

RESOLUTION NO. 4787

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-197-97, VARIANCE NO. V-210-97, AND CONDITIONAL USE PERMIT NO. CUP-351-97, FOR LAND LOCATED ON THE EAST SIDE OF VALLEY VIEW, NORTH OF CHAPMAN AVENUE, AT 11848 VALLEY VIEW STREET, PARCEL NO. 130-352-18, AND INCLUDING AN ADJACENT ALLEY EASEMENT.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 3, 1997, does hereby adopt a Negative Declaration, finds a de minimis impact on fish and wildlife resources, and approve Site Plan No. SP-197-97, Variance No. V-210-97, Conditional Use Permit No. CUP-351-97.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-174-96, Variance No. V-210-97, and Conditional Use Permit No. CUP-351-97, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Isaac Neches.
2. The applicant is requesting approval of a Site Plan, Variance, and Conditional Use Permit, in order to develop a 1.9 acre site with a 26,000 square foot, 72 bed, Residential Care Facility and deviate from the number of required parking for this development. A Zone Change Amendment and Development Agreement are also proposed.
3. The proposed project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The property has a General Plan Land Use designation of Light Commercial and is zoned C-2 (Community Commercial). The front portion of the site is improved with a small, one story office building and the rear portion of the site is vacant.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 3, 1997, 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 September 3, 1997; 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 applicant is proposing to develop 1.9 acres of land with a Residential Care Facility.

The applicant has also submitted in conjunction with this Site Plan application:

A Conditional Use Permit application (CUP-351-97) in order to allow the proposed use.

A Variance (V-210-97) in order to allow the proposed development to deviate from the number of required parking spaces.

A Zone Change Amendment (A-178-97) in order to change the property's current zoning classification from C-2 (Community Commercial) to C-1 (Neighborhood Commercial) in order to accommodate the intended use of the property.

A Development Agreement, which is being processed in compliance with Government Code Section 65864.

FINDINGS AND REASONS:

SITE PLAN:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of Title 9 and the General Plan.

The project's design, architectural facades, and landscaping will bring the site into compliance with the requirements of Title 9 and the goal and objectives of the General Plan.

2. The project will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

According to the parking and traffic study, the project provides adequate off-street parking, for the proposed use. The drive aisles and maneuvering areas are adequate for vehicle access. Adequate pedestrian access is provided within the project. The project is required to provide new driveway approaches, repair

public sidewalks, and provide a new parking area with landscaping and parking lot striping in order to facilitate the overall circulation.

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

The Site Plan has been reviewed by the various City departments to insure that adequate public facilities are provided through the conditions of approval for the project.

4. The project will not adversely impact the Public Services Department's ability to perform its required function.

The Site Plan has been reviewed by the Public Services Department. Issues raised by the proposed project have been addressed in the project design and the conditions of approval.

5. The project is compatible with the physical, functional and visual quality of the neighboring uses and desirable neighborhood characteristics.

The conditions of approval for the Site Plan, Variance, and Conditional Use Permit, will help to insure that there is a reasonable degree of compatibility between the proposed project and surrounding uses.

### **CONDITIONAL USE PERMIT**

1. The use is consistent with the General Plan and Redevelopment Plan. The use is conditionally permitted use in the C-1 (Neighborhood Commercial) zone, and complies with all applicable code provisions.
2. The proposed use will not adversely affect the health, peace comfort or welfare of persons residing or working in the surrounding area provided the conditions of approval are adhered to for the life of the project.
3. The residential care facility will not unreasonably interfere with the use, enjoyment or valuation of property of other persons located within the vicinity of the site provided the conditions of approval are adhered to for the life of the project. The use will be compatible with the surrounding area.
4. The residential care facility will not jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare. The conditions of approval for the uses will ensure the public, health, safety, and welfare.

5. The Conditional Use Permit approval will not adversely affect the use and enjoyment of adjacent properties. If the applicant operates this use in compliance with the conditions of approval, there should be no impact on the adjoining properties.

### VARIANCE

#### 1. Finding:

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

#### Reason:

The intended use of the property is for a residential care facility. The applicant has submitted a traffic analysis regarding the proposed use. It was found through this analysis that the site plan provides a sufficient amount of parking for the intended use, and the intended use will not generate a substantial amount of traffic or parking demand for the site.

#### 2. Finding:

The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question.

#### Reason:

The intended use of the property is similar other uses in close proximity to this site. These similar facilities provide less than the required number of parking as required by Title 9. In addition, the traffic analysis prepared for this project used a similar facility to the one being proposed in order to evaluate parking and traffic impacts. The report's conclusion indicates that the proposed site plan provides a sufficient number of parking spaces.

#### 3. Finding:

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

#### Reason:

The Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone where the property is located because the project will comply with all applicable regulations to insure the safety of the

building occupants, vehicular and pedestrian circulation, and surrounding property owners.

4. Finding:

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

Reason:

Granting of the Variance will not adversely affect the City's General Plan. The project complies with the implementation strategies of the goals and policies as stated in the Land Use, Circulation, and Community Design Elements of the General Plan, which encourages providing sufficient access and parking for land uses throughout the City and reduce the amount of paved surface. Minimizing the amount of paved area, other goals are met in the form of an enhanced appearance along the Valley View corridor by providing landscaping along the site's street frontage and around the periphery of the parking area.

INCORPORATION OF FINDINGS 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, Variance, and Conditional Use Permit, do 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 following Conditions of Approval shall apply to Site Plan No. SP-197-97, Variance No. V-210-97, and Conditional Use Permit No. CUP-351-97:
  - A. All below-listed conditions of approval are required to be recorded. Recordation of said conditions is the responsibility of the applicant, and proof of such recordation is required prior to 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 by the Planning Commission.
  - B. Approval of this Site Plan shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the Garden Grove Municipal Code shall apply.

