

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
JUNE 2, 2005

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 CALLAHAN
COMMISSIONERS BARRY, CHI, KELLEHER, LECONG AND
MARGOLIN

ABSENT: VICE CHAIR JONES

ALSO PRESENT: Doug Holland, Deputy City Attorney; Jason Retterer, Associate Attorney; Karl Hill, Senior Planner; Maria Parra, Assistant Planner; Dan Candelaria, Civil Engineer; Sarah Yoo, Planning Intern; Judy 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: None.

APPROVAL OF MINUTES: Commissioner Chi moved to approve the Minutes of May 19, 2005, seconded by Commissioner Margolin, with the following amendments:

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Commissioner Chi favored the project; however, he had significant concerns including the possibility of the neighboring Meredith property being incorporated into the PUD, the traffic study with reference to signal locations and coordination, traffic circulation with regard to resident's safety, and the height and integrity of both the delivery truck entrance and the main parking entrance.

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Commissioner Chi moved to continue the case so as to further study traffic and circulation concerns.

The motion carried with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	JONES
ABSTAIN:	COMMISSIONERS:	BARRY

PUBLIC

HEARING: VARIANCE NO. V-126-05
APPLICANT: DANIEL & DARLENE HARTSON
LOCATION: SOUTHEAST CORNER OF TUNSTALL STREET AND VANGUARD AVENUE
AT 12062 TUNSTALL STREET
DATE: JUNE 2, 2005

REQUEST: To allow a single-story attached addition to an existing single-family residence to deviate from the required rear yard setback, the rear yard setback open-space requirement, and the required street setback for the new garage. The site is in the R-1 (Single Family Residential) zone.

Staff report was reviewed and recommended denial. The applicant submitted a letter in support of the request and attached the letter to the architectural plans.

Commissioner Barry asked staff if there was an additional option that did not require a Variance.

Staff replied that one of the alternatives to eliminate the need of a Variance would be to redesign the front of the property by reconfiguring the garage to have a straight in access off Tunstall Street and to relocate the front door; however, the applicant wants the addition in the rear yard.

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

Mr. Dan Hartson approached the Commission and expressed his concerns regarding the rear yard setback 10'-0" dimension, the 18'-0" garage setback dimension, the garage size, the number of parking spaces available on his property, the exceptional circumstances findings, the similarity of other corner lots, Option No. 1, which would leave his garage 12'-6" wide with a small patio area, Option No. 2 which would create a third Variance for a detached, 14'-6" wide garage, the gate in front of the driveway, the overall aesthetics of the house, with particular regard to the roof line.

Commissioner Barry asked Mr. Hartson if his main garage could be used for the handicap van.

Mr. Hartson replied that there is no door from the house into the garage.

With regard to design Option No. 1, Commissioner Chi asked Mr. Hartson if the aesthetics of a nonconforming roofline was the main concern. Mr. Hartson replied that the 12'-0" wide garage was not acceptable, and that with Option No. 2, if the garage was set back, one roof would be higher than the other roof and an additional Variance would be required.

Commissioner Barry asked staff for clarification of the garage setback requirements. Staff replied that the recently modified requirements stipulate that the setbacks is 18'-0" for lots that are 6,000 square feet in size for R-1-6 and R-1-5 properties and that Mr. Hartson has an R-1-6 property.

No one spoke in favor of the request or two people spoke in opposition to the request.

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

Staff commented that to support the request, evidence would be required to support the four findings.

Commissioner Chi commented that if the new garage was set back 18'-0" and widened he would support Option No. 1; however, he could not support the request as put before him.

Commissioner Barry proposed that four findings do exist to support the request. She stated the following:

- There are exceptional circumstances in that the house is on a corner lot with a particular configuration.
- There is substantial property right in that others in the area enjoy similar property rights.
- The request is not materially detrimental in that there is sufficient parking on the street and other areas of the property.
- There is no adverse affect on the General Plan in that other houses in the neighborhood are similarly situated.

