

RESOLUTION NO. 5479

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. GPA-1-05 (B) CHANGING THE LAND USE MAP FROM MIXED USE TO COMMUNITY RESIDENTIAL, PLANNED UNIT DEVELOPMENT NO. PUD-106-05 AND A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD WEST OF SUNGROVE STREET AT 12753 TO 12781 GARDEN GROVE BOULEVARD, PARCEL NUMBERS 231-574-19, 20, 21, AND 22.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on February 3, 2005, does hereby recommend approval of General Plan Amendment No. GPA-1-05 (B), Planned Unit Development No. PUD-106-05, and the Development Agreement.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based on is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of the record of proceedings is the City Clerk. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission adopts the Negative Declaration including a finding of a de minimis impact on fish and wildlife resources.

BE IT FURTHER RESOLVED in the matter of General Plan Amendment No. GPA-1-05 (B), Planned Unit Development No. PUD-106-05, and the Development Agreement, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by Scott Gerrity, ACP Management.
2. The applicant is requesting to amend the General Plan Land Use designation by changing the current designation to Community Residential, rezoning the site to Planned Unit Development, Site Plan approval in order to construct 93 senior apartment units, Tentative Parcel Map approval to consolidate the site into one lot, and Variance approval to deviate from the minimum lot size for a residential PUD. A Development Agreement is also proposed.
3. The Community Development Department has prepared a Negative Declaration for the project, that concludes that the proposed project will not have a significant adverse effect on the environment; and was prepared and circulated in accordance with applicable law, including the

California Environmental Quality Act, Public Resources Code of Regulations Section 21000 et. seq., and the CEQA Guidelines, 14 California Code of Regulations section 15000 et. seq.; and includes a conditions of approval listed as "Exhibit A" of this Resolution. Also the Planning Commission finds a de minimis impact in relation to fish and wildlife resources.

4. The property has a General Plan Land Use designation of Mixed Use and is currently zoned HCSP-OP (Harbor Corridor Specific Plan Office Professional). The site is improved with commercial buildings that have occupied the site for over 30 years.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on February 3, 2005, 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 3, 2005; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The site is improved with commercial buildings that have occupied the site for over 30 years.

The site consists of four parcels of land having a combined area 1.67 acres of land.

Approval of the General Plan Amendment and Planned Unit Development would facilitate the development of the site with 93 senior apartment units.

The General Plan Amendment, Planned Unit Development, and Development Agreement are being processed in conjunction with Site Plan No. SP-362-05, Tentative Parcel Map No. PM-2004-291, and Variance No. V-122-05.

The developer is authorized to enter into a Development Agreement in compliance with Government Code Section 65864.

FINDINGS AND REASONS:

1. The General Plan Amendment is internally consistent with the goals and objectives of all elements of the City's adopted General Plan. The proposed use of the site is consistent with the other, existing, land uses in the area.
2. The General Plan Amendment will promote the public interest, health, safety, and welfare by maintaining a General Plan land use designation and zoning which are consistent with the proposed use of the site and with the improvements in the area.
3. The size and shape of the area of the General Plan are physically suitable for the proposed land use designation of Community Residential. The proposed use is consistent with the proposed General Plan land use designation and zoning.

Planned Unit Development

1. The location of the units, architectural design, and proposed use are compatible with the character of existing development in the vicinity, and the project will be well-integrated into its setting.

The project is designed to be integrated with the existing developments in the area. The properties to the north are improved with single family residential, to the east is a senior housing apartment complex, to the south across Garden Grove Boulevard are commercial and office developments, and to the west are two commercial buildings slated for removal and the site is approved for a senior housing project. The design of the project will ensure a reasonable degree of compatibility with adjacent uses.

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

The design of the project complies with the spirit and intent of the Garden Grove Municipal Code for residential development. The City's Traffic Engineering Section has reviewed the plan and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts on surrounding streets.

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

The project has been designed in accordance with City Code provisions for providing an adequate amount of public and private open spaces as required by residential development standards.

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

Through the conditions of approval for the project all necessary agreements for the protection and maintenance of private areas reserved for common use will be in place prior to the start of construction and will be required to be adhered to for the life of the project.

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

The project incorporates an innovative design and meets City Code standards for parking, vehicle access and circulation, open space, and landscaping. The design of the project, as well as adherence to Code requirements and conditions of approval, will ensure that the overall quality of the project will be comparable to projects that could be achieved through Title 9 Zoning Code and other Municipal Code provisions.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the 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 General Plan Amendment possesses characteristics that would indicate justification of the request. The Planning Commission recommends approval of General Plan Amendment No. GPA-1-05 (B), Planned Unit Development No. PUD-106-05 and a Development Agreement.
2. The implementation provisions for Planned Unit Development No. PUD-106-05 are found under Planning Commission Resolution No. 5480 for Site Plan No. SP-362-05, Tentative Parcel Map No. PM-2004-291, and Variance No. V-122-05.

ADOPTED this 3rd day of February, 2005.

/s/ SUSAN BARRY
TEMPORARY CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on February 3, 2005, by the following votes:

AYES:	COMMISSIONERS:	BARRY, CHI, KELLEHER, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is February 24, 2005.