

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
GARDEN GROVE, CALIFORNIA

THURSDAY  
DECEMBER 5, 2002

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, VICE CHAIR JONES,  
COMMISSIONERS BARRY, CALLAHAN, FREZE,  
HUTCHINSON

ABSENT: COMMISSIONER NGUYEN

ALSO PRESENT: Doug Holland, Deputy City Attorney; Glen Krieger, Planning Services Manager; Karl Hill, Sr. Planner; Erin Webb, Sr. Planner; Rosalinh Ung, Urban Planner; Dan Candelaria, Civil Engineer; Sergeant Robert Fowler; 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, VICE CHAIR JONES,  
COMMISSIONERS BARRY, CALLAHAN, FREZE,  
HUTCHINSON

ABSENT: COMMISSIONER NGUYEN

ALSO PRESENT: Doug Holland, Deputy City Attorney; Glen Krieger, Planning Services Manager; Karl Hill, Sr. Planner; Erin Webb, Sr. Planner; Rosalinh Ung, Urban Planner; Dan Candelaria, Civil Engineer; Sergeant Robert Fowler; and Teresa Pomeroy, Recording Secretary.

PLEDGE OF  
ALLEGIANCE:

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

ORAL

COMMUNICATION: Mr. Harry Pearce approached the Commission to ask whether public testimony would be heard for the proposed project located on the east side of Gilbert Street north of Stanford Avenue, which was continued from November 7, 2002. Chair Butterfield responded that public testimony would be heard.

CONTINUED  
PUBLIC  
HEARING:

NEGATIVE DECLARATION  
PLANNED UNIT DEVELOPMENT NO. PUD-143-02  
SITE PLAN NO. SP-314-02  
TENTATIVE TRACT MAP NO. TT-16433  
VARIANCE NO. V-295-02  
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:

DECEMBER 5, 2002

REQUEST:

To allow the site to be rezoned to a Planned Unit Development; to deviate from the minimum lot size for a residential PUD; to subdivide 2.7 acres into 16 single-family lots with one common lot; and to improve the site with 16 single family homes. The site is located in the R-1-7 (Single Family Residential) zone.

Vice Chair Jones announced that he would be abstaining from this item, and he stepped off the dais.

Staff stated that the direction from the Planning Commission at the meeting held on November 7, 2002, was for the developer to provide a traffic study for this site, and to invite a representative from the school district to explain their letter from the district office regarding school capacity issues. The traffic study was prepared and it was determined that this proposed project would not have a significant impact to the surrounding community. Also, a school district representative is available for questions.

Doug Holland stated that from a legal stand point, the Planning Commission can only require that a developer pay the fee specified under state law. The city is powerless to deny a project on the basis of overcrowding schools or to impose any other conditions of approval other than the imposition of the state mandated fee, which is \$2.14 per square foot of residential development.

Ms. Sue McCann, Assistant Superintendent for the Garden Grove Unified School District, approached the Commission. She stated that she was asked by Commissioner Callahan to attend this meeting in order to give an explanation of the intent behind the letter from the school district that was provided to the Planning Commission at the meeting on November 7, 2002. Her office was directed by the Board of Education to make sure that there is open communication of how growth and facility planning is affected by development in the city. The intent of the letter was informational, noting that their position on development is neutral. It is their responsibility to provide a quality education program to all of their students who live within the boundaries of the district. She provided supplemental information that illustrates the growth of the school age population since the mid 1980's, and as of this year they have surpassed

the 50,000 enrollment mark. As they address growth, there is a priority of actions that are implemented, e.g., modular buildings. She noted that the district does use a site utilization committee that is comprised of parents and administrators, and they analyze the needs and address growth issues within the district. They have reopened all of their schools and have terminated leases and they are now at capacity, and new projects such as this proposal will have an impact on the district. She stated that out of 46 elementary schools in the city, there are only five schools that do not use portable classrooms. She listed the shared district and city facilities, and noted that growth could result in needing to give notice to the city for the district's exclusive use of these shared facilities. She noted that students who live in proximity to the proposed project site attend the nearby Brookhurst Elementary School, however, they cannot guarantee space at this school in the future. She noted that they do get developer fees and the numbers are included in the information provided, and for comparison, the capital expenditures are also provided.

