

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-010-2019 TO AMEND THE CITY'S OFFICIAL ZONING MAP TO CHANGE THE ZONING OF THE PROPERTY TO RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONING (PUD-010-2019) WITH R-3 (MULTIPLE-FAMILY RESIDENTIAL) BASE ZONING

CITY ATTORNEY SUMMARY

This Ordinance approves an amendment to the City's Official Zoning Map to change the zoning of the Property located at 9861 11th Street from R-3 (Multiple-Family Residential) to Residential Planned Unit Development zoning (PUD-010-2019) with R-3 (Multiple-Family Residential) base zoning.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Melia Homes, Inc., the applicant, with the authorization of the property owner, Consolidated Industries, Inc., submitted a request to develop a 31-unit residential townhome project and associated site improvements on a 1.8-acre lot, located at 9861 11th Street, Assessor's Parcel No. 098-120-18 (the "Property"), which is owned by Consolidated Industries, Inc.;

WHEREAS, the applicant has requested the following approvals to facilitate the proposed development: (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");

WHEREAS, proposed Planned Unit Development No. PUD-010-2019 would amend the City of Garden Grove Zoning Map to change the zoning of the Property to Residential Planned Unit Development zoning (PUD-010-2019) with R-3 (Multiple-Family Residential) base zoning, incorporating the associated Standards of Development for Planned Unit Development No. PUD-010-2019, per Exhibit "B" of Planning Commission Resolution No. 5945-19 and applicable development standards of the R-3 zone, set forth in the Garden Grove Municipal Code, as the applicable development standards for the Planned Unit Development; and the implementation provisions under Planning Commission Resolution No. 5946-19 for Site Plan No. SP-063-2019, Variance No. V-022-2019 and Tentative Tract Map No. TT-18169-

2019, and their associated conditions of approval, as the development plan for the Planned Unit Development;

WHEREAS, 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;

WHEREAS, the Planning Commission adopted Resolution No. 5946-19 approving Site Plan No. SP-063-2019, Variance No. V-022-2019 and Tentative Tract Map No. TT-18169-2019, contingent upon Garden Grove City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program for the Project, and adoption and effectiveness of this Ordinance approving Planned Unit Development No. PUD-010-2019;

WHEREAS, the Planning Commission, at a Public Hearing held on February 7, 2019, recommended that the City Council adopt a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the Project, 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;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on March 12, 2019, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of March 12, 2019; and

WHEREAS, the City Council of the City of Garden Grove hereby makes the following findings regarding Planned Unit Development No. PUD-010-2019:

A. The location of the buildings, architectural design, and proposed use are compatible with the character of existing residential development in the vicinity, and the Project will be well-integrated into its setting. The Project is designed to be an attractive, modern townhome residential community that is within the allowable density for the Medium Density Residential General Plan Land Use Designation. The proposed development includes active, passive, and private recreation areas. The main entry into the development is from 11th Street and includes decorative paving and enhanced landscaping. The new development will improve the site and is in keeping with well-designed modern multi-family residences. The site's proposed multi-family residential type housing is similar and compatible with the surrounding properties, which is comprised primarily of multiple-family residential developments.

B. The plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets. The design of the Project complies with the spirit and intent of the Garden Grove Municipal Code for residential development. The City's Traffic Engineering Division has reviewed the plan and all appropriate conditions of approval have been incorporated to minimize any adverse impacts on surrounding streets. In addition, 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.

C. Provision is made for both public (communal – active and passive recreation spaces) and private open spaces. The Project has been designed in accordance with City Code provisions for providing an adequate amount of public and private open spaces as required by the multiple-family residential development standards for the R-3 (Multiple-Family Residential) zone. The site provides active, passive, and private open space/recreation areas for the prospective residents.

D. Provision is made for the protection and maintenance of areas reserved for common use. The conditions of approval for the Project require the formation of a Homeowners Association (HOA) and recordation of CC&Rs (Covenants, Conditions, and Restrictions) providing for long-term maintenance of common areas by the Homeowners' Association, which will be enforceable by the City. Through the conditions of approval for the Project, all necessary agreements for the protection

and maintenance of private areas reserved for common use will be in place prior to the start of construction and will be required to be adhered to for the life of the Project.

