

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
FEBRUARY 20, 2003

CALL TO ORDER: The work session of the Planning Commission was called to order at 6:00 p.m. in the Founders Room of the Community Meeting Center.

PRESENT: CHAIR BUTTERFIELD, VICE CHAIR JONES,
COMMISSIONERS BARRY, CALLAHAN, FREZE,
HUTCHINSON

ABSENT: COMMISSIONER NGUYEN

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Planning Services Manager; Karl Hill, Sr. Planner; Noemi Bass, Assistant Planner; George Allen, Traffic Engineer; Bill Murray, Engineering Services Manager; Dan Candelaria, Civil Engineer; Sergeant Robert Fowler; and Teresa Pomeroy, Recording Secretary.

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 BUTTERFIELD, VICE CHAIR JONES,
COMMISSIONERS BARRY, CALLAHAN, FREZE,
HUTCHINSON

ABSENT: COMMISSIONER NGUYEN

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Planning Services Manager; Karl Hill, Sr. Planner; Noemi Bass, Assistant Planner; Dan Candelaria, Civil Engineer; Sergeant Robert Fowler; and Teresa Pomeroy, Recording Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of the United States of America was led by Chair Butterfield and recited by those present in the Chamber.

ORAL COMMUNICATION: None.

APPROVAL OF
MINUTES:

Commissioner Freze moved to approve the Minutes of February 6, 2003, seconded by Commissioner Callahan. The motion carried with the following vote:

AYES: COMMISSIONERS: BUTTERFIELD, CALLAHAN, FREZE,
HUTCHINSON, JONES
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NGUYEN
ABSTAIN: COMMISSIONERS: BARRY

CONTINUED
PUBLIC
HEARING:

NEGATIVE DECLARATION
CONDITIONAL USE PERMIT NO. CUP-612-02

APPLICANT:
LOCATION:

MANNY GORIEL
SOUTHERN CALIFORNIA EDISON EASEMENT AND A PORTION OF
UNION PACIFIC RIGHT OF WAY ON THE SOUTH SIDE OF LAMPSON
AVENUE

DATE:

FEBRUARY 20, 2003

REQUEST:

To allow an approximate 5.9 acre site for a recreational vehicle storage yard located in the O-S (Open Space) zone.

Staff report was reviewed and recommended approval. Staff noted that there is a condition for improvements to the Park Street entrance, which includes a drive approach and the relocation of a fire hydrant and utility pole. In addition, the Fire Department representative has indicated that the site is only required to provide two hydrants and not three as conditioned in the resolution.

Commissioner Barry asked that staff clarify the term "occupied" in condition U, as it is not clear whether it specifies occupancy as temporary or permanent. Doug Holland stated that in the land use context, the term "occupied" is defined as permanent.

Commissioner Freze questioned whether the statement "otherwise unoccupied" is necessary in condition U. Doug Holland stated that this clarifies that only access would be allowed.

Commissioner Freze asked for clarification of the emergency access points as listed in condition G.9. and I.5. Staff noted that there are a total of three emergency access points, however, the entry from Park Street is the main entrance.

Doug Holland recommended changing condition G.9. to read "that the vehicle access to the southerly parcel shall be installed and designed for emergency access;" and condition I.5. to read "the two additional access gates are for emergency access only."

Vice Chair Jones noted the possibility for the applicant to lose the Park Street access as it is in the redevelopment plan. Doug Holland stated that they would then have to access from Lampson Avenue. Vice Chair Jones asked whether that would work. Doug Holland stated that it would, but it would mean that the applicant would need to build a bridge structure over the storm drain.

Vice Chair Jones asked how many trips per day are expected on Park Street. Staff stated that they anticipate two to three trips per day.

Commissioner Callahan noted the clean water act and whether it is really possible to implement this law with this site. Doug Holland noted that there are particular requirements that the applicant will have to comply with that will make it possible to implement this law.

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

Mr. Chuck Green approached and introduced himself as one of the partners to the applicant. He noted that they are aware of the potential for losing the Park Street access, and the project would be economically unfeasible if they were required to build a structure over the storm drain in order to access from Lampson Avenue. He noted the requirement for asphalt drive aisles, and requested they be allowed to use a 95% compaction composite aggregate material in order to keep the start up costs of this business economical. He provided pictures of an RV storage yard that uses this composite, and stated that the lot has been installed for two years and is still in good repair. He stated that asphalt drive aisles would cost about \$150,000.00. He suggested that there be a maintenance agreement added to the conditions and if the lot is not maintained, they will not get the business.

