

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:

JANUARY 28, 2019

TITLE:

**PUBLIC HEARING – FILED BY AMIR HOURIANI
FOR CONDITIONAL USE PERMIT NO. 2018-26 TO
ALLOW AN EATING ESTABLISHMENT WITH DRIVE-
THROUGH WINDOW SERVICE AND VARIANCE NO.
2018-12 TO ALLOW A REDUCTION IN REQUIRED
SETBACKS AND TWO DRIVEWAYS WITHIN 150 OF AN
INTERSECTION AT 2701 NORTH GRAND AVENUE
{STRATEGIC PLAN NO. 3, 2}**

Prepared by Ali Pezeshkpour, AICP

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Executive Director

PLANNING COMMISSION SECRETARY

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For _____

DENIED

- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO _____

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Planning Manager

RECOMMENDED ACTION

It is recommended that the Planning Commission take the following actions:

1. Adopt a resolution approving Conditional Use Permit No. 2018-26 as conditioned to allow drive-through window service.
2. Adopt a resolution approving Variance No. 2018-12 as conditioned to allow for:
 - a. A reduction in required landscape setbacks, and
 - b. Utilization of two existing driveways within 150 feet of a street intersection.

Executive Summary

Amir Houriani, representing Grand Avenue Properties, LLC, is requesting approval of a conditional use permit (CUP) and a variance to facilitate construction of a commercial building at 2701 North Grand Avenue. Specifically, the applicant is requesting a CUP per Santa Ana Municipal Code (SAMC) Section 41-424.5(e) to allow a restaurant with drive-through window service and a variance from Sections 41-368 to reduce the required landscaped setback and 41-428(a) to allow two existing driveways to be located within 150 feet of a street intersection.

Staff is recommending approval of the entitlements to allow for construction of a new building and operations for Starbucks coffee house. The proposed project will develop a parcel that has been vacant since 1991 and will provide additional services to residents, workers, and visitors in the area. The project will not negatively impact the surrounding community as the project has been designed to minimize impacts to any nearby sensitive land uses.

Table 1: Project and Location Information

Item	Information	
Project Address	2701 North Grand Avenue	
Nearest Intersection	Grand and Fairhaven avenues	
Surrounding Land Uses (Exhibit 1)	North	Commercial
	East	Commercial
	South	Commercial
	West	Commercial
General Plan Designation	General Commercial (GC)	
Zoning Designation	Arterial Commercial (C5)	
Property Size	18,483 square feet (0.42 acres)	
Existing Conditions	Vacant; the subject site was cleared in 1991 but is surrounded by a multiple-tenant commercial center.	
Development Standards	SAMC Sections 41-424 through 41-431	
Use Permissions/CUP/Variance	SAMC Section 41-424.5(e), and Sections 41-368/41-427 and 41-428(a)	

Project Description

The applicant is proposing to construct a new 1,612-square foot commercial building with drive-through window service and an ancillary outdoor patio for a new Starbucks coffee house. The project includes construction of the new commercial building, 15 off-street parking spaces, and site improvements that include landscaping and a trash enclosure. The project will utilize two existing driveways that serve the project site and the adjacent, multiple-tenant commercial center. Both driveways will be modified to improve safety and circulation for both sites; modifications include narrowing the driveway width to better align with existing and proposed drive-aisles, and reconstruction to improve pedestrian and ADA accessibility. The driveways exercise reciprocal access (ingress/egress) rights, which are recorded through easements that are already in place. In addition, the Public Works Agency has determined that a four (4)-foot irrevocable offer of dedication along Grand Avenue is required.

The project will feature contemporary architecture with reclaimed wood plank siding, corrugated metal, and smooth, commercial-grade stucco finishes. In addition, the building will feature 14-foot tall storefronts, enhancing the buildings contemporary design and street presence. The overall structure is approximately 20 feet tall. Tables 2A and 2B provide a detailed comparison of the project's compliance with the applicable land use and development standards.

Table 2A: Land Use Standards

Arterial Commercial (C5) (SAMC Sec. 41-424 and 41-424.5)	
Proposed Land Use	Permit Requirements

Arterial Commercial (C5) (SAMC Sec. 41-424 and 41-424.5)	
Proposed Land Use	Permit Requirements
Eating establishment	Allowed by Right
Drive-through window service for an eating establishment	Conditional Use Permit

Table 2B: Development Standards

Standard	Required by Arterial Commercial (C5) Zone	Provided
Front yard and Street Side Yard	15 feet minimum	10 feet after irrevocable offer – variance required
Side yard (interior)	0 feet minimum	74 feet (complies)
Rear yard	0 feet minimum	82 feet (complies)
Lot Size & Frontage	15,000 sq. ft. and 120 feet	18,483 square feet and 245 feet after dedication (complies)
Building height	35 feet maximum	20 feet (complies)
Parking	13 spaces total (8 spaces per 1,000 sq. ft. restaurant parking ratio)	15 spaces (complies)
Floor Area Ratio (F.A.R.)	0.50 FAR maximum	0.08 for the entire integrated development site (complies)
Driveways	No entry way or exit way shall be located within 150 feet of any intersection corner radius	85 and 115 feet of the intersection corner radius at Grand and Fairhaven avenues – variance required
Stacking Distance	160 feet; 80 feet to menu board and 80 feet to pick-up window	175 feet; 95 feet to menu board, 80 feet to pick-up window (complies)

Project Background and Chronology

A service station operated at the subject site until 1991 when the buildings were demolished and the site was cleared. The property has been vacant for the past 28 years.

Since the site was cleared in 1991, two development projects have been proposed at the site. The first, a Starbucks with drive-through window service, was proposed in 2003. In 2015, a commercial building without drive-through window service was proposed. Neither project was constructed due to site and access constraints. Both projects' entitlements expired as neither project was constructed.

The current Starbucks project was submitted in September 2017. The project initially featured an exclusively drive-through service with outdoor patio and a freestanding Wells Fargo ATM; no interior dining room was proposed. After reviewing the project, the City worked with the applicant

to improve the project to: increase the building footprint to include an interior dining room; increase the capacity of the drive-through lane to accommodate more vehicles; eliminate the ATM; and increase the amount of on-site parking. The revised project was submitted in March 2018, after which the City's Development Review Committee and the applicant worked in tandem to refine the site plan and building's design to ensure efficient and safe circulation and offer a more contemporary look at a prominent intersection.

