

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, 2004

CALL TO ORDER: The work session of the Planning Commission was called to order at 6:30 p.m. in the Founders Room of the Community Meeting Center.

PRESENT: CHAIR JONES, VICE CHAIR CALLAHAN, COMMISSIONERS  
BARRY, BUTTERFIELD, HUTCHINSON, KELLEHER, AND  
NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Erin Webb, Senior Planner; Noemi Bass, Assistant Planner; Maria Parra, Acting Assistant Planner; Robert Fowler, Police Department; Mark Uphus, Project Engineer; Judy Moore, 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 JONES, VICE CHAIR CALLAHAN, COMMISSIONERS  
BARRY, BUTTERFIELD, HUTCHINSON, KELLEHER, AND  
NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Erin Webb, Senior Planner; Noemi Bass, Assistant Planner; Maria Parra, Acting Assistant Planner; Robert Fowler, Police Department; Mark Uphus, Project Engineer; Judy Moore, Recording Secretary.

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

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Butterfield moved to approve the Minutes of May 20, 2004, seconded by Commissioner Hutchinson. The motion carried with the following vote:

AYES: COMMISSIONERS: BARRY, BUTTERFIELD, CALLAHAN,  
HUTCHINSON, JONES, KELLEHER,  
NGUYEN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

PUBLIC HEARING: NEGATIVE DECLARATION  
CONDITIONAL USE PERMIT NO. CUP-137-04  
VARIANCE NO. V-109-04  
APPLICANT: LAM NGUYEN  
LOCATION: NORTHWEST CORNER OF BROOKHURST WAY AND ACACIA STREET AT  
12851 BROOKHURST WAY  
DATE: JUNE 17, 2004  
REQUEST: To establish a religious facility on a 22,272 square foot site that is currently occupied by a swim school; and a Variance to allow less than the required parking and minimum lot size, as well as side and front yard setbacks. The site is in the R-3 (Multiple Family Residential) zone.

Chair Jones moved to postpone the hearing of this case to July 15, 2004, seconded by Vice Chair Callahan. The motion received the following vote:

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

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-128-03  
APPLICANT: ROGER'S GRADING  
LOCATION: NORTHWEST CORNER OF WESTMINSTER AVENUE AND A BETTER WAY AT 11671 WESTMINSTER AVENUE  
DATE: JUNE 17, 2004  
REQUEST: To establish a 71,000 square foot contractor's storage yard for a grading and trucking company, at the south end of a 2.14 acre lot. The site is in the M-1 (Limited Industrial) zone.

Staff report was reviewed and recommended approval.

Amendments to Exhibit "A" Conditions of Approval included changing the heading on page 3 from, 'Environmental Services Conditions' to 'Environmental Compliance Conditions', and adding Condition No. 26, which reads, "All access gates shall be a minimum of 20 feet wide and operable with a Fire Department Knox box key."

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

Mr. Jaime Duenas, the property owner, and Mr. Efrain Davalos Jr., the representative, approached the Commission.

Chair Jones asked Mr. Duenas if he read and agreed with the Conditions of Approval. Mr. Duenas replied yes.

Commissioner Butterfield asked if the applicant was aware of the use of the driveway on A Better Way, in lieu of Westminster Avenue. Mr. Duenas replied yes.

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

Commissioner Butterfield moved to approve Conditional Use Permit No. CUP-128-03, with amendments to the Conditions of Approval, including the heading on page 3, and the addition of Condition No. 26, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5431. The motion received the following vote:

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

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-129-03  
APPLICANT: BALCACERES & DAVALOS TOWING  
LOCATION: NORTHWEST CORNER OF WESTMINSTER AVENUE AND A BETTER WAY AT 11671 WESTMINSTER AVENUE

REQUEST: To establish a 19,800 square foot vehicle storage yard for a towing company, at the north end of a 2.14 acre site. The site is in the M-1 (Limited Industrial) zone.

Staff report was reviewed and recommended approval.

Amendments to Exhibit "A" Conditions of Approval included changing the heading on page 3 from 'Environmental Services Conditions' to 'Environmental Compliance Conditions', and adding Condition No. 25, which reads, "All access gates shall be a minimum of 20 feet wide and operable with a Fire Department Knox box key."

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

Mr. Jaime Duenas, the property owner, and Mr. Efrain Davalos Jr., the representative, approached the Commission.

Chair Jones asked Mr. Duenas if he read and agreed with the Conditions of Approval. Mr. Duenas replied yes.