Staff stated that site visits have been done and there is a concern that with inclement weather and general maintenance, the water that runs off this site into the storm drain will be contaminated because of the gravelly surface of the composite aggregate. Over time the loading of the RV's causes compaction that does not happen with conventional asphalt, and would result in ponding, which would create not only a water quality issue, but a vector control issue as well.

Commissioner Freze asked about the permeability of the composite over the recommended asphalt. Mr. Green responded that they were required by the city to provide a soil compaction and analysis report, and the report states that all the samples and ratios meet the city's requirement. There is virtually no difference between the composite and the asphalt.

Commissioner Hutchinson asked whether the city staff was aware of this report. Staff stated that the report was reviewed, and the tests show the soil compaction prior to installing the aggregate, however, it does not actually address the aggregate material.

Commissioner Freze asked whether the porosity of this aggregate has been looked at in terms of oil seepage. Staff responded that when the first RV storage projects were established, the requirements were flexible. However, now that some time has passed, it is possible to see flaws in the composite material, and staff is taking this opportunity to require improvements.

Chair Butterfield suggested that a maintenance agreement be required.

Commissioner Barry expressed concern about pollutants contaminating the ground water before anyone is aware there is a problem.

Mr. Dennis Standrod, a partner to the applicant, approached the Commission. He noted that the requirement for asphalt is for the drive aisles only and the vehicles will be parked on the aggregate, and clarifiers would be used to catch run-off.

Staff noted that the requirement for asphalt in the drive aisles only is because the drive aisles get the most use.

Vice Chair Jones asked whether ponding where the vehicles are parked is a concern. Staff stated yes there is a concern with that.

Mr. Standrod stated that this aggregate is a 95% compaction with virtually no difference from asphalt. He commented on other storage yards that have asphalt with potholes and sinkage, and that with maintenance there should not be a problem.

Commissioner Barry stated that there is no guarantee that this business would not be sold tomorrow with this use as a potential problem for the city.

Mr. Standrod noted that a maintenance agreement could be required, and stressed that with proper maintenance the aggregate would not be a problem. He noted that people invest a considerable amount of money in their RV's, and they will not want to store them in a poorly maintained yard.

Mr. Green reiterated Mr. Standrod's statement that with proper maintenance, the aggregate will not be a problem. A maintenance agreement could be conditioned, however, they will be maintaining the property regardless of city requirements. He noted that in the pictures he provided to the Commission of the other RV sites that use the aggregate, for illustrative purposes the last picture is the city hall parking lot, which shows that there is virtually no difference in appearance. He commented on a product available from Pennzoil that is applied to the aggregate that not only reduces dust, but also makes it even more difficult to determine the difference from asphalt. The aggregate does have some gravel, however, any bits that would be in the tires will come off onto the concrete aprons upon ingress and egress.

Mr. Standrod commented that this yard would not be open to the public, and people who store their vehicles are issued a gate card. He stated that there are no employees.

Commissioner Freze asked where the clarifier would be located. Mr. Standrod responded that it would be next to the channel.

Commissioner Barry asked if the drip pans are movable. Staff stated yes. Commissioner Barry asked who would be taking care of the drip pans.

Mr. Manny Goriel, the applicant, approached the Commission and indicated that there is a person who works for him that takes care of registration, and would be there to oversee the drip pans. Also, the drip pans could be bolted down.

Commissioner Barry noted that with the different sizes of RV's, the location from leaks would be variable. Mr. Goriel responded that like sizes of vehicles are grouped together, and the rates are determined by the size of the vehicle.

Mr. Standrod stated that there are existing lots that are using aggregate. Commissioner Barry stated yes, however, experience with these lots have shown where improvements can be done to mitigate issues.

Mr. Green stated that he didn't understand why only the drive aisles would be required to have asphalt when the vehicles will be parked on the aggregate. He thought that the issue is one of maintenance, which he didn't think would be any more of a problem than if the vehicles are parked on the public street.

Commissioner Freze asked the purpose of the drip pan if no one is there to empty them, noting that inclement weather would have the potential to wash the oil into the channel. Mr. Standrod noted that this was a good point and suggested that they implement a maintenance program.

Commissioner Callahan noted that motor homes generally have generators that hang over the back of the vehicle, and asked if he was correct in assuming that these would not have a drip pan.

