



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

JUNE 18, 2015

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

REGULAR SESSION – 7:00 P.M. COUNCIL CHAMBER

ROLL CALL: CHAIR O'NEILL, VICE CHAIR KANZLER
COMMISSIONERS MAI, MARGOLIN, PAK, PAREDES, ZAMORA

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 Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 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 all or a majority of the Planning Commissioners 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 City Council Chamber at the time of the meeting.

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

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: June 4, 2015
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. VARIANCE NO. V-011-2015

APPLICANT: DAVID WEBBER

LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD,
WEST OF EUCLID STREET AT 11100 AND 11102
GARDEN GROVE BOULEVARD

REQUEST: Variance approval to deviate from the required number of parking spaces, Municipal Code Section 9.18.140.030 (Parking Spaces Required), to allow the operation of a new 14,300 square foot restaurant/eating establishment, East Seafood Buffet, at 11102 Garden Grove Boulevard. The site is in the CC-3 (Civic Center Core) zone. This project is exempt pursuant to CEQA Section 15301 - Existing Facilities and Section 15332 - In-Fill Development Projects.

STAFF RECOMMENDATION: Approve Variance No. V-011-2015, subject to the recommended conditions of approval.

- D. MATTERS FROM COMMISSIONERS
- E. MATTERS FROM STAFF
- F. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION
Community Meeting Center, 11300 Stanford Avenue, Garden Grove, CA 92840

Regular Meeting Minutes
Thursday, June 4, 2015

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Chair O'Neill
Vice Chair Kanzler
Commissioner Mai
Commissioner Margolin
Commissioner Pak
Commissioner Paredes
Commissioner Zamora

Absent: None.

PLEDGE OF ALLEGIANCE: Led by Chair O'Neill.

ORAL COMMUNICATIONS – PUBLIC: Mr. Josh McIntosh stated that he would like two items agendaized in the future. The first, to form a subcommittee for responsible building projects with water conservation and green space, and the second, to form a multi-commission group to discuss zoning and Conditional Use Permits on Main Street as the City moves into revitalizing downtown.

MAY 21, 2015 MINUTES:

Action: Received and filed.
Motion: Margolin Second: Pak
Ayes: (5) Margolin, O'Neill, Pak, Paredes,
Zamora
Noes: (0) None
Abstain: (2) Kanzler, Mai

STUDY SESSION – REVIEW OF CONDITIONAL USE PERMITS AND ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSED ESTABLISHMENTS. Staff discussed and received input on Conditional Use Permits and Alcoholic Beverage Control (ABC) Licensed establishments.

MATTERS FROM COMMISSIONERS: Commissioner Margolin mentioned that more trash bags were seen at the old auto-sale alley. Staff stated they would look into the matter again.

Vice Chair Kanzler commended staff for their hard work and asked when the next General Plan Update would occur. Staff replied in the next five to ten years. Vice Chair Kanzler then mentioned that there was a push from the building industry for city water conservation ordinances.

Commissioner Zamora asked if the future General Plan update would include more park space. Staff responded that the plan has an Open Space Element; that the Community Services Department could give her an update; that parks were usually combined with the school district; that the Brookhurst Triangle would have a perimeter trail; that discussions were being held regarding the future plans of the Willowick Golf Course; and that YouTube had a City Council Re:Imagine update.

Commissioner Paredes asked what were the barriers preventing Main Street from becoming a hub. Staff suggested that Commissioner Paredes speak with Peter Katz and Scott Weimer regarding the vision of Main Street.

Commissioner Pak mentioned that the City was in Stage 2 of the water conservation effort. Staff added that watering hours were restricted and letters would be sent for those not following the guidelines. After three letters, the City would install a water-reducing device.

Commissioner Pak also noted that he would like Code Enforcement to look into the noisy beer bar at 9860 Garden Grove Boulevard. He also asked staff for a list of City-owned properties in the Civic Center area. Staff responded that the City's Real Property division was working on the list.

Commissioner Mai asked who oversees the Alcoholic Beverage Control (ABC) licensing. Staff responded that the ABC and Police Department both investigate compliance regarding minors, rules, and alcohol, and participate in random checks.

Chair O'Neill asked about the lead times for the Harbor Boulevard monument sign installations. Staff responded that there was no abatement deadline.

MATTERS FROM STAFF: Staff invited the Planning Commission to attend the Monday, June 8th, Neighborhood Improvement and Conservation Commission meeting at 6:30 p.m. as the agenda included an overview of Code Enforcement. Staff then gave a brief description of the June 18th Planning Commission agenda items and mentioned that the July 2nd meeting would be cancelled. Staff then noted that the August 20th meeting would be a study session at 6:00 p.m. covering the General Plan, Zoning, Mixed Use, and the Housing Element.

ADJOURNMENT: At 8:50 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, June 18, 2015, at 7:00 p.m. in the Garden Grove Council Chamber, 11300 Stanford Avenue, Garden Grove.

Motion:	Margolin	Second:	Zamora
Ayes:	(7)	Kanzler, Mai, Margolin, O'Neill, Pak, Paredes, Zamora	
Noes:	(0)	None	
Absent:	(0)	None	

Judith Moore, Recording Secretary

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: South side of Garden Grove Boulevard, west of Euclid Street, at 11100 and 11102 Garden Grove Boulevard
HEARING DATE: June 18, 2015	GENERAL PLAN: Civic Center Mixed Use
CASE NO.: Variance No. V-011-2015	ZONE: CC-3 (Civic Center Core)
APPLICANT: David Webber	CEQA DETERMINATION: Exempt
PROPERTY OWNER(S): Emerald Square II, LLC	APN: 099-105-40 & 42

REQUEST:

A request for Variance approval to deviate from the required number of parking spaces, Municipal Code Section 9.18.140.030 (Parking Spaces Required), to allow the operation of a new 14,300 square foot restaurant/eating establishment, East Seafood Buffet, at 11102 Garden Grove Boulevard.

BACKGROUND:

The subject (2) properties (with Assessor's Parcel Nos. 099-105-40 & 42) have a gross lot area of approximately 2.5 acres, making up an integrated development, and are developed with an existing approximately 30,000 square foot building. The properties are zoned CC-3 (Civic Center Core) and have General Plan Land Use Designations of Civic Center Mixed Use. The properties abut CC-3 zoned properties to the north, across Garden Grove Boulevard, south, east, and west.

The existing 30,000 square foot building is located in the center with parking lots located at the front, fronting along Garden Grove Boulevard, and at the rear, behind the building, to the south. The site provides a total of 152 parking spaces, of which eighty-four (84) parking spaces are located in the front parking lot area, and the remaining sixty-eight (68) parking spaces are located in the rear parking lot area.

The existing 30,000 square foot building, in its entirety, was previously occupied by Office Depot, which began its business in 1997 according to business license records. In April of 2015, a building permit was issued by the City of Garden Grove to allow the construction of a demising wall, splitting the existing 30,000 square foot tenant space into a 15,700 square foot tenant space and a 14,300 square foot tenant space. Office Depot has downsized its operation and is now occupying the

15,700 square foot tenant space, with the address of 11100 Garden Grove Boulevard. The proposed East Seafood Buffet restaurant will occupy the newly created 14,300 square foot tenant space, which has a new address of 11102 Garden Grove Boulevard.

