

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
MARCH 19, 2009

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 (ACTING CHAIR), BONIKOWSKI, BUI, CABRAL, ELLSWORTH, KIRKHAM (ACTING VICE CHAIR), TRAN

ABSENT: NONE.

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Chris Chung, Assistant Planner; Sid Ashrafnia, Associate Civil Engineer; Sergeant Kevin Boddy, 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 Vice Chair Kirkham and recited by those present in the Chamber.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Vice Chair Kirkham moved to acknowledge the Minutes of March 5, 2009 for receipt and file, seconded by Chair Beard. The motion carried with the following vote:

AYES: COMMISSIONERS: BEARD, BUI, CABRAL, ELLSWORTH, KIRKHAM, TRAN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: BONIKOWSKI

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

APPLICANT: LMC MANAGEMENT GROUP, 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 19, 2009

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.

Commissioner Ellsworth asked Staff if the extension is one time only. Staff replied that the project can only be extended one year at a time; that there is no limit as to the number of times one can apply for the extension; however, the request must be in before the current extension expires; that if there are changes in the City's regulations, General Plan or zoning code that would make the project relevant, it is likely that Staff would not recommend an extension.

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

The applicant was not present.

Robin Marcario, a member of the Central Garden Grove Neighborhood Association, approached the Commission and expressed her support for the extension. She also noted that the owner has been considerate in notifying the neighborhood association with updates.

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

Vice Chair Kirkham moved to approve the one-year time extension, seconded by Commissioner Ellsworth, pursuant to the facts and reasons contained in Resolution No. 5679. The motion received the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-449-09  
TENTATIVE PARCEL MAP NO. PM-2005-172

APPLICANT: ANACAL ENGINEERING

LOCATION: NORTHWEST CORNER OF CATHERINE AVENUE AND GILBERT STREET AT  
9461 CATHERINE AVENUE

DATE: MARCH 19, 2009

REQUEST: Tentative Parcel Map and Site Plan approval to subdivide an existing 20,088 square foot lot into two parcels, modify an existing home to accommodate the subject subdivision, and construct a new single-family home on the new lot. The site is in the R-1 (Single-Family Residential) zone.

Staff report was read and recommended approval. One letter of opposition was written by Patti Stout. Staff noted an error in the Staff Report, Page One, under Project Statistics. The lot width of Parcel 2 is 83'-0" in lieu of 100'-0".

Commissioner Tran asked Staff for the sewer deficiency timeframe. Staff replied that the City would not upgrade that area until the 2011-12 fiscal years; that until that time, the applicant would not be able to request permits; and that the applicant has the option to do the upgrade.

Commissioner Ellsworth asked Staff to clarify the northbound traffic with regard to the 16'-0" wide driveway across from Bixby Avenue. Staff replied that the traffic engineers felt comfortable with the driveway location; that the northbound traffic had been discussed; and that exiting cars would pull straight out onto Gilbert Street.

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

Mr. Glen Gwatney, the applicant's representative from Anacal Engineering, approached the Commission. He stated that the applicant had read and agreed with the conditions of approval and that she was aware the sewer upgrade would take two years, and that she is five years away from building the second home; and that she would like to proceed with her home expansion. He also asked Staff when the driveway widening would need to occur. Staff replied that those offsite improvements could be completed now for the existing home; however, if the applicant has not completed all of the offsite construction when the Map is recorded, then she would be required to submit a bond to cover the costs of such improvements.

Ms. Patti Stout approached the Commission. Although she supported the existing home upgrade, Ms. Stout expressed her concerns regarding subdividing the lot, parking, traffic, losing the character of the neighborhood, loss of large lot ranchos, and losing property value of homes. She also commented that the City has not listened to the request to reduce the overdevelopment along Gilbert Street.

Ms. Robin Marcario, the Chair for the Central Garden Grove Neighborhood Association, approached the Commission and stated that although this project is compliant with zoning, is one-story, and the upgrade would be an improvement, other neighbor's concerns included code violations at the existing home; people living in the garages; it is a rental property; there were chemicals in the back yard; and that the owner's should live there themselves.

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

Vice Chair Kirkham agreed that the improvements would fit the area; that the lot is large enough to split; and that he would support the project.

Commissioner Bonikowski asked Staff to clarify the difference in the project's square footage as the total lot size is 20,088 square feet whereas the two lots together add up to approximately 18,000 square feet. Staff responded that the 2,000 square foot difference is the 10'-0" street dedication.

Commissioner Cabral agreed that a one-story home fits in the area and that her only concern would be if that the additional home would be a rental property with multiple families.

Chair Beard expressed his support and understood the concerns regarding the project.