Project Analysis

Conditional Use Permit for Drive-Through Window Service

The applicant is requesting drive-through window service, which is a typical component of Starbucks' business operations. The drive-through is designed and intended to generate the least amount of impacts as possible. The drive-through lane exceeds the City's stacking requirement of approximately eight (8) vehicles and will allow for approximately 10 vehicles to queue without disrupting drive aisles or on-site parking spaces. This 10-car queue exceeds the City's minimum requirement by approximately two additional vehicles. The drive-through is also designed to generate minimal noise impacts; the speaker boxes are oriented towards the nearby intersection. Any potential noise generated from the idling of vehicles or the drive-through speakers is not anticipated to impact the closest sensitive land uses (residential neighborhoods or school) as they are a minimum of 110 feet away from the project site to the southeast and 175 feet from the drive-through lane itself. In addition, trees and shrubs will be planted along the street frontage line to create a visual buffer between the drive-through lane and the commercial building.

Pursuant to Section 41-424.5 (e) of the Santa Ana Municipal Code (SAMC) eating establishments with drive-through service are subject to a CUP. The applicant's request for a CUP to allow drive-through window service will provide an added amenity to the property, for the employees who work in the vicinity and for the residents who live in the general area. In addition, the new use will activate the street corner and generate property and sales tax revenue for the City.

Landscape Setback Variance

The proposed project will feature a 14-foot landscape setback along Grand Avenue and a 10-foot landscape setback along Fairhaven Avenue. However, once Grand Avenue is widened to include the project site's four-foot irrevocable offer, the site will contain 10-foot landscape setbacks on both street frontages, resulting in a five-foot deficiency.

Approval of a landscape setback variance enables the project to: include a drive-through lane that exceeds the City's minimum stacking requirements; include a functional drive-through lane with ample turning radii, ensuring safe circulation for all types of vehicles; and be designed to meet the City's off-street parking requirements and site circulation standards. Without the reduction in landscape setbacks, the project would need to be redesigned, resulting in: a loss of approximately half (7) of its off-street parking spaces; a reduction in drive-aisle and/or drive-through lane widths, creating onsite circulation hazards; or a smaller building footprint, reducing the building's interior

dining room. The parcel's compact size and the City's four-foot irrevocable offer requirement justify the applicant's request for a landscape setback variance.

Finally, the Citywide Design Guidelines encourage new buildings to be located closer to streets in an effort to improve urban design and promote pedestrian activity. Specifically, Chapter 9 (Commercial Design Guidelines), Section 9.3.2 encourages buildings to be placed closer to street frontages, with parking areas behind. Placing the proposed building closer to the intersection of Grand and Fairhaven avenues, with the proposed drive-through lane, necessitates approval of the landscape setback reduction in order to meet this design guideline.

Driveway Variance

Currently, there are two driveway openings for the vacant site. The applicant is proposing to reconstruct the driveways with new curb, sidewalks and other improvements to City standards. The applicant is proposing to utilize the existing driveways on Grand Avenue and Fairhaven Avenue that are approximately 115 and 85 feet away, respectively, from the intersection and are located as far away as possible from the corner without encroaching beyond existing easements onto a separate property.

Pursuant to Section 41-428(a) of the SAMC a driveway shall not be within 150 feet of a street corner radius. The purpose of the provision is to limit the number of driveways on arterial streets to reduce potential vehicular conflicts and facilitate traffic flow on arterial streets. The subject property has 130 feet of street frontage along Grand Avenue and 115 feet along Fairhaven Avenue. Therefore, any driveways proposed on the project site would require a variance. The proposed tenant Starbucks is requesting to utilize these driveways to capture customers traveling along both Grand and Fairhaven avenues, without causing disruption to the adjacent multiple-tenant commercial center, which is under separate ownership. The variance will facilitate the documentation of an existing, non-conforming condition of the site. The driveways will increase the viability of the business by providing direct access to traffic traveling in all directions. In addition, the design of the driveways, drive aisles, and parking area is practical and the additional driveway will improve on-site circulation. The Public Works Agency reviewed the proposed plans and did not identify any concerns regarding the location of the proposed driveways once they are reconstructed.

Table 4: CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach

Strategic Plan Alignment, and Public Notification & Community Outreach	
CEQA	
CEQA Type	Section 15303 – Class 3 – New Construction or Conversion of Small Structures
Reason(s) Exempt or Analysis	<p>This exemption applies to the construction of small structures, which in an urbanized area is defined as a building not exceeding 10,000 square feet in floor area, on sites zoned for such use, not using significant amounts of hazardous substances, where public services are available and the surrounding area is not environmentally sensitive.</p> <p>The proposed building contains 1,612 square feet within the Arterial Commercial (C-5)</p>

Strategic Plan Alignment, and Public Notification & Community Outreach		
	zoning district, which allows for service, retail and commercial uses. The proposed tenant is not anticipated to use significant amount of hazardous substances. There are public services available through the City of Santa Ana and the Orange County Fire Authority and the surrounding area is not environmentally sensitive.	
Strategic Plan Alignment		
Goal(s), Policy or Policies	Strategic Plan No. 3, 2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies).	
Public Notification & Community Outreach		
Public Hearing	Site posting	A public notice was posted on the project site on January 18, 2019.
	Notification by mail	Notices were mailed to all property owners and occupants within 500 feet of the project site on January 18, 2019.
	Newspaper posting	Newspaper posting was published in the Orange County Reporter on January 18, 2019.
Additional Measures	Staff contacted representatives of the Fairhaven, Fairbridge Square, and Young Square neighborhood associations on January 23, 2019. At the time this report was printed, no issues of concern were raised regarding this application.	

Economic Development Benefits

The project will generate property tax revenue, sales tax revenue, temporary jobs, permanent jobs and services for the community. Property tax revenue will increase as the lot is currently vacant and the total net value of the property will increase after the building and improvements for the project are made. According to the most recent tax roll, the property is currently valued at \$1.52 million, resulting in approximately \$16,000 in annual property tax. Of this amount the City of Santa Ana receives approximately \$3,000. Upon completion, the property is estimated to be valued at \$2,000,000 and generate \$4,000 in property tax revenue for the City of Santa Ana. The construction of the project will require that permit fees are paid to the City and there will be temporary construction jobs. Based on sales volume estimates provided by Starbucks, the location will provide additional sales tax revenue to the City that is estimated to be over \$34,000 annually. In addition, Starbucks estimates that 25 to 30 new job opportunities will be created at this specific location.

Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2018-26 as conditioned and Variance No. 2018-12 as conditioned.



