



GARDEN GROVE

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove City Hall – 3rd Floor Training Room
11222 Acacia Parkway

Thursday, December 9, 2021

9:00 a.m.

Members of the public who wish to comment on matters before the Zoning Administrator, in lieu of doing so in person, may submit comments by emailing planning@ggcity.org no later than 3:00 p.m. the day prior to the meeting. The comments will be provided to the Zoning Administrator as part of the meeting record. Members of the public are asked to consider very carefully before attending this meeting in person and are encouraged to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

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 Comments by the Public. Each speaker 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.

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, should contact the Department of Community & Economic Development at (714) 741-5312 or email planning@ggcity.org 72 hours prior to the meeting 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 the Zoning Administrator within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) in the 3rd Floor Training Room 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 Zoning Administrator may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

1. PUBLIC HEARING ITEM(S):

a. CONDITIONAL USE PERMIT NO. CUP-213-2021

APPLICANT: Ivy Trang (A.N. Food World)

LOCATION: 9920 Garden Grove Boulevard

GARDEN GROVE ZONING ADMINISTRATOR MEETING
Garden Grove City Hall – 3rd Floor Training Room
11222 Acacia Parkway, Garden Grove, CA 92840

Meeting Minutes
Thursday, October 14, 2021

CALL TO ORDER: 9:00 a.m.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-211-2021

Applicant: Mira Mesa Lanes, LLC
Location: 12141 Valley View Street
Date: October 14, 2021

Request: To operate a new bowling alley, Valley View Lanes, LLC, with an original Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General) License. The new bowling alley will occupy 13,740 square feet of the former AMF Lanes tenant space. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-212-94, shall be revoked and become null and void. The site is in the Planned Unit Development No. PUD-104-73 (REV. 2018/2020) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): None

Action: The applicant requested to continue Conditional Use Permit No. CUP-211-2021 to a date off-calendar and proposed to introduce an amenity to the bowling alley's operation that was not previously reviewed by City staff. The item will be re-noticed and re-advertised upon selection of a new hearing date. The Zoning Administrator agreed to the continuation of the item to a date off-calendar.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-212-2021

Applicant: Mathiou and Amber Zaky
Location: 12518 Valley View Street
Date: October 14, 2021

Request: To operate a new preschool/daycare, Marley's Preschool. The site is in the PUD-102-76 (Planned Unit Development) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Mathiou Zaky, Amber Zaky, Sandra Munson

Action: The Zoning Administrator adopted Decision No. 1807-21.

Zoning Administrator Minutes

ORAL COMMUNICATIONS – PUBLIC: None

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:10 a.m.

Judith Moore, Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: South side of Garden Grove Boulevard, between Kerry Street and Galway Street, at 9920 Garden Grove Boulevard
HEARING DATE: December 9, 2021	GENERAL PLAN: RC3 (Residential / Commercial Mixed Use 3)
CASE NO.: Conditional Use Permit No. CUP-213-2021	ZONE: GGMU-3 (Garden Grove Boulevard Mixed Use 3)
APPLICANT: A.N. Food World (Ivy Trang)	CEQA DETERMINATION: Exempt - Section 15301 - Existing Facilities
PROPERTY OWNER: Jennie Kim	APN: 098-062-14

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Furai Korean Fried Chicken, located at 9920 Garden Grove Boulevard, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License.

BACKGROUND:

The subject site is developed with a multi-tenant commercial building located on the south side of Garden Grove Boulevard, between Kerry Street and Galway Street, at 9920 Garden Grove Boulevard. The site has a General Plan Land Use designation of Residential/Commercial Mixed Use 3 (RC3), and is zoned Garden Grove Boulevard Mixed Use 3 (GGMU-3). The shopping center is adjacent to GGMU-3 zoned properties to the east, west, south, and north, across Garden Grove Boulevard. The subject property is integrated into the larger shopping center between Kerry Street and Galway Street.

The specific tenant space under application is an approximately 1,045 square foot space fronting Garden Grove Boulevard, toward the northern end of the shopping center. According to Business Tax records, the subject location was previously occupied by a health food retail business. Since August 2020, however, the tenant space has been vacant. A new to-go restaurant, Furai Korean Fried Chicken, is proposing to occupy the tenant space. The applicant for the new restaurant is also requesting Conditional Use Permit approval to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.16.020.080 requires a Conditional Use Permit for the addition of a new ABC License to a restaurant.

DISCUSSION:

The restaurant tenant space has a total floor area of approximately 1,045 square feet. As was mentioned previously, the tenant space was previously occupied by a retail establishment. In July 2021, building permits were issued for tenant improvements to convert the tenant space into the subject restaurant use. The permits call for the installation of a new kitchen, food prep area, walk-in cooler, accessible restroom, and a dining area of 300 square feet with sixteen (16) seats. The dining area is limited to the maximum 300 square feet and 16 seats, so as to qualify the use as a to-go restaurant, which does not require additional parking.

Furai Korean Fried Chicken will operate as a full-service and to-go restaurant, specializing in Korean food. Beer and wine sales will be permitted only for on-site consumption. The service of beer and wine is intended to complement meals, and enhance the dine-in experience. Sales of alcohol will be incidental to the service of food. At no time shall the quarterly sales of alcohol exceed 35% of the quarterly sales of food.

Furai Korean Fried Chicken's hours of operation will be 11:30 a.m. to 9:00 p.m., Sunday to Thursday, and 11:30 a.m. to 10:00 p.m., Friday and Saturday. These hours are consistent with the City's standard operating hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 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 restaurant is located in a high-crime district, and in an area with an over-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 Decision No. 1809-21 for Conditional Use Permit No. CUP-213-2021.

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.

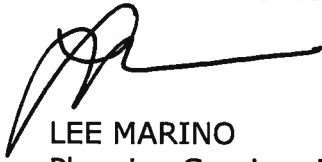
CEQA:

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The subject request for the ABC License does not expand the use of restaurant. The restaurant is a permitted use, and the addition of the ABC license does not involve the intensification or expansion of said use. Therefore, the proposed project is exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

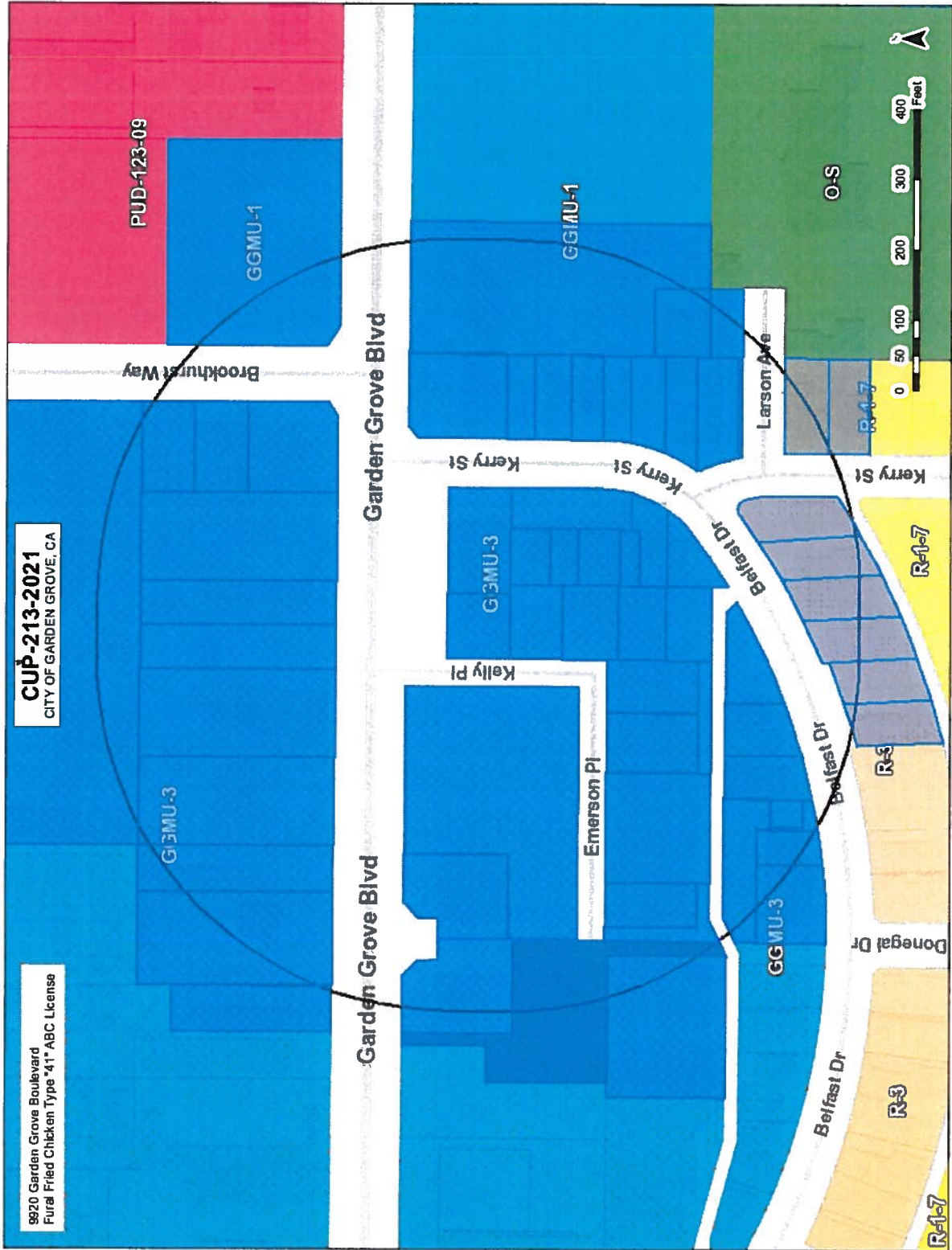
1. Adopt Decision No. 1809-21, approving Conditional Use Permit No. CUP-213-2021, subject to the recommended conditions of approval.

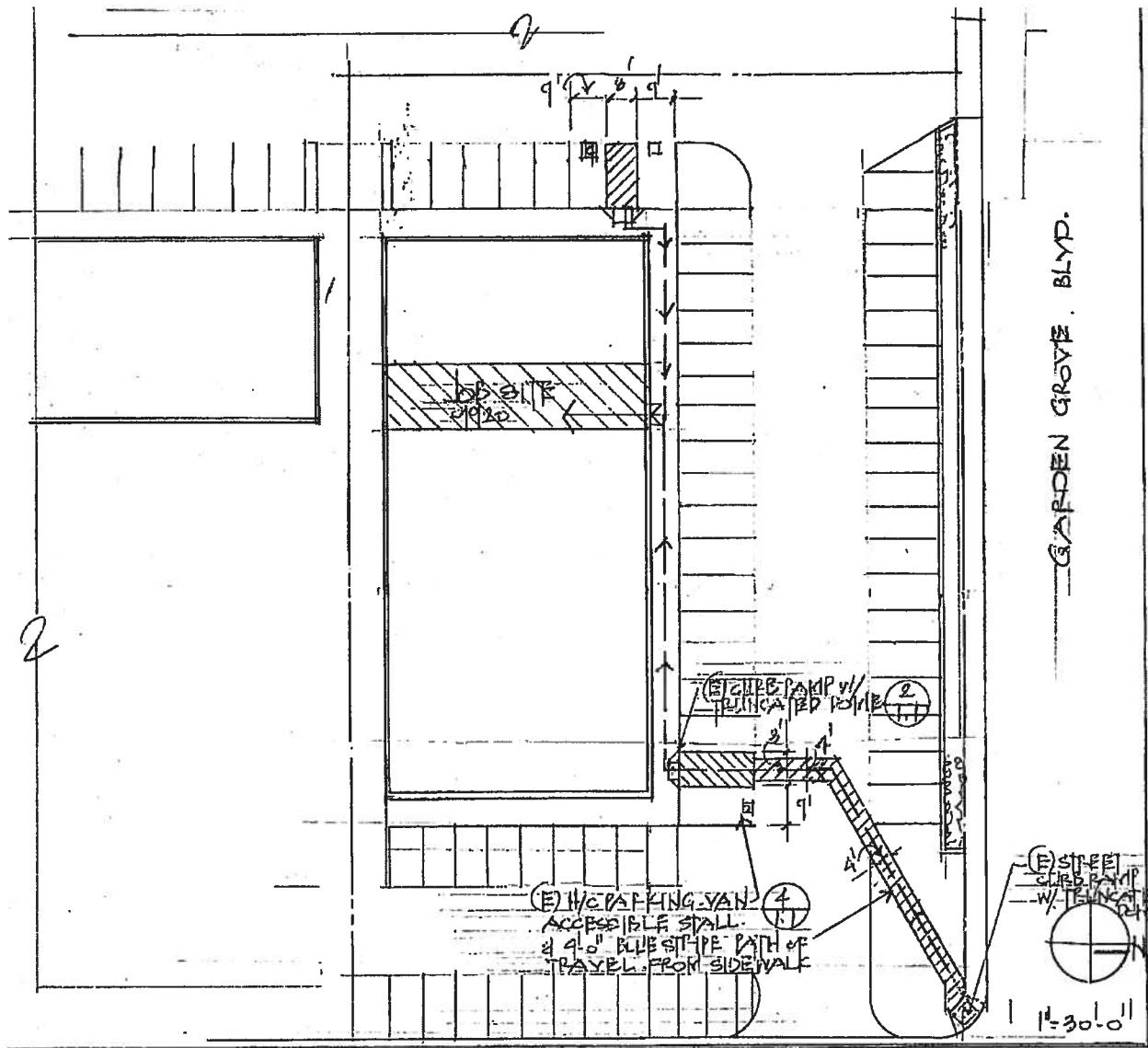


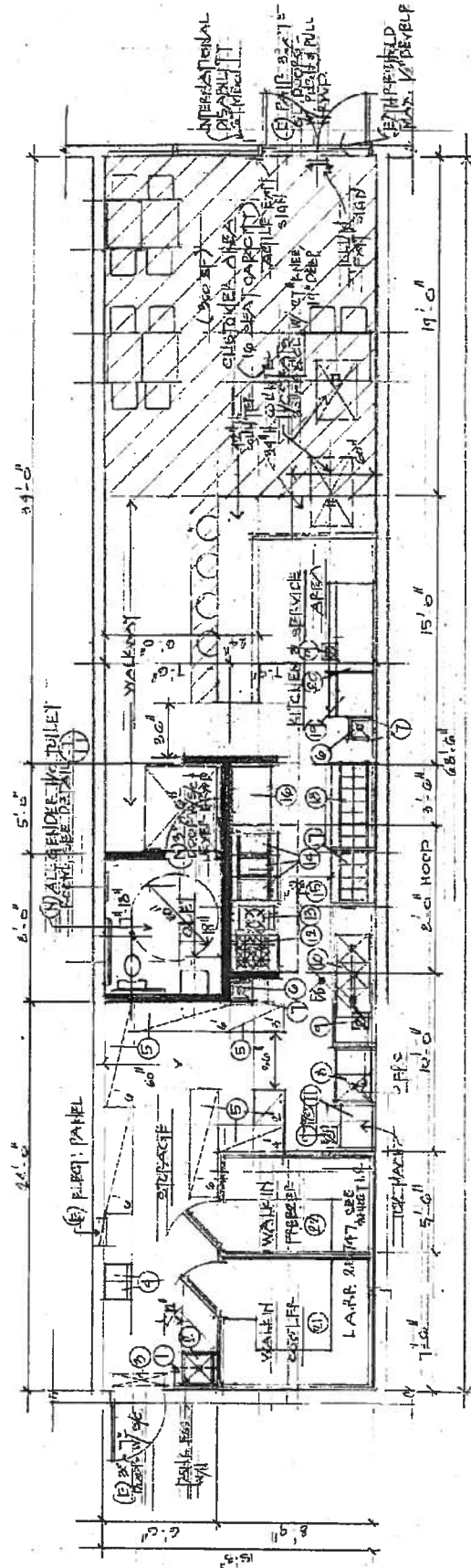
LEE MARINO
Planning Services Manager



By: Priit Kaskla
Assistant Planner







DECISION NO. 1809-21

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-213-2021 FOR PROPERTY AT 9920 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 098-062-14.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-213-2021 for property located on the south side of Garden Grove Boulevard, between Galway Street and Kerry Street, at 9920 Garden Grove Boulevard, Assessor's Parcel No. 098-062-14.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-213-2021, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Ivy Trang of A.N. Food World.
2. The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Furai Korean Fried Chicken, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Wine and Beer, Public Eating Place) License.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 3 (RC3), and is zoned Garden Grove Boulevard Mixed Use 3 (GGMU-3). The subject property is currently improved with a multi-tenant shopping center.
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 December 9, 2021, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of December 9, 2021, and

