

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Southwest corner of Garden Grove Boulevard and Euclid Street at 11162 Garden Grove Boulevard
<b>HEARING DATE:</b> February 17, 2011	<b>GENERAL PLAN:</b> Light Commercial
<b>CASE NOS.:</b> Reinstatement of Site Plan No. SP-429-07 & Variance No. V-163-07	<b>ZONE:</b> CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44)
<b>APPLICANT:</b> Festival Management Corporation in Trust for Garden Grove 100, LLC	<b>APN:</b> 099-105-05
<b>PROPERTY OWNER:</b> Same as applicant	<b>CEQA DETERMINATION:</b> Exempt

**REQUEST:**

The applicant is requesting to reinstate the previously approved entitlements under Site Plan No. SP-429-07 and Variance No. V-163-07 for the construction of an approximately 3,400 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot with associated parking and landscape improvements, along with a Variance request for reduced building setbacks, and to develop a lot that does not meet the minimum size and street frontage requirements.

**CONTINUANCE:**

The applicant for the proposed development at 11162 Garden Grove Blvd. has requested the item to be continued to a date uncertain. The applicant has submitted a request, for the continuance, stating that they are in the process of evaluating their development options. Should the matter be brought back to the Planning Commission, it will be properly advertised and agendized appropriately.

If you have any further questions, please feel free to contact the Planning Services Division at (714) 741-5312.

Sincerely,

  
Chris Chung  
Assistant Planner

GARDEN GROVE 100, LLC  
9841 AIRPORT BLVD., SUITE 700  
LOS ANGELES, CA 90045

Aaron Swerdlow  
☎ 310/665-9657

February 9, 2011

Attn: Chris Chung  
Project Planner  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92842

RE: 11162 GARDEN GROVE BLVD, GARDEN GROVE, CA  
SWC GARDEN GROVE BLVD AND EUCLID, GARDEN GROVE, CA

Mr. Chung:

Garden Grove 100, LLC respectfully requests a continuance on the planning application for the subject property until a date uncertain. We are in the process of evaluating our development options and will notify you as soon as we are ready to continue the application approval process.

We appreciate your understanding and look forward to working with you in the near future.

Should you have any questions please contact me at 310.395-0049.

Sincerely,



Aaron Swerdlow

CC: Planning Commission  
Lee Marino – Planning Department  
Karl Hill – Planning Department  
Matt Fertal – City Manager

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Southwest corner of Garden Grove Boulevard and Euclid Street at 11162 Garden Grove Boulevard
<b>HEARING DATE:</b> January 6, 2011	<b>GENERAL PLAN:</b> Light Commercial
<b>CASE NOS.:</b> Reinstatement of Site Plan No. SP-429-07 & Variance No. V-163-07	<b>ZONE:</b> CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44)
<b>APPLICANT:</b> Festival Management Corporation in Trust for Garden Grove 100, LLC	<b>APN:</b> 099-105-05
<b>PROPERTY OWNER:</b> Same as applicant	<b>CEQA DETERMINATION:</b> Exempt

**REQUEST:**

The applicant is requesting to reinstate the previously approved entitlements under Site Plan No. SP-429-07 and Variance No. V-163-07 for the construction of an approximately 3,400 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot with associated parking and landscape improvements, along with a Variance request for reduced building setbacks, and to develop a lot that does not meet the minimum size and street frontage requirements.

**PROJECT STATISTICS:**

	<u>Provided</u>	<u>Code</u>	<u>Variance</u>
<u>Lot Size:</u>	18,263 sq. ft.	50,000 sq. ft.	Yes
<u>Street Frontage:</u>	122'-0"	200'-0"	Yes
<u>Building Setback:</u>			
Front	20'-0"	20'-0"	
Side	12'-2 1/2"	20'-0"	Yes
<u>Parking:</u>	19	17*	
<u>Building Height:</u>	27'-4"	36'-0"	

\*The Community Center Specific Plan allows for an increase of 15% in building floor area with a decrease in the number of parking spaces provided that the site is located within 750 feet of mass transit stations. The subject site is located within 750 feet of bus stops located along Garden Grove Boulevard and Euclid Street.

**BACKGROUND:**

The subject site is a vacant corner lot located at the southwest corner of Garden Grove Boulevard and Euclid Street and is approximately 18,263 square feet in size. The property has a General Plan Land Use designation of Light Commercial and is zoned CCSP-CC44 (Community Center Specific Plan - Community Commercial District 44). The properties to the south and west are zoned CCSP-CC44 and are developed with a multi-tenant commercial center that includes the Dalat Supermarket. The property to the north, across Garden Grove Boulevard, is zoned CCSP-MX33 (Community Center Specific Plan - Mixed Use District 33) and is developed as an educational center that includes the Concorde Career Institute and the University of La Verne Orange County Campus. The property to the east, across Euclid Street, is zoned CCSP-CCO45 (Community Center Specific Plan - Community Center Office District 45) and is developed with a multi-tenant office building.

At the September 6, 2007 Planning Commission meeting, the subject application was continued to allow time for the applicant to revise the design of the project in order to address concerns that were raised during the meeting. The applicant had revised the project as follows:

1. The building had been reduced in size from 3,812 square feet to 3,400 square feet.
2. With the reduced building size, the City Code and the Community Center Specific Plan requires a total of 17 parking spaces. A total of 19 parking spaces are provided, which exceeds the minimum Code requirement by two.
3. The original plans proposed dividing the building into three (3) tenant spaces. The revised plans proposed to divide the building into two (2) tenant spaces. The applicant indicated to staff that no more than 2,200 square feet of the building will be designated for a restaurant use; however, due to the number of parking spaces provided, any future restaurant use will be limited to 16 seats with a seating area not to exceed 300 square feet in size.
4. The plaza/patio area that was previously located adjacent to Euclid Street was omitted from the plans.
5. The setbacks adjacent to the street were revised as follows:

	<u>Originally Proposed</u>	<u>Provided</u>	<u>Code</u>	<u>Variance</u>
Front	6'-0"	20'-0"	20'-0"	No
Side	6'-6"	12'-0"	20'-0"	Yes

Based on the revised setbacks, the side setback adjacent to Garden Grove Boulevard still required Variance approval. It should be noted that until the required 10'-0" dedication area along Garden Grove Boulevard is improved by the City with the right-turn pocket, the building will maintain a 22'-0" setback along Garden Grove Boulevard.

All other aspects of the project remained as originally proposed, which included the Variance request to develop a lot that does not meet the Specific Plan's minimum lot size requirement of 50,000 square feet and the minimum lot width requirement of 200 feet. The lot size of the subject parcel is 18,263 square feet and the lot width is 122 feet after the 10'-0" dedication and corner cutoff along Garden Grove Boulevard.

In reviewing the proposed changes, staff felt that the applicant had incorporated the concerns that were raised during the September 6, 2007 public hearing and has created a more suitable project for the site.

On September 20, 2007 the Planning Commission \* approved Site Plan No. SP-429-07 and Variance No. V-163-07 to construct an approximately 3,400 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot with associated parking and landscape improvements in conjunction with a Variance request for reduced building setbacks and to develop a lot that does not meet the minimum size and street frontage requirements of the CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44) zone.

On December 4, 2008 the Planning Commission approved a one-year extension of time for the approved entitlements under Site Plan No. SP-429-07 and Variance No. V-163-07. At the time of the approval of the extension, the project remained consistent with the current zoning and the General Plan Land Use Designation of the property.

### **DISCUSSION:**

The one-year time extension approved on December 4, 2008 has since expired and the applicant is requesting to reinstate the previously approved entitlements under SP-429-07 and V-163-07. The project remains consistent with the current zoning requirements and the General Plan Land Use Designation of the property. The following documents have been attached: the original staff report, the revised staff report with the revisions to the project, the staff report for the time extension, Resolution Nos. 5612 and 5664, and the conditions of approval.

Revisions to the project, in response to the concerns addressed on the September 6, 2007 Planning Commission hearing, included revised front and side setbacks, and a reduced building size from 3,812 to 3,400 square feet which have been incorporated into the project's design. With the exception of the current plans showing the building to be divided into three (3) tenant spaces, all other aspects of the project remain as originally proposed, which includes the Variance request to develop a lot that does not meet the CCSP-CC44 zone minimum lot size requirement of 50,000 square feet and the minimum lot width of 200 feet. The submitted plans

for the reinstatement of SP-429-07 and V-163-07 show the building to be divided into three (3) tenant spaces. The applicant indicated to staff that no more than 2,200 square feet of the building would be designated for a restaurant use. Due to the number of parking spaces provided, any future restaurant use will be limited to 16 seats with a seating area not to exceed 300 square feet in size.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Reinstate the previously approved entitlements Site Plan No. SP-429-07 and Variance No. V-163-07, subject to the recommended Conditions of Approval.



Karl Hill  
Planning Services Manager



By: Chris Chung  
Assistant Planner

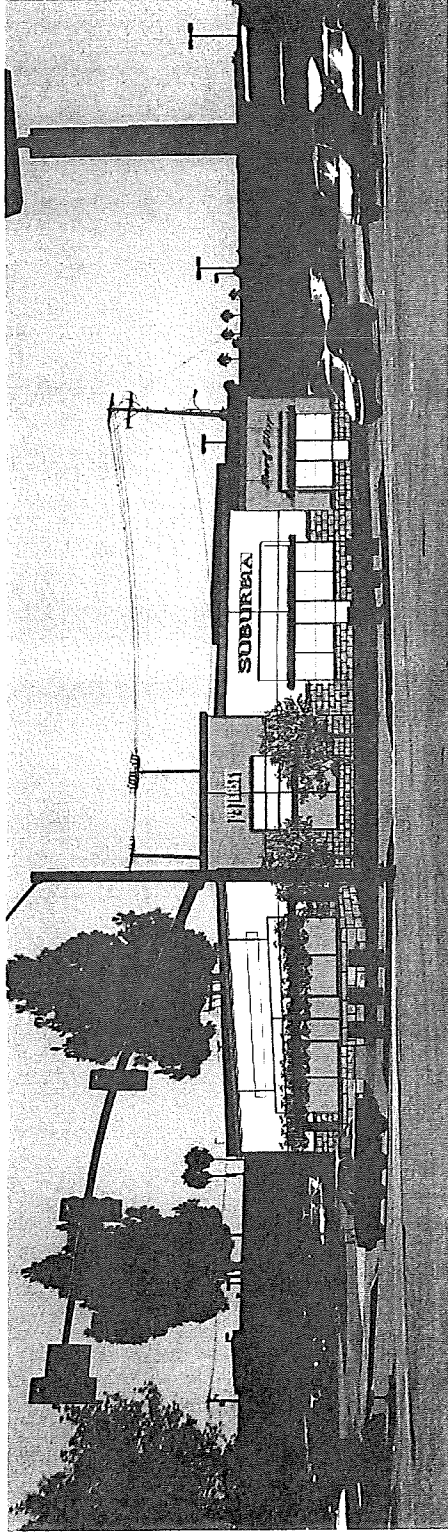
**ATTACHMENTS:**

- Attachment 1: Planning Commission Staff Report dated September 6, 2007
- Attachment 2: Original Planning Commission Resolution (No. 5612) of Approval
- Attachment 3: Original Conditions of Approval
- Attachment 4: Planning Commission Minute Excerpt dated September 6, 2007
- Attachment 5: Rev. Planning Commission Staff Report dated September 20, 2007
- Attachment 6: Rev. Planning Commission Resolution (No. 5612) of Approval
- Attachment 7: Rev. Conditions of Approval
- Attachment 8: Planning Commission Minute Excerpt dated September 20, 2007
- Attachment 9: Planning Commission Staff Report dated December 4, 2008
- Attachment 10: Planning Commission Resolution No. 5664
- Attachment 11: Planning Commission Minute Excerpt dated December 4, 2008



