



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

OCTOBER 3, 2019

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

REGULAR SESSION – 7:00 P.M. – COUNCIL CHAMBER

ROLL CALL: CHAIR LEHMAN, VICE CHAIR RAMIREZ
COMMISSIONERS LE, NGUYEN, PEREZ, SOEFFNER

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the City Community Meeting Center Council Chamber at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Planning Commission may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: September 5, 2019
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. SITE PLAN NO. SP-075-2019
VARIANCE NO. V-025-2019

APPLICANT: AN HA

LOCATION: SOUTH OF IMPERIAL AVENUE, BETWEEN HOPE STREET
AND DEANANN PLACE AT 10182 IMPERIAL AVENUE

REQUEST: Site Plan approval to construct two (2) detached, two-story, multiple-family residential units with an attached two (2) car enclosed garage on an 8,837 square foot lot. Each unit will have a total living area of 2,067 square feet and 2,195 square feet. As part of this project, a five-foot public right-of-way street dedication is required, which will reduce the lot size to 8,485 square feet. Also, a Variance request to allow the project to deviate from the minimum 8,712 square foot lot size of the R-2 (Limited Multiple Residential) zone. The existing single-family home will be demolished to accommodate the proposed development.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-075-2019 and Variance No. V-025-2019. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15303 – New Construction or Conversion of Small Structures.

D. ITEM(S) FOR CONSIDERATION (Not a Public Hearing)

D.1. AMENDMENT OF RESOLUTION NO. 5944-19 PERTAINING TO SITE PLAN NO. SP-062-2019 AND LOT LINE ADJUSTMENT NO. LLA-020-2019

APPLICANT: DAVID NGUYEN

LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF COAST STREET, AT 8218 AND 8242 GARDEN GROVE BOULEVARD

REQUEST: For the Planning Commission to consider and adopt a proposed Resolution amending Resolution No. 5944-19, adopted by the Planning Commission on February 7, 2019, pertaining to Site Plan No. SP-062-2019 and Lot Line Adjustment No. LLA-020-2019, to accurately describe the density bonus concessions approved as part of Site Plan No. SP-062-2019 in order to correct the administrative record.

STAFF RECOMMENDATION: Adopt the proposed Resolution amending Resolution No. 5944-19 pertaining to Site Plan No. SP-062-2019 and Lot Line Adjustment LLA-020-2019.

E. MATTERS FROM COMMISSIONERS

F. MATTERS FROM STAFF

G. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION
Council Chamber, Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes
Thursday, September 5, 2019

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair Lehman
Commissioner Le
Commissioner Nguyen
Commissioner Perez
Commissioner Ramirez
Commissioner Soeffner

Absent: Nguyen

Commissioner Nguyen joined the meeting at 7:01 p.m.

PLEDGE OF ALLEGIANCE: Led by Commissioner Perez.

ORAL COMMUNICATIONS – PUBLIC – None.

SELECTION OF VICE CHAIR:

Action: Commissioner Perez nominated Commissioner Ramirez for Vice Chair, seconded by Commissioner Le.

Action: Motion approved with a 6-0 vote as follows:

Ayes: (6) Le, Lehman, Nguyen, Perez, Ramirez, Soeffner
Noes: (0) None
Absent: (0) None

August 15, 2019 MINUTES:

Action: Received and filed.

Motion: Ramirez Second: Le

Ayes: (6) Le, Lehman, Nguyen, Perez, Ramirez, Soeffner
Noes: (0) None
Absent: (0) None

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-164-2019 FOR PROPERTY LOCATED AT 12600 WESTMINSTER AVENUE, UNITS D AND E, EAST SIDE OF CLINTON STREET, SOUTH OF WESTMINSTER AVENUE, NORTH OF KEEL AVENUE, AND WEST OF BUENA STREET.

Applicant: DIAMOND-STAR ASSOCIATES, INC. (CHRIS LAMM)
Date: September 5, 2019

Request: Conditional Use Permit approval to operate contractor storage yard, Erickson-Hall Construction, within a 6,639 square foot tenant space located in a multiple-tenant industrial development. The tenant space includes 1,988 square feet of administrative office and 4,651 square feet of warehouse storage for construction supplies and materials. The site is in the Planned Unit Development No. PUD-102-86 (REV. 86) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

Action: Public Hearing held. Speaker(s): Don Lamm

Action: Resolution No. 5961-19 was approved.

Motion: Perez Second: Le

Ayes: (6) Le, Lehman, Nguyen, Perez, Ramirez, Soeffner
Noes: (0) None
Absent: (0) None

For the following item, Commissioner Le informed staff of a personal conflict and asked to be recused. Staff stated that according to the Garden Grove Code of Ethics, if the conflict was non-financial, Commissioner Le could remain seated. Commissioner Le remained and would abstain from the vote.

PUBLIC HEARING – SITE PLAN NO. SP-073-2019 FOR PROPERTY LOCATED AT 12931 LOUISE STREET, WEST SIDE OF LOUISE STREET, BETWEEN ACACIA AVENUE AND GARDEN GROVE BOULEVARD.

Applicant: FRANK LE
Date: September 5, 2019

Request: Site Plan approval to demolish all existing on-site improvements, which include an existing single-family residence and two (2) detached accessory structures, and to construct four (4) new two-story apartment units, along with associated site improvements, on a 14,967 square foot lot. The site is in the GGMU2 (Garden Grove Boulevard Mixed Use 2) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from

the California Environmental Quality act (CEQA) pursuant to Section 15303(b) – New Construction or Conversion of Small Structures.

Action: Public Hearing held. Speaker(s): Frank Le, Lana Roberts. One Letter of opposition was submitted by Lana Roberts with the following concerns - the neighborhood exceeded capacity for car population, the existing infrastructure would not support more multi-family developments, the project's CEQA exemption was not applicable, the existing tow yard, south of project had trucks driving down Louise Street all hours, there was no left turn from Louise Street to Garden Grove Boulevard which caused more traffic on Louise Street, and there were existing flooding issues on Louise Street.

Action: Resolution No. 5963-19 was approved, with one amendment to add a condition to vary the architecture by adding a complementary color scheme.

Motion: Perez Second: Nguyen

Ayes: (5) Lehman, Nguyen, Perez, Ramirez, Soeffner
Noes: (0) None
Absent: (0) None
Abstain: (1) Le

Commissioner Perez recused herself from the following discussion at 7:42 p.m. due to the possibility that her home was located within the Flood Zone Overlay area.

PUBLIC HEARING – AMENDMENT NO. A-025-2019, CITY OF GARDEN GROVE, CITYWIDE.

Applicant: CITY OF GARDEN GROVE
Date: September 5, 2019

Request: A request by the City of Garden Grove to amend Section 9.04.060 of the Garden Grove Municipal Code to add definitions for terms used in existing portions of Title 9 pertaining to the Flood Hazard Overlay Zone to meet minimum requirements of the National Flood Insurance Program. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15061(b)(3) – Review for Exemption.

Action: Public Hearing held. Speaker(s): None.

Action: Resolution No. 5964-19 was approved.

Motion: Le Second: Ramirez

Ayes: (5) Le, Lehman, Nguyen, Ramirez, Soeffner

Noes: (0) None

Absent: (1) Perez

Commissioner Perez rejoined the meeting at 7:43 p.m.

MATTERS FROM COMMISSIONERS: Commissioner Soeffner asked for an update on the Cottage Industries project. Staff stated that details were still being worked out on Phase 2 and the Developer was waiting to construct Phase 1 until Phase 2 was approved.

MATTERS FROM STAFF: Staff stated the September 19th meeting would be cancelled, with the next Planning Commission meeting to be held October 3rd.

ADJOURNMENT: At 7:45 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, October 3, 2019, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore
Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: South side of Imperial Avenue, between Hope Street and Deanann Place at 10182 Imperial Avenue
HEARING DATE: October 3, 2019	GENERAL PLAN: Low Medium Density Residential
CASE NOS.: Site Plan No. SP-075-2019 and Variance No. V-025-2019	ZONE: R-2 (Limited Multiple Residential)
APPLICANT: An Ha	CEQA DETERMINATION: Exempt - CEQA Guidelines § 15303 - New Construction or Conversion of Small Structures
PROPERTY OWNER: Edward Bui	APN NO.: 099-036-02

REQUEST:

The applicant is requesting Site Plan approval to construct a new duplex that consists of two (2) detached, two-story, multiple-family residential units with an attached two-car enclosed garage on an 8,837 square foot lot. As part of this project, a five-foot public right-of-way street dedication is required, which will reduce the lot size to 8,485 square feet. In conjunction with the Site Plan request, the applicant also requests a Variance approval to allow the project to deviate from the minimum 8,712 square foot lot size of the R-2 zone. The existing single-family home will be demolished to accommodate the proposed development.

BACKGROUND:

The subject site is located on the south side of Imperial Avenue, between Hope Street and Deanann Place, at 10182 Imperial Avenue. The subject site has an existing total lot area of 8,837 square feet. The site is zoned R-2 (Limited Multiple Residential), and has a General Plan Land Use Designation of Low Medium Density Residential. The property is located within a neighborhood that is improved with single and multiple-family residences. The site abuts R-2-zoned properties improved with a single-family home to the south and across Imperial Avenue to the north; a vacant lot that will be improved with a new-single family to the east; and a residential duplex to the west.

The subject site is currently improved with a single-family dwelling and a detached two-car garage that were constructed in 1939. The applicant is proposing to demolish the existing structures to construct a new, residential duplex that consists of two (2) new, detached, two-story dwelling units with total living areas of 2,067 square feet and 2,195 square feet, respectively. Each unit is designed with an attached two-car garage.

