

RESOLUTION NO. 5892-17

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-039-2017 AND TENTATIVE PARCEL MAP NO. PM-2003-2017 FOR PROPERTY LOCATED ON THE EAST SIDE OF MAGNOLIA STREET, NORTH OF LAMPSON AVENUE, AT 12412 MAGNOLIA STREET.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled September 7, 2017, hereby approves Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017, for a property located on the east side of Magnolia Street, north of Lampson Avenue, at 12412 Magnolia Street, Assessor's Parcel No. 133-183-38.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-039-2017 and Tentative Parcel Map No. PM-2003-2017, the Planning Commission of the City of Garden Grove does hereby determine and report as follows:

1. The subject case was initiated by Anna Ha, owner of the subject property.
2. The applicant is requesting Site Plan and Tentative Parcel Map approval to subdivide a 24,787 square foot lot into two (2) parcels and to develop a new single-family dwelling and accessory dwelling unit on one of the parcels. Lot 1, which is already developed with an existing single-family dwelling, accessory dwelling unit, and three-car garage, will have a lot size of 14,070 square feet. Lot 2, which will be developed with a new, single-family dwelling and accessory dwelling unit, will have a lot size of 10,717 square feet.
3. The proposed project is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15315 (Minor Land Divisions) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303 and 15315).
4. The property has a General Plan designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The site is currently improved with a single-family home, a detached accessory structure, and a detached three-car garage that will remain on Lot 1, while a new two-story, 2,044 square foot, single-family home, and a new, 699 square foot, detached accessory dwelling unit, will be constructed on Lot 2.
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 the City staff was reviewed.

7. Pursuant to a legal notice, a public hearing was held on September 7, 2017, 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 on September 7, 2017; 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 9.04.030 are as follows:

FACTS:

The property is a 24,787 square foot lot, located on the east side of Magnolia Street, north of Lampson Avenue. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The property is located in an area with single-family residences and is currently improved with a 2,253 square foot single-family dwelling, a 672 square foot detached three-car garage, and a 698 square foot detached accessory dwelling unit. The property owner proposes to subdivide the property into two (2) lots in order to maintain the existing single-family dwelling on Lot 1, and to construct a new, two-story 2,044 square foot single-family dwelling, and a new 699 square foot accessory dwelling unit on Lot 2.

Lot 1 will have a lot size of 14,070 square feet. The existing single-family dwelling, detached three-car garage, and detached accessory dwelling unit will remain on the lot. The existing 2,253 square foot single-family dwelling consists of three (3) bedrooms, two (2) bathrooms, a living room, a den, a kitchen and a dining room. The property is developed with a 672 square foot detached three-car garage that complies with the parking requirements for the single-family dwelling and the accessory dwelling unit. The existing 698 square foot detached accessory dwelling unit consists of two (2) bedrooms, one (1) bathroom, a living room, a kitchen, a dining room, and a front porch. The existing structures will maintain the minimum side setback to the proposed property line.

Lot 2 will have a lot size of 10,717 square feet. The applicant proposes to construct a two-story 2,044 square foot single-family dwelling at the rear of the lot, and a 699 square foot detached accessory dwelling unit toward the front of the lot. The single-family dwelling will consist of a foyer, a living room, a family room, a kitchen, a dining room, a laundry room, four (4) bedrooms, and three (3) bathrooms. An attached 473 square foot two-car enclosed garage will be provided for the single-family dwelling. The applicant is also proposing a front porch and a 470 square foot rear open patio cover. The detached accessory dwelling unit will consist of a kitchen, a living room, two (2) bedrooms, one (1) bathroom, a 34 square foot front porch, and an attached 249 square foot one-car enclosed garage.

The applicant has designed both lots to comply with the R-1 zoning requirements, including minimum lot size, setbacks, parking, and maximum lot coverage. Title 9 of the Municipal Code requires a minimum lot width of 60'-0" for interior lots, and a minimum lot size of 7,200 square feet for properties zoned R-1-7. The existing lot currently has a lot width of 140'-3". The applicant is proposing an 80'-0" lot width for Lot 1 and 60'-3" for Lot 2. Both lots will meet the minimum lot size requirement for the zone. Lot 1 will be 14,070 square feet and Lot 2 will maintain a 10,717 square foot lot size. All proposed improvements on Lot 2, including required open parking, will maintain a 32.74 percent lot coverage, which is under the maximum fifty percent limitation for the R-1 zone. The proposed design of Lot 2 will also maintain a minimum 1,000 square feet of open space in the required rear setback as required per the R-1 zone.

#### 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.

The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1-7 (Single-Family Residential). The project has been designed to comply with the development standards of the R-1-7 (Single-Family Residential) zone. Both parcels comply with the setbacks, parking, lot coverage, building height, and the minimum lot size and lot width requirements of the zone. The existing single-family home will remain on Lot 1. Lot 1 complies with the minimum lot width requirement of 60'-0". The proposed project is compatible with the character of the existing single-family neighborhood. The project complies with the General Plan Land Use Designation, the development standards of the R-1-7 zone, and all other applicable ordinances.

