



**GARDEN GROVE**

AGENDA

---

ZONING ADMINISTRATOR MEETING

Garden Grove City Hall – 3<sup>rd</sup> Floor Training Room  
11222 Acacia Parkway

Thursday, September 23, 2021

9:00 a.m.

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

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Comments by the Public. Each speaker shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

**Meeting Assistance:** Any person requiring auxiliary aids and services, due to a disability, should contact the Department of Community & Economic Development at (714) 741-5312 or email [planning@ggcity.org](mailto:planning@ggcity.org) 72 hours prior to the meeting to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to the Zoning Administrator within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) in the 3<sup>rd</sup> Floor Training Room at the time of the meeting.

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

1. PUBLIC HEARING ITEM(S):

a. VARIANCE NO. V-034-2021

APPLICANT: Holly Hang Nguyen  
LOCATION: 13862 Anita Place

REQUEST: To deviate from the minimum street setback requirements for the first and second floors of a new 2,084 square foot two-story single-family dwelling unit on a 4,050 square foot lot. The site is in the R-3 (Multiple-Family Residential) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 - New Construction or Conversion of Small Structures - of the State CEQA Guidelines.

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

GARDEN GROVE ZONING ADMINISTRATOR MEETING  
Garden Grove Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

Special Meeting Minutes  
Thursday, August 12, 2021

CALL TO ORDER: 9:00 a.m.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-208-2021

Applicant: Young Park  
Location: 8100 Garden Grove Boulevard  
Date: August 12, 2021

Request: To operate a new adult daycare center, Garden Grove ADHC in Buildings "A" & "B". A separate request, to modify Conditional Use Permit No. CUP-188-2020, will reduce the floor area of Sierra States University in Building "B", from 6,765 square feet to 3,304 square feet, to allow Garden Grove ADHC to partially occupy Building "B". The site is in the GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Hyung Jin Seo

Action: The Zoning Administrator adopted Decision No. 1804-21.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-188-2020 (REV. 2021)

Applicant: Young Park  
Location: 8100 Garden Grove Boulevard  
Date: August 12, 2021

Request: To modify Conditional Use Permit No. CUP-188-2020, to reduce the square footage of an existing college, Sierra States University at 8100 Garden Grove Boulevard, Building "B". The floor tenant space in which the university currently operates will be reduced from 6,765 square feet to 3,304 square feet. Concurrently, is a request to operate a new outpatient adult daycare facility, Garden Grove ADHC, in Buildings "A" and "B". The site is in the GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Hyung Jin Seo

Action: The Zoning Administrator adopted Decision No. 1805-21.

Zoning Administrator Minutes

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-185-2020 (REV. 2021)

Applicant: Tina Nguyen  
Location: 10130 Garden Grove Boulevard  
Date: August 12, 2021

Request: To modify the floor plan of an existing restaurant, Oc & Lau, which was approved under Conditional Use Permit No. CUP-185-2020, to expand into the adjacent tenant space increasing the square footage from 2,500 to 3,500 square feet. The restaurant currently operates with an Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License. The site is in the GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Tina Nguyen

Action: The Zoning Administrator adopted Decision No. 1806-21.

ORAL COMMUNICATIONS – PUBLIC: None.

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:16 a.m.

---

Judith Moore  
Recording Secretary

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.a.	<b>SITE LOCATION:</b> Southeast corner of San Juan Place and Anita Place, at 13862 Anita Place
<b>HEARING DATE:</b> September 23, 2021	<b>GENERAL PLAN:</b> Medium Density Residential
<b>CASE NO.:</b> Variance No. V-034-2021	<b>ZONE:</b> R-3 (Multiple-Family Residential)
<b>APPLICANT:</b> Holly Hang Nguyen	<b>CEQA DETERMINATION:</b> Exempt – CEQA Guidelines §15305 (Minor Alterations in Land Use Limitations)
<b>PROPERTY OWNER:</b> Same as Applicant	<b>APN NO.:</b> 100-152-01

**REQUEST:**

A request for Variance approval in order to deviate from Section 9.12.040.030 (Special Requirements – Single-Family Homes in the R-2 and R-3 Zones) of Title 9 of the Municipal Code to deviate from the minimum 10'-0" street setback requirement of the R-1 (Single-Family Residential) zone for corner lots to improve a 4,050 square foot lot with a new 2,084 square foot two-story single-family dwelling unit with an attached two-car garage.

**BACKGROUND:**

The subject property is located on the southeast corner of San Juan Place and Anita Place, in the R-3 (Multiple-Family Residential) zone and has a General Plan Land Use designation of Medium Density Residential. The property is zoned R-3 (Multiple-Family Residential) and has a General Plan Land Use Designation of Medium Density Residential. The site abuts R-3 zoned properties developed with residential uses, single-family and multi-family, to the east and south, to the west across Anita Place, and to the north across San Juan Place. The subject site is located within an R-3 zoned tract improved with smaller legal parcels, ranging from approximately 4,050 square feet to 5,400 square feet, measuring between 30'-0" to 40'-0" feet wide, and 135'-0" deep. The parcels within the tract are mostly improved with single-family dwellings. The subject site is the only corner parcel within the tract that is 30'-0" wide.

The subject site is a 4,050 square foot corner lot currently developed with a one-story, single-family dwelling, and a detached garage. The shape of the site is narrow and deep in nature, measuring 30'-0" wide and 135'-0" deep. The applicant

proposes to demolish the existing improvements on the subject site to build a new, 2,084 square foot two-story single-family dwelling. Pursuant to Title 9 Municipal Code Section 9.12.020 (Permitted Uses in the R-2 and R-3 zones), single-family dwellings are allowed in R-2 (Limited Multiple Residential) and R-3 zones provided they comply with the development standards of the R-1 zone. Given the narrow width of the lot, in order to facilitate the construction of the proposed single-family dwelling, a Variance is required to deviate from Section 9.12.040.030 (Special Requirements – Single-Family Homes in the R-2 and R-3 Zones) of Title 9 of the Municipal Code to deviate from the minimum 10'-0" street setback requirement of the R-1 (Single-Family Residential) zone for corner lots.

The 4,050 square foot subject site is undersized and does not comply with the 7,200 square foot minimum lot size required by the R-1 zone. However, pursuant to Municipal Code Section 9.12.040.150 (Lot Areas, Frontages and Dwelling Unit Areas), the lot is deemed a substandard lot and can be developed with a single-family dwelling provided that the standards of the R-1 zone are complied with.

