

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
OCTOBER 21, 2010

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 BONIKOWSKI, BUI, CABRAL,
ELLSWORTH, PAK
ABSENT: BEARD
VACANCY: ONE

ALSO PRESENT: James Eggart, Assistant City Attorney; Karl Hill, Planning Services Manager; Maria Parra, Urban Planner; Chris Chung, Assistant Planner; Sergeant Ed Leiva, 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 Cabral and recited by those present in the Chambers.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Commissioner Pak moved to approve the Minutes of October 7, 2010, seconded by Commissioner Bonikowski. The motion carried with the following vote:

AYES: COMMISSIONERS: BONIKOWSKI, BUI, CABRAL,
ELLSWORTH, PAK
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: BEARD
VACANCY: COMMISSIONERS: ONE

PUBLIC HEARING: (REF. PLANNED UNIT DEVELOPMENT NO. PUD-111-06)
SITE PLAN NO. SP-393-06 TIME EXTENSION
VARIANCE NO. V-138-06
TENTATIVE TRACT MAP NO. TT-17022
DEVELOPMENT AGREEMENT

APPLICANT: LV DEVELOPMENT, INC.
LOCATION: WEST SIDE OF NELSON STREET, NORTH OF STANFORD AVENUE AT 12661
NELSON STREET
DATE: OCTOBER 21, 2010

REQUEST: To approve a three-year time extension for the approved entitlements under Site Plan No. SP-393-06, Variance No. V-138-06, Tentative Tract

Map No. TT-17022 and the Development Agreement for Planned Unit Development No. PUD-111-06. The project consists of twelve (12) two-story and three-story single-family detached homes. The site is in Planned Unit Development No. PUD-111-06 zone.

Staff report was read and recommended approval.

Commissioner Pak asked for clarification of the land deal between St. Columban's Church and the applicant. Staff explained that the applicant and Church swapped land to accommodate parking for the Church; that the Church paved their lot used for parking, a play area, and for festivals; and whereas the applicant's site is still available for parking until the applicant begins construction.

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

Mr. Nhien Nguyen, the applicant, approached the Commission and commented that four years ago, the Church approached him on the land exchange, which he did, in order to create a more safe environment for handicapped parishioners crossing the street; and that the economy has prevented him from building the home development.

Vice Chair Bui asked Mr. Nguyen if he had read and agreed with the conditions of approval. Mr. Nguyen replied yes. He also stated that because of difficulty getting a loan, he has asked family and friends for money in order to move on the project.

Vice Chair Bui commented that letting the Church use the lot is a good gesture, and, that he saw ground work being done.

Mr. Nguyen affirmed that ground compaction and light demolition are taking place, and that the area would be kept clean.

Mr. Benjamin Bass, the owner of the property across the street, expressed his concerns regarding the construction fence around the property and that areas at the end of the street flood during heavy rains and that the matter needs to be looked into.

Mr. Nguyen stated that in 2-4 weeks, a block wall would be constructed and that the City has approved the sewer plan for the property.

Staff added that the flooding issue would be channeled to the Public Works Department.

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

Commissioner Pak moved to approve the Time Extension for Site Plan No. SP-393-06, V-138-06, TT-17022, and the Development Agreement, seconded by Commissioner Ellsworth, pursuant to the facts and reasons contained in Resolution No. 5724. The motion carried with the following vote:

AYES: COMMISSIONERS: BONIKOWSKI, BUI, CABRAL,
ELLSWORTH, PAK
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: BEARD
VACANCY: COMMISSIONERS: ONE

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-157-10
APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE
DATE: OCTOBER 21, 2010

REQUEST: To amend Title 9 of the Garden Grove Municipal Code Section 9.04.060 (Definitions), Sections 9.08.020.030, 9.12.020.030, and 9.16.020.030 (Uses Permitted), and Section 9.16.020.050 (Special Operating Conditions and Development Standards), introducing new definitions and uses relating to Emergency Shelter (Homeless), Transitional Housing, and Supportive Housing.

Staff report was read, along with a Power Point presentation, with a recommendation for approval.

Commissioner Ellsworth asked staff if the facilities are tracked and have a database. Staff responded yes, that significant issues at the group homes, geared toward alcohol and drug rehabilitation, warranted the tracking; and that the homes do not require licensing and began to appear in neighborhoods generating calls for service from the Police Department.

Staff stated that the shelter facilities need to apply for a business license and could thereby be tracked; that there would not be discussion with neighboring residents as the facilities are permitted by right and governed by compliance with the eight standards found in the resolution; that in regard to complaints, Code Enforcement completes a questionnaire at the group home with the answers stored in the database.

