

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
NOVEMBER 16, 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: PAK

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Paul Wernquist, Urban Planner; Maria Parra, Associate Planner; Dan Candelaria, Civil Engineer; Dave Entsminger, Project Engineer; AJ Director, Cad Illustrator; 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 Margolin and recited by those present in the Chamber.

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Pierce moved to approve the Minutes of October 19, 2006, seconded by Chair Jones. The motion carried with the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-408-06  
TENTATIVE TRACT MAP NO. TT-17001  
APPLICANT: FUSCOE ENGINEERING (GLENN LAKE)  
LOCATION: SOUTHWEST CORNER OF HARBOR BOULEVARD AND CHAPMAN AVENUE  
AT 12015 HARBOR BOULEVARD  
DATE: NOVEMBER 16, 2006

REQUEST: To convert the 371-unit hotel complex, known as the Marriott Suites, Garden Grove, into a hotel condominium conversion development. The purpose is to allow individual ownership of an existing suite and to have the complex continue to operate as a full service hotel on the six-acre site. All reciprocal access, parking, maintenance, and other shared activities, under the existing zoning and CC & R's for the site, will remain intact. The site is in the Planned Unit Development No. PUD-122-98 zone. Chair Jones moved to continue Site Plan No. SP-408-06 and Tentative Tract Tract Map No. TT-17001 to the January 18, 2007 Planning

Commission meeting, seconded by Commissioner Chi. The motion carried with the following vote:

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

**PUBLIC**

**HEARING:**

SITE PLAN NO. SP-413-06  
TENTATIVE PARCEL MAP NO. PM-2005-283

**APPLICANT:**

CACH NGUYEN

**LOCATION:**

WEST SIDE OF 9<sup>TH</sup> STREET, SOUTH OF CHAPMAN AVENUE AT 12121 9<sup>TH</sup> STREET

**DATE:**

NOVEMBER 16, 2006

**REQUEST:**

To subdivide an existing 24,000 square foot lot into two parcels. Parcel 'A' would be 12,810 square feet in area and Parcel 'B' would be 9,590 square feet in area. Also proposed, is Site Plan approval to construct a 3,260 square foot, two-story, single-family home with an attached two-car, 440 square foot garage. Additionally proposed, is a 700 square foot second unit on Parcel 'B' with an attached one-car, 220 square foot garage. The site is in the R-2 (Single-Family Residential) zone.

Staff report was read and recommended approval. Amendments were noted to Condition Nos. 5, 6, 7, and 8. One letter was written by Lloyd Jones with concerns regarding the housing nonconformities, lot sizes, traffic, and left turn signals for 9th Street at Chapman Avenue, in both the north and south directions.

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

The applicant, Mr. Cach Nguyen, the Civil Engineer, approached the Commission.

Chair Jones asked Mr. Nguyen if he had read and agreed with the Conditions of approval including the amendments. Mr. Nguyen replied yes.

Mr. Stan Pincus approached the Commission and expressed his concerns regarding the addition of the two 700 square foot second units; that the additions would set a precedent and add traffic; that property values would drop; and needed clarification on the ten-foot dedication along Ninth Street to widen the street.

Staff responded that the street widening would be a long-range plan; that the dedications are negotiated per parcel; and that there would be no eminent domain.

Mr. Pincus also expressed his concern regarding construction trucks parking in front of his property; and that visibility was blocked creating a danger when exiting his property.

Commissioner Callahan asked staff if temporary 'no parking' signs could be installed during construction.

Staff replied that the City has inspectors during the course of construction, and that if safety issues arise, measures would be taken; however, unless there was a problem, parking should not be restricted; and that a condition of approval could be added stating that during construction, the workers shall park on the property, in lieu of the street.

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

Chair Jones commented that the State of California passed an ordinance that required the adoption of a second unit ordinance; that if a lot was 9,000 square feet or larger, a second unit would be allowed if all other codes and requirements were met.

Staff added that this second unit case was brought before the Planning Commission because of the subdivision.

Commissioner Callahan asked staff if one of the requirements was that the second unit had to be for a family member.

Staff replied no; however, the State requires that the owner live on the property.

Commissioner Lecong moved to re-open the public hearing, seconded by Chair Jones. The motion carried with the following vote:

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

Mr. Pincus asked if the second units were low-cost housing.

Chair Jones replied no, that the cost is not restricted; and that the creation of more housing helps to add more supply.

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

Chair Jones commented on Mr. Lloyd Jones' letter stating that the lots are large lots; that the square footages of the houses are appropriate and fitting; that there are no variances; and that this project would be insignificant with regard to adding traffic.

Vice Chair Margolin commented that by 3:00 p.m. on the day of the Planning Commission meeting, traffic was backed up; that the second unit ordinance was mandated; that there are not many options for development of the property; that the neighbors could find alternate routes if the traffic was backed up; and that the small amount of additional traffic would not make a difference.

