

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
MAY 15, 2003

CALL TO ORDER: The work session of the Planning Commission was called to order at 6:30 p.m. in the Founders Room of the Community Meeting Center.

PRESENT: CHAIR BUTTERFIELD, COMMISSIONERS BARRY,  
CALLAHAN, FREZE, HUTCHINSON

ABSENT: VICE CHAIR JONES AND COMMISSIONER NGUYEN

ALSO PRESENT: Greg Simonian, Attorney; Karl Hill, Sr. Planner; Rosalinh Ung, Urban Planner; Noemi Bass, Assistant Planner; Dan Candelaria, Civil Engineer; Lt. Frank Hauptmann; and Teresa Pomeroy, Recording Secretary.

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 BUTTERFIELD, COMMISSIONERS BARRY  
CALLAHAN, FREZE, HUTCHINSON, NGUYEN

ABSENT: VICE CHAIR JONES

ALSO PRESENT: Greg Simonian, Attorney; Karl Hill, Sr. Planner; Rosalinh Ung, Urban Planner; Noemi Bass, Assistant Planner; Dan Candelaria, Civil Engineer; Lt. Frank Hauptmann; and Teresa Pomeroy, Recording Secretary.

PLEDGE OF  
ALLEGIANCE:

The Pledge of Allegiance to the Flag of the United States of America was led by Chair Butterfield and recited by those present in the Chamber.

ORAL  
COMMUNICATION:

None.

APPROVAL OF  
MINUTES:

Commissioner Barry moved to approve the Minutes of May 1, 2003, seconded by Commissioner Callahan. The motion carried with the following vote:

AYES: COMMISSIONERS: BARRY, BUTTERFIELD, CALLAHAN, FREZE,  
HUTCHINSON, NGUYEN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: JONES

PUBLIC  
HEARING:                   CONDITIONAL USE PERMIT NO. CUP-109-03  
APPLICANT:               BP WEST COAST PRODUCTS LLC  
LOCATION:                   NORTHEAST CORNER OF BROOKHURST STREET AND TRASK  
                                  AVENUE AT 13482 BROOKHURST STREET  
DATE:                      MAY 15, 2003

REQUEST:                 To allow an existing Arco Service Station to continue to operate under an Alcoholic Beverage Control Type "20" (Off-Sale, Beer & Wine) license under new ownership. The site is located in the C-2 (Community Commercial) zone.

Staff report was reviewed and recommended approval.

Ms. Leslie Burnside, representative for the applicant, approached the Commission. She stated that the applicant agrees with all of the conditions of approval except for item G., which requires delivery hours from 8:00 a.m. to 10:00 p.m. The station has been operating for many years and does not directly abut residential properties. They currently receive deliveries prior to 8:00 a.m. and would like to continue to and also be allowed to have deliveries at 5:00 a.m. She indicated that the majority of the early morning deliveries are for the food products, and small commercial vehicles are used for deliveries. She explained that the peak hours for the gas station are from 7:00 to 9:00 a.m. and again at 4:00 to 6:00 p.m., and they would like to have the tankers deliver fuel prior to 8:00 a.m. for safety.

Commissioner Hutchinson questioned whether the new ownership of the station would be changing any of the methods of operation. Ms. Burnside indicated that the station would continue to operate as it is now, but they are considering annexing the adjacent Sexton's Automotive and rebuilding the gas station.

Chair Butterfield asked about their plans in acquiring the Sexton's Automotive and whether the alleyway would be included. Ms. Burnside indicated that the plan to acquire Sexton's is preliminary and would include all of the property.

Mr. Phat Bui of 10051 Trask Avenue approached the Commission. He stated that he lives near the Sexton Garage and is concerned about 5:00 a.m. deliveries and the potential for excessive noise.

Chair Butterfield noted that they have been getting deliveries at 5:00 a.m., and asked Mr. Bui if he has been bothered with noise. Mr. Bui stated no, however, if the station acquires the Sexton Garage, then noise could be an issue for him, and he asked for consideration from the business owner.

Ms. Burnside approached the Commission and expressed her appreciation for Mr. Bui's concerns and assured Mr. Bui that if the garage is acquired and the station rebuilt, noise issues would be addressed. She stated that she would give Mr. Bui her business card.

