

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
SEPTEMBER 7, 2006

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 MARGOLIN,
COMMISSIONERS CALLAHAN, CHI, LECONG, PIERCE
ABSENT: PAK

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Paul Wernquist, Urban Planner; Christine Foley, Planning Intern; George Allen, Traffic Engineer; Judith Moore, Recording Secretary.

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

ORAL COMMUNICATION: Ms. Verla Lambert approached the Commission and commented that she was pleased with the recently planted trees in her neighborhood and that good things happen when the community works together.

APPROVAL OF MINUTES: Vice Chair Margolin moved to approve the Minutes of August 3, 2006, seconded by Commissioner Chi. The motion carried with the following vote:

AYES: COMMISSIONERS: CALLAHAN, CHI, JONES, LECONG,
MARGOLIN, PIERCE
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: PAK

PUBLIC HEARING: TENTATIVE PARCEL MAP NO. PM-2006-172
VARIANCE NO. V-147-06
APPLICANT: MY TRONG NGO
LOCATION: NORTHEAST CORNER OF DOROTHY AVENUE AND WESTLAKE STREET AT
10601 DOROTHY AVENUE
DATE: SEPTEMBER 7, 2006

REQUEST: Tentative Parcel Map approval to subdivide one 13,074 square foot lot into two separate lots (one at 7,641 square feet and one at 5,433 square feet) in conjunction with a request for a Variance from Section 19.16.050 of the City Code for a reduced lot area in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended approval.

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

Mr. Lam Nguyen, the architect, approached the Commission and thanked staff for their assistance with the project.

Mr. My Ngo, the applicant, approached the Commission.

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

Mr. Ngo asked if the existing handicap ramp, mentioned in Condition No. 8, had to be removed and a new one installed in its place at his expense.

Staff replied that public hearing entitlements have discretionary approval; that the current handicap ramp does not meet current ADA code; that the ramp does not meet the qualified slope required; and that the ramp does not have the bottom plate with the dots for the blind.

Commissioner Chi asked staff if sidewalks are city property. Staff replied that property owners own the property to the centerline of the street unless on the parcel map a certain number of feet are dedicated to the city; and that the property owner maintains the landscape parkway and the city maintains the curb, gutter, sidewalk, and asphalt.

Mr. Ngo added that he would not be adding any driveways.

Commissioner Chi asked staff to explain the term 'categorically exempt' in Resolution Item No. 3. Staff explained that the exemption is permitted under the California Environmental Equality Act for the subdivision of a land parcel that is four parcels or less and that no additional environmental work is required.

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

Vice Chair Margolin commented that the approval would not set a new precedent; that there are other existing units in concert with the project; and that the owner has a right to be consistent with the neighborhood.

Vice Chair Margolin moved to approve Tentative Parcel Map No. PM-2006-172 and Variance No. V-147-06, pursuant to the facts and reasons contained in Resolution No. 5563, seconded by Chair Jones. The motion carried with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	PAK

PUBLIC

HEARING: SITE PLAN NO. SP-405-06
VARIANCE NO. V-146-06
APPLICANT: KENNETH ROBERTSON
LOCATION: SOUTHEAST CORNER OF GARDEN GROVE BOULEVARD AND FAIRVIEW
STREET AT 13172 GARDEN GROVE BOULEVARD
DATE: SEPTEMBER 7, 2006
REQUEST: Site Plan approval to construct a drive-through Starbucks, with associated site improvements, in conjunction with a Variance request for reduced setbacks on an 11,576 square foot lot. The site is in the C-2 (Community Commercial) zone.

Staff report was read and recommended approval.

Chair Jones asked staff if left turn access was allowed from westbound Garden Grove Boulevard into the site. Staff replied that a new median is under design from Lewis Street to Fairview Street and that there would not be a left-turn break, nor a U-turn.

Staff commented that the project meets code except for the landscape buffer adjacent to the streets and the trash enclosure; and that parking and the turning radius are not a problem. Staff added that the trash enclosure, which sits inside the setback area, would be more decorative than usual and double as a monument sign.

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

The applicant, Mr. Ken Robertson, approached the Commission.

Chair Jones asked Mr. Robertson if the site was originally a gas station site. Mr. Robertson replied yes, that it was an Exxon Mobil site until 1988; and that remediation had taken place and the site was cleared for development.

