

RESOLUTION NO. 5820-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE TO RE-APPROVE SITE PLAN NO. SP-466-12 AND VARIANCE NO. V-195-12 FOR PROPERTY LOCATED AT 9721 E. 11TH STREET, PARCEL NOS. 098-631-06 and 098-631-03.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on June 19, 2014, does hereby re-approve Site Plan No. SP-466-12 and Variance No. V-195-12 for land located on the northwest corner of 11th Street and Kerry Street, at 9721 E. 11th Street, Parcel Nos. 098-631-06 and 098-631-03.

BE IT FURTHER RESOLVED in the matter to re-approve Site Plan No. SP-466-12 and Variance No. V-195-12, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Bilkis Vashi, Nargis Kher, and Nafisa Mahida.
2. The applicant requests to re-approve Site Plan No. SP-466-12 and Variance No. V-195-12, originally approved in conjunction with Tentative Parcel Map No. PM-2011-107, to allow the subdivision of a 24,000 square foot lot into four (4) parcels. Site Plan No. SP-466-12 will allow the construction of one single-family home on each lot; and Variance No. V-195-12 will allow the parcels to deviate from the minimum lot width requirement and allow one of the parcels to deviate from the 6,000 square foot minimum lot size requirement. Site Plan No. SP-466-12 and Variance No. V-195-12 have expired, therefore, the request is to re-institute the entitlements as originally approved.
3. A Negative Declaration was prepared and approved by the Garden Grove Planning Commission for the project that concluded that the proposed project will not have significant adverse effect on the environment; and was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq. and includes mitigation measures.
4. The site has a General Plan Land Use designation of Low Density Residential, and is currently zoned R-1 (Single-Family Residential). The lot is 24,000 square feet and is currently vacant.
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 June 19, 2014, 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 of June 19, 2014; 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 are as follows:

FACTS:

The site is a vacant 24,000 square foot lot located on the northwest corner of 11th Street and Kerry Street. The site has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

On January 19, 2012, the Planning Commission approved Site Plan No. SP-466-12, Variance No. V-195-12, and Tentative Parcel Map No. PM-2011-107, to subdivide a 24,000 square foot lot into four (4) parcels for the purpose of constructing a single-family home on each lot, along with a Variance to allow the parcels to deviate from the minimum lot width requirement, and to allow one of the parcels to deviate from the 6,000 square foot minimum lot size requirement.

In conjunction with the approval was General Plan Amendment No. GPA-1-12(A) to change the land use designation from Low Medium Density Residential to Low Density Residential, and Zone Change Amendment No. A-163-12 to rezone the parcel from R-3 (Multi-Family Residential) to R-1-6 (Single-Family Residential with a minimum lot size of 6,000 square feet).

On February 28, 2012, the City Council approved General Plan Amendment No. GPA-1-12(A) and Zone Change Amendment No. A-163-12. The ordinance approving the zone change became effective on April 12, 2012.

The Tentative Parcel Map is currently valid due to a two-year automatic extension that was approved by the State Assembly in 2013 through Assembly Bill 166. However, the Site Plan and Variance have expired, and in order to facilitate the proposed development, Site Plan No. SP-466-12 and Variance No. V-195-12 have to be re-approved and re-instituted as originally approved.

FINDINGS AND REASONS:

SITE PLAN:

1. The Site Plan complies with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances.

No changes to the Site Plan are proposed from that of the original approval. The property is 24,000 square feet in size, and is currently vacant and unimproved. The project is designed to comply with the development standards of the R-1-6 (Single-Family Residential) zone, with exception of the Variance. The Variance was originally approved to allow the proposed lots, created by Tentative Parcel Map No. PM-2011-107, to deviate from the minimum lot width and for one of the lots to deviate from the minimum lot size of 6,000 square feet. The Tentative Parcel Map is currently valid and reflects the Variance deviations.

