

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
DECEMBER 16, 2010

CALL TO ORDER: The study session of the Planning Commission was called to order at 6:00 p.m. in the Founders Room of the Community Meeting Center.

PRESENT: COMMISSIONERS BEARD, BUI, ELLSWORTH, PAK
ABSENT: BONIKOWSKI, CABRAL
VACANCY: ONE

ALSO PRESENT: James Eggart, Assistant City Attorney; Ricia Hager, Assistant City Attorney; Susan Emery, Community Development Director; Erin Webb, Senior Planner; Lee Marino, Senior Planner; Chris Chung, Assistant Planner; Bill Murray, City Engineer; Dan Candelaria, Traffic Engineer; Dave Entsminger, Water Services Manager; Dave Bertka, Fire Chief; Ed Leiva, Police Sergeant; Greg Blodgett, Economic Development Senior Project Manager; Paul Guerrero, Senior Economic Development Specialist; Judy Moore, Recording Secretary.

ITEM FOR
DISCUSSION: YEAR IN REVIEW

Discussed year in review.

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: COMMISSIONERS BEARD, BUI, ELLSWORTH, PAK
ABSENT: BONIKOWSKI, CABRAL
VACANCY: ONE

ALSO PRESENT: James Eggart, Assistant City Attorney; Ricia Hager, Assistant City Attorney; Susan Emery, Community Development Director; Erin Webb, Senior Planner; Lee Marino, Senior Planner; Chris Chung, Assistant Planner; Bill Murray, City Engineer; Dan Candelaria, Traffic Engineer; Dave Entsminger, Water Services Manager; Dave Bertka, Fire Chief; Ed Leiva, Police Sergeant; Greg Blodgett, Economic Development Senior Project Manager; Paul Guerrero, Senior Economic Development Specialist; Judy Moore, Recording Secretary.

PLEDGE OF
ALLEGIANCE: The Pledge of Allegiance to the Flag of the United States of America was led by Commissioner Ellsworth and recited by those present in the Chambers.

ORAL
COMMUNICATIONS: None.

APPROVAL OF
MINUTES: Commissioner Pak moved to approve the Minutes of November 4, 2010,
seconded by Vice Chair Bui. The motion carried with the following vote:

| | | |
|----------|----------------|----------------------------|
| AYES: | COMMISSIONERS: | BEARD, BUI, ELLSWORTH, PAK |
| NOES: | COMMISSIONERS: | NONE |
| ABSENT: | COMMISSIONERS: | BONIKOWSKI, CABRAL |
| VACANCY: | COMMISSIONERS: | ONE |

CONTINUED
PUBLIC HEARING: MITIGATED NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-1-10(A)
PLANNED UNIT DEVELOPMENT NO. PUD-126-10
TENTATIVE PARCEL MAP NO. PM-2010-1178
CONDITIONAL USE PERMIT NO. CUP-303-10
DEVELOPMENT AGREEMENT NO. DA-183-10

APPLICANT: MCWHINNEY
LOCATION: WEST SIDE OF HARBOR BOULEVARD, SOUTH OF LAMPSON AVENUE,
NORTH OF GARDEN GROVE BOULEVARD AT 12581, 12591, 12681, 12721
HARBOR BOULEVARD, AND 12062 AND 12601 LEDA LANE
DATE: DECEMBER 16, 2010

REQUEST: To establish a Planned Unit Development zoning with development standards for the development of a water park hotel on an approximately 12.1-acre site along with a General Plan Amendment to change the General Plan Land Use designations of two properties from Low Density Residential to International West Mixed Use, a Conditional Use Permit to allow for the on-site sale of alcoholic beverages in the hotel and hotel restaurants, and a Tentative Parcel Map to reconfigure the existing six properties into three separate properties. The proposed water park hotel project will include the water park hotel that consists of an approximately 605 room hotel, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail, approximately 30,000 square feet of meeting space, restaurants within the hotel facility, a five-level parking structure, and an approximately 9,500 square foot restaurant space on a detached, approximately 14,850 square foot restaurant pad. A Development Agreement is also included. The site is in the Planned Unit Development No. PUD-121-98 and R-1 (Single-Family Residential) zones.

