



DISCUSSION

Due to current housing trends that are reflecting less interest in development of residential dwelling units at the present time, and consideration for potential commercial and mixed-use developments in the future, the applicant is requesting to amend the PUD in order to facilitate more flexibility in the development of his property.

This amendment request would expand the current PUD development options to allow not only the approved residential project under this PUD, but also, all uses, development standards, and provisions of the C-1 zone, thereby giving greater flexibility in developing the site, as well as being consistent with the General Plan Land Use designation of Mixed Use.

FINANCIAL IMPACTS

None.

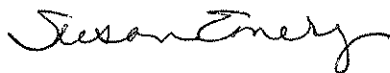
COMMUNITY VISION AND IMPLEMENTATION

The Community Vision Statement seeks to provide more development opportunities for both housing and commercial developments in the community. This proposed Amendment achieves these goals by providing the opportunity to either have more housing units in the area or new commercial development.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Introduce the attached ordinance approving Amendment No. A-141-08.



SUSAN EMERY  
Community Development Director



By: Karl Hill  
Planning Services Manager

Approved for Agenda Listing



Matthew Fertal  
City Manager

- Attachment 1: Planning Commission Staff Report dated August 7, 2008
- Attachment 2: Planning Commission Resolution No. 5644
- Attachment 3: Planning Commission Minute Excerpt of September 4, 2008
- Attachment 4: Draft City Council Ordinance for Amendment No. A-141-08

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> D.4.	<b>SITE LOCATION:</b> Northeast corner of Garden Grove Boulevard and Adelle Street, at 8641 Garden Grove Boulevard
<b>HEARING DATE:</b> August 7, 2008; continued to September 4, 2008	<b>GENERAL PLAN:</b> Mixed Use (MX)
<b>CASE NO.:</b> Amendment No. A-141-08	<b>ZONE:</b> Planned Unit Development Residential (PUDR) PUD-112-06
<b>APPLICANT:</b> 8641 Garden, LLC.	<b>APN:</b> 133-464-08
<b>PROPERTY OWNER:</b> Same	<b>CEQA DETERMINATION:</b> Exempt

## **REQUEST:**

To amend Planned Unit Development No. PUD-112-06, which governs the 26,180 square foot site. The Amendment is to allow, in addition to the previously approved six-unit residential development on the site, C-1 (Neighborhood Commercial) zone uses and applied development standards of the C-1 zone. No project is attached to this PUD Amendment.

## **BACKGROUND:**

The applicant received approval by the City Council on July 25, 2006, for Planned Unit Development No. PUD-112-06. This PUD approval allows the development of the site with a project approved by the Planning Commission on June 15, 2006. The Commission's approval allowed for the 26,180 square foot lot to be improved with six, three-story detached dwelling units. This was approved under the following entitlements: Site Plan No. SP-399-06, Variance No. V-142-06, and Tentative Tract Map No. TT-17036.

Subsequent to that approval process, the Planning Commission, on September 6, 2007, granted the applicant a one-year time extension on his project.

Due to current housing trends that are reflecting less interest in development of residential dwelling units at the present time, and consideration for potential commercial and mixed-use developments in the future, the applicant is requesting to amend the PUD in order to facilitate more flexibility in the development of his property.

The property has a General Plan Land Use Designation of Mixed Use and was in the C-1-T zone prior to the rezoning to PUD, which intended for commercial type of development. The property abuts commercial uses to the east, as well as across Garden Grove Boulevard to the south and Adelle Street to the west. North of the site, are properties zoned R-3-T and R-3 (Multi-Family Residential Transition, and Multi-Family Residential) that are improved with single-family residences. The designation of C-1-T and R-3-T, are deemed "Transition" zones and are intended to encourage the recycling of under-utilized properties and the consolidation of developable land, to achieve a more efficient development, design, and smooth transition between residential and commercial properties in this area. The typical applied development standards would be that of the respective base zone of C-1 or R-3.

**DISCUSSION:**

**ZONE CHANGE AMENDMENT:**

The General Plan Land Use designation for this site is Mixed Use (MX). The property is presently zoned PUD Residential, which does not permit commercial development on this site. The applicant is requesting an amendment to allow flexibility in seeking development of the site. Therefore, the applicant is requesting to amend PUD-112-06 to allow for commercial development opportunities on this site in addition to the already approved residential development.

