

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
NOVEMBER 19, 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: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Maria Parra, Urban Planner; Sid Ashrafnia, Associate Civil Engineer; Sergeant Kevin Boddy, 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 Cabral and recited by those present in the Chambers.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Vice Chair Kirkham moved to approve the Minutes of October 15, 2009, seconded by Commissioner Cabral. The motion carried with the following vote:

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-151-09

APPLICANT: CITY OF GARDEN GROVE

LOCATION: CITYWIDE

DATE: NOVEMBER 19, 2009

REQUEST: To amend Title 9 of the Garden Grove Municipal Code Sections 9.04.060 (Definitions), 9.08.030 (Uses Permitted), and 9.08.050 (Special Operating Conditions and Development Standards), amending definitions and uses relating to group homes, boarding/lodging facilities, and child day care.

Staff report was read and recommended approval.

Commissioner Bonikowski asked Staff to clarify the number of group homes in the City and how are they regulated?

Staff responded that there are approximately 80 licensed facilities, for adults and elderly, licensed through the State of California Community Care Division; that State distancing requirements require that adult

facilities be 300 feet away from similar facilities; that there are no distance requirements for the elderly; and that there is no additional cost to the City to meet the code for these types of facilities.

Vice Chair Kirkham asked Staff to clarify foster homes. Staff replied that foster homes are regulated by the State; and that foster homes that have six or less children cannot be City regulated, however, with more than six, the home becomes a congregate requiring City regulation.

Commissioner Ellsworth asked Staff to clarify group homes with regard to Megan's Law. Staff replied that at one time, the City had over 200 group homes generating calls for police service; that single-family residences were rented out to caregivers for six or less people and the City could not regulate these problematic homes; and that police attended Staff meetings at which terminology was updated to be in line with code in order to help monitor and address the calls for service.

Commissioner Cabral asked Staff to clarify the day care home that can have between one and fourteen children. Staff responded that providing home child care requires a State license for up to fourteen children; and that over fourteen children, the home would need to be a licensed child day care center through the conditional use permit process.

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.

Commissioner Ellsworth moved to recommend adoption of the Negative Declaration and approval of Amendment No. A-151-09 to City Council, seconded by Vice Chair Kirkham, pursuant to the facts and reasons contained in Resolution No 5699. The motion received the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-453-09
VARIANCE NO. V-184-09

APPLICANT: KHANH G. VU

LOCATION: SOUTHEAST CORNER OF IMPERIAL AVENUE AND HOPE STREET AT 10172
IMPERIAL AVENUE

DATE: NOVEMBER 19, 2009

REQUEST: Site Plan approval to construct a two-story, 2,166 square foot residential dwelling unit on a lot improved with an existing single-family home in order to create a duplex. Also, a Variance request to allow the project to deviate from the minimum lot size requirement. The site is in the R-2 (Limited Multiple Residential) zone.

Staff report was read and recommended approval. One letter of support was submitted by the applicant.

Vice Chair Kirkham asked Staff when the house to be demolished was built. Staff replied that they did not have the exact year.

Vice Chair Kirkham stated that the conditions of approval should include the condition that an asbestos inspection is required prior to any demolition. Staff responded that the condition could be added.

Commissioner Bui asked Staff that if a fourth bedroom were added by remodeling the game room, would the two-car garage still be adequate? Staff replied that the game room must stay, however, a two-car garage for a four-bedroom residence would meet code.

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

Ms. Duong Vu, the applicant's representative, approached the Commission.

Chair Beard asked Ms. Vu if the applicant had read and agreed with the Conditions of Approval. Ms. Vu replied yes, including the asbestos condition.

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

Chair Beard expressed that this plan followed the Variance criteria and findings; and that the project has conformity with the neighborhood.

Commissioner Cabral moved to approve Site Plan No. SP-453-09 and Variance No. V-184-09, seconded by Vice Chair Kirkham, with one amendment, pursuant to the facts and reasons contained in Resolution No. 5700. The motion received the following vote:

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

PUBLIC HEARING: SITE PLAN NO. SP-454-09
CONDITIONAL USE PERMIT NO. CUP-281-09
LOT LINE ADJUSTMENT NO. LLA-8-09

APPLICANT: ROSELL SURVEYING & MAPPING, INC.

LOCATION: WEST SIDE OF MAGNOLIA STREET, NORTH OF LAMPSON AVENUE AT
12211 AND 12241 MAGNOLIA STREET

DATE: NOVEMBER 19, 2009

REQUEST: Site Plan, Conditional Use Permit, and Lot Line Adjustment approval to adjust a portion of the rear property line of the Garden Grove Friends Church property (12211 Magnolia) by 15,717 square feet, for the purpose of expanding the burial area of Magnolia Memorial Park (12241 Magnolia) to create 220 burial plots and 768 niches. The site is in the R-1 (Single-Family Residential) zone.

