

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
SEPTEMBER 15, 2011

CALL TO ORDER: The study 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 BUI  
COMMISSIONERS BRIETIGAM, DOVINH, LAZENBY, PAK,  
SILVA

ABSENT: VICE CHAIR CABRAL

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

Brown Act discussed.

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  
COMMISSIONERS BRIETIGAM, DOVINH, LAZENBY, PAK,  
SILVA

ABSENT: VICE CHAIR CABRAL

ALSO PRESENT: James Eggart, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Chris Chung, Associate Planner; Maria Parra, Urban Planner; Ed Leiva, Police Sergeant; Bill Murray, Public Works Director/ City Engineer; Monica Robledo, Associate Engineer; Tony Aquino, Associate 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 Silva and recited by those present in the Chambers.

ORAL

COMMUNICATIONS: None.

APPROVAL OF  
MINUTES:

Commissioner Pak moved to approve the Minutes of August 18, 2011, seconded by Commissioner Brietigam. The motion carried with the following vote:

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

NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: CABRAL

PUBLIC HEARING: SITE PLAN NO. SP-463-11 (REINSTATEMENT)  
APPLICANT: STANFORD TRIANGLE PARTNERS  
LOCATION: A TRIANGULAR-SHAPED PROPERTY ON THE NORTH SIDE OF STANFORD AVENUE BETWEEN BROOKHURST STREET AND BROOKHURST WAY AT 12711 AND 12731 BROOKHURST STREET  
DATE: SEPTEMBER 15, 2011

REQUEST: A request to reinstate a previously approved Site Plan to construct an approximately 3,900 square foot multi-tenant building that includes a drive-through coffee shop with associated site improvements on a vacant lot, in conjunction with a Variance request for reduced setbacks along a street in the C-1 (Neighborhood Commercial) zone.

Staff report was read and recommended approval with Condition No. 16e to be removed due to inclusion by error. Also, the Variance entitlement number V-191-11 was corrected to be V-194-11.

Commissioner Silva asked Staff if the two blocked-off streets would be addressed with this application. Staff replied yes, the developer would construct a cul-de-sac at that end.

Commissioner Lazenby asked for clarification on the site-side red curb. Staff responded that parking spaces would be provided in front of the residences and that the red curb would prohibit the patrons of the Starbucks from parking on the site side; and that a five-foot high wall, set back seven feet from the street, would be constructed to be a physical and visual barrier to separate the residences from the Starbucks and to buffer headlight glare.

Commissioner Pak asked Staff if there were changes from the 2008 approval. Staff replied that the end tenant would be a single-story in lieu of a two-story structure.

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

Mr. Jeff Bergsma, the applicant's representative and architect, approached the Commission and stated that other project changes included a turning radius from Stanford Avenue to the drive-through that has been increased, which changed the building configuration; that the ATM and electrical panel have been removed to allow the patio to be more open; that Starbucks wants to come back, and though there were no other tenants at this time, Starbucks was an anchor.

Commissioner Lazenby asked if unit interiors were designed already. The applicant replied no, that the building would be a shell.

Commissioner Brietigam asked the applicant for the construction schedule. The applicant replied that though there were two time extensions, they have a contract deadline and must move forward.

Commissioner Dovinh asked the applicant to clarify the parking and take-out plan. The applicant replied that take-out food and retail would be over-the-counter transactions and not for drive-through; that the standard was five to seven cars in the queue; that the patio would have umbrellas

with an approximate occupancy of 12 persons with three tables that would seat four patrons; and that inside seating would be under 20 patrons.

Commissioner Pak commented that with employees, inside seating, patio seating, and WiFi access, the number of parking spaces needed would be approximately 40, however, the project has 29 spaces.

The applicant responded that there would be a bicycle rack and that he was unsure of the number of patio seats, however, the project was 'parked' at a restaurant rate.

Commissioner Pak asked where the signs would be located. The applicant responded that the monument sign would be on Brookhurst Way, before the entrance, in a landscape area; and that there was a small retaining wall for signage if needed.

Commissioner Silva asked if the number of parking spaces would meet code. Staff replied yes.

Chair Bui asked when the project would be built. The applicant replied that two months were required for construction drawings and three months were required to build.

