

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE GRANTING THE APPEAL OF ANH PHAN AND APPROVING SITE PLAN NO. SP-046-2018, LOT LINE ADJUSTMENT NO. LLA-013-2018, AND VARIANCE NO. V-018-2018, FOR TWO PROPERTIES LOCATED ON THE WEST SIDE OF 9TH STREET, BETWEEN COLLEGE AVENUE AND STANFORD AVENUE, AT 12671 9TH STREET, ASSESSOR'S PARCEL NO. 090-132-17

WHEREAS, the subject case was initiated by Anh Phan ("Applicant"), owner of the subject site located on the west side of 9th Street, between College Avenue and Stanford Avenue, Assessor's Parcel No. 090-132-17;

WHEREAS, the subject site has a General Plan Land Use designation of Low Medium Density Residential, is currently zoned CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61), and is currently improved with three (3) one-story detached apartment units;

WHEREAS, the Applicant is requesting (1) Site Plan approval to demolish all existing on-site improvements and to construct four new three-story apartment units on a 12,564 square foot consolidated site; (2) Lot Line Adjustment approval to eliminate an existing property line to consolidate the two (2) existing parcels into one lot; and (3) Variance approval to deviate from the 20,000 square foot minimum lot size requirement of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone;

WHEREAS, City Staff has recommended approval of the Applicant's request;

WHEREAS, the Planning Commission held a Public Hearing on March 1, 2018 and considered the Applicant's request;

WHEREAS, following conclusion of the Public Hearing, the Planning Commission determined that it could not make all of the findings required for approval and that the Applicant's request should therefore be denied, orally articulated findings for denial of the Applicant's request on the record, and voted to direct City Staff to prepare a resolution of denial based on the articulated findings for adoption by the Planning Commission at its March 15, 2018 meeting;

WHEREAS, the Applicant appealed the Planning Commission's March 1, 2018 decision on March 8, 2018, choosing to proceed before the Planning Commission adopted a resolution containing written findings;

WHEREAS, pursuant to legal notice, a Public Hearing was held by the City Council on April 24, 2018, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of April 24, 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. 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 15303 (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303 and 15305).

SECTION 3. Based on the totality of information provided, the City Council disagrees with the conclusion of the Planning Commission and finds that Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018 should be approved. The facts and reasons supporting the conclusion of the City Council, as required under Municipal Code Section 9.32.030 and Government Code Section 66412, are as follows:

FACTS:

The subject site is 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.

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.

FINDINGS AND REASONS:

Site Plan:

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

The project complies with the goals of the Low Medium Density Residential Land Use Designation for the property by providing additional housing for the community that will be available for larger family sizes, providing a high quality project design that will preserve residential property values, and providing both common and private open space areas that are available to serve the residents of the subject project. With the exception of the minimum lot size requirement, the project meets the standards of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zoning of the property, as they pertain to the building setbacks, number of parking spaces, open space, and landscaping. Therefore, the proposed project will improve the site

and fulfill the goals and policies of the General Plan and Land Use Code by creating a well-maintained and attractive development that enhances the existing residential neighborhood.

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

The proposed drive aisle, which runs down the center of the development, including maneuvering areas, are adequate for vehicle access. Additionally, the project meets the minimum parking requirements of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone. Finally, adequate pedestrian access is provided within the project.

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

The developer is required to make street improvements along 9th Street. The street improvements include constructing curb and gutter, constructing a sidewalk, constructing the drive approach, and providing parkway landscaping behind the new sidewalk, which matches the adjacent street improvements. Additionally, existing utilities and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the proposed development.

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

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

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

The project has been designed to consider building appearance, building placement, landscaping, and other amenities in order to create an attractive environment that will be an enhancement to the neighborhood and is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics. 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 agreements for the protection and maintenance of all landscaping will be achieved.

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

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment that will be an enhancement to the neighborhood. 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 the requirements of the CCSP-PR61 zone, 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 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. 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.

Lot Line Adjustment:

1. The parcels, as the result of the Lot Line Adjustment, will conform to the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and State Subdivision Map Act.

The subject parcels have a General Plan Land Use Designation of Medium Density Residential and are zoned CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61). The subject 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'). 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. The consolidation of the two (2) properties into one will facilitate the development of the 4-unit multiple-family residential development proposed for the site. With the approval of the proposed Variance to the minimum lot size requirement of the CCSP-PR61 zone, all site improvements will conform to the City's General Plan and Zoning Ordinance.

Variance:

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 the 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.

Section 4. Based upon the foregoing findings, the Applicant's appeal is hereby granted, the Planning Commission's decision is overturned, and Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018 are hereby approved, subject to Section 5, below.

Section 5. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018.