



## A G E N D A

### GARDEN GROVE PLANNING COMMISSION REGULAR MEETING

September 3, 2020

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE

**In an effort to protect public health and prevent the spread of the Coronavirus (COVID-19), the Planning Commission members will be teleconferencing and the meeting recorded. Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing [planning@ggcity.org](mailto:planning@ggcity.org) no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record and will be uploaded to the City's website.**

**Members of the public are asked to consider very carefully before attending this meeting in person and are required to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have traveled and/or have had direct contact with someone who has travelled to places experiencing high rates of infection or tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.**

#### REGULAR SESSION – 7:00 P.M. – COUNCIL CHAMBER

ROLL CALL: CHAIR LEHMAN, VICE CHAIR PEREZ  
COMMISSIONERS LE, LINDSAY, RAMIREZ, SOEFFNER

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the City Community Meeting Center Council Chamber at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Planning Commission may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

A. ORAL COMMUNICATIONS - PUBLIC

- B. APPROVAL OF MINUTES: August 20, 2020
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)

C.1. SITE PLAN NO. SP-053-2018 (REINSTATEMENT 2020)

APPLICANT: AVI MARCIANO

LOCATION: WEST SIDE OF MAIN STREET, SOUTH OF ACACIA PARKWAY AT 12885 MAIN STREET

REQUEST: To reinstate the approval of a Site Plan to construct a new mixed-use building with a commercial tenant space of approximately 3,888 square feet on the Main Street frontage and nine (9) residential units above. The project includes a density bonus of 35% under the State Density Bonus allowance and two concessions: i) to reduce the minimum size of a private open space balcony, and ii) to reduce the minimum dimension of a passive recreation area. The site is in the CC-2 (Civic Center Mixed-Use 2) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15332 – In-Fill Development Projects.

STAFF RECOMMENDATION: Reinstate the approval of Site Plan No. SP-053-2018.

C.2. CONDITIONAL USE PERMIT NO. CUP-190-2020

APPLICANT: STANTON UNIVERSITY

LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN GALWAY STREET AND GILBERT STREET AT 9618 GARDEN GROVE BOULVDARD

REQUEST: Conditional Use Permit approval to expand an existing adult trade school, Stanton University, to 8,125 square feet to increase the occupants from 15 students to 100 students and 14 employees, located on the second floor of an existing 28,822 square foot two-story multi-tenant building within the AR Galleria Shopping Center. The site is in the GGMU-3 (Garden Grove Boulevard Mixed Use 3) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-190-2020, subject to the recommended Conditions of Approval.

C.3. CONDITIONAL USE PERMIT NO. CUP-191-2020

APPLICANT: JAMES NGUYEN

LOCATION: SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND BROOKHURST STREET AT 10130 GARDEN GROVE BOULEVARD #107

REQUEST: Conditional Use Permit approval to operate an existing restaurant, Butaton with a new Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-191-2020, subject to the recommended Conditions of Approval.

C.4. CONDITIONAL USE PERMIT NO. CUP-192-2020

APPLICANT: MOBIL OIL/ CIRCLE K STORES

LOCATION: SOUTHWEST CORNER OF MAGNOLIA STREET AND GARDEN GROVE BOULEVARD AT 13031 MAGNOLIA STREET

REQUEST: Conditional Use Permit approval to allow an existing convenience store, as part of an existing service (gas) station, Mobil, to continue to operate with an existing State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License. The existing convenience store is currently operating with an ABC Type "20" (Off-Sale, Beer and Wine) License, under the approval of Conditional Use Permit No. CUP-109-72, approved in 1972. The Municipal Code requires the approval of a new Conditional Use Permit when there is a change of ownership of an ABC licensed establishment not possessing a Conditional Use Permit approved after January 1, 1986. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-109-72, shall be revoked and become null and void. The site is in the GGMU-3 (Garden Grove Boulevard Mixed Use 3) zone. In conjunction with the request, the Planning Commission will consider a determination that the

project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-192-2020, subject to the recommended Conditions of Approval.

C.5. CONDITIONAL USE PERMIT NO. CUP-193-2020

APPLICANT: GIRGES GAD

LOCATION: WEST SIDE OF HARBOR BOULEVARD, NORTH OF WESTMINSTER AVENUE AT 13911 HARBOR BOULEVARD

REQUEST: Conditional Use Permit approval to allow a new liquor store, Hero's Liquor and Market, to operate with a new State Alcoholic Beverage control (ABC) Type "21" (Off-Sale, General) License. The site is in the C-2 (Community Commercial) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-193-2020, subject to the recommended Conditions of Approval.

D. MATTERS FROM COMMISSIONERS

E. MATTERS FROM STAFF

F. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION  
Council Chamber, Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes  
Thursday, August 20, 2020

CALL TO ORDER: 7:03 p.m.

ROLL CALL:

Chair Lehman  
Vice Chair Perez  
Commissioner Le  
Commissioner Lindsay  
Commissioner Ramirez  
Commissioner Soeffner

Absent: Ramirez, Perez

Vice Chair Perez joined the meeting at 7:11 p.m.

PLEDGE OF ALLEGIANCE: Led by Commissioner Soeffner.

ORAL COMMUNICATIONS – PUBLIC – Craig Durfey raised concerns that included the Medal of Honor bike trail, the use of the OCTA right-of-way by Brookhurst Street and Bixby Avenue, procedures on extending the bike trail, and installing flag poles, dog parks, trash receptacles, and kiosks. Via email, he submitted the City of Garden Grove, Department of Public Works Bicycle and Pedestrian Trail Landscape and Irrigation Project plans to forward to Planning Commissioners.

July 16, 2020 MINUTES:

Action: Received and filed.

Motion: Lindsay Second: Perez

Ayes: (5) Le, Lehman, Lindsay, Perez, Soeffner

Noes: (0) None

Absent: (1) Ramirez

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-339-11 (REV. 2020) FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF WESTERN AVENUE AND LAMPSON AVENUE AT 12552 WESTERN AVENUE.

Applicant: THE MAP SPORTS FACILITY  
Date: August 20, 2020

Request: To modify the approved plans and Conditions of Approval, under Conditional Use Permit No. CUP-339-11 (REV. 2014), for an existing indoor sports facility, MAP Sports Facility, to expand the hours of operation allowing daytime weekday business hours and activities and to expand the existing parking lot to provide additional parking spaces. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

Action: Resolution No. 5982-20 was approved with an amendment to add Condition No. 42: In order to determine if the indoor sports facility business has been operating in compliance with these Conditions of Approval, Conditional Use Permit No. CUP-339-11 (REV. 2020) shall be reviewed by the Planning Commission six (6) months after its effective date. One letter was submitted by Marty Walker of MAP outlining their efforts to conform to the proposed Parking Management Plan, along with notes on the Neighborhood Meeting of August 5<sup>th</sup>. One Letter was submitted and read aloud by Terry Teeple detailing the Parking Management Plan and concerns with David Choye’s (Container Supply Company) letters regarding parking.

Motion: Lindsay Second: Soeffner

Ayes: (5) Le, Lehman, Lindsay, Perez, Soeffner

Noes: (0) None

Absent: (1) Ramirez

PUBLIC HEARING – LOT LINE ADJUSTMENT NO. LLA-025-2020, FOR PROPERTY LOCATED AT THE INTERSECTION OF LORALEEN STREET AND CATHERINE AVENUE, WEST OF GILBERT STREET AT 9271 CATHERINE AVENUE.

Applicant: JUAN RANGEL & ALICE RANGEL  
THANH NGHIA NGUYEN & THANH TUYEN NGUYEN

Date: August 20, 2020

Request: Lot Line Adjustment approval to eliminate two small parcels, Parcel “A” & Parcel “B”, for the purpose of reconfiguring the property line boundary between two developed, single-family residential properties located at 9271 Catherine Avenue (Parcel 1) and 12261 Loreleen Street (Parcel 2). No additional parcels will be created and no additional development is proposed. The site is in the R-1-9 (Single-Family Residential) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 – Minor Alterations in Land Use Limitations.

Action: Resolution No. 5997-20 was approved.

Motion: Perez Second: Le

Ayes: (5) Le, Lehman, Lindsay, Perez, Soeffner

Noes: (0) None

Absent: (1) Ramirez

PUBLIC HEARING – AMENDMENT NO. A-029-2020, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF KATELLA AVENUE, WEST OF MAGNOLIA STREET AT 8932 KATELLA AVENUE.

Applicant: DAVID N. ALAGBAND

Date: August 20, 2020

Request: Zone Change approval to rezone a property located at 8932 Katella Avenue (Assessor’s Parcel Number 132-041-21) from O-P (Office Professional) to C-1 (Neighborhood Commercial). The site is in the O-P (Office Professional) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities.

Action: Resolution No. 5998-20 was approved. One letter of concern was submitted by Rosa Aguilar regarding the type of commercial businesses allowed that could create less than favorable conditions and de-value properties.

Motion: Lindsay Second: Le

Ayes: (5) Le, Lehman, Lindsay, Perez, Soeffner

Noes: (0) None

Absent: (1) Ramirez

PUBLIC HEARING – SITE PLAN NO. SP-087-2020 AND TENTATIVE PARCEL MAP NO. PM-2023-2020, FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF HARBOR BOULEVARD AND TRASK AVENUE AT 13551 HARBOR BOULEVARD.

Applicant: WILLIAM T. TRUXAW

Date: August 20, 2020

Request: Site Plan approval to construct a new 43,934 square foot self-storage facility with an office and a manager’s dwelling, along with associated site improvements, on a property located at 13531 and 13551 Harbor Boulevard. Also, a request for Tentative Parcel Map approval to consolidate four (4) existing parcels into one (1) single lot to accommodate the construction of the new self-storage facility. The site is in the C-3 (Heavy Commercial) zone. In conjunction with the request,

the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 – In-Fill Development Project.

Action: Resolution No. 5999-20 was approved.

Motion: Lehman Second: Le

Ayes: (3) Le, Lehman, Soeffner

Noes: (2) Lindsay, Perez

Absent: (1) Ramirez

ITEM FOR CONSIDERATION - A request to modify the front building façade (west elevation) of the existing restaurant, AUM Beer Club, located at 12900 Main Street.

Action: Resolution No. 6002-20 was approved.

Motion: Lindsay Second: Perez

Ayes: (5) Le, Lehman, Lindsay, Perez, Soeffner

Noes: (0) None

Absent: (1) Ramirez

MATTERS FROM COMMISSIONERS:

DISCUSS ON THE DESIGN CRITERIA FOR THE MAIN STREET HISTORICAL-RETAIL COMBINING ZONE: Commissioner Lindsay led the discussion and stated that Main Street’s original Spanish-style design criteria of 1933 and 1979 were outdated, as the newer buildings were more appealing, and asked if the guidelines could be re-imaged for today’s lifestyle. Staff noted that the Mixed Use zoning for the area fosters pedestrian-friendly engagement and that any potential change would require a document approved by the City. Any proposals would begin with the Downtown Commission, then proceed to Planning Commission, followed by City Council. Also, any impetus for change would require outreach, funds, and the hiring of a consultant.

Vice Chair Perez commented that input would be necessary from the business owners as well as the City to make recommendations for a greater initiative to increase opportunity for growth for the County, bring in TOT taxes to the City, and tourists. Staff responded that a consultant would look at Main Street’s architecture and how the area functions for any update to the guidelines.

Commissioner Soeffner asked if the Neighborhood Improvement and Conservation Commission (NICC) and Business Association would have input. Staff replied the NICC would not, though not sure in regard to the Business Association.

Vice Chair Perez commented that a review would need to be comprehensive and include Main Street as well as the Civic Center area.



Commissioners then asked staff if a formal Manager's Memo could be submitted to the City Manager's office asking for the Council to agendaize a discussion on securing a consultant to provide a comprehensive review of the Downtown Main Street and Civic Center area in regard to the future of overall parking and the Re-imagine initiative. Commissioners unanimously supported the request. Staff added that the Memo would be submitted to the City Manager's office in the next two weeks.

Commissioner Soeffner commented that the Cottage Industries area was improved and the community garden tidied up.

Vice Chair Perez mentioned that homeless camps were increasing at the 22 Freeway and Harbor Boulevard off-ramp area. Staff responded that the Police Department has a team working with the homeless and that residents could call-in using the non-emergency Police Department number to report homeless issues.

MATTERS FROM STAFF: Staff stated there would be a September 3<sup>rd</sup> meeting, and the meeting of September 17<sup>th</sup> would be a joint study session with the NICC at 6:00 p.m. focusing on the Housing Element and Environmental Justice Element, with the regular meeting of the Planning Commission to begin at 7:30 p.m.

ADJOURNMENT: At 9:18 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, September 3, 2020, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

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Judith Moore, Recording Secretary

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> West side of Main Street, between Acacia Parkway and Garden Grove Boulevard, at 12885 and 12891 Main Street
<b>HEARING DATE:</b> September 3, 2020	<b>GENERAL PLAN:</b> Civic Center Mixed Use
<b>CASE NO:</b> Site Plan No. SP-053-2018 (Reinstatement-2020)	<b>ZONE:</b> CC-2 (Civic Center Main Street)
<b>APPLICANT:</b> Avi Marciano	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> Avi Marciano	<b>APN:</b> 089-213-20 & 089-213-21

## **REQUEST:**

A request to reinstate the approval of a Site Plan to construct a new mixed-use building with a commercial tenant space of approximately 3,888 square feet on Main Street, and nine (9) residential units above. The project includes a density bonus of 35% under the State Density Bonus allowance, and two concessions: to reduce the minimum size of a private open space balcony, and a reduction in the minimum dimension of a passive recreation area.

## **BACKGROUND:**

The subject site is located on the west side of Main Street, between Acacia Parkway and Garden Grove Boulevard. The property is zoned CC-2 (Civic Center Main Street), with a General Plan Land Use designation of Civic Center Mixed Use. The subject site was previously developed with a commercial building that was demolished in 2008, and has since been developed as a parking lot.

The properties to the west are zoned PUD(M) (Planned Unit Development) and are developed with parking lots for the uses on Main Street. The properties to the north, south, east, across Main Street, are also zoned CC-2 (Civic Center Main Street).

On May 17, 2018, the Planning Commission approved Site Plan No. SP-053-2018, to construct a three-story mixed-use building with 3,888 square feet of commercial space, and nine (9) residential units. As a part of the approval, the Planning Commission found that the proposed project was exempt from CEQA, pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

A condition of the Planning Commission's approval was to consolidate two parcels into one, to facilitate the project. On July 26, 2018, the Zoning Administrator approved Lot Line Adjustment No. LLA-017-2018, to consolidate two parcels (APNs:

089-213-20 and 089-213-21) into one parcel, in accordance with said condition of approval. The Lot Line Adjustment was finalized, and recorded. It does not need to be reinstated along with the Site Plan. The applicant also entered into a Density Bonus Agreement that was approved by the City, and recorded.

Since its original approval, the applicant requested bids for construction. Finding the bids exceeding their construction budget, the applicant had to reevaluate their financing. The financing of the project could not be resolved, and permits were never issued. The grading plan was submitted for plan check on July 1, 2019. The grading plans were ready to be issued, pending the issuance of building permits. Plans were submitted for building permit plan check on June 19, 2018. The plan check was completed, however, the applicant never had the permits issued. Ultimately, with no permits issued, the original Site Plan approval was not exercised, and thus expired a year after the approval.

With the financial situation now resolved, the applicant is requesting to reinstate the land use approvals.

**PROJECT STATISTICS:**

	<b>Provided</b>	<b>CC-2 Code Requirement</b>
<b>Total Lot Size</b>	9,152 S.F.	5,000 S.F.
<b>Density</b>	9 units with State Density Bonus	32 units/acre
<b>Max. Commercial Floor Area Ratio (FAR)</b>	3,888 S.F.	0.5 of 9,152 S.F. = 4,576 S.F.
<b>Total Parking</b>	4	None
<b>Recreation Area Total</b>	2,779 S.F.	300 S.F. per unit 9 x 300 = 2,700 S.F.
<b>Common Area*</b>	526 S.F. Active Rec. 517 S.F. Passive Rec. 675 S.F. Shared Passive Rec. Total 1,718 S.F.	-Passive Rec. not more than 50% of overall -Shared Passive Rec. not more than 25% of overall
<b>Private Balconies*</b>	1061.5 S.F.	-Min. Area of 90 S.F. & min. dimension of six feet
<b>Building Setbacks</b>		
Front	0'-0"	0'-0"min. to 18" max.
Rear	0'-0"	None
Side	0'-0"	None
<b>Building Height</b>		
Within 10 ft. of street property lines - stepback	30'-0"	30'-0"
Building not within stepback area	40'-0"	40'-0"

\*Received a concession for reduction in minimum size or minimum dimension

**DISCUSSION:**

SITE PLAN:

Site Design, Circulation & Floor Plan:

The applicant is proposing to construct a mixed-use building, with a commercial space on the ground floor, and residential units on the upper floors. No changes have been proposed to the building that was previously approved by the Planning Commission in 2018. The nine (9) residential units are all two-bedroom, as required by the Municipal Code.

The project provides 3,888 square feet of leasable commercial space along the Main Street frontage. A gated 12'-0" walkway stretches along the south side of the property, providing a pedestrian path between Main Street and the public parking lot in the rear. The gates on either end of the walkway will remain open during business hours, and closed at night. In total, there are four (4) one-story units of 964 square feet, two (2) one-story units of 1,025 square feet, two (2) one-story units of 1,046 square feet, and one (1) two-story unit of 964 square feet. To provide nine (9) total units, the applicant is proposing one (1) very-low income unit to meet the State requirements for the 35% bonus. The developer entered into a Density Bonus Housing Agreement with the City that was approved and recorded in 2018.

The ground floor includes the commercial space at the front, a four-vehicle carport along the alley, and a landscaped courtyard separating the two. However, the ground floor ceiling heights of the two parts of the building differ. The commercial ground floor spaces are required to be 18'-0" in height to enhance the pedestrian feel. For the project, this means that the ground-floor commercial space at the front has a ceiling height of 18'-0", while the ground-floor carport space at the back has a standard height of 9'-0". In section, the project is split-level, with the three (3) stories in the rear being approximately 30'-0" in height, and the three (3) stories in the front being 40'-0" in height.

The residential units are accessed by two stairways on either side of the landscaped courtyard, and an elevator at the back of the commercial space. Suspended walkways provide access across the courtyard from the elevator to the residential units.

Parking:

In response to requests from Main Street property owners, the City adopted a zoning code amendment (A-133-07) in 2007, allowing residential units above the commercial uses along Main Street. The amendment allows for a maximum number of 102 residential units to be added to the second and third floors of the 30 buildings on Main Street. Parking for the new residential units was provided by the existing 'District' parking spaces. Parking shall be unassigned throughout the Main

Street Parking District area. City staff used several parking studies to determine that there is adequate parking in the district. The parking studies collected consistent data that there is enough unused parking in the downtown area. Based on these facts, the number of 102 residential units was determined.

In the current CC-2 zone, parking is not required, because the Main Street Parking District can be relied upon to provide enough parking spaces. The Main Street Parking District does not currently serve its full allotment of 102 residential units. The project is not required to provide any parking spaces, but is designed with four (4) spaces accessed from the alley between the building and Main Street parking lot. One space is a handicapped accessible van parking space, as required by the California Building Code.

#### Building Design/Architecture:

The building integrates into the existing design context of Main Street. This includes using details such as recessed ground-floor storefronts with vertical mullions, solid bulkheads, glazed transom lights, and smaller rectangular windows at the upper stories to provide visual compatibility. The exterior walls will be finished in brick, stucco, and concrete. Similar finishes are used on many of the surrounding buildings. The building's street frontage is similar in width to other buildings on Main Street, and continues the established street front view corridor. The project will be three (3) stories in height, but the upper stories will be set back from the street-front façade, giving the appearance of only a two-story façade along Main Street. This further compliments the surrounding buildings that are typically one or two stories in height.

#### Open Space:

The open space for the project is provided in multiple areas. There is a shared residential/commercial passive recreation area of the ground floor walkway. Shared Passive Recreation areas must be at least 10'-0" wide and 30'-0" in length. The walkway recreation area provided is approximately 12'-0" wide and 60'-0" feet in length. The courtyard is also counted as a "passive recreation" area, and can contribute no more than 50% of the overall open space requirement. The courtyard requires a concession under the State Density bonus allowances as it does not meet one of the minimum dimensions. Passive Recreation areas are required to be a minimum of 10'-0" x 30'-0" (300 square feet). The courtyard is 20'-0" x 25'-10" (517 square feet). The length is limited to 25'-10" because the suspended walkway between goes across the courtyard at this point.

The remainder of the open space requirement is provided by a recreation deck and private balconies. The balcony for one unit requires the second concession under the State Density Bonus allowances, as it meets the 6'-0" minimum dimension, but only provides 40.5 square feet. A minimum of 90 square feet is required by the Municipal Code.

CEQA:

As a part of their approval in 2018, the Planning Commission determined that the project was categorically exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). No changes are proposed to the project that was previously approved, and no further environmental review is required.

State Density Bonus Law:

The applicant has developed its proposal based on the allowances of the State Density Bonus Law. The proposal for nine (9) units meets the requirements of the State Density Bonus Law and the City's Density Bonus Ordinance.

The base density (maximum number of units allowed) for this site, under the CC-2 zone, is seven (7) dwelling units. The proposed project includes nine (9) units. The project proposes to provide one (1) "target unit" reserved for very-low income households. Based on the number of proposed target units (1) reserved for very-low income households, and pursuant to State Law, the project would be eligible for the maximum 35% density bonus. This would equate to the nine (9) units proposed.

The applicant has requested two (2) concessions per the allowances of the State Density Bonus Law: (1) to reduce the width of the passive recreation area to a dimension of 25'-10" versus the minimum 30'-0"; and (2) to reduce the minimum area of a private balcony to 40.5 square feet versus the 90 square foot minimum. The Municipal Code states that passive recreation areas have a minimum dimension of 10'-0" x 30'-0" (300 square feet). As a concession, the ground-floor courtyard is 20'-0" x 25'-10" (517 square feet). The Municipal Code also states that the minimum area of a private recreation area for each unit is 90 square feet. As a concession, the minimum area for one (1) residential unit will be 40.5 square feet.

To qualify for the number of requested concessions (2), the project is required to provide a minimum of one (1) target unit reserved for very-low income households. The project provides one (1) such unit, and is therefore eligible for the requested concessions.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6001-20 approving Site Plan No. SP-053-2018 (Reinstatement-2020), subject to the recommended Conditions of Approval.

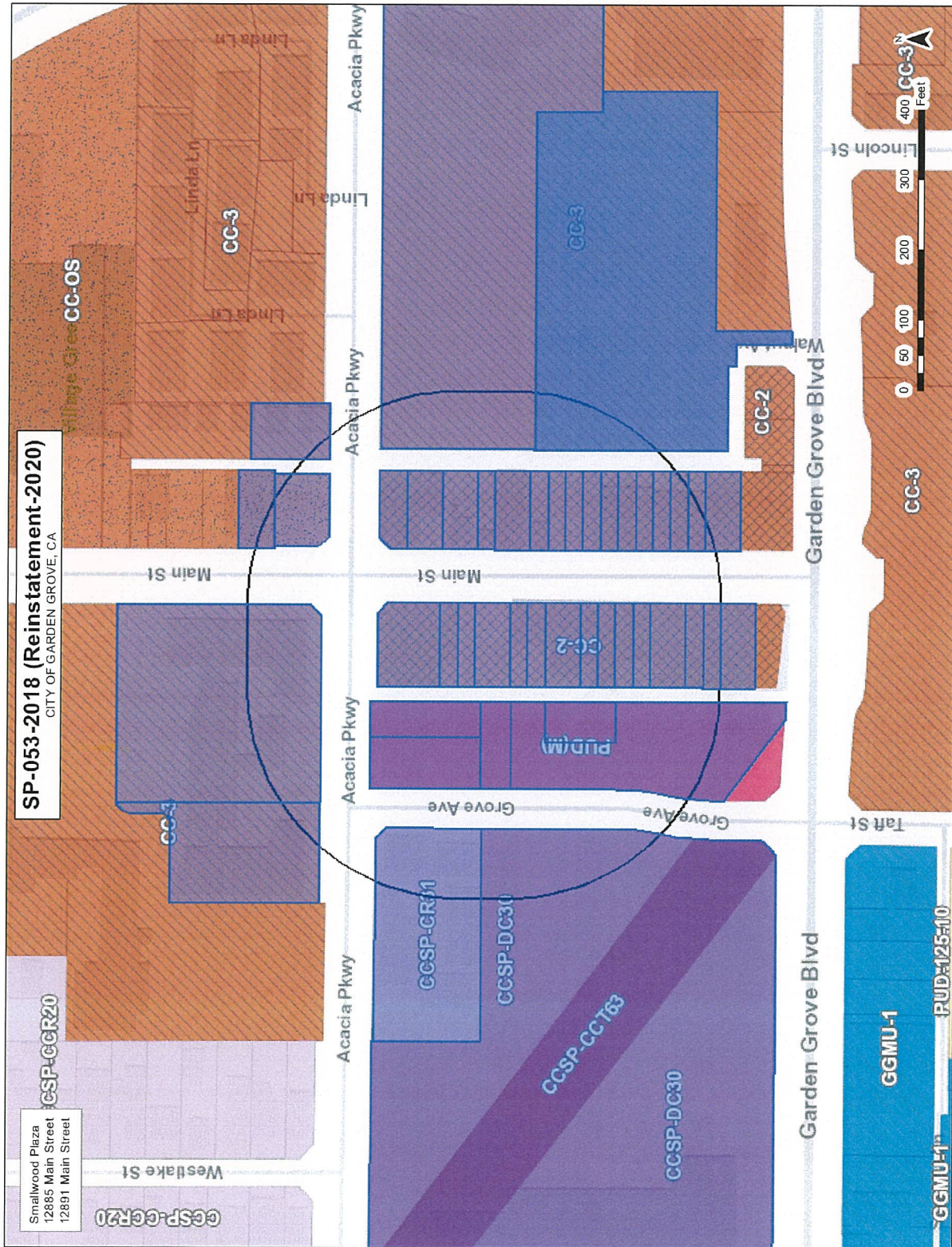


Lee Marino  
Planning Services Manager



By: Priit Kaskla  
Assistant Planner

Attachment 1: SP-053-2018 Staff Report, dated May 17, 2018





# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b>  <b>C.4</b>	<b>SITE LOCATION:</b> The site is located on the west side of Main Street, two parcels south of Acacia Parkway, at 12885 and 12891 Main Street.
<b>HEARING DATE:</b> May 17, 2018	<b>EXISTING GENERAL PLAN:</b> Civic Center Mixed Use
<b>CASE NOS.:</b> Site Plan No. SP-053-2018	<b>EXISTING ZONE:</b> CC-2 (Civic Center Main Street)
<b>APPLICANT/PROPERTY OWNER:</b> Avi Marciano	<b>APN:</b> 089-213-20, 089-213-21
<b>REPRESENTATIVE:</b> Gladstone "Andy" Anderson - Architect	<b>CEQA DETERMINATION:</b> Exempt (Section 15332 "In-Fill Development Projects")

**REQUEST:**

A request for approval of a Site Plan to construct a new mixed-use building with commercial lease space of approximately 3,888 square feet on the Main Street frontage and nine (9) residential units above. The project includes a density bonus of 35% under the State Density Bonus allowance and two concessions: one to reduce the minimum dimension of a passive recreation area; and the second, to reduce the minimum size of a private open space balcony.

**PROJECT STATISTICS:**

	<b>Provided</b>	<b>CC-2 Code Requirement</b>	<b>Meets Code</b>
<b>Total Lot Size</b>	9,152 S.F.	5,000 S.F.	Yes
<b>Density</b> By Lot Area	9 units with 35% State Density Bonus	32 units/acre	Yes
<b>Max. Commercial Floor Area Ratio (FAR)</b>	3,888 S.F.	0.5 of 9,152 S.F. = 4,576 S.F.	
<b>Total Parking</b>	4	None required	Yes
<b>Recreation Area Total</b>	2,779 S.F.	300 S.F. per unit 9 x 300 = 2,700 S.F.	Yes
Common Area	526 S.F. Active Rec. 517 S.F. Passive Rec. 675 S.F. Shared Passive Rec. Total 1,718 S.F.	-Passive Rec. not more than 50% of overall -Shared Passive Rec. not more than 25% of overall	Yes*
Private Balconies	1061.5 S.F.	-Min. Area of 90 S.F. & min. dimension of six feet	Yes*
<b>Building Setbacks</b>			Yes
Front	0'-0"	0'-0"min. to 18" max.	Yes
Rear	0'-0"	None required	Yes
Side	0'-0"	None required	Yes
<b>Building Height</b>			
Within 10 ft. of street property lines - stepback	30'-0"	30'-0"	Yes
Building not within stepback area	40'-0"	40'-0"	Yes

\*Received a concession for minor reduction in min. size or min. dimension.

