



## AGENDA

### GARDEN GROVE PLANNING COMMISSION

#### REGULAR MEETING

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NOVEMBER 7, 2019

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE

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

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

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

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

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

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

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

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: October 3, 2019
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
  - C.1. MITIGATED NEGATIVE DECLARATION  
SITE PLAN NO. SP-076-2019

APPLICANT: OUTFRONT MEDIA

LOCATION: SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD  
AND HASTER STREET AT 12862 GARDEN GROVE  
BOULEVARD

**REQUEST:** Site Plan approval to relocate certain specific existing billboards and convert them into one (1) two-sided electronic billboard located along the Garden Grove (22) Freeway. The site is in the PUD-102-74 (Planned Unit Development) zone. In conjunction with the request, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for this project and will be considered for adoption with the subject site plan.

**STAFF RECOMMENDATION:** Recommend adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to City Council, and approval of Site Plan No. SP-076-2019.

**C.2. AMENDMENT NO. A-026-2019  
LOT LINE ADJUSTMENT NO. LLA-023-2019  
FRONT YARD DETERMINATION NO. FYD-005-2019**

**APPLICANT:** HENRY TRAN & Y-MINH DINH, KEVIN DINH & XUAN THAO NGUYEN, AN DAC NGUYEN & MY-Y DINH, AI MY DINH, JIMMY TONG, RONALD DINH & MINH THUY LE, VINNY DINH, THOMAS DINH & ANNIE TRAN

**LOCATION:** SOUTH SIDE OF STANFORD AVENUE, BETWEEN GILBERT STREET AND BROOKHURST WAY AT 9792 STANFORD AVENUE

**REQUEST:** Approval of a Zone Change and Lot Line Adjustment to reconfigure the existing lot lines of a currently vacant 0.97-acre project site in order to reduce the total number of legal lots from four (4) to three (3) for the purpose of constructing a single-family dwelling unit on each lot. The request will include (i) a Zone Change to amend the site zoning designation from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet, (ii) a Lot Line Adjustment to reconfigure the existing lot lines to create three (3) new lots with areas of 14,228 square feet (Lot 1), 14,224 square feet (Lot 2), and 14,223 square feet (Lot 3), and (iii), a Front Yard Determination to designate the interior street side of Lot 1 as the front of the property.

**STAFF RECOMMENDATION:** Recommend approval of Amendment No. A-026-2019 to City Council, and approve Lot Line Adjustment No. LLA-023-2019 and Front Yard Determination No. FYD-005-2019. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Sections 15061 – Review for Exemption, 15303 – New Construction

or Conversion of Small Structures, and 15305 – Minor Alterations in  
Land Use Limitations.

- D. MATTERS FROM COMMISSIONERS
- E. MATTERS FROM STAFF
- F. ADJOURNMENT

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

Meeting Minutes  
Thursday, October 3, 2019

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

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

Absent: None.

PLEDGE OF ALLEGIANCE: Led by Commissioner Soeffner.

ORAL COMMUNICATIONS – PUBLIC – None.

September 5, 2019 MINUTES:

Action: Received and filed.  
Motion: Perez Second: Le  
Ayes: (6) Le, Lehman, Nguyen, Perez, Ramirez, Soeffner  
Noes: (0) None  
Absent: (0) None

PUBLIC HEARING – SITE PLAN NO. SP-075-2019 AND VARIANCE NO. V-025-2019,  
FOR PROPERTY LOCATED AT 10182 IMPERIAL AVENUE, SOUTH OF IMPERIAL  
AVENUE, BETWEEN HOPE STREET AND DEANANN PLACE.

Applicant: AN HA  
Date: October 3, 2019

Request: Site Plan approval to construct two (2) detached, two-story, multiple-family residential units with an attached two (2) car enclosed garage on an 8,837 square foot lot. Each unit will have a total living area of 2,067 square feet and 2,195 square feet. As part of this project, a five-foot public right-of-way street dedication is required, which will reduce the lot size to 8,485 square feet. Also, a Variance request to allow the

project to deviate from the minimum 8,712 square foot lot size of the R-2 (Limited Multiple Residential) zone. The existing single-family home will be demolished to accommodate the proposed development. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15303 – New Construction or Conversion of Small Structures.

Action: Public Hearing held. Speaker(s): Edward Bui (Owner), Thuy Tran (Resident with similar property, she was directed to contact the City), Nicole Bingham (Neighbor opposed to project due to absentee landlord and current condition of property), Erik Bingham (Opposed project due to poor condition of property). New owner stated he would develop the property with a new project as depicted on plans.

Action: Resolution No. 5965-19 was approved.

Motion: Le Second: Nguyen

Ayes: (6) Le, Lehman, Nguyen, Perez, Ramirez, Soeffner  
Noes: (0) None  
Absent: (0) None

ITEM FOR CONSIDERATION – AMENDMENT OF RESOLUTION NO. 5944-19 PERTAINING TO SITE PLAN NO. SP-062-2019 AND LOT LINE ADJUSTMENT NO. LLA-020-2019 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF COAST STREET, AT 8218 AND 8242 GARDEN GROVE BOULEVARD.

Applicant: DAVID NGUYEN  
Date: October 3, 2019

Request: For the Planning Commission to consider and adopt a proposed Resolution amending Resolution No. 5944-19, adopted by the Planning Commission on February 7, 2019, pertaining to Site Plan No. SP-062-2019 and Lot Line Adjustment No. LLA-020-2019, to accurately describe the density bonus concessions approved as part of Site Plan No. SP-062-2019 in order to correct the administrative record.

Action: Resolution No. 5966-19 was approved.

Motion: Le Second: Ramirez

Ayes: (6) Le, Lehman, Nguyen, Perez, Ramirez, Soeffner  
Noes: (0) None  
Absent: (0) None

MATTERS FROM COMMISSIONERS: Commissioner Soeffner asked if the City was constructing any homeless projects under the new State laws. Staff replied no, as the new laws still needed to be incorporated into the code, however, the code did allow homeless shelters in the M-1 (Limited Industrial) zone by right.

Commissioner Le congratulated staff on the opening of the SteelCraft project.

Commissioner Soeffner inquired as to when the 'Meet On Beach' event would take place. Staff responded November 17<sup>th</sup>, during which certain areas along the full length of Beach Boulevard would be closed with multiple cities participating.

MATTERS FROM STAFF: Staff mentioned the October 17<sup>th</sup> meeting was cancelled with the next meeting to be November 7<sup>th</sup>.

ADJOURNMENT: At 7:36 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, November 7, 2019, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

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Judith Moore  
Recording Secretary

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Southwest corner of Garden Grove Boulevard and Haster Street at 12862 Garden Grove Boulevard
<b>HEARING DATE:</b> November 7, 2019	<b>GENERAL PLAN:</b> International West Mixed Use
<b>CASE NO.</b> Site Plan No. SP-076-2019	<b>ZONE:</b> PUD-102-74 (Planned Unit Development)
<b>APPLICANT:</b> Outfront Media, LLC	<b>APN:</b> 101-020-55, 101-020-56
<b>OWNER:</b> Cedarbrook Garden Grove, LLC	<b>CEQA DETERMINATION:</b> Mitigated Negative Declaration

## **REQUEST:**

A request for Site Plan approval to relocate certain specific existing billboards and convert them into one (1) two-sided electronic billboard located along the Garden Grove (22) Freeway at 12862 Garden Grove Boulevard in the PUD-102-74 zone. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for this project and will be considered for adoption along with the subject Site Plan application.

## **BACKGROUND:**

A "billboard" is an off-premise sign, i.e., any sign identifying a use, facility, or service not conducted on the property where the sign is located, or a product that is produced, sold or manufactured on-site. Pursuant to Garden Grove Municipal Code (GGMC) Section 9.20.110, the construction of new billboards is prohibited in the City of Garden Grove (City). However, the owner of an existing legal nonconforming billboard located in the City may request City approval to relocate the existing billboard to a new location within the City by filing an application for approval of a Site Plan. In October of 2014, the City Council amended Section 9.20.110 through Amendment No. A-011-2014 to also allow existing static billboards that are proposed to be relocated to a location along the Garden Grove (22) Freeway Corridor, to be converted to electronic billboards, subject to specified criteria and conditions.

Outfront Media, which owns approximately seven (7) legal nonconforming billboard structures (with a total of 14 sign faces) within the City, has submitted the subject request to relocate two (2) of its existing billboard structures within the City (containing a total of four (4) faces – two (2) double-sided billboard structures), and convert them into one (1), new, relocated two-sided electronic billboard structure/sign (Electronic Billboard). The proposed Electronic Billboard is to be

erected on a property located along the north side of the Garden Grove (22) Freeway, at the southwest corner of Garden Grove Boulevard and Haster Street (subject Site).

The subject Site on which the proposed Electronic Billboard would be located, is an approximately 8.1-acre site that consists of two (2) parcels (101-020-55 and 101-020-56), currently developed as an integrated commercial/industrial development. The addresses on the subject Site range between 12800 through 12912. The subject Site is zoned Planned Unit Development No. PUD-102-74 and maintains a General Plan Land Use Designation of International West Mixed Use. The proposed Electronic Billboard would be located on the southern portion of the subject Site, adjacent to addresses 12832 and 12812. The property owner, Cedarbrook Garden Grove LLC, maintains an administration office at 12862 Garden Grove Boulevard. The property to the north, across Garden Grove Boulevard, is zoned C-1 (Neighborhood Commercial) and is developed with two (2) hotels; to the northeast, the property is zoned C-1 (Neighborhood Commercial) and is developed with a service station, and to the northwest, are apartment units, zoned PUD-136-00 (Planned Unit Development). The properties to the west are zoned HCSP-OP (Harbor Corridor Specific Plan - Office Professional) and R-3 (Multiple-Family Residential) and are developed with an animal hospital/office and a mobile home park, respectively. The subject Site is bounded to the south, southeast, and the east by the Garden Grove (22) Freeway. To the far south and southeast, across the Garden Grove (22) Freeway, the properties are zoned O-S (Open Space) and R-1 (Single-Family Residential) and are developed with an elementary school and single-family homes, respectively.

On June 19, 2019, Outfront Media conducted a Neighborhood Meeting to gain input from the public prior to Planning Commission consideration. A total of 26 notices were mailed to property owners located within a 300-foot radius of the proposed Electronic Billboard. Additionally, per City Administration direction, a total of 110 notices were personally dropped off by City Staff at the manager's office of the mobile home park located to the west of the subject Site. City Staff informed the on-site manager of the proposed Electronic Billboard and asked that the notices be distributed to each residential unit. The mobile home park is located beyond the Code requirement of 350 feet from a residential zoned property. No one from the public attended the June 19<sup>th</sup> Neighborhood Meeting.

## **DISCUSSION:**

### **Site Plan**

The project Applicant has submitted the subject Site Plan application, which proposes to remove/relocate two (2) existing legal nonconforming billboard structures and convert them into one (1) 50-foot tall, Electronic Billboard located along the Garden Grove (22) Freeway Corridor, at the subject Site. The two (2) billboard structures to be relocated/removed are double-sided billboards, the first located on the south side of Chapman Avenue, west of Santa Rosalia Street, and the second, is located on the north side of Garden Grove Boulevard, west of Beach Boulevard. A total of four (4) billboard faces are proposed to be removed.



The Electronic Billboard is proposed to be located within the parking lot of an approximately 8.1-acre integrated commercial/industrial development that is located along the north side of the Garden Grove (22) Freeway, at the southwest corner of Garden Grove Boulevard and Haster Street. In order to accommodate the proposed Electronic Billboard on-site, one (1) parking space will be relocated. On the proposed Site Plan, the Applicant will restripe the existing parking spaces to provide and maintain the current number of parking spaces servicing the subject Site. The design of the proposed Electronic Billboard will include a metal clad single-support with two (2), 14 foot by 48 foot (672 square foot) electronic reader board sign faces that will be oriented toward the Freeway, facing both east and west bound traffic. Staff believes the proposed Electronic Billboard relocation and conversion satisfies the criteria and conditions for Site Plan approval pursuant to GGMC § 9.20.110.

#### Location

In compliance with GGMC § 9.20.110.D, the proposed Electronic Billboard would be located on commercially-zoned property within the Garden Grove (22) Freeway Corridor and would not be located within either 500 feet of any other billboard on the same side of the freeway or within 1,000 feet of any other electronic sign. Additionally, the proposed Electronic Billboard would not be located within 350 feet of a residentially-zoned property. The mobile home park to the west, and the single-family homes to the south across the Garden Grove (22) Freeway, are both beyond the required distance and will not be impacted by the proposed Electronic Billboard.

#### Height

Pursuant to GGMC §9.20.110.D.3.f, the permitted height of an electronic billboard shall be determined through the Site Plan review process and shall be limited to the maximum height necessary to ensure adequate visibility of the display from the Garden Grove (22) Freeway. Requested height of an electronic billboard must be justified through a balloon or flag test, or other similar test, conducted at the applicant's cost, and unless special circumstances necessitate a taller sign, as demonstrated through a balloon or flag test, or other similar test, no electronic billboard may exceed 60 feet in height, as measured from finished grade to the top of the billboard structure. In September 2018, the Applicant performed a flag test and determined that the allowable code height of 50 feet above the finished grade of the subject Site would provide the necessary height for visibility.

#### Supporting Structure and Sign Faces

GGMC § 9.20.110 allows up to two (2) steel supports and 680 square feet of sign area. The proposed Electronic Billboard would be supported by a single steel pole, and each sign face will be approximately 672 square feet in area. As required by GGMC § 9.20.110, the proposed Electronic Billboard faces will be oriented for viewing toward the Garden Grove (22) Freeway and away from any residentially-zoned property. In addition, the proposed Electronic Billboard will be subject to several conditions of approval and mitigation measures designed to limit light and

glare impacts from the electronic sign, which includes the requirements that brightness of the sign be adjusted in accordance with ambient light levels and limit the maximum brightness of the sign, that all messages displayed on the electronic sign be static and not contain special visual effects that include moving or flashing lights, and that the minimum display duration for all messages not be less than eight (8) seconds.

#### Removal of Existing Billboard Faces

GGMC § 9.20.110 requires that for every billboard face proposed to be relocated/converted from within the City to an electronic billboard face along the Garden Grove (22) Freeway, at least two (2) vinyl billboard faces shall be removed. The Applicant has proposed to remove four (4) billboard faces elsewhere within the City in order to install the proposed Electronic Billboard along the Garden Grove (22) Freeway. The Applicant provided a list of approximately seven (7) billboard structure locations, some single-faced and some double-faced, that the Applicant proposed for removal/relocation. City Staff reviewed each location and believe that removal of the two (2) structures that were chosen would have the most impact in improving the visual aesthetics in the areas in which they are located.

#### Billboard Relocation Agreement

GGMC § 9.20.110.D.3.k provides that, as a condition of approval of the relocation and/or conversion of a billboard to an electronic billboard, the owner of the electronic billboard must execute a Billboard Removal and Relocation Agreement (Relocation Agreement) with the City pursuant to California Business and Professions Code section 5412 on terms approved by the City Council. If the Planning Commission approves the requested Site Plan, Staff will take a Relocation Agreement, negotiated with the Applicant, to the City Council for consideration. The project Applicant cannot proceed with the proposed project until and unless the City Council approves a mutually acceptable Relocation Agreement.

#### Mitigated Negative Declaration

In conjunction with the proposed project, the City (through a consultant) has prepared an Initial Study and Mitigated Negative Declaration ("IS/MND") in accordance with the California Environmental Quality Act ("CEQA") analyzing the potential environmental impacts of the proposed Electronic Billboard. The IS/MND concludes that the proposed Project will have no, or a less than significant, impact on all relevant environmental factors, provided specified mitigation measures are complied with. These mitigation measures are incorporated as Conditions of Approval to the proposed Site Plan. The City Council will consider adoption of the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program in conjunction with its consideration of the Relocation Agreement. The Planning Commission is required to hold a public hearing concerning the IS/MND and make a recommendation regarding its adoption.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

- Adopt a Resolution approving Site Plan No. SP-076-2019, subject to the recommended Conditions of Approval, and recommend that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the proposed Project.