Imperial Avenue has an ultimate right-of-way width of 60 feet, measured from property line to property line; or a half-road right-of-way width of 30 feet measured from the center line of the public right-of-way to the front property line. Currently, the measurement from the centerline of Imperial Avenue to the front (northerly) property line of the subject site is 25 feet. As part of the project, a five-foot public right-of-way dedication, along the frontage of the subject site, will be required to establish the 60-foot ultimate right-of-way for Imperial Avenue. Consequently, the total lot size of the subject property will be reduced from 8,839 square feet to 8,485 square feet, which is below the minimum lot size requirement of 8,712 square feet for duplexes in the R-2 zone. For that reason, the applicant also requests a variance approval to deviate from the minimum lot size requirement for duplexes in the R-2 zone by only 227 square feet.

Section 9.32.030 of the Municipal Code allows duplexes or triplexes to be approved through a Director’s Review provided the proposed project complies with all requirements of the Duplex and Triplex development standards, and provided it does not require approval of any other discretionary action, including but not limited to, a variance, zoning change, general plan amendment, or other land use entitlements. The Municipal Code stipulates that any duplex or triplex project that requires the approval of a discretionary action, requires approval of a Site Plan land use entitlement. The proposed project includes an additional request for Variance approval to deviate from the minimum lot size requirement of the R-2 zone as a result of the public right-of-way street dedication; thereby requiring Site Plan approval, and Planning Commission consideration.

PROJECT STATISTICS:

	Provided	Code Requirement	Meets Code
Lot Size¹	8,485 square feet (after street dedication)*	8,712 square feet	No* Variance required
Density²	10.26 units per acre	9.1 to 18 units per acre	Yes
Parking			Yes
Enclosed	4 spaces	4 spaces	
Open	4 spaces	3 spaces	
Total	8 spaces	7 spaces	
Lot coverage	39.16%	Max. 50%	Yes
Building Height	26.75 feet	35 feet	Yes
Building Setbacks			
Front	20 feet	20 feet	Yes
Rear			
1 st floor	10 feet	10 feet	Yes
2 nd floor	15 feet	15 feet	Yes
Interior Side			
1 st floor	5 feet	5 feet	Yes
2 nd floor	10 feet	10 feet	Yes

¹ Currently, the total lot size of the property is 8,837 square feet, which meets the minimum lot size for R-2-zoned property to build a duplex. After the required public right-of-way street dedication, the lot size will be reduced to 8,485 square feet in area. Approval of a Variance is required to deviate from the minimum lot size requirement for the R-2 zone to allow the construction of the proposed duplex.

² The General Plan Low Medium Density Residential designation allows a density of 9.1 to 18 dwelling units per acres.

DISCUSSION:

SITE PLAN:

Site Design and Circulation

The project is designed with two (2) detached, two-story dwelling units, each with attached two-car enclosed garages. Unit 1 will be located at the front of the lot, while Unit 2 will be located at the rear of the lot. Both units will have their respective entry covers oriented toward Imperial Avenue.

Each unit will have an attached two-car enclosed garage with two (2) open guest parking spaces located in front of each garage. A new 20'-0" wide drive aisle, along the westerly property line, will serve as a single-shared access for the project site from the Imperial Avenue.

Unit Design

The project consists of two (2) detached, two-story dwellings units each with an attached two-car garage. Each floor will be in compliance with the minimum front, side, and rear yard setback and the privacy provisions set forth by the Municipal Code.

Building Design

	Number of Bedrooms/Baths	Living Area¹
Unit 1 (Front)	4 Bedrooms, 3 Baths	2,067 square feet
Unit 2 (Rear)	4 Bedrooms, 3 Baths	2,195 square feet

¹ Garages are not included in total living area.

Unit 1 will have a total living area of 2,067 square feet, excluding the 437 square foot, attached two-car garage. The first floor provides 912 square feet of living area that consists of a kitchen, a family room, one (1) public bathroom, and one (1) bedroom. The second floor provides 1,155 square feet of living area that consists of a lounge area that opens to the first floor below, one (1) master bedroom with a private bathroom, two (2) regular bedrooms, one (1) common bathroom, and one (1) laundry room.

Unit 2 will have a total living area of 2,195 square feet, excluding the 429 square foot, attached, two-car garage. The first floor provides 1,054 square feet of living area and will consist of a great room, a kitchen, one (1) bedroom, and one public bathroom. The second floor provides 1,041 square feet of living area and will consist of a lounge area that opens to the first floor below, one (1) master bedroom with a private bathroom, two (2) regular bedrooms, one (1) public bathroom, and a laundry room.

The applicant has proposed a contemporary architectural style that includes a stucco exterior with stone veneers wrapping around the front facade of each unit, decorative garage doors, decorative exterior light fixtures, various window sizes, hip roof design

and exposed rafter tails. The architectural style is consistent throughout the development.

The Development Standards for Duplexes and Triplexes allow up to no more than 50% of the lot to be covered with building structures and uncovered parking spaces. The total building lot coverage of the proposed duplex will equate to 2,922 square feet of structures. Based on the lot size of 8,485 square feet (after right-of-way street dedication), the proposed lot coverage will be at 39.17%, which is in compliance with the maximum 50% lot coverage requirement of the Municipal Code.

Parking

The project has been designed to comply with the parking requirements of the Municipal Code. The Code requires parking to be provided at a rate of 3.25 spaces per dwelling unit, for a total of 7 parking spaces (rounded up). The Development Standards for a duplex also require that each unit provides a two-car enclosed garage. The proposed project provides an attached two-car garage along with two (2) open, tandem, guest parking spaces in front of the garage for each unit. Therefore, the project complies with, and exceeds, the parking requirements of the Code. In addition, both units are accessible from Imperial Avenue by a new, 20-foot drive aisle located along the westerly property line.

Landscaping and Recreation Area

The Municipal Code requires all areas that are not designated for walkways, parking spaces, drive aisles, and private recreation areas, to be fully landscaped and irrigated. The applicant is required to provide a landscape and irrigation plan that complies with the requirements of Title 9 of the Municipal Code. Based on the proposed plans, the project will provide landscaping in the front, side, and rear yard setback areas, and along the drive aisle to create a buffer between the driveway and the residential units, using a variety of plant materials. All landscaped areas/installations will be fitted with automatic irrigation systems that comply with the City's Water Efficiency Guidelines.

The Municipal Code requires a minimum, and continuous private recreation area, of 225 square feet with a minimum interior dimension of 15' by 15', to be provided for each unit. The project includes private open patios (open to the sky) with dimensions of 15' by 15' (225 square feet) for both units. Each private recreation area is located at the rear of each dwelling unit and is accessible from a common area within the dwelling. The project complies with all landscaping and recreation requirements of the Municipal Code.

VARIANCE:

The proposed project includes a Variance request to deviate from the minimum lot size requirement for duplexes in the R-2 zone in conjunction with the Site Plan review request. The subject property is a legal lot that has an existing total lot area of 8,837 square feet. The size of the lot originally conforms to the 8,712 square foot minimum lot area requirement to build a duplex in R-2 zone; however, due to a required five-foot public right-of-way street dedication is required for new development

projects along the Imperial Avenue, in order to establish a 60-foot public right-of-way to conform to the Master Plan of Streets and Highways, the lot will be reduced from 8,837 to 8,485 square feet, which is below the required minimum lot size of 8,712 square feet. Accordingly, the applicant is requesting a Variance approval to deviate from the minimum lot size requirement of the R-2 zone by 227 square feet in order to facilitate the construction of the proposed duplex.

Staff is supportive of the Variance. Proposed reasons supporting the five (5) variance findings required pursuant to State law and Garden Grove Municipal Code Section 9.32.030.D.6 are as follows:

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

Residential duplex is a permitted use in the R-2 zone; provided that the proposed project complies with the development standards set forth in Section 9.12.040.040, Special Requirements - Duplex and Triplex of the Municipal Code. The subject property is a legally created lot that has a total lot size of 8,837 square feet, which originally meets the minimum lot size requirement to build a duplex on an R-2-zoned property; however, a five-foot public right-of-way street dedication, along the frontage of the subject site (the northerly property line), is required to bring the Imperial Avenue into conformance with the Master Plan of Streets and Highways. As a result, the resulting lot size of the property will be at 8,485 square feet after the public right-of-way dedication, thereby reducing the total net area of the site below the 8,712 square feet minimum required lot size for a duplex in the R-2 zone by 227 square feet. Other properties in the same zone of the subject site are not subject to the same public right-of-way street dedication that reduce their developable lot area, as it does to the subject site involved in the proposed project.

The subject property is located in an area that is improved with single and multiple-family dwellings. The foregoing public right-of-way street dedication constitutes exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other properties in the same zone.

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 subject property.

The Garden Grove Municipal Code allows construction of duplexes on R-2-zoned properties, provided that the proposed projects comply with development standards set forth by Section 9.12.040.040, Special Requirements - Duplex and Triplex of the Municipal Code. In 2009, the Planning Commission adopted Resolution No. 5700 approving the Site Plan No. SP-453-09 to allow the construction of a duplex on an existing 9,000 square foot lot, and Variance No. V-184-09 to deviate from the minimum lot size

requirement of 8,712 square feet for R-2 zone to facilitate the construction of the duplex along with the approval of the Site Plan No. SP-453-09, R-2-zoned property located at 10172 Imperial Avenue, which abuts the subject property to the west. At that time, the 10172 Imperial Avenue lot was also subject to the required five-foot public right-of-way street dedication to bring the Imperial Avenue into conformance with the Master Plan of Streets and Highways. As a result, the lot size of the 10172 Imperial Avenue property was also reduced to 7,952.5 square feet, which is below the minimum lot size requirement of 8,712 square foot for new duplexes in R-2 zone, similar to the subject property.

