

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
FEBRUARY 3, 2005

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: COMMISSIONERS BARRY, CHI, KELLEHER AND MARGOLIN
ABSENT: None.

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Erin Webb, Senior Planner; Noemi Bass, Assistant Planner; Maria Parra, Assistant Planner; Robert Fowler, Police Department; Keith Jones, Public Works Director; Dan Candelaria, Civil Engineer; Greg Brown, Project Manager; Chet Yoshizaki, Economic Development Manager; Fernanda Palacios, Economic Development Specialist; Judy Moore, 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: COMMISSIONERS BARRY, CHI, KELLEHER AND MARGOLIN
ABSENT: None.

ALSO PRESENT: Doug Holland, Deputy City Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Erin Webb, Senior Planner; Noemi Bass, Assistant Planner; Maria Parra, Assistant Planner; Robert Fowler, Police Department; Keith Jones, Public Works Director; Dan Candelaria, Civil Engineer; Judy Moore, Recording Secretary.

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

ORAL COMMUNICATION: None.

SELECTION OF CHAIR: Commissioner Kelleher moved to select Commissioner Barry as temporary Chair, seconded by Commissioner Chi. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CHI, KELLEHER, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

SELECTION OF VICE CHAIR: Commissioner Margolin moved to select Commissioner Kelleher as temporary Vice Chair, seconded by Commissioner Chi. The motion

received the following vote:

AYES:	COMMISSIONERS:	BARRY, CHI, KELLEHER, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

APPROVAL OF
MINUTES:

Chair Barry moved to accept (not approve) the Minutes of January 6, 2005, seconded by Commissioner Chi. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, CHI, KELLEHER, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

CONTINUED
PUBLIC

HEARING:
APPLICANT:
LOCATION:

CONDITIONAL USE PERMIT NO. CUP-151-05
DAVID S. KIM
SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF BEACH
BOULEVARD AT 8100 GARDEN GROVE BOULEVARD
FEBRUARY 3, 2005

REQUEST:

To operate an adult day care center on a 1.85 acre site. The property is currently improved with two 6,765 square foot, single-story buildings that the applicant proposes to occupy and operate as the adult day care business. The site is in the C-1 (Neighborhood Commercial) zone.

Staff report was reviewed and recommended approval.

With regard to sewer deficiencies, staff cited the guidelines of the Santa Ana Regional Water Quality Control Board:

1. Additional flows cannot be added to the sewer system if there are known sewer capacity deficiencies.
2. Garden Grove Sanitary District has the authority to suspend, condition or deny any or all applications for connections or permits for sewer connections where the district's general manager determines that such action is necessary to ensure that the aggregate operational capacity of the sanitary sewer system is available to the affected property for which the connection or permit is sought.
3. Failure to comply with the waste discharge requirements can result in a notice of violation and fines of up to \$25,000 per day.

Staff also commented that if the revised Conditions of Approval are accepted, the amount of sewer flows would be reduced and the project could move forward. In a meeting with staff, the applicant agreed to the revised Conditions of Approval as follows:

Condition No. 13: Delete Condition No. 13 as revised on January 6, 2005. The February 3, 2005 revised Condition No. 13 shall read:

- a. All sewer, water, gas and drain lines to the kitchen

shall be disconnected and shall not be reconnected until such connection is approved by the general manager of the Sanitation District.

- b. The maximum number of toilets, urinals and sinks allowed on the premises would be: 2 toilets, 2 urinals and 2 sinks for men; 4 toilets and 2 sinks for women.
- c. Drinking fountains shall not be maintained on the premises.
- d. The applicant shall be subject to monthly inspections by City staff.
- e. An irrigation meter shall be installed by the Sanitary District to determine actual flow discharge to the sewer system. If flows are determined to be greater than calculated, an adjustment to occupancy will be required. The New Life Adult Day Care Center shall be responsible to read and submit monthly readings to the Sanitary District.

Condition No. 21: The hours of operation for the adult day care facility shall be between 8:30 a.m. and 1:30 p.m., Monday through Friday.

Condition No. 22: There shall be no more than 120 clients enrolled at any time and there shall be no more than 20 staff persons.

Add Condition No. 33: The provisions of Condition Numbers 13, 21 and 22 can be amended and dealt with through a Director's Review after the Coast Street sewer line improvements have been completed.

