

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: West side of 9 th Street, between College Avenue and Stanford Avenue, at 12671 9 th Street
HEARING DATE: March 1, 2018	GENERAL PLAN: Low Medium Density Residential
CASE NOS.: Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018	ZONE: CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61)
APPLICANT: Anh Phan	CEQA DETERMINATION: Exempt – CEQA Guidelines § 15303 and 15305
PPOPERTY OWNER: AC Investment Group	APN NO.: 090-132-17

REQUEST:

The applicant is requesting Site Plan approval to demolish all existing on-site improvements, which include three (3) existing one-story apartment units, and to construct four (4) new three-story apartment units on a 12,564 square foot site. In conjunction with this request, the applicant is also requesting approval of a Lot Line Adjustment to eliminate an existing property line to consolidate the two (2) existing parcels into one (1) lot, and Variance approval to deviate from the minimum lot size requirement of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone, to develop the site with a multiple-family residential development.

PROJECT STATISTICS:

	Provided	Code Requirement	Meets Code
Lot Size	12,564 S.F. (after LLA & dedication)	20,000 S.F. (minimum)	No*
Density	4 units	23 units per acre (max of 6 units)	Yes
Parking	14	14 spaces (3.5 spaces per unit)	Yes
Recreation Area	1,826 S.F.	1,200 S.F. (minimum)	Yes
Building Height	33'-10"	35'-0" (maximum)	Yes
Building Setbacks			
Front	15'-0"	15'-0"	Yes
Rear	5'-0"	5'-0"	Yes
Interior Side	5'-0"	5'-0"	Yes

*The combined lot size is currently 13,564 square feet in area. After the lot line adjustment and required public right-of-way dedication, the lot size will be 12,564 square feet in area. A Variance is required to deviate from the minimum lot size requirement of the CCSP-PR61 zone.

BACKGROUND:

The subject site is currently 13,564 (135.64' x 100') square feet in area and located on the west side of 9th Street, between College Avenue and Stanford Avenue. The site is currently improved with three (3) one-story detached apartment units. The site has a General Plan Land Use Designation of Low Medium Density Residential and is zoned CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61). The site abuts CCSP-PR61 zoned properties to the north, west, and south, and R-1 (Single-Family Residential) zoned properties, across 9th Street, to the east, all of which are developed with residential uses.

The applicant is proposing to demolish all existing on-site improvements, which include the three (3) existing one-story apartment units, and to construct four (4) new three-story apartment units. The Municipal Code requires Site Plan land use entitlement approval to develop the property with the proposed multiple-family residential project.

Based on title report of the subject properties, the site is comprised of two (2) separate lots (Lots 14 and 15 of Tract No. 559), under a single Assessor's Parcel Number (APN: 090-132-17). Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). In order for the proposed project to move forward, the Municipal Code requires Lot Line Adjustment approval to consolidate the two (2) lots into one.

Based on the City's Master Plan of Streets and Highways, 9th Street is considered a secondary 4-lane undivided roadway (secondary arterial), which has a planned ultimate right-of-way of 80 feet. Currently, the measurement from the centerline of 9th Street to the property lines of the subject properties is 30 feet. As part of the project (SP-046-2018), a 10-foot public right-of-way dedication, along the 100' frontage of the subject site (the easterly property line), will be required to bring the properties into conformance with the Master Plan of Streets and Highways. Therefore, after the Lot Line Adjustment and 10-foot right-of-way dedication, the resulting lot size of the consolidated property will be 12,564 square feet.

DISCUSSION:

SITE PLAN:

Site Design and Circulation

The proposed development is designed to provide efficient circulation, for both vehicular and pedestrian access, for the four (4) proposed detached dwelling units.

A new 30'-0" driveway approach, along the easterly property line, will be constructed per City standards, providing access off 9th Street. The 30'-0" wide driveway approach will taper down to the 28'-0" wide private drive aisle, which provides access to the four (4) two-car enclosed garages, and the six (6) covered guest parking stalls. No vehicular access gate is proposed.