The subject property is located within an area of similarly-sized residentially developed properties. The proposed duplex is consistent with the developing pattern of the existing multiple-family residential neighborhood, and the intent of the Zoning code. Approval of the Variance No. V-025-2019 will not set a precedent, and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity, within the same zone, and other similarly-zoned properties throughout the City. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the R-2 zone, such as setbacks, lot frontage width, recreational area, landscaping, and building height.

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

The Variance request will allow the proposed development to deviate from the minimum lot size requirement of the R-2 zone by 227 square feet. With the exception of the minimum lot size requirement, the project site will continue to maintain sufficient land area to accommodate the proposed duplex as it has been designed to meet all development standards of the R-2 zone, such as, but not limited to: setbacks, lot frontage width, parking, recreation area, landscaping, and building height. Provided the project complies with the Conditions of Approval, the granting of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

4. The granting of such Variance will not adversely affect the City's General Plan.

The proposed Variance request will not cause an adverse effect on the City's General Plan since the Municipal Code is a tool used to implement the goals of the General Plan. The proposed project, a residential duplex, is a use that is consistent with the intent of the General Plan and the zoning classification as multiple-family residential developments are permitted in the R-2 (Limited Multiple-family Residential) zone. Approval of the Variance request is consistent with several goals set forth in the General Plan. Goal LU-1 and Goal LU-3 of the General Plan encourages developments that provide additional housing stock to accommodate the anticipated density growth of the community; Goal LU-2 and Goal LU-4 of the General Plan seeks for

developments that not only are compatible with the surrounding area, but also set a high standards of appearance in the neighborhood. The proposed development will increase the number of housing units on the site as it will improve the lot from a single-family residential to a multiple-family residential lot to meet the regional housing needs. In addition, both units are designed with a contemporary architectural style that includes additional decorative details such as a stucco exterior with stone veneers wrapping around the front facade of each unit, decorative garage doors, decorative exterior light fixtures, various window sizes, hip roof design and exposed rafter tails. The overall design is compatible with the existing neighborhood and is similar to new developments in the area. In brief, the proposed duplex is consistent with all of these goals. Therefore, granting of this Variance is in keeping with the spirit and intent of the General Plan.

5. The 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.

Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity, within the same zone, and other similarly-zoned properties throughout the City. In 2009, the Planning Commission adopted Resolution No. 5700 approving the Site Plan No. SP-453-09 to allow the construction of a duplex on an existing 9,000 square foot lot, and Variance No. V-184-09 deviate from the minimum lot size requirement of 8,712 square feet for R-2 zone to facilitate the construction of the duplex along with the approval of the Site Plan No. SP-453-09, R-2-zoned property located at 10172 Imperial Avenue, which abuts the subject property to the west. At that time, the 10172 Imperial Avenue lot was also subject to the required five-foot public right-of-way street dedication to bring the Imperial Avenue into conformance with the Master Plan of Streets and Highways. As a result, the lot size of the 10172 Imperial Avenue property was also reduced to 7,952.5 square feet, which is below the minimum lot size requirement of 8,712 square foot for new duplexes in the R-2 zone, similar to the subject property. Since a Variance was granted for a similar-sized project that is located within the same area and under similar exceptional circumstances, the Variance approval for the subject property certainly does not constitute granting of special privileges.

In addition, the Variance is necessary to allow a deviation from the minimum lot size requirement to construct a duplex while establishing the 60-foot ultimate public right-of-way for Imperial Avenue to conform to the Master Plan of Streets and Highways. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the R-2 zone, such as setbacks, lot frontage width, recreation area, landscaping, and building height. Pursuant to Condition of Approval No. 5, the rights granted pursuant to the Variance shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-075-2019 continue to exist on the Site. In the event the improvements authorized and

contemplated by Site Plan No. SP-075-2019 are not constructed or are demolished and not re-established, the Variance shall cease to be effective or grant the property owner any rights to construct other improvements inconsistent with the then-currently applicable development standards. Therefore, the granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 3, New Construction or Conversion of Small Structures (CEQA Guidelines §15303). The Class 3 exemption applies to the construction and location of limited number of new, small facilities or structures. This includes construction of a duplex or similar multiple-family residential structures totaling no more than four (4) dwelling units. Here, the proposed project will include the construction of two (2) multiple-family residential units designed as a duplex.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Adopt Resolution No. 5965-19 approving Site Plan No. SP-075-2019 and Variance V-025-2019, subject to the recommended Conditions of Approval.



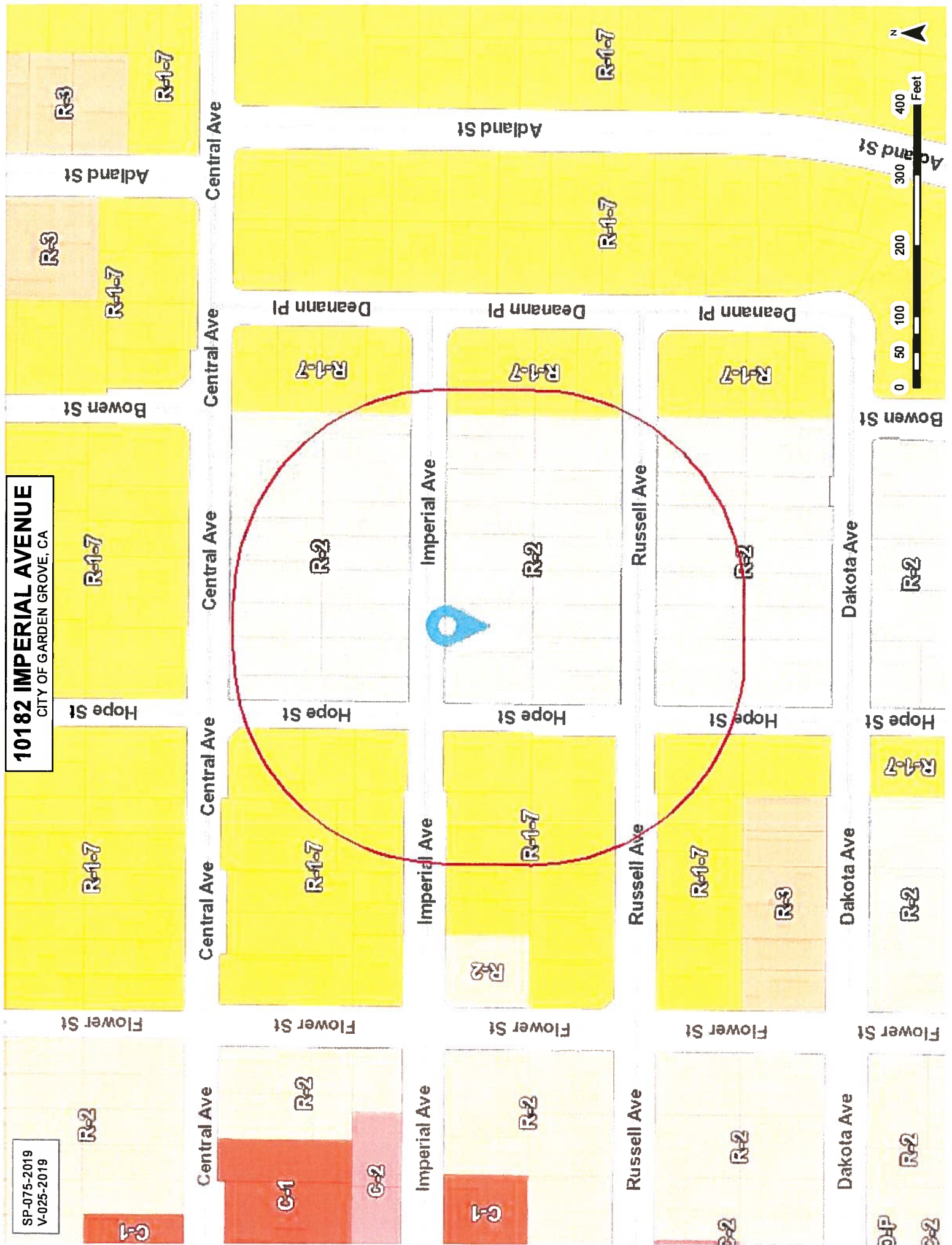
Lee Marino
Planning Services Manager



By: Huong Ly
Assistant Planner

10182 IMPERIAL AVENUE
CITY OF GARDEN GROVE, CA

SP-075-2019
V-025-2019





ANHA design studio
 12825 JAY STREET
 GARDEN GROVE, CA 92643
 Phone: 714.261.2200
 Email: info@anhadesignstudio.com

