

RESOLUTION NO. 5936-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-058-2018 AND TENTATIVE PARCEL MAP NO. PM-2018-147, FOR A PROPERTY LOCATED ON THE WEST SIDE OF GROVE AVENUE BETWEEN ACACIA PARKWAY AND GARDEN GROVE BOULEVARD, AT 10801 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 089-212-48.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 20, 2018, does hereby approve Site Plan No. SP-058-2018 and Tentative Parcel Map No. PM-2018-147, for land located on the west side of Grove Avenue between Acacia Parkway and Garden Grove Boulevard, at 10801 Garden Grove Boulevard, Assessor's Parcel No. 089-212-48, subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-058-2018 and Tentative Parcel Map No. PM-2018-147, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Francis Chu (Fountainhead Shrugged, LLC).
2. The applicant is requesting Site Plan approval to construct a new 2,485 square foot Taco Bell restaurant pad building, with a drive-thru, on the easterly portion of the existing Home Depot parking lot, located at 10801 Garden Grove Boulevard (APN: 089-212-48), along with site improvements that include re-configuring of existing parking spaces and new landscaping. Also, a request for Tentative Parcel Map approval to subdivide the existing 10.7-acre Home Depot property, into two (2) lots (the 10.25-acre Home Depot property and the 0.45-acre Taco Bell property), in order to facilitate the development of the new 0.45-acre Taco Bell site.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove Planning Commission hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) and Section 15315 (Minor Land Divisions) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303 and 15315).
4. The property has a General Plan Land Use designation of Heavy Commercial and is zoned CCSP-DC30 (Community Center Specific Plan – District Commercial, Area 30) and CCSP-CCT63 (Community Center Specific Plan - Community Center Transit District, Area 63). The subject property is 10.7 acres in area and is developed with an existing 128,621 square foot home improvement retail establishment, Home Depot.
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 20, 2018, 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 on September 20, 2018, and considered all oral and written testimony presented regarding the project; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030 and Government Code Section 66412, are as follows:

FACTS:

The subject property is 10.7 acres in area and is developed with an existing 128,621 square foot home improvement retail establishment, Home Depot. The property has a General Plan Land Use Designation of Heavy Commercial and is zoned CCSP-DC30 (Community Center Specific Plan – District Commercial, Area 30). It should be noted that the OCTA (Orange County Transportation Authority) Right-of-Way (ROW), formerly known as the Pacific Electric Right-of-Way, which is not a separate property, runs diagonally through the Home Depot property, and has a zoning designation of CCSP-CCT63 (Community Center Specific Plan - Community Center Transit District, Area 63). This Right-of-Way area is currently improved with parking spaces. The Community Center Specific Plan is the document which currently implements the zoning for the General Plan. The Community Center Transit District is intended as a “holding” zone for a future rapid transit station and appurtenant transit facilities. The proposed project will have no impact to the existing CCSP-CCT63 zoning or to the OCTA easement area. The CCSP-CCT63 zoning will remain over the OCTA ROW to ensure the availability of it for future transit opportunities should they arise.

In 1996, the City of Garden Grove approved Site Plan No. SP-174-96, Amendment No. A-159-96, Tentative Parcel Map No. PM-96-144, Conditional Use Permit Nos. CUP-308-96 and CUP-309-96, which allowed: development of the site with a 128,621 square foot home improvement retail establishment (Home Depot); a code amendment to rezone the property from Mixed Use and Core Residential Districts to District Commercial to allow the proposed use; a conditional use permit to use the Pacific Electric right-of-way for parking, an outdoor garden center, an outdoor food vending cart; and a tentative parcel map to consolidate the existing lots in order to facilitate the development of the Home Depot site. A development agreement was also approved.

The property is adjacent to Nelson Street to the west, Acacia Parkway and an existing residential apartment complex to the north, Garden Grove Boulevard to the south, and Grove Avenue to the east. The Home Depot site currently provides a total of 561 existing parking spaces on-site.

