

NOTICE AND CALL OF SPECIAL MEETING
OF THE
GARDEN GROVE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a special meeting of the Garden Grove Planning Commission is hereby called to be held on Thursday, August 3, 2017, at 6:00 p.m. in the Council Chamber, of the Garden Grove Community Meeting Center, 11300 Stanford Avenue, Garden Grove, CA 92840.

Said Special Meeting shall be held to discuss the attached Agenda.

DATED: July 27, 2017

A handwritten signature in black ink, appearing to read 'AK', is written over the printed name of Andrew Kanzler.

Andrew Kanzler
Chair



AGENDA

GARDEN GROVE PLANNING COMMISSION

SPECIAL MEETING

AUGUST 3, 2017

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

REGULAR SESSION – 6:00 P.M. COUNCIL CHAMBER

ROLL CALL: CHAIR KANZLER, VICE CHAIR BRIETIGAM
COMMISSIONERS LAZENBY, LEHMAN, NGUYEN, SALAZAR, TRUONG

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 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: July 6, 2017
- C. STUDY SESSION – COTTAGE INDUSTRIES UPDATE
- D. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - D.1. SITE PLAN NO. SP-036-2017
VARIANCE NO. V-014-2017
TENTATIVE PARCEL MAP NO. PM-2002-2017

APPLICANT: HUYEN NGUYEN & THUC LE
LOCATION: SOUTHWEST CORNER OF LORNA STREET AND CHAPMAN AVENUE AT 12013 LORNA STREET

REQUEST: To reinstate Site Plan and Tentative Parcel Map approvals to subdivide an 18,125 square foot lot into two (2) parcels. Lot 1, which is developed with an existing single-family dwelling, will have a lot size of 8,700 square feet. Lot 2, which will be developed with a new single-family dwelling, will have a lot size of 7,839 square feet. Also, a request to reinstate Variance approval to allow Lot 2 to deviate from the minimum 65'-0" lot width requirement for a corner lot. This project was originally approved in 2007 under SP-424-07, PM-2007-143, and V-162-07, however, the entitlements were never exercised and have since expired. The applicant is requesting to reinstate the original approvals to complete the project. The site is in the R-1 (Single-Family Residential) zone. The project is exempt pursuant to CEQA Section Nos. 15303 – New Construction or Conversion of Small Structures and 15315 – Minor Land Divisions.

STAFF RECOMMENDATION: Approve Site Plan No. SP-036-2017, Variance No. V-014-2017, and Tentative Parcel Map No. PM-2002-2017, subject to the recommended conditions of approval.

D.2. SITE PLAN NO. SP-037-2017
VARIANCE NO. V-015-2017
CONDITIONAL USE PERMIT NO. CUP-106-2017

APPLICANT: ROSA ESTELLA BERMEO
LOCATION: NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF KNOTT STREET AT 7051 GARDEN GROVE BOULEVARD

REQUEST: Site Plan approval to construct a new service (gas) station, with a new drive-thru convenience store, on a vacant lot located at 7051 Garden Grove Boulevard, along with associated site and landscape improvements. Additionally, a request for Variance approval to deviate from the minimum rear setback requirement in order to construct a trash enclosure within the rear ten-foot setback along the northerly property line adjacent to the SR-22 Freeway. Finally, Conditional Use Permit approval to allow the new convenience store to operate with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License. The site is in the C-2 (Community Commercial) zone. The project is exempt pursuant to CEQA Section No. 15303 – New Construction or Conversion of Small Structures.

STAFF RECOMMENDATION: Approve Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, subject to the recommended conditions of approval.

D.3. STREET NAME CHANGE NO. SNC-002-2017

APPLICANT: CITY OF GARDEN GROVE

LOCATION: BUSINESS CENTER PARKWAY BETWEEN CORPORATE DRIVE AND EUCLID STREET

REQUEST: A request from Emperor Quang Trung Statue Committee to rename Business Center Parkway to Nguyen Hue Avenue. The City of Garden Grove has determined that an environmental review is not applicable to the subject name change.

STAFF RECOMMENDATION: Approve Street Name Change No. SNC-002-2017.

E. MATTERS FROM COMMISSIONERS

F. MATTERS FROM STAFF

G. ADJOURNMENT

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Southwest corner of Lorna Street and Chapman Avenue at 12013 Lorna Street
HEARING DATE: August 3, 2017	GENERAL PLAN: Low Density Residential
CASE NO.: Site Plan No. SP-036-2017, Variance No. V-014-2017 and Tentative Parcel Map No. PM-2002-2017	ZONE: R-1 (Single-Family Residential)
	APN: 215-041-34
APPLICANT AND PROPERTY OWNERS: Huyen Nguyen and Thuc Le	CEQA DETERMINATION: Exempt

REQUEST:

The applicant is requesting to reinstate Site Plan and Tentative Parcel Map approval to subdivide an 18,125 square foot lot into two (2) parcels. Lot 1, which is developed with an existing single-family dwelling, will have a lot size of 8,700 square feet. Lot 2, which will be developed with a new single-family dwelling, will have a lot size of 7,839 square feet. The applicant is also requesting to reinstate Variance approval to allow Lot 2 to deviate from the minimum 65'-0" lot width requirement for a corner lot.

PROJECT STATISTICS:

	Provided	Code Requirement
Net Lot Size		
Lot 1	8,700 S.F.	
Lot 2	7,839 S.F.	7,200 S.F.
Lot Width		
Lot 1	60'-0"	60'-0"
Lot 2	55'-0" ¹	65'-0"
Building Coverage		
Lot 1	2,501 S.F. (28%)	50%
Lot 2	2,544 S.F. (32 %)	
Parking Per Lot		
Enclosed	2	2
Open	2	2
Total Parking Spaces	4	4
Building Height	26'-0"	35'-0"

¹. Variance approval is required to allow Lot 2 to deviate from the minimum lot width.

Building Type Summary

Parcel Number	Number of Bedrooms/Baths	Unit Size*
Lot 1	3 Bedrooms, 1 Bath	1,466 S.F.
Lot 2	4 Bedrooms, 3 Baths	3,099 S.F.

*Total living area, garages are not included.

BACKGROUND:

The property is an 18,125 square foot lot, located on the southwest corner of Lorna Street and Chapman Avenue. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The property is located in an area with single-family residences and is currently improved with a 1,466 square foot single-family home, and a detached, 635 square foot, single-car garage that has a storage room and a laundry room. The property owner proposes to subdivide the property into two (2) lots in order to maintain the existing single-family home on Lot 1, and to construct a new two-story, 3,099 square foot, single-family home on Lot 2.

Chapman Avenue is part of the Master Plan of Streets and Highways. The Master Plan prescribes an overall road right-of-way width of 100'-0" for Chapman Avenue, whereby each half-road right-of-way width is 50'-0". There are several portions of Chapman Avenue, located along the south and north sides of the project site that currently provide a half road right-of-way width of 40'-0", including the project site. The City will require certain projects, such as a subdivision, to provide street dedication in order to fulfill the goals of the Master Plan for future street widening purposes.

In 2007, the City of Garden Grove approved Site Plan No. SP-424-07, Parcel Map No. PM-2007-143, and Variance No. V-162-07, which allowed: (i) the subdivision of the subject 18,125 square foot lot into two (2) parcels (Lot 1 with a lot size of 8,700 square feet and Lot 2 with a lot size of 7,839 square feet); (ii) the development of a new single-family dwelling on the newly created lot, Lot 2; and (iii) variance approval to deviate from the minimum 65'-0" lot width requirement for a corner lot. When the project was originally approved by the City, in 2007, the Water Services Division determined that the property was, at that time, located in a sewer deficiency area. The Water Services Division conditioned that construction plans for the new single-family home on Lot 2 could not be submitted to the Building Services Division for plan check review, and no new sewer connections would be allowed until the sewer deficiency problem had been resolved, and all the necessary sewer upgrades completed by the City. As a result of these conditions, the applicant could not move forward with the project and the approved entitlements expired. It has now been verified by the Water Services Division that all necessary sewer upgrades have been completed, that the property is no longer in a sewer deficiency area, and that the sewer capacity in the area is now sufficient

to accommodate the development of the proposed single-family home on Lot 2, allowing the applicant to request a reinstatement of Site Plan, Tentative Parcel Map, and Variance approval.

DISCUSSION:

SITE PLAN:

Circulation and Unit Design

The project will consist of subdividing an 18,125 square foot lot into two (2) parcels in order to provide a single-family home on each lot. Each parcel will be accessed from an approximately 20'-0" wide drive approach from Lorna Street.

Lot 1 will have a lot size of 8,700 square feet. The existing 1,466 square foot single-family home with the 635 square foot detached, single-car garage, will remain on the lot. The single-family home consists of three (3) bedrooms, one (1) bathroom, a living room, a family room, a kitchen and a dining room. The existing single-car garage will be converted into a two-car garage in order to comply with the parking requirements. The garage currently has a storage room and a laundry room that will be removed to accommodate the two-car garage. The applicant is required to relocate the laundry hook-ups from the garage to the primary residence.

Lot 2 will have a lot size of 7,839 square feet. The applicant proposes to construct a two-story, 3,099 square foot, single-family home on the lot. The single-family home will consist of a living room, a family room, a dining room, an open office area, a kitchen, four (4) bedrooms, three (3) bathrooms, and an open entertainment/loft area on the second floor. A two-car enclosed garage will be provided.

The applicant has designed both lots to comply with the R-1 zoning requirements, including minimum lot size, setbacks, parking, and lot coverage. The existing lot currently has a lot width of 125'-0". However, the City is requiring a 10'-0" right-of-way street dedication and a corner cut-off along Chapman Avenue in order to provide a continuous half-width road right-of-way of 50'-0" for future street widening purposes. Due to the street dedication and the corner cut-off requirements, the property only has 115'-0" of lot width to divide among the two (2) lots. Title 9 of the Municipal Code requires R-1 zoned properties to maintain a minimum lot width of 60'-0" for interior lots and 65'-0" for corner lots. Lot 1 will have a lot width of 60'-0", while Lot 2 will have a lot width along Lorna Street of 55'-0". In order to allow the subdivision, a Variance is required to allow Lot 2 to deviate from the minimum lot width requirement.

In addition, the Engineering Division will require the existing block wall, located on the existing northerly property, along Chapman Avenue, to be removed and a new block wall constructed on the new property line location for Lot 2. The strip of

right-of-way that remains between the sidewalk and the new block wall is required to be landscaped and maintained by the property owner.

A minimum of 50% of the required front yard area shall be landscaped and irrigated in accordance with the requirements of Title 9. The project is required to provide a variety of trees, shrubs and ground cover throughout the property. A detailed landscape and irrigation plan shall be submitted to the Planning Services Division for review and approval.

Building Design

The applicant does not propose to modify the exterior appearance of the existing single-family home located on Lot 1.

The proposed two-story single-family home located on Lot 2 will have a contemporary appearance. The front elevation will include a porch with arched columns and stone veneer to enhance the appearance of the structure. The exterior building materials will consist of a stucco finish that will be accentuated with architectural trim around the window and doors, and a lightweight roof tile.

VARIANCE FINDINGS:

Title 9 of the Municipal Code requires R-1 zone properties to maintain a minimum lot width of 60'-0" for interior lots and 65'-0" for corner lots. The applicant requests Variance approval to allow Lot 2 to deviate from the minimum lot width requirement. The applicant proposes to maintain a lot width of 55'-0" along Lorna Street for Lot 2. Due to the required 10'-0" street dedication and corner cut-off, the property owner is unable to meet the minimum lot width for Lot 2.

- 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.**

There are exceptional or extraordinary circumstances pertaining to the site that warrant approval of a Variance. The property is a corner lot located at the intersection of Chapman Avenue and Lorna Street. The lot currently has a lot width of 125'-0" and a lot depth of 145'-0". The City of Garden Grove is requiring the property owner to dedicate 10'-0" of the property and a corner cut-off for the future street widening of Chapman Avenue. The street dedication and the corner cut-off will assist in fulfilling the goals envisioned by the Master Plan of Streets and Highways relating to the widening of major arterials. After the required street dedication, the property will have a total net lot width of 115'-0" remaining to divide among the two (2) proposed lots. Title 9 of the Municipal Code requires lots located in the R-1 zone to maintain a minimum lot width of 60'-0" for interior lots and 65'-0" for corner lots. The property owner can provide the required lot width for Lot 1; however, Lot 2 will require a Variance in order to provide a lot width of 55'-0" along Lorna

Street. Due to the Master Plan of Streets and Highways, certain projects, including a subdivision, occurring in this vicinity, along the south and north sides of Chapman Avenue, would be required to provide a minimum 10'-0" street dedication.

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 granting of the Variance will not give the property owner a special privilege over other property owners in the area. The property is the only parcel in the residential tract that has sufficient land area to subdivide the parcel into two (2) rectangular lots. If the street dedication was not required along Chapman Avenue, the proposed lots would have been designed to comply with the minimum lot width requirements of the R-1 zone. However, due to the street dedication, only Lot 1 will comply with the minimum lot width requirement, while Lot 2 requires a Variance in order to deviate from the standard in order to provide a lot width of 55'-0".

There are three (3) residential lots located to the immediate east and west of the project site, at 12002 Lorna Street, 12001 Haga Street and 12002 Haga Street, which have not yet been subject to the required dedication to the City for future street widening purposes. These lots have a lot width of 65'-0". If Chapman Avenue is ever widened per the goals of the Master Plan of Streets and Highways, the width of these lots will be reduced from 65'-0" to 55'-0". The resulting lot widths will be the same as that proposed by the property owner for Lot 2. Approval of the Variance will allow the property owner to subdivide the existing 18,125 square foot parcel into two (2) lots that will each have a lot configuration that the surrounding neighborhood has. The proposed lot width for Lot 2 will be consistent with the neighborhood once Chapman Avenue has been widened and the 10'-0" dedication area has been taken on the remaining lots located along Chapman Avenue.

