

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
AUGUST 16, 2012

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 BUI, VICE CHAIR CABRAL  
COMMISSIONERS BRIETIGAM, DOVINH, LAZENBY, PAK,  
SILVA

ABSENT: NONE

ALSO PRESENT: James Eggart, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Ed Leiva, Police Sergeant; Judy Moore, Recording Secretary

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

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Lazenby moved to approve the Minutes of July 5, 2012, seconded by Vice Chair Cabral. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BUI, CABRAL, LAZENBY, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	BRIETIGAM, DOVINH, PAK

PUBLIC HEARING: SITE PLAN NO. SP-468-12  
APPLICANT: THANH X. LY/ LY BROTHERS, LLC  
LOCATION: EAST SIDE OF COMMERCE DRIVE, BETWEEN FORBES AVENUE AND CAPITAL AVENUE AT 14272 COMMERCE DRIVE  
DATE: AUGUST 16, 2012

REQUEST: To fill in two existing recessed loading ramps and construct two (2) 2,450 square foot additions to an existing industrial building for storage purposes. The site is in the Planned Unit Development No. PUD-104-81 zone.

Staff report was read and recommended approval.

Commissioner Silva asked staff to clarify why this case was presented to the Planning Commission. Staff explained that the Municipal Code states that any addition that was more than one thousand square feet or over ten percent of the building area requires a Site Plan review.

Chair Bui referred to Condition No. 11 and asked if the delivery criteria referred to the construction materials or to the warehouse products. Staff replied that the condition referred to the construction materials.

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

Mr. Howard Parsell, the applicant's representative as well as the project's architect/engineer, approached the Commission and stated that he had read and agreed with the Conditions of Approval.

Commissioner Pak asked for the project's type of business. Mr. Parsell replied aircraft parts.

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

Commissioner Lazenby asked staff for the purpose of the additions. Staff replied for storage purposes, not production or assembly.

Commissioner Dovich asked staff if the project had additional lighting requirements. Staff responded there was no further requirement for lighting as the parking lot was lit adequately and meets code requirements.

Commissioner Dovich asked if there were any complaints on the property. Staff replied no.

Commissioner Dovich moved to approve Site Plan No. SP-468-12, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5764-12. The motion received the following vote:

AYES:	COMMISSIONERS:	BRIETIGAM, BUI, CABRAL, DOVINH, LAZENBY, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

Due to a conflict of interest, Chair Bui recused himself from the following discussion disclosing that he owned a townhouse within the 500 foot radius at 13191 Newland Street.

PUBLIC HEARING: SITE PLAN NO. SP-422-07 TIME EXTENSION NO. 5  
APPLICANT: FIDELITY DEVELOPMENT CO. (ALLEN CHEN)  
LOCATION: SOUTH SIDE OF CENTRAL AVENUE, BETWEEN WILSON STREET AND  
NEWLAND STREET AT 8372 CENTRAL AVENUE  
DATE: AUGUST 16, 2012  
REQUEST: To approve a one-year time extension for the approved entitlement under Site Plan No. SP-422-07, for a small-lot, single-family residential subdivision. The site is in the Planned Unit Development No. PUD-117-07 zone.

Staff report was read and recommended approval.

Commissioner Lazenby asked if the approval length of time could be limited until June when the Tentative Tract Map would come due. Staff explained that the Tentative Tract Map was automatically extended

through 2014, however, this approval would be good until June 2013 as the applicant could only ask for one year at a time.

Commissioner Brietigam clarified that in 2007, state law granted three additional years. Staff agreed, adding that the application was approved in 2007; that the Tentative Tract Map had a two-year automatic approval per the subdivision map act; that the Site Plan entitlement was good for one-year; that before this Tract Map expired in 2008, the Governor signed the first one-year automatic extension; that in 2009, the Governor approved AB333 giving the Tract Map an additional two years; and that each year, the applicant has asked for the one-year Site Plan extensions to keep in line with the Tract Map extensions.

Vice Chair Cabral asked if other developers were interested in the property and were there any complaints. Staff replied no to both.