Chair Butterfield asked how many deliveries are made to the business. Ms. Burnside estimated that deliveries are made about once a week for the food products and approximately twice a week for the gasoline.

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

Commissioner Barry stated that she would be willing to approve a 5:00 a.m. delivery with a six-month review.

Commissioner Barry moved to approve Conditional Use Permit No. CUP-109-03, seconded by Commissioner Hutchinson, with an amendment to the conditions to allow deliveries at 5:00 a.m., and to review the Conditional Use Permit in six months and every three years thereafter; pursuant to the facts and reasons contained in Resolution No. 5362 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, CALLAHAN, FREZE, HUTCHINSON, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	JONES

PUBLIC  
HEARING:

NEGATIVE DECLARATION  
AMENDMENT NO. A-100-03  
SITE PLAN NO. SP-322-03  
DEVELOPMENT AGREEMENT

APPLICANT:  
LOCATION:

ORANGE COUNTY VECTOR CONTROL  
NORTHEAST CORNER OF HASTER STREET AND GARDEN GROVE  
BOULEVARD AT 13001 GARDEN GROVE BOULEVARD

DATE:

MAY 15, 2003

REQUEST:

To allow the removal of an existing 4,037 square foot vehicle maintenance facility and construct a new 6,327 square foot single-story vehicle maintenance and fish rearing facility; also a proposal to change the zone to OP (Office Professional). The site is located in the HCSP-OP (Harbor Corridor Specific Plan, Office Professional) zone.

Staff report was reviewed and recommended approval of the Site Plan and recommended that the Planning Commission recommend approval of the Amendment and Development Agreement to City Council.

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

Mr. Bruce Camino, representative for the applicant, approached the Commission. He expressed agreement with all of the conditions of approval.

Chair Butterfield asked how the tanks are cleaned.

Mr. Robert Shogren, District Manager for Vector Control, approached the Commission. He explained the process for cleaning the tanks and indicated that these fish are small biomass loading for controlling mosquitoes. There will be a total of eight tanks that will be cleaned approximately once a week.

Chair Butterfield complimented Mr. Camino on the design.

Mr. Camino thanked Chair Butterfield, and noted that this site can be clearly seen from the 22 freeway. He stated that the facility is designed for air circulation and natural lighting throughout.

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

Commissioner Barry moved to adopt the Negative Declaration and approve Site Plan No. SP-322-03, and recommended approval of Amendment No. A-100-03 and the Development Agreement to City Council, seconded by Commissioner Callahan, pursuant to the facts and the reasons contained in Resolution Nos. 5360 and 5361 and authorized the Chair to execute the Resolutions. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, CALLAHAN, FREZE, HUTCHINSON, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	JONES

PUBLIC  
HEARING:

NEGATIVE DECLARATION  
PLANNED UNIT DEVELOPMENT NO. PUD-102-03  
SITE PLAN NO. SP-324-03  
TENTATIVE TRACT MAP NO. TT-16433  
VARIANCE NO. V-105-03  
DEVELOPMENT AGREEMENT

APPLICANT:  
LOCATION:

BRANDYWINE DEVELOPMENT CORPORATION  
EAST SIDE OF GILBERT STREET NORTH OF STANFORD AVENUE  
AT 12632, 12642, 12672 AND 12692 GILBERT STREET

DATE:

MAY 15, 2003

REQUEST:

To allow a rezone to Planned Unit Development and a Variance to deviate from the minimum lot size for a residential planned unit

development; subdivide 2.7 acres into 14 single-family lots with one common lot, and construct 14 single family homes. The site is located in the R-1-7 (Single Family Residential) zone.

Staff report was reviewed and recommended approval of the Site Plan, Tentative Tract Map and Variance; and recommended approval of the Planned Unit Development and Development Agreement to City Council.

Commissioner Freze asked about the traffic mitigation measures proposed. Staff noted that there are frontage improvements that are required by the development because the project fronts Gilbert Street. The traffic study did note that this project would not have a significant impact as defined by the city's General Plan. The intersection at Lampson Avenue and Gilbert Street is noted as operating at an unacceptable level of service, however, it is estimated that the project would contribute less than 1% to the traffic count.