Pursuant to Title 9 Municipal Code Section 9.32.030 (Land Use Actions), a Variance is required for any deviation from the development standards of the Code, provided that the required findings are made. Since the required street side setback is 10'-0" minimum for corner lots and the project proposes a reduced street side setback to 5'-0" due to the narrow width of the lot, a variance is required to facilitate the construction of a new single-family dwelling.

### **DISCUSSION:**

The approximately 4,050 square foot property is currently developed with a single-family dwelling and a detached garage, and is zoned R-3. The site, a corner lot, is 30'-0" wide and 135'-0" deep, which is similar to other lots in the direct vicinity, also located within the R-3 zone. The applicant proposes to demolish the existing improvements to redevelop the subject site with a new, two-story 2,084 square foot single-family residence with an attached two-car garage. The proposed single-family dwelling consists of a kitchen, dining area, living area, one (1) bathroom, and a laundry room on the first floor, and three (3) bedrooms and two (2) bathrooms on the second floor.

The subject site currently has a drive approach on the northerly side along San Juan Place that is proposed to be removed. A new drive approach is proposed along the westerly side on Anita Place for a new driveway that leads to the new enclosed two-car garage. The driveway can accommodate the required open parking for the single-family dwelling, which is two (2) parking spaces, as required by Section 9.08.040.150 (Parking Spaces Required) of Title 9 of the Municipal Code. Moreover, the front setback and driveway design is able to provide the required front yard landscaping, which is 50% of the front setback area minus the required driveway area, or at least 100 square feet. The project proposes approximately 250 square feet of landscaping in the front setback area, exceeding the requirement.

The proposed single-family residence complies with the required 20'-0" front setback, the required 5'-0" interior side setback, and the rear setback, which is 20% of the lot

depth not to exceed 25'-0", as required by the R-1 zone. However, the proposed single-family residence is unable to comply with the required 10'-0" street side setback and can only achieve a 5'-0" street side setback in order to provide usable living area. In addition, in order to comply with the minimum dimensions required for a two-car garage, and the minimum 5'-0" interior side setback, the site is too narrow and can only provide a 4'-0" street side setback. Therefore, given the 30'-0" width of the property, only a 5'-0" street side setback can be achieved by the dwelling and 4'-0" to the garage, resulting in the request for a Variance.

The two-car garage is proposed to be attached to the two-story single-family dwelling. To attain usable livable area for the habitable portions of the dwelling, the applicant is proposing a 5'-0" street side setback. The proposed two-car garage is proposed to maintain a 4'-0" street side setback in order to provide the minimum dimensions required for garages. Both the single-family dwelling and two-car garage will comply with the 5'-0" interior side setback, which complies with the requirements of the R-1 zone.

As required by the R-1 zone, the maximum lot coverage allowed for properties developed with single-family dwellings is 50%. The property is 4,050 square feet and the footprint of the ground floor of the proposed dwelling, the two-car garage, and 400 square feet of the required uncovered driveway area, is 43%. Therefore, the proposed project complies with the maximum lot coverage allowed for properties developed with a single-family dwelling.

The R-1 zone requires that at least 1,000 square feet open space is maintained in the rear setback area. Due to the narrow width of the property, it is unable to maintain the minimum open space in the rear setback area. Given the maximum rear setback, 25'-0", and the 30'-0" lot width, the rear yard open space is only 750 square feet. However, the rear setback area is deemed legal nonconforming, and the proposed single-family dwelling will not encroach into the rear setback area. Thus, the proposed project will not increase the degree of nonconformity of the open space in the rear setback area.

Although the submitted plans show an Accessory Dwelling Unit (ADU), the proposed ADU is not part of the Variance request. The ADU will undergo ministerial approval following approval of the Variance. The ADU will be required to comply with the California Building Code and be designed per the City of Garden Grove's ADU Ordinance.

#### VARIANCE:

The proposed single-family dwelling requires Variance approval to deviate from Section 9.12.040.030 (Special Requirements – Single-Family Homes in the R-2 and R-3 Zones) of Title 9 of the Municipal Code to deviate from the minimum 10'-0" street setback requirement of the R-1 (Single-Family Residential) zone for corner lots in order to improve the lot with a single-family dwelling unit. The applicant has prepared and submitted plans demonstrating that the proposed single-family dwelling complies with the required 20'-0" front setback, the required 5'-0" interior side setback, and the rear setback, which is 20% of the lot depth not to exceed 25'-0", as required by

the R-1 zone. In order to comply with the minimum dimensions required for a two-car garage, and the minimum 5'-0" interior side setback, the site is 6'-0" too narrow to meet the minimum street side 10'-0' setback. Given the 30'-0" width of the property, only a 5'-0" street side setback can be achieved for the main dwelling and 4'-0" for the garage, resulting in the request for a Variance.

In order for the applicant to develop the site with a single-family dwelling, the applicant is requesting approval of a Variance to deviate from the street side setback requirement of the R-1 zone. Aside from the street setback requirement, the project complies with the development standards of the R-1 zone, including the required front, interior side, and rear setbacks, parking, front setback landscaping, and lot coverage.

Therefore, Staff is supportive of the Variance being requested by the applicant. Proposed reasons supporting the five (5) variance findings required pursuant to State law and Garden Grove Municipal Code Section 9.32.030.D.6 are included in the attached Resolution and as set forth below:

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

The subject site is located within an R-3 zoned tract improved with smaller legal parcels, ranging from approximately 4,050 square feet to 5,400 square feet, and measuring between 30'-0" to 40'-0" feet wide, and 135'-0" deep. Although located within the R-3 zone, the parcels within the tract are mostly improved with single-family dwellings. The subject site is 4,050 square feet and currently developed with a one-story, single-family dwelling, and a detached garage. The shape of the site is narrow and deep in nature, measuring 30'-0" wide and 135'-0" deep, and is the only corner parcel within the tract that has a 30'-0" lot width. The applicant proposes to demolish the existing improvements on the subject site to build a new single-family dwelling. Pursuant to Title 9 of the Municipal Code, single-family dwellings are allowed in R-2 and R-3 zones provided they comply with the development standards of the R-1 zone. Given the narrow width of the lot, in order to facilitate the construction of the proposed single-family dwelling, a Variance is required to deviate from the minimum 10'-0" street setback requirement of the R-1 zone for corner lots. The proposed single-family residence complies with the required 20'-0" front setback, the required 5'-0" interior side setback, and the rear setback, which is 20% of the lot depth not to exceed 25'-0". In order to comply with the minimum dimensions required for a two-car garage, and the minimum 5'-0" interior side setback, the site is too narrow to meet the minimum street side 10'-0' setback. Therefore, the garage is only able to maintain a 4'-0" street side setback. Similarly, in order to attain usable livable area for the habitable portions of the dwelling, the applicant is proposing a 5'-0" street side setback for the single-family dwelling.



