

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
SEPTEMBER 16, 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, Community Development Director; Karl Hill, Senior Planner; Paul Wernquist, Urban Planner; Maria Parra, 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 BUTTERFIELD, HUTCHINSON, KELLEHER, AND NGUYEN

ABSENT: Commissioner Barry.

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Paul Wernquist, Urban Planner; Maria Parra, 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 Commissioner Hutchinson and recited by those present in the Chamber.

ORAL COMMUNICATION: None.

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

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

CONTINUED

PUBLIC

HEARING:

NEGATIVE DECLARATION

AMENDMENT NO. A-113-04

APPLICANT:

CITY OF GARDEN GROVE

LOCATION:

CITYWIDE

DATE:

SEPTEMBER 16, 2004

REQUEST:

A Code Amendment to delete the requirement for mini-storage facilities to be located adjacent to freeways.

Staff report was reviewed and recommended approval.

Commissioner Butterfield asked for clarification on the lighting. Staff replied lighting would be on the perimeter wall.

Commissioner Butterfield asked for clarification on the 'M-1' zoning designation. Staff replied that examples of permitted M-1 uses are manufacturing and heavy auto-body repair.

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

Mr. Ard Keuilian, the applicant, approached the Commission and commended staff. He stated that he has been working on the annexation of the Santa Ana property into Garden Grove for a year and a half, and that he agreed with the conditions of approval; but with several exceptions.

Mr. Keuilian commented that Condition No. 21 requires an additional ten feet to be dedicated for a total of 20 feet, and that Condition No. 40 requires that the business sign cannot be installed in the new ten foot dedication. Mr. Keuilian stated that he would like to install his sign in the new additional ten foot dedication so that the sign could be seen, and should the City require the additional ten feet, he would move his sign inward to his previously dedicated ten feet. He also commented that the main entrance would be located on the side instead of the front.

With regard to Condition No. 34, which states that the business must only be used for storage, Mr. Keuilian agreed; however, for the convenience of the self-storage customers only, pad locks, boxes and tape would be sold. The Commissioners agreed this type of sale would be acceptable.

With regard to business operating hours in Condition No. 44, Mr. Keuilian suggested the Pacific Standard Time hours be changed to '...7:00 a.m., and not after 7:00 p.m., seven days a week.'

Commissioner Butterfield asked Mr. Keuilian if he had a written agreement for sharing the driveway. Mr. Keuilian stated that he and his neighbor, Mr. Dang, who runs the auto glass shop, have agreed to share the driveway, and that they will have a written agreement as such.

Commissioner Callahan asked Mr. Keuilian if noise would be confined to the inside of the building. Mr. Keuilian replied yes.

Mr. Kas Sato approached the Commission and commented that he is not opposed to the project; however, he wondered where assistance would come from when future changes were made to the property, and what protection would he have from noise.

Mrs. Jackie Owen, a resident of Stonegate, expressed her concerns regarding the rezoning, noise levels and types of businesses allowed.

Chair Jones commented that the current process of imbuing conditions on properties allows more stringent control.

In addition, staff commented that the property is not being rezoned, but that there is an inconsistency between the General Plan and the zoning. The General Plan is being changed, and there will be a pre-zone for the property to be annexed. The Amendment to the zone will allow industrial storage.

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

Commissioner Butterfield asked for clarification on the location of the applicant's sign on the ten-foot dedication. Staff replied that an 'irrevocable offer of dedication' would be added as a condition.

Vice Chair Callahan moved to adopt the Negative Declaration and to recommend Amendment No. A-113-04 to City Council, seconded by Commissioner Butterfield, pursuant to the facts and reasons contained in Resolution No. 5454. The motion received the following vote:

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

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| PUBLIC HEARING: | NEGATIVE DECLARATION GENERAL PLAN AMENDMENT NO. GPA-5-04 |
| APPLICANT: | CITY OF GARDEN GROVE |
| LOCATION: | PROPERTIES LOCATED ON THE SOUTH SIDE OF WESTMINSTER AVENUE, WEST OF PARSONS PLACE. |
| DATE: | SEPTEMBER 16, 2004 |
| REQUEST: | To amend the General Plan Land Use Map, changing the land use designation of an approximately 2.25 acre area, from Light Commercial to Industrial. Also proposed, is to provide an Industrial land use designation to an adjacent land-locked, 27,522 square foot parcel of land to be annexed from the City of Santa Ana to the City of Garden Grove. |

Staff report was reviewed and recommended approval. One letter was written in opposition to the request.

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

Note: All testimony, for GPA-5-04, is the same as that for Amendment No. A-113-04.

