

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> East side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard
<b>HEARING DATE:</b> May 6, 2021	<b>GENERAL PLAN:</b> International West Mixed Use
<b>CASE NOS.:</b> Planned Unit Development No. PUD-128-12(A) & Site Plan No. SP-099-2021	<b>EXISTING ZONE:</b> PUD-128-12 <b>PROPOSED ZONE:</b> PUD-128-12(A)
<b>APPLICANT:</b> Raising Cane's Restaurants, LLC	<b>APN:</b> 231-491-21
<b>PROPERTY OWNER:</b> Mann Enterprises, Inc.	<b>CEQA DETERMINATION:</b> Exempt: Section 15303 – New Construction or Conversion of Small Structures

## **REQUEST:**

The applicant is requesting Planned Unit Development and Site Plan approval to facilitate the construction of a 3,267 square foot Raising Cane's drive-thru restaurant, along with associated site improvements on a vacant property, located at 12202 Harbor Boulevard.

## **BACKGROUND:**

The subject site is an approximately 0.83-acre existing parcel located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard. The site has a General Plan Land Use designation of International West Mixed Use (IW), and is zoned Planned Unit Development No. PUD-128-12. Currently the site is vacant, having last been used as a temporary sales office for the nearby Chapman Commons condominiums.

The subject site abuts Harbor Corridor Specific Plan – Tourist Commercial "B" (HCSP-TCB) zoned properties to the north, the "Site C" hotel development in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and the Sheraton hotel in Planned Unit Development No. PUD-141-01 zoned property to the west, across Harbor Boulevard.

Prior to the incorporation of the City, the subject property was developed as a single-family residence. In 1983, the property was rezoned to Harbor Corridor Specific Plan – Transition Zone North (HCSP-TN). The Specific Plan zoning designation allowed for

the development of professional offices, multiple-family residential, personal service businesses, and on larger lots, such as the subject site, commercial uses that are also permitted in the Harbor Corridor Specific Plan – Tourist Commercial “A” and “B” (HCSP-TCA, and HCSP-TCB) zones to the north.

By 1989, there were multiple Code Enforcement violations against the property for poor property maintenance, and the single-family dwelling was deemed abandoned. In 1990, a fire destroyed approximately 75% of the house. Subsequently, the fire-damaged home, and all associated site improvements were demolished in late 1990.

In 1991, the City of Garden Grove approved Site Plan No. SP-106-91 and a Development Agreement for the construction of a one-story, approximately 10,800 square foot, commercial retail center. The entitlements and development agreement were never exercised, and the retail center was ultimately never constructed. The property remained vacant.

Starting in 2006, the subject site was used as a temporary sales office for the nearby Chapman Commons condominium development. The temporary sales office vacated the premises and removed all site improvements in 2008. The property has since remained vacant.

In 2012, the City Council approved General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 to facilitate the future development of a resort hotel development project known as the “Site C Project.” As adopted in 2012, PUD-128-12 allows for the construction of up to 769 hotel rooms across three (3) hotels, and up to 104,000 aggregate square feet of conference/banquet facilities, restaurant/entertainment uses on freestanding pads, and hotel restaurants on an approximately 5.2-acre combined site that encompasses both the subject property and the abutting properties to the east and south.

In 2013, the City of Garden Grove approved the Grove District Resort Hotel Development Agreement (DDA). The DDA provided that the City would acquire and convey approximately 4.3 acres of the combined 5.2-acre site to the developer for the “Site C Project.” The DDA gave the developer the option of acquiring the approximately 0.83-acre property at 12202 Harbor Boulevard at its own cost and adding it to the City-owned 4.3 acres for the “Site C Project.” The “Site C Project” developer ultimately did not acquire the property, however, and it was thus not incorporated into the “Site C Project.”

In 2017, the City approved Site Plan No. SP-043-2017, Tentative Tract Map No. TT-17455, and Development Agreement No. DA-008-2017 to implement the “Site C Project.” These land use approvals reduced the “Site C Project” from the original 5.3 acres to 4.3 acres to exclude the subject property. In addition, the 2017 “Site C Project” entitlements authorized the development of 100,762 aggregate square feet of combined restaurant and conference/banquet uses on that 4.3 acres, taking up nearly all of the original building area allotted for such uses pursuant PUD-128-12.

The owner of the subject property located at 12202 Harbor Boulevard now wishes to develop a 3,267 square foot pad restaurant on the site. Due to the subject site never being integrated into the "Site C Project" as originally contemplated in 2012, the PUD zoning for the site must be modified to facilitate its development independent of the "Site C Project." Therefore, the applicant is requesting to create a new "Subarea A" of PUD-128-12, which would establish separate implementation provisions and development standards governing the development on the subject site that are as, or more, restrictive as those approved under PUD-128-12. The subarea PUD-128-12(A) zoning would allow for the development of a pad restaurant on the subject 0.83-acre site. The applicant is also concurrently requesting Site Plan approval to construct a 3,267 square foot Raising Cane's drive-thru restaurant, along with all associated site improvements.

**PROJECT STATISTICS:**

	<b>Provided</b>	<b>PUD Requirement (Proposed)</b>
<u>Minimum Lot Size</u>	36,243.2 sq. ft. (0.83 acres)	N/A
<u>Lot Frontage</u>	129'-5"	N/A
<u>Setbacks</u>		
Front (West)	53'-0"	21'-0" from Harbor Boulevard
Rear (East)	37'-6"	10'-0"
Side (North)	27'-7"	0'-0"
Side (South)	67'-10"	0'-0"
<u>Restaurant Parking</u>	30 on-site, 13 shared*	43 spaces
<u>Shared Parking*</u>	742 spaces	731 spaces**
<u>Building Height</u>	19'-10"	40'-0"
<u>Floor Area Ratio (FAR)</u>	9.0%	N/A
<u>Landscaping Area</u>	7,359 sq. ft. (18%)	N/A

\*Parking is provided in combination with the shopping center to the north, with a Reciprocal Easement Agreement (REA) allowing access across the two properties.

\*\*The parking calculation on the property to the north is subject to the Harbor Corridor Specific Plan development standards, the zoning of the property.

**DISCUSSION:**

**PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A):**

Adopted by City Council ordinance, a Planned Unit Development (PUD) is a precise plan that provides for the regulation of buildings, structures, and uses of land to implement the General Plan. The PUD zoning designation establishes development standards and uses specific to a particular project that achieve a higher quality of project than what could be achieved with traditional zoning. The specific development standards applicable to a Planned Unit Development are set forth in the ordinance approving the PUD. Where a PUD is silent regarding operating conditions, maintenance, or other standards regulating a particular use, the appropriate Land Use Code standards apply.

The subject property at 12202 Harbor Boulevard is currently zoned PUD-128-12, which was adopted to facilitate the development of the "Site C Project." Due to the subject property not being integrated into the "Site C Project," the current PUD zoning for the property needs to be modified to facilitate the independent development of the property.

The proposed PUD amendment would place the subject property into its own PUD subarea, PUD-128-12(A), or "Subarea A." The subarea would allow for the development of the proposed 3,267 square foot pad restaurant. It will also provide development standards that govern the design and function of any development within the subarea. If the PUD subarea is approved, the site would have a zoning designation of Planned Unit Development No. PUD-128-12(A). Seeing how the property would otherwise be vacant under the current PUD, the requested "Subarea A" will result in a greater project than what would otherwise be permissible on the property.

Also necessary is the approval of a Site Plan to allow the construction of the proposed 3,267 square foot drive-thru pad restaurant building, along with associated site improvements. The Site Plan approval by the Planning Commission would be contingent upon the City Council's approval of the new "Subarea A" PUD zoning for the property. Planned Unit Development No. PUD-128-12(A) would permit the development of the property, and provide development standards, thereby facilitating the development of the restaurant under SP-099-2021. The proposed development standards would not expand the types of uses, maximum allowed height, minimum setbacks, or minimum parking ratios that currently apply to the property and, except for a slight increase in the overall building area allotted for restaurant uses, would be at least as restrictive as the development standards applicable to the Site C Project under PUD-128-12.

#### SITE PLAN:

##### Site Design and Circulation

The project will consist of constructing a new 3,267 square foot drive-thru Raising Cane's fast-food restaurant on an existing 0.83-acre property. The pad restaurant will be located toward the center of the site, with parking, drive-thru lanes, and landscaping surrounding the building on all sides. The interior of the restaurant will feature a dining area with seating for approximately 50 patrons, a service counter, a kitchen area, drive-thru payment and order pick-up windows, and restrooms. A partially-covered outdoor patio area along the west and south sides of the building will feature seating for approximately 79 patrons.

Vehicle traffic will access the restaurant site from the shopping center property to the north. Vehicles will use the existing thirty foot (30'-0") driveway from Harbor Boulevard to access the shopping center site. Two (2) twenty-six (26'-0") wide drive aisles will provide access from the shopping center site onto the restaurant site. A Reciprocal Easement Agreement (REA) will be recorded to allow access from the

restaurant site to the shopping center's parking area, and vice-versa (the property owner of the subject property also owns the property to the north). REAs are permitted in the proposed PUD subarea.

The drive-thru will feature two queuing lanes to accommodate the anticipated demand for the restaurant. The drive-thru wraps around the north, and east sides of the building. Entering the queue from the south, patrons will reach a menu board on the east side of the building. An approximately 1,900 square foot awning structure will shelter the menu boards and drive-thru ordering area. After placing their orders, the two queuing lanes converge. A pay window and an order pick-up window are on the north side of the building. This drive-thru configuration maximizes the capacity of the drive-thru facility on-site, and will minimize the number of cars that line up in the adjacent parking lot. The configuration of the drive-thru and parking facilities was reviewed by the Engineering Division to minimize possible impacts.

The design of the building will also provide new pedestrian access from Harbor Boulevard. The accessible path of travel will cross a drive aisle before reaching the front of the restaurant and the outdoor dining area. This pedestrian access also connects to the accessible parking spaces in the southern parking lot. Pedestrian access and outdoor dining is oriented toward Harbor Boulevard in an attempt to create a livelier street-front atmosphere.

#### Parking and Traffic

The required number of parking spaces for a restaurant is based on the square footage of the building. The proposed parking standards for PUD-128-12(A) require restaurants to provide one (1) parking space per 100 square feet of building area. Outside seating areas are also parked at a ratio of one (1) parking space per 100 square feet of dining area. The restaurant building is 3,267 square feet in size, and the outside dining area is approximately 941 square feet. Therefore, in total, forty-three (43) parking spaces are required for the restaurant.

The subject site provides twenty-one (21) striped parking spaces. In addition to the striped parking spaces, one-half (1/2) of the vehicles that can be queued in the drive-thru count toward the parking provided on-site. As designed, the drive-thru can queue eighteen (18) cars. Therefore, the site provides a total of thirty (30) parking spaces fully on-site. The remaining thirteen (13) parking spaces will be provided on the shopping center property to the north. The aforementioned REA will allow for the restaurant to use surplus parking on the neighboring shopping center property to fulfill its parking needs.

The required number of parking spaces for the shopping center is based on the square footage, and the uses on the property. The Harbor Corridor Specific Plan, the zoning designation for the center, requires one (1) parking space per 225 square feet of retail floor area for integrated shopping centers larger than one acre. An additional twenty-six (26) parking spaces is required for the car wash, approved under Site Plan No. SP-138-94. The shopping center has approximately 148,797 square feet of retail

area. This requires 662 parking spaces. Combined with the twenty-six (26) spaces required for the car wash, the property is required to have 688 parking spaces total.