In addition, while the lot does have sufficient depth to allow the subdivision to be divided so that the lots front onto Chapman Avenue and thereby complying with the minimum lot width requirement, one of the objectives of the Master Plan of Streets and Highways is to minimize driveway approaches on major and secondary arterials, and thereby prescribe residential subdivision for single-family lots to take access from local residential streets. Furthermore, it is desired to have subdivisions to be designed to be integrated into the neighborhood. The proposed Parcel Map does this by having the lots front onto Lorna Street.

- 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 a newly created parcel, Lot 2, to deviate from the minimum lot width requirement. The approval of the Variance will not be materially detrimental to the public welfare or injurious to the structure or to the future occupants of the site since Lot 2 has been designed to comply with the minimum lot size, and the development standards of the R-1 zone, including setbacks, parking and lot coverage.

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

Granting approval of the proposed Variance will not adversely affect the City of Garden Grove's General Plan. Approval of the Variance will allow the project to comply with the goals of the General Plan that encourages the development of residential lots to help comply with the regional housing needs. Granting 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 subject Variance will not grant a special privilege that is inconsistent with the limitations upon other properties located within the vicinity or zone in which the subject property is situated. There are three (3) residential lots located to the immediate east and west of the project site, at 12002 Lorna Street, 12001 Haga Street and 12002 Haga Street, which have not yet been subject to the required dedication to the City for future street widening purposes. These lots have a lot width of 65'-0". If Chapman Avenue is ever widened per the goals of the Master Plan of Streets and Highways, the width of these lots will be reduced from 65'-0" to 55'-0". The resulting lot widths will be the same as that proposed by the property owner for Lot 2.

Approval of the Variance will allow the property owner to subdivide the existing 18,125 square foot parcel into two (2) lots that will each have a lot configuration that the surrounding neighborhood has. The proposed lot width for Lot 2 will be consistent with the neighborhood once Chapman Avenue has been widened and the 10'-0" dedication area has been taken on the remaining lots located along Chapman Avenue. In the event the nature or character of the use on-site materially changes, Variance No. V-014-2017 shall cease to be effective or to grant the applicant any rights to continue to operate the described use on-site. Any future uses on the Site different from the current described use, of single-family residential, will be required to

comply with all then applicable standards of the Garden Grove Municipal Code, and the applicant may not rely on this Variance as a basis for an approval to deviate from the minimum lot width with such future uses.

TENTATIVE PARCEL MAP:

In accordance with the State Subdivision Map Act, the applicant is requesting approval of Tentative Parcel Map No. PM-2002-2017 to subdivide the existing property into two (2) lots for the purpose of having a single-family home on each lot. The proposed Tentative Parcel Map is in conformance with the City's General Plan, the City's subdivision ordinance, the zoning requirements, and the State's Subdivision Map Act. The properties comply with the minimum lot size of 7,200 square feet of the R-1 zone. Although Title 9 of the Municipal Code requires R-1 zoned lots to maintain a minimum lot width of 60'-0" for interior lots and 65'-0" for corner lots, Lot 1 does comply with the minimum lot width requirement. However, a Variance is required to allow Lot 2 to deviate from the lot width requirement due to the City requiring a 10'-0" dedication along Chapman Avenue for street widening purposes.

CEQA EXEMPTION:

When the original land use entitlements (SP-424-07, V-162-07, PM-2007-143) were approved in 2007, the City determined the project to be categorically exempt from CEQA (California Environmental Quality Act). Although a new application has been received, to reinstate the expired approvals, no further environmental review is required, as the project remains entirely the same, with no proposed changes from the original application.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Approve Site Plan No. SP-036-20177, Variance No. V-014-2017 and Tentative Parcel Map No. PM-2002-2017, subject to the recommended Conditions of Approval.



LEE MARINO
Planning Services Manager

By: Chris Chung
Associate Planner



Nancy Mith
Contract Associate Planner

LOT 'A'

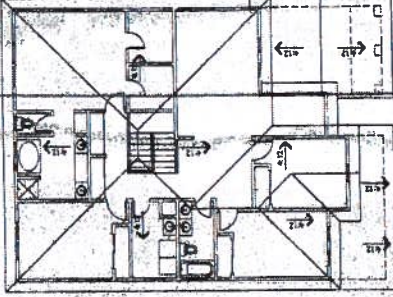
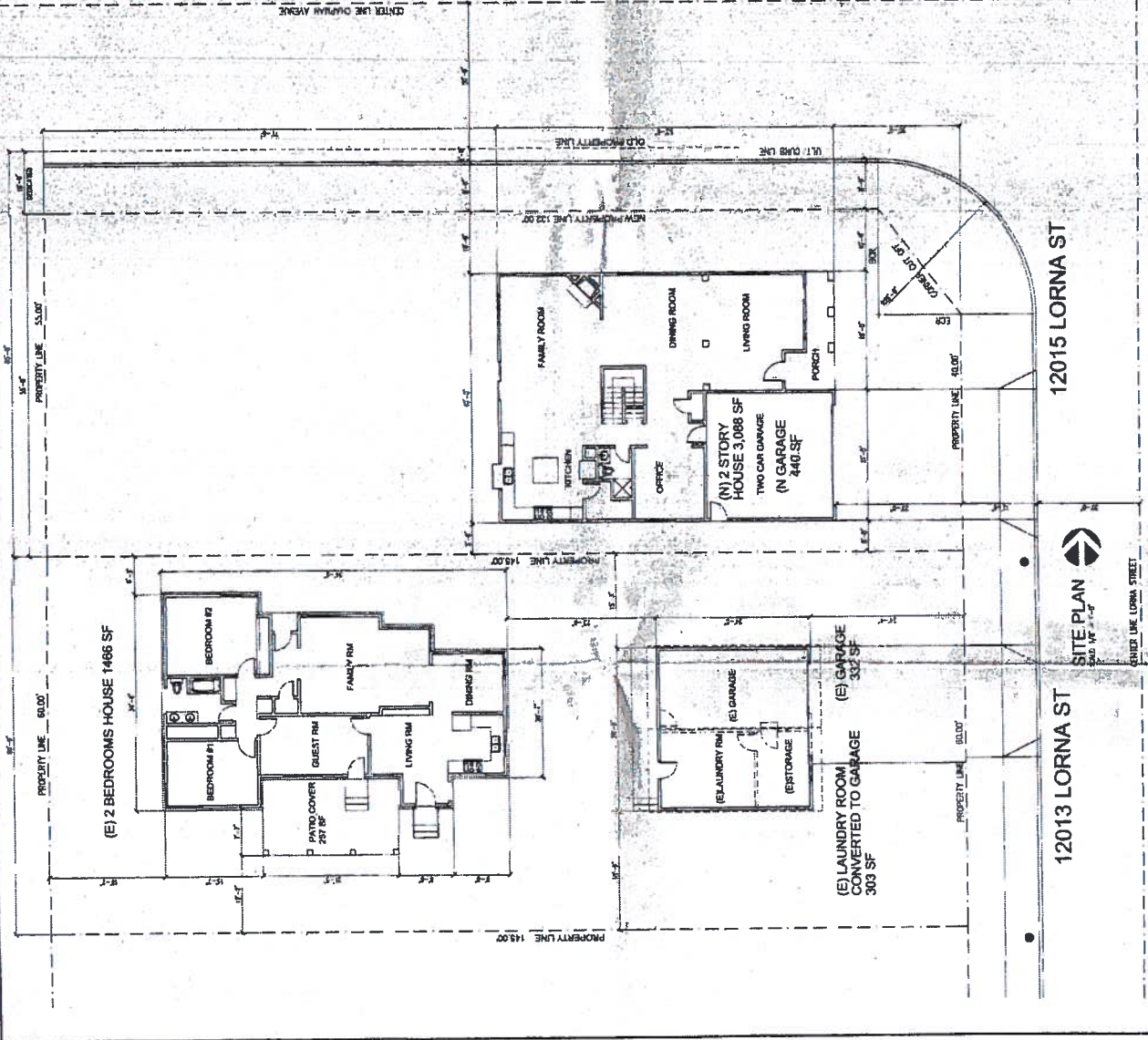
- PROJECT SUMMARY:**
- PROJECT ADDRESS: 12013 LORNA STREET, GARDEN GROVE, CA 92830
 - OWNER: GUY BUI NAM, 8815 CHINO AVE, GARDEN GROVE, CA 92833, TEL: (714) 998-8888
 - LOT SIZE: 30784 SF
 - LOT # TRACT: APN # 215-041-34
 - LOT COVERAGE: 2544 SF / 8.1% = 2544 SF
 - BUILDING SQUARE FOOTAGE:
 - GROUND FLOOR: 1,599 SF
 - SECOND FLOOR: 1,500 SF
 - PORCH: 105 SF
 - TWO CAR GARAGE: 440 SF
 - DRIVE WAY: 400 SF
 - CONSTRUCTION TYPE: WA
 - OCCUPANCY GROUP: R3-U
 - CODE APPLICABLE: 2001 CBC, CMC, EPC, 2004 DEC

LOT 'B'

- PROJECT SUMMARY:**
- PROJECT ADDRESS: 12013 LORNA STREET, GARDEN GROVE, CA 92830
 - OWNER: GUY BUI NAM, 8815 CHINO AVE, GARDEN GROVE, CA 92833, TEL: (714) 998-8888
 - LOT SIZE: 62745 SF
 - LOT # TRACT: APN # 215-041-34
 - LOT COVERAGE: 250 SF / 0.4% = 250 SF
 - BUILDING SQUARE FOOTAGE:
 - TWO BEDROOMS HOUSE: 1,489 SF
 - GARAGE: 440 SF
 - LAUNDRY ROOM: 303 SF
 - CONVERTED TO GARAGE: 332 SF
 - OCCUPANCY GROUP: R3-U
 - CODE APPLICABLE: 2001 CBC, CMC, EPC, 2004 DEC



VICINITY MAP



ROOF PLAN
 SCALE: 1/8" = 1'-0"

12015 LORNA ST

12013 LORNA ST



SITE PLAN
 SCALE: 1/8" = 1'-0"

SP-424-07

A-02

DATE	07-20-07
BY	AS NOTED
SCALE	1/8" = 1'-0"
PROJECT	
NO.	00

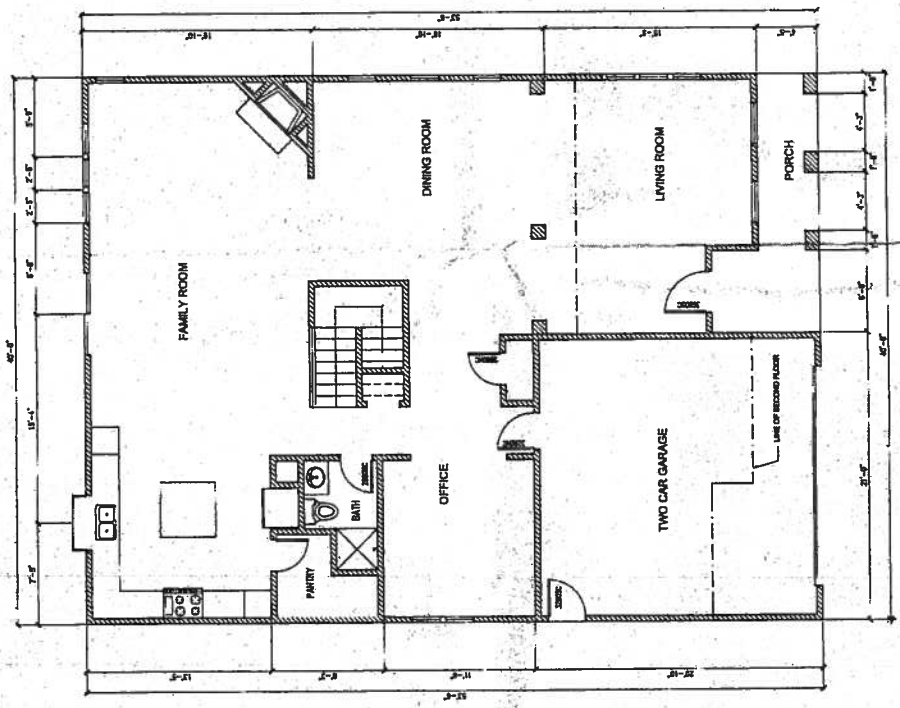
PROPOSED TWO STORY RESIDENCE
 12013 & 12015 LORNA STREET
 GARDEN GROVE, CA 92880

Working Person : Thomas Nguyen
 6812 Calton Av
 Garden Grove, CA 92843
 TEL: (714) 804-4800

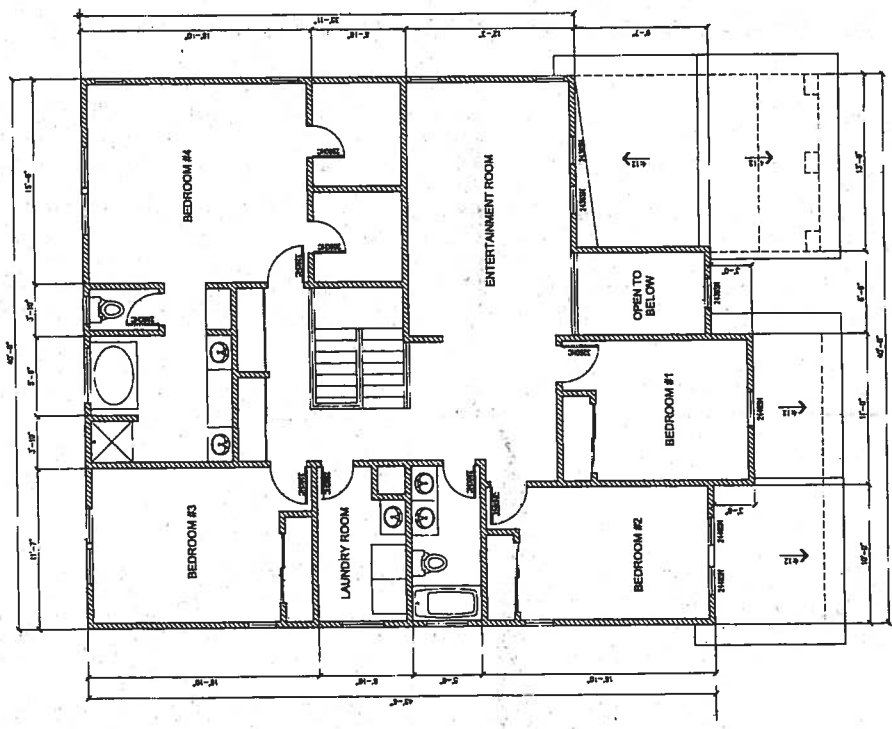
VD
 design
 444 S. 17th Street
 Vincent Drive
 Costa Mesa, CA 92626
 TEL: (949) 444-4444

