

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
AUGUST 18, 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, LAZENBY,
PAK, SILVA

ABSENT: DOVINH

ALSO PRESENT: James Eggart, Assistant City Attorney; Karl Hill, Planning Services Manager; Alana Cheng, Administrative Analyst; 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 Pak and recited by those present in the Chambers.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Vice Chair Cabral moved to approve the Minutes of August 4, 2011, seconded by Commissioner Lazenby. The motion carried with the following vote:

AYES: COMMISSIONERS: BRIETIGAM, BUI, CABRAL, LAZENBY

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: DOVINH

ABSTAIN: COMMISSIONERS: PAK, SILVA

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-330-11
VARIANCE NO. V-192-11

APPLICANT: FRESH AND EASY NEIGHBORHOOD MARKET
LOCATION: SOUTHEAST CORNER OF LAMPSON AVENUE AND VALLEY VIEW STREET AT
12452 VALLEY VIEW STREET

DATE: AUGUST 18, 2011

REQUEST: A request for Conditional Use Permit approval to allow a new 4,410 square foot market, Fresh & Easy Neighborhood Market, to operate with a new, original State Alcoholic Beverage Control Type "20" (Off-Sale, Beer & Wine) License, in conjunction with a Variance request from Section 9.16.040.160.E Parking: Special Requirements, of Title 9 of the Municipal Code, to increase the percentage of compact parking spaces permitted by Code. The site is in the C-2 (Community Commercial) zone.

Staff report, with amendments to the Resolution and Conditions of Approval, was read and recommended approval. Two letters were received. One letter was submitted by Jeremy Harris of the Garden Grove Chamber of Commerce in support of the request and one letter of concern

regarding parking was submitted by Ryan Munson of Valley View Village, LLC.

Commissioner Pak asked staff to clarify the employee parking location and the number of employees. Staff responded that employee parking would be on the east side of the lot in the compact parking spaces leaving the larger spaces for customers; and that the maximum number of employees would be eleven, with two to three people per shift.

Commissioner Brietigam asked staff if the Starbucks agreement was finalized. Staff deferred the question to the applicant, however, staff added that Starbucks' proposal included more than 16 seats, which would categorize the establishment as a restaurant, and which spurred the parking study; and that 16 seats or less would categorize the business as retail and the calculated parking would meet code.

Commissioner Lazenby asked staff if the disabled ratio of parking spaces was correct? Staff replied yes, that two spaces were correct.

Commissioner Brietigam asked staff for the saturation report for the Alcoholic Beverage Control (ABC) License for the project. Staff stated that in the project census district, the licenses are under-concentrated with low crime and that the statistics were in the Resolution.

Commissioner Pak asked staff to verify that alcohol of less than 16-ounce containers could not be sold as a single. Staff replied that the condition was in place.

Commissioner Brietigam questioned Condition No. 15 regarding delivery times. Staff deferred the question to the applicant to elaborate on the delivery schedules.

Chair Bui asked if the applicant provided the parking study. Staff stated that the engineering consultant was hired by the applicant.

Commissioner Pak asked why the 15,000 square foot market was used in the parking study in lieu of a comparable 4,400 square foot sized market. Staff responded that the proposed 'express' market was a prototype market with none in the area for analysis.

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

The applicant, Mr. Adam Mayfield, the real estate director for Fresh & Easy, approached the Commission and described the Fresh & Easy philosophy and the new 'express' format. He stated that the first store was opened in the United States in 2007, with 200 stores on the west coast; that the 'express' store would be full service grocery store in a convenient format; that the United Kingdom has over 1,300; that ten 'express' stores should be open by Christmas; that they have a synergy with Starbucks; that the number of staff would be between eight and 14 with three to four in the store at one time; and that staff would be local within two miles of the store.

Chair Bui asked Mr. Mayfield if he had read and agreed with the amended Conditions of Approval and Resolution. He replied yes.

Vice Chair Cabral asked Mr. Mayfield to explain the one-hour delivery window from 10:00 p.m. to 11:00 p.m. The applicant explained that deliveries would take place between 6:00 a.m. and 7:00 a.m. for 15 to 20 minutes with the truck engines off, using a 28-foot small-size bio-diesel truck; and that the trucks could use the parking lot and cars could move around them.

Vice Chair Cabral asked the applicant to verify that only three to four employees would be in the store at one time. The applicant said yes, and that only one or two staff cars would be parked in a shift.

Commissioner Pak asked the applicant to describe his competition. The applicant stated that fresh and healthy food at amazing prices in a small store was a brand new concept and a niche market; that 20 stores would open next year with 50 the following year; that the Type "20" Alcoholic Beverage Control License goes along with the prepared meals; that products would include dairy, prepared meat and fish, produce, flowers, prepared meals, etc.; that products were prepared at the kitchen in the one million square foot distribution center in Riverside; and that Fresh & Easy was owned by Tesco in the United Kingdom and there would be no franchises.

Commissioner Brietigam asked the applicant to describe his shopping cart plan. The applicant stated that there would be ten, two-wheel steer carts that would be smaller, and shallow, for the elderly in lieu of shopping bags.

Commissioner Brietigam asked the applicant if he was involved in the Starbucks negotiations. The applicant responded that Starbucks was welcomed as a neighbor and that there was a letter of intent.

Chair Bui asked the applicant if he was familiar with the parking study. The applicant replied yes and that the coffee and grocery peak hours would work well together.

Commissioner Silva added that the one-day parking study was not representative to the proposal as the study should have been at least seven days.

The applicant added that he believed a Friday was chosen and parking studies were costly; and that the duration of a shopping trip would be short at 10 to 15 minutes.