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

Vice Chair Callahan moved to adopt the Negative Declaration and to recommend General Plan Amendment No. GPA-5-04 to City Council, seconded by Commissioner Butterfield, pursuant to the facts and reasons contained in Resolution Nos. 5455. The motion received the following vote:

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

PUBLIC
HEARING:

NEGATIVE DECLARATION
AMENDMENT NO. A-112-04
SITE PLAN NO. SP-350-04
VARIANCE NO. V-119-04
DEVELOPMENT AGREEMENT

APPLICANT:
LOCATION:

ARD KEUILIAN
SOUTH SIDE OF WESTMINSTER AVENUE, WEST OF PARSONS PLACE AT
11284 WESTMINSTER AVENUE.

DATE:

SEPTEMBER 16, 2004

REQUEST:

To construct a new 115,377 square foot self-storage facility on a 74,407 square foot lot, and a Variance to deviate from the required front yard setback. Also, a request for a Pre-zone to M-1 (Limited Industrial) to provide a zoning designation for a portion of the site proposed to be annexed into the City of Garden Grove. The site is in the M-1 (Limited Industrial) 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.

Note: All testimony, for Amendment No. A-112-04, Site Plan No. SP-350-04, Variance No. V-119-04 and the Development Agreement, is the same as that for A-113-03 and GPA-5-04.

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

Vice Chair Callahan moved to adopt the Negative Declaration, to recommend Amendment No. A-112-04, and the Development Agreement to City Council, and to approve Site Plan No. SP-350-04 and Variance No. V-119-04, with an amendment to Condition No. 21, by which the applicant shall record on the property, an 'irrevocable offer of dedication' to dedicate ten (10) feet of right-of-way along the property frontage for a total street half-width of 60 feet; and to Condition No. 40, which shall add that in the event the widening of Westminster Avenue occurs, the property owner is responsible for relocating any

signage, including any monument sign, located within the required ten (10) foot dedication; and to Condition No. 44, which shall be revised to read, "The hours of operation for the business shall be limited to the following in order to limit any possible noise disruptions to the abutting residences: not before 7:00 a.m., and not after 7:00 p.m., seven days a week," seconded by Commissioner Butterfield, pursuant to the facts and reasons contained in Resolution Nos. 5452 and 5456. The motion received the following vote:

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

PUBLIC
HEARING:

NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-6-04
AMENDMENT NO. A-114-04
SITE PLAN NO. SP-351-04
VARIANCE NO. V-117-04
TENTATIVE TRACT MAP NO. TT-16689

APPLICANT:
LOCATION:

LINH NGOC NGUYEN
NORTHWEST CORNER OF 11TH STREET AND KERRY STREET, AT 9721
EAST 11TH STREET.

DATE:

SEPTEMBER 16, 2004

REQUEST:

To change the land use designation to Low Medium Density Residential, and to rezone the site to an R-3 (Multiple Family Residential) zone; Also, a Site Plan and Tentative Tract Map to develop the 24,000 square foot site with eight (8) town homes, including a Variance for the recreation areas to encroach into the front setback, and the required parking to encroach into the street side-yard setback. The site is in the R-1-7 (Single Family Residential) 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. Bart Kasperowicz, the applicant's representative, approached the Commission and stated that the applicant agrees with the conditions of approval, and also commented that the property is located near a school and this will be a plus for the neighborhood.

Commissioner Hutchinson asked Mr. Kasperowicz if he or the applicant contacted any neighbors with regard to the project. Mr. Kasperowicz replied no.

Commissioner Butterfield asked for clarification of Condition No. 43 regarding the tree wells, and who takes care of them, and are root barriers provided? Staff replied that the Home Owner's Association is responsible for the trees and that under the landscape provisions, all trees planted within ten feet of the public right-of-way require a root barrie; this provision includes the three trees mentioned.

Mr. John Shepard approached the Commission and commented that the development would not have any benefit for the area, especially with regard to speeding traffic, the safety of children, and overcrowding.

Mr. Kasperowicz approached the Commission and sympathized with Mr. Shepard's concerns; however, the new development would not be an eyesore, and regarding safety, the area would be encompassed by a wall.

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

Commissioner Kelleher asked staff to clarify the number of parking spaces. Staff replied that the number of parking spaces is per code, that there is also street parking on Kerry Street, as well as six guest parking spaces, and that the parking garages must be available for two cars at all times.

Commissioner Nguyen commented that she liked the development but had concerns regarding the number of parking spaces.