Staff report was read and recommended approval along with the review of the Response to Comments for the Water Park Hotel Mitigated Negative Declaration.

Commissioner Pak asked staff if any of the 1050 parking spaces are designated for recreational vehicle (RV) parking. Staff responded no, that typically, the visitors to hotels are not using RVs.

Commissioner Ellsworth asked staff to clarify the wall height on the north side of the property. Staff replied the wall along the north, west, and south sides of the project would be eight foot high; that there is a setback

for the parking structure; and that landscaping along Harbor Boulevard would match the existing resort area hotels.

Chair Beard asked if the parking would be exclusive to hotel guests. Staff replied that the parking serves the hotel and restaurant pad; that typically the hotel shops are for hotel guests only, however, the shops would be open to the public.

Chair Beard asked for the number of jobs projected for the resort. Staff answered that the range of construction and resort jobs would be between 560 to 1,000.

Chair Beard asked staff to clarify the Mitigated Monitoring Program. Staff responded that the program relates to the Mitigated Negative Declaration or full Environmental Impact Report; that any environmental impact requires a Mitigation Monitoring Report and that the monitoring begins at the start of the project until completion.

Commissioner Ellsworth asked if the noise from the Tornado Ride along Harbor Boulevard would impact the area. Staff responded that the ride is lit and has exterior music, and that prior to operation, any noise from the ride must be below the City's noise ordinance.

Commissioner Pak asked staff if the Development Agreement's four-year guarantee is to start or complete the project. Staff responded that the developer has four years in which to begin the development; that this project has a two-year construction schedule; and that if no construction has begun after four years, the Development Agreement would need to be amended at a public hearing and be approved by City Council, to extend the entitlements another four years.

Commissioner Pak asked for the length of the property along Harbor Boulevard. Staff responded approximately 800 feet.

Commissioner Ellsworth asked if additional fire services or medical aid services would be required, especially with the hotel at full capacity. Staff stated that any new building would increase the response, but not significantly; that a station is in the hotel district already; that the larger issue is man-power for protection, however, the City is adequately prepared for the proposed building.

Commissioner Pak questioned whether the grading would cause floodwater run-off in residential area during the rain season. Staff responded that some run-off could occur during construction, however, this project's water flow is from the east to the southwest and that existing drainage going to a southerly shopping center would be removed.

Vice Chair Pak questioned if an increase in pedestrians would warrant crosswalks for visitors to patronize other businesses nearby. Staff replied that a new traffic signal at the entrance would have a crosswalk.

Commissioner Pak asked staff if Condition No. 56 could include 'all buildings and all rooms' be fire sprinkled. Staff replied that Condition No. 56 is a standard for all sprinkle requirements and that fire staff does train in high-rise hotels.

Commissioner Pak asked staff to clarify Condition No. 66. Staff responded that 'without right to surface entry' means that the owner cannot drill a well.

Chair Beard asked if the project is not successful, could another entertainment venue come in? Staff replied that the land use approval and some environmental would need to be amended.

Chair Beard asked if the hotel could have live entertainment. Staff responded yes, that for banquet rooms, an example would be a disc-jockey (DJ) brought in for a wedding.

Chair Beard asked if any contaminants were found, would they be cleared up prior to construction. Staff replied yes.

Chair Beard asked if lights and glare would face away from houses. Staff replied yes, at both the east and west sides.

Chair Beard asked if construction would be a seven-day work schedule. Staff replied yes, with limitations so as not to impact the residents.

Chair Beard asked if other Great Wolf hotels have been researched. Staff replied yes, that staff visited the Grapevine, Texas project and found the venue to be a great concept with a kid-friendly, family hotel.

Chair Beard asked staff to clarify the water resources. Staff responded that the net additional water demand would be 139 acre feet per year, with an acre-foot being approximately the surface area of a football field at one-foot deep; that water resources are imported water from the Metropolitan Water District and the Colorado River Aqueduct with the other 62 percent pumped from ground water; that there is a reliable source of water, and that in addition to local reservoirs, the larger storage basin is the Orange County Water Basin.

Commissioner Ellsworth asked if there were complaints relating to other high-rise hotels in the area regarding shade and shadow. Staff replied no, that the other hotels are not as close to residential areas as this project.