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

FACTS:

The subject site is developed with a multi-tenant commercial center located on the south side of Garden Grove Boulevard, between Kerry Street and Galway Street, at 9920 Garden Grove Boulevard. The site has a General Plan Land Use designation of Residential/Commercial Mixed Use 3 (RC3), and is zoned Garden Grove Boulevard Mixed Use 3 (GGMU-3). The shopping center is adjacent to GGMU-3 zoned properties to the east, west, south, and north, across Garden Grove Boulevard. The subject property is integrated into the larger shopping center between Kerry Street and Galway Street.

The specific tenant space under application is an approximately 1,045 square foot space fronting Garden Grove Boulevard, toward the northern end of the shopping center. According to Business Tax records, the subject location was previously occupied by a health food retail business. Since August 2020, however, the tenant space has been vacant. A new to-go restaurant, Furai Korean Fried Chicken, is currently undergoing tenant improvements to occupy the tenant space. The applicant for the new restaurant is also requesting Conditional Use Permit approval to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.16.020.080 requires a Conditional Use Permit for the addition of a new ABC License to a restaurant.

Furai Korean Fried Chicken's hours of operation will be 11:30 a.m. to 9:00 p.m., Sunday to Thursday, and 11:30 a.m. to 10:00 p.m., Friday and Saturday. These hours are consistent with the City's standard operating hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 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 restaurant is located in a high-crime district, and in an area with an over-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 145.
- Average crime count per district in the City is 91
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 59% 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 twenty-five (25) 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-six (26).

PUBLIC CONVENIENCE OR NECESSITY:

A finding for public convenience or necessity would have to be made in order to approve an establishment that is requesting a new original Alcoholic Beverage Control license that is located within a district with a high crime rate and/or in an area with an over-concentration of ABC licenses. California Business and Professions Code Section 23817.5 prohibits the ABC from issuing new alcoholic licenses in areas of over-concentration. Business and Professions Code Section 23958 states:

The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.

Business and Professions Code Section 23958.4 provides the following exception:

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within ninety (90) days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

Although the subject site is located in an area considered to be in a high-crime district and in an area with an over-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. The addition of the new ABC Type "41" License 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. 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.

Furthermore, the establishment shall provide an assortment of foods normally offered in restaurants, and the kitchen shall be open and preparing food during all hours that the establishment is open. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period. Lastly, no live entertainment, (karaoke, one-man band, solo performer, live music, etc.) including amplified music, shall be permitted on the premises.

FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use designation of Residential / Commercial Mixed Use 3 (RC3), and is zoned Garden Grove Boulevard Mixed Use 3 (GGMU-3). The Residential / Commercial Mixed Use 3 designation is intended to provide a mixture of commercial and residential uses along Garden Grove Boulevard. The Garden Grove Boulevard Mixed Use 3 zone is intended to provide for mid-scale mixed use development along Garden Grove Boulevard that transition between existing low-density residential neighborhoods, and larger-scale mixed-use nodes. In particular, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

Policy LU-1.3 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations. The subject restaurant is located on Garden Grove Boulevard, in an area already developed with restaurant, retail, and other commercial services. The subject restaurant, with the proposed service of alcohol, can further enhance the commercial district.

Goal LU-4 The City seeks to develop uses that are compatible with one another. The proposed use is a restaurant with the incidental service of alcohol. The location of the restaurant is in a previously developed commercial center, with a variety of uses. Directly adjacent to the subject use are retail, restaurant, and personal service uses. Restaurant uses are compatible with these uses, and other lighter, commercial uses. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with other commercial uses.

Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community. Restaurant uses, in a variety of different cuisines and services, can enhance the vitality of the City's commercial centers. The proposed Conditional Use Permit would allow for the service of alcohol at a new restaurant, Furai Korean Fried Chicken. The

service of alcohol is intended to enhance the dining experience at the restaurant. This enhances the community, by providing another unique dining opportunity.

Policy LU-6.2 Encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the needs of area's present and potential clientele. The subject request for a Conditional Use Permit allowing the service of alcohol at Furai Korean Fried Chicken would add a new use to a major commercial corridor. The area surrounding the subject restaurant already features a wide variety of commercial uses. With the subject request, the proposed use will further enhance the variety of uses in the area. By providing a vast variety of commercial uses, the shopping center, and the Garden Grove Boulevard commercial corridor can become more resilient to any future demands.

Goal ED-2 The City must attract new businesses, while supporting and assisting those already located within Garden Grove. The proposed Conditional Use Permit is intended to enhance the dining experience at a new restaurant, Furai Korean Fried Chicken. Should the Conditional Use Permit be approved, the City is providing new businesses all the resources they need to be successful.

SAF-IMP-2C Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity. The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes, and promote the safe operation of the restaurant. No concerns were raised by the Police Department regarding the addition of an ABC License to the restaurant, and are therefore supportive of the Conditional Use Permit request.

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 conditions of approval can minimize potential impacts to the adjoining area. Hours of operation will be limited to between 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. Limitations on the hours of alcohol sales can limit any impacts on the surrounding area.

The use will not unreasonably interfere with the use, enjoyment, or valuation

of other property 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 full service restaurant, with ancillary beer and wine sales for on-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. No modifications are required to any of the existing site development features on site. This includes any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The subject tenant space has been occupied by a retail use since 1998. The subject tenant space is currently undergoing tenant improvements to convert the space into a restaurant use. Once the permitted modifications are complete, the space will be of adequate size to accommodate the proposed use within the surrounding area.

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 at the south side of Garden Grove Boulevard, between Kerry Street and Galway Street. The commercial center is adequately accessed by three (3) driveways along Garden Grove Boulevard, one (1) driveway along Kerry Street, and two (2) driveways along Galway Street. On-site circulation is adequate to serve all the uses in the commercial center. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, no changes are proposed for the design and function of the subject restaurant, or shopping center. Therefore, the site will continue to be adequately served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator 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-213-2021.

Dated: December 9, 2021

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-213-2021

9920 Garden Grove Boulevard

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, 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 each of the following: the project applicant, Ivy Trang of A.N. Food World, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. 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. 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. This Conditional Use Permit only authorizes the operation of a 1,045 square foot restaurant with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License as identified on the 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. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. 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.

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

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 only between the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. The hours of operation shall be applicable to the entire premises. 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 due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
9. There shall be no customers or patrons in 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. The sale of alcoholic beverages for consumption off of the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere outside of the establishment at any time.
12. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
13. 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.

Conditional Use Permit No. CUP-213-2021
Conditions of Approval

14. The applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the restaurant can be clearly seen and identified by an observer at all times. Low-level lighting that does not enable an observer to clearly see and identify individuals inside the restaurant is prohibited.
15. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
16. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
17. No employee or agent shall, be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
19. 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.
20. In the event that the 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 Planning Commission for review or further consideration.
21. 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

22. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) 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.

23. At all time when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the quarterly gross sales of food.
24. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.
25. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
26. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
27. 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.
28. There shall be no live entertainment, dancing, karaoke, or disc jockey (DJ) entertainment permitted on the premises at any time. Amplified background music emitted from a jukebox or other amplified stereo system may be permitted to enhance the dining experience, but the sound emitted from the premises shall not be audible outside of the establishment.
29. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
30. There shall be no amusement devices permitted on the premises at any time.
31. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
32. 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.

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33. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
34. 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.
35. 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 three (3) times a week.
36. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
37. 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.
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.

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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 Services Division. No advertising material shall be placed thereon.
42. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
43. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
44. 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. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
45. 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.
46. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-213-2021 shall be kept on the premises at all times.
47. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-213-2021 and his/her agreement with all conditions of the approval.
48. 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.
49. 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.
50. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents

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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-213-2021. 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.

51. 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-213-2021 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.
52. 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.
53. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.b.	SITE LOCATION: North side of Garden Grove Boulevard, between 8 th Street and 9 th Street, at 11421 Garden Grove Boulevard and 12931 9 th Street
HEARING DATE: December 9, 2021	GENERAL PLAN: Civic Center Mixed Use
CASE NO.: Variance No. V-035-2021	ZONE: CC-1 (Civic Center East)
APPLICANT: Cottage Industries, LLC	CEQA DETERMINATION: Exempt
PROPERTY OWNERS: Cottage Industries, LLC and the Garden Grove Housing Authority	APN: 090-174-07 and 090-174-11

REQUEST:

The applicant, Cottage Industries, LLC, requests Variance approval to 1) allow a 150 square foot addition to an existing building, located at 12931 9th Street, to encroach into the required 15'-0" front and 5'-0" interior side setback areas to accommodate a new trash enclosure, and 2) allow a 6'-0" tall block wall, located at 11421 Garden Grove Boulevard, to encroach into the required 15'-0" front and 7'-0" side street setback areas to secure and enhance the privacy to the Cottage Industries Farm Block project. The proposed improvements are integral to the operation of the Farm Block project.

BACKGROUND:

The subject project parcels are part of the Cottage Industries Farm Block project located on the north side of Garden Grove Boulevard, between 8th Street and 9th Street. The parcels are located in the Civic Center area and have a General Plan Land Use designation of Civic Center Mixed Use and are zoned CC-1 (Civic Center East).

The applicant is the developer of the Cottage Industries project, which is a unique commercial development that will revitalize, preserve, and repurpose existing residential buildings in the Civic Center area into commercial and retail uses operated by local independent operators and artisans. The project will be pedestrian-friendly, and will incorporate outdoor space that will serve as a communal area for dining and gatherings, art, entertainment. The land use approvals for the Cottage Industries Farm Block project have been granted, and below is a history of the approvals:

In 2016, the City Council adopted Resolution No. 9353-16 approving a Disposition and Development Agreement ("DDA") with LAB Holding, LLC to develop the Cottage Industries Project. In addition, the City Council adopted Resolution No. 9354-16 approving a lease and sublease agreement for five unimproved parcels owned by the City of Garden Grove and the Garden Grove Housing Authority for the developer to facilitate the Cottage Industries Project.

In 2018, Site Plan No. SP-045-2018 was approved and authorized the construction of the Cottage Industries Farm Block project on eight (8) properties, with a total combined net lot area of 66,064 square feet, located at 12951 7th Street; 12932 and 12942 8th Street; 12931 and 12941 9th Street; 11421, 11461 and 11301 Garden Grove Boulevard. The project includes: (I) the conversion of four (4) existing residential structures and two (2) existing accessory structures to commercial restaurant and retail uses (12932 8th Street, 12931 9th Street, and 12941 9th Street) ; (II) the construction of two (2) new commercial buildings with a combined square footage of approximately 2,284 square feet to accommodate a communal lounge area, a restaurant, restrooms, and storage facility for the project (12932 8th and 11421 Garden Grove Boulevard); (III) the construction of accessory trellis and patio shade structures within the development with a combined square footage of approximately 4,900 square feet; (IV) and the conversion of two unimproved parcels (12951 7th Street and 11301 Garden Grove Boulevard) into a surface parking lot to serve the development.

Concurrently, the City also approved Conditional Permit No. CUP-121-2018 to allow for the outdoor sales/consumption of alcohol within the outdoor communal area of the development and outdoor entertainment; Conditional Use Permit No. CUP-122-2018 to allow a new restaurant, located at 12932 8th Street, to operate with an Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) license; and Conditional Use Permit No. CUP-123-2018 to allow a new restaurant, located 12941 9th Street, to operate with an Alcoholic Beverage Control (ABC) Type "47" (On-sale, General, Public Eating Place) license and entertainment.

In September 2021, a Minor Modification to Site Plan No. SP-045-2018 was approved to change the use and site plan design of the parcel located at 11461 Garden Grove Boulevard from an outdoor communal area to a parking lot.

In November 2021, building permits were issued to the applicant to commence demolition work and construction on the Farm Block project.

