

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
JANUARY 6, 2005

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 AND KELLEHER

ABSENT: None.

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Paul Wernquist, Urban Planner; Noemi Bass, Assistant Planner; Robert Fowler, Police Department; Dan Candelaria, Civil Engineer; Keith Jones, Public Works Director; 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 AND KELLEHER

ABSENT: None.

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Paul Wernquist, Urban Planner; Noemi Bass, Assistant Planner; Robert Fowler, Police Department; Dan Candelaria, Civil Engineer; Keith Jones, Public Works Director; Judy Moore, Recording Secretary.

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

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Butterfield moved to approve the Minutes of December 2, 2004, seconded by Commissioner Hutchinson. The motion carried with the following vote:

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

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NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC
HEARING: CONDITIONAL USE PERMIT NO. CUP-149-04
APPLICANT: GREG CHASE
LOCATION: NORTH SIDE OF WESTMINSTER AVENUE, BETWEEN A BETTER WAY AND
NEWHOPE STREET AT 11611 WESTMINSTER AVENUE.
DATE: JANUARY 6, 2005

REQUEST: To allow a contractor's storage and equipment yard on an approximately 1.83 acre site. The property is in the M-1 (Limited Industrial) zone.

Staff report was reviewed and recommended approval.

Commissioner Butterfield asked where visitor parking was located. Staff replied that typically, there are no visitors and that the parking is used for employee's vehicles. Also, there will be four handicap spaces as required by code.

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

Mr. Greg Chase, the applicant, approached the Commission.

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

Chair Jones asked for clarification of the additional 15 foot front yard setback as the plans indicate less than the 15 foot required setback. Mr. Chase replied that the plans were preliminary and a revised set would be submitted showing the correct setback.

Commissioner Butterfield asked Mr. Chase how many employees work for him. Mr. Chase replied that he has 75 employees and that approximately half work at the Garden Grove office facility and the other half work in Irvine. He also stated they store their own equipment.

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

Commissioner Butterfield moved to approve Conditional Use Permit No. CUP-149-04, seconded by Vice Chair Callahan, pursuant to the facts and reasons contained in Resolution No. 5474. The motion received the following vote:

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

PUBLIC
HEARING: CONDITIONAL USE PERMIT NO. CUP-151-05

APPLICANT: DAVID S. KIM
LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF BEACH
BOULEVARD AT 8100 GARDEN GROVE BOULEVARD.
DATE: JANUARY 6, 2005
REQUEST: To operate an adult day care center on a 1.85 acre site. The property is currently improved with two 6,765 square foot single-story buildings that the applicant proposes to occupy and operate as the adult day care business. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended approval.

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

Mr. Myung Chung, the applicant's representative and architect for the project, approached the Commission. He stated that the project would benefit the elderly community and he is aware there are sewer issues.

Chair Jones asked Mr. Chung if he had read and understood the revised Exhibit "A" Condition of Approval No. 13, which reads:

Water Services Division Conditions

13. "The Santa Ana Regional Water Quality Control Board mandates that additional flows cannot be added to sewer systems that have known sewer capacity deficiencies. In addition, the Garden Grove Sanitary District has the authority to suspend, condition, or deny any or all applications for connections or permits for sewer connections where the District's General Manager determines that such action is necessary to ensure that the aggregate operation capacity of the sanitary sewer system available to the affected property, for which the connection or permit is sought, will meet the discharge standards of the sanitary sewer system imposed by the Santa Ana Regional Water Quality Control Board. The General Manager has determined that the project site is in an area where the existing sewer is at or over capacity. Therefore, occupancy and related operational improvements on the site shall be subject to review and approval by the General Manager of the District. The applicant shall work with the District and the Water Services Division to mitigate any potential impacts on the existing sewer system. In order to ensure compliance with the District's regulations, the applicant may be required to limit occupancy load, restrict operating conditions, modify plumbing fixtures, and implement and maintain any other restrictions or requirements as may be prescribed by the General Manager of the District. All restrictions, requirements, or limitations that may be imposed by the General Manager shall be deemed a part of, and incorporated within, the Conditions of Approval for this Conditional Use Permit. The applicant shall also fully comply with such restrictions, requirements, and limitations prior to occupancy of the site, issuance of a business license, and the commencement of the operation of the adult day care facility."

Mr. Chung replied yes.

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Mr. Chung replied yes.

Chair Jones asked Mr. Chung for the project time-line. Mr. Chung replied that his client would be ready to move in as soon as possible because the lease for the existing location will expire in two and a half to three months. The new building is clean and ready to move in.

Commissioner Hutchinson cautioned Mr. Chung that the revised Condition of Approval No. 13 would limit the use of the facility.

Mr. Chung agreed; however, he stated that after the hearing, the issues in regard to the quantity of toilets, fixtures, and occupancy load would be finalized as he works further with the City.

Commissioner Hutchinson asked Mr. Chung what he would do when the lease expires on his other facility and then it is apparent that the new facility cannot accommodate the same number of people? He also reminded Mr. Chung that two years may pass before the sewer upgrade is completed.