Staff report was read and recommended approval.

Commissioner Ellsworth asked Staff to clarify if this cemetery was the only one in Garden Grove. Staff responded that one other is located at the Crystal Cathedral.

Chair Beard asked if the cemetery could be considered an historical site? Staff responded that the applicant could expand further.

Chair Beard asked if the reciprocal parking agreement would go through if the project was denied. Staff explained that the agreement was required under the previous conditional use permit; that the agreement has not been recorded; and that, as part of this expansion, the agreement needs to be recorded.

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

Mr. Robert Monroe, the applicant's representative, approached the Commission.

Chair Beard asked Mr. Monroe if the applicant had read and agreed with the Conditions of Approval. Mr. Monroe replied yes.

Mr. Keith Arledge approached the Commission and gave history on the cemetery stating that the cemetery was opened in 1874; that people from the 1800's are buried there including influential families from pioneer days; that 18 Civil War veterans are included; that an annual celebration is held on Memorial Day hosted by a Civil War historian; that there would be no expansion except with the assistance of the church next door; that the cemetery is used for overflow parking by the Lutheran church; that the rear of the cemetery can be accessed from the church's parking lot; that the relationship with the church is good; and that so far, there are no issues with the preschool children drop-off and pick-up.

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

Commissioner Tran asked Staff to clarify how the number of 220 burial plots was calculated.

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

Mr. Arledge approached the Commission and stated that the number of 220 was based on the limited land space, the church's assistance with land area, and the size of the fountain; that in most cases the State regulates cemeteries; and that his church purchased the cemetery eight years ago, therefore, the cemetery is not State regulated.

Chair Beard asked Mr. Arledge if there is an advantage to being an historical site. Mr. Arledge stated that the church and the City have not sought that recognition for the cemetery; that there is a steady flow of visitors, however, there are more people at holidays; that the public can apply for spaces; and that to change the 220 number, the cemetery would

need more land, however, spaces could be utilized as double depth spaces, i.e., one burial on top of another.

Commissioner Cabral asked Staff if the cemetery expansion was noticed, especially due to the close proximity of residences behind the park, and would there be any impact such as from the burning of incense?

Staff responded that the issue for Planning Commissioners only pertains to the Site Plan aspect for land use expansion; that the cemetery operation and number of spaces is not City regulated; and that the public hearing was published in the newspaper ten days before and that property owners were notified within 500 feet.

Mr. Arledge added that there is a ten-foot setback and a row of screening trees.

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

Chair Beard moved to approve Site Plan No. SP-454-09, Conditional Use Permit No. CUP-281-09, and Lot Line Adjustment No. LLA-8-09, seconded by Vice Chair Kirkham, pursuant to the facts and reasons contained in Resolution No. 5701. 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 Ellsworth asked Staff to enlighten the Commissioners on the first Brookhurst Triangle community park meeting.

Staff stated that the Community Services Department is applying for a competitive park grant, with an eight-year time frame, for the City through the State of California; that to satisfy the grant application, information is to be gathered through five public meetings; that residents were notified within a half mile of the site for their input on the one-acre area in the Brookhurst Triangle development; that the range of the grant money is between \$100,000 and \$5,000,000; and that discussion included the urban trail, the water element, a sculpture garden, a concert band shell, and other passive activities the developer would maintain, however, the area would be designated as a park area for City credit.

Vice Chair Kirkham commented that the Brookhurst Triangle Planned Unit Development entitlement was approved by City Council, with a modification to the height of the high-rise building to a maximum of ten stories, and a maximum of 700 dwelling units.

Chair Beard asked Staff to clarify the use of the grant money. Staff explained that negotiations for responsibility would be between the developer and the City for the design and location of such an area.

Commissioner Cabral asked Staff for the next step of the Brookhurst Triangle. Staff stated that the Economic Development Division is speaking to prospective developers with a December 31, 2009 deadline for action; that with no action after that date, City Staff would put together a request for proposal for other developers; and, that the uses would be commercial, office, and residential.

Commissioner Bonikowski extended good wishes to Commissioners and Staff for a Happy Thanksgiving holiday.

MATTERS FROM
STAFF:

Staff read a brief description of tentative items for the next regularly scheduled Planning Commission meeting to be held on December 3, 2009.

Staff also reminded Commissioners of the Planning Commission Holiday Dinner to be held on December 17, 2009.

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