To the west of the subject site is an existing fast-food drive-thru eating establishment, Del Taco, and an existing large retail store, Costco. A driveway runs along the westerly property line of the subject site, which provides reciprocal access and parking to Del Taco and Costco utilizing the existing driveways.

For a retail commercial use, under 40,000 square feet in gross floor area, the Municipal Code ("Code") requires a minimum of one (1) parking space per 200 square feet of gross floor area. Prior to the subdivision of the existing 30,000 square foot Office Depot tenant space, Code required the existing Office Depot retail store to provide a minimum of 150 parking spaces. The existing site provides a total of 152 total parking spaces, which is a surplus of two (2) parking spaces.

Following the subdivision of the existing 30,000 square foot tenant space, into two (2) tenant spaces, the Office Depot will occupy the 15,700 square foot tenant space, which requires a minimum of seventy-nine (79) parking spaces. For restaurant/eating establishment uses, Code requires a minimum of one (1) parking space per 100 square feet of gross floor area. The proposed East Seafood Buffet restaurant, will occupy the newly created 14,300 square foot tenant space, which requires a minimum of 143 parking spaces. Thus, the total number of required parking spaces will be 222 based on Code for restaurant and retail land use parking rates.

Based on the existing 152 parking spaces that are provided, the proposed development will be deficient by seventy-one (71) parking spaces, which is equal to a thirty-two percent (32%) reduction. Municipal Code Section 9.18.140.060, Joint Use and Parking Management, states that when there is any reduction in parking beyond ten percent (10%), a parking management plan is required. However, said reduction may not exceed twenty-five (25%). Therefore, because the subject proposal exceeds the twenty-five (25%) threshold allowed by Code, the applicant has requested approval of a Variance, to deviate from the minimum number of required parking spaces.

DISCUSSION:

In order for the proposed project to move forward as proposed, the applicant is requesting consideration of a Variance from Municipal Code Section 9.18.140.030 (Parking Spaces Required) in order to deviate from the minimum number of required parking spaces to allow the operation of a new 14,300 square foot restaurant/eating establishment, East Seafood Buffet, at 11102 Garden Grove Boulevard.

To support their Variance request, the applicant has submitted an observed parking analysis report and a traffic impact study, both prepared by licensed traffic engineers from RK Engineering Group, Inc. ("RK Engineering"). The following discussion will briefly summarize the analysis conducted and the findings made by RK Engineering.

OBSERVED PARKING ANALYSIS:

RK Engineering conducted an observed parking analysis for the subject site to determine the projected parking demand, for the proposed mixed (restaurant and retail) development by utilizing observed parking demand studies.

As previously mentioned, with the proposed restaurant, along with the downsized Office Depot tenant, there will be a proposed deficiency of seventy-one (71) parking spaces, equal to a thirty-two percent (32%) reduction in parking. Therefore, due to the deficiency, the number of parking spaces provided does not meet the parking requirements of the Code. The observed parking analysis report states that a "buffet-style restaurant", such as the proposed East Seafood Buffet restaurant, does not operate like a typical restaurant, because much of the square footage is required for the buffet customer queuing line. A review of the floor plan shows that the customer queuing line accounts for approximately 1,500 square feet. A strict interpretation of the Code, at a rate of one (1) parking space per 100 square feet, requires fifteen (15) parking spaces for this customer queuing area, alone.

To establish peak parking demand for the previously existing 30,000 square foot Office Depot tenant, RK Engineering obtained observed parking counts on a typical weekday and a typical weekend day, Friday and Saturday, respectively. The peak demand occurred on Saturday, where there were a total of seventy (70) parked cars on-site, which is approximately 46% of the total parking spaces supplied. Because there is reciprocal access between the Costco site and the Office Depot site, Staff notes that it is a common occurrence to find Costco customers parking on the Office Depot site. The observed parking analysis report notes that on Saturday, during the observed peak time, sixty-three (63) of the seventy (70) vehicle occupants who parked on the Office Depot site were observed walking to the Costco site. However, it should be noted, to be conservative, the visitors to Costco were not reduced from the total observed demand data. It should also be noted that the total observed parking demand for the Office Depot was based on its prior condition, when it occupied the entire 30,000 square foot building. This was a conservative approach, since the proposed Office Depot will have approximately half (15,700) of the square footage of the previous tenant space size.

To establish peak parking demand for the proposed East Seafood Buffet restaurant, RK Engineering performed an observed parking demand survey at an operating King Buffet restaurant, located in Los Angeles, which has the same floor plan layout and operational characteristics as the East Seafood Buffet restaurant. The existing

King Buffet, in Los Angeles, has a gross floor area of 11,200 square feet with a total of eighty (80) parking spaces provided on-site. During the observed peak hour, which was on a Friday and Saturday at 2:00 p.m., there were a total of fifty-eight (58) parked cars, which is approximately 72.5% of the total parking supplied. The projected parking demand for the proposed East Seafood Buffet is calculated based on the existing Los Angeles King Buffet observed demand. The existing Los Angeles location is approximately 11,200 square feet, and the proposed East Seafood Buffet, at 11102 Garden Grove Boulevard, is 14,300 square feet. The ratio of square footage was applied to the observed demand to determine an appropriate projected demand for the proposed East Seafood Buffet restaurant.

The observed demand for the Office Depot and the projected demand for the proposed East Seafood Buffet were added to determine the projected parking demand for the proposed mixed use development (East Seafood Buffet and Office Depot). On a typical weekday, the projected peak hour demand totals 140 parked vehicles. On a typical weekend day, the peak hour is projected to demand a total of 133 parked vehicles. Taking the worst case scenario, a weekday, the projected peak demand finds there will be a surplus of twelve (12) parking spaces, based on the 152 existing parking spaces available on-site.

Therefore, the projected parking demand determines that there would be a sufficient amount of parking spaces to accommodate the proposed East Seafood Buffet in conjunction with the Office Depot tenant. See Figure 1 below.

DAY	TOTAL NUMBER OF PARKING SPACES PROVIDED	PEAK PARKING TIME	PEAK PARKING DEMAND	NUMBER OF SURPLUS PARKING SPACES AT PEAK
Typical Weekday	152	2:00PM	140	12
Typical Weekend Day	152	2:00PM	133	19

Figure 1

As part of this observed parking analysis report, a trip generation analysis was conducted. Trip generation represents the amount of trips that are produced and attracted by a development. The report analyzed the expected number of trips generated by the proposed East Seafood Buffet restaurant, alone, excluding the expected number of trips generated by the Office Depot. The analysis concluded that the proposed restaurant is expected to generate more than fifty (50) p.m. (night) peak hour trips. Because the number of trips is expected to exceed fifty (50) peak hour trips, RK Engineering suggested that a traffic impact study be conducted and included as part of this application.

