

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
APRIL 15, 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
BARRY, BUTTERFIELD, HUTCHINSON, KELLEHER, AND
NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Maria Parra, Planning Intern; Paul Wernquist, Associate Planner; Erin Webb, Senior Planner; Noemi Bass, Assistant Planner; Keith Jones, Public Works Director; Dan Candelaria, Civil Engineer; Bill Murray, City Engineer; Judy Moore, Recording Secretary; and Teresa Pomeroy, Department 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
BARRY, BUTTERFIELD, HUTCHINSON, KELLEHER, AND
NGUYEN

ABSENT: NONE

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Maria Parra, Planning Intern; Paul Wernquist, Associate Planner; Erin Webb, Senior Planner; Noemi Bass, Assistant Planner; Keith Jones, Public Works Director; Dan Candelaria, Civil Engineer; Bill Murray, City Engineer; Judy Moore, Recording Secretary; and Teresa Pomeroy, Department Secretary.

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

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Butterfield moved to approve the Minutes of April 1, 2004, seconded by Commissioner Nguyen. The motion carried with the following vote:

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

CONTINUED
PUBLIC
HEARING:

SITE PLAN NO. SP-340-04
VARIANCE NO. V-108-04

APPLICANT:
LOCATION:

LAM NGUYEN
NORTH SIDE OF ACACIA PARKWAY EAST SIDE OF NELSON STREET AT
10791 ACACIA PARKWAY

DATE:

APRIL 15, 2004

REQUEST:

To allow the construction of three detached two-story residential units on a 15,854 square foot lot, and a Variance to deviate from the required lot size and lot width. This site is in the CCSP-CCR20 (Community Center Specific Plan-Community Center Residential District 20) zone.

Staff report was reviewed and recommended approval with an amendment to the conditions of approval to delete condition no. 14.

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

Mr. Andy Quach, the representative, and Mr. Lam Nguyen, architect, approached the Commission. Mr. Nguyen noted that although the property frontage does not meet the required 150 feet frontage, code allows eight units and they are proposing only three.

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

Commissioner Hutchinson stated the project is over-built and could be better, and that access to the units at the rear of the property would be a problem.

Commissioner Kelleher also expressed concerns about access and adequate parking.

Commissioner Barry agreed with Commissioners Kelleher and Hutchinson, and commented this project has problems.

Commissioner Nguyen saw no problem with supporting the project as long as the fire and sewage concerns were met.

Commissioner Callahan agreed that the area is ready for a housing upgrade.

Commissioner Butterfield expressed concerns with over-capacity of the sewer and fire-safety, though trusted the Fire Department's review would be acceptable.

Chair Jones moved to approve Site Plan No. SP-340-04 and Variance No. V-108-04, with the amendment to the conditions of approval, seconded by Commissioner Callahan, pursuant to the facts and reasons contained in Resolution No. 5413. The motion carried with the following vote:

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

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-135-04
APPLICANT: SOUTH COAST TABERNACLE
LOCATION: SOUTHEAST CORNER OF LAMPSON AND DALE STREET AT 8552
 LAMPSON AVENUE
DATE: APRIL 15, 2004

REQUEST: To allow the operation of a charter school (Metro Learning Center/WCS) within an existing church facility. The site is in the R-3 (Multiple Family Residential) zone.

Staff report was reviewed and recommended approval. Two petition letters were written in opposition to the request, one with twenty-one names, one with forty-one names.

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

Brian Billicky, the applicant and representative for South Coast Tabernacle, approached the Commission and asked that the request be approved.

Chair Jones asked if the conditions of approval had been read and accepted. Mr. Billicky stated yes.

Commissioner Butterfield commented that there have been complaints of loud music, and that requests to curb the noise have been ignored. She also asked if the church leased their building and whether they have a business license.

Mr. Billicky stated that the church leases to a charter school system, and he did not know if the church has a business license; however, they receive money by renting to other churches and the church is publicly funded.

Commissioner Butterfield asked how long the school had been in operation. Mr. Billicky responded that the school has been open for a year and a half, and that a conditional use permit for a school was already in place when the church was purchased in October of 2001.

Chair Jones asked if the charter school is religious based. Mr. Billicky stated no.

Commissioner Hutchinson asked if the charter school is tax exempt and if the church responded to the petition letters. Mr. Billicky stated no, the church is not exempt, and the first time the letter was seen was a week before. He also stated that the church is attempting to create less of a disturbance for the neighbors.

Commissioner Butterfield stated that a condition must be added that church doors must remain closed during high levels of noise.

