

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: North side of Bixby Avenue, east of Gilbert Street, at 9691 Bixby Avenue
HEARING DATE: December 1, 2016	GENERAL PLAN: Low Medium Density Residential
CASE NOS.: Site Plan No. SP-031-2016 and Development Agreement No. DA-004-2016	ZONE: R-2 (Limited Multiple-Family Residential)
APPLICANT: Bryson Nguyen	CEQA DETERMINATION: Exempt - CEQA Guidelines § 15332
PROPERTY OWNER: Tony Le & Dung Nguyen	APN NO.: 133-102-24

REQUEST:

The applicant is requesting Site Plan approval to construct a 10-unit, two-story apartment complex, located at 9691 Bixby Avenue, with a 25% affordable housing density bonus for "low-income" families. Pursuant to State Density Bonus Law, the applicant is requesting three (3) concessions from the R-2 zone development standards - (1) separation between residential units and vehicular accessways; (2) separation between residential units and open guest parking areas; and (3) separation between main buildings. A Development Agreement is also proposed.

BACKGROUND:

The subject site is a 36,121 square foot lot and is located on the north side of Bixby Avenue, east of Gilbert Street. The site is currently improved with two (2) existing buildings, which are currently occupied by Precious Years Children's Center, operating as a preschool/daycare for children ages 2-12. Precious Years Children's Center anticipates moving its operation to another location by January 2017. The subject site has a General Plan Land Use Designation of Low Medium Density Residential and is zoned R-2 (Limited Multiple-Family Residential). The properties to the north, west, and to the south, across Bixby Avenue, are zoned R-1 (Single-Family Residential) and are primarily developed with single-family homes, along with a K-12 school. The property to the east is zoned R-2 and is developed with multiple-family housing.

The applicant is proposing to demolish the two (2) existing buildings and construct ten (10) new, detached, two-story apartment units, recreation areas, and

associated parking and landscaping improvements. The project will use the State Density Bonus Law allowances for density, concessions and incentives, along with State-wide parking standards. The project will provide 25% of the base density units as low-income, which will be reserved through a Density Bonus Housing Agreement with the City of Garden Grove. A Development Agreement is also included in the proposal.

PROJECT STATISTICS:

PROJECT CRITERIA	ACTUAL	CODE REQUIREMENT	MEETS CODE	CONCESSION REQUIRED
LOT SIZE	36,121.2 sq. ft.	7,200 sq. ft.	X	
DENSITY	36,121.2 sq. ft. with Density Bonus = 10 units	36,121.2 sq. ft. = 8 units max (4,356 sq. ft. per unit) With Density Bonus an addtl 35% is permitted for a total of 11 units max	X	
SETBACKS				
South (Front)	20'-0"	20'-0"	X	
West (Side)	10'-0" 1st Flr. & 12'-6" 2nd Flr.	10'-0" 1st Flr. & 12'-6" 2nd Flr.	X	
East (Side)	10'-0" 1st Flr. & 12'-6" 2nd Flr.	10'-0" 1st Flr. & 12'-6" 2nd Flr.	X	
North (Rear)	35'-0"	10'-0"	X	
PARKING	3 spaces per unit = 30	2.5 spaces for 4 or more bedroom units (10) per State Density Bonus Law = 25	X	
BUILDING SEPARATION				
Distance btwn accessways & unit	0'-0"	10'-0"		X
Distance btwn guest parking & unit	0'-0"	15'-0"		X
Distance btwn main buildings (2 to 2 Story)	28'-0" (Rear to Rear) 10'-0" (Side to Side)	30'-0" (Rear to Rear) 15'-0" (Side to Side)		X
BUILDING HEIGHT	26'-6"	35'-0"	X	

DISCUSSION:

State Density Bonus Law

The applicant and property owner have developed their proposal based on the allowances of the State Density Bonus Law. The State Density Bonus Law became effective on January 1, 2005. In Response, the City Council of Garden Grove approved an ordinance (Ordinance No. 2668) that amended Title 9 to be in conformance with State Law. The ordinance states that "the California Legislature has determined that the provision of affordable housing for moderate, lower and very low-income individuals ... [is] of primary importance in the state and must be encouraged at the local level." The proposal for ten (10) units meets the requirements of the State Density Bonus Law and Ordinance No. 2668 of Title 9, City of Garden Grove Municipal Code.