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

Mr. Myung Chung, the applicant's representative and project architect, approached the Commission and commented that he would like flexibility regarding the operating hours of 9:00 a.m. to 1:00 p.m. as stated in the conditions of approval, in that the client pick-up and drop-off times vary. He would prefer the operating hours to be 8:30 a.m. to 1:30 p.m. Staff agreed these hours were acceptable.

Chair Barry asked Mr. Chung if he had read and accepted the Conditions of Approval. Mr. Chung replied yes.

Commissioner Chi asked Mr. Chung what type of sign was he planning to install. Mr. Chung replied that he would replace the pole sign with a monument sign that would be designed at a later date.

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

Commissioner Kelleher moved to approve Conditional Use Permit No. CUP-151-05, with amendments to Conditions of Approval Nos. 13, 21, 22, and the addition of Condition No. 33, seconded by Commissioner

Margolin, pursuant to the facts and reasons contained in Resolution No. 5476. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CHI, KELLEHER, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: VARIANCE NO. V-123-05
APPLICANT: KHUE VAN NGUYEN
LOCATION: NORTH SIDE OF CENTRAL AVENUE, WEST OF NEWLAND STREET AT 8261 CENTRAL AVENUE.
DATE: FEBRUARY 3, 2005
REQUEST: Variance approval to deviate from the required rear yard setback for a patio cover addition that includes a laundry room and storage room. The site is in the R-1 (Single Family Residential) zone.

Staff report was reviewed and recommended denial.

Commissioner Chi asked staff if there are similar cases which document that the 17'-0" foot high wall at the rear of the property has not kept out debris? Staff replied that they are not aware of any cases.

Commissioner Chi asked staff if complaints of freeway noise have surfaced from other neighbors. Staff replied they are not aware of other complaints.

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

Mr. Khue Nguyen, the applicant, approached the Commission and stated that when he purchased the house, everything was in place and that from the house to the retaining wall, the width is approximately 7'-0". Mr. Nguyen would like to keep the patio cover to protect his house from rocks and freeway noise.

Commissioner Margolin asked Mr. Nguyen if rocks have ever come over from the freeway. Mr. Nguyen replied yes, and that he wants the patio cover to protect his child.

Commissioner Chi asked staff if this case is an exception to the code. Staff replied that following a neighbor complaint, a standard housing inspector visited the site and documented that the house was divided into five separate units. The rear addition was constructed without permits and instead of complying with code and removing the structure, the applicant is requesting a variance to keep the rear structure.

Chair Barry asked Mr. Khue Nguyen about the un-permitted laundry room and storage room. Mr. Nguyen replied that the structure is still there; however, per Code Enforcement's suggestion, he corrected a portion of the violation by removing the laundry hook-ups, the sink, the microwave, and the cabinets.

Commissioner Margolin asked if Mr. Khue Nguyen built the un-permitted five units. Mr. Nguyen replied no, and explained that the previous owner built the units without permits.

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

Commissioner Chi stated that un-permitted dwellings are not allowed in the City, therefore he would concur with staff's recommendation.

Commissioner Margolin agreed and commented that a 3'-0" distance between walls would not make a difference with regard to freeway noise.

Chair Barry agreed and stated that the finding that this property is unique to the area is not necessarily true and that the property is similar to other properties along the freeway. She also stated that Title 9 requires a single family home maintain a minimum 10'-0" rear yard setback, and should this variance be approved that would give special privilege over other properties in the vicinity. Also, she commented that the removal of the rear structure would not be materially detrimental to the property owner, commenting further that living next to the freeway is the applicant's choice. Lastly, the approval of the variance does not meet the spirit, intent or goals of the General Plan.

Commissioner Chi commented that if Mr. Nguyen requires additional space, and if he acquires the necessary permits, he has the option to build on the side of his property.

Commissioner Chi moved to deny Variance No. V-123-05, seconded by Chair Barry, pursuant to the facts and reasons contained in Resolution No. 5481. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CHI, KELLEHER, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC
HEARING:

NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-1-05(B)
PLANNED UNIT DEVELOPMENT NO. PUD-106-05
SITE PLAN NO. SP-362-05
TENTATIVE PARCEL MAP NO. PM-2004-291
VARIANCE NO. V-122-05
DEVELOPMENT AGREEMENT

APPLICANT:
LOCATION:

SCOTT GERRITY (ACP MANAGEMENT)
NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF SUNGROVE
STREET AT 12753 TO 12781 GARDEN GROVE BOULEVARD.

