

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
SEPTEMBER 16, 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,  
ELLSWORTH

ABSENT: PAK

VACANCY: ONE

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Chris Chung, Assistant Planner; 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 Ellsworth and recited by those present in the Chambers.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Vice Chair Bui moved to approve the Minutes of September 2, 2010, seconded by Commissioner Cabral. The motion carried with the following vote:

AYES: COMMISSIONERS: BEARD, BONIKOWSKI, BUI, CABRAL

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: PAK

ABSTAIN: COMMISSIONERS: ELLSWORTH

VACANCY: COMMISSIONERS: ONE

PUBLIC HEARING: SITE PLAN NO. SP-422-07 TIME EXTENSION 3  
APPLICANT: FIDELITY DEVELOPMENT CO. (ALLAN CHEN)  
LOCATION: SOUTH SIDE OF CENTRAL AVENUE, BETWEEN WILSON STREET AND  
NEWLAND STREET AT 8372 CENTRAL AVENUE  
DATE: SEPTEMBER 16, 2010

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.

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

Mr. Allan Chen approached the Commission.

Commissioner Cabral commented that the home has property maintenance issues such as overgrown grass and shrubs and trash, and that the visibility and viability to the City needs to be maintained.

Staff added that these issues would be addressed by Code Enforcement.

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

Commissioner Ellsworth moved to approve Site Plan No. SP-422-07 Time Extension 3, seconded by Vice Chair Bui, pursuant to the facts and reasons contained in Resolution No. 5721. The motion carried with the following vote:

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

PUBLIC HEARING:	SITE PLAN NO. SP-425-07 TIME EXTENSION 3
APPLICANT:	FIDELITY DEVELOPMENT CO. (ALLAN CHEN)
LOCATION:	NORTH SIDE OF TRASK AVENUE, EAST OF BARNETT WAY AT 11241 AND 11251 TRASK AVENUE
DATE:	SEPTEMBER 16, 2010
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.

Staff report was read and recommended approval.

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

Mr. Allan Chen approached the Commission and asked staff to clarify the entitlement extension times.

Staff responded that extension for the Site Plan has no limitations except that the granting of an extension can only be one year at a time and must be applied for every year; that the potential time extension for the subdivision tract map could be eight years with a break down as follows: the original two (2) years by the State, an additional three (3) years by the State, and per City code, an additional one year, up to three years (1-3). Staff noted that the Site Plan extension is indefinite unless circumstances change such as a change in staff recommendation for denial for reasons such as substantial changes in surrounding properties or changes in the property itself.

Mr. Eldon Hemphill approached the Commission and expressed his concerns with the property in the past being an illegal auto body shop; that he has contacted Code Enforcement many times, especially on property maintenance; that he would like a condition that prohibits any future business operation at the home, especially auto body repair; that currently, the easement gates that should be closed are open; and that Trask Avenue had been designated as a 'model' street and he would like to see the street that way again.

Staff noted that the Planning Commission would address the entitlement approvals only and that any property maintenance issues should be directed to Code Enforcement, and that an inspection of the property would occur by the coming Monday.

Commissioner Bonikowski recalled that the same issues were present a year ago, however, staff added that the approved development would take care of the issues.

Mr. Phil Chen approached the Commission and acknowledged there were code enforcement issues; that weeds have been cut down due to the fire; and that the new tenants have several items that need to be removed from the property.

Vice Chair Bui asked Mr. Chen if he or the tenant takes care of the property maintenance. Mr. Chen replied that the tenant(s) are responsible for watering the grass and that a water source has been an issue.

Chair Beard stated that the property owner is responsible for the property regardless of the tenants, however, the issue is the time extension.

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

Vice Chair Bui moved to approve Site Plan No. SP-425-07 Time Extension 3, seconded by Commissioner Ellsworth, pursuant to the facts and reasons contained in Resolution No. 5722. The motion carried with the following vote:

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

PUBLIC HEARING: AMENDMENT NO. A-156-10  
APPLICANT: MY V. NGUYEN  
LOCATION: NORTHEAST CORNER OF LAMPSON AVENUE AND EUCLID STREET AT  
12460 EUCLID STREET  
DATE: SEPTEMBER 16, 2010  
REQUEST: To amend the CCSP-OP9 (Community Center Specific Plan – Office Professional, Area 9) zone to add 'delicatessen/sandwich shop' as a permitted use within the Office Professional sub-district, Area 9. The site is in the CCSP-OP9 (Community Center Specific Plan – Office Professional, Area 9) zone.

Staff report was read and recommended approval. One letter of concern was written regarding traffic issues and that there is no need for an additional sandwich shop in the area.

Vice Chair Bui asked staff if a traffic analysis was warranted. Staff replied 'no'.

Chair Beard asked staff to clarify the parking spaces. Staff responded that this approval is an amendment to the Office Professional sub-district and not the sandwich shop at this time, which would require a Conditional Use Permit review.

Commissioner Ellsworth asked staff to clarify the approval of this zoning use. Staff responded that City Council approves the change in zoning; and that the established use cannot be taken away as the use becomes a grandfathered nonconforming use.

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

Mr. Jeong Cha, a resident, asked for clarification of the zone change. Staff responded that 15 parcels north of Lampson Avenue and on Euclid Street would be affected by the added use.

Mr. Cha asked if homes would be removed. Staff replied 'no', however, the nonconforming homes along Euclid Street could transition to become professional offices, however, residences could continue indefinitely; and, that the change gives an additional right, however, the existing use is considered 'grandfathered'.

