



GARDEN GROVE

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center
11300 Stanford Avenue

Thursday, July 14, 2022

9:00 a.m.

Members of the public who wish to comment on matters before the Zoning Administrator, in lieu of doing so in person, may submit comments by emailing public-comment@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.

COVID-19: Masks are not required, however, the public is encouraged to wear masks in City facilities. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Comments by the Public. Each speaker shall be limited to three (3) 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 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 Community Meeting Center 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-225-2022

APPLICANT: Mark Tornow
LOCATION: 7511 Chapman Avenue

REQUEST: Conditional Use Permit approval to operate Cylinder Enterprises, a new automotive towing and vehicle storage yard business. The site is in the M-1 (Industrial) 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. VARIANCE NO. V-037-2022

APPLICANT: Adam Stubendorff
LOCATION: 12262 Topaz Street

REQUEST: A Variance request to deviate from the minimum rear yard setback requirement of the R-1 (Single-Family Residential) zone, Municipal Code Section 9.08.040.020A (Residential - General Development Standards), for the construction of a second-story balcony partially within the rear setback. The site is at 12262 Topaz Street (Assessor's Parcel No. 130-601-14). 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.

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

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

Meeting Minutes
Thursday, June 9, 2022

CALL TO ORDER: 9:00 a.m.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-221-2022

Applicant: Off Duty Garden Grove L.P.
Location: 12900 Euclid Street #110 within SteelCraft
Date: June 9, 2022

Request: To operate a new wine bar, Off Duty, with a new original Alcoholic Beverage Control (ABC) "Type 47" (On-Sale, General) License. The site is in the CC-3 (Civic Center Core) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): William Burkett, Steve Phillips, Maureen Blackmun

Action: The Zoning Administrator adopted Decision No. 1818-22.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-222-2022

Applicant: BR Restaurant Solutions, Inc., dba La Taqueria
Location: 12900 Euclid Street #120 within SteelCraft
Date: June 9, 2022

Request: To operate an existing restaurant, La Taqueria, with a new original Alcoholic Beverage Control (ABC) "Type 47" (On-Sale, General) License. The site is in the CC-3 (Civic Center Core) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Benedict Gonzalez, Maureen Blackmun

Action: The Zoning Administrator adopted Decision No. 1819-22.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-224-2022

Applicant: Tuanh Enterprises
Location: 12761 Harbor Boulevard #I-1

Zoning Administrator Minutes

Date: June 9, 2022

Request: To operate a new restaurant, Cajun Crack'n, with a new original Alcoholic Beverage Control (ABC) "Type 41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the HCSP-DC (Harbor Corridor Specific Plan-District 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.

Action: Public Hearing Held. Speaker(s): Mike Shakeri

Action: The Zoning Administrator adopted Decision No. 1821-22.

ORAL COMMUNICATIONS – PUBLIC: None.

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:20 a.m.

Judith Moore, Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: Northeast corner of Chapman Avenue and Western Avenue, at 7511 Chapman Avenue
HEARING DATE: July 14, 2022	GENERAL PLAN: Industrial/Residential Mixed Use 1 (IR1)
CASE NO.: Conditional Use Permit No. CUP-225-2022	ZONE: Limited Industrial (M-1)
APPLICANT: Mark Tornow	CEQA DETERMINATION: Exempt – Section 15301 – Existing Facilities
PROPERTY OWNER: Henry H. Wang & Janet Lin Fang Wang	APN: 131-601-13

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to operate a new vehicle towing and storage with ancillary auto repair business, Cylinder Enterprises, as a “vehicle storage yard,” at 7511 Chapman Avenue.

BACKGROUND:

The subject site is currently developed with an automotive repair building and associated site improvements, and is located on the northeast corner of Chapman Avenue and Western Avenue, at 7511 Chapman Avenue. The site has a General Plan Land Use designation of Industrial/Residential Mixed Use 1 (IR1), and is zoned Industrial (M-1).

The subject property is adjacent to M-1 (Limited Industrial) zoned properties to the north and east. To the west, across Western Avenue, the subject site is adjacent to industrial uses in Planned Unit Development No. PUD-103-76 (REV. 2018). To the south, across Chapman Avenue, the subject property is adjacent to M-P (Industrial Park) zoned properties.

In 1978, the City approved Site Plan No. SP-166-78 for the construction of a 3,693 square-foot “automotive service garage” building on the subject site. While the building is constructed towards the front of the site, along Chapman Avenue, the main entrance, and the vehicle bays face north, toward a paved parking area. Approximately 800 square feet of the building was dedicated for ancillary office use, while the rest of the building was designed as a repair area, with four (4) overhead garage doors. The site included twenty (20) striped parking spaces.

Since its construction, the subject location has a history of being used for a variety of automotive-type uses. According to Business Tax Records, the property most recently operated as H&J Auto Repair, Inc., an automotive repair business. Garden Grove Municipal Code Section 9.16.020.030 requires a Conditional Use Permit for the establishment of a new "vehicle storage yard." No previous establishment operated under such a CUP.

DISCUSSION:

Vehicle storage yards are defined as any, "business for the storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24-hour period, including, but not limited to, the storage of parking towaways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, excluding vehicle dismantling." Garden Grove Municipal Code Section 9.16.020.030 requires a Conditional Use Permit for vehicle storage yards. Cylinder Enterprises will operate as a towing and vehicle storage business, with incidental auto repair. On-site auto repair will be limited to minor repairs of vehicles towed to, and stored on-site. The intent of the business is to partner with local businesses and law enforcement agencies to operate as a contracted towing service.

In addition to requiring a Conditional Use Permit, Garden Grove Municipal Code Section 9.16.020.050.BH. also includes a Special Operating Condition for vehicle storage yards. Said section stipulates that "No vehicle stored shall be in a wrecked or dismantled condition." Cylinder Enterprises will only store vehicles. Certain stored vehicles may receive minor repair work. The business is not intended for, and will not operate as a vehicle dismantling, or similar, use.

No significant modifications are proposed for the existing building as a part of this request. It will remain as the main office, and for the repair of vehicles. The Municipal Code requires one (1) parking space per 200 square feet of gross floor area for auto repair and maintenance offices. The Municipal Code does not specify parking requirements for vehicle storage yards. The building features 800 square feet of office space. Therefore, a total of four (4) parking spaces are required.

In the parking area, the business is proposing to park three (3) tow trucks, when they are not on active duty. Four (4) parking spaces will be reserved for guest/customer parking, in accordance with the Garden Grove Municipal Code parking requirements described above. The remainder of the site will accommodate approximately thirty-six (36) impounded vehicles for storage. Impounded vehicles will utilize stacked parking, so as not to disrupt any required customer parking spaces, tow truck parking, or any required drive aisle or pedestrian access points. The parking area will be secured with fences, gates, security lighting, and security cameras.

The parking area is accessed from Western Avenue, via an existing driveway to the north of the building. Another driveway, to the east of the building, fronting onto Chapman Avenue, only provides access to an existing lease compound for an on-site billboard. This access is provided only for maintenance access to said billboard, and will not be used to access Cylinder Enterprises.

Tow trucks will be dispatched from the subject site, and return to store vehicles in the paved parking area. Cylinder Enterprises proposes standard business hours of twenty-four (24) hours a day, seven (7) days a week. Based on the nature of the business, particularly if contracting with law enforcement agencies, cars will be towed and stored on-site at all times of the day. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The proposed use complies with the Municipal Code requirements for "vehicle storage yards." The Community and Economic Development Department has reviewed the request, and is in support of the proposal.

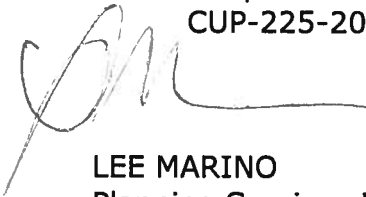
CEQA:

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 vehicle towing and storage, with incidental repair is a similar use to those that have previously operated on the subject property. The proposed business is a permitted use, subject to a CUP, and does not involve an intensification or physical expansion of the on-site improvement. Therefore, the proposed project is exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