NO.	1	DATE	07-20-07
REVISION			

19-424-07



GROUND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

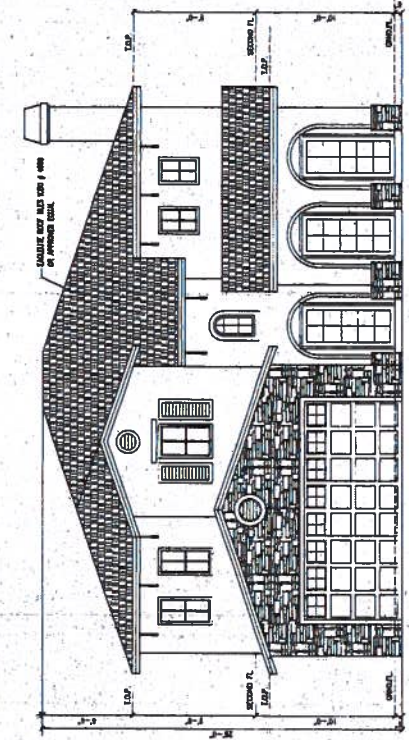
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VP design
 VANCEY P. THOMAS
 2612 CLAY AV.
 DUBLIN, CA 94568
 TEL: (925) 835-4215

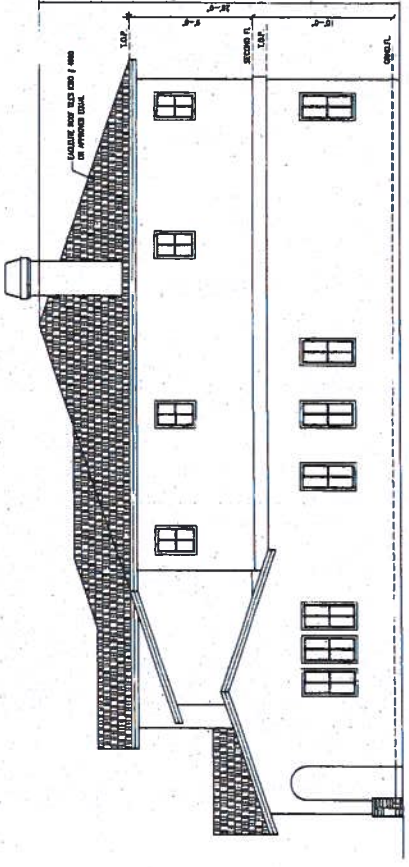
Contact Person: Thomas Nguyen
 8813 CLAY AV.
 DUBLIN, CA 94568
 TEL: (714) 955-8888

PROPOSED TWO STORY RESIDENCE
 12013 & 12019 LORNA STREET
 GARDEN GROVE, CA 92690

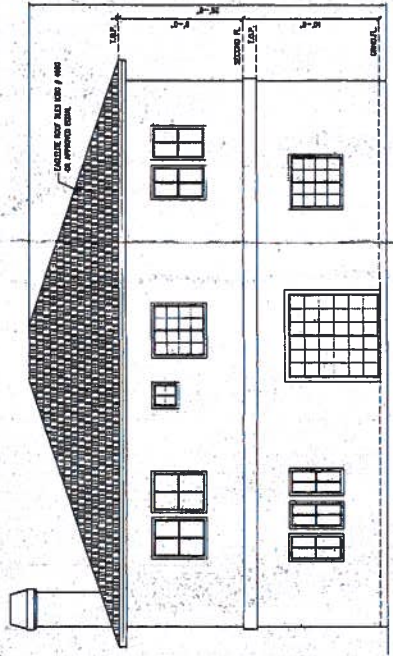
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 DRAWN: JG
 CHECKED: JG
 PROJECT: A-03
 SHEET: 5p-424-07



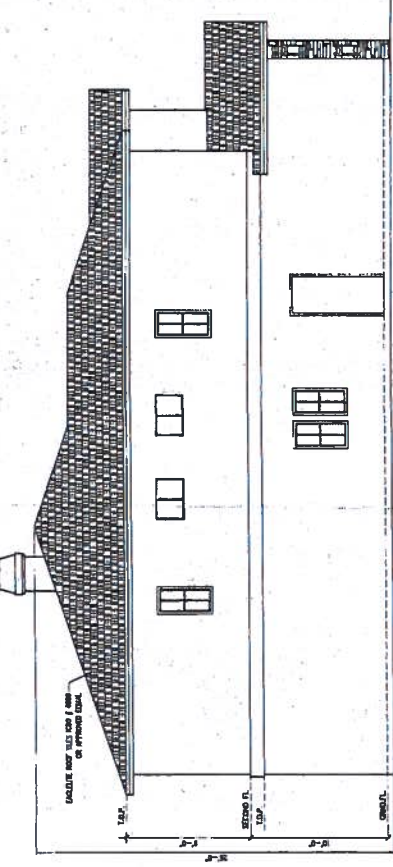
EAST ELEVATION
 SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



WEST ELEVATION
 SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

5p-424-07

RESOLUTION NO. 5889-17

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-036-2017, VARIANCE NO. V-014-2017, AND TENTATIVE PARCEL MAP NO. PM-2002-2017.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on August 3, 2017, hereby approved Site Plan No. SP-036-2017, Variance No. V-014-2017, and Tentative Parcel Map No. PM-2002-2017, for a property located on the southwest corner of Chapman Avenue and Lorna Street, at 12013 Lorna Street, Assessor's Parcel No. 215-041-34.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-036-2017, Variance No. V-014-2017, and Tentative Parcel Map No. PM-2002-2017, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Huyen Nguyen and Thuc Le.
2. The applicant is requesting to reinstate Site Plan and Tentative Parcel Map approval to subdivide an 18,125 square foot lot into two (2) parcels. Lot 1, which is developed with an existing single-family dwelling, will have a lot size of 8,700 square feet. Lot 2, which will be developed with a new single-family dwelling, will have a lot size of 7,839 square feet. The applicant is also requesting to reinstate Variance approval to allow Lot 2 to deviate from the minimum 65'-0" lot width requirement for a corner lot.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove previously determined that this project was categorically exempt from CEQA pursuant to Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15315 (Minor Land Divisions) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303 and 15315).
4. The property has a General Plan designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The site is currently improved with a single-family home and a detached single-car garage that will remain on lot 1, while a new two-story, 3,099 square foot, single-family home will be constructed on Lot 2.
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 the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on August 3, 2017, 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 August 3, 2017; 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 9.04.030 are as follows:

FACTS:

The property is an 18,125 square foot lot, located on the southwest corner of Lorna Street and Chapman Avenue. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The property is located in an area with single-family residences. The property is improved with a 1,466 square foot single-family home, and a detached 635 square foot single-car garage that has a storage room and a laundry room.

Lot 1 will have a lot size of 8,700 square feet, and Lot 2 will have a lot size of 7,839 square feet. The existing single-family home will remain on Lot 1, and a new two-story, 3,099 square foot, single-family home will be constructed on Lot 2.

The City is requiring a 10'-0" right-of-way street dedication and corner cut-off along Chapman Avenue in order to provide a continuous half-width road right-of-way of 50'-0" for future street widening purposes. Due to the street dedication, a Variance is required in order to allow Lot 2 to deviate from the required 65'-0" lot width for a corner lot.

In 2007, the City of Garden Grove approved Site Plan No. SP-424-07, Parcel Map No. PM-2007-143, and Variance No. V-162-07, which allowed: (i) the subdivision of the subject 18,125 square foot lot into two (2) parcels (Lot 1 with a lot size of 8,700 square feet and Lot 2 with a lot size of 7,839 square feet); (ii) the development of a new single-family dwelling on the newly created lot, Lot 2; and (iii) variance approval to deviate from the minimum 65'-0" lot width requirement for a corner lot. When the project was originally approved by the City, in 2007, the Water Services Division determined that the property was, at that time, located in a sewer deficiency area. The Water Services Division conditioned that construction plans for the new single-family home on Lot 2 could not be submitted to the Building Services Division for plan check review, and no new sewer connections would be allowed until the sewer deficiency problem had been resolved, and all the necessary sewer upgrades completed by the City. As a result of these conditions, the applicant could not move forward with the project and the approved entitlements expired. It has now been verified by the Water Services Division that all necessary sewer upgrades have been completed, that the property is no longer in a sewer deficiency area, and that the sewer capacity in the area is now sufficient to accommodate the development of the proposed single-family home on Lot 2,

allowing the applicant to request a reinstatement of Site Plan, Tentative Parcel Map, and Variance approval.

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 property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The project has been designed to comply with the development standards of the R-1 (Single-Family Residential) zone. Both parcels comply with the setbacks, parking, lot coverage, building height, and the minimum lot size requirements of the zone. The existing single-family home will be constructed on Lot 2. Lot 1 complies with the minimum lot width requirement of 60'-0", while a Variance is required to allow Lot 2 to deviate from the required 65'-0" lot width for a corner lot. The proposed project is compatible with the character of the existing single-family neighborhood. With exception of the Variance, the project complies with the General Plan Land Use Designation, the development standards of the R-1 zone, and all other applicable ordinances.

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

Each parcel will be accessed from a single-drive approach from Lorna Street. A two-car enclosed garage, and two (2) open guest parking spaces will be provided for each unit, which complies with the parking requirements of the R-1 zone.

The City's Traffic Engineering Section has reviewed the proposed project, and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts to surrounding streets.

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 are adequate to accommodate the development. The proposed development will provide

landscaping and proper grading of the site, thereby, improving drainage in the area.

In 2007, the Water Services Division determined that the property was located in a sewer deficiency area, resulting in a set of conditions of approval that did not allow for construction plans, for the new single-family home, to be submitted to the Building Services Division for plan check review. Additional conditions of approval restricted all new sewer connections until the sewer deficiency problem was resolved and all necessary sewer updates have been completed. All necessary sewer upgrades have since been made and it has been determined by the Water Services Division that there is no longer a sewer deficiency and that the project may be completed as proposed.

The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approvals to minimize any adverse impacts.

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

The project has been designed in accordance with the R-1 (Single-Family Residential) development standards. The property is located in an area with existing single-family residences. The proposed subdivision will be compatible with the surrounding neighborhood. Each lot will have a single-family home that complies with the setbacks and parking requirements of the R-1 zone.

The project has been designed to ensure a reasonable degree of compatibility with the neighborhood by providing lots that comply with the minimum lot size, and all applicable development standards of the R-1 zone, with exception of the Variance.

5. Through the planning and design of buildings and building replacement, 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 comply with the fifty-percent (50%) lot coverage requirement of the R-1 zone that will ensure that each parcel maintains the required amount of open usable space. Additionally, the conditions of approval will ensure that the landscaping requirements of the Municipal Code will be complied with.

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 property in the same zone or neighborhood.

There are exceptional or extraordinary circumstances pertaining to the site that warrant approval of a Variance. The property is a corner lot located at the intersection of Chapman Avenue and Lorna Street. The lot currently has a lot width of 125'-0" and a lot depth of 145'-0". The City of Garden Grove is requiring the property owner to dedicate 10'-0" of the property and a corner cut-off for the future street widening of Chapman Avenue. The street dedication and the corner cut-off will assist in fulfilling the goals envisioned by the Master Plan of Streets and Highways relating to the widening of major arterials. After the required street dedication, the property will have a total net lot width of 115'-0" remaining to divide among the two (2) proposed lots. Title 9 of the Municipal Code requires lots located in the R-1 zone to maintain a minimum lot width of 60'-0" for interior lots and 65'-0" for corner lots. The property owner can provide the required lot width for Lot 1; however, Lot 2 will require a Variance in order to provide a lot width of 55'-0" along Lorna Street. Due to the Master Plan of Streets and Highways, certain projects, including a subdivision, occurring in this vicinity, along the south and north sides of Chapman Avenue, would be required to provide a minimum 10'-0" street dedication.

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 granting of the Variance will not give the property owner a special privilege over other property owners in the area. The property is the only parcel in the residential tract that has sufficient land area to subdivide the parcel into two (2) rectangular lots. If the street dedication was not required along Chapman Avenue, the proposed lots would have been designed to comply with the minimum lot width requirements of the R-1 zone. However, due to the street dedication, only Lot 1 will comply with the minimum lot width requirement, while Lot 2 requires a Variance in order to deviate from the standard in order to provide a lot width of 55'-0".

There are three (3) residential lots located to the immediate east and west of the project site, at 12002 Lorna Street, 12001 Haga Street and 12002 Haga Street, which have not yet been subject to the required dedication to the City

for future street widening purposes. These lots have a lot width of 65'-0". If Chapman Avenue is ever widened per the goals of the Master Plan of Streets and Highways, the width of these lots will be reduced from 65'-0" to 55'-0". The resulting lot widths will be the same as that proposed by the property owner for Lot 2. Approval of the Variance will allow the property owner to subdivide the existing 18,125 square foot parcel into two (2) lots that will each have a lot configuration that the surrounding neighborhood has. The proposed lot width for Lot 2 will be consistent with the neighborhood once Chapman Avenue has been widened and the 10'-0" dedication area has been taken on the remaining lots located along Chapman Avenue.