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 its own single-drive approach from Magnolia Street. Lot 1 will maintain the existing drive approach and the existing three-car enclosed garage, and three (3) open guest parking spaces. Lot 2 will be improved with a two-car enclosed garage for the single-family dwelling, a single-car enclosed garage for the accessory dwelling unit, and three (3) open guest parking spaces, which complies with the parking requirements of the R-1 zone.

The City's Traffic Engineering Section has reviewed the proposed project, and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts to surrounding streets.

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

The streets in the area will be adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area are existing and are adequate to accommodate the development. The proposed development will provide landscaping and proper grading of the site, thereby, improving drainage in the area.

The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approvals to minimize any adverse impacts.

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

The project has been designed in accordance with the R-1 (Single-Family Residential) development standards. The property is located in an area with existing single-family residences. The proposed subdivision will be compatible with the surrounding neighborhood. Each lot will have a single-family home that complies with the setbacks and parking requirements of the R-1 zone.

The project has been designed to ensure a reasonable degree of compatibility with the neighborhood by providing lots that comply with the minimum lot size, and all applicable development standards of the R-1 zone.

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

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

**TENTATIVE PARCEL MAP**

1. The proposed Tentative Parcel Map is consistent with all the elements of the Garden Grove General Plan, Subdivision Map Act, and the Subdivision Ordinance Section of the Municipal Code.

The proposed Tentative Parcel Map is consistent with the provisions of the General Plan Land Use Designation of Low Density Residential that allows for single-family residences and accessory dwelling units. The number of lots and the number of residential units on each lot does not exceed the density allowed under the General Plan Land Use Designation of Low Density Residential.

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

The design and improvement of the proposed map are consistent with the General Plan. The creation of a two (2) lot subdivision for the purposes of having one single-family home on each lot is consistent with the General Plan. The project complies with the minimum lot size requirement of the R-1 zone. Both lots comply with the minimum lot width requirement of 60'-0". In addition, the configuration of the lots and design of the proposed single-family home and accessory dwelling unit is compatible with the existing residential neighborhood. With the conditions of approval and the mitigation measures as recommended by Staff, the design and improvement of the subject site is consistent with the spirit and intent of the General Plan.

3. The site is physically suitable for the type of development and complies with the spirit and intent of the Municipal Code.

The site is adequate in size and shape to accommodate the proposed project. Each parcel complies with the minimum lot size, lot width, and the development standards of the R-1 zone. The placement and size of the proposed single-family home and accessory dwelling unit comply with the development standards for the R-1 zone, including setbacks, parking, lot coverage and open space provisions.

4. The requirements of the California Environmental Quality Act have been satisfied.

The requirements of the California Environmental Quality Act have been satisfied. The project is exempt from CEQA pursuant to Section 15303(a) (New Construction or Conversion of Small Structure) and Section 15315 (Minor Land Divisions) of the California Environmental Quality Act.

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

The site is adequate in size and shape to accommodate a two (2) lot subdivision that complies with the minimum lot size and the minimum lot width

requirement of the R-1 zone. The proposed design of the residential lot allows for the placement of a new single-family home and accessory dwelling unit, which complies with the density requirements of the General Plan and Land Use Code.

The placement of the new single-family home on Lot 2 complies with the R-1 development standards. The existing house on Lot 1 will maintain compliance with the R-1 zoning requirements. The project complies with the minimum parking, open space, setbacks, lot coverage and building height requirements of the R-1 zone.

6. The design of the project 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, Police 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. The conditions of approval for on- and off-site improvements will safeguard the public health.

7. The design of the project 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 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 proposed subdivision.

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 design of the subdivision is suitable for the low-density residential project and complies with the spirit and intent of the General Plan, and the Subdivision Map Act. The project has also been designed to comply with the R-1 development standards, and complies with the minimum lot size and minimum lot width requirement.

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 affect 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 project has been reviewed in relation to the housing needs and goals of the City and is compatible with the existing residential projects in the vicinity. The property is located in an area with existing single-family residences. The property is currently improved with a single-family home, a detached accessory dwelling unit, and a detached three-car garage. The existing single-family home will remain on Lot 1, and a new single-family home and accessory dwelling unit will be constructed on Lot 2. The subdivision will be compatible with the surrounding area since the lots are designed to comply with the minimum lot size. Both lots comply with the minimum lot width requirements of the R-1 zone. The project complies with the density requirements of the General Plan, and complies with all applicable R-1 development standards.

#### 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 Site Plan and Tentative Parcel Map possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.3 (Site Plan) 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-039-2017 and Tentative Parcel Map No. PM-2003-2017.

Adopted this 7th day of September, 2017

ATTEST:

/s/ ANDREW KANZLER  
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 September 7, 2017, by the following vote:

AYES:	COMMISSIONERS:	(6)	BRIETIGAM, KANZLER, LAZENBY, NGUYEN, SALAZAR, TRUONG
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	LEHMAN

/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 September 28, 2017.