

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
MARCH 2, 2006

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: CHAIR JONES, VICE CHAIR MARGOLIN,
COMMISSIONERS CALLAHAN, CHI, LECONG, PIERCE
ABSENT: None.
VACANCY: One.

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Erin Webb, Senior Planner; Paul Wernquist, Urban Planner; Robert Fowler, Police Department; Dan Candelaria, Civil Engineer; Judith Moore, Recording Secretary.

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

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Vice Chair Margolin moved to approve the Minutes of February 16, 2006, seconded by Chair Jones. The motion carried with the following vote:

AYES: COMMISSIONERS: CALLAHAN, CHI, JONES, LECONG,
MARGOLIN, PIERCE
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

PUBLIC HEARING: NEGATIVE DECLARATION
SITE PLAN NO. SP-390-06
TENTATIVE PARCEL MAP NO. PM-2005-200
VARIANCE NO. V-136-06
DEVELOPMENT AGREEMENT

APPLICANT: RAMANLAL S. PATEL
LOCATION: EAST SIDE OF PALM STREET AT THE INTERSECTION OF PALM STREET
AND HARBOR BOULEVARD AT 12812 PALM STREET
DATE: MARCH 2, 2006

REQUEST: To expand the existing 17 unit motel by construction of a three-story, 41-unit hotel development on approximately 1.32 acres; Tentative Parcel Map approval to consolidate two land parcels into one lot; Variance approval to deviate from the required front yard setback. The site is in the HCSP-OP (Harbor Corridor Specific Plan-Office Professional) zone.

Staff report was read and recommended approval.

Vice Chair Margolin asked staff if traffic concerns were addressed.

Staff referred the Condition No. 23 which states that an 8" high median would be built to restrict site access to right turn in/ right turn out movements only to optimize traffic safety, and that due to the volume of traffic a traffic study was not warranted. Staff further commented that new crosswalks would be implemented for pedestrian safety, and that the project could be reviewed with regard to lighting.

Vice Chair Margolin asked staff to clarify the Variance setback. Staff replied that the frontage of the new building would be 60'-0" from the street and that landscaping would be provided.

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

Mr. Bob Tuttle, the owner's representative and architect, approached the Commission and expressed that the applicant had read and agreed with the conditions of approval.

Commissioner Chi asked if the existing motel would be repainted to match the new hotel's color scheme. Mr. Tuttle replied yes.

Chair Jones asked Mr. Tuttle why the motel and hotel were separated. Mr. Tuttle replied that there is a plan to extend the three-story structure into the rear area, but for now, the new hotel would hide the motel portion.

Ms. Verla Lambert approached the Commission and expressed her concerns with regard to driveways, traffic, and notification for neighborhood meetings.

Mr. Tuttle stated that he and the applicant had met with the adjacent neighbors and that there were no concerns.

Staff commented that the adjacent 159-unit project was conditioned to make modifications to the intersection of Palm Street and Garden Grove Boulevard by providing a protected left turn signal.

Commissioner Lecong asked if a fire sprinkler system would be installed in the existing motel. The applicant replied that the motel has working smoke detectors in all the rooms.

Staff added that due to the two buildings not touching, and per the California Fire Code (CFC), the older motel was in compliance and would not need upgrading to a fire sprinkler system.

Commissioner Chi asked staff to clarify Condition No. 42 with regard to 'decorative driveways'. Staff replied that No. 42 is a standard condition for all projects that entry driveways must be improved with a type of decorative brick or block pattern or brick to accentuate the main entrance.

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

Commissioner Chi asked staff to add a condition that states that the color scheme of the existing motel be modified to match the new hotel.

Vice Chair Margolin moved to adopt the Negative Declaration, recommend the Development Agreement to City Council, and approve Site Plan No. SP-390-06, Tentative Parcel Map No. PM-2005-200, and Variance No. V-136-06, with one amendment, seconded by Commissioner Callahan, pursuant to the facts and reasons contained in Resolution No. 5537. The motion carried with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING:	CONDITIONAL USE PERMIT NO. CUP-180-06
APPLICANT:	JULIET THU MAI NGUYEN
LOCATION:	WEST SIDE OF BROOKHURST STREET, SOUTH OF GARDEN GROVE BOULEVARD AT 13135 BROOKHURST STREET
DATE:	MARCH 2, 2006
REQUEST:	To allow an existing restaurant, PM Café, to operate with an original (new) Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine-Bona Fide Eating Place) License. The site is in the C-2 (Community Commercial) zone.