In total, the shopping center and the subject property are required to provide 731 combined parking spaces. The shopping center property provides 712 parking spaces. Combined with the thirty (30) spaces provided on the subject site, the two properties provide a total of 742 parking spaces. This is a surplus of eleven (11) parking spaces on the two sites combined.

A traffic impact analysis was also conducted and prepared by a licensed traffic engineering firm. It evaluated trip generation and potential level of service impacts to nearby key intersections in the surrounding roadway system. Based on the results of the traffic impact analysis, the proposed restaurant project would have a significant impact on only one intersection.

At the intersection of Harbor Boulevard and the primary driveway, delays can be expected during peak evening hours for vehicles attempting to leave the shared parking lot. There is no perceived impact on the traffic along Harbor Boulevard, as these impacts would be fully within the shopping center drive aisles. With the driveway already limited to a right-turn only when exiting the site, there are no proposed mitigation measures to address these impacts.

Furthermore, the traffic impact analysis studied the proposed drive-thru queue demand and design, as compared to other Raising Cane's restaurants in the region. In their analysis, the highest peak drive-thru demand was found to be a vehicle queue of seventeen (17) cars. The proposed dual drive-thru queue design provides a total of 405 feet of drive-thru queuing area, enough space for eighteen (18) cars to queue fully within the drive-thru, without spilling into the adjacent drive aisles. The proposed drive-thru capacity exceeds the highest peak demand of other Raising Cane's drive-thru restaurants in the area. The City's Traffic Engineering Division reviewed the traffic impact and drive-thru queuing analysis and concurred with the report's findings.

### Landscaping

As proposed, PUD-128-12(A) does not specify a minimum amount of landscaping that is required on-site, but requires that any area on the site that is not covered by roadways, parking, walkways, and buildings shall have landscape treatment. Landscaping to the interior of the site must be of sufficient variety and design to accentuate and enhance the development. The proposed site design will provide a total of approximately 7,359 square feet of landscaping on-site (18% of the overall site). The landscaping is provided in a variety of areas across the site, including adjacent to the drive-thru and parking areas so as to limit their visual impacts. The on-site landscaping design will consist of a mixture of trees, shrubs, and groundcover.

Along the westerly property line adjacent to Harbor Boulevard, the project is required to provide landscaping to match the existing Grove District landscaping treatment.

The landscaping treatment applies to both the parkway within the public right-of-way, and within the subject site. Landscaping features include the installation of the decorative "Alicante" sidewalk paving, double rows of palm trees, canopy trees, special landscape lighting, and conformance to the approved planting palette. These improvements will connect the Grove District identity from the shopping center to the north, to the future hotel uses to the south. The visual identity of the street-front landscaping will be consistent with the rest of the resort district.

The applicant is required to submit a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code, including the Landscape Water Efficiency Guidelines. All landscaping shall be watered by means of an automatic irrigation system meeting the City's Landscape Water Efficiency Guideline requirements. A separate landscape application will be submitted, and a building permit will be obtained for the proposed landscaping.

### Building Architecture

The architecture of the proposed building will be compatible with the nearby buildings along Harbor Boulevard. The design of the restaurant building is similar to many of the restaurant's other stores elsewhere in Southern California. Characterized by a boxy footprint, flat roof, and large windows along Harbor Boulevard, the store takes on a contemporary design. At the highest point, the building stands nineteen feet and ten inches (19'-10"), minimizing visual impact on the surrounding areas, and well within the maximum height of forty feet (40'-0") for PUD-128-12(A).

Generally, the building is rectangular in shape, with some offset features to add articulation. The parapets around the roof also feature a variety of heights, providing vertical articulation. A flat patio cover will partially shade the outside seating area along the western and southern sides of the building. Stylistically similar to the patio cover, awnings will be provided above most windows and doors, and a canopy will shade the ordering portion of the drive-thru. Windows with overhead transoms feature prominently on the north, west, and south sides of the buildings. On the western side of the building, a large multi-paned window faces into the outdoor dining area and toward Harbor Boulevard. The window designs further activate the resort area streetscape.

The earthy color scheme has similarities to the restaurant's other locations throughout the region. The intent is to create a contemporary urban feel to the restaurant. Neutral off-white and grey stuccos are accented by red brick accent walls on the east and west ends of the building. A weathered brick veneer wraps around the bottom of the northern and southern facades. The parapet, awnings, rain spouts, doors, drive-thru canopy, and patio cover are all constructed of steel, trimmed black to add contrast. Bright red signage will accent the neutral tones of the building's overall color scheme. For additional visual intrigue, a reclaimed metal number "1" art piece will accentuate the main entrance facing Harbor Boulevard.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

Staff believes the totality of the project is exempt from the California Environmental Quality Act (CEQA) under the Class 3 exemption. The California Environmental Quality Act's (CEQA) Class 3 exemption applies to new construction, or conversion of small structures (CEQA Guidelines §15303.). This includes the construction of a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 10,000 square feet in floor area within an urbanized location, and in a zone that allows for such a use (CEQA Guidelines §15303.(c)). The proposed drive-thru restaurant will be in an urbanized area, is less than 10,000 square feet in floor area, is a listed use in the Class 3 exemption, does not involve the use of a significant amount of hazardous materials, and is a permitted use under both the 2012 PUD-128-12 zoning and the proposed new PUD-128-12(A) zoning. Therefore, staff recommends that the Planning Commission and City Council determine the project to be exempt from CEQA.

**RECOMMENDATION:**

Staff recommends that the Planning Commission hold a public hearing and take the following actions:

1. Adopt Resolution No. 6022-21 recommending that the Garden Grove City Council approve Planned Unit Development No. PUD-128-12(A); and
2. Adopt Resolution No. 6023-21 approving Site Plan No. SP-099-2021, subject to the recommended Conditions of Approval, and contingent upon Garden Grove City Council adoption and effectiveness of an Ordinance approving Planned Unit Development No. PUD-128-12(A).