Chair Beard asked if there would be a traffic impact. Staff stated that the main mitigation measure would be the new traffic signal serving the main access point; and that the peak hours would be in the evening.

Commissioner Ellsworth asked staff to describe the traffic impact at Harbor Boulevard and Trask Avenue. Staff replied that the heavy traffic is due to the ingress and egress of the freeway traffic; that the City is working with OCTA to re-time traffic signals on Harbor Boulevard so that timing is improved prior to the project's start; that some side streets may be delayed; and that because more development will occur on Harbor Boulevard, now would be the time to improve traffic for future development.

Staff pointed out a discrepancy in the staff report, as noted by Commissioner Pak. The correct length of the Development Agreement is five years.

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

Ms. Kim Perry, the applicant's representative from McWhinney, approached the Commission.

Chair Beard asked Ms. Perry if she had read and agreed with the conditions of approval. Ms. Perry replied yes.

Mr. Rodney Jones, the senior director of design of Great Wolf approached the Commission and stated that the first indoor water park was built in 1997; that they are the leaders in the industry and have learned how to operate and save energy at their twelve resorts; and that the resorts are spreading across the country.

Ms. Perry described the project adding that a shuttle would be instituted to move people back and forth to other businesses; that the parking structure is pushed back to create a better visual; that the water park facility and outdoor portion are sunk down; and that the eight-foot wall would be all around.

Commissioner Ellsworth asked Mr. Jones for a comparison to one of their other hotels. Mr. Jones cited the Grapevine Texas hotel with approximately 600 rooms is the most similar, however, this water park would be larger with other hotel amenities the same size.

Commissioner Ellsworth questioned if job hiring would be within the local community. Mr. Jones replied yes; that the operation team would do an advertised hiring clinic to hire 300 to 400 people who would work different shifts.

Commissioner Pak asked for the estimated annual number of tourists.

Mr. Trae Rigby from McWhinney responded that there would be 605 rooms with approximately three to four people per room.

Commissioner Pak asked if earthquake activity was addressed. Mr. Jones responded that swimming pools had a built-in mesh to hold water to float and move as a vessel even if cracked.

Chair Beard asked if the Great Wolf resorts are close to other theme parks. Mr. Jones replied typically, yes, and that the Grapevine resort, similar to the proposed Garden Grove Water Park Hotel, has not had complaints and is doing well.

Vice Chair Bui asked for a project time line. Mr. Rigby responded that after the approval process, with the partnership in place, the next step would be financing, with the project cost at about \$275 million dollars; and that construction would only commence with a loan commitment, with fixed costs, for the entire project.

Mr. Sorin Boer, from RK Engineering Group and who is responsible for the Traffic Impact Study, stated that the study evaluated how people would get to the project safely; that the intersection at Trask Avenue and Harbor

Boulevard, the northbound left turn is the critical movement and they worked to mitigate the worst case scenario.

Mr. Jones noted that regarding water conservation, the hotel has three parts – the hotel, the laundry, and the water park; the water park would lose approximately 7,000 gallons per day by evaporation, the laundry facility has reclaimed water, and the hotel has water saving urinals, faucets, showerheads, and baths.

Mr. Charles Dang, a resident of Leda Lane, approached the Commission and expressed his, and his neighbor's concern, regarding the potential loss of the cul-de-sac due to the encroachment of the hotel water park; the proposed use of Leda Lane as a fire access road for the hotel; and the duration of the construction.

Mr. Curt Moore a neighboring resident, approached the Commission and expressed that the Water Park Hotel would be an improvement, however, he was concerned with the hotel's capacity and the potential of increased traffic on Buaro Street and Palm Street, as the new signal at Harbor Boulevard may divert traffic down Buaro Street.

Ms. Perry clarified that the construction period would be 22 months; that construction permits would not be issued until the fire access issues are determined and accepted; that the site plan could function with the cul-de-sac remaining in place; and that the number of guests would be similar to the Grapevine hotel with 605 rooms.

Mr. Jones added that a full night of guests would not exceed what would be allowed by code.

Vice Chair Bui asked for the number of hotel guests that would use the water park. Mr. Jones replied that only guests could use the facility amenities; that they do have a community day once a year upon opening; and that there may be additional incentives for locals such as an open house.