In addition, the whole lot does have sufficient depth to allow the subdivision to be divided so that the lots front onto Chapman Avenue and thereby comply with the minimum lot width requirement. One of the objectives of the Master Plan of Streets and Highways is to minimize driveway approaches on major and secondary arterials, and thereby prescribe residential subdivision for single-family lots to take access from local residential streets. Furthermore, it is desired to have subdivisions to be designed to be integrated into the neighborhood. The proposed Parcel Map does this by having the lots front onto Lorna Street.

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 a newly created parcel, Lot 2, to deviate from the minimum lot width requirement. The approval of the Variance will not be materially detrimental to the public welfare or injurious to the structure or to the future occupants of the site since Lot 2 has been designed to comply with the minimum lot size, and the development standards of the R-1 zone, including setbacks, parking and lot coverage.

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

Granting approval of the proposed Variance will not adversely affect the City of Garden Grove's General Plan. Approval of the Variance will allow the project to comply with the goals of the General Plan that encourages the development of residential lots to help comply with the regional housing needs. Granting 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 subject Variance will not grant a special privilege that is inconsistent with the limitations upon other properties located within the vicinity or zone in which the subject property is situated. There are three (3) residential lots located to the immediate east and west of the project site, at 12002 Lorna Street, 12001 Haga Street and 12002 Haga Street, which have not yet been subject to the required dedication to the City for future street widening purposes. These lots have a lot width of 65'-0". If Chapman Avenue is ever widened per the goals of the Master Plan of Streets and Highways, the width of these lots will be reduced from 65'-0" to 55'-0". The resulting lot widths will be the same as that proposed by the property owner for Lot 2.

Approval of the Variance will allow the property owner to subdivide the existing 18,125 square foot parcel into two (2) lots that will each have a lot configuration that the surrounding neighborhood has. The proposed lot width for Lot 2 will be consistent with the neighborhood once Chapman Avenue has been widened and the 10'-0" dedication area has been taken on the remaining lots located along Chapman Avenue. In the event the nature or character of the use on-site materially changes, Variance No. V-014-2017 shall cease to be effective or to grant the applicant any rights to continue to operate the described use on-site. Any future uses on the Site different from the current described use, of single-family residential, will be required to comply with all then applicable standards of the Garden Grove Municipal Code, and the applicant may not rely on this Variance as a basis for an approval to deviate from the minimum lot width with such future uses.

TENTATIVE PARCEL MAP

1. The proposed Tentative Parcel Map is consistent with all the elements of the Garden Grove General Plan, Subdivision Map Act, and the Subdivision Ordinance Section of the Municipal Code.

The proposed Tentative Parcel Map is consistent with the provisions of the General Plan Land Use Designation of Low Density Residential that allows for single-family residences. The number of lots and the number of residential units on each lot does not exceed the density allowed under the General Plan Land Use Designation of Low Density Residential.

2. The design and improvement of the proposed subdivision are consistent with the General Plan.

The design and improvement of the proposed map are consistent with the General Plan. The creation of a two (2) lot subdivision for the purposes of having one single-family home on each lot is consistent with the General Plan. The project complies with the minimum lot size requirement of the R-1 zone. Lot 1 complies with the minimum lot width requirement of 60'-0", while Lot 2 requires a Variance to deviate from the lot width in order to provide a lot width of 55'-0". In addition, the configuration of the lots and design of the homes is compatible with the existing residential neighborhood. With the conditions of approval and the mitigation measures as recommended by Staff, the design and improvement of the subject site is consistent with the spirit and intent of the General Plan.

3. The site is physically suitable for the type of development and complies with the spirit and intent of the Municipal Code.

The site is adequate in size and shape to accommodate the proposed project. Each parcel complies with the minimum lot size and the development standards of the R-1 zone. A Variance is required for Lot 2 to deviate from the minimum lot width requirement resulting from a required street dedication along Chapman Avenue. The placement and size of the proposed single-family homes comply with the development standards for the R-1 zone, including setbacks, parking, lot coverage and open space provisions.

4. The requirements of the California Environmental Quality Act have been satisfied.

The requirements of the California Environmental Quality Act have been satisfied. The project was determined to be exempt pursuant to Section 15303(a) (New Construction or Conversion of Small Structure) and Section 15315 (Minor Land Divisions) of the California Environmental Quality Act.

5. The site is physically suitable for the proposed density of the development.

The site is adequate in size and shape to accommodate a two (2) lot subdivision that complies with the minimum lot size and the minimum lot width requirement of the R-1 zone, with exception of the Variance required for Lot 2. The proposed design of the residential lot allows for the placement of one single-family home on each lot, which complies with the density requirement of the General Plan.

The placement of the new single-family home on Lot 2 complies with the R-1 development standards. The existing house on Lot 1 will maintain compliance with the R-1 zoning requirements. The project complies with the minimum parking, open space, setbacks, lot coverage and building height requirements of the R-1 zone.

6. The design of the project and the proposed improvements are not likely to cause serious public health problems.

The design of the subdivision and the proposed improvements are not likely to cause serious public health problems since conditions of approval will be in place to safeguard the public health. City Departments, including Traffic Division, Water Division, Engineering Division, Fire Department, Police Department and the Planning Division have reviewed the proposed development and have applied conditions of approval as mitigating measures against any potential negative impacts that the project may have on the community. The conditions of approval for on- and off-site improvements will safeguard the public health.

7. The design of the project 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; or, if such easements exist, alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.

The design of the 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 proposed subdivision. The project has been designed to avoid development over existing easements.

8. The design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning requirements, with the exception of the lot width deviation for Lot No. 2, with the exception of the lot width deviation for Lot 2, which a Variance has been requested.

The design of the subdivision is suitable for the low-density residential project and complies with the spirit and intent of the General Plan, and the Subdivision Map Act. The project has also been designed to comply with the R-1 development standards, and complies with the minimum lot size and minimum lot width requirement.

9. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

The project has been designed in accordance with Government Code Section 66473.1, which encourages the orientation of the units to take advantage of shade and prevailing breezes.

10. The design, density, and configuration of the subdivision strike a balance between the affect of the subdivision on the housing needs of the region and public service needs. The character of the subdivision is compatible with the design of existing structures, and the lot sizes of the subdivision are substantially compatible with the lot sizes within the general area.

The project has been reviewed in relation to the housing needs and goals of the City and is compatible with the existing residential projects in the vicinity. The property is located in an area with existing single-family residences. The property is currently improved with a single-family home with a detached single-car garage. The existing single-family home will remain on Lot 1, and a new single-family home will be constructed on Lot 2. The subdivision will be compatible with the surrounding area since the lots are designed to comply with the minimum lot size. Lot 1 complies with the minimum lot width requirement of the R-1 zone, while Lot 2 will require a Variance to allow a lot width reduction in order to provide a lot width of 55'-0". The project complies with the density requirements of the General Plan, and complies with all applicable R-1 development standards.

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 and Tentative Parcel Map possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.3 (Site Plan), Section 9.32.030.6 (Variance) and Section 9.40.060 (Tentative Maps).
2. 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-036-2017, Variance No. V-014-2017 and Tentative Parcel Map No. PM-2002-2017.

EXHIBIT "A"

Site Plan No. SP-036-2017

Variance No. V-014-2017

Tentative Parcel Map No. PM-2002-2017

12013 Lorna Street

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval. 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, Huyen Nguyen and Thuc Le, 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.
2. Approval of this Site Plan, Variance and Tentative Parcel Map 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.
3. Minor modifications to the Site Plan 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.
4. The approved site plan, floor plan, and use of the subject property, as represented by the Applicant, are an integral part of the decision approving this Site Plan, Variance, and Tentative Parcel Map. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.

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

Public Works Engineering Division

6. The applicant shall be subject to Traffic Mitigation Fees, In-Lieu 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 amounts of said fees shall be calculated based on the City's current fee schedule in effect at the time of permit issuance.
7. 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 for 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.
8. A separate street permit is required for work performed within the public right-of-way.
9. Separate grading/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. Street improvement plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
10. Prior to issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Non-Priority Water Quality Management Plant that:
 - a. Incorporate all Source Control BMPs (routine structural and routine non-structural);
 - b. Incorporate Site Design BMPs.

Site Plan No. SP-036-2017, Variance No. V-014-2017, and Tentative Parcel

Map No. PM-2002-2017

Conditions of Approval

11. Prior to grading or building permit closeout and/or 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 Certifications" portion of the plan with County Recorder's office and submit proof of that recordation to the City.
12. Any new or required block walls and/or retaining walls shall be shown on the grading plans with a minimum height of six (6) feet from the highest finished grade. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer.
13. Prior to issuance of a building permit, the applicant shall remove the existing block wall along the northerly existing property line of Lot 2 and construct a new block wall along the new property line in a manner meeting the approval of the City Engineer. The 10-foot strip located between this new wall and existing back of sidewalk shall be landscaped and maintained in a manner meeting the approval of the Planning Services Manager in concert with the Streets Division Manager.
14. Prior to issuance of a building permit, the applicant shall dedicate ten (10) feet of road right-of-way on Chapman Avenue along the property frontage for an ultimate half-road right-of-way width of 50 feet, to provide for future street improvements. This will bring this segment of Chapman Avenue into compliance with its Master Planned Designation as a Primary Arterial Highway. The applicant shall also dedicate a corner cut-off in accordance with City Standard Plan B-107.
15. TIES TO HORIZONTAL CONTROL:

Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

16. DIGITAL MAP SUBMISSION:

Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

17. Orange County Storm Water Program Manual requires all contractors to provide a dumpster on-site during construction unless an Encroachment Permit is obtained for placement on Street.
18. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
19. The new driveway approach to Lot 2 shall be constructed in accordance with the City of Garden Grove Standard Plan B-122. Standard Plan B-122 calls for a minimum width of 15-feet with any further deviation from the standard to be approved by the City Engineer and detailed on the plan showing all modifications. To construct the approach, a power pole guy wire support will need to be relocated. All costs incurred to relocate the guy wire support or the power pole itself shall be borne by the applicant.
20. The applicant is to coordinate the location of all new water meters to be replaced in sidewalk area on Lorna Street with the Planning Services Division and the Water Services Division.
21. Any proposed new landscaping in the public right-of-way shall be approved by the Planning Services Division.
22. The applicant shall submit an updated title report along with copies of the recorded instruments listed in the title report.
23. The applicant shall submit copies of the reference maps used to prepare a legal description and the plat.

Public Works Water Services Division

24. New water meter and service with a residential fire sprinkler connection to be installed per City Standard B-719 and located within the Lorna Street right-of-way.
25. The fire sprinkler riser must have a single spring loaded check valve.

26. A new 4" sewer lateral is to be installed per City Standard S-111 and S-112, with a clean out near the property line.

Building Department

27. The new dwelling unit shall meet the requirements of the 2016 California Building and Residential codes.
28. Fire sprinklers shall be provided for the new dwelling unit.
29. The garage shall be provided with raceway to accommodate a future ENV charging station.
30. A soils report shall be prepared for the new dwelling unit that includes evaluation of the effects of liquefaction and recommended mitigation measures.

Fire Department

31. New sprinkler systems shall be installed in accordance with the 2016 California Fire Code.

Community and Economic Development Department

32. 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 submitting plans into the Building Division Plan Check process. The project shall also be subject to the following:
 - a) All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan, Variance, and Tentative Parcel Map, shall be installed or relocated underground.
 - b) All above-ground utility equipment (e.g. electrical, gas, telephone, cable TV) shall not be located in the street setback, within the common areas, or any parking areas, and shall be screened to the satisfaction of the Community and Economic Development Director.
 - 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. 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. Roof rain gutters are permitted. The rain gutters shall follow the natural architecture lines of the building.
33. Hours and days of construction and grading shall be as set forth in the City of Garden Grove Municipal Code Section 8.47.060 referred to as the county Noise Ordinance as adopted, except that:
- a) Monday through Friday – not before 7:00 a.m. and not after 5:00 p.m.
 - b) Saturday – not before 8:00 a.m. and not after 5:00 p.m. All construction activity on Saturday shall be limited to interior construction only.
 - c) Sunday and Federal Holidays – no construction shall occur.
34. The applicant shall submit a complete landscape and irrigation plan. The plan shall be submitted to and be approved by the Community and Economic Development Department, Planning Services Division prior to the issuance of building permits. The landscaping plan shall comply with all the landscaping permits. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code. 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. Particular attention shall be paid to enhance landscaping for walkway areas. It shall include irrigation plans and staking and planting specification. The landscape plan shall include the following:
- a) A complete, permanent, 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 the trees planted in the setback areas, adjacent to the sidewalks, shall have a deep-water irrigation system that shall be specified on the landscape plan. If sprinklers are used, they shall be low flow/precipitation sprinkler heads for water conservation.
 - b) The plan shall provide trees, shrubs/bushes and groundcover. Where clinging vines are used for covering walls, Boston Ivy shall be considered among other similar plantings. All proposed trees shall be non-weeping, evergreen trees that required minimal maintenance.
 - c) The landscaping treatment along Lorna Street, including the area designated as public right-of-way, shall incorporate a mixture of

groundcover, flowerbeds, and shrubs. The height of the plant material shall not exceed 36 inches in height in order to ensure visibility to the site from the public right-of-way.

