

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
JANUARY 19, 2012

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 BUI, VICE CHAIR CABRAL  
COMMISSIONERS BRIETIGAM, LAZENBY, PAK, SILVA

ABSENT: DOVINH

ALSO PRESENT: James Eggart, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Maria Parra, Urban Planner; Bill Murray, Public Works Director; Monica Robledo, Associate Engineer; Ed Leiva, Police Sergeant; Judy Moore, Recording Secretary

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of the United States of America was led by Karl Hill, Planning Services Manager, and recited by those present in the Chambers.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Brietigam moved to approve the Minutes of December 1, 2011, seconded by Commissioner Pak. The motion carried with the following vote:

AYES: COMMISSIONERS: BRIETIGAM, BUI, CABRAL,  
LAZENBY, PAK, SILVA

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: DOVINH

Commissioner Dovich joined the meeting at 7:06 p.m.

PUBLIC HEARING: NEGATIVE DECLARATION  
GENERAL PLAN AMENDMENT NO. GPA-1-12(A)  
AMENDMENT NO. A-163-12  
SITE PLAN NO. SP-466-12  
VARIANCE NO. V-195-12  
TENTATIVE PARCEL MAP NO. PM-2011-107

APPLICANT: SHAKIL PATEL AIA  
LOCATION: NORTHWEST CORNER OF 11<sup>TH</sup> STREET AND KERRY STREET AT 9721 E. 11<sup>TH</sup> STREET

DATE: JANUARY 19, 2012

REQUEST: General Plan Amendment to change the land use designation of a 24,000 square foot parcel from Low Medium Residential to Low Density Residential, and to rezone the parcel from R-3 (Multi-Family Residential)

to R-1-6 (Single-Family Residential) with a minimum lot size of 6,000 square feet, in conjunction with a Site Plan and Tentative Parcel Map request to subdivide the lot into four (4) parcels for the purpose of constructing a single-family home on each lot. Also, a Variance request to allow each parcel to deviate from the minimum lot width requirement, and to allow one of the parcels to deviate from the 6,000 square foot minimum lot size requirement. The site is in the R-3 (Multi-Family Residential) zone.

Staff report was read and recommended approval with amendments to Resolution No. 5757-12.

Chair Bui asked staff if the Lot No. 1 width deviation of 15 feet was sufficient for a variance. Staff responded that for an R-1 corner lot, the minimum lot width was 65 feet; that in the area, the typical lot width was 60 feet, and one lot was 50 feet; and, that staff determined that the corner lot was similar in the range of lot widths in the area.

Chair Bui asked if the City received complaints from residents with smaller lots. Staff replied no.

Staff added that corner lots were typically given additional width to protect residents from frontage and side street noise and that the corner home was narrower, which created additional width on the side.

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

The applicant/architect, Mr. Shakil Patel, and the project engineer, Mr. Sam Akbarpore, approached the Commission. Mr. Patel stated that the number of units were reduced and that the conditions of approval were acceptable, though clarification of Condition No. 15 was needed.

Mr. Akbarpore requested that Condition No. 15 be re-worded that the removal of one of the existing power poles on Kerry Street be removed; and that undergrounding the transformer on 11<sup>th</sup> Street would be cost effective for the project and he hoped to work with Southern California Edison for a solution as the cost would be high.

Staff added that Condition No. 15 was a typical condition for subdivisions.

Mr. Patel stated that some power from 11<sup>th</sup> Street was supplying power for across the street and that undergrounding the transformer would cost too much, possibly a quarter of a million dollars; that the fees would be high as the work would be by Southern California Edison; that the figures would not be given until drawings were completed; that one power pole was on Lot No. 1 and that removing the pole would require digging across the street; that the power pole on the west side has a street light; and that he would be happy to relocate the poles on Kerry Street, however, the 11<sup>th</sup> Street pole would be over and above the scope of the project.

Staff agreed that one pole on Kerry Street needed to be removed for a future driveway.