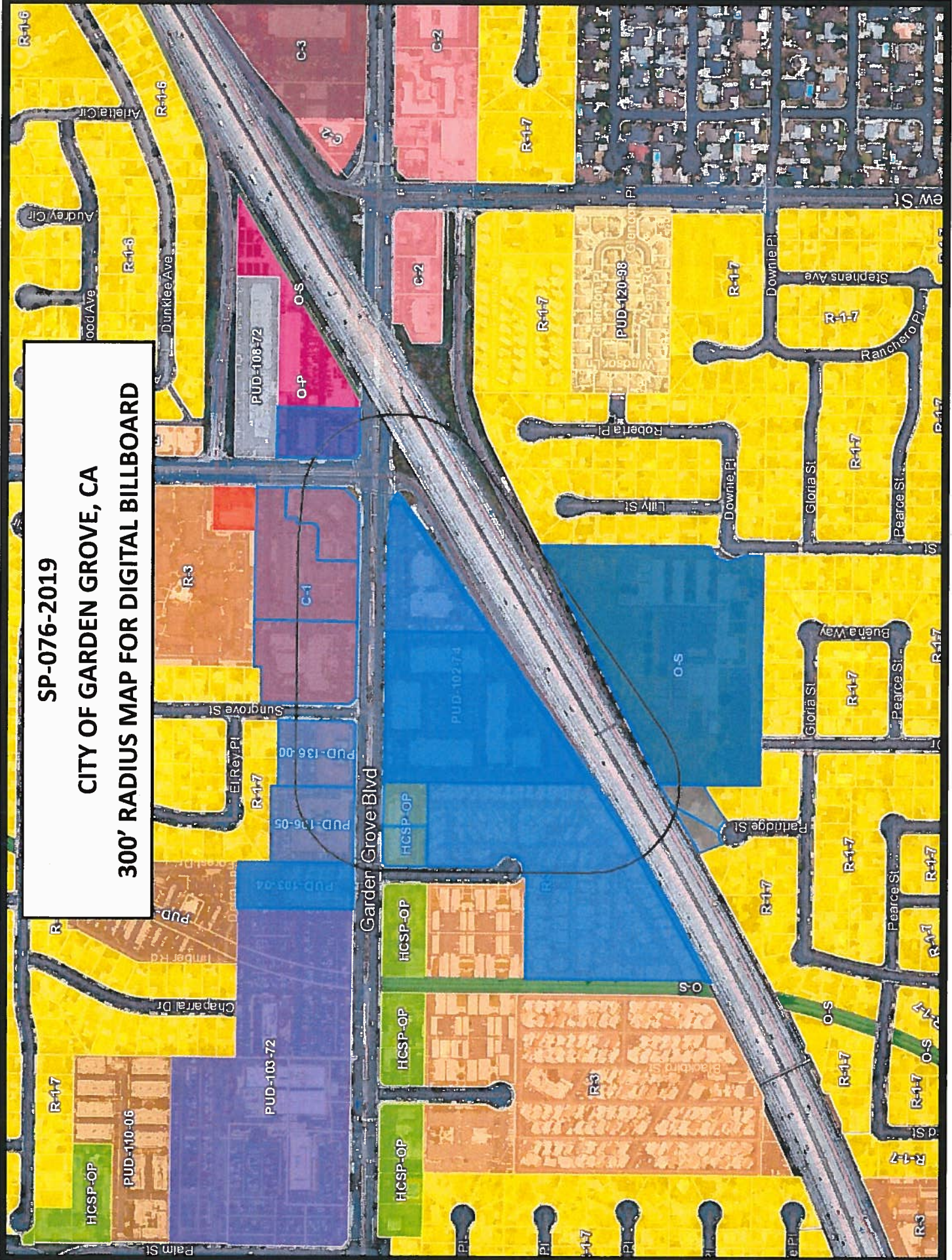
LEE MARINO  
Planning Services Manager



By: Paul Guerrero  
Senior Program Specialist / Real Property Agent

Attachment: Initial Study/Mitigation Negative Declaration/Mitigation Monitoring and Reporting Program

**SP-076-2019**  
**CITY OF GARDEN GROVE, CA**  
**300' RADIUS MAP FOR DIGITAL BILLBOARD**



VICINITY MAP



PROJECT INFORMATION

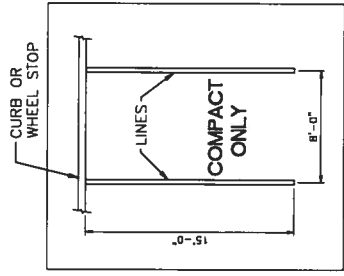
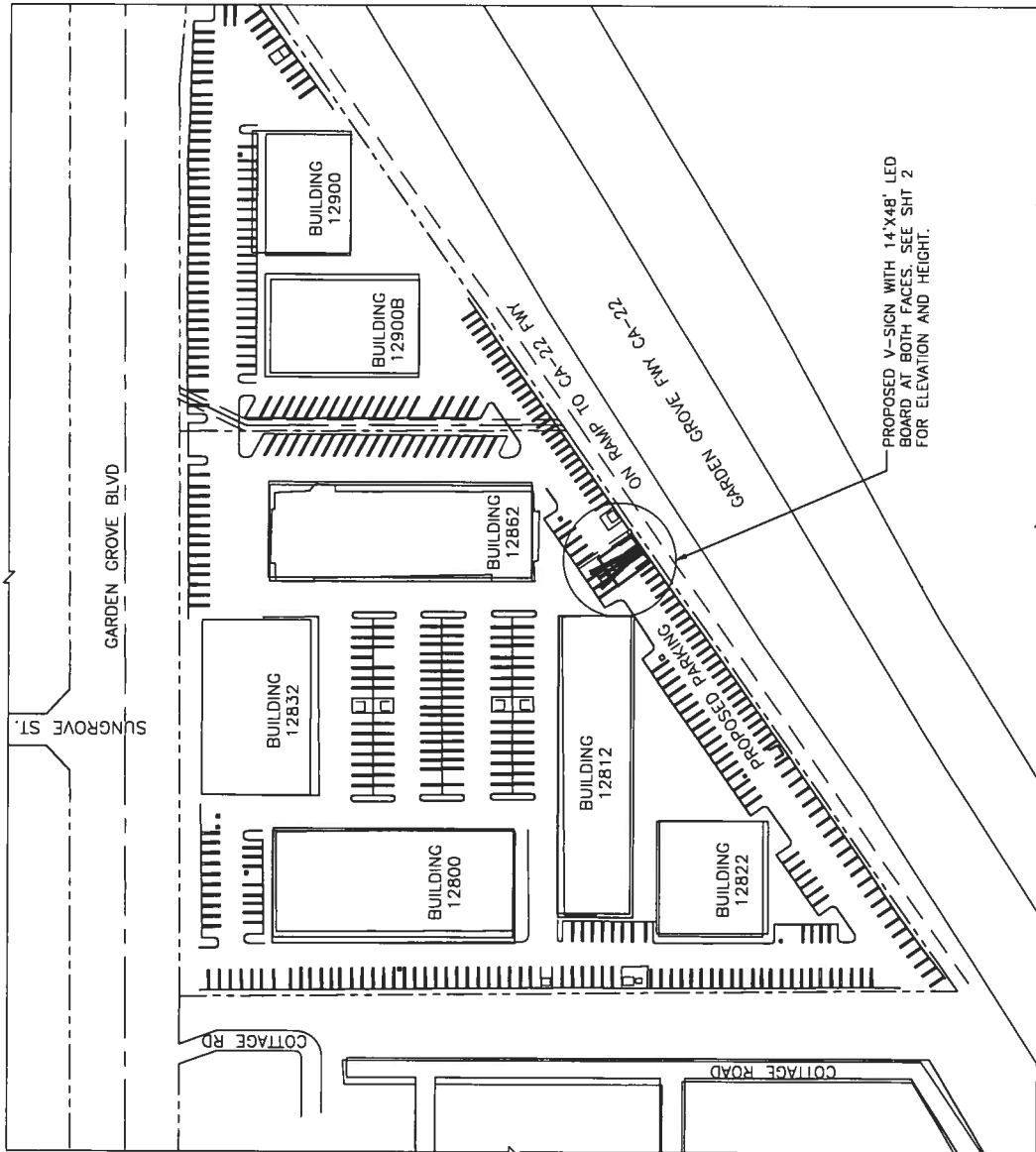
1. NAME OF WORK: 14'x48' LED ON BOTH FACES  
 2. PROJECT ADDRESS: 12827 GARDEN GROVE BLVD., GARDEN GROVE, CA 92841  
 3. APPLICANT: 12827 GARDEN GROVE BLVD. DEVELOPMENT, INC.  
 1731 WILLOW ST.  
 LOS ANGELES, CA 90031  
 4. APPLICANT: 12827 GARDEN GROVE BLVD. DEVELOPMENT, INC.  
 3470 BALDWIN AVE.  
 DOWNTOWN, CA 91731  
 5. APPLICABLE: 2018 CBC, CBC, CFC, CEC, CSC, CISC  
 2018 T-9, ENERGY STANDARDS  
 6. PERMITS: 14'x48' LED ON BOTH FACES  
 7. LOT AREA: 7,110 SQ. FT.  
 8. PARKING SPACES: 432 TOTAL SPACES (P+187)  
 EXISTING: 438 TOTAL SPACES  
 PROPOSED: 48 STANDARD (P+187)  
 28 COMPACT SPACES (P+187) (E8)  
 438 TOTAL

EARTHQUAKE DESIGN DATA

1. SEISMIC HAZARD ANALYSIS: 1.484g,  $R_h = 0.334g$   
 2. SPECTRAL RESPONSE COEFFICIENTS:  $S_{D1} = 0.077g$ ,  $S_{D2} = 0.536g$   
 3. SEISMIC DESIGN CATEGORY: 2  
 4. SOIL TYPE: 1  
 5. RESPONSE MODIFICATION FACTOR: 1.5  
 6. OVERSTRENGTH FACTOR: 1.5  
 7. REDUNDANCY FACTOR USED: 1.0

SHEET INDEX

SHEET NO.	TITLE
1	SECRET AND PROJECT INFORMATION, EARTH DESIGN DATA, SITE PLAN AND ELEVATIONS
2	ARCHITECTURAL
3	STRUCTURAL
4	LED SIGNAGE ELEVATIONS: LED SIGN ELEVATION AND LED SIGN ELEVATION
5	LED SIGNAGE FRAME ELEVATION AND DETAILS
6	LED SIGNAGE AND LED SIGN ELEVATION AND LED SIGN ELEVATION
7	LED SIGNAGE AND LED SIGN ELEVATION AND LED SIGN ELEVATION
8	LED SIGNAGE AND LED SIGN ELEVATION AND LED SIGN ELEVATION
9	LED SIGNAGE AND LED SIGN ELEVATION AND LED SIGN ELEVATION



DETAIL  
 COMPACT PARKING  
 SPACE  
 14' x 1'-0"

SITE PLAN FOR PROPOSED V-SIGN

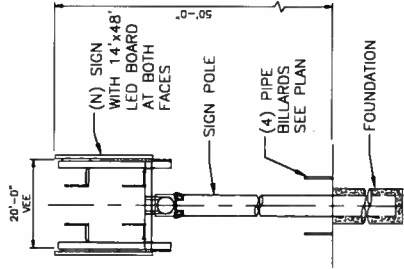
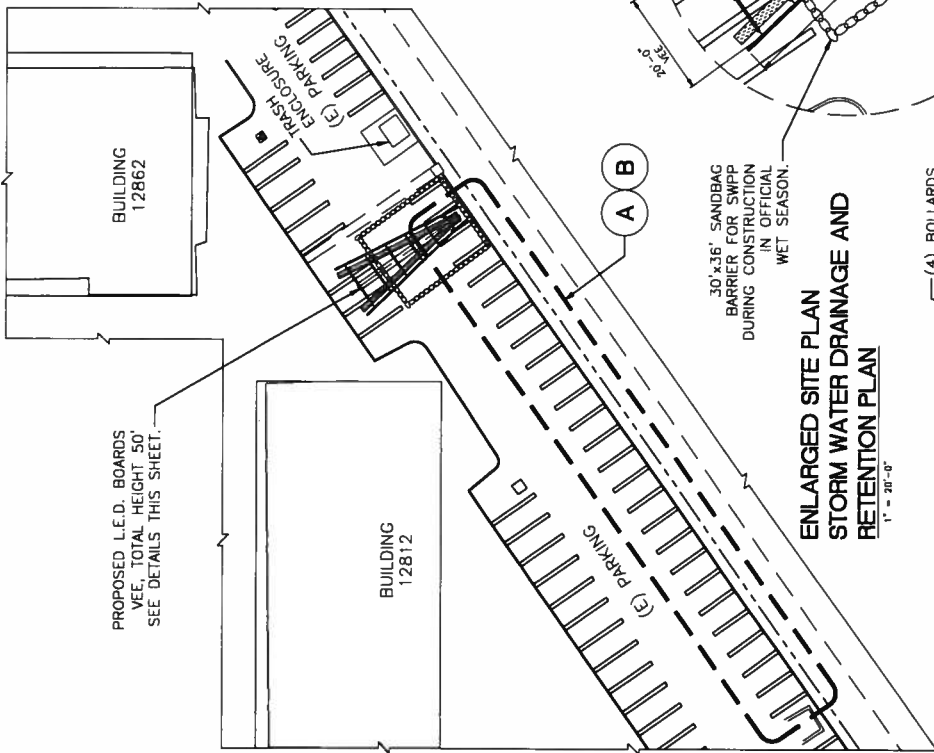
THESE DRAWINGS AS INSTRUMENT OF SERVICE ARE THE PROPERTY OF LEEDCO ENGINEERS, INC. AND SHALL NOT BE REPRODUCED WITHOUT THE CONSENT OF DR. C. D. LEE.

LEEDCO ENGINEERS, INC.  
 STRUCTURAL FOUNDATIONS  
 3470 BALDWIN AVE., DOWNTOWN, CA 91731 (949) 448-7938

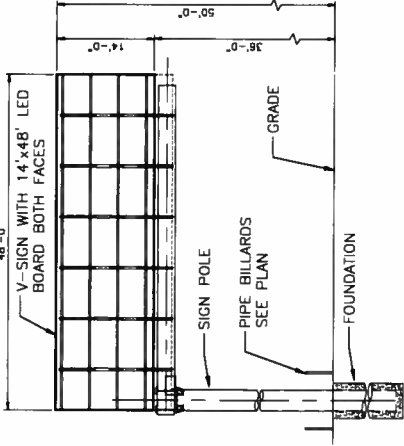
TITLE: 14'x48' LED ON BOTH FACES  
 OWNER: 12827 GARDEN GROVE BLVD. DEVELOPMENT, INC.  
 JOB ADDRESS: 12827 GARDEN GROVE BLVD. GARDEN GROVE, CA 92841

APPROVED BY: C. D. LEE  
 DRAWN BY: C.M.A.  
 DATE: 08-27-19

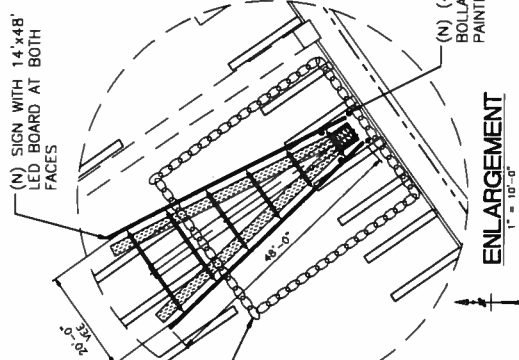
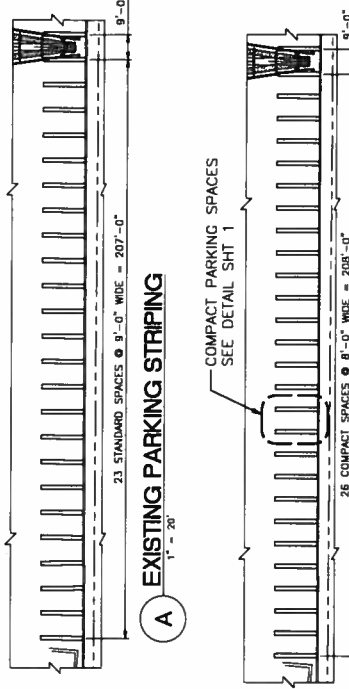
SHEET 1 OF 2



END ELEVATION OF PROPOSED V-SIGN  
1/8" = 1'-0"



EAST ELEVATION OF PROPOSED V-SIGN  
1/8" = 1'-0"



**NOTES**

- 1 UNDERGROUND UTILITIES MAY EXIST OR ADJACENT TO THE NEW SIGN LOCATION THEREFORE THE CONTRACTOR SHALL CALL FOR DIG-ALERT PRIOR TO ANY EXCAVATION IN ORDER TO VERIFY THE EXACT LOCATIONS OF THE UNDERGROUND UTILITIES.
- 2 THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN FIELD FOR PROPER COORDINATION OF WORK.
- 3 ALL DESIGN AND CONSTRUCTION SHALL COMPLY WITH 2016 CBC, CMC, CFC, CEC, CGBC, AND 2016 T-24 ENERGY STANDARDS

TITLE: NEW V-SIGN WITH 14'x48' LED BOARD BOTH FACES OWNER: C. D. LEE JOB ADDRESS: 12862 CARBON DRIVE, BLD. CARBON DRIVE, CA 92504		SHEET: 2 OF: 2
SITE PLAN AND ELEVATIONS		DRAWN BY: G.M.A. CHECKED BY: C.D.L. DATE: 08-27-18
LEEDCO ENGINEERS, INC. 3100 BALDWIN AVE., SUITE 201, CA 91731 (949) 440-7410		
THESE DRAWINGS AS INSTRUMENT OF SERVICE ARE THE PROPERTY OF LEEDCO ENGINEERS AND SHALL NOT BE REPRODUCED WITHOUT THE CONSENT OF DR. C. D. LEE.		

RESOLUTION NO. 5967-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-076-2019 FOR A BILLBOARD RELOCATION TO 12862 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 101-020-55, 101-020-56 AND RECOMMENDING THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT.

