

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
JULY 20, 2006

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 MARGOLIN,
COMMISSIONERS CALLAHAN, CHI, LECONG, PAK, PIERCE
ABSENT: NONE

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Paul Wernquist, Urban Planner; Lee Marino, Senior Planner; Dan Candelaria, Civil Engineer; MaryAnn Hamamura, Deputy Community Development Director; Christine Foley, Planning Intern; Judith Moore, Recording Secretary.

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

ORAL COMMUNICATION: Ms. Roberta Adler approached the Commission and submitted contact information. She spoke on the quality of life in the City; the Mitchell School area on Century Boulevard; her concerns with recent development; traffic congestion; high density; privacy; parking; infrastructure; noise; cleanliness and safety in the community; deterioration of street pavement; graffiti; and that the three keys to less deterioration are setbacks, and review of parking and density laws.

APPROVAL OF MINUTES: Vice Chair Margolin moved to approve the Minutes of June 15, 2006, seconded by Chair Jones. The motion carried with the following vote:

AYES: COMMISSIONERS: CALLAHAN, CHI, JONES, LECONG,
MARGOLIN, PAK, PIERCE
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

PUBLIC HEARING: TENTATIVE PARCEL MAP NO. PM-2006-174
APPLICANT: MCWHINNEY ENTERPRISES
LOCATION: SOUTHWEST CORNER OF HARBOR BOULEVARD AND CHAPMAN AVENUE
AT 12007 AND 12011 HARBOR BOULEVARD
DATE: JULY 20, 2006

REQUEST: To create a four-lot subdivision for four approved restaurant pads from one parcel previously created under Parcel Map No. PM-96-196. The site is in the PUD-122-98 zone.

Staff report was read and recommended approval.

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

Mr. Chris LaPlante, the applicant's representative, approached the Commission.

Chair Jones asked Mr. LaPlante if he had read and agreed with the Conditions of Approval. Mr. LaPlante replied yes.

Commissioner Chi asked Mr LaPlante if the property has been sold. Mr. LaPlante replied that a portion of the property, Lot Nos. 1 through 3, are currently for sale.

Commissioner Pak asked if there is a parking agreement with the hotel. Mr. LaPlante replied that there is a reciprocal parking agreement with all of the hotels for shared parking; that the parking management plan will be updated to enhance the agreement; and that gates are being evaluated.

Vice Chair Margolin asked Mr. LaPlante if an additional restaurant would be going in. Mr. LaPlante replied yes.

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

Chair Jones moved to approve Tentative Parcel Map No. PM-2006-174, seconded by Commissioner Lecong, pursuant to the facts and reasons contained in Resolution No. 5551. The motion carried with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING:	SITE PLAN NO. SP-401-06 TENTATIVE TRACT MAP NO. TT-16734 VARIANCE NO. V-144-06
APPLICANT:	MIRALOMA INVESTORS, LLC
LOCATION:	WEST SIDE OF SHADY LANE, NORTH OF WESTMINSTER AVENUE AT 13871 SHADY LANE
DATE:	JULY 20, 2006
REQUEST:	Site Plan and Tentative Tract Map approval to convert an existing 15-unit apartment complex to condominiums; and Variance approval to deviate from the number of on-site parking spaces. The site is in the R-2 (Limited Multiple-Family Residential) zone.

Staff report was read and recommended approval, and a correction was made to Condition No. 4. The third sentence shall now read: "Lighting adjacent to the other residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system".

Vice Chair Margolin asked staff to explain the 33 percent reduction in parking. Staff stated that the project functions normally with existing parking and that guest parking was available during site visits.

Commissioner Pak asked staff if the recreation area could be used for additional parking. Staff explained that parking already exists in front of the recreation area and that the existing parking would have to be eliminated to create more parking.

Vice Chair Margolin asked staff what special conditions would change the number of parking spaces needed. Staff replied that 'ownership' of the property would eliminate the control of the number of people living in the units, therefore the number of cars could change.

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

Mr. Mike Wyant, the applicant's representative, approached the Commission and stated that he had read and agreed with the Conditions of Approval; that with regard to parking, the Homeowner's Association has control through CC & R's and adjustments can be made if problems arise; and that there is not much street parking.

Commissioner Chi asked Mr. Wyant if he was familiar with the specific parking language of the CC & R's. Mr. Wyant replied that the Homeowner's Association can vote as to how to control various issues; and that the apartment residents have first right of refusal.

Ms. Marnie Hunter approached the Commission and expressed her support of the project, as well as concerns with the project's foliage, parking, garage size and usage.

Staff commented that the Municipal Code requires that garages be available for parking.

Mr. Mike Wyant approached the Commission and pointed out Page 9 of the CC & R's that covers parking regulations; he also stated the condominium price range would be between \$375-425,000, and that owners would tend to young; that the CC & R's would be passed onto residents that rent from the owners; and that the Homeowner's Association fees would be approximately \$100/month per the reserve study.

