

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

Meeting Minutes
Thursday, June 16, 2016

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair O'Neill
Vice Chair Kanzler
Commissioner Barker
Commissioner Margolin
Commissioner Nuygen
Commissioner Paredes
Commissioner Zamora

Absent: None.

PLEDGE OF ALLEGIANCE: Led by Commissioner Paredes.

ORAL COMMUNICATIONS – PUBLIC – None.

June 2, 2016 MINUTES:

Action: Received and filed.

Motion: Margolin Second: Barker

Ayes: (7) Barker, Kanzler, Margolin, Nuygen, O'Neill, Paredes,
Zamora

Noes: (0) None

The following item was taken out of order.

PUBLIC HEARING – SITE PLAN NO. SP-025-2016, CONDITIONAL USE PERMIT NO. CUP-079-2016, VARIANCE NO. V-012-2016. FOR PROPERTY LOCATED AT 11162 GARDEN GROVE BOULEVARD, SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND EUCLID STREET.

Applicant: Danny Bockting
Date: June 16, 2016

Request: Site Plan approval to construct a 940 square foot pad building, for a drive-thru coffeehouse, Starbucks, on an approximately 16,689 square foot vacant lot, along with associated improvements, which include a

parking lot and landscaping, and a request for Conditional Use Permit approval to operate the proposed drive-thru coffeehouse. Also, a request for Variance approval to deviate from the minimum lot size requirement for drive-thru facilities in the CC-3 (Civic Center Core) zone. The project is exempt pursuant to CEQA Section 15303 – New Construction or Conversion of Small Structures.

At the applicant's request, an amendment to remove Condition No. 18, in regard to reciprocal access to the abutting property, was agreed to by staff and was entered into the record.

Vice Chair Kanzler asked if there was a minimum standard for the number of bike racks, saying that he preferred the large racks to encourage people to ride bikes. Staff responded that 16 bikes could be accommodated, however, there was no rack design yet.

Commissioner Zamora asked staff to describe the 3'-0" high block wall in regard to access and maneuverability in the parking lot. Staff explained that the Garden Grove Boulevard driveway to the Starbucks property would be removed and that ingress/egress to the Starbucks property would be from the Euclid Street driveway only; that the shopping center driveway on Garden Grove Boulevard would remain as the ingress/egress point for the shopping center; that the applicant would move the proposed westerly 3'-0" high block wall in a few feet, and provide a low planter, for additional back up space for shopping center customers; and, that the wrought iron fencing that belonged to the shopping center owner could potentially remain.

Commissioner Paredes asked for the number of customer trash receptacles. Staff deferred to the applicant.

Commissioner Barker expressed his concern about the aesthetics of the 3'-0" high block wall abutting the shopping center property and asked if the non-planter south side could also have landscaping. Staff responded that an added condition could request landscaping.

Chair O'Neill opened the public hearing.

Mr. Kayman Wong, the applicant/developer, described the project and stated that three to four trash receptacles would be on site; and, that three to four, no more than five, employees would work during peak times.

Commissioner Zamora asked if the outside seating would have heaters. Mr. Wong replied that the store manager and district manager would make that decision.

Vice Chair Kanzler asked about vegetation to buffer the block wall. Mr.

Wong stated that the adjacent owner did not address the removal of the wrought iron fence; that he would be asked to; and that he was also concerned with the look of the west side block wall and asked that the wall be raised from 3'-0" to 4'-5". Mr. Wong added that the planter would be 2'-6" wide; that vegetation in the middle of the lot would have watering issues; and, that the block wall could be changed to a more decorative wall or fence to avoid being unsightly.

Commissioner Nuygen expressed his safety concern for pedestrians crossing the walking path across the drive-thru lane to pick up an order. Mr. Wong stated that the path could be striped and have added signage to ensure safety.

