

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
MARCH 4, 2010

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, BONIKOWSKI, BUI, CABRAL,
TRAN

ABSENT: COMMISSIONER ELLSWORTH

VACANCY: ONE

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Erin Webb, Senior Planner; Lee Marino, Senior Planner; Bill Murray, City Engineer; Dave Entsminger, Water Services Manager; Sergeant Ed Leiva, Police Department; Judith Moore, Recording Secretary

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

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Bonikowski moved to approve the Minutes of January 21, 2010, seconded by Commissioner Tran. The motion carried with the following vote:

AYES: COMMISSIONERS: BEARD, BONIKOWSKI, BUI, TRAN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: ELLSWORTH

ABSTAIN: COMMISSIONERS: CABRAL

VACANCY: COMMISSIONERS: ONE

PUBLIC HEARING: SITE PLAN NO. SP-436-08 TIME EXTENSION 2
VARIANCE NO. V-169-08
STREET VACATION NO. SV-117-08

APPLICANT: STANFORD TRIANGLE, LLC
LOCATION: A TRIANGLE-SHAPED PROPERTY ON NORTH SIDE OF STANFORD AVENUE BETWEEN BROOKHURST STREET AND BROOKHURST WAY AT 12711 AND 12731 BROOKHURST STREET

DATE: MARCH 4, 2010

REQUEST: To approve a one-year time extension for the approved entitlements under Site Plan No. SP-436-08, Variance No. V-169-08, and Street Vacation No. SV-117-08 for the construction of an approximately 3,900 square foot multi-tenant building that includes a drive-through coffee shop with associated site improvements on a vacant lot, along with a Variance request for reduced setbacks along a street. In addition, the project approval included a request for the Planning Commission to make the

determination that the Vacation of the easterly portion of the Brookhurst Way right-of-way is consistent with the City's adopted General Plan. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was read and recommended approval.

Chair Beard asked for the number of time extensions the applicant is eligible for. Staff responded that the number of time extensions is indefinite unless the General Plan or zoning code changes; and that this project is tied in with the Brookhurst Triangle development being built.

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

Mr. Ethan Temianka, the applicant's representative from LMC Management Group, approached the Commission and stated that the time extension is due to the Brookhurst Triangle project being on hold; that Starbucks was the initial tenant, however, other tenants who would like to move forward would be considered.

Commissioner Bui asked if other tenants are being considered as a whole. Mr. Temianka replied yes, that multiple tenants are being considered.

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

Commissioner Bui moved to approve Site Plan No. SP-436-08 Time Extension 2, seconded by Commissioner Cabral, pursuant to the facts and reasons contained in Resolution No. 5707. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION
PLANNED UNIT DEVELOPMENT NO. PUD-124-10
SITE PLAN NO. SP-455-10
TENTATIVE TRACT MAP NO. TT-17353
DEVELOPMENT AGREEMENT NO. DA-180-10

APPLICANT: BRANDYWINE HOMES

LOCATION: WEST SIDE OF FAIRVIEW STREET, SOUTH OF TRASK AVENUE AT 13531,
13551, 13581, AND 13585 FAIRVIEW STREET

DATE: MARCH 4, 2010

REQUEST: To rezone a 2.48-acre site from R-1 (Single-Family Residential) to Planned Unit Development for the allowance to create a 20-unit single-family residential small lot subdivision; a Site Plan to construct the 20 single-family homes with associated site improvements that include on-street parking and open space areas; and a Tentative Tract Map to create the 20-unit subdivision. A Development Agreement is also included.
Staff report was read and recommended approval with amendments to the conditions of approval.

Commissioner Bui referred Staff to the conditions of approval and asked for clarification of Item No. 40. Staff responded that a privately-owned water well would need to be abandoned for the project and there would be an agreement to this effect.

Commissioner Bonikowski asked why the water well should be abandoned. Staff replied that the well provides direct access to pollutants that travel down to our existing ground water supply, and that the well would be filled and capped to prevent this.

Chair Beard asked Staff to elaborate on the project's parking spaces. Staff explained that each home has a two-car garage with two guest spaces in each driveway, though only one guest space is counted. The remainder of spaces would be in the street.

Chair Beard asked Staff to clarify the location of the trash containers. Staff stated that the container condition would be removed, as the single-family homes would have their own trash receptacles.

Chair Beard asked Staff to describe the open space in the center of the plan. Staff explained that the area would be passive open space for benches or child's play.

Chair Beard asked if asbestos/termite abatement would be addressed for the demolition of the four existing homes. Staff replied yes, that those concerns are part of the demolition permit process.

Chair Beard asked if this project would include undergrounding of utilities. Staff responded that all on-site utilities would be underground and off-site would not be underground.

Chair Beard asked for clarification on the turn-a-round access. Staff replied that the main access is off of Fairview Street with the second access being the alley access to Avalon Street.

Chair Beard asked if a loft area of a home could be enclosed to form a bedroom. Staff explained that four bedrooms must be maintained and that if the loft became a fifth bedroom, a three-car garage would be required, which would not be possible. Staff added that the extra 100 square feet of storage space required would typically be located in the garage in the form of shelves and cabinets.

Chair Beard asked Staff to clarify the Development Agreement time frame. Staff replied that after four years, an extension could be requested, however, the permits and map are only good for two years, and that to extend the Development Agreement an additional ordinance would be required with actions by both the Planning Commission and City Council.

Chair Beard asked if the project could be a 'phased project'. Staff replied yes, however, phasing plans would be required for approval. Chair Beard opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Jim Barisic, the applicant, approached the Commission and described the project and thanked Staff for the opportunity to develop in the City. He also mentioned that the agricultural well site needs to be abandoned as the well has not been in use for decades, and that there would be no cash obligation to the City.