DATE:

FEBRUARY 3, 2005

REQUEST:

To amend the General Plan Land Use plan designation by changing the current designation to C-R (Community Residential); to rezone the site to PUD-R (Planned Unit Development); Site Plan approval to construct 93 senior apartment units; Tentative Parcel Map approval to consolidate the site into one lot; Variance approval to deviate from the minimum lot size requirement for a residential PUD; and a Development Agreement. The site is in the HCSP-OP (Harbor Corridor Specific Plan-Office Professional)

zone.

Staff report was reviewed and recommended approval.

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

Mr. Scott Gerrity, a representative of ACP Management, approached the Commission.

Chair Barry asked Mr. Gerrity if he had read and accepted the Conditions of Approval. Mr. Gerrity replied yes and commented that the project would benefit the City of Garden Grove by removing taverns and bars and replacing those with beautiful buildings.

Chair Barry expressed her concern regarding the number of units based on the lot size; the code requires three acres and the project has 1.67 acres. She asked if the number of units could be reduced and the size of the units to be larger.

Mr. Gerrity commented that the financial aspect for this number of units makes the project work.

Staff commented that similar adjoining projects to the east and west are at least the same size or smaller. The west project sought state tax credits to provide low to moderate income housing for seniors and this project seeks market rate housing. The west project is 62 units per acre and this project is 56 units per acre.

Commissioner Chi expressed his concern with the size of the units and asked if the unit size is standard. Mr. Gerrity replied yes, the units are standard size both in Garden Grove and other cities.

Vice Chair Kelleher asked Mr. Gerrity to state the rate of occupancy of the adjacent east and west projects. Mr. Gerrity replied that though one project is not developed yet, the occupancy figure is in the high nineties.

Mr. Nelson Munoz approached the Commission and expressed his concern regarding his property, located across the street, with regard to the senior housing development. Chair Barry replied that his property would not be affected.

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

Commissioner Margolin commented that as long as the unit sizes meet code, he is in favor of the project.

Vice Chair Kelleher commented that senior housing is a need in the City and the project will compliment the adjoining properties.

Commissioner Chi commented that although he is apprehensive about the size of the units, the overall project, located adjacent to the hospital, is an improvement.

Chair Barry expressed her concerns regarding the size of the units; however, she agreed there is a need for senior housing.

Vice Chair Kelleher moved to adopt the Negative Declaration, to recommend General Plan Amendment No. GPA-1-05(B), Planned Unit Development No. PUD-106-05 and the Development Agreement to City Council, and approve Site Plan No. SP-362-05, Tentative Parcel Map No. PM-2004-291 and Variance No. V-122-05, seconded by Chair Barry, pursuant to the facts and reasons contained in Resolution Nos. 5479 and 5480. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CHI, KELLEHER, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: SITE PLAN NO. SP-365-05
CONDITIONAL USE PERMIT NO. CUP-154-05

APPLICANT: DAVE HEPBURN

LOCATION: WEST SIDE OF MAGNOLIA STREET, NORTH OF LAMPSON AVENUE AT 12241 MAGNOLIA STREET.

DATE: FEBRUARY 3, 2005

REQUEST: Conditional Use Permit approval to expand the existing use at Magnolia Memorial Park and Site Plan approval to construct a new main mausoleum building, a new office, and several new mausoleum/niche structures on the property. The site is in the R-1 (Single Family Residential) zone.

Staff report was reviewed and recommended approval.

Commissioner Margolin stated for the record that he had visited the cemetery and spoke with the General Manager, Keith Arledge, regarding the project and the financial concerns involving the removal of the sidewalk.

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

Mr. Dave Hepburn, the applicant, approached the Commission and stated that the property improvements would extend the life of the cemetery and that the trees at the south property line would have to be removed.

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

Commissioner Chi asked Mr. Hepburn if his mausoleum site would have security. Mr. Hepburn replied that the doors to the main building would be locked and that there are gates.

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

Commissioner Margolin commented that currently, the cemetery is a nice, well-cared for facility and that the improvements are needed for expansion.