Commissioner Cabral asked if a condition could be added to a conditional use permit that requires neighboring residents to be notified, as the public is not aware of the location of these shelters/homes. Staff responded that a conditional use permit would not be required and that only the State's eight regulations need to be complied with, as the use is permitted by right and does not require Planning Commission approval.

Commissioner Cabral asked if Senate Bill 2 (SB2) states how many emergency shelters and transitional homes are allowed in the City. Staff replied that at least one year-round shelter would be required based on the 'need' of the City, and that for Garden Grove at this time, the emergency shelter need is for 60 individuals, however, the City could have multiple emergency shelters as they are permitted by right; and, that the shelters need to notify the City, have a business license, and a security plan.

Commissioner Cabral asked staff to clarify the location of the one transitional house in the City. Staff responded that the apartment building is called Thomas House Temporary Shelter and is located on Morningside Avenue in the Buena Clinton area; that there are two other areas zoned for future facilities – one is at Nelson Street and Stanford Avenue, with a

General Plan Land Use designation of Industrial Mixed Use, and several properties are on Western Avenue and Garden Grove Boulevard with a designation of Industrial Mixed Use; that both are in the M-1 zone, and if the Mixed Use standards are adopted, the M-1 designation would be removed; and, that SB2 is required for all cities, other than those who already have emergency shelters that satisfy their homeless population need.

Commissioner Cabral commented that the City has a large number of homeless; that although the economy is bad the City needs to be kept clean by instituting the proper regulations in Title 9; and that residents who are not aware of these types of facilities should not have to suffer.

Commissioner Bonikowski stated that he also recognizes the homeless population, however, he expressed concern that only a business license is required to open a facility and that the Planning Commission is not involved.

Staff responded that zone identification is important, and that an overlay zone map could be set in place.

Commissioner Ellsworth asked staff what rights the City has when the facilities are State mandated. Staff replied that the State does mandate the facilities, and that if a City does not have an ordinance, such as the one proposed, anyone could operate an emergency shelter; and that the adoption of an ordinance gives standards to exercise some control.

Vice Chair Bui asked staff if a smaller zone could be considered. Staff responded that the designated M-1 area has some buffering from the residential area; that an overlay zone could also be considered for the six or less homes in the R-1, R-2, and R-3 areas; and that churches and schools may be located in the 'R' zones; and that even though the homes are monitored, they are State regulated.

Staff added that in regard to 'sober living' homes, there are two types – one is licensed through the State with six or less individuals, with no conditional use permit required as they are permitted by right, such as elderly care and facilities for adults with disabilities. The other, is the problematic sober living facilities that do not have regulations and are considered boarding houses allowed in the R-2 and R-3 zones, with a conditional use permit.

Commissioner Pak asked staff that if the Amendment was passed, would the Thomas House residents need to move into these proposed facilities. Staff replied no, that the Thomas House is transitional housing and is a permitted residential use, not an emergency shelter, and occupation is limited from six to twenty four months to circulate the units to other recipients; and that the Amendment would establish the use in the land-use matrix in order to identify and allow the facilities.

Commissioner Pak asked if the temporary shelters have standards for bathing and toilet activities. Staff replied that the facilities need to comply with the Building Code requirements for a 'dormitory', as well as the Municipal Code.

Commissioner Bonikowski asked if the zone area could be reduced or relocated due to its proximity to schools, daycare, and churches. Staff responded that there is no school in the boundary area, however, Woodbury Elementary is across the street on the west side, with a high school on Trask Avenue.

Commissioner Pak asked if parolees are required to register with the Police Department. Staff replied yes, however, those homes are 'halfway houses' and that halfway house sex offender parolees are required to stay away from schools, and all other parolees also register, but can live anywhere in the community; and, that some homeless people turn to alcohol and drug use and could be a threat, however, some may not.

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

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

Staff clarified that Transitional and Supportive Housing are allowed; that the City cannot prohibit or regulate six people or less living together; and that the Amendment defines the terms for the zoning code.

Staff then added that the Amendment could be modified to state that in the M-1 area, the parcels that front on Newhope Street would be excluded to create a buffer from the school.

Commissioner Bonikowski responded that he would be supportive of a change in distance. Staff suggested a 300-foot distance, however, State law may only allow 'the distance between emergency shelters' to be regulated by the City. Staff then suggested that the boundaries be defined by use of an overlay map that would not be in conflict with State law.

