

RESOLUTION NO. 5897-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-041-2017, VARIANCE NO. V-016-2017, AND TENTATIVE TRACT MAP NO. TT-18117 FOR A PROPERTY LOCATED ON THE WEST SIDE OF BUARO STREET, SOUTH OF CHAPMAN AVENUE, BETWEEN JENTGES AVENUE AND TWINTREE AVENUE, AT 12111 BUARO STREET, ASSESSOR PARCEL NO. 231-331-12.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session, assembled on September 21, 2017, and thereby approved Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. 18117, subject to the Conditions of Approval attached hereto as "Exhibit A", and (ii) the adoption of a Mitigation Negative Declaration and Mitigation Monitoring and Reporting Program for the Project and the adoption and effectiveness of a Resolution approving General Plan Amendment No. GPA-003-2017 by the Garden Grove City Council.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Buaro Partners, LLC (the "Applicant") and proposes development of 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.
2. The Applicant has requested the following land use approvals to implement the Project: (1) General Plan Amendment No. GPA-003-2017 to change the 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 north side 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 consolidate the site into a single parcel with condominiums.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et seq., an initial study was prepared (12111 Buaro Street Project Initial Study/Mitigated Negative Declaration) for the proposed Project and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration as 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. The

Planning Commission has considered the proposed Mitigated Negative Declaration and recommends that it be adopted by the City Council

4. The properties have a General Plan Land Use designation of Civic/Institutional and are currently zoned R-3 (Multiple-Family Residential). A General Plan Amendment is requested to change the property from the Civic/Institutional Land Use designation to the Medium Density Residential Land Use designation.
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 September 21, 2017, and all interested persons were given an opportunity to be heard.
8. Concurrently with adoption of this Resolution, on September 21, 2017, the Planning Commission adopted Resolution No. 5896-17, recommending that the City Council (i) adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting program for the Project and (ii) approve General Plan Amendment No. GPA-003-2017 for the Project. The facts and findings set forth in Planning Commission Resolution No. 5896-17 are hereby incorporated into this Resolution by reference.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of 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 9.32.030 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, Multi-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 that was adopted in 2008. Planning staff have reviewed the history of the General Plan designations and determined that a mapping error occurred when the Civic/Institutional designation was applied in 2008 to the subject site and the six adjoining properties that are largely 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 with a two-car garage off of 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 of 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. Even with the reduced setback, the units are buffered 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 was 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 positive addition to the neighborhood with its modern style, quality and appeal.

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/Institutional (C/I) and is zoned R-3 (Multiple-Family Residential). A General Plan Amendment is requested to change the Land Use designation to Medium Density Residential (MDR) and correct a mapping error that occurred in the adoption of the current General Plan 2030. The amendment will correct the inconsistency between the General Plan and Zoning of the site that currently exists. The project is consistent with the proposed MDR General Plan designation by developing a neighborhood-improving and compatible multi-family residential project. The design of the site provides a healthy and attractive living environment as intended by the General Plan and Municipal Code. Provided the requested Variance is approved, the Project will satisfy all applicable development standards.

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 focused traffic analysis was prepared to determine that the project will have no adverse impacts to surrounding streets. The site provides sufficient parking to accommodate the 17 attached townhouses and residential visitors.

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 and potential issues have been addressed in the project design and conditions of approval. 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.

The project is a mix of 2- and 3-story units in two buildings; an 8-plex on the north of the drive aisle and a 9-plex on the south side. The building masses are smaller than those of older apartment buildings on neighboring parcels, but at a similar scale and density. The project is well-designed, incorporating traditional architectural details in a modern, innovative style that is visually interesting and eye-catching. The development will be an improvement by adding modern design in appropriately scaled buildings that will add to the character of the surrounding area.

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 is designed to provide landscaped walkways to each unit, straight forward access for cars, garages for each unit with visitor parking to the rear of the site, a centrally located Active Recreation open space area, landscaping throughout the site, and lively, interesting elevations. Even the long side elevation that is viewable across the open field of Walton Intermediate School is well-detailed with an interesting mix of front entries. These elements contribute to creating an attractive environment for the occupants of the property. A variety of open space is provided for the units with private patios, second floor balconies, an active recreation area, and passive open space areas and walkways. 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.

VARIANCE:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity or zone.

The project is being developed on a site that is between an intermediate school and several properties developed with multi-family residences. Two of the abutting properties to the north have apartment complexes built in the 1960's that do not provide the same setbacks, open space, parking, landscaping and density requirements as the requirements for the proposed project. The proposed design is for two buildings that have a mix of 2- and 3-story units. The project has been designed to meet the R-3 setback requirements by strategically placing the 2-story units in the 8-plex building to accommodate the height and orientation of the neighboring residential buildings. The relationship of the heights and orientation of the proposed building and the neighboring buildings are what determine the setback on the subject site. Unlike the proposal, the existing residential apartments in the vicinity were neither subject to these setback requirements, nor other current R-3 development standards. The proposal meets all of the code requirements except for two minor deviations that allow for the construction of a compatible multi-family residential development that is less dense than its neighbors, but is similar in scale. Therefore, the subject site has the unusual circumstance of being the only modern multi-family development adjacent to several older apartment complexes, which had significantly different requirements at the time of construction.

2. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, but which is denied to the property in question.