Commissioner Nguyen asked what happens to the towed cars after 30 days in the yard. Mr. Duenas replied that the cars, many as a result of accidents, are temporarily stored until they are scheduled for repair or demolition.

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

Commissioner Butterfield moved to approve Conditional Use Permit No. CUP-129-03, with amendments to Conditions of Approval, including the heading on page 3, and the addition of Condition No. 25, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5432. The motion received the following vote:

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

PUBLIC  
HEARING:

SITE PLAN NO. SP-343-04  
TENTATIVE TRACT MAP NO. TT-16645  
DEVELOPMENT AGREEMENT

APPLICANT:  
LOCATION:

CAL LAND ENGINEERING, INC.  
EAST SIDE OF NELSON STREET, NORTH OF STANFORD STREET AT  
12692 NELSON STREET

REQUEST:

To construct a 10-unit condominium project. The site is in the Community Center Specific Plan, Peripheral Residential, Area 12 (CCSP-PR12) zone.

Commissioner Kelleher dismissed himself from consideration on this item.

Staff report was reviewed and recommended approval. Two letters of opposition were noted, one from Ken Houghton, and the other from Ron and Marianne Perkins.

Commissioner Barry asked if the traffic circulation would not be adversely affected within the site or on the adjoining streets, and if a traffic study had been done. Staff replied that a traffic study had not been done due to the project's small size, and that traffic circulation in both areas would not be impacted by the development. Staff also noted that the case was reviewed, with regard to traffic, at the Planning Coordinating Committee meeting.

Commissioner Callahan expressed his concern if this project was a good fit with what exists in the area.

Commissioner Barry cited the mitigation measures in the Resolution, regarding adverse traffic impacts in the surrounding streets and asked for clarification. Staff replied that parking requirements have been met, and that although there will be traffic impact, there will not be a significant impact, therefore, there are no mitigating measures for traffic. The measures are inclusive of the entire project.

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

Mr. Van, the property owner, Mr. Richard Chiou, the architect, and the civil engineer, approached the Commission.

Commissioner Butterfield asked Mr. Van how long he has owned the property and if St. Columban's church had approached him with regard to obtaining the property. Mr. Van stated he has owned the property almost one year, and that he had not been approached by the Church because the property's cost was too high.

Commissioner Butterfield asked Mr. Van if the Conditions of Approval had been read and agreed upon, and if he was aware of the sewer issue. Mr. Van replied yes.

Ms. Eileen Jurak, a resident of Lakeside Condominiums, approached the Commission and expressed her concerns regarding the impact of a 10-unit project on the small property, with little recreational area for families, and asked if the property would be tied to an association.

Chair Jones stated yes and that the condominium units would be individually owned.

Father Don Romito, former Pastor of St. Columban's Church, approached the Commission. He stated that during his tenure, the church's population doubled, and he further commented that Church council strive to keep the property beautiful. He also stated that the Church tried to buy as much property for parking as possible, and suggested a compromise with the owner, with regard to the property, used for parking, across the street.

Commissioner Hutchinson asked if the Church had services every night. Father Romito replied yes.

Mr. Eugene Cook approached the Commission. As Traffic Director for St. Columban's, Mr. Cook stated that the parking lots are full for each Mass, and due to the number of members, the Church developed traffic citations for members who violate the parking restrictions. Also, the Church has 'amplification' for events that occur outside.

Commissioner Butterfield stated that 24 apartments could be built on the property, and the property owner is only asking for 10 units. She also agreed that traffic in the area is a problem and suggested Mr. Cook talk to parishioners about safety concerns, and review their parking lot entries and exits for better traffic circulation.

Ms. Judy Dickson, Business Manager of the parish, approached the Commission and stated that the Church is concerned with the best use of the land, and commented about the Church's benefit of acquiring the land. She also suggested a land trade.

Mr. Richard Alexander, a parishioner who lives in Anaheim, expressed his concerns about the condominium's height, the proposed density, and the parking congestion.

Commissioner Butterfield asked if the applicant read the revised Condition No. 13, with regard to the driveway, and the added Condition No. 49, which states that the developer selling the units must give full

written disclosure that the units are adjacent to a church and elementary school. Mr. Chiou replied yes.

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

Chair Jones commented that the majority of the day, there is not a lot of traffic congestion, only at peak times. He expressed his concern that it is not the Commission's decision to condemn the property so the Church can buy the parcel for parking. He further stated the project is clean and straightforward.