Ali Pezeshkpour, AICP
Senior Planner

AP:sb

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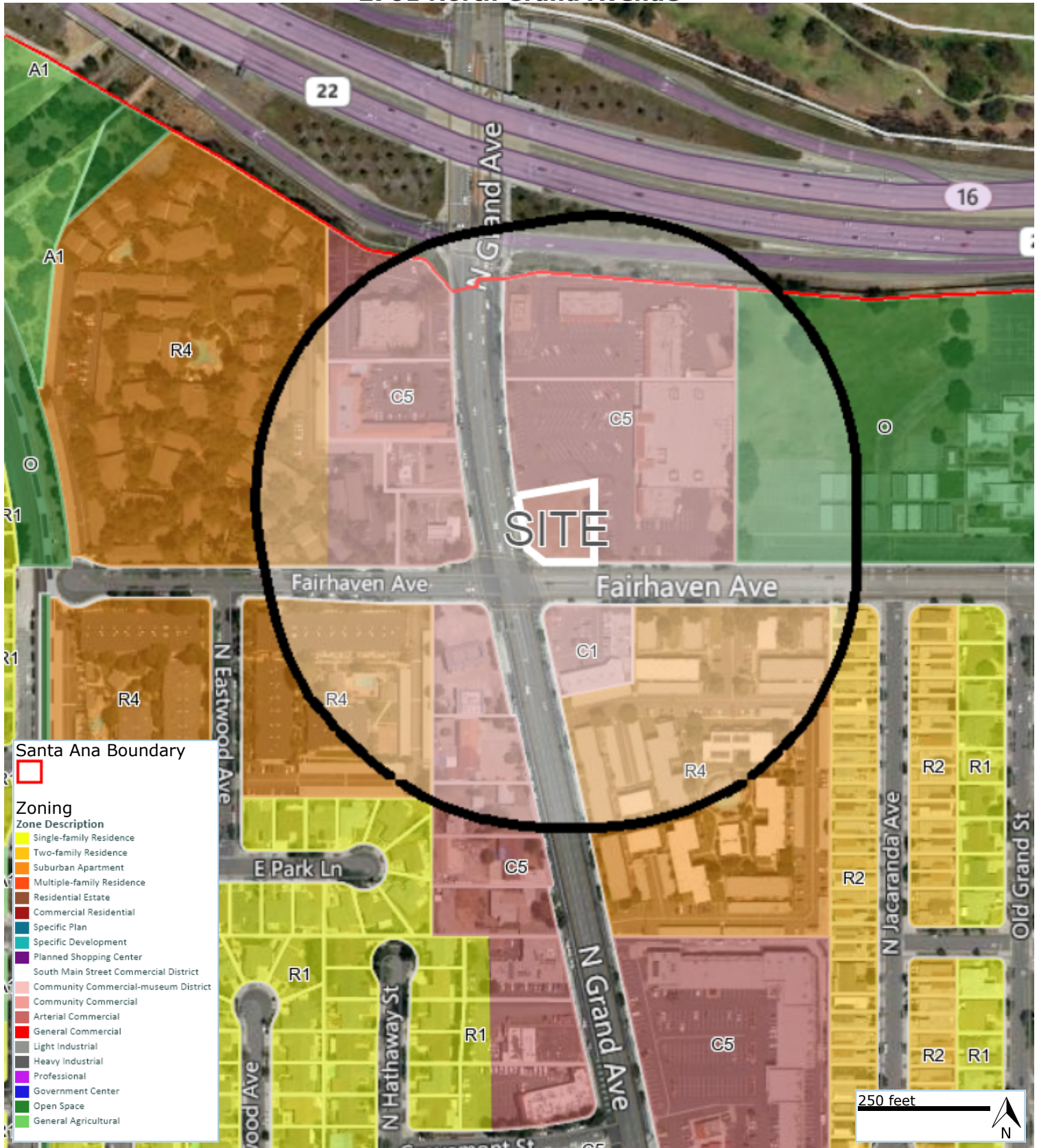
- Exhibits:
1. Vicinity Zoning & Aerial View
 2. Conditional Use Permit Resolution – Drive-through
 3. Variance Resolution – Reduction in landscape setbacks and driveway distances
 4. Site Photo
 5. Site Plans
 6. Elevations
 7. Landscape plans

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EXHIBIT 1

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CUP 2018-26 & VAR 2018-12, "Starbucks" 2701 North Grand Avenue



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EXHIBIT 2

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RESOLUTION NO. 2019-xx

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SANTA ANA APPROVING
CONDITIONAL USE PERMIT NO. 2018-26 AS
CONDITIONED TO ALLOW DRIVE-THROUGH
WINDOW SERVICE FOR THE PROPERTY
LOCATED AT 2701 NORTH GRAND AVENUE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Amir Houriani, representing Grand Avenue Properties, LLC ("Applicant"), is requesting approval of Conditional Use Permit No. 2018-26 to allow drive-through window service for a restaurant in the Arterial Commercial (C5) zoning district at 2701 North Grand Avenue.
- B. Santa Ana Municipal Code (SAMC) Section 41-424.5(e) requires approval of a conditional use permit for eating establishments with drive-through window service.
- C. Pursuant to SAMC Section 41-638, the Planning Commission is authorized to review and approve the conditional use permit for this project as set forth by the Santa Ana Municipal Code.
- D. On January 28, 2019, the Planning Commission held a duly noticed public hearing for Conditional Use Permit No. 2018-26.
- E. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant Conditional Use Permit No. 2018-26, for drive-through window service, have been established as required by SAMC Section 41-638:
 - 1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed eating establishment with drive-through window service will provide a service to persons that are working or residing in the area. The project will redevelop a vacant lot with a new building with a contemporary design with reclaimed wood plank siding, corrugated metal finishes, metal canopies, prominent storefront design, an outdoor patio, and enhanced

landscaping which will contribute to the aesthetics of the area. This will benefit the community by allowing the construction of a retail building on a vacant lot.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed drive-through will not be detrimental to the health, safety or welfare of those residing or working in the vicinity. The closest residential land use is approximately 110 feet to the east of the site and 175 feet from the drive-through lane itself. The drive-through lane exceeds the City's stacking requirements and provides for queuing of approximately 10 vehicles. In addition, the drive-through lane is situated to reduce the chance for overflow vehicular queuing onto any public streets. The menu board and speaker are oriented towards the intersection to reduce any noise impacts to any nearby residential uses to the southeast.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The drive-through will not adversely affect the economic stability or future economic development of properties in the surrounding area. The site is currently vacant and the new building will establish a commercial use of the property. An eating establishment with drive-through service will provide an additional service and eating opportunities for the area and will provide a commercial business that generates sales tax revenue for the City.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed use complies with the regulations and conditions in Chapter 41 with the exception of required landscape setbacks and driveway distances from intersections, which are under separate consideration in Variance No. 2018-12. A condition of approval has been added to the conditional use permit for a property maintenance agreement to be recorded against the property which will ensure that the property and all improvements are properly maintained.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed eating establishment with drive-through service will not adversely affect the General Plan. The project is located in a General Commercial (GC) General Plan land use designation which allows for commercial uses such as retail, service and eating establishment uses. The project is consistent with several goals and policies of the General Plan, including the Economic Development Element, Land Use Element, and Urban Design Element. Land Use Element Goal 1 promotes a balance of land uses to address basic community needs. Policy 1.10, encourages the location of commercial centers at arterial roadway intersections in commercial districts. The project will provide for a new commercial building on two arterial streets. Land Use Element Goal 2 promotes land uses that enhance the City's economic and fiscal viability. Policy 2.8, promotes rehabilitation of commercial properties, and encourages increased levels of capital investment. The drive-through will contribute to the viability of the commercial center in which it is located and the existing building will be rehabilitated to match the design of the new building. Policy 2.9, supports developments that create a business environment that is safe and attractive. The Condition of Approval for property maintenance will maintain a safe and attractive environment in the community. Economic Development Element Goal 2 maintains and enhances the diversity of the City's economic base. Policy 2.3 encourages the development of mutually beneficial and supportive business clusters within the community. Urban Design Element Goal 1 improves the physical appearance of the City through development of districts that project a sense of place, positive community image and quality environment. Specifically, Policy 1.5 enhances architectural forms, textures, colors, and materials for all projects.

