



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 22, 2022

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 5
DEPARTMENT

SUBJECT: PLANNING CASE PR-2021-000975 - DESIGN REVIEW AND STREET VACATION TO VACATE AGUILAR STREET, LOCATED WEST OF GIBSON STREET BETWEEN ARALIA DRIVE AND DOUGLAS DRIVE, TO FACILITATE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF 139 UNITS

ISSUE:

Approve a proposal by Angel Orozco, on behalf of Greens Gibson, LLC, for 1) Design Review of project plans, and 2) a Street Vacation to vacate Aguilar Street, located west of Gibson Street, between Aralia Drive and Douglas Drive to facilitate a multi-family residential development consisting of 139 units.

RECOMMENDATIONS:

That the City Council:

1. Determine that the proposed project for the multi-family residential development is consistent with the Final EIR for the 2014-2021 Housing Element Update/Housing Implementation Plan certified in December 2017 (SCH No.2017041039) subject to compliance with the approved Mitigation Monitoring and Reporting Program; and that the proposed Street Vacation is exempt from the California Environmental Quality Act (CEQA) subject to Section 15061(b)(3) (Common Sense Rule) of the CEQA Guidelines, as it can be seen with certainty that the Street Vacation will have no significant effect on the environment;
2. Adopt the attached Resolution vacating the subject right-of-way pursuant to the Public Streets, Highways and Service Easements Vacation Law; and
3. Approve Planning Case PR-2021-000975 Design Review and Street Vacation, based on the findings summarized in the Planning Commission staff report (attached), and subject to the recommended conditions.

PLANNING COMMISSION RECOMMENDATION:

On September 15, 2022, the City Planning Commission recommended approval of Planning Case

PR-2021-000975, a request for a Design Review of proposed project plans for a four-story multi-family residential development consisting of 139 units and a Street Vacation to vacate Aguilar Street, by a vote of 8 ayes and 0 noes (Attachments 4, 5 and 6).

BACKGROUND:

On October 25, 2022, the City Council adopted Resolution No. 23916, pursuant to the Public Streets, Highways and Service Easements Vacation Law, declaring its intent to hold a public hearing on November 22, 2022, to consider the Street Vacation of Aguilar Street, located west of Gibson Street, between Aralia Drive and Douglas Drive, to facilitate a multi-family residential development consisting of 139 units (Attachments 2 and 3).

DISCUSSION:

Design Review

The proposed project includes 139 units in four, four-story buildings. The complex includes 40 studio units, 35 one-bedroom units, 39 two-bedroom units, and 25 three-bedroom units. The units will range in size from 423 to 2,005 square feet. Every unit is proposed to provide a private patio consisting of a minimum of 50 square feet. A total of 222 parking spaces, including 66 garages and 100 covered carports, are proposed to serve the proposed project.

Common useable open space, totaling 23,645 square feet, is proposed and centrally located within the development. Amenities include a pool/spa, a fitness facility, a tot lot, a dog park, barbecue area with seating throughout, and a sky deck located on top of Building 1.

Access is provided from two proposed driveways on Gibson Street. The eastern-most driveway will serve as the proposed project's primary entrance/exit for the development and the driveway on the west will serve as an emergency vehicle access only. Pedestrian walkways are proposed throughout the interior of the complex and serve to connect the common areas, parking areas, and the public sidewalk. The site will be secured with a 6-foot-high fence, including a steel rolling gate along Gibson Street and a perimeter block wall.

As designed, the proposed project complies with the development standards of the R-4 – Multiple Family Residential and MU-V – Mixed Use-Village Zones and is consistent with the VHDR – Very High Density Residential and MU-V – Mixed Use-Village General Plan Land Use designations.

Street Vacation

Pursuant to the provisions of the Public Streets, Highways, and Services Easements Vacation Law (commencing with Section 8300 of the Streets and Highway Code and Section 21101 of the Vehicle Code of the State of California), and Chapter 19.890 (Street, Alley and Walkway Vacations), the City may regulate traffic on its public streets, alleys, and walkways to the extent expressly authorized. The law permits the City to vacate a street, alley, or walkway, only upon a finding supported by substantial evidence, when the right-of-way is no longer needed for vehicular or pedestrian traffic and is unnecessary for present or future public use.

