

RESOLUTION NO. 5921-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING LOT LINE ADJUSTMENT NO. LLA-016-2018 AND VARIANCE NO. V-020-2018, FOR PROPERTIES LOCATED AT THE END OF THE CUL-DE-SAC ON SORRELL DRIVE JUST SOUTH OF BANNER DRIVE, AT 11831 TRASK AVENUE, ASSESSOR'S PARCEL NO. 100-352-28 AND 31.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 17, 2018, does hereby approve Lot Line Adjustment No. LLA-016-2018 and Variance No. V-020-2018, for land located at the end of the cul-de-sac on Sorrell Drive just south of Banner Drive, at 11831 Trask Avenue, Assessor's Parcel No. 100-352-28 and 31, subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Lot Line Adjustment No. LLA-016-2018 and Variance No. V-020-2018, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by George and Beverly Paras.
2. The applicant is requesting (1) Lot Line Adjustment approval to remove an existing lot line between two (2) adjoining parcels (Assessor's Parcel Nos. 100-352-28 and 31), thereby consolidating the two (2) lots into a single lot, for the purposes of constructing a new single-family dwelling; and Variance approvals to allow: (i) a deviation from the minimum lot size requirement of the R-1-7 (Single-Family Residential) zone; (ii) a deviation from the rear yard setback requirement of the R-1-7 zone; and (iii) a deviation from the open space requirement of the R-1-7 zone.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15061(b)(3) (Review for Exemption) and Section 15305 (Minor Alterations in Land Use Limitations) and of the CEQA Guidelines (14 Cal. Code Regs., Section 15061(b)(3) and 15305).
4. The property has a General Plan Land Use designation of Low Density Residential and is currently zoned R-1 (Single-Family Residential).
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 May 17, 2018, and all interested persons were given an opportunity to be heard.

8. The Planning Commission gave due and careful consideration to the matter during its meeting on May 17, 2018, and considered all oral and written testimony presented regarding the project; and

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 and Government Code Section 66412, are as follows:

FACTS:

The subject site is comprised of two (2) properties, Parcel 1 (APN: 100-352-31) and Parcel 2 (APN: 100-352-28), as legally described in the attached title report and the submitted lot line adjustment plans. Parcel 1 is 3,083 square feet and Parcel 2 is 3,286 square feet. The total combined lot size of Parcel 1 and 2 is 6,369 square feet. Parcel 1 is vacant and Parcel 2 is improved with a detached accessory structure.

Both properties are zoned R-1 (Single-Family Residential) and have General Plan Land Use Designations of Low Density Residential. The site abuts R-1 zoned properties to the north and to the west, across Sorrell Drive, and Trask Avenue to the south. Adjacent to, and above the site, is the Garden Grove SR-22 Freeway.

The applicant is proposing to consolidate the two (2) subject properties for the purpose of developing the site with a single-family residential dwelling. The applicant submitted architectural plans to the City for a proposed single-family dwelling, which were presented to the Planning Commission for information concurrently with its consideration of the requested Lot Line Adjustment and Variances, which plans show the size and shape of the structure and the structure's proposed footprint and orientation on the proposed consolidated new lot.

The property owners acquired Parcel 1 from CalTrans (California Department of Transportation) in 2014 and Parcel 2 from a private property owner in 1999. Over the years, both parcels have undergone several modifications for public roadway improvements, through several recorded instruments, since 1954. As shown in Tract No. 2166 (attached as Exhibit B), Parcel 1 is a portion of the original Lot 9. Originally, Lot 9 had a lot size of approximately 7,620 square feet. However, due to subsequent modifications for road and highway improvements relating to, but not limited to, the installation of a cul-de-sac at the intersection of Sorrell Drive and Trask Avenue, the installation of a storm drain at the end of the cul-de-sac, the widening of the Trask Avenue roadway, and the construction of the Garden Grove SR-22 Freeway, Lot 9 has been significantly modified and reduced in size to its current state, currently referred to as Parcel 1. Additionally, due to similar circumstances relating primarily to the construction of the Garden Grove SR-22 Freeway, a remnant and triangular-shaped parcel had been created, currently referred to as Parcel 2, which is landlocked (no frontage to an accessible street) and undevelopable. A remnant detached accessory structure remains on Parcel 2, which will be removed to accommodate the proposed project.