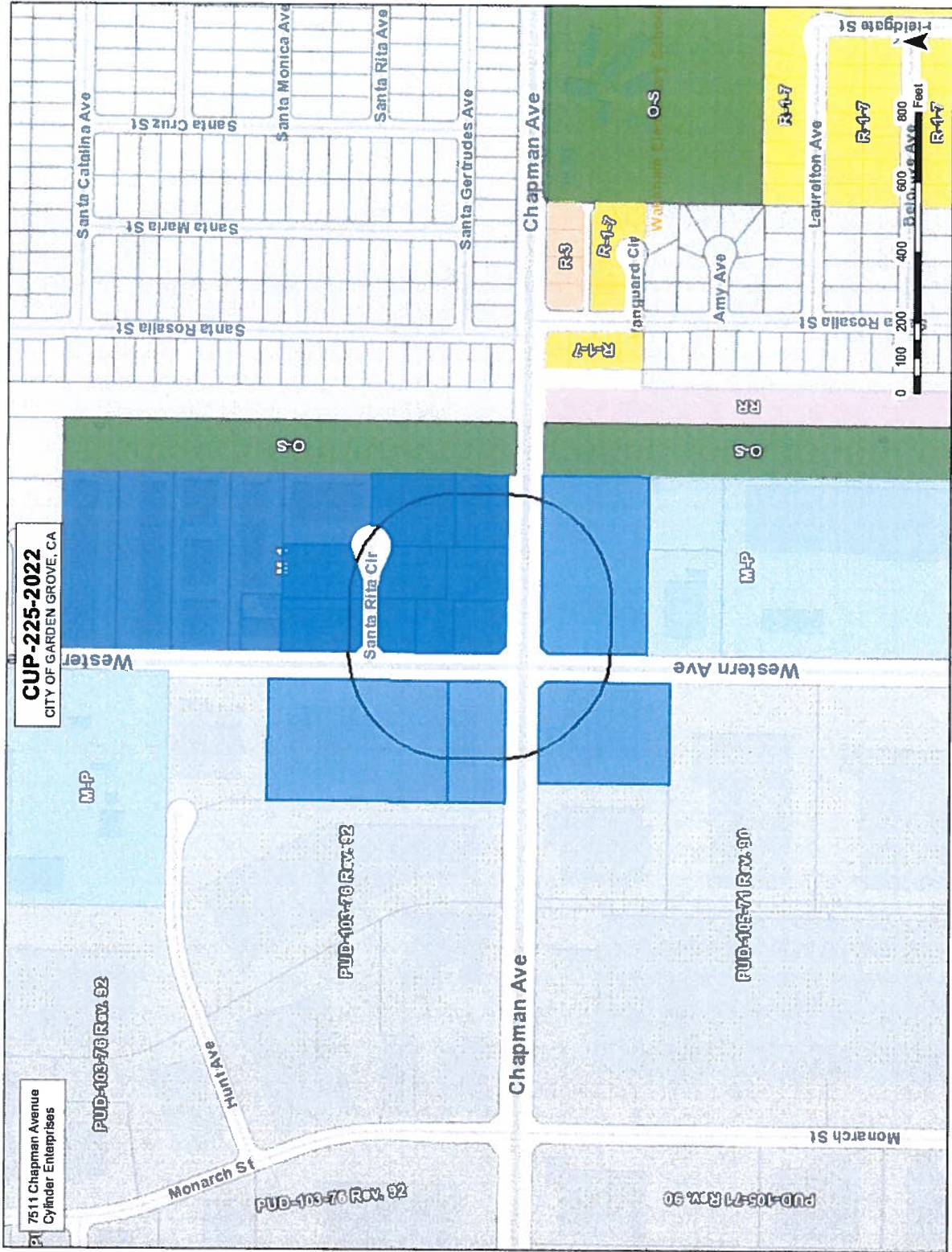
1. Adopt Decision No. 1822-22, approving Conditional Use Permit No. CUP-225-2022, subject to the recommended conditions of approval.

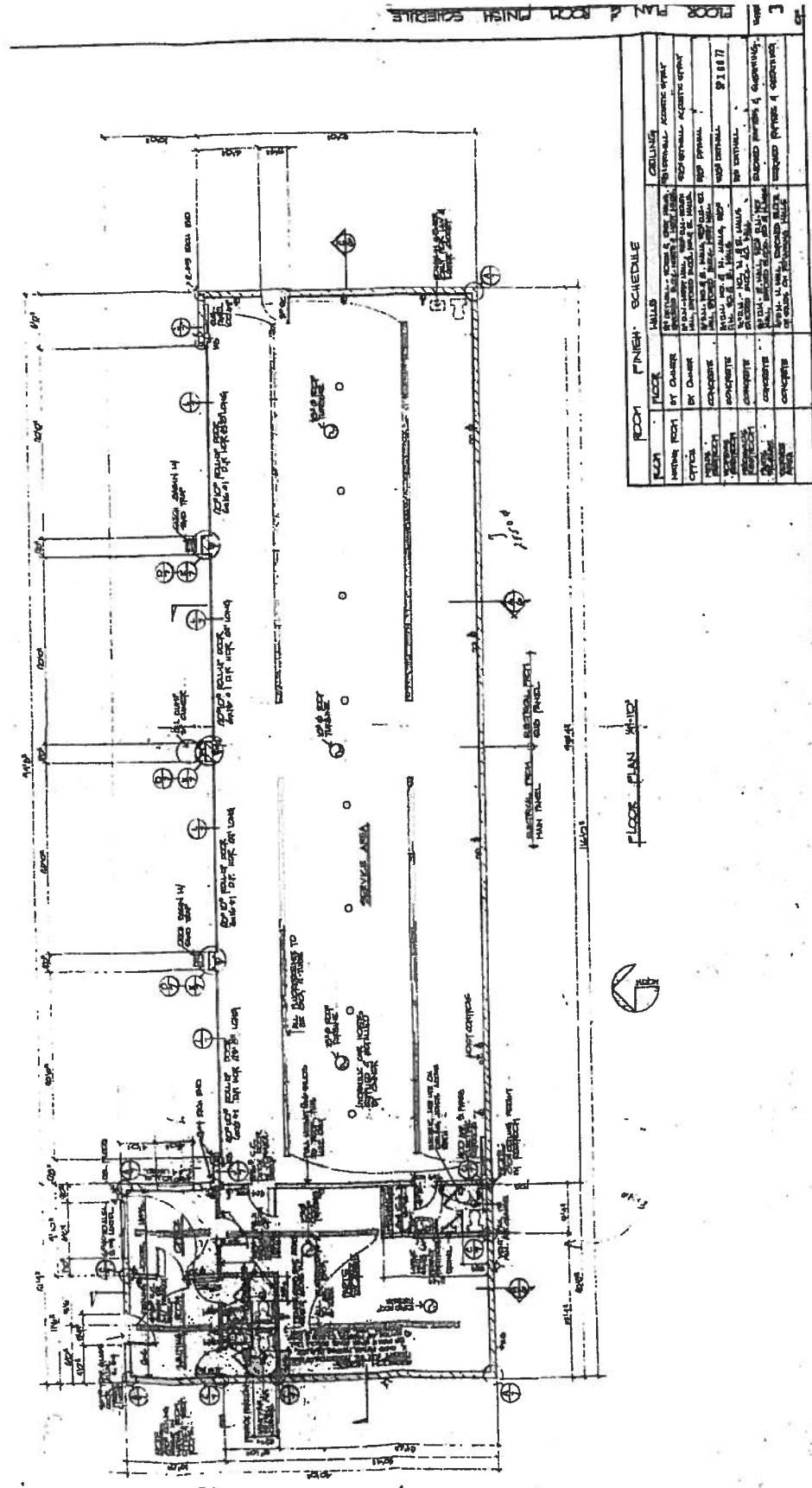


LEE MARINO
Planning Services Manager



By: Preet Kaskla
Assistant Planner





ROOM	FLOOR FINISH SCHEDULE	CEILING
MEETING ROOM	BY CHALKER CONCRETE	BY TERRAZZO - ACoustic spray
OFFICE	BY CHALKER CONCRETE	BY TERRAZZO - ACoustic spray
MEETING ROOM	BY CHALKER CONCRETE	BY TERRAZZO - ACoustic spray
MEETING ROOM	BY CHALKER CONCRETE	BY TERRAZZO - ACoustic spray
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MEETING ROOM	BY CHALKER CONCRETE	BY TERRAZZO - ACoustic spray

FLOOR PLAN & ROOM FINISH SCHEDULE

DECISION NO. 1822-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-225-2022 FOR PROPERTY AT 7511 CHAPMAN AVENUE, ASSESSOR'S PARCEL NO. 131-601-13.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-225-2022 for property located on the northeast corner of Chapman Avenue and Western Avenue, at 7511 Chapman Avenue, Assessor's Parcel No. 131-601-13.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-225-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Mark Tornow for Cylinder Enterprises.
2. The applicant is requesting approval of a Conditional Use Permit to operate a new vehicle towing and storage with ancillary auto repair business, Cylinder Enterprises, as a "vehicle storage yard," at 7511 Chapman Avenue.
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 Industrial/Residential Mixed Use 1 (IR1), and is zoned Limited Industrial (M-1). The subject property is currently developed with an auto repair garage, and associated site improvements.
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 July 14, 2022, 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 July 14, 2022, 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:

FACTS:

The subject site is currently developed with an automotive repair building, and is located on the northeast corner of Chapman Avenue and Western Avenue, at 7511 Chapman Avenue. The site has a General Plan Land Use designation of Industrial/Residential Mixed Use 1 (IR1), and is zoned Limited Industrial (M-1). The subject property is adjacent to M-1 (Limited Industrial) zoned properties to the north and east. To the west, across Western Avenue, the subject site is adjacent to industrial uses in Planned Unit Development No. PUD-103-76 (REV. 2018). To the south, across Chapman Avenue, the subject property is adjacent to M-P (Industrial Park) zoned properties.