- C. All modifications shall be submitted to the Planning Commission. If other than minor changes are made in the proposed development, a new Site Plan application shall be filed, which reflects the revisions made.
- D. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout the parking area and the drive areas located in front of the facility at a minimum of two foot-candles of light on the parking area during regular evening visiting hours, and one foot-candle for non-visiting hours. Lighting in the parking areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
- E. The developer shall submit detailed plans for the construction of the residential care facility, showing the proposed location of utilities and mechanical equipment, to the Community Development Department, Planning Division for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
  - 1. For the construction of the residential care facility, above-ground utility equipment (e.g., electrical, gas, telephone) shall not be located in the street setbacks and shall be screened to the satisfaction of the Community Development Department, Planning Division.
  - 2. For the construction of the new building, no roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Planning Division prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
  - 3. For the construction of the new building, all ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
- F. The following provisions of the Public Works, Engineering Division shall be complied with, including, but not limited to, the following:
  - 1. The developer shall remove all unused driveways surrounding the subject site and replace with per City standards, curb, gutter and sidewalk.

2. Any required right-of way necessary to construct adjacent street(s) to their ultimate shall be dedicated to the City. All deficient improvements in the public right-of-way from the street center line to property line shall be constructed. Replace damaged improvements as required.
3. The developer shall submit grading, water and sewer, and approved utility plans and are to be prepared by a registered Civil Engineer. In addition, separate plans shall be submitted for construction in the public right-of-way and shall be prepared by a registered Civil Engineer.
4. Provide Hydrology and Hydraulic calculations to size parkway culvert(s) or storm drain(s) per OCEMA Standards. Parkway culverts to be constructed per OCEMA Standard Plan 1309 (type B).
5. All on-site improvements to be removed prior to start of construction (e.g. the existing office building and existing asphalt parking area).
6. Driveway approaches shall be constructed in conformance with Garden Grove Standard Plan B-120 (flared driveway approaches). Reconstruction of on-site curbs adjacent to driveways are also required. Separate street permit required prior to start of work. Construction of a flared driveway approach on arterial streets provides a safer entry into the property without disrupting traffic flow because drivers are not required to swing wide or slow to a stop to enter the driveway.
7. Bonds shall be posted to secure all work within the public right-of-way and all public improvements.
8. Any new or required block walls and/or retaining walls and trash enclosures shall be shown on the grading plans. Block walls shall be developed to a height of six (6) feet minimum, unless otherwise specified, as measured from highest on-site, or adjacent property finished grade. The block walls abutting at the southeast corner of the site shall incorporate an emergency access gate, including a Knox-box key system, subject to the approval of the Public Works and Fire Departments
9. If development requires existing street trees to be removed, trees are to be replaced with 15 gallon size trees at another location in the public right-of-way. The new location and the type of tree are to be specified by the City Engineer.
10. The alley along the north and east property lines may require resolution of any easement reservations for utility companies through a quitclaim action.

11. Site drainage shall be directed to Valley View Street and City flood control channel.
  12. Water and fire protection services shall be taken from Valley View Street.
  13. The building's finish floor elevation shall be a minimum of twelve (12") inches above the highest top of curb on Valley View Street or the adjacent flood channel, whichever is higher.
  14. A lot line adjustment is required in connection with the acquisition of the alley and shall be recorded prior to issuance of building permits.
  15. Reciprocal access easement agreement, including designating the specific location of an emergency vehicle access easement, shall be recorded with the property immediately to the south of the subject site. This easement shall be approved and by the City and recorded prior to issuance of building permits. The specific emergency access easement is for the purpose of allowing emergency vehicles to access the subject property's rear portion, that area which is closest to the flood control channel.
- G. The following provisions of the Public Works' Traffic Engineering Division shall be complied with:
1. All entrances to the property shall be posted with a sign indicating that unauthorized vehicles will be removed at the owner's expense. The signs shall be of the size, type, and location specified in the California Vehicle Code and Garden Grove Municipal Code.
  2. Handicap parking stalls shall be marked and signed in accordance with C.V.C. 22511.8(a). The handicap parking spaces shall be dispersed and location shall be approved by City (Title 24, Sec. 3107A.a) All parking stalls shall be standard size (9 feet x 19 feet) minimum and hairpin striped. All curbs not associated with a parking stall shall be painted red to prohibit parking.
  3. Paint curbs red where required by City's Traffic Engineer.
- H. The following provisions of the Garden Grove Sanitary District shall be met:
1. The applicant shall be responsible for sewer line installation and connection into the Garden Grove Sanitary District sewer line system. A sewer plan is required and shall be prepared by a state registered civil engineer.



2. Payment of fees shall be in accordance with the Garden Grove Sanitation District and County Sanitation District adopted rates.
- I. The following provisions of the Garden Grove Fire Department shall be met:
    1. Address numbers shall be a minimum of 12 inches in height in order to be visible from the street (in contrasting colors).
    2. The building shall be fire sprinklered per the Uniform Building Code. Sprinkler shall be central station monitored. Fire extinguishers shall be provided and the number of fire extinguishers and their location shall be determined by the Garden Grove Fire Department.
    3. On-site fire hydrants shall be required. The number and placement shall be determined by the Garden Grove Fire Dept. Paths of travel for emergency vehicles in order to access the site and hydrants shall be provided prior to delivery of any combustible material on-site. This includes access from the parcel immediately to the south of the subject property.
    4. Fire lanes shall be posted and marked per the California Vehicle Code and the location to be determined by the Garden Grove Fire Dept.
    6. Knox box shall be required and approved by Garden Grove Fire Dept.
  - J. The building plans, site plans and all new construction shall comply with the current editions of the U.B.C., U.P.C., U.M.C., and N.E.C. as amended by the City of Garden Grove and State of California handicap access, energy conservation and sound transmission control requirements. It is recommended that the developer obtain a copy of the above-amended code sections before completing the final design.
  - K. The following provisions of the Garden Grove Public Services' Water Services Division shall be met:
    1. All new improvements and new modifications shall be borne by the developer. Installation to be performed by the City upon payment of applicable fees, unless otherwise noted. Fire Services and larger water services (3" inches and larger) shall be installed by the contractor/developer per City standards.
    2. The installation of a backflow prevention device may be required on water lateral. Requirements are based upon an evaluation by the City's cross connection specialist and building usage. New backflow prevention device

shall be installed per City standards and inspected by City cross connection specialist prior to receiving water services. Device to be tested immediately after installation and once a year by a certified backflow device tester.

