

RESOLUTION NO. 5946-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING APPROVING SITE PLAN NO. SP-063-2019, VARIANCE NO. V-022-2019 AND TENTATIVE TRACT MAP NO. TT-18169-2019, FOR PROPERTY LOCATED AT 9861 11<sup>th</sup> STREET, ASSESSOR'S PARCEL NO. 098-120-18.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on February 7, 2019, does hereby approve Site Plan No. SP-063-2019, Variance No. V-022-2019 and Tentative Tract Map No. TT-18169-2019, for land located on the north side of 11<sup>th</sup> Street between Kerry Street and Brookhurst Street, Assessor's Parcel No. 098-120-18, subject to (i) the Conditions of Approval attached hereto as "Exhibit A"; (ii) 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 with R-3 (Multiple-Family Residential) base zoning.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-063-2019, Variance No. V-022-2019 and Tentative Tract Map No. TT-18169-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Melia Homes, Inc., with the authorization of the property owner, Consolidated Industries, Inc.
2. The applicant requests (a) City Council adoption of Residential Planned Unit Development No. PUD-010-2019 for a 1.8-acre lot, located at 9861 11th Street (Assessor's Parcel No. 098-120-18), and currently zoned R-3 (Multiple-Family Residential) to allow and facilitate the development of a multiple-family residential project (consisting of 31 two- and three-story townhomes; (b) Planning Commission approval of Site Plan No. SP-063-2019 to construct the 31 two- and three-story townhomes along with associated site improvements; (c) Planning Commission approval of Tentative Tract Map No. TT-18169-2019 to create a one-lot subdivision for the purpose of selling each townhome as a condominium; and (d) Planning Commission approval of Variance No. V-022-2019 to deviate from the 3-acre minimum lot size for a Residential Planned Unit Development (collectively, the "Project").
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration because the proposed Project with implementation of the proposed mitigation measures cannot, or will not, have a significant effect on the environment. A Mitigation Monitoring and Reporting Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation. The Mitigated

Negative Declaration and Mitigation Monitoring and Reporting Program were prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.

4. Concurrently with its adoption of this Resolution (5946-19), the Planning Commission adopted Resolution No. 5945-19 recommending that the City Council: (i) adopt the Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program for the 11<sup>th</sup> Street Townhome Project; and (ii) approve Planned Unit Development No. PUD-010-2019. The facts and findings set forth in Resolution No. 5945-19 are hereby incorporated into this Resolution by reference.
5. The property has a General Plan Land Use designation of Medium Density Residential and is currently zoned R-3 (Multiple-Family Residential). The subject 1.8-acre lot is currently improved with a 33,200 square foot intermediate care facility for the developmentally disabled.
6. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on February 7, 2019, and all interested persons were given an opportunity to be heard.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of February 7, 2019, and considered all oral and written testimony presented regarding the project, the initial study, and the Mitigated Negative Declaration.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.32.030 and 9.40.060, are as follows:

FACTS:

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 11<sup>th</sup> 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 11<sup>th</sup> 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 11<sup>th</sup> 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").

The application for Site Plan No. SP-063-2019, Variance No. V-022-2019 and Tentative Tract Map No. TT-18169-2019 is being processed in conjunction with an application for approval of Planned Unit Development No. PUD-010-2019. If approved by the City Council, Planned Unit Development No. PUD-010-2019 will create a precise plan and zoning for the property with implementation provisions corresponding to the project proposed pursuant to Site Plan No. SP-063-2019, Variance No. V-022-2019 and Tentative Tract Map No. TT-18169-2019.

#### FINDINGS AND REASONS:

##### Site Plan:

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

The General Plan Land Use Designation of the subject site is Medium Density Residential, which is intended for a variety of types and densities of multiple-family residential dwellings as well as to: (i) provide an excellent environment for family life; preserve residential property values; (iii) provide access to schools, parks, and other community services; (iv) promote housing opportunities in close proximity to employment and commercial centers and; (v) provide a high-quality architectural design. The proposed project would create a neighborhood of 31 two- and three-story townhomes, with attached two-car garages, that satisfies each of these objectives and results in a density of 17.2 dwelling units per acre, which is well below the density allowed by the Medium Density Residential General Plan Land Use

Designation (max 32 units per acre) and the R-3 zone (max 24 units per acre). Approval and effectiveness of the proposed Site Plan is contingent upon City Council approval of a Planned Unit Development that will establish zoning standards for the site consistent with the proposed Site Plan and Tentative Tract Map.

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.

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 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 towards the rear

(northwest corner) of the property; and twelve (12) attached units in a structure located towards 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 range 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 11<sup>th</sup> 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 11<sup>th</sup> Street public right-of-way. Unit Nos. 1-6 will have entries facing the 11<sup>th</sup> 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. No vehicular access gate is proposed.

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* (10<sup>th</sup> 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.

The Engineering Division has reviewed the plan and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts on surrounding streets. Therefore, the design of the project complies with the spirit and intent of the Garden Grove Municipal Code for multiple-family residential uses and will provide for a stable and desirable environment.

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

The Public Works Department has reviewed the plans and all appropriate conditions of approval have been incorporated. The proposed development will provide landscaping and proper grading of the site to provide adequate on-site drainage. All other appropriate conditions of approval and mitigation measures have been included, which will minimize any adverse impacts to surrounding streets.