Mr. Goriel noted that many of the vehicles in the yard are brand new and that they do not want to store junk. He commented that individuals who invest their money in an expensive motor home are not going to want them to leak.

Mr. Green noted that there is a requirement to store only vehicles that are operational, and they won't be storing anything that is in disrepair.

Commissioner Hutchinson reiterated Commissioner Barry's point that this business could be sold at any time. The drip pans are a good solution, and it needs to be conditioned that the drip pans are maintained.

Vice Chair Jones asked whether there is a substantial cost difference between the aggregate and the asphalt. Mr. Green stated that the difference is very substantial and indicated that it would be an economic burden.

Mr. Standrod stated that the aggregate material is road material obtained from a landfill, which could be considered environmentally beneficial in terms of recycling. He pointed out that the original proposal would have included creating a structure over the flood control channel, which would have been cost prohibitive. However, they are willing to take the risk of utilizing the Park Street access, which could be subject to eminent domain as it is in the redevelopment plan.

Mr. Green noted that the city requirement for fencing is for a much heavier material than what is currently used at the other RV yards. He stated that they have an electronic wiring device attached to the fence and when someone tries to climb the fence, their security company is notified via the alarm system. He stated that they also use cameras and lighting for security measures, which is adequate. To install the fencing required by the city would cost them in excess of \$30,000.00.

Chair Butterfield asked about the condition that he was referencing. Mr. Green responded that he wasn't quite sure because he had only just recently read the conditions of approval, as it was not provided to him.

Commissioner Freze asked what type of fencing they wanted to use. Mr. Green stated they would like to use two-inch chain link fencing, and the difference between the two-inch chain link and the city required fencing is that you can obtain a foothold in the two-inch fence. He assumes that the requirement for the closer mesh of wire fence is for security reasons and he pointed out the security measures that they utilize.

Commissioner Barry questioned staff whether the fencing requirement is a security or aesthetics issue. Staff stated with their added security measures that the two-inch chain link would be acceptable.

Commissioner Barry asked that condition X be modified to state that the two inch chain link fence can be substituted with the inclusion of other security measures.

Vice Chair Jones asked if there is any aesthetic consideration with the fencing or if that is strictly for security. Staff stated that it is primarily for security and that there is landscaping required to address aesthetics.

Mr. Green asked whether the turn pocket off of Lampson Avenue would be required, as they will not have access from this point. Commissioner Hutchinson noted that they would have access from the northern portion of the site, which is off Lampson Avenue. Mr. Green responded that this section is not going to be used for RV storage and they were required to take this section in order to install landscaping.

Commissioner Hutchinson stated that it is possible that in the future it would be used for RV storage.

Mr. Green noted condition G.9. requires a drive approach installed on Park Street with the removal of a utility pole and fire hydrant. He stated that he did not understand the necessity for this requirement, as this is an industrial area that has commercial vehicles accessing Park Street daily. He suggested that they could use Anthony Street as an alternate access point instead of having to remove the pole and hydrant.

Chair Butterfield stated that she interpreted the condition that if the improvement to Park Street necessitated relocation of the pole and hydrant, then it would need to be done.

Staff noted that the condition requires that a flared approach be constructed on Park Street and this is a standard condition for new developments. This would facilitate improved access and the flared drive approach would interfere with the utility pole and fire hydrant, which would have to be relocated.

Commissioner Hutchinson noted that commercial trucks access this street now and asked why the flared approach has not been required in the past.

Staff responded that it would be required from anyone who is making improvements to their site, noting that there are many drive approaches throughout the city that aren't standard and the city is limited on resources to pay for improvements. When developments have an impact and increase traffic they are required to provide necessary improvements.

Commissioner Hutchinson pointed out that even if they utilized another street for access, they still would need to make improvements. Staff stated yes if it was needed.

Mr. Green pointed out that Anthony Street already has a flared drive approach. He doesn't see the necessity for the improvements as Park Street is 50 feet wide and is used all the time; also, they could lose Park Street because it is in the redevelopment plan.

Mr. Goriel stated that he has had a business on Park Street for the last 23 years, and the trucks utilize this street everyday. He pointed out that Park Street was redone about six months ago, and asked why the drive approach wasn't done at that time.

Commissioner Barry noted that there are a lot of concerns and asked if it would be appropriate to continue this item in order to evaluate other options for access.

Doug Holland encouraged that this be opened for public testimony before they decide to continue the request.

