

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: North side of 11 th Street between Kerry Street and Brookhurst Street, at 9861 11 th Street
HEARING DATE: February 7, 2019	GENERAL PLAN: Medium Density Residential
CASE NOS.: Planned Unit Development No. PUD-010-2019, Site Plan No. SP-063-2019, Variance No. V-022-2019 and Tentative Tract Map No. TT-18169-2019	EXISTING ZONE: R-3 (Multiple-Family Residential) PROPOSED ZONE: Planned Unit Development No. PUD-010-2019
APPLICANT: Melia Homes, Inc. (Attn: Chad Brown)	APN: 098-120-18
PROPERTY OWNER: Consolidated Industries, Inc. (Attn: Michael F. Tatham)	CEQA DETERMINATION: Mitigated Negative Declaration

REQUEST:

A request by Melia Homes to develop a 1.8-acre lot, located at 9861 11th Street (Assessor's Parcel No. 098-120-18), with a multiple-family residential project (the "Project") consisting of 31 two- and three-story townhomes. The specific land use entitlement approvals requested include the following: (i) Residential Planned Unit Development zoning to facilitate the development of the townhome project; (ii) Site Plan approval to construct the 31 two- and three-story townhomes along with associated site improvements; (iii) Tentative Tract Map approval to create the one-lot subdivision for the purpose of selling each townhome as a condominium; and (iv) Variance approval to deviate from the minimum lot size for a Residential Planned Unit Development.

BACKGROUND:

The subject 1.8-acre lot is currently improved with a 33,200 square foot intermediate care facility for the developmentally disabled, which currently operates with 59 beds and is planned to operate on-site through May 2019. The facility was originally developed to accommodate 147 patients. However, due to state licensing constraints, the facility is now limited to 59 beds. The existing 33,200 square foot single-story structure is surrounded by asphalt parking areas with two (2) driveways providing vehicular access from 11th Street.

The subject property has a General Plan Land Use Designation of Medium Density Residential, which provides an allowable density of up to 32 dwelling units per acre,

and is zoned R-3 (Multiple-Family Residential), which allows up to 24 dwelling units per acre. The subject property is adjacent to R-3 zoned properties to the north, south, east, and across 11th Street to the south. The existing surrounding uses include: two-story apartment buildings to the north; a two-story apartment building to the east of the site's northern portion, and a single-family residence to the east of the site's southern portion; two-story townhomes across 11th Street to the south; and a vacant site, which was recently approved by the City to develop a three-story apartment building, to the west.

The applicant proposes to construct a multiple-family residential project consisting of 31 two- and three-story townhomes along with associated site improvements. Approval of a Planned Unit Development (PUD) is necessary to accommodate the proposed project, along with a Site Plan, Tentative Tract Map, and a Variance to deviate from the minimum three-acre lot size requirement for a residential Planned Unit Development. The Site Plan, Tentative Tract Map, and Variance approvals by the Planning Commission would be contingent upon the City Council's approval of the proposed Planned Unit Development zoning and adoption of a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program ("MMRP").

DISCUSSION:

PLANNED UNIT DEVELOPMENT NO. PUD-010-2019:

The General Plan Land Use designation for the subject property is Medium Density Residential, which allows for up to 32 dwelling units per acre. The subject property is currently zoned R-3, which allows for the development of multiple-family dwellings for up to 24 dwelling units per acre. The proposed Project will consist of 17.2 dwelling units per acre, which is well below the density allowed by the General Plan and the R-3 zone. The applicant is requesting approval of Planned Unit Development No. PUD-010-2019 to establish a precise plan in order to facilitate and permit the development of the site with the proposed residential townhome project. If PUD-010-2019 is approved, the site would have a zoning designation of Residential Planned Unit Development zoning (PUD-010-2019), with R-3 base zoning.

A Planned Unit Development (PUD) is a precise plan, adopted by City Council ordinance that provides the means for the regulation of buildings, structures and uses of land in order to facilitate the implementation of the General Plan. The Planned Unit Development (PUD) zoning designation establishes development standards and uses specific to a particular project provided that the quality of the project achieved through the PUD zoning is greater than could be achieved with traditional zoning. The specific development standards applicable to a Planned Unit Development are those set forth in the ordinance approving the PUD. Where a Planned Unit Development is silent regarding operating conditions, maintenance or other standards regulating a particular use, the Land Use Code standards applicable to the base zone (in this case, R-3) apply.