Commissioner Hutchinson disagreed on the traffic issue, and stated there will be a traffic impact, especially during Church functions; however, this is not enough to deny the project.

Commissioner Callahan stated the project is good and recommended the Traffic Engineers assist in solving the traffic problem.

Commissioner Nguyen cited her concerns about the traffic issue and stated she would support the project if a traffic study were completed.

Commissioner Barry stated the project is good, however, a traffic study would help to determine what would be best for the community.

Commissioner Butterfield stated that the front sidewalk can be used as a walking path, and commented that the neighborhood is old and that the Church created the congestion problem. She also commented that amplification is not allowed and that the church can be cited. Additionally, she stated that the proposed property swap is not a Commission issue, and that parking lot signs should have been installed long ago to alleviate the congestion. She commented that the project is good, however, there may not be enough parking.

Chair Jones asked the applicant if a continuance would be acceptable to review the issues. Mr. Van stated yes.

Commissioner Barry moved to continue the case to a date uncertain, seconded by Commissioner Hutchinson. The motion received the following vote:

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

PUBLIC  
HEARING:

SITE PLAN NO. SP-344-04  
VARIANCE NO. 112-04

APPLICANT:  
LOCATION:

DAI NGHIEM  
NORTH SIDE OF CROSBY AVENUE, EAST OF BROOKHURST STREET, AT  
10029-31 CROSBY AVENUE

REQUEST: To expand an existing duplex, and a Variance to waive the minimum parking and side setback requirements. The site is in the R-2 (Limited Multiple Family Residential) zone.

Staff report was reviewed and recommended approval.

Amendments to the Exhibit "A" Conditions of Approval included changing the words 'Traffic Mitigation' to 'Engineering' in Item No. 8, and revising Item No. 22 to read, "The applicant is required to obtain proper building permit approval for the exterior use of the existing washer and dryer, or relocate if necessary," and adding Item No. 27 which reads, "The applicant shall obtain proper building permit approval for the existing patio cover."

Commissioner Hutchinson asked staff to clarify the duplex's parking. Staff replied that with the addition to the second unit, the parking requirement does not change because of the existing, nonconforming status, however, the applicant is providing an additional garage to bring the total to six parking spaces.

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

Mr. Dai Nghiem, the property owner, approached the Commission.

Chair Jones asked Mr. Nghiem if he read and agreed with the Conditions of Approval, including the amendments. Mr. Nghiem replied yes.

Commissioner Hutchinson asked if Mr. Nghiem will live in one of the units. Mr. Nghiem replied yes, and that his mother will live in the other unit.

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

Commissioner Butterfield moved to approve Site Plan SP-344-04 and Variance No. V-112-04, with amendments to the Conditions of Approval Nos. 8, 22, and 27, seconded by Commission Nguyen, pursuant to the facts and reasons contained in Resolution No. 5434. The motion received the following vote:

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

MATTERS  
FROM  
COMMISSIONERS:

Commissioner Butterfield thanked Staff for their attention to the weed problem on the right-of-way. She also expressed her concerns regarding the storage of motor homes, trailers and trucks on residential properties, and asked if people are allowed to live in motor homes in driveways. Staff replied that living in a motor home on residential

property is prohibited, however, some people may not be aware of the code.

Commissioner Butterfield asked if 50% of the frontage of residential property has to be dedicated to landscaping, noting that the visual aspect of the neighborhoods is changing. Staff stated yes, and that Code Enforcement does selectively go after some violators, however, Code Enforcement would be reminded to send out more notices with regard to landscaping.

Commissioner Butterfield also commented that landscaping requirements go hand in hand with the potential water shortages and that these issues should be addressed, and if Code Enforcement is not enforced with regard to all issues, the City will deteriorate.

In response, Staff stated that the Community Forum date has been moved to July 24, 2004, and that a representative from each Commission is invited to attend. Staff commented that the Forum would be the perfect opportunity for comments regarding Code Enforcement, and that with surveys, education, and proper enforcement, matters should improve. Staff also stated that there is a volunteer Code Enforcement program that provides assistance on weekends.

Commissioner Barry asked about the vacated Linda Evans property. Staff was not aware of any applications that have come in for that property.

Commissioner Butterfield asked about the Oasis Car Wash. Staff replied that a request for status of the car wash was sent, however, a response has yet to be seen. Another request will follow.

MATTERS  
FROM STAFF:           None.

ADJOURNMENT:        The meeting was adjourned at 9:00 p.m.

JUDITH MOORE  
Recording Secretary