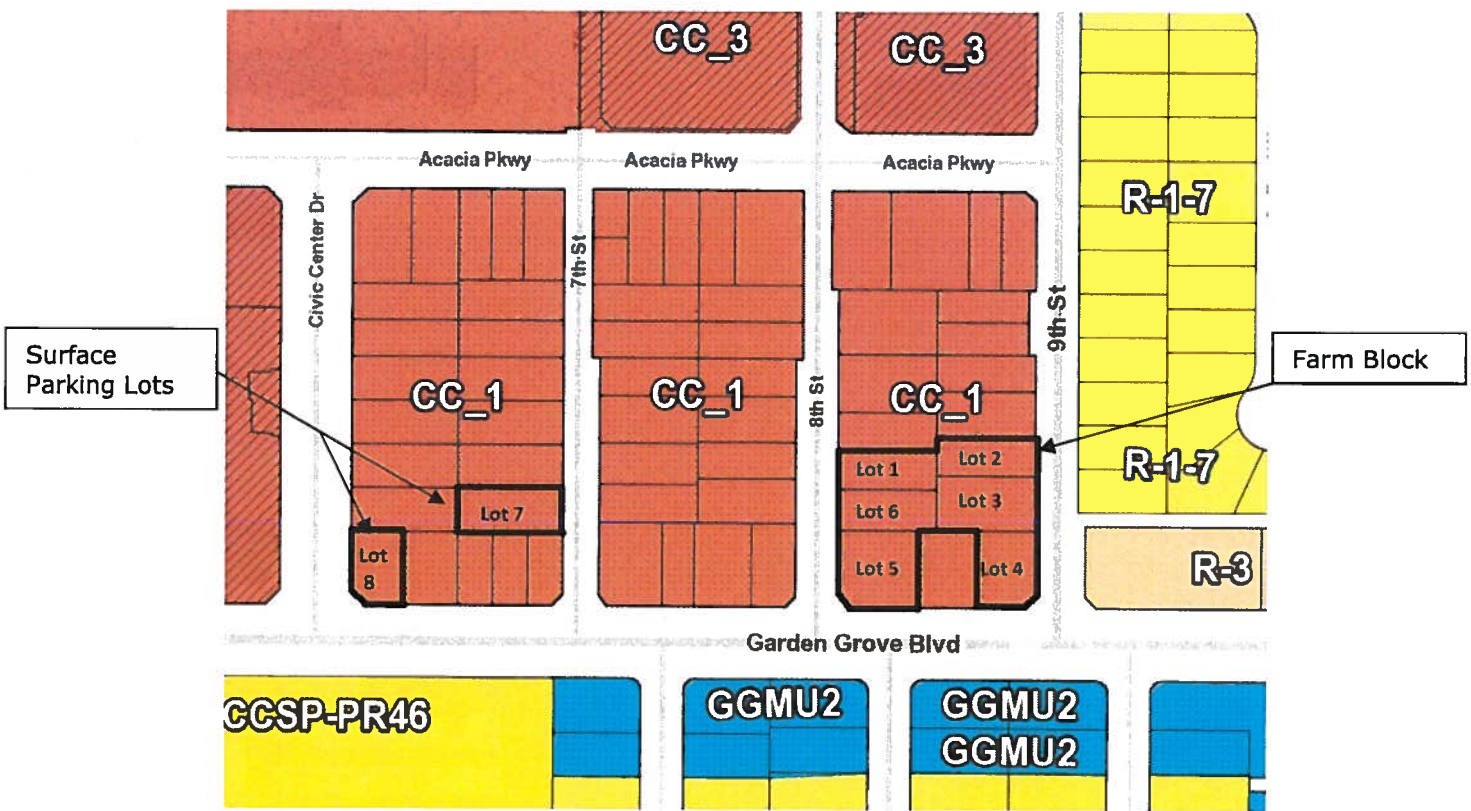
The applicant now proposes additional modifications to enhance the operation of the Farm Block project that require Variance approval. The applicant requests approval of a Variance to 1) allow a building addition to an existing structure, located at 12931 9th Street, to encroach into the required 15'-0" front and 5'-0" interior side setback areas to accommodate a new trash enclosure area, and 2) allow a new 6'-0" tall block wall, located at 11421 Garden Grove Boulevard, to encroach into the

required 15'-0" front and 7'-0" side street setback areas to secure, minimize noise, and enhance the privacy to the development from Garden Grove Boulevard. The proposed improvements are integral to the operation of the Cottage Industries Farm Block project.

DISCUSSION:

The subject parcels associated with the Variance request are located at 12931 9th Street and 11421 Garden Grove Boulevard. Figure 1 illustrates the location of the Farm Block project, and the parcels associated with the development. Lot 2 and Lot 5 represent the location of the subject parcels, 12931 9th Street (Lot 2) and 11421 Garden Grove Boulevard (Lot 5).

Figure 1: Farm Block Area Map
(outlined in bold)



The subject parcel at 12931 9th Street (Lot 2) is owned by the applicant and is improved with an existing residence and detached garage that will be converted into a restaurant, office, and retail food use. The parcel at 11421 Garden Grove Boulevard (Lot 5) is owned by the Garden Grove Housing Authority and is currently leased to the applicant, who intends to use the parcel as a community garden. The subject parcels are located in the CC-1 zone, which is a mixed-use zone developed

primarily with residential uses. The Farm Block project is the first commercial development entitled in the CC-1 zone.

The applicant proposes certain improvements to enhance the operation of the project that requires Variance approval. The applicant requests Variance approval to allow an addition to the existing structure, at 12931 9th Street, to encroach into the required 15'-0" front and 5'-0" interior side setback areas to accommodate a new trash enclosure area, and to allow a 6'-0" tall block wall, located at 11421 Garden Grove Boulevard, to encroach into the required 15'-0" front and 7'-0" foot side street setback areas to secure, minimize noise, and enhance the privacy to the development. The proposed improvements are integral to the operation of the Cottage Industries Farm Block project.

Building Addition

The subject parcel at 12931 9th Street is currently improved with a one-story, 1,173 square foot, single-family home with a detached 340 square foot garage constructed in 1949. The single-family home will be converted into a restaurant and an office use, while the detached garage will be converted into a retail food use. The applicant proposes to construct a 150-square foot trash enclosure designed as an attached addition to the front of the building to provide convenient access to employees and to the trash company for trash pick-up. The opening to the trash enclosure will be located on the northerly side of the addition. Individual commercial trash containers will be used instead of the typical commercial trash bins.

The trash enclosure will be designed to be architecturally compatible with the existing structure, and will maintain the same roof style and exterior finishes. The existing structure is developed with a 29'-6" front setback and a 4'-7" interior side setback along the northerly property line.

As part of the 2018 land use approval for the Farm Block project, the project was required to dedicate 10'-0" of the property along 9th Street to provide an ultimate half-road right-of-way width of 40'-0" for future street improvements. With the proposed street dedication, the structure's front building setback will be reduced from 29'-6" to 19'-6".

The CC-1 zone establishes the front building setback at 15'-0" and the interior side setback at 5'-0". Due to the 10'-0" street dedication and the 15'-0" front setback as measured from the new property line, after the street dedication, the parcel will not have sufficient land area to construct a trash enclosure at the front of the property that complies with the required front setback. A Variance is required to allow the applicant to construct the trash enclosure at the front of the property designed to comply with the City's minimum trash enclosure standard. The trash enclosure dimensions are 15'-6" wide by 10'-0" deep. Due to the 10'-0" depth, the

trash enclosure will encroach 4'-3" into the front setback, and will maintain a 9'-9" front setback from the new property line location.

Nevertheless, it should be noted that while a 10'-0" street dedication is required for the property, full street improvements along 9th Street are not required, and the developer is required to maintain and landscape the 10'-0" portion of the right-of-way. Visually, since there will be no demarcation of where the new property line will be located, the building addition will maintain a contiguous and unobstructed a 19'-9" setback from the interior edge of the sidewalk.

In addition, the existing structure is developed with an interior side setback of 4'-7", which is less than the 5'-0" setback required by the CC-1 zone. The proposed building addition will be constructed with the same 4'-7" interior side setback as the existing structure, which will integrate seamlessly with the design and setback of the existing building. The 4'-7" building setback is sufficient in width to allow adequate access to the trash enclosure by employees, and to allow access during trash pick-up.

Block Wall

The CC-1 zone establishes the street setback along Garden Grove Boulevard at 7'-0", and the street setback along 8th Street at 15'-0" feet. The subject parcel at 11421 Garden Grove Boulevard is a reserve corner lot, and based on the configuration of the lot, the front of the parcel is located on 8th Street, and the side of the parcel is located on Garden Grove Boulevard. The parcel has been used as a community garden by the City of Garden Grove, and the proposed project will continue to utilize the parcel as a community garden and an outdoor communal area.

Currently, the parcel is improved with a 4'-0" chain link fence that has a zero setback to the front and side street property lines. The chain link fence will be removed and will be replaced with a new perimeter fence. The perimeter fence includes a new 42-inch hog wire fence that will be installed along 8th Street, outside of the 15'-0" setback area, and a new 6'-0" tall block wall that will be installed along the Garden Grove Boulevard property line. The proposed block wall will encroach into the required front and side street setback areas. The block wall will serve as a security fence as well as a privacy and sound attenuation wall to buffer the project from vehicle traffic noise generated from Garden Grove Boulevard.

The General Plan Noise Element identifies vehicular traffic as the dominate noise source in the City. Major arterials are one of the sources that contribute to the traffic noise. Garden Grove Boulevard is a major arterial with six lanes and a posted speed limit of 40 miles per hours (mph) adjacent to the project site. Since the project offers communal outdoor area for dining, gathering, art, and entertainment, a block wall along Garden Grove Boulevard will ensure that the

project offers a pleasing outdoor environment to its patrons that is secured, that offers privacy, and that offers minimal noise disruption caused by traffic noise.

The proposed block wall will maintain a 1'-0" setback from Garden Grove Boulevard and a 4'-1 1/2" setback from 8th Street. The proposed setbacks will allow for landscaping and clinging vines to be installed along the exterior street side of the wall to deter graffiti.

In addition, the subject parcel shares the easterly property line with an adjacent parcel, at 11441 Garden Grove Boulevard, that is developed with a perimeter fence consisting of a 36-inch wrought iron fence with pilasters within the front setback, and a 6'-0" tall block wall along the interior side setback. A condition of approval has been included that requires the developer to work with the adjacent property owner(s) in designing and constructing the proposed block wall along the shared property line to avoid having double walls. In addition, the location of the proposed block wall within the side street setback area will not obstruct the line-of-sight of the existing driveway of the 11441 Garden Grove Boulevard property since the driveway is located on the opposite side of the property, along the easterly frontage on Garden Grove Boulevard.

Variance

Variance approval is required to facilitate the modifications to the Farm Block as proposed by the applicant. The Variance will allow a building addition to 12931 9th Street, to encroach into the required 15'-0" front and 5'-0" interior side setback areas to accommodate a new trash enclosure area, and to allow a 6'-0" tall block wall, located at 11421 Garden Grove Boulevard, to encroach into the required 15'-0" front and 7'-0" foot side street setback areas to secure, minimize noise, and enhance the privacy to the development along Garden Grove Boulevard. The proposed improvements are integral to the operation of the Cottage Industries Farm Block project.

The Community and Economic Development Department are in support of the Variance, and the proposed reasons supporting the five (5) variance findings required pursuant to State law and Garden Grove Municipal Code Section 9.32.030.D.6 are included in the attached Decision and as set forth below:

Exceptional Circumstances: Yes

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

There are exceptional or extraordinary circumstances pertaining to the site that warrants approval of a Variance. The subject parcels are part of the Cottage Industries Farm Block project, which was granted land use entitlements in 2018 to facilitate the conversion of existing single-family homes and accessory structures into commercial restaurant and retail uses. The parcel at 12931 9th Street is owned by the applicant and is developed with an existing residential home and detached garage that will be converted into a restaurant, office, and retail food use. The parcel at 11421 Garden Grove Boulevard is owned by the Garden Grove Housing Authority and is currently leased to the applicant who will continue to use the parcel as a community garden and outdoor space. The subject parcels are located in the CC-1 zone, which is a mixed-use zone developed primarily with residential uses. The Cottage Industries Farm Block project is the first commercial development entitled in the CC-1 zone. In order to enhance the operation of the Farm Block project, two Variances are requested to 1) allow a building addition to the existing structure at 12931 9th Street to encroach into the required 15'-0" front and 5'-0" interior side setback areas to accommodate a new trash enclosure area, and 2) to allow a 6'-0" tall block wall, located at 11421 Garden Grove Boulevard, to encroach into the required 15'-0" front and 7'-0" interior side street setback areas to secure, minimize noise, and increase privacy to the development from Garden Grove Boulevard. The proposed improvements are integral to the operation of the Farm Block project.

Building Addition

The CC-1 zone requires building structures to observe a front setback of 15'-0" and a side setback of 5'-0". The parcel at 12931 9th Street is currently developed with a single-family home with a detached garage that was constructed in 1949. The residential structure is currently developed with a 29'-6" front setback, and a 4'-7" interior side setback along the northerly property line.

As part of the Farm Block project, the residential structure will be converted into a restaurant and office use, while the garage will be converted into a retail food use. The 2018 conditions of approval require the project to dedicate 10'-0" of the property along 9th Street to provide an ultimate half-road right-of-way width of 40'-0" for future street improvements. With the proposed street dedication, the structure will maintain a 19'-6" front setback from the new property line. As part of the operation of the Farm Block project, the applicant proposes to construct a new 150 square foot trash enclosure as an attached addition to the front of the building to provide convenient access to the trash area for employees and to the trash company during trash pick-up.

Nevertheless, while a 10'-0" street dedication is required for the property, full street improvements along 9th Street are not required, and the developer is required to maintain and landscape the 10'-0" portion of the right-of-way. Visually, since there will be no demarcation of where the new property line is located, the building addition

will maintain a contiguous and unobstructed 19'-9" setback from the interior edge of the sidewalk.

Also, the proposed addition will encroach 4'-3" into the 15'-0" front setback area, and 5-inches into the 5'-0" interior side setback area, which requires Variance approval. The location of the new trash enclosure area meets the operational needs of the project by providing greater and more convenient access to both employees and the trash company. In addition, the trash enclosure is designed to comply with the City's trash enclosure standard, and will be designed to be architecturally compatible with the style of the existing structure, including roof style and exterior finish.

Block Wall

The Cottage Industries project has street frontage along 9th Street, 8th Street, and Garden Grove Boulevard. Ninth (9th) Street is considered a secondary arterial, 8th Street is a local residential street, while Garden Grove Boulevard is a major arterial. According to the General Plan Noise Element, the City of Garden Grove's noise environment is dominated by vehicle traffic noise, including noise from major arterial streets, such as Garden Grove Boulevard. To secure, to minimize noise impacts, and to enhance privacy to the Farm Block project from Garden Grove Boulevard, a new 6'-0" tall block wall is proposed to be installed along the Garden Grove Boulevard property line on the parcel at 11421 Garden Grove Boulevard. A Variance is required to allow a portion of the block wall to encroach into the required 15'-0" front yard setback area, and the 7'-0" foot side street setback area.