3. Water meters and Fire services shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services (3" inches and larger) to be installed by the contractor/developer possessing a class C-34 License, per City water service standards and inspected by a Public Works Department Inspector.

L. The developer shall submit a complete landscape plan governing the entire development. Said plan shall include type, size, location and quantity of all plant material. It shall include irrigation plans and staking and planting specifications. The landscape plan is also subject to the following:

1. A complete, permanent, automatic remote control irrigation system shall be provided for all on-site landscaped areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.

2. The plan shall provide a mixture of a minimum of seven percent (7%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Trees in the parking area shall be a minimum of 15-gallon in size.

3. The developer shall be responsible for installation and maintenance of all landscaping on the property. Said responsibility shall extend to within the public right-of-way.

4. Trees planted within ten feet (10') of any public right of way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low height variety to ensure safe sight clearance. Final tree location shall be approved by the Community Development Department, Planning Division.

5. Mounding and berming shall be incorporated into all street frontage landscape areas.

M. No new exterior piping, plumbing, or mechanical duct work shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property.

- N. 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:
  - 1. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
  - 2. Sunday and Federal Holidays may work same hours but subject to noise restrictions as stipulated in section 8.47.010 of the Municipal Code.
- O. The developer shall enter into a maintenance agreement with the City of Garden Grove to ensure proper maintenance and upkeep of the property.
- P. The developer shall enter into a binding Development Agreement with the City of Garden Grove. This includes the payment of a Development Impact Mitigation Fee in accordance with City Council Resolution.
- Q. All driveway approaches shall be treated with decorative stamped concrete or interlocking pavers or other enhanced treatment. Color, pattern, and material shall be approved by Community Development Department, Planning Division and shown on the final site plan and the grading plan.
- R. All signs shall comply with the Municipal Code and the signs shall be submitted as a sign program for the entire site, including height, size, color and locations of all signs approved. All signs require a separate permit, shall be installed in accordance with the provision of the sign ordinance, and shall be approved by the Community Development Department, Planning Division prior to installation.
- S. Prior to the issuance of any permits, Amendment No. A-178-97 shall be in effect.
- T. The applicant shall apply for a review of this Conditional Use Permit in three (3) years from date of this resolution's approval and conditions may be added and/or modified at that time.
- U. The maximum number of adult clients shall not exceed that allowed by the Uniform Fire and Building Codes adopted by the City of Garden Grove. Any requests for additional adult clients shall be approved by the Community Development Department, and Fire Department.
- V. Litter shall be removed daily from the premises. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.

- W. A copy of the resolution approving Site Plan No. SP-197-97, Conditional Use Permit No. CUP-351-97, and Variance No. V-210-97, shall be kept on the premises at all times.
- X. The parking lot area on the subject site shall comply with all requirements of the City of Garden Grove and State of California regarding parking accessibility of the physically handicapped.
- Y. Graffiti shall be removed from the premises and all parking lots under the control of the applicant within 120 hours of application.
- Z. The use of amplification system shall not be permitted within the north side yard area of the building.
- AA. The facility including the parking lot, landscaped areas, walkways, and paved surfaces shall be well-maintained at all times.
- BB. During construction the developer shall comply the following measures to contain fugitive dust as required by the General Plan EIR:
  - 1. 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 stabilizers, 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 feet of freeboard on all trucks hauling dirt, sand, soil or other loose material.
  - 2. Sweeping of streets near construction area.
  - 3. Rinsing of wheels on construction vehicles prior to leaving construction area.
  - 4. Paving of all construction access roads at least 100 feet onto the site from the main access points.
  - 5. Use of electricity from power poles rather than temporary diesel or gasoline powered generators.
  - 6. Use of methanol, natural gas, propane or butane-powered on-site mobile equipment rather than diesel or gasoline powered equipment.

CC. 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.

ADOPTED this 3rd day of September 1997.

/s/ EDWARD HESKETT  
CHAIRMAN

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 3, 1997, by the following votes:

AYES:	COMMISSIONERS:	HESKETT, BUTTERFIELD, HUTCHINSON, ROSEN SCHILD, WILKINS
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	FREZE

/s/ PRISCILLA STIERSTORFER  
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 September 24, 1997.

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING ZONE CHANGE AMENDMENT NO. A-178-97 CHANGING THE ZONING DESIGNATION ON THE EAST SIDE OF VALLEY VIEW STREET, NORTH OF CHAPMAN AVENUE FROM THE C-2 (COMMUNITY COMMERCIAL) ZONE TO THE C-1 (NEIGHBORHOOD COMMERCIAL) ZONE. THE PROPERTY IS LOCATED AT 11848 VALLEY VIEW STREET, PARCEL NO. 130-352-18, INCLUDING ADJACENT ALLEY EASEMENT.

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

WHEREAS, the case, initiated by Isaac Neches, proposes to rezone an approximately 1.9-acre site from the C-2 (Community Commercial) zone to the C-1 (Neighborhood Commercial) zone in order to facilitate the development of the site with a 26,500 square foot, 72 bed, residential care facility.