# GARDEN GROVE AND EUCLID RETAIL CENTER

11162 Garden Grove Boulevard  
Garden Grove, Ca



Project  
**GARDEN GROVE  
 AND EUCLID  
 RETAIL CENTER**  
 11162 Garden Grove Blvd  
 Garden Grove, Ca  
 Aaron Suedlow  
 1164 Argosy Blvd, Suite 200  
 Los Angeles, CA 90033  
 310.662.9671  
 70146



**KTGY GROUP, INC.**  
 ARCHITECTS  
 11111 WILSON BLVD, SUITE 100  
 SANTA ANTONIO, CA 78249  
 210.491.1177  
 210.491.1177  
 RETAIL STUDIO

License stamp

Prepared by: ALBERT CROFT  
 Project architect: STEVE STODARD  
 Project engineer: MARIKO ALKIN  
 Checked by: STEVE STODARD  
 Sheet title: RETAIL STUDIO

TITLE  
 SHEET

SHEET NO.  
**G-001**

### SHEET INDEX

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
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### DIRECTORY

OWNER:  
 EQUITAS INVESTMENTS  
 14111 WILSON BLVD, SUITE 100  
 SANTA ANTONIO, CA 78249  
 210.491.1177  
 210.491.1177  
 Contact: AARON SWANBLOW

ARCHITECT:  
 KTGY GROUP  
 11111 WILSON BLVD, SUITE 100  
 SANTA ANTONIO, CA 78249  
 210.491.1177  
 210.491.1177  
 Contact: MIKE FLYNN  
 E-Mail: mflynn@ktgy.com

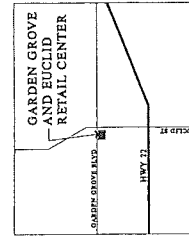
### BUILDING DATA

ZONING: C-1  
 GOVERNING CODE: 2009 BUILDING CODE  
 2009 PLUMBING CODE  
 2009 ELECTRICAL CODE  
 2009 CALIFORNIA ENERGY  
 OCCUPANCY GROUP: M & B (RESTAURANT & RETAIL USE)  
 CONTRIBUTION TYPE: NONE  
 ELEVATION: NONE

ALLOWABLE BUILDING AREA: 6000 SF  
 BASIC ALLOWABLE AREA: 6000 SF  
 SEPARATION ON 1 SIDE: 5000 SF  
 TOTAL ALLOWABLE AREA: 6000 SF  
 ACTUAL BUILDING AREA: 3,400 SF (3,400 SF < 6,000 SF + 0%)

EXISTING:  
 BUILDING: 3,400 SF (3,400 SF + 10 OCCUPANTS)  
 # OF EXITS REQUIRED: 2  
 MIN EXIT WIDTH REQUIRED: 10 X 02 + 2027/2 = 19 LIN FT  
 # OF EXITS PROVIDED: 8 (3 OF DOORS + 5 HALL ENTRANCES)

### VICINITY MAP



SP-429-07  
 REINSTATEMENT  
 V-163-07



1	12-23-2010	ISSUE FOR PERMITS
2	12-23-2010	ISSUE FOR PERMITS
3	12-23-2010	ISSUE FOR PERMITS
4	12-23-2010	ISSUE FOR PERMITS
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70	12-23-2010	ISSUE FOR PERMITS

PROJECT  
**GARDEN GROVE AND EUCLID RETAIL CENTER**  
 11162 Garden Grove Blvd  
 Garden Grove, CA

Architect  
**KITCO GROUP, INC.**  
 11162 Garden Grove Blvd  
 Garden Grove, CA 92647  
 714.942.3333

Contractor  
**70146**

Scale  
 1" = 10'-0"

Sheet No.  
**A-100**

Project Designer  
**STEVE STODDARD**

Project Engineer  
**ALBERT CROFT**

Project Manager  
**STEVE STODDARD**

Project Engineer  
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**STEVE STODDARD**

Project Engineer  
**ALBERT CROFT**

Project Manager  
**STEVE STODDARD**

**SITE PLAN KEY NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF CONCRETE AND REINFORCED CONCRETE.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF MASONRY.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF METAL DECKING.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF STEEL STRUCTURES.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF WOOD STRUCTURES.
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF SOIL REMEDIATION.
7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF EROSION CONTROL.
8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF LANDSCAPE ARCHITECTURE.
9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF UTILITIES.
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF SIGNAGE.
11. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF LIGHTING.
12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF SECURITY.
13. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF FENCING.
14. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF PAVING.
15. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF DRAINAGE.
16. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF IRRIGATION.
17. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF WATER SUPPLY.
18. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF WASTE DISPOSAL.
19. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF AIR POLLUTION CONTROL.
20. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF NOISE CONTROL.
21. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF VIBRATION CONTROL.
22. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF SEISMIC RETROFITTING.
23. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF HISTORIC PRESERVATION.
24. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ARCHITECTURAL QUALITY.
25. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ACCESSIBILITY.
26. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY EFFICIENCY.
27. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF SUSTAINABILITY.
28. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF GREEN BUILDING.
29. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF LEED CERTIFICATION.
30. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF WELL-BEING.
31. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF COMMUNITY DEVELOPMENT.
32. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ECONOMIC DEVELOPMENT.
33. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF SOCIAL JUSTICE.
34. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENVIRONMENTAL JUSTICE.
35. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF RACIAL JUSTICE.
36. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF GENDER EQUITY.
37. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF LGBTQ+ RIGHTS.
38. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ANTI-DISCRIMINATION.
39. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF HUMAN RIGHTS.
40. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF SOCIAL RESPONSIBILITY.
41. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ETHICAL BUSINESS PRACTICES.
42. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF CORPORATE CITIZENSHIP.
43. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF SUSTAINABLE INVESTING.
44. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENVIRONMENTAL, SOCIAL, AND GOVERNANCE (ESG) FACTORS.
45. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF CLIMATE CHANGE MITIGATION.
46. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF CLIMATE CHANGE ADAPTATION.
47. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF RENEWABLE ENERGY.
48. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY STORAGE.
49. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF SMART GRID TECHNOLOGY.
50. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY EFFICIENT BUILDINGS.
51. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY STAR CERTIFICATION.
52. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY AUDITS.
53. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY MONITORING AND CONTROL SYSTEMS.
54. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY PERFORMANCE RATINGS.
55. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY LABELING.
56. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY DISCOUNTS.
57. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY INCENTIVES.
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59. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY GRANTS.
60. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY LOANS.
61. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY FINANCING.
62. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY PARTNERSHIPS.
63. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY COOPERATIVES.
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65. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY NETWORKS.
66. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY ECOSYSTEMS.
67. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY INFRASTRUCTURE.
68. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY RESILIENCE.
69. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY SECURITY.
70. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF ENERGY INDEPENDENCE.

**CONSTRUCTION MONITORING**

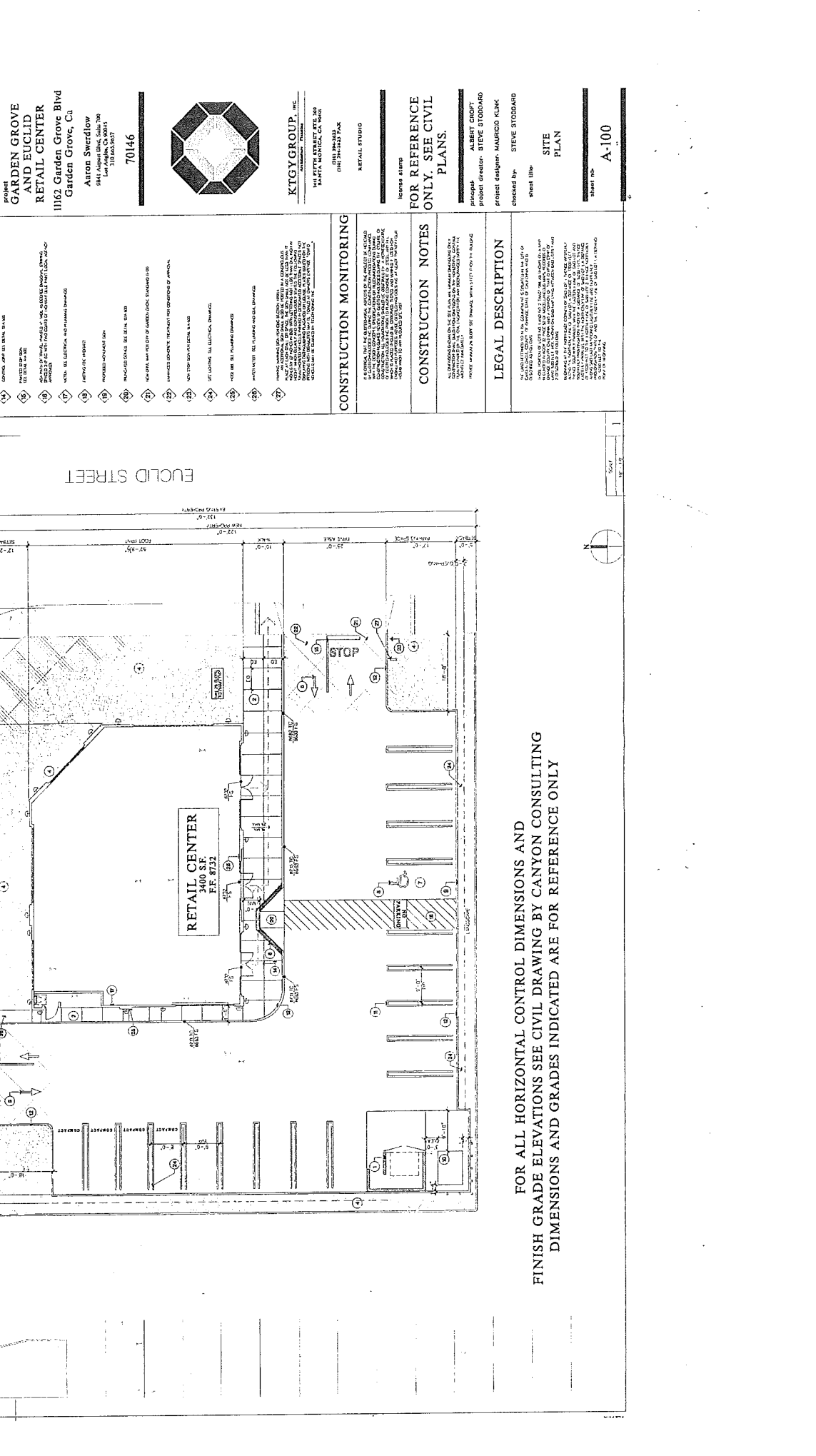
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF CONSTRUCTION MONITORING.

**CONSTRUCTION NOTES**

FOR REFERENCE ONLY. SEE CIVIL PLANS.

**LEGAL DESCRIPTION**

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR CONSTRUCTION OF LEGAL DESCRIPTION.