Based on the lot size, the maximum allowable density for the subject site, under the Municipal Code, is eight (8) dwelling units. However, the proposed design is for ten (10) units. The proposal for the ten units is a 25% density bonus increase over the allowable number of units in the R-2 (Limited Multiple-Family Residential) zone.

The proposal must provide a minimum of 10% of the units (1 target unit) reserved for low-income households to increase the density by 20%. The applicant, however, exceeds the minimum by providing 37.5% of the units (3 target units) reserved for low-income households. State law provides an additional 1.5% bonus for each 1% increase over the minimum percentage required for target units. Therefore, the applicant would be eligible for the maximum 35% density bonus.

The maximum number of units allowed, under State Law, based on the proposed percentage of target units (37.5%), and with the maximum 35% density bonus applied, is eleven (11) units. However, the applicant is only proposing ten (10) total units for the project.

The applicant is also applying for three (3) concessions or incentives as provided by State law. Since the applicant is applying for three concessions, State law requires that a minimum of 20% of the units (a minimum of two target units) must be reserved for low-income households. The project meets the minimum requirement by providing three target units (37.5%) reserved for low-income households.

The project exceeds the parking requirements of the State Density Bonus Law, which allows for 2.5 parking spaces for units that have four (4) or more bedrooms in size, by providing a total of thirty (30) parking spaces (20 enclosed garage parking spaces, and 10 open guest parking spaces).

SITE PLAN:

Site Design and Circulation

The proposed development is designed to provide efficient circulation, for both vehicular and pedestrian access, for the ten (10) proposed detached dwelling units. Five (5) units run along the westerly property line, the other five units along the easterly property line, and a private 28'-0" wide drive aisle runs down the center of the development.

The project is accessed by a 28'-0" wide driveway from Bixby Avenue, which provides access to the 28'-0" wide private drive aisle, open guest parking spaces, enclosed garage parking spaces, walkways to the units, and the rear recreation areas. No vehicular access gate is proposed.

Units 1 and 2, which front along Bixby Avenue, have respective walkways providing direct pedestrian access from the public right-of-way (sidewalk). Two (2) additional walkways, with direct access from the public right-of-way, provide access to the internal walkway system allowing for pedestrian circulation throughout the development.

Approximately 150'-0" feet into the subject lot, a hammerhead turnaround area will be provided for fire truck emergency access. A new fire hydrant will be installed near the hammerhead turnaround area. The hammerhead turnaround area will be painted with cross hatched markings to be designated as a "No Parking" zone, and exclusive for fire truck access only.

Units 1 and 2 are set back 20'-0" from the southerly property line. The dwelling units provide a 10'-0" setback at the first floor, and a 12'-6" setback at the second floor, along both the westerly and easterly property lines. The internal walkway system runs within the 10'-0" side setbacks on each side, providing access to unit entries, the trash enclosure, and the recreation areas at the rear of the lot. Unit 6 and Unit 10 provide a 40'-0" and a 35'-0" setback to the rear property line, respectively.

Based on the Municipal Code, for open space development standards, a minimum of 3,000 square feet of open space is required for the entire development – a minimum of 1,225 square feet of active recreation area and the remainder dispersed among any private and passive recreation areas. A total 4,212 square feet of both common and private recreation space has been provided (a surplus of 1,212 square feet). Common open space will total 2,432 square feet – 1,610 square feet as active recreation area and 822 square feet as passive recreation area. It should be noted that the passive recreation area will, in fact, total 1,644 square feet. However, the Municipal Code allows a maximum of 50% of any proposed passive recreation area to count toward the recreation/open space square footage requirements. Private recreation areas, provided within private patios, will total 1,780 square feet. Private patios will range in size from 160 to 180 square feet in area. An open trellis patio cover is provided within the active recreation area, located at the northwest corner of the site, with built-in BBQ areas and seating. Additional amenities are provided within the passive recreation area. Sufficient landscaping is also provided around the perimeters of the recreation areas to create a buffer to adjacent properties, as well as to mitigate any 2nd floor privacy intrusions.