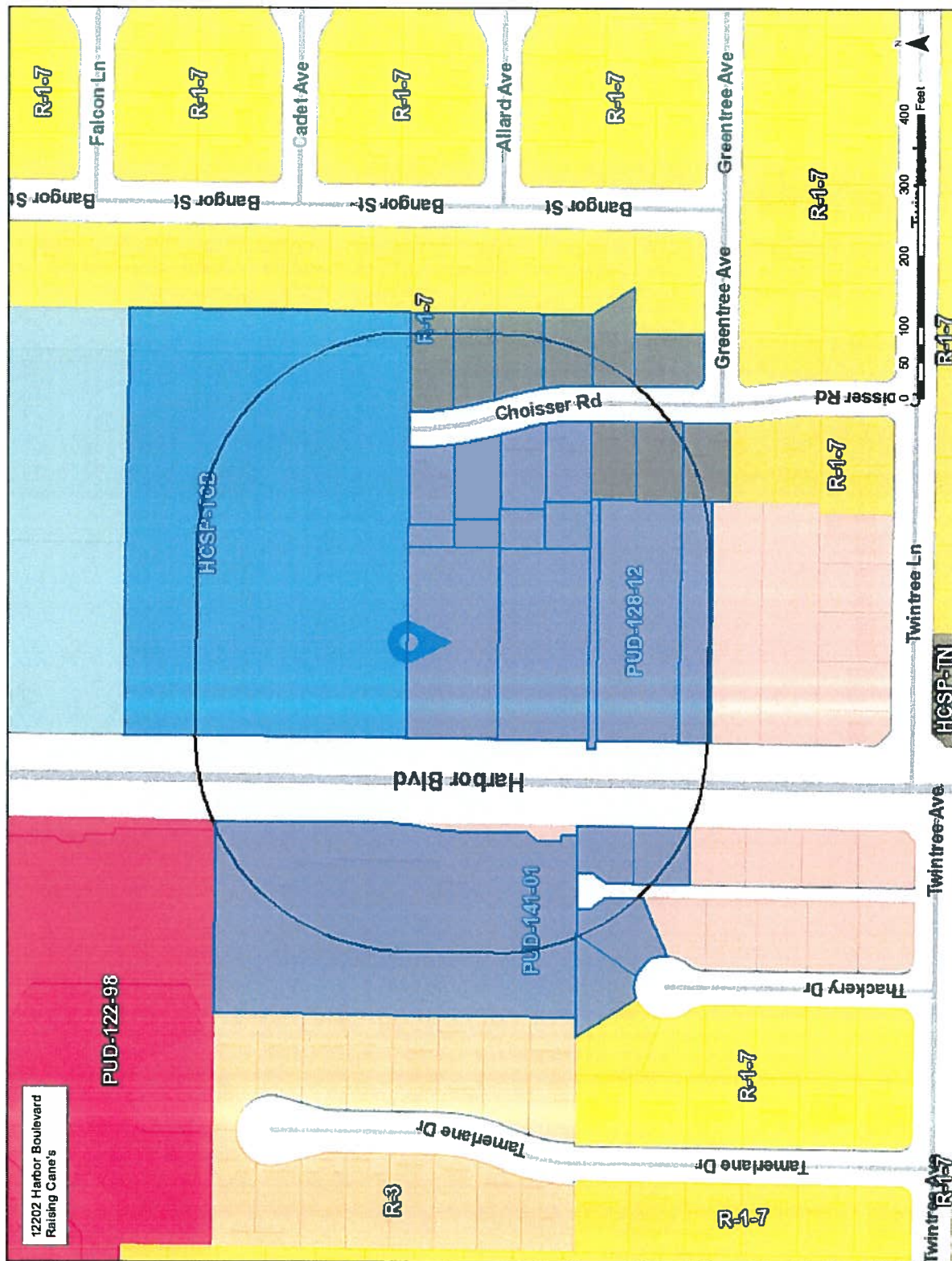


Lee Marino  
Planning Services Manager

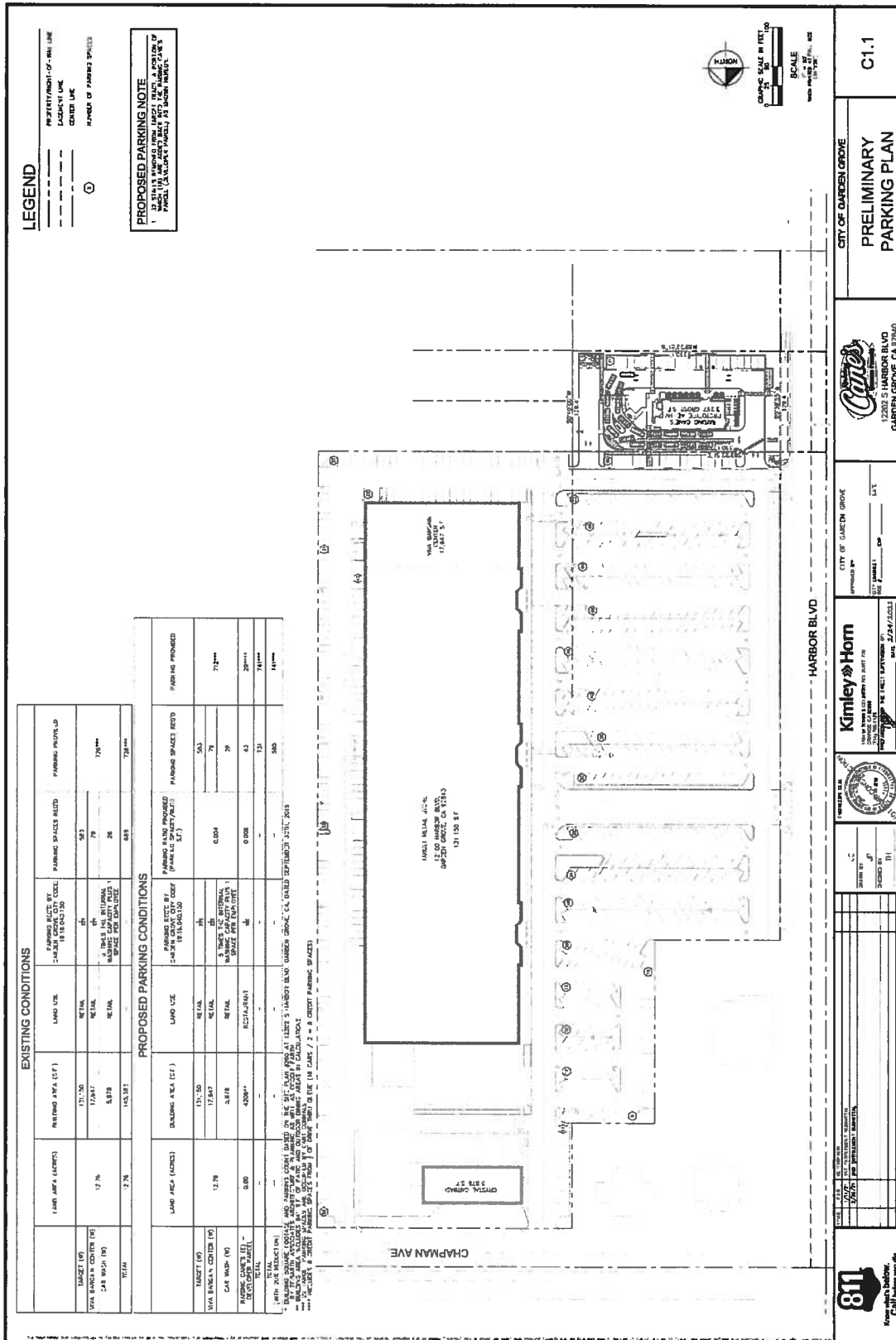


By: Priit Kaskla  
Assistant Planner





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**20-67**



**KIESEL + DESIGN**  
Kiesel Landscape  
Architecture Inc.  
429 E. Main Street  
Ventura, CA 93001  
805.847.2730  
jim.kiesel@kiesel-design.com  
CJ 8.6.06

**RC #625**  
**Raising Cane's**  
**Garden Grove**

2032 Harbor Blvd.  
Garden Grove, CA 92640

Student Number	DATE	NAME	03.03.21	Cipriano
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Time: CLIP Submitted

Initial Setup Date: December 4, 2010

Drawn By: T. Sabin  
NAME: T. Sabin  
DATE: 12/22/01

only showing the necessary information to the user. The user can then select the appropriate information to view.

**Topic:**

## Conceptual Landscape Plan

Sheet Number:

## LO.1

[illegible]

## Materials Legend

### Tree Requirement Calculations per Pradevelopment Findings

**Tree requirement calculations per Preclearance findings**

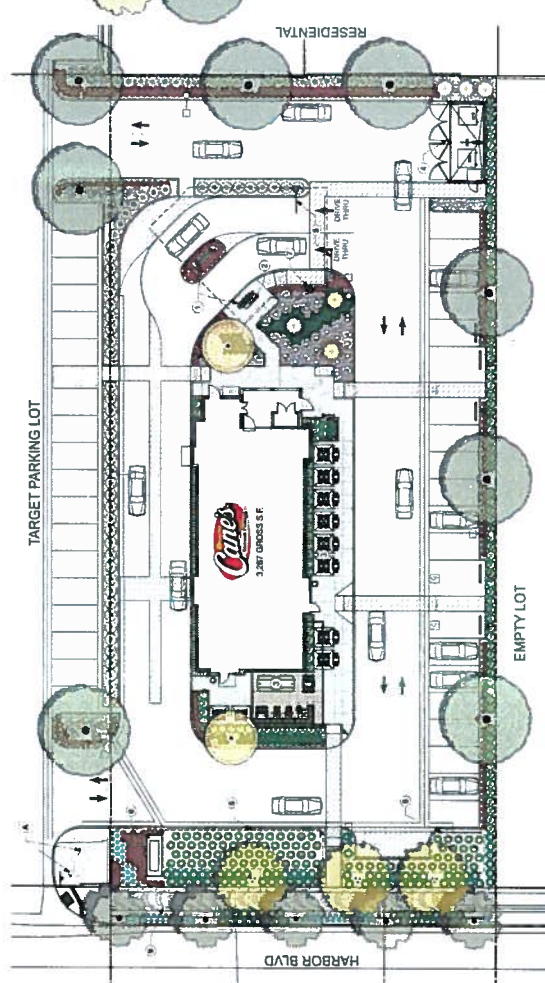
A variety of tree sizes is required for every 10 parking spaces. There must be a minimum of 15-caliper diameter with a canopy spread of at least 10 feet; one 8- to 9-caliper tree with a canopy spread of at least 6 feet; and one 4- to 7-caliper tree with a canopy spread of at least 6 feet.

For each new or reconstructed lot, eight feet in height with a two- and one-half inch trunk diameter are required. These trees may be grouped if they are all of the same species and size, and all have been professionally measured and certified by a City Manager or designee.

Street Frontage: One 24-inch box tree of a live and one-quarter inch caliper trunk diameter, 10 feet in height, and a three-foot spread is required for every 20 feet of street frontage.

We know what we planted under any trees, overhangs or balconies.

- Tree Numbers.**
1. Parking area - One per eight spaces.
  2. Street medians - One per 20 feet.
- Balance of site - One car 600 square feet (less canopies are included).



0 6 18 24 30 FT

Sketch 4/19/80 at 1:40pm

**Existing Tree Protection  
& Removal Notes**

All existing plant material to remain and be protected; unless otherwise noted.

- (1) true symbol
- (2) zero
- (3) to be removed

### Existing Notes

- A (2) pattern to research

### Proposed Notes

1. \$1 order based per architect
2. \$1 hand washing station per architect
3. \$1 outdoor furniture per architect
4. \$1 trash enclosure per architect
5. \$1 handcycle bar per architect
6. \$1 measurement board per architect
7. \$1 per order based per architect
8. \$1 site relocation fees per day
9. \$1 ROW paving treatment per Harbor Boulevard





166, 972-769-1100 Fax: 972-769-1101  
6200 Greenwood Road, Suite 200  
Dallas, TX 75244

Reliance County  
Reliance County  
1200 S. Harbor Blvd  
Garden Grove, CA 92640  
PHE-VN

CSRS  
6787 Pivonia Road, Suite 200  
Dallas, TX 75244  
Telephone: 214-769-0546  
www.csrsinc.com

Project Name: 17-2023-0001  
Project Date: 12/15/2023  
CSRS Project Manager: M  
ENTITLEMENT SUBMITTAL  
01/13/21

Sheet No.	Sheet Title
1	Site Plan
2	Life Safety Plan
3	Code Reference Analysis
4	CRA

CODE REFERENCE  
ANALYSIS

CRA

OCCUPANCY CALCULATIONS			
AREA	TYPE	OCCUPANCY	CALCULATED
RETAIL	A-2	224 SF	15
RESTAURANT	A-2	23 LF	11
OFFICE	B	1,528	8
STORAGE	S-2	484	2
MECHANICAL	B	51	1
STORAGE	A-2	82	17
TOTAL			54

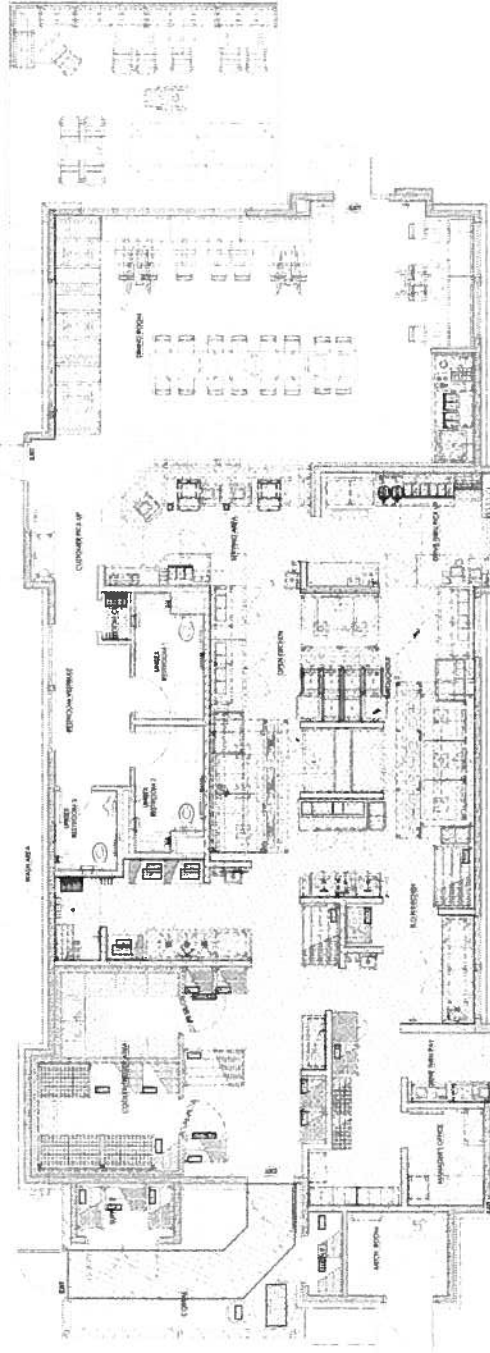
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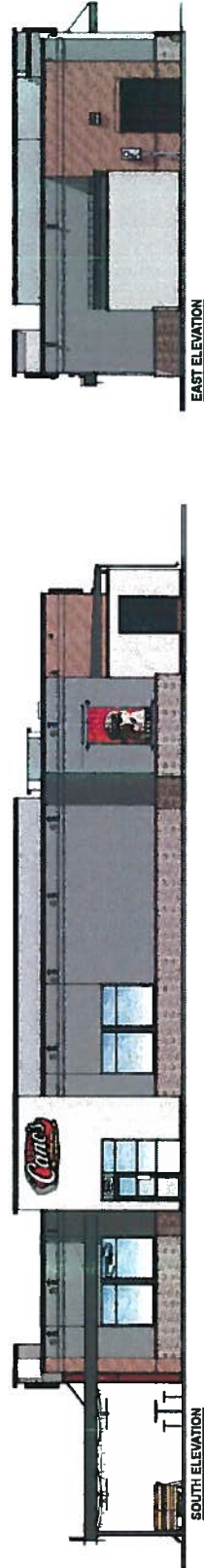
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2 LIFE SAFETY PLAN

March 03, 2021

RC625 Garden Grove, CA (S. Harbor Blvd and W. Chapman Ave)



### MATERIAL FINISHES

EW-3	EW-4	EW-1	EW-2	EW-4	EW-5	EW-6	EW-2
HOT ROLLED STEEL w/ CAMDEN MATTE POWDER COAT FINISH	RECLAIMED METAL PANEL	RED BRICK	SUMMIT GRAY PORTLAND CEMENT STUCCO	ISLAND MODULAR BRICK	MOUNTAIN TOP PORTLAND CEMENT STUCCO	OYSTER SHELL CEMENT STUCCO	ALUMINUM STOREFRONT SYSTEM