Section 2. In accordance with the California Environmental Quality Act, the project is exempt from further review per Section 15303 of the Guidelines for the California Environmental Quality Act. The Class 3 exemption applies to the construction of small structures, which in an urbanized area is defined as a building not exceeding 10,000 square feet in floor area, on sites zoned for such use, not using significant amounts of hazardous substances, where public services are available and the surrounding area is not environmentally sensitive.

The proposed building contains 1,612 square feet within the Arterial Commercial (C-5) zoning district, which allows for service, retail and commercial uses. The proposed tenant is not anticipated to use significant amounts of hazardous substances. There are public services available through the City of Santa Ana and the Orange County Fire

Authority and the surrounding area is not environmentally sensitive. As a result, Categorical Exemption, Environmental Review No. 2017-116 will be filed for this project.

Section 3. The Applicant agrees to indemnify, hold harmless, and defend the City of Santa Ana, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this project, and any approvals associated with the project, including, without limitation, any environmental review or approval, except to the extent caused by the sole negligence of the City of Santa Ana.

Section 4. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Conditional Use Permit No. 2018-26, as conditioned in Exhibit A, attached hereto and incorporated herein for the project located at 2701 North Grand Avenue. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated January 28, 2019, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 28th day of January, 2019.

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on January 28, 2019.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2018-26

Conditional Use Permit No. 2018-26 for drive-through window service is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, they shall meet the following conditions of approval:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. All proposed site improvements must conform to the Site Plan Review (DP No. 2017-33) and the staff report exhibits.
2. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or the conditional use permit must be amended.
3. Prior to the issuance of a building permit, a full landscape and irrigation plan is to be submitted for review and approval. The landscape plan shall conform to the commercial landscape standards, Citywide Design Guidelines, and the City's Water Efficient Landscape Ordinance, and shall feature a berm to assist with screening the drive-through lane from view.
4. Prior to the issuance of a building permit, a Property Maintenance Agreement must be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained, Developer (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
 - (a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);

(b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses,

(c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;

(d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);

(e) If Developer and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms.

(f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement.

(g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

(h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of final approval for any construction permit related to this entitlement.

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EXHIBIT 3

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A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SANTA ANA APPROVING VARIANCE NO.
2018-12 AS CONDITIONED TO ALLOW FOR A REDUCTION
IN REQUIRED LANDSCAPE SETBACKS AND UTILIZATION
OF TWO EXISTING DRIVEWAYS WITHIN 150 FEET OF AN
INTERSECTION AT 2701 NORTH GRAND AVENUE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Amir Houriani, representing Grand Avenue Properties, LLC ("Applicant"), is requesting approval of Variance No. 2018-12 as conditioned, to allow for a reduction in required landscape setbacks and utilization of two existing driveways within 150 feet of an intersection at 2701 North Grand Avenue.
- B. Santa Ana Municipal Code (SAMC) Section 41-427 requires a 15-foot minimum landscape setback from front and street-side yards. The Applicant is proposing a 14-foot landscape setback from Grand Avenue, which will be further reduced to 10 feet due to a four (4)-foot irrevocable offer to dedicate requirement, and a 10-foot yard landscape setback from Fairhaven Avenue.
- C. Santa Ana Municipal Code (SAMC) Section 41-428 states no entry way or exit ways shall be located within one hundred fifty (150) feet of any street intersection corner radius. The Applicant is proposing to utilize two existing driveways that are approximately 85 and 115 feet from the street intersection corner radius.
- D. Pursuant to SAMC Section 41-638, the Planning Commission is authorized to review and approve the variance for this project as set forth by the Santa Ana Municipal Code.
- E. On January 28, 2019, the Planning Commission held a duly noticed public hearing for Variance No. 2018-12.
- F. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant Variance No. 2018-12(a), for a reduction in required landscape setbacks as required by SAMC Section 41-638:
 - 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this Chapter.

There are special circumstances related to the existing size of the property. The property is located at the northeast corner of Grand and Fairhaven avenues and contains 18,483 square feet. In order to meet the City's minimum standards to ensure safe and efficient onsite circulation, the project site requires the drive-through lane and building to be placed closer to the intersection, resulting in a loss of approximately five (5) feet of landscape setback on Grand and Fairhaven Avenues. Without the reduction in landscape setbacks, the project would need to be redesigned, resulting in: a loss of approximately half (7) of its off-street parking spaces; a reduction in drive-aisle and/or drive-through lane widths, creating onsite circulation hazards; or a smaller building footprint, reducing the building's interior dining room. The parcel's compact size and the City's four-foot irrevocable offer requirement justify the applicant's request for a landscape setback variance. Finally, the Citywide Design Guidelines encourage new buildings to be located closer to streets in an effort to improve urban design and promote pedestrian activity. Specifically, Chapter 9 (Commercial Design Guidelines), Section 9.3.2 encourages buildings to be placed closer to street frontages, with parking areas behind. Placing the proposed building closer to the intersection of Grand and Fairhaven avenues, with the proposed drive-through lane, necessitates approval of the landscape setback reduction in order to meet this design guideline.

2. That the granting of a variance is necessary for the preservation and enjoyment of one (1) or more substantial property rights.

Granting this variance is necessary for the preservation and enjoyment of substantial property rights. Drive-through facilities are fundamental to the success of many new Starbucks projects, including those recently approved in Santa Ana. In order to facilitate construction of a safe and efficient site that meets the City's access, circulation, and parking codes, a reduction in landscape setbacks is required. Finally, the reduction enables the building to be located closer to the nearby street frontages, assisting with the project's meeting of City design guidelines that encourage buildings placed closer to streets.

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to surrounding property.