Action: Public Hearing held. Speaker(s): Kayman Wong

Action: Resolution No. 5864-16 was approved with amendments to remove Condition No. 18 and add a condition for the applicant to work with staff to improve the aesthetics of both sides of the south and west block walls.

Motion: Zamora Second: Barker

Ayes: (7) Barker, Kanzler, Margolin, Nuygen, O'Neill, Paredes, Zamora

Noes: (0) None

PUBLIC HEARING – MITIGATED NEGATIVE DECLARATION, CONDITIONAL USE PERMIT NO. CUP-073-2016 FOR PROPERTY LOCATED AT 13272 GARDEN GROVE BOULEVARD, SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF FAIRVIEW STREET.

Applicant: Heaven's Gate Funeral Home, Inc.
Date: June 16, 2016

Request: Conditional Use Permit approval to operate a new funeral home, within an existing approximately 19,460 square foot office building, which will include a mortuary and crematory.

Ms. Binh Minh Tran was available for Vietnamese translation.

Vice Chair Kanzler acknowledged that he had listened to the audio recording and read the Minutes from the June 2, 2016 Planning Commission meeting in order to participate in the meeting.

Chair O'Neill then waived the reading of the staff report and continued with the Public Hearing, which was left open from the June 2, 2016 meeting.

Staff also noted that an alternative resolution of denial was prepared in addition to the prior resolution of approval.

Staff noted, that prior to the meeting, a letter of opposition was received from residents within 500 feet of the proposed site, which included 35 signatures and concerns relating to proximity, health risks, and future property values. This letter was entered into the record.

Staff also received a petition of opposition from Chieu, with 235 signatures and this petition was placed into the record.

Staff noted that an update to the online petition of opposition at www.change.org indicated that signatures had grown from 376 to 486 with 144 comments in total. This information was entered into the record.

Also, prior to this meeting, staff received another petition of opposition with 30 signatures from residents that live within a 500 foot radius from the Macera Crematory in Santa Ana. This letter was entered into the record.

Finally, staff received a letter of opposition from Michele Martinez, a Councilwoman from Santa Ana, whose concerns included air quality impacts, noise, light, and lowering of property values. The letter was entered into the record.

Mr. Samuel Romero, who lives near the crematorium in Santa Ana, stated that during the summer months, the 'smell' wafted through the air; that certain air movements caused the neighborhood to be affected; that the nearest home was 200 feet away and they would get the stench; that residents have asked the City of Santa Ana to help get the crematorium moved to an area with at least a 1,000 foot radius away from residential, without success; and, that the Commission should vote no.

Mr. Khai Nguyen noted that embalmers were required to wear protective gear when handling toxic chemicals and questioned where the chemicals were disposed of and hoped there was no contamination to sewer lines; that there was no documentation on where the air flowed from a broken afterburner that shut down automatically; that children would stay inside and become obese; that senior citizens were afraid to walk outside; that no smoking areas evolved from learning experience, similar to people having learned about the risks of tanning over time; and, that the decision should be based on common sense.

Ms. Bao Tran did not understand how staff could have recommended approval of the proposed project; that Santa Ana Councilwoman Michele Martinez's letter stated crematoriums were typically industrial uses

separated from residential areas and that the Santa Ana crematory smells; that there were health concerns for children; that Tuan Nguyen's letter of support had signatures from areas other than Garden Grove and that the letter failed to mention the location of the proposed crematory; and that her main concerns were proximity, health risks, and loss of property value.

Mr. John Pham stated that the project would adversely affect the health, peace, and comfort or welfare of residents, and would interfere with the use, enjoyment, or valuation of the property, and jeopardize, endanger and be a menace to public health; and, that prolonged anxiety and stress would affect the resident's mental health.

Mr. Joseph Tran questioned the removal of mercury/amalgam prior to cremation as lawyers he contacted stated that fillings were not required by law to be removed; that some families see tooth removal as an emotional desecration of deceased in addition to a lack of dignity; that bodies were not considered solid waste, therefore, there were no limitations on mercury emissions that could cause damage; and, that mercury did not degrade, and cremations would increase with the baby boomer population.

