



**GARDEN GROVE**

AGENDA

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ZONING ADMINISTRATOR SPECIAL MEETING

Garden Grove Community Meeting Center  
11300 Stanford Avenue

Thursday, December 10, 2020  
Council Chamber

9:00 a.m.

**In an effort to protect public health and prevent the spread of the Coronavirus (COVID-19), the Planning Commission members will be teleconferencing and the meeting recorded. Members of the public who wish to comment on matters before the Zoning Administrator, in lieu of doing so in person, may submit comments by emailing [planning@ggcity.org](mailto:planning@ggcity.org) no later than 3:00 p.m. the day prior to the meeting. The comments will be provided to the Zoning Administrator as part of the meeting record and will be uploaded to the City's website. Members of the public are asked to consider very carefully before attending this meeting in person and are required to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have traveled and/or have had direct contact with someone who has travelled to places experiencing high rates of infection or tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.**

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

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

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

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

1. PUBLIC HEARING ITEM(S):
  - a. CONDITIONAL USE PERMIT NO. CUP-195-2020

APPLICANT: JD Fuel, Inc.  
LOCATION: 13152 Garden Grove Boulevard

REQUEST: To operate an existing 513 square foot service station convenience store, Anthem Oil, with a new original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer & Wine) License. The site is in the C-2 (Community Commercial) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 - Existing Facilities - of the State CEQA Guidelines.

b. LOT LINE ADJUSTMENT NO. LLA-026-2020

APPLICANT: An Ha  
LOCATION: 10182 Imperial Avenue

REQUEST: To remove an existing lot line for the purpose of consolidating two (2) lots into one lot on a property located at 10182 Imperial Avenue to accommodate the construction of a duplex previously approved under Site Plan No. SP-075-2019 and Variance No. V-025-2019. The site is in the R-2 (Limited Multiple Residential) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 - Minor Alteration of Land Use Limitations - of the State CEQA Guidelines.

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.a.	<b>SITE LOCATION:</b> Southwest corner of Garden Grove Boulevard and Fairview Street at 13152 Garden Grove Boulevard
<b>HEARING DATE:</b> December 10, 2020	<b>GENERAL PLAN:</b> Light Commercial
<b>CASE NO.:</b> Conditional Use Permit No. CUP-195-2020	<b>ZONE:</b> C-2 (Community Commercial)
<b>APPLICANT:</b> JD Fuel Inc. (Chandresh Ravaliya)	<b>CEQA DETERMINATION:</b> Exempt – Section 15301 - Existing Facilities
<b>PROPERTY OWNER:</b> AK Limited Partnership (Lakshman Koka)	<b>APN:</b> 101-020-53

**REQUEST:**

The applicant is requesting approval of a Conditional Use Permit to allow an existing service station and convenience store, Anthem-Oil, to operate with an original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License.

**BACKGROUND:**

The subject site is developed with a service station, convenience store, and fueling canopy located on the southwest corner of Garden Grove Boulevard and Fairview Street. The site has a General Plan Land Use designation of Light Commercial, and is zoned C-2 (Community Commercial). The subject site abuts additional C-2 zoned properties to the west, south, and the east across Fairview Street. To the north, across Garden Grove Boulevard, the site is adjacent to State Highway 22.

The City of Garden Grove previously approved the construction of the service station, convenience store, and fueling canopy in 1961. In 1970, the City approved Lot Split No. LS-115-70, separating the service station property from the adjoining properties to the west. The service station has had multiple operators since its opening in 1962. The current business owner, who took over the business in March of 2020, is requesting to operate with an original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License. Title 9 of the Garden Grove Municipal Code Section 9.16.020.080 requires approval of a new Conditional Use Permit for the addition of a new ABC License to an existing service station.

**DISCUSSION:**

The convenience store building has a total floor area of 513 square feet. The store's floor plan consists of a cashier counter area, a retail area (including display shelves and racks), office area, and a unisex restroom that is accessed from the exterior of

the store. The convenience store, in addition to the sale of fuels, currently offers convenience items that include soft drinks, packaged snack foods, hot foods, and small every day essentials.

Other than the addition of the ABC License, Anthem-Oil's operation will remain the same. The service station and convenience store will continue to operate twenty-four (24) hours a day, seven (7) days a week. The sale of alcohol will only be permitted between 6:00 a.m. and 2:00 a.m., per Alcoholic Beverage Control regulations. During the hours in which alcohol sales are not permitted, the coolers displaying alcoholic beverages will need to be locked. Due to the close proximity of the store to residential uses, the delivery hours will be limited from 7:00 a.m. to 10:00 p.m., seven (7) days a week, which is consistent with the City's Noise Control Ordinance.

The service station and convenience store is located in a low-crime district, and in an area with an under-concentration of Alcoholic Beverage Control off-sale licenses. A summary of the district, can be found in Decision No. 1795-20 for Conditional Use Permit No. CUP-195-2020.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. The City's Code Enforcement team does have a code enforcement case open on the property. The applicant has been working diligently to rectify the property maintenance issues therein. For this reason, and the fact that the addition of an ABC license will likely have no effect on the applicant being able to close the case, the Code Enforcement team is in support of the proposal. All standard conditions of approval for a Type "20" ABC License will apply.

#### CEQA

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301.). The subject request for the ABC License does not expand the use of the service station and convenience store. The service station and convenience store is already permitted, and the addition of the ABC license does not involve the intensification or expansion of said use. Therefore, the proposed project is exempt from CEQA.

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

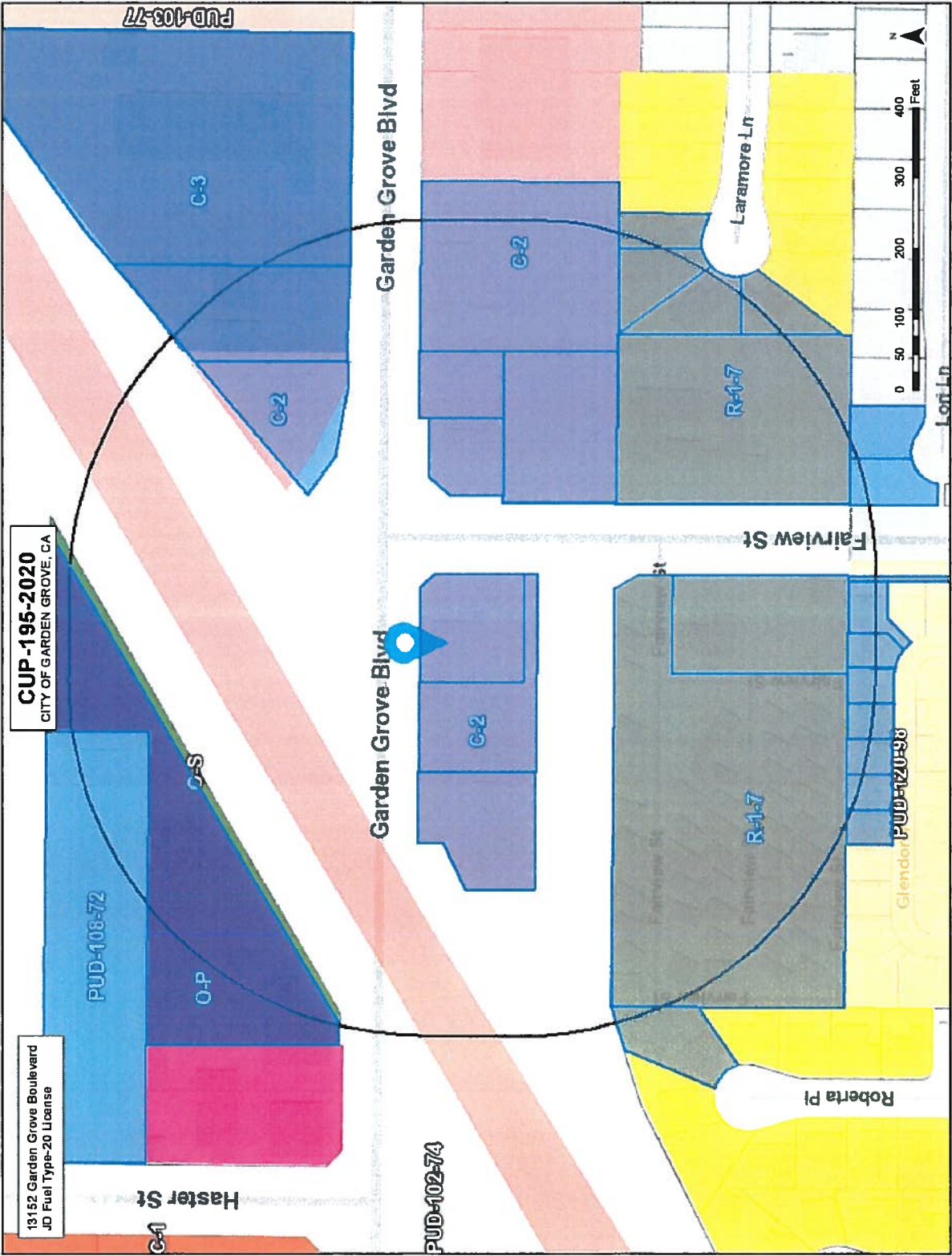
1. Adopt the proposed decision approving Conditional Use Permit No. CUP-195-2020, subject to the recommended conditions of approval.