Granting this variance will not be detrimental to the public or surrounding properties. The Public Works Agency reviewed the proposed plans and did not identify concerns regarding

the location of the drive-through lane, onsite circulation (drive-aisles) and parking areas. The design of the driveways, drive aisles and parking areas are safe and practical.

4. That the granting of a variance will not adversely affect the General Plan of the city.

The variance for vehicle access will not adversely affect the General Plan. The project is located in a General Commercial (GC) General Plan land use designation which allows for commercial uses such as retail, service and eating establishment uses. The project is consistent with several goals and policies of the General Plan, including the Economic Development Element, Land Use Element, and Urban Design Element. Land Use Element Goal 1 promotes a balance of land uses to address basic community needs. Policy 1.10, encourages the location of commercial centers at arterial roadway intersections in commercial districts. The project will provide for a new commercial building on two arterial streets. Land Use Element Goal 2 promotes land uses that enhance the City's economic and fiscal viability. Policy 2.8, promotes rehabilitation of commercial properties, and encourages increased levels of capital investment. The driveway will contribute to the viability of the commercial center in which it is located and the existing building will be rehabilitated to match the design of the new building. Policy 2.9, supports developments that create a business environment that is safe and attractive. The Condition of Approval for property maintenance will maintain a safe and attractive environment in the community. Economic Development Element Goal 2 maintains and enhances the diversity of the City's economic base. Policy 2.3 encourages the development of mutually beneficial and supportive business clusters within the community. Urban Design Element Goal 1 improves the physical appearance of the City through development of districts that project a sense of place, positive community image and quality environment. Specifically, Policy 1.5 enhances architectural forms, textures, colors, and materials for all projects.

- G. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant Variance No. 2018-12(b), for vehicle access within 150 feet of an intersection as required by SAMC Section 41-638:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found

to deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this Chapter.

There are special circumstances related to the existing dimensions of the property. The property is located at the northeast corner of Grand and Fairhaven avenues and contains 18,483 square feet. In order to provide vehicular access which is needed for any commercial business, a variance from the development standards of the Arterial Commercial (C-5) zoning district is required. In addition, the project proposes to utilize existing legal-nonconforming driveways; no new driveway cuts are proposed, and both existing driveways will be reconstructed to improve safety for vehicles, pedestrians, and ADA access. In addition, the proposed project will improve the existing conditions by reconstructing new curb and sidewalks constructed to City standards and allowing the site to be developed with a commercial use and drive-through window service without negatively affecting the adjacent commercial property.

2. That the granting of a variance is necessary for the preservation and enjoyment of one (1) or more substantial property rights.

Granting this variance is necessary for the preservation and enjoyment of substantial property rights. Vehicular access is required for the viability of any commercial business. The proposed tenant Starbucks is requesting to utilize two existing driveways along Grand and Fairhaven avenues to provide direct access for customers traveling in multiple directions, which will reduce impacts on any one particular street frontage. Grand Avenue is a north-south arterial street with access to the Garden Grove (SR-22) Freeway and provides local access to east-west arterials such as Fairhaven Avenue. Providing vehicular access from both Grand and Fairhaven avenues will increase opportunities for sales and will reduce vehicular impacts to the overall site.

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to surrounding property.

Granting this variance will not be detrimental to the public or surrounding properties. The Public Works Agency reviewed the proposed plans and did not identify concerns regarding the location of the driveways. The design of the driveways, drive aisles and parking areas are safe and practical. Additionally, the property owner for the adjacent, multiple-tenant commercial development did not want vehicles from the subject property to negatively impact their site, so the

driveways will provide customers with direct access to the subject site.

4. That the granting of a variance will not adversely affect the General Plan of the city.

The variance for vehicle access will not adversely affect the General Plan. The project is located in a General Commercial (GC) General Plan land use designation which allows for commercial uses such as retail, service and eating establishment uses. The project is consistent with several goals and policies of the General Plan, including the Economic Development Element, Land Use Element, and Urban Design Element. Land Use Element Goal 1 promotes a balance of land uses to address basic community needs. Policy 1.10, encourages the location of commercial centers at arterial roadway intersections in commercial districts. The project will provide for a new commercial building on two arterial streets. Land Use Element Goal 2 promotes land uses that enhance the City's economic and fiscal viability. Policy 2.8, promotes rehabilitation of commercial properties, and encourages increased levels of capital investment. The driveway will contribute to the viability of the commercial center in which it is located and the existing building will be rehabilitated to match the design of the new building. Policy 2.9, supports developments that create a business environment that is safe and attractive. The Condition of Approval for property maintenance will maintain a safe and attractive environment in the community. Economic Development Element Goal 2 maintains and enhances the diversity of the City's economic base. Policy 2.3 encourages the development of mutually beneficial and supportive business clusters within the community. Urban Design Element Goal 1 improves the physical appearance of the City through development of districts that project a sense of place, positive community image and quality environment. Specifically, Policy 1.5 enhances architectural forms, textures, colors, and materials for all projects.

Section 2. In accordance with the California Environmental Quality Act, the project is exempt from further review per Section 15303 of the Guidelines for the California Environmental Quality Act. The Class 3 exemption applies to the construction of small structures, which in an urbanized area is defined as a building not exceeding 10,000 square feet in floor area, on sites zoned for such use, not using significant amounts of hazardous substances, where public services are available and the surrounding area is not environmentally sensitive.

The proposed building contains 1,612 square feet within the Arterial Commercial (C-5) zoning district, which allows for service, retail and commercial uses. The proposed

tenant is not anticipated to use significant amounts of hazardous substances. There are public services available through the City of Santa Ana and the Orange County Fire Authority and the surrounding area is not environmentally sensitive. As a result, Categorical Exemption, Environmental Review No. 2017-116 will be filed for this project.

Section 3. The Applicant agrees to indemnify, hold harmless, and defend the City of Santa Ana, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this project, and any approvals associated with the project, including without limitation, any environmental review or approval, except to the extent caused by the sole negligence of the City of Santa Ana.

Section 4. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Variance No. 2018-12, as conditioned in Exhibit A, attached hereto and incorporated herein for the project located at 2701 North Grand Avenue. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated January 28, 2019, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 28th day of January, 2019.

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2019-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on January 28, 2019.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Variance No. 2018-12

Variance No. 2018-12 to allow a reduction in required landscape setbacks and driveway distances from an intersection is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, they shall meet the following conditions of approval:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this variance.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the variance.

1. All proposed site improvements must conform to the Site Plan Review (DP No. 2017-33) and the staff report exhibits.
2. Any amendment to this variance must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or the variance must be amended.
3. Prior to the issuance of a building permit, a full landscape and irrigation plan is to be submitted for review and approval. The landscape plan shall conform to the commercial landscape standards, Citywide Design Guidelines, and the City's Water Efficient Landscape Ordinance, and shall feature a berm to assist with screening the drive-through lane from view.
4. Prior to the issuance of a building permit, a Property Maintenance Agreement must be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained, Developer (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
 - (a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);

(b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses,

(c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;

(d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);

(e) If Developer and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms.

