

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
NOVEMBER 17, 2005

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: Omar Sandoval, Assistant City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Erin Webb, Senior Planner; Jay Jarrin, Senior Planner; Robert Fowler, Police Department; George Allen, Traffic Engineer; Judith Moore, Recording Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of the United States of America was led by Vice Chair Jones and recited by those present in the Chamber.

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Margolin moved to approve the Minutes of November 3, 2005, seconded by Commissioner Barry. The motion carried with the following vote:

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: LECONG, PIERCE

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-176-05
APPLICANT: SANG JOON CHOI
LOCATION: SOUTH SIDE OF KATELLA AVENUE, WEST OF BROOKHURST STREET AT 9750 KATELLA AVENUE.
DATE: NOVEMBER 17, 2005

REQUEST:

To operate a 2,934 square foot dental trade school in an existing one-story, 4,222 square foot commercial building. The site is in the C-2 (Community Commercial) zone.

Staff report was reviewed and recommended approval.

Commissioner Barry asked staff if the statement from the staff report 'Discussion' section: "The applicant is conditioned to obtain building occupancy approval prior to issuance of a business license", was the same as Condition No. 29, which reads, "The applicant shall submit tenant improvement plans to the City of Garden Grove, Building Services Division for plan check review and approval prior to issuance of a business license."

Staff replied that Condition No. 29 refers to the plans; however, the final inspection needs to be done by the two departments, and that the latter part of Condition No. 31 requires occupancy approval by both the Building Service Division and the Fire Department.

Commissioner Barry asked staff to clarify the intent of Condition No. 33 which states that the school's dental lab equipment shall be used for educational purposes only.

Staff replied that the intent is for students to practice on one another only and that the school service not be open to the public; the school's operation does not include bringing patients in from the outside.

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

Sang Joon Choi approached the Commission.

Commissioner Barry asked Ms. Choi if her intent was to use the public in her dental lab. Ms. Choi replied no and that she has no problem restricting the use to classroom only.

Commissioner Chi asked Ms. Choi if she would train assistants. Ms. Choi replied yes, not doctors.

Chair Callahan asked Ms. Choi if she had read and agreed with the Conditions of Approval. Ms. Choi replied yes.

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

Commissioner Barry moved to approve Conditional Use Permit No. CUP-176-05, with an amendment to Condition No. 33 to read that the dental lab equipment shall be used for classroom use only and that no treatment of patients or volunteers, other than the dental trade school students, shall be allowed; seconded by Commissioner Lecong, pursuant to the facts and the reasons contained in Resolution No. 5521. 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-384-05
DEVELOPMENT AGREEMENT
APPLICANT: SYNTHESIS (FARA LOCKWOOD)
LOCATION: EAST SIDE OF DALE STREET, NORTH OF STANFORD AVENUE AT 12632 DALE STREET.
DATE: NOVEMBER 17, 2005

REQUEST: To construct a three-story apartment complex with 25 residential units on a 38,629 square foot lot using the State Density Bonus Law allowances for density, concessions and incentives, and statewide parking standards. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was reviewed and recommended approval. One letter in favor of the request was written by Lam Pham; one petition with 38 names was submitted in favor of the request; two letters were written in opposition to the request by Anton M. Langstraat and Billy D. Cornett; one petition with 14 names was submitted in opposition to the request.

Staff stated that the new Density Bonus Law became effective as of January 1, 2005 and that this past October, revisions were made that would not be effective until January 1, 2006. Staff read the State Law Code Section 65915 and Provisions that are applicable to this application. Staff further stated that if the project was denied because of the parking or Density Bonus Ordinance, the property owner is authorized to go to court and have the court review and overturn the City's decision if the court finds that the reason for denial is the fact that the City did not like the application or Density Bonus Ordinance, or the concessions or the incentives that the applicant has requested. And if the applicant is successful in court, the City would be required to pay reasonable attorney's fees. The State Law states that the only reasons to deny the project or incentives is to have findings pertaining to:

An adverse impact on any real property listed in the California register of historical resources or an adverse impact upon health, safety or the physical environment of which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

Chair Callahan agreed that if the project was turned down, the decision would cost the City a great deal in fees, though he does have a problem with the parking.