TRAFFIC IMPACT STUDY:

As previously mentioned, a traffic impact study was recommended by RK Engineering, in part due to the increased trip generation expected by the operation of the proposed East Seafood Buffet restaurant. Thus, a traffic impact study was conducted by RK Engineering to evaluate the proposed project, with respect to on-site and off-site traffic impacts, pursuant to the requirements and specifications of the City of Garden Grove. The purpose of the traffic impact study is to evaluate the proposed mixed development (East Seafood Buffet and Office Depot) from a traffic circulation standpoint and determine whether significant impacts may occur as a result of the project.

The study area, of the traffic impact study, included the following nearby three (3) offsite intersections:

1. Main Street (north/south) at Garden Grove Boulevard (east/west)
2. Project Access Driveway (the driveway located just west of the subject building, which provides primary access to the site) (north/south) at Garden Grove Boulevard (east/west)
3. Euclid Street (north/south) at Garden Grove Boulevard (east/west)

The objectives of the traffic impact study included: (1) documentation of existing traffic conditions in the vicinity of the site; (2) evaluation of existing plus project traffic conditions; (3) evaluation of traffic conditions, in 2016, with and without the project; and (4) determination of any on-site and off-site improvements deemed necessary as a result of impacts from the project.

The traffic impact study found, for existing traffic conditions, all study area intersections were operating at acceptable levels of service during peak hours (between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The traffic impact study also found that the proposed mixed development (East Seafood Buffet and Office Depot) is projected to generate two (2) fewer vehicles per hour during the a.m. peak hour and approximately eighty-eight (88) net new vehicles per hour during the p.m. peak hour.

Based on ICU (Intersection Capacity Utilization) calculations, the level of service ("LOS") of a signalized or unsignalized traffic intersection is given a letter grade of A, B, C, D, E or F. For example, a LOS intersection grade of "A", the highest grade, would mean that traffic flows freely and individual users are virtually unaffected by the presence of others in the traffic stream. A LOS intersection grade of "F", the worst grade, would signify that there is a forced or breakdown in traffic flow where the condition exists wherever the amount of traffic approaching a point exceeds the amount which can traverse that point. The acceptable LOS for intersections within the City of Garden Grove is "D" or better.

The intersection level of service analyses were performed for existing and future conditions. The results of the traffic impact study analyses indicate that the proposed project, even with the projected increase in trip generation, would have less than a significant impact at all study area intersections.

Based on the review and findings of the traffic impact study, Staff supports RK Engineering's conclusion that the proposed project can be accommodated with the following recommendations:

1. Ensure that the on-site circulation system is per the submitted detailed site plan.
2. Repaint the existing stop bar and the existing stop sign legend at the Project Access Driveway on Garden Grove Boulevard.
3. Provide on-site bicycle racks in easily accessible and highly visible locations to promote alternative modes of transportation.
4. Encourage management to display a poster/message board that promotes walking, bicycling, and public transit and provides information about these options within the neighborhood.
5. Encourage employees to use alternative modes of transportation, such as carpooling and public transit. Consider providing incentives for such usage.

VARIANCE:

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 Planning Commission must make each of the following five (5) findings:

1. That there are exceptional 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.
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.
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.
4. That the granting of such 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.

In this case, Staff believes the weight of the evidence dictates that all five (5) required findings can be made.

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.

The East Seafood Buffet restaurant will be part of a multi-tenant mixed use development, which will include a restaurant use and a retail use (Office Depot). Other sites in the same vicinity, as well as in similarly zoned properties with similar uses, do not have a mix of uses, but rather, have an existing commercial use on a stand-alone lot. Furthermore, there are very few properties in the City with similar commercial uses such as the subject Office Depot retail store and the proposed East Seafood Buffet restaurant, which have unique operational characteristics. RK Engineering noted that a "buffet-style restaurant", such as the proposed East Seafood Buffet restaurant, does not operate like a typical restaurant, because much of the square footage is required for the buffet customer queuing line. Also, the Office Depot sells a specific product and does not operate like a typical retail store. The subject site provides a total of 152 parking spaces. Based on Code requirements, the restaurant and retail use combined requires a total of 222 parking spaces, which results in a 32% parking deficiency. An observed parking analysis was conducted by RK Engineering. The existing 30,000 square foot Office Depot retail use was found to utilize just forty-six percent (46%) of the 152 available parking spaces on-site during their peak times. The existing Office Depot use did not generate a high parking demand when compared to other retail sites with similar uses. Additionally, the proposed project involves the Office Depot retail use downsizing its operation from 30,000 square feet to 15,700 square feet. However, the observed parking analysis took a conservative approach and applied the parking demand based on the original Office Depot tenant space size of 30,000 square feet. Even with the conservative approach, the observed parking analysis concluded that there would be a sufficient amount of parking spaces to accommodate the proposed East Seafood Buffet in conjunction with the Office Depot tenant, with an available surplus of parking spaces.

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.

According to the observed parking analysis, the subject site's parking demand is currently less than 50% occupied as the existing Office Depot use does not generate the high parking demand that is typically found in other retail shopping

centers with similar uses. Additionally, there are other similar commercial properties in the immediate vicinity, within the same zone, or other similarly zoned properties throughout the City, that provide less parking than required by current Code requirements. Most of these properties were developed prior to current Code requirements, and were not required to provide the minimum number of on-site parking spaces as would be required today. However, to address any parking related issues, the observed parking analysis, conducted by licensed traffic engineers of RK Engineering, found that there would be a sufficient amount of parking spaces to accommodate the proposed East Seafood Buffet in conjunction with the Office Depot tenant, with an available surplus of parking spaces. Furthermore, a traffic impact study conducted by RK Engineering indicated that the proposed project would have no significant impacts to the nearby study area traffic intersections.

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 other similar commercial properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City.

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.

Based on Code requirements, the restaurant and retail use combined requires a total of 222 parking spaces, which results in a 32% parking deficiency. An observed parking analysis was conducted by RK Engineering. The existing 30,000 square foot Office Depot retail use was found to utilize just forty-six percent (46%) of the 152 available parking spaces on-site during peak hours. The existing Office Depot use did not generate a high parking demand when compared to other retail sites with similar uses. Additionally, the proposed project involves the Office Depot retail use downsizing its operation from 30,000 square feet to 15,700 square feet. However, the observed parking analysis took a conservative approach and applied the parking demand based on the original Office Depot tenant space size of 30,000 square feet. The Variance will allow a reduction in the number of on-site parking spaces. The reduction in the Code required parking will not adversely affect the surrounding properties, as even with the conservative approach, the observed parking analysis concluded that there would be a sufficient amount of parking spaces to accommodate the proposed East Seafood Buffet in conjunction with the Office Depot tenant. Furthermore, there will be available surplus of parking during both weekday and weekend peak times. Granting of the Variance will allow this site the same benefits as other similar commercial properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City, which do not provide the minimum number of required parking spaces based on today's Code requirements. Approval of this Variance will allow the site to be

improved, meet the intended use of the zone, and provide an additional amenity to the community as family-style sit-down restaurant. Provided that the project complies with the conditions of approval, the approval of the Variance will not create an adverse effect on the public welfare or to properties or improvements in such vicinity and zone in which the property is located.