Staff report was read and recommended denial. One 80 signature petition was submitted in support.

Vice Chair Margolin asked staff to explain how the over concentration of 'Type 41' Alcoholic Beverage Control (ABC) licenses occurred in this district when only six are allowed.

Staff replied that many years ago Garden Grove Boulevard had many ABC Licenses and high crime, and that over time and attrition, licenses were pulled and the number of licenses was brought down to a more manageable level. After that, City Council created a policy that if a restaurant was a sit-down 'family-style' establishment, a 'Type 47' License was allowed. Over the next several years, the number of licenses spiked and the decision was made to review licenses on a case by case basis. Staff further added that this is why, if a district has high crime and over concentration, staff would request a denial of the license.

Vice Chair Margolin commented that the restaurant is only technically adjacent to Kiwanisland and Boys and Girls Club, and that is not a good argument for denial; however, he agreed there is an over concentration of licenses.

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

Mr. Alex Woo, the applicant's representative from the American Liquor Exchange, approached the Commission and stated that the applicant

purchased the restaurant in 2004 with the intent to serve wholesome authentic Vietnamese food in a family-style atmosphere. Mr. Woo noted that a website, Local.com, estimated that Garden Grove had 23 Vietnamese restaurants and that only four had 'Type 41' ABC Licenses, and three of those were in Garden Grove. He also stated that Garden Grove has a Vietnamese population of 35,000 and agreed that there is an over concentration and high crime; however, the restaurant would cater to the heavily populated Vietnamese community. Mr. Woo also commented that the restaurant floor plan would be remodeled and include the removal of video games and computer terminals, and that in lieu of catering to a younger crowd, the applicant opted to serve homemade style food, and with this, patrons would expect the option of beer and wine.

Commissioner Lecong asked Mr. Woo if the applicant knew she was buying a restaurant in an already over concentrated district. Mr. Woo replied yes; however, the applicant still wanted to apply for a license.

Mr. Frederick Llano, the owner of the center, approached the Commission and expressed his support of the license; he stated that the rear parking garage inhibits rear access to the Boys and Girls Club; that he supports the removal of video games and computer terminals; that the area needs beer and wine, since the center is on Brookhurst Street, not Garden Grove Boulevard where the high concentration exists; that Garden Grove Boulevard is more Korean than Vietnamese; and that the restaurant is a better property use than the café.

Commissioner Lecong asked Mr. Llano if he knew that he had property violations such as trash, parking, illegal business, and illegal vehicle storage.

Mr. Llano replied that to his knowledge he was not aware of any violations, and that his parking garage is for the tenants who have remote entry and that this helps to keep crime down in the area.

Chair Jones asked staff if police statistics were available relating to the restaurant. Staff replied no; however, there are statistics for other businesses in the center.

Chair Jones asked staff to describe the types of problems that occur in the center. Staff pointed out there were gang issues related to coffee shops; parking structure problems in that the structure is open on the back side and looks into the yard of the Boys and Girls Club with the potential of noise, thrown bottles and other issues related to alcohol; and there is a taxi cab service.

Commissioner Chi asked staff if the code violations relating to parking and fenced parking areas are a problem. Staff replied that those issues are a Code Enforcement issue in that the remote gates on the parking structure are to be open to the public at all times as well as to the business people during the business hours of operation. Staff also pointed out that the violations are directed at the business and that copies of the violations are sent to the owners.

Commissioner Callahan asked staff if the standard for granting ABC Licenses was convenience and necessity of the public. Staff replied that

ABC regulations would defer to the City on Conditional Use Permit (CUP) issues and if the City approves the CUP, typically the license would be granted even though there may be an over concentration.

Staff further commented that the City's Municipal Code has different standards and is geared more toward negative impacts to surrounding neighborhoods, which is reflected in the staff report. Staff added that the Commission must have findings if they intend to support the license.