WHEREAS, the City of Garden Grove (City) has received a request for approval of Site Plan No. SP-076-2019 for a billboard relocation in accordance with Garden Grove Municipal Code Section 9.20.110 to allow the relocated billboard on land located at the southwest corner of Garden Grove Boulevard and Haster Street at 12862 Garden Grove Boulevard, Assessor's Parcel Numbers 101-020-55 and 101-020-56 (subject Site);

WHEREAS, if Site Plan No. SP-076-2019 is approved, it is contemplated that the City Council will also consider approval of a Relocation Agreement pursuant to Business and Professions Code Section 5412 pertaining to the removal of two existing billboard structures within the City and erection and maintenance of the relocated electronic billboard pursuant to Site Plan No. SP-076-2019; and

WHEREAS, Site Plan No. SP-076-2019 and the Relocation Agreement are collectively referred to herein as the "Project"; and

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Garden Grove in regular session assembled on November 7, 2019, does hereby approve Site Plan No. SP-076-2019, subject to the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project and approval by the City Council of a Billboard Removal and Relocation Agreement (Relocation Agreement) between the City and the Applicant.

BE IT FURTHER RESOLVED as follows:

1. The Planning Commission has considered the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program with comments received during the public hearing process.
2. The Planning Commission finds on the basis of the whole record before it, including the Initial Study and comments received, that there is no substantial evidence that the Project will have a significant impact on the environment with mitigation measures.
3. The Planning Commission recommends adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to the City Council.

4. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Community and Economic Development Director.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-076-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Outfront Media, LLC (Applicant).
2. The Applicant requests approval of Site Plan No. SP-076-2019 to relocate two (2) existing billboard structures and convert them into one (1), new relocated two-sided electronic billboard structure/sign (Electronic Billboard) located along the Garden Grove (22) Freeway at 12862 Garden Grove Boulevard in the PUD-102-74 zone. The site is an approximately 8.1-acre site that consists of two (2) parcels (101-020-55 and 101-020-56), with addresses that range between 12800 through 12912. The proposed Electronic Billboard would be located on the southern portion of the subject Site, adjacent to addresses 12832 and 12812.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an Initial Study was prepared and it has been determined that the proposed project qualifies for a Mitigated Negative Declaration because the proposed project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment. A Mitigation Monitoring and Reporting Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared and circulated in accordance with CEQA and CEQA implementing guidelines.
4. The subject Site has a General Plan Land Use designation of International West Mixed Use and is currently zoned Planned Unit Development No. PUD-102-74. The subject Site is currently developed with an integrated commercial/industrial development.
5. The existing land use, zoning, and General Plan designation of subject Site in the vicinity of the subject Site have been reviewed.
6. A report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 7, 2019, and all interested persons were given an opportunity to be heard.



8. The Planning Commission gave due and careful consideration to the matter during its meeting of November 7, 2019 and considered all oral and written testimony presented regarding the Project.

BE IT FURTHER RESOLVED, FOUND, AND DETERMINED that the facts and reasons supporting the consideration of the Planning Commission, as required under Municipal Code Section 9.24.030 and 9.20.110, are as follows:

FACTS:

Pursuant to Garden Grove Municipal Code (GGMC) Section 9.20.110.A, the construction of new billboards is prohibited in the City of Garden Grove. However, pursuant to GGMC Section 9.20.110.B, the owner of an existing legal nonconforming billboard located within the City may seek to relocate the existing billboard to a new location within the City by filing an application for a Site Plan approval with the City. The Planning Commission is empowered to approve, deny, or conditionally approve such a Site Plan application in accordance the criteria set forth in Section 9.20.110.B. Pursuant to GGMC Section 9.20.110.D, subject to the discretionary approval of a Site Plan application by the City, entry into a Relocation Agreement with the City pursuant to California Business and Professions Code Section 5412, and compliance with specified criteria and conditions, the owner of an existing legal nonconforming static billboard within the City may relocate and convert such billboard to an electronic billboard, provided such relocated and converted billboard is located within the Garden Grove (22) Freeway Corridor. Such a relocated and converted electronic billboard is deemed a legal nonconforming use and structure.

The project Applicant proposes to permanently remove four (4) existing non-electronic billboard sign faces and associated structures in the City and to construct and operate in their place one (1) relocated and converted Electronic Billboard within the Garden Grove (22) Freeway Corridor utilizing a state-of-the-art two-sided digital display.

The locations of the existing billboards that will be removed are:

- South side of Chapman Avenue west of Santa Rosalia Street (double-faced sign), and
- North side of Garden Grove Boulevard west of Beach Boulevard (double-faced sign).

A total of four (4) billboard faces are proposed to be removed.

The proposed Electronic Billboard will be located on a parcel along the north side of the Garden Grove (22) Freeway. The column placement of the proposed Electronic Billboard will be on the southern portion of the parking lot of an approximately 8.1-

acre integrated commercial/industrial development, adjacent to addresses 12832 and 12812. The stated project Site is 12862 Garden Grove Boulevard, as the property owner maintains an administration office on-site. The subject Site consists of two (2) parcels (101-020-55 and 101-020-56) on the southwest corner of Garden Grove Boulevard and Haster Street. The addresses on the subject Site range between 12800 through 12912.

The subject Site is zoned Planned Unit Development No. PUD-102-74 and maintains a General Plan Land Use Designation of International West Mixed Use. The property owner, Cedarbrook Garden Grove LLC, maintains an administration office at 12862 Garden Grove Boulevard. The property to the north, across Garden Grove Boulevard, is zoned C-1 (Neighborhood Commercial) and is developed with two (2) hotels; to the northeast, the property is zoned C-1 (Neighborhood Commercial) and is developed with a service station, and to the northwest, are apartment units, zoned PUD-136-00 (Planned Unit Development). The properties to the west are zoned HCSP-OP (Harbor Corridor Specific Plan - Office Professional) and R-3 (Multiple-Family Residential) and are developed with an animal hospital/office and a mobile home park, respectively. The subject Site is bounded to the south, southeast, and the east by the Garden Grove (22) Freeway. To the far south and southeast, across the Garden Grove (22) Freeway, the properties are zoned O-S (Open Space) and R-1 (Single-Family Residential) and are developed with an elementary school and single-family homes, respectively.

Various Federal and State laws and regulations apply to digital signs and billboards located along highways. The proposed Electronic Billboard has been sited and designed to comply with all applicable size, spacing, and distance limits imposed by Federal and/or State law. In addition, the proposed Electronic Billboard will be subject to all applicable operational limits and requirements imposed by Federal and/or State law. The Applicant will be required to obtain a permit from the California Department of Transportation prior to erecting and operating the proposed Electronic Billboard.

The Electronic Billboard will also be subject to several Conditions of Approval and mitigation measures intended to ensure safety and to mitigate adverse impacts on nearby properties and uses, including, but not limited to, the following:

- The sign faces of the relocated billboard shall be oriented toward the freeway and shall not cause excessive light and glare impacts on the freeway, adjacent streets or adjacent properties. The sign shall comply with all standards, requirements, and limits applicable to illumination, light output, and message/image display set forth in Garden Grove Municipal Code Section 9.20.110.
- The Applicant shall demonstrate compliance with a maximum 0.3-foot candle increase over ambient light at 250 feet from the sign face at all times upon

initial start-up through field testing. If subsequent complaints consisting of direct personal impacts are received by the City, the Applicant shall be required to fund follow-up field testing by an independent contractor or City staff trained in the use of a handheld photometer to demonstrate continued compliance with these requirements. If increases in ambient light are found to be above the 0.3-foot candle level, the dimming level shall be adjusted until this level can be demonstrated.

- The Electronic Billboard shall be installed with sensors which automatically lower light output in accordance with atmospheric conditions (i.e., cloudy or overcast weather). Throughout sign operation, the dimness setting of the sign shall be adjusted in real time so it does not exceed the level of illumination described above.
- No special visual effects that include moving or flashing lights shall accompany the transition between two successive messages, and no special visual effects shall accompany any message display.
- The minimum display duration time for messages shall be not less than eight (8) seconds, and the minimum display time between messages shall be not more than one (1) second.
- The minimum font size shall be established for the maximum speed on the Garden Grove (22) Freeway. The font size standard shall be in accordance with the sign industry's best practices formula.
- The operator shall submit a request and obtain permission from the City prior to installing, implementing or using any technology that would allow interaction with drivers, vehicles, or any device located in vehicles, including, but not limited to, a radio frequency identification device, geographic positions system, or other device.
- In the event of any failure or combination of failures that affect the Electronic Billboard's luminance, the operator shall impose a default to an output level no higher than 4 percent of the maximum luminance of the Electronic Billboard. If this cannot be achieved, then the display shall be required to default to an "off" position until the problem can be resolved.

The proposed billboard relocation and conversion satisfies the criteria and conditions for Site Plan approval pursuant to GGMC § 9.20.110.

#### Location

In compliance with GGMC § 9.20.110.D, the proposed Electronic Billboard would be located on commercially-zoned property within the Garden Grove (22) Freeway

Corridor and would not be located within either 500 feet of any other billboard on the same side of the freeway or within 1,000 feet of any other electronic sign. Additionally, the proposed Electronic Billboard would not be located within 350 feet of a residentially-zoned property. The mobile home park to the west and the single-family homes to the south across the Garden Grove (22) Freeway are both beyond the required distance and will not be impacted by the proposed Electronic Billboard.

### Height

Pursuant to GGMC §9.20.110.D.3.f, the permitted height of an electronic billboard shall be determined through the Site Plan review process and shall be limited to the maximum height necessary to ensure adequate visibility of the display from the Garden Grove (22) Freeway. Unless special circumstances necessitate a taller sign, as demonstrated through a balloon or flag test, or other similar test, no electronic billboard may exceed 60 feet in height, as measured from finished grade to the top of the billboard structure. The height of the proposed Electronic Billboard would be 50 feet above the finished grade of the subject Site the proposed Electronic Billboard is to be located on.

### Supporting Structure and Sign Faces

GGMC § 9.20.110 allows up to two (2) steel supports and 680 square feet of sign area. The proposed Electronic Billboard would be supported by a single steel pole, and each sign face will be approximately 672 square feet in area. As required by GGMC § 9.20.110, the proposed Electronic Billboard faces will be oriented for viewing toward the Garden Grove (22) Freeway and away from any residentially-zoned property. In addition, the proposed Electronic Billboard will be subject to several conditions of approval and mitigation measures designed to limit light and glare impacts from the electronic sign, which includes the requirements that brightness of the sign be adjusted in accordance with ambient light levels and limit the maximum brightness of the sign, that all messages displayed on the electronic sign be static and not contain special visual effects that include moving or flashing lights, and the requirement that the minimum display duration for all messages not be less than eight (8) seconds.

### Removal of Existing Billboard Faces

GGMC § 9.20.110 requires that for every billboard face proposed to be relocated/converted from within the City to an electronic billboard face along the Garden Grove (22) Freeway, at least two (2) vinyl billboard faces shall be removed. The Applicant has proposed to remove four (4) billboard faces elsewhere within the City in order to install the proposed Electronic Billboard along the Garden Grove (22) Freeway. The Applicant provided a list of approximately seven (7) billboard structure locations, some single-faced and some double-faced, that the Applicant

proposed for removal/relocation. City Staff reviewed each location and believes that removal of the two (2) structures that were chosen would have the most impact in improving the visual aesthetics in the areas in which they are located.

#### Billboard Relocation Agreement

GGMC § 9.20.110.D.3.k provides that, as a condition of approval of the relocation and/or conversion of a billboard to an electronic billboard, the owner of the electronic billboard must execute a Billboard Removal and Relocation Agreement (Relocation Agreement) with the City pursuant to California Business and Professions Code section 5412 on terms approved by the City Council. If the Planning Commission approves the requested Site Plan, Staff will take a Relocation Agreement, negotiated with the Applicant, to the City Council for consideration. The project Applicant cannot proceed with the proposed project until and unless the City Council approves a mutually acceptable Relocation Agreement.

#### FINDINGS AND REASONS:

##### Site Plan:

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

Approval of the proposed Site Plan will result in the permanent removal of two (2) existing legal non-conforming billboard structures and four (4) billboard sign faces from commercial corridors and areas in the City, and the relocation of a single freeway-oriented sign structure to a commercial/industrial property, which is located along to the north side of the Garden Grove (22) Freeway.

While the General Plan does not specifically contain policies pertaining to the relocation/removal of existing billboards or the conversion of them to electronic billboards, the General Plan does contain policies that promote the use of appropriate and compatible signage in commercial areas and encourages the development of new signs that are up to date with current industry designs. Goal LU-6 of the General Plan Land Use Element calls for the "revitalization of aging, underused or deteriorated commercial corridors, centers, and properties in the City", Policy LU-6.6 provides that the City should "ensure appropriate and compatible signage is provided within commercial centers," and Policy CD-IMP-2D "encourages the development of new sign standards that are up-to-date with current industry designs. The removal of the existing old legal non-conforming billboards located in established commercial areas, adjacent to residential zones, and their relocation to the Garden Grove (22) Freeway Corridor, along with the conversion of the signs to a new industry standard, will contribute to the overall improvement to these commercial areas, thereby reducing visual blight. Goal LU-4 of the General Plan Land Use Element states

that "the City seeks to develop uses that are compatible with one another." Large billboard signs are more compatible with the proposed freeway-adjacent industrial relocation site than with the areas in which the existing legal non-conforming signs to be removed are located.

Although the construction of new billboards in the City is prohibited by Title 9, the relocation of existing billboards within the City is permitted pursuant to Site Plan approval in accordance with Garden Grove Municipal Code Section 9.20.110. The proposed Site Plan application is being considered to allow the proposed Electronic Billboard located along the Garden Grove (22) Freeway. The proposed Electronic Billboard has been sited and designed to comply with all other development requirements that have been established in Section 9.20.110 (Billboards) of Title 9 of the City's Municipal Code.

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

The installation of the proposed Electronic Billboard will require the relocation of one (1) parking space. The parking space will be relocated, thereby maintaining the number of parking spaces that were originally approved for the development. Sufficient parking is provided, and adequate pedestrian access will remain within the project Site.

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

The installation of the proposed Electronic Billboard will not negatively impact the existing public facilities and will not require additional improvements to public facilities to accommodate the sign. The existing streets, utilities and drainage facilities within the area are adequate to accommodate the existing development and proposed Electronic Billboard. The on-site circulation and parking are sufficient for the existing and proposed development.

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

The Project has been reviewed by the Public Works Department. The installation of the proposed Electronic Billboard will not require any on or off-site improvements. Therefore, no impact to the Public Work Departments ability to perform its required functions is anticipated.

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

The proposed Electronic Billboard is to be located within an existing commercial/industrial area, along the Garden Grove (22) Freeway Corridor. While there is a residentially-zoned property in close proximity to the subject Site, the mobile home park is located beyond the Code requirement of 350 feet from the proposed Electronic Billboard. The subject Site is bounded to the south, southeast, and the east by the Garden Grove (22) Freeway. The R-1 (Single-Family Residential) zone to the southeast, across the Garden Grove (22) Freeway is beyond the 350-foot distance Code requirement. Provided that the proposed Electronic Billboard complies with all City, State, and Federal requirements, as well as the Conditions of Approval, the proposed Electronic Billboard will be compatible with the physical, functional and visual quality of the neighboring uses. Additionally, the removal of the two (2) existing billboard structures located within the City will assist in improving the visual and physical quality of neighborhoods they are located in.

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

The Project only involves the removal and relocation of billboard sign structures and does not include the construction of any buildings. The proposed Electronic Billboard will be located on a commercial/industrial site. Accordingly, the Project will not impact the attractiveness of the environment of any occupants of the subject Site.

7. Construction of the proposed electronic billboard structure will not have an adverse effect on the public health, welfare, and safety of the community.

The proposed Electronic Billboard will be located on a 8.1-acre site that is zoned PUD-102-74 located southwest of Garden Grove Boulevard and Haster Street along the north side of the Garden Grove (22) Freeway. The subject Site is developed with an existing commercial/industrial development, surrounded by other commercial uses to the north and northeast; apartment units to the northwest; the west is developed with office and residential type uses; the Garden Grove (22) Freeway bounds along the south, southeast, and east; and to the far south and southeast, across the Garden Grove (22) Freeway, are an elementary school and single-family residences beyond the residential Code requirement of 350 feet. The proposed Electronic Billboard has been sited and designed to comply with all applicable development standards, and will be subject to all operational requirements, imposed by Federal and/or State law as well as the requirements of Section 9.20.110 Billboards of the Title 9 of the City's Municipal Code. In addition, approval of the Site Plan has been made subject to Conditions of Approval to further ensure construction and operational impacts are minimized. Further, the project Applicant and its successors will be required to comply with and implement all mitigation measures identified in the

Mitigated Negative Declaration to mitigate potentially significant environmental impacts. The 50-foot height of the proposed Electronic Billboard is the minimum necessary to ensure adequate visibility of the display from the Garden Grove (22) Freeway. The location and orientation of the proposed Electronic Billboard, the requirement that the Applicant enter into a Relocation Agreement with the City, and the required compliance by the Applicant and its successors with applicable State and Federal laws, the provisions of the Garden Grove Municipal Code, and the required mitigation measures, will ensure that any potentially adverse light, glare, or aesthetic impacts on surrounding properties are avoided or minimized.

The development pattern surrounding the subject Site is consistent with the development pattern surrounding other sites that an electronic billboard could be located on that are within the Garden Grove (22) Freeway Corridor, and the visual and aesthetic impact from the proposed Electronic Billboard on residential uses will not be significantly different than from electronic billboards on such other sites.