WHEREAS, the Planning Commission, at a public hearing held September 3, 1997, adopted a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission determined a de minimis impact in relation to fish and game; and

WHEREAS, pursuant to Resolution No. 4788, the Planning Commission, at a public hearing held on, September 3, 1997, recommended approval of Zone Change Amendment No. A-178-97; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on May 26, 1998, and all interested persons were given an opportunity to be heard; and

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

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Zone Change Amendment No. A-178-97 is hereby approved pursuant to the facts, and reasons stated in Planning Commission Resolution No. 4788, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

Section 2. Zone Change Amendment No. A-178-97 is hereby adopted and the property shown on the map attached hereto is rezoned to the C-1 (Neighborhood Commercial) zone as shown thereon. Zone Map part B-5 is amended accordingly.

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

The forgoing Ordinance was passed by the City Council of the City of Garden Grove on the 9th day of June, 1998.

ATTEST:

/s/ BRUCE A. BROADWATER  
MAYOR

/s/ RUTH E. SMITH  
CITY CLERK

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) SS:  
CITY OF GARDEN GROVE    )

I, RUTH E. SMITH City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on May 26, 1998 with vote as follows:

AYES:     COUNCILMEMBERS: (5) CHUNG, DINSEN, LEYES, MADDOX, BROADWATER  
NOES:     COUNCILMEMBERS: (0) NONE  
ABSENT:   COUNCILMEMBERS: (0) NONE

and was passed on June 9, 1998 by the following vote:

AYES:     COUNCILMEMBERS: (4) CHUNG, LEYES, DINSEN, BROADWATER  
NOES:     COUNCILMEMBERS: (0) NONE  
ABSENT    COUNCILMEMBERS: (1) MADDOX

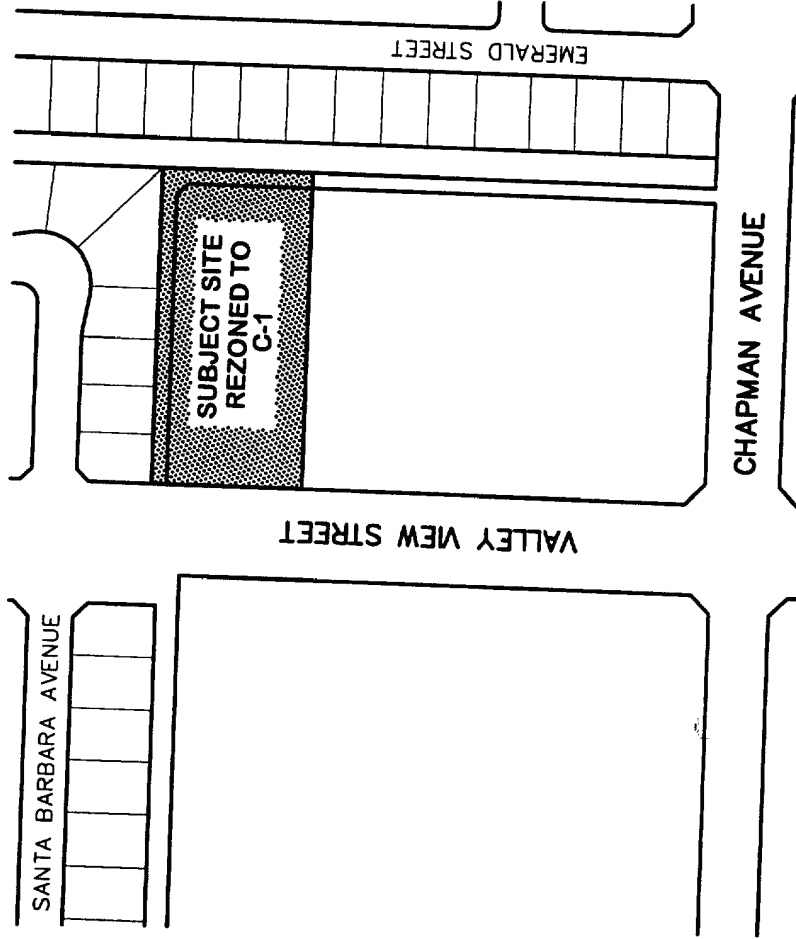
/s/ RUTH E. SMITH  
CITY CLERK

# AMENDMENT NO. A-178-97

## PARCEL NO. 130-352-18



NO SCALE  
CITY OF GARDEN GROVE  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
CAD SYSTEM  
REF: A-178-97.DWG  
MAY 1996



REZONED FROM C-2 TO C-1 ZONE  
ZONE MAP PART B-5  
A-178-97



ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN ISAAC NECHES (DEVELOPER/PROPERTY OWNER), AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE EAST SIDE OF VALLEY VIEW STREET, NORTH OF CHAPMAN AVENUE AT 11848 VALLEY VIEW STREET, PARCEL NO. 130-352-18, AND INCLUDING AN ADJACENT ALLEY EASEMENT.

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

Section 1. A Development Agreement is hereby adopted for Site Plan No. SP-197-97, Variance No. V-210-97, and Conditional Use Permit No. CUP-351-97 for property located at the east side of Valley View Street, north of Chapman Avenue at 11848 Valley View Street. A copy of the Development Agreement is on file in the City Clerk's Office.

Section 2. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.

The forgoing Ordinance was passed by the City Council of the City of Garden Grove on the 9th day of June, 1998.