Ms. Perry clarified that the emergency and fire access does not include Leda Lane; and that a follow up traffic study indicated that there would not be a significant impact at the Buaro Street and Palm Street intersection.

Commissioner Ellsworth asked Mr. Dang why the residents were opposed to the fire access road on Leda Lane. Mr. Dang replied that Leda Lane is a private, narrow, dead end road and that conversion of the road to a through-street would be a violation of property.

Staff added that the primary access would be the main driveway; that the emergency access would only be used if the main driveway was blocked, or if the fire was large enough to need additional units; that three other sites for fire access have been identified; that if a gate was placed at the end of the street, the fire trucks would have the Knox Box key, and not the Police Department.

Ms. Perry assured everyone that there were alternate fire access areas and the cul-de-sac could remain. Staff agreed and stated that the language could be included in the conditions of approval.

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

Commissioner Pak asked if the sewer capacity would be sufficient. Staff replied that for International West and future development, a dedicated sewer line is in place that heads down Harbor Boulevard to Garden Grove Boulevard to an OC Sanitation District trunk line.

Chair Beard questioned the five-year construction timeline. Staff responded that the five years was to commence construction.

Commissioner Pak asked if the site was part of an Indian burial site. Staff replied no.

Commissioner Pak referred to Resolution No. 5720, Page 5, second paragraph under Finding of Public Convenience or Necessity, and stated that the booked hotel guests benefited directly and that the community benefited indirectly; that the five-level parking structure was good; that everyone involved should be mindful of the residents; and that the project would be a wonderful addition to Garden Grove as a destination.

Commissioner Ellsworth stated that the project is a good thing and long overdue, especially as the area is blighted with high crime; and that revenue would be generated for the City and community.

Vice Chair Bui agreed, commended staff, and thanked the Leda Lane neighbors, encouraging neighbors to communicate more.

Chair Beard also agreed stating that major issues have been addressed and that a blighted condition would be improved.

Chair Beard moved to recommend adoption of the Mitigated Negative Declaration and approval of General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, and Development Agreement No. DA-183-10 to City Council, and to adopt the Mitigated Negative Declaration and approve Tentative Parcel Map No. PM-2010-1178 and Conditional Use Permit No. CUP-303-10, with amendments, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution Nos. 5719 (GPA/PUD/DA) and 5720 (PM/CUP). The motion carried with the following vote:

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|----------|----------------|----------------------------|
| AYES: | COMMISSIONERS: | BEARD, BUI, ELLSWORTH, PAK |
| NOES: | COMMISSIONERS: | NONE |
| ABSENT: | COMMISSIONERS: | BONIKOWSKI, CABRAL |
| VACANCY: | COMMISSIONERS: | ONE |

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| CONTINUED | |
| PUBLIC HEARING: | CONDITIONAL USE PERMIT NO. CUP-309-10 |
| APPLICANT: | SONG WON YI |
| LOCATION: | NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND WILSON STREET AT 8516 GARDEN GROVE BOULEVARD |
| DATE: | DECEMBER 16, 2010 |

REQUEST:

To operate a new restaurant, Ice Kiss Restaurant, with a new original Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The applicant also requests the hours of operation to be from 10:00 a.m. to 1:00 a.m., seven days a week. The site is in the C-1 (T) (Neighborhood Commercial) zone.

Staff report was read and recommended denial, however, staff would be supportive of an alternate resolution of approval that was prepared with conditions of approval that included standard hours of operation for the restaurant to be from 10:00 a.m. to 10:00 a.m. Sunday through Thursday, and 10:00 a.m. to 11:00 p.m. Friday and Saturday.

Staff stated that the restaurant is in District 65, which has a 206 percent above the average crime rate, with calls for police service for drugs, alcohol, violence, and sex crimes; that directly south is a residential tract; that the CLEW report findings indicate that 10 percent of alcohol outlets account for 50 to 60 percent of police calls; that calls increase as the night progresses; that restaurants often morph into bars going from low-risk to high-risk establishments; that entertainment and alcohol become the main draw to the establishments; that police staffing for monitoring Alcoholic Beverage Control (ABC) type establishments is low.

Commissioner Ellsworth asked staff if there would be an impact to the nearby board and care facility. Staff replied that the noise, combined with alcohol, would be a concern.