Mr. David Le stated that 'legal noticing' was only a 300' radius; that the applicant's letter of support had signatures outside the area; that 34 bodies per month with two crematory units could be 68 bodies per month; that he questioned the inspections; that their homes and well-being would be affected; and that a 'yes' vote would affect generations.

Mr. Tan Hoang mentioned the loss of property value, especially for an elderly couple he knew, who wanted to eventually move into a retirement home.

Mr. Yun Coe expressed his concern with toxic air, and increased traffic, and that the senior citizens would stop exercising; that he could not believe a crematory would be in a residential area; that there was a duty to the next generation to provide a clean and safe environment; and, the Commission should disapprove.

Ms. Stacey Hua, who displayed enlarged aerial and proximity photos, stated that her family was not against the business, just the location; that the applicant should move to an industrial area away from schools and homes; that the project would be detrimental to their quality of life; that residents should be top priority; and that issues included health risks, property values, and outside activities for children and seniors.

Ms. Jeanne Thai stated that the project was not harmonious and did not fit in land use element of the General Plan for neighborhood preservation; that her concerns were air pollution, traffic pollution, and

outside safety; and, that the project would be detrimental to the neighborhood with loss of property values.

Chair O'Neill asked for a recess at 8:25 p.m. The session reconvened at 8:37 p.m.

Ms. Annie Nguyen asked that the crematory not be built and asked Tuan Nguyen to bring honor to the Vietnamese.

Mr. John Kim expressed concerns in regard to toxic fumes, proximity to churches, schools, and homes, financial issues from loss of property values, and that he did not want the project in the community.

Ms. Susan Scott spoke on behalf of her mother Carol Scott and stated that the crematory would have 'hot' areas and recalled both Chernobyl and Three-Mile Island, projects which were purported to be safe; and, that the people were not being considered.

Ms. Barbara Dale stated Ms. Chi Tang, the applicant's representative, had mentioned on June 2nd, that Tuan Nguyen was for his people; that if he was, he would not put the crematory in the neighborhood; that her concerns included toxic emissions, traffic, and the location; that feelings should be considered; and, that no one would receive cancer in the future.

Mr. Trong Nguyen spoke on liberty, rights, and human nature; that the proximity of the project to the neighborhood was a violation of rights and needed to be relocated; that his peace of mind was upset; that public servants should care about the people; that his concerns were traffic from the funerals, air quality, and stress; and, that the Commission should reject the proposal.

Mr. Gerome Guth, who had worked at the Fairhaven crematory over seven years, and had done embalming, stated that a majority of concerns were unjustified; that funeral homes were being bought by corporations, of which Fairhaven was now a part; that Peek and Rose Hills were heading that way; that Mr. Tuan Nguyen was an individual with a service at a reasonable price and he had respect, honor, and dignity, and should have a chance; that he would buy a home next to a funeral park; that there was no smell in his crematory, that embalming was protected, and no one passed away as a result of working in the industry.

Mr. Walter Muneton expressed that the concerns were valid and commented that the community did a great job of coming together as one; that the residents did not want the crematory in their neighborhood; that the people had spoken; and, the Commission needed to make the right decision.

Ms. Candace Parker expressed that she was concerned for her mother's health, and had respect for the business, but wondered why, with all the people turning out, that proximity to schools, churches, residences, the elderly, and traffic were not considered.

Mr. Quan Dang stated that he was not against the business, but his concerns were proximity and emissions of toxins.

Mr. Lam Pham thanked the Commission and relayed that his son had asthma and he was opposed to the location and toxins; and, that if the children were affected, questioned who would be accountable.

Mr. Steve Check stated that he helped Tuan Nguyen start Heaven's Gate Funeral Home in 2009; that there was little competition then and it took years to find a good site in Westminster; that Tuan was passionate about the business; and, they were moderately successful in Westminster because of cheaper prices.