ATTEST:

/s/ BRUCE A. BROADWATER  
MAYOR

/s/ RUTH E. SMITH  
CITY CLERK

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) SS:  
CITY OF GARDEN GROVE    )

I, RUTH E. SMITH City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on May 26, 1998 with vote as follows:

AYES:       COUNCILMEMBERS: (5) CHUNG, DINSEN, LEYES, MADDOX, BROADWATER  
NOES:       COUNCILMEMBERS: (0) NONE  
ABSENT:     COUNCILMEMBERS: (0) NONE

Ordinance No. 2434  
Page 2

and was passed on June 9, 1998 by the following vote:

AYES: COUNCILMEMBERS: (4) CHUNG,DINSEN LEYES, BROADWATER  
NOES: COUNCILMEMBERS: (0) NONE  
ABSENT COUNCILMEMBERS: (1) MADDOX

/s/ RUTH E. SMITH  
CITY CLERK

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.</b> C.4	<b>SITE LOCATION</b> 11848 Valley View Street, east side of Valley View Street, north of Chapman Avenue
<b>HEARING DATE</b> September 3, 1997	<b>GENERAL PLAN</b> Light Commercial
<b>CASE NO.</b> Site Plan No. SP-197-97, Variance No. V-210-97, Conditional Use Permit No. CUP-351-97, Amendment No. A-178-97. and Development Agreement	<b>ZONE</b> C-2 (Community Commercial)
<b>APPLICANT</b> Isaac Neches.	
<b>OWNER</b> Kelswan, Inc. & Gateway Partnerships	<b>CEQA DETERMINATION</b> Negative Declaration

**REQUEST:**

The applicant is requesting approval of a Site Plan, Variance, Conditional Use Permit, and Code Amendment in order to construct a 26,500 square foot, 72 bed, residential care facility (Valley View Gardens), deviate from the number of required parking spaces for the proposed use, and rezone the site from the C-2 (Community Commercial) zone to the C-1 (Neighborhood Commercial) zone in order to allow the proposed use. In addition, a Development Agreement is also proposed.

**PROJECT STATISTICS:**

<u>PROJECT CRITERIA</u>	<u>ACTUAL</u>	<u>MEETS CODE</u>	<u>DOES NOT MEET CODE</u>	<u>VARIANCE</u>	<u>CONDITION OF APPROVAL</u>
<u>LOT SIZE:</u>	1.9 Acres	X			
<u>BUILDING SIZE</u>	26,500 SF (72 beds)				
<u>SETBACKS</u>					
<u>Front (west)</u>	84 feet	X			
<u>Side (north)</u>	14 feet	X			
<u>Side (south)</u>	20 feet	X			
<u>Rear (east)</u>	24 feet	X			
<u>PARKING:</u>	31 spaces		X	X	
<u>LANDSCAPING:</u>	26,864 SF (33%)				

**BACKGROUND:**

The applicant is proposing to improve the site with a residential care facility, mainly for elderly patients suffering from Alzheimer's Disease. The site is located on the east side of Valley View Street, north of Chapman Avenue, and consists of 1.9 acres of land. The site contains two separate parcels, a 1.65 acre parcel and an existing 20-foot wide alley easement located along the northerly and easterly sides of the larger parcel. The front portion of the larger parcel is presently improved with a small, one story medical building and parking lot. The rear portion of this parcel is vacant and unimproved.

The site presently is under separate ownerships. Gateway Partnership is the present owner of the larger parcel and Kelswan, Inc. is the owner of the 20-foot wide alley easement. Upon the approval of the land use entitlements and the escrow closure, the applicant will be the owner of these parcels.

The site has a General Plan Land Use designation of Light Commercial and is zoned C-2 (Community Commercial). The present zoning, C-2, does not permit the proposed use. Therefore, a zone change is required in order to facilitate the requested development.

**DISCUSSION:**

**ZONE CHANGE AMENDMENT**

The applicant is requesting to rezone the site to the C-1 zone. Under Title 9, the C-1 zone permits this proposed use with approval of a Conditional Use Permit.

The current General Plan Land Use designation is Light Commercial. Rezoning the property with a C-1 zone designation will maintain consistency with the General Plan and zoning. In addition, the General Plan Land Use and Community Design Elements' goals and policies state the City should encourage the development and enhancement of under-utilized commercial properties. The zone change amendment furthers the General Plan goals and policies, and therefore, the request can be supported.

**SITE PLAN:**

The applicant is proposing to demolish the existing medical building and construct a 72-bed residential care facility.

Building Design:

The building is composed of 36 rooms with 2 beds per room, dining and kitchen facilities, four activity rooms, several offices/rooms for administration, medical purposes, and other related support activities.

The project is designed in such a manner to create an open space/park-like setting throughout the site. The building layout also allows walkways to meander about the site accessing different parts of the building as well as the landscaped open space areas provided throughout the site. The building and outdoor areas will be designed to be fully handicapped accessible.

The building's architectural elevations consist of one story design with stuccoed walls which incorporate architectural columns and archway treatments, concrete tiled gable roofs, and french windows. The building color is proposed to be an off-white and the tile is proposed to be terra-cotta.

Landscaping:

The landscape areas incorporate trees, shrubs, and turf including the placement of a 600 square foot gazebo on the easterly portion of the site. The landscaped areas are well dispersed throughout the site, accessed by the walkways, and are intended to provide recreational and physical therapy for the facility's patients. All landscaping on-site is required to be maintained by the applicant.

Parking and Circulation:

The site is accessed from Valley View Street by way of two driveway approaches. These two access points serve the parking lot which is located along the front portion of the site. The parking area provides 31 parking spaces, five less than that required by Title 9 for this type of residential care facility. This reduction in the required number of parking spaces requires variance approval. Discussion regarding support for the variance is provided below.

Easement/Reciprocal Access Agreement:

The applicant is proposing to purchase and incorporate the 20-foot wide alley easement situated along the northerly and easterly sides of the site as part of the site development. This request requires a separate filing of a lot line adjustment application once the applicant has the ownership of the subject site. This condition is required to be completed prior to the issuance of the building permits.

Additionally, the applicant is required to record a reciprocal access easement agreement with Kelswan, Inc., who is the property owner of the commercial property immediately to the south of the subject site to provide an emergency access to the rear portion of the development from Chapman Avenue. The recordation is required to be completed prior to the issuance of building permits.