The CC-1 zone establishes the street setback along Garden Grove Boulevard at 7'-0" feet, and the street setback on 8th Street at 15'-0". The subject parcel is a reserve corner lot, and based on the configuration of the lot, the front of the property is located along 8th Street, and side of the parcel is located along Garden Grove Boulevard. The parcel has been used as a community garden by the City of Garden Grove, and the proposed project will continue to utilize the parcel as a community garden and an outdoor communal area. Currently, the parcel is improved with a 4'-0" chain link fence that has a zero setback to the front and side street property lines. The chain link fence will be removed and will be replaced with a new perimeter fence. The perimeter fence includes a new 42-inch hog wire fence that will be installed along 8th Street, outside of the 15'-0" setback area, and a new 6'-0" tall block wall that will be installed along the Garden Grove Boulevard property line. The proposed block wall will encroach into the front 15'-0" setback area by 10'-3", and into the 7'-0" side street setback area by 6'-0". The block wall will serve as a security fence as well as a privacy and sound attenuation wall to buffer the project from vehicle traffic noise generated from Garden Grove Boulevard. The proposed block wall will minimizing traffic noise to the project site from Garden Grove Boulevard, and will also secure and provide privacy to the project site, which will enhance the outdoor communal area and outdoor activities enjoyed by patrons.

Substantial Property Right: Yes

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

The granting of the Variance will not give the property owner a special privilege over other property owners in the area. There are several properties in the CC-1 zone with building setbacks and block wall heights that are similar to those proposed by the applicant.

Building Addition

The CC-1 zone requires a 15'-0" setback along 9th Street, and a 5'-0" interior side setback. The Farm Block Project is required to provide a 10'-0" street dedication along 9th Street as part of the conditions of approval to develop the project. The proposed Variance will allow a building addition for a new trash enclosure to encroach into the front setback area, which will maintain a similar front setback enjoyed by other parcels in the CC-1 zone. The parcel at 12941 9th Street, which is south of the subject parcel at 12921 9th Street and is also part of the Farm Block project, is developed with a structure that will maintain a 10'-3" front setback from the new property line location after the street dedication. Similarly, the residential parcel north of the subject parcel, at 12921 9th Street, currently has an approximately 10'-0" setback from the ultimate right-of-way on 9th Street. While no street dedication has been required for this parcel, all setbacks are measured from the ultimate right-of-way. The proposed Variance will allow the subject parcel to develop an attached trash enclosure to serve the Farm Block Project from a location that is more convenient for employee use and for trash pick-up.

In addition, the building is developed with an interior side setback of 4'-7", which is less than the 5'-0" interior setback required by the CC-1 zone. The proposed Variance will allow the building addition to continue with the same interior side setback of 4'-7". Nevertheless, there are several properties in the CC-1 zone that are developed with building structures that have an interior side setback of less than 5 feet, including the properties at 12921 9th Street, 11324, 11334, and 11342 Acacia Parkway.

Block Wall

The proposed Variance will allow a block wall to encroach into the 15'-0" front setback area, and the 7'-0" side setback area to secure the Farm Block project, and to enhance privacy and minimize noise. There are several properties in the area that are developed with existing perimeter fences that encroach into the required setbacks similar to the Variance request. The parcel at 11461 Garden Grove Boulevard, which will serve as a parking lot for the Farm Block project, is currently developed with a

6'-0" tall security fence that has a zero setback along the Garden Grove Boulevard and the 9th Street property lines. The fence, which is designed of wrought iron and masonry block pilasters is similar in height and also encroaches into the required front and side street setbacks as the proposed block wall.

Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in the same zone. Therefore, approval of a Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same vicinity and zone.

Materially Detrimental: No

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

The approval of the Variance will not be materially detrimental to the public welfare or injurious to the structure or to the future occupants.

Building Addition

The proposed Variance will allow a non-habitable trash enclosure building addition, at 12931 9th Street, to encroach into the front 15'-0" setback area and into the 5'-0" interior side setback area. The trash enclosure will maintain a 9'-9" front setback from the new property line location, after the street dedication, on 9th Street, and an interior setback of 4'-7". While the trash enclosure addition will have a 9'-9" front setback, the habitable portion of the building will continue to maintain a 19'-6" setback from the new property line. The location of the trash enclosure is intended to enhance the operation of the project by constructing the trash enclosure in an area that provides convenient access to employees and to the trash company for pick-up. Nevertheless, while a 10'-0" street dedication is required for the property, full street improvements along 9th Street are not required as part of the development of the Farm Block project, and there are no plans of when the City will commence the street widening of 9th Street. The developer is required to continue to maintain and landscape the 10'-0" portion of the right-of-way. Since there will be no demarcation of where the right-of-way begins on 9th Street, visually, the building addition will maintain a contiguous and unobstructed 19'-9" setback from the interior edge of the sidewalk. The 19'-9" setback from the edge of the sidewalk will continue to remain until 9th Street is widened in the future.

Furthermore, the interior side setback of the building addition will continue to maintain the same 4'-7" setback as the existing structure. The 4'-7" building setback is sufficient in width to allow adequate access to the trash enclosure by employees, and to allow access during trash pick-up.

Block Wall

The General Plan Noise Element identifies vehicular traffic noise from major arterials as one of the sources that contributes to Garden Grove's noise environment. Garden Grove Boulevard is a major arterial with six lanes and a posted speed limit of 40 miles per hours (mph) adjacent to the project site. The proposed block wall will serve as a security fence as well as a privacy and sound attenuation wall to buffer the project from vehicle traffic noise generated from Garden Grove Boulevard. Since the project offers communal outdoor area for dining, gathering, art, and entertainment, a block wall along Garden Grove Boulevard will ensure that the project offers a pleasing outdoor environment that is secured, that offers privacy, and that provides for minimal noise impacts from traffic noise. The block wall location has been reviewed by the City's Engineering Division to ensure that adequate vehicular line-of-sight is maintained. In addition, the location of the proposed block wall within the side street setback area will not obstruct the line-of-sight to the existing driveway of the adjacent parcel at 11441 Garden Grove Boulevard since the driveway is located on the opposite side of the property, along the easterly frontage on Garden Grove Boulevard

Adverse Effect on the General Plan: No

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

Granting of this Variance will not adversely affect the General Plan. The proposed Variance will allow the developer to incorporate additional building features to the Farm Block Project to enhance its operation. The parcels have a General Plan Land Use designation of Civic Center Mixed Use. The Civic Center Mixed Use is intended to provide a mix of civic, institutional, commercial, higher density residential, and open space uses. With approval of the Variance, the project will continue to be consistent with the goals and policies of the General Plan Land Use and Community Design Elements. Policy LU-6.2 encourages a mix of retail shops and services to better meet the needs of the area's present and potential clientele and Policy LU-6.4 encourages the City to work with property owners to revitalize deteriorated properties.

The proposed Variances will allow a new trash enclosure area and block wall to encroach into the required setbacks in order to enhance the operation of the Farm Block project. The new trash enclosure location will provide convenient access to employees and to the trash company during trash pick-up. The new block wall will secure the project along Garden Grove Boulevard, and will also serve to buffer traffic noise to the project and to enhance privacy. These improvements are integral to the operation of the project. The Variances will continue to allow the developer to revitalize, preserve, and repurpose existing residential buildings in the Civic Center

area to facilitate the development of Cottage Industries Farm Block project, which will incorporate restaurant and retail commercial uses.

Therefore, granting of this Variance is in keeping with the spirit and intent of the General Plan.

Grant of Special Privileges: No

5. The approval of the Variance is subject to such conditions as will assure that it does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Granting on this Variance will not constitute the granting of special privileges inconsistent with the limitations upon other properties in the vicinity and in the CC-1 zone. As previously stated, there are similar properties in the CC-1 zone developed with existing building structures that encroach into the required front and interior side setback areas, as well as properties developed with perimeter walls that exceed the maximum allowed height within the required side street setback.

The proposed building addition at 12931 9th Street will accommodate a new trash enclosure that will encroach into the required 15'-0" front and 5'-0" interior side setback areas, and will maintain a 9'-9" front setback, from the new property line, and a 4'-7" interior side setback. Two adjacent parcels, located at 12941 9th Street and 12921 9th Street, are developed with existing building structures with a reduced front setback of approximately 10'-0" as measured from the ultimate right-of-way on 9th Street, which is a similar to the front building setback proposed by the applicant.

In addition, the existing building structure was developed with an interior side setback of 4'-7", and the proposed building addition will continue to maintain that same 4'-7" setback, which is sufficient in width to allow for adequate access to the trash enclosure. There are also several properties in the CC-1 zone that are developed with structures that have an interior side setback of less than 5'-0", including the properties at 12921 9th Street, 11324, 11334, and 11342 Acacia Parkway.

The proposed block wall at 14421 Garden Grove Boulevard will encroach into the required front and side street setbacks. There are several properties in the area that are developed with existing perimeter fences that encroach into the required setbacks. The parcel at 11461 Garden Grove Boulevard, which is part of the Farm Block project and will serve as a parking lot, is currently developed with a 6'-0" tall security fence that has a zero setback along both the Garden Grove Boulevard and 9th Street property lines. The subject parcel existing perimeter fence, which is designed as a 4'-0" chain link fence, will be removed and will be replaced with a new perimeter

fence. The perimeter fence includes a new 42-inch hog wire fence that will be installed along 8th Street, outside of the 15'-0" setback area, and a new 6'-0" tall block wall that will be installed along the Garden Grove Boulevard property line, which is similar to the location of the existing fence.

Pursuant to the Conditions of Approval, the rights granted pursuant to the Variance will continue in effect for only so long as the proposed improvements are constructed in conjunction with the Cottage Industries Farm Block project, and the structures will remain similar in size, orientation, and location as depicted on the architectural and site plans provided to the Zoning Administrator. In the event the necessary building and other permit or permits for such structures are not obtained within one year of approval of V-035-2021 (or the length of any extension approved by the City), the structures are not constructed within the time allowed under such building permit(s), or such structures are demolished and not re-established within one year of demolition, the Variance shall cease to be effective or grant the property owner any rights to construct other improvements inconsistent with the then-currently applicable development standards. As part of the conditions of approval, the variance approval will become null and void if the improvements contemplated and facilitated by the Variance are not constructed or are demolished at a later time. Therefore, the granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

California Environmental Quality Act

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 5, Minor Alterations in Land Use Limitations (CEQA Guidelines §15305), and Review for Exemption (CEQA Guidelines §15061(b)(3)) as set forth in the attached Notice of Exemption.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1810-21 approving Variance No. V-035-2021, subject to the recommended Conditions of Approval.



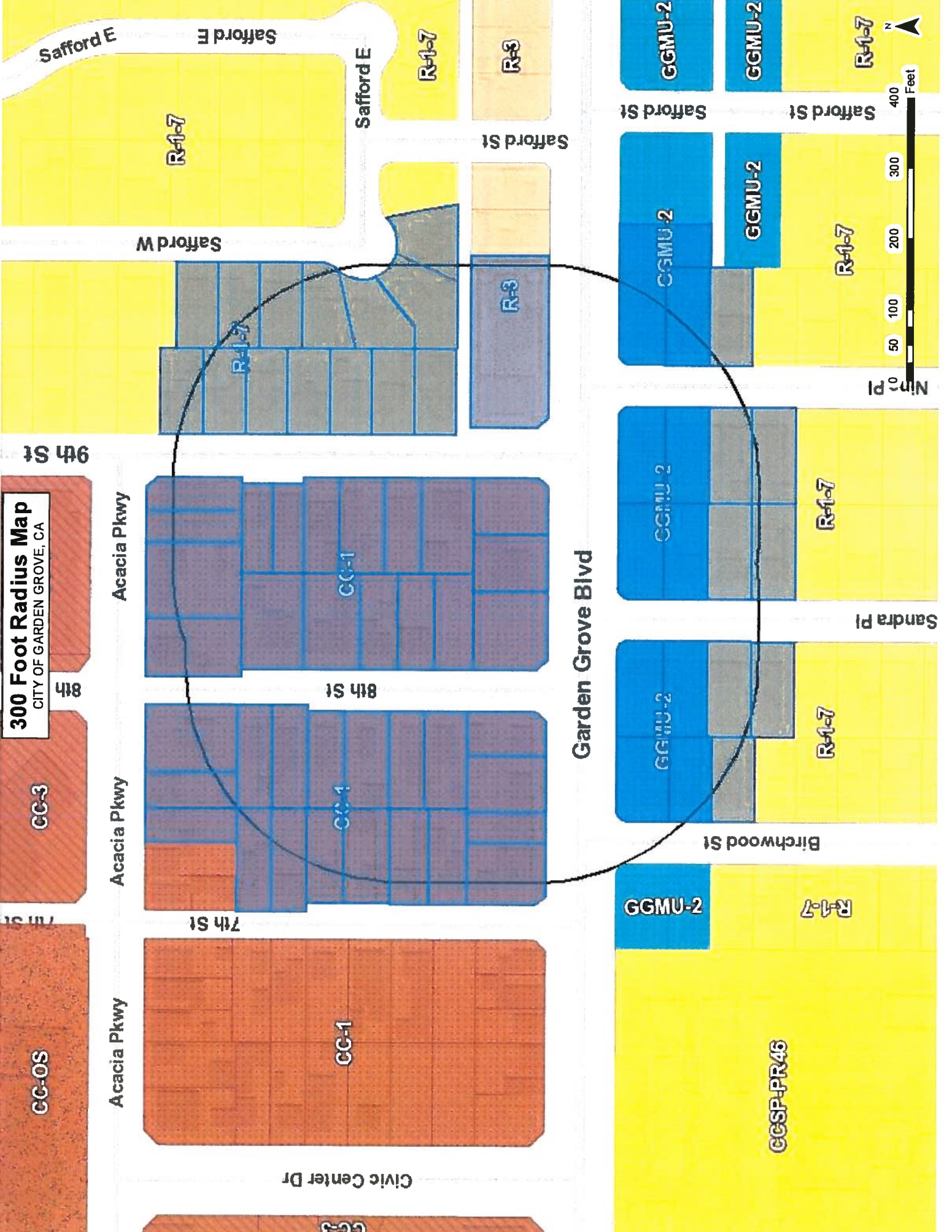
LEE MARINO
Planning Services Manager



By: Maria Parra
Senior Planner

300 Foot Radius Map

CITY OF GARDEN GROVE, CA



PROJECT DATA:

APPLICANT: THE LVA INVESTMENT GROUP, CORP. A CALIFORNIA CORPORATION
10000 UNIVERSITY AVENUE
SUITE 200
DUBLIN, CALIFORNIA 94568

