

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
JANUARY 6, 2011

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, CABRAL, ELLSWORTH, PAK  
ABSENT: BONIKOWSKI, BUI  
VACANCY: ONE

ALSO PRESENT: James Eggart, Assistant City Attorney; Karl Hill, Planning Services Manager; Chris Chung, Assistant Planner; Judith Moore, Recording Secretary

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

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Ellsworth moved to approve the Minutes of December 16, 2010, seconded by Commissioner Pak. The motion carried with the following vote:

AYES: COMMISSIONERS: BEARD, ELLSWORTH, PAK  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: CABRAL  
ABSENT: COMMISSIONERS: BONIKOWSKI, BUI  
VACANCY: COMMISSIONERS: ONE

Vice Chair Bui and Commissioner Bonikowski joined the meeting at 7:05 p.m.

PUBLIC HEARING: SITE PLAN NO. SP-429-07 REINSTATEMENT  
VARIANCE NO. V-163-07  
APPLICANT: AARON SWERDLOW FOR FESTIVAL MANAGEMENT CORPORATION IN TRUST FOR GARDEN GROVE 100, LLC  
LOCATION: SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND EUCLID STREET AT 11162 GARDEN GROVE BOULEVARD  
DATE: JANUARY 6, 2011

REQUEST: To reinstate the previously approved entitlements under Site Plan No. SP-429-07 and Variance No. V-163-07 for the construction of an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot with associated parking and landscape improvements, along with a Variance request for reduced

building setbacks, and to develop a lot that does not meet the minimum size and street frontage requirements. The site is in the CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44) zone.

Staff report was read and recommended approval.

Commissioner Bonikowski asked staff if the difference between the original 19 parking spaces and the proposed 17 parking spaces was due to the setback changes. Staff replied that the difference of two parking spaces was due to the reduction of the building size; that per code, the original proposal required 19 spaces and the revised proposal required 17 spaces, however, the applicant kept two spaces over code for additional parking.

Commissioner Bonikowski also questioned the existing marking of the parking spaces for specific businesses. Staff stated that tenants label the spaces; that the City does not enforce nor prescribe such marking of spaces; and that the code does not address the marking of tenant spaces.

Commissioner Bonikowski then asked staff to clarify the location of the buried shopping cart sensors. Staff was not aware of the exact locations of the sensors.

Vice Chair Bui asked if the 17 parking spaces were sufficient for the proposed 16-seat restaurant and retail space. Staff replied yes, that for 16 seats or less, the restaurant was calculated in the same manner as the retail space, and if over 16 seats, the count would be one parking space per 100 square feet of gross floor area; and, that the corner lot would stand on its own for parking and access, independent of the shopping center.

Commissioner Pak questioned the difference between the 3,400 and 3,812 square foot size of the building in the staff report. Staff clarified that the reinstatement included a revised proposal for a 3,400 square foot building in lieu of the original 3,812 square foot building.

Commissioner Pak asked when the right turn pocket improvement would occur. Staff replied that the right turn movement was proposed to begin at Lincoln Street and that the improvement could occur as early as this year.

Commissioner Pak then asked if additional ingress and egress would be located on Garden Grove Boulevard and Euclid Street, that if so, too many access points would increase traffic issues. Staff responded that additional access would occur on Garden Grove Boulevard and Garden Grove Boulevard; that the same question was raised during the first proposal with the traffic engineer's evaluation not foreseeing a traffic conflict; and that a service station was previously located on the corner, which also had independent access from the center.

Vice Chair Bui pointed out that more people now shop at the center's market and a traffic study may be warranted.

Chair Beard proposed a new evaluation to further study the traffic concerns. Staff agreed that a new study could be done.

Commissioner Cabral asked if the project could move forward with an added condition to include a traffic study with revisions made accordingly. Staff agreed that a traffic analysis could be an option with a study lead time of approximately four weeks, and that there is not a timing issue for the entitlements.

Chair Beard asked if an exterior patio was included. Staff replied no, however, the original plan included a patio.

Commissioner Pak asked if a condition was included to prohibit outside patio dining. Staff replied no.

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

The project applicant was not present to answer questions.

