

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
APRIL 1, 2010

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, BONIKOWSKI, BUI, CABRAL,
ELLSWORTH, TRAN

ABSENT: NONE

VACANCY: ONE

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Chris Chung, Assistant Planner; Alana Cheng, Acting Administrative Analyst; Sergeant Ed Leiva, Police Department; Judith 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 Bonikowski moved to approve the Minutes of March 4, 2010, seconded by Commissioner Cabral. The motion carried with the following vote:

AYES: COMMISSIONERS: BEARD, BONIKOWSKI, BUI, CABRAL,
TRAN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: ELLSWORTH

VACANCY: COMMISSIONERS: ONE

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-155-10

APPLICANT: MY V. NGUYEN

LOCATION: NORTHEAST CORNER OF LAMPSON AVENUE AND EUCLID STREET AT
12460 EUCLID STREET

DATE: APRIL 1, 2010

REQUEST: To amend the CCSP-OP9 (Community Center Specific Plan – Office Professional, Area 9) zone to add 'coffeehouse' as a permitted use within the Office Professional sub-district. The site is in the CCSP-OP9 (Community Center Specific Plan – Office Professional, Area 9) zone.

Staff report was read and recommended denial. Two letters in support of the denial were submitted by Dorothy Reckahn and Esther Uribe.

Vice Chair Bui asked staff to clarify the size of the proposed coffeehouse. Staff replied that each tenant space is 1,100 square feet in size.

Chair Beard asked staff if the 'no right turn on red', when heading west on Lampson Avenue, is due to the volume of traffic. Staff replied yes, due to the speed and volume of traffic on Euclid Street. Commissioner Ellsworth added that the area has a blind curve.

Commissioner Cabral asked staff to clarify Esther Uribe's written comment no. 4 stating 'coffeehouses -sell alcohol, prostitutes'. Staff explained that certain coffeehouses have characteristics that the resident believes could occur. Staff also added statistical information from January 2009 to present to indicate that events connected to the 38 coffeehouses in Garden Grove include smoking violations, assaults, weapons, alcohol, drugs, and gang related crimes, and that ten of the coffeehouses are Starbucks.

Commissioner Ellsworth asked Staff to clarify the proposed hours of operation as issues include exceeding maximum occupancy, crime issues, traffic, and that a school is nearby. Staff replied that hours have not been specified.

Chair Beard asked if there are any current coffeehouses located in the CCSP-OP zones. Staff replied no, that they are located in commercially zoned areas.

Vice Chair Bui asked Staff to clarify the difference between this coffeehouse and the Starbucks located at Euclid Street and Chapman Avenue. Staff responded that all coffeehouses are to operate under the coffeehouse ordinance, however, the independent coffeehouses have more problems. Staff added that if the request were for a Starbucks, the recommendation would still be for denial as the location and the zone are the primary concerns.

Chair Beard asked staff to clarify the re-striping and adding of parking spaces in the parking lot. Staff stated that the City typically works with the applicant, however, the new stalls were not sized per code.

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

Mr. My Nguyen, the applicant, approached the Commission and stated that his center has more than fifty percent vacancy and this new business would draw additional tenants; that current tenants do not have a break area; that his establishment would sell coffee, sodas and food to go; that drivers cut through his parking lot because of the 'no right on red' stop sign on Lampson Avenue; that the coffeehouse would be open during business hours from about seven to eight a.m. to approximately six or seven p.m.; that the space is small; that he has more than 40 parking spaces; and that he would have only one or two chairs.

Vice Chair Bui asked if Mr. Nguyen wanted to open a daily shop. The applicant replied yes.

Chair Beard asked the applicant if he already had a tenant for the coffee house. The applicant replied yes, but not Starbucks.

Chair Beard asked the applicant to clarify the parking lot reseal and re-striping. Mr. Nguyen replied that he resealed and re-striped approximately one month ago and that he confirmed the striping dimensions with the Planning Staff, that he could use a minimum of eight feet for the stall width for twenty percent of the parking.

Commissioner Ellsworth commented that the applicant's plan is preliminary. The applicant responded that his plan is to sell coffee and that his prospective tenant does not run another coffeehouse in the City; that he would not do anything out of the ordinary; and that he would submit an application later if he was interested in outdoor seating.

Mr. Dieu Nguyen, a worker in the center, approached the Commission and expressed that he would support a coffeehouse in which he could buy a soft drink while on break.