Commissioner Hutchinson asked about the Hare School and the Lincoln Education center, which were originally both elementary schools. Ms. McCann noted that the Hare School has been reopened for elementary use, and the Lincoln Education Center provides a continuation high school, adult education, and a state preschool. She noted that in the recent past they did not have an adult education program, but today they have one of the largest programs in the state. One of the reasons behind the utilization of these school sites for adult education was in response to the city request that these buildings be used and not left vacant.

Commissioner Hutchinson asked if the school district has enough space for the children that would be in this proposed project. Ms. McCann noted that currently Brookhurst School utilizes 13 portable classrooms, and is over capacity. Whatever happens, the educational needs will be met, however, her purpose is to inform the Commission that there has been an overall increase in growth. She noted the importance for open space and that it is used for playgrounds and extra curricular sports organizations.

Commissioner Freze asked why this particular project would initiate a response from the school district when there have been several other developments that are very similar without having capacity issues brought to their attention.

Ms. McCann stated that there are informal communications with the city's traffic, police, fire, and planning departments, and sometimes they do get questions from the city about the projected numbers. Also, district staff was directed by the School Board to respond to the city when there are issues like this. Also, there was legislation recently passed that the school district needs to communicate the district facility needs analyses, along with other long range facility plans, and they are just going on the record.

Commissioner Freze asked whether she agrees that one school age child per household would be generated by this project as projected in the environmental analyses. She stated no, however, they do not have an

actual analyses for this project, but the district estimation for Garden Grove is 2.4 per each household. She noted that the pattern that is becoming more prevalent is people stacking up, with extended families occupying one home, which produces more school age children.

Commissioner Callahan thanked Ms. McCann for coming and asked why the letter was sent when other cities do not receive this type of communication from the school district. Ms. McCann stated that there would be a few other cities that will be getting a similar letter for upcoming projects.

Chair Butterfield noted receipt of two letters in opposition to this project, one from Mr. Chas Taylor of 12592 Jane Drive, and one from Mr. and Mrs. Proctor of 12532 Ocean Breeze Drive.

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

Mr. Jim Barisic, the applicant, approached the Commission. He stated that this project has the lowest density project for the City in the past 25 years. They are actually only adding twelve new homes and replacing four homes, which are substandard. These homes will enhance the area and the price range will be from \$575,000.00 through \$675,000.00, which is more than any other home built in the city. All of the setbacks are within the city code. An extensive traffic study was completed at the request of the Planning Commission and it was determined that Gilbert Street is designed to accommodate an addition of the twelve new homes proposed. He spoke with Ms. McCann several times and discussed this proposed development and noted that the district has specifically stated that they are not opposed to this development. It is clearly his understanding that the development does not place any undue burden on the district. The demographic data show that older communities are in need of a better upscale housing stock such as he is proposing. This proposed development is a very cost effective way for the city to provide housing. They truly believe that they have a design that will enhance the community and will be a good neighbor to the residents.

Commissioner Hutchinson questioned the numbers listed in the traffic study that was representative for the number of cars, and commented that there appeared to be a discrepancy.

Staff stated that the numbers of cars in the study under project impact is determined by using ICUs (Intersection Capacity Utilization), which is a format that is used by engineers to project traffic counts based upon peak hours. Commissioner Hutchinson expressed concern about the validity of the study, as it was not clear whether the numbers were accurate.

Commissioner Barry expressed difficulty in accepting the traffic study because of the potential for bias. She noted it is difficult to ascertain how many cars will be generated when you are gauging the outcome from empty lots. She noted that the report states that weekend traffic was not

counted, and pointed out that residential development normally has more weekend traffic. By eliminating the weekends from the traffic study does not give an accurate reflection of what the traffic would be. She noted that the traffic study suggested that a signal be installed at Lampson Avenue and Gilbert Street. She understood that the purpose of the stop sign at Lampson and Gilbert is to control the speed; a traffic signal will only increase the speed and also create a potential hazard with people running red lights. She stated that she puts no value in the traffic study.

Commissioner Freze commented on conflicting statements in the traffic study, and asked for an explanation. Staff explained the methodology for the study that included a delay study on Gilbert and Lampson, which the city considers a "hot spot."

Commissioner Barry noted that if there were a signal at this intersection, cars would be lined up generating exhaust for a longer period of time. Staff commented that once the light was green all of the cars would be cleared.

Chair Butterfield noted that not all of the traffic would be traveling south; the study should have included Chapman Avenue.

