

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
MARCH 20, 2003

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

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Greg Simonian, Attorney; Susan Emery, Planning Services Manager; Karl Hill, Sr. Planner; Rosalinh Ung, Urban Planner; Tony Aquino, Associate Engineer; 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, NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Greg Simonian, Attorney; Susan Emery, Planning Services Manager; Karl Hill, Sr. Planner; Rosalinh Ung, Urban Planner; Tony Aquino, Associate Engineer; and Teresa Pomeroy, Recording Secretary.

PLEDGE OF
ALLEGIANCE:

The Pledge of Allegiance to the Flag of the United States of America was led by Commissioner Hutchinson and recited by those present in the Chamber.

ORAL

COMMUNICATION: None.

APPROVAL OF
MINUTES:

Commissioner Hutchinson moved to approve the Minutes of March 6, 2003, with a correction, seconded by Vice Chair Jones. The motion carried with the following vote:

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

CONTINUED
PUBLIC

HEARING:
APPLICANT:
LOCATION:

CONDITIONAL USE PERMIT NO. CUP-102-03
DUNG HANG TANG
WEST SIDE OF EUCLID STREET NORTH OF BUSINESS CENTER
PARKWAY AT 14291 EUCLID STREET #D-101
MARCH 20, 2003

REQUEST:

To allow live entertainment in the form of a solo performer at an existing restaurant (Pho Hoa An Restaurant) currently operating under a State Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine, Bona Fide Eating Place) License. The site is located in the Planned Unit Development No. PUD-104-81/86/91 zone.

Staff was directed to prepare a resolution that prohibited amplified sound, the wide screen TV and stage, and to include the word "paid" in reference to a professional performer. Staff provided the modified resolution to the Commission and recommended approval.

Vice Chair Jones noted that the applicant's representative, Mr. Andy Quach, contacted him to ask whether they would have the opportunity to approach the Commission to discuss the use of amplified sound. He moved to reopen the public hearing for testimony, seconded by Commissioner Nguyen. The motion failed with the following vote:

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

Commissioner Hutchinson commented that he understood that the applicant had already agreed to the modifications to the conditions that were made at the last public hearing.

Vice Chair Jones noted that amplified sound issues have come up before, and that this is really an issue of noise level as opposed to amplified sound. A baby grand piano can be louder than a keyboard that utilizes amplification.

Commissioner Hutchinson noted that there were residents who complained about the noise and the police were concerned about customers only drinking in the restaurant because of the entertainment. Also, the police department supported the request for limited entertainment without amplification. He expressed his view that there was no reason to discuss this issue further.

Vice Chair Jones commented that there is a difference between noise and amplification. Commissioner Hutchinson commented that if the noise is amplified, it is more likely to be heard outside the establishment.

Vice Chair Jones asked whether a keyboard could be considered if the sound was kept to a moderate level. Chair Butterfield asked who would monitor the noise level.

Commissioner Nguyen speculated that an amplifier on a smaller scale could be a solution.

Chair Butterfield expressed concern with the history of noncompliance from this applicant.

Commissioner Nguyen suggested that he be allowed a keyboard and given a six-month review period.

Doug Holland noted that the applicant could come back in six months and ask for a modification of the conditional use permit.

Commissioner Hutchinson noted that the police were adamantly against amplified sound because of the noise issues. There were people who attended the public hearing who live adjacent to the center that complained about noise. There were also calls for service at this business for intoxicated patrons and fighting. The Commission worked on establishing conditions that was agreed on by the applicant and acceptable to the public at the previous public hearing.

Commissioner Hutchinson moved to approve Conditional Use Permit No. CUP-102-03, with the amendments as directed by the Planning Commission to prohibit amplified sound, to remove the wide screen TV and stage, and to allow a paid professional solo performer only, seconded by Commissioner Callahan, pursuant to the facts and reasons contained in Resolution No. 5349. The motion carried with the following vote:

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

CONTINUED
PUBLIC
HEARING:

NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-4-02
PLANNED UNIT DEVELOPMENT NO. PUD-146-02
SITE PLAN NO. SP-318-02
VARIANCE NO. V-296-02
TENTATIVE TRACT MAP NO. TT-16449
DEVELOPMENT AGREEMENT

APPLICANT:
LOCATION:

JOHNSTON REAL ESTATE
SOUTHEAST CORNER OF CHAPMAN AVENUE AND NUTWOOD
STREET AT 10510 CHAPMAN AVENUE

DATE:

MARCH 20, 2003

REQUEST:

To allow a change to the General Plan designation from OP (Office Professional) to LMDR (Low Medium Density Residential) and rezone an approximate 1.78 acre site from OP to Residential Planned Unit Development. Also a request for a Variance to deviate from the required minimum lot size, a Site Plan to construct 16 single-family homes, a Tentative Tract Map for a 19-lot subdivision and a Development Agreement.

Staff report was reviewed and recommended that the Planning Commission recommend approval of the General Plan Amendment, Planned Unit Development and a Development Agreement to City Council, and recommended approval of the Site Plan, Variance, and a Tentative Tract Map. Staff noted that the applicant is proposing to construct a three foot wide raised median along the center line of Nutwood Street to prohibit left turns in and out at the north access point of the project. The center median addresses the concern that was expressed at the previous public hearing for traffic stacking along Nutwood Street and the Chapman Avenue intersection. The design and placement of the median have been reviewed and accepted by the Traffic Engineer. The Traffic Commission approved the installation of a left turn signal on Chapman Avenue at Nutwood Street on March 13, 2003. A copy of the staff report and minutes of the Traffic Commission have been made available to the public.

