

RESOLUTION NO. 5945-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL: (I) ADOPT A MITIGATED NEGATIVE DECLARATION AND AN ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 11TH STREET TOWNHOME PROJECT; AND (II) APPROVE PLANNED UNIT DEVELOPMENT NO. PUD-010-2019 FOR A PROPERTY LOCATED AT 9861 11TH 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 recommend that the City Council adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the 11th Street Townhome Project and adopt an ordinance approving Planned Unit Development No. PUD-010-2019, for land located on the north side of 11th Street between Kerry Street and Brookhurst Street, at 9861 11th Street, Assessor's Parcel No. 098-120-18.

BE IT FURTHER RESOLVED, FOUND, AND DETERMINED AS FOLLOWS:

1. The Planning Commission has considered the proposed Mitigated Negative Declaration together with comments received during the public review process.
2. The Planning Commission finds that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.
3. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project, with the proposed mitigation measures, will have a significant effect on the environment.
4. The Planning Commission recommends City Council adopt the Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program.
5. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community and Economic Development.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-010-2019, 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. 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.
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 February 7, 2019, 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 February 7, 2019, and considered all oral and written testimony presented regarding the project, the initial study, and the Mitigated Negative Declaration.
9. Concurrently with its adoption of this Resolution (5945-19), 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, for land located on the north side of 11th 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. The facts and findings set forth in Resolution No. 5946-19 are hereby incorporated into this Resolution by reference.

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 9.12.030.020 and 9.32.030, 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 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").

The application for the Residential Planned Unit Development zoning (PUD-010-2019) is being processed in conjunction with Site Plan No. SP-063-2019, Variance No. V-022-2019 and Tentative Tract Map No. TT-18169-2019. 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:

Planned Unit Development:

1. 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 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 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. 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.

2. The plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets.

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. 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* (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.

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. Provision is made for both public and private open spaces.

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.

The proposed Project complies with all recreation requirements of the Municipal Code.

4. Provision is made for the protection and maintenance of private areas reserved for common use.

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.

5. The quality of the project achieved through the proposed Planned Unit Development zoning is greater than could be achieved under the current zoning.

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. A Planned Unit Development (PUD) is a precise plan that 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. Adopting a residential Planned Unit Development for the site will ensure development of the property 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.

The proposed lot area is sufficient in size to accommodate the proposed development, and the Project has been designed to comply with most R-3 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.

6. The PUD is internally consistent with the goals, objectives, and elements of 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.

7. The PUD will promote the public interest, health, and welfare.

The PUD will facilitate a new 31-unit multiple-family residential housing development, which 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.

8. The subject parcel is physically suitable for the requested PUD designation, compatible with surrounding land uses, and consistent with the General Plan.

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 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. 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.

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.

1. The Planned Unit Development possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.08.030.020 (Planned Unit Development).
2. The implementation provisions for Planned Unit Development No. PUD-010-2019 are found 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.
3. The following Standards of Development shall apply to PUD-010-2019:

STANDARDS OF DEVELOPMENT:

All standards of development as specified in the attached Exhibit "B" (Standards of Development for Planned Unit Development No. PUD-010-2019) shall apply. Deviations from the development standards contained in Exhibit "B" shall be approved by the Planning Commission. Wherever a development standard is not specified in the PUD, the latest provisions of the Garden Grove Municipal Code shall apply.

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.