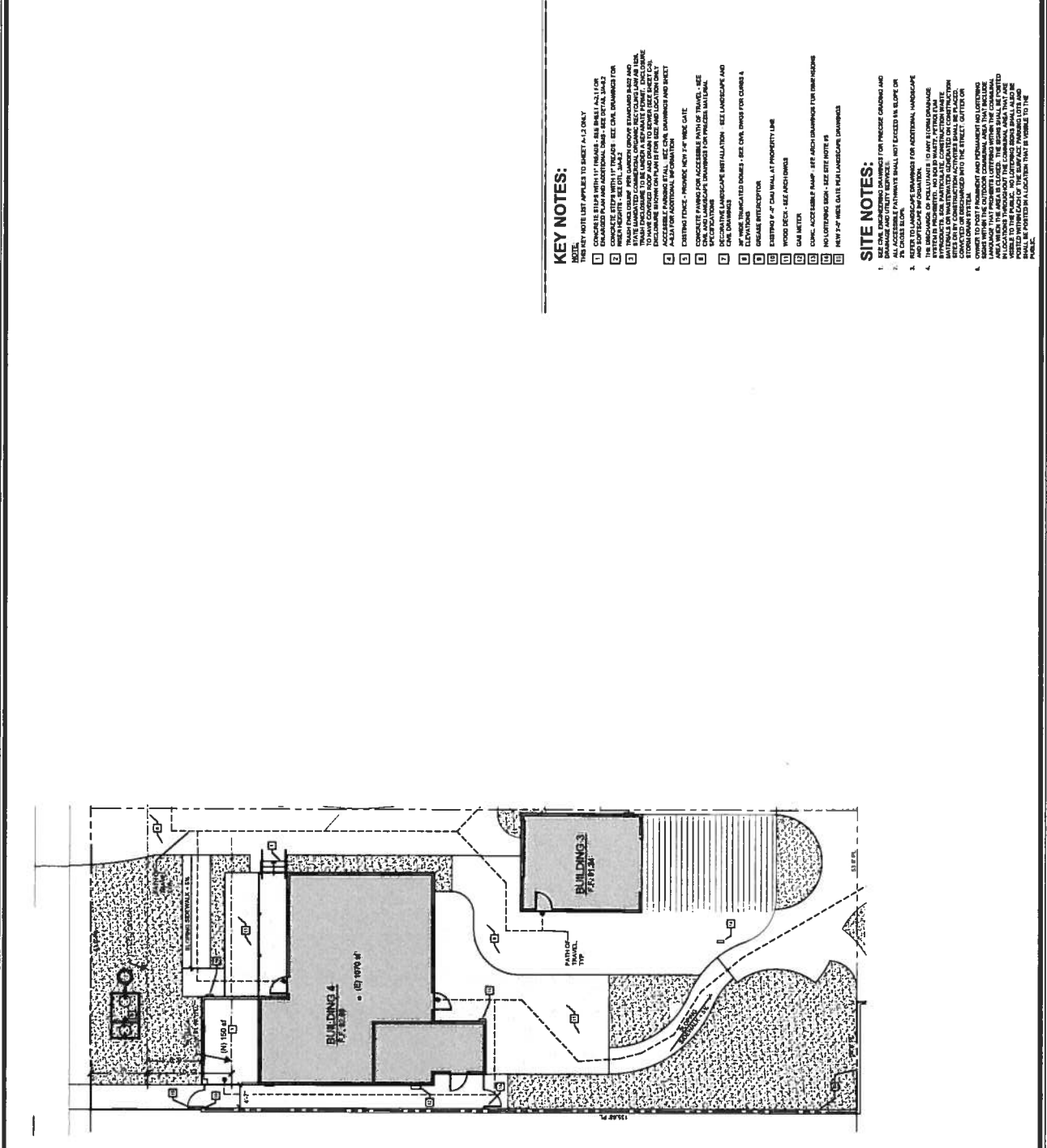
PROJECT ADDRESS: 15545 UNIVERSITY AVENUE, DUBLIN, CA 94568

OWNER: THE LVA INVESTMENT GROUP, CORP.
10000 UNIVERSITY AVENUE, SUITE 200, DUBLIN, CA 94568

PREPARED BY: LVA INVESTMENT GROUP, CORP.
10000 UNIVERSITY AVENUE, SUITE 200, DUBLIN, CA 94568

DATE OF PREPARATION: SEPT. 20, 2021

LOT #	BUILDING #	AREA ANALYSIS
LOT 2	BUILDING 3	1. 100% (100% IMPROVEMENTS) 2. 100% (100% IMPROVEMENTS) 3. 100% (100% IMPROVEMENTS) 4. 100% (100% IMPROVEMENTS) 5. 100% (100% IMPROVEMENTS) 6. 100% (100% IMPROVEMENTS) 7. 100% (100% IMPROVEMENTS) 8. 100% (100% IMPROVEMENTS) 9. 100% (100% IMPROVEMENTS) 10. 100% (100% IMPROVEMENTS)
LOT 2	BUILDING 4	1. 100% (100% IMPROVEMENTS) 2. 100% (100% IMPROVEMENTS) 3. 100% (100% IMPROVEMENTS) 4. 100% (100% IMPROVEMENTS) 5. 100% (100% IMPROVEMENTS) 6. 100% (100% IMPROVEMENTS) 7. 100% (100% IMPROVEMENTS) 8. 100% (100% IMPROVEMENTS) 9. 100% (100% IMPROVEMENTS) 10. 100% (100% IMPROVEMENTS)



KEY NOTES:

1. CONCRETE DRIVEWAY SHALL BE 4" THICK WITH 1" REINFORCING BARS @ 18" ON CENTER.
2. CONCRETE DRIVEWAY SHALL BE 4" THICK WITH 1" REINFORCING BARS @ 18" ON CENTER.
3. CONCRETE DRIVEWAY SHALL BE 4" THICK WITH 1" REINFORCING BARS @ 18" ON CENTER.
4. CONCRETE DRIVEWAY SHALL BE 4" THICK WITH 1" REINFORCING BARS @ 18" ON CENTER.
5. CONCRETE DRIVEWAY SHALL BE 4" THICK WITH 1" REINFORCING BARS @ 18" ON CENTER.
6. CONCRETE DRIVEWAY SHALL BE 4" THICK WITH 1" REINFORCING BARS @ 18" ON CENTER.
7. CONCRETE DRIVEWAY SHALL BE 4" THICK WITH 1" REINFORCING BARS @ 18" ON CENTER.
8. CONCRETE DRIVEWAY SHALL BE 4" THICK WITH 1" REINFORCING BARS @ 18" ON CENTER.
9. CONCRETE DRIVEWAY SHALL BE 4" THICK WITH 1" REINFORCING BARS @ 18" ON CENTER.
10. CONCRETE DRIVEWAY SHALL BE 4" THICK WITH 1" REINFORCING BARS @ 18" ON CENTER.

SITE NOTES:

1. ALL UTILITIES SHALL BE DEEPER THAN THE MINIMUM PERMITTED BY THE CITY OF GARDEN GROVE.
2. ALL UTILITIES SHALL BE DEEPER THAN THE MINIMUM PERMITTED BY THE CITY OF GARDEN GROVE.
3. ALL UTILITIES SHALL BE DEEPER THAN THE MINIMUM PERMITTED BY THE CITY OF GARDEN GROVE.
4. ALL UTILITIES SHALL BE DEEPER THAN THE MINIMUM PERMITTED BY THE CITY OF GARDEN GROVE.
5. ALL UTILITIES SHALL BE DEEPER THAN THE MINIMUM PERMITTED BY THE CITY OF GARDEN GROVE.
6. ALL UTILITIES SHALL BE DEEPER THAN THE MINIMUM PERMITTED BY THE CITY OF GARDEN GROVE.
7. ALL UTILITIES SHALL BE DEEPER THAN THE MINIMUM PERMITTED BY THE CITY OF GARDEN GROVE.
8. ALL UTILITIES SHALL BE DEEPER THAN THE MINIMUM PERMITTED BY THE CITY OF GARDEN GROVE.
9. ALL UTILITIES SHALL BE DEEPER THAN THE MINIMUM PERMITTED BY THE CITY OF GARDEN GROVE.
10. ALL UTILITIES SHALL BE DEEPER THAN THE MINIMUM PERMITTED BY THE CITY OF GARDEN GROVE.



Project No.	2018-044
Client	REVICED DESIGN
Project Name	
Address	
City	
State	
Zip	
Date	

FARM BLOCK

LOT 2 : 12931 9TH STREET
APN: 090-174-11 GARDEN GROVE, CA

PLAN CHECK NO.	2018-944, 945
NEW PLAN CHECK SUBMITTAL 1	
Issue Date	08/21/21
The	LOT 2: BLDG. 4 FLOOR PLAN
Sheet No.	A-2.4.1

GENERAL NOTES:

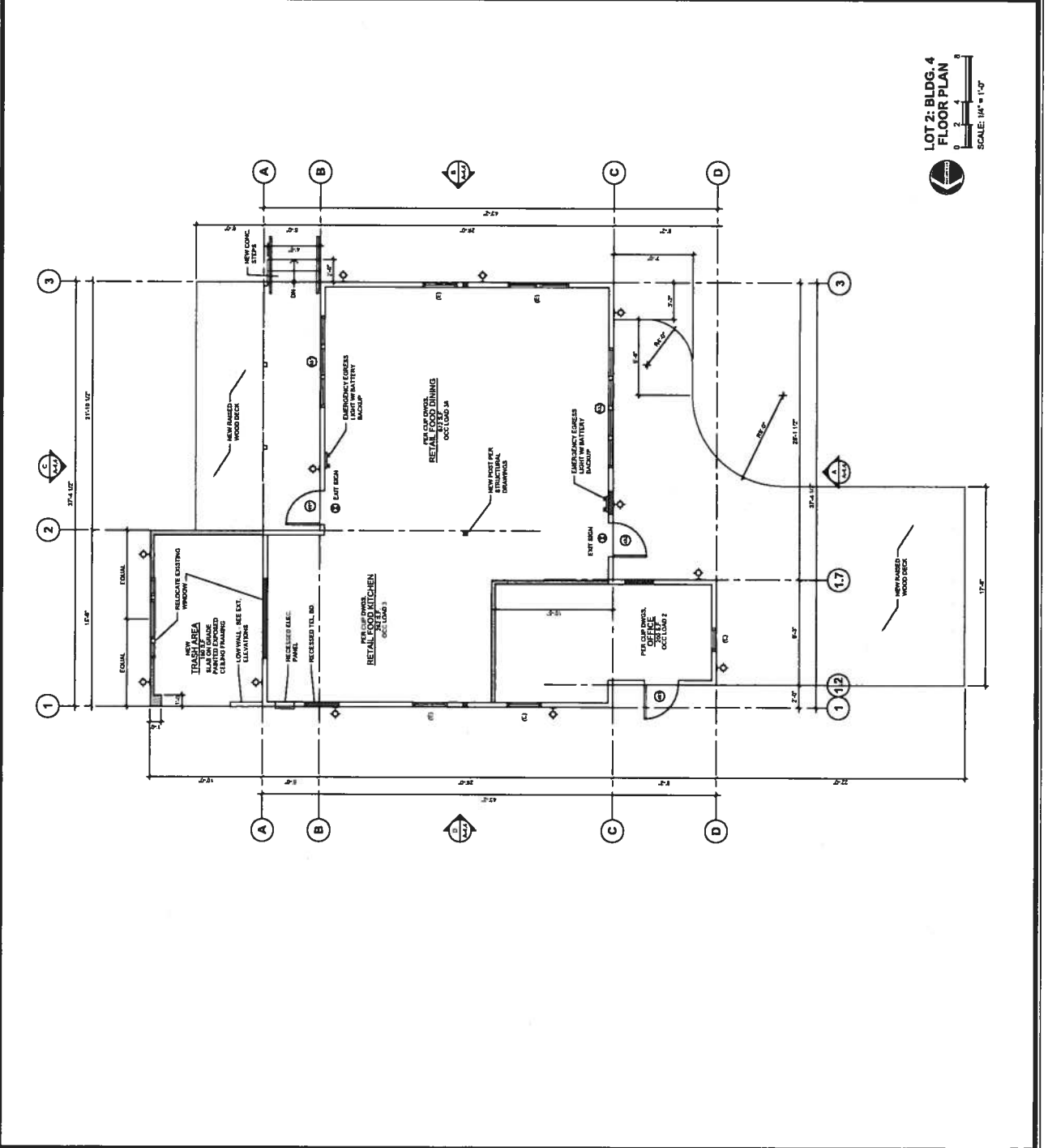
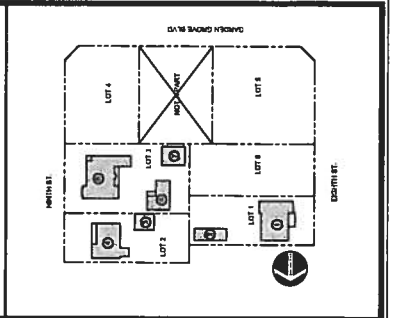
- SCOPE OF PROJECT IS FOR BELL SPACE IMPROVEMENT ONLY. TENANT IMPROVEMENTS TO BE SUBMITTED TO THE CITY OF GARDEN GROVE.
- SEE SHEET A-1 FOR TYPICAL DOOR AND WINDOW DETAILS.
- NO NEW EXTERIOR WALL MATERIALS ARE PROPOSED. EXISTING EXTERIOR WALL MATERIALS TO REMAIN. REPAIR AND PATCH AS REQUIRED.
- DO NOT PROVIDE TEMPORARY BRACING AND SHORING DURING/BEFORE AS REQUIRED FOR EXTERIOR WALL DEMOLITION.
- ALL WORK IS TO BE COMPLETED WITHIN THE PERIOD OF 90 DAYS FROM THE DATE OF COMMENCEMENT OF WORK.