Parking

The 28'-0" wide drive aisle provides access to each two-car enclosed garage, the open guest parking spaces, as well as access to the fire truck hammerhead turnaround. Parking for the project is determined by the State Density Bonus Law at two and one-half parking spaces for each unit with four (4) or more bedrooms. Therefore, based on the proposed ten (10) units, each with four (4) bedrooms, a minimum of 25 parking spaces are required. Each detached dwelling unit has an attached two-car enclosed garage (a total of 20 enclosed garage spaces). Additionally, ten (10) open guest parking spaces are provided – one of which is ADA (Americans with Disabilities Act) accessible. A total of 30 parking spaces are provided, which is a surplus of five (5) parking spaces over the State required minimum.

Unit Design

The proposed units range in size from 1,887 square feet to 2,005 square feet. All units are two-story and have four (4) bedrooms and three (3) bathrooms. Additionally, each unit has an attached two-car garage. Units 1 and 2 have direct access to the public right-of-way, off Bixby Avenue, while Units 3-10 maintain access from the internal walkway system. Finally, each unit has their own private patio area that will range in size from 160 to 180 square feet.

Building Design

The applicant has proposed a contemporary architectural style for the apartment dwelling units that exhibit stucco exteriors, decorative window trim, decorative faux balcony treatment with decorative white wrought iron railings, and an effective use of articulation on the building façade and design. The applicant has submitted a materials and colors board noting the use of three (3) alternating color palettes for stucco and roof shingle colors.

Perimeter Walls and Landscaping

The development will maintain a six-foot (6'-0") high, decorative masonry block wall along the perimeter of the site, located along the westerly, northerly, and easterly property lines. Furthermore, a six-foot high wood fence will be constructed for each private patio area to provide privacy for each of the units.

All areas of the site, excluding where walkways, drive aisles, and parking areas have been required, will be landscaped. The applicant is required to provide a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code. Planning staff will review the type and location of all proposed plant materials. As part of the landscape plan, a variety of trees, shrubs, and flowers are required for all common and private areas. All landscaped areas will be fitted with automatic irrigation systems.

Concessions/Incentives

The applicant is proposing three (3) concessions/incentives in the project. The first concession/incentive is the reduced separation requirement between the residential units and drive aisles. The Municipal Code requires a minimum ten-foot separation. The applicant has proposed to reduce the drive aisle separation in certain areas of the project to zero feet.

The second concession/incentive is the reduced separation requirement between residential units and guest parking areas. The Municipal Code requires a minimum fifteen-foot separation. The applicant has proposed to reduce the guest parking separation in certain areas of the project to zero feet.

The third concession/incentive is the reduced separation requirement between main buildings. The Municipal Code requires minimum building separations depending on building orientation. Between two 2-story buildings, a front-to-front orientation requires a minimum building separation of 35'-0", and a side-to-side orientation requires a minimum building separation of 15'-0". The applicant has proposed to reduce front-to-front separation to 28'-0" and side-to-side separation to 10'-0", in certain areas of the project.

The incorporation of the three (3) concession/incentives allow the project to accommodate the increased density as well as provide for a design that improves the functionality and usability of the development for its residents and guests. Additionally, the project complies with all other development standards of the R-2 zone. The proposed development is unique in that the units are detached, provide individual/private 2-car garages, and have individual characteristics of single-family residences.

Development Agreement

The applicant is entering into a Development Agreement with the City. The applicant will be guaranteed four (4) years in which to construct the project and the City will receive from the developer a Development Agreement fee not to exceed \$19,160.00. Development Agreement payments are designed to reduce the economic costs of new projects to the public and mitigate development-related concerns on the community. The Planning Commission recommendation on the Development Agreement will be forwarded to the City Council for final action.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Recommend the City Council approve the Development Agreement; and,
- Approve Site Plan No. SP-031-2016, subject to the conditions of approval, and subject to approval, execution, and effectiveness of the Development Agreement.

Karl Hill
Planning Services Manager

By: Chris Chung
Associate Planner