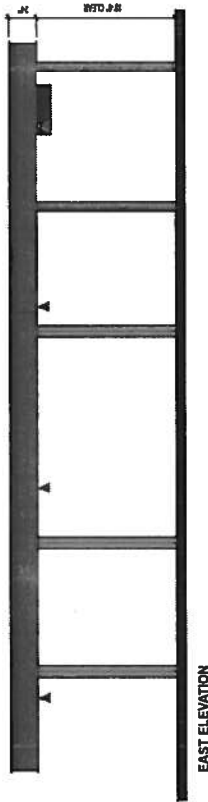
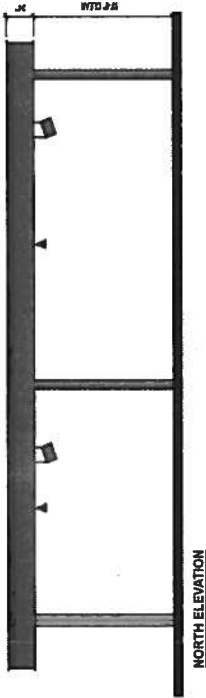
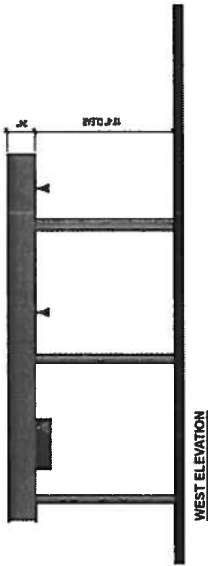
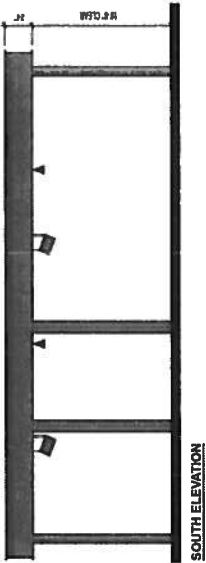
CSRS BUILDING STRONGER, SMARTER COMMUNITIES TOGETHER.

(3) 4x8 logos at 24.14 SF each, (1) 20' One Love letters (17.57 SF), (1) Red Dog Banner (32 SF) and (1) One Love Heart as Art  
Overall signage equals 121.99 SF. (Linear footage equals 129.17 FT)

GENERAL NOTES:

March 03, 2021

RC625 Garden Grove, CA (S. Harbor Blvd and W. Chapman Ave)  
Colored Drive Thru Canopy Elevations (For Reference Only)



MATERIAL FINISHES



GENERAL NOTES

CSRS  
BUILDING STRONGER,  
SMARTER COMMUNITIES  
TOGETHER.

RESOLUTION NO. 6022-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A) FOR A PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND TWINTREE LANE, AT 12202 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 231-491-21.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 6, 2021, does hereby recommend that the City Council adopt an ordinance approving Planned Unit Development No. PUD-128-12(A), for land located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard, Assessor's Parcel No. 231-491-21.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-128-12(A), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Raising Cane's Restaurants, LLC.
2. The applicant requests approval of (a) an amendment to Planned Unit Development No. PUD-128-12 for a 0.83-acre lot, located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard, Assessor's Parcel No. 231-491-21 to create a new subarea, PUD-128-12(A), to facilitate the development of a new pad restaurant; and (b) Site Plan No. SP-099-2021 to construct a 3,267 square foot drive-thru restaurant, along with associated site improvements (collectively, the "Project").
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove Planning Commission hereby recommends that the City Council determine that this project is categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303).
4. The property has a General Plan Land Use designation of International West Mixed Use and is currently zoned Planned Unit Development No. PUD-128-12. The subject 0.83-acre lot is currently unimproved, having been vacant since 2008.
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 May 6, 2021, 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 May 6, 2021, and considered all oral and written testimony presented regarding the project.
9. Concurrently with its adoption of this Resolution (6022-21), the Planning Commission adopted Resolution No. 6023-21 approving Site Plan No. SP-099-2021, subject to Garden Grove City Council adoption and effectiveness of an Ordinance approving Planned Unit Development subarea PUD-128-12(A). The facts and findings set forth in Resolution No. 6022-21 are hereby incorporated into this Resolution by reference.

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 9.16.030.020 and 9.32.030, are as follows:

FACTS:

The subject site is an existing 0.83-acre property located within a Planned Unit Development (PUD) located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard. The site has a General Plan Land Use Designation of International West Mixed Use, and is zoned Planned Unit Development No. PUD-128-12. Currently, the site is vacant, having last been used as a temporary sales office for the nearby Chapman Commons condominium complex.

The subject site abuts Harbor Corridor Specific Plan – Tourist Commercial “B” (HCSP-TCB) zoned properties to the north, future hotel uses in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and hotel uses in Planned Unit Development No. PUD-141-01 zoned properties to the west, across Harbor Boulevard.

In 2012, the City Council approved General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 to facilitate the future development of a resort hotel development project known as the “Site C Project”. As adopted in 2012, PUD-128-12 allows for the construction of up to 769 rooms within three (3) hotels and up to 104,000 aggregate square feet of conference/banquet facilities, restaurant/entertainment uses on freestanding pads, and hotel restaurants on an aggregate approximately 5.2-acre combined site that encompasses both the subject property and the abutting properties to the east and south.

In 2013, the City of Garden Grove approved the Grove District Resort Hotel Development Agreement (DDA). The DDA provided that the City would acquire and convey approximately 4.3 acres of the combined 5.2-acre site to the developer for the “Site C Project.” The DDA gave the developer the option of acquiring the

approximately 0.83-acre property at 12202 Harbor Boulevard that is the subject the instant application at its own cost and adding it to the City-owned 4.3 acres for the "Site C Project." The "Site C Project" developer ultimately did not acquire the property, however, and it was thus not incorporated into the "Site C Project."

In 2017, the City approved Site Plan No. SP-043-2017, Tentative Tract Map No. TT-17455, and Development Agreement No. DA-008-2017 to implement the "Site C Project." These land use approvals reduced the "Site C Project" site from the original 5.2 acres to 4.3 acres to exclude the subject property. In addition, the 2017 "Site C Project" entitlements authorized the development of 100,762 aggregate square feet of combined restaurant and conference/banquet uses on that 4.3 acres, taking up nearly all of the building area allotted for such uses pursuant to PUD-128-12.

The owner of the subject property located at 12202 Harbor Boulevard now wishes to develop a 3,267 square foot pad restaurant on the site. Due to the subject site not being integrated into the Site C Project as originally contemplated in 2012, the PUD zoning for the site must be modified to facilitate its development independent of the Site C Project. Therefore, the applicant is requesting to create a new "Subarea A" of PUD-128-12, which would establish separate implementation provisions and development standards governing development on the subject site that are at least as restrictive as those approved under PUD-128-12. The subarea PUD-128-12(A) zoning would allow for the development of a pad restaurant on the subject 0.83-acre site.

The application to amend Planned Unit Development No. PUD-128-12 is being processed in conjunction with Site Plan No. SP-099-2021. If approved by the City Council, Planned Unit Development subarea PUD-128-12(A) would permit the development of the property in accordance with proposed Site Plan No. SP-099-2021.

#### FINDINGS AND REASONS:

##### Planned Unit Development:

1. The location of the buildings, architectural design, and proposed use are compatible with the character of existing development in the vicinity, and the project will be well-integrated into its setting.

The subject 0.83-acre lot is located in an area that is adjacent to Harbor Corridor Specific Plan – Tourist Commercial "B" (HCSP-TCB) zoned properties to the north, future hotel uses in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and hotel uses in Planned Unit Development No. PUD-141-01 zoned properties to the west, across Harbor Boulevard. Planned Unit Development No. PUD-128-12(A) requires Site Plan approval for all development and is being processed concurrently with Site

Plan No. SP-099-2021, which proposes the construction of a 3,267 square foot drive-thru restaurant and associated site improvements. Planned Unit Development No. PUD-128-12(A) would permit the development of the property in accordance with the proposed Site Plan (SP-099-2021) for the project.

The proposed development would improve an otherwise unused property. Planned Unit Development No. PUD-128-12 currently makes any development on the site infeasible, leaving it vacant, as it has been since 2008. The proposed "Subarea A" of PUD-128-12 will improve the property's compatibility with existing developments in the vicinity by allowing a new drive-thru pad restaurant, parking lot improvements, and landscape installations.

Pursuant to proposed Site Plan No. SP-099-2021, the new building will be situated toward the center of the lot, with setbacks of 27'-7" to the northerly property line, 53'-0" to the westerly property line along Harbor Boulevard, 67'-10" to the southerly property line, and 37'-6" to the easterly property line. Landscape planters will be provided along the perimeter of the site to ensure adequate buffering of any potential noise and light/glare impacts.

The proposed pad restaurant will provide adequate parking, vehicular and pedestrian circulation for access to and from the site, and new landscaping. The architecture and design of the building will be of sufficient quality, consistent with the developments elsewhere along Harbor Boulevard in the resort district.

2. The plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets.

Planned Unit Development No. PUD-128-12(A) requires Site Plan approval for all development and is being processed concurrently with Site Plan No. SP-099-2021, which proposes the construction of a 3,267 square foot drive-thru restaurant and associated site improvements.

Vehicle traffic will access the restaurant site from the shopping center property to the north. Vehicles will use the existing thirty foot (30'-0") driveway from Harbor Boulevard to access the shopping center site. Two (2) twenty-six foot (26'-0") wide drive aisles will provide access from the shopping center site onto the restaurant site. A Reciprocal Easement Agreement (REA) will be recorded to allow access from the restaurant site to the shopping center's parking area, and vice-versa.

The drive-thru will feature two queuing lanes to accommodate the anticipated demand for the restaurant. The drive-thru wraps around the north, east, and south sides of the building, accommodating a vehicle queue of eighteen (18)

vehicles. This drive-thru configuration maximizes the capacity of the drive-thru facility on-site, and will minimize the number of cars that line up on the adjacent streets and parking lots.

The required number of parking spaces for a restaurant is based on the square footage of the building. The restaurant building is 3,267 square feet in size, and the outside dining area is approximately 941 square feet. Therefore, in total, forty-three (43) parking spaces are required for the restaurant.

The subject site provides twenty-one (21) striped parking spaces. In addition to the striped parking spaces, one-half (1/2) of the vehicles that can be queued in the drive-thru count toward the parking provided on-site. As designed, the drive-thru can queue eighteen (18) cars. Therefore, the site provides a total of thirty (30) parking spaces fully on-site. The remaining parking spaces will be provided on the shopping center property to the north.

The shopping center to the north requires 688 parking spaces total, according to the Harbor Corridor Specific Plan, the applicable zoning designation for the property. In total, the shopping center and the subject property are required to provide 731 parking spaces. The shopping center property provides 712 parking spaces. Combined with the thirty (30) spaces provided on the subject site, the two properties provide a total of 742 parking spaces. This is a surplus of eleven (11) parking spaces on the shopping center site.

Additionally, a traffic impact analysis was conducted and prepared by a licensed traffic engineering firm, evaluating trip generation and potential level of service impacts to nearby key intersections in the surrounding roadway system. Based on the results of the traffic impact analysis, the proposed restaurant would have significant impact on intersection of Harbor Boulevard and the primary driveway, with delays can be expected during peak evening hours for vehicles attempting to leave the shared parking lot. There is no perceived impact on the traffic along Harbor Boulevard, as these impacts would be fully within the shopping center drive aisles. With the driveway already limited to a right-turn only when exiting the site, there are no proposed mitigation measures to address these impacts.

