

RESOLUTION NO. 5880-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-034-2017, CONDITIONAL USE PERMIT NO. CUP-097-2017 AND TENTATIVE TRACT MAP NO. TT-17928 FOR THREE CONTIGUOUS PROPERTIES THAT ARE LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF EUCLID STREET, AT 11222 GARDEN GROVE BOULEVARD, ASSESSOR PARCEL NOS. 100-013-09, 100-013-10, AND 100-013-13.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session, assembled on February 16, 2017, and approved Site Plan No. SP-034-2017, Conditional Use Permit No. CUP-097-2017, and Tentative Tract Map No. 17928, subject to the Conditions of Approval attached hereto as "Exhibit A", and subject to the approval of Development Agreement No. DA-005-2017 by the Garden Grove City Council.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-034-2017, Conditional Use Permit No. CUP-097-2017, and Tentative Tract Map No. TT-1792, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Far West Industries (the "Applicant").
2. The Applicant has requested approval of a Site Plan to construct a 16-unit mixed use development that includes two (2) work-live and 14 residential units on a vacant 28,232 square foot site, a Conditional Use Permit for two work-live units with a tandem format for their parking, and a Tentative Tract Map to consolidate the site into a single parcel with condominiums. 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 properties have a General Plan Land Use designation of Civic Center Mixed Use, and are currently zoned CC-3 (Civic Center Core). The subject site is currently vacant.
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 February 16, 2017, and all interested persons were given an opportunity to be heard.
8. Concurrently with adoption of this Resolution, on February 16, 2017, the Planning Commission adopted Resolution No. 5881-17, recommending that the City Council approve Development Agreement No. DA-005-2017 for the Project. The facts and findings set forth in Planning Commission Resolution No. 5880-17 are hereby incorporated into this Resolution by reference.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of February 16, 2017.

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

FACTS:

The site at 11222 Garden Grove Boulevard has been vacant for many years. A restaurant was previously on the site and building permit records show construction of a 2,680 sq. ft. restaurant in 1960. The owner mentioned that there was a Coffee Shop on the site, built in 1955 and remembers the original name as Craig's Family Restaurant.

The site is three contiguous parcels on the south side of Garden Grove Boulevard, and is the second frontage east of Euclid Street. It sits between the office building owned by Informative Research at the southwest corner of Euclid Street and Garden Grove Boulevard and the Lincoln Educational Training Center, owned by the Garden Grove School District, to the east.

The property was included in the 2012 rezoning of properties to Mixed Use and is zoned CC-3, Civic Center Core.

The applicant is proposing to construct a 16-unit project that meets the requirements of the Civic Center Core zoning. The project includes two (2) new work-live units along Garden Grove Boulevard and 14 new residential units.

A request for a Tentative Tract Map will consolidate the three parcels which have existed since the restaurant and parking lot where on the site. The Tentative Tract Map will consolidate the parcels into a single property with 16 condominium units.

The development is designed with buildings on both side of a central drive aisle. The work-live units have commercial spaces along the sidewalk on Garden Grove Boulevard and attached residential units on top. As required by the code, the

commercial façade has 18 foot high ground floor spaces with large storefront windows.

Residential units flank the drive aisle with four (4) on each side behind the work-live units. There are two buildings at the back of the lot that each contain three (3) units. The rear units have the only single bedroom units; one per building. All other residential units are 2-bedroom.

The project provides more open space than required and these areas are a mix of an active recreation area, passive walkway areas, and individual decks and balconies.

Work-live units are permitted in the CC-3 zone with a Conditional Use Permit. The two (2) work-live units in the development provide the required pedestrian-oriented storefronts along Garden Grove Boulevard and allow a business operator to live above. The work-live units implement Policy LU-1.6 for the General Plan's Land Use Element, "to encourage workplace development in close proximity to residences in areas designated as Mixed Use". Uses in the work-live units are restricted to make the project compatible with the other residences on the site and the surrounding area.

Parking meets the mixed-use requirements with 2-enclosed garage spaces for each unit along with open visitor spaces. The work-live units are permitted to provide a tandem format for their parking through a conditional use permit. The work-live units will be adequately parked as the design of the project places four open parking spaces including one handicapped space next to the commercial storefronts along with the two private tandem spaces in the garages of the work-live units. Mixed-use parking standards allow for the sharing of some spaces as a daytime commercial user is typically gone by the time a residential guest needs the space at night.

