

RESOLUTION NO. 5896-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVE GENERAL PLAN AMENDMENT NO. GPA-003-2017 FOR PROPERTY LOCATED AT 12111 BUARO STREET, ASSESSOR'S PARCEL NO. 231-331-12.

WHEREAS, Buaro Partners, LLC (the "Applicant") submitted an application to develop a .987-acre site (43,002 sq. ft.) on the west side of Buaro Street, south of Chapman Avenue, between Jentges Avenue and Twintree Avenue, located at 12111 Buaro Street, Assessor's Parcel No. 231-331-12, with 17 attached condominium townhouses (the "Project"); and

WHEREAS, the Applicant has requested the following land use approvals to implement the Project: (1) General Plan Amendment No. GPA-003-2017 to change the General Plan Land Use designation from Civic/Institutional (C/I) to Medium Density Residential (MDR); (2) Site Plan No. SP-041-2017 to allow the construction of 17 attached condominium townhouses in two buildings across a central driveway: an 8-plex on the northside of the driveway and a 9-plex on the south side; (3) Variance No. V-016-2017 for reduced setbacks; one for the space between five of the residences and the drive aisle; and the second between the recreational open space and two of the units; and (4) Tentative Tract Map No. TT-18117 to subdivide the site into a single parcel with condominiums; and,

WHEREAS, pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 *et seq.* ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.*, an initial study (12111 Buaro Street Project Initial Study/Mitigated Negative Declaration) was prepared for the proposed Project and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration as the proposed Project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment; and,

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during Project implementation; and,

WHEREAS, the Mitigated Negative Declaration with mitigation measures was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines; and,

WHEREAS, concurrent with its adoption of this Resolution, the Planning Commission adopted Resolution No. 5897-17 approving Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, subject to City Council's approval of a Mitigated Negative Declaration and the Mitigation Monitoring

and Reporting Program for the Project and General Plan Amendment No. GPA-003-2017; and

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed public hearing on September 21, 2017, and considered the report submitted by City staff and all oral and written testimony presented regarding the Project, the initial study, and the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT RESOLVED, FOUND, AND DETERMINED as follows:

1. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. Seq., an initial study was prepared and it has been determined that the proposed project qualifies for a Mitigated Negative Declaration because the proposed project with implementation of the proposed mitigation measures cannot, or will not, have a significant effect on the environment. The Mitigated Negative Declaration with mitigation measures was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.
2. The Planning Commission has considered the proposed Mitigated Negative Declaration together with comments received during the public review process.
3. The Planning Commission finds that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.
4. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project, with the proposed mitigation measures, will have a significant effect on the environment.
5. The Planning Commission hereby recommends the City Council (i) adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and (ii) approve General Plan Amendment No. GPA-003-2017.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Garden Grove, in regular session assembled on September 21, 2017, does hereby recommend that the City Council approve General Plan Amendment No. GPA-003-2017.

1. The Planning Commission gave due and careful consideration to the matter during its meeting of September 21, 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 9.08.030, are as follows:

FACTS:

The site at 12111 Buaro Street is south of Chapman Avenue and immediately north of the Walton Intermediate School at 12181 Buaro Street. The abutting properties are a duplex and 20-unit apartment building constructed in 1963 to the north and a 50-unit apartment complex, Casa de Portola, built in 1969 to the west.

The Happyland Preschool was built on the site in 1956. Over time, a pool, pergola, day nursery, and classrooms were added. Page Private School took over the site in 1974 and closed in June 2016.

The site retains the unoccupied one-story school building and also asphalt-paved parking areas, a pool structure, asphalt playgrounds, a playing court, pergolas, and limited landscaping.

The property is zoned R-3, Multiple-Family Residential and has a General Plan Land Use designation of Civic/Institutional (C/I). The site had a General Plan designation of Medium Density Residential (MDR) in the prior General Plans. The Civic/Institutional designation was added in the current General Plan 2030 adopted in 2008.

Planning staff have reviewed the history of the General Plan designations and determined that a mapping error occurred to put the Civic/Institutional designation on the subject site and the six adjoining properties that are mostly developed with multi-family apartment buildings. The applicant is requesting a General Plan Amendment to a Medium Density Residential designation.

The applicant is proposing 17 attached condominium townhouses in two buildings across a central driveway: an 8-plex on the north side and a 9-plex on the south side. The buildings are a mix of 2- and 3-story units each with a two-car garage off the driveway. Open visitor parking spaces are provided at the rear of the lot and under a carport in front of a central open space area. All the units have individual patios accessed from landscaped walkways along the side property lines.