E. The quality of the Project achieved through the proposed Planned Unit Development zoning is greater than could be achieved under the current zoning. The Project was designed to create a residential community with a combination of active, passive, and private open space areas, landscaping, and on-street guest parking spaces on the site. The PUD zoning allows the project to be designed as an integrated community on a network of driveways. The Project meets City Code standards for parking, vehicle (including emergency) access and circulation, and landscaping. 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. The 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 multi-family buildings. The design creates a sense of neighborhood with sidewalks, a variety of landscaping throughout the development, and shared open space amenities.

F. Proposed Planned Unit Development No. PUD-010-2019 is consistent with the General Plan. As part of the Project, the City's official Zoning Map would be amended to adopt Residential Planned Unit Development zoning (PUD-010-2019) with R-3 (Multiple-Family Residential) base zoning for project site. The zoning of the site is consistent with the General Plan Land Use designation of Medium Density Residential. The Medium Density Residential (MDR) Land Use Designation is intended for the development of mainly multi-family residential neighborhoods. 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.

G. Proposed adoption of Planned Unit Development No. PUD-010-2019, with R-3 (Multiple-Family Residential) base zoning, will promote the public interest, health, safety and welfare. In conjunction with the proposed adoption of Planned Unit Development No. PUD-010-2019, with R-3 (Multiple-Family Residential) base zoning, the proposed 31-unit residential townhome development will ensure that the future use and development of the property will be consistent with the use and development permitted on nearby properties within the City of Garden Grove.

H. The parcels covered by the proposed amendment to the Zone Map are physically suitable for the Planned Unit Development No. PUD-010-2019, with R-3 (Multiple-Family Residential) base zoning. The adoption of Planned Unit Development No. PUD-010-2019, with R-3 (Multiple-Family Residential) base zoning, for the Property

would allow for the subject site to be redeveloped with a 31-unit residential townhome development and related site improvements. The site is a large contiguous site with access to all necessary public infrastructure to adequately serve the proposed residential development. The subject site, and proposed development, is large enough to accommodate the required parking on-site. 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.

I. The parcels covered by the proposed amendment to the Zone Map are compatible with surrounding land uses, and the proposed zoning of the site to Residential Planned Unit Development zoning (PUD-010-2019), with R-3 (Multiple-Family Residential) base zoning, will ensure a degree of compatibility with the surrounding properties and uses. Surrounding properties contain single-family and multi-family residential housing. Adoption of Planned Unit Development zoning (PUD-010-2019), with R-3 (Multiple-Family Residential) base zoning, for the Property would allow for the subject site to be redeveloped with a 31-unit residential townhome development and related site improvements, converting the use of the Property to a use similar to the use of the surrounding properties. A Planned Unit Development (PUD) is a precise plan, adopted by 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. Pursuant to Garden Grove Municipal Code Section 9.16.030, the regulations of the planned unit development are intended to provide for a diversity of uses, relationships, and open spaces in an innovative land plan and design, while ensuring compliance with, and meeting the intent of, the provisions of the Municipal Code. The zoning of the site to Residential Planned Unit Development zoning (PUD-010-2019) with R-3 (Multiple-Family Residential) base zoning is consistent with the General Plan Land Use designation of Medium Density Residential, and the proposed multi-family residential type housing will be similar and compatible with the surrounding properties and uses.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The facts and reasons stated in Planning Commission Resolution No. 5945-19 recommending approval of Planned Unit Development No. PUD-010-2019, a copy of which is on file in the Office of the City Clerk, are hereby incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. Planned Unit Development No. PUD-010-2019 is hereby approved.

Section 4. The zoning of the Project site is re-zoned to Residential Planned Unit Development zoning (PUD-010-2019) with R-3 (Multiple-Family Residential) base zoning, as shown on the attached map. Zone Map part N-18 is amended accordingly.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

Section 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect on the date that is thirty (30) days after adoption.