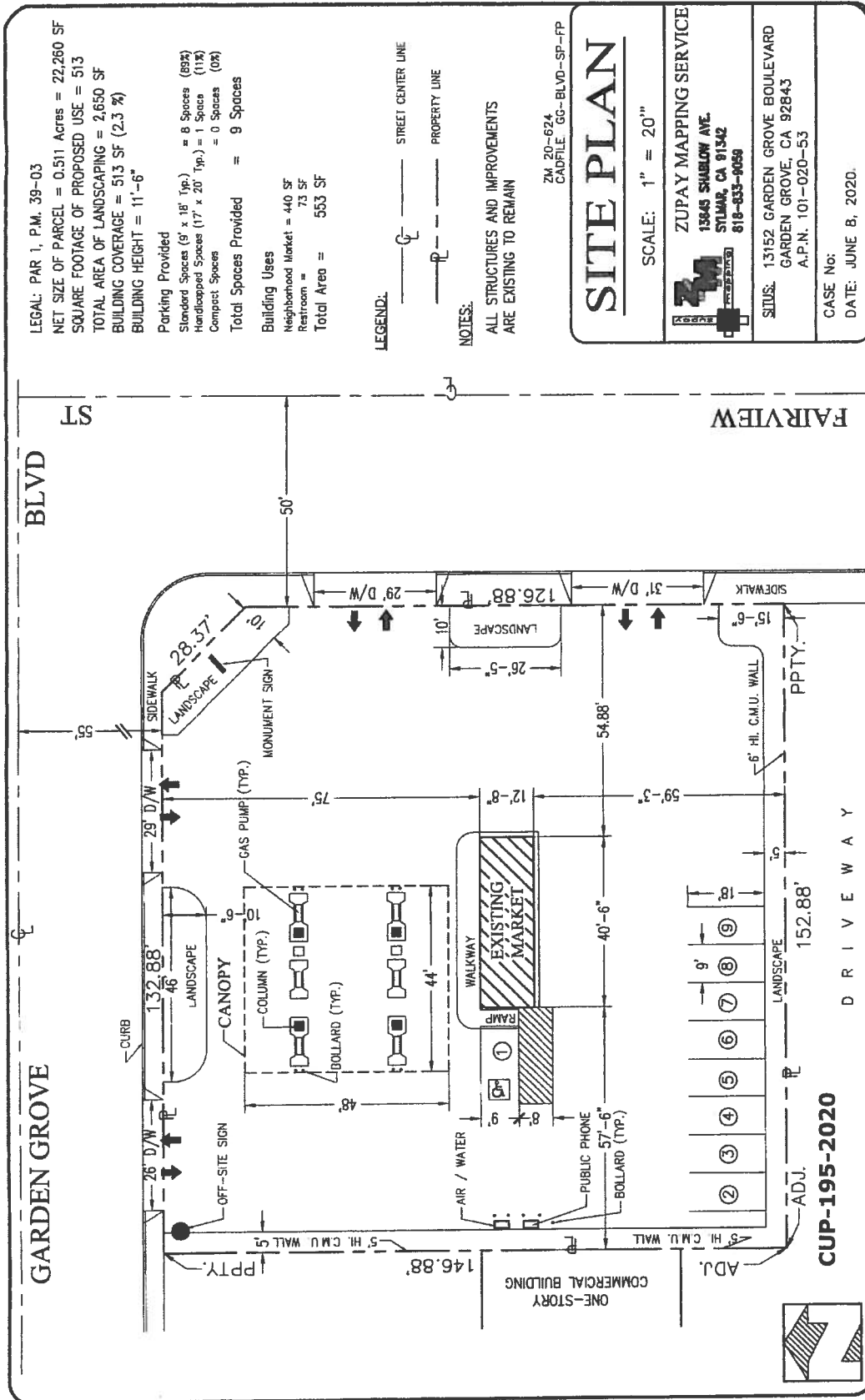


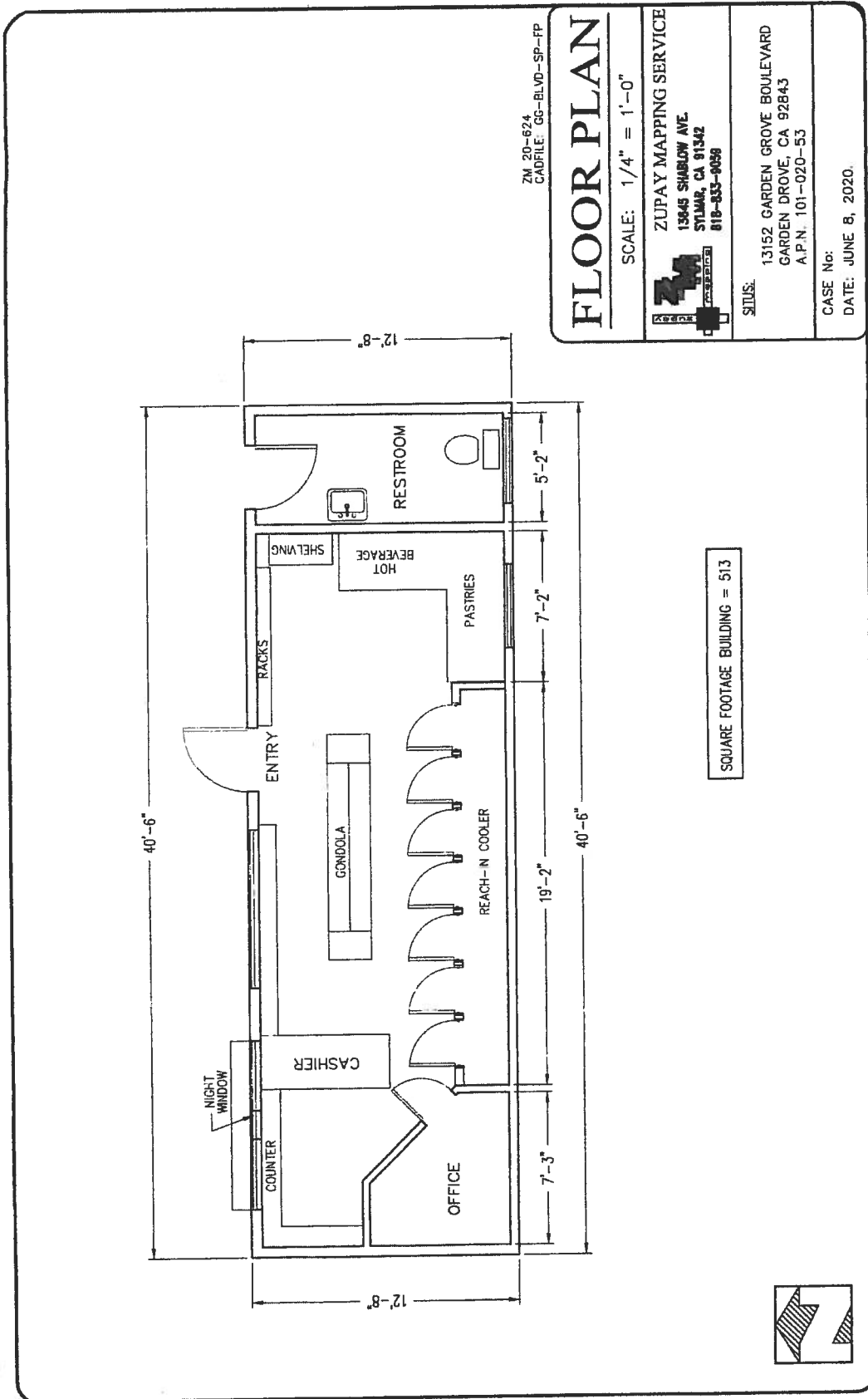
LEE MARINO  
Planning Services Manager



By: Preet Kaskla  
Assistant Planner







ZM 20-624  
CADFILE: GG-BLVD-SP-FP

# FLOOR PLAN

SCALE: 1/4" = 1'-0"

**ZUPAY MAPPING SERVICE**  
13345 SHIBLOW AVE.  
STYLING, CA 91542  
818-833-9059

**SITUS:**  
13152 GARDEN GROVE BOULEVARD  
GARDEN GROVE, CA 92843  
A.P.N. 101-020-53

CASE No:  
DATE: JUNE 8, 2020.

SQUARE FOOTAGE BUILDING = 513





DECISION NO. 1795-20

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-195-2020.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-195-2020, for a property located on the southwest corner of Garden Grove Boulevard and Fairview Street, at 13152 Garden Grove Boulevard, Assessor's Parcel No. 101-020-53.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-195-2020, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Chandresh Ravaliya (JD Fuel Inc.).
2. The applicant is requesting approval of a Conditional Use Permit to allow an existing service station with convenience store, Anthem-Oil, to operate with an original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-2 (Community Commercial). The subject property is currently an approximately 0.51-acre lot, improved with a service station with a convenience store and fueling canopy.
5. Existing land use, zoning, and General Plan designation of property within 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 December 10, 2020, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of December 10, 2020 and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Zoning Administrator, as required under Municipal Code Section 9.32.030 (Conditional Use Permits), are as follows:

FATS:

The subject site is developed with a service station, convenience store, and fueling canopy located on the southwest corner of Garden Grove Boulevard and Fairview Street. The site has a General Plan Land Use designation of Light Commercial, and is zoned C-2 (Community Commercial). The subject site abuts additional C-2 zoned properties to the west, south, and the east across Fairview Street. To the north, across Garden Grove Boulevard, the site is adjacent to State Highway 22.

The City of Garden Grove previously approved the construction of the service station, convenience store, and fueling canopy in 1961. In 1970, the City approved Lot Split No. LS-115-70, separating the service station property from the adjoining properties to the west. The service station has had multiple operators since its opening in 1962. The current business owner, who took over the business in March of 2020, is requesting to operate with an original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License. Title 9 of the Garden Grove Municipal Code Section 9.16.020.080 requires approval of a new Conditional Use Permit for the addition of a new ABC License to an existing service station.