Commissioner Freze asked how they would access the site from Anthony Street. Mr. Green stated that you would need to go down an alley off of

Anthony Street to access the site, and noted that it is not the most convenient access point. Because there is no sidewalk at Park Street, the fire hydrant would possibly have to be moved to private property. He noted that this is a 50-foot wide driveway; therefore if the driveway could be constructed within these boundaries, the fire hydrant would not need to be moved.

Vice Chair Jones asked whether this whole section from Anthony to Park is in the redevelopment plan. Staff stated yes.

Mr. Standrod stated that they would like to give back to the community and are willing to give two months free rent a year to people who can prove Garden Grove residency.

Mr. Goriel stated that they just gave a contribution to the Thomas House and they have promised to give \$5.00 for each vehicle to the Thomas House.

Mr. Scott Nickel of 12462 Santa Rosalia Street approached the Commission. He stated that he is not for or against the project, but would like to clarify that they use the split face slump stone block wall and slats on the fencing without razor or concertina wire. He asked whether there would be a deceleration lane or turn pocket installed on Lampson Avenue.

Commissioner Barry stated that they would be installing a left turn lane off Lampson Avenue.

Mr. Nickel expressed concern about traffic stacking on Lampson Avenue at Western Street and the proximity to the railroad tracks, noting that with the slower and larger RV's making this turn has more potential for traffic hazards.

Chair Butterfield noted that the Traffic Engineering Department did review this and did not raise this as an issue.

Mr. Richard Sanchez of 7700 Lampson Avenue approached the Commission. He expressed concern about air quality, noting that many RV's use diesel fuel. When people start up their RV's prior to leaving the site, they will run the engine for up to 20 minutes, which affects the nearby mobile home park. He noted that the RV's have very large storage tanks and that this poses a serious fire hazard.

Vice Chair Jones noted that the environmental impact report does address environmental concerns and indicates that there are less than significant impacts to the air.

Mr. Tim Butler of 12091 Santa Rosalia approached the Commission. He stated that he thought that the Park Street access was good and thought that the aggregate and use of drip pans would be sufficient and suggested six-month inspections. The slats in the fence should be installed because the other site is ugly. The turn pocket is necessary and asked that the westbound traffic be considered as the traffic is very busy.

Mr. Richard J. Sanchez from 7700 Lampson Avenue approached the Commission. He stated that he thought that a deceleration lane off of Lampson is needed, as there are many accidents that occur here regularly. He noted that the water quality law does not allow construction over a natural watercourse or storm channel unless a permit is obtained. He asked whether the applicant has obtained a permit to do this project.

Doug Holland stated that the applicant would have to be issued a permit after obtaining approval from the Commission.

Mr. Sanchez expressed concern about the light spillage disturbing the residents who live in the mobile home park and compared it to the lighting at a used car lot.

Chair Butterfield noted that the conditions of approval specify that the lighting must not disturb nearby property.

Mr. Sanchez noted that the RV's have to be started up at least once a month in order to maintain the battery level, and this is a concern for emissions. He quoted California civil code 3480, which is a public nuisance law that address public health and safety. This use will be in violation of the law because of gas leakage, transmission and oil. Boats and wave runners have higher pollutants than a normal car. He asked who would be responsible for inspecting the park.

Chair Buterfield stated that it is to their advantage to comply with the regulations. Mr. Sanchez expressed his view that the applicants are interested in spending as little as possible and compared them to a construction worker that does the job and leaves the state, which leaves the responsibility for those left behind.

Mr. Standrod stated that they are willing to use the split face block wall, and slats on the chain link fence. He noted that there is quite a bit of landscaping that should mitigate visibility, and asked whether there is still a need for that much landscaping.

Chair Butterfield stated yes.

Mr. Standrod stated that the vehicles in their park are required to be licensed and smog certificates are obtained every two years. He noted that turning onto Lampson there is a 70-foot setback, which addresses the deceleration issue. He stated that the yard is pick up every day and that can be continued; the lighting is necessary for security and will comply with the city's lighting requirements; nothing is being built on the storm drain. He stated that the aggregate is a very high quality product and they are trying to be forthright in their request to use the aggregate in order to save money. He noted that the conditional use permit is reviewed every three years and their intention is to keep their investment in top condition.

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

Staff noted that the fire marshal allowed the reduction of fire hydrants from three to two. Also, the staff report with the conditions of approval was mailed certified to the applicant, which was marked received and signed several days prior to the hearing.