The project will continue to comply with the setbacks, parking, lot coverage, and building height requirements of the R-1 zone. Lots 2, 3, and 4 comply with the minimum lot size of 6,000 square feet, while Lot 1 requires a Variance to deviate from the minimum lot size. All of the lots require a Variance to deviate from the minimum lot width as the R-1 zones require a lot width of 60'-0" for interior lots, and 65'-0" for corner lots. The property is surrounded by an elementary school, a religious facility with a private school, and single-family homes. The proposed project is compatible with the character of the existing single-family neighborhood. The project complies with the General Plan designation of Low Density Residential, and the R-1 (Single-Family Residential) zone, with exception of the Variance.

2. The proposed development does 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.

Each parcel will be accessed from a single-drive approach from Kerry Street. A two-car enclosed garage, and two open guest parking spaces will be provided for each lot, which complies with the parking requirement for a four (4) bedroom single-family home in the R-1 zone.

The City's Traffic Engineering Section has reviewed the proposed project, and the appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts to surrounding streets as contained in Planning Commission Resolution No. 5757-12.

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

No changes to the plans are proposed from that of the original approval. The plans have been reviewed by the City's Engineering Division. The utilities,

drainage channels, and streets in the area are existing and adequate to accommodate the proposed development, and all appropriate conditions of approval and mitigation measures will minimize any adverse impacts to surrounding streets. The proposed development will provide landscaping and proper grading of the site, thereby, providing adequate on-site drainage.

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

The Public Works Department has reviewed the project, and incorporated all the appropriate conditions of approval and mitigation measures to minimize any adverse impacts as contained in Planning Commission Resolution No. 5757-12.

5. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The project is designed in accordance with the R-1-6 (Single-Family Residential) development standards, with exception of the Variance. The site abuts an elementary school to the north and west, a religious facility with a private school to the east, and single-family residences to the south that are zoned R-1-6 (minimum lot size of 6,000 square feet). The proposed subdivision is compatible with the surrounding single-family neighborhood. Each lot will have a single-family home that complies with the setbacks, parking, and lot coverage requirements of the R-1 zone. The design of the proposed development will ensure a reasonable degree of compatibility with adjacent developments.

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 project complies with the fifty-percent (50%) lot coverage requirement for the R-1 zone that will ensure that each parcel maintains the required amount of open usable space. The conditions of approval will ensure that the landscaping requirements of the Municipal Code will be complied with.

VARIANCE FINDINGS AND REASONS:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity or zone.

No changes to the Variance are proposed from that of the original approval. The proposed deviations to the new lots are reflected in Tentative Parcel Map No. PM-2011-107, which is currently valid. The Variance was originally approved to allow the newly created lots to deviate from the minimum lot width, and for one of the lots to deviate from the minimum lot size.

The R-1-6 zone requires each lot to maintain a lot size of 6,000 square feet, and a lot width of 60'-0" for interior lots, and 65'-0" for corner lots. Lots 2, 3, and 4 comply with the minimum lot size of 6,000 square feet; however, Lot 1 requires a Variance to deviate from the minimum lot size due to a corner cut-off street dedication required by the City. Lot 1 will provide a lot size of 5,860 square feet, which is 140 square feet less than the required 6,000 square feet minimum lot size. If the required corner cut-off dedication was not required by the City, Lot 1 would comply with the minimum lot size of 6,000 square feet. Nevertheless, Lot 1 provides sufficient land area and has been designed to comply with the setbacks, parking, lot coverage, and open space requirements of the R-1-6 zone.