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

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.24.030 (Site Plan) and 9.20.110 (Billboards).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-076-2019.
3. Approval of Site Plan No. SP-076-2019 shall not become effective until and unless the City Council adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approves a Relocation Agreement with the project Applicant. In the event that a Relocation Agreement with the project Applicant is not approved by the City Council, the City's approval for SP-076-2019 shall be deemed null and void and of no effect.



## **EXHIBIT "A"**

### **CONDITIONS OF APPROVAL**

For

Site Plan No. SP-076-2019  
12862 Garden Grove Boulevard  
(APNs: 101-020-55 and 101-020-56)

#### **General Conditions**

1. The Applicant and each owner of the property shall execute, and the Applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval.
2. The term (Applicant), as used herein, shall mean and refer to each of the following: the project applicant, Outfront Media, LLC, the owner(s) of the property on which the relocated billboard is located, any future tenant of said property operating under this Site Plan approval, and each of their respective successors and assigns.
3. All Conditions of Approval set forth herein shall be binding on and enforceable against the "Applicant" as defined above. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Except as otherwise expressly provided in these Conditions of Approval, any changes to the Conditions of Approval require approval by the Planning Commission.
4. Site Plan No. SP-076-2019 shall not become effective until and unless the City Council approves a Billboard Removal and Relocation Agreement (Relocation Agreement) with the Applicant. In the event that a Relocation Agreement with the Applicant is not approved by the City Council, the City's approval for SP-076-2019 shall be deemed null and void and of no effect. Approval of this Site Plan shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The Applicant shall obtain and abide by any necessary permits or licenses required to demolish and remove the existing billboards and to erect and operate the new relocated two-sided electronic billboard structure/sign (Electronic Billboard), in compliance with all applicable laws.
5. Minor modifications to the site plan or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the Site Plan or to these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the Planning Commission or other applicable City hearing body.

6. The approved Site Plan, elevations, and the use of the subject Site as represented by the Applicant, are integral parts of the decision approving this Site Plan. Before major modifications may be made to the approved plans or use that result in the intensification of the approved use or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.

### **Building Services Division**

7. The proposed Electronic Billboard structure shall comply with the California Building Standards Code.
8. The Applicant shall prepare a soils/geotechnical report for this project that includes an evaluation of the effects of liquefaction and recommended mitigation measures.
9. The subject Site is located in Flood Zone "A," a FEMA-designated 100-year flood zone. Given the extent of the proposed construction on the property, the proposed development will constitute a substantial improvement. As with any substantial improvement in the flood zone, the Applicant shall comply with the Flood Area Development Requirements required by the Building and Safety Division.

### **Fire Department**

10. The proposed Electronic Billboard shall not encroach into any required fire lane. Adequate emergency vehicle access shall be maintained at all times.

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

11. This approval shall be for a billboard relocation pursuant to Garden Grove Municipal Code Section 9.20.110.B. Specifically, this approval authorizes the demolition and permanent removal of two (2) existing legal non-conforming billboard structures with four (4) faces in the City and the installation of a proposed relocated double-faced freeway-oriented Electronic Billboard along the Garden Grove (22) Freeway in compliance with the approved set of plans submitted with the subject Site Plan request and the requirements of Garden Grove Municipal Code Section 9.20.110 (Billboards). The Applicant's rights and obligations regarding maintenance and removal of the relocated billboard structures and sign faces shall be as established in the Relocation Agreement approved by the City Council. This Site Plan approval shall not result in the granting of any rights to the Applicant with respect to maintenance and removal of the relocated billboard than are greater than as established in the Relocation Agreement or possessed with respect to any of the legal non-conforming billboards to be removed pursuant to this Site Plan approval.

12. The maximum height of the proposed Electronic Billboard sign shall be 50 feet as measured from grade to top of sign. The proposed Electronic Billboard faces shall not be larger than 14 feet high X 48 feet wide (672 square feet).
13. The design of the proposed Electronic Billboard shall be consistent with the design approved by the Planning Commission and shown on the submitted plans. Color and material samples of the metal cladding shall be submitted to, and approved by, the Planning Division prior to issuance of building permits.
14. The sign faces of the proposed Electronic Billboard shall be oriented toward the freeway and shall not cause excessive light and glare impacts on the freeway, adjacent streets or adjacent properties. The proposed Electronic Billboard shall comply with all standards, requirements and limits applicable to illumination, light output, and message/image display set forth in Garden Grove Municipal Code Section 9.20.110.
15. The Applicant and the proposed Electronic Billboard shall comply will all applicable location, distance, size, operational, permit or licensing, and/or other requirements for off-premise electronic signs adjacent to the freeway right-of-way imposed by Federal or State law, including without limitation, the California Outdoor Advertising Act, California Business and Professions Code Section 5200, et. seq., and its implementing regulations, including applicable amendments thereto. To the extent such State or Federal requirements are stricter or more limiting than the requirements imposed pursuant to these Conditions of Approval, the stricter or more limiting State or Federal requirements shall apply. The Applicant shall demonstrate compliance with all applicable State and Federal requirements to the reasonable satisfaction of the Community and Economic Development Director prior to issuance of building permits and for as long as the relocated billboard remains in place on the subject Site.
16. The Applicant shall make space available for the display of emergency messaging in accordance with local, regional, and/or State protocols.
17. In accordance with Garden Grove Municipal Code Section 9.20.110.D, the Applicant's permanent removal of at least four (4) existing billboard sign faces and associated structures located within the City is an express condition to the City's approval of this Site Plan. Pursuant to the Applicant's proposal, two (2) existing billboard structures with a total of four (4) sign faces located within the City of Garden Grove will be permanently removed. The removal of these existing billboard structures shall be completed prior to issuance of building permits for the construction and installation of the proposed Electronic Billboard.

18. The Applicant shall enter into a Relocation Agreement with the City pursuant to Garden Grove Municipal Code Section 9.20.110.D. Said Agreement shall be approved by the City Council and fully executed prior to issuance of building permits for the proposed Electronic Billboard. The schedule of performance for removal of existing billboards and installation/relocation of the proposed Electronic Billboard, the time frame for Applicant's maintenance and eventual removal of the relocated billboard on the subject Site, the implementation of applicable mitigation measures, and the donation of advertising time on the billboard for community events to the City shall be as set forth in the Relocation Agreement.
19. Permissible hours and days of construction of the proposed Electronic Billboard and demolition/removal of existing billboards shall be as set forth in the City of Garden Grove's Municipal Code Section 8.47.010, referred to as the Noise Control Ordinance.
20. The Applicant shall fully comply with and implement all mitigation measures identified in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program adopted in conjunction with the approval of Site Plan No. SP-076-2019 and the Relocation Agreement. Specifically, and without limitation, such mitigation measures include, but are not limited to, the following:
  - a. The Applicant shall demonstrate compliance with a maximum 0.3-foot candle increase over ambient light at 250 feet from the sign face at all times upon initial start-up through field testing. If subsequent complaints consisting of direct personal impacts are received by the City of Garden Grove, the City shall require the Applicant to fund follow-up field testing by an independent contractor or City staff trained in the use of a handheld photometer to demonstrate continued compliance. If increases in ambient light are found to be above the 0.3foot-candle level, the dimming level shall be adjusted until this level can be demonstrated.
  - b. The proposed Electronic Billboard shall be installed with sensors, which automatically lower light output in accordance with atmospheric conditions (i.e., cloudy or overcast weather). Throughout the proposed Electronic Billboard operation, the dimness setting of the LED sign shall be adjusted in real time so it does not exceed the level of illumination identified under Mitigation Measure AES-1.
  - c. The operation of the proposed Electronic Billboard shall comply with the following at all times:

- No special visual effects that include moving or flashing lights shall accompany the transition between two (2) successive messages, and no special visual effects shall accompany any message display;
  - The minimum display duration time for messages shall be not less than eight (8) seconds, and the minimum display time between messages shall be not more than one (1) second;
  - The minimum font size shall be established for the maximum speed on the Garden Grove (22) Freeway. The font size standard shall be in accordance with the sign industry's best practices formula.
  - Prior to implementing any of the following, the operator shall submit a request and obtain permission from the City: installing, implementing, or using any technology that would allow interaction with drivers, vehicles, or any device located in vehicles, including, but not limited to, a radio frequency identification device, geographic positions system, or other device;
  - In the event of any failure or combination of failures that affect the proposed Electronic Billboard's luminance, the operator shall impose a default to an output level no higher than four (4) percent of the maximum luminance of the proposed Electronic Billboard. If this cannot be achieved, then the display shall be required to default to an "off" position until the problem can be resolved.
- d. The operator of electronic LED billboard shall submit within 30 days following June 30 of each year, a written report regarding operation of each electronic billboard during the preceding period of July 1 to June 30. The operator may submit a combined report for all such electronic billboards operated by such operator within the Garden Grove (22) Freeway Corridor. The report shall, when appropriate, identify incidents or facts that relate to specific electronic billboards. The report shall be submitted to the Office of the City Manager and the City Attorney, and shall include the following information:
- Status of the operator's license as required by California Business and Professions Code Section 5300 et seq.;
  - Status of the required permit for individual electronic billboards, as required by California Business and Professions Code Section 5350 et seq.;
  - Compliance with the California Outdoor Advertising Act, California Business and Professions Code Section 5200 et. seq. and all regulations adopted pursuant to such Act;

- Compliance with California Vehicle Code Sections 21466.5 and 21467;
  - Compliance with provisions of written agreements between the United States Department of Transportation and the California Department of Transportation pursuant to the Federal Highway Beautification Act (23 U.S.C. § 131);
  - Compliance with mitigation measures and/or conditions of approval adopted as part of the project approval;
  - Each written or oral complaint received by the operator, or conveyed to the operator by any government agency or any other person, regarding operation of electronic billboards within the Garden Grove (22) Freeway Corridor;
  - Each malfunction or failure of an electronic billboard operated by the operator within the Garden Grove (22) Freeway Corridor, which shall include only those malfunctions or failures that are visible to the naked eye, including reason for the malfunction, duration and confirmation of repair; and
  - Operating status of each electronic billboard operated by the operator within the Garden Grove (22) Freeway Corridor, including estimated date of repair and return to normal operation of any electronic billboard identified in the report as not operating in normal mode.
21. The Applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-076-2019, as it relates to this project encompassed by Site Plan No. SP-076-2019. The Applicant shall pay the City's defense costs, including reasonable attorney fees and all reasonable 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 making such challenge. The Applicant shall retain the right to select its counsel of choice in any action referred to herein, which shall be reasonably satisfactory to the City. In the event that any third party brings any challenge, the City shall give sufficiently prompt notice to the Applicant of such challenge and shall in all events give such notice within ten (10) days of the date that the Office of the City Attorney first learns of the challenge. Notwithstanding the foregoing, in the event any legal action or proceeding is

filed against the City and/or applicant, seeking to attack, set aside, void or annul any of Site Plan No. SP-076-2019, as it relates to the project encompassed by Site Plan No. SP-076-2019, applicant shall have the right and obligation to either: (1) defend the City with legal counsel selected by the Applicant and reasonably satisfactory to the office of the City Attorney; or (2) request that the City rescind Site Plan No. SP-076-2019, in which case the Applicant would have no obligation to defend or indemnify the City and no obligation to make any payments described above; however, Applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind Site Plan No. SP-076-2019 approval. The foregoing obligation to defend, indemnify and defend the City is subject to the condition that the City not voluntarily assist in any such third-party challenge or take any position adverse to the Applicant in connection with such third party challenge.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.2.	<b>SITE LOCATION:</b> South side of Stanford Avenue, between Gilbert Street and Brookhurst Way, at 9792 Stanford Avenue
<b>HEARING DATE:</b> November 7, 2019	<b>GENERAL PLAN:</b> Low Density Residential
<b>CASE NO.:</b> Amendment No. A-026-2019, Lot Line Adjustment No. LLA-023-2019, and Front Yard Determination No. FYD-005-2019	<b>EXISTING ZONE:</b> R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet <b>PROPOSED ZONE:</b> R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet
<b>APPLICANT AND PROPERTY OWNER:</b> Henry Tran, Y-Minh Dinh, Kevin Dinh, Xuan Thao Nguyen, An Dac Nguyen, My-Y Dinh, Ai My Dinh, Jimmy Tong, Ronald Dinh, Minh Thuy Le, Vinny Dinh, Thomas Dinh and Annie Tran	<b>APN NO.:</b> 133-372-06 <b>CEQA DETERMINATION:</b> Exempt-Section 15061-Review for Exemption, Section 15303-New Construction or Conversion of Small Structures; 15303-Minor Alterations in Land Use Limitations

**REQUEST:**

The applicant requests approval of a Zone Change Amendment, Lot Line Adjustment, and Front Yard Determination in conjunction with the reconfiguration of existing lot lines of a currently vacant 42,675 square foot (0.97-acre) project site to reduce the total number of legal lots from four (4) to three (3) for the purpose of constructing a single-family dwelling unit on each lot. The Planning Commission will consider the following: (i) a recommendation that the City Council determine that the project is categorically exempt from the California Environmental Quality Act (CEQA); (ii) a recommendation that the City Council approve a Zone Change to amend the zoning designation of the project site from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15) to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet (R-1-11); (iii) approval of a Lot Line Adjustment to reconfigure the existing lot line to create three (3) new lots with areas of of 14,228 square feet (Lot 1), 14,224 square feet (Lot 2), and 14,223 square feet (Lot 3); and (iv), Front Yard Determination to designate the front of each parcel as that portion of the lot that directly abuts the shared driveway easement.



**BACKGROUND:**

The subject project site is located on the south side of Stanford Avenue, between Gilbert Street and Brookhurst Way. The project site has a General Plan Land Use designation of Low Density Residential, and is zoned R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15). The project site is located in a single-family residential neighborhood that is developed with a mix of single-story and two-story residences on lots that range in size from 7,200 square feet to over one acre. The residential neighborhood is characterized as being developed with single-family homes on large lots.

The project site abuts R-1 zoned properties developed with single-family homes to the north, across Stanford Avenue, to the east, and to the west. The properties that directly abut the project site to the west are part of a single-family residential subdivision developed with six (6) parcels located on Crestwood Circle. The properties to the south of the project site are zoned R-3 (Multiple-Family Residential), and are developed with multiple-family apartments.

The project site is comprised of four (4) legal parcels with an aggregate land area of 0.97 acres. The parcels were created in 1991 with approval of Parcel Map No. PM-91-300 (see Attachment 1). Parcels 1 and 4 have a lot size of 9,366 square feet, while Parcels 2 and 3 have a lot size of 11,971 square feet. The individual parcels were never developed with a single-family home as approved under Site Plan No. SP-112-91. The project site remained improved with the original single-family home constructed in 1936 until 2016 when building permits were issued to demolish the existing residence and accessory structure. Today, the project site is vacant and unimproved.

The current property owners purchased the project site in 2012 with the intent of developing the site with single-family homes; however, each of the four (4) parcels have a lot area that is less than the minimum lot size of 15,000 square feet required to develop each parcel in compliance with the current R-1-15 zoning designation. Given the contentious history of prior requested entitlements for the project site, and concerns raised from surrounding residents to preserve the character and maintain the large-lot sizes of this residential neighborhood, it was recommended to the applicant that the proposed project be designed to comply with the zoning code requirements, including complying with the minimum lot size. In order to facilitate the development of the project site, the applicant is requesting a Zone Change to change the minimum lot size of the project site from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15) to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet (R-1-11) in conjunction with a Lot Line Adjustment to reconfigure the existing parcels from four (4) to three (3) parcels in order to comply with the minimum lot size of the proposed zone, and a Front Yard Determination to designate the front of each parcel as that portion that directly abuts the shared driveway easement.

### History of Entitlements for the Project Site

On September 12, 1991, the Planning Commission adopted Resolution No. 4199 approving Tentative Tract Map No. TT-14460 and Site Plan No. SP-112-91 to subdivide the project site into five (5) lots for the purpose of constructing a two-story, single-family home on four (4) lots with the fifth (5<sup>th</sup>) lot designed as a private street cul-de-sac. At the time, the project site was zoned R-1 (Single-Family Residential) with a minimum lot size of 7,200 square feet (R-1-7). The lot size of each of the proposed parcels complied with the minimum lot size of the R-1-7 zone, with each parcel being proposed at 7,201 square feet, 7,200 square feet, 7,214 square feet, and 9,072 square feet, respectively. Subsequently, an appeal of the Planning Commission's decision was filed by an area resident citing that the project was not compatible with the surrounding properties since there were existing lots in the area much larger than the minimize lot size requirement of 7,200 square feet as proposed by the developer.

On October 22, 1991, the City Council considered the appeal. At the meeting, the appellant requested that the item be continued in order for the applicant and the appellant to meet and discuss alternative design proposals.