FIRE DEPT. NOTES:

- SCOPE OF PROJECT IS FOR BELL SPACE IMPROVEMENT ONLY. REPAIR/REPLACE EXISTING WALLS AND EXTERIOR WALLS TO BE REPAIR/REPLACE TO THE APPROVED CONDITIONAL USE PERMITS. FINAL DECISION ON THE PROJECT IS TO BE DETERMINED BY THE CITY OF GARDEN GROVE. COMMENTS, CONCURRENCES AND REVISIONS MUST BE AS PROVIDED TO THE CITY OF GARDEN GROVE. THE CITY OF GARDEN GROVE WILL BE RESPONSIBLE FOR THE PERMITTING PROCESS.
- ADJECT OF FUTURE TENANT IMPROVEMENTS (CHANGES TO EXTERIOR WALLS) SHALL BE SUBMITTED TO THE CITY OF GARDEN GROVE. THE CITY OF GARDEN GROVE WILL BE RESPONSIBLE FOR THE PERMITTING PROCESS. ADDITIONAL COMMENTS AND REVISIONS WILL BE REQUIRED AS DETERMINED BY THE CITY OF GARDEN GROVE.
- EXISTING EXTERIOR WALLS TO BE REPAIR/REPLACE TO THE APPROVED CONDITIONAL USE PERMITS. FINAL DECISION ON THE PROJECT IS TO BE DETERMINED BY THE CITY OF GARDEN GROVE. COMMENTS, CONCURRENCES AND REVISIONS MUST BE AS PROVIDED TO THE CITY OF GARDEN GROVE. THE CITY OF GARDEN GROVE WILL BE RESPONSIBLE FOR THE PERMITTING PROCESS.
- ALL EXTERIOR WALLS TO BE REPAIR/REPLACE TO THE APPROVED CONDITIONAL USE PERMITS. FINAL DECISION ON THE PROJECT IS TO BE DETERMINED BY THE CITY OF GARDEN GROVE. COMMENTS, CONCURRENCES AND REVISIONS MUST BE AS PROVIDED TO THE CITY OF GARDEN GROVE. THE CITY OF GARDEN GROVE WILL BE RESPONSIBLE FOR THE PERMITTING PROCESS.

WALL LEGEND:

- EXIST WALL TO REMAIN
- SPALL WALL WHERE EXISTING WALL IS TO BE DEMOLISHED
- NEW 2x4 WOOD FRAMED WALL



LOT 2: BLDG. 4 FLOOR PLAN
SCALE: 1/4" = 1'-0"

FARM BLOCK
 LOT 2: 12931 9TH STREET
 APN: 090-174-11 GARDEN GROVE, CA

PLAN CHECK NO.
 2018-944, 945

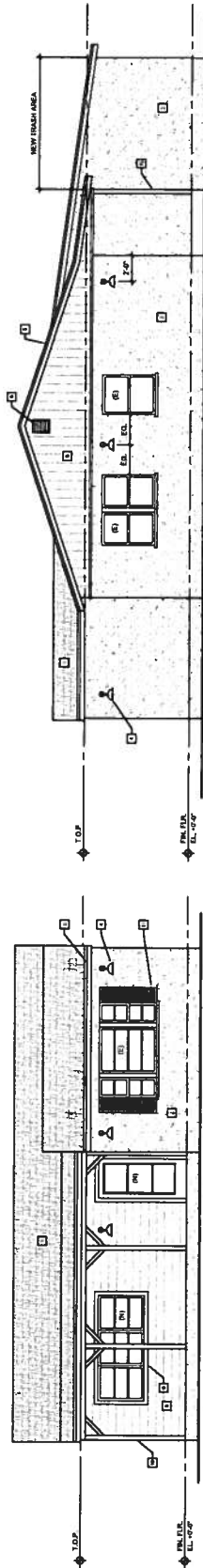
REV./PLAN CHECK
 SUBMITTAL 1

Issue Date 08/27/21

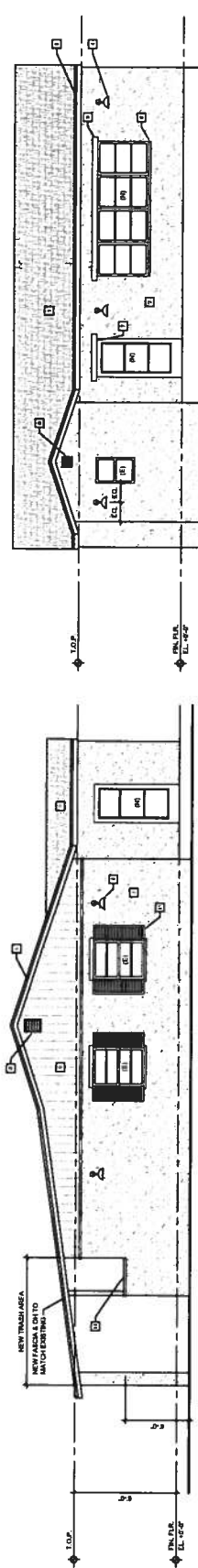
Title
**LOT 2: BLDG. 4
 EXTERIOR
 ELEVATIONS**

Sheet No.

A-4.4



ELEVATION - B



ELEVATION - A

**LOT 2: BLDG. 4
 EXTERIOR ELEVATIONS**

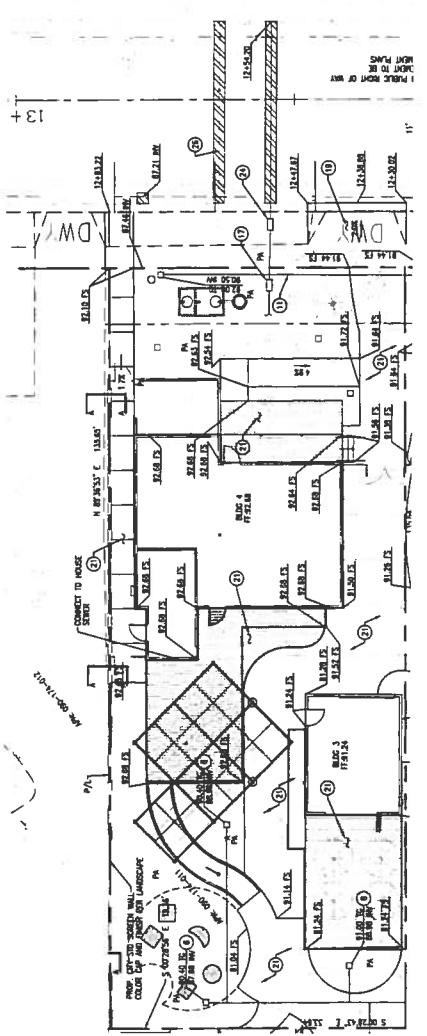


KEY NOTES:

- NOTE:
 THIS KEY NOTE LIST APPLIES TO SHEET A-4.1, A-4.3, A-4.7 ONLY
- 1 EXISTING COMPOSITE ROOF BRACKETS TO REMAIN
 - 2 EXISTING PLASTER REPAIR & REPLACE AS REQUIRED IN FIELD & AT REINFORCEMENTS
 - 3 NEW 1/2\"/>

ELEVATION - C

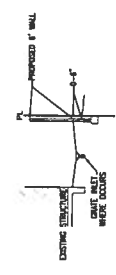
ELEVATION - D



CONSTRUCTION NOTES:

1. CONSTRUCT 4" CONCRETE CURB PER CITY STD B-113 8"X14" 1/4"
2. CONSTRUCT 4" CONCRETE CURB PER CITY STD B-112
3. INSTALL PVC U-CHANNEL PER DETAIL SHEET 2.
4. INSTALL UNPERFORATED DRAIN AND CURB TRIMMINGS PER CITY STD B-209 8"X4"
5. CONSTRUCT CITY STD B-120 DRAINWAY, SEE OFF SITE IMPROVEMENT PLANS.
6. INSTALL 1/2"X1/2" WOOD AREA DRAIN BOX TO THE DRAINED SURFACE.
7. INSTALL AREA DRAIN CLEAN OUT TO THE DRAINED SURFACE.
8. INSTALL 2" WATER METER AND SERVICE PER CITY OF GARDEN GROVE STD B-722.
9. INSTALL 1/2"X1/2" WHITE RIBBED BRICKS BACK TO THE GRADES SHOWN.
10. INSTALL 4"X4" PERFORATED METAL DRAIN CAPS PER SECTION, SHEET 2.
11. CONSTRUCT 3" AC ON 4" CL 1 SECTION IN ACCORDANCE WITH SOILS REPORT.
12. CONSTRUCT 5" AC ON 4" CL 1 SECTION IN ACCORDANCE WITH SOILS REPORT.
13. INSTALL BIRCH TREES, SEE LANDSCAPE PLAN.
14. INSTALL CANTONAS STD. 760 PAVING STONE IN THE LOCATIONS SHOWN.
15. CONSTRUCT RANDOM CUTTER PER DETAIL SHEET 2.
16. INSTALL 4" ON 4" AC PAVEMENT TO THE LIMITS SHOWN, STAKE STALLS PER CITY STANDARD, 60 DEGREE ANGLE.
17. INSTALL BUCKLEUP PREVENTER PER CITY OF GARDEN GROVE STD. B-770.
18. PROPOSED LANDSCAPE SERVICE LOCATIONS.
19. REMOVE EXISTING ASPHALT AND REPLACE WITH PCC WALK, SEE OFF SITE PLANS.
20. INSTALL 1.5" WATER METER AND SERVICE PER CITY OF GARDEN GROVE STD B-722.
21. INSTALL HATCHED SURFACE, SEE LANDSCAPE PLANS AND PDC LEGEND.
22. INSTALL SPINNE STANDARD 111-3 600 WAPES.
23. INSTALL THURGOOD DOORS TO THE LIMITS SHOWN PER SPINNE STD 111-3.
24. INSTALL 1" WATER METER AND SERVICE PER CITY OF GARDEN GROVE STD B-721.
25. INSTALL 4" ON 4" AC PAVEMENT TO THE LIMITS SHOWN, STAKE STALLS PER CITY OF GARDEN GROVE STD. B-112.
26. INSTALL 4" ON 4" AC PAVEMENT TO THE LIMITS SHOWN, STAKE STALLS PER CITY OF GARDEN GROVE STD. B-112.
27. REMOVE EXISTING SERVICE CONNECTION AT WATER MAIN WITH S.S. REPAIR CLAMP PER MANUFACTURER'S RECOMMENDATIONS.

NOTE: CONTRACTOR TO LOCATE EXISTING SEWER LATERALS THROUGHOUT PROJECT SITE AND AMMUNITION LATERALS PER CITY OF GARDEN GROVE STANDARD 111-3 600 WAPES.



**CITY OF GARDEN GROVE
PRECISE GRADING PLAN**

THE COTTAGES
1201 7th Street, 7322 AM, 7343 7th Street, 1331 AM
1201 7th Street, 1322, 1344 and 1352 Grand Blvd

DATE: 08/29/18
SCALE: 1"=50'
DRAWN: BK
CHECKED: BK
APPROVED: [Signature]
DATE: [Blank]PERMIT NO: G-1387
SHEET NO: C5 OF 8

1. I hereby certify that
2. These plans have been prepared under my supervision;
3. Existing ground conditions and elevations were obtained by field survey performed on 08/27/18, 2017.

ENGINEER: AJJ HOFFMEYER
E.C.C. NO. 69874
DATE: 8-30-18
EXP. DATE: [Blank]

PREPARED BY:
KES TECHNOLOGIES INC
CIVIL ENGINEERING
LAND PLANNING AND SURVEYING
1 PROGRESS AVE. 18
PHOENIX, AZ 85004
PHONE: 602-98-2388
FAX: 602-98-2389

OWNER:
COTTAGE INDUSTRIES LLC
300 HANCOCK AVENUE
GARDEN GROVE, CALIFORNIA 92640

SOIL: (NIGHT)

NO.	DATE	BY	DESCRIPTION



THIS PLAN IS THE PROPERTY OF SMP ENVIRONMENTAL DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SMP ENVIRONMENTAL DESIGN.

DATE	REVISION

OWNERS
COTTAGE INDUSTRIES, LLC
888 RANDOLPH AVE
COSTA MESA, CA 92626
(949) 733-7555

PROJECT
THE FARM BLOCK
LOT 6 - 1421 GARDEN
GROVE BLVD
COSTA MESA, CA
LANDSCAPE IMPROVEMENT PLANS

SHEET DESCRIPTION
SITE PLAN
DESIGNED SMP
CHECKED SMP
DATE 09-20-2021
JOB NO. 20170
JOB FILE 22222
SP-1
SHEET NUMBER



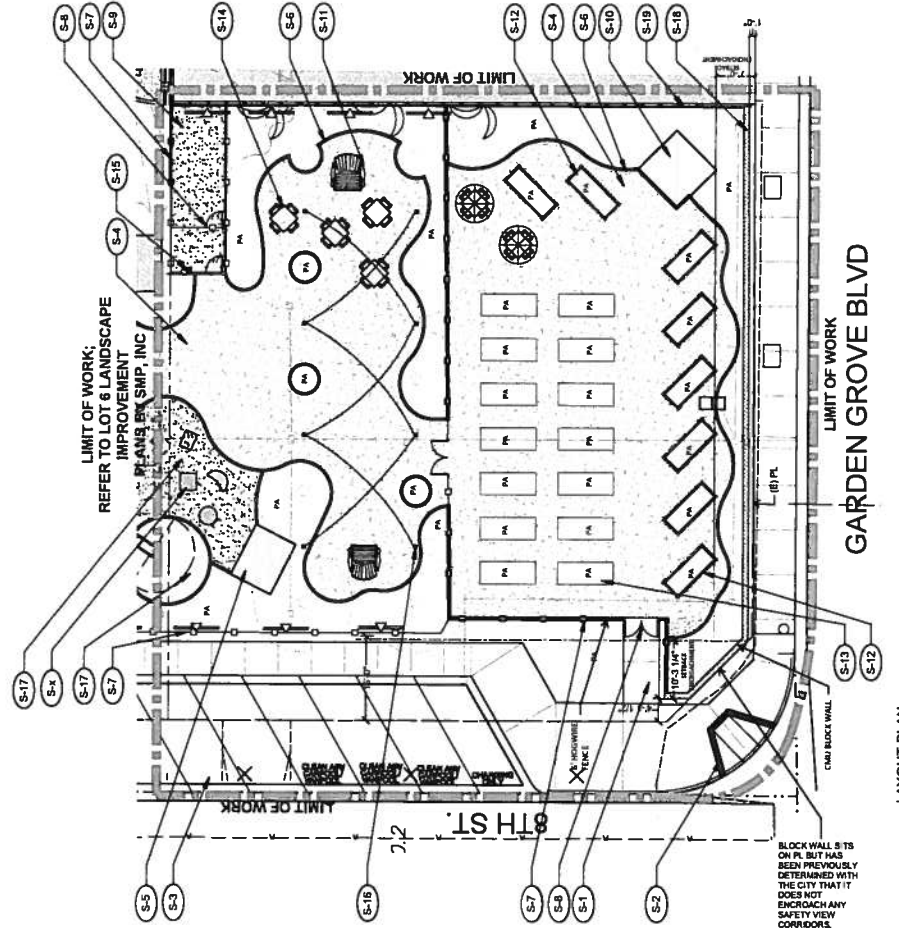
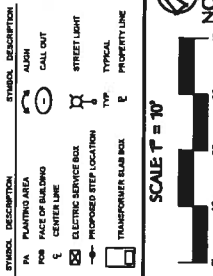
KEYMAP
NOT TO SCALE

