

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
JULY 7, 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 BRIETIGAM, BUI, CABRAL, DOVINH,
LAZENBY, PAK, SILVA

ABSENT: NONE

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

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

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Brietigam moved to approve the Minutes of May 19, 2011, seconded by Vice Chair Cabral. The motion carried with the following vote:

AYES: COMMISSIONERS: BRIETIGAM, BUI, CABRAL, DOVINH,
LAZENBY

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAINING: COMMISSIONERS: PAK, SILVA

PUBLIC HEARING: SITE PLAN NO. SP-422-07 TIME EXTENSION
APPLICANT: FIDELITY DEVELOPMENT CO. (ALLEN CHEN)
LOCATION: SOUTH SIDE OF CENTRAL AVENUE, BETWEEN WILSON STREET AND
NEWLAND STREET AT 8372 CENTRAL AVENUE
DATE: JULY 7, 2011

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. One letter was written by Raymond Goulette, Trustee, stating that an extension should not be considered if there were no changes to the PUD.

Commissioner Pak asked staff if Mr. Goulette owned property near the subject property. Staff replied no, that Mr. Goulette lived in Huntington beach and could have read the notice from the City's website.

Commissioner Lazenby asked staff if there had been communication with Mr. Goulette as to the intent of his interest. Staff replied no.

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 Dovinh asked the applicant to describe why the extension was necessary. The applicant replied that he was waiting for an economic upturn.

Commissioner Brietigam asked the applicant if he knew Mr. Goulette. The applicant replied yes, that Mr. Goulette was a resident adjacent to the project; and that his original concerns regarded a wall between the houses and privacy windows.

Chair Bui asked the applicant when the project would begin. The applicant replied that the project would start as soon as there were indicators of a better economy.

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

Commissioner Brietigam expressed his support of the extension, however, he would like this to be the last extension as other developers have started projects in Garden Grove.

Commissioner Pak agreed that the economy was bad, however, he was glad the applicant was trying to keep the project alive.

Commissioner Dovinh agreed to support the project, but would like to see the project moving.

Chair Bui concurred and asked the applicant to move the project along.

Commissioner Brietigam moved to approve Site Plan No. SP-422-07 Time Extension, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5742-11. The motion received the following vote:

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

PUBLIC HEARING:	SITE PLAN NO. SP-425-07 TIME EXTENSION
APPLICANT:	FIDELITY DEVELOPMENT CO. (ALLEN CHEN)
LOCATION:	NORTH SIDE OF TRASK AVENUE, EAST OF BARNETT WAY AT 11241 AND 11251 TRASK AVENUE
DATE:	JULY 7, 2011

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.
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Staff report was read and recommended approval.

Commissioner Brietigam asked if the extension would end on August of 2012. Staff replied yes.

Commissioner Silva asked staff what would happen if the applicant's extension expired and he re-applied two years later, would the project be approved? Staff replied that the Planning Commission at that time would decide; that there could be revisions to the project and fees would be charged again for a new application.

Commissioner Lazenby asked staff if the Tract Map would expire prior to the time extension. Staff replied that the Tract Map would expire at the same time.

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

Mr. Gordon Lao, the applicant, approached the Commission and stated that he was waiting for a better economic climate before starting the development.

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

Commissioner Brietigam stated that he would support the time extension, however, he would not support another extension after this one as the development needed to move forward.

Commissioner Pak moved to approve Site Plan No. SP-425-07 Time Extension, seconded by Commissioner Dovich, pursuant to the facts and reasons contained in Resolution No. 5743-11. The motion received the following vote:

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

PUBLIC HEARING: TENTATIVE PARCEL MAP NO. PM-2011-000
VARIANCE NO. V-191-11

APPLICANT: YI DANG

LOCATION: NORTHEAST CORNER OF DALE STREET AND ACACIA AVENUE AT 8503
ACACIA AVENUE

DATE: JULY 7, 2011

REQUEST: Tentative Parcel Map approval to subdivide an existing approximately 13,550 square foot lot into two separate parcels. Lot 1 will be 4,938 square feet in area and Lot 2 will be 7,500 square feet in area. Also, a Variance approval to deviate from the minimum lot area for the R-3 (Multiple-Family Residential) zone. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended denial. Staff corrected an error in the staff report, page 3, paragraph 1, stating that the property development standards would not be in compliance with the proposed small lot subdivision and the rear-yard open space would not be met in the

configuration shown with the two existing units. Staff also mentioned that if the Parcel Map was approved, the plan could be redesigned to comply; that in the past ten years, two variance requests were approved, however, they were more consistent with the General Plan and lots in the neighborhood, however, the proposed project was well below the minimum lot-size standard and was not in keeping with the neighborhood configuration of lots.