(f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties and obligations and responsibilities set forth under the maintenance agreement.

(g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

(h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of final approval for any construction permit related to this entitlement.

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EXHIBIT 4

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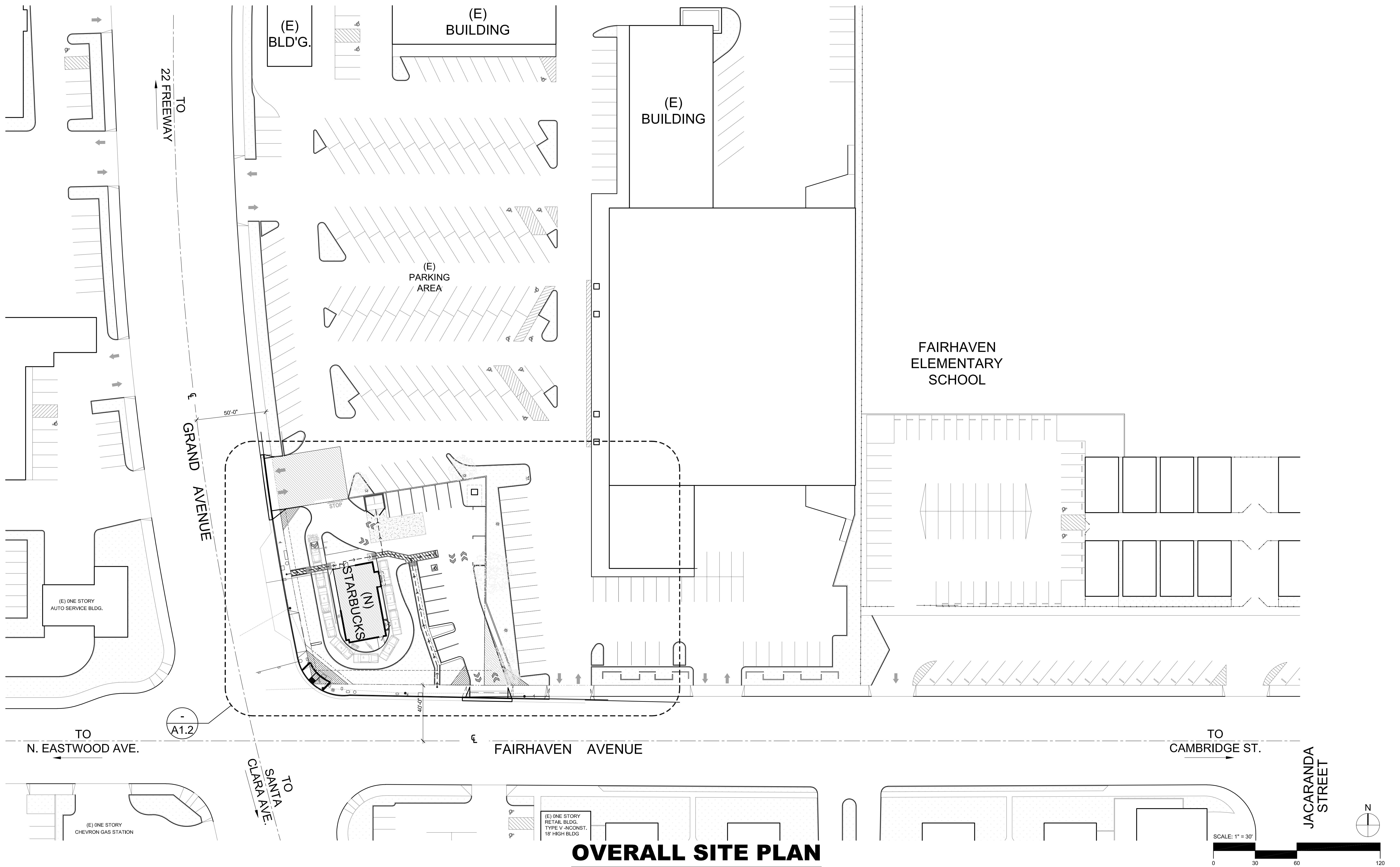
CUP No. 2018-26 & VAR No. 2018-12
STARBUCKS
2701 NORTH GRAND AVENUE