With exception of the requested Variance to deviate from the street side setback, the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1 zone, such as front setback, interior side setback, lot coverage, parking, landscaping, and building height. Other properties in the direct vicinity with similar lot dimensions that are interior lots are able to comply with the required 5'-0" side setbacks. However, the subject site is a corner lot that is required to provide a 10'-0" street side setback. Moreover, the site is unable to accommodate the minimum dimensions of the required enclosed two-car garage and usable living area without being granted a Variance to deviate from the street side setback. Therefore, there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same zone or neighborhood.

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

The subject site is located in an area of properties that are zoned R-3, but are mostly developed with single-family dwellings. Pursuant to Title 9 of the Municipal Code, single-family dwellings are allowed in R-2 and R-3 zones provided they comply with the development standards of the R-1 zone. The R-3 zoned tract is improved with smaller legal parcels, ranging from approximately 4,050 square feet to 5,400 square feet. The parcels in the direct vicinity are also undersized and narrow in width. Therefore, there are other properties in the same vicinity and zone that have similar residential developments on properties that are too narrow to meet the minimum setbacks, as required by the R-1 zone, while also meeting the minimum requirements for parking, lot coverage, and front, rear, and interior side setbacks. While other properties in the direct vicinity with similar lot dimensions that are interior lots are able to comply with the required 5'-0" side setbacks, the subject site is a corner lot that is required to provide a 10'-0" street side setback. Moreover, the site is unable to accommodate the minimum dimensions of the required enclosed two-car garage and usable living area without being granted a Variance to deviate from the street side setback. Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity within the same zone since other sites in the direct vicinity are also developed with nonconforming setbacks. With exception of the requested Variance to deviate from the street side setback requirement, the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1 zone, such as, front setback, interior side setback, rear setback, lot coverage, parking, landscaping, and building height. Therefore, approval of a Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone.

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

The Variance request will allow the project to deviate from the minimum 10'-0" street side setback requirement of the R-1 zone, as required by Title 9 of the Municipal Code for single-family dwellings in the R-2 and R-3 zones, to facilitate the development of one single-family residential dwelling on the site. There are other properties in the same vicinity and zone that have similar residential developments on properties that do not meet the minimum setbacks. Provided the project complies with the Conditions of Approval, the remaining R-1 zone development standards, as demonstrated in the submitted plans, the granting of the Variances will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. With exception of the requested Variance to deviate from the 10'-0" street setback, the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1 zone, such as front setback, interior side setback, lot coverage, parking, landscaping, and building height. The project would be an improvement to the site, which is deteriorated and has exhibited property maintenance issues. Development and occupancy of the site will help eliminate these issues to the benefit of the neighborhood and the zone.

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

The subject site has a General Plan Land Use designation of Medium Density Residential and is zoned R-3. Single-family dwellings are allowed in the R-3 zone subject to the development standards applicable to single-family dwellings per the R-1 zone. The applicant is proposing to develop the property with a single-family dwelling, which is a use that is consistent with the intent of the General Plan and the zoning classification, as single-family residential developments are permitted in the R-3 zone. The Variance request will not cause an adverse effect on the City's General Plan since the Municipal Code, in conjunction with the development requirements of the R-1 zone, are tools used to implement the goals of the General Plan. Approval of the Variance is consistent with several goals established by the General Plan. For example, Goal LU-1 of the General Plan encourages the development of residential lots to help meet the needs of the anticipated growth of the community and the regional housing needs. Land Use Implementation Program 2B (LU-IMP-2B) encourages new development to be similar in scale to the adjoining residential neighborhood to preserve its character. Finally, Goal LU-4 of the General Plan encourages the development of uses that are compatible with neighboring uses. The proposed single-family residential project is consistent with all of these goals, and the proposed Variance is needed to facilitate the project. Therefore, granting of this Variance is in keeping with the spirit and intent of the General Plan.

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

The subject site is a corner lot located in a tract that is zoned R-3, with properties that are similar in size and are mostly developed with single-family dwellings. However, the subject site is the only property with similar dimensions that is a corner lot, which is subject to a minimum 10'-0" street side setback, as opposed to 5'-0" side setbacks for interior lots. A corner lot is therefore required to provide an additional 5'-0" side setback not required for interior lots with a similar 30'-0" lot width as the properties located in the direct vicinity. In order to provide the required dimensions of an enclosed two-car garage and a single-family dwelling with usable living area, the lot does not possess sufficient width to be developable. Therefore, the subject property would not be given any special privilege inconsistent with the limitations upon other properties in the vicinity and zone. Moreover, the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1 zone, such as front setback, interior side setback, lot coverage, parking, landscaping, and building height. Pursuant to the Conditions of Approval, the rights granted pursuant to the Variance shall continue in effect for only so long as a single-family dwelling structure similar in size, orientation, and location to the structure depicted on the architectural and site plans provided to the Zoning Administrator is constructed and continues to exist on the site. In the event the necessary building and other permit or permits for such a structure is/are not obtained within one year of approval of V-034-2021 (or the length of any extension approved by the City), the structure is not constructed within the time allowed under such building permit(s), or such structure is demolished and not re-established within one year of demolition, the Variance shall cease to be effective or grant the property owner any rights to construct other improvements inconsistent with the then-currently applicable development standards. As part of the conditions of approval, the variance approval will become null and void if the improvements contemplated and facilitated by the Variance are not constructed or are demolished at a later time. Therefore, the granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

#### California Environmental Quality Act:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 5, Minor Alterations in Land Use Limitations (CEQA Guidelines §15305). The Class 5 exemption applies to set back variances not resulting in the creation of a new parcel. The proposed Variance No. V-034-2021 will approve a deviation from the required 10'-0" street side setback to accommodate the construction of a single-family dwelling. The approval of this request will not result in the creation of a new parcel. Thus, it is exempt from CEQA.

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

- Adopt Resolution No. 1806-21 approving Variance No. V-034-2021, subject to the recommended Conditions of Approval.