Chair Butterfield asked about the parkway drain. Staff stated that the development is required to provide frontage improvements on Gilbert Street by constructing a curb and gutter. The drains are the four inch drains that drain yards, and rather than coming out through the gutter, they would come out through the driveway and drain to a catch basin. The city has a concern about parkway drains because it becomes a maintenance issue.

Chair Butterfield asked about the requirement for a catch basin. Staff stated that there is an inlet adjacent to the curb that would allow water to drain to the catch basin.

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

Mr. Jim Barisic, of Brandywine Development, approached the Commission and thanked them for the opportunity to propose an improved design for this site that will be better received by the city and neighborhood. Prior to this public hearing there were five neighborhood meetings. He expressed his view that this proposal is a top quality development with upscale homes that would be a very welcome addition to this community. There has been a substantial reduction in density from 16 to 14 homes, which in a small development would normally be impossible to achieve. They have been able to achieve this as they are proposing to build very nice luxury homes that will be sold from \$600,000 to \$670,000. They worked hard to come up with a design that would maintain the rural character of this particular neighborhood. They have increased the size of the home and incorporated some non-repetitive architecture so that no two homes will look exactly the same. The site development plan was designed by Manny Nunes, and many people in the neighborhood have expressed that this project looks more like a fit into the community. They have met all of the setback requirements, and

the layout meets or exceeds the parking requirement. Many of the neighbors were concerned about maintaining their privacy, and they have designed the project to minimize intrusion to the existing neighbors with placement and type of windows. This was a challenge and they did meet with the neighbors to resolve these issues. The traffic issue has always been a point of concern and the traffic engineer who prepared the traffic study is available for questions.

Mr. Manny Nunes, a charter member of the Certified Planners Institute, also representing the project, approached the Commission. He noted that he has been a 25-year resident of Garden Grove and a professor of architecture at Orange Coast College, and he feels confident in his understanding of urban growth. This city grew from a population of 120,000 to over 160,000 in the past 25 years. This trend for growth will continue and land is needed to provide housing. Sensible development requires good design and planning for effective stewardship of the community. The denial of growth related needs will create a problem that will be passed to the next generation. We are in the midst of urban growth and the community needs to accommodate housing needs. For many years there has been insufficient move-up housing available in the city, resulting in people leaving the community and taking their discretionary income to other communities. Some people object to growth because it is inconvenient, however, there is a need to provide homes that are of high quality and well designed.

Chair Butterfield noted three letters provided to the Commission; one in support of the project, and two against the project.

Mr. William Winchell of 9721 Stanford Avenue approached the Commission. He stated that he was not in favor of the first proposal at the prior Planning Commission meeting, however, now that it has been redesigned, he supports the project. Many of the concerns that were raised, i.e., density, minimum lot size deficit, and gates have been addressed by this new design. He stated that the developer and planners should be commended for being responsive to the neighborhood and coming up with an excellent plan.

Ms. Betty Roberts of 9392 Stonehaven approached the Commission. She noted that her home is directly across the street and would be most impacted by the project. This project enhances the city and provides an opportunity for people to stay in the community. The condition of the existing homes is poor, noting that they are still on septic tanks. She expressed concern that low cost housing would be proposed if this project were not approved. She hoped that the Planning Commission would approve the project and commented that when she moved into the community 45 years ago there were still horses and dairies that were eliminated and replaced with housing. She commented that progress is inevitable and this is nice progress.

Mr. Thom Van Tran of 9581 Lenore Drive approached the Commission. He stated that he went to the neighborhood meeting and concerns were raised and the developer responded to the concerns. He commended staff for being available and answering questions at the neighborhood meeting. He expressed his support for the project and commented that the city needs to provide new housing.

Mr. David Pelz of 9441 Mayrene Drive, approached the Commission. He stated that his major concern was for his privacy. There will be three homes that will be able to see directly into his backyard. He wanted a guarantee that his privacy would not be compromised and suggested that these homes be single-story.

Ms. Susan Muzila of 12692 Abbott Street approached the Commission. She thought that there are too many homes proposed and that it would create too much traffic, and would ultimately reduce the value of the surrounding property. She questioned the definition of "significant impact" as stated in the environmental analysis, and thought that this project would have a significant impact in creating more traffic and especially exceeding school capacity.