Commissioner Butterfield moved to adopt the Negative Declaration, to recommend General Plan Amendment No. GPA-6-04, and Amendment No. A-114-04 to City Council, and to approve Site Plan No. SP-351-04, Variance No. V-117-04, and Tentative Tract Map No. TT-16689, seconded by Chair Jones, pursuant to the facts and reasons contained in Resolution Nos. 5448 and 5449. The motion received the following vote:

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

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| PUBLIC HEARING: | SITE PLAN NO. SP-352-04 TENTATIVE TRACT MAP NO. TT-16607 |
| APPLICANT: | WESTERN PACIFIC CAPITAL, INC. |
| LOCATION: | SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF YOCKEY STREET, AT 8800 GARDEN GROVE BOULEVARD. |
| DATE: | SEPTEMBER 16, 2004 |
| REQUEST: | To convert an existing 39-unit apartment complex into condominiums. The site is i |

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. Shawn Boyd, the property owner, approached the Commission and thanked the Commission and staff. He commented that the property lends itself to this type of project as an upscale conversion, notably for entry-level home-owners. He also stated he agrees with the conditions of approval with a few exceptions.

Mr. Boyd cited Condition No. 10 regarding the replacement of the driveway approach. He would like to see the condition's language modified to state 'replacing the driveway approach when necessary.'

Mr. Boyd noted Condition No. 25 regarding the 'flat roofs' on the garages. He would like the condition's language to be modified to state that the 'flat roofs be repaired or replaced as necessary.'

Mr. Boyd also commented that the existing laundry room would be remodeled into a multipurpose room.

Commissioner Butterfield asked if the driveway would be flared. Staff replied that the wings could be modified for safety. Mr. Boyd agreed.

Commissioner Callahan asked for clarification on the life expectancy of the 'flat roofs'. Mr. Boyd replied that the roof certification could meet a certain number of years.

Commissioner Callahan asked for clarification of the existing rusted windows. Mr. Boyd replied that existing deteriorated aluminum windows would be replaced with insulated windows, and that the type of perimeter frame has yet to be determined.

Commissioner Hutchinson asked for clarification on the resident relocation process. Mr. Boyd replied that typically, a certified letter is sent to residents six months in advance stating that the term of residency is good for six more months. The notice for this development went out approximately 30 days prior to this hearing.

Mr. Pete Mendez, an 8800 Garden Grove Boulevard resident, approached the Commission and stated he has seen positive change in the apartment complex, and the conversion is a good opportunity to become a first time home-buyer.

Mr. Paul Yew, an 8800 Garden Grove Boulevard resident, approached the Commission and asked what rights do the residents have in regard to being displaced?

Chair Jones replied, that by right and provisions, the residents are given 60 days notice in lieu of 30 days, and that all residents have the first right of refusal.

Mr. Boyd approached the Commission and reiterated that his goal is to give the residents a chance to be home-owners, and that he will work with them by whatever means possible to achieve that end.

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

Commissioner Hutchinson moved to approve Site Plan No. SP-352-04 and Tentative Tract Map No. TT-16607, with an amendment to Condition No. 10, by which the applicant shall modify the existing driveway approach along Garden Grove Boulevard so that the driveway is constructed in accordance with City Standard B-120; and to Condition No. 25, which shall be revised to read, "The flat roofs on the garages shall be re-inspected. If it is determined that the life of the roof is less than 25 years, the garages shall be re-roofed prior to

recording of the tract map," seconded by Commissioner Butterfield, pursuant to the facts and reasons contained in Resolution No. 5453. The motion received the following vote:

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

MATTERS
FROM

COMMISSIONERS: Vice Chair Callahan suggested the Planning Department follow City Council's example of celebrating the Planning Commissioner's birthdays by way of noting the dates on the agendas, and serving cake prior to the Planning Commission meetings. The Commissioners agreed.

Commissioner Butterfield commented that along Euclid Avenue, and other major streets that have walls, the trash on the sidewalks needs to be cleaned up, as well the trash on the fence and sidewalk at the Ralston Elementary School. She suggested volunteer groups, such as the Boy Scouts, Girl Scouts, and other service organizations, be sent out to pick up the trash. Staff replied that due to budget cuts, sidewalks are cleaned on a complaint basis only, and that most volunteer effort is spent for graffiti removal; however, a crew will be sent out for a special clean-up.

MATTERS
FROM STAFF:

Staff invited the Planning Commissioners to reserve the evening of Thursday, December 16, 2004, as the date for the annual Planning Commission Holiday Dinner. The occasion will be celebrated at Carolina's Italian Cuisine restaurant in Garden Grove, and the event will replace the regular Planning Commission meeting scheduled for that evening. Formal invitations will be sent out.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m.

JUDITH MOORE
Recording Secretary