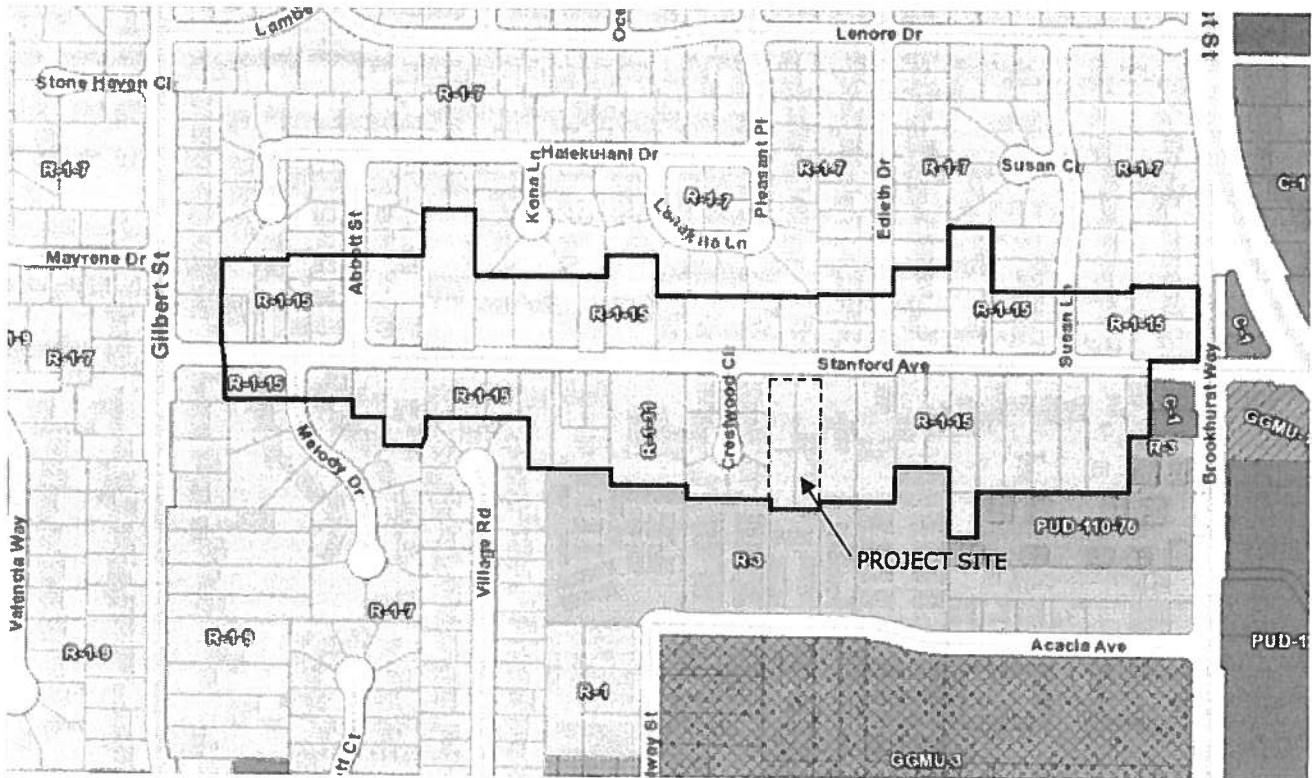
On November 13, 1991, a neighborhood meeting was conducted to address the issues raised at the October 22, 1991 City Council meeting. Staff, neighbors, and the developer met to discuss design alternatives. The developer redesigned the project, and proposed a four (4) lot subdivision with a private driveway easement serving all four (4) parcels. The proposed lots ranged in size from 9,525 square feet to 11,812 square feet, with each home having a floor area of 2,500 square feet. The neighbors were receptive to the proposed design as it would address their concerns.

On December 3, 1991, a public hearing was held by the City Council to take further testimony and to consider the request and the alternative design as presented at the neighborhood meeting. The City Council adopted Resolution No. 7421-91 denying the appeal and approving the revised site plan, Site Plan No. SP-112-91 and Tentative Parcel Map No. PM-91-300, approving a four (4) lot subdivision with a shared easement for access purposes.

On May 11, 1993, the City Council adopted Ordinance No. 2264, approving Amendment No. A-105-92, to rezone properties located on the north and south side of Stanford Avenue, between Gilbert Street and Brookhurst Way, from R-1 (Single-Family Residential) with a minimum lot size of 7,200 square feet (R-1-7) to R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15), and one parcel from R-1 (Single-Family Residential) with a minimum lot size of 7,200 square feet to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet (R-1-11) (See Figure 1 of rezone area). The rezone also included the project site. The purpose of the rezone was to preserve the large-lot character of the neighborhood. Sixty-three parcels were rezoned to R-1-15, including the project site, and one (1) parcel was rezoned to

R-1-11. Out of the sixty-three parcels that were rezoned to R-1-15, thirty-nine (39) parcels had a lot size under 15,000 square feet, making these parcels non-conforming to the new minimum lot size, and twenty-four (24) parcels had a lot size of 15,000 square feet and over.

Figure 1: Boundary Map of Properties Rezoned by Amendment No. A-105-92



On April 8, 1993, a one-year time extension was approved for Site Plan No. SP-112-91, which gave the developer an additional year to commence construction of the project. The project was not commenced, and Site Plan No. SP-112-91 ultimately expired on April 30, 1994.

On May 6, 1993, Parcel Map No. PM- 91-300 was filed with the Orange County Recorder for the four (4) lot subdivision approved in 1991 since, per the State's Subdivision Map Act, tentative maps are valid for two-years from the effective date of approval.

In 2004, the former property owner expressed interest in developing the project site. At the time, the property owner was given several options by the City to develop the site, including: (1) continue the use of the property as a single-family home; (2) create a new subdivision consistent with the R-1-15 zoning; or (3) propose a rezone of the property to make use of the existing lots. The property owner decided to pursue the third option.

On January 10, 2006, a neighborhood meeting was conducted to introduce the project to the area residents. Approximately 35 residents attended the neighborhood meeting, and expressed their concerns about the project.

In 2007, the former property owner submitted a land use application to the City to rezone the project site from R-1 within a minimum lot size of 15,000 square feet (R-1-15) to R-1 with a minimum lot size of 9,000 square feet (R-1-9), and a Site Plan to construct a single-family home on each of the four (4) existing parcels.

On January 18, 2007, the Planning Commission adopted Resolution No. 5580 denying Amendment No. A-130-07 and Resolution No. 5581 denying Site Plan No. SP-415-07 finding that the proposed minimum lot size of 9,000 square feet was not consistent with the configuration of existing lots in the area; that the project will not preserve the existing large-lot nature of the residential area; and that the project will allow for the gradual elimination of the existing large-lots, and would disrupt the character of the neighborhood. The applicant filed an appeal of the Planning Commission's decision to the City Council.

On April 24, 2007, the City Council considered the appeal, and adopted Resolution No. 8765-07 denying the appeal and upholding the Planning Commission's decision.

The current property owners now propose to prepare the project site for development, while presenting a proposal that continues to preserve the large-lot character of the residential neighborhood. In order to facilitate the development of the project site, the applicant is requesting a zone change to the minimum lot size of the R-1 zone, from 15,000 square feet to 11,000 square feet, and a Lot Line Adjustment to reconfigure the existing parcels from four (4) parcels to three (3) parcels in order to comply with the proposed minimum lot size of 11,000 square feet.

#### Neighborhood Meeting

On April 10, 2019, a neighborhood meeting was held by the applicant to introduce the project to area residents, and to receive input. Three residents attended the meeting. At the meeting, the neighbors raised concerns about traffic, one neighbor had concerns about having a two-story home adjacent to their property, possible "mansionization" and the individual sale of each home. The applicant was receptive to the resident's concerns, and redesigned the project to address the concern about having two-story houses adjacent to properties improved with single-story home by shifting the location of the driveway from the east side of the property to the west side of the property as depicted on the site plan.

**PROJECT STATISTICS**

Existing and Proposed Project Site Lot Sizes

Existing Project Site			Proposed Project Site		
Existing Lot Sizes		Req. Min. Lot Size	Proposed Lot Sizes		Proposed Req. Min. Lot Size
Lot 1	9,366 S.F.	15,000 S.F. <sup>1</sup>	Lot 1	14,228 S.F.	11,000 <sup>2</sup>
Lot 2	11,971 S.F.		Lot 2	14,224 S.F.	
Lot 3	11,971 S.F.		Lot 3	14,223 S.F.	
Lot 4	9,366 S.F.				

- <sup>1</sup> The current R-1-15 zone requires a minimum lot size of 15,000 square feet to develop each parcel with a single-family home; however, each existing parcel has a lot size of less than 15,000 square feet, which does not comply with the minimum lot size.
- <sup>2</sup> The proposed zone change to R-1-11 will reduce the minimum lot size to 11,000 square feet to allow the three (3) proposed parcels to comply with the minimum lot size requirement of the proposed zone to develop each lot with a single-family home.

Required R-1 Zone Setbacks for Each Lot

	Code	Lot 1	Lot 2	Lot 3
<b>SETBACKS</b>				
Front <sup>1</sup>	20'-0"	20'-0"	20'-0"	20'-0"
Side Interior	5'-0"	5'-0"	5'-0"	5'-0"
Side Street	10'-0"	10'-0"	N/A	N/A
Rear <sup>2</sup>	20% of the Lot Depth	18'-0"	18'-0"	22'-5"
<b>MAXIMUM LOT<sup>3</sup> COVERAGE</b>	50%	5,041.5 S.F. (50%)	4,946 S.F. (50%)	7,111.5 S.F. (50%)

- <sup>1</sup> The front setback will be measured from the easterly and southerly most limit of the shared easement line.
- <sup>2</sup> The rear setback is determined as 20% of the lot depth not to exceed 25 feet as measured from the easterly and southerly most limit of the shared easement line.
- <sup>3</sup> The lot coverage is calculated from the net developable lot area, which excludes the shared access easement.

**DISCUSSION:**

**AMENDMENT**

The applicant is requesting a zone change to amend the minimum lot size of the project site from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15) to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet

(R-1-11). The proposed zone change will allow the applicant to develop the project site with three (3) residential parcels that comply with the minimum lot size of the proposed R-1-11 zone.

Currently, the four (4) existing parcels have a lot size that is under the minimum lot size of 15,000 square feet as required by the R-1-15 zone. Parcels 1 and 4 have a lot size of 9,366 square feet, and Parcels 2 and 3 have a lot size of 11,971 square feet. As such, the parcels are not in conformance with the minimum lot size. The applicant proposes to develop the project site with three (3) parcels that will have a larger lot area than the existing lots in order to preserve the large-lot character of the neighborhood. With the proposed zone change to a minimum lot size of 11,000 square feet, and the lot reconfiguration from four (4) parcels to three (3) parcels, the proposed parcels will have a lot size of 14,228 square feet (Lot 1), 14,224 square feet (Lot 2), and 14,223 (Lot 3), which will conform with the minimum lot size of the proposed zone.

The proposed R-1-11 zoning designation is consistent with the zoning in this area as one parcel, located at 9722 Stanford Avenue, has a zoning designation of R-1-11. The R-1-11 zoning designation was adopted in 1993 with approval of Amendment No. A-105-92. Amendment A-105-92 also rezoned sixty-three parcels in this area to R-1-15, including the project site. Currently, there are forty-two (42) parcels with the R-1-15 designation that do not meet the minimum lot size of 15,000 square feet, including the project site with each individual existing parcel included in the count. These parcels range in size from approximately 7,200 square feet to 14,800 square feet. The residential subdivision located to the west of the project site, on Crestwood Circle, has a zoning designation of R-1-15, and is developed with six parcels that are approximately 8,300 square feet, 9,600 square feet, and 10,000 square in size. The proposed rezone to the minimum lot size will allow the project site to have larger lot sizes than thirty-seven (37) parcels that currently have the R-1-15 zoning designation that have lot sizes under 14,000 square feet.

The proposed amendment will assist with the development of the project site, which is consistent with the goals and policies of the General Plan that encourages that the type and intensity of land uses be consistent with that of the immediate neighborhood; that the distinct character of Garden Grove's neighborhoods are respected and reflected in all new development; and that new development be similar in scale to the adjoining residential neighborhood to preserve its character. The project site will be reconfigured to provide for larger lots that are 14,228 square feet, 14,224 square feet. And 14,223 square feet in size. The proposed parcels will continue to preserve the large-lot character of the existing neighborhood. Furthermore, each lot will be developed with a single-family home that will be designed to comply with the R-1 development standards to ensure that each home is similar in scale and type as the surrounding residential structures. This neighborhood is improved with single-story and two-story homes that vary in architectural style and square footage, and the proposed single-family homes will be consistent and compatible with the existing residential neighborhood.

### LOT LINE ADJUSTMENT

The proposed Lot Line Adjustment will reconfigure existing property lines to reduce the number of parcels on the project site from four (4) parcels to three (3) parcels for the purpose of developing each parcel with a single-family home. With the proposed Lot Line Adjustment, each parcel will increase in size from 9,366 square feet and 11,971 square feet to 14,228 square feet (Lot 1), 14,224 square feet (Lot 2) and 14,223 square feet (Lot 3), which will continue to preserve, and be compatible, with the large-lot size character of the neighborhood (see Attachment 2).

The parcels will be accessed through a 37'-0" wide shared access easement, located along the west side of the project site, which originates from Stanford Avenue. The shared easement will serve as a private driveway that is designed as a street that will provide a sidewalk and eight (8) parallel parking spaces to serve the residents. Preparation and recordation of Covenant, Condition and Restrictions (CC&Rs) will be required to ensure the long-term maintenance of the shared access easement by the property owner(s) of each parcel. In addition, both the City's Engineering Division and the Orange County Fire Authority (OCFA) have reviewed the design of the access driveway easement, and have determined that the design is in compliance with each of their respective design standards.

Each parcel will be designed to comply with the zoning requirements of the R-1 zone, including setbacks, parking, lot coverage, building height, front yard landscaping, and second-story privacy provisions. The net lot size, which will exclude the shared access easement, will be used to determine the developable land area of each parcel. The applicant has provided a schematic site plan to illustrate how each parcel can be developed in conformance with the R-1 zone development standards (see Attachment 3). This is a representation only.

### Front Yard Determination

The Front Yard Determination is required to designate the front yard of each parcel as that portion of the lot that fronts onto the shared access easement for the purpose of determining setbacks (front, side, and rear). All setbacks will be measured from the net developable lot area, which excludes the shared access easement. Each lot will maintain a 20'-0" front yard setback as measured from the easterly or southerly most limit of the shared access easement line. Lot 1 will be considered a corner lot, while Lots 2 and 3 will be considered interior lots. Each lot will be developed to comply with the development standards of the R-1 zone. The schematic site plan provided for the project identifies the required setback parameters for each parcel as applicable per the R-1 zone.

### CEQA:

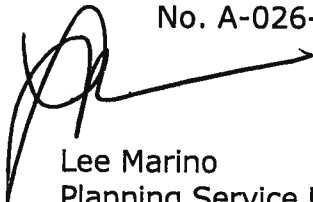
The project is exempt pursuant to the Review for Exemption (Section 15061), and Class 3 (Section 15303) and Class 5 (Section 15305) categorical exemptions of the California

Environmental Quality Act. The Review for Exemption applies to projects that are categorically exemption from CEQA, including Class 3 and Class 5 exemptions. The Class 3 exemption applies to the construction of a limited number of new, small structures, including up to three (3) single-family residences in an urbanized area. Here, the proposed project will result in the construction of three (3) single-family homes on three (3) reconfigured and separate parcels located in a residential area developed with single-family homes. The project site was previously developed with a single-family home that was demolished in 2016. The Class 5 exemption applies to minor alternations in land use limitations that do not result in any changes in land use or density, including lot line adjustments not resulting in the creation of any new parcel. Here, the proposed project will reconfigure existing property lines to reduce the number of parcels from four (4) to three (3) for the purpose of constructing a single-family home on each lot that is currently zoned to allow for single-family residential uses.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Adopt Resolution No. 5968-19 recommending that the City Council determine that the Project is exempt from CEQA and adopt an Ordinance approving Amendment No. A-026-2019; and,
2. Adopt Resolution No. 5969-19 approving Lot Line Adjustment No. LLA-023-2019 and Front Yard Determination No. FYD-005-2019, subject to the recommended Conditions of Approval and contingent upon City Council approval of Amendment No. A-026-2019.



Lee Marino  
Planning Service Manager



By: Maria Parra  
Senior Planner



SHEET 1 OF 3

4 PARCELS  
AREA= 1.0671 AC. GROSS  
AREA= 0.9787 AC. NET  
ALL OF TENTATIVE  
PARCEL MAP NO. 91-300  
BLOCK 8848, MODULE 00

# PARCEL MAP NO. 91-300

## CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF THE WEST EIGHT ACRES OF THE  
SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31,  
TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN THE RANCHO LAS BOLSAS, IN THE  
CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA.

**ROBIN B. HAMERS & ASSOC., INC.**

ROBIN B. HAMERS  
R.C.E. 31720  
DATE OF SURVEY: NOVEMBER 1990

ACCEPTED AND FILED AT THE  
REQUEST OF

Orange Coast Title Co.

DATE May 6, 1993

TIME 10:14 AM FEE \$ 10.00

INSTRUMENT # 93-0304195

BOOK 276 PAGE 21 p.m.

LEE A. BRANCH  
COUNTY RECORDER

BY Sp. A. Kenworthy  
DEPUTY

### ENGINEER'S STATEMENT:

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinances at the request of Ronald J. Amburgey on November, 1990. I hereby state that all monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before July, 1993; and that said monuments are sufficient to enable the survey to be retraced. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.