To facilitate the construction of the proposed four-story multi-family residential development, the applicant is requesting approval of a street vacation to vacate approximately 16,696 square feet of Aguilar Street, consisting of approximately 360 feet in length and 50 feet in width. Aguilar Street is designated in the General Plan 2025 as a 66-foot-wide local street that terminates approximately 360 feet east of Gibson Street.

Uses surrounding Aguilar Street include two residences (9315 Aguilar Street and 3210 Gibson Street) and vacant parcels to the north, Gibson Street and residences to the east (across Gibson Street), vacant property to the south, and industrial uses to the west. The half width Aguilar Street located in front of the two existing residences (33 feet) is improved with curb, gutter and paving. The applicant is proposing to construct two private driveways (one for each single-family residence) accessed from Gibson Street and to install landscaping in a 5-foot-wide planter located between the driveways and the proposed multi-family development. The surrounding vacant parcels will comprise of the proposed multi-family development consisting of 139 residential units.

The following facts are provided to support the proposed Vacation of Aguilar Street:

- Aguilar Street will no longer be needed for street purposes or to access adjacent properties, as the applicant will be constructing private driveways for the two residences located at 9315 Aguilar Street and 3210 Gibson Street.
- Aguilar Street will not be necessary for present or future public use or vehicular traffic, as the remaining unimproved portion of Aguilar Street right-of-way will be incorporated into the project site.
- Gibson Street will serve as the primary access to the two residences located at 9315 Aguilar Street and 3210 Gibson Street, and the proposed multi-family development.
- The proposed Vacation will not impact access to any parcels other than the two existing residences that will maintain access via private driveways constructed by the developer of the proposed multi-family development.
- The proposed Vacation will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.

Based on the findings above, it can be concluded that the subject street right-of-way is not needed for vehicular or pedestrian traffic or for present or prospective public use. The vacated right-of-way will be placed within the R-4 – Multiple Family Residential Zone and designated VHDR – Very High Density Residential based on the City's General Plan.

Public Notice and Comments

Public notices were mailed to property owners within 300 feet of the site. Additionally, a Notice of Public Hearing regarding the proposed project was posted along the right-of-way to be vacated on November 7, 2022.

As of the writing of this report, no responses have been received by staff regarding the proposed project.

STRATEGIC PLAN ALIGNMENT:

The proposed project contributes to **Strategic Priority 2 – Community Well-Being** and **Goal 2.1** – Facilitate the development of a quality and diverse housing supply that is available and affordable to a wide range of income levels.

This item aligns with each of the five Cross-Cutting Threads, as follows:

1. **Community Trust** – The proposed project requires public hearings by the Planning Commission and City Council. Additionally, public comment is encouraged throughout the process through the 15-day public noticing period and at public hearings.
2. **Equity** – The proposed project provides housing opportunities that benefits all residences in the community and region.
3. **Fiscal Responsibility** – The proposed project applicant will be responsible for all fiscal aspects of the project.
4. **Innovation** – The proposed project meets the growing community's needs for increased housing opportunities.
5. **Sustainability and Resiliency** – The proposed project is designed to meet the current and future needs of the community.

FISCAL IMPACT:

There is no fiscal impact associated with this action since all project costs are borne by the applicant.

Prepared by: Chris Christopoulos, Acting Community & Economic Development Director

Certified as to availability of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/City Treasurer

Approved by: Rafael Guzman, Assistant City Manager

Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. Resolution of Vacation
2. Legal Description
3. City Council Memorandum and Attachments – October 25, 2022
4. City Council Resolution No. 23916 (Adopted October 25, 2022)
5. City Planning Commission Report – September 15, 2022
6. City Planning Commission Recommended Conditions – September 15, 2022
7. City Planning Commission Minutes – September 15, 2022
8. Public Hearing Notice
9. Presentation