Furthermore, the traffic impact analysis studied the proposed drive-thru queue demand and design, as compared to other Raising Cane's restaurants in the region. In their analysis, the highest peak drive-thru demand was found to be a vehicle queue of seventeen (17) cars. The proposed dual drive-thru queue design provides enough space for eighteen (18) cars to queue fully within the drive-thru, without spilling into the adjacent drive aisles. The proposed drive-thru capacity exceeds the highest peak demand of other Raising Cane's drive-thru restaurants in the area.

The Engineering Division Traffic Section has reviewed the plans and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts on surrounding streets. Therefore, the design of the project will provide for a stable and desirable environment.

3. Provision is made for both public and private open spaces.

Planned Unit Development No. PUD-128-12(A) requires landscaped setbacks along Harbor Boulevard and the easterly (rear) of the property. Planned Unit Development No. PUD-128-12(A) also requires Site Plan approval for all development and is being processed concurrently with Site Plan No. SP-099-2021, which proposes the construction of a 3,267 square foot drive-thru restaurant and associated site improvements. The project has been designed in accordance with the proposed PUD and other applicable City Code provisions for providing an adequate amount of landscaping within the street setbacks and elsewhere on-site. Additionally, the proposed pad restaurant will provide amenities that include indoor and outdoor dining, and an expansive drive-thru ordering area.

4. Provision is made for the protection and maintenance of private areas reserved for common use.

Planned Unit Development No. PUD-128-12(A) requires that the overall site, inclusive of the landscaped areas and other amenities and features (e.g., water elements, irrigation systems, sculptures, street furniture, trash receptacles, common area signage, and lighting) shall be kept in proper working condition, maintained for the life of the project, and have the planted areas to be in a weed free, healthy and growing condition, with overall debris removed on regular basis.

Through the required Development Standards and conditions of approval for Site Plan No. SP-099-2021 and/or other future development, all necessary agreements for the protection and maintenance of private areas reserved for common use will be in place prior to the start of construction and will be required to be adhered to for the life of the project.

5. The quality of the project achieved through the proposed Planned Unit Development zoning is greater than could be achieved under the current zoning.

Because the subject site was never integrated into the Site C Project as originally contemplated in 2012, the PUD zoning for the site must be modified to facilitate its development independent of the Site C Project. The proposed PUD amendment would place the subject property into its own PUD subarea, PUD-128-12(A), or "Subarea A." The subarea would allow for the

development of the proposed 3,267 square foot pad restaurant. It will also provide development standards that govern the design and function of any development within the subarea. If the PUD subarea is approved, the site would have a zoning designation of Planned Unit Development No. PUD-128-12(A). Seeing how the property would otherwise be vacant under the current PUD, the requested "Subarea A" will result in a greater project than what would otherwise be permissible on the property.

6. The PUD is internally consistent with the goals, objectives, and elements of the General Plan.

The General Plan Land Use Designation of the subject site is International West Mixed Use, which is intended for a mix of uses, including resort, entertainment, retail, hotel, and some higher density residential that are appropriate for a major entertainment and tourism destination. Development shall enliven the street and embody the entertainment/resort theme. The proposed PUD subarea will be consistent with the spirit and intent of the General Plan. Goals, policies, and implementation programs of the General Plan strive, in part, to:

Goal LU-9: Creation of a tourism- and entertainment-related destination area in the City that will benefit all of the City of Garden Grove. The site is designed for both vehicle and pedestrian access. This allows for patrons in the adjacent hotels, residents in the nearby neighborhoods, and visitors to the Disneyland Resort and the Anaheim Convention Center to access the restaurant. Furthermore, the design of the site, building, and dining area is oriented toward Harbor Boulevard, contributing a sense of place to enliven the streetscape. The proposed project will further expand the City's tourism/entertainment destination, while providing easy access for residents of Garden Grove.

Policy LU-2.3: Prohibit uses that lead to deterioration of residential neighborhoods, or adversely impact the safety or the residential character of a residential neighborhood. The development standards of PUD-128-12(A) will continue to maintain minimum building setbacks, consistent with the standards approved under PUD-128-12. This will help ensure that the project has limited impacts on the residential neighborhood further to the east of the project.

Policy LU-2.4: Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. The proposed subarea PUD-128-12(A) provides development standards that are consistent with, and at least as restrictive as those standards approved under PUD-128-12. As approved in 2012, PUD-128-12 allowed for hotel and restaurant uses; the creation of the subarea will allow for a new restaurant. The proposed PUD subarea is consistent with the surrounding land uses in PUD-128-12.

Policy LU-1.3: Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations. The subject proposal will allow for the development of a new pad restaurant. Pad restaurants are an allowable use under PUD-128-12(A). The proposed restaurant use will be compatible with the shopping center use to the north, and the proposed hotel uses to the east and south.

Policy LU-5.1: Work with property owners of vacant commercially zoned property to develop their sites into appropriate, economically viable projects. The subject site has been zoned for commercial use since the adoption of the Harbor Corridor Specific Plan, yet has remained vacant since 2008. In 2012, the creation of PUD-128-12 provided the site an opportunity to create an economically viable project. When PUD-128-12 was revised, however, all of the allowable restaurant square footage was moved elsewhere in the PUD, leaving the subject site vacant. The proposed PUD subarea is necessary to allow the development of the otherwise vacant site.

Policy LU-5.32: Encourage consolidation of parking and reciprocal access agreements between adjacent business and commercial center property owners. The proposed PUD subarea allows reciprocal access to the adjacent properties, subject to the preparation and recordation of a Reciprocal Easement Agreement (REA). Reciprocal access will limit the amount of driveways along Harbor Boulevard, helping to create a more consistent streetscape in the resort area. This will also limit the amount of parking that is required on the restaurant site as it will have access to the shopping center's surplus parking. By reducing the amount of parking on the restaurant site proper, it allows for a project with more landscaping, and other site amenities.

7. The PUD will promote the public interest, health, and welfare.

The proposed "Subarea A" will promote the public interest, health, safety, and welfare. Planned Unit Development No. PUD-128-12(A) serves the public interest by allowing for the development of a property that has been blighted or vacant for the better part of the past 30 years with a new restaurant. The creation of the PUD subarea will allow for additional pad restaurant square footage to be developed, and provide development standards for the subject 0.83-acre site. The development standards of "Subarea A" propose to facilitate the development of pad restaurants, while also maintaining compatibility with PUD-128-12. The subarea development standards are at least as restrictive as those approved under PUD-128-12. Subarea PUD-128-12(A) will be consistent with the larger PUD-128-12, as well as the International West Mixed Use land use designation, and the surrounding land uses.

The restaurant project proposed under Site Plan No. SP-099-2021 was designed with adequate vehicular circulation and access to accommodate the pad restaurant. Pedestrian access from Harbor Boulevard can contribute to a more walkable streetscape in the City's resort area. In addition, the use has been reviewed to ensure that the proposal complies with all appropriate regulations of the PUD, such as parking, and the applicable California Building Standards Code and California Green Building Standards Code requirements.

8. The subject parcel is physically suitable for the requested PUD designation, compatible with surrounding land uses, and consistent with the General Plan.

The creation of the PUD subarea will allow for additional pad restaurant square footage to be developed, and provide development standards for the subject 0.83-acre site. The development standards of "Subarea A" propose to facilitate the development of pad restaurants, while also maintaining compatibility with PUD-128-12. The subarea development standards are at least as restrictive as those approved under PUD-128-12. Subarea PUD-128-12(A) will be consistent with the larger PUD-128-12, as well as the International West Mixed Use land use designation, and the surrounding land uses.

#### 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.

1. The Planned Unit Development possesses characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.16.030.020.F (Planned Unit Development) and 9.32.030.D (Land Use Action Procedures).
2. The Planning Commission recommends that the City Council approve Planned Unit Development No. PUD-128-12(A) and adopt the draft Ordinance attached hereto as Exhibit "A".
3. The implementation provisions for Planned Unit Development No. PUD-128-12(A) are as follows:

#### **Planned Unit Development provisions and development standards**

##### A. Applicability

The following provisions and development standards shall apply to the approximately 0.83-acre property located at 12202 Harbor Boulevard, identified as Assessor's Parcel No. 231-491-21, which shall be referred to as "Subarea A" of Planned Unit Development No. PUD-128-12. Except as otherwise expressly



provided, the Planned Unit Development provisions and development standards set forth in Planning Commission Resolution No. 5779-12, adopted October 4, 2012, and as incorporated into and modified by Ordinance No. 2824, adopted November 27, 2012, as these provisions may be amended from time to time, shall not apply to "Subarea A."

B. Purpose and Intent

The purpose and intent of "Subarea A" of Planned Unit Development No. PUD-128-12 is to facilitate the development of a pad restaurant and associated pedestrian, drive-thru, and parking facilities on the subject property

C. Permitted Uses

- Restaurants with or without alcoholic beverage sales. Restaurants with alcoholic beverage sales are subject to a Conditional Use Permit.
- Restaurants with outside eating areas.
- Restaurants with entertainment shall be subject to a Conditional Use Permit.
- Any proposed use that are not listed shall be subject to an Interpretation of Use pursuant to Section 9.32.030 of the Municipal Code that shall be reviewed by the appropriate hearing body.

D. Setbacks

Minimum building setbacks for "Subarea A" shall be as follows:

1. Minimum building setback from the face of curb along Harbor Boulevard shall be twenty-one feet (21'-0"), consisting of twelve feet (12'-0") right-of-way, and nine feet (9'-0") property line setback. The area within this minimum setback area shall include a six-foot (6'-0") wide landscape parkway adjacent to the street curb, a seven-foot (7'-0") wide sidewalk, and an eight-foot (8'-0") wide landscape planter. This design will allow for palm trees to be planted along both sides of the sidewalks, along with accommodating the required canopy trees, shrubs, and ground covers.
2. Minimum building setback along the easterly (rear) property line shall be ten feet (10'-0").
3. There shall be no minimum building setback along the northerly and southerly (interior side) property lines.
4. Building elements such as structural components, architectural features, and roof projections shall not encroach into the required perimeter setback areas.

E. Maximum Building Height

The freestanding restaurant pads shall not exceed a height of 40 feet.

All structures are subject to any restrictions imposed by the California Building Code and Uniform Fire Code.

F. Landscaping

General: The site shall consist of a combination of trees, shrubs and bushes, and ground cover with the allowance for other landscape treatments such as large rocks, water elements, and unique walkway paving, and street furniture. Any area not covered by roadways, parking, walkways, and buildings, shall have landscape treatment.

Harbor Boulevard Landscape Treatment: Landscaping along Harbor Boulevard, including within the public-of-way, shall include two rows of Date Palm Trees (minimum brown trunk height of 25 feet), canopy trees (minimum 24-inch box), shrubs, and ground covers. Landscape materials shall match the landscape materials used within the project located at the southwest corner of Harbor Boulevard and Chapman Avenue. The landscape area shall include up-lighting on the trees. All aspects and elements of the Harbor Boulevard Landscape Treatment shall be included on the required Project landscape/irrigation plans and shall be reviewed and approved by the City prior to the beginning of site construction. The Community and Economic Development Director may approve minor modifications to the foregoing standards as to height, size, and placement of the palm trees along Harbor Boulevard.

Landscape Plan: A detailed landscape plan, complying with the landscaping requirements of Title 9 of the Municipal Code, including the Landscape Water Efficiency Guidelines, shall be prepared and approved by the Community and Economic Development Director, or his or her designee, prior to site construction. The plan shall be detailed to show all plant material, water elements, pathways, and other landscape treatments. The landscape plan shall be the basis of how the site is to be developed and maintained for the life of the project. Should changes need to occur, revisions, renovations, or changes to the landscaping shall be reviewed by the Community and Economic Development Director, or his or her designee to ensure the aesthetics are maintained concerning this element of the overall project. All landscaping shall be watered by means of an automatic irrigation system meeting the City's Landscape Water Efficiency Guideline requirements. A separate landscape application will be submitted, and a building permit will be obtained for the proposed landscaping.