FOR ALL HORIZONTAL CONTROL DIMENSIONS AND FINISH GRADE ELEVATIONS SEE CIVIL DRAWING BY CANYON CONSULTING DIMENSIONS AND GRADES INDICATED ARE FOR REFERENCE ONLY



SCALE  
 1" = 10'-0"



No.	Date	Issue / Description
1	08/11/2011	ISSUE FOR PERMITS
2	08/11/2011	ISSUE FOR PERMITS
3	08/11/2011	ISSUE FOR PERMITS
4	08/11/2011	ISSUE FOR PERMITS
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50	08/11/2011	ISSUE FOR PERMITS

CONSULTANT

PROJECT  
**GARDEN GROVE  
 AND EUCLID  
 RETAIL CENTER**  
 1162 Garden Grove Blvd  
 Garden Grove, Ca

Architect  
**Astron Swardlow**  
 9441 Avenida Santa Ana  
 Los Angeles, CA 90045  
 310.555.5557



KTGY GROUP, Inc.  
 111 PAVILION STREET, STE. 300  
 SANTA MONICA, CA 90401  
 310.312.2323  
 WWW.KTGYGROUP.COM

license stamp

principal: ALBERT CROFT  
 project director: STEVE STODDARD  
 project engineer: MAURICIO KLUNK  
 checked by: STEVE STODDARD  
 sheet title: ROOF PLAN

sheet no: A-131

KEY NOTES

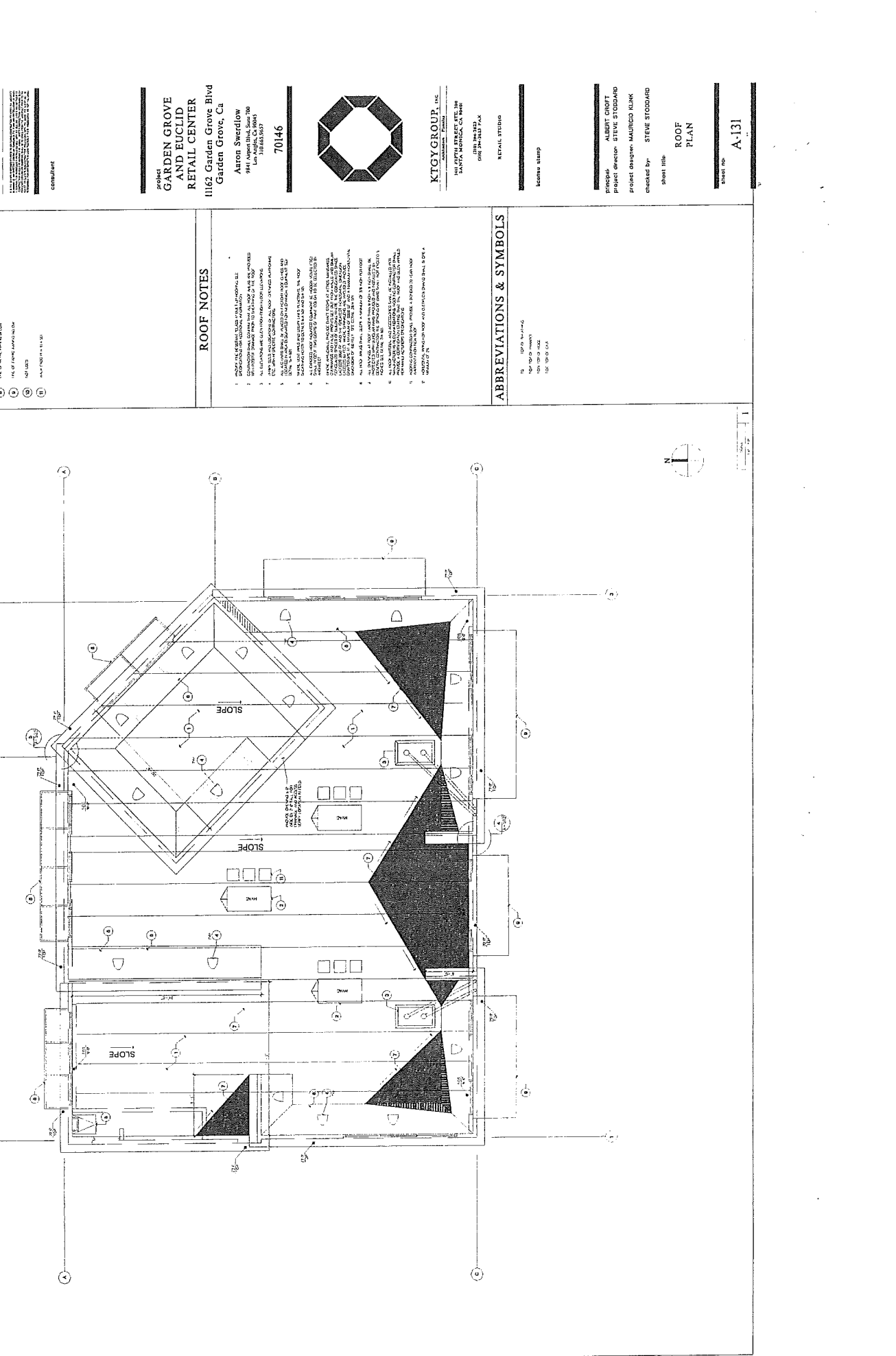
1. ROOF SHALL BE SLOPED TO EXISTING GRADE AT ALL POINTS. SEE NOTES 2 THROUGH 4 FOR SLOPE DIRECTION AND AMOUNT.
2. ALL ROOF SLOPES SHALL BE 1/4" PER FOOT UNLESS OTHERWISE NOTED.
3. ALL ROOF SLOPES SHALL BE TO EXISTING GRADE UNLESS OTHERWISE NOTED.
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ROOF NOTES

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ABBREVIATIONS & SYMBOLS

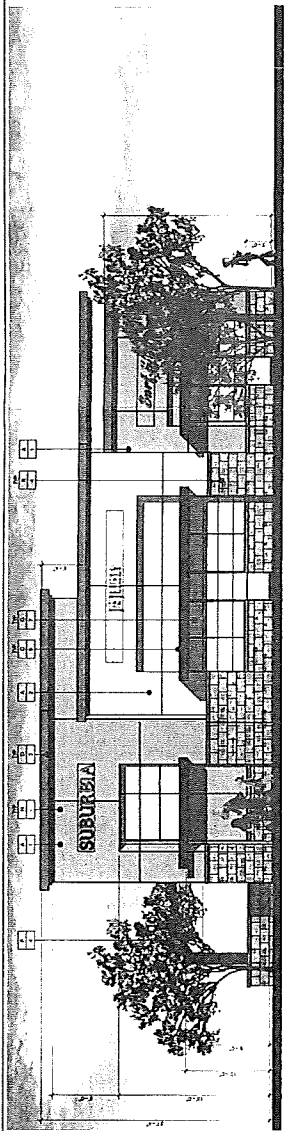
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EXTERIOR MATERIAL

- 1" ASPH/FLY
- 1" GYPSUM
- 1" CMU
- 1" CONCRETE
- 1" BRICK
- 1" STONE
- 1" METAL PANEL
- 1" GLASS
- 1" ALUMINUM
- 1" WOOD
- 1" TERRAZZO
- 1" GRANITE
- 1" MARBLE
- 1" CERAMIC TILE
- 1" POLYURETHANE
- 1" PAINT
- 1" STAINLESS STEEL
- 1" COPPER



NORTH ELEVATION SCALE 1/8" = 1'-0"

PROJECT  
 GARDEN GROVE  
 11142 GARDEN GROVE BLVD  
 AARON SWERDLOW  
 GARDEN GROVE, IL 60146

CONTRACT

ELEVATIONS



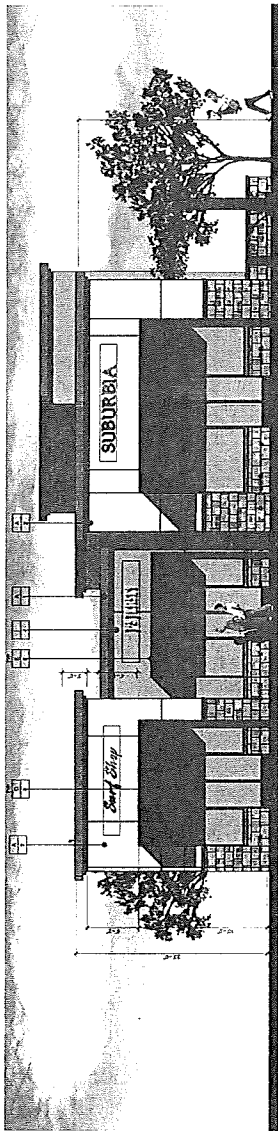
KTCYGROUP, INC.  
 11142 GARDEN GROVE BLVD  
 GARDEN GROVE, IL 60146  
 815.424.1111  
 WWW.KTCYGROUP.COM  
 RETAIL STUDIO

Albert Craft  
 Blaine Brinkman  
 Project Director  
 Project Designer  
 Architect  
 Architect

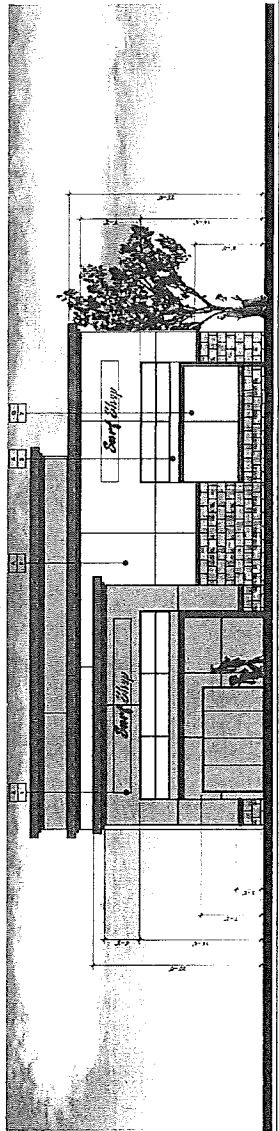
EXT. COLORS AND FINISHES

- 1" ASPH/FLY
- 1" GYPSUM
- 1" CMU
- 1" CONCRETE
- 1" BRICK
- 1" STONE
- 1" METAL PANEL
- 1" GLASS
- 1" ALUMINUM
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- 1" GRANITE
- 1" MARBLE
- 1" CERAMIC TILE
- 1" POLYURETHANE
- 1" PAINT
- 1" STAINLESS STEEL
- 1" COPPER

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



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



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

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.3.	<b>SITE LOCATION:</b> Southwest corner of Garden Grove Boulevard and Euclid Street at 11162 Garden Grove Boulevard
<b>HEARING DATE:</b> September 6, 2007	<b>GENERAL PLAN:</b> Light Commercial
<b>CASE NOS.:</b> Site Plan No. SP-429-07 & Variance No. V-163-07	<b>ZONE:</b> CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44)
<b>APPLICANT:</b> Garden Grove 100, LLC	<b>APN:</b> 099-105-05
<b>PROPERTY OWNER:</b> Same	<b>CEQA DETERMINATION:</b> Exempt

## **REQUEST:**

The applicant is requesting Site Plan approval to construct an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot with associated parking and landscape improvements in conjunction with a Variance request for reduced building setbacks and to develop a lot that does not meet the minimum size and street frontage requirements of the CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44) zone.

## **PROJECT STATISTICS:**

	<u>Provided</u>	<u>Code</u>	<u>Variance</u>
<u>Lot Size:</u>	18,263 sq. ft.	50,000 sq. ft.	Yes
<u>Street Frontage:</u>	122'-0"	200'-0"	Yes
<u>Building Setback:</u>			
Front	6'-0"	20'-0"	Yes
Side	6'-6"	20'-0"	
<u>Parking:</u>	19	19*	
<u>Building Height:</u>	27'-4"	36'-0"	

\*The Community Center Specific Plan allows for an increase of 15% in building floor area with a decrease in the number of parking spaces provided that the site is located within 750 feet of mass transit stations. The subject site is located within 750 feet of bus stops located along Garden Grove Boulevard and Euclid Street.

**BACKGROUND:**

The subject site is a vacant corner lot located at the southwest corner of Garden Grove Boulevard and Euclid Street and is approximately 18,263 square feet in size. The property has a General Plan Land Use designation of Light Commercial and is zoned CCSP-CC44 (Community Center Specific Plan - Community Commercial District 44). The properties to the south and west are zoned CCSP-CC44 and are developed with a multi-tenant commercial center that includes the Dalat Supermarket. The property to the north, across Garden Grove Boulevard, is zoned CCSP-MX33 (Community Center Specific Plan - Mixed Use District 33) and is developed as an educational center that includes the Concorde Career Institute and the University of La Verne Orange County Campus. The property to the east, across Euclid Street, is zoned CCSP-CCO45 (Community Center Specific Plan - Community Center Office District 45) and is developed with a multi-tenant office building.