Commissioner Silva asked staff if a triplex could be built on the lot. Staff replied yes, provided the project would meet the code for development standards, and that a ten-foot dedication on Dale Street would still be required.

Commissioner Pak asked staff if there was parking data. Staff responded that the project meets the R-1 standards, which includes parking.

Chair Bui stated to staff that other than a block wall to be built between the two homes, and in addition to two new garages, there would be little impact to the surrounding neighborhood other than the project not meeting the minimum lot size requirement, and he asked if there were other options.

Staff replied that, as is, there would not be much change except for the dedication; that City improvements would not be required at this time; that if the Parcel Map were considered for approval, conditions of approval would be added, and the Variance for the rear-yard open space on lot No. 1 would be reviewed; that this proposal would set a precedence for a smaller than typical lot size for the applicant and not anyone else; and that the City was trying to apply continuity and consistency in the area for lot sizes.

Staff also added that the Parcel Map subdivision could not be approved without the Variance, which were exceptions to the zoning code; and that five findings would have to be made by the Planning Commission to support the Variance.

Commissioner Pak asked staff if the applicant explained to staff why the subdivision was necessary, as the applicant has owned the property since September of 1998. Staff responded that the property owner wished to set aside the property for his children; that the larger parcel would be reserved for the applicant and the smaller parcel would go to one of his children.

Commissioner Pak asked for the cost amount for the application process for this project. Staff replied that the amount was \$3,130, not including the environmental fees if the project were approved.

Commissioner Lazenby asked staff that if the Variance was modified, would the project comply with City code? Staff responded that the rear-yard lot open space on the plan would have to be modified or an additional Variance would need to be filed with the required findings for approval.

Chair Bui asked that if the project was denied could a privacy wall be built between the homes? Staff replied that, with a building permit, fencing could be placed on the proposed property line as long as the fence would meet code for height and location.

Commissioner Lazenby added that to share in the ownership of the parcel, the mortgage status could be changed to joint tenancy.

Commissioner Cabral asked staff if the applicant was flexible with the proposal. Staff replied that in order to support the subdivision to be fairly equal, the lot no. 2 home would need to be demolished, or modifications would need to be made to one of the structures.

Commissioner Pak asked staff when the sidewalk improvements would occur on Dale Street as there was an unimproved sidewalk area with an ominous storm drain that could be considered a safety hazard. Staff responded that Dale Street was a secondary arterial with a right-of-way width that should be 80 feet from one property line to the other; that over time the City would acquire the right-of-way through a capital improvement program or by property owner dedication; that when the dedications were acquired a full street improvement would be scheduled; and that through the subdivision map act and property improvement, the City could ask property owners to dedicate right-of-way as necessary.

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

Mr. Leon Tran, the applicant's representative, and Mr. Dinh Lai Vu, the property owner, approached the Commission and distributed handouts. Mr. Vu described the project stating that the proposal was to keep the subdivision residential and to not create any environmental obstacles; that the City has future plans to improve the Dale Street sidewalk by utilizing a ten-foot dedication in addition to the previous five-foot dedication for sewer repair between Dale Street and Acacia Avenue that occurred approximately ten years ago; that there was no damage reimbursement; that 1,500 square feet in total would be dedicated; and that due to the dedication, his proposal would not be supported.

Mr. Vu also described his declining health condition and stated that he wished to bequeath the property to his children, in two parts, to avoid any future disputes.

Commissioner Dovich asked the applicant how long he has lived in the residence and how long have the two separate units been in existence. Mr. Vu replied that he purchased the property approximately 12 years ago with two units already on it.

Vice Chair Cabral asked the applicant for his plan if the request was not approved. Mr. Vu stated that he would ask for an appeal.

Vice Chair Cabral asked the applicant if he would be willing to work with staff to modify his proposal for compliance. Mr. Vu replied that he could not afford to modify the proposal.

