

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
APRIL 1, 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 BUTTERFIELD, HUTCHINSON, KELLEHER, AND NGUYEN
ABSENT: COMMISSIONER BARRY

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Planning Services Manager; Maria Parra, Planning Intern; Ken Anderson, Engineer; Judy Moore, Principal Office Assistant; 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 JONES, VICE CHAIR CALLAHAN, COMMISSIONERS BUTTERFIELD, HUTCHINSON, KELLEHER, AND NGUYEN
ABSENT: COMMISSIONER BARRY

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Planning Services Manager; Maria Parra, Planning Intern; Ken Anderson, Engineer; Judy Moore, Principal Office Assistant; 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 Butterfield moved to approve the Minutes of March 18, 2004, seconded by Commissioner Nguyen. The motion carried with the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-339-04

APPLICANT: THUY NGUYEN
LOCATION: SOUTH SIDE OF LAMPSON AVENUE WEST OF LORNA STREET AT 8672
LAMPSON AVENUE
DATE: APRIL 1, 2004
REQUEST: To allow the construction of a two-story residential duplex on an 8,680 square foot lot located in the R-3 (Multi-Family Residential) zone.

Staff report was reviewed and recommended approval with an amendment to the conditions of approval that include deleting condition no. 12, and adding the following to condition no. 19: "The applicant may provide an in-lieu cash payment in an amount equal to the value of the needed street improvements (curb, gutter and sidewalk), as determined by the Engineering Services Division, prior to the issuance of any permits."

Commissioner Butterfield asked for clarification on where the laundry room would be located in the second unit. Staff responded that in order for the project to provide guest parking in front of the garage and meet required setbacks, the size of the garage had to be reduced, and the laundry room relocated to the study.

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

Mr. Hung Hnynh, the representative and designer of the project, approached the Commission.

Chair Jones asked whether he has read and accepts the conditions of approval including the amendment to the conditions. Mr. Hnynh stated yes, and he asked for the Commission's support.

Commissioner Hutchinson asked Mr. Hnynh whether staff informed him that there might be a sewer capacity problem. Mr. Hnynh stated no. Staff noted that condition no. 10 addresses sewer capacity.

Commissioner Butterfield asked how the applicant would address this problem.

Mr. Ken Anderson, City Engineer, stated that the remedies are dependant on the nature of the problem and the size of the development. A sewer capacity study would determine the potential problems.

Commissioner Butterfield noted that the developer is required to do a sewer study, and she asked who picks the group to do the study. Mr. Anderson stated that the Garden Grove Sanitary District provides a list of consultants.

Commissioner Kelleher asked how the contractor is selected to do repair work. Mr. Anderson stated that the City has a list of contractors that can be contacted.

Mr. David Bierman, of 12511 Lorna, approached the Commission. He stated that this project is directly behind his property, and he is

concerned about losing reception for his ham radio. He lives on disability and cannot afford to buy a taller antenna. Also, he is concerned that a two-story structure would compromise his privacy.

Staff noted that the height of the unit is below the code requirement.

Mr. Hnyh approached the Commission and stated that the garage would face Mr. Bierman's property, and the second story windows are on the north side and won't face his property.

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

Commissioner Hutchinson commented that he wished for a solution for Mr. Bierman's antenna; however, they cannot stop the project for this reason. The parking concern has been addressed, and he asked staff to ensure that the windows be placed to protect the neighbor's privacy.

Commissioner Kelleher pointed out that the project has windows on the west side that will look down on the adjacent property; however, the conditions do require that privacy concerns be addressed.

Commissioner Hutchinson moved to approve Site Plan No. SP-339-04, with the amended conditions as recommended by staff, seconded by Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5412. The motion received the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-340-04
VARIANCE NO. V-108-04

APPLICANT: LAM NGUYEN

LOCATION: NORTH SIDE OF ACACIA PARKWAY EAST OF NELSON STREET AT 10791 ACACIA PARKWAY

DATE: APRIL 1, 2004

REQUEST: To allow construction of three detached two-story residential units on a 15,854 square foot lot, with a Variance to deviate from the required lot size and lot width. This site is in the CCSP-CCR20 (Community Center Specific Plan-Community Center Residential District 20) zone.