Through the residential Planned Unit Development, and the flexibility in site design it accommodates, the proposed Project provides a greater quality development by utilizing certain modifications to traditional strict zoning standards, which include: a reduced separation between habitable portions of buildings in front-to-front orientations; a reduced separation between habitable portions of buildings to open guest parking stalls; encroachment of private open patios in the front yard setback; and allowing an additional powder room for a residential unit. Such minor deviations have been previously approved for other similar residential projects in the City.

Planned Unit Development No. PUD-010-2019 would permit development of the property in accordance with the proposed Site Plan and Tentative Tract Map for the project and would accommodate the development of 31 two- and three-story residential townhome units as part of a multiple-family residential development that will be compatible with the existing neighborhood, which is comprised primarily of multiple-family residential developments.

SITE PLAN:

Project Statistics

	Provided	Code Requirement
Lot Size	1.8 acres	3 acres ¹
Density	17.2 units per acre	24 units per acre (max)
Parking		
Enclosed (Garaged)	62	62
Open Guest Spaces	30	30
Total Parking Spaces	<u>92</u>	<u>92</u>
Recreation Area	9,453 S.F.	9,300 S.F. (min)
Building Height	33'-6"	35'-0" (max)

¹ The code requires a minimum lot size of 3 acres for a residential Planned Unit Development (PUD). Therefore a Variance is required in order to implement the PUD zoning designation.

Building Design

	Number of Bedrooms/Baths	Living Area²	Total Number of Units
Plan A	2 Bedrooms, 3 Baths	1,650 S.F.	12
Plan B	3 Bedrooms, 3 Baths	1,700 S.F.	15
Plan C	3 Bedrooms, 4 Baths	1,940 S.F.	4

² Garages are not included in total living area.

Site Design and Circulation

The project consists of 31 two- and three-story townhomes with attached enclosed two-car garages. The units are dispersed amongst three (3) main structures: Nine attached (9) units in a structure along the easterly property line; ten (10) attached units in a structure located toward the rear (northwest corner) of the property; and twelve (12) attached units in a structure located toward the front of the property.

The attached two-car garages for each unit are accessible from the private driveways, which circulate throughout the development. The width of the drive aisles have been designed to accommodate two-way traffic and ranges between 25'-0" to 28'-0" in width. The private driveways have been designed in accordance with City Standards, and provides the required turnaround access for trash trucks and emergency vehicles. A total of 30 open guest parking stalls will be conveniently located throughout the development. The remaining 62 parking spaces are comprised of 31 enclosed, attached two-car garages for the 31 townhomes.

Vehicular access to the site will be from 11th Street via an enhanced entry driveway that will include decorative paving and landscaping. No vehicular access gate is proposed. Various sidewalks will provide pedestrian access to the site from the 11th Street public right-of-way.

Unit Nos. 1-6 will have entries facing the 11th Street public right-of-way with private porch areas that are open to the sky. The remaining units will have entries facing, and accessible from, private walkways, which circulate throughout the development. The common/active recreation area is centrally located and conveniently accessible to all units within the development.

Perimeter Walls and Landscaping

A new, six-foot high, decorative masonry block wall will be constructed along the perimeter of the site on the northerly, westerly, and easterly property lines, as necessary. The private porch recreation areas, at ground level, will be enclosed by 3'-0" high fences to delineate the private open spaces.

The project will provide new landscape installations through the development, including all common areas such as the active and passive recreation areas, in addition to landscaping within the front setback area facing 11th Street. The applicant is required to provide a landscape and irrigation plan to the City, through a complete Landscape Documentation Package, that complies with the landscaping requirements, including the City's Landscape Water Efficiency Guidelines, of Title 9 of the Municipal Code. The Planning Division 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.

Unit Design

The proposed Project consists of 31 two- and three-story townhomes with three (3) different floor plan designs (Plan A, B, and C), with an attached two-car garage provided for each unit.

Plan A (Units 2, 3, 10, 11, 13, 20, 21, 23, 25, 26, 29, and 30) is a three-story dwelling unit that consists of a total living area of 1,650 square feet, in addition to a 440 square foot attached two-car garage. The first floor consists of the two-car

garage, den, powder room (public 1/2 bathroom), and a 142.5 square foot private patio that is uncovered and open to the sky. The second floor consists of the kitchen, living room, dining room, and a 60 square foot deck. The third floor consists of two (2) bedrooms, two (2) bathrooms (1 private full bathroom and 1 public full bathroom), and washer and dryer closet.

