

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
JANUARY 5, 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 CALLAHAN, VICE CHAIR JONES, COMMISSIONERS BARRY, CHI, LECONG, MARGOLIN, PIERCE

ABSENT: NONE.

ALSO PRESENT: Jason Retterer, Associate Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Jay Jarrin, Senior Planner; Maria Parra, Associate Planner; Robert Fowler, 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 Chair Callahan and recited by those present in the Chamber.

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Barry moved to approve the Minutes of December 1, 2005, seconded by Commissioner Chi. The motion carried with the following vote:

AYES: COMMISSIONERS: BARRY, CALLAHAN, CHI, JONES, LECONG  
MARGOLIN, PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

PUBLIC HEARING: NEGATIVE DECLARATION  
SITE PLAN NO. SP-383-06  
TENTATIVE TRACT MAP NO. TT-16935  
DEVELOPMENT AGREEMENT

APPLICANT: LINDA KWONG  
LOCATION: EAST SIDE OF LORNA STREET, SOUTH OF STANFORD AVENUE AT  
12782 LORNA STREET

DATE: JANUARY 5, 2006

REQUEST: Site Plan approval to construct ten (10) residential dwelling units with two-story and split-level designs, and Tentative Tract Map approval to

create a one-lot subdivision for the purpose of selling each unit as a condominium. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was reviewed and recommended approval.

Commissioner Chi asked staff to clarify the entryway with regard to traffic circulation layout. Staff replied that the project has been reviewed by both the Fire Department and Engineering Division and that the layout provides adequate turnarounds for Fire truck, trash truck and vehicle access.

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

Mr. Peter Fung, the architect, approached the Commission and described the project; cited that the recreation area in the center would be well served; the trash area would be centralized; and that most of the street trees would be kept.

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

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

Commissioner Margolin commented that the project looks good and that it would be an asset to the street. Commissioner Pierce agreed.

Vice Chair Jones moved to adopt the Negative Declaration, recommend the Development Agreement to City Council, and approve Site Plan No. SP-383-06, and Tentative Tract Map No. TT-16935, seconded by Commissioner Barry, pursuant to the facts and the reasons contained in Resolution No. 5526. The motion carried with the following vote:

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

PUBLIC  
HEARING:

NEGATIVE DECLARATION  
GENERAL PLAN AMENDMENT NO. GPA-1-06(A)  
PLANNED UNIT DEVELOPMENT NO. PUD-110-06  
SITE PLAN NO. SP-385-06  
TENTATIVE TRACT MAP NO. TT-16856  
DEVELOPMENT AGREEMENT

APPLICANT:  
LOCATION:

OLSON URBAN HOUSING, LLC  
EAST SIDE OF PALM STREET, SOUTH OF THE INTERSECTION OF PALM  
STREET AND HARBOR BOULEVARD AT 12852 PALM STREET.

DATE:

JANUARY 5, 2006

REQUEST:

To change the General Plan Land Use from Mixed-Use to Medium-High Residential; to rezone the site to Planned Unit Development; Site Plan approval to construct an at grade parking structure with 159 dwelling units above the parking structure on a 3.8 acre parcel of land; Tentative Tract Map approval to create the subdivision to allow the units to be sold as

condominiums. A Development Agreement is proposed. The site is in the HCSP-OP (Harbor Corridor Specific Plan-Office Professional) zone.

Staff report was reviewed and recommended approval.

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

Mr. Bill McReynolds, Director of Development for the Olson Company, approached the Commission, described aspects of the project and submitted a letter of support from Maxine Cooper, CEO of the Garden Grove Hospital.

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

Commissioner Chi asked Mr. McReynolds to clarify the assignment of parking spaces.

Mr. McReynolds stated that once a unit is purchased a parking stall or private garage would be permanently assigned and that the spaces could not be sold separately.

Ms. Margaret Bergin, a resident, approached the Commission and expressed her comments with regard to traffic signals at the Palm Street and Garden Grove Boulevard intersection, density, the impact on schools, the notification process, and that the project is unattractive.

Commissioner Barry asked staff if the traffic concerns were considered.