Chair Bui asked the applicant if the children would stay in the homes or use them as rentals? Mr. Vu replied that their intent was to return to the community and live in the homes.

Commissioner Pak asked the applicant if he had considered joint tenancy between the children. Mr. Vu replied no.

Commissioner Pak also noted that the property had two separate addresses.

Mr. Vu stated that the future 1,500 square foot cut on Dale Street would impact his proposed subdivision.

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

Commissioner Brietigam stated that he appreciated the applicant's position; that the City had rules in place for the future; and there was no support for findings in order to approve the project.

Commissioner Dovich expressed that he would support the project due to the corner lot configuration; that the dedication cuts into the applicant's ability to subdivide and he was losing property rights; that the applicant had been at the location for twelve years with no complaints with two units; that the Planning Commission needed to vote for the growing needs of a changing community and be tolerant with variances; that this was not the first variance; that the use was not unsafe; that to grow as a community, Garden Grove needs to subdivide the large lots; and that if we are conservative, we would not grow as a community.

Commissioner Brietigam partially agreed, however, he stated that with subdivisions the City would not have big lots; that with more people there would be more traffic congestion; and that the greater good needed to be addressed, and not the one.

Vice Chair Cabral also agreed in part and stated that the General Plan was in place as a vision for the City of Garden Grove; that the large size lots were an attraction to Garden Grove; that the facts show that there were two properties and two houses that could be given to the children; and that she would not support the proposal.

Commissioner Pak stated that the General Plan was to safeguard the well being of the residents of Garden Grove; that there were other small developments; that the applicant knew what he was buying at the time; and that the use should be equal to the neighbors without special privileges.

Commissioner Silva asked staff that if the applicant did not 'gift' the land, would he be compensated for the acquisition of the dedication at a later date? Staff replied yes, and improvements such as curb and gutter, new driveways, and sidewalk would be implemented; and that if a development were to occur, the City would ask the developer to dedicate and possibly be responsible for the improvements.

Commissioner Lazenby commented that there were other options for leaving the property to the children and that the applicant would be compensated for the dedication.

Chair Bui expressed his support for the applicant as the homes have existed for over ten years; that a block wall could subdivide the property; that the west side area adjacent to Dale Street was open; and that there would be little impact to the neighborhood as the lot was a corner lot.

Commissioner Silva questioned staff that if the lot were subdivided, could the lots be sold separately. Staff replied yes.

Chair Bui added that his support was based on the land area being sufficient for two homes that have not had issues.

Commissioner Brietigam moved to approve the denial of Tentative Parcel Map No. PM-2011-000 and Variance No. V-191-11, seconded by Commissioner Cabral, pursuant to the facts and reasons contained in Resolution No. 5741-11. The motion received the following vote:

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

**MATTERS FROM
COMMISSIONERS:**

Commissioner Brietigam expressed that he was glad that grant money was obtained for landscaping on Lampson Avenue and he commended Verla Lambert's 'green' efforts and the City for their diligence.

Commissioner Pak welcomed the new Commissioners and added that he would be absent from the next Planning Commission meeting on July 21st; that the Korean Festival would take place October 14th, 15th and 16th at the Courtyard Center; and that Garden Grove has a new employee for one year from the sister City of Anyang and her name is Mrs. Shin.

Chair Bui, Vice Chair Cabral, and Commissioner Brietigam also added that they would be absent from the July 21st meeting.

**MATTERS FROM
STAFF:**

Staff mentioned that the next regularly scheduled Planning Commission meeting would be July 21, 2011 and would include the Mixed Use Code Amendment; that Commissioners would receive the documents earlier than the standard one week; that the consultant team would do a presentation on the Mixed Use zoning and changes to the General Plan; and that Commissioners needed to submit to the City Clerk's office, any properties owned, including home and business, in order for the City to plot a map that would indicate if any Commissioners were within 500 feet of the Mixed Use zone properties.

Staff noted that with Commissioner Silva recused from the discussion on July 21st, and four Commissioners absent, the July 21st meeting would not have a quorum, however, all Commissioners would be available for the Thursday, August 4th Planning Commission meeting.

Staff then introduced the new Commissioners.

Commissioners Silva and Lazenby each gave a brief history of their time in the City of Garden Grove.

ADJOURNMENT:

Chair Bui moved to adjourn the meeting at 8:35 p.m., seconded by Commissioner Brietigam. 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