Commissioner Barry moved to instruct staff to prepare a resolution of approval, with Conditions of Approval attached, for Variance No. V-126-05, and to bring the resolution back to the next regular Planning Commission meeting, seconded by Commissioner Kelleher. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	CALLAHAN, CHI
ABSENT:	COMMISSIONERS:	JONES

PUBLIC HEARING:	CONDITIONAL USE PERMIT NO. CUP-161-05
APPLICANT:	INTERPRETATION OF USE NO. IOU-101-05
LOCATION:	REBORNE SALES, INC. (CHARLES H. LIM)
DATE:	SOUTHWEST CORNER OF BROOKHURST STREET AND CHAPMAN AVENUE AT 12081 BROOKHURST STREET.
REQUEST:	JUNE 2, 2005
	To determine if the proposed use of an indoor multi-tenant retail mall is a compatible and permitted use subject to Conditional Use Permit approval within the BCSP-BCC zone; and subsequent Conditional Use Permit approval to operate an indoor multi-tenant retail mall with an overall floor area of 37,000 square feet. The area was formerly occupied by the Newberry's retail store and the site is in the BCSP-BCC (Brookhurst Chapman Specific Plan-Brookhurst Chapman Commercial) zone.

Staff report was reviewed and recommended approval.

Commissioner Barry asked staff to clarify the 15% gross floor area limitation for tenant space. Staff replied that this percentage is used for tenant control and that limiting tenant spaces with one major tenant as a focal point, problems are less likely.

Commissioner Margolin commented that he had an earlier meeting with the applicant, Mr. Charlie Lim, who is also the president of Reborne

Sales, Inc. At that time, Mr. Lim stated he was more comfortable with 19% floor area for tenant spaces.

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

Mr. Michael Marevich, chief financial officer of Reborne Sales, Inc., approached the Commission and gave a brief history of the Reborne Sales company. He also commented that Mr. Lim's desire was to create a family shopping experience limited to experienced quality retailers and that the 19-20% limitation on tenant spaces would be the right percentage to avoid a swap meet atmosphere.

Commissioner Barry asked Mr. Marevich if he had read and agreed with the Conditions of Approval. Mr. Marevich replied yes, except for the 15% limitation. He stated that the 19% was more agreeable.

Mr. Charlie Lim, the applicant, approached the Commission and stated that the business name had been changed to 'Life Style'.

Commissioner Barry asked Mr. Lim if he would be responsible for renting out the tenant spaces. Mr. Lim replied yes.

With regard to Condition No. 11, referring to a 'grease trap', Commissioner Barry asked Mr. Lim if food was a permitted use. Mr. Lim replied no.

Staff also commented that Condition No. 11 is in place if at a future time a tenant wishes to modify the lease for food use.

Commissioner Barry also commented that Condition No. 46 states that uses must be complementary and that a food use would be complementary to shoppers.

No one spoke in favor of the request and one person spoke in opposition to the request.

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

Commissioner Chi commented that this project is the best use of the site and that he supports the idea of a family business as well as the 19% floor area. Commissioners Barry, Margolin, Kelleher and Chair Callahan agreed.

Commissioner Barry moved to approve Conditional Use Permit No. CUP-161-05 and Interpretation of Use No. IOU-101-05 with amendments to the following Conditions of Approval:

Condition No. 11: The first sentence shall be revised to read, "All food uses, if any, shall have a properly sized grease interceptor installed on the sewer lateral and maintained by the property owner."

Condition No. 21: The last sentence shall be revised to read, "The small tenant spaces combined square footage shall not exceed 19 percent of the gross floor area."

The motion was seconded by Commissioner Margolin, pursuant to the facts and reasons contained in Resolution No. 5499. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, CHI, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	JONES

PUBLIC HEARING: NEGATIVE DECLARATION (RECOGNIZE PREVIOUSLY ADOPTED)
MINOR MODIFICATION NO. MM-101-05
REV. SITE PLAN NO. SP-313-02

APPLICANT: JOHN KIM

LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN GALWAY STREET AND GILBERT STREET AT 9618 GARDEN GROVE BOULEVARD.

DATE: JUNE 2, 2005

REQUEST: The previously approved Site Plan No. SP-313-02 consisted of a 60,400 square foot two-story commercial building above a subterranean parking garage, and a 6,350 one-story pad building. The request is to reduce the square footage of the large two-story building to 51,050 square feet, and in place of the subterranean parking garage, construct a three-level above ground parking structure at the rear of the property. The pad building, parking layout, vehicle access, and landscaping on the northern half of the site will remain as originally approved. The site is in the C-2 (Community Commercial) zone.