**BACKGROUND:**

History (Jim Tortolano, OC Tribune Article, April 2, 2014). According to Jim Tortolano, longtime resident of Garden Grove and editor-owner of the Garden Grove Journal from 1983-2013, the village of Garden Grove was established in 1874-75 by Alonzo Cook and grew slowly. What would become today's Main Street started as a block of wooden structures along an unpaved dirt road until the Pacific Electric railroad arrived in 1905. Once the railroad arrived, the commercial district remained small, but it had a paved "Main" street, streetlights, banks, grocery stores, a hotel, and a movie theater (The Gem). Most of the structures were destroyed in the 1933 earthquake.

Following the earthquake, the Euclid Improvement Association worked to rebuild the area. The street was widened and a number of structures were replaced with sturdier wood-and-stucco buildings in a Spanish mission style. The Spanish mission style included the unifying details of whitewashed storefronts and red-tile roofs.



Downtown Garden Grove at its peak in the 1950s.

The number of people shopping in Downtown began to decline when the new Orange County Plaza shopping center was constructed at Chapman Avenue and Brookhurst Street in the mid-Fifties. As the first major "modern" shopping center in the county, it drew many shoppers from Downtown. Main Street lost further traffic when in the mid-Sixties, major north-south thoroughfares were realigned to improve traffic. Euclid Street was one of these thoroughfares and its realignment, to the east, bypassed the central business district.

The City looked to revive Main Street in the mid-Eighties with a brick-stamped concrete roadway, elimination of the angled parking, and installation of benches, trash cans, and shade trees. The redevelopment of this area also included demolishing many of the older commercial buildings in the district, which left Main Street as an island surrounded by vacant lots. Later, big-box retailers came to the area, surrounded by vast parking areas and Main Street remained isolated.

City of Garden Grove. The City of Garden Grove has considered Main Street to be of "historic" importance for many years. The City of Garden Grove, Office of Redevelopment, prepared special standards in 1979 called "Architectural and Design Criteria for the Main Street Historical-Retail Combining Zone". In 1983, the City Council adopted two Ordinances: one created the Main Street Historical-Retail Combining zone; and, the second, rezoned the properties on Main Street to the Community Center-Commercial (Historical-Retail) zone. In addition to the ordinances, the Agency adopted the "Architectural and Design Criteria" for Main Street. A five-member Parking and Main Street Commission was created to review proposed building design plans and site plans and to make recommendations, as appropriate, to the Planning Commission and the Agency. The City acquired property west of Main Street and constructed a 150-space parking lot.

More recently in 2007, the City Council approved a Code Amendment (A-133-07) to the Main Street Retail Overlay Zone (HR) allowing residential units above existing commercial uses subject to limitations in number of units, number of sleeping rooms, height, and building setbacks. Main Street property owners were the impetus for the zoning code amendment. The Amendment allows for a maximum number of 102 residential units to be added to the second and third floors of the 30 buildings on Main Street. Parking shall be unassigned throughout the Main Street Parking District area. City staff used several parking studies to determine that there was adequate parking in the district. The parking studies collected consistent data that there was unused parking in the Downtown and based on these facts the number of residential units was determined. A maximum of three stories is permitted on each lot with a maximum height of 40 feet and the third story must be setback a minimum of ten feet from the Main Street lot frontage. The residential units are restricted in size to two sleeping rooms. The design of the residential units shall preserve the historic feel of the Main Street District.

The General Plan, adopted in 2008, called the 130-acre Civic Center the "Heart of the City" stating that people should be drawn to the Civic Center to become engaged in the community and to experience the place itself. The Civic Center was a prime "Focus Area" with a mixed-use Land Use designation, Civic Center Mixed Use, that promotes civic, commercial, open space, and residential uses in a human scale environment with pedestrian-friendly streets and paths that connect public gathering spaces.

The CC-2 Zone. The Civic Center Mixed Use zones were adopted in 2012 as part of a broader addition of mixed-use zones throughout Garden Grove. The Civic Center Mixed Use zones 1, 2, and 3, implement the General Plan Land Use designation of Civic Center Mixed Use. Main Street has a zone unto itself, the CC-2 (Civic Center Main Street). The CC-2 zone *"applies to the historic Main Street District, a Garden Grove landmark. Main Street is recognized as a place of special character and aesthetic interest and value. This zone is established to preserve and enhance buildings and structures of historic and*

*cultural significance, and incidental uses that advance and preserve the Main Street character and charm.”*

The new CC-2 Zone carried forward the development standards for the 102 residential units in 2007. The requirements from 1983 also remain in the CC-2 zone, with the requirement of a Site Plan or Building Design Review for any construction on Main Street and the Main Street Commission in place as an advisory board. The need for architecture and design criteria was included as a way to ensure that development, restoration, and revitalization of properties on Main Street is completed in accordance with the general historical theme of the CC-2 Zone. The CC-2 zone calls for the adoption of architectural and design criteria.

Proposed Project. In 2007, an architect representing the property owner began working with planning staff on a proposed project to demolish existing commercial buildings on two properties and replace them with a hair salon of 3,080 square feet and five (5) residential units above. The project combined the two lots and proposed one building fronting on Main Street and the second along the alley at the rear. The front building included the ground floor hair salon and four (4) units on the second and third floors. The second building was along the rear property line at the alley and was separated from the front building by a courtyard. The ground floor of the second building had five carport spaces accessed from the alley and a single unit above.



Buildings on Project Site Prior to Demolition in 2008

At the time, the proposal went through pre-application review with significant design input from Building Services staff and Fire Department staff. The existing development on Main Street is a traditional commercial pattern with zero separation between buildings

which added to the complexity of access, fire egress, etc. The existing buildings (proposed to be demolished) were unreinforced masonry well past the previously established deadlines for retrofit or demolition. Building Services demanded that a demolition permit be issued and commenced immediately. The buildings were demolished by April 2008.

An application for entitlements was not submitted and the project was put on hold. The City leased the site and constructed a temporary parking area that was completed in January 2011. In 2015, the architect began discussions again with Planning Staff regarding the proposal. The original architect was unable to continue with the project and the current architect took over in 2016. The project has evolved from its original configuration given the new CC-2 Zone requirements and changes to the State Density bonus allowances.

Downtown Commission. Planning staff took the project to the Downtown Commission (prior Main Street Commission) on March 8, 2018. The architect, Andy Anderson, and property owner, Avi Marciano, were in attendance. Commissioner Weimer remarked that she appreciated the walkway between the parking lot and Main Street. Commissioner Pecor asked about parking and staff explained that the zoning allows a total of 102 residential units to be added to the second and third floors of Main Street with parking in unassigned spaces in the larger district. The project provides four parking spaces at the rear, one being a handicapped accessible van space. Several commissioners (Commissioners Stewart, Lerma, and Taylor) asked about the sewer connection and complained that there are times when bad odors emanate from the existing sewer lines. The project has been through the Planning Coordinating Committee (PCC) review and Public Works has reviewed the existing sewer capacity and lines and determined that there is capacity for the new project. Commissioner Gibson made a motion to recommend approval of the project to the Planning Commission and Commissioner Stewart gave a second. Four Commissioners voted to recommend approval with two abstaining (Pecor and Weimer).

After the meeting, the Downtown Commission staff liaison, Ana Neal, referred the matter back to Public Works staff and asked again about the sewer capacity. Public Works Sanitation engineers reiterated that there is sewer capacity that will meet the projected demand of the proposed development.

## **DISCUSSION:**

Proposed Development (Smallwood Plaza Building). The 2018 version of the project is based on the original proposal that was a replacement for existing commercial buildings on the project site. The site is on a street of early 20th-century commercial storefronts that are built side by side and immediately adjacent to the sidewalk. The established street wall of continuous buildings provides for a compact, pedestrian-friendly environment. Main Street pre-dates the requirements to provide individual on-site parking and parking is provided through on-street spaces and parking lots. The project site is surrounded by one-story commercial buildings on both sides; the "Old Town Pawn" shop to the north and a four-tenant building which includes "Your Pad or Mine" and "Farmers Insurance" to the south. Main Street has a few existing mixed-use

buildings with commercial shops on the ground floor and apartments on the second floor (An example being the prior Zlaket's building, now E Patisserie).



View from the North of Site (Bollards) and the Street Wall of Buildings

The new proposal still includes a commercial space at the front, carports at the rear, and residential units on the second and third floors. The residential units are limited to two-bedroom by the zoning code. The number of residential units has increased from five (5) to nine (9) units with three (3) units over the carport building (Building B) and six (6) units over the commercial space building (Building A). The six (6) units over the commercial building have three units per floor; two units of 964 square feet and one unit of 1,025. The three (3) units over the carport have one flat of 1,046 square feet per floor and one townhouse (two-story) unit of 964 square feet.

The density of the CC-2 zone allows for 32 dwelling units per acre (between six (6) and seven (7) units on the parcel). The State Density Bonus allowances provide an increase of 35% for a total of nine (9) units. The applicant is proposing one very-low income unit to meet the State requirements for the 35% bonus. The property owner will enter into an Affordable Housing Agreement with the City of Garden Grove.

The project takes advantage of 75 feet of Main Street frontage to provide 3,888 square feet of leasable commercial space. Large storefront windows, that match the details of other historic buildings on Main Street, run along the front of the building. The large windows consist of three bays of mullioned storefront windows and divided light transoms. A twelve (12) foot walkway stretches along the south side of the

property providing a pedestrian path between the Main Street shops and the public parking lot in the rear. The walkway is open to the sky from the alley in the rear to the middle of the commercial lease space allowing Fire Department staff to get ladders into the central courtyard. The front 36'-5" feet of the walkway is covered with the second floor of the building which cantilevers to the south property line.

The ground floor includes the commercial lease space at the front, a four-vehicle carport along the alley, and a landscaped courtyard separating the two. However, the ground floor ceiling heights of the two parts of the building are significantly different. The Civic Center Mixed Use zones require that properties with lot lines along Garden Grove Boulevard, Acacia Parkway, Main Street, and Euclid Street include storefronts and associated ground floor commercial space. The commercial ground floor spaces are required to be 18 feet in height to provide visibility into the space and enhance pedestrian interest. For the Smallwood Plaza project, this means that the ground-floor commercial space at the front has a ceiling height of 18 feet while the ground-floor carport space at the back has a standard height of 9 feet. In section, the project is split-level, with the three stories of the rear building (Building B) being approximately 30 feet in height and the double-height commercial space in front, with two floors of residential above, being 40 feet in height (Building A). Building B and Building A are technically one building as they are connected, but for ease of understanding the different heights and massing in the two portions are referred to with different names.

The residential units are accessed by two stairways on either side of the landscaped courtyard and an elevator at the back of the commercial space. The elevator takes residents and visitors up to the split-level upper floors stopping first at the level of the Building B second floor, continues up to the second floor of Building A/third floor of Building B and then up to the third floor of Building A. Suspended walkways provide access from the elevator across the courtyard to the units in Building B.

Parking. As mentioned earlier, Main Street pre-dates the requirements to provide individual on-site parking. Parking for Main Street is provided by "District" spaces found on street and in parking lots. The traditional development pattern of Historic Main Street with a continuous street wall of compact buildings that are side by side and adjacent to the front sidewalk, is only possible if individual businesses are not required to provide parking on their own parcel. In response to requests from Main Street property owners, the City adopted an amended zoning code for Main Street in 2007 allowing residential units above the commercial uses. Parking for the new residential units was provided by the existing "District" parking spaces. Several parking studies from different sources were reviewed and consistently showed that there was ample parking for the proposed residences. The project is not required to provide any parking spaces but is designed with four spaces accessed from the alley. One space is a handicapped accessible van parking space as required by the California Building Code.

Open Space. The open space for the project is provided in several ways. First, there is the shared residential/commercial passive recreation area of the ground floor walkway. The mixed-use zones allow areas shared by residents and commercial customers to contribute no more than 25% of the required open space. Shared

Passive Recreation areas must be at least 10 feet wide and 30 feet in length; the walkway recreation area is approximately 12 feet wide and 60 feet in length. The courtyard is also counted as a "passive recreation" area and can contribute no more than 50% of the overall open space requirement. The courtyard will include planters and a fountain and will be separated from the walkway area by a motorized rolling gate. The courtyard requires a concession under the State Density bonus allowances as it does not meet one of the minimum dimensions. Passive Recreation areas are required to be a minimum of 10'-0" x 30'-0" (300 square feet). The courtyard is 20'-0" x 25'-10" (517 square feet). The length is limited to 25'-10" rather than 30'-0" because the suspended walkway between Building A and Building B goes across the courtyard at this point.

The remainder of the open space requirement is provided by a recreation deck and private balconies. Building A includes an Active Recreation area with barbecues, tables, and planters on the second floor where the elevator exits. All units have a private balcony with some larger than others. The two front units (A3.1 and A3.2) on the third floor of Building A, take advantage of the required 10'-0" building stepback to have large roof deck balconies across the front of the building. Most of the other units have balconies that are closer to the required 90 square feet. The balcony for one unit requires the second concession under the State Density Bonus allowances as space is so limited that it meets the six (6) foot minimum dimension, but only provides 40.5 square feet. This unit (A2.3) is immediately off the second floor recreation deck so it is in close proximity to a larger open space area.

Building Design/Architecture. The City of Garden Grove has acknowledged the importance of preserving and enhancing the character of Historic Main Street since the 1980s. The General Plan and the Civic Center Main Street, CC-2 zone recognize Main Street as a place of special character with historic and cultural significance. The proposed new building balances the need to be both modern and compatible with the existing buildings and character of Main Street. The City has not adopted Architectural and Design Criteria as directed in the CC-2 Zone and so enlisted the help of an architect versed in historic conformance to review the project. Architect, John LoCascio, prepared a memorandum that the building meets the zoning requirements and is in conformance with the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67).

Planning staff measured the storefronts of several existing, "historic", commercial buildings on Main Street to determine the dimensions of various elements such as the overall height of the storefront windows, the height of the shop window versus the height the smaller divided transom windows above, and height of the bulkhead at the base of the buildings. Staff provided these dimensions to the project architect and he incorporated similar elements at similar heights in his design of the storefront elevation. The new building is assured of relating to the existing early 20<sup>th</sup>-century development on Main Street through the alignment of elements such as windows, doors, cornice lines, lintels, fascia, etc. on the surrounding buildings. The building is designed to be similar in size, scale, and proportion to the surrounding buildings. (An example of a storefront with the elements labeled is provided in the following exhibit).





The building incorporates details such as recessed ground-floor storefronts with vertical mullions, solid bulkheads, glazed transom lights, and smaller rectangular windows at the upper stories to provide visual compatibility. The project's exterior walls will be finished in brick, stucco, and cast concrete, echoing finishes used on many of the existing surrounding buildings. The building's street frontage is similar in width to other buildings on Main Street and continues the established street wall. The project will be three stories in height, but the third story will be set well back from the street facing façade (10'-0" stepback), so that the new building will present a two-story façade along Main Street, conforming with the existing surrounding buildings at one- or two- stories in height.

Lot Line Adjustment. The project site includes two legal parcels. A condition of approval is included requiring that the applicant submit an application for a Lot Line Adjustment to consolidate the two parcels. The consolidation of the parcels is required to allow the construction of the proposed building.

California Environmental Quality Act. The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 32, In-Fill Development Projects (CEQA Guidelines Section 15332).

Conclusion. The proposed development will fill an empty gap in an otherwise continuous street wall of commercial and mixed-use buildings on the west side of historic Main Street. The building has been designed to provide a mix of uses suited to historic Main Street with a spacious, large-windowed, commercial lease space along the street frontage and nine (9) residential units on the second and third floors. The residents will enjoy an environment of compact development within a pedestrian-

oriented district that provides opportunities for people to engage in civic, business, educational, and recreational activities close to home. Main Street will be enhanced with a carefully designed building intended to preserve the character of the street and new neighbors, who will add activity and engagement to the most-walkable area of Garden Grove.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 5919-18 approving Site Plan No. SP-053-2018, subject to the recommended Conditions of Approval.



Lee Marino  
Planning Services Manager



By: Erin Webb  
Senior Planner

RESOLUTION NO. 6001-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-053-2018 (REINSTATEMENT-2020) FOR A PROPERTY LOCATED ON THE WEST SIDE OF MAIN STREET AT 12885 AND 12891 MAIN STREET, ASSESSOR'S PARCEL NOS. 089-213-20 AND 089-213-21.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on September 3, 2020, hereby approves Site Plan No. SP-053-2018 (Reinstatement-2020) for the construction of a new mixed-use building with nine (9) residential units and 3,888 square feet of commercial space (the "Project") for the property located on the west side of Main Street, at 12885 and 12891 Main Street, Assessor's Parcel Nos. 089-213-20 and 089-213-21.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-053-2018 (Reinstatement-2020) the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Avi Marciano.
2. The applicant is requesting to reinstate the approval of Site Plan No. SP-053-2018 to construct a new mixed-use building with a commercial tenant space of approximately 3,888 square feet on the Main Street frontage and nine (9) residential units above. The project includes a density bonus of 35% under the State Density Bonus allowance and two concessions: to reduce the minimum size of a private open space balcony, and a reduction in a minimum dimension of a passive recreation area.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Planning Commission has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15332 (Infill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15332).
4. The property has a General Plan Land Use designation of Civic Center Mixed Use, and is zoned CC-2 (Civic Center Main Street). The subject property is currently an approximately 9,152 square foot lot, improved with an existing parking lot, located on the west side of Main Street.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 3, 2020, and all interested persons were given an opportunity to be heard.

8. Planning Commission gave due and careful consideration to the matter during its meeting on September 3, 2020; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030 are as follows:

FACTS:

The subject site is located on the west side of Main Street, between Acacia Parkway and Garden Grove Boulevard. The property is zoned CC-2 (Civic Center Main Street), with a General Plan Land Use designation of Civic Center Mixed Use. The subject site was previously developed with a commercial building, though is currently a parking lot.

On May 17, 2018, the Planning Commission approved Site Plan No. SP-053-2018, to construct a three-story mixed-use building with 3,888 square feet of commercial space, and nine (9) residential units. As a part of the approval, the Planning Commission found that the proposed project was exempt from CEQA, pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). Later that year, on July 26, 2018, the Zoning Administrator approved Lot Line Adjustment No. LLA-017-2018, to consolidate two parcels (APNs: 089-213-20 and 089-213-21) into one parcel. The Lot Line Adjustment was finalized, and does not need to be reinstated along with the Site Plan.

Since its original approval, the applicant requested bids for construction. Finding the bids exceeding their construction budget, the applicant had to reevaluate their financing. The financing of the project could not be resolved, and permits were not issued. The grading plan was submitted for plan check on July 1, 2019, though not issued. Plans were also submitted for building permit plan check on June 19, 2018, however building permits were not issued.

Ultimately, with no building permits issued for the Site Plan, the Site Plan expired a year after the approval. Now, with their construction financing in order, the applicant is requesting to reinstate the land use approvals.

The project has been designed to comply with the development standards of the CC-2 zone, except for two (2) concessions allowed in accordance with State Density Bonus guidelines. Municipal Code compliance includes, but is not limited to, building setbacks, building height, and parking requirements.

FINDINGS AND REASONS:

**SITE PLAN**

1. The Site Plan complies with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances.

The project has a General Plan land use designation of Civic Center Mixed Use (CC) and is zoned CC-2 (Civic Center Main Street). The CC land use designation is intended to provide for a mix of civic, institutional, commercial, higher density residential, and open space uses. The CC-2 zone is intended to provide for a mix of civic, institutional, educational, commercial, high-density residential, and open space uses within a pedestrian-oriented district. The project proposes 3,888 square feet of commercial space, and nine (9) residential units. Commercial/residential mixed-use developments are an automatically permitted use in the CC-2 zone. The project complies with the land use designation and the zoning requirements for the property.

The proposed project has been designed within the parameters of the CC-2 zone of Title 9 of the Municipal Code. Additionally, the proposal meets all of the State density bonus requirements. By providing one (1) very-low income unit, the project receives a 35% density bonus, as well as allowing for two (2) concessions.

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

The CC-2 zone is intended to be a more pedestrian-friendly environment. The project was designed with the existing context of Main Street in mind. This includes the frontage along Main Street designed with a variety of pedestrian-friendly features, including large windows and enhanced architectural detailing. Furthermore, along the southern property line, there is pedestrian access to the courtyard, the apartments above, and the parking in the rear.

In addition to the multiple pedestrian points of access, the project also provides for parking spaces. The Municipal Code does not require any parking in the CC-2 zone, however, to the rear of the development is a carport area, featuring four (4) parking spaces for residents. By providing these spaces, the project exceeds the minimum requirements provided by the Municipal Code for vehicular and pedestrian facilities.

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

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

The streets in the area will be adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area are existing and adequate to accommodate the development. The property is not located in a sewer deficiency area. The Public Works Department has incorporated conditions of approval to limit the potential impacts to the sewer system.

The proposed development will also provide proper grading of the site in order to improve drainage in the area. The site as currently developed is largely flat, with minimal landscaping. The proposed alterations are designed to minimize any adverse impacts related to drainage.

The City's Engineering and Water Services Division have reviewed the plans, and all appropriate conditions of approval will minimize any adverse impacts to the streets and alleys, utilities, and drainage channels.

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

The project is located in an area with both commercial and residential uses. The proposed project features a neo-traditional architectural design, which is compatible with the surrounding area, and land uses. The project is primarily oriented toward Main Street. The building and its orientation are designed in such a way to continue the same rhythm of Main Street, and contribute to the walkable feel of the neighborhood.

The project has been designed in accordance with the CC-2 zone development standards, with the exception of the concessions as a part of the State density bonus laws. Additionally, the requirements of the Main Street Design Guidelines were also incorporated into the design of the project. The property is located in an area with primarily single and two-story commercial/residential mixed use buildings. The project, while being three-stories, and 40'-0" tall, is stepped back from Main Street on the upper stories. This gives the appearance of only a two-story structure along Main Street, but in reality it is a taller building.

The building and site improvements of the proposed use, as conditioned, have been designed to compliment the improvements on the adjacent commercial properties. Additionally, the project has been designed to minimize any potential negative impacts to the adjacent uses and buildings.

5. Through the planning and design of buildings and building placement, the provision of open space landscaping and other site amenities will attain an attractive environment for the occupants of the property.

The proposed building and site improvements, including parking and recreation spaces, have been designed to compliment adjacent developments, as well as be an enhancement to the area. The subject site has been improved with a surface parking lot since 2008. The proposed building, with its incorporation of the Main Street Design Guidelines, and its integration into the surrounding context will be an improvement over the current use of the site as a parking lot.

There are two concessions on the sizes of the required recreation spaces for the residential units. There are Municipal Code requirements for minimum dimensions and minimum area for recreational spaces. The concessions are requested because the project provides either the minimum dimension or area, but not the other. In any case, each residential unit still has access to outdoor recreational space, contributing to an attractive environment for their respective occupants.

The project has been designed to consider building appearance, building placement, open spaces, and other amenities in order to balance the need of visitors, and residents. Adequate access is provided for motor vehicles and pedestrians. By serving the needs of multiple users, the project meets the requirements of the General Plan and Municipal Code.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval, attached as "Exhibit A," shall apply to Site Plan No. SP-053-2018 (Reinstatement-2020).

ADOPTED this 3rd day of September, 2020



## **EXHIBIT "A"**

### **Site Plan No. SP-053-2018 (Reinstatement-2020)**

12885 and 12891 Main Street

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of a building permit.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Avi Marciano, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission.
3. 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 City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. The approved site plan, floor plan, and use of the subject property, as represented by the Applicant, are an integral part of the decision approving this Site Plan. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

**Public Works Engineering Division**

7. The applicant shall be subject to Traffic Mitigation Fees, In-Lieu Park Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
8. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design of the parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
9. Grading/street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30'-0" outside the boundary, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. The Street Improvement plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
10. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
11. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards latest edition.
12. A separate street permit is required for work performed within the public right-of-way.
13. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
14. All parking spaces that abut sidewalks that are not elevated with a curb face to the stall, if any, shall have wheel stops in order to prevent any vehicle overhang over a sidewalk. A minimum 6'-0" wide sidewalk is required for

- parking spaces that are utilizing elevated sidewalk curb faces as a wheel stop, and must maintain a 4'-0" minimum ADA pathway from the overhang of the vehicle bumper.
15. No parallel curb parking shall be permitted anywhere on the site.
  16. Prior to issuance of a grading permit, the applicant shall design lighting for the walkway lighting within the development in a manner meeting the approval of the City Engineer and the Planning Services Division. If pedestrian-scaled light poles are proposed, they shall be shown on the precise grading plan.
  17. The Orange County Storm Water Program manual requires the applicant and/or contractors to provide a dumpster on-site during construction unless an Encroachment Permit is obtained for placement in the street.
  18. 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:
    - Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
    - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
    - Incorporates structural and Treatment Control BMPs as defined in the DAMP.
    - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
    - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
    - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
  19. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
    - 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.
    - Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
    - Demonstrate that an adequate number of copies of the approved Project WQMP are available on site.

- Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
20. All trash container areas shall meet the following requirement:
- Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash;
  - Provide solid roof or awning to prevent direct precipitation;
  - Connection of trash area drains to the municipal storm drain system is prohibited;
  - Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
  - See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
  - The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
  - Pursuant to state mandated commercial organic recycling law AB 1826, the applicant is required to coordinate storage and removal of the organic waste with local recycling/trash company.
21. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above requires removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.
22. Prior to issuance of a grading permit, the applicant shall submit to the Planning Services Division an updated title report along with copies of the recorded instruments listed in the title report, reference maps used to prepare legal description and the plat for review and approval of the lot line adjustment application.
23. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:

- a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division Prior to installation.
24. The applicant shall identify temporary parking sites for construction crew, construction trailers, and office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
25. Prior to issuance of a grading permit, the applicant shall submit for review and approval a worksite traffic control plan that is satisfactory to the City Traffic Engineer.
26. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
27. Any required lane closures shall occur outside of peak travel periods.
28. Prior to the issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
29. Prior to issuance of a building permit, the applicant shall design and construct street improvements as identified below:

Main Street

- a. Remove and replace any damaged (project construction related) pattern stamped concrete in the sidewalk area fronting the project on Main Street, in accordance to City of Garden Grove Standard Plan B-136.
- b. Existing trees on Main Street shall be preserved. Any proposed new landscaping in the public right-of-way shall be approved by the Planning Services Division and maintained by the owner.
- c. Prior to the start of demolition, the applicant shall coordinate with the City's Building Maintenance Division to either remove, save, or salvage the existing bike rack and bollards on the existing parking lot.

Alley

- a. Relocate or adjust to grade the existing SCE vaults at the northwest and southwest corner of the property to accommodate building foundations, and vehicular and pedestrian access.

- b. Remove and replace the street pavement from the edge of the property line to the edge of the existing v-ditch gutter along the Alley frontage, per City Standard Plan B-104 and the direction of the City Engineer.
- c. The applicant is required to increase the width and length of the garages to 10 feet and 20 feet, respectively. The applicant is also required to remove the existing adjacent planter on the west side of the alley, two (2) trees, relocate the existing light post, and replace the said improvement with asphalt to satisfy back up distance from garage.
- d. The applicant shall coordinate the location of all new water meters, backflow preventers, and backflow devices proposed to be placed in the sidewalk area on the alley with the Planning Services Division and Water Services Division.
- e. Any proposed new landscaping in the public right-of-way shall be approved by the Planning Services Division and maintained by the owner.

