

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-031-2016 FOR PROPERTY LOCATED ON THE NORTH SIDE OF BIXBY AVENUE, EAST OF GILBERT STREET, AT 9691 BIXBY AVENUE, ASSESSOR'S PARCEL NO. 133-102-24.

BE IT RESOLVED that the City Council of the City of Garden Grove, in regular session assembled on January 24, 2017, does hereby approve Site Plan No. SP-031-2016, for land located on the north side of Bixby Avenue, east of Gilbert Street, at 9691 Bixby Avenue, Assessor's Parcel No. 133-102-24, subject to the Conditions of Approval attached hereto as "Exhibit A", and subject to the approval of Development Agreement No. DA-004-2016.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-031-2016, the City Council of the City of Garden Grove does hereby finds as follows:

1. The subject case was initiated by Bryson Nguyen.
2. 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 incorporating these proposed land use entitlements is also proposed.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15332). The proposed project consists of an in-fill development on a site of less than five acres substantially surrounded by urban uses and which can be adequately served by all required utilities, and the project is consistent with the applicable General Plan land use designation, all applicable General Plan policies, and the applicable zoning designation and regulations. The project site has no value as habitat for endangered, rare or threatened species. Further, approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
4. The property has a General Plan Land Use designation of Low Medium Density Residential and is currently zoned R-2 (Limited Multiple-Family Residential). The subject site is a 36,121 square foot lot and is currently improved with two (2) existing buildings, which are currently occupied by Precious Years Children's Center, operating as a preschool/daycare.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.

6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on January 24, 2017, and all interested persons were given an opportunity to be heard.
8. The City Council gave due and careful consideration to the matter during its meeting on January 24, 2017, and considered all oral and written testimony presented regarding the project; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the City Council, as required under Municipal Code Section 9.32.030 and Government Code Section 66412, are as follows:

FACTS:

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.

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 application for Site Plan No. SP-031-2016 is being processed in conjunction with Development Agreement No. DA-004-2016.

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan is consistent with the General Plan and complies with the spirit and intent of the provisions, conditions, and requirements of Title 9 and the General Plan.

The project complies with the goals of the Low Medium Density Residential Land Use Designation for the property by providing additional housing for the community that will be available for larger family sizes, providing a high quality project design that will preserve residential property values, and providing both common and private open space areas that are available to serve the residents

of the subject project. The requested concessions to development standards are reasonable and required to be granted by the State Density Bonus Law, and the project otherwise meets the standards of the R-2 (Limited Multiple-Family Residential) zoning of the property, as they pertain to the access, building setbacks, number of parking spaces, and landscaping. Therefore, the proposed project will improve the site and fulfill the goals and policies of the General Plan and Land Use Code by creating a well-maintained and attractive development that enhances the existing residential neighborhood.

2. The project will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

The drive aisle and maneuvering areas are adequate for vehicle access. The project meets the State's Density Bonus Housing Law provisions as implemented through the City's Code for minimum parking requirements. Additionally, adequate pedestrian access is provided within the project.

3. The project will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels.

The developer is required to make street improvements along Bixby Avenue. The street improvements include constructing curb and gutter, paving additional area on the street, constructing a sidewalk, reconstructing the drive approach, and planting street trees behind the new sidewalk. Additionally, existing utilities and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the existing and proposed development.

4. The project will not adversely impact the City's ability to perform its required public works functions.

The project has been reviewed by the Public Works Department, which has required various on- and off-site improvements, including sidewalks, driveways, and grading improvements. Issues raised by the project have been addressed in the project design and the conditions of approval.

5. The project is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics.

The site design provides a greatly improved circulation pattern and point of access. The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment that will be an enhancement to the neighborhood.

6. That through the planning and design of buildings and building placement, the provision of open space, landscaping and other site amenities, the project will attain an attractive environment for the occupants of the property.

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment that will be an enhancement to the neighborhood. 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). All areas of the site, excluding where walkways, drive aisles, and parking areas have been required, will be landscaped. 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. Each unit has their own private patio area that will range in size from 160 to 180 square feet. The applicant has proposed a contemporary architectural style for the apartment dwelling units that exhibits a stucco exterior, 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.

#### INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

In addition to the foregoing, the City Council incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the City Council does conclude:

1. The Site Plan possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Site Plan)
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-031-2016.
3. Approval of this Site Plan shall be contingent upon the approval and the effective date of Development Agreement No. DA-004-2016.