DUPLEX

10182 IMPERIAL AVE.
 GARDEN GROVE, CA 92643

OWNER: EDWARD BUI
 10182 IMPERIAL AVE.
 GARDEN GROVE, CA 92643

BUILDING DEPARTMENT SUBMITTAL

BUILDING DEPARTMENT SUBMITTAL

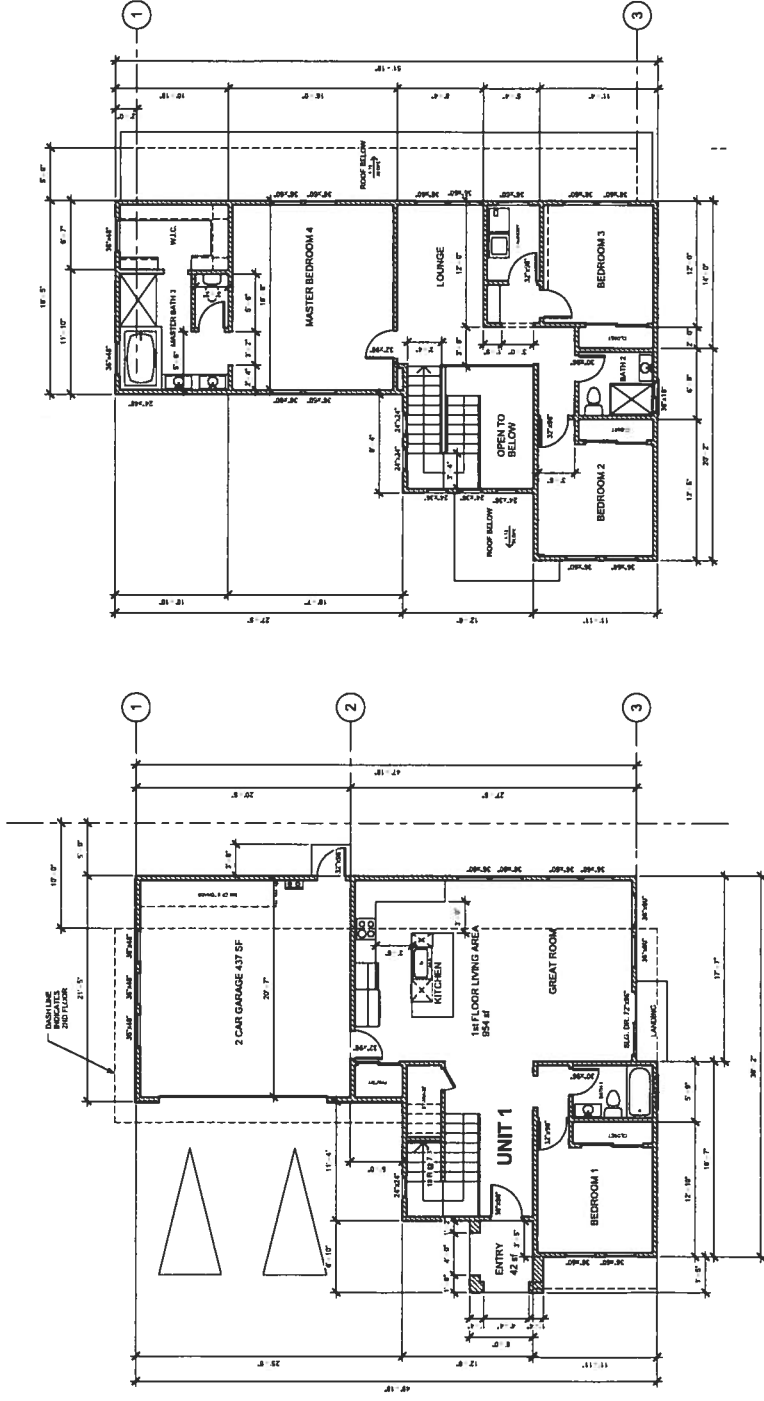
PROJECT DIRECTION:
 PRO CLARIFY
 SENIOR ASSOCIATE
 ASSOCIATE
 PROJECT NUMBER
 PROJECT DATE

UNIT 1
 FLOOR PLANS

CONSTRUCTION NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. FINISH FLOOR IS 1/2" THICK CONCRETE ON 4" THICK CMU WALLS.
 4. FINISH FLOOR IS 1/2" THICK CONCRETE ON 4" THICK CMU WALLS.
 5. FINISH FLOOR IS 1/2" THICK CONCRETE ON 4" THICK CMU WALLS.
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 10. FINISH FLOOR IS 1/2" THICK CONCRETE ON 4" THICK CMU WALLS.

SHEET NUMBER
A2.0

ANHA design studio



UNIT 1 - SECOND FLOOR PLAN
 3/16" = 1'-0"

UNIT 1 - FIRST FLOOR PLAN
 3/16" = 1'-0"

- UNIT 1:
- 1ST FLOOR LIVING AREA: 912 SF
 - 2ND FLOOR LIVING AREA: 1,155 SF
 - TOTAL LIVING AREA: 2,067 SF



① NORTH ELEVATION
3/16" = 1'-0"



② WEST ELEVATION
3/16" = 1'-0"

DUPLEX

10182 IMPERIAL AVENUE, GARDEN GROVE, CA 92843

ANHA design studio
 13862 JOY STREET, CA 92840
 TEL: (714) 200-1122

RESOLUTION NO. 5965-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-075-2019 AND VARIANCE NO. V-025-2019, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF IMPERIAL AVENUE, BETWEEN HOPE STREET AND DEANANN PLACE, AT 10182 IMPERIAL AVENUE, ASSESSOR'S PARCEL NO. 099-036-02.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on October 3, 2019, does hereby approve Site Plan No. SP-075-2019 and Variance No. V-025-2019, for land located on the south side of Imperial Avenue, between Hope Street and Deanann Place, at 10182 Imperial Avenue, Assessor's Parcel No. 099-036-02, subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-075-2019 and Variance No. V-025-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by An Ha pursuant to the authorization of the property owner, Edward Bui.
2. The applicant is requesting Site Plan approval to construct a new duplex that consists of two (2) detached, two-story, multiple-family residential units with an attached two (2) car enclosed garage on a 8,837 square foot lot. As part of this project, a five-foot public right-of-way street dedication is required, which will reduce the lot size to 8,485 square feet. In conjunction with the Site Plan request, the applicant also requests a Variance approval to allow the project to deviate from the minimum 8,712 square foot lot size of the R-2 zone. The existing single-family home will be demolished to accommodate the proposed development.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) (14 Cal. Code Regs., Section 15303).
4. The property has a General Plan Land Use Designation of Low Medium Density Residential and is zoned R-2 (Limited Multiple Residential). The site is currently improved with a single-family dwelling with a detached two-car garage that will be demolished to accommodate the proposed project.
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 October 3, 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 on October 3, 2019, and considered all oral and written testimony presented regarding the project; 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 Sections 9.32.030 and 9.40.190, are as follows:

FACTS:

The subject site is located on the south side of Imperial Avenue, between Hope Street and Deanann Place, at 10182 Imperial Avenue. The subject site has an existing total lot area of 8,837 square feet. The site is zoned the R-2 (Limited Multiple Residential), and has a General Plan Land Use Designation of Low Medium Density Residential. The property is located within a neighborhood that is improved with single- and multiple-family residences. The site abuts R-2 zoned properties improved with new a single-family home to the south and, across Imperial Avenue, to the north; a vacant lot that will be improved with a single home to the east; and a residential duplex to the west.

The subject site is currently improved with a single-family dwelling and a detached two-car garage that were constructed in 1939. The applicant is proposing to demolish the existing structures to construct a new, residential duplex that consists of two (2) new, detached, two-story dwelling units with a total living areas of 2,067 square feet and 2,195 square feet, respectively. Each unit is designed with an attached two-car garage.

Imperial Avenue has an ultimate right-of-way width of 60 feet, measured from property line to property line; or a half-road right-of-way width of 30 feet measured from the center line of the public right-of-way to the front property line. Currently, the measurement from the centerline of Imperial Avenue to the front (northerly) property line of the subject site is 25 feet. As part of the project, a five-foot public right-of-way dedication, along the frontage of the subject site, will be required to establish the 60-foot ultimate right-of-way for Imperial Avenue. Consequently, the total lot size of the subject property will be reduced from 8,839 square feet to 8,485 square feet, which is below the minimum lot size requirement of 8,712 square feet for duplexes in the R-2 zone. For that reason, the applicant also requests a variance approval to deviate from the minimum lot size requirement for duplexes in the R-2 zone by only 227 square feet.

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 Title 9 and the General Plan.

The property has a General Plan Land Use designation of Low-Medium Density residential. The intent of the Low Medium Density Residential is to allow the development of a variety of housing types including single-family, duplex and triplex, detached condominiums, and single-family small-lot subdivisions. Goal LU-1 and Goal LU-3 of the General Plan encourages developments that provide additional housing stock to accommodate the anticipated density growth of the community. Goal LU-2 and Goal LU-4 of the General Plan seeks for developments that not only are compatible with the surrounding area, but also set a high standard of appearance in the neighborhood. The proposed duplex will add an additional unit on the lot, while incorporating throughout a high quality design that will preserve residential property values, and provide adequate parking and open space areas that are available to serve the residents of the two new units.

Also, a duplex is a permitted use in R-2 zone, providing that the proposed project complies with development standards set forth by Section 9.12.040.040 of the Municipal Code. With an exception of a Variance approval to deviate from the minimum lot size requirement, the project meets all requirements of the R-2 (Limited Multiple Residential) zone of the property, including the building setbacks, number of parking spaces, open space, and landscaping. Therefore, the proposed project will improve the site and fulfill the goals and policies of the General Plan and Land Use Code by creating a well-maintained and attractive development that enhances the existing residential neighborhood.

2. The Project will 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 project will provide adequate off-street parking for each unit that complies with the Municipal Code that requires a total of seven (7) parking spaces designed as a two-car enclosed garage per unit and three (3) open, off-street parking spaces for guests. The project design provides two (2) attached, enclosed, two-car garages with two (2) open tandem parking spaces in front of each garage spaces, which exceeds the minimum parking requirement per the Municipal Code. Both units are accessible from Imperial Avenue by a new shared 20-foot wide drive aisle located along the westerly property line. Finally, adequate pedestrian access is provided within the project.

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

The proposed project is required to provide a five-foot public right-of-way dedication to establish a 60-foot wide ultimate right-of-way for Imperial Avenue. The Condition of Approval No. 16 requires the property owner to improve the street frontage with a residential sidewalk, per City's Standard, in order to provide adequate public access. Furthermore, existing utilities and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the proposed development. The Public Work's department have reviewed the plans, and all appropriate conditions of approval have been incorporated to address public facilities.