Commissioner Barry stated that they need to change condition R for a review after one year to check on the drip pan and traffic situation. She requested that condition X be modified to add that with appropriate security measures in place, two-inch chain link fencing with slats is acceptable. She stated that she has a problem if the true intent for only asphalt drive aisles is to prevent hazardous waste, asphalt should be required throughout the yard; therefore she is in favor of using the composite and evaluate the condition of the composite after a year.

Commissioner Freze stated they need to add language to address maintenance.

Doug Holland noted that condition G.6. addresses BMP's or Best Management Practices and suggested that the condition be modified to add that the BMP's shall be reviewed periodically and updated as the Public Works director would require. Also, condition DD have added: "and implement a BMP related to the use and maintenance of the drip pans, as approved by the Public Works Director and such BMP shall be reviewed and updated as the Public Works Director may require." He recommended that in condition X, language be added to read, "that in lieu of a welded wire mesh fence a chain link fence may be substituted so long as an electronic security system approved by the Planning Services Manager is installed and maintained."

Chair Butterfield asked whether a review needs to be established every year. Staff responded that it is the Commission's preference and suggested a review after one year and every three thereafter.

Commissioner Freze asked for clarification for the improvements to the Park Street driveway. Staff stated that the pole and fire hydrant could be relocated further down the street. Commissioner Freze stated that the applicant does not want to do that and had asked about utilizing Anthony Street.

Chair Butterfield noted that Park Street has a 50-foot wide driveway that commercial trucks access daily and asked whether it would be necessary to require that the drive approach be done. Staff stated that Park Street is a substandard road and this improvement was requested by Public Works.

Commissioner Barry asked whether they could review this in a year to ascertain whether there was a need for this drive approach. Staff stated that it would require staff to study the site.

Chair Butterfield stated that they should be able to know if there are problems occurring, then this improvement should be required, and suggested that this be reviewed in a year.

Commissioner Freze pointed out that the applicant might not want to incur the expense of the improvements after a year if there are problems and liabilities occur.

Commissioner Hutchinson stated that the applicant is being asked to update a street that in the future they may not be able to use, noting that there are commercial vehicles already using this street and if the trucks are not having a problem, then the RV's should not have a problem.

Commissioner Freze noted that on one occasion he was on Park Street and was unable to get through because of waiting for a commercial truck to unload.

Commissioner Callahan expressed concern about Southern California Edison Company having the ability to reclaim the RV site, noting that Peltzer Pines Christmas tree lot, the previous tenants, were not given any notice before they were told to leave. He noted that south county cities have beautiful open spaces and remembered comments made at public hearings in the past regarding our open spaces and why people feel that Garden Grove can be exploited. He stated that he would not vote for this project.

Vice Chair Jones stated that he has some fundamental problems with this proposal. He doesn't think that the Park Street access is going to work, as it is a substandard street and should be improved. He doesn't like the idea of using Anthony Street for access. Also, Park Street is in a redevelopment plan and he feels that they are setting this up for failure or cheapen it up so that more money could be made in the short run. He would like to see a permanent quality project and that may not be possible for this site. He would like to have asphalt used throughout the site and would prefer to find ways to make this a permanent project. This is not a high quality long-term project for the city and he would not support the request.

Commissioner Barry stated that this could be in the redevelopment plan for the next 20 years and if the applicant wants to do this, then these are the conditions. She doesn't want to look at this as a temporary use and the upgrades should be required.

Commissioner Freze expressed concern about using Park Street and doesn't know whether the applicant is fully aware of how the activities from the commercial trucks are going to impact this business. He stated that the bridge would resolve the issues, and Park Street is really a problem. He suggested that the item be continued.

Chair Butterfield questioned Staff whether the commercial trucks are allowed to park on Park Street. Staff stated that it has not been observed that the trucks impact the site.

Chair Butterfield stated that she did not see anything wrong with the use. Most of the concerns have been addressed, and in one year there would be a review. She stated that the aggregate base is acceptable to her.

Commissioner Hutchinson noted that there is a similar project off of Chapman that uses the aggregate, and he doesn't see a problem.

Commissioner Barry stated that they still have to decide the driveway improvements on Park Street.