Commissioner Pak questioned if the Tofu Village had a Conditional Use Permit before they closed. Staff replied no.

Commissioner Pak asked when the standard hours of operation of 10:00 a.m. to 10:00 p.m. Sunday through Thursday, and 10:00 a.m. to 11:00 p.m. Friday and Saturday, were implemented. Staff replied about 2007 when there was an increase in ABC license requests.

Vice Chair Bui asked if the restaurant could be separated from the bar area with different hours of operation for each venue. Staff responded that a bar-type establishment with a Type "48" License could stay open until 2:00 a.m.; that hard liquor is allowed for a Type "47" License, which has a higher relation to crime; and that a Type "41" License is strictly a restaurant.

Staff referred to a list of restaurants submitted by the applicants. Research indicated that three of the businesses had drunk in public arrests and assaults that occurred after 12:30 a.m.; and four had sales to minors.

Commissioner Pak questioned why four out of five businesses in the applicant's list have later closing times. Staff responded that some conditions of approval are older, from 2000, and staff has tried to be consistent with closing times over the last several years.

Staff added that in the 1990's, the family-style restaurants were allowed to stay open their requested hours; that hours became inconsistent; that crime increased; that seven or eight years ago, the movement became to have Type "41" and "47" be consistent; that the number of officers at night

decreased as crimes increased; and that from time to time there would be inconsistencies.

Staff further added that in 2009, the evaluated issues were over-concentration and crime rate, however, the City Council changed policy in order to have consistent hours of operation so as not to punish good operators.

Commissioner Pak questioned the hours of operation for the Go Goo Ryeo and BBQ restaurants, as many of the conditional use permits (CUP) have different hours and the City should be flexible with the hours.

Staff replied that the Go Goo Ryeo is a Type "47" restaurant with a previous, older CUP that has an 11:00 p.m. closing time, and that the restaurant combined with a karaoke establishment in 2010. Also, the intent was not to keep the restaurant open later, only that the kitchen be open to serve the karaoke portion of the business; and, that the standard hours are typical for a Type "41" License.

Commissioner Pak commented that the restaurant name of Ice Kiss refers to a refreshment made of ice called 'shave ice'.

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

Ms. Song Wong Yi, the applicant, approached the Commission along with her translator, Il Ann, who was also the building manager. The applicant described the business, stating that she has a successful Los Angeles restaurant for the past six years; that Tofu Village had a Type "41" License that expired in March of 2010 and operated until 12:00 a.m.; that another BBQ restaurant, across Garden Grove Boulevard near Beach Boulevard, is open until 2:00 a.m. and is less than two years old; that 10:00 p.m. is too early to close when others are open later; and that the business would be less competitive in this economy.

Vice Chair Bui questioned why the restaurant should have later hours. The applicant responded that customers like late coffee, dessert, and dinner after 10:00 p.m. and there is nowhere to go; and that the Korea town branch is open until 1:00 a.m.

Commissioner Ellsworth asked why there is a need to serve alcohol later at night if only desserts and late meals are served. The applicant replied that after dinner, customers want a variety of wine and dessert; that their current hours of operation in Garden Grove are 11:00 a.m. to 12:00 a.m. seven days a week; that in Los Angeles, the hours are 11:00 a.m. to 1:00 a.m.

Commissioner Pak questioned why the applicant came to this area. The applicant replied that she did not know the area was blighted with a high crime rate, but thought the place would be good.

Commissioner Ellsworth asked if the applicant understood the City's concerns with alcohol late at night. The applicant replied yes, however, in the one month she has been open, there have been no loud people; and that she wants a different style of food and internet café.

Commissioner Pak noted that the City could not accommodate the 1:00 a.m. closing time. The applicant responded that she would stop selling alcohol at 11:00 p.m. and keep the business open until 12:00 a.m.

Staff clarified that if the business were two separate facilities, that may work, as monitoring one facility with a shut down of alcohol would be too difficult to police.

Commissioner Pak cited the Tofu House in Korea Town that is a 24-hour restaurant with a Type "41" License, and that no alcohol could be served after 1:30 a.m.

Staff added that the business is on the books and the Police Department strongly recommended against the request of a 24-hour restaurant serving alcohol, however, the Planning Commission overruled the staff's recommendation.