4. The project will not adversely impact the Public Works Department's ability to perform its required function.

The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval and mitigation measures to minimize any adverse impacts, and to ensure the project will not adversely impact the Public Works Department's ability to perform its required function(s).

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

The subject 1.8-acre lot is located in an area that is adjacent to R-3 zoned properties to the north, south, east, and across 11<sup>th</sup> 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 11<sup>th</sup> 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. 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 and multi-story structures. 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 proposed development will include parking spaces on-site to adequately serve the development, along with private and common recreation space. The proposed development will be an added value to the neighborhood, and will add additional housing units that will further the goals of the City's Housing Element.

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

The proposed lot is sufficient in size and shape 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 has been designed to create a residential community that is compatible with the surrounding multiple-family and single-family homes in the area. The Residential Planned Unit Development (PUD) zoning allows the project to have an overall quality that is greater than the current zoning as it allows a more integrated design of multiple-family residential buildings. The design creates a sense of neighborhood with walkways, landscaping frontages, and active, passive, and private open spaces, and shared open space amenities. The proposed development will be an added value to the neighborhood, and will add additional housing units that furthers the goals of the City's Housing Element.

Variance:

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 11<sup>th</sup> 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 11<sup>th</sup> 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 11<sup>th</sup> 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 11<sup>th</sup> 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:

1. The proposed map is consistent with the General Plan.

The proposed map is consistent with the provisions of the General Plan for the land use designation for 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 land use designation and the R-3 zone, and is therefore consistent with the General Plan.

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

The design and improvements of the proposed subdivision 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.

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

The site has a net lot area of 1.8-acres. The project has been designed to comply with the development requirements of the R-3 (Multiple-Family Residential) zone, including setbacks, parking, landscaping, and recreation area. In addition, the proposed private driveway system throughout the development has been designed per the City's standard and provides adequate access for trash trucks and emergency vehicle access.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and the requirements of the California Environmental Quality Act have been satisfied.

Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed project qualifies for a Mitigated Negative Declaration because the proposed project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment. The Mitigated Negative Declaration with mitigation measures was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.

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

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.

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

The design of the subdivision and the proposed improvements are not likely to cause serious public health problems since conditions of approval will be in place to safeguard the public health. City Departments, including Traffic Division, Water Division, Engineering Division, Fire Department, and the Planning Division, have reviewed the proposed development and have applied conditions of approval as mitigating measures against any potential negative impacts that the project may have on the community.

7. The design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the subdivision; or, if such easements exist, alternate easements for access

or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.

The project has been designed to avoid development over existing easements.

8. The design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning requirements.

The proposed subdivision has been specifically designed to accommodate the proposed 31-unit residential townhome project on the property and is being processed in conjunction with a request for approval of Planned Unit Development zoning for the specific project proposed.

9. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

The project has been designed in accordance with Government Code Section 66473.1, which encourages the orientation of the units to take advantage of shade and prevailing breezes.

10. The design, density, and configuration of the subdivision strike a balance between the effect of the subdivision on the housing needs of the region and public service needs. The character of the subdivision is compatible with the design of existing structures, and the lot sizes of the subdivision are substantially compatible with the lot sizes within the general area.

The proposed tentative tract map will create a one-lot subdivision for planned condominium development purposes. The individual townhome/condominium units will range in size from 1,650 square feet to 1,940 square feet, which is compatible with the size of other condominium units in the general area. The project has been reviewed in relation to the housing needs and goals of the City and is compatible with existing residential developments in the vicinity. The property is located in an area with the existing multiple-family and single-family residences. The proposal is to construct 31 new multiple-family residential townhomes that will increase the number of available housing in the area, and further the goals of the Housing Element of the General Plan. The project complies with the density requirements of the General Plan, as well as most of the R-3 (Multiple-Family Residential) zone development standards.

11. The subject property is not located within in a state responsibility area or a very high fire hazard severity zone, the proposed subdivision is served by local fire suppression services, and the proposed subdivision meets applicable design, location, and ingress-egress requirements.

- 12. The discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. The conditions of approval for on and off-site improvements will ensure permitted capacity of the public sewer system is not exceeded.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. The Site Plan, Variance, and Tentative Tract Map possess characteristics that would justify the request in accordance with Municipal Code Sections No. 9.32.030.3 (Site Plan), 9.32.030.6 (Variance), and Section 9.40.060 (Tentative Maps).
- 2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-063-2019, Variance No. V-022-2019 and Tentative Tract Map No. TT-18169-2019.
- 3. The effectiveness of approval of Site Plan No. SP-063-2019, Variance No. V-022-2019 and Tentative Tract Map No. TT-18169-2019 shall be contingent upon City Council adoption a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the Project and the adoption and effectiveness of an ordinance approving Planned Unit Development No. PUD-010-2019.

Adopted this 7th day of February 2019

ATTEST:

/s/ LALA TRUONG  
VICE CHAIR

/s/ JUDITH MOORE  
RECORDING SECRETARY

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) SS:  
CITY OF GARDEN GROVE )

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by

the Planning Commission of the City of Garden Grove, California, at a meeting held on February 7, 2019, by the following vote:

AYES:	COMMISSIONERS:	(5)	LAZENBY, LEHMAN, NGUYEN, SALAZAR, TRUONG
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	KANZLER

/s/ JUDITH MOORE  
RECORDING SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is February 28, 2019.