The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off, also identified as Low Impact Development provisions, which address water run-off. This is to also to be inclusive

of any applicable Water Quality Management Plan (WQMP), the Orange County Drainage Area Management Plan (DAMP) and any other water conservation measures applicable to this type of development.

Landscaping will be provided within the project site, as well as along Harbor Boulevard. The landscape treatment along Harbor Boulevard will include a double row of palm trees with canopy trees, shrubs, and ground cover that complies with the landscape treatment for Harbor Boulevard.

The property owner shall be responsible for all installation and long-term maintenance of all landscaping on the property during and after the construction period. Said responsibility shall extend to any landscaping, sidewalk, curb and pavement of the site, and shall extend to the public right-of-way. All planting areas are to be kept free of weeds, debris, and graffiti.

#### J. Boundary

The site's boundary for maintenance, landscaping, and improvements is that area around the project site that is to the property line along adjacent properties and where the project is adjacent to public right-of-way, the boundary shall extend to the curb of each street respectively.

#### H. Maintenance

The overall site, inclusive of the landscaped areas and other amenities and features (e.g., water elements, irrigation systems, sculptures, street furniture, trash receptacles, common area signage, and lighting) shall be kept in proper working condition, maintained for the life of the project, and have the planted areas to be in a weed free, healthy and growing condition, with overall debris removed on regular basis.

#### I. Parking Areas and Requirements

Development within "Subarea A" shall comply with the minimum required parking as calculated below:

1. Restaurants shall be calculated at one (1) parking space per 100 square feet of gross floor area.
2. Outdoor dining areas associated with a restaurant shall be calculated at one (1) parking space per 100 square feet of dining area.
3. Parking for other uses shall comply with the parking requirements of Section 19.16.040.150 of Title 9 of the Municipal Code.

Shared parking across adjacent property lines is permitted, subject to the preparation and recordation of a Reciprocal Access Agreement (REA), or similar document, acceptable to the Community and Economic Development Director and City Attorney.

J. Signs and Graphic Standards

All sign calculations for commercial businesses shall be calculated per 9.20 of Title 9 of the Municipal Code the C-1 zone. Signs may be mounted flush with the wall surface or perpendicular to the wall (blade sign).

All common area signs, directional signs, and kiosk type signs shall be uniform in lettering, material, and coloring.

All freestanding monument signs shall be adhere to the provisions within the Harbor Boulevard Sign Overlay Program Guide.

K. Utilities

All utility lines shall be underground or placed in locations as to be concealed from view. This includes gas and electrical lines and conduit, Cable TV, and telephone lines and conduit, and any other utility or service lines, including water pipes for domestic use and fire sprinkler systems.

L. Storage and Refuse Collection

All staging and storage areas for all the businesses on site shall be provided within their respective tenant space. No outside storage area shall be provided, nor shall there be any outside storage of goods or merchandise at any time. The site may create designated staging areas (loading/unloading) for general deliveries of goods sold on the site, but maintained as such to not create hindrances to vehicle or pedestrian traffic or create restrictions for emergency vehicles or emergency access.

Refuse storage and collection areas shall be provided and subject to both Garden Grove Sanitation District (GGSD), and GGSD contracted solid waste handler/hauler approval, and be subject to applicable building and fire codes.

M. Absence of Provisions and Standards

Any matters pertaining to the development or occupancy or operation of the subject site that is not listed or expressly provided for herein shall be subject to the provisions and development standards of the City's Municipal Code, inclusive. This would include, but not be limited to, undergrounding all existing and new utilities serving the site, complying with all Building, Fire, and Development Codes, and paying all related fees, bonds, and other associated costs.

N. Development Plans

All development on the site shall be subject to approval of applicable entitlements in accordance with Chapters 9.32 and 9.40 of the Municipal Code. All pad buildings shall require the approval of a Site Plan.

Adopted this 6th day of May 2021

ATTEST:

/s/ DAISY PEREZ  
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 May 6, 2021, by the following vote:

AYES:	COMMISSIONERS:	(6)	ARESTEGUI, LEHMAN, LINDSAY, PEREZ, RAMIREZ, SOEFFNER
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	CUNNINGHAM

/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 May 27, 2021.

RESOLUTION NO. 6023-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-099-2021, FOR A PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND TWINTREE LANE, AT 12202 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 231-491-21.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 6, 2021, does hereby approve Site Plan No. SP-099-2021, for land located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard, Assessor's Parcel No. 231-491-21, subject to (i) the Conditions of Approval attached hereto as "Exhibit A"; and (ii) adoption and effectiveness of an Ordinance by the Garden Grove City Council approving Planned Unit Development subarea PUD-128-12(A).

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-099-2021, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Raising Cane's Restaurants, LLC.
2. The applicant requests approval of (a) an amendment to Planned Unit Development No. PUD-128-12 for a 0.83-acre lot, located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, at 12202 Harbor Boulevard, Assessor's Parcel No. 231-491-21 to create a new subarea, PUD-128-12(A), to facilitate the development of a new pad restaurant; and (b) Site Plan No. SP-099-2021 to construct a 3,267 square foot drive-thru restaurant, along with associated site improvements (collectively, the "Project").
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove Planning Commission hereby determines that this project is categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversions of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303).
4. Concurrently with its adoption of this Resolution (6023-21), the Planning Commission adopted Resolution No. 6022-21 recommending that the City Council approve Planned Unit Development No. PUD-128-12(A). The facts and findings set forth in Resolution No. 6022-21 are hereby incorporated into this Resolution by reference.
5. The property has a General Plan Land Use designation of International West Mixed Use and is currently zoned PUD-128-12 (Planned Unit Development). The subject 0.83-acre lot is currently unimproved, having been vacant since 2008.

6. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on May 6, 2021, and all interested persons were given an opportunity to be heard.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of May 6, 2021, 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 9.32.030, are as follows:

FACTS:

The subject site is an existing 0.83-acre property located within a Planned Unit Development (PUD) located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane. The site has a General Plan Land Use Designation of International West Mixed Use, and is zoned Planned Unit Development No. PUD-128-12. Currently, the site is vacant, having last been used as a temporary sales office for the nearby Chapman Commons condominium complex.

The subject site abuts Harbor Corridor Specific Plan – Tourist Commercial “B” (HCSP-TCB) zoned properties to the north, future hotel uses in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and hotel uses in Planned Unit Development No. PUD-141-01 zoned properties to the west, across Harbor Boulevard.

The project will consist of constructing a new 3,267 square foot drive-thru Raising Cane’s fast-food restaurant on an existing 0.83-acre property. The pad restaurant will be located toward the center of the site, with parking, drive-thru lanes, and landscaping surrounding the building on all sides. The interior of the restaurant will feature a dining area, a service area, and a kitchen area. An outdoor dining area is provided along the west and south sides of the building.

Vehicle traffic will access the restaurant site from the shopping center property to the north. Vehicles will use the existing driveway from Harbor Boulevard to access the shopping center site. Two drive aisles will provide access from the shopping center site onto the restaurant site.

The drive-thru will feature two queuing lanes. An awning structure will shelter the menu boards and drive-thru ordering area. A drive-thru pay window and an order

pick-up window are on the north side of the building. This drive-thru configuration maximizes the capacity of the drive-thru facility on-site, and will minimize the number of cars queued in the adjacent parking lot. The design of the building will also provide new pedestrian access from Harbor Boulevard.

The required number of parking spaces for a restaurant is based on the square footage of the building and outdoor dining area. In total, forty-three (43) parking spaces are required for the restaurant. The subject site provides a total of thirty (30) parking spaces fully on-site. The remaining thirteen (13) parking spaces will be provided on the shopping center property to the north.

The shopping center property to the north is required to have 688 parking spaces total. Combined, the shopping center and the subject property are required to provide 731 total parking spaces. The shopping center property provides 712 parking spaces. Combined with the thirty (30) spaces provided on the subject site, the two properties provide a total of 742 parking spaces. This is a surplus of eleven (11) parking spaces on the two sites combined.

A traffic impact analysis was also conducted and prepared. Based on the results of the traffic impact analysis, the proposed restaurant project would have a significant impact the intersection of Harbor Boulevard and the primary driveway during peak evening hours for vehicles attempting to leave the shared parking lot. There is no perceived impact on the traffic along Harbor Boulevard, as these impacts would be fully within the shopping center drive aisles. Furthermore, the traffic analysis studied the proposed drive-thru queue demand and design, as compared to other Raising Cane's restaurants in the region. According to the study, the proposed drive-thru capacity exceeds the highest peak demand of other Raising Cane's drive-thru restaurants in the area.

Landscaping to the interior of the site will be of sufficient variety and design to accentuate and enhance the development. The proposed site design will provide a total of approximately 7,359 square feet of landscaping on-site (18% of the overall site). The landscaping is provided in a variety of areas across the site, including adjacent to the drive-thru and parking areas so as to limit their visual impacts.

Along the westerly property line adjacent to Harbor Boulevard, the project will provide landscaping to match the existing Grove District landscaping treatment. The landscaping treatment applies to both the parkway within the public right-of-way, and within the subject site. The visual identity of the street-front landscaping will be consistent with the rest of the resort district.

The architecture of the proposed building will be compatible with the nearby buildings along Harbor Boulevard. Characterized by a boxy footprint, flat roof, and large windows along Harbor Boulevard, the store takes on a contemporary design. At the highest point, the building will be within the maximum height for PUD-128-12(A). The earthy color scheme has similarities to the restaurant's other



locations. Bright red signage will accent the neutral tones of the building's overall color scheme.

#### 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 is consistent with the General Plan.

The General Plan Land Use Designation of the subject site is International West Mixed Use, which is intended for a mix of uses, including resort, entertainment, retail, hotel, and some higher density residential that are appropriate for a major entertainment and tourism destination. Development shall enliven the street and embody the entertainment/resort theme. The proposed PUD subarea will be consistent with the spirit and intent of the General Plan. Goals, policies, and implementation programs of the General Plan strive, in part, to:

Goal LU-9: Creation of a tourism- and entertainment-related destination area in the City that will benefit all of the City of Garden Grove. The site is designed for both vehicle and pedestrian access. This allows for patrons in the adjacent hotels, residents in the nearby neighborhoods, and visitors to the Disneyland Resort and the Anaheim Convention Center to access the restaurant. Furthermore, the design of the site, building, and dining area is oriented toward Harbor Boulevard, contributing a sense of place to enliven the streetscape. The restaurant was designed to contribute to the overall sense of place in the Grove District resort area.

Policy LU-2.3: Prohibit uses that lead to deterioration of residential neighborhoods, or adversely impact the safety or the residential character of a residential neighborhood. The development meets all of the development standards of the PUD subarea, and Garden Grove Municipal Code, as applicable. This includes the maximum building height, the minimum setbacks, landscaping requirements, and the minimum parking requirements. Adherence to these development standards will help ensure that the project has limited impacts on the residential neighborhood to the east of the project.

Policy LU-2.4: Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. The subject site is in an urbanized area with multiple commercial developments. PUD-128-12(A) allows for restaurant uses; the development of a pad restaurant building will be consistent with the allowable uses of the PUD subarea. The proposed restaurant use is consistent with the hotels, entertainment, and retail uses on the adjoining properties.

