

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
AUGUST 2, 2007

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 CHI, VICE CHAIR PIERCE  
COMMISSIONERS BEARD, BANKSON, NGUYEN, PAK  
ABSENT: Commissioner Brietigam

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Erin Webb, Senior Planner; Lee Marino, Senior Planner; Paul Wernquist, Urban Planner; Sergeant Kevin Boddy, Police Department; 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 Bankson and recited by those present in the Chamber.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Vice Chair Pierce moved to approve the Minutes of July 19, 2007, seconded by Commissioner Bankson. The motion carried with the following vote:

AYES: COMMISSIONERS: BANKSON, BEARD, CHI, NGUYEN, PAK, PIERCE  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: BRIETIGAM

DISCUSSION ITEM: Staff discussed Alcoholic Beverage Control Licenses and undue concentration along Garden Grove Boulevard.

Chair Chi excused himself from the discussion due to a conflict of interest pertaining to case no. A-134-07.

CONTINUED PUBLIC HEARING: AMENDMENT NO. A-134-07  
CONDITIONAL USE PERMIT NO. CUP-208-07  
APPLICANT: YOUNG YI  
LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF NEWLAND STREET AT 8610 GARDEN GROVE BOULEVARD  
DATE: AUGUST 2, 2007

REQUEST:

To rezone the subject property from C-1 (Neighborhood Commercial) to C-2 (Community Commercial) in conjunction with a Conditional Use Permit request to modify and legalize an existing nonconforming nightclub that operates with an Alcoholic Beverage Control Type "48" (On-Sale General – Public Premises) License that has been converted into an establishment with private karaoke rooms.

Staff report was read and recommended denial.

Commissioner Pak asked staff to explain City Council's decision to overturn the Planning Commission's suspension. Staff replied that City Council felt that with the Conditions of Approval implemented properly, the use would be acceptable.

Commissioner Beard asked staff to explain the difference between open and closed karaoke areas. Staff replied that with closed areas there is a security concern as there would be no visibility, versus with open areas, all is visible.

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

Mr. Rick Blake, the applicant's representative, approached the Commission and stated that the business has been operating with karaoke for a number of years and is popular within the Korean community; that the owner learned the business was not permitted after he had made conversions; that two options were to apply for a Conditional Use Permit or a rezone to C-1; that the applicant would sell the business if he does not get the approval; that the applicant would use the rear parking lot for employees only; that the karaoke rooms could be glass for visibility; that the doors would not be locked; that there would be no dimmer switches; that there would be no other offensive businesses taking place; that there is no parking problem, and that a valet could be engaged if needed; that the private rooms are a buffer for the noise and help to keep the parties small; and that the B-Girl matter is unresolved.

Commissioner Pak asked Mr. Blake to describe the current floor plan. Mr. Blake stated that the converted floor plan has been in place two years; that the work was done by Mr. Yi without benefit of a permit; and that Mr. Yi bought the business through a private sale.

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

Commissioner Bankson commented that Mr. Yi spent money for the conversion, however, he did not go through the proper channels.

Commissioner Beard asked staff to explain the procedure if the project is denied. Staff stated that the applicant could appeal the decision to City Council; that he would have to convert the business back to its original state; and that City staff would work with the applicant to do this.

Commissioner Pak pointed out to staff that another karaoke studio, SI25, has rooms and that beer and wine is served. Staff responded that the

SI25 is located in the C-2 zone and did not require a zone change, only a Conditional Use Permit.

Commissioner Bankson asked staff if homes would be built in the vacant lot across the street. Staff replied yes.

Commissioner Bankson moved to approve the denial of the resolution for Amendment No. A-134-07 and Conditional Use Permit No. CUP-208-07, seconded by Commissioner Beard, pursuant to the facts and reasons contained in Resolution Nos. 5600 (A) and 5601 (CUP). The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BANKSON, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM, CHI

Chair Chi rejoined the meeting.

**PUBLIC  
HEARING:**

NEGATIVE DECLARATION  
PLANNED UNIT DEVELOPMENT NO. PUD-118-07  
SITE PLAN NO. SP-425-07  
TENTATIVE TRACT MAP NO. TT-17178  
VARIANCE NO. V-160-07

**APPLICANT:  
LOCATION:**

T.K. VILLA, LLC  
NORTH SIDE OF TRASK AVENUE, EAST OF BARNEET WAY AT 11241 AND  
11251 TRASK AVENUE

**DATE:**

AUGUST 2, 2007

**REQUEST:**

To rezone the subject 45,512 square foot lot from R-1 (Single-Family Residential) to Residential Planned Unit Development for the allowance to create a small-lot subdivision consisting of eight (8) lots; a Variance request to deviate from the minimum three-acre lot size for Residential Planned Unit Developments; a Site Plan to construct eight (8) detached two-story single-family homes; and a Tentative Tract Map to create the eight (8) lot subdivision for the proposed development. The site is in the R-1 (Single-Family Residential) zone.