Mr. Barisic noted the many years of development experience and familiarity of traffic studies based upon residential development. He questioned whether staff would agree with this traffic study and that an additional twelve homes on this site would not significantly increase the amount of traffic on Gilbert Street. Staff expressed agreement with the traffic study that this proposed development would not significantly increase traffic.

Chair Butterfield commented that as she reviewed the traffic study, she reached the conclusion that regardless of whether the project is built or not, the congestion at Lampson and Gilbert is heavy and there needs to be a signal installed.

Commissioner Hutchinson commented that this is a very nice project, however, he has a problem with the traffic and speculated that there will be more cars than the study depicts.

Mr. Barisic commented on his observations of numerous cars on the properties prior to purchase, and suggested that this project would attract a more mature buyer, and that these are intended as move-up homes.

Commissioner Callahan stated that anywhere in the city, these types of problems are going to come up with any project.

Commissioner Barry noted that each of the current lots have big trees and asked if the applicant plans on keeping them. Mr. Barisic stated that they only planned on keeping two of them, and they planned to put in new 24, 36 or 42 box trees as specified in the conditions of approval.

Mr. Steve Smith of 1700 W. Cerritos in the City of Anaheim approached the Commission. He expressed his support for the project and commented that it will increase revenue for the city and create employment.

Mr. Chuck Fuhrman of 721 North Euclid in the City of Santa Ana approached the Commission. He stated that he works in the housing industry and feels that this is a quality product that would last a long time, and that he is in favor of building new homes.

Ms. Robin Marcario of 9721 Lampson Avenue approached the Commission. She expressed her opposition to the project and objected to the density and the "gated" feature of the project, which is comparable to a "gated compound." She noted that the residents have entrusted the Planning Commission to make a decision for the entire community, and asked that they carefully consider the adverse impact to the traffic, schools, and for setting a precedent throughout the city.

Commissioner Barry asked if she would be amenable to having fewer homes in this project. Ms. Marcario thought that eight homes would be more reasonable. Commissioner Barry asked if she would be agreeable to having some of the homes fronting Halekulani. Ms. Marcario thought that it would be reasonable to have four homes facing Gilbert and four facing Halekulani without the gated feature.

Mr. Edward Rivas of 12751 Gilbert Street approached the Commission. He stated that he lives in Nichols Manor and noted that his house is worth more than \$800,000.00. The traffic is not going to work with this project as he has problems pulling out of his driveway. He noted that two years ago he was in his car on Gilbert Street at a stop sign, and was rear-ended from a woman traveling at 40 miles per hour. She totaled her car, his car, and he lost a leg.

Ms. Janine Fowler of 9282 Bixby approached the Commission. She stated that she bought in Garden Grove because of the estate size properties, which is an important feature of this area. The traffic is a serious problem and she does not want to see a signal installed. They do not have enough sewer capacity, schools are overcrowded, and there is not enough open space for parks. There is no balance in the community and the future should be considered. The project would have a new sewer system installed, however, it will be dumping into the city sewer system and there are already problems with flooding and sewer capacity. She expressed concern of the impacts from overcrowding and the residents in this area would like their community to stay as it is.

Mr. Denny Kolono of 12681 Jerome Lane approached the Commission. He stated that this project is very near his home and he is completely in opposition to the project. He stated that he has six people living in his home and seven cars, and his neighbor who has two people living in his home has three cars. He suggested that the Community Development Department buy these parcels and make a park.

Mr. Paul Toepel of 9561 Halekulani Drive approached the Commission. He noted that most of the homes in his neighborhood have a minimum of six cars parked in front of the homes as the rooms are being rented. He expressed concern about the number of cars that will be added by this project, because there is no place to park. He commented on the attractiveness of the project, but that there were too many homes proposed.

Commissioner Barry asked whether he would be willing to have some of the homes of this proposal fronting Halekulani. Mr. Toepel responded that he would not want that as he purposely moved into a home on a dead end street.

Ms. Carolyn Roland of 9612 Stanford Avenue approached the Commission. She stated that she purchased her home in this neighborhood because of the large lot. She expressed her misgiving for the density of the project that would change the flavor of the community and would like to see a reduction in the number of homes proposed. She expressed her doubt in the validity of the traffic study and suggested the use of speed bumps for reducing speed on Stanford and Gilbert.

Chair Butterfield noted that several years ago some neighbors from Stanford Avenue organized and agreed to a minimum lot size for their area. She suggested that some of the neighbors in the audience could also organize for this same purpose.