The applicant asked if she could close Sunday through Thursday at 11:00 p.m. and Friday and Saturday at 12:00 a.m.

Commissioner Ellsworth noted that the City has learned from past problems and is looking for consistency.

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

Staff noted that the Los Angeles establishment is open to 1:00 a.m, however, it is a café type establishment; that the Tofu Village ABC License may have been established when only a CUP was required; that with Star BBQ's later closing time, after 1986, the person to person transfer allowed for the CUP to continue if the establishment had not been closed for more than 30-days.

Staff added that typically, when restaurants are renovated and closed during that time, there is not a requirement to apply for another CUP, even if there is a change of ownership during the renovation when the person-to-person transfer of the license has occurred; that a new CUP is required when the business is completely closed, activity has stopped, and the business license is expired; that the next operator may not be a good operator, and that the CUP runs with the land.

Vice Chair Bui acknowledged the need for safety in the City, as well as a need to set a standard, however, some owners could be crippled in the bad economy. He also stated that Asians socialize late into the night with drinks and asked if the City could compromise by granting 10:30 p.m. and 11:30 p.m. closing times so that customers would not feel intimidated to leave the restaurant.

Staff explained that two years ago, this case could have been denied, not because of the hours, but because of the crime rate, however, as of March 2009, the City Council allowed flexibility and now more restaurants are coming in without staff looking at the crime rate or number licenses per census district.

Commissioner Ellsworth cited a resident revolt that had occurred years ago on Garden Grove Boulevard as a result of crime in the area and that though the City wants businesses to generate revenue, if the City is too flexible with the standards, policing issues could increase later.

Commissioner Pak expressed that the Ice Kiss would be beneficial to Garden Grove; that a fish soup restaurant was not successful; that the Tofu Village did not survive as the parking was not great; that this license is the fourth ABC license in the census district; and that assistance to this restaurant would make the business successful, perhaps with a suggested closing time of 11:00 p.m. seven days a week.

Chair Beard added that the applicant has the right of appealing the Planning Commission's decision to the City Council; that the options are – to deny the Type "41" License, however, the business could choose their hours of operation, or to approve the new resolution for a Type "41" License with the standard hours of 10:00 a.m. to 10:00 p.m. Sunday through Thursday, and 10:00 a.m. to 11:00 p.m. Friday and Saturday.

Chair Beard moved to approve the alternate resolution of approval for a Type "41" License with the standard hours of operation to be from 10:00 a.m. to 10:00 p.m. Sunday through Thursday, and 10:00 a.m. to 11:00 p.m. Friday and Saturday, pursuant to the facts and reasons contained in Resolution No. 5730-10.

Commissioner Pak followed with a substitute motion to approve the alternate resolution of approval for a Type "41" License with amended hours of operation to be from 10:00 a.m. to 11:00 p.m. seven days a week, seconded by Vice Chair Bui, pursuant to the facts and reasons contained in Resolution No. 5730-10. The motion failed with the following vote:

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| AYES: | COMMISSIONERS: | BUI, PAK |
| NOES: | COMMISSIONERS: | BEARD, ELLSWORTH |
| ABSENT: | COMMISSIONERS: | BONIKOWSKI, CABRAL |
| VACANCY: | COMMISSIONERS: | ONE |

With the motion failed, Commissioner Ellsworth seconded Chair Beard's motion. The motion carried with the following vote:

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|----------|----------------|----------------------------|
| AYES: | COMMISSIONERS: | BEARD, BUI, ELLSWORTH, PAK |
| NOES: | COMMISSIONERS: | NONE |
| ABSENT: | COMMISSIONERS: | BONIKOWSKI, CABRAL |
| VACANCY: | COMMISSIONERS: | ONE |

CONTINUED
PUBLIC HEARING:

SITE PLAN NO. SP-458-10
VARIANCE NO. V-187-10

APPLICANT:
LOCATION:

NGHI CHU
NORTH SIDE OF LAMPSON AVENUE, WEST OF ARROWHEAD STREET AT
8295 LAMPSON AVENUE

DATE:

DECEMBER 16, 2010

REQUEST:

To construct a two-story, 2,480 square foot, residential dwelling unit on a lot improved with an existing single-family home to create a duplex. Also,

a Variance approval to allow the project to deviate from the Open Space requirement for minimum interior dimensions of 15'-0" x 15'-0", for the required private recreation area provided for the existing Unit 1. The site is in the R-2 (Limited Multiple Residential) zone.