SITE PHOTO
EXHIBIT 4

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EXHIBIT 5

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OVERALL SITE PLAN

**SOUTHWEST GROUP
PROPERTIES, LLC**

714 S. PLYMOUTH BOULEVARD
LOS ANGELES, CA 90005

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NEW DRIVE-THRU PAD

2701 N. GRAND AVENUE
SANTA ANA, CA 92702

2018.08.22

9483 HAVEN AVENUE, SUITE 100
RANCHO CUCAMONGA, CA 91730

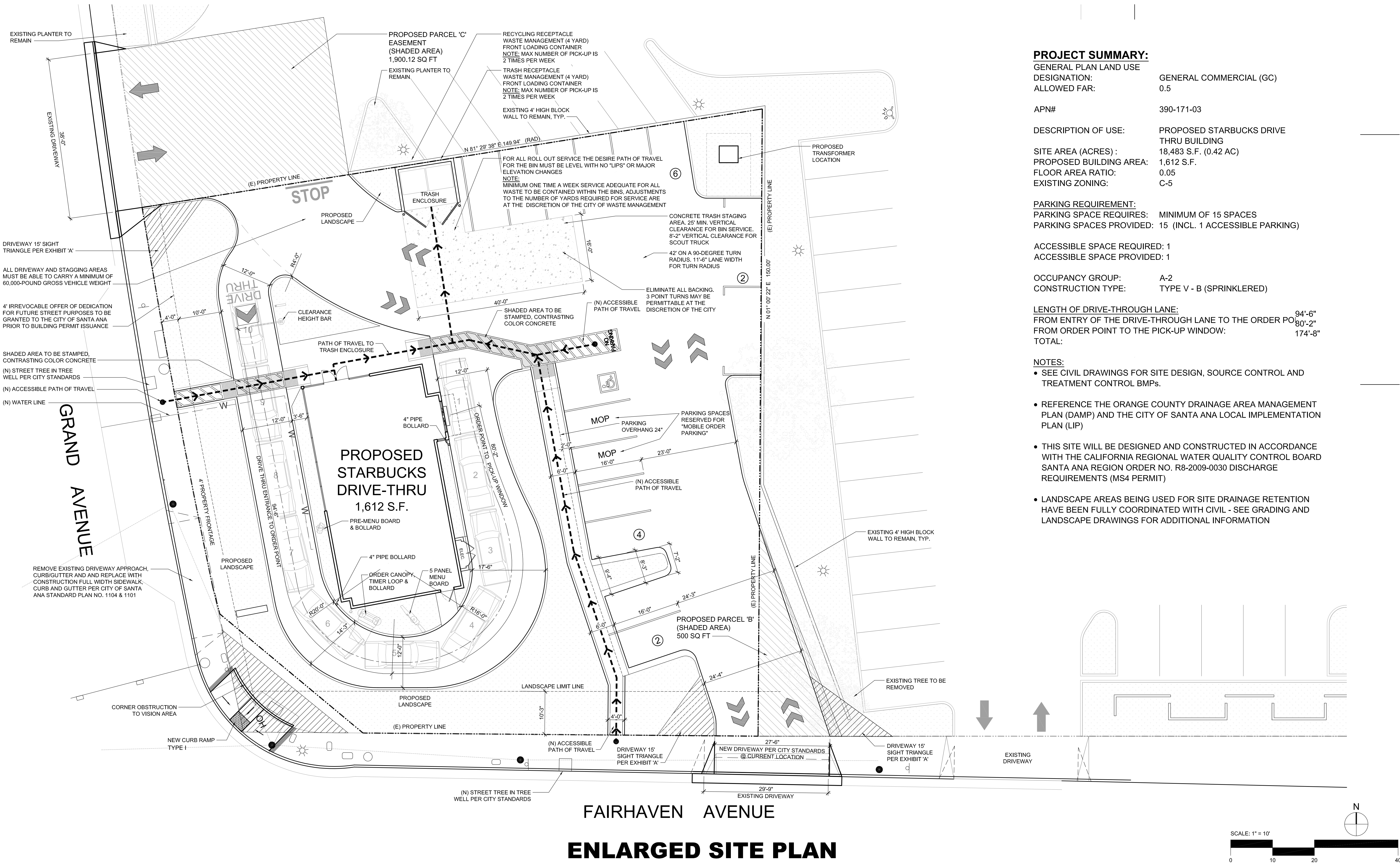
909.259.9971 TEL.

909.944.8409 FAX.

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PROJECT SUMMARY:

GENERAL PLAN LAND USE DESIGNATION: GENERAL COMMERCIAL (GC)
ALLOWED FAR: 0.5

APN# 390-171-03

DESCRIPTION OF USE: PROPOSED STARBUCKS DRIVE THRU BUILDING

SITE AREA (ACRES) : 18,483 S.F. (0.42 AC)
PROPOSED BUILDING AREA: 1,612 S.F.
FLOOR AREA RATIO: 0.05
EXISTING ZONING: C-5

PARKING REQUIREMENT:
PARKING SPACE REQUIRES: MINIMUM OF 15 SPACES
PARKING SPACES PROVIDED: 15 (INCL. 1 ACCESSIBLE PARKING)

ACCESSIBLE SPACE REQUIRED: 1
ACCESSIBLE SPACE PROVIDED: 1

OCCUPANCY GROUP: A-2
CONSTRUCTION TYPE: TYPE V - B (SPRINKLERED)

LENGTH OF DRIVE-THROUGH LANE:
FROM ENTRY OF THE DRIVE-THROUGH LANE TO THE ORDER POINT: 94'-6"
FROM ORDER POINT TO THE PICK-UP WINDOW: 80'-2"
TOTAL: 174'-8"

NOTES:

- SEE CIVIL DRAWINGS FOR SITE DESIGN, SOURCE CONTROL AND TREATMENT CONTROL BMPs.
- REFERENCE THE ORANGE COUNTY DRAINAGE AREA MANAGEMENT PLAN (DAMP) AND THE CITY OF SANTA ANA LOCAL IMPLEMENTATION PLAN (LIP)
- THIS SITE WILL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SANTA ANA REGION ORDER NO. R8-2009-0030 DISCHARGE REQUIREMENTS (MS4 PERMIT)
- LANDSCAPE AREAS BEING USED FOR SITE DRAINAGE RETENTION HAVE BEEN FULLY COORDINATED WITH CIVIL - SEE GRADING AND LANDSCAPE DRAWINGS FOR ADDITIONAL INFORMATION

**SOUTHWEST GROUP
PROPERTIES, LLC**

714 S. PLYMOUTH BOULEVARD
LOS ANGELES, CA 90005

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NEW DRIVE-THRU PAD

2701 N. GRAND AVENUE
SANTA ANA, CA 92702

2018.10.04

9483 HAVEN AVENUE, SUITE 100
RANCHO CUCAMONGA, CA 91730

909.259.9971 TEL.
909.944.8409 FAX.

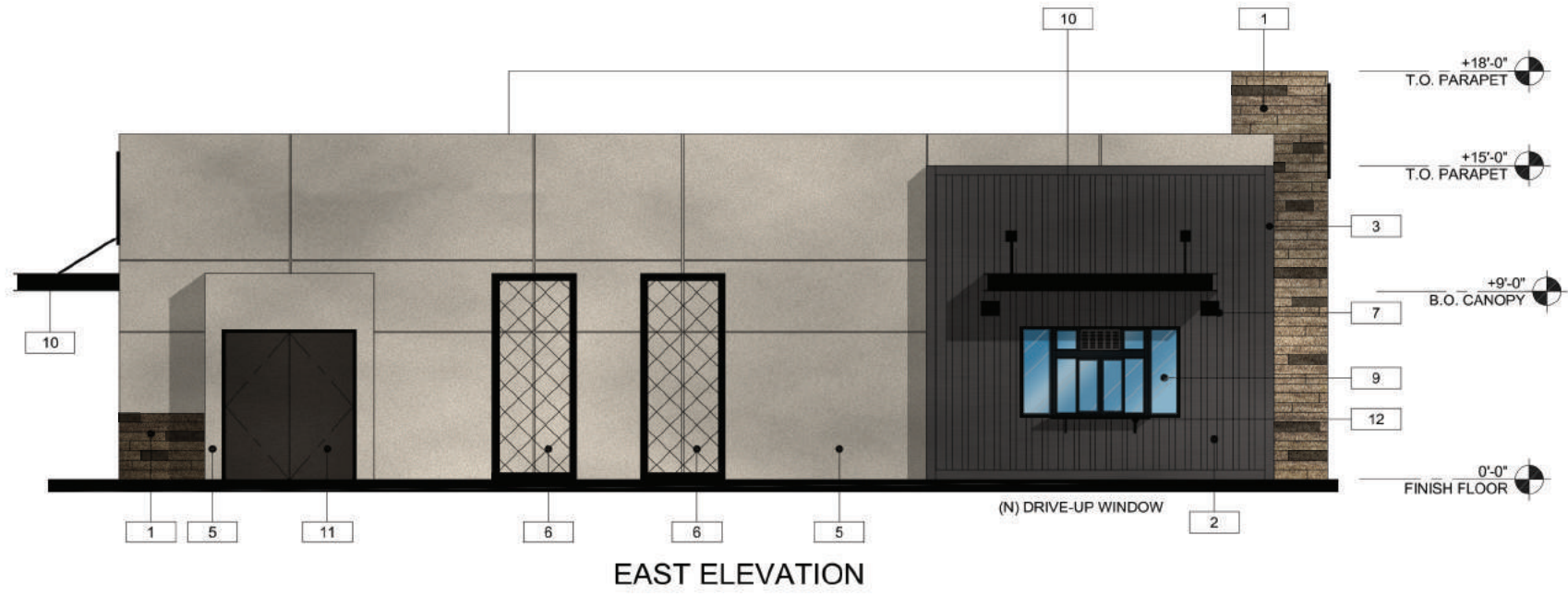
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EXHIBIT 6