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 City's Public Works Department, which has required various on- and off-site improvements, including a new sidewalk, new driveway approach, and grading improvements. Imperial Avenue has an ultimate right-of-way width of 60 feet from property line to property line. Currently, the measurement from the centerline of Imperial Avenue to the front (northerly) property line of the subject site is 25 feet. As part of the project, a five-foot public right-of-way street dedication, along the frontage of the subject site, will be required to establish the 60-foot ultimate right-of-way for Imperial Avenue, and bring the property into conformance with the Master Plan of Streets and Highways. All appropriate conditions of approval have been incorporated to address public facilities.

5. The project is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics.

The project has been designed to consider building appearance, building placement, landscaping, and other amenities in order to create an attractive environment that will be an enhancement to the neighborhood and is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics. The applicant has proposed a contemporary architectural style that includes a stucco exterior with stone veneers wrapping around the front facade of each unit, decorative garage doors, decorative exterior light fixtures, various window sizes, hip roof design and exposed rafter tails. The architectural style is consistent throughout the development. All landscaped areas are required to adhere to the landscaping requirements of the Title 9 of the Municipal Code including the City's Water Efficiency Guidelines. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of all landscaping will be achieved.

6. That through the planning and design of buildings and building placement, the provision of open space, landscaping and other site amenities, the project 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 that will be an enhancement to the neighborhood.

The project consists of two (2) detached, two-story dwelling units with an attached two-car garage. Each floor will be in compliance with the minimum front, side, and rear yard setback, and the privacy provisions set forth by the Municipal Code. The total building footprint, including living area and garage, will equate to 2,922 square feet. Based on the lot size of 8,485 square feet (after five-foot public right-of-way dedication), the proposed lot coverage will be at 39.17%, which conforms to the maximum 50% lot coverage requirement by Code.

The Municipal Code requires a minimum, and continuous private recreation area of 225 square feet with a minimum interior dimension of 15' by 15', to be provided for each unit. The project includes private open patios (open to the sky) of 225 square feet for Unit 1, and 782 square feet for Unit 2. Both units private recreation areas meet the minimum interior dimension of 15' by 15'. Each private recreation area is located at the rear of each dwelling unit and is accessible from a common area within the dwelling.

Further, the Municipal Code requires all areas that are not designated for walkways, parking spaces, drive aisles, and private recreation areas, to be fully landscaped and irrigated. In addition, the applicant is required to provide a landscape and irrigation plan that complies with the requirements of Title 9 of the Municipal Code. Based on the proposed plans, the project will provide landscaping in the front, side and rear yard setback areas, and additional along the drive aisle to create a buffer between the driveway and the residential units, using a variety of plant materials. All landscaped areas/installations will be fitted with automatic irrigation systems and comply with the City's Water Efficiency Guidelines. The project complies with all landscaping and recreation requirements of the Municipal Code.

The applicant has proposed a contemporary architectural style that includes a stucco exterior with stone veneers wrapping around the front facade of each unit, decorative garage doors, decorative exterior light fixtures, various window sizes, hip roof design and exposed rafter tails, and an effective use of articulation on the building façade and design. The overall design is compatible with the existing neighborhood and similar new developments in the area.

Variance:

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

Residential duplex is a permitted use in the R-2 zone; provided that the proposed project complies with the development standards set forth in Section 9.12.040.040, Special Requirements - Duplex and Triplex of the Municipal Code. The subject property is a legally created lot that has a total lot size of 8,837 square feet, which originally meets the minimum lot size requirement to build a duplex on a R-2 zoned property; however, a five-foot public right-of-way street dedication, along the frontage of the subject site (the northerly property line), is required to bring the Imperial Avenue into conformance with the Master Plan of Streets and Highways. As a result, the resulting lot size of the property will be at 8,485 square feet after the public right-of-way dedication, thereby reducing the total net area of the site below the 8,712 square feet minimum required lot size for a duplex in the R-2 zone by 227 square feet. Other properties in the same zone of the subject site are not subject to the same public right-of-way street dedication that reduce their developable lot area, as it does to the subject site involved in the proposed project.

The subject property is located in an area that is improved with single- and multiple-family dwellings. The foregoing public right-of-way street dedication constitutes exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other properties in the same zone.

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 subject property.

The Garden Grove Municipal Code allows construction of duplexes on R-2 zoned properties, provided that the proposed projects comply with development standards set forth by Section 9.12.040.040, Special Requirements - Duplex and Triplex of the Municipal Code. In 2009, the Planning Commission adopted Resolution No. 5700 approving the Site Plan No. SP-453-09 to allow the construction of a duplex on an existing 9,000 square foot lot, and Variance No. V-184-09 to deviate from the minimum lot size requirement of 8,712 square feet for the R-2 zone to facilitate the construction of the duplex along with the approval of the Site Plan No. SP-453-09, R-2 zoned property located at 10172 Imperial Avenue, which abuts the subject property to the west. At that time, the 10172 Imperial Avenue lot was also subject to the required five-foot public right-of-way street dedication to bring

Imperial Avenue into conformance with the Master Plan of Streets and Highways. As a result, the lot size of the 10172 Imperial Avenue property was also reduced to 7,952.5 square feet, which is below the minimum lot size requirement of 8,712 square foot for new duplexes in R-2 zone, similar to the subject property.

The subject property is located within an area of similarly-sized residentially developed properties. The proposed duplex is consistent with the developing pattern of the existing multiple-family residential neighborhood, and the intent of the Zoning code. Approval of the Variance No. V-025-2019 will not set a precedent, and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity, within the same zone, and other similarly-zoned properties throughout the City. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the R-2 zone, such as setbacks, lot frontage width, recreational area, landscaping, and building height.

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

The Variance request will allow the proposed development to deviate from the minimum lot size requirement of the R-2 zone by 227 square feet. With the exception of the minimum lot size requirement, the project site will continue to maintain sufficient land area to accommodate the proposed duplex as it has been designed to meet all development standards of the R-2 zone, such as, but not limited to: setbacks, lot frontage width, parking, recreation area, landscaping, and building height. Provided the project complies with the Conditions of Approval, the granting of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

4. The granting of such Variance will not adversely affect the City's General Plan.

The proposed Variance request will not cause an adverse effect on the City's General Plan since the Municipal Code is a tool used to implement the goals of the General Plan. The proposed project, a residential duplex, is a use that is consistent with the intent of the General Plan and the zoning classification as multiple-family residential developments are permitted in the R-2 (Limited Multiple-family Residential) zone. Approval of the Variance request is consistent with several goals set forth in the General Plan. Goal LU-1 and Goal LU-3 of the General Plan encourages developments that provide additional housing stock to accommodate the anticipated density growth of the community; Goal LU-2 and Goal LU-4 of the General Plan seeks for developments that not only are compatible with the surrounding area, but also

set a high standard of appearance in the neighborhood. The proposed development will increase the number of housing units on the site as it will improve the lot from a single-family residential to a multiple-family residential lot to meet the regional housing needs. In addition, both units are designed with a contemporary architectural style that includes additional decorative details such as a stucco exterior with stone veneers wrapping around the front facade of each unit, decorative garage doors, decorative exterior light fixtures, various window sizes, hip roof design and exposed rafter tails. The overall design is compatible with the existing neighborhood and is similar to new developments in the area. In brief, the proposed duplex is consistent with all of these goals. Therefore, granting of this Variance is in keeping with the spirit and intent of the General Plan.

5. The 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.

Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City. In 2009, the Planning Commission adopted Resolution No. 5700 approving the Site Plan No. SP-453-09 to allow the construction of a duplex on an existing 9,000 square foot lot, and Variance No. V-184-09 to deviate from the minimum lot size requirement of 8,712 square feet for the R-2 zone to facilitate the construction of the duplex along with the approval of the Site Plan No. SP-453-09, R-2 zoned property located at 10172 Imperial Avenue, which abuts the subject property to the west. At that time, the 10172 Imperial Avenue lot was also subject to the required five-foot public right-of-way street dedication to bring the Imperial Avenue into conformance with the Master Plan of Streets and Highways. As a result, the lot size of the 10172 Imperial Avenue property was also reduced to 7,952.5 square feet, which is below the minimum lot size requirement of 8,712 square foot for new duplexes in the R-2 zone, similar to the subject property. Since a Variance was granted for a similar-sized project that is located within the same area and under similar exceptional circumstances, the Variance approval for the subject property certainly does not constitute granting of special privileges.

In addition, the Variance is necessary to allow a deviation from the minimum lot size requirement to construct a duplex while establishing the 60-foot ultimate public right-of-way for the Imperial Avenue to conform with the Master Plan of Streets and Highways. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the R-2 zone, such as setbacks, lot frontage width, recreation area, landscaping, and building height. Pursuant to Condition of Approval No. 5, the

rights granted pursuant to the Variance shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-075-2019 continue to exist on the Site. In the event the improvements authorized and contemplated by Site Plan No. SP-075-2019 are not constructed or are demolished and not re-established, the Variance shall cease to be effective or grant the property owner any rights to construct other improvements inconsistent with the then-currently applicable development standards. Therefore, the granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

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 Variance possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval, attached as "Exhibit A," shall apply to Site Plan No. SP-075-2019 and Variance No. V-025-2019.

EXHIBIT "A"

Site Plan No. SP-075-2019 Variance No. V-025-2019

10182 Imperial Avenue
(Assessor's Parcel No. 099-036-02)

CONDITIONS OF APPROVAL

General Conditions

1. The applicant and each owner of the property shall execute, and the applicant shall record on the property a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office. Proof of such recordation is required within 30 days of this approval.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, An Ha, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission, except as otherwise provided herein.
3. Approval of this Site Plan and Variance shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
4. Minor modifications to the Site Plan, Variance, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. The rights granted the applicant pursuant to Site Plan No. SP-075-2019 and Variance No. V-025-2019 shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-075-2019 and Variance No. V-025-2019 and these Conditions of Approval (as they may be amended from time to time) continue to exist on the Site and the entire Site is held and operated as an integrated development under common operational control. In the event the improvements authorized and contemplated by Site Plan No. SP-075-2019 and Variance No. V-025-2019 are not constructed or are demolished and not re-established, or any portion of the site ceases to be held and operated as part of the integrated development subject to common

operational control with the rest of the Site, Site Plan No. SP-075-2019 Variance No. V-025-2019 shall cease to be effective or grant the applicant any rights to construct other improvements inconsistent with the then-currently applicable development standards.