Chair Bui asked the applicant if he had read and agreed with the Conditions of Approval and the omission of Condition No. 16e.

The applicant responded yes, and that the screen wall may need to be more decorative, perhaps with a trellis element.

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

Commissioners Brietigam, Lazenby, and Bui expressed their support that the project was on track, and that parking and neighborhood concerns were addressed.

Commissioner Brietigam moved to adopt Resolution No. 5746-11, with one amendment, pursuant to the facts and reasons contained there in, approving Site Plan No. SP-463-11 and Variance No. V-194-11, seconded by Commissioner Lazenby. The motion received the following vote:

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

PUBLIC HEARING:	SITE PLAN NO. SP-464-11
APPLICANT:	MCDONALD'S (WIDDICOMBE ENTERPRISES)
LOCATION:	EAST SIDE OF HARBOR BOULEVARD, SOUTH OF LAMPSON AVENUE AT 12542 HARBOR BOULEVARD
DATE:	SEPTEMBER 15, 2011
REQUEST:	A request for Site Plan approval to reconstruct an existing McDonald's drive-through restaurant consisting of approximately 4,048 square feet. The site is in the HCSP-TZN (Harbor Corridor Specific Plan-Transition Zone North).

Staff report was read and recommended approval with amendments to Condition Nos. 30 and 33, and the addition of Condition No. 57.

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

The applicant's representatives, Mr. Brian Hardy, Jeff Elmore, the architect, and Patti Widdicombe, the operator, approached the Commission.

Mr. Hardy noted that Condition No. 52 did not reference the 24-hour 'hours of operation' for the restaurant and drive-through. Staff responded that because the restaurant would not be serving alcohol the hours could not be regulated; and that if noise from the drive-through speaker would become a problem, the speaker operating hours would be reviewed.

Mr. Hardy further noted that the outdoor play place would not be brought back in the upgraded design.

Ms. Patti Widdicombe stated that her family owned five McDonald's in Garden Grove with the first being opened March 23, 1957; that she was excited to see the business grow and thrive and contribute to the tax base; that the 50 displaced employees would work at her other restaurants during the construction; and that she accepts the Conditions of Approval.

Chair Bui asked Mr. Hardy if he had read and agreed with the Conditions of Approval, including the modifications. He replied yes.

Commissioner Silva noted that the store basement would be removed and asked why the small building on the south side of the lot would remain. Mr. Hardy replied that the building was for storage and the restrooms used for the Police Department; and that store rebuilds do not include the basements.

Commissioner Silva asked why patrons would drive in front of the store. Mr. Hardy replied that driving in front was a re-circulation feature; that the split queue feature allows orders to be entered more quickly and patrons could use the extra lane as a by-pass; that the number of cars per hour would increase; and that the three Harbor Boulevard access points would continue to allow for in and out access.

Commissioner Pak asked why the playground would be omitted. Mr. Hardy replied that the extra space would increase the outdoor seating area and that the outdoor play area was becoming a thing of the past.

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

Commissioner Pak stated that the Widdicombe family has done much for the community and wished them success.

Commissioner Dovinh commented that he likes the play place; that with the bicycle racks he hoped for foot and bicycle traffic; and that the project was attractive for the neighborhood.

Commissioner Lazenby asked if the drive-through would be shut down at a specific time if there were noise complaints. Staff responded that the

microphone would be adjusted; and that previously, the store was open until 2:00 a.m.

Commissioner Pak moved to adopt Resolution No. 5747-11, pursuant to the facts and reasons contained there in, approving Site Plan No. SP-464-11, with amendments, seconded by Commissioner Dovich. The motion received the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-465-11 (REINSTATEMENT)  
APPLICANT: STEVEN NGUYEN  
LOCATION: NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND ADELLE STREET AT 8641 GARDEN GROVE BOULEVARD  
DATE: SEPTEMBER 15, 2011

REQUEST: A request to reinstate a previously approved Site Plan to construct six three-story detached single-family homes. The site is in the PUD-112-06 (Planned Unit Development) zone.

Staff report was read and recommended approval.

Commissioner Silva asked Staff to clarify the parking spaces. Staff responded that the six units would have 30 parking spaces and code required 27 parking spaces.

Chair Bui asked Staff to clarify the 24 units per acre. Staff replied that based on the lot size, the code was 24 units per acre when the project was originally approved.