Mr. Richard Lindberg of 9302 Mayrene Drive approached the Commission and noted that this project may meet the minimum zoning requirements, but it does not fit into the area as the other homes in the area are on much larger lots.

Ms. Kathleen McGuirk of 9162 Lampson Avenue approached the Commission. She commented that this is an established neighborhood and the main selling point is the larger lot sizes. She expressed her view that infill housing is not done in established neighborhoods and that the development will add to the traffic congestion on Gilbert Street. They are trusting the Commission to consider the sanctity of their homes and neighborhood.

Mr. Pat Catlin of 9797 Lampson Avenue approached the Commission. He stated that he is against the project and is concerned that because the selling price is so high, there will be more than one family occupying these homes. This project is proposing too many homes, and he would like to keep the city the same way that it is now, and is concerned that the changes he has observed are not positive for the city.

Ms. Robin Marcario of 9721 Lampson Avenue approached the Commission. She thought that this proposal was an improvement over the last one, although she is opposed to the project because there are still too many homes proposed. She noted that the Commissioners are appointed public servants and they would like to see that they enforce the wishes of the neighborhood.

Ms. Cheryl Armstrong of 12421 Loreleen Street approached the Commission. She commented that the homes in this neighborhood are unique. The four existing homes on this site have been allowed to deteriorate, however, if they were put on the market as is perhaps someone could remodel and improve these homes. She enjoys the rural environment on Gilbert and would hate to see the character of the neighborhood change.

Ms. Maureen Blackman of 12381 Meade Street approached the Commission. She expressed her disappointment in so many of these small lot subdivisions and is concerned that this could happen all along Gilbert Street.

Ms. Gloria Toepel of 9561 Halekulani approached the Commission. She stated that this project would have a direct impact on her as she lives next to the site. She questioned the validity of the traffic study and asked if there would be any overnight parking allowed in the project. She noted that at the last meeting, the residents had asked for no more than 12 houses and this plan of 14 homes will create as many problems as the originally proposed 16 homes. She understands that the motivation is money and when it's all done the developer never looks back, and the residents will be left with the results. She asked the Commission to deny the project.

Mr. Paul Toepel of 9561 Halekulani approached the Commission. He asked that his neighborhood remain as it is currently as they don't need the congestion and crowding with additional cars. He suggested that the site have six homes on one side of the site and six homes on the other facing each other, as this will prevent traffic impacts. A Planned Unit Development as he understands, is zoning for exceptions or oddball property, and these properties don't fit this criteria. He stated that the future of the neighborhood rests on the Commission.

Mr. Shane Lettiere of 12671 Abbott Street approached the Commission. He stated that he is here to ask that the Commission uphold the development standards and ensure that the standards are left intact. He stated that staff had informed him that development projects are judged on a case-by-case basis, and if that is true, then there are no development standards. He noted that the staff did state that the intersection of Gilbert and Lampson is already at the unacceptable level for traffic measures. Schools are overcrowded, and why should they continue to exacerbate these problems. He asked that the Commission uphold the existing development standards.

Ms. Janine Fowler of 9282 Bixby Avenue approached the Commission. She asked whether this project would have street parking. She noted that the criterion for a planned unit development is a three-acre minimum, and that there has to be a good reason for allowing a variance. She expressed concern about the small lot planned unit developments that

are becoming more prevalent in the community and questioned whether these properties would get the same level of city services as the standard residential tracts. She questioned whether the residential planned unit developments should be allowed to proliferate throughout the city and allow variances that could have a negative impact to the community in terms of maintenance and an increase in higher density projects. She thought that by zoning property a PUD that it allows the city to shun its maintenance responsibilities.

Mr. Danny Kolano of 12681 Jerome Lane approached the Commission. He asked that the Commission consider the concerns of the neighbors. He expressed his view that this project is too dense and that it is not fair that a developer does not have to provide a green belt. He commented that the private streets on Lampson Avenue are run down and that this private community will ruin the neighborhood. He asked that the Commission vote against the project.