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

The applicant, Mr. Allen Chen, approached the Commission and explained that he was optimistic for an economy that has had a slow upward progression; that he was a small developer company and needed to be cautious; and, that there may be another wave of foreclosures in the slow recovery.

Vice Chair Cabral asked the applicant if he had read and agreed with the Conditions of Approval. Mr. Chen replied yes.

Commissioner Dovich asked the applicant if he had listed the property to consider selling. Mr. Chen replied no, that he wanted to keep the property to develop.

Commissioner Lazenby asked Mr. Chen how many properties he owned in Garden Grove. Mr. Chen replied two, this one and the property in Site Plan No. SP-425-07, however, he also has one property in Oceanside.

Commissioner Dovich recalled that he voted on the project one year ago, and remembered that he stated he would not vote on another extension; that at that time, the applicant was confident to build within the year; and now, the applicant might consider selling the property.

Mr. Chen then explained that starting over would take longer; that for the Final Tract Map, Public Works would request a \$312,000 bond; and, that the bond company would then want a construction loan to begin.

Commissioner Lazenby asked the applicant if he had a timeline. Mr. Chen noted that the Irvine Company had houses that were not selling fast; that there was demand, however, the market does not have a lot of volume; that foreclosures would drop prices; and, that not being a large company, he needed to be cautious.

Vice Chair Cabral asked what would happen if the extension was not granted. Mr. Chen speculated that he would continue to wait and when the economy picked up, he would start the submittal process over again.

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

Commissioner Silva mentioned that if there were no complaints, historically, why would the project be denied? Staff stated that the Commission traditionally approves time extensions, however, the decision was at the discretion of the Commission; that if this Site Plan extension was denied, the Tract Map would still be valid for two years, and that if denied, the submittal process would only be for the Site Plan as long as there were no changes to the Map; that with no changes in area, land use, environmental aspect, or zoning, staff typically would support an extension in concern for the timing of a prospective development through State of California Supreme Court decisions, that seven years was a reasonable time frame in which to build or not build a project; that around 2014, the project should be reconsidered.

Commissioner Silva asked staff if the seven years was arbitrary and if neighbors had a fair chance to comment. Staff replied yes to the latter, however, timing would be per court decisions.

Commissioner Brietigam also recalled the prior extension and commented that part of the bad economy was that people were not working on these projects; that new laws could come into play; that seven years was a long time; that the applicant was supposed to have broke ground in six months; and, that he was sympathetic and encouraged developers to start projects in the City, however, he did not want to create needless stress and economic problems as well.

Commissioner Pak mentioned the stalled large steel structure on Garden Grove Boulevard and noted that this prudent applicant was evaluating the economy first; that waiting was better than an unfinished project; and that once started, the applicant needed to finish the project.

Commissioner Silva added that a denied request would not accomplish anything for the applicant or the City and that the applicant owns the project.

Commissioner Lazenby asked if there were any regulatory changes. Staff replied no, and added that this was why the State looked at projects at seven years.

Vice Chair Cabral agreed with Commissioner Silva, especially since there were no complaints.

Commissioner Pak moved to approve Site Plan No. SP-422-07 Time Extension No. 5, seconded by Commissioner Silva, pursuant to the facts and reasons contained in Resolution No. 5778-12. The motion received the following vote:

AYES:	COMMISSIONERS:	BRIETIGAM, CABRAL, LAZENBY, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	DOVINH
ABSENT:	COMMISSIONERS:	BUI

Chair Bui rejoined the meeting at 7:37 p.m.

PUBLIC HEARING: SITE PLAN NO. SP-425-07 TIME EXTENSION NO. 5  
APPLICANT: FIDELITY DEVELOPMENT CO. (ALLEN CHEN)  
LOCATION: NORTH SIDE OF TRASK AVENUE, EAST OF BARNETT WAY AT 11241 AND  
11251 TRASK AVENUE

DATE: AUGUST 16, 2012

REQUEST: To approve a one-year time extension for the approved entitlement under Site Plan No. SP-425-07, for a small-lot, single-family residential subdivision. The site is in the Planned Unit Development No. PUD-118-07 zone.