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

The proposed use is consistent with the intent of the General Plan and the zoning classification as restaurants are permitted in the CC-3 (Civic Center Core) zone. The proposed Variance request will not cause an adverse effect on the City's General plan since the Municipal Code is a tool used to implement goals of the General Plan. The proposed East Seafood Buffet restaurant will improve a vacant tenant space, will complement the neighboring uses, and will further a goal of the General Plan to develop underutilized properties with a suitable development. The findings of the observed parking analysis and the traffic impact study ensure that Goal CIR-1 of the General Plan is met, which strives to provide a transportation system that maximizes freedom of movement and maintains a balance between mobility, safety, cost of efficiency of maintenance, and the quality of the City's environment. Therefore, the proposed project meets the spirit and intent of the Municipal Code and the 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.

According to the observed parking analysis, the subject site's parking demand is currently less than 50% occupied as the existing Office Depot use does not generate the high parking demand that is typically found in other retail shopping centers with similar uses. Additionally, there are other similar commercial properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City, that provide less parking than required by current Code requirements. Most of these properties were developed prior to current Code requirements, and were not required to provide the minimum number of on-site parking spaces as would be required today. However, to address any parking related issues, the observed parking analysis, conducted by licensed traffic engineers of RK Engineering, found that there would be a sufficient amount of parking spaces to accommodate the proposed East Seafood Buffet in conjunction with the Office Depot tenant, with an available surplus of parking spaces. Furthermore, a traffic impact study conducted by RK Engineering indicated that the proposed project would have no significant impacts to the nearby study area traffic intersections. The Conditions of Approval require that a minimum of 152 parking spaces be provided at all times, provide that parking associated with adjacent uses be prohibited, require certain site improvements be made to improve circulation and

safety, require the applicant to take certain actions to encourage customers and employees to utilize alternative modes of transportation that will not impact on-site parking, and require implementation of an approved parking mitigation plan in the event actual parking or circulation problems nonetheless occur. Provided that the conditions are adhered to, approval of the subject Variance will not grant a special privilege that is inconsistent with the limitations upon other properties located within the vicinity or zone in which the subject property is situated. In addition, pursuant to Condition of Approval No. 2, the rights granted the applicant pursuant to Variance No. V-011-2015 shall continue in effect for only so long as the nature and character of the two uses operating in the 30,000 square foot building on the Site remain the same as at the time of approval the Variance. In the event the nature or character of either of the two uses occupying the building materially changes, Variance No. V-011-2015 shall cease to be effective or to grant the applicant any rights to continue to operate the described uses on the Site. Any future uses on the Site different from the current described uses will be required to comply with all then applicable standards of the Garden Grove Municipal Code, and the applicant may not rely on this Variance as a basis for satisfying the required number of parking spaces associated with such future uses.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

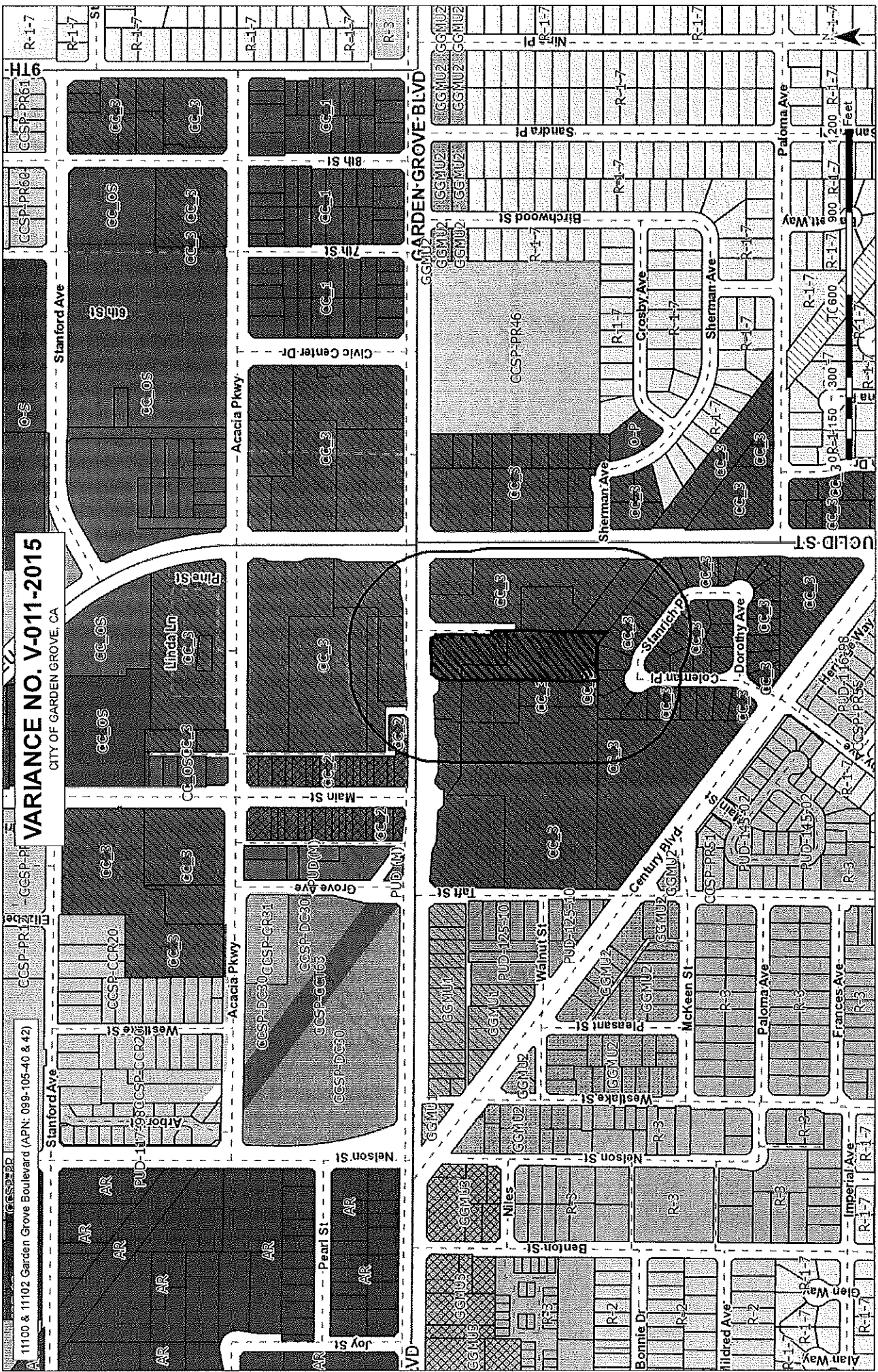
1. Adopt proposed Resolution No. 5848-15 approving Variance No. V-011-2015, subject to the recommended Conditions of Approval.