Mr. Nobert Le of 9581 Halekulani Drive approached the Commission. He expressed concern about the environmental impact and the increased traffic. If this project is developed, there will be a lot of cars driving on his street creating pollution and making it unsafe for his children to play out doors.

Mr. Stephen Raganald of 9262 Bixby Avenue approached the Commission. He commented that the staff report gives the number of persons per household as 3.247. However, the 2002 census says that persons per household are 3.69. He suggested that the project have smaller and fewer homes. He noted that the developer mentioned holding neighborhood meetings and speaking with the neighbors, but he questioned the effectiveness of the neighborhood meetings as evident in the number of people at the public hearing to oppose the project. He expressed his view that government is not responding to the people.

Mr. Russell Graef of 9411 Stanford Avenue approached the Commission. He commented that this proposal is an improvement over the original, as the design is similar to the existing neighborhood. He noted Mr. Nunes' comment about growth and stated that this kind of growth in the city could not continue unless the character of the city changes to that of a big city like Los Angeles. By using Mr. Nunes' formula as an argument for growth, the exponential rate of growth could reach over 700,000 in population. He reasoned that if the city provides higher density housing projects in order to accommodate growth, this would serve to invite a higher rate of growth. The neighborhood would not object if there were fewer homes proposed for this project, and even though the Commission cannot demand that the developer reduce the number of homes proposed, it is incumbent on the developer to attempt to accommodate the existing character of the city and the people. He asked about widening Gilbert Street and how it would affect the front yard setbacks for this proposal. He asked how many streetlights are going to be installed,

and whether they plan to curb and gutter and put in sidewalks, which would look out of place. He asked that the Commission support the community who are not in favor of this project.

Ms. Carolyn Rowland of 9612 Stanford Avenue approached the Commission. She stated that the proposed homes would create more traffic on Stanford Avenue no matter what route would be taken out of the project site. This design is a better proposal from the previous one, but it is still too dense.

Ms. Beth Gruber of 9411 Stanford Avenue approached the Commission. She noted that the standard lot size for single family residential property is 7200 square feet, which is a lot smaller than a lot of the properties in this neighborhood. She noted the architectural rendering illustrated mature trees next to the homes, and looked very nice, however, there would be no room to grow mature trees in this project. The development could propose four houses to the front and four houses on flag lots, which would eliminate all of the problems for the neighborhood. She questioned how the homeowners association would make the people who front Gilbert Street agree to fund road maintenance for the homes off of Halekulani. She felt that this would cause contention among the homeowners that would result in no maintenance for the streets in the development. She asked if parking on the Halekulani side would be considered guest parking for the people living on the Gilbert side of the project. She commented that this is an opportunity for the Planning Commission to help the community.

Ms. Laurie Trimper of 12652 Pleasant Place approached the Commission. She stated that her neighborhood is a very nice place to live. There are two routes into her tract and they don't have a lot of traffic, which is what appealed to them before purchasing their home. She expressed concern that the potential school age children that would live in this project would impact the school district and the fees that are paid by the developer would not compensate for the overcrowding. She stated that there are serious code enforcement issues in the neighborhood and the city is not responsive. She commented that she hoped that the City Council is not driving the Commission's decision and speculated that the tax revenue from this project would be substantial.

Ms. Cheryl Fotia of 10622 Claussen Street approached the Commission and expressed her opposition to the project and commented that there has been too much development recently.

Mr. Roger Lewien of 9532 Lambert Circle approached the Commission. He stated that this is a better project than the previous one, but there are still too many homes being proposed. He noted the numerous people in attendance who oppose the project, and that they came because this is their neighborhood.

Ms. Elisabeth Charron of 10432 Mildred Avenue approached the Commission. She commented that she used to enjoy driving down Gilbert Street because of its rural atmosphere. She expressed concern that there would be an increase of taxes because of the need for more services including the street lighting. She commented that this development would destroy the neighborhood.