Other than the addition of the ABC License, Anthem-Oil's operation will remain the same. The service station and convenience store will continue to operate twenty-four (24) hours a day, seven (7) days a week. The sale of alcohol will only be permitted between 6:00 a.m. and 2:00 a.m., per Alcoholic Beverage Control regulations. During the hours in which alcohol sales are not permitted, the coolers displaying alcoholic beverages will need to be locked.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for an ABC Type "20" License will apply.

The service station with convenience store is located in a low-crime district, and in an area with an under-concentration of Alcoholic Beverage Control Off-Sale Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 155.
- The crime count for the District is 70.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 28% below the Citywide average; therefore, it is considered a low-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 891.06.
- ABC Census Reporting District No. 891.06 allows for two (2) off-sale licenses within the District. Currently, there is one (1) off-sale license in the District. The approval of this new State ABC off-sale license will increase the number of licenses in the District to two (2).

A Finding of Public Convenience or Necessity is not required because the subject property is located in a low-crime district, and in an area with an under-concentration of Alcoholic Beverage Control Off-Sale Licenses

FINDINGS AND REASONS:

1. That the proposed use will be consistent with the City's adopted General Plan and redevelopment plan.

The subject site has a General Plan Land Use Designation of Light Commercial, and is zoned C-2 (Community Commercial). The Light Commercial (LC) designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. Service stations with convenience stores selling alcoholic beverages are conditionally permitted in the C-2 zone. This approval will allow the store to operate with an ABC Type "20" (Off-Sale, Beer and Wine) License. Furthermore, the location of the property on the intersection of Garden Grove Boulevard and Fairview Street serves both local residential neighborhoods and the larger community. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval will minimize potential impacts to the adjoining area. Alcohol sales will be limited to between 6:00 a.m. and 2:00 a.m., seven (7) days a week, per Alcoholic Beverage Control regulations. Limitations on the hours of alcohol sale further limits any impacts on the surrounding area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as a service station with convenience store, with ancillary beer and wine sales for off-site consumption only, the use will be compatible with the surrounding uses. There are no proposed changes to the operation of the store, other than the addition of the license. The hours of operation will remain the same.

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. No modifications are required to any of the existing site development features on site. This includes any buildings, yards, walls, fences, parking and loading facilities, or landscaping. The site has been operating as a service station with convenience store since 1961. No other use has occupied the site since the incorporation of the City. There have not been any significant alterations to the site design since its original approval. The existing site improvements and modifications, have been, and continue to be of adequate size to accommodate the proposed use within the surrounding area.

4. That the proposed site is adequately served: by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

The site is located at the southwest corner of Garden Grove Boulevard and Fairview Street, which are fully developed streets that provide adequate traffic circulation and driveway access to parking areas. The site is adequately served by two (2) driveways along Garden Grove Boulevard, and two (2) driveways located along Fairview Street. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, no changes are proposed for the design and function of the service station, convenience store, or fueling canopy. Therefore, the site will continue to be adequately served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-195-2020.

Dated: December 10, 2020

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DAVID DENT  
ZONING ADMINISTRATOR

**EXHIBIT "A"**  
**Conditional Use Permit No. CUP-195-2020**

13152 Garden Grove Boulevard

**CONDITIONS OF APPROVAL**

**General Conditions**

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, JD Fuel Inc. (Chandresh Ravaliya), the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of a 553 square foot service station with convenience store with an Alcoholic Beverage Control Type "20" (Off-Sale, Beer and Wine) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit 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. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor 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

approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are 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.

6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

### **Police Department**

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted twenty-four (24) hours a day. The sale of alcohol in the convenience store shall only be permitted between 6:00 a.m. and 2:00 a.m., per Alcoholic Beverage Control regulations. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
9. There shall be no customers or patrons in or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption on the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere on the site or within the premises.
12. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
13. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License, shall show proof to the Police Department that all members of the business staff have completed the LEAD

training (Licensee Education on Alcohol and Drugs) through the Alcoholic Beverage Control Department or an ABC approved "Responsible Beverage Service (RBS) Training" program.

14. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Planning Commission for review or further consideration.
15. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

**Community and Economic Development Department**

16. This approval shall allow the convenience store to operate with ancillary alcoholic beverage sales.
17. The sales area for alcoholic beverages shall not exceed 5% of the retail sales floor area of the store.
18. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
19. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
20. There shall be no amusement devices permitted on the premises at any time.
21. Any adult merchandise (books, magazines, videos) shall be kept under the control of the management, behind the cashier's counter, and must be segregated and screened from minors.
22. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
23. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week.



24. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
25. 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.
26. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
27. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
28. 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.
29. 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.
30. 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 Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
31. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.

## Conditional Use Permit No. CUP-195-2020

## Conditions of Approval

32. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
33. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
34. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
35. 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.
36. 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.
37. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-195-2020 shall be kept on the premises at all times.
38. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-195-2020 and his/her agreement with all conditions of the approval.
39. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
40. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
41. 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 Conditional Use Permit No. CUP-195-2020. 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.

42. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-195-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
43. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
44. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO:</b> <p style="text-align: center;"><b>1.b.</b></p>	<b>SITE LOCATION:</b> South side of Imperial Avenue, between Hope Street and Deanann Place, at 10182 Imperial Avenue
<b>HEARING DATE:</b> December 10, 2020	<b>GENERAL PLAN:</b> Low Medium Density Residential
<b>CASE NO.:</b> Lot Line Adjustment No. LLA-026-2020	<b>ZONE:</b> Limited Multiple Residential (R-2)
<b>APPLICANT:</b> An Ha	<b>APN:</b> 099-036-02
<b>PROPERTY OWNER:</b> Edward Bui	<b>CEQA DETERMINATION:</b> Exempt, CEQA Guidelines §15305 (Minor Alterations in Land Use Limitations)

**REQUEST:**

The applicant requests Lot Line Adjustment approval to eliminate an existing lot line for the purpose of consolidating two (2) lots into one (1) single lot to accommodate the construction of a new detached, two-story duplex previously approved under Site Plan Review No. SP-075-2019 and Variance No. V-025-2019.

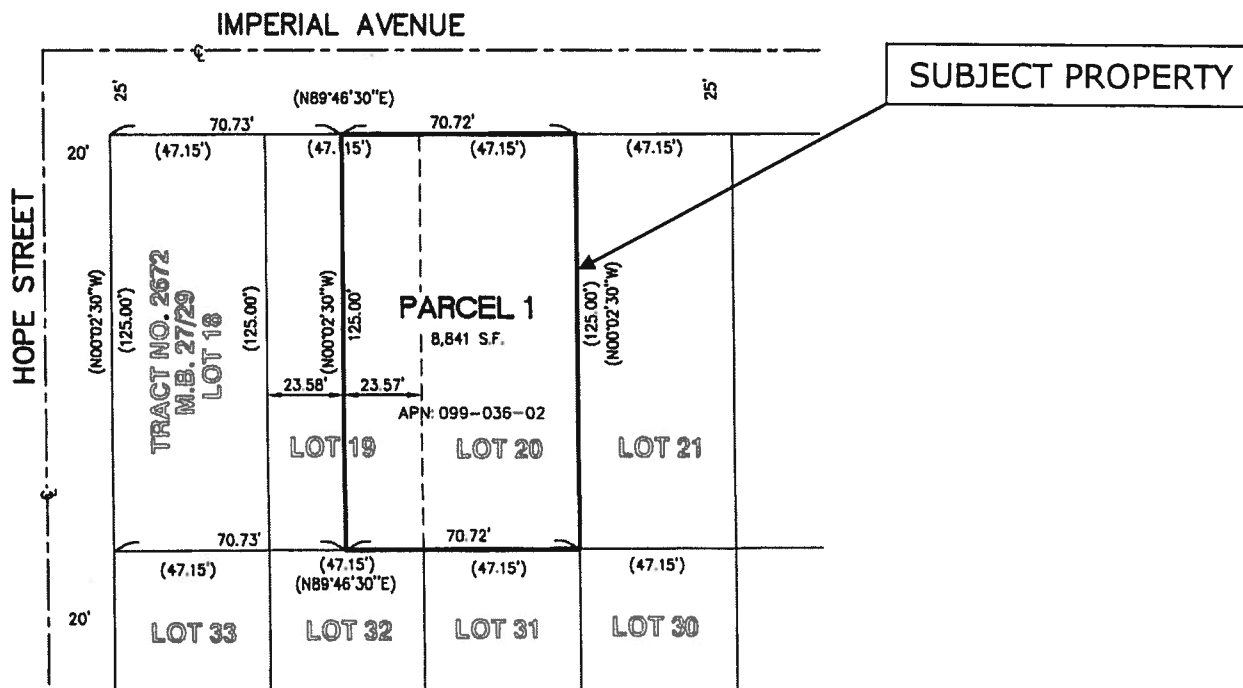
**BACKGROUND:**

The property is located on the south side of Imperial Avenue, between Hope Street and Deanann Place, and is within a neighborhood that is improved with single-family and multiple-family residences. The property is zoned R-2 (Limited Multiple Residential), and has a General Plan Land Use Designation of Low Medium Density Residential. The property abuts R-2 zoned properties to the east, to the west, to the south, and across Imperial Avenue to the north.

The total lot size of the subject property is approximately 8,841 square feet, and is improved with a single-family dwelling and a detached two-car garage that was constructed in 1939. On October 3, 2019, the Planning Commission approved Site Plan No. SP-075-2019 to allow the construction of a detached, two-story residential duplex, and Variance No. V-025-2019 to deviate from the minimum lot size requirement for duplexes in the R-2 zone due to a lot size reduction resulting from a street dedication along Imperial Avenue. After the property is developed, the lot size will be reduced from 8,841 square feet to 8,486.4 square feet.