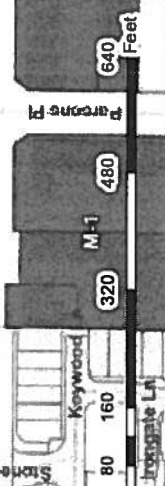
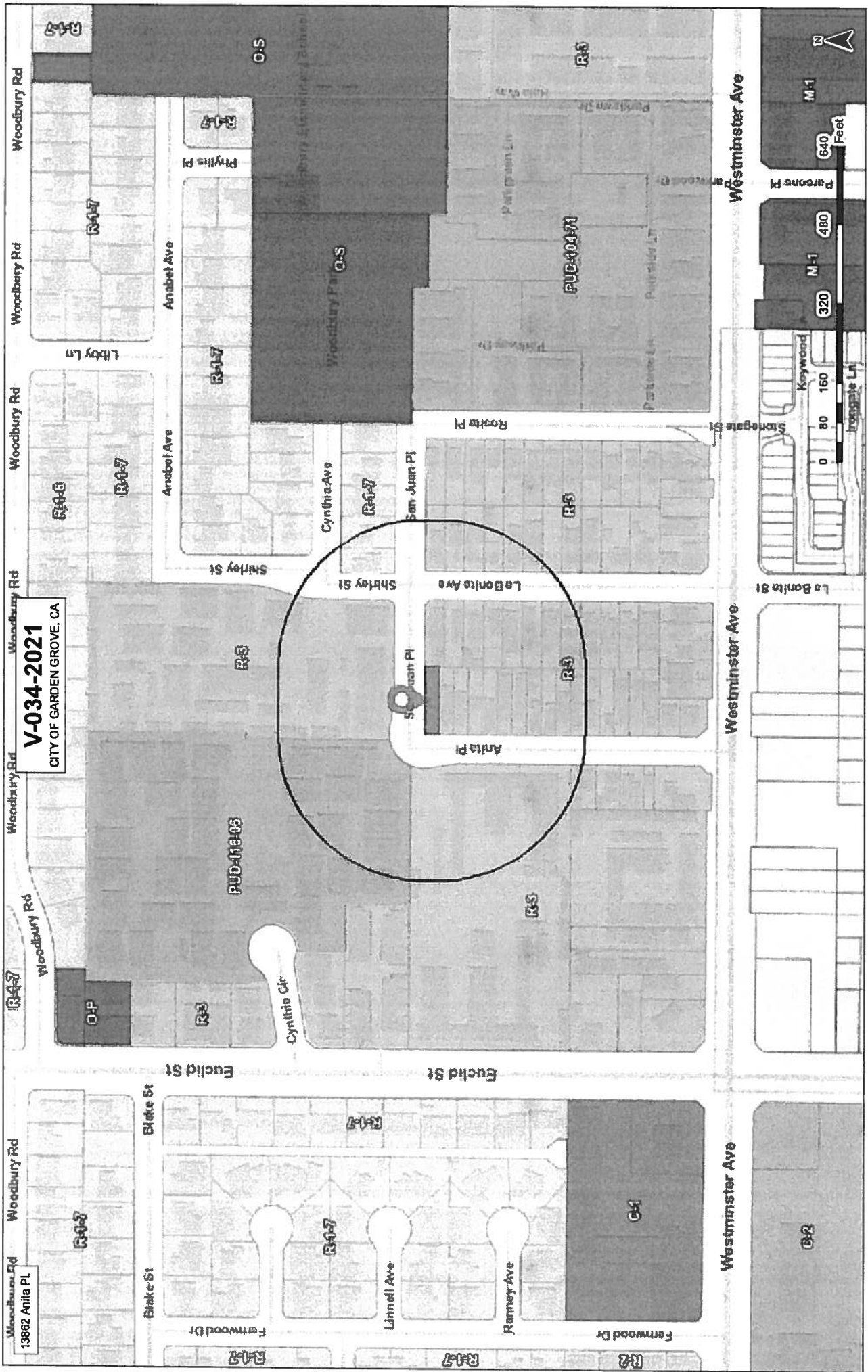
Lee Marino  
Planning Services Manager