Cylinder Enterprises will operate as a towing and vehicle storage business, with incidental auto repair. On-site auto repair will be limited to minor repairs of vehicles towed to, and stored on-site. Garden Grove Municipal Code Section 9.16.020.030 requires a Conditional Use Permit for the establishment of a new "vehicle storage yard." Garden Grove Municipal Code Section 9.16.020.050.BH. also includes a Special Operating Condition stipulating that "No vehicle stored shall be in a wrecked or dismantled condition." Vehicles will only be stored onsite, and receive only minor repair work; vehicles will not be dismantled.

A parking lot area in the rear of the property will be used to park three (3) tow trucks. Four (4) parking spaces will be reserved for guest/customer parking, in accordance with the Garden Grove Municipal Code parking requirements. The remainder of the site will store approximately thirty-six (36) vehicles. Stored vehicles will be stack-parked. The parking area will be secured with fences, gates, security lighting, and security cameras.

Cylinder Enterprises proposes standard business hours as twenty-four (24) hours, seven (7) days a week. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use designation of Industrial/Residential Mixed Use 1 (IR1), and is zoned Limited Industrial (M-1). The Industrial/Residential Mixed Use 1 designation is intended to provide for a mix of industrial, commercial, and residential uses. The Limited Industrial zone is intended to provide for small- and medium-size industrial uses that are generally compatible with one another and are not generally adverse to adjacent residential and commercial uses, provided proper screening measures are utilized.

The subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

Goal LU-1: The City of Garden Grove is a well-planned community with sufficient land uses and intensities to meet the needs of anticipated growth and achieve the community's vision. As the City grows in population, the need for services, such as towing facilities, may become more apparent. The proposed use is within easy driving distance from much of the City, yet it is conditioned to limit any impacts on the immediate vicinity. The proposed use is compatible with the uses in the vicinity, and can help the City meet future needs of the community.

Policy LU-1.4: Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations. The proposed vehicle storage yard is located along Chapman Avenue, in an area already developed with manufacturing, research and development, and warehousing-type industrial uses and services. The proposed vehicle storage yard would represent a new type of industrial use in that area. The proposed use can further enhance the industrial district by providing a unique service that is not currently found in the area.

Goal LU-4: Uses compatible with one another. The proposed use is a towing company, operating as a "vehicle storage yard," as defined by the Municipal Code, with incidental auto repair. The location of the automotive towing use is in an industrial area, with a variety of industrial-type uses. Adjacent to the subject use are automotive repair, warehousing, wholesale, and manufacturing uses. The proposed vehicle storage is compatible with these uses, and other industrial uses. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with nearby uses.

Policy LU-4.5: Require that commercial and industrial developments adjoining residential uses be adequately screened and buffered from residential areas. The subject property is not directly adjacent to residential uses. The vehicle storage area, however, will be located to the rear of the existing building, and screened behind existing block walls and gates. This can help limit the visual impact that the proposed use will have on the public right-of-way.

Policy LU-7.3: Monitor the appearance of industrial properties to prevent areas of decline by requiring improved maintenance or rehabilitation, as necessary. The proposed project will introduce a new use to the site. Included in the Conditions of Approval for the subject request are conditions relating to the proper upkeep and maintenance of the subject property. As long as they are adhered to for the life of the project, these conditions can help prevent the property and the surrounding area from decline.

Policy CD-1.1: Enhance the positive qualities that give residential, commercial, and industrial areas their unique identities, while also allowing flexibility for innovative design. The subject property has not previously been used as a vehicle storage yard. Previous uses have largely centered on general auto repair. The subject request would be repurposing an existing building to a new use. The proposed use allows for the flexible use of the subject property, and will also be compatible with the surrounding neighborhood.

Goal ED-2: The City must attract new businesses, while supporting and assisting those already located within Garden Grove. Cylinder Enterprises is a new business to Garden Grove, with this subject request their first and only location within the City. The proposed business could not locate to the subject site without the approval of a Conditional Use Permit. If the Conditional Use Permit is approved, it would allow for a new business to locate within the City.

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 vehicle storage use will occupy an existing site and building that have been consistently used for automotive uses since its construction in 1978. The conditions of approval can minimize potential impacts to the adjoining area. Hours of operation are proposed as twenty-four (24) hours a day, seven (7) days a week. In the event problems arise, limitations on the hours of operation may limit any impacts on the surrounding area.

The use will not unreasonably interfere with the use, enjoyment, or valuation of other property located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating in accordance with the Municipal Code standards for "vehicle storage yards," the use will be compatible with the surrounding uses.

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 improvements and with the proposed modifications, is of adequate size to accommodate the proposed use within the surrounding area. The parking lot will be reconfigured to accommodate the customer parking, tow truck parking, and stored vehicles. All required drive aisles and

pedestrian access points will not be inhibited by the storage of vehicles in the parking lot. The building on-site will not be modified as a part of this request. Once the modifications to the parking areas are completed, the site will 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 subject site is located on the northeast corner of Chapman Avenue and Western Avenue. The site is adequately accessed by a driveway along Western Avenue. A secondary driveway from Chapman Avenue provides access to an existing billboard on-site, but does not provide access to the rear parking lot area. On-site circulation is adequate to serve the proposed use. 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, the only changes proposed are minor alterations to the parking lot to accommodate the storage of vehicles. 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-225-2022.

Dated: July 14, 2022

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-225-2022

7511 Chapman Avenue

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, Mark Tornow, 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 vehicle storage yard, as identified on the plans 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. The standard hours of operation shall be twenty-four (24) hours, seven (7) days a week, excluding holidays. In the event that problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Chief of the Police Department.
8. In the event security problems occur, and at the request of the Police Department, the permittee, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
9. A sign shall be posted on the exterior of the building noticing that there shall be no illegal dumping around the premises of the establishment.

Building and Safety Division

10. All proposed work shall comply with the latest California Building Standards Code at the time of permit application.
11. All auto repair and vehicle storage yards shall comply with the oil/sand interceptor requirements of the California Plumbing Code.
12. All public access areas, such as the parking lot, office, and restrooms, shall comply with the accessibility requirements of CBC Chapter 11B.
13. All storage of hazardous materials shall comply with CBC Chapter 4.
14. Plans submitted for plan check review shall be legible, and shall include all standards notes and project information. Plans shall be in compliance with the City's Commercial Plan Review Submittal Guideline.
15. A registered design professional shall stamp and sign the plans as a part of any plan check submittal.

Environmental Services

16. Business operations shall be in compliance with storm-water regulations.
17. Trash enclosure areas must be of appropriate size and number in order to accommodate three (3) separate recycling containers according to the State recycling regulations AB 939, AB 341, AB 1826, and SB 1383.

Orange County Fire Authority

18. The applicant shall comply with all applicable Orange County Fire Authority requirements, including, but not limited to the Fire Master Plan.

Community and Economic Development Department

19. The establishment shall be operated as a "vehicle storage yard" use, as defined in the Municipal Code. There shall be no on-site dismantling of vehicles.
20. All outside storage shall be kept within the enclosed parking area, and shall be properly maintained, organized, and screened from public view. There shall be no outside storage permitted in the front of the building, along Chapman Avenue.
21. It is prohibited to install any tires, vehicle parts or accessories, or in any way service a vehicle in any portion of the lot, outside of an enclosed building.
22. All vehicles shall be stored within the fenced area behind the building, and shall be screened from the public right-of-way. That portion of the property used for outdoor storage shall be enclosed within a masonry wall or chain link fence, provided with view-obscuring materials, not less than six feet (6'-0") in height, but in no case taller than seven feet (7'-0"). No storage shall be allowed above the screen wall height.
23. The applicant shall make improvements to the parking on the site, and ensure there is adequate parking for the use. The paved parking surfaces shall be repaired, repaved or re-slurried, and re-stripped, as necessary to be in good condition. The applicant shall provide and maintain four (4) parking spaces for customers and employees, in addition to spaces for tow trucks, and stored vehicles. At no time shall the parking lot be used exclusively for employee parking or stored vehicles. Parking spaces shall remain accessible to customers during regular business hours. The existing gate along Western Avenue shall remain open during business hours.

24. No razor wire or concertina wire shall be used on any of the storage yard perimeter walls or fences.
25. 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.
26. 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.
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. 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.
30. 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.
31. 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 Services Division. No advertising material shall be placed thereon.

32. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
33. 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.
34. 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.
35. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3502.5, and 3513 of the California Fish and Game regulations, which requires the protection of active nests of all bird species, prior to the removal of any on-site landscaping, including the removal of existing trees.
36. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-225-2022 shall be kept on the premises at all times.
37. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-225-2022 and his/her agreement with all conditions of the approval.
38. 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.
39. 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.
40. 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-225-2022. 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.

41. 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-225-2022 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.

Engineering Division

42. A minimum uninterrupted twenty-foot (20'-0") wide throat access to the site is required from the street for commercial projects, and shall meet the requirements of the California Fire Code throughout the site. The first three (3) parking spaces facing Western Avenue shall be removed/relocated to allow for a twenty-foot (20'-0") wide throat access.
43. The existing gate on Chapman Avenue shall remain closed, and only to be used for accessing the billboard.
44. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer. (Policies and Procedures – TE-17)
45. The applicant shall coordinate with the Planning Services Division, and Orange County Fire Authority to identify proper emergency vehicle access to the site.
46. The site 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.
47. All parking spaces that abut sidewalks that are not elevated with a curb face to the stall, shall have wheel-stops to prevent vehicle overhang onto sidewalk. A

Conditional Use Permit No. CUP-225-2022
Conditions of Approval

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.

48. Provide adequate drive aisle and lane widths per City of Garden Grove Standard B-311.
49. Turning Template shall be in accordance with City's Traffic Policy & Procedures TE-14.
50. Driveway Opening Policy shall be in accordance with City's Traffic Policy & Procedures TE-8.
51. Sight Distance Standards shall be in accordance with City's Traffic Policy & Procedures TE-13.
52. Development Review and Comment Sheet shall be in accordance with City's Traffic Policy & Procedures TE-17.
53. No Parking Fire Lane Sign Design shall be in accordance with City's Traffic Policy & Procedures TE-20.
54. Traffic Impact Mitigation Fees shall be in accordance with Garden Grove City Council Resolution 9401-16.
55. The parking lot layout shall be in accordance with City Standards B-311 & B-312.
56. The applicant shall be subject to Traffic Mitigation Fees, In-Lieu Park 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.
57. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502, and state-mandated commercial organic recycling laws, including AB 1826 and its implementing regulations, and any other applicable State recycling laws related to refuse, recyclables, and/or organics:

- a. Paved with an impervious surface, designed not to allow run-on mixing of drainage from adjoining areas, designed to divert drainage from adjoining roofs and pavements to be directed around the area for trash roll out, and screened or walled to prevent off-site transport of trash by water or wind.
- b. Provide solid roof or awning to prevent direct precipitation into the enclosure.
- c. Connection of trash area drains to the municipal storm drain system is prohibited. Drainage from the enclosure may be directed to a conforming grease or contaminant interceptor.
- d. Potential conflicts with fire code access requirements and garbage pickup routing for access activities shall be considered in implementation of design and source control. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
- e. The trash enclosure and containers shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures, and concrete aprons for roll-out areas.
- f. Pursuant to commercial organic recycling state law (AB 1826), the applicant shall coordinate storage and removal of the organics waste with the local recycling/trash company.
- g. Pursuant to applicable state laws, the applicant shall contact and coordinate with the operations manager of the local recycling/trash company (Republic Services, 800-700-8610) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items, such as, but not limited to, municipal solid waste (MSW), recyclables, and organic green waste.
- h. 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, and any other type of waste.
- i. The applicant shall ensure large, bulky 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 the public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulky items shall be out of public vantage points.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.b.	SITE LOCATION: East side of Topaz Street, at the reverse corner of Huntley Avenue and Topaz Street, at 12262 Topaz Street
HEARING DATE: July 14, 2022	GENERAL PLAN: Low Density Residential
CASE NO.: Variance No. V-037-2022	ZONE: R-1 (Single-Family Residential)
APPLICANT: Adam Stubendorff	CEQA DETERMINATION: Exempt
PROPERTY OWNER(S): Same as Applicant	APN: 130-601-14

REQUEST:

A Variance request to deviate from the minimum rear yard setback requirement of the R-1 (Single-Family Residential) zone, Municipal Code Section 9.08.040.020.A (Residential - General Development Standards), for the construction of a second-story balcony partially within the rear setback. The site is at 12262 Topaz Street (Assessor's Parcel No. 130-601-14).

BACKGROUND:

The subject site is improved with an existing single-story 1,311 square foot single-family dwelling with an attached 447 square foot two-car garage. Said dwelling was originally constructed in April of 1962. The floor plan of the existing dwelling consists of a living room, dining room, kitchen, laundry room, three (3) bedrooms, and two (2) bathrooms (2 public bathrooms).

The subject property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The property is located adjacent to R-1 zoned properties to the north, west, and east, which are improved with single-family residences, and an O-S (Open Space) zoned property to the east, which is improved with the Hilton D. Bell Intermediate School.

In February of 2022, a building permit (Building Permit No. 22-0432) was issued for the subject property allowing the construction of 1st and 2nd floor additions to the existing dwelling. The scope of work of said permit consists of the following: (1) remodel of the existing 1st floor with a new pantry, new den, one (1) new bathroom (public), remodeled kitchen, and new stairwell; and (2) a 1,790 square foot 2nd story addition with a new family room, two (2) new bathrooms (1 public and 1 private), new laundry room, four (4) new bedrooms, and a new second story

balcony at the rear. Prior to the issuance of Building Permit No. 22-0432, a Land Use Restriction was recorded on the property's title in November of 2021. The Land Use Restriction specifically addressed the requirement of 2nd floor privacy provisions and necessary mitigation of 2nd floor views (e.g., from windows and balconies) into adjacent/neighboring recreation areas in side and rear yards. The Land Use Restriction requires the subject property owner to maintain mature vision obscuring/screening landscaping (e.g., trees) along the northerly property line (starting at the northeast corner of the property, going westerly approximately forty feet (40'-0")). Said landscaping is required to maintain dense foliage to adequately obscure/screen northerly views from the new balcony. Additionally, the landscaping is required to be maintained at a minimum height of fifteen feet (15'-0") in perpetuity.

In June of 2022, a building permit (Building Permit No. 22-2551) was issued allowing a revision to Permit No. 22-0432 to add three (3) new windows, add one (1) new fireplace to the 1st floor, and change the type of two (2) doors (from sliding glass doors to French doors). The addition/remodel project is currently under construction and undergoing City building inspections.

Pursuant to the approved construction plans, under Building Permit No. 22-0432, the proposed new 2nd floor balcony has a depth of 5'-5" and a width of 20'-0". The minimum rear setback requirement for the subject property is 19'-6". Measuring to the outside face of the balcony posts, the balcony is currently approved to provide a 19'-6" setback to the rear property line, which complies with the minimum rear setback requirement. The easterly facing roof eaves and guard railing of the balcony overhangs and encroaches the rear setback by 2'-0", which is permissible by the Municipal Code (Permitted Intrusions - 9.08.040.010.C).

DISCUSSION:

VARIANCE:

Findings Required to Approve Variance:

The applicant is requesting consideration of a Variance from Section 9.08.040.020.A (Residential - General Development Standards) of Title 9 of the Municipal Code for a deviation to the minimum rear setback requirement, in order to facilitate the construction of the new balcony. The applicant is proposing a minor revision to the approved plans, under Building Permit No. 22-0432, to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The minimum rear setback requirement is 19'-6". The increased depth of the balcony would encroach the rear setback by 4'-7" (as measured to the outside face of the balcony posts). The applicant is requesting Variance approval to allow a minor deviation to the minimum rear setback requirement to facilitate the proposed modification to the balcony.

Pursuant to State law and Garden Grove Municipal Code Section 9.32.030.D.6, in order to grant a property owner's request for a Variance, the Zoning Administrator must make each of the following five (5) findings:

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

Approval of this Variance will allow the project to deviate from the minimum rear setback requirement (19'-6"), in order to facilitate the construction of the expanded new balcony, as part of the overall addition/remodel project contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit). The applicant is proposing a minor revision to the approved plans to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The increased depth of the balcony would encroach into the rear setback by 4'-7" (as measured to the outside face of the balcony posts). With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other similar properties in the immediate vicinity, within the same zone, or other similar zoned properties throughout the City.

Other properties in similar residential type zones, in the same zone and in the neighborhood of the subject site, are typically comprised of common shaped lots that are rectangular with symmetrical side and front/rear lot lines. However, the subject site is irregularly shaped (with frontage along a knuckle and asymmetrical side, front, and rear lot lines), which significantly limits the ability to develop and improve the property with a development in a traditional manner and wholly in compliance with all R-1 zone development standards. The proposed development is constrained by the existing conditions (i.e., irregular shape of the property), which limits the feasibility for horizontal and vertical expansion, as contemplated in the addition/remodel plans under Building Permit No. 22-0432, which has resulted in a shorter depth for the proposed new balcony (currently 5'-5" in depth). Additionally, other properties in immediate vicinity of the subject site are comprised of common shaped lots that are rectangular (with symmetrical lot lines) and have side property lines that are 100 feet deep. Due to the irregular shape of the subject property, and with the property's frontage being located on a street knuckle, the easterly side property line is 94.1 feet, which is approximately 6 feet less than typical rectangular lots in the area that are afforded 100-foot lot depths. Due to the shorter lot depth of the

subject property, and being located on a street knuckle, the placement of the existing single-family home is approximately 6 feet further into the property, when compared to other neighboring properties with typical rectangular lots. For the subject property, this has resulted in less available space in the rear yard area for additions/expansions. The foregoing constitutes exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other property in the same zone.