Mr. Chas P. Taylor of 12592 Jane Drive approached the Commission. He reiterated the letter he wrote that was provided to the Commission expressing opposition to the project. The letter expressed concern for the congestion and density and that the number of homes be reduced.

Mr. Mike Shaw of 12452 Loreleen Street approached the Commission. He commented that because of the current congestion in the area, it was absurd to build 16 homes, and that this is motivated by greed at the expense of the residents.

Ms. Cheryl Armstrong of 12421 Loreleen Street approached the Commission. She commented on the density of the project and that it was dangerously similar to apartments or condominiums, which is not appropriate for Gilbert Street. She expressed her view that the project would change the country feel of the community that she described as unique and would be an imposition.

Mr. Doug Maddux of 12401 Jerome Street approached the Commission. He urged the Planning Commission to enforce the current code and not allow 16 homes, but to reduce the number to eleven or twelve homes.

Mr. Fred Lochner of 12641 Jerome Lane approached the Commission. He expressed his opposition to the project because of the density and commented on the number of high-density projects that have been

allowed in the city. He noted that the homes that were built on Garden Grove Boulevard are so dense that one could shave in his neighbor's mirror, and that these homebuyers are simply waiting until they can afford to buy something else that has more elbow room. He did not think that by calling this an upscale development and asking a high price could camouflage the fact that this is another high-density project.

Mr. Harry Pearce of 12752 Crestwood Circle approached the Commission. He expressed concern about the density of this project, and noted that in 1984, an apartment building was proposed for this area and was denied because of protest from the neighbors. He questioned the need for a Planning Commission if a zone change could be obtained at the "drop of a hat." He noted the large number of people in the audience that have waited for three hours because they feel strongly about opposing this project. This project will be a burden to schools, sewers, and streets and many of the people who live in the area are retirement age and do not want these types of projects to proliferate and set a precedent for more small lot sizes. He stated that there should be fewer homes in this development.

Mr. Tom Shutes of 12792 Gilbert Street approached the Commission. He stated that there are discrepancies in the staff report and contended that there is no basis to approving a PUD unless it could be proved that it is superior to what could be achieved with conventional zoning methods. He questioned the actual square footage for each proposed home and thought that there was a discrepancy from the previous staff report. He noted that he provided a copy of the staff report from 1986 to the Commission for a proposal of an apartment building that was denied. He pointed out that staff recommendation in 1986 for the property located on Stanford Avenue and Brookhurst Way have Low Density Residential zoning in order to be consistent with the General Plan and zoning.

Ms. Sonia Betz of 9701 Lampson Avenue approached the Commission and stated her opposition to the project.

Mr. Richard Post of 9311 Mayrene approached the Commission and also stated his opposition. He has always viewed the neighborhood as country style living, and commented that thankfully two years ago he was able to buy a house in the neighborhood. He stated that he couldn't see how this project would fit into the neighborhood.

Ms. Maureen Blackmun of 12381 Meade Street approached the Commission. She commented that she feels that the Commission is taking an adversarial position and are not responsive to the needs of the community.

Commissioner Hutchinson responded that the Commission is responsive and this proposal was continued in order to address the concerns that were brought up from the previous meeting.

Ms. Blackmun expressed her appreciation and concern that the neighbors are worried about the encroachment of developers who want to create smaller lots in the neighborhood.

Chair Butterfield suggested that the neighbors organize and form an association in order to maintain their desired lot sizes.

Commissioner Callahan commented that this Commission are volunteers who spend many hours for free and are very responsive to the community.

Mr. Paul Rubin of 12361 Meade Street approached the Commission. He stated that he attended the last meeting on this issue and called this project a fancy mobile home park. He stated that he feels very much like Ms. Blackmun and most of the people are here because one individual gave the neighbors a notice, and that if there was a concern for the residents then everyone would be notified.

Chair Butterfield explained that a notice is mailed to everyone that is located within a 300-foot radius of a proposed application and it is published in the local newspaper as well.

Mr. Richard Morse of 12271 Jerome Street approached the Commission. He expressed concern about maintaining the minimum lot size for this neighborhood noting that this project site has a minimum lot size of 7200 square feet and the proposal would create 4400 square foot lots. He noted that the notification requirements are for people located within a 300-foot radius as well as people who would be impacted by the project. He pointed out that many people would be impacted by this project and that the notification should have been extended.