Mr. Jesse Arambulo explained that the crematory was really an incinerator; that he worked as an air conditioner mechanic with many years of training in Air Infiltration; that no filter could 100 percent arrest particles, because if so, air flow would be stopped; that any filter had an air-bypass through which unfiltered air would go through; that filter racks were not air-tight; that toxins would go into the air with odorous fumes; and, that he urged the Commission to vote no.

Mr. Steven Schulte explained that he had been a specialist in chemical defense in the Marine Corp.; that hazards of liquid embalming chemicals were minimal with proper disposal techniques and would not be a health hazard, except to those working with the chemical; that those working with the chemicals would be fine with proper safety protocol; that the air filter would work just like the catalytic converter in a car; that the side air-bypass was for emergencies if the filter would get plugged and was not frequently used; that 1800 degrees would get rid of all contaminants; that he acknowledged the power of religion, however, it would be good to have the services in the backyard because of the location during grieving; that though the community had come together, the project was not hazardous, no more than exhaust fumes from Garden Grove Boulevard or Fairview Street; and, that all cremation businesses had the same filters, and he questioned why were they not being questioned too.

Ms. Carolyn Le expressed that the studies were not conclusive; that there would be a loss of property values; and she believed no one else would want the project in their backyard.

Ms. Hong Ho stated that her concerns included health risks to children;

that people should be considered; and, that the business would be a flop as friends and family were all connected.

Mr. Siraj Hussein mentioned that he worked in a different capacity at a morgue and when the power went out, the smell was awful. He also cited property values and traffic as concerns.

Chair O'Neill called for a recess at 9:34 p.m. The session reconvened at 9:40 p.m.

Ms. Kim Tran spoke on behalf of her mother Ms. Nu Bui. Ms. Tran translated that the houses were over 60 years old; that concerns were the impact on herself and children in the area; that residents would come home from work and work on research; and, that she hoped people understood both sides. Ms. Tran stated that stress was the real emotional and psychological impact that could not be measured; and, that as her daughter she could see the stress.

Ms. Tracy Nguyen stated that no dollar amount could be placed on fear, because fear was not rational; that even though the project met code, these were moral and ethical issues; that the applicant was imposing a lifestyle on residents; and, that more than four residences would be affected.

Mr. Rick Vu commented that his concerns were the noise level, as he worked at home, and the location.

Mr. Enrique Guzman stated that what came to mind was the smell of burning flesh; that property values would be affected; that the applicant should pay to educate the residents; and, that he would like to know how the system worked.

Mr. Peter Nguyen stated that he missed his daughter's graduation; that another crematory was 1.5 miles away, not near residents; that the applicant was against the community; that the children would be affected; that people in Garden Grove, Orange, and Santa Ana would be hurt; that the applicant needed to move or lose business; and, that the applicant should respect living people.

Ms. Lynn Nguyen stated that the neighbors had a rally last Sunday; and, that the crowd was diverse and their concern was proximity.

Mr. Phong Bui handed out a copy of a Letter of Recommendation from Tuan Tran, a customer who had used the Heaven's Gate Westminster location. The letter was entered into the record. He also held up a certificate of recognition signed by Garden Grove Councilman Phat Bui, which acknowledged the funeral home's service. Mr. Bui then stated that he had worked in the Heaven's Gate Funeral Home for almost six

years and that he and the applicant had a goal to open a second business to help communities, the Vietnamese especially, and those who struggled financially; that his religion was the Constitution of the United States of America; that though the requirements were met, people did not understand the facts that matter, such as regarding emissions; that the applicant would be near to help and comfort and take care of the families; that there would be no health risk; that employees had been properly trained; and, that they had the best septic equipment.

Mr. Tuan Nguyen stated that he did not want his own people fighting; that he had helped people, and the Asian community was very important; that a burial would cost at least \$30,000; that the Vietnamese often took out loans to pay for the funerals; that his passion was to help people; and, that he had rights and would stand for what he believed in.