Staff replied yes, that the traffic study was reviewed and approved, and that the intersection would be at a level 'B' or better after the project was built. Staff further explained that currently the intersection is at a level 'A' and that a condition is in place that the signal at Garden Grove Boulevard and Palm Street would be improved by adding left turn lanes.

Staff also met with the school district's Deputy Superintendent Sue McCann with regard to adequate capacity for students. Ms. McCann relayed to staff that there is adequate capacity for students, and that overall enrollment is down for the district.

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

Commissioner Chi commented that he had no problem with the traffic issues, that the more dense projects are the trend, and that the project has been adequately advertised. Vice Chair Jones and Commissioners Lecong, Pierce, and Margolin agreed. Vice Chair Jones pointed out that this type of project reflects Orange County's new lifestyle.

Chair Callahan commented that he liked the project's design and that even though only 11 percent of Orange County can afford a median Orange County home, the people still come.

Vice Chair Jones moved to adopt the Negative Declaration, recommend General Plan Amendment No. GPA-1-06(A), Planned Unit Development No. PUD-110-06, and the Development Agreement to City Council, and approve Site Plan No. SP-385-06, and Tentative Tract Map No. TT-16856, seconded by Commissioner Chi, pursuant to the facts and the reasons contained in Resolution Nos. 5527 (GPA, PUD, DA) and 5528 (SP, TT). The motion carried with the following vote:

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

PUBLIC  
HEARING:

NEGATIVE DECLARATION  
AMENDMENT NO. A-125-06

APPLICANT:  
LOCATION:  
DATE:

CITY OF GARDEN GROVE  
CITYWIDE  
JANUARY 5, 2006

REQUEST:

To amend Title 5 and Title 9 of the Garden Grove Municipal Code relating to smoking (hookah) lounges.

Staff report was reviewed and recommended approval.

Commissioner Barry asked staff that if a new restaurant with an alcohol license later decides to add a smoking lounge, is there language in the code stating that if alcohol is served anywhere on the premises the restaurant cannot have a lounge?

Staff referred to Subsection (B) on Page 3 of Resolution No. 5529, which reads that 'No alcoholic beverages shall be sold or consumed at the business except as permitted pursuant to a conditional use permit under Title 9 of this code.' Staff pointed out that a second conditional use permit would be required to add hookah activity at an existing business, such as a restaurant with alcohol service.

Commissioner Barry asked if options were in place to turn down a hookah lounge?

Staff replied that hookah lounge problems range from alcohol use issues, the cyber café affect, noise issues, the general gathering of youth and that some hookah lounges are located near residential areas citing complaints. Staff further added that conditional use permits could be revoked if warranted.

Commissioner Margolin asked staff to clarify the California State Law with regard to smoking in establishments.

Staff replied that the law is in place to protect employees; that owners must be sole proprietors; and that any workers must also be part owners. Staff further explained that none of the existing hookah establishments would be put out of business; however, they would have one year to comply with the changes as defined in Chapter 5.75, Subsection 5.75.020

(A-N). Any proposed lounges could apply for conditional use permits if they also complied with the zoning regulations. Staff pointed out that these regulations are put in place as a method of control.

Commissioner Barry asked staff what substances are used in hookah pipes.

Staff replied that the hookah substances are a mixture of tobacco and fruit derivatives and in some cases controlled substances may be used.

The Planning Commission agreed to revise Section 5.75.010 to change 'other substances' to read 'other legal substances'.

Commissioner Chi asked staff to clarify the age limit of 18 proposed for hookah lounges, with a concern as to whether restaurants can comply with this age restriction if one chooses to provide hookah.

Staff replied that per 5.75.020, Subsection C, no person under 18 years of age shall be permitted within the business, and that the code is in place to discourage attracting minors to the businesses.

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

Mr. Admiral Mirza, part owner of Laziz Café smoking lounge located at 12438 Brookhurst Street, approached the Commission and asked why a 'billiard or pool table', considered an amusement device, would not be permitted in a hookah lounge under the proposed code, as he has a pool table in his café and so far has had no problem with it.