#### **Public Works Environmental Compliance Division**

30. The applicant shall comply will all NPDES protocol during construction.

#### **Public Works Water Services Division**

##### Water Conditions

31. A space on the property shall be made to accommodate a double-check detector assembly for the fire service connection, and also for the reduced pressure principal device for the domestic water supply. There is zero set back at the west side of the property (in the alley) and therefore, these backflow devices shall be located on the property owner's side and made accessible for yearly testing.
32. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City Standards.
33. Water meters shall be located within the City right-of-way or within a dedicated waterline easement. Fire services and large water services 3" and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and be inspected by approved Public Works inspection.
34. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection and located on the property owner's side. The landscape system shall also have a 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.

35. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
36. There shall be a minimum 15'-0" clearance of building footings from water main. Clearances less than 15'-0" shall be reviewed and approved by Water Engineering.
37. New utilities shall have a minimum 5'-0" horizontal, and a minimum 1'-0" vertical clearance from water main and appurtenances.
38. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
39. 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.
40. Fire service 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 located on the property owner's side and be screened from public view as required by the Planning Services Division.
41. No permanent structures, trees, or deep-rooted plants shall be placed over sewer main or water main.
42. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.

#### Sewer Conditions

43. Commercial food use of any type shall require the installation of an approved grease control device prior to obtaining a business license.
44. 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.
45. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
  46. Owner shall install a new sewer lateral with clean-out at right-of-way line. Lateral in public right-of-way shall be 6" minimum diameter, extra strength VCP with wedgelock joints.
  47. 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. Only one sewer connection per lot is allowed.
  48. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
  49. If water main is exposed during installation of sewer lateral, a 20'-0" section of the water main shall be replaced with 20'-0" PVC C-900 DR-14 Class 305 water pipe, size in kind and centered at the crossing.

### **Building and Safety Division**

50. The governing codes for this project shall be the California Building Code (CBC), California Electrical Code (CEC), California Mechanical Code (CMC), California Plumbing Code (CPC), CA Buildings Energy Efficiency Standards (CBES), and California Green Building Standards Code (CGBSC).
51. Accessible parking facilities shall comply with all requirements of CBC Section 1109A.
52. The proposed project is "mixed-use" with both residential and nonresidential uses; plans submitted for review shall show compliance with both Chapter 4 and Chapter 5 of the CA Green Building Standards Code (CGBSC). Additionally, the Residential and Nonresidential Mandatory Measure Checklists shall be printed on plans.
53. Project shall comply with "recycling by occupant" per CGBSC Section 4.410.2.



54. Short term bicycle parking shall be provided in accordance with CGBSC Section 5.106.4.
55. Project shall comply with construction waste reduction, disposal and recycle in accordance with CGBSC Section 5.408. City construction waste management forms shall be completed and printed on plan at the time of first submittal.
56. Exterior accessible routes shall comply with CBC Section 1110A. A minimum clear width of 48" is required.
57. The 35% "Density bonus" from the City triggers this project to comply with "public housing facilities" per CBC Section 11B-233; at least one unit shall comply with mobility and communication features, all other units shall be adaptable and shall comply with CBC Chapter 11A.
58. Multi-story dwelling units in a building with one or more elevators shall provide at least one powder room or bathroom located on the primary entrance per CBC Section 1102A.3.2. This item refers to unit B2.2.
59. At least one accessible route within the boundary of the site shall be provided from public transportation stops and public streets or sidewalks to the accessible building entrance they serve. Where more than one route of travel is provided, all routes shall be accessible. Plan submitted for review shall clearly identify and show compliance.
60. An accessible route shall be provided to connect all elements and spaces such as trash enclosures, storage rooms, and barbecue equipment.
61. A 60" diameter turning space shall be provided at all dead-end hallways and accessible routes. This item refers to accessible routes into storage rooms on the ground floor.
62. Accessible parking marking and identification shall comply with CBC Section 1109A.
63. Door(s) shall not open directly into a required accessible parking access aisle.
64. Elevator shall comply with all requirements of CBC Section 1124A.
65. Common use facilities shall comply with all requirements of CBC Section 1127A.

66. Interior and exterior doors, gates and windows shall comply with CBC Section 1126A and Section 1132A and Section 1010. Plans submitted for review shall show maneuvering clearances at all doors and gates. Note: CBC Chapter 11A is only applicable to adaptable units; the provisions of CBC Chapter 11B and all Sub-Sections of Chapter 11B shall apply to the mobility and communication unit(s).
67. Exterior accessible routes shall be provided with minimum 48" clear width. Wheel stops shall be provided at parking spaces to avoid parked vehicles overlapping the required minimum clear width.
68. All Sections of Chapter 11A Division IV shall apply to all adaptable units. Plans submitted for review shall show all required clear floor spaces in front of fixtures as demonstrated within Division IV of Chapter 11A.
69. All common interior and exterior walls, partitions and floor/ceiling assemblies between units and common use areas shall comply with air-borne sound not less than 50 STC in accordance with CBC Section 1207.
70. Plans shall show window and door schedules.
71. Plans submitted for review shall clearly address and identify all fire-rated walls and provide tested assembly and details. Fire-rated construction shall comply with all requirements of CBC Table 601 and CBC Table 602. Fire rated exterior walls shall comply with CBC Section 705.
72. Fire walls, fire barriers, and fire partitions shall comply with CBC Sections 706, 707 and 708. Plans submitted for review shall show complete construction details at all critical intersections/connections of walls.
73. Maximum area of exterior wall openings based on fire separation distance and degree of opening protection shall comply with CBC Section 705.8.
74. Shaft enclosures shall comply with CBC Section 713.
75. Duct and air transfer openings in fire rated walls shall comply with CBC Section 717. Plans submitted for review shall show construction details and tested assemblies from a third party.
76. All requirements specified in Sections 1003 through 1015 shall apply to all three elements of the means of egress systems. Plans submitted for review shall show compliance with exit/exit access, travel distance, and exit discharge.

77. Stairways shall comply with CBC Section 1011. To be considered part of an accessible means of egress, a stairway between stories shall have a clear minimum width of 48".
78. Exit signs shall comply with CBC Section 1013.

**Community & Economic Development Department**

79. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department for review and approval prior to Building and Safety Division Plan Check. The project shall also be subject to the following:
  - a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
  - b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall be screened to the satisfaction of the Community and Economic Development Department.
  - c. No roof-mounted mechanical equipment, including but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
  - d. All ground, roof, or wall-mounted mechanical equipment shall be screened from public view from adjacent properties and the public right-of-way and shall also be screened, to the extent feasible, from on-site areas.
80. Prior to the Certificate of Occupancy or installation of any signage, the applicant shall submit for review and approval by the Community & Economic Development Department a Sign Program for the building. All signage shall comply with Chapter 20 of Title 9 of the City's Municipal Code. Signs for the building shall be compatible with the character of historic Main Street. The Sign Program shall include signs that are visible to pedestrians under the proposed ground floor awnings. Consider embossing the name of the building, Smallwood Plaza, on the concrete frieze between the first and second floor. Designate areas for the signs of the commercial tenant(s) on the front elevation that are placed within the architecture. The Sign Program shall include all directional, noticing, or similar signs on the property. Provide

an entry sign at the walkway entrance on the alley. Consider a sign for the commercial business on the back wall of the front building that cantilevers over the walkway. The applicant shall work with the Fire Department to determine the location of building numbers.

81. The gates to the pedestrian walkway along the south side of the property shall remain open during hours of business operation.
82. The applicant shall submit a complete and detailed landscaping plan with irrigation systems included for review and approval by the Community & Economic Development Department prior to the issuance of a building permit. Drought tolerant plantings are encouraged. The landscape plan shall include the type (both common and botanical names), size, location, and quantity of all proposed plant material. The proposed landscaping shall be planted prior to the finalization of the building permit. The plan shall be consistent with the landscape requirements set forth and/or incorporated in the Garden Grove Municipal Code. All landscape irrigation shall comply with the City's Landscape Ordinance, associated Water Efficiency Guidelines, and all recent applicable revisions from the State of California on water conservation measures. The landscape plan is also subject to the following:
  - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. Subsurface systems are encouraged. The irrigation plan for any new trees shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used, they shall be low flow/precipitation sprinkler heads for water conservation.
  - b. Areas considered "shared passive" or "passive" recreation areas shall consist of landscape areas that incorporate pathways, waterscape, hardscape (i.e., large rocks or boulders, benches, gazebos, raised planters), and unique features that enhance the appearance, desirability, and usability of the area. The intent is to provide landscaped areas that can be utilized for walking, sitting, viewing plants and vegetation, reading, and similar types of activities.
  - c. Landscaping shall be maximized on the site where possible. The narrow planters and wall trellises shall have plants carefully selected to provide maximum impact. Include landscaping on the 2<sup>nd</sup> floor recreation deck open space.
  - d. A bike rack shall be incorporated on the property. The applicant shall use the Dero catalogue of bike racks or similar artistic bike rack.
  - e. Trees planted within 10'-0" of any public right-of-way shall be planted in a root barrier shield and a deep-water irrigation system.

- f. All landscape areas are the responsibility of the applicant/property owner(s).
  - g. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is also to be inclusive of any applicable Water Quality Management Plan (WQMP), the Orange County Drainage Area Management Plan (DAMP), and/or other water conservation measures applicable to this type of development.
83. The building elevations shall be revised and submitted for review and approval by the Planning Services Division prior to issuance of a building permit.

On the front elevation the following revisions shall be made:

- The second story windows shall be recessed a minimum of 4";
- The vertical brick detail that is over the windows on the second floor shall be added over the recessed deck openings;
- Reduce the height of the dividing wall between the roof decks on the third floor;
- Remove the awnings on the third floor as no projections are allowed in the 10'-0" required setback;
- The cornices at the top of the second and third floors shall relate more to the string course by having more depth and detail;
- Add a horizontal transom or muntin on the second floor windows, dividing the top 1/3 of the glazing.

The rear elevation needs more detailing and the following revisions shall be made:

- Add horizontal decorative elements (belt courses) above the garage doors and between the second and third floors;
- Provide more depth and detail to the cornice;
- Provide the vertical brick detail over the top of the windows;
- Add a sill detail (possibly the vertical bricks);
- Provide a horizontal transom or muntin dividing the window glazing.

The proposed design incorporates the brick exterior material from one of the original buildings on the project site. The vertical brick detail on the proposed building is also taken from the original brick building. Incorporate more of the vertical brick detailing on the proposed elevations.

84. The project includes a 35% density bonus for which the applicant shall reserve 1 dwelling unit for occupancy by very low income households for a period of 55 years commencing with the issuance of the certificate of occupancy for the project. The applicant shall at all times during the term of

the affordability period comply with the requirement to rent the one target unit to very low income households at an affordable rent as required by the Garden Grove Municipal Code and State Law. Landlords receive fair market rent from tenants who are recipients of subsidies under Section 8 of the U.S. Housing Act of 1937, which do not qualify as affordable rent for purposes of the one target unit set aside for very low income households. A Density Bonus Housing Agreement, pursuant to Ordinance 2668 and Section 9.12.030.070 (Density bonuses and other incentives for affordable housing) (Subsection I – "Density Bonus Housing Agreement") of Title 9, shall be prepared by the City, at the applicant/owner's expense. The Density Bonus Housing Agreement shall be approved by the City Council and recorded prior to issuance of a building permit for any structure in the housing development. The Density Bonus Housing Agreement shall include, without limitation, the following:

- a. The total number of units approved for the Housing Development, the number, location, and level of affordability of target units, and the number of density bonus units.
- b. Standards for determining affordable rent for the target units.
- c. The location, unit size in square feet, and number of bedrooms of target units.
- d. Provisions to ensure affordability for 55 years pursuant to Government Code section 65915 and otherwise in accordance with Subsection G of section 9.12.030.070.
- e. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
- f. A description of any concessions or incentives or waivers and modifications being provided by the City.
- g. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
- h. Procedures for qualifying tenants and prospective purchasers of target units.
- i. Any other provisions to ensure implementation and compliance with section 9.12.030.070.
- j. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.
- k. Provisions requiring verification of household incomes.

- l. Provisions requiring maintenance of records to demonstrate compliance with section 9.12.030.070.
  - m. The property owner shall restrict tenancy occupancy to a "2 + 1" formula, 2 persons per bedroom plus one additional person (ex: a two bedroom unit can only house five persons).
  - n. The property owner shall post in a conspicuous place on the premises a notice stating the owner's name and address, or the name and address of the owner's agent in charge of the apartments, as required by Title 25, Division 4, Article 5, Section 42 of the State Housing Law Regulations.
85. The applicant shall provide details of the paving materials for the pedestrian walkway and the courtyard to the Planning Services Division for review and approval prior to issuance of building permit. Enhanced paving shall be incorporated into both the walkway and courtyard. The paving choices shall clearly differentiate the two spaces; as the walkway is public and the courtyard is private. For these paving treatments, the color, pattern, material, and final design and configuration shall be approved by the Planning Services Division, and shall be shown on the final site plan, grading plan, and landscape plans.
86. All proposed walls, fences, and hedges shall be consistent with Garden Grove Municipal Code Section 9.18.130. The proposed wall along the south side property shall be decorative and relate to the design of the building.
87. Best Management Practices shall be incorporated in the management of the site to deter and/or abate any graffiti vandalism throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary.
88. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Chapter 8.47 as adopted, except that:
  - 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 established in Chapter 8.47 of the Municipal Code.
89. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use of methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered

- equipment, where feasible. Also, the use of solar or low-emission water heaters and the use of low-sodium parking lot lights to ensure compliance with Title 24.
90. Building colors and material samples shall be submitted to the Planning Division for review and final approval prior to issuance of building permits.
  91. Each unit shall provide a separate storage area having a minimum of 300 cubic feet of private and secured storage space. The storage may be provided within the carport provided it does not interfere with garage use for automobile parking.
  92. A copy of the resolution approving Site Plan No. SP-053-2018 (Reinstatement-2020), including these Conditions of Approval, shall be kept on the premises at all times.
  93. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-053-2018 (Reinstatement-2020) and his/her agreement with all conditions of the approval.
  94. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-053-2018 (Reinstatement-2020). The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited, to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
  95. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Site Plan No. SP-053-2018 (Reinstatement-2020) shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.

**Orange County Fire Authority (OCFA)**

96. The applicant shall comply with all applicable Orange County Fire Authority Requirements, including, but not limited to, the Fire Master Plan.



# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b>  C.2.	<b>SITE LOCATION:</b> South side of Garden Grove Boulevard, between Galway Street and Gilbert Street, at 9618 Garden Grove Boulevard
<b>HEARING DATE:</b> September 3, 2020	<b>APN:</b> 098-222-40
<b>CASE NO.:</b> Conditional Use Permit No. CUP-190-2020	<b>GENERAL PLAN:</b> Residential/Commercial Mixed Use 2
<b>APPLICANT:</b> Stanton University	<b>ZONE:</b> GGMU-2 (Garden Grove Boulevard Mixed Use 2)
<b>PROPERTY OWNER:</b> Andrew Stupin Cantor Group II, LLC	<b>CEQA DETERMINATION:</b> Exempt

## **REQUEST:**

The applicant is requesting Conditional Use Permit (CUP) approval to expand an adult trade school, Stanton University, to 8,125 square feet to increase the occupants from 15 students to 100 students and 14 employees, on the second floor of an existing 28,822 square foot two-story multi-tenant building, within the AR Galleria Shopping Center.

## **BACKGROUND:**

The subject property is irregularly shaped and is located on the south side of Garden Grove Boulevard, between Galway Street and Gilbert Street, within the AR Galleria Shopping Center, which was originally approved in 2001 under Site Plan No. SP-313-02 and modified in 2005 under Minor Modification No. MM-101-05. The property is approximately 3.1 acres in size and is developed with two (2) commercial buildings. Building A is a one-story, 6,255 square foot, multi-tenant building located on the north side of the property along Garden Grove Boulevard. Building B is a two-story, 28,822 square foot, multi-tenant building that is attached to a three-story parking structure located to the rear of the property. The property shares parking and access with two adjacent properties that abut the easterly property line of the subject site and are developed with two (2) attached two-story buildings built in 1956 and 1963, identified as Building C, with a combined area of 16,105 square feet. The three buildings are currently occupied by various commercial and office uses.

The subject site has vehicular ingress and egress access from two (2) driveways along Garden Grove Boulevard on the north side of the property, and shares access with the adjacent properties to the east for additional vehicular access from Galway Street and Larson Avenue. The subject site has one (1) additional shared driveway with the shopping center located directly to the west. The subject site shares

parking with Building C and the St. Anselm Episcopal Church located directly to the east. The existing parking structure has a total of 109 parking stalls and the site is developed with a total of 167 on-site surface parking stalls, for a total of 276 parking spaces.

The subject property is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2), and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2. The site abuts GGMU-2 zoned properties to the east and west, R-1 (Single-Family Residential) zoned properties to the south, and C-2 (Community Commercial) and GGMU-2 zoned properties to the north, across Garden Grove Boulevard.

The applicant, Stanton University, is currently operating within the second story of Building B. According to Business Tax records, the current business license approved in 2001 limited the operation of the university to 15 students maximum with an office and library use. Over the years, the university has expanded via multiple separate business license approvals and has now exceeded the 15 student count limit. There is an open code violation case with the City's Code Enforcement Division for the unpermitted expansion and installation of cooking equipment for culinary instruction, which includes plumbing and electrical upgrades, without permit approvals. Therefore, the applicant is requesting Conditional Use Permit approval, as required by Title 9 of the Municipal Code, to allow the operation of the adult trade school to increase the lease area to 8,125 square feet, as well as increase the student count to 100 students with 14 employees.

### **DISCUSSION:**

Stanton University was founded in 1996 and is a private, nonprofit, public benefit educational institution. The university operates in compliance with the California Education Code and the California Code of Regulations under the authority of the California Bureau for Private Postsecondary Education. Stanton University's main campus is at the subject site in Garden Grove and has satellite learning sites in Los Angeles and at the OC Golf Course in City of Carson. The trade school offers the following four (4) programs: Associate of Golf Management, Associate of Korean Culinary Arts, Bachelor of Business Administration, and Master of Business Administration.

The trade school will occupy approximately 8,125 square feet within the second story of a 28,822 square foot commercial building within the AR Galleria Shopping Center. The second story is accessed from a centrally located stairway and elevator accessed from the main entry along the north side of Building B, and directly from the parking structure on the south side of the building. The proposed floor plan of the trade school will consist of six (6) lecture classrooms, one (1) cooking classroom, one (1) conference room, one (1) student lounge, one (1) laboratory, one (1) all gender restroom, men's and women's restrooms, various administration and faculty offices, and storage rooms, as identified in the attached floor plan. The applicant is conditioned to obtain building and fire occupancy approval prior to

issuance of a business license. The school cannot occupy the tenant space until Building and Safety and Fire Department approval is received and all conditions of approval are met. Three (3) suites within the second story are currently occupied by a dental clinic and two Certified Public Accountant (CPA) offices that are operated separately and are not a part of the proposed expansion to the trade school.

The trade school’s office hours are from 9:00 a.m. to 6:00 p.m., Monday through Friday. However, the morning classes will be offered from 9:30 a.m. to 12:30 p.m., and the afternoon classes will be offered from 6:30 p.m. to 9:30 p.m. Approximately 30 classes are anticipated to be offered per week, with about 15-20 students per class.

For a trade school use, Section 9.18.140.030 (Parking Spaces Required) of Title 9 of the Municipal Code, requires one (1) parking space per employee, plus one (1) parking space per three (3) students capacity (based on the maximum occupancy allowable by the California Building Code). The California Building Code (CBC) calculates the maximum occupancy of classrooms at one (1) person per twenty (20) square feet, and vocational rooms at one (1) person per fifty (50) square feet, with the actual number of persons (students and instructors) to be significantly less. Based on the building occupancy, the maximum total occupancy is 361 students. The applicant is requesting approval for 100 students maximum with 14 employees. However, for the purposes of calculating and complying with the parking requirements of the Municipal Code, the maximum building occupancy, 361 students, was used to determine the number of spaces required. Therefore, the total number of spaces required for the proposed expansion to the trade school is 120.33 spaces for students, and 14 for employees, for a total of 134.33 spaces, or 135 when rounded to the next whole number.

**Parking**

<b>Use</b>	<b>Square Footage</b>	<b>Code Parking Requirement</b>	<b>Total Spaces Required</b>
Retail	11,829 sf	1/200	59.15
Restaurant	4,607 sf	1/100	46.07
Medical Office	7,273 sf	1/170	42.78
Bank	2,700 sf	1/150	18.00
General Office	16,648 sf	1/250	66.59
(P) Trade School	8,125 sf		
	361 Max. Occupancy	1/3 Students	120.33
	14 Employees	1/Employee	14.00
<b>Total</b>	<b>51,182 sf</b>		<b>367</b>
Spaces Provided			276
Parking Deficiency			24.8%

The table above indicates the total number of parking spaces required within the shopping center, which is a total of 367 spaces, when parked per the requirements of Title 9 of the Municipal Code. Currently, the parking provided on-site, including the parking structure and surface parking, is 276 spaces. The parking deficiency is 91 spaces, or 24.8%. For integrated shopping centers with shared parking and vehicular access, and in cases where the parking deficiency does not exceed 25%, Section 9.18.140.060 (Joint Use and Parking Management) of Title 9 of the Municipal Code, requires a parking management plan. A peak-demand calculation must also be included and must demonstrate a 10% increase in the minimum number of spaces above the peak demand calculation to allow for future changes in the types of uses proposed in the original development plan.

The applicant has provided a parking management plan (Attachment 1) for the AR Galleria shopping center with the proposed expansion to the trade school CUP application prepared by a licensed traffic engineer, KHR Associates. The study has been reviewed and accepted by the City Traffic Engineer. The parking study analyzes all shared surface parking and the parking within the structure and projects parking demand for existing, proposed, and vacant uses. The parking demand survey was conducted during two (2) regular business days, Tuesday, September 17, and Tuesday, October 8, 2019, during regular business hours, to document the number of times a vehicle parks within the shopping center. Only the second parking demand survey was conducted when the trade school was open, which was determined as the heaviest of all weekdays. The parking demand survey aided in developing the parking management strategies for the shopping center outlined in the parking management plan.

As stated above, the existing parking supply in the shopping center consists of 276 parking spaces. The total number of parking spaces required by Code is 367. The shortage of parking demonstrates a 24.8% deficiency, which is below the maximum threshold limit of 25% as allowed by Code. The parking demand survey demonstrates that the peak parking demand was found to be less than half occupied, at 48.2%. Assuming a worst-case scenario with no vacancies, plus a 10% overage during the peak demand period, approximately 70% of available parking is projected to be utilized. Therefore, the parking study concludes there is sufficient parking to allow for the expansion of the subject trade school.

Pursuant to the California Environmental Quality Act ("CEQA"), the project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines (14 Cal. Code Regs., Section 15301).

The Community and Economic Development Department, the Police Department, and the Engineering Division have reviewed the request, and are supporting the proposal.

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 6000-20 approving Conditional Use Permit No. CUP-190-2020, subject to the recommended conditions of approval.

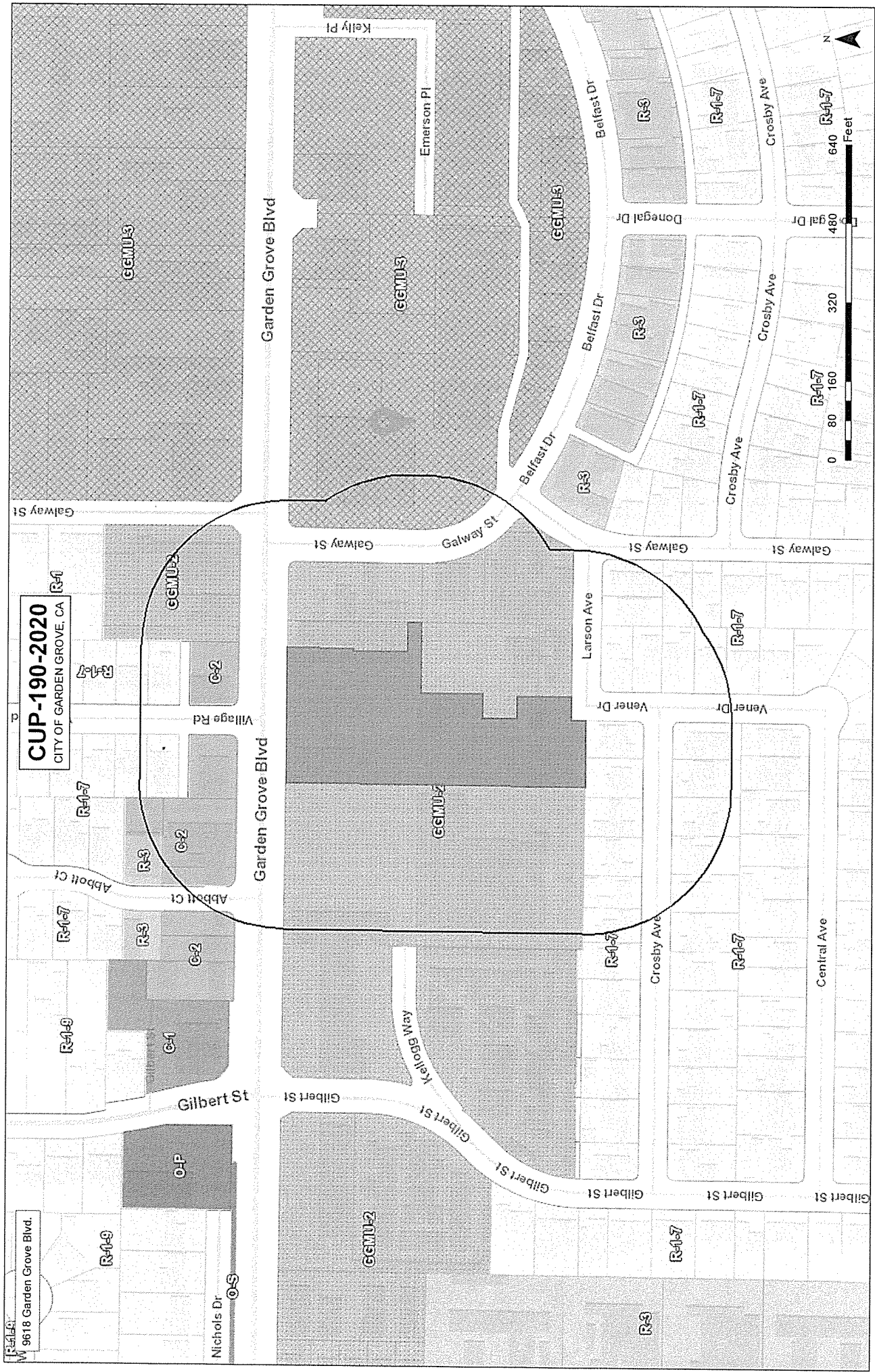


Lee Marino  
Planning Services Manager



By: Mary Martinez  
Associate Planner

Attachment 1: Parking Management Plan



**CUP-190-2020**  
CITY OF GARDEN GROVE, CA

Parcel:  
9618 Garden Grove Blvd.