Commissioner Callahan reminded Mr. Billicky that the police were called six times. Mr. Billicky responded yes; however, the police said the church was not too loud. He also stated that instead of meeting with the neighbors, the church educated the usher staff and parents to try to keep the noise level down.

Commission Barry asked why the church was applying for a CUP now and not a year and a half ago. Mr. Billicky responded that the church did not know a CUP was not in place.

Joyce Morgan, site director of the school, approached the Commission and stated that she had procured an application for a CUP, but the church did not have funds to process it. A letter was received from the City telling the school they needed to apply for a CUP. They expected follow-up by the charter school, but it was not completed.

Monte Young, a representative of South Coast Worship Center, approached the Commission and stated that the charter school was to take care of the CUP process, and at that time, the church backed off.

Chair Jones asked if the charter school had been operating before the church brought the property. Mr. Young responded that the charter school came with the church to the site.

Commissioner Kelleher commented that condominium resident's complaint regarded noise from church services, and he suggested the church/school meet with the condominium's association to demonstrate being a good neighbor.

Commissioner Nguyen asked how many members the church has. Mr. Billicky replied approximately two hundred, with five services.

Mr. Hershel Morgan, elder of the church, approached the Commission and stated that noise is not the complaint issue. The real issue is that the condominium residents want to park on the church's property.

Commissioner Kelleher asked if a gate for the parking lot had ever been considered. Mr. Young responded that a plan is in place to purchase fencing with an electric gate.

Mr. Ray Rydell, treasurer of the Home Owner's Association, approached the Commission and stated that the problem with noise is when the children are on recess, during services, basketball games, and festivals.

Ms. Mary Falvey approached the Commission and stated she wrote and initiated the petition letters. She pointed out that another school was not needed in the area and that there is a noise problem.

Ms. Katherine Hope, a member of the Board of Directors of the Cobblestone Creek Home Owner's Association, approached the Commission and stated that the noise does not bother her. Her concern is the school's operation.

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

Commissioner Butterfield stated the school is not a good idea, because it is run separate from the church and for profit.

Commissioner Hutchinson stated that this hearing is not about the church, yet the church is responsible for the school and the school is not properly set up for children to play outdoors.

Chair Jones re-opened the public hearing per Commissioner Nguyen's request.

Commissioner Nguyen asked how many students were in the school. Mr. Young replied the school has room for 70, but the number is 68.

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

Chair Jones stated that the property owners of the school have not exhibited a strong sense of responsibility at being a good neighbor.

Commissioner Kelleher stated that the main objective of a church is to build its community, and that this growth would bring more noise and traffic.

Commissioner Barry stated that of the 69 students allowed, adding one more student would fulfill school enrollment and based on the school's past record of not complying with regulations, she had no doubt the school would go beyond its limit of students, especially if more students generates more funds.

Commissioner Nguyen also expressed misgivings about the church being a good neighbor.

Commissioner Hutchinson moved to deny Conditional Use Permit No. CUP-135-04, seconded by Commissioner Barry, with the request for staff to return to the next meeting with a resolution of denial. The motion carried the following vote:

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

PUBLIC
HEARING:

NEGATIVE DECLARATION
SITE PLAN NO. SP-320-03
VARIANCE NO. V-102-03
DEVELOPMENT AGREEMENT

APPLICANT:
LOCATION:

MICHAEL M. DAO, INC.
NORTHWEST CORNER OF WESTMINSTER AVENUE AND
ATLANTIS WAY AT 9191 WESTMINSTER AVENUE

DATE:

APRIL 15, 2004

REQUEST:

To renovate an existing 14,500 square foot medical office building by increasing the height from one story to two story and adding approximately 16,000 square feet of floor area. Also, a Variance is requested for the required front, side and rear yard landscape setbacks.

Staff report was reviewed and recommended approval with an amendment to the conditions of approval no. 5, and no. 39 to read "the medical office building" in lieu of "the restaurant." One letter was written in opposition from Paul Do.

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

Mr. Dale Washington, the representative, and Mr. Ashur Elkhoury, architect, approached the Commission. Mr. Washington thanked the staff.

Commissioner Butterfield asked if the second story will be leased.

Mr. Ashur Elkhoury stated that doctors, who will report to Dr. Dao, would use the spaces.

Commissioner Callahan asked if the building's footprint would remain the same. Mr. Elkhoury replied yes, and stated that additional parking and a new driveway were added.

Commissioner Butterfield asked the staff's opinion on the safety of the second driveway close to Atlantis Boulevard. Staff responded that two driveways are required by the Fire Department and referred the Commission to Conditions of Approval item no. 34.