The consideration to amend the PUD to allow commercial development is basically allowing a reversion back to the prior zone designation of C-1-T. This amendment request, again, would expand the current PUD to allow not only the approved residential project under this PUD, but also, all uses, development standards, and provisions of the C-1 zone, thereby giving greater flexibility in developing the site, as well as being consistent with the General Plan Land Use designation of Mixed Use.

The amendment to allow PUD-112-06 the flexibility to have varying degrees of development opportunity is in keeping with the surrounding area zoning and improvements. This amendment will encourage more development opportunities for the site as well as possibly expanding development opportunities on adjoining properties, including lot consolidation.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Recommend approval of Amendment No. A-141-08 to the City Council.

SUSAN EMERY  
Community Development Director

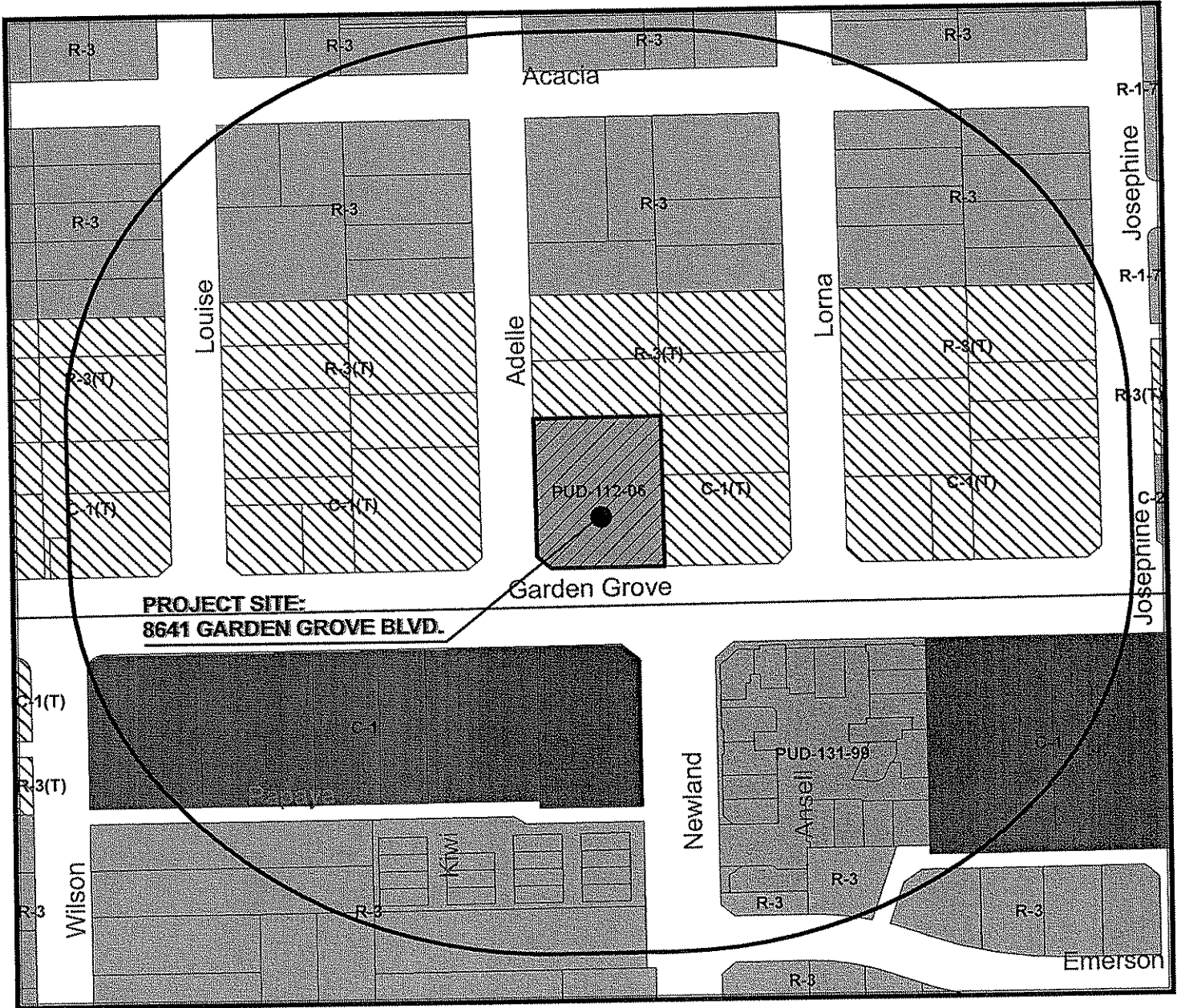


By: Karl Hill  
Planning Services Manager


A-141-08-staffreport




# AMENDMENT NO. A-141-08 PUD-112-06



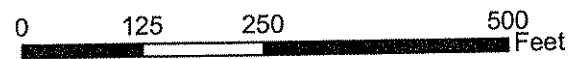
### LEGEND

 PROJECT SITE - 8641 GARDEN GROVE BOULEVARD

 500 FEET RADIUS

### NOTES

1. GENERAL PLAN: MIXED USE
2. ZONE: PLANNED UNIT DEVELOPMENT (PUD-112-06)



**CITY OF GARDEN GROVE  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
GIS SYSTEM  
JULY 2008**

RESOLUTION NO. 5644

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL OF AMENDMENT NO. A-141-08.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 7, 2008, does hereby recommend approval of Amendment No. A-141-08, for land located at the northeast corner of Garden Grove Boulevard and Adelle Street, at 8641 Garden Grove Boulevard, Parcel No. 133-464-08.

BE IT FURTHER RESOLVED that the Planning Commission has considered the Exempt status under CEQA for the proposed Amendment together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds that the request is Exempt from further environmental analysis due to the basis that the proposal is not considered a project, and that should a project be proposed, it will be reviewed and considered per CEQA guidelines in determining the significance of environmental application.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-141-08, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by 8641 Garden, LLC.
2. The applicant requests to amend Planned Unit Development No. PUD-112-06, which governs the 26,180 square foot site. The Amendment is to allow, in addition to the previously approved six-unit residential development on the site, C-1 (Neighborhood Commercial) zone uses and applied development standards of the C-1 zone. No project is attached to this PUD Amendment.