KARL HILL
Planning Services Manager


By: Chris Chung
Associate Planner

VARIANCE NO. V-011-2015

CITY OF GARDEN GROVE, CA



Menemsha
 ARCHITECTURAL
 1825 BAY STREET
 SAN JOSE, CA 95131
 TEL: 415.435.1100
 WWW.MENEMSHA.COM

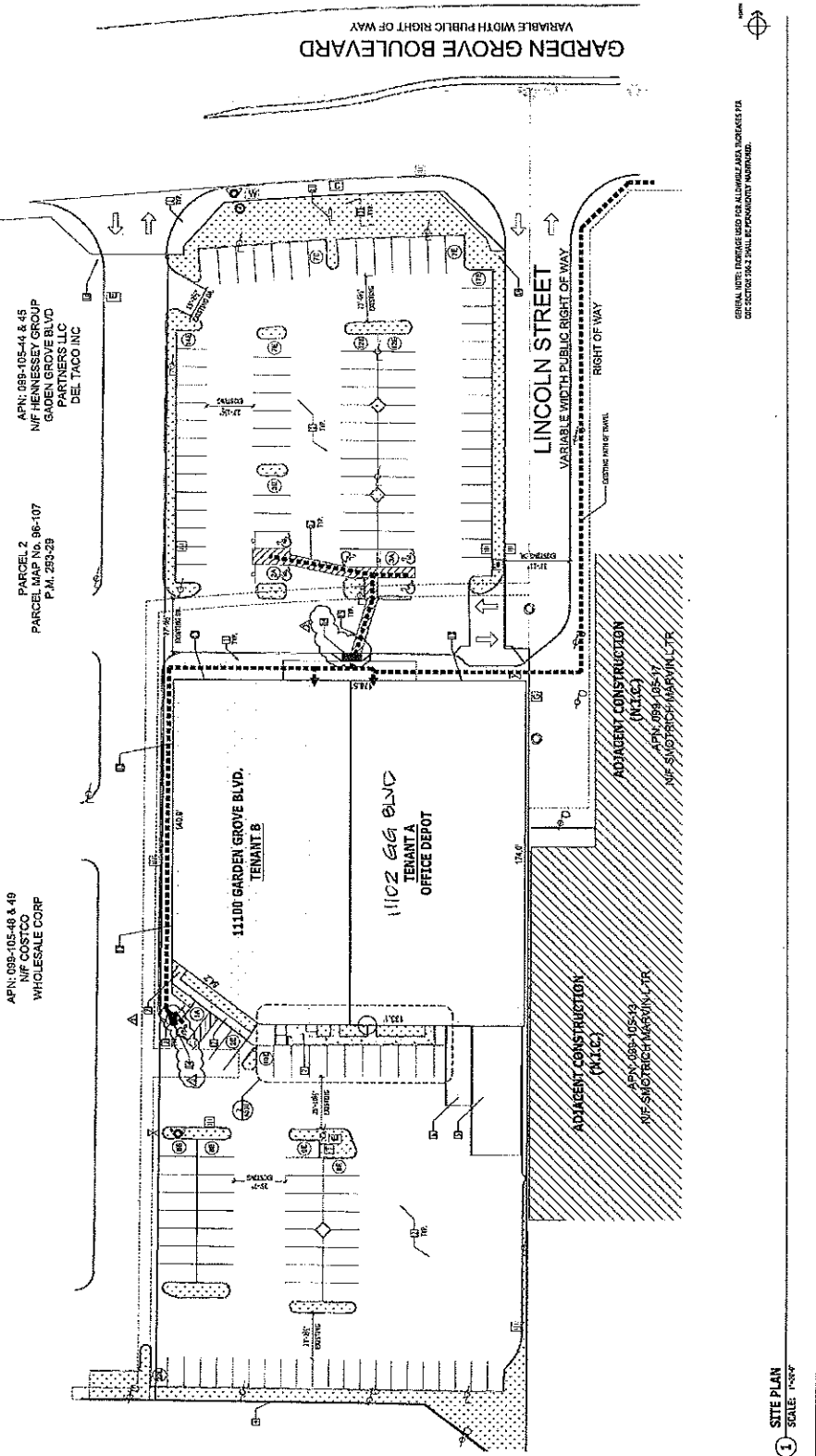
EMERALD SQUARE II, LLC

Office DEPOT
 8970 & BUILDING SHELL
 TENANT IMPROVEMENTS
 1100 GARDEN GROVE BLVD.
 GARDEN GROVE, CA 92843

CONSTRUCTION SET
 01.12.2015

NO. 1	PROJECT	Office Depot
NO. 2	CLIENT	Emerald Square II, LLC
NO. 3	DATE	01.12.2015
NO. 4	SCALE	AS SHOWN
NO. 5	PROJECT LOCATION	1100 Garden Grove Blvd, Garden Grove, CA 92843
NO. 6	PROJECT DESCRIPTION	Office Depot Tenant Improvements
NO. 7	PROJECT PHASE	Construction Set
NO. 8	PROJECT STATUS	Final
NO. 9	PROJECT VALUE	\$1,500,000
NO. 10	PROJECT TYPE	Commercial
NO. 11	PROJECT CATEGORY	Office
NO. 12	PROJECT SUB-CATEGORY	Improvements
NO. 13	PROJECT SUB-TYPE	Office Depot
NO. 14	PROJECT SUB-DESCRIPTION	Office Depot
NO. 15	PROJECT SUB-DETAILS	Office Depot
NO. 16	PROJECT SUB-ITEMS	Office Depot
NO. 17	PROJECT SUB-COMMENTS	Office Depot
NO. 18	PROJECT SUB-REFERENCES	Office Depot
NO. 19	PROJECT SUB-REVISIONS	Office Depot
NO. 20	PROJECT SUB-APPROVALS	Office Depot

SITE PLAN
 SHEET NO. 4030



SITE PLAN NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE SPECIFICATIONS.
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10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE SPECIFICATIONS.
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12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE SPECIFICATIONS.
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19. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE SPECIFICATIONS.
20. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE SPECIFICATIONS.