Commissioner Barry stated item no. 34 could now read "Driveways shall be provided on Atlantis Way as required by the Fire Department for emergency access and shall remain open and clear, including designated Fire lanes at all times."

Chair Jones recited the text in a letter of opposition for the medical building and asked if anyone wished to speak in favor of or in opposition to the project.

Mr. Anthony Virgil approached the Commission and stated his objection to the project is that the value of his home will lessen; he will lose his view, and be subject to noise.

Ms. Joyce Eastman approached the Commission and stated that she is in favor of the project because she uses the pharmacy and is allowed to park her car on Mr. Dao's property.

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

Staff recommended a standard landscaping condition to provide an effective screen between the two properties. Additional language would be added to Condition 36B to this effect.

Commissioner Barry stated that she did not feel this project would diminish property values, nor generate additional noise.

Chair Jones moved to adopt the Negative Declaration and approve Site Plan No. SP-320-03 and Variance No. V-102-03, with the amended conditions as recommended by staff regarding the Fire Department and trees, and recommended that City Council approve the Development, seconded by Commissioner Callahan, pursuant to the facts and reasons contained in Resolution No. 5421. The motion carried with the following vote:

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

PUBLIC
HEARING:

NEGATIVE DECLARATION
SITE PLAN NO. SP-336-03

APPLICANT:
LOCATION:

THE PRACTICE- AJIT DIGHE
WEST SIDE OF VALLEY VIEW STREET SOUTH OF CHAPMAN AVENUE AT
12101 VALLEY VIEW STREET

REQUEST:

To allow the construction of a 9,950 square foot commercial building located in Planned Unit Development No. PUD-104-73.

Staff report was reviewed and recommended approval. Three letters were written in opposition to the project.

Commissioner Butterfield asked staff to clarify the parking space count and noted that the bowling alley owner opposes the project.

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

The applicant, Mr. Ajit Dighe of The Practice, approached the Commission and set up photographs. He commented that the new project would unify the existing buildings.

Commissioner Barry asked Mr. Dighe if he had tenants. Mr. Dighe replied no.

Commissioner Hutchinson asked if Mr. Dighe had a parking agreement with the bowling alley and would he provide lighting at the bowling alley's rear parking lot. Mr. Dighe replied yes.

Commissioner Hutchinson asked staff if they are aware the applicant proposes to light the parking and the bowling alley. Staff replied that the conditions of approval are only for the properties the applicant owns, but language could be added to one of the conditions.

Chair Jones asked the applicant if he read and agrees with the conditions of approval. Mr. Dighe replied yes. Chair Jones also asked about compliance with Condition No. 56, with regard to written consent for mutual parking.

Mr. Jordan Simons, the representative of the property owner, approached the Commission. Regarding Condition of Approval No. 56, approval is required from Valley View, Inc.

Ms. Patti Widdicomb, owner of McDonald's at Valley View and Chapman, approached the Commission with five areas of concern: Lack of public restrooms, lack of trash enclosures, parking issues, the use of the new buildings and the height and position of the new buildings.

Commissioner Hutchinson asked staff to comment on the trash enclosures. Staff replied there is a condition that the applicant is to provide additional trash bins with enclosures.

Chair Jones asked staff if a condition existed regarding employee parking. Staff replied yes, Condition No. 50 addresses this issue.

Commissioner Butterfield asked staff if the setback frontage was to give McDonald's more visibility. Staff replied yes.

Ms. Tam Hedrick, who lives in Stonegate, approached the Commission and asked how traffic would be controlled when people leave the back parking lot.

Commissioner Barry stated people would go out behind Morrison's Tire store.

The applicant, Mr. Dighe, approached the Commission and stated all retail spaces will have restrooms, and trash enclosures will be located behind the Chinese Restaurant and movie-theater

Commissioner Butterfield asked if any of the retail spaces would attract loitering or skateboarding. Mr. Simons stated appropriate signs would be posted and speed bumps installed.

Commissioner Kelleher asked if there will be a drive through area to the back parking lot. Mr. Dighe replied yes.

Commissioner Nguyen asked for clarification on the Stonegate alleyway. Mr. Simons stated they can install signs stating 'no through fare' or 'please do not disturb' or the access could be cut off.

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

Commissioner Barry expressed concerns that the project has traffic, parking, lighting and safety issues, and although she appreciates the idea of the project, she feels it is not good for the neighborhood.

Commissioner Hutchinson agreed that the McDonald's sign is hard to see.

Chair Jones asked staff to comment on McDonald's signage. Staff replied that signage for that property should be addressed under a separate application.