Robin B. Hamers  
ROBIN B. HAMERS  
R.C.E. 31720  
Exp. 12/31/96

### OWNERSHIP CERTIFICATE:

The undersigned, being all parties having any record title interest in the land covered by this map, do hereby consent to the preparation and recordation of said map, as shown within the distinctive border line.

We hereby reserve for the benefit of parcels 1, 2, 3 & 4 the ingress-egress and utility easement as shown on the map.

Ronald J. Amburgey Kathryn J. Amburgey  
Ronald J. Amburgey, a married man KATHRYN J. AMBURGEY, a married woman

### NOTARY CERTIFICATE:

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss

On this 17th day of April, 1993, before me, Joan Doreen Popick, a Notary Public in and for said State, personally appeared Ronald J. Amburgey, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

### WITNESS MY HAND:

Joan Doreen Popick

Notary Public in and for said State

JOAN DOREEN POPICK

(Name Printed)

My Principal Place of Business is \_\_\_\_\_ County,  
in Orange

My Commission Expires 9/3/99

### CITY ENGINEER'S STATEMENT:

This map conforms with the requirements of the Subdivision Map Act and local ordinances and the map is technically correct in all respects not certified to by the County Surveyor.

Dated this 23rd day of June, 1992.

William A. Patapoff

William A. Patapoff  
City Engineer  
City of Garden Grove  
R.C.E. 24887  
Reg. Expires 12/31/93



### CITY CLERK'S CERTIFICATE:

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss

I hereby certify that this map was presented for approval to the City Council of the City of Garden Grove at a regular meeting thereof held on the 23rd day of July, 1992, and that thereupon said council did, by an order duly passed and entered, approve said map.

I also hereby certify that this map has approved subject map pursuant to the provisions of Section 66436(a)(3)(A) of the Subdivision Map Act.

Dated this 23rd day of January, 1993.

Carolyn Magda  
Carolyn Magda  
City Clerk of Garden Grove



### COUNTY SURVEYOR'S STATEMENT:

This map conforms with the mapping provisions of the Subdivision Map Act and I am satisfied said map is technically correct relative to the parcel map boundary.

Dated this 3rd day of May, 1993.

John Canas  
John Canas  
County Surveyor

### COUNTY TREASURER-TAX COLLECTOR'S CERTIFICATE:

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss

I hereby certify that according to the records of my office there are no liens against the land covered by this map or any part thereof for unpaid State, County, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments collected as taxes, not yet payable.

And do also certify to the Recorder of Orange County that the provisions of the Subdivision Map Act have been complied with regarding deposits to secure the payment of taxes or special assessments collected as taxes on the land covered by this map.

Dated this 2nd day of April, 1995

Robert L. Citron  
County Treasurer-Tax Collector  
By David J. [Signature]  
Deputy Treasurer-Tax Collector  
(Seal)

### SIGNATURE OMISSIONS

Pursuant to the provisions of section 66436(a)(3) of the Subdivision Map Act, the following signatures have been omitted:

- Harvey G. Allen, holder of an easement for pole lines and incidental purposes recorded in Book 1158, page 258, Official Records.
- City of Garden Grove, holder of an easement for street and highway and incidental purposes recorded in Book 8840, page 758, Official Records.
- CHEVRON U.S.A., INC., AS LESSEE UNDER A COMMUNITY OIL & GAS LEASE, RECORDED JUNE 23, 1985, AS INSTRUMENT NO. 85-250044 OF OFFICIAL RECORDS.

SEE SHEET 2 FOR ADDITIONAL SIGNATURES & NOTARY ACKNOWLEDGEMENTS

SHEET 2 OF 3

4 PARCELS  
AREA= 1.0871 AC. GROSS  
AREA= 0.9787 AC. NET  
ALL OF TENTATIVE  
PARCEL MAP NO. 91-300

# PARCEL MAP NO. 91-300

## CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF THE WEST EIGHT ACRES OF THE  
SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31,  
TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN THE RANCHO LAS BOLSAS, IN THE  
CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA.

### ROBIN B. HAMERS & ASSOC., INC.

ROBIN B. HAMERS  
RCE 31723  
DATE OF SURVEY: NOVEMBER 1990

**BENEFICIARY:**

Pomona First Federal Saving and Loan Association,  
under a Deed of Trust recorded October 27, 1992 as Instrument  
No. 92-725823, Official Records.

Sharon L. Stotler  
Sharon L. Stotler  
Vice President / Loan  
Service Manager

Virginia L. Kovach  
Virginia L. Kovach  
Asst. Loan Service Mgr.

**NOTARY CERTIFICATE:**

STATE OF CALIFORNIA )  
COUNTY OF Los Angeles )

On this 13<sup>th</sup> day of March, 1993, before me, Jacquelyn R. Warden, a Notary Public in and for said State, personally appeared Sueann L. Stotler and Virginia L. Kovach, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

**WITNESS MY HAND:**

Jacquelyn R. Warden  
Notary Public in and for said State  
Jacquelyn R. Warden  
(Name Printed)



My Principal Place of Business is  
in Pomona / Los Angeles County.  
My Commission Expires 3-22-94

**NOTARY CERTIFICATE:**

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

On this 13 day of FEB, 1993, before me, KATHRYN L. AMBURGEY, a Notary Public in and for said State, personally appeared Kathryn L. Amburgey, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

**WITNESS MY HAND:**

Sandi Morgan  
Notary Public in and for said State  
SANDI MORGAN  
(Name Printed)



My Principal Place of Business is  
in ORANGE County.  
My Commission Expires 3-9-93

SHEET 3 OF 3  
4 PARCELS  
AREA= 1.0871 AC. GROSS  
AREA= 0.9787 AC. NET  
ALL OF TENTATIVE  
PARCEL MAP NO. 91-300

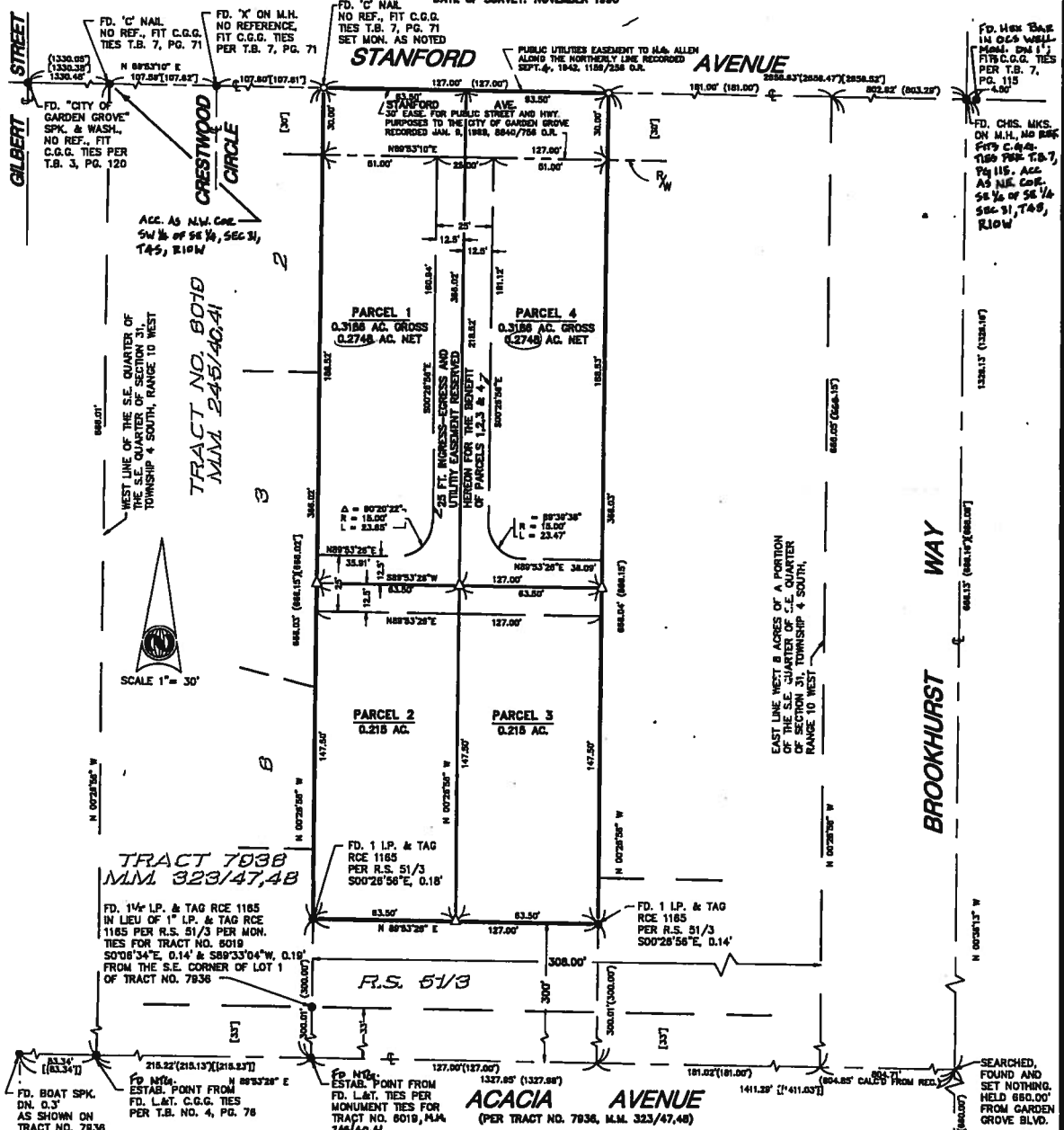
# PARCEL MAP NO. 91-300

## CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF THE WEST EIGHT ACRES OF THE  
SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31,  
TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN THE RANCHO LAS BOLSAS, IN THE  
CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA.

### ROBIN B. HAMERS & ASSOC., INC.

ROBIN B. HAMERS  
RCE 31720  
DATE OF SURVEY: NOVEMBER 1990



### MONUMENT NOTES

- INDICATES SET SPIKE TAGGED R.C.E. 31720 WITHIN SIXTY DAYS AFTER RECORDATION.
- △ INDICATES SET 1" LP. OR SPIKE ON LEAD AND TACK TAGGED R.C.E. 31720 WITHIN 30 DAYS AFTER COMPLETION OF IMPROVEMENTS.
- INDICATES FOUND MONUMENT AS NOTED.
- ( ) INDICATES RECORD DISTANCE PER RECORD OF SURVEY, R.S. 51/3.
- [ ] INDICATES RECORD DISTANCE PER TRACT NO. 8019, M.M. 245/40,41.
- — — INDICATES RECORD DISTANCE PER TRACT NO. 7936, M.M. 323/47,48.

### BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTER LINE OF STANFORD AVENUE BEARING N 89°53'10" E AS SHOWN ON TRACT NO. 6019 RECORDED IN BOOK 245, PAGES 40,41 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY.

FD. 2" P.K. W. & BRASS TAG "CITY OF GARDEN GROVE" PER C.C.G. T.S. 2, PG. 128A ACC. AS S.E. COR. SEC. 31, TAG, R.I.W.

**EXHIBIT "B"**  
**LOT LINE ADJUSTMENT NO. LLA-**  
**(MAP)**




OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBERS
SEE BELOW	PARCELS 1, 4 APN 133-372-06	PARCEL 1
SEE BELOW	PARCELS 1, 2, 3, 4 APN 133-372-06	PARCEL 2
SEE BELOW	PARCELS 2, 3 APN 133-372-06	PARCEL 3

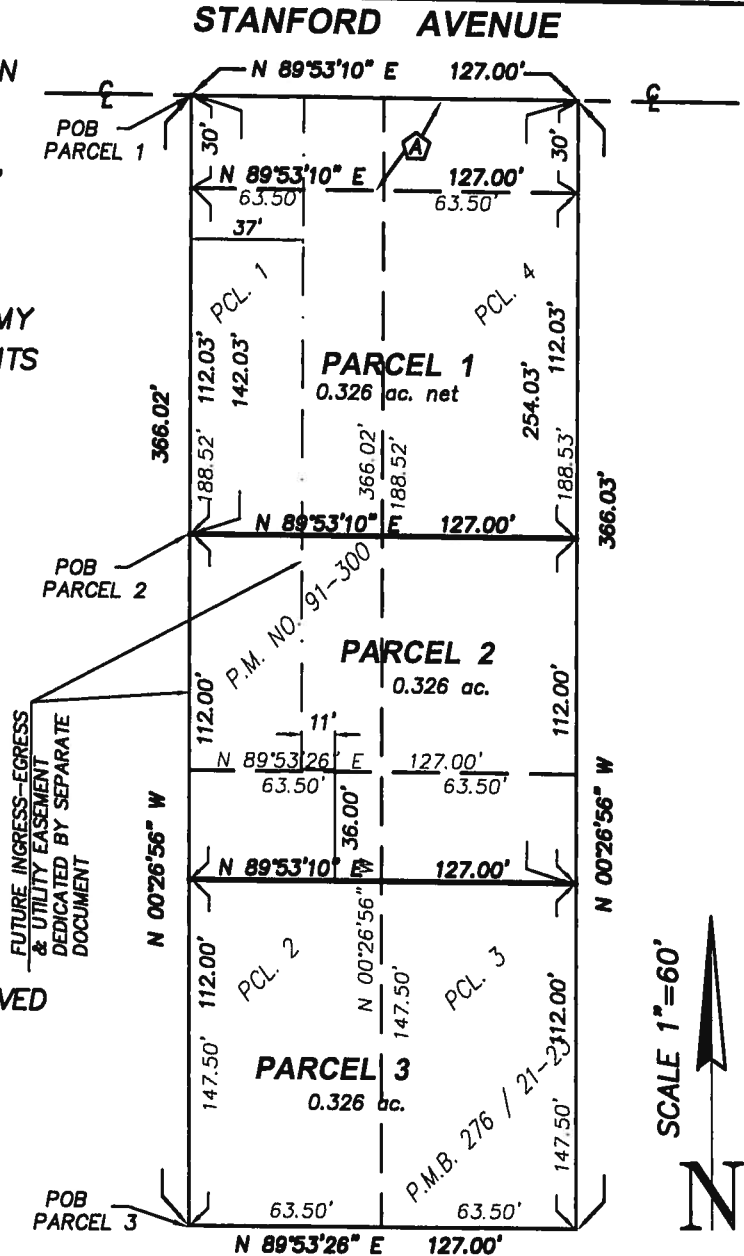
**OWNERS:**

AI MY THI DINH, A WIDOW, AN DAC NGUYEN AND MY-Y THI DINH, HUSBAND AND WIFE, HENRY TRAN AND Y-MINH DINH, HUSBAND AND WIFE, THOMAS DINH AND ANNIE TRAN, HUSBAND AND WIFE, KEVIN DAT DINH AND XUAN-THAO THI NGUYEN, HUSBAND AND WIFE, RONALD QUANG XUAN DINH AND MINH-THUY THI LE, HUSBAND AND WIFE, VINNY VINH DINH, A SINGLE MAN, AND JIMMY TONG, A SINGLE MAN ALL AS JOINT TENANTS