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MATERIAL LEGEND

- | | |
|---|---|
| 1 (N) RECLAIMED WOOD PLANK SIDING | 8 (N) STOREFRONT GLAZING SYSTEM |
| 2 (N) CORRUGATED METAL [M-2]
FACTORY FINISH COLOR: DARK JAVA | 9 (N) DRIVE-THRU WINDOW SYSTEM |
| 3 (N) METAL TRIM [M-1] - PAINT: DARK JAVA | 10 NEW CANOPY (C-CHANNEL FRAME)
PAINTED DARK JAVA w/ NEW A-3 RECESSED LIGHTS |
| 4 (N) EXTERIOR SIGN | 11 (N) DOOR/S AND FRAME, PAINT: DARK JAVA |
| 5 (N) EXTERIOR STUCCO | 12 DRIVE THRU SHELF |
| 6 4X4 TUBE STEEL TRELLIS | 13 SPANDREL GLASS |
| 7 (N) SAFETY LIGHT FIXTURE | 14 FROSTED GLAZING |

CONCEPTUAL (N) EXTERIOR ELEVATIONS - V 2.2



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2018.02.05

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EXHIBIT 7

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plant legend

sym.	common name	botanical name	size	qty.	wucols
trees					
	SWEET BAY STANDARD TRUNK	LAURUS NOBILIS 'SARATOGA'	24" BOX	7	LOW
	AFRICAN SUMAC STANDARD TRUNK	RHUS LANCEA	24" BOX	5	LOW
shrubs / groundcovers					
	DESERT CARPET ACACIA	ACACIA REDOLENS 'D. CARPET'	5 GAL.	16	VERY LOW
	DIETES BICOLOR	AFRICAN IRIS	5 GAL.	48	LOW
	WEBER AGAVE	AGAVE WEBERI	5 GAL.	6	VERY LOW
	GREEN CARPET NATAL PLUM	CARISSA MACROCARPA 'GREEN CARPET'	5 GAL.	51	LOW
	TUSCAN BLUE ROSEMARY	ROSMARINUS 'TUSCAN BLUE'	5 GAL.	69	VERY LOW
	CALIFORNIA GRAY RUSH	JUNCUS PATENS	5 GAL.	21	LOW
vines					
	CREEPING FIG VINE	FICUS REPENS	1 GAL.	4	MEDIUM
water quality swale					
	CAREX TUMULICOLA	BERKELEY SEDGE (24" O.C.)	1 GAL.	340	LOW

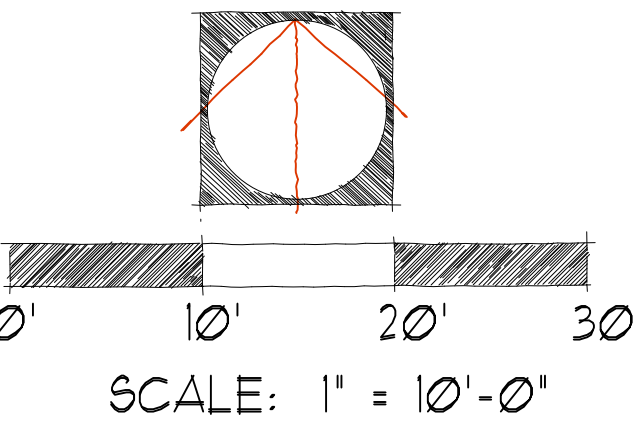


Appendix C: Water Efficient Landscape Worksheet

WATER EFFICIENT LANDSCAPE WORKSHEET									
This worksheet is filled out by the project applicant and it is a required item of the Landscape Documentation Package.									
Reference Evapotranspiration (Eto)*		49.5		Landscape Area Sector Type			<input type="checkbox"/> Residential (select one): <input checked="" type="checkbox"/> Non-Residential		
	Hydrozone #/Planting Description	Location	Plant Factor* (PF)	Irrigation Method*	Irrigation Efficiency* (IE)	ETAF (PF/IE)	Landscape Area (sq-ft)	ETAF x Area	Estimated Total Water Use* (ETWU)
Regular Landscape Area									
1	LOW BEDS		0.2	DRIP	81%	.25	3,740 SF	935	28,695
2	LOW SWALE		0.2	SPRAY	73%	.27	1,175 SF	317	9,728
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
Average						Total	Total		
.26						4,915 SF	1,252		
Average ETAF for Regular Landscape Areas* (circle one):						In Compliance		Not In Compliance	
Special Landscape Area									
SLA-1									
SLA-2									
SLA-3									
SLA-4									
SLA-5									
Totals									
Total Landscape Area							4,915 SF		
Site wide ETAF							.26		
ETWU Total							38,423		
Maximum Allowed Water Allowance (MAWA)*							39,241		

planting notes:

- STANDARD TRUNK TREE ON LEVEL GRADE, INSTALL PER DETAIL P-001.
- SHRUB ON LEVEL GRADE, INSTALL PER DETAIL P-003.
- PLANT LAYOUT IS SCHEMATIC. LANDSCAPE DESIGNER OR OWNER TO APPROVE ALL PLANT LAYOUT PRIOR TO INSTALLATION OF PLANT MATERIALS.
- ALL PLANTING AREAS SHALL RECEIVE 3'-4" LAYER OF APPROVED BARK MULCH MATERIAL PER DETAIL H-001.
- CONTRACTOR SHALL BE RESPONSIBLE FOR TAKING A MINIMUM OF THREE (3) REPRESENTATIVE SOIL SAMPLES AND SUBMITTING TO WALLACE LABORATORIES FOR ANALYSIS. SOIL SHALL BE AMENDED PER SOILS REPORT PRIOR TO PLANTING OPERATIONS.



**SOUTHWEST GROUP
PROPERTIES, LLC**
714 S. PLYMOUTH BOULEVARD
LOS ANGELES, CA 90005

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2018.06.26



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design group**
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bja1226@gmail.com

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