Chair Beard asked Mr. Barisic if he had read and agreed with the conditions of approval. The applicant replied yes.

Commissioner Tran asked for the project's groundbreaking date. The applicant replied within 60-90 days with the sale models available by the first quarter of 2011. He added that the project would have two phases of development and be non-gated.

Commissioner Bui asked the applicant if neighbors had been contacted regarding the development. Mr. Barisic replied no, however, he has not heard from anyone either, though he will work with the neighbors regarding the perimeter walls. He also added that there were no trees currently on the property.

Ms. Verla Lambert approached the Commission and expressed her concerns regarding the access, the Trask Avenue widening due to traffic, the possible increase in traffic congestion, the high density, the number of bedrooms per unit, the left hand turn out of the project, the maintenance of the intersection's storm drain, and the open space area.

Chair Beard asked the applicant to clarify the owner/developer relationship. Mr. Barisic stated that Brandywine Homes is the builder and manager. He also mentioned that the traffic congestion would be nominal, and that the traffic making left and right turns would actually be split evenly.

Commissioner Cabral asked the applicant if the Homeowner's Association would be responsible for maintaining the outer perimeter wall regarding graffiti. Mr. Barisic replied yes, as well as the landscaping.

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

Commissioner Tran asked Staff to further clarify the traffic impact. Staff replied that the increase was not substantial enough to warrant a traffic study.

Chair Beard asked for clarification of the sewer capacity. Staff responded that sewer details were addressed on the plans.

Commissioner Tran noted that left hand turns onto Fairview Street are difficult and dangerous. Staff responded that the majority of traffic in the area is caused by people from Santa Ana who are waiting to get on the freeway; and that there will be efforts to make the left hand turn as pleasant as possible.

Chair Beard expressed that the project is beyond the code requirements and would be an improvement. Commissioner Bui agreed adding that jobs would be brought to the community.

Staff added that an additional six to eight units would be removed in the area along with at least four units on the subject site, leaving a net gain of eight to ten dwelling units in the area for a minimal traffic impact.

Chair Beard moved to recommend adoption of the Negative Declaration and approval of Planned Unit Development No. PUD-124-10 and Development Agreement No. DA-180-10 to City Council, and to approve Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353, with amendments, seconded by Commissioner Bonikowski, pursuant to the facts and reasons contained in Resolution Nos. 5708 (PUD/DA) and 5709 (SP/TT). The motion received the following vote:

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

PUBLIC HEARING: AMENDMENT NO. A-154-10
APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE
DATE: MARCH 4, 2010

REQUEST: Planning Commission to recommend to City Council, approval of an Amendment to Title 9 of the Municipal Code (Land Use Code) to add Chapter 9.48 pertaining to the undergrounding of utilities, and to make conforming revisions to the existing provisions in Chapter 9.40 pertaining to the required undergrounding in subdivisions.

Staff report was read and recommended approval.

Commissioner Bonikowski asked Staff if Southern California Edison (SCE) was involved with undergrounding utility poles. Staff responded that SCE sets the limits and has the expertise for undergrounding; that undergrounding is always an issue; and that it would be advantageous to the developer, if time was an issue, to pay an "in-lieu" fee for off-site undergrounding instead of being involved with SCE directly.

Commissioner Bui asked if this ordinance would apply to single-family homes. Staff replied that every project requires undergrounding to prevent the single wire running from the pole to the house; and that the proposed ordinance has an exception for single-family residential dwellings as noted in Item 10 on Page 5 of the ordinance.

Chair Beard asked why this ordinance was proposed. Staff explained that there is a conscious effort by the City to improve the development process; that funds collected would be used for the greater good; that if SCE would be an impediment toward a project, the developer could pay the "in-lieu" fee and the City would deal with the delay thereby eliminating the SCE barrier.

Commissioner Cabral commented that other cities she spoke to did not have a similar ordinance, and that the idea was creative.

Chair Beard asked for clarification of the funds dispersal. Staff responded that there is a City undergrounding priority list handled by Traffic Staff; and that with regard to undergrounding, people view overhead lines as a blight; and, that safety is also an issue as power poles are designed to withstand heavy winds and do not typically break away upon impact.

Chair Beard 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 Tran moved to recommend approval of Amendment No. A-154-10 to City Council, seconded by Commissioner Cabral, pursuant to the facts and reasons contained in Resolution No. 5710. The motion received the following vote:

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

MATTERS FROM
COMMISSIONERS:

Commissioner Tran moved to select Commissioner Bui as Vice Chair, seconded by Chair Beard. The motion carried with the following vote:

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

At the recent Tet Festival, Commissioner Tran announced to Mayor Bill Dalton that his family would be moving to the City of Westminster around the month of June in order to be closer to his Fountain Valley workplace, and also, that between now and early summer, he would resign from the Planning Commission to enable him to run for Mayor of the City of Westminster in November.

Chair Beard asked if an illegal marijuana operation recently closed in west Garden Grove. Staff replied yes.

MATTERS FROM
STAFF:

Staff noted that there would not be a Planning Commission meeting on Thursday, March 18th, and that the next regularly scheduled Planning Commission meeting would be held on Thursday, April 1st, 2010.

ADJOURNMENT:

Chair Beard moved to adjourn the meeting at 8:15 p.m., seconded by Commissioner Tran. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	ELLSWORTH

VACANCY: COMMISSIONERS: ONE

JUDITH MOORE
Recording Secretary