

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
NOVEMBER 18, 2004

CALL TO ORDER: The work session of the Planning Commission was called to order at 6:30 p.m. in the Founders Room of the Community Meeting Center.

PRESENT: CHAIR JONES, VICE CHAIR CALLAHAN, COMMISSIONERS BUTTERFIELD, HUTCHINSON, AND KELLEHER

ABSENT: Commissioners Barry and Nguyen.

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Noemi Bass, Assistant Planner; Maria Parra, Assistant Planner; Dan Candelaria, Civil Engineer; Judy Moore, Recording Secretary.

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 CALLAHAN, COMMISSIONERS BUTTERFIELD, HUTCHINSON, AND KELLEHER

ABSENT: Commissioners Barry and Nguyen.

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Noemi Bass, Assistant Planner; Maria Parra, Assistant Planner; Dan Candelaria, Civil Engineer; Judy Moore, Recording Secretary.

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

ORAL COMMUNICATION: Ms. Verla Lambert extended holiday greetings to the Commission and Staff.

APPROVAL OF MINUTES: Commissioner Butterfield moved to approve the Minutes of November 4, 2004, seconded by Commissioner Hutchinson. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BUTTERFIELD, CALLAHAN, HUTCHINSON, JONES, KELLEHER
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BARRY, NGUYEN

PUBLIC
HEARING: VARIANCE NO. V-121-04
APPLICANT: WILLIAM R. WATKINS
LOCATION: NORTH SIDE OF MARIETTA AVENUE, WEST OF VALENCIA WAY AT 9371
MARIETTA AVENUE.
DATE: NOVEMBER 18, 2004

REQUEST: To approve a Variance to deviate from the minimum rear yard setback requirement, and to deviate from the maximum unit size requirement in order to convert a portion of an existing single-family residence into a second unit, approximately 1,010 square feet in size. The site is in the R-1 (Single-Family Residential) zone.

Staff report was reviewed and recommended approval. One petition, from William and Angela Watkins, was written in approval of the request and contained 16 names. Also, four letters of approval were written from Kevin and Jean Lindholm, Turner P. Wallace, Matt Garza, Zack Allen.

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

Mr. William Watkins, the property owner/applicant, approached the Commission and stated that he would like variance approval to maintain the second unit, and he also requested an additional variance to waive the enclosed garage requirement in order to keep the house as it currently exists. He has met the City's requirements, and since he has owned the property, has made many improvements. He acknowledged that neighbors are in support of his variance.

Commissioner Butterfield asked if the second unit has existed for a long time and does anyone live there now.

Mr. Watkins replied that the house was built in 1954, and a detached workshop, garage and study were also built. In 1991 permits were issued for a bathroom, kitchen, separate water system, a heater, and the connecting hallway. The unit is currently vacant.

Staff commented that a mandatory code requirement for a second unit requires that a one-car garage be 'enclosed', and that the variance for the garage door was not a part of the original request, nor was it noticed. Staff stated that if the owner wanted to waive the enclosed garage requirement, a new application must be submitted.

Commissioner Hutchinson commented that if the Mr. Watkins already pulled the necessary legal permits, why does he need a variance?

Staff replied that the second unit was upgraded without permits, and that second units must comply with the second unit requirements.

Ms. Angela Watkins, the applicant's wife, approached the Commission and stated that the kitchen was installed in 1953 before the City of Garden Grove issued permits.

Commissioner Hutchinson stated that the applicant is actually asking for two variances, and that code requirements can not be changed for an applicant's benefit in order to waive the enclosed garage requirement.

Mr. Watkins replied that he would enclose the garage. He also commented that due to a complaint, Substandard Housing visited his home and took photographs.

Staff commented that a complaint, of someone living in the garage, would have triggered the investigation.

Mr. Watkins stated that his property has adequate parking and that he invited his neighbors to view the property.

Commissioner Butterfield asked Mr. Watkins if a grant of time would assist in helping him to enclose the garage.

Mr. Watkins replied that he did not want to incur more expense with City fees, and that he would be willing to do what is recommended including installing a garage door.