By: Mary Martinez  
Associate Planner

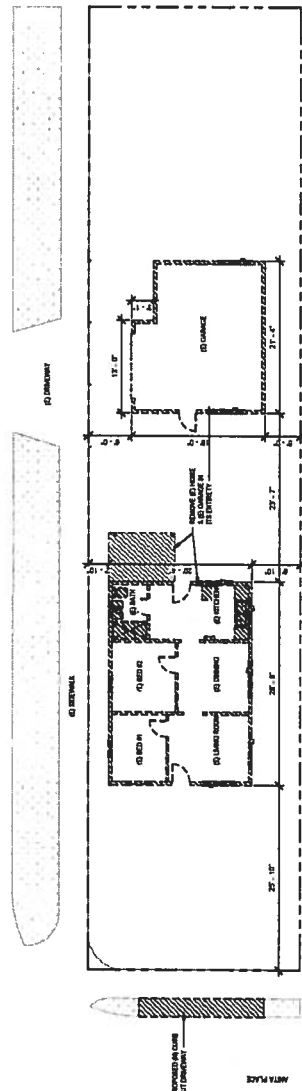
Woodbury Rd  
13862 Anita Pl

Woodbury Rd  
**V-034-2021**  
CITY OF GARDEN GROVE, CA

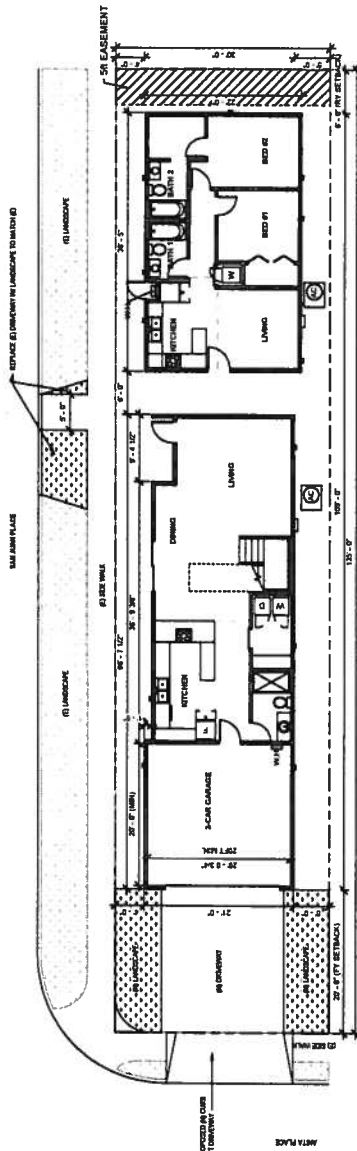




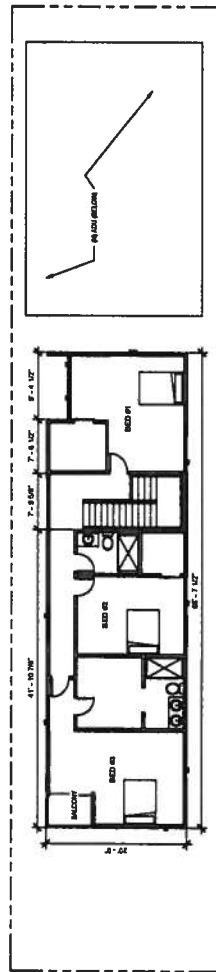
# ANITA PLACE - NEW HOUSE & ADU



**LEVEL 1 - DEMOLITION PLAN**  
SCALE: 1/8" = 1'-0"



**LEVEL 1 - FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

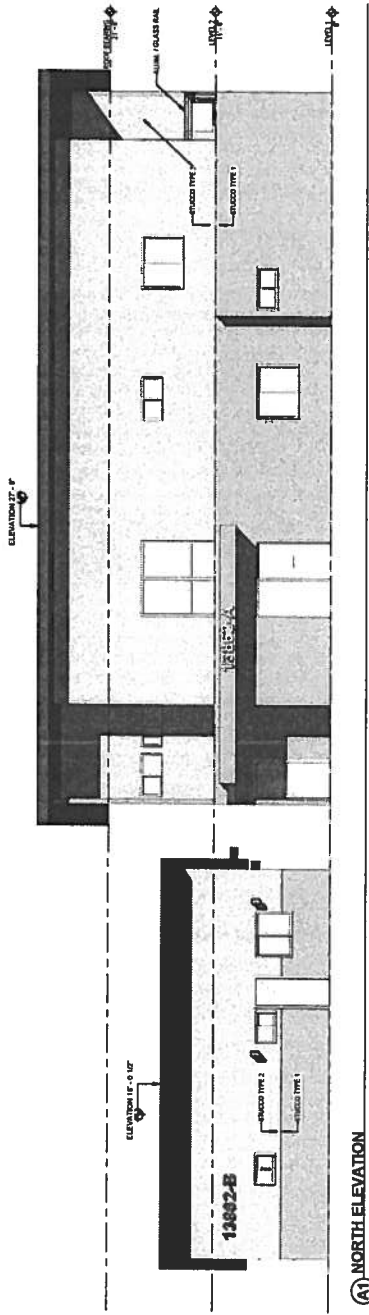


**LEVEL 2 - FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

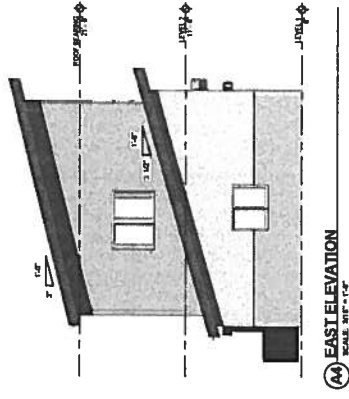
PROJECT SUMMARY			
ALL WORK SHALL BE ACCORDANCE WITH BUT NOT LIMITED TO THE CURRENTLY APPLICABLE CALIFORNIA BUILDING CODE, CALIFORNIA ELECTRICAL CODE AND ALL OTHER FEDERAL, STATE AND LOCAL CODES/REGULATIONS FROM 2019 AND THEREAFTER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.			
<b>SCOPE OF WORK</b> 1. DEMOLITION OF EXISTING STRUCTURE AND FOUNDATION 2. CONSTRUCTION OF NEW HOUSE AND ADU 3. LANDSCAPE AND SITEWORK 4. UTILITIES (ELECTRICAL, PLUMBING, MECHANICAL) 5. FINISHES (PAINT, FLOORING, CEILING) 6. EXTERIOR LIGHTING AND LANDSCAPE IRRIGATION 7. PERMITS AND APPROVALS			
<b>CLIENT INFORMATION</b> CLIENT NAME: ANITA PLACE NEW HOUSE & ADU PROJECT NUMBER: AN101 SHEET NUMBER: AN101			
<b>CONSULTANT INFORMATION</b> CONSULTANT NAME: H+J architecture CONSULTANT ADDRESS: 1742 Central Street, Huntington Beach, CA 92648 CONSULTANT PHONE: (714) 648-1171 CONSULTANT EMAIL: hplusj@hplusj.com			
<b>PROJECT LOCATION</b> PROJECT ADDRESS: ANITA PLACE, HUNTINGTON BEACH, CA 92648 PROJECT CITY/STATE: HUNTINGTON BEACH, CA 92648 PROJECT ZIP: 92648			
<b>CONSTRUCTION TYPE</b> CONSTRUCTION TYPE: SINGLE-FAMILY RESIDENTIAL OCCUPANCY: RESIDENTIAL NUMBER OF FLOORS: 2 NUMBER OF UNITS: 2 TYPE OF UNITS: SINGLE-FAMILY HOUSE (SFR) AND ACCESSORY DWELLING UNIT (ADU) TYPE OF FOUNDATION: CONCRETE SLAB ON GRADE TYPE OF ROOF: GABLE ROOF TYPE OF EXTERIOR WALLS: CMU BLOCK WALLS			
<b>PERMITS AND APPROVALS</b> PERMITS AND APPROVALS: ALL NECESSARY PERMITS AND APPROVALS OBTAINED FROM LOCAL JURISDICTION.			
<b>DATE</b> DATE: 08/15/2024			
<b>SCALE</b> SCALE: 1/8" = 1'-0"			
<b>REVISIONS</b>			

CLIENT INFORMATION			CONSULTANT INFORMATION		
<b>CLIENT INFORMATION</b> CLIENT NAME: ANITA PLACE NEW HOUSE & ADU PROJECT NUMBER: AN101 SHEET NUMBER: AN101 LOCATION: HUNTINGTON BEACH, CA 92648 STREET NAME: ANITA PLACE			<b>CONSULTANT INFORMATION</b> CONSULTANT NAME: H+J architecture CONSULTANT ADDRESS: 1742 Central Street, Huntington Beach, CA 92648 CONSULTANT PHONE: (714) 648-1171 CONSULTANT EMAIL: hplusj@hplusj.com Copyright: All rights reserved. All drawings are the property of H+J architecture. All other drawings are the property of the jurisdiction.		
<b>LEGEND</b> Hatched area: DEMOLITION Solid line: EXISTING Dashed line: PROPOSED			<b>REVISIONS</b>		
<b>PROJECT INFORMATION</b> PROJECT NAME: ANITA PLACE NEW HOUSE & ADU PROJECT NUMBER: AN101 SHEET NUMBER: AN101			<b>SCALE</b> SCALE: 1/8" = 1'-0"		