Mr. David Nguyen, a worker in the center, approached the Commission and stated that the re-striped parking lot has not been a problem; and that he would support the owner's plan as his intentions are good.

Mr. Paul Studer, a resident across from the office building, approached the Commission and stated that his concern was that the coffeehouse would turn into something bigger later on.

Chair Beard asked Mr. Studer if a fast food business would make the area busier. Mr. Studer replied no, based on the applicant's description, however, if the business were a full-service coffeeshop like Starbucks, that might be an issue. He also agreed that the one access point to the association was a blind turn and that the main access is on Lampson Avenue.

Commissioner Cabral asked Mr. Nguyen how long he has owned the building. The applicant replied since 2006.

Dr. Kent Salholm approached the Commission and stated that he is considering moving into the center and expressed his concerns with parking, traffic, and the previous tenant issues, however, he stated the coffee house would be a good fit.

Staff added that two or more years ago, a prior tenant was a massage parlor that was acting as a house of prostitution; and that the wrong type of coffeehouse would be a concern for the Police Department.

The applicant added that he does not want illegal activity in his building.

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

Staff noted that if the coffeehouse were approved, the parking spaces would be deficient by five parking spaces; that when coffeehouses do well, they tend to bring in more customers; that there is a Starbucks nearby if needed; and that this approval would be for a 'use' at this location.

Commissioner Tran asked Staff if a deli would be allowed in lieu of a coffeehouse. Staff responded that the food type use would still require a code amendment to allow for such activity and that the parking ratio would remain the same.

Commissioner Bonikowski asked Staff how the Starbucks at Chapman Avenue and Euclid Street was approved with insufficient parking. Staff responded that the Starbucks is smaller; that the parking calculations were met for the zoning code; that all the tenants are now food tenants and that creates the greatest parking demand; and that Planning Commissions now limit the tenant space for food users to prevent parking problems.

Commissioner Ellsworth asked Staff that if approved, could a later tenant expand? Staff responded that zoning dictates the uses; that conditional use permits run with the land, and that a new owner could be a bad operator and the coffeehouse could become problematic, which could include juveniles being truant in the day time and hanging around.

Vice Chair Bui commented that the applicant describes the business as more of a deli than a coffeehouse. Staff responded that per the Municipal Code, the definition of a coffeehouse is an establishment where the main stock and trade is brewed coffees, teas, and other nonalcoholic beverages for on site consumption, which may be accompanied by snack foods either packaged or fresh.

Commissioner Cabral asked Staff if the applicant spoke to the Planning Staff regarding the size of the re-striped parking spaces. Staff replied that up to twenty percent could be compact spaces; that there was no parking plan submitted nor mentioned, and the site visit and aerial views confirmed that spaces abutting the building were 9'-0" wide and that perimeter wall spaces were 7'-0" wide.

Commissioner Cabral expressed that she understood the need for a coffeehouse in this good location, however, considering Staff's concerns regarding the loss of control with the zone change, she would support Staff's recommendation of denial.

Chair Beard asked Staff that if the coffeehouse business expanded later, would the parking requirements change? Staff responded that the parking ratio would be re-calculated for the expanded use and that a condition could limit the coffeehouse size to 1,100 square feet for coffeehouses as an ancillary use to an office professional tenant.

Vice Chair Bui added that it is not clear if the coffeehouse parking meets code. Staff responded that if the applicant would re-stripe per code, he would meet the requirement, however, the parking would probably increase by two spaces, but be deficient by three.

Commissioner Tran commented that he understood the parking code violations, safety concerns, and the economic impact regarding the fifty percent vacancy; that a parking correction could take place; that a deli is not a great concern; that people spoke positively on the applicant's behalf; and that he would support the request as long as the deli did not expand.

Commissioner Bonikowski asked Staff if the hours of operation could be restricted. Staff responded yes, that the Commission could recommend development standards for this zone; and added that only two tenant spaces are vacant, not fifty percent.

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

The applicant stated that of his three tenants upstairs, one tenant had used two spaces, but left in October, leaving two vacancies upstairs; that along with the two vacancies downstairs, and half of one other leased, his total vacancy is more than fifty percent.

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

Vice Chair Bui commented that the coffeehouse zoning code is too general; that limits on the hours of operation could help prevent crimes; that the coffeehouse should be limited to 1,100 square feet; that a new parking plan may or may not address the parking issue and the parking issue should be addressed before a decision is made.