Nichols Dr  
O-S

R-1-9

O-P

R-1-9

C-1

R-3

C-2

R-1-7

C-2

GEMU-2

GEMU-2

GEMU-2

GEMU-3

GEMU-3

GEMU-4

R-3

R-1-7

R-1-7

R-1-7

R-1-7

R-1-7

Larson Ave

Crosby Ave

R-1-7

Vener Dr

R-1-7

Larson Ave

Crosby Ave

R-1-7

Belfast Dr

R-3

R-1-7

Belfast Dr

R-3

R-1-7

Central Ave

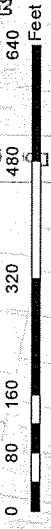
Vener Dr

Crosby Ave

R-1-7

R-1-7

R-1-7

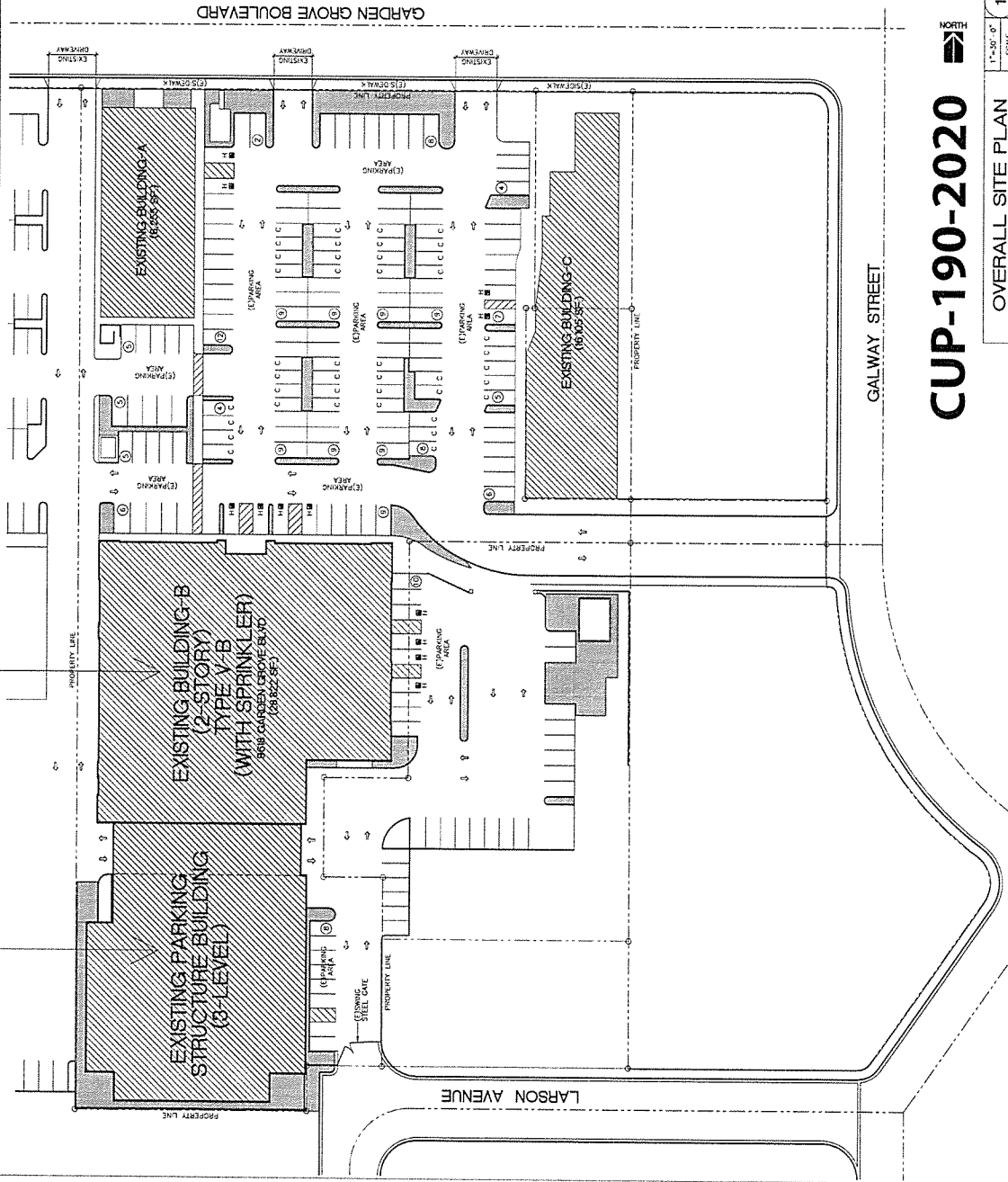


# STANTON UNIVERSITY

9618 GARDEN GROVE BLVD.  
GARDEN GROVE, CA 92844

STANTON UNIVERSITY  
ON SECOND FLOOR  
SEE ENLARGED FLOOR  
PLAN ON SHEET. No. A-20

SEE ENLARGED PLAN  
FOR PARKING STALLS  
LAYOUT ON SHEETS No.  
A-21, A-22 and A-23



## CUP-190-2020

OVERALL SITE PLAN

1"=50'-0"  
SCALE

### PARKING SUMMARY :

#### 1) EXISTING BUILDING - A

ROOM No.	USE	FLOOR AREA (S.F.)	STALL ALLOWED PER 100 S.F. OF FLOOR AREA	REQUIRED NO. OF PARKING STALLS
101	HOSE BANK	2,700 S.F.	1	27
102	ACE BEER CLUB RESTAURANT	2,500 S.F.	0	28 STALLS
105	ENVA GROUND	1,000 S.F.	0	5 STALLS
TOTAL = 6,200 S.F.				TOTAL = 49 STALLS

#### 2) EXISTING BUILDING - B

ROOM No.	USE	FLOOR AREA (S.F.)	STALL ALLOWED PER 100 S.F. OF FLOOR AREA	REQUIRED NO. OF PARKING STALLS
101	TOUS LE JARDIN RESTAURANT (COFFEE SHOP)	2,007 S.F.	1	20 STALLS
102	DR. DINI MEDICAL OFFICE	1,000 S.F.	1	10 STALLS
103	ADULT CARE CENTER	445 S.F.	1	4 STALLS
105	HE FASHION RETAIL	400 S.F.	1	4 STALLS
110	HI FASHION 2 RETAIL	400 S.F.	1	4 STALLS
106	CHANG HAK LIFT	419 S.F.	1	4 STALLS
109	ROYAL PHARM OFFICE	2,008 S.F.	1	20 STALLS
111	VACANT SPACE RETAIL	2,008 S.F.	1	20 STALLS
114	WASH. INT. SURFACES	1,240 S.F.	1	12 STALLS
115	PHYSICAL THERAPY	1,647 S.F.	1	16 STALLS
116	COLLECTION	400 S.F.	1	4 STALLS
122	VACANT SPACE RETAIL	3,867 S.F.	1	39 STALLS
130	HOUSING/STATION OFFICE	233 S.F.	1	2 STALLS
TOTAL = 16,531 S.F.				TOTAL = 92 STALLS

#### 3) EXISTING BUILDING - C

ROOM No.	USE	FLOOR AREA (S.F.)	STALL ALLOWED PER 100 S.F. OF FLOOR AREA	REQUIRED NO. OF PARKING STALLS
200	BRIDGE SCHOOL (HALL) STUDENTS	4,996 S.F.	1	50 STALLS
218	STANTON UNIVERSITY	3,129 S.F.	0	14 STALLS
219	STANTON UNIVERSITY (HALL) EMPLOYEES	2,103 S.F.	1	21 STALLS
211	J.S. INT. GENERAL OFFICE	1,985 S.F.	1	20 STALLS
TOTAL = 12,213 S.F.				TOTAL = 105 STALLS

#### 4) TOTAL PARKING STALLS

EXISTING BUILDING - A	49
EXISTING BUILDING - B	92
EXISTING BUILDING - C	105
<b>TOTAL</b>	<b>246</b>

CMC ARCHITECTS AND ENGINEERS  
10000 S. GARDEN GROVE BLVD.  
GARDEN GROVE, CA 92844  
TEL: (714) 941-1111

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NO.	REVISION	DATE

SEAL OF THE CITY OF GARDEN GROVE, CALIFORNIA  
OFFICIAL RECORD  
APPROVED FOR RECORD  
DATE: \_\_\_\_\_

AS-BUILT PLAN FOR  
**STANTON UNIVERSITY**  
9618 GARDEN GROVE BLVD.  
GARDEN GROVE, CA 92844

NO.	REVISION	DATE

DAY	HOURS	STUDENTS	STUDENTS PER HOUR
MONDAY	9:30AM - 1:30PM	100	100
TUESDAY	9:30AM - 1:30PM	100	100
WEDNESDAY	9:30AM - 1:30PM	100	100
THURSDAY	9:30AM - 1:30PM	100	100
FRIDAY	9:30AM - 1:30PM	100	100
SATURDAY	9:30AM - 1:30PM	100	100
SUNDAY	9:30AM - 1:30PM	100	100

NO.	REVISION	DATE

OVERALL SITE PLAN  
SCALE: 1"=50'-0"  
DATE: \_\_\_\_\_

The Architect, Engineer, and Architectural Contractor shall be responsible for the design and construction of the building. The Architect shall be responsible for the design and construction of the building. The Engineer shall be responsible for the design and construction of the building. The Architectural Contractor shall be responsible for the design and construction of the building.

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMIT

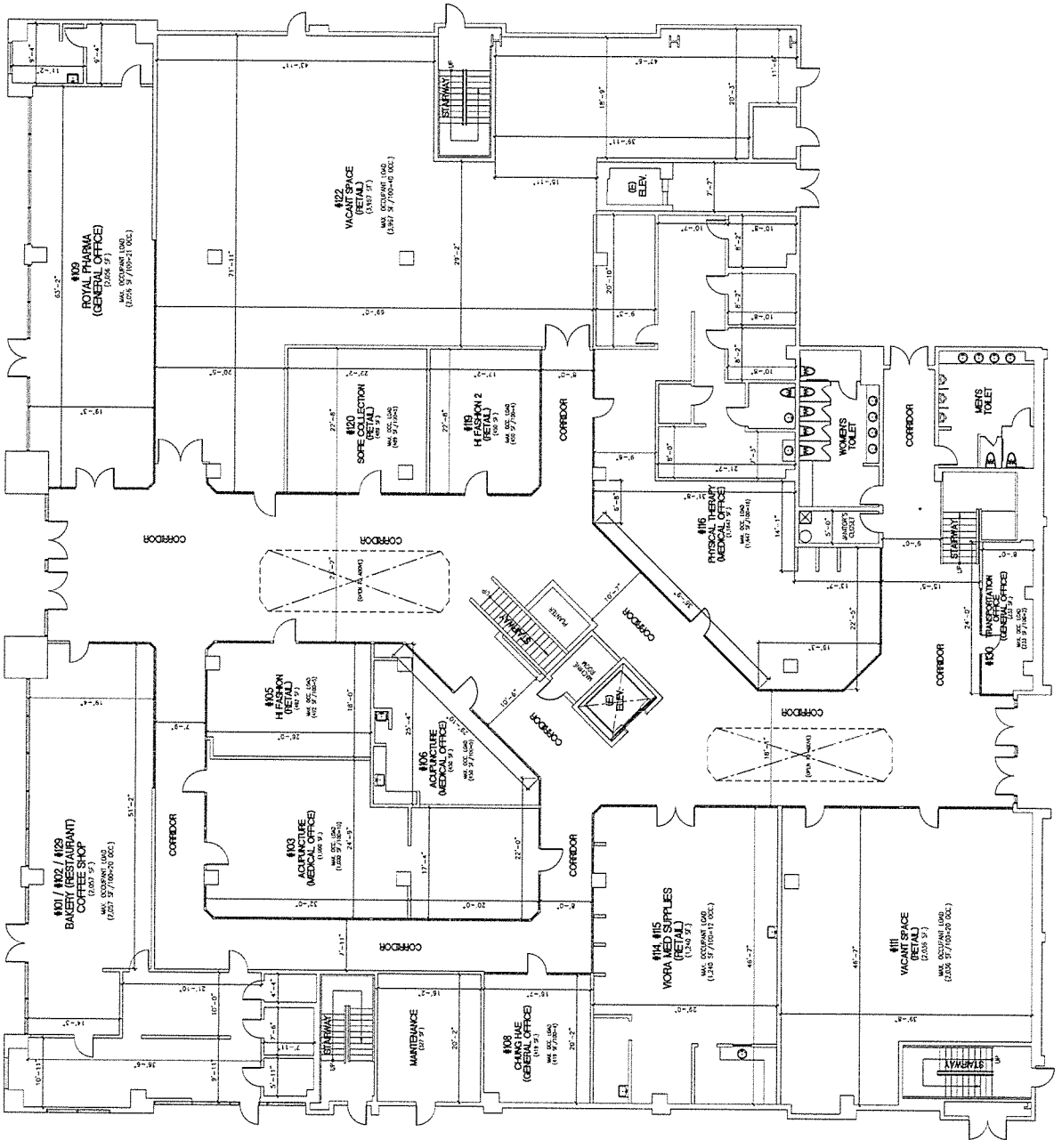


AS-BUILT PLAN FOR  
**STANTON UNIVERSITY**

9618 GARDEN GROVE BLVD.  
GARDEN GROVE, CA 92844

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMIT

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMIT



1/8" = 1'-0"  
SCALE

EXISTING FIRST FLOOR PLAN

1

A-2.0



The Architect, Engineer, and Architect-Engineer shall be responsible for the design and construction of the project. The Architect shall be responsible for the design of the building and the Engineer shall be responsible for the design of the mechanical, electrical, and plumbing systems. The Architect-Engineer shall be responsible for the design of the structural and civil engineering systems. The Architect, Engineer, and Architect-Engineer shall be responsible for the design and construction of the project. The Architect shall be responsible for the design of the building and the Engineer shall be responsible for the design of the mechanical, electrical, and plumbing systems. The Architect-Engineer shall be responsible for the design of the structural and civil engineering systems.

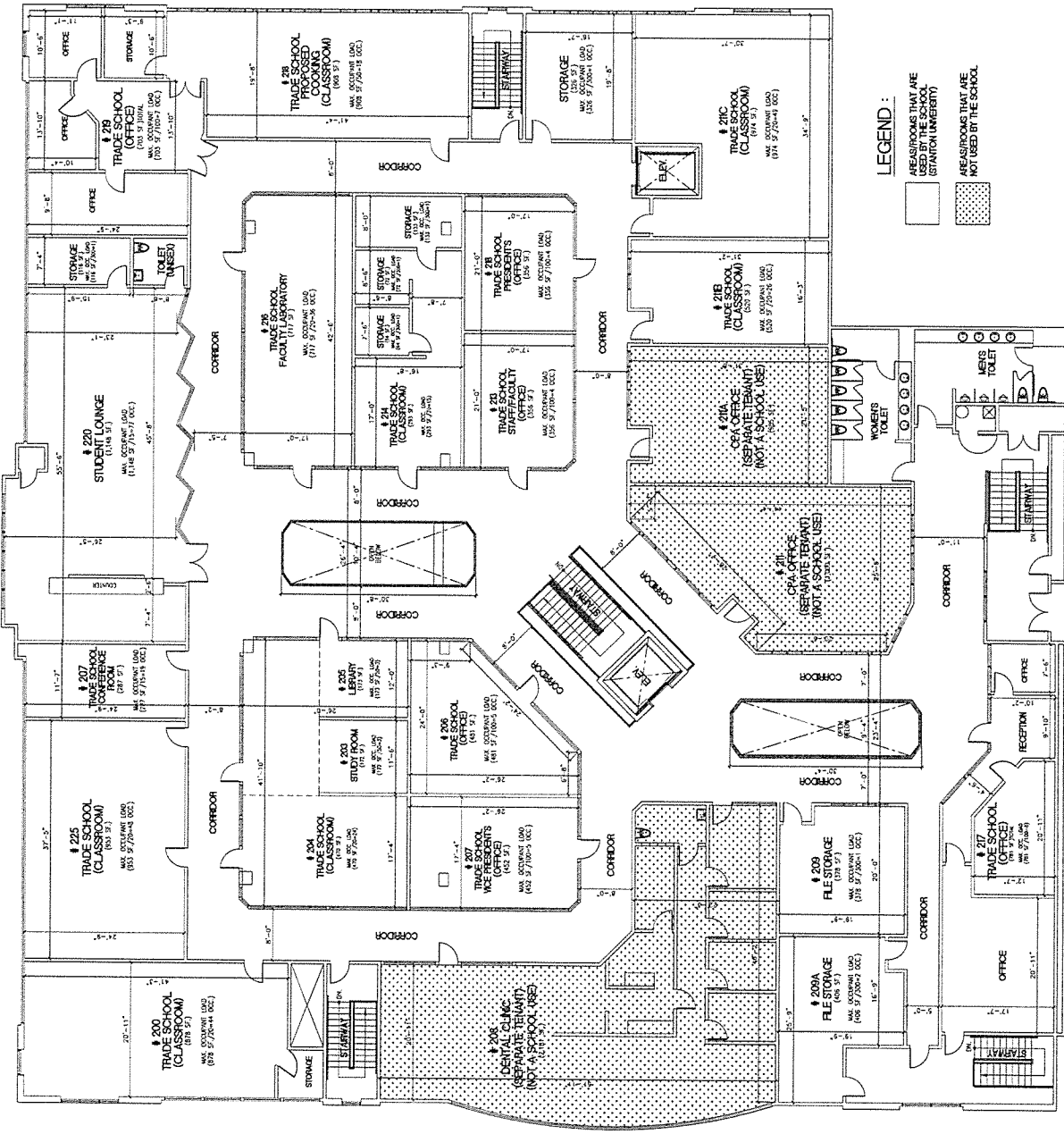
NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMIT
2	11/11/11	ISSUED FOR PERMIT
3	11/11/11	ISSUED FOR PERMIT



AS-BUILT PLAN FOR  
**STANTON UNIVERSITY**

9638 GARDEN GROVE BLVD.  
GARDEN GROVE, CA 92844

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMIT
2	11/11/11	ISSUED FOR PERMIT
3	11/11/11	ISSUED FOR PERMIT



**LEGEND :**  
 [Dotted Pattern] AREAS/ROOMS THAT ARE NOT USED BY THE SCHOOL (STANTON UNIVERSITY)  
 [Solid Pattern] AREAS/ROOMS THAT ARE USED BY THE SCHOOL



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



The Architect, Engineer, and Architectural Consultant shall be responsible for the design and construction of the project. The Architect shall be responsible for the design and construction of the building structure. The Engineer shall be responsible for the design and construction of the mechanical, electrical, and plumbing systems. The Architectural Consultant shall be responsible for the design and construction of the interior spaces and finishes. The Architect, Engineer, and Architectural Consultant shall be jointly and severally liable for the design and construction of the project.

NO.	DATE	DESCRIPTION
1	10/15/11	ISSUED FOR PERMIT

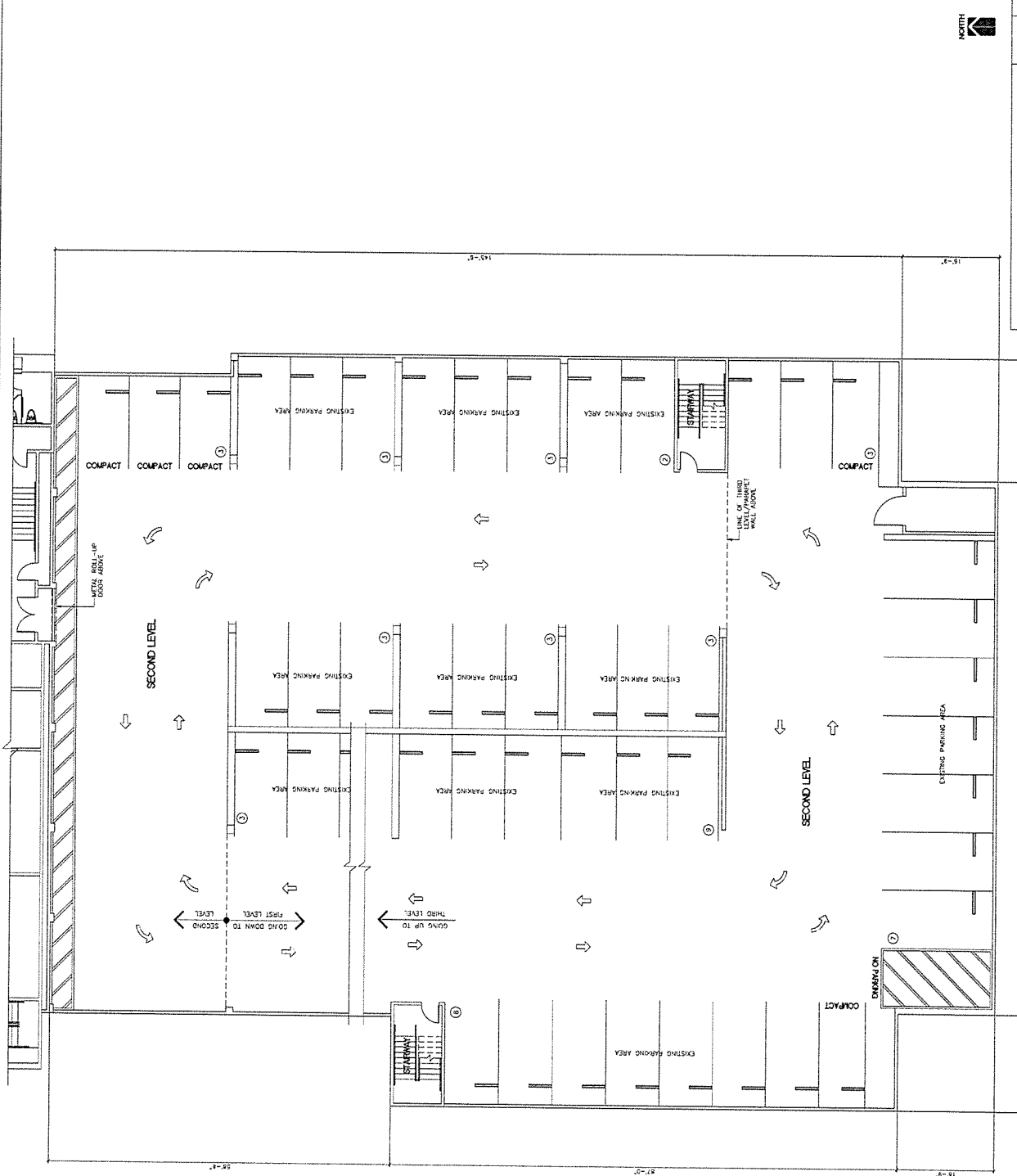


PROJECT NAME:  
**AS-BUILT PLAN FOR  
STANTON  
UNIVERSITY**

988 GARDEN GROVE BLVD.  
GARDEN GROVE, CA 92844

NO.	DATE	DESCRIPTION
1	10/15/11	ISSUED FOR PERMIT

NO.	DATE	DESCRIPTION
1	10/15/11	ISSUED FOR PERMIT



**SECOND LEVEL PLAN  
(PARKING STRUCTURE BUILDING)**

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



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NO.	REVISION	DATE	BY



AS-BUILT PLAN FOR  
**STANTON  
UNIVERSITY**

888 GARDEN GROVE BLVD.  
GARDEN GROVE, CA 92644

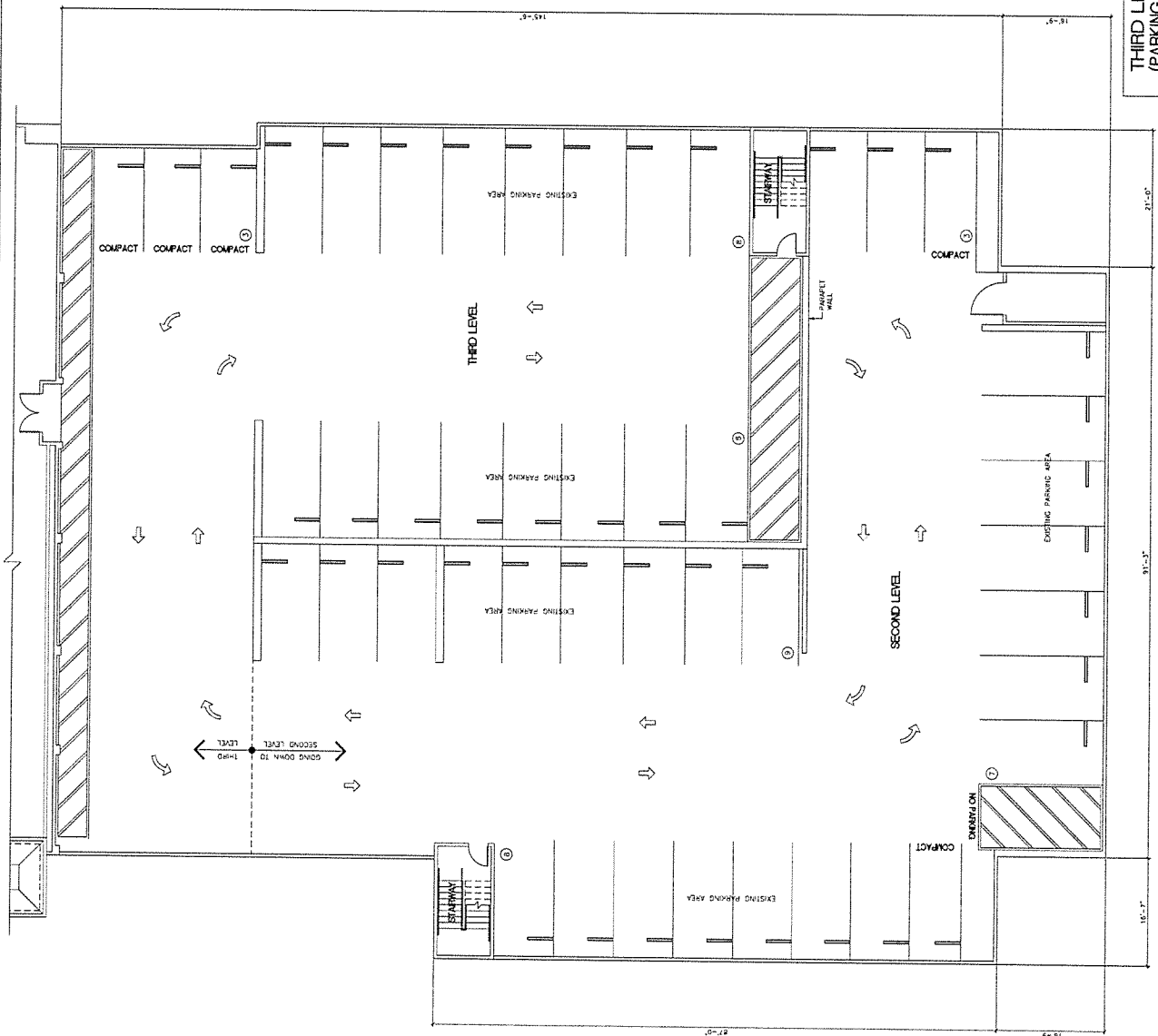
NO.	REVISION	DATE	BY

THIRD LEVEL PLAN (ROOF)  
(PARKING STRUCTURE BUILDING)

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

1

THIRD LEVEL PLAN (ROOF)  
(PARKING STRUCTURE BUILDING)



**AR Galleria**  
**Parking Management Plan**  
**Garden Grove, California**  
**December 11, 2019**



Prepared For

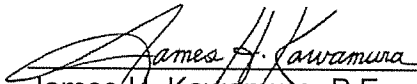
**STANTON UNIVERSITY**

Prepared By

 **KHR ASSOCIATES**  
**Consulting Engineers - Surveyors - Planners**  
17530 Von Karman Avenue - Suite 200      Irvine, California 92614

### ATTESTATION

This report has been prepared by, and under the direction of, the undersigned, James H. Kawamura, a duly Registered Traffic Engineer and Registered Civil Engineer in the State of California. Except as noted, the undersigned attests to the technical information contained herein, and has judged to be acceptable the qualifications of any technical specialists providing engineering data for this report, upon which findings, conclusions, and recommendations are based.

  
James H. Kawamura, P.E.  
Registered Civil Engineer C30560  
Registered Traffic Engineer TR1110

December 11, 2019  
Date



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# AR Galleria Shopping Center Parking Management Plan

December 11, 2019

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## INTRODUCTION

*Stanton University*, a current tenant of the *AR Galleria Shopping Center* in the City of Garden Grove, California, is seeking a conditional use permit (CUP) to begin a new "Culinary Arts" program within their existing school facility. Specifically, the new program would replace the recently removed "Oriental Medicine/Clinic" that was established at the same location. As part of its governmental review process, the City of Garden Grove expressed concern that the subject shopping center has a significant deficiency in the number of parking spaces that are provided, when compared to current municipal parking code requirements. Consequently, the City indicated that the calculated parking deficiency under the parking code must be addressed prior permitting *Stanton University* to introduce new programs. In response, *Stanton University* commissioned **KHR Associates**, Irvine, California, in March 2019 to complete a "Parking Inventory and Deficiency Analysis." The purpose of the study was to aide in determining whether or not a parking study could be performed in support of issuance of a CUP, and the potential program expansion for *Stanton University*. In April 2019, the final report concluded that based on the existing parking inventory versus the City's parking code requirement, there was a parking deficiency of 24.8% (276 spaces provided versus 367 spaces required). The City's threshold to allow a parking analysis to be performed is 25% or less.

