

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
SEPTEMBER 20, 2007

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 CHI, VICE CHAIR PIERCE
COMMISSIONERS BANKSON, BEARD, BRIETIGAM,
NGUYEN, PAK

ABSENT: None.

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Sergeant Kevin Boddy, Police Department; Dan Candelaria, Civil Engineer; Grant Raupp, Administrative Analyst; Judith Moore, Recording Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of the United States of America was led by Boy Scout Alex Beard of Troop 1999 and recited by those present in the Chamber.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Vice Chair Pierce moved to approve the Minutes of September 6, 2007, seconded by Commissioner Pak. The motion carried with the following vote:

AYES: COMMISSIONERS: BANKSON, BEARD, BRIETIGAM, CHI,
NGUYEN, PAK, PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

CONTINUED PUBLIC HEARING: SITE PLAN NO. SP-429-07
VARIANCE NO. V-163-07

APPLICANT: JESSICA MYERS
LOCATION: SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND EUCLID STREET AT 11162 GARDEN GROVE BOULEVARD
DATE: SEPTEMBER 20, 2007

REQUEST: To construct an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot, with associated parking and landscape improvements, in conjunction with Variance requests for reduced building setbacks and to develop a lot that does not meet the minimum lot size and street frontage requirements. The site is in the CCSP-CC44 (Community Center Specific Plan – Community Center 44) zone.

Staff report was read describing modifications to the project as well as to Condition Nos. 5 and 29, and recommended approval.

Commissioner Brietigam asked staff if the applicant could still have three uses instead of the newly proposed two. Staff replied yes; however, restricting the use to two spaces could be conditioned.

Commissioner Pak asked staff if the Euclid Street storm drain would be affected by the new driveway. Staff replied no.

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

Mr. Aaron Swerdlow, the applicant's representative, approached the Commission and described the modifications to the project and hoped that the changes were acceptable. He stated that changes included a 20'-0" setback on Euclid Street and a 12'-0" setback on Garden Grove Boulevard. Also, the project is now over-parked by two parking spaces; per code, the project is over-parked by 4.85 spaces; the building is reduced to 3,400 square feet from 3,800 square feet. He further stated that with regard to tenant use, flexibility is needed on small properties; and, that there is a volunteer food restriction of no more than 2,200 square feet for food use.

Chair Chi asked Mr. Swerdlow if he had read and agreed with the original and modified Conditions of Approval. Mr. Swerdlow replied yes.

Commissioner Pak asked Mr. Swerdlow if the initial level one environmental assessment had been completed. Mr. Swerdlow replied yes; that if approved, construction would begin within four to six months.

Ms. Patricia Stark approached the Commission and submitted a letter citing concerns. Ms. Stark asked that staff clarify the 12'-0" right-of-way allocations on Euclid Street and Garden Grove Boulevard; that previously, staff did not support the property right Variance, therefore the previous applicant was treated unfairly; that a fence should be installed during construction; that an area needs to be designated for construction employee parking; that the County Health Department should sign-off the remediation prior to building permits being issued; that the applicant's bond coverage needs to be clarified; and that a barrier should be built between the proposed project and the existing shopping center to alleviate potential problems for both parties.

Staff clarified that there is not a 12'-0" dedication along Euclid Street, and that only Garden Grove Boulevard has a 10'-0" dedication.

Chair Chi commented that the letter's Reservation No. 2 was a mute point with regard to the previous applicants being treated unfairly; and that remediation with Chevron had taken place; and that the initial EIR is complete.

Staff added that a fence would be in place during construction; that construction crews would typically park on site, and that this could be

added as a Condition; that construction bonds would be used for public improvements; that a County Health Department remediation condition is included indicating that the applicant must show the property could be built on; and that there would be a landscape barrier between the properties, as a wall would limit visibility to the shopping center behind.

Mr. Vu Mai approached the Commission and expressed his concern with regard to the trash enclosure location, as it would emit odors and attract rodents. Staff replied that the trash enclosure would be enclosed and covered, and that there is no other location available for the enclosure.

The applicant stated that the trash would be taken away one, possibly two times a day.

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

Commissioner Brietigam commented that though the previous proposal met code, the setback issues did not make sense; however, with the changes, the project is more acceptable, especially with regard to the future right-of-way.

Commissioner Beard asked the City Attorney if email correspondence with the applicant would need to be disclosed; and that he did not reply to an email sent to him by the applicant. The attorney replied by summarizing the stipulations of the Brown Act with regard to communications and disclosure policies.

Commissioner Beard expressed that he liked the project and now that the parking concerns have been addressed, he could support the Variance.

Commissioner Pak noted the developer's sacrifices and thanked the applicant for bringing the development to the City to improve the quality of life in Garden Grove.

Commissioner Chi thanked the applicant for being open to change and for the quick turn-around for modifications.