Commissioner Hutchinson moved to adopt the Negative Declaration and approve Conditional Use Permit No. CUP-612-02, with amendments to the conditions as follows: G.4. that the drive aisles can use an aggregate base material with 95% compaction; G.6. to periodically review the BMP's; H.4. to reduce the number of fire hydrants to two; H.5. to reduce the number of access gates for the southerly parcel to two; R. to perform a review after one year; X. to add "that in lieu of a welded wire mesh fence a chain link fence may be substituted so long as an electronic security system approved by the Planning Services Manager is installed and maintained;" DD. to add "and implement a BMP related to the use and maintenance of the drip pans, as approved by the Public Works Director and such BMP shall be reviewed and updated as the Public Works Director may require;" seconded by Commissioner Barry, pursuant to the facts and reasons contained in Resolution No. 5318. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, FREZE, HUTCHINSON
NOES:	COMMISSIONERS:	CALLAHAN, JONES
ABSENT:	COMMISSIONERS:	NGUYEN

PUBLIC
HEARING: CONDITIONAL USE PERMIT NO. CUP-100-03
APPLICANT: KIM ANH PHAM
LOCATION: EAST SIDE OF KNOTT STREET SOUTH OF CHAPMAN AVENUE AT
12012 KNOTT STREET
DATE: FEBRUARY 20, 2003
REQUEST: To allow an existing restaurant to operate under an Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine, Bona Fide Eating Place) license in the Planned Unit Development No. PUD-105-71 zone.

Staff report was reviewed and recommended approval.

Chair Butterfield asked about condition S that prohibits live entertainment (karaoke, one man band, solo performer, live music, etc.) including amplified music, noting that it was referenced in the staff report.

Staff noted that the applicant had originally requested limited live entertainment but withdrew that request.

Chair Butterfield asked whether the applicant has removed the existing stage. Staff stated no and has conditioned that the stage be removed within ten days if approved.

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

Kim Pham, the applicant, approached the Commission. She introduced herself as the owner of the business and asked that she be allowed to keep the wide screen TV for the enjoyment of her patrons to be used to watch sporting events.

Chair Butterfield asked if she has read and understands the conditions of approval. Ms. Pham stated that she did, but that she would like to keep the TV.

Vice Chair Jones asked whether staff was aware of the TV.

Sergeant Fowler stated that in an office hearing, Ms. Pham was told that she would have to remove the TV, but she is now asking the Commission to allow her the TV.

Chair Butterfield asked staff who told her to remove the TV. Staff stated that upon site inspection to the applicant's restaurant a stage, electric keyboard, karaoke equipment, a wide screen TV., and a large amplifier were on the premises. Ms. Pham was informed in the office hearing that these entertainment items are not permitted in this zone and that even under a conditional use permit, only limited live entertainment could be done, which would consist of a solo performer.

Chair Butterfield asked Ms. Pham if she still had the stage. Ms. Pham stated that she has not had an opportunity to remove it. She stated that she has removed all the other equipment, but would like to keep the TV.

Chair Butterfield stated that there was a concern that she would plug it into other entertainment equipment. Ms. Pham stated that she wanted to be able to have the TV for her customers to watch sporting events.

Commissioner Hutchinson asked if there are other restaurants in the city that have TV sets. Staff stated that there are several restaurants such as the Roundtable Pizza located off of Harbor Boulevard that has a TV mounted near the ceiling, and is not associated with any other type of entertainment.

Commissioner Hutchinson asked why a TV set wouldn't be allowed. Staff stated that some restaurants do have TV sets but they are normally bolted near the ceiling so that patrons don't have access to them. This TV is a wide screen sitting on the stage with easy access for the customers. A TV in a restaurant itself is not a concern, however, the concern is that this wide screen TV could be used in conjunction with karaoke.

Chair Butterfield noted that the Red Robin restaurant has several TV's.

Vice Chair Jones pointed out that the Red Robin has a bar area where the TV's are and that Ms. Pham's establishment is a restaurant with alcohol sales incidental to food. A TV would have the affect of a bar atmosphere.

Chair Butterfield noted that there is a TV in the pizza place on Main Street.

Commissioner Hutchinson commented that if one restaurant has a TV, how could you keep them from other restaurants.

Chair Butterfield thought that rather than the large wide screen TV; a smaller TV would be acceptable.

Vice Chair Jones asked for comment from Sergeant Fowler. Sergeant Fowler expressed his view that a wide screen TV such as this one in this establishment becomes a central theme of the restaurant. With the service of alcohol and the wide screen TV as a focal point in the restaurant, there is a potential for a bar atmosphere where people stay longer and drink.

