

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
JULY 19, 2007

CALL TO ORDER: The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the 'A' Room of the Community Meeting Center.

PRESENT: CHAIR CHI, VICE CHAIR PIERCE
COMMISSIONERS BEARD, BANKSON, BRIETIGAM,
NGUYEN, PAK

ABSENT: None.

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Erin Webb, Senior Planner; Grant Raupp, Administrative Analyst; Gus Castellanos, Community Relations Manager; 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 Pierce and recited by those present in the 'A' Room.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Brietigam moved to approve the Minutes of July 5, 2007, seconded by Commissioner Beard. The motion carried with the following vote:

AYES: COMMISSIONERS: BANKSON, BEARD, BRIETIGAM, CHI,
NGUYEN, PAK, PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

PUBLIC HEARING: DEVELOPMENT AGREEMENT (REV. 07) FOR:
PLANNED UNIT DEVELOPMENT NO. PUD-116-06
SITE PLAN NO. SP-410-06
TENTATIVE TRACT MAP NO. TT-17035

APPLICANT: WESTERN PACIFIC HOUSING, INC.
LOCATION: END OF CYNTHIA CIRCLE CUL-DE-SAC ON THE EAST SIDE OF EUCLID AVENUE, NORTH OF WESTMINSTER AVENUE, AND SOUTH OF WOODBURY ROAD, AT 11031 CYNTHIA CIRCLE

DATE: JULY 19, 2007

REQUEST: To amend the Development Agreement for Site Plan No. SP-410-06 and Tentative Tract Map No. TT-17035 for the development of 144 residential units on a 6.82-acre property located at the end of the Cynthia Circle cul-de-sac. Entitlements have previously been approved and include a residential Planned Unit Development, a Site Plan for 21 buildings with six or eight townhomes each, and a Tract Map to divide the units into condominiums. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended approval.

Commissioner Pak asked staff if the \$3,125 contribution would be spread over several years. Staff replied that if the City Council approves a facilities district for this project there would be a bond financed over 30 years; that the per unit costs for the fees would be paid up front; and that the repayment would be by the property owners over a 30-year period.

Chair Chi asked staff what type of public facilities would be required from the developer. Staff replied that to comply with State Law, and if City Council approves the facilities district, the Police and Fire Departments would then identify specific activities that would be eligible for funding.

Commissioner Pak asked staff if there are other existing facility districts in Garden Grove. Staff replied that this project would be the first.

Commissioner Brietigam asked staff if a fire station would be built in the project area. Staff replied that other larger Development Agreements have been paying Fire contribution fees; and that the fees must be used specifically for what is included in the bond.

Commissioner Bankson asked staff to explain the contribution increase. Staff replied that the number was based on community needs and what types of services or equipment were required for Police and Fire; that the tax rate needed to be kept low; and that in return, the City needs revenue to enhance the public safety programs.

Chair Chi asked staff to explain the automatic gate policy. Staff replied that the gate's inside must have a sensor also, so that the gate automatically opens for exiting traffic.

Commissioner Pak asked staff to explain the developer's motive for the revisions to the Development Agreement. Staff explained that the developer would benefit by having the development fees put into the Mello-Roos district, so that the fees would not need to be paid up front by the applicant; this would lower the applicant's financial cost, as well as the homeowner's purchase price; and that this would not include the school district.

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

Mr. Jeff Webber, the applicant's representative, approached the Commission and thanked staff.

Chair Chi asked Mr. Webber if he was aware of the inoperable gate. Mr. Webber stated that the property management company would take care of the gate the next day.

Chair Chi asked Mr. Webber if he had read and agreed with the Conditions of Approval. Mr. Webber replied yes.

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

Commissioner Pak moved to recommend approval of amending the Development Agreement (Rev. 07) to City Council for: Planned Unit Development No. PUD-116-06, Site Plan No. SP-410-06, and Tentative Tract Map No. TT-17035, seconded by Commissioner Bankson, pursuant to the facts and reasons contained in Resolution No. 5605. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BANKSON, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC
HEARING:

NEGATIVE DECLARATION
SITE PLAN NO. SP-398-06
TENTATIVE TRACT MAP NO. TT-17066

APPLICANT:
LOCATION:

HOAN HUU NGUYEN
WEST SIDE OF GILBERT STREET, BETWEEN STONEHAVEN CIRCLE AND
MAYRENE DRIVE AT 12661 GILBERT STREET

DATE:

JULY 19, 2007

REQUEST:

To approve a one-year time extension for the approved entitlements under Site Plan No. SP-398-06 and Tentative Tract Map No. TT-17066. The site is in the R-1-7 (Single-Family Residential) zone.

Staff report was read and recommended approval.

Commissioner Brietigam asked staff if the extension would lock the Development Agreement to the required codes. Staff replied yes; that there have been no changes; and that the code only allows for a one-year extension.

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

Mr. Henry (Hoan) Nguyen, the applicant, approached the Commission and stated that he needed to apply for the time extension.

Chair Chi asked Mr. Nguyen if had read and agreed with the time extension of one year. Mr. Nguyen replied yes.

Commissioner Brietigam asked Mr. Nguyen if he could get the project started within the one-year period. Mr. Nguyen replied yes.

Ms. Robin Marcario approached the Commission and stated that the project is exemplary and would be welcomed in the neighborhood.

Mr. Harry Pierce approached the Commission and seconded Ms. Marcario's remarks.