Chair Butterfield responded that currently the policy is for a 300-foot radius notification, and also, anyone is welcome to attend a Planning Commission meeting at any time.

Staff noted that the legal notice was also advertised in the Garden Grove Journal.

Mr. Leland Smith of 9702 Stanford Avenue approached the Commission. He noted that the entire neighborhood showed up in opposition to this proposal, and suggested to the developer that he "sharpen his pencil" and come up with a proposal to the satisfaction of everyone.

Mr. Roger Lewien of 9532 Lambert Circle approached the Commission. He stated that this site is directly behind his property and backs up to his rear yard. He asked why it would be necessary to organize a neighborhood association to maintain the current lot sizes when it is already in the code.

Chair Butterfield pointed out that some of the lots in this neighborhood are quite a bit larger than the single-family code requirement and if a property owner wished they could request a property to be subdivided.

Mr. William Scott at 9552 Lambert Circle approached the Commission and expressed agreement with Mr. Lewien. He noted that his property is also adjacent to the project site.

Ms. Constance Kelly of 9681 Stanford Avenue approached the Commission. She questioned the purpose of the zoning code if variances are granted. She commented that the new higher density on Nelson at Stanford looks very nice, but she has noticed the smell of raw sewage when she drives past. She stated that she has noticed this with other projects that are high density in the community, and suggested that the city does not have the infrastructure to support higher density.

Bob Swenson of 12851 Jerome Lane approached the Commission. He stated that he purchased his home in 1954 and raised two children. He stated that he has had five cars at one time, and he listed several of his neighbors as having five or more vehicles. He thought that the developer is extremely naïve when he uses the number one. He noted the route he takes to work everyday in order to avoid the congestion and he urged the Commission not to approve the project.

Ms. Kathleen Morris at 9162 Lampson Avenue approached the Commission. She commented that the developer is not attempting to build a similar project of this density in the City of Villa Park or Orange Park Acres because the residents of that community know the value of land. She commented that developers don't see the value in open space, but are looking at possibilities of how many buildings can be built. Garden Grove is a bedroom community, and her children have a yard to play in and developments like the one proposed do not provide for the American dream. Future residents are owed the same opportunity for space that is enjoyed by the current owners. She appreciates the need for building revenue and obtaining fees, however, in the long run the real value will be in the land.

Mr. Barisic approached the Commission and commented that he wanted to respond to concerns about infrastructure. He noted that this project is immediately adjacent to a sewer main line and Public Works is requiring the installation of catch basins with filters internally and on Gilbert Street. This project would generate more traffic, however, city staff has determined that there would not be a significant impact. This design concept is to keep the Gilbert streetscape the same by utilizing the PUD zoning. The project is required to comply with all regulations, which will involve making sidewalks and a slight widening of Gilbert Street. Parking is within the project, and the variance is because of the requirement for a PUD to be three acres. He indicated that within the PUD, there are common areas for the homes proposed, and also that the development does not have to be gated. He stated that the original master plan for this area was to build straight through to Halekulani, which is why Halekulani is a dead end rather than a cul de sac. He stated that they brought up several design ideas with one running the project grid-like on Gilbert Street, however, this would be unsafe as residents would have to back up

onto Gilbert Street from their driveways. The cost of land dictates that larger homes be built, which would fit into this particular area of Garden Grove. He commented that he respects the sentiments expressed by the neighbors; however, there were several people that he spoke with that support the project.

Commissioner Freze asked whether he would consider building fewer homes. Mr. Barisic stated no.

Chair Butterfield questioned how many homes could be built on 7200 square foot lots. Mr. Barisic speculated 14 homes could be built in grid-like fashion along Gilbert Street.

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

Commissioner Hutchinson stated that although he feels that the neighbors have expressed unwarranted hostility to the Commission, he has heard and considered their issues and will not support a variance.

Commissioner Callahan stated that he has spoken with the neighbors near this site, and many of these people have expressed to him that the project would enhance the neighborhood.

Commissioner Freze noted that although the Commission cannot legally address overcrowding at schools, this issue was brought up. He expressed his opinion that a five bedroom three bath home will generate more than one school age child as projected in the environmental analysis. He stated that the developer has a right to develop the site, however, the neighbors will be impacted. He stated that he would not support the project because he does not feel that this is the right location.