Policy LU-1.3: Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations. The subject proposal will allow for the development of a 3,267 square foot drive-thru restaurant. Restaurants are an allowable use under PUD-128-12(A). The proposed restaurant use will be compatible with the shopping center use to the north, and the proposed hotel uses to the south.

Policy LU-5.1: Work with property owners of vacant commercially zoned property to develop their sites into appropriate, economically viable projects. The subject site has been vacant since 2008. The proposed project would develop an otherwise vacant site.

Policy LU-5.32: Encourage consolidation of parking and reciprocal access agreements between adjacent business and commercial center property owners. The proposed drive-thru pad restaurant will incorporate reciprocal access to the shopping center parking lot to the north. Reciprocal access will limit the amount of driveways along Harbor Boulevard, helping to create a more walkable environment. This will also limit the amount of parking that is required on the restaurant site as it will have access to the shopping center's surplus parking.

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.

Vehicle traffic will access the restaurant site from the shopping center property to the north. Vehicles will use the existing thirty foot (30'-0") driveway from Harbor Boulevard to access the shopping center site. Two (2) twenty-six (26'-0") wide drive aisles will provide access from the shopping center site onto the restaurant site. A Reciprocal Easement Agreement (REA) will be recorded to allow access from the restaurant site to the shopping center's parking area, and vice-versa.

The drive-thru will feature two queuing lanes to accommodate the anticipated demand for the restaurant. The drive-thru wraps around the north, east, and south sides of the building. Entering the queue from the south, patrons will reach a menu board on the east side of the building. A pay window and an order pick-up window are on the north side of the building. This drive-thru configuration maximizes the capacity of the drive-thru facility on-site, and will minimize the number of cars that line up on the adjacent streets and parking lots.

The design of the building will also provide new pedestrian access from Harbor Boulevard. The accessible path of travel will cross a drive aisle before reaching the front of the restaurant. This pedestrian access also connects to

the accessible parking spaces in the southern parking lot area. Providing pedestrian access can help activate the Harbor Boulevard corridor.

The required number of parking spaces for a restaurant is based on the square footage of the building. PUD-128-12(A) requires that restaurants provide one (1) parking space per 100 square feet of building area. Outside seating areas are also parked at a ratio of one (1) parking space per 100 square feet of building area. The restaurant building is 3,267 square feet in size, and the outside dining area is approximately 941 square feet. Therefore, in total, 43 parking spaces are required for the restaurant.

The subject site provides twenty-one (21) striped parking spaces. In addition to the striped parking spaces, one-half (1/2) of the vehicles that can be queued in the drive-thru count toward the parking provided on-site. As designed, the drive-thru can queue eighteen (18) cars. Therefore, the site provides a total of thirty (30) parking spaces fully on-site. The remaining thirteen (13) parking spaces will be provided on the shopping center property to the north.

The required number of parking spaces for the shopping center is based on the square footage, and the uses on the property. The Harbor Corridor Specific Plan, the zoning for the center, requires one (1) parking space per 225 square feet of retail floor area for integrated shopping centers larger than one acre. An additional twenty-six (26) parking spaces is required for the car wash. The on-site retail uses require 662 parking spaces. Combined with the twenty-six (26) spaces required for the car wash, the property is required to have 688 parking spaces total.

In total, the shopping center and the subject property are required to provide 731 combined parking spaces. The shopping center property provides 712 parking spaces. Combined with the thirty (30) spaces provided on the subject site, the two properties provide a total of 742 parking spaces. This is a surplus of eleven (11) parking spaces on the two sites combined.

Additionally, a traffic impact analysis was conducted and prepared by a licensed traffic engineering firm, evaluating trip generation and potential level of service impacts to nearby key intersections in the surrounding roadway system. Based on the results of the traffic impact analysis, the proposed restaurant would have significant impact on intersection of Harbor Boulevard and the primary driveway, with delays expected during peak evening hours for vehicles attempting to leave the shared parking lot. There is no perceived impact on the traffic along Harbor Boulevard, as these impacts would be fully within the shopping center drive aisles. With the driveway already limited to a right-turn only when exiting the site, there are no proposed mitigation measures to address these impacts.

Consistent with the PUD requirements, a traffic impact analysis was conducted and prepared by a licensed traffic engineering firm, evaluating trip generation and potential level of service impacts to nearby key intersections in the surrounding roadway system. Based on the results of the traffic impact analysis, the proposed restaurant project would have significant impact on only one intersection. At the intersection of Harbor Boulevard and the primary driveway, a significant impact on traffic can be expected during PM hours for vehicles attempting to leave the site. There is no perceived impact on the traffic along Harbor Boulevard, as these impacts would be fully within the shopping center drive aisles.

Furthermore, the traffic impact analysis studied the proposed drive-thru queue demand and design, as compared to other Raising Cane's restaurants in the region. In their analysis, the highest peak drive-thru demand was found to be a vehicle queue of seventeen (17) cars. The proposed dual drive-thru queue design provides enough space for eighteen (18) cars to queue fully within the drive-thru, without spilling into the adjacent drive aisles. The proposed drive-thru capacity exceeds the highest peak demand of other Raising Cane's drive-thru restaurants in the area.

The Engineering Division has reviewed the plans and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts on surrounding streets. The design of the project will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and vehicular and pedestrian access.

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

The streets in the area are adequate to accommodate the development. Existing utilities and drainage channels in the area are adequate to accommodate the development. The proposed development will install and maintain landscaping, allowing adequate drainage of storm water. Landscaping will also be added along Harbor Boulevard, continuing the resort area landscape treatment. A preliminary water quality management plan (WQMP) has been reviewed and approved by the Engineering Division. The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

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

The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval and mitigation measures to minimize any adverse impacts, and to ensure the project will not adversely

impact the Public Works Department's ability to perform its required function(s).

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

The subject 0.83-acre lot is located in an area that is adjacent to retail uses in the Harbor Corridor Specific Plan – Tourist Commercial “B” (HCSP-TCB) zoned properties to the north, proposed hotel uses in Planned Unit Development No. PUD-128-12 zoned properties to the east and south, and hotel uses in Planned Unit Development No. PUD-141-01 zoned properties to the west, across Harbor Boulevard.

The proposed development would improve an otherwise unused property, making it more compatible with the surrounding neighborhood. Architecturally, the restaurant has been designed with facades to be aesthetically complimentary with the rest of Harbor Boulevard resort district. A variety of colors, materials, and massing help create visual intrigue. Contemporary architectural styles are compatible with the nearby hotels, and other tourist/commercial facilities.

The proposed pad restaurant will provide adequate parking, vehicular and pedestrian circulation for access to and from the site, and new landscaping. The architecture and design of the project will be of sufficiently high quality, consistent with the developments elsewhere along Harbor Boulevard in the resort area.

The project has been designed in accordance with PUD-128-12(A), and Municipal Code development standards. In particular, the project complies with the: minimum lot sizes, setbacks, parking, landscaping area, and maximum building height requirements. The City’s Community and Economic Development Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to ensure physical, functional, and visual compatibility with the project’s surroundings.

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

The proposed pad restaurant will provide adequate parking, vehicular and pedestrian circulation for access to and from the site, and new landscaping. The architecture and design of the building will be of sufficiently high quality, consistent with the developments elsewhere along Harbor Boulevard in the resort district.

The new building will be situated toward the center of the lot, with setbacks of 27'-7" to the northerly property line, 53'-0" to the westerly property line along Harbor Boulevard, 67'-10" to the southerly property line, and 37'-6" to the easterly property line. Landscape planters will be provided along the perimeter of the site to ensure adequate buffering of any potential noise and light/glare impacts. A total of 7,359 square feet of landscaping will be provided on-site (18% of the overall lot area).

The City's Community and Economic Development Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to ensure the attractiveness of the on-site landscaping and other amenities.

#### 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 possesses characteristics that would justify the request in accordance with Municipal Code Section 9.32.030.D.3 (Site Plan).
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 Site Plan No. SP-099-2021.
3. This approval of Site Plan No. SP-099-2021 shall be contingent upon City Council adoption and effectiveness of an ordinance approving Planned Unit Development subarea PUD-128-12(A) by the Garden Grove City Council.

Adopted this 6th day of May 2021

ATTEST:

/s/ DAISY PEREZ  
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 May 6, 2021, by the following vote:

AYES:	COMMISSIONERS:	(6)	ARESTEGUI, LEHMAN, LINDSAY, PEREZ, RAMIREZ, SOEFFNER
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	CUNNINGHAM

/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 May 27, 2021.

## **EXHIBIT "A"**

### **Site Plan No. SP-099-2021**

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. The applicant and each owner of the property shall execute, and the applicant shall record against the property a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office. Proof of such recordation is required within 30 days of this approval. 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, Raising Cane's Restaurant LLC, the developer of the project, the current owner of the Property, the future owner(s) and tenants(s) of the Property, and each of their respective successors and assigns. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission. All Conditions of Approval herein shall apply to Site Plan No. SP-099-2021.
2. Approval of Site Plan No. SP-099-2021 shall be contingent upon City Council adoption of an ordinance approving Planned Unit Development subarea PUD-128-12(A), and 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. All implementation provisions and development standards for Planned Unit Development No. PUD-128-12(A) shall apply for the life of the project.
3. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications, to the project and/or these Conditions of Approval, determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
4. The approved site plan, floor plan, and use of the subject property, as represented by the Applicant, are an integral part of the decision approving this Site Plan. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.



**Engineering Division**

6. The applicant shall 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. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
7. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the precise grading and street improvement plans.
8. Prior to issuance of a grading permit, the applicant shall obtain a "Letter of Permission for Encroachment and/or Temporary Work" from the adjacent property where project match-up will need to occur.
9. 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, infiltration and stormwater treatment structures, and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design of the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability, and groundwater levels. Requirements for any "dewatering" will also need to be addressed in the report.
10. A separate street permit is required for work performed within the public right-of-way.
11. Grading and Street Improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to thirty feet (30'-0") outside the boundary, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. All improvements within the public right-of-way shall conform to all format and design requirements of the City Standard Drawings & Specifications. Special features, such as decorative pavers or other improvements, may be required

- to have an agreement prepared between the owner and the city to cover any encroachment limitations, responsibilities and maintenance requirements.
12. The grading/horizontal control plan shall provide an approximately eighty feet (80'-0"), or four vehicles lengths, between the service window and order board, and an additional eighty feet (80'-0"), or four vehicle lengths, of queuing distance behind the order board in conformance with the queuing requirements of City of Garden Grove Standard Plan B-312.
  13. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
  14. The grading and street improvement 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.
  15. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall, shall have wheel stops in order to prevent vehicle overhang into sidewalk. A minimum six foot (6'-0") wide sidewalk is required for parking spaces that are utilizing elevated sidewalk curb face as a wheel stop, and must maintain a four foot (4'-0") minimum from the overhang of the vehicle bumper for ADA pathway.
  16. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction, unless an Encroachment Permit is obtained for placement in street.
  17. Prior to the issuance of any grading or building permits, or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
    - a. Addresses Site Design BMPs based upon the geotechnical report recommendations, and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
    - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
    - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP.

- d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
  - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
  - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
18. 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 WQMP have been constructed and installed in conformance with approved plans and specifications.
  - b. Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - c. Demonstrate that an adequate number of copies of the approved Project WQMPs are available on-site.
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
19. All trash container areas shall meet the following requirements, per City of Garden Grove Standard B-502 and state-mandated commercial organic recycling law (AB 1826):
- a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash.
  - b. Provide solid roof or awning to prevent direct precipitation.
  - c. Connection of trash area drains to the municipal storm drain system is prohibited.
  - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control.
  - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.