Staff report was read and recommended approval. Staff pointed out a correction to the square footage amounts on Page 5 of the staff report under the Tentative Tract Map heading: 3,071 and 3,941 square feet should be revised to 3,985 and 4,421 respectively.

Commissioner Pak asked staff if the Fire Department turnaround would also be used for trash pick-up. Staff replied yes.

Chair Chi asked staff to state the width of the drive aisle. Staff replied the private drive is 36'-0" wide to allow for guest parking on both sides; that the speed of traffic off of Trask Avenue into the property is 35 miles per hour; and that the flared driveway approach would be constructed to a certain standard due to Trask Avenue being a secondary arterial highway.

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

Mr. Gordon Lau, the applicant, approached the Commission.

Chair Chi asked Mr. Lau if he had read and agreed with the Conditions of Approval. Mr. Lau replied yes.

Commissioner Pak asked Mr. Lau if the six guest parking spaces on the street are factored in for the parking requirement. Mr. Lau stated that the parking would be on a private street, and two spaces would be in front of the driveway; that there is no parking on Trask Avenue; that the project would be complete in approximately one and half years; and that two single-family homes are currently on the property.

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

Commissioner Bankson asked staff if this project falls within the proposed small-lot subdivision standards. Staff replied yes.

Commissioner Pak moved to adopt the Negative Declaration, recommend approval of Planned Unit Development No. PUD-118-07 to City Council, and approve Site Plan No. SP-425-07, Tentative Tract Map No. TT-17178, and Variance No. V-160-07, seconded by Vice Chair Pierce, pursuant to the facts and reasons contained in Resolution Nos. 5602 (PUD) and 5603 (SP, TT, V). The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BANKSON, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM

PUBLIC HEARING:	SITE PLAN NO. SP-426-07 TENTATIVE PARCEL MAP NO. PM-2007-135
APPLICANT:	RALPH HASTINGS (RLH ARCHITECTS)
LOCATION:	SOUTH SIDE OF WESTMINSTER AVENUE, EAST OF CLINTON STREET AT 12600, 12610, 12620, 12630, AND 12640 WESTMINSTER AVENUE
DATE:	AUGUST 2, 2007
REQUEST:	To subdivide an existing industrial multi-tenant complex into an industrial condominium development. The site is 5.286 acres and has five existing industrial buildings with 29 tenant spaces. The purpose is to allow the individual ownership of the tenant spaces and to have the complex continue to operate as an integrated multi-tenant complex. The site is in the Planned Unit Development No. PUD-102-86 (Rev. 87) zone.

Staff report was read and recommended approval with an amendment noted to Condition No. 33.

Vice Chair Pierce asked staff if this project was one of the first industrial condominiums projects in the City. Staff replied yes.

Chair Chi asked staff to explain why decorative wrought iron was proposed for the fencing. Staff replied that there are crime concerns and rather than use block wall or chain link fence, wrought iron was proposed.

Commissioner Bankson asked staff to clarify the number of tenant spaces. Staff replied that ultimately there will be 29; and that industrial condominiums are similar to standard condominium developments as the air space is owned and the outside areas are shared; and that CC & R's are critical in that the maintenance is shared.

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

Mr. Ralph Hastings, the applicant's representative, approached the Commission.

Chair Chi asked Mr. Hastings if he had read and agreed with the Conditions of approval. Mr. Hastings replied yes, and pointed out that in Condition No. 37a, the last sentence should read, "There shall be no parking spaces reserved or assigned to a specific business."

Commissioner Pak asked Mr. Hastings if he would set up a board to govern the 29 units. Mr. Hastings replied that the CC & R's are specific; that when officers are in place, a board would receive dues.

Staff added that the City of Garden Grove could levy an assessment for the industrial condominiums, and that this is a specific condition that only applies if the conditions of approval are not met.