SITE LEGEND

EXISTING DRIVE

NEW DRIVE

EXISTING SIDEWALK

NEW SIDEWALK

EXISTING CURB

NEW CURB

EXISTING LIGHT FIXTURE

NEW LIGHT FIXTURE

EXISTING SIGN

NEW SIGN

EXISTING UTILITY

NEW UTILITY

EXISTING TREE

NEW TREE

EXISTING FENCE

NEW FENCE

EXISTING WALL

NEW WALL

EXISTING DOOR

NEW DOOR

EXISTING WINDOW

NEW WINDOW

EXISTING ROOF

NEW ROOF

EXISTING FLOOR

NEW FLOOR

EXISTING CEILING

NEW CEILING

EXISTING MECHANICAL

NEW MECHANICAL

EXISTING ELECTRICAL

NEW ELECTRICAL

EXISTING PLUMBING

NEW PLUMBING

EXISTING HVAC

NEW HVAC

EXISTING FIRE

NEW FIRE

EXISTING SECURITY

NEW SECURITY

EXISTING ACCESSIBILITY

NEW ACCESSIBILITY

EXISTING SLOPE

NEW SLOPE

EXISTING ELEVATION

NEW ELEVATION

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NEW FINISH

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NEW MATERIAL

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EXISTING TEXTURE

NEW TEXTURE

EXISTING SOUND

NEW SOUND

EXISTING VIBRATION

NEW VIBRATION

EXISTING AIR QUALITY

NEW AIR QUALITY

EXISTING WATER QUALITY

NEW WATER QUALITY

EXISTING SOIL QUALITY

NEW SOIL QUALITY

EXISTING CLIMATE

NEW CLIMATE

EXISTING BIODIVERSITY

NEW BIODIVERSITY

EXISTING CULTURAL RESOURCES

NEW CULTURAL RESOURCES

EXISTING HISTORIC RESOURCES

NEW HISTORIC RESOURCES

EXISTING ARCHITECTURAL RESOURCES

NEW ARCHITECTURAL RESOURCES

EXISTING SCENIC RESOURCES

NEW SCENIC RESOURCES

EXISTING VISUAL RESOURCES

NEW VISUAL RESOURCES

EXISTING SOUNDSCAPE RESOURCES

NEW SOUNDSCAPE RESOURCES

EXISTING AIR QUALITY RESOURCES

NEW AIR QUALITY RESOURCES

EXISTING WATER QUALITY RESOURCES

NEW WATER QUALITY RESOURCES

EXISTING SOIL QUALITY RESOURCES

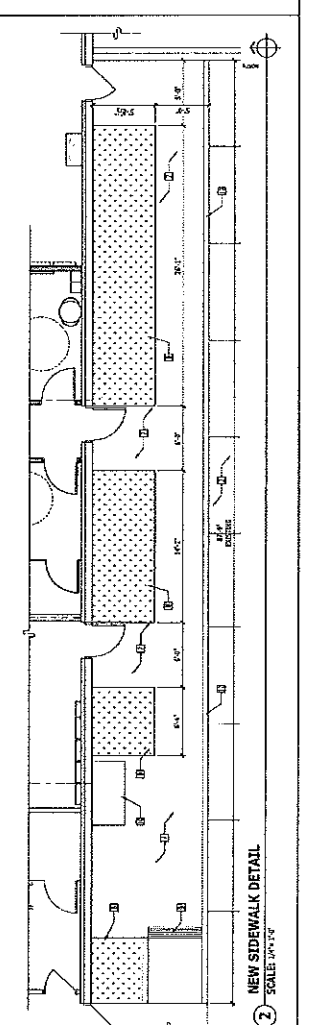
NEW SOIL QUALITY RESOURCES

EXISTING CLIMATE RESOURCES

NEW CLIMATE RESOURCES

EXISTING BIODIVERSITY RESOURCES

NEW BIODIVERSITY RESOURCES



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

2 NEW SIDEWALK DETAIL
 SCALE: 1/4" = 1'-0"

RESOLUTION NO. 5848-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING VARIANCE NO. V-011-2015, FOR PROPERTIES LOCATED AT THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF EUCLID STREET, AT 11100 AND 11102 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NOS. 099-105-40 AND 42.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on June 18, 2015, approves Variance No. V-011-2015.

BE IT FURTHER RESOLVED in the matter of Variance No. V-011-2015, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by David Webber.
2. Applicant is requesting Variance approval to deviate from the required number of parking spaces, Municipal Code Section 9.18.140.030 (Parking Spaces Required), to allow the operation of a new 14,300 square foot restaurant/eating establishment, East Seafood Buffet, at 11102 Garden Grove Boulevard.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) and Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15301 and Section 15332).
4. The property has a General Plan Land Use designation of Civic Center Mixed Use, and is currently zoned CC-3 (Civic Center Core). The subject (2) properties (with Assessor's Parcel Nos. 099-105-40 & 42) have a gross lot area of approximately 2.5 acres, making up an integrated development, and are developed with an existing approximately 30,000 square foot building.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on June 18, 2015, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of June 18, 2015, and

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

FACTS:

The subject (2) properties (with Assessor's Parcel Nos. 099-105-40 & 42) have a gross lot area of approximately 2.5 acres, making up an integrated development, and are developed with an existing approximately 30,000 square foot building. The properties are zoned CC-3 (Civic Center Core) and have General Plan Land Use Designations of Civic Center Mixed Use. The properties abut CC-3 zoned properties to the north, across Garden Grove Boulevard, south, east, and west.

The existing 30,000 square foot building is located in the center with parking lots located at the front, fronting along Garden Grove Boulevard, and at the rear, behind the building, to the south. The site provides a total of 152 parking spaces, of which eighty-four (84) parking spaces are located in the front parking lot area, and the remaining sixty-eight (68) parking spaces are located in the rear parking lot area.

The existing 30,000 square foot building, in its entirety, was previously occupied by Office Depot, which began its business in 1997 according to business license records. In April of 2015, a building permit was issued by the City of Garden Grove to allow the construction of a demising wall, splitting the existing 30,000 square foot tenant space into a 15,700 square foot tenant space and a 14,300 square foot tenant space. Office Depot has downsized its operation and is now occupying the 15,700 square foot tenant space, with the address of 11100 Garden Grove Boulevard. The proposed East Seafood Buffet restaurant will occupy the newly created 14,300 square foot tenant space, which has a new address of 11102 Garden Grove Boulevard.

To the west of the subject site is an existing fast-food drive-thru eating establishment, Del Taco, and an existing large retail store, Costco. A driveway runs along the westerly property line of the subject site which provides reciprocal access utilizing the existing driveways. Review of the title report shows that a Reciprocal Easement Agreement (REA) exists relating to the properties as described in the REA and shown in the attached "Map of the Center".

For a retail commercial use, under 40,000 square feet in gross floor area, the Municipal Code ("Code") requires a minimum of one (1) parking space per 200 square feet of gross floor area. Prior to the subdivision of the existing 30,000 square foot Office Depot tenant space, Code required the existing Office Depot retail store to provide a minimum of 150 parking spaces. The existing site provides a total of 152 total parking spaces, which is a surplus of two (2) parking spaces.

Following the subdivision of the existing 30,000 square foot tenant space, into two (2) tenant spaces, the Office Depot will occupy the 15,700 square foot tenant space, which requires a minimum of seventy-nine (79) parking spaces. For restaurant/eating establishment uses, Code requires a minimum of one (1) parking space per 100 square feet of gross floor area. The proposed East Seafood Buffet restaurant, will occupy the newly created 14,300 square foot tenant space, which

requires a minimum of 143 parking spaces. Thus, the total number of required parking spaces will be 222 based on Code for restaurant and retail land use parking rates.