FINISH SCHEDULE

NO.	DESCRIPTION	DETAILS
S-1	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	A, C-S4
S-2	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	B, C-S4
S-3	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	C, C-S4
S-4	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	D, C-S4
S-5	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	E, C-S4
S-6	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	F, C-S4
S-7	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	G, C-S4
S-8	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	H, C-S4
S-9	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	I, C-S4
S-10	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	J, C-S4
S-11	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	K, C-S4
S-12	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	L, C-S4
S-13	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	M, C-S4
S-14	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	N, C-S4
S-15	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	O, C-S4
S-16	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	P, C-S4
S-17	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	Q, C-S4
S-18	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	R, C-S4
S-19	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	S, C-S4
S-20	CONCRETE FINISH, POLISHED CONCRETE, 18" THICK, 10' WIDE, 10' DEEP, 10' HIGH	T, C-S4

SYMBOL LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
PA	PLANTING AREA	ALPH	ALPH
FB	FACE OF BUILDING	CD	CALL OUT
CL	CENTER LINE	EL	ELECTRIC SERVICE BOX
SL	STREET LIGHT	ST	STREET LIGHT
PR	PROPOSED STEP LOCATION	TR	TRANSFORMER SLAB BOX
TY	TYPICAL	PR	PROPERTY LINE



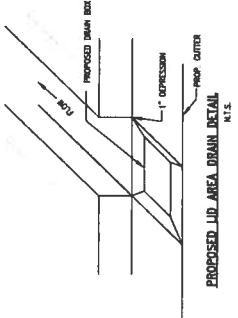
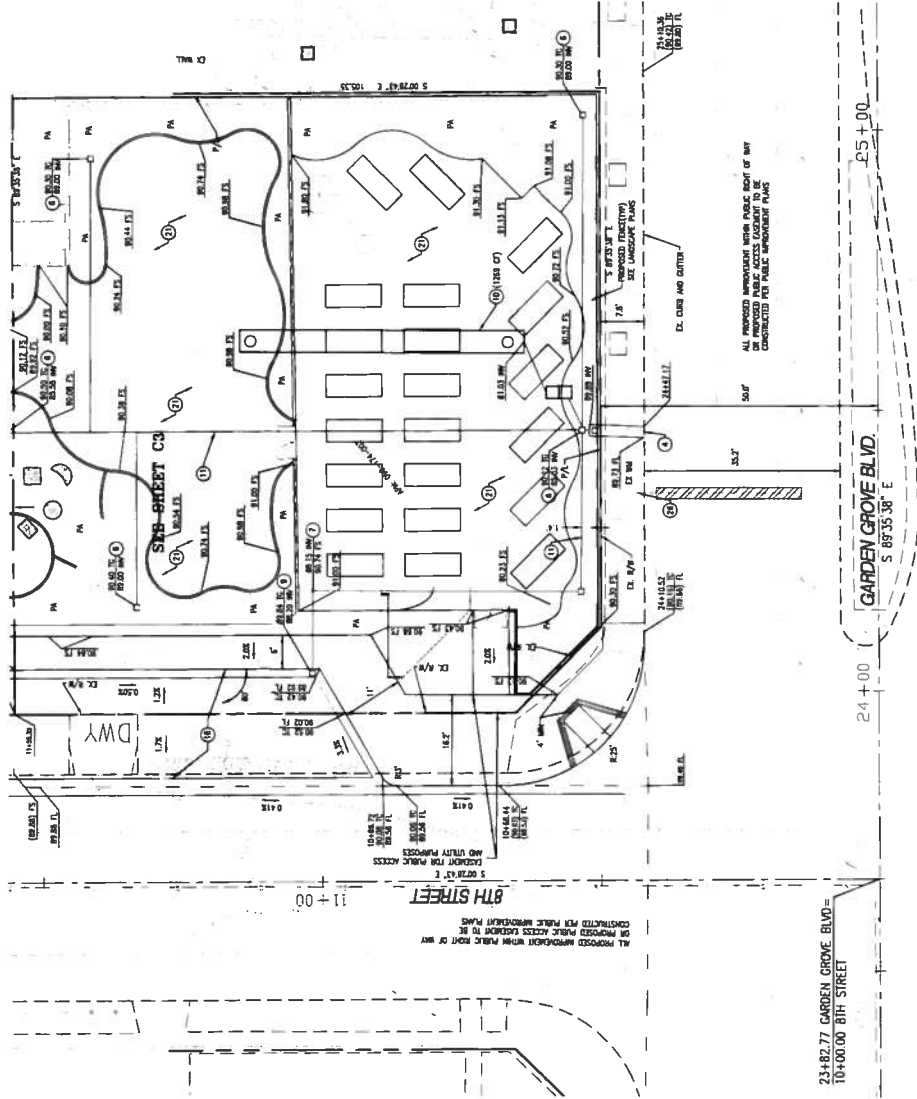
BLOCK WALL 8' TS ON PL BUT HAS BEEN PREVIOUSLY DETERMINED WITH THE CITY THAT IT DOES NOT ENCRoACH ANY SAFETY VIEW CORRIDORS.



CONSTRUCTION NOTES:

- 1) CONSTRUCT 6" CONCRETE CURB FOR CITY STD 8-113 18"X18" 14'-6".
- 2) CONSTRUCT 6" CONCRETE CURB FOR CITY STD 8-112.
- 3) INSTALL 12" PVC U-DRAINS PER DETAIL SHEET 2.
- 4) INSTALL LANDSCAPE DRAIN AND GARDEN TRANSFORMER PER CITY STD 8-209 18"X4".
- 5) CONSTRUCT CITY STD 8-110 DRAINWAY. SEE OFF SITE IMPROVEMENT PLANS.
- 6) INSTALL 12"X12" HDG AREA DRAIN BOX TO THE GRASSES SHOWN.
- 7) INSTALL AREA DRAIN CLEAN OUT TO THE GRASSES SHOWN.
- 8) INSTALL 1" WATER METER AND SERVICE PER CITY OF GARDEN GROVE STD 8-772.
- 9) INSTALL 12"X12" TRAPPIED BATED BRINKS BOX TO THE GRASSES SHOWN.
- 10) INSTALL 12"X12" TRAPPIED BATED BRINKS BOX TO THE GRASSES SHOWN. SEE CADDREUM DETAIL SHEET C4.
- 11) INSTALL 4" POLYMERED HOPE WITH ONE LAP PER SECTION, SHEET 2.
- 12) INSTALL 4" PVC AREA DRAIN LINE 5'-1.02' MIN PER TYPICAL THICKNESS SECTION, SHEET 2.
- 13) CONSTRUCT 5" AC ON 4" CL 8 SECTION IN ACCORDANCE WITH SOILS REPORT.
- 14) INSTALL BIKE RACKS. SEE LANDSCAPE PLAN.
- 15) INSTALL CANTASIS STD. 760 PARKING STOP IN THE LOCATIONS SHOWN.
- 16) CONSTRUCT BARRON DRAIN PER DETAIL SHEET 2.
- 17) INSTALL 4" DIA 4" AC MANHOLE TO THE LINES SHOWN. STAKE SMALLS PER CITY STANDARDS, 60 EXPOSED INCH.
- 18) INSTALL BACKLAW PREVENTER PER CITY OF GARDEN GROVE STD. 8-770.
- 19) PROPOSED LANDSCAPE SERVICE LOCATION.
- 20) REMOVE EXISTING DRAINWAY AND REPLACE WITH PVC MANHOLE. SEE OFF SITE PLANS.
- 21) INSTALL 1.5" WATER METER AND SERVICE PER CITY OF GARDEN GROVE STD 8-772.
- 22) INSTALL MANHOLE SURFACE. SEE LANDSCAPE PLANS AND PER LOCAL.
- 23) INSTALL SPRING STANDARDS 111-5 ASH RAMP.
- 24) INSTALL TRUNCATED CONES TO THE LINES SHOWN PER SPCC STD 1111-5.
- 25) INSTALL 1" WATER METER AND SERVICE PER CITY OF GARDEN GROVE STD 8-771.
- 26) INSTALL 4" CITY OF GARDEN GROVE 5-111 SEWER LATERAL IN THE LOCATIONS SHOWN.
- 27) INSTALL 4" CITY OF GARDEN GROVE 5-111 SEWER LATERAL IN THE LOCATIONS SHOWN.
- 28) AMBUSH AND REPAIR EXISTING SERVICE CONNECTION AT WATER MAIN WITH U.S. REPAIR CLAMP RETURN WATER METER TO THE CITY MAIN.
- 29) AMBUSH AND REPAIR EXISTING SERVICE CONNECTION AT WATER MAIN WITH U.S. REPAIR CLAMP RETURN WATER METER TO THE CITY MAIN.
- 30) AMBUSH AND REPAIR EXISTING SERVICE CONNECTION AT WATER MAIN WITH U.S. REPAIR CLAMP RETURN WATER METER TO THE CITY MAIN.

NOTE: CONNECTION TO LOCATE EXISTING SEWER LATERALS THROUGHOUT PROJECT SEE 480 AND AMBUSH LOCATIONS PER CITY OF GARDEN GROVE STANDARDS
 ALL TRUNK ENCLOSURES SHOWN ARE TO BE COVERED PER CITY STD 8-502.



**CITY OF GARDEN GROVE
 PRECISE GRADING PLAN**

THE COTTAGES
 12801 THE STREET, SUITE 100, GARDEN GROVE, CA 92647
 DATE: 08/26/18
 SCALE: 1"=30'
 DESIGNED BY: APPROVED
 DRAWN BY: APPROVED
 CHECKED BY: DATE

DATE: 8-10-18
 DATE: 8-10-18
 DATE: 8-10-18
 DATE: 8-10-18



DESIGNED BY:
KES TECHNOLOGIES INC.
 CIVIL ENGINEERING AND SURVEYING
 10000 BAYVIEW BLVD SUITE 100
 GARDEN GROVE, CA 92647
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DEVELOPER:
COTTAGE INDUSTRIES LLC
 10000 BAYVIEW AVENUE
 GARDEN GROVE, CALIFORNIA 92647

PROJECT MARK:
 THE CITY OF GARDEN GROVE, CALIFORNIA, HAS REVIEWED THIS PRELIMINARY PRECISE GRADING PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE PRECISE GRADING PLAN. THE CITY OF GARDEN GROVE IS THE CADDREUM OF GARDEN GROVE AND HAS REVIEWED THIS PRELIMINARY PRECISE GRADING PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE PRECISE GRADING PLAN.

NO.	DATE	REVISION	BY	DATE
1	08/26/18	ISSUED		

DECISION NO. 1810-21

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE, APPROVING VARIANCE NO. V-035-2021.

BE IT DETERMINED that the Zoning Administrator of the City of Garden Grove does hereby approve Variance No. V-035-2021 for properties located on the north side of Garden Grove Boulevard, between 8th Street and 9th Street, at 11421 Garden Grove Boulevard and 12931 9th Street, Assessor's Parcel Nos. 090-174-07 and 090-174-11.

BE IT FURTHER DETERMINED in the matter of Variance No. V-035-2021 the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Cottage Industries, LLC.
2. The applicant, Cottage Industries, LLC, requests Variance approval to 1) allow a 150 square foot addition to an existing building, located at 12931 9th Street, to encroach into the required 15'-0" front and 5'-0" side setback areas to accommodate a new trash enclosure area, and 2) allow a 6'-0" tall block wall, located at 11421 Garden Grove Boulevard, to encroach into the required 15'-0" front and 7'-0" side street setback areas to secure and enhance the privacy to the Cottage Industries Farm Block project. The proposed improvements are integral to the operation of the Farm Block project.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations in Land Use Limitations, of the CEQA Guidelines (14 Cal. Code Regs., Sections 15305).
4. The property has a General Plan Land Use designation of Civic Center Mixed Use and is currently zoned CC-1 (Civic Center East).
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on December 9, 2021, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter at a meeting on December 9, 2021.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Zoning Administrator, as required under Municipal Code Section 9.40.190, are as follows:

FACTS:

The subject parcels are part of the Cottage Industries Farm Block project located on the north side of Garden Grove Boulevard, between 8th Street and 9th Street. The parcels are located in the Civic Center area and have a General Plan Land Use designation of Civic Center Mixed Use and are zoned CC-1 (Civic Center East).

The applicant is the developer of the Cottage Industries project, which is a unique commercial development that will revitalize, preserve, and repurpose existing residential buildings in the Civic Center area into commercial and retail uses operated by local independent operators and artisans. The project will be pedestrian-friendly, and will incorporate outdoor open space that will serve as a communal area for dining, gatherings, art, and entertainment.

In 2018, Site Plan No. SP-045-2018 was approved and authorized the construction of the Cottage Industries Farm Block project on eight (8) properties, with a total combined net lot area of 66,064 square feet, located at 12951 7th Street; 12932 and 12942 8th Street; 12931 and 12941 9th Street; 11421, 11461 and 11301 Garden Grove Boulevard. The project includes preserving and repurposing existing residential structures into retail businesses.

In September 2021, a Minor Modification to Site Plan No. SP-045-2018 was approved to change the use and site plan design of the parcel located at 11461 Garden Grove Boulevard from an outdoor communal area to a parking lot.

In November 2021, building permits were issued to the applicant to commence demolition and construction work on the Farm Block project.

The applicant now proposes additional modifications to enhance the operation of the Farm Block project that requires Variance approval. The applicant requests approval of a Variance to 1) allow a building addition to an existing structure, located at 12931 9th Street, to encroach into the required 15'-0" front and 5'-0" interior side setback areas to accommodate a new trash enclosure area, and 2) allow a new 6'-0" tall block wall, located at 11421 Garden Grove Boulevard, to encroach into the required 15'-0" front and 7'-0" side street setback areas to secure, minimize noise, and enhance the privacy to the development from Garden Grove Boulevard. The proposed improvements are integral to the operation of the Cottage Industries Farm Block project.