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

Chair Jones moved to approve Site Plan No. SP-401-06, Tentative Tract Map No. TT-16734, and Variance No. V-144-06, seconded by Commissioner Callahan, pursuant to the facts and reasons contained in Resolution No. 5554. The motion carried with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-126-06
SITE PLAN NO. SP-402-06
CONDITIONAL USE PERMIT NO. CUP-187-06
APPLICANT: BYUNG S. CHO
LOCATION: NORTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF JOSEPHINE STREET AT 8813 GARDEN GROVE BOULEVARD
DATE: JULY 20, 2006

REQUEST: To amend Title 9 to allow auto body paint and repair in the C-2 zone, subject to Conditional Use Permit approval; and subsequent Site Plan and Conditional Use Permit approval to expand an existing 1,830 square foot auto repair facility by adding a 1,770 square foot paint and body shop on an approximately 28,000 square foot site. The site is in the C-2 (Community Commercial) zone.

Staff report was read and recommended approval. One letter of opposition was received from Mr. And Mrs. Luis Morales.

Commissioner Lecong asked staff if approval of the Amendment would create a precedent. Staff replied yes, and pointed out that two similar businesses already existed in the C-2 zone.

Commissioner Pierce pointed out that there are low-emission paint booths that result in less pollution.

Staff also commented that permits are required from the AQMD, and that if more than ten complaints are received, mitigation measures must be taken.

Commissioner Callahan asked staff to explain the storage of volatile substances. Staff replied that the Fire Department would control and regulate the storage through permits and inspections.

Chair Jones asked if the Conditional Use Permit was discretionary. Staff replied yes.

Vice Chair Margolin disclosed that, approximately three years ago, he had assisted the applicant with bringing the project forward; that the project ultimately did not reach Planning Commission; that his research showed there were no complaints for the applicant's business at that time; that the applicant had lost business due to Hyundai's ten-year guarantees; and that his contact with the applicant had ended approximately two and a half years ago.

Staff further explained that the conflict of interest laws only go back to the past 12 months and that all information that assists Planning Commissioners to make decisions should be put on the record. Commissioner Pak also stated that the applicant is one of his bank customers as well as an acquaintance.

Staff stated that since Commissioner Pak is not the owner of the bank, he could remain a part of the decision-making process.

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

Mr. Denny Han, the applicant's representative, approached the Commission and stated that he had read and agreed with the Conditions of Approval; that with regard to paint fume emissions and product storage, the owner must comply with code; that the down-draft systems would be looked into; that the audience is a support group; that a 100 name petition has been submitted in support; and that the overall project design was to benefit the community.

Vice Chair Margolin added that a support letter, written by him approximately three years ago and prior to his Planning Commission term, now had a more current date of January 10, 2006. After further testimony, it was determined that the date had been updated by the applicant in order to include the document in the current application.

Staff stated then, that Vice Chair Margolin did not have a conflict of interest as 12 months had passed since his last communication with the applicant.

With regard to parking, Vice Chair Margolin asked the applicant if he agreed to limit the back-up work by possibly having an off-site storage facility.

The applicant replied that a shared parking agreement is being sought, and staff pointed out Condition No. 31.

Commissioner Pak inquired about the petition from the neighbors. The applicant replied that a petition of support had been generated approximately two years ago, and that petition mentioned is the same.

Staff commented that the petition must be in the City's file to be considered as evidence.

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

Commissioner Callahan moved to adopt the Negative Declaration, to recommend approval of Amendment No. A-126-06 to City Council, and approve Site Plan No. SP-402-06, and Conditional Use Permit No. CUP-187-06, seconded by Commissioner Lecong, pursuant to the facts and reasons contained in Resolution Nos. 5553 (A) and 5552 (SP/CUP). The motion carried with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS
FROM

COMMISSIONERS: None.

MATTERS

FROM STAFF:

The Commissioners and staff acknowledged of a memo for Site Plan No. SP-335-03 indicating design changes with regard to the project size, that reduces the project from a two-story building, into two, single-story buildings.

Staff read a brief description of the Tentative Agenda items for the next regular Planning Commission meeting to be held on August 3, 2006.

The Commissioners and staff acknowledged the URM (Unreinforced Masonry Buildings) list for the Main Street Retrofit.

Commissioner Lecong asked staff to explain street sweeping regulations. Staff replied that the times posted on the street signs are enforced regardless if the street sweeper has passed; and that people are asked to call the Public Works division for assistance if cars repeatedly park during the restricted time after the sweeper and follow-up car have passed.

Commissioner Pierce asked staff to give an update on the project located at Garden Grove Boulevard and Brookhurst Street. Staff replied that the applicant/owner had just received the certificate of occupancy; that tenants are being sought; and that tenant improvement drawings need to be submitted.

Commissioner Callahan asked staff if there was still a moratorium on ABC Licenses in the Garden Grove Boulevard/Brookhurst Street area. Staff replied that there is no moratorium and that ABC Licenses are granted on a case by case basis.

ADJOURNMENT: The meeting was adjourned at 8:55 p.m.

JUDITH MOORE
Recording Secretary