Commissioner Barry expressed concern that Ms. Pham will not follow through by removing the TV and stage, noting that she has already chosen not to comply with the city's regulations while in the preliminary process of obtaining approval for her conditional use permit.

Chair Butterfield asked Ms. Pham if she has read and understands the conditions of approval. Ms. Pham stated yes. Chair Butterfield stated that she must remove the stage and wide screen TV. Ms. Pham stated that she would remove them this week.

Commissioner Freze pointed out to Ms. Pham that the conditions of approval give her ten days to remove the stage and TV. Ms. Pham stated that she would remove the stage but just keep the TV turned off.

Chair Butterfield asked if she has planned to keep the TV. Ms. Pham stated yes she would like to keep the TV. Chair Butterfield stated that she would like to see her comply with the conditions and then come back to ask for the TV.

Commissioner Freze asked if she had any experience with selling alcohol in a restaurant. Ms. Pham stated no. Commissioner Freze emphasized to Ms. Pham how selling alcohol in her restaurant will be different from only selling food, and noted the condition that would require her to hire security if there are police concerns.

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

Vice Chair Jones commented that he wasn't sure that Ms. Pham would comply with the conditions and asked about how the conditions would be enforced. Staff stated that Ms. Pham's ABC license would be held up if the applicant does not comply with the conditions of approval.

Commissioner Hutchinson moved to approve Conditional Use Permit No. CUP-100-03, seconded by Commissioner Callahan, pursuant to the facts and reasons contained in Resolution No. 5347 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BUTTERFIELD, CALLAHAN, FREZE, HUTCHINSON, JONES,
NOES:	COMMISSIONERS:	BARRY
ABSENT:	COMMISSIONERS:	NGUYEN

PUBLIC
HEARING:

VARIANCE NO. V-100-03
CONDITIONAL USE PERMIT NO. CUP-101-03

APPLICANT:
LOCATION:

CHRISTINE PIETSCH
NORTH SIDE OF GAMBLE AVENUE BETWEEN GARDENAIRE LANE AND
RAINIER COURT AT 9811 GAMBLE AVENUE

DATE:

FEBRUARY 20, 2003

REQUEST:

To allow the construction of a 550 square foot detached second unit on an approximate 8,280 square foot lot, and to deviate from the required minimum lot size, rear yard setback and parking. The site is located in the R-1-7 (Single Family Residential) zone.

Staff report was reviewed and requested that the Commission provide staff with further direction on this request, noting that the outstanding issue is the lack of on-site parking available to support a second unit.

Staff provided a sketch to illustrate a possible alternative to the applicant's proposal for providing parking. The applicant would need to expand their garage to the rear and expand the driveway to prevent cars from spilling into the lawn area.

Commissioner Barry asked what staff is requesting from the Commission. Staff asked that the Commission consider the parking variance and to give direction to staff in order for staff to make a formal recommendation.

Commissioner Barry asked whether it could be conditioned that the second unit could not be sold separately, and whether there would need to be an additional meter for the second unit. Staff noted that the second unit does not constitute a separate parcel and a condition can be added that this is to be sold as a single property.

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

Ms. Christine Pietch, the applicant, approached the Commission. She stated that normally they don't have a problem with cars spilling onto the lawn but work is being done to the home and contractors are going through the garage. She commented that it would be difficult for egress from the living room sliding doors if the garage were extended to create the enclosed space for the second unit. She is also concerned that a garage would reduce the size of her living room and affect drainage. She stated that she is aware of the city requirements for parking and understands that she is asking for quite a bit, however, she would rather not extend the garage and keep the backyard intact. If in the future the house were sold, a buyer would probably want a yard area. She provided a letter to the Commission that expressed her position with this request. She stated that some neighbors and friends have come to the meeting in support, and she does not intend to use the second unit for income.

Chair Butterfield noted that city code requires an enclosed garage for a second unit.

Mr. Mark Daulley approached the Commission and introduced himself as Ms. Pietch's neighbor. He stated that he is in favor of the second unit and that it will not obstruct his view and will increase the property value. He is not concerned about the parking, but does have an issue with adding a garage, which would take up half of Ms. Pietch's existing living room.

Mr. Gabby Letorsay (sic) approached the Commission, and stated that he is helping Ms. Pietch build the second unit. He noted that there is currently a two-car garage and two spaces in the front, and if the garage is extended to provide an enclosed parking space for the second unit, it will look ugly and block the sliding door to the living room.