The project is designed to be an attractive, modern development. The development furthers the intent of Downtown Civic Center by "encouraging civic, educational, commercial, high-density residential, and compatible uses that enliven the City's core and work together to create a walkable, lively district that encourages interaction and engagement in community activities" (Section 9.18.010.20 Mixed Use Zones Establishment and Intent, Title 9).

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 the Municipal Code and other applicable ordinances.

The subject site has a General Plan land use designation of Civic Center Mixed Use (CCMU) and is zoned CC-3 (Civic Center Core). The proposed project of 16 units, two (2) work-live and 14 residential, with commercial storefronts along the Garden Grove Boulevard frontage meets the intent of the Civic Center Land Use designation from the General Plan that calls for "mid-rise, mixed use buildings that have a human scale and front on pedestrian-friendly streets". "These buildings are to be articulated with first-floor shops and have offices or residences above." The proposal is consistent with several policies from the General Plan's Land Use Element including: Policy LU-1.2 – to encourage modern residences in areas designated as Mixed Use and Policy LU-1.4 – to encourage active and inviting pedestrian-friendly street environments that include a variety of uses. The Site Plan complies with both the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances. The proposal complies with the requirements of the CC-3 zone to allow multiple-family residential projects on the subject site only with a commercial component along Garden Grove Boulevard. The design of the site, placement of buildings, the area and size of the open space areas, the number of on-site parking spaces, and the landscape areas are all consistent with the development standards of the CC-3 zone.

2. The proposed development does 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 proposed development has been designed to meet the Code's requirements for access, on and off-site circulation and off-street parking. The plans have been reviewed by the City's Traffic Engineering Division and a technical study on traffic was prepared to determine that the project will have no adverse impacts to surrounding streets. The site provides sufficient parking to accommodate the two (2) proposed work-live units and the 14 residential units.

Furthermore, the City's Fire Department has also reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to surrounding streets should there be an emergency.

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

The streets in the area will be adequate to accommodate the proposed development once the developer provides the necessary improvements for the project. The proposed mixed-use project will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage channels. Utilities and drainage channels in the area are adequate to accommodate the development.

The proposed development will also provide landscaping and proper grading of the site in order to maintain proper drainage in the area. The Public Works Engineering and Water Services Division have reviewed the plans.

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. The applicant has worked with the Public Works Department on the location of the water lines, water meters, and sewer line. Therefore, the project will not adversely impact the City's ability to perform its required public works functions.

5. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

Development standards for the CC-3 zone require that the building frontages and storefronts on the subject site be brought towards the sidewalk forming a consistent streetwall to enhance the pedestrian environment and maintain the desired character of the Downtown. The large storefront windows and tall ceiling heights of the commercial storefronts create interest along the sidewalk. The project is located between an office building and the Lincoln Continuation School and its modern, attractive design will enhance the area and be compatible with the mix of uses already occurring in the Downtown.

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

The project has been designed to meet the CC-3 zone requirements for mid-rise housing that is denser and more urban. The open space is provided in a mix of private balconies and roof decks, along with an active recreation area and passive walkways. The project is designed with attractive modern architecture, interesting signage, pedestrian path gateways, landscaped walkways that connect the buildings and other amenities that create an attractive environment. All landscaped areas are required to adhere to the landscaping requirements of the Title 9 of the Municipal Code. Through the conditions of approval for the project, the necessary protection and maintenance of all landscaping will be achieved.

CONDITIONAL USE PERMIT:

1. That the proposed use will be consistent with the City's adopted General Plan and redevelopment plan.

The proposed mixed-use development is consistent with the General Plan Land Use Designation of the property, Civic Center Mixed Use, as the design includes both commercial work-live units at the front and residential units on the rest of the site. The work-live units provide the required pedestrian-oriented storefront along Garden Grove Boulevard and allow at least one of the business operators to live above. By allowing work-live units and the tandem format for their parking spaces, such units are encouraged and consistent with Policy LU-1.6 of the General Plan's Land Use Element, to encourage workplace development in close proximity to residences in areas designated as Mixed Use.