**DISCUSSION:**

**SITE PLAN:**

The proposed project consists of the construction of an approximately 3,812 square foot multi-tenant commercial building with an approximately 210 square foot plaza/patio area that will include an overhead trellis. The building is designed to have three individual tenant spaces and will be located toward the northeast corner of the property, adjacent to Garden Grove Boulevard and Euclid Street. According to the applicant, the plaza/patio area, which will be located along the Euclid Street frontage, will be accessible to the customers of the businesses occupying the three proposed tenant spaces.

Access to the site will be gained from a 25'-0" wide driveway from Garden Grove Boulevard and a 25-foot wide driveway from Euclid Street. A total of nineteen (19) parking spaces have been provided, which complies with the requirements of the City's Municipal Code and the Community Center Specific Plan.

The architectural design of the building is contemporary exhibiting a beige and green stucco exterior with multi-colored slate tile accents, white spandrel glass, brown metal and maroon fabric awnings, and a metal trellis cover over the plaza/patio area.

Other site improvements include landscaping along both street frontages and along the southerly and easterly property lines. A block trash enclosure will also be located at the southwest corner of the property.

A sign program has been submitted for the project, which includes a 4'-0" high multi-tenant monument sign to be located along Garden Grove Boulevard as well as

individually illuminated channeled lettered wall signs. While the submitted sign program states that each tenant may have a projecting sign that can extend a maximum of 3'-0" from the building wall, City Code does not allow for projecting signs within the commercial zones. Therefore, based on the Code's requirements, a condition has been included that prohibits the installation of any signs projecting from the building wall.

VARIANCE:

In order for the proposed project to move forward, the applicant is requesting consideration of a Variance to develop a lot that does not meet the minimum lot size and lot width standards and to allow the proposed building to be constructed with reduced setbacks adjacent to the street as prescribed within the City's Community Center Specific Plan. The minimum size for a property to be developed within Community Commercial District 44 of the Specific Plan is 50,000 square feet with a minimum street frontage of 200 feet. The property maintains a lot size of 18,263 square feet and a street frontage of 122 feet, after the 10'-0" street dedication along Garden Grove Boulevard. Additional property cannot be obtained to provide a conforming sized lot. In addition, the Specific Plan requires a 20'-0" landscape buffer adjacent to the street. The project proposes a 6'-6" setback along Garden Grove Boulevard and a 6'-0" setback along Euclid Street. The applicant is asking for the reduced setback due to the fact that the City is requiring a 10'-0" dedication and a corner cutoff along Garden Grove Boulevard to allow for the future construction of an eastbound right-turn lane at Euclid Street. This area will be temporarily landscaped until the time that the City starts construction of the street improvements.

In reviewing the Variance request, staff finds that the requested Variance will not be granting a special privilege not enjoyed by others with a similar situation. These findings are typically granted when the existing property prevents the applicant from construction a project that complies with City Code due to unusual circumstances. Based on those findings, staff offers the following comments:

**Exceptional circumstance: Yes**

The subject property does not meet the minimum size and street frontage requirements of the Community Center Specific Plan and is further being reduced in size due to the City requiring a 10'-0" dedication and corner cutoff along Garden Grove Boulevard for a future right-turn lane, thereby making it difficult to develop without a deviation from the Code. The proposed Variance request is needed due to the City imposed site constraints, along with the fact that there is no additional property that is adjacent to the site that can be acquired for site expansion. The proposed development of the site will not be contrary to the vision of the City's General Plan, Title 9 of the Municipal Code, and the Community Center Specific Plan. The applicant has met all other Code requirements as they relate to parking, access, circulation and landscaping.



**Substantial property rights: Yes**

The proposed Variances are necessary for the project to move forward due to the site constraints that make the property difficult to develop. The approval of the proposed Variances will not set a precedent, and will allow the applicant the same enjoyment of the property as other property owners located within the Specific Plan and other commercial zones within the City. With the exception of the reduced building setbacks, property size, and lot width, the project meets all other development standards of the Community Center Specific Plan.

**Materially detrimental: No**

The approval of the Variances will not create an adverse effect on the public welfare or be injurious to the property or improvement in such vicinity and zone. The proposed Variance allows the reduction of the building setback along the streets and the development of the project on a lot that does not meet the minimum lot size and lot width requirements of the Community Center Specific Plan. The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the proposal has been reviewed by all City Departments in order to ensure compliance with all applicable code provisions, with the exception of the subject Variance requests.

**Adversely affect the City's General Plan: No**

The proposed Variance requests will not cause an adverse effect on the City's General Plan since the Community Center Specific Plan is a tool used to implement the goals of the General Plan. With the exception of the proposed Variances, the project complies with all other requirements of the Specific Plan and Municipal Code. Additionally, an attractive new commercial building that will compliment the neighboring uses will further a goal of the General Plan to develop underutilized properties with a suitable development. Therefore, the proposed project meets the spirit and intent of the Community Center Specific Plan, the Municipal Code, and the General Plan.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Approve Site Plan No. SP-429-07 and Variance No. V-163-07, subject to the recommended Conditions of Approval.

Karl Hill  
Planning Services Manager

By: Lee Marino  
Senior Planner

RESOLUTION NO. 5612

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-429-07 and VARIANCE NO. V-163-07.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 6, 2007, approved Site Plan No. SP-429-07 and Variance No. V-163-07 for property located at the southwest corner of Garden Grove Boulevard and Euclid Street at 11162 Garden Grove Boulevard, Parcel No. 099-105-05.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-429-07 and Variance No. V-163-07, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Garden Grove 100, LLC, applicant and property owner.
2. The applicant requested approval of a Site Plan to construct an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot with associated parking and landscape improvements in conjunction with a Variance required for reduced building setbacks and to develop a lot that does not meet the minimum size and street frontage requirements of the CCSP-CC44 (Community Center Specific Plan – Community Commercial District 44) zone.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act.
4. The property at 11162 Garden Grove Boulevard is a vacant parcel that has a General Plan Designation of Mixed Use and a Light Commercial and a CCSP-CC44 (Community Center Specific Plan – Community Commercial District 44) zoning designation. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
5. Report submitted by City Staff was reviewed.
6. Pursuant to a legal notice, a public hearing was held on September 6, 2007, and all interested persons were given an opportunity to be heard.
7. The Planning Commission gave due and careful consideration to the matter at its meeting on September 6, 2007, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030, are as follows:

FACTS:

The subject site consists of one vacant parcel with a lot area of approximately 18,263 square feet.

The applicant/owner proposes to construct an approximately 3,812 square foot multi-tenant building with an 210 square foot plaza/patio area and associated site improvements, in conjunction with a Variance requests for reduced building setbacks and to develop a lot that does not maintain the minimum lot size and lot frontage requirements of the Community Center Specific Plan.

The City proposes to make future street improvements along the south side of Garden Grove Boulevard for a right-turn lane at Euclid Street. The improvements require a 10'-0" right-of-way dedication on behalf of the applicant/property owner.

Due to the size and configuration of the property, the fact that there is no additional property adjacent to the subject site to be acquired for site expansion, and the City required right-of-way dedication, the requested Variances are necessary in order to facilitate development of this site.

FINDINGS AND REASONS:

Site Plan:

1. The submitted Site Plan complies with the spirit and intent of all provisions and requirements of the City of Garden Grove Municipal Code and other applicable ordinances. The proposed project is consistent with the existing General Plan designation of Mixed Use.
2. The proposed development does not adversely affect essential on-site facilities, such as off-street parking, traffic circulation, and points of vehicular and pedestrian access. The proposed project meets the City Code requirements for access and parking. The project has been reviewed by the City's Public Works Department and Traffic Engineering Section and it has been determined that the proposed site design will not have a detrimental impact to essential on-site facilities.
3. The proposed Site Plan does not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels. Utilities and drainage channels in the area are adequate to accommodate the development.
4. The proposed project will be compatible with the physical, functional and visual quality of the neighboring uses and neighborhood characteristics along Garden Grove Boulevard and Euclid Street. The building and site

improvements for the proposed use have been designed to compliment the improvements on the adjacent commercial properties.

5. The planning and design of the building, and the building placement, the provision of open space, landscaping and other site amenities will attain an attractive environment for the occupants of the property. The proposed building and site improvements including parking and landscaping meet the City Code requirements and will assist in improving the physical environment of the site and will be a visual enhancement to the area.

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.

The subject property does not meet the minimum size and lot width requirements of the Community Center Specific Plan and is further being reduced in size due to the City requiring a 10'-0" dedication and corner cutoff along Garden Grove Boulevard for a future right-turn lane, thereby making it difficult to develop without a deviation from the Code. The proposed Variance request is needed due to the City imposed site constraints along with the fact that there is no additional property that is adjacent to the site that can be acquired for site expansion. The proposed development of the site will not be contrary to the vision of the City's General Plan, Title 9 of the Municipal Code, and the Community Center Specific Plan. The applicant has met all other Code requirements as they relate to parking, access, circulation and landscaping.

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.

The proposed Variances are necessary for the project to move forward due to the site constraints that make the property difficult to develop. The approval of the proposed Variances will not set a precedent, and will allow the applicant the same enjoyment of the property as other property owners located within the Specific Plan and other commercial zones within the City. With the exception of the reduced building setbacks, property size, and lot width, the project meets all other development standards of the Community Center Specific Plan.

3. The granting of 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.

The approval of the Variances will not create an adverse effect on the public welfare or be injurious to the property or improvement in such vicinity and zone. The proposed Variance allows the reduction of the building setback along the streets and the development of the project on a lot that does not meet the minimum lot size and lot width requirements of the Community Center Specific Plan. The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the proposal has been reviewed by all City Departments in order to ensure compliance with all applicable code provisions, with the exception of the subject Variance requests.

4. The granting of the Variance will not adversely affect the comprehensive General Plan.

The proposed Variance requests will not cause an adverse effect on the City's General Plan since the Community Center Specific Plan is a tool used to implement the goals of the General Plan. With the exception of the proposed Variances, the project complies with all other requirements of the Specific Plan and Municipal Code. Additionally, an attractive new commercial building that will compliment the neighboring uses will further a goal of the General Plan to develop underutilized properties with a suitable development. Therefore, the proposed project meets the spirit and intent of the Community Center Specific Plan, the Municipal Code, and the General Plan.

#### INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Variance possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030.
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-429-07 and Variance No. V-163-07.

## **EXHIBIT "A"**

**Site Plan No. SP-429-07**

**Variance No. V-163-07**

11162 Garden Grove Boulevard

### **CONDITIONS OF APPROVAL**

#### **GENERAL CONDITIONS**

1. The applicant shall record a "Notice Of Agreement With Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of building permits. 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 of the Planning Commission.
2. Approval of this Site Plan and Variance shall not be construed to mean any waiver of: Applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The applicant shall obtain, and abide by, any necessary permits or licenses required to conduct the use, in compliance with all applicable laws.
3. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, a Site Plan and/or Variance shall be filed which reflects the revisions made to, or changes to the design/placement of the new building.
4. The approved floor plan and the use of the subject property are integral parts of the decision approving this Site Plan and Variance applications. There shall be no change in the design of the floor plan or the use of the property without the approval of the Community Development Department. Any change in the approved floor plan or the use of the subject property, which has the effect of expanding or intensifying the proposed development, shall require the appropriate entitlement(s).

#### **Engineering Services Division Conditions**

5. 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, basement and septic facilities and contamination. If the property is an open case under the jurisdiction of the Orange County Health Care Agency ("OCHCA"), then the

OCHCA shall provide confirmation to the City that they are aware of the project, and there are no outstanding environmental requirements, which prohibit the construction of the project. The report shall also make recommendations for pavement design of the interior drive aisle and parking spaces.

