

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
FEBRUARY 6, 2003

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 BUTTERFIELD, VICE CHAIR JONES,  
COMMISSIONERS CALLAHAN, FREZE, HUTCHINSON,  
NGUYEN

ABSENT: COMMISSIONER BARRY

ALSO PRESENT: Doug Holland, Deputy City Attorney; Glen Krieger, Planning Services Manager; Susan Emery, Economic Development Manager; Karl Hill, Sr. Planner; Noemi Bass, Assistant Planner; Sergeant Robert Fowler; and Teresa Pomeroy, Recording 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 BUTTERFIELD, VICE CHAIR JONES,  
COMMISSIONERS CALLAHAN, FREZE, HUTCHINSON,  
NGUYEN

ABSENT: COMMISSIONER BARRY

ALSO PRESENT: Doug Holland, Deputy City Attorney; Glen Krieger, Planning Services Manager; Susan Emery, Economic Development Manager; Karl Hill, Sr. Planner; Noemi Bass, Assistant Planner; Sergeant Robert Fowler; and Teresa Pomeroy, Recording Secretary.

PLEDGE OF  
ALLEGIANCE:

The Pledge of Allegiance to the Flag of the United States of America was led by Commissioner Callahan and recited by those present in the Chamber. Commissioner Callahan asked for a moment of silence in honor of the fallen astronauts.

ORAL

COMMUNICATION: Mr. Arshad Rokerya, Branch Sales Manager for Fullerton Community Bank located at 12860 Euclid Street, approached to introduce himself and to acquaint the Commission with the bank's services.

APPROVAL OF  
MINUTES:

Commissioner Hutchinson moved to approve the Minutes of January 16, 2003, seconded by Commissioner Callahan. The motion carried with the following vote:

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

PUBLIC  
HEARING:  
APPLICANT:  
LOCATION:

SITE PLAN NO. SP-319-02  
KATHY LEE  
EAST SIDE OF JEFFERSON STREET SOUTH OF GARDEN GROVE  
BOULEVARD AT 13062 JEFFERSON STREET

DATE:

FEBRUARY 6, 2003

B

REQUEST:

To construct a duplex on a 10,125 square foot lot located in the R-3 (Multi-Family Residential) zone.

Staff report was reviewed and recommended approval.

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

Mr. Lam Nguyen, representative and designer of the project, approached the Commission. He stated that he has worked very closely with staff and has tried to comply with all of the requirements. He asked for approval.

Chair Butterfield questioned Mr. Nguyen if he was asked to speak for the applicant, and whether they have read the conditions of approval.

Mr. Nguyen indicated that the applicant gave him the responsibility to make decisions for this project, and he agreed with the conditions of approval.

Vice Chair Jones asked about the second story rear yard setback and whether they plan to move the second story wall. Mr. Nguyen stated that the stairway will remain, but the second story will be moved forward five feet.

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

Commissioner Hutchinson moved to approve Site Plan No. SP-319-02, seconded by Vice Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5343. The motion carried with the following vote:

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

PUBLIC HEARING:                   CONDITIONAL USE PERMIT NO. CUP-628-02  
APPLICANT:                   ALI IBRAHIM  
LOCATION:                      NORTHEAST CORNER OF CHAPMAN AVENUE AND WEST STREET AT  
                                    12055 CHAPMAN AVENUE  
DATE:                         FEBRUARY 6, 2003  
  
REQUEST:                    To allow an existing liquor store to continue to operate with an Alcoholic Beverage Control Type "21" (Off-Sale General) license in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended approval.

Commissioner Hutchinson questioned whether there are any police issues with this establishment. Sergeant Fowler stated no.

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

Ms. Yolanda Pedrego, representative for the applicant, approached the Commission. She explained that this is a change of ownership from one brother to another, and has been a family owned and operated business for 19 years. The applicant is asking to be allowed to continue their winter hours of 8:00 a.m. to 10:00 p.m., and summer hours of 7:30 a.m. to midnight from April through November. Also, the parking lot has just been re-stripped in March 2002, and in order for the business to defer the expense, the applicant is asking that they not be obligated to re-stripe for a minimum of six months to a year. The applicant is in agreement with all other conditions of approval.

Chair Butterfield questioned whether staff was aware of summer hours. Staff stated that in all conversations with the applicant, nothing was said about summer hours; however, staff does not have a problem with allowing these extended hours.