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

Commissioner Beard asked staff what would happen if the applicant failed to start the project within the one-year extension. Staff replied that the applicant would need to go through the entire application process again.

Vice Chair Pierce moved to approve the one-year time extension for Site Plan No. SP-398-06 and Tentative Tract Map No. TT-17066, seconded by Commissioner Brietigam, pursuant to the facts and reasons contained in Resolution No. 5604. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BANKSON, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC MEETING: ENVIRONMENTAL IMPACT REPORT
SITE PLAN NO. SP-397-06
CONDITIONAL USE PERMIT NO. CUP-186-06
TENTATIVE PARCEL MAP NO. PM-2006-161
DEVELOPMENT AGREEMENT

APPLICANT: WAL-MART STORES, INC.
SAM WALTON DEVELOPMENT COMPLEX

LOCATION: SOUTH SIDE OF CHAPMAN AVENUE, WEST OF BROOKHURST STREET AT
9852 CHAPMAN AVENUE

DATE: JULY 19, 2007

REQUEST: A Public Meeting in order to receive public comments and input on the Draft Environmental Impact Report (Draft EIR) for the proposed project, a Wal-Mart Supercenter. The site is in the BCSP-BCC (Brookhurst Chapman Specific Plan-Brookhurst Chapman Commercial) zone.

Chair Chi opened the public meeting to receive testimony in favor of or in opposition to the Wal-Mart Supercenter Draft EIR.

Ten people spoke in opposition to the request and 15 additional names were submitted for opposing non-speakers; two people spoke with concerns; and three people spoke in favor of the request. One letter was submitted on behalf of State Assemblyman Jose Solario. There was no discussion and no actions were taken.

Typical opposing concerns related to unfavorable employment practices; low wages; impacts on local businesses by use of lower prices from unfair subsidies; supplier practices; health risks from exhaust emissions from diesel trucks; the parking area that would replace the old Pacific Electric right-of-way, which would be an ideal site for a rapid transit right-of-way; traffic congestion on Chapman Avenue; the impact on Ralph's shopping center and others; the impact if Wal-Mart would leave the City; the importance of good neighbors; adequate employee health care; the store being open 24-hours; growth, waster water, urban decay and noise; part-time jobs; issuing another traffic study regarding daily trips; noise from industrial trash compactors; the historical devastation of small, local businesses when a Wal-Mart comes to town; construction around the schools; the quality of jobs; the ability to not be able to make a left turn at Brookhurst Street and Chapman Avenue; large trucks running all night; gun and liquor sales 24 hours a day; not enough light at night; the need

for more positive venues in the City instead of Wal-Mart; the impact on all of central Orange County; needing responsible businesses; violating fair labor standards; displacing local businesses; infrastructure repair as a result of traffic; the impact to 90 percent of stores on Brookhurst Street; the grocery store component that would increase traffic; the large building would not benefit the community by impacting grocers; eye care centers; drug and retail stores; the current City revenue that would be transferred; the EIR raising more questions than answers; who would pay for the increase of police officers and fire fighters; traffic readings that were not taken at peak hours; Wal-Mart choosing its own consultant to create the EIR; the infrastructure that has deteriorated and that there are no exactions to repair the infrastructure; the quality retail that is needed more than a Wal-Mart; the 24-hour hours of operation of a Wal-Mart located on La Palma, that the hours were changed due to crime; the Wal-Mart camera kits that watch employees who would like to unionize; the parking lot crime that is not addressed by Wal-Mart.

Typical favorable comments related to Wal-Mart's benefit to the community; the store offering jobs in an area that is economically depressed; more people in the City would mean more money; Wal-Mart giving more value for the money; unions that are legitimate; the City's benefit from sales taxes; Wal-Mart teaching good retail skills to local people; times changing and that the plan covers the aspects of impacts; the idea that the area should not sit idle for another ten years.

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

**MATTERS FROM
COMMISSIONERS:**

Commissioner Brietigam asked staff to clarify the roadwork that has been occurring for the last two to three weeks on Lampson Avenue at the ingress from Seal Beach into Garden Grove, as there appears to be a median being constructed. Staff responded that the matter would be looked into.

Chair Chi commented to staff that the speed limits signs on Garden Grove Boulevard, from approximately Beach Boulevard to Euclid Street, are difficult to see and that perhaps the speed limit could be raised to be more realistic as the traffic generally moves at 55 mph. Staff responded that the Traffic Division does periodically study the speed limits and posts signs accordingly.

Commissioner Beard asked staff to clarify why the Advanced Beauty College case had been appealed. Staff replied that the Planning Commission did not have the opportunity to see the parking reports that justified the parking at the center; that a parking plan had been drafted, however, because of litigation, the two parties had not met to discuss the parking plan; and that any other questions regarding the case need to be addressed at the August 2nd Planning Commission meeting.

Vice Chair Pierce asked staff if there is a time window when guns cannot be sold. Staff replied that there is no State Law regulating the times that guns can be sold.

Commissioner Bankson asked staff if traffic signs stating 'double-fines' in construction zones could be installed by the City on city streets. Staff replied that signs of that nature are typically installed by CalTrans or the Highway Patrol.

MATTERS

FROM STAFF: Staff read a brief description of future Agenda items for the Thursday, August 2, 2007 Planning Commission meeting.

ADJOURNMENT: Chair Chi motioned to adjourn the meeting, seconded by Commissioner Beard. The meeting was adjourned at 8:37 p.m.

JUDITH MOORE
Recording Secretary