**A** 30' EASEMENT FOR PUBLIC STREET AND HWY. PURPOSES TO THE CITY OF GARDEN GROVE RECORDED JAN. 9, 1969, 8840/756 O.R.

**LEGEND**

-  PROPOSED PARCEL LINE
-  PARCEL LINE TO BE REMOVED
-  EASEMENT LINE



THESE DESCRIPTIONS HAVE BEEN PREPARED BY ME OR UNDER MY DIRECTION

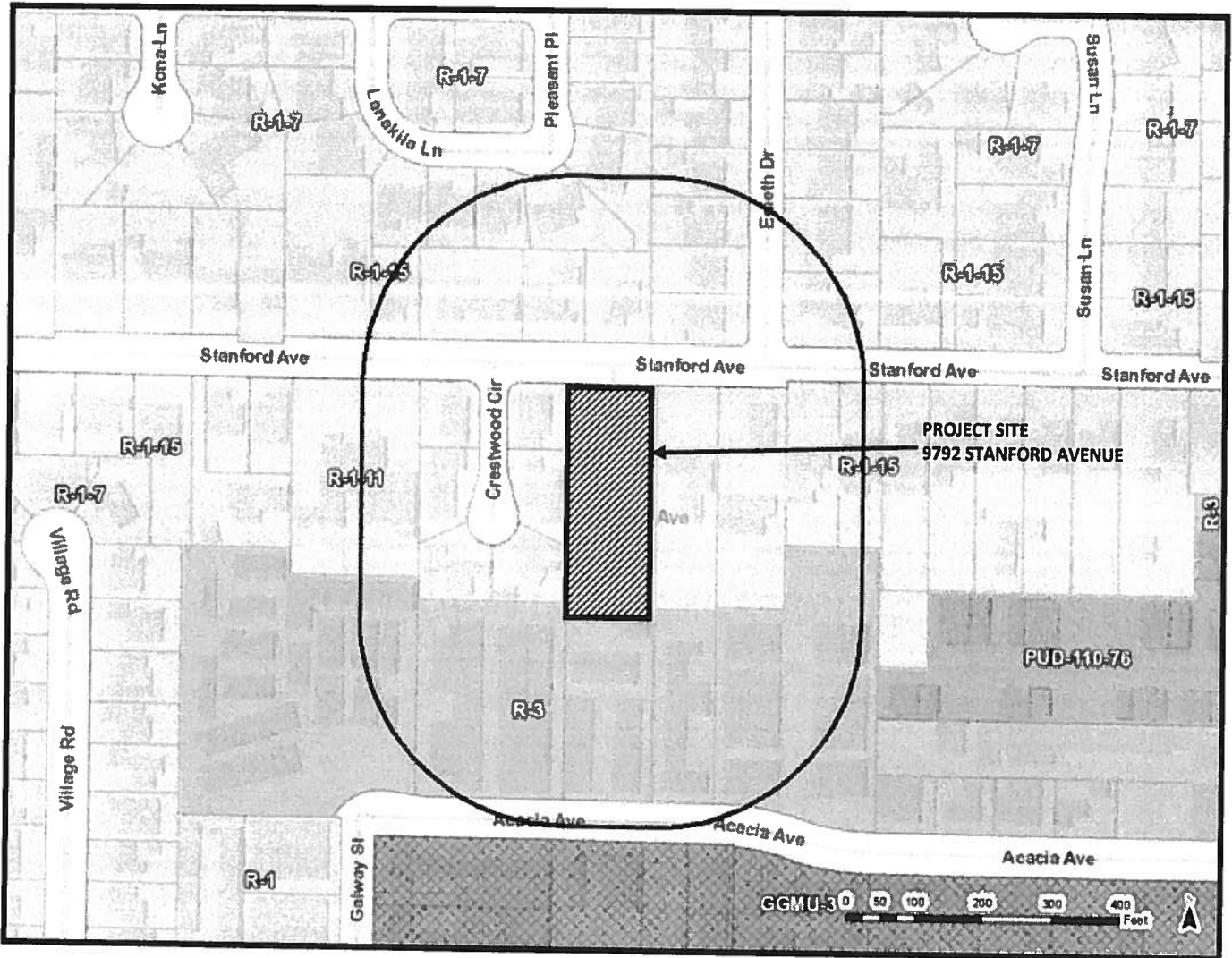
*RBH*

ROBIN HAMERS, RCE 31720 DATE 04/22/2019







**AMENDMENT NO. A-026-2019  
LOT LINE ADJUSTMENT NO. LLA-023-2019  
FRONT YARD DETERMINATION NO. FYD-005-2019**



**LEGEND**

-  SUBJECT SITE(S) – 9792 STANFORD AVENUE
-  300 FOOT RADIUS

**NOTES**

1. SITE ADDRESSES – 9792 STANFORD AVENUE
2. ZONING: REZONE FROM R-1-15 TO R-1-11
3. GENERAL PLAN: LOW DENSITY RESIDENTIAL

RESOLUTION NO. 5968-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL APPROVE AMENDMENT NO. A-026-2019, TO REZONE THE MINIMUM LOT SIZE REQUIREMENT FROM R-1 (SINGLE-FAMILY RESIDENTIAL) WITH A MINIMUM LOT SIZE OF 15,000 SQUARE FEET TO R-1 (SINGLE-FAMILY RESIDENTIAL) WITH A MINIMUM LOT SIZE OF 11,000 SQUARE FEET FOR A PARCEL OF LAND LOCATED ON THE SOUTH SIDE OF STANFORD AVENUE, BETWEEN GILBERT STREET AND BROOKHURST WAY, AT 9792 STANFORD AVENUE, ASSESSOR'S PARCEL NO. 133-372-06.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 7, 2019, does hereby recommend approval of Amendment No. A-026-2019, to rezone a parcel of land, located at 9792 Stanford Avenue, Assessor's Parcel No. 133-372-06, from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet, to facilitate the development of a vacant site with three (3) single-family homes on three (3) reconfigured parcels that comply with the minimum lot size of the proposed zone.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the City Council determine that the proposed Project is categorically exempt from the environmental review under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.), pursuant to Section 15061 (Review of Exemption), 15303 (New Construction OR Conversion of Small Structures), and Section 15305 (Minor Alternations in Land Use Limitations) of the CEQA Guidelines (14 Cal. Code Regs., Sections 15061, 15303 and 15305).

BE IT FURTHER RESOLVED in the matter of Amendment No. A-026-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Henry Tran, Y-Minh Dinh, Kevin Dinh, Xuan Thao Nugyen, An Dac Nguyen, My-Y Dinh, Ai My Dinh, Jimmy Tong, Ronald Dinh, Minh Thuy Le, Vinny Dinh, THomas Dinh and Annie Tran Dan, the property owners of the project site, 9792 Stanford Avenue.
2. The applicant requests approval of an Amendment to rezone a 42,675 square foot (0.97-acre) parcel of land from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15) to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet (R-1-11), to facilitate the development of the project site with three (3) single-family homes on three (3) reconfigured parcels that comply with the minimum lot size of the proposed R-1-11 zone. This request is being processed in conjunction with a request for approval of Lot Line Adjustment No. LLA-023-2019, to reconfigure the project site from four (4) parcels to three (3) parcels with lot sizes of 14,228 square feet (Lot 1), 14,224 square feet

(Lot 2), and 14,223 square feet (Lot 3), and Front Yard Determination No. FYD-005-2019, to designate the front of each parcel as that portion of the lot that directly abuts the shared driveway easement.

3. The property has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15). The project site is comprised of four (4) legal parcels that were never developed with single-family homes. In 2016, the single-family home on the project site was demolished, and the project site has remained vacant. The property owners propose to redevelop the project site by modifying existing lot lines to reduce the number of parcels on the project site from four (4) existing parcels to three (3) parcels for the purpose of constructing a single-family home on each parcel that complies with the minimum lot size of the zone through land use entitlements for Amendment No. A-026-2019, Lot Line Adjustment No. LLA-023-2019, and Front Yard Determination No. FYD-005-2019 (collectively, the "Project").
4. The proposed Project is categorically exempt from CEQA pursuant to Section 15061 (Review for Exemption), 15303 (New Construction or Conversion of Small Structures), and Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.
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 November 7, 2019, and all interested persons were given an opportunity to be heard.
8. Concurrently with the adoption of this Resolution, the Planning Commission adopted Resolution No. 5969-19 approving Lot Line Adjustment No. LLA-023-2019, to modify existing lot lines to reduce the number of lots from four (4) parcels to (3) parcels with each reconfigured parcel having a lot area of 14,228 square feet (Lot 1), 14,224 square feet (Lot 2), and 14,223 square feet (Lot 3), and Front Yard Determination No. FYD-005-2019 to designate the front of each parcel as that portion of the lot that directly abuts the shared driveway easement. The facts and findings set forth in Planning Commission Resolution No. 5969-19 are hereby incorporated into this Resolution by reference.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of November 7, 2019, and considered all oral and written testimony presented regarding the project.



BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.16.030.20, are as follows:

FACTS:

The subject project site is located on the south side of Stanford Avenue, between Gilbert Street and Brookhurst Way. The project site has a General Plan Land Use designation of Low Density Residential, and is zoned R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15). The project site is located in a single-family residential neighborhood that is developed with a mix of single-story and two-story residences. This residential neighborhood is characterized by having large lots that range in size from 7,200 square feet to over one acre.

The project site abuts R-1 zoned properties developed with single-family homes to the north, across Stanford Avenue, to the east, and to the west. The properties immediately to the west of the project site are developed with a single-family residential subdivision located on Crestwood Circle. The properties to the south of the project site are zoned R-3 (Multiple-Family Residential), and are developed with multiple-family apartments.

The project site is comprised of four (4) legal parcels with an aggregate land area of 0.97-acres. The parcels were created in 1991 with approval of Parcel Map No. PM-91-300. Parcels 1 and 4 have a lot size of 9,366 square feet, while Parcels 2 and 3 have a lot size of 11,971 square feet. The individual parcels were never developed with single-family homes as approved by Site Plan No. SP-112-91. In 2007, the previous property owner requested land use approvals to develop the project site and each parcel with a single-family home through a rezone change and Site Plan request; however, the request was denied by the hearing body due to incompatibility of the proposed project with the character of the neighborhood that will not preserve the large-lot character of the area. The project site remained improved with the original single-family home that was constructed in 1936 until 2016 when building permits were issued to demolish the existing residence and accessory structure. Today, the project site is vacant and unimproved.

The current property owners purchased the project site in 2012 with the intent of developing the site with single-family homes; however, the existing four (4) parcels have a lot size that is less than the minimum lot size of 15,000 square feet required by the R-1-15 zone to develop each parcel in compliance with the zoning code. In order to facilitate the development of the project site, an amendment to the minimum lot size of the R-1-15 zone is required. The applicant requests a amendment to rezone the minimum lot size of the project site from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet, to facilitate the development of the project site with three (3) single-family homes on three (3)

reconfigured parcels that conform with the minimum lot size of the proposed R-1-11 zone.

In conjunction with the proposed amendment, the applicant requests approval of Lot Line Adjustment No. LLA-023-2019 to reconfigure the existing parcels from four (4) to three (3) parcels in order to comply with the minimum lot size of the zoning code, and Front Yard Determination No. FYD-005-2019 to designate the front of each parcel as that portion of the lot abutting the shared driveway easement.

FINDINGS AND REASONS:

ZONE CHANGE AMENDMENT:

1. The propose zone change is consistent with the City's General Plan.

The Zone Change Amendment is consistent with the goals and policies of the Land Use Element of the General Plan. The project site has a General Plan land use designation of Low Density Residential. The intent of the Low Density Residential land use designation is to create, maintain, and enhance residential areas characterized by detached, single-family homes and single-family residential neighborhoods. The project site is zoned R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15). The proposed amendment will rezone the project site from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet (R-1-11) to facilitate the development of the vacant project site with three (3) single-family homes on three (3) residential parcels that comply with the minimum lot size of the proposed R-1-11 zone.

The project site consists of four (4) legal parcels that have a lot size that is less than the minimum lot size of 15,000 square feet required by the R-1-15 zone to develop each lot. Parcels 1 and 4 have a lot size of 9,366 square feet, and Parcels 2 and 3 have a lot size of 11,971 square feet. As such, the parcels are not in conformance with the minimum lot size of the current zone. The applicant proposes to redevelop the project site with parcels that comply with the minimum lot size of the zone by reconfiguring the four (4) existing parcels into three (3) parcels that will have a larger lot area that comply with the zoning code and the will continue to preserve the large-lot character of this neighborhood. With the proposed zone change to a minimum lot size of 11,000 square feet, the proposed parcels will have a lot size of 14,228 square feet (Lot 1), 14,224 square feet (Lot 2), and 14,223 square feet (Lot 3), which will meet the minimum lot size of the proposed R-1-11 zone. The proposed R-1-11 zoning designation is consistent with the zoning in this area as one parcel, located at 9722 Stanford Avenue, has a zoning designation of R-1-11.

The proposed amendment will assist with the development of the project site, which is consistent with the goals and policies of the General Plan. Policy LU-2.4 encourages the type and intensity of land uses be consistent with that of the immediate neighborhood; Policy LU-2.7 encourages that the distinct character of Garden Grove's neighborhoods are respected and reflected in all new development; LU-IMP-2B encourages that new development be similar in scale to the adjoining residential neighborhood to preserve its character; Policy CD-1.2 encourages the preservation of the unique character and integrity of the City's traditional residential neighborhoods. The project site will be reconfigured from four (4) parcels to three (3) parcels to provide for parcels that are larger in land area than the existing parcels that will continue to preserve the larger-lot character of the existing neighborhood. Furthermore, each lot will be developed with a single-family home that will be designed to comply with the R-1 development standards to ensure that each home is similar in scale and type as the surrounding residential lots. This neighborhood is improved with single-story and two-story homes of various architectural styles and square footages, and the proposed single-family homes will be consistent and compatible with the existing residential neighborhood.

2. The proposed zone change will ensure a degree of compatibility with surrounding properties and uses.

The project site is located in a residential neighborhood that is developed with single-family zoned R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15) and R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet (R-1-11). The proposed rezone from R-1-15 to R-1-11 will facilitate the redevelopment of the vacant project site with three (3) single-family homes on three (3) reconfigured parcels that are larger in lot size that will be compatible, and will continue to preserve, the existing large-lot character of this neighborhood.

The project site consists of four (4) legal parcels that have a lot size less than the minimum lot size of 15,000 square feet required by the R-1-15 zone. Parcels 1 and 4 have a lot size of 9,366 square feet, and Parcels 2 and 3 have a lot size of 11,971 square feet. The applicant proposes to redevelop the project site and reconfigure the four (4) existing parcels into three (3) lots that will have a larger lot area to preserve the large-lot character of the neighborhood. The existing parcels in the area with the R-1-15 and R-1-11 zoning designations range in size from 7,200 square feet to over one acre. The residential subdivision located to the west of the project site, on Crestwood Circle, has a zoning designation of R-1-15, and is developed with six parcels that are approximately 8,300 square feet, 9,600 square feet, and 10,000 square feet in size. With the proposed zone change to a minimum lot size of 11,000 square feet, the proposed lots will have a lot size of 14,228 square feet (Lot 1), 14,224 square feet (Lot 2), and 14,223 square feet

(Lot 3), which will be larger in lot area than several existing parcels in the neighborhood that are developed with single-family homes, but that do not comply with the minimum lot size of the R-1-15 zone. Through the proposed Amendment, the project site will continue to maintain and preserve the large-lot character of the area while complying with the minimum lot size of the proposed R-1-11 zone for the purpose of allowing the vacant project site to be developed with three (3) single-family homes on three (3) parcels. The proposed R-1-11 zoning designation is consistent with the zoning in this area as one parcel, located at 9722 Stanford Avenue, has a zoning designation of R-1-11.

Each parcel will be developed with a single-family home designed to comply with the zoning requirements of the R-1 zone, including setbacks, parking, lot coverage, building height, front yard landscaping, and second-story privacy provisions. The proposed zone change and the proposed residential project will be compatible with the surrounding uses located in the immediate area.

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

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Amendment No. A-026-2019 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (Code Amendment).
2. The Planning Commission recommends that the City Council approve Amendment No. A-026-2019 and adopt the draft Ordinance attached hereto as Exhibit "A".

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING ZONE CHANGE AMENDMENT NO. A-026-2019, TO REZONE THE MINIMUM LOT SIZE REQUIREMENT FROM R-1 (SINGLE-FAMILY RESIDENTIAL) WITH A MINIMUM LOT SIZE OF 15,000 SQUARE FEET TO R-1 (SINGLE-FAMILY RESIDENTIAL) WITH A MINIMUM LOT SIZE OF 11,000 SQUARE FEET FOR A PARCEL OF LAND LOCATED AT 9792 STANFORD AVENUE

**City Attorney Summary**

***This Ordinance approves a rezone to the minimum lot size of a 42,675 square foot (0.97-acre) vacant parcel of land located on the south side of Stanford Avenue, between Gilbert Street and Brookhurst Way, at 9792 Stanford Avenue, Assessor's Parcel No. 133-372-06, from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15) to R-1 (Single-Family Residential) minimum lot size of 11,000 square feet (R-1-11), in order to reconfigure the project site from four (4) parcels to three (3) parcels for the purpose of constructing a single-family home on each parcel that complies with the minimum lot size of the R-1-11 zone.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the case, initiated by Henry Tran, Y-Minh Dinh, Kevin Dinh, Xuan Thao Nuygen, An Dac Nguyen, My-Y Dinh, Ai My Dinh, Jimmy Tong, Ronald Dinh, Minh Thuy Le, Vinny Dinh, THomas Dinh and Annie tRAN ("Applicants"), request approval of a Zone Change Amendment to a 42,675 square foot (0.97-acre) vacant parcel of land located on the south side of Stanford Avenue, between Gilbert Street and Brookhurst Way, at 9792 Stanford Avenue, Assessor's Parcel No. 133-372-06, from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15) to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet (R-1-11), in conjunction with Lot Line Adjustment No. LLA-023-2019, to reconfigure existing lot lines to create three (3) new lots, and Front Yard Determination No. FYD-005-2019, to designate the front of each parcel as that portion of the lot that directly abuts the shared driveway easement for the purpose of constructing a single-family home on each lot;

WHEREAS, following a public hearing held on November 7, 2019, the Planning Commission adopted Resolution No. 5968-19 recommending City Council approval of Amendment No. A-026-2019;

WHEREAS, on November 7, 2019, the Planning Commission also adopted Resolution No. 5969-19 approving Lot Line Adjustment No. LLA-023-2019 and Front Yard Determination No. FYD-005-2019;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on December \_\_, 2019, and all interested persons were given an opportunity to be heard; and

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

WHEREAS, the City Council hereby determines that the proposed Project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) pursuant to Section 15061 (Review for Exemption), Section 15303 (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines (14 Cal. Code Regs., Sections 15061, 15303, and 15305); and

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution Nos. 5968-19 and 5969-19 and makes the following findings regarding Amendment No. A-026-2019:

- A. The proposed zone change is consistent with the City's General Plan.
- B. The proposed zone change will ensure a degree of compatibility with the surrounding properties and uses.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. Amendment No. A-026-2019 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5969-19, a copy of which is on file in the Office of the City Clerk, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 3. The property shown on the map attached hereto is rezoned to R-1 (Single-Family) with a minimum lot size of 11,000 square feet (R-1-11). Zone Map part M-12 is amended accordingly.

