

RESOLUTION NO. 4655

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE DENYING SITE PLAN NO. SP-166-96 AND VARIANCE NO. V-189-96, FOR A PARCEL OF LAND LOCATED AT THE SOUTHEAST CORNER OF HARBOR BOULEVARD AND CHAPMAN AVENUE, AT 12002 HARBOR BOULEVARD, PARCEL NOS. 231-491-03

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on April 25, 1996, does hereby deny Site Plan No. SP-166-96 and Variance No. V-189-96.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-166-96 and Variance No. V-189-96, the Planning Commission of the City of Garden Grove does report as follows:

1. The case was initiated by T & B Planning Consultants.
2. The applicant is requesting Site Plan approval in order to construct a 1,900 square-foot drive-thru pharmacy. The applicant is also requesting Variance approvals to deviate from the minimum required lot size and frontage, minimum required landscaped setback along an arterial highway and on-site parking.
3. The 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 Mixed Use and is zoned TC/B (Tourist Commercial - Area "B").
5. Existing Land Use, Zoning, and General Plan designation of property in the vicinity of the property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to legal notice, public hearing was held on April 25, 1996, 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 April 25, 1996; 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 site was originally developed with a service station in the 1950s.

The service station was demolished in 1995.

The site is currently undergoing soil remediation.

The site is currently vacant.

A total of 10 on-site parking spaces are required for the facility.

The site plan design provides 8 on-site parking spaces.

An additional parking space will be provided when the soil remediation is completed.

FINDINGS AND REASONS:

SITE PLAN

1. The development does not comply with the spirit and intent of the provisions, conditions, and requirements of the City's adopted General Plan, Municipal Code, Redevelopment Plan and other applicable ordinances.

The surrounding areas are improved with a commercial developments. The site does not meet the minimum requirements for development as required by the development standards for this area. Deviations, as they pertain to development standards, include lot size, lot frontage, landscaped setbacks adjacent to arterial highways, and required on-site parking. Variances have been requested to deviate from these minimum requirements.

The proposed development of this site with the intended use raises several conflicts with the newly adopted General Plan. Harbor Boulevard is the most distinctive of Garden Grove's north-south streets; this is particularly true for visitors to Disneyland and the Anaheim Convention Center. This area will become an even more significant focal point when the Disneyland and Convention Center expansions begin.

A major issue for properties along the Harbor Corridor is the redevelopment of the area as an attraction for tourists and visitors to the region. In general, the recommendations contained within the City's General Plan are for intensification of uses at the northern boundaries of the City in order to capture the benefits of the tourist trade generated by Disneyland and the Anaheim Convention Center. Additionally, the development, as proposed, could hinder redevelopment efforts in the corridor. Therefore, although the development and use are permitted in this zone, the proposed small-scale development is not consistent with the goals and objectives of the General Plan and the Redevelopment Plan.

2. The development may adversely affect the peace, comfort and welfare of persons residing or working in the surrounding area, and may unreasonably interfere with the use, enjoyment and valuation of the property of other persons located in the vicinity of the site as the proposed development is not consistent with the goals and policies of the General Plan. Development of this small parcel could adversely impact the ability of the adjacent properties to redevelop and meet the goals and objectives of the General Plan.
3. Although the development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses, existing developments in the area were constructed in the 1950s and 1960s. These existing developments are nonconforming and no longer meet the minimum development standards for this area.

The site design of the proposed project does not utilize adequate landscape setbacks and compatible architecture to insure that the development will have a reasonable degree of physical, functional, and visual compatibility with existing and future neighboring developments. Therefore, the proposed project will not have a reasonable degree of physical, functional and visual compatibility with the surrounding area as the other properties redevelop.

4. The site design does not adequately address on-site traffic circulation and parking; therefore, this development may adversely affect essential facilities such as off-street parking, traffic circulation and points of vehicular and pedestrian access.

**VARIANCE**

1. There are no 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.

**Reasons:**

The project site is surrounded by parcels that are fully developed. The limited size and scope of the project do not encourage or necessitate the applicant to assemble additional land area to provide the minimum required lot size or lot frontage. However, adjoining properties are under the same ownership as the site to be developed. These properties could be consolidated to meet these minimum requirements.

The proposed development is too intense for the land area available. The site is typical of other corner lots on arterial highways. However, the size of the building and the design of the site plan are the hardships created by the applicant, and not by the physical constraints of the property. These self-imposed hardships prohibit the applicant from meeting the minimum landscaping requirements along an arterial highway and the minimum number of required parking spaces. The building area could be reduced or the site redesigned or enlarged to meet these minimum requirements.

2. The Variances are not 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.

**Reasons:**

The variance requests are not necessary for development of this site. The variances are only necessary due to the intensity of development proposed. The development standards for this site are similar to those of other properties in the area. By reducing the intensity of the development of this site the applicant could provide the required parking and landscaping. The minimum lot size and frontage requirements could be complied with by consolidating this property with adjoining parcels which are under the same ownership as the subject site.

3. The granting of such Variance may be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located.

Reasons

The granting of these variance requests may be detrimental to the public welfare and injurious to other properties in the area as the size, scope and intensity of this development are not in compliance with the City's adopted General Plan.

The development of this site, as proposed, may adversely impact the ability of adjoining properties to develop in accordance with the goals and policies of the General Plan. The Harbor Boulevard/Chapman Avenue intersection is a key area for future development in this portion of the City as described in the General Plan. Permitting a development that is not consistent with the General Plan in this area could discourage other property owners or developers from redeveloping the area with suitable developments.

4. The granting of these Variances will adversely affect the comprehensive General Plan.

Reasons

The granting of these variances would adversely affect the City's General Plan. Although Title 9 allows the proposed use, the limited scale of the use and the development together with the Variance requests would allow this vacant parcel of land to be developed in direct conflict with the recently adopted General Plan goals and policies for this area, which include large-scale, tourist-oriented activities and development.

The goals and policies of the City's General Plan for this area also include intensification of uses in order to capture the benefits of the tourist trade generated by Disneyland and the Anaheim Convention Center. The proposed development and use of this property are not in compliance with these goals and objectives. Therefore, although this use is permitted by the present zoning, the proposed small-scale development, the failure to consolidate properties, and the intended use, do not appear to be consistent with the goals and objectives of the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Variance requests do not possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Site Plan and Variance).

ADOPTED this 9th day of May 1996.

/s/ MARK ROSEN  
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 May 9, 1996, and carried by the following votes:

AYES: COMMISSIONERS: ROSEN, BEATTY, BUTTERFIELD, HUTCHINSON,  
SCOVILLE, WILKINS  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: HESKETT

/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 May 30, 1996.