Staff report was read and recommended approval. One letter of concern regarding a fence was written by Paul and Ellen Fields McLeod.

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

Mr. John Nguyen, the applicant's representative, approached the Commission.

Chair Beard asked Mr. Nguyen if he had read and agreed with the conditions of approval. He replied yes and stated that the design is good and compatible for the area and that the owners would live in the rear and the front unit would be rented.

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

Staff added that the letter concerned the original fence, which needs to be replaced, and that a new block wall would be installed. Also, the letter writer would be notified.

Commissioner Pak questioned if the electrical and gas utilities would be separate. Staff replied no, nor could there be separate addresses in the R-1 (Single-Family Residential) zone.

The public hearing was reopened and the applicant stated that the project was in the R-2 (Limited Multiple Residential) zone. The public portion of the hearing was closed. Staff agreed, and that in the R-2 zone, separate meters and addresses are allowed, however, the duplex units could not be sold separately.

Commissioner Ellsworth moved to approve Site Plan No. SP-458-10 and Variance No. V-187-10, seconded by Chair Beard, pursuant to the facts and reasons contained in Resolution No. 5729-10. The motion carried with the following vote:

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| AYES: | COMMISSIONERS: | BEARD, BUI, ELLSWORTH, PAK |
| NOES: | COMMISSIONERS: | NONE |
| ABSENT: | COMMISSIONERS: | BONIKOWSKI, CABRAL |
| VACANCY: | COMMISSIONERS: | ONE |

**MATTERS FROM
COMMISSIONERS:**

Commissioner Pak expressed that other cities such as Buena Park, Fullerton, and Irvine, have open arms to attract competitive businesses; that though our crime rate may be higher, the City needs to be more flexible with business owners who want to make blighted areas better; and that other businesses, including Korean, would take note of the Planning Commission's decisions when looking at our City for future business ventures.

Commissioner Ellsworth mentioned that Police Chief Joe Polisar would be retiring on Monday night, December 20, 2010, and that he offered congratulations to Chief Kevin Raney on his promotion.

Vice Chair Bui shared the same sentiments as Commissioner Pak in that small businesses struggle with their businesses in the City, and that he hoped City Council and the Planning Commission would consider more flexibility to help small businesses survive.

Chair Beard commented that, as Commissioners, they look at the benefit and burden of their decisions; that two years ago, the ABC projects would not even qualify; that there is an appeal process; that applying standards should not be viewed as being hostile to businesses; that the City's resources need to be considered; and that the City needs consistent standards that are enforceable.

Commissioner Pak agreed that the standards need to be consistent for all concerned, however, this seems not to be the case for the City.

Commissioner Ellsworth agreed with the consistency and that City Council has given the direction to be consistent.

Staff reiterated that more businesses are allowed in with a Type "41" License despite the crime rate and that the City is trying to be consistent. Staff added that with the Water Park Hotel coming in for more revenue, the number of police officers would increase from the revenue, and the City may have more ability to grant later hours with more officers available to police the businesses. Staff pointed out that Irvine has a lower crime rate and greater resources, and that the City of Garden Grove needs to accommodate basic services and is moving the right direction.

MATTERS FROM
STAFF:

Staff expressed holiday wishes and a Merry Christmas to the Commissioners and hoped to be able to work with them next year. The Commissioners also expressed their thanks and good wishes.

Staff read a brief description of the agenda item for the January 6, 2011 Planning Commission meeting.

ADJOURNMENT:

Chair Beard moved to adjourn the meeting at 10:30 p.m., seconded by Commissioner Pak. The motion received the following vote:

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|----------|----------------|----------------------------|
| AYES: | COMMISSIONERS: | BEARD, BUI, ELLSWORTH, PAK |
| NOES: | COMMISSIONERS: | NONE |
| ABSENT: | COMMISSIONERS: | BONIKOWSKI, CABRAL |
| VACANCY: | COMMISSIONERS: | ONE |

JUDITH MOORE
Recording Secretary