*Stanton University* then commissioned **KHR Associates** in August 2019, to prepare a Parking Management Plan (PMP) to address the City's municipal code requirements for *Joint Use and Parking Management (Section 9.18.140.060)*, taking into account all existing and proposed uses of the property, available parking, peak parking demands, property easements, or any other deed restrictions that may impact parking. The first edition of the PMP was submitted to the City on October 28, 2019 and City comments were received on December 3, 2019. This revised report includes revisions based upon the City's comments.

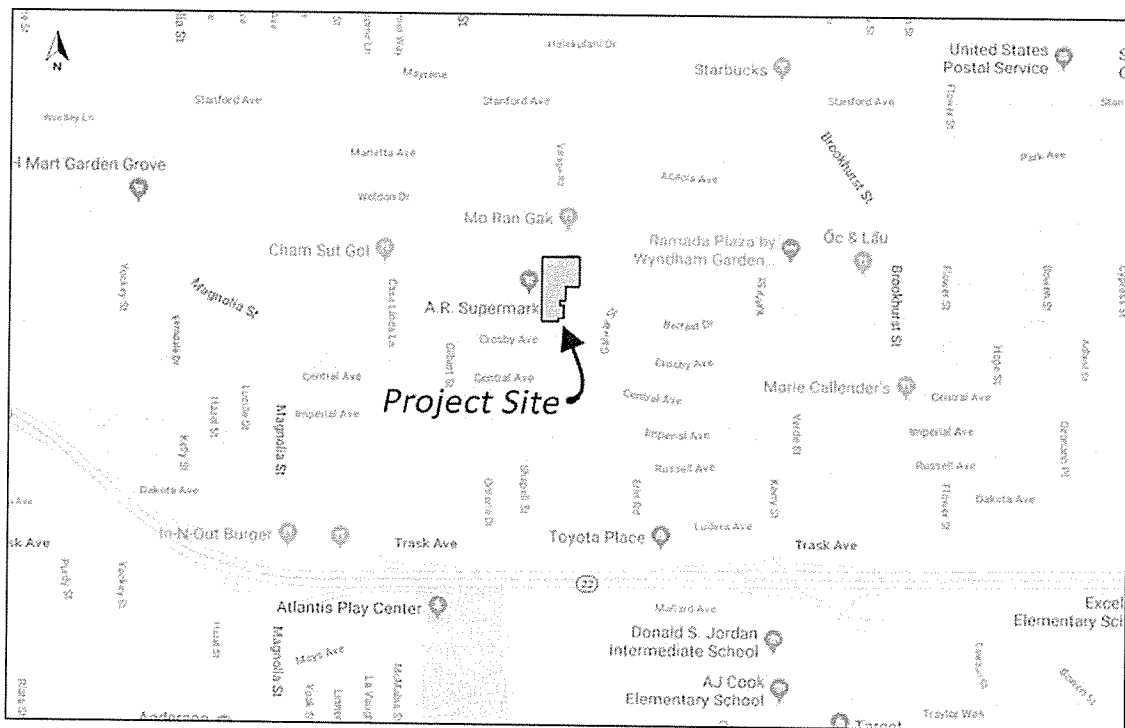
This PMP includes the following: 1) a description of the AR Galleria shopping center and existing uses/tenants; 2) a summary of site access and existing parking; 3) a summary of parking requirements per City code for each type of use; 4) current parking demand/use for morning, midday, and evening periods, as well as employee parking; 5) added projections for occupancy of vacant space and a 10 percent overage; 6) proposed changes for *Stanton University* that may impact parking; and 7) and parking management strategies to optimize the use of available parking for all tenants and visitors.



The findings, conclusions, and recommendations presented in this report were independently determined by **KHR Associates** and not necessarily shared by *Stanton University*, the City of Garden Grove, or any other interested parties.

## **AR GALLERIA SHOPPING CENTER**

The *AR Galleria Shopping Center* is located on the south side of Garden Grove Boulevard, between Galway Street and “Stevens Lane” (a common access between commercial centers). The shopping center includes a variety of shops, restaurants, offices, and educational facilities in three separate buildings totaling 51,182 square feet of gross leasable floor area (GLFA) and 276 parking spaces. Additionally, a three-level, above-ground parking structure is provided at the south end (rear) of the property. Figure 1 shows the regional location of the shopping center and Figure 2 provides an aerial view of the property and adjacent streets.



**Figure 1 – Vicinity Map**

Currently, 45,179 square feet of the GLFA in the shopping center is occupied by tenants (i.e., 88% leased), according to records provided by the shopping center management. Based on an actual field count, a total of 276 marked parking spaces, including 10 handicapped spaces, are currently provided within the shopping center as a combination of surface lot parking and spaces provided within the parking structure at the rear of the property. Thus, the calculated parking ratio is currently 5.39 spaces per 1,000 square feet of gross floor area (276 spaces/51,182 square feet of GLFA).



Figure 2 – Aerial View of AR Galleria Shopping Center

Table I summarizes the current tenant matrix within the shopping center.

Table I – AR Galleria Shopping Center Tenant Matrix

TENANT	LAND USE DESIGNATION	GROSS AREA
HSBC Bank	Financial Institution (no drive up window)	2,700 s.f.
Ace Beer Club	Restaurant (Attached 16+ seats)	2,550 s.f.
Ewah Ginseng	Retail	1,005 s.f.
<b>Total Building "A"</b>		<b>6,255 s.f.</b>
Tous Le Jours Bakery	Restaurant (Attached 16+ seats)	2,057 s.f.
Dr. Owh Acupuncture	Medical Office	1,000 s.f.
Miah Acupuncture	Medical Office	445 s.f.
Hi Fashion	Retail	492 s.f.
Hi Fashion 2	Retail	450 s.f.
Chung Hae Life	General Office	419 s.f.
Royal Pharmacy	General Office	2,056 s.f.
Vacant Space *	Retail	2,036 s.f.
Viora Med Supplies	Retail	1,240 s.f.
Physical Therapy	Medical Office	1,647 s.f.
Sofie Collection	Retail	489 s.f.
Vacant Space *	Retail	3,967 s.f.

Transportation Office	General Office	233 s.f.
Stanton University	Trade School (Adult Education) 375 people maximum occupancy; 14 employees	4,996 s.f.
Stanton University	Trade School (Adult Education) Office Space	3,129 s.f.
California Dental	Medical Office	2,181 s.f.
J.S. Ro	General Office	1,985 s.f.
<b>Total Building "B"</b>		<b>28,822 s.f.</b>
Various Tenants	Retail	2,150 s.f.
Various Tenants	General Office	11,955 s.f.
Various Tenants	Medical Office	2,000 s.f.
<b>Total Building "C"</b>		<b>16,105 s.f.</b>
<b>Shopping Center Totals</b>		<b>51,182 S.F.</b>

\* - Indicates space was not occupied at the time the study was conducted.

There are a total of four driveways servicing the shopping center – three on Garden Grove Boulevard, and one on Galway Street. Additionally, a gated driveway provides access from the residential neighborhood to the south (via Larson Avenue). The location of these driveways and the configuration of the shopping center buildings and parking areas are illustrated in Figure 3.

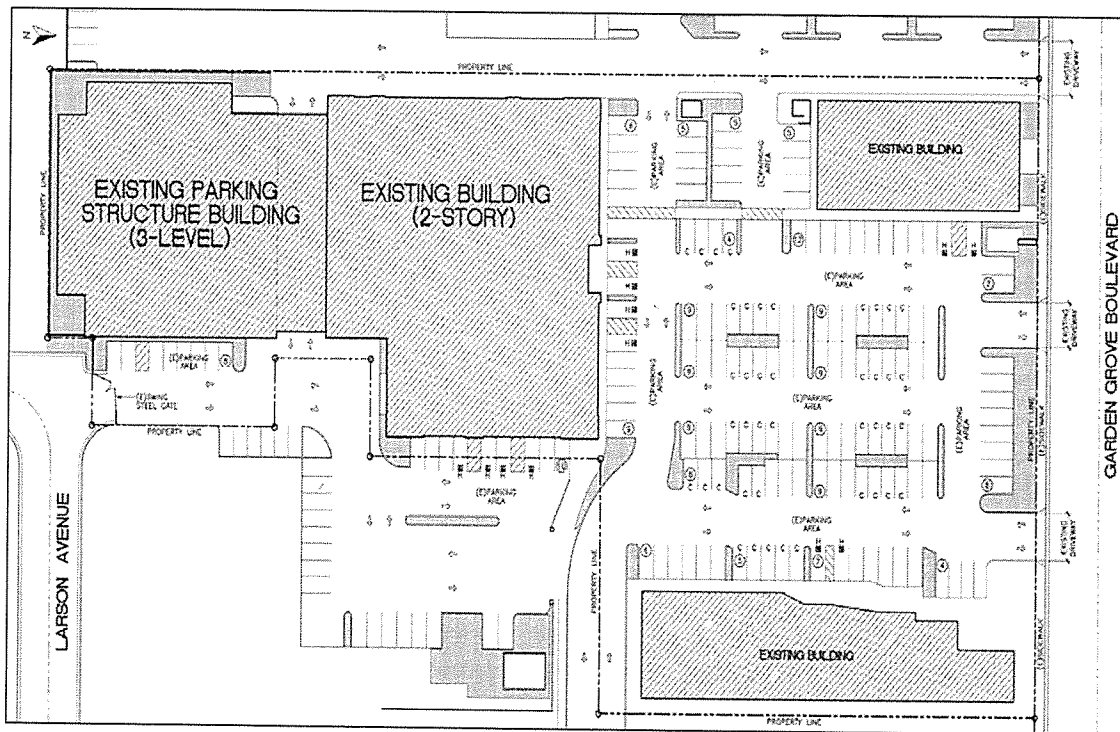


Figure 3 – Site Plan of Existing AR Galleria Shopping Center

## **SITE ACCESS AND EXISTING PARKING**

Primary site access to the *AR Galleria Shopping Center* is provided via two main driveways on Garden Grove Boulevard that lead directly into the surface parking lot. A third driveway from Garden Grove Boulevard (on the west side of the property) serves as a shared access between the subject shopping center and the adjacent commercial property to the west. This driveway also provides a direct route to and from the parking structure in the rear of the property. A secondary access is provided from the Galway Street connection to the east and a gated driveway is provided between the shopping center and residential properties to the south.

There are a total of 267 parking spaces within the shopping center. The surface parking lot is currently delineated with 167 legal parking spaces. Of these, eight spaces are designated for handicapped parking, and four spaces in front of Bank of Hope are designated as "bank parking only", with a time limit of 30 minutes. The remainder of the surface parking lot is posted for "Customer Parking Only." The parking areas are separated by raised-curb landscaping and lighting is provided throughout the lot. Recently (early October 2019), this parking lot was resurfaced and restriped.

The parking structure includes three levels with a total of 109 parking spaces. Of these spaces, two are designated for handicapped use (on the first floor) and 10 spaces are designated for compact parking. Note that signs are posted within the parking structure for "2-Hour Customer Parking Only" in all three levels.

Approximately 30 spaces of the parking structure (i.e., the bottom floor) provide a direct connection to the retail establishments on the first floor of the two-story building.

## **PARKING CODE REQUIREMENTS**

The City of Garden Grove parking code requires that each commercial use be parked on the basis of a set ratio of parking spaces per gross floor area, regardless of whether or not the use is a "stand-alone" business or located within a shopping center.

Based on the current uses in the subject shopping center, a total of 367 spaces would be required per City code. This total was derived by applying individual parking code requirements for each leasable unit of space and cumulatively taking into account use (existing) and gross floor area.

Table II provides a summary of the parking code calculations for the shopping center. If 367 parking spaces are required, the overall ratio of parking would be 6.63 spaces per 1,000 square feet of gross floor area (367 divided by 55,378 square feet).

**Table II - Summary of Parking Requirements per City Code**

<b>Category of Use</b>	<b>GLFA in S.F.</b>	<b>Required Spaces Per S.F. of GLFA*</b>	<b>Total Spaces Required</b>
General Retail	11,829 s.f.	1/200	59.15
Restaurant (Attached, 16+ seats)	4,607 s.f.	1/100	46.07
Medical Office	7,273 s.f.	1/170	42.78
Financial (no drive up window)	2,700 s.f.	1/150	18
Trade School (14 employees & 361 students max occupancy)	8,125 s.f.	1/3 students plus 1/employee	134.33
General Office	16,648 s.f.	1/250	66.59
<b>Total</b>	<b>51,182 s.f.</b>		<b>367**</b>

\* Gross Leasable Floor Area

\*\* Rounded to the next whole number

Based on the parking inventory and review of the City's parking code requirements, there is a parking deficiency of 24.8% (276 spaces provided/367 spaces required) currently exists within the AR Galleria Shopping Center. The City's threshold to allow a parking analysis to be performed is 25% or less.

**PARKING DEMAND SURVEY**

In order to effectively identify current parking demands for each tenant within the shopping center, a survey was conducted on Tuesday, September 17, 2019 documenting the number of times a vehicle parked in the shopping center lots. Specifically, the survey was not a space utilization survey (i.e., how long each space was occupied or the percentage occupied), rather a demand survey for each tenant recording each time a vehicle parked within the shopping center and the establishment each of the occupant(s) visited. The demand survey would aide in developing parking management strategies for shopping center tenants.

The survey was taken from 6:00 A.M. to 6:00 P.M. and was broken down into 15 minute recordings. On this day, *Stanton University* was not in session (i.e., on break) which provided an opportunity to record parking demands for each tenant without school students or staff. A follow-up survey of the parking demand from school students and staff was conducted on Tuesday, October 8, 2019.

Table III provides a breakdown of the September 17 survey results with the tenants listed on the left side, the time period listed across the top, and the totals listed along the bottom and right side. Table IV provides the survey results of *Stanton University* staff and students recorded during the October 8 survey within two time periods – 9:00 A.M. to 10:00 A.M., and 6:00 P.M. to 7:00 P.M.

Table III – AR Galleria Shopping Center Parking Survey

#	Tenant	6:00 AM	6:15 AM	6:30 AM	6:45 AM	7:00 AM	7:15 AM	7:30 AM	7:45 AM	8:00 AM	8:15 AM	8:30 AM	8:45 AM	9:00 AM	9:15 AM	9:30 AM	9:45 AM	10:00 AM	10:15 AM	10:30 AM	10:45 AM	11:00 AM	11:15 AM	11:30 AM	11:45 AM
1	HSBC Bank									1		4	1					1	1	1			1	2	1
2	Ace Beer Club																								
3	Ewa Ginseng									1								1	1	2	1	2	1	1	
4	Tous Le Jours Bakery				1		1	2	1	3	3	1	2	2	3	2	3	4	5	6	1	2	4	4	
5	Atom									1								1		1	1	1	1		3
6	Vacant																								
7	Hi Fashion										1					1				3	1		4		1
8	Cosmetics									1						1						1			
9	Vacant																								
10	Brown Physical Therapy									1			1							3	1	1	1		2
11	Aesthetic Perfect Me									1								1	1			2			
12	Spirit									1						1			1		1			1	
13	Vacant																								
14	NutriHub									1						1					1		1		
15	Ying Yang																								
16	G.G. Acupuncture										1		1						1						
17	Hi Fashion 2													1		1									
18	Miah Acupuncture															1									
19	CPA (2nd Floor)									2	1						2	2	5	1	3	2		4	
20	Dental (2nd Floor)																								
21	Tax																			2					
22	Pet																1		1	2	1		1		
23	Dental															1				1					
24	Optometry									1							1		2		1	1		1	3
25	Health															1					1	2	1		1
26	Computers								1	1	1	1	1	1		1		2		3	1	1	2		
27	Alterations																				1			1	1
28	Hair									1							1								
29	Travel														1										
30	Legal														1	1					1				
31	Comp															1									
32	Insurance (Realty)																						1		
33	Church Use (southeast)									2	3	5					1	2			3		3		
33	Unauthorized																							2	1
35	Unknown (Overnight)	11																							
<b>TOTAL</b>		<b>11</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>9</b>	<b>17</b>	<b>9</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>14</b>	<b>8</b>	<b>14</b>	<b>18</b>	<b>25</b>	<b>19</b>	<b>16</b>	<b>20</b>	<b>16</b>	<b>13</b>

\*  = Employees

Table III – AR Galleria Shopping Center Parking Survey (cont.)

#	Tenant	12:00 PM	12:15 PM	12:30 PM	12:45 PM	1:00 PM	1:15 PM	1:30 PM	1:45 PM	2:00 PM	2:15 PM	2:30 PM	2:45 PM	3:00 PM	3:15 PM	3:30 PM	3:45 PM	4:00 PM	4:15 PM	4:30 PM	4:45 PM	5:00 PM	5:15 PM	5:30 PM	5:45 PM	TOTAL
1	HSBC Bank	2			1	1		1			2			1	1	1			1	1			1		1	27
2	Ace Beer Club																				2	1	1			4
3	Ewa Ginseng	2			1	1	1				2	1	1		1		1									21
4	Tous Le Jours Bakery	3	5	4	6	5	6	12	3	3	2		1	4	5	2	3	3		2	8	3	2		2	134
5	Atom				1	1	1		1	2	1		4		1	1	2				1		1	1	1	28
6	Vacant																									
7	Hi Fashion			1						1			1		1						1	1				17
8	Cosmetics	1		1	1					1	1							1			1					10
9	Vacant																									
10	Brown Physical Therapy	1		1	1		1	1		1	2	1	1	1		1				1						23
11	Aesthetic Perfect Me		1		1	2		1			2				1				1		1					15
12	Spirit		1		1													2								9
13	Vacant																									
14	NutriHub			1	1						1	1														8
15	Ying Yang						1			1	1															3
16	G.G. Acupuncture		1				1											1								6
17	Hi Fashion 2							1	1																	4
18	Miah Acupuncture				1																					2
19	CPA (2nd Floor)	1	5	1	1		2	3	3	3		4	2	1	1	2		3	3		1	1		1	60	
20	Dental (2nd Floor)																									0
21	Tax																			1	2					5
22	Pet		1					1	1		1								2	1	1	1	1	1		17
23	Dental						1			1			2							1						7
24	Optometry	1	2		1	1	1		1	1	1	2				3	1	1		1	2	1				30
25	Health			1				2		1				1										1		12
26	Computers										1	1					1		1	1						21
27	Alterations	1						2							1		1								1	9
28	Hair																									2
29	Travel	1								1																3
30	Legal												1													4
31	Comp				1				1				1	1												5
32	Insurance (Realty)												1													2
33	Church Use (southeast)		2				3																			24
33	Unauthorized	1		2																						6
35	Unknown (Overnight)																									11
<b>TOTAL</b>		<b>14</b>	<b>18</b>	<b>12</b>	<b>16</b>	<b>13</b>	<b>18</b>	<b>24</b>	<b>11</b>	<b>15</b>	<b>18</b>	<b>10</b>	<b>15</b>	<b>9</b>	<b>12</b>	<b>10</b>	<b>9</b>	<b>12</b>	<b>6</b>	<b>10</b>	<b>20</b>	<b>8</b>	<b>6</b>	<b>4</b>	<b>5</b>	<b>529</b>

\*  = Employees

**Table IV – Parking Demand for Stanton University Staff/Students**

#	Stanton University	9:00 AM	9:15 AM	9:30 AM	9:45 AM	6:00 PM	6:15 PM	6:30 PM	6:45 PM	TOTAL
1	Parking Structure - Staff			5	1					6
2	Parking Structure - Students			2	4		1	2		9
3	Surface Parking Lot - Staff									0
4	Surface Parking Lot - Students	8	3	6	3	10	15	17	12	74
<b>TOTAL</b>		<b>8</b>	<b>3</b>	<b>13</b>	<b>8</b>	<b>10</b>	<b>16</b>	<b>19</b>	<b>12</b>	<b>89</b>

September 17 Survey Results

As shown in Table III, the peak parking demand for the morning occurred between 10:30 to 10:45 A.M., and the peak demand for the afternoon occurred between 1:30 to 1:45 P.M. with 25 and 24 parked vehicles, respectively. The tenant generating the highest parking demand throughout the day was the Tous Le Jours Bakery. Other notable findings of the survey included 11 vehicles (“unknown overnight”) were already parked in the surface lot when the survey began at 6:00 a.m. These included seven passenger vehicles and four vans. It is assumed that these were either parked overnight or possibly parked prior to the survey for ridesharing.

Also noteworthy was the use of parking spaces along the southeast side of the parking structure by visitors/employees of the adjacent church. It appears from subsequent visits that church patron use of these parking spaces is a normal occurrence since their own parking areas are adjacent to these spaces, often times using all of the 19 spaces that fall within the shopping center property.

The “unauthorized” parked vehicles, listed in Table III, were those parked in the shopping center parking lot with their occupants walking off property to another establishment. It was observed that occupants of six vehicles (employees and customers) walked across Garden Grove Boulevard to off-site restaurants during the mid-day. Employees for the various shopping center establishments are highlighted in Table III with most of them arriving between 8:00 and 9:00 A.M.

October 8 Survey Results

A follow-up survey of parking demands from *Stanton University* staff and students was taken on Tuesday, October 8, 2019. As mentioned above, school was not in session during the September 17 survey. Although *Stanton University* resumed



classes beginning Monday October 7, class schedules for Tuesday were determined to be the heaviest of all weekdays.

This follow-up survey focused solely on vehicles that were parked within the shopping center parking lot and parking structure where occupants walked to *Stanton University* classrooms and offices on the second floor of the two-story building at the south end of the shopping center. On this day, classes began at 9:30 A.M. (three classes) and 6:30 P.M. (three classes).

Table IV shows the number of vehicles that were parked during both of those time periods, as well as the number of staff versus students. During the morning survey, there were 32 vehicles parked (i.e., six staff and 26 students), and during the evening, there were 57 vehicles parked. All of the staff used the parking structure spaces and only nine students were observed using the parking structure spaces throughout the day.

#### Summary of Survey Findings

The following is a list of several observations made during the surveys that were key to preparing an effective PMP.

- 1) The existing three-level parking structure was vastly underutilized throughout the day with a maximum of 12 percent (i.e., 11 vehicles) of the 109 spaces occupied at any given time. The bottom floor of the parking structure (i.e., 30 spaces) was less than ten percent (i.e., 2 vehicles) occupied throughout the day.
- 2) The existing "2-Hour Customer Parking Only" signs within the parking structure were ignored with most vehicles parked by staff and employees of the various establishments.
- 3) The parking structure gate opens at 8 A.M. preventing any employee parking in the structure before that time period (i.e., employees or staff arriving before then must use the surface lot).
- 4) The entrance to the parking structure is not apparent being on the southwest side of the building with no directional signage (i.e., hidden from shopping center visitors).
- 5) The existing 18 surface lot parking spaces along the east side of the parking structure are used most often by the adjacent church patrons. Note that these parking spaces may be inconvenient for shopping center visitors because they must walk around an existing fence to access the center.
- 6) All of *Stanton University* staff parked within the parking structure. Note that staff/personnel are directed to do so.

- 7) Most *Stanton University* students (i.e., approximately 90 percent) parked their vehicles in the surface parking lot.
- 8) Very few employees and visitors of the other shopping center establishments used the parking structure.
- 9) During the peak parking demand time periods (i.e., mid-morning and early afternoon), the surface parking lot and bottom floor of the parking structure (i.e., a total of 197 spaces) was found to be a little less than half occupied. Counts were made at 10:30 A.M. with 95 of the 197 spaces occupied, and 1:30 P.M. with 88 spaces occupied.
- 10) At 6:00 A.M., 11 of the 197 surface lot parking spaces were occupied (assumed overnight or ridesharing vehicles) and at 6:00 P.M., 36 spaces were occupied.
- 11) Six vehicles occupied surface parking lot spaces during the mid-day with their occupants walking off-site to other establishments.

#### **ADDED ESTIMATES FOR VACANT USE AND 10 PERCENT OVERAGE**

As shown in Table I (above) there currently are two unoccupied retail tenant spaces within the main two-story building of the AR Galleria. These spaces are slated for general retail use which has a parking code requirement of 1 space for every 200 square feet of floor area (as noted in Table II). Together, the two spaces include a total of 6,003 square feet which equates to a parking code requirement of 30 spaces.

Assuming a worst-case condition where all 30 spaces were needed for the two future tenants within the peak demand period noted above (i.e., 10:30 A.M.), there would be a total of 125 spaces occupied of the available 197 spaces – roughly 63 percent occupied.

Applying a 10 percent overage of this estimate, per City requirements, the total number of spaces occupied would be 138 – roughly 70 percent occupied.

#### **STANTON UNIVERSITY PROGRAM CHANGES**

*Stanton University* is proposing to convert some of their existing classroom space from a previous use of Oriental Medicine/Clinic to a new Culinary Arts/Lab on the second floor of the two-story building. The new program is planned to occupy the same space as the previous use with no proposed addition of floor area. Specifically, the previous Oriental Medicine use included a teaching area for classroom instruction and six beds for treatment of patients. The total number of staff, students, and patients associated with the previous use would normally be around 25 persons, with a peak of 35 persons. The new Culinary Arts program

would include a teaching area and lab space for students. The new Culinary Arts/Lab is designed to accommodate a maximum of 20 students and one professor for a total of 21 persons.

To estimate a worst-case impact on parking demand for the program conversions, two assumptions were made including: 1) all staff and students associated with the previous and new classes would each drive and park their own vehicle in the shopping center parking areas, and 2) all staff and students would arrive at the scheduled class times (i.e., no students or staff would park earlier in the day and stay for an extended time period).

In comparing the previous use with the new program, the new Culinary Arts/Lab is anticipated to generate less people in total than the previous use (i.e., a maximum of 21 persons compared to 35). Again assuming all persons would park their own vehicle within the shopping center, 14 less vehicles could be anticipated. Since the parking surveys (described above) were conducted after the removal of the previous use, the maximum increase in vehicles (i.e., beyond the survey results), that could be anticipated is 21 vehicles.

The total number of vehicles that may be anticipated (i.e., adding the current demand from the October 8 survey with the new Culinary Arts/Lab) would bring the total parking demand for *Stanton University* staff/students to a maximum of 78 vehicles. Likely, this total will be less as students may be dropped-off, or there may be more than one occupant per vehicle.

## **PARKING MANAGEMENT PLAN**

The following Parking Management Plan (PMP) for the *AR Galleria Shopping Center* was created to best utilize on-site parking options for employees and visitors, as well as establishing parking guidelines for *Stanton University* staff and students for existing and proposed educational programs. Given existing parking opportunities and constraints, as well as current conditions observed during the surveys, the following guidelines of the PMP should provide safe, convenient, and efficient parking for all shopping center visitors, including customers, employees, students and vendors.

- 1) Parking conditions within the shopping center should be periodically monitored by management to ensure proper use and maintenance of the available spaces. Particular attention should be given to areas of high parking demand and turnover, employee parking, and *Stanton University* parking.
- 2) All employees/staff of the stores in the shopping center should be required to park in designated employee parking areas (Figure 4). Management should remind tenants that it is in their best interest to comply with this simple strategy to provide convenient parking for customers.

- 3) Overnight parking, either from delivery vans or from ridesharing vehicles should be prohibited from all parking areas within the shopping center.
- 4) All tenants should encourage employee carpooling or other means of ridesharing to get to and from work. Use of public transit, and bicycles should also be encouraged by offering incentives or recognition to employees for their participation in reducing shopping center parking demand. Bicycle racks should be provided in front of all three shopping center buildings.
- 5) Preferential employee parking spaces should be designated for carpools and motorcycles, with separately marked parking spaces. Motorcycle spaces should be a minimum four feet wide by eight feet deep.
- 6) Time restrictions (15 minutes to one hour), in addition to those provided near the bank, should be designated for use of certain parking spaces in front of stores with high parking turnover (e.g., bakery, cleaners, etc.). Both signage and pavement legends should be used to delineate these special parking spaces.
- 7) Restrictions should be enforced on the hours of deliveries by vendors to off-peak periods only (e.g., early morning and evenings).
- 8) *Stanton University* staff and students should be required to park within the parking structure on the second and third levels only – approximately 75 to 80 spaces should be designated for school use only. The second and third levels have a direct connection to the second level of the two-story building where all of the school classes and offices are located.
- 9) The existing “2-Hour Customer Parking Only” signs should be removed on second and third levels of the parking structure and replaced with “Stanton University Parking.”
- 10) The first level of the parking structure (30 spaces) should remain open for customers of the shopping center.
- 11) A parking lot attendant should be retained to regularly monitor the surface parking lot, particularly during the mid-day, to prevent employees or visitors to nearby establishments from using the AR Galleria parking areas.