FINDINGS AND REASONS:

Site Plan:

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

The subject site has a General Plan Land Use Designation of Heavy Commercial and is zoned CCSP-DC30 (Community Center Specific Plan - District Commercial, Area 30) and CCSP-CCT63 (Community Center Specific Plan - Community Center Transit District, Area 63). The project complies with the intent of the Heavy Commercial Land Use Designation for the property by providing additional commercial uses to the area. The design and improvement of the proposed project is consistent with the spirit and intent of the General Plan, specifically:

Policy LU-1.7 – Encourage the design of new commercial developments as integrated centers, rather than as small individual strip developments;

Policy LU-6.2 – Encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the needs of area’s present and potential clientele;

LU-IMP-6C – Encourage façade renovation, enhanced parking area landscaping, improved lighting, development of pad buildings, and the use of pedestrian amenities, such as fountains, plazas, promenades, seating, and like features; and

Policy ED-3.3 – Enhance and retain retail opportunities to serve the population.

The project has been designed to comply with all requirements of Title 9 of the Municipal Code, including the specific requirements of the Community Center Specific Plan, for District Commercial, Area 30. The placements of the structure, the site design, the parking lot layout, the number of on-site parking spaces, and the landscape improvements are consistent with the spirit and intent of the requirements of the 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.

For an “Eating Establishment/Restaurant” use, the Municipal Code requires a minimum of one (1) parking space per 100 square feet of gross floor area, with a minimum of ten (10) parking spaces. The project includes a 2,485 square foot restaurant, which requires a minimum of twenty-five (25) parking spaces. The project provides a total of twenty-five (25) parking spaces on-site (on the Taco

Bell property), with a drive-thru lane that can accommodate up to ten (10) additional vehicles in queue. As part of the project, a portion of the existing Home Depot parking lot, along the easterly property line fronting Grove Avenue, will be modified to re-configure parking stalls and landscaping/planters. The existing Home Depot property provides a total of 561 parking spaces, which far exceeds the minimum number of parking stalls required for the site and the existing Home Depot retail use (412 parking spaces minimum). Following the proposed parking lot and landscape improvements for the project, a total of 473 parking spaces will remain on the Home Depot and Taco Bell properties, which results in a surplus of 65 parking spaces. Staff finds that the project will comply with the minimum parking requirements, as well as ensure adequate parking is maintained for both the Home Depot and Taco Bell properties. Access to the Taco Bell property will utilize the existing drive aisles and driveway approaches currently available on-site (the Home Depot property), which consist of driveway approaches off Nelson Street, Acacia Parkway, Grove Avenue, and Garden Grove Boulevard. No existing driveway approaches will be moved, removed, or replaced.

The project has been designed to provide a drive aisle and parking layout that enables customers to maneuver effectively through the site, including through the Home Depot site, while also allowing maneuverability for customers to access and exit the drive-thru lane. Sufficient on-site parking is provided to accommodate the restaurant establishment.

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

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

The streets in the area (Garden Grove Boulevard, Acacia Parkway, Nelson Street, and Grove Avenue) will be adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area are existing and adequate to accommodate the development. The property is not located in a sewer deficiency area. The Public Works Department has incorporated conditions of approval to mitigate potential impacts to the sewer system.

The proposed development will also provide landscaping and proper grading of the site in order to improve drainage in the area. The Public Works Engineering and Water Services Division have reviewed that plans, and all appropriate conditions of approval will eliminate any adverse impacts to the streets and alleys, utilities and drainage channels.

4. The project will not adversely impact the City's ability to perform its required public works functions.

The streets in the area (Garden Grove Boulevard, Acacia Parkway, Nelson Street, and Grove Avenue) will be adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities, water service lines, sewer lines, and drainage channels in the area are existing and adequate to accommodate the development. The property is not located in a sewer deficiency area, and sufficient capacity is available in the sewer system to accommodate the development. The Public Works Department has incorporated conditions of approval to mitigate potential impacts to the sewer system.

The proposed development will provide landscaping and proper grading of the site in order to improve drainage in the area. The design of the proposed development includes modifications to existing island curbs on-site to accommodate for safe truck delivery access from Grove Avenue and out to Garden Grove Boulevard, which ensures that potential impacts to adjacent streets, relating to on- and off-site vehicular circulation and traffic, are mitigated. Additionally, the applicant will be subject to Traffic Mitigation Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City, which ensures that the City's ability to perform its required public works functions will not be adversely impacted. The Public Works Engineering and Water Services Division have reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to the streets and alleys, utilities and drainage channels, and will ensure that the project will not adversely impact the City's ability to perform its required public works functions.