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

Ms. Fara Lockwood, the applicant, and Mr. Alwin Lee, the owner, approached the Commission. Mr. Lee commented that he truly believed in the project by providing affordable housing to make a better community. He further commented that the new apartments would assist the residents in achieving a better lifestyle and safer environment and that he is committed to dedicate 30 percent of the units to low-income housing.

Commissioner Barry asked Mr. Lee if he had read and agreed with the Conditions of Approval. Mr. Lee replied yes.

Vice Chair Jones asked Mr. Lee for the price of the affordable units. Mr. Lee replied that the low-income fees would be decided by the housing committee.

Mr. Lam Pham approached the Commission and expressed his support citing that the project would add value to the neighborhood.

Mr. J. D. Walters approached the Commission and commented that any upgrade to the area west of Magnolia Avenue would be better living.

Ms. Vicki Nguyen approached the Commission and expressed that the project would bring value to the neighborhood and that her property would maintain its value.

Mr. Billy D. Cornett approached the Commission and submitted a petition with 19 names in opposition to the project. He also expressed his appreciation for the landlord's attentiveness with regard to apartment maintenance and that his main concern is that he did not want to lose his home nor his friends of the past ten years.

Mr. Vince Rodriguez and Susan Connor approached the Commission and cited their concerns with regard to the stop sign traffic at Dale Street and Stanford Avenue especially during rush hour; to parking issues; to noise issues; to the displacement of the residents; that apartment rental does not bring pride of home ownership to the neighborhood; to the proximity to already impacted schools; and that a traffic study should be done.

Staff commented that Dale Street can carry up to 25,000 vehicles per day, and today it carries only 11,000; the information was from the General Plan of 1995 and it is currently being updated; the current traffic volumes were done in June and July of 2002 with an anticipated 1.5 percent yearly increase; and that an addition of 13 units would not affect the statistics.

Ms. Connor asked what percentage of apartments would be low-income? Staff replied 30 percent, and that a covenant would identify the number of units designated affordable for 30 years.

Staff added that this is the first project in the City that has affordability covenants that are privately done and that other affordable housing has always had some type of government financial assistance.

Mr. Rodriguez asked what the low-income rental rate would be, and are there laws to protect the residents. Staff replied that the rent would be approximately 30 percent of the renter's monthly income and Vice Chair Jones commented that the residents are bound by their lease interests and that the owner has the right to take back his property.

Mr. Wayne Yau approached the Commission and agreed traffic was a concern though he expressed his support for the project's affordable housing.

Ms. Pam Rogers approached the Commission and expressed her concerns

regarding traffic and children's safety during peak hours.

Ms. Tina Pinh approached the Commission separately and expressed her support of the project with regard to low-income housing.

Ms. Lockwood and Mr. Lee approached the Commission and expressed their appreciation of all concerns. Ms. Lockwood stated that Mr. Lee will assist the current residents by paying their relocation costs, and that they have the option to return; that the existing property is not safe for children; that the new area will be safe for parents and children with a security gate; that they tried to create a big, nice visual building with 52 parking spaces; that most low-income families have one car; and that the date of occupancy would be in about a year.

Vice Chair Jones asked Mr. Lee if he were seeking low-interest loans. Mr. Lee replied no.

Commissioner Lecong asked Mr. Lee if he could do 20 units and still have the 30 percent with a smaller project as the project now looks like a white elephant. Ms. Lockwood stated that they could build 18 units; however, their main objective is affordable housing.

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

Commissioner Chi asked staff if the property has safety concerns. Staff replied that the drive is too narrow for emergency vehicles such as fire trucks; however, there are no specific issues with the property with regard to public safety.