Commissioner Chi moved to approve Site Plan No. SP-365-05 and Conditional Use Permit No. CUP-154-05, seconded by Chair Barry, pursuant to the facts and reasons contained in Resolution No. 5484. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CHI, KELLEHER, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC
HEARING:

NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-1-05(A)
AMENDMENT NO. A-118-05
SITE PLAN NO. SP-361-05
CONDITIONAL USE PERMIT NO. CUP-152-05
DEVELOPMENT AGREEMENT

APPLICANT:
LOCATION:

VIETNAMESE BUDDHISM STUDY TEMPLE IN AMERICA (VBSTA)
SOUTHEAST CORNER OF CHAPMAN AVENUE AND NUTWOOD STREET AT
10510 CHAPMAN AVENUE.

DATE:

FEBRUARY 3, 2005

REQUEST:

To amend the General Plan Land Use plan by changing the current designation to LDR (Low Density Residential), and to rezone the property to R-1-7 (Single Family Residential) to facilitate the proposed improvement and subsequent operation of a religious facility on the site through Site Plan and Conditional Use Permit approval. A Development Agreement is also included. The site is in the OP (Office Professional) zone.

Staff report was reviewed and recommended approval. Four letters of opposition to the request were received, two written by Frances Stienhoff and Aaron L. Bolton, and two written anonymously.

Commissioner Chi asked staff to clarify the 40-foot setback of the building. Staff replied that a similar temple on Magnolia Avenue met the setback at the time it was built, and that this building would meet the current required setback for a religious facility. The 40-foot front setback pertains to the building itself and in this case the building is set back approximately 76 feet from the front property line.

Chair Barry asked staff how the requirement for 146 parking spaces is calculated. Staff replied that the parking spaces are calculated on fixed seating.

Chair Barry stated that the fixed seating count is 340, 160 on the main floor and 180 on the second floor. Staff commented that the 146 parking spaces meet the zoning code for Title 9 Parking. In addition, the applicant furnished a parking analysis that further substantiated that 146 spaces would be sufficient.

Staff further stated that a traffic study is required when a project is anticipated to generate 50 trips (or vehicle ins and outs) during peak hour; this project was calculated to generate less than 10 trips. Peak hours are typically Monday through Friday from 7:00 to 9:00 a.m. or from 4:00 to 6:00 p.m.

Commissioner Chi asked staff to comment on the traffic impact during special permitted events. Staff replied that similar temples generate large gatherings and that traffic and parking are monitored with police assistance.

Commissioner Margolin expressed his concern with traffic and parking during special events, not the day-to-day traffic.

Commissioner Chi asked staff if nearby churches seek special event permits. Staff replied two other temples in the City and St. Columban's do seek special event permits for review of various apparatus placements, booths, traffic and parking.

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

Mr. Dale Washington, a representative of the applicant, approached the Commission and stated that he studied the method of Buddhism worship, and that the emphasis is on meditation, mentoring and small group meetings.

In addition, Mr. Washington stated that with regard to parking and traffic, he is within code and that the use would be quiet and the area improved.

Commissioner Chi asked Mr. Washington how many Buddhist temples are in Garden Grove. Mr. Washington replied that he is aware of two in the City, both on Magnolia Avenue. Also, one is located in Anaheim, one on Orangewood, and one in Santa Ana.

Chair Barry asked Mr. Washington if the applicant had read and agreed with the Conditions of Approval. Mr. Washington replied yes and that he would like to confer with staff as to where to install the 'no loitering' sign.

Mr. Andy Quach approached the Commission and commented that he did not believe that an office building on the site would generate less noise than a temple.

Chair Barry asked Mr. Quach for the current temple membership count. Mr. Quach replied there are approximately 60 members.

Chair Barry asked Mr. Quach if the temple had the capability to hold 340 people. Mr. Quach replied that the use is based on 'per floor', in that only one floor is used at a time.

Mr. Dale Washington commented that like every congregation the membership hoped to be able to grow. He also expressed that larger permitted events would occur twice a year; in May, Buddha's birthday, and in the later part of January, early February, the Chinese New Year. Other events would include weddings and funerals.

Chair Barry asked how many weddings would occur per year? Mr. Quach replied the number depends on how fast they (the congregation) want to grow.

