

RESOLUTION NO. 6083-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING TENTATIVE PARCEL MAP NO. PM-2020-174 (REINSTATEMENT-2024) FOR A PROPERTY LOCATED ON THE SOUTH SIDE OF CHAPMAN AVENUE, WEST OF BROOKHURST STREET, AT 9852 CHAPMAN AVENUE, ASSESSOR'S PARCEL NO. 133-111-20.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on February 15, 2024, hereby approves Tentative Parcel Map No. PM-2020-174 (Reinstatement-2024) to subdivide a 7.03-acre (306,411 square feet) property into two (2) parcels to create a new 0.45-acre (19,459 square feet) parcel for a drive-thru restaurant pad building at the Pavilion Plaza west shopping center for the property located on the south side of Chapman Avenue, west of Brookhurst Street, at 9852 Chapman Avenue, Assessor's Parcel No. 133-111-20. Tentative Parcel Map No. PM-2020-174 was originally approved in conjunction with Site Plan No. SP-096-2021, Conditional Use Permit No. CUP-200-2021, and Variance No. V-032-2021, which facilitated the construction of the Pavilion Plaza West shopping center.

BE IT FURTHER RESOLVED in the matter of Tentative Parcel Map No. PM-2020-174 (Reinstatement-2024) the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by SVAP II Chapman, LLC.
2. The applicant is requesting to reinstate the approval of Tentative Parcel Map No. PM-2020-174 to subdivide a 7.03-acre (306,411 square feet) property into two (2) parcels to create a new 0.45-acre (19,459 square feet) parcel for a drive-thru restaurant pad building at the Pavilion Plaza West shopping center. Tentative Parcel Map No. PM-2020-174 was originally approved in conjunction with Site Plan No. SP-096-2021, Conditional Use Permit No. CUP-200-2021, and Variance No. V-032-2021, which facilitated the construction of the Pavilion Plaza West shopping center. No changes to the previously approved Project are proposed.
3. On February 18, 2021, the Planning Commission adopted Resolution No. 6018-21 adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et seq. The Planning Commission hereby determines that the potential environmental impacts of the Project were analyzed in the Mitigated Negative Declaration for the Project adopted by the Planning Commission on February 18, 2021 and that no further environmental review pursuant to

CEQA is required pursuant to Section 21166 of the Public Resources Code and Section 15162 of the CEQA Guidelines.

4. The property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2, and is zoned NMU (Neighborhood Mixed Use). The subject property is currently improved with an approximately 65,980 square foot shopping center, Pavilion Plaza West, in the form of a 3,500 square foot drive-thru restaurant pad building, an 11,200 square foot commercial multi-tenant pad building, and a 51,280 square foot multi-tenant commercial building.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on February 15, 2024, and all interested persons were given an opportunity to be heard.
8. Planning Commission gave due and careful consideration to the matter during its meeting on February 15, 2024.

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

FACTS:

The subject property is located on the west side of Brookhurst Street, south of Chapman Avenue, with frontage along Chapman Avenue. The site, approximately 7.03 acres (306,411 square feet), was previously developed with a 76,000 square foot, vacant grocery store building, formerly known as Vons Pavilion, which ceased operation in 2005. The subject site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and is zoned NMU (Neighborhood Mixed Use). The property abuts NMU zoned properties. The Pavilion Plaza shopping center and Southland Integrated Services medical building are located to the east of the subject site, the Sydney Plaza shopping center to the west, the Promenade shopping center to the north across Chapman Avenue, and a portion of the OCTA Pacific Electric Right-of-Way (ROW) to the south.