Commissioner Barry asked staff if the police department had statistics on Dale Street traffic. Staff cited that per the current speed survey, which indicates the 85th percentile shows 43 miles per hour, which means 85 percent of the drivers are driving at or below 40 miles per hour and that is why the speed limit is set at 35 miles per hour. Staff cited that the additional 12 units would generate 78 trips, eight trips in the a.m. and nine trips in the p.m., and this would not create a hazard.

Commissioner Margolin asked if the front would be used for parking. Staff replied yes, that three spaces would be available and that there would be a dedicated 20 foot easement constructed with curb & gutter and sidewalk.

Commissioner Lecong asked staff what he should do if he feels the project doesn't fit the area. Staff replied that a Commissioner's role is to approve, disapprove or conditionally approve projects, and that the current problem is that legislature would like cities to approve these types of developments if they meet certain requirements, unless objective findings are made, and also that opinions are not enough to deny the project.

Commissioner Barry clarified that to deny the project there would have to be health and safety or traffic concerns. Staff added that hard evidence would have to be provided as the traffic engineer has read into the record evidence to the contrary and that it would be strongly anticipated that the matter would go to court.

Vice Chair Jones commented that the property is blighted; with the dedication the street can be cleaned up and give more parking; the project would assist the City in reaching the affordable housing goal; the owner is not using subsidies; the R-3 (Multiple-Family Residential) zone allows for this type of project; there are no traffic issues; and that the project will be a great addition to the neighborhood.

Commissioner Margolin commented that the existing drive is too narrow for cars; the bushes block the view; the owner has a right to build if the project meets zoning code; the good aspects of this project outnumber the bad; only 13 units will be added, not 25; children's safety is an issue; the Dale Street and Stanford Avenue intersection needs a signal instead of a stop sign; and that the property values will go up.

Commissioner Chi agreed with Commissioner Margolin and commented that the applicant is doing a good service to the City; as it is, the property does not have good fire truck access; and that the 30 year low-income covenant is reassurance.

Commissioner Barry commented that since there are not adverse findings with regard to health, safety or parking, per the guidelines, she would support the project.

Commissioner Pierce agreed, and commented that the property should be redeveloped to resemble the rest of the City.

Commissioner Lecong commented that the front house should be demolished; however, he sees no commitment from the owner that the house tenants could afford to move back in. He also stated a more moderate project would be better for the narrow street and that he disagreed there were no economics involved. He asked staff if he could abstain from the voting. Staff replied yes.

Chair Callahan expressed his support for the project.

Vice Chair Jones moved to adopt the Negative Declaration, recommend the Development Agreement to City Council, and approve Site Plan No. SP-384-05, seconded by Commissioner Barry, pursuant to the facts and the reasons contained in Resolution No. 5522. The motion carried with the following vote:

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

MATTERS
FROM

COMMISSIONERS: Commissioner Barry asked staff that in the future if a project such as this came before the Commission, would staff provide analysis for the health, safety and traffic concerns ahead of time. She stated that the

only other option for this project would have been to continue the project until such statistics could be provided. Staff agreed that this was a viable option.

Commissioner Barry also commented on the traffic at the stop sign intersection at Lampson Avenue and Gilbert Street. Staff replied that a signal for that intersection has been on the priority list for three and a half years; however, the residents do not want the large trees removed, and until the City can buy property along the north side to swing the street, a traffic signal would not go in.

MATTERS
FROM STAFF:

Staff welcomed new Planning Commissioner Mr. Ron Pierce. Staff also pointed out that the refuse pile behind Commissioner Margolin's condominium is being addressed.

In response to Commissioner Chi's query with regard to the City of Garden Grove not being represented by a 'booth' at a Palm Spring's conference, staff commented that the City exhibits at two conferences only - ICSC in Las Vegas and IAPA, currently in Atlanta; however, several of the City's staff were in Palm Springs.

Staff read the future agenda items for the December 1, 2005 Planning Commission meeting and reminded the Commissioners to arrive early for a Study Session that day covering the General Plan Update presented by Jay Jarrin.

ADJOURNMENT: The meeting was adjourned at 8:50 p.m.

JUDITH MOORE
Recording Secretary