2. That the requested use at the location proposed will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area.

The surrounding area is part of the Civic Center and developments are intended to enhance and maintain the best characteristics of the Downtown by having compact development within a pedestrian-oriented district that provides opportunities for people to engage in civic, business, educational and recreational activities near their homes. Parking can be built to respond to the ability of uses to share parking based on their functions and demands. Therefore, the proposed mixed use development will maintain important aspects of the Downtown. The work-live units provide the required commercial storefronts along the street with zero front setback. Development standards require that the commercial spaces be a useable size with a minimum of 40 feet in depth for 60% of the building width. The proposed commercial space extends across the entire front of the buildings.

To protect the health, peace, comfort, and welfare of people living in the area, uses in the work-live units are restricted and do not allow auto repair or auto maintenance uses nor any use that stores flammable liquids or hazardous materials beyond that normally associated with residential use. The requested tandem format for the garages of the work-live units will be limited to the two private parking spaces and not affect the open visitor space provided at the storefront. Also, the design of the project places four open parking spaces including one handicapped space next to the commercial storefronts. Mixed-use parking standards allow that some portion of visitor parking spaces can be shared as daytime commercial users leave before most residential guests arrive at night. Conditions of approval will require that space for vehicle parking will be maintained in garages and that this requirement will be included in the CC&Rs.

3. The proposed use will not interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.

The proposed mixed-use project will not unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located within the

vicinity of the site. Rather, the development will enhance a vacant lot with an attractive, modern development that meets the requirements to provide pedestrian-oriented storefronts along the Garden Grove Boulevard frontage. People within the vicinity will be able to use the services of the commercial business. New modern construction will add to the valuation of properties in the area. The tandem format for the work-live units, allows flexibility to design an adequately sized commercial space and its attached living spaces. There is adequate parking on the site to accommodate the two work-live units and the 14 residential units.

4. The proposed use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The mixed use development is consistent with the allowable uses for the CC-3 zone and will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. Pursuant to the conditions of approval, only uses permitted or conditionally permitted in the CC-3 zone may be maintained in the live-work units; auto repair uses, and the storage of flammable liquids or hazardous materials beyond that normally associated with a residential use, heavy industrial uses, entertainment uses, and full service restaurants will be prohibited; no uses that cause vibration, noise, odor, traffic or other impacts that could cause excessive impacts to the surrounding properties shall be permitted; and all work associated with a non-residential use in any of the work-live units shall be done indoors. In addition, Chapter 9.18 of the Garden Grove Municipal Code contains express restrictions on the use and operation of work-live mixed use projects. Provided that proposed work-live mixed-use development adheres to the conditions of approval for the life of the project and the code requirements for the operation of the work-live units, the proposed project will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

5. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The proposed project has been designed to comply with the development standards and requirements of the CC-3 (Civic Center Core) zone. The site is adequate in size and shape to accommodate the new structures and associated site improvements, which include parking facilities, landscaping, and development walls. The commercial storefronts were required to be close to the sidewalk along Garden Grove Boulevard, within zero to five feet. The tandem format parking spaces for the work-live units are of the required size and double doors provide access to the commercial space for ease of use.

6. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic to be generated, and by other public or private service facilities as required.

The site is adequately served by Garden Grove Boulevard and the development of the project will include an accessible driveway providing both ingress and egress. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

TENTATIVE TRACT MAP:

All findings for approval of the proposed Tentative Tract Map under Section 9.40.060 (Tentative Maps – Findings Required) of the Garden Grove Municipal Code and State law can be made.

1. That the proposed map is consistent with the General Plan.

The proposed tentative map will facilitate a development project consisting of 16-units, two (2) work-live and 14 residential, with commercial storefronts along Garden Grove Boulevard, which meets the intent of the General Plan Civic Center Land Use designation and is consistent with several policies from the General Plan Land Use Element including: Policy LU-1.2 – to encourage modern residences in areas designated as Mixed Use; Policy LU-1.4 – to encourage active and inviting pedestrian-friendly street environments that include a variety of uses, and; Policy LU-1.6 – to encourage workplace development in close proximity to residences in areas designated as Mixed Use.

2. The design and improvement of the proposed subdivision is consistent with the General Plan.

The proposed map is consistent with the General Plan in that it allows the development of a mixed use project with commercial storefronts along Garden Grove Boulevard and residential units on the rest of the site. The three lots existed under the previous development of a restaurant and its parking lot on the overall site. The Tentative Tract Map has been reviewed by the City's Engineering Division and determined to be consistent with the General Plan.