- d) Landscaping treatment shall be installed within the front yard areas of both properties. The landscaping shall be completed within 60 days of granting any building final on the respective units. The landscaping shall incorporate a mixture of groundcover, flowerbeds, shrubs, and trees. The Community and Economic Development Department shall review the type and location of all proposed trees.
 - e) The property owners shall be responsible for all installation and permanent maintenance of all landscaping on the property. Said responsibility shall extend to the parkway landscaping, sidewalk, curb, and pavement of the site. All planting areas are to be kept free of weeds, debris, and graffiti.
 - f) Trees planted within ten (10) feet of any public right-of-way shall be planted in a root barrier shield. All landscaping along the street frontage adjacent to the driveway shall be of the low height variety to ensure a safe sight clearance.
 - g) All above ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment) shall be shown on the landscaping plan in order to ensure proper landscape screening will be provided.
35. Fences and walls located within the front yard areas, 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 developer shall work with the Community and Economic Development Department in order to ensure proper vision clearance for cars entering or leaving the driveway and parking areas. The existing chain-link fence located along the front setback area of both lots shall be removed.
36. As part of the submittal drawings for plan check, the Developer shall submit detailed drawings showing the exterior of all buildings, architectural details, and window and door treatments. The plans shall indicate landscape materials, wall materials, and building materials proposed for the project. Trim shall be provided around all windows and doors. All window and door trim shall be a minimum four (4) inches wide. A detail of the trim shall be provided in the construction drawings. The garage doors shall be automatic roll-up type doors.
37. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane, or butane vehicles instead of gasoline or diesel powered

Site Plan No. SP-036-2017, Variance No. V-014-2017, and Tentative Parcel
Map No. PM-2002-2017
Conditions of Approval

- equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.
38. Each unit shall have phone jacks and cable-TV outlets in all rooms, with the exception of the laundry area, hallways, and bathrooms.
 39. 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 CEQA.
 40. The development is subject to the following stipulations:
 - a) Each property shall maintain the ability to park two (2) vehicles within the required enclosed garage at all times. The enclosed garages shall not be converted to any other use.
 - b) There shall be no business activities, day care, or garage sales conducted within or from the enclosed garages.
 - c) Garages shall not be rented or leased separately from the dwelling units and shall not be made unavailable to the occupants of the units.
 - d) Residents shall not park or store vehicles anywhere on the site except within the garage of their dwelling unit. However, the parking spaces in front of the garage doors may be utilized by the residents and guests for temporary parking.
 - e) 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 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.
 - f) Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
 - g) Any addition to the residence, including the construction of any accessory structures, shall comply with the R-1 zone development standards. Room additions and accessory structures shall maintain consistency with the architecture of the house, including building material, design, and roof pitch.

Site Plan No. SP-036-2017, Variance No. V-014-2017, and Tentative Parcel

Map No. PM-2002-2017

Conditions of Approval

41. The facades of the units shall be designed with sound attenuation features including the use of dual paned windows. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
42. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than three (3) feet to any property line. The equipment shall only be located in an enclosed rear or side yard, and only if the above distance stipulation is met. If units will not have an air conditioning condensing unit installed, a place shall be designated for the location of such on the property that allows for a ground mounted unit, minimizes noise intrusion to adjacent units, and allows for ease of installation per the distance separation requirements noted immediately above. No wall or window mounted or roof type of air conditioning system is permitted.
43. All lighting structures/fixtures 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 in the common areas shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residents.
44. At no time shall any structure, fireplace, architectural feature, or otherwise, be closer than three feet to any property line. Any roof eaves or similar roof overhangs intruding into the three foot setback requirement, shall comply with the U.B.C. concerning method of construction.
45. The second floor windows shall, to the extent feasible, be oriented away from the existing single-family homes and/or incorporate view-obscuring measures such as the use of high windows, window alignment, and obscure glass window glazing.
46. Prior to recordation of the Tentative Parcel map, the detached single-car garage located on Lot 1 shall be converted into a two-car enclosed garage. The laundry facilities shall be relocated from the garage into the primary residence.
47. A minimum of a six-foot high block wall, not to exceed an overall height of seven feet, shall be maintained along the perimeter of the properties at all times, as measured from the on-site finished grade.
48. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-036-2017, Variance No. V-014-2017, and Tentative Parcel Map No. PM-2002-2017, and his/her agreement with all conditions of approval.

Site Plan No. SP-036-2017, Variance No. V-014-2017, and Tentative Parcel
Map No. PM-2002-2017
Conditions of Approval

49. 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. To the extent applicable, the applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-036-2017, Variance No. V-014-2017, and Tentative Parcel Map No. PM-2002-2017, has begun.
50. 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-036-2017, Variance No. V-014-2017, and Tentative Parcel Map No. PM-2002-2017 (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 defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney and 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.
51. Site Plan No. SP-036-2017 and Tentative Parcel Map No. PM-2002-2017 shall be valid for two (2) years after the effective date of Resolution No. 5889-17.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: North side of Garden Grove Boulevard, west of Knott Street, at 7051 Garden Grove Boulevard
HEARING DATE: August 3, 2017	GENERAL PLAN: Light Commercial
CASE NO.: Site Plan No. SP-037-2017, Variance No. V-015-2017, Conditional Use Permit No. CUP-106-2017	ZONE: C-2 (Community Commercial)
APPLICANT: Rosa Estella Bermeo	CEQA DETERMINATION: Exempt
PROPERTY OWNER(S): Same as applicant	APN: 215-017-01

REQUEST:

A request for Site Plan approval to construct a new service (gas) station, with a new drive-thru convenience store, on a vacant lot located at 7051 Garden Grove Boulevard, along with associated site and landscape improvements. Additionally, a request for Variance approval to deviate from the minimum rear setback requirement, in order to construct a trash enclosure within the rear ten-foot setback, along the northerly property line (adjacent to the SR-22 freeway). Finally, a request for Conditional Use Permit approval to allow the new convenience store to operate with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License.

BACKGROUND:

The subject property is currently an approximately 22,561 square foot vacant lot, located on the north side of Garden Grove Boulevard, west of Knott Street. The property has a General Plan Land Use Designation of Light Commercial and is zoned C-2 (Community Commercial). The property is adjacent to a PUD-105-73 Rev. 92 zoned property to the west, which is improved with an existing carwash, existing commercial business, across Garden Grove Boulevard, to the south, and the SR-22 Freeway off-ramp, to the north.

The property was previously developed with a 3,780 square foot building that was formerly occupied by Dana Custom Boats and Tempest Marine, which provided sales and service of ski boats. In 1995, the City of Garden Grove approved Site Plan No. SP-158-95 and Variance No. V-182-95, which allowed the construction of a 1,463 square foot one-story addition to the existing 3,780 square foot building, in order to operate an animal hospital, as well as variance approval to deviate from

the minimum 15-foot required landscape setback along Garden Grove Boulevard, allowing said landscape setback to be reduced to five (5) feet. Subsequent to the approval of SP-158-95 and V-182-95, the animal hospital never opened, the addition was never completed, and the lot remained unoccupied. In 1997, a demo permit was obtained and all existing improvements were removed from the property. The property has remained vacant ever since.

DISCUSSION:

SITE PLAN:

Site Design, Circulation & Floor Plan:

Due to the odd shape of the lot, added emphasis was placed on the design and layout of the overall site to ensure adequate spacing was made available to allow for proper circulation of vehicles on- and off-site.

The applicant is proposing to construct a new service (gas) station, with a new 2,685 square foot drive-thru convenience store and a 2,876 square foot canopy structure over the proposed fuel pump stations. The development standards of the C-2 zone specify a minimum front building setback, along Garden Grove Boulevard, of 15'-0", and a minimum rear setback, along the northerly property line, of 10'-0". The C-2 zone does not require a minimum interior side setback to the westerly property line for this (corner lot) site. The placement of the pad building complies with the setbacks of the C-2 zone by providing a 17'-6" front setback to the southerly property line along Garden Grove Boulevard, a 14'-0" interior side setback along the westerly property line, and a 12'-11" rear setback along the northerly property line. The placement of the canopy structure complies with the setbacks of the C-2 zone by providing a minimum setback of 26'-8" to the posts of the canopy structure, and a minimum setback of 16'-6" to the edge of the roof overhang of the canopy structure.

The interior of the 2,685 square foot drive-thru convenience store will consist of a sales area, a cashier counter, a walk-in cooler, a coffee shop area and counter, a drive-thru pick-up window, and a unisex restroom. There are no proposed interior or exterior customer dining areas.

A drive-thru lane will run along the westerly portion of the site in a "U" shape providing an extended queuing lane for vehicles. The Municipal Code requires a minimum distance of 80'-0" between the entrance of the drive-through aisle and the first menu order board, as well another 80'-0" between the menu order board and the pick-up window. The project exceeds said requirements. The extended queuing lane will ensure there be no vehicular circulation issues on- or off-site.

The project site will provide two (2) new 30'-0" wide driveway approaches along Garden Grove Boulevard. The drive-thru lane has been designed with the

placement of the westerly driveway approach in mind to allow for safe egress and vehicular circulation throughout the remainder of the site.

The site plan has been designed to provide sufficient drive aisle widths, as well as sufficient spacing in between fuel pump islands, including when vehicles are parked next to respective fuel pumps. Additionally, the site plan has been designed to provide sufficient spacing for ingress and egress to allow for truck deliveries without creating any vehicular circulation issues on- or off-site.

Parking:

For a service (gas) station with a convenience store, the Municipal Code requires a minimum of one (1) parking space per fuel pump, plus one (1) parking space per 200 square feet of gross floor area of sales area in the convenience store. The proposed project includes a 2,685 square foot convenience store, with 1,300 square feet of sales area, and twelve (12) fuel pumps. Therefore, based on the parking requirements of the Municipal Code, a minimum of nineteen (19) parking spaces are required. The proposed project provides a total twenty-five (25) parking spaces, which exceeds the minimum required equaling a surplus of six (6) parking spaces. Six (6) parking spaces will be located in front of the convenience store, the drive-thru lane for the convenience store will accommodate a queue of up to eight (8) vehicles, spacing is available adjacent to each fuel pump to accommodate up to twelve (12) parked vehicles, and three (3) parking spaces will be located at the east portion of the site.

Building Design:

The applicant has designed the convenience store and the canopy to be compatible in appearance and exterior finishes. The structures will consist of a smooth cement plaster finish and a clay tile roof.

The convenience store building incorporates the use of a main tower, in the center, with smaller complimentary tower elements around the perimeters to articulate the building's elevations. The architectural detailing on the building incorporates the use of cornice moldings, stone veneer, attached decorative wall light fixtures, varying roof lines, and exposed rafter tails.

Landscaping:

Based on the landscape requirements of the Municipal Code, the site is required to provide a minimum of 1,032 square feet of landscaping on-site, excluding any landscaping provided in required setbacks. The proposed site design will provide a total of 1,080 square feet of landscaping. In addition to the landscaping provided in all required setbacks, the site provides the minimum 250 square feet of landscaping, required by Code, at the southeast corner of the property. In total,

the site will provide 3,751 square feet of new landscaping to a site that was completely devoid of any landscaping.

Although the Municipal Code requires the front fifteen (15) feet, along Garden Grove Boulevard, to be landscaped, it should be noted that a variance (Variance No. V-182-95) was previously approved to allow a reduction of this fifteen (15) foot landscape requirement down to five (5) feet. As such, the proposed site design provides the minimum of five (5) feet of landscaping along the southerly property line, along Garden Grove Boulevard, adjacent to the exit of the drive-thru lane and between the two (2) driveway approaches to the site. Utilizing this reduced landscape setback allows for a site design that ensures adequate vehicular circulation throughout the property. At the southeast corner of the site, the site design exceeds fifteen (15) feet of landscaping.

The applicant is required to submit a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code. All planting shall be watered by means of an automatic irrigation system meeting the City's requirements for water conservation.

Signage:

All proposed signage shall adhere to Section 9.20, Sign Standards, of Title 9 of the Municipal Code, including all applicable requirements of subsection 9.20.070, sign standards for service stations. The entire site is not to exceed 250 square feet of informational and directional signage, which includes wall, canopy and freestanding signs. Furthermore, exterior advertisement displays and exterior wall advertisements are not allowed. Advertisements can only be placed on the mini-mart windows provided that the combined signage does not exceed 15% of the total window area. Signs advertising alcoholic beverages are not allowed on any windows. The applicant is required to eliminate the posted exterior advertisement display area from the project. A separate sign application will be submitted and building permit will be obtained for the proposed on-site signage.

The subject vacant site is currently improved with an existing legal nonconforming 50'-0" tall pole sign that was originally permitted and constructed in 1970. The pole sign is located at the northwest corner of the property and has a display area of 140 square feet. The applicant has expressed their intentions are to keep the legal nonconforming sign in place and will subsequently submit a formal request for permit to re-face the sign areas.

CONDITIONAL USE PERMIT:

A Conditional Use Permit is required to allow the convenience store, as part of the service (gas) station, to operate with a new Type "20" (Off-Sale, Beer and Wine) Alcoholic Beverage Control License.

CASE NOS. SP-037-2017, V-015-2017, CUP-106-2017

The new service station and the new convenience store will operate 24 hours a day. However, if problems arise, the hours of operation may be reduced as prescribed by the City.

The proposed convenience store is located in a low-crime district, and in an area of an under-concentration of Alcoholic Beverage Control off-sale licenses. A summary of the district can be found in Resolution No. 5890-17 for Conditional Use Permit No. CUP-106-2017.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for a Type "20" License will apply.

VARIANCE:

FINDINGS REQUIRED TO APPROVE VARIANCE:

In order for the proposed project to move forward, the applicant is requesting consideration of a Variance from 9.16.040.010.A.1 of Title 9 of the Municipal Code for a deviation to the minimum rear setback requirement for corner lots, which is 10'-0" minimum to the northerly property line, along the SR-22 freeway right-of-way, in order to allow the placement and construction of a new trash enclosure within the rear setback by providing a 0'-0" setback.