Doug Holland noted that Commissioner Nguyen would abstain from voting, as she was not present during the first public hearing.

Commissioner Hutchinson verified with staff that a traffic study was not done for the site. Staff stated that was correct. Commissioner Hutchinson commented that the median could be a problem for the apartment complex adjacent to the project. He noted that the only thing different about this project is the median.

Commissioner Barry asked if the median would impact the alley, which would affect the Boys and Girls Club. Staff stated no, because the end of the median would be in line with the northern access point of the project.

Commissioner Hutchinson asked whether the apartment complex has been notified about the proposed median. Staff stated no.

Vice Chair Jones questioned whether traffic engineering thought the raised median is necessary. Staff stated that it is necessary in order to limit conflict points of vehicles coming in and out of the project and vehicles coming out onto Nutwood Street and onto Chapman Avenue.

Chair Butterfield asked if this was suggested by traffic engineering staff or by the applicant. Staff stated that it was a joint effort between the applicant and the traffic engineer.

Commissioner Freze noted that they were assured at the previous public hearing that they would be provided a traffic study. Staff stated that the study only reviewed the signal at Nutwood and Chapman, and not a traffic study, because the proposed project would not generate enough traffic during peak hours.

Commissioner Freze stated that they asked for a traffic study and a redesign of the project. He does not disagree with the information provided, however, he would like to see additional data. He expressed his frustration that what they had asked for was not provided, and referred to the minutes from the previous public hearing, pointing out that the applicant stated he would be happy to work with staff to redesign the project.

Vice Chair Jones commented on the study session presentation given by Traffic Engineering where it was stated that access points off of major arterial streets are not encouraged.

Commissioner Hutchinson commented that this is a small lot subdivision that will have a density that will create problems with traffic.

Commissioner Barry noted that the staff report makes a comparison on the current use to the proposed use that is misleading because the numbers for trip generation aren't accurate. They need accurate and relevant information based upon what is going on today in order to make an informed decision.

Vice Chair Jones stated that the numbers for trip generation are based upon what the current use is built to accommodate, and the proposed use would be a lower volume usage of the street.

Commissioner Freze thought that if one of the homes were eliminated, access off of Chapman would be feasible.

Commissioner Barry thought that if there is a problem with Chapman access, then the project is going to generate more trips than what is estimated. She suggested that there be a left turn arrow to turn south

onto Nutwood, and could be signalized so that traffic could leave the site off of Chapman Avenue without oncoming traffic.

Commissioner Freze observed that during the midday there is traffic congestion at this intersection, and the northern most driveway will be impacted regardless of a median. If there were a left turn arrow, this would create a break for people to utilize a Chapman access.

Chair Butterfield noted that the traffic engineer does not recommend access off of a major arterial, and the northern most driveway would not necessarily be the one to leave the project, and would be for right turns only out of the project.

Commissioner Barry noted the many other facilities and businesses that have Chapman frontage that all exit Chapman Avenue. If this project is going to generate as few trips as has been estimated, then a Chapman access should not make a difference.

Staff commented that it is a safety issue to prohibit access off of Chapman; and the Nutwood traffic is designed for residential speeds and would be safer.

Commissioner Hutchinson pointed out that there are several new housing developments that exit onto major arterials.

Vice Chair Jones commented that when there is the option because of having the accessibility to a residential street as opposed to a major arterial, traffic engineering would not want access from the major arterial street.

Commissioner Hutchinson commented that he understood the Traffic Engineer made a statement that they don't recommend variances for traffic related issues. He is aware that the number of homes for this proposal would not warrant a traffic study, however, this is a small lot subdivision and they asked for a traffic study.

Commissioner Freze noted that the minutes from the first public hearing for this project state "Chair Butterfield asked Mr. Johnston if he would be willing to redesign the project and continue this request. Mr. Johnson stated that he would be happy to work with staff and come back with a new design. Commissioner Freze moved to continue this item off-calendar to wait for a traffic study and to give the applicant the opportunity to redesign the project, seconded by Commissioner Barry."

Vice Chair Jones stated that he would like to have the applicant give an explanation on what had transpired between now and the previous public hearing.

Commissioner Hutchinson stated that they spent a lot of time on this item and there were many people who spoke and they could not make a

decision. They are now faced with the exact same project and they have not been given enough information to vote for the project.

Commissioner Barry agreed that they need to have more information.

Commissioner Freze noted that he has respect for the engineering staff, but as he is also an engineer, he would like to look at data in order to reach a conclusion.

Commissioner Barry moved to continue this item off-calendar in order for the applicant to submit a traffic study and a new design, seconded by Commissioner Hutchinson. The motion carried with the following vote:

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

MATTERS
FROM

COMMISSIONERS: None.

MATTERS
FROM

STAFF:

Staff informed the Commission that the Oasis car wash was temporarily closed due to a family emergency, however, the automated portion of the car wash is still operating.

ADJOURNMENT: The meeting was adjourned at 8:15 p.m.

TERESA POMEROY
Recording Secretary