Based on the existing 152 parking spaces that are provided, the proposed development will be deficient by seventy-one (71) parking spaces, which is equal to a thirty-two percent (32%) reduction. Municipal Code Section 9.18.140.060, Joint Use and Parking Management, states that when there is any reduction in parking beyond ten percent (10%), a parking management plan is required. However, said reduction may not exceed twenty-five (25%). Therefore, because the subject proposal exceeds the twenty-five (25%) threshold allowed by Code, the applicant has requested approval of a Variance, to deviate from the minimum number of required parking spaces.

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.

The East Seafood Buffet restaurant will be part of a multi-tenant mixed use development, which will include a restaurant use and a retail use (Office Depot). Other sites in the same vicinity, as well as in similarly zoned properties with similar uses, do not have a mix of uses, but rather, have an existing commercial use on a stand-alone lot. Furthermore, there are very few properties in the City with similar commercial uses such as the subject Office Depot retail store and the proposed East Seafood Buffet restaurant, which have unique operational characteristics. RK Engineering noted that a "buffet-style restaurant", such as the proposed East Seafood Buffet restaurant, does not operate like a typical restaurant, because much of the square footage is required for the buffet customer queuing line. Also, the Office Depot sells a specific product and does not operate like a typical retail store. The subject site provides a total of 152 parking spaces. Based on Code requirements, the restaurant and retail use combined requires a total of 222 parking spaces, which results in a 32% parking deficiency. An observed parking analysis was conducted by RK Engineering. The existing 30,000 square foot Office Depot retail use was found to utilize just forty-six percent (46%) of the 152 available parking spaces on-site during their peak times. The existing Office Depot use did not generate a high parking demand when compared to other retail sites with similar uses. Additionally, the proposed project involves the Office Depot retail use downsizing its operation from 30,000 square feet to 15,700 square feet. However, the observed parking analysis took a conservative approach and applied the parking demand based on the original Office Depot tenant space size of 30,000 square feet. Even

with the conservative approach, the observed parking analysis concluded that there would be a sufficient amount of parking spaces to accommodate the proposed East Seafood Buffet in conjunction with the Office Depot tenant, with an available surplus of parking spaces.

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.

According to the observed parking analysis, the subject site's parking demand is currently less than 50% occupied as the existing Office Depot use does not generate the high parking demand that is typically found in other retail shopping centers with similar uses. Additionally, there are other similar commercial properties in the immediate vicinity, within the same zone, or other similarly zoned properties throughout the City, that provide less parking than required by current Code requirements. Most of these properties were developed prior to current Code requirements, and were not required to provide the minimum number of on-site parking spaces as would be required today. However, to address any parking related issues, the observed parking analysis, conducted by licensed traffic engineers of RK Engineering, found that there would be a sufficient amount of parking spaces to accommodate the proposed East Seafood Buffet in conjunction with the Office Depot tenant, with an available surplus of parking spaces. Furthermore, a traffic impact study conducted by RK Engineering indicated that the proposed project would have no significant impacts to the nearby study area traffic intersections.

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 other similar commercial properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City.

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.

Based on Code requirements, the restaurant and retail use combined requires a total of 222 parking spaces, which results in a 32% parking deficiency. An observed parking analysis was conducted by RK Engineering. The existing 30,000 square foot Office Depot retail use was found to utilize just forty-six percent (46%) of the 152 available parking spaces on-site during peak hours. The existing Office Depot use did not generate a high parking demand when compared to other retail sites with similar uses. Additionally, the proposed project involves the Office Depot retail use downsizing its operation from 30,000 square feet to 15,700 square feet.

However, the observed parking analysis took a conservative approach and applied the parking demand based on the original Office Depot tenant space size of 30,000 square feet. The Variance will allow a reduction in the number of on-site parking spaces. The reduction in the Code required parking will not adversely affect the surrounding properties, as even with the conservative approach, the observed parking analysis concluded that there would be a sufficient amount of parking spaces to accommodate the proposed East Seafood Buffet in conjunction with the Office Depot tenant. Furthermore, there will be available surplus of parking during both weekday and weekend peak times. Granting of the Variance will allow this site the same benefits as other similar commercial properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City, which do not provide the minimum number of required parking spaces based on today's Code requirements. Approval of this Variance will allow the site to be improved, meet the intended use of the zone, and provide an additional amenity to the community as family-style sit-down restaurant. Provided that the project complies with the conditions of approval, the approval of the Variance will not create an adverse effect on the public welfare or to properties or improvements in such vicinity and zone in which the property is located.

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

The proposed use is consistent with the intent of the General Plan and the zoning classification as restaurants are permitted in the CC-3 (Civic Center Core) zone. The proposed Variance request will not cause an adverse effect on the City's General plan since the Municipal Code is a tool used to implement goals of the General Plan. The proposed East Seafood Buffet restaurant will improve a vacant tenant space, will complement the neighboring uses, and will further a goal of the General Plan to develop underutilized properties with a suitable development. The findings of the observed parking analysis and the traffic impact study ensure that Goal CIR-1 of the General Plan is met, which strives to provide a transportation system that maximizes freedom of movement and maintains a balance between mobility, safety, cost of efficiency of maintenance, and the quality of the City's environment. Therefore, the proposed project meets the spirit and intent of the Municipal Code and the 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.

According to the observed parking analysis, the subject site's parking demand is currently less than 50% occupied as the existing Office Depot use does not generate the high parking demand that is typically found in other

retail shopping centers with similar uses. Additionally, there are other similar commercial properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City, that provide less parking than required by current Code requirements. Most of these properties were developed prior to current Code requirements, and were not required to provide the minimum number of on-site parking spaces as would be required today. However, to address any parking related issues, the observed parking analysis, conducted by licensed traffic engineers of RK Engineering, found that there would be a sufficient amount of parking spaces to accommodate the proposed East Seafood Buffet in conjunction with the Office Depot tenant, with an available surplus of parking spaces. Furthermore, a traffic impact study conducted by RK Engineering indicated that the proposed project would have no significant impacts to the nearby study area traffic intersections. The Conditions of Approval require that a minimum of 152 parking spaces be provided at all times, provide that parking associated with adjacent uses be prohibited, require certain site improvements be made to improve circulation and safety, require the applicant to take certain actions to encourage customers and employees to utilize alternative modes of transportation that will not impact on-site parking, and require implementation of an approved parking mitigation plan in the event actual parking or circulation problems nonetheless occur. Provided that the conditions are adhered to, approval of the subject Variance will not result in the granting of a special privilege that is inconsistent with the limitations upon other properties located within the vicinity or zone in which the subject property is situated. In addition, pursuant to Condition of Approval No. 2, the rights granted the applicant pursuant to Variance No. V-011-2015 shall continue in effect for only so long as the nature and character of the two uses operating in the 30,000 square foot building on the Site remain the same as at the time of approval the Variance. In the event the nature or character of either of the two uses occupying the building materially changes, Variance No. V-011-2015 shall cease to be effective or to grant the applicant any rights to continue to operate the described uses on the Site. Any future uses on the Site different from the current described uses will be required to comply with all then applicable standards of the Garden Grove Municipal Code, and the applicant may not rely on this Variance as a basis for satisfying the required number of parking spaces associated with such future uses.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The 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-011-2015.