Staff responded that the Planning Commission could direct Staff to bring back a revised resolution of approval addressing the hours of operation, the 1,100 square feet size, a verification of parking, and possibly a conditional use permit just for this zone.

Commissioner Bonikowski commented that he would support the project if there were a parking plan and restrictions on limiting hours of operation from between six to seven a.m. to eight p.m. due to the possible crime issues.

Commissioner Ellsworth expressed his concerns with noise, traffic, homes and schools nearby, crime issues during both daytime and evening hours, the permanency of the zone change, and that the building is a professional building, not a commercial building.

Staff added that, at this time, the property owner only has professional use rights, not commercial rights; that once the commercial right is granted, the right is difficult to take away and runs with the property.

Chair Beard stated that the facts of the parking code, the traffic, and possible expansion are issues; and, that he would support the project if there was enough parking, however, he would support the denial.

Commissioner Cabral moved to recommend approval of the denial of Amendment No. A-155-10, seconded by Commissioner Ellsworth, pursuant to the facts and reasons contained in Resolution No. 5711. The motion received the following vote:

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| AYES: | COMMISSIONERS: | BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH |
| NOES: | COMMISSIONERS: | TRAN |
| ABSENT: | COMMISSIONERS: | NONE |

VACANCY: COMMISSIONERS: ONE

ITEM FOR
CONSIDERATION: ADOPTION OF THE CODE OF ETHICS
DATE: APRIL 1, 2010

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

Commissioner Ellsworth asked Staff if additional Brown Act training were possible.

Staff replied that a session could be scheduled and that additional Brown Act training, including Ethics, was available on the Fair Political Practices Commission (FPPC) website.

Chair Beard moved to acknowledge the Code of Ethics, seconded by Commissioner Bonikowski. The motion received the following vote:

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

ITEM FOR
CONSIDERATION: ACKNOWLEDGEMENT OF THE 2009 ANNUAL REPORT ON THE STATUS
OF THE HOUSING ELEMENT OF THE GENERAL PLAN
DATE: APRIL 1, 2010

REQUEST: A summary was read on the 2009 Annual Report on the Status of the Housing Element of the General Plan.

Alana Cheng, the Acting Administrative Analyst for Community Development, was introduced.

Chair Beard asked Staff how the City of Garden Grove compares to other cities regarding the Housing Element. Staff responded that the City of Irvine needs to build approximately 20,000 units; that Garden Grove is in good shape; and that the top programs would be senior grants and an affordable housing agreement for Jamboree Housing in the Buena Clinton neighborhood. Staff added that the City was one of a few selected for tax credits for the Jamboree project; that properties have been acquired on Tamerlane Drive with some completed rehabilitation; and that the City received stimulus money for the first-time homebuyer program.

Commissioner Ellsworth asked Staff if residents being moved from the Travel Country mobile home park on Harbor Boulevard could utilize the replacement housing. Staff responded that the replacement housing would be the 25 apartment units on Dale Street, which include affordable housing through the Density Bonus program, and also the Grove Park project in Buena Clinton on a first come, first serve basis for the Travel Country residents.

Commissioner Tran moved to acknowledge the receipt and file of the 2009 Annual Report on the Status of the Housing Element of the General Plan, seconded by Vice Chair Bui. The motion received the following vote:

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

MATTERS FROM
COMMISSIONERS:

Commissioner Tran expressed that for the Vietnamese American population, April is known as Black April as the Fall of Saigon took place on April 30th. The day is considered a memorial day for the over 59,000 who died in war and that a large event would take place at the Vietnam War Memorial in Westminster.

Commissioner Ellsworth mentioned that the Boys and Girls Club would have a 'Be Great' event in Atlantis Park on May 1st from 9:00 a.m. to 11:00 a.m., and that both parents and children are invited to participate in the activities to celebrate the kick-off of 'Be Great'.

Commissioner Bonikowski expressed that he would attend the April 30th event in Westminster and would be traveling to South Korea this month.

MATTERS FROM
STAFF:

Staff stated that there would be no Planning Commission meeting on April 15th.

ADJOURNMENT:

Chair Beard moved to adjourn the meeting at 8:30 p.m., seconded by Commissioner Cabral. The motion received the following vote:

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

JUDITH MOORE
Recording Secretary