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

Approval of this Variance will allow the project to deviate from the minimum rear setback requirement (19'-6"), in order to facilitate the construction of the expanded new balcony, as part of the overall addition/remodel project contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit). The applicant is proposing a minor revision to the approved plans to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The increased depth of the balcony would encroach the rear setback by 4'-7" (as measured to the outside face of the balcony posts). With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking. There are other properties in the same zone that have single-family dwellings that encroach into the traditional rear setback area, some of which include variances that were granted to allow the respective deviations. Furthermore, other properties in similar residential type zones, in the same zone and in the neighborhood of the subject site, are typically comprised of common shaped lots that are rectangular with symmetrical side and front/rear lot lines. However, the subject site is irregularly shaped (with frontage along a knuckle and asymmetrical side, front, and rear lot lines), which significantly limits the ability to develop and improve the property with a development in a traditional manner and wholly in compliance with all R-1 zone development standards. The proposed development is constrained by the existing conditions (i.e., irregular shape of the property), which limits the feasibility for horizontal and vertical expansion, as contemplated in the addition/remodel plans under Building Permit No. 22-0432, which has resulted in a shorter depth for the proposed new balcony (currently 5'-5" in depth). Additionally, other properties in immediate vicinity of the subject site are comprised of common shaped lots that are rectangular (with symmetrical lot lines) and have side property lines that are 100 feet deep. Due to the irregular shape of the subject property, and with the property's frontage being located on a street knuckle, the easterly side property line is 94.1 feet,

which is approximately 6 feet less than typical rectangular lots in the area that are afforded 100-foot lot depths. Due to the shorter lot depth of the subject property, and being located on a street knuckle, the placement of the existing single-family home is approximately 6 feet further into the property, when compared to other neighboring properties with typical rectangular lots. For the subject property, this has resulted in less available space in the rear yard area for additions/expansions.

Accordingly, approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in the same zone of the subject site. With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking.

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

Approval of this Variance will allow the project to deviate from the minimum rear setback requirement (19'-6"), in order to facilitate the construction of the expanded new balcony, as part of the overall addition/remodel project contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit). The applicant is proposing a minor revision to the approved plans to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The increased depth of the balcony would encroach into the rear setback by 4'-7" (as measured to the outside face of the balcony posts). While most traditional single-family residentially developed lots abut other single-family residentially developed lots to the rear, the subject property abuts an O-S (Open Space) zoned property to the rear (facing east), which is improved with multiple large baseball fields as part of the existing Hilton D. Bell Intermediate School. Therefore, the location and orientation of the subject property does not have the same potential concerns with rear building setbacks and 2nd floor privacy (to the east) as would a typical residentially developed lot that abuts other similarly improved residential lots. Additionally, with the expanded balcony (10'-0" deep by 20'-0" wide), the property would still provide a 14'-11" rear setback from the balcony to the easterly property line, while the remaining portions of the 2nd floor would continue to maintain at least a 24'-0" (or greater) rear setback. The applicant's architect has thoughtfully designed the balcony to ensure it is architecturally compatible to the primary dwelling and is aesthetically pleasing. With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking.

The project will be required to comply with all applicable building and life safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the proposal has been reviewed by all City departments in order to ensure compliance with all applicable Municipal Code provisions. Provided the project complies with the Conditions of Approval, the approval of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

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

The subject property has a General Plan Land Use Designation of Low Density Residential, which is characterized by detached, single-unit residential dwellings and accessory dwelling units, with neighborhoods that provide an excellent neighborhood environment, preserve residential property values, and provide high-quality architectural design. The overall addition/remodel project, contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit), have been thoughtfully designed by the applicant's architect to ensure the remodel/addition is of a high-quality design, is architecturally compatible, and is aesthetically pleasing. Approval of this Variance will allow the project to deviate from the minimum rear setback requirement (19'-6"), in order to facilitate the construction of the expanded new balcony. The applicant is proposing a minor revision to the approved plans to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The increased depth of the balcony would encroach into the rear setback by 4'-7" (as measured to the outside face of the balcony posts). While most traditional single-family residentially developed lots abut other single-family residentially developed lots to the rear, the subject property abuts an O-S (Open Space) zoned property to the rear (facing east), which is improved with multiple large baseball fields as part of the existing Hilton D. Bell Intermediate School. Therefore, the location and orientation of the subject property does not have the same potential concerns with rear building setbacks and 2nd floor privacy (to the east) as would a typical residentially developed lot that abuts other similarly improved residential lots. Additionally, with the expanded balcony (10'-0" deep by 20'-0" wide), the property would still provide a 14'-11" rear setback from the balcony to the easterly property line, while the remaining portions of the 2nd floor would continue to maintain at least a 24'-0" (or greater) rear setback. The subject balcony is located within the property's rear yard area, and given that the property does not directly abut other single-family residentially developed lots to the rear (to the east), the balcony would not be visible from public vantage points on Topaz Street, and would therefore have no potential visual impacts.

The proposed project meets the spirit and intent of the Low Density Residential designation of the General Plan and furthers the following goals, policies, and implementation programs. Goal LU-2 strives to ensure stable, well-maintained residential neighborhoods in Garden Grove. Policies LU-2.1, LU-2.4, LU-2.7, and LU-IMP-2B in part, strive:

- LU-2.1 - To "protect residential areas from the effects of potentially incompatible uses";
- LU-2.4 - To "assure that the type and intensity of land use are consistent with those of the immediate neighborhood";
- LU-2.7 - To "ensure that the distinct character of Garden Grove's neighborhoods is respected and reflected in all new development or redevelopment, especially infill development"; and
- LU-IMP-2B - To ensure new development "is similar in scale to the adjoining residential neighborhood to preserve its character".

The overall addition/remodel project, contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit) will maintain the existing use as single-family residential dwelling, which is a compatible use that is consistent with the character and development scale of the area, which consists of a variety of one-story and two-story homes. Furthermore, the project has been thoughtfully designed by the applicant's architect to ensure the remodel/addition is of a high-quality design, is architecturally compatible, and is aesthetically pleasing.

Based on the foregoing, the project will be consistent with the spirit and intent of the General Plan furthering its goals, policies, and implementation programs. Therefore, the granting of the requested Variance will not adversely affect the City's General Plan.

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

Approval of this Variance will allow the project to deviate from the minimum rear setback requirement (19'-6"), in order to facilitate the construction of the expanded new balcony, as part of the overall addition/remodel project contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit). The applicant is proposing a minor revision to the approved plans to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The increased depth of the balcony would encroach into the rear setback by 4'-7" (as measured to the

outside face of the balcony posts). With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking. There are other properties in the same zone that have single-family dwellings that encroach the traditional rear setback area, some of which include variances that were granted to allow the respective deviations. Furthermore, other properties in similar residential type zones, in the same zone and in the neighborhood of the subject site, are typically comprised of common shaped lots that are rectangular with symmetrical side and front/rear lot lines. However, the subject site is irregularly shaped (with frontage along a knuckle and asymmetrical side, front, and rear lot lines), which significantly limits the ability to develop and improve the property with a development in a traditional manner and wholly in compliance with all R-1 zone development standards. The proposed development is constrained by the existing conditions (i.e., irregular shape of the property), which limits the feasibility for horizontal and vertical expansion, as contemplated in the addition/remodel plans under Building Permit No. 22-0432, which has resulted in a shorter depth for the proposed new balcony (currently 5'-5" in depth). Additionally, other properties in immediate vicinity of the subject site are comprised of common shaped lots that are rectangular (with symmetrical lot lines) and have side property lines that are 100 feet deep. Due to the irregular shape of the subject property, and with the property's frontage being located on a street knuckle, the easterly side property line is 94.1 feet, which is approximately 6 feet less than typical rectangular lots in the area that are afforded 100-foot lot depths. Due to the shorter lot depth of the subject property, and being located on a street knuckle, the placement of the existing single-family home is approximately 6 feet further into the property, when compared to other neighboring properties with typical rectangular lots. For the subject property, this has resulted in less available space in the rear yard area for additions/expansions.

Accordingly, approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in the same zone of the subject site. With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking. Therefore, based on the foregoing, granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Staff believes the record contains sufficient facts to support approval of the applicant's Variance request. Accordingly, Staff has prepared for the Zoning Administrator's consideration, a draft decision approving the proposed Variance request, subject to the specified Conditions of Approval.