Mr. Cha commented that if the area becomes more of a commercial zone, there may be an increase in traffic in his neighborhood, which is a safety concern; that there would not be enough parking spaces; and that there are accidents because of U-turns at Jerry Lane and Euclid Street due to a lack of a traffic signal.

Staff responded that the comments would be directed to the City's Traffic Engineer.

Mr. My Nguyen, the applicant, approached the Commission and described the need for a coffee break shop in the professional building and that he would keep the building in good condition.

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

Commissioner Cabral asked for clarification on the boundaries of the sub-district's proposed permitted use. Staff replied that a 15-parcel district would be affected as opposed to the previous single-site request; that the previous request was for a 'coffee house', however, this request would allow 'delicatessen/sandwich shop' as a permitted use with Conditional Use Permit approval; and that the amendment's general use exclusion list includes 'coffee house' due to the potential negative impacts.

Commissioner Cabral moved to recommend approval of Amendment No. A-156-10 to City Council, seconded by Commissioner Bonikowski, pursuant to the facts and reasons contained in Resolution No. 5723. The motion carried with the following vote:

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

PUBLIC HEARING: MITIGATED NEGATIVE DECLARATION  
GENERAL PLAN AMENDMENT NO. GPA-1-10(A)  
PLANNED UNIT DEVELOPMENT NO. PUD-126-10  
TENTATIVE PARCEL MAP NO. PM-2010-1178  
CONDITIONAL USE PERMIT NO. CUP-303-10  
DEVELOPMENT AGREEMENT NO. DA-183-10

APPLICANT: MCWHINNEY  
LOCATION: WEST SIDE OF HARBOR BOULEVARD, SOUTH OF LAMPSON AVENUE,  
NORTH OF GARDEN GROVE BOULEVARD AT 12581, 12591, 12681, 12721  
HARBOR BOULEVARD, AND 12602 AND 12601 LEDA LANE  
DATE: SEPTEMBER 16, 2010

REQUEST: To establish a Planned Unit Development zoning with development standards for the development of a water park hotel on an approximately 12.1-acre site along with a General Plan Amendment to change the General Plan Land Use designations of two properties from Low Density Residential to International West Mixed Use, a Conditional Use Permit to allow for the sale of alcoholic beverages in the hotel and hotel restaurants, and a Tentative Parcel Map to reconfigure the existing six properties into three separate properties. The proposed water park hotel project will include the water park hotel that consists of an approximately 639 room hotel, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail, approximately 30,000 square feet of meeting space, restaurants within the hotel facility, a parking structure, and an approximately 14,850 square foot restaurant pad. A Development Agreement is also included.

Staff requested that this case be continued to a date uncertain in order to finalize environmental work, however, public testimony could be taken at this meeting and the project would be re-advertised for a later date.

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

Mr. Charles Dang, 12581 Leda Lane, approached the Commission and expressed his concerns regarding Leda Lane, a dead-end road, being used as an emergency fire access road; that the residents were not notified of the proposed new use of the road; that City Council response was that another location may be chosen, however, this was not a written statement and the residents need a definitive answer on this matter.

Staff responded that an answer was not available yet due to additional project analysis that is needed, however, the residents would receive

notices with the opportunity to respond at a future Planning Commission public hearing.

Mr. Dang asked for clarification on the public hearing process. Staff replied that this case would come before the Planning Commission at a future date prior to being recommended to the City Council for further consideration.

Mr. Keith Pusavat, a deacon at Orange County Young Nak Church, approached the Commission and stated that the church is adjacent to the proposed development. He asked staff when reports would be available for public review. Staff replied that the Environmental analysis would be available 30 days prior to the meeting, and the staff report and resolutions would be available one week before the meeting.

Mr. Dang asked if the Commission addresses economic matters concerning the proposed development as community members would like to know the economic impact to the City. Staff responded that the Commission only addresses land use issues and that the Garden Grove Agency for Community Development addresses economic matters.

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

Commissioner Bonikowski moved to continue the case to a date uncertain, seconded by Commissioner Ellsworth. The motion carried with the following vote:

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

**MATTERS FROM  
COMMISSIONERS:**

Vice Chair Bui asked staff that if he were out of town, could he have electronic copies of the staff report emailed to him? Staff responded that they would look into the matter as there may be a City Clerk protocol.

Commissioner Ellsworth invited the Commissioners and staff to the Boys and Girls Club of Garden Grove Orange County Wine Festival, to be held at Kiwanisland on Saturday, September 25, 2010 from 2:30 to 7:00 p.m. with proceeds benefiting the children. Further information is available at [www.bgcgg.org](http://www.bgcgg.org).

Commissioner Cabral commended staff on their work with Mr. My V. Nguyen regarding Amendment No. A-156-10.

Chair Beard asked staff for an update on the former Black Angus building. Staff replied that the building would be demolished for a new fire station some time in the future, and the area vacated by the Fire Station 1 would be used for Police Department expansion.

Commissioner Ellsworth stated he would not be available for the next Planning Commission meeting.

MATTERS FROM  
STAFF:

Staff read a brief description of the agenda item for the October 7, 2010 Planning Commission meeting.

ADJOURNMENT:

Chair Beard moved to adjourn the meeting at 8:20 p.m., seconded by Commissioner Bonikowski. The motion received the following vote:

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

JUDITH MOORE  
Recording Secretary