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

The project is located in an area with both commercial and residential uses. The proposed project is consistent with the existing commercial and residential uses and improvements in the surrounding area and is compatible with the existing commercial Home Depot use on the property. The design of the proposed development will ensure a reasonable degree of compatibility with adjacent developments as it relates to, but not limited to: landscaping, parking lot lighting, parking lot striping and drive aisle design, pedestrian access, building height, building elevation design, and setbacks.

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

The project has been designed to consider building appearance, building placement, landscaping, and other amenities in order to create an attractive environment. All landscaped areas are required to adhere to the landscaping requirements of the Title 9 of the Municipal Code, which includes the City's Landscape Water Efficiency Guidelines. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of all landscaping will be achieved.

Tentative Parcel Map:

1. That the proposed map is consistent with the General Plan.

The proposed Tentative Parcel Map is consistent with the provisions of the General Plan Land Use Designation of Heavy Commercial that allows for a variety of intensive commercial uses. The Heavy Commercial designation allows for a maximum Floor Area Ratio (FAR) of 0.55. The Taco Bell lot created by the proposed parcel map, along with the proposed restaurant pad building, will have a FAR of 0.13. The Home Depot lot, along with the existing Home Depot building, will maintain a FAR of 0.29. Both lots, respectively, will maintain FARs which are less than the maximum allowed under the Heavy Commercial designation (0.55). The size of the lot created by the parcel map will accommodate the new Taco Bell pad building, provide sufficient setbacks, landscaping, parking spaces, and have adequate vehicular and pedestrian circulation. The Home Depot lot will maintain compliance with all applicable development standards of the zone.

Furthermore, the proposed project is consistent with Goal LU-5 and of the General Plan's Land Use Element, which provides for the City to encourage economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.

2. That the design and improvement of the proposed subdivision is consistent with the General Plan.

The Heavy Commercial designation allows for a maximum Floor Area Ratio (FAR) of 0.55. The lot created by the proposed parcel map, along with the proposed restaurant pad building, will have a FAR of 0.13. The Home Depot lot, along with the existing Home Depot building, will maintain a FAR of 0.29. Both lots will maintain FARs which are less than the maximum allowed under the Heavy Commercial designation (0.55). The size of the lot created by the parcel map will accommodate the new Taco Bell pad building, provide sufficient setbacks, landscaping, parking spaces, and have adequate vehicular and pedestrian circulation. The Home Depot lot will maintain compliance with all applicable development standards of the zone. The design and improvement of the proposed subdivision is consistent with the spirit and intent of the General Plan, specifically:

Policy LU-6.2 – Encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the needs of area’s present and potential clientele;

LU-IMP-6C – Encourage façade renovation, enhanced parking area landscaping, improved lighting, development of pad buildings, and the use of pedestrian amenities, such as fountains, plazas, promenades, seating, and like features; and

Policy ED-3.3 – Enhance and retain retail opportunities to serve the population.

3. That the site is physically suitable for the proposed type of development.

The design and improvement of the proposed development complies with the minimum parking, landscaping, and building setbacks, of the CCSP-DC30 (Community Center Specific Plan – District Commercial, Area 30) and CCSP-CCT63 (Community Center Specific Plan - Community Center Transit District, Area 63) zones, and is under the floor area ratio maximum as identified in the General Plan for the Heavy Commercial designation. Therefore, the site is physically suitable for the proposed type of development.

4. That the requirements of the California Environmental Quality Act have been satisfied.

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 3, New Construction or Conversion of Small Structures (CEQA Guidelines §15303), and Class 15, Minor Land Divisions (CEQA Guidelines §15315).

5. That the site is physically suitable for the proposed density of the development.

The site is physically suitable for the proposed type and density of development. The site is adequate in size and shape to accommodate the proposed restaurant pad building and the existing Home Depot establishment, while complying with all applicable requirements of Title 9 of the Municipal Code, which includes applicable requirements of the Community Center Specific Plan, for District Commercial, Area 30. The proposed development also complies with the maximum Floor Area Ratio (FAR) of 0.55 for the Heavy Commercial General Plan Land Use Designation. The site is large enough to accommodate the proposed project with sufficient parking, street access, landscaping, and pedestrian access.

6. That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

The design of the subdivision and the proposed improvements are not likely to cause serious public health problems since conditions of approval will be in place to safeguard public health. City Departments, including the Public Works Department and Community and Economic Development Department have reviewed the proposed development and have applied conditions of approval to ensure any potential negative impacts that the project may have on the Garden Grove community are addressed.