Figure 4 illustrates suggested areas for designated employee parking and time restricted parking. As shown, employee parking should be assigned along the east side of the parking structure building (18 spaces) and within the eight spaces between the Garden Grove Boulevard driveways. Signs for employee parking should be posted in these locations, as well as pavement legends. Time restricted parking should be located along the building frontages for convenient short-term parking.

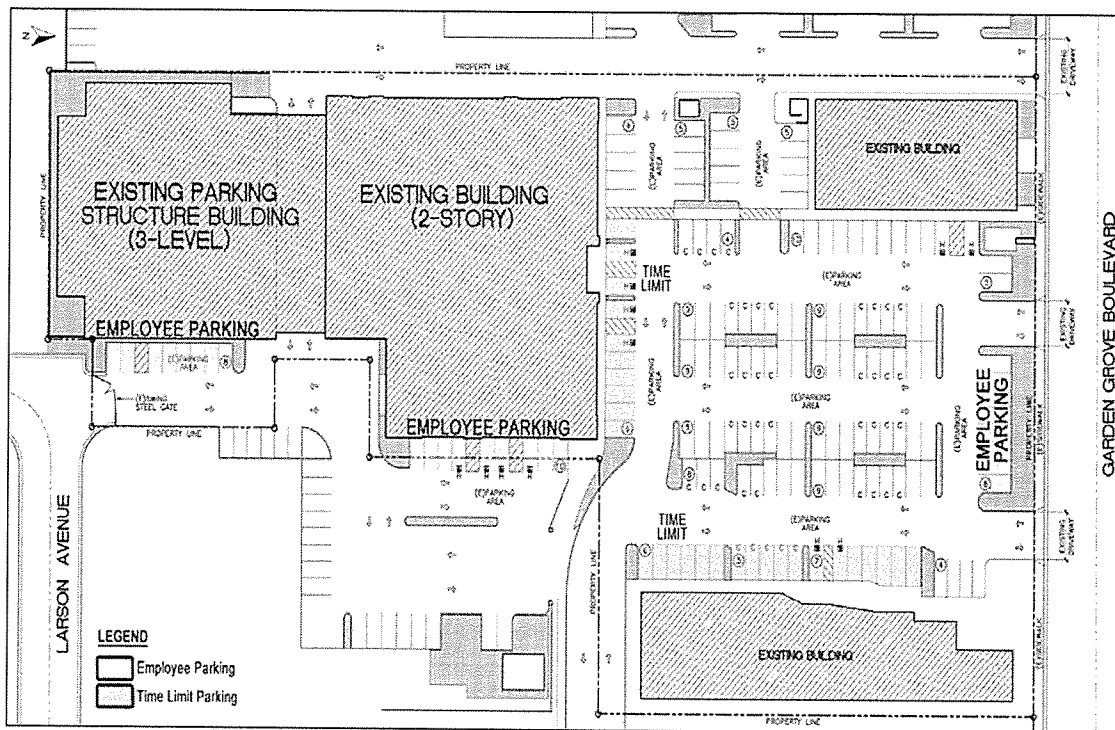


Figure 4 – Designated Employee and Time-Restricted Parking Areas

## FINDINGS & CONCLUSIONS

Based on the analysis presented herein of parking supply and demand at the *AR Galleria Shopping Center*, and the potential for improvements, the following findings and conclusions are reached:

- 1) There are a total of 276 legal marked parking spaces currently provided within the shopping center.
- 2) Adequate driveway access and on-site circulation are currently provided, and ADA parking requirements appear to be met.
- 3) Parking space demand surveys were conducted between the hours of 6:00 A.M. and 6:00 P.M. on Tuesday, September 17, 2019, and between 9:00 A.M. and 10:00 A.M. and between 6:00 P.M. and 7:00 P.M. on Tuesday October 8,.
- 4) The results of the surveys indicate that peak demand for parking occurs between 10:30 and 10:45 A.M. during the morning hours, and 1:30 and 1:45 P.M. during the afternoon.
- 5) During the observed peak demand period, less than half of the available parking spaces were utilized.

- 6) Assuming a worst-case condition with no vacant tenant spaces, plus a 10 percent overage during the peak demand period, approximately 70 percent of the available parking spaces would be utilized.
- 7) The parking structure is underutilized and currently posted for "2 Hour Customer Parking Only" and should be changed for Stanton University use only on the second and third levels with revised signage.
- 8) Directional signage should be placed at strategic locations to direct staff, students and customers to the parking structure entrance.
- 9) Unauthorized and overnight parked vehicles were observed in various locations of the shopping center which should be prohibited.
- 10) The conversion of the existing school facility space from the Oriental Medicine/Clinic to a Culinary Arts/Lab at *Stanton University* would generate less staff and students and have a positive impact on parking conditions within the shopping center.
- 11) The proposed Culinary Arts/Lab at *Stanton University* would potentially add a maximum of 21 additional vehicles (beyond recent survey results) during the morning and evening hours. Requiring staff and students to park within the parking structure would prevent any parking impacts on other areas of the shopping center.
- 12) Implementation of the Parking Management Plan described herein would aid in distributing available parking for all tenants of the shopping center. The management plan should be implemented as soon as possible, monitored by management, and modified as necessary.

RESOLUTION NO. 6000-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-190-2020 FOR A PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN GALWAY STREET AND GILBERT STREET, AT 9618 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 098-222-40.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on September 3, 2020, hereby approves Conditional Use Permit No. CUP-190-2020 for the expansion of an adult trade school for a property located on the south side of Garden Grove Boulevard, between Galway Street and Gilbert Street, at 9618 Garden Grove Boulevard, Assessor's Parcel No. 098-222-40.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-190-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Stanton University.
2. The applicant is requesting Conditional Use Permit (CUP) approval to expand an adult trade school, Stanton University, to 8,125 square feet to increase the occupants from 15 students to 100 students and 14 employees, on the second floor of an existing 28,822 square foot two-story multi-tenant building, within the AR Galleria Shopping Center.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Planning Commission hereby determines that the proposed project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines (14 Cal. Code Reg., Section 15301).
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2).
5. Existing land use, zoning, and General Plan designation of property within 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, 2020, 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, 2020; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The subject property is irregularly shaped and is located on the south side of Garden Grove Boulevard, between Galway Street and Gilbert Street, within the AR Galleria Shopping Center, which was originally approved in 2001 under Site Plan No. SP-313-02 and modified in 2005 under Minor Modification No. MM-101-05. The property is approximately 3.1 acres in size and is developed with two (2) commercial buildings. Building A is a one-story, 6,255 square foot, multi-tenant building located on the north side of the property along Garden Grove Boulevard. Building B is a two-story, 28,822 square foot, multi-tenant building that is attached to a three-story parking structure located to the rear of the property. The property shares parking and access with two adjacent properties that abut the easterly property line of the subject site and are developed with two (2) attached two-story buildings built in 1956 and 1963, identified as Building C, with a combined area of 16,105 square feet. The three buildings are currently occupied by various commercial and office uses.

The subject site has vehicular ingress and egress access from two (2) driveways along Garden Grove Boulevard on the north side of the property, and shares access with the adjacent properties to the east for additional vehicular access from Galway Street and Larson Avenue. The subject site has one (1) additional shared driveway with the shopping center located directly to the west. The subject site shares parking with Building C and the St. Anselm Episcopal Church located directly to the east. The existing parking structure has a total of 109 parking stalls and the site is developed with a total of 167 on-site surface parking stalls.

The subject property is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2), and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2. The site abuts GGMU-2 zoned properties to the east and west, R-1 (Single-Family Residential) zoned properties to the south, and C-2 (Community Commercial) and GGMU-2 zoned properties to the north, across Garden Grove Boulevard.

The applicant, Stanton University, is currently operating within the second story of Building B. According to Business Tax records, the current business license approved in 2001 limited the operation of the university to 15 students maximum with an office and library use. Over the years, the university has expanded via multiple separate business license approvals and has now exceeded the 15 student count limit. There is an open code violation case with the City's Code Enforcement Division for the unpermitted expansion and installation of cooking equipment for culinary instruction, which includes plumbing and electrical upgrades, without permit approvals. Therefore, the applicant is requesting Conditional Use Permit



approval, as required by Title 9 of the Municipal Code, to allow the operation of the adult trade school to increase the lease area to 8,125 square feet, as well as increase the student count to 100 students with 14 employees.

The total number of parking spaces required within the shopping center, which is a total of 367 spaces, when parked per the requirements of Title 9 of the Municipal Code. Currently, the parking provided on-site, including the parking structure and surface parking, is 276 spaces. The parking deficiency is 91 spaces, or 24.8%. For integrated shopping centers with shared parking and vehicular access, and in cases where the parking deficiency does not exceed 25%, Section 9.18.140.060 (Joint Use and Parking Management) of Title 9 of the Municipal Code, requires a parking management plan. A peak-demand calculation must also be included and must demonstrate a 10% increase in the minimum number of spaces above the peak demand calculation to allow for future changes in the types of uses proposed in the original development plan.

The applicant has provided a parking management plan for the AR Galleria shopping center with the proposed expansion to the trade school CUP application prepared by a licensed traffic engineer, KHR Associates. The study has been reviewed and accepted by the City Traffic Engineer. The parking study analyzes all shared surface parking and the parking within the structure and projects parking demand for existing, proposed, and vacant uses. The parking demand survey was conducted during two (2) regular business days, Tuesday, September 17, and Tuesday, October 8, 2019, during regular business hours, to document the number of times a vehicle parks within the shopping center. Only the second parking demand survey was conducted when the trade school was open, which was determined as the heaviest of all weekdays. The parking demand survey aided in developing the parking management strategies for the shopping center outlined in the parking management plan.

As stated above, the existing parking supply in the shopping center consists of 276 parking spaces. The total number of parking spaces required by Code is 367. The shortage of parking demonstrates a 24.8% deficiency, which is below the maximum threshold limit of 25% as allowed by Code. The parking demand survey demonstrates that the peak parking demand was found to be less than half occupied, at 48.2%. Assuming a worst-case scenario with no vacancies, plus a 10% overage during the peak demand period, approximately 70% of available parking is projected to be utilized. Therefore, the parking study concludes there is sufficient parking to allow for the expansion of the subject trade school.

The trade school's office hours are from 9:00 a.m. to 6:00 p.m., Monday through Friday. However, the morning classes will be offered from 9:30 a.m. to 12:30 p.m., and the afternoon classes will be offered from 6:30 p.m. to 9:30 p.m. Approximately 30 classes are anticipated to be offered per week, with about 15-20 students per class.

FINDINGS AND REASONS:

All findings for approval of the proposed Conditional Use Permit required under Section 9.32.030.D.4 (Conditional Use Permit) of the Garden Grove Municipal Code can be made.

Conditional Use Permit:

1. The proposed use will be consistent with the City's adopted General Plan.

The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The Residential/Commercial Mixed Use 2 designation is intended to provide commercial and residential uses to be developed as integrated developments either on a single development site or as complementary uses within a district, such as commercial uses that provide goods and services for adjacent or integrated residential units. The purpose of the GGMU-2 zone is to highlight Garden Grove Boulevard as one of the City's distinctive corridors. Trade schools are conditionally permitted uses in the GGMU-2 zone. As a commercial use, the proposed use is consistent with the General Plan and Municipal Code, provided that the operation of the facility complies with the conditions of approval.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, nor will the project interfere with the use, enjoyment, or valuation of the nearby properties, or constitute a menace to public health, safety, or general welfare. The proposed expansion to the trade school will provide additional educational career opportunities within the community. The trade school's office hours are from 9:00 a.m. to 6:00 p.m., Monday through Friday. However, the morning classes will be offered from 9:30 a.m. to 12:30 p.m., and the afternoon classes will be offered from 6:30 p.m. to 9:30 p.m. The classes will end no later than 9:30 p.m., to minimize the impacts to the properties located in the vicinity.

The trade school is located within an existing shopping center, AR Galleria, which has been integrated well into the surrounding community. The conditions of approval will additionally reduce potential impacts to the

adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area, and will minimize any potential impacts to public health, safety, or welfare.

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

The subject property is irregularly shaped and is located on the south side of Garden Grove Boulevard, between Galway Street and Gilbert Street, within the AR Galleria Shopping Center, which was originally approved in 2001. The property is approximately 3.1 acres in size and is developed with two (2) commercial buildings and a parking structure. The property shares parking and access with two adjacent properties that abut the easterly property line of the subject site and are developed with two (2) attached two-story buildings. The three buildings are currently occupied by various commercial and office uses. Modifications are not being proposed to existing yards, walls, fences, parking, loading area, or landscaping. The site, in its current condition, is of adequate size to accommodate the proposed trade school, provided the use operates per the Conditions of Approval. The trade school currently exists within the shopping center with a limited number of students. The parking management plan demonstrates that the site is adequate in size to accommodate the proposed increased student capacity.

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

The subject property fronts Garden Grove Boulevard on the north side and has vehicular ingress and egress access from two (2) driveways along Garden Grove Boulevard, and shares access with the adjacent properties to the east for additional vehicular access from Galway Street and Larson Avenue. The subject site has one (1) additional shared driveway with the shopping center located directly to the west. The subject site is located within an integrated shopping center that shares parking. To accommodate the proposed trade school, the parking deficiency is 24.8%. For integrated shopping centers with shared parking and vehicular access, and in cases where the parking deficiency does not exceed 25%, Section 9.18.140.060 (Joint Use and Parking Management) of Title 9 of the Municipal Code, requires a parking management plan. A peak-demand calculation must also be included and must demonstrate a 10% increase in the minimum number

of spaces above the peak demand calculation to allow for future changes in the types of uses proposed in the original development plan.

A parking demand study and parking management plan was prepared to analyze all shared surface parking to project parking demand for existing, proposed, and vacant uses. The parking demand survey demonstrates that the peak parking demand was found to be less than half occupied, at 48.2%. Assuming a worst-case scenario with no vacancies, plus a 10% overage during the peak demand period, approximately 70% of available parking is projected to be utilized. Therefore, the parking study concludes there is sufficient parking to allow for the expansion of the subject trade school. The parking management plan also demonstrates that the site is adequately served by highways and streets to accommodate the proposed increased student capacity.

The site is sufficiently served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities. Site improvements that will affect traffic circulation, or public and private facilities, are not being proposed.

5. The peak hours of use of the shared parking facility will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces.

A parking demand study and parking management plan evaluating the parking needs of the shopping center inclusive of the proposed trade school expansion was prepared by a licensed traffic engineering firm, KHR Associates. The existing parking characteristics for the shopping center were observed to determine the actual parking demand generated by the existing uses, including the existing trade school. The parking demand survey was conducted during two (2) regular business days, Tuesday, September 17, and Tuesday, October 8, 2019, during regular business hours, to document the number of times a vehicle parks within the shopping center. Only the second parking demand survey was conducted when the trade school was open, which was determined as the heaviest of all weekdays.

The existing parking supply in the shopping center consists of 276 parking spaces. The total number of parking spaces required by Code is 367. The shortage of parking demonstrates a 24.8% deficiency, which is below the maximum threshold limit of 25% as required by Code. The parking demand survey demonstrates that the peak parking demand was found to be less than half occupied, at 48.2%. Assuming a worst-case scenario with no vacancies, plus a 10% overage during the peak demand period, approximately 70% of available parking is projected to be utilized.

Therefore, the parking study concludes there is sufficient parking to allow for the expansion of the subject trade school.

6. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if parking for each use were provided separately.

The subject site is located within an integrated shopping center containing various commercial and office uses with differing operational characteristics. For these reasons, the existing parking supply of 276 parking spaces in the shopping center is shared between the building tenants, and parking spaces are not individually dedicated to any particular business. The parking demand study and parking management plan prepared by KHR Associates shows that the existing supply of parking spaces in the shopping center was more than adequate to accommodate the future parking demand in the shopping center, including the proposed trade school expansion. Parking observations at the existing site indicate that actual peak parking demands are much lower than the parking required by the City Municipal Code.

7. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction.

A parking demand study and parking management plan for the proposed project, dated December 11, 2019, was prepared by KHR Associates, a licensed traffic engineer. The parking demand study and parking management plan concluded that the existing supply of parking spaces was sufficient to accommodate the future parking demand in the shopping center, including the proposed expansion of the trade school.

8. The applicant submitted a signed contract between the applicant and the other property owner(s) providing the off-street parking spaces subject to the shared parking arrangement.

The parcels in the shopping center are subject to multiple easements of record providing for reciprocal access and parking between the parcels, which were in effect at the time the City approved development of integrated shopping center. The Conditions of Approval require the applicant to verify that all such easements are still in place and have not been modified to reduce or restrict parking across the parcels in a manner inconsistent with the findings and recommendations in the Parking Management Plan.

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

In addition to the foregoing, the Planning 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 Conditional Use Permit (CUP-190-2020) does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.4 (Conditional Use Permits).
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 Conditional Use Permit No. CUP-190-2020.

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-190-2020**

9618 Garden Grove Boulevard

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a 8,125 square foot trade school, as identified on the site plan and floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Department Director, in his or her discretion. Proposed modifications to the approved site plan, floor plan, or Conditions of Approval that would result in the intensification of the project, or create impacts that have not been previously addressed and which are determined by the Community and Economic Development Department Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

**Water Services Division**

6. Should new water meter and service be proposed, the following applies: New water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City Standards.
7. If applicable, water meters shall be located within the City right-of-way, or within the dedicated waterline easement. Fire services and large water services 3" or larger, shall be installed by contractor with a Class A or C-34 license, per City water standards, and inspected by approved Public Works inspection.
8. If applicable, a Reduced Pressure Principle Device (RPPD) backflow prevention device is required 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 are to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
9. If applicable, the 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.
10. If applicable, the fire service is required to have above-ground backflow device with a double-check valve assembly. Should any alterations or additions to the existing fire sprinkler system be proposed, and the fire service does not have above-ground double-check detector assembly (DCDA) installed, a DCDA per City Standard B-773 will be required to be installed. 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.



11. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.

**Sewer Division**

12. Should culinary classes be offered, installation of an approved grease interceptor will be required. Plumbing plan for grease interceptor shall be routed to environmental services for review.
13. If applicable, 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.
14. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
15. If needed, owner shall install new sewer lateral with clean out connecting to existing private sewer system on site. It is the responsibility of the owner to install appropriate size sewer lateral.
16. If applicable, contractor shall abandon any existing unused sewer lateral(s) on the property owner's side in accordance with California Plumbing Code.
17. If applicable, all perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of min. 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
18. Should the water main be exposed during installation of sewer lateral, a 20-foot section of the water main shall be replaced with 20-ft PVC C-900 DR-14 Class 305 water pipe, size in kind and centered at the crossing.

**Building and Safety Division**

19. The applicant shall comply with the 2019 Edition of the California Building Code (CBC).

20. The applicant shall comply with all applicable requirements per the 2019 Edition of the California Building Code (CBC) Chapter 11B.

**Engineering Division**

21. To the extent applicable, the applicant shall be subject to Traffic Mitigation Fees, identified in Chapter 9.44 of the Garden Grove Municipal Code, if any, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.

**Orange County Fire Authority**

22. The applicant shall comply with all applicable Orange County Fire Authority requirements, including, but not limited to the Fire Master Plan.

**Community and Economic Development Department**

23. The hours of operation for the trade school shall be permitted from 9:00 a.m. to 9:30 p.m., Monday through Friday.
24. The trade school shall maintain a maximum student occupancy of 100 students, and a maximum of fourteen (14) employees at any one time.
25. The trade school shall operate only within the second story, excluding the following suites: 208, 211, and 211A. This will ensure that sufficient parking is provided to accommodate trade school. Should the applicant propose to expand in the future, the parking and other applicable Code provisions, shall be reviewed and addressed in a manner meeting the requirements of Title 9 of the Municipal Code.
26. The property subject to Conditional Use Permit No. CUP-190-2020 is located within an integrated shopping center that is subject to multiple easements of record providing for reciprocal access and parking between the parcels, which were in effect at the time the City approved development of integrated shopping center. There are a total of 276 shared on-site parking spaces in the shopping center. Pursuant to the GGMC, a minimum of 367 parking spaces is required for the trade school expansion, resulting in a deficit of 91 parking spaces, or 24.8%, in the shopping center. Conditional Use Permit No. CUP-190-2020 was approved based on the findings and conclusions set forth in the Parking Management Plan prepared by KHR Associates, dated December 11, 2019, and contained in the record of the proceedings, which

concluded that the existing supply of parking spaces was sufficient to accommodate the future parking demand in the shopping center, including the trade school expansion, subject to implementation of specified recommendations. Applicant shall implement all recommendations contained within the approved Parking Management Plan, and shall submit documentation satisfactory to the Community and Economic Development Director verifying that the existing easements for reciprocal access and parking continue to permit shared parking consistent with the findings and recommendations of the Parking Management Plan. In accordance with GGMC Section 9.18.140.060.D.4, in the event that future use changes in the shopping center result in more than a 10% increase in aggregate peak parking demand for the shared on-site parking spaces as set forth in the Parking Management Plan, an amended parking management plan must be submitted and approved by the City, or Conditional Use Permit No. CUP-190-2020 shall be subject to revocation. In addition, if, at any time, the shopping center cannot accommodate the parking demand generated by the trade school expansion resulting in a nuisance, hindrance, and/or problem with either on-site and off-site parking and circulation, the applicant shall devise and implement a plan, prepared by a licensed traffic engineer and approved by the City, to relieve the situation. Upon written request by the City, the applicant shall submit said plan to manage the parking issues for review and approval by the Community and Economic Development Department. The plan may include, but is not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or other actions that may be deemed applicable to the situation. If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action must be implemented within 30 days of written notice. Failure to take appropriate action will be deemed a violation of the Conditions of Approval and may result in the City restricting the overall use of the subject site and/or revocation of Conditional Use Permit No. CUP-190-2020.

27. No outside storage or displays shall be permitted at any time.
28. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.

29. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
30. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least once per week, however, if additional pick-ups are needed to accommodate the uses on the site, the property owner shall increase the number of pick-ups as required.
31. The appropriate building permits shall be obtained for any proposed construction.
32. There shall be no uses or activities of an adult-oriented nature permitted on the premises as outlined in City Code Section 9.08.070.
33. Litter shall be removed daily from the premises, including adjacent public sidewalks and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
34. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
35. All activities associated with the trade school shall be conducted within a fully enclosed building.
36. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
37. No area of the premises may be rented out, used for private parties, or for day care services, at any time.

38. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
39. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
40. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.
41. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
42. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
43. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort.
44. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
45. A copy of the resolution and the conditions of approval for Conditional Use Permit No. CUP-190-2020 shall be kept on the premises at all times.
46. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-190-2020 and his/her agreement with all conditions of the approval.
47. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.

48. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-190-2020. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
49. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-190-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
50. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.3.	<b>SITE LOCATION:</b> Southwest corner of Garden Grove Boulevard and Brookhurst Street, at 10130 Garden Grove Boulevard #107
<b>HEARING DATE:</b> September 3, 2020	<b>GENERAL PLAN:</b> Residential/Commercial Mixed Use 1
<b>CASE NO.:</b> Conditional Use Permit No. CUP-191-2020	<b>ZONE:</b> GGMU1 (Garden Grove Boulevard Mixed Use 1)
<b>APPLICANT:</b> James Nguyen	<b>CEQA DETERMINATION:</b> Exempt – Section 15301 - Existing Facilities
<b>PROPERTY OWNER:</b> TN Investments Group, LLC	<b>APN:</b> 098-070-65

**REQUEST:**

A request for Conditional Use Permit approval to operate an existing restaurant, Butaton, located at 10130 Garden Grove Boulevard #107, with a new Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License.

**BACKGROUND:**

The subject site is approximately three (3) acres and is improved with a multi-tenant retail shopping center located on the southwest corner of Brookhurst Street and Garden Grove Boulevard. The specific tenant space under application is a 1,200 square foot space. According to Business Tax and License records, the Butaton restaurant has been in operation since 2012. The property is located in the GGMU1 (Garden Grove Boulevard Mixed Use 1) zone and has a Land Use Designation of Residential/Commercial Mixed Use 1. The shopping center is adjacent to GGMU1 zoned properties to the west and south, GGMU3 (Garden Grove Boulevard Mixed Use 3) zoned properties, across Brookhurst Street, to the east, and PUD-123-09 (Planned Unit Development) zoned properties, across Garden Grove Boulevard, to the north.

The applicant is requesting Conditional Use Permit approval to operate the existing restaurant, Butaton, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License in order to sell beer and wine for on-site consumption. Municipal Code, Title 9, Section 9.08.080.B.1, requires a Conditional Use Permit when there is an application for a new original ABC License.

**DISCUSSION:**

There are no proposed changes to the floor plan of the existing restaurant. The interior of the restaurant will continue to consist of seven (7) tables, seating for approximately 22 patrons, a cashier counter, kitchen, walk-in cooler, and a unisex restroom.

Hours of operation will continue to be from 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 12:30 a.m., Friday and Saturday. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

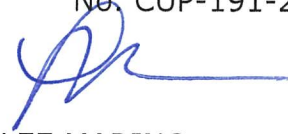
The Butaton restaurant is located in a high-crime district, and in an area of an undue-concentration of Alcoholic Beverage Control on-sale licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and the Findings of Public Convenience or Necessity can be found in Resolution No. 6003-20 for Conditional Use Permit No. CUP-191-2020.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for an ABC Type "41" License will apply.

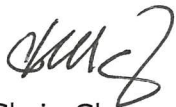
**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached Resolution approving Conditional Use Permit No. CUP-191-2020, subject to the recommended Conditions of Approval.



