

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
JUNE 17, 2010

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: COMMISSIONERS BEARD, BUI, ELLSWORTH, PAK  
ABSENT: BONIKOWSKI, CABRAL  
VACANCY: ONE

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Maria Parra, Urban Planner; Chris Chung, Assistant Planner; Sergeant Ed Leiva, 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 Vice Chair Bui and recited by those present in the Chambers.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Ellsworth moved to approve the Minutes of May 20, 2010, seconded by Vice Chair Bui. The motion carried with the following vote:

AYES: COMMISSIONERS: BUI, ELLSWORTH  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: BONIKOWSKI, CABRAL  
ABSTAIN: COMMISSIONERS: BEARD, PAK  
VACANCY: COMMISSIONERS: ONE

PUBLIC HEARING: NEGATIVE DECLARATION  
PLANNED UNIT DEVELOPMENT NO. PUD-125-10  
SITE PLAN NO. SP-457-10  
TENTATIVE TRACT MAP NO. TT-17369  
DEVELOPMENT AGREEMENT NO. DA-181-10

APPLICANT: BRANDYWINE HOMES  
LOCATION: NORTHWEST CORNER OF CENTURY BOULEVARD AND TAFT STREET AT 13031, 13035, 13051, 13061, 13063, 13081 TAFT STREET, 13082 CENTURY BOULEVARD, 10671, 10681, 10691 WALNUT STREET

DATE: JUNE 17, 2010

REQUEST: To rezone a three-acre site from CCSP-CC43 (Community Center Specific Plan-Community Commercial District) to Planned Unit Development for the allowance to create a 53-unit townhouse multi-family subdivision; a Site Plan to construct the 53 townhomes with associated site improvements that include street parking, open space areas, and an urban trail; and a

Tentative Tract Map to create the one-lot subdivision for the purpose of selling each townhome as a condominium. A Development Agreement is also included. The site is in the CCSP-CC43 (Community Center Specific Plan-Community Commercial District) zone.

Staff recommended that the case be continued to the July 1, 2010 Planning Commission meeting to allow time to republish a revised legal advertisement.

Chair Beard 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 left open to be continued to the July 1, 2010 Planning Commission meeting.

Commissioner Ellsworth moved to continue the case to the July 1, 2010 Planning Commission meeting, seconded by Commissioner Pak. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BEARD, BUI, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BONIKOWSKI, CABRAL
VACANCY:	COMMISSIONERS:	ONE

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-284-09 (REV. 10)  
APPLICANT: H. BRUCE NGUYEN  
LOCATION: WEST SIDE OF MAIN STREET BETWEEN ACACIA PARKWAY AND  
GARDEN GROVE BOULEVARD AT 12941 MAIN STREET  
DATE: JUNE 17, 2010

REQUEST: To amend Conditional Use Permit No. CUP-284-09 to modify the approved floor plan of the 7 Seas Fish House to include a new sushi bar and new rear dining/lounge area. Also, to extend the hours of operation to be 11:00 a.m. to 2:00 a.m., seven days a week, and to allow limited live entertainment in the form of one vocalist and one amplified instrumentalist. The existing restaurant will continue to operate with an Alcoholic Beverage Control Type "47" (On-Sale, General) License. The site is in the CCSP-MX33&HR (Community Center Specific Plan, Mixed Use District, Area 33 & Historical Retail Overlay Zone).

Staff report was read and recommended approval.

Chair Beard asked staff if this request would legalize non-permitted construction. Staff replied yes; that the Conditional Use Permit would be reviewed in one year for compliance; that the Chief of Police has authority with regard to Alcoholic Beverage License (ABC) issues; that this ABC License would remain a Type "47"; and that business/property owners within a 500' radius were noticed.

Commissioner Pak asked staff to clarify how the non-permitted issues were brought to light. Staff replied that the Building Services substandard division brought the non-permitted construction to staff's attention; that a stop-work order was issued; that the business had not been operating under the new requested hours of operation; that the applicant was now

subject to permit/plan check fees, however, the exact amount of those fees is not known at this time; and that Building Services has the discretion to double-fee non-permitted work.

Commissioner Bui asked staff to clarify the entertainment aspect. Staff responded that the primary function of a Type "47" restaurant is to be a restaurant; that the entertainment should be incidental and not be the primary attraction to draw customers; and that flyers to advertise entertainment would be prohibited.

Commissioner Pak commented that the extension of hours would be appropriate as long as the public would be safe.