Plan B (Units 1, 4, 5, 8, 9, 12, 14, 15, 18, 19, 22, 24, 27, 28, and 31) is a two-story dwelling unit that consists of a total living area of 1,700 square feet, in addition to a 480 square foot attached two-car garage. The first floor consists of the two-car garage, kitchen, dining room, living room, a powder room (public 1/2 bathroom), and a 144 square foot private patio that is uncovered and open to the sky. The second floor consists of the loft, three (3) bedrooms, two (2) bathrooms (1 private full bathroom and 1 public full bathroom) and a laundry room.

Plan C (Unit 6, 7, 16, and 17) is a three-story dwelling unit that consists of a total living area of 1,940 square feet, in addition to a 440 square foot attached two-car garage. The first floor consists of the two-car garage, den, powder room (public 1/2 bathroom), and a 142.5 square foot private patio that is uncovered and open to the sky. The second floor consists of the kitchen, living room, dining room, a bedroom, a bathroom (public full bathroom), and a 41 square foot deck. The third floor consists of two (2) bedrooms, two (2) bathrooms (1 private full bathroom and 1 public full bathroom), and a laundry room.

Building Architecture

The building elevations are designed to look like contemporary multi-family homes. Each unit's front building elevation incorporates projecting and recessed building masses, along with varied rooflines in order to articulate the building's facade. The buildings' architectural detailing includes the use of wood trellises, wood timber columns, iron railings, tile roofing, foam corbel detailing, varied window shapes, multi-pane windows, and decorative trim around the windows and doors to enhance the building.

The exterior building materials for each unit consist of a stucco finish that will be painted a natural color scheme consisting of complimentary tones. The roofing material will consist of tile with a color palette that compliments the exterior finishes.

Recreation Area

The project, as a whole, is required to provide a minimum 9,300 square feet (300 square feet per unit) of recreation space, which is split amongst active, passive, and private recreation areas. The Project provides a total of 9,453 square feet of recreation area.

The project is required to provide an active recreation area that is a minimum of 3,600 square feet of contiguous recreation space with amenities. The proposed

Project provides a 3,786.5 square foot active recreation area that is centrally located and conveniently accessible to all units within the development. Said active recreation area will provide a tot lot, various seating areas, and landscaping. The Project will also provide 2,453 square feet of passive recreation area, which is connected to the active recreation area, with additional seating areas, walkways, and landscaping.

Each dwelling unit will provide a private patio, at ground level, in the form of an enclosed front porch area, which ranges between 142.50 to 144 square feet, and is uncovered and open to the sky. The Plan A and Plan C floor plans will provide a 2nd floor deck for additional private recreation area.

Staff has reviewed the plans and finds that the proposed Project complies with all recreation requirements of the Municipal Code.

Parking

The project provides a total of 92 parking spaces, which meets the minimum number of parking spaces required by the Municipal Code. The breakdown of parking spaces includes 62 garaged parking spaces and 30 unassigned open guest parking spaces.

As part of the Initial Study report prepared for the Mitigated Negative Declaration for the Project, a technical memo was prepared by Translutions, a licensed traffic engineering firm, to determine the potential impacts relating to trip generation (the expected number of vehicle trips originating in or destined for a particular traffic analysis zone) and parking demand (the projected parking demand for the site). Based on the trip generation and project parking demand analyses conducted, Translutions concluded that the proposed Project is unlikely to have any significant impacts on nearby traffic circulation and that the number of parking spaces provided would be adequate to meet the parking demand for the Project. A traffic study would typically be required by the City if the trip generation for a project was projected to increase by more than 50 trips during peak times. The trip generation rates in the report were based on the nationally referenced rates from the Institute of Transportation Engineers' (ITE) *Trip Generation* (10th Edition) – commonly referred to as the "ITE Manual". The analyses of the report found that the projected new trip generation, resulting from the proposed residential project (197 daily trips), would actually be less (by -23 trips) than the current trip generation of the existing intermediate care facility (220 daily trips). The City's Traffic Engineering Division reviewed the report and concurred with the report's findings.

VARIANCE:

Section 9.12.030.020.C.2 of Title 9 of the Municipal Code requires all residential Planned Unit Developments to provide a minimum lot size of three (3) acres. The subject lot is 1.8 acres in area, which is less than the minimum required. The applicant is requesting a Variance from the minimum three-acre lot size

requirement to facilitate the approval of the proposed residential Planned Unit Development.