Chair Barry asked how many people are anticipated to attend the Buddha's birthday celebration and how is the birthday celebrated? Mr. Washington replied approximately 250 people would attend and deferred to Reverend Kusala Bhikshu as to how the birthday is celebrated.

Mr. Anthony Zan approached the Commission and stated that the maximum number of people for the Buddhist's birthday would be 300. He also commented that the first floor would be the living quarters and would have several meeting rooms. The second floor would be the main floor to conduct prayer activity. During Buddha's birthday, members would be inside the main floor, with no activity outside.

Chair Barry asked Mr. Zan how many members attend the Chinese New Year. Mr. Zan replied that during the Chinese New Year, people come in groups. There would never be more than 20 or 30 people at one time.

Chair Barry asked Mr. Zan where the 300 people would park during Buddha's birthday. Mr. Washington responded that a permit would be pulled and that the people would carpool with perhaps with three to four people per vehicle.

Chair Barry asked Mr. Zan if the temple has any agreements with neighboring properties for overflow parking. Mr. Zan replied most of the 300 people are seniors and that they would either travel by bus or have their children bring them and leave. At other temples, he has not seen more than a hundred cars at any one time.

Mr. Washington stated that he intends to approach the Boy's and Girl's Club for additional parking during the special events.

Chair Barry asked how many people are currently living on the property. Mr. Zan replied approximately eight monks will live on the property when the temple is built.

Commissioner Chi asked Mr. Quach where the current Buddhist temple is located. Mr. Quach replied that currently there is no congregation and that only administrative work is done in the temple property.

Commissioner Margolin asked Mr. Quach if 15 to 20 people would be living on the property. Mr. Quach replied yes.

Reverend Kusala Bhikshu approached the Commission and stated that although he lives in Los Angeles, he is the volunteer Buddhist Chaplain for the Garden Grove Police Department. He relayed that Buddhist activities start early with meditation and chanting, which is all done inside as a group. Breakfast, chores and Sutra study follow with some community service by monks and nuns. More meditation and Sutra study follows during evening hours, however, the temple is not open to the public, and his membership is 30 to 40 people.

Mr. Tony Suarez approached the Commission and expressed his support for the project.

Staff interjected that the Commission's questions regard the intensity of the use and of staying focused in regard to the land use, i.e.

consequences of action that can or cannot occur on the property. The Commission's intent is not to evaluate the merits of a particular religion.

Father John, a monasterial member of the Commission on Ecumenism and Inter-religious Affairs for the Roman Catholic Diocese of Orange, stated that he had lived in Garden Grove for five years. He commented that a Buddhist temple is not similar to a Catholic or Presbyterian Church, in that the temple is low-key and contemplative with very few festivals.

Mr. William Edwards approached the Commission and stated that this project is good for the burgeoning Buddhist population in Garden Grove. He also stated that Buddhist temple activities are beneficial to the community.

Commissioner Chi asked staff to explain the aesthetic aspect of the project and requested clarification of the tile roof color. Staff replied that the aesthetic finding was 'subjective' and would not be detrimental to the surrounding area. In regard to the tile color, the roof tile photo as displayed, was close to the color expected and staff further pointed out that the adjacent roof colors vary. Staff also stated that the City does not have standards as to the type of roof material and colors required.

Chair Barry asked staff to clarify the project's overall compatibility with other buildings in the area. Staff replied that there are many building design types in the area, therefore the temple design is compatible.

Commissioner Margolin commented that if a congregation is in their correct zone, a church has the right to build the church in the basic style of the religious group, and would not have to conform.

Staff responded that even though a facility might not resemble an adjoining building, that does not necessarily mean that the facility is incompatible, and the question of compatibility is a 'subjective' test. And typically, flexibility is given to churches and religious institutions in order to deal with certain situations. The Crystal Cathedral is an example of this compatibility, as the church does not resemble any nearby buildings. Staff further defined compatibility stating that with regard to compatible land use, zoning allows churches in residential zones and the adjacent uses are residential R-1 properties. Typically, churches are found within residential zones, and therefore the land use is compatible.

Vice Chair Kelleher pointed out that the colors for the temple are more muted colors instead of bright colors and that the building looks compatible.