Chair Bui asked the applicant if he had read and agreed with the Conditions of Approval. The applicant replied yes and stated that staff mentioned 'in-lieu fees' as a possible solution and that he did not yet have a hard number from Southern California Edison.

Staff also added that the City had foreseen the high cost for removal of light poles and undergrounding and thereby crafted a City Council approved ordinance, Section No. 9.48.050 Voluntary Payment of Fee In-Lieu of Undergrounding Existing Off Site Utilities, of which 1% of the total construction costs would be a fee to pay in lieu of the high cost of removal.

Commissioner Brietigam asked if the option would be available if the conditions were approved as written. Staff replied yes.

Staff clarified that the intent of Condition No. 15 was to implement the existing Municipal Code ordinance that requires all on-site and off-site utilities serving a property to be undergrounded or an 'in-lieu' fee paid; that the ordinance was not intended to impose a requirement over and above what was already required by the City Ordinance, and that if the fee was over and above, the Planning Commission would not have the discretion to impose or not impose that condition to the extent as stated in the ordinance, nor does the Planning Commission have the discretion to give relief to the applicant.

Staff further clarified that language should include, that with respect to the undergrounding of the removal of the poles, the applicant shall comply with Chapter 9.48 of the Municipal Code.

Commissioner Pak asked staff if the City could be sued if someone ran into one of the poles.

Commissioner Silva clarified that the applicant has the option of leaving the poles in place.

Staff estimated that an approximate 'in-lieu' fee could be between twenty to twenty five thousand dollars; that the evaluation would be completed by the Building Services Division; and that the 1% figure for undergrounding came from economists based on average bank construction loans.

Commissioner Brietigam asked if the City would take on the 1% to remove the poles.

Staff explained that the City has collected the 'in-lieu' fees in the past and used the funds to underground poles on Taft Street; that typically, the fees are put toward overall projects; that the poles in this project would stay and the in-lieu funds be used for a larger project that people would enjoy; and that the applicant, in this case, would have to pay to relocate the pole for the driveway.

Commissioner Cabral asked staff if the option was communicated to the applicant. Staff replied yes.

Mr. Patel commented that the 'in-lieu' fee was a better plan; that a City ordinance stated that any utilities not attached to the project do not need to be moved; that the line for the elementary school and homes across the street did not benefit the project; that another pole has to be relocated; and that the fee to relocate the two poles could be deducted from the 'in-lieu' fees.

Chair Bui asked the applicant if he agreed with Condition No. 15. Mr. Patel replied yes.

Staff added that the 'in-lieu' fee would be calculated by the engineering staff and that the language should be modified to state that before recordation of the final tract map, the applicant shall comply with Chapter 9.48 of the Garden Grove Municipal Code regarding undergrounding of the utilities. The City Engineer has advised the applicant that this includes, without limitation, the removal of the two power poles fronting Kerry Street and the one pole fronting 11<sup>th</sup> Street, and the undergrounding of utilities in a manner meeting the approval of the City Engineer.

Mr. Patel asked if the 1% cost would be for the four homes or the one lot adjacent to the homes.

Commissioner Silva stated the whole project.

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

Commissioner Brietigam commented that he was glad to see the reduction in units and would support the project.

Commissioner Brietigam moved to recommend adoption of the Negative Declaration, and approval of General Plan Amendment No. GPA-1-12(A), and Amendment No. A-163-12 to City Council, and adoption of the Negative Declaration and approval of Site Plan No. SP-466-12, Variance No. V-195-12, and Tentative Parcel Map No. PM-2011-107, with amendments to Condition No. 15 and Resolution No. 5757-12, seconded by Commissioner Lazenby, pursuant to the facts and reasons contained in Resolution Nos. 5756-12 (GPA/A) and 5757-12 (SP/V/PM). The motion received the following vote:

AYES:	COMMISSIONERS:	BRIETIGAM, BUI, CABRAL, DOVINH, LAZENBY, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING:	TENTATIVE TRACT MAP NO. TT-17095 TIME EXTENSION (REFERENCE SITE PLAN NO. SP-407-06)
APPLICANT:	LNT LORNA PROPERTY MANAGEMENT, LLC
PROJECT	
LOCATION:	WEST SIDE OF LORNA STREET BETWEEN LAMPSON AVENUE AND STANFORD AVENUE AT 12571 LORNA STREET
DATE:	JANUARY 19, 2012
REQUEST:	To approve a one-year time extension for a previously approved Tentative Tract Map to create a one-lot subdivision for a previously approved, and recently completed, condominium development in order to sell each unit as a condominium. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended approval.

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

Mr. Jeff Truong, the applicant, approached the Commission and stated that he was in the process of finalizing documents that were either missing or not found for his property; that the WQMP was submitted in September

and approved by the City Engineer; and that the one-year extension would give additional time to finalize the Tract Map and CC & R's.

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

Commissioner Lazenby asked if the units were occupied. Mr. Truong replied yes, that all the units had tenants.

Commissioner Pak asked if the applicant had a certificate of occupancy. Mr. Truong replied no, pending the WQMP, however, staff added that the applicant was given a temporary certificate of occupancy.

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

Commissioner Dovich asked staff if the matter would come back later if approved. Staff responded that the matter would return if an additional extension was requested.

Commissioner Lazenby asked staff what would happen if the WQMP was not satisfied. Staff responded that the WQMP was satisfied and that the City was grateful that the applicant was taking care of completing the regulations and that the site does comply.

Commissioner Pak moved to adopt the Tentative Tract Map No. TT-17095 Time Extension (Reference Site Plan No. SP-407-06), seconded by Commissioner Cabral, pursuant to the facts and reasons contained in Resolution No. 5758-12. The motion received the following vote:

AYES:	COMMISSIONERS:	BRIETIGAM, BUI, CABRAL, DOVINH, LAZENBY, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS FROM  
COMMISSIONERS:

Commissioner Brietigam stated that he would like to see the City move forward with the beautification along Lampson Avenue between the Seal Beach border and Knott Street.

Commissioner Pak asked staff to look into fixing a pot hole on Garden Grove Boulevard across from Hanmi Bank near Magnolia. Staff stated the matter would be taken care of.

Commissioner Lazenby commented that on Brookhurst Street, south of Bixby, trees were raising the sidewalk creating a hazard for walkers and skate boarders.

Commissioner Brietigam wished everyone a Happy New Year.

Chair Bui stated that Monday, January 23, would be the first day of the Chinese New Year and that there would be many celebrations including a Friday night festival at Garden Grove Park on Westminster Avenue.

MATTERS FROM  
STAFF:

Staff announced that due to a lack of agenda items, the regularly scheduled Planning Commission meetings for Thursday, February 2 and Thursday, February 16, 2012 would be canceled.

Staff then read a brief description of the agenda items for the Thursday, March 1, 2012 Planning Commission meeting, adding that the selection of a Chair and Vice Chair for 2012 would be agendaized under Matters for Commissioners.

Commissioner Silva commented that the hours of operation for businesses on Main Street were controversial. He asked staff if a summary could be made with the type of Alcoholic Beverage Control (ABC) licenses along with business hours of operation. Staff responded that a clarification could be provided for Type "41" ABC Licenses.

Chair Bui stated that his house was across the street from the project described in Tentative Item No. 1. Staff acknowledged that he may need to be recused and that Commissioner Silva may have a conflict also.

Commissioner Pak asked staff if projects that request extended hours have already been through the ABC process. Staff responded that typically, the items come to the Planning Commission first and the hours would be regulated through the Conditional Use Permit process.

ADJOURNMENT: Commissioner Brietigam moved to adjourn the meeting at 7:55 p.m., seconded by Commissioner Pak. The motion received the following vote:

AYES:	COMMISSIONERS:	BRIETIGAM, BUI, CABRAL, DOVINH, LAZENBY, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

JUDITH MOORE -Recording Secretary