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

Commissioner Beard moved to approve Site Plan No. SP-426-07 and Tentative Parcel Map No. PM-2007-135, seconded by Vice Chair Pierce, pursuant to the facts and reasons contained in Resolution No. 5606. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BANKSON, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM

PUBLIC HEARING:	NEGATIVE DECLARATION PLANNED UNIT DEVELOPMENT NO. PUD-119-07 SITE PLAN NO. SP-427-07 VARIANCE NO. V-161-07
APPLICANT:	ALBERT GHARIBIAN
LOCATION:	NORTHWEST CORNER OF THE INTERSECTION OF KNOTT STREET AND CHAPMAN AVENUE AT 6961 AND 6941 CHAPMAN AVENUE
DATE:	AUGUST 2, 2007
REQUEST:	To rezone a commercial development from C-1 (Neighborhood Commercial) to a Commercial Planned Unit Development to allow an automatic car wash operation, a Site Plan to construct the car wash facility, and a Variance to allow a commercial PUD on less than five acres. The site consists of two lots that include a corner building used for

automotive businesses, a multi-tenant commercial building, and a fast-food pad building.

Commissioner Beard moved to continue the case to the next regularly scheduled Planning Commission meeting on Thursday, August 16, 2007, seconded by Commissioner Pak. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM

PUBLIC HEARING:                   CONDITIONAL USE PERMIT NO. CUP-205-07  
APPLICANT:                   TAM NGUYEN AND LINH NGUYEN  
LOCATION:                      NORTH SIDE OF WESTMINSTER AVENUE, EAST OF BROOKHURST STREET  
                                    AT 10121 WESTMINSTER AVENUE  
DATE:                         AUGUST 2, 2007

REQUEST:                    To expand an existing trade school, Advanced Beauty College (ABC), to include the entire freestanding building. The site is in the Planned Unit Development No. PUD-108-96 zone.

Staff report was read and recommended approval. Staff also noted that the re-hearing was for the purpose of disseminating additional parking study information to the Planning Commissioners.

Chair Chi asked staff if the exhibit submitted by Mr. Dale Washington contained the reciprocal parking agreement. Staff replied that the reciprocal parking agreement is a recorded document that indicates there are rules pertaining to parking; however, the agreement states that there will be shared parking pursuant to rules the party will adopt; that the original Condition No. 30 sought an amendment to the non-recorded rules between the parties; that there is sufficient parking, and that how the parking is shared should be left to the property owners; that Condition No. 30 should be deleted and replaced with an indemnification clause on the City for challenges to its approval; and that the City is recommending to staff that the indemnification provision be included in all conditions for all land use entitlements.

Commissioner Pak stated to staff that due to his business and legal relationship with Mr. Dale Washington, he would excuse himself from the discussion.

Chair Chi asked staff to explain the notification process. Staff replied that property owners are to be notified within 300 feet of the proposed development; that the City uses a 500-foot radius; that notices are mailed via regular mail, as well as published in the Garden Grove Journal for local circulation; that if one is a tenant, the notice may not reach the tenant; and that on the legal notice, there is a caveat to extend the notices to tenants for their benefit, but this is not a requirement.

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

Mr. Tam Nguyen and Ms. Linh Nguyen approached the Commission and proposed setting up a screen for a brief slide show to indicate the current parking situation. The Commission agreed.

Mr. Nguyen stated that he agreed with the recommendations of staff and submitted five binders for Planning Commissioners, that included a parking analysis, an attorney's letter, school approvals, community services lists, articles and awards, and testimonials.

Mr. Nguyen's slide presentation showed current Saigon Center tenant parking, Westbrook tenant employee parking, illegal 2-hour parking signs, cars being towed typically at 11:01 a.m. that were next to Advance Beauty College, parking during college peak times.

Mr. Eugene Scott, a former ABC student/employee, approached the Commission and expressed his concerns regarding the undue enforcement of the towing of cars from the parking lot, and that he would like to see the issue resolved happily.

Mr. Dennis Vo approached the Commission and stated that he had met with a client for lunch and when they exited the restaurant, found that his client's car had been towed.

Mr. David Pham, an ABC teacher, approached the Commission and expressed his concerns that the towing is a disruption to his students.

Mr. Robert Phan, an attorney for ABC, approached the Commission and stated that the on-going litigation is based on a violation or breach of the reciprocal easement agreement between his client and the appellants; that the agreement calls for free access to all parking; that the illegal towing business disrupts his client's business; and that there are more than 30 2-hour parking restriction signs.

Mr. Leonard Tran approached the Commission and stated that ABC is a responsible member of the community; that he has no problem parking; that the east side has open parking; and that the earlier verbal resolution was rescinded.

Mr. Dale Washington, attorney for the Saigon Supermarket, approached the Commission and pointed out that ABC takes 200 of the available parking spaces; and that the pictures were of the rear area. He then submitted photographs to the Commission showing the parking situation.