However, when the project was submitted for Engineering's final review, staff determined that the property was actually comprised of two (2) separate lots: east half of Lot 19 and Lot 20 of Tract No. 2672 as shown in Figure 1. Both lots are assigned

under the same Assessor's Parcel Number: 099-036-02. Since the California Building Code does not allow buildings to be constructed over property lines, the applicant requests a Lot Line Adjustment approval to consolidate the lots to facilitate the development approved under Site Plan Review No. SP-075-2019 and Variance No. V-025-2019.



**Figure 1:** The survey map above shows the subject property labeled as PARCEL 1 consisting of east half of Lot 19 and Lot 20, and has the total lot size of 8,841 square feet before the street dedication.

**DISCUSSION:**

In order to facilitate the construction of the proposed duplex as approved under Site Plan Review No. SP-075-2019 and Variance No. V-025-2019, the applicant is required to receive approval of a Lot Line Adjustment in order to remove the existing lot line for the purpose of consolidating the two (2) existing lots into one (1) single lot.

Exhibit "A" provides a legal description identifying that the subject property, labeled as "PARCEL 1", will consist of the east half of Lot 19 and the entire Lot 20. Exhibit "B" shows the dashed line between Lot 19 and Lot 20 will be removed for the purpose of consolidating two (2) lots into one (1) single lot. Exhibit "C" shows the current improvement on the property that will be demolished to accommodate the construction of the approved duplex. After the lot line adjustment, the total lot area will remain at 8,841 square feet. However, the applicant is required to provide a five-foot public right-of-way dedication along Imperial Avenue as part of the SP-075-2019 approval. Thus, the resulting lot size of the subject property after the property is fully developed will be 8,486.4 square feet.

Without approval of the Lot Line Adjustment, the proposed development cannot be constructed as the units will be built over an existing property line, which is not permitted by the California Building Code. In addition, approval of the Lot Line Adjustment No. LLA-026-2020 will neither create a new parcel, nor change the overall configuration of the subject site that will impact the approved development.

The approved development will continue to consist of two (2) detached, two-story dwelling units. Each unit will consist of four (4) bedrooms, three (3) bathrooms, and an attached two-car garage. Unit 1 will have a total living area of 2,067 square feet, while Unit 2 will have a living area of 2,195 square feet. Exhibit "D" is a copy of the plans, including site plan, floor plan, and elevations approved under SP-075-2019 and V-025-2019. The project will continue to be subject to the conditions of approval for the Site Plan No. SP-075-2019 and Variance No. V-025-2019.

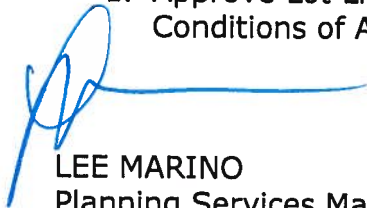
**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 5, Minor Alterations in Land Use Limitations (CEQA Guidelines §15305). The Class 5 exemption applies to minor lot line adjustments not resulting in the creation of any new parcel. The proposed Lot Line Adjustment No. LLA-026-2020 will eliminate an existing lot line for the purpose of consolidating two (2) lots, which are under the same Assessor's Parcel Number, into one (1) single lot to accommodate the construction of a development previously approved under Site Plan No. SP-075-2019 and Variance No. V-025-2019. The approval of this request will not result in the creation of a new parcel. Thus, it is exempt from CEQA.

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Approve Lot Line Adjustment No. LLA-026-2020, subject to the recommended Conditions of Approval.



LEE MARINO  
Planning Services Manager

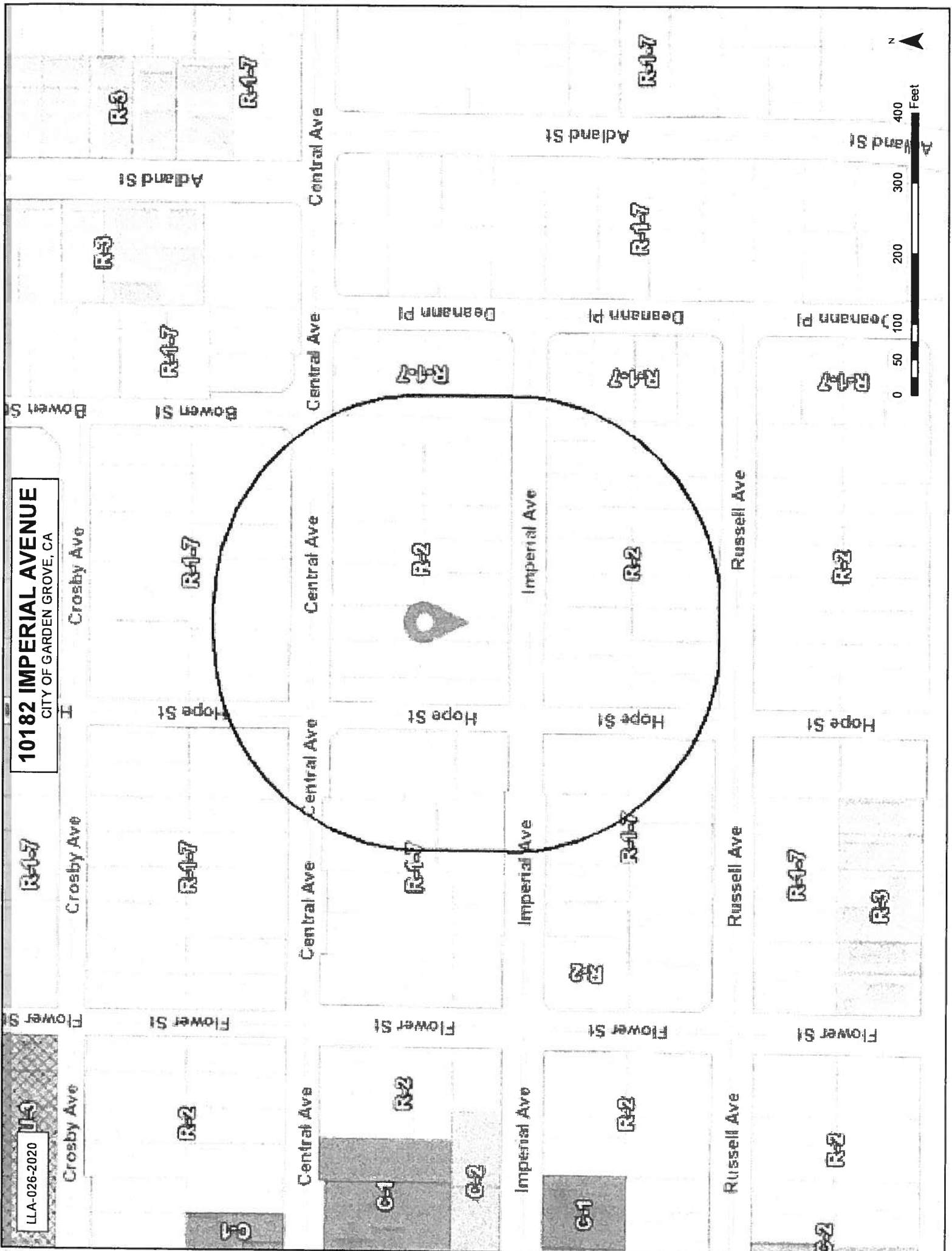


By: Huong Ly  
Assistant Planner

**10182 IMPERIAL AVENUE**

CITY OF GARDEN GROVE, CA

LLA-026-2020



**EXHIBIT A**  
 LOT LINE ADJUSTMENT NO. LLA-\_\_\_\_-\_\_\_\_  
 (LEGAL DESCRIPTION )

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
EDWARD HUAN BUI	099-036-02	PARCEL 1
EDWARD HUAN BUI	099-036-02	PARCEL 1

PARCEL 1


LOT 20 AND THE EAST ONE-HALF (E 1/2) OF LOT 19, TRACT NO. 552 VALENCIA GARDENS, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP THEREOF RECORDED IN BOOK 18, PAGE 48, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

ALL AS PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

CONTAINING 8,841 SQUARE FEET OF LAND, MORE OR LESS

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.