Commissioner Barry stated that this is one of the best projects that has come before the Planning Commission, but she agreed with Commissioner Freze that this is not the right location.

Chair Butterfield noted that the developer has met all the standards and noted that traffic is a problem everywhere in the city. However, she will vote against the project because it has lost due to the numerous people in the community who are against having the project in their neighborhood.

Commissioner Hutchinson moved to deny Planned Unit Development No. PUD-143-02, Site Plan No. SP-314-02, Tentative Tract Map No. TT-16433, Variance No. V-295-02, and a Development Agreement, seconded by Commissioner Freze, and directed staff to prepare a Resolution for denial. The motion carried with the following vote:

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

ABSTAIN: COMMISSIONERS: JONES

CONTINUED  
PUBLIC

HEARING: CONDITIONAL USE PERMIT NO. CUP-623-02  
APPLICANT: YOUNG S. KEH  
LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD EAST OF GALWAY  
STREET AT 9816 GARDEN GROVE BOULEVARD  
DATE: DECEMBER 5, 2002

REQUEST: To allow an existing restaurant (Seoul Hae Jung Guk) to operate under an Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine – Public Eating Place) License. The site is located in the C-2 (Community Commercial) zone.

Staff recommended approval, noting that this item was continued at the direction of the Planning Commission in order to have the opportunity for police input. Staff stated that another similar franchise that operates with an Alcoholic Beverage Control license in the city of Torrance closes at 11:00 p.m.

Commissioner Hutchinson asked for comment from Sergeant Fowler. Sergeant Fowler noted the memo addressed to the Planning Commission from Chief Polisar that outlined the position of the police department for restaurants operating under ABC licenses that are in proximity to residential property. At the last Planning Commission meeting it was suggested that the restaurant stop serving alcohol at 11:00 p.m., however, remain open until 2:00 a.m. This would be very difficult for officers in the field to enforce this condition. Therefore, the police department is requesting that the restaurant close at 11:00 p.m.

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

Mr. Keh approached the Commission and commented that this process has taken a very long time. He asked that he be allowed to modify the hours, if after three months without incident, to 2:00 a.m.

Doug Holland stated that Mr. Keh would have an opportunity after any period of time to make an application to ask for extended hours.

Vice Chair Jones asked if Mr. Keh would have to pay for a new application. Doug Holland stated yes, as there would be an obligation for legal notification of property owners.

Commissioner Freze asked if Mr. Keh could appeal to city council. Staff stated yes, within the 21-day appeal period.

Chair Butterfield asked if Mr. Keh has read and understands the conditions of approval. Mr. Keh stated yes.

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

Commissioner Barry stated that she has a problem with restricting the hours, and that they could address problems as they arise.

Commissioner Freze asked whether the police have noted any problems with this establishment.

Sergeant Fowler stated that the presence of alcohol at any restaurant is going to have potential problems. Although there have been no problems with this establishment, it is located in a high crime district.

Vice Chair Jones stated that he likes the idea of giving this business the opportunity to extend the hours on a trial basis.

Commissioner Hutchinson stated that the city has a history of requiring restaurants to close at 11:00 p.m. when located next to residential property, and he would not support a closure past midnight.

Commissioner Callahan commented that closing at 12:00 a.m. is a reasonable time.

Chair Butterfield agreed that a midnight closure is reasonable.

Commissioner Barry moved to approve Conditional Use Permit No. CUP-623-02, with the amendment to the conditions of approval to allow a midnight closure, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5331 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

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

PUBLIC HEARING: TENTATIVE PARCEL MAP NO. PM-2002-193  
APPLICANT: ARROYO DEVELOPMENT PARTNERS LLC.  
LOCATION: EAST SIDE OF HASTER STREET NORTH OF LAMPSON AVENUE AT 12242 THROUGH 12352 HASTER STREET  
DATE: DECEMBER 5, 2002  
REQUEST: To allow the consolidation of 38 lots into one parcel for an existing apartment complex (Arroyo Vista Apartments) located in the R-3 (Multiple Family Residential) zone.

Staff report was reviewed and recommended approval, with the exclusion of condition C.3. which requires three existing drive approaches to the complex off of Haster Street be reconstructed.

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

Mr. Chuck Fry, representative for Arroyo Development Partners, approached the Commission. He expressed his appreciation for the cooperation they have received from the city, noting the very troubled history of this property.

Chair Butterfield asked if they have read and agree with the conditions of approval. Mr. Fry stated yes.

