

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
JUNE 15, 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, PAK, PIERCE
ABSENT: NONE

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Paul Wernquist, Urban Planner; Lee Marino, Senior Planner; Dan Candelaria, Civil Engineer; 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 Chamber.

ORAL COMMUNICATION: Ms. Verla Lambert approached the Commission and spoke with regard to the removal of the median trees near the Sungrove Senior building on Garden Grove Boulevard, and also asked that the City consider not removing the median trees between Palm Street and Harbor Boulevard.

APPROVAL OF MINUTES: Chair Jones moved to approve the Minutes of June 1, 2006, seconded by Vice Chair Margolin. The motion carried with the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION
PLANNED UNIT DEVELOPMENT NO. PUD-112-06
SITE PLAN NO. SP-399-06
TENTATIVE TRACT MAP NO. TT-17036
VARIANCE NO. V-142-06
APPLICANT: 8641 GARDEN, LLC
LOCATION: NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND ADELLE STREET AT 8641 GARDEN GROVE BOULEVARD
DATE: JUNE 15, 2006

REQUEST:

To create a small lot subdivision by rezoning the 26,180 square foot site to Planned Unit Development Residential; Variance approval to deviate from the minimum three-acre lot size requirement for a Residential PUD; Site Plan approval to construct six, three-story detached single-family homes; and Tentative Tract Map approval to create the small lot subdivision for the site. The site is in the C-1-T (Neighborhood Commercial Transition) zone.

Staff report was read and recommended approval.

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

Mr. Randy Jackson, the applicant's representative from The Planning Center, approached the Commission and described the project; stated that he had read and agreed with the conditions of approval; and that he had an issue with one environmental item on the checklist.

Chair Jones asked Mr. Jackson to clarify the entrance gate shown on the site plan, as the gate is not permitted per Condition No. 16. Mr. Jackson replied that the gate would be omitted as the car stacking distance was a problem.

Mr. Kevin Green, a professional geologist from SCS Engineers, approached the Commission and stated that his company was hired to assess the level of dry cleaning solvent contamination from the adjacent property that was the former site of a dry cleaner. He added that one corner of the subject property was contaminated and that contamination would always be present; that the contamination remediation and clean up issue is the responsibility of the adjacent owner; that, per plans and specifications, the mitigation of a potential vapor intrusion issue is the responsibility of the developer; that the language in the Environmental Checklist Form under IX. Hazards, Paragraph d, be modified to reflect that the health hazards be mitigated by the Orange County Healthcare Agency by way of evaluating the health risks and specifying the mitigation measures necessary to allow the development; that the mitigation may be an evaluation; that if the health risks are too high, as a measure of prevention against vapor intrusion, one recommendation would be to place a vapor barrier under the homes.

Staff commented that the environmental issue could be resolved by requiring that the developer acquire clearance from the appropriate agencies prior to gaining a certificate of occupancy.

Mr. Green added that the Orange County Healthcare Agency did not see a problem with this development; that an approval is required from the Orange County Healthcare Agency; and that the applicant needs to sign an agreement with the adjacent property owner stating that the adjacent property owner would pay for the oversight.

Staff commented that Condition No. 6 also states that mitigation measures be implemented prior to the issuance of a building permit, and that a letter would be required from the Orange County Healthcare agency stating that the project could proceed.

Mr. Jackson further commented that the three extra parking space areas would be put into landscaping area, and that the power-poles would be removed.

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

Vice Chair Margolin moved to adopt the Negative Declaration, recommend approval of Planned Unit Development No. PUD-112-06 to City Council, and approve Site Plan No. SP-399-06, Tentative Tract Map No. TT-17036, and Variance No. V-142-06 with an amendment to the Environmental Checklist Form, heading IX. Hazards, Paragraph d. The sentence 'Therefore, once the remedies to clean up the contamination are completed...', shall be revised to, 'Therefore, once the remedies of the contamination are approved...'. The motion was seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution Nos. 5548 (PUD) and 5549 (SP/TT/V). The motion carried with the following vote:

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

PUBLIC
HEARING:

NEGATIVE DECLARATION
AMENDMENT NO. A-127-06

APPLICANT:
LOCATION:
DATE:

CITY OF GARDEN GROVE
CITYWIDE
JUNE 15, 2006

REQUEST:

To amend Title 9 of the Garden Grove Municipal Code pertaining to the development standards for multiple-family residential vehicular circulation requirements; to the nonconforming requirements pertaining to multiple-family residential requirements; to the Procedures and Hearings sections for Site Plans and Director's Review; and to the Permitted Uses section.

Staff report was read and recommended approval.

Commissioner Pak asked staff if current businesses that have outdoor dining are doing so without permits or are they approved?

Staff replied that some restaurants are designed with outdoor dining and that others have put chairs outside at their own discretion.

Vice Chair Margolin asked staff to clarify the smoking rules with regard to outdoor dining.

Staff replied that as long as a person is not inside an enclosed building, the person can smoke, though there are distance requirements pertaining to the proximity of public building entrances and to residences.

Chair Jones 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.

Commissioner Chi moved to adopt the Negative Declaration, and recommend approval of Amendment No. A-127-06 to City Council, seconded by Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5550. The motion carried with the following vote:

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

MATTERS
FROM

COMMISSIONERS: Vice Chair Margolin asked staff if an inspector had been assigned to check the legality of the chimney issue near his residence. Staff replied that a different inspector has been assigned to the request and that the matter would be looked into as soon as possible.

Commissioner Callahan announced that the International Farmer's Market would open on Main Street on the first Sunday in August.

Commissioner Chi commented that Main Street vendors were concerned with regard to future development and asked staff to clarify the Steve Sheldon and Brandywine developer issues.

Staff stated that Steve Sheldon approached the City about a year and a half ago to develop the parking lot site near Main Street for residential use, and that City Council supported the idea. Staff also added that a Request For Proposal (RFP) was not done on the parking lot site as the City had not thought to develop the site; that the formal application from Steve Sheldon has not been submitted yet and that he has a 90-day exclusive agreement with the City; that RFP's are used to create competition between developers to enlist more qualified developers and that not all sites have RFP's; and that a year ago, Main Street businesses were served notices to comply with seismic upgrades and that coincidentally, the developer issues surfaced at the same time.

Commissioner Lecong asked that the Commission follow the Brown Act with regard to re-opening the public portion of the hearings.

Staff clarified that after the public portion of the hearing is closed, the Chair has the right to recognize another speaker; however, the Commission could appeal and put forth a motion, with a second, to hear the speaker or to keep the public portion closed and continue discussion. Staff also stated that the procedures could be changed.

Vice Chair Margolin expressed that he was in favor of hearing the public speak; that when the public portion is closed and all persons have had the opportunity to speak, the public portion should remain closed during deliberations; and that some issues are better suited for City Council or should wait to be discussed after the Public Hearing.

Chair Jones commented that the re-opening of the public portion of a hearing is often based on instinct in that a speaker might have something relevant to add.

MATTERS

FROM STAFF:

Staff reminded the Commission that there would be no Planning Commission meeting on July 6, 2006, and read a brief description of the Tentative Agenda items for the next regular Planning Commission meeting to be held on July 20, 2006.

ADJOURNMENT:

The meeting was adjourned at 8:20 p.m.

JUDITH MOORE

Recording Secretary