva-Sanchez are brother and sister, each with their own families.

Vice Chair Pak asked staff if there was a way to mitigate the privacy issue regarding the east terrace over the garage. Staff replied that a possible extended roof could be included in the plans.

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

Commissioner Beard commented that the house is an improvement; that the neighbor parking issues, and color of the house, have been addressed and that there are possible Code Enforcement issues presently; and that he supports the project.

Vice Chair Pak commented that he supports the project; that neighbors should be good neighbors; and that the applicant's children would benefit from having more living space.

Vice Chair Pak moved to approve Site Plan No. SP-441-08, with added Conditions regarding the north and south second story windows, the balconies, and the extended roof on the east side, seconded by Commissioner Bankson, pursuant to the facts and reasons contained in Resolution No. 5634. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-138-08
APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE
DATE: MAY 1, 2008

REQUEST: To amend Title 9 of the Garden Grove Municipal Code to establish standards that will regulate the development of small-lot subdivisions in the City of Garden Grove. The proposed code will provide uniform development standards; create standards that will emphasize building design and consistency; and provide for logical parking and circulation design.

Staff report was presented via a Power Point, with recommended approval.

Commissioner Bankson asked staff to clarify reducing the side yard setbacks from five-feet to four-feet. Staff replied that smaller lots require smaller distance separation between units as the side yard usage is not that productive; that the units would be more functional with more unit per lot and more units within the project; that the lots range from between 3,400 to 5,000 square feet; that lot coverage is determined by the project as a whole; that the street is included in the lot coverage; and that the project fence is six-feet tall.

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 Beard moved to recommend adoption of the Negative Declaration and approval of Amendment No. A-138-08 to City Council, seconded by Vice Chair Pak, pursuant to the facts and reasons contained in Resolution No. 5636. The motion received the following vote:

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

MATTERS FROM COMMISSIONERS: Vice Chair Pak briefly described his trip to Garden Grove's sister city of Anyang and stated that he had a great time; that the exchange program has been in place for 18 years; and that a new couple is being trained to lead the trip next year.

Commissioner Beard asked staff to clarify the statistics in the Building Division report. Staff stated that there is slow down; that there are less building applications for Planning Commission, however, in terms of the last ten years, these years were exceptionally high.

Chair Pierce asked staff for an update on Main Street regarding the upstairs living and the large project. Staff replied that the first one is still in plan concept, and the other is still pending due to a lawsuit.

Commissioner Beard asked for an update on the Garden Grove Boulevard and Euclid Street project. Staff replied that the project is currently in the plan check stage.

MATTERS
FROM STAFF:

Staff reviewed the revised General Plan schedule and asked the Commissioners to direct any questions they may have to Erin Webb in the Planning Division.

Commissioner Bankson asked for an update on the Chili's restaurant project. Staff replied that the project is not moving forward at this time.

Chair Pierce asked for an update on Walmart. Staff replied that the Walmart developers may be revamping their market strategy and may have a possible new proposal in October, however, there is no guarantee; and that although staff spent a fair amount of time on the matter, the developer did prepare most of the material up to the point of their withdrawal.

Commissioner Kirkham asked staff if the City owns the old Costco building. Staff replied that the building is under private ownership.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

JUDITH MOORE
Recording Secretary