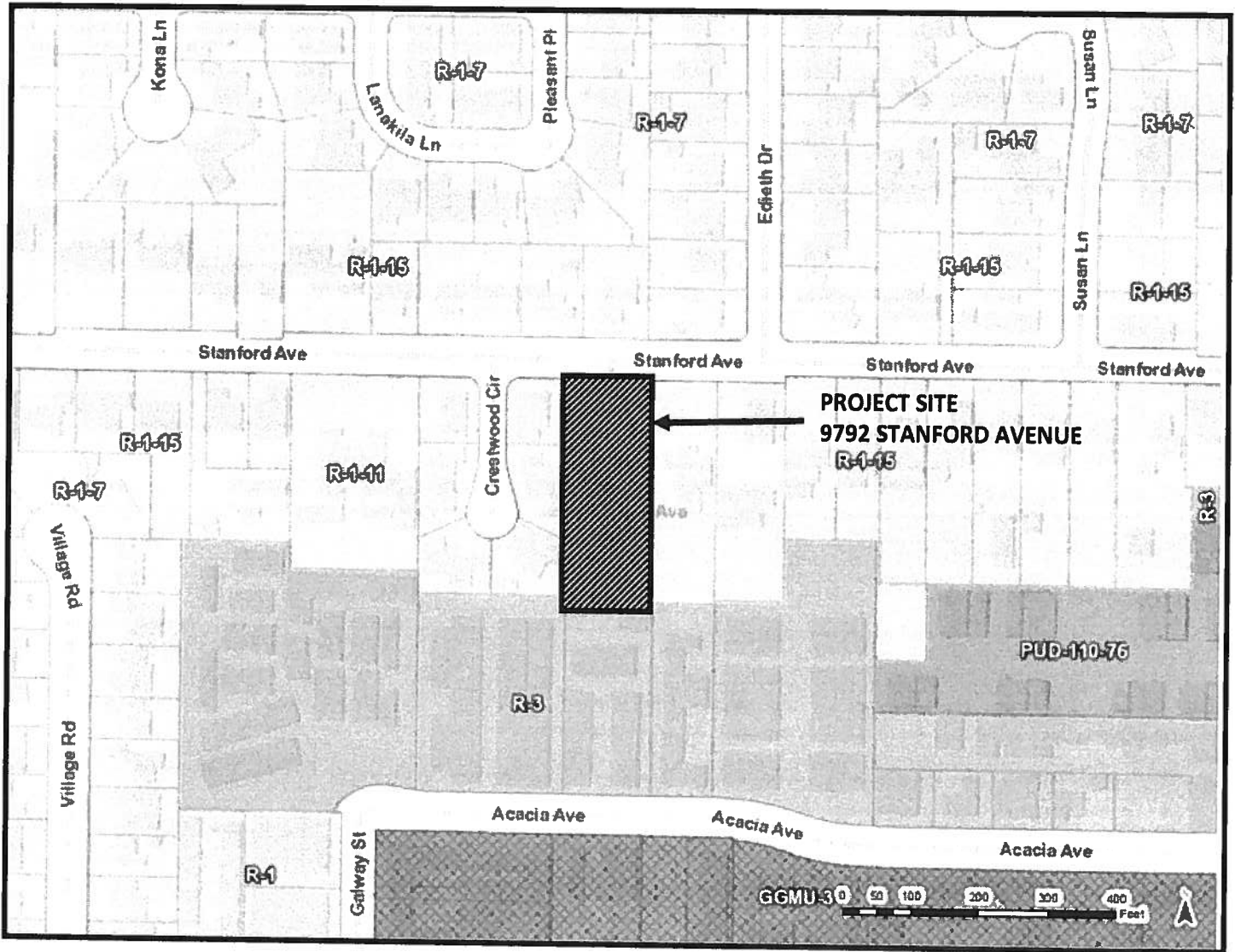
SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.




**GARDEN GROVE**

# AMENDMENT NO. A-026-2019



## LEGEND

 SUBJECT SITE – 9792 STANFORD AVENUE

## NOTES

1. SITE ADDRESSES – 9792 STANFORD AVENUE.
2. ZONING: REZONE FROM R-1-15 TO R-1-11
3. ZONE MAP M-12

CITY OF GARDEN GROVE  
 COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 OCTOBER 2019



RESOLUTION NO. 5969-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING LOT LINE ADJUSTMENT NO. LLA-023-2019 AND FRONT YARD DETERMINATION NO. FYD-005-2019 FOR PROPERTY LOCATED AT 9792 STANFORD AVENUE, ASSESSOR'S PARCEL NO. 133-372-06.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on November 7, 2019, hereby approves Lot Line Adjustment No. LLA-023-2019 and Front Yard Determination No. FYD-005-2019 for property located on the south side of Stanford Avenue, between Gilbert Street and Brookhurst Way, at 9792 Stanford Avenue, Assessor's Parcel No. 133-372-06.

BE IT FURTHER RESOLVED in the matter of Lot Line Adjustment No. LLA-023-2019 and Front Yard Determination No. FYD-005-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Henry Tran, Y-Minh Dinh, Kevin Dinh, Xuan Thao Nguyen, An Dac Nguyen, My-Y Dinh, Ai My Dinh, Jimmy Tong, Ronald Dinh, Minh Thuy Le, Vinny Dinh, Thomas Dinh and Annie Tran Dan, the property owners of the project site, 9792 Stanford Avenue.
2. The applicant requests approval of a Lot Line Adjustment to reconfigure existing lot lines of a vacant, 42,675 square foot (0.97-acre), project site to reduce the total number of legal lots from four (4) parcels to three (3) parcels, with sizes of 14,228 square feet (Lot 1), 14,224 square feet (Lot 2), and 14,223 square feet (Lot 3), for the purpose of constructing a single-family dwelling unit on each lot, and Front Yard Determination to designate the front of each parcel as that portion of the lot that directly abuts the shared driveway easement. This request is being processed in conjunction with a request for approval of Amendment No. A-026-2019, to rezone the minimum lot size requirement of the project site from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet.
3. The proposed Project is categorically exempt from CEQA pursuant to Section 15061 (Review for Exemption), 15303 (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations) of the of the CEQA Guidelines.
4. The property has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15). The project site is comprised of four (4) legal parcels that were never developed with single-family homes. In 2016, the single-family home on the property was demolished, and the property has remained vacant. The property owners proposed to redevelop the project site by reconfiguring the four (4) existing parcels to three (3) parcels for the

purpose of constructing a single-family home on each lot through land use entitlements for Amendment No. A-026-2019, Lot Line Adjustment No. LLA-023-2019, and Front Yard Determination No. FYD-005-2019 (collectively, the "Project").

5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 7, 2019, and all interested persons were given an opportunity to be heard.
8. Concurrently with the adoption of this Resolution, the Planning Commission adopted Resolution No. 5968-19 recommending that the City Council determine that the Project is categorically exempt from CEQA and approve Amendment No. A-026-2019, to rezone the subject project site from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet to facilitate the development of the project site with three (3) single-family homes on three (3) reconfigured parcels that comply with the minimum lot size of the proposed R-1-11 zone.
9. The Planning Commission gave due and careful consideration to the matter during its meeting on November 7, 2019.

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

FACTS:

The subject project site is located on the south side of Stanford Avenue, between Gilbert Street and Brookhurst Way. The project site has a General Plan Land Use designation of Low Density Residential, and is zoned R-1 (Single Family Residential) with a minimum lot size of 15,000 square feet (R-1-15). The project site is located in a single-family residential neighborhood that is developed with a mix of single-story and two-story residences. This residential neighborhood is characterized by having large lot sizes that range from 7,200 square feet to over one acre.

The project site abuts R-1 zoned properties developed with single-family homes to the north, across Stanford Avenue, to the east, and to the west. The properties immediately to the west of the project site are developed with a single-family tract subdivision located on Crestwood Circle. The properties to the south of the project site are zoned R-3 (Multiple-Family Residential), and are developed with multiple-family apartments.

The project site is comprised of four (4) legal parcels with an aggregate land area of 0.97-acres. The parcels were created in 1991 with approval of Parcel Map No. PM-91-300. Parcels 1 and 4 have a lot size of 9,366 square feet, while Parcels 2 and 3 have a lot size of 11,971 square feet. The individual parcels were never developed with single-family homes as approved by Site Plan No. SP-112-91. In 2007, the previous property owner requested land use approvals to develop the project site and each parcel with a single-family home through a zone change and Site Plan request; however, the request was denied by the hearing body due to incompatibility of the proposed project with the existing character of the neighborhood that will not preserve the large-lot character of the area. The project site remained improved with the original single-family home that constructed in 1936 until 2016 when building permits were issued to demolish the existing residence and accessory structure. Today, the project site is vacant and unimproved.

The current property owners purchased the project site in 2012 with the intent of developing the site with single-family homes; however, the existing four (4) parcels have a lot size that is less than the minimum lot size of 15,000 square feet required by the R-1-15 zone to develop each parcel in compliance with the zoning code. In order to facilitate the development of the project site, an amendment to the minimum lot size of the R-1-15 zone is required. The applicant is requesting Lot Line Adjustment to reconfigure the existing parcels from four (4) parcels to three (3) parcels in order to comply with the minimum lot size of the proposed zone, and a Front Yard Determination to designate the front of each parcel as that portion of the lot abutting the shared driveway easement.

In conjunction with the proposed Lot Line Adjustment and Front Yard Determination, the applicant is also requesting an amendment, Amendment No. A-026-2019, to rezone the minimum lot size of the project site from R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet to R-1 (Single-Family Residential) with a minimum lot size of 11,000 square feet, to develop the project site with three (3) single-family homes on three (3) parcels that conform with the minimum lot size of the R-1-11 zone.

#### FINDINGS AND REASONS:

##### **LOT LINE ADJUSTMENT:**

1. The parcels, as a result of the Lot Line Adjustment, will conform to the zoning and building codes.

The project site is currently zoned R-1 (Single-Family Residential) with a minimum lot size of 15,000 square feet (R-1-15). The project site consists of four (4) legal parcels that have a lot size less than the minimum lot size requirement of 15,000 square feet. Parcels 1 and 4 have a lot size of 9,366

square feet, and Parcels 2 and 3 have a lot size of 11,971 square feet. The applicant proposes to redevelop the project site and reconfigure the four (4) existing parcels into three (3) parcels, through a Zone Change Amendment and Lot Line Adjustment, so that each parcel complies with the minimum lot size of the zone. The proposed zone change will reduce the minimum lot size requirement to 11,000 square feet, allowing the reconfiguration of each parcel to meet the minimum lot size requirement of the zone. The Lot Line Adjustment will create three (3) parcels with a lot size of 14,228 square feet (Lot 1), 14,224 square feet (Lot 2), and 14,223 square feet (Lot 3), which will comply with the minimum lot size of 11,000 square feet of the proposed R-1-11 zone. Each parcel will be developed with a single-family home designed to comply with the zoning requirements of the R-1 zone, including setbacks, parking, lot coverage, building height, front yard landscaping, and second-story privacy provisions. Through the Lot Line Adjustment, the project site will create three (3) parcels that are conforming to the lot size of the zone, and all subsequent site improvements will conform to the applicable zoning and building code regulations.

**FRONT YARD DETERMINATION**

1. The proposed Front Yard Determination will allow each parcel to be developed to its fullest and best use by determining the front for the purpose of applying requirements for setbacks, wall, fence, and hedge heights, parking and landscaping.

The Front Yard Determination will designate the front yard of each parcel as that portion of the lot that fronts onto the shared access easement for the purpose of determining setbacks (front, side, and rear). All setbacks will be measured from the net developable lot area, which excludes the shared access easement. Each lot will maintain a 20'-0" front yard setback as measured from the easterly or southerly most edge of the share access easement line. Lot 1 will be considered a corner lot, while Lots 2 and 3 will be considered interior lots. Each lot will be developed to comply with the development standards of the R-1 zone.

**INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT**

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Lot Line Adjustment possesses characteristics that would justify the request in accordance with Municipal Code Section 9.40.190 (Lot Line Adjustment) and Section 9.08.040.100.J (Front Yard Determination).

2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Lot Line Adjustment No. LLA-023-2019 and Front Yard Determination No. FYD-005-2019.
3. The project is exempt from CEQA pursuant to the Review for Exemption, and Class 3 and Class 5 categorical exemptions.
4. This approval of Lot Line Adjustment No. LLA-023-2019 and Front Yard Determination No. FYD-005-2019 shall be contingent upon the adoption and effectiveness of an Ordinance approving Amendment No. A-026-2019 by the Garden Grove City Council.

## **EXHIBIT "A"**

### **Lot Line Adjustment No. LLA-023-2019 Front Yard Determination No. FYD-005-2019**

9792 Stanford Avenue

### **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. Proof of such recordation is required prior to issuance of building permits.
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, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes to the Conditions of Approval require approval by the Planning Commission, except as otherwise provided herein.
3. Approval of this Lot Line Adjustment and Front Yard Determination shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the Lot Line Adjustment or Front Yard Determination and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

#### **Public Works Engineering Division**

6. Prior to issuance of a grading permit, the applicant shall submit to Planning Division an updated title report along with copies of the recorded instruments listed in the title report, any reference maps used to prepare the new legal description and the plats (exhibits A, B & C) for review and approval of the

lot line adjustment application. The submittal must follow the guidelines provided in the County of Orange Lot Line Adjustment Manual. An easement package for access and utilities to serve the lots not adjacent to the public street will also need to be concurrently prepared and submitted for approval with the Lot Line Adjustment. The easement document shall observe the requirements of the Planning Department, Fire Department, Water Division and Engineering Department for width, setbacks, clearances and surface finish. Upon the approval of the lot line adjustment application along with any associated documents, including reconveyance deeds, modifications to any deeds of trust, easements, etc. Once the overall package is approved by the Planning Department, the applicant is required to record the approved documents in a sequential order to be outlined by the Engineering Department at county recorder's office. The sequential order of recordation is Lot Line Adjustment exhibit package, the access and utility easement package, the reconveyance grant deed package (which will use the recorded lot line adjustment with the instrument number and the easement description with instrument number), Modification of Deed of Trust, and any other instruments required by the City Engineer.

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

7. Water meters shall be located within the City right-of-way on Stanford Ave frontage. Fire services and large water services 3" and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
8. Pursuant to Municipal Code Section No. 14.20.020 (Cross Connection Control Program), if applicable, a Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for the irrigation system. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
9. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
10. Abandon any existing meter and service in the sidewalk.
11. Pursuant to Municipal Code Section No. 14.20.020 (Cross Connection Control Program), if required, fire service shall have above-ground backflow device with a double-check valve assembly. Device shall be tested immediately

after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Division. Contact Water Engineering for additional requirements for plan submittal at (714) 741-5346.

12. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority.
13. Owner shall install new private sewer lateral with clean out at right-of-way line. Private lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.
14. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

#### **Orange County Fire Authority**

15. The applicant shall submit the plans to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified below:
  - a. Prior to OCFA clearance of a final map or issuance of a precise grading permit or a building permit, if a grading permit is not required, the applicant shall comply with the Fire Master Plan fire master plan (Service Code PR145).
  - b. Prior to issuance of a building permit, the applicant shall comply with fire sprinkler system (service codes PR400)

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

16. All landscaping shall be consistent with the landscape requirements of Title 9 of the Municipal Code. The applicant shall submit a complete landscape plan governing the entire development and each individual lot. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines.
17. The required front yard of each parcel shall be that portion of each lot that fronts onto the shared access easement for purposes of determining setbacks (front, side, and rear). All setbacks and lot coverage shall be measured from the net developable lot area, which excludes the shared access easement.



- Each lot shall maintain a 20'-0" front yard setback as measured from the share access easement limit-line.
18. Each lot shall be developed to comply with the development standards of the R-1 (Single-Family Residential) zone, including, but not limited to, setbacks, parking, lot coverage, landscaping, second-story privacy provisions, and open space requirements.
  19. All proposed walls, fences, and hedges shall be consistent with Garden Grove Municipal Code Section 9.18.130. Any proposed block wall or fence located within the designated front yard area, the first twenty (20) feet of the front yard area, shall not exceed 36" inches (3'-0") in height.
  20. Preparation and recordation of Covenants, Conditions and Restrictions (CC&Rs) shall be required to ensure the long-term maintenance of the shared access easement by the property owner of each parcel. The Covenants, Conditions, and Restrictions (CC&R's) shall be reviewed and approval by the City Attorney's office and Community and Economic Development Department, and shall be recorded prior to issuance of building permits for the project site. The shared driveway shall be constructed, and completed, concurrently with development of the project site or with the development of any individual parcel.
  21. The property owner shall comply with the adopted City Noise Ordinance.
  22. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Title Sections 8.47.040 to 8.47.060 referred to as the Noise Control Ordinance as adopted:
    - a. Monday through Saturday - not before 7:00 a.m. and not after 8:00 p.m. (of the same day).
    - b. Sunday and Federal Holidays - may work the same hours, but be subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code.
  23. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use of methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters and the use of low-sodium parking lot lights to ensure compliance with Title 24.
  24. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Lot Line Adjustment No. LLA-023-2019 and

Front Yard Determination No. FYD-005-2019, and his/her agreement with all conditions of approval.

25. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the uses and development authorized by this approval of Lot Line Adjustment No. LLA-023-2019 and Front Yard Determination No. FYD-005-2019 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.
26. 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 Amendment No. A-026-2019, Lot Line Adjustment No. LLA-023-2019, and/or Front Yard Determination No. FYD-005-2019. 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.