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

Commissioner Hutchinson moved to approve Tentative Parcel Map No. PM-2002-193, with an amendment to delete condition C.3., seconded by Commissioner Barry, pursuant to the facts and reasons contained in Resolution No. 5333 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

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

PUBLIC HEARING: NEGATIVE DECLARATION

PLANNED UNIT DEVELOPMENT NO. PUD-145-02  
SITE PLAN NO. SP-316-02  
TENTATIVE TRACT MAP NO. TT-16453  
DEVELOPMENT AGREEMENT  
WESTERN PACIFIC HOUSING  
SOUTHEAST CORNER OF CENTURY BOULEVARD AND TAFT  
STREET  
DECEMBER 5, 2002

APPLICANT:  
LOCATION:  
DATE:

REQUEST: To allow the rezone of approximately 5.28 acres in the CCSP/PR51 (Peripheral Residential District Area 51 of the Community Center Specific Plan) to a PUD (Planned Unit Development) for a 42 lot subdivision and construction of 37 single-family homes.

Staff report was reviewed and recommended approval of the Site Plan and Tentative Tract Map, and that the Planning Commission recommend approval of the Planned Unit Development 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. John Myhre of Western Pacific Housing approached the Commission. He stated that his company has built housing developments in a number of cities in Orange County, and are committed to building a quality community. This proposal does not maximize the density on the project, which is a multi-family 23 units per acre and the best use for this property. The proposed plan is for single-family detached homes on a gross density of seven units per acre, with an average lot size of about 4500 square feet. The project consists of three different floor plans with about three different elevations to each floor plan. A neighborhood meeting was conducted, and concerns expressed by the adjacent residents were addressed. The second story windows will be using obscure glass for privacy and 15 foot trees will be planted in the rear yards, as well as seven-foot high walls constructed around the site. The traffic was analyzed and this development will be a less intense use than the current church and day care center. The selling price for each home will be in the mid \$400,000.00 range, and will serve to enhance the value of the entire neighborhood. This project will bring much needed housing to the city, and will also beautify the area. They will buffer the site with landscaping along all of the streets, and have been requested by staff to plant 20 foot date palm trees along Century. The project will provide \$200,000.00 in school fees, \$44,000.00 in park fees, \$22,000.00 in traffic impact fees, and 1.7 million dollars over 30 years in property tax for the redevelopment agency.

Chair Butterfield asked if they have read and agree with the conditions of approval. Mr. Myhre stated yes, that they agree with the conditions.

Commissioner Freze asked about a piece of property on the northwest corner of McKeen and Taft that was not included in the project.

Mr. Myhre stated that they were unable to engage the property owners in dialogue to make an offer for this property.

Commissioner Hutchinson asked whether they would ever be interested in acquiring that corner property in the future. Mr. Myhre indicated that if this project moves forward, they could put a stipulation into the CC&Rs that if this corner becomes available, they would be interested in annexing it into the proposed project.

Mr. Thom Falcon of La Quinta Development approached the Commission. He noted that he built the development adjacent to this project, and pointed out that there was a parcel next to the gas station that they were unable to purchase. There was a provision made to the CC&Rs that if this were ever developed, it would have to be incorporated into his project's CC&Rs. He made this suggestion to Western Pacific in order to provide a continuous flow to the community.

Mrs. Roberta Adler approached the Commission. She stated that she does support the project, however, she is concerned about access and egress. Everything is on and off Century Boulevard, and her tract of 35 homes on the other side of this proposed project only has one entrance and exit, which could be a problem if there was a catastrophic event. The traffic on the corner of Trask and Taft is very congested in the mornings and makes this area inaccessible. She noted that a traffic study was not required as there is not a projected significant impact from this project, however, the project does propose to provide 89 parking spaces. She asked whether these 89 cars would be exiting onto Century, which is half a block away from her tract and Century is a short cut to the 22 freeway. They already have a problem turning left from Dorothy onto southbound Century to get to the freeway. She has asked Traffic Engineering to allow a left-turn into Costco from a driveway that is nearby, and was denied, consequently, all of the u-turn traffic is using Dorothy and Century. This creates a very hazardous situation, which is the issue that she brought up at the neighborhood meeting. She received a letter in response to her concern, which was signed by Mr. Leon of Western Pacific Housing; however, the letter was in response to privacy issues and window placement for the second story level of the proposed homes. She lives across the street from this proposed project, and will not be affected by the window placement. She is concerned that the developer is not actually listening to the people in the community, and she wanted to bring this to the attention of the Commission.