Pursuant to State law and Garden Grove Municipal Code Section 9.32.030.D.6, in order to grant a property owner's request for a Variance, the Planning Commission must make each of the following five (5) findings:

1. That 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.

The subject lot has a very odd and unique shape which severely limits the ability to comply with applicable development standards of the C-2 zone, such as, but not limited to setbacks, landscape requirements, parking requirements, and vehicular and pedestrian circulation throughout the site. Most lots in the City have a standard rectangular shape which are conducive to compliance with said development standards. The odd shape of the subject lot is an exceptional or extraordinary circumstance or condition applicable to the subject property and to the intended use and development of the property that does not apply generally to other property in the same vicinity, or of the same zone in the City. Additionally, many C-2 zoned properties in the City directly abut sensitive uses such as schools, residences, and parks. The intent of the minimum 10'-0" rear setback requirement is to

provide a buffer from commercial structures to such sensitive uses. However, the subject property does not abut any sensitive uses to the north, west, east, or south. To the rear, where a minimum 10'-0" rear setback is required, the property abuts the SR-22 freeway right-of-way, which is not a sensitive area. The proposed variance is necessary to allow the new trash enclosure to encroach the rear setback. With exception to the Variance request allowing the trash enclosure to encroach the rear setback, the other proposed structures exceed the minimum 10'-0" rear setback requirement by providing 12'-11" to the convenience store and 14'-6" to the edge of the roof of the canopy structure.

2. That such 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.

There are other similar properties in the immediate vicinity, within the same zone, or other similar zoned properties throughout the City, that have existing structures which do not provide the minimum 10'-0" rear setback, as required by the Municipal Code. 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 on other similar properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City. With exception to the requested Variance to deviate from the minimum rear setback requirement, the proposed project complies with all other development standards of the zone.

3. That 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.

Approval of this Variance will allow the site to be improved and developed, which has been vacant since 1997, and provide an additional amenity to the community as a pedestrian friendly and oriented service (gas) station establishment with accompanying convenience store. Provided the project complies with the Conditions of Approval, the approval of the Variance will not create an adverse effect on the public welfare or to properties or improvements in such vicinity and zone in which the property is located. The project has been designed to meet all development standards of the zone including design components such as, but not limited to: minimum parking requirements, minimum landscaping requirements, an extended drive-thru queuing lane, compliance all ADA (Americans with Disabilities Act) requirements, and the provision on-site bike racks. The subject property abuts the SR-22 freeway right-of-way, which is not a sensitive use/area. Therefore, the proposed Variance, to deviate from the rear setback, along the northerly property line, adjacent to the SR-22 freeway right-of-way, 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. That the granting of such Variance will not adversely affect the City's General Plan.

The proposed use is consistent with the intent of the General Plan and the zoning classification as service (gas) stations are permitted in the C-2 (Community Commercial) zone. 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 service (gas) station, with convenience store, will improve the vacant lot, will complement neighboring uses, and will further Goal LU-6 of the General Plan to develop underutilized properties with a suitable development.

5. That 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.


Provided the Conditions of Approval are adhered to for the life of the project, approval of the subject Variance will not grant a special privilege that is inconsistent with the limitations upon other properties located within the vicinity or zone in which the subject property is situated. In addition, pursuant to Condition of Approval No. 2, the rights granted to the applicant pursuant to Variance No. V-015-2017, shall continue in effect for only so long as the nature and character of the use operating on-site remain the same as at the time of approval of the subject Variance. In the event the nature or character of the use on-site materially changes, Variance No. V-015-2017 shall cease to be effective or to grant the applicant any rights to continue to operate the described use on-site. Any future uses on the Site different from the current described use will be required to comply with all applicable standards of the Garden Grove Municipal Code, and the applicant may not rely on this Variance as a basis for an approval to deviate from the minimum rear setback with such future uses.

Staff believes the record contains sufficient facts to support approval of the applicant's Variance request. Accordingly, Staff has prepared for the Planning Commission's consideration a draft resolution approving the proposed Variance request, subject to the specified Conditions of Approval.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Approve Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, subject to the recommended Conditions of Approval.



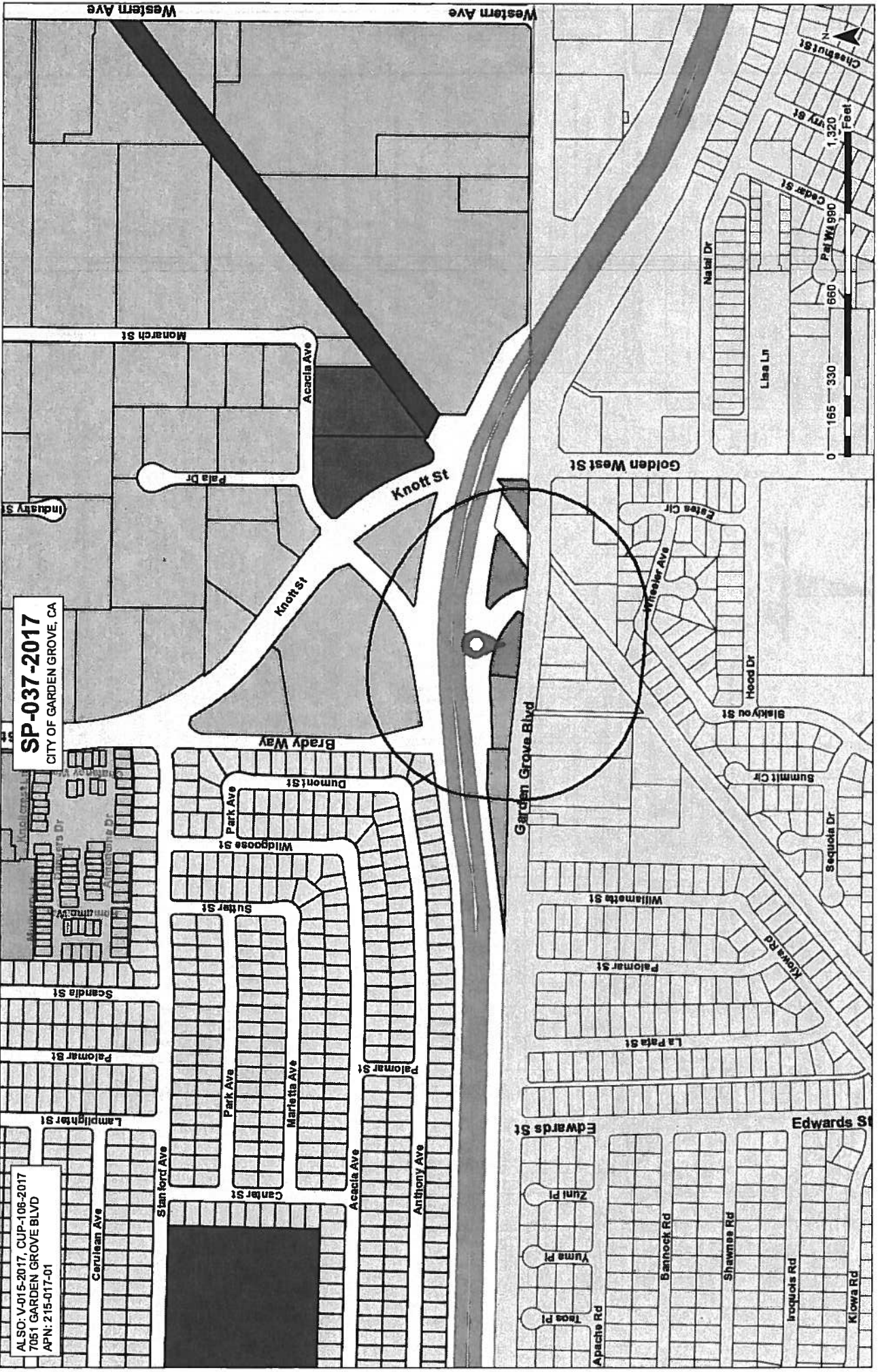
LEE MARINO
Planning Services Manager



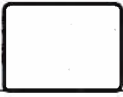
By: Chris Chung
Associate Planner

ALSO: V-015-2017, CUP-105-2017
7051 GARDEN GROVE BLVD
APN: 215-017-01

SP-037-2017
CITY OF GARDEN GROVE, CA



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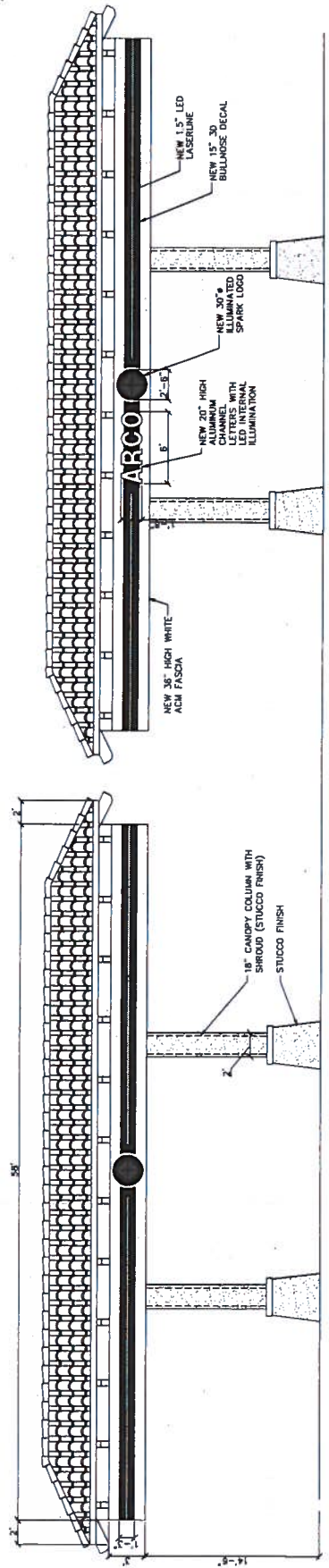


PLANS PREPARED BY:
A & S ENGINEERING INC.
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 1515 W. HIGHWAY 99, SUITE 200
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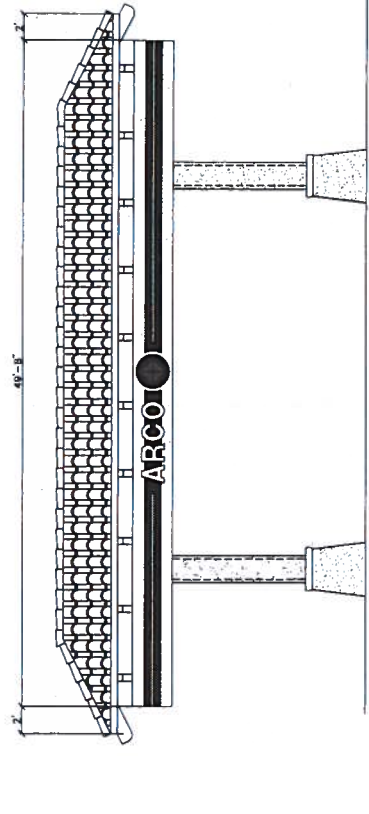
INDEPENDENT
 STORE # 7051 GARDEN GROVE BOULEVARD
 GARDEN GROVE, CA 92841

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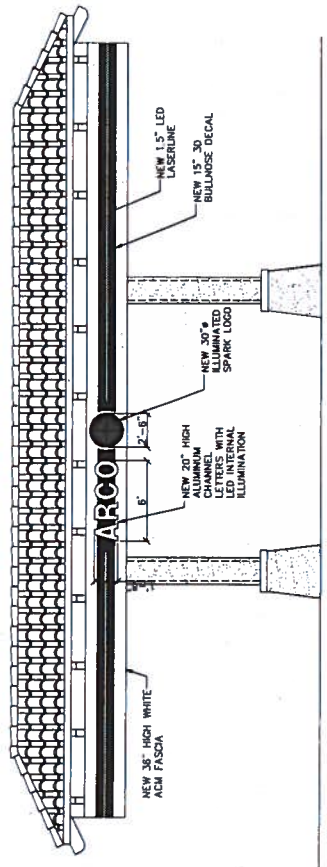
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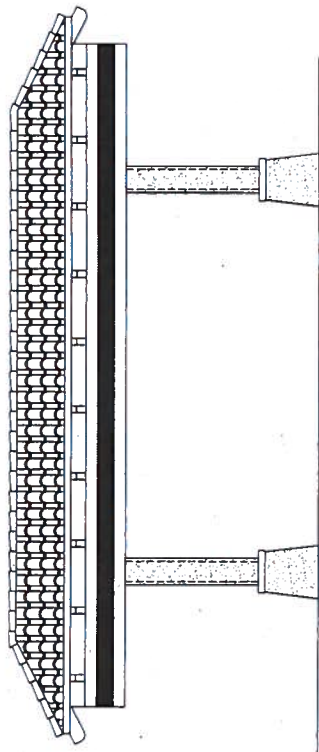
2.1 NORTH CANOPY ELEVATION (PROPOSED)
 A1 / SCALE: 1/4" = 1'-0"



2.3 EAST CANOPY ELEVATION (PROPOSED)
 A1 / SCALE: 1/4" = 1'-0"



2.2 SOUTH CANOPY ELEVATION (PROPOSED)
 A1 / SCALE: 1/4" = 1'-0"



2.4 WEST CANOPY ELEVATION (PROPOSED)
 A1 / SCALE: 1/4" = 1'-0"

RESOLUTION NO. 5890-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-037-2017, VARIANCE NO. V-015-2017, AND CONDITIONAL USE PERMIT NO. CUP-106-2017, FOR A PROPERTY LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF KNOTT STREET, AT 7051 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 215-017-01.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, for the construction of a new service (gas) station, with a new drive-thru convenience store, along with associated site and landscape improvements, (the "Project") for property located on the north side of Garden Grove Boulevard, west of Knott Street, at 7051 Garden Grove Boulevard, Assessor's Parcel No. 215-017-01.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Rosa Estella Bermeo.
2. The applicant is requesting Site Plan approval to construct a new service (gas) station, with a new drive-thru convenience store, on a vacant lot located at 7051 Garden Grove Boulevard, along with associated site and landscape improvements. Additionally, a request for Variance approval to deviate from the minimum rear setback requirement, in order to construct a trash enclosure within the rear ten-foot setback, along the northerly property line (adjacent to the SR-22 freeway). Finally, a request for Conditional Use Permit approval to allow the new convenience store to operate with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License.
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(c) (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303).
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-2 (Community Commercial). The subject property is currently an approximately 22,561 square foot vacant lot, located on the north side of Garden Grove Boulevard, west of Knott Street.
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 3, 2017, 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 3, 2017, 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 9.32.030 are as follows:

FACTS:

The subject property is currently an approximately 22,561 square foot vacant lot, located on the north side of Garden Grove Boulevard, west of Knott Street. The property has a General Plan Land Use Designation of Light Commercial and is zoned C-2 (Community Commercial). The property is adjacent to a PUD-105-73 Rev. 92 zoned property to the west, which is improved with an existing carwash, existing commercial business, across Garden Grove Boulevard, to the south, and the SR-22 Freeway off-ramp, to the north.