On February 18, 2021, the Planning Commission approved Site Plan No. SP-096-2021, to construct an approximately 65,980 square foot shopping center, Pavilion Plaza West, in the form of a 3,500 square foot drive-thru restaurant pad building, an 11,200 square foot commercial multi-tenant pad building, and a

51,280 square foot multi-tenant commercial building. The applicant also obtained approval of Conditional Use Permit No. CUP-200-2021 to operate and construct the drive-thru restaurant pad building, Variance No. V-032-2021 to deviate from the Title 9 Municipal Code Section 9.18.090.070.B (Neighborhood Mixed Use Zone Development Standards) requirement that the gross building footprint of a structure at ground level not exceed 40,000 square feet of contiguous floor area, and Tentative Parcel Map No. PM-2020-174 to subdivide the 7.03-acre (306,411 square feet) property into two (2) parcels to create a new 0.45-acre (19,459 square feet) parcel for the drive-thru restaurant pad building. The project included site improvements, such as new parking and drive aisles, landscaping, and trash enclosures to comply with the requirements of Title 9 of the Municipal Code.

As a part of the approval in 2021, the project was reviewed and an Initial Study report and Mitigated Negative Declaration (IS/MND) was prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). A Mitigation Monitoring and Reporting Program (MMRP) was prepared for the project.

Construction of the Pavilion Plaza West shopping center began in 2021, prior to the end of the two (2) year expiration date for the land use entitlements, as established by the Conditions of Approval. To date, all commercial buildings and site improvements have been constructed, and the majority of the tenant spaces are now occupied. Thus, the Site Plan, Conditional Use Permit, and Variance approvals for the project have now been exercised. However, since approval of the land use entitlements for the project, the applicant has continued to work with the County of Orange and the Garden Grove Engineering Division to finalize Tentative Parcel Map No. PM-2020-174. Due to the COVID-19 global pandemic, there have been delays in the process; however the final parcel map is near completion. Therefore, the applicant is requesting to reinstate the tentative parcel map approval in order to finalize the parcel map for the drive-thru restaurant pad building, which is currently in operation by Habit Burger Grill, since it has been more than two (2) years since the tentative parcel map was originally approved.

As part of the approval to reinstate the tentative parcel map, all conditions of approval as originally approved in February 2021 by Resolution No. 6018-21 will continue to apply for the life of the project.

FINDINGS AND REASONS:

TENTATIVE PARCEL MAP

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

The property has a land use designation of Residential/ Commercial Mixed Use 2 and is zoned NMU. The General Plan adopted the Residential/Commercial Mixed Use 2 Land Use designation in 2008 to help revitalize these areas that surround the shopping centers near the intersection of Brookhurst Street and Chapman Avenue. The City of Garden Grove adopted mixed-use zoning, including the NMU zone, to implement the General Plan Land Use designation of Residential/Commercial Mixed Use 2. The project will further the City's General Plan Goal LU-1, which strives to establish a well-planned community with sufficient land uses and intensities to meet the needs of anticipated growth and achieve the community's vision. Policy LU-1.4 encourages a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations. Policy LU-1.5 also encourages active and inviting pedestrian-friendly street environments that include a variety of uses within commercial and mixed-use areas. Finally, Policy LU-1.8 encourages the design of new commercial developments as integrated centers, rather than as small individual strip developments. In accordance with the State Subdivision Map Act, the applicant is requesting to subdivide the existing property into two (2) lots for the existing drive-thru pad building to be situated on its own separate lot. The Tentative Parcel Map is in conformance with the City's General Plan, the zoning requirements, the City's Subdivision Ordinance, and the State's Subdivision Map Act for this site. Subdividing the subject lot into two parcels, complies with Title 9, Zoning Code NMU development standards for the minimum lot area requirement of 15,000 square feet and minimum lot width requirement of 75'-0". In addition, the Residential/Commercial Mixed Use 2 Land Use designation allows a Floor Area Ratio (FAR) of 0.50 for non-residential uses. As a result of the subdivision, the parcels will comply with the FAR threshold. Therefore, the proposed map is consistent with the City's adopted General Plan.