Commissioner Chi commented that the property size is large; and that subdividing the property brings the property more in conformance with neighboring parcels.

Chair Jones moved to approve Site Plan No. SP-413-06 and Tentative Parcel Map No. PM-2005-283, seconded by Vice Chair Margolin, with amendments to Condition Nos. 5, 6, 7, and 8, and with the addition of Condition No. 37 stating that, "Work-related vehicles shall park on the site, and not in the public right-of-way; however, in the event that certain activities preclude parking on the site, the trucks may park on the street," and pursuant to the facts and reasons contained in Resolution No. 5574. The motion carried with the following vote:

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

PUBLIC HEARING:	SITE PLAN NO. SP-414-06 VARIANCE NO. V-150-06 LOT LINE ADJUSTMENT NO. LLA-3-06
APPLICANT:	GG HOMES, LLC.
LOCATION:	NORTHEAST CORNER OF CHAPMAN AVENUE AND MAGNOLIA STREET AT 9001, 9011, 9031, 9041 CHAPMAN AVENUE AND 9002 MARYLEE AVENUE
DATE:	NOVEMBER 16, 2006
REQUEST:	Site Plan approval to improve five (5) vacant lots each with a two-story single-family home; Variance approval to allow the project to deviate from the minimum lot size, and from the front, side street, and rear setbacks; and a Lot Line Adjustment to modify the lot line for the four (4) lots on Chapman Avenue in order to increase the size of each lot. The sites are in the R-1 (Single-Family Residential) zone.

Staff report was read and recommended approval with an amendment to Condition No. 5. Staff then read the following statement:

"Chair and Members of the Commission. The City bought these properties in 1999 for the purpose of making intersection improvements, and the improvements were completed in June of 2003. Since that time, the city has considered several options for the property, such as single-family homes, a multi-family home project, or commercial development. The City decided to restrict the site to the type of development that formerly occupied the site, which were five single-family homes. The City dealt with issues such as access, fire department access, trash pick-up, and parking, along with other issues that were seriously considered as far as recycling this site into single-family home development. Staff worked with the applicant to come to the point of accepting the proposal before you. It should be noted, that prior to the meeting, Commissioner Callahan had requested the following information be provided this evening:

1. How much did the City pay for these lots?
2. How much is the City selling these lots for?

3. Could our traffic engineer be available at the hearing to see he if he approves the four out of five lots backing out at Chapman Avenue?
4. Could a copy of the appraisal be available for review?

Although staff can respond to how much the City, through Measure M funds, acquired the properties for, which was approximately \$930,000, at this time, staff cannot disclose the sale price, nor the appraisal due to the fact that the deal has not been consummated through the Agency and the applicant; however, the applicant did go through a bidding process with the City/Redevelopment Agency in acquiring the properties, and through this, the City affirmed the project's arrangements to go forward through the applicant and the City, and that is the project before you this evening.

Also, with regard to the financial considerations, staff has the City Attorney available to respond to the economic issues in this matter; however, in light of the project's aspects and concerns, the Planning Commission is to focus primarily on the physical development of the site, the physical issues relating to it's developments and improvements, rather than to any considerations of economic related matters to this site."

Commissioner Chi asked staff if the applicant had ownership of the property yet? Staff replied no, and that this process is not out of the ordinary, especially with City-owned property.

Commissioner Chi asked staff how many single-family homes had been on the property? Staff replied five; that they were oriented in the same manner as the proposed new development; that each had their own driveway; and that the houses were removed due to the amount of right-of-way necessary for intersection improvements.

Commissioner Callahan asked staff if GG Homes, LLC. is really the applicant/owner? Staff replied that technically, the redevelopment agency of the City of Garden Grove is the owner, and GG Homes, LLC. is the applicant; also, that they are not 'on title' as of this meeting.

Commissioner Lecong asked staff if the development had to be approved prior to the closing of the deal? Staff replied that it is customary that conditions of escrow be included and that the land use approval be consummated before escrow closes; also, that this is an entitlement process and all information and testimony must be considered in the decision-making process.

Chair Jones asked staff to clarify trash pick-up. Staff replied that the Sanitary District requires that the trash canisters would be on the sidewalk curb area.

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

The applicant's representative, Mr. Thom Falcon of GG Homes, LLC., approached the Commission.

Chair Jones asked Mr. Falcon if he had read and agreed with the Conditions of Approval as amended. Mr. Falcon replied yes, with one

exception regarding Condition No. 25 that states a phone jack and a cable-TV outlet would be required in every room; that the TV and phone jack should be in typical living spaces only; that there is no problem with the trash issue; and that there would be more than enough parking and back-up room for cars.