The property was previously developed with a 3,780 square foot building that was formerly occupied by Dana Custom Boats and Tempest Marine, which provided sales and service of ski boats. In 1995, the City of Garden Grove approved Site Plan No. SP-158-95 and Variance No. V-182-95, which allowed the construction of a 1,463 square foot one-story addition to the existing 3,780 square foot building, in order to operate an animal hospital, as well as variance approval to deviate from the minimum 15-foot required landscape setback along Garden Grove Boulevard, allowing said landscape setback to be reduced to five (5) feet. Subsequent to the approval of SP-158-95 and V-182-95, the animal hospital never opened, the addition was never completed, and the lot remained unoccupied. In 1997, a demo permit was obtained and all existing improvements were removed from the property. The property has remained vacant ever since.

The subject mini-mart is located in a low-crime district, and is located in an area with an under-concentration of Alcoholic Beverage Control Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 34.
- The crime count for the District is 67.
- Average crime count per district in the City is 85.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 21% below the citywide average; therefore, it is not considered a high-crime area.

- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 1100.04.
- ABC Census Reporting District No. 1100.04 allows for two (2) off-sale licenses within the District. Currently, there are zero off-sale licenses in the District. The approval of this CUP will increase the number of off-sale ABC Licenses in the District to a new total of one (1).

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 project has a General Plan land use designation of Light Commercial and is zoned C-2 (Community Commercial). The project complies with the land use designation and the zoning requirements for the property. With the exception of the Variance request to deviate from the minimum rear setback requirement, the proposed project has been designed within the parameters of the C-2 zone and Section 9.16.020.050.AY (Service Station, Special Operating Conditions and Development Standards) of Title 9 of the Municipal Code. The placements of the structure, the site design, the parking lot and drive-thru 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.

A drive-thru lane will run along westerly portion of the site in a "U" shape providing an extended queuing lane for vehicles. The Municipal Code requires a minimum distance of 80'-0" between the entrance of the drive-thru aisle and the first menu order board, as well another 80'-0" between the menu order board and the pick-up window. The project exceeds said requirements. The extended queuing lane will ensure there be no vehicular circulation issues on- or off-site.

The project site will provide two (2) new 30'-0" wide driveway approaches along Garden Grove Boulevard. The drive-thru lane has been designed with the placement of the westerly driveway approach in mind to allow for safe egress and vehicular circulation throughout the remainder of the site.

The site plan has been designed to provide sufficient drive aisle widths, as well as sufficient spacing in between fuel pump islands, including when

vehicles are parked next to respective fuel pumps. Additionally, the site plan has been designed to provide sufficient spacing for ingress and egress to allow for truck deliveries without creating any vehicular circulation issues on- or off-site.

Furthermore, the City's Traffic Engineering Division and the Fire Department have also reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to surrounding streets.

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 property is not located in a sewer deficiency area. The Public Works Department has incorporated conditions of approval to mitigate potential impacts to the sewer system.

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

The project is located in an area with both commercial and residential uses. The proposed project is consistent with the surrounding area and compatible with the existing uses on the properties. The design of the proposed development will ensure a reasonable degree of compatibility with adjacent developments.

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 to consider building appearance, building placement, landscaping, and other amenities in order to create an attractive and pedestrian oriented environment. All landscaped areas are required to adhere to the landscaping requirements of Title 9 of the Municipal Code. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of all landscaping will be achieved.

VARIANCE:

1. 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.

The subject lot has a very odd and unique shape which severely limits the ability to comply with applicable development standards of the C-2 zone, such as, but not limited to setbacks, landscape requirements, parking requirements, and vehicular and pedestrian circulation throughout the site. Most lots in the City have a standard rectangular shape which are conducive to compliance with said development standards. The odd shape of the subject lot is an exceptional or extraordinary circumstance or condition applicable to the subject property and to the intended use and development of the property that does not apply generally to other property in the same vicinity, or of the same zone in the City. Additionally, many C-2 zoned properties in the City directly abut sensitive uses such as schools, residences, and parks. The intent of the minimum 10'-0" rear setback requirement is to provide a buffer from commercial structures to such sensitive uses. However, the subject property does not abut any sensitive uses to the north, west, east, or south. To the rear, where a minimum 10'-0" rear setback is required, the property abuts the SR-22 freeway right-of-way, which is not a sensitive area. The proposed variance is necessary to allow the new trash enclosure to encroach the rear setback. With exception to the Variance request allowing the trash enclosure to encroach the rear setback, the other proposed structures exceed the minimum 10'-0" rear setback requirement by providing 12'-11" to the convenience store and 14'-6" to the edge of the roof of the canopy structure.

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 property in question.

There are other similar properties in the immediate vicinity, within the same zone, or other similar zoned properties throughout the City, that have existing structures which do not provide the minimum 10'-0" rear setback, as required by the Municipal Code. 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 on other similar properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City. With exception to the requested Variance to deviate from the minimum rear setback requirement, the proposed project complies with all other development standards of the zone.

3. The 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.

Approval of this Variance will allow the site to be improved and developed, which has been vacant since 1997, and provide an additional amenity to the community as a pedestrian friendly and oriented service (gas) station establishment with accompanying convenience store. Provided the project complies with the Conditions of Approval, the approval of the Variance will not create an adverse effect on the public welfare or to properties or improvements in such vicinity and zone in which the property is located. The project has been designed to meet all development standards of the zone including design components such as, but not limited to: minimum parking requirements, minimum landscaping requirements, an extended drive-thru queuing lane, compliance all ADA (Americans with Disabilities Act) requirements, and the provision on-site bike racks. The subject property abuts the SR-22 freeway right-of-way, which is not a sensitive use/area. Therefore, the proposed Variance, to deviate from the rear setback, along the northerly property line, adjacent to the SR-22 freeway right-of-way, 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 the Variance will not adversely affect the General Plan.

The proposed use is consistent with the intent of the General Plan and the zoning classification as service (gas) stations are permitted in the C-2 (Community Commercial) zone. 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 service (gas) station, with convenience store, will improve the vacant lot, will complement neighboring uses, and will further Goal LU-6 of the General Plan to develop underutilized properties with a suitable development.

5. 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.

Provided the Conditions of Approval are adhered to for the life of the project, approval of the subject Variance will not grant a special privilege that is inconsistent with the limitations upon other properties located within the vicinity or zone in which the subject property is situated. In addition, pursuant to Condition of Approval No. 2, the rights granted to the applicant pursuant to Variance No. V-015-2017, shall continue in effect for only so long

as the nature and character of the use operating on-site remain the same as at the time of approval of the subject Variance. In the event the nature or character of the use on-site materially changes, Variance No. V-015-2017 shall cease to be effective or to grant the applicant any rights to continue to operate the described use on-site. Any future uses on the Site different from the current described use will be required to comply with all applicable standards of the Garden Grove Municipal Code, and the applicant may not rely on this Variance as a basis for an approval to deviate from the minimum rear setback with such future uses.

CONDITIONAL USE PERMIT:

1. That the proposed use will be consistent with the City's adopted General Plan and redevelopment plan.

The site has a General Plan Land Use Designation of Light Commercial and is zoned C-2 (Community Commercial). Service (gas) stations, with alcohol sales, for off-site consumption, are conditionally permitted uses in the C-2 zone. Provided that the conditions of approval are complied with, the use is consistent with the General Plan.

2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The proposed service station, with convenience store, use will be consistent and compatible with the existing uses in the area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site. The proposed development will be similar to the existing uses in the vicinity of the site. With exception of the requested Variance regarding the minimum rear setback requirement for corner lots in the C-2 zone; the project has been designed to comply with all development standards for the zone. Provided that the project adheres to the conditions of approval, the project will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site.

The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. With exception to the requested Variance regarding the minimum rear setback requirement for corner lots in the C-2 zone, the project has been designed to comply with all development standards for the zone. The City's Departments have reviewed the plan, and all appropriate conditions of approval have been incorporated. The conditions of approval will ensure the public health, safety, and welfare.

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The proposed site is adequate in size and shape to accommodate the required yards, walls, loading facilities, landscaping and other development standards required by the Municipal Code.

4. That the proposed site is adequately served: by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

Adequate parking and vehicular access are available for the subject site in accordance with the requirements of Title 9. The proposal has been reviewed by City Departments responsible for traffic, water services, environmental services, and safety. These Departments have determined that the site for the proposed service (gas) station will be adequately served by existing infrastructure, circulation, and other facilities to allow its operation.

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, Variance, and Conditional Use Permit 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-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017.

EXHIBIT "A"

**Site Plan No. SP-037-2017
Variance No. V-015-2017
Conditional Use Permit No. CUP-106-2017**

7051 Garden Grove Boulevard

CONDITIONS OF APPROVAL

General Conditions

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval. 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, Rosa Estella Bermeo, 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.
2. Approval of this Site Plan, Variance and Conditional Use Permit 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.
3. Minor modifications to the Site Plan 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
4. The approved site plan, floor plan, and use of the subject property, as represented by the Applicant, are an integral part of the decision approving this Site Plan, Variance, and Conditional Use Permit. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.

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

Public Works Engineering Division

6. The applicant shall be subject to Traffic Mitigation 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 amounts of said fees shall be calculated based on the City's current fee schedule in effect at the time of permit issuance.
7. A separate street permit is required for work performed within the public right-of-way.
8. Separate Grading/Street improvement plans shall be prepared by a registered Civil Engineer. 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. Street improvement plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
9. 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.
10. Prior to issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.

- b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - g. Provide notice by recordation of the plan with the County Recorder's office to all future owners that said plan is bound in perpetuity to the property.
11. 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 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 WQMP.
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite.
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
 - e. Record the plan with the County Recorder's office and forward the recorded document to the City of Garden Grove Engineering Division.
12. Prior to the issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.

13. All trash container areas shall meet the following requirements:
 - a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash;
 - b. Provide solid roof or awning to prevent direct precipitation into the enclosure;
 - c. Provide a drain to a sanitary waste line. Connection of trash area drains to the municipal storm drain system is prohibited;
 - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
 - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information;
 - f. The trash enclosure(s) shall be located to allow pick-up and maneuvering, including turnarounds, in the areas of the enclosures;
 - g. Trash storage enclosure(s) shall be constructed in accordance with City of Garden Grove Standard Plan B-502.
14. Prior to issuance of a grading permit, the applicant shall design overhead parking lot and pathway lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the grading plan.
15. The applicant shall construct both entrances to the development per City of Garden Grove Standard Plan B-120 with a conforming ADA landing and pathways where public and private sidewalks intersect. All designs must conform to latest ADA standards.
16. No parallel curb parking shall be permitted anywhere on-site.
17. The grading/horizontal control plan shall provide an approximately 80 feet or four (4) vehicle lengths between the service window and order board and additional 80 feet or four (4) vehicle lengths of queuing distance behind the order board in conformance with the queuing requirements of City of Garden Grove Standard Plan B-312.
18. The applicant shall provide the City with an encroachment permit from Caltrans for setting up construction equipment or performing any type construction activity within Caltrans right of way on north side of the property.

19. Any new or required block walls and/or retaining walls shall be shown on the grading plans with a minimum height of 6 feet from the highest finished grade unless approved for lower height by the Planning Services Division. Cross sections shall be provided on the grading plan showing vertical and the horizontal relations of improvements and the property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer.
20. The grading plan shall provide an accessibility route(s) from entries on the buildings to the public street for the ADA pathways in conformance with the requirements of the department of justice standards latest edition with a minimum allowable width of 48-inches.
21. Applicant to coordinate the location of all new water meters to be replaced in sidewalk area on Garden Grove Boulevard with Planning Services Division and the Water Services Division.
22. Any proposed new landscaping in public right-of-way shall be approved by Planning Services Division.
23. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
24. Orange County Storm Water Program Manual requires all contractors to provide a dumpster onsite during construction unless an Encroachment Permit is obtained for placement on Street.
25. Prior to issuance of a building permit, the applicant shall design and construct street frontage improvements as identified below:

Garden Grove Boulevard

- a. The existing driveway approaches fronting the property along Garden Grove Boulevard shall be removed and curb and gutter and sidewalk shall be constructed in accordance with City Standard.
- b. New 8-inch curb and gutter shall be constructed replacing the existing driveways at 32-feet from the center line of Garden Grove Boulevard according to City of Garden Grove Standard Plan B-113 (Type C-8).
- c. Remove the existing driveway aprons on Garden Grove Boulevard and construct new 8-foot sidewalk adjacent to the existing street curb, matching existing sidewalk improvements to the immediate west of Garden Grove Boulevard per City Standard Plan B-106.

- d. The applicant to coordinate the relocation of two power poles on Garden Grove Boulevard with SCE and other utility owners prior to start of street improvement construction.

Public Works Water Services Division

26. The subject location is serviced by and located within the Golden State Water Company service area, and is not serviced by Garden Grove Water Services. The applicant shall coordinate with the Golden State Water Company for all applicable and necessary water services and improvements.
27. The subject location is located within the Midway City Sanitary District's Service area, and does not tie into the Garden Grove Sanitary District sewer system. The applicant shall contact Midway City Sanitary District for all applicable and necessary sewer services and improvements, and shall ensure compliance with all Midway City Sanitary District regulations.