Commissioner Pak asked Staff if the soil contamination by the former dry cleaners had been completely remediated and a report submitted. Staff deferred to the applicant.

Commissioner Lazenby asked if the previous negative declaration would have an impact at this time. Staff responded that there have been no substantial changes to the project since the original approval, therefore a subsequent environmental review would not be required.

Commissioner Pak asked if there was an ownership change. Staff replied yes, a few years ago.

Chair Bui asked if the project had been extended two times. Staff replied yes.

Commissioner Lazenby asked if the current mixed-use zoning would affect the project. Staff responded that the current zoning for this project was 'small-lot subdivision', not the mixed-use zoning, as the mixed-use zoning approval was not yet finalized; that this project would also be allowed under mixed-use zoning and to incorporate this project into the proposed mixed-use zoning, landscaping along Garden Grove Boulevard had been conditioned to match mixed-use zoning requirements.

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

Mr. Steven Nguyen, the applicant/owner, approached the Commission and stated that he became the project owner two years ago when the economy crumbled; that the property had been vacant 13-14 years; and that he kept the residential concept due to more stability.

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

Commissioner Brietigam asked if the number of extensions was three. The applicant replied that the previous owner applied for two extensions and the tract map extension; that the project would start right away; that he was a first-time builder, however, his father was a home developer; and that the contamination was from a nearby dry cleaning business.

Commissioner Lazenby asked if the applicant was aware of the proposed mixed-use zoning. The applicant responded that their view was that mixed-use projects did not succeed; that he was from a country where mixed-use zoning was common; and that noise and lighting from mixed-use projects could generate public objection.

Commissioner Pak asked for clarification of the contamination remediation. The applicant responded that the project had been remediated approximately five times since he owned the project, which had caused delay; that the process was monitored closely and the levels were low; that monitoring wells would be left on the project for continued monitoring; and that he would disclose the remediation issue to all tenants, however, the Orange County Health Department only required disclosure to the tenants of the most southern home.

Commissioner Dovich asked why the economy was better now for building. The applicant stated that prices had fluctuated and were now stabilized; and that this project was owned and would be developed without financing.

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

Commissioner Brietigam stated that because the applicant owned the project for the last two years, and was excited about the development, he expressed his support for the reinstatement.

Commissioner Silva asked if there was a downside to extensions. Staff responded typically no, that extensions were beneficial and the previous owner had the tract map extended. Staff also added that changing regulations could be difficult to enforce, and that legally, the extensions or reinstatements were for new Site Plans.

Commissioner Pak noted that Garden Grove needed a good place for people to live; that the contamination was remediated; and with no financing required, he would support the project.

Commissioner Dovich expressed his support and cautioned the owner to hire good contractors and be aware regarding the cost of overruns in order to keep within budget.

Commissioner Lazenby stated that with the new owner, he would be in favor of the project.

Commissioner Dovich moved to adopt Resolution No. 5748-11, pursuant to the facts and reasons contained there in, approving Site Plan No. SP-465-11, seconded by Commissioner Silva. The motion received the following vote:

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

MATTERS FROM  
COMMISSIONERS:

Commissioner Pak announced that the Korean Festival would be at the Courtyard Center on October 14th, 15th, and 16th; that the parade would be at 3:00 p.m., Saturday, October 15th with a new route beginning at Home Depot and up through Main Street to the clock tower at Euclid Street; and that the Mayor of Anyang would visit Garden Grove with a delegation.

Commissioner Brietigam expressed that he would like to see the landscaping begin on Lampson Avenue as soon as possible.

Staff introduced Bill Murray as the new Public Works Director and City Engineer along with Associate Engineers, Monica Robledo and Tony Aquino.

Commissioner Dovich thanked Chair Bui and Staff for the Brown Act training and suggested on-site visits to view City standards.

MATTERS FROM  
STAFF:

Staff stated that there would be no Planning Commission meeting on Thursday, October 6th and that the next regular meeting would be Thursday, October 20th, 2011.

ADJOURNMENT:

Chair Bui moved to adjourn the meeting at 8:30 p.m., seconded by Commissioner Brietigam. The motion received the following vote:

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

JUDITH MOORE -Recording Secretary