The Variances for reduced setbacks: one between the residences and the drive aisle; and the second between the recreational open space and units; have been applied to many other multi-family developments. While the project meets all other Code requirements related to open space, parking, circulation, landscaping, and setbacks, the allowance of a few feet deviation means a better site design and better floor plan for some of the units. With the myriad requirements from all the City Departments it is difficult to find enough room on the site. The proposal is for 17 attached townhouse units with garages, visitor parking spaces, a fire turnaround, open space areas, landscape setbacks, building setbacks, building separations, drive aisle widths, drainage systems, a fire hydrant, and handicap accessible facilities. The Municipal Code would allow up to 20 units on a site of the subject project's size. The two minor variance requests maintain the applicant's right to build a residential project in keeping with the intent of the General Plan, the R-3 zoning, and be compatible with the existing development in the

surrounding neighborhood. The existing apartments in close proximity to the proposal have a higher density and provide fewer amenities, less parking, less landscaping, and fewer setbacks.

3. The Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

The proposed Variances will not be noticeable or detrimental to the public or in any way affect property or improvements in the vicinity. Four units require a variance to have a powder room at 5'-0" from the drive aisle. These powder rooms are not impacted by their proximity to the drive aisle as they are buffered by non-habitable utility closets opening toward the driveway. No one will be able to discern that there are powder rooms with a reduced setback depth. Similarly, reducing the setback between two units and the Active Recreation area will not be a detriment to the public welfare. The proposed development provides overall open space in excess of the required amount and provides ample space on-site for the enjoyment of the residents. One unit at the end of the 8-plex requires a variance for a 5'-0" setback, instead of 10'-0", between the unit and the rear drive aisle used to access the visitor parking spaces. This side of the unit cannot be seen from any location on the site except for the rear parking area. This reduced setback still provides a pathway to the north elevations of the 8-plex and a narrow planter. Therefore, the approval of the Variances will not be materially detrimental to the public welfare or be injurious to the property or improvement in such vicinity and zone.

4. The granting of the Variance will not adversely affect the General Plan.

Granting of the Variances will allow a well-designed attractive new housing development that meets the intent and all other standards of the R-3 zoning. The variance requests are minor in nature and have been approved for other multi-family residential projects. The variances do not negate the goals and policies of the General Plan for stable residential neighborhoods and new development that is compatible. Additionally, the two well-designed buildings with modern innovative style will replace a vacant school building and site developed in the 1950's and 1960's and will therefore, further a goal of the General Plan to develop underutilized properties with suitable development. The proposed project meets the both the spirit and intent of the Municipal Code and the General Plan.

5. Approval of the Variance is subject to such conditions as will assure that it does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Existing multi-family residential properties in the vicinity do not provide the setbacks requested under this variance and therefore approving this request will not be a grant of special privilege. Similarly, projects in the R-3 Zone throughout the City have been granted similar variances. Provided the Conditions of Approval are adhered to for the life of the project, approval of the subject Variance shall not grant a special privilege that is inconsistent with the limitations upon other properties located within the vicinity or zone in which the subject property is situated.

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.

Provided the requested General Plan Amendment is approved, the proposed map is consistent with the General Plan in that it allows the development of a multi-family residential project that is compatible with the surrounding area. The Tentative Tract Map has been reviewed by the City's Engineering Division and is determined to be consistent with the General Plan.

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

The proposed tentative map will facilitate the development of 17 attached townhouses in two buildings across a central driveway. The new residential development will replace an un-occupied school that was constructed in 1956 and added onto throughout the 1960's. The well-designed project incorporates traditional architectural details in a modern, innovative style. The project is consistent with several goals and policies from the General Plan Land Use Element including: Goal LU-2 – Stable, well-maintained residential neighborhoods in Garden Grove; Policy LU-2.1 – Protect residential areas from the effects of potentially incompatible uses; Policy LU-2.2 – Strive to provide a diverse mix of housing types, along with uniformly high standards of residential property maintenance to preserve resident's real estate values and their high quality of life; and, Policy LU-2.4 – Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.

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

The site is of a similar size to neighboring properties that support multi-family developments. The site can accommodate the proposed 17 units with the required access, parking, and open space and other development standards

and City requirements. The variances requested are minor and allow for a better design and overall project.

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. The project is not located in an area that maintains habitat for fish or wildlife.

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

Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq., an initial study was prepared (12111 Buaro Street Project Initial Study/Mitigated Negative Declaration). Based on the Initial Study and supporting technical analyses, it was determined that all of the potentially adverse environmental impacts can be mitigated to a level of less than significance. On this basis, a Mitigated Negative Declaration has been prepared.

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

As stated in No. 3 above, the site can accommodate the proposed development of 17 units and meet the development standards and City requirements. The proposal is for a density of 17 units, while the code would allow for 20 units.

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

Tentative Tract Map No. TT-18117 subdivides the site into a single lot with 17 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 modern townhouse units proposed and meets most of the applicable zoning regulations. The proposal will construct an attractive development with code compliant parking facilities, landscaping, open space, circulation, and other amenities. Two minor variances are required, which have been approved for other similar projects and will allow for a better design. Provided the variances are approved, the subdivision can be developed in compliance with applicable zoning regulations.

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, be 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 for 17 attached townhouse condominiums is located on a well-situated site that is appropriate for multi-family development. The development strikes a balance by developing 17 units instead of the 20 units allowed by code and creating a highly livable development with ample parking and open space. The neighboring properties to the north and west are developed with apartment buildings of compatible scale and at similar densities. The attractive, modern development will add to the character within the general area.

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 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 Site Plan, Variance, 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-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117.
3. Approval of this Site Plan, Variance, and Tentative Tract Map shall be contingent upon Garden Grove City Council adoption of the Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the Project and a resolution approving General Plan Amendment No. GPA-003-2017.

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.