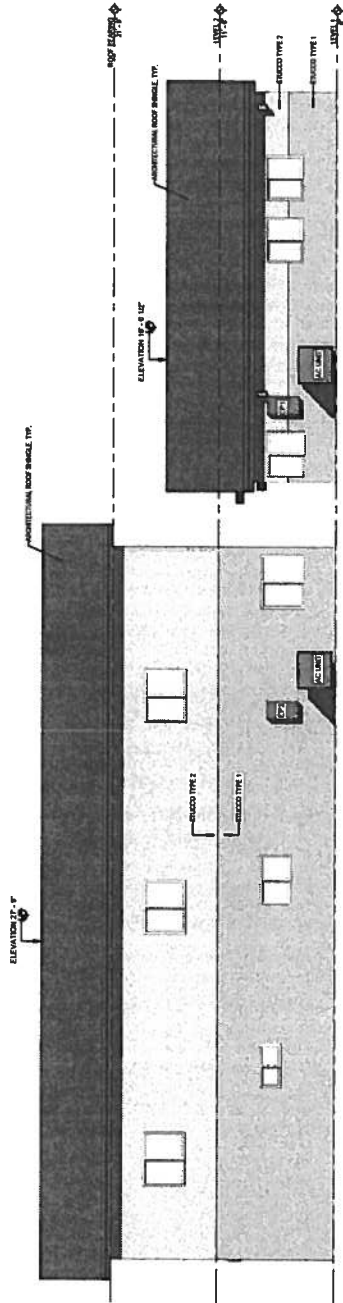
# ANITA PLACE - NEW HOUSE & ADU



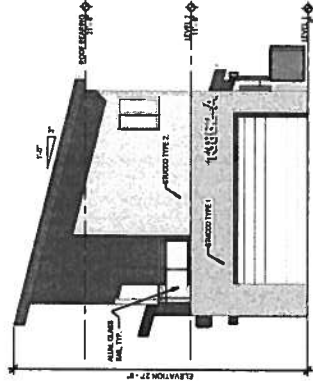
**A1) NORTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**A2) EAST ELEVATION**  
SCALE: 3/16" = 1'-0"



**C1) SOUTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**C2) WEST ELEVATION**  
SCALE: 3/16" = 1'-0"

REV	DATE	DESCRIPTION

CONSULTANT INFORMATION

LOCATED HEREIN ARE THE  
COMPLIMENT PROFESSIONAL  
ANITA PLACE NEW HOUSE &  
ADU

STAMP

REGISTERED  
CONSULTANT

**H.A. architecture**  
85108 118E 7TH OVE  
17162 Columbia Street  
Hempden Beach, CA 92543  
Copyright, H.A. Architecture, Inc. 2018. All Rights Reserved.  
This drawing is not valid and is subject to the following conditions:  
- without permission of the Architect or its production.

CLIENT INFORMATION

DESIGN BY  
17162 COLUMBIA STREET  
HENMPDEN BEACH, CA 92543

DATE

PROJECT NUMBER  
PROJECT  
**A201**



RESOLUTION NO. 1806-21

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE, APPROVING VARIANCE NO. V-034-2021.

BE IT DETERMINED that the Zoning Administrator of the City of Garden Grove does hereby approve Variance No. V-034-2021 for property located on the southeast corner of San Juan Place and Anita Place, at 13862 Anita Place, Assessor's Parcel No. 100-152-01.

BE IT FURTHER DETERMINED in the matter of Variance No. V-034-2021 the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Holly Hang Nguyen.
2. The applicant requests approval of a Variance in order to deviate from Section 9.12.040.030 (Special Requirements – Single-Family Homes in the R-2 and R-3 Zones) of Title 9 of the Municipal Code to deviate from the minimum 10'-0" street setback requirement of the R-1 (Single-Family Residential) zone for corner lots to improve a 4,050 square foot lot with a new 2,084 square foot two-story single-family dwelling unit with an attached two-car garage.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations in Land Use Limitations, of the CEQA Guidelines (14 Cal. Code Regs., Sections 15305).
4. The property has a General Plan Land Use designation of Medium Density Residential and is currently zoned R-3 (Multiple-Family Residential).
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 23, 2021, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter at a meeting on September 23, 2021.

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

**FACTS:**

The subject property is located on the southeast corner of San Juan Place and Anita Place, in the R-3 (Multiple-Family Residential) zone and has a General Plan Land Use designation of Medium Density Residential. The property is zoned R-3 (Multiple-Family Residential) and has a General Plan Land Use Designation of Medium Density Residential. The site abuts R-3 zoned properties developed with residential uses, single-family and multi-family, to the east and south, to the west across Anita Place, and to the north across San Juan Place. The subject site is located within an R-3 zoned tract improved with smaller legal parcels, ranging from approximately 4,050 square feet to 5,400 square feet, measuring between 30'-0" to 40'-0" feet wide, and 135'-0" deep. The parcels within the tract are mostly improved with single-family dwellings. The subject site is the only corner parcel within the tract that is 30'-0" wide.

The subject site is a 4,050 square foot corner lot currently developed with a one-story, single-family dwelling, and a detached garage. The shape of the site is narrow and deep in nature, measuring 30'-0" wide and 135'-0" deep. The applicant proposes to demolish the existing improvements on the subject site to build a new, 2,084 square foot two-story single-family dwelling. Pursuant to Title 9 Municipal Code Section 9.12.020 (Permitted Uses in the R-2 and R-3 zones), single-family dwellings are allowed in R-2 (Limited Multiple Residential) and R-3 zones provided they comply with the development standards of the R-1 zone. Given the narrow width of the lot, in order to facilitate the construction of the proposed single-family dwelling, a Variance is required to deviate from Section 9.12.040.030 (Special Requirements – Single-Family Homes in the R-2 and R-3 Zones) of Title 9 of the Municipal Code to deviate from the minimum 10'-0" street setback requirement of the R-1 (Single-Family Residential) zone for corner lots.