The Site Plan request is for a proposed development that meets the requirements of the R-3 zone for open space, parking, height, circulation, site design elements, and most of the required setbacks. The project is well-designed and incorporates traditional architectural details in a modern, innovative style. The innovative use of architectural detailing, the mixing of various details across the different elevations, and the strong use of colors make for a visually interesting and eye-catching project.

The project includes a Tentative Tract Map to subdivide the property into a single parcel with 17 condominium units.

Variances for reduced setbacks are required; one for the setback between the residences and the drive aisle; and the second for the setback between the recreational open space and the units. The variance for the setback between the residences and the drive aisle is for a 5'-0" setback instead of a 10'-0" setback. Most of the units comply with the development standard, but several on the corners of the buildings are limited in space. The units still have a buffer from the drive aisle and similar variances have been approved in many prior developments.

The second variance is for the setback between the recreational open space and the units. Two units are adjacent to the Active Recreation open space. The variance request is to provide a 3'-0" setback between the units and the recreation area instead of 5'-0". By providing slightly less separation, it is possible to locate the Active Recreation area in the center of the development instead of the back corner of the property and a better design was achieved. Other such variances have been approved for similar projects.

The project is designed to be an attractive, modern development. The development will be a positive addition to the neighborhood with its modern style, quality, and appeal.

FINDINGS AND REASONS:

GENERAL PLAN AMENDMENT:

1. The General Plan Amendment is internally consistent with the goals, objectives, and elements of the City's General Plan.

The General Plan Amendment is internally consistent with the goals and objectives of all elements of the City's adopted General Plan. The Medium Residential Density land use designation is intended to provide for a mix of multiple-family residences. The subject site is bounded by a public intermediate school to the south and a neighborhood of apartment buildings to the north. By allowing multi-family residential development on the subject site, the development will be consistent with the surrounding area thereby promoting General Plan Policy LU-2.4 – "Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood". The proposed new development will further Goal LU.2 to have stable, well-maintained residential neighborhoods in Garden Grove. General Plan Land Use Policy LU-2.1 encourages the protection of residential areas from the effects of potentially incompatible uses, and Policy LU-2.2 promotes the development of a diverse mix of housing types and high standards of

residential property maintenance to preserve real estate values and the high quality of life.

2. The General Plan Amendment is deemed to promote the public interest, health, safety, and welfare.

The General Plan Amendment will promote the public interest, health, safety, and welfare by changing the land use from Civic/Institutional to Medium Density Residential, and thereby allowing a multi-family residential development to be built, which is consistent with the surrounding neighborhood. The vacant school on the site, built in 1956 and completed in the 1960's, will be replaced with a striking new residential development that will be an improvement for the area. The General Plan Amendment will return the site to the Land Use designation it had in the past, repair the inconsistency between the General Plan designation and the R-3 zoning, and allow the site to be developed with a residential project.

3. The subject parcel(s) is physically suitable for the requested land use designation(s), compatible with surrounding land uses, and consistent with the General Plan.

The subject parcel is of a size (43,002 sq. ft.) and shape (rectangle) that is similar to other lots in the vicinity and that is developed with multi-family apartments elsewhere in the area. The site can accommodate the well-designed project of 17 attached condominium townhouses, which meets the code requirements for open space, parking, height, circulation, site design elements, landscaping, and most of the setbacks. The site is served and accessible by a street with curb, gutters, and sidewalks and is in an area with adequate sewer capacity. The surrounding uses include an intermediate school, apartment buildings, a duplex, a nursing home, hotel, hotel parking areas, and single-family homes. The proposed residential development will be compatible with adjacent residential uses, and be consistent with the land use designation of Medium Density Residential.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE 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 General Plan Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (General Plan Amendment).

- 2. The overall development and subsequent occupancy and operation of the site shall be subject to those environmental mitigation measures identified in the Mitigated Negative Declaration, which are summarized in the Mitigation Monitoring and Reporting Program (Exhibit "A") attached hereto.

Adopted this 21st day of September, 2017

ATTEST: /s/ GEORGE BRIETIGAM
VICE CHAIR

/s/ JUDITH MOORE
RECORDING 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 September 21, 2017, by the following vote:

AYES: COMMISSIONERS: (6) BRIETIGAM, LAZENBY, LEHMAN, NGUYEN,
 SALAZAR, TRUONG

NOES: COMMISSIONERS: (0) NONE

ABSENT: COMMISSIONERS: (1) KANZLER

/s/ JUDITH MOORE
RECORDING 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 October 12, 2017.