Mr. Washington further stated that in 1996 the permit for the two-story addition was to build a restaurant downstairs and an office upstairs, with no school; and that Saigon Supermarket is the first successful market in years. He then submitted the 2004 parking management plan, which is a signed document from ABC agreeing to post signs and tow cars. The document included the invoice paid by ABC to post the 2-hour signs, as well as the same agreement signed by the Westbrook, who is the landlord; and a plan map.

Mr. Washington stated that the parking study was gathered in 2005, and since then the conditions on the property have changed; that an updated parking study needs to be done; that there is a recorded easement; that

options include ABC bearing the burden of mitigation by instituting car pools, limit classes, and waiting until the December 2<sup>nd</sup> trial date; that there are creative ways to mitigate; that no parking plan had been implemented in 2004; that "Always Towing" posted the signs; that the trade school problem is that people are there all day; that the maximum occupancy has not been evaluated; that students could park in the rear area.

Chair Chi asked Mr. Washington if the tenant read and agreed to the parking plan by signing the "Always Towing" facsimile document.

Mr. Washington stated that the document is the 2004 parking agreement agreed to by all parties.

Dr. Antonio Coco, of Coco Traffic Planners, approached the Commission and stated that he has worked on the project since 1996; that the 2005 parking study included a three-day survey, the current demand, and the future demand; that they do not have reliable data for ABC, such as the number of students and their time schedule; that the shared parking is a simple concept in that businesses in the same area share driveways and parking with uses that have different peak periods; that the students are there all day so there is no sharing; and that parking should be evaluated as they have 30 spaces and are using 200 spaces.

Chair Chi clarified that ABC does not have peak parking periods and that their parking is constant. Mr. Coco replied yes, that ABC customers may also increase the number of spaces required and that other businesses in the center are conducive to shared parking.

Mr. Laurence Deutsch, of Westbrook Development, approached the Commission and stated that Westbrook Development has paved, striped, landscaped, and lit the ABC property, as well as continue to sweep and maintain the property; however, Westbrook has not been paid to do so as ABC has not wanted to participate. He also stated that there is an agreement that ABC maintain their property; that Saigon Supermarket employees are parking off-site to allow more customer parking; that parking signs were put up so all the tenants would succeed; and that he has other shopping centers with parking restrictions.

Chair Chi clarified that the parking agreement included that maintenance fees would be required.

Mr. Ken Bui, co-owner of the Saigon Supermarket, approached the Commission and stated that three markets had failed before; that the supermarket has approximately 100 jobs; that he does not know the occupancy of the 5,700 square foot building; that during construction, he put up a yellow ribbon at the curb to paint and the ribbon was taken down; and that he finds trash from the students eating lunch.

Mr. Nguyen stated that ABC is up to date on the parking lot maintenance fees (a copy of the check dated 7/20/07 was submitted); that his signature is on the 2-hour parking restriction document on October 15, 2004; that the supermarket opened on October 1, 2004, two weeks prior to signing the document; that the supermarket owner, the day before the grand opening, put up the 2-hour parking signs and towing began that day; and



that to protect the ABC he signed the "Always Towing" document for 2-hour parking.

Chair Chi clarified that there were two parking agreements, one dated September 29, 2004 signed by Westbrook Development and the other dated October 15, 2004 signed by ABC.

Vice Chair Pierce clarified that of the approximately 400 parking spaces in the center, all are limited to 2-hour parking. Mr. Nguyen replied yes.

Ms. Nguyen stated that ABC peak times are Tuesday, Wednesday, Thursday day time; that the night classes are small; that on Friday and Saturdays the nail technicians are typically off; that there is always plenty of parking; and that other tenants ask for student business.

Mr. Phan stated that there is plenty of parking; that there are peak times for the school; that the supermarket peak times are Friday, Saturday, and Sunday, during the day; that the reciprocal easement agreement was premised upon Westbrook Development acquiring a Conditional Use Permit to change the supermarket to a multi-tenant unit; and that ABC supported that change in exchange for unrestricted reciprocal parking.

Commissioner Beard asked Mr. Nguyen if the parking situation is a condition of the Conditional Use Permit request. Mr. Nguyen replied yes.

Commissioner Beard asked Mr. Phan that if the space is expanded and the use legitimized, would this increase the number students and affect the parking? Mr. Phan replied no, that at peak times, there is still parking available; and that the employees park on the east side.