Commissioner Chi excused himself from the discussion due to potential conflict of interest and left the dais.

Staff report was reviewed and recommended approval. One letter of opposition to the request was written by Mr. and Mrs. W.G. Walker.

Commissioner Barry expressed her concerns regarding the sound emissions from the open parking structure and added that the Conditions of Approval do not condition the hours for business operation.

Staff replied that the ten-foot wide strip would be landscaped to help alleviate noise.

Commissioner Barry asked staff for clarification of the conditions referring to mechanical roof equipment. Staff replied that for this project, the word "new" could be removed from Condition No. 5b and 5c.

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

Mr. John Kim, the applicant, approached the Commission.

Chair Callahan asked Mr. Kim if he had read and agreed with the Conditions of approval. Mr. Kim replied yes.

Mr. Kim gave a brief history of his property and stated that due to environmental problems, his project had to be redesigned.

Commissioner Barry expressed her concerns with regard to lighting and noise attenuation and suggested the applicant consult with a sound engineer.

Mr. Kim suggested a roof be constructed to cover the open space of the top level of the parking structure, and that the offices on the second floor close at 5:00 p.m., with their cars being parked on the first level.

Commissioner Kelleher cited his concerns with the air quality for the neighboring residences that would result from the exhaust emissions.

No one spoke in favor of or in opposition to the request. Mr. Jung Chung expressed his concerns regarding the property's parking spaces and the reciprocal parking agreement.

Staff commented that when the project first came before the Planning Commission, the applicant had to obtain a building restriction easement over the adjoining property to allow the design and construction of the project where it is shown on the property line. Staff also added that the adjacent church cannot build against the applicant's building. Staff further mentioned that the documents pertaining to these issues were provided to Planning Staff for the first public hearing.

Mr. Kim stated that he has a copy of the church agreement and that the agreement states that the church cannot build closer than 10'-0" away from his building, and that his own people could not be stopped from parking on the church property. Mr. Kim added that in return for the parking access, he would repave the church parking lot.

Also, Mr. Kim stated that the main reason the gates are closed is due to the shopping center being vacant, which attracts unwanted people and the dumping of trash; however, the gate would be open during business hours and a security guard would patrol the area making the area more safe for the neighbors.

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

Commissioners Margolin, Kelleher, Barry and Lecong favored the project.

Commissioner Barry moved to approve Minor Modification No. MM-101-05 and Rev. Site Plan SP-313-02 with amendments and additions to the following Conditions of Approval:

Condition No. 5 – Items b. and c. shall be revised to read:

- b. For any construction work, no roof-mounted mechanical equipment, including but not limited to satellite dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Planning Division prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets, including the surrounding properties.
- c. For any construction work, all ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.

Add Condition Nos. 63, 64 and 65:

Condition No. 63: All businesses shall operate between the hours of 7:00 a.m. and 11:00 p.m. seven days a week.

Condition No. 64: Sound mitigation measures shall be designed and incorporated into the parking structure in order to mitigate vehicular noise intrusion into surrounding properties. Additional considerations shall be given to restricting upper level parking in the evening hours, and the measures shall be done to the satisfaction of the Community Development Director.

Condition No. 65: At time of construction drawing submittal, the applicant/developer shall submit verification of reciprocal access agreements with the adjoining easterly property that takes access from Larson Street. In the event this agreement(s) does not exist, then the applicant/developer shall obtain such easement agreements in order to ensure reciprocal access and parking as part of the overall project development prior to obtaining building permits.

The motion was seconded by Commissioner Margolin, pursuant to the facts and reasons contained in Resolution No. 5500. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	CHI, JONES

MATTERS
FROM

COMMISSIONERS: Commissioner Margolin asked staff for clarification regarding speaking to clients prior to a Planning Commission hearing. Staff stated that the preferred action is to urge people to attend the Planning Commission meetings as the Commissioner's goal is to make decisions based on evidence at the hearings.

MATTERS

FROM STAFF: None.

ADJOURNMENT: The meeting was adjourned at 9:45 p.m.

JUDITH MOORE
Recording Secretary