

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
DECEMBER 3, 2009

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 BEARD, BONIKOWSKI, BUI, CABRAL,
ELLSWORTH, KIRKHAM, TRAN

ABSENT: NONE

ALSO PRESENT: Ed Bertrand, Assistant City Attorney; Karl Hill, Planning Services Manager; Sergeant Kevin Boddy, Police Department; 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 Bui and recited by those present in the Chambers.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Vice Chair Kirkham moved to approve the Minutes of November 19, 2009, seconded by Commissioner Ellsworth. The motion carried with the following vote:

AYES: COMMISSIONERS: BEARD, BONIKOWSKI, BUI, CABRAL,
ELLSWORTH, KIRKHAM, TRAN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

PUBLIC HEARING: SITE PLAN NO. SP-372-05 TIME EXTENSION
TENTATIVE TRACT MAP NO. TT-16894
VARIANCE NO. V-129-05
DEVELOPMENT AGREEMENT

APPLICANT: MAHMOUD BDAIWI
LOCATION: SOUTHEAST CORNER OF STANFORD AVENUE AND ADELLE STREET AT
8642 STANFORD AVENUE

DATE: DECEMBER 3, 2009

REQUEST: To approve a two-year time extension for the approved entitlements under Site Plan No. SP-372-05 and Variance No. V-129-05 included in a Development Agreement approved in 2005, to construct 12 semi-detached three-story homes. A Tentative Tract Map (TT-16894) to subdivide the units into condominiums, was also approved as part of the Development Agreement. Tentative Tract Map No. TT-16894 was extended by Assembly Bill No. AB333, which automatically grants a two-year time extension for all tentative maps valid as of July 15, 2009. The two-year time extension will align the Site Plan and Variance approval with the automatic extension of the Tract Map until November 11, 2011. The site is currently developed with six residential units.

Staff report was read and recommended approval.

Chair Beard asked staff to clarify the Variance from 2005. Staff replied that the Variance related to parking in the driveway.

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

Ms. Gail Eastman, the applicant's representative, approached the Commission and thanked staff. She stated that the project is in its final funding with groundbreaking in 2010.

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

Chair Beard asked staff if the two-year time extension was required by law. Staff responded that due to the tract map being tied to the Development Agreement, the applicant had to go through the public hearing process, and that the State has given the tract map an automatic two-year time extension.

Commissioner Tran moved to recommend approval to City Council, the two-year time extension of the Development Agreement governing the approved entitlements under SP-372-05, TT-16894, and V-129-05, seconded by Vice Chair Kirkham, pursuant to the facts and reasons contained in Resolution No. 5702. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH, KIRKHAM, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: AMENDMENT NO. A-152-09
APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE
DATE: DECEMBER 3, 2009

REQUEST: To amend Title 9 of the Garden Grove Municipal Code (Zoning Ordinance, Title 9, Reorganized October 2009) to incorporate landscape water efficiency requirements amending:

Chapter 9.08: SINGLE FAMILY RESIDENTIAL REQUIREMENTS, Sections:
9.08.40.040: Landscaping: Purpose
9.08.40.050: Landscaping: General Provisions
9.08.40.060: Landscaping Requirements

Chapter 9.12: MULTI-FAMILY REQUIREMENTS, Sections:
9.12.40.070: Landscaping: Purpose
9.12.40.080: Landscaping: General Provisions
9.12.40.090: Landscaping Requirements

Chapter 9.16: COMMERCIAL/INDUSTRIAL/OPEN SPACE REQUIREMENTS, Sections:

- 9.16.40.050: Landscaping: Purpose
- 9.16.40.060: Landscaping: General Provisions
- 9.16.40.070: Landscaping Requirements

The City of Garden Grove is amending the Municipal Code to comply with the requirements of State of California Assembly Bill 1881 that amended the Water Conservation in the Landscape Act. The changes will result in a reduction in water use for new landscapes. The Amendment is found to be exempt from CEQA based on a Category 7 Exemption (14 California Code of Regulations Section 15307) for activities that enhance or protect a natural resource.

Staff report was read and recommended approval.

Staff added that complying with the ordinance would assist in the reduction of 100 percent water usage rate down to 70 percent efficiency by reducing turf areas and using more drought resistant plants; that the ordinance is in concert with other cities through a collective county-wide support; that if challenged, the cities could stand collectively; that the ordinance applies to new and existing developments based on site square footage, landscape area, and the renovation of existing landscaping; and that the ordinance would be incorporated into the reorganized Title 9.

Vice Chair Kirkham asked staff if a home on a site is included in the 70 percent. Staff responded that the building footprint and concrete surfaces, including driveways, are excluded; that the remaining square footage would be considered the 100 percent; that landscape architects would calculate the property zones for water usage; that the zones consist of different types of landscaping, each with their own calculations; and that those calculations added together should be .70 or less for water usage.