Vice Chair Pierce moved to approve Site Plan No. SP-429-07 and Variance No. V-163-07 with modifications to Condition Nos. 5 and 29, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5612. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING:	SITE PLAN NO. SP-430-07
	CONDITIONAL USE PERMIT NO. CUP-216-07
APPLICANT:	BYRON DAVIS
LOCATION:	SOUTHWEST CORNER OF CHAPMAN AVENUE AND HARBOR BOULEVARD
DATE:	SEPTEMBER 20, 2007

REQUEST: To construct and establish an approximately 6,500 square foot full-service restaurant (Oggi's Pizza and Brewing Co.) with an Alcoholic Beverage Control Type "47" (On-Sale General – Eating Place) License on a previously approved building pad located within an integrated hotel and restaurant site. The site is in the Planned unit Development No. PUD-122-98 zone.

Staff report was read, with a modification to Condition No. 75, and recommended approval.

Commissioner Brietigam asked staff if the employee parking along the Buaro Street side of the project site was already a requirement. Staff replied yes; however, the monitoring has not been actively enforced and the City has no involvement.

Commissioner Brietigam asked staff to disclose how many of the restaurants have Alcoholic Beverage Control (ABC) licenses. Staff replied that they all have licenses.

Commissioner Bankson asked if the valet parking is a part of the Parking Management Plan. Staff replied yes; that the reciprocal parking agreements and restaurant leases have been reviewed; however, the existing provisions have not been enforced.

Commissioner Brietigam asked staff to explain the incentive for enforcing the parking plan. Staff replied that the lack of parking would be damaging to the restaurants; that it would be in the restaurant's best interest to enforce the parking; and that for the City to intervene, there must be a finding for public health and safety.

Chair Chi asked staff to clarify why the fourth restaurant was not built. Staff replied that at that time, only three restaurants were committed through the redevelopment process.

Chair Chi asked staff to clarify the employee parking location. Staff replied that the area is located behind the Marriott hotel on the southerly property line, and the spaces that face Buaro Street.

Commissioner Pak commented that the City encourages development; however, there are not enough parking spaces, and that a parking structure would assist in solving the problem.

Commissioner Beard asked staff, if currently, there is valet service at any of the establishments. Staff replied that only the Crowne Plaza has optional valet parking; and that no parking structures are planned at this time.

Commissioner Beard asked staff if there is any additional land to accommodate parking. Commissioner Pak replied that there is a 10-acre golf practice range north of Chapman Avenue; however, the range consists of landfill, though parking structure would be good.

Chair Chi commented that the project is located within International West, and asked staff to explain how the project would complement International West.

Staff explained that a stand-alone hotel is being built to the south; that no other specific projects have come through planning; that with regard to Embassy Suites, the second tower has not been approved; that there is no approval to renovate the golf driving range to be improved with parking as the project has not gone through the public hearing process; and that an additional hotel and apartments are a part of the master plan.

Chair Chi asked staff if the hotel that is under construction has public access from the hotels north of the site. Staff replied no, other than the public sidewalk.

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

Mr. Byron Davis, the applicant, approached the Commission and stated that the project fulfills a vision; that the architecture fits in the area; and that the OGGI's concept appeals to a broad clientele in the area.

Commissioner Pak asked Mr. Davis to state the locations of other OGGI's restaurants. Mr. Davis replied that OGGI's could be found in the cities of Tustin, Orange, and Mission Viejo.

Commissioner Brietigam asked Mr. Davis if an ABC License was necessary for this restaurant. Mr. Davis replied that the license is critical to the sports theme of the restaurant; and that OGGI's advertises on television.

Mr. George Hadjis, president of OGGI's Pizza and Brewing Company, approached the Commission and stated that his company brews beer; that his pizza is the official pizza of the Chargers, the Padres, the Del Mar race track, and the Phoenix Coyotes; that the company began 16 years ago as Stuffed Pizza; that their sports theme grew; that they have a central brewery; that the name OGGI's means 'today' in Italian; and that they agree that there are parking distribution issues.

Commissioner Beard asked Mr. Hadjis to describe the demographics. Mr. Hadjis anticipates that local people, as well as hotel guests, would patronize the restaurant.

Mr. Rem Imbimbo, the property landlord, approached the Commission and stated that he has been active in arranging the parking; that the conditions would be reviewed periodically by the City; that there is a condition for parking enforcement; that valet and towing services, and time restrictions would be implemented; that problems need to be resolved within ten days; and that OGGI's would be a good addition to the area.

Commissioner Pak commented that a parking problem is also a sign of success; and that there is neighborhood disruption during construction.

Mr. Hadjis added that construction would take approximately nine months.