LEE MARINO  
Planning Services Manager

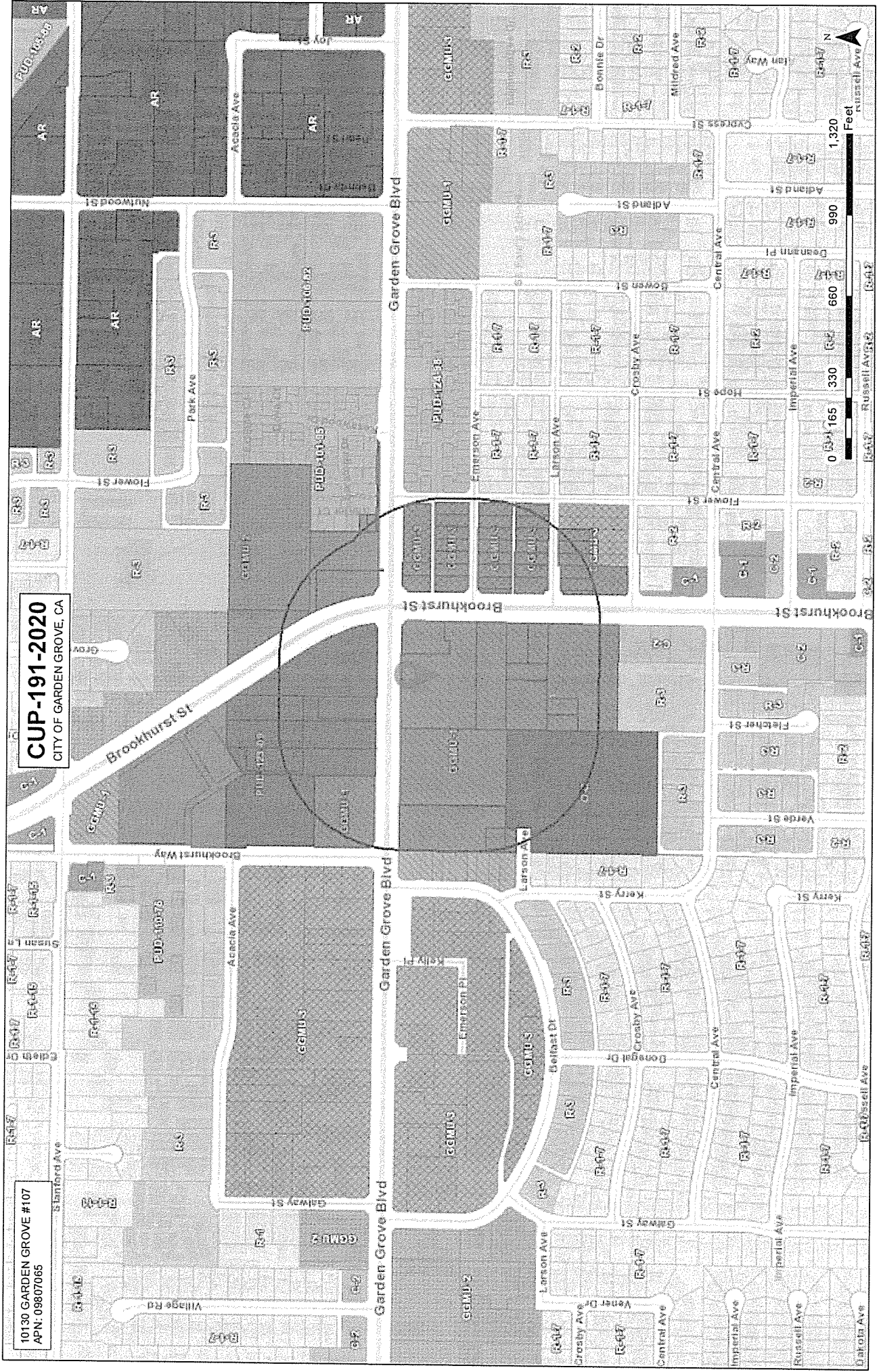


By: Chris Chung  
Urban Planner



10130 GARDEN GROVE #107  
APN: 09807065

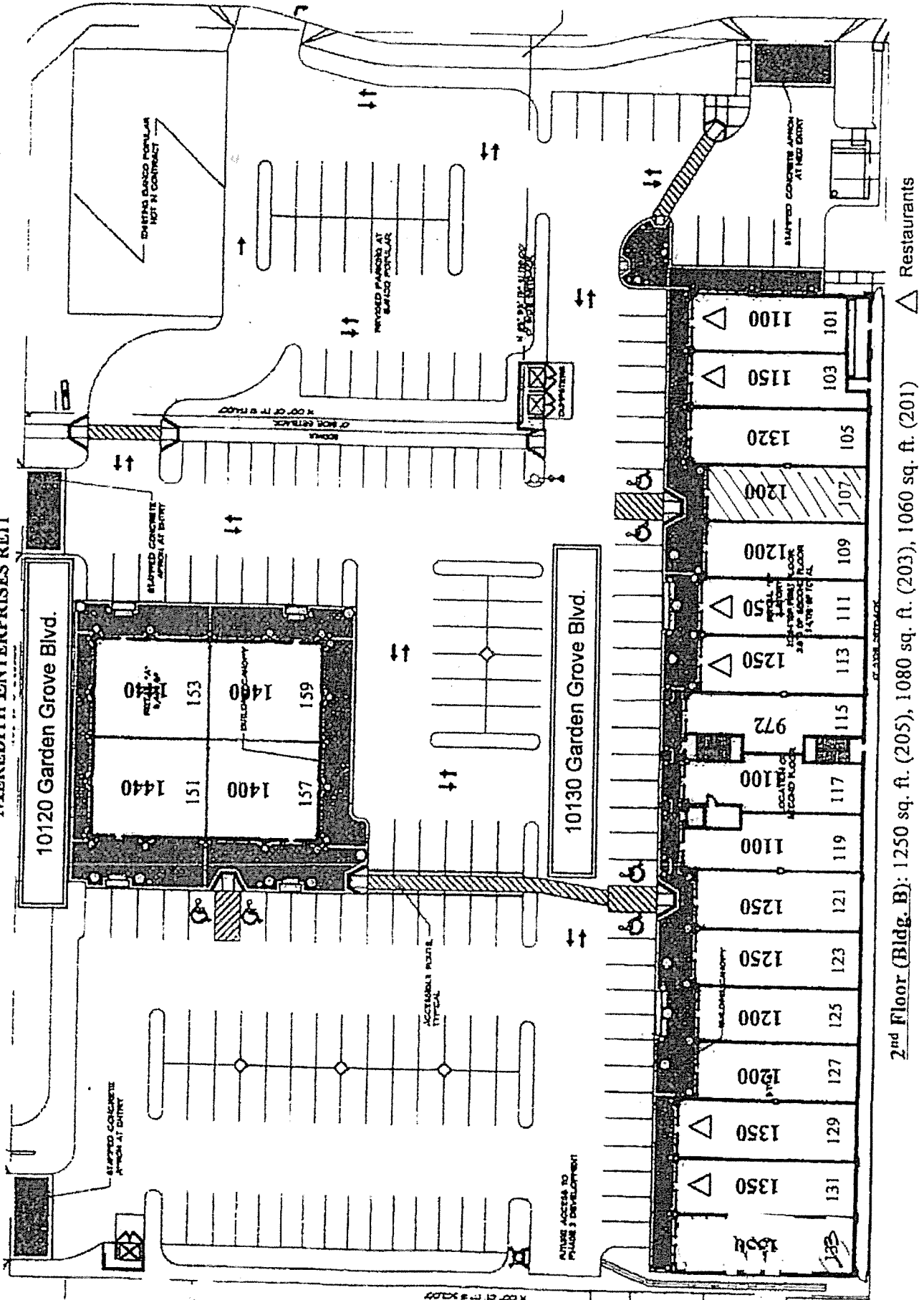
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CITY OF GARDEN GROVE, CA



CUP-191-2020

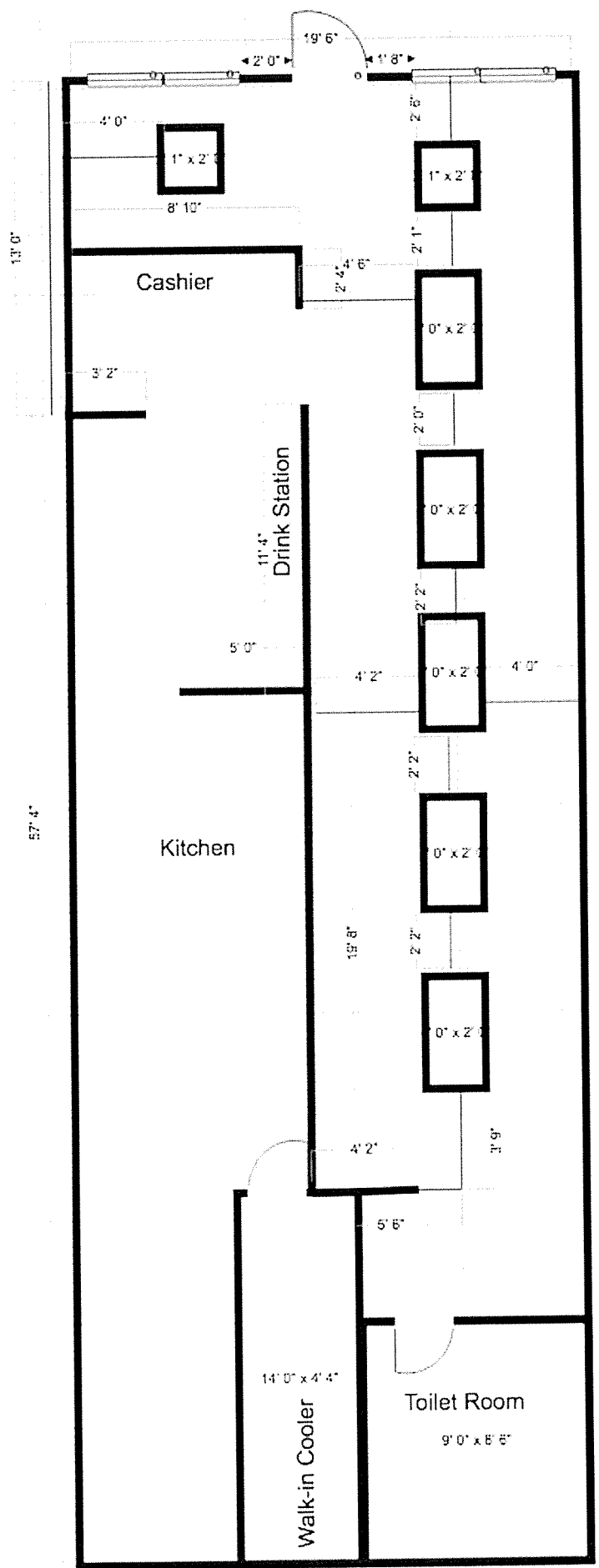
# Garden Grove Festival Square Footage Plan

MEREDITH ENTERPRISES REIT



2<sup>nd</sup> Floor (Bldg. B): 1250 sq. ft. (205), 1080 sq. ft. (203), 1060 sq. ft. (201)

△ Restaurants



BUTATON FLOOR PLAN

19' 6"

RESOLUTION NO. 6003-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-191-2020, FOR A 1,200 SQUARE FOOT COMMERCIAL TENANT SPACE, OCCUPIED BY BUTATON, A RESTAURANT, ON A PROPERTY LOCATED ON THE SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND BROOKHURST STREET, AT 10130 GARDEN GROVE BOULEVARD #107, ASSESSOR'S PARCEL NO. 098-070-65.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-191-2020, for 1,200 square foot commercial tenant space, occupied by Butaton, a restaurant, on a property located on the southwest corner of Garden Grove Boulevard and Brookhurst Street, at 10130 Garden Grove Boulevard #107, and hereby determines that public convenience or necessity would be served by issuance of an Alcoholic Beverage Control (ABC) Type "41" License (On-Sale, Beer and Wine, Public Eating Place) at this location.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-191-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by James Nguyen, with authorization of the property owner, TN Investments Group, LLC.
2. A request for Conditional Use Permit approval to operate an existing restaurant, Butaton, located at 10130 Garden Grove Boulevard #107, with a new Alcoholic Beverage Control (ABC) Type "41" License (On-Sale, Beer and Wine, Public Eating Place).
3. The Planning Commission hereby determines that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 1, and is zoned GGMU1 (Garden Grove Boulevard Mixed Use 1).
5. Existing land use, zoning, and General Plan designation of property within 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, 2020, 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, 2020.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030 (Conditional Use Permits), are as follows:

FACTS:

The subject site is approximately three (3) acres and is improved with a multi-tenant retail shopping center located on the southwest corner of Brookhurst Street and Garden Grove Boulevard. The specific tenant space under application is a 1,200 square foot space. The property is located in the GGMU1 (Garden Grove Boulevard Mixed Use 1) zone and has a Land Use Designation of Residential/Commercial Mixed Use 1. The shopping center is adjacent to GGMU1 zoned properties to the west and south, GGMU3 (Garden Grove Boulevard Mixed Use 3) zoned properties, across Brookhurst Street, to the east, and PUD-123-09 (Planned Unit Development) zoned properties, across Garden Grove Boulevard, to the north.

The applicant is requesting Conditional Use Permit approval to operate their existing restaurant, Butaton, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License in order to sell beer and wine for on-site consumption. Municipal Code, Title 9, Section 9.08.080.B.1, requires a Conditional Use Permit when there is an application for a new original ABC License.

There are no proposed changes to the floor plan of the existing restaurant. The interior of the restaurant will continue to consist of seven (7) tables, seating for approximately 22 patrons, a cashier counter, kitchen, walk-in cooler, and a unisex restroom.

Hours of operation will continue to be from 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m to 12:30 a.m., Friday and Saturday. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The Butaton restaurant is located in a high-crime district, and in an area with an undue-concentration of Alcoholic Beverage Control On-Sale Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 95.
- The crime count for the District is 160.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 65% above the Citywide average; therefore, it is considered a high-crime area.

- The subject site is located in Alcoholic Beverage Control Census Report District No. 887.02.
- ABC Census Reporting District No. 887.02 allows for seven (7) on-sale licenses within the District. Currently, there are 24 on-sale licenses in the District. The approval of this CUP will add a new ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The approval of this Conditional Use Permit will increase the number of on-sale ABC Licenses in District 887.02 by one (1), and the total number of on-sale licenses in the District will be twenty-five (25).

#### PUBLIC CONVENIENCE OR NECESSITY:

Because the proposed establishment is located within a district with a high crime rate and in an area with an over-concentration of ABC licenses, pursuant to Business and Provisions Code Sections 23958 and 23958.4, ABC may not issue a new alcohol license to the applicant unless the Planning Commission determines that the public convenience or necessity would be served by issuance of the license. Although the subject site is located in an area considered to be in a high-crime district and in an area with an undue-concentration of on-sale ABC licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the operation of the restaurant with an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, which would provide and maintain an amenity that enhances the customer dining experience and maintains the intent of being a business serving the local community. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The Conditions of Approval will minimize potential impacts to the adjoining area. Provided the Conditions of Approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

#### FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 1, and is zoned GGMU1 (Garden Grove Boulevard Mixed Use 1). The Residential/Commercial Mixed Use 1 Land Use Designation is intended to provide for a mix of higher density residential and commercial uses. The character of the area will include tall, urban, mixed-use development at important intersections/locations that is eight to ten stories in height. Commercial retail stores with retail sales of alcoholic beverages are conditionally permitted in the GGMU1 zone. This approval will allow the restaurant to operate with an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The restaurant has been in operation since 2012. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The restaurant has been in operation since 2012. The subject request is to operate the existing restaurant, Butaton, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License in order to sell beer and wine for on-site consumption. Standard conditions of approval for this type of ABC license have been included. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as a restaurant, with ancillary beer and wine sales for on-site consumption only, the use will be compatible with the surrounding uses. There are no proposed changes to the operation of the restaurant.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the uses within the surrounding area. The subject request is to operate the existing restaurant, Butaton, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License in order to sell beer and wine for on-site consumption. No exterior development is proposed.

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

The site is located on the southwest corner of Garden Grove Boulevard and Brookhurst Street, which are fully developed streets that provide adequate traffic circulation and driveway access to public parking areas. The site is also sufficiently served by the public service facilities required, such as public

utilities: gas, electric, water, and sewer facilities. Conditional Use Permit approval to operate the existing restaurant with a new Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License is not anticipated to result in a significant increase in traffic or to cause additional burdens on services facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

In addition to the foregoing, the Planning 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 Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-191-2020.



## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-191-2020**

10130 Garden Grove Boulevard #107  
(Assessor's Parcel No. 098-070-65)

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a 1,200 square foot restaurant with ancillary beer and wine sales for on-site consumption only with a Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, as identified on the site plan and floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

**Police Department**

6. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
7. Hours of operation for the restaurant shall be permitted Sunday through Thursday from 11:00 a.m. to 11:00 p.m., and Friday and Saturday from 11:00 a.m. to 12:30 a.m. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
8. There shall be no customers or patrons in or about the premises when the establishment is closed.
9. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
10. The sale of alcoholic beverages for consumption off the premises is prohibited. No consumption of alcoholic beverages shall occur outside of the confines of the establishment (including the interior areas of the restaurant and any approved outdoor patio dining area) at any time.
11. There shall be no separate bar or lounge area to provide direct and sole service of alcoholic beverages to customers. Food shall accompany all alcoholic beverages served in all areas within the restaurant (including both interior and approved outdoor dining areas).
12. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.
13. The business shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program.

14. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation up to \$1,000 pursuant to GGMC 1.22.010(a).
15. In the event that an Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the applicable City hearing body for review or further consideration.

**Community and Economic Development Department**

16. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by the Department of Alcoholic Beverage Control (ABC), in conjunction with its use of an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
17. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food.
18. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the sales of food.
19. The owner of the establishment shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
20. No outside storage or displays shall be permitted at any time.
21. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the establishment's entrance, and shall also be visible to the public.
22. There shall be no forms of live entertainment, dancing, karaoke, sports bar activity, or disc jockey entertainment permitted on the premises at any time.

Amplified music, for ambient purposes only, may be permitted within the interior restaurant area, but the sound emitted from the premises shall not be audible outside of the establishment.

23. There shall be no raised platform and/or stage on the premises at any time that is used for live entertainment purposes. No dance floor shall be allowed on the premises at any time.
24. Aisle widths shall be a minimum 44 inches where seats and tables are placed on both sides of the aisle and a minimum 36 inches where seats and tables are placed on one side of the aisle.
25. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070.
26. There shall be no deliveries to or from the premises before 8:00 a.m. and after 10:00 p.m., seven days a week. Delivery trucks shall be shut off and shall not remain idle during deliveries. However, in the event problems arise where the delivery hours need to be reduced or restricted in order to minimize noise issues, the operator shall modify the delivery hours as prescribed by the City.
27. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
28. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
29. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance
30. In the event the parking demand generated by the restaurant, at any given time, causes a nuisance, hindrance, and/or problem with parking and/or circulation within the areas on-site, or any adjacent areas off-site, the applicant shall devise and implement a plan approved by the City to relieve the situation.

Upon written request by the City, the applicant shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but is not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or others actions that may be deemed applicable to the situation.

If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility.

31. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
32. The area adjacent to the restaurant entrance, shall be properly maintained, and kept free from all debris and trash. No outside storage shall be permitted in this area. There shall be no storage or parking of commercial vehicles on the property, except for temporary deliveries.
33. The applicant/property owner shall provide adequate trash enclosures with receptacles to accommodate the uses on the site along with adequate pick-ups during the week. All trash enclosures shall match the color and material of the buildings or block wall on the site and be Code compliant. The trash bins shall be kept inside the trash enclosure, and the gates shall remain closed at all times except during disposal and pick-up. The trash shall be picked up as needed to accommodate the use; the owner/developer shall increase the number of pick-ups as required.
34. The applicant shall abate all graffiti vandalism within the premises. The applicant shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, an necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.

35. The applicant/property owner shall maintain all landscaped areas, immediately adjacent to the restaurant, in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
36. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
37. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
38. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Services Division. No advertising material shall be placed thereon.
39. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
40. Signs shall comply with the City of Garden Grove sign requirements, including requirements of the applicable sign program for the shopping center on the subject property. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
41. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
42. A copy of the decision approving Conditional Use Permit No. CUP-191-2020 shall be kept on the premises at all times.

43. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-191-2020, and his/her agreement with all conditions of the approval.
44. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-191-2020. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited, to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
45. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by approval of Conditional Use Permit No. CUP-191-2020.
46. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
47. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-191-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.4.	<b>SITE LOCATION:</b> Southwest corner of Magnolia Street and Garden Grove Boulevard, at 13031 Magnolia Street
<b>HEARING DATE:</b> September 3, 2020	<b>GENERAL PLAN:</b> Residential/Commercial Mixed Use 3
<b>CASE NO.:</b> Conditional Use Permit No. CUP-192-2020	<b>ZONE:</b> GGMU3 (Garden Grove Boulevard Mixed Use 3)
<b>APPLICANT:</b> Mobil Oil/Circle K Stores	<b>CEQA DETERMINATION:</b> Exempt – Section 15301 - Existing Facilities
<b>PROPERTY OWNER:</b> MP Garden Grove Center, LLC (Attn: Linda Rosen)	<b>APN:</b> 097-630-05

## **REQUEST:**

A request for Conditional Use Permit approval to allow an existing convenience store, as part of an existing service (gas) station, Mobil, located at 13031 Magnolia Street, to continue to operate with an existing State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License for the sale of beer and wine for off-site consumption. All Conditions of Approval under the prior Conditional Use Permit, CUP-109-72, shall remain in full force and effect, except where superseded and/or modified in the attached Conditions of Approval for CUP-192-2020.

## **BACKGROUND:**

The subject site is approximately 19,300 square feet in area and is improved with an existing service (gas) station ("gas station"), Mobil, which is comprised of five (5) fuel dispensers (with 10 fuel pumps), an approximately 500 square foot pad building convenience store in the center, and a large canopy structure covering such improvements. The subject site shares reciprocal access to the property to the south (13047 Magnolia Street – APN: 097-630-06), which is improved with an existing multi-tenant commercial shopping center. To the south of, and abutting to, the 13047 Magnolia Street property is an existing 140-unit townhouse complex, Brookdale Townhomes (Properties/units within the envelope of APN: 097-631-82, 097-631-81, and 097-632-62).

In 1971, the City of Garden Grove approved Planned Unit Development No. PUD-109-71, a General Development Plan, which allowed the construction of the subject gas station, the abutting commercial shopping center, and the 140-unit townhouse complex. Construction of said improvements was completed in 1972. Conditional Use Permit No. CUP-109-72 was approved shortly after the approval of



PUD-109-71, which allowed the existing convenience store, as part of the existing gas station, to operate with a State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License for the sale of beer and wine for off-site consumption.

The existing convenience store is currently operating with an ABC Type "20" (Off-Sale, Beer and Wine) License, under the approval of Conditional Use Permit No. CUP-109-72, approved in 1972. The applicant recently purchased the gas station and convenience store. The Department of Alcoholic Beverage Control transferred the existing ABC Type "20" (Off-Sale, Beer and Wine) License to the applicant via a persons-to-persons transfer. The Municipal Code requires the approval of a Conditional Use Permit when there is a change of ownership of an ABC licensed establishment not possessing a Conditional Use Permit approved after January 1, 1986.

### **DISCUSSION:**

There are no proposed changes to the floor plan of the existing convenience store or to any part of the existing gas station. The interior of the convenience store will continue to consist of a cashier counter area, a sales area with coolers and display shelves, storage rooms, and a unisex restroom.

There are no proposed changes to the existing hours of operation. The gas station and convenience store will continue to operate 24 hours a day, seven (7) days a week (with the sale of alcohol ceasing between the hours of 2:00 a.m. and 6:00 a.m., as required by ABC). In the event problems arise concerning the operation of the business, the hours of operation may be reduced by order of the Chief of the Police Department.

The convenience store is located in a high-crime district, and in an area of an even-concentration of Alcoholic Beverage Control off-sale licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and the Findings of Public Convenience or Necessity can be found in Resolution No. 6004-20 for Conditional Use Permit No. CUP-192-2020.


The existing Conditional Use Permit No. CUP-109-72 was approved to allow the existing convenience store, as part of the existing Mobil gas station, to operate with an original Alcoholic Beverage Control Type "20" (Off-Sale, Beer and Wine) License. Upon the approval and exercise of Conditional Use Permit No. CUP-192-2020, for the continued operation of the existing convenience store with an ABC Type "20" (Off-Sale, Beer and Wine) License, it should be noted, that all Conditions of Approval under the prior Conditional Use Permit, CUP-109-72, shall remain in full force and effect, except where superseded and/or modified in the attached Conditions of Approval for CUP-192-2020.

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

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached Resolution approving Conditional Use Permit No. CUP-192-2020, subject to the recommended Conditions of Approval.

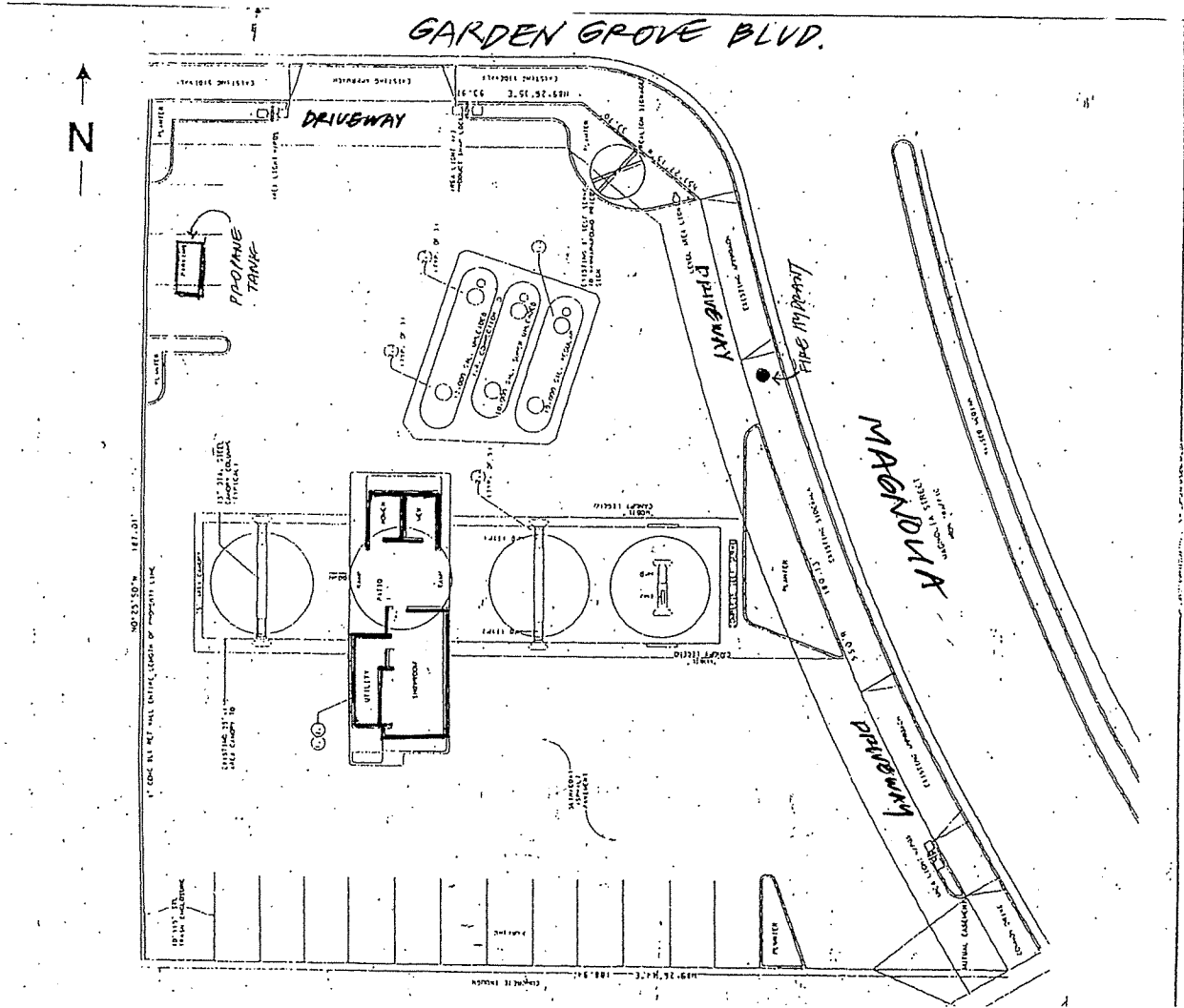


LEE MARINO  
Planning Services Manager



By: Chris Chung  
Urban Planner





Site Plan  
13081 MAGNOLIA ST

**CUP-192-2020**



RESOLUTION NO. 6004-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-192-2020, FOR AN APPROXIMATELY 500 SQUARE FOOT CONVENIENCE STORE, AS PART OF AN EXISTING MOBIL SERVICE (GAS) STATION, ON A PROPERTY LOCATED ON THE SOUTHWEST CORNER OF MAGNOLIA STREET AND GARDEN GROVE BOULEVARD, AT 13031 MAGNOLIA STREET, ASSESSOR'S PARCEL NO. 097-630-05.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-192-2020, for an approximately 500 square foot convenience store, as part of an existing Mobil service (gas) station, on a property located on the southwest corner of Magnolia Street and Garden Grove Boulevard, at 13031 Magnolia Street, Assessor's Parcel No. 097-630-05, and hereby determines that public convenience or necessity would be served by the transfer and issuance of the Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License to the applicant/operator at this location.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-192-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Mobil Oil/Circle K Store, with authorization of the property owner, MP Garden Grove Center, LLC (Attn: Linda Rosen).
2. A request for Conditional Use Permit approval to allow an existing convenience store, as part of an existing service (gas) station, Mobil, located at 13031 Magnolia Street, to continue to operate with an existing State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License for the sale of beer and wine for off-site consumption. All Conditions of Approval under the prior Conditional Use Permit, CUP-109-72, shall remain in full force and effect, except where superseded and/or modified in the attached Conditions of Approval for CUP-192-2020.
3. The Planning Commission hereby determines that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use Mixed Use, and is zoned GGMU3 (Garden Grove Boulevard Mixed Use 3).
5. Existing land use, zoning, and General Plan designation of property within 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, 2020, 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, 2020, and;

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030 (Conditional Use Permits), are as follows:

FACTS:

The subject site is approximately 19,300 square feet in area and is improved with an existing service (gas) station ("gas station"), Mobil, which is comprised of five (5) fuel dispensers (with 10 fuel pumps), an approximately 500 square foot pad building convenience store in the center, and a large canopy structure covering such improvements. The subject site shares reciprocal access to the property to the south (13047 Magnolia Street - APN: 097-630-06), which is improved with an existing multi-tenant commercial shopping center. To the south of, and abutting to, the 13047 Magnolia Street property is an existing 140-unit townhouse complex, Brookdale Townhomes (Properties/units within the envelope of APN: 097-631-82, 097-631-81, and 097-632-62).