Pursuant to State law and Garden Grove Municipal Code Section 9.32.030.D.6, in order to grant a property owner's request for a Variance, the Planning Commission must make each of the following five (5) findings:

1. That 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 City of Garden Grove is built-out with very few vacant sites available. Most current projects are in-fill, which is defined as the development of new housing or other buildings on scattered vacant or currently developed sites in a built-up area. The acquisition of additional land to meet the three-acre lot size requirement is not feasible as the property is bounded by existing residential developments to the north and east, an apartment development to the west that is expected to commence construction in the near future, and 11th Street to the south. The limited size of the site prevents the applicant from proposing a residential project that strictly meets all of the required development standards of the R-3 (Multiple-Family Residential) zone. The Planned Unit Development (PUD) zoning designation establishes development standards and uses specific to a particular project, and independent of certain aspects of the Municipal Code, provided that the quality of the project achieved through the PUD zoning is greater than could be achieved through traditional zoning. Changing the zoning of the property to a residential Planned Unit Development will ensure the property is consistent with the spirit and intent of the General Plan, which, in part, encourages the development of residential units to meet the city's regional housing needs and to further the goals of the City's Housing Element.

Additionally, the intent of Goal LU-3 of the General Plan is to add higher density residential development adjacent to major thoroughfares in the City. The subject site is in close proximity to Brookhurst Street, which is a major arterial street. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, particularly in regards to limited developable lot size and feasibility to acquire additional land, that do not apply generally to other similar properties in the immediate vicinity, within the same zone, or other similar zoned properties throughout the City. As mentioned prior, due to the location of the property, and the surrounding existing improvements, the applicant is unable to acquire additional land area to meet the three-acre size requirement of the PUD. The proposed lot area is sufficient in size to accommodate the proposed development, and the Project has been designed to comply with development standards of the zoning code, including setbacks, lot coverage, parking, recreation space, and building height.

2. That such 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 Variance is necessary for the property to be developed with the same property rights that exist for other similar residential developments located throughout the City that may not meet minimum lot size requirements. The proposed Variance will allow the Project to deviate from the three-acre lot size requirement for a residential Planned Unit Development. There are other similar residential projects in the immediate vicinity, within the same zone, or other similar zoned properties through the City that do not meet the minimum three-acre lot size requirement and therefore required the approval of the same Variance. The property is bounded by existing residential developments to the north and east, an apartment development to the west that is expected to commence construction in the near future, and 11th Street to the south. The location of the project site precludes the applicant from being able to acquire additional land area to meet the three-acre requirement. The approval of the requested Variance is necessary to ensure the preservation and enjoyment of a substantial property right possessed by other property in the immediate vicinity, within the same zone, or other similar zoned properties throughout the City.

3. That 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 proposed Variance will allow the project to deviate from the three-acre lot size requirement for a residential Planned Unit Development. The subject site is located in an area improved with multiple-family and single-family homes. The existing surrounding uses include: two-story apartment buildings to the north; a two-story apartment building to the east of the site's northern portion and a single-family residence to the east of the site's southern portion; two-story townhomes across 11th Street to the south; and a vacant site, which was recently approved by the City to develop a three-story apartment building, to the west. Therefore, the proposed Project will be compatible with the existing residential developments in the area. The proposed lot area is sufficient in size to accommodate the proposed development, and the Project has been designed to comply with development standards of the zoning code, including setbacks, lot coverage, parking, recreation space, and building height. The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the proposal has been reviewed by all City Departments in order to ensure compliance with all applicable code provisions.

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

The proposed Variance will allow the project to deviate from the three-acre lot size requirement of the residential PUD zone. The proposed lot area is sufficient in size to accommodate the proposed development, and the Project has been designed to comply with development standards of the zoning code, including setbacks, lot coverage, parking, recreation space, and building height. The General Plan Land Use designation for the subject property is Medium Density Residential, which allows for up to 32 dwelling units per acre. The subject property is currently zoned R-3, which allows for the development of multiple-family dwellings for up to 24 dwelling units per acre. The proposed Project will consist of 17.2 dwelling units per acre, which is well below the density allowed by the General Plan and the R-3 zone. Furthermore, the Medium Density Residential land use designation is intended for a variety of types and densities of multiple-family residential dwellings as well as to promote housing opportunities in close proximity to employment and commercial centers.

The proposed Project meets the spirit and intent of the General Plan and furthers the following goals, policies, and implementation programs:

Goal LU-3, which intends to add higher density residential development adjacent to major thoroughfares in the City;

Policy LU-2.2, which strives to provide a diverse mix of housing types, along with uniformly high standards of residential property maintenance to preserve residents' real estate values and their high quality of life;

Policy LU-2.4, which intends to assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood;

LU-IMP-2B, which intends for new development to be similar in scale to the adjoining residential neighborhood to preserve its character;

LU-IMP-3D, which intends for multi-family housing on local streets with appropriate setbacks to be consistent with neighborhood development patterns; and

Policy LU-4.1, which strives to locate higher density residential uses within proximity of commercial uses to encourage pedestrian traffic, and to provide a consumer base for commercial uses.