Commissioner Ellsworth moved to approve Site Plan No. SP-449-09 and Tentative Parcel Map No. PM-2005-172, seconded by Vice Chair Kirkham, pursuant to the facts and reasons contained in Resolution No. 5678. The motion received the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION  
AMENDMENT NO. A-148-09  
CONDITIONAL USE PERMIT NO. CUP-263-09

APPLICANT: NIGHTINGALE INTERNATIONAL CALIFORNIA, LLC

LOCATION: NORTHWEST CORNER OF LAMPSON AVENUE AND LEWIS STREET AT  
12447 LEWIS STREET, SUITE NOS. 201 AND 203, AND 12437 LEWIS  
STREET, SUITE NO. 102

DATE: MARCH 19, 2009

REQUEST: To amend Planned Unit Development No. PUD-102-80 to allow a trade school with Conditional Use Permit approval, in conjunction with a request for Conditional Use Permit approval to operate a new trade school, Nightingale International California, for the purposes of nursing and related medical field support training. The sites are at 12447 Lewis Street, Suite Nos. 201 and 203, and 12437 Lewis Street, Suite 102, in the Planned Unit Development No. PUD-102-80 zone.

Staff report was read and recommended approval.

Vice Chair Kirkham asked Staff if there would be treatment of patients? Staff replied no, there would be no medicines as the site is for CPR certifications and nursing support only.

Commissioner Tran asked Staff to clarify what the applicant should do if the other businesses changed and the need for more parking increased? Staff replied that if the applicant does not cause the problem, the burden would belong to the property management company to find a solution.

Commissioner Beard asked Staff if the center is busier Monday through Friday, and if there is property management on site? Staff replied yes to both questions.

Chair Beard asked for Staff's assurance that the training would not become an educational tutoring business for younger kids. Staff replied that the training would be for adults only.

Commissioner Cabral asked Staff if there were future plans for the address at 12443. Staff replied that they are not aware of the current use at 12443; however, if the applicant were to consider expanding the use with additional floor area, he would have to apply for a new Conditional Use Permit.

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

Mr. Hector Cascalla, the applicant's representative, approached the Commission and stated that there would be no bio-hazard; that they use colored water for instructional purposes; that at space 12447, Suite 201 is 2,055 square feet and Suite 203 is 1,285 square feet; and that this trade school has on-site as well as off-site (on-line) training.

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

Vice Chair Kirkham asked Mr. Cascalla if there would be training other than CPR. Mr. Cascalla replied that the school has nursing training that occurs at this site as well as at the clinical site.

Commissioner Bonikowski asked if there would be any underage students on site and is the school accredited? Mr. Cascalla replied that the minimum age is 17 1/2 and above and that the school is waiting for the license.

Commissioner Cabral asked Mr. Cascalla if the students receive a certificate upon completion of the courses. Mr. Cascalla replied that the students take the board to get their license to practice.

Chair Beard asked Mr. Cascalla to clarify what the school is doing now. Mr. Cascalla responded that CPR training and a review prep class are taking place; that the school only occupies the two suites as the other is still being prepared; that the current on-line enrollment could accommodate 15 students and that the CPR enrollment changes; that classes are mornings from 8:00 a.m. to 2:00 p.m. and in the afternoon from 4:00 to 10:00 p.m.; that there are eight students that carpool in the morning; and that classes are Monday through Saturday.

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

Staff clarified that Suite 203 is 2,055 square feet and Suite 201 is 1,285 square feet; and that parking spaces are based on classroom size and square footages.

Chair Beard commented that the building complex is diverse; that there is ample parking; and he would support the project.

Commissioner Ellsworth commented that the project is a good land use; that the complex is secure with a Police substation; and that across the street are vacancies.

Vice Chair Kirkham moved to recommend adoption of the Negative Declaration and Amendment No. A-148-09 to City Council and approve Conditional Use Permit No. CUP-263-09, seconded by Commissioner Cabral, pursuant to the facts and reasons contained in Resolution Nos. 5676 (A) and 5677 (CUP). The motion received the following vote:

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

MATTERS FROM  
COMMISSIONERS:

ELECTION OF CHAIR AND VICE CHAIR

ELECTION OF CHAIR:

Commissioner Kirkham moved to elect Commissioner Beard as Chair, seconded by Commissioner Bonikowski. The motion to elect Commissioner Beard as Chair received the following vote:

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

ELECTION OF VICE CHAIR:

Chair Beard moved to elect Commissioner Kirkham as Vice Chair, seconded by Commissioner Ellsworth. The motion to elect Commissioner Kirkham as Vice Chair received the following vote:

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

Chair Beard asked Staff if there would be future Study Sessions for the Commissioners. Staff replied yes, particularly for the Brown Act, ABC Licenses, site plans, and traffic.

Omar Sandoval recommended that the Planning Commissioners complete an ethics on-line training course, which could be found at the Fair Political Practices Commission website at [www.fppc.ca.gov](http://www.fppc.ca.gov); that the course is a general introduction to the Brown Act, the Political Reform Act, and has rules and regulations that apply to Planning Commissioners. He then gave a brief summary of the Brown Act for the Commissioners to abide by until their training is completed.

Chair Beard mentioned that, as a courtesy, Planning Commissioner's need to notify Staff ahead of time if they are to be absent.

MATTERS FROM

STAFF: Planning Manager Karl Hill introduced Staff members to the Planning Commission. The Commissioners then introduced themselves to Staff and each gave a brief background that included highlights of their involvement with the community.

Staff then read a brief description of the Agenda items for the April 2, 2009 Planning Commission meeting.

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

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

JUDITH MOORE  
Recording Secretary