6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Works Engineering Division

7. The applicant shall be subject to Traffic Mitigation Fees, Citywide Park Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
8. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design of the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
9. A separate street permit is required for work performed within the public right-of-way.
10. Grading and street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' outside the boundary, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan.
11. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
12. Prior to the issuance of any grading or building permits, the applicant shall submit to the City, for review and approval, a Non Priority Water Quality Management Plan that:

- a. Incorporates all Source Control BMPs (routine structural and routine non-structural).
 - b. Incorporates Site Design BMPs.
13. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
- a. Demonstrate that all structural best management practices (BMPs) described in the Project Non Priority WQMP have been constructed and installed in conformance with approved plans and specifications.
 - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project Non Priority WQMP.
 - c. Demonstrate that an adequate number of copies of the approved Project Non Priority WQMP are available on-site and in the possession of the owner.
 - d. Record the "Owner's Certification" portion of the plan with County Recorder's office and submit proof of that recordation to the City.
14. Any new or required block walls and/or retaining walls shall be shown on the grading plans with a minimum height of six feet from the highest finished grade. Cross sections shall be provided on the grading plan showing vertical and horizontal relations of improvements to property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer.
15. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division prior to installation
16. Applicant to dedicate five-feet of right-of-way on Imperial Avenue fronting the property for the ultimate right-of-way of 30-feet from the centerline of Imperial Avenue.
17. Prior to the issuance of certificate of use and occupancy, the applicant shall design and construct street frontage improvements as identified below:

Imperial Avenue

- a. Remove the two existing substandard driveway approaches to the site and construct new driveway approach to the site on the west corner of the property in accordance with City of Garden Grove Standard Plan B-122 Option #1.

- b. Construct residential sidewalk (four feet minimum) adjacent to the existing curb per standard B-105.
 - c. Applicant shall coordinate the location of all new water meters, backflow preventers, and backflow devices to be placed in sidewalk/landscape area on Imperial Avenue with Planning Division and Water Division.
18. Prior to the issuance of a building permit, the applicant shall dedicate to the City five (5) feet of road right-of-way on Imperial Avenue along the property frontage for an ultimate half-width right-of-way width of 30 feet, to provide for future street improvements. Such dedication shall be in a form approved by the City Engineer and City Attorney and shall be recorded prior to permit issuance.

Public Works Water Services Division

19. New water service installations 2" and smaller shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger shall be installed by developer's/owner's contractor per City Standards.
20. Water meters shall be located within the City right-of-way. Fire services and large water services 3" and larger shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
21. The applicant shall abandon and remove existing water service connection at water main using a stainless steel repair coupling, and shall return existing meter to the City Yard.
22. If the project is required to have fire sprinkler system, a minimum 1" water meter shall be required with a fire residential valve (see City standard B-719). The fire service riser shall have a single spring loaded check valve.
23. If a dedicated irrigation meter and service will be installed, the landscape system shall have RPPD device. The installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. The cross-connection inspector shall be notified for inspection after the installation is complete. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
24. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.

25. If applicable, location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
26. If needed, owner shall install new sewer lateral with clean-out at right-of-way line. Lateral in public right-of-way shall be 4" minimum diameter extra strength VCP with wedgelock joints.
27. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

Community and Economic Development Department

28. The applicant shall submit a detailed landscape and irrigation plan of all landscape areas. The plan shall be submitted to, and be approved by, the Community and Economic Development Department, Planning Services Division prior to the issuance of any permit for construction. Said plan shall include substantial plantings that create a natural setting and include type (both common and botanical names), size, location, and quantity of all plant material. The landscaping shall be planted prior to the finalization of the permit for construction. The landscape plan shall also include the following:
 - a. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines.
 - b. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) maybe of any size. These trees shall be incorporated into the landscaped frontage of Imperial Avenue. Where clinging vines are considered for covering walls, drought tolerant vines shall be used.
 - c. The height of the plant material and any fences located within the front setback areas, shall not exceed 36 inches in height in order to ensure visibility to the site from the public right-of-way.
 - d. Trees planted within ten (10) feet of any public right-of-way shall be planted in a root barrier shield. No street trees shall be planted in the sidewalk, unless required by the City's Public Works Department. The landscape plan shall maximize the plantings along the perimeter wall where planters are possible. There shall be vine plantings along the length of the perimeter walls. The vines shall be mainly perennial and evergreen with some flowering, deciduous types interspersed.

- e. A complete, permanent, and automatic remote control irrigation system shall be provided for all landscape areas shown on the plan. Subsurface irrigation systems are encouraged. The irrigation plan for any trees planted in the setback areas adjacent to the sidewalks and in the parking areas shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used in other areas, they shall be low-flow/precipitation sprinkler heads for water conservation.
 - f. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan and shall be screened from view by appropriate plantings.
 - g. The applicant is responsible for the installation of all landscaping, irrigation, and other site improvements on the property. Said responsibility shall extend to all landscaped areas, the private recreational areas, the landscape setbacks, sidewalk, curb and pavement of the site.
29. All construction and grading shall be performed in compliance with the City's Noise Ordinance, Chapter 8.47 of the Garden Grove Municipal Code. Pursuant to the City's Noise Ordinance, no construction or grading shall take place before 7:00 a.m. or after 10:00 p.m. (of the same day).
30. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
31. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department for review and approval prior to Building and Safety Division plan check. The project shall also be subject to the following:
- a. All on-site and off-site utilities (off-site refers to the areas within the public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
 - b. All above-ground utility equipment (e.g., electrical, gas, telephone) shall not be located in the street setbacks and shall be screened to the satisfaction of the Community and Economic Development Department, Planning Services Division.

- c. No roof-mounted mechanical equipment, including, but not limited to, dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 - d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
 - e. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property, with the exception of roof rain gutters.
- 32. Each unit/residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
 - 33. There shall be no more than two (2) residential dwelling units on the property.
 - 34. At no time shall there be more than four (4) bedrooms in each unit.
 - 35. The units shall not be sold separately for individual ownership.
 - 36. Each unit shall have phone-jacks and cable-TV outlets in all rooms, except any laundry area, hallways, and bathrooms.
 - 37. The open private yard areas for each, as shown on the plan, shall remain as open areas and shall be utilized only by the occupants of each unit.
 - 38. All units shall maintain the ability to park two (2) cars within the garages at all times. The garages shall be equipped with an automatic roll-up type garage door, and shall not be converted to any other use. There shall be no business activities, day care, or garage sales conducted within or from the garages. Parking spaces in the garages shall be made available to the occupants of the unit at all times. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
 - 39. Garages shall not be rented or leased separately from the detached dwelling units and shall not be made unavailable to the occupants of the units.
 - 40. The guest parking spaces for each shall be located in front of each enclosed garage. There shall be no guest or temporary parking anywhere along the main drive aisle that serves the project.
 - 41. Trash containers shall be stored within designated storage areas only and not within the garage parking area. The placement of trash containers for pick-up,

and the duration of time prior to and after trash collection of those trash containers, is subject to the Garden Grove Sanitary District requirements. The applicant shall provide each individual unit with a trash storage area to accommodate three (3) trash containers. The area for each container shall be a minimum of 38 inches by 38 inches. The trash areas shall be paved and accessed by gates and a walkway for ease of taking trash containers to and from the street.

42. All patio covers, if proposed, shall comply with the setbacks of the zone, and shall provide the minimum separation requirements as stipulated by the Duplex and Triplex Ordinance. The patio cover shall not reduce the required private open recreation area for each unit.
43. At no time shall any structure, fireplace, architectural feature, or otherwise, be closer than three feet (3'-0") to any property line. Any roof eaves or similar roof overhangs intruding into the three (3'-0") foot setback requirement, shall comply with the C.B.C concerning method of construction.
44. The applicant shall provide trim on all the windows and doors. The required trim shall be a minimum of 4-inches wide. A detail of the trim shall be provided in the construction drawings.
45. The applicant shall comply with the adopted City Noise Ordinance.
46. The applicant/property owner shall abate all graffiti vandalism within the premises. The property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
47. Each unit shall be provided with an air conditioning condensing unit so that there are no wall-mounted, window mounted, or roof type air conditioning systems on the building.
48. Each unit shall have a separate area for storage having a minimum of two hundred (200) cubic feet of private and secure space. This storage may be located within the enclosed garages, provided that it does not interfere with 20' by 20' vehicle parking area. If the storage is proposed outside of the residence or garage, the storage shall be integrated into the design of the building. Temporary freestanding storage sheds shall not be permitted to satisfy this requirement.