6. A separate street permit is required for work performed within the public right-of-way.
7. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements.
8. The applicant shall be subject to Traffic Mitigation Fees.
9. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
  - a. Addresses Site Design BMPs such as 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 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; and,
  - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs;
10. 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 the 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 on-site; and,

- d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs;
11. The two existing driveway approaches on Garden Grove Boulevard and one on Euclid street shall be removed, in addition to all remnant sections of curb, gutter, and sidewalk, and new curb, gutter, and sidewalk shall be constructed in accordance with City Standard Plans B-113 (Type C-8) and B-106, respectively.
  12. The applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County PF&RD standards. Parkway culverts shall be constructed per Orange County PF&RD Standard Plan 1309, Type B.
  13. Any new trash enclosures shall be constructed per Garden Grove Standard Plan B-502. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
  14. Prior to the issuance of a building permit, the applicant shall dedicate ten (10) feet of road right-of-way on Garden Grove Boulevard along the property frontage to provide for the future construction of an eastbound right turn lane at Euclid Street. The applicant shall also dedicate a corner cut-off in accordance with City Standard Plan B-107.
  15. The new driveway approach to the site on Euclid Street, and the one on Garden Grove Boulevard, shall be constructed per City Standard Plan B-120.
  16. Prior to issuance of a grading plan, the applicant is required to post bonds to secure the required on-site and off-site improvements.

**Street Division Conditions**

17. Anti-graffiti efforts shall comply with City requirements throughout the project.

**Water and Sewer Services Division Conditions**

18. New water services installation(s), 2 inches and smaller, shall be at owner's/developer's expense. Installation shall be by City forces upon payment to applicable fees, unless otherwise noted. Fire services and larger water services, 3 inches and larger, shall be installed by the developer/owner's contractor per City Standards.
19. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.



20. Water meters shall be located within the City right-of-way. Fire services and large water services, 3 inches and larger, shall be installed by contractor with class-A or C-34 license, per City water standards and inspected by approved Public Works inspection.
21. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
22. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
23. Fire service, if required, shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division and City Standards.
24. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
25. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license.
26. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
27. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations.

28. Owner shall install new sewer lateral off the 12" sewer main on Garden Grove Blvd., with clean out at right-of-way line . Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.
29. Owner shall either verify sewer lateral is a minimum 6" diameter and in good condition or install a new 6" diameter sewer lateral off of the existing 12" sewer main in Garden Grove Boulevard. Verification of existing sewer lateral shall be accomplished by video and submitted to the District for review. If the lateral fails to meet the minimum 6" diameter or if it fails due to physical defects, the owner shall properly abandon the sewer lateral per condition No. 29.

### **Fire Department Conditions**

30. Fire apparatus access roads shall have an unobstructed width of not less than twenty (20) feet and an unobstructed vertical clearance of not less than thirteén (13) feet six (6) inches.
31. An all-weather access road must be in place prior to building with combustible materials.

### **Planning Services Division Conditions**

32. This proposal shall be for the construction of an approximately 3,812 square foot multi-tenant commercial building with an approximately 210 square foot plaza/patio area that will include an overhead trellis. Any future proposed food establishment shall be limited to a food use of 0-16 seats with less than 300 square feet of customer/dining area. This 300 square foot limit includes any ancillary outdoor seating area. The 210 square foot plaza/patio area shall be open to all users of the development. At no time shall the plaza/patio area be designated for the sole use of any one tenant and their clients. The property owner/management company shall be responsible for the continued maintenance of the plaza/patio area, including keeping the area clean of all trash and debris.
33. Enhanced concrete treatment shall be provided within both driveways to the site. The depth of the enhanced paving along both street frontages shall be 18'-0" deep. Enhanced concrete paving shall be installed within the plaza/patio area. The design and color of the enhanced paving shall be reviewed and approved by the Planning Division prior to issuance of building permits.
34. The design and details of the trash enclosure shall match the color and materials used on the building. The trash bin shall be kept inside the trash enclosure, and gates closed at all times except during disposal and pick-up. If additional pick-ups are needed to accommodate the use, the applicant shall increase the number of pick-ups as required.

35. The building reveal lines shall be a minimum of one (1) inch. A detail of the reveal lines shall be included on the plans submitted for building permits.
36. All proposed fabric awnings shall be constructed of metal or fiberglass. Material samples shall be reviewed and approved by the Planning Division prior to issuance of building permits. Alternatively, the applicant shall be permitted to use reinforced vinyl awnings provided said material has a listed life, from the manufacturer, of at least five (5) years. Additionally, the vinyl awnings shall be maintained and/or replaced on a regular basis, as requested by the City, so as not to be faded, stained, or tattered at any time.
37. Color and material samples shall be submitted for Planning Division review and approval prior to issuance of building permits.
38. All exterior lights shall be reviewed and approved by the Planning Department prior to issuance of building permits. The applicant shall be responsible for providing adequate lighting of the parking areas and drive-through lane in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to provide glare upon adjacent properties or the public right-of-way. All building lighting shall be decorative and compliment the architectural style of the building. 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.
39. The parking lot shall be striped in substantial compliance with the submitted plans. Parking space striping shall conform to Garden Grove Standard Plan B-311.
40. The proposed transformer shall be screened from view with a row of 15 gal (min.) size shrubs and shall not be located within the street setback area. If possible, the transformer shall be relocated within the planter area located adjacent to the trash enclosure. Final placement of the transformer shall be coordinated with Southern California Edison and the City of Garden Grove Planning Division prior to installation.
41. All roof top equipment shall be screened from public view. A line of sight detail shall be included within plans submitted for building permits and shall be reviewed and approved by the Planning Division prior to issuance of building permits.
42. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade. All rain gutters shall be constructed within the building walls. Plans submitted for building permit shall include a detail for the in-wall rain gutters.

43. No exterior roof ladders shall be permitted. All roof access shall be from within the building.
44. The applicant shall submit a complete, detailed landscape plan governing the entire development. The plan shall include type, size, location and quantity of all plant material. Final plant material shall be reviewed and approved by the Planning Division prior to issuance of permits. The plan shall include irrigation plans staking and planting specifications. The landscape plan is also subject to the following:
  - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. The applicant is and shall be responsible for installation and maintenance of all landscaping on the property and adjacent public parkway.
  - c. The plan shall provide a mixture of trees. A minimum of ten (10) percent of the trees shall be 48-box, ten (10) percent of the trees shall be 36-inch box, fifteen (15) percent of the trees shall be 24-inch box, and sixty (60) percent of the trees shall be 15-gallon. Remaining five (5) percent of the trees may be of any size.
  - d. Trees planted within ten (10) feet of any public right-of-way shall be planted in root barrier shield. All landscaping along street frontage adjacent to driveways shall be of low height variety to ensure safe site clearance.
  - e. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan in order to ensure that property landscape screening will be provided.
  - f. Low mounding and berming shall be incorporated into the entire length of the street frontages along Garden Grove Boulevard and Euclid Street. Such berming shall not exceed 12 to 24 inches in height above the highest adjacent curb.
  - g. An enhanced landscape treatment shall be provided within the landscape area located at the northeast corner of the property and shall include a hierarchical design utilizing a 48 inch box tree, shrubs (5 gal. and 15 gal. size), vines, flowering ground covers, and turf.
  - h. Landscaping within the dedication areas along Garden Grove Boulevard shall be shown on the landscape/irrigation plans submitted for plan check. Landscaping within these areas shall be consistent with the landscape materials used elsewhere on-site. All landscaped areas located within the

public right-of-way as well as on-site shall be the responsibility of the property owner to fully maintain.

- i. The landscape planters located along the westerly and southerly property lines, shall include a variety of trees, shrubs (5 gal. size min.), and ground covers.
45. The applicant/property owner shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-429-07 and Variance No. V-163-07 and their agreement with all conditions of approval.
  46. The property shall be maintained free of graffiti. Graffiti shall be removed from the premises and all parking lots under the control of the licensee and/or applicant/owner within 120 hours of occurrence or notice.
  47. During permitted hours of operation, noise generated by the operation shall not exceed 55 dBA as measured at the boundaries of the property lines.
  48. 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 same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
  49. During construction the applicant/property owner shall comply with the following measures to contain fugitive dust as required by the City's General Plan EIR:
    - a. Adherence to SCAQMD Rule 403, Fugitive Dust, as revised, which includes dust minimization measures such as daily watering of soils, application of non-toxic soils stabilizer, replacement of ground cover in disturbed areas as soon as possible, suspension of excavating and grading operations when wind speeds (or instantaneous gusts) exceed 25 miles per hour, and maintenance of a minimum two (2) feet of freeboard on all trucks hauling dirt, sand soil or other loose material.
    - b. Sweeping of streets near construction area.
    - c. Rinsing of wheels on construction vehicles prior to leaving construction area.
    - d. Paving of all construction access roads at least 100 feet onto the site from the main access points.

- e. Use of electricity from power poles rather than temporary diesel or gasoline powered generators.
  - f. Use of methanol, natural gas, propane or butane-powered on-site mobile equipment rather than diesel or gasoline powered equipment.
  - g. 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.
50. In the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; legal fees shall be limited so as not to exceed \$250 per hour; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.

**Building Services Division Conditions**

51. The building plans, site plans and all construction shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING: SITE PLAN NO. SP-429-07  
VARIANCE NO. V-163-07  
APPLICANT: JESSICA MYERS  
LOCATION: SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND EUCLID STREET AT  
11162 GARDEN GROVE BOULEVARD  
DATE: SEPTEMBER 6, 2007

REQUEST: To construct an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot, with associated parking and landscape improvements, in conjunction with Variance requests for reduced building setbacks and to develop a lot that does not meet the minimum lot size and street frontage requirements. The site is in the CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44) zone.

Staff report was read and recommended approval. Modifications to Condition Nos. 5 and 29 were submitted as handouts. One letter of opposition was written by Patricia Stark.

Commissioner Chi asked staff if the project was ADA compliant. Staff replied yes.

Commissioner Bankson asked staff if the Variance is proposed because no other land could be acquired. Staff replied yes.

The Commissioners asked staff to explain the parking. Staff replied that an agreement could not be made with regard to reciprocal parking, therefore, the project's parking is separated from the shopping center parking. Also, that parking is based on the building size, not the property, and that within the Specific Plan, the building can have 19 parking spaces. Staff also pointed out that there would be temporary landscaping in the right-of-way dedication, and that the site is environmentally clean.

Chair Chi asked staff to explain why a new project has come up for approval for this site. Staff replied that though earlier meetings had been held with another potential applicant to discuss preliminary site plans, those site plans were not pursued or pushed forward.

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

Mr. Aaron Swerdlow, the applicant, approached the Commission and described the project adding that his company has recently specialized in street corner development.

Commissioner Beard asked Mr. Swerdlow to describe the typical tenants for these corner projects. Mr. Swerdlow responded that typical users might be coffee houses, quick service restaurants, financial institutions, and retail, such as Panda Express, Baja Fresh, Starbuck's, banks, and cellular retailers.

Chair Chi asked the applicant to explain the reasons for not obtaining a reciprocal parking agreement. Mr. Swerdlow replied that he had met with the adjacent shopping center owners and that they were not interested as they were possibly interested in purchasing the property themselves.

Commissioner Pak asked the applicant if there would be a cover on the outdoor seating area. Mr. Swerdlow replied yes, along with a trellis, a decorative floor, and landscaping, to create a sense of space; that the seating is not too close to the curb as there is a sidewalk; and that the idea is to create pedestrian retail.

Chair Chi asked Mr. Swerdlow if he had read and agreed with the Conditions of Approval. Mr. Swerdlow replied yes.

Mr. Robert H. Main approached the Commission and stated that at previous site plan meetings with City staff, the City had insisted on a three-story building, and ultimately, the site plan was not pursued; that there is no competition for the land; that the adjacent shopping center has well-paying tenants; and that the market has a flourishing business.

Ms. Patricia Stark, architect for the adjacent property owner, approached the Commission and stated that the adjacent property owner had been interested in the vacant lot and had met with City staff; that staff requested a three-story building along with a 12-foot right-of-way on Garden Grove Boulevard and Euclid Street; that the owner was told he should pay for the future street realignment; that landscaping had been a 12-foot strip and this project is allowed six feet of landscaping; that her client had also wanted to develop a separate building with separate parking from the existing commercial center; that they were not told of the mass-transit aspects; that any corner development would affect her client's property; and that the plan shows two driveways that are close to each other.