Commissioner Paredes asked applicant to clarify the number of bodies allowed to be cremated per month. Mr. Nguyen explained that 34 per burner, per month, would be 68 allowed total, however, the count could vary.

Commissioner Zamora reiterated that the residents were not against the applicant, just the location, however, her concern was the lack of evidence that emissions would not affect people and that the expert could not guarantee the fumes would not become airborne.

Mr. Steve Abraham, the real estate broker, established that the project was in the C-2 (Community Commercial) zone, which required a Conditional Use Permit (CUP); that if they moved to a C-3 (Heavy Commercial) zone, of which there were several across from the current property, a Conditional Use Permit would not be required; that if conditions were not met and there were violations, the CUP could be withdrawn; that real estate values were affected by schools, crime, and traffic; and, that fear would affect value in the beginning, however, after the fears of the quality of life subsided, the property values would not be affected.

Mr. Mark Blodgett, of Blodgett Baylosis Environmental Planning stated that he worked for the City of Garden Grove and not for the applicant; that there would be no odors, smoke, or particulates; that Garden Grove was the only City to put the crematory through the CEQA (California Environmental Quality Act) process; that he lived across an alley of a crematorium for the last five years; that emissions were regulated; that lots of factors affect what emissions come out; that they needed zero emissions from the equipment to exceed CARB (California Resources Board) and South Coast Air Quality Management District; that the roof equipment would not be visible; that the stack height would be shortened and placed horizontal to the roof toward the front; that a

scrubber would be placed on the end of the stack to run contaminants through as a filter; that traffic would be about 70 trips per day, however, the real concern was air quality; and, that residents should appreciate the due diligence of City staff.

Vice Chair Kanzler mentioned that he taught bio-remediation at Cal Poly Pomona, the process which use biological systems to remove pollutants from water, soil and air; that crematory emissions and mercury did not come up as air pollutants; that Garden Grove Boulevard was widened to three lanes during the construction of the 22 Freeway, which created more air pollution; that he lived on the east side near the 22 Freeway; and, that the east side community deserved attention.

Vice Chair Kanzler then moved to deny Conditional Use Permit No. CUP-073-2016, pursuant to the facts and reasons contained in the Resolution. Commissioner Zamora seconded the motion.

Commissioner Nuygen questioned if the residents and community would accept the project being built across the street in the C-3 (Heavy Commercial) zone as an alternative, or were they opposed to all sites near their neighborhood.

Chair O'Neill commented that the Planning Commission represented the people to make the community whole; that this was the process and that the community, applicant, and Commission all believed they were doing what was right regarding concerns and legal issues; that though the project was good, he would support the denial as he could not deny the number of people in the area that would be affected by the psychological and stressful aspects that would also affect their livelihood and well-being.

Action: Public Hearing held. Speaker(s): Tuan Nguyen (Applicant/Owner), Mark Blodgett (Expert from Blodgett, Baylosis Environmental Planning). 29 people spoke in opposition to the request. Five people spoke in favor of the request.

Action: Motion to adopt the proposed alternative Resolution of Denial No. 5863-16 was approved.

Motion: Kanzler Second: Zamora

Ayes: (7) Barker, Kanzler, Margolin, Nuygen, O'Neill, Paredes, Zamora

Noes: (0) None

MATTERS FROM COMMISSIONERS: None.

MATTERS FROM STAFF: Staff mentioned that the next regular meeting would include one item and a review of The Brown Act in regard to Conflicts of Interest. Staff added that a flyer was available promoting the City's 60th Anniversary in the coming weekend on Saturday, June 18th.

ADJOURNMENT: At 10:39 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, July 7, 2016, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Motion:	Margolin	Second:	Paredes
Ayes:	(7)	Barker, Kanzler, Margolin, Nuygen, O'Neill, Paredes, Zamora	
Noes:	(0)	None	

Judith Moore
Recording Secretary