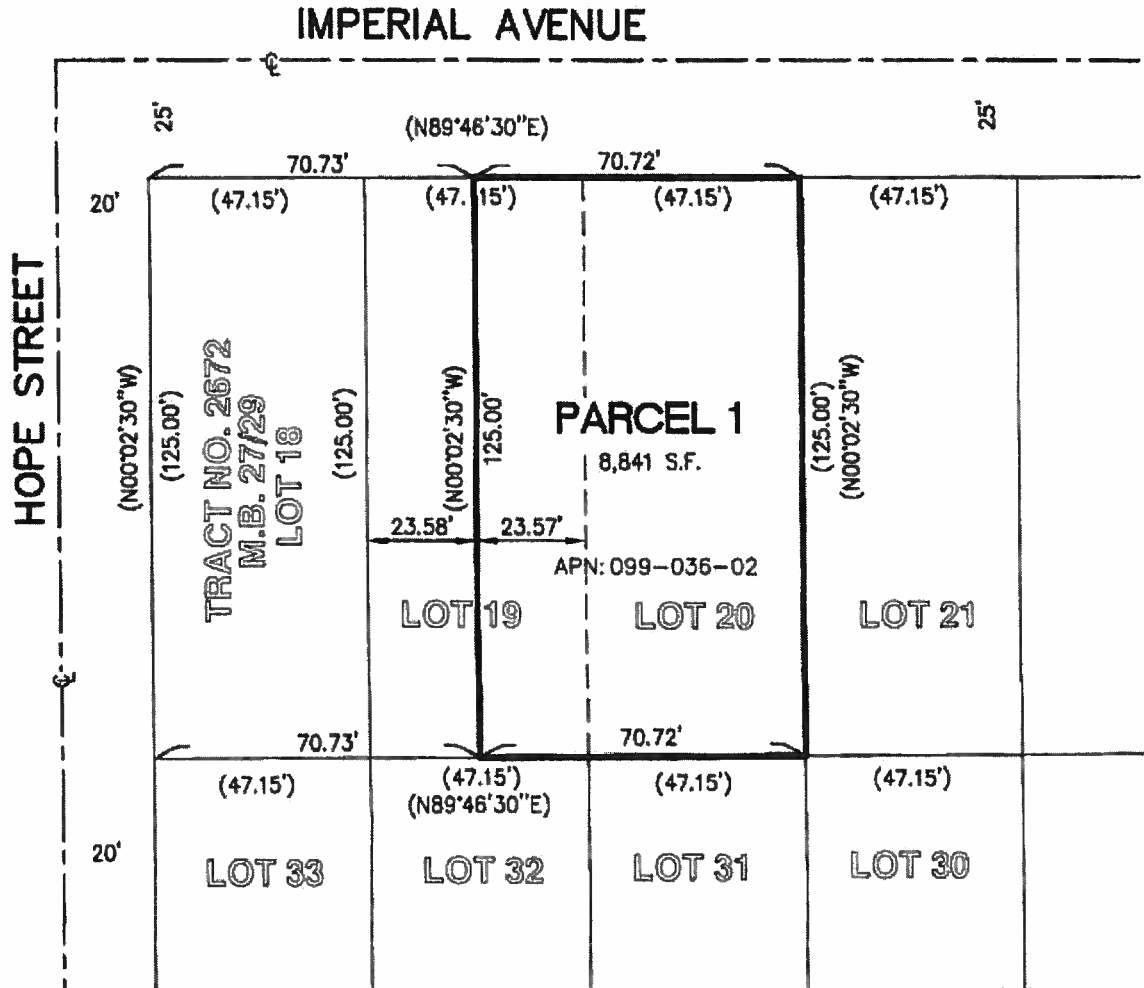
  
 \_\_\_\_\_  
 TY E. THOMAS  
 P.L.S. 9309

10-26-2020  
 \_\_\_\_\_  
 DATE



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

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
EDWARD HUAN BUI	099-036-02	PARCEL 1
EDWARD HUAN BUI	099-036-02	PARCEL 1



**LEGEND**  
 ————— RESULTANT LOT AFTER MERGER  
 - - - - - LOT LINE TO BE REMOVED



*Ty E. Thomas*  
 10-26-2020  
 TY E. THOMAS DATE  
 P.L.S. 9309

NORTH  
 GRAPHIC SCALE



PREPARED BY:  
**T&M**  
**SURVEYING**

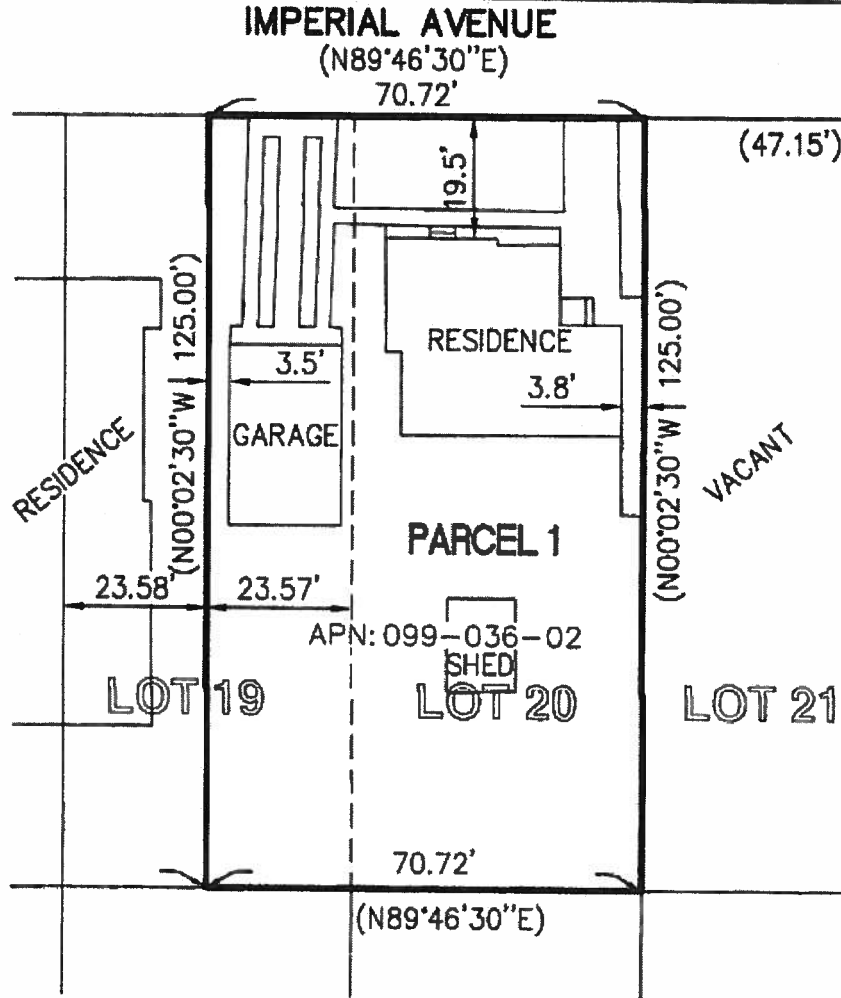
511 E. TRENTON AVE  
 ORANGE, CA  
 C-714-906-8711 O-714-912-4042  
 WWW.TNMSURVEYING.COM



JN:  
 -797  
 CHECKED  
 TET  
 SHEET  
 1 OF 1

**EXHIBIT C**  
 LOT LINE ADJUSTMENT NO. LLA-\_\_\_-\_\_\_  
 (SITE PLAN)

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
EDWARD HUAN BUI	099-036-02	PARCEL 1
EDWARD HUAN BUI	099-036-02	PARCEL 1



**LEGEND**  
 ————— RESULTANT LOT AFTER MERGER  
 - - - - - LOT LINE TO BE REMOVED



*T. E. Thomas*  
 T. E. THOMAS DATE 10-26-2020  
 P.L.S. 9309

NORTH  
 GRAPHIC SCALE



PREPARED BY:  
**T&M SURVEYING**  
 581 E. TRENTON AVE.  
 ORANGE, CA  
 O-714-906-8771 O-714-912-4042  
 WWW.TNMSURVEYING.COM



JN:  
 -797  
 CHECKED  
 TET  
 SHEET  
 1 OF 1





**ANHA design studio**  
 10845 JAY STREET  
 SUITE 200  
 GARDEN GROVE, CA 92843  
 Telephone: 714-264-1122  
 Email: anha@anhadesign.com

**DUPLEX**

10182 IMPERIAL AVE.  
 GARDEN GROVE, CA 92843

OWNER: EDWARD BUI  
 10182 IMPERIAL AVE.  
 GARDEN GROVE, CA 92843

PROJECT NO.	
PROJECT NAME	
PROJECT DATE	
PROJECT OWNER	
PROJECT ARCHITECT	
PROJECT ENGINEER	
PROJECT CONSULTANT	

**SITE PLAN AND  
 ROOF PLANS**

THIS DOCUMENT IS THE PROPERTY OF ANHA DESIGN STUDIO. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ANHA DESIGN STUDIO.