Staff report was read and recommended approval.

Commissioner Silva asked staff that if there were a change in law, would the applicant be subject to the changes? Staff replied yes, and that if the changes were substantial, staff would recommend denial.

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

Mr. Allen Chen, the applicant, approached the Commission.

Commissioner Dovich asked Mr. Chen if this property was unique or different from Site Plan No. SP-422-07 Time Extension No. 5?

Mr. Chen responded that he was looking at the overall economy and when the economy picked up, the two projects would be started.

Commissioner Dovich asked Mr. Chen if he was able to absorb the upkeep expenses at this time. Mr. Chen replied yes.

Chair Bui asked the applicant if he considered other developers to take on the project. Mr. Chen responded that he liked the City of Garden Grove and wanted to keep the two projects as long he could.

Commissioner Silva asked why SP-422-07 had a basketball court and this project didn't? Mr. Chen replied that the turn-around was conducive to a basketball court.

Commissioner Silva asked for the proposed price of the homes. Mr. Chen replied approximately \$500,000 to \$600,000, with a cost per square foot of \$130-\$150.

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

Commissioner Brietigam understood the conflict that the economy would not get better without projects, however, the request was legal, lawful, and the applicant owned the property.

Vice Chair Cabral moved to approve Site Plan No. SP-425-07 Time Extension No. 5, seconded by Commissioner Silva, pursuant to the facts and reasons contained in Resolution No. 5777-12. The motion received the following vote:

AYES:	COMMISSIONERS:	BRIETIGAM, BUI, CABRAL, LAZENBY, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	DOVINH
ABSENT:	COMMISSIONERS:	NONE

MATTERS FROM  
COMMISSIONERS:

Commissioner Pak stated that Tuesday, August 7<sup>th</sup>, was the National Night Out; that he met residents in the community and heard their concerns; that he introduced the beat and motorcycle officers to the residents; that Wednesday, August 15<sup>th</sup> was the retirement event for Gus Castellanos, who had worked for the City 28 years and who now would be the District Director for Congresswoman Loretta Sanchez. He also mentioned that a candidate to visit Korea had been selected from the Police Department; that since 1999 one officer has been sent to Korea for the Multicultural Leadership Visit; and that also, Lee Marino of Planning staff, had the opportunity to visit Korea in the past.

Commissioner Brietigam asked when the Lampson Avenue beautification project would begin? Staff responded that there was no further update, however, the matter would be looked into.

Commissioner Dovich wished Chair Bui good luck in his run for office.

Chair Bui expressed his thanks and stated that he had been in the City more than 20 years and had a passion to see the City succeed, which was his motivation to serve in a higher capacity as a City Councilman.

MATTERS FROM  
STAFF:

Staff stated that the Thursday, September 6, 2012 Planning Commission meeting would be cancelled and read a brief description of the agenda item(s) for the Thursday, September 20, 2012 Planning Commission meeting.

Staff also mentioned that in regard to the large steel structure on Garden Grove Boulevard, representatives from the HOAG Foundation had been in contact with a Los Angeles based developer who was serious about moving ahead with the project, however, details need to be worked out and issues resolved. He also mentioned that the original developer and bank lender were going to court, and that there would be project changes.

Commissioner Pak asked if there was a negative impact from weather exposure on the steel framing. Staff replied that inspectors stated the structure was solid, however, the structure would be re-inspected prior to beginning building again.

Commissioner Lazenby asked for an update on the Brookhurst Triangle. Staff expressed that the City has an exclusive development agreement with a developer, who was still searching for funding; that the City may look for someone else; that the developer interested in the steel structure on Garden Grove Boulevard was also interested in the Brookhurst Triangle; and that it was staff's understanding that there were possibly two serious developers interested in the project as well.

ADJOURNMENT:

Chair Bui moved to adjourn the meeting at 8:00 p.m., seconded by Vice Chair Cabral. The motion received the following vote:

AYES:	COMMISSIONERS:	BRIETIGAM, BUI, CABRAL, DOVINH, LAZENBY, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

JUDITH MOORE -Recording Secretary