Two (2) units are to be located on each side, north and south, of the property, with a private 28'-0" wide drive aisle, which runs down the center of the development. Units 1 and 2, along the southerly property line, are connected by a carport structure, comprised of a single structure. Units 3 and 4, along the northerly property line, are also connected by a carport structure, comprised of a single structure. Each carport covers three (3) guest parking stalls, for a total of six (6) covered guest parking stalls.

Units 1 and 3 are set back 15'-0" from the easterly property line, as measured from the ultimate right-of-way (the assumed property line after the 10 foot right-of-way dedication). As measured from the current face of curb on 9th Street, Units 1 and 3 will be set back 35'-0". All four units provide a 5'-0" setback to the interior side property lines (northerly and southerly). Units 2 and 4 provide a 5'-0" rear setback to the westerly property line. The project meets all minimum setback requirements of the Municipal Code.

Landscaping and Recreation Area

The Municipal Code requires a minimum amount of total landscaping for the site and a minimum amount of total open space (recreation area).

Based on zoning (CCSP-PR61) requirements, the project is required to provide a minimum of 12% of landscaping based on the net developable area (excluding the building footprint and required setbacks), which equals a minimum of 499 square feet of landscaping. In addition to all landscaped setbacks, the project provides 854 square feet of landscaping. Therefore, the project exceeds the minimum landscaping required.

Based the Municipal Code, for open space development standards, a minimum of 1,200 square feet (300 square feet per unit) of open space (recreation area) is required for the entire development. Each unit provides a 246.5 square foot open patio on the 1st floor, as well as a 210 square foot open balcony on the second floor. Additionally, the project provides a communal recreation area at the rear, along the westerly property line. In total, the project provides a total of approximately 2,141 square feet of open space, which is a surplus of 941 square feet.

Parking

The 28'-0" wide drive aisle provides access to each two-car enclosed garage and the covered guest parking spaces. Based on the Municipal Code, for minimum parking requirements, the project is required to provide a minimum of fourteen (14) parking spaces. The project provides four (4) enclosed two-car garages and six (6) covered guest parking spaces, for a total of fourteen (14) parking spaces, which meets the minimum required by Code.

Unit Design

Each unit will be a three-story dwelling providing a total living area of 1,938 square feet, excluding the two-car garage. The first floor will provide 615 square feet of living area, 812 square feet on the second floor, and 511 square feet on the third

floor). Each unit will provide a total of four (4) bedrooms and four (4) bathrooms (2 publicly accessible bathrooms and 2 private bathrooms). Each unit will be provided with a private patio on the first floor and a private balcony on the second floor.

The total building footprint will equate to 5,402 square feet of structures. Based on the lot size of 12,564 square feet, the proposed lot coverage will be 43%, which is below the maximum 50% lot coverage requirement by Code.

Building Design

The applicant has proposed a contemporary architectural style for the apartment dwelling units that exhibit stucco exteriors, decorative siding, contemporary glass balcony walls, varying window sizes, decorative light fixtures, a hip roof design, and an effective use of articulation on the building façade and design.

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 southerly 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.

LOT LINE ADJUSTMENT:

In order for the project to move forward and in accordance with the State Subdivision Map Act, the applicant is requesting approval of a Lot Line Adjustment to consolidate the two (2) properties (Lots 14 and 15 of Tract No. 559) into one. Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). Provided the proposed Variance to the minimum lot size requirement of the CCSP-PR61 zone is approved, the consolidation of the lots is consistent with the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the State Subdivision Map act. After consolidation, and after the required public right-of-way dedication of 10 feet along the easterly property lines, the site will maintain a lot area of 12,564 square feet.

VARIANCE:

In order to encourage lot consolidation, the Community Center Specific Plan establishes a 20,000 square foot minimum lot size requirement for properties within the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone. After the proposed Lot Line Adjustment to consolidate the two (2) properties (Lots 14 and 15 of Tract No. 559) into one, the resulting lot size, will be 12,564

square feet, which is less than the minimum 20,000 square feet lot size requirement of the CCSP-PR61 zone. The Municipal Code generally allows property owners to develop or redevelop lots that are legal nonconforming only as to lot area without a variance; however, because the subject property is located within a Specific Plan area, a variance from the minimum lot area standard set forth in the Specific Plan is necessary for the proposed project to move forward. Accordingly, the applicant is requesting Variance approval to deviate from the minimum lot size requirement of the CCSP-PR61 zone in order to facilitate the development of the site.