Ms. Patricia Stark, the owner's representative for the shopping center adjacent to the subject site, approached the Commission and expressed her opposition to the project stating that she questioned the status of the remediation process to reduce the toxicity of the former service station site, as the process must be complete prior to construction; that parking was an issue and property was purchased in the rear of the center for additional parking; that the original project design was to include a physical barrier to avoid parking infringement on the center; that previously, the traffic engineer did not recommend his support for an additional ingress and egress due to traffic congestion, a copy of which would be mailed to the case planner; and that there are yellow lines in the parking lot indicating the barriers for the shopping carts.

Commissioner Ellsworth asked Ms. Stark to clarify the working relationship between her and the applicant. Ms. Stark replied that the relationship was not very good; that the owner of the center has tried to develop the site for many years with similar retail projects as part of the shopping center, however, other retail proposals were not viable either; that a separation barrier for parking would be necessary with a different developer; and that traffic flow is difficult.

Mr. Ken Bui, owner of the Dalat Supermarket, approached the Commission and expressed his concerns with traffic, especially the proposed ingress and egress point on Euclid Street; that an additional traffic issue is nearby at Century Boulevard near Costco; and that the project would be better as an office use rather than a restaurant due to the number of parking spaces.

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

Commissioner Pak questioned where restaurant employees would park with only 17 parking spaces and recalled that the applicant had made demeaning remarks about the shopping center.

Staff corrected that there are 19 parking spaces, which would be two spaces over the code requirement for a 3,400 square foot building; that a

barrier had been discussed previously, however, the shopping center needs open visibility; that the nature of people is to park and walk where they like even though signs are posted; that the two proposed driveways had not been a previous concern, however, further analysis could be done; that the project had been previously approved and now, there may be a viable tenant; and that the street dedication would occur on Garden Grove Boulevard, and at the corner of Garden Grove Boulevard and Euclid Street, to facilitate right-turn movements for circulation improvements.

Chair Beard questioned what would happen if the reinstatement was not approved. Staff responded that the applicant could appeal to the City Council or walk away.

Commissioner Pak asked if the reinstatement required fees. Staff replied that the applicant paid a filing fee along with a review of the project by staff.

Commissioner Pak asked if the mitigation for the gas station was complete after four years. Staff responded that Phase I was complete; that the Fire Department would have the records on the current status, and that staff could check with the Fire Department for any other completion certificates.

Commissioner Cabral asked for clarification, that if the reinstatement was not approved or appealed and considered by City Council, would a new developer be restricted by the same requirements? Staff responded that most of the requirements would be the same and that any changes would be reflected by the actual proposal; that the property has been vacant for four to six years; and that the existing fencing occurred shortly after the last public hearing for the project.

Chair Beard proposed that the consensus of the Commissioners was that more information was needed on traffic, parking, and hazardous materials; that the applicant was needed to answer specific questions on the project's intent; that the project is at a critical intersection in the City; and that since there is no time limitations, the item should be continued in order to receive additional information to make a better decision.

Staff suggested continuing the item to a date certain, February 17, 2011, to avoid re-advertising costs, and to re-open the public hearing.

Chair Beard moved to continue the case to the Planning Commission meeting of February 17, 2011 in order for staff to gather more information. With the public hearing re-opened, the motion was seconded by Commissioner Bonikowski and carried with the following vote:

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

MATTERS FROM  
COMMISSIONERS:

Commissioner Pak mentioned that this Saturday, ten high school students and two chaperones from the exchange program, that has been going on for twenty years, would visit for a week from the sister-city of Anyang; that Chair Beard would be a host family; and that Casey Beard, Chair Beard's son, would travel to Anyang in April, along with nine other students and two chaperones.

Commissioner Ellsworth mentioned that the new Police Chief, Kevin Raney, was sworn in at a ceremony at 5:00 p.m., and thanked Chief Joe Polisar for his 12 years of service.

Vice Chair Bui expressed Happy New Year greetings to everyone along with Commissioner Bonikowski, who extended the greeting.

Chair Beard extended a Happy New Year to all, and along with the Commission and staff, expressed congratulations to Commissioner Bonikowski on the arrival of a new baby in his family.

MATTERS FROM  
STAFF:

Staff read a brief description of the agenda item for the January 20, 2011 Planning Commission meeting.

ADJOURNMENT:

Commissioner Ellsworth moved to adjourn the meeting at 7:55 p.m., seconded by Commissioner Pak. The motion received the following vote:

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

JUDITH MOORE  
Recording Secretary