Mr. Vu Mai approached the Commission and expressed his concerns with the types of tenants for the project; parking for employees and tenants; handicap spaces; the location of the trash enclosure; and the direction the enclosure is facing as there could be pests and unpleasant odors.

Mr. Michael Phan, a patron of the area, expressed his concerns with regard to the type of tenants; the number of parking spaces; traffic peak times; and drive ways.

Mr. Ken Bui, owner of the Dalat supermarket, approached the Commission and stated that he had paid over \$300,000 to provide parking at the rear of the supermarket; that the business is growing; that 19 parking spaces for the new project would not be enough; and that he has another property that does have parking problems.

Chair Chi asked Mr. Bui if he attended the reciprocal parking agreement meeting with the applicant. Mr. Bui replied no.

Mr. Swerdlow distributed photographs exhibiting the current parking situation on his vacant lot. He also stated that the adjacent center is not his responsibility; that people are illegally parking on his vacant lot; that development ideas change; that the past proposals of a year ago are irrelevant; that the overall center should be improved; that any environmental issues with regard to remediation would be resolved; and that the driveway situation would be improved.



Vice Chair Pierce asked the applicant if a wall would separate the properties. Mr. Swerdlow replied no; and that the trash would have an enclosure.

Commissioner Pak asked the applicant to explain the photographs. The applicant responded that the photos show his property and the property surrounding the project.

Commissioner Pak asked the applicant to state the number of outdoor seating seats. The applicant deferred to staff. Staff stated that the seating is conditioned that each tenant space could not have more than 16 seats and 300 square feet of dining area, which would include the outdoor area.

Commissioner Pak asked the applicant if he was sure that the cars parked on his lot are from the adjacent shopping center as there is a university across the street with students also looking for parking. The applicant stated that he is not sure.

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

Commissioner Pak commented that people do the best that they can with what they have; that the adjacent property owner made the shopping center come alive; that students look for parking too; that the Civic Center area is excellent for a different type of corner building other than the applicant's, perhaps with underground parking.

Commissioners Breitigam and Beard agreed that though the project is an improvement, there would be parking problems.

Staff added that per code, and if fast food tenants maintained the 300 square foot dining area and no more than 16 seats, the project could accommodate parking for three fast food tenants.

Vice Chair Pierce commented that the project would improve the corner.

Commissioner Nguyen commented that the project would be great for the corner; however, there would be parking issues.

Chair Chi commended the applicant for his persuasive presentation and added that the project would be an improvement; that parking would be an issue; that there are no reciprocal agreements; that the project meets code; that people would walk over the landscaping that separates the two properties; that circulation is an issue for the adjacent property owner; and that he would support the project.

Commissioner Bankson commented that both owners would have parking problems; that tenant peak times could be different; that the applicant should not be penalized; that the project is an attractive improvement; and that he would support the project.

Commissioner Nguyen commented that an office use, that would be open Monday through Friday, would be a good use as the market is packed on Saturday and Sunday.

Commissioner Pak asked staff to state the setback on the north side of Garden Grove Boulevard. Staff stated approximately 15 feet.

Commissioner Pak commented that the project's six-foot setback would be a safety issue as there is no bike lane; that there are too many Variances on the project; and that he could not support the project.

Vice Chair Pierce moved to approve Site Plan No. SP-429-07, and Variance No. V-163-07, with the modifications to Condition Nos. 5 and 29, seconded by Commissioner Bankson, pursuant to the facts and reasons contained in Resolution No. 5612. The motion received the following vote:

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

With the motion failed by a three-three vote, staff commented that an alternative motion could be entertained, though if there was not an alternative motion, the project would be deemed denied; however, the applicant could appeal to City Council.

- At 8:40 p.m., the meeting was paused for a break and reconvened at 8:50 p.m.

City Attorney, Omar Sandoval, disclosed that during the break, he had discussions with some of the Planning Commissioners with regard to 'yes, no, and abstain' motions; that it is a good idea to explain each motion should the case be appealed and go on to City Council or some other agency for review; that by doing this, there would be a record of the Commissioner's deliberations; that the City allows for reconsideration before the meeting is over; and that a tie vote would be considered a denial.

Chair Chi suggested an alternative motion to continue the case to a date certain, such as the next regularly scheduled Planning Commission meeting on Thursday, September 20<sup>th</sup>, 2007.

Commissioner Bankson moved to continue the case to a date certain, seconded by Vice Chair Pierce.

Chair Chi reopened the public hearing.

The applicant approached the Commission and stated that the date of September 20<sup>th</sup>, 2007 was acceptable; that he would be happy to add a parking space to 'over-park' the project, to increase the setback on Euclid Street by removing the patio, and to limit the building's food uses to 60 percent; and that subterranean parking would be cost prohibitive.

Commissioner Beard asked staff if the time frame was acceptable. Staff replied yes; that a revised plan would be required by the following Monday, and the building size would need to be reduced by at least 400 square feet.

Commissioner Pak asked staff to explain partial subterranean parking. Staff replied that subterranean parking is not recommended for small lots; that a high water table might cause problems with associated high costs; and that there would be Fire Department issues.

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

Commissioner Brietigam expressed that he had issues with the six-foot setback; parking; and that there were three businesses instead of two.

Commissioner Beard commented that his issues were with parking; and that with modifications from the applicant to mitigate the issues, he would like to continue the project.

Vice Chair Pierce asked staff if there was a date certain to widen Euclid Street. Staff replied no.

Commissioner Nguyen expressed his concerns with the setback; parking; the future expansion of the businesses; and that he has no conflict of interest for abstaining.

Commissioner Bankson commented that the project should not be denied on the basis of parking only as the project meets code.

Commissioner Pak asked staff what would be the number of parking spaces if the building were not 750 feet within a bus stop? Staff replied 20.

Commissioner Pak commented that he liked the applicant's willingness to compromise; that overflow parking would be a concern; that with an improvement in the setbacks, a reduction of building size, and working with adjacent shopping center, he would like to continue the project.

Commissioner Nguyen commented that he loves the project, and though the project meets code, the future needs to be considered.

Chair Chi remarked that the project would enhance the street corner; that the project should be integrated into the greater shopping center; and that the new project would benefit from the existing shopping center.

Commissioner Bankson moved to continue the case to the Thursday, September 20<sup>th</sup>, 2007, Planning Commission meeting, seconded by Vice Chair Pierce. The motion received the following vote:

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

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Southwest corner of Garden Grove Boulevard and Euclid Street at 11162 Garden Grove Boulevard
<b>HEARING DATE:</b> September 20, 2007	<b>GENERAL PLAN:</b> Light Commercial
<b>CASE NOS.:</b> Site Plan No. SP-429-07 & Variance No. V-163-07	<b>ZONE:</b> CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44)
<b>APPLICANT:</b> Garden Grove 100, LLC	<b>APN:</b> 099-105-05
<b>PROPERTY OWNER:</b> Same	<b>CEQA DETERMINATION:</b> Exempt

## **REQUEST:**

The applicant is requesting Site Plan approval to construct an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot with associated parking and landscape improvements in conjunction with a Variance request for reduced building setbacks and to develop a lot that does not meet the minimum size and street frontage requirements of the CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44) zone.

## **BACKGROUND/DISCUSSION:**

At the September 6, 2007 Planning Commission meeting, the subject application was continued to allow time for the applicant to revise the design of the project in order to address concerns that were raised during the meeting. The applicant has since revised the project as follows:

1. The building has been reduced in size from 3,812 square feet to 3,407 square feet.
2. With the reduced building size, the City Code and the Community Center Specific Plan requires a total of 17 parking spaces. A total of 19 parking spaces are provided, which exceeds the minimum Code requirement by two.
3. The original plans proposed dividing the building into three (3) tenant spaces. The revised plans propose to divide the building into two (2) tenant spaces. The applicant has indicated to staff that no more than 2,200 square feet of

the building will be designated for a restaurant use. However, due to the number of parking spaces provided, any future restaurant use will be limited to 16 seats with a seating area not to exceed 300 square feet in size.

- 4. The plaza/patio area that was previously located adjacent to Euclid Street has been omitted from the plans.
- 5. The setbacks adjacent to the street have been revised as follows:

	<u>Originally Proposed</u>	<u>Provided</u>	<u>Code</u>	<u>Variance</u>
Front	6'-0"	20'-0"	20'-0"	No
Side	6'-6"	12'-0"	20'-0"	Yes

Based on the revised setbacks, the side setback adjacent to Garden Grove Boulevard still requires Variance approval. It should be noted that until the required 10'-0" dedication area along Garden Grove Boulevard is improved by the City with the right-turn pocket, the building will maintain a 22'-0" setback along Garden Grove Boulevard.

All other aspects of the project remain as originally proposed, which includes the Variance request to develop a lot that does not meet the Specific Plan's minimum lot size requirement of 50,000 square feet and the minimum lot width requirement of 200 feet. The lot size of the subject parcel is 18,263 square feet and the lot width is 122 feet after the 10'-0" dedication and corner cutoff along Garden Grove Boulevard.

In reviewing the proposed changes, staff feels the applicant has incorporated the concerns that were raised during the September 6, 2007 public hearing and has created a more suitable project for the site. The original staff report has been attached, and the Resolution and Conditions of Approval for the project have been revised to coincide with the revised plans.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

- 1. Approve Site Plan No. SP-429-07 and Variance No. V-163-07, subject to the recommended Conditions of Approval.

Karl Hill  
Planning Services Manager

By: Lee Marino  
Senior Planner

**ATTACHMENTS:**

- Attachment 1: Original Planning Commission Staff Report dated September 6, 2007
- Attachment 2: Original Resolution of Approval
- Attachment 3: Original Conditions of Approval

RESOLUTION NO. 5612

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-429-07 and VARIANCE NO. V-163-07.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 6, 2007 and September 20, 2007, approved Site Plan No. SP-429-07 and Variance No. V-163-07 for property located at the southwest corner of Garden Grove Boulevard and Euclid Street at 11162 Garden Grove Boulevard, Parcel No. 099-105-05.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-429-07 and Variance No. V-163-07, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Garden Grove 100, LLC, applicant and property owner.
2. The applicant requested approval of a Site Plan to construct an approximately 3,407 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot with associated parking and landscape improvements in conjunction with a Variance required for a reduced building setback and to develop a lot that does not meet the minimum size and street frontage requirements of the CCSP-CC44 (Community Center Specific Plan – Community Commercial District 44) zone.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act.
4. The property at 11162 Garden Grove Boulevard is a vacant parcel that has a General Plan Designation of Mixed Use and a Light Commercial and a CCSP-CC44 (Community Center Specific Plan – Community Commercial District 44) zoning designation. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
5. Report submitted by City Staff was reviewed.
6. Pursuant to a legal notice, public hearings were held on September 6, 2007 and September 20, 2007, and all interested persons were given an opportunity to be heard.
7. The Planning Commission gave due and careful consideration to the matter at its meetings on September 6, 2007 and September 20, 2007, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030, are as follows:

FACTS:

The subject site consists of one vacant parcel with a lot area of approximately 18,263 square feet.

The applicant/owner proposes to construct an approximately 3,407 square foot multi-tenant building with associated site improvements, in conjunction with Variance requests for a reduced building setback and to develop a lot that does not maintain the minimum lot size and lot frontage requirements of the Community Center Specific Plan.

The City proposes to make future street improvements along the south side of Garden Grove Boulevard for a right-turn lane at Euclid Street. The improvements require a 10'-0" right-of-way and corner cutoff dedication on behalf of the applicant/property owner.

Due to the size and configuration of the property, the fact that there is no additional property adjacent to the subject site, to be acquired for site expansion, and the City required right-of-way dedication, the requested Variances are necessary in order to facilitate development of this site.