Chair Jones asked Mr. Falcon if he accepted the easements. Mr. Falcon replied yes, that the easements would be only for ingress and egress; and that economically, he is paying more than the appraisal.

Mr. Anthony Shaik, a neighbor on Marylee Drive, approached the Commission and expressed his concerns with the number of traffic accidents on Magnolia Street and Chapman Avenue; parking; new residents parking on Marylee Drive; that he would like to see one-story houses rather than two-story for privacy; that he would like construction work stopped before 6:00 p.m.; that he would like a buffer wall built to minimize noise and dust; and that construction trucks not be parked behind his house.

Mr. Mark Caro, a neighbor at 9041 Marylee Drive, approached the Commission and expressed his concerns with the construction vehicles; the impact on residents of Marylee Drive; trash pick-up on Chapman Avenue; eminent domain on Marylee Drive; and that two-story homes would look out of place.

Chair Jones explained that traffic circulation at the intersection needed to be improved; and that the properties were purchased by the City to facilitate a street-widening, not a new project.

Mr. Richard Princler approached the Commission and expressed his concern that a safety hazard is being created on Chapman Avenue and Magnolia Street by having residents pull out onto the busy streets.

Mr. Falcon stated that with regard to the four houses on Chapman Avenue, the garages would be side-loaded so that the owners would back out and pull forward to exit their property.

Chair Jones asked Mr. Falcon if a perimeter wall would be built. Mr. Falcon replied yes; however, typically the wall would not be built right away as grading would need to be done first, and equipment needs to move around; also, that he needs to work with the neighbors regarding construction mitigation, such as building the wall early on.

Commissioner Lecong asked Mr. Falcon what was his traffic projection for the corner traffic in the next five years? Mr. Falcon replied that five new homes would probably not impact the traffic that was already there.

Mr. David Lautherboren approached the Commission expressed his concerns with parking and traffic safety issues.

Staff added that the applicant is conditioned to build a perimeter wall; that code requires that these houses provide a two-car garage and two-car parking space; that the applicant has provided an additional parking space for unit two, and three-car garages for units three, four, and five, and parking in front of the garages; that the two-story house height is within

code and that the design is an enhancement; and that the site improvement activity is subject to Air Quality Management District standards for dust minimization.

Chair Jones asked staff if there is a condition stating that garages must be used for parking cars. Staff replied yes, and pointed out Condition 20a.

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

Commissioner Callahan commented that though property owners have the right to build on their property, the applicant, however, is not at risk as he does not own the property; that if the property was divided into four lots, the 7,200 square foot minimum still would not be met; that the zoning is low density; that a 4,143 square foot lot does not fit in with the neighborhood because the existing lots are 7,800 square feet; and that the standards would be lowered.

Vice Chair Margolin pointed out that the Commissioners are citizens that are looking out for the best interest of the community; and that the proposed lot sizes are too small.

Chair Jones commented that these are five separate, legal lots that had five houses before; that the City initiated the process by widening the street to improve traffic circulation; that the lots are substandard in size, but legal; and that the project is well thought out.

Commissioner Pierce agreed that the design moves more toward the future with smaller lots; and that the driveways allow for maneuverability.

Commissioner Lecong agreed that the Commissioners are volunteers that contribute their time in the best interest of the community; and that he could not support project.

Commissioner Chi commented that staff and the developer had an innovative idea; that with the traffic mitigated at the corner, this type of design would work; that there seems to be no other solution for the property; and that the property owner has the right to build on his property.

Chair Jones pointed out that the substandard Marylee Drive lot is uniquely shaped; that the flexibility is in the four units on Chapman Avenue; and that the common driveways are good.

Commissioner Callahan suggested that the four lots could be divided to be 6,808 square feet each.

Chair Jones moved to approve Site Plan No. SP-414-06, Variance No. V-150-06, and Lot Line Adjustment No. LLA-3-06, with the amended Condition No. 5, seconded by Commissioner Chi, pursuant to the facts and reasons contained in Resolution No. 5575. The motion failed with the following vote:

AYES:	COMMISSIONERS:	CHI, JONES, PIERCE
NOES:	COMMISSIONERS:	CALLAHAN, LECONG, MARGOLIN

ABSENT: COMMISSIONERS: PAK

MATTERS FROM  
COMMISSIONERS: None

MATTERS  
FROM STAFF: Staff stated that, due to a lack of Agenda items, the December 7, 2006 Planning Commission meeting would be canceled; that the next Planning Commission meeting would be in January of 2007; and to save the date for the annual Planning Commission Holiday Dinner to be held on Thursday, December 21, 2006.

ADJOURNMENT: The meeting was adjourned at 8:35 p.m.

JUDITH MOORE  
Recording Secretary