The property owners, Mr. and Mrs. George and Beverly Paras, currently own the abutting property to the north, located at 13452 Sorrell Drive (APN: 100-352-08), which is improved with a single-family dwelling. For many years, the property owners had witnessed and observed several issues occurring on the abutting vacant property (the two subject properties) such as, but not limited to: dumping, graffiti, drug use, and homeless encampments. Due to the shape and private orientation of the property, inadvertently aided by the adjacent sound wall of the freeway/bridge, the vacant property, which has limited visibility from Trask Avenue, has become a common place for chronic issues and nuisances. The property owners acquired the two (2) properties intending to develop the property with a single-family dwelling, and to improve the blighted area.

The applicant has requested the following three (3) variances from the development standards for the R-1-7 (Single Family Residential) zone in order to facilitate the construction of a single-family dwelling on the site: (i) a deviation of 1,549 square feet from the minimum 7,200 square foot lot size requirement to permit a lot of 5,651 square feet in area after the right of way dedication made pursuant to Lot Line Adjustment No. LLA-016-2018; (ii) a deviation from the rear yard setback requirement of 20% of lot depth not to exceed 25 feet in order to facilitate development of a single-family dwelling structure that encroaches in the rear yard setback; and (iii) a deviation from the open space requirement to allow the minimum 1,000 square feet of usable open space to be maintained outside of the rear yard area. Approval of each of these variances is necessary in order to approve the requested lot line adjustment.

#### FINDINGS AND REASONS:

##### 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 Low Density Residential and are zoned R-1 (Single-Family Residential). The subject site is comprised of two (2) properties, Parcel 1 (APN: 100-352-31) and Parcel 2 (APN: 100-352-28). Parcel 1 is 3,083 square feet and Parcel 2 is 3,286 square feet. The total combined lot size of Parcel 1 and 2 is 6,369 square feet. As part of this application, a twelve foot (12'-0") public right-of-way dedication is required, which reduces the net developable area of consolidated site by 718 square feet, resulting in a final lot size of 5,651 square feet. The consolidation of the two (2) properties into one will facilitate the development of a single-family dwelling on the site. Approval of the Lot Line Adjustment and 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. Land Use Implementation Program 2B (LU-IMP-2B) encourages new development to be similar in scale to the

adjoining residential neighborhood to preserve its character. Finally, Goal LU-4 of the General Plan encourages the development of uses that are compatible with neighboring uses. The proposed Lot Line Adjustment and proposed single-family residential project is consistent with all of these goals, and the proposed Variances are needed to facilitate the project. Therefore, approval of the Lot Line Adjustment along with the granting of this Variance is in keeping with the spirit and intent of the General Plan. With the approval of the proposed Variances to the minimum lot size, rear setback, and rear yard open space requirements of the R-1-7 (Single-Family Residential) 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 development of a single-family dwelling. The subject site is comprised of two (2) properties, Parcel 1 (APN: 100-352-31) and Parcel 2 (APN: 100-352-28). Parcel 1 is 3,083 square feet and Parcel 2 is 3,286 square feet. The total combined lot size of Parcel 1 and 2 is 6,369 square feet. Due to a twelve foot (12'-0") public right-of-way dedication along Sorrell Drive, the net developable lot area of consolidated site is reduced by 718 square feet, resulting in a final lot size of 5,651 square feet. The two (2) subject properties (Parcels 1 and 2) have undergone several modifications, through several recorded instruments, since 1954. Parcel 1 is a portion of Lot 9 of Tract No. 2166. Originally, Lot 9 had a lot size of approximately 7,620 square feet. However, due to subsequent modifications for road and highway improvements relating to, but not limited to, the installation of a public cul-de-sac at the intersection of Sorrell Drive and Trask Avenue, the installation of a storm drain at the end of the cul-de-sac, the widening of the Trask Avenue roadway, and the construction of the Garden Grove SR-22 Freeway by Caltrans (California Department of Transportation), Lot 9 has been significantly modified and reduced in size to its current state, currently referred as Parcel 1. Additionally, due to similar circumstances relating primarily to the construction of the Garden Grove SR-22 Freeway, a remnant and triangular-shaped parcel had been created, currently referred to as Parcel 2, which is landlocked (no frontage to an accessible street) and undevelopable. Other properties on streets in similar residential zones, in the same zone and/or in the neighborhood of the subject site are not subject to the same public right-of-way dedications and substantial street and highway improvements that significantly alter their shape and reduce their developable area, as it does to the subject site involved in the proposed project.