Mr. Lam Nguyen, the project architect, approached the Commission and stated that the colors, though they may be faded on the displays, are noted by number and name on the architectural plans. He also explained the 340 occupancy number. After the services occur on the second floor, people would gather on the first floor, and though the membership is currently at 60, the temple hopes to be able to accommodate growth for another five to ten years.

Ms. Ellen Steinhoff, a 45 year resident of Garden Grove, approached the Commission and expressed her concerns regarding the temple building and the parking issues.

Mr. Frank Steinhoff approached the Commission and expressed his concerns regarding traffic and the 146 parking spaces.

Mr. Jeff Zines, a 48 year resident of Garden Grove, approached the Commission and expressed his concern about the traffic on Nutwood Street, especially with regard to children.

Mr. George Rector approached the Commission and stated that when the office rental sign was posted for the property, he was able to secure a tour of the existing office facility. Inside, were 'floor mats', indicating that at the time, the building was a monk dormitory. When asked, his tour guide, a monk, admitted that people were sleeping and cooking on the property. Mr. Rector's other key issue was the traffic on Nutwood Street.

Mr. Mel McQuade, a 40 year resident of Garden Grove, approached the Commission and expressed his concern regarding traffic.

Ms. Carol Booth approached the Commission and expressed her concerns regarding guest parking at her apartment complex, and the colors of the temple.

Mr. Jim Booth approached the Commission and expressed his concern regarding parking in front of his apartments, and suggested parking permits for the residents.

Mr. Andy Hansen, a Garden Grove resident, approached the Commission and expressed his concerns regarding traffic on Nutwood Street, re-zoning, and the properties property taxes.

Staff responded that non-profit organizations are not required to pay property taxes and that Condition of Approval No. 54 states that the applicant shall provide compensation to the City for any loss of property tax revenue as a result of this religious facility occupying the property.

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

Commissioner Margolin commented that this is a difficult case and pointed out that land for churches is hard to find. According to the study, traffic would not be a problem; however, the neighbor's concerns are valid. The temple itself would help to get rid of the office building by going from OP (Office Professional) to R-1 (Single Family Residential); however, the project does not seem like a good fit, and more information was needed to support the project.

Commissioner Chi agreed that this is a difficult case; however, he commented that he is sympathetic to those looking for a place to worship and would like to see the temple accessible to the public. With staff finding no problem with the application, he would support the project though he would like further study regarding the traffic.

Vice Chair Kelleher expressed his concerns regarding traffic during peak hours; however, even though there may be periodic parking problems, he is not convinced traffic would be a problem except for a few times a year. He also agreed with the submitted colors for the project, and commented that the Buddhist population has significantly increased; that the number of temples in the area is limited; and that everyone has the right to a place of worship. He also believes the Buddhists are compassionate and would be good neighbors.

Chair Barry expressed her concern regarding the parking issues and stated that the traffic study did not reflect reality; however, even though she had no trouble with traffic going to work, the on street parking was filled. Chair Barry also pointed out that with on-street parking not available on weekends, with CHOC opening in March, and no parking at the Boy's and Girl's Club, parking must be found elsewhere. If people are to be bussed in, bus parking must be found. She also commented the there is no likelihood that temple members will carpool to services and that 146 parking spaces is not enough for 300 people. In addition, she cited that testimony conflicted with the number of people expected to live in the temple, and whether or not people are currently living in the office building. Without a viable parking plan, she could not support the project.

Commissioner Margolin responded that he has compassion and that everyone should have a place to worship; however, he has the same land use considerations as Chair Barry.

Vice Chair Kelleher moved to adopt the Negative Declaration, to recommend General Plan Amendment No. GPA-1-05(A), Amendment No. A-118-05 and the Development Agreement to City Council, and to approve Site Plan No. SP-361-05 and Conditional Use Permit No. CUP-152-05, seconded by Commissioner Chi, pursuant to the facts and reasons contained in Resolution Nos. 5477 and 5478. The motion received the following vote:

AYES:	COMMISSIONERS:	CHI, KELLEHER
NOES:	COMMISSIONERS:	BARRY, MARGOLIN
ABSENT:	COMMISSIONERS:	NONE

PUBLIC
HEARING:

NEGATIVE DECLARATION
AMENDMENT NO. A-119-05
SITE PLAN NO. SP-363-05
CONDITIONAL USE PERMIT NO. CUP-153-05
VARIANCE NO. V-124-05

APPLICANT:
LOCATION:

PRIMETIME COMPANIES, INC.
SOUTHEAST CORNER OF GARDEN GROVE BOULEVARD AND ROCKING
HORSE ROAD AT 11906 GARDEN GROVE BOULEVARD.