49. Enhanced concrete treatment shall be provided at a 20-foot depth within the entry drive from Central Avenue. Concrete treatment and color shall be approved by the Community and Economic Development Department prior to issuance of building permits.
50. Storage of boats, recreational vehicles, or commercial vehicles on the property shall be prohibited. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
51. The applicant shall comply with all provisions of the Community and Economic Development Department including, but not limited to, the following:
 - a. The facades of the units shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
 - b. Prior to the finalization of working drawings for Planning Services Division, Engineering Division, and Building and Safety Division, the developer shall submit to the Community and Economic Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect these Conditions of Approval. The plans shall indicate cross-sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all rooms, except the laundry area, hallways, and bathrooms.
 - c. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than five feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units may be placed adjacent to or in front of the dwelling units provided the location does not obstruct, impede, or hinder any vehicle traffic or pedestrian access to any unit.
52. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
 - a. Fences and walls located in the front setback along the Imperial Avenue or adjacent to driveways shall not exceed 36 inches in height. Wood fencing located adjacent to any street, parking area, or driveway is prohibited. The applicant shall work with the Community and Economic Development Department in order to ensure proper vision clearance for cars entering or

- leaving the driveway or parking spaces. Any existing perimeter wall or fencing that is deteriorating shall be replaced.
- b. Decorative masonry walls shall be required along the west, east, and south property lines and shall be constructed to a minimum height of 6'-0", as measured from highest point of finished grade. These walls shall use decorative masonry or stucco block with decorative caps, subject to the Community and Economic Development Department's approval.
 - c. The applicant shall work in good faith with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. This requirement is to avoid having double walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. Furthermore, the outward facing portion of the new wall shall be compatible in design and match the color of the existing wall it is abutting. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the Developer shall work with City Staff to address this situation. Additionally, the applicant shall work in good faith with the existing property owners along the project perimeter in designing and constructing any required perimeter blocks walls and/or retaining walls so as not to construct new walls that unreasonably cause shade and shadow issues to nearby homes or are unreasonably tall in height, as measured from grade on the side of the neighboring properties. The applicant shall work with the City to mitigate any such occurrences and issues relating to any walls, subject to final review and approval by the City.
53. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, use of solar, low-emission water heaters, and low-sodium parking lot lights, shall be required to ensure compliance with Title 24.
 53. Building color and material samples shall be submitted to the Planning Services Division for review and approval prior to issuance of building permits. The buildings shall include architectural enhancements such as multi-toned stucco exteriors with window and door trim, decorative siding, decorative lighting, decorative paneled front doors, shutters, and varied rooflines. No security fencing/gate shall be permitted to be installed within the entry of the project.
 54. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of

approval and shall be fully complied with by the owner, applicant, and all agents thereof.

55. All recreation areas, landscaping along the interior project street and entryway, landscaped areas in all common areas, and any landscaping within the public right-of-ways shall be maintained for the life of the project.
56. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable laws and regulations.
57. The applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-075-2019 and Variance No. V-025-2019 (collectively, the "Project entitlements"). The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
58. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-075-2019 and Variance No. V-025-2019, has begun.
59. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, this approval of Site Plan No. SP-075-2019 and Variance No. V-025-2019 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-075-2019 and Variance No. V-025-2019 shall expire if the building permits for the project expire.

Building and Safety Division

60. A soils/geotechnical report shall be prepared for this project that includes evaluation of the effects of liquefaction and recommended mitigation measures.

61. Both units shall be ready for 250 square feet of solar capability. The solar zone shall be shown on the roof framing plan.
62. The applicant shall conform to the Section 4.106.4 of California Green for the installation of an EV charging station in the garage.
63. The applicant shall install automatic fire sprinklers per California Fire Code.
64. Eaves between units shall be limited to 12 inches projections or provide 1-hour rated on the underside.
65. All new construction shall comply with the latest CA Building Code (CBC), CA Mechanical Code (CMC), CA Plumbing Code (CPC), CA Electrical Code (CEC), CA Green Building Standards Code (CGBSC) and the 2016 CA Building Energy Efficiency Standards. If Building Permit is applied after December 31, 2019, the 2019 CA Standards Code shall apply.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.1.	SITE LOCATION: South side of Garden Grove Boulevard, east of Coast Street, at 8218 and 8242 Garden Grove Boulevard
HEARING DATE: October 3, 2019	EXISTING GENERAL PLAN: Medium Density Residential
CASE NOS.: Amendment to Resolution No. 5944-19 Approving Site Plan No. SP-062-2019 and Lot Line Adjustment No. LLA-020-2019	EXISTING ZONE: R-3 (Multiple-Family Residential)
PROPERTY OWNERS: David Nguyen, Tuyet Oanh Trinh, Loan Nguyen, Chinh Nguyen	APN: 097-011-06, 097-011-07
APPLICANT/REPRESENTATIVE: David Nguyen	CEQA DETERMINATION: Exempt- Section 15061- Review for Exemption

REQUEST:

For the Planning Commission to consider and adopt Resolution No. 5966-99, amending Resolution No. 5944-19, to accurately describe the density bonus concession previously approved for Site Plan No. SP-062-2019 and Lot Line Adjustment No. LLA-020-2019 in order to correct the administrative record.

BACKGROUND/DISCUSSION:

On February 7, 2019, the Planning Commission adopted Resolution No. 5944-19 approving Site Plan No. SP-062-2019 and Lot Line Adjustment No. LLA-020-2019 to permit the construction of a 46-unit apartment complex with a 27.8% affordable housing density bonus for "low-income" families, and a Lot Line Adjustment to remove an existing property line to consolidate the two (2) existing parcels into a single lot.

For density bonus projects, State law allows developers to request concessions or waivers from the development standards as an incentive to facilitate the construction of affordable housing projects to meet the State's growing housing needs. Site Plan No. SP-062-2019, approved pursuant to Resolution No. 5944-19, incorporated two (2) concessions from the R-3 (Multiple-Family Residential) zone development standards requested by the Applicant pursuant to the State Density Bonus Law: (1) to allow the third-story to exceed the maximum 50% threshold for third floor areas; and (2) to reduce the minimum 10'-0" distance separation between the residential units and the drive aisle. The second concession was incorrectly described in a portion of Resolution No. 5499-19 as a request to reduce the minimum 15'-0" distance between the residential building and an open parking space.

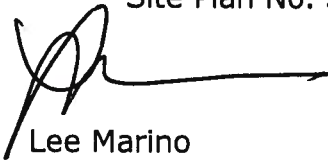
Title 9 of the Municipal Code requires that multiple-family dwelling units, excluding patios or balconies, maintain a 10'-0" separation from the drive aisle. The 10'-0" separation requirement also applies to upper stories of a building. The project will have a zero-foot separation to the drive aisle and the dwelling units located on the 2nd and 3rd floors of the building. The first floor of the building will be designed as a covered carport. The previously approved Site Plan reflects this.

The requested action is a correction to the administrative record, and will not impact the previously-approved design of the project. A public hearing is not required.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 5966-19 amending Resolution No. 5944-19 pertaining to Site Plan No. SP-062-2019 and Lot Line Adjustment LLA-020-2019.



Lee Marino
Planning Services Manager



By: Maria Parra
Senior Planner

Attachment 1: Resolution No. 5944-19

RESOLUTION NO. 5966-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE AMENDING RESOLUTION NO. 5944-19 PERTAINING TO SITE PLAN NO. SP-062-2019 AND LOT LINE ADJUSTMENT NO. LLA-020-2019, TO CORRECT AN INCORRECT REFERENCE TO THE DENSITY BONUS CONCESSIONS.

THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, on February 7, 2019, the Planning Commission of the City of Garden Grove adopted Resolution No. 5944-19, approving Site Plan No. SP-062-2019 and Lot Line Adjustment No. LLA-020-2019 to permit the construction of a 46-unit apartment complex with a 27.8% affordable housing density bonus for "low-income" families, and to consolidate two (2) existing parcels into a single lot, for property located on the south side of Garden Grove Boulevard, east of Coast Drive, at 8218 and 8242 Garden Grove Boulevard, Assessor Parcel Nos. 097-011-06 and 097-011-07.

WHEREAS, Site Plan No. SP-062-2019, approved pursuant to Resolution No. 5944-19, incorporated two (2) concessions from the R-3 (Multiple-Family Residential) zone development standards requested by the Applicant pursuant to the State Density Bonus Law: (1) to allow the third-story to exceed the maximum 50% threshold for third floor areas; and (2) to reduce the minimum 10'-0" distance separation between the residential units and the drive aisle.

WHEREAS, the second approved concession was incorrectly described in Paragraph No. 2 on page 1 of Resolution No. 5944-19, approving Site Plan No. SP-062-2019 and Lot Line Adjustment No. LLA-020-2019.

WHEREAS, the Planning Commission desires to amend Resolution No. 5944-19 to accurately describe the density bonus concession it approved in order to correct the administrative record.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session, assembled on October 3, 2019, hereby approves Resolution No. 5966-19 amending Paragraph 2 on Page 1 of Resolution No. 5944-19 as follows (additions shown in ***bold/italics***; deletions shown in ~~strikethrough~~):

2. The applicant is requesting Site Plan approval to construct a 46-unit apartment complex, located at 8218 and 8242 Garden Grove Boulevard, with a 27.8% affordable housing density bonus for "low-income" families. Pursuant to the State Density Bonus Law, the applicant is requesting two (2) concessions from the R-3 (Multiple-Family Residential) zone development standards: (1) to allow the third-story to exceed the maximum 50% threshold for third floor areas; and (2) to reduce the

minimum **10'-0"** distance **separation** between the residential building **units** and an open parking space **the drive aisle**. In conjunction with this request, the applicant is also requesting approval of a Lot Line Adjustment to remove an existing property line to consolidate the two (2) existing parcels into a single lot.