FINDINGS AND REASONS:

Variance:

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

There are exceptional or extraordinary circumstances pertaining to the site that warrants approval of a Variance. The subject parcels are part of the Cottage Industries Farm Block project, which was granted land use entitlements in 2018 to facilitate the conversion of existing single-family homes and accessory structures into commercial restaurant and retail uses. The parcel at 12931 9th Street is owned by the applicant and is developed with an existing residential home and detached garage that will be converted into a restaurant, office, and retail food use. The parcel at 11421 Garden Grove Boulevard is owned by the Garden Grove Housing Authority and is currently leased to the applicant who will continue to use the parcel as a community garden and outdoor space. The subject parcels are located in the CC-1 zone, which is a mixed-use zone developed primarily with residential uses. The Cottage Industries Farm Block project is the first commercial development entitled in the CC-1 zone. In order to enhance the operation of the Farm Block project, two Variances are requested to 1) allow a building addition to the existing structure at 12931 9th Street to encroach into the required 15'-0" front and 5'-0" interior side setback areas to accommodate a new trash enclosure area, and 2) to allow a 6'-0" tall block wall, located at 11421 Garden Grove Boulevard, to encroach into the required 15'-0" front and 7'-0" interior side street setback areas to secure, minimize noise, and increase privacy to the development from Garden Grove Boulevard. The proposed improvements are integral to the operation of the Farm Block project.

Building Addition

The CC-1 zone requires building structures to observe a front setback of 15'-0" and a side setback of 5'-0". The parcel at 12931 9th Street is currently developed with a single-family home with a detached garage that was constructed in 1949. The residential structure is currently developed with a 29'-6" front setback, and a 4'-7" interior side setback along the northerly property line.

As part of the Farm Block project, the residential structure will be converted into a restaurant and office use, while the garage will be converted into a retail food use. The 2018 conditions of approval require the project to dedicate 10'-0" of the property along 9th Street to provide an ultimate half-road right-of-way width of 40'-0" for future street improvements. With the proposed street dedication, the structure will maintain a 19'-6" front setback from the new property line. As part of the operation of the Farm Block project, the applicant proposes to construct a new 150 square foot trash enclosure as an attached addition to the front of the building to provide convenient access to the trash area for employees and to the trash company during trash pick-up.

Nevertheless, while a 10'-0" street dedication is required for the property, full street improvements along 9th Street are not required, and the developer is required to maintain and landscape the 10'-0" portion of the right-of-way. Visually, since there will be no demarcation of where the new property line is

located, the building addition will maintain a contiguous and unobstructed 19'-9" setback from the interior edge of the sidewalk.

Also, the proposed addition will encroach 4'-3" into the 15'-0" front setback area, and 5-inches into the 5'-0" interior side setback area, which requires Variance approval. The location of the new trash enclosure area meets the operational needs of the project by providing greater and more convenient access to both employees and the trash company. In addition, the trash enclosure is designed to comply with the City's trash enclosure standard, and will be designed to be architecturally compatible with the style of the existing structure, including roof style and exterior finish.

Block Wall

The Cottage Industries project has street frontage along 9th Street, 8th Street, and Garden Grove Boulevard. Ninth (9th) Street is considered a secondary arterial, 8th Street is a local residential street, while Garden Grove Boulevard is a major arterial. According to the General Plan Noise Element, the City of Garden Grove's noise environment is dominated by vehicle traffic noise, including noise from major arterial streets, such as Garden Grove Boulevard. To secure, to minimize noise impacts, and to enhance privacy to the Farm Block project from Garden Grove Boulevard, a new 6'-0" tall block wall is proposed to be installed along the Garden Grove Boulevard property line on the parcel at 11421 Garden Grove Boulevard. A Variance is required to allow a portion of the block wall to encroach into the required 15'-0" front yard setback area, and the 7'-0" foot side street setback area.

The CC-1 zone establishes the street setback along Garden Grove Boulevard at 7'-0" feet, and the street setback on 8th Street at 15'-0". The subject parcel is a reserve corner lot, and based on the configuration of the lot, the front of the property is located along 8th Street, and side of the parcel is located along Garden Grove Boulevard. The parcel has been used as a community garden by the City of Garden Grove, and the proposed project will continue to utilize the parcel as a community garden and an outdoor communal area. Currently, the parcel is improved with a 4'-0" chain link fence that has a zero setback to the front and side street property lines. The chain link fence will be removed and will be replaced with a new perimeter fence. The perimeter fence includes a new 42-inch hog wire fence that will be installed along 8th Street, outside of the 15'-0" setback area, and a new 6'-0" tall block wall that will be installed along the Garden Grove Boulevard property line. The proposed block wall will encroach into the front 15'-0" setback area by 10'-3", and into the 7'-0" side street setback area by 6'-0". The block wall will serve as a security fence as well as a privacy and sound attenuation wall to buffer the project from vehicle traffic noise generated from Garden Grove Boulevard. The proposed block wall will minimize traffic noise to the project site from Garden Grove Boulevard, and will also secure and provide privacy to the project site, which will enhance the outdoor communal area and outdoor activities enjoyed by patrons.

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

The granting of the Variance will not give the property owner a special privilege over other property owners in the area. There are several properties in the CC-1 zone with building setbacks and block wall heights that are similar to those proposed by the applicant.

Building Addition

The CC-1 zone requires a 15'-0" setback along 9th Street, and a 5'-0" interior side setback. The Farm Block Project is required to provide a 10'-0" street dedication along 9th Street as part of the conditions of approval to develop the project. The proposed Variance will allow a building addition for a new trash enclosure to encroach into the front setback area, which will maintain a similar front setback enjoyed by other parcels in the CC-1 zone. The parcel at 12941 9th Street, which is south of the subject parcel at 12921 9th Street and is also part of the Farm Block project, is developed with a structure that will maintain a 10'-3" front setback from the new property line location after the street dedication. Similarly, the residential parcel north of the subject parcel, at 12921 9th Street, currently has an approximately 10'-0" setback from the ultimate right-of-way on 9th Street. While no street dedication has been required for this parcel, all setbacks are measured from the ultimate right-of-way. The proposed Variance will allow the subject parcel to develop an attached trash enclosure to serve the Farm Block Project from a location that is more convenient for employee use and for trash pick-up.

In addition, the building is developed with an interior side setback of 4'-7", which is less than the 5'-0" interior setback required by the CC-1 zone. The proposed Variance will allow the building addition to continue with the same interior side setback of 4'-7". Nevertheless, there are several properties in the CC-1 zone that are developed with building structures that have an interior side setback of less than 5 feet, including the properties at 12921 9th Street, 11324, 11334, and 11342 Acacia Parkway.

Block Wall

The proposed Variance will allow a block wall to encroach into the 15'-0" front setback area, and the 7'-0" side setback area to secure the Farm Block project, and to enhance privacy and minimize noise. There are several properties in the area that are developed with existing perimeter fences that encroach into the required setbacks similar to the Variance request. The parcel at 11461 Garden Grove Boulevard, which will serve as a parking lot for the Farm Block project, is currently developed with a 6'-0" tall security fence that has a zero setback along the Garden Grove Boulevard and the 9th Street property lines. The fence, which is designed of wrought iron and masonry block pilasters is

similar in height and also encroaches into the required front and side street setbacks as the proposed block wall.

Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in the same zone. Therefore, approval of a Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same vicinity and zone.

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

The approval of the Variance will not be materially detrimental to the public welfare or injurious to the structure or to the future occupants.

Building Addition

The proposed Variance will allow a non-habitable trash enclosure building addition, at 12931 9th Street, to encroach into the front 15'-0" setback area and into the 5'-0" interior side setback area. The trash enclosure will maintain a 9'-9" front setback from the new property line location, after the street dedication, on 9th Street, and an interior setback of 4'-7". While the trash enclosure addition will have a 9'-9" front setback, the habitable portion of the building will continue to maintain a 19'-6" setback from the new property line. The location of the trash enclosure is intended to enhance the operation of the project by constructing the trash enclosure in an area that provides convenient access to employees and to the trash company for pick-up. Nevertheless, while a 10'-0" street dedication is required for the property, full street improvements along 9th Street are not required as part of the development of the Farm Block project, and there are no plans of when the City will commence the street widening of 9th Street. The developer is required to continue to maintain and landscape the 10'-0" portion of the right-of-way. Since there will be no demarcation of where the right-of-way begins on 9th Street, visually, the building addition will maintain a contiguous and unobstructed 19'-9" setback from the interior edge of the sidewalk. The 19'-9" setback from the edge of the sidewalk will continue to remain until 9th Street is widened in the future.

Furthermore, the interior side setback of the building addition will continue to maintain the same 4'-7" setback as the existing structure. The 4'-7" building setback is sufficient in width to allow adequate access to the trash enclosure by employees, and to allow access during trash pick-up.

Block Wall

The General Plan Noise Element identifies vehicular traffic noise from major arterials as one of the sources that contributes to Garden Grove's noise environment. Garden Grove Boulevard is a major arterial with six lanes and a

posted speed limit of 40 miles per hours (mph) adjacent to the project site. The proposed block wall will serve as a security fence as well as a privacy and sound attenuation wall to buffer the project from vehicle traffic noise generated from Garden Grove Boulevard. Since the project offers communal outdoor area for dining, gathering, art, and entertainment, a block wall along Garden Grove Boulevard will ensure that the project offers a pleasing outdoor environment that is secured, that offers privacy, and that provides for minimal noise impacts from traffic noise. The block wall location has been reviewed by the City's Engineering Division to ensure that adequate vehicular line-of-sight is maintained. In addition, the location of the proposed block wall within the side street setback area will not obstruct the line-of-sight to the existing driveway of the adjacent parcel at 11441 Garden Grove Boulevard since the driveway is located on the opposite side of the property, along the easterly frontage on Garden Grove Boulevard

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

Granting of this Variance will not adversely affect the General Plan. The proposed Variance will allow the developer to incorporate additional building features to the Farm Block Project to enhance its operation. The parcels have a General Plan Land Use designation of Civic Center Mixed Use. The Civic Center Mixed Use is intended to provide a mix of civic, institutional, commercial, higher density residential, and open space uses. With approval of the Variance, the project will continue to be consistent with the goals and policies of the General Plan Land Use and Community Design Elements. Policy LU-6.2 encourages a mix of retail shops and services to better meet the needs of the area's present and potential clientele and Policy LU-6.4 encourages the City to work with property owners to revitalize deteriorated properties.

The proposed Variances will allow a new trash enclosure area and block wall to encroach into the required setbacks in order to enhance the operation of the Farm Block project. The new trash enclosure location will provide convenient access to employees and to the trash company during trash pick-up. The new block wall will secure the project along Garden Grove Boulevard, and will also serve to buffer traffic noise to the project and to enhance privacy. These improvements are integral to the operation of the project. The Variances will continue to allow the developer to revitalize, preserve, and repurpose existing residential buildings in the Civic Center area to facilitate the development of Cottage Industries Farm Block project, which will incorporate restaurant and retail commercial uses.

Therefore, granting of this Variance is in keeping with the spirit and intent of the General Plan.

5. The approval of the Variance is subject to such conditions as will assure that it does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Granting on this Variance will not constitute the granting of special privileges inconsistent with the limitations upon other properties in the vicinity and in the CC-1 zone. As previously stated, there are similar properties in the CC-1 zone developed with existing building structures that encroach into the required front and interior side setback areas, as well as properties developed with perimeter walls that exceed the maximum allowed height within the required side street setback.

The proposed building addition at 12931 9th Street will accommodate a new trash enclosure that will encroach into the required 15'-0" front and 5'-0" interior side setback areas, and will maintain a 9'-9" front setback, from the new property line, and a 4'-7" interior side setback. Two adjacent parcels, located at 12941 9th Street and 12921 9th Street, are developed with existing building structures with a reduced front setback of approximately 10'-0" as measured from the ultimate right-of-way on 9th Street, which is similar to the front building setback proposed by the applicant.

In addition, the existing building structure was developed with an interior side setback of 4'-7", and the proposed building addition will continue to maintain that same 4'-7" setback, which is sufficient in width to allow for adequate access to the trash enclosure. There are also several properties in the CC-1 zone that are developed with structures that have an interior side setback of less than 5'-0", including the properties at 12921 9th Street, 11324, 11334, and 11342 Acacia Parkway.

The proposed block wall at 14421 Garden Grove Boulevard will encroach into the required front and side street setbacks. There are several properties in the area that are developed with existing perimeter fences that encroach into the required setbacks. The parcel at 11461 Garden Grove Boulevard, which is part of the Farm Block project and will serve as a parking lot, is currently developed with a 6'-0" tall security fence that has a zero setback along both the Garden Grove Boulevard and 9th Street property lines. The subject parcel existing perimeter fence, which is designed as a 4'-0" chain link fence, will be removed and will be replaced with a new perimeter fence. The perimeter fence includes a new 42-inch hog wire fence that will be installed along 8th Street, outside of the 15'-0" setback area, and a new 6'-0" tall block wall that will be installed along the Garden Grove Boulevard property line, which is similar to the location of the existing fence.

Pursuant to the Conditions of Approval, the rights granted pursuant to the Variance will continue in effect for only so long as the proposed improvements are constructed in conjunction with the Cottage Industries Farm Block project, and the structures will remain similar in size, orientation, and location as depicted on the architectural and site plans provided to the Zoning Administrator. In the event the necessary building and other permit or permits for such structures are not obtained within one year of approval of V-035-2021 (or the length of any extension approved by the City), the structures are not constructed within the time allowed under such building permit(s), or such

structures are demolished and not re-established within one year of demolition, the Variance shall cease to be effective or grant the property owner any rights to construct other improvements inconsistent with the then-currently applicable development standards. As part of the conditions of approval, the variance approval will become null and void if the improvements contemplated and facilitated by the Variance are not constructed or are demolished at a later time. Therefore, the granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER DETERMINED that the Zoning Administrator does conclude:

1. The Variance 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 shall apply to Variance No. V-035-2021:

General Conditions

1. 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 building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Zoning Administrator.
2. Approval of this Variance 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.
3. The Community and Economic Development Director may approve modifications, which do not change the intent of the project. If major modifications are made in the proposed development that result in the intensification of the project or create impacts that have not been previously addressed, the appropriate entitlement(s) shall be filed which reflect the revisions made.

4. The improvements contemplated under Variance No. V-035-2021 shall continue to be subject to all conditions of approval applicable to Site Plan No. SP-045-2018.
5. Clinging vines and other appropriate landscaping shall be installed along the exterior street facing side of the block wall to deter graffiti.
6. The applicant shall work with the existing property owner(s) at 11441 Garden Grove Boulevard in designing and constructing the required perimeter block walls along the shared easterly property line. This requirement is to avoid having double walls. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls.
7. The proposed block wall shall be shown on the grading plans, and shall be developed to City Standards or designed by a Registered Engineer.
8. The applicant shall submit a signed letter acknowledging receipt of the decision approving Variance No. V-035-2021, and his/her agreement with all conditions of the approval.
9. 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 Variance No. V-035-2021. 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.
10. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the development authorized by this approval of Variance No. V-035-2021 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. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Variance No. V-035-2021 shall expire if the building permits for the project expire.

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Adopted on December 9, 2021

David Dent
ZONING ADMINISTRATOR