**DEVELOPMENT AGREEMENT:**

The proposed development requires the applicant and the property owners to enter into a Development Agreement with the City. The applicant and the property owners will be guaranteed that they will be able to construct the proposed facility within four years and the City will receive a development impact payment not to exceed \$16,730.

**VARIANCE**

The applicant has submitted a site plan showing 31 parking spaces. Title 9 requires 36 parking spaces to be provided for this use. However, the applicant has included a traffic analysis for the proposed project which supports the variance request. The traffic study based its findings and conclusion on the evaluation of a similar facility. The traffic study concluded that the site provides sufficient parking for the proposed use.

A summary of Staff's findings is as follows:

**Exceptional Circumstances--Yes**

There are exceptional circumstances applicable to the intended use that do not apply generally to other property or classes of use in the same vicinity or zone. The intended use of the property is for a residential care facility. The applicant has submitted a traffic analysis regarding the proposed use. It was determined through this analysis that the site plan provides sufficient amount of parking for the intended use, and the intended use will not generate a substantial amount of traffic or parking demand for the site.

**Substantial Property Right--Yes**

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 intended use of the property is similar to other uses in close proximity to this site. These similar facilities provide less than the required number of parking spaces per Title 9. In addition, the traffic analysis prepared for this project, used a similar facility to the one being proposed in order to evaluate parking and traffic impacts. The report's conclusion indicates that the proposed site plan provides a sufficient number of parking spaces.

**Materially Detrimental--No**

The Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone where the property is located because the project will comply with all applicable regulations to insure the safety of the building occupants, vehicular and pedestrian circulation, and surrounding property owners.

**Adverse Effect on the General Plan--No**

Granting of the Variance will not adversely affect the City's General Plan. Although the site does not comply with code provisions for required parking, the project complies with the implementation strategies of the goals and policies as stated in the Land Use, Circulation, and Community Design Elements of the General Plan, which encourage providing sufficient access and parking to land uses throughout the City and reducing the amount of paved surface. Minimizing the amount of paved area, other goals are met in the form of an enhanced appearance along the Valley View corridor by providing landscaping along the site's street frontage and around the periphery of the parking area.

**CONDITIONAL USE PERMIT**

In addition to the Site Plan, the use is subject to Conditional Use Permit approval. The purpose for the CUP is to ensure, through conditions of approval, that the site is well-maintained, the operation does not become a nuisance to the neighboring area, and that any issues can be adequately addressed through this Conditional Use Permit.

The facility will be operated as a residential care facility. The operation at this facility will be 24 hours a day and will include various activities for the patients. The indoor activities will include physical therapy, arts and craft sessions, medical treatment, administration, media viewing, and related activities. Activities that may occur in the outside areas are likely to be passive activities such as visiting with the patient's guests and family members, and meditation.

The concerns that are related to this facility, and are addressed under this conditional use permit, are as follows:

- Use of amplification systems will not be permitted in the outside yard and patio areas;
- The operator will be required to maintain the site free and clear of litter and graffiti;
- At any time, the occupancy level shall not exceed that permitted by the Uniform Building Code for this type of residential care facility; and,
- The residential care facility building, the parking lot, and the landscaped areas, including all walkways, and paved surfaces, will be required to be well-maintained at all times.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Approve Site Plan No. SP-197-97, Variance No. V-210-97, and Conditional Use Permit No. CUP-351-97, subject to the recommended conditions of approval; and
2. Recommend that the City Council approve Amendment No. A-178-97 and the Development Agreement.

MILLIE SUMMERLIN   
Planning Services Manager

By: Karl Hill  
Urban Planner

s19797s



RESOLUTION NO. 4788

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-178-97, AN AMENDMENT TO REZONE LAND LOCATED ON THE EAST SIDE OF VALLEY VIEW STREET, NORTH OF CHAPMAN AVENUE FROM THE C-2 (COMMUNITY COMMERCIAL) ZONE TO THE C-1 (NEIGHBORHOOD COMMERCIAL) ZONE AND A DEVELOPMENT AGREEMENT, AT 11848 VALLEY VIEW STREET, PARCEL NO. 130-352-18, AND INCLUDING AN ADJACENT ALLEY EASEMENT.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 3, 1997, does hereby adopt a Negative Declaration, and find a de minimis impact on fish and wildlife resources, and does hereby recommend that the City Council approve Amendment No. A-178-97 and a Development Agreement.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-178-97 and the Development Agreement, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Isaac Neches.
2. The applicant is requesting an amendment to rezone the site from the C-2 (Community Commercial) zone to the C-1 (Neighborhood Commercial) zone in order to facilitate the proposal to develop the site with a 26,500 square foot, 72 bed, residential care facility on a site of 1.9 acres. This proposal also includes a variance in order to deviate from the number of required parking spaces, and a conditional use permit for the proposed use.
3. The proposed project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The property has a General Plan Land Use designation of Light Commercial and is zoned C-2 (Community Commercial). The site's front portion is improved with a small, one story office building and the rear portion is vacant.
5. Existing Land Use, Zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.

7. Pursuant to a legal notice, a public hearing was held on September 3, 1997, 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 September 3, 1997; 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 applicant is proposing to rezone the site from the C-2 (Community Commercial) zone to the C-1 (Neighborhood Commercial) zone in order to facilitate the proposal for a 26,500 square foot, 72 bed residential care facility. The C-1 zone permits this use.

The site is approximately 1.9 acres in total area.

In conjunction with this Zone Change (A-178-97), and Development Agreement, the applicant has submitted a Site Plan No. SP-197-97, Variance No. V-210-97, and Conditional Use Permit No. CUP-351-97, in order to facilitate this development.

Government Code Section 65864 provides the authority for the City to enter into a Development Agreement with the applicant.