EXHIBIT "A"

Variance No. V-011-2015

11100 and 11102 Garden Grove Boulevard

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. This Variance 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, the developer of the project, the 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. Except as otherwise expressly provided, any changes of the Conditions of Approval require approval by the Planning Commission. All Conditions of Approval herein shall apply to Variance No. V-011-2015. The rights granted the applicant pursuant to Variance No. V-011-2015 shall continue in effect for only so long as the nature and character of the uses operating in the 30,000 square foot building on the Site remain the same as at the time of approval the Variance. As of the date of approval of Variance No. V-011-2015, the building on the Site to which this Variance relates is occupied by (1) an Office Depot retail establishment in a 15,700 square foot tenant space and (2) a seafood buffet restaurant in a 14,300 square foot tenant space. Variance No. V-011-2015 was approved, in part, based on the operating characteristics of these two specific uses. In the event the nature or character of either of the two uses occupying the building (as described in the applicant's application, the June 18, 2015 Planning Commission Staff Report and accompanying materials, and the approving Resolution) materially changes, Variance No. V-011-2015 shall cease to be effective or to grant the applicant any rights to continue to operate the described uses on the Site. Any future uses on the Site different from the current described uses shall require compliance with all then applicable standards of the Garden Grove Municipal Code, and the applicant may not rely on this Variance as a basis for satisfying the required number of parking spaces associated with such future uses.
3. 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. Minor modifications to these Conditions of Approval which do not materially change the scope or intent of the project or the Planning Commission's approval may be approved by the Community Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community 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. 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.

Police Department

6. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
7. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation up to \$1,000 pursuant to GGMC 1.22.010(a).

Fire Department

8. The project shall comply with the requirements of the current applicable California Fire Code.

Public Works Engineering Division

9. The applicant shall be subject to Traffic Mitigation Fees and other duly adopted City fees, as applicable.

Public Works Water Services Division

10. Commercial food use of any type requires the installation of an approved grease interceptor, according to Garden Grove Sanitary District's Ordinance No. 6 (Fats, Oil and Grease Control Regulations Applicable to Food Service Establishments). In the event that an approved grease interceptor is not already installed, a properly sized grease interceptor shall be installed on the sewer lateral and be maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral

downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.

11. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Any existing units are to be removed.

Community Development Department

12. The approved site plan and floor plan are an integral part of the decision approving this Variance. There shall be no additional changes in the design of the site plan or floor plan without the approval of the Community Development Department, Planning Division. Any additional changes in the approved floor plan, which have the effect of expanding or intensifying the present use, shall require obtaining the proper entitlement(s).
13. The applicant/property owner shall maintain a minimum of 152 parking spaces on the site, per the submitted site plan for Variance No. V-011-2015.
14. If the number of on-site parking spaces provided for operation of the seafood buffet restaurant, Office Depot retail establishment, or any future use on the Site becomes inadequate to accommodate the operation of these uses, and/or if the operation of such uses results in increased traffic or circulation problems, as determined in the reasonable discretion of the City's Traffic Engineer and/or Community Development Director, the applicant and/or property owner shall prepare a plan to mitigate the parking, traffic, and/or circulation issues identified by the City (the "Mitigation Plan"). The Mitigation Plan shall be approved by the City's Traffic Engineer and/or Community Development Director and shall include such solution or combination of solutions as are needed to adequately mitigate the identified issue(s). Such solutions may include, without limitation: reducing the hours of operation, limiting the number of customers within the establishment(s), limiting the number of seats and customer dining area within the restaurant establishment, instituting an off-site parking arrangement, and/or maintaining on-site parking control personnel. Any such Mitigation Plan approved by the City shall be enforceable by the City in the same manner as other Project Conditions of Approval. In addition, failure by the applicant to prepare an acceptable Mitigation Plan on a timely basis and/or to implement an approved Mitigation Plan shall be grounds for revoking the Variance.
15. The existing stop bar and the existing stop sign legend at the Project Access Driveway on Garden Grove Boulevard, located just west of the subject building, shall be repainted.

16. Bicycle racks shall be provided on-site in easily accessible and highly visible locations to promote alternative modes of transportation. The bicycle racks shall accommodate a minimum of sixteen (16) bicycles.
17. A poster/message board shall be displayed in a prominent/visible location adjacent to the entrance of the subject building that promotes walking, bicycling, and public transit and provides information about these options within the neighborhood.
18. The operators of the subject businesses on-site shall implement a plan to encourage employees to use alternative modes of transportation, such as carpooling and public transit.
19. No outside display of merchandise shall be permitted at any time.
20. There shall be no pool tables, arcade and/or coin-operated games at any time, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
21. There shall be no customers or patrons in or about the premises when the establishments are closed
22. No live entertainment, i.e., dancing, karaoke, live music, sport bar or disc-jockey entertainment, etc., including amplified music, shall be permitted on the premises of the proposed restaurant establishment.
23. The loading area at the rear of the restaurant shall be kept free from all debris and trash. No outside storage shall be permitted in this area.
24. The owner/developer shall provide adequate trash enclosures with receptacles to accommodate the uses on the site along with adequate pick-ups during the week. All trash enclosures shall match the color and material of the buildings or block wall on the site and be Code compliant. The trash bins shall be kept inside the trash enclosure, and the gates shall remain closed at all times except during disposal and pick-up. The trash shall be picked up as needed to accommodate the use; the owner/developer shall increase the number of pick-ups as required.
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. There shall be no uses or activities of an adult-oriented nature permitted as outlined in City Code Section 9.08.070.

27. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 8:00 a.m., seven days a week.
28. 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.
29. Graffiti shall be removed from the premises and all parking lots under the control of the applicant, property owner, and/or any tenant, within 120 hours of notification.
30. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
31. Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community Development Department, Planning Division. No advertising material shall be placed thereon.
32. Exterior advertisements displays or exterior wall advertisements shall not be allowed.
33. The applicant / property owner shall comply with the adopted City Noise Ordinance.
34. The building plans, including grading and development plans and all construction activity shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.
35. As a part of the finalized working drawings for Planning Division, Engineering Division and Building Plan Check, the developer shall submit a detailed and dimensioned plot plan, floor plans, exterior elevations, and landscape plans that reflect the conditions of approval.
36. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low, decorative type, wall-mounted lights, or ground lighting system. Lighting in the common and parking areas shall be directed, positioned or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences. Parking area lighting shall be provided during the hours of darkness the establishment is open at a minimum of two-foot candles of light, and one-foot candle of light during all other hours of darkness.

37. 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.
38. 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 shall count toward the maximum window coverage area.
39. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
40. 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.
41. A copy of the resolution, including the conditions approving Variance No. V-011-2015, shall be kept on the premises at all times.
42. The permittee shall submit a signed letter acknowledging receipt of the decision approving Variance No. V-011-2015, and his/her agreement with all conditions of the approval.
43. 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-011-2015. 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.