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

Commissioner Chi pointed out that previous CUP's approved by Commission were existing CUP's and that this is an original CUP; that the Police Department stated the district has the highest concentration in the census tract, but not in this center; that he would like to give business owners options for quality restaurants; that he doesn't want to punish the business owner for the landlord's violations; that he would like to see the code violations remedied before granting an approval, that with the restaurant's success, the applicant would be rewarding the landlord; and that at this point he could not support the CUP.

Chair Jones commented that his views on the four findings were opposite of staff's in that there is no evidence of high crime directed at this establishment which has been in business several years; that over concentration could be good in that the area can be policed and is enforceable; that granting this license would not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; that the license would not unreasonably interfere with the use, enjoyment, or valuation of property in the vicinity; that he likes to see good folks do good business and also have the chance to be competitive; and that he does not see evidence that the business owners would abuse the license.

Commissioner Callahan stated that the license would not be good for the community.

Commissioner Pierce stated that since the restaurant is on Brookhurst Street instead of Garden Grove Boulevard, he would support the license and would like to see more Vietnamese restaurants in Garden Grove.

Vice Chair Margolin pointed out that if the restaurant would be changed to a family-style restaurant, it would not be a teenage hangout; that he has more concerns related to hard liquor than beer and wine; that he would like a condition stating that the video games and computer terminals would be removed; that the project be reviewed six months after opening; and that the counter be for counter dining only.

Chair Jones commented that a condition be added with regard to the revised floor plan.

Commissioner Chi asked staff if the landlord's violations could be taken into account when making a decision. Staff replied yes, due to the negative impact to the property; that the landlord must approve the

business owner's application; and that the CUP goes with the land, the license goes with the business.

Commissioner Chi expressed that if the conditions were added as discussed, he would support the project.

Staff also pointed out that a standard condition requires that the code violations on the entire property must be remedied before the CUP and license are allowed.

Commissioner Lecong commented that he would like to support staff's recommendation; however, with the applicant's investment and the change to a family-style restaurant, he would support a license.

Staff added that conditions would include the standard restaurant operating hours; that the case could be continued to the next meeting with a resolution of approval brought back with conditions of approval attached; and that the public hearing should be left open for further testimony.

Chair Jones moved to instruct staff to prepare a resolution of approval, with Conditions of Approval attached, for Conditional Use Permit No. CUP-180-06, and to bring the resolution back to the March 16, 2006 Planning Commission meeting, seconded by Vice Chair Margolin. The motion carried with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC

HEARING: CONDITIONAL USE PERMIT NO. CUP-150-05
APPLICANT: ALBERT GHARIBIAN
LOCATION: NORTHWEST CORNER OF CHAPMAN AVENUE AND KNOTT STREET AT 6961 CHAPMAN AVENUE
DATE: MARCH 2, 2006

REQUEST: To convert a previous service station to allow the operation of an automotive maintenance shop and an automotive detailing business. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended approval. One letter describing concerns was written by Alfonso Trozzi.

Chair Jones asked staff that if this property were not a gas station before, would a CUP be required?

Staff replied that when a service station is converted, a CUP must be applied for a different use; however, there are other permitted auto-related businesses in the C-1 and C-2 zones, but the code requires a CUP with service station conversions.

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

Mr. Albert Gharibian, the applicant/owner, approached the Commission and stated that he was a smog technician; that he acquired his licenses prior to closing escrow on the property; that he has limited finances and the required improvements in the conditions would cost him approximately \$100,000; that after three months he realized his business was too small and he decided to expand; that he was told by the City that he needed a CUP to continue operating; that he found a financial partner to help with a future plan to add a carwash.

Chair Jones asked Mr. Gharibian to describe the carwash. Mr. Gharibian explained that the carwash would be self-service and full-service, with a detail shop, hand drying, and vacuuming for full-service.

Chair Jones asked Mr. Gharibian if he had read and agreed with the conditions of approval. Mr. Gharibian had read the conditions and pointed out that the 3'-0" high perimeter wall would not give his property security; that he did not want to spend the money for a wall if the carwash was not approved; that he is the only property in the area that is a C-1.