Chair Butterfield questioned staff why there is a requirement to have the parking lot re-stripped, noting that she visited the site and the parking lot is in good condition. Staff responded that in review of the site plan and taking measurements, the size of the stalls do not meet current code.

Chair Butterfield questioned staff about a time requirement to have the parking lot re-stripped. Staff stated that six months would be acceptable.

Mr. Irinco Esquerra of 11912 Timmy Lane, approached the Commission. He stated that he is not against the request, however, he has some concerns as he lives in the tract behind the site. He asked that the wall separating the site and the residential properties be raised, and possibly a gate installed at the access point.

Chair Butterfield asked if he has experienced any problems. He stated that he has not had any problems, but that he is concerned about the potential for people loitering and having easy access to the residents.

Chair Butterfield suggested that he contact the police department if problems occur.

Commissioner Freze asked why there was an access area to the commercial site. Staff stated that many older commercial developments that abut residential properties have access between them. The police department has asked that access areas be closed up, however, this site has a low wall.

Commissioner Hutchinson asked whether the city has a right to ask for the wall to be raised. Staff stated that the request would need to be initiated by the Police Department.

Chair Butterfield noted that there is sufficient lighting at this site.

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

Commissioner Freze moved to approve Conditional Use Permit No. CUP-628-02, with amendments to conditions M. to extend the hours of operation and U. to extend the timeline for parking lot re-striping to six months, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5345 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

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

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-629-02  
APPLICANT: 99 CENTS ONLY STORE  
LOCATION: SOUTHWEST CORNER OF VALLEY VIEW STREET AND LAMPSON AVENUE AT 12431 VALLEY VIEW  
DATE: FEBRUARY 6, 2003  
REQUEST: To allow an existing retail store to operate under an Alcoholic Beverage Control Type "20" (Off-Sale Beer & Wine) license in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended approval. Staff noted the change of the conditions provided to the Commission that deletes the requirement for the sales of single containers of 16 ounces or less.

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

Mr. Henry Miller approached the Commission and introduced himself as the Director of Community Relations and representative for the 99 Cents Only Store.

Chair Butterfield noted that they do not generally allow the sales of single unit 16 ounce bottles of alcohol and asked how they plan to package and sell alcohol.

Mr. Miller responded that they sell 14 ounce bottles of champagne, and boutique beers and wines that are generally imported from other countries. He displayed a poster size blow up of a Los Angeles Times article extolling the wine sold at the 99 Cents Only Store. They do not sell fortified or sweetened wines and nothing will be refrigerated.

Commissioner Hutchinson asked if the other 99 Cents Only Stores in Garden Grove sell alcohol. Mr. Miller stated yes they do. Commissioner Hutchinson stated that he does have a problem with single unit sales; however, these will not be sold chilled.

Mr. Miller expressed his thanks to staff, and in checking with the police department to ascertain whether there have been any problems associated with sales of alcohol, there was nothing to report.

Commissioner Freze asked if the conditions prohibit refrigeration. Staff stated yes.

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

Vice Chair Jones moved to approve Conditional Use Permit No. CUP-624-02, with the amendment to condition F. to delete the requirement that no single units of alcohol be sold, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5346. The motion carried with the following vote:

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

PUBLIC HEARING:                   CONDITIONAL USE PERMIT NO. CUP-624-02  
APPLICANT:                   PADRE PIO  
LOCATION:                       NORTH SIDE OF BIXBY AVENUE EAST OF GILBERT STREET AT  
                                      9621 BIXBY AVENUE  
DATE:                           FEBRUARY 6, 2003  
  
REQUEST:                      To allow a parochial school to operate at an existing church facility in the  
                                      R-1 (Single Family Residential) zone.

Staff report was reviewed recommending approval. Staff noted the amended conditions of approval provided to the Commission as follows: 45 days upon approval of the application a grease interceptor be installed; a fire alarm system to be installed upon 45 days of approval; fire lanes to be posted and marked within 30 days; a requirement to install a trash enclosure in conjunction with the reconstruction of the parking lot; and a five foot wide interior dimension landscape area along parking areas and a three foot wide interior dimension landscape area along access driveways.

Commissioner Hutchinson expressed concern that there wasn't a specific timeline to build the trash enclosure. Staff stated that condition CC refers to the timeline for the parking lot reconstruction, which would be one year.

