

RESOLUTION NO. 5857-16

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVAL OF DEVELOPMENT AGREEMENT NO. DA-002-2016 FOR A MIXED-USE DEVELOPMENT ON THREE CONTIGUOUS PROPERTIES LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF NELSON STREET AND THE SOUTH SIDE OF PEARL STREET, WEST OF NELSON STREET, AT 10641 AND 10661 GARDEN GROVE BOULEVARD AND 10662 PEARL STREET.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session, assembled on April 21, 2016 and May 19, 2016, does hereby recommend City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of Development Agreement No. DA-002-2016, for a four-story, 10-unit, work-live, mixed-use development (the "Project") on land consisting of three properties, two located on the north side of Garden Grove Boulevard west of Nelson Street and one located contiguous to the north side of the Garden Grove Boulevard properties that fronts on the south side of Pearl Street, west of Nelson Street, at 10641 and 10661 Garden Grove Boulevard and 10662 Pearl Street, Assessor's Parcel Nos. 089-092-06, 089-092-25, and 089-092-26 (collectively, the "Property").

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, together with comments received during the public review process, and finds that (1) 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; (2) that the custodian of record of proceedings is the Director of Community Development; (3) that the Mitigated Negative Declaration reflects the City's independent judgment and analysis; and (4) that 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 will have a significant effect on the environment; therefore, the Planning Commission hereby recommends the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for this Project.

BE IT FURTHER RESOLVED in the matter of Development Agreement No. DA-002-2016, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Tony Lam (the "Applicant").
2. The Applicant has requested Planning Commission approval of Site Plan No. SP-022-2016, Conditional Use Permit No. CUP-065-2016, and Lot Line Adjustment No. LLA-011-2016 to construct a four-story, 10-unit, work-live, mixed-use development on three separate properties proposed to be consolidated into a single parcel, and is requesting the Planning Commission

recommend approval to City Council of Development Agreement No. DA-002-2016 between the City of Garden Grove and Tony Lam and Jennie Do for the Project on the Property.

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 the proposed mitigation measure 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 was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.
4. The Property has a General Plan Land Use designation of Industrial/Commercial Mixed Use and is currently zoned AR (Adaptive Reuse). The .69-acre site is currently developed with a vacant commercial building, a bicycle shop on the Garden Grove Boulevard properties and a non-conforming single-family home on the Pearl Street property.
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 April 21, 2016 and May 19, 2016, and all interested persons were given an opportunity to be heard.
8. Concurrently with adoption of this Resolution, on May 19, 2016, the Planning Commission adopted Resolution No. 5858-16 approving Site Plan No. SP-022-2016, Conditional Use Permit No. CUP-065-2016, and Lot Line Adjustment No. LLA-011-2016, subject to specified Conditions of Approval, and subject to the adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of Development Agreement No. DA-002-2016 by the Garden Grove City Council. The facts and findings set forth in Planning Commission Resolution No. 5858-16 are hereby incorporated into this Resolution by reference.
9. The Planning Commission gave due and careful consideration to the matter during its meetings on April 21, 2016 and May 19, 2016 and considered all oral and written testimony presented regarding the project.

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 Property is .69-acres in area, and is currently developed with a vacant commercial building and a bicycle shop on the Garden Grove Boulevard properties and a non-conforming single-family home on the Pearl Street property.

The Property has a General Plan Land Use designation of Medium Density Residential and is zoned R-3 (Multiple-Family Residential).

The Applicant desires to construct a 10-unit, work-live, mixed-use development on the Property pursuant to Site Plan No. SP-022-2016, CUP-065-2016, and Lot Line Adjustment No. LLA-011-2016. The maximum building height will be four (4) stories with an overall height not to exceed 46'-9" and the building area will be comprised of 10 work/live units ranging in size from 2,330 square feet to 3,168 square feet. Pursuant to the proposed Development Agreement with the City, the applicant will be guaranteed four years to construct the Project in accordance with Site Plan No. SP-022-2016, CUP-062-2016, and Lot Line Adjustment No. LLA-011-2016, and the City will receive a development agreement payment in an amount not to exceed \$19,160 to reimburse the City for the cost of certain City services required by the Project that are not otherwise being reimbursed to the City.

FINDINGS AND REASONS:

1. The Development Agreement is consistent with the General Plan.

The proposed 10-unit, work-live, mixed-use development Project authorized to be constructed under the Development Agreement is consistent with the Property's General Plan Land Use Designation of Industrial/Commercial Mixed Use, which is intended to provide for a mix of uses. The Project is also consistent with Policy LU-1.6 of the General Plan's Land Use Element, which provides for the City to encourage workplace development in close proximity to residences in areas designated as Mixed Use.

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 and in Resolution No. 5858-16.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Development Agreement possesses characteristics that would indicate justification of the request in accordance with Government Code Section 65864 et. seq, provisions for Development Agreements.

Adopted this 19th day of May, 2016

ATTEST:

/s/ JOHN O'NEILL
CHAIR

/s/ JUDITH MOORE
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 May 19, 2016, by the following vote:

AYES: COMMISSIONERS: (7) BARKER, KANZLER, MARGOLIN, NUYGEN,
O'NEILL, PAREDES, ZAMORA
NOES: COMMISSIONERS: (0)

/s/ JUDITH MOORE
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 June 9, 2016.