Staff explained that the property behind is C-1; Knott Avenue is the dividing line between industrial PUD's to the east; kitty-corner to the southwest is an industrial PUD that allows auto-repair and smog testing; to the west is residential; and Perry's Pizza is also C-1.

Chair Jones asked Mr. Gharibian about his preference with regard to the wall. Mr. Gharibian replied he cannot afford the wall and does not want it.

Staff pointed out that the code for service station conversions states that when the service station side abuts property zoned for commercial, a solid masonry wall at least 3'-0" in height or planter areas need to be installed along the boundary; that in this case, planters are conditioned around the boundary in the back; that the back wall would be the front of Perry's Pizza, and would need to be painted and landscaped without obscuring the visibility; that the 6'-0" screen wall would be conditioned along the wash bay area to restrict splashing; that the automatic car wash is a different entitlement not included in this hearing; that vacuuming should occur inside the building to restrict noise; and that hand-drying would occur outside the building under the canopy.

Vice Chair Margolin asked staff to clarify the \$100,000 cost for the CUP. Staff replied that the amount was the applicant's estimate for the wall, landscaping and signage, and also pointed out that parking and circulation was a problem with regard to the future carwash; however, most of the existing facility would be kept.

Commissioner Chi asked the applicant if he could accommodate RV auto-detailing. Mr. Gharibian explained that at present, the RV's are driven to a different carwash and brought back for wax and detailing; and that in the future, there may be a bigger pad for RV's.

The applicant reiterated that the high cost of \$100,000 would include the wall; new landscaping with sprinkler plumbing under the asphalt; new lighting; and that vacuuming should occur outside, not inside due to the

size of the area; that the vacuum does not create much noise; and that he agrees with the conditions of approval but would like one or two years to implement the improvements.

Staff added that a landscape plan is required in 30 days and that the landscaping must be planted 90 days from the date of approval.

The applicant stated that he wants the CUP to acquire the carwash in the future.

Chair Jones asked staff if a carwash would require a zone change of the property to C-2? Staff replied yes, and that the applicant has the right to request a zone change later at which time the location and uses would be considered; that traditionally, C-2 zones are reserved for shopping centers which have more flexibility; and that a CUP would have been required even if the prior use had not been a gas station.

Vice Chair Margolin informed the applicant that there is no guarantee that a carwash could be assured, even through the appeal process, and that the zone change is the biggest hurdle.

Staff clarified that the applicant requires a CUP to continue his operations as is, and that the code is clear that another use from a service station requires a CUP.

Mr. Luis Padilla, the lessee of the bay, approached the Commission and stated that Perry's Pizza patrons would not look at the wall and the wall would attract skateboarders; that the site already has planters with landscaping; that he can wash cars next to each other and not splash; that his vacuum is quiet at .3 decibels; that vacuuming needs to be done outside because of the dust; that the yellow paint on curbs is so that the curbs can be seen.

Mr. Adrian Van Rijs, the applicant's carwash partner, approached the Commission and stated that more time was needed to implement the improvements; that a wall is not needed; that the shopping center owner does not want a wall; that tire blocks would be required to prevent cars from hitting the wall; that he would like nine months time to apply for re-zoning; and that improvements should be delayed until the zone change is decided.

Commissioner Chi asked Mr. Rijs to describe the carwash placement. Mr. Rijs stated that a 40 foot long tunnel would be placed behind the building for cars to pass through from the east to the west side of the property.

Commissioner Chi asked Mr. Rijs that if the carwash was built, would the new perimeter wall and landscaping be demolished? Mr. Rijs replied yes.

Mr. Alfonso Trozzi approached the Commission and expressed his concerns with regard to noise; C-2 zoning; visibility to his mother's property; the unnecessary wall; and that the noise from the past remediation had been a problem.

Chair Jones asked Mr. Trozzi for the date of the remediation. Mr. Trozzi replied the remediation occurred around the year 2000 and lasted

approximately three years.

Commission Callahan commented that he opposed the wall as it would invite graffiti.

Chair Jones commented that unless there is a safety issue, he doesn't see the need for a wall; he agreed that a CUP is required and that time is needed to see if the zone change would take place.