Mr. Coco asked for the ABC number of students, how the number of students vary, what the schedule is, and how many parking stalls do the students need? Ms. Nguyen replied that during week, ABC has approximately 113 students; that most are immigrated students from Vietnam who do not have cars; that approximately half the student body needs parking spaces; that the schedule varies from 9:00 a.m. to 9:00 p.m., and on Saturdays ABC is open from 9:00 a.m. to 5:30 p.m.

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

Commissioner Beard asked staff if the reciprocal parking agreement meets code. Staff replied yes, that the number of parking spaces is based on square footage, not on the number of students; and that occupancy is based on square footage.

Chair Chi clarified with staff that Condition No. 30 would be omitted and that the indemnification clause be added. Staff replied yes.

Chair Chi re-opened the public hearing and asked Mr. Washington if the parking lot maintenance check was issued recently. Mr. Washington replied yes.

Commissioner Bankson commented to staff that the building has been used as a classroom and that the conditional use permit request is to bring

ABC into compliance. Staff responded that ABC came to the City to seek permission to continue to operate in the area to which they have already expanded and staff recommended approval at the May 3, 2007 meeting; that the parking study indicated that there was adequate parking; that the Commission's function is to make the four findings to issue a conditional use permit; that there are development standards such as compatible uses; and that the Commission has the right to disagree with staff.

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

Staff stated the options would be to agree with staff and approve the CUP, subject to the conditions of approval by staff; to approve the CUP subject to different conditions that the Planning Commission may impose based on impacts that the Commission can identify; to disagree with staff and deny the CUP; and to continue this matter, possibly until after the litigation is completed; however, there are findings on the CEQA environmental and the City has 60 days to adopt a negative declaration to approve or disapprove; that the waiver from the applicant under the mitigation fee act can only be extended up to 90 days; and that if there is no action within the 60 or 90 days extension the application is deemed approved.

Chair Chi asked staff that if the case were continued, the case would be approved because the hearing date would end beyond the time frame. Staff replied that if the case is continued beyond the 60 days of the mitigation fee act, and because environmental findings were approved May 3<sup>rd</sup>, there are 60 days from that date to approve or disapprove; that if the Planning Commission does not act on this application, it is still granted under the prior resolution; that this new resolution would rescind the prior resolution and substitute this action for the prior one; and that the time limit would re-set.

Commissioner Bankson asked staff if the case was approved, would the applicant need to go through the permit process to have the building signed off? Staff replied that the CUP would trigger inspections by the Building and Fire Departments due to the change of occupancy.

Commissioner Beard, Vice Chair Pierce, Commissioner Bankson, and Chair Chi agreed that the case was duly notified; that tonight's meeting was noticed properly; that omitting Condition No. 30 would make the parking issues a mute point.

Staff added that the code does not allow for restrictive parking and code enforcement has been pursuing an enforcement policy.

Chair Chi commented that appellants did not anticipate growth; and that ABC should pay more if more parking spaces are being used, however, this should be decided in a court of law.

Commissioner Beard moved to approve Conditional Use Permit No. CUP-205-07, with the amendment to omit Condition No. 30 and with the indemnification clause added, seconded by Commissioner Bankson, pursuant to the facts and reasons contained in Resolution No. 5610. The motion received the following vote:

AYES: COMMISSIONERS: BEARD, BANKSON, CHI, NGUYEN,  
PIERCE  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: BRIETIGAM, PAK

Commissioner Pak rejoined the meeting.

MATTERS FROM  
COMMISSIONERS:

Commissioner Beard commented that the ABC property has a lot of banners in addition to the 2-hour signs; and that a monument sign is being constructed in the median on Lampson Avenue in west Garden Grove.

Chair Chi had previously raised concerns regarding speed limit signs. Staff commented that posted speeds are established by a speed study; that speed is what people are driving at in that the 85<sup>th</sup> percentile, ie., the speed that 85 percent of the people are driving at or less; that the motoring public helps to set the posted speed; that an example would be that 85 percent of the people are driving at 42 miles per hour, so the 42 would be lowered to 40, the lowest five mile per hour increment; that to arbitrarily set a speed would put the City in a difficult situation in court if someone were to challenge a speeding ticket and no engineering survey was done to support the speed, the case could not be defended, and the court would rule in favor of the appellant; that the vehicle code requires that the City use these surveys; that the state law was amended about five years ago, and that every five years, a consultant is hired and every street in the City, except residential, is reviewed; and that the fastest speed in the City is 45 miles per hour.

MATTERS  
FROM STAFF:

Staff read a brief description of future Agenda items for the Thursday, August 16th, 2007 Planning Commission meeting.

ADJOURNMENT: The meeting was adjourned at 10:15 p.m.

JUDITH MOORE  
Recording Secretary