3. The site is physically suitable for the proposed type of development.

The consolidated site can accommodate the proposed development and meet all the development standards and City requirements.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The requirements of the California Environmental Quality Act have been satisfied.

5. The requirements of the California Environmental Quality Act have been satisfied.

Pursuant to the California Environmental Quality Act (CEQA), the City of Garden Grove determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (Cal. Code Regs., Section 15332).

6. The site is physically suitable for the proposed density of the development.

As stated in No. 3 above, the consolidated site can accommodate the proposed development of 16 units and meet all the development standards and City requirements. The proposal is for a density of 24 units per acre, while the code would allow a density of 42 units per acre.

7. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

Tentative Tract Map No. TT-17928 is to consolidate three lots into a single lot and sell the units as condominiums. The proposed improvements are typical of similar sized developments in town and have been reviewed by all City Departments to determine that serious public health problems are not likely.

8. That the design of the subdivision and the proposed improvements will not conflict with easements of record established by court judgement acquired by the public at large for access through or use of property within the proposed subdivision; or, if such easements exist, that alternate easements for access or for use will be provided, and that these will be substantially equivalent to the ones previously acquired by the public;

No such easements for public access are associated with the subject parcels. In addition, the property is not subject to the Williamson Act contract, an open space easement, or conservation easement.

9. The design and improvements of the proposed subdivision are suitable for the uses proposed, and the subdivision can be developed in compliance with the applicable zoning regulations.

The design of the condominium subdivision creates a suitable environment for the work-live and residential uses proposed and meets all applicable zoning regulations. The proposal will construct an attractive development with code compliant parking facilities, landscaping, open space, circulation, and other amenities.

10. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision (Gov. Code Sec. 66473.1).

The developer is required to provide power in the garage that will allow for EVCS (electric vehicle charging stations) in the future. Also, the dwelling unit roofs shall be "solar ready" and therefore, capable of providing future solar panels.

11. The design, density and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of public service needs. In addition the character of the subdivision is compatible with the design of the existing structures and the lot sizes of the subdivision are substantially the same as the lot sizes within the general area.

The subdivision strikes a good balance of providing the Downtown character of interesting storefronts along Garden Grove Boulevard and providing modern residential units within walking distance of shops, restaurants, and parks. The Tentative Tract Map (TT-17928) is to consolidate three underlying parcels into a single parcel and create 16 condominium units. The lot size is similar to other multi-family developments in the area and the unit sizes are typical of current market trends. The subdivision meets the intent of the General Plan and Civic Center zoning to create an interesting mix of uses in the pedestrian-oriented Downtown district.

12. The subject property is not located within a state responsibility area or a very high fire hazard severity zone, the proposed is served by local fire suppression services, and the proposed subdivision meets applicable design, location, and ingress-egress requirements.

The proposal has been reviewed by the City's Fire Department and meets all applicable design, location, and ingress-egress requirements. The subject property is not located within a state responsibility area or a very high fire hazard severity zone.

13. The discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. The conditions of approval for on- and off-site improvements will ensure permitted capacity of the public sewer system is not exceeded.

The proposal has been reviewed by the City’s Public Works, Water Services Division, to ensure compliance with applicable requirements by the California Regional Water Quality Control Board. The Water Services Division has crafted extensive Conditions of Approval to further ensure that the sewer system meets all requirements and that all on- and off-site improvements ensure the permitted capacity of the public sewer system is not exceeded.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan, Conditional Use Permit, and Tentative Tract Map possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 and 9.40.060.
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-034-2017, Conditional Use Permit No. CUP-097-2017, and Tentative Tract Map No. TT-17928.
3. Approval of this Site Plan, Conditional Use Permit, and Tentative Tract Map shall be contingent upon the approval of Development Agreement No. DA-005-2017 by the Garden Grove City Council.

Adopted this 16th day of February, 2017

ATTEST:

/s/ ANDREW KANZLER
VICE CHAIR

/s/ JUDITH MOORE
SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on February 16, 2017, by the following vote:

AYES: COMMISSIONERS: (5) BARKER, KANZLER, NUYGEN, PAREDES,
ZAMORA
NOES: COMMISSIONERS: (0) NONE

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is March 9, 2017.