In 1971, the City of Garden Grove approved Planned Unit Development No. PUD-109-71, a General Development Plan, which allowed the construction of the subject gas station, the abutting commercial shopping center, and the 140-unit townhouse complex. Construction of said improvements was completed in 1972. Conditional Use Permit No. CUP-109-72 was approved shortly after the approval of PUD-109-71, which allowed the convenience store, as part of the gas station, to operate with a State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License for the sale of beer and wine for off-site consumption.

The existing convenience store is currently operating with an ABC Type "20" (Off-Sale, Beer and Wine) License, under the approval of Conditional Use Permit No. CUP-109-72, approved in 1972. The applicant recently purchased the gas station and convenience store. The Department of Alcoholic Beverage Control transferred the existing ABC Type "20" (Off-Sale, Beer and Wine) License to the applicant via a persons-to-persons transfer. The Municipal Code requires the approval of a Conditional Use Permit when there is a change of ownership of an ABC licensed establishment not possessing a Conditional Use Permit approved after January 1, 1986.

The convenience store is located in a high-crime district, and in an area with an even-concentration of Alcoholic Beverage Control Off-Sale Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 75.
- The crime count for the District is 187.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 93% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 888.01.
- ABC Census Reporting District No. 888.01 allows for four (4) off-sale licenses within the District. Currently, there are four (4) off-sale licenses in the District, which includes the existing ABC Type "20" (Off-Sale, Beer and Wine) License in use by the existing convenience store. The approval of this CUP will allow the continued operation of the existing convenience store with the existing ABC Type "20" License. The total number of off-sale licenses in District 888.01 will remain at four (4).

#### PUBLIC CONVENIENCE OR NECESSITY:

Because the convenience store is located within a district with a high crime rate and in an area with an even-concentration of ABC licenses, pursuant to Business and Provisions Code Sections 23958 and 23958.4, ABC may not issue a new alcohol license to the applicant unless the Planning Commission determines that the public convenience or necessity would be served by issuance of the license. Although the subject site is located in an area considered to be in a high-crime district and in an area with an even-concentration of off-sale ABC licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the continued operation of the convenience store with an ABC Type "20" (Off-Sale, Beer and Wine) License, which would provide and maintain an amenity that enhances the customer shopping experience and maintains the intent of being a business serving the local community. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The Conditions of Approval will minimize potential impacts to the adjoining area. Provided the Conditions of Approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

#### FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 3, and is zoned GGMU3 (Garden Grove



Boulevard Mixed Use 3). The Residential/Commercial Mixed Use 3 land use designation is intended to provide for a mix of residential and commercial uses. Commercial retail stores with retail sales of alcohol beverages are conditionally permitted in the GGMU3 zone. This approval will allow the convenience store to continue operate with an ABC Type "20" (Off-Sale, Beer and Wine) License. The convenience store, and service (gas) station, has been in operation since 1972 with an ABC Type "20" (Off-Sale, Beer and Wine) License. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The convenience store, and service (gas) station, have been in operation since 1972 with an ABC Type "20" (Off-Sale, Beer and Wine) License. This approval will allow the convenience store to continue operate with an ABC Type "20" (Off-Sale, Beer and Wine) License. Standard conditions of approval for this type of ABC license have been included. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as a retail convenience store, with ancillary beer and wine sales for off-site consumption only, the use will be compatible with the surrounding uses. There are no proposed changes to the operation of the store. The hours of operation will remain the same.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. The convenience store, and service (gas) station, have been in operation since 1972 with an ABC Type "20" (Off-Sale, Beer and Wine) License. This approval

will allow the convenience store to continue operate with an ABC Type "20" (Off-Sale, Beer and Wine) License. No exterior development is proposed.

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

The site is located on the southwest corner of Magnolia Street and Garden Grove Boulevard, which are fully developed streets that provide adequate traffic circulation and driveway access to public parking areas. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. Approval to allow the existing convenience store to operate with the existing ABC Type "20" (Off-Sale, Beer and Wine) License is not anticipated to result in a significant increase in traffic or to cause additional burdens on services facilities.

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

In addition to the foregoing, the Planning 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 Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-192-2020.

**EXHIBIT "A"**  
**Conditional Use Permit No. CUP-192-2020**

13031 Magnolia Street  
(Assessor's Parcel No. 097-630-05)

**CONDITIONS OF APPROVAL**

**General Conditions**

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of an approximately 500 square foot convenience store, as part of the existing service (gas) station, with ancillary beer and wine sales for off-site consumption only with an ABC Type "20" (Off-Sale, Beer and Wine) License, as identified on the site plan and floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to

approval of new and/or amended land use entitlements by the applicable City hearing body.

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

**Police Department**

6. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
7. Hours of operation shall be permitted 24 hours a day, seven (7) days a week. However, if problems arise where the hours of operation need to be reduced in order to minimize any problems, the operator shall change the hours of operation, as prescribed by the Police Department.
8. There shall be no customers or patrons loitering in or about the premises during store hours of operation. If the store operators decide to close the store for short periods of time, there shall be no customers or patrons on or about the premises when the establishment is closed.
9. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
10. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
11. The sale of alcoholic beverages for consumption on the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere on the site or within the premises.
12. The business shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through the Alcoholic Beverage Control Department or an ABC approved "Responsible Beverage Service (RBS) Training" program.
13. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

**Community and Economic Development Department**

14. Alcoholic beverages in containers of 16 ounces or less shall not be sold by single containers, and shall be sold in manufactured, pre-packaged, multiple-unit quantities.
15. No outside storage or displays shall be permitted at any time.
16. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at entrance, and shall also be visible to the public.
17. There shall be no pool tables or amusement devices on the premises at any time.
18. Any adult merchandise (books, magazines, videos) shall be kept under the control of the management, behind the cashier's counter, and must be segregated and screened from minors.
19. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
20. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week.
21. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
22. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
23. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be a sufficient number of times per week to accommodate all uses on the site.
24. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification/application.

25. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
26. The applicant/property owner shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.
27. The applicant/property owner shall improve and maintain all existing landscaped areas on the property.
28. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
29. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows.
30. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
31. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-192-2020 shall be kept on the premises at all times.
32. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-192-2020 and his /her agreement with all conditions of the approval.
33. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
34. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action

concerning Conditional Use Permit No. CUP-192-2020. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited, to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

35. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
36. All Conditions of Approval under the Conditional Use Permit previously governing the convenience store, Conditional Use Permit No. CUP-109-72, shall remain in full force and effect, except where superseded and/or modified herein.
37. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-192-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.5.	<b>SITE LOCATION:</b> West side of Harbor Boulevard, north of Westminster Avenue, at 13911 Harbor Boulevard
<b>HEARING DATE:</b> September 3, 2020	<b>GENERAL PLAN:</b> Light Commercial
<b>CASE NO.:</b> Conditional Use Permit No. CUP-193-2020	<b>ZONE:</b> C-2 (Community Commercial)
<b>APPLICANT:</b> Girges Gad	<b>CEQA DETERMINATION:</b> Exempt – Section 15301 - Existing Facilities
<b>PROPERTY OWNER:</b> Harbor Commercial Retail Center, LLC (Attn: Gilbert C. Rhee)	<b>APN:</b> 100-130-72

**REQUEST:**

A request for Conditional Use Permit approval to allow a new liquor store, Hero's Liquor and Market, located at 13911 Harbor Boulevard, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License.

**BACKGROUND:**

The subject site, located at the northwest corner of Harbor Boulevard and Westminster Avenue, is improved with an existing multi-tenant commercial shopping center, comprised of four (4) lots with a total area of 3.6 acres. The shopping center consists of two (2) primary commercial multi-tenant buildings and a commercial restaurant pad building. The subject 1,724 square foot tenant space under application is located at the north end of the shopping center. According to Business Tax and License records, the subject tenant space was previously occupied by a check cashing business. The tenant space is currently vacant.

The subject property is located in the C-2 (Community Commercial) zone and has a General Plan Land Use Designation of Light Commercial. The shopping center is adjacent to M-1 (Light Industrial) zoned properties to the west, C-3 (Heavy Commercial) and T-C (Transportation Corridor) zoned properties across Harbor Boulevard, to the east, and commercially developed properties across Westminster Avenue, to the south, located within the City of Santa Ana.

The applicant has initiated an application with the Department of Alcoholic Beverage Control for a new original ABC Type "21" (Off-Sale, General) License. The Municipal Code requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.



**DISCUSSION:**

The new liquor store, Hero's Liquor and Market, will sell typical convenience and market items, including beer, wine, and distilled spirits for off-site consumption. The floor plan of the liquor store will consist of a cashier counter area, retail sales display area, storage and cooler areas for beverages and food items, and a unisex restroom.

Hours of operation will be from 6:00 a.m. to 2:00 a.m., seven (7) days a week. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

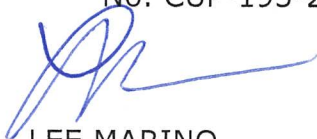
The location of the new liquor store is in a high-crime district, and in an area of an even-concentration of Alcoholic Beverage Control off-sale licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and the Findings of Public Convenience or Necessity can be found in Resolution No. 6005-20 for Conditional Use Permit No. CUP-193-2020.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for an ABC Type "21" License will apply.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached Resolution approving Conditional Use Permit No. CUP-193-2020, subject to the recommended Conditions of Approval.



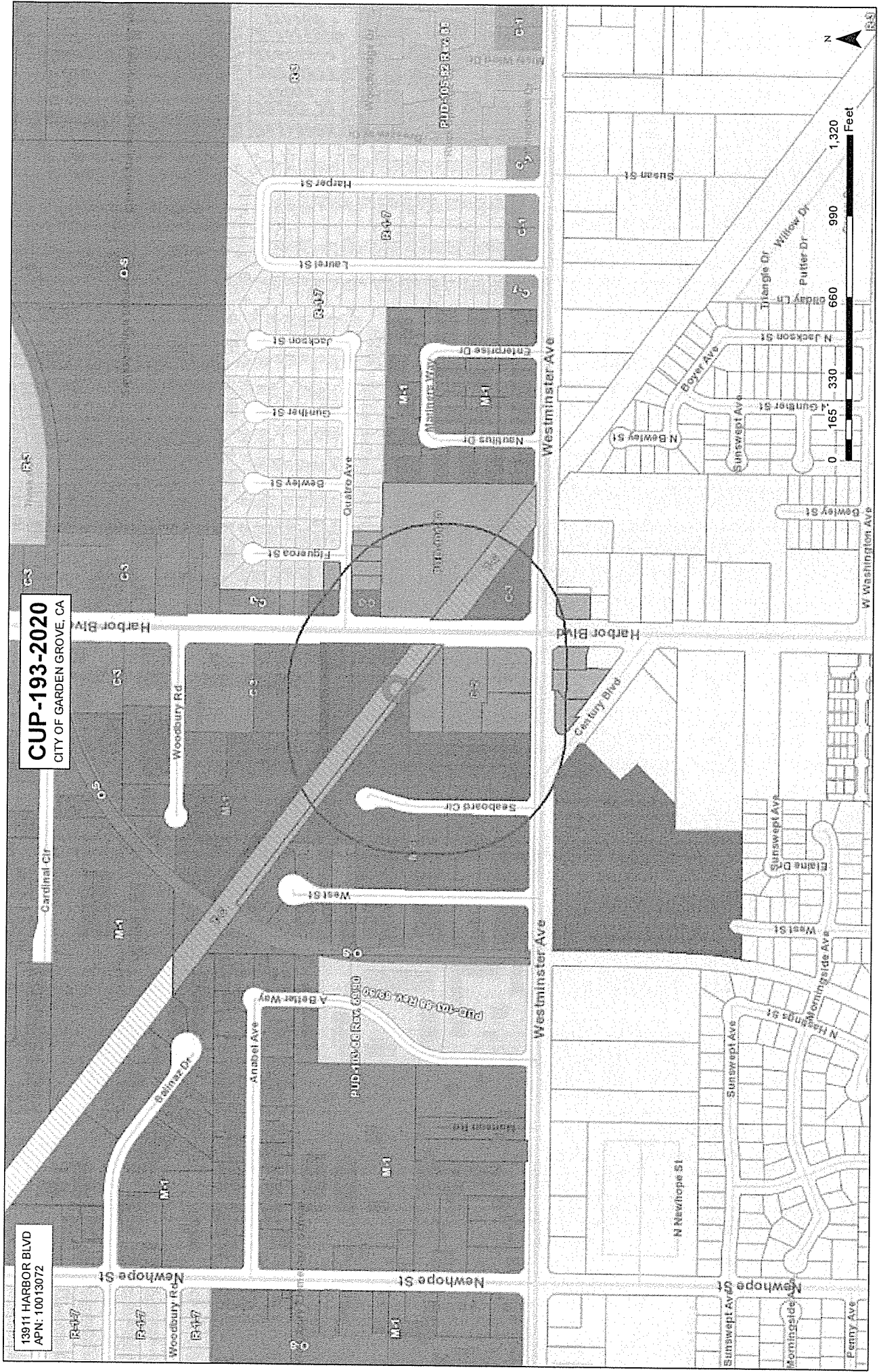
LEE MARINO  
Planning Services Manager



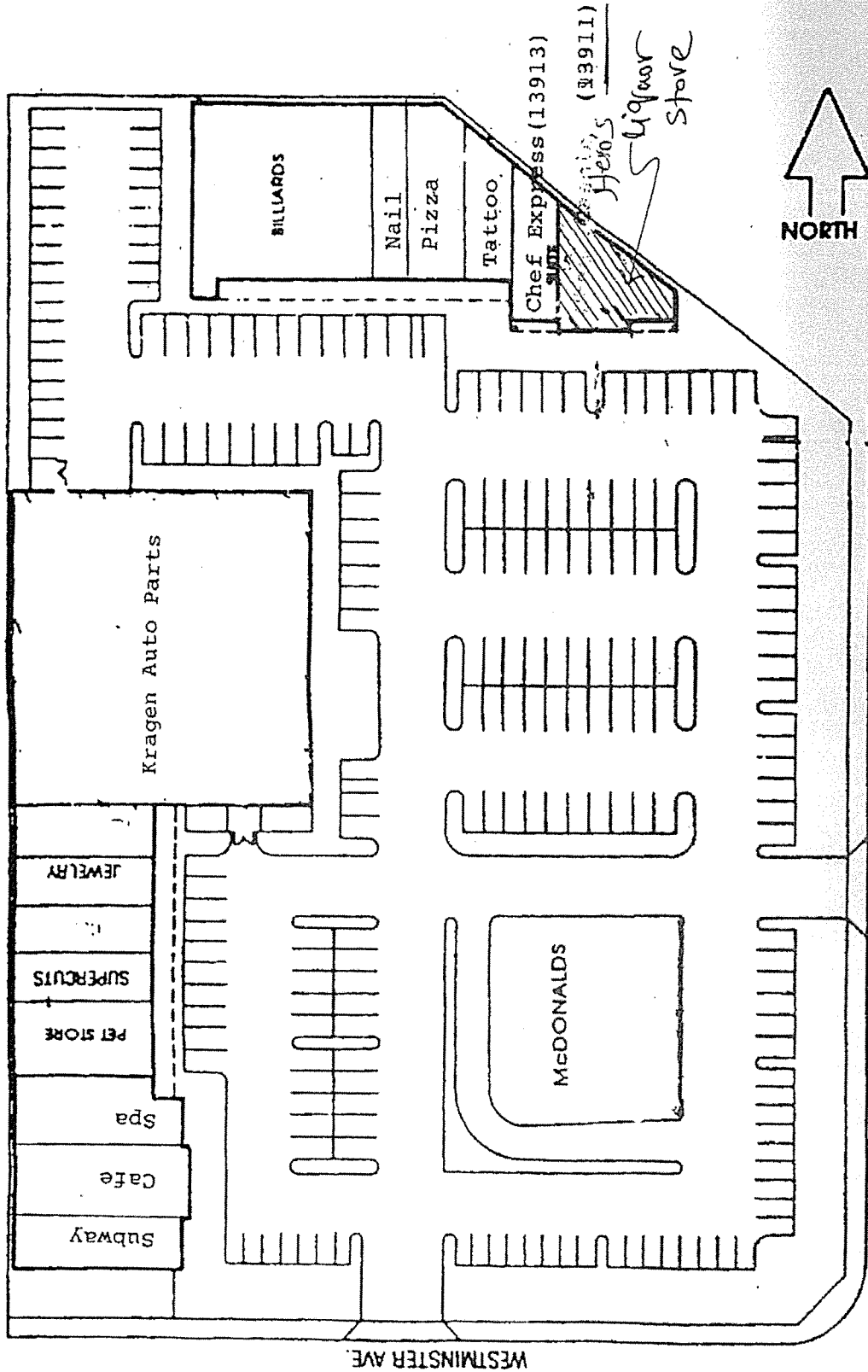
By: Chris Chung  
Urban Planner

13911 HARBOR BLVD  
APN: 10013072

**CUP-193-2020**  
CITY OF GARDEN GROVE, CA



Project Address: 13911 Harbor Blvd Garden Grove CA 92843

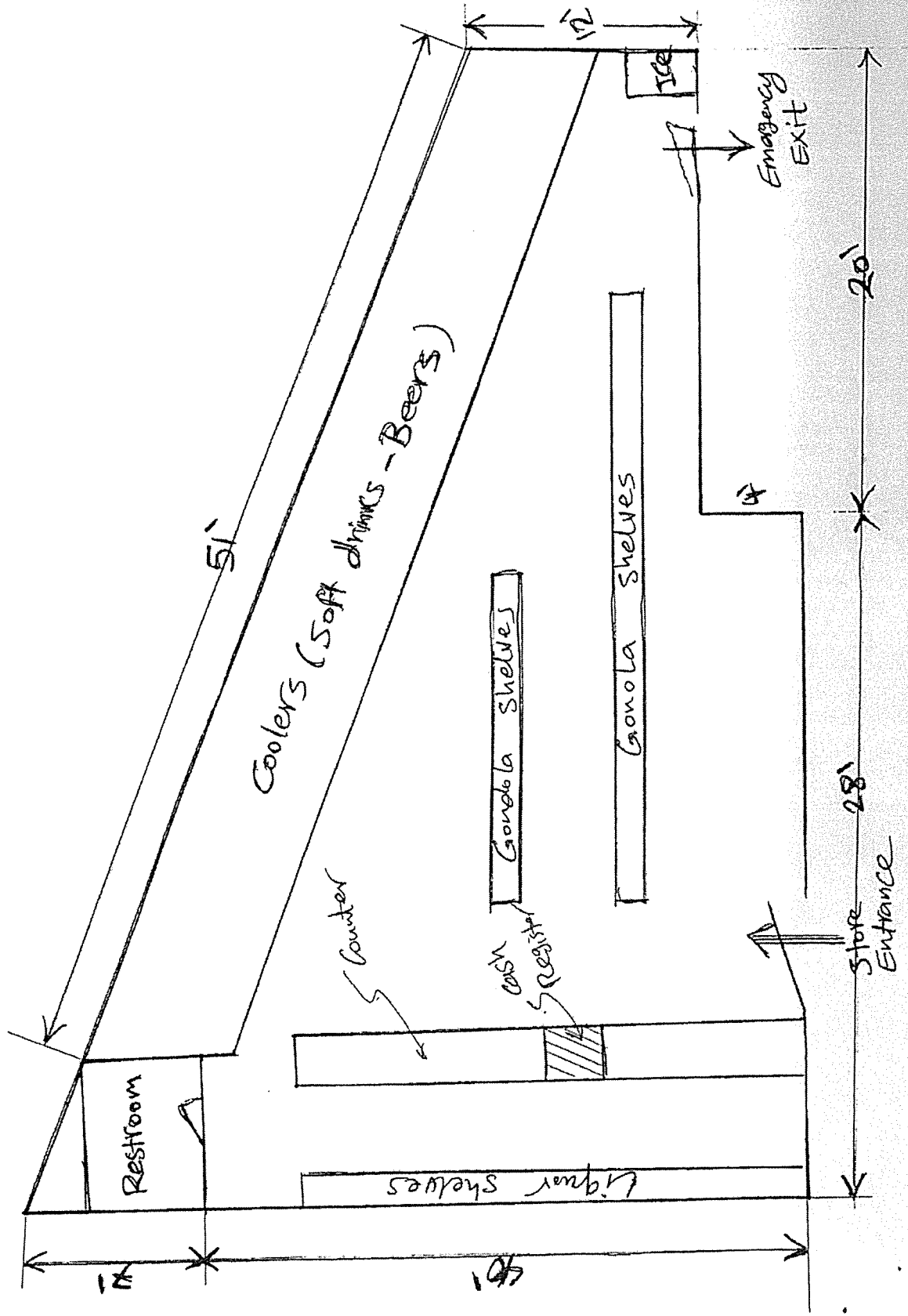
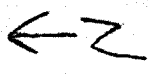


CUP-193-2020

HARBOR BLVD.

(Site Plan)

Project Address: 13911 Harbor Blvd Garden Grove CA 92843



(Floor Plan)

RESOLUTION NO. 6005-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-193-2020, FOR A 1,724 SQUARE FOOT COMMERCIAL TENANT SPACE, TO BE OCCUPIED BY A NEW LIQUOR STORE, HERO'S LIQUOR AND MARKET, ON A PROPERTY LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, NORTH OF WESTMINSTER AVENUE, AT 13911 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 100-130-72.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-193-2020, for 1,724 square foot commercial tenant space, to be occupied by a new liquor store, Hero's Liquor and Market, on a property located on the west side of Harbor Boulevard, north of Westminster Avenue, at 13911 Harbor Boulevard, Assessor's Parcel Nos. 100-130-72, and hereby determines that public convenience or necessity would be served by issuance of an Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License at this location.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-193-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Girges Gad, with authorization of the property owner, Harbor Commercial Retail Center, LLC (Attn: Gilbert C. Rhee).
2. The applicant has requested Conditional Use Permit approval to allow a new liquor store, Hero's Liquor and Market, located at 13911 Harbor Boulevard, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License.
3. The Planning Commission hereby determines that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-2 (Community Commercial).
5. Existing land use, zoning, and General Plan designation of property within 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, 2020, 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, 2020, and;

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030 (Conditional Use Permits), are as follows:

FACTS:

The subject site, located at the northwest corner of Harbor Boulevard and Westminster Avenue, is improved with an existing multi-tenant commercial shopping center, comprised of four (4) lots with a total area of 3.6 acres. The shopping center consists of two (2) primary commercial multi-tenant buildings and a commercial restaurant pad building. The subject 1,724 square foot tenant space under application is located at the north end of the shopping center. According to Business Tax and License records, the subject tenant space was previously occupied by a check cashing business. The tenant space is currently vacant.

The subject property is located in the C-2 (Community Commercial) zone and has a General Plan Land Use Designation of Light Commercial. The shopping center is adjacent to M-1 (Light Industrial) zoned properties to the west, C-3 (Heavy Commercial) and T-C (Transportation Corridor) zoned properties across Harbor Boulevard, to the east, and commercially developed properties across Westminster Avenue, to the south, located within the City of Santa Ana.

The applicant has initiated an application with the Department of Alcoholic Beverage Control for a new original ABC Type "21" (Off-Sale, General) License. The Municipal Code requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.

The location of the new liquor store is in a high-crime district, and in an area with an even-concentration of Alcoholic Beverage Control Off-Sale Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 136.
- The crime count for the District is 211.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 118% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 890.03.
- ABC Census Reporting District No. 890.03 allows for four (4) off-sale licenses within the District. Currently, there are four (4) off-sale licenses in the District. The approval of this Conditional Use Permit will increase the number of off-sale

ABC Licenses in District 890.03 by one (1), and the total number of off-sale licenses in the District will be five (5).

PUBLIC CONVENIENCE OR NECESSITY:

Because the proposed establishment is located within a district with a high crime rate and in an area with an even-concentration of ABC licenses, pursuant to Business and Provisions Code Sections 23958 and 23958.4, ABC may not issue a new alcohol license to the applicant unless the Planning Commission determines that the public convenience or necessity would be served by issuance of the license. Although the subject site is located in an area considered to be in a high-crime district and in an area with an even-concentration of off-sale ABC licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the operation of the retail store with an ABC Type "21" (Off-Sale, General) License, which would provide and maintain an amenity that enhances the customer shopping experience and maintains the intent of being a business serving the local community. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The Conditions of Approval will minimize potential impacts to the adjoining area. Provided the Conditions of Approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Light Commercial, and is zoned C-2 (Community Commercial). The Light Commercial land use designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. Commercial retail stores, including liquor store, with retail sales of alcoholic beverages are conditionally permitted in the C-2 zone. This approval will allow the new liquor store to operate with an ABC Type "21" (Off-Sale, General) License. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. This approval will allow

the new liquor store to operate with an ABC Type "21" (Off-Sale, General) License. Standard conditions of approval for this type of ABC license have been included. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as liquor store, with ancillary beer, wine, and distilled spirit sales for off-site consumption only, the use will be compatible with the surrounding uses.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. This approval only authorizes the new liquor store to operate with an ABC Type "21" (Off-Sale, General) License with ancillary beer, wine, and distilled spirit sales for off-site consumption only. No exterior development is proposed.

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

The site is located on the west side of Harbor Boulevard, north of Westminster Avenue, which are fully developed streets that provide adequate traffic circulation and driveway access to public parking areas. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. Approval authorizing the new liquor store to operate with an ABC Type "21" (Off-Sale, General) License is not anticipated to result in a significant increase in traffic or to cause additional burdens on services facilities.

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

In addition to the foregoing, the Planning 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 Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-193-2020.

**EXHIBIT "A"**  
**Conditional Use Permit No. CUP-193-2020**

13911 Harbor Boulevard  
(Assessor's Parcel No. 100-130-72)

**CONDITIONS OF APPROVAL**

**General Conditions**

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a new 1,724 square foot liquor store with ancillary beer, wine, and distilled spirit sales for off-site consumption only with a Type "21" ABC License (Off-Sale, General), as identified on the site plan and floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

**Public Works Engineering Division**

6. The applicant shall be subject to Traffic Mitigation Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.

**Police Department**

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted from 6:00 a.m. to 2:00 a.m., seven (7) days a week. However, if problems arise where the hours of operation need to be reduced in order to minimize any problems, the operator shall change the hours of operation, as prescribed by the Police Department.
9. There shall be no customers or patrons loitering in or about the premises during store hours of operation. If the store operators decide to close the store for short periods of time, there shall be no customers or patrons on or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
12. The sale of alcoholic beverages for consumption on the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere on the site or within the premises.
13. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "21" License, shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on

Alcohol and Drugs) through the Alcoholic Beverage Control Department or an ABC approved "Responsible Beverage Service (RBS) Training" program.

14. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

### **Community and Economic Development Department**

15. Alcoholic beverages in containers of 16 ounces or less shall not be sold by single containers, and shall be sold in manufactured, pre-packaged, multiple-unit quantities.
16. No outside storage or displays shall be permitted at any time.
17. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at entrance, and shall also be visible to the public.
18. There shall be no pool tables or amusement devices on the premises at any time.
19. Any adult merchandise (books, magazines, videos) shall be kept under the control of the management, behind the cashier's counter, and must be segregated and screened from minors.
20. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
21. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week.
22. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
23. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.

24. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be a sufficient number of times per week to accommodate all uses on the site.
25. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification/application.
26. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
27. The applicant/property owner shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.
28. The applicant/property owner shall improve and maintain all existing landscaped areas on the property.
29. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
30. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows.
31. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
32. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-193-2020 shall be kept on the premises at all times.
33. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-193-2020 and his /her agreement with all conditions of the approval.
34. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of

this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.

35. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-193-2020. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited, to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
36. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
37. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-193-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.