3. The Community Development Department has determined that this request is exempt from CEQA environmental review due to the fact that this request is not deemed to be a project and thereby is not subject to CEQA review, per the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq.
4. The property has a General Plan Land Use designation of Mixed Use and is currently zoned Planned Unit Development Residential (PUD-112-06-R). The 26,180 square foot site is vacant.
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 August 7, 2008, 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 August 7, 2008; 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 9.12.020 and 9.24.030, are as follows:

FACTS:

The site is 26,180 square feet in area, and is currently vacant, however, the site was previously improved with a restaurant that was demolished approximately twelve years ago.

The site has a General Plan Land Use designation of Mixed Use and is zoned Planned Unit Development Residential (PUD-112-06-R).

The site has the following entitlements approved under Planned Unit Development No. PUD-112-06: Site Plan No. SP-399-06, Variance No. V-142-06, and Tentative Tract Map No. TT-17036.

The Planned Unit Development would facilitate the development of the site with six (6), three-story, single-family detached residential units.

FINDINGS AND REASONS:

Amendment to Planned Unit Development:

1. The proposed Amendment to the Planned Unit Development zone is consistent with the City's adopted General Plan.

The proposed Amendment is consistent with the City's General Plan in that it furthers the opportunities to improve under-utilized properties; that mixed-use development opportunity is consistent with General Plan designation; that the proposed Amendment encourages the consolidation of surrounding properties thereby promoting the opportunity to create larger scale development; and that it furthers the opportunity to enhance the site with landscaping and other on-site amenities such as improved access and overall appearance.



2. The Amendment is deemed to promote the public health, interest, safety, and welfare.

The proposed Amendment will facilitate the opportunity to improve the site with varying types of development, residential or commercial, which will enhance the property in various aspects, and will allow compatibility in uses with surrounding properties. Should a proposed development occur resulting from this Amendment, all aspects of the proposal will be reviewed in accordance with the zoning code and other development regulations and applications in order to ensure compatibility and be functional in relation to surrounding properties and developments.