Commissioner Hutchinson asked staff if signage could be adapted to incorporate all the businesses. Staff suggested a multi-tenant sign.

Commissioner Kelleher commented that the project is not good for the neighborhood because the project's design was for the site, not the community.

Commissioner Butterfield commented that she liked the upgrade; however, the developers are relying on people to park in the rear and that whatever project came in, there would always be problems.

Commissioner Callahan commented the project was not good for the community.

Mr. Simons approached the Commission and stated that a tremendous amount of time and money was spent to make the project happen.

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

Commissioner Barry moved to deny Site Plan No. SP-336-03, and directed staff to return to the next Planning Commission meeting with a Resolution of Denial, seconded by Commissioner Kelleher. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION AMENDMENT NO. A-106-04

DATE: APRIL 15, 2004

REQUEST: The City of Garden Grove is proposing to amend Section 9.16.040 of Title 9 to allow ground-mounted mechanical equipment to be located in the required side or rear yard setbacks on properties in the R-1 zone and are improved with a single family residence.

Staff report was reviewed and recommended that the Planning Commission recommend approval to the City Council.

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

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

Commissioner Barry moved to recommend approval of Amendment No. A-106-04 to City Council, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5414. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION AMENDMENT NO. A-107-04

DATE: APRIL 15, 2004

REQUEST: The City of Garden Grove is proposing to amend Section 9.08.080 of Title 9 pertaining to the requirements of a change of ownership for Alcoholic Beverage Control licensed establishments.

Staff report was reviewed and recommended that the Planning Commission recommend approval to City Council.

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

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

Commissioner Butterfield moved to recommend approval of Amendment No. A-107-04 to City Council, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5415. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-108-04
DATE: APRIL 15, 2004

REQUEST: The City of Garden Grove is proposing to amend Section 9.12.080 of Title 9 pertaining to the Flood Hazard Overlay Zone to be consistent with the Flood Disaster Protection Act and the National Flood Insurance Program.

Staff report was reviewed and recommended that the Planning Commission recommend approval to City Council.

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

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

Commissioner Nguyen moved to recommend approval of Amendment No. A-108-04 to City Council, seconded by Commissioner Barry, pursuant to the facts and reasons contained in Resolution No. 5416. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-109-04
DATE: APRIL 15, 2004

REQUEST: The City of Garden Grove is proposing to amend Section 9.08.040 of Title 9 for new regulations affecting the construction, installation, and maintenance of major decorative improvement features to residential properties of a height greater than 36 inches, including the amortization and removal of such nonconforming improvements.

Staff report was reviewed and recommended that the Planning Commission recommend approval to City Council.

Commissioner Barry asked staff for clarification on recreational equipment versus decorative features. Staff replied that the Amendment prohibits equipment, such as swing-sets, to be placed in front yards.

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

Mr. Bruce McDonald approached the Commission and asked staff what procedure should he take to acquire permission to have large decorative features in his front yard. Staff replied that there is a simple over the counter procedure.

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

Commissioner Kelleher moved to recommend approval of Amendment No. A-109-04 to City Council, seconded by Commissioner Jones, pursuant to the facts and reasons contained in Resolution No. 5417. The motion received the following vote:

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

PUBLIC
HEARING:

NEGATIVE DECLARATION
AMENDMENT NO. A-110-04

DATE:

APRIL 15, 2004

REQUEST:

The City of Garden Grove is proposing an addition to Section 9.16.420 of Title 9 for the limitation of installation of signs on residential properties in excess of a six-foot height, and setback restrictions for signs on residential properties including the amortization and removal of signs deemed to be in conformance by this code amendment.

Staff reviewed and recommended that the Planning Commission recommend approval to City Council.

Commissioner Butterfield asked for clarification of the Amendment. Staff responded that the Amendment changes the calculation for all signage. The amendment includes definitions of what constitutes a sign regarding size, words and graphics.

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

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

Commissioner Callahan moved to recommend approval of Amendment No. A-110-04 to City Council, seconded by Commissioner Butterfield, pursuant to the facts and reasons contained in Resolution No. 5418. The motion received the following vote:

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

MATTERS
FROM

COMMISSIONERS: Commissioner Callahan noted that the dumping behind the Pep Boys at Katella and Euclid has been attended to and the area was swept clean of debris.

MATTERS

FROM STAFF: Staff reviewed the tentative items for the May 6, 2004 Planning Commission meeting.

ADJOURNMENT: The meeting was adjourned at 11:05 p.m.

JUDITH MOORE
Recording Secretary