

RESOLUTION NO. 5858-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-022-2016, CONDITIONAL USE PERMIT NO. CUP-065-2016, AND LOT LINE ADJUSTMENT NO. LLA-011-2016 FOR THREE CONTIGUOUS PROPERTIES THAT ARE 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, ASSESSOR PARCEL NOS. 089-092-06, 089-092-25, AND 089-092-26.

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, and approved Site Plan No. SP-022-2016, Conditional Use Permit No. CUP-065-2016, and Lot Line Adjustment No. LLA-011-2016, subject to the Conditions of Approval attached hereto as "Exhibit A", and subject to the approval of Development Agreement No. DA-002-2016 by the Garden Grove City Council.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-022-2016, Conditional Use Permit No. CUP-065-2016, and Lot Line Adjustment No. LLA-011-2016 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 is requesting approval of a Site Plan and Conditional Use Permit to construct a four-story, 10-unit, work-live, mixed-use development on three separate properties in conjunction with a Lot Line Adjustment to consolidate the three properties into one. A Development Agreement incorporating these proposed land use entitlements is also proposed.
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 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 was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.
4. The properties have a General Plan Land Use designation of Industrial/Commercial Mixed Use, and are currently zoned AR (Adaptive Reuse). The subject properties are currently improved with a vacant commercial building, a bicycle shop, and a non-conforming single-family home.
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. 5857-16, recommending that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve Development Agreement No. DA-002-2016 for the Project. The facts and findings set forth in Planning Commission Resolution No. 5857-16 are hereby incorporated into this Resolution by reference.
9. The Planning Commission gave due and careful consideration to the matter during its meetings of April 21, 2016 and May 19, 2016.

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 subject property is approximately .69 acres and consists 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. The subject properties have a General Plan Designation of Industrial/Commercial Mixed Use and are zoned AR (Adaptive Reuse). The properties to the north, east, and west are zoned AR and are developed with non-conforming, single-family homes and commercial uses. The properties to the south, across Garden Grove Boulevard are zoned GGMU-3 (Garden Grove Mixed Use 3) and are developed commercially.

In 2008 the City Council adopted the current General Plan, which changed the Land Use Designation of the area generally located north of Garden Grove Boulevard, west of Nelson Street, east of Flower Street to the north of Stanford Avenue and Nutwood Street to the south Stanford Avenue, as well as the area that is south of the portion of the OCTA right-of-way that is north of Stanford Avenue, from Office Professional, Mixed Use, and Industrial to Industrial/Commercial Mixed Use. This area maintains a variety of uses that include eating establishments, auto repair, light industrial uses, offices, and non-conforming residential uses.

In 2012, the City Council approved a Code Amendment that established the AR Mixed Use Zone within this area along with associated development standards in order to provide the consistency between the new General Plan Land Use Designation and the Zoning classification that is required by State Law.

The subject properties are 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 applicant is proposing to combine the three subject properties and demolish the existing improvements in order to develop a four-story, ten-unit, work-live mixed-use development.

The new four-story building will be constructed to face Garden Grove Boulevard and will maintain a 15'-0" setback from the front property line and will be constructed over the main driveway. The building will maintain zero setbacks along the east and west property lines and 28'-0" from the rear property line. Main access to the property will be via a 25'-0" wide driveway from Garden Grove Boulevard with a secondary access to Pearl Street from the north side of the project. While Code requires a minimum of 30 parking spaces to accommodate the development, a total of 32 parking spaces have been provided (10 garaged, 11 covered, and 11 open). The Site design, including parking and circulation, have been designed to comply with requirements of Title 18, Mixed Use Regulations and Development Standards, of the City's Municipal Code.

The project has been designed to comply with the City Code zoning requirements for landscaping, and active and private recreation areas for the work live units. City Code requires 3,000 square feet of recreational area for the ten proposed units. A total of 4,376.85 square feet of both common useable and private open space has been provided, that includes a 3,500 square common useable recreation area on the third floor of the building that is suspended over the main driveway and private patios that range in size from 32.9 square feet to 132 square feet. The common useable recreation area includes landscaping, umbrellas, lounge chairs, tables, and barbecues.

Landscaping along Garden Grove Boulevard will include both columnar and canopy trees with shrubs and ground cover on-site and canopy trees and ground covers within the parkway adjacent to the street. Landscaping within the site and along Pearl Street will include canopy trees, shrubs, vines, and ground covers. Landscaping within the third floor common useable open space area will include decorative paving, artificial turf, potted trees, shrubs, and flowering plants.