Staff is supportive of the Variance. Proposed reasons supporting the five (5) variance findings required pursuant to State law and Garden Grove Municipal Code Section 9.32.030.D.6 are as follows:

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

The project involves two (2) legal nonconforming sized lots, which the applicant proposes to consolidate into one larger parcel to facilitate redevelopment and improvement of the properties. Based on title report of the subject properties, the site is comprised of two (2) separate lots (Lots 14 and 15 of Tract No. 559), under a single Assessor's Parcel Number (APN: 090-132-17). Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). Based on the City's Master Plan of Streets and Highways, 9th Street is considered a secondary 4-lane undivided roadway (secondary arterial), which has a planned ultimate right-of-way of 80 feet. Currently, the measurement from the centerline of 9th Street to the property lines of the subject properties is 30 feet. As part of the project (SP-046-2018), a 10-foot public right-of-way dedication, along the 100' frontage of the subject site (the easterly property line), will be required to bring the properties into conformance with the Master Plan of Streets and Highways. Therefore, after the Lot Line Adjustment and required 10-foot right-of-way dedication, the resulting lot size of the consolidated property will be 12,564 square feet, thereby reducing the net developable area of the site. Other properties on streets in the same zone or neighborhood of the subject site are not subject to the same public right-of-way dedications that reduce their developable area, as it does to the subject site involved in the proposed project.

The subject site is located in an area of similarly sized residentially developed properties that are zoned CCSP-PR60 and CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Areas 60 and 61). The CCSP-PR60 and CCSP-PR61 zones have identical minimum lot size requirements of 20,000 square feet, and minimum lot frontage requirements of 100-foot width. Most properties in the vicinity of the subject property are approximately 6,750 to 6,782 square feet in area with lot frontages of 50-foot width, which do not meet the minimum lot size and frontage requirements of the CCSP-PR60 and CCSP-PR61 zones. When the Community Center Specific Plan was adopted by the City of Garden Grove in 1985, most of the properties in this area were

rendered nonconforming. The base district/zone of the properties zoned CCSP-PR60 and CCSP-PR61 is R-3 (Multiple-Family Residential). Based on the Municipal Code, the minimum lot size requirement for similar multiple-family residential zones, such as the R-3 zone, is 7,200 square feet, which is significantly less than the 20,000 square foot minimum lot size requirement of the CCSP-PR61 zone. Additionally, the single-family residential neighborhood immediately to the east of the subject site is zoned R-1-7 (Single-Family Residential), which has a minimum lot size requirement of 7,200 square feet. The majority of properties in the same zone or neighborhood of the subject site have lot sizes that are significantly less than 20,000 square feet.

In order to meet the 20,000 square foot minimum lot size, additional land would need to be acquired. The lots abutting the site are all developed with residential uses and are owned by others. Thus, further consolidation of abutting properties to meet the 20,000 square foot lot size minimum is not feasible. Although the resulting lot size will be less than the 20,000 square foot lot size minimum requirement, the project meets the intent of the Community Center Specific Plan zone, which, in part, is to achieve improvements of residential buildings within the CCSP zones through redevelopment, consolidation of lots, landscaping, and design improvements. Furthermore, the proposed project brings the combined property closer into conformance to the minimum lot size standard of the CCSP-PR61 zone. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the CCSP-PR61 zone, such as, but not limited to: setbacks, lot frontage width, parking, recreation area, landscaping, and building height.

The foregoing, including the prevalence in the surrounding area of residentially developed lots less than 20,000 square feet, the required right-of-way dedication, that further lot consolidation at this site is impractical, and that the proposed project is otherwise consistent with the standards and intent of the Community Center Specific Plan constitute exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other property in the same zone and neighborhood.

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 subject property.