Staff commented that landscaping would suffice, instead of a wall to delineate the property's boundary; and that the code for this project is about the re-use of old property.

Commissioner Chi reminded the other Commissioners that the applicant has been operating without a CUP; however, staff stated that the applicant did not know a CUP was required when the service station stopped operating.

Commissioner Chi asked if some improvements could be implemented now and then give the applicant more time.

Chair Jones commented that the technical issues should be addressed now and the aesthetic issues postponed.

Vice Chair Margolin agreed and stated that the vacuum issue is more of a concern and that the applicant should stay in business so that the property doesn't deteriorate.

Commissioner Lecong asked the applicant and Mr. Luis Padilla to describe the amounts of their business income for a better picture of their finances.

Vice Chair Margolin, however, commented that the applicant's income is not a Commission concern, and staff added that the applicants are not required to answer monetary questions as that information is private and protected.

Vice Chair Margolin asked staff that if the applicant's CUP was granted, would he be required to get another CUP? Staff replied that if the applicant wished to add a carwash, certain entitlements would apply such as a zone change, a site plan for the structure, and a CUP for the operation.

Staff added that a temporary permit had been granted under a Director's Review and that the Director's Review, which lasted 15 months, has expired and that it is advised that Commission act on the CUP before them in order to allow the operator to continue the business.

Mr. Robert Ruiz, the site plan detailer, approached the Commission and asked for itemized comments on the Conditions of Approval.

Chair Jones agreed that the general Conditions of Approval would suffice and the consensus of Commissioners was to agree with the following with regard to the Community Development Conditions:

Condition No. 9 – To be implemented as stated from date of approval.

Condition No. 9a – Change the wall condition to allow either a 3’-0” high wall or landscape planter around the perimeter of the property along the rear and side property lines, and said landscaping would be contained in landscape planters, and be implemented one year from date of approval.

Condition Nos. 9b through 9g – Leave as is with one year from date of approval to implement.

Condition Nos. 10 and 11 – To be implemented as stated from date of approval.

Condition No. 12 – Revise to read: Vacuuming shall be allowed outside the building, as long as decibels levels comply with the City’s noise ordinance.

Condition Nos. 13 and 14 – To be implemented as stated from date of approval.

Condition No. 15 – To be implemented as stated from date of approval; Staff noted that code requires a trash enclosure, however, the applicant can discuss an alternative design with the sanitation company with a letter supplied to the Community Development Department.

Condition No. 16a – To be implemented as stated from date of approval.

Condition No. 16b – Staff commented that code does not allow painted wall signs, therefore, the condition must be implemented as stated from the date of approval.

Condition Nos. 17 through 20 – To be implemented as stated from date of approval.

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

Chair Jones moved to approve Conditional Use Permit No. CUP-150-05, with amendments, seconded by Commissioner Lecong, pursuant to the facts and reasons contained in Resolution No. 5475. The motion carried with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, CHI, JONES, LECONG, MARGOLIN, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS
FROM

COMMISSIONERS: Commissioner Lecong asked staff whom he should call for tree removal of a neighbor's tree that had been cut down. Staff suggested that he contact the Public Works Department, specifically Keith Jones, for options.

Commissioner Pierce commented that he would be absent from the March 16, 2006 Planning Commission meeting.

Vice Chair Margolin commented that the hearing took much too long. Chair Jones agreed that the procedure should be more efficient.

Vice Chair Margolin added that Joseph Pak would fill the Planning Commissioner vacancy.

MATTERS
FROM STAFF:

Staff read a brief description of future agenda items for the Planning Commission meeting on March 16, 2006, and commented that the GSA project listed (SP-392-06) may be postponed. Staff also reminded Commissioners of the Study Session to be held prior to the meeting at 6:00 p.m.; that the topics covered would be new material on ABC Licenses and CUP's; and that the Police Department has expanded issues and concerns with regard to those topics.

Commissioner Lecong asked staff if Police Department ride-a-longs were available. Staff suggested that he ask the Police Chief at the March 16, 2006 study session, and also at that time, Commissioner Callahan could ask the police staff to explain 'public convenience and necessity'.

ADJOURNMENT: The meeting was adjourned at 10:35 p.m.

JUDITH MOORE
Recording Secretary