Doug Holland suggested that condition W be modified to read "In conjunction with, and no later than completion of, the reconstruction of the parking lot..."

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

Mr. Jim Donnelly, representative for the applicant, approached the Commission. He stated that the Padre Pio Academy began in Garden Grove in 1983, and due to growth, they purchased this two-acre property.

Chair Butterfield questioned whether they have read all of the conditions of approval.

Mr. Donnelly asked that they be allowed to install an above ground grease trap in order to defray costs. He explained that the facility has an older kitchen and does not have commercial plumbing.

Staff stated that the condition is flexible and the type of grease trap installed could be determined by the city's Public Works Department.

Mr. Donnelly stated that the academy's annual budget for repair and upgrades is \$50,000, and estimated that the requirements for parking lot reconstruction, trash enclosure, walls, lighting and drive approaches alone would cost about \$220,000.00. The academy's board is not comfortable with raising that much money that quickly. He stated that they would like to do the walls and the trash enclosure before the parking lot, and they would like to reconstruct the parking lot in the summer of 2005. He stated that depending on the plan that they submit for the parking lot, they could construct the trash enclosure within a year.

Chair Butterfield questioned staff whether they could extend the timeline for the summer of 2005 to reconstruct the parking lot.

Staff stated yes, however they would still ask for the surety bond within 30 days and the plans within 90 days.

Vice Chair Jones asked if the required improvements exceed the cash that is available, what would the cash outlay be for the letter of credit or surety bond. Staff stated that without the actual cash available, they could have a lending institution issue a letter of credit or a bond for the amount.

Commissioner Freze asked if the surety bond would need to include the dollar amount for all of the required improvements. Staff stated yes, that the surety bond would need to include the total dollar amount needed for improvements.

Doug Holland recommended that the conditions require that the trash enclosure be built in conjunction with the wall within one year. He also stated that condition CC is missing an obligation for an agreement and recommended that language be added to state that "within 30 days of this approval the applicant/property owner shall enter into an improvement agreement, secured by a security instrument in the form of a letter of credit, surety bond, trust bank account, or other security approved by the Planning Manager equal to the valuation of the parking lot improvements."

Chair Butterfield asked Mr. Donnelly if this was acceptable and whether he agrees with the remaining conditions of approval. Mr. Donnelly stated yes.

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

Doug Holland recommended using a specific date for the required parking lot reconstruction. Staff suggested September 1, 2005.

Vice Chair Jones stated that he is familiar with the Padre Pio Academy located on Dale Street, and it is very well maintained and he is confident that the academy will be a good neighbor.

Staff recommended that condition CC have language added to read "and all parking lot reconstruction, lighting and landscape improvements shall be completed within 30 months or no later than September 1, 2005."

Vice Chair Jones moved to approve Conditional Use Permit No. CUP-624-02, with the modifications to conditions G., I.2., I.3, I.4., J., W., X., Y., and CC as stated by staff and legal counsel, seconded by Commissioner Hutchinson pursuant to the facts and reasons contained in Resolution No. 5344. The motion carried with the following vote:

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

ITEM FOR  
CONSIDERATION:  
DATE:

ADOPTION OF RESOLUTION NO. 5340  
FEBRUARY 6, 2003

Commissioner Hutchinson moved to adopt Resolution No. 5340, a resolution to deny Site Plan No. SP-317-02, which was denied by a 3-2 vote with Chair Butterfield abstaining, at the public hearing on January 16, 2003, seconded by Commissioner Freze. The motion carried with the following vote:

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

MATTERS  
FROM

COMMISSIONERS:

Chair Butterfield pointed out that the property located at 8192 Garden Grove Boulevard, adjacent to the church property at 13040 Coast Street, has a serious problem with trash and debris, and suggested that the trash be picked up more often. Staff stated that Code Enforcement has been informed of this problem and there has been contact with the property owner.

Chair Butterfield welcomed Commissioner Nguyen to the Commission.

Commissioner Nguyen expressed her appreciation to staff for their assistance, noting that she has referred several constituents to the Planning staff who have been very helpful.

Commissioner Freze commended the Planning Services Manager, Glen



Krieger, for the job he has done and his assistance to the Commission, and wished him well in his new position with the city.

MATTERS

FROM

STAFF:

Staff noted that Traffic Engineering staff will be giving a presentation to the Commissioners on February 20, 2003 at 6:00 p.m.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

TERESA POMEROY  
Recording Secretary