Mr. Ray Littrell approached the Commission and stated that although he does not live near this proposed project, he is concerned about the community. He commented that he thought that it was a fraud to show pictures with mature trees when the development won't have enough setback room to grow large trees. He commented on the impacts to the sewer capacity, noting that the sewer lines should be upgraded before a development is constructed. Also, if there already were a problem with the intersection of Lampson and Gilbert, why would you further impact the area with a housing development? He felt that installing curb and gutters in this section of Gilbert is wrong, as it does not fit into the community. Lastly, the school system will do whatever is in their means to educate kids, but they won't be able to afford to do so, and this is critical as the kids are the future. He asked that the Planning Commission think about all of the issues involved with this development, and if the developer is not willing to finance the improvements needed to support this kind of development, then he would urge the Planning Commission to vote no.

Ms. Joan Cameron of 12652 Susan Lane approached the Commission. She stated that she was originally from New England and was amazed when she found this community with its large lots and rural environment. She expressed concern that she would have to move again.

Ms. Pam Lettiere of 12671 Abbott Street approached the Commission. She commented on the number of people who regularly walk down Stanford Avenue for exercise. The current traffic volume is already hazardous, and a car, which happened to be near the school bus stop, hit one of her neighbors walking in the neighborhood. More development will not improve the traffic, and would also affect the people in the neighborhood for a long time.

Mr. Jim Barisic approached the Commission, and stated that he could not respond to the emotional reactions from the neighbors, but would like to present facts. He stated that the traffic engineer that prepared the study is available for questions and would be able to clarify how this development would impact traffic in the neighborhood. He noted that they are not changing the right of way on Gilbert Street, although they are going to repave and construct an asphalt berm for drainage. City Council has made it clear that there are no intentions of widening Gilbert Street, but if in the future the street is widened, the project site would still have a 25-foot setback. He stated that he wasn't sure about the street lighting and that the lighting plan for the development would have to be reviewed by city staff. There will be a homeowner's association and he commented

that with high-end homes, he has never seen an association fail. The entire strip along Gilbert would be maintained by the homeowners, as well as the street area off of Halekulani. He noted that they have made it clear in the neighborhood meeting that he is prepared to invest a lot of money in mature landscaping. The city has strict standards and noted that the conditions of approval are requiring 24", 36" and 48" box trees which they will probably do more than that because these are expensive homes. He would not label this project high density and they have worked very hard to meet the minimum requirements and the setbacks are the same as on Halekulani. They will be extending the sewer line and not overloading the sewer system, and the Public Works Department has checked their plans. The fees that are paid to the school district are for capital improvements and the cost of education comes from several sources of funding including property taxes. Also, average daily attendance is critical to get more funding. He suggested that the traffic engineer address the impacts of traffic.

Chair Butterfield noted that the conditions of approval require curb, gutter and sidewalks and asked for clarification. Staff stated that the applicant is required to construct curb, gutter, and sidewalk.

Commissioner Barry expressed concern that the street lighting has not been addressed and asked what was going to be done. Mr. Barisic stated that on the Halekulani end of the project, there would be two additional streetlights, and Gilbert would not need additional lighting.

Commissioner Nguyen asked for clarification on how the privacy issues would be addressed. Mr. Barisic stated that they would be using obscure glass windows, high windows and each house is looked at on a case-by-case basis. He stated that he has met with neighbors and staff to make adjustments in their design.

Commissioner Hutchinson asked about the maximum size of trees that they could use. Mr. Barisic stated that he would have to work with staff on a landscaping plan, and he is willing to accommodate staff.

Commissioner Hutchinson asked what the setback is across the street from the site, and how the street widening project would affect these homes. Mr. Barisic thought that it varied, however, directly across the street on Gilbert, if the street were widened, he estimated that there would be a 20-foot setback, and this development would provide a 25-foot setback with a street widening.

Commissioner Freze asked for clarification of whether Halekulani would continue to be provided city services for street and tree maintenance. Mr. Barisic stated yes, that this development would not affect city services for the residents on Halekulani.

Commissioner Freze stated that he had questions for the traffic engineer.