FINDINGS AND REASONS:Site Plan:

1. The submitted Site Plan complies with the spirit and intent of all provisions and requirements of the City of Garden Grove Municipal Code and other applicable ordinances. The proposed project is consistent with the existing General Plan designation of Mixed Use.
2. The proposed development does not adversely affect essential on-site facilities, such as off-street parking, traffic circulation, and points of vehicular and pedestrian access. The proposed project meets the City Code requirements for access and parking. The project has been reviewed by the City's Public Works Department and Traffic Engineering Section and it has been determined that the proposed site design will not have a detrimental impact to essential on-site facilities.
3. The proposed Site Plan does not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels. Utilities and drainage channels in the area are adequate to accommodate the development.
4. The proposed project will be compatible with the physical, functional and visual quality of the neighboring uses and neighborhood characteristics along Garden Grove Boulevard and Euclid Street. The building and site improvements for the proposed use have been designed to compliment the improvements on the adjacent commercial properties.

5. The planning and design of the building, and the building placement, the provision of open space, landscaping and other site amenities will attain an attractive environment for the occupants of the property. The proposed building and site improvements including parking and landscaping meet the City Code requirements and will assist in improving the physical environment of the site and will be a visual enhancement to the area.

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.

The subject property does not meet the minimum size and lot width requirements of the Community Center Specific Plan and is further being reduced in size due to the City requiring a 10'-0" dedication and corner cutoff along Garden Grove Boulevard for a future right-turn lane, thereby making it difficult to develop without a deviation from the Code. The proposed Variance request is needed due to the City imposed site constraints along with the fact that there is no additional property that is adjacent to the site that can be acquired for site expansion. The proposed development of the site will not be contrary to the vision of the City's General Plan, Title 9 of the Municipal Code, and the Community Center Specific Plan. The applicant has met all other Code requirements as they relate to parking, access, circulation and landscaping.

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.

The proposed Variances are necessary for the project to move forward due to the site constraints that make the property difficult to develop. The approval of the proposed Variances will not set a precedent, and will allow the applicant the same enjoyment of the property as other property owners located within the Specific Plan and other commercial zones within the City. With the exception of the reduced building setbacks, property size, and lot width, the project meets all other development standards of the Community Center Specific Plan.

3. The granting of 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.

The approval of the Variances will not create an adverse effect on the public welfare or be injurious to the property or improvement in such vicinity and zone. The proposed Variance allows the reduction of the building setback along the streets and the development of the project on a lot that does not



meet the minimum lot size and lot width requirements of the Community Center Specific Plan. The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the proposal has been reviewed by all City Departments in order to ensure compliance with all applicable code provisions, with the exception of the subject Variance requests.

4. The granting of the Variance will not adversely affect the comprehensive General Plan.

The proposed Variance requests will not cause an adverse effect on the City's General Plan since the Community Center Specific Plan is a tool used to implement the goals of the General Plan. With the exception of the proposed Variances, the project complies with all other requirements of the Specific Plan and Municipal Code. Additionally, an attractive new commercial building that will compliment the neighboring uses will further a goal of the General Plan to develop underutilized properties with a suitable development. Therefore, the proposed project meets the spirit and intent of the Community Center Specific Plan, the Municipal Code, and the General Plan.

#### INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Variance possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030.
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-429-07 and Variance No. V-163-07.

ADOPTED this 20th day of September, 2007.

/s/ ROLAND CHI  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on September 20th, 2007, by the following votes:

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

/s/ JUDITH MOORE  
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is October 11, 2007.

## **EXHIBIT "A"**

**Site Plan No. SP-429-07**

**Variance No. V-163-07**

11162 Garden Grove Boulevard

### **CONDITIONS OF APPROVAL**

#### **GENERAL CONDITIONS**

1. The applicant shall record a "Notice Of Agreement With Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of building permits. 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 of the Planning Commission.
2. Approval of this Site Plan and Variance shall not be construed to mean any waiver of: Applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The applicant shall obtain, and abide by, any necessary permits or licenses required to conduct the use, in compliance with all applicable laws.
3. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, a Site Plan and/or Variance shall be filed which reflects the revisions made to, or changes to the design/placement of the new building.
4. The approved floor plan and the use of the subject property are integral parts of the decision approving this Site Plan and Variance applications. There shall be no change in the design of the floor plan or the use of the property without the approval of the Community Development Department. Any change in the approved floor plan or the use of the subject property, which has the effect of expanding or intensifying the proposed development, shall require the appropriate entitlement(s).

#### **Engineering Services Division Conditions**

5. 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, basement and septic facilities and contamination. 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 also make recommendations for pavement design of the interior drive aisle and parking spaces.

6. A separate street permit is required for work performed within the public right-of-way.
7. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements.
8. The applicant shall be subject to Traffic Mitigation Fees.
9. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
  - a. Addresses Site Design BMPs such as 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 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; and,
  - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs;
10. 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 the 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 on-site; and,
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs;

11. The two existing driveway approaches on Garden Grove Boulevard and one on Euclid street shall be removed, in addition to all remnant sections of curb, gutter, and sidewalk, and new curb, gutter, and sidewalk shall be constructed in accordance with City Standard Plans B-113 (Type C-8) and B-106, respectively.
12. The applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County PF&RD standards. Parkway culverts shall be constructed per Orange County PF&RD Standard Plan 1309, Type B.
13. Any new trash enclosures shall be constructed per Garden Grove Standard Plan B-502. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
14. Prior to the issuance of a building permit, the applicant shall dedicate ten (10) feet of road right-of-way on Garden Grove Boulevard along the property frontage to provide for the future construction of an eastbound right turn lane at Euclid Street. The applicant shall also dedicate a corner cut-off in accordance with City Standard Plan B-107.
15. The new driveway approach to the site on Euclid Street, and the one on Garden Grove Boulevard, shall be constructed per City Standard Plan B-120.
16. Prior to issuance of a grading plan, the applicant is required to post bonds to secure the required on-site and off-site improvements.

#### **Street Division Conditions**

17. Anti-graffiti efforts shall comply with City requirements throughout the project.

#### **Water and Sewer Services Division Conditions**

18. New water services installation(s), 2 inches and smaller, shall be at owner's/developer's expense. Installation shall be by City forces upon payment to applicable fees, unless otherwise noted. Fire services and larger water services, 3 inches and larger, shall be installed by the developer/owner's contractor per City Standards.
19. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
20. Water meters shall be located within the City right-of-way. Fire services and large water services, 3 inches and larger, shall be installed by contractor with class-A or C-34 license, per City water standards and inspected by approved Public Works inspection.

21. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
22. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
23. Fire service, if required, shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division and City Standards.
24. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
25. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license.
26. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
27. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations.
28. Owner shall install new sewer lateral off the 12" sewer main on Garden Grove Blvd., with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.
29. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

**Fire Department Conditions**

30. Fire apparatus access roads shall have an unobstructed width of not less than twenty (20) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches.
31. An all-weather access road must be in place prior to building with combustible materials.

**Planning Services Division Conditions**

32. This proposal shall be for the construction of an approximately 3,407 square foot multi-tenant commercial building. Any future restaurant use shall be limited to no more than a total of 2,200 square feet. Additionally, any future restaurant use shall be limited to a food use of 0-16 seats with less than 300 square feet of customer/dining area. No outside eating/seating area shall be permitted.
33. Enhanced concrete treatment shall be provided within both driveways to the site. The depth of the enhanced paving along both street frontages shall be 18'-0" deep. Enhanced concrete paving shall be installed within the plaza/patio area. The design and color of the enhanced paving shall be reviewed and approved by the Planning Division prior to issuance of building permits.
34. The design and details of the trash enclosure shall match the color and materials used on the building. The trash bin shall be kept inside the trash enclosure, and gates closed at all times except during disposal and pick-up. If additional pick-ups are needed to accommodate the use, the applicant shall increase the number of pick-ups as required.
35. The building reveal lines shall be a minimum of one (1) inch. A detail of the reveal lines shall be included on the plans submitted for building permits.
36. All proposed fabric awnings shall be constructed of metal or fiberglass. Material samples shall be reviewed and approved by the Planning Division prior to issuance of building permits. Alternatively, the applicant shall be permitted to use reinforced vinyl awnings provided said material has a listed life, from the manufacturer, of at least five (5) years. Additionally, the vinyl awnings shall be maintained and/or replaced on a regular basis, as requested by the City, so as not to be faded, stained, or tattered at any time.
37. Color and material samples shall be submitted for Planning Division review and approval prior to issuance of building permits.
38. All exterior lights shall be reviewed and approved by the Planning Department prior to issuance of building permits. The applicant shall be

responsible for providing adequate lighting of the parking areas and drive-through lane in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to provide glare upon adjacent properties or the public right-of-way. All building lighting shall be decorative and compliment the architectural style of the building. 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.

39. The parking lot shall be striped in substantial compliance with the submitted plans. Parking space striping shall conform to Garden Grove Standard Plan B-311.
40. The proposed transformer shall be screened from view with a row of 15 gal (min.) size shrubs and shall not be located within the street setback area. If possible, the transformer shall be relocated within the planter area located adjacent to the trash enclosure. Final placement of the transformer shall be coordinated with Southern California Edison and the City of Garden Grove Planning Division prior to installation.
41. All roof top equipment shall be screened from public view. A line of sight detail shall be included within plans submitted for building permits and shall be reviewed and approved by the Planning Division prior to issuance of building permits.
42. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade. All rain gutters shall be constructed within the building walls. Plans submitted for building permit shall include a detail for the in-wall rain gutters.
43. No exterior roof ladders shall be permitted. All roof access shall be from within the building.
44. The applicant shall submit a complete, detailed landscape plan governing the entire development. The plan shall include type, size, location and quantity of all plant material. Final plant material shall be reviewed and approved by the Planning Division prior to issuance of permits. The plan shall include irrigation plans staking and planting specifications. The landscape plan is also subject to the following:
  - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. The applicant is and shall be responsible for installation and maintenance of all landscaping on the property and adjacent public parkway.



- c. The plan shall provide a mixture of trees. A minimum of ten (10) percent of the trees shall be 48-box, ten (10) percent of the trees shall be 36-inch box, fifteen (15) percent of the trees shall be 24-inch box, and sixty (60) percent of the trees shall be 15-gallon. Remaining five (5) percent of the trees may be of any size.
  - d. Trees planted within ten (10) feet of any public right-of-way shall be planted in root barrier shield. All landscaping along street frontage adjacent to driveways shall be of low height variety to ensure safe site clearance.
  - e. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan in order to ensure that property landscape screening will be provided.
  - f. Low mounding and berming shall be incorporated into the entire length of the street frontages along Garden Grove Boulevard and Euclid Street. Such berming shall not exceed 12 to 24 inches in height above the highest adjacent curb.
  - g. An enhanced landscape treatment shall be provided within the landscape area located at the northeast corner of the property and shall include a hierarchical design utilizing a 48 inch box tree, shrubs (5 gal. and 15 gal. size), vines, flowering ground covers, and turf.
  - h. Landscaping within the dedication areas along Garden Grove Boulevard shall be shown on the landscape/irrigation plans submitted for plan check. Landscaping within these areas shall be consistent with the landscape materials used elsewhere on-site. All landscaped areas located within the public right-of-way as well as on-site shall be the responsibility of the property owner to fully maintain.
  - i. The landscape planters located along the westerly and southerly property lines, shall include a variety of trees, shrubs (5 gal. size min.), and ground covers.
45. The applicant/property owner shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-429-07 and Variance No. V-163-07 and their agreement with all conditions of approval.
  46. The property shall be maintained free of graffiti. Graffiti shall be removed from the premises and all parking lots under the control of the licensee and/or applicant/owner within 120 hours of occurrence or notice.
  47. During permitted hours of operation, noise generated by the operation shall not exceed 55 dBA as measured at the boundaries of the property lines.