The project consists of 10 work-live units with private balconies. The units range in size from 2,330 square feet to 3,168 square feet. Each unit includes work space and a small residential space that maintains access from the work space area of the unit to the living space via an interior stair case. The residential portions of the units also have a secondary entrance to the third floor. The residential portions of the units range in size from 750 square feet to 915 square feet. Eight of the units maintain two bedrooms and two bathrooms, and the remaining two units maintain one bedroom and one and a half bathrooms. The commercial areas of the five lower units maintain direct access to Garden Grove Boulevard and have two floors of commercial space. The commercial areas of the top 5 units maintain access from the walkway located on the fourth floor with the majority of the residential area (with the exception of a bedroom) of the unit below the commercial area of the unit

on the third floor. Each unit will also include kitchen, living room, dining area and laundry facilities.

City Code does not allow the commercial portion of the units to be leased out separately from the residential portion or for the units to be converted entirely to residential use. The intent of the work-live unit is to provide an alternative space where people can have a space that allows them to live in the same unit as they work.

The design of the four-story building is contemporary exhibiting a two-toned kaki and red brown (burnt sienna) stucco exterior with teal metal railing on the balconies and upper story walkways, and aluminum store front glazing. The articulated façade, varying roof heights, and color pattern of the building provide visual interest to the building.

#### FINDINGS AND REASONS:

##### SITE PLAN:

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

The subject site has a General Plan land use designation of Industrial/Commercial Mixed Use (IC) and is zoned AR (Adaptive Reuse). The proposed project consists of a 4-story, mixed-use development consisting of ten (10) work-live units in a single building, along with 32 parking spaces consisting of garage spaces, covered spaces, and an open parking lot. The proposed mixed use development is consistent with the General Plan land use designation, which is intended to provide for a mix of uses, as well as 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. The Site Plan also complies with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances. The zoning of the property permits work-live units subject to the approval of a Conditional Use Permit. The placements of the structures, the site design, the parking lot layout, the number of on-site parking spaces, and the landscape areas are all consistent with the development standards applicable to the AR zone.

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.

The proposed development has been designed to meet the Code's requirements for access, on and off-site circulation and off-street parking. The plans have been reviewed by the City's Traffic Engineering Division as well as a traffic consultant and it has been determined that the project will

have no adverse impacts to surrounding streets. The site provides sufficient parking to accommodate the proposed work-live mixed use development. The project has been designed to provide a drive aisle and parking layout that enables customers to maneuver effectively through the site.

Furthermore, the City's Fire Department has also reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to surrounding streets should there be an emergency.

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 proposed development once the developer provides the necessary improvements for the project. The proposed work-live mixed-use project will not adversely affect essential public facilities such as streets and alleys, utilizes, and drainage channels. Utilities and drainage channels in the area are adequate to accommodate the development.

The proposed development will also provide landscaping and proper grading of the site in order to maintain proper drainage in the area. The Public Works Engineering and Water Services Division have reviewed the plans.

4. The project will not adversely impact the City's ability to perform its required public works functions.

The project has been reviewed by the Public Works Department. There were no issues raised by the project. Therefore, the project will not adversely impact the City's ability to perform its required public works functions.

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

The project is located in an area with a mix of industrial, commercial and non-conforming, single-family homes. The proposed project is consistent with the surrounding area and compatible with the existing uses along Garden Grove Boulevard and within the AR (Adaptive Reuse) zone. The building has been designed to be oriented toward Garden Grove Boulevard to 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 has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment. All landscaped areas are required to adhere to the landscaping requirements of

the Title 9 of the Municipal Code. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of all landscaping will be achieved.

CONDITIONAL USE PERMIT:

1. That the proposed use will be consistent with the City's adopted General Plan and redevelopment plan.

The proposed work-live mixed-use development will be consistent with the General Plan Land Use Designation of the property, which is Industrial/Commercial Mixed Use, provided that the project complies with all conditions of approval. The proposed work-live development is consistent with the Industrial/Commercial Mixed Use land use designation, which is intended to provide for a mix of uses, as well as 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.