A Variance will also allow each lot to deviate from the required lot width. The R-1-6 zone requires interior lots to have a lot width of 60'-0", and corner lots to maintain a lot width of 65'-0". All the lots will be designed to have a lot width of 50'-0", which is less than that required by code. While the lots are designed to have a 50'-0" lot width, the depth of the lots are 120 feet, which is more than the typical lot depth provided by surrounding residential lots. The average lot in the area has a lot width of 61.75 feet and a lot depth of 97.3 feet. The proposed lots provide a lot depth that is 22.7 feet greater than what is provided by the surrounding residential lots. While the proposed lots have a reduced lot width, the lots provide a longer lot depth that allows each parcel to comply with the requirements of the R-1-6 zone, including setbacks, parking, and lot coverage. Furthermore, there is an existing residential lot in the area, located at 14371 Kerry Street, that has a lot width of 50'-0," which is similar to the proposed project.

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 property in question.

Through Tentative Parcel Map No. PM-2011-107, the project will create four (4) rectangular shape lots that will accommodate a single-family home on each lot designed to comply with the development standards of the R-1-6 zone. The Tentative Parcel Map, for which that Variance is necessary, is currently valid.

The project will provide a typical subdivision configuration that is consistent with the existing residential lots in the vicinity and one that is typical of most single-family residential lots. The project is located in a single-family neighborhood where the average size of the residential lots is 6,000 square feet. While a Variance is required to allow Lot 1 to deviate from the minimum lot size due to a corner cut-off dedication required by the City that reduced the lot size to slightly less than 6,000 square feet, the lot will continue to comply with the development standards of the current R-1-6 zone.

The proposed project will maintain continuity with the existing single-family residential neighborhood, and will provide a benefit to the community by improving a vacant and unutilized lot. The Variance is necessary to facilitate the proposed development as originally approved, and to give the property owner the right to develop the property with a single-family residential project as those found in the vicinity.

3. The granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

The approval of the Variance will not create an adverse effect on the public welfare or to properties or improvements in the subject zone. The proposed Variance was originally approved in 2012, in conjunction with Tentative Parcel Map No. PM-2011-107. The re-approval to the Variance is necessary to facilitate the proposed development.

The proposed Variance will allow Lot 1 to deviate from the required 6,000 square foot lot size by 140 square feet, and to allow each lot to deviate from the required lot width. Furthermore, the Variance will allow for the development of a lot with a new single-family residential development that will be consistent with the area.

4. The granting of such Variance will not adversely affect the comprehensive General Plan.

Granting approval of the proposed Variance will not adversely affect the City of Garden Grove's General Plan. The Variance was originally approved in 2012. No changes to the proposed Variance are proposed from the original approval, and Tentative Parcel Map No. PM-2011-107, which is currently valid, reflects the proposed Variance deviations.

Approval of the Variance will allow the project to be subdivided into four (4) lots for the purposes of constructing a single-family home on each lot. The

General Plan encourages the development of residential structures to meet the regional housing needs of the Housing Element. Granting this Variance is in keeping with the spirit and intent of the General Plan.

5. 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 to facilitate the proposal development, and will allow Lot 1 to deviate from the minimum lot size, and allow all four (4) lots to deviate from the minimum lot width, as reflected in Tentative Parcel Map No. PM-2011-107. The project is consistent with the residential uses in the vicinity, and with exception of the requested Variances, the project complies with the setbacks, parking, lot coverage, and all applicable development standards of the R-1-6 zone. The re-approval of the Variance is subject to conditions of approval, as contained in Planning Commission No. 5757-12, that will assure that the Variance does not constitute granting of special privileges 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 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 re-approval of the Site Plan and Variance does possess characteristics that would justify the request accordance with Municipal Code Sections 9.32.030.3 (Site Plan) and 9.32.030.6 (Variance).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the originally approved conditions of approval for Site Plan No. SP-466-12 and Variance No. V-195-12, as approved in conjunction with Tentative Parcel Map No. PM-2011-107, shall remain in effect pursuant to Resolution No. 5757-12.
3. The following condition of approval shall apply to this approval:
 - a) Site Plan No. SP-466-12 and Variance No. V-195-12 shall be valid so long as Tentative Parcel Map No. PM-2011-107 continues to be valid.