Vice Chair Margolin asked Mr. Robertson which market the Starbucks would target. Mr. Robertson replied that traffic to the freeway would be the largest market; that he worked with the city to make the 1,450 square foot site work; that 1,700 square foot is typical; and that Starbucks is ranked as one of the most powerful music distributors.

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

Chair Jones asked staff if the parking was acceptable. Staff replied yes.

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

Commissioner Callahan moved to approve Site Plan No. SP-405-06 and Variance No. V-146-06, seconded by Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5561. The motion carried with the following vote:

AYES: COMMISSIONERS: CALLAHAN, CHI, JONES, LECONG,
MARGOLIN, PIERCE
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: PAK

PUBLIC

HEARING: CONDITIONAL USE PERMIT NO. CUP-190-06
APPLICANT: CITY OF GARDEN GROVE
LOCATION: NORTH SIDE OF WESTMINSTER AVENUE, EAST OF BOWEN STREET AT
10531 WESTMINSTER AVENUE
DATE: SEPTEMBER 7, 2006

REQUEST: Conditional Use Permit approval to amend the Conditions of Approval for CUP-101-83, to allow the staff of an existing pre-school to use an existing gate located on the rear of the property, that has been designated for emergency use only. The site is in the R-2 (Limited Multiple-Family Residential) zone.

Staff report was read and recommended approval. A 12-signature petition was submitted in opposition to the request.

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

Ms. Jackie Koob, the pre-school representative, approached the Commission and stated that the previous owner of the property did not follow the conditions of approval in that the rear gate was used for parents and children's access to the school; that she can appreciate the neighbor's concerns; that her father now owns the business and the property; and that a pad lock is currently on the gate and the gate has not been used for a drop-off point for years.

Ms. Koob also pointed out that to enforce the gate access she would use a bi-lateral lock with keys, and not a key code pad by which codes could easily be passed out; that when an employee is terminated the key would be turned in; that with regard to parking she supports the eight parking spaces on Ranney Avenue; that street sweeping is an issue for the cars; and that the staff count is currently 16.

Ms. Jean Mellen, approached the Commission and stated that she has lived on Ward Street for 47 years; that the gate was installed in 1983 for the Fire Department as an emergency exit; that the gate is a small gate in a 6'-0" high block wall; that the gate has been used by employees on breaks in the past few months; that only 100 students are allowed at the school; that there are 11 parking spaces plus a handicap space which should be sufficient to alleviate street parking; agreed that street sweeping is an issue; that she needed zoning explained with regard to business versus residential zoning; and that her neighbors did not understand the mailed Notice.

Mr. Charles Walton approached the Commission and stated that his driveway is 12'-0" from the gate and asked if the pre-school was designated as a business.

Staff replied that a pre-school would be permitted in the R-1, R-2, and

R-3 zones subject to a Conditional Use Permit.

Vice Chair Margolin clarified that a Conditional Use Permit is a method to impose conditions to limit problems, and that conditions could be used for code enforcement.

Chair Jones asked staff to explain the parking on Ranney Avenue.

Staff explained that the safest option generated from Traffic Commission was to install parking stalls on Ranney Avenue where there are no houses facing on the south side; that Ranney Avenue is a public street; and that the parking stalls are for making sure cars are properly parked.

Ms. Maria Rosas approached the Commission and stated that she wanted the gate to be opened only for emergencies.

Ms. Tanya Rosas approached the Commission and stated that the parking lot is usually empty; and that the Ranney Avenue parking is not necessary.

Vice Chair Margolin pointed out that due to the new third lane on Westminster Avenue, the Westminster parking would be removed.

Commissioner Chi asked staff if site parking is for visitors only. Staff replied that there is not a sufficient number of parking spaces on site; and that the insufficiency creates a congestion hazard when parents are dropping off children.

Chair Jones asked staff how many parking spaces are currently on the property. Staff replied 11; that another alternative had been to allow parking on Ward Street, however, that would have been an inconvenience to residents; the other option was to allow parking on Westminster Avenue, and take away the two-way left turn in the center of Westminster Avenue and install a 300 foot transition to go around parked cars, which was not a desired option.

Staff added that the 11 parking spaces are utilized by parents dropping off and picking up children; that the faculty currently parks on Westminster Avenue; and that the City is dealing with the right-of-way, not the particular site.