RESOLUTION NO. 5944-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-062-2019 AND LOT LINE ADJUSTMENT NO. LLA-020-2019, FOR A PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF COAST DRIVE, AT 8218 AND 8242 GARDEN GROVE BOULEVARD, ASSESSOR PARCEL NOS. 097-011-06 AND 097-011-07.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session, assembled on February 7, 2019, approved Site Plan No. SP-062-2019 and Lot Line Adjustment No. LLA-020-2019, subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-062-2019 and Lot Line Adjustment No. LLA-020-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by David Nguyen (the "Applicant"), partial owner of the subject parcels.
2. The applicant is requesting Site Plan approval to construct a 46-unit apartment complex, located at 8218 and 8242 Garden Grove Boulevard, with a 27.8% affordable housing density bonus for "low-income" families. Pursuant to the State Density Bonus Law, the applicant is requesting two (2) concessions from the R-3 (Multiple-Family Residential) zone development standards: (1) to allow the third-story to exceed the maximum 50% threshold for third floor areas; and (2) to reduce the minimum distance between the residential building and an open parking space. In conjunction with this request, the applicant is also requesting approval of a Lot Line Adjustment to remove an existing property line to consolidate the two (2) existing parcels into a single lot.
3. The proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to the Class 32 exemption for "In-Fill Development Projects" (CEQA Guidelines Section 15332). As set forth in the Class 32 exemption, the proposed project is: (1) consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (3) the project site has no value as habitat for endangered, rare or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and (5) the site can be adequately served by all required utilities and public services. The project is therefore, exempt from CEQA review.
4. The properties have a General Plan Land Use designation of Medium Density Residential and are currently zoned R-3 (Multiple-family residential).

5. The existing land use, zoning, and General Plan designations of properties 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.

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 9.32.030 and 9.40.190 are as follows:

FACTS:

The subject site (the "property") is a combination of a 32,400 square foot lot (APN: 097-011-06) and an abutting 33,600 square foot lot (APN: 097-011-07) that will be consolidated into one 66,000 square foot lot, located on the south side of Garden Grove Boulevard, just east of Coast Street, at 8218 and 8242 Garden Grove Boulevard. The property has a General Plan Land Use Designation of Medium Density Residential (MDR) and is zoned R-3 (Multiple-Family Residential). The property is adjacent to R-3 zoned properties to the east, west and south, and commercial uses that are within the City of Stanton, across Garden Grove Boulevard, to the north.

The lot at address 8218 Garden Grove Boulevard is currently improved with a used car dealership, while the lot at address 8242 Garden Grove Boulevard is currently improved with two (2) separate auto repair shops. Each property currently has separate access, vehicular circulation and parking. As part of the Project, all existing structures and improvements will be demolished. The demolished buildings will be replaced with the new two-story, 46-unit apartment building, open space areas, and associated parking and landscaping improvements.

The Project will use the State Density Bonus Law allowances for density, concessions, and parking standards. The Project will provide eight (8) units for "low-income" residents. A Density Bonus Housing Agreement with the City providing that the continued affordability of these eight (8) target units for at least fifty-five (55) years will be required.

The Applicant has developed the proposal based on the allowances of the State Density Bonus Law. Based on the number of proposed target units (8) reserved for low-income households, and pursuant to State Law, the Project would be eligible for the maximum 35% density bonus, which would equate to 49 units. The Project

proposes 46 units, which equates to a 27.8% density bonus increase, which is less than what the maximum 35% density bonus would provide.

The applicant is proposing to construct a new 46-unit, three-story walk-up apartment building in a gated complex. The building layout consists of one (1), two (2), and three (3) bedroom units in a "U-shaped" configuration accessed off either a single or double-loaded corridor. Corridors for the second and third-story units rely on stair access. The unit mix consists of 19 one (1) bedroom units, 19 two (2) bedroom units, and 8 three (3) bedroom units of varying sizes.

The Project meets the parking requirements of State Law, which allows for one (1) on-site parking space for each one (1) bedroom unit and two (2) on-site parking spaces for each two (2) to three (3) bedroom units. The units will range from one (1) to three (3) bedrooms in size. Based on the number of 1-bedroom and 2/3-bedroom units, the Project provides a total of 73 parking stalls, which complies with the parking requirements pursuant to State Law.

Project open space is provided in a combination of common active recreation areas, common passive recreation areas, and private recreation areas. The common active recreation area, totaling 7,782 square feet, is centrally located between the two (2) main segments of the apartment building. This active open space includes multiple seating areas, a barbecue area, and a playground (tot-lot) with play equipment. Walkways, groundcover/turf and other landscape areas make up the common passive open space, which totals 861 square feet. Private open space is located in the decks and balconies within individual units. The total private open space provided is 5,551 square feet.

The building architecture will reflect a contemporary style with straight lines and a flat roof. Building materials will consist of light and dark-colored finished stucco, dark accent trims, and stone veneer accents. Balconies are enclosed by metal railing and stucco. The stairways, portions of the tuck-under parking, and the trash areas will feature low-pitched tiled roofs.

As conditioned, the Project will satisfy all required standards and provisions pertaining to landscaping.

To facilitate the Project, the applicant is also requesting approval of a Lot Line Adjustment to consolidate the two (2) parcels (a 32,400 square foot lot (APN: 097 011-06) and an abutting 33,600 square foot lot (APN: 097 011 07)) into a single lot. After consolidation, the site will maintain a final lot area of 66,000 square feet.

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 Medium Density Residential and is zoned R-3 (Multiple-family Residential). The project is consistent with both the Medium Density Residential General Plan designation and R-3 zone since it proposes a contemporary multiple-family residential project that provides additional housing for the community that will be available for larger family sizes, provides a high quality project design that will preserve residential property values, and provides both common and private open space areas that are available to serve the residents of the subject project. The requested concessions to development standards are reasonable and required to be granted by the State Density Bonus Law, and the project otherwise meets the standards of the R-3 (Multiple-Family Residential) zoning of the property, as they pertain to the access, building setbacks, number of parking spaces, and landscaping. Therefore, the proposed project will improve the site and fulfill the goals and policies of the General Plan and Land Use Code by creating a well-maintained and attractive development that enhances the existing residential neighborhood.

The two (2) underlying parcels will be consolidated into one cohesive Project through a Lot Line Adjustment, which shall be recorded prior to issuance of a building permit to facilitate the proposed development.

The design and improvement of the proposed project is consistent with the spirit and intent of the General Plan, through its goals, policies, and implementation programs, including specifically:

LU-IMP-2B - New development shall be similar in scale to the adjoining residential neighborhood to preserve its character. The Project will contain a three-story apartment building and parking, which is similar in scale to the three-story residential uses to the east and two-story residential uses to the south.

Policy LU-4.1 Locate higher density residential uses within proximity of commercial uses to encourage pedestrian traffic, and to provide a consumer base for commercial uses. The Project is located south of a shopping center containing a variety of restaurants, retail, and other commercial uses, which are within a short walking distance.

LU-IMP-6C - Encourage façade renovation, enhanced parking area landscaping, improved lighting, development of pad buildings, and the use of pedestrian amenities, such as fountains, plazas, promenades, seating, and like features. The project has been designed to comply with all requirements of Title 9 of the Municipal Code. The placements of the structures, the site design, the parking lot layout, the number of on-site parking spaces, and the landscape areas are consistent with the spirit and intent of the requirements of the Municipal Code.

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 applicant meets the parking requirements for affordable housing, pursuant to the allowances of State Density Bonus Law. Additionally, the proposed development has been designed to meet the Code's requirements for access and on and off-site circulation.

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 development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area, if and where necessary, will be made adequate to accommodate the development. The property is not located in a sewer deficiency area.

The proposed development will also provide landscaping and proper grading of the site in order to improve drainage in the area. The Public Works Engineering and Water Services Division have reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to the streets and alleys, utilities and drainage channels.

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

The proposed project has been designed to provide drive lanes and a parking layout that enables residents to maneuver effectively through the site. Sufficient on-site parking is provided to accommodate residents. Issues raised by the project have been addressed in the project design and the appropriate conditions of approval included by the Public Works Department will eliminate any adverse impacts to the streets and alleys, utilities and drainage channels, and will ensure that 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 proposed project is consistent with the existing residential uses and improvements in the surrounding area. The proposed project will significantly improve the aesthetics of the property by modernizing the property through

the construction of a contemporary apartment building. Other site improvements will include new landscaping, a new parking lot, and an entrance fitted with decorative enhanced concrete. The resulting development will be an improvement, visually, for the community while also maintaining a reasonable degree of physical, functional, and visual compatibility with neighboring uses and the desirable neighborhood characteristics. Therefore, the proposed project is consistent with the surrounding area and compatible with the existing uses on the properties.

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 to provide an attractive and appropriately-scaled apartment complex with consideration for building appearance, building placement, landscaping, and other amenities in order to create an attractive environment. The building architecture will reflect a contemporary style with straight lines and a flat roof. Building materials will consist of light and dark-colored finished stucco, dark accent trims, and stone veneer accents. Balconies are enclosed by metal railing and stucco. The building layout consists of one, two, and three-bedroom units in a "U-shaped" configuration accessed off either a single or double-loaded corridor. Several units face a ground floor courtyard recreation area containing seating, a barbecue area, and a playground. All landscaped areas are required to adhere to the landscaping requirements of the Title 9 of the Municipal Code, which includes the City's Landscape Water Efficiency Guidelines. The necessary agreements for the protection and maintenance of all landscaping will be achieved through the conditions of approval for the Project

LOT LINE ADJUSTMENT:

1. The parcels, as the result of the Lot Line Adjustment, will conform to the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and State Subdivision Map Act.

The proposed Lot Line Adjustment will consolidate two existing parcels into a single 66,000 square foot lot in order to facilitate the development of a 46-unit multiple-residential density bonus housing project, which, as described above, is consistent with State law and the City's General Plan and Land Use Code. The subject parcels have a General Plan Land Use Designation of Medium Density Residential and are zoned R-3 (Multiple-family Residential). The resulting 66,000 square foot lot area will exceed the 7,200 square foot minimum lot area required in the R-3 zoning district.

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 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. The Lot Line Adjustment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.40.190.
3. 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-062-2019 and Lot Line Adjustment No. LLA-020-2019.

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.