7. That the design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision; or, if such easements exist, that alternate easements for access or for use will be provided, and that these will be substantially equivalent to the ones previously acquired by the public.

Reciprocal access agreements to drive aisles, parking and utilities will be filed as part of the final parcel map, and CC&Rs will be in place for the operation of the integrated commercial center (currently comprised of Home Depot and the future Taco Bell establishment) to ensure that proper access is fully maintained and provide mechanisms and processes to modify the agreements as necessary upon future redevelopment. It should be noted that the OCTA (Orange County Transportation Authority) Right-of-Way (ROW), formerly known as the Pacific Electric Right-of-Way, which is not a separate property, runs diagonally through the Home Depot property, and has a zoning designation of CCSP-CCT63 (Community Center Specific Plan - Community Center Transit District, Area 63). This Right-of-Way area is currently improved with parking spaces. The Community Center Specific Plan is the document which currently implements the zoning for the General Plan. The Community Center Transit District is intended as a "holding" zone for a future rapid transit station and appurtenant transit facilities. The proposed project will have no impact to the existing CCSP-CCT63 zoning or to the OCTA easement area. The CCSP-CCT63 zoning will remain over the OCTA ROW to ensure the availability of it for future transit opportunities should they arise.

8. That the design and improvement of the proposed subdivision are suitable for the uses proposed, and the subdivision can be developed in compliance with the applicable zoning regulations.

The proposed subdivision is suitable for the commercial project and has been designed to comply with the applicable development standards and all applicable zoning regulations. The property has a General Plan Land Use Designation of Heavy Commercial and is zoned CCSP-DC30 (Community Center Specific Plan – District Commercial, Area 30). It should be noted that the OCTA (Orange County Transportation Authority) Right-of-Way (ROW), formerly known as the Pacific Electric Right-of-Way, which is not a separate property, runs diagonally through the Home Depot property, and has a zoning designation of CCSP-CCT63

(Community Center Specific Plan - Community Center Transit District, Area 63). This Right-of-Way area is currently improved with parking spaces. The Community Center Specific Plan is the document which currently implements the zoning for the General Plan. The Community Center Transit District is intended as a "holding" zone for a future rapid transit station and appurtenant transit facilities. The proposed project will have no impact to the existing CCSP-CCT63 zoning or to the OCTA easement area. The CCSP-CCT63 zoning will remain over the OCTA ROW to ensure the availability of it for future transit opportunities should they arise. The project complies with the zoning requirements for the property. The placement of structures, the site design, the parking lot layout, the number of on-site parking spaces and the landscape areas are consistent with the spirit and intent of the requirements of the Municipal Code. The project, which will be comprised of two (2) parcels, is designed to provide joint access throughout the site for drive aisles and parking. The integrated commercial center is designed to have consistent design elements throughout the development, and all landscaping will have a consistent palette.

9. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision (Gov. Code Sec. 66473.1).

The project has been designed in accordance with Government Code Section 66473.1, which encourages the orientation of the building to take advantage of shade and prevailing breezes when feasible.

10. That the design, density and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of public service needs that the character of the subdivision is compatible with the design of existing structures and that the lot sizes of the subdivision are substantially the same as the lot sizes within the general area.

The project has been reviewed in relation to the housing needs and public service needs and is compatible with the existing surrounding area, which is developed with existing commercial and residential uses. The subdivision will be compatible with the surrounding area since the lots are designed to comply with setbacks of the zone, and meet or exceed minimum requirements for, but not limited to, parking and landscaping. The commercial center will provide an appropriate level of commercial development to support the existing, and future, residential development within the retail trade area of the development.

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 and Tentative Parcel Map possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 and 9.40.060.
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-058-2018 and Tentative Parcel Map No. PM-2018-147.

Adopted this 20th day of September 2018

ATTEST:

/s/ LALA TRUONG
VICE CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on September 20, 2018, by the following vote:

AYES:	COMMISSIONERS:	(5)	KANZLER, LEHMAN, NGUYEN, SALAZAR, TRUONG
NOES:	COMMISSIONERS:	(1)	LAZENBY
ABSENT:	COMMISSIONERS:	(1)	BRIETIGAM

/s/ JUDITH MOORE
RECORDING SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is October 11, 2018.