Mr. Bob Kahn, Principle with RK Engineering Group, a registered traffic engineer, approached the Commission. Commissioner Freze directed Mr. Kahn to Table 3.4. of the traffic study and stated he was confused about the number of trips off of Halekulani and Abbott Street. Mr. Kahn stated that it is explained on page 3-6 how the traffic splits off onto Abbott Street. Traffic analyses documents are used to provide the trip generation rates that are used for both daily and peak hour traffic. Also, they work closely with staff to determine what the traffic issues are, and what intersections and roadways should be analyzed. The project distributes traffic onto two locations and the daily trips would consist of 134 trips over a 24-hour period. The PM peak hour generates approximately 14 vehicle trips, and is distributed over Gilbert, Halekulani, and Abbot. This indicates that the 14 trips during peak hours split up between the streets would be an insignificant impact to the existing traffic counts. The City has established criteria for determining what is significant and when mitigation is required. Mitigation is required when you increase the volume to capacity ratio at any intersection by one percent.

Commissioner Barry questioned the accuracy for the number of vehicle trips at the peak hours. Mr. Kahn stated that this has been based on thousands of studies that have been done on single-family detached dwelling units and the numbers are not made up and are used by transportation engineers in determining what the trip rates are going to be. Commissioner Barry stated that those are just generalizations and not specific to this neighborhood. Mr. Kahn responded that the study is specific to this type of development. Commissioner Barry stated that the size of home could have an affect on the number of trips. Mr. Kahn agreed that size of the dwelling unit could have some affect. He indicated that the city's adopted criteria for a significant impact is one percent and these trips don't occur at one location and are distributed over several residential streets. Commissioner Barry pointed out that these homes are going to be large and asked what a typical single family home would produce. Mr. Kahn stated that there is a broad range and the statistics are based on averages and the difference between traffic generation for single-family homes is not that significant.

Mr. Barisic stated that it might not be an issue of the size of a home, but the number of bedrooms, which would be a factor for traffic studies.

Mr. Kahn stated that the factors that he used are used throughout Orange County and are also used by city staff.

Commissioner Nguyen asked whether the staff knew how the traffic calculations are based for single-family homes. Staff stated that these studies would have a range of smaller to larger homes and there was never an analyses based on square footage.

Commissioner Barry asked if there would be overnight parking in the project. Mr. Barisic stated yes. Commissioner Barry noted that the staff report states that there are 42 guest parking spaces, however, it allows for parking on Gilbert Street. She asked where cars would park on Gilbert Street. Staff noted that there would be space between driveways on the street.

Mr. Barisic stated that he believes that they have met the spirit and intent of what the zoning was designed to do and the development criteria was designed to be and the concerns of the Planning Commission. He hoped that the Planning Commission feels that same way and thanked them for this long meeting.

Commissioner Barry noted that the conditions prohibit parking within the development and only allow parking in the garages. She expressed concern about providing enough parking and how the parking would be enforced.

Commissioner Hutchinson pointed out that the homeowner's association would enforce parking.

Staff stated that Gilbert Street and Halekulani extension provides street parking. Commissioner Barry noted that this is contradictory to what is in the conditions of approval. Staff stated that they could strike the "not park" in condition N.5. and replace it with "not store vehicles."

Commissioner Callahan asked whether this condition is to ensure that residents would use their garages for cars rather than storage. Staff stated yes that the intent is for garages to be used for parking and not utilized for storage.

Chair Butterfield noted that the conditions prohibit the third garage to be used as an extra room or rented out.

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

Commissioner Hutchinson noted that the concerns that were expressed at the prior hearing for the subject site have been addressed. He thought that the residents of Halekulani know that the street would be opened at one time. There are a number of large lots that people will build on and that he would vote for the project.

Commissioner Barry questioned staff if instead of requiring the curb, gutter and sidewalk, if the developer could install a berm along Gilbert Street in order to maintain consistency. Staff stated that would be acceptable.

Commissioner Callahan commented that he would prefer to keep the requirement for a curb, gutter and sidewalks and thought that a berm would be subject to deterioration. This project will replace four homes that are currently on septic tanks and will have permanently maintained landscaping as well as underground utility lines. He expressed his support for the project.

Commissioner Nguyen thanked the residents for attending the meeting and voicing their concerns. The outstanding issue was the concern for density; however, she expressed her view against dictating to people what size of lot to buy. She noted that density is an issue that affects not just Garden Grove but Orange County as well, and people have to have housing. This project is a much better project than a lot of housing projects that are going up throughout the county, and the homes will be priced at over a half million dollars. There is a demand for this type of residential housing and she believes in freedom of choice. She expressed support for the project and stated that the developer has proposed a better project, and provided larger lot sizes from the previous proposal.