California Environmental Quality Act:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 1, Existing Facilities (CEQA Guidelines §15301).

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

1. Approve Variance No. V-037-2022, subject to the recommended Conditions of Approval.



Lee Marino
Planning Services Manager



By: Chris Chung
Urban Planner

12262 Topaz Street

V-037-2022
CITY OF GARDEN GROVE, CA



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Project Name:
 SECOND-STORY ADDITION
 HOME RENOVATION

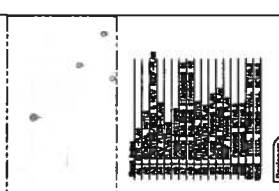
Client:
 ARMY STRONGHOLD,
 GARDEN GROVE, CA 92645

DATE OF WORK:
 SECOND-STORY ADDITION
 HOME RENOVATION

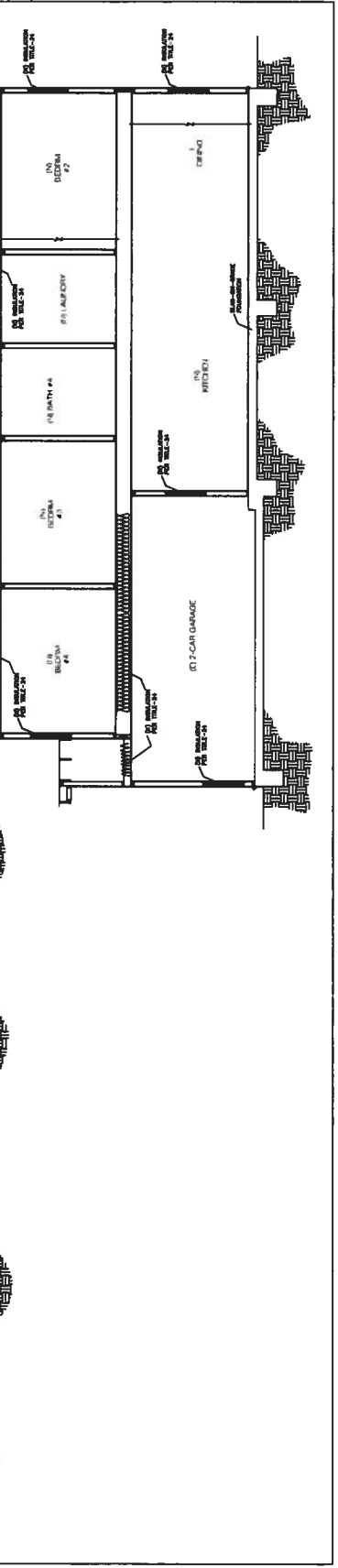
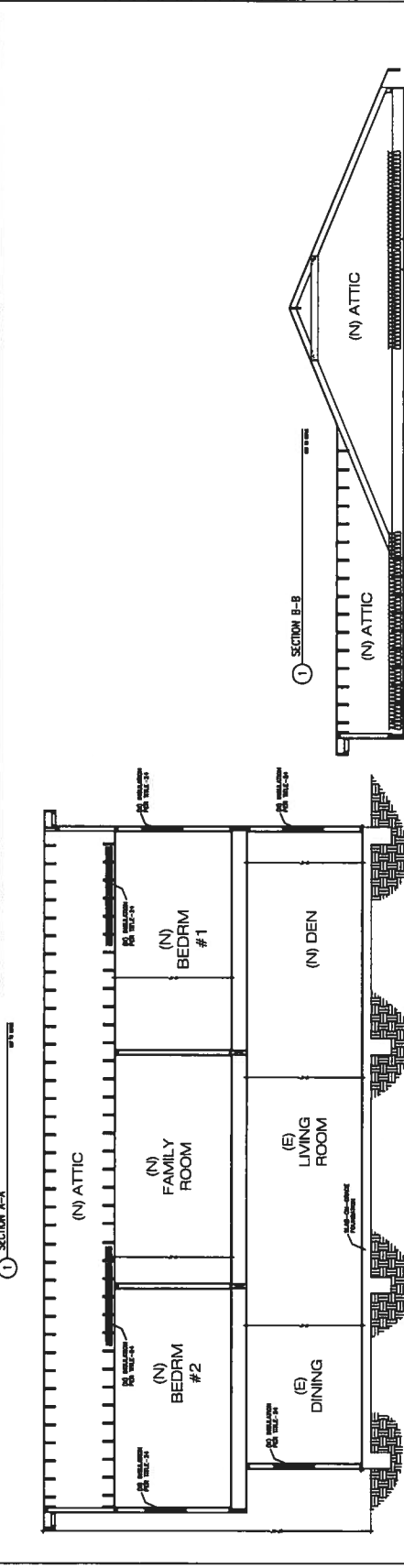
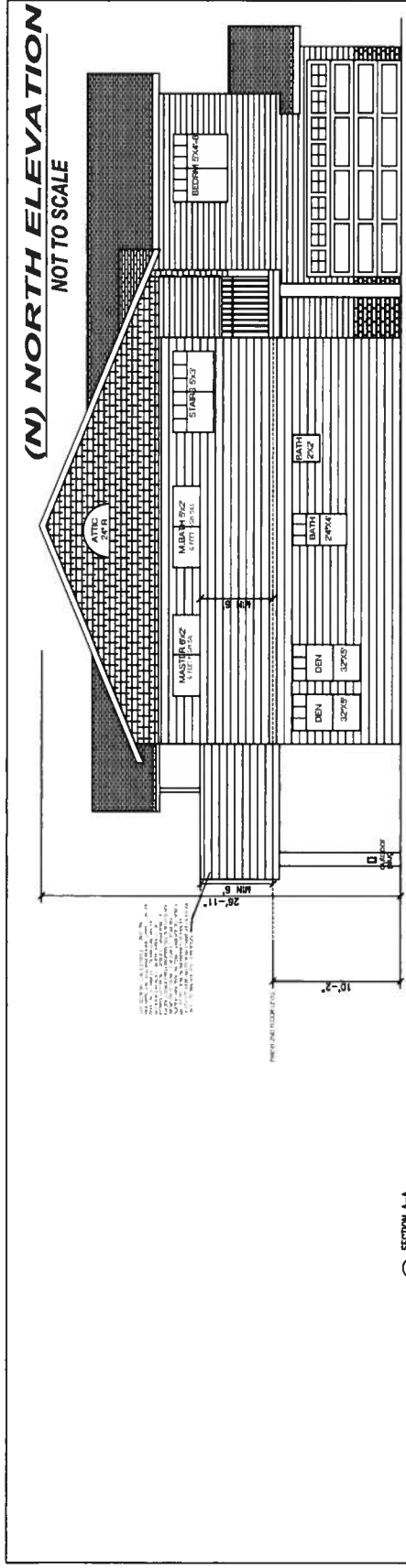
APPLICABLE CODES:
 2019 CALIFORNIA BUILDING CODE
 2019 CALIFORNIA ELECTRICAL CODE
 2019 CALIFORNIA MECHANICAL CODE
 2019 CALIFORNIA PLUMBING CODE
 2019 CALIFORNIA FIRE CODE
 2019 CALIFORNIA ENERGY CODE

NOTE: The drawings and specifications were prepared by the architect and are subject to change without notice. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and regulations. The architect shall not be responsible for any errors or omissions in the drawings or specifications, or for any consequences arising therefrom, whether or not such errors or omissions are caused in whole or in part by negligence on the part of the architect. The contractor shall be responsible for the construction of the work in accordance with the drawings and specifications, and for obtaining all necessary permits and for complying with all applicable codes and regulations. The architect shall not be responsible for any errors or omissions in the drawings or specifications, or for any consequences arising therefrom, whether or not such errors or omissions are caused in whole or in part by negligence on the part of the architect.

BUILDING DATA:
 APN: 130-80-1-14
 LOT SIZE: 9,850 SQFT
 (E) 1ST FLOOR: 1,311 SQFT
 (N) 1ST FLOOR: 41 SQFT
 (E) 2ND FLOOR: —
 (N) 2ND FLOOR: 1,790 SQFT
 (E) GARAGE: 447 SQFT
 (E) OPEN PARKING: 400 SQFT
 TOTAL SQ. FT.: 3,165 SQFT
 LOT COVERAGE:
 CONSTRUCTION TYPE: V
 OCCUPANCY: SINGLE-FAMILY
 (N) FRONT PORCH
 (N) REAR PATIO-COVER



PROJECT ADDRESS:
 21111 GARDEN GROVE STREET
 GARDEN GROVE, CA 92645
 SHEET NO. A6



DECISION NO. 1823-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING VARIANCE NO. V-037-2022, FOR A PROPERTY LOCATED ON THE EAST SIDE OF TOPAZ STREET, AT THE REVERSE CORNER OF HUNTLEY AVENUE AND TOPAZ STREET, AT 12262 TOPAZ STREET, ASSESSOR'S PARCEL NOS. 130-601-14.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove, in regular session assembled on July 14, 2022, approves Variance No. V-037-2022.