PROJECT NUMBER  
**A1.0**

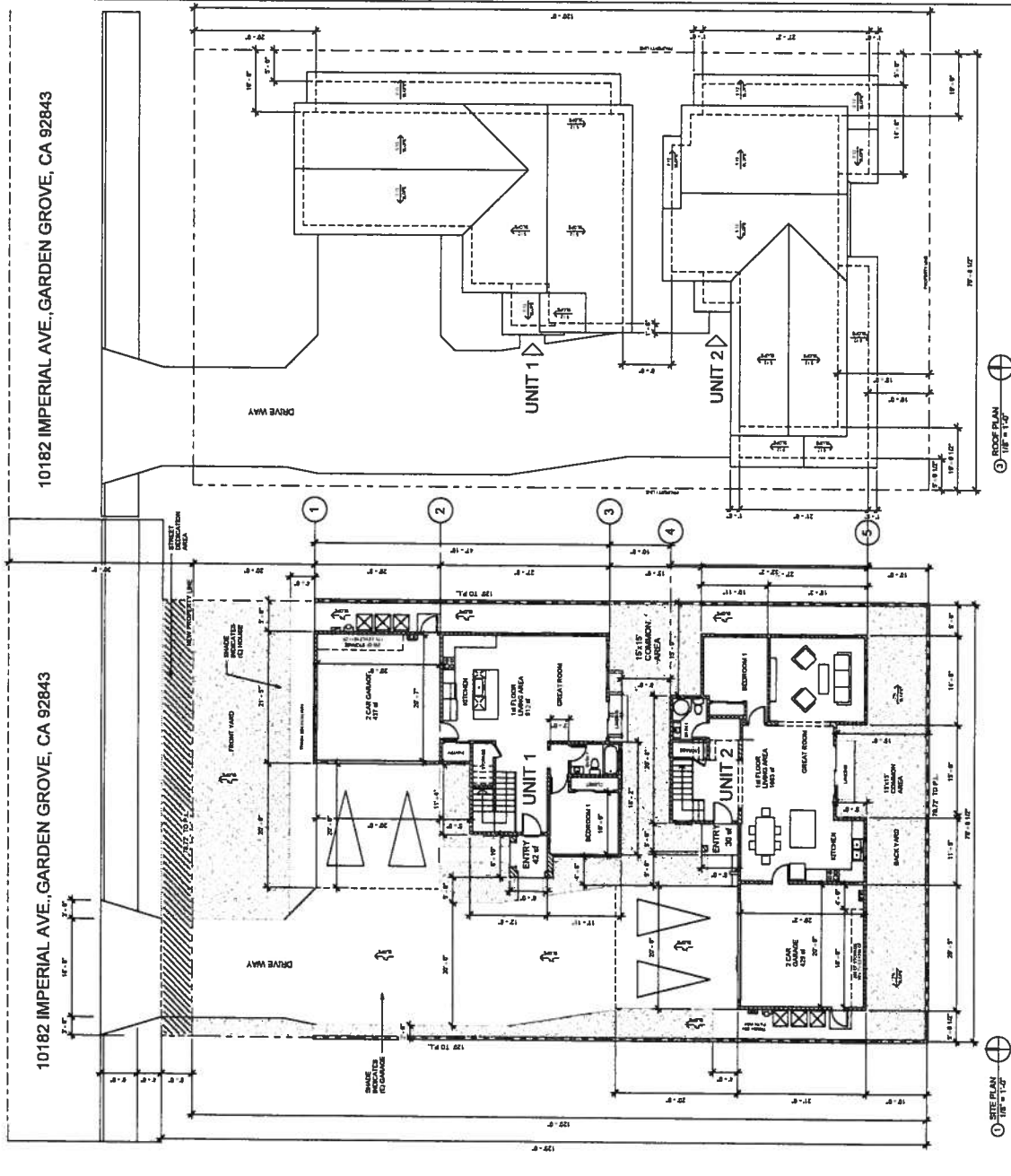
**GENERAL NOTE:**

**GENERAL REQUIREMENTS NOTE:**

1. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE, CALIFORNIA, AND ALL APPLICABLE ORDINANCES, RULES, REGULATIONS, AND ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GARDEN GROVE, CALIFORNIA, AND ALL APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GARDEN GROVE, CALIFORNIA, AND ALL APPLICABLE AGENCIES.
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11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GARDEN GROVE, CALIFORNIA, AND ALL APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GARDEN GROVE, CALIFORNIA, AND ALL APPLICABLE AGENCIES.

**SITE NOTE:**

- ⊠ ELECTRICAL PANEL
- ⊠ GAS METER
- ⊠ FAN/BLOWER WATER HEATER



10182 IMPERIAL AVE., GARDEN GROVE, CA 92843

10182 IMPERIAL AVE., GARDEN GROVE, CA 92843

① SITE PLAN  
 1/8" = 1'-0"

② ROOF PLAN  
 1/8" = 1'-0"



**ANHA design studio**  
 10182 IMPERIAL AVE  
 GARDEN GROVE, CA 92643  
 Phone: 714.266.1112  
 Fax: 714.266.1112

**DUPLEX**

10182 IMPERIAL AVE  
 GARDEN GROVE, CA 92643

OWNER: EDWARD BLA  
 10182 IMPERIAL AVE  
 GARDEN GROVE, CA 92643

BUILDING DEPARTMENT SUBMITTAL

No.	Description	Date

BUILDING DEPARTMENT SUBMITTAL

No.	Description	Date

PROJECT DIRECTOR  
 JOB CAPTAIN  
 DESIGN ASSOCIATE  
 ARCHITECT  
 PROJECT MANAGER  
 PROJECT CAD FILE

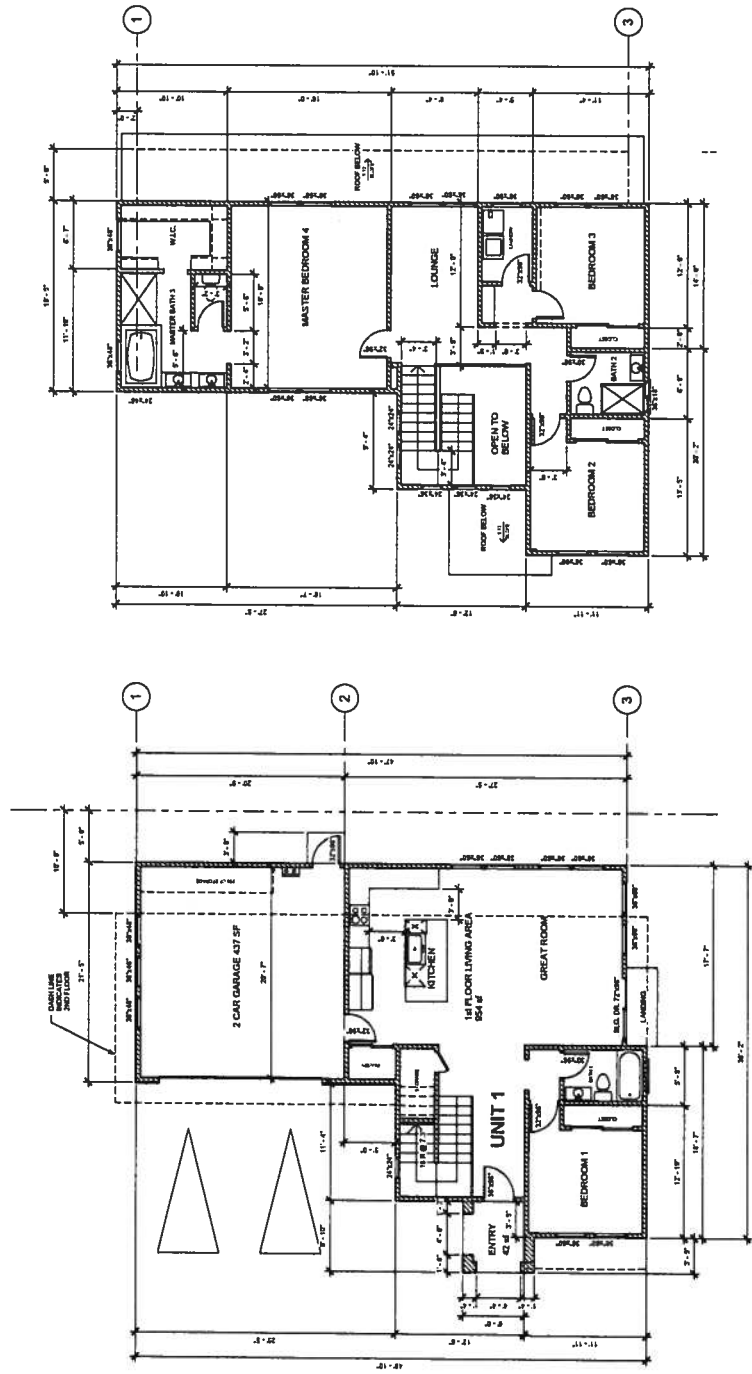
**UNIT 1**  
**FLOOR PLANS**

SHEET NUMBER  
**A2.0**

- UNIT 1:**
- 1ST FLOOR LIVING AREA: 912 SF
  - 2ND FLOOR LIVING AREA: 1,155 SF
  - TOTAL LIVING AREA: 2,067SF

② UNIT 1 - SECOND FLOOR PLAN  
3/16" = 1'-0"

① UNIT 1 - FIRST FLOOR PLAN  
3/16" = 1'-0"