48. 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 same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
49. During construction the applicant/property owner shall comply with the following measures to contain fugitive dust as required by the City's General Plan EIR:
  - a. Adherence to SCAQMD Rule 403, Fugitive Dust, as revised, which includes dust minimization measures such as daily watering of soils, application of non-toxic soils stabilizer, replacement of ground cover in disturbed areas as soon as possible, suspension of excavating and grading operations when wind speeds (or instantaneous gusts) exceed 25 miles per hour, and maintenance of a minimum two (2) feet of freeboard on all trucks hauling dirt, sand soil or other loose material.
  - b. Sweeping of streets near construction area.
  - c. Rinsing of wheels on construction vehicles prior to leaving construction area.
  - d. Paving of all construction access roads at least 100 feet onto the site from the main access points.
  - e. Use of electricity from power poles rather than temporary diesel or gasoline powered generators.
  - f. Use of methanol, natural gas, propane or butane-powered on-site mobile equipment rather than diesel or gasoline powered equipment.
  - g. 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.
50. In the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; legal fees shall be limited so as not to exceed \$250 per hour; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or

indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.

**Building Services Division Conditions**

51. The building plans, site plans and all construction shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.

## MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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CONTINUED

PUBLIC HEARING: SITE PLAN NO. SP-429-07  
VARIANCE NO. V-163-07

APPLICANT: JESSICA MYERS

LOCATION: SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND EUCLID STREET AT  
11162 GARDEN GROVE BOULEVARD

DATE: SEPTEMBER 20, 2007

REQUEST: To construct an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot, with associated parking and landscape improvements, in conjunction with Variance requests for reduced building setbacks and to develop a lot that does not meet the minimum lot size and street frontage requirements. The site is in the CCSP-CC44 (Community Center Specific Plan – Community Center 44) zone.

Staff report was read describing modifications to the project as well as to Condition Nos. 5 and 29, and recommended approval.

Commissioner Brietigam asked staff if the applicant could still have three uses instead of the newly proposed two. Staff replied yes; however, restricting the use to two spaces could be conditioned.

Commissioner Pak asked staff if the Euclid Street storm drain would be affected by the new driveway. Staff replied no.

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

Mr. Aaron Swerdlow, the applicant's representative, approached the Commission and described the modifications to the project and hoped that the changes were acceptable. He stated that changes included a 20'-0" setback on Euclid Street and a 12'-0" setback on Garden Grove Boulevard. Also, the project is now over-parked by two parking spaces; per code, the project is over-parked by 4.85 spaces; the building is reduced to 3,400 square feet from 3,800 square feet. He further stated that with regard to tenant use, flexibility is needed on small properties; and, that there is a volunteer food restriction of no more than 2,200 square feet for food use.

Chair Chi asked Mr. Swerdlow if he had read and agreed with the original and modified Conditions of Approval. Mr. Swerdlow replied yes.

Commissioner Pak asked Mr. Swerdlow if the initial level one environmental assessment had been completed. Mr. Swerdlow replied yes; that if approved, construction would begin within four to six months.

Ms. Patricia Stark approached the Commission and submitted a letter citing concerns. Ms. Stark asked that staff clarify the 12'-0" right-of-way allocations on Euclid Street and Garden Grove Boulevard; that previously, staff did not support the property right

Variance, therefore the previous applicant was treated unfairly; that a fence should be installed during construction; that an area needs to be designated for construction employee parking; that the County Health Department should sign-off the remediation prior to building permits being issued; that the applicant's bond coverage needs to be clarified; and that a barrier should be built between the proposed project and the existing shopping center to alleviate potential problems for both parties.

Staff clarified that there is not a 12'-0" dedication along Euclid Street, and that only Garden Grove Boulevard has a 10'-0" dedication.

Chair Chi commented that the letter's Reservation No. 2 was a mute point with regard to the previous applicants being treated unfairly; and that remediation with Chevron had taken place; and that the initial EIR is complete.

Staff added that a fence would be in place during construction; that construction crews would typically park on site, and that this could be added as a Condition; that construction bonds would be used for public improvements; that a County Health Department remediation condition is included indicating that the applicant must show the property could be built on; and that there would be a landscape barrier between the properties, as a wall would limit visibility to the shopping center behind.

Mr. Vu Mai approached the Commission and expressed his concern with regard to the trash enclosure location, as it would emit odors and attract rodents. Staff replied that the trash enclosure would be enclosed and covered, and that there is no other location available for the enclosure.

The applicant stated that the trash would be taken away one, possibly two times a day.

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

Commissioner Brietigam commented that though the previous proposal met code, the setback issues did not make sense; however, with the changes, the project is more acceptable, especially with regard to the future right-of-way.

Commissioner Beard asked the City Attorney if email correspondence with the applicant would need to be disclosed; and that he did not reply to an email sent to him by the applicant. The attorney replied by summarizing the stipulations of the Brown Act with regard to communications and disclosure policies.

Commissioner Beard expressed that he liked the project and now that the parking concerns have been addressed, he could support the Variance.

Commissioner Pak noted the developer's sacrifices and thanked the applicant for bringing the development to the City to improve the quality of life in Garden Grove.

Commissioner Chi thanked the applicant for being open to change and for the quick turn-around for modifications.

Vice Chair Pierce moved to approve Site Plan No. SP-429-07 and Variance No. V-163-07 with modifications to Condition Nos. 5 and 29, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5612. The motion received the following vote:

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

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> D.1	<b>SITE LOCATION:</b> Southwest corner of Garden Grove Boulevard and Euclid Street at 11162 Garden Grove Boulevard
<b>HEARING DATE:</b> December 4, 2008	<b>GENERAL PLAN:</b> Mixed Use
<b>CASE NOS.:</b> Site Plan No. SP-429-07 & Variance No. V-163-07	<b>ZONE:</b> CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44)
<b>APPLICANT:</b> Garden Grove 100, LLC	<b>APN:</b> 099-105-05
<b>PROPERTY OWNER:</b> Garden Grove 100, LLC	<b>CEQA DETERMINATION:</b> Exempt

## **REQUEST:**

The applicant is requesting approval of a one-year extension of time for the approved entitlements under Site Plan No. SP-429-07 and Variance No. V-163-07 to construct an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot.

## **BACKGROUND:**

On September 6, 2007 the Planning Commission approved Site Plan No. SP-429-07 and Variance No. V-163-07 to construct an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot with associated parking and landscape improvements in conjunction with a Variance request for reduced building setbacks and to develop a lot that does not meet the minimum size and street frontage requirements of the CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44) zone.

## **DISCUSSION:**

The applicant has submitted the attached letter dated October 10, 2008 requesting a one-year extension time to commence construction due to the difficulties in obtaining construction financing because of the current significant economic issues impacting the overall economy. They are currently tracking the financial markets closely and have indicated that they will proceed with the project as soon as the banks rebound and credit is made available.

The applicant has completed the Building and Planning Division's plan check process and is currently working with the Engineering Department to complete the grading plan check process.

Title 9 of the Municipal Code allows for up to a one-year time extension on an approved Site Plan and Variance entitlement. In reviewing the applicant's request, staff feels that the granting of the one-year extension would be appropriate not only due to the down turn in the economy, but the project still remains consistent with the current zoning and General Plan Land Use designation of the property.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Approve the request for a one-year time extension for Site Plan No. SP-429-07 and Variance No. V-163-07.

Karl Hill  
Planning Services Manager

By: Lee Marino  
Senior Planner



RESOLUTION NO. 5664

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING A ONE-YEAR TIME EXTENSION FOR SITE PLAN NO. SP-429-07 AND VARIANCE NO. V-163-07.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 4, 2008, does hereby approve a one-year time extension for the approved Site Plan No. SP-429-07 and Variance No. V-163-07 entitlements for land located at the southwest corner of Garden Grove Boulevard and Euclid Street at 11162 Garden Grove Boulevard, Parcel No. 099-105-05.

BE IT FURTHER RESOLVED in the matter of the time extension for Site Plan No. SP-429-07 and Variance No. V-163-07, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Garden Grove 100, LLC., the applicant and property owner.
2. The applicant requests a one-year time extension for the approved Site Plan No. SP-429-07 and Variance No. V-163-07 entitlements approving the construction of an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot with associated parking and landscape improvements, in conjunction with a Variance for a reduced building setback and to develop a lot that does not meet the minimum size and street frontage requirements of the CCSP-CC44 (Community Center Specific Plan - Community Commercial District 44) zone.
3. The City of Garden Grove determined that this project is exempt pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).
4. The site is a vacant lot that has a General Plan Land Use designation of Mixed Use and a CCSP-CC44 (Community Center Specific Plan - Community Commercial District 44) zoning designation.
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 December 4, 2008, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of December 4, 2008; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.20.030.9, are as follows:

FACTS:

The site consists of one vacant parcel that is an approximate land area of 18,263 square feet.

The applicant/owner proposes to construct an approximately 3,812 square foot multi-tenant building and associated site improvements, in conjunction with a Variance request for reduced building setbacks and to develop a lot that does not maintain the minimum lot size and street frontage requirements of the Community Center Specific Plan.

The City proposes to make future street improvements along the south side of Garden Grove Boulevard for a right-turn lane at Euclid Street. The improvements require a 10'-0" right-of-way dedication on behalf of the applicant/property owner.

Due to the size and configuration of the property as well as the fact that there is no additional property adjacent to the subject site to be acquired for site expansion and the City required right-of-way dedication, the requested Variances are necessary in order to facilitate development of this site.

On September 20, 2007 the Planning Commission approved Site Plan No. SP-429-07, Variance No. V-163-07, to allow the development of an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square vacant lot with associated parking and landscape improvements in conjunction with a Variance for a reduced building setback and to develop a lot that does not meet the minimum size and street frontage requirements of the CCSP-CC44 (Community Center Specific Plan – Community Commercial District 44) zone.

FINDINGS AND REASONS:

Time extension:

1. A request for a time extension, including the reasons therefore, has been submitted prior to the permit expiration date, or the hearing body finds that due to special circumstances demonstrated by the property owner or the applicant, a late-filed request should be considered.

The applicant has submitted a timely request to extend the approval of the subject project for one year. The applicants have indicated that they are unable

to move forward with the project at this time due to the down turn in the financial market and the difficulty in obtaining construction financing. The applicant is continuing to monitor the financial markets closely and has indicated that they will proceed with the project as soon as the market starts to rebound. Additionally, the applicant has completed the building permit plan check process and is currently in the process of finishing the plan check process for grading plan approval.

2. There has been no change in the General Plan designation or Zoning of the site that would render the development or use nonconforming.

The subject site's General Plan Land Use designation and Zoning designation have not been changed since the project's approval, and therefore, the development will not be rendered nonconforming.

3. There are no land use actions or study currently underway that would have the potential to render the development or use nonconforming.

There are no known studies or actions that would affect the site or proposed development that would possibly render the development nonconforming.

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 Time Extension for the approved Site Plan does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.20.030.9 (Time Extension).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the originally approved conditions of approval for Site Plan No. SP-429-07 and Variance No. V-163-07 shall remain in effect.

ADOPTED this 4th day of December, 2008

/s/ RON PIERCE  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on December 4th, 2008, by the following votes:

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

/s/ JUDITH MOORE  
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is December 25th, 2008.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING: SITE PLAN NO. SP-429-07  
VARIANCE NO. V-163-07  
APPLICANT: JESSICA MYERS  
LOCATION: SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND EUCLID STREET AT  
11162 GARDEN GROVE BOULEVARD  
DATE: DECEMBER 4, 2008

REQUEST: To approve a one-year time extension for the approved entitlements under Site Plan No. SP-429-07 and Variance No. V-163-07. The site is in the CCSP-CC44 (Community Center Specific Plan-Community Center 44) zone.

Staff report was read and recommended approval. Staff also noted that the applicant needed to excuse himself from the public hearing due to a prior commitment.

Commissioner Brietigam asked staff to clarify the number of time extensions that are allowed. Staff replied that there are no limitations for variances and site plans, except for subdivisions; that for variances and site plans the extensions could be issued one year at a time; that the permit is valid as long as work continues; that if work is stopped the permit would expire in the twelve month period.

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

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

Commissioner Beard moved to approve the one-year time extension for Site Plan No. SP-429-07 and Variance No. V-163-07, seconded by Commissioner Brietigam. The motion received the following vote:

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