The proposed Project will be consistent with the spirit and intent of the General Plan and will help in meeting the City's regional housing needs. Therefore, the granting of the requested Variance will not adversely affect the City's General Plan.

5. That 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 Variance is necessary for the property to be developed with the same property rights that exist for other similar residential developments located throughout the City. The proposed Variance will allow the Project to deviate from the three-acre lot size requirement for a residential Planned Unit Development. There are other similar residential projects in the immediate vicinity, within the same zone, or other similar zoned properties through the City that do not meet the minimum three-acre lot size requirement and therefore required the approval of the same Variance. The property is bounded by existing residential developments to the north and east, an apartment development to the west that is expected to commence construction in the near future, and 11th Street to the south. The Project is subject to extensive Conditions of Approval that impose requirements and limitations similar to those placed on other multiple-family residential projects and properties in the immediate vicinity, within the same zone, or on other similarly zoned properties throughout the City, and which are intended to assure that the granting of a variance to allow PUD zoning will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

TENTATIVE TRACT MAP:

In accordance with the State Subdivision Map Act, the developer has filed a Tentative Tract Map for the project. The map creates a one-lot subdivision for the purpose of selling each townhome unit as a condominium. The proposed Tentative Tract Map is consistent with the City's General Plan, the City's Zoning Code, the City's Subdivision Ordinance, and the State Subdivision Map Act.

California Environmental Quality Act (CEQA):

In conjunction with the proposed Project, the City (through an environmental consultant) has prepared an Initial Study report and Mitigated Negative Declaration ("IS/MND") in accordance with the California Environmental Quality Act ("CEQA") analyzing the potential environmental impacts of the proposed residential townhome project. In accordance with CEQA Guidelines, the City made the IS/MND available for public review and comment prior to the meeting. The IS/MND concludes that the proposed Project will have no, or a less than significant, impact on all relevant environmental factors, provided specified mitigation measures are incorporated, as per the Mitigation Monitoring and Reporting Program ("MMRP"). The mitigation measures are included within the MMRP. The applicant will be required to coordinate with an environmental consultant to implement the mitigation measures in the MMRP, as identified in the Mitigated Negative

Declaration, and shall provide updates about the implementation process to the Community and Economic Development Department until completion of the project.

Neighborhood Meeting:

On November 7, 2018, the applicant voluntarily held a neighborhood meeting at the site of the Islamic Society of Orange County, which is in close proximity (just to the west) of the project site. The neighborhood meeting was held by applicant to present the Project details, to garner feedback from the community attendees, and to answer any questions about the proposed Project. Approximately forty (40) persons were in attendance for the meeting. Questions and concerns raised by the attendees included, but were not limited to, the following topics: existing traffic issues; if the residential project was a gated complex; potential exacerbating of existing on-street parking issues; potential overcrowding in the new residential units; if the project would include Section 8 housing tenants; construction time frame; if the environmental study is commissioned by the applicant or the City; if the project exceeds the maximum number of dwelling units allowed by the R-3 zone; and if the project had already been approved by the City. In response the various inquiries, the applicant stated, in part: that the Project will not be gated; that the proposed Project would decrease the existing traffic (trip generation) compared to the existing use; that the Project proposes substantially less dwelling units than the maximum allowed by the zone; that the Project provides adequate parking on-site and complies with the City's parking requirements; that the Project has not yet been approved by the Planning Commission and City Council; and that the units will be market rate for-sale townhomes and will not be not restricted as affordable housing.

RECOMMENDATION:

Staff recommends that the Planning Commission hold a public hearing and take the following actions:

1. Adopt the attached Resolution No. 5945-19 recommending that the Garden Grove City Council adopt a Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program, and approve Planned Unit Development No. PUD-010-2019; and
2. Adopt the attached Resolution No. 5946-19 approving Site Plan No. SP-063-2019, Variance No. V-022-2019, and Tentative Tract Map No. TT-18169-2019, subject to the recommended Conditions of Approval, and contingent upon Garden Grove City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program for the Project, and adoption and effectiveness of an Ordinance approving Planned Unit Development No. PUD-010-2019.

Lee Marino
Planning Services Manager

By: Chris Chung
Urban Planner

Attachment: Draft Initial Study/Mitigated Negative Declaration and
Mitigation Monitoring and Reporting Program