The R-1-7 zone establishes a minimum lot size of 7,200 square feet. After the proposed Lot Line Adjustment to consolidate the two (2) properties (Parcel 1 and Parcel 2, as described in the attached title report) into one lot, and after

the required public right-of-way dedication of twelve feet (12'-0"), the resulting lot size will be 5,651 square feet, which is less than the minimum 7,200 square foot lot size requirement of the R-1-7 zone. In order to meet the 7,200 square foot minimum lot size, additional land would need to be acquired. The lots abutting the site are all developed with residential uses, are owned by others, and/or are public rights-of-ways. Thus, further consolidation of abutting properties to meet the 7,200 square foot lot size minimum is not feasible. Although the resulting lot size (5,651 square feet) will be less than the 7,200 square foot lot size minimum requirement, the project brings the combined property closer into conformance to the minimum lot size requirement of the zone.

The R-1-7 zone establishes a minimum rear yard setback requirement, at a depth of 20% of the lot depth, not to exceed 25 feet. The "rear yard setback" is measured from the "rear lot line," as these terms are defined in Chapter 9.04 of the Garden Grove Municipal Code. Based on the Municipal Code definition of "rear setback" and how the rear setback is measured, a single-family dwelling on the subject lot could not provide a sufficient rear setback (minimum of 11.6 feet) due to the odd shape of the lot. The evidence presented demonstrates that a typical single-family dwelling would encroach the Code defined "rear setback" line and provide a 0'-0" rear setback from the Code defined "rear lot line". It would not be reasonably feasible for any typical single-family dwelling developed on the site to comply with the minimum rear yard setback requirement of the R-1-7 zone. Although a traditional rear setback could not be achieved on the subject lot, the applicant has demonstrated on the submitted architectural plans that a single-family dwelling could still provide a 42'-6" setback from the rearmost part of the property (the easternmost point of the triangular-shaped Parcel 2).

Additionally, the R-1-7 zone requires a minimum of 1,000 square feet of usable open space maintained in the required rear yard. As defined in Chapter 9.04 of the Garden Grove Municipal Code, the "rear yard" is an open space extending across the full width of the lot measured inward from and at right angles to the "rear lot line." Based on the Municipal Code definitions of "rear yard" and "required rear yard depth" and how the location of the minimum 1,000 square feet of open space is determined (within the required rear yard), a typical single-family dwelling on the subject lot could not provide the minimum 1,000 square feet of open space within the rear yard due to the odd shape of the lot. The evidence presented demonstrates that a typical single-family dwelling would encroach the entirety of the Code defined "required rear yard" area. It would not be reasonably feasible for any typical single-family dwelling developed on the site to comply with the open space requirements of the R-1-7 zone. Although the 1,000 square feet of open space could not be located within the Code defined "required rear yard" area, in the traditional sense, the applicant has demonstrated on the submitted architectural plans that a single-family dwelling could still provide at least 1,000 square feet of usable open space behind the dwelling and in the easternmost portion of the lot.