Staff commented that the Commission could grant time for Mr. Watkins to install a garage door, and would ask him to enter into an agreement with the City to make this improvement.

Ms. Beth Gruber, a neighbor, approached the Commission and stated that when she moved into Mr. Watkin's neighborhood, the property had a workshop next to the garage, and there was no second unit. After the original owner died, Mr. Perot bought the house then sold it to Mr. Oh. During Mr. Oh's residence, many people lived there and that construction went on non-stop. Ms. Gruber commented that she is opposed to the variance request to build a 'mother-in-law' house, because the variance may set a precedent; however, if the structure is in existence, she may not be opposed to it. She asked if the structure meets the standards for a 'mother-in-law' houses? She also commented that the second unit is twice as large as it should be.

Mr. Russell Graef, a neighbor, approached the Commission and stated that there was no kitchen in 1974 when he and his wife moved in; the unit was a workshop. He asked if any of the letters submitted came from neighbors behind the property, his main concern being the 7'-3" setback at the rear of the property for second unit. He also commented that even though it is a code requirement, an enclosed garage isn't needed with so much parking available on the property.

Mr. Watkins stated that the rear neighbors had no objection to the request for the second unit with an enclosed garage. He also commented that the maximum square footage for a 'mother-in-law' unit is 1000 square feet. The connector hallway has approximately 1,100 square feet.

Staff commented that the maximum square footage for a 'mother-in-law' unit is 700 square feet.

Chair Jones asked staff if the second unit complied with City standards.

Staff replied yes, the shell is permitted; however, the interior partitions and kitchen are not permitted. The permits for the hallway, the family room, and the bathroom were issued in 1991; however, the permits do not cover the conversion of the workshop into habitable space. In

2002, permits were issued to add a garage. Staff pointed out that if the second unit is approved, permits would be required for the kitchen and the two bedrooms. Once the use is converted to a second unit, the second unit must comply with the second unit requirements. If the kitchen was removed and the two bedrooms were legalized, the increase in the number of bedrooms would exceed four, which would require that the home have a three-car garage per code.

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

Commissioner Butterfield commented that Mr. Watkins has tried to do the 'right thing', and that the Commission should be reasonable. She stated that Mr. Watkins has agreed to enclose the garage, and that he should not be penalized for previous changes to his property.

Commissioner Hutchinson agreed that as long as the structure meets code, he is not opposed to the variance. Commissioner Kelleher also agreed.

Vice Chair Callahan commented that he had concerns for the structural integrity of the unit; however, if the proper permits were issued he has no objection to the variance request.

Chair Jones moved to approve Variance No. V-121-04, seconded by Commissioner Butterfield, pursuant to the facts and reasons contained in Resolution No. 5467. The motion received the following vote:

AYES:	COMMISSIONERS:	BUTTERFIELD, CALLAHAN, HUTCHINSON, JONES, KELLEHER
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BARRY, NGUYEN

PUBLIC HEARING:
APPLICANT:
LOCATION:
DATE:
REQUEST:

CONDITIONAL USE PERMIT NO. CUP-146-04
SI GOL RESTAURANT
SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN GALWAY STREET AND KERRY STREET AT 9792 GARDEN GROVE BOULEVARD.
NOVEMBER 18, 2004

To approve a Conditional Use Permit to allow an existing restaurant, Si Gol Restaurant, to operate under an Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine) License. The site is in the C-2 (Community Commercial) zone.

Conditional Use Permit No. CUP-146-04 was withdrawn to a date uncertain.

PUBLIC HEARING:
NEGATIVE DECLARATION
PLANNED UNIT DEVELOPMENT NO. PUD-105-04
SITE PLAN NO. SP-358-04

TENTATIVE TRACT MAP NO. TT-16767

VARIANCE NO. V-120-04

APPLICANT:

TRASK AVENUE COTTAGES, LLC

LOCATION:

NORTH SIDE OF TRASK AVENUE, WEST OF NEWHOPE STREET AT 11311 TRASK AVENUE.