Mr. Chung replied that 120 people could be accommodated at the new facility.

Staff replied that the occupancy load for the new facility is still under discussion and that the existing sewer line is up to 77% capacity. At this time, the new facility cannot accommodate 120 people until the sewer line is upgraded in the next year and a half, and even if the project were approved, if the 120 occupancy load could not be sufficiently decreased, the permit would have to be denied.

Mr. Chung stated that one toilet is required per 15 persons, therefore approximately eight toilets would be required. He also commented that the occupants are typically at the facility five to six hours a day and this would not impact the sewer.

Staff commented that the new building contains a combination of 19 water closets and urinals; however, less than 19 would be available for use.

Commissioner Barry asked if sewer capacity is measured by number of water closets only or is kitchen use included?

Staff commented that the occupancy load and fixture count, which includes items such as faucets, toilets or sinks, assists in determining the waste water flow. Kitchen use is also a factor and in this case, the kitchen would not be allowed.

Mr. Chung stated that a catering service would provide the necessary food and drink services and that the kitchen would be used at a minimum level only.

Staff replied that food and drink service must include service items, such as paper plates, which do not require kitchen use.

Chair Jones asked Staff that if the project were approved, after occupancy, how would the facility be monitored for compliance? Staff replied that the City would monitor the facility, and that the applicant would be accountable to the Santa Ana Regional Water Quality Board.

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Staff stated that it is not clear where the sewer lines hook up. If new occupants move into the existing day care building and have much the same sewer use, the flows would not be mitigated. And, the applicant should be fully aware that there would be severe restrictions on occupancy for a year and a half. Staff also commented that a conclusion to the sewer study problems would be available in approximately two weeks.

Commissioner Butterfield asked Staff to confirm that a permit could not be issued until all the requirements were met. Staff replied yes.

Commissioner Barry and Commissioner Kelleher suggested continuing the case to a time when more decisive information would be available.

Mr. David Kim, the applicant/owner, approached the Commission and stated that he would like to work with the City to see if the project is feasible, and also commented that over the last year he has invested a lot of money into the project.

Ms. Verla Lambert approached the Commission and commented that she is in favor of a project like this.

Commissioner Barry stated that Conditions of Approval Item No. 2 states that the applicant shall comply with all applicable laws.

Mr. Chung approached the Commission and stated that the Health Department had no comment regarding not cooking food in the facility. He would also be willing to maintain the minimum number of fixtures required.

Chair Jones commented that the main concern is the moving the people from one facility to another and what impact such a move would have on the sewer capacity.

Commissioner Barry commented that not only would the subject property be impacted, the sewer line issues would affect the surrounding businesses and cause increased liability. Staff agreed.

Mr. Chung responded that the subject property is zoned 'commercial', and that the previous users had legal rights to use the project as is without the restrictions of Conditions of Approval.

Commissioner Barry cited that previously, the conditions were different, and as a new owner, the current requirements must be met.

Chair Jones agreed that another owner not requiring a conditional use permit could move in and not be subject to the conditions.

Staff commented that the occupancy load for the new building has been limited for some time.

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

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Commissioner Hutchinson commented that the project is good, but it is being rushed through without regard to money already spent, which in turn causes additional concern for the project. Also, after the move, if new renters moved into the existing facility, they would use the sewer to its capacity. With regard to the sewer problems, nothing would be gained unless the existing facility would be torn down.

Commissioners Barry and Kelleher agreed that waiting for more reliable information would be better.

Vice Chair Callahan also agreed that if the project were approved the conditions would still need to be met before a permit would be issued.

Chair Jones commented the project looks good and is confident Staff can resolve the sewer issues; however, he is open to allowing Staff the time to get more information.

Commissioner Barry moved to continue the case to February 3, 2005, seconded by Commissioner Hutchinson. The motion received the following vote:

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

ELECTION OF
CHAIR AND VICE
CHAIR:

Chair Jones motioned to continue the election to February 3, 2005, seconded by Commissioner Barry. The motion received the following vote:

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

MATTERS
FROM
COMMISSIONERS:

Vice Chair Callahan commented that the trash dumping continues behind the Pep Boys store. To assist in curtailing this activity, he suggested that surveillance cameras might help as well as posting signs in both English and Spanish stating that fines would be issued for dumping. Staff replied that cameras and frequent security patrols would help and that the matter is being looked into.

Chair Jones complimented Staff on their responsiveness concerning a Chinese restaurant located on the northeast corner of Brookhurst St. and Westminster Ave. The owner suggested painting a 'keep clear' striping in the street and the request was implemented a few days later.

Commissioner Butterfield commented that a traffic island, located at Nelson St. and Stanford Ave., interferes with the traffic lane and that drivers must steer to the right to miss hitting it. She suggested reflectors for night travelers. Staff replied that the matter would be

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looked into.

MATTERS
FROM STAFF: None.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

JUDITH MOORE
Recording Secretary

looked into.

MATTERS
FROM STAFF: None.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

JUDITH MOORE
Recording Secretary

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MATTERS
FROM STAFF: None.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

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