Mr. Charles Walton approached the Commission and asked for a clarification of the street sweeping issue. Staff replied that the faculty would likely to the same thing on Ranney Avenue that they did on Westminster Ave.

Ms. Koob approached the Commission and clarified that faculty parks in four stalls only; that staff is staggered; that one space is for handicapped, which leaves six spaces for 90 people.

Commissioner Lecong asked staff why the City was involved in public safety and would parking issue set a precedent? Staff replied that the request came from City Council when parking needed to be removed on Westminster Avenue; that City Council asked for alternatives from Traffic

Commission; and that Ranney Avenue is a public street, which is one option that was considered.

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

Staff reiterated that the only issue is the gate and its other limited uses and that the public can park on any of the streets, including Ranney Avenue.

Chair Jones pointed out that no one should loiter at the gate; and that on-site parking should be utilized to the fullest extent.

Vice Chair Margolin suggested a sign on the gate stating that students and parents are prohibited from entering this gate; that neighbors are used to a certain quality of life; and that there is definitely a fear of abuse of the gate.

Commissioner Callahan asked staff if using the gate for anything other than emergencies would be breaking faith with the neighbors. Staff replied no.

Commissioner Chi agreed that a sign was a good idea.

Staff noted that only change is to whether or not to allow faculty and staff to use the back gate; that violation of a CUP is a misdemeanor; that a CUP can be revoked at a hearing for revocation; that the procedures are in the code; and that if more faculty parked on site there would be more queuing problems.

Chair Jones noted that though the school is overcrowded, the site has functioned for a long time; that gate access and the striping on Ranney Avenue would be beneficial; and that he would be in favor of a review in six months.

Vice Chair Margolin commented that the employer could condition rules with consequences for employee breaks; that the neighbors do have valid concerns; that keys are good; that a precedent would not be set by allowing usage of the gate; and that a sign would be good.

Staff added that when modifying Condition No. 7 for employee keyed access, the Condition must include the provision of a Knox-box for the Police Department and Fire Department.

Staff noted that the 'employees only' sign should be installed 21 days from the approval of the Conditional Use Permit after the appeal period.

Chair Jones moved to approve Conditional Use Permit No. CUP-190-06, with amendments, seconded by Commissioner Chi, pursuant to the facts and reasons contained in Resolution No. 5562.

The amended Condition No. 7 shall read: "That the only access to the subject property from Ward Street shall be an emergency gate in accordance with the City of Garden Grove Fire Department specifications. Except in emergencies, this gate shall be utilized exclusively by faculty and staff, and signage that the gate may only be used for emergencies, faculty,

and staff shall be installed within 21 days of the effective date of the Conditional Use Permit. The preschool operator shall require faculty and staff not to loiter behind the gate off the premises or in the residential streets. Passenger loading and unloading is prohibited. The preschool operator shall instruct all clients to access the site from Westminster Avenue, this applies to both pedestrians and motor vehicles. If the preschool operator uses locks/keys for the emergency gate, a Knox box key system shall be installed, to the satisfaction of the Garden Grove Fire Department, for access by public safety personnel."

The added Condition No. 13 shall read: "The Conditional Use Permit shall be brought back to the Planning Commission for review six months from its effective date."

The motion carried with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, MARGOLIN, PIERCE
NOES:	COMMISSIONERS:	LECONG
ABSENT:	COMMISSIONERS:	PAK

MATTERS
FROM
COMMISSIONERS:

Commissioner Lecong noted that the 'Temple' sued the Planning Commission and that only five out of seven Commissioners were named. Staff clarified that the lawsuit listed the entire Planning Commission, the City Council, and the City; that a temporary restraining order was not granted; and that the Tuesday meeting would be a preliminary injunction which would allow more time to plead the case.

Vice Chair Margolin commented that the judge would allow worship with 30 members or less, but would not allow eating or sleeping in the facility.

Staff noted that the Commission would be represented by the City Council/City Attorney; and that if Commissioners were approached for comment, the requestors should be referred to the City Attorney's office.

Commissioner Pierce asked if the small triangle at Brookhurst Way and Stanford Avenue is owned by the City. Staff replied that a preliminary design proposal is now being reviewed.

MATTERS
FROM STAFF:

Staff read a brief description of Agenda items for the September 21, 2006 Planning Commission meeting.

ADJOURNMENT: The meeting was adjourned at 9:10 p.m.

JUDITH MOORE
Recording Secretary