DATE:

FEBRUARY 3, 2005

REQUEST:

To rezone the 30,650 square foot site from PUD-R-2 (Planned Unit Development-Residential) to C-1 (Neighborhood Commercial); Site Plan approval to construct a 4,418 square foot restaurant (Los Sanchez); Conditional Use Permit approval for the restaurant to operate with an Alcoholic Beverage Control Type "41" (On-Sale Beer & Wine) License; Variance approval to deviate from the setback and landscaping code requirements.

Staff report was reviewed and recommended approval.

Chair Barry asked staff that if the 12'-0" sidewalk width were reduced to 6'-0", would the variance for the landscaping requirement still be required? Staff replied that if the sidewalk were reduced, the landscape requirement would be fulfilled and the 6'-0" width would be sufficient for pedestrians and handicap access.

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

A representative from Primetime Companies, and Mr. Karl Hoyt, a representative of Travis Companies, approached the Commission. Mr. Hoyt stated that he had read and agreed with the Conditions of Approval.

Chair Barry asked Mr. Hoyt if reducing the sidewalk from 12'-0" to 6'-0" in width would be a problem. Mr. Hoyt replied no.

Ms. Ivanca Koleff, a representative of the home owner's at Sycamore Walk, approached the Commission and expressed her concerns regarding the soil contamination, a restaurant being nested between homes, the ABC license, the outdoor patio, traffic, left turns and especially pedestrian traffic at certain times of the day.

Ms. Mary Tran approached the Commission and expressed her concerns regarding the restaurant noise and the potential increase in traffic.

Ms. Jennifer Nguyen approached the Commission and expressed her concern that people at the restaurant could look into the residential areas and time the 'comings' and 'goings' of residents resulting in potential robberies.

Commissioner Chi asked staff if the traffic had been studied with regard to the left turn issue. Staff replied that vehicles leaving the site could exit off of Rockinghorse Road, via a left turn in a new driveway, thereby avoiding the intersection of West Street.

Chair Barry asked staff if there were any previous traffic problems when Capri Deli occupied the site. Staff replied they were not aware of any problems.

Chair Barry asked staff to explain the potential rezoning of the property. Staff replied that only the Los Sanchez property would be rezoned to C-1 (Neighborhood Commercial). The remaining area between the site and Sycamore Walk will remain vacant and designated for residential development.

Mr. Sam Hensen approached the Commission and expressed his concern regarding the rear portion of the property that backs up to the alley. Staff replied that an apartment complex is situated behind the new Los Sanchez site and that the alley, which services the complex, is located between the rear of the restaurant and the rear of the complex's garages.

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

Commissioner Margolin commented that the restaurant is attractive, and felt that traffic impacts and liquor problems would be minimal.

Chair Barry commented that Los Sanchez has a fantastic reputation and that she would like to see the width of the sidewalk reduced to increase the landscaping.

Commissioner Chi commented that he patronized the original Los Sanchez and stated that the new restaurant would be an improvement.

Chair Barry moved to adopt the Negative Declaration, recommend approval of Amendment No. A-119-05 to City Council, and approve Site Plan No. SP-363-05, Conditional Use Permit No. CUP-153-05 and Variance No. V-124-05, seconded by Vice Chair Kelleher, pursuant to the facts and reasons contained in Resolution Nos. 5482 and 5483. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CHI, KELLEHER, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS
FROM

COMMISSIONERS: With regard to the Vietnamese Buddhist Study Temple In America, Commissioner Chi asked staff to explain the applicant's recourse after a denial of the project. Staff replied that the applicant could appeal the Planning Commission's action to City Council or return with a revised application.

Commissioner Barry requested that staff review motorist's visibility at Nutwood Street and Chapman Avenue, and also welcomed Commissioners Chi and Margolin to the Planning Commission.

MATTERS

FROM STAFF: Mr. Robert Fowler noted that congratulations were in order for Mr. Doug Holland, the Deputy City Attorney, as he has been appointed to be the City Attorney for the City of Palm Springs.

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

JUDITH MOORE
Recording Secretary