

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
APRIL 2, 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,  
KIRKHAM, TRAN

ABSENT: COMMISSIONER ELLSWORTH

ALSO PRESENT: Thomas Nixon, City Attorney; Susan Emery, Community Development Director; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Dan Candelaria, Traffic Engineer; 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 Tran and recited by those present in the Chamber.

ORAL COMMUNICATIONS: Ms. Verla Lambert approached the Commission to comment on Item D.2., the General Plan Conformity for the Orange County Flood Control District. She expressed her concerns regarding the removal of 101 mature trees in Twin Lakes Park; the replacement of the trees with native plants and grasses; the responsible parties that need to be designated for retrieval of shopping carts and trash in the lake; the removal of existing walking trails that are well-used, but in need of repair due to tree root growth; that rubberized sidewalk may be good; and that there is a need for green space as an oasis.

APPROVAL OF MINUTES: Vice Chair Kirkham moved to approve the Minutes of March 19, 2009, seconded by Commissioner Cabral. The motion carried with the following vote:

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

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: ELLSWORTH

PUBLIC HEARING: NEGATIVE DECLARATION  
SITE PLAN NO. SP-451-09  
TENTATIVE TRACT MAP NO. TT-17312  
DEVELOPMENT AGREEMENT

APPLICANT: SYNTHESIS  
LOCATION: NORTH SIDE OF TRASK AVENUE, EAST OF NEWHOPE STREET AT 11631  
AND 11641 TRASK AVENUE

DATE: APRIL 2, 2009

REQUEST:

Site Plan approval to construct a 32-unit apartment complex, along with a request for Tentative Tract Map approval to reconfigure two lots into a one-lot subdivision to allow the future selling of the units as condominiums. A Development Agreement is also included. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended approval.

Vice Chair Kirkham asked staff to clarify the number of trash dumpsters allocated for the property. Staff replied that there would be three dumpsters that would be picked up twice a week; however, another dumpster could be added with a few modifications to the plans.

Commissioner Bui asked Staff if there would be a concern with the Fire Department attending to a three-story building that would have only one staircase. Staff replied that both the Fire and Building Departments are satisfied that the minimum exiting requirements are fulfilled; that the buildings are fire-sprinklered and ladders would be used to assist the third story.

Commissioner Tran asked Staff if Heritage Grove had ever entered into a Development Agreement with the City prior to this case. Staff deferred to the applicant and stated that background information on the applicant is not typically required.

Commissioner Tran also asked Staff for clarification on the Development Agreement's Item E under Recitals. Staff responded that the City is authorized to enter into Development Agreements with a Developer when the Developer has a legal or equitable interest in the property as set forth in the statutes in the legislature.

Commissioner Tran asked Staff to clarify Item 16 Developer Breach. Staff replied that this item provides a substantial amount of leverage to the City as the Developer cannot utilize the property until the Certificate of Occupancy has been issued; that if there is a failure to comply with the Development Agreement conditions, the Developer cannot go forward; and if there are suggestions to modify the language, Staff would be happy to look into the matter.

Commissioner Bonikowski asked Staff to clarify the time frame for when the apartments would be converted into condominiums. Staff replied that there is no time limit; however, the apartments could not be converted until the CC & R's are in place and the final map is completed; and that there are no City fees connected to the conversion.

Commissioner Cabral asked Staff if conversions were a standard practice. Staff replied that there is no standard; however, at this time it is easier to procure loans for apartments than it is for condominiums, and that the apartments are built to condominium standards.

Commissioner Cabral asked Staff if there is a housing shortage in the area. Staff explained that additional housing in the community is created in order to comply with and maintain the Housing Element numbers.

Chair Beard asked Staff if the City applied for a subsidy or density bonus related to low income or affordable housing? Staff replied no.

Chair Beard asked Staff if this project would be phased. Staff responded no.

Chair Beard asked Staff if a signal light would be beneficial on Trask Avenue. Staff replied that the amount of traffic would not warrant a signal; and that the Fire Department is satisfied with the turning radius for the fire trucks.

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

Commissioner Bonikowski asked Staff if the sewer capacity was sufficient. Staff replied yes.

Ms. Fara Lockwood, the applicant and designer of the project, approached the Commission.

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

Vice Chair Kirkham asked Ms. Lockwood to clarify the locations of the trash enclosures. Ms. Lockwood stated that she could fit four dumpsters on the property, and that if needed, trash could be picked up three times a week.

Commissioner Cabral asked Staff if Heritage Grove would be required to have insurance and a bond. Staff replied that bonds would be required for public improvements only and that the City would not be responsible for finishing the project if the company went bankrupt; however, the bonds would be in place for the public improvements.

Ms. Lockwood added that if the client failed, the bank would finish the project per the agreement.

Commissioner Tran asked if Ms. Lockwood's statement could be included in the Development Agreement. Staff responded that copies of those financial documents could be provided to the City to assure the project would go forward.

Ms. Lockwood added that the project would have a two-year time frame.

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

Chair Beard commented that the project would be compatible with the neighborhood; that there are 26% less units than could be built; and that parking and other requirements comply with code.

Vice Chair Kirkham agreed as the project fits well with the General Plan.