FINDINGS AND REASONS:

1. The Amendment is consistent with the goals and policies of the Land Use, Circulation, and Community Design Elements of the General Plan which support zoning properties to designations that encourage and facilitate the development of under-utilized properties, and the enhancement of commercial properties. The proposal to change zoning to the C-1 zone furthers the goals of the General Plan.
2. The Amendment will promote the public interest, health, safety, and welfare, as the proposal will not detract from the community character or planned uses desired in the vicinity, and will be compatible with surrounding properties and uses.

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:

The Amendment and Development Agreement possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Zone Change) and with Government Code Section 65864 et. seq, provisions for Development Agreements.

ADOPTED this 3rd day of September 1997.

/s/ EDWARD HESKETT  
CHAIRMAN

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 3, 1997, by the following votes:

AYES: COMMISSIONERS: HESKETT, BUTTERFIELD, HUTCHINSON, ROSEN,  
SCHILD, WILKINS  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: FREZE

/s/ PRISCILLA STIERSTORFER  
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 September 24, 1997.

# PROJECT DATA

**DESCRIPTION**  
 REMOVE EXISTING LAB BLDG., SINGLE STORY MEDICAL OFFICE BUILDING.  
 PROVIDE ALUM BLDG. SINGLE STORY RESIDENTIAL CARE FACILITY FOR THE ELDERLY ON THIS  
 ZONE CHANGE FROM C3 TO C1

**C.U.F.**  
 ABANDON OF VETERAN ALLEY PARADEWAY AT NORTH END OF PROPERTY LINE, INCORPORATE INTO PROPOSED SITE DEVELOPMENT.

**ADDRESS**  
 1500 VALLEY VIEW STREET  
 SAN DIEGO, CA

**OWNER**  
 C1  
 15,000 S.F. ADDED  
 15,000 S.F. REMOVED  
 15,000 S.F. ADDED  
 15,000 S.F. REMOVED  
 15,000 S.F. ADDED  
 15,000 S.F. REMOVED

**CONTRACTOR TYPE:**  
 15,000 S.F. REMOVED  
 15,000 S.F. ADDED  
 15,000 S.F. REMOVED

**BUILDING SQUARE FOOTAGE**  
 OFFICE AREA - 1,400 S.F.  
 RESIDENTIAL CARE AREA - 15,000 S.F.  
 150 SUPPORT SPACES

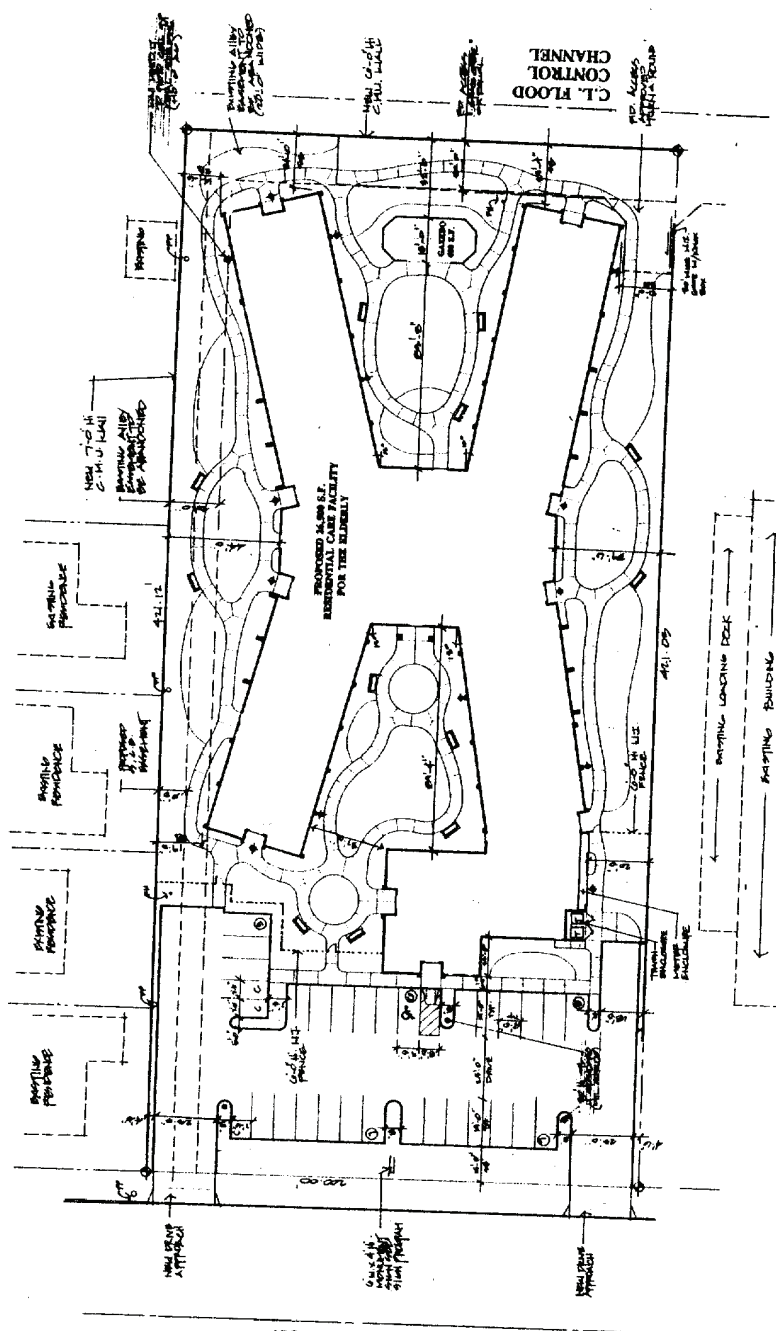
**PARKING TARIFFATIONS**  
 PARKING REQUIRED  
 OFFICE AREA  
 1,400 S.F. 1,000 S.F.  
 RESIDENTIAL CARE AREA  
 15,000 S.F. 1,000 S.F.