Mr. Rock Miller, with the KOA Corporation who prepared the parking study, approached the Commission and stated that at least 50 cars in the lot at any time are not patrons of the businesses; that paid parking on other properties sends people to free parking; that valet service helps to control parking; and that the hotel may have to provide paid parking in the future.

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

Commissioner Brietigam commented that adding another restaurant to the area would be irresponsible; that if people parked near the golf range, they would park in the housing tract, which would be too far away; and that he likes the business, but not the parking.

Commissioner Pierce commented that he would like to see the parking lot managed; and that the valet service would help to alleviate the parking problem.

Commissioner Pak commented that OGGI's would be a great addition to the community; that the project is a quality development; that employees could be issued parking stickers; and that there needs to be respect for property rights.

Commissioner Bankson agreed that there are parking concerns, however, being an optimist, he hopes that the parking problem would be alleviated; and that employee parking should be restricted.

Commissioner Beard agreed with the parking problem; that there is a plan in place, however, the City has no authority; and that he could not support the project with the parking as it is using 'self-policing'.

Chair Chi asked if valet parking is required of this proposal. Staff replied yes; that the City does not have authority to intervene; that Condition No. 74 requires a parking plan; that the owner must agree to and enforce the plan; that the City is a party to the Parking Management Plan and could enforce the plan; that Subsection C of Condition 74 states that the City could recover attorney's fees if the City institutes an action to enforce the plan; that the City authority is not a police power authority, only that the City would be a partner in the plan; that this language is in CC & R's when conditions are applicable to common areas with uses such as fire access for public safety; and that this is the first use of this condition for this type of situation.

Commissioner Pak asked staff to clarify the process of making the finding of public convenience or necessity. Staff replied that the finding is in the Resolution, and by approving the Resolution, the finding would be made.

Chair Chi commented that staff has recognized that there is a parking problem; that he agrees with the parking agreements with the valet

parking requirement; that there is a property right agreement; and that a fourth restaurant is part of the original agreement.

Commissioner Bankson asked staff if there were reservations with regard to alcohol and crime. Staff replied no.

Commissioner Brietigam stated that after review of Condition No. 74, and with the City being a party to the parking plan, he could support the project. Commissioner Beard agreed.

Commissioner Pak moved to approve Site Plan No. SP-430-07 and Conditional Use Permit No. CUP-216-07, with an amendment to Condition No. 75, seconded by Vice Chair Pierce, pursuant to the facts and reasons contained in Resolution No. 5614. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS FROM
COMMISSIONERS:

Vice Chair Pierce asked staff if two lots, that are located on Acacia Parkway just before Nelson Street, are being prepared for houses. Staff replied yes; that the west side lot is approximately 5,000 square feet, and the east side lot is approximately 6,000 square feet.

Commissioner Bankson asked staff what could be done for a vacant house on Buaro Street that is not being maintained. Staff replied that Code Enforcement would look into the matter and that the owner needs to maintain the property even though it is vacant.

Commissioner Beard thanked staff for the quick turn-around on the continued Euclid/Chapman project.

Commissioner Pak invited everyone to the Korean Festival, which will be held on October 12th, 13th, and 14th. There will be a parade on Saturday, the 13th, with an opening ceremony on the Friday, the 12th at 7:00 p.m., on the south side at the shopping center.

Chair Chi announced that he is engaged. Staff extended their congratulations.

MATTERS
FROM STAFF:

Staff commented on the Annual Report on the Status of the General Plan for July through December 2006. State law, Government Code Section 65400, requires that the annual report provide a status of the City's progress in meeting its share of regional housing needs.

Commissioner Beard asked if the report would be submitted to the Neighborhood Conservation Improvement Committee. Staff replied no, that the report would go the Planning Agency, then to the State.

Chair Chi asked staff for an update on the General Plan Update. Staff replied that an update would be in front of the Planning Commission the first part of next year; that the housing element would come to the Planning Commission by June 30th, 2008; and that the General Plan Update would be recommended to City Council for approval.

Commissioner Brietigam commented that west Garden Grove was left out of the last Housing Element and General Plan Update.

Commissioner Pak asked staff to refer to Page 4-Table 1 of the Housing Element, and asked if there were annual incomes for the Very Low, Low, Moderate, and Above Moderate incomes. Staff replied no, that the figures are based on the average income of Orange County; and that percentages are taken from the median income of the County.

Commissioner Pak noted that for first time buyers real estate prices seem high.

Staff read a brief description of Agenda items for the October 18th, 2007 Planning Commission meeting.

Chair Chi asked staff if the proposed Wal-Mart would sell fire arms. Staff commented that the gun issue was noted during the Environmental Review Process, and that there would be no gun sales.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m. in celebration of Commissioner Breitigam's birthday and Commissioner Bankson's 32nd wedding anniversary.

JUDITH MOORE
Recording Secretary