Vice Chair Kirkham moved to adopt the Negative Declaration, recommend approval of the Development Agreement to City Council, and approve Site Plan No. SP-451-09 and Tentative Tract Map No. TT-17312, seconded by

Commissioner Cabral, pursuant to the facts and reasons contained in Resolution No. 5680. The motion received the following vote:

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

ITEM FOR  
CONSIDERATION: ADOPTION OF THE CODE OF ETHICS  
DATE: APRIL 2, 2009

REQUEST: An annual acknowledgement for the City's Code of Ethics for Public Officers and Employees.

ITEM FOR  
CONSIDERATION: GENERAL PLAN CONFORMITY  
APPLICANT: ORANGE COUNTY FLOOD CONTROL DISTRICT  
LOCATION: SOUTHWEST CORNER OF HASTER STREET AND LAMPSON AVENUE AT  
12571 HASTER STREET  
DATE: APRIL 2, 2009

REQUEST: The Orange County Public Works Department, on behalf of Orange County Flood Control District, is requesting that the Planning Commission make the determination that the proposed flood control improvements at the Haster Retarding Basin, located at 12571 Haster Street (Twin Lakes Park), are consistent with the City's General Plan.

Staff report was read and recommended adopting a resolution.

Ms. Nardy Khan, Mr. Run Chen, and Mr. Lenny Malo approached the Commission. Ms. Khan stated that the \$27 million dollar funding for the project would be provided by the Orange County Flood Control District, and described the project stating that one purpose is to protect the residents of the City of Garden Grove from flooding events and that another purpose is to maintain the recreational functions. She added that the road would be resurfaced, a fence would enclose the basin, and that the final plans are not complete.

Mr. Chen stated that the water level in the basin fluctuates; and that no parkland would be lost.

Staff added that the pumping operations would not affect the City's domestic water.

Commissioner Cabral asked Mr. Malo for the level of maturity of the replacement trees. Mr. Malo stated the trees would be younger as they do better.

Commissioner Cabral asked for clarification on noise buffers for the construction and operation of the new pump station. Ms. Khan responded that the Garden Grove noise ordinance would be followed.

Mr. Chen added that there would be sound insulation measures on the doors, walls, and windows along with silencers on the exhausts; that the station would not be on all the time; and that there would be temporary sound barriers during construction.

Commissioner Cabral asked Ms. Lambert to comment on the fence to be added to the park. Ms. Lambert stated that the fence would disturb the ambience of the lake.

Mr. Chen exhibited the new fence type, which was found to be more agreeable, and he stated that the duration of the project is 18 months, with possible park closures due to public safety.

Commissioner Tran, with regard to aesthetics, asked if the fence needed to be as high as shown in the exhibit. Ms. Khan replied that the primary concern is safety as the steepened slope is next to the recreational trail; however, the fence would also help to deter litter in the basin.

Vice Chair Kirkham moved to approve the General Plan Conformity, seconded by Commissioner Tran, pursuant to the facts and reasons contained in Resolution No. 5681. The motion carried with the following vote:

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

MATTERS FROM  
COMMISSIONERS:

Vice Chair Kirkham asked Staff if architectural plans distributed for the projects could be either re-used, possibly have less copies made, have reduced copies, or electronic copies for use in order to cut down on Developer costs.

Staff replied that the full size sets are needed for detail and the best course of action would be to properly recycle the plans; however, the number of plans required for the Zoning Administrator is less than for Planning Commission. Also, one set of plans is typically scanned for each case file archive.

Vice Chair Kirkham asked Staff to explain the new set of standards for Alcoholic Beverage Control (ABC) Licenses.

Staff stated that the results of a City Council study session in March led to new standards for ABC Licenses such as standard operating hours and LEAD Training; that Conditional Use Permit ABC License cases with a recommendation of approval are typically taken to the Zoning Administrator; that cases heard by the Planning Commission are Type 41 and Type 47 License cases that occur in areas with an undue concentration of too many licenses or high crime; and that these cases typically have a recommendation of denial due to policing concerns.

Staff further explained that the City of Garden Grove would like to support businesses, especially those in which the owner is a good operator. Staff presented a new set of standards for Type 41 requests and those cases

would go directly to the Zoning Administrator if the applicant agreed to abide by the standards even though the establishment was in an area of undue concentration. The new standards, however, would not be recommended for Type 47 Licenses due to restaurants that morph into bars.

Commissioner Cabral asked Staff if resident inquiries should be brought to the Planning Commission. Staff responded that based on what the concern may be, Staff is available to address the questions.

Commissioner Cabral stated that a resident wanted to know what could be done to deter vandals, whose access is an unused railroad track area, from jumping over fences and breaking into homes. Staff replied that fence heights could be extended to 7'-0", or thorny vines could be planted.

Vice Chair Kirkham added that the railways were under OCTA.

Staff added that the City's only interest to work with the right-of-way would be to entertain a business such as a landscaping nursery.

Commissioner Cabral commented that the Traffic Commission's procedure was to hear testimony prior to questions and answers, and asked if the format of each Commission was a legal requirement. Staff replied no, that in the case of the Planning Commission, the format is just a procedural process that has been decided upon.

MATTERS FROM  
STAFF:

Staff stated that there would be no Planning Commission meeting on April 16<sup>th</sup>, 2009.

ADJOURNMENT:

Chair Beard moved to adjourn the meeting at 8:30 p.m., seconded by Vice Chair Kirkham. The motion received the following vote:

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

JUDITH MOORE  
Recording Secretary