Fire Department

28. Project will be evaluated for compliance with California Fire Code (CFC) for dispensing of fuel and propane.

Police Department

29. There shall be no gaming tables or gaming machines as outlined in City Code Sections 8.20.010 and 8.20.050 on the premises at any time.
30. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
31. All pay phones located adjacent to the premises shall be limited to out-going calls only. This condition shall be complied within 30 days following approval of this application.
32. There shall be no alcohol sales between the hours of 2:00 a.m. and 6:00 a.m.

Community and Economic Development Department

33. The approved site plan and floor plan are an integral part of the decision approving this Site Plan, Conditional Use Permit, and Variance. There shall be no additional changes in the design of the floor plan without the approval of the Community and Economic Development Department, Planning Services Division. Any additional changes in the approved floor plan, which have the

effect of expanding or intensifying the present use, shall require obtaining the proper entitlement(s).

34. The hours of operation for the service station and the convenience store shall be permitted 24 hours a day, seven (7) days a week. In the event that problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Chief of the Police Department.
35. The sale of alcoholic beverages for on-site consumption on the premises is prohibited.
36. No outside display of merchandise shall be permitted at any time.
37. A prominent, permanent sign, stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES," shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the store's entrance, and shall also be visible to the public.
38. Any adult merchandise (books, magazines, videos) shall be kept under the control of the management, behind the cashier's counter, and must be segregated and screened from minors.
39. There shall be no pool tables or incidental amusement devices on the premises at any time.
40. There shall be no uses or activities of an adult-oriented nature permitted as outlined in City Code Section 9.08.070.
41. Deliveries may occur during all hours of the day. Delivery trucks shall be shut off and shall not remain idle during deliveries. However, in the event problems arise where the delivery hours need to be reduced or restricted in order to minimize noise issues, the operator shall modify the delivery hours as prescribed by the City.
42. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
43. Graffiti shall be removed, from the premises and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification.

44. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
45. Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
46. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows or on exterior of the building.
47. Exterior advertisements displays or exterior wall advertisements shall not be allowed.
48. All signs shall comply with Section 9.16.370, Service Station Signs, of Title 9 of the Municipal Code. The entire site shall be limited to 250 square feet of information and directional signage, which includes all wall, canopy and freestanding signs. All signs require a separate permit and shall be installed in accordance with the provision of the sign ordinance. A detailed signage program governing the entire site that includes that height, size, color and locations of all signs, shall be approved by the Community and Economic Development Department, Planning Services Division prior to installation. All exterior wall signage shall be comprised of individual channel letters.
49. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
 - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays may work the same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
50. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, using electricity from power poles rather than diesel or gasoline powered generators, and using methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, using solar or low-emission water heaters, and using low-sodium parking lot lights, to ensure compliance with Title 24.

51. The property owner shall comply with the adopted City Noise Ordinance. During permitted hours of operation, noise generated by the operation shall not exceed 55 dBA as measured at the boundaries of the property lines.
52. The applicant shall install air and water dispensers in an area convenient for customers on the property. The proposed location of the air and water dispensers shall be reviewed and approved by the Planning Services Division.
53. The project, including building plans, grading and development plans, and all construction activity shall comply with the 2016 Edition of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, as adopted by the City of Garden Grove.
54. The convenience store building shall be solar ready per California Energy Code.
55. Short-term bicycle parking shall be provided per California Green Code.
56. Outdoor main switch board requires enclosure per California Electrical Code.
57. As a part of the finalized working drawings for the Planning Services Division, Engineering Division and Building Services Division, the developer shall submit a detailed and dimensioned plot plan, floor plans, exterior elevations, and landscape plans that reflect the above conditions of approval. The plans shall indicate landscape materials, wall materials and building materials proposed for the project.
58. 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 ground lighting system. Lighting in the common and parking areas shall be directed, positioned or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences. Parking area lighting shall be provided during the hours of darkness the establishment is open at a minimum of two-foot candles of light, and one-foot candle of light during all other hours of darkness.
59. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Division, for review and approval prior to submittal of plans for Building Division, Plan Check. The project shall also be subject to the following:
 - a. 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.

- b. No roof or wall mounted mechanical equipment shall be permitted unless the Planning Services Division approves a method of screening complementary to the architecture of the building, prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets, including the surrounding properties.
60. The applicant shall submit a complete landscape plan governing the entire development for review and approval by the Community and Economic Development Department prior to building permit issuance. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code, including the City's Water Efficiency Guidelines, as well as recently adopted provisions by the State of California concerning drought tolerant landscape measures. Said plan shall include type, size, location and quality of all plant material. This includes enhanced landscaping for the walkway areas. The plan shall include an irrigation plan, and staking and planting specification. The landscape plan is subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 - b. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscape plan in order to ensure proper landscape screening and will be provided around each of these equipment/apparatus.
 - c. The applicant shall be responsible for the installation and maintenance of all landscaping on the property during and after the construction period. Said responsibility shall extend to within the public right-of-way.
 - d. 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%) may be of any size. All proposed trees shall be non-fruit bearing, evergreen trees that require minimal maintenance.
 - e. No trees shall be planted closer than five feet (5') from the public right-of-way. Trees planted within fifteen feet (15') of any public right-of-way shall be planted in a root barrier shield. All landscaping

along street frontages, adjacent to driveways, shall be of the low-height variety to ensure safe sight clearance.

61. 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 CEQA.
62. No exterior piping, plumbing, roof top access ladders, or mechanical ductwork shall be permitted on any exterior facade and/or be visible from any public right-of-way or adjoining property.
63. 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.
64. All driveway approaches shall be treated with decorative stamped concrete or interlocking pavers or other enhanced treatment, excluding scored and/or colored concrete. Color, pattern and material shall be approved by the Community and Economic Development Department, Planning Services Division, and shall be shown on the final site plan and the grading plan.
65. All on-site curbs, not associated with a parking space, shall be painted red.
66. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:
 - a. There shall be no business activities, or storage permitted outside of the building. All business related equipment and material shall be kept inside the building except for loading or unloading purposes.
 - b. Property owners, employees, and business operators shall not store vehicles anywhere on the site.
 - c. The trash enclosure shall match the color and material type used for the block walls and shall be gated. The trash bins shall be kept inside the trash enclosure, and gates closed at all times except during disposal and pick-up. The property owner shall provide sufficient trash bins and pick-up to accommodate the site. The trash shall be picked up at least once per week.
 - d. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
67. The proposed development shall comply with all applicable provisions of the Garden Grove Local Implementation Plan (LIP), including but not limited to, providing a Water Quality Management Plan (WQMP) and Section 7

- addressing reducing water run-off from the site (e.g. directing roof rain gutter's downspouts to permeable areas such as landscape planters).
68. The applicant shall work with the Planning Services Division to ensure that the proposed building colors are appropriate, and not overly bright. The applicant shall submit the actual chip samples of the proposed paint colors to the Planning Division for review and approval.
 69. In the event problems arise where the hours of operation need to be reduced in order to minimize problems, the operator shall change the hours of operation as prescribed by the City.
 70. A copy of the resolution including the conditions approving Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, shall be kept on the premises at all times.
 71. The Conditional Use Permit may be called for review by City staff, the City Council, Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other city department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
 72. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017, and his/her agreement with all conditions of the approval.
 73. The Conditional Use Permit may be reviewed one year from the date of this approval, and every three (3) years thereafter in order to determine if the business is operating in compliance.
 74. The building shall comply with California Building Standards Code.
 75. 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-037-2017, Variance No. V-015-2017, and Conditional Use Permit No. CUP-106-2017. 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.

76. It shall be the applicant's responsibility to verify that any building or site improvements do not cross over, encroach into, or cause issue with any recorded easements on the subject property or the adjacent properties.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.3.	SITE LOCATION: Business Center Parkway Between Corporate Drive and Euclid Street
HEARING DATE: August 3 2017	GENERAL PLAN: N/A
CASE NO. SNC-002-2017	ZONE: PUD 104-81 (COMMERCIAL, INDUSTRIAL)
APPLICANT: City of Garden Grove	APN: N/A
OWNER: N/A	CEQA DETERMINATION: Exempt

REQUEST:

A request from Emperor Quang Trung Statue Committee to rename Business Center Parkway to Nguyen Hue Avenue.

BACKGROUND:

Staff received a request that Business Center Parkway be renamed Nguyen Hue Avenue from Corporate Drive to Euclid Street, which is the entire extent of Business Center Parkway. The proposed street name is the formal name of Emperor Quang Trung. A statue of the Emperor is currently being constructed at the northwest corner of Euclid Street and Business Center Parkway.

DISCUSSION:

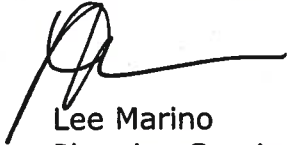
The subject area is approximately 350' long and there are currently no addresses on Business Center Parkway. Staff has notified all properties within 300' of the proposed street name change.

Govt. Code section 34091.1 requires a resolution of the City Council to change the name of a City street. Before the Council adopts the resolution, section 11.28.020 of the Garden Grove Municipal Code requires that the Planning Commission hold a public hearing and make a recommendation to the City Council.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Consider the matter presented, receive public input, and make a recommendation to the City Council on whether to approve renaming the subject street, Business Center Parkway, to Nguyen Hue Avenue.
- Consider the approval of a resolution recommending the City Council approve a name change for Business Center Parkway to Nguyen Hue Avenue.



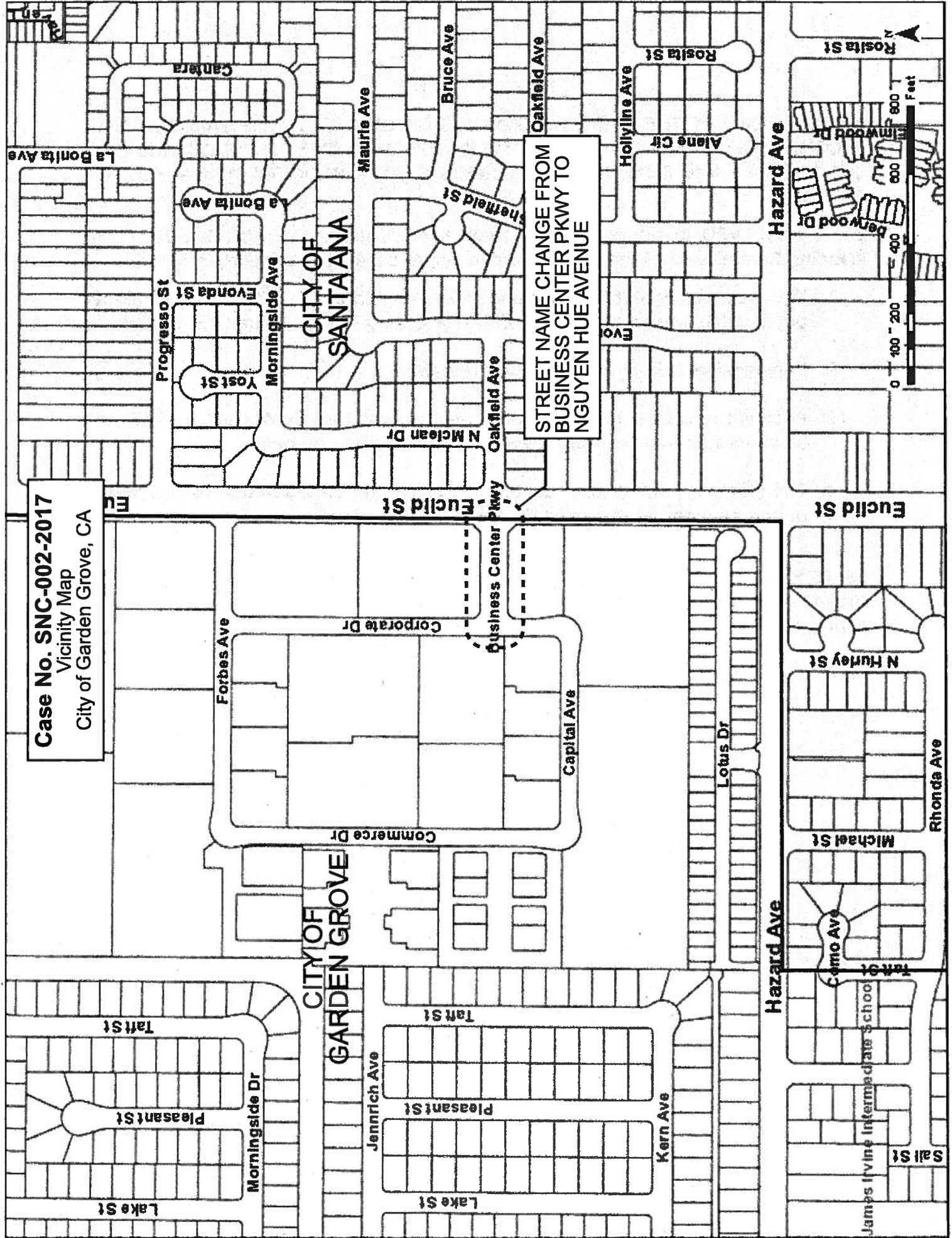
Lee Marino
Planning Services Manager



By: Dai C. Vu
Traffic Engineer

Attachment: 1. Location Map
2. Resolution

Case No. SNC-002-2017
Vicinity Map
City of Garden Grove, CA



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE STREET NAME CHANGE SNC-002-2017, A NAME CHANGE FOR BUSINESS CENTER PARKWAY TO NGUYEN HUE AVENUE.

BE IT RESOLVED in the matter of Street Name Change No. SNC-002-2017, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The proposed Street Name Change was initiated by the City of Garden Grove pursuant to a request from the Emperor Quang Trung Statue Committee.
2. Report submitted by City staff was reviewed.
3. Pursuant to a legal notice, a public hearing was held on August 3, 2017, and all interested persons were given an opportunity to be heard.
4. The Planning Commission gave due and careful consideration to the matter during its meeting of August 3, 2017.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Garden Grove, in regular session assembled on August 3, 2017, does hereby recommend approval of Street Name Change No. SNC-002-2017 to the City Council.