With exception of the three (3) requested variances (minimum lot size, rear setback, and rear yard open space), the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1-7 zone, such as, but not limited to: front setback, side setback, lot width, lot coverage, parking, landscaping, and building height. Other properties on streets in similar residential zones, in the same zone or in the neighborhood of the subject site, are typically comprised of common shaped lots that are rectangular, trapezoidal, or triangular. However, the subject site is atypical in shape, which significantly limits the ability to develop the property with a single-family dwelling in a traditional manner and in compliance with all R-1-7 development standards. The foregoing, including the required right-of-way dedications, past significant street and highway improvements that altered the size and shape of the site, that further lot consolidation at this site is impractical, and that the proposed project is otherwise consistent with the standards and intent of the R-1-7 single-family residential zone constitute exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other property in similar zones, 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 properties that are zoned R-1-7 (Single-Family Residential), which has a minimum lot size requirement of 7,200 square feet, a minimum rear setback requirement determined at a depth of 20% of the lot depth, not to exceed 25 feet, and minimum open space requirements in the required rear yard. 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, the minimum front, side, and/or rear setbacks, and the rear yard open space requirements, per their respective zones. For example, the property directly across Sorrell Drive, to the west of the subject site, located at 11811 Trask Avenue (APN: 100-351-28), is an existing single-family residentially developed property that is substandard in lot size, and was also subject to the same road and highway improvements as the subject properties. 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 exception of the three (3) requested variances (to minimum lot size, rear setback, and rear yard open space), the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1-7 zone, such as, but not limited to: front setback, side setback, lot width, lot coverage, parking, 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 requests will allow the newly consolidated parcel to deviate from the minimum lot size requirement, the minimum rear yard setback requirement, and the rear yard open space requirement of the R-1-7 (Single-Family Residential) zone, in order to facilitate the development of one single-family residential dwelling on the site. 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, the minimum front, side, and/or rear setbacks, and the rear yard open space requirements, per their respective zones. Provided the project complies with the Conditions of Approval, the balance of the R-1-7 development standards, and provides 1,000 square feet of usable open space as demonstrated in the submitted plans, the granting of the Variances 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 exception of the three (3) requested variances (to minimum lot size, rear setback, and rear yard open space), the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1-7 zone, such as, but not limited to: front setback, side setback, lot width, lot coverage, parking, landscaping, and building height. In addition, the subject site is currently vacant and, due to its shape, private orientation, and the adjacent sound wall of the freeway/bridge, the property has limited visibility from Trask Avenue. As a result, for many years, the vacant site has been utilized for activities such as dumping, graffiti, drug use, and homeless encampments. Development and occupancy of the site will help eliminate these chronic nuisance activities to the benefit of the public welfare and the property in the zone and neighborhood.

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

The applicant is proposing a Lot Line Adjustment to consolidate the two (2) properties into one intending to develop the property with a single-family dwelling, which is a use that is consistent with the intent of the General Plan and the zoning classification as single-family residential developments are permitted in the R-1-7 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 R-1-7 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. Land Use Implementation Program 2B (LU-IMP-2B) encourages new development to be similar in scale to the adjoining residential neighborhood to preserve its character. Finally, Goal LU-4 of the General Plan encourages the development of uses that are compatible with neighboring uses. The proposed

single-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 properties that are zoned R-1-7 (Single-Family Residential), which has a minimum lot size requirement of 7,200 square feet, a minimum rear setback requirement determined at a depth of 20% of the lot depth, not to exceed 25 feet, and minimum open space requirements in the required rear yard. 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, the minimum front, side, and/or rear setbacks, and the rear yard open space requirements, per their respective zones. For example, the property directly across Sorrell Drive, to the west of the subject site, located at 11811 Trask Avenue (APN: 100-351-28), is an existing single-family residentially developed property that is substandard in lot size, and was also subject to the same road and highway improvements as the subject properties. Approval of the proposed Variance will not set a precedent, as the lots are legally created and will be consolidated to allow the construction of a single-family home, which 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 exception of the three (3) requested variances (to minimum lot size, rear setback, and rear yard open space), the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1-7 zone, such as, but not limited to: front setback, side setback, lot width, lot coverage, parking, landscaping, and building height. Pursuant to the Conditions of Approval, the rights granted pursuant to the Variance shall continue in effect for only so long as a single-family dwelling structure similar in size, orientation, and location to the structure depicted on the architectural and site plans presented to the Planning Commission in conjunction with its approval of Lot Line Adjustment No. LLA-016-2018 and Variance No. V-020-2018 are approved by the City and constructed and continue to exist on the Site. In the event the necessary building and other permit or permits for such a structure is/are not obtained within one year of approval (or the length of any extension approved by the City), the structure is not constructed within the time allowed under such building permit(s), or such structure is demolished and not re-established within one year of demolition, 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. In addition, the Conditions of Approval require that a minimum of 1,000 square feet of contiguous and usable open space shall be



provided to the rear of the single-family dwelling unit, to the satisfaction of the Planning Services Division, and in a similar fashion as shown in the architectural plans submitted for Lot Line Adjustment No. LLA-016-2018 and Variance No. V-020-2018. 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.

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 Variance possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. The Lot Line Adjustment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.40.190.
3. 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 Lot Line Adjustment No. LLA-016-2018 and Variance No. V-020-2018.

Adopted this 17th day of May 2018

ATTEST: /s/ GEORGE BRIETIGAM  
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 May 17, 2018, by the following vote:

AYES:	COMMISSIONERS:	(5)	BRIETIGAM, KANZLER, NGUYEN, SALAZAR, TRUONG
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(2)	LAZENBY, LEHMAN

/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 June 7, 2018.