Commissioner Freze noted that the last time they dealt with the project he was not in favor and neither were the neighbors. They had asked for fewer homes, and fewer homes are proposed along with a much-improved project. He noted that the State law mandates to cities to provide housing, and there is a demand for this type of housing product. He expressed that the issues have been addressed and doubted that the neighbors would be satisfied with the project if it met the three-acre minimum for a planned unit development. The previous design did not belong in the neighborhood, but this proposal does.

Commissioner Barry stated that she like the rural look of Gilbert Street, although there have already been numerous changes to the properties on Gilbert Street. She expressed her doubt in the traffic study and noted that you cannot control the number of cars that people own. The City can require property owners to abide by their CC&R's, and noted that it has been conditioned to prohibit converting the garage into a living unit. She expressed that she feels torn, however, this proposed project design is better than the previous one. She stated that she would like to see a cement berm, which would withstand deterioration, rather than a gutter and sidewalk in order to preserve the rural look of the area. She asked that they require the maximum size tree and the project be fully landscaped, and noted that Eucalyptus trees are very messy. She stated that she would support the project with those conditions.

Chair Butterfield thought that eliminating the requirement for the curb and gutter would make the project fit better in the neighborhood. She suggested that the existing homes that are currently on septic tanks could find out about hooking up to the new sewer line that will have to be installed which would greatly benefit the neighbors. She commented that

at the previous meeting many of the neighbors brought up the minimum lot size of 7200 square feet, and the developer has met the request for larger lots. She agreed with Commissioner Freze that the neighbors would not be happy with any project. She noted that there are very large lots on Gilbert Street, and many years ago property owners on Stanford Avenue wanted to subdivide their lots. Some of the neighbors became very concerned and started an organized effort to protect the zoning of their large lot size. Also, she understood that there were several property owners along Stanford Avenue that purchased large lots in order to subdivide the property, and suggested that the neighbors be prepared for that possibility. Change is the most difficult thing to accept but it does happen and they do their best to look at it from all sides to make decisions. She expressed her appreciation for the people in the audience who were willing to listen.

Commissioner Barry rebutted the comment made by one of the neighbors that the City Council is driving their decisions. Personal attacks are uncalled for and she resents that anyone would question the Commission's integrity. She stated that she personally has not spoken with any Council or staff person prior to the public hearing and attested that everyone on the Commission uses independent judgment and makes independent decisions.

Commissioner Freze agreed that he too makes independent decisions.

Commissioner Hutchinson indicated that he too does not like to be unfairly judged, as the Commission always makes an effort to get the most for the community.

Commissioner Barry asked if they could eliminate the requirement for the curb and gutter. Mr. Simonian stated that a possible motion would be subject to amending the conditions of approval to reflect a requirement for rounded concrete curbs, and 48" box tree landscaping. Staff asked if the rounded curb only applied to Gilbert Street. Commissioner Barry stated yes.

Commissioner Barry moved to adopt the Negative Declaration and approve Site Plan No. SP-324-03, Tentative Tract Map No. TT-16433, Variance No. V-105-03, with amendments to the conditions to eliminate the requirement for curb, gutter and sidewalk on the Gilbert Street side of the development and to construct a rounded concrete curb, to install a minimum of 48" box tree landscaping, and to replace "not park" with "not store vehicles" in condition N.5., and recommend approval of Planned Unit Development No. PUD-102-03 and a Development Agreement to City Council, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution Nos. 5363 and 5364 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

AYES: COMMISSIONERS: BARRY, BUTTERFIELD, CALLAHAN,  
FREZE, HUTCHINSON, NGUYEN  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: JONES

MATTERS  
FROM

COMMISSIONERS: Commissioner Barry commented on the poor appearance of a car dealership, located on the south side of Garden Grove Boulevard east of Gilbert Street, because of numerous banner type flags. Staff stated that the site would be investigated.

MATTERS

FROM STAFF: None.

ADJOURNMENT: The meeting was adjourned at 10:35 p.m.

TERESA POMEROY  
Recording Secretary