Vice Chair Kirkham asked staff if the adoption requirement for January 2010 would be achieved. Staff replied that if the ordinance is not in place by the required time, the City would be subject to the State's ordinance and that ordinance closely follows the State model; that under the State model, City staff would review, with possible processing fees, a landscape package submitted by an applicant; that under the County, the City would require that the applicant have a third party to pre-certify the landscape package for less impact on Staff; that Orange County is ahead of other counties in the State; and that AB1881 allows for local agencies to adopt alternative ordinances that are at least as effective as the State model.

Chair Beard asked staff to verify that 58 percent of residential water usage is for irrigation. Staff replied yes, and that now the State wants the amount of outdoor water usage to be in sync with the amount of indoor water usage.

Commissioner Cabral asked staff how the ordinance could be challenged. Staff replied that anyone could challenge the ordinance, however, the main concern was the State, as the City wants flexibility for their own approach. Staff added that having the landscape package, with calculations, created by the landscape architect would have less impact on staff, however, the City does have staff to perform this function.

Commissioner Cabral asked for staff to clarify the cost impact of using a landscape architect versus paying permit fees. Staff responded that landscape architects would probably share information to standardize calculations and that some reputable landscape architects are already submitting complete landscape packages.

Commissioner Bui asked staff how the ordinance would be monitored. Staff explained that plants, materials, and timers should be installed per plans, however the State statute does not address all aspects of landscape water efficiency, especially post installation; that it would be the City's discretion for any policing measures, however, at this time, only a certificate of completion, that all items were installed properly, would be required; and it is conceivable that site inspections, and measures that are now being implemented under the Clean Water Act addressing site runoff, could include inspections for landscape compliance.

Commissioner Ellsworth asked staff if any cities that have adopted the ordinance have had complaints. Staff responded that City ordinances vary, some with more strict models, some more proactive, and some with tiered water rates.

Commissioner Tran commented that the 70 percent, with regard to varying square footage, seemed unfair. Staff replied that no work would be done unless a permit was issued and that if no permit is required, the existing landscaping would remain; that the current City of Garden Grove landscape ordinance strives to have an 80 percent efficiency rate; and that the City's residents already have a mindset to reduce water usage, especially by reducing lawn area.

Commissioner Bonikowski asked staff how the City would monitor the homeowners that landscape without permits. Staff stated the residents would need to comply with the ordinance; that a flyer could be inserted in the water bill to make residents aware of the ordinance; that permits would be required for larger projects requiring a landscape plan or a discretionary building permit such as for adding a fountain, a swimming pool, a trellis, as part of landscaping and rehabilitated landscaping, which is more than 50 percent of landscaping within any given year and meeting the square footage criteria; and, that any work on irrigation lines requiring a permit for a backflow prevention device, and that has a 2,500 square foot or greater landscape area, is affected.

Commissioner Cabral asked staff to verify that if residents in existing homes with less than 2,500 square feet of grass, want to install a sprinkler system, they do not need a permit. Staff replied yes, they do not need permit compliance with the proposed ordinance.

Chair Beard asked staff to clarify a pool remodel. Staff responded that a permit would be required for the pool, however, if there was a 2,500 square foot or less area of landscaping that was not being worked on in conjunction with the pool, a landscaping permit would not be required.

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

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

Chair Beard commented that he agreed with the certification of the landscape professional for efficiency; that the collective uniformity between cities would be worthwhile; and that any customization the City might choose at a later date would still be subject to State requirements for water conservation.

Vice Chair Kirkham moved to recommend approval of Amendment No. A-152-09 to City Council, seconded by Commissioner Ellsworth, pursuant to the facts and reasons contained in Resolution No 5698. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH, KIRKHAM, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS FROM
COMMISSIONERS:

Commissioner Tran expressed that he is looking forward to the Planning Commissioner Holiday Dinner.

Vice Chair Kirkham commented that he would like information regarding a food bank in Garden Grove was robbed this week; that his wife's organization has a disaster fund from which they would like to make a donation of funds.

Commissioner Cabral attended Garden Grove's annual Tree Light Celebration and expressed that the changes by staff made for a better event and asked staff to extend her thanks to the Community Services staff for a job well done.

Commissioner Bonikowski also attended the Tree Lighting Celebration stating that the event was very good. He also asked if staff knew when the Main Street arches would be installed, as he was told the unveiling would be December 18th. Staff did not know the exact date, but would look into the request.

MATTERS FROM
STAFF:

Sergeant Kevin Boddy introduced his replacement, Sergeant Ed Leiva, who has been with the City of Garden Grove for 15 years and has a similar background as a top investigator being well versed in vice, narcotics, and Alcoholic Beverage Control (ABC) issues.

On behalf of the Commissioners, Chair Beard welcomed Sergeant Leiva on board.

Sergeant Leiva expressed his thanks and looks forward to working with Commissioners and staff.

Chair Beard asked staff the approximate number of ABC licenses in the City. Staff responded approximately 200.

ADJOURNMENT:

Chair Beard moved to adjourn the meeting at 7:45 p.m., seconded by Commissioner Ellsworth. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH, KIRKHAM, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

JUDITH MOORE
Recording Secretary