Ms. Randa Calmulat approached the Commission and introduced herself as Ms. Pietch's sister. She stated that if a garage were constructed

behind the existing garage, it would obstruct the living room as well as a bedroom.

Commissioner Barry noted that with all of the parking issues and design problems, why don't they just add a room to the house. Ms. Calmulat stated that there wouldn't be enough room for her mother with just a room addition.

Ms. Pietch approached and stated that there was a recent loss in her family and the second unit is for her mother. Her mother does not want to be a burden and this is a way for her to maintain her privacy and independence.

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

Chair Butterfield expressed her appreciation for Ms. Pietch wanting to help her mother, however, a garage is needed for a second unit. Her proposal does not meet the guidelines for granting a variance.

Vice Chair Jones stated that a garage placed next to the living room is not a good design, and there needs to be another alternative, possibly adding something in the front yard area.

Staff stated that the applicant has the option to work with her architect to come up with a workable design that will meet the guideline.

Vice Chair Jones asked how many parking spaces would they be required to have with the second unit. Staff stated they would need to have two enclosed, two open for the existing home and one enclosed and one open for the second unit.

Commissioner Hutchinson asked if they could have a carport rather than a garage in the back and whether carports have ever been approved. Staff stated that they could put in a carport behind the garage if it meets the building code. There have been six to eight second units in the last ten years and they have all met this parking garage requirement.

Commissioner Hutchinson stated that in order to approve this, it would require four variances and this lot is small.

Commissioner Barry stated that the intent is good, however, there are several concerns. A variance should be granted if there are circumstances that do not allow for another alternative. However, there are alternatives available but the Commission's role is not to be an architect. If they cannot achieve what they want within the city code, then they should consider an addition to the home.

Vice Chair Jones noted that if this were an addition, it would require some major redesign of the home. Staff stated yes, noting that an addition

would still be required to follow city code and depending on the number of bedrooms, they may still have to add an additional enclosed garage.

Vice Chair Jones noted that variances are usually granted based upon hardships due to unique property characteristics. This is actually a large enough lot to accommodate a second unit, however, the frontage is narrow and is unique in its configuration. He stated that he would support the request if the applicant were willing to address the parking issue to the satisfaction of staff. The proposal is just shy one parking space, which there is room for, and there has not been a design made to provide one. He asked whether a kitchen could be installed in an addition. Staff stated that they would not be able to add a kitchen in an addition, only in a second unit.

Commissioner Barry moved to continue the request in order to allow the applicant more time to work with staff and to present a design that meets the city code, seconded by Chair Butterfield. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, CALLAHAN, FREZE, HUTCHINSON, JONES,
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NGUYEN

PUBLIC HEARING: TENTATIVE PARCEL MAP NO. PM-2002-216
VARIANCE NO. V-101-03

APPLICANT: JESS ENRIQUEZ

LOCATION: EAST SIDE OF WEST STREET BETWEEN WILKEN WAY AND REVA DRIVE AT 11732 WEST STREET

DATE: FEBRUARY 20, 2003

REQUEST: To allow the subdivision of an existing 13,689 square foot lot into two parcels, and to deviate from the minimum lot frontage and lot size requirements. The site is located in the R-1-7 (Single Family Residential) zone.

Staff report was reviewed recommending approval.

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

Mr. Jess Enriquez, the applicant, approached the Commission. He stated that he bought this property about five years ago and that he plans to build two separate homes, which will enhance the property.

Commissioner Freze asked if he plans to move forward soon. Mr. Enriquez stated yes, that he already has plan for what he wants to build.

Mrs. Swanson approached the Commission and stated that she owns the adjacent property, and she is very anxious for the improvements to this property.

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

Commissioner Freze moved to approve Tentative Parcel Map No. PM-2002-216 and Variance No. V-101-03, seconded by Vice Chair Jones pursuant to the facts and reasons contained in Resolution No. 5348. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, CALLAHAN, FREZE, HUTCHINSON, JONES
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NGUYEN

MATTERS
FROM
COMMISSIONERS: None.

MATTERS
FROM
STAFF: Staff reviewed the tentative items for the next Planning Commission meeting scheduled March 6, 2003.

Staff noted that a Code Violation letter for excessive trash was sent to the property located at 8192 Garden Grove Boulevard, which was a concern expressed at the last Planning Commission meeting.

ADJOURNMENT: The meeting was adjourned at 10:35 p.m.

TERESA POMEROY
Recording Secretary