Staff responded that the pool table being termed an 'amusement device' is a standard condition, and that pool tables are considered to be, and are documented as, gambling devices; however, the allowance of a pool table in a new or existing establishment is decided under a conditional use permit.

Recognizing that a proposed hookah lounge may wish to include pool tables and amusement devices, the Planning Commission agreed to amend the proposed text for Section 5.75.020, Subsection J to read, 'Amusement Devices shall not be permitted anywhere within the premises of the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.' It was noted that since the Laziz Café was located in the C-1 zone and conditional use permits for hookah lounges are only allowed in the C-2 and C-3 zones, Mr. Mirza would have one year to comply with the code by removing his pool table, and that at this time, there are no exemptions to the code. Staff added that the intent of the C-1 zones is to protect the residential neighborhoods from traffic and disruptive noises.

Commissioner Chi asked staff if families could still patronize restaurants if the hookah lounges were open during restaurant after-hours. Staff replied that state regulations do not allow minors under the age of 18 in hookah lounges whether the establishment is a restaurant or not.

Commissioner Barry suggested rounding up the hours of operation. The

Planning Commission agreed to revise Section 5.75.020, Subsection M to read, 'The business shall not operate between the hours of 2:00 a.m. and 6:00 a.m.'

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

Commission Barry moved to adopt the Negative Declaration, and recommend Amendment No. A-125-06 to City Council, with three amendments, seconded by Chair Callahan, pursuant to the facts and the reasons contained in Resolution No. 5529. The motion carried with the following vote:

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

PUBLIC  
HEARING:

NEGATIVE DECLARATION  
GENERAL PLAN AMENDMENT NO. GPA-01-06(B)

APPLICANT:  
LOCATION:  
DATE:

CITY OF GARDEN GROVE  
CITYWIDE  
JANUARY 5, 2006

REQUEST:

To change the Land Use Element for the modification of the housing density of the "Medium High Density Residential" land use designation from between 32.1 and 48 units per acre to between 32.1 and 60 units per acre.

Staff report was reviewed and recommended approval.

Commissioner Barry asked staff to clarify the staff report point, 'The site is adjacent to and has to have access to a major arterial;'

Staff responded that to 'have access' means direct street access and that the parameters noted within the 'discussion' section of the staff report were written for the Chapman Commons project in September of 2004, and have since become part of the code.

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

Ms. Robin Marcario approached the Commission and expressed her concerns with regard to soliciting feedback from the school district; the notification process; and that the density increase to 60 would still allow enough open space.

Commissioner Chi asked staff if there would be enough open space. Staff replied that the planner has worked with the developer to ensure that there is enough open space.

Ms. Margaret Bergin approached the Commission and expressed her concerns with density and the notification process.

Commissioner Chi asked staff to clarify recreational space. Staff replied that the type of housing determines the amount and type of recreational space.

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

Commissioner Chi moved to adopt the Negative Declaration, and recommend General Plan Amendment No. GPA-01-06(B) to City Council, seconded by Vice Chair Jones, pursuant to the facts and the reasons contained in Resolution No. 5530. The motion carried with the following vote:

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

SELECTION OF  
CHAIR AND VICE  
CHAIR:

Commissioner Lecong moved to elect Vice Chair Jones as Chair, seconded by Chair Callahan. The motion received the following vote:

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

Commissioner Chi moved to elect Commissioner Margolin as Vice Chair, seconded by Commissioner Lecong. The motion received the following vote:

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

MATTERS  
FROM  
COMMISSIONERS:

Commissioner Margolin expressed his thanks to Chair Callahan and Vice Chair Jones for their Planning Commission efforts the past year; and Chair Callahan, in turn, expressed his thanks to staff for their support and passed the gavel to newly elected Chair Jones.

MATTERS  
FROM STAFF:

Staff briefed the Planning Commissioners on the upcoming Study Session on January 19, 2006, at which the Commissioners would learn to use the computer GIS (Geographical Information System), and brush up on reading architectural plans.

Staff read a brief description of future agenda items.

ADJOURNMENT: The meeting was adjourned at 9:15 p.m.

JUDITH MOORE  
Recording Secretary