Staff added that the Police Department has the flexibility to reduce the hours of operation if there are problems.

Chair Beard asked if the entertainment included Karaoke. Staff replied that Karaoke would not be permitted.

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

Mr. Bruce Nguyen, the applicant, approached the Commission.

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

Commissioner Ellsworth asked the applicant if he had spoken with other Main Street merchants. Mr. Nguyen responded yes, he spoke with Main Street Pizza, who also would like to put forth the same requests for an extension of hours and entertainment.

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

Commissioner Pak expressed his support as Main Street has been dedicated as an entertainment zone. The other Commissioners concurred.

Commissioner Pak moved to approve Conditional Use Permit No. CUP-284-09 (Rev. 10), seconded by Vice Chair Bui, pursuant to the facts and reasons contained in Resolution No. 5716. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BEARD, BUI, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BONIKOWSKI, CABRAL
VACANCY:	COMMISSIONERS:	ONE

PUBLIC HEARING: NEGATIVE DECLARATION  
PLANNED UNIT DEVELOPMENT NO. PUD-133-99 (REV. 05/REV. 09)  
APPLICANT: CRYSTAL CATHEDRAL MINISTRIES  
LOCATION: SOUTHWEST CORNER OF CHAPMAN AVENUE AND LEWIS STREET AT  
13280 CHAPMAN AVENUE  
DATE: JUNE 17, 2010

REQUEST:

To modify the permitted uses of Planned Unit Development No. PUD-133-99, to allow general and medical offices, medical clinics, and trade schools. The Crystal Cathedral Ministries is located in the Planned Unit Development No. PUD-133-99 zone, which currently allows for religious uses such as religious schools, day care, cemeteries, and supportive offices and uses.

Staff report was read and recommended approval.

Chair Beard asked if UCI would have to relinquish parking spaces. Staff replied yes, that UCI employee shared parking would be reduced if the office building was sold and any of the requested uses came onto the property.

Vice Chair Bui asked if UCI was aware of the potential change in parking. Staff replied that the shared parking is a private agreement between Crystal Cathedral and UCI and that the agreement would be revised with any impacts mitigated by the two parties.

Commissioner Pak asked if there is a notification protocol between cities when a zoning change such as this occurs. Staff replied that noticing includes notifying the adjacent city and any property owners that fall into the 500' radius.

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

Mr. Jim Penner, the applicant's representative, approached the Commission and described the project. He also mentioned that the Cathedral has a year -to-year paid parking agreement with UCI; that UCI has arrangements to park employees in other locations; and that a parking garage with an overpass bridge will be built on a triangular property across from the hospital. He added that the subject building was built in 1991 as a stand-alone building for future-use to sell as general offices though the private school would continue; and, that any commercial use would generate tax revenue for the City.

Mr. Lee Silva, a Crystal Cathedral neighbor, expressed traffic concerns. Staff replied site traffic would remain the same with shared access on Chapman Avenue and Lewis Street; that parking is located directly behind the building and on site; that daytime is likely to be office use parking with weekends and evenings for Crystal Cathedral event parking; and that school access is typically from Chapman Avenue.

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

Vice Chair Bui moved to recommend adoption of the Negative Declaration and approval of Planned Unit Development No. PUD-133-99 (Rev. 05/Rev. 09) to City Council, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5689. The motion carried with the following vote:

AYES: COMMISSIONERS: BEARD, BUI, ELLSWORTH, PAK  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: BONIKOWSKI, CABRAL  
VACANCY: COMMISSIONERS: ONE

MATTERS FROM  
COMMISSIONERS:

Chair Beard welcomed back Commissioner Joe Pak.

Commissioner Pak announced that he has been appointed by the Senate to the National Council on Disability, which represents 54 million Americans with disabilities.

Commissioner Ellsworth reminded Garden Grove citizens that illegal fireworks are not permitted for the upcoming July 4<sup>th</sup> holiday.

Vice Chair Bui announced that he would miss the July 1, 2010 Planning Commission meeting.

MATTERS FROM  
STAFF:

None.

ADJOURNMENT:

Commissioner Ellsworth moved to adjourn the meeting at 7:40 p.m., seconded by Commissioner Pak. The motion received the following vote:

AYES: COMMISSIONERS: BEARD, BUI, ELLSWORTH, PAK  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: BONIKOWSKI, CABRAL  
VACANCY: COMMISSIONERS: ONE

JUDITH MOORE  
Recording Secretary