Commissioner Pak asked if the distance requirement for 'halfway houses' could also be used for the shelters. Staff responded that the halfway house distance may be an element that could be incorporated into the security plan, which requires approval by the City.

Commissioner Cabral pointed out that the halfway house restrictions could not be applied as the shelters are by public right.

Commissioner Ellsworth noted that children are allowed in emergency shelters; that families are dropped off at shelters and the children would use the nearby schools as required by law.

Staff mentioned that the security plan addresses the separation of males, females, and families and that conditions could be added to provide a comfort level.

Commissioner Ellsworth noted that sex offenders are not allowed in emergency shelters per Megan's Law, if the shelter has children; and, that offenders must register with the Police Department and would be arrested if they do not.

Commissioner Cabral expressed her concern that Garden Grove could become a drop-off City for the homeless.

Commissioner Ellsworth added that homeless drop-offs depend on availability; that shelters around the county can become full and other shelters are sought out; and that vouchers are dispensed to assist with hotel rooms, food, and bus transportation.

Vice Chair Bui cited two options for the Planning Commission – to continue the hearing to the next Planning Commission meeting for staff to research the matter further and provide a defining map, or move with the motion to approve the item.

Commissioner Pak asked if the emergency shelter Amendment has a deadline to meet. Staff responded that the timeline was one year after the Housing Element was adopted, which occurred in September of 2009. Commissioner Ellsworth moved to continue the case, with the Public Hearing remaining open, to the next Planning Commission meeting on Thursday, November 4, 2010, seconded by Commissioner Bonikowski. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BONIKOWSKI, BUI, CABRAL, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BEARD
VACANCY:	COMMISSIONERS:	ONE

PUBLIC HEARING:	TENTATIVE TRACT MAP NO. TT-17339
APPLICANT:	BURKE REAL ESTATE GROUP
LOCATION:	NORTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN FAIRVIEW STREET AND LEWIS STREET AT 13311-13341 GARDEN GROVE BOULEVARD
DATE:	OCTOBER 21, 2010
REQUEST:	To subdivide an existing industrial multi-tenant complex into an industrial condominium development. The site has four (4) existing industrial buildings and 43 existing tenant spaces. The purpose of the request is to allow individual ownership of the tenant spaces while the overall development continues to operate as an integrated multi-tenant industrial complex. The site is in the Planned Unit Development No. PUD-103-77 zone.

Staff report was read and recommended approval.

Commissioner Ellsworth asked staff if the bus company operation adjacent to the subject site would have an affect on the condominium purchases. Staff replied no.

Commissioner Pak asked staff to clarify the location of the handicap parking spaces. Staff responded that the handicap spaces are already designated on the property; that the landscaping, parking, access, and drive aisles are common areas, and only the condominium units would be individually owned; and that a monthly maintenance fee would be paid similar to an association.

Commissioner Pak asked if the maintenance fees are based on square feet as the units are different sizes. Staff replied that the fees are based on square footage.

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

Mr. Mike Cody, the applicant, approached the Commission.

Vice Chair Bui asked Mr. Cody if he had read and agreed with the conditions of approval. Mr. Cody replied yes, and reaffirmed that the association fees are based on pro-rata shares. He also mentioned that he wanted to buy the adjacent property, however, the owner's price was too high; that there is a landscape wall in between the properties; that the renting tenants may or may not purchase the condominiums due to the economy; that the parking lot has been slurried; and that gas and electricity are separately metered, however, water service is in common.

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

Commissioner Cabral moved to recommend approval of Tentative Tract Map No. TT-17339, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5726. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BONIKOWSKI, BUI, CABRAL, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BEARD
VACANCY:	COMMISSIONERS:	ONE

**MATTERS FROM
COMMISSIONERS:**

Commissioner Pak mentioned that the Korean Festival was a success, especially with the help from the Garden Grove Police Department.

Commissioner Cabral expressed that she hoped Garden Grove firefighter, Mark Mickelsen, was improving after sustaining injuries from his motorcycle accident while going home from work.

**MATTERS FROM
STAFF:**

Staff read a brief description of the agenda items for the November 4, 2010 Planning Commission meeting.

ADJOURNMENT:

Commissioner Ellsworth moved to adjourn the meeting at 8:40 p.m., seconded by Commissioner Cabral. The motion received the following vote:

AYES:	COMMISSIONERS:	BONIKOWSKI, BUI, CABRAL, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BEARD
VACANCY:	COMMISSIONERS:	ONE

JUDITH MOORE
Recording Secretary