Staff report was reviewed and recommended approval with an amendment to the conditions to delete condition no. 14.

Commissioner Hutchinson asked if there is any parking on the west side of the project. Staff stated yes.

Chair Jones noted that there would be a dedication as a result of the project that would give another 20 feet of space.

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

Mr. Bart Kasperowicz, representative for the applicant, approached the Commission. He thanked staff, and pointed out that the staff report notes the project's density is far below what is allowed by code. The project also exceeds the required parking.

Mr. Lam Nguyen, the applicant and architect for the project, approached the Commission. He noted the requirement to provide a sewer study, and asked if under the worse case scenario whether he could use a septic tank.

Mr. Ken Anderson, City Engineer, stated that the Orange County Health Department would not allow a septic tank. Mr. Nguyen asked if the result of the study indicated work would be needed, would there be any way to accomplish it. Mr. Anderson indicated that there might not be a cost effective way to address this issue.

Commissioner Butterfield asked whether there was any attempt to acquire the property on the west side. Mr. Nguyen stated that they contacted the owner, but the owner was not ready to negotiate.

Chair Jones asked if he agrees with the conditions of approval including the revision. Mr. Nguyen stated yes.

Commissioner Kelleher noted that the plans did not show a location for a hot water heater on the back two units. Mr. Nguyen stated that they would use a very small unit that will provide hot water.

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

Commissioner Kelleher expressed misgivings about the Variance for the 54 foot 8 inch frontage, and not being able to provide enough parking as the units each provide four bedrooms. The project meets the parking requirements; however, it does not take into consideration the potential for the number of cars that these units might have in the future. Fire safety is a real concern and fire apparatus would not be able to get into the back area of the site. He cannot support the project as it has been submitted.

Commissioner Butterfield asked about the over-capacity issue and how the developer can address this if the sewer line is already over-capacity.

Mr. Anderson stated that if a sewer study confirms the information in the Master Plan, it is believed that there is a deficiency in the diameter of the pipes that would not be adequate for new development.

Commissioner Butterfield asked who would pay for the new pipes. Mr. Anderson stated that this area is scheduled for infrastructure upgrades

in 2012. If the project were done now, the developer may incur the cost.

Commissioner Kelleher noted that the properties around this site have older structures, and if there were future development on those properties it would exacerbate the capacity problem.

Vice Chair Callahan agreed with Commissioner Kelleher, and stated that it is wrong to develop this area in this piecemeal way. This is a perfect area for a future redevelopment site.

Chair Jones stated there is a housing crisis, and there are sewage capacity issues all over town. People do studies and find ways to mitigate. This project is proposing density that is far less than what code allows, and he does not believe that an applicant can be required to fulfill a financial obligation for something that is outside the scope of what they own or can do. He does not see a problem with this proposal and is in support of the request.

Commissioner Butterfield stated that the developer will have to meet the requirements and there are no easy answers. She would have liked it if the other property were consolidated with this site; however, there is still the issue of over-capacity of the sewer system.

Commissioner Hutchinson stated that the sewer is not the main issue, and there is a problem with the narrow size of the lot. There should be a reason to approve a Variance and findings made to approve it. He expressed his view that there are problems with this project.

Chair Jones commented that there are going to be impacts with any new development, which is why there are impact fees. He thinks that it is wrong to stop development or place a moratorium on development. Sprinkling is a common way of mitigating fire and is acceptable to the Fire Department. The project meets the parking requirements, and he would like to know what the impact really is.

Commissioner Nguyen asked where the Fire Department stands with this project. Staff responded that the conditions require a fire hydrant to be installed at the street, and the rear unit is required to have sprinklers.