BE IT FURTHER RESOLVED in the matter of Variance No. V-037-2022, the Zoning Administrator of the City of Garden Grove does hereby determine and report as follows:

1. The subject case was initiated by Adam Stubendorff, the property owner of the subject property.
2. A Variance request to deviate from the minimum rear yard setback requirement of the R-1 (Single-Family Residential) zone, Municipal Code Section 9.08.040.020.A (Residential - General Development Standards), for the construction of a second-story balcony partially within the rear setback. The site is at 12262 Topaz Street (Assessor's Parcel No. 130-601-14).
3. The Zoning Administrator hereby determines that the proposed project is categorically exempt from the California Environmental Quality Act ("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 Low Density Residential and is zoned R-1 (Single-Family Residential). The subject site is improved with an existing single-story 1,311 square foot single-family dwelling with an attached 447 square foot two-car garage.
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 July 14, 2022, 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 July 14, 2022, 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 are as follows:

FACTS:

The subject site is improved with an existing single-story 1,311 square foot single-family dwelling with an attached 447 square foot two-car garage. Said dwelling was originally constructed in April of 1962. The floor plan of the existing dwelling consists of a living room, dining room, kitchen, laundry room, three (3) bedrooms, and two (2) bathrooms (2 public bathrooms).

The subject property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The property is located adjacent to R-1 zoned properties to the north, west, and east, which are improved with single-family residences, and an O-S (Open Space) zoned property to the east, which is improved with the Hilton D. Bell Intermediate School.

In February of 2022, a building permit (Building Permit No. 22-0432) was issued for the subject property allowing the construction of 1st and 2nd floor additions to the existing dwelling. The scope of work of said permit consists of the following: (1) remodel of the existing 1st floor with a new pantry, new den, one (1) new bathroom (public), remodeled kitchen, and new stairwell; and (2) a 1,790 square foot 2nd story addition with a new family room, two (2) new bathrooms (1 public and 1 private), new laundry room, four (4) new bedrooms, and a new second story balcony at the rear. Prior to the issuance of Building Permit No. 22-0432, a Land Use Restriction was recorded on the property's title in November of 2021. The Land Use Restriction specifically addressed the requirement of 2nd floor privacy provisions and necessary mitigation of 2nd floor views (e.g., from windows and balconies) into adjacent/neighborhood recreation areas in side and rear yards. The Land Use Restriction requires the subject property owner to maintain mature vision obscuring/screening landscaping (e.g., trees) along the northerly property line (starting at the northeast corner of the property, going westerly approximately forty feet (40'-0")). Said landscaping is required to maintain dense foliage to adequately obscure/screen northerly views from the new balcony. Additionally, the landscaping is required to be maintained at a minimum height of fifteen feet (15'-0") in perpetuity.

In June of 2022, a building permit (Building Permit No. 22-2551) was issued allowing a revision to Permit No. 22-0432 to add three (3) new windows, add one (1) new fireplace to the 1st floor, and change the type of two (2) doors (from sliding glass doors to French doors). The addition/remodel project is currently under construction and undergoing City building inspections.

Pursuant to the approved construction plans, under Building Permit No. 22-0432, the proposed new 2nd floor balcony has a depth of 5'-5" and a width of 20'-0". The

minimum rear setback requirement for the subject property is 19'-6". Measuring to the outside face of the balcony posts, the balcony is currently approved to provide a 19'-6" setback to the rear property line, which complies with the minimum rear setback requirement. The easterly facing roof eaves and guard railing of the balcony overhangs and encroaches the rear setback by 2'-0", which is permissible by the Municipal Code (Permitted Intrusions - 9.08.040.010.C).

The applicant is requesting consideration of a Variance from Section 9.08.040.020.A (Residential - General Development Standards) of Title 9 of the Municipal Code for a deviation to the minimum rear setback requirement, in order to facilitate the construction of the new balcony. The applicant is proposing a minor revision to the approved plans, under Building Permit No. 22-0432, to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The minimum rear setback requirement is 19'-6". The increased depth of the balcony would encroach the rear setback by 4'-7" (as measured to the outside face of the balcony posts). The applicant is requesting Variance approval to allow a minor deviation to the minimum rear setback requirement to facilitate the proposed modification to the balcony.

FINDINGS AND REASONS:

VARIANCE:

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

Approval of this Variance will allow the project to deviate from the minimum rear setback requirement (19'-6"), in order to facilitate the construction of the expanded new balcony, as part of the overall addition/remodel project contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit). The applicant is proposing a minor revision to the approved plans to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The increased depth of the balcony would encroach into the rear setback by 4'-7" (as measured to the outside face of the balcony posts). With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other similar properties in the immediate vicinity, within the same zone, or other similar zoned properties throughout the City.

Other properties in similar residential type zones, in the same zone and in the neighborhood of the subject site, are typically comprised of common shaped

lots that are rectangular with symmetrical side and front/rear lot lines. However, the subject site is irregularly shaped (with frontage along a knuckle and asymmetrical side, front, and rear lot lines), which significantly limits the ability to develop and improve the property with a development in a traditional manner and wholly in compliance with all R-1 zone development standards. The proposed development is constrained by the existing conditions (i.e., irregular shape of the property), which limits the feasibility for horizontal and vertical expansion, as contemplated in the addition/remodel plans under Building Permit No. 22-0432, which has resulted in a shorter depth for the proposed new balcony (currently 5'-5" in depth). Additionally, other properties in immediate vicinity of the subject site are comprised of common shaped lots that are rectangular (with symmetrical lot lines) and have side property lines that are 100 feet deep. Due to the irregular shape of the subject property, and with the property's frontage being located on a street knuckle, the easterly side property line is 94.1 feet, which is approximately 6 feet less than typical rectangular lots in the area that are afforded 100-foot lot depths. Due to the shorter lot depth of the subject property, and being located on a street knuckle, the placement of the existing single-family home is approximately 6 feet further into the property, when compared to other neighboring properties with typical rectangular lots. For the subject property, this has resulted in less available space in the rear yard area for additions/expansions. The foregoing constitutes exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other property in the same zone.

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

Approval of this Variance will allow the project to deviate from the minimum rear setback requirement (19'-6"), in order to facilitate the construction of the expanded new balcony, as part of the overall addition/remodel project contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit). The applicant is proposing a minor revision to the approved plans to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The increased depth of the balcony would encroach the rear setback by 4'-7" (as measured to the outside face of the balcony posts). With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking. There are other properties in the same zone that have single-family dwellings that encroach into the traditional rear setback area, some of which include variances that were granted to allow the respective deviations. Furthermore, other properties in similar residential type zones, in the same

zone and in the neighborhood of the subject site, are typically comprised of common shaped lots that are rectangular with symmetrical side and front/rear lot lines. However, the subject site is irregularly shaped (with frontage along a knuckle and asymmetrical side, front, and rear lot lines), which significantly limits the ability to develop and improve the property with a development in a traditional manner and wholly in compliance with all R-1 zone development standards. The proposed development is constrained by the existing conditions (i.e., irregular shape of the property), which limits the feasibility for horizontal and vertical expansion, as contemplated in the addition/remodel plans under Building Permit No. 22-0432, which has resulted in a shorter depth for the proposed new balcony (currently 5'-5" in depth). Additionally, other properties in immediate vicinity of the subject site are comprised of common shaped lots that are rectangular (with symmetrical lot lines) and have side property lines that are 100 feet deep. Due to the irregular shape of the subject property, and with the property's frontage being located on a street knuckle, the easterly side property line is 94.1 feet, which is approximately 6 feet less than typical rectangular lots in the area that are afforded 100-foot lot depths. Due to the shorter lot depth of the subject property, and being located on a street knuckle, the placement of the existing single-family home is approximately 6 feet further into the property, when compared to other neighboring properties with typical rectangular lots. For the subject property, this has resulted in less available space in the rear yard area for additions/expansions.

Accordingly, approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in the same zone of the subject site. With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking.