- f. The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
  - g. Pursuant to state-mandated commercial organic recycling law (AB 1826), the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
  - h. Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local recycling/trash company (Republic Services) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items such as, but may not limited to, municipal solid waste (MSW), recyclables, and organic green waste.
  - i. Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency of trash pick-up is serviced to the site for municipal solid waste (MSW), recyclables, and organic green waste, including any other type of waste.
  - j. The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.
20. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal, relocation, or resetting, the contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. The applicant and their contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced, or where new ramps are installed. The applicant and their contractor shall be liable for, at their expense, any resurvey required due to their negligence in protecting existing ties, monuments, benchmarks, or any such horizontal and vertical controls. Temporary Benchmarks shall not be used for vertical control. Benchmarks shall be to the National Geodetic Vertical Datum (NGVD).

21. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:
  - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division prior to installation.
22. The applicant shall identify a temporary parking site(s) for construction crew prior to issuance of a grading permit. No construction parking is allowed on local streets.
23. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
24. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
25. Any required lane closures should occur outside of peak travel periods.
26. Construction vehicles shall be parked off traveled roadways in designated parking.
27. Prior to the issuance of a grading permit, the applicant shall record a reciprocal access and easement agreement, or similar document, ("REA"), in a form approved by the City Attorney, providing for reciprocal access and parking between the subject site and the shopping center property to the north of the subject site. Said REA shall remain in place for the life of the project and shall not be amended or terminated with the written approval of the City of Garden Grove Community and Economic Development Director.
28. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations, and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per City of Garden Grove Standard B-209. Storm drain lateral pipe connections within the City right-of-way shall be RCP with a minimum diameter of eighteen inches (18"). BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
29. The applicant shall remove the existing landscaping within the sidewalk area along Harbor Boulevard, and construct street frontage improvements as identified below. All landscape, sidewalk, and lighting improvements installed

within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Services Division. Separate street improvement plans shall be prepared for Harbor Boulevard and submitted to the Engineering Division for improvements within the City right-of-way.

Harbor Boulevard

- a. The applicant shall remove the existing sidewalk on Harbor Boulevard along the property frontage and construct an eight foot (8'-0") decorative "Alicante" patterned sidewalk per City Standard Plan B-137, consistent with the existing sidewalk in the Harbor Boulevard resort area, in a manner meeting the approval of the City Engineer. Said sidewalk shall be separated from the street curb by a five-foot (5'-0") landscaped area designed in a manner consistent with the existing landscaping within the resort area, meeting the approval of the Planning Services Division.
- b. The applicant shall remove the existing southerly substandard driveway approach, parkway drain, and existing landscaping on Harbor Boulevard, and construct new curb, gutter, landscaping, and sidewalk per approved street improvement plan.
- c. Construct an eight inch (0'-8") curb and gutter, replacing the southerly driveway approach along the property frontage at forty-seven feet (47'-0") from the centerline in accordance with City Standard Plan B-113 (Type C-8 Modified).
- d. Two new wheelchair ramps and landings shall be constructed per latest Caltrans Standard Plan A88A at the northwest drive approach on Harbor Boulevard.
- e. The applicant shall cold mill (grind) existing asphalt pavement three inch (0'-3") uniform depth and replace with three inches (0'-3") of fiber reinforced asphalt surface course from the edge of the easterly gutter to the median along the property frontage per City specifications and the direction of the City Engineer.
- f. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in the sidewalk/landscape area on Harbor Boulevard with the Planning Services Division and the Water Services Division.
- g. Any proposed new landscaping in the public right-of-way shall be approved by the Planning Services Division and the Public Works Streets Division.

**Public Works Environmental**

30. The trash enclosure area shall be in compliance with Assembly Bill Nos. AB 341 and AB 1826 for food waste containers.
31. The applicant shall install and maintain a new grease interceptor device.
32. The applicant shall comply with all applicable Construction Waste Management Plan (CWMP) requirements.
33. The applicant shall incorporate all applicable bio-retention best management practices (BMPs) in accordance with the National Pollutant Discharge Elimination System (NPDES).

**Orange County Fire Authority**

34. The applicant shall comply with all applicable Orange County Fire Authority requirements, including, but not limited to the Fire Master Plan.
35. The applicant shall record an easement from the property owner of the shopping center property to the north to the benefit of the City of Garden Grove, for the purpose of emergency access to the Raising Cane's Restaurant property to the south. The easement shall be copied onto the fire master plan, regardless if the properties have the same owner or different owners.

**Building and Safety Division**

36. The project shall comply with all applicable requirements of the 2019 CA Standards Code at the time of project submittal.
37. A Soils Investigation Report complying with CBC Chapter 18 shall be submitted at the time of building construction plan check submittal to the City.
38. A roof solar-ready zone shall comply with the 2019 CA Energy Efficiency Standards.
39. Future electric charging stalls and chargers shall comply with CBC Section 11B-812. Additionally, E.V. chargers shall be located on an accessible route.
40. Interior and exterior doors shall have level landings on both side, per CBC 11B-404.

**Water Services Division**

41. New water service installations two inches (0'-2") and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services three inches (0'-3") and larger, shall be installed by developer/owner's contractor per City Standards.
42. Water service for commercial meter shall connect to the twelve inch (12") water main across Harbor Blvd. Fire service shall also connect to the twelve inch (12") water main.
43. Fire service and water service are to maintain a minimum twelve inch (12") separation, outside of pipe to outside of pipe, from all non-potable water lines (sewer, storm drain etc.) and cross on top of said lines. Any exception from above will require approval from the State Water Resources Control Board, unless otherwise approved by the City.
44. Water meters shall be located within the City right-of-way. Fire services and large water services three inches (0'-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.
45. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross-connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
46. 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.
47. A composite utility site plan shall be part of the water plan approval.
48. Fire service and any fire hydrant lateral 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 Services Division.

49. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
50. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority (OCFA).
51. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license. Plumbing plan for grease interceptor shall be routed to environmental services for review.
52. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
53. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
54. Owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be six inch (0'-6") minimum diameter, extra strength VCP with wedgelock joints. New sewer lateral may connect to existing eight inch (0'-8") sewer main closest to the project.
55. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete. Only one sewer connection per lot is allowed.
56. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum twelve inches (12") below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
57. If water main is exposed during installation of sewer lateral, a twenty foot (20'-0") section of the water main shall be replaced with twenty foot (20'-0")

PVC C-900 DR-14 Class 305 water pipe, size in kind and centered at the crossing.

**Planning Services Division**

58. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 8:00 a.m., seven (7) days a week.
59. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
60. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
61. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
62. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
63. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
64. Exterior advertisements displays or exterior wall advertisements shall not be allowed.
65. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit. Any new monument sign shall comply with the Harbor Boulevard Sign Overlay Program Guide.

66. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Chapter 8.47 as adopted, except that:
  - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
  - b. Sunday and Federal Holidays may work same hours, but subject to noise restrictions as stipulated in Chapter 8.47 of the Municipal Code.
67. 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 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 use of low-sodium parking lot lights, and to ensure compliance with Title 24.
68. No exterior piping, plumbing, roof top access ladders, or mechanical ductwork shall be permitted on any exterior facade and/or be visible from any public right-of-way or adjoining property.
69. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant and all agents thereof.
70. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Services Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
71. Building color and material samples shall be submitted to the Planning Services Division for review and approval prior to issuance of building permits.
72. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting.
73. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:

- a. There shall be no business activities, or storage permitted outside of the building. All business related equipment and material shall be kept inside the building except for loading or unloading purposes.
  - b. Property owners, employees, and business operators shall not store vehicles anywhere on the site.
  - c. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
  - d. The property owner shall comply with the adopted City Noise Ordinance.
74. All landscaping shall be consistent with the landscape requirements of the Landscape Water Efficiency Guidelines (Appendix A), per Title 9 of the Municipal Code, and also the landscaping theme for Harbor Boulevard/International West Resort Area. The applicant shall submit a separate and complete Water Efficient Landscape Plan for each property. The water efficient landscape submittals shall include landscape plans, irrigation plans, soils report, grading plans, and all other applicable documentation. The landscape plans shall include type, size, location, and quantity of all plant material. The landscape plans are also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plans. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. The plans shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, drought tolerant vines shall be used.
  - c. Landscaping along Harbor Boulevard, including within the public-of-way, shall include two rows of Date Palm Trees (minimum brown trunk height of twenty-five feet (25'-0")), Chinese Flame Trees (minimum 24-inch box), shrubs, and ground covers. Landscape materials shall match the landscape materials used within the project located at the southwest corner of Harbor Boulevard and Chapman Avenue unless the City adopts a landscape design for Harbor Boulevard. The Community and Economic Development Director may approve minor modifications to the foregoing standards as to height, size, and placement of the palm trees along Harbor Boulevard.

- d. The landscape lighting and associated equipment, along Harbor Boulevard, including within the public-of-way, shall match the designs used within the project located at the southwest corner of Harbor Boulevard and Chapman Avenue. The applicant shall be responsible for installing and maintaining all landscape lighting.
  - e. Landscape treatments and irrigation shall be installed within the front, side, and rear setback areas of the property. The landscaping shall incorporate a mixture of ground cover, flowerbeds, shrubs, and trees. The Community and Economic Development Department shall review the type and location of all proposed trees.
  - f. The applicant shall be responsible for all installation and permanent maintenance of all landscaping on the property. Said responsibility shall extend to the parkway landscaping, sidewalk, curb, and pavement of the site. All planting areas are to be kept free of weeds, debris, and graffiti.
  - g. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plans in order to ensure proper screening.
  - h. The landscape plans shall incorporate and maintain, for the life of the project, means and methods to address water run-off, also identified as Low Impact Development (LID) provisions which address water run-off. This is to also to be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP), and any other water conservation measures applicable to this type of development.
75. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA.
76. A copy of the resolution, including the conditions approving Site Plan No. SP-099-2021, shall be kept on the premises at all times.
77. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-099-2021, and his/her agreement with all conditions of approval.
78. 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 Planned Unit Development No. PUD-128-12(A) and/or Site Plan No. SP-099-2021. 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.

79. In accordance with Garden Grove Municipal Code Sections 9.32.160, the rights granted pursuant to Site Plan No. SP-099-2021 shall be valid for a period of one (1) year from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-099-2021 shall become null and void if the subject development and 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 Site Plan No. SP-099-2021 shall expire if the building permits for the project expire.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A) AND SITE PLAN NO. SP-099-2021 FOR PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND TWINTREE LANE, AT 12202 HARBOR BOULEVARD.

Applicant: RAISING CANE’S RESTAURANTS, LLC

Date: May 6, 2021

Request: To amend Planned Unit Development No. PUD-128-12 to create a new sub-area, PUD-128-12(A), to facilitate the development of a new 3,267 square foot pad restaurant. Also, Site Plan approval to construct a 3,267 square foot drive-thru Raising Cane’s Restaurant, along with associated improvements on a vacant property. The site is in the PUD-128-12 Planned Unit Development Zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061 - Common Sense and 15303 – New Construction or Conversion of Small Structures.

Action: Resolution Nos. 6022-21 (PUD) and 6023-21 (SP) were approved.

Motion: Soeffner Second: Arestegui

Ayes: (6) Arestegui, Lehman, Lindsay, Perez, Ramirez, Soeffner

Noes: (0) None

Absent: (1) Cunningham