STAMP

STAMP



**ANHA design studio**  
2100 AVENUE STREET  
Berkeley, CA 94704  
Tel: 415.863.1172  
Email: anha@anhadesign.com

**DUPLEX**

10142 IMPERIAL AVE  
GARDEN GROVE, CA 92643

OWNER: EDWARD BOA  
10142 IMPERIAL AVE  
GARDEN GROVE, CA 92643

BUILDING DEPARTMENT SUBMITTAL

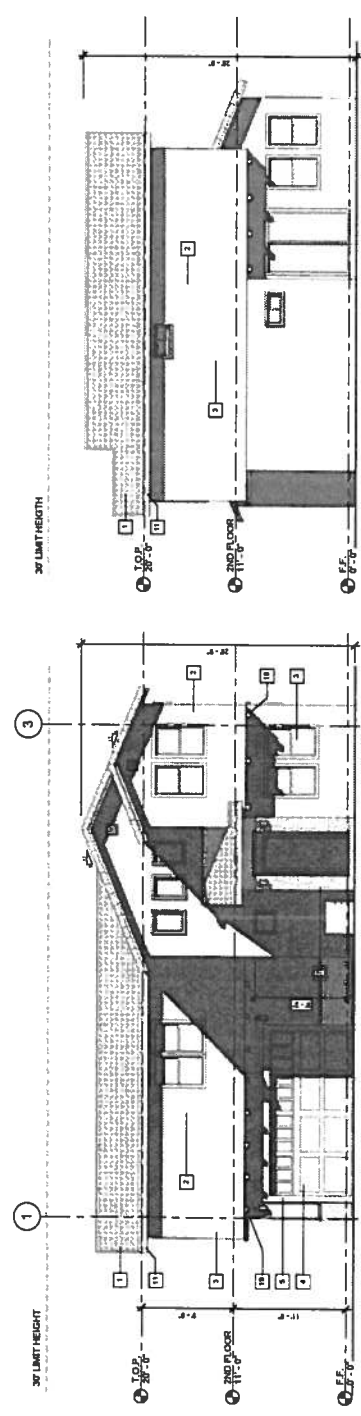

BUILDING DEPARTMENT SUBMITTAL


PROJECT DIRECTOR  
JOB CAPTAIN  
SENIOR ARCHITECT  
ASSOCIATES  
ARCHITECT  
PROJECT CAD FILE  
SHEET TITLE

**UNIT 1  
ELEVATIONS**

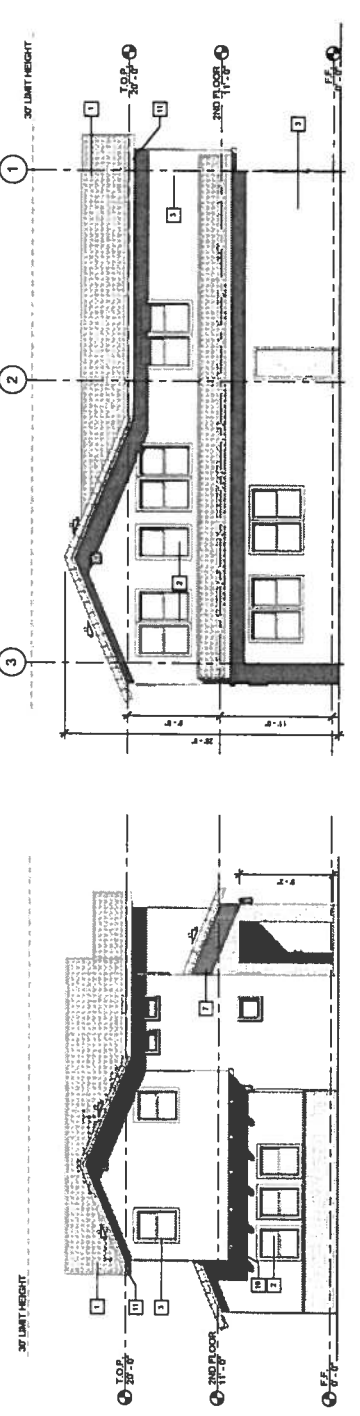
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**A3.0**



UNIT 1 - WEST ELEVATION (FRONT)  
30' LIMIT HEIGHT  
3/16" = 1'-0"

UNIT 1 - SOUTH ELEVATION (FRONT)  
30' LIMIT HEIGHT  
3/16" = 1'-0"



UNIT 1 - NORTH ELEVATION (LEFT)  
30' LIMIT HEIGHT  
3/16" = 1'-0"

UNIT 1 - EAST ELEVATION (BACK)  
30' LIMIT HEIGHT  
3/16" = 1'-0"

**ELEVATION NOTE:**

1. CONCRETE TILE
2. VINYL CLADDING
3. STUCCO LIGHT SAND FINISH
4. SECTIONAL CHANGE DOOR
5. EXTERIOR HOLDING
6. HIGH DENSITY FOAM TRIM
7. STONE VENEER
8. GL. SCREENED AND UNVIEWED
9. WOOD GL. DECORATIVE BALCONY RAILING
10. DECORATIVE WOOD BRACKET
11. 2" x 4" FISHB

STAMP



**ANH design studio**  
 1402 7TH STREET  
 BERKELEY, CA 94704  
 Telephone: 714-264-1127  
 Email: anhd@anhd.com

**DUPLEX**  
 10180 IMPERIAL AVE.  
 GARDEN GROVE, CA 92643

**OWNER: EDWARD BUI**  
 10180 IMPERIAL AVE.  
 GARDEN GROVE, CA 92643

BUILDING DEPARTMENT SUBMITTAL

No.	Description	Date

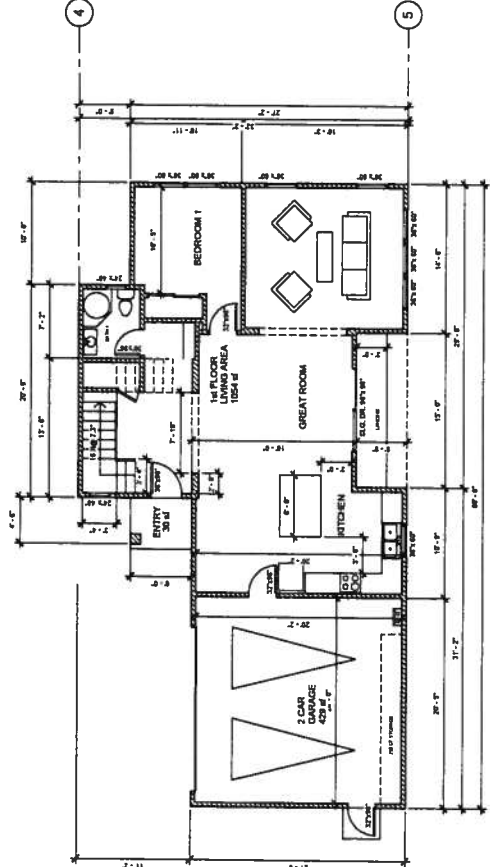
BUILDING DEPARTMENT SUBMITTAL

**UNIT 2**  
**FLOOR PLANS**

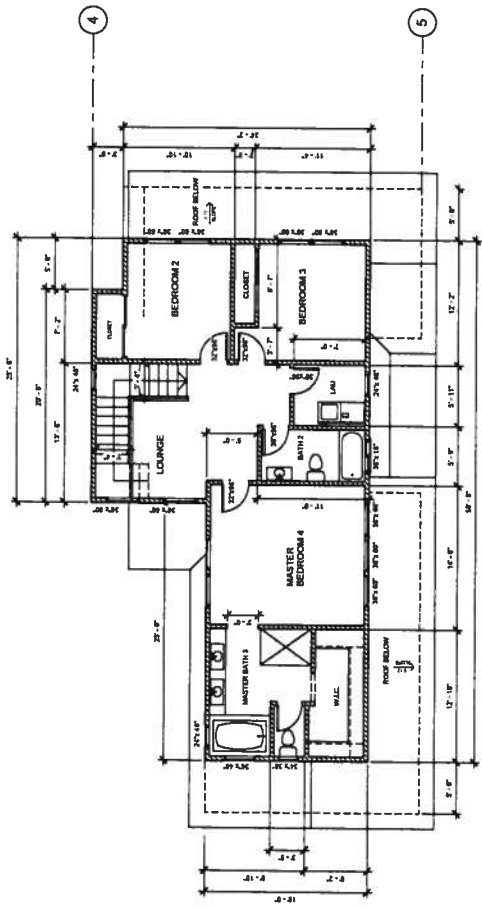
BUILDING DEPARTMENT SUBMITTAL  
 THESE PLANS ARE PREPARED FOR THE PURPOSE OF OBTAINING PERMITS FROM THE BUILDING DEPARTMENT OF THE CITY OF GARDEN GROVE. THE PLANS DO NOT CONSTITUTE A CONTRACT. ANY CHANGES TO THE PLANS SHALL BE MADE BY ADDITIONAL SHEETS. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BUILDING DEPARTMENT OF THE CITY OF GARDEN GROVE AND ALL APPLICABLE AGENCIES. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED BY THE OWNER AS A RESULT OF THE OWNER'S FAILURE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS.

BHEET NUMBER  
**A4.0**

ANH design studio



① UNIT 2 - FIRST FLOOR PLAN  
 3/18" = 1" = 0'



② UNIT 2 - SECOND FLOOR PLAN  
 3/18" = 1" = 0'

**UNIT 2:**

- 1ST FLOOR LIVING AREA: 1,054 SF
- 2ND FLOOR LIVING AREA: 1,041 SF
- TOTAL LIVING AREA: 2,195SF



## ANHA design studio

10445 AND STREETS  
SANTA ANA, CA 92705  
Telephone: 714-268-1123  
Email: anha@anhadesignstudio.com

### DUPLEX

10142 IMPERIAL AVE.  
GARDEN GROVE, CA 92643

OWNER: EDWARD BLA  
10142 IMPERIAL AVE.  
GARDEN GROVE, CA 92643

STAMP

BUILDING DEPARTMENT SUBMITTAL

No.	Description	Date

BUILDING DEPARTMENT SUBMITTAL

No.	Description	Date

PROJECT DIRECTOR  
JOB CAPTAIN  
SENIOR ASSOCIATE  
ARCHITECTS  
PROJECT MANAGER  
PROJECT CAD FILE

SHEET TITLE

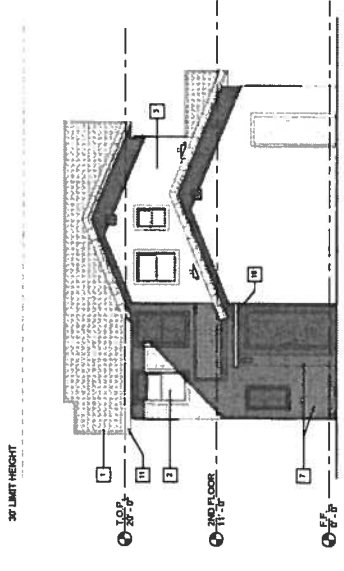
## UNIT 2 ELEVATIONS

21. ANHA DESIGN STUDIO, 10445 AND STREETS, SANTA ANA, CA 92705. THE PROJECT ARCHITECT HAS PREPARED THESE DRAWINGS FOR THE ARCHITECT OF RECORD. THE ARCHITECT OF RECORD SHALL BE RESPONSIBLE FOR THE ACCURACY OF THESE DRAWINGS AND THE INFORMATION CONTAINED HEREIN. THE ARCHITECT OF RECORD SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE ARCHITECT OF RECORD SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