3. The Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

Approval of this Variance will allow the project to deviate from the minimum rear setback requirement (19'-6"), in order to facilitate the construction of the expanded new balcony, as part of the overall addition/remodel project contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit). The applicant is proposing a minor revision to the approved plans to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The increased depth of the balcony would encroach into the rear setback by 4'-7" (as measured to the outside face of the balcony posts). While most traditional single-family residentially developed lots abut other single-family residentially developed

lots to the rear, the subject property abuts an O-S (Open Space) zoned property to the rear (facing east), which is improved with multiple large baseball fields as part of the existing Hilton D. Bell Intermediate School. Therefore, the location and orientation of the subject property does not have the same potential concerns with rear building setbacks and 2nd floor privacy (to the east) as would a typical residentially developed lot that abuts other similarly improved residential lots. Additionally, with the expanded balcony (10'-0" deep by 20'-0" wide), the property would still provide a 14'-11" rear setback from the balcony to the easterly property line, while the remaining portions of the 2nd floor would continue to maintain at least a 24'-0" (or greater) rear setback. The applicant's architect has thoughtfully designed the balcony to ensure it is architecturally compatible to the primary dwelling and is aesthetically pleasing. With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking. The project will be required to comply with all applicable building and life safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the proposal has been reviewed by all City departments in order to ensure compliance with all applicable Municipal Code provisions. Provided the project complies with the Conditions of Approval, the approval of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

4. The granting of the Variance will not adversely affect the General Plan.

The subject property has a General Plan Land Use Designation of Low Density Residential, which is characterized by detached, single-unit residential dwellings and accessory dwelling units, with neighborhoods that provide an excellent neighborhood environment, preserve residential property values, and provide high-quality architectural design. The overall addition/remodel project, contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit), have been thoughtfully designed by the applicant's architect to ensure the remodel/addition is of a high-quality design, is architecturally compatible, and is aesthetically pleasing. Approval of this Variance will allow the project to deviate from the minimum rear setback requirement (19'-6"), in order to facilitate the construction of the expanded new balcony. The applicant is proposing a minor revision to the approved plans to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The increased depth of the balcony would encroach into the rear setback by 4'-7" (as measured to the outside face of the balcony posts). While most traditional single-family residentially developed lots abut other single-family residentially developed lots to the rear, the subject property abuts an O-S (Open Space) zoned property to the rear (facing east), which is improved with multiple large

baseball fields as part of the existing Hilton D. Bell Intermediate School. Therefore, the location and orientation of the subject property does not have the same potential concerns with rear building setbacks and 2nd floor privacy (to the east) as would a typical residentially developed lot that abuts other similarly improved residential lots. Additionally, with the expanded balcony (10'-0" deep by 20'-0" wide), the property would still provide a 14'-11" rear setback from the balcony to the easterly property line, while the remaining portions of the 2nd floor would continue to maintain at least a 24'-0" (or greater) rear setback. The subject balcony is located within the property's rear yard area, and given that the property does not directly abut other single-family residentially developed lots to the rear (to the east), the balcony would not be visible from public vantage points on Topaz Street, and would therefore have no potential visual impacts.

The proposed project meets the spirit and intent of the Low Density Residential designation of the General Plan and furthers the following goals, policies, and implementation programs. Goal LU-2 strives to ensure stable, well-maintained residential neighborhoods in Garden Grove. Policies LU-2.1, LU-2.4, LU-2.7, and LU-IMP-2B in part, strive:

- LU-2.1 – To "protect residential areas from the effects of potentially incompatible uses";
- LU-2.4 - To "assure that the type and intensity of land use are consistent with those of the immediate neighborhood";
- LU-2.7 – To "ensure that the distinct character of Garden Grove's neighborhoods is respected and reflected in all new development or redevelopment, especially infill development"; and
- LU-IMP-2B – To ensure new development "is similar in scale to the adjoining residential neighborhood to preserve its character".

The overall addition/remodel project, contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit) will maintain the existing use as single-family residential dwelling, which is a compatible use that is consistent with the character and development scale of the area, which consists of a variety of one-story and two-story homes. Furthermore, the project has been thoughtfully designed by the applicant's architect to ensure the remodel/addition is of a high-quality design, is architecturally compatible, and is aesthetically pleasing.

Based on the foregoing, the project will be consistent with the spirit and intent of the General Plan furthering its goals, policies, and implementation programs. Therefore, the granting of the requested Variance will not adversely affect the City's General Plan.

5. Approval of the Variance is subject to such conditions as will assure that it does not constitute a grant of special privileges inconsistent with the

limitations upon other properties in the vicinity and zone in which the subject property is situated.

Approval of this Variance will allow the project to deviate from the minimum rear setback requirement (19'-6"), in order to facilitate the construction of the expanded new balcony, as part of the overall addition/remodel project contemplated under the approved plans pursuant to Building Permit Nos. 22-0432 (main permit) and 22-2551 (revision permit). The applicant is proposing a minor revision to the approved plans to extend the depth of the balcony from 5'-5" to 10'-0" (an increase of 4'-7"). Therefore, the new size of the balcony will be 10'-0" deep by 20'-0" wide. The increased depth of the balcony would encroach into the rear setback by 4'-7" (as measured to the outside face of the balcony posts). With exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking. There are other properties in the same zone that have single-family dwellings that encroach the traditional rear setback area, some of which include variances that were granted to allow the respective deviations. Furthermore, other properties in similar residential type zones, in the same zone and in the neighborhood of the subject site, are typically comprised of common shaped lots that are rectangular with symmetrical side and front/rear lot lines. However, the subject site is irregularly shaped (with frontage along a knuckle and asymmetrical side, front, and rear lot lines), which significantly limits the ability to develop and improve the property with a development in a traditional manner and wholly in compliance with all R-1 zone development standards. The proposed development is constrained by the existing conditions (i.e., irregular shape of the property), which limits the feasibility for horizontal and vertical expansion, as contemplated in the addition/remodel plans under Building Permit No. 22-0432, which has resulted in a shorter depth for the proposed new balcony (currently 5'-5" in depth). Additionally, other properties in immediate vicinity of the subject site are comprised of common shaped lots that are rectangular (with symmetrical lot lines) and have side property lines that are 100 feet deep. Due to the irregular shape of the subject property, and with the property's frontage being located on a street knuckle, the easterly side property line is 94.1 feet, which is approximately 6 feet less than typical rectangular lots in the area that are afforded 100-foot lot depths. Due to the shorter lot depth of the subject property, and being located on a street knuckle, the placement of the existing single-family home is approximately 6 feet further into the property, when compared to other neighboring properties with typical rectangular lots. For the subject property, this has resulted in less available space in the rear yard area for additions/expansions.

Accordingly, approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in the same zone of the subject site. With

exception to the requested Variance, the project meets all other Municipal Code development standards such as, but not limited to, building setbacks, lot coverage, building height, and parking. Therefore, based on the foregoing, granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Variance possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
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 Variance No. V-037-2022.

EXHIBIT "A"

Variance No. V-037-2021

12262 Topaz Street
(APN: 130-601-14)

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, 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 appropriate hearing body. All Conditions of Approval herein shall apply to Variance No. V-037-2022.
2. Variance No. V-037-2022 authorizes a deviation to the minimum rear setback requirement, in order to facilitate the construction of a new balcony, which will be 10'-0" deep by 20'-0" wide. The minimum rear setback requirement of the subject property is 19'-6". The deviation contemplated by this Variance would allow the subject balcony to encroach the rear setback by 4'-7" (as measured to the outside face of the balcony posts). The rights granted the applicant pursuant to Variance No. V-037-2022 shall continue in effect for only so long as a single-family dwelling structure similar in size, orientation, and location to the structure depicted on the architectural plans presented to the Zoning Administrator are approved by the City, constructed and continue to exist on the site. In the event the necessary building permit(s), including any other necessary permit(s), for such a structure is/are not obtained within one year of approval (or the length of any extension approved by the City), or the structure is not constructed within the time allowed under such building permit(s), or such structure is demolished and not re-established within one year of demolition, Variance No. V-037-2022 shall cease to be effective or grant the applicant any rights to construct other improvements inconsistent with the then-currently applicable development standards. Approval of this Variance shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.

3. 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.
4. The architectural plans submitted by the Applicant and presented to the Zoning Administrator, are an integral part of the decision approving this Variance. 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.

Public Works Water Services Division

6. 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.

Orange County Fire Authority

7. The applicant shall ensure that the project/building complies with all life safety matters, as required by the Orange County Fire Authority.

Community and Economic Development Department

8. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, using electricity from power poles rather than diesel or gasoline powered generators, and using methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, using solar or low-emission water heaters, and using low-sodium parking lot lights, to ensure compliance with Title 24.
9. The applicant shall comply with the adopted City Noise Ordinance.
10. All balcony lighting structures shall be placed so as to confine direct rays to the subject property. Lighting shall be directed, positioned or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.

Conditions of Approval

11. 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.
12. 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.
13. The applicant shall work with the Planning Division to ensure that the proposed exterior colors, exterior finishes, and materials are architecturally compatible and match the existing dwelling.
14. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Variance No. V-037-2022. 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.
15. It shall be the applicant's responsibility to verify that any building or site improvements do not impermissibly interfere with any recorded (or non-recorded) easements or required utility clearances on the subject property or the adjacent properties.
16. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3502.5, and 3513 of the California Fish and Game regulations, which require the protection of active nests of all bird species, prior to the removal of any on-site landscaping, including the removal of existing trees.