Commissioner Hutchinson asked Mrs. Adler what time of day she is experiencing traffic congestion. She stated that it is in the 8:00 a.m. time frame when traffic is heading out to the 22 freeway on Euclid. It is very difficult to make a left turn onto Euclid, and she speculated that residents from this project would be going in this same direction. She noted that there will be a lot of weekend traffic as well, and all that she is asking is for a more careful consideration of the traffic issues.

Chair Butterfield suggested that Ms. Adler approach the Traffic Commission with these concerns. Ms. Adler expressed concern that she was not being taken seriously by the Traffic Department.

Chair Butterfield noted that Traffic Engineering staff was in attendance, and asked for a response. Dan Candelaria responded by stating that the Traffic Department does not like congestion at any intersection, and that this complaint would be investigated.

Chair Butterfield questioned staff if the driveway into the project is for a right turn only. Mr. Candelaria responded that there is a median that runs along Century, they would be allowed to redesign that to provide a left turn pocket into the development, with the ability to make a left turn out as well.

Commissioner Hutchinson expressed his familiarity with the area and noted that there is a lot of traffic, but he has not experienced any significant problems.

Chair Butterfield questioned whether date palms along Century was a good idea as they are very messy, and suggested that evergreen trees be planted. Mr. Myhre stated that they were flexible.

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-316-02 and Tentative Tract Map No. TT-16453 and recommend approval of Planned Unit Development No. PUD-145-02 and a Development Agreement to City Council, seconded by Vice Chair Jones, pursuant to the facts and reasons contained in Resolution Nos. 5335 and 5336 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

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

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-625-02  
APPLICANT: EVERGREEN WORLD, INC.  
LOCATION: SOUTHWEST CORNER OF WESTMINSTER AVENUE AND  
BROOKHURST STREET AT 9856 WESTMINSTER AVENUE  
DATE: DECEMBER 5, 2002

REQUEST: To allow a 7,500 square foot adult day care center with an outdoor patio in an existing retail shopping center located in the C-1 (Neighborhood Commercial) zone. Staff noted the addition to the conditions of approval to include landscaping and irrigation on the south side of the shopping center in the parking lot.

Chair Butterfield asked if staff has seen the trash enclosure. Staff stated yes, and that this has been brought to the applicant's attention. Chair Butterfield noted that the property owner has approval for a pad building on the north side of this site and asked whether it would be built. Staff responded that it was approved several years ago, and there are plans in plan check for the construction.

Commissioner Freze asked about the south side of the building, which will be the main entrance for this establishment. Staff stated that they have submitted an illustration with the plans, and condition CC addresses the main entrance on the south side of the building.

Commissioner Barry asked if the applicant should be held to what they have submitted on their elevations. Doug Holland recommended that they include it as an expressed condition of approval.

Commissioner Freze asked if the exhibit has the same architectural treatments as the Mall of Fortune. Staff stated that the elevations are not intended to be a replication of the Mall of Fortune, but to be compatible with the center.

Commissioner Freze noted that this will be the main entrance for this establishment, and therefore should be enhanced by creating some nice architecture. Staff noted that towards the center of the Mall of Fortune is another unrealized but approved expansion that may eventually be seen in the rear of the property.

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

Dr. Gary Hzor approached the Commission. Chair Butterfield asked if he has read and agrees with the conditions of approval. Dr. Hzor stated yes that he agrees with the conditions of approval.

Commissioner Barry asked Doug Holland if condition DD should be changed to include "and south." Doug Holland recommended that the condition have "and south" included.

Dr. Hzor commented that this will serve as a great enhancement to the community by providing services to the elderly.

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

Commissioner Freze moved to approve Conditional Use Permit No. CUP-625-02, with amendments to condition DD to add "and south," and the addition of condition EE for landscaping and irrigation on the south side of the site, seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5334 and authorized the Chair to execute the Resolution. The motion carried with the following vote:

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

MATTERS  
FROM

COMMISSIONERS: Chair Butterfield wished everyone a happy holiday.

MATTERS  
FROM

STAFF: Staff reviewed the tentative items scheduled for January 16, 2003.

ADJOURNMENT: The meeting was adjourned at 11:36 p.m.

TERESA POMEROY  
Recording Secretary