The 4,050 square foot subject site is undersized and does not comply with the 7,200 square foot minimum lot size required by the R-1 zone. However, pursuant to Municipal Code Section 9.12.040.150 (Lot Areas, Frontages and Dwelling Unit Areas), the lot is deemed a substandard lot and can be developed with a single-family dwelling provided that the standards of the R-1 zone are complied with.

Pursuant to Title 9 Municipal Code Section 9.32.030 (Land Use Actions), a Variance is required for any deviation from the development standards of the Code, provided that the required findings are made. Since the required street side setback is 10'-0" minimum for corner lots and the project proposes a reduced street side setback to 5'-0" due to the narrow width of the lot, a variance is required to facilitate the construction of a new single-family dwelling.

**FINDINGS AND REASONS:****Variance:**

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use or development of

the property that do not apply generally to other property in the same zone or neighborhood.

The subject site is located within an R-3 zoned tract improved with smaller legal parcels, ranging from approximately 4,050 square feet to 5,400 square feet, and measuring between 30'-0" to 40'-0" feet wide, and 135'-0" deep. Although located within the R-3 zone, the parcels within the tract are mostly improved with single-family dwellings. The subject site is 4,050 square feet and currently developed with a one-story, single-family dwelling, and a detached garage. The shape of the site is narrow and deep in nature, measuring 30'-0" wide and 135'-0" deep, and is the only corner parcel within the tract that has a 30'-0" lot width. The applicant proposes to demolish the existing improvements on the subject site to build a new single-family dwelling. Pursuant to Title 9 of the Municipal Code, single-family dwellings are allowed in R-2 and R-3 zones provided they comply with the development standards of the R-1 zone. Given the narrow width of the lot, in order to facilitate the construction of the proposed single-family dwelling, a Variance is required to deviate from the minimum 10'-0" street setback requirement of the R-1 zone for corner lots. The proposed single-family residence complies with the required 20'-0" front setback, the required 5'-0" interior side setback, and the rear setback, which is 20% of the lot depth not to exceed 25'-0". In order to comply with the minimum dimensions required for a two-car garage, and the minimum 5'-0" interior side setback, the site is too narrow to meet the minimum street side 10'-0" setback. Therefore, the garage is only able to maintain a 4'-0" street side setback. Similarly, in order to attain usable livable area for the habitable portions of the dwelling, the applicant is proposing a 5'-0" street side setback for the single-family dwelling.

With exception of the requested Variance to deviate from the street side setback, the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1 zone, such as front setback, interior side setback, lot coverage, parking, landscaping, and building height. Other properties in the direct vicinity with similar lot dimensions that are interior lots are able to comply with the required 5'-0" side setbacks. However, the subject site is a corner lot that is required to provide a 10'-0" street side setback. Moreover, the site is unable to accommodate the minimum dimensions of the required enclosed two-car garage and usable living area without being granted a Variance to deviate from the street side setback. Therefore, there are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same zone or neighborhood.

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

The subject site is located in an area of properties that are zoned R-3, but are mostly developed with single-family dwellings. Pursuant to Title 9 of the Municipal Code, single-family dwellings are allowed in R-2 and R-3 zones provided they comply with the development standards of the R-1 zone. The R-3 zoned tract is improved with smaller legal parcels, ranging from approximately 4,050 square feet to 5,400 square feet. The parcels in the direct vicinity are also undersized and narrow in width. Therefore, there are other properties in the same vicinity and zone that have similar residential developments on properties that are too narrow to meet the minimum setbacks, as required by the R-1 zone, while also meeting the minimum requirements for parking, lot coverage, and front, rear, and interior side setbacks. While other properties in the direct vicinity with similar lot dimensions that are interior lots are able to comply with the required 5'-0" side setbacks, the subject site is a corner lot that is required to provide a 10'-0" street side setback. Moreover, the site is unable to accommodate the minimum dimensions of the required enclosed two-car garage and usable living area without being granted a Variance to deviate from the street side setback. Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity within the same zone since other sites in the direct vicinity are also developed with nonconforming setbacks. With exception of the requested Variance to deviate from the street side setback requirement, the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1 zone, such as, front setback, interior side setback, rear setback, lot coverage, parking, landscaping, and building height. Therefore, approval of a Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone.

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

The Variance request will allow the project to deviate from the minimum 10'-0" street side setback requirement of the R-1 zone, as required by Title 9 of the Municipal Code for single-family dwellings in the R-2 and R-3 zones, to facilitate the development of one single-family residential dwelling on the site. There are other properties in the same vicinity and zone that have similar residential developments on properties that do not meet the minimum setbacks. Provided the project complies with the Conditions of Approval, the remaining R-1 zone development standards, as demonstrated in the submitted plans, the granting of the Variances will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. With exception of the requested Variance to deviate from the 10'-0" street setback, the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all

development standards of the R-1 zone, such as front setback, interior side setback, lot coverage, parking, landscaping, and building height. The project would be an improvement to the site, which is deteriorated and has exhibited property maintenance issues. Development and occupancy of the site will help eliminate these issues to the benefit of the neighborhood and the zone.

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

The subject site has a General Plan Land Use designation of Medium Density Residential and is zoned R-3. Single-family dwellings are allowed in the R-3 zone subject to the development standards applicable to single-family dwellings per the R-1 zone. The applicant is proposing to develop the property with a single-family dwelling, which is a use that is consistent with the intent of the General Plan and the zoning classification, as single-family residential developments are permitted in the R-3 zone. The Variance request will not cause an adverse effect on the City's General Plan since the Municipal Code, in conjunction with the development requirements of the R-1 zone, are tools used to implement the goals of the General Plan. Approval of the Variance is consistent with several goals established by the General Plan. For example, Goal LU-1 of the General Plan encourages the development of residential lots to help meet the needs of the anticipated growth of the community and the regional housing needs. Land Use Implementation Program 2B (LU-IMP-2B) encourages new development to be similar in scale to the adjoining residential neighborhood to preserve its character. Finally, Goal LU-4 of the General Plan encourages the development of uses that are compatible with neighboring uses. The proposed single-family residential project is consistent with all of these goals, and the proposed Variance is needed to facilitate the project. Therefore, granting of this Variance is in keeping with the spirit and intent of the General Plan.