Commissioner Pak asked the applicant to clarify the location of the trash enclosure. The applicant noted that the enclosure would be on the southwest corner of the site and he was asked to move it.

Commissioner Silva asked if additional parking spaces would be available at the trash enclosure location. The applicant cited probably one more space and would like to see the enclosure in a different location for ease of movement.

Chair Bui asked the applicant for the number of customers at the peak hour. The applicant replied that 12 to 14 parking spaces would be required; and that Tesco has five years of research for 'express' stores worldwide.

Commissioner Silva asked the applicant if there were shopping cart controls. Staff stated that the City ordinance would apply if there were eleven carts or more. The applicant stated that if the carts became a problem they would be removed.

Commissioner Silva stated that he would like the removal of problematic shopping carts added as a condition of approval.

Commissioner Pak asked if a shopping cart guardrail could be installed so that carts would remain in the store in order to prevent abandoned carts in the parking lot from scratching cars. The applicant replied that the carts were a convenience for the elderly, however, with an express market, customers would not be inclined to abandon their carts.

Commissioner Pak asked the applicant if he had read Condition No. 34 regarding a mitigated parking plan should parking become an issue. He replied yes, that parking would be monitored, however, various forms of mitigation would take away from the convenience aspect of the store. He also added that if there were a problem there would be a dialogue to work out the details.

Commissioner Silva noted that Condition No. 31 requires a compliance review in six months.

Commissioner Lazenby asked if the left hand signal at westbound Lampson Avenue had a U-turn. Commissioner Brietigam added that intersection signage did not indicate a 'no U-turn'.

Mr. William Nascimento, the owner's representative, approached the Commission and stated that he had hired the traffic consultant; that the former Blockbuster building had been vacant over a year and there was opportunity to make the area better by enhancing the center, using drought tolerant landscaping, and bringing in jobs.

He added that he has a letter of intent with Starbucks and they are currently negotiating the lease; that Starbucks had looked at the location prior to February working with the prior owner; that the entire building façade would be enhanced whether or not Starbucks came in; and that the area was underserved and this would be a good location.

Commissioner Pak asked if Mr. Nascimento would be a member of the Garden Grove Chamber of Commerce? He replied yes, and mentioned Fresh & Easy would as well.

Ms. Serine Ciandella, of Kimley Horn & Associates, approached the Commission and described the parking study. She stated that the two new uses required a parking study and the issue was compact parking; that 'express' uses were not in the area now; that only one day of study was done due to limited time and budget; that a second day of data collection was done at the same location for another Fresh & Easy and the data was less; that Starbucks peaked at 1:00 p.m. and Fresh & Easy peaked at 5:30 p.m.; that the findings show a surplus of five spaces plus a greater surplus at other times of the day; and that the parking included employees.

Vice Chair Cabral asked Ms. Ciandella for the busiest day of the week. Ms. Ciandella deferred the question to the applicant and added that studies were typically a Tuesday, Wednesday, or Thursday; and she believed the single-day study was on a Wednesday.

Mr. Mike Abbate, a Development Manager of the Starbucks Company, approached the Commission and stated that he also worked with the previous owner; that 2007-9 were difficult years; that 600 stores were closed nationally; that the company was transformed by right-sizing the stores and employment force; that they have been having record performances; that in Fiscal Year 2012, they expect to open 36-40 new locations; that this size store would have two to three employees and a local manager, with package deliveries occurring once a day, typically in the morning.

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

Commissioner Brietigam expressed his parking concerns, however, he would support the Fresh & Easy.

Commissioner Pak asked staff if the inside aisles were wide enough for wheelchair access, and asked if public safety concerns had been addressed. Staff responded that the architect could verify aisle widths; that the doorways and bathrooms were handicap accessible; that the plans were routed to all of the City departments to address safety concerns; and that a parking program would be premature, and if there were a problem, the issue would be evaluated at that time.

Commissioner Pak expressed that another business was good for Garden Grove; that Fresh & Easy was a known entity; and that Garden Grove would have the opportunity to showcase the 'express' format.

Commissioner Silva expressed his concerns with the parking study, but acknowledged that the site was a difficult one; that the parking would be self-monitoring; and that he would support the project.

Commissioner Lazenby asked if the neighbors had been notified of the project, especially with regard to noise. Staff replied yes, that properties within a 500' radius had been notified with only the two letters as return correspondence.

Vice Chair Cabral mentioned that the residents were excited about the project, and their concerns with parking were eased knowing the store was the 'express' format; that Valley View Villages concerns were valid regarding parking; that one-day of data collection was skewed, however, the conditions would help to meet and exceed the concerns; and that she would support the project.

Chair Bui stated that though he was concerned with parking, the concept was good for the City and the conditions would let the City address any future issues.

Commissioner Pak moved to adopt Resolution No. 5745-11 approving Conditional Use Permit No. CUP-330-11 and Variance No. V-192-11, with amendments, seconded by Commissioner Brietigam. The motion received the following vote:

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

MATTERS FROM
COMMISSIONERS:

Commissioner Brietigam mentioned that a grant was received to improve the landscaping on Lampson Avenue and hoped the project would move forward rapidly.

Chair Bui asked staff to schedule a Study Session on the Brown Act as a refresher and for the new Commissioners.

MATTERS FROM
STAFF:

Staff noted that the next Planning Commission meeting on September 1, 2011 would be cancelled due to a lack of items, and then read a brief description of future agenda items for the Planning Commission meeting on Thursday, September 15, 2011.

ADJOURNMENT:

Chair Bui moved to adjourn the meeting at 8:30 p.m., seconded by Commissioner Pak. The motion received the following vote:

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

JUDITH MOORE -Recording Secretary