2. The design and improvement of the proposed subdivision are consistent with the General Plan.

The property has a land use designation of Residential/ Commercial Mixed Use 2 and is zoned NMU. In accordance with the State Subdivision Map Act, the applicant is requesting to subdivide the existing property into two (2) lots for the existing drive-thru pad building to be situated on its own separate lot. The Tentative Parcel Map is in conformance with the City's General Plan, the zoning requirements, the City's Subdivision Ordinance, and the State's Subdivision Map Act for this site. Subdividing the subject lot into two parcels, complies with Title 9, Zoning Code NMU development standards for the minimum lot area requirement of 15,000 square feet and minimum lot width requirement of 75'-0". In addition, the Residential/Commercial Mixed Use 2 allows a Floor Area Ratio (FAR) of 0.50 for non-residential uses. As a result of

the subdivision, the parcels will comply with the FAR threshold. In addition, the project meets all other Municipal Code requirements, including parking, setbacks and landscaping. Therefore, the proposed map is consistent with the City's adopted General Plan.

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

Approval of the Tentative Parcel Map to subdivide the existing property into two (2) lots for the purpose of constructing the drive-thru restaurant pad building on its own separate lot is suitable for shopping centers. The NMU zone requires a minimum lot size of 15,000 square feet and has a minimum lot width requirement of 75'-0". Parcel 1, approximately 6.59 acres (286,952 square feet), is developed with a 51,280 square foot in-line commercial multi-tenant building toward the rear of the site and an 11,200 square foot commercial multi-tenant pad building fronting Chapman Avenue. Parcel 2, approximately 0.45 acres (19,459 square feet), is developed with a 3,500 square foot drive-thru pad building. After the subdivision, each parcel will meet the minimum lot size and lot width required by the NMU zone. Therefore, the site is physically suitable for the proposed type of development.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Per the Initial Study report and Mitigated Negative Declaration (IS/MND) previously prepared pursuant to the California Environmental Quality Act (CEQA), the improvements are not anticipated to impact any existing fish or wildlife habitat. Moreover, the subject site is located in a developed urban area.

5. The requirements of the California Environmental Quality Act have been satisfied.

In 2021, the project was reviewed and an Initial Study report and Mitigated Negative Declaration (IS/MND) was previously prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). Based on the Initial Study and supporting technical analyses, it was determined that all potentially adverse environmental impacts can be mitigated to a level of less than significant. On this basis, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) have been prepared.

6. The site is physically suitable for the proposed density of the development.

The subject site has a Land Use designation of Residential/Commercial Mixed Use 2 and is zoned NMU. Both the Land Use designation and zone allow a maximum Floor Area Ratio (FAR) of 0.50 for non-residential uses. The project is an integrated shopping center with a total building floor area of 65,980 square feet, and a total lot size of 306,411 square feet, resulting in an FAR for this project of 0.2, which complies with the requirements of the Municipal Code. As a result of the subdivision, the parcels will comply with the FAR threshold. Therefore, the site is physically suitable for the proposed density of the development.

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

In 2021, the City's Public Works Department, Community Development Department, Police Department, and Orange County Fire Authority, reviewed the development, and have previously applied conditions of approval to minimize against any potential impacts. The conditions of approval for on- and off-site improvements will safeguard the public health. As long as the conditions of approval are adhered to for the life of the project, the design of the subdivision, and the improvements, are not likely to cause serious public health problems.

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

The design of the subdivision and the improvements will not conflict with easements of record, or easements established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision. The project has been designed to avoid development over existing easements.

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

The subject site is zoned NMU, which allows for commercial shopping centers. The property currently consists of one (1) parcel. As a result of the subdivision, Parcel 1, approximately 6.59 acres (286,952 square feet), is

developed with a 51,280 square foot in-line commercial multi-tenant building toward the rear of the site and an 11,200 square foot commercial multi-tenant pad building fronting Chapman Avenue, and Parcel 2, approximately 0.45 acres (19,459 square feet), is developed with a 3,500 square foot drive-thru pad building. After the subdivision, each parcel will meet the minimum lot size of 15,000 square feet, and lot width of 75'-0", as required by the NMU zone. Additionally, the development was designed to comply with the development standards of the NMU zone, and complies with the required parking, setbacks, and landscaping. Therefore, the design and improvement of the proposed subdivision are suitable for the existing uses, and the subdivision can be developed in compliance with the applicable zoning regulations.