The granting of the Variance will not give the property owner a special privilege over other property owners in the area. The subject site is located in an area of similarly sized residentially developed properties that are zoned CCSP-PR60 and CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Areas 60 and 61). The CCSP-PR60 and CCSP-PR61 zones have identical minimum lot size requirements of 20,000 square feet, and minimum lot frontage requirements of 100-foot width. Most properties in the vicinity of the subject property are approximately 6,750 to 6,782 square feet in area with lot frontages of 50-foot width, which do not meet the minimum lot size and frontage requirements of the CCSP-PR60 and CCSP-PR61 zones. When the Community Center Specific Plan was adopted by the City of Garden Grove in

1985, most of the properties in this area were rendered nonconforming. Additionally, there are other properties in the same vicinity and zone, or other similar zoned properties throughout the City, that have similar residential developments on properties that do not meet the minimum lot size, per their respective zones. Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the CCSP-PR61 zone, such as setbacks, lot frontage width, recreation area, landscaping, and building height.

3. The granting of a Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

The Variance request will allow the newly consolidated parcel to deviate from the minimum lot size requirement of the CCSP-PR61 zone, in order to facilitate the development of the site. Many lots in the surrounding area are developed with residential uses on lots less than 20,000 square feet in area. Provided the project complies with the Conditions of Approval, the granting of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. With the exception of the minimum lot size requirement, the project has been designed to meet all development standards of the CCSP-PR61 zone, such as, but not limited to: setbacks, lot frontage width, parking, recreation area, landscaping, and building height.

4. The granting of such Variance will not adversely affect the City's General Plan.

The proposed project, a multiple-family residential apartment complex, is a use that is consistent with the intent of the General Plan and the zoning classification as multiple-family residential developments are permitted in the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone. The proposed Variance request will not cause an adverse effect on the City's General Plan since the Municipal Code, in conjunction with the requirements of the Community Center Specific Plan zone, are tools used to implement the goals of the General Plan. Approval of the Variance is consistent with several goals set forth in the General Plan. For example, Goal LU-1 of the General Plan encourages the development of residential lots to help meet the needs of the anticipated growth of the community and the regional housing needs. Goal LU-3 of the General Plan encourages the addition of higher density residential development adjacent to major thoroughfares. Finally, Goal LU-4 of the General Plan encourages the development of uses that are compatible with neighboring uses. The proposed multi-family residential project is consistent with all of these goals, and the proposed Variance is needed to facilitate the project. Therefore, granting of this Variance is in keeping with the spirit and intent of the General Plan.

5. The 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.

The subject site is located in an area of similarly sized residentially developed properties that are zoned CCSP-PR60 and CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Areas 60 and 61). The CCSP-PR60 and CCSP-PR61 zones have identical minimum lot size requirements of 20,000 square feet, and minimum lot frontage requirements of 100-foot width. Most properties in the vicinity of the subject property are approximately 6,750 to 6,782 square feet in area with lot frontages of 50-foot width, which do not meet the minimum lot size and frontage requirements of the CCSP-PR60 and CCSP-PR61 zones. When the Community Center Specific Plan was adopted by the City of Garden Grove in 1985, most of the properties in this area were rendered nonconforming. Additionally, there are other properties in the same vicinity and zone, or other similar zoned properties throughout the City, that have similar residential developments on properties that do not meet the minimum lot size, per their respective zones. Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the CCSP-PR61 zone, such as setbacks, lot frontage width, recreation area, landscaping, and building height. Pursuant to Condition of Approval No. 2, the rights granted pursuant to the Variance shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-046-2018 and Lot Line Adjustment No. LLA-013-2018 (as they may be amended from time to time) continue to exist on the Site. In the event the improvements authorized and contemplated by Site Plan No. SP-046-2018 and Lot Line Adjustment No. LLA-013-2018 are not constructed or are demolished and not re-established, the Variance shall cease to be effective or grant the property owner any rights to construct other improvements inconsistent with the then-currently applicable development standards. Therefore, the granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

California Environmental Quality Act:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 3, New Construction or Conversion of Small Structures (CEQA Guidelines §15303), and Class 5, Minor Alterations in Land Use Limitations (CEQA Guidelines §15305), as set forth in the attached Notice of Exemption.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Adopt Resolution No. 5911-18 approving Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018, subject to the conditions of approval.

LEE MARINO
Planning Services Manager

By: Chris Chung
Urban Planner