

## RESOLUTION NO. 5480

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-362-05, TENTATIVE PARCEL MAP NO. PM-2004-291, AND VARIANCE NO. V-122-05, 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, hereby approves Site Plan No. SP-362-05, Tentative Parcel Map No. PM-2004-291, and Variance No. V-122-05.

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 Site Plan No. SP-362-05, Tentative Parcel Map No. PM-2004-291, and Variance No. V-122-05, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Scott Gerrity, ACP Management.
2. The applicant is requesting 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 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, as required under Municipal Code Section 9.24.030, Land Use Actions, are as follows:

FACTS:

The site is improved with older commercial buildings and have occupied this 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 Site Plan, Tentative Parcel Map and Variance in conjunction with General Plan Amendment No. GPA-1-05 (B), and Planned Unit Development No. PUD-106-05 would facilitate the development of the site with 93 senior apartment units.

The Site Plan No. SP-362-05, Tentative Parcel Map No. PM-2004-291, and Variance No. V-122-05 are being processed in conjunction with General Plan Amendment No. GPA-1-05 (B), Planned Unit Development No. PUD-106-05, and a Development Agreement.

The property to the east of the subject site is improved with a senior housing facility and the property to the west is approved for a senior housing development. Both of these properties have a General Plan designation of Community Residential and are zoned PUD Residential to accommodate senior housing.

FINDINGS AND REASONS:

SITE PLAN:

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

The Site Plan is designed within the parameters of a PUD zone for senior apartment units, with the exception of the requested Variance deviation. The site provides landscape setbacks along the street frontage, ingress and egress from a major arterial street, a recreation area, parking, and meets other development-related requirements such as Community Residential density and lot coverage.

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 City's Departments, including Traffic Engineering Division, Fire Department, and Planning Division, have reviewed the plan and all appropriate conditions of approval and mitigation measures will be applied that will minimize any adverse impacts to surrounding streets. The development provides sufficient off-street parking spaces for a senior housing residential development.

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

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

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

The development is consistent with the surrounding area. The site is bounded on the east with a senior housing development, to the north with single family residences, on the west with vacant commercial building slated for removal and the site to be improved with a senior housing apartment development, and to the south across Garden Grove Boulevard is improved with commercial and office developments. The adjoining properties to the east and west have the

same General Plan and Zoning designation as being proposed on the subject site. The design of the proposed development will ensure a reasonable degree of compatibility with adjacent developments. This is achieved through the building's architectural style, building setbacks, building height, and landscaping.

5. 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 in accordance with City Code provisions for providing an adequate amount of public and private open spaces. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of private areas reserved for common use will be achieved.

TENTATIVE PARCEL MAP:

1. The map is consistent with the Garden Grove General Plan, which encourages land subdivision in order to facilitate new development. The parcel is adequate in size and shape to accommodate the proposed future development of the site.
2. The design and improvements of the proposed one-lot subdivision is consistent with the zoning, Title 9 of the Garden Grove Municipal Code, and the General Plan provisions for location, proximity to similar uses, lot width and overall depth.
3. The site is physically suitable for the existing as well as the proposed development and complies with the spirit and intent of a Planned Unit Development and Title 9 of the City's Municipal Code.
4. The project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove hereby adopts a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act.
5. The design of the subdivision and the proposed improvements are not likely to cause public health problems. The conditions of approval for on- and off-site improvements will safeguard the public health.
6. The design of the one-lot subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public-at-large for access through or use of property within the subdivision; if such easements exist, then alternate easements for access

or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.

7. The design and improvements of the one-lot subdivision are suitable for the existing site improvements as well as the proposed senior apartment housing development on the site, and the one-lot subdivision can be developed in compliance with the applicable zoning regulations.

#### VARIANCE FINDINGS AND REASONS:

Finding: There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity or zone.

Reason: The City's General Plan encourages the development of affordable senior housing. With the City not having adopted development standards for the implementation of the Community Residential Land Use designation, which was created for senior type housing, the PUD is a mechanism to provide zoning criteria for this project. The limited size of the site combined with the type of development prevents the applicant from meeting all of the required development standards typically created for an apartment project. In addition, the acquisition of additional land to meet the residential PUD standard of three (3) acres is not feasible. The surrounding properties are fully improved, and even though the property to the west is preparing to redevelop the property with a senior housing project, the property owner is not interested in selling the property.

Finding: 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 property in question.

Reason: The Variance is necessary in order for the property to develop with the same property rights that exists for other senior residential developments located in the City. The City has four senior housing developments developed on less than three (3) acres of land. The applicant's request is justifiable due to the limited size of the property and the need for a Variance in order to meet the requirements of Title 9 for higher density senior apartment project on land area less than three (3) acres.

Finding: The granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

Reason: The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, and welfare. Furthermore, the request has been reviewed by the various City Departments in order to ensure compliance with all applicable code provisions with the exception of this Variance request. Therefore, the Variance approval will not be materially detrimental.

Finding: The granting of such Variance will not adversely affect the comprehensive General Plan.

Reason: The project complies with all applicable development standards except for the lot size. The General Plan Land Use designation of Community Residential permits the development of senior housing, convalescent homes, congregate care facilities and institutional quarters. The Community Residential designation allows for development at a density of 60 dwelling units per acre and the proposed development is within this allowed density range for senior housing. Therefore utilizing the PUD mechanism coupled with the approval of the Variance to deviate on the lot size requirement, will implement the General Plan's goal to provide for senior housing. Therefore, the General Plan is not adversely affected by this Variance request.

#### 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 Site Plan, Tentative Parcel Map, and Variance possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Site Plan and Variance) and Code Section 9.32.010 (Parcel Map)
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-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.