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

The subject site is a corner lot located in a tract that is zoned R-3, with properties that are similar in size and are mostly developed with single-family dwellings. However, the subject site is the only property with similar dimensions that is a corner lot, which is subject to a minimum 10'-0" street side setback, as opposed to 5'-0" side setbacks for interior lots. A corner lot is therefore required to provide an additional 5'-0" side setback not required for interior lots with a similar 30'-0" lot width as the properties located in the direct vicinity. In order to provide the required dimensions of an enclosed two-car garage and a single-family dwelling with usable living area, the lot does not possess sufficient width to be developable. Therefore,

the subject property would not be given any special privilege inconsistent with the limitations upon other properties in the vicinity and zone. Moreover, the applicant has demonstrated it would be feasible to develop the property with a single-family residential dwelling that meets all development standards of the R-1 zone, such as front setback, interior side setback, lot coverage, parking, landscaping, and building height. Pursuant to the Conditions of Approval, the rights granted pursuant to the Variance shall continue in effect for only so long as a single-family dwelling structure similar in size, orientation, and location to the structure depicted on the architectural and site plans provided to the Zoning Administrator is constructed and continues to exist on the site. In the event the necessary building and other permit or permits for such a structure is/are not obtained within one year of approval of V-034-2021 (or the length of any extension approved by the City), the structure is not constructed within the time allowed under such building permit(s), or such structure is demolished and not re-established within one year of demolition, the Variance shall cease to be effective or grant the property owner any rights to construct other improvements inconsistent with the then-currently applicable development standards. As part of the conditions of approval, the variance approval will become null and void if the improvements contemplated and facilitated by the Variance are not constructed or are demolished at a later time. Therefore, the granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER DETERMINED that the Zoning Administrator does conclude:

1. The Variance possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.

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 Variance No. V-034-2021.

Adopted on September 23, 2021

---

GREG BLODGETT  
ZONING ADMINISTRATOR

# **EXHIBIT "A"**

## **Variance No. V-034-2021**

13862 Anita Place  
Assessor's Parcel No. 100-152-01

### **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, prior to issuance of building permits. Variance approval runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Holly Hang Nguyen, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Variance shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to these Conditions of Approval, which do not materially change the scope or intensity of the project and which will not result in impacts that have not previously been addressed, may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project, approved site plan, 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 otherwise expressly specified in the individual condition.
6. The rights granted the applicant pursuant to Variance No. V-034-2021 shall continue in effect for only so long as the contemplated improvements and these Conditions of Approval (as they may be amended from time to time)

continue to exist on the Site. In the event the contemplated improvements are not constructed within one year of approval (or the length of any extension approved by the City) or are demolished and not re-established within one year of demolition, Variance No. V-034-2021 shall cease to be effective or grant the applicant any rights to construct other improvements inconsistent with the then-currently applicable development standards. Approval of this Variance shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.

**Public Works Water Services Division**

7. The applicant shall be subject to Traffic Mitigation Fees.
8. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
9. A separate street permit is required for work performed within the public right-of-way.
10. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30'-0" outside the boundary, and designed to preclude cross-lot drainage. All pad elevations and the elevations of the lowest finished floor (including basements or subgrade building structures) shall be shown on the grading plan in conformance with FEMA design criteria and Appendix G of the California Building Code. Minimum grades within 10'-0" of each building foundation shall conform to section 1804.4 of the California Building Code. Minimum grades shall 2% for earth swales, 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. Street improvement plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
11. All grading shall be in conformance with the City of Garden Grove Municipal Code Sections 9.08.030.040, 9.08.030.050 and 9.08.030.060, as well as the City of Garden Grove Flood Area Development requirements. Pad and finished floor certifications signed and sealed by a registered design professional as



- required by Appendix G103.3 of the California Building Code shall be submitted to the Engineering Department.
12. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition and section 1110A of the California Building Code.
  13. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Non Priority Water Quality Management Plan that:
    - a. Incorporate all Source Control BMPs (routine structural and routine non-structural);
    - b. Incorporate Site Design BMPs.
  14. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
    - a. Demonstrate that all structural best management practices (BMPs) described in the Project Non Priority WQMP have been constructed and installed in conformance with approved plans and specifications;
    - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project Non Priority WQMP;
    - c. Demonstrate that an adequate number of copies of the approved Project Non Priority WQMP are available on-site and in the possession of the owner;
    - d. Record the "Owner's Certification" portion of the plan with County Recorder's office and submit proof of that recordation to the City.
  15. Any new or required block walls and/or retaining walls shall be shown on the grading plans with a minimum height of 6 feet from the highest finished grade. Cross sections shall be provided on the grading plan showing vertical and the horizontal relations of improvements and the property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer.
  16. Prior to the issuance of certificate of use and occupancy, the applicant shall design and construct street frontage improvements as identified below:

San Juan Place

- a. Construct new curb/gutter replacing the existing substandard driveway approach on San Juan Place in accordance with City of Garden Grove Standard Plan B-114.
- b. Construct a 6-foot landscape parkway adjacent to the new curb. The parkway area between the sidewalk and curb shall be landscaped per direction of the City Planning Division.
- c. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on San Juan Place with Planning Division and Water Division.

Anita Place

- a. Remove the existing curb/gutter and construct new driveway approach to the site in accordance with City of Garden Grove Standard Plan B-122 Option #1.
- b. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Anita Place with Planning Division and Water Division.

**Community and Economic Development Department**

17. The rear setback area, or the rear 25'-0", shall remain as usable open space without any structures, except in the case of an Accessory Dwelling Unit (ADU), as shown in the architectural plans submitted for Variance No. V-034-2021. The ADU must comply with the City of Garden Grove's ADU Ordinance.
18. With the exception of the driveway, the front 20'-0" setback area shall be improved with landscaping, or at least 100 square feet.
19. In no event shall the street side setback be any less than 4'-0" to the enclosed two-car garage, and 5'-0" to the single-family residence, as shown in the architectural plans submitted for Variance No. V-034-2021.
20. Any plans submitted to the Building & Safety Division for building plan check to develop the property, shall be for the construction of a single-family dwelling that shall comply with all development standards of the R-1 (Single-Family Residential) zone, with the exception of the variance to deviate from the required 10'-0" street side setback approved under Variance No. V-034-2021.

21. The applicant shall submit a signed letter acknowledging receipt of the decision approving Variance No. V-034-2021, and his/her agreement with all conditions of the approval.
22. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Variance No. V-034-2021. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited, to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
23. It shall be the applicant's responsibility to verify that any building or site improvements do not impermissibly interfere with any recorded easements on the subject property or the adjacent properties.
24. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the development authorized by this approval of Variance No. V-034-2021 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Variance No. V-034-2021 shall expire if the building permits for the project expire.