2. That the requested use at the location proposed will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area.

The proposed work-live development will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area. The property is zoned for commercial and light industrial uses and work-live units like those proposed are expressly permitted pursuant to a conditional use permit. Pursuant to the conditions of approval, only uses permitted or conditionally permitted in the AR zone may be maintained in the live-work units; auto repair uses, the storage of flammable liquids or hazardous materials beyond that normally associated with a residential use, heavy industrial uses, entertainment uses, and full service restaurants will be prohibited; no uses that cause vibration, noise, odor, traffic or other impacts that could cause excessive impacts to the surrounding properties shall be permitted; and all work associated with a non-residential use in any of the work-live units shall be done indoors. The project design and conditions of approval will minimize potential impacts to the adjoining area. In addition, Chapter 9.18 of the Garden Grove Municipal Code contains express restrictions on the use and operation of work-live mixed-use projects such as the one proposed that must be adhered to for the life of the project. Provided the conditions of approval for the project are adhered to for the life of the project, the use will be harmonious with persons who work and live in the area.

3. The proposed use will not interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.

The proposed work-live mixed-use project will not unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located within the vicinity of the site, provided that the conditions of approval are adhered to for the life of the project. The property and adjacent properties are zoned for commercial and light industrial uses and work-live units like those proposed are expressly permitted pursuant to a conditional use permit. Pursuant to the conditions of approval, only uses permitted or conditionally permitted in the AR zone may be maintained in the live-work units; auto repair uses, the storage of flammable liquids or hazardous materials beyond that normally associated with a residential use, heavy industrial uses, entertainment uses, and full service restaurants will be prohibited; no uses that cause vibration, noise, odor, traffic or other impacts that could cause excessive impacts to the surrounding properties shall be permitted; and all work associated with a non-residential use in any of the work-live units shall be done indoors. In addition, Chapter 9.18 of the Garden Grove Municipal Code contains express restrictions on the use and operation of work-live mixed use projects such as the one proposed that must be adhered to for the life of the project.

4. The proposed use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

Pursuant to the conditions of approval, only uses permitted or conditionally permitted in the AR zone may be maintained in the live-work units; auto repair uses, the storage of flammable liquids or hazardous materials beyond that normally associated with a residential use, heavy industrial uses, entertainment uses, and full service restaurants will be prohibited; no uses that cause vibration, noise, odor, traffic or other impacts that could cause excessive impacts to the surrounding properties shall be permitted; and all work associated with a non-residential use in any of the work-live units shall be done indoors. In addition, Chapter 9.18 of the Garden Grove Municipal Code contains express restrictions on the use and operation of work-live mixed use projects such as the one proposed that must be adhered to for the life of the project. Provided that proposed work-live mixed-use development adheres to the conditions of approval for the life of the project, the proposed project will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

5. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The proposed project has been designed to comply with the development standards and requirements of the AR (Adaptive Reuse) zone. The site is adequate in size and shape to accommodate the new structure and associated site improvements, which include parking facilities, landscaping, and development walls.

6. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic to be generated, and by other public or private service facilities as required.

The site is adequately served by Garden Grove Boulevard and Pearl Street and the development of the project will include accessible driveways providing both ingress and egress. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

#### LOT LINE ADJUSTMENT:

1. The parcel, as a result of the Lot Line Adjustment, will conform to the zoning and building codes.

The subject parcels have a General Plan Land Use designation of Industrial/Commercial Mixed Use and are zoned AR (Adaptive Reuse). The property is comprised of three (3) lots each with a combine lot area of .69 acres. The Lot Line Adjustment will consolidate the three (3) parcels into one lot to allow the construction of a 10-unit, work-live project that is approved via Site Plan No. SP-022-2016 and Conditional Use Permit No. CUP-065-2016. The Lot Line Adjustment and all subsequent site improvements will be in conformance with the applicable zoning and building code regulations as well as be consistent with the City's Subdivision Ordinance and the State Subdivision Map Act.

#### 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, Conditional Use Permit, and Lot Line Adjustment possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 and 9.40.190.
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-022-2016, Conditional Use Permit No. CUP-065-2016, and Lot Line Adjustment No. LLA-011-2016.
3. Approval of this Site Plan, Conditional Use Permit, and Lot Line Adjustment shall be contingent upon the approval of Development Agreement No. DA-002-2016 and adoption of the Mitigated Negative Declaration and the Mitigation Monitoring Program for the project by the Garden Grove City Council.

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.