**TOTAL PARKING REQUIRED**  
 2,000 SPACES  
 PARKING PROVIDED  
 2,000 SPACES

**LANDSCAPE AREA TARIFFATIONS**  
 2,000 S.F. 1,000 S.F.  
 2,000 S.F. 1,000 S.F.  
 2,000 S.F. 1,000 S.F.

**PROVIDED AT PARKING AREA**  
 2,000 S.F. 1,000 S.F.  
 2,000 S.F. 1,000 S.F.

**PROVIDED AT PARKING AREA**  
 2,000 S.F. 1,000 S.F.  
 2,000 S.F. 1,000 S.F.

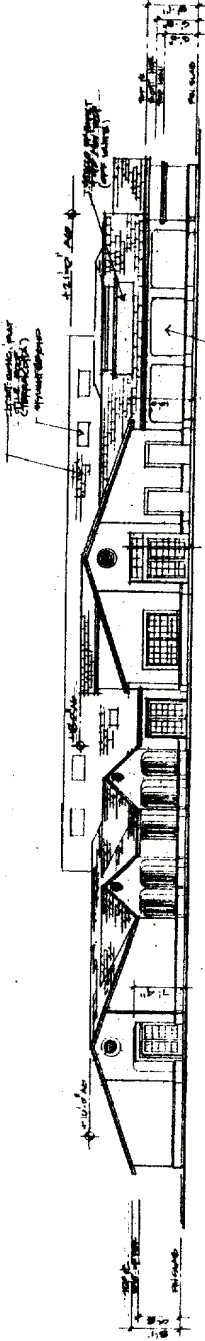


## SITE PLAN

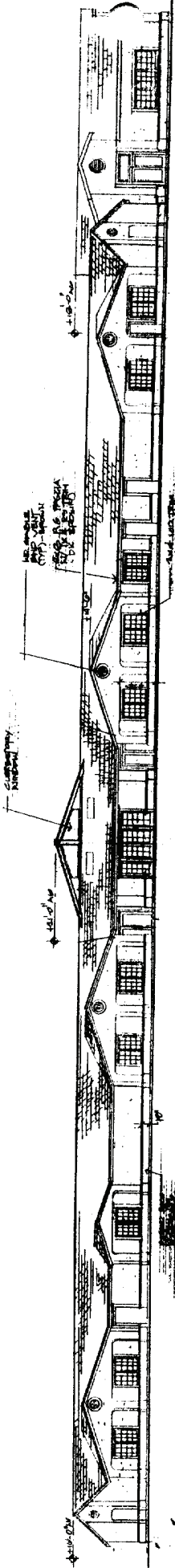
# VALLEY VIEW GARDENS



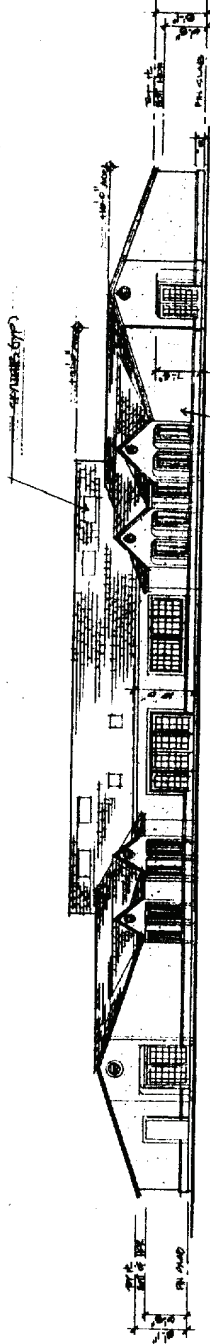
PROJECT:	VALLEY VIEW GARDENS - PROJECT FOR THE ELDERLY FACILITY	DATE: 10/15/01	SCALE: 1/8" = 1'-0"
ARCHITECT:	BELAIR DESIGN, INC. 1500 VALLEY VIEW ST. SAN DIEGO, CA 92108	DATE: 10/15/01	SCALE: 1/8" = 1'-0"
OWNER:	1500 VALLEY VIEW ST. SAN DIEGO, CA 92108	DATE: 10/15/01	SCALE: 1/8" = 1'-0"
DATE:	10/15/01	SCALE: 1/8" = 1'-0"	1



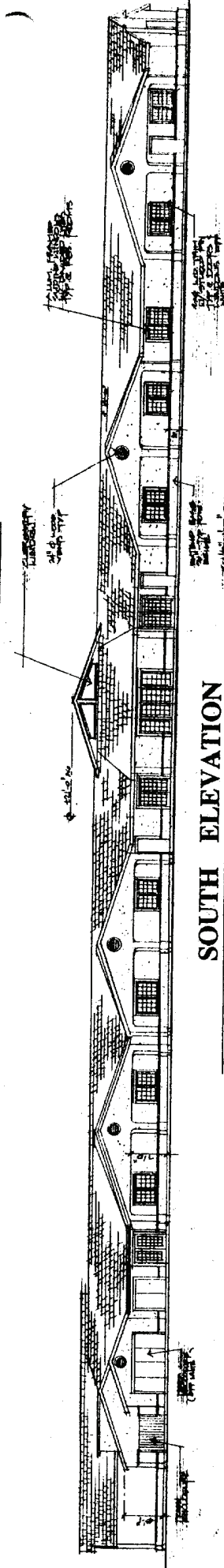
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

# VALLEY VIEW GARDENS



PROJECT:	VALLEY VIEW GARDENS FOR THE CLIENT	DATE:	10/15/10
ARCHITECT:	SCOTT B. BELAIR, AIA BELAIR DESIGN 1000 W. 10TH ST. DENVER, CO 80202	SCALE:	AS SHOWN
DATE:	10/15/10	PROJECT NO.:	1000