DATE:

NOVEMBER 18, 2004

REQUEST:

To rezone a 37,680 square foot lot to Planned Unit Development; a Site Plan approval to develop the site with seven, two-story, single-family detached homes; a Tentative Tract Map for the subdivision of the property into seven single-family residential lots; and Variance approval to deviate from the minimum lot size requirement for a residential Planned Unit Development. The site is in the R-1-7 (Single-Family Residential) zone.

Chair Jones excused himself from the discussion and left the dais.

Staff report was reviewed and recommended approval.

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

Mr. Jim Barisic, a representative of Brandywine Homes, approached the Commission and presented rendered and photographic displays showing street scenes and how the properties were integrated. The new homes will sell for approximately \$ 625,000.00.

Commissioner Butterfield asked for the size of the triangle shaped lot. Mr. Barisic replied it is the largest lot at 3,652 square feet.

Vice Chair Callahan asked Mr. Barisic if he read and agreed with the conditions of approval. Mr. Barisic replied yes.

Commissioner Hutchinson asked how long the builder has owned the property. Mr. Barisic replied seven or eight months.

For the record, staff noted the revisions to conditions of approval nos. 8 and 21. The last line of Condition No. 8 shall be revised to read: "The report shall also make recommendations for pavement design of the interior private street." The following sentence shall be added to Condition No. 21: "The new sidewalk shall be constructed per City Standard Plan No. B-106."

Mr. Ray Littrell approached the Commission and expressed his concerns that the City of Garden Grove has the highest density per square mile in the country, and that 700 square feet of open space per house is not good. He also stated that there is not enough park space and that he had density concerns regarding sewer systems, schools and streets.

Mr. Barisic approached the Commission and stated that he had met with public works early on regarding the sewer and street issues. He also cited that the variance is required to develop the property.

Mr. Manny Nunez approached the Commission and pointed out that the General Plan permits Low Medium Density Residential on the site which allows 11 to 21 units per acre, and that the proposed project is consistent with the General Plan in that it has 9.1 units per acre. Also,

in terms of variances, the project has met the requirements for the State of California.

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

Commissioner Hutchinson commented that although he is apprehensive with regard to variances, each project has to be looked at individually.

He also stated that this project fits the community and that parking and traffic looks good.

Commissioner Butterfield stated that variances are required to develop and improve the City. She also commented that the homes look good for an odd shaped lot and that the project meets the sewer requirements.

Commissioner Kelleher agreed that the project fits the community; however, he expressed his concerns for future development with regard to high density. For this reason, he could not support the project.

Vice Chair Callahan moved to adopt the Negative Declaration, to recommend Planned Unit Development No. PUD-105-04 to City Council, and to approve Site Plan No. SP-358-04, Tentative Tract Map No. TT-16767 and Variance No. V-120-04, seconded by Commissioner Butterfield, pursuant to the facts and reasons contained in Resolution Nos. 5464 and 5465. The motion received the following vote:

AYES:	COMMISSIONERS:	BUTTERFIELD, CALLAHAN, HUTCHINSON
NOES:	COMMISSIONERS:	KELLEHER
ABSENT:	COMMISSIONERS:	BARRY, JONES, NGUYEN

MATTERS
FROM

COMMISSIONERS:

Commissioner Butterfield noted a letter from Mr. Jeffrey Marks, dated October 25, 2004, with regard to the Pep Boys store. Mr. Marks wrote that he had not received a complaint notice with regard to the trash conditions on the property. She also commented that Code Enforcement suggested cameras be installed to monitor the trash area; however, this would need an approval. Also, video surveillance signs would be a good idea, as well as more night-time police surveillance.

Vice Chair Callahan agreed.

Staff commented that the tenants have a responsibility to keep the property free of Code Enforcement problems; however, the property owner wants to work with the City, and a meeting between Mr. Marks and Code Enforcement staff would be good in order to implement a plan to take care of the problem.

MATTERS

FROM STAFF:

None.

ADJOURNMENT:

The meeting was adjourned at 8:30 p.m.

JUDITH MOORE
Recording Secretary