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 Amendment to PUD-112-06 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Amendments).
2. The implementation provisions for Amendment No. A-141-08 to Planned Unit Development No. PUD-112-06 will be the C-1 zone use and development standards as found in Title 9 of the Garden Grove Municipal Code.

A-141-08-PCreso

## MINUTE EXCERPT

## GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: AMENDMENT NO. A-141-08  
 (REF. PLANNED UNIT DEVELOPMENT NO. PUD-112-06)  
 APPLICANT: 8641 GARDEN, LLC  
 LOCATION: NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND ADELLE STREET AT 8641  
 GARDEN GROVE BOULEVARD  
 DATE: SEPTEMBER 4, 2008

REQUEST: To amend Planned Unit Development No. PUD-112-06, which governs the 26,180 square foot site. The Amendment is to allow, in addition to the previously approved six-unit residential development on this site, C-1 (Neighborhood Commercial) zone uses and applied development standards of the C-1 zone. No project is attached to this Planned Unit Development Amendment. The site is in the Planned Unit Development No. PUD-112-06 zone.

Staff report was read and recommended approval.

Commissioner Kirkham asked staff how long the property has been vacant. Staff replied that the property has been vacant for a number of years; that the property is in escrow and the applicant would like to retain the opportunity to go residential or commercial by approving a C-1 (Neighborhood Commercial) standard.

Vice Chair Pak asked staff if commercial would be better than residential with regard to contamination. Staff responded that regardless, the contamination must be dealt with accordingly, and that though the applicant is in escrow, he could fall out of escrow; that the site plan would expire on September 6<sup>th</sup>, 2008, however, the applicant could ask for a one year extension on September 7<sup>th</sup>, which staff would process.

Chair Pierce opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Nick Frudakis approached the Commission and described the predicament concerning his property, ie., the monetary losses; the property contamination from neighboring cleaners; and that his one-year extension for a six-home site plan would expire on September 6<sup>th</sup>.

There being no further comments, the public portion of the hearing was closed.

Vice Chair Pak moved to recommend approval of Amendment No. A-141-08 (Ref. Planned Unit Development No. PUD-112-06) to City Council, seconded by Commissioner Kirkham. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, KIRKHAM, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

**AGENDA ITEM NO. 5.a.1.**

Attachment 4

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-141-08, THEREBY AMENDING PLANNED UNIT DEVELOPMENT RESIDENTIAL NO. PUD-112-06 TO ALLOW C-1 (NEIGHBORHOOD COMMERCIAL) ZONE USES AND APPLIED DEVELOPMENT STANDARDS OF THE C-1 ZONE.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

WHEREAS, the case, initiated by 8641 Garden, LLC., proposes to amend Planned Unit Development No. PUD-112-06, which governs the 26,180 square foot site. The Amendment is to allow, in addition to the previously approved six-unit residential development on the site, C-1 (Neighborhood Commercial) zone uses and applied development standards of the C-1 zone. The site is located at the northeast corner of Garden Grove Boulevard and Adelle Street, at 8641 Garden Grove Boulevard, Parcel No. 133-464-08; and,

WHEREAS, the Planning Commission, at a public hearing held on September 4, 2008, determined that this request is exempt from CEQA environmental review due to the fact that this request is not deemed to be a project and thereby is not subject to CEQA review, per the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq.; and

WHEREAS, pursuant to Resolution No. 5644, the Planning Commission, at a public hearing held on September 4, 2008, recommended approval of Amendment No. A-141-08; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on October 28, 2008, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Amendment No. A-141-08 is hereby approved, pursuant to the facts and reasons stated in Planning Commission Resolution No. 5644, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as set forth in full.

Section 2. Planned Unit Development No. PUD-112-06 is hereby amended to allow C-1 (Neighborhood Commercial) zone uses and applied development standards of the C-1 zone under PUD-112-06 in conjunction with the approved six, detached, three-story single-family residential units.

Section 3. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council Members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.