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

To the extent feasible, the project has been designed in accordance with Government Code Section 66473.1, such as to allow for passive or natural heating opportunities in the subdivision design, to encourage the orientation of structures to take advantage of shade and prevailing breezes, to allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

11. The design, density and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of public service needs of City residents and available fiscal and environmental resources.

The development consists of a shopping center on property that has historically been commercially used. The property has a Residential/Commercial Mixed Use 2 Land Use designation and is zoned NMU. Thus, approval of the proposed Tentative Parcel Map will not affect the housing needs of the region, public service needs, or available fiscal and environmental resources.

12. That the character of the subdivision is compatible with the design of existing structures and that the lot sizes of the subdivision are substantially the same as the lot sizes within the general area.

As approved in 2021, the request included the demolition of a 76,000 square foot, vacant grocery store building to construct an approximately 65,980 square foot shopping center. Approval of the Tentative Parcel Map is to subdivide the existing property into two (2) lots for the drive-thru restaurant

pad building to be located on its own separate lot. Parcel 1, approximately 6.59 acres (286,952 square feet), will be developed with the existing 51,280 square foot in-line commercial multi-tenant building and the existing 11,200 square foot commercial multi-tenant pad building while Parcel 2, approximately 0.45 acres (19,459 square feet), will be developed with existing 3,500 square foot drive-thru pad building. The buildings, along with the associated site improvements, were designed to comply with the zoning code requirements, and are architecturally compatible with the surrounding area. Moreover, the proposed parcels are substantially similar in size to those within the general area.

13. The subject property is not located within a state responsibility area or a very high fire hazard severity zone, the proposed is served by local fire suppression services, and the proposed subdivision meets applicable design, location, and ingress-egress requirements.

The development has been reviewed by the Orange County Fire Authority and meets all applicable design, location, and ingress-egress requirements. The subject property is not located within a state responsibility area or a very high fire hazard severity zone.

14. The discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. The conditions of approval for on- and off-site improvements will ensure permitted capacity of the public sewer system is not exceeded.

The development was previously reviewed by the City's Public Works, Water Services Division, to ensure compliance with applicable requirements by the California Regional Water Quality Control Board. Conditions of Approval were previously included to ensure that the sewer system meets all requirements and that all on- and off-site improvements ensure the permitted capacity of the public sewer system is not exceeded.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Tentative Parcel Map possesses characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 and 9.40.060 and the Subdivision Map Act.

- 2. The overall development and subsequent occupancy and operation of the site shall be subject to those environmental mitigation measures identified in the Mitigated Negative Declaration, which are summarized in the Mitigation Monitoring and Reporting Program, Exhibit "A", attached to Resolution No. 6018-21.
- 3. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the Conditions of Approval, Exhibit "B", attached to Resolution No. 6018-21, shall continue to apply to Tentative Parcel Map No. PM-2020-174 (Reinstatement-2024).

Adopted this 15th day of February 2024

ATTEST: /s/ JOSH LINDSAY
CHAIR

/s/ ROSEMARIE JACOT
RECORDING SECRETARY

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

I, ROSEMARIE JACOT, 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 February 15, 2024, by the following vote:

AYES: COMMISSIONERS: (6) ARBGAST, CUEVA, LARICCHIA, LINDSAY, PAREDES, RAMIREZ

NOES: COMMISSIONERS: (0) NONE

ABSENT: COMMISSIONERS: (1) CUNNINGHAM

/s/ ROSEMARIE JACOT
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 March 7, 2024.