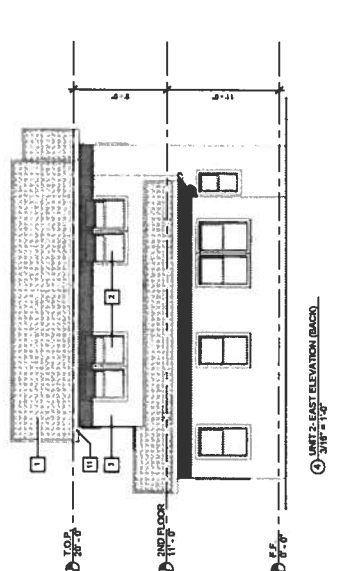
SHEET NUMBER

A5.0

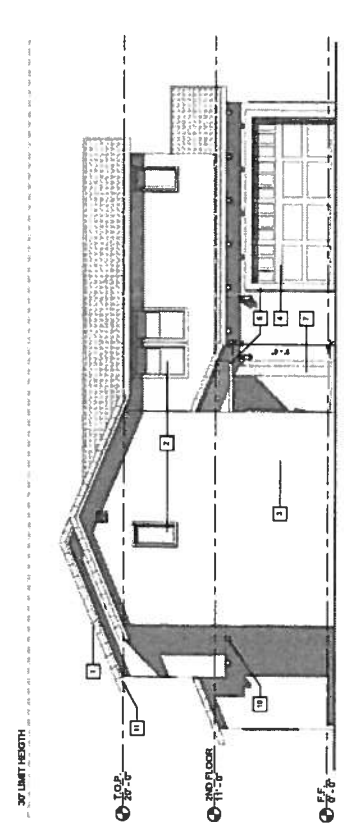
ANHA design studio



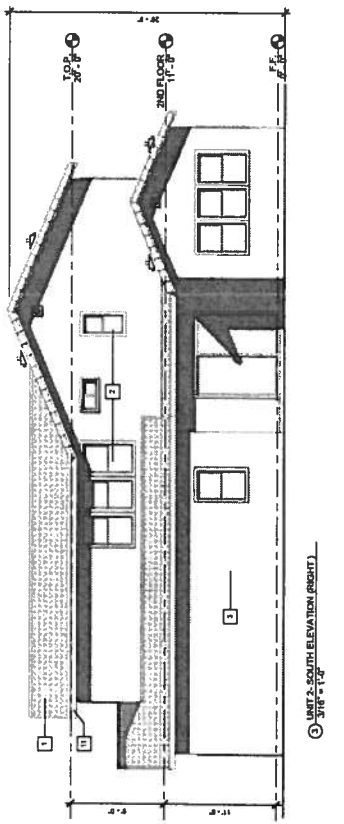
UNIT 2-NORTH ELEVATION (LEFT)  
3/16" = 1'-0"



UNIT 2-WEST ELEVATION (FRONT)  
3/16" = 1'-0"



UNIT 2-SOUTH ELEVATION (RIGHT)  
3/16" = 1'-0"



UNIT 2-EAST ELEVATION (BACK)  
3/16" = 1'-0"

### ELEVATION NOTE:

1. CONCRETE TILE
2. WHITE GLAZING
3. STIPPLED LIGHT SAND FINISH
4. SECTIONAL GARAGE DOOR
5. EXTERIOR MOLDING
6. HIGH DENSITY FOAM TRIM
7. STONE VENEER
8. GL BRICKED AND UNWRINGED
9. WOOD GRILL DECORATIVE BALCONY RAILING
10. DECORATIVE WOOD BRACKET
11. 2 1/2" FASCIA





DECISION NO. 1796-20

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE, APPROVING LOT LINE ADJUSTMENT NO. LLA-026-2020

BE IT DETERMINED that the Zoning Administrator of the City of Garden Grove does hereby approve Lot Line Adjustment No. LLA-026-2020 for property located on the south side of Imperial Avenue, between Hope Street and Deanann Place, at 10182 Imperial Avenue, Assessor's Parcel No. 099-036-02.

BE IT FURTHER DETERMINED in the matter of Lot Line Adjustment No. LLA-026-2020 the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by An Ha ("The Applicant").
2. The applicant is requesting approval of a Lot Line Adjustment to eliminate an existing lot line for the purpose of consolidating two (2) lots into one (1) single lot to accommodate the construction of a new detached, two-story duplex previously approved under Site Plan No. SP-075-2019 and Variance No. V-025-2019.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15305, Minor Alterations in Land Use Limitations, of the California Environmental Quality Act.
4. The property has a General Plan Designation of Low Medium Density Residential and is zoned R-2 (Limited Multiple Residential). The property is improved with a one-story, single-family home and a detached two-car garage that will be demolished to accommodate the new residential project approved under Site Plan No. SP-075-2019 and Variance No. V-025-2019.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Pursuant to a legal notice, a public hearing was held on December 10, 2020, and all interested persons were given an opportunity to be heard.
7. The Zoning Administrator gave due and careful consideration to the matter at a meeting on December 10, 2020.

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

FACTS:

The property is located on the south side of Imperial Avenue, between Hope Street and Deanann Place, and is within a neighborhood that is improved with single-family and multiple-family residences. The property is zoned R-2 (Limited Multiple Residential), and has a General Plan Land Use Designation of Low Medium Density Residential. The property abuts R-2 zoned properties to the east, to the west, to the south, and across Imperial Avenue to the north.

The total lot size of the subject property is approximately 8,841 square feet, and is improved with a single-family dwelling and a detached two-car garage that was constructed in 1939. On October 3, 2019, the Planning Commission approved Site Plan No. SP-075-2019 to allow the construction of a detached, two-story residential duplex, and Variance No. V-025-2019 to deviate from the minimum lot size requirement for duplexes in the R-2 zone due to a lot size reduction resulting from a street dedication along Imperial Avenue. After the property is developed, the lot size will be reduced from 8,841 square feet to 8,486.4 square feet.

However, when the project was submitted for Engineering's final review, staff determined that the property was actually comprised of two (2) separate lots: east half of Lot 19 and Lot 20 of Tract No. 2672. Both lots are assigned under the same Assessor's Parcel Number: 099-036-02. Since the California Building Code does not allow buildings to be constructed over property lines, the applicant requests a Lot Line Adjustment approval to consolidate the lots to facilitate the development approved under Site Plan Review No. SP-075-2019 and Variance No. V 025-2019.

FINDING AND REASONS:LOT LINE ADJUSTMENT

1. The parcels, as the result of the Lot Line Adjustment, will conform to the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and State Subdivision Map Act.

The subject parcels have a General Plan Land Use designation of Low Medium Density Residential and are zoned R-2 (Limited Multiple Residential). The intent of the Low Medium Density Residential (LMR) designation is to encourage the development of single-family homes, and duplexes and triplexes to establish neighborhoods that provide a variety of housing types, and an excellent environment for family life. The General Plan also identifies the LMR designation as a transition between detached single-family areas and the higher density multiple-family areas. The R-2 zone, as a zoning district, implements the LMR designation. On October 3, 2019, the Planning Commission approved Site Plan No. SP-075-2019 to allow the construction of a detached, two-story residential duplex, and Variance No. V-025-2019 to deviate from the minimum lot size requirement for duplexes in the R-2 zone

due to a lot size reduction resulting from a street dedication along Imperial Avenue. The construction of the duplex is consistent with the intent of the General Plan.

The purpose of Lot Line Adjustment No. LLA-026-2020 is to eliminate the shared property line between Lot 19 and Lot 20 for the purpose of consolidating the two (2) lots into one (1) single lot. After the lot line adjustment, the property's configuration and size will remain at 8,841 square feet. As part of the conditions of approval of the SP-075-2019 and V-025-2019, a five-foot portion along the northerly (front) property line will be dedicated to establish the 60 foot ultimate public right-of-way on Imperial Avenue. As a result, the net lot size will be reduced to 8,486.4 square feet after the property is fully developed, which still complies with the minimum lot size requirement of 7,200 square feet in R-2 zone.

Other than the elimination of the shared lot line between Lot 19 and Lot 20, no additional development or changes that impact the approved development was proposed. The Lot Line Adjustment and all subsequent site improvements will conform to the applicable zoning and building codes.

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

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

BE IT FURTHER DETERMINED that the Zoning Administrator does conclude:

1. The Lot Line Adjustment possesses the characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.40.190 and is hereby approved.

In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Lot Line Adjustment No. LLA-026-2020.

Adopted on December 10, 2020

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Lot Line Adjustment No. LLA-026-2020**

10182 Imperial Avenue

### **CONDITIONS OF APPROVAL**

#### **General Conditions**

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, the developer of the project, the owner(s) and tenant(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.
3. Approval of this Lot Line Adjustment shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

#### **Engineering Division**

6. The applicant shall submit an updated title report along with copies of the recorded instruments listed in the title report.
7. The applicant shall submit copies of the reference maps used to prepare legal description and the plat per County of Orange Lot Line Adjustment Manual.

8. 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. Applicant and his contractor shall also re-set the tie monuments where curb, or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.

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

9. The applicant shall comply with the conditions of approval for Site Plan Review No. SP-075-2019 and Variance No. V-025-2019.
10. The applicant shall submit a signed letter acknowledging receipt of the decision approving Lot Line Adjustment No. LLA-026-2020, and his/her agreement with all conditions of the approval.
11. 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 Lot Line Adjustment No. LLA-026-2020. 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.
12. It shall be the applicant's responsibility to verify that any building or site improvements do not impermissibly interfere with any recorded easements on the subject property or the adjacent properties.
13. Unless a time extension is granted pursuant to Section 9.32.030.D.9 and Section of 9.40.190 Title 9 of the Municipal Code, the use authorized by this approval of Lot Line Adjustment No. LLA-026-2020 shall become null and void if the subject use or construction necessary and incidental thereto is not

commenced within one year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.