Commissioner Nguyen pointed out to the applicant that if the conditions as stated are not met the project cannot go through, and asked whether Mr. Nguyen was completely aware of that. Mr. Nguyen responded that he was aware. She continued by stating that if the developer understands that there are conditions that have to be met, there is no reason not to approve the project. The developer can work out the issues with Public Works, and if the Fire Department doesn't have an issue there is no reason not to approve the project.

Commissioner Butterfield noted that on Westlake Street there are many small frontage lots that had older homes, and there have been a number of new homes built within the last ten years. She questioned staff whether this was allowed because it is an existing condition.

Staff indicated that these are new single-family homes replacing existing single-family homes.

Commissioner Butterfield stated that she would like to make a motion to approve this with reservations. They have approved this type of Variance many times. She is concerned about the sewer; however, the developer will have to meet the requirements in the conditions of approval.

Commissioner Butterfield moved to approve Site Plan No. SP-340-04 and Variance No. V-108-04, with the amendment to the conditions of approval, seconded by Chair Jones. The motion failed with the following vote:

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

Chair Jones asked whether they could deny the request without prejudice and whether this would require the applicant to pay more fees. Doug Holland responded that if they deny the request without prejudice, the applicant would have a year to come back with the proposed project, but would be subject to paying fees.

Commissioner Hutchinson stated his concern is for the numerous Variances that are requested. It is important to uphold the City code, as it is there to protect the City and its citizens. If there is not a good reason to vote for a Variance, then he won't support it.

Vice Chair Callahan stated that he does not think that this project would be good for the City, and thought that they should wait until something better comes along.

Commissioner Kelleher agreed and stated that the Variance is not a good thing.

Chair Jones commented that accommodations should be made for the changes that have happened within the last 20 years. The City is no longer strawberry fields, but is a growing and well-populated community. They can either update the code, which could be an elaborate and expensive project, or they can review projects on a case-by-case basis, which may require approval of a Variance. He asked whether it would be appropriate to continue this request, as Commissioner Barry is absent. Doug Holland stated yes.

Chair Jones moved to continue this request to the Planning Commission meeting on April 15, 2004, seconded by Vice Chair Callahan. The motion received the following vote:

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

ITEM FOR
CONSIDERATION: ADOPTION OF CODE OF ETHICS
DATE: APRIL 1, 2004

REQUEST: An annual acknowledgement for the City's Code of Ethics for Public Officers and Employees.

MATTERS
FROM

COMMISSIONERS: Commissioner Kelleher noted that the dumping behind the Pep Boys at Katella and Euclid is outrageous, noting that there appeared to be at least a dozen large pieces of furniture that have been broken up and left. Staff noted that Code Enforcement is aware of this problem and is working with the owner to correct the problem. One approach to resolve this problem is to require more frequent trash pick-ups and better lighting.

Commissioner Butterfield suggested installing razor wire on the block wall fence behind the Pep Boys.

Commissioner Kelleher noted a resident on the east side of 9th Street, north of Lampson Avenue consistently uses their front yard for parking.

Commissioner Hutchinson noted that many times when developments are created without providing adequate parking it becomes a problem in the future. With the potential for red curbing of streets, it is important to be aware that street parking may not be a solution. The purpose of planning is to address and mitigate potential problems associated with development.

Commissioner Nguyen agreed that red curbing is often approved by the Traffic Commission in order to provide better visibility; however, the red curb may only represent parking for about four cars.

Chair Jones agreed that parking is an issue and should be addressed creatively, e.g., give up a portion of landscape setback in order to provide more parking.

MATTERS
FROM STAFF:

Staff reviewed the tentative items for the April 15, 2004 Planning Commission meeting. Scheduled for May 19th, there will be a Community Visioning workshop that the Commissioners will be receiving an invitation to attend. Staff will be available at various stations in the Community Meeting Center to provide information and to receive feedback. Some time in June, the City will hold a Community Forum

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

TERESA POMEROY
Recording Secretary